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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Tuesday, May 17, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we approach the Great Governor of the world, the Senate will be led in prayer by the Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.

Almighty God of all wisdom and all power, manifest Yourself to us today, Your availability, Your relevance, according to the proverb with which this prayer began. Enable the Senators to make Godroom in their deliberations, their negotiations, and decisions. As they struggle for compromise, protect them from personal animosities which alienate and delay resolution. Restrain their tongues from speaking words which will later be regretted and, despite all the pressure, Lord, may their thoughts be always issue-oriented. Direct their paths in the way of respect and love and peace to just and satisfactory ends.

In the name of the Prince of Peace. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Minnesota [Mr. WELLSTONE] is recognized to speak for up to 15 minutes. The Senator from North Dakota [Mr. DORGAN] will be recognized to speak for up to 15 minutes.

The Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Thank you, Mr. President.

(The remarks of Mr. WELLSTONE pertaining to the submission of Senate Resolution 214 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DORGAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized under the order for not to exceed 15 minutes.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2118 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, today the Federal Reserve Board will meet, as always, in secret. These folks, I am sure well dressed, will go into their room, close the door, shut out the light, shut out the public, and make a decision that will affect every single American. Their decision is how high will interest rates go. Some predict today they will increase interest rates once again. If they do, it will be another wrongheaded mistake by the Federal Reserve Board.

I have here today a letter I received 2 days ago from the Chairman of the Federal Reserve Board, Mr. Alan Greenspan. In this lengthy, fascinating letter, Mr. Greenspan explains to me, as a result of my complaints, why the Federal Reserve Board has chosen to put the brakes on the American economy; why they have decided to increase interest rates in order to fight what is some perceived inflation threat.

I do not intend to share this letter with my colleagues at this point. But sufficient to say, I will come to the floor later today to, I hope, applaud the restraint of the Federal Reserve Board if they meet and decide not to increase interest rates today. But, if not, to severely criticize the Federal Reserve Board for making yet another mistake in trying to apply the brakes on the American economy, exactly when the American economy needs more propellant, more opportunity, more growth to create more jobs.

There is not over the horizon the threat of inflation. The Producer Price Index last week showed a 0.1 percent decrease, not an increase; the Consumer Price Index showed a 0.1 percent increase—very modest—indices of producer and consumer prices. There is simply not the threat that the Federal Reserve Board describes.

I hope today when the Federal Reserve Board meets it will consider the interests of the producers in this country, the people who woke up this morning to go to a business they started and they created, a business where they risk their money to open the doors, a business where they have invested their everything to try to make a living and they find they confront a monetary policy that is wrongheaded. This monetary policy, plain and simple, is a monetary policy that accommodates the financial money center banks, the financial interests in this country, but in my judgment is a monetary policy that injures the economic interests of producers in this country—it injures them at exactly the wrong time.

So I hope when I come to the floor later today it is to compliment the Fed rather than criticize them, but I am fully prepared, if the Federal Reserve Board increases interest rates once again this afternoon, to come to the floor to describe why I think the Federal Reserve Board is wrong and why I think their actions hurt this country.

Mr. President, I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The PRESIDENT pro tempore. The presence of a quorum having been questioned, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Was the leaders' time reserved, Mr. President?

The PRESIDENT pro tempore. Time has been reserved.

NPR'S DEATH ROW COMMENTARIES

Mr. DOLE. Mr. President, 2 years ago, when Congress passed legislation reauthorizing the Corporation for Public Broadcasting, we passed a reform amendment strengthening the longstanding requirement that taxpayer-subsidized public broadcasting offer objectivity and balance in its programming. Events during the past several days, despite a positive outcome, raise questions about public broadcasting's commitment.

Yesterday, taxpayer-supported National Public Radio was scheduled to start running commentaries by a convicted killer on death row. The commentator was to be Mumia Abu-Jamal, convicted of the cold-blooded murder of Philadelphia police officer Daniel Faulkner in 1981. Taxpayer-subsidized NPR was to pay Abu-Jamal, the founder and former information minister of the Philadelphia chapter of the Black Panthers, $150 per commentary.

NPR argued that the Abu-Jamal commentaries would bring a "unique perspective" to public radio's coverage of crime and punishment. That one-sided "unique perspective" argument offered little comfort to the law enforcement community, the victims of crime, or the American taxpayer pumping money into the public broadcasting system.

Officer Michael Lutz, President of the Philadelphia Fraternal Order of Police, argued:

> I was under the impression he was supposed to be punished. This man is a cold-blooded killer whose appeals went to the highest court in the land, and he's getting a radio show out of the deal. It's not fair to the family of the slain officer * * *.

Philip Jenkins, a professor of history and criminal justice at Penn State University, added that Abu-Jamal is

> Somebody with a heavily political motive. Somebody like this will attract the more emotional, intellectual following, and with someone on death row, the chances of getting some kind of pardon are higher.

I am all for diversity on the airwaves, but these commentaries would have sent the wrong message at the wrong time. The last time I checked, we were trying to fight crime, not promote the fortunes of convicted murderers through taxpayer-supported public broadcasting.

After the justifiable public uproar about NPR's unique commentary plan, the taxpayer-subsidized radio network did the right thing, and Sunday canceled the death row commentaries. In announcing the about-face, NPR Managing Editor Bruce Drake conceded "serious misgivings" about the appropriateness of the commentaries, admitting "We had not arranged for other commentaries or coverage on the subject of crime, violence, and punishment that provided context or contrasting points of view."

I applaud NPR's candor in admitting its mistake. However, it is disturbing that NPR had apparently forgotten until the last minute the need to provide the balance and objectivity required in its programming, and did not wake up until Abu-Jamal had reportedly recorded at least 10 commentaries and the public got wind of the venture.

We all know that this is sort of bizarre. I cannot believe it happened, but it did happen, using taxpayers' money to subsidize National Public Radio. I think it is time that we take a look at it again, and again, and again, because who knows what is happening.

Mr. President, this episode raises sobering questions, not only for NPR, but for the taxpayer-funded Corporation for Public Broadcasting, which has oversight authority over NPR and provides much of its funding.

When it comes to public broadcasting, American taxpayers should get the balance and objectivity they are paying for. In this case, the public uproar helped pull the plug just in time. How can we be certain similar mistakes will be averted in the future? One way we can make certain is to have closer oversight by the Congress. We are giving hundreds of millions of dollars so they can go out and subsidize programs. Some are very good, some are good, some are mixed, and some are terrible. I attempted to raise this question a couple of years ago and was roundly criticized by most everyone in public broadcasting.

It seems to me that Congress has a great deal of responsibility when it comes to taking taxpayers' money from the State of Kansas, from the State of West Virginia, or from anywhere else, and even thinking about putting it into some program where somebody on death row, a convicted cop killer, would be profiting from his commentary. I did not believe it when I first read it, but I confirmed that it was true.

I am pleased that the program is canceled. But I think we need to be on the alert because those who probably thought up this idea will probably be thinking up some others that could be just as harmful and just as bad.

WILLIAM C. GREEN, JR., PUBLISHER OF THE HUNTSVILLE TIMES AND THE HUNTSVILLE NEWS

Mr. HEFLIN. Mr. President, I was deeply saddened by the death of Bill Green today. I had the opportunity to get to know him well as a journalist and friend over the years, and we always had a very good relationship.

Bill's role in the rapid growth of the Huntsville Times over the last 9 years was instrumental, as he led the paper through significant production upgrades and saw its circulation increase dramatically. Bill also played an important role in his community as a leader of many civic and cultural organizations in the Huntsville area. At the State level, the World War II veteran was a member of the Board of Directors of the Public Affairs Research Council of Alabama; a board member of Leadership Alabama; a member of the TVA Community Relations Council; and member of the Board of Directors of the North Alabama Science Center.

Bill Green was one of those people who became such a fixture within his profession and community that we thought he would be around forever. His total dedication to the field of journalism together with his personal commitment to serving the Huntsville area and State, made him one of those rare individuals who everyone respected and admired. His death leaves a void for all those fortunate enough to have known and worked with him over the years that will be hard, if not impossible, to fill.

I extend my sincerest condolences to Bill's wife, Janie, and their entire family in the wake of their tremendous loss.

RETIREMENT OF MAYOR CHESTER W. GROBSCHMIDT

Mr. KOHL. Mr. President, I rise today to honor an outstanding public servant, Mayor Chester W. Grobschmidt of South Milwaukee, WI. After 9 years as an alderman and 28 years in city hall, he retired from municipal government this April 18. Throughout Wisconsin, people consider his tenure one of the most successful in the State's history.

The citizens of South Milwaukee will attest to Mayor Grobschmidt's many contributions to their community. He has improved municipal services, including the city administration building and street department. South Milwaukee can now feel more secure with Mayor Grobschmidt's work on the city's firefighting facilities and wastewater treatment center. Students and professionals alike can thank him for South Milwaukee's expanded library. The mayor also established the Chester A. Grobschmidt senior center in the city administration building for senior citizens' enjoyment and education. These are Mayor Grobschmidt's legacies; he is a tough act to follow.

I applaud the mayor for epitomizing good, effective municipal government. The residents of South Milwaukee will always remember fondly his qualified and stable leadership. I wish Mayor Grobschmidt a happy, well-deserved retirement.

LET'S GET MOVING ON BOSNIA

Mr. DECONCINI. Mr. President, late last week we had some significant votes here in the Senate about what we should be doing in Bosnia and Herzegovina. Specifically, we addressed the issue of lifting the arms embargo currently imposed on Bosnia and Herzegovina. I would like to make a few brief remarks about this issue.

There were two separate votes, which caused some confusion, especially since they both passed by a narrow 50–49 vote. When one looks at it closely, however, there is really no division in the Senate regarding support for lifting the arms embargo. Ninety-two Senators voted "yes" to at least one of the two amendments; only seven are not in support of lifting the embargo at all. Differences lie on whether we should do so unilaterally or on the basis of allied agreement and U.N. approval. I, for one, find the embargo so reprehensible and illegal, and view the international community's opposition to lifting it so wrong, that I have joined the 49 other Senators who stated their support for a unilateral lifting.

A strong message is being sent here. Virtually every Senator has asked the President to take action. The vote last week was not just in favor of lifting the arms embargo; it was in favor of doing something to stop the Serb militants from accomplishing their huge land-grab. If the international community, including the United States, would have demonstrated that the situation in Bosnia and Herzegovina was of genuine concern and that something was really being done to try to address it effectively, we never would have had the votes last week.

The alternative chosen so far is essentially to cover inaction with talk. Over the weekend, for example, in Geneva the United States, Russia, and several European countries adopted another new plan, which calls for a 4-month cease-fire and for a 51 to 49 split of Bosnia and Herzegovina. The cease-fire could allow the Serb militants to consolidate their holdings, and the division suggested is well below the 58 to 42 the Bosnian/Moslems and Croats have themselves called for. Meanwhile, fighting in northern Bosnia continues. What can such a plan accomplish in thwarting one-sided aggression and genocide?

A further point involves the Congress. We rightly agree that something needs to be done, and we chose lifting the arms embargo as the thing to do. I agree with that; the arms embargo should never have been applied to Bosnia and Herzegovina in the first place, and that a U.N. member has an inherent right to self-defense. But we should not delude ourselves. Many support lifting the arms embargo because there is little risk to us if it backfires. It's easy, because we will not be held accountable if something goes wrong. For some, it is also an easy, convenient way simply to attack the President.

It was pointed out during our debate that there are practical problems in actually arming the Bosnians, and even though I support it unequivocally, I do not see trying to arm the Bosnians as an alternative to NATO action, specifically airstrikes, to end Serb aggression. Although previous NATO airstrikes were threatened or carried out in such a minimalist manner that their effectiveness was limited, they did have an effect. They also illustrated that the international community may be closer to taking this type of action than lifting the arms embargo.

Massive airstrikes against Serb positions, political headquarters, and supply lines are the quickest and likely the most effective way to stop the carnage. They could more easily put the Serbs on the run before they attack the peacekeeping forces on the ground. They would keep the Serbs from engaging in an all-out offensive to destroy what is left of Bosnia and Herzegovina before that country could be armed to defend itself. They would possibly make arming the Bosnians completely unnecessary in the first place. If they do not, they would at least make the sufficient arming of the Bosnians easier.

If we really support the Bosnians, then let's support them this way. Having denied them the right to self-defense for so long, we are obligated not just to restore that right to them so late in the game but to make up the difference by offering our protection as well, and not just of a few select places designated as "safe havens." If we are unwilling to be responsible and extend to them the protection of NATO, our calls for lifting the arms embargo may be nothing more than symbolism or, perhaps worse, a cover for our own unwillingness to be responsible and say that saving people from genocide is worth some risk.

Of course, it is often difficult for Members of Congress to make responsible choices that have risks attached to them, especially in an area of Presidential prerogatives where the President himself is reluctant. I want President Clinton to express leadership, and to ask us to support him in extending NATO protection in Bosnia and Herzegovina. And I want to see the Senate, and the Congress as a whole, prepared to support him in that effort.

As a final point, let me say that lifting the arms embargo on Bosnia and Herzegovina is a matter of principle, for that U.N. member has been a victim of Serb aggression. But it has not been the only U.N. member to be such a victim and negatively affected by the arms embargo.

Croatia, too, felt the brunt of militants supported by a nationalist Serbian leadership and a Yugoslav military machine. While the lives lost there were fewer, they were still many. Croatia rarely sees a day that there is not still some fighting, and almost one-third of the country remains occupied by Serb militants in contravention of an agreed U.N. plan. Yes, Croatia was inspired by Serb successes and its own nationalist inclinations to engage in its own land grab in Bosnia and Herzegovina, but that period seems over. Thanks to the United States, in its exercise of leadership, Bosnian Moslems are not fighting against Bosnian Croats. Instead, they have formed the basis for a Bosnian federation, which has entered into a confederal and mutually beneficial arrangement with Croatia itself.

If we are to be consistent in our application of our principles, and if we want to encourage further positive developments, we should respond to this situation as well. I, therefore, think we need at least to support efforts to get the United Nations more active in Croatia itself. Perhaps we should also consider alternatives that would include lifting the arms embargo on Croatia as well.

To conclude, Mr. President, none of us wants to see more arms pumped into the Balkans. None of us wants to see American fighter pilots put in harm's way. However, because we have been unwilling to take some risks early on, the situation we are now confronting is now much worse, and more dangerous as well. If we do not do something now, it will continue to get much worse and more dangerous, but we will eventually be compelled to get involved, as we have during earlier conflicts. We have an interest in stopping this conflict, and in doing so now rather than later.

THE CSCE PLAN FOR MOLDOVA

Mr. DECONCINI. Mr. President, a little-publicized, but promising initiative by the Conference on Security and Cooperation in Europe and could end the long-simmering civil conflict that has torn Moldova apart for 2 years—if Russia decides to reject its imperialist policies, and support a good-faith, multilateral approach to resolving the conflict.

Thanks to Stalin-mandering, a small sliver of Moldova known as Transdniestria extends eastward over the left bank of the Dniester river. The population is about 40 percent Moldovan, 28 percent—highly Russophobe—Ukrainian, and 25 percent Russian.

Claiming to fear Moldova's possible unification with Romania, and charging the Moldova's capital, Chisinau with discriminatory policies, the mostly Slavic political leadership in the Transdniestrian capital, Tiraspol, engineered a secessionist movement in 1991 that produced a pro-Soviet Dniestr Republic.

Imported Cossack allies and firepower provided by Russia's 14th Army, which is stationed in the area, helped consolidate the Dniestr Republic during several bloody months in the summer of 1992. Moreover, elements of the Dniestr Republic Guard crossed the river and seized the city of Bendery on the right bank. Today, a tripartite—Russian, Moldovan, and Transdniestrian—military force keeps a tenuous peace in the conflict area. In effect, Moldova has been partitioned.

Nor is this, as Russians like to say, accidental. On February 2, an article in Rossiiskie Vesti concluded that the use of the 14th Army against Moldova was not a decision of its commanding general, but had been authorized and coordinated by the Ministry of Defense, determined to retain a valuable strategic outpost oriented towards the Balkans. In addition, an alliance of so-called Russian democrats, military officials, Russian nationalists, and the Moscow press largely lined up with the Dniestr Republic.

In response to a request from the Moldovan Government, a CSCE mission was sent to Moldova to assist in mediation efforts. The mission has produced a commendable proposal designed to preserve Moldova's territorial integrity, while providing a special status for Transdniestria. Chisinau would handle defense and foreign relations, while some functions would be carried out jointly with Tiraspol, such as finance and justice.

Tiraspol would, among other things, control its own regional budget and educational system. If Moldova in the future reunifies with Romania, Transdniestria would have the right to determine its own political status. And Russia's 14th Army goes home on an accelerated timetable.

Recently, direct talks between President Snegur of Moldova and President Smirov of Transdniestria produced a communique in which both sides pledged to resolve their differences peacefully. Meanwhile, Moldova accepted Russia's status as mediator in the Moldova-Transdniestria talks based on assurances that the CSCE proposal would be the basis for negotiations.

Unfortunately, when the Russian mediator finished reworking the CSCE proposal, it didn't look much like the original. Significantly, there is no reference to the withdrawal of the 14th Army.

Mr. President as a member of the CSCE, Russia should support the CSCE's mediation efforts rather than undermine them. As is the case in the Baltics, there is no reason for Russia to maintain military forces on the territory of independent Moldova. I urge Russia to adhere to CSCE principles and to be part of the solution, not the problem.

SAINTS CONSTANTINE AND HELEN CREEK ORTHODOX CHURCH WESTLAND, MI

Mr. LEVIN. Mr. President, this Sunday, May 22, 1994, the Saints Constantine and Helen Creek Orthodox Church of Westland, MI, will celebrate the groundbreaking for the construction of their new church complex. When completed, the church will encompass 12,000 square feet and seat 680 people, making it the largest Greek Orthodox church in the State of Michigan.

The construction of this church is the last step in the fulfillment of the longstanding dream of the community of Sts. Constantine and Helen. Founded in 1930 by a few dedicated immigrants, the church had its beginnings in a storefront on the corner of Grand River and 14th Street in Detroit. As the community grew and prospered, a new facility was built on Oakman Boulevard at West Chicago. Again, the community continued to grow and so a new home was needed.

Seven years ago the community purchased land to relocate their church. The construction was divided into two phases to allow time to raise funds. Phase I of the project, the building of the Hellenic Cultural Center, was completed in 1986. Parishioners currently attend Sunday services in the cultural center where a large photograph of the beautiful white marble altar from Oakman Boulevard stands as a reminder of the boxed pieces, currently in storage, that will be reconstructed in the new church.

Phase II, the construction of the church itself, will at long last provide a permanent home for the community and its beautiful ikonostasio (altar cover), pulpit, and altar table. Today the community has 450 families who worship and participate in religious, social, and cultural activities. With the addition of the church to the already existing Hellenic Cultural Center, they will have the opportunity to expand its activities and grow with its parish. I congratulate the many dedicated people of Saints Constantine and Helen for their dedication and hard work, and join them in their joy and celebration. I wish the parishioners many years of happiness in their new home.

RICHARD NIXON

Mr. WARNER. Mr. President, as our Nation lays to rest one of our greatest Presidents, I pause with deep humility to think of the many things this fine American did for our country, and for me.

Elected officials are often asked this question, especially by young aspirants: "How did you get into politics?" My answer is clear, straightforward: Richard Nixon.

In 1960, I was enjoying an exciting career as an assistant U.S. attorney when a call came: Would I be interested in becoming a speech writer at the White House? In April, I seized the opportunity. Subsequently I transferred to the Advance Team, as the Nixon campaign team began to form. In that capacity, I have traveled with the Vice President and his lovely wife, Pat, to many States from coast to coast. Advance men can often form personalized working relationships with their principals. I value the many occasions when the Vice President would share his wisdom on a wide range of subjects—political and nonpolitical—to those of us at his side on our trips.

Here is an example of the man I admire. On the morning following his defeat in the November 1960 Presidential election, I was tasked with making arrangements to fly the Vice President and Mrs. Nixon, along with 30 to 40 staff members, back to Washington. It was a sad day. Having boarded all staff on the plane, I was escorting the Vice President up the ramp when he paused, in his usual polite way, to thank a mechanic who was readying the plane for the long flight from California to Washington. The mechanic was holding a small, portable radio tuned to news of the election coverage—particularly reports alleging voter fraud, particularly in the city of Chicago. Two of the Vice President's senior political advisers, also standing there listening, turned to the Vice President and suggested that the question of fraud might make it possible to contest the election.

The Vice President, without a moment's hesitation, said "absolutely not, for the succession of the Presidency in America, the Nation that stands as a symbol of hope and freedom, should never be placed in doubt for even a minute, following an election." Then he turned and walked up the ramp of the waiting plane. I confirmed this was the first time he voiced that decision, a decision he adhered to steadfastly in the days that followed when others brought up the same question of contesting the election.

In the years that intervened between 1960 and 1968, I would occasionally visit with the Vice President and perform a few volunteer services. Then, in 1968, I was pleased to be asked to join the campaign team, and was given senior management responsibility in a newly formed organization, Citizens for Nixon, based in Washington, DC. After his election to the Presidency, I gained valuable experience working for several months in his transition office. There I expressed an interest in working in the Department of Defense to Defense Secretary-designate Mel Laird, and eventually received an appointment as Under Secretary of the Navy. In 1972, the President gave me the honor of serving as Secretary of the Navy. During the 5 years I spent in the Defense Department, I had many opportunities to observe the President's steadfast support for a strong national defense and his understanding of the critical relationship between defense capabilities and a strong foreign policy—a view he articulated to the end.

In the spring of 1974, the President asked me to visit him in Key Biscayne, FL, to discuss his concerns with the direction in which the celebration of our Nation's bicentennial was moving. I spent a memorable afternoon with the President and General Haig. The President expressed his hope that the bicentennial celebration would eventually lift the spirits of the Nation from what he then perceived as a tragic abyss in the wake of the gathering clouds of Watergate. He asked me to visit him again a week or so hence to provide him with ideas as to how to encourage the maximum number of people across America to become involved in programs they—not government—desired to honor their local communities and our great Nation.

During the followup meeting, the President reiterated his strong belief that the bicentennial should be celebrated in a simple, historic way, with maximum participation on the village greens of every crossroad, town and city in America. He wanted the larger, expensive programs kept in balance so a not to obscure individual participation. The decision was made that I would take on responsibility for the Federal role, as head of the newly congressionally established Bicentennial Administration. Again, I am grateful to the President for appointing me to this post. Working at the local and State levels of government with city councilmen, mayors, and Governors gave me the breadth of experience which enabled me to be a better rounded candidate for the U.S. Senate.

History is documenting, and will continue to document, the greatness of the 37th President of the Untied States. I remember so vividly his many visits to the Senate, when he would patiently sit with groups, large and small, of Senators from both parties and freely share his experiences—his mistakes as well as his successes—in the hope that we could better serve he goals of America through the legislative process. He loved his service in the House and Senate.

Thank you, President Nixon.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, May 16, the Federal debt stood at $4,587,879,355,962.65. This means that on a per capita basis, every man, woman, and child in America owes $17,597.57 as his or her share of that debt.

SIMPLE JUSTICE—BROWN VERSUS BOARD OF EDUCATION 40 YEARS AGO TODAY

Mr. KENNEDY. Mr. President, today we commemorate the 40th anniversary of the landmark Supreme Court decision Brown versus Board of Education. Forty years ago today, the Nation's highest Court spoke in one clear, unanimous and ringing voice that the Constitution's guarantee to every person of the equal protection of the laws prohibits official school segregation in the Nation's public schools. Brown was more than just a judicial decision—it was a powerful call to redeem the promise of the Constitution and remove the stain of racism from the fabric of our society.

The legal battle that produced the Brown decision was a heroic one. The battle was led by Thurgood Marshall, the brilliant lawyer who headed the NAACP's team of lawyers and who later served with such magnificent distinction himself on the Supreme Court. Justice Marshall was aided by one of the best legal teams ever assembled: William T. Coleman, Jr., who later served brilliantly as Secretary of Transportation; Louis Pollak, Robert Carter, and Constance Baker Mottley, all of whom went on to serve with great distinction on the Federal bench. Two other outstanding lawyers on the team were James Nabrit and Jack Greenberg. Their goal was to abolish the hateful Jim Crow laws that existed throughout much of the Nation, and with Brown and the cases that followed it, they succeeded.

Today is a day to remember one of the greatest triumphs in our judicial history, and to honor the people who turn the dream of justice for millions of our people into a constitutional reality.

A recent article by Patricia J. Williams which appeared in the Nation, which is entitled "Among Moses' Bridge-Builders," describes the history of the decision, and its continuing legacy, in the lives of the Brown children. Although their names will be forever attached to the cause of desegregation, the Browns insist that they not be made into icons, that it is the struggle of all African-Americans that deserve to be remembered and honored. The article is a moving and thoughtful account. I commend it to my colleagues, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation, May 23, 1994]

AMONG MOSES' BRIDGE-BUILDERS

(By Patricia J. Williams)

When The Nation asked me to write an essay on the fortieth anniversary of Brown v. Board of Education, I felt as though I were being called to the grandest project of my career. This is the case, after all, that shaped my life's possibilities, the case that, like a stone monument, stands for just about all the racial struggles with which this country still grapples. When The Nation also suggested that a conversation with the Brown family might be the focal point of such an essay, I actually got nervous. The symbolic significance of the case had definitely made them Icons of the Possible in my mind: Oliver Brown, now deceased, whose name is first in a list of many others and whose name, as a result, became the reference for all subsequent generations of discussion; Leola Brown Montgomery, Oliver Brown's widow; Linda Brown Thompson, the little girl (formerly a teacher for Head Start and now program assistant for the Brown Foundation) on whose behalf Oliver Brown sued; the middle daughter, Terry Brown Tyler; and Cheryl Brown Henderson, the youngest daughter and also an educator.

"Don't make icons of us," was just about the first thing out of Cheryl's mouth, when she finally responded to the gushy messages I left on the answering machine at the Brown Foundation, the organization she founded and heads. But . . . but . . . , I said, distinctly crestfallen.

"It was pure accident that the case bears our name," she continued, with no chance for me to argue about it. "It's just a name, it could have been a lot of people's names. It's not our case. Ask us about the Brown Foundation."

The foundation is an organization dedicated to "setting the record straight," as Cheryl Brown Henderson put it. "I'm afraid that a lot of people believe the lawsuit to be something that happened as a very isolated incident, when in fact there were many, many cases that preceded it. We're talking about public school cases that began back in 1849, and, in Kansas, began in 1881." I knew that, of course—"of course" only because teaching the history of civil rights is a big chunk of what I do for a living. I'm even someone who's always complaining that too often the civil rights movement has been too neatly condensed into a few lionized personalities, rather than understood as a historical stream of events. But still—this was different somehow, this was Brown, after all, and here I was in the presence of Legend Incarnate and, well, inquiring minds do want to know. Of course, I didn't quite put it that way. I just asked them to share the sustained insight and privileged perspective that residing inside the edifice of great moments in social history might bring.

"Our family came to Kansas for the railroad in 1923," said Mrs. Leola Brown patiently, apparently quite used to cutting through the exuberent excesses of questions with no borders, never mind answers. "A lot of the early African-American and Hispanic residents of Topeka came for employment purposes. The headquarters of the Santa Fe railroad were here. There were decent wages and you could be part of a union and have job security, those sorts of things."

"When did you join the N.A.A.C.P.?" I pressed, longing for detail about what, at odd moments, I caught myself thinking of as "our" story. "Were there any significant events in your life that precipitated your involvement in the case against the school board?"

"We joined for no specific incident. It was in 1948 or '49, something like that. There was nothing specific. It was everything. We were discriminated against in all phases of life. We couldn't go to the restaurants or the shows, or if we did, we had to sit in a certain place, we had to go through a certain door to get there . . . " she trailed off. "It wasn't only about the schools, you see, it was about all of the things that were against us, all the rejection and neglect, all the things we could not do here."

As Mrs. Leola Brown spoke, describing conditions that affected millions of blacks as well as her family, I understood why her daughters were so insistent on my not making this story into an exceptional one. It was a story that couldn't, shouldn't be made into private property; it was an exemplary story, but far from unique.

My family too joined the N.A.A.C.P. not because of a great event but because of all the ordinary daily grinding little events that made life hard in the aggregate. I knew the back of the bus stories, the peanut gallery stories, the baggage stories, the having to go to the bathroom in the woods stories—the myriad, mundane, nearly invisible yet monumentally important constraints that circumscribed blacks, and not only in the South.

My father, who grew up in Savannah, Georgia, during the 1920s and '30s, remembers not only the inconveniences but the dangers of being black under Jim Crow. "You had to be careful of white people; you got out of the way, or you'd get hurt, immediately. If you saw a white person coming, you got off the sidewalk. Don't make too much noise. Know which side of the street to walk on. You were always conscious of the difference. The big conversation in all 'colored' homes was just that, color. It affected everybody."

"That's exactly why Brown is indeed 'our' story," advised a friend of mine who, being fifteen or so years older than I, was old enough to have worked for N.A.A.C.P causes and gone on enough marches to have worn out many pairs of shoes. "The civil rights movement was all about ordinary people who weren't necessarily on the road to Damascus. If some lent their names, other lent their backs, or their expertise or their lives. It was life-threatening work after all, so nobody did it to get their name up in lights; you did it because there was no alternative. Neither fame nor anonymity existed as issues per se—that's come later, as the country seems to have sorted out who it going to remember and what it will forget. It was about group survival. You were always thinking about what would make it better for the children."

I pressed the Browns about this centrality of segregation in people's lives. Segregation affected most aspects of daily life, they explained, but they noted that the situation in Kansas was not exactly like what was going on in many Southern states. The neighborhood in which the Browns lived, for example, was fully integrated at the time the suit was initiated, and unlike many children even today, Linda Brown, in the wake of the case, was able to finish her education at integrated schools. The Browns describe most of the neighborhoods in Topeka as having been pretty stable over time—although the Browns' old neighborhood and the all-white school that was the object of the suit no longer exist. "The highway has come through." Although Topeka did undergo some of the divisive and segregating effects of urban renewal programs, the Browns say Topeka did not undergo major upheavals during the 1960s, as did most Northern cities where white flight changed "urban centers" into "inner cities" overnight.

How, I asked, does one reconcile the racism that produced the rigid school segregation in Topeka yet permitted people to live side by side? "You have to understand Kansas history," said Cheryl Brown Henderson. "The ear that won the state the name of 'Bleeding Kansas' was born out of the battle about whether it would be a slave state or not. . . . When Kansas became a free state, it became a kind of promised land for people of African descent. They started moving in great numbers westward, and out of the South." She described the struggle to integrate schools as well over a hundred years old, typified by such compromises as when "the Kansas legislature in the 1870's enacted a law saying that if you were a community of a certain size, you could have segregated schools, but if you were a small community, and it was not economically feasible to have a school for, say, three children—then you could not segregate on the basis of race. This has always been a place of great contrasts and contradictions."

Kansas is indeed unique in history, but it is not alone in the peculiarity of its contradictory attitudes about race. Perhaps part of the difficulty in reviewing the years since Brown with anything like a hopeful countenance is that we as a nation have continued to underestimate the complicated and multiple forms of prejudice at work in the United States. Segregation did not necessarily bar all forms of racial mixing; its odd, layered hierarchies of racial attitude were substantially more complicated than that. My grandfather, for example, was a doctor who owned many of the houses in the neighborhood where he lived. "Dad's tenants were white, Irish," says my father. "But I never even thought about where they went to school. We all lived kind of mixed up, but the whole system made you think so separately that to this day I don't know where they went to school." There is an old story that speaks to the profundity of these invisible norms: Three men in the 1930s South set out to go fishing in a small boat. They spent the morning in perfectly congenial and lazy conversation. At lunchtime, they all opened their lunchbuckets and proceeded to eat, but not before the two white men put an oar across the middle of the boat, dividing them from their black companion.

The continuing struggle for racial justice is tied up with the degree to which segregation and the outright denial of black humanity have been naturalized in our civilization. An aunt of mine who is very light-skinned tells of a white woman in her office who had just moved from Mississippi to Massachusetts. "The North is much more racist than the South," she confided to my aunt. "They don't give you any credit at all for having white blood." This unblinking racial ranking is summarized in the thoughts of James Kilpatrick, who stated the case for Southern resistance in a famous and impassioned plea:

> For this is what our Northern friends will not comprehend: The South, agreeable as it may be to confessing some of its sins and to bewailing its more manifest wickednesses, simply does not concede that at bottom its basic attitude is "infected" or wrong. On the contrary, the Southerner rebelliously clings to what seems to him the hard core of truth in this whole controversy: Here and now, in his own communities, in the mid-1960s, the Negro race, as a race, plainly is not equal to the white race, as a race; nor, for that matter, in the wider world beyond, by the accepted judgment of ten thousand years, has the Negro race, as a race, ever been the cultural or intellectual equal of the white race, as a race.
>
> This we take to be a plain statement of fact, and if we are not amazed that our Northern antagonists do not accept it as such, we are resentful that they will not even look at the proposition, or hear of it, or inquire into it.

Dealing with the intractability of this sort of twisted social regard is what the years since Brown have been all about. Legal remedy after legal remedy has been challenged on the basis of assertions of not being able to "force" people to get along, that "social equality" (or, these days, "market preference") is just not something that can be legally negotiated. One of the attorneys who worked on the original Brown case, Columbia University School of Law Professor Jack Greenberg, dismissed these arguments concisely: "You have to wonder," he says, "how it is that Plessy v. Ferguson, which made segregation the law for about sixty years, didn't come in for the same kinds of attacks as 'special engineering.'"

Have you been disappointed by the years since 1954? I asked Mrs. Leola Brown Montgomery. Of course, she said. And then added, "But I don't think that anybody anticipated the country's response. The attorneys, the parents, we didn't really understand the insidious nature of discrimination and to what lengths people would go to not share educational resources: leaving neighborhoods en masse because African-American children could now go to the school in your neighborhood. Not offering the same kinds of programs, or offering a lesser educational program in the same school—I don't think anybody anticipated what we've ended up with * * * But we're currently still in the midst of the country's response, in my opinion."

Duke University School of Law Professor Jerome Culp has observed that the litigators and activists who worked on Brown in the early 1950s assumed at least three things that have not come to pass: (1) that good liberals would stand by their commitments to black equality through the hard times; (2) that blacks and whites could come to some kind of agreement about what was fair and just—that there was a neutral, agreed-upon position we could aspire to; (3) that if you just had enough faith, that if you just wished racism away hard enough, it would disappear.

"Growing up," says my father, "we thought we knew exactly what integration meant. We would all go to school together; it meant the city would spend the same money on you that it did on the white students. We blacks wouldn't be in some cold isolated school that overlooked the railroad yards; we wouldn't have to get the cast-off, ragged books, We didn't think about the inevitability of a fight about whose version of the Civil War would be taught in that utopic integrated classroom."

The Brown decision itself acknowledged the extent to which educational opportunity depended on "intangible considerations" and relied "in large part on 'those qualities which are incapable of objective measurement but which make for greatness.'" Yet shaking the edifice of education in general since 1954 has become vastly more complicated by the influence of television, and the task of learning racial history has been much confounded by the power of mass media.

"We've become a nation of soundbites," says Cherly Brown Henderson. "That millisecond of time to determine our behavior, whether it's behavior toward another individual, or behavior toward a product we might purchase, or our behavior with regard to what kind of housing or community we want to live in—I really think we allow that millisecond to determine far too much of our lives. When you take something that short and infuse it with a racial stereotype, and no other information is given, the young person looking at that—even the older person who spends most of his time watching television—that's all they know. How can you expect them to believe anything else? They're not going to pick up a book and read any history, do any research, or talk to anybody that may in fact be able to refute the stereotype."

In addition to stereotypes, perhaps the media revolution has exacerbated the very American tendency to romanticize our great moments into nostalgia-fests from which only the extremes of Pollyanna-ish optimism or Malthusian pessimism can be extracted. The Hollywood obsession with individual charismatic personalities diminishes the true heroism of the multiplicity of lives and sacrifices that make for genuine social change. Such portrayals push social movement out of reach, into the mythic—when in fact it emanates from the realm of the solidly and persistently banal. For all the biblical imagery summoned to inspire the will to go on with the civil rights struggle in this country, if the waters have parted at any given moment, perhaps it has been more attributable to all those thousands of busy bridge-builders working hard to keep Moses' back covered—just people, just working and thinking about how it could be different, dreaming big, yet surprised most by the smallest increments, the little things that stun with the realization of the profundity of what has not yet been thought about.

My father muses: "It's funny * * * we talked about race all the time, yet at the same time you never really thought about how it could be different. But after Brown I remember it dawning on me that I could have gone to the University of Georgia. And people began to talk to you a little different.

The white doctor who treated my family in Boston, where I grew up, "used to treat us in such a completely offhand way. But after Brown, he wanted to discuss it with us, he asked questions, what I thought. He wanted my opinion and I suddenly realized that no white person had ever asked what I thought about anything."

Perhaps as people like my father and the doctor have permitted those conversations to become more and more straightforward, the pain of it all, the discomfort, has been accompanied by the shutting down, the mishearing, the turning away from the euphoria of Brown. "It has become unexpectedly, but not unpredictably, hard. The same thing will probably have to happen in South Africa," sighs my father.

When Frederick Douglass described his own escape from slavery as a "theft" of "this head" and "these arms" and "these legs," he employed the master's language of property to create the unforgettable paradox of the "owned" erupting into the category of a speaking subject whose "freedom" simultaneously and inextricably marked him as a "thief." That this disruption of the bounds of normative imagining is variously perceived as dangerous as well as liberatory is a tension that has distinguished racial politics in America from the Civil War to this day. Perhaps the legacy of Brown is as much tied up with this sense of national imagination as with the pure fact of its legal victory; it sparkled in our heads, it fired our vision of what was possible. Legally it set in motion battles over inclusion, participation and reallocation of resources that are very far from resolved. But in a larger sense it committed us to a conversation about race in which all of us must join—particularly in view of a new rising Global Right.

The fact that this conversation has fallen on hard times is no reason to abandon what has been accomplished. The word games by which the civil rights movement has been stymied—in which "inner city" and "underclass" and "suspect profile" are racial code words, in which "integration" means "assimilation as white," in which black culture means "tribalism," in which affirmative action has been made out to be the exact equivalent of quota systems that discriminated against Jews—these are all dimensions of the enormous snarl this nation has been unraveling, in waves of euphoria and despair, since the Emancipation Proclamation.

We remain charged with the task of getting beyond the stage of halting encounters filled with the superficial temptations of those "my maid says blacks are happy" or "whites are devils" moments. If we could press on to an accounting of the devastating legacy of slavery that lives on as a social crisis that needs generations more of us working to repair—if we could just get to the enormity of that unhappy acknowledgment, then that alone might be the paradoxical source of a genuinely revivifying, rather than a false, optimism.

The most eloquent summary of both the simplicity and the complexity of that common task remains W.E.B. Du Bois's essay "On Being Crazy":

> After the theatre, I sought the hotel where I had sent my baggage. The clerk scowled.
>
> "What do you want?" he said.
>
> Rest, I said.
>
> "This is a white hotel," he said.
>
> I looked around. Such a color scheme requires a great deal of cleaning, I said, but I don't know that I object.
>
> "We object," said he.
>
> Then why, I began, but he interrupted.
>
> "We don't keep niggers," he said, "we don't want social equality."
>
> Neither do I, I replied gently, I want a bed.

SHANNON WILBANKS

Mr. HOLLINGS. Mr. President, most Members of this body are blessed with a core group of loyal, reliable aides—key staff members who have served with great competence and loyalty for many years. That certainly describes Shannon Wilbanks, who is leaving my staff this week after a decade of tremendously dedicated service to the Senate and to the people of South Carolina.

Mr. President, Shannon proudly displays at her desk a photograph of a 3-year-old girl wearing a "Hollings for Senate" boater hat. That little girl was Shannon Wilbanks. While still in high school, Shannon began working as an intern in my Charleston office. She continued in that capacity while a student at the College of Charleston, later coming on board as a full-time staff member during my 1986 Senate race.

After that election, I prevailed upon Shannon to transfer to my Washington office to work directly with me. As a perfectionist with a penchant for organizing herself and others, she was perfect for the job. Time and time again, I tapped her talents as a writer, as well as her ability to deal with constituents with tact and excellent judgment.

I will never forget the extraordinary job Shannon did in the wake of Hugo in 1989. In the months after the hurricane, she worked out of my Charleston office to help organize assistance to thousands of victims, especially those in her hometown of Summerville, which was particularly hard hit by the storm. Countless people later wrote to me or thanked me personally for the work she did in helping put their lives and homes back together.

Mr. President, Shannon will soon take up new responsibilities with the chamber of commerce in Greenville, SC. She has already put down roots in the Greenville community, where she is active in volunteer efforts of the local junior league. Despite her new venue and new challenges, Shannon will remain very much a member of the extended Hollings family. I appreciate this opportunity to thank her for a job well done, and to wish her every success in the years ahead.

FEMA EMERGENCY FOOD AND SHELTER PROGRAM

Mr. BOND. Mr. President, I state my strong opposition to a proposal in the President's budget for fiscal year 1995 to transfer the administration of the Emergency Food and Shelter Program from the Federal Emergency Management Agency [FEMA] to the Department of Housing and Urban Development [HUD]. For over 10 years, the Emergency Food and Shelter Program has been a very successful program that is exemplified by a partnership between FEMA and 6 highly creditable and effective national nonprofits.

This partnership is responsible for a program that has been able to deliver aid both effectively and efficiently to countless thousands of persons in thousands of communities facing hunger and homelessness. In particular, the Emergency Food and Shelter Program provides assistance to over 10,500 nonprofit and governmental local agencies which provide direct service to homeless and hungry people nationwide. This program has distributed over $1 billion since it began in 1983 and, in many States, is the largest source of Federal assistance available to service providers for homeless people. This program funds food banks, soup kitchens, and shelters as well as purchasing directly food and shelter for the homeless. It also provides emergency homelessness prevention services, notably rent or utility assistance, for individuals on the verge of becoming homeless.

What makes this program even more special and unusual is that over 97 percent of the funding goes directly to people needing emergency food and shelter; this means that less than 3 percent of the funding goes to administrative costs.

I urge my colleagues to oppose the transfer of the Emergency Food and Shelter Program from FEMA to HUD. As they say: Don't fix it if it isn't broken. This program isn't broken and it doesn't need fixing. This program does not need to be transferred to HUD; to do so risks the tremendous success of the program.

SENATOR ROBERT DOLE'S COMMENCEMENT SPEECH AT THE CITADEL

Mr. THURMOND. Mr. President, 152 years ago, The Citadel, the Military College of South Carolina, was established in the port city of Charleston. A single gender school of demanding discipline, it has successfully educated thousands of young men in academics and leadership skills. Citadel graduates have become successful leaders in both the public and private sectors, as well as having been involved in every American military conflict since the Mexican War. Thanks to its effective teaching techniques, The Citadel has earned an enviable reputation as one of the best public colleges in the United States, and there is not a better military school anywhere in this Nation than The Citadel.

This past Saturday, my good friend and colleague, Senator Robert Dole, addressed the 1994 graduating class of cadets. Appropriately, Senator Dole chose as the subject of his speech the challenges of leadership that face our great Nation and the young men who were receiving their diplomas. He reflected upon the words of a great South Carolinian, James F. Byrnes, who said that "* * * the difference between average people and great people can be explained in three words—'and then some.'" Senator Dole challenged his individuals to seek and accept responsibility, to be good leaders "and then some."

Mr. President, Senator Dole's remarks were enthusiastically received and he made a magnificent impression on everyone who attended Saturday's ceremonies. I know that I speak for every Member of this body when I say that we are proud of Senator Dole; he is a brave soldier, a true patriot, a great American, and a true leader.

I ask unanimous consent that a copy of Senator Dole's remarks be inserted in the Record following my remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

American Leadership * * * and Then Some

(By Senator Bob Dole)

Thank you, General Watts. It's a privilege to join the class of 1994, their parents, friends, and all members of the Citadel family.

This is my first visit to this historic institution, although I have long heard about its excellence from a number of sources.

As you know, my colleague, Fritz Hollings, is a proud graduate of The Citadel, and asked me to extend his greetings today.

But, it was the invitation of South Carolina's senior Senator—one of the most respected members of the Senate—Strom Thurmond—that brought me here today. Strom is a Clemson graduate, but he did tell me that he was Governor when the South Carolina legislature established The Citadel on December 20, 1842.

I've learned a great deal from Strom over the years, but one thing he never told me was that Citadel cadets are so knowledgeable about agriculture. I've been to hundreds and hundreds of farms in Kansas, and not one farmer has ever told me that his cows "walk and talk, and are full of chalk."

GENERAL MARK CLARK

Another connection we share is the fact that like countless Citadel men, I, too, looked up to Mark Clark.

As you know, before he became president of The Citadel, General Clark commanded the United States Fifth Army throughout the World War II European campaign. As a young man, I was a member of the 10th Mountain Division of the fifth army. While I never met General Clark, every soldier knew that the man Winston Churchill called "the American Eagle" was firmly in charge.

"AND THEN SOME"

After the war was over, another South Carolinian—James Byrnes—would help to rebuild Europe as President Truman's Secretary of State. And I begin my brief remarks today by quoting this former South Carolina Governor and Senator.

Byrnes said, "the difference between average people and great people can be explained in three words—"and then some." The top people did what was expected—and then some . . . They met their obligations and responsibilities fairly and squarely—and then some. They were good friends—and then some. They could be counted on in an emergency—and then some."

THE DIFFERENCE BETWEEN AVERAGE NATIONS AND GREAT NATIONS

I believe the words "and then some" could also be used to describe the difference between average nations and great nations. The top nations do what is expected—and then some. They meet their obligations and responsibilities, fairly and squarely—and then some. They are good friends—and then some. They can be counted on in an emergency—and then some.

Perhaps the supreme example of this type of leadership occurred nearly 50 years ago on the beaches of Normandy—D-Day. And along with Senator Thurmond—who is a D-Day veteran—I will be part of a Congressional delegation traveling to Europe next month for ceremonies honoring the 50th anniversary of D-Day.

A HALF CENTURY OF AMERICAN LEADERSHIP

D-Day marked more than the beginning of the end of World War II. It also marked the beginning of what has been—under Republican and Democrat presidents alike—a half-century of American leadership.

It was American leadership that rebuilt Europe after World War II.

It was American leadership that stood for freedom in places like Korea and Vietnam.

It was American leadership that stood guard in Europe and around the world throughout the long Cold War.

It was American leadership that has kept alive any hope for a lasting peace in the Mideast.

It was American leadership that kept Saddam Hussein from controlling the world's oil supply.

It was American leadership that has always prodded nations towards the path of freedom for all their citizens.

And throughout its history, Citadel graduates have been part and parcel of the great tradition of American leadership.

THE SACRIFICE OF CITADEL GRADUATES

In fact, fifty years ago, those who sat where you do now knew that they soon might be on their way to Europe or the Pacific—and 277 Citadel men made the ultimate sacrifice for their country.

Over forty years ago, those who sat where you do now knew that they soon might be on their way to Korea—and 31 Citadel men died there for their country.

Twenty years ago, those who sat where you do now knew that they soon might be on their way to Vietnam—and 66 Citadel men have their names inscribed on the walls of the Vietnam Memorial in Washington, D.C., just as they do on the walls to the entrance of Summerall Chapel here at the Citadel.

THE COSTS OF LEADERSHIP

Today, thankfully, there are no wars on the horizon. This is so only because of the willingness of your predecessors to put their lives on the line for freedom . . . only because of a half-century of American leadership.

Has this leadership been expensive? You bet it has—both in terms of lives lost and money spent in battle and in standing guard during the long Cold War.

But has this leadership been worth the cost? Absolutely. The world is a safer, freer, and better place because of American leadership.

THOSE WHO QUESTION AMERICA'S WORLD LEADERSHIP

Today, however, there is talk around meeting tables in Washington, D.C., and kitchen tables across America, that fifty years of leadership is enough.

There are those who think that America must focus on fixing her own problems.

There are those who say that American soldiers should take orders from commanders appointed by the United Nations.

There are those who see America not as the leader of the free world, but just as another member of NATO, with no more or no less responsibility than any other country.

There are those who believe that "and then some" is far, far, too much.

PRESERVING AMERICA'S GLOBAL LEADERSHIP

That same talk and those same voices could also be heard in the days following our victory in World War II. But America's leaders remembered then that they had listened to those voices just twenty years before—in the aftermath of World War I. And they remembered that America checked out of world affairs, retreated into isolationism, and slashed our defense—actions that would be proven foolhardy when a dictator marched across Europe and bombs fell at Pearl Harbor.

America's leaders remembered. And Presidents from Truman to Bush made the tough decisions, and they made sure that America remained the leader of the free world.

Let me share with you some words of the greatest foreign policy President of our time—Richard Nixon.

Just last January, President Nixon said, and I quote—

"Some are tired of leadership," "they say (America) carried that burden long enough. But if we do not provide leadership, who will? The Germans? The Japanese? The Russians? The Chinese? Only the United States has the potential . . . to lead in the era beyond peace. It is a great challenge for a great people."

President Nixon was right.

AMERICAN LEADERSHIP STILL NEEDED

The United States may be at peace, but events in North Korea, Bosnia, and elsewhere remind us that dictators still exist, that aggressors who are not stopped will only grow more brazen and more blood-thirsty, and that leadership—American leadership—is still required. And sometimes, that leadership will mean that Americans will make the supreme sacrifice, as Patrick McKenna, a member of the Citadel class of 1989, did on April 14, during Operation "Provide Comfort" in Iraq.

Is it America's destiny to be the world's policeman? No. There are crimes against humanity and crimes against freedom committed every day in countless countries across the world. And America does not go in, guns blazing, to make it right.

LEADING BY EXAMPLE

Instead, we do what we have always done—and what we did during the long Cold War—we lead by example. We show the world that democracy is not just one method of Government—it is the only method that allows individuals to reach their full potential. And we also lead by using our economic and moral influence to bring about change, as we did in South Africa.

And if we are to lead by example . . . if we are to maintain our credibility as an economic and moral influence, then we must deal with our problems—like the deficit and like crime. And we must remember and teach the values that made America great—values like decency, honesty, and individual responsibility.

MILITARY STRENGTH AND DIPLOMATIC RESOLVE

But let me be clear: leading by example will not always suffice. For military strength and diplomatic resolve is essential to successful leadership. Without them, our example—no matter how meritorious—will be rejected or ignored.

There will be times when America's interests are at stake. . . . When freedom is threatened . . . when, like it or not, we are the only "cop on the beat." And unless we are prepared to stand by while our interests are threatened or destroyed, we must be prepared to lead—in combination with friends and allies if possible, but alone if necessary.

It is hard to imagine the world you would enter today had the attitude that some now advocate prevailed the past half-century. Imagine that D-Day never happened, and that Hitler's armies conquered Europe. Imagine that Khrushchev and not Nixon was the winner of the "Kitchen Debate," and America's children lived under communism, rather than Russia's children living under democracy. Imagine Saddam Hussein in control of the majority of the world's oil supply.

THE FUTURE AND AMERICAN LEADERSHIP

Class of 1994, I don't know what the future holds for you—but I do know that the world cannot afford a future without American leadership.

It is my hope that fifty years from now, some members of this class will travel to Europe to attend the centennial celebration of D-Day.

And I hope you will be able to say then, what we have been able to say for the past fifty years. We are Americans. We are the leaders of the free world. And we will remain so for many years into the future . . . and then some.

COMMENDING PRESIDENT CARTER ON SUCCESSFUL MONITORING OF DEMOCRATIC ELECTIONS IN PANAMA

Mr. PRESSLER. Mr. President, I commend President Jimmy Carter for his role in the successful democratic elections in Panama on May 8, 1994. President Carter led an American delegation of observers to the Panamanian elections for the second time. He also led the U.S. delegation in 1989. Sunday was the first time Panamanians had voted for a President since the 1989 election. That election was annulled by General Noriega when it became obvious his candidate would lose to Guillermo Andara. The United States subsequently sent troops to Panama to restore order and democracy in the wake of Noriega's destruction.

President Carter was among those who denounced the 1989 election as fraudulent. In the recent election, he played an instrumental role in ensuring fair voting procedures. Turnout for the May 8 vote about 78 percent—far better than U.S. Presidential elections. The President-elect is American-educated businessman Ernesto Perez Balladares. President Carter called his election a victory for democracy.

I was fortunate to accompany President Carter as an observer of the Nicaraguan elections in 1990. As Americans, it is our duty as stewards of the greatest democracy in the world to work with those around the world who seek democracy, sometimes in the face of great danger and persecution. President Carter is a shining example of that special American spirit—a commitment to assisting those who seek freedom, justice, and democracy in other parts of the world.

CONCLUSION OF MORNING BUSINESS

Mr. BAUCUS. Mr. President, will the Chair please advise the Senate the regular order.

The PRESIDENT pro tempore. Under the order previously entered, morning business is closed.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The PRESIDENT pro tempore. The Senate will resume consideration of S. 2019, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS. Mr. President, this is now the third day that we are on the Safe Drinking Water Act. We began consideration on Friday. We resumed consideration Monday. Under the order that the Senate agreed to, all amendments to the Safe Drinking Water Act must be offered by the close of business tomorrow, Wednesday.

I strongly urge Senators with amendments to take up their amendments now, to bring their amendments over to the floor so that the committee can deal with those amendments. There are a good number of those amendments to which the committee will agree. Some other amendments will take some work. I think then they can be agreed to. Other amendments may not be agreed to, and we would have to debate them, with a vote on those amendments.

I might also say, Mr. President, that tomorrow, it is my understanding—I do not mean to prejudge the leaders' intentions—there will be a Joint Session of Congress to hear the Prime Minister of India. In addition, there might be another period during which the Senate will be unable to conduct business. Just another way of saying, Mr. President, that today is a good day for Senators to bring up amendments. The Senate might be in late tonight, but to avoid being in too late tonight, I urge Senators to bring over their amendments now. It is 10:15; it is the morning; it is daylight. There could not be a more opportune time to bring up amendments, to debate amendments, debate them fully so that the Senate can dispose of them in a most orderly manner.

I again urge Senators to come up now, bring their amendments now, because I just know, we all know from observing, the early bird tends to get the worm. Ten fifteen is not very early, but it is early enough. I hope the Senators do come over and offer their amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The presence of a quorum having been questioned, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if morning business for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AFTERMATH OF THE BUDGET BATTLE: THE CHICKEN LITTLES WERE WRONG AGAIN

Mr. GRASSLEY. Mr. President, now that the smoke has begun to clear from a recent adoption of the budget resolution in the Congress, I can say as always, when you look back on the RECORD, it allows us to compare what was the rhetoric during that debate and the predictions of that debate against what really happened.

I am thinking in terms of the arguments that were used during the Exon-Grassley debate that, No. 1, the cuts were not specific enough, and that they should be more specific and across the board; and second, if Exon-Grassley were to be adopted, all the cuts would come out of defense.

Mr. President, we are beginning to see that some of the wild comments made by opponents of Exon-Grassley were baseless and unfounded.

I would like to speak to what has happened now since the budget resolution was adopted to prove what I had said during that debate did materialize.

I want to remind my colleagues that the "Chicken Littles" in this town claimed that defense would be slashed and burned under Exon-Grassley. They claimed that 75 to 80 percent of the cuts would come out of defense.

Now, we have had in the meantime the House Appropriations Committee determining its 602(b) allocations. Defense outlays have been reduced by only $500 million. And that is out of a total of more than $3 billion in savings.

Thus, the defense cuts were only 16.5 percent of the total savings, not the 75 to 80 percent that the people in this body said that defense would be cut. It also happens that the House will be much tougher on defense than either the Senate or the conference. That is kind of the historical perspective I get. So the final contribution from defense will likely be much less than the 16 percent already designated by the House in the 602(b) allocations.

The moral of this story, Mr. President, is the same moral that we learned when we read the book "Chicken Little" in grade school: "When Chicken Little squawks, nobody listens."

So, Mr. President, I want to congratulate my colleagues in this body for eventually not heeding the cries of fear and extortion from the big spending machine in this town.

I point this discrepancy out, because it is a discrepancy between rhetoric and reality, for the permanent RECORD, in the hopes that future Congresses similarly will not heed baseless, ill-founded claims.

A second favorite argument of the big spenders is that we must be specific with our cuts during the budget process. How many times did we hear that said on the floor of this body, that Exon-Grassley cuts are across board; they are not specific enough? There were lots of specific cuts that were put in the budget by both the House and the Senate. But they did not show up in the conference report.

For example, the Senate voted 97 to 1 in support of the Gorton amendment to cut funding for the furniture for bureaucrats. How much more specific can you get than that? That money would then be used to fund the Edward Byrne Antidrug Program. In the conference report, the program is funded, but the specific cuts disappeared.

The Senate also voted 93 to 5 to support funding for certain children's health programs, and it was paid for by cutting travel funds for bureaucrats. Again, how much more specific can you get? But again, those specific cuts disappeared in the conference process.

The House included also many specific programs that were to be cut. These included the National Science Foundation, various energy programs, the Coast Guard, and others.

I have scoured this conference report on the budget resolution and I cannot find these specific cuts listed, either.

So the moral of that story is an answer to a riddle: When is a cut not a cut during the budget process? The answer: When it is specific.

The bottom line, it seems to me, Mr. President, is that those arguments, by the people who fought Exon-Grassley, saying that we were not specific enough and that it would all come out of defense, are nothing more than a red herring.

The budget process is set up to be general first and specific later. In the budget process, you determine the size of the pie—that is what Exon-Grassley did. In the appropriations process and the next step, you determine how that pie will be sliced. So do not ever buy the argument that you have to specify where cuts are going to come from during the budget process. There is an old Polynesian saying, and it goes like this:

> The block of wood should never dictate to the carver.

Well, the Budget Committee supplies the block of wood; the appropriators do the carving. If we do not shrink the pie first, we will never get our arms around the spending problem. The success of Exon-Grassley this year, modest though it was, is an illustration that this formula can work. Without it, you play right into the hands of the big spenders here in this town.

PRINCE GEORGES COUNTY'S "FEMALE ACHIEVERS" PROGRAM

Mr. GRASSLEY. Mr. President, on another item, an article appeared in the Washington Post on Monday, May 16, discussing a program for at-risk youth that is finding great success in Prince Georges County. The program is called "Female Achievers" and works with middle school girls who come from difficult home lives and deal with challenging issues.

This program is to be commended for its work with at-risk teenagers and for its three ground rules: First, no lying; second, confidentiality among group members; third, communication with parents.

I recently added an amendment to the Goals 2000: Educate America Act giving parents the right to know what nonscholastic activities were taking place in the lives of their children during school hours. I said during the debate on that amendment that I do not oppose activities taking place on school grounds that are nonscholastic, but what I do oppose is those activities taking place behind parents' backs.

The third ground rule of the Female Achievers program addresses this concern. It requires communication with parents. This is the way it should be. Considering the difficulty of the times in which we live, there is a time to address nonscholastic issues in school. I commend the promoters of the Female Achievers program for including communication with parents as one of their three ground rules.

I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 16, 1994]

THE OTHER HALF OF AT-RISK YOUTH

(By Retha Hill)

Principals and teachers, counselors and relatives regard Teshema Marshall with wonder. At 12 years old, she drank hard liquor, puffed marijuana and knew what the streets of Prince George's County looked like in the wee hours of the morning.

But today, Teshema, 13, is different. And everyone agrees that the change came in Room 111 of Hyattsville Middle School.

That's where the weekly meetings are held for Female Achievers, a group of girls whose short life stories have made grown women cry. Some have been raped. Others go home to mothers addicted to crack cocaine. And some started to abuse drugs and alcohol and became sexually active before the baby fat began melting from their faces.

What they have accomplished through weekly tell-all sessions at the school is remarkable, say teachers, administrators, counselors and parents. By standing and facing the group each Tuesday, and their mothers once a month, the 42 girls are learning to take responsibility for their actions and have formed bonds with each other that Hyattsville administrators say have dramatically decreased suspensions and improved attendance.

"The Female Achievers showed me [drugs and alcohol use] aren't worth it because your friends will lead you all sorts of ways and you've got to do for yourself," Teshema said. "When you realize all the stuff you've got going for you, it is easy to stop."

With their emphasis on self-control and self-respect, the Female Achievers are part of a growing effort in the nation's urban areas to turn the spotlight of help on young girls.

All too often, say educators and community volunteers, girls are the forgotten element in the campaign to save the nation's at-risk youth. while boys are more likely to fall prey to violent crime—homicide is the leading cause of death for young black men, for example—girls are increasingly involved in destructive activity.

"Most of the programs, even with recreation, focus in on boys and saving our generation of young men," said Sheri DeBoe. She is the coordinator of the mayor's Turning Points program, which oversees separate groups that focus on personal responsibility and self-respect for young men and women at seven District junior high schools.

"But when you go the junior high schools and talk to the teachers and counselors, they will tell you the girls are worse than the boys—cursing and fighting." DeBoe said. "Through Turning Points, the [coordinators] are recognizing the fact that our girls are being ignored and are putting together programs that specifically address girls."

Similar efforts are popping up around the country. Denver holds an annual conference for black single mothers and their daughters. There are several church-based organizations in Detroit. The American Association of University Women funds an organization of young women that works on self-esteem issues in Danville, Va. The Montgomery County chapter of the NAACP has begun sessions for girls on violence and sexually transmitted diseases, an outgrowth of highly publicized rape allegations last year involving teenagers in Germantown.

Established organizations such as Delta Sigma Theta, a historically black sorority, and the Girl Scouts of the Nation's Capital are expanding their traditional outreach programs to at-risk girls. The Girl Scouts troop at Carver Terrace Apartments, for example, combines sessions where girls can talk about their lives with activities such as planting trees. In Baltimore, one troop is made up of the daughters of female prison inmates.

ALARMING NUMBERS

All are trying to address the same horrifying statistics on crime, drug abuse and sexual activity. From 1983 to 1993, the number of girls arrested for all crimes increased 25.4 percent, compared with a 15.2 percent rise for adolescent males, the FBI reported. For violent crimes, the increase was 83 percent for girls and 54 percent for boys.

Substance abuse is decreasing among teenagers, according to statistics provided by the National Center for Health Statistics. Nevertheless, 18 percent of girls 12 to 17 years old drink alcohol regularly and 4 percent smoke marijuana.

National teenage pregnancy rates remained stable through the 1980s, but the birth rate increased 23 percent from 1986 to 1990 because the rate of abortions is declining, the Alan Guttmacher Institute reported last year in a comprehensive study of teenage sexual behavior.

Girls struggle with depression and eating disorders and try to commit suicide at a rate that is four to five times that of boys, although boys succeed more often, said Anne Bryant, executive director of the American Association of University Women, which commissioned a highly regarded study on the self-esteem of girls.

Support groups like Female Achievers offer girls an opportunity to talk about sexuality, conflict and competition and problems at home, as well as providing a cheering section for their achievements. The groups also teach girls basic hygiene, proper language and other skills.

Female Achievers began last year with 15 girls after several of them complained to Principal Joseph Lupo and Elsie Jacobs, the secretary in the guidance department, that their needs were being ignored.

Like most schools in Prince George's, Hyattsville has an active Black Male Achievement program, funded by the school system to help black boys perform better in school. There is no corresponding funding for girls' groups. The 30 mentoring groups in the country for girls must compete for grants of $1,000 or less from the school system.

Jacobs agreed to organize the girls after noticing that many were not doing well academically because of a host of other problems, including sexual and physical abuse, neglect from their mothers, and alcohol and drug abuse in the home. Some girls' homes are in such disarray that they depend upon the school for clean clothes and basic supplies such as soap and feminine products, she said. The girls were acting out their problems by fighting and experimenting with drugs and sex.

"It's helped me quite a bit," said Vice Principal Linda Waples, who handles the disciplinary cases at the 750-student school. "By these girls' venting a lot of problems and learning to handle their problems, they are not coming to the [principal's] office."

This year, there have been seven suspensions of Female Achievers, out of 250 for the entire school, Vice Principal Lawrence Leahy said. Average daily attendance is 91 percent for the school and 92 percent for Female Achievers members. While members' grades are still below those of other girls at the school, Leahy said, eight are on the honor roll and the girls are making progress.

The change in the Female Achievers has been so dramatic that Jacobs is frequently approached by teachers and administrators to allow other troubled young women to join. There are 100 black, white and Latino girls—nearly a fourth of the female population at the school—on the waiting list.

Jacobs has no formal training as a facilitator. Relying on her experience as the mother of six girls and two boys and the former wife of an alcoholic, she set the ground rules: No lying. Confidentiality among group members. Communication with parents.

"I'm a strong female," Jacobs said, "but some of these things these kids have to deal with, in my greatest imagination I couldn't begin to deal with." She often fields calls at night or on the weekends about "her girls," some as young as 12, who have stayed out all night, fought with their mothers or come home high.

"We have to accept that this age group has sex, they do drugs," she said. "Once we accept it . . . then you start working on things that can change it."

There is a motto, of sorts, in the Female Achievers: If you are grown enough to do it, you shouldn't be ashamed to talk about it.

Each Tuesday morning session begins with some housekeeping business from Jacobs. Then she will call on a girl to stand and tell about her latest indiscretion or achievement.

A PLACE TO CONFESS

On one Tuesday, a 14-year-old was called to her feet by Jacobs. In a barely audible whisper, she admitted staying out all night the previous Saturday. She told about going out with a 16-year-old, then having sex with him, which she said she did not enjoy but did to keep peace with her "friend."

Her story was greeted with gasps. Several girls rose to remind her of her reputation and the dangers of AIDS and pregnancy.

Afterward, the girl said she realized that she was wrong and that she had worried her mother, who had called police. She said she didn't mind discussing what she had done with the other Female Achievers. "I have somebody to talk to," she said. "They've got the same problems I have."

At another Tuesday session, a girl was abruptly asked by Jacobs whether she was doing drugs. "Wh-why," the girl stammered, then unsuccessfully tried to suppress giggles. She had come into the meeting late, walking slowly and unsteadily.

"Because you are acting like someone who is high." Jacobs said. The girl stopped grinning. She started to protest, then was quiet.

There are girls in the group who slip. But there are many more who are thriving and now have the language to talk to their parents about the issues that are bothering them. It was at a Female Achievers meeting that Nyah Farrar, 13, told her mother that her mother's drinking was killing her, that she had missed four weeks of school last year because she was worried her mother would get drunk and hurt herself.

"We came to the first meeting and she said in front of everyone that I was drinking and she wanted me to stop," said Terra Farrar, who said she began drinking after losing her job and is a recovering alcoholic. "At first. [I felt] shame. It lasted about 30 seconds. Then I was proud that she was strong enough to do it." This year, Nyah has missed only four days and is on the honor roll.

The monthly Saturday meetings are held at the Seat Pleasant Police Department, in a neighborhood where many of the girls live. Law enforcement officials talk about the laws on statutory rape, drug use, child abuse and neglect. Occasionally, a counselor will come to encourage families that need it to get help. The meetings are usually overflowing with mothers, aunts and grandmothers.

Teshema and her mother, Renee Ramey, have been in counseling. But it wasn't until Teshema joined the Female Achievers that the two really began to talk. Ramey said her daughter rarely strays far from home now and is more conscientious about her studies. Ramey recalled the daughter who used to stay out all night and twice tried to commit suicide.

"Teshema had just given up," said Ramey, a secretary, who blamed the abusive relationship she was in for a lot of her daughter's problems. "Her attitude was, 'I'm just determined to go down this wrong road.' She's made a 360-degree turnaround. Now we talk. We have a 100 percent better relationship."

Mr. GRASSLEY. Mr. President, I yield the floor.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, will the Chair kindly advise me on the present matter before the Senate?

The PRESIDENT pro tempore. What is the Senator's question?

Mr. EXON. Mr. President, I would like to ask for the regular order, and I would like to make some comments with regard to the Safe Drinking Water Act and the amendments thereto.

The PRESIDENT pro tempore. The Senate is considering the Safe Drinking Water Act, and the Senator is recognized.

Mr. EXON. Mr. President, I rise to encourage support for the managers' compromise amendments to the Safe Drinking Water Act legislation. I also commend Senators BAUCUS and CHAFEE, as well as their staffs, for working out with a group of us to put the amendment before us that I think will allow the passage of this important measure. It has taken months of painstaking negotiations and considerable effort to reach this point, and I believe our negotiations have resulted in a good product.

The absolute necessity of reforming the Safe Drinking Water Act has been clear to me for some time. I can hardly convey to my colleagues the depths of frustration held by State and local officials whose job it is to comply with the existing law. By far, the vast majority of those folks want to provide clean, safe drinking water and feel overwhelmed by a regulatory framework that simply does not make sense in the real world.

The amendment before us meets the essential requirements for reform that I have held for some time: that the new law must help small communities; that the Environmental Protection Agency must be required to base its regulations on science instead of fear; that we absolutely have to get rid of the arbitrary standard setting requirements; and, finally, that we do this in a way that reduces costs while maintaining public health and public safety.

I have listened to our Governor and other State and local officials for months on this subject. Finally, through long, hard negotiations, we can say to them that we have heard their legitimate concerns and have acted upon them. I am pleased and proud to have played a part in bringing a commonsense solution back to them and to the Senate.

It has been a difficult balancing act. I suspect that there are interests on both sides of this issue that wish they had gotten more, but, in the end, I believe this represents a fair and a workable solution that ought to be embraced by all.

Although I am confident this measure will receive the support of the Senate, I remain uncertain about our prospects when the bill is in conference with the House of Representatives. Obviously, the House has not yet acted on a bill, and it would be premature to prejudge the situation at this point. I simply point out to my colleagues that I believe it is incumbent upon us to follow this legislation closely and ensure that the final package we send to the President meets the criteria that I have outlined above. We ought not wash our hands of this legislation once we pass a bill in the Senate.

With regard to the conference with the House, I also want to raise the issue of what we can do to compromise without giving up the essentials that I think are tremendously important that we worked out on the Senate bill.

Mr. President, I, once again, salute the two leaders of this bill who have gone through painstaking efforts to make sure that we have a bill not only that is workable but a bill that can pass the Senate. To them, I say thank you for listening, thank you for caring, and thank you for providing the leadership to get this job done.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I take my hat off to the Senator from Nebraska. He has worked long and hard with the committee to make this a better bill. I have had many discussions with the Senator from Nebraska in the last couple of months, as with his colleague, Senator KERREY from Nebraska. It is no idle statement, Mr. President, to say very clearly that this is a better bill because of the work of the Senator from Nebraska.

The two areas that he particularly focused on were viability—that is, the bill is now modified pursuant to amendment by the Nebraska delegation, frankly, so that States can now set up voluntary viability procedures. States, at their own discretion, would have the power to set up a process to help encourage very small water systems to combine, consolidate, and to share administrative expenses, and so forth, so that they are in the nature of a larger system rather than a smaller system.

Second, the Senator has helped to improve the bill with respect to monitoring the flexibility; that is, enabling States to have their own State monitoring system more easily so that States can better take advantage of the provision of the bill to have different monitoring standards, thereby lowering the costs to small systems.

That is no idle matter, Mr. President. The State of Michigan, for example, now spends about 10 to 12 percent on monitoring—the small systems in the State of Michigan—because Michigan still has its own State monitoring program, compared to what small systems would otherwise have to spend if the State did not have its own flexible monitoring program. The Senator from Nebraska has come a long way to improve the bill so that States can more easily set up their own State monitoring systems so that small communities would not have to monitor as much as they otherwise would.

We are not sacrificing public health here, Mr. President, because, currently, often a small community would have to monitor for a contaminant, even though the contaminant is not found.

That does not make much sense. So we are providing generally that where a contaminant is not found then a small system or a large system need not monitor looking for that contaminant for 3 years before it must then check again to see whether the contaminant is there or not. Previously a system would have to monitor one quarter of each of 3 years, which was essentially an annual requirement.

Again, I thank my colleague from Nebraska and appreciate the work he has done.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my good friend and colleague, the very able and talented chairman of the committee, for his kind remarks. Once again I salute him and his counterpart from Rhode Island for charting us a course through some very troubled water to the end product that I think will be a good one.

Once again, there were a lot of us who had some major concerns in this area. We were listened to. They heard us and they have acted.

Again I hope that the Senate will support this version of the important legislation and we can get on with making sure that we do have indeed safe drinking water for all Americans.

I thank the Chair and I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1711

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1711.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SEWAGE TREATMENT ALONG THE UNITED STATES-MEXICO BORDER.

(a) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BORDER STATE.—The term "border State" means each of the following States:

(A) Arizona.

(B) California.
(C) New Mexico.
(D) Texas.

(3) COMMISSION.—The term "Commission" means the International Boundary and Water Commission, or a successor agency of the International Boundary and Water Commission.

(4) COMMISSIONER.—The term "Commissioner" means the United States Commissioner of the International Boundary and Water Commission, or the head of a successor agency of the International Boundary and Water Commission.

(5) CONSTRUCTION.—The term "construction" has the meaning provided the term under section 212(1) of the Federal Water Pollution Control Act (33 U.S.C. 1292(1)).

(6) TREATMENT WORKS.—The term "treatment works" has the meaning provided the term under section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(7) BORDER AREA.—The term "border area" has the meaning provided the term under Article 4 of the Agreement Between The United States Of America And The United Mexican States On Cooperation For The Protection And Improvement Of The Environment In The Border Area (signed August 14, 1983, commonly known as the "La Paz Agreement").

(b) CONSTRUCTION ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to—

(A) transfer funds—

(i) to the Secretary of State, who shall transfer the funds to the Commissioner for use by the head of the United States Section of the Commission to carry out an eligible project described in paragraph (2); or

(ii) To the head of any other Federal agency to carry out an eligible project described in paragraph (2); and

(B) make a grant—

(i) to an appropriate entity designated by the President; or

(ii) to a border State;

to pay for the Federal share of the cost of carrying out an eligible project described in paragraph (2).

(2) ELIGIBLE PROJECT.—An eligible project described in this paragraph is a project for the construction of—

(A) a treatment works to protect the public health, environment, and water quality from pollution resulting from inadequacies or breakdowns in treatment works and water systems from Mexican wastewater affecting United States waters or water and sewage systems; and

(B) a treatment works to provide treatment of municipal sewage and industrial waste in the United States-Mexico border area for treatment of high priority international wastewater pollution problems;

constructed under appropriate standards under the laws of the United States and Mexico and under applicable treaties and international agreements.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out an eligible project that is the subject of a transfer or grant under paragraph (1) shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AVAILABLE FUNDS.—The Administrator is authorized to use such funds as made available to the Environmental Protection Agency under the heading "WATER INFRASTRUCTURE/STATE REVOLVING FUNDS" under the heading "ENVIRONMENTAL PROTECTION AGENCY" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124; 107 Stat. 1294), as is necessary to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section such sums as may be necessary for fiscal year 1995, and for each fiscal year thereafter.

Mr. DECONCINI. Mr. President, I thank and indeed compliment the Senator from Montana for his effort in bringing this bill to the floor, as well as his work on other environmental bills such as the Superfund and other issues before us in a very busy period for this Congress.

The Safe Drinking Water Act is a very, very important piece of legislation that is needed in this country for the good health and the quality of life of Americans. It is really something that we have to address and continue to address.

The Senator from Montana and the Senator from Rhode Island have been the leaders in this environmental effort for some time, and I think it is only appropriate that we are here to vote to pass this legislation.

Mr. President, the amendment that I have just sent to the desk would merely authorize the Administrator of the Environmental Protection Agency to transfer funds to the Secretary of State, appropriate Federal agency heads and other appropriate entities for waste water treatment projects to protect public health, the environment, and the water quality along the United States-Mexico border.

We on the southwest border are really plagued with problems created by our neighbors to the south because of the immense population growth in that whole country, but in particular, the growth along Mexico's northern borders. It has a lot to do with pre-NAFTA discussions, with the different economic programs and job stimulation in the Maquiladoras that have brought an immense migration to the northern states of Mexico because of their proximity to the United States. As a result, we have an environmental disaster on our hands. I will discuss just one that happens to be in my State in a few minutes.

Why wastewater treatment on the Safe Drinking Water Act? Well, it is a good question but there is a good answer. In some areas on our border, we have exposed raw sewage flowing through a community in what we call washes or dry river beds, in Arizona most of the year there is no water in these washes except this sewage coming from Mexico into Arizona. The same is true for parts of Texas, New Mexico, and California where the geography of streams flows north instead of to the south as is normal in other parts of the country. And that is precisely the situation we have in Nogales, AZ.

You have this sewage coming through a community, creating an immediate health problem of having to treat that sewage or leaving residents exposed to untreated waste containing toxic chemicals. It seeps into the ground and you have it contaminating the aquifer and the ground water.

Nogales, AZ, gets its drinking water from ground water. As a matter of fact, the community that I am from, Tucson, AZ, a community of almost 400,000 people, until recently got all of its water from ground water.

Thanks to the creation of the Central Arizona Project, Tucson now does not rely solely on ground water. The President pro tempore was on the Appropriations Committee when the then President pro tempore and chairman of the Appropriations Committee, Carl Hayden, was able to usher through the authorization of the CAP. That bill created a system of transportation of water from the Colorado River to the central part of Arizona. Morris Udall and others of us have since then been able to transfer a small portion, about 100,000 acre feet, to Tucson for drinking water purposes.

This is not for irrigation. This is so our community can continue to survive, because, with the overdraft of ground water—and even with the conservation efforts that have been put in, we are still overdrafting—this is going to save that particular community and be a part of its water supply.

Along our border—we do not have transported or imported water—we are faced with a catastrophe because we do not have safe drinking water.

This amendment is extremely critical to protect the public health—and that is what safe drinking water is all about—and the environment of my State of Arizona. And to all of the Southwest border States. It is critical, because it applies to all of them. It does not single out my State or the community I am going to talk about.

Many of my colleagues who do not hail from border States may be unable to comprehend the extent of the pollution threat to the health and the welfare of thousands of residents in this country. It is difficult even for me—and I have visited these communities countless times—to see the sickness that is there. These are American citizens who work in our country, who serve in the military, who are participants in our full society and vote here. They are sick and they are sick because of unsafe drinking water and other environmental problems that affect them. And most of it, almost all of it, comes from our neighbors to the south—Mexico—who do not have the capacity to do anything about it.

Now, I say that because they really do not have the capacity. But, in fairness to this administration in Mexico, there is an effort for the first time to actually appropriate some moneys for infrastructure along the border. President Salinas has succeeded in getting the Congress in Mexico to appropriate $400 million for a 4- or 5-year period of time to expand infrastructure along the whole border, from Brownsville, TX, to San Diego, CA. That is over 2,000 miles, and that is not that much money when you think about the area to be covered and if you have been down there and seen the problem.

It is beyond dispute that the conditions in many border communities are deplorable and absolutely demand responsible action by this Government of the United States. Rectifying the dangerous pollution problems on our border should be, I think, one of our highest priorities. And I am sad to say, Mr. President, it is going to only get worse as NAFTA continues to expand and brings about trade that will grow at a very rapid rate.

Rectifying the dangerous pollution problems on our border, I think, has to be a high priority. We cannot just ignore it or dwell on water systems all within the inner part of this country. It is unconscionable that residents of this country reside in the breeding grounds for disease that are found on the Southwest border part of our Nation.

In my State, Nogales, AZ, is a community in desperate need of some Federal assistance to meet its water problem.

I implore my colleagues to listen and give some concern about the citizens of this country, not just of Arizona, New Mexico, Texas and California, but citizens of this country who need some special attention.

This is not a pork barrel project. This is not an itemized issue for Nogales, AZ. It only permits the transfer of funds to the State Department and other appropriate Federal agencies or border States so that they can be used for wastewater treatment to remedy this threat to the environment and public health.

Nogales is located immediately downhill and downstream from Nogales, Sonora, Mexico. Sonora is the northern state in Mexico that borders Arizona.

As you can see on this map, this is Nogales, Sonora, a city. This is the State of Sonora.

Nogales, Sonora, has a population—and it is difficult to determine—between 250,000 and 300,000 people. Nogales, AZ, has a population of somewhere between 30,000 and 35,000, depending on the tourist season. A lot of people live there a part of the year, but it is a very small community.

As you can see, the Santa Cruz River runs through the city. You see Morley Avenue that runs through the city and you see Nogales Wash. Nogales Wash is where the problem is. If the raw sewage was dumped into the river, it would also be a problem, because this wash and this river flow north from Mexico into the United States into the State of Arizona.

Until recently, raw sewage from the Mexican community flowed unmitigated into the Nogales Wash, and even the streets of the city of Nogales, AZ.

Since then, with the expansion of the Nogales International Wastewater Treatment Plant, there has been some effort to attempt to treat some of the sewage that comes through there.

In February 1994, an article appearing in the Arizona Republic described the Nogales Wash as "an open drainage ditch that carries industrial runoff and sewage right through downtown of both cities. Chlorine added round the clock since 1990 kills most of the fecal bacteria, but the water still contains a volatile mix of chemical solvents and petroleum products. In May 1991, theh was caught fire."

Why does this happen? Well, the tremendous growth on the Mexican side of the border, the increase of industrial capacity there, and the inability and inadequacy of any kind of a treatment plant causes this waste to be dumped into the wash on the Mexican side and, gravity being what it is, it flows into my beautiful State.

Chlorine is added to the water right here near the border as this flows there this very day, and it is done around the clock since 1990 in order to kill most of the fecal bacteria. But the water, after those bacteria are killed, still contains a very volatile mix of chemical solvents and petroleum products. In May of 1991, just a couple of years ago, it actually caught fire here after it had been treated by chlorine. As you know, chlorine is nonflammable, but it was the chemicals that were still in there that burned. These are horrible conditions for any State or city to have to tolerate.

The existing treatment facility was designed to satisfy the treatment needs of both Nogales, AZ, and Nogales, Sonora. That was constructed recently, and it was supposed to be for a 20-year period of time. Unfortunately the growth in Nogales, Sonora—the Mexican side—has been so great that it is going to reach its peak sometime this year, in 1994.

For a number of reasons, including the population explosion in Nogales, Sonora, the plant is just incapable of coping with all of this particular waste that is coming to it through Mexico. It is at 75 percent or more of its capacity today and will be, by next year, over capacity. It will be at 100 percent, and exceeding that.

Thus, one of Arizona's fastest growing border communities is going to be penalized because of the problems beyond its control, across the border—something that is an international problem that has to be dealt with. This is particularly disturbing with the ongoing implementation of NAFTA, because this is only going to get worse in the sense that we are going to have more economic thrust toward the border States, and we are going to have a bigger problem than we do today.

Right now there is a cancer cluster in Nogales, AZ. The specific cause is at this time is unknown, but there have been a lot of studies about it, and evidence points to chemical and heavy metal contaminants used in Mexican factories that flow down Nogales Wash from Mexico into Arizona. And the problem with safe drinking water, or unsafe drinking water in Arizona, is Mexico does not pretreat its industrial waste and the existing facility is unable to handle the amount of inflow that is coming in. Citizens of Nogales are facing a cancer epidemic.

A study by the University of Arizona Cancer Center, which is a renowned cancer center at the university's medical school, found that Nogales has 4.8 times the expected average of myeloma cases, that is cancer; 1.6 times the average of leukemia cancer; and 4.5 times the average of lupus cases. The highest rate of lupus in the world is in my State, in this small community of Nogales, in the United States—Nogales, AZ.

If you live there, because of the environment and the lack of good water supply, your chance is 4.5 times greater of getting cancer, myeloma, or lupus. Researchers do not yet know what causes the lupus, but one of the causes, it is believed, is the toxic chemicals in the water in that community.

As you can see from this very telling graph that I have here on my left, which ran in the Arizona Republic—State's largest newspaper—the residents of Nogales have dubbed one street in particular Cancer Street. That is what they call this street today. Carrillo Street, the name it was given when it was subdivided—now Cancer Street—borders the Nogales Wash where the water flows untreated, full of chemicals. It has at times actually, in times of heavy rain, overflowed into the subdivision when there has been some flooding.

I believe this chart tells the tragic story about conditions in the United States. This is not a Third World country I am talking about. This is America. In the 18 houses on Cancer Street —these are the people who live here, these are real people, these are American citizens who are dying—there are 14 cancer cases—8 are surviving and 6 are dead. This is one street, one small street in a quickly-growing border area.

I have an article from the Arizona Republic entitled "Warning Voices from Nogales," about Jim Teyechea. Jim Teyechea used to live on this street and he is a victim of a rare form of bone marrow cancer.

Over the last couple years Mr. Teyechea helped form a group in Nogales, AZ, called LIFE—that acronym is Life Is For Everyone—to protect, inform and educate the country about toxic pollution problems near Cancer Street and the failure of that community to have good, safe drinking water.

Mr. Teyechea has brought attention to this problem. Hopefully his efforts will help produce a solution.

Mr. Teyechea will not benefit from any efforts that our Government might make if this amendment is accepted and put on this bill and implemented into law. Mr. Teyechea is not going to benefit from it—he recently died of his disease at the age of 44—but we have the opportunity now to reduce the chances for future "Cancer Streets" in Nogales and across the Southwest border.

I could continue citing case after case, not only of cancer but of abnormally high numbers of children in this area being born with birth defects and life-threatening problems. They are horrible cases and horrifying statistics.

Some may say yes, but there are other environmental problems—and there are. We have air problems in Nogales, AZ, and we have mines on the Mexican side that on occasion will blow harmful substances in this direction. Usually they blow northeast, but there is a mine east of the city that sometimes blows over the border. We have fugitive dust, we have burning garbage dumps, as is shown right here on the map. The Nogales, Sonora city dump was on fire just last week in Mexico releasing toxic smoke.

This Senator called the Ambassador from Mexico to the United States, Mr. Montaña. I thank him publicly for intervening to get that fire put out.

Last year we had a fire there that was emitting a very toxic smoke into the United States right on top of these people. Those problems aside, these people do not have a reliable, safe water system. Part of it is because the sewage seeps into the ground, into the water system, and thereby contaminates it.

I know the situation is no better in communities along the border all the way from California to Texas. There is no conclusive evidence yet, but all indications point to pollution of the border environment as the cause of these cancers, including contaminants in the water that people drink.

The administration has recognized the conditions and has taken some action to alleviate them. I thank the Administrator of the EPA, and actually this administration, for paying attention to Americans' problems, real human problems such as those in Nogales.

In fiscal year 1994 the VA/HUD appropriations subcommittee agreed to set aside $500 million for hardship communities, including those on the United States-Mexican border. Pending authorization of those projections, Nogales, AZ is listed as one of those projects for which the administration has requested funds.

So I thank Senator MIKULSKI and Senator GRAMM for their recognition of the need for action. In the 1994 appropriations bill that we are living with today, there is $500 million for hardship communities. If it was not for the leadership of the Senate appropriators, this money would not have been there, but it has not been spent. It is sitting there waiting to be spent. But the timeframe for availability of these funds is limited. Authorization is essential. That is what this amendment is all about. Nothing more. I hope that my colleagues will see fit to approve this amendment.

Let me just summarize the amendment, Mr. President. This authorizes appropriations that are already there in fiscal year 1994 and for the future. In 1994, we are talking about part of a $500 million appropriation to build wastewater treatment facilities on the United States-Mexican border to deal with the problem of international pollution. It does not include the colonias on the United States-Mexican border. I know the distinguished chairman is a strong supporter of that program and wants to keep that off this bill. But it would apply to other border communities whose environment and public health are endangered by pollution from Mexico.

It authorizes the Administrator of the EPA to transfer funds to the Secretary of State for the Commissioner of the International Boundary Water Commission, or any other Federal agency, or make a grant to an appropriate entity designated by the President or a border State, for that matter, to carry out these projects if they are eligible, such as the construction of treatment works to protect public health and environment and water quality from international pollution from Mexico.

It says the names of the border States. It says the term "border State" means the following States: Arizona, California, New Mexico, and Texas. It does not name Nogales, AZ, or Brownsville, TX, or Tijuana, Mexico, or San Diego. It just says these States.

There is no guarantee that Nogales will get funding, but here we have the money, I know the distinguished chairman would like to keep amendments off this bill that he feels can better go on other legislation. But we are under a time constraint. I have worked with the chairman for some time, and he has been very helpful and sympathetic in trying to get some assistance here.

But now I am confronted with the problem that I do not know where to go, but I come to my colleagues and ask them to put themselves in the shoes of the people who live on Cancer Street and to ask them if they would support an amendment that merely authorizes the EPA to transfer funds to the International Border Commission so that they can, if they elect to do so—and in this case, Nogales has been recommended by the administration in their budget—start the process of constructing adequate wastewater treatment facilities so that we could stop Cancer Street, so that the people of Arizona, particularly Nogales, would have an opportunity to live and drink as clean water as I do, living in the State of Maryland.

I thank the Chair, and I hope the committee will accept this amendment.

Mr. President, I ask unanimous consent that the article in the Arizona Republic, to which I referred, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 27, 1994]

WARNING VOICES FROM NOGALES

(By Miriam Davidson)

NOGALES, AZ.—"This is not 'Cancer Street.'"

Jim Teyechea leaned on his cane and looked up and down the quiet Nogales side street where he lives.

"This is Carrillo Street," he insisted. "This is where I grew up."

Teyechea doesn't like the infamous nickname, but he admits there's a lot of cancer on Carrillo Street, where he has counted at least one case of cancer in each of half the houses.

Teyechea himself suffers from a rare form of bone-marrow cancer that usually strikes the elderly. He's 44.

In the four years since he was diagnosed, Teyechea has lost his six-figure job as a produce broker, gotten divorced and moved back home with his parents on Carrillo Street.

He has undergone painful chemo-therapy, radiation treatments and a bone-marrow transplant and now walks only with difficulty.

But he has survived far longer than doctors predicted he would. He said this is because he has found his purpose.

Teyechea believes contaminated air and water from across the border have poisoned him, his neighbors and dozens of others in Nogales. He has dedicated the rest of his life to telling the world what's happening in this city of 20,000, and to trying to stop the pollution coming from its sister city of 200,000 in Mexico.

Teyechea and the 40 or so other members of a group he has formed called LIFE—Living is For Everyone—have spent 1½ years collecting information, educating and protesting.

It has worked. In December, after the University of Arizona in Tucson found higher-than-expected rates of cancer and other diseases in Nogales, Gov. Fife Symington and Republican Sen. John McCain visited Teyechea.

The politicians came to Carrillo Street with a promise of at least $100,000 to study the situation. The Environmental Protection Agency also pledged more than $400,000 for studies of air and water.

Disease and pollution rates in this city are alarming. The UA's preliminary studies found leukemia occurring at almost twice the expected rate, and lupus and multiple myeloma, the cancer Teyechea has, occurring at nearly five times the expected rates.

If the incidence of lupus—an immune-system disorder that strikes mostly women—is confirmed, UA scientists say it will be the highest rate ever found.

EVERYBODY WANTS ANSWERS

Tim Flood of the State Department of Health Services said the higher-than-expected disease rates found by the UA in Nogales have yet to be confirmed. He said his figures show the death rate from cancer there is 23 percent, the same as for the rest of Arizona.

"Everybody wants answers, but we need to know what it is we're dealing with here," Flood said.

LIFE members aren't satisfied with the state's response.

"They're just throwing money at us to make us shut up," said Susan Ramirez, whose 8-year-old daughter has leukemia.

"We've been studied to death. We want action."

LIFE members suspect the UA studies will not pinpoint an environmental cause for residents' illnesses and will only serve to justify further inaction by government and industry.

UA scientists conducting the cancer study concede it probably won't find a definite link between diseases and pollution in Nogales.

But UA researcher Joel Meister emphasized, "Environmental cleanup should not depend on certain scientific outcomes. It should have started a long time ago."

LIFE's crusade has put it at odds with many Nogales businesspeople, who say they fear the group is giving the city a bad name. Two industrial recruiters recently were quoted in a local newspaper as warning that "continued talk of Nogales as a 'cancer center' makes the rest of the nation think residents here are mutations."

"They're saying it's OK for me to die, but it's not OK to hurt business in Nogales," Teycchea said.

There is no question that pollution is causing major problems in the border city. Nogales' air is among the worst in the state, consistently worse than in Phoenix.

Winds carry dust from unpaved roads, fumes from unregulated vehicles and smoke from squatters' campfires in Mexico.

CHEMICAL COCKTAIL

Adding to the haze are sporadic fires in the Nogales, Sonora, dump, which sits near the border. Every few weeks, the dump catches fire and fills the air of Nogales, Ariz, with the stench of burning plastic, rubber and garbage.

The Santa Cruz County health director said the smoke makes people's eyes and throats sting and has forced elementary schools to cancel outdoor activities.

At the same time, an open drainage ditch called the Nogales Wash carries industrial runoff and sewage right through the downtown of both cities. Chlorine added round the clock since 1990 kills most of the fecal bacteria, but the water still contains a volatile mix of chemical solvents and petroleum products. In May 1991, the wash caught fire.

About 1½ weeks ago, the presence of potentially explosive petroleum products in the Nogales, Ariz., sewer system forced thousands of people to evacuate a large area on both sides of the border.

Susan Ramirez lived near the Nogales Wash and drank water from a private well while pregnant. Ramirez's daughter, Michelle, was diagnosed with leukemia 1½ years after she was born.

Michelle's illness is in remission, and Ramirez no longer lives near the wash.

Santa Cruz County Health Director Pat Zurick said that as recently as 1990, 89 private wells along the wash were open. Zurick believes that they mostly are used for household chores and irrigation but that a few still may be used for drinking water.

Like many along the border, Teyechea blames U.S. factories in Mexico for most of the pollution. He said that he knows people who have worked in maquiladoras, as these factories are called, and that the workers told him of industrial solvents and other toxic wastes' being taken to the dump, poured on the ground, burned or otherwise mishandled.

20 YEARS OF POLLUTION

Antonio Carbajal, president of the Sonora Maquiladora Association, said that environmental inspections by Mexican authorities have increased in recent years and that no serious violations have been found.

That may be, Teyechea said, but some maquiladoras have been operating for more than 20 years.

"I shudder to think what's over there," he said.

Carbajal, whose association represents more than 40 of the largest maquiladoras in Nogales and has no authority to enforce environmental standards, also pointed out that Carrillo Street was built over a former Army base, which may have dumped chemicals or other toxins.

The UA's Meister said that's "a possibility worth investigating," but he and other researchers doubt the Army base was responsible for the pollution problem.

"There are lots of former Army barracks in this country, and we're looking for something unique about Nogales," UA researcher Larry Clark said.

Moreover, Teyechea's group has identified cancer and lupus cases all over town, not just on Carrillo Street.

Meanwhile, Nogales Sonora, officials say they're doing what they can to stop pollution. Mayor Hector Mayer Soto said that a new, $6 million dump is being built south of town and that road-paving and tree-planting programs are under way. A Nogales feedlot has quit burning pesticide-soaked manure and is building a proper disposal pond, officials said.

But Teyechea said poverty and corruption in Mexico prevent meaningful enforcement of environmental laws.

"When I worked there as a produce broker, I never had a problem I couldn't solve with a $100 bill," he said.

As long as that continues, we're never going to solve problems of cross-border pollution."

For now, some lifelong Nogales, Ariz., residents have moved to the edge of town or to Rio Rico. Others, though frightened, as staying put.

"I figure everywhere you go, it's something," said Margaret Partida, whose 73-year-old husband has throat cancer.

The Partidas' healthy, 5-year-old granddaughter lives with them, just a few doors down from Teyechea on Carrillo Street. They have switched to bottled water but don't know what else to do.

Despite his anger, Jim Teyechea is at peace. He has had time to fight for what he thinks is right, and he's proud of the legacy he'll be leaving.

"The battle is not between living and dying," he said. "The battle is to five meaning to life.

"I'm speaking for a 12-year-old kid I just visited who's got leukemia. I'm speaking for friends of mine who've died. What I want to know is, after I'm gone, who will speak for me?"

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I worked often, and long hours and days, with the Senator from Arizona over this project and many others. The people of Arizona should be proud of the hard work of the Senator from Arizona. He has worked diligently and spent many opportunities to speak with me and others in the committee about this project, and others very important to Arizona.

It is also clear, Mr. President, that border problems are very serious. The pollution along the border is unbelievable. I myself visited not Nogales, but in the summer 2 years ago, the colonias along El Paso and over in Tijuana, and Juarez, across the border from El Paso. When you see these colonias, you are just astounded how people live there. Colonias essentially are small communities where there are squatters; namely, people looking for jobs come to the border areas and they build up small communities. They just build tar-paper shacks, tens of thousands, all in these little sections. No running water, no drinking water, no sewage.

The colonias I happened to visit did have electric power. That was it. It was dusty, hot; just squalid conditions. People were out there carrying water on their backs for communities to drink and to wash clothes, whatnot. The conditions are deplorable.

In addition to that, Mr. President, because there is no sewer, the raw sewage flows down into the river, into the Rio Grande. Alongside the Rio Grande is another river called Agua Negres, black ditch, because it is all sewage. That is all it is.

There are tremendous problems along the border. I assume the problems in Nogales are equally severe to those I saw in the El Paso area and the Juarez area.

I must say, Mr. President, that even though we are all sympathetic to the problem, there are solutions. For example, the bill provides for about $600 million in State revolving loan funds under the Safe Drinking Water Program. And for 1994 and 1995, the authorization will be approximately $1.3 billion. Arizona's portion will be at least $17 million. So the State of Arizona will be allocated $17 million under the drinking water State revolving loan fund to address whatever needs Arizona thinks most appropriate.

I might add, in the next several weeks, the majority leader intends to bring up the Clean Water Act. Under the Clean Water Act, Arizona will receive at least as much in further State revolving loan funds and another $17 million at least for wastewater treatment plants, sewage plants, and so forth. So that totals about $34 million in combined safe drinking water and sewage wastewater treatment expenditures for decisions made by the State of Arizona. So there are dollars available to address whatever needs the State of Arizona thinks is most appropriate.

The amendment before us deals with another matter. The amendment before us deals with a pot of money—$500 million—which has emerged over the last several years under the heading of "needy communities"; that is, because the Congress was not considering the Clean Water Act last year, where this amendment more appropriately lies, because we were not dealing with and did not have before us the Clean Water Act and because there were needs in many communities, there was thought that $500 million, roughly, should be authorized for needy cities to meet urgent needs in our communities around the country.

Even though there are dire needs along the border, other States also have their needs; other cities, other communities have their needs. They think they are needy, too.

It was the thought of the committee that it probably made more sense to take these requests of needs under this $500 million general authorization and work with Senators in various States to try to find the best way to divide the money, to split the money, to split up the pot, because various communities around the country have legitimate complaints.

There are a lot of needs, I might say, in trailer parks, for example, which do not have sewage systems. I can think of lots of needs around the country.

I must say to the Senator from Arizona that many Senators have come to the committee saying they have needs in their communities. The committee has said to those Senators, although those requests are very legitimate, it makes much more sense to deal with all these requests on a more orderly basis; that is, when we take up the Clean Water Act in the next several weeks.

So I strongly urge the Senator to not press his amendment on this bill but, rather, to press it when we work with other requests and other States and other cities to find the best way to allocate that as much as possible. At that time, it is the committee's intention, when the Clean Water Act comes up, to offer a managers' amendment which is the most equitable allocation with which we can come up in distributing that $500 million.

I must also say, Mr. President, that the North American Free-Trade Agreement took a major step to address pollution problems along the border in setting up the environmental commission, the border environmental commission, as well as the North American Development Bank.

Now, the funding for the North American Development Bank will be worked out, it is my understanding, with the Treasury Department, but the funding for the border environmental commission I hope is from a mixed source; it is not just general dollars that are to be appropriated to the Environmental Protection Agency, under the rubric and control of the Environmental Protection Agency but also other sources.

If we start down the road today on this bill allocating portions of the $500 million to one community as opposed to another, we run many risks. First, we run the risk of jeopardizing additional sources to address other needs communities have, particularly along the border, when we get to the Clean Water Act. We also jeopardize the needs in other communities, communities other than along the border, because this amendment essentially authorizes $500 million, all of the $500 million, for four States. Its implication is that the dollars are to be redistributed to address pollution problems along the border, that is, along the Rio Grande.

So for all those reasons, Mr. President, I say to my very good friend, the Senator from Arizona, that although there is a need—there is no doubt about it—the more appropriate time and place to deal with this issue, that is, how to allocate this $500 million, is when we take up the Clean Water Act in several weeks.

Many other Senators have approached the committee. They want part of this $500 million. And the committee has said to those Senators, do not press your amendment now on this bill because this is not the appropriate time and place but, rather, press your case when we take up the Clean Water Act. They have all agreed to wait to take up their requests then, not now. And so when we add it altogether, I think the more fair and the more equitable, the more just approach to this problem is to take up these similar requests at the time we take up clean water, not to individually press it on a bill which really is a safe drinking water bill; it is not a clean water bill, which is the bill that addresses pollution.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, I wish to join with the floor manager of the bill, the chairman of our committee, in his views on this amendment.

The committee, as perhaps has been pointed out, the Environment Committee, has reported out a bill to reauthorize the Clean Water Act. So that is done. That is out of the committee. We expect it to be up before the Senate in several weeks. It seems to me the Clean Water Act, since it is the program that deals with sewage treatment, is where the Senator's amendment should be rather than the Safe Drinking Water Act which is before us now.

You also have the added problem the Senator from Montana just pointed out. There are a whole group of Senators who want to tap into the $500 million that has been appropriated, and if we were to take up the Senator's amendment today, which provides for 100 percent financing for this facility, obviously it would bring all the others over here—and some who had not heard about it—who would feel distressed because they have agreed to hold back waiting for the Clean Water Act to come through here. I really think that is the proper place to have this amendment. And also obviously what is going to happen is we are going to have to get together, those who have requests or demands upon that half a billion dollars, whether it is Tijuana or the California city opposite Tijuana, wherever it be, Boston Harbor. All of this started as a coastal bill.

So I think what we have to do is get those folks together and somehow divide it up in a fair way based upon the priority or the emergency presented.

I listened to the Senator's presentation of what is taking place in Nogales, and I think he has a very strong case. But in all fairness I think the others should have an opportunity to present their case likewise.

Mr. DECONCINI. Will the Senator yield?

Mr. CHAFEE. I would reluctantly ask that the Senator not press his amendment.

Yes. Sure.

Mr. DECONCINI. I thank the Senator from Rhode Island. I appreciate the history of the Clean Water Act. The reality, if you look at this amendment, Mr. President, I say to Senator CHAFEE, you will see that this amendment only authorizes the EPA to make a transfer. It does not say they transfer $500 million. It does not say they transfer $50 million. It just says they may transfer, they are authorized to transfer some money.

So that is a decision which the EPA is going to make. What are they going to make it on? They are going to make it, hopefully, for this Senator and these people who live on Cancer Street, on this being a hardship, a public health hazard. If they do not, there is nothing I can do about it. I am not here suggesting that we write into the law that we make an authorization to Nogales, AZ, or to the International Boundary and Water Commission for Nogales, AZ.

The argument, Mr. President, is that other Senators have concerns here. Sure, they do. But that is what this body is all about. My people in Arizona and maybe other places, maybe in the Boston area, have bad drinking water, and are exposed to contaminated water and it is likely that this contamination has caused the cancer rate to be so high in Nogales, Az.

So I am confronted with, well, put it off until the Clean Water Act comes.

Yes, that has passed the committee, and I compliment the ranking member, Mr. CHAFEE, and Mr. BAUCUS, from Montana; they have that bill out here. But it is not in the Chamber. We know how this place works. It took weeks and weeks to get this bill in the Chamber. So my plea to them is take this amendment, and if the Clean Water Act comes up and we do pass it, then you can drop this amendment because it could be on that bill. But we are not deciding here how to divvy up $500 million. That money has been appropriated; it is sitting there; it is not being used. And here the EPA could use it if they were able.

So, Mr. President, I would like to proceed with this amendment. I implore my colleagues. Mr. President, I would ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. Is the demand sustained?

The demand is not sustained.

Mr. DECONCINI. Mr. President, then I will wait until I can get enough Members to get a rollcall vote on it because I am confronted, as I said, with no alternative. I do not know where to go in order to get some relief. And as I have indicated, I appreciate the concern that the Senator from Rhode Island has pointed out that we have another bill coming along on which we can work. But I ask them what would they do if in their State they had 4½ or 5 times the cancer rate attributed to poor drinking water. Would they not ask, is it not reasonable to ask that the EPA may use funds that are already appropriated and set aside, that they may use them? Not that they must but that they may use them for this hardship community? I cannot go home to Arizona and have a water quality bill go through here and not make an attempt to get some relief.

If I were asking here for specific dollars for Nogales, AZ, then I could agree—and I would have to probably reluctantly because I would be pushing for the appropriations for the money—but I could agree with the Senators from Rhode Island or Montana who say we cannot divvy up because everybody has some priority. But that is why we created the EPA—to assess and determine. Maybe this priority will fall when it is compared against where there are other problems with ground water. But so far, it is in the budget. And here is an opportunity to take action.

I just do not understand why we have to let this tragedy continue out of the sake that we do not want anybody else to offer amendments. To me that is just not a logical way to approach legislation. If you think I have a good case, if you think the people are dying in Arizona because of bad drinking water, and there is a fund of money there, then how can you oppose giving authorization for the EPA to consider—not mandating that they spend the money in Nogales, but that they "may"—that they are authorized to use that money that is already there for hardship communities?

So that is all I am asking for. I do not think that is unreasonable.

Mr. President, I ask unanimous consent that the Senator from Texas [Mrs. HUTCHISON], and the Senator from Arizona [Mr. MCCAIN], be added as cosponsors.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield for that purpose?

Mr. CHAFEE. Yes. I do.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Here is the problem. There is no question but what the case the Senator from Arizona presented in connection with Nogales is an appealing one and of deep concern. But we do not know what the cases are from the other States. We have here an amendment for water infrastructure from Senator GRASSLEY, from Senator COVERDELL, from Senator HATFIELD, from Senator DOMENICI, from Senators STEVENS and MURKOWSKI, from Senator PRESSLER, from Senators BENNETT and HATCH, and others; and another, Senator CHAFEE, actually.

So it seems to me what we have to do is put these in some kind of priority. I mean the case that the Senator from Arizona made is an appealing one. But is that of greater importance for this limited amount of money that the Appropriations Committee has appropriated last year, dependent upon the authorization, than these others? I think in fairness to these others who have held back, we have to in some fashion weigh them. It may well be that the Senator from Arizona will have the lead role. But we do not know.

So, as I understand what the Senator from Arizona is suggesting, that while we have not actually appropriated nor actually required that the appropriations take place, we have passed it over to the EPA. But my experience around here is that most of the Senators do not want to have these decisions to remain in the EPA. What is the EPA going to have before it? If this is all we pass today in connection with this bill and the others hold off, then that is all EPA has before it.

I think it is better, in fairness to the others who may have powerful cases and may not, to at least have a chance to hear them out and do it in an orderly fashion as we try to do when we come up with the Clean Water Act.

So for those reasons I join with the manager of the bill, and oppose the amendment by the Senator from Arizona.

Mr. GRAHAM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I join with the chairman and the ranking member of the committee in opposing this amendment, as well-intended as it is.

I will make three comments about the amendment itself. First, the amendment is not specifically targeted to the circumstance in Nogales, AZ, but rather relates to expenditures along the United States-Mexican border, wherever they may occur. It transfers funds from the EPA to the State Department, and the State Department in turn to the Commission, the International Boundary and Water Commission, which is a successor agency to the International Boundary and Water Commission, in order to implement whatever eligible projects that Commission feels is appropriate.

Second, this calls for full funding of these projects; that is, it is 100 percent to be paid from this source of funds. Most of our projects require some level of contribution by the communities or by the State in which the project is located.

Third, the funding is to be for treatment works under the definition of the Federal Water Pollution Control Act, and as the Chair of the committee indicated earlier, that is the legislation that is encompassed in the Clean Water Act, not the legislation that is before us today which is the Safe Drinking Water Act.

Beyond those specific comments, I would point out that the Environmental Protection Agency has $600 million of funds which have already been appropriated by the committee of our Presiding Officer to assist States in providing safe drinking water. Essentially what the Senator from Arizona has indicated is a very serious problem of unsafe drinking water.

Arizona would receive an estimated, approximately, $8 million of that $600 million nationally to spend in correcting drinking water problems within that State. So there already are appropriated funds, available with the not insignificant amount to go to the State of Arizona to meet its specific needs.

Mr. President, both in the Clean Water Act and in the Safe Drinking Water Act, there has been an effort on the part of the committee to establish an orderly process of arriving at priorities. It is a very difficult situation. We have an estimated $130 to $140 billion of needs in the area of responsibility of the Clean Water Act itself with approximately $2 to $2.5 billion of Federal funds being authorized in this legislation to meet that very significant need.

If the Clean Water Act passes, that authorization will grow over the next few years up to a total of $5 billion; a significant fund but still a minor percentage of the estimated national need.

I believe, given the fact that we have such a small Federal fund to meet such a massive national responsibility, that it is particularly important that we look at our needs on a prioritized basis. We have taken some steps to do that, moving toward an allocation formula, the principal focus of which is on documented, unmet needs to meet both Safe Drinking Water Act and Clean Water Act responsibility, and allocating funds against those needs.

I was pleased that yesterday the managers of the bill accepted an amendment which I had offered which will place that needs assessment on a 2-year cycle; that is, every 2 years a State's need for safe drinking water and for waste water treatment will be analyzed, and that analysis of unmet needs will become the principal factor in the allocation of funds among the 50 States and territories which benefit by that program. So I think we are on a course that the Senate can support as rational and orderly, attempting to arrive at priorities.

I have keen admiration for the Senator from Arizona. There are few people who serve in this body with more respect and with more vigor the advocacy of their needs for their citizens. I would say in this case I would ask for his understanding of the need to place this serious issue in the context of a whole nationwide set of similar needs, and that it is the commitment of the committee, with the support of the Presiding Officer and the members of the Appropriations Committee, to be able to provide a sufficient amount of Federal assistance as we can within our total needs as a nation to meet these important drinking water health environmental concerns.

Thank you, Mr. President.

Mr. DECONCINI addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. DECONCINI] is recognized.

Mr. DECONCINI. Mr. President, it is my intention to go ahead and have a rollcall. I think the debate has been healthy. I am sorry I have not been able to convince the Senator from Florida how good this is for border States, who are inundated with immigrants, with so many people flooding into the State. I think he understands that.

In this case, I have raw sewage flowing into my State, and it is causing death. It is my intention to ask for a rollcall vote, but I do not have the people here. The Senator from Rhode Island said he would support a rollcall vote. In that case, I will have to wait until we get some more people here.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 1711

Mr. GRAHAM. Mr. President, I ask unanimous consent that a vote on or in relation to the DeConcini amendment, No. 1711, occur at 2:30 p.m. today, with no second-degree amendments in order thereto.

The PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today.

There being no objection, the Senate, at 11:50 a.m., recessed until 2:30 p.m.; whereupon, the Senate, at 2:30 p.m., reconvened when called to order by the Presiding Officer (Mrs. MURRAY).

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the pending order of business?

AMENDMENT NO. 1711

The PRESIDING OFFICER. The question now occurs on amendment No. 1711, offered by the Senator from Arizona.

Mr. MCCAIN. Madam President, I rise in support of the amendment offered by Senator DECONCINI to help protect public health and the environment along our Nation's border with Mexico. Specifically, the amendment would authorize the Environmental Protection Agency to make grants for high priority wastewater treatment facilities along the border which addresses international pollution problems.

My colleagues are well aware of the problems facing border communities in the Southwest. In Arizona, we have had several problems with transboundary water pollution which has resulted in the contamination of drinking water wells and surface water. Public health emergencies have been declared in Nogales because of raw sewage flowing into the streams from Mexico. Mr. President, during these episodes children have been found playing in stream beds contaminated by this waste. This must stop. Period.

As Senator DECONCINI pointed out, studies are underway to determine the cause of a cancer cluster afflicting Nogales. Preliminary studies have shown that between 1986 and 1992, 290 of the 600 people that died in that area had some form of cancer. This is more than double the national cancer rate.

Recently, a petroleum spill in the sewer system forced the city to declare a state of emergency and evacuate residents because of concern that fumes from the spill may explode. Many of my colleagues may remember the incident in Guadalajara, Mexico where such a spill resulted in a horrific explosion.

I have said time and time again the United States and Mexico have a responsibility to protect public health and the environment of the border region. We have an obligation to provide the proper infrastructure to meet that goal.

Last year, the President requested and Congress provided $500 million to support the construction of much needed water infrastructure for hardship communities including areas along the United States-Mexico border. While I was pleased that Congress recognized its responsibility to help these communities, my optimism was tempered by the fact that no authorization was given to the Environmental Protection Agency to actually spend this money.

The conferees intended that expenditure of this money would be authorized at some later point. Well, that was October of last year and since then no action has been taken. As a result, we are faced with a persistent and growing threat to public health and the environment from untreated sewage in areas along the border. Senator DECONCINI's amendment is needed because it is clear that this problem demands our immediate attention.

The amendment is quite simple. It would authorize the Environmental Protection Agency to transfer funds to the International Boundary and Water Commission [IBWC] and other appropriate entities to resolve international wastewater problems. EPA would only use these funds either directly or thorough the IBWC to resolve high priority international problems for hardship communities. The IBWC is currently authorized by law to deal with this very problem. The President's fiscal year 1994 budget request identified several of these water projects which rate a high priority.

One of these communities is in Nogales, AZ. Nogales is located on the border directly across from her sister city Nogales, Sonora, Mexico. The International Boundary and Water Commission owns and operates a wastewater treatment facility on the border which treats surface water flowing from Mexico into the United States.

As a result of growth primarily on the Mexican side of the border, the plant is operating at nearly 80 percent of its capacity. Under Arizona law, waste treatment facilities are required to begin planning for expansion once they reach 70 percent of their capacity.

Adding to the problems of the treatment plant in Nogales is a new program in Mexico to expand sewer collection systems. Mexican officials are rightfully moving to ensure the proper disposal of this waste. Unfortunately, the consequence of this is added pressure on the existing wastewater treatment facility. Upgrading the facility is crucial.

According to officials at the International Boundary Water Commission, waste from Mexico and the city of Nogales will exceed the plant's capacity within 3 to 5 years. If the money to upgrade the facility was available today and everything went according to schedule, it would take 4 years to complete the upgrade. Clearly, there is a compelling need to authorize the use of these funds immediately to meet our obligations to citizens in Nogales and throughout the border region.

Madam President, I realize that some of my colleagues may argue that it would be more appropriate to address this issue when the Senate takes up the Clean Water Act reauthorization.

Unfortunately, the time for waiting has expired, the citizens of Nogales and other border communities have been waiting and waiting and waiting. They don't know nor do they care much about the niceties and formalities of Congressional procedure. They do know and care about their children who become sick when wells are contaminated with sewage. They do know and care about growth and prosperity of their city which will be summarily halted if the plant is not upgraded. They do know and care about their rivers and streams which become inundated with sewage when the current sewage system fails. They need and deserve our help.

No member in this chamber can tell the people of Nogales with absolute certainty that the Clean Water Act will be brought to the Senate floor and will pass this year. Despite the best efforts of the chairman and ranking member, we have no guarantee that the Clean Water Act will pass this year. We simply cannot tell these people to continue to wait and to hope for the best.

My colleagues may recall that it was 3 years ago when the Arizona delegation first began to seek funding to upgrade this wastewater treatment facility.

Each year, the citizens of Nogales have been denied. Two years ago a conference committee stripped provisions that would have allowed the plant upgrade—a victim of one member who opposed the North American Free-Trade Agreement.

During debate on NAFTA there was much discussion about the obligation of both Mexico and the United States to protect public health and the environment along the border. Many people including members of this body were quite strident in their criticism of Mexico's performance in that regard. Mexico is making progress. The failure to do our part in the cause would be grossly negligent and hypocritical.

In good conscience, we cannot tell the people of Nogales and the other border communities that face similar international problems to wait any more. I ask unanimous consent to have printed in the RECORD several media accounts of the sewage treatment problems and needs that this amendment would address. I urge my colleagues to adopt this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nogales International, Mar. 4, 1994]

PLANT EXPANSION STILL NEEDED

(By Jennifer Markley)

Plans to develop the recently-expanded Nogales International Wastewater Treatment Plant, now operating at 75-percent capacity, remain under consideration, said officials this week.

"The need is still the same," said Lino Vega, supervisor of the plant.

Rene Valenzuela, public affairs officer for International Boundary and Water Commission (IBWC), said that development plans for the treatment facility await the outcome of preliminary plans under way for collecting renegade flows from Mexico to the treatment plant.

The contract for the preliminary plans has not been assigned to an architectural engineering firm yet, but may be ready next week, said Valenzuela.

At issue, said Vega, is an old line that is "coming to capacity," in transporting wastewater flow from Mexico to the Nogales plant.

Valenzuela said that once results of the study are available, such as the location and size of a new line, the IBWC can coordinate with the Environmental Protection Agency (EPA) for the design and cost of the project before going to Congress for funding.

Money is available for the study of a new line, but "we're subject to Congress" for funding, said Valenzuela.

Paul Valdez, an environmental engineer with the EPA's U.S.-Mexican border team, said there is no specific amount of money set aside for the Nogales plant.

The EPA, however, recently drafted legislation authorizing use of funds in border areas, Valdez said.

But, the funds must be applied for, he added.

The IBWC can apply for funding from "a big pot of $500 million set aside for hardship communities" across the country by the EPA, and from the Border Environmental Cooperation Committee, he said.

Valenzuela said he is not aware of any applications submitted by the IBWC.

Currently, the Nogales plant treats about 13 million gallons per day (mgd), but can expand to 17.2 mgd, said Vega.

"Nonetheless, once you get to 75 percent, you're supposed to notify EPA because shortly thereafter you're going to come to capacity," he said.

Federal law requires treatment-facility officials to notify the EPA with expansion plans when a sewage plant operates at 75-percent capacity, which the Nogales plant did in 1992, said Vega.

There are predictions, he said, that within the next year the plant could reach its capacity of 17.2 mgd, if not because of an increased amount of sewage, then because of rainwater.

"Every time it rains we go up to 15, almost 17, (and) up to 24 (mgd) the other day," he said.

No matter what the amount of wastewater to rainwater, however, the EPA takes one reading from the meter, said Vega.

He said eight additional aerators are needed to mix water and suspend solids at 17.2 mgd.

Though a meeting has not been set to discuss plans for the wastewater facility, four options are under consideration, said Vega.

A plant could be built in Mexico for the southern flow of wastewater, Nogales could pay Mexico to take over and run its plant, the IBWC could buy and run the Nogales plant, or Mexico could buy the Nogales plant and money from that purchase could go towards building a separate plant for the city, said Vega.

He said he thinks the option of a buy-out for the construction of a new plant for the city will be decided upon.

"We need to for sure get ready for that point" when capacity is reached, said Vega.

[From the Nogales International, April 29, 1994]

UNITED STATES SHOULD BUY WASTEWATER PLANT; CITY CAN BUILD ANOTHER

(By Kathy Vandervoet)

There is a possible answer to the dilemma of wastewater treatment.

"We have proposed what we call the 'All America solution'" said Lino Vega, superintendent of the Nogales International Wastewater Treatment Plant.

Nogales would sell its 45 percent share in the existing wastewater treatment plant to the International Boundary and Water Commission.

That agency is already the copermit holder with the city to operate the facility.

In return, the IBWC would build a separate wastewater treatment plant exclusively for Nogales, Arizona.

Funding would have to be approved by Congress.

The new international trunkline would feed sewage from Mexico into the existing wastewater treatment plant, and the existing trunkline would feed the city's new treatment plant, Vega said.

Most Nogales residents are hooked up to the sewer line, but some residential areas are not, such as Beatus Estates, northwest of downtown.

Residents there should be connected to the sewer, health officials have said, because individual septic systems are failing at many homes.

Meadow Hills would also benefit from being hooked to the sewer main.

As well, a vacant area north of Meadow Hills, where two public schools are to be built, is also expected to be developed with homes, and hundreds of acres should be connected to sewer lines.

[From the Nogales International, April 29, 1994]

OPINION—INTOLERABLE SEWAGE PROBLEMS

Most people would prefer to forget about sewage treatment and disposal, but the economic growth of Nogales and better lives for all residents hinges on immediate action.

Nogales must have a second wastewater treatment plant, or see that the current facility is greatly expanded, says Lino Vega, superintendent of the facility.

Sewage from Mexico flows downhill from Nogales, Sonora. For our own health and safety from communicable diseases, the wastes are treated in Nogales, Ariz. But the local plant is at more than 75 percent of capacity. It took 12 years for the last expansion and Nogales doesn't have a safety net of another 12 years.

Meanwhile, Vega says, "the capacity we own and we are paying for is being usurped by the rapid increase in sewage flow from Mexico."

Funding for this international problem must be approved by Congress and the U.S. Environmental Protection Agency has to lobby senators and representatives so that Nogales is not ignored.

The promised economic growth that NAFTA will bring won't make a wrinkle in Nogales if all construction is halted due to inadequate sewage facilities.

Vega has told the EPA that "this is an intolerable situation." Now let's see if Administrator Carol Browner responds.

[From the Nogales International]

SEWAGE PLANT MUST EXPAND SO ECONOMIC GROWTH CAN CONTINUE

(By Kathy Vandervoet)

If Nogales doesn't get help soon from the U.S. Environmental Protection Agency (EPA) for the city's wastewater treatment plant new construction could come to a screeching halt.

Severe pollution of the Santa Cruz River is also a possibility. Lino Vega, superintendent of the Nogales International Wastewater Treatment Plant, prepared a detailed explanation for the EPA's deputy director, Robert Sussman, when he visited here last week.

"The capacity we own and are paying for is being usurped by the rapid increase in sewage flow from Mexico," Vega said.

The treatment plant is receiving more than 75 percent of its total capacity, and planning for expansion or a second sewage collection location is overdue.

The existing main sewer line from Nogales, Sonora, which runs underground in Nogales, Arizona is currently at capacity, Vega said.

Vega explained that there are two reasons for the sewage treatment emergency:

Rapid population growth in Nogales, Sonora, estimated at four percent a year.

Improvements to the water and sewer systems in Nogales, Sonora.

Vega said that Mexico is pursing very aggressively construction of new sewer lines and the increase of water supplies for Nogales, Sonora.

"It is our understanding that when a wastewater treatment plant reaches 100 percent of capacity, EPA will probably not allow new sewage connections in our city.

"That would be an enormous economic hardship on our city—even though our people are paying for excess capacity in this treatment plant for our own growth," Vega said.

Current water use in Nogales, Sonora, is around 50 gallons per person per day, as compared to 250 gallons per person per day in Nogales, Arizona, Vega said.

"As the population of Nogales, Sonora, increases, their water supplies improve and sewer collection systems coverage improves, we are going to get more wastewater to treat.

"We experienced a substantial increase in sewage flows when the first Los Alisos (Mexico) project went on line," Vega said.

Even so, there is an estimated one to two million gallons per day of raw sewage flowing down the Nogales Wash. If that sewage is put into the wastewater treatment plant, as is currently proposed, the city quickly gets closer to the plant's capacity, he said.

"It took 12 years for the expansion of the treatment plant" that was completed 18 months ago. We cannot wait 12 years to deal with the problems we face," Vega said.

The EPA's Sussman said during a public forum on April 21 that his agency is pressing for funds.

The EPA has requested $5 million from Congress this year and $13 million in 1995 to ease Nogales sewage problems.

Vega said, "Our problem is very simple and very important—if sewage flows from Mexico exceed the capacity of the existing wastewater treatment plant, we are going to have an increase in raw sewage flowing down the Nogales Wash and into the Santa Cruz River, polluting the groundwater supplies for the entire Santa Cruz River Valley.

This is an intolerable situation for us," Vega concluded.

[From the Citizen]

TESTS CONFIRM GAS IN SEWAGE

(By Anne T. Denogean)

Preliminary test results confirm that "dangerously high levels of petroleum-based products, primarily diesel and gasoline," were found Thursday at the Nogales Sewage Treatment Plant.

In making that announcement last night, Nogales Fire Chief Jose de la Ossa added; "It is anticipated that results from samples drawn from the sewer line at the Sonora border will reveal much higher concentrations of these products."

Final tests results are expected Tuesday, the fire chief said. Preliminary results have been forwarded to appropriate authorities, including the International Boundary Water Commission, he said.

The hazardous material that leaked into a Nogales-area sewer line Thursday forced evacuation of more than 4,000 residents on both sides of the border. They were allowed to return to their homes and businesses Thursday night after subsequent test readings were normal.

Continual monitoring of the sewer lines since Thursday night has found no unusual levels of petroleum-based products of any kind, de la Ossa said.

A 7½-mile-long, 300-foot-wide strip that covered territory on both sides of the border had been evacuated after workers from the sewage plant that treats waste water flowing north from Nogales, Son., detected very high levels of a gas, believed to be a petroleum by-product.

The source of the contamination remains a mystery.

U.S. Sen. John McCain, R-Ariz., yesterday called on Mexican President Carlos Salinas de Gortari "to investigate the source of repeated pollution of the border area."

"The Mexican government is still investigating with all the different agencies on the Mexican side to determine what the source of it is," said Carlos Peña, Nogales project manager for the U.S. section of the International Boundary and Water Commission.

Nogales Police Chief Luis Alday said he had spoken to his counterpart in Nogales, Son., and was told that Mexican authorities have some leads.

Jerry Slusser, an emergency response specialist with the Arizona Department of Environmental Quality, said the Arizona Attorney General's Environmental Crime Unit is investigating as well.

Peña said Thursday's problem did not result in any contaminated water being released into the Santa Cruz River.

The main sewer line leads to the sewage treatment plant, which then discharges clean effluent into the river.

If the contamination is a petroleum by-product, it will evaporate or dissipate before the water leaves the plant, Peña said.

Mr. BAUCUS. Madam President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1711

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to table amendment numbered 1711. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is necessarily absent.

I further announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—75

Akaka
Baucus
Bennett
Biden
Bond
Breaux
Brown
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Daschle
Dole
Dorgan
Durenberger
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—23

Bingaman
Boren
Boxer
Bradley
Bryan
Campbell
D'Amato
DeConcini
Dodd
Domenici
Exon
Feinstein
Gramm
Harkin
Heflin
Hutchison
Johnston
Kerrey
Lautenberg
McCain
Reid
Riegle
Simon

NOT VOTING—2

Moseley-Braun
Shelby

So the motion to lay on the table the amendment (No. 1711) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Madam President, on behalf of Senator WELLSTONE, I ask unanimous consent that David Corvette, a fellow on the staff, be permitted the privilege of the floor during the pendency of S. 2019 and for all rollcall votes, and I make the same request with respect to Jack Fowle, on Senator MOYNIHAN's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we are starting to process amendments. That is good. We are starting to get a little bit of roll here. We voted on the amendment of the Senator from Arizona. I understand that other Senators are now ready to come to the floor and offer amendments.

I, again, urge Senators to come to the floor. There is time now within which to consider amendments. I remind Senators under the agreement, we are on the safe drinking water bill today and also tomorrow. Tomorrow there will be a joint meeting of Congress. The Senate will recess temporarily for that joint meeting in order to hear the address of the Prime Minister of India. There may be other times tomorrow during which the Senate will be unable to conduct business, which is to say Senators should not assume they will easily be able to bring up their amendments and have them disposed of tomorrow.

All amendments must be brought up and offered prior to the close of business tomorrow under the agreement. Staff is over here. If Senators want to send their staff over to work out amendments that, too, will be very appropriate. If the Senators themselves want to come over and debate their amendments, I strongly urge them to do so now.

Madam President, I now see the Senator from New Hampshire on the floor. It is my hope that he has an amendment.

Mr. GREGG. I do.

Mr. BAUCUS. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1712

(Purpose: To prohibit the assessment or collection of penalties against a community if the noncompliance of the community with the Safe Drinking Water Act results from an unfunded Federal mandate)

Mr. GREGG. Madam President, I send an amendment to the desk. Frankly, I have not had an opportunity to send this to the chairman, so I also ask that a copy be given to the chairman.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1712.

Mr. GREGG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 74, between lines 5 and 6, insert the following new paragraph:

"(8) WAIVER OF PENALTIES THAT RESULT FROM UNFUNDED FEDERAL MANDATES.—

"(A) DEFINITIONS.—As used in this paragraph:

"(i) FUNDS.—The term 'funds' means amounts provided by the Federal Government to a political subdivision, including amounts that must be repaid by the subdivision.

(ii) UNFUNDED FEDERAL MANDATE.—The term "unfunded Federal mandate' means a requirement that a political subdivision undertake a specific activity, or provide a service, in accordance with this title during a period, to the extent that the Federal Government does not provide, directly or indirectly, funds that are necessary to undertake the activity or provide the service during the period.

(B) WAIVER OF PENALTIES.—The Administrator may not commence a penalty assessment proceeding under this subsection against a political subdivision and any pending penalty or penalty assessment or collection proceeding under this subsection against a political subdivision shall be waived, if the noncompliance of the subdivision that is the subject of the penalty or proceeding results from an unfunded Federal mandate.

Mr. GREGG. Madam President, last week, the Senate approved the conference report accompanying the budget resolution. That resolution contained a sense-of-the-Congress provision on unfunded mandates.

I had offered this provision when the Budget Committee was marking up the resolution on the budget. All 21 members of the committee voted for it and, of course, the budget resolution, adopted by this House and the other body has been approved. The provisions of that section of the budget resolution which we just adopted state:

> The Federal Government should not shift the costs of administering Federal programs to the States and local governments.

I really do not think anything could be clearer as a statement of intent. It is a very appropriate statement of intent because, as we have seen all too often, it has become the nature of this Government—the Federal Government—to pass laws which are well-intentioned and well-meaning but to pass the cost of those laws on to the local governments and the States.

The practical effect of that is that we, as a Congress, can take credit for the well-intentioned purpose of the law, but we do not suffer the pain of having to raise the revenue to pay for it. Rather, that burden falls on the local communities and the States.

Another practical effect of this is that the local communities and the States find that their tax base is skewed by the activities of the Federal Government in a manner that makes it impossible for the local communities and the States to spend their locally raised revenues on the priorities which they consider to be most important. Rather, they must spend their local revenues on the priorities that are set forth by the Federal Government.

For example, a community may wish to hire more police officers or spend more on training its teachers or paying its teachers. They may wish to spend more on fire, or may wish to spend more on its local park system. But because of the pressure put on the local communities to comply with a variety of Federal laws which are unfunded but which mandate them to undertake action, it finds that a large percentage of its tax base has to be allocated for the purposes of paying the Federal activity, which has been directed on it, rather than the local decisions which may be their first priority.

And so this language was put in the budget resolution because I think most Senators understand this, most House Members understand this, frustration that is growing in our country amongst local and State representatives and leaders with the Federal Government telling the local communities to do something but not being willing to pay for it.

The bill that is before us represents a legitimate and genuine effort by the chairman of the committee and the ranking Republican on the committee to try to address this problem. They have been, I believe, very sensitive to the fact that unfunded mandates are the scourge of the towns and city governments throughout this country. But as hard as they have tried, unfortunately, there remains in this bill a fair amount—a considerable amount in fact—of unfunded mandate language and implications.

The EPA has estimated that the capital expenditures needed to meet the requirements of this safe drinking water bill are approximately $8.6 billion. That is a huge amount of money. That is the capital side. You must couple with that expenditure number the fact that there is a significant cost in compliance that is put on the local communities as a result of this bill.

My language is really quite simple. I do not go the full distance and say if the Federal Government does not pay for it, the towns and cities do not have to do it, although there are some strong and effective pieces of legislation that are cosponsored by a large number of Senators in this body—in fact, a majority of the Senators in this body have cosponsored language to other bills —which would accomplish that and which, if it were in law today, would directly impact on this bill. I do not even go so far as to say that as to this bill those funds which are allocated to the loan fund, which really are still an unfunded mandate because the towns must pay back the loans, will be counted as unfunded mandate obligations. They should be. They are. But I have not taken that step either.

Rather, I have tried to scale back the approach so that it would be more acceptable to the majority of the Members of this body, who I recognize are interested in passing an effective Safe Drinking Water Act, and this bill before us is an excellent act for that purpose.

The manner in which I have done this is to essentially say if a town does not comply with the Safe Drinking Water Act because it is unable to get funding from the Federal Government to comply with the Safe Drinking Water Act, whether it comes as a grant or whether it comes as a loan, then the town or city will not be subject to fines from the EPA for noncompliance.

The purpose of this really is to prevent the Federal Government from imposing what amounts to a double whammy on States and local governments by first hitting a State and local government with an unfunded mandate and then saying we are not only not going to pay for the mandate, but when you do not comply with the mandate we are going to fine you for not complying with the mandate. It really is an incredible double whammy, and unfortunately a large number of towns and cities get caught in it.

So what this amendment does is put the fines on hold. It does not even abrogate the fines. It puts them on hold as long as there is no money to pay for the capital expenditures or the other expenditures which are incurred to comply with the mandate.

It allows to be counted as a source of revenue for the purposes of paying for those funds the loan fund which, as I already mentioned, really is an unfunded mandate in and of itself, which we will for the purposes of this argument accept, and therefore go forward as if, when the loan fund is drawn down, the city or town will have been deemed to have received a Federal payment which would then mean that its failure to comply would institute the fines, or if the funds were available to it, its failure to comply would institute the fines.

It is really a quite simple approach and says no funds, no fines. I think it is the only fair way to go. I do not understand how, in fairness, we can say to communities first that you must do something; second, that we are not going to pay for it; and third, if you do not do it and do not pay for it, we are going to fine you for not having done it. There seems to be a contradiction in that approach which undermines obviously a fairness in the matter of relationships between different levels of Government.

I hope that the committee would accept this amendment. Obviously, if the committee is not willing to accept it, I would ask that we have a vote and if there no comments on this, I would ask for the yeas and nays.

The PRESIDING OFFICER (Mr. AKAKA). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire yields back the remainder of his time.

Is there further debate?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, this is the first opportunity that the committee has had to look at this amendment. It was just offered a few minutes ago. It is the first opportunity the committee has had to look at its language, to assess its effect in order to better understand the actual implications and manifestations of the amendment. It was my understanding that the Senator from New Hampshire was going to offer an amendment in this area dealing with so-called unfunded mandates, asking utilities to indicate on their bill the amount that is attributable to various provisions in the Safe Drinking Water Act.

This is not that amendment. This is an entirely different amendment. So I must comment on it now as just a matter of first impression without having the opportunity to think it through.

Mr. President, the basic question is unfunded mandates. What is the concern? The concern on the part of many people is that the U.S. Government asks various States and cities and localities to undertake certain action in the name of protecting the public health and safety, and the concern is that although the U.S. Government passes laws working with States to try to find the right balance and the right ways to encourage good health and safety standards, the U.S. Government does not provide full funding to the States and local communities commensurate with or equal to the requirements in the legislation.

That is the basic concern. I might make several points, Mr. President. First of all, with respect to our environmental statutes, it is important to remember that our environmental statutes are really quite new. Our environmental statutes are basically about 20 years old. The Safe Drinking Water Act, the Clean Water Act, the Clean Air Act, Endangered Species Act, the National Environmental Policy Act, these are all major environmental pieces of legislation, most of which were passed in the President Nixon era to address some very legitimate environmental concerns, and one of them is safe drinking water.

Up until 1974, safe drinking water regulation was left to States, cities, communities, localities, and so forth. That is because traditionally in our country health and safety is the province of the States, and not the Federal Government. But the U.S. Congress acted in 1974 and passed essentially the first national Safe Drinking Water Act. It had a different name at the time. Why did Congress do so? Congress did so because of the very deep concern that States, cities, and towns were not doing the job. They were not providing for good, healthy, safe drinking water in their communities. There were many instances of illnesses, of deaths, and just a lot of water systems in this country were not providing good, healthy, safe water.

I think if there is anything this country is proud of, if there is any given that Americans take for granted and assume it is something they can count on, it is when they turn on the tap in their home that the water is going to be safe, they can drink it, or when they turn on their tap and make a cup of coffee it is going to be safe. They can drink it. It is clean, healthy, safe water.

I might say that up until somewhat recently when Americans traveled overseas, traveled abroad, the basic question was, "Can you drink the water? Is the water potable? Can you drink it? Is it healthy? Is it safe?" We Americans assumed that American water was healthy and safe. We assumed somewhat correctly, with some arrogance perhaps, that water in other countries was not healthy, and was not safe. They could not drink it. You could not drink the water.

Times are changing. In other countries, we are finding that the water is more healthy, is safe. You can drink the water in more countries than say 10, 20, 30 years ago.

Now there is a slight concern in our country that some of our water is becoming maybe not quite as healthy, not quite as safe as we assumed that it was.

For example, with the cryptosporidium outbreak in Milwaukee, there were headlines in many of the newspapers, "Milwaukee water is not safe to drink." There was a moratorium on drinking the Milwaukee water for some time.

In Washington, DC, another example: You could not drink the water in our Nation's Capital because it was not healthy, was not safe to drink. We finally got that straightened out after several days. Now visitors that come to our Nation's Capital can turn on the tap and drink the water without much concern or worry.

Another point: This is a complex Nation of ours. We have a complex form of Government. We are not one sole Nation. We are not 50 nations. We are 1 Nation and 50 States. It is therefore incumbent upon us to try to find the right balance between Federal regulation and State and local regulation.

We in this bill are doing so. That is, we are delegating much more back to the States—much, much more back to the States than was the case in the past.

But again I might go back and reconstruct just briefly. We in the Congress in 1974 did pass the national act because the States were not doing the job. The States and the localities and the cities were not doing the job to protect their water. So Congress stepped in in 1974 with the first, albeit mild, national legislation to help assure Americans that not only their own communities but when they travel across the country as tourists, when they go to visit friends and relatives in other parts of the country, that not only is the water in their community safe but it is also safe in the community they visit.

Americans are in transit. They move about a lot. They change jobs. We hear in the health care debate about job lock. "Gee. I cannot get a different job because my company provides good health insurance. The other job I am looking at, that employer does not provide good health insurance. So I am reluctant to leave, change jobs." It is called job lock.

We certainly do not want a clean water lock where Americans feel, "Gee, I do not know if I can move to that State. I do not know if I can move to that community because their water might not be as good and as safe as it is in ours."

Think of the children. If there is anything we want our children to have is an assurance that the water they drink is healthy and safe.

So unfunded mandates is the issue. This legislation dramatically reduces the burdens on communities, and particularly on small communities, small systems which feel the greatest brunt of the burden.

I mentioned that in 1974 the Congress passed the first Safe Drinking Water Act. We delegated certain responsibilities to the EPA. What happened? By 1986, EPA had not done the job. EPA had written standards I think for only one or two additional contaminants. I have forgotten the exact number, but not very many contaminants. So Congress in 1986 passed revisions to the Safe Drinking Water Act.

The Republicans were in control of the Senate. The Republican President, Ronald Reagan, signed the bill. It passed the Senate almost unanimously, and was signed without much fanfare, increasing requirements and standards across the country to better assure Americans that the water is safe to drink.

Here we are in 1994. What happened? What happened pretty simply is we went too far in 1986. We enacted standards that are too burdensome, particularly on small systems; that is, systems in communities with fewer than 3,300 people, because according to the laws of the economy of scale, the very large cities could much more easily allocate and distribute the monitoring costs and the capital costs associated with installing technology, filtering the water, and so forth than systems with too few hookups.

In fact, in small systems it is sometimes 10 to 14 times more costly per household to meet the same standards as a big city. That is one of the reasons we are hearing this concern about unfunded mandates; that is, the mandate particularly on small systems. The large systems really do not care very much about the mandates. They can do it. It is not very costly to them. It is the small systems that are having a devil of a time meeting the current 1986 requirements.

The bill before us very dramatically addresses that concern. It does so in many ways. First, we reduce the monitoring costs. There is a very significant reduction. In current law, all systems must monitor for each of the contaminants at least once a year over 3 years. Technically, it is one-quarter out of I think 3 or 4 years regardless of whether the monitoring—that is, the testing—detects the contaminant. That is in the law today.

That is big systems, small systems, in year one, you monitor. You test for various contaminants to see whether the contaminants are present in your water. If there is no detection, currently you still have to continue to monitor. Monitoring is very expensive, again particularly for small systems.

What are we providing? We are saying, OK. If you monitor—that is, if you test—and you find in the small system that there is no contaminant, you do not have to monitor again for that contaminant for 3 more years. We have reduced the monitoring costs.

I might add that monitoring is by far the biggest cost facing small systems. That is the biggest problem facing small systems—monitoring.

We also modify monitoring in another way. What is it? It is the State monitoring program. There is a big, big reduction in monitoring costs; massive reduction in monitoring costs.

Three States have taken advantage of the State waiver program: Wisconsin, Michigan, and I have forgotten the third State. In Michigan, the monitoring costs are now reduced to about 10, 12 percent of what they otherwise might be. There is a dramatic reduction in monitoring costs. Under the Michigan—as well as the Wisconsin—State monitoring program, those States figure out what parts of the State should we monitor because contaminants tend to be present? What other parts of our States should we waive monitoring because these contaminants tend not to be present? It depends upon where certain companies are located, it depends upon the groundwater systems, it depends upon a lot of factors. Again, it is a dramatic reduction. I do not know whether New Hampshire is taking advantage of the State monitoring system. But if any State were to take advantage of the monitoring program, they would find steep reductions in their monitoring costs.

Another provision is that we make it easier for States to apply for and be given authority under the State monitoring program. Today there is a State grant program, and we allocate certain dollars among States to help them meet their concerns by allowing these dollars to be available to help implement State monitoring programs. We have heard that some States would say, gee, we would like to apply to the EPA, but it is onerous, and it is hard to go through the hoops and the redtape. We heard that concern and we are making the changes necessary in this bill so that States—all States—can apply with much more facility to significantly reduce their monitoring costs.

What about the technology costs? Again, I repeat: By far, the most onerous burden that the "Safe Drinking Water Act" today puts on small systems is the monitoring costs. Without sacrificing health and safety, we are saying to small systems in particular, you do not have to monitor quite as often, again, if we do not find a contaminant. Beyond that, the States of New Hampshire, Rhode Island, California, or Montana, any State, can apply and work out a State program in some localities and monitor for contaminants, depending on the nature of the business and the industries and ground water vulnerability.

What about the few small systems that find out that they've tested positive? There is a contaminant in the water. What do they do? We have taken care of that by saying that small systems, after looking at other alternatives, such as consolidation, joint administrative costs, and so forth, you can apply for what is called "small system best availability technology"—off-the-shelf technology. I must say that as technology advances, the costs of off-the-shelf small system best available technology are getting a lot lower, dramatically lower. So we are significantly, dramatically reforming the mandates, saying there is much less of a mandate than there has been in the past.

Second, we are funding the reform mandate. This legislation provides for a whole new program, a State revolving loan fund for States to address their drinking water system needs. The authorization is $600 million in the first year, already provided for and appropriated; $600 million has already been appropriated in this Congress for this year. We also provide for a billion-dollar authorization for next year and each of the succeeding years, until we get up to $6 or $7 billion. It is the safe drinking water State revolving loan fund, under which all States—New Hampshire, for example—could decide that here we have a small community having a devil of a time meeting the mandates. Remember, we have dramatically reformed them. They are much less than they were. I guess that is a 70 percent reduction in costs for monitoring, and a 20 to 50 percent reduction at least for technology for smaller systems, which are bearing the brunt of this. Also, there are big changes for the large systems, too. New Hampshire can decide, OK, this small system cannot quite make ends meet, so we are going to give them a very low interest loan to help them install their technology.

We in Congress are funding the mandate. They might come back and say: What about the systems that cannot afford it? We provide in this legislation—I think it is up to 30 percent of the State revolving loan fund may be provided to systems by States for interest writeoff and principal writeoff—in effect, a grant to those small communities. We are providing the dollars. They are there.

Another provision in this bill is in a whole new area related to the Clean Water Act. What is that? Essentially, it is the legislation that helps ensure that our rivers, lakes, and streams are cleaner. The Clean Water Act also has a State revolving loan fund for wastewater treatment plants for communities to make sure they have the wherewithal to build their sewage systems and their wastewater treatment systems. It is a big program. I think it is close to about $2 billion, roughly, annually. We are providing in this legislation that States can transfer dollars out of the Clean Water Act State revolving loan fund over to the safe drinking water loan fund and vice versa, which is a lot more flexibility for the States, to have a new source of money.

I will sum up by saying that we are undertaking three very important constructive measures here that hit the nail on the head. That is, they direct this unfunded mandate concern, reforming the mandates, and say, OK, we are reducing the redtape and the burdens and particularly where it is most onerous—that is, particularly in the small systems—reforming the mandates.

No. 2, we are funding the remaining mandates with a new program, State revolving loan fund.

Three, we are giving much more flexibility to the States, much more. Each State is different. The flexibility is essentially that States can set up their own monitoring program, at a very reduced cost. And, in addition, we are saying a Governor can switch dollars from the State drinking water revolving loan fund to the clean water revolving loan fund, and vice versa. There is more flexibility there. Those are some of the provisions contained in this legislation to address the very legitimate concern that the Senator has and that people across the country have.

Our committee has met incessantly, constantly, with groups across the country to try to find a way to make this drinking water program work better. What we are doing here today is revolutionary. We are not standing on the floor with a whole new environmental statute. We are not enacting a whole new statute to rush in and address the problem. We are not doing that. We are taking an existing statute and reforming it, making it work better. We are addressing people's concerns. I think when Senators take a long, good hard look at the actual provisions of this bill, they will find that it makes sense.

There is a coalition of drinking water systems and of organizations across the country that had some earlier concerns with this bill. We have worked with that coalition, and because of a series of changes, they no longer have concerns with this bill. At least they do not oppose this bill. I think that it is safe to say that they now support this bill. I have just been assured that they will support the bill.

Let us get on to the amendment. It basically provides, as I understand it—and it was just handed to me—no penalties may be assessed by a Federal agency—essentially the EPA—and no action may proceed with respect to any system violating a provision of the Clean Water Act. I guess that would essentially be the U.S. attorney's office, at least in Federal court, that would file or commence any proceeding under the Clean Water Act. None of that could ever occur if there was a determination that there were not sufficient Federal dollars going to that—it is unclear here. I guess that it is the political subdivision fully providing for payment for that requirement—in this case a Federal requirement.

Various questions come to my mind. No. 1: How do we know whether or not there is a so-called unfunded Federal mandate? Does that mean 100 percent of the costs have to be paid? Does it mean that 80 percent are paid? Does it mean 90 percent are paid? What happens when there is a contract which provides for full payment; yet, we are only halfway through the terms of the contract? What year are we in? Because whenever a new system is built, it is not built in the first year. It takes several years to build it.

And sometimes, with a small percentage of the States, revolving loan funds are allocated to pay for the first 2 percent requirements in the first year. The second year it might be 20 percent completed construction; it might take several years to complete the construction.

So what do we mean by unfunded mandates? I can see all kinds of litigation to respond from this thing. I do not think it is the Senator's intent to stop dollars from being allocated to these systems.

But then there is a more fundamental point that comes to my mind. What if a State is not providing for its people? And what if Uncle Sam says you must? And what if it turns out, in trying to work out how we pay for it, that the city is out of compliance because it is thumbing its nose at its citizens, or the Congress, or the State? Then, according to this, the Federal Government could not commence a penalty assessment proceeding, it could not commence any kind of a proceeding to bring that system into compliance.

I would think, Mr. President, that the people who live in our cities and towns across our country, their first concern is that the water is safe. That is going to be their first concern. Is it healthy, safe water to drink? I bet that is their first concern.

Second, they are going to be concerned about who is paying for it, and how it is paid for. I would guess they would not want the Congress, the States, the county commissioners, the water commissioners, to be in this big hassle which would result in no enforcement; no Federal enforcement, certainly. I would think they would want to make sure, first of all, that the water is safe and then, secondarily, to figure out some other way to address these questions.

Again, I want to sum up by saying, I do not have a total account as to whether these so-called mandates are fully funded or not. I would not be surprised, in some instances, if they are overfunded. Some of these communities get an awful lot of dollars under State revolving loan fund allocations that may be above and beyond their needs. I do not know that.

But this bill is so generous in reducing the mandates and so generous in providing dollars, it has occurred to this Senator several times that some of these communities and States around the country are getting a pretty good deal.

We have certainly addressed the question of unfunded mandates with respect to the Safe Drinking Water Act. And that is all this amendment is tailored to, as I understand it, and that is the Safe Drinking Water Act.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New Hampshire.

Mr. GREGG. Madam President, I certainly appreciate the chairman's lengthy and very substantive explanation of the process the committee went through in developing the Safe Drinking Water Act. And, as I said in my opening statement, in commenting on my amendment, I thought it had done a fine job attempting to address this issue and that it had recognized unfunded mandates remain a serious concern, and that it had, as the chairman has outlined, undertaken a number of initiatives to try to address this.

But, by the terms of its own report language, we have here an unfunded mandate of a minimum of $3 billion. That is the difference between what CBO estimates capital expenditure costs to be and what the revolving fund will be. That does not account for the significant dollars which the chairman also reflected on relative to compliance and relative to monitoring, which are very, very expensive.

Even if the local communities are able to apply for the technical assistance grants, even if they are able to apply for the direct grants out of the revolving fund, there is still the compliance issue which is extremely expensive.

So there is no question but there is a significant cost put on local communities to comply with this bill. And I do congratulate the committee for attempting to address those costs and attempting, in a very logical way, to do that; and in a way that has not traditionally been done in many of the environmental bills that has come before this Congress throughout the 1970's and 1980's. So I hope this is a new path we will be seeking, because it is a more reasonable path of dealing with different levels of the Federal Government, especially local communities.

But that does not resolve the problem completely, because there will be instances where the Federal Government will be demanding of a local community that it take action, but then it will say, but we have no funds available from the loan fund—which, remember, is also an unfunded mandate, but which issue I am setting aside for a moment—but there will be no funds available from the loan fund because the loan fund will have been exhausted for that year and it may not be available until next year or the following year or maybe it will not be available at all. But, in any event, there is no money at the point when they are told to do something to help them do it.

I am not saying the town or the city can escape the law and say, well, therefore, we do not have to do this. That is not part of this amendment.

What I am saying is that, at that point, there cannot be fines assessed against the towns and the cities for not complying. Rather, they are going to have to sit down at the table and work out an agreement. That is the whole point of this amendment; where the EPA, and the State, and the local communities that are being impacted will figure out where they are going to get the money to do this with.

That is a no funds, no fine approach. It is not an approach that says if there are no funds you do not have to do it. It is not that type of approach. Although, as I have mentioned, there are a number of bills in this body right now which have a majority of sponsorship of the membership of this body which say exactly that and where they say this bill could not go forward in a number of instances because of that situation. But that is not the tenor of this amendment.

What this amendment tries to do is to avoid the double whammy. First, you do not give them the funds, then you hit them with a fine. All we are saying, if you do not give them the funds, you cannot hit them with a fine. You can hit them with a fine later on if they do not get the funds available. But, first, you have to have the funds there so there is a little fairness in this process.

Now, the chairman raised two points in his commentary on this. He said, what is an unfunded mandate? I think it is essentially defined by the body that is assessing the fine. If the EPA comes in and says, "This must be done," that is a mandate. And if it says, "This must be done and if you do not do it we are going to fine you," then that is clearly the mandate that is being talked about. And if there is a fund out there to pay for it, then the issue of it being unfunded is no longer in question.

If the State has the funds, the EPA can point to the funds and the town has to either go and apply for that money and get that money to do what it is supposed to do, what it has been appointed to by the EPA, or designed by the State environmental services agency, or if it does not do it, it gets fined because the money is there.

But if the money is not there, not in the revolving fund, and the EPA says, "You must do this," then it cannot assess a fine at that point. It can the next year, if the money comes back into the revolving fund. If the State replenishes that revolving fund, then the EPA can say, "Well, we told you to do that last year and you did not do that. That does not relieve you of the responsibility. This year the money is there, so we expect you to do it." Then they can assess the fine.

So I really do not see that as being a legitimate point of contention. First, the unfunded mandate is defined by the terms of a filing, which the EPA would undertake and, secondly, clearly if the money is there, fines have to occur or compliance has to occur. So it ends up as even fewer lawsuits. In fact, it energizes the settlement of the matter, rather than the opposite occur as to what I think has been represented by the chairman as a possible problem with this amendment.

This amendment is just logic. It is fair play and common sense. All it says is, "Hey, listen. You can tell a city to do something"—and you have a right to tell them to do something; we are not denying that right to this bill; to clean up their water, make sure it is clean—"but when you tell them to do it, if you cannot fund it, you cannot fine them for not doing it."

And since the chairman made, at great length, a statement that said basically what we are going to do is come in and fund here, we are going to come in with enough money over the time period to do it, this amendment should not even be needed to be debated. It should be accepted on the grounds that, hey, it is never going to be needed because at some point the process will be funded and, therefore, the amendment will not have an effect, if the chairman's philosophy of the way this is going to work works out, and I hope it does.

But there is always the occurrence that may come about that maybe the Appropriations Committee is a little short of money one year and does not fully fund the authorization; maybe for some reason the revolving fund in the State has drawn down a lot faster than it was expected and it cannot fulfill all the obligations that year and has to wait until next year. In those instances, I do not think it is fair to be assessing fines against towns which are not complying. It does not mean they do not have to comply at some point. It just means they cannot be fined until we can help them out by giving them the dollars to support them. So the amendment is simple. I am not sure when the chairman wishes to go forward with a vote on this, if he wants to go forward now or if he wants to roll the vote over to a time certain with other votes. I do not know what his plans are but I would be amenable to whatever he wishes to do in that regard.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from New Hampshire for his interest in these unfunded Federal mandates. He has spent a lot of time on this and is deeply concerned. He was a Governor, as perhaps he has pointed out, so he has seen the effects of the Federal Government levying requirements on the States without fully funding them.

However, it is nothing unusual. I must say, although the Clean Water Act and waste treatment requirements under that are not 100 percent fully funded, as we all know—the State puts up some—the Federal Government puts up usually about 75 percent—but in the end the communities and the State have to obey, otherwise our waters would never be cleaned up.

As I understand the amendment here—correct me if I am wrong—first, it deals solely with the Safe Drinking Water Act. Second, as I understand it, it says that there can be no requirements by the Federal Government levying on the communities requirements to keep their water clean unless the Federal Government has fully funded those requirements.

As I understand, it is not quite that way. It says there can be no fines levied for failure to comply. Am I correct in that?

Mr. GREGG. The Senator from Rhode Island is correct. It is the issue of when the fines can be levied that is raised by this amendment.

Mr. CHAFEE. In other words, if the fines cannot be levied, there is really no real requirement that the community obey? I think that follows; otherwise, what is the incentive for them to obey? If they do not obey there is no penalty?

Mr. GREGG. If the Senator from Rhode Island will yield, first, the issue is, if you are going to order the towns to comply, you should support the towns with funds to pay for that. If you do not have the ability to support the towns with funds in that year, then the fine will not apply that year. The next year you can make the funds available and then you can fine the towns to force them to comply.

Mr. CHAFEE. What the Senator from New Hampshire is saying, in effect, is that the Federal Government has no ability to levy a safe drinking water requirement on a community unless the Federal Government is prepared to pay 100 percent of the funds required to comply with that demand by the Federal Government, with those regulations?

Mr. GREGG. If the Senator will yield, I am saying, under this act, to the extent the Federal Government directs the communities to undertake an action, if the Federal Government is not supporting that action with funds, then the Federal Government can continue the directive but it cannot insist on collecting fines—which would be the double whammy effect of, first, you tell them to spend the money, and then, if you do not have any money to support the event, you tell them you are going to fine them—until you do support them.

Mr. CHAFEE. I am not sure in the amendment of the Senator that it says they cannot afford to do so. It is just if they do not do so, as I understand the amendment. I can be corrected.

Mr. GREGG. If the Senator will yield further, there is no condition of affluence testing, who can and who cannot comply with the Federal law. If the Federal Government is going to enforce the law, the theory is the Federal Government should pay for the cost.

Mr. CHAFEE. It seems to me, Madam President, that what we are doing here, if this amendment should be adopted—and after all, if it applies here, I see no reason why not the next step, when we have a Clean Water Act, why the same requirements should not be levied on that. If the Federal Government is not prepared to pay 100 percent of the cost of waste treatment facilities to clean up lakes, rivers, and streams, then the local communities do not have to do anything.

But that is a step ahead. I am going to stick right to this treatment of safe drinking water. It seems to me the Federal Government, with the tremendous mobility that exists within our populations and with the tremendous amount of travel that takes place where somebody from Ohio is going to California or somebody from Nevada is going to New Hampshire or somebody from Montana comes to Rhode Island, that the Federal Government has a certain right to ensure, to the extent it can, to the citizens of our Nation, that the water they drink is clean. If the Federal Government is going to step in and be helpful, that is grand—as we do in this legislation. We start, under this bill, with $600 million of revolving funds to help the local communities produce clean water. This is the first time we have had a revolving fund in that area, so this is a big step forward.

But to say the Federal Government has no power to ensure that traveling citizens of this Nation are going to be safe where they go in the water they drink unless the Federal Government pays 100 percent of the cost I think is a very unusual step. I do not think that is a fair requirement to levy in connection with the safety and the health and well-being of our citizens.

Mr. GREGG. If the Senator from Rhode Island will yield, I think it would be unusual for someone to travel from Montana to New Hampshire and find that the water in New Hampshire was any less of a quality than it was in Montana. I believe the scenario that has been laid out is at best hypothetical and a bit exaggerated. The fact is, the people who live in the community where the water is delivered are the ones who have the most significant interest in maintaining the quality of that water.

I guess the Senator is going forward with the assumption the only people who are sensitive to having water that is clean and potable are people who live in Washington or work in Washington. I know the Senator is not of that mind. I know he recognizes fully the people of Rhode Island and New Hampshire and the town of Barrington, RI, and the town of Nashua, NH, are as sensitive to having good water as the people are in any other part of this country.

So there is clearly an innate and inherent incentive for the local community to maintain its water supply at a high level of quality. And traditionally in this country that has occurred.

That is not to argue against the concept of a Federal law in the area. No, I think a Federal law in the area makes considerable sense, and I think the law this committee has produced is an excellent piece of legislation. But when the Federal Government decides to step onto the turf of the local community, which has the primary interest of delivering water to its citizenry, and tell the local community exactly what it should be doing relative to the delivery of water to that community, something it has been doing for probably 200 or 300 years, at least in the New England area, without this law—prior to 1974 when it was first initiated, and amended in 1986, I guess—then I think the Federal Government, once it decides to enter into the issue of directing the local community as to how they are going to manage their water supply, has a very definite obligation to pay for the additional costs that it is putting onto the local community.

I am not even demanding, or suggesting, that occur. I am not even requesting that occur in this amendment. If I wanted to take that approach, I would have brought forward one of the many bills of this body that do exactly that, that say the mandates should not go forward and there be no need to comply unless they are fully funded. Nor am I even pointing out that the funding in this bill is really an unfunded mandate in and of itself. There is no substantive—it is a loan, it is not a direct grant, and therefore the towns have to pay it back and thus the funding is an unfunded mandate.

But what I am saying and what I think makes eminent sense is, if you are going to demand the communities do this, then you cannot say they are going to be fined when you do not fund it.

It is a very simple approach. It does not say they do not have to comply. It says they do have to comply when the revolving funds have the moneys that are available. And in practice, of course, as the Senator from Rhode Island certainly knows, that is exactly what is going to happen.

As these revolving funds develop the cash flow to support the compliance activity across States, you are going to have compliance occurring. All I am saying is let us not get the cart ahead of the horse by requiring fines before there is money to pay for the compliance, because you know compliance is going to occur because you have done a good job of trying to address the issue of funding.

I think if you look at the practical aspects of how this works versus the theoretical and hypothetical aspects, it becomes a very legitimate proposal.

Mr. CHAFEE. Madam President, I think we are embarking on an unusual path for the Federal Government to require compliance: When it is granting a substantial sum of money but not 100 percent that it cannot make any requirement. Maybe the thing should be reversed. Maybe we ought to have a provision in here that no money goes to any State that will not comply. Maybe that is the answer: Any State that does not want to comply will not get a nickel. The money will go to those States who want to participate, and by wanting to participate, I mean they are willing to put up their share, whatever the share might be.

Mr. GREGG. If the Senator will yield on that point, of course, that is an option, and if the committee wishes to pursue that—as you know, on public works projects dealing with Federal highways, that is exactly the approach this Congress has taken in the area of helmet laws and in the area of speed limits.

So, yes, that is clearly a public policy approach that can be taken. The committee has decided to go this other way. As long as the committee decided to go the other route, then let us not get the cart ahead of the horse and let us not have a situation where you do not fund and then you fine.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, Senators may be watching this debate and assuming that this is another amendment offered by the Senator from New Hampshire under the unfunded mandates rubric. They may think this debate is on that amendment. I want to make it clear to Senators listening to this debate that this debate is not on that amendment. This debate is on a wholly separate, new, amendment that the Senator from New Hampshire brought to the floor and we are looking at for the first time.

This amendment is a beguiling, seductive amendment. It sounds pretty simple. Basically, it says if there are no funds, no fines. I might say, Madam President, that this is not that amendment at all. This is an amendment which basically has abolished Federal enforcement of the Safe Drinking Water Act. That is what this amendment does. This amendment runs the great risk, and that is not an overstatement, of essentially abolishing Federal enforcement under the Federal Safe Drinking Water Act. That is what it does.

Why do I say so? I say so because any system, any community that does not want to comply with the act could very cleverly hire a lawyer to find some argument where the requirements that it must face, A, are all Federal and, B, are not totally, fully funded today, at this moment. They may prevail, and that means no Federal enforcement.

I do not think that is what Americans want. They do want Federal enforcement. I think Americans want to be assured that the water they are drinking is safe. They want Federal enforcement, but they want proper Federal enforcement.

I have a whole list of questions I could ask the Senator from New Hampshire to see how his amendment would take effect. For example, is he asking for a full 100 percent Federal?

My first question goes to the State revolving loan fund. There is a 20-percent State match to 80 percent Federal funds required. Is the Senator from New Hampshire saying that the U.S. Congress must not provide only 80 percent in the State revolving funds, but must provide a full 100 percent? Is the Senator saying the State's 20 percent requirement can be withdrawn, that the States do not have to contribute their 20 percent to the State revolving loan fund? Is that what the Senator is suggesting?

Mr. GREGG. As I understand the act, it requires States put in 20 percent; is that correct?

Mr. BAUCUS. The Senator is correct. Under the State revolving loan fund that exists in the Clean Water Act and under the new State revolving loan fund under the Safe Drinking Water Act—that is the bill before us—it provides for a match: 80 percent Federal, 20 percent State.

Mr. GREGG. Then there would be compliance if the Federal Government had 80 percent of the funds.

Mr. BAUCUS. So the Senator is saying that if the U.S. Congress appropriates 80 percent of the funds under the State revolving loan fund, and if that State revolving loan fund pays for the system's requirements, the State could not claim unfunded mandates as it affects any enforcement action against that community? Is that what the Senator is saying?

Mr. GREGG. I am not sure I understood the whole hypothetical. Essentially, I believe the concept of what the Senator from Montana is saying is correct. This is not an attempt to undermine the thrust of this bill. I really do think it does a disservice to the amendment to aggrandize it to such a level, as the Senator from Montana has. This is simply an attempt to make it clear that when the fining process starts to occur, then the Federal Government will have done our job.

Mr. BAUCUS. I understand the Senator, but I am trying to understand how the Senator's amendment works. Again, this is a first impression. I had not seen the amendment until 20 minutes, half an hour ago when the Senator brought this amendment to the floor. No one has had a chance to look at it. I am reading it to get a sense of how it works.

For example, if I understand the Senator's answer to my question, that under the State revolving loan fund contemplated in the bill, where Uncle Sam provides 80 percent and States 20 percent, if that fund's loans to the community fully accommodates that community's requirements, is the Federal mandate fully funded?

Mr. GREGG. Yes, it would be.

Mr. BAUCUS. I appreciate that. So the answer to the question is it is fully funded under the present State revolving loan fund where Uncle Sam provides 80 percent and the States 20 percent for the system.

Mr. GREGG. If that is the language of the bill. The mandate is defined by the bill in a sense of what the Federal Government must do. If the Federal Government's share was 50 percent, it was fully funded.

I would take as a hypothetical another area where there is a mandate, 91–142, which is the special ed student situation, there you have a suggestion in the law that the Federal Government go to 40 percent of the cost of the special education systems of our schools. If the Federal Government went that 40 percent, they would be fully funded.

Mr. BAUCUS. The Senator anticipated my next question.

Mr. GREGG. We can adjust that number.

Mr. BAUCUS. If the Congress provided, in its wisdom, for 1 percent and the States had to match 99 percent——

Mr. GREGG. The purpose of this amendment was not to address the underlying issue, which is the core question, which is when is the Federal Government being irresponsible in its unfunded mandate activity.

Mr. BAUCUS. So it is the Senator's position that the Congress would not be irresponsible if the Congress decided to provide 1 percent of the revolving loan fund as opposed to 80 percent. That would not be irresponsible?

Mr. GREGG. I feel that is very irresponsible. In fact, I considered offering an amendment which would address the underlying question you are raising which is the much more fundamental question of the issue of unfunded mandates. This is not the core issue of what is and is not an unfunded mandate. I think we are confusing it in the debates right now.

What this gets to is the fine issue. There is this other core issue, and I hope it is going to be taken up at some point in this Congress because I know there are a lot of bills floating around on the issue, and some have significant sponsorship. But that is not the issue that is being adjudicated by this amendment.

Mr. BAUCUS. Let me ask another question so we understand how it operates. Let us say a community in New Hampshire is starting to install a new technology to meet a standard that is provided for in the Safe Drinking Water Act; a good standard; a standard that must be addressed if the people are going to have safe water.

Let us further assume that this is a 5-year project. You do not just build this new technology and install it immediately.

Now let us say it is year one and contracts have been let. As the Senator knows, under the usual workings of the State revolving loan fund, each year the State designates a different portion of the State revolving loan fund, actually loans different portions to different communities in different years.

So in year one, the system is not yet constructed. Certainly no big mandate here. Let us say that for some reason or another the system decides it does not want to proceed and therefore is in violation of the law, although there is a contract and assurance that the dollars are there in the revolving loan fund.

Is the Senator saying because the dollars have not been fully provided, because the system is not complete yet, that——

Mr. GREGG. No. In my estimation, you would then be able to assess the contractor.

Mr. BAUCUS. What if the community goes beyond the grace period in the bill? The legislation before us provides certain grace periods. As long as this system is making a good-faith effort, there is no prosecution. What happens after that grace period?

Mr. GREGG. If funds are available and there is a contractual obligation, it seems to me the fine is assessed.

Mr. BAUCUS. What about interest rates? Let us say the interest rate the community must pay Uncle Sam is not providing for interest payments. Is Uncle Sam fully funding the mandate or not?

Mr. GREGG. I would presume—and we are getting into some hypotheticals, which I think is worth getting into, and I think the answers so far have reflected the fact this is a legitimate amendment that is not going to destroy the bill, but is just trying to get at the core issue of fines versus funding.

But I think in that context you would presume that the agreement that had been worked out which would have drawn down the revolving fund would have interest rate language in it. I know of very few that do not have interest rate language in them. So I presume that would be a fund advantage.

Mr. BAUCUS. One other question. What happens when a community decides, for whatever reason, it wants to voluntarily not accept Federal funds. It does not want to pay the interest rate in the State revolving loan fund, for whatever reason. It decides it does not want to participate in the State revolving loan program? In that case, would Federal prosecution be precluded because the mandate on this system does not have commensurate Federal funds? It does not in this case because the community has decided it does not want them. Would Federal enforcement therefore be precluded?

Mr. GREGG. No, I do not believe so at all. I think this amendment makes it fairly clear that in that instance the funds are available; therefore——

Mr. BAUCUS. I must say that is not the language of the amendment.

Mr. GREGG. Well, I think that is the purpose and the language of the amendment, to accomplish exactly that.

Mr. BAUCUS. No. The amendment says, "The Administrator may not commence a penalty assessment proceeding under," and so on and so forth, "or proceeding results from an unfunded Federal mandate." That is what the language of the amendment says.

Here is another example. What happens when the State of New Hampshire or any State applies for a waiver, a monitoring waiver program, so that——

Mr. GREGG. Excuse me.

Mr. BAUCUS. If I may complete my question—so that the State has its own monitoring system. This is a State monitoring system now. It is not a Federal monitoring system. Now, let us say that under the State monitoring system the State imposes certain requirements. Under the Senator's amendment, would Federal prosecution be precluded if a community does not properly monitor because the community is operating under a State program, not under a Federal program?

Mr. GREGG. To get back to the Senator's prior question, I believe my answer was accurate. If you look at the definition, you will see, if the funding is available, the capacity is there to assess the fine. If the community decides it does not want to pursue the funding for whatever reason, that is irrelevant. The funding is available; the fine can be pursued.

On the followup question, which is, if I understand it correctly, if States are undertaking the compliance activity of monitoring, does the EPA have the right to come in and pursue also a Federal action against the community?

I would think yes, if the funds are there. And, again, it is an issue of whether the funds are there. If the funds are there and the community has the available funds, has had made available to it the funds, then it seems to me a fine is clearly assessable.

I think the chairman is confusing the core issue here, which is a very legitimate one, which the committee has, I have argued a number of times, attempted to meet, the core issue of unfunded mandate with the issue here of fines.

What I am saying is we should not hit these communities with a double whammy. I do not want to keep repeating it, and maybe I should choose some other phraseology to get it across a little better. But what I do not want to see happening is if the town does not have the funds available to it, then it gets fined for something it does not get funds to do. All I am saying is as soon as the funds are available, it could be fined. Under the bill, as I understand the structure, those funds are going to become available over a period of time because the bill is authorized at a level which, over a period of time, should fully—I am not sure of "fully," but should significantly reduce the costs out there to the communities.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not want to prolong this too much longer. Essentially, the Senator from New Hampshire said this bill does not go into the difficult question of what is and what is not an unfunded mandate. That is very true. That is clear. This bill does not go into that point, and very precisely because it is a very complex, difficult morass to decide.

The effect of the Senator's amendment is to give lawyers a field day in finding one way or another, in claiming for one reason or another, that this requirement, for this technology, in this community is not fully funded by Uncle Sam. I can think of countless numbers of arguments that attorneys can make.

Therefore, Mr. President, this amendment essentially renders useless, Federal enforcement because if it is a long, complex system, there will be endless litigation as to whether or not there is full funding of the mandate.

I might also say, Mr. President, that we have gone a long way to find new dollars to fund mandates. Look at the chart behind me. I do not know if the Senator can see the chart very well. We tried to make it big so everybody could see.

Mr. GREGG. I appreciate that. I am just getting to the age where I need glasses.

Mr. BAUCUS. Under current law, safe drinking water funding in fiscal years 1994 through 2000 will be $420 million. That money is going to the States. Under this bill, if it passes, $7.3 billion will go to States to fund the reformed mandates that the bill provides.

The basic intent of the Senator's amendment is to address the very large issue of unfunded mandates.

Again, I say to the Senator and to anyone listening that this bill addresses unfunded mandates; No. 1, by reforming the mandates; No. 2, by funding the reform mandates, and, No. 3, by providing flexibility to the States so they can adjust to local conditions quite easily.

Again, just to repeat, from 1994 through the year 2000, under current law, States will receive about $420 million to pay for requirements under the Safe Drinking Water Act. If this bill passes, that increases at least fourteenfold to $7.3 billion over the same number of years. It is a whole new start. The State revolving loan fund is all new. It will go a long way to address these issues.

Mrs. BOXER addressed the Chair.

Mr. BAUCUS. If I might, one other point, Mr. President. It is not as if the EPA is sending out thousands of inspectors to harass local water system operators either. That is just not the case. There is not a massive Federal enforcement apparatus in place. I might say that in 1992, the Environmental Protection Agency brought 269 cases under the Clean Water Act—not this act, a different act.

In 1992, there were 269 cases. They brought 303 cases under the Clean Air Act; different act, not this act. Under this act, it brought 18; only 18 cases, not a massive number of cases.

In addition in 1992, the highest penalty under the Clean Water Act, a different act, was $2.9 million. Under the Clean Air Act, the highest penalty in 1992 was $6.7 million. What was it under the Safe Drinking Water Act, this act? The highest was $70,000. I think the average of that year was $38,000 for the two cases.

One other point: There are 200,000 public water systems in this country. There are only 60 EPA drinking water inspectors. There are 200,000 systems in our country, and only 60 inspectors. It is not a whole, big massive enforcement bureaucratic apparatus that is going after all of these systems.

Another point that is important to remember. I do not know if the Senator fully intends this amendment. A significant percentage of the drinking water systems in our country are private. As I read this amendment, it only applies to the public systems. It basically says the administrator may not assess a penalty against a political subdivision, et cetera. It says political subdivision. Apparently, he has exempted privates, which is to say that a significant mumber of the water systems in this country would be discriminated against under the Senator's amendment because they would not have the benefit of saying, "Gee, don't enforce against me because I am private and not public."

Another point I think worth making is that there are a lot of, a good number of, communities frankly that need some Federal enforcement. There is one city that the committee is aware of that for 10 years refused to correct violations of bacterial contaminant standards under the Safe Drinking Water Act. Frankly, it was only when the EPA went to court to assess a penalty did that city finally begin to take serious steps to remedy the problems.

In some sense, what I am saying is, frankly, a lot of cities, a lot of States, do not want to do the job themselves. It is politically difficult. It is politically difficult for a local county attorney or an attorney general to address violations in the State. Many States say, "Gee. Uncle Sam, do this for us. It is hard for us to do the right thing here."

If this amendment passes, it seriously jeopardizes not only the ability of local law enforcement officials to say, "Gee. Let the Feds do it because I don't want to do it myself," but more importantly, it very seriously undermines the whole Federal enforcement program under the Safe Drinking Water Act, which is not massive, I might add. As the data already provided, that is a good, strong indication that this is not a big Federal enforcement program. It is pretty mild to say the least. It is important in those cases where the communities are not living up to the standards, and they should.

Mr. GREGG. Mr. President, will the Senator yield on that point?

Mr. BAUCUS. I yield to the Senator, and then I will yield the floor.

Mr. GREGG. Mr. President, the Senator raised a number of points. I do not want to carry this into an extended period of time because I know there are other Senators who want the floor.

First, some things need to be responded to. This whole issue of excessive attorney fees, and a great deal of lawyer activity today is a problem with the system. So I do not see that that is necessarily going to be impacted negatively by delaying the fine.

Second, I would point out that the enforcement language of this does not affect if funds are available. So the instance that the Senator talked about, I presume there were available funds going to that city to fund the activity that needed to be corrected. Therefore, there were those available funds. Then compliance would have to occur and the fines would be assessed. This is not applied to private water companies. That was intentionally done because the issue of unfunded mandates is a public one to a large degree, and I did not want to get into the whole ancillary question of the private-public debate and the profitable part of the corporations engaged in the delivery of water and how you would end up subsidizing them through this language.

So we would be stuck with the taxpayer impact event because the issue here is impact on the tax base and the reallocation of the tax base through unfunded mandates.

All this amendment says again is that if it is not funded, you do not fine. It does not undercut the basic goals of this bill I do not think. In fact, it probably encourages the basic goals of this bill because this bill is addressed, as the Senator so well pointed out, at trying to fund most of the mandates. As long as they are funded, there will be no fines.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I rise to speak strongly against this amendment by the Senator from New Hampshire, and really back the comments made by the chairman, the Senator from Montana, and the ranking member, the Senator from Rhode Island, Senator CHAFEE.

I have to say that I have been around the House of Representatives and the Senate now for 12 years, and I have never seen a committee chairman and a ranking member work so well together, bend over backwards to accommodate Senators' concerns. As a matter of fact, in many cases I kept saying you are bending over a little too much.

But the fact is that when the two of them stand up here and put their credibility on the line and say that this is essentially a gutting amendment, I hope that my colleagues listening to this debate from their offices will take that to heart. There should be an overwhelming vote against this particular amendment.

I want to explain why. I want to speak today not only as a U.S. Senator, which I am very proud to be getting elected and being from the largest State in the Union, a State that has 31 million people, but also as a former county supervisor where I was very proud to be a locally-elected official representing a supervisorial district in a very beautiful suburban area, and one who always said that the local people should have a very strong voice in whatever it is we are doing.

At the same time, I always believed, and I believe it even more today, that the Federal Government has an obligation to protect the health and safety of all the people of this country. As Senator CHAFEE has said, and as Senator BAUCUS has said, when people go from one State to another, they ought to know that if they pick up a glass of water like this one, which I find myself doing quite often here, that it is safe to drink the water.

I would like to bring us back to the reality of why we are here. And rather than get into a big argument about terms of art and language of the amendment, and the interpretation of the Senator from New Hampshire of how it would work, bring us back to the core reason we have this bill before us.

Mr. President, every year 900,000 Americans get sick from tap water. In one city we had 104 people die. If that is not enough for us to support a decent and enforceable law, I do not know what else is. There is a minimum that our people should expect from us if we deserve to be here, that we are willing to stand up and be counted and ensure that the drinking water is safe. I would have to say that this bill is not doing that with a heavy hand. You can see that there is a whole new attitude on this Senate floor in relation to this bill. And there is absolutely an understanding that we have to be certain that local government and State government is not so weighed down with mandates that are not funded that they simply throw up their hands, and say, "We cannot do it anymore."

I have a great sympathy again for local government. But I have no sympathy—and let me state very, very clearly—for those in office who would refuse to ensure the people that their drinking water is safe, because if there is any job we have as elected officials, whether local, State, or Federal, it is to protect the health of our people. That is what it is about.

Let me give you an example. Under this amendment—and the Senator from Montana has posed a number of questions, and I am just going to make a comment. I have read this amendment. Let us say there is a county board of supervisors or a city council that runs a water system, or they could be a water board, and they have decided they do not think lead is dangerous. Now people come before them, and they have the National Academy of Sciences report, they have physicians, but they decide that in their philosophy, this is not a problem. So they decide they are not going to regulate the amount of lead in the water supply. And children are being born brain damaged. We know that happens.

Under this amendment, you could hide behind unfunded mandates and say, gee, it is not that we philosophically oppose it, but we did not really get all the funding, and they look at the record of this conversation here, and it is a little unclear, so they hire a lawyer, and it is 10 years down the road, and kids are drinking this water. Of course, I think the parents would probably not allow them to drink the water. They would buy bottled water, or they might move to another community. That is the effect of this type of an amendment.

So I say, Mr. President, again, when we have the chairman and the ranking member standing up here and saying, look, they understand the problem that the Senator from New Hampshire has raised, that absolutely we have to be mindful; but this act is mindful of the issues of unfunded mandates and underfunded mandates. If we gut the enforceability of our Government here, this bill might as well not even be here. I, frankly, would understand it if both of our leaders on the committee—which is called, by the way, the Environment and Public Works Committee—withdrew the bill, because it would not have any means of enforcing.

I will close by reading the words of the amendment.

> The Administrator may not commence a penalty assessment proceeding under this subsection against a political subdivision, and any pending penalty or penalty assessment or collection proceeding under this subsection against a political subdivision shall be waived—

In other words, there will be no assessment, there will be no fine, there will be no enforcement.

> if the noncompliance of the subdivision that is the subject of the penalty or proceeding results from an unfunded Federal mandate.

So it is a fancy way of saying we want a little fig leaf that we can hide behind, so that we have an excuse not to make sure that the children are drinking safe water, that pregnant women are drinking safe water, that the frail elderly are drinking safe water, that all of us can be certain that we are drinking safe water.

Mr. President, I think I have been as clear as I can be. I strongly oppose this amendment, and I hope that our colleagues will stand up and be counted and support our chairman and ranking member.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the Senator from California for that strong statement.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I must respond briefly to the Senator from California, because I believe it is a bit unusual for those who are not actually drinking the water to expect that they are going to have even a higher level of concern about the water than those who do drink it. I mean that is essentially the tenor of the argument, which is that the elected officials in—wherever it was—or the county commissioner group, or water commissioner group, is going to somehow turn its back on not only the community that it lives in, but its own good health, but that we here in Washington are going to know how to take care of it better for them. Now, that may be. That situation might occur. That hypothetically is a possibility. I suppose that is true, but it is not a likelihood.

Most people, when they are elected to public office, are elected because they conscientiously wish to improve their community, and if they know something is wrong with the water, they are going to try to do something about it primarily out of their own concern. I really think that to raise issues like pregnant women and lead in the water is to use hyperbole that is not relevant to this amendment, which is not really a gutting amendment, as the Senator characterized it.

It is a simple amendment that says, listen, if you do not fund it, you do not fine until you do fund it. And it is reasonable that you are going to be funding all of this. On the chairman's description of the way this bill works, that is going to occur. So this amendment may never come into play. But we should at least have the fairness at the local level to say that until we can fund it, we are not going to fine you or hit you with that double shot.

I yield back my time, and I suggest to the manager of the bill that if we can come to a time certain, we can bring it to a vote.

Mr. BAUCUS. Mr. President, I understand there is at least one Senator coming to the floor wishing to speak against this amendment. He is on his way. It is only fair and appropriate to wait until he arrives.

Before he arrives, however, I do think it is important to point out that this is a gutting amendment. Why do I say that? I say that because, first of all, there are not very many EPA inspectors. The enforcement personnel are pretty thin, and there are not going to be a lot of cases when EPA is coming into a community or the U.S. attorney's office, or whatever, on an enforcement action. We know that in the real world 99 percent of the time whenever there is a difference between, say, a potential law enforcement officer and, in this case, a community, things get worked out; they get resolved in one way or another, and the actual action is not really filed.

In those few instances where a community, for some reason, whatever reason, decides it does not want to comply with the standard—and there could be all kinds of reasons—and in those few instances where it decides it does not want to comply with a Federal standard, essentially, the EPA is precluded from enforcing it. Why? Because as I read this amendment, that community, subdivision, could say, well, there is not a total funding from Uncle Sam for this requirement; they are 1 penny short. Therefore, no enforcement action, none, zero. One penny short.

How easily can a community find that it is 1 penny short? I submit pretty easily. There are all kinds of ways that attorneys are going to find ways to say, well, gee, there are dollars here for this, but not for that, because you did not include the indirect costs to this, or the administrative costs that we allocated for that. Our allocation says that the Federal requirement portion, the administrative cost, should be 10 percent, and you say it is less than 10 percent, but we say it is 10 percent. Litigate it. No enforcement action.

On the other hand, the Senator is saying, well 1 penny, that is still a funded mandate. One penny short is still a funded mandate. If the Senator is saying that, then the question is: What is a sufficient Federal funding?

Five percent short? Ten percent short? Who knows? That obviously raises a whole host of questions and even more litigation as to how much is enough. You cannot have it both ways. One penny short, which an attorney can find easily if he is worth his salt; or, gee, it is not substantially federally funded, and you get all these questions.

Therefore, this is a gutting amendment. This amendment sounds beguiling and seductive, but if you look at the real, practical effect—the practical effect is no Federal enforcement of Safe Drinking Water Act standards where communities do not want to comply. That is what this amendment does.

It is for those reasons and for the very simple reason that this is not a proper amendment. People want to be sure that the water they drink is pretty safe. There may be a reason why a community does not want to meet a standard. It has happened. There are cases where that happens.

In a lot of these cases, the communities, frankly, want Uncle Sam to tell them to meet this standard because they can point the finger and blame Uncle Sam, or Washington, DC, or some regional office that they themselves do not have to bear the brunt of raising the standards and get the job done.

Most communities, I am sure, want to do a good job. Most communities want safe drinking water. They all want safe drinking water. For some reason—who knows?—they may not want to meet a standard.

I might say that the standards in this bill are not overbearing. The standards in this bill, particularly regarding small systems, are reduced. The monitoring requirements are reduced. The dollars that we have provided to install new technologies to address contaminants are increased. There are more Federal dollars, many more Federal dollars.

I remind Senators to look at the chart behind me. It is basically a fourteenfold increase, 14 times more, plus more flexibility. It was really more than this chart indicates, because Governors can transfer dollars from the clean water revolving fund to the safe drinking water revolving fund to meet system needs.

To sum up, I might say that this bill, is a good balance. It is a good balance between requirements, on the one hand, and reducing excessive burdens, on the other.

This amendment dramatically upsets that balance. It does, I think, effectively prevent the United States from enforcing very reasonable provisions in the Safe Drinking Water Act which, in those communities, for one reason or another, do not want to comply, jeopardize the safety and the cleanliness of their water.

I just think that it is not a provision; it is not an amendment that we in the U.S. Senate want to enact into law.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if we are going to get into the issue of hyperbole, because this appears to be the movement of this debate, let me simply point out all those folks who are listening in on Senators, everyone who has sponsored an unfunded mandates bill—and there is a majority in this body that has done exactly that—if you cannot vote for this very small toe-in-the-water type of an approach, this miniature movement, this baby step on the issue of unfunded mandates, then you really are going to have a lot of trouble going back to your States, going back to your towns, going back to those town meetings and explaining to the local officials when they ask you why do we constantly get these mandates, why do you tell us what to do with our taxes when we have other needs in our communities, why is it that when we need more police and we need to pay our teachers more we have to spend the money on something you told us to do from Washington that you are not willing to fund, you are going to have a lot of trouble saying to those folks: "I am against unfunded mandates. I just was not able to vote for this little itsy-bitsy idea that came through the Senate on the drinking water bill."

So we are going to go to hyperbole that this is a gutting amendment, which it certainly is not for all the reasons which we outlined on this floor for the last hour and a half, that you have to deal with the fact that this amendment is really a very tentative attempt to address the issue in a fair way so the communities are not hit twice, first with the unfunded mandate and then with a fine.

But if we are going to start using hyperbole, then I think people better look themselves in the mirror in this body and say why do I sponsor the unfunded mandates bill and why do I when I go back to my district and talk about how opposed I am to unfunded mandates when I am not even willing to vote for this one little simple idea, that small step on a bill which we already had outlined to us on numerous occasions is not an unfunded mandate anyway.

It has no impact. It has virtually no compliance activity involved in it. So clearly it is not going to be affected by this abatement of the fine.

The maximum fine collected was $70,000 only under this bill. So that is the maximum ever to get abated.

So why are we so exercised about it. I do not know, because quite honestly this is not that significant a step on the issue which is the core issue which is how we get to unfunded mandates. As long as Congress continues to pass these unfunded mandates, we will continue to pervert the relationship between the Federal, the State, and the local governments in this country. We will continue to undermine the confidence of local community leaders in our willingness to stand behind our words.

That is the bigger issue of unfunded mandates which really has not been raised in this debate by me until this point but which I guess it has to be raised at this time because that is what the debate has become, the debate of hyperbole.

So ask yourself if you are not willing to take this little step forward do not go back to towns and cities to the next town meetings or next Kiwanis Club or Rotary meeting or next Chamber of Commerce meeting or next community service meeting and when the question is asked about what about this unfunded mandate give a lecture on how much you are opposed to it because, believe me, you cannot be if you vote against this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment essentially creates a false choice. This amendment basically says either you are for funding the mandates or you are for sufficient Federal enforcement to the exclusion of the other but not for both, which is a false choice.

Obviously, we in this U.S. Senate want to fund the mandates and we want sufficient enforcement of the provisions. Obviously, we want both. Obviously, the solution is to deal with those enforcement issues first and enforcement in the best, most reasonable way; second, deal with the mandates in the best, most reasonable way but not have a 100-percent linkage between the two. The 100-percent linkage in this amendment creates a false choice. It is either black or white. It is all or nothing.

This amendment creates an all-or-nothing, very artificial, very constrained situation. Either we are for totally funding the mandates under this amendment or if we are not for totality in every case under this amendment we are not for Federal law enforcement.

I do not think that is where the Senate wants to be. I do not think that is practically what the Senator from New Hampshire really wants either.

I am confident that the Senator from New Hampshire would like to have these so-called mandates funded as well as possible, close to 100 percent as possible. I think the Senator would also like to have good, sufficient Federal law enforcement as reasonable as possible. I am quite certain that the Senator from New Hampshire is not saying no Federal law enforcement whatsoever if there is not a total 100 percent full funding of this requirement. I do not think he really means that. I dare say I do not think the people of New Hampshire really mean that either or want that.

I think that the better way to deal with the question on the one hand of funding the mandates as in the committee chart behind me demonstrates that we can do better, we will work to do better over the months and years ahead and also we want to deal with the important level of law enforcement, but we do not want a 100 percent either or linkage where it is either all one or all the other but not some reasonable amount of both.

The effect of this amendment is all or nothing. We do not want all or nothing in the United States. We want kind of a reasonable level of both. That is what we want. I think that once we focus on that all or nothing which is not the will, I am sure of the Senate, we will realize let us not adopt this amendment but let us deal with the funding question responsibly and properly and also deal with the enforcement.

I note that the Senator from Ohio, the chairman of the Governmental Affairs Committee, is now in the Chamber, who worked hard on this question of unfounded mandates.

I yield the floor.

Mr. CHAFEE. I wonder, Mr. President, if we could have some kind of an understanding after the Senator from Ohio speaks. Would it be the floor manager's judgment that we stack the amendment of the Senator from New Hampshire and get on with the Senator from North Carolina? I think there are going to be several other amendments after him. As I understand, that is what the hope is.

Is that agreeable with the Senator from New Hampshire?

Mr. BAUCUS. I say it is better to dispose of this amendment as soon as we finish debating. I do not see any reason for postponing the actual vote.

Mr. President, I yield the floor.

Perhaps, after the Senator from Ohio finishes his statement, we will come pretty close to wrapping up this debate. It is about 20 before 5 now. Maybe around 5 o'clock, I would contemplate a vote on this amendment, unless there is other intervening business.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Thank you, Mr. President.

Mr. President, the Senator from New Hampshire brings up a very, very important problem that we are in the process of addressing in the Governmental Affairs Committee.

This has been a subject that has been coming up increasingly over the last 3, maybe 4, years. It is a problem of when the Federal Government mandates something that costs the States in either enforcement or in procedures or what they have to do and it becomes very expensive.

Now you pile one of these requirements on top of another, starting way back several decades ago, and pretty soon the States are really up against it, as far as being able to provide the funds to do what has to be done.

I might add that this is one of the results of the so-called revolution we had in the difference in Federal-State relationships beginning back in the early 1980's, the so-called Reagan revolution. The idea was, if things were worth doing, we will send them back to the States and States will fund them if they are worth doing and we will get out of some of this business of the Federal Government requiring things of the States. That was all well and good, except we have the same requirements but not the funding from the Federal level to cover all these things, and back in those days we did cover a higher percentage than we do now.

But, regardless of that political background, we have unfunded mandates as a requirement and it really is hitting the States and local communities hard, very, very hard.

So I am complimentary to the Senator from New Hampshire for bringing it up, but I would submit that, rather than having something like this brought up on every piece of legislation that comes up—and we could do that—the way to solve this is the way we are going at it in the Governmental Affairs Committee.

Let me tell you what we have done. We have some eight bills before the committee now, including one by Senator GREGG, the Senator from New Hampshire, who is a sponsor of this amendment. We started last fall addressing this particular problem and we have eight bills in committee. We had a hearing last November 3, at which Senator GREGG testified on one of the eight bills. Other Members of the Senate and Members of the House also testified before the committee.

What we have been trying to do is work out a compromise position that would work for everyone. I think we are pretty well along on that.

Senator KEMPTHORNE has what was one of the more drastic proposals that just cut off everything, period; and that is if there was any cost at all. That is one extreme. And that would mean, even technically, I suppose, even if we asked for a report to come in and it required postage, that would be an unfunded Federal mandate. I do not think anyone wanted to take it that far, of course.

But, nevertheless, we have been having hearings on this. We had one last fall. We had one hearing on April 28 of this year. Representatives of the U.S. Conference of Mayors, the National Association of Counties, the National Governors Association, the National League of Cities, the U.S. Conference of State Legislatures, and Democratic and Republican elected officials have all testified, including several Senators, at these hearings.

We have been working with Senator KEMPTHORNE and with the administration. Senator ROTH, the ranking minority member of the committee, and I have worked with them. We are in the process of working out comprehensive mandate reform legislation. We have that pretty well reasonably worked out. We are planning our markup on it, as a matter of fact, on May 26, just next week.

There have been good faith negotiations underway with Senator KEMPTHORNE and others and I feel substantial, very substantial, progress has been made. We have had discussions and negotiations.

It seems to me that the way to solve this is by a comprehensive piece of legislation that we are about to mark up next week. Once that is done, we will bring it to the floor as fast as possible. I hope that it will cover this problem to the satisfaction not only of Members of this body, but also to all of those organizations that I mentioned.

It is a real problem. It is one that I think the Senator from New Hampshire is absolutely correct in bringing up and keeping attention focused on this particular issue, because it is a very major problem.

The States are out of money and do not feel that they can put taxes up in some of these areas where the Federal Government puts new requirements on them but does not follow with the money to carry out those programs. We heard over and over again in our committee during our last hearing with all of these different organizations that I mentioned, "No money, no mandates." "No money, no mandates." I, basically, agree with that. I am very sympathetic to that, but it can be carried to extremes.

That would just stop Government in its tracks, if we pass some of the legislation that has been proposed, not particularly this legislation today. But some of the other proposals, if carried out right to the letter of the way they are written, it would literally stop Federal Government in its tracks, even for good programs that the States want. And so, I think we have to be careful that we do not do more harm than good.

What I would hope is that Senator GREGG would either withdraw this amendment or, if we have a vote on it, I urge my colleagues to vote against it, with the idea that we are coming up with legislation that I think will be satisfactory and I think most of the Members of this body will approve. We should have that marked up and ready to come to the floor after our markup that is scheduled on May 26.

I hate to oppose this amendment, because I know that we do have to deal with the unfunded mandate problem. We are not trying to put that off. I am not trying to delay it. I think, through the years, we should have moved ahead more rapidly in dealing with this, because it has been a problem that has been growing very, very rapidly in our communities and in our States.

So we want to deal with it, but I want to deal with it by bringing out legislation that applies to unfunded mandates across the board.

With that, I hate to oppose this amendment, but I will oppose it and urge my colleagues to vote against it if it is brought up to a vote. It is something we do have to deal with. I want to deal with it in a better way that will deal with the whole unfunded mandate problem.

I yield the floor.

Mr. GREGG. Are we ready to vote?

Mr. BAUCUS. Soon.

Mr. President, due to business of other Senators at this moment, I think it would be inappropriate to vote on this amendment precisely at this time.

I, therefore, ask unanimous consent that a vote on or in relation to the Gregg amendment occur at 5:30 today, and that no second-degree amendments be in order prior to disposition of this amendment numbered 1712.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, it is my understanding that Senator FAIRCLOTH will go ahead now and it may well be that he will have his amendment concluded with by 5:30.

Suppose he is not through, then what happens? He is just interrupted?

Mr. BAUCUS. That is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that, when the vote occurs on the Gregg amendment, I be allowed to move to table and the yeas and nays be ordered.

I withdraw that request.

Mr. President, I suggested absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I think we have pretty well wrapped up debate on the amendment offered by the Senator from New Hampshire.

Before turning to the next amendment, I ask unanimous consent to have a letter printed in the RECORD. It is a letter from Bob Perciasepe, the Assistant Administrator of the EPA. Essentially the letter states that he, Mr. Perciasepe, Assistant Administrator for Water in the Environmental Protection Agency, is deeply concerned about the amendment offered by Senator GREGG. He says it would upset the careful balance the committee has drafted. It would severely hamper enforcement of the Safe Drinking Water Act and could bring progress on drinking water protection to a grinding halt. Drinking water systems across the country would no longer be held responsible for providing basic drinking water safeguards, such as protection against microbiological contaminants and lead.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION
AGENCY, OFFICE OF WATER
Washington, DC.

Hon. MAX BAUCUS,
Chairman, Committee on the Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: The Safe Drinking Water Act bill, S. 2019, which passed the Committee on the Environment and Public Works by a unanimous vote, contain much needed reforms to reduce regulatory burdens and increase flexibility while carefully balancing essential public health protections.

I am deeply concerned by an amendment offered by Senator Gregg that would upset the careful balance that you and the Committee have crafted. The amendment would severely hamper enforcement of the Safe Drinking Water Act and could bring progress in drinking water protection to a grinding halt. Drinking water systems across the country would no longer be held responsible for providing basic drinking water safeguards, such as protection against microbiological contaminants and lead.

According to industry data, 74 percent of water consumers are willing to pay higher water bills in order to receive water above federal standards. This amendment could undercut the substantial progress that has been made to meet the goal of safe drinking water for all Americans. I strongly urge you to oppose the amendment.

Sincerely,

ROBERT PERCIASEPE,
Assistant Administrator.

AMENDMENT NO. 1714

(Purpose: To strike the provisions relating to labor standards)

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I send to the desk an amendment to the safe drinking water bill that will strike the Davis-Bacon prevailing wage requirements for construction of drinking water treatment plants and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] for himself, Mr. CRAIG, Mr. NICKLES, Mr. BROWN, Mr. SMITH, Mr. GRASSLEY, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. COATS, Mr. COHEN, and Mr. KEMPTHORNE proposes an amendment numbered 1714.

The amendment is as follows:

Beginning on page 22, strike line 12 and all that follows through page 23, line 8.

On page 23, line 10, strike "1478" and insert "1477".

On page 23, line 23, strike "1479" and insert "1478".

On page 118, line 11, strike "1479" and insert "1478".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I have spent the last 46 years in the private sector. I have met a payroll every Friday for every week of those years and with a little luck will meet one this Friday. It is unfortunate for the American people that there are not more representatives who know what it means to run a business. If there were, we would have repealed the union-inspired mandates like Davis-Bacon long ago.

It is time we agreed to an amendment like the one before us. We need to send the cities and towns a clear message that the Congress is no longer going to burden them with unfunded Federal mandates like Davis-Bacon. And certainly it is time to let the taxpayers know that Congress is no longer willing to waste their money on union mandates.

Davis-Bacon prevailing wage requirements are a drain on the taxpayer, the private sector, the job market, the towns and, in this bill, the environment. The only beneficiaries of Davis-Bacon are Big Labor and its allies in the Congress. Obviously, Federal prevailing wage laws are a bad idea whose time will never come.

Do not misunderstand. As any union boss will tell you, Davis-Bacon is a successful labor law. It does exactly what it is supposed to do; it drives labor costs above the market price and excludes low-skilled, entry-level workers from the job market and eliminates any potential for apprentice training. It is big labor's best friend. It is the taxpayers' worst enemy.

Let us take a look at who gains and who loses by continuing to mandate wages on Federal projects. First, the taxpayer loses. Most of us are familiar with the studies that, according to the GAO, as anyone who has ever run a construction company, as I have, knows, the cost of Federal-funded construction is driven up by anywhere from 5 to 15 percent as a result of Davis-Bacon.

The effect is even worse in rural areas where Davis-Bacon drives the cost up by 26 to 35 percent.

The Congressional Budget Office has prepared the most conservative estimate available for the premium the taxpayers pay because of Davis-Bacon. They say the costs rise 1.5 percent because of the act. But from that very low and conservative estimate, it is determined that the taxpayer is expected to fork over an additional $3.2 billion over the next 5 years because of Davis-Bacon. And in this bill alone, we would save $84 million, and that is also a low ball estimate.

Mr. President, we could argue about the minutiae of studies well into the night, but no one in this Chamber will argue that Davis-Bacon is saving the taxpayers any money. It drives up cost, reduces competition, pure and simple. That is what it is designed to do, and it does not improve the quality of the finished product.

By mandating that federally funded construction projects pay the prevailing or union wage—and they will always be able to identify as the prevailing wage—we drive up the labor costs to the taxpayers—the labor cost—by 50 percent on federally funded projects, and that does not even take into account the massive amounts of paperwork, the bureaucracy created in the Department of Labor to administer and determine prevailing wages for the thousands of Federal contracts let each year. It is estimated that over 6 percent of paperwork generated at the Department of Labor is a result of Davis-Bacon—6 percent of the paperwork coming out of the Department of Labor. And every bit of it is a useless, bureaucratic waste of time and money.

Mr. President, it is impossible for the Department of Labor or anyone in Government, for that matter, to accurately determine what someone's proper wage is. Only the private sector and the free market can determine what is a proper wage.

Mr. BAUCUS. Might I interrupt the Senator at an appropriate point to get a consent agreement? I do not want to break into the flow of the Senator's presentation.

Mr. FAIRCLOTH. Excuse me.

Mr. BAUCUS. I ask what would be a proper time for me to put a separate request to the Senate allocating time?

Mr. FAIRCLOTH. I am almost through. It will be all right to divide the time.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time between now and 5:30 p.m. be equally divided in the usual form for debate on the Faircloth amendment; and that, following disposition of Senator GREGG's amendment, the Senate vote on or in relation to Senator FAIRCLOTH's amendment No. 1714; and that no other amendments be in order prior to disposition of Senator FAIRCLOTH's amendment.

The PRESIDING OFFICER (Mr. KOHL). Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I thank the Senator.

Mr. FAIRCLOTH. Mr. President, the private sector and the free market are the only factors that can determine what is a proper wage. Governments around the world have discovered the futility and waste associated with manipulating wages and markets. It simply has never worked. Yet, the U.S. Congress today and every year since 1931 has mandated that the Department of Labor somehow determine the proper wage that should be paid for 300 different job categories in 20,000 different locations around the country. Every bricklayer, backhoe operator, carpenter, electrician and post-hole digger has to get a correct Federal unionized wage.

This wage is to be determined not by the real market but by the bureaucrats in Washington. That, Mr. President, is an impossible task. Everyone knows the Labor Department cannot possibly do the job, and for the past 63 years, the prevailing wage has been one thing and one thing only: the union wage. That is why in places like Cody, WY, they use a Denver pay scale, and in Poplar Bluff, MO, they use St. Louis union pay scales. This goes on all over the country.

Anyone with a drop of common sense knows there is not any connection between the selected wage and the true local market wage. The local market is really of no consequence. The union wage simply prevails and the Davis-Bacon wage goes on.

The second loser is the private sector. The cost to the private sector in lost competition is enormous. I was in the construction business for many years, and I can tell you firsthand the consequence of the Federal Government mandating wage rates.

We have created two separate construction markets in this country. The Federal market, whose foundation is Davis-Bacon wage mandates, is a maze of union-inspired rules and regulations. To compete in this market, you and your workers have to play by the union rules or, even worse, you can very simply just sign your company away to union contracts in the first place. And we all know what that means: Changing a ditch digger's rate to that of a truck driver because he drove a truck across a parking lot, or an electrician scale because he threaded a piece of wire. Those are the rules that Davis-Bacon brings to the construction industry.

That kind of Government-created private sector bureaucracy has limited the Federal construction market, for the most part, to a small group of union-controlled contractors who specialize in Davis-Bacon mandates. They are not competitive enough to operate in the free enterprise system. They do nothing but Government work under the Davis-Bacon rules.

Mr. President, Davis-Bacon mandates will cost the private sector $100 million this year in paperwork alone. Eleven million payroll reports, requiring 5½ million man-hours, will be submitted by employers to the Department of Labor in order to conform to Davis-Bacon requirements—11 million payroll reports.

The requirements that payrolls be met weekly rather than biweekly, as is often the practice in the construction industry, is enough to discourage any smaller firm from competing for Federal contracts. Just a single payroll requirement is symbolic of the arrogance of Davis-Bacon and the bureaucracy and the unions that support it.

It is not Congress' business to mandate the private sector's payroll changes that are effective for them only because the union bosses decide they would like it differently. I hope Senators who support Davis-Bacon will put themselves in the shoes of employers who are willing to hire entry-level workers but can find no economic rationale in the face of Davis-Bacon. I think there is a simple reason and an unfortunate reason why they cannot. The vast majority of Senators' hiring decisions have been limited to staffers, bureaucrats and law clerks. They simply have no firsthand knowledge of the private sector and the counterproductive effects of the rules and regulations that this Congress has passed over the last 30 years and longer.

The final loser is the cities and towns who are trying to clean up their drinking water. This bill currently marks an unprecedented expansion of the privileged wage laws of Davis-Bacon. We usually think of Davis-Bacon in connection with Federal building projects, but this bill is about local projects and it tells cities and towns that, if they take a penny of money from the State revolving fund, they must follow Davis-Bacon and Federal wage laws. That becomes one more mandate upon the cities and counties of this country, an unfunded one, as most of the Federal mandates are.

If we want to get the whole purpose of the bill, if we really want cleaner water, then we are going at it the wrong way. We need cheaper costs, and eliminating Davis-Bacon would be one way to cheapen the cost.

Mr. President, the Davis-Bacon issue has been fought many times in the Senate and will, unfortunately, be fought many times again, and I am well aware of that. But Senators have an opportunity here to prevent Davis-Bacon from being forced upon what is essentially a State program. This bill makes available $5.6 billion for States to loan out as they see fit, with a 20-percent match into this revolving fund. It is not the business of Congress to say that States—and that is what they are—that all of this must be constructed using union funds. I believe the States and cities have had enough of unfunded mandates, and I think they have had enough of Davis-Bacon, particularly those States without prevailing wage laws. It is one more encroachment on the ability of governments outside of Washington to decide such things for themselves. They have lost the decisionmaking process. It is dictated to them by a Government bureaucracy from Washington.

It is another power grab by Big Labor. It is one more arrogant attempt by Congress to manipulate the private sector for its own benefit and reasons.

I propose that Senators who may be undecided this time do the right thing.

Let us get the Davis-Bacon monkey off the back of local governments and the private sector. Vote for this amendment and your State will get 30 percent more water treatment construction for its money in rural areas. Vote against it and you are saying that Big Labor is more important to you, more a factor than is clean drinking water for this Nation.

Mr. CRAIG. Mr. President, I rise in support of the Faircloth amendment to S. 2019, the Safe Drinking Water Act Amendments.

As reported, section 3 of the bill would add a part G—sections 1471-1479—to the Safe Drinking Water Act, requiring the EPA Administrator to make grants to States for capitalizing State revolving loan funds [SRF's] to finance facilities for the treatment of drinking water. This new grant program is modeled after a similar one created in the Clean Water Act.

Unfortunately, the new section 1477(a) in the bill would apply the requirements of the Davis-Bacon Act of 1931 to the SRF's. Because Davis-Bacon directly applies only to public works and public buildings, it would not apply to SRF's without such an explicit extension.

Davis-Bacon should not apply to SRF's; it would amount to another Federal mandate on the States:

Davis-Bacon is a standard for Federal procurement contracts for construction—it shouldn't be imposed on State and local decisionmaking about State and local needs and priorities.

The Davis-Bacon provision in S. 2019 is another example of the Federal Government giving with one hand and taking away with the other. The bill says that we'll help pay for some of the capital costs of Federal drinking water mandates. But then we add Davis-Bacon to make capital improvements more expensive, more regulated, and more paperwork-intensive.

Because this bill applies Davis-Bacon to projects with any Federal SRF money, it also applies Davis-Bacon to the matching funds raised by State, local, and private sources. In other words, the Federal Government would be dictating to States and others how they should spend their own money. This simply isn't fair.

This provision also provides us with a case of the tail wagging the dog. Even though the Federal share of any SRF project may be as great as 80 percent, States also may stretch that money out among more projects. In some cases, Davis-Bacon could wind up applying to projects with a very small Federal component.

The new section 1477 created by this bill includes a disturbing, unprecedented expansion of Davis-Bacon to the proceeds of loan repayments:

The purpose of this bill is to authorize seed money to set up revolving loan funds—and I stress the word "revolving." The loans are repaid and funds are reloaned. The current practice as in the Clean Water Act, has been to apply Davis-Bacon only to the initial pool of money receiving a Federal contribution. If Davis-Bacon has to apply, this should be the case—it should come attached directly and solely to Federal money.

Over time, revolving funds become State money even more obviously. The Federal taint is less and less.

However, this bill could apply Davis-Bacon to subsequent loans made out of revolving funds 5, 10, and 20 years after the Federal Government has stopped contributing any funds.

Revolving funds are administered by State agencies, are matched with State funds, and loaned out based on State and local assessments of need. If this is the best way to characterize SRF's at their creation, it is a much truer description still after funds are repaid and reloaned.

Another obvious indicator of the nature of SRF's as State funds is written right into this bill: States would be allowed to decide whether or not to forgive loans to disadvantaged communities. It doesn't make sense to apply a Federal procurement standard like Davis-Bacon to a subsequent loan that was made possible solely because the State collected loan repayment it could have forgiven, instead.

Applying Davis-Bacon to SRF's is inconsistent with the stated intent of the Davis-Bacon Act itself:

Davis-Bacon supporters always assert that the purpose of the act—and this is consistent with legislative history—is to protect local economies and markets from disruption by big Federal projects.

Applying the act to SRF's raises a logical contradiction: This bill would apply a Federal procurement rule to State and local projects, ignoring the needs, priorities, and standards of the States and localities, in the name of "protecting" those States and localities from Federal interference.

Another, little noticed, local control issue: Subsection (b) of the Davis-Bacon provision would allow the Labor Department to override the judgments of EPA and State and local officials on when to apply Davis-Bacon:

Subsection (b) of the new section 1477 would allow the Department of Labor to override determinations made by the EPA Administrator and State or local officials as to whether the nature of the work being performed or the nature of a contractual relationship on an SRF project was such that Davis-Bacon should not apply. This is a departure from the traditional legislative approach in, and division of responsibility under, the Davis-Bacon related acts.

There is no justification for allowing Department of Labor bureaucrats who have no practical experience in safe drinking water programs, and who know nothing about local economic circumstances, to impose their judgment on EPA and local officials who are more qualified and better situated to judge the nature and scope of a contract on a project funded out of an SRF.

Proponents of Davis-Bacon expansion have been pursuing a strategy of inflicting death by a thousand small cuts. Subsection (b) is another example; it is a provision that has no rationale as a piecemeal expansion except for the sake of expansion itself.

There actually is an interesting history behind this particular issue. In the mid-1980's, DOL actually tried to apply Davis-Bacon to private construction of a shopping center in Muskogie, OK. The city, in a private-public partnership, had used a Federal grant to pay for part of the land acquisition. In essence, the Department of Housing and Urban Development said that Davis-Bacon applied only to federally financed construction in this and similar cases. DOL argued that it had the authority to apply Davis-Bacon to private construction if Federal funds had helped pay for an indirectly related activity. The Justice Department ruled in favor of HUD. Subsection (b) attempts to overturn that ruling for drinking water SRF's.

As an example of how such a reversal would affect communities under this bill, let's say a private developer of an industrial park or planned community agrees to construct a drinking water treatment facility; and the local government uses SRF funds for technical assistance, or maybe partial land acquisition. Normally, EPA and the State and locality would determine whether Federal money was directly related to construction and whether the nature of the work was more properly considered private, local-public, or federally assisted. Subsection (b) is intended to give bureaucrats, remote from the actual community and its SRF project, the power to superimpose their opinions as to when Davis-Bacon should apply.

COSTS

The bill authorizes $600 million in fiscal year 1994 and $1 billion annually over fiscal years 1995-2000, for a total of $6.6 billion.

Davis-Bacon would escalate total construction costs by at least 1.5 percent, or $99 million of the total Federal contribution if that much is appropriated. In other words, the Federal Government would get $99 million less worth of safe water capital improvements—less safe drinking water—for its money.

The committee report estimates that total capital costs to comply with Federal standards could be $8 billion or more. Of this total, the Davis-Bacon cost premium would amount to at least $120 million—including at least $21 million in added costs imposed on States and localities.

I want to point out that 1.5 percent is what CBO estimates Davis-Bacon adds to construction costs, as a national average, above what they would be if the market prevailed.

The local impacts of Davis-Bacon, however, vary dramatically.

The General Accounting Office, the Wharton School, the Grace Commission, and others have found that Davis-Bacon commonly adds 5 to 15 percent to construction costs.

A 1982 University of Oregon study found that Davis-Bacon increases costs in rural areas by as much as 26 to 38 percent.

It's ironic and unfortunate: Applying Davis-Bacon to the safe drinking water SRF's means that those communities already least able to afford Federal mandates in the first place would get socked with the largest additional, federally imposed costs in complying with those mandates.

Davis-Bacon restricts competition and discriminates against small and minority-owned businesses:

Small and minority contractors already avoid Federal construction contracts like the plague because of onerous Davis-Bacon requirements. This bill would ensure that the same contractors are also shut out of State and local drinking water projects.

Again, this is ironic. Members of Congress always talk about helping small and minority employers—the very employers who create virtually all new jobs and training opportunities for new and disadvantaged workers—but by applying Davis-Bacon this bill would slam another door in their faces.

I remind my colleagues: The National Association of Minority Contractors has said that Davis-Bacon is "poison" to minority contractors and their employees, and the U.S. Hispanic Chamber of Commerce has called for outright repeal of the act.

I have spoken before on this floor about the lawsuit now pending, by several minority contractors, community associations, and the Institute for Justice, to declare Davis-Bacon unconstitutional on the basis of racial discrimination. I await with great interest the developments in that case. In the meanwhile, I agree that the 1931 CONGRESSIONAL RECORD showed obvious discriminatory intent when Davis-Bacon was enacted and that history has shown discriminatory effects.

For these reasons, and for those I offered earlier, I urge my colleagues to vote for the Faircloth amendment. We should not be expanding Davis-Bacon coverage still further.

If the Faircloth amendment is not adopted, then I urge that Senators adopt the amendment by Senator GREGG of New Hampshire, which would restore the status quo that Davis-Bacon not apply to the proceeds of loan repayments. But I hope that is not necessary and that we adopt the Faircloth amendment. If neither of those amendments is adopted, I understand that Senator SIMPSON of Wyoming has an amendment to allow States to exempt disadvantaged communities from Davis-Bacon, and I will support that effort.

Mr. President, I ask unanimous consent that I be allowed to insert additional materials into the RECORD with my statement, including a letter from the National Association of Minority Contractors expressing their concern over and opposition to the Davis-Bacon provisions in S. 1547, which has been replaced on the floor by S. 2019, and a letter from the Coalition To Reform Davis-Bacon, a broad-based national coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS,
Washington, DC, April 25, 1994.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Association of Minority Contractors (NAMC) would like to draw your attention to an overbearing Davis-Bacon provision in the Safe Drinking Water Reauthorization Act (S. 1547), a bill which will soon be considered in the Senate. We urge you to oppose this provision on the grounds of its overly burdensome requirement on the states, as well as its heavily adverse impact on small and small disadvantaged businesses, and lower-skilled minority workers.

S. 1547 contains a provision which would expand Davis-Bacon coverage to all drinking water projects funded by the new state revolving loan fund (SRF) created in the bill. This Davis-Bacon provision of S. 1547 amounts to just one more unfunded federal mandate on the states. It would have a harsh impact on small and small disadvantaged businesses who would be virtually eliminated from competing on drinking water projects because of the heavy burden of Davis-Bacon. It would also have a negative impact on low-skilled workers seeking jobs on safe drinking water projects, but not qualifying for the excessive Davis-Bacon wage requirements.

Under the legislation, the federal government would contribute a total of $5.6 billion to the SRF through the year 2000. After 2000, the SRF would be capitalized solely by repayments of the loan by the states. The Davis-Bacon provision would apply the law's requirements not only for the first few years of the program, when the federal government is making a financial contribution, but also when the SRF is fully capitalized with state funds. The language contained in S. 1547 is a significant unprecedented expansion of the Davis-Bacon Act which eventually places the full burden of the associated inflated costs on the states.

The Davis-Bacon Act is estimated to raise the cost of federal construction by an average of 5–15%. The inflated costs in rural areas are estimated at 26–38%. The Davis-Bacon Act currently impacts states and localities because it is often applied when the federal government makes only a nominal contribution and the project is primarily state, locally or privately funded. The inflated costs and other problems associated with Davis-Bacon can virtually nullify the federal government's subsidy. The language in S. 1547 imposes this type of burden on the states, but also goes a giant step further by applying Davis-Bacon indefinitely—even when the SRF is capitalized solely with state funds.

S. 1547 purports to provide additional flexibility to the states. However, the Davis-Bacon provision in this legislation is entirely contrary to this intent. To date, eighteen states have chosen to either repeal their "little Davis-Bacon law" or have no prevailing wage statute at all. Rather than providing flexibility, S. 1547 as written imposes another unfunded federal mandate on states who have already made their choice on this issue. States who have repealed their prevailing wage law—including Alabama, Arizona, Colorado, Florida, Idaho, Kansas, Louisiana, New Hampshire and Utah—and states who have never had a prevailing wage law—including Georgia, Iowa, Mississippi, North Carolina, North Dakota, South Dakota, Vermont and Virginia—clearly do not want the federal government mandating that they must pay these unnecessarily inflated costs. It is important to note that states who do have a prevailing wage statue are already assured of having prevailing wages paid on projects funded under this program.

NAMC urges you to support the position that, with states and localities becoming increasingly financially strapped, the federal government should not mandate that they pay more than necessary for much-needed public construction. This position is not only good for the state governments, but also for small and small disadvantaged businesses seeking to do business under state contracts, and also for workers seeking jobs on state projects. We urge you to oppose the addition of the Davis-Bacon expansion provision to S. 1547, the Safe Drinking Water Authorization Act.

Sincerely,
SAMUEL A. CARRADINE, Jr.,
Executive Director.

COALITION TO REFORM THE
DAVIS-BACON ACT,
April 11, 1994.

Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: The Senate is expected to begin debate on S. 1547, the Safe Drinking Water Reauthorization Act, as early as this week. The Coalition to Reform the Davis-Bacon Act is extremely concerned about the Davis-Bacon provision included in S. 1547, which would amount to an unfunded federal mandate on the states.

By including the requirements of the Davis-Bacon Act within S. 1547, you are mandating that states pay a significant amount more than necessary for construction projects under these programs. The Davis-Bacon Act unnecessarily raises the cost of Federal construction by an average of 5–15%, with costs in rural areas being inflated by as much as 26–38%. This is a needless waste of taxpayer dollars and thwarts the progress of additional projects that would be built. These figures do not take into account the burden that Davis-Bacon requirements impose on states and localities.

The federal Davis-Bacon law hurts states and localities because its requirements are imposed regardless of the amount of funds that the federal government brings to a project. For example, the federal government could offer a small amount of money for a primarily state, local or privately funded project, and the artificially inflated

Davis-Bacon wage rate would have to be paid to all workers on that job. Often times these increased costs virtually nullify the federal contribution. The language in S. 1547 would further burden states by applying Davis-Bacon requirements even when the federal government stops making its contribution and the SRF is solely state capitalized.

Eighteen states have seen fit to repeal their state prevailing wage statute or have no prevailing wage statute at all. The federal government should not impose Davis-Bacon requirements on financially strapped state and local governments, particularly when it is no longer financially involved.

The Coalition to Reform the Davis-Bacon Act strongly encourages you to delete this expansive language from S. 1547.

Sincerely,
THE COALITION TO REFORM THE DAVIS-BACON ACT.

MEMBERS—COALITION TO REFORM THE DAVIS-BACON ACT

- Air Conditioning Contractors of America.
- American Concrete Pipe Association.
- American Farm Bureau.
- American Portland Cement Alliance.
- American Public Transit Association.
- American Road and Transportation Builders Association.
- Associated Builders and Contractors.
- Associated General Contractors.
- Brick Institute.
- Citizens Against Government Waste.
- Contract Services Association.
- Council of State Community Development Agencies.
- Fluor Corporation.
- Independent Electrical Contractors, Inc.
- Institute for Justice.
- Labor Policy Association.
- National Aggregates Association.
- National Association of Counties.
- National Association of Dredging Contractors.
- National Association of Home Builders.
- National Association of Manufacturers.
- National Association of Minority Contractors.
- National Center for Neighborhood Enterprise.
- National Federation of Independent Business.
- National Industrial Sand Association.
- National League of Cities.
- National Terrazzo & Mosaic Association.
- National School Boards Association.
- National Slag Association.
- National Stone Association.
- National Tax Limitation Committee.
- National Taxpayers Union.
- Printing Industries of America.
- Pubic Service Research Council.
- U.S. Chamber of Commerce.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, [Mr. WOFFORD].

Mr. BAUCUS. Mr. President, I am about to yield time to the Senator from Pennsylvania and also the Senator from Massachusetts.

The amendment, I think, is the same one that was offered in committee, was considered by the committee, and rejected by the committee. It is the same amendment, and I urge the full Senate to also reject it. It is an issue that has been debated many times. Frankly, I think it would be highly improper for the Senate to adopt this amendment.

I will yield to the Senator from Pennsylvania—how much time?

Mr. WOFFORD. I will be within 2 minutes.

Mr. BAUCUS. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. WOFFORD. Mr. President, as the Senator from Montana, our chairman, has said, the Environment and Public Works Committee debated this provision and voted by an 11 to 6 margin to retain the Davis-Bacon provisions.

The points made with such strong conviction by the Senator from North Carolina have been disputed and, I believe, disproved by many studies and by many thoughtful students of this field.

Dr. John Dunlop, Labor Secretary during the Ford administration, has studied the impact of the Davis-Bacon Act on costs and found that the application of the act is neutral with respect to construction costs.

Before coming to the Senate, I was Pennsylvania's Secretary of Labor, an agency which administered the State's prevailing wage law. I have seen first hand how these labor protections assure fair wages prevailing in the locality of the work. They provide for apprenticeship training to create a new generation of skilled craftsmen. The men and women of the building trades, Mr. President, are taxpayers, and they have been building America. The Senate time and time again has supported the concept of prevailing wage, and I urge the defeat of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. I thank the Chair.

I rise in opposition to this motion to strike the Davis-Bacon protections for projects funded under the Safe Drinking Water Act.

There are a number of myths that are frequently circulated about the Davis-Bacon prevailing wage requirements.

Let me dispel some of the myths about Davis-Bacon.

One of these myths is that Davis-Bacon requires contractors to pay union wages on Federal construction projects. Davis-Bacon requires that prevailing wages of the community be paid on Federal construction projects. A 1986 study of the entire universe of Davis-Bacon decisions revealed that only 42.6 percent of all area wage decisions had prevailing rates that were union rates.

The same study found that almost 48 percent of all area wage decisions issued by the Department of Labor had nonunion wage rates as prevailing.

It also found with regard to project decisions, 23 percent of all decisions had union rates prevailing while 62 percent had nonunion rates prevailing.

Clearly, Davis-Bacon is not merely a facade to protect union wage rates.

Another of those myths is that construction workers are overpaid, and that the Davis-Bacon Act requires that they be paid inflated wages that unfairly enrich these workers at the expense of taxpayers.

This is simply untrue. The Davis-Bacon Act merely requires that construction workers on Federal projects be paid prevailing wage—that is the wage that is paid to the majority of workers doing similar work in the community.

Construction workers are not overpaid. In fact, in March 1994, the average hourly wage of a construction worker in this country was $14.42 an hour. Because construction workers work on a project-by-project basis, and are affected by weather and other conditions, the typical construction worker—even in the best of times—is likely to find work only about 1,400 to 1,600 hours a year. At the rate of $14.42 an hour, that typical construction worker produces annual earnings ranging from $20,188 to $23,072 a year.

This is hardly the kind of income that any family lives royally on.

And these are hardly the best of times for construction workers. In 1993 the unemployment rate among construction workers nationwide was a whopping 14.3 percent, and I know for a fact that in some construction locals in my own State of Massachusetts the unemployment rate in 1993 has been in excess of 17 percent.

Mr. President, what we are basically talking about is the wages of working men and women in the construction industry of this country. When you get right down to it, let us look at those who are participating in the Davis-Bacon Program, which effectively means that the wages are going to be the prevailing wages in that particular area where the project is going to be built.

Nationwide, the average construction worker is making $14.42 per hour, working between 1,400 and 1,600 hours a year. Construction workers only work on a project-by-project basis. Their hours are also affected because of weather. But, the typical construction worker nationwide, earns between $20,000 and $23,000 a year.

We are talking about men and women in this country who have a skill who are making between $20,000 and $23,000 a year. We are talking about roofers who make $12.79 an hour; carpenters who make $14.33 an hour, and plumbing, heating, and air conditioner workers who make $15.01 an hour. I do not understand why the Senator is against these working men and women who are prepared to work at any time they possibly can and still make only $20,000 a year. There are a lot of other inequities out here—people taking advantage of various kinds of projects and systems and the economy, who are making not only $20,000 but $100,000 or $1 million a year. But we are not talking about these people.

It is thee the working men and women we are talking about. Their unemployment—as a result of interest rates—is 14 percent nationwide; in my State, 17 percent. Many of these construction workers are not even making the $20,000 a year. So you can talk all you like about how we really ought to stand up for America, how we ought to stand up against the power of these working men and women. You are talking about hard-working men and women who are trying to deal with the economic problems they and their families are facing, whose real income has actually declined over the period of the last 10 years. And we are going to say this is striking the cause for justice in America?

Come on. What has the Senator got against working men and women making $20,000 a year? That is what this issue is about. I just hope that the Senator's amendment will be defeated.

We can end up with the shoddy workmanship and the overtime that is necessary for repair when we do not have trained individuals who are part of the construction trades. A January 27, 1994 article in the Wall Street Journal recently reported on the growing shortage of skilled construction workers. The article mentions increasing complaints about building quality and timeliness.

The protections of Davis-Bacon and the apprenticeship programs certified by the Department of Labor or a State agency recognized by the Department of Labor help to ensure that this country has an adequate skilled labor supply. They also ensure that projects built with Federal funds are quality projects with good workmanship.

I am just always amazed that some of our colleagues want to go after the backbone of America—the skilled men and women who are really building the infrastructure, the ones who are rebuilding the water systems which provide our families water, the ones making moderate, even minimal, amounts of money and trying to bring up a family in this country at the present time.

I hope that we are not going to turn our back on these individuals and say, well, we are not going to pay you. We are going to nickel and dime you. We want you to go out and work, but we are going to nickel and dime you and get your wages down even lower than they are now.

Mr. President, $14,800 a year is now a poverty wage for families of four. These workers deserve better than a poverty wage. It seems to me we ought to pay people a living wage—for them and their families.

So I hope that this amendment will be defeated, and I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? Four minutes 35 seconds remain to the Senator from North Carolina.

Mr. FAIRCLOTH. I yield the time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am pleased to support the amendment offered by my good friend from North Carolina, Senator FAIRCLOTH. His amendment would strike the ill-advised Davis-Bacon provisions from the Safe Drinking Water Act.

Most Americans are not aware of Davis-Bacon—but they should be. Davis-Bacon denies American taxpayers the right to get the best deal for their money. Davis-Bacon denies American taxpayers the benefits of marketplace competition. Congress—not the marketplace—not competition—sets the rate of pay for workers.

The result? Federal contract costs sky-rocket. Taxpayers are gouged. And now, if we defeat the Faircloth amendment, we will expand Davis-Bacon even further?

If the Faircloth amendment is defeated, Government contract costs will increase along with Government spending. Is the budget balanced? Have we conquered the deficit?

What is our objective with the Safe Drinking Water bill? Do we want money spent on protecting drinking water? Or do we want to throw a bone—a very expensive bone—to special interests?

If my colleagues defeat the Faircloth amendment, less money will go to safe drinking water. More money will go to labor.

The bill contributes $5.6 billion to a new State revolving loan fund. It is argued States are better suited to manage local safe drinking projects. But then we about-face and force costly Davis-Bacon requirements upon State contributions to the new revolving fund. The Federal Government imposes costly Davis-Bacon long after Federal funds are spent. Why? To promote safe drinking water?

My own State of Iowa has never had a prevailing wage law similar to Davis-Bacon. But unlike the Federal Government, Iowa has to balance its budget. It is required by Iowa's constitution. So, squandering taxpayer's money like the Federal Government does is not acceptable among many States like Iowa.

Therefore, I am confident that Iowa would oppose paying the inflated costs this unprecedented Federal mandate imposes.

This is both a Federal money grab and a Federal power grab. It steals more money from Federal and State taxpayers. And it steals the power from the State. This provision strips State and local officials of their powers. States opposed to this expansion of Davis-Bacon could be ignored, snubbed, and overruled by the Secretary of Labor.

The Federal Government must not impose its will upon State funded programs. There is no justification for this power grab. Local officials, not Federal bureaucrats, are better-suited to determine local contract provisions funded by local revolving funds.

The costs of federally subsidized construction will dramatically rise in urban areas and even more so in rural areas.

My State cannot afford to spend safe drinking water funds to finance artificially high construction costs.

Davis-Bacon is simply a way to dig deeper and deeper into American taxpayer pockets. It is another way for Congress to increase the burden of Government on Americans.

It is another way for Congress to make certain that it controls the hard-earned income of taxpayers instead of letting taxpayers spend their own money or if the money is to be spent to accomplish the most bang for taxpayer dollars.

I commend my friend from North Carolina for his work on this issue and I urge my colleagues to join us in stripping this Davis-Bacon provision from this bill.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. All time of the Senator from North Carolina has expired.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized for 5 minutes.

Mr. METZENBAUM. Mr. President, I do not know any Member on the other side of the aisle for whom I have more respect than my good friend from Iowa. But when he suggests that the working people in this country are special interests, I have to stand and say I strongly take issue with that. These are average working Jacks and Jills who are working in the construction industry making $14, $16, $18 an hour, maybe $20 an hour.

This amendment would repeal the prevailing wage protections of the Davis-Bacon Act for any Government contracts funded by the Safe Drinking Water Act.

We do not want to do that. We do not want to say to average working people that you are supposed to work for less than the prevailing wage in that area. That is all this amendment is about.

The proponents of this amendment have told you that workers do not need these protections. They have told you this amendment will save Federal dollars. So it sounds like a great idea. But the fact is you do not save Federal dollars on the backs of the working people of this country. At least I do not think we should.

We have heard these arguments over and over, time and time again about this idea of saving money in this manner. We all know what is really going on here. This amendment is really about stripping longstanding labor protections away from American workers, for an illusory purpose of saving tax dollars. It has no place in this legislation.

We go through this same routine year after year. But the fact is, if we have any real concern for American working people, we cannot even consider adopting this amendment.

Let me explain briefly why workers need these protection. The Davis-Bacon law requires Federal contractors to pay the prevailing wage in a locality when performing work under a federally funded construction contract. Congress enacted this law in 1931, 63 years ago, to codify a simple public policy—that the Federal Government should not pay substandard wages to American workers. Because of the Federal Government's massive purchasing power, paying substandard wages could undercut all other employers in a given area and drive wages down for all workers.

That is not what I believe the U.S. Senate wants to bring about. The Davis-Bacon Act is premised on the notion that private contractors should not be permitted to use the shield of Federal contracts to engage in wage-busting activities.

So Davis-Bacon stands for a principle that is eminently fair to both Federal contractors and to their employees: just pay a fair wage, just pay the prevailing wage in the community, nothing more. It does not ask for $5 more than the prevailing wage. Just pay what the majority of workers are earning for similar work in the area. What could possibly be fairer than that?

Do not be fooled by the argument that America's construction workers do not need these protections. In fact, they need these protections more than ever.

The real value of their wages has been going down for years, due to inflation.

Moreover, these workers typically do not work a full 52 weeks, due to weather conditions, economic conditions, and the transient nature of construction work. The compensation for working in one of the most dangerous occupations in this country is not that high. If the prevailing wage law is eliminated, this modest earnings level of $22,000 to $23,000 will be slashed by low-wage contractors.

Ultimately, this is an issue of basic fairness.

Congress recognized that the Federal Government should encourage competitive bidding for federally funded construction contracts. But Congress also recognized that this competition should not come at the expense of construction industry workers.

Moreover, Federal dollars raised by taxing the working men and women of this country should not be used to force down their wages. We have to stand here this afternoon to protect the principle of fairness that has served us well for 63 years. We have consistently rejected efforts to undermine or repeal these protections in the past. We should reject this amendment as well.

Mr. President, I yield the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has one minute and 40 seconds.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask the proponents of the amendment be given 4 additional minutes. That will push back the 5:30 vote a little bit.

Mr. BAUCUS. Mr. President, I might add I think it would be more fair to allocate it evenly, like say 2 and 2.

Mr. CHAFEE. That is pretty short.

Mr. BAUCUS. Three and three.

The PRESIDING OFFICER. Without objection, each side is granted an additional 3 minutes.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to thank my colleagues from Montana and Rhode Island for their courtesy.

I also wish to compliment my friend and colleague, Senator METZENBAUM. I have had the pleasure of debating him on this issue several times.

I also wish to compliment my friend and colleague, Senator FAIRCLOTH, for his amendment. I think it is an outstanding amendment. I appreciate where he is coming from—the private sector, the era that believes that individuals and businesses know how to set labor rates better than the Federal Government. He happens to be right.

My friend from Ohio said, well, he believes in keeping the law as it is. I am looking at this bill before us. This does not keep the law as it is. As a matter of fact, this expands Davis-Bacon. It goes well beyond any scope of the original passage of Davis-Bacon, because it says that fair labor standards—or "the administrator will have prevailing wage rates provided under this part including any assistance derived from repayments to the State loan fund." That is all State money.

So what we are doing is expanding the Federal mandate of Davis-Bacon, and that mandates high labor rates to the States. It is an unfunded State mandate. States are going to be saying: Wait a minute, we have paid into this fund; that is our money, but you are mandating that we have the Federal Government set the labor rates on these projects when we are spending our own money. That is not right.

In many cases, you are talking about wage rates far in excess of what is normal, standard, or what somebody might be earning when they are working on a private construction project. So if it is a Federal construction project, it may cost 50 percent more or 20 percent more. Those labor rates are going to be determined by the Secretary of Labor, using some survey instead of the private sector between employer and employee who know what that wage should be.

So, Mr. President, this bill is a massive expansion of an unfunded mandate on States because it provides for prevailing wage rates including any assistance derived from repayments to the State loan fund.

We are going to spend a lot of money in this bill—over a billion dollars. All that is covered by Davis-Bacon, under the revolving loan funds, which is $1 billion. Where the States have their own money, they should not be mandated to be paying exorbitant labor rates. Let them decide. Nineteen States have exemption from Davis-Bacon. We should not tell them they have to pay prevailing wage rates.

This is an expansion of present law, and it should not happen. We should not be mandating States, counties, cities, and rural water districts, high labor rates, and that is what we are doing.

Senator FAIRCLOTH has an outstanding amendment. I urge my colleagues to support it.

Mr. BAUCUS. Mr. President, essentially, very clearly, we have already debated this issue many times. The provisions of the bill apply to the same—the same provisions currently apply to the Clean Water Act revolving loan fund and to the Safe Drinking Water revolving loan fund. What is sauce for the goose is sauce for the gander. There are all kinds of studies that Davis-Bacon adds to the costs of construction, and it does not add to the cost of construction. A lot of studies show, frankly, that the provisions of Davis-Bacon providing for the prevailing wage actually reduce the cost of construction because of fewer delays. There is a more uniform application of the contract, fewer cost overruns, generally, sturdier construction.

In the long haul, many studies show that the prevailing wage provision tends to not increase costs in a project, but actually reduces them. The short answer is that this is an issue that has been around a long time, and all Senators are very familiar with this issue. The committee did consider this amendment in committee. It was rejected in committee by a vote, I think, of 11–6, and it was the same amendment.

I strongly urge Senators—just as members of the committee did not—to not adopt the amendment.

Mr. CHAFEE. Mr. President, I hope the Senate will adopt the amendment offered by the Senator from North Carolina. This bill establishes a State revolving loan fund program to make it possible for small drinking water systems to comply with the requirements of the Safe Drinking Water Act.

This is a loan fund, not a grant program. Drinking water systems can borrow money. But they must pay it back. Ultimately, it is local revenue that pays for compliance. The Federal dollars committed to these loan funds is just seed money. Does it make sense to require small communities who are struggling to meet the requirements of the Safe Drinking Water Act to spend even more to meet Davis-Bacon requirements that apply to a loan program? No, it does not.

The theory of a revolving fund is that some assistance is provided by lowering interest rates on the loans. Small communities have difficulty borrowing in the municipal bond market. The SRF's give them a window for a loan at interest rates more can afford.

But not if you pile the Davis-Bacon requirements onto the loan. A modest estimate of the impact is a 1.5-percent increase in the average cost of construction projects that are required to pay wages at Davis-Bacon rates. Many estimates of the cost impact are much higher. But even at 1.5-percent, this requirement can have a large impact on the attractiveness of this SRF program for small communities.

We have an SRF program in the Clean Water Act. Interest rates have averaged 2.5 percent below market rates. You can see that if Davis Bacon increases costs by just 1.5 percent—and that is the lowest estimate—it eats up most of the advantages of this program. In fact, most large cities have chosen not to participate in the Clean Water SRF because of the Davis-Bacon and other similar cost increasing strings that go with those loans.

So, Mr. President, I think this Davis-Bacon requirement undermines the whole purpose of the SRF—access to low interest loan funds—and I would urge the Senate to support the Faircloth amendment and delete the Davis-Bacon requirement from this new program.

Mr. President, I point out also, as the Senator from Oklahoma noted, this is an enlargement of Davis-Bacon. This is not carrying on some law that has been there for 65 years. This is a broadening of the law.

I think we are ready to vote.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I think we are ready to yield back our time on the debate on the amendment offered by the Senator from North Carolina. I assume that the time on the other side has been used up, and we are ready to proceed to a vote.

The PRESIDING OFFICER. Under the order, the question is on agreeing to the amendment.

Mr. KOHL. Mr. President, I rise in opposition to the amendment of the Senator from New Hampshire on unfunded mandates, and I do so as a cosponsor of S. 933, which is Senator KEMPTHORNE'S Community Regulatory Relief Act. When I cosponsored that legislation, I did so because I believed that Congress does not give enough consideration to the costs it imposes on communities when it passes legislation. We debate the merits of each piece of legislation individually, but rarely do we consider the cumulative costs we impose on the communities.

I cosponsored S. 933 because I believe that we need to be taking a comprehensive approach in our efforts to rein in the costs we impose on the communities in our States. We should not, however, agree to piecemeal approaches to fix this problem. Mr. President, I believe that the Gregg amendment represents such a piecemeal, and therefore inappropriate, effort to address this matter.

Further, I believe that the unfunded mandate concept applied in a piecemeal manner to the Safe Drinking Water Act results in some potentially perverse conclusions. If we pass this amendment, we are essentially giving carte blanche authority to local officials to decide whether or not to enforce drinking water standards. There is no explanation in this amendment of exactly how it will determine what is funded and what is not funded. Essentially, this bill is a lawyer's dream come true, because as vague as the language of this amendment is, it would be very easy to construct a legal argument that any drinking water regulation was not fully funded.

Mr. President, when I cosponsored the Kempthorne bill, I had no intention of jeopardizing the life and health of the citizens of my State. In light of the cryptosporidium outbreak that occurred in Milwaukee in April of 1993, I think we are all fully cognizant that the quality of our drinking water is directly related to human health and safety. If we have concerns about specific drinking water standards, let's debate those. But let's not gut the law that is charged with ensuring safe drinking water to the families in our States.

It is my understanding that discussions are currently taking place between Senator GLENN, the chairman of the Senate Government Affairs Committee, and Senator KEMPTHORNE, the sponsor of S. 933, regarding the appropriate manner to proceed in addressing the unfunded mandate concerns. It is also my understanding that the desire is to have this matter addressed in a comprehensive approach. For this reason, and the other reasons stated above, I urge my colleagues to oppose the amendment of the Senator from New Hampshire.

Mr. HATFIELD. Mr. President, I rise in support of the Gregg amendment. I support this amendment because, like many Senators, I have heard from hundreds of citizens in my State about the burdens of mandates, and I agree with Senator GREGG that the practice of passing the responsibility for Federal priorities to State and local government must stop.

However, I would like to note that the Gregg amendment might be applied to the operations and maintenance of local public water systems, and I believe this may take the "unfunded mandates" argument a step too far. As with many other programs, providing safe drinking water is a shared responsibility among the Federal, State and local governments. We must strike a balance between guaranteeing that all people in this country have access to safe drinking water and allowing local communities to set local priorities. In general, daily operation and maintenance costs—including testing for contaminants—should be the responsibility of the local community and should be funded locally.

Despite my misgivings about its scope, my vote in favor of the amendment offered by my friend from New Hampshire, Senator GREGG, is a clear statement of my support for an end to the practice of unfunded Federal mandates.

Mr. BAUCUS. Mr. President, I ask for the regular order. Which amendment will be voted on first?

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire.

Mr. BAUCUS. Mr. President, I move to table the amendment of the Senator from New Hampshire and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan

Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Simon
Warner
Wellstone
Wofford

NAYS—43

Bennett
Bond
Breaux
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop

NOT VOTING—1

Shelby

So the motion to lay on the table the amendment (No. 1712) was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from North Carolina.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—39

Bennett
Bond
Boren
Brown
Bumpers
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—60

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Burns
Byrd
Campbell
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—1

Shelby

So the amendment (No. 1714) was rejected.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP addressed the Chair.

WHITEWATER

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, 2 weeks ago 40 Republican Senators wrote our leader asking him to convey to the majority leader our deep concern over the seeming reluctance of the majority to set up a mechanism for holding Whitewater hearings. It has been nearly 2 months since the Senate passed 98-0 a resolution calling for hearings to be convened in a timely fashion. In the interim, Senators on this side of the aisle have been quite patient while the two leaders negotiated the guidelines and parameters for such an inquiry.

Those negotiations appear to have proven fruitless. Perhaps that was to be expected. Perhaps Senators on the other side of the aisle are not eager to schedule or hold Whitewater hearings. Perhaps they would prefer to stall as long as possible in the hope that interest will wane and somehow hearings will no longer be deemed necessary. This Senator believes they are mistaken.

Questions have been raised by the press, media analysts, and political pundits about the Whitewater matter. Has the media coverage been overblown from the start? Should it take precedence over other issues of national concern? Has the administration satisfactorily answered the questions, put the matter behind them? This Senator would reply "No" to each of those questions.

This matter has not been overblown, in fact it has been largely ignored by all but a few domestic news outlets. While this issue should not take precedence over all other issues, neither is this an either or proposition. Surely we can get to the bottom of the Whitewater matter and still conduct the rest of the Nation's business, unless a dedicated few truly do not want Whitewater investigated.

Finally, the White House has not put the Whitewater matter behind it precisely because they have not answered fundamental issues raised by the Clintons' actions and associations. Until that is done—either by the Clintons, the special counsel, or by Congress—this matter will nip at the administration's heels.

Madam President, in recent weeks the President and the First Lady have each held a press conference to answer Whitewater questions and allegations. While both press conferences were public relations successes—and reportedly that was their true purpose—each failed to answer legitimate questions about the Clintons' activities and associations here and back in Arkansas. That is not simply the conclusion of the Senator from Wyoming, Mr. President. It is also the considered judgment of most independent observers.

After Mrs. Clinton's press conference, the New York Times editorialized:

> As political theater, Hillary Rodham Clinton's news conference Friday afternoon was undeniably a smash hit . . . but her performance, however deft, leaves plenty of troubling issues for the special prosecutor and Congress to explore.

Mr. President, let me repeat that: leaves plenty of troubling issues for the special prosecutor and Congress to explore. The New York Times believes there are sufficient questions to necessitate congressional inquiry.

The New York Times wrote that Mrs. Clinton failed to adequately address the question of whether wealthy benefactors who did business with the State government were padding the Clinton family income while Mr. Clinton was attorney general and Governor. On the matter of the commodities trading, the Times noted that Mrs. Clinton's dealings with Tyson Foods lawyer James Blair might have raised an ethical red flag with some people, but Mrs. Clinton said she saw no problem because Mr. Blair and his wife are among our very best friends.

The New York Times also dismissed the First Lady's account of the Clinton's involvement with the McDougals in the Whitewater Development. The Times noted that Mrs. Clinton:

> Could not explain why Mr. McDougal wound up losing a lot more money than the Clintons did in what was supposedly a 50-50 deal. Her only real answer was that for 10 years she had no idea of what was going on and that she did not receive "any documents until late in the 1980's." That was a strange confession of ignorance from a woman who had spent the previous hour insisting that she maintained hawklike vigilance over her commodities trades and was deeply concerned with building a family nest egg.

However, perhaps the most damning assessment of the First Lady's performance was left for last. The Times lamented:

> Nor was it comforting to find the First Lady slipping into answers that seemed guarded or legalistic. When asked if her com-

> modities broker might have given her a favorable advantage because of her position, she replied with a lawyerly "there's really no evidence of that. I didn't believe it at the time." . . . She said she knew "nothing to support" allegations that money was diverted from . . . Madison S&L into Whitewater to benefit the Clintons.

Once again, Madam President, those quotes come from the New York Times editorial 2 days after the First Lady's press conference.

The Washington Post editorial was only slightly less critical of the First Lady's performance. In response to Mrs. Clinton's claim that she had not received favorable treatment during her commodities dealings, the Post noted that her flimsy rationalization about lack of margin calls:

> Along with her inability to explain how she was permitted to enter the market with $1000 when a single contract cost $1200, was better than not hearing anything from her at all. But it probably won't halt speculation about the help she received in ballooning her financial investments.

The Post concluded that "[T]he central question of whether funds from the failed-Madison Guaranty Savings and Loan were improperly shifted to Bill Clinton's gubernatorial campaign or to the Clintons' Whitewater real estate venture remains a live issue after the news conference"—let me repeat—"Remains a live issue after the news conference."

Finally, the Washington Post alluded to the "penetrating question" posed by the Resolution Trust Corporation's senior investigator in the Whitewater—Madison Guaranty case: "If you [the Clintons] aren't putting money into the venture, and you also know the venture isn't cash flowing, wouldn't you question the source of the funds being used for your benefit?" To this, the Post wrote, "Mrs. Clinton offered a less than satisfying response: 'Well, Shoulda, Coulda, Woulda, we didn't.'" The Post concluded: "answers like that won't put away Whitewater."

Madam President, I ask unanimous consent that both the New York Times and the Washington Post editorials be inserted in the RECORD in their entirety following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. WALLOP. Madam President, if we are truly seeking answers, we must face reality: We are not getting them. The Clintons are either unwilling or unable to provide thorough, complete, and factually accurate answers, even after being hounded and cajoled. As the editorials I have just mentioned conclude, the press conferences have not been enough. And as experience with this administration indicates, we cannot rely upon the Clintons to be unilaterally candid and forthcoming. That is also the common perception among the people, according to polls. The American people may not believe each of the specific aspects of Whitewater is of great consequence, but they are disturbed by equivocation and dissembling with which the administration has handled matters.

In an April 13 Washington Post OP-ED, liberal columnist Richard Cohen gave voice to this concern in describing the advice he would have given to the Clintons on Whitewater had they asked: "Answer all the questions, hold nothing back and—no matter what—tell the truth." Then, Mr. Cohen noted:

> For some reason though, the Clintons have done nothing of the sort. They have, in fact, given out stories that have prompted the White House Press Secretary, Dee Dee Myers, to resort to formulations not heard in Washington since Watergate itself. An account of Hillary Clinton's dealings in the futures market, for instance, is "No longer operative." In other words, it wasn't true.

Richard Cohen's conclusion, I believe, aptly underscored a critical issue now enmeshed in this whole affair. He wrote:

> Whatever Whitewater—and related matters—might eventually be about (maybe nothing), it is now about candor. The Clintons—not the press and not some right-wing Daddy Warbucks—have made it that. The White House seems incapable of just coming out with it—the details, the facts, the bloody truth. Maybe the Clintons think they are more clever than the rest of us. Maybe they think that since the truth and their preferred political image do not conform, it's okay to monkey with the former to match the latter. Maybe Clinton does have a character problem—an impulse to say whatever will suffice at the moment, never mind the literal truth. Maybe all of these speculations are true.
>
> But the fact that they are raised at all has little to do with the vaunted adversarial nature of the press and everything to do with the way Bill and Hillary Clinton have played cute with the truth. If they were children, they'd be grounded. Since they are President and First Lady the most the press can do is ask questions—and the least the Clintons could do is answer them frankly. If they had done that from the beginning, Whitewater would be about an obscure land deal and not about the character of the First Family.

Madam President, some may believe this to be a rather harsh indictment of the Clintons. But regrettably, Mr. COHEN's assessment is borne out by the facts.

Simply look at the White House's handling of just about any of the issues which have arisen to date—Travelgate, Vince Foster's suicide, the First Lady's commodities trading, their involvement with James McDougal in the Whitewater Development—and we are repeatedly confronted with myriad claims, revised versions of events, and continuous corrections.

The impression being left with the American people is that either the Clintons have something to hide—and thus all the prevarication—or they are simply incapable of distinguishing or telling the truth. When the Clintons provide answers to inquiries, the answers tend to be purposely vague and guarded or simply incorrect. This pattern has been repeated time and again and it is increasingly difficult to ascribe these inconsistencies to innocuous or innocent motives.

Madam President, in 1992 the New York Times first raised questions about Whitewater. At that time, the Clinton campaign had a Denver attorney and old friend of Bill Clinton's, James M. Lyons, hire an accounting firm to prepare a report which ostensibly "exonerated the Clintons of any misrepresentations." The Lyons report was released by the Clinton campaign to diffuse questions about the Clintons' involvement in Whitewater.

Now, very troubling press stories are emerging with respect to the Lyons report. Claims contained in the Lyons report conflict with the very financial records upon which the report was purportedly based. According to the Los Angeles Times article which appeared on April 15, 1994—Tax Day, ironically:

> Newly released tax returns for the Whitewater Development Corp. raise fresh questions about the assertion by President Clinton * * * that they poured tens of thousands of dollars into the losing venture and received nothing in return.
>
> Yet the corporate tax returns of the Whitewater Development, made public for the first time earlier this week, do not show evidence of payments anywhere near as large as the Clintons have said they made. Instead of documenting the $46,636 that the Clintons say they lost on the Whitewater project, the tax records and supporting documents show only about $13,000 * * * in such payments.

Madam President, in the interest of time, I would ask that a series of additional passages from this article be printed in the RECORD at this point and that the full text of the article be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED PASSAGES FROM 4/15/94 L.A. TIMES ARTICLE ON LYONS REPORT

[The Clintons] have consistently defended themselves . . . by arguing that they lost $46,636 on the land development project during the 1970's and 1980's. Most of the money they spent, they have said, [was] large interest payments made for Whitewater Development from their personal funds.

The corporate tax records seem to support assertions made in recent months by [James] McDougal . . . [who] claimed that the Clintons only invested about $13,000 in the Whitewater Project, not the larger amounts cited by the President.

The Clintons' personal tax returns for the years in question show that they claimed $46,636 as tax deductions, though no canceled checks or bank statements have been released to substantiate the deductions. The Clintons have said the payments they claimed on their personal returns were made directly to banks holding Whitewater Mortgage or to other corporations owned by James B. McDougal, the Clintons' partner in the Whitewater venture. In that case, the payments also should have shown up on Whitewater Development's corporate tax returns, according to independent tax account-

> ants who reviewed the corporation's financial records.
>
> Tax experts said the corporate tax returns should have included entries corresponding with the payments listed in the personal returns, but they do not. The White House declined to comment on the discrepancies. A source familiar with the Clintons' tax records said he could not explain why the full $46,636 was not reflected in Whitewater Development's corporate returns.
>
> The Whitewater Development tax returns also call into question findings contained in [the Lyons] report issued by the Clinton Presidential campaign in March, 1992, in response to disclosures about the Whitewater controversy . . . financial information in the corporate tax returns conflicts sharply with the figures in that report. For example, the [Lyons] report stated that the Whitewater venture suffered losses during the years in which the corporation's tax returns show that it made money. And the corporate returns indicate that Whitewater Development was bringing in as much as $60,000 annually from land sales during years in which the Lyons report said that no land was sold.
>
> The accounting firm that prepared the 1992 [Lyons] report clearly had access to the Whitewater Development tax returns. The campaign [Lyons] report said the analysis was based on the returns and many of the line entries in both the report and the Whitewater Development tax returns are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WALLOP. I thank the Chair.

Madam President, these facts and details have gone largely unreported in much of the media, but they have not been ignored by everyone. The New Republic magazine in its May 9 issue discussed these revelations and their import:

> The [Los Angeles] Times reports that whitewater's own corporate documents suggest that the Clinton's invested a mere $13,000 in Whitewater—not several times that amount, as they first claimed. The Clinton's own tax returns claim $46,636 in payments. There are two possible explanations: either the Whitewater documents are in error or the Clintons dissembled the amount on their tax returns. More interestingly, the original Lyons report, put out by the Clinton campaign two years ago to lay Whitewater to rest, had access to the development corporation's documents—yet it concluded that the venture took a far greater loss than the documents show, as well as claiming that it was taking losses in years the newly released documents show it to have been making profits. For example, the corporate returns indicate that Whitewater was bringing in as much as $60,000 annually from land sales during years in which the Lyons report said no sales were made. Once again, there are two possible explanations: Either the Clinton campaign and Mr. Lyon's team of accountants simply misread the returns, or they deliberately dissembled about their contents.

Madam, President, why is this particular facet of the Whitewater controversy important? Obviously, if the Clinton's claimed tax deductions to which they were not entitled, they will have to rectify their mistakes—as they recently did in the case of the previously unreported profits from Mrs. Clinton's commodities trading. However, there is a larger issue at stake, best described by columnist William Safire in an April 11, 1994, New York Times op-ed:

> Why pursue this old story to its source? Because when Whitewater was first exposed by the New York Times in early 1992, candidate Clinton effectively squelched it with a legal-accounting report that was at least misleading, and may turn out to be a tissue of lies. If so, President Clinton should be held accountable. * * * Would it weaken this Presidency? Sadly, yes. But for one party government to condone a campaign cover-up would damage the American system far worse—which is why the truth about Whitewater must be flushed out.

Madam President, the charge of a campaign coverup is certainly a serious one—both in the damage it could cause if proven true and in the cost to the country if true but not investigated or pursued. While it is premature to accuse the Clinton campaign of deliberately using the Lyons report to dissemble the facts, it may be equally premature to totally dismiss such speculation.

On ABC's Nightline, April 19, 1994, Clinton campaign strategist James Carville tried to deflect press and public attention from the Whitewater matter by proclamining:

> Well, my word is that this is an overblown story. It is not a very good time for the media. The American people are turning, the story is turning in favor of the President, and it's time to get off of it and move to something else. Or if you've got something, you want to say there's some wrongdoing, come forward with it. But there is an onslaught of opinion that the mainstream media has overplayed its hand on this story.

To this, Max Frankel, executive editor of the New York Times responded:

> In all of 1992, we who started this particular string going, we had one story on Whitewater. * * * We were confronted by a massive blockade: Detectives, public relations experts, lawyers. No more answers, no more documents. We met a stone door, and for us this became unfinished business. We have had one or two, at the height of it I think three reporters on this out of 350, 400. The charge that this is overtaking our coverage of patiently ridiculous. * * * And what could have been a three-day story if it was really innocent has become now a three-month story because every day a new fact is dribbled out, only to be contradicted the next day. We got very little help on this particular strand of the Clinton's background, and the chickens are coming home to roost.

So this pattern—"We were confronted by a massive blockade * * * no more answers, no more documents * * * every day a new fact is dribbled out, only to be contradicted the next day"—is not new, it was the modus operandi of the Clinton campaign and is now apparently that of the Clinton administration.

Mr. Carville's comments are curious indeed when juxtaposed with comments attributed to him in a recent Newsweek magazine article. Let me quote from the April 11, 1994, article which described a particular situation on the 1992 campaign trail:

> After the Illinois primary [Hillary Clinton] said in response to a reporter's question that she had never, ever profited from state business. The [campaign] staff was horrified to discover that this was not entirely true, when it turned up a 1986 memo detailing her decision to give up the bond profits. The [campaign] war room was plunged into gloom as it tried to decide what to do with the information. This is a disaster, said campaign strategist James Carville at the time * * * Carville & Co. were furious with the Clintons for failing to come clean with their own advisers. I've had blind dates with women I've known more about than I know about Clinton, said Carville. The arrogance, exclaimed a senior adviser that night. The arrogance that they—because they are smarter than most people—can talk their way out of any problem.

Frankly, Madam President, that article actually begs the question of whether Newsweek deliberately sat on this story during the campaign to keep from embarrassing the Clintons and possibly hurting the Clinton-Gore election effort. But if the Newsweek report is accurate, what does it tell us about the mores of the Clintons and their campaign operatives? We can certainly dismiss out of hand Mr. Carville's incredulity at the media attention Whitewater has received.

Madam President, let me conclude. There apparently is a feeling in the country that the reason there is so little interest in the details surrounding Whitewater is that the electorate simply believes that this is nothing out of the ordinary with politicians—it is "politics as usual." Well, Madam President, this Senator does not believe the electorate at large truly knows the complete details surrounding the various aspects of the whole Whitewater saga. If they understood the magnitude and the gravity of matters at issue, I do not believe they would simply shrug it off in a matter-of-fact fashion.

Madam President, if this is politics as usual, then our society suffers from a moral and political deterioration much more grave than this Senator believed. If, as this Senator firmly believes, this is not politics as usual, but we do nothing; we thereby give the impression of our acquiescence or, even worse, our approval, and we are ultimately responsible for the continued debasement of our political process, our institutions, and our heritage.

Therefore, Madam President, due to the apparent impasse over convening Whitewater hearings, those of us who do not believe this is "politics as usual" are compelled to come to the floor and delineate why we believe there are legitimate issues at stake and questions that need to have answers—real answers, Madam President, not the variety to which we have been treated in the last couple of months.

Hearings are necessary, Madam President. Our democracy will not be shattered by a public hearing on this

matter. But democracy without truth is a fatal deceit upon which its future cannot survive.

Madam President, I yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 24, 1994]

MRS. CLINTON STEPS FORWARD

As political theater, Hillary Rodham Clinton's news conference Friday afternoon was undeniably a small hit. She serenely answered an hour's worth of aggressive questions on her complex adventures in the commodities and Arkansas real estate market. She was also forthrightly remorseful about her earlier resistance to the press and to the appointment of a special counsel.

The First Lady, declaring she had decided to emerge from her "zone of privacy," seemed finally to grasp a central truth that has eluded the White House staff and her husband for months: In presidential behavior, unanswered questions create a vacuum that sucks everything into it—including the energies of the press, the legislative vitality of Congress and the attention of the chief executive.

It is of course up to Robert Fiske, the special counsel, to determine whether the Clintons' financial dealings broke the law or whether they merely reflected the fluid ethical mores of Arkansas. But from the beginning, the White House's inability to provide a consistent factual narrative of the Clinton's financial history has made the entire business seem suspicious. Mrs. Clinton's appearance, even this late in the game, was a welcome if belated antidote to months of stonewalling.

Mrs. Clinton did not, however, adequately dispense with one central issue: whether wealthy benefactors who did business with the state government were padding the Clinton family income while Mr. Clinton was Attorney General and Governor. She conceded that most of her highly profitable commodities trades were executed on the advice of James Blair, a lawyer for Tyson Foods, a large company that was heavily regulated by and received substantial tax credits from the Arkansas government. That might have raised an ethical red flag with some people, but Mrs. Clinton said she saw no problem because Mr. Blair "and his wife are among our very best friends."

Mrs. Clinton likewise insisted that James McDougal, the Clintons' partner in the Whitewater land deal and the owner of a savings and loan regulated by the state, and provided no special favors. But she could not explain why Mr. McDougal wound up losing a lot more money than the Clintons did in what was supposedly a 50–50 deal. Her only real answer was that for 10 years she had no idea of what was going on and that she did not receive "any documents until late in the 1980's." That was a strange confession of ignorance from a woman who had spent the previous hour insisting that she maintained hawklike vigilance over her commodities trades and was deeply concerned with building a family nest egg.

Nor was it comforting to find the First Lady slipping into answers that seemed guarded or legalistic. When asked if her commodities broker might have given her a favorable advantage because of her position, she replied with a lawyerly "There's really no evidence of that. I didn't believe it at the time." Often she denied awareness of events without quite denying the events themselves, as when she said she knew "nothing to support" allegations that money was diverted from the troubled Madison S. & L. into Whitewater to benefit the Clintons.

The First Lady's willingness to open herself to questions is welcome but her performance, however deft, leaves plenty of troubling issues for the special prosecutor and Congress to explore.

[From the Washington Post, Apr. 25, 1994]

MRS. CLINTON MEETS THE PRESS

The Hour or so Hillary Rodham Clinton devoted last Friday to fielding Whitewater-related questions from the White House press corps was time well spent. She appeared and sounded as confident and unflappable as Bill Clinton did during his prime-time televised news conference last month. The setting—Mrs. Clinton was seated casually in a chair and spoke without notes—conveyed an openness and eagerness to engage in a full give and take about her business moves as well as the other Arkansas affairs that now occupy the attention of a special counsel, Republicans in Congress and, of course, the press. This was an event that could well have happened long ago.

Many people have been having trouble sorting out what to make of Mrs. Clinton's successful venture into the commodities markets. White House disclosures about her trading activities clearly had a hide-and-seek quality that didn't help. Mrs. Clinton accepted blame for the shifting stories coming out of the White House. "I'm not in any way excusing any confusion that we have created," she said. "I don't think that we gave enough time or focused enough." But beyond that concession and her acknowledgment that she had been a chief foe of the appointment of a special counsel—for reasons of precedent—Mrs. Clinton held her ground that she crossed no ethical lines as the governor's wife in trading cattle futures on the advice of a close friend who also served as outside counsel for Arkansas's biggest employer.

She maintained that she never received "any favorable treatment" in her commodity dealings because of who she was or her husband's position. In explaining why she wasn't required by her broker to meet "margin calls" or to put up additional money to cover losses in her account, as is customary, Mrs. Clinton speculated that the company was either backed up with paperwork or she was too good a customer for them to worry about. That answer, along with her inability to explain how she was permitted to enter the market with $1,000 when a single contract cost $1,200, was better than not hearing anything from her at all. But it probably won't halt speculation about the help she received in ballooning her financial investments.

The central question of whether funds from the failed-Madison Guaranty Savings and Loan were improperly shifted to Bill Clinton's gubernatorial campaign or to the Clintons' Whitewater real estate venture remains a live issue after the news conference. Mrs. Clinton flatly declared that she knows nothing about any such diversion. To the penetrating question raised by the Resolution Trust Corp.'s senior investigator: "If you [the Clintons] aren't putting money into the venture, and you also know the venture isn't cash flowing, wouldn't you question the source of the funds being used for your benefit?" Mrs. Clinton offered a less than satisfying response: "Well, shoulda, coulda, woulda, we didn't." Answers like that won't put away Whitewater. But as Friday demonstrated, fielding questions is better than going in the bunker.

EXHIBIT 2

[From the Los Angeles Times, Apr. 15, 1994]

TAX DOCUMENTS RAISE NEW QUESTIONS ON WHITEWATER; INQUIRY: REAL ESTATE COMPANY'S RETURNS DO NOT REFLECT LOSSES CLAIMED BY PRESIDENT CLINTON AND HIS WIFE

(By James Risen)

Newly released tax returns for the Whitewater Development Corp. raise fresh questions about the assertion by President Clinton and his wife that they poured tens of thousands of dollars into the losing venture and received nothing in return.

The Clintons have consistently defended themselves against critics by arguing that they lost $46,636 on the land development project during the 1970s and 1980s. Most of the money they spent, they have said, consisted of large interest payments made for Whitewater Development from their personal funds.

Yet the corporate tax returns of Whitewater Development, made public for the first time earlier this week, do not show evidence of payments anywhere near as large as the Clintons have said they made. Instead of documenting the $46,636 that the Clintons say they lost on the Whitewater project, the tax records and supporting documents show only about $13,000 in such payments by the Clintons.

Tax accountants said the corporation would have been obligated to reflect the full amount if it was adhering to standard accounting practices.

The Clintons' personal tax returns for the years in question show that they claimed $46,636 as tax deductions, though no canceled checks or bank statements have been released to substantiate the deductions.

The Clintons have said the payments they claimed on their personal returns were made directly to banks holding Whitewater mortgages or to other corporations owned by James B. McDougal, the Clintons' partner in the Whitewater venture. In that case, the payments also should have shown up on Whitewater Development's corporate tax returns, according to independent tax accountants who reviewed the corporation's financial records.

"If a good job of bookkeeping was being done, you would find some record or some notation in the tax returns that the corporation was being relieved of its obligations," by the Clintons, said Mark Rogers, a Little Rock, Ark., accountant hired by The Times to review the Whitewater Development returns.

The apparent discrepancy between the personal and corporate tax returns raises more questions about central issues posed by the Clintons' chief GOP critics: Did the President and First Lady Hillary Rodham Clinton actually lose large sums of money on the Whitewater project, as they have said, and did they receive tax benefits to which they were not fully entitled?

The corporate tax records seem to support assertions made in recent months by McDougal. McDougal has claimed that the Clintons only invested about $13,000 in the Whitewater project, not the larger amounts cited by the President. (Clinton originally had said that he and his wife contributed $68,900 to the Whitewater endeavor, but he later revised the figure.)

So far, the White House has released no supporting materials, such as canceled checks or bank statements, to document the payments listed in the Clintons' personal tax returns. Tax experts said the corporate tax returns should have included entries corresponding with the payments listed in the personal returns, but they do not.

The White House declined to comment on the discrepancies. A source familiar with the Clintons' tax records said he could not explain why the full $46,636 was not reflected in Whitewater Development's corporate returns.

There could be several possible explanations for the discrepancies between the personal and corporate tax returns. Whitewater Development bookkeepers could have failed to properly record all of the payments made by the Clintons or a tax preparer might have overlooked them. Similarly, the Clintons' records might have been faulty. Indeed, the Clintons and McDougal have characterized Whitewater Development's record-keeping practices as somewhat haphazard.

Whitewater Development's corporate returns show that in 1980, Hillary Rodham—the name used by the First Lady at the time—made $10,131 in interest payments on behalf of Whitewater Development. In 1979, the returns show, Bill Clinton made a loan to Whitewater Development of $2,900.

In 1981, however, Hillary Clinton received $15,185 back from Whitewater Development, according to the corporate tax records. The entry indicates that the payment was in the form of land owned by the corporation and not in cash.

Hillary Clinton took out a $30,000 loan from a McDougal-controlled bank to build a model home on one Whitewater lot, according to documents released by McDougal along with the corporate tax returns. But the corporate returns indicate that the property was not considered an asset of the corporation. Hillary Clinton later sold the property herself.

The Whitewater Development tax returns also call into question findings contained in a report issued by the Clinton presidential campaign in March, 1992, in response to disclosures about the Whitewater controversy. The report, prepared by an accounting firm hired by James M. Lyons, a Denver attorney and old friend of Clinton, exonerated the Clintons of any misrepresentations.

Financial information in the corporate tax returns conflicts sharply with the figures in that report. For example, the report stated that the Whitewater venture suffered losses during years in which the corporation's tax returns show that it made money. And the corporate returns indicate that Whitewater Development was bringing in as much as $60,000 annually from land sales during years in which the Lyons report said that no land was sold.

The accounting firm that prepared the 1992 report clearly had access to the Whitewater Development tax returns. The campaign report said the analysis was based on the returns and many of the line entries in both the report and the Whitewater Development tax returns are identical.

The White House has distanced itself from the 1992 report in recent months but still uses many of its basic findings to defend the President and Hillary Clinton.

Rogers said there is nothing in the Whitewater Development tax returns, the Clintons' personal tax returns as released by the White House or the campaign report that explains the discrepancies between the documents.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I rise to speak about an issue that I spoke about last Monday here on the Senate floor—a little over a week ago. The issue deals with the substandard, mostly rural, subdivisions along the United States-Mexico border called colonias.

This is an issue that the Senator from Arizona addressed earlier and we had a vote on here in the Senate. Colonias came into existence when developers sold families coming across the border small, unimproved lots with the promise that water, sewer, and other services would soon follow. These basic infrastructure needs did not follow, resulting in communities that resemble those in developing countries.

In my home State of New Mexico, we have approximately 14 colonias located near Las Cruces. Those 14 colonias contain about 16,000 people. I visited several of these colonias. I have seen the families coping with conditions that most of us would have difficulty believing—unfinished cinder block homes with sewage pipes not connected to anything, dumping directly into open ditches. Children who play in these polluted ditches are plagued by serious, debilitating illnesses such as hepatitis and intestinal infections, stomach disorders, and low-grade fevers.

It is hard to believe that in this country we have people living under these circumstances.

Madam President, I want to share several pictures with colleagues this evening, to show the kind of conditions that we find in these colonias. I particularly thank Congressman COLEMAN of El Paso for providing these images, and especially for his leadership and support in the House in addressing the issue.

Let me very briefly run through these. This first picture is an open ditch next to an area where household waste is being dumped, including soiled diapers. Clearly, this is the kind of circumstance we find in most of these colonias.

This next photograph is a typical pump used by colonias residents to extract ground water for bathing and washing dishes and, in some cases, drinking.

This next one is a warning label which has been put on drinking water in the colonias in question here, indicating that "this water is unsafe."

This next one shows an open ditch which serves as a family toilet.

So the extent of the problem is clear.

This final photograph shows open ditches and drains that are common in all of these colonias. These untreated sludge pits are the ideal breeding grounds for disease-ridden rodents and larvae, which spread illness throughout the community.

Madam President, the situation that I have described and that these pictures depict is not unique to New Mexico. All of the border States—New Mexico, Arizona, California, and Texas—are all desperately trying to deal with these impoverished communities.

My colleague, Senator HUTCHISON, is also concerned about the issue, especially in her State of Texas. Last Tuesday, the Water and Power Subcommittee of the Energy and Natural Resources Committee held a hearing where EPA representatives and others discussed the importance of providing assistance to these colonias. Senator HUTCHISON testified at that hearing, and State representatives specifically stated the importance of passing legislation that would authorize grants to colonias for water infrastructure needs.

In fiscal year 1994, the President requested $58 million dollars for Mexico border projects. While this funding was not appropriated, the Congress did appropriate $500 million to assist hardship communities, which has been referred to several times during the debate on this bill. This funding is to become available following enactment of authorizing legislation. In response to the problem, I introduced the amendment in question, along with Senator HUTCHISON, as an amendment to the Safe Drinking Water Act. This is exactly the bill that I introduced earlier as Senate bill 1286, the Colonias Wastewater Treatment Act.

The amendment would authorize the administrator of the EPA to provide funds for States for grants to colonias for water supply and wastewater treatment works. Grants would include planning, design, and construction of water supply, and wastewater treatment. The eligible communities would be those along the border.

Madam President, it is critical that we find a way to authorize this funding this year. I believe the best vehicle that is available at this time, of course, is the Safe Drinking Water Act.

I know Senator HUTCHISON wishes to comment also on the legislation, and she is probably on her way to the floor. Let me see if the chairman of the committee could give a reaction as to the appropriateness of us pursuing this legislation as an amendment on this bill. I have not called the amendment up yet, but it is on file at the desk. I am anxious to know whether the Senator from Montana feels that we can go ahead with this amendment on the Safe Drinking Water Act.

Mr. BAUCUS. Madam President, I first want to give a compliment to the Senator from New Mexico. He has been diligent—which is, I might say, an understatement—in the number of times that he has talked to me about addressing border problems facing New Mexico. I would say he has approached me a good dozen times on the proper way, the proper bill, the way to essentially deal with this problem. I commend him, and I think all of the residents of New Mexico can be very proud of their representative on this and other issues.

There are other similar amendments pressed by Senators that deal with the basic similar problem, namely, how to address pollution along the border. It is a severe problem, there is no doubt about it. I was there, and I visited the border—not the New Mexico border—but the summer before last I was in El Paso and Juarez, and I can tell the Senator from New Mexico that I have visited colonias, and I have seen them, I have smelled them, tasted them. It is a severe problem. It turns your stomach to see the conditions under which a lot of people have to live. The several that I visited have just sprung up because of the maquiladora dual-plant system along the border. These are people who come to get jobs, and the populations have increased dramatically in these communities. They have no place to live, so they squat, they find a spot and erect a tar-paper shack, and many more tar-paper shacks are erected right next to them, and pretty soon there are communities of tens of thousands of people, who are just trying to survive.

They have no drinking water system—none. No sewage system—none. Maybe in some cases, there is a power line, so there is a light bulb that turns on. The ones I visited had, as I said, no drinking water, and people had to cart it there in tanks, in order to wash their clothes with, water to drink, and water to cook with. To make it even worse, Madam President, because there is no sewage, all the raw sewage is put right in the river. Tons of raw sewage goes right in the Rio Grande. Alongside the Rio Grande I remember seeing a separate river called Aqua Negras, and I think that means black ditch or black water. It is just sewage, and you could not get more than say 50 yards to it and you could smell it. It is quite a sight. It is true that the hepatitis rates and infectious disease rates along the border are much higher than in other parts of the country. It is a major problem. The real question is, How to best deal with it?

As I have said to the Senator from New Mexico several times, it is the committee's wish and preference that the best way to deal with this very severe problem would be to take this request, and other similar requests other Senators have made with respect to needy communities in their States, and work together and find a way to address the problem, along with other problems, when the Clean Water Act comes before the full Senate.

This essentially is a Clean Water Act problem. It is a sewage treatment facility matter—that is, finding the dollars to pay for it. In addition, Madam President, you already have the State revolving loan fund from which we allocate close to $2 billion for clean water projects, and that will be available to New Mexico, Arizona, California, Texas, and every other State in the Nation. That is in addition to the State revolving loan fund provided for under the Safe Drinking Water Act. So there are dollars available to States to address this.

We are suggesting that an additional pool of funds be made available, to some degree, under the auspices of the United States-Mexican Border Environment Commission and maybe under the North American Development Bank, which is provided for under the North American Free-Trade Agreement. When the Clean Water Act comes up for authorization, it would be the committee's intention to work aggressively with the Senator to find a way to address the problems he has so eloquently and passionately addressed.

Mr. BINGAMAN. Madam President, I thank the Senator from Montana, the manager of the bill, for his assurance that this is an issue we can address here later in the legislative year. I do think that I am willing to defer to his judgment as to whether this is the right bill to add this amendment on, but clearly it is an amendment that I feel strongly about.

I know the Senator from Texas, who is here on the floor now and ready to speak, feels strongly about this. We do need to be sure that there will be an opportunity soon for us to offer the amendment to a bill which is likely to be signed into law by the President while this money is still available to be authorized.

So I appreciate the chairman's statement that he will work with us to find such a vehicle, and I look forward to working with him to be sure that we can get this problem addressed and get this authorization accomplished.

Thank you very much, and I know the Senator from Texas is also wishing to make a short statement on this. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Madam President.

I do want to add my thanks to the chairman for his commitment to help bring this amendment to a close at least in some other legislation.

Out of the $500 million that has been appropriated for this purpose, the administration has suggested $60 million be allocated for our border States for the colonias.

I think that is very fair and reasonable, and when we all sit down to allocate that $500 million we, I hope, we will be able to come to agreement to help a very critical situation on the border with Mexico.

Colonias are really neighborhoods, but they are unincorporated communities, mostly in Texas and New Mexico, but also Arizona and California. These are people who came into our country. They are legal aliens. They are people who want to do better for themselves and to have that opportunity. It is the story that we have seen in America so many times where our immigrants come in. They want to do well. They do not want to go into the welfare system. But we must provide for them the clean water that must be appropriate for living conditions.

I think if John Steinbeck had been alive today he would have written about the colonias much as he wrote in the past about the terrible conditions that he found in some parts of America.

We must do something about this. The State of Texas has already authorized $250 million for matching grants for these colonias' water and waste water projects. I think the State of Texas is right to do that.

The State of Texas has also passed a law that requires developers in the future to meet the standards that every developer should meet, which is that there will be a water system and a sewer system in every neighborhood that is built, and the State Attorney General will prosecute developers who do not live by these rules.

But it is very important that we correct the current situation, and it will take a lot of money to do that. The State of Texas has stepped up to the line, but it is a Federal problem. It is something that happened because our borders were open where they should not have been open.

So I appreciate the chairman's willingness to work with us. I appreciate the senior Senator from Rhode Island also being willing to help us when the time comes to divide up the $500 million to make sure that these border communities do have a fair shake to start their lives and to make something of themselves as we in America know is the case for the wonderful people who do come into our country who want to work and make a living and raise their families in cleanliness, which they certainly have a right to do. So thank you.

I look forward to working with Senator BINGAMAN, Senator BAUCUS, and Senator CHAFEE in the future for the correct bill before September so that we can take care of this very important problem.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I congratulate the Senator from Texas. She has been very determined on this matter of caring for the colonias, and she spoke to me many times about it. She outlined the situation very fairly here.

I also want to assure her as did the chairman of the committee that we will try to find a vehicle and try to be helpful in her goal to get some of these appropriated moneys to care for this particular severe problem she has in her State. As she pointed out, it is not solely her State. It goes on in Arizona, New Mexico, and California likewise.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2123 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 1716

(Purpose: To provide for the best coordination of disbursements for Indian set aside grant funds for the Alaska Native villages, and for other purposes)

Mr. STEVENS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. MURKOWSKI proposes an amendment numbered 1716.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 1, add a carriage return immediately after "DIRECT GRANTS.—", indent the text thereafter through line 8 as a separate paragraph, and insert "(1) IN GENERAL.—" immediately before "The".

On page 12, line 8, strike the period and insert in lieu thereof "; and".

On page 12, between lines 8 and 9, insert the following new paragraph:

"(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STEVENS. Madam President, this is a first of two amendments that I have proposed on behalf of myself and my colleague, Senator MURKOWSKI.

This one deals with the working relationship of the State of Alaska with the Native communities in Alaska. That is a very good working relationship. We have put in place a program now to deal with bringing sanitation systems and clean water to the Alaska Native villages. I described this to the Senate last week.

I know the distinguished occupant of the Chair has listened to me on several occasions concerning this program.

In January 1992 Governor Hickel convened a sanitation task force to meet regarding the dire problems of rural villages in Alaska. State and Federal agencies and the Native organizations of Alaska participated in that task force. The problems were outlined and a consensus was reached on how to best try to deal with the problems.

Basically, the cooperative effort has facilitated delivery of Clean Water Act funds to villages in Alaska. This amendment makes sure the cooperative relationship is maintained for funds authorized under the Safe Drinking Water Act.

Our amendment does so by ensuring that grants for village safe-drinking water projects go through to the villages in the same way as the clean water grants. This will allow for an even greater level of coordination in the delivery of drinking and wastewater projects to these areas.

It is a very difficult problem. We are trying to cooperate across the board. As I have said, this is the first of the two amendments that we have discussed with the managers of the bill and the staff.

Mr. CHAFEE. Madam President, am I correct that the Senator now is taking the first of these two amendments to S. 2019?

Mr. STEVENS. That is correct; the amendment on page 12, lines 8 and 9 inserts a new paragraph.

Mr. CHAFEE. That is correct. That is entirely agreeable on this side, Madam President.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, both amendments being offered by the Senator from Alaska have been cleared on this side. We support them.

Mr. STEVENS. I thank the managers. I ask the adoption of this first amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1716) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1717

(Purpose: To clarify regional status for small water system technology centers, and for other purposes)

Mr. STEVENS. Madam President, I ask that the clerk present the second amendment.

This amendment is for Senator MURKOWSKI and me. It is his amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 1717.

The amendment is as follows:

On page 68, between lines 10 and 11, insert the following new subparagraph:

"'(I) For purposes of this subsection, the State of Alaska shall be considered a region.".

Mr. STEVENS. Madam President, this is a technical amendment that modifies a provision concerning small public water system centers which provide training and technical assistance for small public water system operators. Under the bill's present criteria, it is unclear whether universities in Alaska could qualify to house small water system centers.

The pending amendment, which my colleague from Alaska and I have worked out with the committee, ensures that the training and technical assistance centers can be located in our State. It does so by making sure that Alaska is a region for purposes of this Act with regard to the small systems centers. Our universities must still compete for the centers.

Alaska has characteristics of a region—we are one-fifth the size of the United States; the Southeast is a temperate rain forest, the North Slope has an Arctic climate, and parts of Interior Alaska are dry enough to be a desert. Thus, a center serving the diverse regional needs of Alaska is justified as being classified as being a region for this purpose.

I am very pleased the managers have agreed to this amendment that was presented by my colleague.

The PRESIDING OFFICER. Is there any further debate?

Mr. CHAFEE. Madam President, the Senator is exactly right. It is a good amendment and we certainly agree with him on this side.

Mr. MURKOWSKI. Madam President, in Alaska, the problem is clear.

Residents of rural villages in Alaska do not have either adequate drinking water or humane sanitation facilities in their homes and communities. As a result, sickness and disease, comparable to many Third World countries, are major problems for many communities.

In over half of the villages in Alaska, water is hauled to the home by hand from washeterias, watering points, or from a creek or river—a washeteria is a centrally located building within a community where washing and drying machines are available. Washeterias also contain public showers.

In many of the homes where water is hauled by hand, a trash can is used as the water storage tank. Water for drinking, hand washing, and doing the dishes comes from this household trash can.

Of existing water service levels in rural Alaska:

Only 40 percent of rural Alaskans have piped water to their residence; 30 percent use a washeteria; 20 percent use a year round watering point; 7 percent have individual wells; and 3 percent have no system.

According to these figures, less than half of the residents living in rural Alaska villages have the basic water supply system we all take for granted, piped water to their homes.

Imagine half the residents in Washington, DC, living without running water or toilets that flush.

The results of having inadequate water and sanitation facilities are tragic.

Hepatitis A runs rampant among villagers—causing death in some cases.

Hepatitis A is a viral infection causing nausea, vomiting, abdominal pain, and in some cases a yellowing of the skin or eyes. Deaths from hepatitis A occur at a rate of approximately 1 to 5 deaths per 1,000 cases.

The water and sanitation conditions in rural Alaska must be addressed.

The water and sanitation conditions in these rural communities are considered worse than in many Third World countries.

The Alaska congressional delegation is committed to improving water and sanitation conditions in rural Alaska.

Last year, on May 5, 1993, the Indian Affairs Committee held a 4½-hour hearing on water and sanitation conditions in rural Alaska.

The committee received hundreds of pages of testimony from Federal agencies, State agencies, and Alaska Natives which described the deplorable water and sanitation conditions in rural Alaska.

The lack of basic safe water and sanitation services in rural Alaska has been well documented.

We have thousands of pages of testimony that document the unacceptable water and sanitation conditions in rural Alaska.

As a result of the May 5, 1993 hearing, the Environmental Protection Agency took the lead on this issue and formed what has become known as the Federal field work group.

The Federal field work group's goal was to determine methods by which the Federal Government could work with and assist the State in addressing the water and sanitation conditions in rural Alaska. It is my understanding that the Federal field work group has made significant progress.

The Indian Affairs Committee will soon hold a hearing to receive testimony from Federal agencies, State agencies, and Native organizations on what progress has been made over the past year and what will be done in the future to address this problem.

We will continue to work to see that safe drinking water is provided to the residents of rural Alaska and that the honey bucket is eliminated from village homes. As the country moves toward the 21st century, Alaska's rural residents should not be living in Third World conditions—they should not experience the disease and inconvenience they face because of inadequate sewer and water systems.

The amendments offered today will help solve some of these problems. I understand these amendments will be accepted and I thank the managers of this bill for their kind assistance.

The first amendment we offered allows the EPA Administrator to make grants under the 1.5 percent Indian set-aside directly to the State of Alaska for the benefit of Native villages, and the State of Alaska to use up to 4 percent of each grant under the Indian Set-Aside Program for administrative purposes.

This amendment would allow grants to be made directly to the State of Alaska and clarifies that set-aside funds may be used for administrative purposes. This amendment is helpful for purposes of management and coordination with ongoing State efforts.

The second amendment we offered would require the Administrator to consider the State of Alaska as a region when determining eligibility for grants under a provision of the bill requiring the Administrator to make grants to institutions of higher learning to establish and operate not fewer than 5 small public water system technology assistance centers in the United States.

This amendment assures that Alaska will not be excluded from considered for a grant.

Madam President, I would like to take this opportunity to comment on an amendment offered yesterday by my colleague Senator STEVENS from Alaska which I cosponsored and worked on with the senior Senator. The amendment allows the Governor of a State to reallocate unobligated State revolving funds in the form of direct grants. Under the amendment, the EPA Administrator may reserve and allocate up to 10 percent of the remaining unobligated funds under the Indian Set-Aside Program.

This amendment would redirect unused funds into needed rural community projects to improve drinking water systems.

The State of Alaska strongly supports the establishment of a drinking water State revolving fund and the set-aside for Alaska Native villages and Indian tribes. It is necessary to reserve significant funds to improve the public water systems of Indian tribes and Alaska Native villages.

The amendments that the senior Senator from Alaska and I offer will help the ongoing efforts to address this unacceptable situation.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1717) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, may I take the time to thank the managers of the bill for their consideration of these technical problems for our State.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1718

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. BRADLEY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. METZENBAUM, and Mr. LEAHY, proposes an amendment numbered 1718.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 7 of the manager's amendment, after line 20, insert the following:

(iv) the effects of the contaminant upon subpopulations that are identified as being at greater risk for adverse health effects in the research and evidence described in section 1442(j).

On page 18, line 13 of the manager's amendment, strike "." and insert after "water" the following:

"In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall take into account all relevant factors, including the margin of safety for variability in the general population and the results of research required under this subsection and other sound scientific evidence (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects."

Mrs. BOXER. Mr. President, the amendment I am offering today with Senators MIKULSKI, BAUCUS, LAUTEN-

BERG, BRADLEY, KERRY, LIEBERMAN, METZENBAUM, and LEAHY would change the drinking water standard-setting process by requiring the Environmental Protection Agency to consider sound scientific evidence, including two recent studies by the National Academy of Sciences, indicating that our children and other vulnerable groups may be at greater risk from environmental threats such as drinking water contamination than average healthy adults.

While in some cases, such as in issuing its standard for lead, EPA has considered the health effects of a contaminant on children or on other vulnerable populations, it has not done so systematically. My amendment builds upon the Kerrey-Hatfield amendment approved last week that requires that research on sensitive subpopulations be conducted.

This amendment takes the next step and requires that scientific data on vulnerable groups be considered consistently and systematically.

Mr. President, a few days ago, I had the privilege of joining the First Lady as we listened to a group of very special children tell their stories. These children are fighting for their lives. And as they bravely face life-threatening illnesses with their families, they are discovering an unfortunate truth about America—we do not always do a very good job of protecting our most vulnerable citizens from illness or caring for them once they get sick.

Mr. President, if you were to look at this bill before this amendment and you were a 170-pound man, you would feel very comfortable that your health was being protected because the standards that are set for drinking water are basically set to make sure that a 170-pound man is protected.

But many of us are not 170-pound men. Many of us are a little weaker than that. Many of us are women; some are pregnant women; many of us are children; many of us are frail; many of us are elderly.

And that is why this amendment is so important, because what we say in this amendment, Mr. President, is that in setting all the standards for contaminants, we want to make sure that these vulnerable populations are considered.

We have many studies that have shown this is very important. The National Academy of Sciences has clearly said that. My amendment would clarify and strengthen EPA's authority to provide that margin of safety for these vulnerable populations.

The amendment does not alter the legal requirement that standards must be technically feasible, which explicitly includes consideration of costs.

As we debate health care reform, and talk about how we can improve coverage, it is important that we do everything we can to prevent our people from getting sick in the first place. This is particularly true for children, infants, pregnant women, the elderly, and other vulnerable groups who are more susceptible to illnesses and whose bodies are less able to fight off illness once it strikes.

Mounting scientific evidence indicates that children, infants, pregnant women, the chronically ill, and certain other significant groups are at substantially greater risk than the average healthy adult from environmental contaminants.

Indeed, most of the more than 100 people who died as a result of drinking contaminated water in Milwaukee last year were from these vulnerable groups.

Yet we continue to look at the health effects of contaminants on the average 170-pound male when setting drinking water standards.

The scientific and public health community, and the National Academy of Sciences have been clear that infants, children, and other persons who are especially susceptible must be evaluated in setting public health standards.

For example, in its recent report entitled "Science and Judgment in Risk Assessment," the National Academy of Sciences stated that EPA should better account for "differences in susceptibility among humans in estimating individual risks." The Academy urged that EPA improved and account for its understanding of such differences in susceptibility, exposure, aggregate risk from multiple contaminant sources, and potency, in setting standards.

The Academy also concluded that "EPA should assess risks to infants and children whenever it appears that their risks might be greater than those of adults." The Academy report states that "human beings vary substantially in their inherent susceptibility to carcinogenesis," which must be more fully taken into account.

And in its 1993 report, "Pesticides in the Diets of Infants and Children," the Academy found that there are "both quantitative and occasionally qualitative differences in toxicity of pesticides between children and adults," and that exposure to many pesticides was substantially different for children than adults. The Academy recommended that EPA consider these facts in regulating pesticides.

The Academy stated:

> A fundamental maxim of pediatric medicine is that children are not "little adults." Profound differences exist between children and adults. Infants and children are growing and developing. Their metabolic rates are more rapid than those of adults. There are differences in their ability to activate, detoxify, and excrete [toxic] compounds.

The National Academy of Sciences' recommendations are reinforced by the recommendations of the World Health Organization. WHO's 1986 report, "Principles for Evaluating Health Risks from Chemicals During Infancy and Early Childhood: The Need for a Special Approach," for example, points out that:

> Generally speaking, chemicals, both organic and inorganic, are absorbed more readily by the infant than by the adult.

The report notes that infants and children are less able to detoxify many chemicals than adults, and that exposure of young children cannot only cause immediate effects but also can disturb maturation of organ systems. Thus WHO recommends,

> When health risks from chemicals are evaluated, the special characteristics of infants and young children must be recognized.

Moreover:

> variations that exist in the health and nutritional status of children reared in different social and cultural environments may influence exposure and modify response to chemicals in the environment.

Although under current law, many believe EPA already has the obligation to consider these groups in evaluating whether there is a margin of safety in developing the maximum contaminant level goals [MCLG's], the Agency has not always done so in a systematic fashion. For example, in issuing its rule for lead contamination of drinking water, EPA did specifically evaluate the risks of lead posed to young children, but in evaluating the risks of other chemicals, EPA has not always considered the special threats to children.

My amendment would clarify and strengthen EPA's authority to provide a margin of safety. The amendment would require EPA to do what the National Academy of Sciences and World Health Organizations have recommended: Consider the special susceptibility and exposure of infants, children, and other persons who are more vulnerable than the norm when exercising its authority to set drinking water standards.

Sound science dictates that such evaluations be conducted and the committee's new section 1442(j) requirement that EPA develop better data on these subpopulations will enhance our understanding of these issues. In the mean time, EPA should consider the scientific evidence and recommendations available, such as those presented by the Academy and WHO, and other sound scientific evidence.

As I noted earlier, this amendment does not override the existing statutory provisions requiring, for example, that maximum contaminant levels be feasible, based upon a consideration of the technology available in the field and considering relevant costs. It merely requires EPA to do what the Agency already should be doing anyway, and sometimes has done in the past—evaluate the impacts of drinking water contaminants on those individuals most at risk from contamination, like children and infants.

This is not only sound science, it is sound public policy, America's mothers, children, elderly, and other vulnerable people deserve to be considered and protected from drinking water contamination.

Mr. President, one of the most fundamental responsibilities of government is to provide safe drinking water to all Americans, not just to 170-pound men. I believe this amendment helps us meet that responsibility. I am proud this amendment has the support of a wide range of groups including the American Public Health Association, the Licensed Practical Nurses Association, Physicians for Social Responsibility, the National Association of People With AIDS, the League of Conservation Voters, the Natural Resources Defense Counsel, the Sierra Club, American Oceans Campaign—whose president, Ted Danson, was here today working in behalf of this amendment and another I will offer later—Friends of the Earth, the U.S. Public Interest Research Group, and Clean Water Action.

I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. I commend the Senator from California for this amendment. I ask if I could be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, the amendment has been cleared on this side. It is a good amendment and we are pleased to accept the amendment.

As the author of the amendment has indicated, some of us are more susceptible to adverse health effects from drinking water than others. It may be a matter of age or because of a pre-existing illness or a difference in metabolism or because of other factors, but it appears that some Americans are more sensitive—more likely to experience an illness from drinking water contaminants—than others.

The Safe Drinking Water Act already allows EPA to consider these differences. For example, EPA has set a standard for nitrate in drinking water designed to protect infants. Children younger than 6 months lack certain enzymes in their digestive system which break down nitrate. As a result the nitrate may enter the bloodstream and interfere with the blood's role in carrying oxygen. The illness is called blue baby disease. An infant with the disease turns blue for the lack of oxygen in the bloodstream.

The standard for nitrate set under the Safe Drinking Water Act is established to prevent this adverse effect. It is set to protect this specific subpopulation—children under 6 months of age. So, the law already fully authorizes the Administrator to set regulations intended to protect sensitive subpopulations. The purpose of the Senator's amendment is to assure a more systematic review of these potential effects when characterizing the illnesses that may be caused by drinking water contaminants.

Mr. President, I want to make one other point with respect to current law. When setting the health goal under the current act—the maximum contaminant level goal—the Administrator is to establish a goal at the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. That is the statutory language from the Safe Drinking Water Act.

In using this authority the Administrator has usually included a 10-fold margin of safety when setting the health goal to reflect the natural variability in the susceptibility to adverse health effects among the general population. This safety factor is in addition to other safety factors that may reflect the use of data from animal experiments or for other reasons.

The consideration of sensitive subpopulations as provided in the Senator's amendment is not intended to replace this traditional margin of safety for variability in the general population. Recent studies by the National Academy of Sciences and others indicate that some subpopulations may be 100-fold or 1000-fold more sensitive to some contaminants. This amendment would assure more careful review of these sensitivities without eliminating the existing margin of safety for human variability that is known to exist in the general population.

Mrs. BOXER. I thank the ranking member of the committee on which I am proud to serve. I also thank chairman BAUCUS who has worked so hard. Many people worked hard on this. This was controversial in the beginning, we worked it out, and that is the way the legislative process should work.

I also ask unanimous consent that a letter from Carol Browner, of course the head of the Environmental Protection Agency, be printed in the RECORD as well. She is in support of this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 17, 1994.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I applaud your efforts to assure that all Americans are protected when they turn on their faucets for drinking, bathing, or cooking. I share your belief that the Federal government should protect the elderly, infants, pregnant women and other sensitive subpopulations when setting drinking water standards.

A growing body of scientific evidence indicates that some subpopulations may be disproportionately affected by some contaminants. For example, it is well documented that high levels of lead exposure contribute to learning disabilities in children. The National Academy of Sciences recently published two reports confirming the need to consider differing effects on subpopulations when performing risk assessments and in regulatory decisionmaking.

You and I share the same goal—the strongest Safe Drinking Water Act that provides flexibility and financial assistance to states, and sets tough standards to protect the health of all Americans. Your amendment is crucial to achieving that goal and it has my full support.

Sincerely,

CAROL M. BROWNER.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senator BOXER in offering an amendment which will ensure that we protect infants, children, pregnant women, the elderly, and other groups from the threats posed by contaminants in water. I appreciate the work of my good friend from California in taking the initiative on this important issue.

Scientific evidence is developing showing that certain groups in our society like infants and children are at greater risk from environmental contaminants than the average adult.

Two recent National Academy of Sciences' reports conclude that children are at greater environmental risk from environmental contaminants. In its 1993 report, "Pesticides in the Diets of Infants and Children," the NAS concluded that there are "both quantitative and occasionally qualitative differences in toxicity of pesticides between children and adults." Since the exposure to many pesticides was substantially different for children than adults, the NAS recommended that the EPA consider these differences in regulating pesticides.

And earlier this year, in "Science and Judgment in Risk Assessment," the NAS recommended that "EPA should assess risks to infants and children whenever it appears that their risks might be greater than those of adults." So it is clear that in order to carry out the goals of the Safe Drinking Water Act to protect our citizens from the health threats posed by contaminants in drinking water, EPA must characterize the risks posed to groups like infants and children.

Under existing law, the Administrator of EPA first establishes a maximum contaminant level goal [MCLG] which would protect public health from drinking water contaminants with an ample margin of safety. In establishing this goal, EPA is required to consider the risks posed to those sensitive subpopulations which may be more at risk from the contaminant. Unfortunately, EPA has not always conducted the research necessary to determine whether these groups are subject to additional risk.

The managers' amendment which was adopted last week requires EPA to conduct research on the effects that drinking water contaminants may have on groups like infants and children. The amendment we are offering today requires the EPA Administrator to take into account the results of this research and other evidence in characterizing the health effects of drinking water contaminants when establishing the MLCG.

Under the Safe Drinking Water Act, the Administrator establishes a maximum contaminant level as close to the level necessary to protect public health as can be achieved using feasible technology and taking costs into account. The managers' amendment also allows the Administrator to establish an alternative standard under certain specified conditions. But the language of the managers' amendment does not require the Administrator consider the health risks to sensitive subpopulations in setting this alternative standard. This is a significant flaw which threatens the health of these groups from drinking water contaminants.

The amendment we are offering today corrects this flaw. It requires EPA to consider the effects of the contaminant on groups like infants and children at greater risk for adverse health effects in establishing an alternative standard.

Mr. President, this amendment deals with the health of our children. Children represent the future of our country. Yet they have no political clout.

We should take great pains to preserve their young bodies and minds, not only because we are a caring society, but because in this ever increasingly competitive world—our Nation can afford no less.

I hope that my colleagues will join with Senator BOXER and me in supporting this amendment.

Mr. LEAHY. Mr. President, I am proud to join Senator BOXER today in cosponsoring her amendment to the Safe Drinking Water Act, which would ensure that safe drinking water standards provide protection for even sensitive populations.

Too often in passing legislation to protect public health, we overlook the needs of our most sensitive populations. When children drink from the school water foundation, when the elderly or people with immune system deficiencies turn on their own tap, they expect the water they are drinking to be safe.

Unfortunately, our public health protection standards do not always account for these, more sensitive members of society.

On June 29, 1993, I held a hearing of the Senate Committee on Agriculture, Nutrition, and Forestry to review the results of a National Academy of Sciences report on pesticides in the diets of infants and children. I requested this study in 1987 out of concern that our pesticide and food safety laws were not adequately protecting sensitive populations.

The report concluded that current policies do not adequately protect America's children from exposure to pesticides in food and in drinking water. I am working with the Administration and Senator KENNEDY to pass legislation in the Senate that will correct this focus in our laws regulating food safety and pesticide use.

Senator BOXER's amendment extends this public health protection to the Safe Drinking Water Act.

I would like to congratulate Senator BAUCUS for crafting a bill that addresses concerns about the cost and regulatory burden imposed by the Safe Drinking Water Act without weakening the law's strong health protection standards. Senator BOXER's amendment builds on these improvements by ensuring that the Environmental Protection Agency considers the needs of even our most sensitive populations when setting drinking water standards.

Parents should not have to wonder whether or not the water from their own tap is safe for their children. Sensitive populations have the same right to safe drinking water as the rest of us.

I applaud Senator BOXER for introducing this amendment to ensure that that right is protected, and I am proud to join her in that effort.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the Senator from California yield for a question?

Mrs. BOXER. I will be pleased to yield.

Mr. FORD. I am in support of the Senator's amendment, do not get me wrong. I want it very strongly and feel we are moving in the right direction and I will not object at all. But I come from a State where 80 percent of our water systems serve 10,000 people or less. Those people are becoming very concerned about the pressures that are being placed upon them for testing the water and the scientific research that has to be done. The list of particles they are looking for is expanded every year. It is getting to a point where they are almost unable to pay for that and keep rates reasonable.

What does the Senator's amendment do as it relates to the smaller water systems, as it relates to funding? Does this put additional restriction on them? I am just trying to figure out some way, so when I am questioned about this we will have the answers and it will be part of the RECORD, I say to the good Senator.

Mrs. BOXER. I am very pleased the Senator would ask this question as he fights for his State and the people in his State. This amendment does not alter the legal requirement that standards must be technically feasible, which explicitly includes consideration of costs. This amendment does nothing to change that. It just says they should also look at the effect of the contaminants on these vulnerable populations, but still does not do anything to do away with the feasibility clause in the bill.

Mr. FORD. I thank the Senator. That is the explanation I needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, it is my understanding that Senator HATFIELD and Senator KERREY from Nebraska, both were very closely involved with this likewise and worked with the Senator from California in coming to this excellent conclusion.

Mrs. BOXER. Yes, I add that. I was remiss in not stating that. I appreciate that. We were in fact working on this for days and I am very pleased we have had this unanimity here.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1718) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the previous unanimous consent governing consideration of S. 2019, the Safe Drinking Water Act, be modified as follows: that the following amendments included in the list which I will now send to the desk be the only first degree floor amendments remaining in order and that they must be offered by 3 p.m., on Wednesday, May 18; further that all other provisions of the previous unanimous-consent agreement remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, am I correct in stating that the remaining provisions of the previous agreement provide that these first degree floor amendments are subject to second degree amendments provided they are relevant to the first degree to which offered; and no motion to recommit is in order?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. Mr. President, I send the revised list to the desk.

PROGRAM

Mr. MITCHELL. Mr. President, I thank my colleagues, the distinguished Republican leader, the managers of the bill and all who have made this agreement possible. Since we have obtained this agreement, and since all amendments must be offered by 3 p.m. tomorrow, there will be no further rollcall votes this evening. Senators who have amendments should now be aware that they must be offered by 3 p.m. tomorrow, and it is my intention that if possible we will complete action on the bill by 6 p.m. tomorrow. If we do so, there will be no further action tomorrow after that and, as I have previously stated, it is my intention to proceed to make the necessary motions to place the crime bill in conference on Thursday. That would be the business for the next few days, to finish this bill tomorrow by 6 p.m. and then to begin the process, trying to get the crime bill to conference on Thursday.

I thank my colleagues and I yield the floor.

If the Senator has no comment I then suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN AMERICAN AS UNDER SECRETARY GENERAL FOR ADMINISTRATION AND MANAGEMENT AT THE UNITED NATIONS

Mr. PRESSLER. Mr. President, as a long-time supporter of U.N. reform, I was extremely interested in recent efforts to fill the position of Under Secretary for Management and Reform at the United Nations. This position was held most recently by Melissa Wells, an American whose resignation was apparently forced by the Secretary General and his staff. Last January, I encouraged the President to urge Secretary General Boutros Boutros-Ghali to appoint another American to this important and powerful position.

I was pleased to learn that an American, Joseph Connor, has been appointed to the important position of Under Secretary General for Administration and Management. I wish Mr. Connor great success in this most difficult job. It will not be easy to implement reform within an agency that seems to do all it can to avoid reforming even its most egregious practices. It also is my hope that the United States will aid Mr. Connor's efforts by seriously pushing for meaningful reform.

Mr. President, I ask unanimous consent that a copy of my letter to the President and his response be included in the RECORD immediately following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 24, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to encourage you to urge United Nations Secretary General Boutros Boutros-Ghali to appoint an American to the important and powerful position of Under Secretary General for Administration and Management. This position was held formerly by Dick Thornburgh and most recently by Melissa Wells whose resignation apparently was forced by the Secretary General and his staff.

This is an unsettling precedent. Melissa Wells was the highest ranking American official at the United Nations. The position of Under Secretary General for Administration and Management has oversight not only over reforming the United Nations' inefficient bureaucracy and responsibility for security, contracts and support services for peacekeeping operations. Her removal further delays the reform effort. The U.S. mission at the United Nations has been pressing to streamline the unwieldy U.N. bureaucracy to satisfy those of us in Congress who have become increasingly concerned about waste and fraud.

It is my hope that we will continue to drive the U.N. towards reform despite a seeming unwillingness to move in that direction. The forced resignation of Melissa Wells should strengthen the resolve of the United States to insist on reform. This is a bureaucracy out of control, financed by U.S. taxpayer dollars. I urge you to push for the appointment of an American citizen to the powerful position of Under Secretary General for Administration and Management. If a non-American fills the position, the U.S. risks losing considerable leverage in the U.N. reform process. It is of utmost importance that the drive for reform and the oversight of that effort remain in our hands.

There are difficult tasks ahead for the United Nations. If the U.N. is to succeed in the face of limited resources, budgetary and bureaucratic reforms are necessary. The strength of the U.N. as a credible peacekeeping body depends on the effectiveness of the U.N. Under Secretary General for Administration and Management. A reform-minded American citizen appointed to this position would ensure the future credibility of the United Nations.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

THE WHITE HOUSE,
Washington, DC, April 6, 1994.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, DC.

DEAR SENATOR PRESSLER: Thank you for your letter urging that we press for an American to replace Melissa Wells as UN Undersecretary General for Administration and Management. I can assure you I consider this an especially important position at the UN which will help me carry out my commitment to serious and lasting management reform at the UN.

Ambassador Albright has submitted to Boutros-Ghali on my behalf a list of several highly qualified American candidates with substantial management expertise for this position. I have every hope that a very capable American will be selected to fill this post.

I am committed to continuing to press vigorously for concrete management reforms at the UN. Top among our current priorities is the establishment of a fully independent office of inspector general with broad oversight responsibilities.

I appreciate your longstanding interest in these issues and your support for meaningful UN reform.

Sincerely,

BILL CLINTON.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 636. An Act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2000. An Act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 17, 1994, she had presented to the President of the United States, the following enrolled bills:

S. 636. An act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2000. An act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC–2643. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize certain military activities of the Department of Defense; to the Committee on Armed Services.

EC–2644. A communication from the Director, Joint Staff, Department of Defense, transmitting, pursuant to law, a report of a delay in submission of a force readiness assessment; to the Committee on Armed Services.

EC–2645. A communication from the Principal Deputy Under Secretary of Defense, transmitting, pursuant to law, a notice of a delay in submission of a report relative to officer personnel management; to the Committee on Armed Services.

EC–2646. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the ASAS major defense acquisition program; to the Committee on Armed Services.

EC–2647. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report with respect to the Titan IV major defense acquisition program; to the Committee on Armed Services.

EC–2648. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the C–17 major defense acquisition program; to the Committee on Armed Services.

EC–2649. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Javelin (AAWS–M) major defense acquisition program; to the Committee on Armed Services.

EC–2650. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the proposed obligation of funds to assist the Russian Federation in the area of export controls; to the Committee on Armed Services.

EC–2651. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the AN/SQQ–89 major defense acquisition program; to the Committee on Armed Services.

EC–2652. A communication from the Acting Deputy Assistant Secretary of Defense (Production Resources), transmitting, pursuant to law, a report relative to strategic and critical materials for fiscal year 1993; to the Committee on Armed Services.

EC–2653. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of Defense to determine the control of authorized strengths for certain active duty commissioned officers; to the Committee on Armed Services.

EC–2654. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1995; to the Committee on Armed Services.

EC–2655. A communication from the Executive Director of the Thrift Depositor Oversight Protection Board and the Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report relative to the activities of the RTC, FDIC and the TDOPB for the six month period from October 1, 1993 through March 31, 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–2656. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the safety conditions of systems which have been under investigation; to the Committee on Banking, Housing and Urban Affairs.

EC–2657. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in her possession from October 1, 1993 through March 31, 1994; ordered to lie on the table.

EC–2658. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report relative to rescissions and deferrals dated May 1, 1994; pursuant to the order of January 30, 1994, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, to the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Small Business.

EC–2659. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Federal Home Loan Bank System dated, April 1, 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–2660. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to private enforcement of the Fair Housing Initiatives Program, dated April 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–2661. A communication from the Deputy and Acting CEO of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's semiannual comprehensive litigation report for the period from October 1, 1993 to March 31, 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–2662. A communication from the Secretary of Housing and Urban Affairs, transmitting, a draft of proposed legislation to reduce homelessness, reform public housing, expand and preserve affordable housing and homeownership, ensure fair housing for all, empower communities, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

EC–2663. A communication from the Deputy and Acting CEO of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's semiannual report on professional conduct investigations for the period June 30, 1993 to December 31, 1993; to the Committee on Banking, Housing and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred of ordered to lie on the table as indicated:

POM–484. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; ordered to lie on the table.

"HOUSE JOINT RESOLUTION NO. 86

"Whereas, the Safe Drinking Water Act Amendments of 1986, as passed by the Congress of the United States, mandated a significance increase in resource commitments by the owners and operators of public water supply systems and by state regulatory agencies, such as the Virginia Department of Health; and

"Whereas, the effect of these mandates has been most severely felt by the small water system owners and operators and ultimately by their customers through increased rates; and

"Whereas, the vast majority of the public water systems in Virginia are small systems that serve fewer than 3,300 persons; and

"Whereas, the Virginia Department of Health must promulgate regulations at least as stringent as those of the United States Environmental Protection Agency (EPA) in order to retain regulatory primacy; and

"Whereas, rules issued by the EPA in accordance with the 1986 Amendments are frequently burdensome, costly, and of marginal public health benefit, especially as they are applied to small water systems; and

"Whereas, a Virginia Department of Health study estimated that a 200 percent increase in state resources in needed to fully implement the EPA regulations promulgated to comply with the 1986 Amendments; and

"Whereas, the Congress has begun the process of reauthorizing the Safe Drinking Water Act, and several bills relating to the Act have been introduced in both houses; and

"Whereas, among the bills introduced is House Resolution 3392, which addresses the concerns of the owners and operators of small water systems in the Commonwealth, who are attempting to serve and protect the health of their customers; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the General Assembly urge the Congress to ensure that safe drinking water regulations promulgated by the EPA in compliance with the 1986 Amendments by both necessary to the public health and cost effective; and, be it

Resolved further, That the General Assembly further memorialize the Congress to consider favorably the provisions of HR 3392 in its deliberations leading to the re-authorization of the Safe Drinking Water Act; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–485. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; ordered to lie on the table.

POM–486. A resolution adopted by the Township of Denville, New Jersey relative to military appropriations; to the Committee on Appropriations.

POM–487. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Armed Services.

"HOUSE JOINT RESOLUTION NO. 53

"Whereas, in 1991, the nation experienced 320,000 accidents involving large trucks, which caused 111,000 injuries and 4,800 fatalities; and

"Whereas, in Northern Virginia, the problem is acute, often with fiery crashes involving large trucks, many of them on the extremely congested Capitol Beltway, causing numerous injuries, frequent loss of life, and legendary traffic jams; and

"Whereas, according to the American Trucking Association, truck drivers' succumbing to drowsiness, fatigue, and the hypotism of the road is a major cause of many of these accidents; and

"Whereas, technology originally developed for the military holds the promise of alleviating the problem of driver fatigue, and a consortium consisting of a defense contractor, the American Trucking Association, truck manufacturers, fleet operators, and academicians has adapted a system originally designed for military use to reduce truck accidents caused by driver fatigue or inattention; and

"Whereas, using radar systems now utilized in military avionics and guidance systems, combined with computer software designed for automatic target recognition, the consortium has designed a guidance system for commercial trucks that would both assume control of a truck heading into danger and alert the driver to reassume control; and

"Whereas, the consortium is seeking funding, in the amount of $3.5 million, to develop a prototype of the truck-safety system from the Department of Defense, through its Advanced Research Projects Agency, and offering to match the Agency's funding, which would come from the Technology Reinvestment Program budget; and

"Whereas, the development of a much needed truck-safety device, which could well prevent accidents and save lives, is an entirely appropriate use of funds earmarked for defense conversion through the Technology Reinvestment Program, created in 1993 to help defense contractors find new, nonmilitary markets for their technology and resources; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,* That the Congress be hereby memorialized to urge the Department of Defense, through its Technology Reinvestment Program, to provide the requested funding for the development of this potentially most useful truck-safety device; and, be it

"*Resolved further,* That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly on this issue."

POM-488. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION MEMORIALIZING THE U.S. CONGRESS AND THE U.S. SECRETARY OF DEFENSE TO ESTABLISH TWO DEFENSE FINANCE AND ACCOUNTING SERVICE CENTERS IN THE STATE

"Whereas, there is now under consideration by the United States Secretary of Defense a proposal to consolidate the existing defense finance and accounting service centers throughout the world; and

"Whereas, states that have lost a military base because of downsizing of the United States military ought to receive primary consideration for the site of a new defense finance and accounting service center; and

"Whereas, Maine recently suffered the closure of Loring Air Force Base, which adversely affected the economies of many of the State's communities and the overall economic health of the State; and

"Whereas, the closure of Pease Air Force Base had a similar adverse impact on Maine and its citizens; and

"Whereas, the criteria considered by the United States Department of Defense are cost to the federal government, the availability of a good labor force and maintenance of service; and

"Whereas, Maine offers a highly productive and skilled workforce; a low cost of living; one of the 2 best fiber optic networks in the United States; a high quality of life because of the combination of a clean environment, 3,000 miles of coastline, mountains, and one of the lowest crime rates in the country; international airports and port facilities; and numerous private and public institutions of higher learning; and

"Whereas, the Federal Government recently renovated and upgraded communications systems and general infrastructure of the former Loring Air Force Base at a cost of millions of dollars; and

"Whereas, the former site of Loring Air Force Base and the City of Bangor offer excellent sites for these centers and both locations can be easily adapted to the needs of the Department of Defense; and

"Whereas, for all of these reasons, as well as the State's long and distinguished commitment to defense and national security interests, we believe that it would be in the best interest of the United States Department of Defense to locate 2 of its proposed finance and accounting service centers within Maine; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request the United States Secretary of Defense and the United States Congress to locate 2 defense finance and accounting centers in Maine; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the Secretary of Defense; the Honorable John R. McKernan, Jr., Governor of the State of Maine; and each member of the Maine Congressional Delegation.

POM-489. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE U.S. CONGRESS TO SUPPORT MILITARY AND CIVILIAN DUAL-USE OF MILITARY FACILITIES

"Whereas, changes in national security interests have caused changes in the status of military facilities in the United States, to include closure, realignment and reduction in mission; and

"Whereas, future changes are likely to occur that will potentially affect military facilities in Maine; and

"Whereas, it is in the national security interest of the United States to preserve defense infrastructure during times of peace; and

"Whereas, the closure, realignment or reduction in the mission of military facilities may have a long-term impact on national security; and

"Whereas, military and civilian dual-use planning for military facilities is an effective method to preserve physical infrastructure and labor-force skills; and

"Whereas, the current base closure and realignment process discourages the State, communities, workers and businesses from working in partnership to develop military and civilian dual uses of military facilities; and

"Whereas, it is in our national interest to address disincentives or barriers to military and civilian dual use of military facilities, including disincentives caused by the base closure or realignment selection criteria; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully urge Maine's Congressional Delegation to convey the concerns contained in this memorial to the House Armed Services Committee and the Senate Armed Services Committee of the United States Congress, the President of the United States and the Secretary of Defense; and be it further

"*Resolved,* That Maine's Congressional Delegation advocate for changes to the base closure and realignment process to provide incentives for communities and military facilities to undertake military and civilian dual-use initiatives, including, but not limited to, positive military point value being assigned to military facilities that have undertaken dual-use planning to preserve physical infrastructure and work-force skills during times of peace; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-490. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE JOINT RESOLUTION 155

"Whereas, the Commonwealth of Virginia promotes personal responsibility and self-sufficiency through a community-based approach for individuals receiving public assistance; and

"Whereas, some families that receive public assistance reside in public housing that is subsidized through state and federal housing programs or receive housing subsidies; and

"Whereas, welfare recipients who make the transition from public assistance to self-sufficiency frequently begin employment at minimum wage or part-time jobs; and

"Whereas, there are costs to an employee of becoming employed and sustaining that employment, such as transportation and suitable clothing, in addition to ordinary living expenses; and

"Whereas, individuals who receive public assistance have severely limited financial resources; and

"Whereas, welfare recipients who enter employment have minimal discretionary funds and are particularly vulnerable to financial emergencies; and

"Whereas, recipients who reside in federal public housing or who receive federal housing subsidies may have income from employment immediately applied to their financial obligation for rent; and

"Whereas, the immediate increase in a family's obligation for housing expenses can be a disincentive to becoming employed because the family realizes no increase in disposable income; and

"Whereas, the increase in housing costs for families may create serious financial stress and place recipients at risk of losing their jobs and self-sufficiency; and

"Whereas, the federal government operates housing subsidy programs through the United States Department of Housing and Urban Development; and

"Whereas, that agency has not taken steps to encourage self-sufficiency through more gradual rest increases for welfare recipients who become employed; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the Congress of the United States be requested to allow greater flexibility in the consideration of income for newly employed welfare recipients when determining the recipient's rent costs, in order to promote long-term independence and self-sufficiency; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia Congressional Delegation, and the Secretary of the United States Department of Housing and Urban Development, that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-491. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION 31

"Whereas, Congress recognized the northern forest region of Maine, New Hampshire, Vermont, and New York when the northern forest lands study was authorized in 1988; and

"Whereas, the governor of the state of New Hampshire recognized the importance of this effort when he appointed the New Hampshire members of the governors' task force on northern forest lands in 1988; and

"Whereas, this commitment was extended when the governor of the state of New Hampshire appointed the New Hampshire members of the northern forest lands council in 1991; and

"Whereas, the council's purpose is to study and issue recommendations to the 4 states' governors and congressional delegations on how to "reinforce the traditional patterns of land ownership and use that have characterized the northern forest region, enhance the quality of life for local residents through the promotion of economic stability, encourage the production of a sustainable yield of forest products, and protect recreational, wildlife, scenic and wildland resources" in a region of 26 million acres which includes most of northern New Hampshire; and

"Whereas, northern New Hampshire is supported by an economy closely associated with the land and its varied products, and includes some of the state's most productive forests and farms, pristine wild areas, clean water, habitat for a diversity of game and non-game wildlife, and both public and private lands for outdoor recreation; and

"Whereas, the council will issue final recommendations in July, 1994 that will establish a framework for the state to address some of northern New Hampshire's most pressing social and environmental problems and opportunities; now, therefore be it

"*Resolved by the House of Representatives, the Senate concurring:* That the general court of the state of New Hampshire shall give due consideration to the rights and interests of the people of northern New Hampshire, with respect to any final recommendations of the northern forest lands council, and shall commit itself to a thorough review of these final recommendations; and

"That the general court call upon the New Hampshire congressional delegation in deliberation of the recommendations of the northern forest lands council, to give due consideration to the rights, interests and well-being of the people of northern New Hampshire, and to respect the right of self-determination that must underlie any successful resolution of the problems and opportunities arising from the issuance of the council's final report; and

"That copies of this resolution be forwarded by the clerk of the house to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation."

POM-492. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Energy and Natural Resources.

"ENROLLED JOINT RESOLUTION NO. 1.

"Whereas, the Federal Oil Pollution Act of 1990 financial responsibility section 4303 expands financial responsibility from thirty-five million dollars ($35,000,000.00) to one hundred fifty million dollars ($150,000,000.00) liability for each petroleum product facility, and expands coverage to all facilities in, on, or under navigable waters of the United States; and

"Whereas, the definition of navigable waters encompasses vast new areas of the United States beyond the historic purview of the Federal Mineral Management Service; and

"Whereas, there is no recognition in the act for the relative environmental risk posed by these various facilities; and

"Whereas, these provisions will likely create public opposition to these environmental safeguards and thus defeat the worthy purposes for which they were intended.

"*Now, therefore, be it resolved by the members of the legislature of the State of Wyoming:*

"Section 1. That the Wyoming legislature respectfully requests the Secretary of the Interior to represent these concerns directly to the chairman of the appropriate congressional authorizing committee to correct the situation, including, but not limited to, proposing corrective legislation to the existing law. Further, that the Wyoming legislature requests the Secretary of the Interior to proceed with the utmost care and with the fullest public participation.

"Section 2. That actions be taken to assure that the Federal Oil Pollution Act of 1990 be implemented in a way that brings about the underlying purpose of the act, ensuring that those engaged in oil operations on the Outer Continental Shelf historically within the jurisdiction of the Federal Mineral Management Service demonstrate the amount of financial responsibility commensurate with the relative oil spill risk posed by each facility.

"Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior and to the Wyoming Congressional Delegation."

POM-493. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

"Whereas, the City of Chesapeake, Virginia, is seeking a $9.5 million authorization for funding from the U.S. Congress through the House Public Works Committee Authorization Bill for South Battlefield Boulevard (State Route 168); and

"Whereas, South Battlefield Boulevard is the major link between the I-95-64 corridor to the resort beaches of North Carolina's Outer Banks; and

"Whereas, the present 10-mile length of the two lane highway carries three times its design capacity; and

"Whereas, eighty percent of the traffic is generated from outside of the corridor, this through traffic causes severe congestion for local citizens and emergency response teams (police, fire, and emergency medical services); and

"Whereas, since this route serves as the emergency evacuation route for the Outer Banks during hurricane emergencies, South Battlefield Boulevard becomes almost impassable as motorists evacuate the beaches; and

"Whereas, the project is among the top critically needed, yet unfunded, projects in Hampton Roads and the Commonwealth and is part of the proposed National Highway System; and

"Whereas, the city is requesting authorization for funding from the House Public Works Committee for $4 million for engineering design costs and $5.5 million for right-of-way acquisition costs; and

"Whereas, the project has long-standing support at the local, regional and state levels as well as from the adjacent North Carolina Counties of Dare and Currituck; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*,

"That the Congress of the United States be hereby requested to provide funding through the House Public Works Committee Authorization Bill, for $9.5 million that is needed for improvements to South Battlefield Boulevard in Chesapeake, Virginia; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit a copy of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-494. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

"Whereas, a modern, well-maintained, efficient, and interconnected transportation system is vital to the economic growth and health and the global competitiveness of the Commonwealth and the entire nation; and

"Whereas, the highway network is the backbone of a transportation system for the movement of people, goods, and intermodal connectivity; and

"Whereas, it is critical to address highway transportation needs effectively through appropriate transportation plans and program investments; and

"Whereas, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) established the concept of a 155,000-mile National Highway System (NHS) which includes the Interstate System; and

"Whereas, on December 9, 1993, the United States Department of Transportation transmitted to Congress a 159,000-mile Proposed National Highway System which identified 104 port facilities, 143 airports, 191 rail-truck terminals, 321 Amtrak stations and 319 transit terminals; and

"Whereas, ISTEA requires that the NHS and Interstate Maintenance funds not be released to the States if the system is not approved by September 30, 1995; and

"Whereas, the uncertainty associated with the future of the National Highway System precludes the possibility of the state's effectively undertaking necessary and properly developed planning and programming activities; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,*

"That the Congress of the United States be urged to accelerate the process of developing and approving the National Highway System and that the Congress of the United States should pass legislation which designates and approves the National Highway System no later than September 30, 1994; and, be it

"*Resolved further,* That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-495. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

"Whereas, 38 million Americans were without health insurance at some time in the last year, many while between jobs or while employed in jobs that did not offer health insurance; and

"Whereas, the rising costs of health care threaten access for even those currently insured, particularly as escalating costs force employers to trim the level and availability of health care benefits to their employees; and

"Whereas, employer contributions to employee group health insurance are presently fully exempt from federal income tax; and

"Whereas, insurance purchased by individuals outside of employer groups, by the unemployed, the self-employed, the part-time employed, and those otherwise unable to obtain group coverage through their employer, is limited to at most a 25 percent exemption; and

"Whereas, even this smaller benefit to individuals has at times been threatened with removal; and

"Whereas, those without access to employer coverage are likely to be more in need of subsidy to afford insurance; and

"Whereas, aside from need, fairness suggests that those without access to employer coverage be accorded the same tax privileges for their health insurance purchases as those available within employer groups; and

"Whereas, the continuation of a differential benefit to employer-sponsored health insurance may contribute to the perpetuation of a system that adversely affects worker mobility, since employer coverage is not portable and coverage outside an employer group is prohibitively expensive; and

"Whereas, this arrangement may also limit individual choice of health coverage to the levels and forms of insurance chosen by the employer; and

"Whereas, the form of health insurance known as medical care savings accounts, combining high-deductible insurance policies with dedicated funds to meet insurance expense, may offer a fruitful mechanism to control spending and spur consumer responsibility for health care choices, by forcing health services purchasers to consider the full cost of services for expenses under their deductibles; and

"Whereas, the present system of tax privileges does not extend exemption to contributions to a dedicated savings account for medical purposes, except for the current Flexible Spending Accounts under §125 of the Federal Tax Code; and

"Whereas, §125 account funds must be used by the end of the tax year or forfeited undermining consumer incentives to save; and

"Whereas, the Clinton Health Security Act proposes to eliminate §125 accounts; and

"Whereas, states like Virginia that practice strict federal conformity are bound to accept the federal determination of taxable income and exemptions therefrom, or else engender the substantial costs of independent monitoring and enforcement for Tax Code compliance; and

"Whereas, changes in state tax policy alone might not yield enough substantial benefits to induce appropriate changes in insurance coverage, given that a state can only provide exemptions from its own levies; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,*

"That the Congress of the United States be requested to enact legislation which makes the tax privileges accorded to health insurance purchased by individuals outside of employer groups equivalent to that available within employer groups; and to enact legislation which makes the tax privileges accorded to medical care savings accounts equivalent to that accorded other forms of health insurance; and, be it

"*Resolved further,* That the Clerk of the House transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and all members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly."

POM-496. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

"Whereas, the dependent care tax credit is a tax subsidy reducing the child care costs of working families; and

"Whereas, the size of the credit depends upon a family's income, the number of dependents in child care, and the size of the family's child care cost; and

"Whereas, the family receives an income tax credit of 30 percent down to 20 percent for a portion of its child care or dependent care costs, depending on the family's adjusted gross income; and

"Whereas, this credit may fail to assist the very group that needs child care assistance the most, working poor families, because it is not refundable; and

"Whereas, unlike the earned income credit which is refundable, those too poor to owe income tax receive no refund or other subsidy payment; and

"Whereas, by contrast, families at higher income levels may benefit from the credit, which lowers their income tax liability; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,*

"That the Congress of the United States be requested to make dependent care tax credits refundable to provide support to the working poor families. Making this tax credit refundable supports the income-related strategy of "making work pay." Due to the substantial child care costs that exist today, it is critical to defray some of those costs to move full-time working families out of poverty to self-sufficiency; and, be it

"*Resolved further,* That the Clerk of the House of Delegates transmit copies of this resolution for distribution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia Congressional Delegation, and the Secretary of the United States Department of Health and Human Services to apprise them of the sense of the General Assembly of Virginia.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science and Transportation:

Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, vice Susan Carol Schwab, resigned.

T.R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of four years expiring June 14, 1996. (New Position.)

Rachelle B. Chong, of California, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1992, vice Sherrie Patrice Marshall, resigned.

Susan Ness, of Maryland, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1994, vice Ervin S. Duggan, resigned.

Susan Ness, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1994. (Reappointment.)

William D. Hathaway, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1998. (Reappointment.)

Joe Scroggins, Jr., of Florida, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1995, vice Christopher L. Koch, resigned.

Carrye Burley Brown, of the District of Columbia, to be Administrator of the United States Fire Administration, vice Olin L. Greene, Jr., resigned.

Arnold Gregory Holz, of Maryland, to be Chief Financial Officer, National Aeronautics and Space Administration. (New Position.)

Rear Admiral Robert E. Kramek, U.S. Coast Guard, to be Commandant, United States Coast Guard, for a term of four years with the grade of admiral while so serving.

The following officer of the U.S. Coast Guard, to be Vice Commandant, United States Coast Guard, with the grade of vice admiral while so serving: Rear Adm. Arthur E. Henn.

The following officer of the U.S. Coast Guard, to be Chief of Staff, United States Coast Guard, with the grade of vice admiral while so serving: Rear Adm. Kent H. Williams.

The following officer of the U.S. Coast Guard, to be Commander, Atlantic Area, United States Coast Guard, with the grade of vice admiral while so serving: Rear Adm. James M.Loy.

The following officer of the U.S. Coast Guard, to be Commander, Pacific Area, United States Coast Guard, with the grade of vice admiral while so serving: Rear Adm. Richard D. Herr.

The following officer of the United States Coast Guard Reserve for appointment to the grade of rear admiral: Robert E. Sloncen.

The following officer of the United States Coast Guard Reserve for appointment to the grade of rear admiral (lower half): Richard W. Schneider.

The following officers of the United States Coast Guard for appointment to the grade of rear admiral: Roger T. Rufe. Jr., and Howard B. Gehring.

Rear Admiral John C. Albright for appointment to the grade of rear admiral (lower half), while serving in a position of importance and responsibility as Director, Pacific Marine Center, National Oceanic and Atmospheric Administration, under the provisions of title 33, United States Code, section 853u.

(The above nomination was approved subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD of October 14, 1993 and February 22 and April 11, 1944, and a list in the National Oceanic and Atmospheric Administration which was printed in full in the CONGRESSIONAL RECORD of April 11, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. DASCHLE):

S. 2118. A bill to improve the national crime database and create a Federal cause of action for early release of violent felons; to the Committee on the Judiciary.

By Mr. BREAUX (for himself, Mr. LOTT, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 2119. A bill to prohibit the imposition of additional fees for attendance by United States citizens at the United States Merchant Marine Academy; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. KERRY, Mr. PACKWOOD, Mr. BREAUX, Mr. MATHEWS, Mr. AKAKA, Mr. BINGAMAN, Mr. DODD, Mr. DURENBERGER, Mr. GORTON, Mr. GRAHAM, Mr. HATFIELD, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, and Mr. WOFFORD):

S. 2120. A bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON (by request):

S. 2121. A bill to promote entrepreneurial management of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COHEN:

S. 2122. A bill to improve the public and private financing of long-term care and to strengthen the public safety net for elderly and non-elderly disabled individuals who lack adequate protection against long-term care expenses, and for other purposes; read the first time.

By Mr. DORGAN (for himself and Ms. MIKULSKI):

S. 2123. A bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself and Mr. BROWN):

S. 2124. A bill to provide development of power at the Mancos Project and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE:

S. Res. 214. A resolution on health care for Members of Congress and for the American people; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself and Mr. DASCHLE):

S. 2118. A bill to improve the national crime database and create a Federal cause of action for early release of violent felons; to the Committee on the Judiciary.

VIOLENT CRIME INTERVENTION ACT OF 1994

Mr. DORGAN. Mr. President, I am today offering, on behalf of myself and Senator DASCHLE, from South Dakota, legislation dealing with crime. I wanted to say a few words about it before I introduce it.

Mr. President, as the Senate-House conference committee works on a final crime bill, I would like to address two of the major reasons our Nation is facing a crime epidemic and propose what the Federal Government can do to stop it.

As we heard on this floor last November when the Senate debated our crime bill, America's violent crime rate has risen to unprecedented levels. In 1992, the Federal Bureau of Investigation [FBI] reported that 23,760 murders occurred in the United States. That's 10 times the homicide rate of Japan or France, 13 times the homicide rate of England, and 5 times the rate of our neighbors to the north, Canada.

And this picture is not limited to homicides. The FBI also reported that 109,062 forcible rapes, 676,478 robberies, and 1,126,974 aggravated assaults occurred in the United States in 1992. These numbers translate into a 19-percent increase in violent crime since 1988. Even more troubling, roughly half of the violent crimes in this country are not reported to law enforcement and therefore are excluded from these FBI statistics.

These shocking statistics are no surprise to most Americans. Almost all of us have been affected by violent crime. It's no wonder that controlling violent crime has become the most important issue for our constituents.

A major reason we face this epidemic is that our State criminal justice systems put violent criminals back onto our streets and into our communities before they have served their full sentence. Parole and other early release programs allow convicted criminals to commit additional crimes against innocent victims. According to a Brookings Institution study, the typical violent offender commits 12 serious crimes—not including drug crimes—every year they are on the street. Is it any wonder that we have one of the highest violent crime rates in the world?

Even if a violent criminal is arrested, prosecuted, convicted, and sentenced, he or she probably will spend only a fraction of that sentence behind bars. Nationwide, violent offenders receive an average sentence of almost 8 years, but actually serve less than 3. For the ultimate violent crime, murder, the average sentence imposed by State courts is 17 years. But killers serve only 7. An average of 7 years in prison seems insufficient for a crime in which the victim's sentence quite literally is life.

Mr. President, I understand there are many sources of this desperate situation. Drug abuse, broken families, lack of job opportunities—we are all familiar with the long sad list. We have to address those problems, but we can't wait until they're solved. Unless the States start to keep violent prisoners locked up for their full sentence, violent crime will continue.

A large number of violent criminals are back in the community because State laws or fiscal priorities actually promote their early release. Some fault for the current situation also lies in the poor reliability of criminal records. Violent criminals often get off with light sentences or are released early because a sentencing judge or parole board lacked a complete picture of the individual's criminal history.

Most criminal justice is dispensed at the State level. More than 90 percent of criminal offenders are prosecuted in State courts and sentenced to State prisons. Unlike the Federal system, where criminals generally serve most of their sentences behind bars, States often release their violent criminals after serving only a fraction of their sentences.

But violent crime in this country cannot be defined as simply a State problem. Violent crime does not respect State boundaries. Just look at the violent crime against tourists in Florida. The victims are not Florida residents, they are from other States and other countries. However, they became the victims of Florida's failure to make its violent offenders serve their full sentences. Most of the recent attacks on tourists were committed by criminals who should have been serving time for a previous violent crime.

Mr. President, the Senate and House crime bills demonstrate the depth of concern at the Federal level about violent crime. Anyone who thinks that Washington is not serious about trying to stop violent crime should look at the level of funding—between $22 and $28 billion—that Congress and the administration are willing to spend on crime prevention, even as we try to cut spending dramatically and reduce the national debt.

I vigorously supported the Senate crime bill, which contains several amendments from a crime bill I had introduced last fall. These include a provision to change the current presumption allowing Federal prisoners automatically to receive good-time credit regardless of their actual behavior in prison. A second provision would convert closed military bases into prisons for nonviolent offenders to free up State prison space for violent criminals.

While the crime bill will be an important step in fighting crime, it does not deal with the State responsibility for maintaining most criminal records and for sentencing violent criminals. Until the States work with the Federal Government to meet these responsibilities, there will be major gaps in the crime bill. Today, I am introducing legislation that would help fill in these gaps.

Mr. President, my legislation first would address the need for an accurate, up-to-date, and complete national criminal record database. It would establish Federal standards for the system and require the States to comply with these standards within 2 years. If they didn't, they would pay a user fee each time they wanted to use the Federal system.

Every day, States and localities flood the FBI's Interstate Identification Index [III] with approximately 85,000 requests for criminal record checks. III is an essential tool for all aspects of law enforcement, from routine traffic stops to sentencing violent criminals. Despite this great need, neither III nor any other record system can provide complete and accurate information. Of the 50.5 million criminal records in this country, only 9.2 million—less than 20 percent—include case dispositions, are computerized, and are accessible to law enforcement nationwide through the III.

My legislation would establish a complete and accurate national criminal history database. It would require States to file their arrest reports and final disposition orders in criminal cases with their record repository within 21 days. State repositories would then have to enter these reports and records into the State database within 14 days. And every State database would be required to be connected to the III.

Mr. President, my legislation adopts a carrot-and -stick approach to encourage every State to join the III within 2 years so that the system can provide accurate and up-to-date information about the State's criminals

The bill would authorize $100 million in grants to States to establish or upgrade their criminal record systems so they can link up with the III. States that do not meet the recommended guidelines for interconnecting with the III would not be shut off from using the III system. That could hurt law enforcement. But they no longer could take a free ride by using the III while not providing full and complete information to the system. States that are not full participants in the III would be required to pay a user fee each time they use the system.

The second problem my legislation addresses is the early release of violent criminals. I firmly believe, as I suspect most Americans believe, that violent criminals should serve their full sentences. That is just not happening today.

There are almost 3 million criminal offenders currently on probation or parole. That's more than three times the number individuals currently locked up in prison. And according to the Bureau of Justice Statistics, 60 percent of the violent criminals released early from prison will be rearrested within 3 years, and half of those will be rearrested for a violent offense.

These repeat violent offenders are responsible for many of the most shocking crimes in the country. From young Polly Klass's murderer in California, to the two young men who murdered Michael Jordan's father in North Carolina while he napped in his car at a rest stop. this country is besieged by violent crimes that wouldn't have happened if the criminals had been serving their full sentence for a prior violent crime.

Mr. President, States simply must keep violent offenders behind bars for their full sentence, or face the consequences of their decisions to release them. The legislation I am introducing today would do this.

Under my legislation, States would be liable to victims of violent felonies committed by a criminal the State had released prior to serving his or her full prison sentence for a previous violent crime. But a State that has a law requiring those convicted of a violent crime to serve their entire, original term of imprisonment behind bars would not be liable to victims. This liability would force the States to consider the real costs that early release imposes on society. While States still would be free to release violent criminals whenever they wish, they no longer would be able to shift the cost of that decision to innocent victims.

Mr. President, the legislation I am introducing today would complement the crime bill we are currently negotiating. It would create incentives for the States to update their criminal records and to make them available to law-enforcement nationwide. It would strongly encourage States to keep violent criminals locked up for their full sentences. Together, these would be a significant step toward controlling violent crime in this Nation. I urge my colleagues to support this important measure.

I ask unanimous consent the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Intervention Act of 1994".

TITLE I—NATIONAL CRIMINAL RECORDS DATABASE

SEC. 101. FINDINGS.

The Congress finds that—

(1) nationwide—

(A) many State criminal record systems are not up to date and contain incomplete or incorrect information; and

(B) less than 20 percent of all criminal records are fully computerized, include court dispositions, and are accessible through the Interstate Identification Index of the Department of Justice; and

(2) a complete and accurate nationwide criminal record database is an essential element in fighting crime and development of such a database and is a national urgent priority.

SEC. 102. STATE CRIMINAL RECORD UPGRADES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue guidelines establishing specific requirements for a State to qualify as a fully participating member of the Interstate Identification Index.

(b) MINIMUM REQUIREMENTS.—The guidelines referred to in subsection (a) shall require—

(1) that all arrest reports and final disposition orders are submitted to the State records repository within 21 days;

(2) the State repository to enter these records and orders into the State database not more than 14 days after the repository receives the information;

(3) the State to conduct audits, at least annually, of State criminal records to ensure that such records contain correct and complete information about every felony arrest and report the results of each audit to the Attorney General;

(4) the State to certify to the Attorney General, on January 1 of each year, that the law enforcement agencies, courts, and records officials of the State are in compliance with this section; and

(5) such other conditions as the Attorney General determines are necessary.

(c) FEES.—A State that does not qualify as a fully participating State, pursuant to the guidelines referred to in subsection (a), within 2 years after the date on which the Attorney General issues such guidelines shall pay a user fee for each identification request made to the Interstate Identification Index in an amount equal to the average cost of a single Federal database inquiry, as determined by the Attorney General each year.

SEC. 103. AUTHORIZATION.

There are authorized to be appropriated $100,000,000 for fiscal years 1995 and 1996 to the Attorney General for grants to States to establish or improve their criminal record databases to qualify as a fully participating member of the Interstate Identification Index.

TITLE II—LIABILITY FOR EARLY RELEASE OF VIOLENT FELONS

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) violent criminals often serve only a small portion of their original sentences;

(2) a significant proportion of the most serious violent crimes committed in the United States are committed by criminals who have been released early from a sentence for a previous violent crime;

(3) violent criminals who are released early from prison often travel to other States to commit additional violent crimes;

(4) the crime and threat of crime committed by violent criminals released early from prison affects tourism, economic development, use of the interstate highway system, federally owned or supported facilities, and other commercial activities of individuals; and

(5) the policies of one State regarding the early release of criminals sentenced in that State for a violent crime often affects the citizens of other States, who can influence those policies only through Federal law.

(b) PURPOSE.—The purpose of this title is to reduce violent crime by requiring States to bear the responsibility for the consequences of releasing violent criminals before they serve the full term for which they were sentenced.

SEC. 202. CAUSE OF ACTION.

(a) IN GENERAL.—The victim (or in the case of a homicide, the family of the victim) of a violent crime shall have a Federal cause of action in any district court against a State if the individual committing the crime—

(1) previously had been convicted by the State of a violent offense;

(2) was released from incarceration prior to serving his or her full sentence for such offense; and

(3) committed the violent crime before the original sentence would have expired.

(b) EXCEPTION.—A State shall not be liable under subsection (a) if the State requires a violent criminal to be incarcerated for the entire term of imprisonment to which the criminal is sentenced.

(c) DEFINITION.—As used in this title, the term "crime of violence" has the same meaning as in section 16 of title 18, United States Code.

(d) DAMAGES.—A State shall be liable to the victim in an action brought under this title for the actual damages resulting from the violent crime, but not for punitive damages.

By Mr. BREAUX (for himself, Mr. LOTT, Ms. MUKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 2119. A bill to prohibit the imposition of additional fees for attendance by United States citizens at the United States Merchant Marine Academy; to the Committee on Commerce, Science, and Transportation.

PROHIBITION OF FEES ON ATTENDEES OF THE MERCHANT MARINE ACADEMY

Mr. BREAUX. Mr. President, the bill I am introducing today along with my distinguished colleagues, Mr. LOTT, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. D'AMATO, and Mr. MOYNIHAN, would maintain existing policy and would prohibit the imposition of additional charges or fees for attendance by U.S. citizens at the U.S. Merchant Marine Academy.

I am introducing this bill in response to a recommendation in the administration's National Performance Review [NPR], which was released last fall, that proposes to begin charging tuition and fees at the Academy at Kings Point, NY, beginning with the 1995-96 academic year.

Currently, all costs at the Academy, including tuition, fees, uniforms, are paid by the Federal Government just as they are at the other Federal service academies such as the Air Force Academy and the Coast Guard Academy. As a condition of their appointment to the Merchant Marine Academy, individuals are obliged, upon graduation to: maintain a license as an officer in the U.S. merchant marine for at least 6 years; apply for an appointment to, and accept if tendered, an appointment to a reserve unit of an armed force of the United States for at least 6 years following graduation; and to serve in the foreign and domestic commerce and the national defense of the United States for at least 5 years following graduation. While the proposal in the NPR calls for the possible imposition of tuition at the Academy, it does not change the service commitment that is required as a condition of acceptance.

The Academy is an indispensable contributor to the U.S. maritime industry. In fact, 72 percent of the Academy's graduates from the last 20 years are still employed in the maritime industry.

Cutting the Academy budget in half would require that tuition of $15,000 to $16,000 be charged to make up the difference. It is unlikely that most individuals could pay that amount, since they would be unable to afford the cost of this tuition. The end result of this proposal would, therefore, ultimately be closure of the Academy. This loss would be devastating to our Nation's merchant marine, which has been already experiencing more than its share of hardships in recent years and may not be able to survive any further setbacks such as this.

Mr. President, I ask unanimous consent that the text of the bill I am introducing along with my statement be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance by United States citizens at the United States Merchant Marine Academy may be imposed.

(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to midshipmen at the United States Merchant Marine Academy for which a charge or fee is imposed as of the date of the enactment of this Act. The Secretary of Transportation shall notify the Congress of any change made by the United States Merchant Marine Academy in the amount of a charge or fee authorized under this subsection.

Ms. MIKULSKI. Mr. President, I am happy to join Senator BREAUX today as a cosponsor of this important legislation. I am a staunch supporter of the U.S.-flag Merchant Marine and of the maritime industry in general. The industry is of vital importance to our Nation's economic and defense capabilities. Kings Point is vital to the industry.

Kings Point produces highly trained transportation specialists who know how to interact with the Armed Forces to meet our logistics requirements. Graduates have gone on to become leaders in transportation technology. They have been responsible for technological advances such as containerization, piggy backing containers on rail cars, and intelligent systems which enhance cargo handling efficiencies. With 300,000 people working in our maritime industry, we must ensure that these industries are supplied with innovative leaders for the next century.

The maintaining of full funding for Kings Point will assure that a highly qualified student body will continue to offer at least 8 years of national service in transportation and defense in exchange for their education. It will assure that the United States will have merchant marine officers and transportation managers who are trained to preserve and protect the environment. Finally, it will reaffirm our country's conviction that the sea-link is most certainly crucial to the Nation's transportation infrastructure. We must be willing to invest in manpower for this sector.

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. KERRY, Mr. PACKWOOD, Mr. BREAUX, Mr. MATHEWS, Mr. AKAKA, Mr. BINGAMAN, Mr. DODD, Mr. DURENBERGER, Mr. GORTON, Mr. GRAHAM, Mr. HATFIELD, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, and Mr. WOFFORD):

S. 2120. A bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PUBLIC BROADCASTING ACT OF 1994

Mr. INOUYE. Mr. President, today, I am introducing the Public Broadcasting Act of 1994. This legislation authorizes funding for the Corporation for Public Broadcasting [CPB] for fiscal years 1997 through 1999. It continues the tradition of advance funding for the Public Broadcasting System so that key long-term planning decisions can be made. This advance-year funding is critical to the overall stability of our Nation's Public Broadcasting system.

In 1967, the Corporation for Public Broadcasting was established by congress "* * * [to] help make public broadcasting available to all citizens * * * and to afford maximum protection to such broadcasting from extraneous interference and control." In the 25 years since its creation, the Public Broadcasting System has grown and matured. Even with the increased number of programming services, it is largely responsible for much of the high-quality, educational, informational, and entertainment radio and television programming we have today.

The CPB and public broadcasters have built a nationwide system in which close to 90 percent of the American households have access to a Public Radio signal and nearly 100 percent of households have access to a public television signal.

The legislation I am introducing today reauthorizes funding for the CPB in the amount of $425 million for fiscal years 1997 through 1999. This amount is identical to the level authorized for the CPB for fiscal year 1996.

Unlike most previous years, this legislation does not increase the authorized funding levels for the CPB. This legislation will, however, allow public broadcasting stations to maintain the level of high-quality programming they provide today. I believe that this legislation properly balances the needs of Public Broadcasters with the need to show fiscal responsibility.

The CPB supports the production and distribution of nationally recognized radio and television programs such as, "All Things Considered," "Sesame Street," "American Playhouse," "Great Performances," and "The MacNeil/Lehrer Newshour." These programs have and will continue to make significant contributions to our society.

The CPB allocates a large percentage of its funds to enhance programming by and for minorities and traditionally unserved areas. By supporting the Independent Television Service [ITVS] and the five minority consortia, Public Broadcasting has enabled Americans to explore important social issues and experience a wide variety of opinions and ideas. I encourage the CPB and its member stations to continue their commitment to these entities.

Public Broadcasting has a history of innovation that has broadened the reach of television to many of our Nation's citizens. For instance, Public Television provides closed-captioning for the hearing-impaired, and descriptive video services [DVS], an optional audio narration track for the sight-impaired. And for Spanish-speaking citizens, the "MacNeil/Lehrer News Hour" airs in many communities with a Spanish language soundtrack. Innovative services like these are important as our society becomes more diverse.

Public Broadcasting's efforts in education, advanced technology, and program development continue to set the standard for commercial broadcasting. For instance, in the area of education, Public Television has shown itself to be one of the most economical and efficient mechanisms for distributing educational information to our homes and schools. Public Television stations are providing their local schools and State educational institutions with technical expertise and quality programs to supplement classroom instruction. Nationwide, Public Television is the largest contributor of video and televised instructional materials for schools, colleges, and home viewers in the country. Public Television reaches over 29 million students in nearly 70,000 schools, grades K through 12. Close to 2 million teachers use Public Educational Services provided by Public Television.

The Satellite Educational Resources Consortium [SERC] is another example of how Public Broadcasting is using its resources for education. SERC is a 23-state partnership of educators and public broadcasters that helps schools to meet the needs of their students through live interactive satellite delivered courses. Because of efforts like these, two-thirds of America's colleges now use Public Broadcasting System courses and 2 million adults have earned college credit from Public Television.

Furthermore, the Public Broadcasting System plans to devote considerable efforts to develop and implement programs and activities as required by the Ready-to-Learn Act.

The CPB coordinates systemwide planning and conducts research to help the Public Broadcasting System keep up with new technologies and fluctuating financial conditions. For instance, many Public Radio and Television stations are exploring new ways to manage their administrative and technical processes to achieve greater efficiencies. Some are discussing ways to consolidate their stations and share resources. I applaud the efforts of these stations to become more efficient and eliminate duplicate program coverage.

I also encourage the stations to give serious thought to the 1993 report of the Twentieth Century Fund. The Twentieth Century Fund formed a task force to examine the mission, role, funding and accountability of Public Television in the 1990's and beyond. The task force compiled a list of recommendations for how to maintain a strong public television system. I urge public broadcasting stations to move forward on the recommendations included in this report.

In 1992, Congress directed the CPB to increase public participation in noncommercial broadcasting. In response to this mandate, the CPB launched "open to the public," a series of mechanisms—public hearings, town meetings, national polls and regional surveys, a dedicated post-office box and a toll-free number—for measuring and assessing public perceptions of Public Broadcasting. It is designed to provide easily accessible conduits through which the American people can share their comments and express their concerns about Public Broadcasting. I support these measures and I urge the CPB to continue to seek ways to provide an open and accountable decisionmaking process.

Mr. President, I thank you for the opportunity to renew my support for Public Broadcasting. I believe this legislation wisely allocates Federal funding to assist the CPB. I urge my colleagues on both sides of the aisle to join me in supporting the reauthorization for the Corporation for Public Broadcasting.

By Mr. JOHNSTON (by request):

S. 2121. A bill to promote enterpreneurial management of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT

Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a bill to promote entrepreneurial management of the National Park Service, and for other purposes".

I ask unanimous consent that the bill, the communication, and a summary prepared by the National Park Service which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Entrepreneurial Management Reform Act".

SEC. 2. FINDINGS.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2-4), which directs the Secretary of the Interior to administer ares of the National Park System in accordance with the fundamental purpose of conserving the scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that—

(1) management of the National Park System requires entrepreneurial strategies that will enable the National Park Service to meet the increasing demands placed on the System by the American public; and

(2) in order to preserve the natural and cultural resources of the System for future generations and provide for appropriate enjoyment of those resources, the National Park Service must increase revenues by reforming the nature, level and collection of fees, and increasing voluntary donations and partnerships.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "park" means a unit of the National Park System; and

(2) "Secretary" means the Secretary of the Interior.

SEC. 4. FEES.

(a) Admission Fees.—

(1) In general.—The Secretary shall establish reasonable admission fees to be charged at units of the National Park System where the Secretary determines that such fees are appropriate and feasible.

(2) Annual passes.—For admission or entrance into any unit of the National Park System designated by the Secretary pursuant to this section, or into several specific units located in a particular geographic area, or for entrance to all units where an admission fee is charged, the Secretary is authorized to make available annual admission permits for reasonable fees to be determined by the Secretary.

(3) Single visits.—The Secretary shall establish reasonable admission fees for a single visit at any unit of the National Park System designated by the Secretary pursuant to this section for persons who choose not to purchase an annual pass.

(b) Recreation Use Fees.—The Secretary shall establish reasonable fees for specialized outdoor recreation sites, facilities, equipment, or services that are provided or furnished at Federal expense.

(c) Special Park Uses.—The Secretary shall establish reasonable fees for uses of park units that require special arrangements including permits. The fees shall cover all costs of providing necessary services associated with special uses and shall be credited to the appropriation current at that time.

(d) Retention of Fees.—(1) Except as provided below, fees collected pursuant to subsections 4 (a) and (b) of this Act shall be deposited in the special fund account established in Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1–6a(i)(4))

(2) Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, an amount equal to 15 percent of the total fees collected in the immediate preceding fiscal year pursuant to subsections 4 (a) and (b) shall be deducted from the current year collections and shall be deposited into a special fund established in the Treasury of the United States titled "Fee Collection Support—National Park System" and shall be available to the Secretary without further appropriation to cover the costs of collection of the fees, to remain available until expended.

(3) Notwithstanding any other provision of law, beginning in fiscal year 1996 and thereafter, 50 percent of the difference in additional receipts collected during the immediate preceding fiscal year as compared to total receipts collected in fiscal year 1993 shall be deducted from the current year collections and shall be covered into a special fund established in the Treasury of the United States titled "National Park Renewal Fund", and shall be available to the Secretary without further appropriation for infrastructure needs at parks, including but not limited to facility refurbishment, repair and replacement, resource protection, interpretive/educational media (exhibits), and other infrastructure projects beneficial to park resources, to remain available until expended.

(4) In fiscal year 1995 only, fees authorized to be collected pursuant to subsections 4 (a) and (b) of this Act may be collected only to the extent provided in advance in appropriations acts and shall be credited to the appropriate special fund accounts described in this Act. In addition, said fees shall be available for the purposes of this Act only to the extent provided in advance in appropriations acts and are authorized to be appropriated to remain available until expended. In fiscal year 1996 and thereafter, fees collected as authorized to be collected pursuant to subsections 4 (a) and (b) of this Act may be collected as authorized by this Act and shall be available as provided in this Act without further provision in appropriations acts.

(e) Use of Fees.—The Secretary shall develop procedures for the use of these receipts that ensure accountability and demonstrated results consistent with the purposes of this act. The Secretary shall report annually to Congress on the expenditure of funds from fees collected, beginning after the first full fiscal year following enactment of this Act.

(f) Discounts.—In establishing the fees authorized in this section, the Secretary shall establish appropriate discounts for educational groups, persons sixty-two years of age or older, or persons who are blind or permanently disabled. The Secretary may also establish criteria when the fees may be waived for these groups or individuals.

(g) Criteria.—All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable fees charged by non-Federal public and private agencies, the economic and administrative feasibility of fee collection and other pertinent factors. The Secretary shall from time to time review the fees for consistency with the provisions of this subsection and provide timely public notice of any proposed changes in the fees.

SEC. 5.—DONATIONS.

(a) Requests for Donations.—In addition to other authorities the Secretary may have to accept the donation of lands, buildings, other property, services, and moneys for the purposes of the National park System, the Secretary is authorized to solicit donations of money, property, and services from individuals, corporations, foundations and other potential donors who the Secretary believes would wish to make such donations as an expression of support for the national parks. Such donations may be accepted and used for any authorized purpose or program of the National Park Service, and donations of money shall remain available for expenditure without fiscal year limitation. Any employees of the Department to whom this authority is delegated shall be set forth in regulations issued by the Secretary pursuant to paragraph (d).

(b) Employee Participation.—Employees of the National Park Service may solicit donations only if the request is incidental to or in support of, and does not interfere with their primary duty of protecting and administering the parks or administering authorized programs, and only for the purpose of providing a level of resource protection, visitor facilities, or services for health and safety projects, recurring maintenance activities, or for other routine activities normally funded through annual agency appropriations. Such requests must be in accordance with guidelines issued pursuant to paragraph (d).

(c) Prohibitions.—(1) A donation may not be accepted in exchange for a commitment to the donor on the part of the National Park Service or which attaches conditions inconsistent with applicable laws and regulations or that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Department, or which compromises a criminal or civil position of the United States or any of its departments or agencies or the administrative authority of any agency of the United States.

(2) In utilizing the authorities contained in this section employees of the National Park Service shall not directly conduct or execute major fund raising campaigns, but may cooperate with others whom the Secretary may designate to conduct such campaigns on behalf of the National Park Service.

(d) Regulations and Guidance.—(1) The Secretary shall issue regulations setting forth those positions to which he has delegated his authority under paragraph (a) and the categories of employees of the National Park Service that are authorized to request donations pursuant to paragraph (b). Such regulations shall also set forth any limitations on the types of donations that will be requested or accepted as well as the sources of those donations.

(2) The Secretary shall publish guidelines which set forth the criteria to be used in determining whether the solicitation or acceptance of contributions of lands, buildings, other property, services, moneys and other gifts or donations authorized by this section would reflect unfavorably upon the ability of the Department of the Interior or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs. The Secretary shall also issue written guidance on the extent of the cooperation that may be provided by National Park Service employees in any major fund raising campaign which the Secretary has designated others to conduct pursuant to paragraph (c)(2).

SEC. 6.—CHALLENGE COST-SHARE AGREEMENTS.

(a) Agreements.—The Secretary is authorized to negotiate and enter into challenge cost-share agreements with cooperators. For purposes of this section, the term—

(1) "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to the National Park System; and

(2) "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) Use of Federal Funds.—In carrying out challenge cost-share agreements, the Secretary is authorized, subject to appropriation, to provide the Federal funding share from any funds available to the National Park Service.

SEC. 7.—COST RECOVERY FOR DAMAGE TO PARK RESOURCES.

Any funds payable to United States as restitution on account of damage to park resources or property shall be paid to the Secretary. Any such funds, and any other funds received by the Secretary as a result of forfeiture, compromise, or settlement on account of damage to park resources or property shall be available without appropriation and may be expended by the Secretary without regard to fiscal year limitation to improve, protect, or rehabilitate any park resources or property which have been damaged by the action of a permittee or any unauthorized person.

SEC. 8—CONSISTENCY WITH OTHER LAWS.

(a) Except as provided in subsection (b), to the extent that the provisions of this Act are inconsistent with section 4 of the Land and Water Conservation Act of 1965 as amended (16 U.S.C. 4601-6a) or any other provision of law, including any provision that prohibits or limits the charging of a reasonable recreation or other fee, the provisions of this Act shall prevail.

(b) The following sections of the Land and Water Conservation Act of 1965 as amended (16 U.S.C. 4601-6a) will apply to this Act:

(1) RULES AND REGULATIONS; ESTABLISHMENT; ENFORCEMENT POWERS; PENALTY FOR VIOLATIONS.—In accordance with the provisions of this section, the Secretary may prescribe rules and regulations for areas under his or her administration for the collection of any fee established pursuant to this section. Persons authorized to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of the Secretary and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate judge specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in subsections (b), (c), (d), and (e) of section 3401 of title 18. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $1000.

(2) CRITERIA, POSTING AND UNIFORMITY OF FEES.—Clear notice that a fee has been established pursuant to this section shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas.

(3) CONTRACTS WITH PUBLIC OR PRIVATE ENTITIES FOR VISITOR RESERVATION SERVICES.—The Secretary, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

(4) FEDERAL AND STATE LAWS UNAFFECTED.—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

(5) SELLING OF PERMITS AND COLLECTION OF FEES BY VOLUNTEERS AT DESIGNATED AREAS; COLLECTING AGENCY DUTIES; SURETY BONDS; SELLING OF ANNUAL ADMISSION PERMITS BY PUBLIC AND PRIVATE ENTITIES UNDER ARRANGEMENTS WITH COLLECTING AGENCY HEAD.—When authorized by the Secretary, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that such volunteers have adequate training regarding—

(a) the sale of permits and the collection of fees,

(b) the purposes and resources of the areas in which they are assigned, and

(c) the provision of assistance and information to visitors to the designated area.

The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 14, 1994.
Hon. ALBERT GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "To promote entrepreneurial management of the National Park Service, and for other purposes."

We strongly recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

Enactment of the enclosed bill would enable the National Park Service and the Department of the Interior to carry out the recommendations of the National Performance Review. Specifically, the Review proposed management reforms for the National Park Service to "Promote Entrepreneurial Management of the National Park Service." In general, the recommendations would give the Park Service increased fiscal flexibility by authorizing the collection of increasing receipts and earmarking increases for park needs. Legislation is necessary to bring about this result.

The enclosed bill would establish a new legislative basis for managing receipts taken in by the National Park Service:

The Secretary would be authorized to set admission, recreation and special use fees at reasonable rates and subject to broad policy guidelines, expanding the possibility and discretion to collect fees at all parks regardless of existing statutory or other limitations. Admission and recreation fees would be available for appropriation back to the National Park Service, except that the cost of collection and 50 percent of any additional receipts over and above FY 1993 levels may be placed in the National Park Renewal Fund and Fee Collection Support accounts for use by parks without further appropriation. With a portion of increased revenues made directly available to parks to cover the cost of collection and pressing infrastructure needs, this will provide an entrepreneurial incentive to park superintendents to maximize fee collection year-round.

Challenge cost-share grants would be authorized, wherein the National Park Service could match donated funds for park projects.

The authority for National Park Service employees to seek donations would be clearly spelled out.

Monetary damages payable to the United States on account of damage to park property and resources would be available to the National Park Service for rehabilitation work.

The bill would give the National Park Service flexibility in responding to management needs and would provide critical funds to supplement rather than supplant existing appropriations, resulting in a stable funding base from which to address the immense backlog of real needs in the parks. Additional receipts that accrue will be displayed in annual National Park Service budget requests.

The effect of this draft bill on the deficit is:

FISCAL YEARS

[In millions of dollars]

	1995	1996	1997	1998	1995–1998
Outlays	−1.6	−39.3	−19.4	−15.3	−75.6

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. This bill would decrease direct spending. Considered alone, this bill meets the pay-as-you-go requirement of OBRA.

The Office of Management and Budget has advised that enactment of the enclosed draft bill would be in accord with the program of the President.

Sincerely,

B. COHEN.
Assistant Secretary—
Policy, Management
and Budget.

SUMMARY OF PROPOSED NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT

Purpose: In order to meet the increasing demands placed on the National Park System and to ensure preservation of the natural and cultural resources of the System, entrepreneurial strategies are required that will, among other things, increase revenues by reforming the nature, level and collection of fees, recover costs from damage to park resources and increase voluntary partnerships.

Fees: The Secretary would be authorized to establish fees for admission, special recreational uses, and special park uses, subject to broad policy guidance. Net fees from admission and special recreational uses would be deposited in a special account and allocated, subject to appropriation, to the parks for any operations. The Secretary may withhold the cost of collecting the fees and 50 percent of the additional receipts over and above the FY 1993 levels, for infrastructure needs at parks, without further appropriation.

Donations: The Secretary and certain National Park Service employees would be authorized to seek donations for park and program purposes, subject to limitations established by guidelines.

Challenge Cost-Share Agreements: The Secretary would be authorized to carry out challenge cost-share agreements by using any funds appropriated for the operation of the National Park Service.

Cost Recovery for Damage to Park Resources: The Secretary is authorized to recover restitution on account of damage to park resources or property. Settlement money would be available without appropriation to improve, protect, or rehabilitate park resources or property, which have been damaged by authorized or unauthorized use.

By Mr. COHEN:

S. 2122. A bill to improve the public and private financing of long-term care and to strengthen the public safety net for elderly and nonelderly disabled individuals who lack adequate protection against long-term care expenses, and for other purposes.

PUBLIC-PRIVATE LONG TERM CARE PARTNERSHIP ACT OF 1994

Mr. COHEN. Mr. President, while health care reform is being debated in the Nation's Capital and in the homes of every American family, we must not overlook one of the most critical issues to the elderly and nonelderly disabled Americans—access to affordable and appropriate long-term care services. With an estimated 10 million persons in need of some long-term care services, we cannot miss the opportunity that national health care reform presents to make some very real improvements to our current long-term care systems.

Today I am introducing legislation to correct some of the serious problems in the financing and delivery of long-term care. This proposal would create a strong public-private partnership to help individuals anticipate and pay for their long-term care needs. For those without the resources to finance their own care, this proposal would improve our public safety net to better protect low-income families against the catastrophic expense of long-term care services.

While approximately 38 million people lack basic health insurance, almost every American family is exposed to the devastating costs of long-term care. In fact, less than 3 percent of all Americans have insurance to cover long-term care. With average nursing home costs nearing $40,000 per year and home health care costing from $50 to $200 per day, long-term care expenses can quickly wipe out the lifetime of savings of a disabled individual and his or her family.

Moreover, as the population ages, the human and financial costs associated with long-term care will accelerate dramatically. As ranking minority member of the Special Committee on Aging, I hear countless stories of families struggling to provide 24-hour-a-day caregiving to a loved one in need. Despite their best efforts, some families are literally torn apart or pushed to the brink of financial disaster due to the devastating costs of long-term care.

For example, in a recent hearing of the Aging Committee, we heard riveting testimony from Angela Chapman, a 13-year-old girl whose father is suffering from Alzheimer's disease. She and her mother endure the round-the-clock task of caregiving and are now being forced to sell their home to pay for his care. While they desperately want to keep their family together as long as possible, they can hardly bear the financial and emotional strain of constant caregiving, with little or no respite or assistance.

In my home State of Maine, a 35-year-old woman from Westport had been struggling to remain in her home for years with a chronic and disabling form of multiple sclerosis. She was able to get by, using her disability insurance payments and support from her family. When her disease progressed and her insurance ran out, her family was unable to provide her care and placed her in a nursing home, even though she could have continued to stay at home at a lower cost to government programs.

For years, long-term care has been only an after-thought, or stepchild, of health care reform. Our current system is a maze of fragmented, inequitable Federal and State programs. While we spend millions of Medicaid dollars to provide nursing home and some home care, the system is falling under its own weight: Long term care is the fastest growing segment of State Medicaid expenses, and State budgets are breaking due to the exploding costs.

As a Nation we do not have satisfactory ways to help families anticipate and pay for their long-term care needs. Instead, families are too often left on their own to juggle caregiving needs with their own jobs, or are forced to institutionalize their elderly parents or disabled children when they desperately want to keep them at home, simply because there is no other affordable care available to them.

In earlier days, when Federal deficits did not loom so large over our economy, the solution would have been relatively simple: just create a new open-ended entitlement program. Today, however, we can no longer afford to constuct new, unrestrained non-means-tested programs. Such an approach is not only fiscally irresponsible, but also impedes the creation of a private long-term care insurance market and fails to encourage individuals who are financially able to plan and save for their own future long-term care needs.

As we undertake health care reform, we must make it easier for individuals to financially plan for their future long-term care needs. Individuals should consider the need for long-term care a normal risk of growing old, and plan for this risk just as they plan their retirement, purchase life insurance to protect their families, purchase health, or car insurance. A strong private long-term care market will not only give individuals greater financial security for their future, but will ease the financial burden on the Federal Government for years to come, as our population ages and more elderly persons need long-term care services.

The legislation I am introducing today provides important tax incentives for the purchase of long-term care insurance and places consumer protections on long-term care insurance policies so quality products will be affordable and accessible to more Americans. It allows States to develop programs under which individuals can keep more of their assets and still qualify for Medicaid if they take steps to finance their own long-term care needs, allows individuals to make tax free withdrawals from their individual retirement accounts without penalty if they purchase private long-term care insurance, and provides for consumer education to help families decide how to best plan for their own particular circumstances.

While long-term care insurance can be very affordable when purchased at a younger age, we must recognize that steps should be taken to help those elderly individuals today who have not insured themselves for long-term care, and those at lower incomes who are unable to afford private insurance coverage. Even a strong private sector insurance market will not replace the need for public programs to provide a safety net for the millions of American families who cannot afford insurance.

The proposal we are offering today would work to improve our public safety net to better protect those at low-income levels against the catastrophic expense of long-term care services. The bill eliminates the current bias in our system toward nursing home care and sets up criteria allowing individuals with income levels up to 150 percent of the poverty level to qualify for home care benefits. Far too often, elderly or disabled individuals are forced to enter nursing homes prematurely simply because this is the only care that is covered under Medicaid. While there will always be those who require institutionalized care, for many others home and community-based care can be a less expensive alternative, saving millions of dollars for the overall system.

Finally, the bill provides for demonstration projects and establishes a commission to explore ways to better integrate long-term care with the rest of the health care system. These initiatives will work to create a more balanced and integrated delivery system that will meet people's needs over the years. In a recent hearing held before the Senate Select Committee on Aging, the General Accounting Office testified that we could bring about better long-term care services without spending more money by simply focusing greater attention to individual needs and through more flexible programs. I strongly believe that we can and must do better to serve individuals in need of long-term care, without placing more pressure on State and Federal budgets.

Mr. President, while we spend the next few months debating the merits of such issues as managed competition, health care alliances, the amount of regulation necessary, and who should pay for each proposal, we must keep in mind that the ultimate measure of reform for each American will be, "What will health care reform mean for me?" For a senior citizen with Parkinson's disease, a young mother with multiple sclerosis, and their families, making long-term care more affordable and accessible is not a fringe issue, but rather a key test for health care reform legislation.

Last September I held a hearing in Augusta, ME, on long-term care that was attended by over 500 senior citizens, caregivers, health care providers, and policymakers. The interest and enthusiasm of the participants sent me a clear message on the need to correct many of the deficiencies in our long-term care system.

The legislation I am introducing today, takes several significant steps to accomplish this goal and will provide some meaningful relief to families facing exorbitant long-term care costs.

I am extremely pleased that several other bills before Congress such as the administration's Health Security Act, Senator CHAFEE's HEART proposal, and Senator PACKWOOD's secure choice bill contain important long-term care provisions. While I believe my legislation offers a reasonable alternative, I am supportive of initiatives which expand appropriate home and community-based services to those most in need and improve private sector participation in the financing of long-term care.

I urge my colleagues to support this long-term care legislation that creates a strong public-private partnership and I look forward to working together to ensure health care reform makes improvements in the way long-term care services are provided for disabled individuals both now and in the future.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION BY-SECTION SUMMARY—PUBLIC-PRIVATE LONG-TERM CARE PARTNERSHIP ACT OF 1994

Purpose: This bill is designed to build a public-private partnership for the payment and planning of long-term care services for elderly and non-elderly disabled. An emphasis is placed on removing tax barriers and creating incentives which encourage individuals and their families to finance their future long-term care needs. The bill creates consumer protection standards for long-term care insurance, and provides incentives and public education to encourage the purchase of private long-term care insurance. For those individuals who cannot afford long-term care insurance or those who are already disabled, the bill expands the public safety net for long-term care under Medicaid.

TITLE I.—TAX TREATMENT OF LONG-TERM CARE INSURANCE

Sec. 101. Qualified long-term care services treated as medical expenses

Section 213 of the Internal Revenue Code is amended to allow qualified individuals to deduct out-of-pocket long-term care services as medical expenses subject to a floor of 7.5 percent of adjusted gross income. Qualified long-term care services include necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance and personal care performed in either a residential or nonresidential setting. Qualified individuals must be determined by a licensed professional or qualified community case manager to be unable to perform without substantial assistance at least two activities of daily living (ADLs) or suffer from a moderate cognitive impairment.

Sec. 102. Treatment of long-term care insurance

Section 213 is also amended to allow qualified long-term care insurance premiums to be deducted as medical insurance subject to the 7.5 percent-of-adjusted-gross-income-floor. Qualified long-term care insurance premiums are also deductible as a business expense and employer-provided long-term care insurance is excluded from an employee's taxable income. A qualified long-term care insurance policy must meet the regulatory standards as established in Title II. The provision would apply to taxable years beginning after December 31, 1995.

Sec. 103. Treatment of benefits under qualified long-term care policies

Benefits paid under qualified long-term care insurance policies would be excluded from income under section 105(c) "Payments Unrelated to Absence from Work", and employer-paid long-term care insurance would be a tax free employee fringe benefit.

The daily benefit cap for all long term care policies would be established at $150 per day and indexed for inflation. All payments above the established cap are treated as income.

Private long-term care insurance is exempt from the continuation of coverage requirements created by COBRA. In addition, long-term care will be considered a "qualified benefit" that may be included in a cafeteria plan.

The provision would apply to policies issued after December 31, 1995

Sec. 105. Tax treatment of accelerated death benefits under life insurance contracts

Clarifies that an accelerated death benefit received by an individual on the life of an insured who is terminally ill individual (expected to die within 12 months) is excluded from taxable income as payment by reason of death.

TITLE II.—STANDARDS FOR LONG-TERM CARE INSURANCE

Sec. 201. Policy requirements

Insurers are required to meet the National Association of Insurance Commissioners (NAIC) January 1, 1993 standards for long-term insurance. Additional requirements include: a mandatory offer of nonforfeiture benefits, rate stabilization, minimum rate guarantees, limits and notification of increases on premiums and reimbursement mechanisms for long-term care policies. Policies that do not meet these consumer protection standards would be denied the favorable tax treatment described in Section I.

Sec. 202. Additional requirements for issuers of long-term care insurance policies

A penalty of $100 per day per policy shall be imposed on long-term care issuers failing to meet the NAIC model standards as outlined in this section.

Sec. 203. Coordination with State requirements.

A State retains the authority to apply additional standards or regulations that provide greater protection of policyholders of long-term care insurance.

Sec. 204. Uniform language and definitions

The NAIC is directed to no later than January 1, 1995 issue standards for the use of uniform language and definitions in long-term care insurance policies, with permissible variations to take into account differences in state licensing requirements for long-term care providers.

Sec. 205. Effective dates

The provisions would apply to policies issued after December 31, 1995

TITLE III.—INCENTIVES TO ENCOURAGE THE PURCHASE OF PRIVATE INSURANCE

Sec. 301. Public Information and education programs

The Secretary of Health and Human Services is directed to establish a program designed to educate individuals on the risks of incurring catastrophic long-term care costs and the coverage options available to insure against this risk. Education should increase consumers knowledge of the lack of coverage for long-term care in Medicare, Medigap and most private health insurance policies and explain the various benefits and features of private long-term care insurance.

Sec. 302 Assets or resources disregarded under the Medicaid Program

Amends Section 1917(b) of the Social Security Act, related to Medicaid Estate Recoveries, to allow for states to establish asset protection programs for individuals who purchase qualified long-term care insurance policies, without requiring states to recover such assets upon a beneficiaries death. This provision is aimed at encouraging more middle-income persons to purchase long-term care insurance by allowing individuals to keep a limited amount of assets and still quality for Medicaid, if they have purchased long-term care insurance.

States that develop asset protection programs to encourage private insurance purchase are required to conform with uniform reporting and documentation requirements established by the Secretary of Health and Human Services.

Sec. 303. Distributions from individual retirement accounts for the purchase of long-term care insurance coverage

Individuals above 59½ are allowed tax-free distributions from an IRA or an individual retirement annuity for the purchase of a long-term policy. Also allows individuals below the age of 59½ to withdraw from their individual retirement account without penalty in order to purchase a qualified long-term care plan. Individuals who obtain tax-free distributions from their IRA or individual retirement annuity would be restricted from deducting their long-term care insurance premium as a medical expense under Title I of this act. The amendments made by this section apply to taxable years beginning after December 31, 1995.

TITLE IV.—IMPROVED PUBLIC SAFETY NET FOR LONG-TERM CARE

Sec. 401. References in title

All references in this title apply to the Social Security Act.

Sec. 402. Spend-down eligibility for nursing facility residents

Requires states to expand eligibility for nursing facility residents who are determined to be "medically needy." Such individuals are those with incomes below the SSI poverty level when expenses for medical care are deducted from their income.

Sec. 403. Increase in personal needs allowance for institutionalized individuals

Amends Medicaid by increasing to $50 per month (from $30) the amount of funds an individual residing in a nursing facility is able to retain for personal needs.

Sec. 404. Increased resource disregard for nursing facility residents

Amends Medicaid to allow states to disregard up to $8,000 in assets by an unmarried, institutionalized individual.

Sec. 405. Informing nursing home residents about availability of assistance for home and community-based services

Requires that an individual who is a resident of a nursing facility or an intermediate care facility for the mentally retarded, receive at the time of application and periodically thereafter, information on the range of home and community-based services available in the State.

Sec. 406. Establishment of State programs furnishing home and community based services to certain individuals with disabilities

This provision expands Medicaid by adding an optional state-administered, means-tested program to cover home care services for low income individuals with severe disabilities. Beginning in 1997, those persons eligible for benefits with less than $8,000 in assets and incomes below 90 percent of poverty would qualify for home and community-based services under this program. In calendar year 1998, the coverage will increase to 110 percent of poverty; 1999: 130 percent; and 2000: 150 percent of poverty. Individuals with incomes above these levels could qualify for benefits once they have spent down their assets and income to allowable amounts.

To be eligible, individuals must be unable without significant assistance to perform two or more activities of daily living such as eating, dressing, transferring, toilet, bathing, and continence, have profound mental retardation, or be assessed as severely disabled child under the age of six who would otherwise need institutionalized care.

Significant flexibility is given to the states to design their long-term care program. All individuals will receive personal assistance services, however states can cover any appropriate service including: homemaker assistance, respite services, assistive devices, adult day care services, habilitation and rehabilitation, and skilled home health care services.

All states will be matched up to 75 percent for services covered under this section, with a maximum matching rate fixed at 88 percent. States will have the option to require minimal copayments for services from individuals above 100 percent of poverty based on a sliding scale.

Sec. 407. Require Secretary of HHS to report to Congress on long-term care programs

Directs the Secretary to make interim and final reports to Congress on the effectiveness of the new long-term care program and growth and developments in the private market for long-term care insurance.

Requires the Secretary of HHS to report on the feasibility of integrating acute and long-term care services and the cost of including institutional and community based long-term care as a standard benefit under a comprehensive benefit plan for all Americans.

Sec. 408. Establish a chronic care commission

For purposes of this title chronic care refers to: the ongoing provision of medical, functional, psychological, environmental, social and medical services that enable chronically ill individuals to optimize their functional independence. Chronic care includes an integrated continuum of primary prevention, acute, transitional, and long-term care services.

The President shall, in consultation with Congress, establish a bipartisan, national Commission on Chronic Care Reform. The Commission shall consist of 11 individuals. The membership of the Commission shall include representatives of chronically ill individuals; providers who furnish primary, acute, institutional services, and home and community-based services, health insurance industry; and Federal and State health programs. The Commissions shall work under the leadership of the Secretary of HHS, and in consultation with national demonstration on integrating acute and long-term care. The Commission shall have the following duties:

Make legislative recommendations to Congress no later than July 1, 1997 which simplify and improve care for chronically ill individuals. The recommendations should: encourage health care providers to establish community based networks of care which furnish a full range of individualized chronic care services including primary care, hospital, nursing home, and community-based services; reduce the escalation of cumulative costs across time and setting; outline service delivery reform which simplifies systems for administration; identify barriers to integration of services as established by existing legislation, regulation, and administrative practices; and maintain a private sector, community based approach to furnishing services to such individuals.

Sec, 409. Demonstration on acute and long-term care integration

The national demonstration on acute and long-term care integration directs the Secretary of Health and Human Services to implement a 7-year national demonstration, at not more than 25 sites, which seeks to develop new integrated approaches to the financing, administration, and delivery of services for the chronically ill or individuals with disabilities. The Secretary must evaluate demonstration projects and make interim and final reports to Congress.

By Mr. DORGAN (for himself and Ms. MIKULSKI):

S. 2123. A bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments.

DERIVATIVES LIMITATIONS ACT OF 1994

Mr. DORGAN. Madam President, I have an Associated Press dispatch in my hand that says that the Federal Reserve Board met a few hours ago, locked the door, closed the room and once again in secret took action to increase short-term interest rates by one-half of 1 percent.

The Federal Reserve Board met today on Tuesday, and the American people lost again. I know that the Federal Reserve Board wants to be seen as fearless inflation fighters. The fact is that the Federal Reserve Board has a hair trigger on inflation issues and has clay feet on issues that affect economic growth and opportunity in this country.

The Federal Reserve Board is increasing interest rates now the fourth time saying we have inflation just over the horizon.

I say to the Federal Reserve Board what inflation? What inflation?

Last week Thursday, the Producer Price Index came out. You know what it showed? Down one-tenth of 1 percent. Friday the Consumer Price Index came out. You know what it says? Up only one-tenth of 1 percent.

So I ask the Federal Reserve Board what inflation are you talking about? Why do you impose this tax on the American people. Every American family will pay a higher interest rate as a result of behavior of the Federal Reserve Board.

Yes, this is good politics for the Federal Reserve Board. They served their constituency, the big money center banks. I guarantee you it is not good monetary policy for this country.

I hope others in the Chamber will share that view and make that known to the Federal Reserve Board.

The Federal Reserve Board is applying the brakes to this country's economy at precisely the wrong time. Increasing interest rates will slow down the American economy at exactly the time when we need more economic growth, more jobs and more opportunity. That is a fact. The Fed is uniquely capable—it demonstrated again today—of taking the wrong action at exactly the wrong time.

Madam President, in addition to my displeasure with the Federal Reserve Board, let me indicate to my colleagues that I just introduced a piece of legislation to prohibit banks in this country from engaging in proprietary trading in derivatives. That all sounds like a foreign language. But, this week the General Accounting Office will release a major report on a new threat to the taxpayers and the economy of this Nation.

The threat is not from foreign competition, or Government deficits or regulation. It is from Wall Street, and a new form of sophisticated financial bingo called derivatives. Even Fortune magazine—hardly a carping business critic—is warning that derivatives could swamp our economy in a sea of red ink.

Fortune estimates the new derivatives game at some $16 trillion, which is more than twice our Nation's total economic output. A single default, the magazine said, could ignite a chain reaction that runs rampant through the financial markets. "Inevitably, that would put deposit insurance funds, and the taxpayers behind it, at risk."

That is a risk that Congress must not permit. Already the taxpayers of this country are footing the bill for the $500 billion bailout of the savings and loan industry. A gang of financial high-fliers tried to get rich quick on junk bonds and inflated real estate loans, and the taxpayers had to clean up the mess. Congress learned a lesson, or should have, at least.

That is why I am introducing today a bill to protect the taxpayers of this country from a replay of the savings and loan fiasco. Specifically, my bill would prevent banks and other institutions with Federal insurance from playing roulette in the derivatives market. If an institution has deposits insured by the Federal Government, it should not be involved in trading risky derivatives for its own account. Such proprietary trading involves a degree of risk that is totally out of step with safe and sound banking practices. It will not occur if my bill is enacted.

What investors do with their own money is their own business. But what they do with money insured by the American taxpayers, is the business of Congress. The purpose of deposit insurance is to encourage saving. It is to promote a pool of capital that is available to build homes and businesses and jobs. Deposit insurance is not supposed to underwrite rampant speculation on Wall Street, and my bill will help prevent that from happening.

Derivatives are essentially a form of bet. Investors stake a position that interest rates, or the dollar, or commodities, or whatever, will rise or fall. Up to a point, this is simply a form of hedging risk. Banks and corporations have hedged in this manner for many years, and my bill would not affect these traditional and conservative hedging transactions.

But Wall Street passed the point of innocuous risk-protection long ago. Far from hedging risk, derivatives today have become a form of risk. Some nations define them as gambling, which is what they are. In the words of Henry Kaufman, the investment advisor, they mean that "more credit is available to people who may have no business getting it."

This is not idle doomsaying. Already, the Kidder-Peabody investment firm has lost some $350 million. Proctor & Gamble Co. has taken a $157 million bath, and investment analysts warn that many more such losses lay buried in the balance sheets of corporations and investment firms alike. Orange County, CA, had to meet a $140 million collateral call because some derivative speculations started going bad. This raises the specter that local taxpayers may end up holding the bag as well.

Derivatives are the latest episode in a daisy chain of financial mismanagement, in which the bankers and financiers of this Nation have tried to cover their bad investments with worse ones. First came the foolish third world loans. Then the junk bonds and fatuous real estate investments of the eighties. Now we have derivatives, which up the risk ante to new heights, and spread nitroglycerine over the debt structure of the entire Nation.

The three biggest players in the derivatives game are New York banks—Chemical Bank, Bankers Trust, and Citicorp. Together, these three banks are into this market for over $6 trillion; Chemical Bank alone is in for $2.5 trillion. All of these banks have Federal deposit insurance. The purpose of my bill is to make sure that the banks don't have to use it.

In the late 1980's Congress prohibited Savings and Loans from investing in junk bonds. The bill came too late to prevent the S&L fiasco. But at least it applied a tourniquet to stop the bleeding. Now we have a chance to prevent a crisis instead of rushing belatedly to staunch it.

Banks ought not to be involved in proprietary trading on derivatives. That is gambling with taxpayers' money and we ought to take action to stop it. That is the purpose of introducing the bill today, and I urge my colleagues to support this legislation.

I ask unanimous consent that the full text of this bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Derivatives Limitations Act of 1994".

SEC. 2. INSURED DEPOSITORY INSTITUTIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. DERIVATIVE INSTRUMENTS.

"(a) DERIVATIVES ACTIVITIES.—

"(1) GENERAL PROHIBITION.—Except as provided in paragraph (2), neither an insured depository institution, nor any affiliate thereof, may purchase, sell, or engage in any transaction involving a derivative financial instrument for the account of that institution or affiliate.

"(2) EXCEPTIONS.—

"(A) HEDGING TRANSACTIONS.—An insured depository institution may purchase, sell, or engage in hedging transactions to the extent that such activities are approved by rule, regulation, or order of the appropriate Federal banking agency issued in accordance with paragraph (3).

"(B) SEPARATELY CAPITALIZED AFFILIATE.—A separately capitalized affiliate of an insured depository institution that is not itself an insured depository institution may purchase, sell, or engage in a transaction involving a derivative financial instrument if such affiliate complies with all rules, regulations, or orders of the appropriate Federal banking agency issued in accordance with paragraph (3).

"(C) DE MINIMIS INTERESTS.—An insured depository institution may purchase, sell, or engage in transactions involving de minimis interests in derivative financial instruments for the account of that institution to the extent that such activity is defined and approved by rule, regulation, or order of the appropriate Federal banking agency issued in accordance with paragraph (3).

"(D) EXISTING INTERESTS.—During the 3-month period beginning on the date of enactment of this section, nothing in this section shall be construed—

"(i) as affecting an interest of an insured depository institution in any derivative financial instrument which existed on the date of enactment of this section; or

"(ii) as restricting the ability of the institution to acquire reasonably related interests in other derivative financial instruments for the purpose of resolving or terminating an interest of the institution in any derivative financial instrument which existed on the date of enactment of this section.

"(3) ISSUANCE OF RULES, REGULATIONS, AND ORDERS.—The appropriate Federal banking agency shall issue appropriate rules, regulations, and orders governing the exceptions provided for in paragraph (2), including—

"(A) appropriate public notice requirements;

"(B) a requirement that any affiliate described in subparagraph (B) of paragraph (2) shall clearly and conspicuously notify the public that none of the assets of the affiliate, nor the risk of loss associated with the transaction involving a derivative financial instrument, are insured under Federal law or otherwise guaranteed by the Federal Government or the parent company of the affiliate; and

"(C) any other requirements that the appropriate Federal banking agency considers appropriate.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'derivative financial instrument' means—

"(A) an instrument the value of which is derived from the value of stocks, bonds, other loan instruments, other assets, interest or currency exchange rates, or indexes, including qualified financial contracts (as defined in section 11(e)(8)); and

"(B) any other instrument that an appropriate Federal banking agency determines, by regulation or order, to be a derivative financial instrument for purposes of this section; and

"(2) the term 'hedging transaction' means any transaction involving a derivative financial instrument if—

"(A) such transaction is entered into in the normal course of the institution's business primarily—

"(i) to reduce risk of price change or currency fluctuations with respect to property which is held or to be held by the institution; or "(ii) to reduce risk of interest rate or price changes or currency fluctuations with respect to loans or other investments made or to be made, or obligations incurred or to be incurred, by the institution; and

"(B) before the close of the day on which such transaction was entered into (or such earlier time as the appropriate Federal banking agency may prescribe by regulation), the institution clearly identifies such transaction as a hedging transaction.".

SEC. 3. INSURED CREDIT UNIONS.

Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

"SEC. 215. DERIVATIVE INSTRUMENTS.

"(a) DERIVATIVE ACTIVITIES.—Except as provided in subsection (b), neither an insured credit union, nor any affiliate thereof, may purchase, sell, or engage in any transaction involving a derivative financial instrument.

"(b) APPLICABILITY OF SECTION 44 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 44 of the Federal Deposit Insurance Act shall apply with respect to insured credit unions and affiliates thereof and to the Board in the same manner that such section applies to insured depository institutions and affiliates thereof (as those terms are defined in section 3 of that Act) and shall be enforceable by the Board with respect to insured credit unions and affiliates under this Act.

"(c) DERIVATIVE FINANCIAL INSTRUMENT.—For purposes of this section, the term 'derivative financial instrument' means—

"(1) an instrument the value of which is derived from the value of stocks, bonds, other loan instruments, other assets, interest or currency exchange rates, or indexes, including qualified financial contracts (as defined in section 207(c)(8)(D)); and

"(2) any other instrument that the Board determines, by regulation or order, to be a derivative financial instrument for purposes of this section.".

SEC. 4. BANK HOLDING COMPANIES.

Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsection:

"(h) DERIVATIVES ACTIVITIES.—

"(1) IN GENERAL.—A subsidiary of a bank holding company may purchase, sell, or engage in any transaction involving a derivative financial instrument for the account of that subsidiary if it—

"(A) is not an insured depository institution or a subsidiary of an insured depository institution; and

"(B) is separately capitalized from any affiliated insured depository institution.

"(2) APPLICABILITY OF SECTION 44 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 44 of the Federal Deposit Insurance Act shall apply with respect to bank holding companies and the Board in the same manner that those such subsections apply to an insured depository institution (as defined in section 3 of that Act) and shall be enforceable by the Board with respect to bank holding companies under this Act.

"(3) DERIVATIVE FINANCIAL INSTRUMENT.—For purposes of this subsection, the term 'derivative financial instrument' means—

"(A) an instrument the value of which is derived from the value of stocks, bonds, other loan instruments, other assets, interest or currency exchange rates, or indexes, including qualified financial contracts (as defined in section 207(c)(8)(D)); and

"(B) any other instrument that the Board determines, by regulation or order, to be a derivative financial instrument for purposes of this subsection.".

Mr. DORGAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator speaking as the Senator from Maryland would like to be included as a cosponsor.

Without objection, it is so ordered.

By Mr. CAMPBELL (for himself and Mr. BROWN):

S. 2124. A bill to provide for private development of power at the Mancos project and for other purposes; to the Committee on Energy and Natural Resources.

MANCOS PROJECT PRIVATE POWER DEVELOPMENT AUTHORIZATION

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk that will allow the construction of a hydropower plant at the Jackson Gulch Reservoir in southwestern Colorado. The legislation will also allow the Mancos Water Conservancy District to receive the power revenues.

This legislation is necessary because while the Jackson Gulch Reservoir is a Federal project, the Bureau of Reclamation is not permitted to issue a permit, under the terms of the district's project repayment contract and the Water Conservation and Utilization Act of 1939, that would allow the district to use revenues from the hydropower project to operate and maintain its facilities.

In other words, while the Bureau could issue a Lease of Power Privilege, the revenues would return to the Federal treasury—not to the district, which would construct, operate and maintain the hydropower project just as it already operates and maintains the Mancos irrigation project without cost to the Federal Government. To ask the district to build a project to defray these costs, then take away the revenues, isn't fair.

A feasibility report and an engineering and construction report for the Jackson Gulch Reservoir and hydroelectric project have been submitted to the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service.

The Colorado Division of Wildlife has concluded that based on these documents, the volume, timing and temperature of the flows from the reservoir will not be altered and that no adverse impact to the fish and wildlife resources is anticipated.

The U.S. Fish and Wildlife has made a similar finding, and added that the proposed project is not likely to cause any adverse impact to endangered or candidate species, nor will it pollute or deplete any water in the San Juan River Basin.

Mr. President, this bill should be viewed as a housekeeping measure because it clarifies what our policy ought to be with respect to hydropower development at projects authorized by the Water Conservation and Utilization Act of 1939. These projects are now more than 50 years old. Local sponsors should be encouraged to ensure these projects continue to provide multiple benefits for another generation of farming families.

I hope my colleagues will agree with me that this is the right approach and I now ask unanimous consent that several documents be placed in the RECORD along with my statement—a copy of the bill; letters of support from the Montezuma County commissioners, the Mancos Water Conservancy District and the town of Mancos; a brief description of the history and economics of the Jackson Gulch Reservoir that was prepared by the irrigation district staff; letters from the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service; and finally, a copy of the Department of the Interior's Associate Solicitor memorandum concerning hydropower development at Water Conservation and Utilization Act Projects.

Mr. President, I ask unanimous consent that a copy of the bill and supporting materials be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the "Mancos Project Private Power Development Authorization Act of 1994."

SEC. 2. FINDINGS.

Congress finds that—

(a) Development of hydroelectric power at the Mancos Project consistent with the Feasibility Report and Engineering and Construction Report for the Jackson Gulch Reservoir Hydroelectric Project dated April 19, 1991, and revised on May 13, 1992 and February 10, 1993, by the Mancos Water Conservancy District

(1) will be without cost to the United States;

(2) will not impair the efficiency of the project for irrigation purposes;

(3) will not alter the volume, timing or temperatures of flows from the reservoir; and

(4) is not likely to cause any new or increased adverse impacts to any federally listed or candidate species.

(b) That the Mancos Water Conservancy District is currently operating and maintaining facilities at the Mancos Project and that the development of hydroelectric power at the Mancos Project consistent with the Feasibility Report and Engineering and Construction Report for the Jackson Gulch Reservoir Hydroelectric Project dated April 19, 1991, revised on May 13, 1992, and February 10, 1993, by the Mancos Water Conservancy District will not increase operation and maintenance costs of the federal government.

(c) That any lease of power privileges issued by the Secretary pursuant to this Act does not constitute a "contract" under section 202(1) of Public Law 97-293 (96 Stat. 1261; 43 U.S.C.A section 390bb) and that nothing in this Act is intended to make applicable any section of Public Law 97-293 (96 Stat. 1261; 43 U.S.C.A section 390aa *et. seq.*) that would not previously apply.

SEC. 3. AUTHORIZATION TO LEASE POWER PRIVILEGES.

Notwithstanding the provisions of the Water Conservation and Utilization Act (16 U.S.C. sections 90y-590z-11) or any relevant provision of the repayment contract Ilr-384, dated July 20, 1942, as amended December 22, 1947, the Secretary is authorized to enter into a lease of power privileges at the Mancos Project, Colorado, with the Mancos Water Conservancy District.

SEC. 4. LEASE CONDITIONS.

Any such lease of power privileges issued pursuant to Section 3 of this Act shall not exceed a period of forty years and shall be consistent with rates charged by the Federal Energy Regulatory Commission for comparable sized projects. Moneys derived from such lease shall be covered into the reclamation fund in accordance with relevant parts of federal reclamation law, the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371).

SEC. 5. REVENUES DERIVED FROM POWER DEVELOPMENT.

Notwithstanding the provisions of the Water Conservation and Utilization Act (16 U.S.C. sections 590y-590z-11) or any relevant provision of the repayment contract Ilr-384, dated July 20, 1942, as amended December 22, 1947, the Mancos Water Conservancy District may receive revenues from the sale of the power generated pursuant to such lease of power privilege.

MONTEZUMA COUNTY
BOARD OF COMMISSIONERS,
Cortez, CO, May 13, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
Hon. HANK BROWN,
Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the Board of County Commissioners for Montezuma County I would like to take this opportunity to express our strong support for legislation that will allow the installation of a small hydro-electric plant at Jackson Gulch Dam which was built in the 1940's, by Bureau of Reclamation project for the Mancos Conservancy District.

The Mancos Valley still has a viable agricultural community which depends on this project. In order to properly operate and maintain a project this old, it is necessary to find new and innovative ideas to derive revenue for the continued upkeep of project facilities.

The Mancos Water Conservancy District conceived and designed this project at their own expense and initiative. The revenues derived from the hydro-electric plant are an integral part of keeping the cost of water to the Mancos Valley at a level that will continue to sustain the agricultural community.

This project also supplies water through a rural water system to many residents in the Mancos Valley as well as the Town of Mancos. These domestic users will also benefit from the improved maintenance that the hydro project will allow.

We certainly appreciate the congressional support for this project and remain willing to assist in any way to see that this project receives proper legislation.

If you have any questions, please don't hesitate to give me a call.

Sincerely,

THOMAS K. COLBERT,
Chairman, Montezuma County Commissioners.

MANCOS WATER
CONSERVANCY DISTRICT,
Mancos, CO, May 16, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
Hon. HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATOR: The Mancos Water Conservancy District is in strong support of this legislation for a number of reasons. The project is deteriorating and in need of extensive repairs. The yearly revenue we collect simply cannot keep up with the 1990's cost of repair and yet we cannot raise the rates for our water users beyond their means as this would drive many of them out of the valley which in turn would strongly hurt the local economy which relies heavily on the water provided by the project.

Ironically, the potential for the increased revenue is easily accessible except for the need to change the wording of the project authorization language (Water Conservation and Utilization Act) of the federal government. In order to do this, we are forced to seek legislative language permitting us to proceed with a hydropower plant. We have never requested any federal money nor do we ever intend to request federal money to build this plant. We have prepared the studies and feasibility work ourselves. We cannot stress enough how badly these revenues are needed to prolong the life of our project so that it can continue to serve it's original purpose.

The Mancos Project was approved for construction by the President of the United States on December 19, 1941. On July 20, 1942, the Mancos Water Conservancy District entered into a contract with the United States. On January 1, 1963, the Bureau of Reclamation transferred the operations of the project over to the Mancos Water Conservancy District who are still in charge of the operations and maintenance of the project to date.

Water from Jackson Gulch Reservoir serves 13,746 acres. 8,208 of these acres are currently in agricultural production. The remaining acres are urban and suburban use, dry dropped, idle fallow or grazed and gardened. Current population is estimates at 2,087. Along with irrigation, it serves as municipal water for the Town of Mancos, the Rural water company of the Mancos Valley and Mesa Verde National Park.

The District has an annual income of $76,000. This covers administration, insurance, operations and maintenance of the project, operations and maintenance of district equipment and facilities as well as wages. The project features and equipment are 45 years old. This equipment requires much repair.

Routine maintenance of the dam, tunnel and structures below the dam are absolutely necessary for the fitness and safety of the dam. The cost of one repair, especially one that was not predicted, can wipe out the entire budget. Administrative costs are continually increasing due to the additional regulations required of water districts and other such entities every year.

The valley currently has a low to middle economic base compared to the cost of living standards being set today across the nation. Water rates are reasonable and comparable to the current cost of living standards within the valley. The income derived for the District is fair but certainly not enough to keep up with the rapid increase in the cost of maintenance, routine and emergency. Again, it is considered crucial to the District and the people it serves to maintain water rates within the reasonable means of the people who use it while continuing the routine and emergency maintenance of the entire project.

This District finally received confirmation that they could not move forward with the hydro development with this language and must seek legislation to change the language to allow said development on November 12, 1993. Cost to build the power plant increased each passing year while awaiting this decision. The District cannot stress enough the need to build as soon as possible to take advantage of today's interest rates and dollar stability or the importance of the continued success and maintenance of the project for the overall economic well-being of this entire valley and her residents!

Thank you on behalf of the District. We hope that you can see our cause as just and we ask if there is anything that we can assist in to expedite this matter please let us know. We cannot say enough how much this would help our District.

Sincerely,

MANCOS WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS.

TOWN OF MANCOS
Mancos, CO, May 16, 1994.

Hon. HANK BROWN,
U.S. Senate, Washington, DC.
Re Jackson Lake hydro power project.

DEAR SENATOR BROWN: The Town of Mancos would like to express it's support for the proposed Jackson Lake Hydro-Power Project.

Jackson Lake is the main water supplier for the Mancos Valley and has been since 1950.

Jackson Lake provides irrigation water, municipal water and recreation in boating and fishing. With adding hydro-power to Jackson it only increases it's usefulness to the Mancos Valley.

Sincerely,

JAY DOTZENKO,
Town of Mancos Public Works Director.

MANCOS WATER CONSERVANCY DISTRICT JACKSON GULCH RESERVOIR HISTORY AND ECONOMICS

The Mancos Valley was basically settled by miners followed by ranching and timber production on private and public lands. Irrigation began in 1876 but crop success depended on the rain fall and the previous winter snow fall which dictated the runoff of the Mancos River which was very low. The river was also the primary water source of the valley, including domestic use for the town and the rural homes. Ranching and farming dominated the valley's economic base. The railroad opened up the valley in 1892 and brought with the first commercial freight facilities. This also brought more people to the valley making claim to the water. This and the late season water shortages caused the people to see the need for a supplemental water supply. The Bureau of Reclamation started investigation on what was called the Mancos Project in October, 1936.

The Mancos Project was authorized under the Water Conservancy and Utilization Act of August 11, 1939, as amended, and was approved for construction by the President of the United States on December 19, 1941. Construction of the project was started in July of 1941. The project consisted of 4.8 miles of canal and one dam with a reservoir capacity of 9980 acre feet of storage. This is one of the few off-river storage projects constructed. On July 20, 1942, the Mancos Water Conservancy District entered into a contract with the United States to pay $600,000 toward the repayment of the construction cost of the Jackson Gulch Dam and Reservoir, inlet and outlet canals. An amendment contract made

December 22, 1947, raised the repayment obligation to $900,000 to be repaid in 60 successive installments of $15,000 annually beginning in December, 1954. On January 1, 1963, the Bureau of Reclamation transferred the operations of the project over to the Mancos Water Conservancy District who are still in charge of the operations and maintenance of the project to date.

Water from Jackson Gulch Reservoir serves 13,746 acres. 8,208 of these acres are currently in agricultural production. The remaining acres are urban and suburban use, dry cropped, idle fallow or grazed and gardened. Current population is estimated at 2,087. Alfalfa hay averaged 2.1 tons per acre at $105.00/ton. Grass hay averaged 2.4 tons per acre at $95.00/ton. Pasture acreage consisted of 3.8 animal units per acre at $11.25/acre per animal unit. Average yield of project water was .8 acre feet per acre.

Along with irrigation, Jackson Gulch water serves as municipal water for the Town of Mancos and the rural Mancos Valley. Mesa Verde National Park has storage rights within the reservoir. The original water plant facility for the park is established at the foot of the dam.

The District has an annual income of $76,000. This covers administration, insurance, operations and maintenance of the project, operations and maintenance of district equipment and facilities as well as wages. The project features and equipment are 45 years old. This equipment requires much repair.

The project has 1.5 miles of concrete flume and the natural environment has taken its toll (rocks falling, ground moving, freeze-thaw cycles, etc.). The District has done many things to preserve the flumes but even with constant repair replacement of these structures is inevitable and are being planned for 15 to 20 years from now. The replacement cost of the flume at todays rates would run around 1.5 million dollars. The project has been plagued with land slide problems above the canals. These slides have reduced in activity but are still a threat. The slides generally occur during the spring runoff and require immediate attention because spring is the only time the water is diverted into the reservoir. To remove slide material becomes an emergency situation which requires immediate attention thereby increasing the cost of such removal since it requires more equipment and more personnel than the usual repair which in most cases is done in a timely manner by the manager, the district's only full-time employee.

In addition to the concrete flumes there are 3.3 miles of earthen canal. The lower section of the earthen inlet canal will need major repair in the form of erosion control. This will require up-to-date equipment or a contractor will have to be hired and will have to be done 5 to 10 years from now. In either case, the cost of the repair will be expensive (rough estimates run between $30,000–$100,000).

With each passing year, the increase of the cost to repair the existing structures prioritize repairs on a crucial to severe basis. In 1994, a repair on the inlet canal stilling basin structure is going to cost the District approximately $5,000.00. This is the only repair which could be scheduled within the budget for this year. Any repair beside this one will be considered only if it is an emergency.

The headquarters were built in 1942 as bunk houses, offices, etc., as temporary structures to house the men who built the dam. Some were remodeled in 1948 to serve as the manager's residence, machine shop and warehouses. These are the same buildings in use today. In 1990, the electrical and water system were redone and upgraded within the residence to bring them to safety standards. The machine shop and storage units have not been up-graded due to lack of funds throughout the years. These will and do require much maintenance, repair or replacement or they will soon crumble.

Administrative costs are continually increasing due to the additional regulations required of water districts and other such entities every year. In order to use the pesticides needed to keep brush and weeds off the canals as required by the Bureau of Reclamation, a license is required and it is necessary to have the proper equipment. The office had to be upgraded with modern equipment in order to more efficiently process the ever increasing paper work to make the most of time so that efforts can be directed to the rest of the project. Insurance is now a major budget item that as of four years ago was a minimum budget figure. Here is an approximate estimate of expenditures in a year for this district:

Expenditures:

Insurance	$15,000
Manager's wages	20,000
Debt Retirement	18,000
Administrative	9,000
Operations and Maintenance	14,000
Total Income	76,000

The operations and maintenance balance has to cover the cost of repairs to the aging equipment, aging structures such as buildings, and aging structures such as the canals. Routine maintenance of the dam, tunnel and structures below the dam are absolutely necessary for the fitness and safety of the dam and are also included in this category. The cost of one repair, especially one that was not predicted, can wipe out the entire budget figure.

The valley currently has a low to middle economic base compared to the cost of living standards being set today across the nation. Water rates are reasonable and comparable to the current cost of living standards within the valley. The income derived for the District is fair but certainly not enough to keep up with the rapid increase in the cost of maintenance, routine and emergency. It is considered crucial to the District and the people it serves to maintain water rates within the reasonable means of the people who use it while continuing the routine and emergency maintenance of the entire project. To raise the rates to compensate for the cost of operations of the District every year would be a dramatic increase which will soon result in many of the rural water users losing their business and homes along with them. This would be a great loss for the entire valley and it's economic system. The last few years have seen a subdivision of the large land holdings, causing an influx of people. The importance of this reservoir system is as great, if not greater, at the present time than it was in the early 40's.

The Board felt they needed to look for an alternative to raise revenues rather than a drastic increase in the water rates. Hydro power seemed the most promising. Lemon Dam and Pine River Dam, both in the area, had successfully established small power plants which were proving to be economically feasible. Development of hydro-power on this project was first considered in 1984 by a private developer who dropped his F.E.R.C. license due to financial problems within his corporation (1988). The Board took up the investigation to develop the power themselves taking into consideration the Ames Plant which is still in operation after 90 years. Tours of the two projects mentioned above were made, looking into feasibility, construction costs, etc. In 1990, the Board hired an engineering/construction firm to do a feasibility study on a hydro-power project on Jackson Gulch Reservoir. The preliminary results were that a hydro-power plant would be feasible for the District and would accomplish their revenue goal. The power plant the Board was considering will raise approximately $30,000 per year in today's dollars after debt service which is 15 years from now; a time when those dollars will be most needed.

In April, 1990, the District requested a license to generate electrical power from a hydro-power plant from the Bureau of Reclamation. The District's Board met with the Bureau to determine what would be required from an administrative viewpoint from the Bureau. At that time, the Board specifically informed the Bureau that it would proceed under the Reclamation Licensing Jurisdiction and were informed that they (the District) could proceed under the Bureau's jurisdiction. The Board had obtained financial backing for the project insuring that they could construct a power plant without Federal government money. On September 10, 1991, the District was officially informed by the Bureau of Reclamation that a Lease of Power Privilege could not be provided due to language in the Project Repayment Contract and later in the Water Conservation and Utilization Act of 1939. The District was in the final design stages of the project at this time with construction scheduled immediately.

This District finally received confirmation that they could not move forward with the hydro development with this language and must seek legislation to change the language to allow said development on November 12, 1993. In the interim, numerous trips not included in the District's budget were made to Salt Lake City, Washington D.C., and surrounding area offices talking with head officials and solicitors from the Bureau of Reclamation, the Department of Interior, Colorado Senators and Congressmen and many others in an effort to expedite the decision so construction could begin. Cost to build the power plant increased each passing year while awaiting this decision. The District cannot stress enough the need to build as soon as possible to take advantage of today's interest rates and dollar stability or the importance of the continued success and maintenance of the project for the overall economic well-being of this entire valley and her residents!

STATE OF COLORADO, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE,
Durango, CO, May 26, 1992.

GARY KENNEDY,
Superintendent, Mancos Water Conservancy District, Mancos, CO.

DEAR MR. KENNEDY: The Colorado Division of Wildlife has reviewed the Feasibility Report and Engineering and Construction Report for the Jackson Gulch Reservoir Hydroelectric Project. I also discussed the project with you on the telephone today. Since volume, timing, and temperature of the flows from the reservoir will not be altered by the project, we do not anticipate any negative impacts.

Thank you for the opportunity to comment.

Sincerely,

GARY T. SKIBA,
Wildlife Biologist.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE, ECOLOGICAL SERVICES,
Grand Junction, CO, October 26, 1993.

MEMORANDUM

To: Max J. Stodolski, Projects Manager, Bureau of Reclamation, Durango Projects Office, 835 East 2nd Avenue, P.O. Box 640, Durango, Colorado 81302–0640
From: Assistant Field Supervisor, Ecological Services, Grand Junction, Colorado, Mail Stop 65412
Subject: Proposed Hydroelectric project at Jackson Gulch Dam, Mancos Project, Colorado (Endangered Species)

This responds to your letter of October 20, 1993, requesting review of the plan to increase the hydroelectric capacity of the Jackson Gulch Dam in the Mancos Project.

The Fish and Wildlife Service (Service) feels that the proposed project is not likely to cause any new or increased adverse impacts to any federally listed or candidate species. Your report indicates that the project will not pollute and/or deplete any water from the San Juan River basin, and since the endangered river fish do not occur in the project area, there should not be any adverse effect on these species. The plan was also analyzed for possible impacts to any other listed or candidate species and none were found.

We appreciate the opportunity to review this plan. If the Service can be of further assistance, please contact Michael Tucker at the letterhead address.

KEITH L. ROSE.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, DC.

Memorandum to: Deputy Commissioner.
From: Associate Solicitor, Division of Energy and Resources.
Subject: Hydropower Development at Water Conservation and Utilization Act Projects.

This is in response to your request, dated April 19, 1993, for an opinion interpreting section 9 of the Water Conservation and Utilization Act (WCUA), 16 U.S.C. §590z–7. You have asked whether title in and revenues from facilities provided for surplus power must remain in the United States. More specifically, you inquired whether authority exists to amend the contract to allow a non-federal party to retain the revenue from the sale of electricity generated by a hydropower project constructed with non-federal funds. This opinion concludes that, although the WCUA reserves power development to the federal government, even if non-federal power development were authorized, the use of revenues would be restricted by the language of the WCUA.

A. BACKGROUND

The Bureau of Reclamation (Reclamation) constructed the Mancos Project under general authority of the WCUA. The specific determination to proceed with the Mancos Project is found in a letter from Secretary of the Interior Harold Ickes dated October 21, 1940, and approved by President Franklin D. Roosevelt on October 24, 1940. At that time, Reclamation found hydropower development not to be feasible and no costs were allocated to power. To our knowledge, no other WCUA project includes hydropower facilities.[1]

The Mancos Water Conservancy District (Mancos) has requested the right to develop non-federal power on project facilities. Under the proposal, Mancos would construct hydropower generation facilities on Jackson Gulch Dam. In order for the project to be economically viable, Mancos needs to receive the revenue from the sale of electricity generated by the project.

Section 9 of the WCUA authorizes the Secretary to make "provisions, including contrasts of sale * * * for developing and furnishing" surplus power. 16 U.S.C. §590z–7. It further provides that "[a]ll right, title, and interest in the facilities provided for such * * * surplus power and the revenue derived therefrom shall be and remain in the United States." Id.

The existing repayment contract with Mancos contains language which reserves all hydropower rights to the United States. Article 16(a) of the contract states:

> The District shall have the perpetual right to the use of all water that becomes available through the construction and operation of the Project Works, delivered at the lower end of the outlet canal for irrigation, domestic, municipal, and industrial purposes *exclusive of the development of hydro-electric power* as hereinafter excepted. (Emphasis added.)

In addition, subarticle 16(b)(4)(ii) reserves to the United States the right—

> [t]o use the Project Works and Water supply for the development of hydro-electric power * * * as provided in subdivision (a) of this article. *Revenues from any such power development shall be the property of the United States * * *. (Emphasis added.)*

B. STATUTORY AUTHORITIES

Authority to develop the hydropower potential of federally-owned dams or sites must originate with the Congress. Congress possesses the authority to regulate hydropower development under the Commerce Clause.

1. Town Sites and Power Development Act of 1906—In section 5 of the Town Sites and Power Development Act of 1906, Congress granted the Bureau of Reclamation authority to develop the hydropower potential of government dams, or to license private development through a lease of power privilege:

> Whenever a development of power is necessary for the irrigation of lands under any project undertaken under the said reclamation Act, or an opportunity is afforded for the development of power under any such project, *the Secretary of the Interior is authorized to lease* for a period not exceeding ten years, giving preference to municipal purposes, *any surplus power or power privilege,* and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided,* That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project * * *. 34 Stat. 117; 43 U.S.C. §522 (Emphasis added.)

2. Reclamation Project Act of 1939.—In 1939, Congress enacted the Reclamation Project Act (1939 Act) which effected a significant reauthorization of the Reclamation program. It granted broad authorities to the Secretary with respect to curing repayment and accounting problems and provided new authorities to the Secretary with respect to contracting. Section 9(c) of the 1939 Act provides authority for furnishing municipal water supplies and provides new terms for contracting for electric power and leases of power privileges:

> The Secretary is authorized to enter into contracts to furnish water for municipal water supply or miscellaneous purposes * * *. *Any sale of electric power or lease of power privileges,* made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed forty years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the annual operation and maintenance costs, interest on an appropriate share of the construction investment at not less than 3 per centum per annum, and such other fixed charges as the Secretary deems proper: *Provided further,* That in said sales or leases preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936. Nothing in this subsection shall be applicable to provisions in existing contracts, made pursuant to law, for the use of power and miscellaneous revenues of a project for the benefit of users of water from such project. The provisions of this subsection respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects. No contract relating to municipal water supply or miscellaneous purposes or to electric power or power privileges shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. 53 Stat. 1194; 43 U.S.C. §485h(c) (Citation omitted.) (Emphasis added.)

Thus, the 1906 Town Sites and Power Development Act provides explicit authorization to the Secretary to develop the power potential of a Reclamation project and leave the surplus power or to enter into leases of power privilege to enable non-federal hydropower development. The 1939 Act elaborates on the terms of such leases of surplus power or power privileges.[2]

3. Water Conservation and Utilization Act.—One week after enacting the 1939 Act Congress enacted the WCUA. Congress

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[1] The Federal Energy Regulatory Commission (FERC) issued a license for non-federal hydropower development on the Jackson Gulch Dam on December 29, 1986, to Prodek, Inc. On May 23, 1988, Prodek filed an application to surrender its license. FERC issued an order accepting surrender of the license on August 31, 1988.

[2] It can be argued that the 1939 Act did not provide new authority to enter contracts for the lease of surplus power or power privileges, it merely provided additional terms to be included in contracts when authority otherwise existed to enter such contracts. In section 9, Congress selected different language with respect to furnishing water for municipal water supply or miscellaneous purposes and in determining contract terms for sale of electric power or lease of power privileges. In the case of municipal and miscellaneous water supplies, Congress expressly "authorized" the Secretary to enter contracts. On the topic of providing electric power, Congress did not authorize the Secretary to "enter contracts." Rather, Congress specified terms which could apply to "[a]ny sale of electric power or lease of power privileges."

On the other hand, several previous Solicitor's opinions list, without analysis, the 1939 Act as authority for hydropower development on Reclamation projects. See, e.g., Memorandum from Associate Solicitor, Energy and Resources to Commissioner, Bureau of Reclamation (Jan. 31, 1985) (discussing the Grand Valley Project); Memorandum from Solicitor Tarr to Commissioner, Bureau of Reclamation (July 16, 1986) (discussing Hoover Powerplant modifications). Because this opinion turns on the specific limitation in section 9 of the WCUA, the issue of whether the 1939 Act constitutes independent authority to lease power privileges is not decided here. Nor does this opinion decide the issue of the continuing applicability or scope of the 1906 Town Sites Act following enactment of the 1920 Federal Power Act and, in particular, the 1935 amendments thereto.

amended the WCUA in 1940, adding sections 9 and 10 among other changes. 53 Stat. 1418; 54 Stat. 1119. The WCUA authorizes the construction of small projects which generally would have been infeasible under the Reclamation program. Section 9 of the WCUA addresses hydropower development specifically:

> In connection with any project undertaken pursuant to this act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, * * * That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4 [codified at 16 U.S.C. §590z–2. *All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States*. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years . . . *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936. 16 U.S.C. §590z–7 (emphasis added.) Thus, in contrast to the Town Sites Act which explicitly authorizes the lease of power privileges for non-federal development, section 9 of the WCUA explicitly authorizes the Secretary to develop hydropower and furnish the surplus power through sale or lease, subject to several conditions.

C. ANALYSIS

It has been argued that section 9 of the WCUA is not a prohibition against development of power by private parties for non-project purposes and that section 10 of the WCUA provides general authority for non-federal power development at WCUA projects. Section 10 of the WCUA provides that the "Secretary shall have the same authority, with regard to the utilization of lands owned by the United States * * * as he has in connection with projects undertaken pursuant to the Federal reclamation laws: * * *" 16 U.S.C. §590z–8(a). Under this analysis, the Town Sites and Power Development Act would authorize non-federal power development at WCUA projects, and the provision on retention of revenue by the United States contained in the WCUA would not apply.

While that argument has some appeal, according to accepted methods of statutory interpretation we believe that the better view is that section 9 of the WCUA controls hydropower development at WCUA projects and that section 9 does not authorize Reclamation to issue the necessary leases of power privilege to enable non-federal power development. Even if non-federal power development is authorized, we believe that the revenue and title restrictions would apply. Finally, it is our opinion that FERC does not have authority to license non-federal power development at WCUA projects.

1. Section 9 of the WCUA governs hydropower development at WCUA projects.—Unless there is a clear intention otherwise, a specific provision will not be controlled or nullified by a general one. *See, e.g., Crawford Fitting Co. v. J.T. Gibbons, Inc.* 482 U.S. 437, 444–45 (1987) (rejecting the claim that general authority to allow the payment of costs authorized payment of expert witness fees in excess of limitations contained in the specific witness fee provision). Of special relevance here is *Uncompahgre Valley Water Users Ass'n v. Federal Energy Regulatory Comm'n*, 785 F.2d 269, 275–76 (10th Cir.), *cert. denied sub nom. Town of Norwood v. Uncompahgre Valley Water Users Ass'n*, 479 U.S. 829 (1986), which held that a specific statute granting authority to the Department of the Interior to contract with private entities for the development and sale of surplus power at a Reclamation project takes precedence over the general licensing authority of the Federal Energy Regulatory Commission (FERC) under the Federal Power Act.[3] "[W]e believe that our conclusion is supported by the principle of construction that the more specific legislation

Section 9 of the WCUA establishes a comprehensive statutory framework specifically addressing hydropower development at WCUA projects. The command of the section is inclusive: the Secretary may make "provisions" for the development of hydropower. There is absolutely no indication in the structure of the statute itself or in its legislative history that Congress intended section 10 to override the restrictions contained in section 9 for a certain class of hydroelectric power projects. Without foundation in the statutory scheme or legislative history, such interpretation would render meaningless the revenue and title restrictions in section 9 with regard to private hydropower development at WCUA projects. In addition, the structure of the power provisions of the 1906 and 1939 Acts, which address federal and non-federal power development together in the same section, reinforces the interpretation that section 9 provides the complete authority for power development under the WCUA.

2. Section 9 does not authorize Reclamation to permit nonfederal power development at WCUA projects.—Section 9 expressly authorizes the Secretary to include production of surplus power in projects developed under the WCUA, subject to several conditions. However, we find that it does not expressly or impliedly authorize Reclamation to issue leases of power privilege at WCUA projects. Instead, we find that hydropower development at WCUA projects is reserved to the federal government.[4]

As the Supreme Court recently noted, "[n]ot every silence is pregnant." *Burns v. United States*, —— U.S. ——, 111 S.Ct. 2182, 2186 (1991) (quoting *State of Illinois Dept. of Public Aid v. Schweiker*, 707 F.2d 273, 277 (7th Cir. 1983)). The inference drawn from congressional silence will be interpreted in light of other textual and contextual evidence of congressional intent. Id.

Section 9 of the WCUA authorizes the Secretary to make "provisions, including contracts of sale * * * for developing and furnishing" surplus power. While taken alone, this could be interpreted to authorize leases of power privilege, the section goes on to refer exclusively to the sale or lease of surplus power. Thus, there is no textual evidence that Congress intended section 9 to authorize leases of power privileges.

Nor is there contextual evidence to support authority for a lease of power privilege under section 9. No legislative history supports such implication, and there is no support for the idea that omission of reference to leases of power privileges was simply an oversight. This omission is in direct contrast to the 1906 and 1939 Acts. The 1906 Town Sites Act explicitly authorizes the lease of "surplus power or power privileges." Similarly, the 1939 Act specifically references the "sale of electric power or lease of power privileges." Under the longstanding tenet of statutory construction of *expressio unius est exclusio alterius*, Where Congress has considered an issue and has included in the enacted legislation a provision explicitly addressing that issue, there is an implied exclusion of other term not mentioned. *See, e.g., Malone v. White Motor Corp.*, 435 U.S. 497, 505 (1978); *Public Serv. Co. of Colo. v. Federal Energy Regulatory Comm'n.*, 754 F.2d 1555, 1567 (10th Cir. 1985). In light of the careful attention paid by Congress in the prior statutes to including specific reference to leases of power privileges, Congress surely would have made explicit reference here had such authority been intended at WCUA projects.[5]

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[3] Moreover, the *Uncompaghre* court had before it the language and legislative history of the 1906 Act and found that the Secretary's authority to develop hydropower rested on the project-specific statute which authorized the project. 785 F.2d at 275–76. covering the given subject-matter will take precedence 'over the general language of the same or another statute which might otherwise prove controlling,'" Id. at 276 (quoting *Kepner v. United States*, 195 U.S. 100, 125 (1904)).

[4] This interpretation of the WCUA is not inconsistent with any other opinion issued by the Solicitor's Office. however, we note that a memorandum from the Commissioner of the Bureau of Reclamation to Reclamation's regional directors listed the WCUA as general authority for the development of hydropower at Reclamation projects, and stated that hydropower is authorized to the extent found feasible in reports submitted to the President and Congress. Memorandum from Commissioner, Bureau of Reclamation, to Regional Directors and Assistant Commissioner, Engineering and Research (Oct. 23, 1986) (entitled "Criteria for Determining Federal vs. Non-Federal (FERC) Hydropower Development at Bureau of Reclamation Facilities"). The memorandum further stated that "[i]n the event we are not seeking Federal financing to develop the hydropower potential of the site, we would be willing to enter into a lease of power privilege under which a non-Federal entity would develop the site under Reclamation law using non-Federal funding." Id. at 2. However, this did not represent a legal opinion of this office and, in fact, deviated from a memorandum dated three months earlier from the Solicitor to the Commissioner discussing the same analytical approach but which did not include the WCUA as a basis for private hydropower development. See Memorandum from Solicitor Tarr to the Commissioner, Bureau of Reclamation 11 (July 16, 1986), (relating to modifications to the Hoover Powerplant).

[5] This conclusion is bolstered by the stated purpose of the WCUA. While not intended to be identical, the legislative history of the WCUA indicates that its purpose was to establish procedures for authorizing small projects more like that of the Reclamation Project Act, enacted just fourteen months earlier. *See Hearings before the Committee on Irrigation and Reclamation*, House of Representatives, 76th Cong., 3rd Sess. 29–30 (1940) (testimony of Dr. H.H. Barrows, chairman, Northern Great Plans Committee).

In fact, the WCUA does contain most of the same provisions relating to hydropower development as are contained in the 1939 Act, such as the stipulation that irrigation will not be impaired, the 40-year limitation on contracts or leases, the requirement that rates must produce power revenues at least sufficient to cover an appropriate share of O&M and

Accordingly, we cannot assume that a lease of power privilege is authorized.

3. Even if the WCUA permits non-federal power development, the restriction on revenues would apply.—Further, even if the mandate to make "provisions for development" encompasses non-federal hydropower development, the express language of the WCUA provides that the United States must retain title to all project works and all revenue from the development of hydropower facilities at projects constructed under its authority. The proposed contract amendment would not be consistent with the statute under which the project was authorized and now operates.

The most persuasive evidence that neither section 9 nor section 10 authorizes private interests to retain power revenues is found in the purpose of the WCUA and the repayment structure it established. Enacted in the Depression era, the WCUA authorized small projects that would not have been considered feasible under reclamation laws but which aided local employment through use of Work Projects Administration (WPA) and Civilian Conservation Corps (CCC) labor. See 16 U.S.C. §§590y to 590z. Local water users were required to repay only the costs allocated to irrigation. See 16 U.S.C. §§590z-1 to §§590z-2. Unlike projects under the 1939 Act which generally required the water users to repay all costs except those allocated to navigation and flood control, see 43 U.S.C. §485h(a), the U.S. Treasury absorbed much of the cost for WCUA projects in nonreimbursable labor costs.[6] At Mancos, water users were obligated to repay only $900,000 of the approximately $2 million total cost of the project; the remainder was nonreimbursable and financed by U.S. taxpayers. This supports the notion that Congress intended that revenues from power production and municipal water supply should remain with the United States to recoup these reimbursed expenditures.

4. FERC does not have authority to license non-federal power development at WCUA projects.—Thus, it is our opinion that Reclamation does not have authority to issue leases of power privilege at WCUA projects. Furthermore, under *Uncompahgre Valley Water Users Ass'n. v. Federal Energy Regulatory Comm'n.*, 785 F.2d 269, 275–76 (10th Cir.). cert. denied sub nom. *Town of Norwood v. Uncompahgre Valley Water Users Ass'n:* 479 U.S. 829 (1986), FERC lacks such authority at WCUA projects. In *Uncompahgre*, the Tenth Circuit Court of Appeals ruled that specific statutory authority regarding hydropower development at Reclamation projects divested FERC of jurisdiction under the Federal Power Act. *Id.* at 275–76. Here, the WCUA provides the specific statutory authority for the Mancos project. By the same reasoning, the WCUA divests FERC of jurisdiction to license non-federal development by reserving hydropower production to the federal government.[7]

Please feel free to contact me if you have any further questions regarding this matter.

PATRICIA J. BENEKE.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 1175

At the request of Mr. LIEBERMAN, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Indiana [Mr. LUGAR) were added as cosponsors of S. 1175, a bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes.

S. 1485

At the request of Mr. KERREY, his name was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1634

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1634, a bill to authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes.

S. 1770

At the request of Mr. CHAFEE, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 1770, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1805

At the request of Mr. WARNER, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1842

At the request of Mr. CAMPBELL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

S. 1941

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1941, a bill to terminate the Milstar II Communications Satellite Program.

S. 1972

At the request of Mr. BINGAMAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1972, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize inclusion in a community policing grant of funds to pay 25 percent of the cost of providing bulletproof vests for 100,000 police officers.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL], the Senator from Virginia [Mr. WARNER), and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2087

At the request of Mr. BUMPERS, the names of the Senator from Utah [Mr. HATCH], the Senator from Louisiana [Mr. BREAUX], the Senator from Missouri [Mr. DANFORTH], the Senator from Arkansas [Mr. PRYOR], the Senator from Missouri [Mr. BOND], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2087, a bill to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 18, 1994.

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 2087, supra.

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fixed costs, and the preference for municipalities. Since the WCUA was intended to be modeled after the 1939 Act, yet unlike the 1939 Act omits any reference to leases of power privileges, we conclude that Congress intended power development at WCUA projects to be reserved to the federal government.

[6] The Secretary could find a project feasible under the WCUA if the water users could repay the part of the costs allocated to irrigation. See 16 U.S.C. §590z-1. Under the 1939 Act, however, the Secretary could find a project feasible if the total estimated costs of construction could be allocated to irrigation, power, municipal water supply or other miscellaneous purposes, flood control, or navigation. See 43 U.S.C. §485h(a).

[7] This comports with the conclusion of a 1980 opinion from this office finding that "[W]here Congress has expressly authorized [Reclamation] to develop the hydropower potential of a project feature, the Commission's licensing authority is withdrawn, and it may not license non-Federal development of the same facility." Memorandum from Associate Solicitor, Division of Energy and Resources, to Commissioner, Water and Power Resources Service 5 (July 28, 1980). Likewise, the MOU between Reclamation and FERC provides that FERC is not authorized to issue licenses for hydroelectric power plants utilizing federal dams where hydroelectric power has been reserved exclusively for federal development. MOU, supra note 3.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Arizona [Mr. DECONCINI), the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. DORGAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 214—RELATING TO HEALTH CARE FOR MEMBERS OF CONGRESS

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 214

Whereas, The American people want and deserve the same high quality health care as Members of Congress; and

Whereas, The best assurance for our constituents that their health care needs will be protected is to provide them with the same high quality care we receive at a cost they can afford; and

Whereas, Members of Congress, like all federal employees, are automatically eligible under the Federal Employee Health Benefits Program (FEHBP) for health care coverage, with no pre-existing condition exclusions, and employers pay a significant portion of premium costs; and

Whereas, Premiums, cost sharing requirements (such as copayments and deductibles), benefits, and choice of caregivers vary among the plans offered under FEHBP; and

Whereas, The health plan that offers the greatest choice of caregivers, the best schedule of co-payments and deductibles, and the best package of benefits currently available through FEHBP is also the most expensive plan; and

Whereas, Members of Congress have sufficient incomes to allow them to enroll in the best health plans offered under FEHBP without spending more than three percent of their incomes; and

Whereas, The best health plans are not similarly affordable for middle and lower income federal employees; and

Whereas, All FEHBP plans are better than many health care reform proposals now before Congress in that they offer a defined package of benefits with an employer contribution; and

Whereas, Improvements are necessary even to the best plan available under FEHBP, including needed services such as full coverage for long term care and dental care, and improvements that can only be accomplished through health care reform, such as expanding public health systems and coordinating care among providers; and

Whereas, The health and well-being of our nation, and our ability to control health care costs by covering everyone for a broad array of accessible health services that will keep people healthy, require that Congress enact the best possible health care reform legislation; Therefore be it

Resolved, That the Congress should enact health care reform that guarantees everyone health care as good as the best health care that will be available to Members of Congress.

Mr. WELLSTONE. Mr. President, I send a resolution to the desk and ask that it be appropriately referred.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

Mr. WELLSTONE. I thank the President.

Mr. President, we in the Congress are at a historic crossroads in public policy. We have an opportunity of a generation to take decisive action on health care.

This week, one of the committees in the Senate, one of the two committees that will be doing markup, that is writing the bill, the Senate Committee on Labor and Human Resources, will start our markup of the health care bill. The Senate Finance Committee is working on this, as are three committees in the House of Representatives.

At the same time we are approaching this markup, which is really where the rubber meets the road, where we really get to work writing the bill—this is the time that I think probably all of us have been looking forward to because you get beyond the rhetoric and the generalities, and you really go to work in trying to shape a piece of legislation that will work well for people—at the same time that we are getting ready to mark up these bills in committees, there is a kind of pressure on the part of some here in Congress and some in the country who are really opposed to universal health care coverage to begin to strip down the benefits, scale down the benefits, phase in universal coverage over a long period of time.

Remember, this has been essentially a century struggle, and the United States will join the other advanced economies with some kind of universal health care coverage and a decent package of benefits. When all is said and done, people in the country are not policy experts but they understand full well what will work for themselves and their families. That is what they are talking about: Will we be covered? Will we have a decent package of benefits? Will we have choice? And will be able to afford it.

Mr. President, when we go home to Minnesota, North Dakota, West Virginia, or any State in the country, one of the things people are telling us in a very, very strong way is we want you all, as our representatives, to make sure that whatever health care plan is passed, it gives us or provides us as citizens, as your constituents, with the same quality care that you receive.

So this resolution that I today referred for appropriate action reads:

> Therefore be it *Resolved*, That the Congress should enact health care reform that guarantees everyone health care as good as the best health care that will be available to Members of Congress.

Mr. President, I think this is a really important principle. I think it is an important principle in representative democracy, and I think all of us are committed to it. We want to do well for our own families, and we want to make sure that the health care plan we have is the health care plan that the people we represent are also able to participate in.

I do not mean just one plan. What I mean is the same high quality, a comparable level of care.

I do not mean just one plan. What I mean is the same high quality, a comparable level of care.

What our constituents may not realize, Mr. President, is that the health insurance program that covers Members of Congress provides many different levels of health care coverage to Federal employees, depending on what they can afford to buy.

So when we talk about the Federal Employees Health Benefit Program, what we want to make sure of is that that part of the program that we can afford as Members and Representatives and Senators, in terms of packaging of benefits, in terms of choice, in terms of deductibles, in terms of copays, in terms of the same quality of care, ought to be the same plan, the same package of benefits, available to our constituents.

I did not say, Mr. President, that we are saying to people in the country that they can be in the Federal employees benefit package. We are all in it now. The problem is that people who have the highest income can get the best package within that overall program.

I am saying what is the very best available to Senators and Representatives, based on our ability to afford the very best, ought to also be the same package of benefits, the same quality of care, the same choice, the same copays available to our constituents.

I mean, we are all in the United States of America today in the same health care system. The problem is, that health care system provides the best care to those who can afford it and, all too often, no care to those who cannot afford it.

So when we talk about the Federal benefit package, a health insurance program, we have to be careful to make the distinction that what we can afford as Representatives and Senators ought to be the same plan that is available to our constituents.

Mr. President, I introduced this resolution today and referred it for appropriate action because as we move to mark up, I just do not want Representatives and Senators to be stripping away from a good package of benefits when we in fact can afford that package of benefits.

I think it is extremely important that in this final health care plan, we make sure that what we vote on, and again I refer to the resolution:

> Therefore be it *Resolved*, That the Congress should enact health care reform that guarantees everyone [in our country] health care as good as the best health care that will be available to Members of Congress.

Mr. President, let me just give some examples of this health care plan, the best one in the Federal employees benefits package, which is the one I picked because it is one each Representative and Senator can afford. We might note that all Representatives and Senators do not choose to pick this plan, but it is one that all of us can afford.

What we do not want to have in the country is a lot of stratification where citizens in theory are participating in the same plans, but actually it is sort of based upon your ability to pay how much choice you have, how much you are going to pay in copays and deductibles, and for that matter, what the package of benefits are.

Let me kind of itemize some of what we have. By the way, I think it is real important for me as a Senator on the floor to make it clear, contrary to some of the bashing that is taking place in this country, that Senators and Representatives do not have free health care.

I mean, people really believe that we do. We do not. And I think it is also important to make it clear to people that some of what is in our plan or what is not in our plan really calls for real improvement. It is by no means as good as some plans that people have. But, overall, it is a pretty solid plan and I want to talk about it.

Annual deductible: $150 for all services. Inpatient hospital deductible: No deductible for inpatient. Hospital copayment: None.

And I am just summarizing.

Other copayments: 80 percent for all other services. Catastrophic stop loss: After plan participants pay $2,200 per year out of network, or $1,500 in network, the plan pays 100 percent of all health care expenses for the rest of the year. Mental health and substance abuse: No deductible for inpatient mental health services if network providers are used, and the deductible for out of network use is the same as for any other inpatient service. Patient copayment for outpatient mental health and substance abuse services are only 30 percent, and 50 visits a year are covered.

Benefits. The specific list of covered services that are better than those in most current standard insurance plans I want to outline and they include:

Certain organ/tissue transplants and donor expenses; well child care; allergy tests and services; delivery at birthing centers; coverage of care by nursing midwives; home nursing care, prescription drugs; Pap smears once a year for women age 18 and over; home health care, home hospice, and respite care; mammograms every year for women age 50 to 64; diagnosis and treatment of infertility; 100 percent coverage for emergency room care and related states.

Mr. President, some things are not covered. Institutional long-term care in nursing homes is not covered. And we do not provide dental coverage—and we could do better—and we do not provide vision care. So it is not a perfect plan.

Mr. President, the reason that I introduce this resolution today is that I want this resolution to be the benchmark as we go to committees. It seems to me that it is a reasonable proposition that the best health care plan for Senators and Representatives in the Federal employees benefit package—and there are many different plans; I am not talking about everybody being in the overall plan, I am talking about what we can afford in terms of the package of benefits and reasonable copays and deductibles—ought to be the same plan that we vote for our constituents.

I hope to receive much support. I think it is a very reasonable proposition. I will certainly be asking Senators to support this. This will be my yardstick for working in committee as we move in the markup on Labor and Human Resources, and I certainly hope that will be the case with the Senate Finance Committee, as well.

Mr. President, let me conclude by just repeating one or two points.

First, people in the country, do not engage in the bashing. It just denigrates into an across-the-board denigration of public service in our country and it is a huge mistake for democracy.

Second, do not assume that people have free health care coverage in the U.S. Senate or in the House of Representatives. We do not, for ourselves or our families.

Third, do not assume it is perfect coverage. We do not have long-term care, it is not good dental, it is not good vision. We can, frankly, do better, and I hope well we will do better, for ourselves and our families. But, most important of all, I hope, whatever we do for ourselves and our families, we do for our constituents.

I think the benchmark should be right now in this Federal employees benefits package which is being discussed rather widely here in the Congress. There is a whole menu, a cafeteria of a plan.

Some people can only afford this plan. We can afford the best as described in the package of benefits, the best as described in low deductibles and copays, so we can go out there and purchase that care when we need it for ourselves. That is the plan, the one that we can afford, the high-cost plan which ought to be available to our constituents. That is what this resolution says.

I am going to be pushing this very hard in committee in terms of a package of benefits and I will also be pushing very hard as this whole debate goes forward.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

DECONCINI (AND OTHERS) AMENDMENT NO. 1711

Mr. DECONCINI (for himself, Mrs. HUTCHISON, and Mr. MCCAIN) proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . SEWAGE TREATMENT ALONG THE UNITED STATES-MEXICO BORDER.

(a) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BORDER STATE.—The term "border State" means each of the following States:

(A) Arizona;

(B) California;

(C) New Mexico; and

(D) Texas.

(3) COMMISSION.—The term "Commission" means the International Boundary and Water Commission, or a successor agency of the International Boundary and Water Commission.

(4) COMMISSIONER.—The term "Commissioner" means the United States Commissioner of the International Boundary and Water Commission, or the head of a successor agency of the International Boundary and Water Commission.

(5) CONSTRUCTION.—The term "construction" has the meaning provided the term under section 212(1) of the Federal Water Pollution Control Act (33 U.S.C. 1292(1)).

(6) TREATMENT WORKS.—The term "treatment works" has the meaning provided the term under section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(7) BORDER AREA.—The term "border area" has the meaning provided the term under Article 4 of the Agreement Between The United States Of America And The United Mexican States On Cooperation For The Protection And Improvement Of The Environment In The Border Area (signed August 14, 1983,

commonly known as the "La Paz Agreement").

(b) CONSTRUCTION ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to—

(A) transfer funds—

(i) to the Secretary of State, who shall transfer the funds to the Commissioner for use by the head of the United States Section of the Commission to carry out an eligible project described in paragraph (2); or

(ii) To the head of any other Federal agency to carry out an eligible project described in paragraph (2); and

(B) make a grant—

(i) to an appropriate entity designated by the President; or

(ii) to a border State;

to pay for the Federal share of the cost of carrying out an eligible project described in paragraph (2).

(2) Eligible project.—An eligible project described in this paragraph is a project for the construction of—

(A) a treatment works to protect the public health, environment, and water quality from pollution resulting from inadequacies or breakdowns in treatment works and water systems from Mexican wastewater affecting United States waters or water and sewage systems; and

(B) a treatment works to provide treatment of municipal sewage and industrial waste in the United States-Mexico border area for treatment of high priority international wastewater pollution problems; constructed under appropriate standards under the laws of the United States and Mexico and under applicable treaties and international agreements.

(3) Federal share.—The Federal share of the cost of carrying out an eligible project that is the subject of a transfer or grant under paragraph (1) shall be 100 percent.

(c) Authorization of Appropriations.—

(1) Available funds.—The Administrator is authorized to use such funds as made available to the Environmental Protection Agency under the heading "Water Infrastructures/State Revolving Funds" under the heading "Environmental Protection Agency" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103–124; 107 Stat. 1294), as is necessary to carry out this section.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section such sums as may be necessary for fiscal year 1995, and for each fiscal year thereafter.

GREGG (AND COVERDELL) AMENDMENT NO. 1712

Mr. GREGG (for himself and Mr. COVERDELL) proposed an amendment to the bill S. 2019, supra; as follows:

On page 74, between lines 5 and 6, insert the following new paragraph:

"(8) WAIVER OF PENALTIES THAT RESULT FROM UNFUNDED FEDERAL MANDATES.—

"(A) DEFINITIONS.—As used in this paragraph:

"(i) FUNDS.—The term 'funds' means amounts provided by the Federal Government to a political subdivision, including amounts that must be repaid by the subdivision.

"(ii) UNFUNDED FEDERAL MANDATE.—The term 'unfunded Federal mandate' means a requirement that a political subdivision undertake a specific activity, or provide a service, in accordance with this title during a period, to the extent that the Federal Government does not provide, directly or indirectly, funds that are necessary to undertake the activity or provide the service during the period.

"(B) WAIVER OF PENALTIES.—The Administrator may not commence a penalty assessment proceeding under this subsection against a political subdivision, and any pending penalty or penalty assessment or collection proceeding under this subsection against a political subdivision shall be waived, if the noncompliance of the subdivision that is the subject of the penalty or proceeding results from an unfunded Federal mandate.

IMPROVING AMERICA'S SCHOOLS ACT

WOFFORD AMENDMENT NO. 1713

(Ordered to lie on the table.)

Mr. WOFFORD submitted an amendment intended to be proposed by him to the bill (S. 1513) entitled "Improving America's Schools Act of 1993"; as follows:

On page 261, between lines 2 and 3, insert the following:

"SEC. 5111. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under section 5112(d) for each fiscal year, the Secretary shall award grants to local education agencies described in section to enable such agencies to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) do not involve magnet schools.

"(b) APPLICABILITY.—Sections 5103, 5106, 5107 and 5108, and shall not apply to grants awarded under subsection (a).

On page 261, line 4, strike "SEC. 5111." and insert "SEC. 5112.".

One page 261, between lines 20 and 21, insert the following:

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 5111.

SAFE DRINKING WATER ACT

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 1714

Mr. FAIRCLOTH (for himself, Mr. CRAIG, Mr. NICKLES, Mr. BROWN, Mr. SMITH, Mr. GRASSLEY, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. COATS, Mr. COHEN, and Mr. KEMPTHORNE) proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") and for other purposes; as follows:

Beginning on page 22, strike line 12 and all that follows through page 23, line 8.

On page 23, line 10, strike "1478" and insert "1477".

On page 23, line 23, strike "1479" and insert "1478".

On page 118, line 11, strike "1479" and insert "1478".

WALLOP AMENDMENT NO. 1715

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill, S. 2019, supra; as follows:

At the end of the bill, add the following language:

SECTION 1.

(a) Any rule proposed pursuant to authority under this Act shall during the period after publication and before the rule becomes effective be subject to review by Congress as provided in section 2.

(b) DISPOSAL REQUIRED.—If a rule is reviewed pursuant to section 2, the rule shall not take effect unless a review resolution is disposed of as required under Section 2(b)(4) and Section 2(b)(5).

(c) If Congress adjourns sine die at the end of a Congress prior to disposition of a Review Resolution as provided in Section 2, the regulation will not become final.

SEC. 2. CONGRESSIONAL REVIEW.

(a) PETITION OF REVIEW.—If one-fifth of either House, duly chosen and sworn, sign a petition requesting congressional review of a regulation described in section 1, the Congress shall consider a joint resolution (referred to as a "review resolution") as provided in subsection (b).

(b) CONGRESSIONAL CONSIDERATION OF REVIEW RESOLUTION.—

(1) Terms of the resolution.—For the purposes of subsection (a), the term "review resolution" means a joint resolution that—

(A) is introduced within the 2-day period beginning on the date on which a petition is filed pursuant to subsection (a);

(B) does not have a preamble;

(C) states after the resolving clause "That Congress disapproves and repeals the regulations promulgated on XX", the blank space being filled in with the date on which the regulations were promulgated and a description of the regulation; and

(D) is entitled a "Joint resolution disapproving the regulations promulgated on XX", on the blank space being filled with the date and agency.".

(2) Referral.—(A) A review resolution that is introduced in the House of Representatives shall be referred to the committee of jurisdiction.

(B) A review resolution that is introduced in the Senate shall be referred to the committee of jurisdiction.

(3) Discharge.—If the committee to which a review resolution is referred has not reported the resolution (or an identical resolution) by the end of the 5-day period beginning on the date on which the petition is filed, such committee shall, at the end of that period, be discharged from further consideration of the resolution, and the resolution shall be placed on the appropriate calendar of the House of Representatives or the Senate, as the case may be.

(4) Consideration.—(A)(i) On or after the first day after the date on which the committee to which a review resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution (but only on the date after the calendar day on which the member announces to the House concerned the member's intention to do so).

(ii) All points of order against a review resolution (and against consideration of the resolution) are waived.

(iii)(I) A motion to proceed to the consideration of a review resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable.

(II) A motion described in subclause (I) is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business.

(III) A motion to reconsider the vote by which a motion described in subclause (I) is agreed to or not agreed to shall not be in order.

(IV) If a motion described in subclause (I) is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the review resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B)(i) Debate on a review resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) An amendment to a review resolution is not in order.

(iii) A motion further to limit debate on a review resolution is in order and not debatable.

(iv) A motion to postpone consideration of a review resolution, a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(v) A motion to reconsider the vote by which a review resolution is agreed to or not agreed to is not in order.

(C) Immediately following the conclusion of the debate on a review resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House of Representatives or the Senate, as the case may be, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or of the Senate, as the case may be, to the procedure relating to a review resolution shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a review resolution that was introduced in that House, that House receives from the other House a review resolution.

(i) the resolution of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under clause (ii)(II); and

(ii)(I) the procedure in the House that receives such a resolution with respect to such a resolution that was introduced in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of a review resolution that is received by one House from the other House, it shall no longer be in order to consider such a resolution that was introduced in the receiving House.

(6) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress.

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a review resolution, and it superseded other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1716

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed amendment to the bill S. 2019, supra; as follows:

On page 12, line 1, add a carriage return immediately after "DIRECT GRANTS.—", indent the text thereafter through line 8 as a separate paragraph, and insert "(1) IN GENERAL.—" immediately before "The".

On page 12, line 8, strike the period and insert in lieu thereof "; and".

On page 12, between lines 8 and 9, insert the following new paragraph:

"(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1717

Mr. STEVENS (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the bill S. 2019, supra; as follows:

On page 68, between lines 10 and 11, insert the a new subparagraph:

"' (I) For purposes of this subsection, the State of Alaska shall be considered a region.".

BOXER (AND OTHERS) AMENDMENT NO. 1718

Mrs. BOXER (for herself and Mr. BRADLEY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MIKULSKI, Mr. METZENBAUM, Mr. LEAHY, Mr. KOHL, and Mr. CHAFEE), proposed an amendment to the bill S. 2019, supra; as follows:

On page 7 of the manager's amendment, after line 20, insert the following:

(iv) the effects of the contaminant upon subpopulations that are identified as being at greater risk for adverse health effects in the research and evidence described in section 1442(j).

On page 18, line 13 of the manager's amendment, strike "." and insert after "water" the following:

"In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall take into account all relevant factors, including the margin of safety for variability in the general population and the results of research required under this subsection and other sound scientific evidence (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects."

NUTRITION LABELING AND EDUCATION ACT EXTENSION ACT OF 1994

BUMPERS (AND HATCH) AMENDMENT NO. 1719

Mr. FORD (for Mr. BUMBERS for himself and Mr. HATCH) proposed an amendment to the bill (S. 2087) to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 18, 1994; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Before August 8, 1994, sections 403(q) and 403 (r)(2) of the Federal Food, Drug, and Cosmetic Act, and the provision of section 408(i) of such Act added by section 7(2) of the Nutrition Labeling and Education Act of 1990, shall not apply with respect to a food product which is contained in a package for which the label was printed before May 8, 1994 (or before August 8, 1994, in the case of a juice or milk food product if the person responsible for the labeling of such food product exercised due diligence in obtaining before such date labels which are in compliance with such sections 403(q) and 403(r)(2) and such provision of section 408(i)), if, before June 15, 1994, the person who introduces or delivers for introduction such food product into interstate commerce submits to the Secretary of Health and Human Services a certification that such person will comply with this section and will comply with such sections 403(q) and 403(r)(2) and such provision of section 408(i) after August 8, 1994.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Tuesday, May 24, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; and S. 2074, the Crime Victim Assistance Improvement Act.

Those wishing additional informational should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. Ford. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 17, 1994, at 10 a.m. On pending committee business.

The PRESIDING OFFICE. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. Ford. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate

on Tuesday, May 17, at 10 a.m. To hold a hearing on the Chemical Weapons Convention—Treaty Doc. 103–121.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, May 17, at 9:30 a.m. for a hearing on: Exports in the 1990's.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 17, 1994, beginning at 2:30 p.m., in 106 Dirksen Senate Office Building on proposals to amend the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Arts and Humanities be authorized to meet on May 17, 1994, at 3:30 p.m. for an execution session to consider S. 1513, Improving America's Schools Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 17, 1994, at 10 a.m. the Committee will hold a full committee on the issue of prepayment of section 503 Development Company Loans and on the section 504 Development Company Loan Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 17, 1994 at 3 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a joint hearing on Before Dreams Disappear: Preventing Youth Violence, during the session of the Senate on May 17, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS AND THE HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Arts and the Humanities be authorized to meet for a hearing on Minorities in Higher Education, during the session of the Senate on May 17, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 17, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. FORD. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on September 17, 1994, at 2:30 p.m. on Earthquake Program Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, May 17, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Toxic Substances and Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NAVAL AVIATION

• Mr. D'AMATO. Mr. President, the budget process for fiscal year 1996 is in full swing over in the Pentagon, and some of the early reports are disturbing in the extreme. In particular, naval aviation appears to be teetering on the brink of catastrophe.

As my colleagues know, the proposed 1995 budget request terminates each Navy and Marine helicopter program but the AH–1W. Fixed-wing aircraft procurement drops to 40, with an additional 4 remanufactures. This is well below attrition.

Now, I read that the proposed fiscal year 1996 budget will slash 24 of 48 F/A-18C/D's, 24 of 72 F/A–18E/F's, 18 of 18 AH–1W's, 1 of 16 E–2C's, and a bevy of air-to-air and air-to-ground weapons from the fiscal year 1995–99 5-year defense plan. V–22 and armed SH–60B will slip a year and F–14 upgrades will be gutted. One wonders just what is going to be left of naval aviation by the time the CVN–76 is christened.

Just for fun, I urge my colleagues to request copies of the latest naval aviation plan [NAP], if it exists. The NAP, when it is published, includes projections of aircraft requirements versus inventory over then next several decades. My colleagues may be surprised to discover that the Navy will be experiencing significant shortfalls in almost every category of aircraft. Something to consider when we are asked to support yet another multibillion-dollar aircraft carrier this year.

In the meantime, I would like to share an article from the May 9, 1994, edition of Defense Week by Eric Rosenberg entitled "To Meet Budget Targets, Big Cuts Proposed by Navy Aviators." I ask that the article be included in the RECORD at the end of my remarks.

The article follows:

[From Defense Week, May 9, 1994]

TO MEET BUDGET TARGETS, BIG CUTS PROPOSED BY NAVY AVIATORS

(By Eric Rosenberg)

The Navy is recommending steep cuts to a front-line fighter bomber and its top-priority costly successor, according to internal documents obtained by Defense Week. In addition, the documents detail delays to the V-22 tilt rotor, the Marine Corps' No. 1 program.

The Navy is also seeking to either kill or slow several other major aviation-related projects, including AMRAAM and SLAM missile variants, the documents said.

The multi-billion dollar program cuts were detailed in a 50-plus page April 12 memorandum written by the Navy's air warfare division. The cuts underscore an intense Pentagon debate as the service slashes its mainstay programs to meet budget reduction targets in fiscal 1996 and beyond.

The document doesn't tinker with the overall force level laid out in the "bottom-up" review, the guiding precepts of the Clinton-era Pentagon. That document recommended a 12-aircraft carrier Navy, 11 service air wings and four Marine air wings.

Should the Navy and Pentagon leadership accept them, the proposals will significantly hurt the balance sheet of McDonnell Douglas Corp., maker of the F/A–18 E/F. The proposals will also wound an industrial team of Bell-Helicopter Textron Inc. and the Boeing Co.'s helicopter unit, makers of the V–22 Osprey.

At press time, reports were circulating in the Navy that the service leadership was scrambling to overrule the F/A–18 E/F reduction. But the reports could not be independently verified.

Senior Navy officials conducting the budget planning told the aviation segment "to accept modernization reductions to emphasize recapitalization," the document said. The aviation segment also was told to "accommodate acquisition adjustments."

"Recapitalization" is the Navy's far-reaching effort to close bases and retire older model ships, planes and submarines to pay for new state-of-the-art equipment.

The military services currently are in the throes of crafting their program objectives memoranda, or POM, the long-range budget blueprint. They are scheduled to complete the planning by May 20, when the recommendations will be forwarded to Defense Secretary William Perry's staff for review. The Pentagon will work through the summer on the spending plan, which will form the basis of the fiscal 1996 submission to Congress next January.

A senior Navy official familiar with the proposals said last week there was little "gold-watching" in the plans, a reference to disingenuous budgeting.

According to the documents, the Navy is proposing to slash 24 F/A-18 C/Ds from long-range plans, worth approximately $1.4 billion. Twelve would be cut from the 24 jets that were planned for fiscal 1996 and 12 from fiscal 1997. The action would stop production after the fiscal 1996.

The recommendations also would pare 12 F/A-18 E/F models from fiscal 1998, leaving on the books 12 jets, and another 12 jets in fiscal 1999, leaving 24 planes. The proposal would slash $1.5 billion from the program. Twelve planes would be added to fiscal 2001, upping procurement from 36 to 48 jets.

The latter proposal is especially noteworthy, as the aircraft is the Navy's stated No. 1 priority. It is being designed as the service's cornerstone jet of the future, able to perform bombing and fighter missions. But a senior Navy official claimed the action didn't signify slipping Navy support.

Asked about the proposals, Lt. Jim Fallin, a Navy spokesman said: "The navy is in the process of looking at various options on how best to structure our forces to meet current and future requirements within fiscal constraints. It would be inappropriate to discuss that process while it is still on-going."

Concerning another top-priority project, the V-22, the document offered scant detail other than comment, "Slide V-22 procurement." The Marines were planning to buy their No. 1 priority tilt rotor beginning in fiscal 1997, but a chart accompanying the documents shows production beginning one year later.

A senior Navy official said this recommendation, which could draw the wrath of lawmakers and White House program supporters, was up for negotiation.

Other key actions the Navy aviation branch recommended included ending the Bell Helicopter Textron Inc. AH-1W helicopter program after fiscal 1995. The service had planned to buy 18 of the choppers in fiscal 1996 and 1997. The action will pare some $220 million from the books. It also will necessitate the procurement of a successor helicopter six years sooner than planned, the documents said.

The Navy had planned to buy four new E-2C Hawkeye surveillance planes annually through fiscal 2001. But the service has proposed buying only three E-2Cs in fiscal 1996, saving $58 million.

In a challenge to Pentagon civilians, the Navy is proposing the cancellation of the F-14 block I upgrade, an effort to outfit Tomcats with laser-guided bomb capability.

The Navy authors understood that this was a risky proposition because it was "specifically endorsed by the secretary of defense in the bottom-up review," said the documents. In the program's place, the service is proposing a cheaper, "slowed F-14 A/B upgrade program."

The documents said the service wants to end its commitment to the Air Force-led Advanced Medium-Range Air-To-Air Missile's pre-planned product improvement. The Navy proposed cancelling the effort "due to fiscal constraints." Additionally, the Navy wants to "slow procurement of AMRAAM down" to save money.

Also offered up for termination was the Advanced Rocket System, designed to replace 2.75-inch and five-inch rockets. The Navy will instead buy additional 2.75-inch systems.

In addition, the service proposed a steep reduction to the AV-8B remanufacture program, also a McDonnell Douglas effort. Where the Marine Corps was seeking to rebuild 86 jets with new equipment from fiscal 1996 through 2001, the Navy is proposing 64 jets over the same period, paring $503 million. The Navy said the proposal "retains flexibility" and that "new aircraft remain a future option."

Other key actions proposed by the Navy:

"Slowing down" the AIM-9X Sidewinder successor;

Delaying fielding of the Joint Standoff Weapon "BLU-108" two years to fiscal 2003. The unitary warhead is unaffected;

Delaying procurement of the Joint Primary Aircraft Trainer System by one year until fiscal 1998;

Delaying funding of the SH-60B armed helicopter from fiscal 1996 to 1997; slipping fielding one year to fiscal 1999;

Reducing the P-3 maritime patrol aircraft force levels significantly. Last year, the Navy planned a fleet of 13 active and nine reserve P-3 squadrons. A new proposal on the table calls for cutting the force to six active and six reserve squadrons, with two squadrons forward deployed;

Cancelling the Standoff Land Attack Missile expanded response variant and signing up to the Air Force-led Tri-Service Standoff Attack Missile.•

TURKISH DEMOCRACY? FREE MEHDI ZANA

• Mr. DECONCINI. Mr. President, I am compelled to recount to this body an incident which reflects a growing and most disturbing trend by the Government of Turkey to restrict free speech on the Kurdish issue. As I speak today, I sadly recall similar statements I have made on behalf of political prisoners who spoke out and then suffered at the hands of authoritarian Communist rulers behind the iron curtain.

Last Friday, Mehdi Zana, a man whom I have met and for whom I hold deep respect, was jailed for 4 years for a speech he delivered at the European Parliament in October 1992. Mr. President, Zana is a man of honor and peaceful intentions who has struggled for more than 30 years for the cause of human rights in Turkey. He has already spent 15 years in jail and has been tortured because he refused to remain silent about the injustices visited upon his Kurdish brothers and sisters. Leyla Zana, his wife, is one of six Turkish parliamentarians who face the death penalty for statements they made in support of Kurdish rights.

Mr. President, I am frightened not only for the fate of the Zana family, but for the future of Turkish democracy itself. The situation in southeast Turkey has deteriorated to the point where violence has become the most common form of discourse between Turks and Kurds. It is a tragic irony that thousands of Turkish Kurds are presently being forced to seek refuge in northern Iraq—taking the reverse route of Iraqi Kurdish refugees who fled Saddam Hussein's war machine. Turkish security forces seem to be creating a buffer zone along the Iraqi border to prevent infiltration by the PKK and hundreds of villages have been destroyed and their inhabitants forced to flee—a pattern which has been compared to ethnic cleansing conducted by the Serbs in Bosnia.

Mr. President, as I have in the past, I once again condemn PKK terrorism. Terrorist violence is never, I repeat, never, a legitimate means of securing political objectives in a democratic state. I am acutely aware of the severity of the PKK threat, but firmly believe all of Turkey's Kurdish citizens cannot be labeled PKK supporters. The fight against terrorism must not be waged at the expense of the legitimate rights of all Turkish citizens. Turkey's Kurds, whether in Istanbul or Diyarbakir, must be allowed to express their cultural identity and to participate in the political process.

Aside from my overriding human rights concerns, however, my major motivation for speaking out is that, given my belief that Turkey is a most valuable ally, I cannot remain silent as Turkey's Government pursues policies which have no hope of ending the violence. I am convinced that these policies further threaten democracy and regional stability. The $7 billion the Turkish Government spends each year to fight the PKK could be better used to address Turkey's serious economic woes. As a friend and supporter of Turkey, I have to express my frustration with the Government for not seeking a political solution to a crisis which cannot be solved by military means or crude attempts to restrict free speech.

Mr. President, yesterday, STENY HOYER and I, as chairmen of the Helsinki Commission, sent a cable to Prime Minister Ciller urging the immediate release of Mehdi Zana. I wish to submit to the RECORD a copy of the appeal he delivered before the European Parliament which resulted in his 4-year jail sentence. Successive Turkish Governments have committed themselves to upholding numerous international human rights conventions which include free speech protections. The increasingly frequent practice of arresting those who speak out peacefully for Kurdish rights is an affront to democracy and violates Turkey's stated international commitments. What follows is the text of the speech which serves as the basis for Mehdi Zana's being in jail now as I speak. So again, Mr. President, I call for his immediate release, and urge my colleagues to follow suit.

The text follows:

OCTOBER 26, 1992.

AN APPEAL FROM MEHDI ZANA TO THE EUROPEAN PARLIAMENT, TO ALL HUMAN RIGHTS ADVOCATES, AND TO THE PRESS

Ladies and Gentlemen, let me first heartily thank you for your presence here today at this press conference.

My name is Mehdi Zana. I am 52 years old. For 30 years I have fought for the recognition of the rights of the Kurdish people in Turkey. In spite of the fact that I was never involved in any act of violence, I had to spend 15 years of my life in Turkish prisons because of my opinions and pacifist struggle for my people. I am one of the few miraculous survivors of the sinister Diyarbakir prison where so many of my companions died under torture. My eye-witness account of the unspeakably brutal and sadistic torture proceedings is included in the publication "Journal of Barbarity" currently being translated from Turkish to French. I owe my survival to the mobilization of public opinion, to NGOs and to the Western mayor colleagues in my favor.

I say colleagues, because I was mayor of Diyarbakir, the politico-cultural capital of Turkish Kurdistan. The population of this city which amounted to 400,000 inhabitants in 1977 had elected me mayor by direct universal suffrage. At that time, I practiced the trade of tailor and I was an independent activist. The military coup d'etat of September 1980 dissolved my municipal council. I was arrested and incarcerated only to be released in May 1991. Since then, I have again been arrested twice. At this time, I, like all other Kurds condemned of the "crime of separatism", am deprived of my political rights for the rest of my life. Such is democracy—Turkish style! Finally I must emphasize that while continuing to struggle pacifically for the recognition of the rights of 15 million Kurds of Turkey, I am not a member of any party or movement.

Thus, it is as an independent Kurdish activist, that I address myself to you and through you to public opinion to the conscience of the civilized world, so that a cry of alarm may be sent forth.

The Kurds of Turkey are experiencing at this time one of the most dramatic moments in their history. Our cities and villages have been systematically destroyed, our forests burned. Using military and economic means, Turkey has forced the Kurdish people to evacuate their ancestral lands. Girls and women of the villages are insulted and raped by Turkish soldiers. Homes are looted, Kurdish journalists and intellectuals are assassinated one after another in broad daylight. People arrested on the pretext of interrogation are tortured to death by barbaric methods. Prisons are filled with children and youth under 18. Legal and illegal state organizations known as counter-guerilla units or as special units have the authorisation to act freely as they please. They have the power of life and death over those questioned. The last measure taken by the National Security Council protects members of the security forces against prosecution for actions committed in the exercising of their functions and prohibits the press from reporting these incidents.

Our maternal language, Kurdish, still remains prohibited. Offenders are arrested and mistreated at police stations. One example among so many others, illustrates this prohibition de facto: barely 15 days ago in Diyarbakir, the security forces intervened in the wedding ceremony of a Kurdish lawyer, Fikret Akias, broke the Kurdish musical instruments and arrested several people including 7 lawyers.

State television by way of propaganda programs incites the Turkish people to rise up against the Kurdish population established in Anatolia. The ideas which suggest a ban on doing business with the Kurds, on furnishing them with work have appeared on these openly distributed tracts. The latest violent events against the Kurds in the city of Fethiye in the West of the country give evidence of the severity of the situation. Chased by the violence perpetrated in their region, the Kurdish population no longer knows where to shelter themselves, where to live in security. In fear they wait to die at any moment. The risk of a Kurdish-Turkish racial war is growing larger every day.

Whole hours would not suffice were I to begin to enumerate for you the cases of assassination, of torture and destruction which I have witnessed, the tragedy which my people are experiencing even as I stand before you. In the press kit, you will find numerous facts, figures and eye-witness accounts on this subject.

Is it still possible to imagine that at the dawn of the twenty-first century, a people can still be deprived of the use of its own mother tongue, of the expression of its identity?

The democratic promises, the speeches on the respect of human rights which thoroughly dominated the October 1991 legislative elections, over the course of moving electoral meetings, promises for the respect of the rights and demands of the Kurdish people made by the governmental coalition of the DYP and the SHP which emerged from the elections, which had worried over the massive support of Kurdish voices for the candidates of the HEP party, gave birth to real hope. The current Prime Minister Demirel, barely 5 days after his nomination, publicly affirmed during a televised speech which surprised everyone, that henceforth Turkey would recognize the Kurdish reality in the East and West of the country, that it would establish an egalitarian policy permitting a common life between the Kurdish and Turkish people.

Mr. Demirel also displayed his faith in a henceforth unrestricted democracy and his willingness to put an end to all anti-democratic laws, to develop a new Constitution which would take contemporary reality and values into consideration.

Since then, not only has not a single anti-democratic law inherited from the military junta and aiming to wipe out the rights of the Kurdish people been abolished, but on the contrary, the promulgation of new repressive laws almost inspire a nostalgia for the military regime.

At this time in Turkey not a single investigation nor trial is underway concerning so many journalists and intellectuals, against the forces which destroyed and set fire to cities such as Sirnak, Cizre, Kulp, Vario and so many others which you will find listed in the press kit.

Meetings on democracy and on human rights have been prohibited in the Kurdish provinces. Censorship rages in full force to prevent the circulation of independent news on the barbarity of the war running rampant in Kurdistan. Not a single journalist is authorized to go to the scene of army operations. Even the parliamentarians of the region are denied the right to approach the regions concerned.

A new administrative measure has just transferred the prerogatives of the Regional Prefect to the military. Kurdistan is now governed by an undeclared State of siege administration and completely left to the good will of the army.

About three weeks ago, the IFHR delegation which visited Turkish Kurdistan was not authorised to go to the cities of Sirnak and Cizre. They will be able to testify to the situation themselves.

I sincerely believe that the Turkish regime never opted for democracy. This notion remains only in the speeches destined to mislead the civilised world. If we make a careful assessment of the current government over the past year, we will not find any arrangements made to further the respect of human rights.

I send forth publicly an appeal to all those who are enamoured of liberty and democracy to act to stop the Turkish government's policy which aims at the pure and simple extinction of the Kurdish people, to act in order to finally permit this people to live in dignity and in peace.

I invite journalists, parliamentarians, NGOs to investigate on the spot, to pierce the wall of silence which surrounds the destruction of my country and my people.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise today to announce to the Senate that 8 people were killed this week in New York City by gunshot, bringing the total in 1994 to 368.

The epidemic of violence caused by handguns and handgun ammunition continues to grow more serious, and the homicide statistics—frightening as they are—do not tell the whole story. The Justice Department reported this week that the number of nonfatal crimes committed with a handgun rose to a record level during 1992. Specifically, handguns were used in over 917,500 nonfatal crimes—almost 50 percent more than the average for the previous 5 years. The FBI reported an additional 13,200 handgun homicides during the same year, a 24 percent increase over the 5-year average.

I have proposed that we ban or tax heavily certain rounds of particularly insidious handgun ammunition. If we do not, many more will die or will be injured by handgun ammunition. We must act now, Mr. President, before tens of thousands more lose their lives.•

TENSIONS IN EGYPT

• Mr. SIMON. Mr. President, last July 23, at my request, an article by Dr. Mamoum Fandy from the magazine "Middle East Policy" appeared in the RECORD. I was interested by Dr. Fandy's argument that tensions within Egyptian society which contribute to terrorism derive partly from religious fundamentalism and are also caused by the existence of an economic, social, and geographic underclass. As I noted, the underclass problem is something we have in the United States, apparently in less magnified form, although we ought to do better in dealing with it.

The Egyptian Government does not share Dr. Fandy's conclusions and Ambassador El Sayed wrote to me last fall, taking strong issue with the article in a response emphasizing that the full weight of the law must be brought to bear against terrorists, while affirming the Egyptian Government's sensitivity to human rights. I would note that, as in any pluralistic system, the process is not easy and the verdict will be for the Egyptian people to render. I hope that President Mubarak, who has contributed so much and so courageously to the Middle East peace process, will see the realization of his vision of a tolerant, moderate democracy which is not undermined by terrorism.

I ask to insert Ambassador El Sayed's letter into the RECORD at this point.

The letter follows:

THE AMBASSADOR OF EGYPT,
Washington, DC, October 20, 1993.

Hon. PAUL SIMON,
Senate Office Building, Washington, DC.

DEAR SENATOR SIMON: I wish to express to you my deep appreciation for your constant advocacy of African causes. I am also gratified by the interest you have always shown to matters related to Egypt, and your desire to be acquainted with the developments in my country as it continues to follow the path of more democracy and more liberalization of the economy leading towards fully responding to the aspirations of our people.

Since part of what is published about Egypt does not respond to the requirements of objectivity and accuracy, and as I know your interest and your desire to judge matters on their merits, I wish to put before you the following facts:

1. The Egyptian society has always been a society characterized by moderation and openness dictated by our geographical reality and historical background which made Egypt not only the cradle of civilization, but also the meeting ground of later civilizations. Extremism is alien to the genius of the Egyptian people.

2. In modern times, various attempts to impose by force, under the usurped banner of religion, theocratic regimes have failed because of their rejection by the people. At no time have these attempts—despite the many victims, which they caused—constituted a danger to the solid fabric of our society.

3. In moments of great change, these forces of darkness try to take advantage of the difficulties of any transition, to inject their false representation of Islam, and pursue their real objective which is to seize power by force to satisfy ambitions and greed.

4. We realize that the best answer is to continue on our path towards reform, thus allowing the people to reap the fruits of their sacrifices. But, at the same time, no Government can fail to firmly oppose with all the legal means at its disposal, those who are using lethal tactics against the authorities, against innocent civilians, and against the very life and livelihood of the population. When a war is waged against society, no appeasement is allowed, and the whole weight of the law must be brought to bear upon the culprits. In doing so the Egyptian Government is very sensitive to ensure, at the same time as the rights of the accused, the human rights of the majority of the people who want to live in peace and security and are the victims of the terrorists.

5. Part of the campaign launched by those terrorists is to use, in addition to lethal weapons and bombs which hit blindly and indiscriminately the weapons of innuendo, false accusations, and smear. Accusations of corruption are part of this war. I do not pretend that Egypt, or any other country for that matter, is inhabited by angels, nor do I want to compare corruption—real or alleged—in Egypt with the same in other countries, I just want to assure you that the policy of the Government is to pursue any case of corruption and punish the guilty whomever they be.

At the same time, what has been achieved under President Mubarak in rebuilding the whole infrastructure, in reforming the economy, in erecting a democratic regime, is a living testimony to the falsehood of the picture of doom which some analysts unfortunately tend to draw in good or bad faith. We are determined to continue on the same course, with the support of our friends, and in particular the United States, until we achieve our aim which is to ensure to free citizens in a free country a high degree of prosperity on the threshold of the Twenty-First Century.

Sincerely, and with best wishes

AHMED MAHER EL SAYED.●

COST PERFORMANCE INDEX

● Mr. D'AMATO. Mr. President, Members who went into cardiac arrest over $500 million B–2's better start popping nitroglycerin: C–17's are running at $497.7 million a copy in fiscal year 1995. How, you ask, can a transport aircraft cost nearly as much as the most sophisticated strategic bomber ever conceived? Therein lies a tale.

One major reason, maybe the key reason, the C–17 costs so much is turmoil on the production line. The best overall measure of line efficiency is the cost performance index [CPI], which compares work accomplished against the actual dollars spent for that work. Typically, CPI improved over time as workers on a production line climb the learning curve. In the case of the C–17, however, the CPI for the full scale engineering development [FSED] lot and lots I, II, and III is actually declining over time. Only lot IV, which showed steady decline in the first 6 months, experienced a 1-percent increase in return on each dollar invested in the last month in which figures are available.

The Air Force has attributed much of this miserable performance to labor inefficiencies caused by bumping, the practice of senior employees displacing junior workers during labor downturns. In the case of the Douglas plant in Long Beach, idle commercial airline workers have steadily migrated to the C–17 program. The resulting disruption up and down the line has played havoc with productivity.

Now here is the scary part. The Saudis have just decided to make a large purchase of United States commercial airliners, including MD–11's. It is likely, in order to meet delivery schedules, that former MD–11 employees now working on the C–17 will be moved back to the reenergized MD–11 line—in essence, bumping in reverse. The resultant gaps on the C–17 shop floor will have to be filled by new hires, and, once again, line efficiency will suffer. Something to consider as we contemplate the purchase of six additional C–17's this year.

I ask that the latest CPI chart be printed in the RECORD at the conclusion of my remarks.

The chart follows:

FSED CPI CUM

Month	1985	1986	1987	1988	1989	1990	1991	1992	1993
Jan	1.03	1.03	1.01	0.97	0.88	0.79	0.69	0.69	0.69
Feb	1.03	1.03	1.01	.96	.88	.79	.69	.69	.68
Mar	1.02	1.03	1.00	.95	.87	.78	.70	.69	.68
Apr	1.03	1.03	1.00	.93	.86	.76	.69	.69	.68
May	1.03	1.02	.99	.93	.85	.74	.69	.69	.68
Jun	1.02	1.01	.98	.93	.85	.71	.69	.65	.68
Jul	1.03	1.00	.98	.92	.84	.71	.69	.69	.68
Aug	1.03	1.01	.98	.91	.84	.68	.69	.69	.68
Sep	1.03	1.01	.97	.91	.83	.67	.69	.69	.68
Oct	1.03	1.01	.98	.90	.82	.67	.69	.69	.68
Nov	1.03	1.01	.97	.89	.81	.69	.69	.69	.68
Dec	1.03	1.02	.98	.89	.80	.69	.69	.69	.68

LOT I CPI CUM

Month	1988	1989	1990	1991	1992	1993
Jan	....	0.89	0.91	0.69	0.66	0.66
Feb	....	.92	.92	.69	.66	.66
Mar	....	.87	.94	.69	.66	.66
Apr	....	.87	.88	.67	.66	.66
May	....	.89	.85	.66	.66	.65
Jun	0.79	.88	.83	.67	.66	.65
Jul	.81	.89	.84	.67	.66	.65
Aug	.82	.92	.8	.67	.66	.65
Sep	.83	.93	.76	.67	.66	.64
Oct	.87	1.02	.74	.66	.66	.64
Nov	.87	.99	.66	.66	.66	.64
Dec	.87	.96	.67	.66	.66	.64

LOT II CPI CUM

Month	1989	1990	1991	1992	1993
Jan	....	0.98	0.70	0.70	0.63
Feb	....	.91	.73	.68	.64
Mar	....	.67	.73	.69	.64
Apr	....	.88	.74	.67	.64
May	....	1.07	.75	.67	.63
Jun	....	1.07	.73	.67	.63
Jul	....	1.21	.73	.66	.63
Aug	....	1.21	.73	.66	.63
Sep	....	1.04	.72	.65	.63
Oct	....	1.05	.70	.64	.62
Nov	0.97	.64	.70	.64	.62
Dec	.97	.69	.70	.64	.62

LOT III CPI CUM

Month	1991	1992	1993
Jan	....	0.97	0.92
Feb	....	.95	.92
Mar	....	.96	.91
Apr	....	.95	.90
May	....	.95	.90
Jun	....	.95	.89
Jul	....	.95	.88
Aug	....	.95	.86
Sep	0.92	.95	.86
Oct	.94	.95	.85
Nov	.95	.94	.85
Dec	.94	.93	.85

LOT IV CPI CUM

Month	*1993*
January	...
February	...
March	...
April	...
May	...
June	0.97
July	.97
August	.96
September	.95
October	.94
November	.93
December	.94●

THE BISHKEK PROTOCOL ON NAGORNO-KARABAKH

● Mr. DECONCINI. Mr. President, the peace process in Nagorno-Karabakh has taken a new turn. At a meeting of the Parliamentary Assembly of the Commonwealth of Independent States [CIS] in Bishkek, Kyrgyzstan, representatives of Armenia, Azerbaijan, Nagorno-

Karabakh, Russia, and Kyrgyzstan on May 8 signed a protocol that may finally signal a winding down of the Nagorno-Karabakh conflict.

The provisions of the agreement include a cease-fire, followed by the withdrawal of Armenian forces from all areas captured, except for Lachin and Shusha, two key cities whose status will be negotiated subsequently. During this second phase, prisoners of war will be exchanged and refugees are supposed to be able to return to their homes. Phase three will inaugurate negotiations about the future status of Nagorno-Karabakh.

While Armenia and Nagorno-Karabakh agreed early on to sign the accord, Azerbaijan's representative insisted on several changes in the wording. For example, Azerbaijan has been resisting Russian pressure to station Russian peacekeeping forces in the conflict zone, and demanded that the observers who will be monitoring compliance with the agreement be international in composition.

Despite these modifications, Azerbaijan remains ambivalent about the accord. Opposition groups have criticized the government for signing on to a document that features the signature of a representative of Nagorno-Karabakh. They argue that Azerbaijan has thus recognized Nagorno-Karabakh as a party to the conflict, which runs counter to the official Azerbaijani line to date that the war is interstate in nature, that is, between Azerbaijan and Armenia. There is also continuing opposition to the stationing of Russian troops on Azerbaijani territory. Nevertheless, the Defense Ministers of Armenia, Azerbaijan, and the head of Nagorno-Karabakh's Armed Forces signed a cease-fire agreement in Moscow on May 16. The disengagement of the warring sides is to be followed by the stationing of observers and peacekeepers, most of whom are Russian.

From the U.S. perspective, a cease-fire in a conflict that has claimed over 20,000 lives is long overdue and very welcome. It is noteworthy, however, that the Bishkek agreement differs little from scenarios under discussion for some time in the CSCE's Minsk Group, but was reached through negotiations in the Russian-dominated forum of the CIS Parliamentary Assembly. Russia is itself a member of the Minsk Group, which the CSCE authorized to arbitrate the conflict, but has not been particularly successful to date. Vladimir Shumeiko, Chairman of the Federation Council, the upper chamber of Russia's parliament, who chaired the Bishkek conference, reportedly stated that problems in the CIS should be resolved by the CIS. This raises questions about the sincerity of Moscow's dedication to CSCE mediation of the Nagorno-Karabakh conflict and other disputes on the territory of the former Soviet Union.

Many cease-fires have been signed in the 6 years of the Nagorno-Karabakh conflict. None has lasted, and it remains to be seen whether this one will be any different. In fact, there have already been reports of cease-fire violations. Azerbaijan's Parliament must also ratify the accord, which seems likely but is not certain.

Mr. President, I fervently hope this cease-fire will hold. The Nagorno-Karabakh conflict must go from the battlefield to the negotiating table, refugees must be allowed to return home, and peace must be given a chance.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider executive calendar No. 21, two protocols amending the OAS charter; that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that no amendments, conditions, reservations, understandings, declarations or provisos be in order; that any statement be inserted in the CONGRESSIONAL RECORD as if read; that the motion to reconsider be laid upon the table; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The resolution of ratification was read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the "Protocol of Washington" Adopted on December 14, 1992, by the Sixteenth Special Session of the General Assembly of the Organization of American States (OAS) and Signed by the United States on January 23, 1993, and the "Protocol of Managua" Adopted by the Nineteenth Special Session of the OAS General Assembly on June 10, 1993, and Signed That Day by the United States.

Mr. FORD. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification of the treaty, please rise. [After a pause.] Those opposed will rise and stand until counted.

With two-thirds of those present, having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations: Calendar Nos. 896, 897, 898; I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Jeffrey K. Harris, of New Jersey, to be an Assistant Secretary of the Air Force.

Manuel Trinidad Pacheco, of Arizona, to be Member of the National Security Education Board for a term of four years.

Eamon M. Kelly, of Louisiana, to be a Member of the National Security Education Board for a term of four years.

STATEMENT OF NOMINATION OF MANUEL TRINIDAD PACHECO

Mr. McCAIN. Mr. President, I urge the Senate to confirm the nomination of Dr. Manuel Trinidad Pacheco to the National Security Education Board. Dr. Pacheco is a distinguished academic and educator and was appointed president of the University of Arizona in 1991. During his tenure, the University of Arizona's reputation for excellence has been enhanced and the University's commitment to language development has been strengthened. His leadership of the university has greatly benefited the student body as well as the State of Arizona, and I believe that he will make a major contribution to the work of the National Security Education Board.

Starting his career as a French and Spanish teacher in New Mexico high schools, Dr. Pacheco went on to become a lecturer at New Mexico Western University, assistant professor at Florida State University, and associate professor at the University of Colorado where he also served as coordinator of Mexican-American studies. Dr. Pacheco holds a Ph.D. in foreign language education from Ohio State University.

Before becoming president of the University of Arizona, Dr. Pacheco held several positions in university administration and educational planning. From 1972 to 1977, he was dean of the university and professor of education at Texas A & I University—now Laredo State University. Subsequently, he chaired the multicultural education department at San Diego State University, and then returned to Texas A & I as executive director of the Bilingual Education Center. In 1982, he was appointed associate dean of the College of

Education at the University of El Paso where he later become executive director for planning.

In 1984, after serving as the chief policy aide to the Governor of New Mexico, Dr. Pacheco was named president of Laredo State University. He became president of the University of Houston-Downtown in 1988.

Throughout his professional life, Dr. Pacheco has devoted himself to linguistic and bilingual education. He has published extensively in this area.

Dr. Pacheco is extremely well-qualified to serve on the National Education Security Board. His expertise, experience, and devotion to language education and public service will be an asset to the Board, and his proven leadership in this important area will directly contribute to the success of the Board's work. I strongly support Dr. Pacheco's nomination and urge my colleagues in the Senate to confirm him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT BY PRESIDENT PRO TEMPORE OF ESCORT COMMITTEE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate pro tempore be authorized to appoint a committee of Senators to join with a like committee on the part of the House of Representatives to escort the Prime Minister of the Republic of India to the House Chamber for the joint meeting to be held at 11 a.m. tomorrow, Wednesday, May 18, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUTRITION LABELING AND EDUCATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Labor and Human Resources Committee be discharged from further consideration of S. 2087, a bill to extend the time period for compliance with the Nutrition Labeling Education Act of 1990; that the Senate proceed to its immediate consideration; that the bill be amended by a substitute amendment, which I send to the desk on behalf of Senators BUMPERS and HATCH; and that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The amendment (No. 1719) is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Before August 8, 1994, sections 403(q) and 403 (r)(2) of the Federal Food, Drug, and Cosmetic Act, and the provision of section 408(i) of such Act added by section 7(2) of the Nutrition Labeling and Education Act of 1990, shall not apply with respect to a food product which is contained in a package for which the label was printed before May 8, 1994 (or before August 8, 1994, in the case of a juice or milk food product if the person responsible for the labeling of such food product exercised due diligence in obtaining before such date labels which are in compliance with such sections 403(q) and 403(r)(2) and such provision of section 408(i)), if, before June 15, 1994, the person who introduces or delivers for introduction such food product into interstate commerce submits to the Secretary of Health and Human Services a certification that such person will comply with this section and will comply with such sections 403(q) and 403(r)(2) and such provision of section 408(i) after August 8, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2087), as amended, was deemed read the third time and passed.

(The text of S. 2087 will appear in a future edition of the RECORD.)

VIETNAM HUMAN RIGHTS DAY

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a joint resolution (S.J. Res. 168) designating May 11, 1994, as "Vietnam Human Rights Day."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 168) entitled "Joint Resolution designating May 11, 1994, as 'Vietnam Human Rights Day'", do pass with the following amendments:

Page 1, in the third clause of the preamble, strike out ", Dr. Nguyen Dan Que,".

Page 2, in the last clause of the preamble, strike out "including Dr. Nguyen Dan Que,".

Mr. FORD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE READ FOR THE FIRST TIME

Mr. FORD. Mr. President, I understand that S. 2122, relating to the financing of long-term care, introduced earlier today by Senator COHEN, is at the desk.

The PRESIDING OFFICER. The bill is at the desk and will be read for the first time.

The assistant legislative clerk read as follows.

A bill (S. 2122) to improve the public and private financing of long-term care and to strengthen a public safety net for elderly and nonelderly disabled individuals who lack adequate protection against long-term care expenses, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading.

Mr. CHAFEE. Mr. President, on behalf of others, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time the next legislative day.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, May 18; that, following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that, immediately thereafter, the Senate resume consideration of S. 2019, the safe drinking water bill; further, that at 10:40 a.m., the Senate assemble as a body and proceed to the House of Representatives to meet with the House in a joint meeting to hear the address of the Prime Minister of India; and, that the Senate then recess until 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Mr. President, I thank the Chair.

Mr. President, if there is no further business to come before the Senate today, and no Senator wishes to speak, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:28 p.m., recessed until tomorrow, Wednesday, May 18, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1994:

SUPREME COURT OF THE UNITED STATES

STEPHEN G. BREYER, OF MASSACHUSETTS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE HARRY A. BLACKMUN.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

MICHAEL NACHT, OF MARYLAND, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE LINTON F. BROOKS, RESIGNED.

AMY SANDS, OF CALIFORNIA, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE MANFRED EIMER.

LAWRENCE SCHEINMAN, OF NEW YORK, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE BRADLEY GORDON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AU-

THORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1999, VICE JEAN MCKEE, TERM EXPIRING.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 U.S.C. 729, THE FOLLOWING-NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN.

To be captain

ROGER K. WIEBUSCH
ANDREW J. MCDONOUGH
MICHAEL J. PERPER
MARY P. O'DONNELL
DAVID V. EDLING
GREGORY S. CHAPMAN
ROBERT K. ANDERSON
KENNETH M. NORRIS
SETH J. HUDAK
ROBERT W. MONTFORT

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF COMMANDER.

To be commander

KAY L. HICKMAN

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 3034:

To be general

LT. GEN. JOHN H. TILELLI, JR. [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

JERRY J. FOSTER [redacted]

To be lieutenant colonel

BRADLEY A. YODER, [redacted]

To be major

DAVID P. ARMSTRONG, [redacted]
MIGUEL A. RAMIREZCOLON, [redacted]
PETER T. WALSH [redacted]

DENTAL CORPS

To be lieutenant colonel

BARRETT W. BADER, [redacted]
JAMES C. BROOME, JR. [redacted]
ROBERT M. GARRETT [redacted]
DEAN A. PFIRRMAN, [redacted]

To be major

CORYDON L. DOERR, [redacted]
JOHN R. EMBRY [redacted]
DANIEL C. HAMAN, [redacted]
LYNN C. HARRIS, [redacted]
SCOTT A. MAZANEC, [redacted]
ALAN L. PEET [redacted]
JOE D. SPARKS [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DONALD B. BEAMON, [redacted]
JACK W. CRAMER, [redacted]
KARL E. LEE, [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

SANDRA D. GATLIN, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF COLONEL UNDER SECTION 5912 OF TITLE 10, UNITED STATES CODE:

JOHN B. ATKINSON, [redacted]
COLEMAN L. BENNETT, [redacted]
FERGUS P. BRIGGGS, [redacted]
MARK A. BULTMEMEIER, [redacted]
MARK F. CANCAIN, [redacted]
DAVID L. CARMICHAEL, [redacted]
LAWRENCE E. CARR III, [redacted]
JERE J. CARROLL, [redacted]
WILLIAM J. CAVENAUGH, [redacted]
LARRY L. CHAPMAN, [redacted]
JAMES P. COLLERY, [redacted]
MARTIN J. CONRAD, [redacted]
ROBERT S. DONAGHUE, [redacted]
JOHN A. DURANT, [redacted]
DANIEL C. FARINA, [redacted]
DAVID L. FERGUSON, [redacted]
JAMES D. FUGIT, [redacted]
DARRELL F. HALSE, [redacted]
JOHN A. HARP, [redacted]
DAVID P. HEIDENTHAL, [redacted]
KENNETH F. HERRINGTON III, [redacted]
COLLIS A. HOLLOWAY, [redacted]
FRANCIS A. JOHNSON III, [redacted]
JERRY K. JOHNSON, [redacted]
GEORGE C. LAKE, [redacted]
WESLEY F. MAY III, [redacted]
JOHN M. MCAFEE, [redacted]
ROBERT F. MCCULLOUGH, [redacted]
STEVEN C. MORGAN, [redacted]
JERROLD B. PETERSON, [redacted]
DAVID R. REEVES, [redacted]
STEPHEN M. RICH, [redacted]
SCOTT ROBERTSON, [redacted]
PATRICIA M. ROGERS, [redacted]
ROGER L. ROUSSEAU, [redacted]
ROBERT B. ST. CLAIR, [redacted]
JOHN C. SWANSON, [redacted]
JAMES B. TALLEY, JR., [redacted]
DAVID L. WARE, [redacted]
CORNELL A. WILSON, JR., [redacted]
JOHN F. WIRTZ, JR., [redacted]

IN THE NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) JAMES PAUL SCHEAR, [redacted] U.S. NAVAL RESERVE
REAR ADM. (LH) JOHN EARL TILL, [redacted], U.S. NAVAL RESERVE
REAR ADM. (LH) GEORGE DENNIS VAUGHAN, [redacted] U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

REAR ADM. (LH) FRANCIS WILLIAM HARNESS, [redacted] U.S. NAVAL RESERVE

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (LH) BRUCE ALLEN BLACK, [redacted] U.S. NAVAL RESERVE

THE FOLLOWING-NAMED AIR FORCE CADETS TO BE PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

DALE C. HOOVER
JAMES D. MCCARTHY
JOB W. PRICE
DAVID C. SASSER

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RAMON A. MALDONADO
ERIK B. MILCH
REGINALD RICHARDSON
ERIC B. SWENSON

THE FOLLOWING-NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DAVID K. ANDERSON
ANTHONY A. BARGER
CHRISTOPHER J. BUDDE
WILLIAM D. CARROLL
CHARLES P. CONE
JERRY D. FOSTER, JR.
BRIAN E. JACKSON

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENNIS A. DAROCZY
AMY E. DERRICK
MARC P. GAGE
MICHAEL T. LONG
WILLIAM T. MILLS
JAMES P. NUNN
JAMES P. REYNOLD
JED L. VAN LOAN
KENNETH T. WILSON

THE FOLLOWING-NAMED MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JACK H. KLAUSEN

THE FOLLOWING-NAMED FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

PHILIP J. SHAVER

THE FOLLOWING-NAMED FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ROBERT D. PUDER

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

SCOTT M. BALDERSTON

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1994:

DEPARTMENT OF DEFENSE

JEFFREY K. HARRIS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

MANUEL TRINIDAD PACHECO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 17, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. STRICKLAND].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 17, 1994.

I hereby designate the Honorable TED STRICKLAND to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR] for 5 minutes.

TRIBUTE TO LEWIS PULLER, JR.

Mr. BONIOR. Mr. Speaker, I did not know Lewis Puller, Jr., very well. But you didn't have to know him well to be inspired by his courage and his bravery.

I think the reason that his death hit all of us so hard last week was because he—as much as anyone else—showed veterans that there is life after the Vietnam war.

He showed America that healing is possible.

For 25 years, after losing both legs and having his hands mangled by a landmine in Vietnam, after fighting against physical disabilities and alcoholism and drug dependency that resulted, he showed us that heroes are not heroes just for what they accomplish, but for what they inspire in others.

And his inspiration will live on long after the tributes and eulogies that have poured out the past week fade into the history books.

Mr. Speaker, before I came down here this morning, I was searching for the right words to express the courage with which Lewis Puller lived his life.

But then I realized it is impossible to come up with the right words, because any words will not match the eloquence with which he used to tell his own story in one of the best books published to date on the Vietnam war.

He did not write the book "Fortunate Son" in hopes of winning a Pulitzer Prize—although he did.

He wrote it in the hopes that by telling his story, he might be able to help other veterans come to grips with their own problems, to help families bind the wounds and move on, and rebuild their own lives.

In that book he wrote, "If I could now summon the courage to forgive my government, to forgive those whose views and actions concerning the war differed from mine and to forgive myself," he said, "I could perhaps * * * find the reason for which I had been spared, first in Vietnam, and then, a second time, from alcoholic death."

By finding it in himself to heal and move on, he helped heal a nation.

Mr. Speaker, I will never forget the last time I saw Lewis Puller.

It was at the Vietnam Veterans Memorial last Memorial Day.

We used to run into each other there a few times each year, usually on Veterans Day, or at a POW/MIA rally, and he always had a kind word to say.

Last year, when President Clinton was suffering through his first few months as Commander in Chief, Lewis volunteered to help.

He pressed the President to go to the wall with him and pay tribute to the men and women who gave their lives for this country.

I remember standing there that day, watching as boos and shouts came from many of the veterans assembled who were there that day.

And as the protest continued, Lewis Puller, who was sitting a few feet behind the President, among gathered dignitaries and others, looked out at the crowd, and without hesitation, pushed his wheelchair to the very front of the platform next to the President, and facing the crowd, absorbed every bit of the abuse until it subsided.

That same courage and commitment to healing led him, in the past year, to a much greater healing—between America and Vietnam.

As a director of the Vietnamese Memorial, he worked hard for reconciliation between our two countries, and helped conceive of a project to build a series of schools in the poorest province in Vietnam as a living memorial to the 2 million men, women, and children who died in that country.

He was on the verge of seeing the ground being broken when he left us last week.

For 25 years, he carried an overwhelming burden with strength, grace, and dignity. And it is that image that will sustain him long after this time is over.

Mr. Speaker, in a television interview in 1992, Lewis Puller was asked what he would say to God when he arrived in heaven.

He responded: "Lt. Lewis B. Puller, Jr., reporting for duty, Sir! I've already served my time in hell."

Heaven is a better place today, Mr. Speaker, and we are all the lesser for his having left us.

MORE SETBACKS FOR UNITED STATES POLICY IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, it is shaping up to be another bad week for United States policy in Haiti. The United Nations has granted the President's wish for a tougher embargo should the military leadership not step down by May 21. The clock is ticking—the pressure is building.

In usual form, the junta responded by throwing the threats back in the faces of White House policymakers; instead of turning over power, the military leaders appointed a new President—never mind that the duly elected President of Haiti they overthrew received 67 percent of the popular vote.

The State Department announced yesterday that regrettably, the Haitian refugee numbers are up. In fact, the Coast Guard has repatriated 586 Haitians since Friday—a weekend high not reached since 1992, a direct result of White House policies announced over a week ago.

Regrettably the predictions have come true. These sanctions are victimizing the very poorest in Haiti, forcing them into the sea to go into processing centers that do not exist.

The Coast Guard had no choice but to return the Haitians to Port-au-Prince. No third country has stepped forward to offer refuge. No processing centers have been set up on ships or elsewhere to deal wire asylum claims. The Coast Guard on the scene has no orders to implement a shipboard processing policy the President recently announced.

Now we learn that the Pentagon has leased, at a cost of $34,000 a day, a

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ukrainian cruise ship to serve as a processing center anchored nobody knows where.

If this three-ring policy circus did not have the potential to cause such damage and human misery it would be laughable. However, there is more than just the loss of American face at home and abroad to contend with. The President and his advisors have put this Nation on the slippery slope toward military intervention in Haiti—with a built-in crisis trigger at the May 21 deadline. I do not think any Member of Congress wants to have to explain to Americans why their loved ones are being sent to Haiti where their lives are at risk for an unclear mission with no clear-cut end-game strategy.

I have repeatedly offered the administration an alternative approach to the current stalemate in Haiti—a safe haven proposal designed to restore the rightful President to Haitian soil, to give refuge to Haitians fleeing political persecution, to facilitate the humanitarian aid process so desperately needed, and to allow for orderly visa processing in a safer environment.

All of this can be accomplished on Haitian soil on the 80-square-mile island of Gonave which lies 15 miles across the bay from Port-au-Prince. With one Coast Guard cutter the United States would be able to assist the international community in enhancing the natural defenses of the island without extensive or imprudent military commitment. With only 15 miles to travel, Haitian refugees would not have to risk life and limb in a 900-mile journey across the Straits of Florida.

It is all there: We solve the refugee problem, the Aristide problem, and keep American soldiers out of harm's way.

This week, as we consider the national defense authorization, I will offer two amendments dealing with Haiti. The first would cut off any DOD funding for the processing of refugee claims on the high seas. The President's proposal—which still lacks the details for implementation—is simply a bad idea and, as the reports already indicate, will only encourage more Haitians to risk their lives on the high seas.

In addition, I will offer an amendment supporting a safe haven on the island of Gonave.

Let me conclude by taking a moment to remind my colleagues what happened in Haiti in 1991. As an official observer for the 1991 Presidential elections, I watched the Haitian people take the most important step they have taken in the 200 tumultuous years since indpendence—the first faltering step toward democracy. In September 1991, this progress was halted by the military junta that ousted a President 67 percent of the Haitian people enthustically voted for. Today, we have the opportunity to help the Haitians recapture the spirit of the 1991 election. We cannot do it at the barrel of a gun. But, by encouraging return of their democratically elected President, by making it safe for them to stay on Haitian soil, by encouraging Haitians to work with Haitians to solve Haiti's problems in Haiti we might actually help them build elusive stability and democracy in their country.

Mr. Speaker, it does not have to be another bad week for United States policy in Haiti. We offer a good republican "safe haven" solution on behalf of America and on behalf of Haiti and on behalf of democracy.

□ 1040

LIVING IN THE PAST WITH THE INTERSTATE COMMERCE COMMISSION

The SPEAKER pro tempore (Mr. STRICKLAND). Under the Speaker's announced policy of February 11, 1994, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, the spring issue of Audacity magazine has an article on Malcom McClean. He is the man who invented those intermodal containers that you see used on trains, trucks, and ships.

Here is a real self-made man with a high school education who works his way up from hauling dirt in a pickup truck to raising the world's standard of living. A story of triumph over adversity.

Unfortunately, those adversaries included the Federal Government. Listen to this quote:

> * * * his moves alarmed railroaders, who complained to the Interstate Commerce Commission. And the ICC responded by telling him he must choose between trucks and ships.

Here is a man poised to revolutionize an entire industry—and the ICC worked to stop him.

That, in a nutshell, is the problem with the Interstate Commerce Commission. The ICC does not protect consumers; it protects industries. It does not lower transportation costs; it raises them. And it does not protect communities from abandonment; it speeds the process up!

Last year, an amendment I offered came a handful of votes short of eliminating this unnecessary agency. Today, let me address several of the issues raised during that debate.

QUASI-GOVERNMENT

Mr. Speaker, some Members argue that the ICC's quasi-legislative, quasi-executive, quasi-judicial nature makes it more accountable.

I suggest this is a quasi-bad idea.

Unlike the executive branch, which is responsible to the President, the ICC is responsible only to a handful of powerful Representatives and Senators.

When something goes wrong in the executive branch, we blame the President. When something goes wrong with the ICC, who gets blamed?

When a President's policies fail, he gets fired. The chairman of the Energy and Commerce Committee will never lose an election due to his failed policies at the ICC.

That is not accountability, and that is why the ICC has managed to survive so long despite its questionable record.

UNDERCHARGE

Mr. Speaker, the filed rate doctrine and the related undercharge litigation are other ICC topics worth revisiting. Here is an explanation of both:

Imagine you bought a few hamburgers a week from the corner fast-food stand when you were younger and thinner. Now, years later, you receive a letter from a lawyer representing the creditors of that hamburger stand.

Apparently, the stand went broke since you stopped eating there, and the lawyer discovered that the owner violated Federal law by selling hamburgers below the price he listed with the Interstate Hamburger Commission.

Under Federal law, fast-food operators must file their hamburger prices with the IHC in order to protect consumers from discrimination and cut-throat competition. Since you consistently paid less than the filed rate, you inadvertently violated the law. Now the creditor's lawyer is demanding several thousand dollars that you owe her clients.

Sounds absurd, does it not? But substitute transportation for hamburgers and ICC for IHC and that is exactly what happened to thousands of shippers during the 1980's, when free markets ran head long into the archaic filed rate doctrine.

What is the cost? Congress spends about $40 million a year to run the ICC. Shippers are paying lawyers millions to settle undercharge claims. It costs American consumers billions to pay for the filed rate doctrine.

Those who support the ICC also support the filed rate doctrine. Chairman DINGELL argues that rates should be set in an open forum only available at the ICC. What he does not explain is why the ICC should set rates at all.

ABANDONMENTS

Mr. Speaker, when I offered an amendment to cut funding for the ICC last year, Chairman DINGELL claimed the author—that's me—does not know what the ICC does.

As an example of my ignorance, Chairman DINGELL cited the rail line abandonment duties of the ICC. He said, "The ICC can approve the abandonment of rail lines as long as 1,000 miles or longer."

"What would you do," he asked, "if rail service were to be abandoned in your district involving a single community or a number of communities?"

I would suggest that abandoned rail lines may have been a problem when

Congress was busy regulating our rail industry into oblivion, but since deregulation, contested abandonments have become the exception rather than the rule.

Look at the numbers. Formal abandonment filings averaged 155 requests affecting over 3,000 miles of track per year in the 1970's. In contrast, the last 4 years formal filings have averaged 16 per year, affecting only 500 miles per year.

What is more revealing is the number formal abandonment requests the ICC denies. Throughout the 1970's and 1980's, despite the filing of thousands of abandonments, the ICC only denied a few applications each year.

That number has declined in the 1990's to average one per year. What Chairman DINGELL's rhetoric described as huge areas "being affected by the closure of rail service upon which those communities are dependent" was, in the real world of 1993, one line totaling 1 mile.

Mr. DINGELL's point was that without an independent agency handling these cases, we cannot protect our communities from abandonments. As the record shows, ease of entry and exit into the rail industry is the best protection our communities have.

LIVING IN THE PAST

Mr. Speaker, every argument in support of the ICC details what the Commission was supposed to do—not what it actually accomplished. The words are tributes to a glorious age of price fixing and consumer protection that never existed.

The record is clear. Before deregulation, all the industries under the ICC's jurisdiction were in serious financial trouble. Since deregulation, those industries have rebounded with a vengeance.

The ICC is not only unnecessary, it is destructive and costly. This year, I again plan to offer an amendment to kill the ICC. I hope my colleagues will support it.

DR. ELDERS SHOULD RESIGN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. WALKER] is recognized during morning business for 5 minutes.

Mr. WALKER. Mr. Speaker, our Surgeon General, Dr. Elders, was recently asked the following question. It was asked in this manner: This may not be germane, but it is close to it. Heart disease is the No. 1 killer in the United States, followed by all forms of cancer. Yet we are currently spending more money on AIDS research than either heart disease or cancer. Do you support shifting funds so that the Government spends the most money on the No. 1 killer rather than on the No. 9 killer?

Our Surgeon General, Dr. Elders, replied this way: "We know that AIDS is a ravaging disease in our country that is destroying our bright young people. We have not found the cure for this disease. We do not have a vaccine for this disease. The only thing we have is education and to try and treat them as best we can. I feel that if we do not find a vaccine, do not find a good drug, and if we do not educate our bright young people, Senator, we are going to lose our entire society. And I feel that we must continue to invest in trying to find a way to take care of this disease in our society. And as you know, most of the people who die with heart disease and cancer are our elderly population, you know, and we all will probably die with something sooner or later."

Mr. Speaker, no wonder the administration's health program sees nothing wrong with rationing health care to senior citizens through big government bureaucracies. Now we know where that attitude comes from.

Mr. Speaker, no wonder the Democratic chairman of the Committee on Ways and Means is talking about a massive restructuring of the Social Security Program, reducing benefits to middle-class elderly Americans. Now we know where that attitude comes from.

Mr. Speaker, evidently the Democrats have decided that the retired middle class are expendable, and now we know where that issue and that attitude come from.

Mr. Speaker, everyone in our society should be required to pay their fair share and carry their fair share, young and old, rich and poor. But singling out older Americans as expensive and expendable cannot be tolerated.

□ 1050

It is time for the President to ask Dr. Elders for her resignation.

A PROPOSED LETTER TO HONORABLE NEAL SMITH, CHAIRMAN OF APPROPRIATIONS SUBCOMMITTEE

The SPEAKER pro tempore (Mr. STRICKLAND). Under the Speaker's announced policy of February 11, 1994, the gentleman from New Mexico is recognized during morning business for 1 minute.

Mr. SCHIFF. Mr. Speaker, I rise to invite my colleagues on both sides of the aisle to cosign a letter with me to our colleague, the gentleman from Iowa [Mr. SMITH], who is the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

The purpose of this letter is to ask Mr. SMITH not to follow the administration's recommendations in the Justice Department's proposed budget that would actually reduce the number of Federal personnel devoted to fighting crime. In the administration's proposed budget, there is a recommendation to lose personnel in the criminal division of the Department of Justice, to lose permanent positions in the Drug Enforcement Administration and Federal Bureau of Investigation, and even in the number of criminal prosecutors in the U.S. attorneys' offices around the country. At the same time, the administration proposed increasing the number of personnel in the antitrust division.

Now, I have no opposition, of course, to prosecuting antitrust cases, but the President of the United States has very correctly and very strongly emphasized the need to prosecute the violent criminals in our society. And the President will not be able to do so without the tools to get that job done, both under the current law and under any new crime bill that we might pass.

Therefore, I urge my colleagues to join me in supporting a letter to Congressman SMITH that would say at the very least, "Don't cut the number of personnel devoted to criminal prosecution in the current fiscal year."

HEALTH CARE REFORM UPDATE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I am disappointed to see that what has started, and properly started, as meaningful debate on how to reform the Nation's health care delivery system, it has turned into a political vehicle relating to the elections in 1994.

It has changed from efforts to strengthen the delivery system, which it surely needs, to one driven by political imperative to get something done, whether or not it is useful, but if it has political ramifications.

While Congress sits on the sidelines offering scaled-down versions of President Clinton's plan, Americans are either going without coverage or locked in often to a job for fear of losing coverage. The No. 1 fix Congress could make today to help millions of Americans is to prohibit being rejected by preexisting conditions.

This is not the only reform that Republicans and Democrats agree upon. We agree that self-employed business owners should be allowed to fully deduct the cost of health insurance premiums. We believe insurance companies must offer a basic benefit package for physician and hospital care, preventive and diagnostic care. We believe medical schools should place higher priority on primary care. We also believe that administrative paperwork could and should be reduced, and the costs therein being reduced as well.

I would hope we could reach consensus on some other reforms, such as antitrust barriers which would allow small hospitals and doctors to work together to develop a delivery system in States like mine in Wyoming, where you have to move people to regional centers; to enact malpractice reform, tort reform, and allow small rural hospitals to downsize to emergency medical centers.

I realize that there are some differences on these issues that may require further debate, but these areas of disagreement do not preempt Congress from its responsibilities. If the majority is serious about health care reform, it should act now to deal with those issues upon which we can agree and which are practical to do.

Because support for the President's Government-run program has dropped, the majority is beginning to offer scaled-down versions. The proposals range from delaying price controls to limiting the size of businesses affected by employer mandates. But no one limits the involvement in the role of the Federal Government. Employer mandates, it seems to me, could be something that we should be and must be concerned about, even though they are offered at a very modest level. And Congress may say, "Well, it only affects a few, we will exempt businesses with 5 or 10 and pay subsidies." The fact is, once employer mandates are established, once employers are required to pay, you will see enacted in Congress each year legislation expanding the mandate, saying, "It doesn't cost a thing, taxpayers," and raising the contributions that are required from employers.

Each scaled-down version still establishes Government entities called health alliances to pool consumers, bargain with employers, and collect premiums. They each contain a national health board which would be in charge of one-seventh of this country's economy. And they each require the establishment of a national information system to collect health care data on every individual. These are not the changes that we need.

It is time Congress started listening to the American people. Their requests are practical and affordable. They do not want Government in charge of health care. They already see what happens when the Federal Government calls the shots—taxes go up, quality goes down, and choices are taken away.

Americans simply want to purchase coverage at an affordable price. They do not want to trade the problem of uninsurance for the problem of unemployment.

Americans want to be covered if they have a preexisting condition, and they want the flexibility of changing jobs and still keep their insurance. Most of all, they want the freedom to stay with the same insurance plan they have and see the same doctor they have seen all their lives.

It is time Congress honors these requests.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 56 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, You have created each person in Your divine image and given us the gift of life. Yet, we are created with distinctions and differences, with various ideas and backgrounds, and these contrasts can bring conflict and discord. May Your good spirit, O God, so lead and guide us that we will not only be tolerant of one another, but rather learn the positive values and the lasting benefits of respect and honor, of esteem and appreciation. Bless us and all Your people, this day and every day, we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 158, not voting 36, as follows:

[Roll No. 171]

YEAS—238

Abercrombie
Aokerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dornan
Durbin
Edwards (TX)
Eshoo
Evans
Everett
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hughes
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—158

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling

Goss
Grams
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—36

Andrews (TX)
Barlow
Bevill
Brown (CA)
Brown (OH)
Chapman
de la Garza
Derrick
Edwards (CA)
Engel
English
Farr
Foglietta
Ford (TN)
Grandy
Greenwood
Hinchey
Hoyer
Jefferson
Johnston
Kaptur
Machtley
Neal (NC)
Price (NC)
Rush
Santorum
Sharp
Smith (OR)
Stupak
Taylor (MS)
Thompson
Tucker
Velazquez
Vento
Washington
Wheat

□ 1225

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Indiana [Mr. JACOBS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. JACOBS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2042. An act to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

The message also announced that pursuant to sections 1928a–1928d, of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. SPECTER, Mr. GREGG, and Mr. BENNETT, as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the Second Session of the One Hundred Third Congress, to be held in Oslo, Norway, May 26–31, 1994.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 17, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of the certificate of election from the Secretary of State, State of Oklahoma, indicating that, according to the official returns of the Special Election held on May 10, 1994, the Honorable Frank D. Lucas was elected to the office of Representative in Congress from the Sixth Congressional District, State of Oklahoma.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON, Clerk,
U.S. House of Representatives.

OFFICE OF THE SECRETARY OF STATE, STATE OF OKLAHOMA, CERTIFICATE OF ELECTION FOR U.S. HOUSE OF REPRESENTATIVES

This is to certify that on May 10, 1994, Frank D. Lucas, was duly chosen by the qualified electors of the State of Oklahoma as United States Representative, District 6, from the State of Oklahoma to represent said State in the United States House of Representatives for the term beginning May 10, 1994 and ending January 2, 1995.

Witness: His excellency our Governor David Walters, and our seal hereto affixed at Oklahoma City, Oklahoma this 16th day of May, 1994.

By the Governor:
DAVID WALTERS,
Governor.
GLO HENLEY
Secretary of State.

OFFICIAL RETURNS DISTRICT 6, SPECIAL GENERAL ELECTION—MAY 10, 1994

Dan Webber Jr., Democrat of Okarche, 60,411 votes.

Frank D. Lucas, Republican of Cheyenne, 71,354 votes.

The foregoing is a true and correct compilation of the votes cast at the Special General Election, May 10, 1994, for the office of United States Representative, District 6.—Lance Ward, Secretary, State Election Board.

SWEARING IN OF THE HONORABLE FRANK D. LUCAS AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Member-elect from Oklahoma, the Honorable FRANK D. LUCAS, please come forward, accompanied by members of the Oklahoma delegation?

Mr. LUCAS appeared at the bar of the House, and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

A WELCOME TO THE HONORABLE FRANK D. LUCAS AS A MEMBER OF THE HOUSE

(Mr. INHOFE asked and was given permission to address the House for 1 minute.)

Mr. INHOFE. Mr. Speaker, in case the Members wondered, those in the gallery over here, I believe, can be properly identified as being from Roger Mills County in western Oklahoma.

We are very proud today to present our newest Member of the Oklahoma delegation. There is quite a change that is taking place in Oklahoma, and I am sure we are all excited about that. This makes our delegation in the House of Representatives from Oklahoma three Republicans and three Democrats. A short while ago, when I was elected, it was 5 and 1.

□ 1230

Roger Mills County is a very interesting place. It is a place that is rural America, and it is a place that has real down-to-earth values, and they are wonderful people. I wanted to say to my friends on this side of the aisle, however, it is registered 92 percent Democrat, and our Republican got 81 percent of that vote there.

I will say there was a registration drive that was very effective out there in Roger Mills County. Out of the 449 registered Republicans, he got 447 votes, and is still trying to figure out who the other 2 are. His closest town is Roll, OK, population of about 14 people. Not far away is Cheyenne, with 1,200 people and 1 stoplight. And we finally have someone who can rival the agriculture credentials of the gentleman from Kansas [Mr. ROBERTS].

Our newly elected Member graduated from Oklahoma State University with a degree in agriculture. He is a member of the Oklahoma Farm Bureau, the Oklahoma Cattlemen's Association, the Oklahoma Shorthorn Association, and is just really a great guy. He has a wife and three beautiful children who are here with him today.

So I am very proud to introduce to you an experienced businessman and effective State legislator, a strong Christian, who will bring the badly needed good, fundamental Oklahoma roots to the U.S. House of Representatives, our newest Member, the Honorable FRANK LUCAS.

EXPRESSION OF PLEASURE TO SERVE AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

(Mr. LUCAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUCAS. Mr. Speaker, Mr. INHOFE, Mr. ISTOOK, fellow Oklahoma delegation Members, and fellow Members, only 14 short weeks ago I started down this trail in a race to fulfill the unexpired term in the Sixth District of Oklahoma. Three elections later, I now have the privilege of standing before you, a part of this body, of this tremendous legislative body, I should say.

In all honesty, the things that compelled me to run for Congress were very similar things that made me run for and be elected to the State legislature in Oklahoma. When I came home from college a number of years ago to western Oklahoma and became reinvolved in my community and continued my farming business, I looked around and felt at that time that we could expect more of our State government. And being an idealistic soul, I charged off down the trail to do something about it, be it the concepts of reform, or being accountable to the taxpayers dollars, or with the effectiveness of government. Any my neighbors out there chose to send me to the State legislature.

Now, after having offered myself to them as their potential Congressman, they chose to send me to work among you, and I think no doubt probably on many of those same issues, striving for more ethical Government, striving for more reforms to make Government more efficient, trying to limit the Government's involvement in their lives, be it through their pocketbook or their purse, and I appreciate that.

Quite clearly, the last 4 months have been one of those intense periods of my life. I realize the challenges ahead that face me in my district are many and numerous. But with the interaction that I have had with you so far in my short period of time, I feel it is going to be a very rewarding experience and that together, we can do what is right for the Sixth District of Oklahoma, for Oklahoma in general, and for our Nation, and I thank you for your warm welcome and response.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will limit 1-minute speeches to 15 on each side.

POLICY REGARDING NATIONAL HEALTH REFORM BILL

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the Speaker for giving us this opportunity this morning to call attention of not only this House but the people of America to the tremendous things that are occurring with reference to the shaping and formulating of policy in the national health reform bill.

The national health reform bill is pending before many committees of the House and the Senate, but it is moving forward very rapidly in the House Committee on Education and Labor, and particularly the Subcommittee on Labor Management chaired by the gentleman from Montana [Mr. WILLIAMS].

In the chair's mark are some significant advantages for health care. The advantages that we have made over and above what the President proposed in his bill are that we are going to cover mammograms without any deductibles or copayments for women below the age of 40 every 2 years and for women above 50 years of age every year. There will be annual clinical breast exams also. We will cover pap smears annually. There will be free family planning visits. And, more importantly, we will designate ob-gyn physicians as primary care providers. This is an enormous step forward.

We have to remember when we are talking about health care reform that we are going to affect the lives and the quality of life for millions of Americans, and we want to pay special attention to the need of women in America.

WAR ON THE WEST

(Mr. THOMAS of Wyoming asked and was given permission to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the administration continues its war on the West with Bruce Babbitt as its point man. The Federal Government has become a burden in all parts of the country. Too many regulations, excessive rules, and bureaucratic overkill. But imagine what it would be like if 50 percent, up to 85 percent, of your State belonged to the Federal Government? The issue is not parks or the issue is not forests that have been set aside for a special purpose and are properly managed that way.

The problem lies with residual lands, that were simply left there after the homesteading for no particular reason. Indeed, they were managed by BLN pending disposal, but are still being managed by BLN.

In order to have an economy in a Western State, you must be able to fold in multiple-use lands into your economic future, to develop jobs, and to develop tax base, and to have support for towns and schools, and to protect the environment.

The Babbitt attack seeks to restrict this multiple use. It affects grazing and land reform, it affects oil and coal and gas. And, Mr. Speaker, this needs to be changed so that we can develop an economy and a future for the West.

WOMEN'S HEALTH

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Madam Speaker, for too long, the Federal Government ignored the health needs of women. Little research was done on diseases which afflicted women, and clinical trials of diseases which affected everyone often used only men as subjects.

But health care reform gives us the opportunity to help reverse the years of neglect. It gives us the opportunity to help the mothers, daughters, sisters, and wives whose health needs have previously been neglected.

By ensuring coverage of needed preventive and primary care services, we will make progress in the fight against many diseases. Early detection can mean the difference between life and death in the battle against breast cancer, cervical cancer, and heart disease. By guaranteeing this coverage, we give women the chance they need to live healthy lives.

Too many women have died because they could not afford a mammogram or a doctor. As a Nation—as a Congress—we cannot afford to let that happen any longer.

□ 1240

"A TO Z"

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Madam Speaker, promises, promises, promises. Our President has made a lot of promises to the American people. Unfortunately, he has not always kept them.

Remember when the President was trying desperately to buy support for his tax bill? He specifically promised to come back in September, look at the budget again, and cut more wasteful Government spending.

It is now time to hold the President to his word. We must pass legislation that cuts spending in all areas of the budget where there is waste. Let us implement the "A to Z" spending cut plan proposed by BOB ANDREWS and BILL ZELIFF. With this plan, Members could propose specific, line-item cuts, from "A to Z."

There would be no phony package deals. Each of the spending cuts would be subject to a roll call vote, and each Federal program would stand on its own merits.

The American people are demanding accountability from their leaders. I am ready to cast the tough votes to cut wasteful spending. I call upon my colleagues to join me in this historic effort.

EQUALITY IN HEALTH CARE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, universal health care coverage is critical to women who have difficulty qualifying for health insurance and are particularly at risk of losing it. Women are significantly more likely than men to be part-time, temporary, or seasonal employees. As a result, they are less likely to qualify for employer sponsored health plans, and are most vulnerable to losing their insurance through changes in employment and marital status.

However, universality is not enough. In order to provide full equality to women, health care reform must include equitable coverage for preventive health services, such as pap smears and mammographies. Full reproductive health services including abortion, family planning services, pregnancy-related care, and postreproductive care is also required to ensure a comprehensive system. This is not a political debate over mammography or abortion—rather it is the essence of health equity for women. It is only by covering the full range of our health care needs, that we will be treated as full citizens with equal access to the health care system.

THE SUPERLAWYER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, President Clinton has hired superlawyer Robert Bennett to defend him against charges of sexual harassment.

I wonder if Mr. Bennett will also defend the President's foreign policy.

If he could do that, Bennett would really be a superlawyer.

But let us face it, Madam Speaker. For many of the President's policies, there is no defense.

His foreign policy has been inconsistent, indecisive, weak, vacillating, mystifying, and maddening. He has sacrificed American leadership on the altar of domestic politics.

And the latest polls indicate the President has not impressed the public with his foreign policy efforts. In fact, 50 percent of the people do not trust the President to make the right call in international affairs.

Madam Speaker, the President has hired a superlawyer to defend him against sexual harassment charges. He needs more than a superlawyer to defend his foreign policy.

WOMEN AND CHILDREN'S HEALTH PROVISIONS IN HEALTH CARE REFORM

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Madam Speaker, as the song goes: "I'm every woman," and I rise to offer my support for the health care provisions for women and children that Chairman Pat Williams has incorporated in the health care reform bill being drafted by his Education and Labor Subcommittee on Labor-Management Relations.

If the distinctive health care needs of women and children are neglected in health care reform, how can we dare call it universal? Without correcting the longstanding failure to recognize the health needs that are characteristic of women and those which are characteristic of children, how can we possibly call this legislation reform?

The benefits added in committee by Chairman WILLIAMS are essentially preventive or rehabilitative in nature. Preventive medicine has been called by all of us as the cost-effective approach to health care reform. It is also the most compassionate. It avoids a future of unnecessary suffering.

For women, it provides, among other services, reproductive health care and regular checkups for cancer. For children with chronic and congenital conditions, it provides for rehabilitation services.

Only by oversight, not by design, was this latter benefit left out of the administration's proposal. Only through inexplicable callousness could we fail to incorporate it in our final proposal to the President.

Madam Speaker, these are good proposals, seeking good outcomes, both in terms of fiscal responsibility and in the quality of life. I urge they remain intact in any final bill we draft.

Madam Speaker, "I'm every woman, and so are you."

SECOND THOUGHTS ABOUT CLINTON

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, how do the American people feel about President Bill Clinton?

Well, according to the latest polls, not so good.

In fact, 50 percent of the people don't trust the President to make the right decision on foreign policy.

Indeed, in the latest election, the voters of Oklahoma voiced their disapproval of the President by voting against the Democrat in a Democrat-district by a wide margin.

The President's coattails are more like scorpion tails, deadly to all Democrats who do not run away fast enough.

I would like to extend my congratulations to our newest colleague, FRANK LUCAS.

He promoted the Republican message of less taxes, less government, and less spending. He was rewarded with a victory that must make the White House very nervous.

SERVICES FOR CHILDREN IN HEALTH REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, in the United States today, too many children live in poverty, our infant mortality rate is still too high, and children still are not properly vaccinated. And too many women do not get the health care and screening services that could save their lives.

We have the opportunity to help turn this around through health care reform. The plan the President sent to Congress takes a giant step in the right direction by providing for immunizations, mammograms, and pap smears in the preventive services portion of the guaranteed benefits package.

And now the Labor-Management Relations Subcommittee has made some important improvements for both women and children by expanding those benefits. Chairman WILLIAMS' plan would increase mammogram screening without copayments to every 2 years for women between ages 40 and 49, and every year for women age 50 and above. Pap smears would be available without copayments for women of childbearing age. And for children, outpatient rehabilitation services would be expanded to include coverage for children with chronic and congenital conditions.

Madam Speaker, I applaud the work of Chairman WILLIAMS' subcommittee and I strongly urge my colleagues to lend their support for comprehensive preventive health services for women and children in the final health care reform legislation.

EMPLOYER MANDATES MEAN LOST EMPLOYEE JOBS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the American Chamber of Commerce recently polled its members on the various health care plans.

They asked their members about a Government-run health care plan, like the one proposed by President Clinton, one that would be paid for by more taxes on individuals, one that would be paid for with more taxes on businesses.

What did the Chamber members say? They resoundingly rejected the plan 87 percent to just 8 percent.

The people who know business best, the people who know what taxes mean to the economy, said "no" in a landslide.

The people who know, said "no," for a basic reason: employer mandates mean lost employee jobs. In fact, over 1 million jobs are projected to be lost if the Clinton health plan passes.

The free lunch theory that only employers pay employer mandates is pure fantasy. The truth is everyone pays employer mandates. The employer pays on the balance sheet, the employee pays at the closed factory gate, and the consumer pays at the ringing cash register.

With the Clinton health care plan, everyone will pay and pay and pay.

IN SUPPORT OF REPRESENTATIVE PAT WILLIAMS' VERSION OF H.R. 3600

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Madam Speaker, I want to commend Subcommittee Chairman PAT WILLIAMS of the Committee on Education and Labor for his outstanding universal health care plan. It is based on a simple principle: Every person in this Nation has the right to decent and affordable health care. While some Americans have always had access to such care, others have not.

It has been 3 years since the General Accounting Office [GAO] gave us the disturbing news that medical research was done mainly by men on men for men. This was compounded by reports that women received less aggressive treatment that men for heart disease and others serious illnesses. Since the release of that first GAO study, my Women's Caucus colleagues and I have been educating and advocating and fighting for equal attention to women's health.

As our country moves toward a comprehensive health care system, we feel this is our best shot at guaranteeing that women's health—of which reproductive health is a significant part—is treated equal to men's. How can we do this?—By ensuring that women have direct access to ob/gyns without referral from a gate keeper; by demanding that comprehensive reproductive health services are covered as standard services; and by requiring that women are covered for regular mammograms and pap smears.

In short, we can do this by passing the Williams bill. I hope you will join me in supporting this vital initiative to protect women's health and women's lives.

□ 1250

STATUTORILY MANDATED RTC OVERSIGHT HEARING IS 150 DAYS PAST DUE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Madam Speaker, under rule of law, the House Banking Committee is required to hold an oversight hearing on the Resolution Trust Corporation 30 days after the release of the Thrift Depositor Protection Oversight Board's report on the activities of the RTC.

Although two oversight hearings are required each year, the last hearing took place in March of 1993. The committee should have held the next hearing in December of 1993 but that hearing was never scheduled.

It is now May 1994 and the statutorily mandated hearing is some 150 days behind schedule.

Madam Speaker, the end of this month marks the deadline for the next statutorily-mandated oversight hearing. We do not even have a precedent on how to proceed when one unscheduled statutorily-mandated hearing overlaps another unscheduled statutorily-mandated hearing.

This blatant circumvention of the law is one more symptom of the lack of disclosure surrounding what has become known as Whitewater and it highlights one of the reasons why the public holds Congress in such contempt.

Madam Speaker, it is the worst kind of hypocrisy when Members of Congress who write the law do not obey the law.

WOMEN'S HEALTH PROVISIONS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, as a member of the Labor-Management Relations Subcommittee, I am extremely proud of the women's health provisions contained in the subcommittee's health care bill.

Our bill improves coverage of services that women urgently need such as mammograms, breast exams, and pap smears. Further it makes sure that the same benefits women now have in their private health care plans are maintained—including coverage of abortion, and direct access to OB–GYN providers—ensuring that the more than 7 million women who now visit their OB–GYN for primary care can continue to do so.

Make no mistake, Madam Speaker, if the final health care plan does not address women's health care needs, it will be a giant step backward for women.

I urge my colleagues on other committees considering health care legislation to follow the lead of the Labor-Management Relations Subcommittee and adopt similar provisions that will improve the health of the women of this Nation.

FOREIGN POLICY AND INDIA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, President Clinton wants to improve his foreign policy image and I have a suggestion for him: Tomorrow in this Chamber the Prime Minister of India will be speaking to a joint session of Congress and the President will have an opportunity to talk with the Prime Minister of India.

Madam Speaker, right now in northwestern India in a place called Punjab, in a place called Kashmir, 1.1 million Indian troops are gang-raping women, torturing men, women and children, putting people in jail without just cause, without any due process of law, and horrible things go on day and night and it has been going on for years.

Madam Speaker, just recently a woman named Kanwar Singh Dhami in Punjab who was about 6 months pregnant was hung upside down by her heels for several hours until she had a miscarriage because her husband and she and her 6-year-old son believe in human rights, democracy, and freedom in Punjab. In Kashmir a wedding party consisting of the bride, the groom and a bunch of people was stopped, their bus was ransacked and the bride was gang-raped.

Madam Speaker, we need to tell the Prime Minister of India we will not tolerate those kinds of human rights abuses.

WOMEN'S HEALTH CARE REFORM

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Madam Speaker, health care reform is critical to the women of America. For far too long, our health has been neglected, and our families have suffered.

We face a historic opportunity to correct past inequities in women's health care—an opportunity we cannot afford to miss.

That is why I am so pleased to support the benefits package being considered by the Education and Labor Committee. My colleagues on that committee, including Congresswomen MINK, UNSOELD, WOOLSEY, and ENGLISH, and Chairman WILLIAMS, have worked hard to craft a package that will restore fairness and sensibility to women's health care. There can be no doubt that it will improve women's lives, and save health care dollars.

I want to note just some of the expanded provisions that are so important to women and their families:

Comprehensive mammography screening that will ensure women access to this vital service;

Annual PAP smears and pelvic exams with no cost sharing;

Family planning visit with no cost sharing;

Expanded coverage of contraceptive drugs and devices;

And improved benefits for our children.

Madam Speaker, the task before us is great. The potential benefits are tremendous. We must seize this opportunity to ensure health equity once and for all.

NEA CONTINUES WITH CONTROVERSIAL GRANTS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the new chairwoman of the National Endowment for the Arts, Jane Alexander, has awarded $78 million in new contracts from the NEA, but, my colleagues, I am concerned about two of the grants that were issued. NEA has granted tax dollars to two artists whose past projects have degraded Christianity and promoted illicit homosexual behavior.

Madam Speaker, I could go into detail of these past works of Holy Hughes and Tim Miller but suffice it to say that they used explicit sexual themes which were obscene.

These two performance artists even sued the NEA for rejecting their applications in the past but they are still receiving thousands of taxpayer dollars for their work.

Madam Speaker, the folks in Washington and New York may laugh and belittle those of us who oppose funding this type of art but the people beyond the Beltway know better and they will make their voices heard as they find out what kind of art our Government continues to fund.

WELCOME TO PRIME MINISTER RAO OF INDIA

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Madam Speaker, I rise today to welcome to Washington Prime Minister Rao of India. I look forward to attending the joint session which he will address tomorrow and to sharing with him my interest in closer relations between our two countries.

India, the world's largest democracy, has already established a free market economy. Their markets are open to foreign investment and their trade barriers have been slashed. India, with its burgeoning middle/consumer class, has outstanding potential for United States products and businesses.

Both the United States and India have, of late, forgotten why our two democracies have traditionally been close allies. I hope that Prime Minister Rao's visit will both remind us why we have been friends and illustrate how a closer future relationship will benefit both countries.

THE ADMINISTRATION'S FOREIGN POLICY

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, the candor of the Clinton administration on foreign policy concerns me.

Whom do we believe? Is the Clinton administration giving us the straight scoop?

Does the President want it both ways? While he supports U.N. control of our troops in foreign military operations, he also wants the American public, or some of them who have lost loved ones in U.N. operations, to think otherwise.

A local newspaper in my district on May 13 carried an Associated Press story which makes me skeptical and should concern every American.

The President, while meeting with relatives of soldiers killed in Somalia said he was surprised and angry that Army Rangers launched the ill-fated raid last fall.

His immediate reaction was, and I quote, "Why did they launch the raid?" But last fall at the time of the raid, the President called it a very successful mission and released a statement supporting U.N. policy and seeking Aidid's arrest.

Now, Madam Speaker, which way is it? My guess is the President wants it both ways.

THE PRESIDENT'S FOREIGN POLICY

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Madam Speaker, there has been a lot of noise from a few frowning experts who find fault with the President's foreign policy. They say he is out of touch with the great bipartisan tradition.

Since that tradition more often than not was to kill our kids for points in the polls, Mr. Clinton can take pride in the criticism.

If his unwillingness to borrow money to borrow trouble in other peoples' wars is bad policy, then, to paraphrase the Lincoln story, we should get cases of that bad policy and send them to all of our Presidents.

THE PRESIDENT'S ROADMAP

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Madam Speaker, the President tried to provide the world a clear road map to his foreign policy during an international townhall meeting.

Unfortunately, according to the latest poll, most Americans believe the President is still lost. Some 53 percent disapprove of the way the President conducts his foreign policy, and an astonishing 48 percent do not trust him to make the right decision.

On the Clinton foreign policy map, there are so many U-turns, dead ends, forked crossings, and wrong ways, the people need more than a map to figure out where this President is going. They need a fortune teller.

Madam Speaker, why is it the President seems to have his map turned upside down when it comes to foreign affairs? Is it because he spends so little of his time and energy on this vital subject?

President Clinton may have a foreign policy road map, but most Americans wish he would pull over and ask for directions.

INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, it may be mid-May but I want to talk about the Grinch that stole Christmas, the IRS.

In 1991, Charles Benjamin, a laid-off plumber in Pennsylvania, took tax exemptions for his 10 children like he is allowed to. The IRS said, "No way, Mr. Benjamin. No one in America these days can afford to have 10 kids. We don't believe it. Prove it."

Mr. Benjamin sent in their proof, Social Security cards, birth certificates, notarized records from the school system and they said, "That is not enough." They went to the bank and took $4,000 this man had, laid off, which was Christmas money and family money.

□ 1300

Ladies and gentlemen, this is out of control, and Congress should be ashamed of themselves.

When it was pressed, do you know what the IRS said? "Mr. Benjamin, prove it, prove it. We do not believe you."

Discharge petition No. 12 says whenever you go to court, Mr. Archer, for tax fraud or tax evasion, the burden of proof is on the Secretary. If it is good enough for the Son of Sam, it is good enough for Mr. Benjamin and his 10 kids.

Think about it.

HEED ADVICE FROM THE PEOPLE OF OKLAHOMA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Madam Speaker and my colleagues, today we welcome FRANK LUCAS to the Chamber as our newest Member from the Sixth District of Oklahoma.

The Sixth District of Oklahoma for the last 20 years has sent democrats to Washington. As a matter of fact, the district is a 2 to 1 Democrat majority district. It should not surprise a lot of people that they sent them.

Why did they send a Republican? Could it be they do not want higher taxes, larger government? Could it be they do not want national health care and the Government controlling their health care system? Perhaps they do not feel like they are getting their money's worth from their hard-earned tax dollars out of Washington back to their district.

I think the people of Oklahoma have made a wise decision. I think they have also sent a message to all of us in this Chamber that it is time the U.S. Congress listens clearly to the American people that do not want higher taxes and larger bureaucratic government.

We ought to heed their advice.

ANNOUNCING SPECIAL ORDER TONIGHT IN TRIBUTE TO THE HONORABLE WILLIAM NATCHER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, on behalf of the Kentucky delegation, I take this moment to advise the House that tonight following legislative business we will have a special order to honor our late and revered colleague, the gentleman from Kentucky, Congressman William Natcher.

All of us know that Bill was in life a remarkable human being, a remarkable legislative leader, a great legislative tactician, but most of all, we know him as a courtly, genteel, gentlemanly person who graced this Chamber.

So those who are available to take part actually in the special order tonight are certainly welcome. Members who cannot be here, any statement will be happily received and made part of the RECORD.

But that special order on behalf of Congressman Natcher will be tonight following legislative business.

PASS SPENDING CUTS FROM A TO Z

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, in private industry things work a little differently than they do in Congress.

Before being a Member of Congress, I sold business insurance, and if I told a customer that his premium was not going to go up over last year, that meant he was going to pay the same amount of money. But not so in Congress. In Congress, when we say there is no increase in spending, we simply mean there is not going to be as much of an increase as projected.

When we say there is going to be a cut, what we mean is there is going to be a decrease in the projected increase, not a real cut the way you and I think of a cut in our households or businesses.

There is a solution to change this foolishness, Madam Speaker, and that is the spending cuts of the A-to-Z plan. It will give Members of Congress a real chance for deficit reduction. It will give us a chance to vote on specific, enumerated spending cuts which will be a welcome breath of fresh air.

Let us pass spending cuts from A to Z.

WELCOMING INDIA'S PRIME MINISTER RAO TO WASHINGTON

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to take a few moments to comment on a historic event that will take place tomorrow in this Chamber.

As you know, the Prime Minister of India, the Honorable Narasimha Rao, will deliver the first joint-session address by an Indian leader in more than 9 years, and the first to address the Congress by any foreign dignitary during the Clinton administration.

In 1947, India became the world's largest democracy when it gained independence from Great Britain. During the first four decades of independence, the Government of India has tried to meet the needs of India's diverse cultures, an enormous population of approximately 885 million people now.

I realize India still faces serious problems with Pakistan over the nuclear issue, the problems with the Kashmir and Punjab provinces, but I believe Prime Minister Rao's visit to our country is part of the democratic process whereby our two governments will make every effort to resolve those differences and promote economic growth and prosperity which now approaches approximately $6 billion worth of trade between our two countries.

I know our colleagues join me in welcoming Prime Minister Rao to Washington, and we all look forward to hearing his vision of the future of United States-India relations.

A TO Z

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, one side says the budget deficit is the result of the same old "tax and spend." The other side says that the only alternative is to "borrow and spend." What is the common ingredient here? That is right—spending.

If we are serious about eliminating the budget deficit and restoring the people's confidence in Government, we must have the courage to cut wasteful spending. The "A-to-Z Spending Cuts Plan"—sponsored by Representative ROB ANDREWS and BILL ZELIFF—can give us the chance to make those cuts.

While business after business in America is slashing operating costs, cutting out unnecessary spending to be more competitive, the Federal budget continues its bloated ways. The "A-to-Z" plan will allow us to get at the outdated, inefficient or just plain worthless spending that is spread throughout our budget. By trimming the budget fat with targeted amendments, we can restore fiscal health to our country. Like America's leaner corporations, our Nation can become more competitive worldwide.

I urge everyone of my colleagues to support the "A-to-Z" plan. Let us bring this plan to the House floor so we can get serious about cutting wasteful spending.

BROWN VERSUS BOARD ANNIVERSARY SHOULD SPARK RACIAL DIALOG

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the 40th anniversary of the Brown versus Board of Education decision commemorates one of the most crucial moments in the history of modern America.

I was 14 years old when the Supreme Court issued the Brown decision. For me and many others, the decision gave us a feeling of optimism and hope. The decision created the climate for a nonviolent civil rights movement. As a participant in that movement, I feel a deep sense of pride and accomplishment in how far we have come in these past 40 years.

And yet, 40 years after the Brown decision, I fear that many Americans have forgotten how important the battle against racism is to the overall health of our Nation's democracy.

There is a feeling that race is no longer a central issue. We do not talk about race in America anymore. We need to engage in a very serious dialog as a nation and as a people; a real debate and a major discussion on the issue of race. As a nation and as a people, we must continue to lay down the burden of race. As we move toward the 21st century, there is a need at the highest level of Government for our leaders to summon a national summit on race. We should say that we are one nation; one people; one house and one family; the American house and the American family.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise the gallery that our guests are welcome, and we are happy to have you here, but it is not permissible to take part or to demonstrate regarding debate on the House floor.

PRESIDENT'S DEFENSE BUDGET DESTROYING OUR NATIONAL SECURITY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, President Clinton's defense budget is destroying our national security.

We live in a very dangerous world with North Korea acquiring nuclear weapons; the Balkans continue to explode, there is massive death in Africa; China is attempting to take over the superpower status previously enjoyed by the Soviet Union, claiming most of the territory in the South China Sea; the former Soviet states are still unstable, and still possess nuclear weapons.

Against this backdrop of danger, President Clinton is massively cutting the national security budget of the United States. He is cutting about 1,600 young people out of uniform every week. We are cutting back combat aircraft to roughly 50 percent of what they were just a few years ago. We are stretching our operating tempo to the limits, and we are returning to the hollow forces of the 1970's.

□ 1310

The Republicans stand for a strong defense. In a day or so, when the Committee on Armed Services bill reaches the floor, we are going to try to bring this House to a consensus, to a logical consensus, that we need to invest more in defense if we are going to remain strong in this very dangerous world.

Democrats would be well advised to join us.

A COURT-ORDERED GOLD HEIST

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker and my colleagues, today's Washington Post contains a story captioned "A Court-Ordered Gold Heist." It points out in the article that yesterday Secretary Babbitt signed a deed from the American people to a Canadian company for 1,950 acres in Nevada. The Canadian company paid less than $10,000 for the 1,950 acres, which is estimated to contain $10 billion worth of gold. What a bargain for this company but not for the taxpayers.

This is the result of the 1872 Mining Law, a law that is now more than 130 years old. This is a rip-off of the American taxpayer, a rip-off of the American people. If we could get mining reform, this would not happen.

The House Subcommittee on Interior Appropriations, in its bills, has for the past 4 years included a moratorium on issuing patents. This has passed the House, but unfortunately, it has been removed in conference. So the result is that the United States conveys this valuable, valuable acreage for a pittance because of the provisions in this antiquated law. What an outrage. The Mining Act needs reform in the worst kind of way.

APPOINTMENT OF ADDITIONAL CONFEREES ON HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the Chair appoints the following conferees on the House amendments to the Senate amendment to the bill (H.R. 3355) to control and prevent crime:

As additional conferees from the Committee on Agriculture, for consideration of sections 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

Messrs. DE LA GARZA, ROSE, STENHOLM, ROBERTS, and POMBO.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201–04, 2301, and 4901–33 of the Senate amendment, and sections 1031(b), 1038, and 1099AA–1099CC of the House amendment, and modifications committed to conference:

Messrs. GONZALEZ, NEAL of North Carolina, VENTO, LEACH, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of sections 631–33, 622(e), 662(f), 811–16, 921–28, 1121–50, 1331, 2801–03, 3261, 3263, 3311, 3341, 3351, 3361, 3381–83, 3501, 3707, 4001–09, 4301–04, 4701–02, 4801–09, 4901–4933, 5120, 5122, 5135, 5140, 5142–43, and 5147 of the Senate amendment, and sections 1010–26, 1030–34, 1038, 1051–52, 1065–71, 1081–96 1099A–1099G, 1099H–1099O, 1099P–1099T, 1606, 1610, 1653–54, 1902(e), 1902(f), 2201–02, 2701–39, 3061–62, 3089–90, of the House amendment, and modifications committed to conference:

Messrs. FORD of Michigan, KILDEE, MARTINEZ, GOODLING, and BALLENGER.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503–04, 1511–23, 1532, 1534–35, 1537, 1902(e), 3101–03, 3261, and 5166 of the Senate amendment, and sections 1010–26, 1041–44, 1606, 2901–03, and 3086 of the House amendment, and modifications committed to conference:

Mr. DINGEL, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. MOORHEAD, and Mr. BLILEY.

Provided, Mr. OXLEY is appointed in lieu of Mr. BLILEY solely for the consideration of sections 1334, 1902(e). and 3101–03 of the Senate amendment and sections 2901–03 of the House amendment.

Provided, Mr. STEARNS is appointed in lieu of Mr. BLILEY solely for the consideration of section 3086 of the House amendment.

As additional conferees from the Committee on Government Operations, for consideration of sections 1353–54, 1535, and 5150 of the Senate amendment, and sections 1075–76 of the House amendment, and modifications committed to conference:

Messrs. WAXMAN, LANTOS, TOWNS, CLINGER, and MCCANDLESS.

Provided, Messrs. SPRATT and KYL are appointed in lieu of Messrs. WAXMAN and CLINGER solely for the consideration of sections 1535 and 5150 of the Senate amendment.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713–15, 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

Messrs. STUDDS, ORTIZ, HOCHBRUECKNER, FIELDS of Texas, and YOUNG of Alaska.

As additional conferees from the Committee on Natural Resources, for consideration of sections 3232–33, 4601–08, and 5145 of the Senate amendment and sections 1099U–1099Z of the House amendment, and modifications committed to conference:

Mr. MILLER of California, Mr. VENTO, Ms. SHEPHERD, Mr. YOUNG of Alaska, and Mrs. VUCANOVICH.

Provided, Ms. ENGLISH of Arizona is appointed in lieu of Ms. SHEPHERD solely for the consideration of sections 4601–08 of the Senate amendment.

Mr. HINCHEY is appointed in lieu of Ms. SHEPHERD solely for the consideration of sections 1099U–1099Z of the House amendment.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference:

Messrs. CLAY, MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Rules, for consideration of sections 1353–54 of the Senate amendment, and modifications committed to conference:

Messrs. MOAKLEY, DERRICK, BEILENSON, SOLOMON, and GOSS.

As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515–16, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, ARCHER, and CRANE.

There was no objection.

The SPEAKER pro tempore. The clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the first two motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

Additonal suspensions, to be considered later today, will have their votes postponed until tomorrow Wednesday, May 18, 1994.

TAX SIMPLIFICATION AND TECHNICAL CORRECTIONS ACT OF 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3419) to simplify certain provisions of the Internal Revenue Code of 1986, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Simplification and Technical Corrections Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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TITLE I—PROVISIONS RELATING TO INDIVIDUALS

Subtitle A—Provisions Relating to Rollover of Gain on Sale of Principal Residence

SEC. 101. MULTIPLE SALES WITHIN ROLLOVER PERIOD.

(a) GENERAL RULE.—

(1) Section 1034 (relating to rollover of gain on sale of principal residence) is amended by striking subsection (d).

(2) Paragraph (4) of section 1034(c) is amended to read as follows:

"(4) If the taxpayer, during the period described in subsection (a), purchases more than 1 residence which is used by him as his principal residence at some time within 2 years after the date of the sale of the old residence, only the first of such residences so used by him after the date of such sale shall constitute the new residence."

(3) Subsections (h)(1) and (k) of section 1034 are each amended by striking "(other than the 2 years referred to in subsection (c)(4))".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales of old residences (within the meaning of section 1034 of the Internal Revenue Code of 1986) after the date of the enactment of this Act.

SEC. 102. SPECIAL RULES IN CASE OF DIVORCE.

(a) IN GENERAL.—Subsection (c) of section 1034 is amended by adding at the end thereof the following new paragraph:

"(5) If—

"(A) a residence is sold by an individual pursuant to a divorce or marital separation, and

"(B) the taxpayer used such residence as his principal residence at any time during the 2-year period ending on the date of such sale,

for purposes of this section, such residence shall be treated as the taxpayer's principal residence at the time of such sale."

(b) Effective Dates.—The amendment made by subsection (a) shall apply to sales of old residences (within the meaning of section 1034 of the Internal Revenue Code of 1986) after the date of the enactment of this Act.

Subtitle B—Other Provisions

SEC. 111. DE MINIMIS EXCEPTION TO PASSIVE LOSS RULES.

(a) General Rule.—Section 469 (relating to passive activity losses and credits limited) is amended—

(1) by striking subsection (m),

(2) by redesignating subsection (l) as subsection (m), and

(3) by inserting after subsection (k) the following new subsection:

"(l) De Minimis Exception.—

"(1) In general.—In the case of a natural person, subsection (a) shall not apply to the passive activity loss for any taxable year if the amount of such loss does not exceed $200.

"(2) Exception for items attributable to publicly traded partnerships.—This subsection shall not apply to items treated separately under subsection (k) (and such items shall not be taken into account in determining whether paragraph (1) applies to the taxpayer for the taxable year with respect to other items).

"(3) Estates eligible.—For purposes of this subsection, an estate shall be treated as a natural person with respect to any taxable year ending less than 2 years after the death of the decedent.

"(4) Married individuals filing separately.—

"(A) In general.—This subsection shall not apply to a taxpayer who—

"(i) is a married individual filing a separate return for the taxable year, and

"(ii) does not live apart from his spouse at all times during such taxable year.

"(B) Limitation.—Paragraph (1) shall be applied by substituting '$100' for '$200' in the case of a married individual who files a separate return for the taxable year and to whom this subsection applies after the application of subparagraph (A)."

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 56(b)(1) is amended by striking clause (ii) and redesignating the following clauses accordingly.

(2) Subsection (b) of section 58 is amended by inserting "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(3) Paragraph (4) of section 163(d) is amended by striking subparagraph (E).

(4) Subsection (d) of section 163 is amended by striking paragraph (6).

(5) Subsection (h) of section 163 is amended by striking paragraph (5).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 112. PAYMENT OF TAX BY CREDIT CARD.

(a) General Rule.—Section 6311 is amended to read as follows:

"SEC. 6311. PAYMENT BY CHECK, MONEY ORDER, OR OTHER MEANS.

"(a) Authority To Receive.—It shall be lawful for the Secretary to receive for internal revenue taxes (or in payment for internal revenue stamps) checks, money orders, or any other commercially acceptable means that the Secretary deems appropriate, including payment by use of credit cards or debit cards, to the extent and under the conditions provided in regulations prescribed by the Secretary.

"(b) Ultimate Liability.—If a check, money order, or other method of payment, including payment by credit card or debit card, so received is not duly paid, or is paid and subsequently charged back to the Secretary, the person by whom such check, or money order, or other method of payment has been tendered shall remain liable for the payment of the tax or for the stamps, and for all legal penalties and additions, to the same extent as if such check, money order, or other method of payment had not been tendered.

"(c) Liability of Banks and Others.—If any certified, treasurer's, or cashier's check (or other guaranteed draft), or any money order, or any other means of payment that has been guaranteed by a financial institution (such as a credit card or debit card transaction which has been guaranteed expressly by a financial institution) so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for—

"(1) the amount of such check (or draft) upon all assets of the financial institution on which drawn,

"(2) the amount of such money order upon all the assets of the issuer thereof, or

"(3) the guaranteed amount of any other transaction upon all the assets of the institution making such guarantee,

and such amount shall be paid out of such assets in preference to any other claims whatsoever against such financial institution, issuer, or guaranteeing institution, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such financial institution.

"(d) Payment by Other Means.—

"(1) Authority to prescribe regulations.—The Secretary shall prescribe such regulations as the Secretary deems necessary to receive payment by commercially acceptable means, including regulations that—

"(A) specify which methods of payment by commercially acceptable means will be acceptable,

"(B) specify when payment by such means will be considered received,

"(C) identify types of nontax matters related to payment by such means that are to be resolved by persons ultimately liable for payment and financial intermediaries, without the involvement of the Secretary, and

"(D) ensure that tax matters will be resolved by the Secretary, without the involvement of financial intermediaries.

"(2) Authority to enter into contracts.—Notwithstanding section 3718(f) of title 31, United States Code, the Secretary is authorized to enter into contracts to obtain services related to receiving payment by other means where cost beneficial to the Government and is further authorized to pay any fees required by such contracts.

"(3) Special provisions for use of credit cards.—If use of credit cards is accepted as a method of payment of taxes pursuant to subsection (a)—

"(A) a payment of internal revenue taxes (or a payment for internal revenue stamps) by a person by use of a credit card shall not be subject to section 161 of the Truth-in-Lending Act (15 U.S.C. 1666), or to any similar provisions of State law, if the error alleged by the person is an error relating to the underlying tax liability, rather than an error relating to the credit card account such as a computational error or numerical transposition in the credit card transaction or an issue as to whether the person authorized payment by use of the credit card,

"(B) a payment of internal revenue taxes (or a payment for internal revenue stamps) shall not be subject to section 170 of the Truth-in-Lending Act (15 U.S.C. 1666i), or to any similar provisions of State law,

"(C) a payment of internal revenue taxes (or a payment for internal revenue stamps) by a person by use of a debit card shall not be subject to section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), or to any similar provisions of State law, if the error alleged by the person is an error relating to the underlying tax liability, rather than an error relating to the debit card account such as a computational error or numerical transposition in the debit card transaction or an issue as to whether the person authorized payment by use of the debit card,

"(D) the term 'creditor' under section 103(f) of the Truth-in-Lending Act (15 U.S.C. 1602(f)) shall not include the Secretary with respect to credit card transactions in payment of internal revenue taxes (or payment for internal revenue stamps), and

"(E) notwithstanding any other provision of law to the contrary, in the case of payment made by credit card or debit card transaction of an amount owed to a person as the result of the correction of an error under section 161 of the Truth-in-Lending Act (15 U.S.C. 1666) or section 908 of the Electronic Fund Transfer Act (15 U.S.C. 1693f), the Secretary is authorized to provide such amount to such person as a credit to that person's credit card or debit card account through the applicable credit card or debit card system.

"(e) Confidentiality of Information.—

"(1) In general.—Except as otherwise authorized by this subsection, no person may use or disclose any information relating to credit or debit card transactions obtained pursuant to section 6103(k)(8) other than for purposes directly related to the processing of such transactions, or the billing or collection of amounts charged or debited pursuant thereto.

"(2) Exceptions.—

"(A) Debit or credit card issuers or others acting on behalf of such issuers may also use and disclose such information for purposes directly related to servicing an issuer's accounts.

"(B) Debit or credit card issuers or others directly involved in the processing of credit or debit card transactions or the billing or collection of amounts charged or debited thereto may also use and disclose such information for purposes directly related to—

"(i) statistical risk and profitability assessment;

"(ii) transferring receivables, accounts, or interest therein;

"(iii) auditing the account information;

"(iv) complying with Federal, State, or local law; and

"(v) properly authorized civil, criminal, or regulatory investigation by Federal, State, or local authorities.

"(3) Procedures.—Use and disclosure of information under this paragraph shall be made only to the extent authorized by written procedures promulgated by the Secretary.

"(4) Cross reference.—

"For provision providing for civil damages for violation of paragraph (1), see section 7431."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 64 is amended by striking the item relating to section 6311 and inserting the following:

"Sec. 6311. Payment by check, money order, or other means."

(c) AMENDMENTS TO SECTIONS 6103 AND 7431 WITH RESPECT TO DISCLOSURE AUTHORIZATION.—

(1) Subsection (k) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end thereof the following new paragraph:

"(8) DISCLOSURE OF INFORMATION TO ADMINISTER SECTION 6311.—The Secretary may disclose returns or return information to financial institutions and others to the extent the Secretary deems necessary for the administration of section 6311. Disclosures of information for purposes other than to accept payments by checks or money orders shall be made only to the extent authorized by written procedures promulgated by the Secretary."

(2) Section 7431 (relating to civil damages for unauthorized disclosure of returns and return information) is amended by adding at the end thereof the following new subsection:

"(g) SPECIAL RULE FOR INFORMATION OBTAINED UNDER SECTION 6103(k)(8).—For purposes of this section, any reference to section 6103 shall be treated as including a reference to section 6311(e)."

(3) Section 6103(p)(3)(A) is amended by striking "or (6)" and inserting in lieu thereof "(6), or (8)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day 9 months after the date of the enactment of this Act.

SEC. 113. MODIFICATIONS TO ELECTION TO INCLUDE CHILD'S INCOME ON PARENT'S RETURN.

(a) ELIGIBILITY FOR ELECTION.—Clause (ii) of section 1(g)(7)(A) (relating to election to include certain unearned income of child on parent's return) is amended to read as follows:

"(ii) such gross income is more than the amount described in paragraph (4)(A)(ii)(I) and less than 10 times the amount so described,".

(b) COMPUTATION OF TAX.—Subparagraph (B) of section 1(g)(7) (relating to income included on parent's return) is amended—

(1) by striking "$1,000" in clause (i) and inserting "twice the amount described in paragraph (4)(A)(ii)(I)", and

(2) by amending subclause (II) of clause (ii) to read as follows:

"(II) for each such child, 15 percent of the lesser of the amount described in paragraph (4)(A)(ii)(I) or the excess of the gross income of such child over the amount so described, and".

(c) MINIMUM TAX.—Subparagraph (B) of section 59(j)(1) is amended by striking "$1,000" and inserting "twice the amount in effect for the taxable year under section 63(c)(5)(A)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 114. SIMPLIFIED FOREIGN TAX CREDIT LIMITATION FOR INDIVIDUALS.

(a) GENERAL RULE.—Section 904 (relating to limitations on foreign tax credit) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) SIMPLIFIED LIMITATION FOR CERTAIN INDIVIDUALS.—

"(1) IN GENERAL.—In the case of an individual to whom this subsection applies for any taxable year, the limitation of subsection (a) shall be the lesser of—

"(A) 25 percent of such individual's gross income for the taxable year from sources without the United States, or

"(B) the amount of the creditable foreign taxes paid or accrued by the individual during the taxable year (determined without regard to subsection (c)).

No taxes paid or accrued by the individual during such taxable year may be deemed paid or accrued in any other taxable year under subsection (c).

"(2) INDIVIDUALS TO WHOM SUBSECTION APPLIES.—This subsection shall apply to an individual for any taxable year if—

"(A) the entire amount of such individual's gross income for the taxable year from sources without the United States consists of qualified passive income,

"(B) the amount of the creditable foreign taxes paid or accrued by the individual during the taxable year does not exceed $200 ($400 in the case of a joint return), and

"(C) such individual elects to have this subsection apply for the taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PASSIVE INCOME.—The term 'qualified passive income' means any item of gross income if—

"(i) such item of income is passive income (as defined in subsection (d)(2)(A) without regard to clause (iii) thereof), and

"(ii) such item of income is shown on a payee statement furnished to the individual.

"(B) CREDITABLE FOREIGN TAXES.—The term 'creditable foreign taxes' means any taxes for which a credit is allowable under section 901; except that such term shall not include any tax unless such tax is shown on a payee statement furnished to such individual.

"(C) PAYEE STATEMENT.—The term 'payee statement' has the meaning given to such term by section 6724(d)(2).

"(D) ESTATES AND TRUSTS NOT ELIGIBLE.—This subsection shall not apply to any estate or trust."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 115. TREATMENT OF PERSONAL TRANSACTIONS BY INDIVIDUALS UNDER FOREIGN CURRENCY RULES.

(a) GENERAL RULE.—Subsection (e) of section 988 (relating to application to individuals) is amended to read as follows:

"(e) APPLICATION TO INDIVIDUALS.—

"(1) IN GENERAL.—The preceding provisions of this section shall not apply to any section 988 transaction entered into by an individual which is a personal transaction.

"(2) EXCLUSION FOR CERTAIN PERSONAL TRANSACTIONS.—If—

"(A) nonfunctional currency is disposed of by an individual in any transaction, and

"(B) such transaction is a personal transaction,

no gain shall be recognized for purposes of this subtitle by reason of changes in exchange rates after such currency was acquired by such individual and before such disposition. The preceding sentence shall not apply if the gain which would otherwise be recognized exceeds $200.

"(3) PERSONAL TRANSACTIONS.—For purposes of this subsection, the term 'personal transaction' means any transaction entered into by an individual, except that such term shall not include any transaction to the extent that expenses properly allocable to such transaction meet the requirements of section 162 or 212 (other than that part of section 212 dealing with expenses incurred in connection with taxes)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 116. EXPANDED ACCESS TO SIMPLIFIED INCOME TAX RETURNS.

(a) GENERAL RULE.—The Secretary of the Treasury or his delegate shall take such actions as may be appropriate to expand access to simplified individual income tax returns and to otherwise simplify the individual income tax returns, including—

(1) (if appropriate) allowing taxpayers who itemize deductions to file their return on Form 1040A, and

(2) removing or raising the taxable income limitations on taxpayers who may file Form 1040A.

(b) REPORT.—Not later than the date 1 year after the date of the enactment of this Act, the Secretary of the Treasury or his delegate shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report on his actions under subsection (a), together with such recommendations as he may deem advisable.

SEC. 117. TREATMENT OF CERTAIN REIMBURSED EXPENSES OF RURAL MAIL CARRIERS.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) TREATMENT OF CERTAIN REIMBURSED EXPENSES OF RURAL MAIL CARRIERS.—

"(1) GENERAL RULE.—In the case of any employee of the United States Postal Service who performs services involving the collection and delivery of mail on a rural route and who receives qualified reimbursements for the expenses incurred by such employee for the use of a vehicle in performing such services—

"(A) the amount allowable as a deduction under this chapter for the use of a vehicle in performing such services shall be equal to the amount of such qualified reimbursements; and

"(B) such qualified reimbursements shall be treated as paid under a reimbursement or other expense allowance arrangement for purposes of section 62(a)(2)(A) (and section 62(c) shall not apply to such qualified reimbursements).

"(2) DEFINITION OF QUALIFIED REIMBURSEMENTS.—For purposes of this subsection, the term 'qualified reimbursements' means the amounts paid by the United States Postal Service to employees as an equipment maintenance allowance under the 1991 collective bargaining agreement between the United States Postal Service and the National Rural Letter Carriers' Association. Amounts paid as an equipment maintenance allowance by such Postal Service under later collective bargaining agreements that supersede the 1991 agreement shall be considered qualified reimbursements if such amounts do not exceed the amounts that would have been paid under the 1991 agreement, adjusted for changes in the Consumer Price Index (as defined in section 1(f)(5)) since 1991."

(b) TECHNICAL AMENDMENT.—Section 6008 of the Technical and Miscellaneous Revenue Act of 1988 is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 118. EXCLUSION OF COMBAT PAY FROM WITHHOLDING LIMITED TO AMOUNT EXCLUDABLE FROM GROSS INCOME.

(a) In General.—Paragraph (1) of section 3401(a) (defining wages) is amended by inserting before the semicolon the following: "to the extent remuneration for such service is excludable from gross income under such section".

(b) Effective Date.—The amendment made by subsection (a) shall apply to remuneration paid after December 31, 1994.

TITLE II—PENSION SIMPLIFICATION

Subtitle A—Simplified Distribution Rules

SEC. 201. REPEAL OF 5-YEAR INCOME AVERAGING FOR LUMP-SUM DISTRIBUTIONS.

(a) In General.—Subsection (d) of section 402 (relating to taxability of beneficiary of employees' trust) is amended to read as follows:

"(d) Taxability of Beneficiary of Certain Foreign Situs Trusts.—For purposes of subsections (a), (b), and (c), a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under section 501(a) except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under section 501(a)."

(b) Conforming Amendments.—

(1) Subparagraph (D) of section 402(e)(4) (relating to other rules applicable to exempt trusts) is amended to read as follows:

"(D) Lump-sum distribution.—For purposes of this paragraph—

"(i) In general.—The term 'lump sum distribution' means the distribution or payment within one taxable year of the recipient of the balance to the credit of an employee which becomes payable to the recipient—

"(I) on account of the employee's death,

"(II) after the employee attains age 59½,

"(III) on account of the employee's separation from service, or

"(IV) after the employee has become disabled (within the meaning of section 72(m)(7)),

from a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501 or from a plan described in section 403(a). Subclause (III) of this clause shall be applied only with respect to an individual who is an employee without regard to section 401(c)(1), and subclause (IV) shall be applied only with respect to an employee within the meaning of section 401(c)(1). For purposes of this clause, a distribution to two or more trusts shall be treated as a distribution to one recipient. For purposes of this paragraph, the balance to the credit of the employee does not include the accumulated deductible employee contributions under the plan (within the meaning of section 72(o)(5)).

"(ii) Aggregation of certain trusts and plans.—For purposes of determining the balance to the credit of an employee under clause (i)—

"(I) all trusts which are part of a plan shall be treated as a single trust, all pension plans maintained by the employer shall be treated as a single plan, all profit-sharing plans maintained by the employer shall be treated as a single plan, and all stock bonus plans maintained by the employer shall be treated as a single plan, and

"(II) trusts which are not qualified trusts under section 401(a) and annuity contracts which do not satisfy the requirements of section 404(a)(2) shall not be taken into account.

"(iii) Community property laws.—The provisions of this paragraph shall be applied without regard to community property laws.

"(iv) Amounts subject to penalty.—This paragraph shall not apply to amounts described in subparagraph (A) of section 72(m)(5) to the extent that section 72(m)(5) applies to such amounts.

"(v) Balance to credit of employee not to include amounts payable under qualified domestic relations order.—For purposes of this paragraph, the balance to the credit of an employee shall not include any amount payable to an alternate payee under a qualified domestic relations order (within the meaning of section 414(p)).

"(vi) Transfers to cost-of-living arrangement not treated as distribution.—For purposes of this paragraph, the balance to the credit of an employee under a defined contribution plan shall not include any amount transferred from such defined contribution plan to a qualified cost-of-living arrangement (within the meaning of section 415(k)(2)) under a defined benefit plan.

"(vii) Lump-sum distributions of alternate payees.—If any distribution or payment of the balance to the credit of an employee would be treated as a lump-sum distribution, then, for purposes of this paragraph, the payment under a qualified domestic relations order (within the meaning of section 414(p)) of the balance to the credit of an alternate payee who is the spouse or former spouse of the employee shall be treated as a lump-sum distribution. For purposes of this clause, the balance to the credit of the alternate payee shall not include any amount payable to the employee."

(2) Section 402(c) (relating to rules applicable to rollovers from exempt trusts) is amended by striking paragraph (10).

(3) Paragraph (1) of section 55(c) (defining regular tax) is amended by striking "shall not include any tax imposed by section 402(d) and".

(4) Paragraph (8) of section 62(a) (relating to certain portion of lump-sum distributions from pension plans taxed under section 402(d)) is hereby repealed.

(5) Section 401(a)(28)(B) (relating to coordination with distribution rules) is amended by striking clause (v).

(6) Subparagraph (B)(ii) of section 401(k)(10) (relating to distributions that must be lump-sum distributions) is amended to read as follows:

"(ii) Lump-sum distribution.—For purposes of this subparagraph, the term 'lump-sum distribution' means any distribution of the balance to the credit of an employee immediately before the distribution."

(7) Section 406(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(8) Section 407(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(9) Section 691(c) (relating to deduction for estate tax) is amended by striking paragraph (5).

(10) Paragraph (1) of section 871(b) (relating to imposition of tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(11) Subsection (b) of section 877 (relating to alternative tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(12) Section 4980A(c)(4) is amended—

(A) by striking "to which an election under section 402(d)(4)(B) applies" and inserting "(as defined in section 402(e)(4)(D)) with respect to which the individual elects to have this paragraph apply",

(B) by adding at the end the following new flush sentence:

"An individual may elect to have this paragraph apply to only one lump-sum distribution.", and

(C) by striking the heading and inserting:

"(4) Special one-time election.—".

(13) Section 402(e) is amended by striking paragraph (5).

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) Retention of certain transition rules.—Notwithstanding any other provision of this section, the amendments made by this section shall not apply to any distribution for which the taxpayer elects the benefits of section 1122 (h)(3) or (h)(5) of the Tax Reform Act of 1986. For purposes of the preceding sentence, the rules of sections 402(c)(10) and 402(d) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this Act) shall apply.

SEC. 202. REPEAL OF $5,000 EXCLUSION OF EMPLOYEES' DEATH BENEFITS.

(a) In General.—Subsection (b) of section 101 is hereby repealed.

(b) Conforming Amendment.—Subsection (c) of section 101 is amended by striking "subsection (a) or (b)" and inserting "subsection (a)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 203. SIMPLIFIED METHOD FOR TAXING ANNUITY DISTRIBUTIONS UNDER CERTAIN EMPLOYER PLANS.

(a) General Rule.—Subsection (d) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended to read as follows:

"(d) Special Rules for Qualified Employer Retirement Plans.—

"(1) Simplified method of taxing annuity payments.—

"(A) In general.—In the case of any amount received as an annuity under a qualified employer retirement plan—

"(i) subsection (b) shall not apply, and

"(ii) the investment in the contract shall be recovered as provided in this paragraph.

"(B) Method of recovering investment in contract.—

"(i) In general.—Gross income shall not include so much of any monthly annuity payment under a qualified employer retirement plan as does not exceed the amount obtained by dividing—

"(I) the investment in the contract (as of the annuity starting date), by

"(II) the number of anticipated payments determined under the table contained in clause (iii) (or, in the case of a contract to which subsection (c)(3)(B) applies, the number of monthly annuity payments under such contract).

"(ii) Certain rules made applicable.—Rules similar to the rules of paragraphs (2) and (3) of subsection (b) shall apply for purposes of this paragraph.

"(iii) Number of anticipated payments.—

"If the age of the primary annuitant on the annuity starting date is:	**The number of anticipated payments is:**
Not more than 55	300
More than 55 but not more than 60	260
More than 60 but not more than 65	240
More than 65 but not more than 70	170
More than 70	120

"(C) ADJUSTMENT FOR REFUND FEATURE NOT APPLICABLE.—For purposes of this paragraph, investment in the contract shall be determined under subsection (c)(1) without regard to subsection (c)(2).

"(D) SPECIAL RULE WHERE LUMP SUM PAID IN CONNECTION WITH COMMENCEMENT OF ANNUITY PAYMENTS.—If, in connection with the commencement of annuity payments under any qualified employer retirement plan, the taxpayer receives a lump sum payment—

"(i) such payment shall be taxable under subsection (e) as if received before the annuity starting date, and

"(ii) the investment in the contract for purposes of this paragraph shall be determined as if such payment had been so received.

"(E) EXCEPTION.—This paragraph shall not apply in any case where the primary annuitant has attained age 75 on the annuity starting date unless there are fewer than 5 years of guaranteed payments under the annuity.

"(F) ADJUSTMENT WHERE ANNUITY PAYMENTS NOT ON MONTHLY BASIS.—In any case where the annuity payments are not made on a monthly basis, appropriate adjustments in the application of this paragraph shall be made to take into account the period on the basis of which such payments are made.

"(G) QUALIFIED EMPLOYER RETIREMENT PLAN.—For purposes of this paragraph, the term 'qualified employer retirement plan' means any plan or contract described in paragraph (1), (2), or (3) of section 4974(c).

"(2) TREATMENT OF EMPLOYEE CONTRIBUTIONS UNDER DEFINED CONTRIBUTION PLANS.—For purposes of this section, employee contributions (and any income allocable thereto) under a defined contribution plan may be treated as a separate contract."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in cases where the annuity starting date is after December 31, 1993.

SEC. 204. REQUIRED DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a)(9)(C) (defining required beginning date) is amended to read as follows:

"(C) REQUIRED BEGINNING DATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'required beginning date' means April 1 of the calendar year following the later of—

"(I) the calendar year in which the employee attains age 70½, or

"(II) the calendar year in which the employee retires.

"(ii) EXCEPTION.—Subclause (II) of clause (i) shall not apply—

"(I) except as provided in section 409(d), in the case of an employee who is a 5-percent owner (as defined in section 416) with respect to the plan year ending in the calendar year in which the employee attains age 70½, or

"(II) for purposes of section 408 (a)(6) or (b)(3).

"(iii) ACTUARIAL ADJUSTMENT.—In the case of an employee to whom clause (i)(II) applies who retires in a calendar year after the calendar year in which the employee attains age 70½, the employee's accrued benefit shall be actuarially increased to take into account the period after age 70½ in which the employee was not receiving any benefits under the plan.

"(iv) EXCEPTION FOR GOVERNMENTAL AND CHURCH PLANS.—Clauses (ii) and (iii) shall not apply in the case of a governmental plan or church plan. For purposes of this clause, the term 'church plan' means a plan maintained by a church for church employees, and the term 'church' means any church (as defined in section 3121(w)(3)(A)) or qualified church-controlled organization (as defined in section 3121(w)(3)(B))."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1993.

Subtitle B—Increased Access to Pension Plans

SEC. 211. MODIFICATIONS OF SIMPLIFIED EMPLOYEE PENSIONS.

(a) INCREASE IN NUMBER OF ALLOWABLE PARTICIPANTS FOR SALARY REDUCTION ARRANGEMENTS.—Section 408(k)(6)(B) is amended by striking "25" each place it appears in the text and heading thereof and inserting "100".

(b) REPEAL OF PARTICIPATION REQUIREMENT.—Section 408(k)(6)(A) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(c) CONFORMING AMENDMENTS.—Clause (ii) of section 408(k)(6)(C) and clause (ii) of section 408(k)(6)(F) are each amended by striking "subparagraph (A)(iii)" and inserting "subparagraph (A)(ii)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 212. TAX EXEMPT ORGANIZATIONS ELIGIBLE UNDER SECTION 401(k).

(a) GENERAL RULE.—Subparagraph (B) of section 401(k)(4) is amended to read as follows:

"(B) STATE AND LOCAL GOVERNMENTS NOT ELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1993, but shall not apply to any cash or deferred arrangement to which clause (i) of section 1116(f)(2)(B) of the Tax Reform Act of 1986 applies.

SEC. 213. DUTIES OF SPONSORS OF CERTAIN PROTOTYPE PLANS.

(a) IN GENERAL.—The Secretary of the Treasury may, as a condition of sponsorship, prescribe rules defining the duties and responsibilities of sponsors of master and prototype plans, regional prototype plans, and other Internal Revenue Service preapproved plans.

(b) DUTIES RELATING TO PLAN AMENDMENT, NOTIFICATION OF ADOPTERS, AND PLAN ADMINISTRATION.—The duties and responsibilities referred to in subsection (a) may include—

(1) the maintenance of lists of persons adopting the sponsor's plans, including the updating of such lists not less frequently than annually,

(2) the furnishing of notices at least annually to such persons and to the Secretary or his delegate, in such form and at such time as the Secretary shall prescribe,

(3) duties relating to administrative services to such persons in the operation of their plans, and

(4) other duties that the Secretary considers necessary to ensure that—

(A) the master and prototype, regional prototype, and other preapproved plans of adopting employers are timely amended to meet the requirements of the Internal Revenue Code of 1986 or of any rule or regulation of the Secretary, and

(B) adopting employers receive timely notification of amendments and other actions taken by sponsors with respect to their plans.

Subtitle C—Nondiscrimination Provisions

SEC. 221. DEFINITION OF HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 414(q) (defining highly compensated employee) is amended to read as follows:

"(1) IN GENERAL.—The term 'highly compensated employee' means any employee who—

"(A) was a 5-percent owner at any time during the year or the preceding year, or

"(B) had compensation for the preceding year from the employer in excess of $50,000.

The Secretary shall adjust the $50,000 amount under subparagraph (B) at the same time and in the same manner as under section 415(d)."

(b) SPECIAL RULE WHERE NO EMPLOYEES TREATED AS HIGHLY COMPENSATED.—Paragraph (2) of section 414(q) is amended to read as follows:

"(2) SPECIAL RULE IF NO EMPLOYEE DESCRIBED IN PARAGRAPH (1).—If no employee is treated as a highly compensated employee under paragraph (1), the highest paid officer for the year shall be treated as a highly compensated employee."

(c) TREATMENT OF FAMILY MEMBERS.—Paragraph (6) of section 414(q) is hereby repealed.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (4), (5), (8), and (12) of section 414(q) are hereby repealed.

(2)(A) Section 414(r) is amended by adding at the end thereof the following new paragraph:

"(9) EXCLUDED EMPLOYEES.—For purposes of this subsection, the following employees shall be excluded:

"(A) Employees who have not completed 6 months of service.

"(B) Employees who normally work less than 17½ hours per week.

"(C) Employees who normally work not more than 6 months during any year.

"(D) Employees who have not attained the age of 21.

"(E) Except to the extent provided in regulations, employees who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and the employer.

Except as provided by the Secretary, the employer may elect to apply subparagraph (A), (B), (C), or (D) by substituting a shorter period of service, smaller number of hours or months, or lower age for the period of service, number of hours or months, or age (as the case may be) specified in such subparagraph."

(B) Subparagraph (A) of section 414(r)(2) is amended by striking "subsection (q)(8)" and inserting "paragraph (9)".

(3) Subparagraph (A) of section 401(a)(17) is amended by striking the last sentence.

(4) Subsection (l) of section 404 is amended by striking the last sentence.

(5) Section 1114(c)(4) of the Tax Reform Act of 1986 is amended by adding at the end the following new sentence: "Any reference in this paragraph to section 414(q) shall be treated as a reference to such section as in effect before the Tax Simplification and Technical Corrections Act of 1993."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 222. MODIFICATION OF ADDITIONAL PARTICIPATION REQUIREMENTS.

(a) GENERAL RULE.—Section 401(a)(26)(A) (relating to additional participation requirements) is amended to read as follows:

"(A) IN GENERAL.—In the case of a trust which is a part of a defined benefit plan, such trust shall not constitute a qualified trust under this subsection unless on each day of the plan year such trust benefits at least the lesser of—

"(i) 50 employees of the employer, or

"(ii) the greater of—

"(I) 40 percent of all employees of the employer, or

"(II) 2 employees (or if there is only 1 employee, such employee)."

(b) SEPARATE LINE OF BUSINESS TEST.—Section 401(a)(26)(G) (relating to separate line of business) is amended by striking "paragraph (7)" and inserting "paragraph (2)(A) or (7)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1993.

SEC. 223. NONDISCRIMINATION RULES FOR QUALIFIED CASH OR DEFERRED ARRANGEMENTS AND MATCHING CONTRIBUTIONS.

(a) ALTERNATIVE METHODS OF SATISFYING SECTION 401(k) NONDISCRIMINATION TESTS.—Section 401(k) (relating to cash or deferred arrangements) is amended by adding at the end thereof the following new paragraph:

"(11) ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement—

"(i) meets the contribution requirements of subparagraph (B) or (C), and

"(ii) meets the notice requirements of subparagraph (D).

"(B) MATCHING CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to—

"(I) 100 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 3 percent of the employee's compensation, and

"(II) 50 percent of the elective contributions of the employee to the extent that such elective contributions exceed 3 percent but do not exceed 5 percent of the employee's compensation.

"(ii) RATE FOR HIGHLY COMPENSATED EMPLOYEES.—The requirements of this subparagraph are not met if, under the arrangement, the matching contribution with respect to any elective contribution of a highly compensated employee at any level of compensation is greater than that with respect to an employee who is not a highly compensated employee.

"(iii) ALTERNATIVE PLAN DESIGNS.—If the matching contribution with respect to any elective contribution at any specific level of compensation is not equal to the percentage required under clause (i), an arrangement shall not be treated as failing to meet the requirements of clause (i) if—

"(I) the level of an employer's matching contribution does not increase as an employee's elective contributions increase, and

"(II) the aggregate amount of matching contributions with respect to elective contributions not in excess of such level of compensation is at least equal to the amount of matching contributions which would be made if matching contributions were made on the basis of the percentages described in clause (i).

"(C) NONELECTIVE CONTRIBUTIONS.—The requirements of this subparagraph are met if, under the arrangement, the employer is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation.

"(D) NOTICE REQUIREMENT.—An arrangement meets the requirements of this paragraph if, under the arrangement, each employee eligible to participate is, within a reasonable period before any year, given written notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to appraise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee eligible to participate.

"(E) OTHER REQUIREMENTS.—

"(i) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) unless the requirements of subparagraphs (B) and (C) of paragraph (2) are met with respect to all employer contributions (including matching contributions).

"(ii) SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS NOT TAKEN INTO ACCOUNT.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) unless such requirements are met without regard to subsection (l), and, for purposes of subsection (l), employer contributions under subparagraph (B) or (C) shall not be taken into account.

"(F) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under subparagraph (A)(i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement."

(b) ALTERNATIVE METHODS OF SATISFYING SECTION 401(m) NONDISCRIMINATION TESTS.—Section 401(m) (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (10) as paragraph (11) and by adding after paragraph (9) the following new paragraph:

"(10) ALTERNATIVE METHOD OF SATISFYING TESTS.—

"(A) IN GENERAL.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(i) meets the contribution requirements of subparagraph (B) or (C) of subsection (k)(11),

"(ii) meets the notice requirements of subsection (k)(11)(D), and

"(iii) meets the requirements of subparagraph (B).

"(B) LIMITATION ON MATCHING CONTRIBUTIONS.—The requirements of this subparagraph are met if—

"(i) matching contributions on behalf of any employee may not be made with respect to an employee's contributions or elective deferrals in excess of 6 percent of the employee's compensation,

"(ii) the level of an employer's matching contribution does not increase as an employee's contributions or elective deferrals increase, and

"(iii) the matching contribution with respect to any highly compensated employee at a specific level of compensation is not greater than that with respect to an employee who is not a highly compensated employee."

(c) YEAR FOR COMPUTING NONHIGHLY COMPENSATED EMPLOYEE PERCENTAGE.—

(1) CASH OR DEFERRED ARRANGEMENTS.—Clause (ii) of section 401(k)(3)(A) is amended—

(A) by striking "such year" and inserting "the plan year", and

(B) by striking "for such plan year" and inserting "the preceding plan year".

(2) MATCHING AND EMPLOYEE CONTRIBUTIONS.—Section 401(m)(2)(A) is amended—

(A) by inserting "for such plan year" after "highly compensated employees", and

(B) by inserting "for the preceding plan year" after "eligible employees" each place it appears in clause (i) and clause (ii).

(d) SPECIAL RULE FOR DETERMINING AVERAGE DEFERRAL PERCENTAGE FOR FIRST PLAN YEAR, ETC.—

(1) Paragraph (3) of section 401(k) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, in the case of the first plan year of any plan, the amount taken into account as the actual deferral percentage of nonhighly compensated employees for the preceding plan year shall be—

"(i) 3 percent, or

"(ii) if the employer makes an election under this subclause, the actual deferral percentage of nonhighly compensated employees determined for such first plan year."

(2) Paragraph (3) of section 401(m) is amended by adding at the end thereof the following: "Rules similar to the rules of subsection (k)(3)(E) shall apply for purposes of this subsection."

(e) DISTRIBUTION OF EXCESS CONTRIBUTIONS.—

(1) Subparagraph (C) of section 401(k)(8) (relating to arrangement not disqualified if excess contributions distributed) is amended by striking "on the basis of the respective portions of the excess contributions attributable to each of such employees" and inserting "on the basis of the amount of contributions by, or on behalf of, each of such employees".

(2) Subparagraph (C) of section 401(m)(6) (relating to method of distributing excess aggregate contributions) is amended by striking "on the basis of the respective portions of such amounts attributable to each of such employees" and inserting "on the basis of the amount of contributions on behalf of, or by, each such employee".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

Subtitle D—Miscellaneous Simplification

SEC. 231. TREATMENT OF LEASED EMPLOYEES.

(a) GENERAL RULE.—Subparagraph (C) of section 414(n)(2) (defining leased employee) is amended to read as follows:

"(C) such services are performed under significant direction or control by the recipient."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1993, but shall not apply to any relationship determined under an Internal Revenue Service ruling issued before the date of the enactment of this Act pursuant to section 414(n)(2)(C) of the Internal Revenue Code of 1986 (as in effect on the day before such date) not to involve a leased employee.

SEC. 232. MODIFICATIONS OF COST-OF-LIVING ADJUSTMENTS.

(a) In General.—Section 415(d) (relating to cost-of-living adjustments) is amended to read as follows:

"(d) Cost-of-Living Adjustments.—

"(1) In general.—The Secretary shall adjust annually—

"(A) the $90,000 amount in subsection (b)(1)(A), and

"(B) in the case of a participant who separated from service, the amount taken into account under subsection (b)(1)(B),

for increases in the cost-of-living in accordance with regulations prescribed by the Secretary.

"(2) Method.—

"(A) In general.—The regulations prescribed under paragraph (1) shall provide for adjustment procedures which are similar to the procedures used to adjust benefit amounts under section 215(i)(2)(A) of the Social Security Act.

"(B) Periods for adjustment of dollar amount.—For purposes of paragraph (1)(A)—

"(i) In general.—The adjustment with respect to any calendar year shall be based on the increase in the applicable index as of the close of the calendar quarter ending September 30 of the preceding calendar year over such index as of the close of the base period.

"(ii) Base period.—For purposes of clause (i), the base period is the calendar quarter beginning October 1, 1986.

"(C) Base period for separations.—For purposes of paragraph (1)(B), the base period is the last calendar quarter of the calendar year preceding the calendar year in which the participant separated from service.

"(3) Rounding.—Any amount determined under paragraph (1) (or by reference to this subsection) shall be rounded to the nearest $1,000, except that the amounts under sections 402(g)(1), 408(k)(2)(C), and 457(e)(14) shall be rounded to the nearest $100 and the amount under section 401(a)(17) shall be rounded, to the next lowest multiple of $10,000."

(b) Effective Date.—The amendments made by this section apply to adjustments with respect to calendar years beginning after December 31, 1993.

SEC. 233. PLANS COVERING SELF-EMPLOYED INDIVIDUALS.

(a) Aggregation Rules.—Section 401(d) (relating to additional requirements for qualification of trusts and plans benefiting owner-employees) is amended to read as follows:

"(d) Contribution Limit on Owner-Employees.—A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the plan provides that contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established."

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 234. ELIMINATION OF SPECIAL VESTING RULE FOR MULTIEMPLOYER PLANS.

(a) In General.—Paragraph (2) of section 411(a) (relating to minimum vesting standards) is amended—

(1) by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (B)"; and

(2) by striking subparagraph (C).

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1994, or

(B) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1996.

Such amendments shall not apply to any individual who does not have more than 1 hour of service under the plan on or after the 1st day of the 1st plan year to which such amendments apply.

SEC. 235. FULL-FUNDING LIMITATION OF MULTIEMPLOYER PLANS.

(a) Full-Funding Limitation.—Section 412(c)(7)(C) (relating to full-funding limitation) is amended—

(1) by inserting "or in the case of a multiemployer plan," after "paragraph (6)(B),", and

(2) by inserting "and multiemployer plans" after "paragraph (6)(b)" in the heading thereof.

(b) Valuation.—Section 412(c)(9) is amended—

(1) by inserting "(3 years in the case of a multiemployer plan)" after "year", and

(2) by striking "Annual valuation" in the heading and inserting "Valuation".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 236. ALTERNATIVE FULL-FUNDING LIMITATION.

(a) In General.—Subsection (c) of section 412 (relating to minimum funding standards) is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by adding after paragraph (7) the following new paragraph:

"(8) Alternative full-funding limitation.—

"(A) General rule.—An employer may elect the full-funding limitation under this paragraph with respect to any defined benefit plan of the employer in lieu of the full-funding limitation determined under paragraph (7) if the requirements of subparagraphs (C) and (D) are met.

"(B) Alternative full-funding limitation.—The full-funding limitation under this paragraph is the full-funding limitation determined under paragraph (7) without regard to subparagraph (A)(i)(I) thereof.

"(C) Requirements relating to plan eligibility.—

"(i) In general.—The requirements of this subparagraph are met with respect to a defined benefit plan if—

"(I) as of the 1st day of the election period, the average accrued liability of participants accruing benefits under the plan for the 5 immediately preceding plan years is at least 80 percent of the plan's total accrued liability,

"(II) the plan is not a top-heavy plan (as defined in section 416(g)) for the 1st plan year of the election period or either of the 2 preceding plan years, and

"(III) each defined benefit plan of the employer (and each defined benefit plan of each employer who is a member of any controlled group which includes such employer) meets the requirements of subclauses (I) and (II).

"(ii) Failure to continue to meet requirements.—

"(I) If any plan fails to meet the requirement of clause (i)(I) for any plan year during an election period, the benefits of the election under this paragraph shall be phased out under regulations prescribed by the Secretary.

"(II) If any plan fails to meet the requirement of clause (i)(II) for any plan year during an election period, such plan shall be treated as not meeting the requirements of clause (i) for the remainder of the election period.

If there is a failure described in subclause (I) or (II) with respect to any plan, such plan (and each plan described in clause (i)(III) with respect to such plan) shall be treated as not meeting the requirements of clause (i) for any of the 10 plan years beginning after the election period.

"(D) Requirements relating to election.—

"(i) In general.—The requirements of this subparagraph are met with respect to an election if—

"(I) Filing date.—Notice of such election is filed with the Secretary (in such form and manner and containing such information as the Secretary may provide) by January 1 of any calendar year, and is effective as of the 1st day of the election period beginning on or after January 1 of the following calendar year.

"(II) Consistent election.—Such an election is made for all defined benefit plans maintained by the employer or by any member of a controlled group which includes the employer.

"(ii) Transition period.—In the case of any election period beginning on or after July 1, 1994, and before January 1, 1995, the requirements of clause (i) shall not apply and the requirements of this subparagraph are met with respect to such election period if—

"(I) Filing date.—Notice of election is filed with the Secretary by October 1, 1994.

"(II) Information.—The notice sets forth the name and tax identification number of the plan sponsor, the names and tax identification numbers of the plans to which the election applies, the limitation under paragraph (7) (determined with and without regard to this paragraph), and a signed certification by an officer of the employer stating that the requirements of this paragraph have been met.

"(iii) Revenue offset procedures.—The Secretary shall, by January 1, 1995, notify defined benefit plans that have not made an election under this paragraph for the transition period described in clause (ii) of the adjustment required by subparagraph (H). The revenue offset for the transition period shall apply to plan years beginning on or after July 1, 1994, and before January 1, 1995.

"(iv) Excess contributions made by non-electing plans.—To the extent a defined benefit plan sponsor makes a contribution to a defined benefit plan with respect to the transition period described in clause (ii) which exceeds the limitation of paragraph (7), as adjusted by the Secretary for the transition period, the sponsor shall offset the excess contribution against allowable contributions to the plan in subsequent quarters in the taxable year of the sponsor. If no subsequent contributions may be made for the taxable year, the trustee of the defined benefit plan shall return the excess contribution to the sponsor in that taxable year or the following taxable year. Notwithstanding any other provision of this title, no deduction shall be allowed for any contribution made in excess of the limitation of paragraph (7), as adjusted by the Secretary for the transition period, and no penalty shall apply with respect to contributions made in excess of such limitation to the extent such excess contributions are either used to offset subsequent contributions, or returned to the plan sponsor, as provided in this clause.

"(E) TERM OF ELECTION.—Any election made under this paragraph shall apply for the election period.

"(F) OTHER CONSEQUENCES OF ELECTION.—

"(i) NO FUNDING WAIVERS.—In the case of a plan with respect to which an election is made under this paragraph, no waiver may be granted under subsection (d) for any plan year beginning after the date the election was made and ending at the close of the election period with respect thereto.

"(ii) FAILURE TO MAKE SUCCESSIVE ELECTIONS.—If an election is made under this paragraph with respect to any plan and such an election does not apply for each successive plan year of such plan, such plan shall be treated as not meeting the requirements of subparagraph (C) for the period of 10 plan years beginning after the close of the last election period for such plan.

"(G) DEFINITIONS.—For purposes of this paragraph—

"(i) ELECTION PERIOD.—The term 'election period' means the period of 5 consecutive plan years beginning with the 1st plan year for which the election is made.

"(ii) CONTROLLED GROUP.—The term 'controlled group' means all persons who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(H) PROCEDURES IF ALTERNATIVE FUNDING LIMITATION REDUCES NET FEDERAL REVENUES.—

"(i) IN GENERAL.—At least once with respect to each fiscal year, the Secretary shall estimate whether the application of this paragraph will result in a net reduction in Federal revenues for such fiscal year.

"(ii) ADJUSTMENT OF FULL-FUNDING LIMITATION IF REVENUE SHORTFALL.—If the Secretary estimates that the application of this paragraph will result in a more than insubstantial net reduction in Federal revenues for any fiscal year, the Secretary—

"(I) shall make the adjustment described in clause (iii), and

"(II) to the extent such adjustment is not sufficient to reduce such reduction to an insubstantial amount, shall make the adjustment described in clause (iv).

Such adjustments shall apply only to defined benefit plans with respect to which an election under this paragraph is not in effect.

"(iii) REDUCTION IN LIMITATION BASED ON 150 PERCENT OF CURRENT LIABILITY.—The adjustment described in this clause is an adjustment which substitutes a percentage (not lower than 140 percent) for the percentage described in paragraph (7)(A)(i)(I) determined by reducing the percentage of current liability taken into account with respect to participants who are not accruing benefits under the plan.

"(iv) REDUCTION IN LIMITATION BASED ON ACCRUED LIABILITY.—The adjustment described in this clause is an adjustment which reduces the percentage of accrued liability taken into account under paragraph (7)(A)(i)(II). In no event may the amount of accrued liability taken into account under such paragraph after the adjustment be less than 140 percent of current liability."

(b) ALTERATION OF DISCRETIONARY REGULATORY AUTHORITY.—Subparagraph (D) of section 412(c)(7) is amended by striking "provide—" and all that follows through "(iii) for" and inserting "provide for".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995, except that, in the case of an election under subparagraph (D)(ii) of paragraph (8) of section 412(c) of the Internal Revenue Code of 1986, as added by this section, such amendments shall take effect on July 1, 1994.

SEC. 237. DISTRIBUTIONS UNDER RURAL COOPERATIVE PLANS.

(a) DISTRIBUTIONS AFTER CERTAIN AGE.—Section 401(k)(7) is amended by adding at the end thereof the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN DISTRIBUTIONS.—A rural cooperative plan which includes a qualified cash or deferred arrangement shall not be treated as violating the requirements of section 401(a) merely by reason of a distribution to a participant after attainment of age 59½."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 238. TREATMENT OF GOVERNMENTAL PLANS UNDER SECTION 415.

(a) DEFINITION OF COMPENSATION.—Subsection (k) of section 415 (regarding limitations on benefits and contributions under qualified plans) is amended by adding immediately after paragraph (2) thereof the following new paragraph:

"(3) DEFINITION OF COMPENSATION FOR GOVERNMENTAL PLANS.—For purposes of this section, in the case of a governmental plan (as defined in section 414(d)), the term 'compensation' includes, in addition to the amounts described in subsection (c)(3)—

"(A) any elective deferral (as defined in section 402(g)(3)), and

"(B) any amount which is contributed by the employer at the election of the employee and which is not includible in the gross income of an employee under section 125 or 457."

(b) COMPENSATION LIMIT.—Subsection (b) of section 415 is amended by adding immediately after paragraph (10) the following new paragraph:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL PLANS.—In the case of a governmental plan (as defined in section 414(d)), subparagraph (B) of paragraph (1) shall not apply."

(c) TREATMENT OF CERTAIN EXCESS BENEFIT PLANS.—

(1) IN GENERAL.—Section 415 is amended by adding at the end thereof the following new subsection:

"(m) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—

"(1) GOVERNMENTAL PLAN NOT AFFECTED.—In determining whether a governmental plan (as defined in section 414(d)) meets the requirements of this section, benefits provided under a qualified governmental excess benefit arrangement shall not be taken into account. Income accruing to a governmental plan (or to a trust that is maintained solely for the purpose of providing benefits under a qualified governmental excess benefit arrangement) in respect of a qualified governmental excess benefit arrangement shall constitute income derived from the exercise of an essential governmental function upon which such governmental plan (or trust) shall be exempt from tax under section 115.

"(2) TAXATION OF PARTICIPANT.—For purposes of this chapter—

"(A) the taxable year or years for which amounts in respect of a qualified governmental excess benefit arrangement are includible in gross income by a participant, and

"(B) the treatment of such amounts when so includible by the participant,

shall be determined as if such qualified governmental excess benefit arrangement were treated as a plan for the deferral of compensation which is maintained by a corporation not exempt from tax under this chapter and which does not meet the requirements for qualification under section 401.

"(3) QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified governmental excess benefit arrangement' means a portion of a governmental plan if—

"(A) such portion is maintained solely for the purpose of providing to participants in the plan that part of the participant's annual benefit otherwise payable under the terms of the plan that exceeds the limitations on benefits imposed by this section,

"(B) under such portion no election is provided at any time to the participant (directly or indirectly) to defer compensation, and

"(C) benefits described in subparagraph (A) are not paid from a trust forming a part of such governmental plan unless such trust is maintained solely for the purpose of providing such benefits."

(2) COORDINATION WITH SECTION 457.—Subsection (e) of section 457 is amended by adding at the end thereof the following new paragraph:

"(15) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—Subsections (b)(2) and (c)(1) shall not apply to any qualified governmental excess benefit arrangement (as defined in section 415(m)(3)), and benefits provided under such an arrangement shall not be taken into account in determining whether any other plan is an eligible deferred compensation plan."

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 457(f) is amended by striking the word "and" at the end of subparagraph (C), by striking the period after subparagraph (D) and inserting the words ", and", and by inserting immediately thereafter the following new subparagraph:

"(E) a qualified governmental excess benefit arrangement described in section 415(m)."

(d) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS.—Paragraph (2) of section 415(b) is amended by adding at the end thereof the following new subparagraph:

"(I) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS PROVIDED UNDER GOVERNMENTAL PLANS.—Subparagraph (B) of paragraph (1), subparagraph (C) of this paragraph, and paragraph (5) shall not apply to—

"(i) income received from a governmental plan (as defined in section 414(d)) as a pension, annuity, or similar allowance as the result of the recipient becoming disabled by reason of personal injuries or sickness, or

"(ii) amounts received from a governmental plan by the beneficiaries, survivors, or the estate of an employee as the result of the death of the employee."

(e) REVOCATION OF GRANDFATHER ELECTION.—Subparagraph (C) of section 415(b)(10) is amended by adding at the end thereof the following new sentence: "An election made pursuant to the preceding sentence to have the provisions of this paragraph applied to the plan may be revoked not later than the last day of the 3rd plan year beginning after the date of enactment with respect to all plan years as to which such election has been applicable and all subsequent plan years; provided that any amount paid by the plan in a taxable year ending after revocation of such election in respect of benefits attributable to a taxable year during which such election was in effect shall be includible in income by the recipient in accordance with the rules of this chapter in the taxable year in which such amount is received (except that such amount shall be treated as received for purposes of the limitations imposed by this section in the earlier taxable year or years to which such amount is attributable)."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall apply to taxable years beginning on or after the date of the enactment of this Act. The amendments made by subsection (e) shall apply with respect to election revocations adopted after the date of the enactment of this Act.

(2) TREATMENT FOR YEARS BEGINNING BEFORE DATE OF ENACTMENT.—In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), such plan shall be treated as satisfying the requirements of section 415 of such Code for all taxable years beginning before the date of the enactment of this Act.

SEC. 239. UNIFORM RETIREMENT AGE.

(a) DISCRIMINATION TESTING.—Paragraph (5) of section 401(a) (relating to special rules relating to nondiscrimination requirements) is amended by adding at the end thereof the following new subparagraph:

"(F) SOCIAL SECURITY RETIREMENT AGE.—For purposes of testing for discrimination under paragraph (4)—

"(i) the social security retirement age (as defined in section 415(b)(8)) shall be treated as a uniform retirement age, and

"(ii) subsidized early retirement benefits and joint and survivor annuities shall not be treated as being unavailable to employees on the same terms merely because such benefits or annuities are based in whole or in part on an employee's social security retirement age (as so defined)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 240. UNIFORM PENALTY PROVISIONS TO APPLY TO CERTAIN PENSION REPORTING REQUIREMENTS.

(a) IN GENERAL.—

(1) Paragraph (1) of section 6724(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) any statement of the amount of payments to another person required to be made to the Secretary under—

"(i) section 408(i) (relating to reports with respect to individual retirement accounts or annuities), or

"(ii) section 6047(d) (relating to reports by employers, plan administrators, etc.)."

(2) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting a comma, and by inserting after subparagraph (T) the following new subparagraphs:

"(U) section 408(i) (relating to reports with respect to individual retirement plans) to any person other than the Secretary with respect to the amount of payments made to such person, or

"(V) section 6047(d) (relating to reports by plan administrators) to any person other than the Secretary with respect to the amount of payments made to such person."

(b) MODIFICATION OF REPORTABLE DESIGNATED DISTRIBUTIONS.—

(1) SECTION 408.—Subsection (i) of section 408 (relating to individual retirement account reports) is amended by inserting "aggregating $10 or more in any calendar year" after "distributions".

(2) SECTION 6047.—Paragraph (1) of section 6047(d) (relating to reports by employers, plan administrators, etc.) is amended by adding at the end thereof the following new sentence: "No return or report may be required under the preceding sentence with respect to distributions to any person during any year unless such distributions aggregate $10 or more."

(c) QUALIFYING ROLLOVER DISTRIBUTIONS.—Section 6652(i) is amended—

(1) by striking "the $10" and inserting "$100", and

(2) by striking "$5,000" and inserting "$50,000".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6047(f) is amended to read as follows:

"(1) For provisions relating to penalties for failures to file returns and reports required under this section, see sections 6652(e), 6721, and 6722."

(2) Subsection (e) of section 6652 is amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any return or statement which is an information return described in section 6724(d)(1)(C)(ii) or a payee statement described in section 6724(d)(2)(U)."

(3) Subsection (a) of section 6693 is amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any report which is an information return described in section 6724(d)(1)(C)(i) or a payee statement described in section 6724(d)(2)(T)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns, reports, and other statements the due date for which (determined without regard to extensions) is after December 31, 1993.

SEC. 241. CONTRIBUTIONS ON BEHALF OF DISABLED EMPLOYEES.

(a) ALL DISABLED PARTICIPANTS RECEIVING CONTRIBUTIONS.—Section 415(c)(3)(C) is amended by adding at the end thereof the following: "If a defined contribution plan provides for the continuation of contributions on behalf of all participants described in clause (i) for a fixed or determinable period, this subparagraph shall be applied without regard to clauses (ii) and (iii)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 242. SPECIAL RULES FOR PLANS COVERING PILOTS.

(a) GENERAL RULE.—

(1) Subparagraph (B) of section 410(b)(3) is amended to read as follows:

"(B) in the case of a plan established or maintained by one or more employers to provide contributions or benefits for air pilots employed by one or more common carriers engaged in interstate or foreign commerce or air pilots employed by carriers transporting mail for or under contract with the United States Government, all employees who are not air pilots."

(2) Paragraph (3) of section 410(b) is amended by striking the last sentence and inserting the following new sentence: "Subparagraph (B) shall not apply in the case of a plan which provides contributions or benefits for employees who are not air pilots or for air pilots whose principal duties are not customarily performed aboard aircraft in flight."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning after December 31, 1993.

SEC. 243. TREATMENT OF DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) SPECIAL RULES FOR PLAN DISTRIBUTIONS.—Paragraph (9) of section 457(e) (relating to other definitions and special rules) is amended to read as follows:

"(9) BENEFITS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—

"(A) TOTAL AMOUNT PAYABLE IS $3,500 OR LESS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to receive such amount (or the plan may distribute such amount without the participant's consent) if—

"(i) such amount does not exceed $3,500, and

"(ii) such amount may be distributed only if—

"(I) no amount has been deferred under the plan with respect to such participant during the 2-year period ending on the date of the distribution, and

"(II) there has been no prior distribution under the plan to such participant to which this subparagraph applied.

A plan shall not be treated as failing to meet the distribution requirements of subsection (d) by reason of a distribution to which this subparagraph applies.

"(B) ELECTION TO DEFER COMMENCEMENT OF DISTRIBUTIONS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to defer commencement of distributions under the plan if—

"(i) such election is made after amounts may be available under the plan in accordance with subsection (d)(1)(A) and before commencement of such distributions, and

"(ii) the participant may make only 1 such election."

(b) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—Subsection (e) of section 457 is amended by adding at the end thereof the following new paragraph:

"(14) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—The Secretary shall adjust the $7,500 amount specified in subsections (b)(2) and (c)(1) at the same time and in the same manner as under section 415(d), except that the base year in applying such section for purposes of this paragraph shall be 1993."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 244. TREATMENT OF EMPLOYER REVERSIONS REQUIRED BY CONTRACT TO BE PAID TO THE UNITED STATES.

(a) IN GENERAL.—Subparagraph (B) of section 4980(c)(2) (defining employer reversion) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end thereof the following new clause:

"(iii) any distribution to the employer to the extent that the distribution is paid within a reasonable period to the United States in satisfaction of a Federal claim for an equitable share of the plan's surplus assets, as determined pursuant to Federal contracting regulations."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reversions on or after the date of the enactment of this Act.

SEC. 245. CONTINUATION HEALTH COVERAGE FOR EMPLOYEES OF FAILED FINANCIAL INSTITUTIONS.

(a) ENFORCEMENT OF CONTINUATION OF HEALTH PLAN REQUIREMENTS OF ACQUIRERS OF FAILED DEPOSITORY INSTITUTIONS.—Subsection (f) of section 4980B (relating to continuation of coverage requirements of group health plans) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ACQUIRERS OF FAILED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any acquirer of a failed depository institution—

"(i) shall have the same obligation to provide a group health plan meeting the requirements of this subsection with respect to qualified individuals of such institution as the failed depository institution would have had but for its failure, and

"(ii) shall be treated as the employer of such qualified individuals for purposes of this section.

"(B) TAX NOT TO APPLY IF FDIC OR RTC PROVIDE CONTINUATION COVERAGE.—No person shall be subject to any liability under this section by reason of being an acquirer of a failed depository institution if the Federal Deposit Insurance Corporation or the Resolution Trust Corporation elects to relieve such acquirer from its obligations under subparagraph (A). In any such case, the requirements of subparagraph (A) shall apply to the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as the case may be.

"(C) ACQUIRER.—For purposes of this paragraph, an entity is an acquirer of a failed depository institution during any period if—

"(i) such entity holds substantially all of the assets or liabilities of such institution, and

"(ii)(I) such entity is a bridge bank, or

"(II) such entity acquired such assets or liabilities from the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or a bridge bank.

"(D) FAILED DEPOSITORY INSTITUTION.—For purposes of this section, the term 'failed depository institution' means any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act) for which a receiver or conservator has been appointed.

"(E) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means—

"(i) any individual who was, on the day before the date of the appointment of the receiver or conservator, provided coverage under a group health plan of the failed depository institution by reason of the performance of services for such institution, and

"(ii) any individual who was, on such day, a beneficiary under such plan as the spouse or dependent child of the individual described in clause (i)."

(b) TREATMENT OF DEPOSITORY INSTITUTION FAILURES AS QUALIFYING EVENTS FOR RETIREES OF SUCH INSTITUTIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 4980B(f)(3) is amended—

(A) by striking "The termination" and inserting "(i) The termination",

(B) by striking the period at the end and inserting ", or", and

(C) by inserting after clause (i) the following new clause:

"(ii) the appointment of a receiver or conservator for a failed depository institution from whose employment the covered employee retired at any time."

(2) CONFORMING AMENDMENT.—Subclause (I) of section 4980B(f)(2)(B)(i) is amended by striking "AND REDUCED HOURS" and inserting ", REDUCED HOURS, AND FAILURES OF DEPOSITORY INSTITUTIONS".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply as if included in section 451 of the Federal Deposit Insurance Corporation Improvement Act of 1991 as of the date of the enactment of such Act.

(2) LIABILITY OF FDIC.—In the case of the Federal Deposit Insurance Corporation or any acquirer from such Corporation, the amendments made by this section shall apply only to failed depository institutions for which the receiver or conservator is appointed after the date of the enactment of this Act.

(3) SPECIAL RULE FOR COVERAGE UNDER FDIC PLAN.—Effective as of the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, coverage under the health care continuation plan maintained by the Federal Deposit Insurance Corporation on June 25, 1992, and any other substantially similar plan maintained by such Corporation, shall be deemed to satisfy the obligations of the Federal Deposit Insurance Corporation (and any acquirer from such Corporation) under section 4980B(f) of the Internal Revenue Code of 1986 and section 451 of the Federal Deposit Insurance Corporation Improvement Act of 1991 with respect to qualified individuals of failed depository institutions.

SEC. 246. DATE FOR ADOPTION OF PLAN AMENDMENTS.

If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first day of the first plan year beginning on or after January 1, 1995, if—

(1) during the period after such amendment takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment, and

(2) such plan amendment applies retroactively to such period.

TITLE III—TREATMENT OF LARGE PARTNERSHIPS

Subtitle A—General Provisions

SEC. 301. SIMPLIFIED FLOW-THROUGH FOR LARGE PARTNERSHIPS.

(a) GENERAL RULE.—Subchapter K (relating to partners and partnerships) is amended by adding at the end thereof the following new part:

"PART IV—SPECIAL RULES FOR LARGE PARTNERSHIPS

"Sec. 771. Application of subchapter to large partnerships.
"Sec. 772. Simplified flow-through.
"Sec. 773. Computations at partnership level.
"Sec. 774. Other modifications.
"Sec. 775. Large partnership defined.
"Sec. 776. Special rules for partnerships holding oil and gas properties.
"Sec. 777. Regulations.

"SEC. 771. APPLICATION OF SUBCHAPTER TO LARGE PARTNERSHIPS.

"The preceding provisions of this subchapter to the extent inconsistent with the provisions of this part shall not apply to a large partnership and its partners.

"SEC. 772. SIMPLIFIED FLOW-THROUGH.

"(a) GENERAL RULE.—In determining the income tax of a partner of a large partnership, such partner shall take into account separately such partner's distributive share of the partnership's—

"(1) taxable income or loss from passive loss limitation activities,

"(2) taxable income or loss from other activities,

"(3) net capital gain (or net capital loss)—

"(A) to the extent allocable to passive loss limitation activities, and

"(B) to the extent allocable to other activities,

"(4) tax-exempt interest,

"(5) applicable net AMT adjustment separately computed for—

"(A) passive loss limitation activities, and

"(B) other activities,

"(6) general credits,

"(7) low-income housing credit determined under section 42,

"(8) rehabilitation credit determined under section 47,

"(9) foreign income taxes,

"(10) the credit allowable under section 29, and

"(11) other items to the extent that the Secretary determines that the separate treatment of such items is appropriate.

"(b) SEPARATE COMPUTATIONS.—In determining the amounts required under subsection (a) to be separately taken into account by any partner, this section and section 773 shall be applied separately with respect to such partner by taking into account such partner's distributive share of the items of income, gain, loss, deduction, or credit of the partnership.

"(c) TREATMENT AT PARTNER LEVEL.—

"(1) IN GENERAL.—Except as provided in this subsection, rules similar to the rules of section 702(b) shall apply to any partner's distributive share of the amounts referred to in subsection (a).

"(2) INCOME OR LOSS FROM PASSIVE LOSS LIMITATION ACTIVITIES.—For purposes of this chapter, any partner's distributive share of any income or loss described in subsection (a)(1) shall be treated as an item of income or loss (as the case may be) from the conduct of a trade or business which is a single passive activity (as defined in section 469). A similar rule shall apply to a partner's distributive share of amounts referred to in paragraphs (3)(A) and (5)(A) of subsection (a).

"(3) INCOME OR LOSS FROM OTHER ACTIVITIES.—

"(A) IN GENERAL.—For purposes of this chapter, any partner's distributive share of any income or loss described in subsection (a)(2) shall be treated as an item of income or expense (as the case may be) with respect to property held for investment.

"(B) DEDUCTIONS FOR LOSS NOT SUBJECT TO SECTION 67.—The deduction under section 212 for any loss described in subparagraph (A) shall not be treated as a miscellaneous itemized deduction for purposes of section 67.

"(4) TREATMENT OF NET CAPITAL GAIN OR LOSS.—For purposes of this chapter, any partner's distributive share of any gain or loss described in subsection (a)(3) shall be treated as a long-term capital gain or loss, as the case may be.

"(5) MINIMUM TAX TREATMENT.—In determining the alternative minimum taxable income of any partner, such partner's distributive share of any applicable net AMT adjustment shall be taken into account in lieu of making the separate adjustments provided in sections 56, 57, and 58 with respect to the items of the partnership. Except as provided in regulations, the applicable net AMT adjustment shall be treated, for purposes of section 53, as an adjustment or item of tax preference not specified in section 53(d)(1)(B)(ii).

"(6) GENERAL CREDITS.—A partner's distributive share of the amount referred to in paragraph (6) of subsection (a) shall be taken into account as a current year business credit.

"(d) OPERATING RULES.—For purposes of this section—

"(1) PASSIVE LOSS LIMITATION ACTIVITY.—The term 'passive loss limitation activity' means—

"(A) any activity which involves the conduct of a trade or business, and

"(B) any rental activity.

For purposes of the preceding sentence, the term 'trade or business' includes any activity treated as a trade or business under paragraph (5) or (6) of section 469(c).

"(2) TAX-EXEMPT INTEREST.—The term 'tax-exempt interest' means interest excludable from gross income under section 103.

"(3) APPLICABLE NET AMT ADJUSTMENT.—

"(A) IN GENERAL.—The applicable net AMT adjustment is—

"(i) with respect to taxpayers other than corporations, the net adjustment determined by using the adjustments applicable to individuals, and

"(ii) with respect to corporations, the net adjustment determined by using the adjustments applicable to corporations.

"(B) NET ADJUSTMENT.—The term 'net adjustment' means the net adjustment in the items attributable to passive loss activities or other activities (as the case may be) which would result if such items were determined with the adjustments of sections 56, 57, and 58.

"(4) TREATMENT OF CERTAIN SEPARATELY STATED ITEMS.—

"(A) EXCLUSION FOR CERTAIN PURPOSES.—In determining the amounts referred to in paragraphs (1) and (2) of subsection (a), any net capital gain or net capital loss (as the case may be), and any item referred to in subsection (a)(11), shall be excluded.

"(B) ALLOCATION RULES.—The net capital gain shall be treated—

"(i) as allocable to passive loss limitation activities to the extent the net capital gain does not exceed the net capital gain determined by only taking into account gains and losses from sales and exchanges of property used in connection with such activities, and

"(ii) as allocable to other activities to the extent such gain exceeds the amount allocated under clause (i).

A similar rule shall apply for purposes of allocating any net capital loss.

"(C) NET CAPITAL LOSS.—The term 'net capital loss' means the excess of the losses from sales or exchanges of capital assets over the gains from sales or exchange of capital assets.

"(5) GENERAL CREDITS.—The term 'general credits' means any credit other than the low-income housing credit, the rehabilitation credit, the foreign tax credit, and the credit allowable under section 29.

"(6) FOREIGN INCOME TAXES.—The term 'foreign income taxes' means taxes described in section 901 which are paid or accrued to foreign countries and to possessions of the United States.

"(e) SPECIAL RULE FOR UNRELATED BUSINESS TAX.—In the case of a partner which is an organization subject to tax under section 511, such partner's distributive share of any items shall be taken into account separately to the extent necessary to comply with the provisions of section 512(c)(1).

"(f) SPECIAL RULES FOR APPLYING PASSIVE LOSS LIMITATIONS.—If any person holds an interest in a large partnership other than as a limited partner—

"(1) paragraph (2) of subsection (c) shall not apply to such partner, and

"(2) such partner's distributive share of the partnership items allocable to passive loss limitation activities shall be taken into account separately to the extent necessary to comply with the provisions of section 469.

The preceding sentence shall not apply to any items allocable to an interest held as a limited partner.

"SEC. 773. COMPUTATIONS AT PARTNERSHIP LEVEL.

"(a) GENERAL RULE.—

"(1) TAXABLE INCOME.—The taxable income of a large partnership shall be computed in the same manner as in the case of an individual except that—

"(A) the items described in section 772(a) shall be separately stated, and

"(B) the modifications of subsection (b) shall apply.

"(2) ELECTIONS.—All elections affecting the computation of the taxable income of a large partnership or the computation of any credit of a large partnership shall be made by the partnership; except that the election under section 901, and any election under section 108, shall be made by each partner separately.

"(3) LIMITATIONS, ETC.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all limitations and other provisions affecting the computation of the taxable income of a large partnership or the computation of any credit of a large partnership shall be applied at the partnership level (and not at the partner level).

"(B) CERTAIN LIMITATIONS APPLIED AT PARTNER LEVEL.—The following provisions shall be applied at the partner level (and not at the partnership level):

"(i) Section 68 (relating to overall limitation on itemized deductions).

"(ii) Sections 49 and 465 (relating to at risk limitations).

"(iii) Section 469 (relating to limitation on passive activity losses and credits).

"(iv) Any other provision specified in regulations.

"(4) COORDINATION WITH OTHER PROVISIONS.—Paragraphs (2) and (3) shall apply notwithstanding any other provision of this chapter other than this part.

"(b) MODIFICATIONS TO DETERMINATION OF TAXABLE INCOME.—In determining the taxable income of a large partnership—

"(1) CERTAIN DEDUCTIONS NOT ALLOWED.—The following deductions shall not be allowed:

"(A) The deduction for personal exemptions provided in section 151.

"(B) The net operating loss deduction provided in section 172.

"(C) The additional itemized deductions for individuals provided in part VII of subchapter B (other than section 212 thereof).

"(2) CHARITABLE DEDUCTIONS.—In determining the amount allowable under section 170, the limitation of section 170(b)(2) shall apply.

"(3) COORDINATION WITH SECTION 67.—In lieu of applying section 67, 70 percent of the amount of the miscellaneous itemized deductions shall be disallowed.

"(c) SPECIAL RULES FOR INCOME FROM DISCHARGE OF INDEBTEDNESS.—If a large partnership has income from the discharge of any indebtedness—

"(1) such income shall be excluded in determining the amounts referred to in section 772(a), and

"(2) in determining the income tax of any partner of such partnership—

"(A) such income shall be treated as an item required to be separately taken into account under section 772(a), and

"(B) the provisions of section 108 shall be applied without regard to this part.

"SEC. 774. OTHER MODIFICATIONS.

"(a) TREATMENT OF CERTAIN OPTIONAL ADJUSTMENTS, ETC.—In the case of a large partnership—

"(1) computations under section 773 shall be made without regard to any adjustment under section 743(b) or 108(b), but

"(2) a partner's distributive share of any amount referred to in section 772(a) shall be appropriately adjusted to take into account any adjustment under section 743(b) or 108(b) with respect to such partner.

"(b) CREDIT RECAPTURE DETERMINED AT PARTNERSHIP LEVEL.—

"(1) IN GENERAL.—In the case of a large partnership—

"(A) any credit recapture shall be taken into account by the partnership, and

"(B) the amount of such recapture shall be determined as if the credit with respect to which the recapture is made had been fully utilized to reduce tax.

"(2) METHOD OF TAKING RECAPTURE INTO ACCOUNT.—A large partnership shall take into account a credit recapture by reducing the amount of the appropriate current year credit to the extent thereof, and if such recapture exceeds the amount of such current year credit, the partnership shall be liable to pay such excess.

"(3) DISPOSITIONS NOT TO TRIGGER RECAPTURE.—No credit recapture shall be required by reason of any transfer of an interest in a large partnership.

"(4) CREDIT RECAPTURE.—For purposes of this subsection, the term 'credit recapture' means any increase in tax under section 42(j) or 50(a).

"(c) PARTNERSHIP NOT TERMINATED BY REASON OF CHANGE IN OWNERSHIP.—Subparagraph (B) of section 708(b)(1) shall not apply to a large partnership.

"(d) PARTNERSHIP ENTITLED TO CERTAIN CREDITS.—The following shall be allowed to a large partnership and shall not be taken into account by the partners of such partnership:

"(1) The credit provided by section 34.

"(2) Any credit or refund under section 852(b)(3)(D).

"(e) TREATMENT OF REMIC RESIDUALS.—For purposes of applying section 860E(e)(6) to any large partnership—

"(1) all interests in such partnership shall be treated as held by disqualified organizations,

"(2) in lieu of applying subparagraph (C) of section 860E(e)(6), the amount subject to tax under section 860E(e)(6) shall be excluded from the gross income of such partnership, and

"(3) subparagraph (D) of section 860E(e)(6) shall not apply.

"(f) SPECIAL RULES FOR APPLYING CERTAIN INSTALLMENT SALE RULES.—In the case of a large partnership—

"(1) the provisions of sections 453(l)(3) and 453A shall be applied at the partnership level, and

"(2) in determining the amount of interest payable under such sections, such partnership shall be treated as subject to tax under this chapter at the highest rate of tax in effect under section 1 or 11.

"SEC. 775. LARGE PARTNERSHIP.

"(a) GENERAL RULE.—For purposes of this part—

"(1) IN GENERAL.—Except as otherwise provided in this section or section 776, the term 'large partnership' means, with respect to any partnership taxable year, any partnership if the number of persons who were partners in such partnership in such taxable year or any preceding partnership taxable year ending on or after December 31, 1994, equaled or exceeded 250. To the extent provided in regulations, a partnership shall cease to be treated as a large partnership for any partnership taxable year if in such taxable year fewer than 100 persons were partners in such partnership.

"(2) ELECTION FOR PARTNERSHIPS WITH AT LEAST 100 PARTNERS.—If a partnership makes an election under this paragraph, paragraph (1) shall be applied by substituting '100' for '250'. Such an election shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.

"(b) SPECIAL RULES FOR CERTAIN SERVICE PARTNERSHIPS.—

"(1) CERTAIN PARTNERS NOT COUNTED.—For purposes of this section, the term 'partner' does not include any individual performing substantial services in connection with the activities of the partnership and holding an interest in such partnership, or an individual who formerly performed substantial services in connection with such activities and who held an interest in such partnership at the time the individual performed such services.

"(2) EXCLUSION.—For purposes of this part, the term 'large partnership' does not include any partnership if substantially all the partners of such partnership—

"(A) are individuals performing substantial services in connection with the activities of such partnership or are personal service corporations (as defined in section 269A(b)) the owner-employees (as defined in section 269A(b)) of which perform such substantial services,

"(B) are retired partners who had performed such substantial services, or

"(C) are spouses of partners who are performing (or had previously performed) such substantial services.

"(3) SPECIAL RULE FOR LOWER TIER PARTNERSHIPS.—For purposes of this subsection, the activities of a partnership shall include the activities of any other partnership in which the partnership owns directly an interest in the capital and profits of at least 80 percent.

"(c) EXCLUSION OF COMMODITY POOLS.—For purposes of this part, the term 'large partnership' does not include any partnership the principal activity of which is the buying and selling of commodities (not described in section 1221(1)), or options, futures, or forwards with respect to such commodities.

"(d) SECRETARY MAY RELY ON TREATMENT ON RETURN.—If, on the partnership return of any partnership, such partnership is treated as a large partnership, such treatment shall be binding on such partnership and all partners of such partnership but not on the Secretary.

"SEC. 776. SPECIAL RULES FOR PARTNERSHIPS HOLDING OIL AND GAS PROPERTIES.

"(a) EXCEPTION FOR PARTNERSHIPS HOLDING SIGNIFICANT OIL AND GAS PROPERTIES.—

"(1) IN GENERAL.—For purposes of this part, the term 'large partnership' shall not include any partnership if the average percentage of assets (by value) held by such partnership during the taxable year which are oil or gas properties is at least 25 percent. For purposes of the preceding sentence, any interest held by a partnership in another partnership shall be disregarded, except that the partnership shall be treated as holding its proportionate share of the assets of such other partnership.

"(2) ELECTION TO WAIVE EXCEPTION.—Any partnership may elect to have paragraph (1) not apply. Such an election shall apply to the partnership taxable year for which made and all subsequent partnership taxable years unless revoked with the consent of the Secretary.

"(b) SPECIAL RULES WHERE PART APPLIES.—

"(1) COMPUTATION OF PERCENTAGE DEPLETION.—In the case of a large partnership, except as provided in paragraph (2)—

"(A) the allowance for depletion under section 611 with respect to any partnership oil or gas property shall be computed at the partnership level without regard to any provision of section 613A requiring such allowance to be computed separately by each partner,

"(B) such allowance shall be determined without regard to the provisions of section 613A(c) limiting the amount of production for which percentage depletion is allowable and without regard to paragraph (1) of section 613A(d), and

"(C) paragraph (3) of section 705(a) shall not apply.

"(2) TREATMENT OF CERTAIN PARTNERS.—

"(A) IN GENERAL.—In the case of a disqualified person, the treatment under this chapter of such person's distributive share of any item of income, gain, loss, deduction, or credit attributable to any partnership oil or gas property shall be determined without regard to this part. Such person's distributive share of any such items shall be excluded for purposes of making determinations under sections 772 and 773.

"(B) DISQUALIFIED PERSON.—For purposes of subparagraph (A), the term 'disqualified person' means, with respect to any partnership taxable year—

"(i) any person referred to in paragraph (2) or (4) of section 613A(d) for such person's taxable year in which such partnership taxable year ends, and

"(ii) any other person if such person's average daily production of domestic crude oil and natural gas for such person's taxable year in which such partnership taxable year ends exceeds 500 barrels.

"(C) AVERAGE DAILY PRODUCTION.—For purposes of subparagraph (B), a person's average daily production of domestic crude oil and natural gas for any taxable year shall be computed as provided in section 613A(c)(2)—

"(i) by taking into account all production of domestic crude oil and natural gas (including such person's proportionate share of any production of a partnership),

"(ii) by treating 6,000 cubic feet of natural gas as a barrel of crude oil, and

"(iii) by treating as 1 person all persons treated as 1 taxpayer under section 613A(c)(8) or among whom allocations are required under such section.

"SEC. 777. REGULATIONS.

"The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this part."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter K of chapter 1 is amended by adding at the end thereof the following new item:

"Part IV. Special rules for large partnerships."

SEC. 302. SIMPLIFIED AUDIT PROCEDURES FOR LARGE PARTNERSHIPS.

(a) GENERAL RULE.—Chapter 63 is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Treatment of Large Partnerships

"Part I. Treatment of partnership items and adjustments.

"Part II. Partnership level adjustments.

"Part III. Definitions and special rules.

"PART I—TREATMENT OF PARTNERSHIP ITEMS AND ADJUSTMENTS

"Sec. 6240. Application of subchapter.

"Sec. 6241. Partner's return must be consistent with partnership return.

"Sec. 6242. Procedures for taking partnership adjustments into account.

"SEC. 6240. APPLICATION OF SUBCHAPTER.

"(a) GENERAL RULE.—This subchapter shall only apply to large partnerships and partners in such partnerships.

"(b) COORDINATION WITH OTHER PARTNERSHIP AUDIT PROCEDURES.—

"(1) IN GENERAL.—Subchapter C of this chapter shall not apply to any large partnership other than in its capacity as a partner in another partnership which is not a large partnership.

"(2) TREATMENT WHERE PARTNER IN OTHER PARTNERSHIP.—If a large partnership is a partner in another partnership which is not a large partnership—

"(A) subchapter C of this chapter shall apply to items of such large partnership which are partnership items with respect to such other partnership, but

"(B) any adjustment under such subchapter C shall be taken into account in the manner provided by section 6242.

"SEC. 6241. PARTNER'S RETURN MUST BE CONSISTENT WITH PARTNERSHIP RETURN.

"(a) GENERAL RULE.—A partner of any large partnership shall, on the partner's return, treat each partnership item attributable to such partnership in a manner which is consistent with the treatment of such partnership item on the partnership return.

"(b) UNDERPAYMENT DUE TO INCONSISTENT TREATMENT ASSESSED AS MATH ERROR.—Any underpayment of tax by a partner by reason of failing to comply with the requirements of subsection (a) shall be assessed and collected in the same manner as if such underpayment were on account of a mathematical or clerical error appearing on the partner's return. Paragraph (2) of section 6213(b) shall not apply to any assessment of an underpayment referred to in the preceding sentence.

"(c) ADJUSTMENTS NOT TO AFFECT PRIOR YEAR OF PARTNERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall apply without regard to any adjustment to the partnership item under part II.

"(2) CERTAIN CHANGES IN DISTRIBUTIVE SHARE TAKEN INTO ACCOUNT BY PARTNER.—

"(A) IN GENERAL.—To the extent that any adjustment under part II involves a change under section 704 in a partner's distributive share of the amount of any partnership item shown on the partnership return, such adjustment shall be taken into account in applying this title to such partner for the partner's taxable year for which such item was required to be taken into account.

"(B) COORDINATION WITH DEFICIENCY PROCEDURES.—

"(i) IN GENERAL.—Subchapter B shall not apply to the assessment or collection of any underpayment of tax attributable to an adjustment referred to in subparagraph (A).

"(ii) ADJUSTMENT NOT PRECLUDED.—Notwithstanding any other law or rule of law, nothing in subchapter B (or in any proceeding under subchapter B) shall preclude the assessment or collection of any underpayment of tax (or the allowance of any credit or refund of any overpayment of tax) attributable to an adjustment referred to in subparagraph (A) and such assessment or collection or allowance (or any notice thereof) shall not preclude any notice, proceeding, or determination under subchapter B.

"(C) PERIOD OF LIMITATIONS.—The period for—

"(i) assessing any underpayment of tax, or

"(ii) filing a claim for credit or refund of any overpayment of tax,

attributable to an adjustment referred to in subparagraph (A) shall not expire before the close of the period prescribed by section 6248 for making adjustments with respect to the partnership taxable year involved.

"(D) TIERED STRUCTURES.—If the partner referred to in subparagraph (A) is another partnership or an S corporation, the rules of this paragraph shall also apply to persons holding interests in such partnership or S corporation (as the case may be); except that, if such partner is a large partnership, the adjustment referred to in subparagraph (A) shall be taken into account in the manner provided by section 6242.

"(d) ADDITION TO TAX FOR FAILURE TO COMPLY WITH SECTION.—

"For addition to tax in case of partner's disregard of requirements of this section, see part II of subchapter A of chapter 68.

"SEC. 6242. PROCEDURES FOR TAKING PARTNERSHIP ADJUSTMENTS INTO ACCOUNT.

"(a) ADJUSTMENTS FLOW THROUGH TO PARTNERS FOR YEAR IN WHICH ADJUSTMENT TAKES EFFECT.—

"(1) IN GENERAL.—If any partnership adjustment with respect to any partnership item takes effect (within the meaning of subsection (d)(2)) during any partnership taxable year and if an election under paragraph (2) does not apply to such adjustment, such adjustment shall be taken into account in determining the amount of such item for the partnership taxable year in which such adjustment takes effect. In applying this title to any person who is (directly or indirectly) a partner in such partnership during such partnership taxable year, such adjustment shall be treated as an item actually arising during such taxable year.

"(2) PARTNERSHIP LIABLE IN CERTAIN CASES.—If—

"(A) a partnership elects under this paragraph to not take an adjustment into account under paragraph (1),

"(B) a partnership does not make such an election but in filing its return for any partnership taxable year fails to take fully into account any partnership adjustment as required under paragraph (1), or

"(C) any partnership adjustment involves a reduction in a credit which exceeds the amount of such credit determined for the partnership taxable year in which the adjustment takes effect,

the partnership shall pay to the Secretary an amount determined by applying the rules of subsection (b)(4) to the adjustments not so taken into account and any excess referred to in subparagraph (C).

"(3) OFFSETTING ADJUSTMENTS TAKEN INTO ACCOUNT.—If a partnership adjustment requires another adjustment in a taxable year after the adjusted year and before the partnership taxable year in which such partnership adjustment takes effect, such other adjustment shall be taken into account under this subsection for the partnership taxable year in which such partnership adjustment takes effect.

"(4) COORDINATION WITH PART II.—Amounts taken into account under this subsection for any partnership taxable year shall continue to be treated as adjustments for the adjusted year for purposes of determining whether such amounts may be readjusted under part II.

"(b) PARTNERSHIP LIABLE FOR INTEREST AND PENALTIES.—

"(1) IN GENERAL.—If a partnership adjustment takes effect during any partnership taxable year and such adjustment results in an imputed underpayment for the adjusted year, the partnership—

"(A) shall pay to the Secretary interest computed under paragraph (2), and

"(B) shall be liable for any penalty, addition to tax, or additional amount as provided in paragraph (3).

"(2) DETERMINATION OF AMOUNT OF INTEREST.—The interest computed under this paragraph with respect to any partnership adjustment is the interest which would be determined under chapter 67—

"(A) on the imputed underpayment determined under paragraph (4) with respect to such adjustment,

"(B) for the period beginning on the day after the return due date for the adjusted year and ending on the return due date for the partnership taxable year in which such adjustment takes effect (or, if earlier, in the case of any adjustment to which subsection (a)(2) applies, the date on which the payment under subsection (a)(2) is made).

Proper adjustments in the amount determined under the preceding sentence shall be made for adjustments required for partnership taxable years after the adjusted year and before the year in which the partnership adjustment takes effect by reason of such partnership adjustment.

"(3) PENALTIES.—A partnership shall be liable for any penalty, addition to tax, or additional amount for which it would have been liable if such partnership had been an individual subject to tax under chapter 1 for the adjusted year and the imputed underpayment determined under paragraph (4) were an actual underpayment (or understatement) for such year.

"(4) IMPUTED UNDERPAYMENT.—For purposes of this subsection, the imputed underpayment determined under this paragraph with respect to any partnership adjustment is the underpayment (if any) which would result—

"(A) by netting all adjustments to items of income, gain, loss, or deduction and by treating any net increase in income as an underpayment equal to the amount of such net increase multiplied by the highest rate of tax in effect under section 1 or 11 for the adjusted year, and

"(B) by taking adjustments to credits into account as increases or decreases (whichever is appropriate) in the amount of tax.

For purposes of the preceding sentence, any net decrease in a loss shall be treated as an increase in income and a similar rule shall apply to a net increase in a loss.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) IN GENERAL.—Any payment required by subsection (a)(2) or (b)(1)(A)—

"(A) shall be assessed and collected in the same manner as if it were a tax imposed by subtitle C, and

"(B) shall be paid on or before the return due date for the partnership taxable year in which the partnership adjustment takes effect.

"(2) INTEREST.—For purposes of determining interest, any payment required by subsection (a)(2) or (b)(1)(A) shall be treated as an underpayment of tax.

"(3) PENALTIES.—

"(A) IN GENERAL.—In the case of any failure by any partnership to pay on the date prescribed therefor any amount required by subsection (a)(2) or (b)(1)(A), there is hereby imposed on such partnership a penalty of 10 percent of the underpayment. For purposes of the preceding sentence, the term 'underpayment' means the excess of any payment required under this section over the amount (if any) paid on or before the date prescribed therefor.

"(B) ACCURACY-RELATED AND FRAUD PENALTIES MADE APPLICABLE.—For purposes of part II of subchapter A of chapter 68, any payment required by subsection (a)(2) shall be treated as an underpayment of tax.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PARTNERSHIP ADJUSTMENT.—The term 'partnership adjustment' means any adjustment in the amount of any partnership item of a large partnership.

"(2) WHEN ADJUSTMENT TAKES EFFECT.—A partnership adjustment takes effect—

"(A) in the case of an adjustment pursuant to the decision of a court in a proceeding brought under part II, when such decision becomes final,

"(B) in the case of an adjustment pursuant to any administrative adjustment request under section 6251, when such adjustment is allowed by the Secretary, or

"(C) in any other case, when such adjustment is made.

"(3) ADJUSTED YEAR.—The term 'adjusted year' means the partnership taxable year to which the item being adjusted relates.

"(4) RETURN DUE DATE.—The term 'return due date' means, with respect to any taxable year, the date prescribed for filing the partnership return for such taxable year (determined without regard to extensions).

"(5) ADJUSTMENTS INVOLVING CHANGES IN CHARACTER.—Under regulations, appropriate adjustments in the application of this section shall be made for purposes of taking into account partnership adjustments which involve a change in the character of any item of income, gain, loss, or deduction.

"(e) PAYMENTS NONDEDUCTIBLE.—No deduction shall be allowed under subtitle A for any payment required to be made by a large partnership under this section.

"PART II—PARTNERSHIP LEVEL ADJUSTMENTS

"Subpart A. Adjustments by Secretary.

"Subpart B. Claims for adjustments by partnership.

"Subpart A—Adjustments by Secretary

"Sec. 6245. Secretarial authority.

"Sec. 6246. Restrictions on partnership adjustments.

"Sec. 6247. Judicial review of partnership adjustment.

"Sec. 6248. Period of limitations for making adjustments.

"SEC. 6245. SECRETARIAL AUTHORITY.

"(a) GENERAL RULE.—The Secretary is authorized and directed to make adjustments at the partnership level in any partnership item to the extent necessary to have such item be treated in the manner required.

"(b) NOTICE OF PARTNERSHIP ADJUSTMENT.—

"(1) IN GENERAL.—If the Secretary determines that a partnership adjustment is required, the Secretary is authorized to send notice of such adjustment to the partnership by certified mail or registered mail. Such notice shall be sufficient if mailed to the partnership at its last known address even if the partnership has terminated its existence.

"(2) FURTHER NOTICES RESTRICTED.—If the Secretary mails a notice of a partnership adjustment to any partnership for any partnership taxable year and the partnership files a petition under section 6247 with respect to such notice, in the absence of a showing of fraud, malfeasance, or misrepresentation of a material fact, the Secretary shall not mail another such notice to such partnership with respect to such taxable year.

"(3) AUTHORITY TO RESCIND NOTICE WITH PARTNERSHIP CONSENT.—The Secretary may, with the consent of the partnership, rescind any notice of a partnership adjustment mailed to such partnership. Any notice so rescinded shall not be treated as a notice of a partnership adjustment, for purposes of this section, section 6246, and section 6247, and the taxpayer shall have no right to bring a proceeding under section 6247 with respect to such notice. Nothing in this subsection shall affect any suspension of the running of any period of limitations during any period during which the rescinded notice was outstanding.

"SEC. 6246. RESTRICTIONS ON PARTNERSHIP ADJUSTMENTS.

"(a) GENERAL RULE.—Except as otherwise provided in this chapter, no adjustment to any partnership item may be made (and no levy or proceeding in any court for the collection of any amount resulting from such adjustment may be made, begun or prosecuted) before—

"(1) the close of the 90th day after the day on which a notice of a partnership adjustment was mailed to the partnership, and

"(2) if a petition is filed under section 6247 with respect to such notice, the decision of the court has become final.

"(b) PREMATURE ACTION MAY BE ENJOINED.—Notwithstanding section 7421(a), any action which violates subsection (a) may be enjoined in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction to enjoin any action under this subsection unless a timely petition has been filed under section 6247 and then only in respect of the adjustments that are the subject of such petition.

"(c) EXCEPTIONS TO RESTRICTIONS ON ADJUSTMENTS.—

"(1) ADJUSTMENTS ARISING OUT OF MATH OR CLERICAL ERRORS.—

"(A) IN GENERAL.—If the partnership is notified that, on account of a mathematical or clerical error appearing on the partnership return, an adjustment to a partnership item is required, rules similar to the rules of paragraphs (1) and (2) of section 6213(b) shall apply to such adjustment.

"(B) SPECIAL RULE.—If a large partnership is a partner in another large partnership, any adjustment on account of such partnership's failure to comply with the requirements of section 6241(a) with respect to its interest in such other partnership shall be treated as an adjustment referred to in subparagraph (A), except that paragraph (2) of section 6213(b) shall not apply to such adjustment.

"(2) PARTNERSHIP MAY WAIVE RESTRICTIONS.—The partnership shall at any time (whether or not a notice of partnership adjustment has been issued) have the right, by a signed notice in writing filed with the Secretary, to waive the restrictions provided in subsection (a) on the making of any partnership adjustment.

"(d) LIMIT WHERE NO PROCEEDING BEGUN.—If no proceeding under section 6247 is begun with respect to any notice of a partnership adjustment during the 90-day period described in subsection (a), the amount for which the partnership is liable under section 6242 (and any increase in any partner's liability for tax under chapter 1 by reason of any adjustment under section 6242(a)) shall not exceed the amount determined in accordance with such notice.

"SEC. 6247. JUDICIAL REVIEW OF PARTNERSHIP ADJUSTMENT.

"(a) GENERAL RULE.—Within 90 days after the date on which a notice of a partnership adjustment is mailed to the partnership with respect to any partnership taxable year, the partnership may file a petition for a readjustment of the partnership items for such taxable year with—

"(1) the Tax Court,

"(2) the district court of the United States for the district in which the partnership's principal place of business is located, or

"(3) the Claims Court.

"(b) JURISDICTIONAL REQUIREMENT FOR BRINGING ACTION IN DISTRICT COURT OR CLAIMS COURT.—

"(1) IN GENERAL.—A readjustment petition under this section may be filed in a district court of the United States or the Claims Court only if the partnership filing the petition deposits with the Secretary, on or before the date the petition is filed, the amount for which the partnership would be liable under section 6242(b) (as of the date of the filing of the petition) if the partnership items were adjusted as provided by the notice of partnership adjustment. The court may by order provide that the jurisdictional requirements of this paragraph are satisfied where there has been a good faith attempt to satisfy such requirement and any shortfall of the amount required to be deposited is timely corrected.

"(2) INTEREST PAYABLE.—Any amount deposited under paragraph (1), while deposited, shall not be treated as a payment of tax for purposes of this title (other than chapter 67).

"(c) SCOPE OF JUDICIAL REVIEW.—A court with which a petition is filed in accordance with this section shall have jurisdiction to determine all partnership items of the partnership for the partnership taxable year to which the notice of partnership adjustment relates and the proper allocation of such items among the partners (and the applicability of any penalty, addition to tax, or additional amount for which the partnership may be liable under section 6242(b)).

"(d) DETERMINATION OF COURT REVIEWABLE.—Any determination by a court under this section shall have the force and effect of a decision of the Tax Court or a final judgment or decree of the district court or the Claims Court, as the case may be, and shall be reviewable as such. The date of any such determination shall be treated as being the date of the court's order entering the decision.

"(e) EFFECT OF DECISION DISMISSING ACTION.—If an action brought under this section is dismissed other than by reason of a rescission under section 6245(b)(3), the decision of the court dismissing the action shall be considered as its decision that the notice of partnership adjustment is correct, and an appropriate order shall be entered in the records of the court.

"SEC. 6248. PERIOD OF LIMITATIONS FOR MAKING ADJUSTMENTS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, no adjustment under this subpart to any partnership item for any partnership taxable year may be made after the date which is 3 years after the later of—

"(1) the date on which the partnership return for such taxable year was filed, or

"(2) the last day for filing such return for such year (determined without regard to extensions).

"(b) EXTENSION BY AGREEMENT.—The period described in subsection (a) (including an extension period under this subsection) may be extended by an agreement entered into by the Secretary and the partnership before the expiration of such period.

"(c) SPECIAL RULE IN CASE OF FRAUD, ETC.—

"(1) FALSE RETURN.—In the case of a false or fraudulent partnership return with intent to evade tax, the adjustment may be made at any time.

"(2) SUBSTANTIAL OMISSION OF INCOME.—If any partnership omits from gross income an amount properly includible therein which is in excess of 25 percent of the amount of gross income stated in its return, subsection (a) shall be applied by substituting '6 years' for '3 years'.

"(3) NO RETURN.—In the case of a failure by a partnership to file a return for any taxable year, the adjustment may be made at any time.

"(4) RETURN FILED BY SECRETARY.—For purposes of this section, a return executed by the Secretary under subsection (b) of section 6020 on behalf of the partnership shall not be treated as a return of the partnership.

"(d) SUSPENSION WHEN SECRETARY MAILS NOTICE OF ADJUSTMENT.—If notice of a partnership adjustment with respect to any taxable year is mailed to the partnership, the running of the period specified in subsection (a) (as modified by the other provisions of this section) shall be suspended—

"(1) for the period during which an action may be brought under section 6247 (and, if a petition is filed under section 6247 with respect to such notice, until the decision of the court becomes final), and

"(2) for 1 year thereafter.

"Subpart B—Claims for Adjustments by Partnership

"Sec. 6251. Administrative adjustment requests.

"Sec. 6252. Judicial review where administrative adjustment request is not allowed in full.

"SEC. 6251. ADMINISTRATIVE ADJUSTMENT REQUESTS.

"(a) GENERAL RULE.—A partnership may file a request for an administrative adjustment of partnership items for any partnership taxable year at any time which is—

"(1) within 3 years after the later of—

"(A) the date on which the partnership return for such year is filed, or

"(B) the last day for filing the partnership return for such year (determined without regard to extensions), and

"(2) before the mailing to the partnership of a notice of a partnership adjustment with respect to such taxable year.

"(b) SECRETARIAL ACTION.—If a partnership files an administrative adjustment request under subsection (a), the Secretary may allow any part of the requested adjustments.

"(c) SPECIAL RULE IN CASE OF EXTENSION UNDER SECTION 6248.—If the period described in section 6248(a) is extended pursuant to an agreement under section 6248(b), the period prescribed by subsection (a)(1) shall not expire before the date 6 months after the expiration of the extension under section 6248(b).

"SEC. 6252. JUDICIAL REVIEW WHERE ADMINISTRATIVE ADJUSTMENT REQUEST IS NOT ALLOWED IN FULL.

"(a) IN GENERAL.—If any part of an administrative adjustment request filed under section 6251 is not allowed by the Secretary, the partnership may file a petition for an adjustment with respect to the partnership items to which such part of the request relates with—

"(1) the Tax Court,

"(2) the district court of the United States for the district in which the principal place of business of the partnership is located, or

"(3) the Claims Court.

"(b) PERIOD FOR FILING PETITION.—A petition may be filed under subsection (a) with respect to partnership items for a partnership taxable year only—

"(1) after the expiration of 6 months from the date of filing of the request under section 6251, and

"(2) before the date which is 2 years after the date of such request.

The 2-year period set forth in paragraph (2) shall be extended for such period as may be agreed upon in writing by the partnership and the Secretary.

"(c) COORDINATION WITH SUBPART A.—

"(1) NOTICE OF PARTNERSHIP ADJUSTMENT BEFORE FILING OF PETITION.—No petition may be filed under this section after the Secretary mails to the partnership a notice of a partnership adjustment for the partnership taxable year to which the request under section 6251 relates.

"(2) NOTICE OF PARTNERSHIP ADJUSTMENT AFTER FILING BUT BEFORE HEARING OF PETITION.—If the Secretary mails to the partnership a notice of a partnership adjustment for the partnership taxable year to which the request under section 6251 relates after the filing of a petition under this subsection but before the hearing of such petition, such petition shall be treated as an action brought under section 6247 with respect to such notice, except that subsection (b) of section 6247 shall not apply.

"(3) NOTICE MUST BE BEFORE EXPIRATION OF STATUTE OF LIMITATIONS.—A notice of a partnership adjustment for the partnership taxable year shall be taken into account under paragraphs (1) and (2) only if such notice is mailed before the expiration of the period prescribed by section 6248 for making adjustments to partnership items for such taxable year.

"(d) SCOPE OF JUDICIAL REVIEW.—Except in the case described in paragraph (2) of subsection (c), a court with which a petition is filed in accordance with this section shall have jurisdiction to determine only those partnership items to which the part of the request under section 6251 not allowed by the Secretary relates and those items with respect to which the Secretary asserts adjustments as offsets to the adjustments requested by the partnership.

"(e) DETERMINATION OF COURT REVIEWABLE.—Any determination by a court under this subsection shall have the force and effect of a decision of the Tax Court or a final judgment or decree of the district court or the Claims Court, as the case may be, and shall be reviewable as such. The date of any such determination shall be treated as being the date of the court's order entering the decision.

"PART III—DEFINITIONS AND SPECIAL RULES

"Sec. 6255. Definitions and special rules.

"SEC. 6255. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) LARGE PARTNERSHIP.—The term 'large partnership' has the meaning given to such term by section 775 without regard to section 776(a).

"(2) PARTNERSHIP ITEM.—The term 'partnership item' has the meaning given to such term by section 6231(a)(3).

"(b) PARTNERS BOUND BY ACTIONS OF PARTNERSHIP, ETC.—

"(1) DESIGNATION OF PARTNER.—Each large partnership shall designate (in the manner prescribed by the Secretary) a partner (or other person) who shall have the sole authority to act on behalf of such partnership under this subchapter. In any case in which such a designation is not in effect, the Secretary may select any partner as the partner with such authority.

"(2) BINDING EFFECT.—A large partnership and all partners of such partnership shall be bound—

"(A) by actions taken under this subchapter by the partnership, and

"(B) by any decision in a proceeding brought under this subchapter.

"(c) PARTNERSHIPS HAVING PRINCIPAL PLACE OF BUSINESS OUTSIDE THE UNITED STATES.—For purposes of sections 6247 and 6252, a principal place of business located outside the United States shall be treated as located in the District of Columbia.

"(d) TREATMENT WHERE PARTNERSHIP CEASES TO EXIST.—If a partnership ceases to exist before a partnership adjustment under this subchapter takes effect, such adjustment shall be taken into account by the former partners of such partnership under regulations prescribed by the Secretary.

"(e) DATE DECISION BECOMES FINAL.—For purposes of this subchapter, the principles of section 7481(a) shall be applied in determining the date on which a decision of a district court or the Claims Court becomes final.

"(f) PARTNERSHIPS IN CASES UNDER TITLE 11 OF THE UNITED STATES CODE.—The running of any period of limitations provided in this subchapter on making a partnership adjustment (or provided by section 6501 or 6502 on the assessment or collection of any amount required to be paid under section 6242) shall, in a case under title 11 of the United States Code, be suspended during the period during which the Secretary is prohibited by reason of such case from making the adjustment (or assessment or collection) and—

"(1) for adjustment or assessment, 60 days thereafter, and

"(2) for collection, 6 months thereafter.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subchapter, including regulations—

"(1) to prevent abuse through manipulation of the provisions of this subchapter, and

"(2) providing that this subchapter shall not apply to any case described in section 6231(c)(1) (or the regulations prescribed thereunder) where the application of this subchapter to such a case would interfere with the effective and efficient enforcement of this title.

In any case to which this subchapter does not apply by reason of paragraph (2), rules similar to the rules of sections 6229(f) and 6255(f) shall apply."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 63 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D. Treatment of large partnerships."

SEC. 303. DUE DATE FOR FURNISHING INFORMATION TO PARTNERS OF LARGE PARTNERSHIPS.

(a) GENERAL RULE.—Subsection (b) of section 6031 (relating to copies to partners) is amended by adding at the end thereof the following new sentence: "In the case of a large partnership (as defined in sections 775 and 776(a)), such information shall be furnished on or before the first March 15 following the close of such taxable year."

(b) TREATMENT AS INFORMATION RETURN.—Section 6724 is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR CERTAIN PARTNERSHIP RETURNS.—If any partnership return under section 6031(a) is required under section 6011(e) to be filed on magnetic media or in other machine-readable form, for purposes of this part, each schedule required to be included with such return with respect to each partner shall be treated as a separate information return."

SEC. 304. RETURNS MAY BE REQUIRED ON MAGNETIC MEDIA.

Paragraph (2) of section 6011(e) (relating to returns on magnetic media) is amended by adding at the end thereof the following new sentence:

"The preceding sentence shall not apply in the case of the partnership return of a large partnership (as defined in sections 775 and 776(a)) or any other partnership with 250 or more partners."

SEC. 305. TREATMENT OF PARTNERSHIP ITEMS OF INDIVIDUAL RETIREMENT ACCOUNTS.

Subsection (b) of section 6012 is amended by adding at the end thereof the following new paragraph:

"(6) IRA SHARE OF PARTNERSHIP INCOME.—In the case of a trust which is exempt from taxation under section 408(e), for purposes of this section, the trust's distributive share of items of gross income and gain of any partnership to which subchapter C or D of chapter 63 applies shall be treated as equal to the trust's distributive share of the taxable income of such partnership."

SEC. 306. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to partnership taxable years ending on or after December 31, 1994.

(b) SPECIAL RULE FOR SECTION 304.—In the case of a partnership which is not a large partnership (as defined in sections 775 and 776(a) of the Internal Revenue Code of 1986, as added by this subtitle), the amendment made by section 304 shall only apply to partnership taxable years ending on or after December 31, 1998.

(c) SPECIAL RULE FOR SECTION 305.—The amendment made by section 305 shall apply to taxable years beginning after December 31, 1993.

Subtitle B—Provisions Related to TEFRA Partnership Proceedings

SEC. 311. TREATMENT OF PARTNERSHIP ITEMS IN DEFICIENCY PROCEEDINGS.

(a) IN GENERAL.—Subchapter C of chapter 63 is amended by adding at the end thereof the following new section:

"SEC. 6234. DECLARATORY JUDGMENT RELATING TO TREATMENT OF ITEMS OTHER THAN PARTNERSHIP ITEMS WITH RESPECT TO AN OVERSHELTERED RETURN.

"(a) GENERAL RULE.—If—

"(1) a taxpayer files an oversheltered return for a taxable year,

"(2) the Secretary makes a determination with respect to the treatment of items (other than partnership items) of such taxpayer for such taxable year, and

"(3) the adjustments resulting from such determination do not give rise to a deficiency (as defined in section 6211) but would give rise to a deficiency if there were no net loss from partnership items,

the Secretary is authorized to send a notice of adjustment reflecting such determination to the taxpayer by certified or registered mail.

"(b) OVERSHELTERED RETURN.—For purposes of this section, the term 'oversheltered return' means an income tax return which—

"(1) shows no taxable income for the taxable year, and

"(2) shows a net loss from partnership items.

"(c) JUDICIAL REVIEW IN THE TAX COURT.—Within 90 days, or 150 days if the notice is addressed to a person outside the United States, after the day on which the notice of adjustment authorized in subsection (a) is mailed to the taxpayer, the taxpayer may file a petition with the Tax Court for redetermination of the adjustments. Upon the filing of such a petition, the Tax Court shall have jurisdiction to make a declaration with respect to all items (other than partnership items and affected items which require partner level determinations as described in section 6230(a)(2)(A)(i)) for the taxable year to which the notice of adjustment relates, in accordance with the principles of section 6214(a). Any such declaration shall have the force and effect of a decision of the Tax Court and shall be reviewable as such.

"(d) FAILURE TO FILE PETITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the taxpayer does not file a petition with the Tax Court within the time prescribed in subsection (c), the determination of the Secretary set forth in the notice of adjustment that was mailed to the taxpayer shall be deemed to be correct.

"(2) EXCEPTION.—Paragraph (1) shall not apply after the date that the taxpayer—

"(A) files a petition with the Tax Court within the time prescribed in subsection (c) with respect to a subsequent notice of adjustment relating to the same taxable year, or

"(B) files a claim for refund of an overpayment of tax under section 6511 for the taxable year involved.

If a claim for refund is filed by the taxpayer, then solely for purposes of determining (for the taxable year involved) the amount of any computational adjustment in connection with a partnership proceeding under this subchapter (other than under this section) or the amount of any deficiency attributable to affected items in a proceeding under section 6230(a)(2), the items that are the subject of the notice of adjustment shall be presumed to have been correctly reported on the taxpayer's return during the pendency of the refund claim (and, if within the time prescribed by section 6532 the taxpayer commences a civil action for refund under section 7422, until the decision in the refund action becomes final).

"(e) LIMITATIONS PERIOD.—

"(1) IN GENERAL.—Any notice to a taxpayer under subsection (a) shall be mailed before the expiration of the period prescribed by section 6501 (relating to the period of limitations on assessment).

"(2) SUSPENSION WHEN SECRETARY MAILS NOTICE OF ADJUSTMENT.—If the Secretary mails a notice of adjustment to the taxpayer for a taxable year, the period of limitations on the making of assessments shall be suspended for the period during which the Secretary is prohibited from making the assessment (and, in any event, if a proceeding in respect of the notice of adjustment is placed on the docket of the Tax Court, until the decision of the Tax Court becomes final), and for 60 days thereafter.

"(3) RESTRICTIONS ON ASSESSMENT.—Except as otherwise provided in section 6851, 6852, or 6861, no assessment of a deficiency with respect to any tax imposed by subtitle A attributable to any item (other than a partnership item or any item affected by a partnership item) shall be made—

"(A) until the expiration of the applicable 90-day or 150-day period set forth in subsection (c) for filing a petition with the Tax Court, or

"(B) if a petition has been filed with the Tax Court, until the decision of the Tax Court has become final.

"(f) FURTHER NOTICES OF ADJUSTMENT RESTRICTED.—If the Secretary mails a notice of adjustment to the taxpayer for a taxable year and the taxpayer files a petition with the Tax Court within the time prescribed in subsection (c), the Secretary may not mail another such notice to the taxpayer with respect to the same taxable year in the absence of a showing of fraud, malfeasance, or misrepresentation of a material fact.

"(g) COORDINATION WITH OTHER PROCEEDINGS UNDER THIS SUBCHAPTER.—

"(1) IN GENERAL.—The treatment of any item that has been determined pursuant to subsection (c) or (d) shall be taken into account in determining the amount of any computational adjustment that is made in connection with a partnership proceeding under this subchapter (other than under this section), or the amount of any deficiency attributable to affected items in a proceeding under section 6230(a)(2), for the taxable year involved. Notwithstanding any other law or rule of law pertaining to the period of limitations on the making of assessments, for purposes of the preceding sentence, any adjustment made in accordance with this section shall be taken into account regardless of whether any assessment has been made with respect to such adjustment.

"(2) SPECIAL RULE IN CASE OF COMPUTATIONAL ADJUSTMENT.—In the case of a computational adjustment that is made in connection with a partnership proceeding under this subchapter (other than under this section), the provisions of paragraph (1) shall apply only if the computational adjustment is made within the period prescribed by section 6229 for assessing any tax under subtitle A which is attributable to any partnership item or affected item for the taxable year involved.

"(3) CONVERSION TO DEFICIENCY PROCEEDING.—If—

"(A) after the notice referred to in subsection (a) is mailed to a taxpayer for a taxable year but before the expiration of the period for filing a petition with the Tax Court under subsection (c) (or, if a petition is filed with the Tax Court, before the Tax Court makes a declaration for that taxable year), the treatment of any partnership item for the taxable year is finally determined, or any such item ceases to be a partnership item pursuant to section 6231(b), and

"(B) as a result of that final determination or cessation, a deficiency can be determined with respect to the items that are the subject of the notice of adjustment,

the notice of adjustment shall be treated as a notice of deficiency under section 6212 and any petition filed in respect of the notice shall be treated as an action brought under section 6213.

"(4) FINALLY DETERMINED.—For purposes of this subsection, the treatment of partnership items shall be treated as finally determined if—

"(A) the Secretary enters into a settlement agreement (within the meaning of section 6224) with the taxpayer regarding such items,

"(B) a notice of final partnership administrative adjustment has been issued and—

"(i) no petition has been filed under section 6226 and the time for doing so has expired, or

"(ii) a petition has been filed under section 6226 and the decision of the court has become final, or

"(C) the period within which any tax attributable to such items may be assessed against the taxpayer has expired.

"(h) SPECIAL RULES IF SECRETARY INCORRECTLY DETERMINES APPLICABLE PROCEDURE.—

"(1) SPECIAL RULE IF SECRETARY ERRONEOUSLY MAILS NOTICE OF ADJUSTMENT.—If the Secretary erroneously determines that subchapter B does not apply to a taxable year of a taxpayer and consistent with that determination timely mails a notice of adjustment to the taxpayer pursuant to subsection (a) of this section, the notice of adjustment shall be treated as a notice of deficiency under section 6212 and any petition that is filed in respect of the notice shall be treated as an action brought under section 6213.

"(2) SPECIAL RULE IF SECRETARY ERRONEOUSLY MAILS NOTICE OF DEFICIENCY.—If the Secretary erroneously determines that subchapter B applies to a taxable year of a taxpayer and consistent with that determination timely mails a notice of deficiency to the taxpayer pursuant to section 6212, the notice of deficiency shall be treated as a notice of adjustment under subsection (a) and any petition that is filed in respect of the notice shall be treated as an action brought under subsection (c)."

(b) TREATMENT OF PARTNERSHIP ITEMS IN DEFICIENCY PROCEEDINGS.—Section 6211 (defining deficiency) is amended by adding at the end thereof the following new subsection:

"(c) COORDINATION WITH SUBCHAPTER C.—In determining the amount of any deficiency for purposes of this subchapter, adjustments to partnership items shall be made only as provided in subchapter C."

(c) CLERICAL AMENDMENT.—The table of sections for subchapter C of chapter 63 is amended by adding at the end thereof the following new item:

"Sec. 6234. Declaratory judgment relating to treatment of items other than partnership items with respect to an oversheltered return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years ending after the date of the enactment of this Act.

SEC. 312. PARTNERSHIP RETURN TO BE DETERMINATIVE OF AUDIT PROCEDURES TO BE FOLLOWED.

(a) IN GENERAL.—Section 6231 (relating to definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(g) PARTNERSHIP RETURN TO BE DETERMINATIVE OF WHETHER SUBCHAPTER APPLIES.—

"(1) DETERMINATION THAT SUBCHAPTER APPLIES.—If, on the basis of a partnership return for a taxable year, the Secretary reasonably determines that this subchapter applies to such partnership for such year but such determination is erroneous, then the provisions of this subchapter are hereby extended to such partnership (and its items) for such taxable year and to partners of such partnership.

"(2) DETERMINATION THAT SUBCHAPTER DOES NOT APPLY.—If, on the basis of a partnership return for a taxable year, the Secretary reasonably determines that this subchapter does not apply to such partnership for such year but such determination is erroneous, then the provisions of this subchapter shall not apply to such partnership (and its items) for such taxable year or to partners of such partnership."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to partnership taxable years ending after the date of the enactment of this Act.

SEC. 313. PROVISIONS RELATING TO STATUTE OF LIMITATIONS.

(a) SUSPENSION OF STATUTE WHERE UNTIMELY PETITION FILED.—Paragraph (1) of section 6229(d) (relating to suspension where

Secretary makes administrative adjustment) is amended by striking all that follows "section 6226" and inserting the following: "(and, if a petition is filed under section 6226 with respect to such administrative adjustment, until the decision of the court becomes final), and".

(b) SUSPENSION OF STATUTE DURING BANKRUPTCY PROCEEDING.—Section 6229 is amended by adding at the end thereof the following new subsection:

"(h) SUSPENSION DURING PENDENCY OF BANKRUPTCY PROCEEDING.—If a petition is filed naming a partner as a debtor in a bankruptcy proceeding under title 11 of the United States Code, the running of the period of limitations provided in this section with respect to such partner shall be suspended—

"(1) for the period during which the Secretary is prohibited by reason of such bankruptcy proceeding from making an assessment, and

"(2) for 60 days thereafter."

(c) TAX MATTERS PARTNER IN BANKRUPTCY.—Section 6229(b) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE WITH RESPECT TO DEBTORS IN TITLE 11 CASES.—Notwithstanding any other law or rule of law, if an agreement is entered into under paragraph (1)(B) and the agreement is signed by a person who would be the tax matters partner but for the fact that, at the time that the agreement is executed, the person is a debtor in a bankruptcy proceeding under title 11 of the United States Code, such agreement shall be binding on all partners in the partnership unless the Secretary has been notified of the bankruptcy proceeding in accordance with regulations prescribed by the Secretary."

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to partnership taxable years with respect to which the period under section 6229 of the Internal Revenue Code of 1986 for assessing tax has not expired on or before the date of the enactment of this Act.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 314. EXPANSION OF SMALL PARTNERSHIP EXCEPTION.

(a) IN GENERAL.—Clause (i) of section 6231(a)(1)(B) (relating to exception for small partnerships) is amended to read as follows:

"(i) IN GENERAL.—The term 'partnership' shall not include any partnership having 10 or fewer partners each of whom is an individual (other than a nonresident alien), a C corporation, or an estate of a deceased partner. For purposes of the preceding sentence, a husband and wife (and their estates) shall be treated as 1 partner."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to partnership taxable years ending after the date of the enactment of this Act.

SEC. 315. EXCLUSION OF PARTIAL SETTLEMENTS FROM 1 YEAR LIMITATION ON ASSESSMENT.

(a) IN GENERAL.—Subsection (f) of section 6229 (relating to items becoming nonpartnership items) is amended—

(1) by striking "(f) ITEMS BECOMING NONPARTNERSHIP ITEMS.—If" and inserting the following:

"(f) SPECIAL RULES.—

"(1) ITEMS BECOMING NONPARTNERSHIP ITEMS.—If",

(2) by moving the text of such subsection 2 ems to the right, and

(3) by adding at the end thereof the following new paragraph:

"(2) SPECIAL RULE FOR PARTIAL SETTLEMENT AGREEMENTS.—If a partner enters into a settlement agreement with the Secretary with respect to the treatment of some of the partnership items in dispute for a partnership taxable year but other partnership items for such year remain in dispute, the period of limitations for assessing any tax attributable to the settled items shall be determined as if such agreement had not been entered into."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to settlements entered into after the date of the enactment of this Act.

SEC. 316. EXTENSION OF TIME FOR FILING A REQUEST FOR ADMINISTRATIVE ADJUSTMENT.

(a) IN GENERAL.—Section 6227 (relating to administrative adjustment requests) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) SPECIAL RULE IN CASE OF EXTENSION OF PERIOD OF LIMITATIONS UNDER SECTION 6229.—The period prescribed by subsection (a)(1) for filing of a request for an administrative adjustment shall be extended—

"(1) for the period within which an assessment may be made pursuant to an agreement (or any extension thereof) under section 6229(b), and

"(2) for 6 months thereafter."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982.

SEC. 317. AVAILABILITY OF INNOCENT SPOUSE RELIEF IN CONTEXT OF PARTNERSHIP PROCEEDINGS.

(a) IN GENERAL.—Subsection (a) of section 6230 is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE IN CASE OF ASSERTION BY PARTNER'S SPOUSE OF INNOCENT SPOUSE RELIEF.—

"(A) Notwithstanding section 6404(b), if the spouse of a partner asserts that section 6013(e) applies with respect to a liability that is attributable to any adjustment to a partnership item, then such spouse may file with the Secretary within 60 days after the notice of computational adjustment is mailed to the spouse a request for abatement of the assessment specified in such notice. Upon receipt of such request, the Secretary shall abate the assessment. Any reassessment of the tax with respect to which an abatement is made under this subparagraph shall be subject to the deficiency procedures prescribed by subchapter B. The period for making any such reassessment shall not expire before the expiration of 60 days after the date of such abatement.

"(B) If the spouse files a petition with the Tax Court pursuant to section 6213 with respect to the request for abatement described in subparagraph (A), the Tax Court shall only have jurisdiction pursuant to this section to determine whether the requirements of section 6013(e) have been satisfied. For purposes of such determination, the treatment of partnership items under the settlement, the final partnership administrative adjustment, or the decision of the court (whichever is appropriate) that gave rise to the liability in question shall be conclusive.

"(C) Rules similar to the rules contained in subparagraphs (B) and (C) of paragraph (2) shall apply for purposes of this paragraph."

(b) CLAIMS FOR REFUND.—Subsection (c) of section 6230 is amended by adding at the end thereof the following new paragraph:

"(5) RULES FOR SEEKING INNOCENT SPOUSE RELIEF.—

"(A) IN GENERAL.—The spouse of a partner may file a claim for refund on the ground that the Secretary failed to relieve the spouse under section 6013(e) from a liability that is attributable to an adjustment to a partnership item.

"(B) TIME FOR FILING CLAIM.—Any claim under subparagraph (A) shall be filed within 6 months after the day on which the Secretary mails to the spouse the notice of computational adjustment referred to in subsection (a)(3)(A).

"(C) SUIT IF CLAIM NOT ALLOWED.—If the claim under subparagraph (B) is not allowed, the spouse may bring suit with respect to the claim within the period specified in paragraph (3).

"(D) PRIOR DETERMINATIONS ARE BINDING.—For purposes of any claim or suit under this paragraph, the treatment of partnership items under the settlement, the final partnership administrative adjustment, or the decision of the court (whichever is appropriate) that gave rise to the liability in question shall be conclusive."

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6230(a) is amended by striking "paragraph (2)" and inserting "paragraph (2) or (3)".

(2) Subsection (a) of section 6503 is amended by striking "section 6230(a)(2)(A)" and inserting "paragraph (2)(A) or (3) of section 6230(a)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982.

SEC. 318. DETERMINATION OF PENALTIES AT PARTNERSHIP LEVEL.

(a) IN GENERAL.—Section 6221 (relating to tax treatment determined at partnership level) is amended by striking "item" and inserting "item (and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item)".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 6226 is amended—

(A) by striking "relates and" and inserting "relates,", and

(B) by inserting before the period ", and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item".

(2) Clause (i) of section 6230(a)(2)(A) is amended to read as follows:

"(i) affected items which require partner level determinations (other than penalties, additions to tax, and additional amounts that relate to adjustments to partnership items), or".

(3)(A) Subparagraph (A) of section 6230(a)(3), as added by section 317, is amended by inserting "(including any liability for any penalty, addition to tax, or additional amount relating to such adjustment)" after "partnership item".

(B) Subparagraph (B) of such section is amended by inserting "(and the applicability of any penalties, additions to tax, or additional amounts)" after "partnership items".

(C) Subparagraph (A) of section 6230(c)(5), as added by section 317, is amended by inserting before the period "(including any liability for any penalties, additions to tax, or additional amounts relating to such adjustment)".

(D) Subparagraph (D) of section 6230(c)(5), as added by section 317, is amended by inserting "(and the applicability of any penalties, additions to tax, or additional amounts)" after "partnership items".

(4) Paragraph (1) of section 6230(c) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(C) the Secretary erroneously imposed any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item."

(5) So much of subparagraph (A) of section 6230(c)(2) as precedes "shall be filed" is amended to read as follows:

"(A) UNDER PARAGRAPH (1) (A) OR (C).—Any claim under subparagraph (A) or (C) of paragraph (1)".

(6) Paragraph (4) of section 6230(c) is amended by adding at the end thereof the following: "In addition, the determination under the final partnership administrative adjustment or under the decision of the court (whichever is appropriate) concerning the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item shall also be conclusive. Notwithstanding the preceding sentence, the partner shall be allowed to assert any partner level defenses that may apply or to challenge the amount of the computational adjustment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years ending after the date of the enactment of this Act.

SEC. 319. PROVISIONS RELATING TO COURT JURISDICTION, ETC.

(a) TAX COURT JURISDICTION TO ENJOIN PREMATURE ASSESSMENTS OF DEFICIENCIES ATTRIBUTABLE TO PARTNERSHIP ITEMS.—Subsection (b) of section 6225 is amended by striking "the proper court." and inserting "the proper court, including the Tax Court. The Tax Court shall have no jurisdiction to enjoin any action or proceeding under this subsection unless a timely petition for a readjustment of the partnership items for the taxable year has been filed and then only in respect of the adjustments that are the subject of such petition."

(b) JURISDICTION TO CONSIDER STATUTE OF LIMITATIONS WITH RESPECT TO PARTNERS.—Paragraph (1) of section 6226(d) is amended by adding at the end thereof the following new sentence:

"Notwithstanding subparagraph (B), any person treated under subsection (c) as a party to an action shall be permitted to participate in such action (or file a readjustment petition under subsection (b) or paragraph (2) of this subsection) solely for the purpose of asserting that the period of limitations for assessing any tax attributable to partnership items has expired with respect to such person, and the court having jurisdiction of such action shall have jurisdiction to consider such assertion."

(c) TAX COURT JURISDICTION TO DETERMINE OVERPAYMENTS ATTRIBUTABLE TO AFFECTED ITEMS.—

(1) Paragraph (6) of section 6230(d) is amended by striking "(or an affected item)".

(2) Paragraph (3) of section 6512(b) is amended by adding at the end thereof the following new sentence:

"In the case of a credit or refund relating to an affected item (within the meaning of section 6231(a)(5)), the preceding sentence shall be applied by substituting the periods under sections 6229 and 6230(d) for the periods under section 6511(b)(2), (c), and (d)."

(d) VENUE ON APPEAL.—

(1) Paragraph (1) of section 7482(b) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by inserting after subparagraph (E) the following new subparagraph:

"(F) in the case of a petition under section 6234(c)—

"(i) the legal residence of the petitioner if the petitioner is not a corporation, and

"(ii) the place or office applicable under subparagraph (B) if the petitioner is a corporation."

(2) The last sentence of section 7482(b)(1) is amended by striking "or 6228(a)" and inserting ", 6228(a), or 6234(c)".

(e) OTHER PROVISIONS.—

(1) Subsection (c) of section 7459 is amended by striking "or section 6228(a)" and inserting ", 6228(a), or 6234(c)".

(2) Subsection (o) of section 6501 is amended by adding at the end thereof the following new paragraph:

"(3) For declaratory judgment relating to treatment of items other than partnership items with respect to an oversheltered return, see section 6234."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years ending after the date of the enactment of this Act.

SEC. 320. TREATMENT OF PREMATURE PETITIONS FILED BY NOTICE PARTNERS OR 5-PERCENT GROUPS.

(a) IN GENERAL.—Subsection (b) of section 6226 (relating to judicial review of final partnership administrative adjustments) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) TREATMENT OF PREMATURE PETITIONS.—If—

"(A) a petition for a readjustment of partnership items for the taxable year involved is filed by a notice partner (or a 5-percent group) during the 90-day period described in subsection (a), and

"(B) no action is brought under paragraph (1) during the 60-day period described therein with respect to such taxable year which is not dismissed,

such petition shall be treated for purposes of paragraph (1) as filed on the last day of such 60-day period."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to petitions filed after the date of the enactment of this Act.

SEC. 321. BONDS IN CASE OF APPEALS FROM TEFRA PROCEEDING.

(a) IN GENERAL.—Subsection (b) of section 7485 (relating to bonds to stay assessment of collection) is amended—

(1) by inserting "penalties," after "any interest,", and

(2) by striking "aggregate of such deficiencies" and inserting "aggregate liability of the parties to the action".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982.

SEC. 322. SUSPENSION OF INTEREST WHERE DELAY IN COMPUTATIONAL ADJUSTMENT RESULTING FROM TEFRA SETTLEMENTS.

(a) IN GENERAL.—Subsection (c) of section 6601 (relating to interest on underpayment, nonpayment, or extension of time for payment, of tax) is amended by adding at the end thereof the following new sentence: "In the case of a settlement under section 6224(c) which results in the conversion of partnership items to nonpartnership items pursuant to section 6231(b)(1)(C), the preceding sentence shall apply to a computational adjustment resulting from such settlement in the same manner as if such adjustment were a deficiency and such settlement were a waiver referred to in the preceding sentence."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to adjustments with respect to partnership taxable years beginning after the date of the enactment of this Act.

SEC. 323. SPECIAL RULES FOR ADMINISTRATIVE ADJUSTMENT REQUESTS WITH RESPECT TO BAD DEBTS OR WORTHLESS SECURITIES.

(a) GENERAL RULE.—Section 6227 (relating to administrative adjustment requests) is amended by adding at the end thereof the following new subsection:

"(d) REQUESTS WITH RESPECT TO BAD DEBTS OR WORTHLESS SECURITIES.—In the case of that portion of any request for an administrative adjustment which relates to the deductibility by the partnership under section 166 of a debt as a debt which became worthless, or under section 165(g) of a loss from worthlessness of a security, the period prescribed in subsection (a)(1) shall be 7 years from the last day for filing the partnership return for the year with respect to which such request is made (determined without regard to extensions)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 402 of the Tax Equity and Fiscal Responsibility Act of 1982.

(2) TREATMENT OF REQUESTS FILED BEFORE DATE OF ENACTMENT.—In the case of that portion of any request (filed before the date of the enactment of this Act) for an administrative adjustment which relates to the deductibility of a debt as a debt which became worthless or the deductibility of a loss from the worthlessness of a security—

(A) paragraph (2) of section 6227(a) of the Internal Revenue Code of 1986 shall not apply,

(B) the period for filing a petition under section 6228 of the Internal Revenue Code of 1986 with respect to such request shall not expire before the date 6 months after the date of the enactment of this Act, and

(C) such a petition may be filed without regard to whether there was a notice of the beginning of an administrative proceeding or a final partnership administrative adjustment.

TITLE IV—FOREIGN PROVISIONS

Subtitle A—Simplification of Treatment of Passive Foreign Corporations

SEC. 401. REPEAL OF FOREIGN PERSONAL HOLDING COMPANY RULES AND FOREIGN INVESTMENT COMPANY RULES.

(a) GENERAL RULE.—The following provisions are hereby repealed:

(1) Part III of subchapter G of chapter 1 (relating to foreign personal holding companies).

(2) Section 1246 (relating to gain on foreign investment company stock).

(3) Section 1247 (relating to election by foreign investment companies to distribute income currently).

(b) EXEMPTION OF FOREIGN CORPORATIONS FROM ACCUMULATED EARNINGS TAX AND PERSONAL HOLDING COMPANY RULES.—

(1) ACCUMULATED EARNINGS TAX.—Subsection (b) of section 532 (relating to exceptions) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) a foreign corporation, or",

(B) by striking ", or" at the end of paragraph (3) and inserting a period, and

(C) by striking paragraph (4).

(2) PERSONAL HOLDING COMPANY RULES.—Subsection (c) of section 542 (relating to exceptions) is amended—

(A) by striking paragraph (5) and inserting the following:

"(5) a foreign corporation,",

(B) by striking paragraphs (7) and (10) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively,

(C) by inserting "and" at the end of paragraph (7) (as so redesignated), and

(D) by striking "; and" at the end of paragraph (8) (as so redesignated) and inserting a period.

(c) TREATMENT OF CERTAIN SERVICE CONTRACTS UNDER SUBPART F.—

(1) Paragraph (1) of section 954(c) (defining foreign personal holding company income) is amended by adding at the end thereof the following new subparagraph:

"(F) PERSONAL SERVICE CONTRACTS.—

"(i) Amounts received under a contract under which the corporation is to furnish personal services, if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract.

"(ii) Amounts received from the sale or other disposition of such contract.

This subparagraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services. For purposes of the preceding sentence, the attribution rules of section 544 shall apply, determined as if any reference to section 543(a)(7) were a reference to this subparagraph."

(2) Clause (iii) of section 904(d)(2)(A) is amended by striking "and" at the end of subclause (II), by striking the period at the end of subclause (III) and inserting ", and", and by adding at the end thereof the following new subclause:

"(IV) any income described in section 954(c)(1)(F) (relating to personal service contracts)."

SEC. 402. REPLACEMENT FOR PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) GENERAL RULE.—Part VI of subchapter P of chapter 1 (relating to treatment of certain passive foreign investment companies) is amended to read as follows:

"PART VI—TREATMENT OF PASSIVE FOREIGN CORPORATIONS

"Subpart A. Current taxation rules.

"Subpart B. Interest on holdings to which subpart A does not apply.

"Subpart C. General provisions.

"Subpart A—Current Taxation Rules

"Sec. 1291. Stock in certain passive foreign corporations marked to market.

"Sec. 1292. Inclusion of income of certain passive foreign corporations.

"SEC. 1291. STOCK IN CERTAIN PASSIVE FOREIGN CORPORATIONS MARKED TO MARKET.

"(a) GENERAL RULE.—In the case of marketable stock in a passive foreign corporation which is owned (or treated under subsection (g) as owned) by a United States person at the close of any taxable year of such person—

"(1) If the fair market value of such stock as of the close of such taxable year exceeds its adjusted basis, such United States person shall include in gross income for such taxable year an amount equal to the amount of such excess.

"(2) If the adjusted basis of such stock exceeds the fair market value of such stock as of the close of such taxable year, such United States person shall be allowed a deduction for such taxable year equal to the lesser of—

"(A) the amount of such excess, or

"(B) the unreversed inclusions with respect to such stock.

"(b) BASIS ADJUSTMENTS.—

"(1) IN GENERAL.—The adjusted basis of stock in a passive foreign corporation—

"(A) shall be increased by the amount included in the gross income of the United States person under subsection (a)(1) with respect to such stock, and

"(B) shall be decreased by the amount allowed as a deduction to the United States person under subsection (a)(2) with respect to such stock.

"(2) SPECIAL RULE FOR STOCK CONSTRUCTIVELY OWNED.—In the case of stock in a passive foreign corporation which the United States person is treated as owning under subsection (g)—

"(A) the adjustments under paragraph (1) shall apply to such stock in the hands of the person actually holding such stock but only for purposes of determining the subsequent treatment under this chapter of the United States person with respect to such stock, and

"(B) similar adjustments shall be made to the adjusted basis of the property by reason of which the United States person is treated as owning such stock.

"(c) CHARACTER AND SOURCE RULES.—

"(1) ORDINARY TREATMENT.—

"(A) GAIN.—Any amount included in gross income under subsection (a)(1), and any gain on the sale or other disposition of marketable stock in a passive foreign corporation, shall be treated as ordinary income.

"(B) LOSS.—Any—

"(i) amount allowed as a deduction under subsection (a)(2), and

"(ii) loss on the sale or other disposition of marketable stock in a passive foreign corporation to the extent that the amount of such loss does not exceed the unreversed inclusions with respect to such stock,

shall be treated as an ordinary loss. The amount so treated shall be treated as a deduction allowable in computing adjusted gross income.

"(2) SOURCE.—The source of any amount included in gross income under subsection (a)(1) (or allowed as a deduction under subsection (a)(2)) shall be determined in the same manner as if such amount were gain or loss (as the case may be) from the sale of stock in the passive foreign corporation.

"(d) UNREVERSED INCLUSIONS.—For purposes of this section, the term 'unreversed inclusions' means, with respect to any stock in a passive foreign corporation, the excess (if any) of—

"(1) the amount included in gross income of the taxpayer under subsection (a)(1) with respect to such stock for prior taxable years, over

"(2) the amount allowed as a deduction under subsection (a)(2) with respect to such stock for prior taxable years.

The amount referred to in paragraph (1) shall include any amount which would have been included in gross income under subsection (a)(1) with respect to such stock for any prior taxable year but for section 1293.

"(e) COORDINATION WITH SECTION 1292.—This section shall not apply with respect to any stock in a passive foreign corporation—

"(1) which is U.S. controlled,

"(2) which is a qualified electing fund with respect to the United States person for the taxable year, or

"(3) in which the United States person is a 25-percent shareholder.

"(f) TREATMENT OF CONTROLLED FOREIGN CORPORATIONS WHICH ARE SHAREHOLDERS IN PASSIVE FOREIGN CORPORATIONS.—In the case of a foreign corporation which is a controlled foreign corporation (or is treated as a controlled foreign corporation under section 1292) and which owns (or is treated under subsection (g) as owning) stock in a passive foreign corporation—

"(1) this section (other than subsection (c)(2) thereof) shall apply to such foreign corporation in the same manner as if such corporation were a United States person, and

"(2) for purposes of subpart F of part III of subchapter N—

"(A) any amount included in gross income under subsection (a)(1) shall be treated as foreign personal holding company income described in section 954(c)(1)(A), and

"(B) any amount allowed as a deduction under subsection (a)(2) shall be treated as a deduction allocable to foreign personal holding company income so described.

"(g) STOCK OWNED THROUGH CERTAIN FOREIGN ENTITIES.—Except as provided in regulations—

"(1) IN GENERAL.—For purposes of this section, stock owned, directly or indirectly, by or for a foreign partnership or foreign trust or foreign estate shall be considered as being owned proportionately by its partners or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(2) TREATMENT OF CERTAIN DISPOSITIONS.—In any case in which a United States person is treated as owning stock in a passive foreign corporation by reason of paragraph (1)—

"(A) any disposition by the United States person or by any other person which results in the United States person being treated as no longer owning such stock, and

"(B) any disposition by the person owning such stock,

shall be treated as a disposition by the United States person of the stock in the passive foreign corporation.

"(h) COORDINATION WITH SECTION 851(b).—For purposes of paragraphs (2) and (3) of section 851(b), any amount included in gross income under subsection (a) shall be treated as a dividend.

"(i) TRANSITION RULES.—

"(1) INDIVIDUALS BECOMING SUBJECT TO UNITED STATES TAX.—If any individual becomes a United States person in a taxable year beginning after December 31, 1993, solely for purposes of this section, the adjusted basis (before adjustments under subsection (b)) of any marketable stock in a passive foreign corporation owned (or treated as owned under subsection (g)) by such individual on the first day of such taxable year shall be treated as being the greater of its fair market value on such first day or its adjusted basis on such first day.

"(2) MARKETABLE STOCK HELD BEFORE EFFECTIVE DATE.—

"(A) IN GENERAL.—If any marketable stock in a passive foreign corporation is owned (or treated under subsection (g) as owned) by a United States person on the first day of such person's first taxable year, beginning after December 31, 1993—

"(i) paragraph (2) of section 1294(a) shall apply to such stock as if it became marketable during such first taxable year; except that—

"(I) section 1293 shall not apply to the amount included in gross income under subsection (a) to the extent such amount is attributable to increases in fair market value during such first taxable year, and

"(II) the taxpayer's holding period shall be treated as having ended on the last day of the preceding taxable year for purposes of allocating amounts under section 1293(a)(1)(A), and

"(ii) such person may elect to extend the time for the payment of the applicable section 1293 deferred tax as provided in subparagraph (B).

"(B) ELECTION TO EXTEND TIME FOR PAYMENT.—

"(i) IN GENERAL.—At the election of the taxpayer, the time for the payment of the applicable section 1293 deferred tax shall be extended to the extent and subject to the limitations provided in this subparagraph.

"(ii) TERMINATION OF EXTENSION.—

"(I) DISTRIBUTIONS.—If any distribution is received with respect to any stock to which an extension under clause (i) relates and such distribution would be an excess distribution within the meaning of section 1293 if such section applied to such stock, then the extension under clause (i) for the appropriate portion (as determined under regulations) of the applicable section 1293 deferred tax shall expire on the last day prescribed by law (determined without regard to extensions) for filing the return of tax for the taxable year in which the distribution is received.

"(II) REVERSAL OF INCLUSION.—If an amount is allowable as a deduction under subsection (a)(2) with respect to any stock to which an extension under clause (i) relates and the amount so allowable is allocable to the amount which gave rise to the applicable section 1293 deferred tax, then the extension under clause (i) for the appropriate portion (as determined under regulations) of the applicable section 1293 deferred tax shall expire on the last day prescribed by law (determined without regard to extensions) for filing the return of the tax for the taxable year for which such deduction is allowed.

"(III) DISPOSITIONS, ETC.—If stock in a passive foreign corporation is disposed of during the taxable year, all extensions under clause (i) for payment of the applicable section 1293 deferred tax attributable to such stock which have not expired before the date of such disposition shall expire on the last date prescribed by law (determined without regard to extensions) for filing the return of tax for the taxable year in which such disposition occurs. To the extent provided in regulations, the preceding sentence shall not apply in the case of a disposition in a transaction with respect to which gain or loss is not recognized (in whole or in part), and the person acquiring such stock in such transaction shall succeed to the treatment under this section of the person making such disposition.

"(iii) OTHER RULES.—

"(I) ELECTION.—The election under clause (i) shall be made not later than the time prescribed by law (including extensions) for filing the return of tax imposed by this chapter for the first taxable year referred to in subparagraph (A).

"(II) TREATMENT OF LOANS TO SHAREHOLDER.—For purposes of this subparagraph, any loan by a passive foreign corporation (directly or indirectly) to a shareholder of such corporation shall be treated as a distribution to such shareholder.

"(C) CROSS REFERENCE.—

"For provisions providing for interest for the period of the extension under this paragraph, see section 6601.

"(D) APPLICABLE SECTION 1293 DEFERRED TAX.—For purposes of this paragraph, the term 'applicable section 1293 deferred tax' means the deferred tax amount determined under section 1293 with respect to the amount which, but for section 1293, would have been included in gross income for the first taxable year referred to in subparagraph (A). Such term also includes the tax imposed by this chapter for such first taxable year to the extent attributable to the amounts allocated under section 1293(a)(1)(A) to a period described in section 1293(a)(1)(B)(ii).

"(3) SPECIAL RULES FOR REGULATED INVESTMENT COMPANIES.—

"(A) IN GENERAL.—If any marketable stock in a passive foreign corporation is owned (or treated under subsection (g) as owned) by a regulated investment company on the first day of such company's first taxable year beginning after December 31, 1993—

"(i) section 1293 shall not apply to such stock with respect to any distribution or disposition during, or amount included in gross income under this section for, such first taxable year, but

"(ii) such company's tax under this chapter for such first taxable year shall be increased by the aggregate amount of interest which would have been determined under section 1293(c)(3) if section 1293 were applied without regard to this subparagraph.

"(B) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed to any regulated investment company for the increase in tax under subparagraph (A)(ii).

"SEC. 1292. CURRENT INCLUSION OF INCOME OF CERTAIN PASSIVE FOREIGN CORPORATIONS.

"(a) PASSIVE FOREIGN CORPORATIONS WHICH ARE UNITED STATES CONTROLLED.—

"(1) TREATMENT UNDER SUBPART F.—

"(A) IN GENERAL.—If a passive foreign corporation is United States controlled, then for purposes of subpart F of part III of subchapter N—

"(i) such corporation, if not otherwise a controlled foreign corporation, shall be treated as a controlled foreign corporation,

"(ii) the term 'United States shareholder' means, with respect to such corporation, any United States person who owns (within the meaning of section 958(a)) any stock in such corporation,

"(iii) the entire gross income of such corporation shall, after being reduced under the principles of paragraph (5) of section 954(b), be treated as foreign base company income, and

"(iv) sections 970 and 971 shall not apply to such corporation.

Except as provided in regulations, the preceding sentence shall also apply for purposes of section 904(d).

"(B) SPECIAL RULES.—If any taxpayer is treated as being a United States shareholder in a controlled foreign corporation solely by reason of this section—

"(i) section 954(b)(4) (relating to exception for certain income subject to high foreign taxes) shall not apply for purposes of determining the amount included in the gross income of such taxpayer under section 951 by reason of being so treated with respect to such corporation,

"(ii) the amount so included in the gross income of such taxpayer under section 951 with respect to such corporation shall be treated as long-term capital gain to the extent attributable to the net capital gain of such corporation, and

"(iii) sections 956 and 956A shall not apply to such taxpayer.

"(2) U.S. CONTROLLED.—For purposes of this subpart, a passive foreign corporation is United States controlled if—

"(A) such corporation is a controlled foreign corporation determined without regard to this subsection, or

"(B) at any time during the taxable year more than 50 percent of—

"(i) the total combined voting power of all classes of stock of such corporation entitled to vote, or

"(ii) the total value of the stock of such corporation,

is owned directly or indirectly by 5 or fewer United States persons.

"(3) CONSTRUCTIVE OWNERSHIP RULES FOR PURPOSES OF PARAGRAPH (2)(B).—For purposes of paragraph (2)(B), the attribution rules provided in section 544 shall apply, determined as if any reference to a personal holding company were a reference to a corporation described in paragraph (2)(B) (and any reference to the stock ownership requirement provided in section 542(a)(2) were a reference to the requirement of paragraph (2)(B)); except that—

"(A) subsection (a)(4) of such section shall be applied by substituting 'Paragraphs (1), (2), and (3)' for 'Paragraphs (2) and (3)',

"(B) stock owned by a nonresident alien individual shall not be considered by reason of attribution through family membership as owned by a citizen or resident alien individual who is not the spouse of the nonresident alien individual and who does not otherwise own stock in the foreign corporation (determined after the application of such attribution rules other than attribution through family membership), and

"(C) stock of a corporation owned by any foreign person shall not be considered by reason of attribution through partners as owned by a citizen or resident of the United States who does not otherwise own stock in the foreign corporation (determined after the application of such attribution rules and subparagraph (A), other than attribution through partners).

"(b) TAXPAYERS ELECTING CURRENT INCLUSION AND 25-PERCENT SHAREHOLDERS.—

"(1) IN GENERAL.—If a passive foreign corporation which is not United States controlled is a qualified electing fund with respect to any taxpayer or the taxpayer is a 25-percent shareholder in such corporation, then for purposes of subpart F of part III of subchapter N—

"(A) such passive foreign corporation shall be treated as a controlled foreign corporation with respect to such taxpayer,

"(B) such taxpayer shall be treated as a United States shareholder in such corporation, and

"(C) the modifications of clauses (iii) and (iv) of subsection (a)(1)(A) and of subparagraph (B) of subsection (a)(1) shall apply in determining the amount included under such subpart F in the gross income of such taxpayer (and the character of the amount so included).

For purposes of section 904(d), any amount included in the gross income of the taxpayer under the preceding sentence shall be treated as a dividend from a foreign corporation which is not a controlled foreign corporation.

"(2) QUALIFIED ELECTING FUND.—For purposes of this subpart, the term 'qualified electing fund' means any passive foreign corporation if—

"(A) an election by the taxpayer under paragraph (3) applies to such corporation for the taxable year of the taxpayer, and

"(B) such corporation complies with such requirements as the Secretary may prescribe for purposes of carrying out the purposes of this subpart.

"(3) ELECTION.—

"(A) IN GENERAL.—A taxpayer may make an election under this paragraph with respect to any passive foreign corporation for any taxable year of the taxpayer. Such an election, once made with respect to any corporation, shall apply to all subsequent taxable years of the taxpayer with respect to such corporation unless revoked by the taxpayer with the consent of the Secretary.

"(B) WHEN MADE.—An election under this subsection may be made for any taxable year of the taxpayer at any time on or before the due date (determined with regard to extensions) for filing the return of the tax imposed by this chapter for such taxable year. To the extent provided in regulations, such an election may be made later than as required in the preceding sentence where the taxpayer fails to make a timely election because the taxpayer reasonably believes that the corporation was not a passive foreign corporation.

"(4) 25-PERCENT SHAREHOLDER.—For purposes of this subpart, the term '25-percent shareholder' means, with respect to any passive foreign corporation, any United States person who owns (within the meaning of section 958(a)), or is considered as owning by applying the rules of section 958(b), 25 percent or more (by vote or value) of the stock of such corporation.

"Subpart B—Interest on Holdings To Which Subpart A Does Not Apply

"Sec. 1293. Interest on tax deferral.

"Sec. 1294. Definitions and special rules.

"SEC. 1293. INTEREST ON TAX DEFERRAL.

"(a) TREATMENT OF DISTRIBUTIONS AND STOCK DISPOSITIONS.—

"(1) DISTRIBUTIONS.—If a United States person receives an excess distribution in respect of stock to which this section applies, then—

"(A) the amount of the excess distribution shall be allocated ratably to each day in the taxpayer's holding period for the stock,

"(B) with respect to such excess distribution, the taxpayer's gross income for the current year shall include (as ordinary income) only the amounts allocated under subparagraph (A) to—

"(i) the current year, or

"(ii) any period in the taxpayer's holding period before the first day of the first taxable year of the corporation which begins after December 31, 1986, and for which it was a passive foreign corporation, and

"(C) the tax imposed by this chapter for the current year shall be increased by the deferred tax amount (determined under subsection (c)).

"(2) DISPOSITIONS.—If the taxpayer disposes of stock to which this section applies, then the rules of paragraph (1) shall apply to any gain recognized on such disposition in the same manner as if such gain were an excess distribution.

"(3) DEFINITIONS.—For purposes of this subpart—

"(A) HOLDING PERIOD.—The taxpayer's holding period shall be determined under section 1223; except that—

"(i) for purposes of applying this section to an excess distribution, such holding period shall be treated as ending on the date of such distribution, and

"(ii) if section 1291 applied to such stock with respect to the taxpayer for any prior taxable year, such holding period shall be treated as beginning on the first day of the first taxable year beginning after the last taxable year for which section 1291 so applied.

"(B) CURRENT YEAR.—The term 'current year' means the taxable year in which the excess distribution or disposition occurs.

"(b) EXCESS DISTRIBUTION.—

"(1) IN GENERAL.—For purposes of this section, the term 'excess distribution' means any distribution in respect of stock received during any taxable year to the extent such distribution does not exceed its ratable portion of the total excess distribution (if any) for such taxable year.

"(2) TOTAL EXCESS DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'total excess distribution' means the excess (if any) of—

"(i) the amount of the distributions in respect of the stock received by the taxpayer during the taxable year, over

"(ii) 125 percent of the average amount of the distributions received in respect of such stock by the taxpayer during the 3 preceding taxable years (or, if shorter, the portion of the taxpayer's holding period before the taxable year).

For purposes of clause (ii), any excess distribution received during such 3-year period shall be taken into account only to the extent it was included in gross income under subsection (a)(1)(B).

"(B) NO EXCESS FOR FIRST YEAR.—The total excess distributions with respect to any stock shall be zero for the taxable year in which the taxpayer's holding period in such stock begins.

"(3) ADJUSTMENTS.—Under regulations prescribed by the Secretary—

"(A) determinations under this subsection shall be made on a share-by-share basis, except that shares with the same holding period may be aggregated,

"(B) proper adjustments shall be made for stock splits and stock dividends,

"(C) if the taxpayer does not hold the stock during the entire taxable year, distributions received during such year shall be annualized,

"(D) if the taxpayer's holding period includes periods during which the stock was held by another person, distributions received by such other person shall be taken into account as if received by the taxpayer,

"(E) if the distributions are received in a foreign currency, determinations under this subsection shall be made in such currency and the amount of any excess distribution determined in such currency shall be translated into dollars,

"(F) proper adjustment shall be made for amounts not includible in gross income by reason of section 959(a) or for which a deduction is allowable under section 245(c), and

"(G) if a charitable deduction was allowable under section 642(c) to a trust for any distribution of its income, proper adjustments shall be made for the deduction so allowable to the extent allocable to distributions or gain in respect of stock in a passive foreign corporation.

For purposes of subparagraph (F), any amount not includible in gross income by reason of section 551(d) (as in effect on January 1, 1993) or 1293(c) (as so in effect) shall be treated as an amount not includible in gross income by reason of section 959(a).

"(c) DEFERRED TAX AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'deferred tax amount' means, with respect to any distribution or disposition to which subsection (a) applies, an amount equal to the sum of—

"(A) the aggregate increases in taxes described in paragraph (2), plus

"(B) the aggregate amount of interest (determined in the manner provided under paragraph (3)) on such increases in tax.

Any increase in the tax imposed by this chapter for the current year under subsection (a) to the extent attributable to the amount referred to in subparagraph (B) shall be treated as interest paid under section 6601 on the due date for the current year.

"(2) AGGREGATE INCREASES IN TAXES.—For purposes of paragraph (1)(A), the aggregate increases in taxes shall be determined by multiplying each amount allocated under subsection (a)(1)(A) to any taxable year (other than any taxable year referred to in subsection (a)(1)(B)) by the highest rate of tax in effect for such taxable year under section 1 or 11, whichever applies.

"(3) COMPUTATION OF INTEREST.—

"(A) IN GENERAL.—The amount of interest referred to in paragraph (1)(B) on any increase determined under paragraph (2) for any taxable year shall be determined for the period—

"(i) beginning on the day after the due date for such taxable year, and

"(ii) ending on the due date for the taxable year with or within which the distribution or disposition occurs,

by using the rates and method applicable under section 6621 for underpayments of tax for such period.

"(B) DUE DATE.—For purposes of this subsection, the term 'due date' means the date prescribed by law (determined without regard to extensions) for filing the return of the tax imposed by this chapter for the taxable year.

"(C) SPECIAL RULE.—For purposes of determining the amount of interest referred to in paragraph (1)(B), the amount of any increase in tax determined under paragraph (2) shall be determined without regard to any reduction under section 1294(d) for a tax described in paragraph (2)(A)(ii) thereof.

"SEC. 1294. DEFINITIONS AND SPECIAL RULES.

"(a) STOCK TO WHICH SECTION 1293 APPLIES.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, section 1293 shall apply to any stock in a passive foreign corporation unless—

"(A) such stock is marketable stock as of the time of the distribution or disposition involved, or

"(B)(i) with respect to each of such corporation's taxable years for which such corporation was a passive foreign corporation and which began after December 31, 1993, and included any portion of the taxpayer's holding period in such stock—

"(I) such corporation was United States controlled (within the meaning of section 1292(a)(2)), or

"(II) such corporation was treated as a controlled foreign corporation under section 1292(b) with respect to the taxpayer, and

"(ii) with respect to each of such corporation's taxable years for which such corporation was a passive foreign corporation and which begin after December 31, 1986, and before January 1, 1994, and included any portion of the taxpayer's holding period in such stock, such corporation was treated as a qualified electing fund under this part (as in effect on January 1, 1993) with respect to the taxpayer.

"(2) TREATMENT WHERE STOCK BECOMES MARKETABLE.—If any stock in a passive foreign corporation becomes marketable stock after the beginning of the taxpayer's holding period in such stock, and if the requirements of paragraph (1)(B) are not satisfied, section 1293 shall apply to—

"(A) any distributions with respect to, or disposition of, such stock in the taxable year of the taxpayer in which it becomes so marketable, and

"(B) any amount which, but for section 1293, would have been included in gross income under section 1291(a) with respect to such stock for such taxable year in the same manner as if such amount were gain on the disposition of such stock.

"(3) ELECTION TO RECOGNIZE GAIN WHERE COMPANY BECOMES SUBJECT TO CURRENT INCLUSIONS.—

"(A) IN GENERAL.—If—

"(i) a passive foreign corporation first meets the requirements of clause (i) of paragraph (1)(B) with respect to the taxpayer for a taxable year of such taxpayer which begins after December 31, 1993,

"(ii) the taxpayer holds stock in such company on the first day of such taxable year, and

"(iii) the taxpayer establishes to the satisfaction of the Secretary the fair market value of such stock on such first day,

the taxpayer may elect to recognize gain as if he sold such stock on such first day for such fair market value.

"(B) ADDITIONAL ELECTION FOR SHAREHOLDER OF CONTROLLED FOREIGN CORPORATIONS.—

"(i) IN GENERAL.—If—

"(I) a passive foreign corporation first meets the requirements of subclause (I) of paragraph (1)(B)(i) with respect to the taxpayer for a taxable year of such taxpayer which begins after December 31, 1993,

"(II) the taxpayer holds stock in such corporation on the first day of such taxable year, and

"(III) such corporation is a controlled foreign corporation without regard to this part,

the taxpayer may elect to be treated as receiving a dividend on such first day in an amount equal to the portion of the post-1986 earnings and profits of such corporation attributable (under regulations prescribed by the Secretary) to the stock in such corporation held by the taxpayer on such first day. The amount treated as a dividend under the preceding sentence shall be treated as an excess distribution and shall be allocated under section 1293(a)(1)(A) only to days during periods taken into account in determining the post-1986 earnings and profits so attributable.

"(ii) POST-1986 EARNINGS AND PROFITS.—For purposes of clause (i), the term 'post-1986 earnings and profits' means earnings and profits which were accumulated in taxable years of the corporation beginning after December 31, 1986, and during the period or periods the stock was held by the taxpayer while the corporation was a passive foreign corporation.

"(iii) COORDINATION WITH SECTION 959(e).—For purposes of section 959(e), any amount treated as a dividend under this subparagraph shall be treated as included in gross income under section 1248(a).

"(C) ADJUSTMENTS.—In the case of any stock to which subparagraph (A) or (B) applies—

"(i) the adjusted basis of such stock shall be increased by the gain recognized under subparagraph (A) or the amount treated as a dividend under subparagraph (B), as the case may be, and

"(ii) the taxpayer's holding period in such stock shall be treated as beginning on the first day referred to in such subparagraph.

"(b) RULES RELATING TO STOCK ACQUIRED FROM A DECEDENT.—

"(1) BASIS.—In the case of stock of a passive foreign corporation acquired by bequest, devise, or inheritance (or by the decedent's estate), notwithstanding section 1014, the basis of such stock in the hands of the person so acquiring it shall be the adjusted basis of such stock in the hands of the decedent immediately before his death (or, if lesser, the basis which would have been determined under section 1014 without regard to this paragraph).

"(2) DEDUCTION FOR ESTATE TAX.—If stock in a passive foreign corporation is acquired from a decedent, the taxpayer shall, under regulations prescribed by the Secretary, be allowed (for the taxable year of the sale or exchange) a deduction from gross income equal to that portion of the decedent's estate tax deemed paid which is attributable to the excess of (A) the value at which such stock was taken into account for purposes of determining the value of the decedent's gross estate, over (B) the basis determined under paragraph (1).

"(3) EXCEPTIONS.—This subsection shall not apply to any stock in a passive foreign corporation if—

"(A) section 1293 would not have applied to a disposition of such stock by the decedent immediately before his death, or

"(B) the decedent was a nonresident alien at all times during his holding period in such stock.

"(c) RECOGNITION OF GAIN.—Except as otherwise provided in regulations, in the case of any transfer of stock in a passive foreign company to which section 1293 applies, where (but for this subsection) there is not full recognition of gain, the excess (if any) of—

"(1) the fair market value of such stock, over

"(2) its adjusted basis,

shall be treated as gain from the sale or exchange of such stock and shall be recognized notwithstanding any provision of law. Proper adjustment shall be made to the basis of property for gain recognized under the preceding sentence.

"(d) COORDINATION WITH FOREIGN TAX CREDIT RULES.—

"(1) IN GENERAL.—If there are creditable foreign taxes with respect to any distribution in respect of stock in a passive foreign corporation—

"(A) the amount of such distribution shall be determined for purposes of section 1293 with regard to section 78,

"(B) the excess distribution taxes shall be allocated ratably to each day in the taxpayer's holding period for the stock, and

"(C) to the extent—

"(i) that such excess distribution taxes are allocated to a taxable year referred to in section 1293(a)(1)(B), such taxes shall be taken into account under section 901 for the current year, and

"(ii) that such excess distribution taxes are allocated to any other taxable year, such taxes shall reduce (subject to the principles of section 904 and not below zero) the increase in tax determined under section 1293(c)(2) for such taxable year by reason of such distribution (but such taxes shall not be taken into account under section 901).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) CREDITABLE FOREIGN TAXES.—The term 'creditable foreign taxes' means, with respect to any distribution—

"(i) any foreign taxes deemed paid under section 902 with respect to such distribution, and

"(ii) any withholding tax imposed with respect to such distribution,

but only if the taxpayer chooses the benefits of section 901 and such taxes are creditable under section 901 (determined without regard to paragraph (1)(C)(ii)).

"(B) EXCESS DISTRIBUTION TAXES.—The term 'excess distribution taxes' means, with respect to any distribution, the portion of the creditable foreign taxes with respect to such distribution which is attributable (on a pro rata basis) to the portion of such distribution which is an excess distribution.

"(C) SECTION 1248 GAIN.—The rules of this subsection also shall apply in the case of any gain which but for this section would be includible in gross income as a dividend under section 1248.

"(e) ATTRIBUTION OF OWNERSHIP.—For purposes of this subpart—

"(1) ATTRIBUTION TO UNITED STATES PERSONS.—This subsection—

"(A) shall apply to the extent that the effect is to treat stock of a passive foreign corporation as owned by a United States person, and

"(B) except as provided in paragraph (3) or in regulations, shall not apply to treat stock owned (or treated as owned under this subsection) by a United States person as owned by any other person.

"(2) CORPORATIONS.—

"(A) IN GENERAL.—If 50 percent or more in value of the stock of a corporation (other than an S corporation) is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned directly or indirectly by or for such corporation in that proportion which the value of the stock which such person so owns bears to the value of all stock in the corporation.

"(B) 50-PERCENT LIMITATION NOT TO APPLY IN CERTAIN CASES.—For purposes of determining whether a shareholder of a passive foreign corporation (or whether a United States shareholder of a controlled foreign corporation which is not a passive foreign corporation) is treated as owning stock owned directly or indirectly by or for such corporation, subparagraph (A) shall be applied without regard to the 50-percent limitation contained therein.

"(C) FAMILY AND PARTNER ATTRIBUTION FOR 50-PERCENT LIMITATION.—For purposes of determining whether the 50-percent limitation of subparagraph (A) is met, the constructive ownership rules of section 544(a)(2) shall apply in addition to the other rules of this subsection.

"(3) PARTNERSHIPS, ETC.—Except as provided in regulations, stock owned, directly or indirectly, by or for a partnership, S corporation, estate, or trust shall be considered as being owned proportionately by its partners, shareholders, or beneficiaries (as the case may be).

"(4) OPTIONS.—To the extent provided in regulations, if any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(5) SUCCESSIVE APPLICATION.—Stock considered to be owned by a person by reason of the application of paragraph (2), (3), or (4) shall, for purposes of applying such paragraphs, be considered as actually owned by such person.

"(f) OTHER SPECIAL RULES.—For purposes of this subpart—

"(1) TIME FOR DETERMINATION.—Stock held by a taxpayer shall be treated as stock in a passive foreign corporation if, at any time during the holding period of the taxpayer with respect to such stock, such corporation (or any predecessor) was a passive foreign corporation. The preceding sentence shall not apply if the taxpayer elects to recognize gain (as of the last day of the last taxable year for which the company was a passive foreign corporation) under rules similar to the rules of subsection (a)(3)(A).

"(2) APPLICATION OF SUBPART WHERE STOCK HELD BY OTHER ENTITY.—Under regulations—

"(A) IN GENERAL.—In any case in which a United States person is treated as owning stock in a passive foreign corporation by reason of subsection (e)—

"(i) any transaction which results in the United States person being treated as no longer owning such stock,

"(ii) any disposition of such stock by the person owning such stock, and

"(iii) any distribution of property in respect of such stock to the person holding such stock,

shall be treated as a disposition by, or distribution to, the United States person with respect to the stock in the passive foreign corporation.

"(B) AMOUNT TREATED IN SAME MANNER AS PREVIOUSLY TAXED INCOME.—Rules similar to the rules of section 959(b) shall apply to any amount described in subparagraph (A) in respect of stock which the taxpayer is treated as owning under subsection (e).

"(C) COORDINATION WITH SECTION 951.—If, but for this subparagraph, an amount would be taken into account under section 1293 by reason of subparagraph (A) and such amount would also be included in the gross income of the taxpayer under section 951, such amount shall only be taken into account under section 1293.

"(3) DISPOSITIONS.—Except as provided in regulations, if a taxpayer uses any stock in a passive foreign corporation as security for a loan, the taxpayer shall be treated as having disposed of such stock.

"Subpart C—General Provisions

"Sec. 1296. Passive foreign corporation.

"Sec. 1297. Special rules.

"SEC. 1296. PASSIVE FOREIGN CORPORATION.

"(a) IN GENERAL.—For purposes of this part, except as otherwise provided in this subpart, the term 'passive foreign corporation' means any foreign corporation if—

"(1) 60 percent or more of the gross income of such corporation for the taxable year is passive income,

"(2) the average percentage of assets (by value) held by such corporation during the taxable year which produce passive income or which are held for the production of passive income is at least 50 percent, or

"(3) such corporation is registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 to 80b-2), either as a management company or as a unit investment trust.

In the case of a controlled foreign corporation (or any other foreign corporation if such corporation so elects), the determination under paragraph (2) shall be based on the adjusted bases (as determined for purposes of computing earnings and profits) of its assets in lieu of their value. Such an election, once made, may be revoked only with the consent of the Secretary.

"(b) PASSIVE INCOME.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'passive income' means any income which is of a kind which would be foreign personal holding company income as defined in section 954(c) without regard to paragraph (3) thereof.

"(2) EXCEPTIONS.—Except as provided in regulations, the term 'passive income' does not include any income—

"(A) derived in the active conduct of a banking business by an institution licensed to do business as a bank in the United States (or, to the extent provided in regulations, by any other corporation),

"(B) derived in the active conduct of an insurance business by a corporation which is predominantly engaged in an insurance business and which would be subject to tax under subchapter L if it were a domestic corporation,

"(C) which is interest, a dividend, or a rent or royalty, which is received or accrued from a related person (within the meaning of section 954(d)(3)) to the extent such amount is properly allocable (under regulations prescribed by the Secretary) to income of such related person which is not passive income, or

"(D) any foreign trade income of a FSC.

For purposes of subparagraph (C), the term 'related person' has the meaning given such term by section 954(d)(3) determined by substituting 'foreign corporation' for 'controlled foreign corporation' each place it appears in section 954(d)(3).

"(3) TREATMENT OF INCOME FROM CERTAIN ASSETS.—To the extent that any asset is properly treated as not held for the production of passive income for purposes of subsection (a)(2), all income from such asset shall be treated as income which is not passive income.

"(4) TREATMENT OF CERTAIN DEALERS IN SECURITIES.—

"(A) IN GENERAL.—In the case of any foreign corporation which is a controlled foreign corporation (as defined in section 957(a)), the term 'passive income' does not include any income derived in the active conduct of a securities business by such corporation if such corporation is registered as a securities broker or dealer under section 15(a) of the Securities Exchange Act of 1934 or is registered as a Government securities broker or dealer under section 15C(a) of such Act. To the extent provided in regulations, such term shall not include any income derived in the active conduct of a securities business by a controlled foreign corporation which is not so registered.

"(B) APPLICATION OF LOOK-THROUGH RULES.—For purposes of paragraph (2)(C), rules similar to the rules of subparagraph (A) of this paragraph shall apply in determining whether any income of a related person (whether or not a corporation) is passive income.

"(C) LIMITATION.—The preceding provisions of this paragraph shall only apply in the case of persons who are United States shareholders (as defined in section 951(b)) in the controlled foreign corporation.

"(c) LOOK-THROUGH IN CASE OF 25-PERCENT OWNED CORPORATION.—If a foreign corporation owns (directly or indirectly) at least 25 percent (by value) of the stock of another corporation, for purposes of determining whether such foreign corporation is a passive foreign corporation, such foreign corporation shall be treated as if it—

"(1) held its proportionate share of the assets of such other corporation, and

"(2) received directly its proportionate share of the income of such other corporation.

"SEC. 1297. SPECIAL RULES.

"(a) UNITED STATES PERSON.—For purposes of this part, the term 'United States person' has the meaning given to such term by section 7701(a)(30).

"(b) CONTROLLED FOREIGN CORPORATION.—For purposes of this part, the term 'controlled foreign corporation' has the meaning given such term by section 957(a).

"(c) MARKETABLE STOCK.—For purposes of this part—

"(1) IN GENERAL.—The term 'marketable stock' means—

"(A) any stock which is regularly traded on—

"(i) a national securities exchange which is registered with the Securities and Exchange Commission or the national market system established pursuant to section 11A of the Securities and Exchange Act of 1934, or

"(ii) any exchange or other market which the Secretary determines has rules adequate to carry out the purposes of this part, and

"(B) to the extent provided in regulations, stock in any foreign corporation which is comparable to a regulated investment company and which offers for sale or has outstanding any stock of which it is the issuer and which is redeemable at its net asset value.

"(2) SPECIAL RULE FOR REGULATED INVESTMENT COMPANIES.—In the case of any regulated investment company which is offering for sale or has outstanding any stock of which it is the issuer and which is redeemable at its net asset value, all stock in a passive foreign corporation which it owns (or is treated under section 1291(g) as owning) shall be treated as marketable stock for purposes of this part. Except as provided in regulations, a similar rule shall apply in the case of any other regulated investment company.

"(d) OTHER SPECIAL RULES.—For purposes of this part—

"(1) CERTAIN CORPORATIONS NOT TREATED AS PASSIVE.—A corporation shall not be treated as a passive foreign corporation for the 1st taxable year such corporation has gross income (hereinafter in this paragraph referred to as the 'start-up year') if—

"(A) no predecessor of such corporation was a passive foreign corporation,

"(B) it is established to the satisfaction of the Secretary that such corporation will not be a passive foreign corporation for either of the 1st 2 taxable years following the start-up year, and

"(C) such corporation is not a passive foreign corporation for either of the 1st 2 taxable years following the start-up year.

"(2) CERTAIN CORPORATIONS CHANGING BUSINESSES.—A corporation shall not be treated as a passive foreign corporation for any taxable year if—

"(A) neither such corporation (nor any predecessor) was a passive foreign corporation for any prior taxable year,

"(B) it is established to the satisfaction of the Secretary that—

"(i) substantially all of the passive income of the corporation for the taxable year is attributable to proceeds from the disposition of 1 or more active trades or businesses, and

"(ii) such corporation will not be a passive foreign corporation for either of the first 2 taxable years following the taxable year, and

"(C) such corporation is not a passive foreign corporation for either of such 2 taxable years.

For purposes of section 1296(c), any passive income referred to in subparagraph (B)(i) shall be treated as income which is not passive income and any assets which produce income so described shall be treated as assets producing income other than passive income.

"(3) TREATMENT OF CERTAIN FOREIGN CORPORATIONS OWNING STOCK IN 25-PERCENT OWNED DOMESTIC CORPORATION.—

"(A) IN GENERAL.—If a foreign corporation owns at least 25 percent (by value) of the stock of a domestic corporation, for purposes of determining whether such foreign corporation is a passive foreign corporation, any qualified stock held by such domestic corporation shall be treated as an asset which does not produce passive income (and is not held for the production of passive income) and any amount included in gross income with respect to such stock shall not be treated as passive income.

"(B) QUALIFIED STOCK.—For purposes of subparagraph (A), the term 'qualified stock' means any stock in a C corporation which is a domestic corporation and which is not a regulated investment company or real estate investment trust.

"(4) TREATMENT OF CORPORATION WHICH WAS A PFIC.—A corporation shall be treated as a passive foreign corporation for any taxable year beginning before January 1, 1994, if and only if such corporation was a passive foreign investment company under this part as in effect for such taxable year.

"(5) SEPARATE INTERESTS TREATED AS SEPARATE CORPORATIONS.—Under regulations prescribed by the Secretary, where necessary to carry out the purposes of this part, separate classes of stock (or other interests) in a corporation shall be treated as interests in separate corporations.

"(6) TREATMENT OF CERTAIN SUBPART F INCLUSIONS.—Any amount included in gross income under subparagraph (B) or (C) of section 951(a)(1) shall be treated as a distribution received with respect to the stock.

"(e) TREATMENT OF CERTAIN LEASED PROPERTY.—For purposes of this part—

"(1) IN GENERAL.—Any tangible personal property with respect to which a foreign corporation is the lessee under a lease with a term of at least 12 months shall be treated as an asset actually held by such corporation.

"(2) AMOUNT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—The amount taken into account under section 1296(a)(2) with respect to any asset to which paragraph (1) applies shall be the unamortized portion (as determined under regulations prescribed by the Secretary) of the present value of the payments under the lease for the use of such property.

"(B) PRESENT VALUE.—For purposes of subparagraph (A), the present value of payments described in subparagraph (A) shall be determined in the manner provided in regulations prescribed by the Secretary—

"(i) as of the beginning of the lease term, and

"(ii) except as provided in such regulations, by using a discount rate equal to the applicable Federal rate determined under section 1274(d)—

"(I) by substituting the lease term for the term of the debt instrument, and

"(II) without regard to paragraph (2) or (3) thereof.

"(3) EXCEPTIONS.—This subsection shall not apply in any case where—

"(A) the lessor is a related person (as defined in section 954(d)(3)) with respect to the foreign corporation, or

"(B) a principal purpose of leasing the property was to avoid the provisions of this part or section 956A.

"(f) SPECIAL RULES FOR CERTAIN INTANGIBLES.—For purposes of this part—

"(1) RESEARCH EXPENDITURES.—The adjusted basis of the total assets of a controlled foreign corporation shall be increased by the research or experimental expenditures (within the meaning of section 174) paid or incurred by such foreign corporation during the taxable year and the preceding 2 taxable years. Any expenditure otherwise taken into account under the preceding sentence shall be reduced by the amount of any reimbursement received by the controlled foreign corporation with respect to such expenditure.

"(2) CERTAIN LICENSED INTANGIBLES.—

"(A) IN GENERAL.—In the case of any intangible property (as defined in section 936(h)(3)(B)) with respect to which a controlled foreign corporation is a licensee and which is used by such foreign corporation in the active conduct of a trade or business, the adjusted basis of the total assets of such foreign corporation shall be increased by an amount equal to 300 percent of the payments made during the taxable year by such foreign corporation for the use of such intangible property.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any payments to a foreign person if such foreign person is a related person (as defined in section 954(d)(3)) with respect to the controlled foreign corporation, and

"(ii) any payments under a license if a principal purpose of entering into such license was to avoid the provisions of this part or section 956A.

"(3) CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection, the term 'controlled foreign corporation' has the meaning given such term by section 957(a).

"(g) ELECTION BY CERTAIN PASSIVE FOREIGN CORPORATIONS TO BE TREATED AS A DOMESTIC CORPORATION.—

"(1) IN GENERAL.—For purposes of this title, if—

"(A) a passive foreign corporation would qualify as a regulated investment company under part I of subchapter M if such passive foreign corporation were a domestic corporation,

"(B) such passive foreign corporation meets such requirements as the Secretary shall prescribe to ensure that the taxes imposed by this title on such passive foreign corporation are paid, and

"(C) such passive foreign corporation makes an election to have this paragraph apply and waives all benefits which are granted by the United States under any treaty and to which such corporation would otherwise be entitled by reason of being a resident of another country,

such corporation shall be treated as a domestic corporation.

"(2) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (2), (3), (4)(A), and (5) of section 953(d) shall apply with respect to any corporation making an election under paragraph (1).

"(h) SPECIAL RULES FOR CERTAIN TAXPAYERS.—

"(1) TAX-EXEMPT ORGANIZATIONS.—In the case of any organization exempt from tax under section 501—

"(A) this part shall apply to any stock in a passive foreign corporation owned (or treated as owned under section 1294(e)) by such organization only to the extent that a dividend on such stock would be taken into account in determining the unrelated business taxable income of such organization, and

"(B) to the extent that this part applies to any such stock, this part shall be applied in the same manner as if such organization were not exempt from tax under section 501(a).

"(2) TREATMENT OF STOCK HELD BY POOLED INCOME FUND.—If stock in a passive foreign corporation is owned (or treated as owned under section 1294(e)) by a pooled income fund (as defined in section 642(c)(5)) and no portion of any gain from a disposition of such stock may be allocated to income under the terms of the governing instrument of such fund—

"(A) section 1293 shall not apply to any gain on a disposition of such stock by such fund if (without regard to section 1293) a deduction would be allowable with respect to such gain under section 642(c)(3),

"(B) subpart A shall not apply with respect to such stock, and

"(C) in determining whether section 1293 applies to any distribution in respect of such stock, such stock shall be treated as failing to qualify for the exceptions under section 1294(a)(1).

"(i) INFORMATION FROM SHAREHOLDERS.—Every United States person who owns stock in any passive foreign corporation shall furnish with respect to such corporation such information as the Secretary may prescribe.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this part, including regulations—

"(1) providing that gross income shall be determined without regard to section 1293 for such purposes as may be specified in such regulations, and

"(2) to prevent avoidance of the provisions of this part through changes in citizenship or residence status."

(b) INSTALLMENT SALES TREATMENT NOT AVAILABLE.—Paragraph (2) of section 453(k) is amended by striking "or" at the end of subparagraph (A), by inserting "or" at the end of subparagraph (B), and by adding at the end thereof the following new subparagraph:

"(C) stock in a passive foreign corporation (as defined in section 1296) if section 1293 applies to such sale,".

(c) TREATMENT OF MARK-TO-MARKET GAIN UNDER SECTION 4982.—

(1) Subsection (e) of section 4982 is amended by adding at the end thereof the following new paragraph:

"(6) TREATMENT OF GAIN RECOGNIZED UNDER SECTION 1291.—For purposes of determining a regulated investment company's ordinary income—

"(A) notwithstanding paragraph (1)(C), section 1291 shall be applied as if such company's taxable year ended on October 31, and

"(B) any ordinary gain or loss from an actual disposition of stock in a passive foreign corporation during the portion of the calendar year after October 31 shall be taken into account in determining such company's ordinary income for the following calendar year.

In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company's taxable year for October 31."

(2) Subsection (b) of section 852 is amended by adding at the end thereof the following new paragraph:

"(10) SPECIAL RULE FOR CERTAIN LOSSES ON STOCK IN PASSIVE FOREIGN CORPORATIONS.—To the extent provided in regulations, the taxable income of a regulated investment company (other than a company to which an election under section 4982(e)(4) applies) shall be computed without regard to any net reduction in the value of any stock of a passive foreign corporation to which section 1291 applies occurring after October 31 of the taxable year, and any such reduction shall be treated as occurring on the first day of the following taxable year."

(3) Subsection (c) of section 852 is amended by inserting after "October 31 of such year" the following: ", without regard to any net reduction in the value of any stock of a passive foreign corporation to which section 1291 applies occurring after October 31 of such year,".

(d) TREATMENT OF CERTAIN PREVIOUSLY TAXED AMOUNTS.—Subsection (e) of section 959 is amended—

(1) by adding at the end thereof the following new sentence: "A similar rule shall apply in the case of amounts included in gross income under section 1293 (as in effect on January 1, 1993).", and

(2) by striking "AMOUNTS PREVIOUSLY TAXED UNDER SECTION 1248" in the subsection heading and inserting "CERTAIN PREVIOUSLY TAXED AMOUNTS".

SEC. 403. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENERAL RULE.—

(1) Paragraph (2) of section 171(c) is amended—

(A) by striking ", or by a foreign personal holding company, as defined in section 552", and

(B) by striking ", or foreign personal holding company".

(2) Section 312 is amended by striking subsection (j).

(3) Subsection (m) of section 312 is amended by striking ", a foreign investment company (within the meaning of section 1246(b)), or a foreign personal holding company (within the meaning of section 552)" and inserting "or a passive foreign corporation (as defined in section 1296)".

(4) Subsection (e) of section 443 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Clause (ii) of section 465(c)(7)(B) is amended to read as follows:

"(ii) a passive foreign corporation with respect to which the stock ownership requirements of section 1292(a)(2)(B) are met, or".

(6) Subsection (b) of section 535 is amended by striking paragraph (9).

(7) Subsection (d) of section 535 is hereby repealed.

(8) Paragraph (1) of section 543(b) is amended by inserting "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(9) Section 545 is amended by striking subsections (b)(7) and (c).

(10) Paragraph (1) of section 562(b) is amended by striking "or a foreign personal holding company described in section 552".

(11) Section 563 is amended—

(A) by striking subsection (c),

(B) by redesignating subsection (d) as subsection (c), and

(C) by striking "subsection (a), (b), or (c)" in subsection (c) (as so redesignated) and inserting "subsection (a) or (b)".

(12) Paragraph (2) of section 751(d) is amended by striking "subsection (a) of section 1246 (relating to gain on foreign investment company stock)" and inserting "section 1291 (relating to stock in certain passive foreign corporations marked to market)".

(13) Subsection (b) of section 851 is amended by striking the sentence following paragraph (4)(B) which contains a reference to section 1293(a).

(14) Clause (ii) of section 864(b)(2)(A) is amended by striking "(other than" and all that follows down through "holding company)" and inserting "(other than a corporation which would be a personal holding company but for section 542(c)(5) and which is not United States controlled (as defined in section 1292(a)(2))".

(15) Subsection (d) of section 904 is amended by striking paragraphs (2)(A)(ii), (2)(E)(iii), and (3)(I).

(16)(A) Subparagraph (A) of section 904(g)(1) is amended to read as follows:

"(A) Any amount included in gross income under section 951(a) (relating to amounts included in gross income of United States shareholders)."

(B) The paragraph heading of paragraph (2) of section 904(g) is amended by striking "AND FOREIGN PERSONAL HOLDING OR PASSIVE FOREIGN INVESTMENT COMPANY".

(17) Section 951 is amended by striking subsections (c), (d), and (f), and by redesignating subsection (e) as subsection (c).

(18) Paragraph (3) of section 956A(c) is amended—

(A) by striking "1297(d)" in subparagraph (B) and inserting "1297(e)", and

(B) by striking "1297(e)" in subparagraph (C) and inserting "1297(f)".

(19) Paragraph (1) of section 986(c) is amended by striking "or 1293(c)".

(20) Paragraph (3) of section 989(b) is amended by striking ", 551(a), or 1293(a)".

(21) Paragraph (5) of section 1014(b) is hereby repealed.

(22) Subsection (a) of section 1016 is amended by striking paragraph (13) and by redesignating the following paragraphs accordingly.

(23) Paragraph (3) of section 1212(a) is amended—

(A) by striking subparagraph (A),

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively, and

(C) by amending subparagraph (D) to read as follows:

"(C) for which it is a passive foreign corporation."

(24) Section 1223 is amended by striking paragraph (10) and by redesignating the following paragraphs accordingly.

(25) Subsection (d) of section 1248 is amended by striking paragraphs (5) and (7).

(26)(A) Subsection (a) of section 6035 is amended by striking "foreign personal holding company (as defined in section 552)" and inserting "passive foreign corporation with respect to which the stock ownership requirements of section 1292(a)(2)(B) are met".

(B) The section heading for section 6035 is amended by striking "**FOREIGN PERSONAL HOLDING COMPANIES**" and inserting "**CLOSELY HELD PASSIVE FOREIGN CORPORATIONS**".

(C) The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by striking "foreign personal holding companies" in the item relating to section 6035 and inserting "closely-held passive foreign corporations".

(27) Subparagraph (D) of section 6103(e)(1) is amended by striking clause (iv) and redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively.

(28) Subparagraph (B) of section 6501(e)(1) is amended to read as follows:

"(B) CONSTRUCTIVE DIVIDENDS.—If the taxpayer omits from gross income an amount properly includible therein under section 951(a), the tax may be assessed, or a proceeding in court for the collection of such tax may be done without assessing, at any time within 6 years after the return was filed."

(29) Section 4947 and section 4948(c)(4) are each amended by striking "556(b)(2)," each place it appears.

(b) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter G of chapter 1 is amended by striking the item relating to part III.

(2) The table of sections for part IV of subchapter P of chapter 1 is amended by striking the items relating to sections 1246 and 1247.

(3) The table of parts for subchapter P of chapter 1 is amended by striking the item relating to part VI and inserting the following:

"Part VI. Treatment of passive foreign corporations."

SEC. 404. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to—

(1) taxable years of United States persons beginning after December 31, 1993, and

(2) taxable years of foreign corporations ending with or within such taxable years of United States persons.

(b) DENIAL OF INSTALLMENT SALES TREATMENT.—The amendment made by section 402(b) shall apply to dispositions after December 31, 1993.

(c) BASIS RULE.—The amendments made by this subtitle shall not affect the determination of the basis of any stock acquired from a decedent in a taxable year beginning before January 1, 1994.

Subtitle B—Treatment of Controlled Foreign Corporations

SEC. 411. GAIN ON CERTAIN STOCK SALES BY CONTROLLED FOREIGN CORPORATIONS TREATED AS DIVIDENDS.

(a) GENERAL RULE.—Section 964 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new subsection:

"(e) GAIN ON CERTAIN STOCK SALES BY CONTROLLED FOREIGN CORPORATIONS TREATED AS DIVIDENDS.—

"(1) IN GENERAL.—If a controlled foreign corporation sells or exchanges stock in any other foreign corporation, gain recognized on such sale or exchange shall be included in the gross income of such controlled foreign corporation as a dividend to the same extent that it would have been so included under section 1248(a) if such controlled foreign corporation were a United States person. For purposes of determining the amount which would have been so includible, the determination of whether such other foreign corporation was a controlled foreign corporation shall be made without regard to the preceding sentence.

"(2) SAME COUNTRY EXCEPTION NOT APPLICABLE.—Clause (i) of section 954(c)(3)(A) shall not apply to any amount treated as a dividend by reason of paragraph (1).

"(3) CLARIFICATION OF DEEMED SALES.—For purposes of this subsection, a controlled foreign corporation shall be treated as having sold or exchanged any stock if, under any provision of this subtitle, such controlled foreign corporation is treated as having gain from the sale or exchange of such stock."

(b) AMENDMENT OF SECTION 904(d).—Clause (i) of section 904(d)(2)(E) is amended by striking "and except as provided in regulations, the taxpayer was a United States shareholder in such corporation".

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to gain recognized on transactions occurring after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply to distributions after the date of the enactment of this Act.

SEC. 412. MISCELLANEOUS MODIFICATIONS TO SUBPART F.

(a) SECTION 1248 GAIN TAKEN INTO ACCOUNT IN DETERMINING PRO RATA SHARE.—

(1) IN GENERAL.—Paragraph (2) of section 951(a) (defining pro rata share of subpart F income) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), any gain included in the gross income of any person as a dividend under section 1248 shall be treated as a distribution received by such person with respect to the stock involved."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to dispositions after the date of the enactment of this Act.

(b) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATION.—

(1) IN GENERAL.—Section 961 (relating to adjustments to basis of stock in controlled foreign corporations and of other property) is amended by adding at the end thereof the following new subsection:

"(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATION.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning any stock in a controlled foreign corporation which is actually owned by another controlled foreign corporation, adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to the basis of such stock in the hands of such other controlled foreign corporation, but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply for purposes of determining inclusions for taxable years of United States shareholders beginning after December 31, 1993.

(c) DETERMINATION OF PREVIOUSLY TAXED INCOME IN SECTION 304 DISTRIBUTIONS, ETC.—

(1) IN GENERAL.—Section 959 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by adding at the end thereof the following new subsection:

"(g) ADJUSTMENTS FOR CERTAIN TRANSACTIONS.—If by reason of—

"(1) a transaction to which section 304 applies,

"(2) the structure of a United States shareholder's holdings in controlled foreign corporations, or

"(3) other circumstances,

there would be a multiple inclusion of any item in income (or an inclusion or exclusion without an appropriate basis adjustment) by reason of this subpart, the Secretary may prescribe regulations providing such modifications in the application of this subpart as may be necessary to eliminate such multiple inclusion or provide such basis adjustment, as the case may be."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) CLARIFICATION OF TREATMENT OF BRANCH TAX EXEMPTIONS OR REDUCTIONS.—

(1) IN GENERAL.—Subsection (b) of section 952 is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, any exemption (or reduction) with respect to the tax imposed by section 884 shall not be taken into account.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1986.

SEC. 413. INDIRECT FOREIGN TAX CREDIT ALLOWED FOR CERTAIN LOWER TIER COMPANIES.

(a) SECTION 902 CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 902 (relating to deemed taxes increased in case of certain 2nd and 3rd tier foreign corporations) is amended to read as follows:

"(b) DEEMED TAXES INCREASED IN CASE OF CERTAIN LOWER TIER CORPORATIONS.—

"(1) IN GENERAL.—If—

"(A) any foreign corporation is a member of a qualified group, and

"(B) such foreign corporation owns 10 percent or more of the voting stock of another member of such group from which it receives dividends in any taxable year,

such foreign corporation shall be deemed to have paid the same proportion of such other member's post-1986 foreign income taxes as would be determined under subsection (a) if such foreign corporation were a domestic corporation.

"(2) QUALIFIED GROUP.—For purposes of paragraph (1), the term 'qualified group' means—

"(A) the foreign corporation described in subsection (a), and

"(B) any other foreign corporation if—

"(i) the domestic corporation owns at least 5 percent of the voting stock of such other foreign corporation indirectly through a chain of foreign corporations connected through stock ownership of at least 10 percent of their voting stock,

"(ii) the foreign corporation described in subsection (a) is the first tier corporation in such chain, and

"(iii) such other corporation is not below the sixth tier in such chain.

The term 'qualified group' shall not include any foreign corporation below the third tier in the chain referred to in clause (i) unless such foreign corporation is a controlled foreign corporation (as defined in section 957) and the domestic corporation is a United States shareholder (as defined in section 951(b)) in such foreign corporation. Paragraph (1) shall apply to those taxes paid by a member of the qualified group below the third tier only with respect to periods during which it was a controlled foreign corporation."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 902(c)(3) is amended by adding "or" at the end of clause (i) and by striking clauses (ii) and (iii) and inserting the following new clause:

"(ii) the requirements of subsection (b)(2) are met with respect to such foreign corporation."

(B) Subparagraph (B) of section 902(c)(4) is amended by striking "3rd foreign corporation" and inserting "sixth tier foreign corporation".

(C) The heading for paragraph (3) of section 902(c) is amended by striking "WHERE DOMESTIC CORPORATION ACQUIRES 10 PERCENT OF FOREIGN CORPORATION" and inserting "WHERE FOREIGN CORPORATION FIRST QUALIFIES".

(D) Paragraph (3) of section 902(c) is amended by striking "ownership" each place it appears.

(b) SECTION 960 CREDIT.—Paragraph (1) of section 960(a) (relating to special rules for foreign tax credits) is amended to read as follows:

"(1) DEEMED PAID CREDIT.—For purposes of subpart A of this part, if there is included under section 951(a) in the gross income of a domestic corporation any amount attributable to earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, then, except to the extent provided in regulations, section 902 shall be applied as if the amount so included were a dividend paid by such foreign corporation (determined by applying section 902(c) in accordance with section 904(d)(3)(B))."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes of foreign corporations for taxable years of such corporations beginning after the date of enactment of this Act.

(2) SPECIAL RULE.—In the case of any chain of foreign corporations described in clauses (i) and (ii) of section 902(b)(2)(B) of the Internal Revenue Code of 1986 (as amended by this section), no liquidation, reorganization, or similar transaction in a taxable year beginning after the date of the enactment of this Act shall have the effect of permitting taxes to be taken into account under section 902 of the Internal Revenue Code of 1986 which could not have been taken into account under such section but for such transaction.

Subtitle C—Other Provisions

SEC. 421. EXCHANGE RATE USED IN TRANSLATING FOREIGN TAXES.

(a) ACCRUED TAXES TRANSLATED BY USING AVERAGE RATE FOR YEAR TO WHICH TAXES RELATE.—

(1) IN GENERAL.—Subsection (a) of section 986 (relating to translation of foreign taxes) is amended to read as follows:

"(a) FOREIGN INCOME TAXES.—

"(1) TRANSLATION OF ACCRUED TAXES.—

"(A) IN GENERAL.—For purposes of determining the amount of the foreign tax credit, in the case of a taxpayer who takes foreign income taxes into account when accrued, the amount of any foreign income taxes (and any adjustment thereto) shall be translated into dollars by using the average exchange rate for the taxable year to which such taxes relate.

"(B) EXCEPTION FOR TAXES NOT PAID WITHIN FOLLOWING 2 YEARS.—

"(i) Subparagraph (A) shall not apply to any foreign income taxes paid after the date 2 years after the close of the taxable year to which such taxes relate.

"(ii) Subparagraph (A) shall not apply to taxes paid before the beginning of the taxable year to which such taxes relate.

"(C) EXCEPTION FOR INFLATIONARY CURRENCIES.—To the extent provided in regulations, subparagraph (A) shall not apply to any foreign income taxes the liability for which is denominated in any currency determined to be an inflationary currency under such regulations.

"(D) CROSS REFERENCE.—

"For adjustments where tax is not paid within 2 years, see section 905(c).

"(2) TRANSLATION OF TAXES TO WHICH PARAGRAPH (1) DOES NOT APPLY.—For purposes of determining the amount of the foreign tax credit, in the case of any foreign income taxes to which subparagraph (A) of paragraph (1) does not apply—

"(A) such taxes shall be translated into dollars using the exchange rates as of the time such taxes were paid to the foreign country or possession of the United States, and

"(B) any adjustment to the amount of such taxes shall be translated into dollars using—

"(i) except as provided in clause (ii), the exchange rate as of the time when such adjustment is paid to the foreign country or possession, or

"(ii) in the case of any refund or credit of foreign income taxes, using the exchange rate as of the time of the original payment of such foreign income taxes.

"(3) FOREIGN INCOME TAXES.—For purposes of this subsection, the term 'foreign income taxes' means any income, war profits, or excess profits taxes paid or accrued to any foreign country or to any possession of the United States."

(2) ADJUSTMENT WHEN NOT PAID WITHIN 2 YEARS AFTER YEAR TO WHICH TAXES RELATE.—Subsection (c) of section 905 is amended to read as follows:

"(c) ADJUSTMENTS TO ACCRUED TAXES.—

"(1) IN GENERAL.—If—

"(A) accrued taxes when paid differ from the amounts claimed as credits by the taxpayer,

"(B) accrued taxes are not paid before the date 2 years after the close of the taxable year to which such taxes relate, or

"(C) any tax paid is refunded in whole or in part,

the taxpayer shall notify the Secretary, who shall redetermine the amount of the tax for the year or years affected.

"(2) SPECIAL RULE FOR TAXES NOT PAID WITHIN 2 YEARS.—In making the redetermination under paragraph (1), no credit shall be allowed for accrued taxes not paid before the date referred to in subparagraph (B) of paragraph (1). Any such taxes if subsequently paid shall be taken into account for the taxable year in which paid and no redetermination under this section shall be made on account of such payment.

"(3) ADJUSTMENTS.—The amount of tax due on any redetermination under paragraph (1) (if any) shall be paid by the taxpayer on notice and demand by the Secretary, and the amount of tax overpaid (if any) shall be credited or refunded to the taxpayer in accordance with subchapter B of chapter 66 (section 6511 et seq.).

"(4) BOND REQUIREMENTS.—In the case of any tax accrued but not paid, the Secretary, as a condition precedent to the allowance of the credit provided in this subpart, may require the taxpayer to give a bond, with sureties satisfactory to and approved by the Secretary, in such sum as the Secretary may require, conditioned on the payment by the taxpayer of any amount of tax found due on any such redetermination. Any such bond shall contain such further conditions as the Secretary may require.

"(5) OTHER SPECIAL RULES.—In any redetermination under paragraph (1) by the Secretary of the amount of tax due from the taxpayer for the year or years affected by a refund, the amount of the taxes refunded for which credit has been allowed under this section shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund; but no credit under this subpart, or deduction under section 164, shall be allowed for any taxable year with respect to any such tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary, resulting from a refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period."

(b) AUTHORITY TO USE AVERAGE RATES.—

(1) IN GENERAL.—Subsection (a) of section 986 (as amended by subsection (a)) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

"(3) AUTHORITY TO PERMIT USE OF AVERAGE RATES.—To the extent prescribed in regulations, the average exchange rate for the period (specified in such regulations) during which the taxes or adjustment is paid may be used instead of the exchange rate as of the time of such payment."

(2) DETERMINATION OF AVERAGE RATES.—Subsection (c) of section 989 is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(6) setting forth procedures for determining the average exchange rate for any period."

(3) CONFORMING AMENDMENTS.—Subsection (b) of section 989 is amended by striking "weighted" each place it appears.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a)(1) and (b) shall apply to taxes paid or accrued in taxable years beginning after December 31, 1992.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall apply to taxes which relate to taxable years beginning after December 31, 1992.

SEC. 422. ELECTION TO USE SIMPLIFIED SECTION 904 LIMITATION FOR ALTERNATIVE MINIMUM TAX.

(a) GENERAL RULE.—Subsection (a) of section 59 (relating to alternative minimum tax foreign tax credit) is amended by adding at the end thereof the following new paragraph:

"(3) ELECTION TO USE SIMPLIFIED SECTION 904 LIMITATION.—

"(A) IN GENERAL.—In determining the alternative minimum tax foreign tax credit for any taxable year to which an election under this paragraph applies—

"(i) subparagraph (B) of paragraph (1) shall not apply, and

"(ii) the limitation of section 904 shall be based on the proportion which—

"(I) the taxpayer's taxable income (as determined for purposes of the regular tax) from sources without the United States (but not in excess of the taxpayer's entire alternative minimum taxable income), bears to

"(II) the taxpayer's entire alternative minimum taxable income for the taxable year.

"(B) ELECTION.—

"(i) IN GENERAL.—An election under this paragraph may be made only for the taxpayer's first taxable year which begins after December 31, 1993, and for which the taxpayer claims an alternative minimum tax foreign tax credit.

"(ii) ELECTION REVOCABLE ONLY WITH CONSENT.—An election under this paragraph, once made, shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 423. MODIFICATION OF SECTION 1491.

(a) GENERAL RULE.—So much of chapter 5 (relating to tax on transfers to avoid income tax) as precedes section 1492 is amended to read as follows:

"CHAPTER 5—TREATMENT OF TRANSFERS TO AVOID INCOME TAX

"Sec. 1491. Recognition of gain.

"Sec. 1492. Exceptions.

"SEC. 1491. RECOGNITION OF GAIN.

"In the case of any transfer of property by a United States person to a foreign corporation as paid-in surplus or as a contribution to capital, to a foreign estate or trust, or to a foreign partnership, for purposes of this subtitle, such transfer shall be treated as a sale or exchange for an amount equal to the fair market value of the property transferred, and the transferor shall recognize as gain the excess of—

"(1) the fair market value of the property so transferred, over

"(2) the adjusted basis (for purposes of determining gain) of such property in the hands of the transferor."

(b) CONFORMING AMENDMENTS.—

(1) Section 1057 is hereby repealed.

(2) Section 1492 is amended to read as follows:

"SEC. 1492. EXCEPTIONS.

"The provisions of section 1491 shall not apply—

"(1) If the transferee is an organization exempt from income tax under part I of subchapter F of chapter 1 (other than an organization described in section 401(a)),

"(2) To a transfer described in section 367, or

"(3) To any other transfer, to the extent provided in regulations in accordance with principles similar to the principles of section 367 or otherwise consistent with the purpose of section 1491."

(3) Section 1494 is hereby repealed.

(4) The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1057.

(5) The table of chapters for subtitle A is amended by striking "Tax on" in the item relating to chapter 5 and inserting "Treatment of".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 1994.

SEC. 424. MODIFICATION OF SECTION 367(b).

(a) GENERAL RULE.—Paragraph (1) of section 367(b) is amended to read as follows:

"(1) IN GENERAL.—In the case of any transaction described in section 332, 351, 354, 355, 356, or 361 in which the status of a foreign corporation as a corporation is a general condition for nonrecognition by 1 or more of the parties to the transaction, income shall be required to be recognized to the extent provided in regulations prescribed by the Secretary which are necessary or appropriate to prevent the avoidance of Federal income taxes. This subsection shall not apply to a transaction in which the foreign corporation is not treated as a corporation under subsection (a)(1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers after December 31, 1994.

TITLE V—OTHER INCOME TAX PROVISIONS

Subtitle A—Provisions Relating to Subchapter S Corporations

SEC. 501. AUTHORITY TO VALIDATE CERTAIN INVALID ELECTIONS.

(a) GENERAL RULE.—Subsection (f) of section 1362 (relating to inadvertent terminations) is amended to read as follows:

"(f) INADVERTENT INVALID ELECTIONS OR TERMINATIONS.—If—

"(1) an election under subsection (a) by any corporation—

"(A) was not effective for the taxable year for which made (determined without regard to subsection (b)(2)) by reason of a failure to meet the requirements of section 1361(b) or to obtain shareholder consents, or

"(B) was terminated under paragraph (2) or (3) of subsection (d),

"(2) the Secretary determines that the circumstances resulting in such ineffectiveness or termination were inadvertent,

"(3) no later than a reasonable period of time after discovery of the circumstances resulting in such ineffectiveness or termination, steps were taken—

"(A) so that the corporation is a small business corporation, or

"(B) to acquire the required shareholder consents, and

"(4) the corporation, and each person who was a shareholder in the corporation at any time during the period specified pursuant to this subsection, agrees to make such adjustments (consistent with the treatment of the corporation as an S corporation) as may be required by the Secretary with respect to such period,

then, notwithstanding the circumstances resulting in such ineffectiveness or termination, such corporation shall be treated as an S corporation during the period specified by the Secretary."

(b) LATE ELECTIONS.—Subsection (b) of section 1362 is amended by adding at the end thereof the following new paragraph:

"(5) AUTHORITY TO TREAT LATE ELECTIONS AS TIMELY.—If—

"(A) an election under subsection (a) is made for any taxable year (determined without regard to paragraph (3)) after the date prescribed by this subsection for making such election for such taxable year, and

"(B) the Secretary determines that there was reasonable cause for the failure to timely make such election,

the Secretary may treat such election as timely made for such taxable year (and paragraph (3) shall not apply)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for taxable years beginning after December 31, 1982.

SEC. 502. TREATMENT OF DISTRIBUTIONS DURING LOSS YEARS.

(a) ADJUSTMENTS FOR DISTRIBUTIONS TAKEN INTO ACCOUNT BEFORE LOSSES.—

(1) Subparagraph (A) of section 1366(d)(1) is amended by striking "paragraph (1)" and inserting "paragraphs (1) and (2)(A)".

(2) Subsection (d) of section 1368 is amended by adding at the end thereof the following new sentence:

"In the case of any distribution made during any taxable year, the adjusted basis of the stock shall be determined with regard to the adjustments provided in paragraph (1) of section 1367(a) for the taxable year."

(b) ACCUMULATED ADJUSTMENTS ACCOUNT.—Paragraph (1) of section 1368(e) (relating to accumulated adjustments account) is amended by adding at the end thereof the following new subparagraph:

"(C) NET LOSS FOR YEAR DISREGARDED.—

"(i) IN GENERAL.—In applying this section to distributions made during any taxable year, the amount in the accumulated adjustments account as of the close of such taxable year shall be determined without regard to any net negative adjustment for such taxable year.

"(ii) NET NEGATIVE ADJUSTMENT.—For purposes of clause (i), the term 'net negative adjustment' means, with respect to any taxable year, the excess (if any) of—

"(I) the reductions in the account for the taxable year (other than for distributions), over

"(II) the increases in such account for such taxable year."

(c) CONFORMING AMENDMENTS.—Subparagraph (A) of section 1368(e)(1) is amended—

(1) by striking "as provided in subparagraph (B)" and inserting "as otherwise provided in this paragraph", and

(2) by striking "section 1367(b)(2)(A)" and inserting "section 1367(a)(2)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 1992.

SEC. 503. ELECTING SMALL BUSINESS TRUSTS.

(a) GENERAL RULE.—Subparagraph (A) of section 1361(c)(2) (relating to certain trusts permitted as shareholders) is amended by inserting after clause (iv) the following new clause:

"(v) An electing small business trust."

(b) CURRENT BENEFICIARIES TREATED AS SHAREHOLDERS.—Subparagraph (B) of section 1361(c)(2) is amended by adding at the end the following new clause:

"(v) In the case of a trust described in clause (v) of subparagraph (A), each potential current beneficiary of such trust shall be treated as a shareholder; except that, if for any period there is no potential current beneficiary of such trust, such trust shall be treated as the shareholder during such period."

(c) ELECTING SMALL BUSINESS TRUST DEFINED.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(e) ELECTING SMALL BUSINESS TRUST DEFINED.—

"(1) ELECTING SMALL BUSINESS TRUST.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'electing small business trust' means any trust if—

"(i) such trust does not have as a beneficiary any person other than (I) an individual, (II) an estate, or (III) an organization described in paragraph (2), (3), (4), or (5) of section 170(c) which holds a contingent interest and is not a potential current beneficiary,

"(ii) no interest in such trust was acquired by purchase, and

"(iii) an election under this subsection applies to such trust.

"(B) CERTAIN TRUSTS NOT ELIGIBLE.—The term 'electing small business trust' shall not include—

"(i) any qualified subchapter S trust (as defined in subsection (d)(3)) if an election under subsection (d)(2) applies to any corporation the stock of which is held by such trust, and

"(ii) any trust exempt from tax under this subtitle.

"(C) PURCHASE.—For purposes of subparagraph (A), the term 'purchase' means any acquisition if the basis of the property acquired is determined under section 1012.

"(2) POTENTIAL CURRENT BENEFICIARY.—For purposes of this section, the term 'potential current beneficiary' means, with respect to any period, any person who at any time during such period is entitled to, or at the discretion of any person may receive, a distribution from the principal or income of the trust. If a trust disposes of all of the stock which it holds in an S corporation, then, with respect to such corporation, the term 'potential current beneficiary' does not include any person who first met the requirements of the preceding sentence during the 60-day period ending on the date of such disposition.

"(3) ELECTION.—An election under this subsection shall be made by the trustee. Any such election shall apply to the taxable year of the trust for which made and all subsequent taxable years of such trust unless revoked with the consent of the Secretary.

"(4) CROSS REFERENCE.—

"For special treatment of electing small business trusts, see section 641(d)."

(d) TAXATION OF ELECTING SMALL BUSINESS TRUSTS.—Section 641 (relating to imposition of tax on trusts) is amended by adding at the end the following new subsection:

"(d) SPECIAL RULES FOR TAXATION OF ELECTING SMALL BUSINESS TRUSTS.—

"(1) IN GENERAL.—For purposes of this chapter—

"(A) the portion of any electing small business trust which consists of stock in 1 or more S corporations shall be treated as a separate trust, and

"(B) the amount of the tax imposed by this chapter on such separate trust shall be determined with the modifications of paragraph (2).

"(2) MODIFICATIONS.—For purposes of paragraph (1), the modifications of this paragraph are the following:

"(A) Except as provided in section 1(h), the amount of the tax imposed by section 1(e) shall be determined by using the highest rate of tax set forth in section 1(e).

"(B) The exemption amount under section 55(d) shall be zero.

"(C) The only items of income, loss, deduction, or credit to be taken into account are the following:

"(i) The items required to be taken into account under section 1366.

"(ii) Any gain or loss from the disposition of stock in an S corporation.

"(iii) To the extent provided in regulations, State or local income taxes or administrative expenses to the extent allocable to items described in clauses (i) and (ii).

No deduction or credit shall be allowed for any amount not described in this paragraph, and no item described in this paragraph shall be apportioned to any beneficiary.

"(D) No amount shall be allowed under paragraph (1) or (2) of section 1211(b).

"(3) TREATMENT OF REMAINDER OF TRUST AND DISTRIBUTIONS.—For purposes of determining—

"(A) the amount of the tax imposed by this chapter on the portion of any electing small business trust not treated as a separate trust under paragraph (1), and

"(B) the distributable net income of the entire trust,

the items referred to in paragraph (2)(C) shall be excluded. Except as provided in the preceding sentence, this subsection shall not affect the taxation of any distribution from the trust.

"(4) TREATMENT OF UNUSED DEDUCTIONS WHERE TERMINATION OF SEPARATE TRUST.—If a portion of an electing small business trust ceases to be treated as a separate trust under paragraph (1), any carryover or excess deduction of the separate trust which is referred to in section 642(h) shall be taken into account by the entire trust.

"(5) ELECTING SMALL BUSINESS TRUST.—For purposes of this subsection, the term 'electing small business trust' has the meaning given such term by section 1361(e)(1)."

(e) TECHNICAL AMENDMENT.—Paragraph (1) of section 1366(a) is amended by inserting ", or of a trust or estate which terminates," after "who dies".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 504. OTHER MODIFICATIONS.

(a) TREATMENT OF S CORPORATIONS UNDER SUBCHAPTER C.—Subsection (a) of section 1371 (relating to application of subchapter C rules) is amended to read as follows:

"(a) APPLICATION OF SUBCHAPTER C RULES.—Except as otherwise provided in this title, and except to the extent inconsistent with this subchapter, subchapter C shall apply to an S corporation and its shareholders."

(b) S CORPORATIONS PERMITTED TO HOLD SUBSIDIARIES.—

(1) IN GENERAL.—Paragraph (2) of section 1361(b) (defining ineligible corporation) is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 1361 is amended by striking paragraph (6).

(B) Subsection (b) of section 1504 (defining includible corporation) is amended by adding at the end thereof the following new paragraph:

"(8) An S corporation."

(c) ELIMINATION OF PRE-1983 EARNINGS AND PROFITS.—

(1) IN GENERAL.—If—

(A) a corporation was an electing small business corporation under subchapter S of chapter 1 of the Internal Revenue Code of 1986 for any taxable year beginning before January 1, 1983, and

(B) such corporation is an S corporation under subchapter S of chapter 1 of such Code for its first taxable year beginning after December 31, 1992,

the amount of such corporation's accumulated earnings and profits (as of the beginning of such first taxable year) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under such subchapter S.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (3) of section 1362(d) is amended—

(i) by striking "SUBCHAPTER C" in the paragraph heading and inserting "ACCUMULATED",

(ii) by striking "subchapter C" in subparagraph (A)(i)(I) and inserting "accumulated", and

(iii) by striking subparagraph (B) and redesignating the following subparagraphs accordingly.

(B)(i) Subsection (a) of section 1375 is amended by striking "subchapter C" in paragraph (1) and inserting "accumulated".

(ii) Paragraph (3) of section 1375(b) is amended to read as follows:

"(3) PASSIVE INVESTMENT INCOME, ETC.—The terms 'passive investment income' and 'gross receipts' have the same respective meanings as when used in paragraph (3) of section 1362(d)."

(iii) The section heading for section 1375 is amended by striking "SUBCHAPTER C" and inserting "ACCUMULATED".

(iv) The table of sections for part III of subchapter S of chapter 1 is amended by striking "subchapter C" in the item relating to section 1375 and inserting "accumulated".

(C) Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(D)" and inserting "section 1362(d)(3)(C)".

(d) ADJUSTMENTS TO BASIS OF INHERITED S STOCK TO REFLECT CERTAIN ITEMS OF INCOME.—Subsection (b) of section 1367 (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end thereof the following new paragraph:

"(4) ADJUSTMENTS IN CASE OF INHERITED STOCK.—

"(A) IN GENERAL.—If any person acquires stock in an S corporation by reason of the death of a decedent or by bequest, devise, or inheritance, section 691 shall be applied with respect to any item of income of the S corporation in the same manner as if the decedent had held directly his pro rata share of such item.

"(B) ADJUSTMENTS TO BASIS.—The basis determined under section 1014 of any stock in an S corporation shall be reduced by the portion of the value of the stock which is attributable to items constituting income in respect of the decedent."

(e) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1992.

(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply in the case of decedents dying after the date of the enactment of this Act.

Subtitle B—Accounting Provision

SEC. 511. MODIFICATIONS TO LOOK-BACK METHOD FOR LONG-TERM CONTRACTS.

(a) LOOK-BACK METHOD NOT TO APPLY IN CERTAIN CASES.—Subsection (b) of section 460 (relating to percentage of completion method) is amended by adding at the end thereof the following new paragraph:

"(6) ELECTION TO HAVE LOOK-BACK METHOD NOT APPLY IN DE MINIMIS CASES.—

"(A) AMOUNTS TAKEN INTO ACCOUNT AFTER COMPLETION OF CONTRACT.—Paragraph (1)(B) shall not apply with respect to any taxable year (beginning after the taxable year in which the contract is completed) if—

"(i) the cumulative taxable income (or loss) under the contract as of the close of such taxable year, is within

"(ii) 10 percent of the cumulative look-back taxable income (or loss) under the contract as of the close of the most recent taxable year to which paragraph (1)(B) applied (or would have applied but for subparagraph (B)).

"(B) DE MINIMIS DISCREPANCIES.—Paragraph (1)(B) shall not apply in any case to which it would otherwise apply if—

"(i) the cumulative taxable income (or loss) under the contract as of the close of each prior contract year, is within

"(ii) 10 percent of the cumulative look-back income (or loss) under the contract as of the close of such prior contract year.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) CONTRACT YEAR.—The term 'contract year' means any taxable year for which income is taken into account under the contract.

"(ii) LOOK-BACK INCOME OR LOSS.—The look-back income (or loss) is the amount which would be the taxable income (or loss) under the contract if the allocation method set forth in paragraph (2)(A) were used in determining taxable income.

"(iii) DISCOUNTING NOT APPLICABLE.—The amounts taken into account after the completion of the contract shall be determined without regard to any discounting under the 2nd sentence of paragraph (2).

"(D) CONTRACTS TO WHICH PARAGRAPH APPLIES.—This paragraph shall only apply if the taxpayer makes an election under this subparagraph. Unless revoked with the consent of the Secretary, such an election shall apply to all long-term contracts completed during the taxable year for which election is made or during any subsequent taxable year."

(b) MODIFICATION OF INTEREST RATE.—

(1) IN GENERAL.—Subparagraph (C) of section 460(b)(2) is amended by striking "the overpayment rate established by section 6621" and inserting "the adjusted overpayment rate (as defined in paragraph (7))".

(2) ADJUSTED OVERPAYMENT RATE.—Subsection (b) of section 460 is amended by adding at the end thereof the following new paragraph:

"(7) ADJUSTED OVERPAYMENT RATE.—

"(A) IN GENERAL.—The adjusted overpayment rate for any interest accrual period is the overpayment rate in effect under section 6621 for the calendar quarter in which such interest accrual period begins.

"(B) INTEREST ACCRUAL PERIOD.—For purposes of subparagraph (A), the term 'interest accrual period' means the period—

"(i) beginning on the day after the return due date for any taxable year of the taxpayer, and

"(ii) ending on the return due date for the following taxable year.

For purposes of the preceding sentence, the term 'return due date' means the date prescribed for filing the return of the tax imposed by this chapter (determined without regard to extensions)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts completed in taxable years ending after the date of the enactment of this Act.

Subtitle C—Provisions Relating To Regulated Investment Companies

SEC. 521. REPEAL OF 30-PERCENT GROSS INCOME LIMITATION.

(a) GENERAL RULE.—Subsection (b) of section 851 (relating to limitations) is amended by striking paragraph (3), by adding "and" at the end of paragraph (2), and by redesignating paragraph (4) as paragraph (3).

(b) TECHNICAL AMENDMENTS.—

(1) The material following paragraph (3) of section 851 (as redesignated by subsection (a)) is amended—

(A) by striking out "paragraphs (2) and (3)" and inserting "paragraph (2)", and

(B) by striking out the last sentence thereof.

(2) Subsection (c) of section 851 is amended by striking "subsection (b)(4)" each place it appears (including the heading) and inserting "subsection (b)(3)".

(3) Subsection (d) of section 851 is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(4) Paragraph (1) of section 851(e) is amended by striking "subsection (b)(4)" and inserting "subsection (b)(3)".

(5) Paragraph (4) of section 851(e) is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(6) Section 851 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(7) Subsection (g) of section 851 (as redesignated by paragraph (6)) is amended by striking paragraph (3).

(8) Section 817(h)(2) is amended—

(A) by striking "851(b)(4)" in subparagraph (A) and inserting "851(b)(3)", and

(B) by striking "851(b)(4)(A)(i)" in subparagraph (B) and inserting "851(b)(3)(A)(i)".

(9) Section 1092(f)(2) is amended by striking "Except for purposes of section 851(b)(3), the" and inserting "The".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 522. BASIS RULES FOR SHARES IN OPEN-END REGULATED INVESTMENT COMPANIES.

(a) Additional Reporting Requirement.—Section 6045 (relating to returns of brokers) is amended by adding at the end thereof the following new subsection:

"(f) Additional Information Required With Respect to Open-End Regulated Investment Companies.—

"(1) In general.—If any person is required under subsection (a) to make a return regarding the gross proceeds from any disposition of stock in an open-end regulated investment company, such return shall include—

"(A) the basis of the stock disposed of (determined by reference to the average basis of all of the stock in the account from which the disposition was made immediately before the disposition), and

"(B) the portion of such basis and such gross proceeds attributable to stock held for more than 1 year and the portion not so attributable.

Determinations under subparagraph (B) shall be made on a first-in, first-out, basis and determinations of basis and holding period shall be made in such manner as the Secretary may prescribe.

"(2) Open-end regulated investment company.—For purposes of this subsection, the term 'open-end regulated investment company' means any regulated investment company which is offering for sale or has outstanding any redeemable security (as defined in section 2(a)(32) of the Investment Company Act of 1940) of which it is the issuer.

"(3) Information transfers.—To the extent provided in regulations, there shall be such exchanges of information between brokers as such regulations may require for purposes of enabling brokers to meet the requirements of this subsection.

"(4) Application of subsection.—This subsection shall not apply with respect to stock in any account—

"(A) which was established before January 1, 1995, or

"(B) which includes any stock not acquired by purchase."

(b) Basis for Income Tax Purposes.—Section 1012 of such Code is amended—

(1) by striking "The basis" and inserting "(a) General Rule.—The basis", and

(2) by adding at the end thereof the following new subsection:

"(b) Special Rules for Stock in Open-End Regulated Investment Companies.—

"(1) In general.—In the case of any disposition of stock from a covered account—

"(A) the basis of such stock shall be determined by reference to the average basis of all of the stock in such account immediately before such disposition, and

"(B) the determination of which stock in such account is so disposed of shall be made on a first-in, first-out, basis.

"(2) Covered account.—For purposes of this subsection—

"(A) In general.—The term 'covered account' means any account of stock in an open-end regulated investment company if section 6045(f) applies to such account.

"(B) Election out.—The term 'covered account' shall not include any account if, on the taxpayer's return for his first taxable year in which a disposition from such account occurs, the taxpayer elects to have this subsection not apply to such account."

(c) Coordination With Wash Sale Rules.—Section 1091 is amended by adding at the end thereof the following new subsection:

"(f) Special Rules for Certain Accounts in Open-End Regulated Investment Companies.—

"(1) In general.—In applying this section to a disposition during December of any calendar year of stock from a covered account, any acquisition of stock after January 15 of the following calendar year shall be disregarded if such acquisition is a result of a dividend reinvestment pursuant to a dividend reinvestment program established at the time such account was opened or, if later, at least 6 months before the date of such disposition.

"(2) De minimis exception.—If

"(A) but for this paragraph, losses from dispositions during December of any calendar year of stock from a covered account would have been disallowed under this section by reason of acquisitions during January of the following calendar year, and

"(B) the amount of such losses which would have been so disallowed does not exceed $25,

nothing in this section shall disallow such losses.

"(3) Covered account.—For purposes of this subsection, the term 'covered account' means any account of stock in an open-end regulated investment company if section 6045(f) applies to such account."

(d) Modification of Load Basis Deferral Rule for Certain Acquisitions Occurring After December 31.—

(1) Paragraph (1) of section 852(f) is amended by striking "subparagraph (C)) shall not" and all that follows and inserting "subparagraph (C)) shall be recaptured as provided in paragraph (2). To the extent such charge is recaptured under paragraph (2), such charge shall be treated as incurred in connection with the acquisition referred to in subparagraph (C) (including for purposes of reapplying this paragraph)."

(2) Subsection (f) of section 852 is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Recapture.—

"(A) In general.—Except as provided in subparagraph (B), any load charge required by paragraph (1) to be recaptured shall not be taken into account in determining the amount of gain or loss on the disposition referred to in paragraph (1)(B).

"(B) Subsequent acquisitions occurring after December 31.—If—

"(i) the acquisition referred to in paragraph (1)(A) occurs in a calendar year, and

"(ii) the subsequent acquisition referred to in paragraph (1)(C) occurs after December 31 of such calendar year,

subparagraph (A) shall not apply and the amount of the load charge required by paragraph (1) to be recaptured shall be included in gross income as short-term capital gain for the taxable year in which the subsequent acquisition referred to in paragraph (1)(C) occurs."

(e) Technical Amendment.—Section 6724 of such Code is amended by adding at the end thereof the following new subsection:

"(f) Special Rule for Certain Reports With Respect to Stock in Open End Regulated Investment Companies.—For purposes of sections 6721(e)(2)(B) and 6722(c)(1)(B), the amount required to be reported under section 6045 shall be determined without regard to subsection (f) thereof."

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to returns and statements required for calendar year 1995 and subsequent calendar years.

(2) Subsections (b).—The amendments made by subsections (b), (c), and (d) shall apply to dispositions after December 31, 1994.

SEC. 523. NONRECOGNITION TREATMENT FOR CERTAIN TRANSFERS BY COMMON TRUST FUNDS TO REGULATED INVESTMENT COMPANIES.

(a) General Rule.—Section 584 (relating to common trust funds) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Nonrecognition Treatment for Certain Transfers to Regulated Investment Companies.—

"(1) In general.—If—

"(A) a common trust fund transfers substantially all of its assets to a regulated investment company in exchange solely for stock in such company, and

"(B) such stock is distributed by such common trust fund to participants in such common trust fund in exchange solely for their interests in such common trust fund,

no gain or loss shall be recognized by such common trust fund by reason of such transfer or distribution, and no gain or loss shall be recognized by any participant in such common trust fund by reason of such exchange.

"(2) Basis rules.—

"(A) Regulated investment company.—The basis of any asset received by a regulated investment company in a transfer referred to in paragraph (1)(A) shall be the same as it would be in the hands of the common trust fund.

"(B) Participants.—The basis of any stock in a regulated investment company which is received in an exchange referred to in paragraph (1)(B) shall be the same as that of the property exchanged.

"(3) Treatment of assumptions of liability.—

"(A) In general.—In determining whether the transfer referred to in paragraph (1)(A) is in exchange solely for stock in the regulated investment company, the assumption by such company of a liability of the common trust fund, and the fact that any property transferred by the common trust fund is subject to a liability, shall be disregarded.

"(B) Special rule where assumed liabilities exceed basis.—

"(i) In general.—If in any transfer referred to in paragraph (1)(A) the assumed liabilities exceed the aggregate adjusted bases (in the hands of the common trust fund) of the assets transferred to the regulated investment company—

"(I) notwithstanding paragraph (1), gain shall be recognized to the common trust fund on such transfer in an amount equal to such excess,

"(II) the basis of the assets received by the regulated investment company in such transfer shall be increased by the amount so recognized, and

"(III) any adjustment to the basis of a participant's interest in the common trust fund as a result of the gain so recognized shall be treated as occurring immediately before the exchange referred to in paragraph (1)(B).

"(ii) Assumed liabilities.—For purposes of clause (i), the term 'assumed liabilities' means the aggregate of—

"(I) any liability of the common trust fund assumed by the regulated investment company in connection with the transfer referred to in paragraph (1)(A), and

"(II) any liability to which property so transferred is subject.

"(4) COMMON TRUST FUND MUST MEET DIVERSIFICATION RULES.—This subsection shall not apply to any common trust fund which would not meet the requirements of section 368(a)(2)(F)(ii) if it were a corporation. For purposes of the preceding sentence, Government securities shall not be treated as securities of an issuer in applying the 25-percent and 50-percent test and such securities shall not be excluded for purposes of determining total assets under clause (iv) of section 368(a)(2)(F)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

Subtitle D—Tax-Exempt Bond Provisions

SEC. 531. REPEAL OF $100,000 LIMITATION ON UNSPENT PROCEEDS UNDER 1-YEAR EXCEPTION FROM REBATE.

Subclause (I) of section 148(f)(4)(B)(ii) (relating to additional period for certain bonds) is amended by striking "the lesser of 5 percent of the proceeds of the issue or $100,000" and inserting "5 percent of the proceeds of the issue".

SEC. 532. EXCEPTION FROM REBATE FOR EARNINGS ON BONA FIDE DEBT SERVICE FUND UNDER CONSTRUCTION BOND RULES.

Subparagraph (C) of section 148(f)(4) is amended by adding at the end thereof the following new clause:

"(xvii) TREATMENT OF BONA FIDE DEBT SERVICE FUNDS.—If the spending requirements of clause (ii) are met with respect to the available construction proceeds of a construction issue, then paragraph (2) shall not apply to earnings on a bona fide debt service fund for such issue."

SEC. 533. REPEAL OF DEBT SERVICE-BASED LIMITATION ON INVESTMENT IN CERTAIN NONPURPOSE INVESTMENTS.

Subsection (d) of section 148 (relating to special rules for reasonably required reserve or replacement fund) is amended by striking paragraph (3).

SEC. 534. REPEAL OF EXPIRED PROVISIONS.

(a) Paragraph (2) of section 148(c) is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraph (B), (C), and (D), respectively.

(b) Paragraph (4) of section 148(f) is amended by striking subparagraph (E).

SEC. 535. CLARIFICATION OF INVESTMENT-TYPE PROPERTY.

Subparagraph (D) of section 148(b)(2) is amended to read as follows:

"(D) any investment-type property, or".

SEC. 536. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall apply to bonds issued after the date of the enactment of this Act.

(b) INVESTMENT-TYPE PROPERTY.—The amendment made by section 535 shall take effect as if included in the amendments made by section 1301 of the Tax Reform Act of 1986.

Subtitle E—Insurance Provisions

SEC. 541. TREATMENT OF CERTAIN INSURANCE CONTRACTS ON RETIRED LIVES.

(a) GENERAL RULE.—

(1) Paragraph (2) of section 817(d) (defining variable contract) is amended by striking "or" at the end of subparagraph (A), by striking "and" at the end of subparagraph (B) and inserting "or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) provides for funding of insurance on retired lives as described in section 807(c)(6), and".

(2) Paragraph (3) of section 817(d) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of funds held under a contract described in paragraph (2)(C), the amounts paid in, or the amounts paid out, reflect the investment return and the market value of the segregated asset account."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 542. TREATMENT OF MODIFIED GUARANTEED CONTRACTS.

(a) GENERAL RULE.—Subpart E of part I of subchapter L of chapter 1 (relating to definitions and special rules) is amended by inserting after section 817 the following new section:

"SEC. 817A. SPECIAL RULES FOR MODIFIED GUARANTEED CONTRACTS.

"(a) COMPUTATION OF RESERVES.—In the case of a modified guaranteed contract, clause (ii) of section 807(e)(1)(A) shall not apply.

"(b) SEGREGATED ASSETS UNDER MODIFIED GUARANTEED CONTRACTS MARKED TO MARKET.—

"(1) IN GENERAL.—In the case of any life insurance company, for purposes of this subtitle—

"(A) Any gain or loss with respect to a segregated asset shall be treated as ordinary income or loss, as the case may be.

"(B) If any segregated asset is held by such company as of the close of any taxable year—

"(i) such company shall recognize gain or loss as if such asset were sold for its fair market value on the last business day of such taxable year, and

"(ii) any such gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this subparagraph at times other than the times provided in this subparagraph.

"(2) SEGREGATED ASSET.—For purposes of paragraph (1), the term 'segregated asset' means any asset held as part of a segregated account referred to in subsection (d)(1) under a modified guaranteed contract.

"(c) SPECIAL RULE IN COMPUTING LIFE INSURANCE RESERVES.—For purposes of applying section 816(b)(1)(A) to any modified guaranteed contract, an assumed rate of interest shall include a rate of interest determined, from time to time, with reference to a market rate of interest.

"(d) MODIFIED GUARANTEED CONTRACT DEFINED.—For purposes of this section, the term 'modified guaranteed contract' means a contract not described in section 817—

"(1) all or part of the amounts received under which are allocated to an account which, pursuant to State law or regulation, is segregated from the general asset accounts of the company and is valued from time to time with reference to market values,

"(2) which—

"(A) provides for the payment of annuities,

"(B) is a life insurance contract, or

"(C) is a pension plan contract which is not a life, accident, or health, property, casualty, or liability contract,

"(3) for which reserves are valued at market for annual statement purposes, and

"(4) which provides for a net surrender value or a policyholder's fund (as defined in section 807(e)(1)).

"(e) REGULATIONS.—The Secretary may prescribe regulations—

"(1) to provide for the treatment of market value adjustments under sections 72, 7702, 7702A, and 807(e)(1)(B),

"(2) to determine the interest rates applicable under sections 807(c)(3), 807(d)(2)(B), and 812 with respect to a modified guaranteed contract annually, in a manner appropriate for modified guaranteed contracts and, to the extent appropriate for such a contract, to modify or waive the applicability of section 811(d),

"(3) to provide rules to limit ordinary gain or loss treatment to assets constituting reserves for modified guaranteed contracts (and not other assets) of the company,

"(4) to provide appropriate treatment of transfers of assets to and from the segregated account, and

"(5) as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for subpart E of part I of subchapter L of chapter 1 is amended by inserting after the item relating to section 817 the following new item:

"Sec. 817A. Special rules for modified guaranteed contracts."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

(2) TREATMENT OF NET ADJUSTMENTS.—In the case of any taxpayer required by the amendments made by this section to change its calculation of reserves to take into account market value adjustments and to mark segregated assets to market for any taxable year—

(A) such changes shall be treated as a change in method of accounting initiated by the taxpayer,

(B) such changes shall be treated as made with the consent of the Secretary, and

(C) the adjustments required by reason of section 481 of the Internal Revenue Code of 1986 shall be taken into account as ordinary income or loss by the taxpayer for the taxpayer's first taxable year beginning after December 31, 1992.

Subtitle F—Other Provisions

SEC. 551. CLOSING OF PARTNERSHIP TAXABLE YEAR WITH RESPECT TO DECEASED PARTNER, ETC.

(a) GENERAL RULE.—Subparagraph (A) of section 706(c)(2) (relating to disposition of entire interest) is amended to read as follows:

"(A) DISPOSITION OF ENTIRE INTEREST.—The taxable year of a partnership shall close with respect to a partner whose entire interest in the partnership terminates (whether by reason of death, liquidation, or otherwise)."

(b) CLERICAL AMENDMENT.—The paragraph heading for paragraph (2) of section 706(c) is amended to read as follows:

"(2) TREATMENT OF DISPOSITIONS.—".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 1993.

SEC. 552. MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Subparagraph (A) of section 29(c)(2) (relating to gas from geopressured brine, etc.) is amended by adding at the end the following new sentence: "If the Federal Energy Regulatory Commission ceases to make the determinations described in the preceding sentence, the Secretary shall make such determinations in accordance with section 503 of such Act."

(b) CONFORMING AMENDMENT.—Section 29(c)(2)(A) is amended by inserting "(as in effect before its repeal by the Natural Gas Wellhead Decontrol Act of 1989)" after "Natural Gas Policy Act of 1978".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993.

TITLE VI—ESTATE AND GIFT TAX PROVISIONS

SEC. 601. CLARIFICATION OF WAIVER OF CERTAIN RIGHTS OF RECOVERY.

(a) AMENDMENT TO SECTION 2207A.—Paragraph (2) of section 2207A(a) (relating to right of recovery in the case of certain marital deduction property) is amended to read as follows:

"(2) DECEDENT MAY OTHERWISE DIRECT.—Paragraph (1) shall not apply with respect to any property to the extent that the decedent in his will (or a revocable trust) specifically indicates an intent to waive any right of recovery under this subchaptor with respect to such property."

(b) AMENDMENT TO SECTION 2207B.—Paragraph (2) of section 2207B(a) (relating to right of recovery where decedent retained interest) is amended to read as follows:

"(2) DECEDENT MAY OTHERWISE DIRECT.—Paragraph (1) shall not apply with respect to any property to the extent that the decedent in his will (or a revocable trust) specifically indicates an intent to waive any right of recovery under this subchapter with respect to such property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the estates of decedents dying after the date of the enactment of this Act.

SEC. 602. ADJUSTMENTS FOR GIFTS WITHIN 3 YEARS OF DECEDENT'S DEATH.

(a) GENERAL RULE.—Section 2035 is amended to read as follows:

"SEC. 2035. ADJUSTMENTS FOR CERTAIN GIFTS MADE WITHIN 3 YEARS OF DECEDENT'S DEATH.

"(a) INCLUSION OF CERTAIN PROPERTY IN GROSS ESTATE.—If—

"(1) the decedent made a transfer (by trust or otherwise) of an interest in any property, or relinquished a power with respect to any property, during the 3-year period ending on the date of the decedent's death, and

"(2) the value of such property (or an interest therein) would have been included in the decedent's gross estate under section 2036, 2037, 2038, or 2042 if such transferred interest or relinquished power had been retained by the decedent on the date of his death,

the value of the gross estate shall include the value of any property (or interest therein) which would have been so included.

"(b) INCLUSION OF GIFT TAX ON GIFTS MADE DURING 3 YEARS BEFORE DECEDENT'S DEATH.—The amount of the gross estate (determined without regard to this subsection) shall be increased by the amount of any tax paid under chapter 12 by the decedent or his estate on any gift made by the decedent or his spouse during the 3-year period ending on the date of the decedent's death.

"(c) OTHER RULES RELATING TO TRANSFERS WITHIN 3 YEARS OF DEATH.—

"(1) IN GENERAL.—For purposes of—

"(A) section 303(b) (relating to distributions in redemption of stock to pay death taxes),

"(B) section 2032A (relating to special valuation of certain farms, etc., real property), and

"(C) subchapter C of chapter 64 (relating to lien for taxes),

the value of the gross estate shall include the value of all property to the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, during the 3-year period ending on the date of the decedent's death.

"(2) COORDINATION WITH SECTION 6166.—An estate shall be treated as meeting the 35 percent of adjusted gross estate requirement of section 6166(a)(1) only if the estate meets such requirement both with and without the application of paragraph (1).

"(3) SMALL TRANSFERS.—Paragraph (1) shall not apply to any transfer (other than a transfer with respect to a life insurance policy) made during a calendar year to any donee if the decedent was not required by section 6019 (other than by reason of section 6019(a)(2)) to file any gift tax return for such year with respect to transfers to such donee.

"(d) EXCEPTION.—Subsection (a) shall not apply to any bona fide sale for an adequate and full consideration in money or money's worth.

"(e) TREATMENT OF CERTAIN TRANSFERS FROM REVOCABLE TRUSTS.—For purposes of this section and section 2038, any transfer from any portion of a trust with respect to which the decedent was the grantor during any period when the decedent held the power to revest in the decedent title to such portion shall be treated as a transfer made directly by the decedent."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by striking "gifts" in the item relating to section 2035 and inserting "certain gifts".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying after the date of the enactment of this Act.

SEC. 603. CLARIFICATION OF QUALIFIED TERMINABLE INTEREST RULES.

(a) GENERAL RULE.—

(1) ESTATE TAX.—Subparagraph (B) of section 2056(b)(7) (defining qualified terminable interest property) is amended by adding at the end thereof the following new clause:

"(vi) TREATMENT OF CERTAIN INCOME DISTRIBUTIONS.—An income interest shall not fail to qualify as a qualified income interest for life solely because income for the period after the last distribution date and on or before the date of the surviving spouse's death is not required to be distributed to the surviving spouse or to the estate of the surviving spouse."

(2) GIFT TAX.—Paragraph (3) of section 2523(f) is amended by striking "and (iv)" and inserting "(iv), and (vi)".

(b) CLARIFICATION OF SUBSEQUENT INCLUSIONS.—Section 2044 is amended by adding at the end thereof the following new subsection:

"(d) CLARIFICATION OF INCLUSION OF CERTAIN INCOME.—The amount included in the gross estate under subsection (a) shall include the amount of any income from the property to which this section applies for the period after the last distribution date and on or before the date of the decedent's death if such income is not otherwise included in the decedent's gross estate."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to the estates of decedents dying, and gifts made, after the date of the enactment of this Act.

(2) APPLICATION OF SECTION 2044 TO TRANSFERS BEFORE DATE OF ENACTMENT.—In the case of the estate of any decedent dying after the date of the enactment of this Act, if there was a transfer of property on or before such date—

(A) such property shall not be included in the gross estate of the decedent under section 2044 of the Internal Revenue Code of 1986 if no prior marital deduction was allowed with respect to such a transfer of such property to the decedent, but

(B) such property shall be so included if such a deduction was allowed.

SEC. 604. TRANSITIONAL RULE UNDER SECTION 2056A.

(a) GENERAL RULE.—In the case of any trust created under an instrument executed before the date of the enactment of the Revenue Reconciliation Act of 1990, such trust shall be treated as meeting the requirements of paragraph (1) of section 2056A(a) of the Internal Revenue Code of 1986 if the trust instrument requires that all trustees of the trust be individual citizens of the United States or domestic corporations.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect as if included in the provisions of section 11702(g) of the Revenue Reconciliation Act of 1990.

SEC. 605. OPPORTUNITY TO CORRECT CERTAIN FAILURES UNDER SECTION 2032A.

(a) GENERAL RULE.—Paragraph (3) of section 2032A(d) (relating to modification of election and agreement to be permitted) is amended to read as follows:

"(3) MODIFICATION OF ELECTION AND AGREEMENT TO BE PERMITTED.—The Secretary shall prescribe procedures which provide that in any case in which the executor makes an election under paragraph (1) (and submits the agreement referred to in paragraph (2)) within the time prescribed therefor, but—

"(A) the notice of election, as filed, does not contain all required information, or

"(B) signatures of 1 or more persons required to enter into the agreement described in paragraph (2) are not included on the agreement as filed, or the agreement does not contain all required information,

the executor will have a reasonable period of time (not exceeding 90 days) after notification of such failures to provide such information or signatures."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the estates of decedents dying after the date of the enactment of this Act.

TITLE VII—EXCISE TAX SIMPLIFICATION

Subtitle A—Provisions Related to Distilled Spirits, Wines, and Beer

SEC. 701. CREDIT OR REFUND FOR IMPORTED BOTTLED DISTILLED SPIRITS RETURNED TO DISTILLED SPIRITS PLANT.

(a) IN GENERAL.—Paragraph (1) of section 5008(c) (relating to distilled spirits returned to bonded premises) is amended by striking "withdrawn from bonded premises on payment or determination of tax" and inserting "on which tax has been determined or paid".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 702. AUTHORITY TO CANCEL OR CREDIT EXPORT BONDS WITHOUT SUBMISSION OF RECORDS.

(a) IN GENERAL.—Subsection (c) of section 5175 (relating to export bonds) is amended by striking "on the submission of" and all that follows and inserting "if there is such proof of exportation as the Secretary may by regulations require."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 703. REPEAL OF REQUIRED MAINTENANCE OF RECORDS ON PREMISES OF DISTILLED SPIRITS PLANT.

(a) IN GENERAL.—Subsection (c) of section 5207 (relating to records and reports) is amended by striking "shall be kept on the premises where the operations covered by the record are carried on and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 704. FERMENTED MATERIAL FROM ANY BREWERY MAY BE RECEIVED AT A DISTILLED SPIRITS PLANT.

(a) IN GENERAL.—Paragraph (2) of section 5222(b) (relating to production, receipt, removal, and use of distilling materials) is amended to read as follows:

"(2) beer conveyed without payment of tax from brewery premises, beer which has been lawfully removed from brewery premises upon determination of tax, or".

(b) CLARIFICATION OF AUTHORITY TO PERMIT REMOVAL OF BEER WITHOUT PAYMENT OF TAX FOR USE AS DISTILLING MATERIAL.—Section 5053 (relating to exemptions) is amended by redesignating subsection (f) as subsection (i) and by inserting after subsection (e) the following new subsection:

"(f) REMOVAL FOR USE AS DISTILLING MATERIAL.—Subject to such regulations as the Secretary may prescribe, beer may be removed from a brewery without payment of tax to any distilled spirits plant for use as distilling material."

(c) CLARIFICATION OF REFUND AND CREDIT OF TAX.—Section 5056 (relating to refund and credit of tax, or relief from liability) is amended—

(1) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) BEER RECEIVED AT A DISTILLED SPIRITS PLANT.—Any tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, under regulations as the Secretary may prescribe, if such beer is received on the bonded premises of a distilled spirits plant pursuant to the provisions of section 5222(b)(2), for use in the production of distilled spirits.", and

(2) by striking "or rendering unmerchantable" in subsection (d) (as so redesignated) and inserting "rendering unmerchantable, or receipt on the bonded premises of a distilled spirits plant".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 705. REPEAL OF REQUIREMENT FOR WHOLESALE DEALERS IN LIQUORS TO POST SIGN.

(a) IN GENERAL.—Section 5115 (relating to sign required on premises) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 5681 is amended by striking ", and every wholesale dealer in liquors," and by striking "section 5115(a) or".

(2) Subsection (c) of section 5681 is amended—

(A) by striking "or wholesale liquor establishment, on which no sign required by section 5115(a) or" and inserting "on which no sign required by", and

(B) by striking "or wholesale liquor establishment, or who" and inserting "or who".

(3) The table of sections for subpart D of part II of subchapter A of chapter 51 is amended by striking the item relating to section 5115.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 706. REFUND OF TAX TO WINE RETURNED TO BOND NOT LIMITED TO UNMERCHANTABLE WINE.

(a) IN GENERAL.—Subsection (a) of section 5044 (relating to refund of tax on unmerchantable wine) is amended by striking "as unmerchantable".

(b) CONFORMING AMENDMENTS.—

(1) Section 5361 is amended by striking "unmerchantable".

(2) The section heading for section 5044 is amended by striking "unmerchantable".

(3) The item relating to section 5044 in the table of sections for subpart C of part I of subchapter A of chapter 51 is amended by striking "unmerchantable".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 707. USE OF ADDITIONAL AMELIORATING MATERIAL IN CERTAIN WINES.

(a) IN GENERAL.—Subparagraph (D) of section 5384(b)(2) (relating to ameliorated fruit and berry wines) is amended by striking "loganberries, currants, or gooseberries," and inserting "any fruit or berry with a natural fixed acid of 20 parts per thousand or more (before any correction of such fruit or berry)".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 708. DOMESTICALLY PRODUCED BEER MAY BE WITHDRAWN FREE OF TAX FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.

(a) IN GENERAL.—Section 5053 (relating to exemptions) is amended by inserting after subsection (f) the following new subsection:

"(g) REMOVALS FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.—

"(1) IN GENERAL.—Subject to such regulations as the Secretary may prescribe—

"(A) beer may be withdrawn from the brewery without payment of tax for transfer to any customs bonded warehouse for entry pending withdrawal therefrom as provided in subparagraph (B), and

"(B) beer entered into any customs bonded warehouse under subparagraph (A) may be withdrawn for consumption in the United States by, and for the official and family use of, such foreign governments, organizations, and individuals as are entitled to withdraw imported beer from such warehouses free of tax.

Beer transferred to any customs bonded warehouse under subparagraph (A) shall be entered, stored, and accounted for in such warehouse under such regulations and bonds as the Secretary may prescribe, and may be withdrawn therefrom by such governments, organizations, and individuals free of tax under the same conditions and procedures as imported beer.

"(2) OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (3) of section 5362(e) of such section shall apply for purposes of this subsection."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 709. BEER MAY BE WITHDRAWN FREE OF TAX FOR DESTRUCTION.

(a) IN GENERAL.—Section 5053 is amended by inserting after subsection (g) the following new subsection:

"(h) REMOVALS FOR DESTRUCTION.—Subject to such regulations as the Secretary may prescribe, beer may be removed from the brewery without payment of tax for destruction."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 710. AUTHORITY TO ALLOW DRAWBACK ON EXPORTED BEER WITHOUT SUBMISSION OF RECORDS.

(a) IN GENERAL.—The first sentence of section 5055 (relating to drawback of tax on beer) is amended by striking "found to have been paid" and all that follows and inserting "paid on such beer if there is such proof of exportation as the Secretary may by regulations require."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

SEC. 711. TRANSFER TO BREWERY OF BEER IMPORTED IN BULK WITHOUT PAYMENT OF TAX.

(a) IN GENERAL.—Part II of subchapter G of chapter 51 is amended by adding at the end thereof the following new section:

"SEC. 5418. BEER IMPORTED IN BULK.

"Beer imported or brought into the United States in bulk containers may, under such regulations as the Secretary may prescribe, be withdrawn from customs custody and transferred in such bulk containers to the premises of a brewery without payment of the internal revenue tax imposed on such beer. The proprietor of a brewery to which such beer is transferred shall become liable for the tax on the beer withdrawn from customs custody under this section upon release of the beer from customs custody, and the importer, or the person bringing such beer into the United States, shall thereupon be relieved of the liability for such tax."

(b) CLERICAL AMENDMENT.—The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 5418. Beer imported in bulk."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first calendar quarter beginning more than 180 days after the date of the enactment of this Act.

Subtitle B—Other Excise Tax Provisions

SEC. 721. AUTHORITY TO GRANT EXEMPTIONS FROM REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The first sentence of section 4222 (relating to registration) is amended to read as follows: "Except as provided in subsection (b), section 4221 shall not apply with respect to the sale of any article by or to any person who is required by the Secretary to be registered under this section and who is not so registered."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales after the 180th day after the date of the enactment of this Act.

SEC. 722. REPEAL OF EXPIRED PROVISIONS.

(a) PIGGY-BACK TRAILERS.—Section 4051 is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) DEEP SEABED MINING.—

(1) Subchapter F of chapter 36 (relating to tax on removal of hard mineral resources from deep seabed) is hereby repealed.

(2) The table of subchapters for chapter 36 is amended by striking the item relating to subchapter F.

TITLE VIII—ADMINISTRATIVE PROVISIONS

Subtitle A—General Provisions

SEC. 801. USE OF REPRODUCTIONS OF RETURNS STORED IN DIGITAL IMAGE FORMAT.

(a) IN GENERAL.—Paragraph (2) of section 6103(p) (relating to procedure and recordkeeping) is amended by adding at the end thereof the following new subparagraph:

"(D) REPRODUCTION FROM DIGITAL IMAGES.—For purposes of this paragraph, the term 'reproduction' includes a reproduction from digital images."

(b) STUDY.—The Comptroller General of the United States shall conduct a study of available digital image technology for the purpose of determining the extent to which reproductions of documents stored using that technology accurately reflect the data on the original document and the appropriate period for retaining the original document. Not later than 1 year after the date of the enactment of this Act, a report on the results of such study shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 802. REPEAL OF AUTHORITY TO DISCLOSE WHETHER PROSPECTIVE JUROR HAS BEEN AUDITED.

(a) IN GENERAL.—Subsection (h) of section 6103 (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) is amended by striking "(h)(6)" each place it appears and inserting "(h)(5)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to judicial proceedings pending on, or commenced after, the date of the enactment of this Act.

SEC. 803. REPEAL OF SPECIAL AUDIT PROVISIONS FOR SUBCHAPTER S ITEMS.

(a) GENERAL RULE.—Subchapter D of chapter 63 (relating to tax treatment of subchapter S items) is hereby repealed.

(b) CONSISTENT TREATMENT REQUIRED.—Section 6037 (relating to return of S corporation) is amended by adding at the end thereof the following new subsection:

"(c) SHAREHOLDER'S RETURN MUST BE CONSISTENT WITH CORPORATE RETURN OR SECRETARY NOTIFIED OF INCONSISTENCY.—

"(1) IN GENERAL.—A shareholder of an S corporation shall, on such shareholder's return, treat a subchapter S item in a manner which is consistent with the treatment of such item on the corporate return.

"(2) NOTIFICATION OF INCONSISTENT TREATMENT.—

"(A) IN GENERAL.—In the case of any subchapter S item, if—

"(i)(I) the corporation has filed a return but the shareholder's treatment on his return is (or may be) inconsistent with the treatment of the item on the corporate return, or

"(II) the corporation has not filed a return, and

"(ii) the shareholder files with the Secretary a statement identifying the inconsistency, paragraph (1) shall not apply to such item.

"(B) SHAREHOLDER RECEIVING INCORRECT INFORMATION.—A shareholder shall be treated as having complied with clause (ii) of subparagraph (A) with respect to a subchapter S item if the shareholder—

"(i) demonstrates to the satisfaction of the Secretary that the treatment of the subchapter S item on the shareholder's return is consistent with the treatment of the item on the schedule furnished to the shareholder by the corporation, and

"(ii) elects to have this paragraph apply with respect to that item.

"(3) EFFECT OF FAILURE TO NOTIFY.—In any case—

"(A) described in subparagraph (A)(i)(I) of paragraph (2), and

"(B) in which the shareholder does not comply with subparagraph (A)(ii) of paragraph (2),

any adjustment required to make the treatment of the items by such shareholder consistent with the treatment of the items on the corporate return shall be treated as arising out of mathematical or clerical errors and assessed according to section 6213(b)(1). Paragraph (2) of section 6213(b) shall not apply to any assessment referred to in the preceding sentence.

"(4) SUBCHAPTER S ITEM.—For purposes of this subsection, the term 'subchapter S item' means any item of an S corporation to the extent that regulations prescribed by the Secretary provide that, for purposes of this subtitle, such item is more appropriately determined at the corporation level than at the shareholder level.

"(5) ADDITION TO TAX FOR FAILURE TO COMPLY WITH SECTION.—

"For addition to tax in the case of a shareholder's negligence in connection with, or disregard of, the requirements of this section, see part II of subchapter A of chapter 68."

(c) CONFORMING AMENDMENTS.—

(1) Section 1366 is amended by striking subsection (g).

(2) Subsection (b) of section 6233 is amended to read as follows:

"(b) SIMILAR RULES IN CERTAIN CASES.—If a partnership return is filed for any taxable year but it is determined that there is no entity for such taxable year, to the extent provided in regulations, rules similar to the rules of subsection (a) shall apply."

(3) The table of subchapters for chapter 63 is amended by striking the item relating to subchapter D.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 804. CLARIFICATION OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Subsection (a) of section 6501 (relating to limitations on assessment and collection) is amended by adding at the end thereof the following new sentence: "For purposes of this chapter, the term 'return' means the return required to be filed by the taxpayer (and does not include a return of any person from whom the taxpayer has received an item of income, gain, loss, deduction, or credit)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 805. CERTAIN NOTICES DISREGARDED UNDER PROVISION INCREASING INTEREST RATE ON LARGE CORPORATE UNDERPAYMENTS.

(a) GENERAL RULE.—Subparagraph (B) of section 6621(c)(2) (defining applicable date) is amended by adding at the end thereof the following new clause:

"(iii) EXCEPTION FOR LETTERS OR NOTICES INVOLVING SMALL AMOUNTS.—For purposes of this paragraph, any letter or notice shall be disregarded if the amount of the deficiency or proposed deficiency (or the assessment or proposed assessment) set forth in such letter or notice is not greater than $100,000 (determined by not taking into account any interest, penalties, or additions to tax)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for purposes of determining interest for periods after December 31, 1993.

Subtitle B—Tax Court Procedures

SEC. 811. OVERPAYMENT DETERMINATIONS OF TAX COURT.

(a) APPEAL OF ORDER.—Paragraph (2) of section 6512(b) (relating to jurisdiction to enforce) is amended by adding at the end the following new sentence: "An order of the Tax Court disposing of a motion under this paragraph shall be reviewable in the same manner as a decision of the Tax Court, but only with respect to the matters determined in such order."

(b) DENIAL OF JURISDICTION REGARDING CERTAIN CREDITS AND REDUCTIONS.—Subsection (b) of section 6512 (relating to overpayment determined by Tax Court) is amended by adding at the end the following new paragraph:

"(4) DENIAL OF JURISDICTION REGARDING CERTAIN CREDITS AND REDUCTIONS.—The Tax Court shall have no jurisdiction under this subsection to restrain or review any credit or reduction made by the Secretary under section 6402."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. AWARDING OF ADMINISTRATIVE COSTS.

(a) RIGHT TO APPEAL TAX COURT DECISION.—Subsection (f) of section 7430 (relating to right of appeal) is amended by adding at the end the following new paragraph:

"(3) APPEAL OF TAX COURT DECISION.—An order of the Tax Court disposing of a petition under paragraph (2) shall be reviewable in the same manner as a decision of the Tax Court, but only with respect to the matters determined in such order."

(b) PERIOD FOR APPLYING TO IRS FOR COSTS.—Subsection (b) of section 7430 (relating to limitations) is amended by adding at the end the following new paragraph:

"(5) PERIOD FOR APPLYING TO IRS FOR ADMINISTRATIVE COSTS.—An award may be made under subsection (a) by the Internal Revenue Service for reasonable administrative costs only if the prevailing party files an application with the Internal Revenue Service for such costs before the 91st day after the date on which the final decision of the Internal Revenue Service as to the determination of the tax, interest, or penalty is mailed to such party."

(c) PERIOD FOR PETITIONING OF TAX COURT FOR REVIEW OF DENIAL OF COSTS.—Paragraph (2) of section 7430(f) (relating to right of appeal) is amended—

(1) by striking "appeal to" and inserting "the filing of a petition for review with", and

(2) by adding at the end the following new sentence: "If the Secretary sends by certified or registered mail a notice of such decision to the petitioner, no proceeding in the Tax Court may be initiated under this paragraph unless such petition is filed before the 91st day after the date of such mailing."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to civil actions or proceedings commenced after the date of the enactment of this Act.

SEC. 813. REDETERMINATION OF INTEREST PURSUANT TO MOTION.

(a) IN GENERAL.—Paragraph (3) of section 7481(c) (relating to jurisdiction over interest determinations) is amended by striking "petition" and inserting "motion".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 814. APPLICATION OF NET WORTH REQUIREMENT FOR AWARDS OF LITIGATION COSTS.

(a) IN GENERAL.—Paragraph (4) of section 7430(c) (defining prevailing party) is amended by adding at the end thereof the following new subparagraph:

"(C) SPECIAL RULES FOR APPLYING NET WORTH REQUIREMENT.—In applying the requirements of section 2412(d)(2)(B) of title 28, United States Code, for purposes of subparagraph (A)(iii) of this paragraph—

"(i) the net worth limitation in clause (i) of such section shall apply to—

"(I) an estate but shall be determined as of the date of the decedent's death, and

"(II) a trust but shall be determined as of the last day of the taxable year involved in the proceeding, and

"(ii) individuals filing a joint return shall be treated as 1 individual for purposes of clause (i) of such section, except in the case of a spouse relieved of liability under section 6013(e)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

Subtitle C—Authority for Certain Cooperative Agreements

SEC. 821. COOPERATIVE AGREEMENTS WITH STATE TAX AUTHORITIES.

(a) GENERAL RULE.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7524. COOPERATIVE AGREEMENTS WITH STATE TAX AUTHORITIES.

"(a) AUTHORIZATION OF AGREEMENTS.—The Secretary is hereby authorized to enter into cooperative agreements with State tax authorities for purposes of enhancing joint tax administration. Such agreements may provide for—

"(1) joint filing of Federal and State income tax returns,

"(2) single processing of such returns,

"(3) joint collection of taxes (other than Federal income taxes), and

"(4) such other provisions as may enhance joint tax administration.

"(b) SERVICES ON REIMBURSABLE BASIS.—Any agreement under subsection (a) may require reimbursement for services provided by either party to the agreement.

"(c) AVAILABILITY OF FUNDS.—Any funds appropriated for purposes of the administration of this title shall be available for purposes of carrying out the Secretary's responsibility under an agreement entered into under subsection (a). Any reimbursement received pursuant to such an agreement shall be credited to the amount so appropriated.

"(d) STATE TAX AUTHORITY.—For purposes of this section, the term 'State tax authority' means agency, body, or commission referred to in section 6103(d)(1)."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7524. Cooperative agreements with State tax authorities."

Subtitle D—Administrative Practice and Procedural Simplification

SEC. 831. NOTIFICATION OF REASONS FOR TERMINATION OR DENIAL OF INSTALLMENT AGREEMENTS.

(a) TERMINATIONS.—Subsection (b) of section 6159 (relating to extent to which agreements remain in effect) is amended by adding at the end thereof the following new paragraph:

"(5) NOTICE REQUIREMENTS.—The Secretary may not take any action under paragraph (2), (3), or (4) unless—

"(A) a notice of such action is provided to the taxpayer not later than the day 30 days before the date of such action, and

"(B) such notice includes an explanation why the Secretary intends to take such action.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which an agreement under this section relates is in jeopardy."

(b) DENIALS.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by adding at the end thereof the following new subsection:

"(c) NOTICE REQUIREMENTS FOR DENIALS.—The Secretary may not deny any request for an installment agreement under this section unless—

"(1) a notice of the proposed denial is provided to the taxpayer not later than the day 30 days before the date of such denial, and

"(2) such notice includes an explanation why the Secretary intends to deny such request.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which a request for an agreement under this section relates is in jeopardy."

(c) CONFORMING AMENDMENT.—Paragraph (3) of section 6159(b) is amended to read as follows:

"(3) SUBSEQUENT CHANGE IN FINANCIAL CONDITIONS.—If the Secretary makes a determination that the financial condition of a taxpayer with whom the Secretary has entered into an agreement under subsection (a) has significantly changed, the Secretary may alter, modify, or terminate such agreement."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date 6 months after the date of the enactment of this Act.

SEC. 832. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF TAX.

(a) GENERAL RULE.—Paragraph (2) of section 6013(b) (relating to limitations on filing of joint return after filing separate returns) is amended by striking subparagraph (A) and redesignating the following subparagraphs accordingly.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 833. OFFERS-IN-COMPROMISE.

(a) GENERAL RULE.—Subsection (a) of section 7122 (relating to compromises) is amended by adding at the end thereof the following new sentence: "The Secretary may make such a compromise in any case where the Secretary determines that such compromise would be in the best interests of the United States.".

(b) REVIEW REQUIREMENTS.—Subsection (b) of section 7122 (relating to records) is amended by striking "$500." and inserting "$50,000. However, such compromise shall be subject to continuing quality review by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 834. PRELIMINARY NOTICE REQUIREMENT.

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) PRELIMINARY NOTICE REQUIREMENT.—

"(1) IN GENERAL.—No penalty shall be imposed under subsection (a) unless the Secretary notifies the taxpayer in writing by mail to an address as determined under section 6212(b) that the taxpayer shall be subject to an assessment of such penalty.

"(2) TIMING OF NOTICE.—The mailing of the notice described in paragraph (1) shall precede any notice and demand of any penalty under subsection (a) by at least 60 days.

"(3) STATUTE OF LIMITATIONS.—If a notice described in paragraph (1) with respect to any penalty is mailed before the expiration of the period provided by section 6501 for the assessment of such penalty (determined without regard to this paragraph), the period provided by such section for the assessment of such penalty shall not expire before the date 90 days after the date on which such notice was mailed.

"(4) EXCEPTION FOR JEOPARDY.—This subsection shall not apply if the Secretary finds that the collection of the penalty is in jeopardy."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to assessments made after June 30, 1995.

SEC. 835. PENALTIES UNDER SECTION 6672.

(a) PUBLIC INFORMATION REQUIREMENTS.—The Secretary of the Treasury or the Secretary's delegate (hereafter in this section referred to as the "Secretary") shall take such actions as may be appropriate to ensure that employees are aware of their responsibilities under the Federal tax depository system, the circumstances under which employees may be liable for the penalty imposed by section 6672 of the Internal Revenue Code of 1986, and the responsibility to promptly report to the Internal Revenue Service any failure referred to in subsection (a) of such section 6672. Such actions shall include—

(1) printing of a warning on deposit coupon booklets and the appropriate tax returns that certain employees may be liable for the penalty imposed by such section 6672, and

(2) the development of a special information packet.

(b) BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS.—

(1) VOLUNTARY BOARD MEMBERS.—

(A) IN GENERAL.—The penalty under section 6672 of the Internal Revenue Code of 1986 shall not be imposed on unpaid, volunteer members of any board of trustees or directors of an organization referred to in section 501 of such Code to the extent such members are solely serving in an honorary capacity, do not participate in the day-to-day or financial operations of the organization, and do not have actual knowledge of the failure on which such penalty is imposed.

(B) APPLICATION OF PARAGRAPH.—This paragraph shall not apply if it results in no person being held liable for the penalty described in section 6672(a) of the Internal Revenue Code of 1986.

(2) DEVELOPMENT OF EXPLANATORY MATERIALS.—The Secretary shall develop materials explaining the circumstances under

which board members of tax-exempt organizations (including voluntary and honorary members) may be subject to penalty under section 6672 of such Code. Such materials shall be made available to tax-exempt organizations.

(3) IRS Instructions.—The Secretary shall clarify the instructions to Internal Revenue Service employees on the application of the penalty under section 6672 of such Code with regard to voluntary members of boards of trustees or directors of tax-exempt organizations.

(c) Prompt Notification.—To the maximum extent practicable, the Secretary shall notify all persons who have failed to make timely and complete deposit of any taxes described in section 6672 of the Internal Revenue Code of 1986 of such failure within 30 days after the return was filed reflecting such failure or after the date on which the Secretary is first aware of such failure. If the person failing to make the deposit is not an individual, the Secretary shall notify the entity subject to such deposit requirement and that entity shall notify, within 15 days of the notification by the Secretary, all officers, general partners, trustees, or other managers of the failure.

SEC. 836. REQUIRED CONTENT OF CERTAIN NOTICES.

(a) General Rule.—Subsection (a) of section 7522 (relating to content of tax due, deficiency, and other notices) is amended by striking "shall describe the basis for, and identify" and inserting "shall set forth the adjustments which are the basis for, and shall identify".

(b) Effective Date.—The amendment made by subsection (a) shall apply to notices sent after the date 6 months after the date of the enactment of this Act.

SEC. 837. REQUIRED NOTICE OF CERTAIN PAYMENTS.

If any payment is received by the Secretary of the Treasury or the Secretary's delegate (hereafter in the section referred to as the "Secretary") from any taxpayer and the Secretary cannot associate such payment with any outstanding tax liability of such taxpayer, the Secretary shall make reasonable efforts to notify the taxpayer of such inability within 60 days after the receipt of such payment.

SEC. 838. IMPROVED PROCEDURES FOR NOTIFYING SERVICE OF CHANGE OF ADDRESS OR NAME.

The Secretary of the Treasury shall provide improved procedures for taxpayers to notify the Secretary of changes in names and addresses. Not later than December 31, 1994, the Secretary shall institute procedures for timely updating all Internal Revenue Service records with change-of-address information provided to the Secretary by taxpayers.

SEC. 839. RIGHTS AND RESPONSIBILITIES OF DIVORCED INDIVIDUALS.

The Secretary of the Treasury shall include in the Internal Revenue Service publication entitled "Your Rights As A Taxpayer" a section on the rights and responsibilities of divorced individuals.

TITLE IX—FINANCING PROVISIONS

SEC. 901. CERTAIN AMOUNTS DERIVED FROM FOREIGN CORPORATIONS TREATED AS UNRELATED BUSINESS TAXABLE INCOME.

(a) General Rule.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end thereof the following new paragraph:

"(17) Treatment of certain amounts derived from foreign corporations.—

"(A) In general.—Notwithstanding paragraph (1), any disqualified amount derived by an organization from a foreign corporation in which such organization is a 10-percent shareholder shall be included as an item of gross income derived from an unrelated trade or business. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

"(B) Disqualified amount.—For purposes of subparagraph (A), the term 'disqualified amount' means any of the following:

"(i) Subpart F inclusion.—Any amount included in gross income under section 951(a)(1)(A) to the extent the amount so included is attributable to income which, if derived directly by the organization, would be treated as gross income from an unrelated trade or business.

"(ii) Dividends.—Any dividend paid out of the earnings and profits of any foreign corporation in proportion to the ratio of—

"(I) the portion of the earnings and profits attributable to income which, if derived directly by the organization, would be treated as gross income from an unrelated trade or business, to

"(II) the total amount of earnings and profits.

For purposes of the preceding sentence, earnings and profits accumulated in taxable years beginning before January 1, 1994, shall not be taken into account.

"(C) 10-percent shareholder.—The term '10-percent shareholder' means any organization who owns (within the meaning of section 958(a)), or is considered as owning by applying the rules of section 958(b), 10 percent or more of the combined voting power of all class of stock entitled to vote of the foreign corporation.

"(D) Treatment of certain amounts as dividends.—The rules of section 904(d)(3)(G) shall apply for purposes of this paragraph.

"(E) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations for the application of this paragraph in the case of income paid through 1 or more entities or between 2 or more chains of entities."

(b) Effective Date.—The amendments made by this section shall apply to—

(1) dividends paid out of earnings and profits of foreign corporations for taxable years beginning after December 31, 1993, and

(2) amounts included in gross income under section 951(a)(1)(A) of the Internal Revenue Code of 1986 in respect of any such taxable year.

SEC. 902. SPECIAL RULES FOR RENTAL USE OF DWELLING FOR LESS THAN 15 DAYS PER YEAR.

(a) In General.—Section 280A is amended by striking subsection (g) and inserting:

"(g) Special Rule for Certain Rental Use.—Notwithstanding any other provision of this section or section 183, if the principal residence of the taxpayer is actually rented for less than 15 days during the taxable year for the purpose of providing accommodations to visitors to an event for which commercial rental accommodations in the community holding the event are not sufficient to reasonably provide more than one-half of the accommodations necessary (and the rental income received by the taxpayer for any visitor is not greater than a reasonable rental rate charged per individual guest by commercial rental accommodations), then—

"(1) no deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and

"(2) the income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61.

"(h) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations providing such de minimis rules as the Secretary may deem appropriate."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 903. LOSS CARRYOVERS AND CARRYBACKS NOT EXCLUDED IN APPLYING TAXABLE INCOME LIMITATION ON CERTAIN RESERVE DEDUCTIONS.

(a) General Rule.—Subparagraph (D) of section 593(b)(2) (relating to computation of taxable income) is amended by adding at the end thereof the following new sentence:

"Except as providing in the preceding sentence, for purposes of this paragraph, taxable income shall be computed as provided in this chapter, including the application of any carryover or carryback."

(b) Effective Date.—The amendment made by subsection (a) shall apply to losses incurred in taxable years ending after December 31, 1993.

SEC. 904. EXTENSION OF WITHHOLDING TO CERTAIN GAMBLING WINNINGS.

(a) Repeal of Exemption for Bingo and Keno.—Paragraph (5) of section 3402(q) is amended to read as follows:

"(5) Exemption for slot machines.—The tax imposed by paragraph (1) shall not apply to winnings from a slot machine."

(b) Threshold Amount.—Paragraph (3) of section 3402(q) is amended—

(1) by striking "(B) and (C)" in subparagraph (A) and inserting "(B), (C), and (D)", and

(2) by adding at the end thereof the following new subparagraph:

"(D) Bingo and keno.—Proceeds of more than $10,000 from a wager placed in a bingo or keno game."

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1994.

TITLE X—TECHNICAL CORRECTIONS

Subtitle A—Revenue Provisions

SEC. 1001. AMENDMENTS RELATED TO REVENUE RECONCILIATION ACT OF 1990.

(a) Amendments Related to Subtitle A.—

(1) Subparagraph (B) of section 59(j)(3) is amended by striking "section 1(i)(3)(B)" and inserting "section 1(g)(3)(B)".

(2) Clause (i) of section 151(d)(3)(C) is amended by striking "joint of a return" and inserting "joint return".

(3) Subsection (b) of section 1 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1993) is amended by striking "$26,500" in the table contained therein and inserting "$26,050".

(b) Amendments Related to Subtitle B.—

(1) Paragraph (1) of section 11212(e) of the Revenue Reconciliation Act of 1990 is amended by striking "Paragraph (1) of section 6724(d)" and inserting "Subparagraph (B) of section 6724(d)(1)".

(2)(A) Subparagraph (B) of section 4093(c)(2), as in effect before the amendments made by the Revenue Reconciliation Act of 1993, is amended by inserting before the period "unless such fuel is sold for exclusive use by a State or any political subdivision thereof".

(B) Paragraph (4) of section 6427(l), as in effect before the amendments made by the Revenue Reconciliation Act of 1993, is amended by inserting before the period "unless such fuel was used by a State or any political subdivision thereof".

(3) Paragraph (1) of section 6416(b) is amended by striking "chapter 32 or by section 4051" and inserting "chapter 31 or 32".

(4) Section 7012 is amended—

(A) by striking "production or importation of gasoline" in paragraph (3) and inserting "taxes on gasoline and diesel fuel", and

(B) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(5) Subsection (c) of section 5041 is amended by striking paragraph (6) and by inserting the following new paragraphs:

"(6) CREDIT FOR TRANSFEREE IN BOND.—If—

"(A) wine produced by any person would be eligible for any credit under paragraph (1) if removed by such person during the calendar year,

"(B) wine produced by such person is removed during such calendar year by any other person (hereafter in this paragraph referred to as the 'transferee') to whom such wine was transferred in bond and who is liable for the tax imposed by this section with respect to such wine, and

"(C) such producer holds title to such wine at the time of its removal and provides to the transferee such information as is necessary to properly determine the transferee's credit under this paragraph,

then, the transferee (and not the producer) shall be allowed the credit under paragraph (1) which would be allowed to the producer if the wine removed by the transferee had been removed by the producer on that date.

"(7) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations—

"(A) to prevent the credit provided in this subsection from benefiting any person who produces more than 250,000 wine gallons during a calendar year, and

"(B) to assure proper reduction of such credit for persons producing more than 150,000 wine gallons of wine during a calendar year."

(6) Paragraph (3) of section 5061(b) is amended to read as follows:

"(3) section 5041(f),".

(7) Section 5354 is amended by inserting "(taking into account the appropriate amount of credit with respect to such wine under section 5041(c))" after "any one time".

(8) Effective on the date of the enactment of this Act, paragraph (7) of section 11202(i) of the Revenue Reconciliation Act of 1990 is amended by adding at the end thereof the following: "The Secretary may treat any person who bore the ultimate burden of the tax imposed by this subsection as the person to whom a credit or refund under such provisions may be allowed or made.".

(c) AMENDMENTS RELATED TO SUBTITLE C.—

(1) Paragraph (4) of section 56(g) is amended by redesignating subparagraphs (I) and (J) as subparagraphs (H) and (I), respectively.

(2) Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "or" at the end of clause (xii), and

(B) by striking the period at the end of clause (xiii) and inserting ", or".

(3) Subsection (g) of section 6302 is amended by inserting ", 22," after "chapters 21".

(4) The earnings and profits of any insurance company to which section 11305(c)(3) of the Revenue Reconciliation Act of 1990 applies shall be determined without regard to any deduction allowed under such section; except that, for purposes of applying sections 56 and 902, and subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986, such deduction shall be taken into account.

(5) Subparagraph (D) of section 6038A(e)(4) is amended—

(A) by striking "any transaction to which the summons relates" and inserting "any affected taxable year", and

(B) by adding at the end thereof the following new sentence: "For purposes of this subparagraph, the term 'affected taxable year' means any taxable year if the determination of the amount of tax imposed for such taxable year is affected by the treatment of the transaction to which the summons relates.".

(6) Subparagraph (A) of section 6621(c)(2) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall be applied without regard to any such letter or notice which is withdrawn by the Secretary.".

(7) Clause (i) of section 6621(c)(2)(B) is amended by striking "this subtitle" and inserting "this title".

(d) AMENDMENTS RELATED TO SUBTITLE D.—

(1) Notwithstanding section 11402(c) of the Revenue Reconciliation Act of 1990, the amendment made by section 11402(b)(1) of such Act shall apply to taxable years ending after December 31, 1989.

(2) Clause (ii) of section 143(m)(4)(C) is amended—

(A) by striking "any month of the 10-year period" and inserting "any year of the 4-year period",

(B) by striking "succeeding months" and inserting "succeeding years", and

(C) by striking "over the remainder of such period (or, if lesser, 5 years)" and inserting "to zero over the succeeding 5 years".

(e) AMENDMENTS RELATED TO SUBTITLE E.—

(1)(A) Clause (ii) of section 56(d)(1)(B) is amended to read as follows:

"(ii) appropriate adjustments in the application of section 172(b)(2) shall be made to take into account the limitation of subparagraph (A)."

(B) For purposes of applying sections 56(g)(1) and 56(g)(3) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 1991 and 1992, the reference in such sections to the alternative tax net operating loss deduction shall be treated as including a reference to the deduction under section 56(h) of such Code as in effect before the amendments made by section 1915 of the Energy Policy Act of 1992.

(2) Clause (i) of section 613A(c)(3)(A) is amended by striking "the table contained in".

(3) Section 6501 is amended—

(A) by striking subsection (m) (relating to deficiency attributable to election under section 44B) and by redesignating subsections (n) and (o) as subsections (m) and (n), respectively, and

(B) by striking "section 40(f) or 51(j)" in subsection (m) (as redesignated by subparagraph (A)) and inserting "section 40(f), 43, or 51(j)".

(4) Subparagraph (C) of section 38(c)(2) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) is amended by inserting before the period at the end of the first sentence the following: "and without regard to the deduction under section 56(h)".

(5) The amendment made by section 1913(b)(2)(C)(i) of the Energy Policy Act of 1992 shall apply to taxable years beginning after December 31, 1990.

(f) AMENDMENTS RELATED TO SUBTITLE F.—

(1)(A) Section 2701(a)(3) is amended by adding at the end thereof the following new subparagraph:

"(C) VALUATION OF QUALIFIED PAYMENTS WHERE NO LIQUIDATION, ETC. RIGHTS.—In the case of an applicable retained interest which is described in subparagraph (B)(i) but not subparagraph (B)(ii), the value of the distribution right shall be determined without regard to this section."

(B) Section 2701(a)(3)(B) is amended by inserting "CERTAIN" before "QUALIFIED" in the heading thereof.

(C) Sections 2701 (d)(1) and (d)(4) are each amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3) (B) or (C)".

(2) Clause (i) of section 2701(a)(4)(B) is amended by inserting "(or, to the extent provided in regulations, the rights as to either income or capital)" after "income and capital".

(3)(A) Section 2701(b)(2) is amended by adding at the end thereof the following new subparagraph:

"(C) APPLICABLE FAMILY MEMBER.—For purposes of this subsection, the term 'applicable family member' includes any lineal descendant of any parent of the transferor or the transferor's spouse."

(B) Section 2701(e)(3) is amended—

(i) by striking subparagraph (B), and

(ii) by striking so much of paragraph (3) as precedes "shall be treated as holding" and inserting:

"(3) ATTRIBUTION OF INDIRECT HOLDINGS AND TRANSFERS.—An individual".

(C) Section 2704(c)(3) is amended by striking "section 2701(e)(3)(A)" and inserting "section 2701(e)(3)".

(4) Clause (i) of section 2701(c)(1)(B) is amended to read as follows:

"(i) a right to distributions with respect to any interest which is junior to the rights of the transferred interest,".

(5)(A) Clause (i) of section 2701(c)(3)(C) is amended to read as follows:

"(i) IN GENERAL.—Payments under any interest held by a transferor which (without regard to this subparagraph) are qualified payments shall be treated as qualified payments unless the transferor elects not to treat such payments as qualified payments. Payments described in the preceding sentence which are held by an applicable family member shall be treated as qualified payments only if such member elects to treat such payments as qualified payments."

(B) The first sentence of section 2701(c)(3)(C)(ii) is amended to read as follows: "A transferor or applicable family member holding any distribution right which (without regard to this subparagraph) is not a qualified payment may elect to treat such right as a qualified payment, to be paid in the amounts and at the times specified in such election.".

(C) The time for making an election under the second sentence of section 2701(c)(3)(C)(i) of the Internal Revenue Code of 1986 (as amended by subparagraph (A)) shall not expire before the due date (including extensions) for filing the transferor's return of the tax imposed by section 2501 of such Code for the first calendar year ending after the date of enactment.

(6) Section 2701(d)(3)(A)(iii) is amended by striking "the period ending on the date of".

(7) Subclause (I) of section 2701(d)(3)(B)(ii) is amended by inserting "or the exclusion under section 2503(b)," after "section 2523,".

(8) Section 2701(e)(5) is amended—

(A) by striking "such contribution to capital or such redemption, recapitalization, or other change" in subparagraph (A) and inserting "such transaction", and

(B) by striking "the transfer" in subparagraph (B) and inserting "such transaction".

(9) Section 2701(d)(4) is amended by adding at the end thereof the following new subparagraph:

"(C) TRANSFER TO TRANSFERORS.—In the case of a taxable event described in paragraph (3)(A)(ii) involving a transfer of an applicable retained interest from an applicable family member to a transferor, this subsection shall continue to apply to the transferor during any period the transferor holds such interest."

(10) Section 2701(e)(6) is amended by inserting "or to reflect the application of subsection (d)" before the period at the end thereof.

(11)(A) Section 2702(a)(3)(A) is amended—

(i) by striking "to the extent" and inserting "if" in clause (i),

(ii) by striking "or" at the end of clause (i),

(iii) by striking the period at the end of clause (ii) and inserting ", or", and

(iv) by adding at the end thereof the following new clause:

"(iii) to the extent that regulations provide that such transfer is not inconsistent with the purposes of this section."

(B)(i) Section 2702(a)(3) is amended by striking "incomplete transfer" each place it appears and inserting "incomplete gift".

(ii) The heading for section 2702(a)(3)(B) is amended by striking "INCOMPLETE TRANSFER" and inserting "INCOMPLETE GIFT".

(g) AMENDMENTS RELATED TO SUBTITLE G.—

(1)(A) Subsection (a) of section 1248 is amended—

(i) by striking ", or if a United States person receives a distribution from a foreign corporation which, under section 302 or 331, is treated as an exchange of stock" in paragraph (1), and

(ii) by adding at the end thereof the following new sentence: "For purposes of this section, a United States person shall be treated as having sold or exchanged any stock if, under any provision of this subtitle, such person is treated as realizing gain from the sale or exchange of such stock.".

(B) Paragraph (1) of section 1248(e) is amended by striking ", or receives a distribution from a domestic corporation which, under section 302 or 331, is treated as an exchange of stock".

(C) Subparagraph (B) of section 1248(f)(1) is amended by striking "or 361(c)(1)" and inserting "355(c)(1), or 361(c)(1)".

(D) Paragraph (1) of section 1248(i) is amended to read as follows:

"(1) IN GENERAL.—If any shareholder of a 10-percent corporate shareholder of a foreign corporation exchanges stock of the 10-percent corporate shareholder for stock of the foreign corporation, such 10-percent corporate shareholder shall recognize gain in the same manner as if the stock of the foreign corporation received in such exchange had been—

"(A) issued to the 10-percent corporate shareholder, and

"(B) then distributed by the 10-percent corporate shareholder to such shareholder in redemption or liquidation (whichever is appropriate).

The amount of gain recognized by such 10-percent corporate shareholder under the preceding sentence shall not exceed the amount treated as a dividend under this section."

(2) Section 897 is amended by striking subsection (f).

(3) Paragraph (13) of section 4975(d) is amended by striking "section 408(b)" and inserting "section 408(b)(12)".

(4) Clause (iii) of section 56(g)(4)(D) is amended by inserting ", but only with respect to taxable years beginning after December 31, 1989" before the period at the end thereof.

(5)(A) Paragraph (11) of section 11701(a) of the Revenue Reconciliation Act of 1990 (and the amendment made by such paragraph) are hereby repealed, and section 7108(r)(2) of the Revenue Reconciliation Act of 1989 shall be applied as if such paragraph (and amendment) had never been enacted.

(B) Subparagraph (A) shall not apply to any building if the owner of such building establishes to the satisfaction of the Secretary of the Treasury or his delegate that such owner reasonably relied on the amendment made by such paragraph (11).

(h) AMENDMENTS RELATED TO SUBTITLE H.—

(1)(A) Clause (vi) of section 168(e)(3)(B) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ", or", and by adding at the end thereof the following new subclause:

"(III) is described in section 48(l)(3)(A)(ix) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)."

(B) Subparagraph (K) of section 168(g)(4) is amended by striking "section 48(a)(3)(A)(iii)" and inserting "section 48(l)(3)(A)(ix) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)".

(2) Clause (ii) of section 172(b)(1)(E) is amended by striking "subsection (m)" and inserting "subsection (h)".

(3) Sections 805(a)(4)(E), 832(b)(5)(C)(ii)(II), and 832(b)(5)(D)(ii)(II) are each amended by striking "243(b)(5)" and inserting "243(b)(2)".

(4) Subparagraph (A) of section 243(b)(3) is amended by inserting "of" after "In the case".

(5) The subsection heading for subsection (a) of section 280F is amended by striking "INVESTMENT TAX CREDIT AND".

(6) Clause (i) of section 1504(c)(2)(B) is amended by inserting "section" before "243(b)(2)".

(7) Paragraph (3) of section 341(f) is amended by striking "351, 361, 371(a), or 374(a)" and inserting "351, or 361".

(8) Paragraph (2) of section 243(b) is amended to read as follows:

"(2) AFFILIATED GROUP.—For purposes of this subsection:

"(A) IN GENERAL.—The term 'affiliated group' has the meaning given such term by section 1504(b), except that for such purposes sections 1504(b)(2), 1504(b)(4), and 1504(c) shall not apply.

"(B) GROUP MUST BE CONSISTENT IN FOREIGN TAX TREATMENT.—The requirements of paragraph (1)(A) shall not be treated as being met with respect to any dividend received by a corporation if, for any taxable year which includes the day on which such dividend is received—

"(i) 1 or more members of the affiliated group referred to in paragraph (1)(A) choose to any extent to take the benefits of section 901, and

"(ii) 1 or more other members of such group claim to any extent a deduction for taxes otherwise creditable under section 901."

(9) The amendment made by section 11813(b)(17) of the Revenue Reconciliation Act of 1990 shall be applied as if the material stricken by such amendment included the closing parenthesis after "section 48(a)(5)".

(10) Paragraph (1) of section 179(d) is amended—

(A) by striking "in a trade or business" and inserting "a trade or business", and

(B) by adding at the end thereof the following new sentence: "Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units and horses".

(11) Subparagraph (E) of section 50(a)(2) is amended by striking "section 48(a)(5)(A)" and inserting "section 48(a)(5)".

(12) The amendment made by section 11801(c)(9)(G)(ii) of the Revenue Reconciliation Act of 1990 shall be applied as if it struck "Section 422A(c)(2)" and inserted "Section 422(c)(2)".

(13) Subparagraph (B) of section 424(c)(3) is amended by striking "a qualified stock option, an incentive stock option, an option granted under an employee stock purchase plan, or a restricted stock option" and inserting "an incentive stock option or an option granted under an employee stock purchase plan".

(14) Subparagraph (E) of section 1367(a)(2) is amended by striking "section 613A(c)(13)(B)" and inserting "section 613A(c)(11)(B)".

(15) Subparagraph (B) of section 460(e)(6) is amended by striking "section 167(k)" and inserting "section 168(e)(2)(A)(ii)".

(16) Subparagraph (C) of section 172(h)(4) is amended by striking "subsection (b)(1)(M)" and inserting "subsection (b)(1)(E)".

(17) Section 6503 is amended—

(A) by redesignating the subsection relating to extension in case of certain summonses as subsection (j), and

(B) by redesignating the subsection relating to cross references as subsection (k).

(18) Paragraph (4) of section 1250(e) is hereby repealed.

(19) Subsection (c) of section 2104 is amended by striking "subparagraph (A), (C), or (D)" and inserting "subparagraph (A)".

(i) EFFECTIVE DATE.—Except as otherwise expressly provided—

(1) the amendments made by this section shall be treated as amendments to the Internal Revenue Code of 1986 as amended by the Revenue Reconciliation Act of 1993; and

(2) any amendment made by this section shall apply to periods before the date of the enactment of this section in the same manner as if it had been included in the provision of the Revenue Reconciliation Act of 1990 to which such amendment relates.

SEC. 1002. AMENDMENTS RELATED TO REVENUE RECONCILIATION ACT OF 1993.

(a) AMENDMENT RELATED TO SECTION 13114.—Paragraph (2) of section 1044(c) is amended to read as follows:

"(2) PURCHASE.—The taxpayer shall be considered to have purchased any property if, but for subsection (d), the unadjusted basis of such property would be its cost within the meaning of section 1012."

(b) AMENDMENTS RELATED TO SECTION 13142.—

(1) Subparagraph (B) of section 13142(b)(6) of the Revenue Reconciliation Act of 1993 is amended to read as follows:

"(B) FULL-TIME STUDENTS, WAIVER AUTHORITY, AND PROHIBITED DISCRIMINATION.—The amendments made by paragraphs (2), (3), and (4) shall take effect on the date of the enactment of this Act."

(2) Subparagraph (C) of section 13142(b)(6) of such Act is amended by striking "paragraph (2)" and inserting "paragraph (5)".

(c) AMENDMENT RELATED TO SECTION 13161.—

(1) IN GENERAL.—Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any calendar year after 1993, the $30,000 amount in subsection (a) and section 4003(a) shall be increased by an amount equal to—

"(A) $30,000, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 1994.

(d) AMENDMENT RELATED TO SECTION 13201.—Clause (ii) of section 135(b)(2)(B) is amended by inserting before the period at the end thereof the following: ", determined by substituting 'calendar year 1989' for 'calendar year 1992' in subparagraph (B) thereof".

(e) AMENDMENTS RELATED TO SECTION 13203.—Subsection (a) of section 59 is amended—

(1) by striking "the amount determined under section 55(b)(1)(A)" in paragraph (1)(A) and (2)(A)(i) and inserting "the pre-credit tentative minimum tax",

(2) by striking "specified in section 55(b)(1)(A)" in paragraph (1)(C) and inserting "specified in subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies)",

(3) by striking "which would be determined under section 55(b)(1)(A)" in paragraph (2)(A)(ii) and inserting "which would be the pre-credit tentative minimum tax", and

(4) by adding at the end thereof the following new paragraph:

"(4) PRE-CREDIT TENTATIVE MINIMUM TAX.—For purposes of this subsection, the term 'pre-credit tentative minimum tax' means—

"(A) in the case of a taxpayer other than a corporation, the amount determined under the first sentence of section 55(b)(1)(A)(i), or

"(B) in the case of a corporation, the amount determined under section 55(b)(1)(B)(i)."

(f) AMENDMENT RELATED TO SECTION 13212.—Subparagraph (B) of section 401(a)(17) is amended to read as follows:

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $150,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as under section 415(d), except that the base period for purposes of section 415(d)(1)(A) shall be the calendar quarter beginning October 1, 1993."

(g) AMENDMENT RELATED TO SECTION 13221.—Subparagraph (A) of section 7518(g)(6) is amended by striking "34 percent" and inserting "35 percent".

(h) AMENDMENTS RELATED TO SECTION 13222.—

(1) Subparagraph (B) of section 6033(e)(1) is amended by adding at the end thereof the following new clause:

"(iii) COORDINATION WITH SECTION 527(f).—This subsection shall not apply to any amount on which tax is imposed by reason of section 527(f).".

(2) Clause (i) of section 6033(e)(1)(B) is amended by striking "this subtitle" and inserting "section 501".

(i) AMENDMENT RELATED TO SECTION 13225.—Paragraph (3) of section 6655(g) is amended by striking all that follows "'3rd month'" in the sentence following subparagraph (C) and inserting ", subsection (e)(2)(A) shall be applied by substituting '2 months' for '3 months' in clause (i)(I), the election under clause (i) of subsection (e)(2)(C) may be made separately for each installment, and clause (ii) of subsection (e)(2)(C) shall not apply.".

(j) AMENDMENTS RELATED TO SECTION 13231.—

(1) Paragraph (1) of section 956A(b) is amended to read as follows:

"(1) the amount (not including a deficit) referred to in section 316(a)(1) to the extent such amount was accumulated in prior taxable years beginning after September 30, 1993, and".

(2) Subsection (f) of section 956A is amended by inserting before the period at the end thereof: "and regulations coordinating the provisions of subsections (c)(3)(A) and (d)".

(3)(A) Subparagraph (A) of section 1297(d)(2) is amended by striking "The adjusted basis of any asset" and inserting "The amount taken into account under section 1296(a)(2) with respect to any asset".

(B) The paragraph heading of paragraph (2) of section 1297(d) is amended to read as follows:

"(2) AMOUNT TAKEN INTO ACCOUNT.—".

(4) Subsection (e) of section 1297 is amended by inserting "For purposes of this part—" after the subsection heading.

(k) AMENDMENT RELATED TO SECTION 13241.—Subparagraph (B) of section 40(e)(1) is amended to read as follows:

"(B) for any period before January 1, 2001, during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon."

(l) AMENDMENT RELATED TO SECTION 13261.—Clause (iii) of section 13261(g)(2)(A) of the Revenue Reconciliation Act of 1993 is amended by striking "by the taxpayer" and inserting "by the taxpayer or a related person".

(m) AMENDMENT RELATED TO SECTION 13301.—Subparagraph (B) of section 1397B(d)(5) is amended by striking "preceding".

(n) CLERICAL AMENDMENTS.—

(1) Subsection (d) of section 39 is amended—

(A) by striking "45" in the heading of paragraph (5) and inserting "45A", and

(B) by striking "45" in the heading of paragraph (6) and inserting "45B".

(2) Subparagraph (A) of section 108(d)(9) is amended by striking "paragraph (3)(B)" and inserting "paragraph (3)(C)".

(3) Subparagraph (C) of section 143(d)(2) is amended by striking the period at the end thereof and inserting a comma.

(4) Clause (ii) of section 163(j)(6)(E) is amended by striking "which is a" and inserting "which is".

(5) Subparagraph (A) of section 1017(b)(4) is amended by striking "subsection (b)(2)(D)" and inserting "subsection (b)(2)(E)".

(6) So much of section 1245(a)(3) as precedes subparagraph (A) thereof is amended to read as follows:

"(3) SECTION 1245 PROPERTY.—For purposes of this section, the term 'section 1245 property' means any property which is or has been property of a character subject to the allowance for depreciation provided in section 167 and is either—".

(7) Paragraph (2) of section 1394(e) is amended—

(A) by striking "(i)" and inserting "(A)", and

(B) by striking "(ii)" and inserting "(B)".

(8) Subsection (m) of section 6501 (as redesignated by section 1001) is amended by striking "or 51(j)" and inserting "45B, or 51(j)".

(9)(A) The section 6714 added by section 13242(b)(1) of the Revenue Reconciliation Act of 1993 is hereby redesignated as section 6715.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking "6714" in the item added by such section 13242(b)(2) of such Act and inserting "6715".

(10) Paragraph (2) of section 9502(b) is amended by inserting "and before" after "1982,".

(11) Subsections (a)(2) and (a)(3) of section 13206 of the Revenue Reconciliation Act of 1993 are each amended by striking "this section" and inserting "this subsection".

(12) Paragraph (1) of section 13215(c) of the Revenue Reconciliation Act of 1993 is amended by striking "Public Law 92–21" and inserting "Public Law 98–21".

(13) Paragraph (2) of section 13311(e) of the Revenue Reconciliation Act of 1993 is amended by striking "section 1393(a)(3)" and inserting "section 1393(a)(2)".

(14) Subparagraph (B) of section 117(d)(2) is amended by striking "section 132(f)" and inserting "section 132(h)".

(o) EFFECTIVE DATE.—Any amendment made by this section shall take effect as if included in the provision of the Revenue Reconciliation Act of 1993 to which such amendment relates.

SEC. 1003. MISCELLANEOUS PROVISIONS.

(a) APPLICATION OF AMENDMENTS MADE BY TITLE XII OF OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—Except as otherwise expressly provided, whenever in title XII of the Omnibus Budget Reconciliation Act of 1990 an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TREATMENT OF CERTAIN AMOUNTS UNDER HEDGE BOND RULES.—

(1) Clause (iii) of section 149(g)(3)(B) is amended to read as follows:

"(iii) AMOUNTS HELD PENDING REINVESTMENT OR REDEMPTION.—Amounts held for not more than 30 days pending reinvestment or bond redemption shall be treated as invested in bonds described in clause (i)."

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 7651 of the Omnibus Budget Reconciliation Act of 1989.

(c) TREATMENT OF CERTAIN DISTRIBUTIONS UNDER SECTION 1445.—

(1) IN GENERAL.—Paragraph (3) of section 1445(e) is amended by adding at the end thereof the following new sentence: "Rules similar to the rules of the preceding provisions of this paragraph shall apply in the case of any distribution to which section 301 applies and which is not made out of the earnings and profits of such a domestic corporation."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to distributions after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN CREDITS UNDER SECTION 469.—

(1) IN GENERAL.—Subparagraph (B) of section 469(c)(3) is amended by adding at the end thereof the following new sentence: "If the preceding sentence applies to the net income from any property for any taxable year, any credits allowable under subpart B (other than section 27(a)) or D of part IV of subchapter A for such taxable year which are attributable to such property shall be treated as credits not from a passive activity to the extent the amount of such credits does not exceed the regular tax liability of the taxpayer for the taxable year which is allocable to such net income."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1986.

(e) Treatment of Dispositions Under Passive Loss Rules.—

(1) In general.—Subparagraph (A) of section 469(g)(1) is amended to read as follows:

"(A) In general.—If all gain or loss realized on such disposition is recognized, the excess of—

"(i) any loss from such activity for such taxable year (determined after the application of subsection (b)), over

"(ii) any net income or gain for such taxable year from all other passive activities (determined after the application of subsection (b)),

shall be treated as a loss which is not from a passive activity."

(2) Effective date.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1986.

(f) Miscellaneous Amendments to Foreign Provisions.—

(1) Coordination of unified estate tax credit with treaties.—Subparagraph (A) of section 2102(c)(3) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States."

(2) Treatment of certain interest paid to related person.—

(A) In general.—Subparagraph (B) of section 163(j)(1) is amended by inserting before the period at the end thereof the following: "(and clause (ii) of paragraph (2)(A) shall not apply for purposes of applying this subsection to the amount so treated)".

(B) Effective date.—The amendment made by subparagraph (A) shall apply as if included in the amendments made by section 7210(a) of the Revenue Reconciliation Act of 1989.

(3) Treatment of interest allocable to effectively connected income.—

(A) In general.—

(i) Subparagraph (B) of section 884(f)(1) is amended by striking "to the extent" and all that follows down through "subparagraph (A)" and inserting "to the extent that the allocable interest exceeds the interest described in subparagraph (A)".

(ii) The second sentence of section 884(f)(1) is amended by striking "reasonably expected" and all that follows down through the period at the end thereof and inserting "reasonably expected to be allocable interest."

(iii) Paragraph (2) of section 884(f) is amended to read as follows:

"(2) Allocable interest.—For purposes of this subsection, the term 'allocable interest' means any interest which is allocable to income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States."

(B) Effective date.—The amendments made by subparagraph (A) shall take effect as if included in the amendments made by section 1241(a) of the Tax Reform Act of 1986.

(4) Clarification of source rule.—

(A) In general.—Paragraph (2) of section 865(b) is amended by striking "863(b)" and inserting "863".

(B) Effective date.—The amendment made by subparagraph (A) shall take effect as if included in the amendments made by section 1211 of the Tax Reform Act of 1986.

(5) Repeal of obsolete provisions.—

(A) Paragraph (1) of section 6038(a) is amended by striking ", and" at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(B) Subsection (b) of section 6038A is amended by adding "and" at the end of paragraph (2), by striking ", and" at the end of paragraph (3) and inserting a period, and by striking paragraph (4).

(g) Treatment of Assignment of Interest in Certain Bond-Financed Facilities.—

(1) In general.—Subparagraph (A) of section 1317(3) of the Tax Reform Act of 1986 is amended by adding at the end thereof the following new sentence: "A facility shall not fail to be treated as described in this subparagraph by reason of an assignment (or an agreement to an assignment) by the governmental unit on whose behalf the bonds are issued of any part of its interest in the property financed by such bonds to another governmental unit."

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in such section 1317 on the date of the enactment of the Tax Reform Act of 1986.

(h) Clarification of Treatment of Medicare Entitlement Under COBRA Provisions.—

(1) In general.—

(A) Subclause (V) of section 4980B(f)(2)(B)(i) is amended to read as follows:

"(V) Medicare entitlement followed by qualifying event.—In the case of a qualifying event described in paragraph (3)(B) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this clause before the close of the 36-month period beginning on the date the covered employee became so entitled."

(B) Clause (v) of section 602(2)(A) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(v) Medicare entitlement followed by qualifying event.—In the case of a qualifying event described in section 603(2) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this subparagraph before the close of the 36-month period beginning on the date the covered employee became so entitled."

(C) Clause (iv) of section 2202(2)(A) of the Public Health Service Act is amended to read as follows:

"(iv) Medicare entitlement followed by qualifying event.—In the case of a qualifying event described in section 2203(2) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this subparagraph before the close of the 36-month period beginning on the date the covered employee became so entitled."

(2) Effective date.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1989.

(i) Treatment of Certain REMIC Inclusions.—

(1) In general.—Subsection (a) of section 860E is amended by adding at the end thereof the following new paragraph:

"(6) Coordination with minimum tax.—For purposes of part VI of subchapter A of this chapter—

"(A) the reference in section 55(b)(2) to taxable income shall be treated as a reference to taxable income determined without regard to this subsection,

"(B) the alternative minimum taxable income of any holder of a residual interest in a REMIC for any taxable year shall in no event be less than the excess inclusion for such taxable year, and

"(C) any excess inclusion shall be disregarded for purposes of computing the alternative tax net operating loss deduction.

The preceding sentence shall not apply to any organization to which section 593 applies, except to the extent provided in regulations prescribed by the Secretary under paragraph (2)."

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 671 of the Tax Reform Act of 1986 unless the taxpayer elects to apply such amendment only to taxable years beginning after the date of the enactment of this Act.

(j) Exemption From Harbor Maintenance Tax for Certain Passengers.—

(1) In general.—Subparagraph (D) of section 4462(b)(1) (relating to special rule for Alaska, Hawaii, and possessions) is amended by inserting before the period the following: ", or passengers transported on United States flag vessels operating solely within the State waters of Alaska or Hawaii and adjacent international waters".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1402(a) of the Harbor Maintenance Revenue Act of 1986.

(k) Amendments Related to Revenue Provisions of Energy Policy Act of 1992.—

(1) Effective with respect to taxable years beginning after December 31, 1990, subclause (II) of section 53(d)(1)(B)(iv) is amended to read as follows:

"(II) the adjusted net minimum tax for any taxable year is the amount of the net minimum tax for such year increased in the manner provided in clause (iii)."

(2) Subsection (g) of section 179A is redesignated as subsection (f).

(l) Treatment of Qualified Football Coaches Plan.—

(1) In general.—Section 1022 of title II of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new subsection:

"(i) Qualified Football Coaches Plan.—For purposes of determining the qualified plan status of a qualified football coaches plan, section 3(37)(F) shall be treated as part of this title and a qualified football coaches plan shall be treated as a multiemployer collectively bargained plan for purposes of the Internal Revenue Code of 1986."

(2) Effective date.—The amendment made by paragraph (1) shall apply to years beginning after the date of the enactment of Public Law 100-202.

(m) Miscellaneous Clerical Amendments.—

(1) Subclause (II) of section 56(g)(4)(C)(ii) is amended by striking "of the subclause" and inserting "of subclause".

(2) Paragraph (2) of section 72(m) is amended by inserting "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(3) Paragraph (2) of section 86(b) is amended by striking "adusted" and inserting "adjusted".

(4)(A) The heading for section 112 is amended by striking "**COMBAT PAY**" and inserting "**COMBAT ZONE COMPENSATION**".

(B) The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 is amended by striking "combat pay" and inserting "combat zone compensation".

(C) Paragraph (1) of section 3401(a) is amended by striking "combat pay" and inserting "combat zone compensation".

(5) Clause (i) of section 172(h)(3)(B) is amended by striking the comma at the end thereof and inserting a period.

(6) Clause (ii) of section 543(a)(2)(B) is amended by striking "section 563(c)" and inserting "section 563(d)".

(7) Paragraph (1) of section 958(a) is amended by striking "sections 955(b)(1)(A) and (B), 955(c)(2)(A)(ii), and 960(a)(1)" and inserting "section 960(a)(1)".

(8) Subsection (g) of section 642 is amended by striking "under 2621(a)(2)" and inserting "under section 2621(a)(2)".

(9) Section 1463 is amended by striking "this subsection" and inserting "this section".

(10) Subsection (k) of section 3306 is amended by inserting a period at the end thereof.

(11) The item relating to section 4472 in the table of sections for subchapter B of chapter 36 is amended by striking "and special rules".

(12) Paragraph (2) of section 4978(b) is amended by striking the period at the end of subparagraph (A) and inserting a comma, and by striking the period and quotation marks at the end of subparagraph (B) and inserting a comma.

(13) Paragraph (3) of section 5134(c) is amended by striking "section 6662(a)" and inserting "section 6665(a)".

(14) Paragraph (2) of section 5206(f) is amended by striking "section 5(e)" and inserting "section 105(e)".

(15) Paragraph (1) of section 6050B(c) is amended by striking "section 85(c)" and inserting "section 85(b)".

(16) Subsection (k) of section 6166 is amended by striking paragraph (6).

(17) Subsection (e) of section 6214 is amended to read as follows:

"(e) CROSS REFERENCE.—

"For provision giving Tax Court jurisdiction to order a refund of an overpayment and to award sanctions, see section 6512(b)(2)."

(18) The section heading for section 6043 is amended by striking the semicolon and inserting a comma.

(19) The item relating to section 6043 in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking the semicolon and inserting a comma.

(20) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6662.

(21)(A) Section 7232 is amended—

(i) by striking "**LUBRICATING OIL**," in the heading, and

(ii) by striking "lubricating oil," in the text.

(B) The table of sections for part II of subchapter A of chapter 75 is amended by striking "lubricating oil," in the item relating to section 7232.

(22) Paragraph (1) of section 6701(a) of the Omnibus Budget Reconciliation Act of 1989 is amended by striking "subclause (IV)" and inserting "subclause (V)".

(23) Clause (ii) of section 7304(a)(2)(D) of such Act is amended by striking "subsection (c)(2)" and inserting "subsection (c)".

(24) Paragraph (1) of section 7646(b) of such Act is amended by striking "section 6050H(b)(1)" and inserting "section 6050H(b)(2)".

(25) Paragraph (10) of section 7721(c) of such Act is amended by striking "section 6662(b)(2)(C)(ii)" and inserting "section 6661(b)(2)(C)(ii)".

(26) Subparagraph (A) of section 7811(i)(3) of such Act is amended by inserting "the first place it appears" before "in clause (i)".

(27) Paragraph (10) of section 7841(d) of such Act is amended by striking "section 381(a)" and inserting "section 381(c)".

(28) Paragraph (2) of section 7861(c) of such Act is amended by inserting "the second place it appears" before "and inserting".

(29) Paragraph (1) of section 460(b) is amended by striking "the look-back method of paragraph (3)" and inserting "the look-back method of paragraph (2)".

(30) Subparagraph (C) of section 50(a)(2) is amended by striking "subsection (c)(4)" and inserting "subsection (d)(5)".

(31) Subparagraph (B) of section 172(h)(4) is amended by striking the material following the heading and preceding clause (i) and inserting "For purposes of subsection (b)(2)—".

(32) Subparagraph (A) of section 355(d)(7) is amended by inserting "section" before "267(b)".

(33) Subparagraph (C) of section 420(e)(1) is amended by striking "mean" and inserting "means".

(34) Paragraph (4) of section 537(b) is amended by striking "section 172(i)" and inserting "section 172(f)".

(35) Subparagraph (B) of section 613(e)(1) is amended by striking the comma at the end thereof and inserting a period.

(36) Paragraph (4) of section 856(a) is amended by striking "section 582(c)(5)" and inserting "section 582(c)(2)".

(37) Sections 904(f)(2)(B)(i) and 907(c)(4)(B)(iii) are each amended by inserting "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" after "section 172(h)".

(38) Subsection (b) of section 936 is amended by striking "subparagraphs (D)(ii)(I)" and inserting "subparagraphs (D)(ii)".

(39) Subsection (c) of section 2104 is amended by striking "subparagraph (A), (C), or (D) of section 861(a)(1)" and inserting "section 861(a)(1)(A)".

(40) Paragraph (1) of section 5002(b) is amended by striking "section 5041(c)" and inserting "section 5041(d)".

(41) Section 6038 is amended by redesignating the subsection relating to cross references as subsection (f).

(42) Clause (iv) of section 6103(e)(1)(A) is amended by striking all that follows "provisions of" and inserting "section 1(g) or 59(j);".

(43) The subsection (f) of section 6109 of the Internal Revenue Code of 1986 which was added by section 2201(d) of Public Law 101-624 is redesignated as subsection (g).

(44) Subsection (b) of section 7454 is amended by striking "section 4955(e)(2)" and inserting "section 4955(f)(2)".

(45) Subsection (d) of section 11231 of the Revenue Reconciliation Act of 1990 shall be applied as if "comma" appeared instead of "period" and as if the paragraph (9) proposed to be added ended with a comma.

(46) Paragraph (1) of section 11303(b) of the Revenue Reconciliation Act of 1990 shall be applied as if "paragraph" appeared instead of "subparagraph" in the material proposed to be stricken.

(47) Subsection (f) of section 11701 of the Revenue Reconciliation Act of 1990 is amended by inserting "(relating to definitions)" after "section 6038(e)".

(48) Subsection (i) of section 11701 of the Revenue Reconciliation Act of 1990 shall be applied as if "subsection" appeared instead of "section" in the material proposed to be stricken.

(49) Subparagraph (B) of section 11801(c)(2) of the Revenue Reconciliation Act of 1990 shall be applied as if "section 56(g)" appeared instead of "section 59(g)".

(50) Subparagraph (C) of section 11801(c)(8) of the Revenue Reconciliation Act of 1990 shall be applied as if "reorganizations" appeared instead of "reorganization" in the material proposed to be stricken.

(51) Subparagraph (H) of section 11801(c)(9) of the Revenue Reconciliation Act of 1990 shall be applied as if "section 1042(c)(1)(B)" appeared instead of "section 1042(c)(2)(B)".

(52) Subparagraph (F) of section 11801(c)(12) of the Revenue Reconciliation Act of 1990 shall be applied as if "and (3)" appeared instead of "and (E)".

(53) Subparagraph (A) of section 11801(c)(22) of the Revenue Reconciliation Act of 1990 shall be applied as if "chapters 21" appeared instead of "chapter 21" in the material proposed to be stricken.

(54) Paragraph (3) of section 11812(b) of the Revenue Reconciliation Act of 1990 shall be applied by not executing the amendment therein to the heading of section 42(d)(5)(B).

(55) Clause (i) of section 11813(b)(9)(A) of the Revenue Reconciliation Act of 1990 shall be applied as if a comma appeared after "(3)(A)(ix)" in the material proposed to be stricken.

(56) Subparagraph (F) of section 11813(b)(13) of the Revenue Reconciliation Act of 1990 shall be applied as if "tax" appeared after "investment" in the material proposed to be stricken.

(57) Paragraph (19) of section 11813(b) of the Revenue Reconciliation Act of 1990 shall be applied as if "Paragraph (20) of section 1016(a), as redesignated by section 11801," appeared instead of "Paragraph (21) of section 1016(a)".

(58) Paragraph (5) section 8002(a) of the Surface Transportation Revenue Act of 1991 shall be applied as if "4481(e)" appeared instead of "4481(c)".

(59) Section 7872 is amended—

(A) by striking "foregone" each place it appears in subsections (a) and (e)(2) and inserting "forgone", and

(B) by striking "FOREGONE" in the heading for subsection (e) and the heading for paragraph (2) of subsection (e) and inserting "FORGONE".

(60) Paragraph (7) of section 7611(h) is amended by striking "appropriate" and inserting "appropriate".

(61) The heading of paragraph (3) of section 419A(c) is amended by striking "SEVERENCE" and inserting "SEVERANCE".

(62) Clause (ii) of section 807(d)(3)(B) is amended by striking "Commissioners' " and inserting "Commissioners' ".

(63) Subparagraph (B) of section 1274A(c)(1) is amended by striking "instrument" and inserting "instrument".

(64) Subparagraph (B) of section 724(d)(3) by striking "Subparagraph" and inserting "Subparagraph".

(65) The last sentence of paragraph (2) of section 42(c) is amended by striking "of 1988".

(66) Paragraph (1) of section 9707(d) is amended by striking "diligence," and inserting "diligence".

(67) Subsection (c) of section 4977 is amended by striking "section 132(g)(2)" and inserting "section 132(h)".

(68) The last sentence of section 401(a)(20) is amended by striking "section 211" and inserting "section 521".

(69) Subparagraph (A) of section 402(g)(3) is amended by striking "subsection (a)(8)" and inserting "subsection (e)(3)".

(70) The last sentence of section 403(b)(10) is amended by striking "an direct" and inserting "a direct".

(71) Subparagraph (A) of section 4973(b)(1) is amended by striking "sections 402(c)" and inserting "section 402(c)".

(72) Paragraph (12) of section 3405(e) is amended by striking "(b)(3)" and inserting "(b)(2)".

(73) Paragraph (41) of section 521(b) of the Unemployment Compensation Amendments of 1992 shall be applied as if "section" appeared instead of "sections" in the material proposed to be stricken.

(74) Paragraph (27) of section 521(b) of the Unemployment Compensation Amendments of 1992 shall be applied as if "Section 691(c)(5)" appeared instead of "Section 691(c)".

(75) Paragraph (5) of section 860F(a) is amended by striking "paragraph (1)" and inserting "paragraph (2)".

Subtitle B—Income Security and Human Resource Amendments

PART I—AMENDMENTS RELATING TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

SEC. 1011. TECHNICAL CORRECTIONS RELATED TO OASDI IN THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5103(b) RELATING TO DISABLED WIDOWS.—Section 223(f)(2) of the Social Security Act (42 U.S.C. 423(f)(2)) is amended—

(1) in subparagraph (A), by striking "(in a case to which clause (ii)(II) does not apply)"; and

(2) by striking subparagraph (B)(ii) and inserting the following:

"(ii) the individual is now able to engage in substantial gainful activity; or".

(b) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5105(d) RELATING TO REPRESENTATIVE PAYEES.—Section 5105(d)(1)(A) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended—

(1) by striking "Section 205(j)(5)" and inserting "Section 205(j)(6)"; and

(2) by redesignating the paragraph (5) as amended thereby as paragraph (6).

(c) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5106 RELATING TO COORDINATION OF RULES UNDER TITLES II AND XVI GOVERNING FEES FOR REPRESENTATIVES OF CLAIMANTS WITH ENTITLEMENTS UNDER BOTH TITLES.—

(1) CALCULATION OF FEE OF CLAIMANT'S REPRESENTATIVE BASED ON AMOUNT OF PAST-DUE SUPPLEMENTAL SECURITY INCOME BENEFITS AFTER APPLICATION OF WINDFALL OFFSET PROVISION.—Section 1631(d)(2)(A)(i) of the Social Security Act (as amended by section 5106(a)(2) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1383(d)(2)(A)(i)) is amended to read as follows:

"(i) by substituting, in subparagraphs (A)(ii)(I) and (C)(i), the phrase '(as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a))' for the parenthetical phrase contained therein; and".

(2) CALCULATION OF PAST-DUE BENEFITS FOR PURPOSES OF DETERMINING ATTORNEY FEES IN JUDICIAL PROCEEDINGS.—

(A) IN GENERAL.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(i) by inserting "(A)" after "(b)(1)"; and

(ii) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph—

"(i) the term 'past-due benefits' excludes any benefits with respect to which payment has been continued pursuant to subsection (g) or (h) of section 223, and

"(ii) amounts of past-due benefits shall be taken into account to the extent provided under the rules applicable in cases before the Secretary.".

(B) PROTECTION FROM OFFSETTING SSI BENEFITS.—The last sentence of section 1127(a) of such Act (as added by section 5106(b) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1320a-6(a)) is amended by striking "section 206(a)(4)" and inserting "subsection (a)(4) or (b) of section 206".

(3) APPLICATION OF SINGLE DOLLAR AMOUNT CEILING TO CONCURRENT CLAIMS UNDER TITLES II AND XVI.—

(A) IN GENERAL.—Section 206(a)(2) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(2)) is amended—

(i) by redesignating subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following new subparagraph:

"(C) In any case involving—

"(i) an agreement described in subparagraph (A) with any person relating to both a claim of entitlement to past-due benefits under this title and a claim of entitlement to past-due benefits under title XVI, and

"(ii) a favorable determination made by the Secretary with respect to both such claims,

the Secretary may approve such agreement only if the total fee or fees specified in such agreement does not exceed, in the aggregate, the dollar amount in effect under subparagraph (A)(ii)(II).".

(B) CONFORMING AMENDMENT.—Section 206(a)(3)(A) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(3)(A)) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(D)".

(d) AMENDMENT RELATED TO PROVISIONS IN SECTION 5115 RELATING TO ADVANCE TAX TRANSFERS.—Section 201(a) of the Social Security Act (42 U.S.C. 401(a)) is amended in the last sentence by striking "and" the second place it appears.

(e) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if included in the provisions of the Omnibus Budget Reconciliation Act of 1990 to which such amendment relates.

SEC. 1012. ELIMINATION OF ROUNDING DISTORTION IN THE CALCULATION OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE CONTRIBUTION AND BENEFIT BASE AND THE EARNINGS TEST EXEMPT AMOUNTS.

(a) ADJUSTMENT OF OASDI CONTRIBUTION AND BENEFIT BASE.—

(1) IN GENERAL.—Section 230(b) of the Social Security Act (42 U.S.C. 430(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) $60,600, and

"(2) the ratio of (A) the deemed average total wages (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subsection (a) is made to (B) the deemed average total wages (as so defined) for 1992,".

(2) CONFORMING AMENDMENT RELATING TO APPLICABLE PRIOR LAW.—Section 230(d) of such Act (42 U.S.C. 430(d)) is amended by striking "(except that" and all that follows through the end and inserting "(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection (b) shall be deemed a reference to an amount equal to $45,000, each reference in paragraph (2) of such subsection (b) to the average of the wages of all employees as reported to the Secretary of the Treasury shall be deemed a reference to the deemed average total wages (as defined in section 209(k)(1)), the reference to a preceding calendar year in paragraph (2)(A) of such subsection (b) shall be deemed a reference to the calendar year before the calendar year in which the determination under subsection (a) of such section 230 is made, and the reference to a calendar year in paragraph (2)(B) of such subsection (b) shall be deemed a reference to 1992).".

(3) ADJUSTMENT OF CONTRIBUTION AND BENEFIT BASE APPLICABLE IN DETERMINING YEARS OF COVERAGE FOR PURPOSES OF SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT.—Section 215(a)(1)(C)(ii) of such Act is amended by striking "(except that" and all that follows through the end and inserting "(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection (b) shall be deemed a reference to an amount equal to $45,000, each reference in paragraph (2) of such subsection (b) to the average of the wages of all employees as reported to the Secretary of the Treasury shall be deemed a reference to the deemed average total wages (as defined in section 209(k)(1)), the reference to a preceding calendar year in paragraph (2)(A) of such subsection (b) shall be deemed a reference to the calendar year before the calendar year in which the determination under subsection (a) of such section 230 is made, and the reference to a calendar year in paragraph (2)(B) of such subsection (b) shall be deemed a reference to 1992).".

(b) ADJUSTMENT OF EARNINGS TEST EXEMPT AMOUNT.—Section 203(f)(8)(B)(ii) of the Social Security Act (42 U.S.C. 403(f)(8)(B)(ii)) is amended to read as follows:

"(ii) the product of the corresponding exempt amount which is in effect with respect to months in the taxable year ending after 1993 and before 1995, and the ratio of—

"(I) the deemed average total wages (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subparagraph (A) is made, to

"(II) the deemed average total wages (as so defined) for 1992,

with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case.".

(c) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall be effective with respect to the determination of the contribution and benefit base for years after 1994.

(2) The amendment made by subsection (b) shall be effective with respect to the determination of the exempt amounts applicable to any taxable year ending after 1994.

PART II—HUMAN RESOURCES PROVISIONS

SEC. 1016. CORRECTIONS RELATED TO THE INCOME SECURITY AND HUMAN RESOURCES PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 5035(a)(2).—Section 5035(a)(2) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking "a semicolon" and inserting " '; and' ".

(b) REPEAL OF PROVISION INADVERTENTLY INCLUDED.—Section 5057 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), and the amendment made by such section, are hereby repealed, and section 1139(d) of the Social Security Act shall be applied and administered as if such section 5057 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 5105(d)(1)(B).—Section 5105(d)(1)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-266) is amended to read as follows:

"(B) TITLE XVI.—Section 1631(a)(2)(F) (42 U.S.C. 1383(a)(2)(F)), as so redesignated by subsection (c)(2) of this section, is amended to read as follows:

"'(F) The Secretary shall include as a part of the annual report required under section 704 information with respect to the implementation of the preceding provisions of this paragraph, including—

"'(i) the number of cases in which the representative payee was changed;

"'(ii) the number of cases discovered where there has been a misuse of funds;

"'(iii) how any such cases were dealt with by the Secretary;

"'(iv) the final disposition of such cases (including any criminal penalties imposed); and

"'(v) such other information as the Secretary determines to be appropriate.'."

(d) AMENDMENT RELATED TO SECTION 5105(a)(1)(B).—The second paragraph of section 1631(a) of the Social Security Act (42 U.S.C. 1383(a)) is amended by striking "(A)(i) Payments" and inserting "(2)(A)(i) Payments".

(e) AMENDMENTS RELATED TO SECTION 5105(b).—Section 1631(a)(2)(C) of the Social Security Act (42 U.S.C. 1383(a)(2)(C)) is amended—

(1) by striking clause (ii);

(2) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively; and

(3) in clause (iv) (as so redesignated), by striking "(iii), and (iv)" and inserting "and (iii)".

(f) AMENDMENTS RELATED TO SECTION 5107(a)(2)(B).—Section 1631(c)(1)(B) of the Social Security Act (42 U.S.C. 1383(c)(1)(B)) is amended by striking "paragraph (1)" each place such term appears and inserting "subparagraph (A)".

(g) AMENDMENT RELATED TO SECTION 5109(a)(2).—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by redesignating the subsection (n) added by section 5109(a)(2) of the Omnibus Budget Reconciliation Act of 1990, as subsection (o).

(h) AMENDMENTS RELATED TO SECTION 11115(b)(2).—Section 11115(b)(2) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended—

(1) in subparagraph (A), by striking "paragraph (8)" and inserting "paragraph (9)";

(2) in subparagraph (B), by striking "paragraph (9)" and inserting "paragraph (10)"; and

(3) in subparagraph (C), by redesignating the new paragraph added thereby as paragraph (11).

(i) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if included in the provision of the Omnibus Budget Reconciliation Act of 1990 to which the amendment relates at the time such provision became law.

SEC. 1017. TECHNICAL CORRECTIONS RELATED TO THE HUMAN RESOURCE AND INCOME SECURITY PROVISIONS OF OMNIBUS BUDGET RECONCILIATION ACT OF 1989.

(a) AMENDMENT RELATING TO SECTION 8004(a).—Section 408(m)(2)(A) of the Social Security Act (42 U.S.C. 608(m)(2)(A)) is amended by striking "a fiscal" and inserting "the fiscal".

(b) AMENDMENT RELATING TO SECTION 8006(a).—Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(B)" and inserting "474(a)(3)(C)".

(c) AMENDMENT RELATING TO SECTION 8007(b)(3).—Subparagraph (D) of section 475(5) of such Act (42 U.S.C. 675(5)(D)) is amended by moving such subparagraph 2 ems to the right so that the left margin of such subparagraph is aligned with the left margin of subparagraph (C) of such section.

(d) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if the amendment had been included in the provision of the Omnibus Budget Reconciliation Act of 1989 to which the amendment relates, at the time the provision became law.

SEC. 1018. ELIMINATION OF OBSOLETE PROVISIONS RELATING TO TREATMENT OF THE EARNED INCOME TAX CREDIT.

(a) TREATMENT OF EITC AS EARNED INCOME.—Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382a(a)(1)) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(b) ADJUSTMENT OF BENEFITS DUE TO TREATMENT OF EITC AS EARNED INCOME.—Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 1019. REDESIGNATION OF CERTAIN PROVISIONS.

Section 1631(e)(6) of the Social Security Act (42 U.S.C. 1383(e)(6)) is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively.

Subtitle C—Tariff and Customs

SEC. 1021. TECHNICAL AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) IN GENERAL.—The Harmonized Tariff Schedule of the United States is amended as follows:

(1) TAPESTRY AND UPHOLSTERY FABRICS.—The article description for subheading 5112.19.20 is amended by striking "of a weight exceeding 300 g/m^2".

(2) GLOVES.—

(A) Chapter 61 is amended by redesignating subheading 6116.10.45 as subheading 6116.10.48.

(B) Chapter 62 is amended by striking the superior text "Other:" that appears between subheadings 6216.00.46 and 6216.00.52.

(3) AGGLOMERATE STONE FLOOR AND WALL TILES.—The article description for subheading 6810.19.12 is amended to read as follows: "Of stone agglomerated with binders other than cement".

(4) 2,4-DIAMINOBENZENESULFONIC ACID.—The article description for heading 9902.30.43 is amended by striking "2921.51.50" and inserting "2921.59.50".

(5) MACHINES USED IN THE MANUFACTURE OF BICYCLE PARTS.—The article description for heading 9902.84.79 is amended by striking "8479.89.90" and inserting "8462.49.00, 8479.89.90 or 9031.80.00".

(6) COPYING MACHINES AND PARTS.—The article description for heading 9902.90.90 is amended by inserting "or 8473.40.40" after "8472.90.80".

(b) STAGED RATE REDUCTIONS FOR GLOVES.—Any staged reduction of a special rate of duty set forth in subheading 6116.10.45 of such Schedule that takes effect on or after October 1, 1990, by reason of section 10011(a)(2) of the Omnibus Budget Reconciliation Act of 1990 shall apply to the corresponding rate of duty in subheading 6116.10.48 (as redesignated by subsection (a)(2)(A)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry—

(i) that was made after the applicable date and before the 15th day after such date of enactment; and

(ii) with respect to which there would have been a lesser or no duty if any amendment made by subsection (a) applied to such entry;

shall be liquidated or reliquidated as though such amendment applied to such entry.

(B) For purposes of this subsection, the term "applicable date" means—

(i) if such amendment is made by subsection (a)(3) or (a)(6), December 31, 1988; and

(ii) if such amendment is made by subsection (a)(1), (a)(2), (a)(4), (a)(5), September 30, 1990.

SEC. 1022. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—

(1) by striking "and" at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting "; and"; and

(3) by inserting after clause (v) the following new clause:

"(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the entry was not liquidated before such 15th day.

(c) APPLICATION OF FEES TO CERTAIN AGRICULTURAL PRODUCTS.—The amendment made by section 111(b)(2)(D)(iv) of the Customs and Trade Act of 1990 shall apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the entry was not liquidated, *or if the liquidation has not become final,* before such 15th day.

SEC. 1023. TECHNICAL AMENDMENTS TO THE OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988.

(a) IN GENERAL.—Paragraph (2) of section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "the date of enactment of this Act" and inserting "January 1, 1989"; and

(B) by striking "such date of enactment" and inserting "January 1, 1989"; and

(2) in subparagraph (B), by striking "such date of enactment" and inserting "January 1, 1989".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 1989.

(c) CONSTRUCTION.—For purposes of applying the amendments made by subsection (a), the column 1-general rate of duty established by any amendment to the Harmonized Tariff Schedule of the United States that was enacted after January 1, 1989, shall, if—

(1) such amendment has, or is statutorily treated as having, an effective date of January 1, 1989; or

(2) application for liquidation or reliquidation at such rate with respect to entries made after December 31, 1988, and before the effective date of the amendment, is provided for;

be treated as the rate in effect on January 1, 1989.

SEC. 1024. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE ACT OF 1990.

Subsection (b) of section 484H of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) is amended by striking ", or withdrawn from warehouse for consumption," and inserting "for transportation in bond".

SEC. 1025. TECHNICAL AMENDMENTS REGARDING CERTAIN BENEFICIARY COUNTRIES.

(a) CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—Section 213(h)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(h)(1)) is amended by adding at the end thereof the following flush sentence:

"The duty reductions provided for under this paragraph shall not apply to textile and apparel articles which are subject to textile agreements."

(b) ANDEAN TRADE PREFERENCE ACT.—Section 204(c)(1) of the Andean Trade Preference Act (19 U.S.C. 3203(c)(1)) is amended by adding at the end thereof the following flush sentence:

"The duty reductions provided for under this paragraph shall not apply to textile and apparel articles which are subject to textile agreements."

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to—

(1) articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act, and

(2) articles entered after December 31, 1991, and before such 15th day, which are not liquidated before such 15th day.

SEC. 1026. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(1) by striking "centralized hub facility or" in clause (i); and

(2) in clause (ii)—

(A) by striking "facility—" and inserting "facility or centralized hub facility—",

(B) by striking "customs inspectional" in subclause (I), and

(C) by striking "at the facility" in subclause (I) and inserting "for the facility".

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

(1) by striking ", as in effect on July 30, 1990", and

(2) by adding at the end thereof the following new sentence: "Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).".

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking "section 236 of the Tariff and Trade Act of 1984" and inserting "section 236 of the Trade and Tariff Act of 1984".

SEC. 1027. CONFORMING AMENDMENT TO SECTION 337 OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—The second sentence of section 337(b)(3) of the Tariff Act of 1930 is amended by striking "section 303, 671, or 673" and inserting "section 303, 701, or 731".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 28, 1992.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3419, the Tax Simplification and Technical Corrections Act of 1993.

This bill is the culmination of over 4 years of legislative work, and simplifies over 100 different provisions of the tax law, including provisions relating to a wide variety of individual and corporate tax matters, pensions, mutual funds, international taxation, partnerships, and tax-exempt bonds.

In addition, it includes much-needed technical corrections to prior legislation, including the Budget Reconciliation Acts of 1990 and 1993, and other recently enacted legislation within the jurisdiction of the Committee on Ways and Means.

Passage of this bill is long overdue. Virtually all of the simplification provisions passed the House in the 102d Congress, and were included in H.R. 4210 and H.R. 11, the two major tax bills that were vetoed by President Bush. Similarly, most of the technical corrections have already been approved by this body, and were also included in H.R. 11.

The simplification provisions are the product of a major initiative to simplify the tax laws which I announced in February of 1990. I requested interested members of the public, tax professionals, government officials, and staff to develop tax simplification proposals that would make life easier for taxpayers, return preparers, tax administrators, and the courts, without undoing major policy objectives or increasing the deficit. In response, I received hundreds of proposals.

At my direction, these simplification proposals were thoroughly analyzed by the congressional tax-writing staffs in a bipartisan process with the cooperation of the Treasury Department and the Internal Revenue Service. In 1991 and again in 1993, I introduced bills reflecting their recommendations regarding these proposals. Subsequently, the Committee on Ways and Means and the Subcommittee on Select Revenue Measures held public hearings on these various bills.

Mr. Speaker, I want to assure my fellow Members and taxpayers that this bill is not intended or designed to make substantive changes in tax policy. Rather, the simplification provisions are intended to make the law work better, and the technical corrections are designed to correct drafting errors and inconsistencies with congressional intent. In sum, H.R. 3419 represents the responsible clean-up work that we are called upon to do as legislators.

Mr. Speaker, if this bill is approved today, it is my hope that the Senate will complete work on a similar package so that the technical corrections and simplification provisions may be enacted before the end of this Congress. However, I will stringently oppose any efforts to turn the bill into a Christmas tree decorated with special interest and Members amendments. Of course, I would not preclude consideration of amendments that are truly technical in nature, or further provisions constituting true simplification.

Moreover, if the Senate would like to consider alternative revenue-raising provisions to the four provisions included in this legislation, I would certainly consider such provisions in conference, provided they are reasonable in nature.

Further, because H.R. 3419 was reported by the committee in November 1993, I contemplate that various effective dates will have to be modified in conference to ensure that these revenue-raising provisions are prospective and that the bill remains revenue-neutral.

In the past I have stated that I do not expect this bill to be the final piece of tax simplification legislation.

Rather, this bill is an important first step in what for me is a continuing commitment to simplify the tax laws. Some have questioned whether there is any constituency for tax legislation that does not provide tax relief for specific industries or interest groups. I urge my colleagues to support this legislation as proof that there is a constituency for broad-based tax simplification and much-needed technical corrections.

Mr. Speaker, with respect to the revenue raising provisions in this legislation, it has come to my attention that certain tax-exempt organizations, including some pension funds and hospitals, have questioned aspects of the provision treating certain foreign corporation dividends and deemed income inclusions as unrelated business income. Let me reiterate that if the Senate amends the four revenue-raising provisions contained in H.R. 3419, and does so in a reasonable manner, then I will be willing to review such amendments in conference.

Also, Chairman DE LA GARZA of the House Committee on Agriculture, has brought to my attention that many farm organizations are concerned about a recent Technical Advice Memorandum [TAM] issued by the Internal Revenue Service. The TAM holds that dues paid by associate members of State farm organizations constitute unrelated taxable income to the farm organization if the associate members receive benefits such as insurance from membership and do not enjoy voting and office-holding rights equal to regular farm organization members. I plan to ask the Secretary of the Treasury for a prompt analysis of the impact of the TAM on farm organizations, as well as the basis for changing what I understand to be longstanding IRS practice in this area. In addition, I would hope that the committee could review this issue at the earliest appropriate opportunity.

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Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3419, the Tax Simplification and Technical Corrections Act of 1993.

This bill is the product of a bipartisan initiative by members of the Ways and Means Committee to simplify provisions in the Tax Code. These simplification measures are fairly modest, and enacting them will not magically erase the overwhelming complexity in the Tax Code. Still, these small simplifications will make life around tax time a little easier for many taxpayers.

Chairman ROSTENKOWSKI has already described many of the provisions in this bill, so I won't go into a lot of detail. But, here are some of the taxpayers who would be helped by these simplification measures: investors in large partnerships who get intricate and almost unfathomable Schedules K-1 on April 15, preventing them from filing their tax return on time; individuals who would otherwise have to file complicated tax forms due to a small amount of passive losses or foreign tax credit; small businesses that operate as an S corporation; large businesses with international operations; people receiving pensions or expecting one day to receive one; and many others.

These provisions should result in a little more convenience, a little less paperwork or recordkeeping, and a little less legal or accounting fees.

The bill also corrects earlier technical drafting errors in prior tax, social security, human resources, and trade legislation.

H.R. 3419 contains four explicit financing provisions which raise a total of approximately $467 million over 5 years, the amount necessary to offset the tax simplification provisions. None of the offsets have generated opposition to the bill's passage in the House. To the extent that opposition develops to any of these financing provisions, I will do my utmost in conference to modify the controversial provision or to substitute a noncontroversial alternative.

Since H.R. 3419 was reported out of committee in 1993, many of the then-prospective effective dates have become retroactive, typically dating back to January 1, 1994. In his statement, Chairman ROSTENKOWSKI expressed his intent in conference to make all effective dates prospective, consistent with the bill as reported by the committee.

I want to state my own intent to make sure that the effective dates in the final legislation—particularly the financing provisions—are prospective. I will not support any final legislation if it contains what I considerable to be retroactive tax increases.

Mr. Speaker, this bill should not be reviewed as controversial. It is revenue-neutral. Most of its provisions have passed Congress twice, and many of the technical corrections have passed this House three times. I urge the adoption of H.R. 3419.

Mr. LANTOS. Mr. Speaker, I rise today in support of H.R. 3419, the Tax Simplification and Technical Corrections Act of 1993, which will simplify many tax provisions regarding individuals, pensions, partnerships, international operations of U.S. corporations, tax-exempt bonds, estates and gift taxes and will clarify tax-related provisions in the 1990 and 1993 deficit reduction laws. I support this bill with reservation, however, because it does not include changes to the foreign sales corporation [FSC] rules.

Mr. Speaker, I think we would all agree that tax simplification should, among other things, simplify the task of business and create economic incentives to create jobs. This bill is a good step in that direction. Unfortunately, this bill does not address the simplification of the foreign sales corporation [FSC] regulations which have singled out software for discriminatory treatment. And, as a result, the software industry, employing more than 65,000 Californians, will not see the benefits of tax simplification.

Over the past several months more than 100 Members of Congress, including 35 members of the California congressional delegation, have written Treasury Secretary Lloyd Bentsen expressing concern with the Treasury Department's temporary and proposed foreign sales corporation [FSC] regulations that deny exports of software accompanied by a right to reproduce the software from qualifying for the same tax benefits available to other U.S. exports. I would like to submit for the record a copy of the correspondence with Secretary Bentsen on this issue.

Congress enacted the FSC rules to assist U.S. exporters in competing with products made in other countries that have more favorable rules for taxing imports. However, due to a narrow IRS interpretation of the FSC rules, the export of computer software which is accompanied by the right to reproduce the software is barred from receiving this export incentive. The ability to license software, accompanied by the right to reproduce, is essential to the way the software industry does business. Denying FSC benefits to software sold through these and other distribution networks poses an impediment to the competitiveness of U.S. manufactured software.

Mr. Speaker, I was disappointed to learn last week that the Treasury Department decided not to change its regulation, although they have the statutory authority to do so. While it was not possible under House rules to include these changes in the House version of the tax simplification bill, it is my hope that when the Senate takes up its version that they will decide to add this measure and that the House will accept this addition in conference. In the meantime, I have written to Secretary Bentsen to urge him to reconsider his decision not to revise the temporary and proposed FSC regulations to eliminate their discriminatory treatment of software. It is my fervent hope that the Treasury Department will still amend these regulations to include software rather than forcing us to legislate this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 1994.

Hon. LLOYD BENTSEN,
Secretary, U.S. Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: As Members of the California Congressional Delegation, we urge you to reexamine and revise the temporary and proposed Foreign Sales Corporation (FSC) Treasury regulations which unfairly restrict export benefits for the software industry.

California's economic climate has seen better days. We are very interested in improving these conditions by encouraging business expansion through private sector contributions to revitalize our state's economy. As you may be aware, the software industry represents a growing and dynamic economic force throughout California and our nation. American software products are highly sought after throughout the world and we want to continue American primacy in this major export.

The United States is currently the world leader in software development, employing approximately 400,000 people in highly skilled software development and servicing jobs. Currently, the largest percentage of independent software companies are headquartered in California, employing more than 65,000 Californians in software development. Future expansion of the industry and additional California jobs will arise as a direct result of the growth in software exports.

The software industry needs FSC benefits to remain competitive. Furthermore, FSC benefits encourage small and medium-sized software companies to enter the export market. If their exports are not given FSC benefits, we are concerned that high-paying software development jobs will leave California and begin moving to other countries. With California mired in a recession, we urge the Treasury Department to amend its regulation to help the California software industry grow, rather than retaining the current regulations that could lead to a contraction of the industry.

We request your prompt review of these provisions and a timely determination of whether FSC benefits can be applied to the software industry. Supporting the Delegation's views are many Members of the House Ways and Means Committee, including Chairman Rostenkowski, who have requested your review, finding merit in the positions expressed by software manufacturers, many of whom are headquartered in California.

Congress enacted the FSC rules to assist U.S. exporters in competing with products made in other countries that have more favorable rules for taxing imports. However, due to a narrow IRS interpretation of the FSC rules, the export of computer software which is accompanied by the right to reproduce the software is barred from receiving this export incentive. The ability to license software, accompanied by the right to reproduce, is essential to the way the software industry does business. Examples include: the ability to sell products to foreign equipment manufacturers who load the software into their computers and market the combined product for sale in the local country; and the ability to translate the software into the local language and then reproduce it for sale in that country.

Denying FSC benefits to software sold through these and other distribution networks poses an impediment to the competitiveness of U.S. manufactured software. And Congress intended to remove this impediment from U.S. manufactured goods through the enactment of FSC provisions.

The Treasury Department's temporary and proposed regulations have been pending since 1987. Although we believe that the problem created for software exports can be most easily cured by amending the regulations, we are concerned that the Treasury Department has taken no action to finalize the regulation for over six years. We are therefore, requesting the Treasury Department to promptly review the temporary and proposed regulations that deny FSC benefits to exports of software and to issue new regulations which ensure that all software exports are eligible for this benefit.

Thank you for your consideration of this matter.

Sincerely,

Senator Dianne Feinstein, Congressman Tom Lantos, Congressman Don Edwards, Congressman Robert Matsui, Congressman Howard Berman, Congressman George Miller, Congressman Ron Packard, Congressman Vic Fazio, Congresswoman Nancy Pelosi, Congressman Al McCandless, Congressman Walter Tucker, Congressman John Doolittle, Congresswoman Anna Eshoo, Congressman Richard Lehman, Congressman Stephen Horn, Congresswoman Jane Harman, Congressman Ken Calvert, Congressman Carlos Moorhead, Senator Barbara Boxer, Congressman Wally Herger, Congressman Jerry Lewis, Congressman Julian Dixon, Congressman George Brown, Congressman Matthew Martinez, Congressman Ronald Dellums, Congressman David Dreier, Congressman Esteban Torres, Congressman Norman Mineta, Congressman Randy "Duke" Cunningham, Congressman Bill Baker, Congressman Richard Pombo, Congressman Sam Farr, Congresswoman Lynn Schenk, Congressman Robert Dornan, Congressman Elton Gallegly, Congressman Dan Hamburg.

DEPARTMENT OF THE TREASURY,
Washington, DC, May 6, 1994.

Hon. TOM LANTOS,
U.S. House of Representatives,
Washington, DC.

DEAR TOM: Thank you for your letter concerning the tax treatment of software licensing income earned by Foreign Sales Corporations (FSCs). Many members of the House and Senate have written to request that the Treasury revise its 1987 regulations to administratively extend FSC benefits to the license of software with the right of reproduction.

We have carefully considered the arguments made in support of this request and have concluded not to alter the regulations when they are finalized to extend FSC benefits to software licenses. There is no evidence that the Congress intended to provide FSC benefits to software licensed abroad. Indeed, what guidance exists in the legislative history of the enactment of the FSC rules in 1984 suggests that the FSC rules should parallel the DISC regulations they replaced. Accordingly, the 1987 temporary regulations with respect to software duplicated the interpretation in the DISC regulations.

Moreover, an administrative extension of the FSC benefits to software licensed with a right to reproduction would seem to run counter to the apparent purpose of the FSC rules, which limit tax benefits to the export of products "manufactured, produced, grown, or extracted in the United States." If FSC benefits were so extended, then some part of the processing of software products for sale in foreign markets that is now performed in the United States can be expected to be performed abroad. While a similar point might be made about licenses of films, records, and tapes, the decision to make an exception for those licenses was a legislative one. It would seem appropriate that a decision to expand the scope of the FSC rules to a new category as significant as software licenses (whether or not further processing is conducted by a related party) similarly should be a legislative decision.

The Treasury does not oppose a legislative proposal to extend FSC benefits to software licensed with a right of reproduction, assuming appropriate offsetting revenue measures can be identified. The differences between the license of films, tapes and records and the license of software are not great, and as the technology develops, the demarcation grows increasingly less distinct.

Thank you for your interest.

Sincerely,

LLOYD BENTSEN,
Secretary of the Treasury.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 1994.

Hon. LLOYD BENTSEN,
Secretary, U.S. Department of the Treasury,
Washington, DC.

DEAR MR. SECRETARY: I am writing in response to your May 6 letter regarding the application of the Foreign Sales Corporation (FSC) rules to software. I would like to specifically address some of the points raised in your letter and to once again urge you to reconsider your decision not to revise the temporary and proposed FSC regulations to eliminate their discriminatory treatment of software.

First, your letter states that the 1987 temoprary regulations with respect to software duplicated the interpretation in the DISC regulations, which they replaced. It is my understanding that the DISC regulations were silent as to software.

Second, your letter states that the decision to provide FSC benefits to the license of films, records, and tapes was a legislative one, and hence, the decision to expand it to the software industry should also be a legislative decision. But the statute provides FSC benefits to licenses of "films, records, tapes, and other similar property." Since there is little or no difference between the license of films, tapes and records and the license of software, I do not understand the decision not to change the temporary and proposed regulations, especially since your letter states that "the differences between the license of films, tapes and records and the license of software are not great and as the technology develops, the demarcation grows increasingly less distinct." Clearly, the legislative intent was not to limit the benefits to certain subject matter. I'm sure that you are aware that there are other cases in which the Treasury Department has specifically expanded the application of its regulations to industries that were not specifically mentioned in the statute.

Third, and most importantly, your letter states that if FSC benefits are extended to software licenses with a right of reproduction then "some part of the processing of software products for sale in foreign markets that is now performed in the United States can be expected to be performed abroad." As a member of Congress representing a congressional district that relies on software industry jobs, I can assure you that I would not be seeking a change in the FSC regulation if I believed it would result in a net job loss. Many software companies are already seriously considering or have started to move jobs overseas and I am fighting to keep those jobs in the US and in my district. The FSC benefits I seek for software would in fact provide incentive for software companies that currently develop their products overseas to move software development back to the United States.

I respectfully request that you review your decision not to eliminate the discrimination against software companies contained in the 1987 temporary and proposed regulation. I believe the 1987 regulations demonstrated a lack of understanding of the development and manufacturing of software. I am certain that this Administration is more enlightened, not only about software technology, but also about job creation. The issue of where software is developed in the future is very real for me and many of my colleagues from California.

Thank you for your consideration of this important issue.

Cordially,

TOM LANTOS,
Member of Congress.

Mr. RUSH. Mr. Speaker, I rise today to support H.R. 3419, the Tax Simplification and Technical Corrections Act. I salute Chairman ROSTENKOWSKI for this legislation, as it is yet another in the long line of bills which demonstrate the chairman's dedication to improving and simplifying our Nation's Tax Code. During his tenure with the House Ways and Means Committee, the chairman has worked tirelessly to improve and refine the code on behalf of the American people. I appreciate his willingness to work with me on a particular aspect of this bill, and I look forward to like cooperative efforts for many years to come.

This is an important simplification bill, and one of the reasons that this is true is that it contains a piece of legislation that I introduced last year, the Public Pension Simplification

Act. This bill, which was my first legislative effort as a Member of Congress, has 24 House cosponsors of both political parties. The intention of this provision is to secure the promised pension benefits of many loyal hard-working public employees across the country as well as in the State of Illinois, and in particular the city of Chicago, including the police officers, firefighters, and teachers of that great city.

The Public Pension Simplification Act contains several provisions that will enable all participants and their spouses or beneficiaries to receive the pension benefits they have been promised by their governmental employers in exchange for many years of dedicated, self-sacrificing service. Many of my colleagues and I know some of these individuals personally, through the police services that are delivered to our neighborhoods, the firefighters who respond with great speed and efficiency, the teachers who produce undeniable results so visible in the education of our sons, daughters, and grandchildren, and the many other services provided to us and our communities daily.

Our close contact with many of these individuals gives us firsthand knowledge of the stressful conditions under which many of them are required to work, as well as the level of excellence and scrutiny to which they are continuously held by the general public. Yet day after day, year after year, many of these employees continue to deliver to their communities, and to your families, their dedicated services. Mr. Speaker, providing a more secure retirement for these selfless workers is the goal of the legislation I am supporting today.

The provision will provide the following benefits for all State and local government pension plans:

First, exempt the benefits accrued or paid under the plans from the 100 percent of compensation limitation in section 415 of the Internal Revenue Code;

Second, permit the use of the definition of compensation, for purposes of the section 415 limitations, which include certain amounts employees elect to contribute under other benefits plans;

Third, exempt survivor and disability benefits from the section 415 limitation; and

Fourth, permit the use of excess benefit plans as allowed in the private sector.

Mr. Speaker, I believe that these simplification proposals are essential to the smooth management of qualified pension plans offered by State and local governments to their employees. As many of my colleagues are aware, many State and local government plans are subject to two sets of rules, which at times can produce conflicting and harsh results for both the plan sponsors and the participants in the plans.

At the Federal level, all State and local plans must meet certain qualifying requirements to receive and maintain qualified status. At the State level, many State and local government employers are constitutionally prohibited from making any reduction in the participants' promised benefits, as could be required under the Federal qualifying requirements. These two conflicting sets of rules sometimes result in the sponsors of these plans being placed in the very difficult situation of making an unrealistic choice of either:

First, reducing the promised benefit as required by the qualifying requirement and becoming exposed to possible legal suits by the plan participants; or

Second, complying with the State constitutional limitation and being exposed to plan disqualification by the IRS. Such actions might result in detrimental financial consequences to every employee who participates in the plan.

This provision is intended to enable State and local governments to provide pension benefits to their employees within both the Federal and State rules without encountering unintended conflict.

Mr. Speaker, this provision could provide added security for the pension benefits of approximately 17,000 firefighters, spouses, and beneficiaries, and approximately 32,000 police officers, spouses, and beneficiaries from the city of Chicago and surrounding areas. In addition, the promised pension benefits of approximately 486,000 public employees of the State of Illinois will be given an extra measure of security not currently present.

I am proud of this provision and I remain committed to providing an added element of certainty regarding the retirement benefits of so many of our State and local employees, their spouses, and beneficiaries. I would respectfully ask for my colleagues' support of H.R. 3419.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of H.R. 3419, the Tax Simplification and Technical Corrections Act. I am pleased that we finally have this bill before us today.

Despite our best efforts, we do make mistakes in drafting legislation. This bill corrects errors we have made in the past , as well as conforms various provisions in recently enacted tax and other legislation within the jurisdiction of the Committee on Ways and Means. These errors can have unintended consequences, and it is important that we show the American people that Congress can fix problems of this nature without getting bogged down in the politics.

This bill also contains a number of simplification provisions. I would like to focus on one in particular—the elimination of the special vesting rule for multi-employer pension plans. In 1986, I worked with Chairman ROSTENKOWSKI and we were able to reduce the vesting period—the minimum period an employee must work before becoming eligible for a pension—from 10 years to 5 years for most workers in America. However, multi-employer plans retained 10-year vesting.

This is something I have been working to change since 1986. It simply doesn't make sense that an employee enrolled in a multi-employer plan has to work twice as long in order to be entitled to a pension. It is about time we leveled the playing field. This provision has passed the House on several occasions only to die as larger tax vehicles were vetoed.

I urge my colleagues to support this important provision and the bill.

Mr. ARCHER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 3419, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4277) to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program, as amended.

The Clerk read as follows:

H.R. 4277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Administrative Reform Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Declaration of purposes.
TITLE I—ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY
Sec. 101. Establishment of the Social Security Administration as a separate, independent agency; responsibilities of the agency.
Sec. 102. Social Security Board, executive director, deputy director, beneficiary ombudsman; other officers.
Sec. 103. Personnel; budgetary matters; seal of office.
Sec. 104. Transfers to the new Social Security Administration.
Sec. 105. Transitional rules.
Sec. 106. Conforming amendments to Titles II and XVI of the Social Security Act.
Sec. 107. Other conforming amendments.
Sec. 108. Rules of construction.
Sec. 109. Effective dates.
TITLE II—IMPROVEMENTS TO THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM
Sec. 201. Restrictions on payment of benefits based on disability to substance abusers.
Sec. 202. Issuance of physical documents in the form of bonds, notes, or certificates to the social security trust funds.
Sec. 203. Explicit requirements for maintenance of telephone access to local offices of the Social Security Administration.
Sec. 204. Expansion of State option to exclude service of election officials or election workers from coverage.
Sec. 205. Use of social security numbers by States and local governments and Federal district courts for jury selection purposes.

Sec. 206. Authorization for all States to extend coverage to State and local policemen and firemen under existing coverage agreements.
Sec. 207. Limited exemption for Canadian ministers from certain self-employment tax liability.
Sec. 208. Exclusion of totalization benefits from the application of the windfall elimination provision.
Sec. 209. Exclusion of military reservists from application of the government pension offset and windfall elimination provisions.
Sec. 210. Repeal of the facility-of-payment provision.
Sec. 211. Maximum family benefits in guarantee cases.
Sec. 212. Authorization for disclosure by the Secretary of Health and Human Services of information for purposes of public or private epidemiological and similar research.
Sec. 213. Misuse of symbols, emblems, or names in reference to social security programs and agencies.
Sec. 214. Increased penalties for unauthorized disclosure of social security information.
Sec. 215. Increase in authorized period for extension of time to file annual earnings report.
Sec. 216. Extension of disability insurance program demonstration project authority.
Sec. 217. Cross-matching of social security account number information and employer identification number information maintained by the Department of Agriculture.
Sec. 218. Certain transfers to railroad retirement account made permanent.
Sec. 219. Authorization for use of social security account numbers by department of labor in administration of Federal workers' compensation laws.
Sec. 220. Coverage under FICA of Federal employees transferred temporarily to international organizations.
Sec. 221. Extension of the FICA tax exemption and certain tax rules to individuals who enter the United States under a visa issued under section 101 of the Immigration and Nationality Act.
Sec. 222. Study of rising costs of disability insurance benefits.
Sec. 223. Commission on childhood disability.
Sec. 224. Disregard deemed income and resources of ineligible spouse in determining continued eligibility under section 1619(b).
Sec. 225. Plans for achieving self-support not disapproved within 60 days to be deemed approved.
Sec. 226. Temporary authority to approve a limited number of plans for achieving self-support that include housing goals.
Sec. 227. Regulations regarding completion of plans for achieving self-support.
Sec. 228. Treatment of certain grant, scholarship, or fellowship income as earned income for SSI purposes.
Sec. 229. SSI eligibility for students temporarily abroad.
Sec. 230. Disregard of cost-of-living increases for continued eligibility for work incentives.
Sec. 231. Expansion of the authority of the Social Security Administration to prevent, detect, and terminate fraudulent claims for SSI benefits.
Sec. 232. Disability review required for SSI recipients who are 18 years of age.
Sec. 233. Continuing disability reviews.
Sec. 234. Technical and clerical amendments.

SEC. 2. DECLARATION OF PURPOSES.

The purposes of this Act are as follows:

(1) To establish the Social Security Administration as an independent agency, separate from the Department of Health and Human Services.

(2) To charge the Social Security Administration with administration of the old-age, survivors, and disability insurance program and supplemental security income program.

(3) To establish a Social Security board as head of the Social Security Administration and define the powers and duties of such Board.

(4) To establish an Executive Director of the Administration and define the powers and duties of the Executive Director.

(5) To provide for delegating major authorities to the Board and the Executive Director.

(6) To make other improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

TITLE I—ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY

SEC. 101. ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS A SEPARATE, INDEPENDENT AGENCY; RESPONSIBILITIES OF THE AGENCY.

Section 701 of the Social Security Act (42 U.S.C. 901) is amended to read as follows:

"SOCIAL SECURITY ADMINISTRATION

"SEC. 701. There is hereby established, as an independent agency in the executive branch of the Government, a Social Security Administration. It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.".

SEC. 102. SOCIAL SECURITY BOARD, EXECUTIVE DIRECTOR, DEPUTY DIRECTOR, BENEFICIARY OMBUDSMAN; OTHER OFFICERS.

(a) IN GENERAL.—Section 702 of the Social Security Act (42 U.S.C. 902) is amended to read as follows:

"SOCIAL SECURITY BOARD; EXECUTIVE DIRECTOR; OTHER OFFICERS

"Social Security Board

"SEC. 702. (a)(1)(A) The Administration shall be governed by a Social Security Board. The Board shall be composed of three members appointed by the President, by and with the advice and consent of the Senate. The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

"(B)(i) Except as provided in clauses (ii) and (iii), members of the Board shall be appointed for terms of six years. A member of the Board may be removed only pursuant to a finding by the President of neglect of duty or malfeasance in office. The President shall transmit any such finding to the Speaker of the House of Representatives and the majority leader of the Senate not later than five days after the date on which such finding is made.

"(ii) Of the members first appointed—

"(I) one shall be appointed for a term of 2 years,

"(II) one shall be appointed for a term of 4 years, and

"(III) one shall be appointed for a term of 6 years,

as designated by the President at the time of appointment. Such members shall be appointed after active consideration of recommendations made by the chairman of the Committee on Ways and Means of the House of Representatives and of recommendations made by the chairman of the Committee on Finance of the Senate.

"(iii) The President may not nominate an individual for appointment to a term of office as member of the Board before the commencement of the President's term of office in which the member's term of office commences. Any member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term. A member may, at the request of the President, serve for not more than one year after the expiration of his or her term until his or her successor has taken office. A member of the Board may be appointed for additional terms.

"(C) Not more than two members of the Board shall be of the same political party.

"(D) A member of the Board may not, during his or her term as member, engage in any other business, vocation, profession, or employment. A member of the Board may continue as a member of the Board for not longer than the 30-day period beginning on the date such member first fails to meet the requirements of the preceding sentence.

"(E) Two members of the Board shall constitute a quorum, except that one member may hold hearings.

"(F) A member of the Board shall be designated by the President to serve as Chairperson of the Board for a term of 4 years.

"(G) The Board shall meet at the call of the Chairperson or two members of the Board.

"(2) Each member of the Board shall be compensated at the rate provided for level II of the Executive Schedule.

"(3) The Board shall—

"(A) govern by regulation the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI,

"(B) establish the Administration and oversee its efficient and effective operation,

"(C) establish policy and devise long-term plans to promote and maintain the effective implementation of programs referred to in subparagraph (A),

"(D) appoint an Executive Director of the Administration, as described in subsection (b), to act as the chief operating officer of the Administration responsible for administering the programs referred to in subparagraph (A),

"(E) constitute three of the members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, with the Chairperson of the Social Security Board serving as Chairperson of such Board of Trustees,

"(F) prepare an annual budget for the Administration, which shall be submitted by the President to the Congress without revision, together with the President's annual budget for the Administration,

"(G) study and make recommendations to the Congress and the President as to the most effective methods of providing economic security through social insurance, supplemental security income, and related programs and as to legislation and matters of administrative policy concerning the programs referred to in subparagraph (A),

"(H) provide the Congress and the President with the ongoing actuarial and other analysis undertaken by the Administration with respect to the programs referred to in subparagraph (A) and any other information relating to such programs, and

"(I) conduct policy analysis and research relating to the programs referred to in subparagraph (A).

"(4)(A) The Board may prescribe such rules and regulations as the Board determines nec-

essary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Board shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(B) The Board may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Board considers necessary or appropriate to carry out its functions, except that this subparagraph shall not apply with respect to any unit, component, or position provided for by this Act.

"(C) The Board may, with respect to the administration of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees as the Board may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Board.

"Executive Director

"(b)(1) There shall be in the Administration an Executive Director who shall be appointed by the Social Security Board.

"(2)(A) The Executive Director shall be appointed for a term of four years. An individual appointed to a term of office as Executive Director after the commencement of such term of office may serve under such appointment only for the remainder of such term. An individual may, at the request of the Chairperson of the Board, serve as Executive Director after the expiration of his or her term for not more than one year until his or her successor has taken office. An individual may be appointed as Executive Director for additional terms.

"(B) An individual may be removed from the office of Executive Director before completion of his or her term only for cause found by the Board.

"(3) The Executive Director shall be compensated at the rate provided for level II of the Executive Schedule.

"(4) The Executive Director shall—

"(A) constitute the chief operating officer of the Administration, responsible for administering, in accordance with applicable statutes and regulations, the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI,

"(B) maintain an efficient and effective operational structure for the Administration,

"(C) implement the long-term plans of the Board to promote and maintain the effective implementation of such programs,

"(D) report annually to the Board on program costs under titles II and XVI, make annual budgetary recommendations to the Board for the ongoing administrative costs of the Administration under this Act, and defend the recommendations before the Board,

"(E) advise the Board and the Congress on the effect on the administration of such programs of proposed legislative changes in such programs,

"(F) serve as Secretary of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,

"(G) report in December of each year to the Board for transmittal to the Congress concerning the administrative endeavors and accomplishments of the Administration, and

"(H) carry out such additional duties as are assigned by the Board from time to time.

Any reference to the Board in this Act or any other provision of law in connection with the exercise of a function of the Board which is delegated to the Executive Director pursuant to this section shall be considered a reference to the Executive Director.

"Deputy Director of Social Security

"(c)(1) There shall be in the Office of the Executive Director a Deputy Director, who shall be appointed by and serve at the pleasure of the Executive Director.

"(2) The Deputy Director shall be compensated at the rate provided for level III of the Executive Schedule.

"(3) The Deputy Director shall perform such duties and exercise such powers as the Executive Director shall from time to time assign or delegate. The Deputy Director shall be Acting Executive Director of the Administration during the absence or disability of the Executive Director and, unless the Board designates another officer of the Government as Acting Executive Director, in the event of a vacancy in the office of the Executive Director.

"General Counsel

"(d)(1) There shall be in the Administration a General Counsel, who shall be appointed by and serve at the pleasure of the Board. The General Counsel shall be the principal legal officer in the Administration.

"(2) The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule.

"Inspector General

"(e)(1) There shall be in the Administration an Office of the Inspector General. Such Office shall be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"(2) The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule.

"Beneficiary Ombudsman

"(f)(1) There shall be in the Administration an Office of the Beneficiary Ombudsman, to be headed by a Beneficiary Ombudsman appointed by the Board.

"(2)(A) The Beneficiary Ombudsman shall be appointed for a term of five years, except that the individual first appointed to the Office of Beneficiary Ombudsman shall be appointed for a term ending September 30, 2000. An individual appointed to a term of office as Beneficiary Ombudsman after the commencement of such term may serve under such appointment only for the remainder of such term. An individual may, at the request of the Chairperson of the Board, serve as Beneficiary Ombudsman after the expiration of his or her term for not more than one year until his or her successor has taken office. An individual may be appointed as Beneficiary Ombudsman for additional terms.

"(B) An individual may be removed from the office of Beneficiary Ombudsman before completion of his or her term only for cause found by the Board.

"(3) The Beneficiary Ombudsman shall be compensated at the rate provided for level V of the Executive Schedule.

"(4) The duties of the Beneficiary Ombudsman are as follows:

"(A) To represent within the Administration's decisionmaking process the interests and concerns of beneficiaries under the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.

"(B) To review the Administration's policies and procedures for possible adverse effects on such beneficiaries.

"(C) To recommend within the Administration's decisionmaking process changes in policies which have caused problems for such beneficiaries.

"(D) To help resolve the problems under such programs of individual beneficiaries in unusual or difficult circumstances, as determined by the Administration.

"(E) To represent within the Administration's decisionmaking process the views of beneficiaries in the design of forms and the issuance of instructions.

"(5) The Board shall assure that the Office of the Beneficiary Ombudsman has staff sufficient to enable the Beneficiary Ombudsman to efficiently carry out his or her duties. Such staff shall be located in the regional offices, program centers, and central office of the Administration.

"(6) The annual report of the Board under section 704 shall include a description of the activities of the Beneficiary Ombudsman.

"Administrative Law Judge

"(g)(1) There shall be in the Administration an Office of the Chief Administrative Law Judge, who shall be appointed by the Board. The duty of the Chief Administrative Law Judge shall be to administer the affairs of the administrative law judges serving in the Administration in a manner so as to ensure that hearings and other business are conducted by the administrative law judges in accordance with applicable law and regulations.

"(2) The Chief Administrative Law Judge shall report directly to the Board.".

(b) CONFORMING AMENDMENTS RELATING TO COMPOSITION OF BOARD OF TRUSTEES OF OASDI TRUST FUNDS.—Section 201(c) of such Act (42 U.S.C. 401(c)) is amended—

(1) in the first sentence, by striking "shall be composed of" and all that follows down through "ex officio" and inserting the following: "shall be composed of the members of the Social Security Board, the Secretary of the Treasury, the Secretary of Health and Human Services, all ex officio";

(2) by inserting after the first sentence the following new sentence: "The Chairperson of the Social Security Board shall be the Chairperson of the Board of Trustees."; and

(3) by striking "Commissioner of Social Security" and inserting "Executive Director of the Social Security Administration".

(c) INTERIM AUTHORITY OF THE COMMISSIONER.—The President shall nominate for appointment the initial members of the Social Security Board not later than April 1, 1995. In the event that, as of October 1, 1995, all members of the Social Security Board have not entered upon office, until all members of the Board have entered upon office, the officer serving on October 1, 1995, as Commissioner of Social Security in the Department of Health and Human Services (or Acting Commissioner, if applicable), or such officer's successor, shall, while continuing to serve as Commissioner of Social Security (or Acting Commissioner) in such Department, serve as head of the Social Security Administration established under section 701 of the Social Security Act (as amended by this Act) and shall assume the powers and duties of such Board and of the Executive Director under such Act (as amended by this Act).

SEC. 103. PERSONNEL; BUDGETARY MATTERS; SEAL OF OFFICE.

Section 703 of the Social Security Act (42 U.S.C. 903) is amended to read as follows:

"ADMINISTRATIVE DUTIES OF THE SOCIAL SECURITY BOARD

"Personnel

"SEC. 703. (a)(1) The Social Security Board shall appoint such additional officers and employees as it considers necessary to carry out its functions. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

"(2) The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(3) The Director of the Office of Personnel Management shall authorize for the Administration a total number of Senior Executive Service positions which is greater than the number of such positions authorized in the Social Security Administration in the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Administrative Reform Act of 1994, to the extent that the greater number of such authorized positions is specified in the comprehensive workforce plan as established and revised by the Board under subsection (b)(1). The total number of such positions authorized for the Administration pursuant to such section 3133 shall not at any time be less than the number of such authorized positions as of immediately before such date.

"(4) In addition to the positions of the Administration in the Executive Schedule specified in section 702, the Administration is authorized six additional positions at level IV of the Executive Schedule and six additional positions at level V of the Executive Schedule.

"Budgetary Matters

"(b) Appropriations requests for staffing and personnel of the Administration shall be based upon a comprehensive workforce plan, which shall be established and revised from time to time by the Board.

"Seal of Office

"(c) The Board shall cause a seal of office to be made for the Administration of such design as the Board shall approve. Judicial notice shall be taken of such seal.".

SEC. 104. TRANSFERS TO THE NEW SOCIAL SECURITY ADMINISTRATION.

(a) FUNCTIONS.—There are transferred to the Social Security Administration all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Administration by reason of this Act and the amendments made thereby. The Social Security Board shall allocate such functions in accordance with sections 701, 702, and 703 of the Social Security Act (as amended by this Act).

(b) PERSONNEL, ASSETS, ETC.—(1) There are transferred from the Department of Health and Human Services to the Social Security Administration, for appropriate allocation by the Social Security Board in the Social Security Administration—

(A) the personnel (other than administrative law judges) employed in connection with the functions transferred by this Act and the amendments made thereby, as considered appropriate by the Board in consultation with the Secretary of Health and Human Services,

(B) such number of administrative law judges as are necessary to carry out the functions transferred by this Act and the amendments made thereby, as determined by the Board in consultation with the Secretary of Health and Human Services, and

(C) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(3) The Secretary of Health and Human Services shall terminate—

(A) six positions in the Department of Health and Human Services placed in level IV of the Executive Schedule (or equivalent positions) other than positions specifically required under section 5315 of title 5, United States Code, or any other provision of law, and

(B) six positions in such Department placed in level V of the Executive Schedule (or equivalent positions) other than positions specifically required under section 5316 of such title or any other provision of law.

(4) The transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for 1 year after such transfer or October 1, 1995, whichever is later.

(c) ABOLISHMENT OF OFFICE OF COMMISSIONER IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Effective upon the entry upon office of all initial members of the Social Security Board pursuant to section 702 of the Social Security Act (as amended by this Act), the position of Commissioner of Social Security in the Department of Health and Human Services is abolished.

SEC. 105. TRANSITIONAL RULES.

(a) INTERIM AUTHORITY FOR APPOINTMENT AND COMPENSATION.—At any time on or after the date of the enactment of this Act—

(1) any of the officers provided for in section 702 of the Social Security Act (as amended by this Act) may enter upon office, as provided in such section, and

(2) the Social Security Board, upon entry upon office of all of the members thereof, may prescribe regulations providing for the orderly transfer of proceedings before the Secretary of Health and Human Services to the Social Security Board.

Funds available to any official or component of the Department of Health and Human Services, functions of which are transferred to the Social Security Board or the Social Security Administration by this Act, may be used, with the approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of any officer entering upon office pursuant to this section until such time as funds for that purpose are otherwise available.

(b) CONTINUATION OF ORDERS, DETERMINATIONS, RULES, REGULATIONS, ETC.—All orders, determinations, rules, regulations, permits, contracts, collective bargaining agreements, recognitions of labor organizations, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or his delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Social Security Board, and

(2) which are in effect immediately before October 1, 1995,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed, in accordance with law, by such Board.

(c) CONTINUATION OF PROCEEDINGS.—The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending before the Secretary of Health and Human Services immediately before October 1, 1995, with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Social Security Board, except that such proceedings, to the extent that they relate to such functions, shall continue before such Board. Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Board, by a court of competent jurisdiction, or by operation of law.

(d) CONTINUATION OF SUITS.—Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to October 1, 1995; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted. No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Administration, or such official of such Administration as may be appropriate, and, in any litigation pending immediately before October 1, 1995, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(e) CONTINUATION OF PENALTIES.—This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act), the amendments made thereby, and regulations prescribed thereunder) is vested in the Social Security Board.

(f) JUDICIAL REVIEW.—Orders and actions of the Social Security Board in the exercise of functions vested in such Board under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders had been made and such actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately before October 1, 1995. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Board shall continue to apply to the exercise of such function by such Board.

(g) EXERCISE OF FUNCTIONS.—In the exercise of the functions vested in the Social Security Board under this Act, the amendments made thereby, and regulations prescribed thereunder, such Board shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of such functions in such Board, and actions of such Board shall have the same force and effect as when exercised by such Secretary.

(h) OPERATION OF TRANSITIONAL RULES IN THE EVENT OF INTERIM AUTHORITY IN THE COMMISSIONER.—For purposes of this section, in any case in which the powers and duties to be transferred to the Social Security Board are transferred to the Commissioner of Social Security (or acting Commissioner) in the Department of Health and Human Services for an interim period pursuant to section 102(c), the preceding provisions of this section shall apply with respect to the transfer of such powers and duties to and from such Commissioner (or acting Commissioner) pursuant to section 102(c) in the same manner and to the same extent as they would have applied to a direct transfer from the Secretary of Health and Human Services to the Social Security Board if all members of the Board had entered upon office.

SEC. 106. CONFORMING AMENDMENTS TO TITLES II AND XVI OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Title II of the Social Security Act (other than section 201, section 218(d), section 226, section 226A, and section 231(c)) and title XVI of such Act are each amended—

(1) by striking, wherever it appears therein, "Secretary of Health and Human Services" and inserting "Social Security Board";

(2) by striking, wherever it appears therein, "Department of Health and Human Services" and inserting "Social Security Administration";

(3) by striking, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services", and only if it is used in reference to the Department of Health and Human Services) and inserting "Administration";

(4) by striking, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services): "Secretary", "Secretary's", "his", "him", and "he", and inserting (in the case of the word "Secretary") "Social Security Board", (in the case of the word "Secretary's") "Board's", (in the case of the word "his") "the Board's", (in the case of the word "him") "the Board", and (in the case of the word "he") "the Board"; and

(5) by striking, wherever it appears therein, "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(b) AMENDMENTS TO SECTION 218.—Section 218(d) of such Act (42 U.S.C. 418(d)) is amended by striking "Secretary" each place it appears in paragraphs (3) and (7) and inserting "Social Security Board".

(c) AMENDMENTS TO SECTION 222.—Section 222(d) of such Act (42 U.S.C. 422(d)) is amended—

(1) in the last sentence of paragraph (1), by striking "Commissioner of Social Security" and inserting "Executive Director of the Social Security Administration"; and

(2) in the first sentence of paragraph (2), by striking "Commissioner of Social Security" and inserting "Executive Director of the Social Security Administration".

(d) AMENDMENT TO SECTION 231.—Section 231(c) of such Act (42 U.S.C. 431(c)) is amended by striking "Secretary determines" and inserting "Social Security Board and the Secretary jointly determine".

(e) AMENDMENT TO SECTION 1615.—Section 1615(d) of such Act (422 U.S.C. 1832d(d)) is amended by striking "Commissioner of Social Security" and inserting "Executive Director of the Social Security Administration".

SEC. 107. OTHER CONFORMING AMENDMENTS.

Title VII of the Social Security Act is amended—

(1) by striking section 704 (42 U.S.C. 904) and inserting the following new section:

"REPORTS

"SEC. 704. The Secretary and the Social Security Board shall make full reports to Congress, within 120 days after the beginning of each regular session, of the administration of the functions with which they are charged under this Act. In addition to the number of copies of such reports authorized by other law to be printed, there is hereby authorized to be printed not more than 5,000 copies of each such report for use by the Secretary and Social Security Board for distribution to Members of Congress and to State and other public or private agencies or organizations participating in or concerned with the programs provided for in this Act.";

(2) in section 709(b)(2) (42 U.S.C. 910(b)(2)), by striking "(as estimated by the Secretary)" and inserting ", as estimated by the Social Security Board or the Secretary (whichever administers the program involved),"; and

(3) by adding at the end thereof the following new section:

"DUTIES AND AUTHORITY OF SECRETARY

"SEC. 712. (a) The Secretary shall perform the duties imposed upon him by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security and as to legislation and matters of administrative policy concerning the programs administered by the Secretary and related subjects; except that nothing in this section shall be construed to require the Secretary to make studies or recommendations with respect to programs administered by the Social Security Administration.

"(b) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures, as may be necessary for carrying out the Secretary's functions under this Act. Appointments of attorneys and experts may be made without regard to the civil service laws.".

SEC. 108. RULES OF CONSTRUCTION.

(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, court order, or other document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Administration.

(b) REFERENCES TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, court order, or other document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to the Social Security Board.

(c) REFERENCES TO OTHER OFFICERS AND EMPLOYEES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer's or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Administration.

SEC. 109. EFFECTIVE DATES.

(a) IN GENERAL.—Sections 101, 102(a), 103, 104, 106, 107, and 108 of this Act (and the amendments made thereby) shall take effect October 1, 1995.

(b) EXCEPTIONS.—Section 102(b) of this Act shall take effect upon the entry upon office of all initial members of the Social Security Board. Sections 102(c) and 105 of this Act shall take effect on the date of the enactment of this Act.

(c) NEW SPENDING AUTHORITY.—Any new spending authority provided by this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE II—IMPROVEMENTS TO THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

SEC. 201. RESTRICTIONS ON PAYMENT OF BENEFITS BASED ON DISABILITY TO SUBSTANCE ABUSERS.

(a) AMENDMENTS RELATING TO BENEFITS BASED ON DISABILITY UNDER TITLE II OF THE SOCIAL SECURITY ACT.—

(1) REQUIRED PAYMENT OF BENEFITS TO REPRESENTATIVE PAYEES.—

(A) IN GENERAL.—Section 205(j)(1) of the Social Security Act (42 U.S.C. 405(j)(1)) is amended—

(i) by inserting after the first sentence the following new sentence: "In the case of an individual entitled to benefits based on disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is under a disability, certification of payment of such benefits to a representative payee shall be deemed to serve the interest of such individual under this title."; and

(ii) in the last sentence, by inserting ", if the interest of the individual under this title would be served thereby," after "alternative representative payee or".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply with respect to benefits for months beginning after 180 days after the date of the enactment of this Act.

(C) STUDY REGARDING FEASIBILITY, COST, AND EQUITY OF REQUIRING REPRESENTATIVE PAYEES FOR ALL DISABILITY BENEFICIARIES SUFFERING FROM ALCOHOLISM OR DRUG ADDICTION.—

(i) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a study of the representative payee program. In such study, the Secretary shall examine—

(I) the feasibility, cost, and equity of requiring representative payees for all individuals entitled to benefits based on disability under title II or XVI of the Social Security Act who suffer from alcoholism or drug addiction, irrespective of whether the alcoholism or drug addiction was material in any case to the Secretary's determination of disability,

(II) the feasibility of and appropriate timetable for providing benefits through non-cash means, including (but not limited to) vouchers, debit cards, and electronic benefits transfer systems,

(III) the extent to which child beneficiaries are afflicted by drug addition or alcoholism and ways of addressing such affliction, including the feasibility of requiring treatment, and

(IV) the extent to which children's representative payees are afflicted by drug addiction or alcoholism, and methods to identify children's representative payees afflicted by drug addition or alcoholism and to ensure that benefits continue to be provided to beneficiaries appropriately.

(ii) REPORT.—Not later than April 1, 1995, the Secretary shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report setting forth the findings of the Secretary based on such Study. Such report shall include such recommendations for administrative or legislative changes as the Secretary considers appropriate.

(2) INCREASED RELIANCE ON PROFESSIONAL REPRESENTATIVE PAYEES.—

(A) PREFERENCE REQUIRED FOR ORGANIZATIONAL REPRESENTATIVE PAYEES.—Section 205(j)(2)(C) of such Act (42 U.S.C. 405(j)(2)(C)) is amended by adding at the end the following new clause:

"(v) In the case of an individual entitled to benefits based on disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is under a disability, when selecting such individual's representative payee, preference shall be given to—

"(I) a community-based nonprofit social service agency licensed or bonded by the State,

"(II) a State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities, or

"(III) a State or local government agency with fiduciary responsibilities,

(or a designee of such an agency if the Secretary deems it appropriate), unless the Secretary determines that selection of such an agency would not be appropriate.".

(B) AVAILABILITY OF PUBLIC AGENCIES AND OTHER QUALIFIED ORGANIZATIONS TO SERVE AS REPRESENTATIVE PAYEES.—Section 205(j)(4) of such Act (42 U.S.C. 405(j)(4)) is amended—

(i) in subparagraph (A)—

(I) by striking "exceed the lesser of—" and inserting "exceed—"; and

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) in any case in which an individual is entitled to benefits based on disability and alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is under a disability, 10 percent of the monthly benefit involved, or

"(ii) in any other case, the lesser of—

"(I) 10 percent of the monthly benefit involved, or

"(II) $25.00 per month.";

(ii) in subparagraph (B)—

(I) by inserting "State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities, any State or local government agency with fiduciary responsibilities, or any" after "means any";

(II) by striking "representative payee and which," and inserting "representative payee, if such agency,";

(III) by striking ", and" at the end of clause (ii) and inserting a period; and

(IV) by striking clause (iii); and

(iii) by striking subparagraph (D), effective July 1, 1994.

(C) DEFINITION.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

"(7) For purposes of this subsection, the term 'benefit based on disability' of an individual means a disability insurance benefit of such individual under section 223 or a child's, widow's, or widower's insurance benefit of such individual under section 202 based on such individual's disability.".

(3) NONPAYMENT OR TERMINATION OF BENEFITS.—

(A) IN GENERAL.—Section 225 of such Act (42 U.S.C. 425) is amended—

(i) by striking the heading and inserting the following:

"ADDITIONAL RULES RELATING TO BENEFITS BASED ON DISABILITY

"Suspension of Benefits";

(ii) by inserting before subsection (b) the following new heading:

"Continued Payments During Rehabilitation Program";

and

(iii) by adding at the end the following new subsection:

"Nonpayment or Termination of Benefits Where Entitlement Involves Alcoholism or Drug Addiction

"(c)(1)(A) Notwithstanding any other provision of this title, in the case of any individual entitled to benefits based on disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that such individual is under a disability and such individual is determined by the Secretary not to be in compliance with the requirements of this subsection for a month, such benefits shall be suspended for a period commencing with such month and ending with the month preceding the first month, after the determination of noncompliance, in which such individual demonstrates that he or she has reestablished and maintained compliance with such requirements for the applicable period specified in paragraph (3).

"(B) For purposes of this subsection, in the case of an individual who is entitled to benefits based on disability for the first month ending after 180 days after the date of the enactment of the Social Security Administrative Reform Act of 1994, if such individual has a primary diagnosis of alcoholism or drug addiction, such alcoholism or drug addiction shall be treated as a contributing factor material to the Secretary's determination of disability.

"(2)(A) An individual described in paragraph (1) is in compliance with the requirements of this subsection for a month if such individual in such month undergoes any medical or psychological treatment that may be appropriate, for such individual's condition diagnosed as substance abuse or alcohol abuse and for the stage of such individual's rehabilitation, at an institution or facility approved for purposes of this subsection by the Secretary, and complies in such month with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under paragraph (6).

"(B) An individual described in paragraph (1) shall not be determined to be not in compliance with the requirements of this subsection for a month if access by such individual to such treatment is not reasonably available for that month, as determined under regulations of the Secretary.

"(3) The applicable period specified in this paragraph is—

"(A) 2 consecutive months, in the case of a first determination that an individual is not in compliance with the requirements of this subsection,

"(B) 3 consecutive months, in the case of the second such determination with respect to the individual, and

"(C) 6 consecutive months, in the case of the third or subsequent such determination with respect to the individual.

"(4) In any case in which an individual's benefit is suspended for a period of 12 consecutive months for failure to comply with treatment described in paragraph (2) of this subsection, the month following such period shall be deemed, for purposes of section 223(a)(1) or subsection (d)(1)(G)(i), (e)(1), or (f)(1) of section 202 (as applicable), as the termination month with respect to such entitlement.

"(5)(A) Subject to subparagraph (B), monthly insurance benefits under this title which would be payable to any individual (other than the disabled individual to whom benefits are not payable by reason of this subsection) on the basis of the wages and self-employment income of such disabled individual but for the provisions of paragraph (1) or (4), shall be payable as though such disabled individual were receiving such benefits which are not payable under this subsection (and, in the case of a disabled individual whose entitlement is terminated under paragraph (4), as though such disabled individual's entitlement were not terminated).

"(B) If the monthly insurance benefits of a disabled individual referred to in subparagraph (A) are not payable by reason of termination of entitlement under paragraph (4), monthly insurance benefits which are payable to any other individual on the basis of the wages and self-employment income of such disabled individual pursuant to subparagraph (A) shall not be payable for any month after 2 years after the last month of such entitlement.

"(6)(A) The Secretary shall provide for the monitoring and testing of all individuals who are receiving benefits under this title and who as a condition of payment of such benefits are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in paragraph (2)(A), in order to assure such compliance and to determine the extent to which the imposition of such requirements is contributing to the achievement of the purposes of this title. The Secretary shall annually submit to the Congress a full and complete report on the Secretary's activities under this paragraph. Each such annual report shall include the number and percentage of such individuals who did not receive regular drug testing during the year covered by the report.

"(B) The Secretary, in consultation with drug and alcohol treatment professionals, shall issue regulations—

"(i) defining appropriate treatment for alcoholics and drug addicts who are subject to required medical or psychological treatment under this subsection, and

"(ii) establishing guidelines to be used to review and evaluate their compliance, including measures of the progress of participants in such programs.

"(C)(i) For purposes of carrying out the requirements of subparagraphs (A) and (B), the Secretary shall establish in each State a referral and monitoring agency for such State.

"(ii) Each referral and monitoring agency for a State shall—

"(I) identify appropriate placements, for individuals residing in such State who are entitled to benefits based on disability and with respect to whom alcoholism or drug addiction is a contributing factor material to the Secretary's determination that they are under a disability, where they may obtain treatment described in paragraph (2)(A),

"(II) refer such individuals to such placements for such treatment, and

"(III) monitor compliance with the requirements of paragraph (2)(A) by individuals who are referred by the agency to such placements and promptly report failures to comply to the Secretary.

"(7) In the case of any individual who is entitled to a benefit based on disability for any month, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is under a disability, payment of any past-due monthly insurance benefits under this title to which such individual is entitled shall be made in any month only to the extent that the sum of—

"(A) the amount of such past-due benefit paid in such month, and

"(B) the amount of any benefit for the preceding month under such current entitlement which is payable in such month,

does not exceed 200 percent of the amount of such benefit for the preceding month.

"(8) In the case of any individual entitled to benefits based on disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that such individual is under a disability, the month following the 36-month period beginning with such individual's first month of entitlement shall be deemed, for purposes of section 223(a)(1) or subsection (d)(1)(G)(i), (e)(1), or (f)(1) of section 202 (as applicable), as the termination month with respect to such entitlement, and such individual shall be deemed not to be entitled to any past-due benefits under such entitlement remaining unpaid as of the end of such 36-month period. Such individual may not be entitled to benefits based on disability for any month after such 36-month period if, with respect to such entitlement, alcoholism or drug addition is a contributing factor material to the Secretary's determination that such individual is under a disability.

"(9) For purposes of this subsection, the term 'benefit based on disability' of an individual means a disability insurance benefit of such individual under section 223 or a child's, widow's, or widower's insurance benefit of such individual under section 202 based on the disability of such individual.".

(B) PRESERVATION OF MEDICARE BENEFITS.—Section 226 of such Act (42 U.S.C. 426) is amended by adding at the end the following:

"(i) For purposes of this section, each person whose benefit for any month is not payable by reason of paragraph (1) of section 225(c) (and is not terminated by reason of paragraph (4) or (8) of section 225(c)) shall be treated as entitled to such benefit for such month if such person would be entitled to such benefit for such month in the absence of such section.".paragraph (other than paragraphs (6)(C) and (8) of section 225(c) of the Social Security Act added by this paragraph) shall apply with respect to benefits based on disability (as defined in section 225(c)(9) of the Social Security Act, added by this section) of individuals becoming entitled to such benefits for months beginning after 180 days after the date of the enactment of this Act. Section 225(c)(6)(C) of the Social Security Act shall take effect 180 days after the date of the enactment of this Act. Section 225(c)(8) of the Social Security Act (added by this section) shall apply with respect to benefits for months ending after 180 days after the date of the enactment of this Act, and, for purposes of such section 225(c)(8), in the case of any individual entitled to benefits based on disability (as so defined) for the first month ending after 180 days after the date of the enactment of this Act, such month shall be treated as such individual's first month of entitlement to such benefits.

(4) IRRELEVANCE OF LEGALITY OF SERVICES PERFORMED IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY.—

(A) IN GENERAL.—Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended—

(i) by inserting "(A)" after "(4)"; and

(ii) by adding at the end the following new subparagraph:

"(B) In determining under subparagraph (A) when services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, the Secretary apply the criteria described in subparagraph (A) with respect to services performed by any individual without regard to the legality of such services.".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER TITLE XVI OF THE SOCIAL SECURITY ACT.—

(1) REQUIRED PAYMENT OF BENEFITS TO REPRESENTATIVE PAYEES.—

(A) IN GENERAL.—Section 1631(a)(2)(A) of the Social Security Act (42 U.S.C. 1383(a)(2)(A)) is amended—

(i) in clause (ii), by adding at the end the following: "In the case of an individual entitled to benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled, the payment of such benefits to a representative payee shall be deemed to serve the interest of such individual under this title."; and

(ii) in clause (iii), by striking "to the individual or eligible spouse or to an alternative representative payee of the individual or eligible spouse" and inserting "to an alternative representative payee of the individual or eligible spouse or, if the interest of the individual under this title would be served thereby, to the individual or eligible spouse".

(B) CONFORMING AMENDMENT.—Section 1631(a)(2)(B)(viii)(II) of such Act (42 U.S.C. 1383(a)(2)(B)(viii)(II)) is amended by striking "15 years" and all that follows and inserting "of 15 years, or (if alcoholism or drug addition is a contributing factor material to the Secretary's determination that the individual is disabled) is entitled to benefits under this title by reason of disability.".

(C) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) shall apply with respect to benefits for months beginning after 180 days after the date of the enactment of this Act.

(2) INCREASED RELIANCE ON PROFESSIONAL REPRESENTATIVE PAYEES.—

(A) PREFERENCE REQUIRED FOR ORGANIZATIONAL REPRESENTATIVE PAYEES.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(i) by redesignating clauses (vii) through (xii) as clauses (viii) through (xiii), respectively;

(ii) by inserting after clause (vi) the following:

"(vii) In the case of an individual entitled to benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled, when selecting such individual's representative payee, preference shall be given to—

"(I) a community-based nonprofit social service agency licensed or bonded by the State;

"(II) a State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities; or

"(III) a State or local government agency with fiduciary responsibilities,

(or a designee of such an agency if the Secretary deems it appropriate), unless the Secretary determines that selection of such an agency would not be appropriate.";

(iii) in clause (viii) (as so redesignated), by striking "clause (viii)" and inserting "clause (ix)";

(iv) in clause (ix) (as so redesignated), by striking "(vii)" and inserting "(viii)";

(v) in clause (xiii) (as so redesignated)—

(I) by striking "(xi)" and inserting "(xii)"; and

(II) by striking "(x)" and inserting "(xi)".

(B) AVAILABILITY OF PUBLIC AGENCIES AND OTHER QUALIFIED ORGANIZATIONS TO SERVE AS REPRESENTATIVE PAYEES.—Section 1631(a)(2)(D) of such Act (42 U.S.C. 1383(a)(2)(D)) is amended—

(i) in clause (i)—

(I) by striking "exceed the lesser of—" and inserting "exceed—"; and

(II) by striking subclauses (I) and (II) and inserting the following:

"(I) in any case in which an individual is entitled to benefits under this title by reason of disability and alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled, 10 percent of the monthly benefit involved, or

"(II) in any other case, the lesser of—

"(aa) 10 percent of the monthly benefit involved, or

"(bb) $25.00 per month.";

(ii) in clause (ii)—

(I) by inserting "State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities, any State or local government agency with fiduciary responsibilities, or any" after "means any";

(II) by inserting a comma after "service agency";

(III) by adding "and" at the end of subclause (I); and

(IV) in subclause (II)—

(aa) by adding "and" at the end of item (aa);

(bb) by striking "; and" at the end of item (bb) and inserting a period; and

(cc) by striking item (cc); and

(iii) by striking clause (iv), effective July 1, 1994.

(3) NONPAYMENT OR TERMINATION OF BENEFITS.—

(A) IN GENERAL.—Section 1611(e)(3) of such Act (42 U.S.C. 1382(e)(3)), is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

"(B)(i) Notwithstanding any other provision of this title, in the case of any individual entitled to benefits under this title solely by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that such individual is disabled and such individual is determined by the Secretary not to be in compliance with the requirements of this subparagraph for a month, such benefits shall be suspended for a period commencing with such month and ending with the month preceding the first month, after the determination of noncompliance, in which such individual demonstrates that he or she has reestablished and maintained compliance with such requirements for the applicable period specified in clause (iii).

"(ii)(I) An individual described in clause (i) is in compliance with the requirements of this subparagraph for a month if the individual in such month undergoes any medical or psychological treatment that may be appropriate, for the individual's condition diagnosed as substance abuse or alcohol abuse and for the stage of the individual's rehabilitation, at an institution or facility approved for purposes of this subparagraph by the Secretary, and complies in such month with the terms, conditions, and requirements of such treatment and with requirements imposed by the Secretary under subparagraph (C).

"(II) An individual described in clause (i) shall not be determined to be not in compliance with the requirements of this subparagraph for a month if access by such individual to such treatment is not reasonably available for the month, as determined under regulations of the Secretary.

"(iii) The applicable period specified in this clause is—

"(I) 2 consecutive months, in the case of a 1st determination that an individual is not in compliance with the requirements of this subparagraph;

"(II) 3 consecutive months, in the case of the 2nd such determination with respect to the individual; or

"(III) 6 consecutive months, in the case of the 3rd or subsequent such determination with respect to the individual.

"(iv) An individual shall not be an eligible individual for purposes of this title for the 12-month period that begins with the end of any period of 12 consecutive months for which the benefits of the individual under this title have been suspended by reason of this subparagraph.

"(v) In the case of any individual entitled to benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that such individual is disabled, such individual may not be entitled to such benefits by reason of disability (or any past-due benefits under such entitlement) for any month after the 36-month period beginning with such individual's first month of such entitlement, notwithstanding section 1619(a).

"(vi)(I) The Secretary shall not, in a month, pay to an individual described in clause (i) benefits under this title the payment of which is past due, in an amount that exceeds the amount of benefits under this title which are payable to the individual for the month and the payment of which is not past due.

"(II) As used in subclause (I) of this clause, the term 'benefits under this title' includes supplementary payments of the type described in section 1616(a) and payments pursuant to an agreement entered into under section 212(a) of Public Law 93-66.".

(B) REFERRAL, MONITORING, AND TREATMENT.—Section 1611(e)(3)(C) of such Act (42

U.S.C. 1382(e)(3)(C)), as so designated by the amendment made by subparagraph (A) of this paragraph, is amended—

(i) by adding at the end the following: "Each such annual report shall include the number and percentage of such individuals who did not receive regular drug testing during the year covered by the report.";

(ii) by inserting "(i)" after "(C)"; and

(iii) by adding after and below the end following:

"(ii) The Secretary, in consultation with drug and alcohol treatment professionals, shall issue regulations—

"(I) defining appropriate treatment for alcoholics and drug addicts who are subject to required medical or psychological treatment under this subparagraph; and

"(II) establishing guidelines to be used to review and evaluate their compliance, including measures of the progress of participants in such programs.

"(iii)(I) For purposes of carrying out the requirements of clauses (i) and (ii), the Secretary shall establish in each State a referral and monitoring agency for the State.

"(II) Each referral and monitoring agency for a State shall—

"(aa) identify appropriate placements, for individuals residing in the State who are entitled to benefits under this title by reason of disability and with respect to whom alcoholism or drug addiction is a contributing factor material to the Secretary's determination that they are disabled, where they may obtain treatment described in subparagraph (B)(ii)(I);

"(bb) refer such individuals to such placements for such treatment; and

"(cc) monitor compliance with the requirements of subparagraph (B) by individuals who are referred by the agency to such placements, and promptly report to the Secretary any failure to comply with such requirements.".

(C) PRESERVATION OF MEDICAID BENEFITS.—Section 1634 of such Act (42 U.S.C. 13283c) is amended by adding at the end the following:

"(e) Each person to whom benefits under this title by reason of disability are not payable for any month solely by reason of section 1611(e)(3)(B) shall be treated, for purposes of title XIX, as receiving benefits under this title for such month.".

(D) CONFORMING AMENDMENTS.—Section 1611(e)(3) of such Act (42 U.S.C. 1382(e)(3)), as amended by subparagraphs (A) and (B) of this paragraph, is amended—

(i) in subparagraph (A), by striking "(B)" and inserting "(C)"; and

(ii) in subparagraph (C), by inserting "or (B)" after "(A)".

(E) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the amendments made by this paragraph shall apply with respect to benefits for months beginning after 180 days after the date of the enactment of this Act.

(ii) TIME LIMITATION ON BENEFITS.—Section 1611(e)(3)(B)(v) of the Social Security Act (as added by the amendment made by subparagraph (A) of this paragraph) shall apply with respect to benefits for months ending after 180 days after the date of the enactment of this Act, and, for purposes of such section, in the case of any individual entitled to benefits by reason of disability for the first month ending after 180 days after the date of the enactment of this Act, such month shall be treated as such individual's first month of entitlement to such benefits.

(iii) ESTABLISHMENT OF REFERRAL AND MONITORING AGENCIES.—Section 1611(e)(3)(C)(iii) of the Social Security Act (as added by the amendment made by subparagraph (B)(iii) of this paragraph) shall take effect 180 days after the date of the enactment of this Act.

(4) IRRELEVANCE OF LEGALITY OF SUBSTANTIAL GAINFUL ACTIVITY.—

(A) IN GENERAL.—Section 1614(a)(3)(D) of such Act (42 U.S.C. 1382c(a)(3)(D)) is amended by adding at the end the following: "The Secretary shall make determinations under this title with respect to substantial gainful activity, without regard to the legality of the activity.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by the preceding provisions of this section shall apply to benefits payable for months beginning 180 or more days after the date of the enactment of this Act.

(d) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop and carry out demonstration projects designed to explore innovative referral, monitoring, and treatment approaches with respect to—

(A) individuals who are entitled to disability insurance benefits or child's, widow's, or widower's insurance benefits based on disability under title II of the Social Security Act, and

(B) individuals who are eligible for supplemental security income benefits under title XVI of such Act based solely on disability,

in cases in which alcoholism or drug addiction is a contributing factor material to the Secretary's determination that individuals are under a disability.

(2) SCOPE.—The demonstration projects developed under paragraph (1) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative approaches under consideration while giving assurance that the results derived from the projects will obtain generally in the operation of the programs involved without committing such programs to the adoption of any particular system either locally or nationally.

(3) FINAL REPORT.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than December 31, 1997, a final report on the demonstration projects carried out under this subsection, together with any related data and materials which the Secretary may consider appropriate. The authority under this section shall terminate upon the transmittal of such final report.

SEC. 202. ISSUANCE OF PHYSICAL DOCUMENTS IN THE FORM OF BONDS, NOTES, OR CERTIFICATES TO THE SOCIAL SECURITY TRUST FUNDS.

(a) REQUIREMENT THAT OBLIGATIONS ISSUED TO THE OASDI TRUST FUNDS BE EVIDENCED BY PAPER INSTRUMENTS IN THE FORM OF BONDS, NOTES, OR CERTIFICATES OF INDEBTEDNESS SETTING FORTH THEIR TERMS.—Section 201(d) of the Social Security Act (42 U.S.C. 401(d)) is amended by inserting after the fifth sentence the following new sentence: "Each obligation issued for purchase by the Trust Funds under this subsection shall be evidenced by a paper instrument in the form of a bond, note, or certificate of indebtedness issued by the Secretary of the Treasury setting forth the principal amount, date of maturity, and interest rate of the obligation, and stating on its face that the obligation shall be incontestable in the hands of the Trust Fund to which it is issued, that the obligation is supported by the full faith and credit of the United States, and that the United States is pledged to the payment of the obligation with respect to both principal and interest.".

(b) PAYMENT TO THE OASDI TRUST FUNDS FROM THE GENERAL FUND OF THE TREASURY OF INTEREST ON OBLIGATIONS, AND OF PROCEEDS FROM THE SALE OR REDEMPTION OF OBLIGATIONS, REQUIRED TO BE IN THE FORM OF CHECKS.—Section 201(f) of such Act (42 U.S.C. 401(f)) is amended by adding at the end the following new sentence: "Payment from the general fund of the Treasury to either of the Trust Funds of any such interest or proceeds shall be in the form of paper checks drawn on such general fund to the order of such Trust Fund.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to obligations issued, and payments made, after 60 days after the date of the enactment of this Act.

(2) TREATMENT OF OUTSTANDING OBLIGATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue to the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as applicable, a paper instrument, in the form of a bond, note, or certificate of indebtedness, for each obligation which has been issued to the Trust Fund under section 201(d) of the Social Security Act and which is outstanding as of such date. Each such document shall set forth the principal amount, date of maturity, and interest rate of the obligation, and shall state on its face that the obligation shall be incontestable in the hands of the Trust Fund to which it was issued, that the obligation is supported by the full faith and credit of the United States, and that the United States is pledged to the payment of the obligation with respect to both principal and interest.

SEC. 203. EXPLICIT REQUIREMENTS FOR MAINTENANCE OF TELEPHONE ACCESS TO LOCAL OFFICES OF THE SOCIAL SECURITY ADMINISTRATION.

(a) MAINTENANCE OF SERVICE TO LOCAL OFFICES.—

(1) IN GENERAL.—Section 5110(a) of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388–272) is amended by adding at the end the following new sentence: "In carrying out the requirements of the preceding sentence, the Secretary shall reestablish and maintain in service at least the same number of telephone lines to each such local office as was in place as of such date, including telephone sets for connections to such lines.".

(2) EFFECTIVE DATE.—The Secretary of Health and Human Services shall ensure that the requirements of the amendment made by paragraph (1) are carried out no later than 90 days after the date of the enactment of this Act.

(3) GAO REPORT.—The Comptroller General of the United States shall make an independent determination of the number of telephone lines to each local office of the Social Security Administration which are in place as of 90 days after the enactment of this Act and shall report his findings to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 150 days after the date of the enactment of this Act.

(b) MAINTENANCE OF TOLL-FREE TELEPHONE NUMBER SERVICE.—The Secretary of Health and Human Services shall ensure that toll-free telephone service provided by the Social Security Administration is maintained at a level which is at least equal to that in effect on the date of the enactment of this Act.

SEC. 204. EXPANSION OF STATE OPTION TO EXCLUDE SERVICE OF ELECTION OFFICIALS OR ELECTION WORKERS FROM COVERAGE.

(a) LIMITATION ON MANDATORY COVERAGE OF STATE ELECTION OFFICIALS AND ELECTION WORKERS WITHOUT STATE RETIREMENT SYSTEM.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(a)(7)(F)(iv) of the Social Security Act (42 U.S.C. 410(a)(7)(F)(iv)) (as amended by section 11332(a) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking

"$100" and inserting "$1,000 with respect to service performed during 1995, and the adjusted amount determined under section 218(c)(8)(B) for any subsequent year with respect to service performed during such subsequent year".

(2) AMENDMENT TO FICA.—Section 3121(b)(7)(F)(iv) of the Internal Revenue Code of 1986 (as amended by section 11332(b) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1995, and the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any subsequent year with respect to service performed during such subsequent year".

(b) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(p)(2)(E) of the Social Security Act (42 U.S.C. 410(p)(2)(E)) is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1995, and the adjusted amount determined under section 218(c)(8)(B) for any subsequent year with respect to service performed during such subsequent year".

(2) AMENDMENT TO FICA.—Section 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1995, and the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any subsequent year with respect to service performed during such subsequent year".

(c) AUTHORITY FOR STATES TO MODIFY COVERAGE AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS AND ELECTION WORKERS.—Section 218(c)(8) of the Social Security Act (42 U.S.C. 418(c)(8)) is amended—

(1) by striking "on or after January 1, 1968," and inserting "at any time";

(2) by striking "$100" and inserting "$1,000 with respect to service performed during 1995, and the adjusted amount determined under subparagraph (B) for any subsequent year with respect to service performed during such subsequent year"; and

(3) by striking the last sentence and inserting the following new sentence: "Any modification of an agreement pursuant to this paragraph shall be effective with respect to services performed in and after the calendar year in which the modification is mailed or delivered by other means to the Secretary.".

(d) INDEXATION OF EXEMPT AMOUNT.—Section 218(c)(8) of such Act (as amended by subsection (c)) is further amended—

(1) by inserting "(A)" after "(8)"; and

(2) by adding at the end the following new subparagraph:

"(B) For each year after 1995, the Secretary shall adjust the amount referred to in subparagraph (A) at the same time and in the same manner as is provided under section 215(a)(1)(B)(ii) with respect to the amounts referred to in section 215(a)(1)(B)(i), except that—

"(i) for purposes of this subparagraph, 1993 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II), and

"(ii) such amount as so adjusted, if not a multiple of $100, shall be rounded to the next higher multiple of $100 where such amount is a multiple of $50 and to the nearest multiple of $100 in any other case.

The Secretary shall determine and publish in the Federal Register each adjusted amount determined under this subparagraph not later than November 1 preceding the year for which the adjustment is made.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to service performed on or after January 1, 1995.

SEC. 205. USE OF SOCIAL SECURITY NUMBERS BY STATES AND LOCAL GOVERNMENTS AND FEDERAL DISTRICT COURTS FOR JURY SELECTION PURPOSES.

(a) IN GENERAL.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended—

(1) in subparagraph (B)(i), by striking "(E)" in the matter preceding subclause (I) and inserting "(F)";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (D) the following:

"(E)(i) It is the policy of the United States that—

"(I) any State (or any political subdivision of a State) may utilize the social security account numbers issued by the Secretary for the additional purposes described in clause (ii) if such numbers have been collected and are otherwise utilized by such State (or political subdivision) in accordance with applicable law, and

"(II) any district court of the United States may use, for such additional purposes, any such social security account numbers which have been so collected and are so utilized by any State.

"(ii) The additional purposes described in this clause are the following:

"(I) Identifying duplicate names of individuals on master lists used for jury selection purposes.

"(II) Identifying on such master lists those individuals who are ineligible to serve on a jury by reason of their conviction of a felony.

"(iii) To the extent that any provision of Federal law enacted before the date of the enactment of this subparagraph is inconsistent with the policy set forth in clause (i), such provision shall, on and after that date, be null, void, and of no effect.

"(iv) For purposes of this subparagraph, the term 'State' has the meaning such term has in subparagraph (D).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 206. AUTHORIZATION FOR ALL STATES TO EXTEND COVERAGE TO STATE AND LOCAL POLICEMEN AND FIREMEN UNDER EXISTING COVERAGE AGREEMENTS.

(a) IN GENERAL.—Section 218(l) of the Social Security Act (42 U.S.C. 418(l)) is amended—

(1) in paragraph (1), by striking "(1)" after "(l)", and by striking "the State of" and all that follows through "prior to the date of enactment of this subsection" and inserting "a State entered into pursuant to this section"; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENT.—Section 218(d)(8)(D) of such Act (42 U.S.C. 418(d)(8)(D)) is amended by striking "agreements with the States named in" and inserting "State agreements modified as provided in".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to modifications filed by States after the date of the enactment of this Act.

SEC. 207. LIMITED EXEMPTION FOR CANADIAN MINISTERS FROM CERTAIN SELF-EMPLOYMENT TAX LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, if—

(1) an individual performed services described in section 1402(c)(4) of the Internal Revenue Code of 1986 which are subject to tax under section 1401 of such Code,

(2) such services were performed in Canada at a time when no agreement between the United States and Canada pursuant to section 233 of the Social Security Act was in effect, and

(3) such individual was required to pay contributions on the earnings from such services under the social insurance system of Canada,

then such individual may file a certificate under this section in such form and manner, and with such official, as may be prescribed in regulations issued under chapter 2 of such Code. Upon the filing of such certificate, notwithstanding any judgment which has been entered to the contrary, such individual shall be exempt from payment of such tax with respect to services described in paragraphs (1) and (2) and from any penalties or interest for failure to pay such tax or to file a self-employment tax return as required under section 6017 of such Code.

(b) PERIOD FOR FILING.—A certificate referred to in subsection (a) may be filed only during the 180-day period commencing with the date on which the regulations referred to in subsection (a) are issued.

(c) TAXABLE YEARS AFFECTED BY CERTIFICATE.—A certificate referred to in subsection (a) shall be effective for taxable years ending after December 31, 1978, and before January 1, 1985.

(d) RESTRICTION ON CREDITING OF EXEMPT SELF-EMPLOYMENT INCOME.—In any case in which an individual is exempt under this section from paying a tax imposed under section 1401 of the Internal Revenue Code of 1986, any income on which such tax would have been imposed but for such exemption shall not constitute self-employment income under section 211(b) of the Social Security Act (42 U.S.C. 411(b)), and, if such individual's primary insurance amount has been determined under section 215 of such Act (42 U.S.C. 415), notwithstanding section 215(f)(1) of such Act, the Secretary of Health and Human Services shall recompute such primary insurance amount so as to take into account the provisions of this subsection. The recomputation under this subsection shall be effective with respect to benefits for months following approval of the certificate of exemption.

SEC. 208. EXCLUSION OF TOTALIZATION BENEFITS FROM THE APPLICATION OF THE WINDFALL ELIMINATION PROVISION.

(a) IN GENERAL.—Section 215(a)(7) of the Social Security Act (42 U.S.C. 415(a)(7)) is amended—

(1) in subparagraph (A), by striking "but excluding" and all that follows through "1937" and inserting "but excluding (I) a payment under the Railroad Retirement Act of 1974 or 1937, and (II) a payment by a social security system of a foreign country based on an agreement concluded between the United States and such foreign country pursuant to section 233"; and

(2) in subparagraph (E), by inserting after "in the case of an individual" the following: "whose eligibility for old-age or disability insurance benefits is based on an agreement concluded pursuant to section 233 or an individual".

(b) CONFORMING AMENDMENT RELATING TO BENEFITS UNDER 1939 ACT.—Section 215(d)(3) of such Act (42 U.S.C. 415(d)(3)) is amended by striking "but excluding" and all that follows through "1937" and inserting "but excluding (I) a payment under the Railroad Retirement Act of 1974 or 1937, and (II) a payment by a social security system of a foreign country based on an agreement concluded between the United States and such foreign country pursuant to section 233".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1))) with respect to benefits payable for months after January 1995.

SEC. 209. EXCLUSION OF MILITARY RESERVISTS FROM APPLICATION OF THE GOVERNMENT PENSION OFFSET AND WINDFALL ELIMINATION PROVISIONS.

(a) EXCLUSION FROM GOVERNMENT PENSION OFFSET PROVISIONS.—Subsections (b)(4), (c)(2), *(e)(7), (f)(2), and (g)(4) of section 202 of the Social Security Act (42 U.S.C. 402 (b)(4), (c)(2), (e)(7), (f)(2), and (g)(4)) are each amended—*

(1) in subparagraph (A)(ii), by striking "unless subparagraph (B) applies.";

(2) in subparagraph (A), by striking "The" in the matter following clause (ii) and inserting "unless subparagraph (B) applies. The"; and

(3) in subparagraph (B), by redesignating the existing matter as clause (ii), and by inserting before such clause (ii) (as so redesignated) the following:

"(B)(i) Subparagraph (A)(i) shall not apply with respect to monthly periodic benefits based wholly on service as a member of a uniformed service (as defined in section 210(m)).".

(b) EXCLUSION FROM WINDFALL ELIMINATION PROVISIONS.—Section 215(a)(7)(A) of such Act (as amended by section 210(a) of this Act) and section 215(d)(3) of such Act (as amended by section 210(b) of this Act) are each further amended—

(1) by striking "and" before "(II)"; and

(2) by striking "section 233" and inserting "section 233, and (III) a payment based wholly on service as a member of a uniformed service (as defined in section 210(m))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply (notwithstanding section 215(f) of the Social Security Act) with respect to benefits payable for months after January 1995.

SEC. 210. REPEAL OF THE FACILITY-OF-PAYMENT PROVISION.

(a) REPEAL OF RULE PRECLUDING REDISTRIBUTION UNDER FAMILY MAXIMUM.—Section 203(i) of the Social Security Act (42 U.S.C. 403(i)) is repealed.

(b) COORDINATION UNDER FAMILY MAXIMUM OF REDUCTION IN BENEFICIARY'S AUXILIARY BENEFITS WITH SUSPENSION OF AUXILIARY BENEFITS OF OTHER BENEFICIARY UNDER EARNINGS TEST.—Section 203(a)(4) of such Act (42 U.S.C. 403(a)(4)) is amended by striking "section 222(b). Whenever" and inserting the following: "section 222(b). Notwithstanding the preceding sentence, any reduction under this subsection in the case of an individual who is entitled to a benefit under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202 for any month on the basis of the same wages and self-employment income as another person—

"(A) who also is entitled to a benefit under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202 for such month,

"(B) who does not live in the same household as such individual, and

"(C) whose benefit for such month is suspended (in whole or in part) pursuant to subsection (h)(3) of this section,

shall be made before the suspension under subsection (h)(3). Whenever".

(c) CONFORMING AMENDMENT APPLYING EARNINGS REPORTING REQUIREMENT DESPITE SUSPENSION OF BENEFITS.—The third sentence of section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "Such report need not be made" and all that follows through "The Secretary may grant" and inserting the following: "Such report need not be made for any taxable year—

"(i) beginning with or after the month in which such individual attained age 70, or

"(ii) if benefit payments for all months (in such taxable year) in which such individual is under age 70 have been suspended under the provisions of the first sentence of paragraph (3) of this subsection, unless—

"(I) such individual is entitled to benefits under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202,

"(II) such benefits are reduced under subsection (a) of this section for any month in such taxable year, and

"(III) in any such month there is another person who also is entitled to benefits under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202 on the basis of the same wages and self-employment income and who does not live in the same household as such individual.

The Secretary may grant".

(d) CONFORMING AMENDMENT DELETING SPECIAL INCOME TAX TREATMENT OF BENEFITS NO LONGER REQUIRED BY REASON OF REPEAL.—Section 86(d)(1) of the Internal Revenue Code of 1986 (relating to income tax on social security benefits) is amended by striking the last sentence.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), and (c) shall apply with respect to benefits payable for months after December 1995.

(2) The amendment made by subsection (d) shall apply with respect to benefits received after December 31, 1995, in taxable years ending after such date.

SEC. 211. MAXIMUM FAMILY BENEFITS IN GUARANTEE CASES.

(a) IN GENERAL.—Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end the following new paragraph:

"(10)(A) Subject to subparagraphs (B) and (C)—

"(i) the total monthly benefits to which beneficiaries may be entitled under sections 202 and 223 for a month on the basis of the wages and self-employment income of an individual whose primary insurance amount is computed under section 215(a)(2)(B)(i) shall equal the total monthly benefits which were authorized by this section with respect to such individual's primary insurance amount for the last month of his prior entitlement to disability insurance benefits, increased for this purpose by the general benefit increases and other increases under section 215(i) that would have applied to such total monthly benefits had the individual remained entitled to disability insurance benefits until the month in which he became entitled to old-age insurance benefits or reentitled to disability insurance benefits or died, and

"(ii) the total monthly benefits to which beneficiaries may be entitled under sections 202 and 223 for a month on the basis of the wages and self-employment income of an individual whose primary insurance amount is computed under section 215(a)(2)(C) shall equal the total monthly benefits which were authorized by this section with respect to such individual's primary insurance amount for the last month of his prior entitlement to disability insurance benefits.

"(B) In any case in which—

"(i) the total monthly benefits with respect to such individual's primary insurance amount for the last month of his prior entitlement to disability insurance benefits was computed under paragraph (6), and

"(ii) the individual's primary insurance amount is computed under subparagraph (B)(i) or (C) of section 215(a)(2) by reason of the individual's entitlement to old-age insurance benefits or death,

the total monthly benefits shall equal the total monthly benefits that would have been authorized with respect to the primary insurance amount for the last month of his prior entitlement to disability insurance benefits if such total monthly benefits had been computed without regard to paragraph (6).

"(C) This paragraph shall apply before the application of paragraph (3)(A), and before the application of section 203(a)(1) of this Act as in effect in December 1978.".

(b) CONFORMING AMENDMENT.—Section 203(a)(8) of such Act (42 U.S.C. 403(a)(8)) is amended by striking "Subject to paragraph (7)," and inserting "Subject to paragraph (7) and except as otherwise provided in paragraph (10)(C),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply for the purpose of determining the total monthly benefits to which beneficiaries may be entitled under sections 202 and 223 of the Social Security Act based on the wages and self-employment income of an individual who—

(1) becomes entitled to an old-age insurance benefit under section 202(a) of such Act,

(2) becomes reentitled to a disability insurance benefit under section 223 of such Act, or

(3) dies,

after January 1995.

SEC. 212. AUTHORIZATION FOR DISCLOSURE BY THE SECRETARY OF HEALTH AND HUMAN SERVICES OF INFORMATION FOR PURPOSES OF PUBLIC OR PRIVATE EPIDEMIOLOGICAL AND SIMILAR RESEARCH.

(a) IN GENERAL.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) in subsection (f) (as so redesignated), by striking "subsection (d)" and inserting "subsection (e)"; and

(3) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of this section, in any case in which—

"(1) information regarding whether an individual is shown on the records of the Secretary as being alive or deceased is requested from the Secretary for purposes of epidemiological or similar research which the Secretary finds may reasonably be expected to contribute to a national health interest, and

"(2) the requester agrees to reimburse the Secretary for providing such information and to comply with limitations on safeguarding and rerelease or redisclosure of such information as may be specified by the Secretary,

the Secretary shall comply with such request, except to the extent that compliance with such request would constitute a violation of the terms of any contract entered into under section 205(r).".

(b) AVAILABILITY OF INFORMATION RETURNS REGARDING WAGES PAID EMPLOYEES.—Section 6103(l)(5) of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information to the Department of Health and Human Services for purposes other than tax administration) is amended—

(1) by striking "for the purpose of" and inserting "for the purpose of—";

(2) by striking "carrying out, in accordance with an agreement" and inserting the following:

"(A) carrying out, in accordance with an agreement";

(3) by striking "program." and inserting "program; or"; and

(4) by adding at the end the following new subparagraph:

"(B) providing information regarding the mortality status of individuals for epidemiological and similar research in accordance with section 1106(d) of the Social Security Act.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to requests for information made after the date of the enactment of this Act.

SEC. 213. MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY PROGRAMS AND AGENCIES.

(a) PROHIBITION OF UNAUTHORIZED REPRODUCTION, REPRINTING, OR DISTRIBUTION FOR FEE OF CERTAIN OFFICIAL PUBLICATIONS.—Section 1140(a) of the Social Security Act (42 U.S.C. 1320b–10(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following new paragraph:

"(2) No person may, for a fee, reproduce, reprint, or distribute any item consisting of a form, application, or other publication of the Social Security Administration unless such person has obtained specific, written authorization for such activity in accordance with regulations which the Secretary shall prescribe.".

(b) ADDITION TO PROHIBITED WORDS, LETTERS, SYMBOLS, AND EMBLEMS.—Paragraph (1) of section 1140(a) of such Act (as redesignated by subsection (a)) is further amended—

(1) in subparagraph (A) (as redesignated), by striking "Administration', the letters 'SSA' or 'HCFA'," and inserting "Administration', 'Department of Health and Human Services', 'Health and Human Services', 'Supplemental Security Income Program', or 'Medicaid', the letters 'SSA', 'HCFA', 'DHHS', 'HHS', or 'SSI',"; and

(2) in subparagraph (B) (as redesignated), by striking "Social Security Administration" each place it appears and inserting "Social Security Administration, Health Care Financing Administration, or Department of Health and Human Services", and by striking "or of the Health Care Financing Administration".

(c) EXEMPTION FOR USE OF WORDS, LETTERS, SYMBOLS, AND EMBLEMS OF STATE AND LOCAL GOVERNMENT AGENCIES BY SUCH AGENCIES.—Paragraph (1) of section 1140(a) of such Act (as redesignated by subsection (a)) is further amended by adding at the end the following new sentence: "The preceding provisions of this subsection shall not apply with respect to the use by any agency or instrumentality of a State or political subdivision of a State of any words or letters which identify an agency or instrumentality of such State or of a political subdivision of such State or the use by any such agency or instrumentality of any symbol or emblem of an agency or instrumentality of such State or a political subdivision of such State.".

(d) INCLUSION OF REASONABLENESS STANDARD.—Section 1140(a)(1) of such Act (as amended by the preceding provisions of this section) is further amended, in the matter following subparagraph (B) (as redesignated), by striking "convey" and inserting "convey, or in a manner which reasonably could be interpreted or construed as conveying,".

(e) INEFFECTIVENESS OF DISCLAIMERS.—Subsection (a) of section 1140 of such Act (as amended by the preceding provisions of this section) is further amended by adding at the end the following new paragraph:

"(3) Any determination of whether the use of one or more words, letters, symbols, or emblems (or any combination or variation thereof) in connection with an item described in paragraph (1) or the reproduction, reprinting, or distribution of an item described in paragraph (2) is a violation of this subsection shall be made without regard to any inclusion in such item (or any so reproduced, reprinted, or distributed copy thereof) of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.".

(f) VIOLATIONS WITH RESPECT TO INDIVIDUAL ITEMS.—Section 1140(b)(1) of such Act (42 U.S.C. 1320b–10(b)(1)) is amended by adding at the end the following new sentence: "In the case of any items referred to in subsection (a)(1) consisting of pieces of mail, each such piece of mail which contains one or more words, letters, symbols, or emblems in violation of subsection (a) shall represent a separate violation. In the case of any item referred to in subsection (a)(2), the reproduction, reprinting, or distribution of such item shall be treated as a separate violation with respect to each copy thereof so reproduced, reprinted, or distributed.".

(g) ELIMINATION OF CAP ON AGGREGATE LIABILITY AMOUNT.—

(1) REPEAL.—Paragraph (2) of section 1140(b) of such Act (42 U.S.C. 1320b–10(b)(2)) is repealed.

(2) CONFORMING AMENDMENTS.—Section 1140(b) of such Act is further amended—

(A) by striking "(1) Subject to paragraph (2), the" and inserting "The";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated), by striking "subparagraph (B)" and inserting "paragraph (2)".

(h) REMOVAL OF FORMAL DECLINATION REQUIREMENT.—Section 1140(c)(1) of such Act (42 U.S.C. 1320b–10(c)(1)) is amended by inserting "and the first sentence of subsection (c)" after "and (i)".

(i) PENALTIES RELATING TO SOCIAL SECURITY ADMINISTRATION DEPOSITED IN OASI TRUST FUND.—Section 1140(c)(2) of such Act (42 U.S.C. 1320b–10(c)(2)) is amended in the second sentence by striking "United States." and inserting "United States, except that, to the extent that such amounts are recovered under this section as penalties imposed for misuse of words, letters, symbols, or emblems relating to the Social Security Administration, such amounts shall be deposited into the Federal Old-Age and Survivor's Insurance Trust Fund.".

(j) ENFORCEMENT.—Section 1140 of such Act (42 U.S.C. 1320b–10) is amended by adding at the end the following new subsection:

"(d) The preceding provisions of this section shall be enforced through the Office of Inspector General of the Department of Health and Human Services.".

(k) ANNUAL REPORTS.—Section 1140 of such Act (as amended by the preceding provisions of this section) is further amended by adding at the end the following new subsection:

"(e) The Secretary shall include in the annual report submitted pursuant to section 704 a report on the operation of this section during the year covered by such annual report. Such report shall specify—

"(1) the number of complaints of violations of this section received by the Social Security Administration during the year,

"(2) the number of cases in which a notice of violation of this section was sent by the Social Security Administration during the year requesting that an individual cease activities in violation of this section,

"(3) the number of complaints of violations of this section referred by the Social Security Administration to the Inspector General in the Department of Health and Human Services during the year,

"(4) the number of investigations of violations of this section undertaken by the Inspector General during the year,

"(5) the number of cases in which a demand letter was sent during the year assessing a civil money penalty under this section,

"(6) the total amount of civil money penalties assessed under this section during the year,

"(7) the number of requests for hearings filed during the year pursuant to subsection (c)(1) of this section and section 1128A(c)(2),

"(8) the disposition during such year of hearings filed pursuant to sections 1140(c)(1) and 1128A(c)(2), and

"(9) the total amount of civil money penalties under this section deposited into the Federal Old-Age and Survivors Insurance Trust Fund during the year.".

(l) PROHIBITION OF MISUSE OF DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.—

(1) GENERAL RULE.—Subchapter II of chapter 3 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§333. Prohibition of misuse of Department of the Treasury names, symbols, etc.

"(a) GENERAL RULE.—No person may use, in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems—

"(1) the words 'Department of the Treasury', or the name of any service, bureau, office, or other subdivision of the Department of the Treasury,

"(2) the titles 'Secretary of the Treasury' or 'Treasurer of the United States' or the title of any other officer or employee of the Department of the Treasury,

"(3) the abbreviations or initials of any entity referred to in paragraph (1),

"(4) the words 'United States Savings Bond' or the name of any other obligation issued by the Department of the Treasury,

"(5) any symbol or emblem of an entity referred to in paragraph (1) (including the design of any envelope or stationary used by such an entity), and

"(6) any colorable imitation of any such words, titles, abbreviations, initials, symbols, or emblems,

in a manner which could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the Department of the Treasury or any entity referred to in paragraph (1) or any officer or employee thereof.

"(b) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated the provisions of subsection (a) shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

"(c) CIVIL PENALTY.—

"(1) IN GENERAL.—The Secretary of the Treasury may impose a civil penalty on any person who violates the provisions of subsection (a).

"(2) AMOUNT OF PENALTY.—The amount of the civil penalty imposed by paragraph (1) shall not exceed $5,000 for each use of any material in violation of subsection (a). If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting '$25,000' for '$5,000'.

"(3) TIME LIMITATIONS.—

"(A) ASSESSMENTS.—The Secretary of the Treasury may assess any civil penalty under paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

"(B) CIVIL ACTION.—The Secretary of the Treasury may commence a civil action to recover any penalty imposed under this subsection at any time before the end of the 2-year period beginning on the date on which such penalty was assessed.

"(4) COORDINATION WITH SUBSECTION (d).—No penalty may be assessed under this subsection with respect to any violation after a criminal proceeding with respect to such violation has been commenced under subsection (d).

"(d) CRIMINAL PENALTY.—

"(1) IN GENERAL.—If any person knowingly violates subsection (a), such person shall, upon conviction thereof, be fined not more than $10,000 for each such use or imprisoned not more than 1 year, or both. If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting '$50,000' for '$10,000'.

"(2) TIME LIMITATIONS.—No person may be prosecuted, tried, or punished under paragraph (1) for any violation of subsection (a) unless the indictment is found or the information instituted during the 3-year period beginning on the date of the violation.

"(3) COORDINATION WITH SUBSECTION (c).—No criminal proceeding may be commenced under this subsection with respect to any violation if a civil penalty has previously been assessed under subsection (c) with respect to such violation."

(2) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 31, United States Code, is amended by adding after the item relating to section 332 the following new item:

"333. Prohibition of misuse of Department of the Treasury names, symbols, etc.".

(3) REPORT.—Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.

(m) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the date of the enactment of this Act.

SEC. 214. INCREASED PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY INFORMATION.

(a) UNAUTHORIZED DISCLOSURE.—Section 1106(a) of the Social Security Act (42 U.S.C. 1306(a)) is amended—

(1) by striking "misdemeanor" and inserting "felony";

(2) by striking "$1,000" and inserting "$10,000 for each occurrence of a violation"; and

(3) by striking "one year" and inserting "5 years".

(b) UNAUTHORIZED DISCLOSURE BY FRAUD.—Section 1107(b) of such Act (42 U.S.C. 1307(b)) is amended—

(1) by inserting "social security account number," after "information as to the";

(2) by striking "misdemeanor" and inserting "felony";

(3) by striking "$1,000" and inserting "$10,000 for each occurrence of a violation"; and

(4) by striking "one year" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring on or after the date of the enactment of this Act.

SEC. 215. INCREASE IN AUTHORIZED PERIOD FOR EXTENSION OF TIME TO FILE ANNUAL EARNINGS REPORT.

(a) IN GENERAL.—Section 203(h)(1)(A) of the Social Security Act (42 U.S.C. 403(h)(1)(A)) is amended in the last sentence by striking "three months" and inserting "four months".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports of earnings for taxable years ending on or after December 31, 1994.

SEC. 216. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239), and section 5120 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is further amended—

(1) in paragraph (3) of subsection (a), by striking "June 10, 1993" and inserting "June 10, 1996";

(2) in paragraph (4) of subsection (a), by striking "1992" and inserting "1995"; and

(3) in subsection (c), by striking "October 1, 1993" and inserting "October 1, 1996".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 217. CROSS-MATCHING OF SOCIAL SECURITY ACCOUNT NUMBER INFORMATION AND EMPLOYER IDENTIFICATION NUMBER INFORMATION MAINTAINED BY THE DEPARTMENT OF AGRICULTURE.

(a) SOCIAL SECURITY ACCOUNT NUMBER INFORMATION.—Clause (iii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as added by section 1735(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3791)) is amended—

(1) by inserting "(I)" after "(iii)"; and

(2) by striking "The Secretary of Agriculture shall restrict" and all that follows and inserting the following:

"(II) The Secretary of Agriculture may share any information contained in any list referred to in subclause (I) with any other agency or instrumentality of the United States which otherwise has access to social security account numbers in accordance with this subsection or other applicable Federal law, except that the Secretary of Agriculture may share such information only to the extent that such Secretary determines such sharing would assist in verifying and matching such information against information maintained by such other agency or instrumentality. Any such information shared pursuant to this subclause may be used by such other agency or instrumentality only for the purpose of effective administration and enforcement of the Food Stamp Act of 1977 or for the purpose of investigation of violations of other Federal laws or enforcement of such laws.

"(III) The Secretary of Agriculture, and the head of any other agency or instrumentality referred to in this subclause, shall restrict, to the satisfaction of the Secretary of Health and Human Services, access to social security account numbers obtained pursuant to this clause only to officers and employees of the United States whose duties or responsibilities require access for the purposes described in subclause (II).

"(IV) The Secretary of Agriculture, and the head of any agency or instrumentality with which information is shared pursuant to clause (II), shall provide such other safeguards as the Secretary of Health and Human Services determines to be necessary or appropriate to protect the confidentiality of the social security account numbers.".

(b) EMPLOYER IDENTIFICATION NUMBER INFORMATION.—Subsection (f) of section 6109 of the Internal Revenue Code of 1986 (as added by section 1735(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3792)) (relating to access to employer identification numbers by Secretary of Agriculture for purposes of Food Stamp Act of 1977) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) SHARING OF INFORMATION AND SAFEGUARDS.—

"(A) SHARING OF INFORMATION.—The Secretary of Agriculture may share any information contained in any list referred to in paragraph (1) with any other agency or instrumentality of the United States which otherwise has access to employer identification numbers in accordance with this section or other applicable Federal law, except that the Secretary of Agriculture may share such information only to the extent that such Secretary determines such sharing would assist in verifying and matching such information against information maintained by such other agency or instrumentality. Any such information shared pursuant to this subparagraph may be used by such other agency or instrumentality only for the purpose of effective administration and enforcement of the Food Stamp Act of 1977 or for the purpose of investigation of violations of other Federal laws or enforcement of such laws.

"(B) SAFEGUARDS.—The Secretary of Agriculture, and the head of any other agency or instrumentality referred to in subparagraph (A), shall restrict, to the satisfaction of the Secretary of the Treasury, access to employer identification numbers obtained pursuant to this subsection only to officers and employees of the United States whose duties or responsibilities require access for the purposes described in subparagraph (A). The Secretary of Agriculture, and the head of any agency or instrumentality with which information is shared pursuant to subparagraph (A), shall provide such other safeguards as the Secretary of the Treasury determines to be necessary or appropriate to protect the confidentiality of the employer identification numbers.";

(2) in paragraph (3), by striking "by the Secretary of Agriculture pursuant to this subsection" and inserting "pursuant to this subsection by the Secretary of Agriculture or the head of any agency or instrumentality with which information is shared pursuant to paragraph (2)", and by striking "social security account numbers" and inserting "employer identification numbers"; and

(3) in paragraph (4), by striking "by the Secretary of Agriculture pursuant to this subsection" and inserting "pursuant to this subsection by the Secretary of Agriculture or any agency or instrumentality with which information is shared pursuant to paragraph (2)".

SEC. 218. CERTAIN TRANSFERS TO RAILROAD RETIREMENT ACCOUNT MADE PERMANENT.

Subsection (c)(1)(A) of section 224 of the Railroad Retirement Solvency Act of 1983 (relating to section 72(r) revenue increase transferred to certain railroad accounts) is amended by striking "with respect to benefits received before October 1, 1992".

SEC. 219. AUTHORIZATION FOR USE OF SOCIAL SECURITY ACCOUNT NUMBERS BY DEPARTMENT OF LABOR IN ADMINISTRATION OF FEDERAL WORKERS' COMPENSATION LAWS.

Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

"(ix) In the administration of the provisions of chapter 81 of title 5, United States Code, and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), the Secretary of Labor may require by regulation that any person filing a notice of injury or a claim for benefits under such provisions provide as part of such notice or claim such person's social security account number, subject to the requirements of this clause. No officer or employee of the Department of Labor shall have access to any such number for any purpose other than the establishment of a system of records necessary for the effective administration of such provisions. The Secretary of Labor shall restrict, to the satisfaction of the Secretary of Health and Human Services, access to social security account numbers obtained pursuant to this clause to officers and employees of the United States whose duties or responsibilities require access for the administration or enforcement of such provisions. The Secretary of Labor shall provide such other safeguards as the Secretary of Health and Human Services determines to be necessary or appropriate to protect the confidentiality of the social security account numbers.".

SEC. 220. COVERAGE UNDER FICA OF FEDERAL EMPLOYEES TRANSFERRED TEMPORARILY TO INTERNATIONAL ORGANIZATIONS.

(a) TREAMENT OF SERVICE IN THE EMPLOY OF INTERNATIONAL ORGANIZATIONS BY CERTAIN TRANSFERRED FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 3121 of the Internal Revenue Code of 1986 (relating to definitions) is

amended by adding at the end the following new subsection:

"(y) SERVICE IN THE EMPLOY OF INTERNATIONAL ORGANIZATIONS BY CERTAIN TRANSFERRED FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—For purposes of this chapter, service performed in the employ of an international organization by an individual pursuant to a transfer of such individual to such international organization pursuant to section 3582 of title 5, United States Code, shall constitute 'employment' if—

"(A) immediately before such transfer, such individual performed service with a Federal agency which constituted 'employment' under subsection (b) for purposes of the taxes imposed by sections 3101(a) and 3111(a), and

"(B) such individual would be entitled, upon separation from such international organization and proper application, to reemployment with such Federal agency under such section 3582.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) FEDERAL AGENCY.—The term 'Federal agency' means an agency, as defined in section 3581(1) of title 5, United States Code.

"(B) INTERNATIONAL ORGANIZATION.—The term 'international organization' has the meaning provided such term by section 3581(3) of title 5, United States Code."

(2) CONTRIBUTIONS BY FEDERAL AGENCY.—Section 3122 of such Code (relating to Federal service) is amended by inserting after the first sentence the following new sentence: "In the case of the taxes imposed by this chapter with respect to service performed in the employ of an international organization pursuant to a transfer to which the provisions of section 3121(y) are applicable, the determination of the amount of remuneration for such service, and the return and payment of the taxes imposed by this chapter, shall be made by the head of the Federal agency from which the transfer was made."

(3) COLLECTION OF EMPLOYEE CONTRIBUTIONS.—Section 3102 of such Code (relating to deduction of tax from wages) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE FOR CERTAIN TRANSFERRED FEDERAL EMPLOYEES.—In the case of any payments of wages for service performed in the employ of an international organization pursuant to a transfer to which the provisions of section 3121(y) are applicable—

"(1) subsection (a) shall not apply,

"(2) the head of the Federal agency from which the transfer was made shall separately include on the statement required under section 6051—

"(A) the amount determined to be the amount of the wages for such service, and

"(B) the amount of the tax imposed by section 3101 on such payments, and

"(3) the tax imposed by section 3101 on such payments shall be paid by the employee."

(4) EXCLUSION FROM TREATMENT AS TRADE OR BUSINESS.—Paragraph (2)(C) of section 1402(c) of such Code (defining trade or business) is amended by adding at the end the following: "except service which constitutes 'employment' under section 3121(y),".

(5) CONFORMING AMENDMENT.—Paragraph (15) of section 3121(b) of such Code is amended by inserting ", except service which constitutes 'employment' under subsection (y)" after "organization".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—Section 210 of the Social Security Act (42 U.S.C. 410) is amended by adding at the end the following new subsection:

"SERVICE IN THE EMPLOY OF INTERNATIONAL ORGANIZATIONS BY CERTAIN TRANSFERRED FEDERAL EMPLOYEES

"(r)(1) For purposes of this title, service performed in the employ of an international organization by an individual pursuant to a transfer of such individual to such international organization pursuant to section 3582 of title 5, United States Code, shall constitute 'employment' if—

"(A) immediately before such transfer, such individual performed service with a Federal agency which constituted 'employment' as defined in subsection (a), and

"(B) such individual would be entitled, upon separation from such international organization and proper application, to reemployment with such Federal agency under such section 3582.

"(2) For purposes of this subsection:

"(A) The term 'Federal agency' means an agency, as defined in section 3581(1) of title 5, United States Code.

"(B) The term 'international organization' has the meaning provided such term by section 3581(3) of title 5, United States Code."

(2) EXCLUSION FROM TREATMENT AS TRADE OR BUSINESS.—Section 211(c)(2)(C) of such Act (42 U.S.C. 411(c)(2)(C)) is amended by inserting before the semicolon the following ", except service which constitutes 'employment' under section 210(r)".

(3) CONFORMING AMENDMENT.—Section 210(a)(15) of such Act (42 U.S.C. 410(a)(15)) is amended by inserting ", except service which constitutes 'employment' under subsection (r)" before the semicolon.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to service performed after the calendar quarter following the calendar quarter in which the date of the enactment of this Act occurs.

SEC. 221. EXTEND THE FICA TAX EXEMPTION AND CERTAIN TAX RULES TO INDIVIDUALS WHO ENTER THE UNITED STATES UNDER A VISA ISSUED UNDER SECTION 101 OF THE IMMIGRATION AND NATIONALITY ACT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "(J), or (M)" each place it appears and inserting "(J), (M), or (Q)":

(A) Section 871(c).

(B) Section 1441(b).

(C) Section 3121(b)(19).

(D) Section 3231(e)(1).

(E) Section 3306(c)(19).

(2) Paragraph (3) of section 872(b) of such Code is amended by striking "(F) or (J)" and inserting "(F), (J), or (Q)".

(3) Paragraph (5) of section 7701(b) of such Code is amended by striking "subparagraph (J)" in subparagraphs (C)(i) and (D)(i)(II) and inserting "subparagraph (J) or (Q)".

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Paragraph (19) of section 210(a) of the Social Security Act is amended by striking "(J), or (M)" each place it appears and inserting "(J), (M), or (Q)".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with the calendar quarter following the date of the enactment of this Act.

SEC. 222. STUDY OF RISING COSTS OF DISABILITY INSURANCE BENEFITS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a comprehensive study of the reasons for rising costs payable from the Federal Disability Insurance Trust Fund.

(b) MATTERS TO BE INCLUDED IN STUDY.—In conducting the study under this section, the Secretary shall—

(1) determine the relative importance of the following factors in increasing the costs payable from the Trust Fund:

(A) increased numbers of applications for benefits;

(B) higher rates of benefit allowances; and

(C) decreased rates of benefit terminations; and

(2) identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in disability benefit applications, allowances, and terminations.

(c) REPORT.—Not later than December 31, 1994, the Secretary shall transmit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the results of the study conducted under this section, together with any recommendations for legislative changes which the Secretary determines appropriate.

SEC. 223. COMMISSION ON CHILDHOOD DISABILITY.

(a) ESTABLISHMENT OF COMMISSION.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall appoint a Commission on the Evaluation of Disability in Children (in this section referred to as the "Commission").

(b) APPOINTMENT OF MEMBERS.—(1) The Secretary shall appoint not less than 9 but not more than 15 members to the Commission, including—

(A) recognized experts in the field of medicine, whose work involves—

(i) the evaluation and treatment of disability in children,

(ii) the study of congenital, genetic, or perinatal disorders in children, or

(iii) the measurement of developmental milestones and developmental deficits in children; and

(B) recognized experts in the fields of—

(i) psychology,

(ii) education and rehabilitation,

(iii) law,

(iv) the administration of disability programs,

(v) social insurance (including health insurance), and

(vi) other fields of expertise that the Secretary determines to be appropriate.

(2) Members shall be appointed by January 1, 1995, without regard to the provisions of title 5, United States Code, governing appointments to competitive service.

(3) Members appointed under this subsection shall serve for a term equivalent to the duration of the Commission.

(4) The Secretary shall designate a member of the Commission to serve as Chair of the Commission for a term equivalent to the duration of the Commission.

(c) ADMINISTRATIVE PROVISIONS.—(1) Service as a member of the Commission by an individual who is not otherwise a Federal employee shall not be considered service in an appointive or elective position in the Federal Government for the purposes of title 5, United States Code.

(2) Each member of the Commission who is not a full-time Federal employee shall be paid compensation at a rate equal to the daily equivalent of the rate of basic pay in effect for Level IV of the Executive Schedule for each day (including travel time) the member attends meetings or otherwise performs the duties of the Commission.

(3) While away from their homes or regular places of business on the business of the Commission, each member who is not a full-time Federal employee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(d) ASSISTANCE TO COMMISSION.—The Commission may engage individuals skilled in medical and other aspects of childhood disability to provide such technical assistance as may be necessary to carry out the functions of the Commission. The Secretary shall make available to the Commission such secretarial, clerical, and other

assistance as the Commission may require to carry out the functions of the Commission.

(e) STUDY BY THE COMMISSION.—(1) The Commission shall conduct a study, in consultation with the National Academy of Sciences, of the effects of the definition of "disability" under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.) in effect on the date of enactment of this Act, as such definition applies to determining whether a child under the age of 18 is eligible to receive benefits under such title, the appropriateness of such definition, and the advantages and disadvantages of using any alternative definition of disability in determining whether a child under age 18 is eligible to receive benefits under such title.

(2) The study described in paragraph (1) shall include issues of—

(A) whether the need by families for assistance in meeting high costs of medical care for children with serious physical or mental impairments, whether or not they are eligible for disability benefits under title XVI of the Social Security Act, might appropriately be met through expansion of Federal health assistance programs (including the program of medical assistance under title XIX of such Act);

(B) the feasibility of providing benefits to children through noncash means, including but not limited to vouchers, debit cards, and electronic benefit transfer systems;

(C) the extent to which the Social Security Administration can involve private organizations in an effort to increae the provision of social services, education, and vocational instruction with the aim of promoting independence and the ability to engage in substantial gainful activity;

(D) the feasibility of providing retroactive supplemental security income benefits pursuant to the decision in Sullivan v. Zebley, 110 S. Ct. 2658 (1990), on a prorated basis or by means of a packaged trust;

(E) methods to increase the extent to which benefits are used in the effort to assist the child achieve independence and engage in substantial gainful activity; and

(F) such other issues that the Secretary determines to be appropriate.

(f) REPORT.—Not later than November 30, 1995, the Commission shall prepare a report and submit such report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

SEC. 224. DISREGARD DEEMED INCOME AND RESOURCES OF INELIGIBLE SPOUSE IN DETERMINING CONTINUED ELIGIBILITY UNDER SECTION 1619(b).

(a) IN GENERAL.—Section 1619(b)(2) of the Social Security Act (42 U.S.C. 1382h(b)(2)) is amended by adding at the end the following:

"(C)(i)(I) For purposes of paragraph (1), in determining the earnings of an individual whose spouse is not an eligible individual, there shall be disregarded the net income of the spouse to the extent such net income does not exceed an amount equal to twice the threshold amount determined for the individual.

"(II) As used in subclause (I), the term 'threshold amount' means, with respect to an individual—

"(aa) $85, plus twice the amount of benefits payable under this title (including federally administered State supplementary payments) to an individual who is living in his or her own household and who has no other income, plus the average amount expended per individual, under the State plan approved under title XIX by the State in which the individual resides, on individuals who are recipients of benefits under this title by reason of disability; or

"(bb) if the gross earnings of the individual exceeds the amount described in item (aa), the amount that would be sufficient to allow the individual to provide for himself or herself a reasonable equivalent of benefits and services described in paragraph (1)(D).

"(ii) For purposes of paragraph (1)(A), in determining the resources of an individual whose spouse is not an eligible individual, there shall be disregarded the resources of the spouse to the extent the amount of such resources does not exceed the community spouse resource allowance (as defined in section 1924(f)(2)) of the State in which the individual resides.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 225. PLANS FOR ACHIEVING SELF-SUPPORT NOT DISAPPROVED WITHIN 60 DAYS TO BE DEEMED APPROVED.

(a) AMENDMENTS TO INCOME EXCLUSION RULES.—Section 1612(b)(4) of the Social Security Act (42 U.S.C. 1382a(b)(4)(A)) is amended in each of subparagraphs (A) and (B) by inserting "and, for purposes of this clause, a completed plan for achieving self-support which is not disapproved by the Board within 60 days after the date of submission shall be deemed to be approved by the Board until subsequently disapproved by the Board (with appropriate notification to the individual)," after "plan,".

(b) AMENDMENT TO RESOURCE EXCLUSION RULE.—Section 1613(a)(4) of such Act (42 U.S.C. 1382b(a)(4)) is amended by inserting ", and, for purposes of this paragraph, a completed plan for achieving self-support which is not disapproved by the Board within 60 days after the date of submission shall be deemed to be approved by the Board until 6 months after subsequently disapproved by the Board (with appropriate notification to the individual)" after "such plan".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1995.

SEC. 226. TEMPORARY AUTHORITY TO APPROVE A LIMITED NUMBER OF PLANS FOR ACHIEVING SELF-SUPPORT THAT INCLUDE HOUSING GOALS.

(a) IN GENERAL.—During the 42-month period that begins on January 1, 1995, the Board may, under title XVI of the Social Security Act, approve not more than 20 percent of the plans for achieving self-support that include a housing goal.

(b) REPORT.—Within 12 months after the end of the 5-year period that begins on January 1, 1995, the Board shall submit to the Congress a report on the activities under subsection (a).

SEC. 227. REGULATIONS REGARDING COMPLETION OF PLANS FOR ACHIEVING SELF-SUPPORT.

(a) IN GENERAL.—Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(d) The Board shall establish by regulation time limits and other criteria related to individuals' plans for achieving self-support, that take into account the difficulty of achieving self-support based on the needs of individuals and the goals of the plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1995.

SEC. 228. TREATMENT OF CERTAIN GRANT, SCHOLARSHIP, OR FELLOWSHIP INCOME AS EARNED INCOME FOR SSI PURPOSES.

(a) IN GENERAL.—Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382a(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D); and

(2) by adding at the end the following:

"(F) any grant, scholarship, or fellowship.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility and benefit determinations for any month that begins after the 2nd month after the month in which this Act is enacted.

SEC. 229. SSI ELIGIBILITY FOR STUDENTS TEMPORARILY ABROAD.

(a) IN GENERAL.—Section 1611(f) of the Social Security Act (42 U.S.C. 1382(f)) is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding after and below the end the following:

"(2) The first sentence of paragraph (1) shall not apply to any individual who—

"(A) was eligible to receive a benefit under this title for the month immediately preceding the first month during all of which the individual was outside the United States; and

"(B) demonstrates to the satisfaction of the Board that the absence of the individual from the United States is—

"(i) temporary; and

"(ii) for the purpose of conducting studies as part of an educational program that is designed to prepare the individual for gainful employment, and is sponsored by a school, college, or university in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1995.

SEC. 230. DISREGARD OF COST-OF-LIVING INCREASES FOR CONTINUED ELIGIBILITY FOR WORK INCENTIVES.

(a) IN GENERAL.—Section 1619(b)(1)(B) of the Social Security Act (42 U.S.C. 1382h(b)(1)(B)) is amended by inserting "and increases pursuant to section 215(i) in the level of monthly insurance benefits to which the individual is entitled under title II that occur while such individual is considered to be receiving supplemental security income benefits by reason of this subsection" after "earnings".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to eligibility determinations for months after December 1994.

SEC. 231. EXPANSION OF THE AUTHORITY OF THE SOCIAL SECURITY ADMINISTRATION TO PREVENT, DETECT, AND TERMINATE FRAUDULENT CLAIMS FOR SSI BENEFITS.

(a) PREVENTION OF FRAUD IN THE SSI PROGRAM BY TRANSLATORS OF FOREIGN LANGUAGES.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) is amended by inserting after paragraph (3) the following:

"(4) A translation into English by a third party of a statement made in a foreign language by an applicant for or recipient of benefits under this title shall not be regarded as reliable unless the third party, under penalty of perjury—

"(A) certifies that the translation is accurate; and

"(B) discloses the nature and scope of the relationship between the third party and the applicant or recipient, as the case may be.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994.

(b) CIVIL MONETARY PENALTIES, ASSESSMENTS, AND EXCLUSIONS FOR TITLE XVI.—

(1) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301–1320b–14) is amended by inserting after section 1128B the following:

"SEC. 1129. CIVIL MONETARY PENALTIES AND ASSESSMENTS FOR TITLE XVI.

"(a) Any person (including an organization, agency, or other entity) who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to benefits or payments under title XVI that the person knows or should know is false or misleading or knows or should know

omits a material fact shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such statement or representation. Such person also shall be subject to an assessment, in lieu of damages sustained by the United States because of such statement or representation, of not more than twice the amount of benefits or payments paid as a result of such a statement or representation. In addition, the Board may make a determination in the same proceeding to exclude the person from participation in the programs under title XVIII and to direct the appropriate State agency to exclude the person from participation in any State health care program.

"(b)(1) The Board may initiate a proceeding to determine whether to impose a civil money penalty, assessment, or exclusion under subsection (a) only as authorized by the Attorney General pursuant to procedures agreed upon by the Board and the Attorney General. The Board may not initiate an action under this section with respect to any violation described in subsection (a) later than 6 years after the date the violation was committed. The Board may initiate an action under this section by serving notice of the action in any manner authorized by Rule 4 of the Federal Rules of Civil Procedure.

"(2) The Board shall not make a determination adverse to any person under this section until the person has been given written notice and an opportunity for the determination to be made on the record after a hearing at which the person is entitled to be represented by counsel, to present witnesses, and to cross-examine witnesses against the person.

"(3) In a proceeding under this section which—

"(A) is against a person who has been convicted (whether upon a verdict after trial or upon a plea of guilty or nolo contendere) of a Federal crime charging fraud or false statements; and

"(B) involves the same transaction as in the criminal action;

the person is estopped from denying the essential elements of the criminal offense.

"(4) The official conducting a hearing under this section may sanction a person, including any party or attorney, for failing to comply with an order or procedure, failing to defend an action, or other misconduct as would interfere with the speedy, orderly, or fair conduct of the hearing. Such sanction shall reasonably relate to the severity and nature of the failure or misconduct. Such sanction may include—

"(A) in the case of refusal to provide or permit discovery, drawing negative factual inference or treating such refusal as an admission by deeming the matter, or certain facts, to be established;

"(B) prohibiting a party from introducing certain evidence or otherwise supporting a particular claim or defense;

"(C) striking pleadings, in whole or in part;

"(D) staying the proceedings;

"(E) dismissal of the action;

"(F) entering a default judgment;

"(G) ordering the party or attorney to pay attorneys' fees and other costs caused by the failure or misconduct; and

"(H) refusing to consider any motion or other action which is not filed in a timely manner.

"(c) In determining the amount or scope of any penalty, assessment, or exclusion imposed pursuant to this section, the Board shall take into account—

"(1) the nature of the statements and representations referred to in subsection (a) and the circumstances under which they occurred;

"(2) the degree of culpability, history of prior offenses, and financial condition of the person committing the offense; and

"(3) such other matters as justice may require.

"(d)(1) Any person adversely affected by a determination of the Board under this section may obtain a review of such determination in the United States Court of Appeals for the circuit in which the person resides, or in which the statement or representation referred to in subsection (a) was made, by filing in such court (within 60 days following the date the person is notified of the Board's determination) a written petition requesting that the determination be modified or set aside. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, remanding for further consideration, or setting aside, in whole or in part, the determination of the Board and enforcing the same to the extent that such order is affirmed or modified. No objection that has not been urged before the Board shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

"(2) The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive in the review described in paragraph (1). If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, the court may order such additional evidence to be taken before the Board and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and the Board shall file with the court such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole shall be conclusive, and his recommendations, if any, for the modification or setting aside of his original order.

"(3) Upon the filing of the record with the Board's original or modified order, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

"(e)(1) Civil money penalties and assessments imposed under this section may be compromised by the Board and may be recovered—

"(A) in a civil action in the name of the United States brought in United States district court for the district where the statement or representation referred to in subsection (a) was made, or where the person resides, as determined by the Board;

"(B) by means of reduction in tax refunds to which the person is entitled, based on notice to the Secretary of the Treasury as permitted under section 3720A of title 31, United States Code;

"(C) by decrease of any payment under title XVI to which the person is entitled, notwithstanding section 207 of this Act, as made applicable to this title by reason of section 1631(d)(1);

"(D) by authorities provided under the Debt Collection Act of 1982, as amended, to the extent applicable to debts arising under the Social Security Act;

"(E) by deduction of the amount of such penalty or assessment, when finally determined, or the amount agreed upon in compromise, from any sum then or later owing by the United States to the person against whom the penalty or assessment has been assessed; or

"(F) by any combination of the foregoing.

"(f) A determination by the Board to impose a penalty, assessment, or exclusion under this section shall be final upon the expiration of the 60-day period referred to in subsection (d). Matters that were raised or that could have been raised in a hearing before the Board or in an appeal pursuant to subsection (d) may not be raised as a defense to a civil action by the United States to collect a penalty and assessment imposed under this section.

"(g) Whenever the Board's determination to impose a penalty, assessment, or exclusion under this section with respect to a medical provider or physician becomes final, the provisions of section 1128A(h) shall apply.

"(h) Whenever the Board has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under this section, the Board may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty and assessment if any such penalty were to be imposed or to seek other appropriate relief.

"(i)(1) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II. The Board may delegate the authority granted by section 205(d) (as made applicable to this section) to the Inspector General of the Department of Health and Human Services for purposes of any investigation under this section.

"(2) The Board may delegate authority granted under this section to the Inspector General of the Social Security Administration.

"(j) For purposes of this section, the term 'State agency' shall have the same meaning as in section 1128A(i)(1).

"(k) A principal is liable for penalties, assessments, and exclusions under this section for the actions of the principal's agent acting within the scope of the agency.".

(2) CONFORMING AMENDMENTS.—Section 1128 of such Act (42 U.S.C. 1320a–7) is amended—

(A) in subsection (b)(7), by striking "or section 1128B" and inserting ", section 1128B, or section 1129";

(B) in subsection (b)(8)(B)(ii), by inserting "and section 1129" after "section 1128A";

(C) in subsection (c)(1), by striking "or under section 1128A" and inserting ", section 1128A, or section 1129";

(D) in subsection (c)(3)(A), by inserting "or section 1129" after "section 1128A";

(E) in subsection (d)(1), by striking "and section 1128A" and inserting ", section 1128A, and section 1129";

(F) in subsection (d)(2)(A), by striking "or section 1128A" and inserting ", section 1128A, or section 1129";

(G) in subsection (e)(1), by striking "or section 1128A" and inserting ", section 1128A, or section 1129";

(H) in subsection (f)(3), by inserting ", 1129," after "sections 1128A";

(I) in subsection (g)(1), by striking "or section 1128A" each place such term appears and inserting ", section 1128A, or section 1129";

(J) in subsection (g)(2)(A), by inserting "and section 1129(a)" after "section 1128A(a)"; and

(K) in subsection (h), by striking "1128A and 1128B" and inserting "1128A, 1128B, and 1129".

(c) SSI FRAUD CONSIDERED A FELONY.—

(1) IN GENERAL.—Section 1632(a) of the Social Security Act (42 U.S.C. 1383a(a)) is amended by

striking "shall" the 1st place such term appears and all that follows and inserting "shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.".

(2) CONFORMING AMENDMENT.—Section 1632(b) of such Act (42 U.S.C. 1383a(b)) is amended to read as follows:

"(b)(1) If a person or entity violates subsection (a) in the person's or entity's role as, or in applying to become, a payee under section 1631(a)(2) on behalf of another individual (other than the person's eligible spouse), and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to such other individual.

"(2) Any person or entity convicted of a violation of subsection (a) of this section or of section 208 may not be certified as a payee under section 1631(a)(2).".

(d) AUTHORITY TO REDETERMINE ELIGIBILITY IN DISABILITY CASES IF FRAUD IS INVOLVED, AND TO TERMINATE BENEFITS IF THERE IS INSUFFICIENT RELIABLE EVIDENCE OF DISABILITY.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) is amended by adding at the end the following:

"(6)(A) The Board shall immediately redetermine the eligibility of an individual for benefits under this title by reason of disability, disregarding any unreliable evidence of disability, if there is reason to believe that fraud was involved in the application of the individual for such benefits, unless a United States attorney, or equivalent State prosecutor, with jurisdiction over potential or actual related criminal cases, certifies, in writing, that there is a substantial risk that redetermining such eligibility would jeopardize the criminal prosecution of any person who is a subject of the investigation from which the information is derived.

"(B) If, after redetermining the eligibility of an individual for benefits under this title by reason of disability, the Board determines that there is insufficient reliable evidence of disability, the Board may terminate such eligibility.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994, and shall apply to eligibility determinations made before, on, or after such date.

(e) AVAILABILITY OF RECIPIENT IDENTIFYING INFORMATION FROM THE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)), as amended by subsection (d) of this section, is amended by adding at the end the following:

"(7) As soon as the Inspector General, Social Security Administration, has reason to believe that fraud was involved in the application of a recipient for benefits under this title, the Inspector General shall make available to the Board information identifying the recipient, unless a United States attorney, or equivalent State prosecutor, with jurisdiction over potential or actual related criminal cases, certifies, in writing, that there is a substantial risk that making the information so available or redetermining the eligibility of the recipient for such benefits would jeopardize the criminal prosecution of any person who is a subject of the investigation from which the information is derived.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994.

(f) AUTHORITY TO USE AVAILABLE PREADMISSION IMMIGRANT AND REFUGEE MEDICAL INFORMATION.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)), as amended by the preceding provisions of this Act, is amended by adding at the end the following:

"(8) The Board shall request the Immigration and Naturalization Service and the Centers for Disease Control to provide the Board with whatever medical information either such entity has with respect to any alien who has applied for benefits under this title to the extent that the information is relevant to any determination relating to such eligibility.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994.

(g) ANNUAL REPORTS ON REVIEWS OF SSI CASES.—The Board shall annually submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the extent to which the Board has exercised its authority to review supplemental security income cases under title XVI of the Social Security Act, and the extent to which the cases reviewed were those that involved a high likelihood or probability of fraud.

SEC. 232. DISABILITY REVIEW REQUIRED FOR SSI RECIPIENTS WHO ARE 18 YEARS OF AGE.

(a) IN GENERAL.—Section 1614(a)(3)(G) of the Social Security Act (42 U.S.C. 1382c(a)(3)(G)) is amended—

(1) by inserting "(i)" after "(G)"; and

(2) by adding after and below the end the following:

"(ii)(I) During the 1-year period that begins on the date a recipient of benefits under this title by reason of disability attains 18 years of age, the applicable State agency or the Board (as may be appropriate) shall redetermine the eligibility of the recipient for such benefits by reason of disability, by applying the criteria used in determining eligibility for such benefits of applicants who have attained 18 years of age.

"(II) A review under subclause (I) of this clause shall be considered a substitute for a review required under clause (i).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to individuals who attain 18 years of age in or after the 9th month after the month in which this Act is enacted.

SEC. 233. CONTINUING DISABILITY REVIEWS.

(a) IN GENERAL.—Section 1614(a)(3)(G) of such Act (42 U.S.C. 1382c(a)(3)(G)) is amended by inserting "221(i)," after "221(h),".

(b) EFFECTIVE DATE.—The amendment made by subsection (A) shall take effect on October 1, 1995.

SEC. 234. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT.—

(1) Section 201(a) of the Social Security Act (42 U.S.C. 401(a)) is amended, in the matter following clause (4), by striking "and and" and inserting "and".

(2) Section 202(d)(8)(D)(ii) of such Act (42 U.S.C. 402(d)(8)(D)(ii)) is amended by adding a period at the end and by adjusting the left hand margination thereof so as to align with section 202(d)(8)(D)(i) of such Act.

(3) Section 202(q)(1)(A) of such Act (42 U.S.C. 402(q)(1)(A)) is amended by striking the dash at the end.

(4) Section 202(q)(9) of such Act (42 U.S.C. 402(q)(9)) is amended, in the matter preceding subparagraph (A), by striking "parargaph" and inserting "paragraph".

(5) Section 202(t)(4)(D) of such Act (42 U.S.C. 402(t)(4)(D)) is amended by inserting "if the" before "Secretary" the second and third places it appears.

(6) Clauses (i) and (ii) of section 203(f)(5)(C) of such Act (42 U.S.C. 403(f)(5)(C)) are amended by adjusting the left-hand margination thereof so as to align with clauses (i) and (ii) of section 203(f)(5)(B) of such Act.

(7) Paragraph (3)(A) and paragraph (3)(B) of section 205(b) of such Act (42 U.S.C. 405(b)) are amended by adjusting the left-hand margination thereof so as to align with the matter following section 205(b)(2)(C) of such Act.

(8) Section 205(c)(2)(B)(iii) of such Act (42 U.S.C. 405(c)(2)(B)(iii)) is amended by striking "non-public" and inserting "nonpublic".

(9) Section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)) is amended—

(A) by striking the clause (vii) added by section 2201(c) of Public Law 101–624;

(B) by redesignating the clause (iii) added by section 2201(b)(3) of Public Law 101–624, clause (iv), clause (v), clause (vi), and the clause (vii) added by section 1735(b) of Public Law 101–624 as clause (iv), clause (v), clause (vi), clause (vii), and clause (viii), respectively;

(C) in clause (v) (as redesignated), by striking "subclause (I) of", and by striking "subclause (II) of clause (i)" and inserting "clause (ii)"; and

(D) in clause (viii)(IV) (as redesignated), by inserting "a social security account number or" before "a request for".

(10) The heading for section 205(j) of such Act (42 U.S.C. 405(j)) is amended to read as follows:

"Representative Payees".

(11) The heading for section 205(s) of such Act (42 U.S.C. 405(s)) is amended to read as follows:

"Notice Requirements".

(12) Section 208(c) of such Act (42 U.S.C. 408(c)) is amended by striking "subsection (g)" and inserting "subsection (a)(7)".

(13) Section 210(a)(5)(B)(i)(V) of such Act (42 U.S.C. 410(a)(5)(B)(i)(V)) is amended by striking "section 105(e)(2)" and inserting "section 104(e)(2)".

(14) Section 211(a) of such Act (42 U.S.C. 411(a)) is amended—

(A) in paragraph (13), by striking "and" at the end; and

(B) in paragraph (14), by striking the period and inserting "; and".

(15) Section 213(c) of such Act (42 U.S.C. 413(c)) is amended by striking "section" the first place it appears and inserting "sections".

(16) Section 215(a)(5)(B)(i) of such Act (42 U.S.C. 415(a)(5)(B)(i)) is amended by striking "subsection" the second place it appears and inserting "subsections".

(17) Section 215(f)(7) of such Act (42 U.S.C. 415(f)(7)) is amended by inserting a period after "1990".

(18) Subparagraph (F) of section 218(c)(6) of such Act (42 U.S.C. 418(c)(6)) is amended by adjusting the left-hand margination thereof so as to align with section 218(c)(6)(E) of such Act.

(19) Section 223(i) of such Act (42 U.S.C. 423(i)) is amended by adding at the beginning the following heading:

"Limitation on Payments to Prisoners".

(b) RELATED AMENDMENTS.—

(1) Section 603(b)(5)(A) of Public Law 101–649 (amending section 202(n)(1) of the Social Security Act) (104 Stat. 5085) is amended by inserting "under" before "paragraph (1)," and by striking "(17), or (18)" and inserting "(17), (18), or (19)", effective as if this paragraph were included in such section 603(b)(5)(A).

(2) Section 10208(b)(1) of Public Law 101–239 (amending section 230(b)(2)(A) of the Social Security Act) (103 Stat. 2477) is amended by striking "230(b)(2)(A)" and "430(b)(2)(A)" and inserting "230(b)(2)" and "430(b)(2)", respectively, effective as if this paragraph were included in such section 10208(b)(1).

(c) CONFORMING, CLERICAL AMENDMENTS UPDATING, WITHOUT SUBSTANTIVE CHANGE, REFERENCES IN TITLE II OF THE SOCIAL SECURITY ACT TO THE INTERNAL REVENUE CODE.—

(1)(A)(i) Section 201(g)(1) of such Act (42 U.S.C. 401(g)(1)) is amended—

(I) in subparagraph (A)(i), by striking "and subchapter E" and all that follows through "1954" and inserting "and chapters 2 and 21 of the Internal Revenue Code of 1986";

(II) in subparagraph (A)(ii), by striking "1954" and inserting "1986";

(III) in the matter in subparagraph (A) following clause (ii), by striking "subchapter E" and all that follows through "1954." and inserting "chapters 2 and 21 of the Internal Revenue Code of 1986.", and by striking "1954 other" and inserting "1986 other"; and

(IV) in subparagraph (B), by striking "1954" each place it appears and inserting "1986".

(ii) The amendments made by clause (i) shall apply only with respect to periods beginning on or after the date of the enactment of this Act.

(B)(i) Section 201(g)(2) of such Act (42 U.S.C. 401(g)(2)) is amended by striking "section 3101(a)" and all that follows through "1950." and inserting "section 3101(a) of the Internal Revenue Code of 1986 which are subject to refund under section 6413(c) of such Code with respect to wages (as defined in section 3121 of such Code).", and by striking "wages reported" and all that follows through "1954," and inserting "wages reported to the Secretary of the Treasury or his delegate pursuant to subtitle F of such Code,".

(ii) The amendments made by clause (i) shall apply only with respect to wages paid on or after January 1, 1995.

(C) Section 201(g)(4) of such Act (42 U.S.C. 401(g)(4)) is amended—

(i) by striking "The Board of Trustees shall prescribe before January 1, 1981, the method" and inserting "If at any time or times the Boards of Trustees of such Trust Funds deem such action advisable, they may modify the method prescribed by such Boards";

(ii) by striking "1954" and inserting "1986"; and

(iii) by striking the last sentence.

(2) Section 202(v) of such Act (42 U.S.C. 402(v)) is amended—

(A) in paragraph (1), by striking "1954" and inserting "1986"; and

(B) in paragraph (3)(A), by inserting "of the Internal Revenue Code of 1986" after "3127".

(3) Section 205(c)(5)(F)(i) of such Act (42 U.S.C. 405(c)(5)(F)(i)) is amended by inserting "or the Internal Revenue Code of 1986" after "1954".

(4)(A) Section 209(a)(4)(A) of such Act (42 U.S.C. 409(a)(4)(A)) is amended by inserting "or the Internal Revenue Code of 1986" after "Internal Revenue Code of 1954".

(B) Section 209(a) of such Act (42 U.S.C. 409(a)) is amended—

(i) in subparagraphs (C) and (E) of paragraph (4),

(ii) in paragraph (5)(A),

(iii) in subparagraphs (A) and (B) of paragraph (14),

(iv) in paragraph (15),

(v) in paragraph (16), and

(vi) in paragraph (17),

by striking "1954" each place it appears and inserting "1986".

(C) Subsections (b), (f), (g), (i)(1), and (j) of section 209 of such Act (42 U.S.C. 409) are amended by striking "1954" each place it appears and inserting "1986".

(5) Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by inserting "of the Internal Revenue Code of 1986" after "section 162(m)".

(6) Title II of such Act is further amended—

(A) in subsections (f)(5)(B)(ii) and (k) of section 203 (42 U.S.C. 403),

(B) in section 205(c)(1)(D)(i) (42 U.S.C. 405(c)(1)(D)(i)),

(C) in the matter in section 210(a) (42 U.S.C. 410(a)) preceding paragraph (1) and in paragraphs (8), (9), and (10) of section 210(a),

(D) in subsections (p)(4) and (q) of section 210 (42 U.S.C. 410),

(E) in the matter in section 211(a) (42 U.S.C. 411(a)) preceding paragraph (1) and in paragraphs (3), (4), (6), (10), (11), and (12) and clauses (iii) and (iv) of section 211(a),

(F) in the matter in section 211(c) (42 U.S.C. 411(c)) preceding paragraph (1), in paragraphs (3) and (6) of section 211(c), and in the matter following paragraph (6) of section 211(c),

(G) in subsections (d), (e), and (h)(1)(B) of section 211 (42 U.S.C. 411),

(H) in section 216(j) (42 U.S.C. 416(j)),

(I) in section 218(e)(3) (42 U.S.C. 418(e)(3)),

(J) in section 229(b) (42 U.S.C. 429(b)),

(K) in section 230(c) (42 U.S.C. 430(c)), and

(L) in section 232 (42 U.S.C. 432),

by striking "1954" each place it appears and inserting "1986".

(d) RULES OF CONSTRUCTION.—

(1) The preceding provisions of this section shall be construed only as technical and clerical corrections and as reflecting the original intent of the provisions amended thereby.

(2) Any reference in title II of the Social Security Act to the Internal Revenue Code of 1986 shall be construed to include a reference to the Internal Revenue Code of 1954 to the extent necessary to carry out the provisions of paragraph (1).

(e) UTILIZATION OF NATIONAL AVERAGE WAGE INDEX FOR WAGE-BASED ADJUSTMENTS.—

(1) DEFINITION OF NATIONAL AVERAGE WAGE INDEX.—Section 209(k) of the Social Security Act (42 U.S.C. 409(k)) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) in paragraph (3) (as redesignated), by striking "paragraph (1)" and inserting "this subsection"; and

(C) by striking paragraph (1) and inserting the following new paragraphs:

"(k)(1) For purposes of sections 203(f)(8)(B)(ii), 213(d)(2)(B), 215(a)(1)(B)(ii), 215(a)(1)(C)(ii), 215(a)(1)(D), 215(b)(3)(A)(ii), 215(i)(1)(E), 215(i)(2)(C)(ii), 224(f)(2)(B), and 230(b)(2) (and 230(b)(2) as in effect immediately prior to the enactment of the Social Security Amendments of 1977), the term 'national average wage index' for any particular calendar year means, subject to regulations of the Secretary under paragraph (2), the average of the total wages for such particular calendar year.

"(2) The Secretary shall prescribe regulations under which the national average wage index for any calendar year shall be computed—

"(A) on the basis of amounts reported to the Secretary of the Treasury or his delegate for such year,

"(B) by disregarding the limitation on wages specified in subsection (a)(1),

"(C) with respect to calendar years after 1990, by incorporating deferred compensation amounts and factoring in for such years the rate of change from year to year in such amounts, in a manner consistent with the requirements of section 10208 of the Omnibus Budget Reconciliation Act of 1989, and

"(D) with respect to calendar years before 1978, in a manner consistent with the manner in which the average of the total wages for each of such calendar years was determined as provided by applicable law as in effect for such years.".

(2) CONFORMING AMENDMENTS.—

(A) Section 213(d)(2)(B) of such Act (42 U.S.C. 413(d)(2)(B)) is amended by striking "deemed average total wages" and inserting "national average wage index", and by striking "the average of the total wages" and all that follows and inserting "the national average wage index (as so defined) for 1976,".

(B) Section 215(a)(1)(B)(ii) of such Act (42 U.S.C. 415(a)(1)(B)(ii)) is amended—

(i) in subclause (I), by striking "deemed average total wages" and inserting "national average wage index"; and

(ii) in subclause (II), by striking "the average of the total wages" and all that follows and inserting "the national average wage index (as so defined) for 1977.".

(C) Section 215(a)(1)(C)(ii) of such Act (42 U.S.C. 415(a)(1)(C)(ii)) is amended by striking "deemed average total wages" and inserting "national average wage index".

(D) Section 215(a)(1)(D) of such Act (42 U.S.C. 415(a)(1)(D)) is amended—

(i) by striking "after 1978";

(ii) by striking "and the average of the total wages (as described in subparagraph (B)(ii)(I))" and inserting "and the national average wage index (as defined in section 209(k)(1))"; and

(iii) by striking the last sentence.

(E) Section 215(b)(3)(A)(ii) of such Act (42 U.S.C. 415(b)(3)(A)(ii)) is amended by striking "deemed average total wages" each place it appears and inserting "national average wage index".

(F) Section 215(i)(1) of such Act (42 U.S.C. 415(i)(1)) is amended—

(i) in subparagraph (E), by striking "SSA average wage index" and inserting "national average wage index (as defined in section 209(k)(1))"; and

(ii) by striking subparagraph (G) and redesignating subparagraph (H) as subparagraph (G).

(G) Section 215(i)(2)(C)(ii) of such Act (42 U.S.C. 415(i)(1)(C)(ii)) is amended to read as follows:

"(ii) The Secretary shall determine and promulgate the OASDI fund ratio for the current calendar year on or before November 1 of the current calendar year, based upon the most recent data then available. The Secretary shall include a statement of the fund ratio and the national average wage index (as defined in section 209(k)(1)) and a statement of the effect such ratio and the level of such index may have upon benefit increases under this subsection in any notification made under clause (i) and any determination published under subparagraph (D).".

(H) Section 224(f)(2) of such Act (42 U.S.C. 424a(f)(2)) is amended—

(i) in subparagraph (A), by adding "and" at the end;

(ii) by striking subparagraph (C); and

(iii) by striking subparagraph (B) and inserting the following:

"(B) the ratio of (i) the national average wage index (as defined in section 209(k)(1)) for the calendar year before the year in which such redetermination is made to (ii) the national average wage index (as so defined) for the calendar year before the year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability).".

(f) TECHNICAL CORRECTIONS RELATED TO OASDI IN THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—

(1) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5103(b) RELATING TO DISABLED WIDOWS.—Section 223(f)(2) of the Social Security Act (42 U.S.C. 423(f)(2)) is amended—

(A) in subparagraph (A), by striking "(in a case to which clause (ii)(II) does not apply)"; and

(B) by striking subparagraph (B)(ii) and inserting the following:

"(ii) the individual is now able to engage in substantial gainful activity; or".

(2) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5105(d) RELATING TO REPRESENTATIVE PAYEES.—

(A) TITLE II AMENDMENTS.—Section 5105(d)(1)(A) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended—

(i) by striking "Section 205(j)(5)" and inserting "Section 205(j)(6)"; and

(ii) by redesignating the paragraph (5) as amended thereby as paragraph (6).

(B) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of the Social Security Act (42 U.S.C. 1383(a)(2)) is amended—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

"(E) RESTITUTION.—In cases where the negligent failure of the Secretary to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Secretary shall make payment to the beneficiary or the beneficiary's representative payee of an amount equal to such misused benefits. The Secretary shall make a good faith effort to obtain restitution from the terminated representative payee.".

(3) AMENDMENTS RELATED TO PROVISIONS IN SECTION 5106 RELATING TO COORDINATION OF RULES UNDER TITLES II AND XVI GOVERNING FEES FOR REPRESENTATIVES OF CLAIMANTS WITH ENTITLEMENTS UNDER BOTH TITLES.—

(A) CALCULATION OF FEE OF CLAIMANT'S REPRESENTATIVE BASED ON AMOUNT OF PAST-DUE SUPPLEMENTAL SECURITY INCOME BENEFITS AFTER APPLICATION OF WINDFALL OFFSET PROVISION.—Section 1631(d)(2)(A)(i) of the Social Security Act (as amended by section 5106(a)(2) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1383(d)(2)(A)(i)) is amended to read as follows:

"(i) by substituting, in subparagraphs (A)(ii)(I) and (C)(i), the phrase '(as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a))' for the parenthetical phrase contained therein; and".

(B) CALCULATION OF PAST-DUE BENEFITS FOR PURPOSES OF DETERMINING ATTORNEY FEES IN JUDICIAL PROCEEDINGS.—

(i) IN GENERAL.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(I) by inserting "(A)" after "(b)(1)"; and

(II) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph—

"(i) the term 'past-due benefits' excludes any benefits with respect to which payment has been continued pursuant to subsection (g) or (h) of section 223, and

"(ii) amounts of past-due benefits shall be taken into account to the extent provided under the rules applicable in cases before the Secretary.".

(ii) PROTECTION FROM OFFSETTING SSI BENEFITS.—The last sentence of section 1127(a) of such Act (as added by section 5106(b) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1320a–6(a)) is amended by striking "section 206(a)(4)" and inserting "subsection (a)(4) or (b) of section 206".

(4) APPLICATION OF SINGLE DOLLAR AMOUNT CEILING TO CONCURRENT CLAIMS UNDER TITLES II AND XVI.—

(A) IN GENERAL.—Section 206(a)(2) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(2)) is amended—

(i) by redesignating subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following new subparagraph:

"(C) In any case involving—

"(i) an agreement described in subparagraph (A) with any person relating to both a claim of entitlement to past-due benefits under this title and a claim of entitlement to past-due benefits under title XVI, and

"(ii) a favorable determination made by the Secretary with respect to both such claims,

the Secretary may approve such agreement only if the total fee or fees specified in such agreement does not exceed, in the aggregate, the dollar amount in effect under subparagraph (A)(ii)(II).".

(B) CONFORMING AMENDMENT.—Section 206(a)(3)(A) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(3)(A)) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(D)".

(5) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if included in the provisions of the Omnibus Budget Reconciliation Act of 1990 to which such amendment relates.

(g) ELIMINATION OF ROUNDING DISTORTION IN THE CALCULATION OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE CONTRIBUTION AND BENEFIT BASE AND THE EARNINGS TEST EXEMPT AMOUNTS.—

(1) ADJUSTMENT OF OASDI CONTRIBUTION AND BENEFIT BASE.—

(A) IN GENERAL.—Section 230(b) of the Social Security Act (42 U.S.C. 430(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) $60,600, and

"(2) the ratio of (A) the national average wage index (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subsection (a) is made to (B) the national average wage index (as so defined) for 1992,".

(B) CONFORMING AMENDMENT RELATING TO APPLICABLE PRIOR LAW.—Section 230(d) of such Act (42 U.S.C. 430(d)) is amended by striking "(except that" and all that follows through the end and inserting "(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection (b) shall be deemed a reference to an amount equal to $45,000, each reference in paragraph (2) of such subsection (b) to the average of the wages of all employees as reported to the Secretary of the Treasury shall be deemed a reference to the national average wage index (as defined in section 209(k)(1)), the reference to a preceding calendar year in paragraph (2)(A) of such subsection (b) shall be deemed a reference to the calendar year before the calendar year in which the determination under subsection (a) of such section 230 is made, and the reference to a calendar year in paragraph (2)(B) of such subsection (b) shall be deemed a reference to 1992).".

(C) ADJUSTMENT OF CONTRIBUTION AND BENEFIT BASE APPLICABLE IN DETERMINING YEARS OF COVERAGE FOR PURPOSES OF SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT.—Section 215(a)(1)(C)(ii) of such Act is amended by striking "(except that" and all that follows through the end and inserting "(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection (b) shall be deemed a reference to an amount equal to $45,000, each reference in paragraph (2) of such subsection (b) to the average of the wages of all employees as reported to the Secretary of the Treasury shall be deemed a reference to the national average wage index (as defined in section 209(k)(1)), the reference to a preceding calendar year in paragraph (2)(A) of such subsection (b) shall be deemed a reference to the calendar year before the calendar year in which the determination under subsection (a) of such section 230 is made, and the reference to a calendar year in paragraph (2)(B) of such subsection (b) shall be deemed a reference to 1992).".

(2) ADJUSTMENT OF EARNINGS TEST EXEMPT AMOUNT.—Section 203(f)(8)(B)(ii) of the Social Security Act (42 U.S.C. 403(f)(8)(B)(ii)) is amended to read as follows:

"(ii) the product of the corresponding exempt amount which is in effect with respect to months in the taxable year ending after 1993 and before 1995, and the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subparagraph (A) is made, to

"(II) the national average wage index (as so defined) for 1992,

with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is a multiple of $5 but not of $10 and to the nearest multiple of $10 in any other case.".

(3) EFFECTIVE DATES.—

(A) The amendments made by subsection (a) shall be effective with respect to the determination of the contribution and benefit base for years after 1994.

(B) The amendment made by subsection (b) shall be effective with respect to the determination of the exempt amounts applicable to any taxable year ending after 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Ways and Means brings before the House today H.R. 4277, a bill making the Social Security Administration an independent agency and making other needed improvements in the Social Security and SSI programs.

First, the bill creates an independent Social Security Administration. This legislation has been a long time in coming. In the House, we have acted on this measure three times in the past. Recently, the Senate has also acted, approving an independent agency bill just 2 months ago.

This bill takes an important step toward restoring confidence in an agency which was decimated during the late 1980's. During the two previous administrations, the agency was starved of resources, and its staff was cut by over 20 percent. As a result of these actions, disability applications piled up and the quality of service to the public declined.

The Clinton administration has done an excellent job working to return the agency to world class service—but it has been an uphill battle. More remains to be done.

As an independent agency, SSA can focus on the goal of improving service; insulate itself from the political pressures under which it operated in the 1980's; and return to the stature it enjoyed in the past.

H.R. 4277 also reforms the payments of both Social Security and SSI disability benefits to drug addicts and alcoholics. The bill would place strict limitations on benefits to such individuals and would establish safeguards to ensure that benefits, when paid, are not used to support an addiction.

The legislation also would require that individuals participate in a drug treatment program as a condition of receiving benefits. Progressive sanctions—in the form of lost benefits—would be applied to those who do not comply. Moreover, a total 3-year limit would be placed on benefits to drug addicts and alcoholics.

The bill also addresses fraud and abuse issues in the SSI program by expanding the authority of SSA to prevent, detect, and terminate fraudulent claims for SSI benefits. As a method of prevention, SSA would be required to certify individuals who serve as third-party translators.

In addition, persons found guilty of committing fraud would be subject to civil money penalties and criminal felony sanctions. The legislation would also require SSA to review all disability cases involving fraud, using identification information from the inspector general and immigrant medical information from the Immigration and Naturalization Service.

Finally, the legislation includes a number of other improvements in the Social Security program: it increases the FICA exemption for election workers and makes permanent the transfer of certain revenues to the railroad retirement account.

Mr. Speaker, this legislation includes important changes which will increase public confidence in the Social Security and SSI programs. Moreover, it will reduce the unified deficit by $2.3 billion over the next 5 years. I urge my colleagues to give it their support.

□ 1330

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sincerely hope that the action we are about to set into motion on this bill at long last results in final passage of legislation to make Social Security an independent agency. In my view, this legislation is long, long overdue.

Mr. Speaker, shoring up the Social Security System, has been one of my chief legislative priorities since I was elected to Congress. That is the reason I chose to become the ranking Republican on the Social Security Subcommittee when it was first created.

It is also the reason why I sponsored one of the first House bills creating an independent Social Security agency with my colleague from Austin, Mr. PICKLE, who served as the subcommittee's first chairman.

That bill was one of the three to have overwhelmingly been passed in the House over the last decade. As sometimes happens around here, however, the House and Senate were unable to get together on a final product.

This time, I strongly hope we in fact see the issue finally resolved. First, because freeing Social Security from the HHS bureaucracy is critical to its survival as a vital public service agency.

Making Social Security independent is not a panacea, but I believe that freeing Social Security from the layers of bureaucracy imposed upon it by its current structure within HHS will go a long way in making it less political and both more responsive and more accountable.

I believe that independence from HHS simply will allow Social Security to manage more of its own resources, and with better results.

Mr. Speaker, the 1983 Social Security Commission, on which I served, recommended a study to make Social Security an independent agency. That recommendation was included in the 1983 Social Security Amendments.

The study itself, which was headed up by former General Accounting Office Comptroller General Elmer Staats, recommended that an independent Social Security Administration be run by a single administrator, backed by an advisory board.

While I strongly support this bill, I would like to note that I would prefer the form of administrative leadership specified in the bill of the gentleman from Kentucky [Mr. BUNNING], the ranking Republican on the Social Security Subcommittee, whose efforts on this issue I commend. His bill would establish the same form of leadership as was endorsed by the experts on the Staats panel.

Mr. Speaker, the bill contains other provisions that are important to average Americans and that are also long overdue. Although I would have liked stronger provisions dealing with payments to drug addicts and alcoholics, I am confident that this is just the beginning, and I look forward to working with the leadership of the subcommittees and committee to take further action.

The laxness of the current program is an affront to hard-working American taxpayers and must be corrected.

Mr. Speaker, I join Chairman ROSTENKOWSKI, Subcommittee Chairman JACOBS and our Republican leader on Social Security, the gentleman from Kentucky, Mr. BUNNING, in strongly supporting this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. BUNNING], and I ask unanimous consent that he be permitted to yield time to other Members.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. BUNNING] will control the remainder of the time for the minority.

Mr. ROSTENKOWSKI. Mr. Speaker, I make the same unanimous-consent request that the gentleman from Texas [Mr. ARCHER] made on behalf of the gentleman from Indiana [Mr. JACOBS] the chairman of the Subcommittee on Social Security.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. JACOBS] will control the balance of the time on behalf of the majority.

Mr. JACOBS. Mr. Speaker, I thank the chairman of the Committee on Ways and Means, and I yield myself such time as I may consume.

Naming Members of Congress as receiving credit on legislation gets run into the ground, but I am going to do it now. This is the first time I have ever done it, but this is a special occasion.

This proposal has been before the Congress for more than a decade. It makes all the sense in the world. In essence, to put it in plain English, it allows the Social Security System to mind its own business without meddling for any reason, other than to perform its mission, into the affairs of anybody else.

The gentleman from Texas [Mr. PICKLE] and the gentleman from Texas [Mr. ARCHER] deserve credit. As a Hoosier, I hate to concentrate all the praise in that direction, but that is the way it came out. Both Mr. PICKLE and Mr. ARCHER have labored long and hard in this vineyard. Chairman ROSTENKOWSKI has been supportive at every turn in the past.

The gentleman from Kentucky [Mr. BUNNING] and the gentleman from New York [Mr. MOYNIHAN], chairman of the Senate Finance Committee, have worked unstintingly toward this end. And I might take this occasion—in fact, I think I will—to say that working with the gentleman from Kentucky [Mr. BUNNING] has been a real joy, particularly since we have managed to have the honor really of steering it into its final harbor.

I would have to say that in terms of the Record and for the sake of history we have had a series of Presidents who did not like this idea, and now we have a President who has endorsed the idea. So on behalf of everybody who believes it makes common sense, I express my gratitude to the President as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are considering right now, H.R. 4277, is, without any question, the most substantial piece of Social Security legislation I have worked on since I became ranking Republican member of the Social Security Subcommittee in 1990.

This bill does quite a few things, but the heart and soul of this bill is independent agency status for the Social Security Administration. It is long overdue.

As my colleagues know, this body has approved independent agency legislation three times in the past. But this time is different because the Senate has approved similar legislation this year. And we are finally going to make independent agency status for the Social Security Administration a reality.

Before I comment further on the merits of the bill before us, I would also like to acknowledge the efforts of several of my colleagues, whose persistence and hard work on this issue are finally paying off.

First, the ranking Republican on the Ways and Means Committee, the gentleman from Texas [Mr. ARCHER], who served as the first ranking Republican on the Social Security Subcommittee, has been an unflagging supporter of making Social Security independent for over a decade.

The chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, is to be commended for his leadership in bringing this legislation to the floor.

The gentleman from Texas [Mr. PICKLE] deserves a great deal of credit for his early efforts to bring this important change about as the first chairman of the Social Security Subcommittee.

And finally, Mr. JACOBS of Indiana, the chairman of the Social Security Subcommittee with whom it has been my distinct pleasure to work closely since 1990, has done an outstanding job bringing this bill together.

I appreciate their leadership and wok on this issue.

Mr. Speaker, I have been convinced for some time that if Social Security is ever to operate efficiently, and give taxpaying Americans the service they deserve, it must be made independent of the Department of Health and Human Services.

Social Security touches the life of virtually every American citizen. It deserves more than being a sideshow in the basement of a huge bureaucracy like the Department of Health and Human Services.

In my opinion, making Social Security an independent agency would do more than anything else we could do to make Social Security more responsive and more efficient. Independence will also do a great deal to insulate the Social Security Program from political pressures and budgetary games.

If there were ever a question in my mind about the need for an independent agency, it would have been answered very forcefully by the recent developments regarding the decision of HHS appointees to use Social Security trust funds to pay employee bonuses instead of to process backlogged disability claims.

That outrageous incident when one high-level official received a $9,200 bonus after being with the agency less than 3 months, is proof enough for me that the folks who run Health and Human Services are not sufficiently sensitive to the special, near-sacred status of the Social Security trust funds.

Independent status will give us a chance to improve oversight and it will clarify and strengthen the lines of responsibility within the agency so that outrages like these will not be repeated.

While I strongly support making social Security independent of the Department of Health and Human Services, I would have preferred the form of administrative leadership structure specified in the bill I introduced in April of last year—a single Administrator supported by a seven-member part-time board instead of a three-member board as outlined in this bill.

However, I am confident that this matter of organizational structure will be thoroughly reviewed and reconsidered in conference and that a workable solution will emerge.

In any event, independent agency status for the Social Security Administration will do more to strengthen and protect the Social Security Program than anything else we could possibly do.

As I mentioned earlier, this bill contains quite a few other provisions. I will not mention them all. But I would like to comment on one other significant portion of the bill, the provisions which tighten up payment of benefits to drug addicts and alcoholics.

As it stands, many recipients of Social Security disability benefits are using their benefits to finance ongoing addictions. This is intolerable.

The purpose of Social Security disability is to provide financial assistance to the disabled until they can recover from that disability and return to productive lives. It is very difficult for anyone to recover from anything, if they carry the additional burden of drug or alcohol addiction.

We cannot allow this to continue. It is not fair to the taxpayers. It is not fair to the others who depend on the SSDI Program. And it is not even fair to the disabled addicts and alcoholics themselves.

This bill does require better monitoring of benefits to substance abusers, it does mandate participation in treatment programs, and it does terminate benefits to addicts after 36 months.

These are very positive and much needed improvements. I think we could and should do even more—and I hope that we will return to this issue in the near future—but this bill is a very good start at addressing this very serious problem.

This bill is not and should not be controversial. As has already been mentioned, the House has overwhelmingly passed legislation to make Social Security an independent agency three times in the past.

The provisions tightening up on benefits to addicts and alcoholics are pure common sense.

And the other provisions in this bill should all help improve the efficiency, the fairness, and the responsiveness of the Social Security Program.

Overall, it is a very good bill—a long-overdue bill—and it deserves the support of every Member of this body today.

I strongly urge my colleagues to vote for this landmark legislation.

Mr. Speaker, I reserve the balance of my time.

☐ 1340

Mr. JACOBS. Mr. Speaker, we should also give a great deal of credit to our friend and colleague, the gentleman from Wisconsin [Mr. KLECZKA], who offered the key amendment on drug addiction and alcoholic addition in the Committee on Ways and Means, a measure that was passed in no small measure because of the gentleman's unstinting work on the problem.

Mr. Speaker, I yield 2 minutes to the first chairman of the Subcommittee on Social Security, the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 4277, the Social Security Administrative Reform Act of 1994. As I would hope all Members are aware, this legislation would establish the Social Security Administration as an independent agency, thereby helping to insulate this vital program from partisan political pressures. The House has overwhelmingly voted in favor of this provision in the past, and, earlier this year, the Senate, under the able leadership of Senator MOYNIHAN, recognized the merits of this approach.

In addition, this bill contains several important provisions which are the result of investigations by the Subcommittee on Oversight, including: Preventing fraud by middlemen in obtaining benefits through the Social Security and SSI disability insurance programs; requiring periodic continuing disability reviews for people receiving benefits under the SSI Disability Insurance Program—an amendment by Mr. HERGER; and prohibiting the misuse of symbols, emblems, or names related to the Social Security Administration, the Health Care Financing Administration, and the Treasury Department.

Each of these reforms will protect American taxpayers from currently widespread abuse in these programs which are so important to the general public welfare. They will prevent the payments of hundreds of millions of dollars of benefits to those who are not entitled to benefits. In addition, they will preserve public confidence in the ability of the Federal Government to properly administer these programs.

I am pleased to note that these reforms are the result of the bipartisan efforts of the Members of the Committee. I would particularly note the leadership of Chairman ANDY JACOBS and HAROLD FORD who have worked closely on these issues with AMO HOUGHTON, JIM BUNNING, RICK SANTORUM, and WALLY HERGER. I strongly urge that Members of both sides of the aisle come together in support of this important package of reforms.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my good friend from Kentucky for yielding.

Mr. Speaker, I support today's bill to reform our Social Security System. Under this bill, Social Security will become a separate agency, walled off from political mischief, to protect the hard-earned benefits of Social Security recipients. We will also impose some tough restrictions on drug addicts and alcoholics who abuse their benefits.

Today's bill, while it does not go as far as I would like it to, it will at least go in the right direction. I urge the Members of Congress to pass these reforms to protect our Social Security recipients' benefits and to guarantee Americans a secure retirement.

Mr. Speaker, as chairman of the House Republican Social Security Task Force, I support this Social Security Administrative Reform Act. Social Security is a trust between the American people and their Government. In recent years, that trust has eroded.

First, senior citizens are justifiably upset that political and budget battles have put their hard-earned Social Security benefits many times in jeopardy. Why, just last year the Clinton administration forced through this Congress a $26.5 billion Social Security tax on Social Security recipients.

The American people are outraged that drug addicts and alcoholics are spending their supplemental security income and Social Security disability insurance benefits on drugs and alcohol.

□ 1350

While the time for solutions is long overdue, today's House action will take us at least a step in the right direction. Today's bill will make Social Security an independent agency to protect Americans' retirement funds from political and budget battles. Every Social Security beneficiary, both current and future, must be assured that his and her benefits will be secure and that the program will be administered fairly and soundly.

By walling off Social Security as an independent agency, Congress will help to assure the American people that Social Security funds will be used for Social Security purposes only.

Today's bill also will tighten the rules for drug addicts and alcoholics who receive these benefits. As I testified before the subcommittee back in February, the American people are outraged that our Social Security has degenerated into a cash cow for addicts. This goes in the right direction in making those corrections.

Mr. JACOBS. Mr. Speaker, I yield 2 minutes to our hard-working colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, in a world of few guarantees, one should stand out as inviolate—the promise of Social Security benefits.

We are considering a bill today that will help us make good on this promise of future security—a bill to make the Social Security Administration an independent agency.

This bill will put Social Security Administration above the fray. It will help ensure that policy is made with regard only to beneficiaries. It will help us keep our promises and our guarantees, and it will help the men and women who depend on these benefits.

Every time I am at home, I hear from seniors who are concerned about their benefits, who are worried that changes in Washington may affect them unnecessarily. This bill will help ensure that their benefits will be protected and will be there when they need them.

Mr. Speaker, I urge my colleagues to pass this bill. It is long overdue.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Speaker, I rise today in full support of H.R. 4277. I am cosponsor of that legislation, and I want to commend the gentleman from Indiana [Mr. JACOBS], the gentleman from Kentucky [Mr. BUNNING], the gentleman from Illinois [Mr. ROSTENKOWSKI], and the gentleman from Texas [Mr. ARCHER], and the gentleman from Texas [Mr. PICKLE] for their fine work.

We must protect our Social Security system from the political spending practices and gimmickry that we have seen in this Congress and from this administration. This protection is all the more mandatory in these days of $300 billion deficits. By making Social Security an independent agency this legislation will help insulate our Social Security funds from such mischief.

Americans deserve a return on their investment, an investment they believe they make when they contribute to Social Security out of every paycheck. Making Social Security an independent agency is an important step in assuring that they get that return. And finally, this legislation will go a great distance in helping ensure that Social Security is there for our seniors and every working American who invested in the system.

Mr. Speaker, I have stood on this floor on several occasions to warn of the impending insolvency of the Social Security Disability Trust Fund. Today the disability system is already in serious financial trouble. Unless we in Congress act now, the disability fund will be totally bankrupt by 1995. Last year alone, the Disability Trust Fund lost over $3 billion, and is expected to show a deficit of over $118 billion by the year 2002 unless this Congress takes action. The Clinton administration has requested that $16 billion be diverted from the Old Age and Survivors Insurance Trust Fund to shore up the Disability Trust Fund. Mr. Speaker, this is no solution.

Instead, we must have a top to bottom reform of the Social Security disability system. I see this legislation as a first step in that process. I commend the gentleman from Indiana [Mr. JACOBS] for offering it.

I am also very pleased that my amendment requiring the Department of Health and Human Services to Investigate the causes of the impending insolvency of the Disability Trust Fund, and make recommendations on how to correct them, has been included in this bill. I thank the gentleman from Texas [Mr. ARCHER] for offering the amendment in committee on my behalf.

The study, now required by this legislation, is to be completed by December 31. It will identify problems and offer solutions to make the Disability Trust Fund sound and solvent. We can not continue to throw money at this problem, but instead must use this study as a road map to make additional changes which will be necessary if we are to save the Disability Trust Fund.

There is no need for us to reach a crisis atmosphere before we act. There is every need for us to avoid a last-ditch effort in bailing out the Social Security System. I urge you, pass this important legislation now.

Mr. JACOBS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA], a member on the committee who has worked the hardest on this addiction problem..

Mr. KLECZKA. Mr. Speaker, I rise in support of H.R. 4277 and urge my colleagues to do the same. I am particularly pleased to see that this bill addresses the Supplemental Security Income [SSI] Program, which is in dire need of reform.

In recent months, SSI has been the subject of widespread public outrage. Reports abound of alcoholics and drug addicts using taxpayer money to finance their habits and of parents encouraging children to misbehave in school so they can qualify for benefits.

Clearly, the system is not working and H.R. 4277 takes a much-needed step toward fixing it. Under current law, substance abusers whose addictions are serious enough to qualify as disabling can receive SSI if they are low income. These recipients are required to undergo treatment and receive benefits through a representative payee. However, a General Accounting Office study shows that the Social Security Administration [SSA], which runs the program, is not adequately tracking these individuals. It can confirm that only 9 percent of these substance abusers are in treatment. And, a full 84 percent are lost in the system.

Moreover, a recent Department of Health and Human Services Office of Inspector General study finds that few SSI recipients leave the program because of successful treatment. This study, which looked at 196 drug addicts and alcoholics, found only one case where a recipient left the rolls due to successful rehabilitation. In fact, the most common reason for termination of benefits is death. These statistics show a drastic need for change.

We must balance the need to assist substance abusers who genuinely want to help themselves with our responsibility to protect valuable taxpayer dollars from misuse. By providing addicts an opportunity to rehabilitate, the bill provides such a balance. Included in the bill is a provision I offered, in conjunction with Mr. BREWSTER of Oklahoma, which sets a lifetime limitation of 36 months on the amount of time a substance abuser can receive disability benefits. This provision sends a clear message that Federal assistance cannot last forever. And, it will save taxpayers approximately $940 million over 5 years in the process of strengthening the program.

When the bill is signed into law, drug addicts and alcoholics will find it far more difficult to abuse the system. They will not be permitted to use fellow addicts and bartenders as representative payees, or safekeepers of their Federal checks. Drug addicts will also find that they must remain in treatment and pass drug tests if they are to remain on the program. If they fail to comply with the treatment requirement, they will be suspended from the program until they demonstrate compliance. Each successive time they are suspended, they will have to demonstrate their compliance for a progressively longer period.

Another provision contained in the bill will look for ways to reduce fraud and abuse. It calls for a comprehensive study on the possibility of delivering benefits through the use of modern technology, such as debit cards, computer systems, and vouchers.

H.R. 4277 also calls for an examination of SSI benefit payments to children. A Childhood Disability Commission is established to examine the program; specifically, to consider whether the current system is the appropriate means of offering our assistance. The question is not whether we should provide benefits to disabled children, but what is the best way of doing so?

This bill also contains a provision I authored which mandates reviews of continuing disability for child recipients as they near adulthood. These reviews, rarely done now, will use the same eligibility criteria applied to adults, which evaluates whether the recipient is capable of earning substantial income.

This legislation is a strong step toward a new and improved SSI. While the intention of this program is noble in theory, it is failing miserably in practice. I am hopeful these provisions will protect valuable taxpayer dollars, while helping recipients become productive members of our society.

□ 1400

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Kentucky [Mr. BUNNING] has 4 minutes remaining, and the gentleman from Indiana [Mr. JACOBS] has 7 minutes.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend and distinguished colleague, the gentleman from the Commonwealth of Kentucky [Mr. BUNNING] for yielding me the time. I congratulate him and the gentleman from Indiana [Mr. JACOBS] for bringing this legislation forward.

Mr. Speaker, I am from Florida, and when we say the words "Social Security" in my district in Florida, we get a lot of attention immediately, because we have an awful lot of the Nation's seniors who have found the quality of life to be terrific, and are living in Florida, as we all know, and it is the place of choice for our retirees.

Ironically, as we bring this bill up today, today's Washington Post reports that more than two-thirds nearly a third of all Americans do not think Social Security will survive to pay them benefits. In other words, what they are saying is that they are going to outlive the Social Security system. Many of these or most of these, of course, are our younger workers. They feel they are just shoveling their hard-earned dollars into a bottomless pit.

Today, with H.R. 4277, we have a chance to implement one commonsense Social Security amendment to help restore a level of confidence in the system. We have all seen the reports of the abuses in the SSI and SSDI programs—how drug-pushers and bartenders are cashing Government-support checks to fund the addictions of beneficiaries.

"60 Minutes" did a piece a couple of weeks ago, as everybody knows, everybody in Congress knows that, I am sure, because if it is like my district, the phones keep ringing saying, "Why in the world do you let things like that happen? Does that really happen? Why don't you fix it?"

Today's bill in fact will crack down on this type of fraud. It will put firm limits on benefits to substance abusers. Seniors in my district who have seen their taxes go up this year and seen their Medicare get cut, and are seeing predictions of more of those cuts as we talk about health care reform, and are penalized for returning to work under the earnings-limitation test, need some good news. They are sick of the abuses they have been subjected to, and this is some good news for them.

Again, I think this is overdue good news. This should have been fixed a long time ago. At a time when the long-term solvency of the system is in doubt and we have just gotten new reports on that, showing that we have a larger problem than we had thought we did, taxpayers do not want to hear any more rhetoric about sacrifice. They want action. They want constructive change. They want to stop waste and they want to stop nonsense.

Today we get a start at doing all of those things. I urge support of this and congratulate the authors.

Mr. BUNNING. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of this legislation, which makes vitally needed reforms in the SSI disability and disability insurance programs.

For too long we have allowed our disability programs to endanger the lives of drug addicts and alcoholics by simply providing them cash to feed their habits.

Additionally, we have not taken steps to ensure that representative payees are responsible parties like treatment centers or Government agencies. As a result, one Denver liquor store owner was collecting $140,000 annually to run a tab for 40 alcoholics on our disability rolls.

This legislation makes vitally needed reforms to ensure that only responsible parties are named as representative payees for drug addicts or alcoholics. It also will end the practice of making huge lump sum payments to addicts. Finally, it imposes a lifetime limit of 36 months for disability benefits resulting from substance abuse. Treatment providers have told me this is critical to ensuring that addicts have an incentive for beating their habit and sticking with their rehabilitation programs.

Mr. Speaker, I urge the immediate adoption of this legislation.

Mr. JACOBS. Mr. Speaker, I yield 2 minutes to my eloquent colleague, the sheriff, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support this bill. I believe its passage is critical for the following reason: A recent General Accounting Office investigation, IRS, found something that really startled me. It said that they could not tell where the revenue came from. All the money was in one big pot, Social Security taxes and general income taxes.

Furthermore, they said they were astounded by that, and the General Accounting Office said the Internal Revenue Service system of bookkeeping and recordkeeping was "sloppy, sloppy."

I have had a lot of dealings with the IRS, Mr. Speaker, and the IRS is anything but sloppy. Let me give my little two cents' worth here. I do not believe what the IRS is telling us about the Social Security trust fund. Mr. Speaker, I think those moneys are commingled so they would, in fact, chase Congress on a wild goose chase.

I believe what the gentleman from Florida [Mr. GOSS] said is exactly correct. I would doubt if our grandchildren will see Social Security. I could be wrong. I believe the money coming in one door in Social Security is going out the other right now, and there is a wastebasket all filled up with IOU's. I want to know. In fact, I have a letter in there, and if the Committee on Ways and Means would do this Nation a favor, they would want to know if the Social Security trust fund is what they say it is.

I think we are being ripped off bigtime. I think there is a wastebasket all filled up with IOU's. The Members will not lose it, their kids will not lose it, but I think our grandchildren will never see Social Security. I want to know. Show me.

Mr. BUNNING. Mr. Speaker, to close the debate on our side, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON] a member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think 4277, this bill, makes a lot of sense. I think it is going to pass and it is right. I say so for two reasons. First of all, it is entirely appropriate that this be a separate agency. Its time has come. There are a lot of questions in our own minds about the use of Social Security funds. I think this will tighten up the management, it will do exactly what we want it to do, everybody, not just us but everybody in the country.

Another thing, it gets at the so-called corruption and the middleman fraud scheme that we have been dealing with that the gentleman from Kentucky [Mr. BUNNING] mentioned on the Committee on Ways and Means. It is really not right to have people coming to this country, as we all did at one point and another, and be taken over by a slick middleman, and then bilk the system of thousands of dollars for him personally, take a cut out of this, and say it is right for Social Security. It is not right. I believe this bill goes a long way to correct that.

From the administration's standpoint, the monetary standpoint, the management of fraud, I think it is the right thing to do. I urge my colleagues to support it.

Mr. POMEROY. Mr. Speaker, I am pleased to support legislation making the Social Security Administration an independent agency.

Social Security is an important trust between Americans and their Government. It asks for a commitment from workers to contribute—and promises income assistance in retirement years. Yet the trust is too often threatened by Washington politics; leaving seniors—and all Americans—to question whether the Government will hold up its end of the promise.

Independent agency status will improve administration of Social Security by enabling the agency to attract and retain talented leadership. In the past 18 years, Social Security has had 12 different administrators, often with periods in between when there was no administrator. With independent status will come increased stature and stability for Social Security.

As we continue to struggle with the Federal budget, I am concerned about attempts to balance the budget on the backs of senior citizens and the disabled. Numerous seniors from North Dakota have contacted me about their fears of cuts to Social Security. By making Social Security independent, I believe we send a message to seniors that we recognize the importance of this program.

Many Americans in the work force today truly believe that Social Security will not be there for them in their retirement years. I want to make sure that Social Security is a viable program for generations to come. Independent status will bolster the public's confidence level in the agency and the programs it administers.

I look forward to seeing this legislation become law and a reality for all its supporters.

Mr. ORTON. Mr. Speaker, today I am pleased to vote in favor of H.R. 4277, a bill to create an independent Social Security Administration.

The Social Security system plays a critical role in providing economic security for millions of elderly Americans struggling to make ends meet on fixed incomes in an inflationary environment. It is not a government handout. It is a retirement plan in which individuals contribute over their working lifetime and receive benefits when they retire.

The program is financially self-sufficient. It is funded through FICA contributions, with an annual surplus of $50 billion and a trust fund that has built up to over $400 billion.

This self-funded, self-sufficient nature of the program distinguishes itself from most other Federal spending. As a result, it merits appropriate separate treatment.

For example, I am a strong advocate of balancing the Federal budget, of making the tough budget cutting choices. I have even drafted my own balanced-budget amendment. However, in recognition of the self-funding nature of Social Security, my balanced-budget proposal specifically exempts Social Security payments from automatic spending cuts in the event of a deficit.

This is consistent with other recent efforts we have taken to maintain Social Security against the relentless pressures of budget cutting. A few years back, we took the step of putting Social Security off-budget. We have also required annual reports by the Board of Trustees of the Social Security Trust Fund, to address the long-run actuarial future of the system.

Today, we are taking the further step of making the Social Security Administration an independent agency. Currently, the Social Security Commissioner reports directly to the Secretary of Health and Human Services. Today's legislative action would instead create an independent agency, with a full-time, 3-member board.

This heightened status is proper, given the weight and importance of the Social Security Administration. Therefore, I am pleased to support this legislation, and urge my colleagues to do the same.

Mr. MFUME. Mr. Speaker, I rise in support of H.R. 4277, which makes the Social Security Administration an independent agency.

The Social Security Administration is responsible for administering the Old-Age and Survivors Insurance program and Disability Insurance program—Social Security—and the Supplemental Security Income [SSI] program. The Social Security Administration is the ninth largest agency in the Government. The bill establishes the Social Security Administration [SSA] as an independent agency, effective October 1, 1995.

The bill gives SSA additional authority to prevent benefit fraud and increases the penalties against deceptive mass mailings that mimic official Social Security correspondence.

In my district of Baltimore, the employees of SSA have asked that I support this measure.

However, Mr. Speaker, my support comes with some reservations. Specifically, I am concerned that Congress' desire to improve and advance the productivity and services of the Social Security Administration, while well-intentioned may not be enough. In addition to passing this bill, Congress must give the Social Security Administration the necessary resources to successfully make the smoother transition to independent status.

Another concern I have stems from the fact that the bill restricts payment of Disability Insurance [DI] and Supplemental Security Income [SSI] for persons with drug and alcohol addictions. Under current law, SSI recipients who have substance abuse problems are required to be paid through a designated second party. Unfortunately, there have been cases in which the alleged supplier of the drug to the abuser was the representative payee.

In a provision I support, this bill requires that where possible, organizations, rather than family or friends, be named as representative payees for Disability Insurance and Supplemental Security Income recipients.

However, the bill requires that the Social Security establish agencies in all 50 States that would find treatment programs for DI and SSI beneficiaries who are substance abusers, monitor their participation in the treatment program, and periodically conduct drug tests to determine if substance abuse problems are continuing. Under the bill, people with substance abuse problems who are receiving Disability Insurance would be required to participate in treatment, if available, in order to receive benefits. Regardless of participation in the treatment program, DI and SSI benefits to substance abusers would be cut off after 3 years unless the individual qualifies for benefits for reason other than the substance abuse problem. This will require the Social Security agency to become involved in a whole new activity; drug testing. I have a number of problems with this, but that discussion is better left for another time.

Mr. Speaker, it is my hope this bill will pass to allow the Social Security Administration to become an independent agency. It is my further hope that we recognize the need to give this new Agency adequate resources to improve and provide better service.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 4277, the Social Security Administrative Reform Act.

A few weeks ago, the trustees of the Social Security trust fund reported that funds for paying benefits will run out in 2029, 7 years earlier than estimated last year. This report highlights the need for Congress to make some meaningful changes in the Social Security system.

Today, 9 out of 10 workers contribute payroll taxes to the Social Security trust fund with the promise that they will get benefit payments when they retire. It is our responsibility to the American work force to protect and strengthen the Social Security system to ensure that the Federal Government keeps this promise to both current recipient's and future beneficiaries.

H.R. 4277 is a step in this direction. In recent years, the Government agency that administers Social Security has been vulnerable to political and budgetary pressures. There have been numerous cutbacks in the administration of this program, despite the growing number of recipients. The result has been increased payment errors, unanswered phones and a backlog on processing applications.

This legislation would separate the Social Security Administration from the Department of Health and Human Services [HHS] and make it an independent agency governed by a Social Security Board. The Board would be independent and bipartisan, and its members would serve staggered 6-year terms.

I believe making Social Security an independent agency will free its operations from short-term political pressure and help restore public confidence in the Social Security system. I urge all my colleagues to support this legislation.

Mr. THOMAS of California. Mr. Speaker, I want to express my support for the new provisions in H.R. 4277. The bill will stop drug addicts and alcoholics from abusing the Social Security disability and Supplementary Security income programs.

This legislation is important to my district and to the country. People have been outraged to find that addicts who were supposed to be getting treatment to end their addiction were able to use taxpayer dollars to subsidize their habits. After reports of addicts being arrested with literally thousands of dollars of Social Security benefits in their possession began appearing in local newspapers, I met with government officials and others to seek new ways to prevent addicts from using Social Security benefits to feed their habits. I introduced a bill, H.R. 1712, in light of the suggestions I received and I am pleased to say that H.R. 4277 includes several of the important changes I recommended.

H.R. 4277 cracks down on addicts who skip treatment, following my proposal's suggestion that increasing penalties be used to discourage addicts from thinking they can keep using drugs when they are supposed to be in treatment seeking a cure. Addicts who get caught continuing to use drugs are subjected to penalties. The first time they're caught, they lose 2 months benefits; the second time, 3 months benefits. The third time they're caught, the suspension is even longer.

H.R. 4277 also expands the use of representative payees for addicts. I found that addicts often pick friends or family today to serve as the recipient of their benefits and then pressure these payees to give them the money without any controls. H.R. 4277 does two important things to change that.

Under the bill, State and local agencies can serve as representative payees. This means that agencies concerned about seeing addicts go through treatment will be able to control their funds. The bill also provides a model for resolving the unfunded mandates problem because it incorporates my amendment to allow State and local agencies to take up to 10 percent of an addict's benefit in order to pay for the cost of providing services.

Finally, I am pleased that the bill incorporates suggestions that we limit benefits to addicts to a maximum of 36 months because it sends a message that they have to seriously seek treatment while they are eligible.

Altogether, these provisions will save taxpayers billions of dollars. They are appropriate steps toward bringing addiction under control and I hope they can be enacted this year.

Mr. POSHARD. Mr. Speaker, I want to thank my Illinois colleague, Chairman ROSTENKOWSKI, and the members of the committee who have worked to bring this bill to the floor.

While there are a number of important changes being made in the administration of Social Security Programs, I would like to focus on reforms being implemented to restrict disability insurance and SSI disability payments to substance abusers.

This issue came to the forefront in my district not long ago when the Decatur Herald and Review newspaper published a series of articles outlining deficiencies in our Social Security system.

The bill we are approving today makes a number of important changes:

Paying DI benefits to a representative payee.

Having organizations, rather than family or friends serve as the representative payee.

Conditioning eligibility for DI benefits on participation in a treatment program.

Importantly, the bill also stops benefits to substance abusers after 36 months.

As I discussed these proposals with my colleagues, including the gentleman from Wisconsin, Congressman KLECZKA, I also sought the advice of the Honorable James A. Hendrian, who works through these cases on a daily basis in his courtroom.

The judge tells troubling stories about persons receiving benefits for disabilities which are the direct result of criminal activity.

Judge Hendrian also sees numerous cases where disabilities for which people are receiving benefits appear to be based on little if any factual evidence—other than the simple claim of disability.

Like so many other Government programs * * * our resources to assist and support legitimate claims are being sapped by those who abuse the system.

To quote Judge Hendrian:

> While I am sure that there are many deserving and needy people receiving benefits, there are far too many who are abusing the system. Meaningful reform, monitoring and limitation of benefits under certain circumstances is a start.

If people are disabled due to their alcohol and drug addiction they should receive treatment to recover and become productive citizens once again.

But we should not finance a long-term program of disability programs for people who are not willing to take responsibility for getting better.

I also thank the committee for its attention to the problem of school-age children who are receiving SSI benefits.

This is the headline from the Decatur Herald and Review.

"Teachers feel they fight losing battle with SSI. They say they encourage success, while parents encourage failure."

I realize that the Supreme Court ruling has made it easier for children to qualify for SSI.

But we have to look at further ways to restrict SSI eligibility * * * and the amendment included by the committee to require disabled children receiving SSI benefits to be reviewed for continuing disability by their 19th birthday is a start.

I've been an educator all my life. I've taught in the classroom and administered educational programs.

I don't want to take any action which would limit a child's opportunity to overcome adversity and realize his or her potential.

But if it is determined that some physical or mental condition qualifies a child for SSI payments * * * we should ensure that child is in an appropriate therapy program * * * is attending school * * * and the payments are going to a responsible party which can help see to it that those benefits are being used in the proper manner.

I know the committee has great concerns about this issue and I pledge my support for further action.

Again, I thank the people in Decatur who have helped bring attention to this problem, and my colleagues on the committee who are trying to do something about it.

The SPEAKER pro tempore. The time of the gentleman from Kentucky [Mr. BUNNING] has expired.

Mr. JACOBS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4277, as amended.

The question was taken.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMUNICATION FROM THE ACTING DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Acting Director, Non-Legislative and Financial Services of the House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE ACTING DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Acting Director, Non-Legislative and Financial Services of the House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House as follows:

(1) One sealed envelope received at 2:07 p.m. on Monday, May 16, 1994 and said to contain a message from the President wherein he transmits a 6-month periodic report on the National Emergency with respect to Iran.

(2) One sealed envelope received at 2:07 p.m. on Monday, May 16, 1994 and said to contain a message from the President whereby he transmits a report required under the Nuclear Non-Proliferation Act of 1978.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk.

REPORT ON RECENT DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 10, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c) This report covers events through March 31, 1994. My last report, dated November 10, 1993, covered events through September 30, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations. However, a substantial majority of such applications are determined to be ineligible for licensing and, consequently, are denied.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. The FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 4 awards, bringing the total number to 551. Of this total, 371 have been awards in favor of American claimants. Two hundred twenty-three of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 148 were decisions adjudicated on the merits. The Tribunal has issued 37 decisions dismissing claims on the merits and 84 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of March 31, 1994, the Federal Reserve Bank of New York reported the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,344,330,685.87.

The Security Account has fallen below the required balance of $500 million almost 50 times. Until October 1992, Iran periodically replenished the account, as required by the Algiers Accords. This was accomplished, first, by transfers from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount transferred from the Interest Account to the Security Account was $874,472,986.47. Iran then replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below $500 million on November 5, 1992. As of March 31, 1994, the total amount in the Security Account was $212,049,484.05, the total amount in the Interest Account was $15,548,176.62.

The United States continues to pursue Case A/28, filed last year, to require Iran to meet its financial obligations under the Algiers Accords.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned government agencies, and to respond to claims brought against the United States by Iran. In November 1993, the United States filed its Consolidated Final Response in A/15(IV) and A/24, a claim brought by Iran for the alleged failure of the Unit-

ed States to terminate all litigation against Iran as required by the Algiers Accord. In December, the United States also filed its Statement of Defense in A/27, a claim brought by Iran for the alleged failure of the United States to enforce a Tribunal award in Iran's favor against a U.S. national. Because of this alleged failure, Iran requested that the United States Government be required to pay Iran for all the outstanding awards against U.S. nations in favor of Iran.

5. As reported in November 1992, José Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. On December 4, 1993, Professor Krzysztof Skubiszewski was appointed Chairman of Chamber Two of the Tribunal, filling the vacancy left by Judge Ruda's departure. On February 16, 1994, Professor Skubiszewski also was appointed the President of the Tribunal. Before joining the tribunal Professor Skubiszewski served as Minister of Foreign Affairs in Poland from 1989 to 1993. He joined the "Solidarity" movement there in 1980, and served on several councils before becoming Minister of Foreign Affairs. In addition to his political experience, Professor Skubiszewski has had a long and distinguished academic career in the field of international law. He is currently on leave from the Institute of Law, Polish Academy of Sciences in Warsaw, and has lectured at universities throughout Europe. He is also the author of a number of international law publications. In announcing the appointment, the Tribunal's Appointing Authority, Charles M.J.A. Moons, emphasized Professor Skubiszewski's "extensive experience in the management of state affairs and the conduct of international relations," in addition to his "scholarly renown."

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission (FCSC) has continued its review of 3,112 claims. As of March 31, 1994, the FCSC has issued decisions in 2,538 claims, for total awards of more than $40 million. The FCSC expects to complete its adjudication of the remaining claims this year.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combating international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1994.*

REPORT ON ACTIVITIES OF U.S. GOVERNMENT DEPARTMENTS AND AGENCIES RELATING TO PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To The Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1993, and December 31, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 16, 1994.*

□ 1410

THE MONTANA WILDERNESS ACT OF 1994

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 423 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2473.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2473) to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, with Ms. WOOLSEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 12, 1994, 25 minutes remained in general debate.

The gentleman from Minnesota [Mr. VENTO] and the gentleman from Utah [Mr. HANSEN] each have 5 minutes remaining in debate, and the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Colorado [Mr. ALLARD] each have 7½ minutes remaining in debate.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I want to thank my colleagues for moving forward today on the legislation we reported from the Natural Resources Committee, from Agriculture and from Merchant Marine and Fisheries. I want to thank both Chairmen VENTO and MILLER, and the various chairs, for their responsible handling of my bill and for the work of both their staffs in crafting what I believe to be an exceptional piece of land law. This is always hard work with strong beliefs at play and this process has been handled professionally and graciously.

I am not certain I can say I am glad to be here. A Montana wilderness bill has been considered in every Congress since 1986 and to date with no resolution. I began this process with determination, impatience, frustration—but above all else determination and in spite of business as usual from the polarized extremes on this issue I am pleased that we are moving forward. I am also saddened at how long this has taken and how much of this renowned body's time we have consumed.

I began this process 16 years ago because I believe this consideration is important, our Federal land managers believe it is critical to future management of our forests, our resource dependent industries cry out for resolution and management certainty, our State and private game managers believe it is important if we want continued quality hunting without a lottery, and our local communities are demanding an end to the 16 years of disagreement and controversy.

The work of the committees and the always-heavy response from Montanans help mold a piece of legislation which, as I said when I presented it, is not etched in stone. We have asked for an open rule and even as we present this legislation today it is not a take-it-or-leave-it proposal like the Senate offered the House last session. I trust in the process and I have remained committed to open discussion and compromise and will continue to do so. I hope this legislation passes here today and we can only hope that the Senate shares our concern and will also let the process work.

With this bill I have introduced five pieces of legislation specifically addressing the remaining RARE II wilderness designation in Montana. This will be the 15th piece of legislation introduced by some member of the Montana delegation on this issue of roadless designations. If this bill is fortunate enough to move through today it will be the sixth piece of legislation to enjoy passage in one or the other Chamber. One bill gained acceptance in both Chambers only to be vetoed by former President Reagan.

The statistics are impressive by any legislative standard. Fifteen pieces of legislation were introduced over as many years. The Montana wilderness bill has been the subject of 50 congressional hearings. We have heard 235 hours of direct testimony. We have 20 printed hearing records. We have testimony from hundreds of Montanans from organizations claiming, by the way, to represent double the State's entire population.

Since I began consideration of this issue, four Presidents have managed our national forests. All four have urged resolution of this issue as this region's highest priority for job protection. These were not casual partisan requests. They were bipartisan requests in response to direct testimony before several committees. "Settle RARE II or we will be unable to manage this Nation's resources in an appropriate way," has been the constant message sent to Congress by the Forest Service. This fact is somewhat surprising because, as I have said, after calling for its passage, President Reagan vetoed the Montana bill Congress presented to him in 1988. This remains the only sustained veto in the history of the Wilderness Act. I might add that these issues are among the chief examples of how destructive bickering gridlock can be.

We call Montana the "last best place," and as Montanans we are proud of the job we have done as the stewards of this Nation's natural resources. Montanans have always understood that some of the wild lands—wild lands that protect our game herds, give birth to our rivers, fuel our economies, and restore our souls—would need to be protected as wilderness. It was a Montana Senator that oversaw the beginnings of the 1964 Wilderness Act and Montana legislators have led the way in applying that law to the protection of our important wild land heritage. Their successes are the flagships of our national wilderness system—the Bob Marshall, the great Bear, the Selway/Bitterroot, the Absaroka/Beartooth. The understood the less grand or less well-known wild places as well, places like Welcome Creek, the Rattlesnake, the Pintlar, and the Scapegoat. This is a heritage of which all Americans can be proud.

There is no wilderness in this legislation that has not been advocated by local Montanans and Montana citizen groups. I have spent 14 years in the front rooms of the homes of too many Montanans to name and I have reviewed every comment submitted over that time by Montanans about my proposal for wilderness. This legislation reflects those efforts and those suggestions.

If you want to know the bill that has taken into account the snowmobile concerns of the West Yellowstone Chamber of Commerce—it is this one. If you want to know if a bill takes into account the proposal put forward by the Big Hole ranchers and the Beaverhead County Commissioners—this one does. If you are concerned that the Clearwater Monture still reflects the historic agreements between timber and conservationists—my bill does. If you support wilderness and mining in the Cabinet Mountains then you will want to know that the mining-wilderness agreements still stand on Scotchmen Peak—in my legislation they do. If you want to know if Montanas water rights are protected—this is your legislation. If you are concerned that Montana avoid the economic dislocation of the spotted owl controversy—my legislation will. There are many, many examples making this a very precise piece of legislation. I still believe that Montanans know what is best for the stewardship of the lands that surround them. I submit this legislation as a reassertion that Montanans can best determine management of our roadless lands.

Does this mean that everyone is in agreement? No. There are far too many opinions on this subject for everyone to completely agree. There are far too many paid dissenters to believe that legislation will not have its group of opposition. But if one strips away the dogmatic rhetoric and addresses specific concerns within the precedent carefully set and developed by this committee, then you arrive at something close to this legislation.

This legislation is very similar to the bill this House reported last Congress, but is not identical. This is an issue that continually evolves and this legislation addresses the new circumstances we have today. For example, the Bureau of Land Management has completed its wilderness inventory and because of peculiar management arrangements has recommended Forest Service lands for wilderness which were not inventoried by that agency in its wilderness review. Mount Jefferson is an example of this situation. Montanans have made a good case for the protection of species diversity, a goal not specifically addressed in the 1964 Wilderness Act. There are changes in this legislation that reflect my desire to meet these goals, areas like the Snowcrest range in southwestern Montana. There have been land consolidation efforts in Montana that have opened the opportunity to designate wilderness where just a few years ago checkerboard ownership would have stopped designation, the Crazy Mountains is an example of this situation. I have heard the logic of folks concerned about the Yaak drainage, I have reviewed the scientific work on grizzly recovery in the Yaak, and I have more than doubled my recommendations for that area. The Island ranges of eastern Montana have not shared the same scrutiny the wildplaces of the high mountains have, and I seek to set in place a series of wilderness and study lands that will help define wilderness in the East.

I want to note that this legislation also represents the essential completion of the Bob Marshall ecosystem. The last remaining area to receive a perfect WARS rating in the RARE II process—Deep Creek—is made wilderness, and the scenic Castle reef is protected. Long-fought-over wilderness additions like the Spotted Bear are, with new science, added to the Great Bear. The important involvement of the Blackfeet Tribe in the management of the Badger-Two Medicine is specifically laid out in this legislation. The skirts of the Swan Front are pulled down along that valley's important entrances to the Bob, and the important wildlife lands of the Monture are preserved. All these additions are added to the Bob under the name of the Arnold Bolle Additions. This past winter Arnie passed away, and there is no more fitting tribute to this great teacher and scientist than for these capstone additions to the Bob to place Arnie Bolle's name alongside the great Bob Marshall.

If the House will indulge me I would like to use this time to make a personal appeal to the various factions that struggle, along with me on this consideration.

To those folks who insist on having significantly more wilderness than is in this bill, I ask that you cast off the cries of apocalyptic doom and the false rhetoric of political correctness. Foot stomping and petulance are not a substitute for hard work and education. The 1964 Wilderness Act was not designed to be a hammer held over the heads of land managers and local communities; it was specifically designed to require that work be done to gain a political conscience and it demands of all of us to view conservation as a life pursuit and not a political pastime. You cannot protect our important wild lands by alienating local constituencies and we will not protect our great wild animals by using Federal land law as a tool to punish the folks who have lived with these lands for generations. One cannot save wilderness from the academic ivory tower, or the wine and cheese reception rooms. Do not give in to the voices of dispair that are asking that the legal gains we have made over the past decades be subverted because working in the political process is too slow or too hard. Please help me pass this legislation.

To those of you who fear wilderness as a conspiracy to rob you of an economic future, I ask that you reject the well-oiled propaganda of the extraction industries and realize that American business is capable of doing business in the right way and it is the public's responsibility to ask of them that they not destroy our way of life or our national wild land resources in the name of profit. These industries are not as fragile as many would have you believe and they will not wilt and die because we ask them to be responsible in the preservation of our last wild places. These industries are much more likely, as Montana has clearly shown, to disappear because of corporate opportunism, Wall Street shenanigans, or lack of certainty in land planning than because we saved a bit of what was still wild and untouched at the end of the 20th century. You cannot reach the true multiple use of our lands by simply saying no to the growing understanding that there must be balance in this equation. We cannot save jobs by allowing the profit motive to cut every tree or darken every stream. They will not protect your communities or lifestyle from the corporate boardrooms. Please help me pass this legislation.

To my colleagues in the Senate, I ask that you do the job we have all been elected to do. I ask that you do not shirk your responsibility because it is an election year and compromise may upset your political constituency. I ask that you do not view compromise as capitulation but as the responsible act that fuels our democracy. This process does not need imperial naysayers who promise that they will say no to any proposal that does not grant a favored constituency 100 percent of what they want. What this process needs are teachers and arbiters who will help bring folks along the responsible path of balance. I believe that the vast majority of Montanans are demanding just that and will thank you for it. Please do not draw lines in the sand, but draw upon your sense of duty and help me pass this legislation.

I make this appeal from my heart: Do not continue the polarization that is tearing at Montana. Let us instead invite everyone to the table and as friends and neighbors let us work together to see that the future provides room for our hopes and dreams. It is not a public relations gimmick. Montana is a State that can do it right: good jobs, strong communities, clean places to hunt and fish, room to be lost in and room to grow up strong and proud, businesses that we can be proud of, and elk at our back door. We can only do this, however, if we do it together.

This is what this body is about today. This is not just another lands bill, this is our last chance this century to set Montana on a course of cooperation and hope. I believe that if we allow "no" to be our voice, then we will be dooming Montana to years of struggle, and loss of jobs and wilderness. If we do the right thing we will provide the way toward the Montana we all want it to be. The appropriate management of our Federal lands is not something that is solved by one piece of legislation or one action of Congress. Good stewardship requires vigilance and dedication. So please help me pass the legislation the committee has presented here today.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair will remind Members that the rules of the House prohibit making reference to the Senate.

Mr. HANSEN. Madam Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I appreciate the gentleman yielding me this time.

Madam Chairman, I want to comment in general terms with respect to the Montana wilderness, of course, a neighbor of mine. It is my general impression that one who comes from the State ought to have a primary role in determining the shape of the wilderness that exists there.

Madam Chairman, I do want to talk about a couple of things, though, and one of them is water, reserved water rights, and it is my understanding the gentleman will have an amendment. I want to make it clear that the reservation of water rights is one of the difficulties that we encounter in each of these kinds of bills and it threatens the ability of States to administer the water that is set out for them in their constitution.

Madam Chairman, I am hopeful there will be in this bill a clear-cut statement on reserve water rights that does give to the States their rightful opportunity to do the management of the water.

Madam Chairman, I am also interested as a generic issue in the release language that goes in wilderness bills. The concept that is followed and should be followed in the future is that we set aside a portion of the wilderness for use, and I am in favor of that, but the remainder is to be released for multiple use and that is the deal and what we do.

Madam Chairman, I see an increasing dependency on the part of Members of Congress to come in, use the wilderness bill as a way of micromanaging the remaining lands, the multiple use lands, of saying they have to be managed in certain ways in terms of the timber management, they have to be managed in certain ways of road construction.

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Madam Chairman, I think that ought to be an inherent decision. Two of them that go: No. 1, there ought to be language that assures the States of the right to water. There ought to be language that assures that the release language is clear and that the released lands will be available for multiple use.

Mr. ALLARD. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the bill we are considering today, H.R. 2473, the Montana Wilderness Act of 1994, falls short in many areas.

As with other portions of this bill, inadequacies should be pointed out as a matter of principle and precedent for other pending wilderness bills. In the agriculture Committee Congressman BOB SMITH offered an amendment that would have vastly improved the bill by offering hard release language. The Smith amendment would have clearly stated that multiple use on released lands would be allowed. This amendment narrowly failed in committee. While the Smith amendment will not be offered today, I think it is important that the imperfection of the release language be noted for the RECORD.

Mr. SMITH and other members of the House Agriculture Committee are not alone in recognizing that the current release language is imperfect. The Montana Stockgrowers Association has been advised by a Montana attorney that, "the release language is not strong enough to clarify that areas not designated as wilderness, or wilderness study areas and will be subject to multiple use principals. The language should be clear that any areas which are not included in the act shall be managed according to multiple use principles, and should contain strong language prohibiting the frivolous appeals which may be associated with various interpretations of existing forest service plans and the concept of multiple use." The Montana Farm Bureau is also unhappy with the release language, in a letter to the sponsor of the bill they state that, "Hard release language was lacking."

I wanted to point out the inadequacy of the release language to the Congressman from Montana and hope that either on the Senate side or in conference this section of the bill can be fixed.

Madam Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Madam Chairman, I, too, would like to stand and raise a concern with regard to the language in the legislation dealing with federally reserved water rights.

Water has been an issue in many of our wilderness debates over the last few years, and one of the current concerns I have in a State that is now dealing with wilderness legislation is the precedent that may be set by this kind of legislation in terms of whether we adequately protect the States against further Federal control of water decisions.

As I understand it, originally the language in this act which had been resolved between many of the disputing parties had stated, in section 4(b)(2)(A), that nothing in the act would be construed as the creation, recognition, disclaimer, relinquishment, or reduction of any water rights held by the United States in the State of Montana on or before the enactment of this act. But that now, as I understand it, the words "creation and recognition" have been deleted from that phrase, leaving open the question now as to whether this act does in fact create or recognize Federal rights over water decisions in the States by the enactment of this legislation.

I have been made aware by many groups in Montana who are concerned about this and about the impact that this will have on water decisions, particularly about the impact that legislation of this type will have not only in Montana but in States like my own of Idaho or elsewhere.

We can protect wilderness lands. We can do what is necessary to preserve the great environmental heritage that we have in so many of the places in the West. But we do not need to take away State sovereignty over decisions involving water to do so.

I would encourage this House to reject this legislation so that we can continue to work out reasonable language on water that will enable us to assure that State sovereignty over water rights is maintained and that we do not allow precedent of enacting federally reserved water rights to go into place with this legislation.

Mr. VENTO. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, H.R. 2473, the Montana Wilderness Act, as reported by the Committee on Natural Resources, addresses the controversy over 6 million acres of national forest roadless lands in Montana. The committee's bill is an important conservation measure that deserves the support of the House.

Most aspects of the Montana wilderness issue are of national importance and transcend that individual State. I have had hundreds of Minnesota constituents, as well as hundreds of others from around the country write, call, or otherwise contact me to express their concerns about Montana wilderness. Rarely has this type of response and interest occurred with regards to wilderness measures.

Congressman WILLIAMS, myself, and others have worked on an appropriate response to address the many concerns raised about the Montana wilderness issue—concerns that I voiced and concerns voiced by the people of Montana. The bill we bring before you today reflects these concerns and is the direct result of Congressman WILLIAMS' help and support. The improvements in the bill that the natural resources adopted were offered by Mr. WILLIAMS.

The Natural Resources Committee version of H.R. 2473 improves the bill over past Montana wilderness bills that we have brought to the floor. It places 500,000 more acres into protected status than the bill in the 102d Congress; it uses an updated version of the standard release language that we have used in past wilderness bills, a version that allows for judicial review; and it leaves wilderness study areas in protected status until Congress acts. As a result, this legislation would now designate 1.7 million acres of wilderness, 240,000 acres of special management areas and 376,000 acres of new wilderness study areas added to the 700,000 acres already in wilderness study status. The total protection is over three million acres. This is a sound bill and a good work product.

In all the controversy surrounding Montana wilderness, let's not forget why we must protect Montana's national forest wildlands. These lands include not only some of the Nation's most spectacular scenery, but also an irreplaceable wildlife and fish resource, including threatened and endangered species such as the wolf and grizzly bear. The wild places of Montana are truly a resource of national importance and a heritage that Montanans are justly proud to preserve.

It is important that we resolve the Montana roadless issue in this session of Congress. We already have spent a dozen years trying to find a resolution. In 1988, Congress was able to pass a Montana wilderness bill, only to have it vetoed by President Reagan. In the 102d Congress the bill passed both Houses only to finally fail in the last hours of the Congress because of a Senate filibuster unrelated to this issue. As the years go by, 6 million acres of unprotected national forest roadless lands are becoming increasingly vulnerable to development. Further delay could lead to specific rifle shot actions—at the very least, action that results in road construction, mining, and timber harvesting in the heart of Montana's most scenic wildlands—at the worst, an unprecedented action that the Forest Service may decide to just protect its own recommendations in the forest plans and the congressionally designated wilderness study areas and go ahead on its own and release 4.8 million acres to general forest management. It has the legal authority to do this. Thus, it would be irresponsible for us to stop the legislative process and leave these lands threatened. The only way to truly protect wilderness is to act and to pass wilderness bills. Abandoning the legislative process at this point would seriously harm public policy—not help protect wilderness.

I urge my colleagues to support this bill which is a significant addition to the National Wilderness Preservation System and protects some of the most spectacular wildlands in America.

Madam Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Madam Chairman, I yield myself 1 minute, the remainder of my time.

Mr. HANSEN. Madam Chairman, I yield 3 minutes, the remainder of my time, to the gentleman from Montana [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] is recognized for 4 minutes.

Mr. WILLIAMS. Madam Chairman, I want to respond to the gentlemen, both the gentleman from Colorado and the gentleman from Idaho.

The release language that some from other States would prefer would create a situation that their industries would like. It would turn Montana's timber into America's bargain basement, having cut their own and mismanaged their own lands. And I do not mean the gentlemen in this Chamber or the gentlewomen in this Chamber, but people in their States and the Forest Service and the industries in their States having mismanaged the timberland now look at the timberlands in Montana and salivate and they want to change the release language in a way that makes us their final bargain basement.

Yes, there are some Montana groups that would agree with that, but the bulk of Montanans do not agree with it. The release language we have in this bill is the same release language they had in their bills when they voted for them and passed them. The legislation offered by the gentleman from Colorado had the same release language I have in my bill which he objects to.

Madam Chairman, the gentleman from Utah [Mr. HANSEN] is very generous and kind to me both in committee and here on the floor, and I am very appreciative.

With regard to water, the Montana water users, made up of industry, farmers, and ranchers, have written a letter of support for the water language in my bill. They are supportive of the water language in my bill.

In order to assure that it protects Montana's State water rights, we gave it to the Montana attorney general and asked him to review it and rewrite it, if necessary. And he did that, both of those things, reviewed it, rewrote it. The committee accepted it, and it is the language in this bill. Montana's water rights are absolutely rock-solid protected under this bill.

I thank the gentleman for yielding this time to me.

Mr. ALLARD. Madam Chairman, I yield myself such time as I may consume in order to respond with this very quick comment: Those of us who come from States in the western part of the United States realize it is not a matter of industry versus the rest of the world.

We realize that what you do for one environment you may end up taking from another environment. For example, in Colorado, and I assume the same is true in Montana, we have communities, cities like the city of Greeley, Fort Collins, Loveland, who have put in a lot of effort in developing parks and green areas in their communities. Now, the question is does the Federal Government use of the water for their use or do the cities who have bought and paid for that water and have a water right in their own communities, do they have priority for that water to maintain those green areas?

Many times that is what we are talking about when we are talking about preserving a water right. Those cities and those communities doing a lot to improve the environment also have a right to that water, and the Federal Government, in my view, should not have a right to preempt them and say that our needs are greater than what those local needs are. That is why I think it is so very important when we talk about water language that we recognize the proper balance. My understanding is that the gentleman from Montana is interested in changing a couple of words that I expressed in the past, and if the gentleman is willing to make those changes, of course I would go along with those changes.

Madam Chairman, I yield back the balance of my time.

Mr. VENTO. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment, and each section is considered as read.

The Clerk will designate section 1.

Mr. VENTO. Madam Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as "The Montana Wilderness Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Many areas of undeveloped National Forest System lands in the State of Montana possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wild land for the benefit of the American people.

(2) The existing Department of Agriculture Land and Resource Management Plans for Forest System lands in the State of Montana have identified areas which, on the basis of their land form, ecosystem, associated wildlife, and location will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System.

(3) The existing Department of Agriculture Land and Resource Management Plans for National Forest System lands in the State of Montana and the related congressional review of such lands have also identified areas that do not possess outstanding wilderness attributes or possess outstanding energy, mineral, timber, grazing, dispersed recreation, or other values. Such areas should not be designated as components of the National Wilderness Preservation System.

(4) Montanans and those interested in Montana's wildlands have been fully involved in the formulation of this wilderness proposal. That the wilderness designations recommended in this legislation have been developed with the support of Montana wilderness advocates and is therefore the product of years of negotiations.

(b) PURPOSES.—The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Montana as components of the National Wilderness Preservation System, in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, and physical and mental challenge; and

(2) ensure that certain other National Forest System lands in the State of Montana will be made available for uses other than wilderness in accordance with applicable national forest laws, planning procedures and the provisions of this Act.

SEC. 3. WILDERNESS DESIGNATIONS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964, the following lands in the State of Montana are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Beaverhead, Bitterroot, and Deerlodge National Forests, which comprise approximately 31,600 acres, as generally depicted on a map entitled "Anaconda-Pintler Wilderness Additions—Proposed" (North Big Hole, Storm Lake, Upper East Fork), dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Anaconda-Pintler Wilderness.

(2) Certain lands in the Beaverhead National Forest, which comprise approximately 33,000 acres, as generally depicted on a map entitled "Italian Peaks Wilderness—Proposed", dated March 1994, and which shall be known as the Italian Peaks Unit of the Howard Zahnizer Great Divide Wilderness.

(3) Certain lands in the Beaverhead National Forest, which comprise approximately 84,920 acres, as generally depicted on a map entitled "East Pioneer Wilderness—Proposed", dated March 1994, and which shall be known as the East Pioneer Wilderness.

(4) Certain lands in the Beaverhead National Forest, Montana, comprising approximately 40,000 acres, as generally depicted on a map entitled "West Big Hole Wilderness—Proposed", dated March 1994, and which shall be known as the West Big Hole Unit of the Howard Zahnizer Great Divide Wilderness.

(5) Certain lands in the Bitterroot, Deerlodge, and Lolo National Forests, which comprise approximately 76,600 acres, as generally depicted on a map entitled "Stony Mountain Wilderness—Proposed", dated March 1994, and which shall be known as the Stony Mountain Wilderness. The provisions of section 4 of this Act shall not apply to the portion of such lands within the drainage of the Burnt Fork.

(6) Certain lands in the Bitterroot and Lolo National Forests, which comprise approximately 55,500 acres, as generally depicted on maps entitled "Selway-Bitterroot Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Selway-Bitterroot Wilderness.

(7) Certain lands in the Custer National Forest, which comprise approximately 13,700 acres, as generally depicted on a map entitled "Pryor Mountains Wilderness—Proposed", dated March 1994, and which shall be known as the Pryor Mountains Wilderness.

(8) Certain lands in the Custer National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Custer Absaroka Beartooth Wilderness Additions—Proposed" (Burnt Mountain, Timberline Creek, Stateline, Line Creek Plateau, and Mystic Lake), dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(9) Certain lands in the Deerlodge and Helena National Forests, which comprise approximately 26,800 acres, as generally depicted on a map entitled "Blackfoot Meadow-Electric Peak Wilderness—Proposed", dated March 1994, and which shall be known as the Blackfoot Meadow Unit of the Howard Zahnizer Great Divide Wilderness.

(10) Certain lands in the Flathead and Kootenai National Forests, which comprise approximately 120,400 acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed (Tuchuck, Thompson-Seton, and Mount Hefty)", dated March 1994, and which shall be known as the North Fork Wilderness.

(11) Certain lands in the Flathead, Helena, Lolo, and Lewis and Clark National Forests, which comprise approximately 261,440 acres, as generally depicted on maps entitled "Arnold Bolle Additions to the Bob Marshall Wilderness—Proposed" (Silver King-Falls Creek, Renshaw, Clearwater-Monture, Deep Creek, Teton High Peak, Volcano Reef, Slippery Bill, Limestone Cave, Choteau Mountain, and Crown Mountain, Lost Jack, Spotted Bear), dated March 1994, which shall be known as the Arnold Bolle-Bob Marshall Wilderness Additions and are incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness.

(12) Certain lands in the Flathead National Forest, which comprise approximately 960 acres, as generally depicted on a map entitled "Mission Mountains Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Mission Mountain Wilderness.

(13) Certain lands in the Flathead and Lolo National Forests, comprising approximately 175,500 acres, as generally depicted on maps entitled "Jewel Basin/Swan Wilderness—Proposed", dated March 1994. Those lands contiguous to the west slope of the Bob Marshall Wilderness referred to in this paragraph are hereby incorporated in and shall be deemed to be a part of the Bob Marshall Wilderness, while the remaining lands shall be known as the Swan Crest Wilderness, the boundaries of which are depicted on the map referenced in this paragraph.

(14) Certain lands in the Gallatin National Forest, which comprise approximately 14,440 acres, as generally depicted on a map entitled "Gallatin Absaroka Beartooth Wilderness Additions—Proposed" (Dexter Point, Tie Creek and Mt. Rae), dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Absaroka Beartooth Wilderness.

(15) Certain lands in the Gallatin and Beaverhead National Forests, which comprise approximately 20,400 acres, as generally depicted on a map entitled "Lee Metcalf Cowboys Heaven Addition—Proposed", dated March 1994, and which are hereby incorporated in and shall be deemed to be a part of the Lee Metcalf Wilderness.

(16) Certain lands in the Gallatin National Forest, which comprise approximately 18,300

acres, as generally depicted on a map entitled "Earthquake Wilderness—Proposed", dated March 1994, and which shall be known as the Earthquake Unit of the Howard Zahnizer Great Divide Wilderness.

(17) Certain lands in the Helena National Forest, which comprise approximately 22,900 acres, as generally depicted on a map entitled "Camas Creek Wilderness—Proposed", dated March 1994, and which shall be known as the Camas Creek Wilderness.

(18) Certain lands in the Helena National Forest, which comprise approximately 15,000 acres, as generally depicted on a map entitled "Mount Baldy Wilderness—Proposed", dated March 1994, and which shall be known as the Mount Baldy Wilderness.

(19) Certain lands in the Helena National Forest, Montana, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Gates of the Mountains Wilderness Additions—Proposed" (Big Log), dated March 1994, and which are hereby incorporated in and shall be deemed to be part of the Gates of the Mountain Wilderness.

(20) Certain lands in the Helena National Forest, which comprise approximately 10,700 acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated March 1994, and which shall be known as the Black Mountain Unit of the Howard Zahniser Great Divide Wilderness.

(21) Certain lands in the Kootenai National Forest, which comprise approximately 39,620 acres, as generally depicted on a map entitled "Cabinet Mountains Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in and shall be deemed to be part of the Cabinet Mountains Wilderness.

(22) Certain lands in the Kaniksu and Kootenai National Forest, which comprise approximately 52,000 acres, as generally depicted on a map entitled "Scotchman Peaks Wilderness—Proposed", dated March 1994, which shall be known as the Scotchman Peaks Wilderness.

(23) Certain lands in the Kootenai National Forest which comprise approximately 42,000 acres, as generally depicted on a map entitled "Yaak Wilderness—Proposed" (Roderick Mountain, Grizzly Peak, Dark Mountain), dated March 1994, which shall be known as the Yaak Wilderness.

(24) Certain lands in the Kootenai and Lolo National Forests, which comprise approximately 17,900 acres, as generally depicted on a map entitled "Cataract Peak Wilderness—Proposed", dated March 1994, which shall be known as the Cataract Peak Wilderness.

(25) Certain lands in the Lolo National Forest, which comprise approximately 19,400 acres, as generally depicted on a map entitled "Cube Iron/Mount Silcox Wilderness—Proposed", dated March 1994, which shall be known as the Cube Iron/Mount Silcox Wilderness.

(26) Certain lands in the Lolo National Forest, which comprise approximately 94,700 acres, as generally depicted on a map entitled "Great Burn Wilderness—Proposed", dated March 1994, which shall be known as the Great Burn Wilderness.

(27) Certain lands in the Lolo National Forest, which comprise approximately 60,100 acres, as generally depicted on a map entitled "Quigg Peak Wilderness—Proposed", dated March 1994, which shall be known as the Quigg Peak Wilderness.

(28) Certain lands in the Kootenai National Forest, which comprise approximately 24,600 acres, as generally depicted on a map entitled "Trout Creek Wilderness—Proposed", dated March 1994, and which shall be known as the Trout Creek Wilderness.

(29) Certain lands in the Helena National Forest, which comprise approximately 21,700 acres, as generally depicted on a map entitled "Nevada Mountain Wilderness—Proposed", dated March 1994, and which shall be known as the Nevada Mountain Unit of the Howard Zahnizer Great Divide Wilderness.

(30) Certain lands in the Helena National Forest, which comprise approximately 56,100 acres, as generally depicted on a map entitled "Elkhorn Wilderness—Proposed", dated March 1994, and which shall be known as the Elkhorn Wilderness.

(31) Certain lands in the Gallatin National Forest, which comprise approximately 500 acres, as generally depicted on a map entitled "North Absaroka Wilderness Addition—Proposed (Republic Mountain)", dated March 1994, and which are hereby incorporated in and shall be deemed a part of the North Absaroka Wilderness.

(32) Certain lands in the Beaverhead National Forest, which comprises approximately 90,000 acres, as generally depicted on a map entitled "Snowcrest Wilderness—Proposed", dated March 1994 and shall be known as the Snowcrest Wilderness.

(33) Certain lands in the Beaverhead National Forest, which comprise approximately 4,700 acres, as generally depicted on a map entitled "Mount Jefferson Wilderness—Proposed", dated March 1994 and shall be known as the Mount Jefferson Unit of the Howard Zahnizer Great Divide Wilderness.

(34) Certain lands in the Deerlodge National Forest which comprise about 30,300 acres, as generally, depicted on a map entitled "Flint Creek Wilderness—Proposed", dated March 1994 and shall be known as the Flint Creek Wilderness.

(35) Certain lands in the Gallatin and Lewis and Clark National Forests, which comprise approximately 34,800 acres, as generally depicted on a map entitled "Crazy Mountain Wilderness—Proposed", dated March 1994 and shall be known as the Crazy Mountain Wilderness.

(36) Certain lands in the Beaverhead and Deerlodge National Forests, which comprise approximately 19,500 acres, as generally depicted on a map entitled "Tobacco Roots Wilderness—Proposed", dated March 1994, and shall be known as the Tobacco Roots Wilderness.

(b) MAPS AND DESCRIPTIONS.—(1) The Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file the maps referred to in this section and legal descriptions of each wilderness area designated by this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act.

(2) The Secretary may correct clerical and typographical errors in the maps and legal descriptions submitted pursuant to this section.

(3) Each map and legal description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, D.C. and at the office of the Regional Forester of the Northern Region.

(c) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated by this section shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that, with respect to any area designated in this section, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) WILDERNESS AREA PERIMETERS.—Congress does not intend that the designation of wilderness areas in this section will lead to the creation of protective perimeters or buffer zones around such areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) GRAZING.—The grazing of livestock, where established prior to the date of enactment of this Act, in wilderness areas designated in this section shall be administered in accordance with section 4(d)(4) of the Wilderness Act of 1964 and section 108 of an Act entitled "An Act to designate certain National Forest System Lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes" (94 Stat. 3271; 16 U.S.C. 1133 note).

(f) STATE FISH AND GAME AUTHORITY.—In accordance with section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Montana with respect to wildlife and fish in the national forests of Montana.

(g) HUNTING.—Nothing in this Act or the Wilderness Act of 1964 shall be construed to prohibit hunting within the wilderness areas designated in this section.

(h) COLLECTION DEVICES.—(1) Within the wilderness areas designated in this section, maintenance and replacement of essential hydrological, meteorological, or climatological collection devices and ancillary facilities are permitted, subject to such conditions as the Secretary deems desirable.

(2) Access to the devices and facilities described in paragraph (1) shall be by the least intrusive practicable means available as determined by the Secretary. Access, installation, and maintenance shall be compatible with the provisions of the Wilderness Act.

(i) FACA.—The provisions of the Federal Advisory Committee Act notwithstanding, the wilderness managing agencies are hereby authorized to use citizen advisory groups, task forces, and ad hoc committees among the public involvement techniques employed to assist the agencies in the development of wilderness management direction.

SEC. 4. WATER.

(a) FINDINGS, PURPOSES, AND DEFINITIONS.—(1) The Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with no actual or proposed water resource facilities located upstream from such lands and no opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands;

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing water resource facilities; and

(C) therefore, it is possible to provide for proper management and protection of the water-related wilderness values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the water-related wilderness values of the lands designated as wilderness by this Act by means other than those based on a Federal reserved water right.

(3) As used in this section—

(A) the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(B) the term "historic", used with reference to rates of flow, quantities of use, or timing or fre-

quency of use of water, means the pattern of actual average annual use or operation of a facility prior to the date of enactment of this Act.

(b) Restriction on Claims and Clarification of Effect.—(1) Notwithstanding any other provision of law, no court or agency shall have any jurisdiction under any Act of Congress (including the "McCarran Amendment", 43 U.S.C. 666) to consider any claim on behalf of the United States asserted by the Secretary or by any other person to or for water or water rights in the State of Montana based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall be construed as a disclaimer, relinquishment, or reduction of any water rights held or claimed by the United States in the State of Montana on or before the date of enactment of this Act.

(B) Nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(C) Nothing in this Act shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) Prohibition of New or Expanded Projects.—(1) Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for, or exempt from licensing or permitting—

(A) the development of any new water resource facility within the lands designated as wilderness or for wilderness study by this Act; or

(B) the enlargement of a water resource facility or the expansion of the historic rate of diversion, quantity of use, or timing or frequency of use of a water resource facility that is located within or that would adversely affect the wilderness values of lands designated as wilderness or for wilderness study by this Act.

(2) Except as provided in subsection (d) of this section, nothing in this Act shall be construed to affect or limit operation, maintenance, repair, modification, or replacement without enlargement of water resource facilities in existence on the date of enactment of this Act located within the boundaries of the lands designated as wilderness or for wilderness study by this Act.

(d) Access and Operation.—(1) Subject to the provisions of this subsection, the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act located within lands designated as wilderness or for wilderness study by this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Subject to the provisions of this subsection, the Secretary, to the extent required for the continued exercise of any valid water rights associated with such facilities, shall allow the present diversion, carriage, and storage capacity of water resource facilities existing on the date of enactment of this Act located within lands designated as wilderness or for wilderness study by this Act, and access routes to such facilities existing and customarily employed as of such date, to be operated, maintained, repaired, and replaced as necessary to maintain the present function, design, and serviceable operation of such facilities and routes, so long as such activities have no greater adverse impacts on wilderness values than as of the date of enactment of this Act.

(3) Water resource facilities, and access routes serving such facilities, existing on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on wilderness values.

(4) There shall be no enlargement in the historic rate of diversion, quantity of use, or timing or frequency of use of water resource facilities existing on the date of enactment of this Act located within lands designated as wilderness or for wilderness study by this Act.

(e) Monitoring and Implementation.—(1) The Secretary of Agriculture shall monitor the operation of and access to water resource facilities within the boundaries of the lands designated as wilderness and for wilderness study by this Act, and shall take all steps that the Secretary finds necessary or desirable in order to further the protection of the resources and values of such lands and to implement the provisions of this section, including, to the extent consistent with this Act, the utilization of any procedures available under Federal or State law, including laws of the State of Montana concerning either the utilization of water or the establishment, adjudication, and administration of water rights.

(2) In implementing subsection (d)(3), the Secretary may require the owners of water resource facilities or parties entitled to use access routes to perform necessary maintenance or repairs, and may require the relocation or removal of such facilities or such routes if such necessary maintenance or repairs are not performed or not feasible or such facilities or routes are no longer in use.

(f) Application to Other Areas.—Solely for purposes of implementation of subsections (c), (d), and (e) of this section, lands in Montana which as of the date of enactment of this Act are managed as wilderness study areas pursuant to Public Law 95–150 shall be deemed to have been designated for wilderness study by this Act, and such lands shall be managed pursuant to the provisions of such subsections in addition to other applicable provisions of law.

SEC. 5. SPECIAL MANAGEMENT AREAS.

(a) Designations.—For the purposes of conserving, protecting and enhancing the exceptional scenic, fish and wildlife, biological, educational and recreational values of certain National Forest System lands in the State of Montana, the following designations are made:

(1) The Mount Helena National Education and Recreation Area located in the Helena National Forest, comprising approximately 5,220 acres, as generally depicted on a map entitled "Mount Helena National Education and Recreation Area—Proposed", dated March 1994.

(2) The Hyalite National Education and Recreation Area located in the Gallatin National Forest, comprising approximately 18,900 acres, as generally depicted on a map entitled "Hyalite National Education and Recreation Area—Proposed", dated March 1994.

(3) The Northwest Peak National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 16,700 acres, as generally depicted on a map entitled "Northwest Peak National Recreation and Scenic Area—Proposed", dated March 1994.

(4) The Buckhorn Ridge National Recreation Area located in the Kaniksu and Kootenai National Forests, comprising approximately 22,600 acres, as generally depicted on a map entitled "Buckhorn Ridge National Recreation Area—Proposed", dated March 1994.

(5) The West Big Hole National Recreation Area located in the Beaverhead National Forest, comprising approximately 90,000 acres, as generally depicted on a map entitled "West Big Hole National Recreation Area—Proposed", dated March 1994, and which shall be known as the West Big Hole National Recreation Area.

(6) The LeBeau Natural Area located on the Kootenai and Flathead National Forests comprising approximately 5,350 acres, as generally depicted on a map entitled "LeBeau Natural Area—Proposed", dated March 1994.

(7) The Ross Creek Cedars Natural Area located on the Kootenai National Forest comprising approximately 700 acres, as generally depicted on a map entitled "Ross Creek Cedars Natural Area—Proposed", dated March 1994.

(8) The McIntire Natural Area located on the Kootenai National Forest comprising approximately 75,000 acres, as generally depicted on a map entitled "McIntire Natural Area—Proposed", dated March 1994.

(b) Maps and Boundary Descriptions.—The Secretary shall file a map and boundary description for each area referred to in this section with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Natural Resources, United States House of Representatives, and each such map and boundary description shall have the same force and effect as if included in this Act: Provided, That the Secretary may correct clerical and typographical errors in such maps and boundary descriptions. Each such map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Regional Forester of the Northern Region.

(c) Management.—(1) Except as otherwise may be provided in this subsection, the Secretary shall administer the areas designated in subsection (a) so as to achieve the purposes of their designation and in accordance with the laws and regulations applicable to the National Forest System.

(2) Subject to valid existing rights, all federally owned lands within the areas designated in subsection (a) are hereby withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(3) Commercial timber harvesting is prohibited in the areas designated by this section with the following exceptions:

(A) Nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

(B) Fuel wood, post and pole gathering may be permitted.

(C) Commercial timber harvesting may be permitted in the Hyalite National Recreation and Education Area, but must be compatible with the purposes of its designation.

(4) Where the Secretary determines that such use is compatible with the purposes for which an area is designated, the use of motorized equipment may be permitted in the areas subject to applicable law and applicable land and resource management plans.

(5) The grazing of livestock, where established prior to the date of enactment of this Act may be permitted to continue subject to applicable law and regulations of the Secretary.

(d) National Education and Recreation Areas and Natural Areas.—(1) The Secretary shall manage the Mount Helena and Hyalite National Education and Recreation Areas with a focus on education. All management activities shall be conducted in a manner that provides the public with an opportunity to become better informed about natural resource protection and management.

(2) The Secretary shall manage the LeBeau, McIntire and Ross Creek Cedars Natural Areas for the enhancement of biodiversity and scientific study. These forests' unique natural qualities are to be the focus of the area's management.

(e) Land and Resource Management Plans.—Those areas established pursuant to subsection (a) shall be administered as components of the national forests wherein they are

located. Land and resource management plans for the affected national forests prepared in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, shall be amended to be consistent with the purposes for which the areas are designated. The provisions of the national forest land and resource management plan, relating to each area designated by this section, shall also be available to the public in a document separate from the rest of the forest plan.

SEC. 6. WILDERNESS STUDY AREAS.

(a) DESIGNATION.—The following areas are hereby designated as wilderness study areas and shall be managed in accordance with the provisions of this section:

(1) Certain lands on the Gallatin National Forest, comprising approximately 21,500 acres, as generally depicted on a map entitled "Sawtooth Mountain Wilderness Study Area—Proposed", dated September 1992.

(2) Certain lands in the Lolo National Forest which comprise approximately 22,000 acres, as generally depicted on a map entitled "Sheep Mountain Wilderness Study Area—Proposed", dated November 1991.

(3) Certain lands in the Lewis and Clark and Gallatin National Forests, which comprise approximately 111,700 acres, as generally depicted on a map entitled "Crazy Mountain Wilderness Study Area—Proposed", dated October 1992. The Forest Service shall complete a study of public and private land consolidation alternatives for this area which shall be submitted to the appropriate committees of Congress 2 years after the date of the enactment of this Act.

(4) Certain lands in the Gallatin National Forest, which comprise approximately 4,500 acres, as generally depicted on a map entitled "South Cottonwood Wilderness Study Area—Proposed," dated September, 1992, and shall be managed as part of the Gallatin Wilderness Study Area in accordance with Public Law 95–150.

(5) Certain lands in the Lewis and Clark National Forest which comprise approximately 100,000 acres, as generally depicted on a map entitled "Tenderfoot-Deep Creek Wilderness—Proposed", dated March 1994.

(b) REPORT.—When the forest plans are revised, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives containing recommendations as to whether the areas designated in subsection (a) should be added as components of the National Wilderness Preservation System.

(c) MANAGEMENT.—Subject to valid existing rights, the wilderness study areas designated in subsection (a) shall be managed to protect their suitability for inclusion in the National Wilderness Preservation System.

(d) MAPS.—The Secretary shall file a map and boundary description for each area referred to in this section with the Committee on Natural Resources, United States House of Representatives, and the Committee on Energy and Natural Resources, United States Senate, and each such map and boundary description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in these maps may be made. Each map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service and the Regional Forester of the Northern Region.

SEC. 7. BADGER-TWO MEDICINE AREA.

(a) WITHDRAWAL.—(1) Subject to valid existing rights including rights held by the Blackfeet Nation under existing treaties and statute, all federally owned lands as depicted on a map entitled "Badger-Two Medicine Area", dated September 1991, comprising approximately 116,600 acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its wilderness qualities.

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Nation in exercise of and consistent with valid treaty rights within the Badger-Two Medicine Area.

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface disturbance shall be permitted pursuant to such leases until Congress determines otherwise.

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) REVIEW.—The Secretary shall conduct a review of the area referred to in subsection (a) as to its availability for inclusion in the National Wilderness Preservation System and in accordance with the provisions of this subsection. Not later than 5 years after the date of enactment of this Act, the Secretary shall report to Congress. In conducting this review:

(1) The Secretary shall establish a committee composed of 2 representatives from the Blackfeet Nation, as well as one representative from the National Park Service, one representative from the Forest Service, and representatives of various concerned user groups, including proportional representation for environmental groups, industry groups and other interested parties. The Committee shall not exceed eleven members. The Blackfeet Tribal Business Council shall choose the 2 Tribal representatives. The Blackfeet Tribal Business Council shall conduct a public meeting to receive recommendations of the community regarding the selection of these members. The committee shall regularly advise the Secretary during the preparation of the report required in this subsection and submit its findings to Congress concurrently with those of the Secretary.

(2) Special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation.

(3) In consultation with the committee, the Secretary shall establish a process to provide information to the Blackfeet Nation and interested public about options for future designation of the Badger-Two Medicine Area.

(c) RIGHTS.—Nothing in this section shall be construed to diminish, prejudice, add to, or otherwise affect the treaty rights of the Blackfeet Nation or the rights of the United States.

(d) MAP AND BOUNDARY DESCRIPTION.—(1) The Secretary shall file a map and boundary description of the area designated by this section with the Committee on Energy and Natural Resources, United States Senate and Committee on Natural Resources of the United States House of Representatives and such map and boundary description shall have the same force and effect as if included in this Act.

(2) The Secretary may correct clerical and typographical errors in the map and boundary description submitted pursuant to this section.

(3) The map and boundary description referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Regional Forester of the Northern Region.

SEC. 8. LANDS ADMINISTERED BY BUREAU OF LAND MANAGEMENT.

(a) FINDINGS.—The Congress has reviewed the suitability of a portion of the Axolotl Lakes Wilderness Study Area (MT–076–069, BLM Wilderness Study Number) as generally depicted on a map entitled "Released portion of Axolotl Lakes WSA", dated September 1992, for wilderness designation and finds that this portion has been sufficiently studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) DIRECTION.—The area described in subsection (a) shall no longer be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(c) ADMINISTRATIVE JURISDICTION.—Those lands designated as wilderness pursuant to section 3(a) of this Act, which, as of the date of enactment of this Act, are administered by the Secretary of the Interior as public lands (as defined in the Federal Land Policy and Management Act of 1976), are hereby transferred to the jurisdiction of the Secretary of Agriculture, and shall be added to and managed as part of the National Forest System, and the boundaries of the adjacent National Forests are hereby modified to include such lands.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of affected National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein in furtherance of the purposes of this Act.

SEC. 9. MONTANA ECOSYSTEM AND ECONOMICS STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) The term "ecosystem" means a dynamic complex of plant, animal and microorganism communities and their nonliving environment interacting as a functional unit.

(2) The term "Northern Rockies" means Federal lands and resources in the State of Montana.

(3) The term "Panel" means the independent scientific panel for the study of the Northern Rockies ecosystem established under subsection (b).

(b) INDEPENDENT SCIENTIFIC PANEL FOR THE STUDY OF THE NORTHERN ROCKIES ECOSYSTEM.—

(1) ESTABLISHMENT.—The President shall establish an independent scientific panel for the study of the Northern Rockies. The Panel shall conduct the study and submit the reports and recommendations required by subsection (c).

(2) MEMBERSHIP.—(A) The Panel established under this subsection shall be composed of 11 members, appointed by the President, from a list of candidates to be developed and submitted to the President by the National Academy of Sciences and lists from well-established professional societies with an interest in the environmental sciences.

(B) Each member of the Panel shall be a recognized expert in the field for which the member is considered for appointment and shall be free of economic conflict of interest with regard to the subject of this section. Each member also shall have research experience in the Northern Rockies region or otherwise be familiar with the issues and ecology of the region. As a whole, membership of the Panel shall represent an appropriately broad diversity of disciplines, and members shall have recognized experience in natural sciences, economics, and administrative policy.

(C) The list of candidates provided by the National Academy of Sciences shall consist of at

least twice as many nominees as positions available in each category specified in this section.

(D) The Panel shall work cooperatively with all relevant State and Federal agencies, university research stations and departments, and Indian tribes.

(E) The Panel may establish, at its discretion, such subregional review teams and working groups as it deems necessary to complete its tasks in a timely and professional manner.

(3) PAY AND EXPENSES.—(A) Except as provided in subparagraph (B), members of the Panel established under this subsection shall each be paid at a rate not to exceed, and consistent with, the rate paid to employees of the United States performing similar duties and with similar qualifications for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Panel. While away from their homes or regular places of business in the performance of services for the Panel, members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(B) Other than reimbursement of expenses pursuant to subparagraph (A), members of the Panel who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(4) CHAIRPERSON.—The Chairperson of the Panel shall be appointed by the President.

(5) AGENCY ASSISTANCE.—Upon request of the Panel, the head of any Federal agency shall provide facilities, equipment, personnel, and other types of support to the Panel to assist the Panel in carrying out its duties under this Act.

(6) TERMINATION.—The Panel shall terminate 30 days after the submission of the final report under subsection (c).

(c) STUDY OF ECOSYSTEMS MANAGEMENT OF THE NORTHERN ROCKIES.—

(1) STUDY.—(A) The Panel shall define the boundaries of, and map, the ecosystems of the Northern Rockies, including any corridors the Panel deems necessary to connect isolated ecosystems. In making the determination of ecosystem boundaries, the Panel shall consider—

(i) restoration and maintenance of natural biological diversity;

(ii) productivity on a long-term, sustainable basis of essential natural ecological elements, functions, and successional processes;

(iii) preservation of the integrity of genetic stocks of native communities of plants and animals, with an emphasis on areas of high species richness and endemism;

(iv) restoration or maintenance or protection of high water quality instream flows and watersheds (or riparian areas) sufficient to protect fish and wildlife;

(v) maintaining biological connectivity between and among physiographic provinces; and

(vi) maintenance of long-term, sustainable outputs of economically valuable natural resources.

(B)(i) The Panel shall define the essential management purpose and biological function and desired condition of the ecosystems defined under subparagraph (A). In conjunction with carrying out subparagraph (A), the Panel shall assess the ecological status and trends, including, where appropriate, levels of risks associated with applicable management alternatives of water quality, riparian areas, and fisheries; uncommon, rare, threatened, and endangered species; rangelands; soils; and late successional old growth forest.

(ii) The Panel shall analyze the timber quantity, quality, and growth on the existing timber base as well as the success of reforestation in the region to date, probable rates of reforestation success in the future, and their effect on timber supply and related issues.

(C) The Panel shall gather and display in a useful form biological data from each of the ecosystems defined under subparagraph (A).

(D) The Panel shall identify gaps in important research areas and contract for or otherwise obtain research necessary in the short term to accomplish the duties of the Panel under this section.

(E) The Panel shall analyze Federal land ownership patterns and associated Federal land management mandates and practices within the ecosystems identified in subparagraph (A) and identify those mandates and practices which are inconsistent or incompatible with ecosystem management levels of risk identified under subparagraph (B).

(F) The Panel shall identify opportunities to encourage sustainable economic use of the natural resources of the ecosystems identified by the Panel and the sustainable economic outputs identified in subparagraph (A)(vi), in a manner consistent with the goals and purposes of those ecosystems. Special emphasis shall be placed on the identification of opportunities for the maintenance and growth of small businesses and the establishment of new small businesses consistent with the goals and purposes of those ecosystems. In making these recommendations, the Panel should consider opportunities to improve environmental conditions that could permit an expansion of the sustainable contribution of commodity and noncommodity uses and outputs of natural resources, including but not limited to each of the following:

(i) Increasing desirable natural vegetative growth through reforestation with native species, thinning and other timber stand modifications, prescribed burning, and seeding or planting native grasses, forbs, and shrubs.

(ii) Improving the quality of other biological resources (such as species diversity and animal populations) through habitat restoration, extended timber rotations, alternative timber harvesting and bidding systems, and different standards and methods for road construction, maintenance, closure, and eradication.

(iii) Enhancing the quality of non-biological resources (such as recreation trails and developments, watersheds and streams), through site restoration and rehabilitation, demand management (such as user regulation and enforcement, marketing to shift timing and location of uses) and investment in recreational use.

(2) RECOMMENDATIONS.—The Panel shall submit recommendations on each of the following:

(A) Specific, implementable steps for management of the ecosystems defined under paragraph (1)(A), including removal of inconsistent or incompatible mandates and practices identified under paragraph (1)(E).

(B) Ways to better monitor the resources within the ecosystems.

(C) Ways to create or improve direct cooperation between scientists both within and without the Federal Government and Federal land managers.

(D) Methods, including incentives by which State and private landowners might cooperatively manage their lands in a manner compatible with Federal lands located within the ecosystems.

(E) Other institutional or legislative changes the Panel determines will promote sound ecosystem management.

(3) REPORTS.—(A) Not later than 6 months after the date of enactment of this Act, the Panel shall submit an interim report to the President and the Congress. The report shall discuss the progress of the Panel in carrying out this section and shall include—

(i) a description of any ecosystems defined and mapped under paragraph (1)(A) and (B);

(ii) summaries of the biological data gathered to date under paragraph (1)(C); and

(iii) the additional research obtained under paragraph (1)(D).

(B) Not later than 30 months after the date of enactment of this Act, the Panel shall submit a final report to the President and the Congress which contains a description of its activities under this section and includes the findings, analyses, and recommendations made under this section.

(C) The reports submitted to the Congress under this paragraph shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) REDESIGNATION.—(1) Those lands comprising the Rattlesnake National Recreation Area and Wilderness, as designated in Public Law 96–476 are hereby redesignated as the "Rattlesnake National Education and Recreation Area and Wilderness".

(2) Those lands comprising 200 acres, as generally depicted on a map entitled "West Pioneers Study Deletion—Proposed", are hereby released from study under Public Law 95–150.

(b) WITHDRAWAL.—(1) Those lands comprising approximately 27,000 acres, as generally depicted on a map entitled "Gibson Reservoir Mineral Withdrawal Area—Proposed", dated October 1992, are hereby withdrawn from all forms of entry, appropriation and disposal under the mining and public land laws, and disposition under the geothermal and mineral leasing laws.

(2) The Secretary shall file a map and boundary description of the area designated by this subsection with the committees identified in this subsection and such map and boundary description shall have the same force and effect as if included in this Act.

(3) The Secretary may correct clerical and typographical errors in the map and boundary description submitted pursuant to this subsection.

(4) The map and boundary description referred to in this subsection shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Regional Forester of the Northern Region.

(c) ACREAGES.—All acreages cited in this Act are approximate and in the event of discrepancies between cited acreage and the lands depicted on referenced maps, the maps shall control.

(d) ACCESS.—It is the policy of Congress that the Forest Service affirm or acquire and maintain reasonable public access to National Forest System lands in the State of Montana.

(e) SCAPEGOAT AND GREAT BEAR WILDERNESS NAMES.—In order to consolidate existing contiguous wilderness areas, those lands comprising the Great Bear Wilderness Area designated by Public Law 95–946 and any amendments thereto and the Scapegoat Wilderness Area designated by Public Law 92–395 and any amendments thereto are hereby incorporated in and deemed to be a part of the Bob Marshall Wilderness. The designations of the Great Bear Wilderness and Scapegoat Wilderness shall refer to units within the Bob Marshall Wilderness.

SEC. 11. WILDERNESS REVIEW.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has studied the suitability of roadless areas for inclusion in the National Wilderness Preservation System; and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Montana and the environmental impacts associated with nonwilderness management of such areas.

(b) RELEASE.—Those National Forest System lands in the State of Montana which were not designated as wilderness, special management,

national recreation, or wilderness study areas by this Act and Public Law 95–150 shall be managed for multiple use in accordance with land and resource management plans developed pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, and those areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of land and resource management plans.

(c) PLAN REVISIONS.—In the event that revised land management plans in the State of Montana are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation.

(d) FURTHER REVIEW.—Unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Montana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(e) PREVIOUS PLANS.—Except as specifically provided in section 3, 5, 6, and 7 of this Act and in Public Law 95–150, with respect to the National Forest System lands in the State of Montana which were reviewed by the Department of Agriculture under Public Law 94–557, the unit plans that were in effect prior to completion of RARE II, the 1978 Forest Plan for the Beaverhead National Forest, that such reviews shall be deemed an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the land and resource management plans.

(f) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Foreign Management Act, the term "revision" shall not include an amendment to a land and resource management plan.

(g) SIZE.—The provisions of this section shall apply to those National Forest System roadless lands in the State of Montana which are less than 5,000 acres in size.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENTS OFFERED BY REPRESENTATIVE VENTO

Mr. VENTO. Madam Chairman, I offer a series of amendments, and I ask unanimous consent that they be considered as read and considered en bloc. They are identified as amendments 1 through 8.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. VENTO: On page 2, line 16, delete all of paragraph (3) and replace with a new paragraph as follows:

"(3) review and evaluation of roadless and undeveloped lands in the National Forest system in Montana have also identified those areas which should be specially managed, deserve further study, or which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.".

On page 10, line 14, delete the word "Dark" and replace with "Pink".

On page 16, line 3, strike "FACA.—The provisions of the Federal Advisory Committee Act not withstanding" and replace with "CITIZEN INVOLVEMENT—".

On page 25, line 14, add after the word "Area" "and the McIntire Natural Area".

On page 26, after line 13, add a new paragraph as follows:

"(3) The Secretary shall manage the McIntire Natural Area with the goal of managing the Area to develop and test new management approaches that achieve ecological health. Management activities should be focused on improving water quality, riparian area condition, and stream channel stability.

The emphasis will be on testing and evaluating ecosystem management approaches. Timber harvest activities that minimize soil effects and impacts to residual vegetation may be allowed. Silvicultural prescriptions will emphasize structural and vegetative diversity within stands, as distinguished from even-age management prescriptions as a usual treatment. Development of late-successional forests will be emphasized on portions of the Natural Area.".

On page 28, line 6, delete "100,000" and replace with "94,000".

On page 45, line 12, strike "and" and replace with "or".

On page 47, line 6 after the word "section" add "also".

Mr. VENTO. Madam Chairman, I thank my colleagues and the Chair for their indulgence. These amendments have been discussed with the minority. They are mostly technical amendments. No. 1 replaces the finding dealing with lands available for multiple uses with boilerplate language used in previous wilderness bills.

Amendment No. 2 changes the name of a portion of the Yaak wilderness designate by the bill from "Dark Mountain" to "Pink Mountain." There is no Dark Mountain.

Amendment No. 3 deletes the exception for the Federal Advisory Committee Act for citizens groups that will provide advice on wilderness management issues.

Amendment No. 4 clarifies that timber harvesting in the McIntire natural area must be compatible with the purposes of the designation.

Amendment No. 5 provides management direction for the McIntire natural area.

Amendment No. 6 deletes the tenderfoot experimental forest from the Tenderfoot-Deep Creek wilderness study area.

Finally, amendments No. 7 and 8 are simply technical corrections in the bill. There is no substantive change with respect to them.

Madam Chairman, I yield to the gentleman from Utah.

Mr. HANSEN. I thank the gentleman for yielding.

Madam Chairman, the minority has reviewed these amendments and has no objection to them and accepts them.

Mr. VENTO. Madam Chairman, I yield to the gentleman from Montana, the sponsor of the measure.

Mr. WILLIAMS. I too thank the gentleman and rise in support of the gentleman's en bloc amendments. I want to say specifically with regard to amendment No. 4 in this series that the chairman and I have worked together to ensure that my intention with regard to the purposes of an area called the McIntire natural area are clear. The amendment provides absolute assurance that harvest is allowable but that it be done in a small and environmentally sound manner. This area is critical to the survival, for example, the survival of the grizzly bear. We want harvests to continue, but we want it done in a manner that is in keeping with the environmental standards that the area is required to meet. That was not as clear in my original legislation as I wanted it to be. The gentleman's amendment No. 4 clarifies it, and I appreciate the gentleman working with me on this.

Mr. VENTO. Madam Chairman, I urge support of this noncontroversial series of amendments.

The CHAIRMAN. If there are no further requests for time, the question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill add the following new section:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act"), which are applicable to those funds.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, this is a very simple amendment, Congress. While there is still some semblance of a Buy American Act, this would call for compliance with the Buy American Act. Since we still have a Constitution that talks about sovereignty of the American people and the Government of our country, this would in fact force compliance with the Buy American Act.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Madam Chairman, I have consulted with my principal consultant on Buy America, my mother, and she told me to accept the Traficant amendment.

Mr. TRAFICANT. Madam Chairman, the gentleman's mother is showing good judgment.

Madam Chairman, I yield to the distinguished ranking member.

Mr. HANSEN. I thank the gentleman for yielding. Madam Chairman, I think this is a good amendment, I support it, we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: On page 18, line 7, strike subsection (2)(A) and insert:

"(2)(A) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Montana existing before the date of enactment of this Act."

Mr. WILLIAMS. Madam Chairman, this amendment would conform the Montana water rights language in the bill to the language that this body passed in the Colorado wilderness bill. The amendment changes neither the meaning nor the intent of the water rights section at all, but simply adds back to the language as originally drafted.

As my colleagues know, water rights law is a delicate business, and frankly in our haste to draft clearer, more concise language, we strayed a bit from the Colorado formula.

□ 1440

Several groups in Montana were not entirely comfortable about the new language, and, although no one really claimed that the language was not substantive, I want everyone to be comfortable with this water rights language because in Montana, as in so many other States, water rights is critically important, and so I am offering this language which restores a few words that were in the original Colorado language, and, in my judgment, this neither adds nor detracts from the water rights security that I had in the original language. It says the same thing, it achieves the same goal, but in a slightly different way and with language which adds a higher comfort level to some of the water users groups in Montana who deserve as high a comfort level on this issue as we can provide them.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I rise in support of the amendment of the gentleman from Montana.

As the gentleman has explained, this amendment would revise the part of section 4 of the bill that is intended to explain the effect—or, rather, lack of effect—that the bill would have on any Federal water rights already in existence in Montana.

The effect of the amendment would be to make this part of the bill exactly the same as the corresponding provisions in the Colorado Wilderness Act of 1993.

Frankly, in my opinion the version of the bill reported by the Committee on Natural Resources already achieves what would be achieved by the Williams amendment—that is, it makes clear that the bill will have absolutely no effect on such existing Federal water rights.

The pertinent part of the 1993 Colorado Wilderness Act, which Mr. WILLIAMS would place into this bill, says that the act is not a recognition or denial of any existing water rights, which is clear and perhaps helpful.

But the Colorado provisions also say that they are not to be read as "A creation * * * of any water rights of the United States * * * existing before the date of enactment."

As it did last year, this seems to me to be what our former distinguished colleague, Chairman Mo Udall, once referred to as "redundant reassurance of the self-evident." Nothing seems more unnecessary as to say that a wilderness bill does not create something that has already been created. The word "create" bothers me any way. It always seems more appropriate to say "designate."

My experience with bills like the Colorado wilderness bill has prepared me for some strange things, but so far I have not heard even a Colorado water lawyer claim that existing water rights could or would be created again, retroactively. Still, in my opinion the Colorado language, however odd, has no effect, and so I joined our committee and the House in accepting it, even though in my opinion, it does not reflect the kind of care that we should exercise in fashioning legislation on such an important matter.

I had hoped to improve on that record when we dealt with Montana, but evidently there is some impression that something more substantive was involved when the bill was revised in our committee. That impression has prompted the gentleman from Montana to seek to restore the Colorado language. The House accepted that language for Colorado, and I view that language as every bit as good today, in reference to the "Big Sky" State. Apparently the comfort of Members of Congress must come before clarification—learning to live with such creative thinking also is our plight.

Therefore, Madam Chairman, I urge the House to adopt the amendment, in order to lay to rest the Colorado creation anxiety that has been expressed about this part of the bill.

Mr. ALLARD. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Colorado.

Mr. ALLARD. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for having yielded to me, and I rise in support of his amendment. In fact, I was prepared to offer this very same amendment myself, if the gentleman from Montana had not. I think it is essential to establish some balance in this argument on Federal reserve water rights, and now, with the gentleman from Montana's amendment, we have restored that balance where we say that not only do we not relinquish or reduce any Federal reserve water right that may be already there, but we are also saying there will not be a creation or a recognition of a new Federal reserve water right, and I think that brings things into balance.

I say to my colleagues, "It's a very important issue if you're talking about fairness and applying the Federal reserve water right, and I strongly support the gentleman's amendment."

Mr. WILLIAMS. Madam Chairman, I thank the gentleman from Colorado [Mr. ALLARD] for supporting the amendment.

I have, as the gentleman knows, believed that we have had ironclad protection for States' water rights in the bill, but, as I say, if we can raise the comfort level, even though I do not think we are changing the policy of the water rights, then I am all for raising the comfort level, and we do want to go the extra step to be sure that we protect water out our way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOCHBRUECKNER

Mr. HOCHBRUECKNER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOCHBRUECKNER:

Section 2 is amended—

(1) by redesignating paragraphs (2), (3), and (4) of subsection (a) as paragraphs (3), (4), and (5) respectively and inserting after paragraph (1) of subsection (a), the following:

"(2) Preserving areas in their natural roadless condition is a vital component of protecting the biodiversity of lands in Montana and securing and maintaining habitat for threatened and endangered species."

(2) by inserting after the words "character of the land" in subsection (b)(1), the words "and the health and diversity of native populations of fish, wildlife and plants".

Section 9 (c)(3)(C) is amended by inserting after the words "the Committee on Natural Resources" the words "and the Committee on Merchant Marine and Fisheries".

Mr. HOCHBRUECKNER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOCHBRUECKNER. Madam Chairman, today I rise on behalf of myself, the gentleman from Massachusetts [Mr. STUDDS], the gentleman from New York [Mr. MANTON], the gentlewoman from Washington [Mrs. UNSOELD], and the gentlewoman from Oregon [Ms. FURSE] to offer an amendment to the Montana Wilderness Act of 1994. The Committee on Merchant Marine and Fisheries was granted a 24-hour sequential referral of H.R. 2473; however, due to the limited duration of the referral, we were unable to consider this bill in committee. The amendment which we are offering pertains to sections 2 and 9 of the bill. In section 2, the findings and purposes section, the amendment is intended to highlight the importance of protecting Montana's biodiversity and preserving areas in their natural roadless state. In addition, the amendment will ensure that the Committee on Merchant Marine and Fisheries is informed of the progress of the panel conducting the ecosystem and economic study of the northern Rockies area within the State of Montana under section 9.

The language being proposed has been discussed with Congressman WILLIAMS' office and it is our understanding that he supports the amendment. The amendment does not change any wilderness designation or other substantive provision of the bill.

Madam Chairman, the Committee of Merchant Marine and Fisheries has jurisdiction over the conservation of fish and wildlife. The Rockie Mountains ecosystem contains many species, like the grizzly bear and the gray wolf, which require large expanses of relatively undisturbed habitat to thrive. This is why the wilderness, special management areas, and ecosystem study established in this bill are so crucial to fish and wildlife conservation. Furthermore, it is important to ensure sound management of the remaining roadless areas in Montana and we think this bill provides this opportunity. While more than 3 million acres of roadless lands are released to multiple use management, the bill makes clear that management activities must be in full compliance with the National Environmental Policy Act and other fish and wildlife conservation laws. In past administrations, we may have been concerned that releasing these lands would be a predicate to disaster. However, the current administration is committed to environmental protection at the ecosystem level.

Madam Chairman, we commend the gentleman from Montana on his efforts to protect these lands and urge Members to vote "yes" on the amendment.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I have no objection to the amendment offered by the gentleman from New York [Mr. HOCHBRUECKNER]. I commend the gentlemen, the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from New York [Mr. HOCHBRUECKNER], for their work on this amendment and urge support for it.

Mr. HANSEN. Madam Chairman, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to the gentleman from Utah.

Mr. HANSEN. Madam Chairman, the minority has looked at the gentleman's amendment. We have no objection to it, think it adds to the bill, and we would accept it on this side.

Mr. WILLIAMS. Madam Chairman, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to the gentleman from Montana.

Mr. WILLIAMS. Madam Chairman, I particularly appreciate the gentleman coming to me early and working with us on this amendment, and I appreciate his committee's review of the legislation. I am pleased to have the committee review the economic environmental study when it is completed, and I appreciate the gentleman's amendment, but I am particularly appreciative of the early warning that he gave us with regard to the amendment and the work that his staff and our staff did together.

Mr. HOCHBRUECKNER. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for his kind remarks and his support along with the support of other Members on both sides of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HOCHBRUECKNER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DELAY

Mr. DELAY. Madam Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DELAY:
>
> On page 34, line 8, strike Section 9 in its entirety.

Mr. DELAY. Madam Chairman, I did not intend to get involved in today's debate involving this bill which the gentleman from Montana has worked on for years. I defer to him regarding the boundaries and acreages of wilderness in his State. However, I am concerned about the costly and politically correct study this bill authorizes and the precedent it creates for future wilderness bills involving other States.

My amendment would strike section 9 from the bill. This section, which is nine pages long, would establish an independent scientific panel for the study of the northern Rockies—a panel of 11 scientists appointed by the President from a list developed by the National Academy of Sciences. Each panel member is required to be free of economic conflict of interest. Moreover, this panel is given authority to establish such regional review teams and working groups as it deems necessary to complete its tasks in a timely and professional manner.

The panel is given the herculean task of defining the boundaries of the ecosystems of the northern Rockies including any corridors it feels are needed to connect isolated ecosystems. Since two-thirds of Montana is privately owned, numerous acres of private lands will unavoidably be within the ecosystem boundaries.

Furthermore, the panel is required to study virtually everything that swims, crawls, flies, or has roots in Montana. It also is charged with studying such trendy and politically correct concepts as biological diversity, isolated ecosystems, biological connectivity, ecosystem management, and sustainable outputs.

Then, 30 months after enactment, the panel is required to complete its report on these subjects and include recommendations for improving management of the northern Rockies ecosystem.

I am greatly confused as to why we are authorizing this study in the first place. Did we not create a new agency last fall with a $163-million budget called the National Biological Survey which is supposed to do similar research as this scientific panel?

Let me state the functions of the Biological Survey according to section 3 of H.R. 1845, which the House passed last October.

> (A) conduct research on biological resources, including plants, fish, wildlife, and their habitat.
>
> (B) monitor methods by which ecosystems are managed.
>
> (C) collect and analyze data and information to determine and inventory the distribution, abundance, health and status and trends of biological resources.

Why are we being asked to create yet another new scientific study which CBO estimates will cost taxpayers $8 million, when only 6 months ago we established the National Biological Survey. Just imagine if every other large State asks for a study like this. The cost would be staggering.

Aside from the National Biological Survey and its $163 million budget, which will likely be increased 9 percent next year, we have many other Federal agencies with talented and well-trained scientists. Why can we not trust scientists with agencies like the Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs, Bonneville Power Administration, National Park Service, National Marine Fisheries Service and others to collect this data if it is so urgently needed? Why must we spend $8 million of money we do not have for something we do not need?

If I was more cynical, I might think this was a full employment program for scientists aligned with preservation groups. After all, they coined many of the terms in section 9 like ecosystem management and biological connectivity. Perhaps, if I read the bill closer I might even find the trendy term "biocentrism."

Montana resident and syndicated columnist Alston Chase writes:

> Biocentrism holds that all living things have equal rights. Humans don't enjoy special status. This derives from the idea that nature consists of interacting parts that operate as ecosystems. Since everything is connected to everything else, every creature is equally important.

Continuing he says:

> Unfortunately, the idea is bogus. While there are many reasons to protect land, water and wildlife, saving ecosystems isn't one of them. Ecosystems are mathematical tools used to analyze energy feedback loops. You can't draw them on maps. There is no evidence that, left undisturbed, they reach equilibrium. Also, not every creature is equally important. The disappearance of spotted owls would be an aesthetic calamity, but would no more jeopardize humanity than extinction of Irish elk 10,000 years ago put an end to life on the Emerald Isle.

Finally, Alston Chase says:

> These policies are the Prozac of environmentalism. They mean nothing but make us feel good. By calling "old growth" an ecosystem, it implies that mature trees are a biologically distinct category—which is an absurdity, like saying that as people become aged they become different species.

Mr. Speaker, let us not spend $8 million to conduct a politically correct study of the northern Rockies ecosystem. If there are gaps in existing data, why does Congress not trust the thousands of scientists in Federal agencies such as the newly created National Biological Survey and private entities to go out and collect it. Support the DeLay amendment.

□ 1450

Mr. VENTO. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I oppose this amendment. This is an amendment that would prevent us from moving forward with the comprehensive scientific study of the northern Rockies ecosystem in Montana.

The Biological Survey functions out of the Department of Interior. Such agreements as may exist between it and the Department of Agriculture, which I think would be desirable, are not covered under the Biological Survey per se. So it is a misunderstanding that the gentleman from Texas [Mr. DELAY] has personified in terms of the statement that he has made.

I think that the Forest Service has a good range of scientists. They need the direction that this particular format and this study provides. I am pleased that the philosopher that he quoted has such views with regard to the scientific information. Apparently, in his view, all we need to do is have his philosophy. We do not need to study anything. But that is really what has gotten us to where we are today.

The fact of the matter is, I would point out, that we have taken billions of dollars out of Montana and out of the West in terms of resources, and we have designated millions and millions of acres of land. The fact is we need a better knowledge base to deal with that. We need to deal with what the economics are in the State of Montana.

That is why my colleague wants this amendment. He wants the information so that we can go forward on a rational basis. To invest back in the State of Montana and in the West is what the goal is that has to be done here. But we cannot do it based on hunches and philosophy, no matter how bright or intelligent the words are.

We found repeatedly in our efforts to deal with this problem that we are changing the policies because we have such a lack of information day in and day out, within just months. And it is not a single species based kind of issue. It is multi-species based.

It is the entire ecosystem, which, after all, an ecosystem is simply a cognitive construct that we have to use as a way of thinking about very diverse topics like these ecosystems, which are made up with these fauna and flora that are very diverse.

So that is not the argument here. It is an argument of putting this in place, authorizing this, trying to get the information that is necessary so that we can make better decisions with regard to these lands.

We do not have enough information very often to be making the types of decisions that are needed. I always thought if everyone had the right information, we would make the right decisions. But indeed there is a place for politics to come into this. There is a place where we have to bring that to bear. That is why we reserved the right to make these decisions.

But I think this would be a real mistake to walk away. Here we are classifying 6 million acres of land. The gentleman has a modest amendment for a study here, and maybe he will get the money for it. Maybe he will not.

But I think the point is, it is pointing the Forest Service in the direction they wanted to go. They want to deal with this on an ecosystem basis. The fact is the Forest Service lines, the lines for the national forest, have run across State lines for many, many years. They recognized early on that state lines were inappropriate in terms of the management units that they were charged with managing.

This study, of course, goes a long way forward. It tries to put it on an objective basis, engaging the National Academy of Sciences, engaging the other departments and agencies of the Federal Government that have similar reform bills, and to try to come forward with a sound policy so we can make decisions on efficient and wildlife preservation, threatened and endangered species, oil and gas and mining rights. We do not have all the information. We need to provide some direction to the administration.

If you think it is all right for them just to go ahead and do what they wanted to do in the National Biological Survey, that is fine. But I think there is some wisdom in this body. I think the House and the Senate, working together and operating and functioning on the basis of the gentleman's proposal here, should be given that chance.

So therefore, I would ask that we reject the DeLay amendment today and move forward on the proactive policies of the gentleman from Montana.

□ 1500

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, the gentleman says that we need this study independently. But in answer to the question, will this study partially duplicate what is contained in the forest plans, the Forest Service has said that the proposed study that I am trying to eliminate would partially duplicate the forest plans in a number of ways. And it lists the ways: inventory of timber, age of resources, identifying trends and alternatives.

It is already going to be done, paid for by the Forest Service.

Mr. VENTO. Madam Chairman, I think that it is not being done. This has been the answer from the Forest Service for a long time of anything that we had recommended. The truth is that if it is redundant, the thing is, it is based on using existing information but putting it together in a different way. That has not been the past. The corridors the gentleman criticized and some of the other aspects are at the very cutting edge of new science and land use management. I would urge rejection of the amendment for that reason.

Mr. MILLER of California. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment. I would hope that we would reject the amendment by the gentleman from Texas. I think it shows a misunderstanding of what has been taking place in this region of our country.

When we talk about ecosystem management in the case of the Northern Rockies, we are really talking about building on a community of work that goes far beyond the belief that we are going to simply classify the flora and the fauna and habitat and wildlife.

These communities, I mean communities, talking about little cities and towns where people work, are interested in having this so that they can have a road map on how they are going to continue to provide the economic activity for those communities and these impacted areas. This is, in fact, one of the few areas of our country where when we talk about ecosystem management and where it has been talked about in long term, maybe even coined in this area of the country, the fact is they brought in the communities, because as we move to multiple use of these public lands, the people from the West say that they are always foreign, especially my colleagues on the other side of the aisle.

We need to know what uses are available, what inventories are available, what economic activity can be sustained when it comes to the pressures between mining, between oil and gas, and tourism, and timber inventories and trying to keep that industry alive, as we change our understandings and concepts of these regions.

In fact, if Members go out and they visit with people from the Greater Yellowstone Coalition and from other organizations out there, they would understand that this is being driven by communities that have had the good fortune to have some of the highest growth rates in our Nation over the last several years because of the attractiveness of this region.

They also understand that there is going to be a limit to the size of the timber industry, to the extractive industries. They are trying to develop new industries, whether it is tourism or other such activities, but they need to know what is going to be available to them, what is going to be off limits because of special characteristics, however defined in an ecosystem map, and what is not going to be available to them.

This is an economic tool. This is not politically correct. This is not cute. This is a very serious economic tool to prevent the kinds of problems that we have run into in so many regions of this country where we have sort of gone down one road until the policy is bankrupt, until the thing is so far gone that we lose the options.

What these communities, what the citizens of this region have been talking about, asking for, participating in is ecosystem management so that they can make those determinations. To believe that this kind of study is simply for the purposes of a narrow point of view within the environmental movement or within the Forest Service, the National Biological Survey, this is a tool to be used by local governments, to be used by local planning organizations, to be used by citizens in those areas so that they can hold on to the best that they can have and still provide the economic wherewithal for their communities. That is the genesis of this effort in the Northern Rockies.

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, the gentleman made a very eloquent statement about why the purpose of this particular section. That is, for local communities to have all this information. But if that is the case, why did the gentleman and the committee take out of the original bill this phrase, under the purposes of this study, "to assure the disruptions to communities and local economies are minimized through the sustainable use of natural resources in the State of Montana"?

If that is the concern of the gentleman, why did he take it out of the bill?

Mr. MILLER of California. Madam Chairman, that is the tool that ecosystem management brings to us. In our State, in California, we have had analysis of habitats and other areas. We are now able to start to be able to tell builders and local boards of supervisors and city governments where they can go without peril and where there is a problem, where we can achieve joint mitigation to offset problems. And so we cannot do that unless we have the kind of information that is available to us in these studies.

Mr. DELAY. Madam Chairman, if the gentleman will continue to yield, would the gentleman answer my question?

Mr. MILLER of California. Madam Chairman, I am answering the gentleman's question. This is one of the tools to be used for that purpose. That is not the purpose. This is a tool to develop and to bring together that information so we can make those kinds of judgments. That is not this study. This study is about the inventory of those qualities.

Mr. DELAY. Madam Chairman, the gentleman just made an eloquent speech about the purpose of this study.

Mr. MILLER of California. Madam Chairman, do not reject this tool because Members think it is something that it is not, because they do not understand the history of what has taken place in this region among the citizens and the communities who are trying to develop their economic well-being.

Mr. HANSEN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, as we listen to the debate on this particular amendment, this study mandate in title IX, which CBO estimates will cost $8 million, is a very expensive precedent. We do it for Montana. How about Idaho, Oregon, Alaska, Utah, and any other Western State that has public land? And needless to say, this would be an extremely and enormous cost to the people of America.

I applaud many of the things in this bill and appreciate our friends from Montana coming up with a good piece of legislation. But this part of it really bothers me, and I think the gentleman from Texas has done an excellent job in taking this out.

Mr. Babbitt, the Secretary of the Interior, when we did the biological survey, made this statement. He said, "The mission of the National Biological Survey is to inventory all of the biological resources of the country."

That means, as he pointed out, everything that flies, that swims, that crawls. It did not limit it to the Forest Service or take our BLM but everything is involved.

As we sit in our offices and we get all of these letters from people around the United States, they are saying, save money, avoid redundancy.

The Endangered Species Act, for example, one of the main reasons that is going to be changed is under the listing process. Because under the listing process, all we look at is the biological features. We do not look at the economy of the area.

In particular instance, here we are going to throw it out again, go down that same path and get us in trouble like we have on the Endangered Species Act.

I cannot understand, and I ask my colleagues wherever they may be to take into consideration, if they want to save money, if they want to improve the Montana Wilderness bill, this is the best amendment to do it under. Why the redundancy? Why up here do we constantly say we have to have 100, 200, 300 scientists to analyze the same thing we are looking at.

I think the gentleman from Texas got into the area that we do not even define the words. Every time we have had the Chief of the Forest Service, for the last times in front of the committee, I have asked him to define ecosystem. So far I do not have a definition. All of these other terms that we have looked at, please define them. They are indefinable terms. It is not like a contract that in the back we have a definition of terms that we can turn to and say, this means the following. We are going into indefinable things.

I do not think this is necessary. Number one, if we want to save money, here is a good amendment to vote for. Number two, if we want to improve the Montana Wilderness bill, here is an excellent amendment.

I think we should get on with this and vote for the amendment of the gentleman from Texas which is an excellent amendment and well-thought-out.

Mr. WILLIAMS. Madam Chairman, I move to strike the requisite number of words.

I am reminded of that statement, "No good deed shall go unpunished."

I came up with the idea for this study because industry and timber industry workers in Montana asked me to find a way to determine the carrying capacity of the land in order to be certain that Montana's natural resources extractive industries would have a stable future. That is how this study got in the bill.

Does it make sense to do it? Well, consider the spotted owl problem. That crisis, that catastrophe out there, our neighbors to the West of Montana, does not have a thing to do with the spotted owl. It has to do with folly, folly, the folly of the timber industry and the Federal Government, primarily the Forest Service, which would conspire to cut 90 percent of the old growth timber in the Pacific Northwest and then leave the workers, the small businesses, the Main Street merchants with one argument, one debate left.

□ 1510

Do we cut out all the rest or do we put out the foreclosure and bankruptcy signs? Do we go on unemployment?

Out our way in Montana, and I would add in Idaho, we still have an opportunity to avoid that kind of folly. However, to do so, we have to understand for tomorrow better than we do for today what the carrying capacity of the land is. This does not have anything to do with these push-button inflammatory words like "biocentrism" and "ecoanalysis." That is not what we are trying to determine here. We are trying to simply say how much extraction of the remaining natural resources can go on and still allow the place to carry its weight environmentally. That is what this study is all about.

Mr. Speaker, I do not want to spend $8 million on this study. I do not want to spend half of that on this study. CBO is simply wrong. In my view, CBO was looking at the study we should be having, which is a five State study. All of the Northern Rockies should be studied for this purpose. However, we are only studying Montana in this bill.

If CBO thinks it is going to cost $8 million for this study in just the Federal land in Montana, then the folks down at CBO have their bow ties caught in their computers. It is not going to cost $8 million to study this, or anywhere near $8 million to study it. I do not support that kind of an expenditure.

Mr. DELAY. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I am glad to yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, I appreciate the gentleman yielding to me.

Madam Chairman, the CBO made this estimate based upon ongoing studies like the Sierra Nevada study that is spending $7.5 million to do such a study.

Mr. WILLIAMS. I want to make clear I am not for an $8 million study. What we have in mind here would not cost $8 million or even any significant portion of $8 million.

Mr. DELAY. If the gentleman will continue yielding, if he does not want to spend $8 million, why does he not just, in the bill, instruct the National Biological Survey to do this survey.

Mr. WILLIAMS. Reclaiming my time, Madam Chairman, the National Biological Survey is reviewing something entirely different than what I am trying to achieve here. I would not be satisfied that the information we are going to receive from the National Biological Survey will be appropriate to what industry, industries' workers, and environmentals and conservationists in Montana are trying to achieve in this study. It is two different studies entirely.

I say to my colleagues, Madam Chairman, we ought to do this study throughout the Northern Rockies. This bill reserves the boundaries of the study within Montana, but it is important to the people of Montana and to the people of the United States to understand what the carrying capacity of the natural resources in their land and the carrying capacity of that land base really is.

Although we have an awful lot of information, most of it gleaned from the Forest Service planning process, that information is not entirely appropriate to giving us those answers. In Montana, we want to avoid what has happened to our friends to the West in this crisis known as the spotted owl. Every State in the Northern Rockies wants to avoid that. The best way to avoid that, in my judgment, is to do this study, which I believe can be done for a fraction of the cost that the green eye shade folks down at CBO have claimed.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(On request of Mr. DELAY and by unanimous consent, Mr. WILLIAMS was allowed to proceed for 1 additional minute.)

Mr. DELAY. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Texas.

Mr. DELAY. Madam Chairman, I appreciate the gentleman yielding to me.

I understand what the gentleman is trying to do, Madam Chairman. I do not agree that it is different, that the National Biological Survey is different than what he is asking for. I would just cite for the gentleman, who says that people from Montana want this, a letter to me from John Hossack from Eureka, MT, who is retired from the Forest Service after 35 years of service. He says:

> Implementing section 9 requirements over the top of agency direction will result in chaos, commonly known as "analysis paralysis." Congressionally and presidentially imposed results will not be the same as those of the managing agency and public participation disregarded in favor of a select handpicked committee of scientists. . . ."

Mr. WILLIAMS. Madam Chairman, reclaiming my time, that retired gentleman from the Forest Service is speaking for himself. The agency that he used to work for, the Forest Service, supports this study.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 244, not voting 12, as follows:

[Roll No. 172]

AYES—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Geren
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Montgomery
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pickle
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Reynolds
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Sarpalius
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski

Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Ehlers
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—12

Barlow
de la Garza
English
Ford (TN)
Grandy
Neal (NC)
Romero-Barcelo (PR)
Smith (OR)
Torricelli
Tucker
Washington
Whitten

☐ 1537

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mr. Tucker against.

Mr. FOGLIETTA and Mr. MOAKLEY changed their vote from "aye" to "no."

Messrs. KIM, LEWIS of California, SPENCE, EDWARDS of Texas, Mrs. LLOYD, and Ms. SCHENK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of North Carolina: At the end of section 9 (page 42, after line 21), insert the following new subsection:

(d) PANEL ACTIVITIES ON PRIVATE AND OTHER NON-FEDERAL LANDS.—

(1) COMPLIANCE WITH STATE LAWS.—The Panel shall comply with applicable State and tribal government laws, including laws relating to private property rights and privacy.

(2) CONSENT AND NOTICE REQUIREMENTS.—

(A) IN GENERAL.—The Panel shall not enter non-Federal real property for the purpose of collecting information regarding the property, unless the owner of the property has—

(i) consented in writing to that entry;

(ii) after providing that consent, been provided notice of that entry; and

(iii) been notified that any raw data collected from the property must be made available at no cost, if requested by the land owner.

(B) LIMITATION.—Subparagraph (A) does not prohibit entry of property for the purpose of obtaining consent or providing notice as required by that subparagraph.

(3) REPORT TO CONGRESS.—On January 1, 1996, the Panel shall submit a report to the Congress. The report shall identify all activities of the Panel on non-Federal lands and shall certify compliance with paragraph (2)(A).

(4) POLICY ON ACCESS TO PRIVATE AND NON-FEDERAL LANDS.—Within 6 months after the date of the enactment of this Act, the Panel shall develop and submit to the Congress a policy for employees and agents of the Panel to follow in order to help ensure compliance with paragraph (2)(A).

(5) PANEL DEFINED.—In this subsection, the term "Panel" includes any person that is an officer, employee, or agent of the Panel, including any such person acting pursuant to a contract or cooperative agreement with or any grant from the Panel.

Mr. TAYLOR of North Carolina (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR of North Carolina. Madam Chairman, I do not mind the confusion, because most environmental legislation we take up here no one knows much what is going on anyway.

☐ 1540

I offer this amendment today in order to protect the most basic of our private property rights, the right to keep Government bureaucrats or their agents from snooping on your land and then taking actions that could significantly devalue and regulate that land without ever letting the landowner know they are there or getting that landowner's permission at all.

Most people think their land is an extension of their castle, that people do not have the right to come on it without their permission. The Constitution, they feel, gives them that protection and provides a way for the Government to enter their land after going through judicial channels if it becomes necessary.

Now, last year, when this House debated H.R. 1845, the national biological survey bill, I offered an amendment that would require first of all that Federal agencies must comply with all State trespass and privacy laws when coming upon property. But employees or agents of the survey must get written permission before entry onto private lands and then let the landowner, when possible, actually go with them at the time they go upon the property and that the Government provide the landowner with a copy of the raw data collected from their survey, if permission is given, and they would provide that at no charge.

Now, the House overwhelmingly endorsed my amendment, 325 to 94. I am offering today that same amendment.

The legislation we have before us today contains a minibiological survey called the Northern Rockies Ecoscientific Panel. Now, while I concede that much of the panel's work will be done on public land, unfortunately a portion of the work and some of the mandates require that it be done on private land. The mandate that all biological diversity be studied, that the conductivity and management be studied, and that watersheds that could impact Federal lands be studied——

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Madam Chairman, I have examined the amendment. I think that much of it complies with Montana law. Most of the requirements in terms of private property I have yet to see documented, but the problem with regard to Federal agencies wandering on people's land without permission, recognized in the will of the House and biological survey and the gentleman's amendment—I had not been aware of the gentleman's amendment, I might say, until about a half-hour ago—but I am willing to accept the amendment at this point if there is not going to be a recorded vote on it.

Mr. WILLIAMS. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Montana.

Mr. WILLIAMS. I thank the gentleman for yielding.

Madam Chairman, we did not think to put the gentleman's language in this bill in committee because the bill says this. "The term Northern Rockies means Federal land." That is in Montana. The Committee Report says, "The committee notes that for the purposes of this section, the term Northern Rockies refers only to Federal lands."

So inasmuch as private land was not involved in the economic and ecosystem study, we did not think to add the language which the gentleman is adding now. But I have no objection to it. I think it secures the privacy of the private land.

Mr. TAYLOR of North Carolina. I thank both gentlemen for their statements, and I hope that this amendment will be added and that there will be no further debate.

Mr. HANSEN. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Utah.

Mr. HANSEN. I thank the gentleman for yielding.

Madam Chairman, I think as we look at this particular piece of legislation and what was passed before in the biological survey, this is one thing the body could see the importance of, taking care of private land.

If anything is sacred in America, it should be that. To think that these highhanded people could come on, using the good-neighbor policy that we had in the 1980's and pushing people around, I think the gentleman is right on. This is an excellent amendment and probably should be included in every piece of legislation that we do dealing with private and public ground. I commend the gentleman for his amendment and support it completely.

The CHAIRMAN. There being no further debate, the question is on the agreement offered by the gentleman from North Carolina [Mr. TAYLOR].

The amendment was agreed to.

Mr. WILLIAMS. Madam Chairman, I move to strike the last word, and I will request that the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], enter into a colloquy with me.

Madam Chairman, I would like to seek a clarification from my colleague Chairman VENTO. As the chairman knows, we are very fortunate in Montana to have some of the most skillful wilderness outfitters and guides in the Nation, including many individuals like Smoke Elser and CB Rich who have contributed immensely to wilderness ethic, management, and stewardship.

In drafting this legislation, I sought to recognize the fact that these businesses provide services allowing visitors from Montana and across the Nation to utilize and enjoy many roadless national forest lands including lands designated by this bill.

Many of these outfitters approached me about some statutory language that makes clear that outfitting is wholly consistent with the 1964 Wilderness Act. I was reluctant to do that because it was my understanding that, in fact, this was true and I did not want to imply with this bill that somehow this was not true.

Madam Chairman, am I correct in my assumption that this legislation does not affect the current law regarding outfitters in wilderness and am I correct that this legislation does not affect the traditional role outfitters have always played in the use of our national wilderness areas.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, the gentleman from Montana is correct in his statement and observations regarding outfitting in wilderness and its compatibility with the provisions of the 1964 Wilderness Act. This act does not modify that basic policy.

Mr. WILLIAMS. Madam Chairman, I thank the chairman for that assurance.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRYANT:

At the end of the bill, add the following:

SEC. 13. PROHIBITION ON EVEN-AGE MANAGEMENT.

(a) CONSERVATION OF NATIVE BIODIVERSITY.—The Secretary shall conserve native biodiversity to the extent possible in each stand that is released to multiple use under section 11(b) that is managed or operated for timber purposes, throughout each forested area, and shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects.

(b) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand that is released to multiple use under section 11(b) and that is managed or operated for timber purposes throughout each forested area, the forest plan shall prohibit any even-age logging and any even-age management after one year after the date of enactment of this Act.

(2) On each site already under even-age management, the Secretary shall (A) prescribe a shift to selection management within one year, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each site to regain its native biodiversity.

(3) For the purposes of this section:

(A) The term "native biodiversity" means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity, within a species (genetic), within a community of species (within-community), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

(B) The terms "conserve" and "conservation" refer to protective measures for maintaining existing native biological diversity and active measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

(C) The term "within-community diversity" means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

(D) The term "genetic diversity" means the differences in genetic composition within and among populations of a given species.

(E) The term "species diversity" means the richness and variety of native species in a particular location of the world.

(F) The term "group selection" means a form of selection management that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in small groups, where they occur that way, with a result of (i) creating openings not to exceed in width in any direction the height of the tallest tree standing within 10 feet of the edge of the group cut, and (ii) maintaining different age groups in a given stand. In no event will more than 30 percent of a stand be felled within 30 years.

(G) The term "stand" means a forest community with enough identity by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres.

(H) The term "clearcutting" means the logging of the commercial trees in a patch or stand in a short period of time.

(I) The term "even-age management" means the growing of commercial timber so that all trees in a patch or stand are generally within 10 years of the same age. Except for designated leave trees, or clumps of trees, the patch or stand is logged, completely in any acre within a period of 30 years, by clearcutting, salvage logging, seed-tree cutting or shelterwood cutting, or any system other than selection management.

(J) The term "salvage logging" means the felling or further damaging, within any 30-year period, of a greater basal area than 30 square feet per acre of dead, damaged, or other trees, or any combination of such trees.

(K) The term "seed-tree cut" means a logging operation that leaves one or more seed trees, generally 6 to 10 per acre.

(L) The term "selection management" means the application of logging and other actions needed to maintain continuous high forest cover where such cover naturally occurs, recurring natural regeneration of all native species on the site, and the orderly growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products. Cutting methods that develop and maintain selection stands are individual-tree and group selection. A goal of selection is improvement of quality by continuously harvesting trees less likely to contribute to the long-range health of the stand.

(M) The term "shelterwood cut" means an even-aged silvicultural regeneration method under which a minority of the mature stand is retained as a seed source or protection during the regeneration period. The standing mature trees, usually 10 to 20 per acre, are later removed in one or more cuttings.

(N) The term "timber purposes" shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

(4) On lands released under section 11(b), no roads shall be constructed or reconstructed in any roadless area, as defined in the second United States Department of Agriculture forest Service Roadless Area Review and Evaluation (RARE II, 1978) or in a land and resource management plan subject to this section.

Mr. BRYANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRYANT. Madam Chairman and Members, many of you have cosponsored over the last several years a strong attempt to move in the direction of a new and more reasonable management of our publicly owned lands with regard to harvesting of forests. It is a proposal to prohibit clearcutting as a method of harvesting, H.R. 1164.

The amendment before the House that I am laying out today is simply the application of this bill to the Montana wilderness bill. I want to start by saying that this amendment does not deal with whether to harvest timber on public lands, but with how to harvest timber. It does not deal with private lands in any way whatsoever. It does not prohibit harvesting.

What it does do is recognize the Department of Agriculture is conducting even-age management, which is a fancy word for clearcutting, on the vast majority of the 57 million acres of available commercial timberland in our national forests as well as on other federally owned forests.

□ 1550

There is a picture out in the hall of what it looks like in Texas. I say to my colleagues, depending on what State you are from, we can find a picture to show you what it looks like where you live.

No person in this country, scientist or otherwise, can look at these pictures and in any fashion whatsoever justify this as a method of caring for the lands which my colleagues, and I, and every other citizen in this country, own. The fact of the matter is that logging plantations end up replacing biological diversity in our native forests with this method of harvesting. It eliminates habitat for forest wildlife, and it destroys recreational opportunities.

It is not as though there is no other alternative. There are many other alternatives. Under the environmentally-preferable selection management system harvesters mark individual trees scattered throughout an area and cut them for sale or culling, leaving an ever-improving stand to regenerate new trees naturally in openings that are created by the cuts. This system is used by private foresters from coast to coast for economic reasons and to maintain a healthy natural forest. We ought to use that system on our public lands as well.

Madam Chairman, this amendment would say that with regard to the 4,000,000 acres that are going to be released by the bill pending before us today sponsored by the gentleman from Montana [Mr. WILLIAMS] that we will not permit clearcutting as a method of harvesting wood out of those lands. The environmental evils of clear-cutting are well known.

Soil losses several times worse than under selection management, sedimentation of streams, devastation of native biodiversity, drastic impairment of recreational values, increase of susceptibility to insect diseases, and on, and on, and on.

And the Forest Service has so much as admitted this when, in 1992, they issued a directive to reduce clearcutting by 70 percent. Unfortunately that directive has not been followed in spirit, and we are here today to try to see to it that beginning with this bill and all bills that will come after it we are going to say to the Forest Service, "No more clearcutting. You're going to have to use selection management and reasonable methods of harvesting, but no more clearcutting." What remains of our vanishing forest biodiversity is mainly in our Federal forest, and most of that is in the remaining 30 percent of our Federal commercial timberland, not turned into even-aged fields.

Madam Chairman, I support the bill that the gentleman from Montana [Mr. WILLIAMS] has brought to us today. It is a good bill, but it is important to note that part of this bill says that 4,000,000 acres, which are subject to forest plans that were ruled illegal by the courts, those plans will now be legal under the provisions of this bill, if they are going to be made legal, and if this 4,000,000 acres is going to be harvested, then it will not be harvested by this method of harvesting. Instead it will have to be harvested by a reasonable method of harvesting that puts the preservation of native biodiversity first.

It also says they are not going to allow the construction, we are not going to allow the construction, of any more new roads in the designated wilderness areas. There are already 34,000 miles of roads in the 10 national forests in Montana. We do not need more roads. There are enough roads already. The roads surround many of the wilderness areas already, permitting access and permitting harvesting.

Madam Chairman, I strongly urge the Members to take a careful look at this. I say, "Let's begin a step towards a prudent way of dealing with our publicly owned lands. This doesn't affect private lands; you can do what you want to there. It doesn't say, 'No harvesting,' but it says, 'From now on we're going to use selection management as a means of harvesting, not clearcutting.' "

Madam Chairman, this amendment is supported by the Sierra Club, the Audubon Society, by the Friends of the Earth, by the Montana Wilderness Association, by the Save America's Forests Coalition, and I could go on, and on, and on and on.

Madam Chairman, my colleagues may ask why there is any mention of roads whatsoever. It is because the building of roads on our national forest lands has proven to be the principal reason why we have found over and over, and the CBO recently found, that with regard to harvests in the northern Rockies expenditures in the timber activities——

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. BRYANT was allowed to proceed for 2 additional minutes.)

Mr. BRYANT. If we continue to allow the building of roads in these areas, Madam Chairman, we are going to continue to see a system whereby the rape of the land is substituted for the care of the land, a system whereby we spend more to get the timber out than we earn, in fact three times more in the northern Rockies to get the timber out than we are in the selling of the timber. It should not be permitted, and I strongly urge my colleagues to vote for the amendment. It simply says:

> From now on we are not going to allow clear-cutting as a means of harvesting in the 4,000,000 acres that are now going to be subject to plans for harvesting that were ruled illegal and will be made illegal by the passage of this bill.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I appreciate the gentleman's work in this effort. He has been a real champion, a real good environmentalist in terms of working with public policy.

I want to point out to the gentleman, first of all, the amount of land released here is a little over—about 3 million, depending on how it is classified, but it is closer to 3 million at that point, and on the amendment that he has offered I have just a question:

Has a series of policies in it? Has all these definitions?

And I realize, if I have the right copy of the amendment, and I want to make certain of that, that it has all the definitions—is that the copy of the gentleman's amendment?

Mr. BRYANT. Yes, it is.

Mr. VENTO. I was wondering if the gentleman could explain how the amendment is applicable to the—to what is in the amendment because the bill has a different set of amendments as regards the study specifically. But I am not certain that I am connecting.

I understand the gentleman's overall bill. As the gentleman knows, we heard that bill in committee, but I do not understand the relationship of the amendments and the definitions in this to his overall policy thrust.

Mr. BRYANT. Madam Chairman, the purpose is to require that the Forest Service place native biodiversity at the top of the list of its priorities in managing these lands. Native biodiversity is defined as one of the definitions which the gentleman has referred to there.

Mr. VENTO. Yes, it has a lot of definitions. It has the biodiversity, the conserve and conservation. It is the series of amendments, and I think I have the right amendment; do I not?

Mr. BRYANT. Yes, the gentleman does.

Mr. VENTO. There is four pages of amendments along with the one policy statement, and I was trying to connect the policy statement to those amendments.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. VENTO. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. BRYANT].

Madam Chairman, it would ban all clearcutting and all road building on the Montana national forest lands released by this bill to management by the forest plans currently in effect. Certainly I agree that clearcutting has been abused and that timber management practices in the Forest Service need to be reformed. This is a necessary and worthwhile goal. To further this goal I held a hearing on H.R. 1164, Mr. BRYANT's bill to ban clearcuts nationwide and held 2 days of hearings in February on reforming the Forest Service.

The Montana Wilderness bill, However, is not the appropriate vehicle to try to reform the Forest Service timber management program. The purpose of this bill is to designate wilderness, wilderness study areas and special management areas such as national recreation areas. Its scope does not include the timber management program. Attaching this provision to the wilderness bill would do more damage than good. It would cause the following problems:

First, a clearcut ban is very controversial. Attaching one to this bill will make it very difficult to enact the bill into law. The three million acres of national forest roadless lands protected by this bill would continue to be vulnerable to development.

Second, the amendment is not based on good science and is unworkable from a silviculatural and forestry standpoint. Although the amount of clearcutting needs to be drastically cut back, there are some instances when small, environmentally sound clearcuts are the only scientifically correct alternative. Some species such as lodgepole pine will only regenerate in clearings with ample sunlight. Insect and disease outbreaks sometimes can be controlled only with clearcutting. Clearcuts can be necessary for salvaging fire damaged trees after a forest fire. The Bryant amendment does not allow for any of these types of situations. It is a total ban with no exceptions.

Third, the administration already has announced in a new policy that clearcuts can be used only as a last resort. It is too early to tell if the policy is working. We need to give it a chance and to monitor its effectiveness.

Fourth, this amendment would hurt the very cause it is trying to promote. By focusing just on Montana's released roadless lands, it deals with the clearcutting problem in piecemeal and inconsistent fashion. Timber management in Montana would end up being handled differently than it is in the rest of the country. Furthermore, timber management within Montana would also be inconsistent. Clearcuts would be banned on the released roadless lands, but would continue to be allowed on the rest of Montana's 10 million acres of National Forest lands. The clearcutting issue is a national issue and needs to be dealt with nationally, not locally. This amendment would have the effect of unintended consequences and put more pressure on other lands not in the measure.

Fifth, this amendment further has serious technical flaws in the sense that it has four (4) pages of its five (5) that refer to definitions that are not in the operating language of the amendment a map with no destination is a serious problem.

Sixth, this is piecemeal micro management that would be static, we have only begun to adequately understand these complex forest ecosystems. And while it pursues a legitimate concern the means and scope are simply a disservice and inappropriate policy path.

For these reasons I hope that my colleagues will vote no on the Byrant amendment.

□ 1600

You would affect the other lands even more dramatically. So it is for this reason, of course, and for my problems with the definitions, that seem to be a map of nowhere, that I would suggest to my colleague that the amendment, while well intended, has a rather than unusual and adverse effect on this instance. Even if the policy were one that we could work on, I think there is a lot of merit to it, and I commend the gentleman for his hard work. But I must ask my colleagues to oppose the amendment at this time.

Mr. HANSEN. Madam Chairman, I move to strike the last word.

Madam Chairman, in 1934 a forester by the name of C. J. Buck wrote a letter to Forest Service supervisors telling them to use no more clearcutting, favoring a shift to partial cutting and concepts of studying trees. This lasted for 20 years. So we have tried this experiment for 20 years to see if we could get away from clearcutting.

Then the Forest Service reversed their position and said no, we cannot continue that way. And the question you may ask yourself is why did they reverse their 20 year position on clearcutting? Because the Forest Service felt that they had lost a very valuable tool, a tool for wildlife management, a tool for handling lumber.

Now if you go out to the West, where a lot of us live, you see these great big green carpets of pine trees. A lot of people say well, we should never touch them. I have environmentalists say to me all the time, never touch those. Leave them just as they are, so they look like a green carpet. No clearcutting, no cutting, do nothing in the forest, not even spraying the trees for the pine beetle.

It costs about $8 a tree to take care of the pine beetle. The best way to do it is by cutting it out, and you get rid of the infestation, and you also take care of some lumber problems in the area.

But if you do not cut them, what do you get? What you get is the same system we have seen since the beginning, since man was here. Eventually the tree dies, and then you have got all of these toothpicks sticking up in an area. Then you have got a 100 percent chance that in August sometime you will have a thunderstorm, and you got another 100 percent chance you will have a fire.

Then that beautiful green spot that the environmentalists always talk about is a devastated ugly mess, and you have a 100 percent chance you will have a torrent of water come down in September and it will take Mother Nature 130 years to bring it back. We could have stopped all that with a little management tool of the Forest Service known as clearcutting.

For those of us who hunt, and I know that is a bad word around here sometimes, for those of us who hunt elk and moose in those areas, where do you find them? You find them in the meadows that are created by clearcutting. When you talk about wildlife management, where do elk calve. They have their calves in those meadows. Where could you see turkeys come in? In those meadows.

We can all come up with horror stories, like we see up here. Sure, you see those for a while. I would like to see that picture 3 years after that. Mother Nature has a way of reclaiming herself.

I can hardly believe we would take away a tool that the Forest Service uses in clearcutting. It is not done abstractly. It is not done to help some man out. It is done because they need that tool for wildlife management and they need that tool for those other areas.

Mr. BRYANT. Madam Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Texas.

Mr BRYANT. Madam Chairman, if the Forest Service still covers this method of harvesting timber, why did they decide 2 years ago to order all of their employees to cease clearcutting in 70 percent of the areas it was being used, if they view it as such a practical means of harvesting?

Mr. HANSEN. Madam Chairman, reclaiming my time, I think it is very interesting they have ordered it in some places. In fact, the percentage of clearcutting has gone down. I do not disagree with the gentleman. Possibly in years past, in the early thirties and forties, it was used indiscriminately.

Right now, as you look at the information they have, it is down to a very small percent. But I may ask the gentleman, why do you want to take away this tool that they use so well? These people who are trained at these public land colleges and understand it, who can stop this infestation of pine beetles, who can do things for wildlife, who can even help the lumber industry out.

Mr. BRYANT. Madam Chairman, if the gentleman will yield further, I would be happy to respond to that. The response is very simple. It is public land. Even private foresters are moving away from clearcutting. Why would we want on land owned by you and me and our neighbors to strip the land bare, down to the flat muddy soil, and cause all of the negative impacts of clearcutting to take place on land we own, when we could do otherwise? We own it. Why should we not handle it in such a way that the public would want us to handle it?

Mr. HANSEN. Madam Chairman, reclaiming my time, I would ask the gentleman, where did you get that picture? Is that a 1932 picture? How old is that picture?

Mr. BRYANT. I will get that answer for you in the next 5 minutes. But what is the difference? What difference does it make how old it is?

Mr. HANSEN. It makes a lot of difference. They do not clearcut as much as they used to in the past. They cut it back.

Mr. BRYANT. Madam Chairman, there is no empirical evidence for that.

Mr. HANSEN. Madam Chairman, reclaiming my time, the gentleman talks about people in the private sector doing it. I do not see much of that in the private sector, as much as I have, but they still do it. I have seen it down in Idaho and Wyoming and Colorado and in areas where I live. It is still done in places where it is necessary.

I cannot understand why the gentleman wants to put handcuffs on the Forest Service, when we have these professionals, we spend all this money training them, we put them out there, they come to us and recommend it. Why would we want to put handcuffs on them?

I oppose the gentleman's amendment. I know the intent is good, but I cannot see why we would want to strangle the Forest Service this way.

Mr. FARR of California. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would again like to comment and inquire as to the intent of the release language of this bill. Is it meaningless as some claim or it is meaningful?

It is my understanding that the roadless areas being released in this bill would be managed under current forest management plans. The problem, we all know, is that there is uncertainty about the validity of current forest plans. These plans were developed during the mid-1980's and in large part mirror the objectives of the logging industry.

Several forest supervisors in Montana, including John Mumma and Orvill Daniels, have stated that full implementation of current forest management plans would require the violation of Federal environmental laws including the Endangered Species Act, the Clean Water Act and the National Forest Management Act. The 9th Circuit Court of Appeals ruled last year that the Flathead National Forest plan in Montana is illegal and that its logging levels are "arbitrary and capricious".

I would like to thank Chairman VENTO for our colloquy last week during which he said that wilderness designation of the released roadless areas would be considered only when the forest plans are revised.

It is clear that these forest plans need revision and I believe that many of these plans will be up for review within the next 2 years.

It is my understanding that the Forest Service is considering a move away from comprehensive revision toward an incremental amendment process. Under this scenario I would like the assurance that wilderness suitability of the released lands will not in any way be hampered by this new policy process.

Mr. PORTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Texas [Mr. BRYANT]. This amendment will ensure that the lands released for development by the Montana Wilderness Act will be managed in an environmentally sustainable manner.

Madam Chairman, this amendment prohibits clearcutting in the lands not designated as wilderness by this legislation. Clearcutting irrevocably destroys the natural characteristics of our forests, is the most costly logging technique, and produces inferior timber at a lower volume.

This amendment allows logging, but only the type of logging that does not destroy the forests in the process. This type of logging is selection management. It allows trees to be cut from the forest while permitting the forest, and the animal and plant communities that live in it, to continue to flourish. Furthermore, selection logging produces the highest quality saw timber, and over time produces far more lumber and jobs than clearcutting.

This amendment also prohibits construction of roads in roadless areas of the released lands. As the Forest Service moves toward ecosystem management, these roadless areas need to be protected from development. These areas serve as important reservoirs of biological diversity, which is ultimately the most important resource in the national forests.

While there are enough environmental reasons to oppose roadbuilding in these roadless areas, the economics of this situation also can help justify protecting these pristine areas from logging and other development. There is a good reason why these areas have remained roadless—most of the roadless areas are extremely remote, mountainous, and generally not well-suited to timber harvesting.

The cost of harvesting and removing timber from these areas is tremendous, and because of the difficulty of constructing good roads on steep slopes, timber sales in roadless areas almost always lose money.

Madam Chairman, I urge my colleagues to vote in favor of the Bryant amendment. We cannot continue to support policies that destroy the environment and waste taxpayers' dollars. We cannot continue to pass on these environmental and economic deficits to our children.

□ 1610

Mrs. MALONEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Texas [Mr. BRYANT].

It is a tragic irony that all American taxpayers are asked by our Government to pay for the destruction of national forests that are our common heritage.

The logging that takes place in these forests not only costs Americans money, but significantly and irrevocably damages these pristine lands that enhance everyone's life—from Manhattan, NY to Manhattan, MT.

The benefit of this taxpayer subsidized logging goes only to a few multinational corporations who fire their local workers as soon as every possible tree has been harvested.

It is just plain wrong, Mr. Chairman.

These untouched forests are the last refuge of much of the wildlife in the continental United States: grizzly bear, bald eagles, wolves, all depend upon the forests that will soon be opened to the timber industry.

The only economic incentive that there is to log these beautiful forests is provided by the American taxpayer, who will spend millions of dollars to build the roads and manage the land for the benefit of these few corporations.

And this is a significant subsidy: The Congressional Budget Office, in a report issued in March, found that expenditures were greater than receipts in these forests by a 3 to 1 ratio on average over the past 10 years.

I find it a sad state of affairs that while this body must consider a cut of $1 billion dollars to housing for low-income senior citizens, we are planning to spend tens, if not hundreds, of millions of dollars to pay for the destruction of our forests.

Most Americans would be amazed to learn that there are 8 times more miles of roads in our national forests than there are in the entire Interstate Highway System. There are 34 thousand miles of logging roads in the 10 national forests in Montana alone.

In fact, the Forest Service itself testified, at a hearing on—the Northern Rockies Ecosystem Protection Act—that even where replanting takes place in the National Forests, it does not come remotely close to replacing the diversity of life that existed before the logging took place.

As one colleague said, our magnificent old growth and diverse forests are being replaced by nothing more than glorified Christmas tree farms.

These roadless forests in Montana, high on the slopes of the northern Rockies, are acknowledged by all scientific experts to be unsuitable for even the limited replanting that takes place in other parts of the Nation.

The residents of Montana are truly blessed to live in a State with as much untouched wilderness as is currently there.

But it is an indisputable fact that all Americans have a stake and interest in what happens to our national forests, both for ourselves and our children.

If we cannot completely protect this small remaining percentage of our forests from the chain saws, the least that we can do is to prevent American taxpayers from having to pay the bill for forest destruction.

But if we can eliminate this entitlement program for huge timber companies, I wouldn't be surprised to see their interest in logging these lands dwindle.

End this wasteful handout.

Vote for the Bryant amendment.

Mr. MEEHAN. Madam Chairman, I support the Bryant amendment, not only to protect Montana's forests from destruction, but to prevent loggers from forcing American taxpayers to subsidize a handout for the timber industry.

Not only would this important amendment protect this precious wilderness from the devastation of logging and roadbuilding at no cost, it would save taxpayers millions of dollars in wasteful below-cost timber sales.

We have heard a lot of talk about the cost of protecting the environment. This amendment is about the cost of not protecting the environment.

Over the past 10 years, the American taxpayers have lost $5.6 billion as a result of logging on public lands. Without this amendment, taxpayers will have to foot the bill to build more roads to pristine wilderness areas at a cost of hundreds of thousands of dollars per mile. With the deficit threatening our Nation's economic strength, this kind of abuse of our natural resources cannot be tolerated. These lands belong to the American people.

This amendment represents the last, but chance to save these ecosystems so the public can continue to enjoy them and timber interests cannot exploit them.

Preserving this land costs nothing, but destroying it would cost millions.

Mr. THOMAS of Wyoming. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment. I do not rise in favor, necessarily, of clearcutting. I think there are very good reasons why we have reduced clearcutting.

We have reduced it in the forests where I live. I am very much impressed with what the Forest Service is doing in terms of forest management. But I just want to make a couple of points.

One is, I am amazed that our colleagues who stand and act as if it does not take any management to manage a forest. As a matter of fact, it does, if we are to have a healthy forest.

The alternative to that, of course, is to have an insect-ridden forest where the trees dies and then it burns. I have been through some of that.

That is not a healthy way to manage a forest. We need to have tools in the hands of professional forest managers.

Clearcutting is used less frequently. I favor that. Clearcutting does have application from time to time, if we like to have elk and deer and wildlife with a place to graze.

The idea of saying flatly that there will be no clearcutting and put that in the hands, put that as an anchor around our management people does not seem to me to make at all a bit of sense.

I think we ought to pursue the notion that there is selective cutting, and we are doing that. We have to have healthy forests, however. They do need some management, and this is not a tool that would be helpful in management.

I oppose the amendment.

Mr. LAROCCO. Madam Chairman, I move to strike the requisite number of words.

I rise in opposition to this amendment.

First of all, I do not think that this amendment has any place in this wilderness bill. I admire the gentleman from Texas in bringing this issue to our attention, but I think it has no place in this bill.

First of all, when we are talking about biodiversity and clearcutting, what we are really talking about is the great issue of forest health. I think this Congress is poised to deal with the issue of forest health. As a matter of fact, I have a bill that has had two hearings on it that deals with forest health.

We have scientific consensus now that in the inland west that there are severe problems that deal with forest health. But I do not think that this amendment gets to that.

I think, first of all, what it does do is singles out Montana and eradicates clearcutting in that State. I think that is inappropriate.

I have in my hands a letter from the Deputy Secretary of the Department of Agriculture, Mr. Richard Rominger. He opposes this amendment, because he points out in the letter to the gentleman from Montana [Mr. WILLIAMS] that the Forest Service has already curtailed clearcutting, about one-third. He says that this amendment would severely curtail their use of even-aged management of timber stands and that it would be inappropriate to take this action right now.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. LAROCCO. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I would just point out that this does not affect clearcutting throughout the State of Montana and not on nonwilderness lands. It only affects something like 3 million acres that are released in this bill. So we have another 10 million acres that would not be affected.

It would provide actually two different policies in Montana itself. And of course, a different policy than we have in all the other surrounding States.

Mr. LAROCCO. Madam Chairman, I thank the gentleman from Minnesota for clearing that up.

My point was that it applies only to the State of Montana. But, of course, as the gentleman just pointed out, not to all of the lands that would be released.

I think that we need to deal with forest health issues in this Congress, but I do not think that this is the place to do it, on the floor of the House on a Montana wilderness bill.

I hope in the near future to be bringing to the floor of the House an Idaho wilderness bill. At that time I think it would be inappropriate to deal with this clear-cutting biodiversity issue then, because the purpose of that bill will be to deal with the allocation of wilderness and then to look at what we will be setting aside for the forest plans.

The Forest Service administratively is already dealing with this issue. At hearing after hearing, the Forest Service has come before us and stated that they are already looking at the clear-cutting policies.

This issue goes back to the 1970's. In the early 1970's, then Senator Frank Church looked at the clear-cutting issue. What has been practiced up until this time are known as the Church clear-cutting guidelines, to try and fit it into the landscape.

We cannot deny the abuses. The gentleman from Texas is right in bringing this to our attention. But I would say that we should reject this amendment. It has no place on this floor at this time.

It is a good debate that we should have in committee. I think we should debate it in the context of forest health. That is really so important to us in the inland west.

I might say to my colleagues that what is going on in the inland west is that we are facing catastrophic fires over the next 15 to 30 years. We must pay attention, because it is a pay now or pay later attitude and situation that confronts us.

I oppose the Bryant amendment. I support the position that my chairman, the gentleman from Minnesota [Mr. VENTO] has taken on this issue.

I think we should reject this amendment today, get on with voting on this amendment and heed the words from the administration and say that they are already dealing with this and instead of dealing with it in a legislative fashion, we should try and deal with it in an administrative fashion first and not single out the State of Montana. I hope we reject the Bryant amendment.

☐ 1620

Ms. ESHOO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Bryant amendment to H.R. 2473.

Although this legislation protects many forests in Montana as wilderness areas, it also releases nearly 4 million acres of unprotected forests areas to forest plans that promote clearcutting and waste our tax dollars.

This is bad ecological policy and bad economic policy.

Poor forest management disrupts our most valuable ecosystems by causing soil erosion and permanent loss of fisheries, birds, mammals, plants, and timber.

Furthermore, the CBO estimates that the Federal Timber Program's expenditures were greater than receipts by a 3-to-2 margin in the northern Rockies.

The main reason for below-cost timber and the expensive roads built with taxpayer dollars to provide access to cheap timber.

Madam Chairman, our national forests have eight times more miles of roads than the U.S. Interstate Highway System.

Our tax dollars should be spent to build and repair highways, not to wreak havoc on our precious ecosystems.

The Bryant amendment would prohibit all forms of even-age forest management, or clearcutting, and prohibit the construction of roads in roadless areas.

Madam Chairman, we have the opportunity to not only protect irreplaceable wilderness areas, but protect taxpayer dollars. I urge my colleagues to support the Bryant amendment.

Mr. BRYANT. Madam Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Texas.

Mr. BRYANT. I thank the gentlewoman for yielding to me.

Madam Chairman, I would simply like to make a couple of points in response to some of the points made on this side. First of all, in response to the gentleman's request for information, this picture was taken 3 years ago. It does not matter when it was taken. The fact of the matter is it represents a system of forest management that is absolutely reprehensible.

The gentleman from Minnesota [Mr. VENTO] has a compromise bill to defend, and I understand that, but I do not believe in his heart he thinks that this is a good way to manage the forests. I do not think Members do, either. The fact of the matter is that many have local timber companies that want to keep on doing this. Everybody knows this is a bad idea. No one would manage their own lands that way. Why would the Members let our lands be managed that way?

Selection management is a good enough manner of doing it, an economical means of doing it. What the Members are asking us to do is subsidize people. The fact of the matter is they are spending three times more getting this timber out of these mountainous areas then we are earning, at the present time when they continue to build all of these roads that will be prohibited by my amendment.

Members ask why we are dealing with Montana only. That is because there is a Montana-only bill on the floor today. If there was a bill on the floor today that related to all the national forests, we would offer this amendment to the bill, but we cannot get that bill to the floor. Why? Because those timber companies are up here all the time saying: "Don't get in our way. Let us continue to strip the land bare, to take everything, every living thing off of it, and leave it that way for years to come."

Then watch Members stand up over here and say that this is the way to care for the land, that this is going to bring elk back to the land; "We are concerned about the health of the forests." How healthy does that forest look right there? I say it looks pretty sick. Our method of managing the forests is pretty sick, as well.

Madam Chairman, this amendment is a step in the right direction. It says with regard to this one forest area that is now before us today, we are not going to let it go on anymore. We are going to prohibit clearcutting. We are going to insist that the Forest Service begin to utilize means that make sense, that protect native biodiversity and manage our lands like we would manage them if we owned them ourselves.

Mr. VENTO Madam Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I thank the gentlewoman for yielding time to me.

Madam Chairman, I appreciate my colleague's passion, but I have to look at the consequences of this. It affects 3 million acres in Montana. The gentleman will have two sets of forestlands that are managed differently. Naturally all of us oppose that.

I think the point here, and I appreciate the gentlewoman from California yielding to me, is that the Forest Service has announced and is pursuing a new policy under former Forest Chief Dale Robertson and currently under Jack Ward Thomas, the new Forest Chief, I think those policies are going to yield some positive results and eliminate a lot of these types of problems.

Madam Chairman, I articulated a number of instances in which even-aged management, or clearcutting, actually can be useful in terms of fires, in terms of insect control, in terms of certain types of species, like lodgepole. I have pointed that out, and I would hope that, while I think there have been real problems in the past that our colleague has pointed out, that we ought to try to work with the new Forest Chief and try to accomplish this.

I think this is sort of a symbolic effort, in all respects, and I appreciate the problems my friend and I have had in terms of trying to limit roads in certain areas, certainly, but I do think at this particular point we ought to go along and not kill a bill that designates 3 million acres of wilderness.

The fact of the matter is we have to look at what the net effect of putting this amendment on this bill is. This is a tough bill to pass through the Senate. It is a tough bill to pass through the Senate. If the gentleman thinks he is going to pass a bill for five States, he is going to pass a bill by forcing it on this, he has a locomotive that does not have much pull here. We have to convince two Senators over there that they have to accept this bill.

I think it is important we move on, provide the protection, and the gentleman has made his point with regard to this, but I do not think it is worth killing the Montana wilderness bill over this particular issue. I am asking Members to kill the Bryant amendment for that reason. I want the Bryant amendment killed so we can save the Montana wilderness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BRYANT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 283, not voting 13, as follows:

[Roll No. 173]

AYES—142

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blute
Boehlert
Brown (OH)
Bryant
Cardin
Carr
Clayton
Clyburn
Coleman
Collins (MI)
Costello
Coyne
DeLauro
Dellums
Deutsch
Diaz-Balart
Durbin
Edwards (CA)
Ehlers
Engel
Eshoo
Evans
Farr
Fawell
Filner
Fingerhut
Foglietta
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gilchrest
Glickman
Gonzalez
Green
Greenwood
Gutierrez
Hamburg
Hilliard
Hinchey
Horn
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kleczka
Klein
Klug
LaFalce
Lancaster
Lantos
Lazio
Lewis (GA)
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
McCloskey
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Miller (FL)
Mineta
Moakley
Moran
Nadler
Neal (MA)
Norton (DC)
Olver
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Reed
Reynolds
Richardson
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Slattery
Slaughter
Smith (NJ)
Stark
Studds
Synar
Thompson
Thornton
Torkildsen
Torres
Torricelli
Valentine
Velazquez
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Woolsey
Wynn
Yates
Young (FL)
Zimmer

NOES—283

Ackerman
Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLay
Derrick
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English
Everett
Ewing
Faleomavaega (AS)
Fazio
Fields (LA)
Fields (TX)
Fish
Flake
Ford (MI)
Fowler
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lambert
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
Meek
Mfume
Mica
Michel
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Royce
Sabo
Santorum
Sarpalius
Schaefer
Schiff
Scott
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Wise
Wolf
Wyden
Young (AK)
Zeliff

NOT VOTING—13

Barlow
Blackwell
Byrne
de la Garza
Emerson
Ford (TN)
Grandy
McCollum
Neal (NC)
Smith (OR)
Tucker
Washington
Whitten

□ 1648

Messrs. QUILLEN, EVERETT, McDADE, COX, and KREIDLER, Ms. CANTWELL, Ms. LAMBERT, and Mr. TOWNS changed their vote from "aye" to "no."

Ms. McKINNEY and Messrs. SERRANO, McCLOSKEY, EDWARDS of California, COLEMAN, BARCA of Wisconsin, SYNAR, and MOAKLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. ENGLISH of Arizona. Mr. Chairman, I was unavoidably absent during rollcall vote 173. Had I been present, I would have voted nay.

□ 1650

The CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the committee rose; and the Speaker pro tempore [Mr. McDERMOTT] having assumed the chair, Ms. WOOLSEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2473) to designate certain national forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, pursuant to House Resolution 423, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HANSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 308, noes 111, not voting 14, as follows:

[Roll No. 174]

AYES—308

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—111

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Fields (TX)
Gekas
Geren
Goodlatte
Goodling
Grams
Gunderson
Hall (TX)
Hamburg
Hancock
Hansen
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kolbe
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Michel
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Pryce (OH)
Quillen
Roberts
Rohrabacher
Roth
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Solomon
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Wolf
Young (AK)
Zeliff

NOT VOTING—14

Barlow
Byrne
de la Garza
Emerson
Ford (TN)
Gallegly
Grandy
Machtley
Markey
Neal (NC)
Rogers
Smith (OR)
Tucker
Washington

□ 1712

The Clerk announced the following pairs:

On this vote:

Mr. Tucker for, with Mr. Emerson against.

Mr. Washington for, with Mr. Smith of Oregon against.

Mr. INGLIS of South Carolina and Mr. CLAY changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 2473, the bill just passed.

The SPEAKER pro tempore (Mr. PETERSON of Florida). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2473, THE MONTANA WILDERNESS ACT OF 1994

Mr. VENTO. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2473, the bill just passed, the Clerk be authorized to make technical corrections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 518, CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill. The amendment caused to be printed in the Record by Representative LaRocco of Idaho (relating to an East Mojave Preserve) may amend portions of the bill not yet read for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the

Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 518, it shall be in order to take from the Speaker's table the bill S. 21 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 518 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 21 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 is the rule providing for the consideration of H.R. 518, the California Desert Protection Act.

This is an open rule providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee.

The rule makes in order the Natural Resources Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, with each title of the substitute to be considered as read.

The rule waives clause 5(a) of rule 21—prohibiting appropriations in a legislative bill—against the committee substitute. The waiver is minor in nature, affecting sections 608 and 609, which set up credit accounts for certain specific land transfers.

After very careful consideration, the Committee on Rules granted the request of the Natural Resources Committee that only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill be considered. I might add, Mr. Speaker, that second-degree amendments to all amendments will be in order under the rule.

As the chairman of the Rules Committee has said on a great many occasions, the committee does not grant the request for preprinting of amendments thoughtlessly or carelessly. Several members of the Natural Resources Committee testified on behalf of preprinting because of the enormously complex nature of the bill and the need for proponents and opponents to know exactly which areas will be affected by amendments and any unintended problems those changes will cause.

It appears to the Rules Committee that all parties will benefit from this request. For example, amendments affecting the boundaries of the desert areas—whether increasing or decreasing the size of the protected portions of the desert—can be checked ahead of time against maps of land parcels and roads to ensure that the intent of the amendments is actually accomplished.

The language of amendments affecting boundaries of an area as large and complex as the California desert will be technical by definition; preprinting will give both proponents and opponents the opportunity to determine the effects of proposed changes on, for example, private property rights and grazing permits.

Further, Mr. Speaker, the rule provides that the amendment of the gentleman from Idaho [Mr. LAROCCO] may amend portions of the bill not yet read for amendment. This is merely a matter of convenience, requested by Mr. LAROCCO, so that the gentleman will not be required to offer his amendment to each title of the bill that it affects; the intent of his amendment can be achieved by offering it one time.

The rule provides one motion to recommit with or without instructions. And finally, Mr. Speaker, the rule provides a hookup with the Senate companion bill by providing for consideration of S. 21 in the House and waiving all points of order against the Senate bill and against its consideration.

The rule makes it in order to move to strike all after the enacting clause and insert the text of H.R. 518 as passed by the House and all points of order against the motion are waived. It will then be in order to move that the House insist on its amendment to S. 21 and request a conference.

Mr. Speaker, the California Desert Protection Act is, in terms of expansion of the National Parks System and National Wilderness Preservation System, the single most important measure since the 1980 enactment of the Alaska Lands Act. It seeks to protect and preserve some of the loveliest spots in the California desert.

I must say, Mr. Speaker, that desert contains some of the truly rich and scenic areas not only of my State, but also of our entire country. Far from being a vast and useless wasteland, the rugged desert mountains and adjacent lowland terrain provide the habitat for some of the country's most unusual species of plants and wildlife.

The area is also a museum of human history—perhaps the most valuable in North America because much of it has, until recent years, been untouched for thousands of years. Unfortunately the desert's historical and natural treasures are now being threatened, and we are seeing irreversible damage and deterioration there. We must preserve these valuable natural and historical resources for future generations.

Mr. Speaker, I commend the gentlemen from California, Mr. LEHMAN, the sponsor of the bill, and Mr. MILLER, the chairman of the Natural Resources Committee, Mr. VENTO, chairman of the subcommittee for working so diligently to seek a compromise on this legislation.

Mr. Speaker, the California Desert Protection Act, which is the result of years of active consideration, designates 71 wilderness areas on public lands that are now managed by the Bureau of Land Management in the California Desert; it expands the existing Death Valley and Joshua Tree national monuments and redesignates them as national parks; it establishes a new Mojave National Park; and it designates wilderness areas within the National Park System.

Mr. Speaker, this rule will give the House a chance to consider all the controversies surrounding this bill, including those embodied in the comprehensive substitute that will be offered by the gentleman from California [Mr. LEWIS]. I understand that it has been estimated that at least 45 amendments have been printed in the CONGRESSIONAL RECORD, meeting the deadline set by the rule.

Those amendments cover a wide range of issues, including military concerns about certain provisions of the bill, and they will give members the opportunity to discuss every conceivable controversy.

Mr. Speaker, I urge my colleagues to adopt the resolution so that we may proceed to the consideration of this important piece of legislation.

□ 1720

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule allows the Natural Resources Committee to perpetrate a textbook case of legislative abuse. By requiring that amendments be printed in the CONGRESSIONAL RECORD prior to consideration of the California Desert Protection Act, the rule continues a scheme that began in the Natural Resources Committee to prevent the bill from being fully scrutinized and debated. The objective is to enact the largest government heist of land in the lower 48 States without the support of the people in southern California who are most affected.

First, the bill was discharged from the subcommittee of jurisdiction without a markup. Then, we are told, the minority did not receive the committee print until 5:10 p.m. the night before the 10 a.m. markup the next morning, so Members did not have time to read the bill and prepare amendments.

Once the markup began, the chairman skillfully used proxies, or phantom votes, to defeat amendments that could be offered. Amazingly, the phantom voting power was used by the Chairman to defeat an amendment by one of his own Democrat colleagues to allow additional trails to be used by off-road vehicles.

The amendment, which passed by a vote of 5 to 3, was overturned 17 to 23 by 20 phantom votes held by the chairman. But that was not the end of the legislative abuse, Mr. Speaker.

Clause 2 of rule XI requires that a majority be present for the reporting of legislation from a committee. Since there were only a handful of members on hand for the vote to report the desert protection bill, the chairman resorted to an unsuccessful rolling quorum. It is a procedure that is brazenly contemptful of the rules of the House and makes it nearly impossible for the minority to raise a timely point of order.

This effort to prevent scrutiny is now being aided and abetted by the Rules Committee, which has put before us a rule that requires that all amendments to H.R. 518 be printed in the RECORD before hand.

Mr. Speaker, the bill raises a number of contentious issues, including a lack of funds to pay for the land grab; the impact on military training activities, water and private property rights, hunting, and mineral exploration activities; and the ability of law enforcement officers to conduct illegal alien and drug interdiction activities.

In many of these areas compromises can be found, but those potential compromises will be elusive because Members will not have the ability to raise subsequent amendments once the debate has started.

Mr. Speaker, most Americans support a balance between protecting the environment of the desert and maintaining legitimate multiple land-use activities. H.R. 518 does not provide that balance and, if adopted, this rule would ensure that such a balance will never be achieved.

Therefore, Mr. Speaker, I urge my colleagues to vote to defeat the previous question so that I can offer an honest open rule that will for an honest open debate on the California Desert Protection Act. Again, I urge a "no" vote on the previous question.

Mr. Speaker, I include for the RECORD the following information:

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE RULE FOR CALIFORNIA WILDERNESS ACT (H.R. 518), WEDNESDAY, MAY 11, 1994

1. Strike Pre-Printing Requirement—Motion to strike provision requiring that amendments to the bill be pre-printed in the Congressional Record prior to the consideration of the bill. Rejected 3-4: Yeas: Solomon, Quillen and Drier. Nays: Moakley, Derrick, Beilenson and Gordon. Not voting: Frost, Bonior, Hall, Wheat, Slaughter and Goss.

2. Report Rule—Motion to order rule reported as moved. Adopted: 4-3. Yeas: Moakley, Derrick, Beilenson and Gordon. Nays: Solomon, Quillen, and Dreier. Not Voting: Frost, Bonior, Hall, Wheat, Slaughter and Goss.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	64	14	22	50	78

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER], distinguished chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me. I want to thank the Committee on Rules for the consideration of the rule and the reporting of this rule to the floor, which I think will both allow us to have a timely consideration, a fair consideration of the California desert bill.

Mr. Speaker, the Congress has considered legislation affecting lands within the California desert for nearly two decades. In 1976, we passed the Federal Land Policy and Management Act [FLPMA] which directed the Secretary of the Interior to prepare and implement a comprehensive long-range plan for the California Desert Conservation Area. In response the Bureau of Land Management released the California desert plan first in 1980, and after some revision, again in 1982.

Recognizing that something had to be done to protect the area's natural resources without eliminating jobs and economic development, Senator Alan Cranston introduced the first California desert bill in 1986. Since then, companion bills have been introduced in each successive Congress. There have been approximately 15 hearings since 1986 on California desert legislation. On November 26, 1991, the House of Representatives passed by a vote of 297 to 136 legislation very similar to H.R. 518.

H.R. 518, the California Desert Protection Act, reflects compromises that have been crafted to balance the wishes of those who want to use the land for grazing, mining, and recreation, with those who prefer areas remain untrammeled. Not one use of the California desert today will be prohibited if and when this bill becomes law. In some cases, the bill provides for activities to continue under different management prescriptions than today but the bill will not eliminate any activity that occurs today in the California desert.

In creating this compromise Congressman RICHARD LEHMAN, the author of H.R. 518, Subcommittee Chairman BRUCE VENTO and I have drawn the park and wilderness boundaries to exclude project sites for all known operating mines, including Chemgold, Viceroy, and American Sulphur Co. In addition, the committee adopted an amendment that could allow grazing to continue in the Mojave and Death Valley National Parks at no more than the current level, subject to other Federal law.

The Natural Resources Committee also made changes to allow for the continued use of popular offroad vehicle areas. There are approximately 33,000 miles of roads, including 18,000 miles of primitive routes and 15,000 miles of paved and unmaintained dirt roads which will remain open to dirt bike riders and other off road vehicle users if this bill becomes law.

Mr. Speaker, the California desert encompasses 25 million acres—approximately one-quarter the size of the State. Within the 25 million acres, there are three desert ecosystems known as the Sonoran, Mojave, and Great Basin, 90 mountain ranges, sand dunes as high as 700 feet, more than 2,000 species of plants and wildlife, and a wealth of archaeological sites.

H.R. 518 would affect approximately 9 million of the 25 million acres in the California desert. The legislation would designate 3.9 million acres as wilderness administered by the Bureau of Land Management, and create a 1.5 million acre Mojave National Park. The existing 600,000-acre-Joshua Tree National Monument and 2 million-acre-Death Valley National Monument would be expanded by 200,000 acres and 1.3 million acres respectively, and the areas would be redesignated as national parks. In addition, H.R. 518 would designate 700,000 acres of wilderness in the newly created Mojave National Park.

Mr. Speaker, the rule for consideration of H.R. 518 merits our support. This is an open rule, with the caveat that Members have their amendments printed in the CONGRESSIONAL RECORD in advance. There are 156 maps accompanying this legislation, and in many instances the full ramification of an amendment cannot be understood without examining the map. The rule gives Members the opportunity to examine the maps prior to voting.

There is widespread support for this legislation throughout the country. In California, 16 county governments, including Los Angeles, San Diego, Contra Costa, Riverside, and San Francisco have endorsed the legislation. In addition, 36 city governments, including Los Angeles, Palm Desert, San Diego, Laguna Beach, Ventura, Sacramento, Riverside, Davis, and Redlands support H.R. 518. About 1,600 scientists and major conservation organizations would like this legislation enacted.

Mr. Speaker, I encourage Members to support the rule for H.R. 518, the California Desert Protection Act. I also appreciate the efforts of Congressmen LEHMAN and VENTO who have devoted a great deal of time to this legislation.

Mr. Speaker, there is very widespread support for this legislation throughout the country and throughout our State of California. Overwhelmingly, the people of the State of California support this legislation and the parks and the wilderness areas that it will create.

Many, many local county and city governments support the creation of the national parks and the wilderness areas and support this legislation, as do so many scientific organizations, environmental groups, civic organizations, and others on behalf of the Desert Protection Act.

Finally, I would like to say that this legislation very much mirrors what has taken place in the Senate when, after over 10 years of deliberation, the Senate finally took up the bill as introduced by Senator FEINSTEIN and worked its will on that legislation. This legislation reflects many of the changes that she made in the Senate. I daresay that without her effort in the Senate and her tenacity to stick with this issue until she could bring it to a vote in the U.S. Senate, we would not be here today considering this legislation.

□ 1730

We think that the House has considered this in the past. The hearings have been held. The subject has been debated far and wide throughout the country and throughout our State. The time is now for the consideration of this legislation.

This rule is put forth by the Committee on Rules. I thank my colleague, the gentleman from California [Mr. BEILENSON] for presenting this rule this evening to the House. It provides for free and open debate. Anybody who wanted to offer an amendment is able under this amendment to provide one.

Let me say, Mr. Speaker, with regard to the comment that was made about the preprinting of the amendment, this legislation deals with many, many maps and millions of acres, and many amendments that will be offered deal with boundaries within the parks and within the wilderness areas. It was important that we be able to look at these amendments and determine what these amendments would or would not do before we could decide whether we could accept them, had to reject them, or to work out some other arrangement with those who would offer those amendments.

Already since those amendments have been published we have been beset with a number of amendments where the authors of the amendments do not know where the lands are, who the beneficiaries are, or what they do.

That is the exact purpose, so we could give this House an informed judgment of what the impact of those amendments will be, and yet everybody who has an interest in this legislation was entitled to the right to provide for those amendments. I would hope we would pass the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to some of the comments made by our distinguished chairman, the gentleman from California [Mr. MILLER]. For starters, I would note that he referred to the fact that the legislative history of this is very, very long. It has been considered for several years. Fully one-third of the members of his committee are new, having just become Members of the 103d Congress. While he says that many people throughout the country have focused attention on and debated the California Desert Protection Act, I would hasten to add in many other parts of the country this is not a top priority.

I believe that for many of the Members, this is the first time they have actually had an opportunity to face this issue.

He does, correctly, raise the point that we are dealing with thousands and thousands of acres. However, Mr. Speaker, we were dealing with thousands and thousands of acres as we were looking at the Montana bill that we just voted out a few minutes ago.

It seems to me, Mr. Speaker, that we should recognize that an open rule for that legislation seemed to work things out adequately, and gained a great deal of support. Why can it not also work here?

Further, Mr. Speaker, I would say that as we look at where we are today on this question, it appears that we are only going to consider general debate tonight, and who knows when we are going to bring out the amendments that were required to have been filed last Friday. There is going to be much more time for Members to look at and address this issue. Unfortunately, those of us in the minority and other Democrats who might want to have amendments that they could offer to the legislation that is pending will not have that chance.

Mr. Speaker, I yield such time as he may consume to the gentleman from Redlands, California [Mr. LEWIS] one of the two Members, including Mr. MCCANDLESS, who have worked diligently to fashion a very balanced compromise on this, but, unfortunately, have been shut out.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague very much for being so generous in yielding time to me.

Mr. Speaker, I would not take much time, but this is a very, very important issue to my district, since most of my district is impacted by the proposal of the chairman in the Committee of the House. Mr. Speaker, I want my colleagues, first of all, to know that I very much appreciate their patience with this process. The issue is very, very important to the four Members who are elected to represent the people who live in the affected districts in California. There are four Members who have their districts substantially made up of desert territory.

The issue is very complicated, and subject, I believe, to endless possibilities in terms of length of this debate, and deserves as much time as the Members can bear.

Mr. Chairman, I wanted to start this debate, though, by speaking to my chairman, Mr. MILLER, and wish Mr. MILLER a happy birthday. It is nice to be with you, Mr. MILLER.

I would further like to thank my colleagues on the Committee on Rules for granting at least a modified open rule. Frankly, a modified rule at least gives the four of us and others interested the opportunity to present some amendments to try to change this process, but indeed, there is little doubt that every effort was made to put limitations upon us through the Committee on Rules process and appear to be open, in contrast to what occurred on the Montana legislation.

I must say, Mr. Speaker, above and beyond the courtesy the chairman of the Committee on Rules has shown me, I must confess to the Members that I am somewhat disconcerted on this relative to fairness. This bill has been handled in the most outrageous fashion of any legislation that it has been my experience to deal with in my 25 years in public affairs. I would like to briefly describe the heavy-handed tactics of the senior members on the majority side of the Committee on Natural Resources.

The nature in which this bill was rammed through their committee, as described by my colleague, the gentleman from California [Mr. DREIER], is essentially an outrage to the process, the approach that should be used to balance public affairs and compromise that leads to good public policy. Not only did the committee circumvent the process of the subcommittee markup, but the chairman, Mr. MILLER, presented an entirely new piece of legislation on the day of the markup, and the committee staff saw it the evening before, essentially making it extremely difficult for people to respond appropriately with amendments in the committee process.

This legislation normally would be considered to be noncontroversial legislation, if we were going to handle a markup in that fashion. Traditionally the committee will use such rules or exercise such rules when there is not any partisan confrontation or serious controversy. In contrast to this, this legislation is by no means noncontroversial or bipartisan. The substitute legislation offered by the chairman extended well beyond the original text of H.R. 518. The majority claims that since similar legislation was considered in previous Congresses, a subcommittee markup was not necessary. That explanation fails to account, as DAVID DREIER indicated, for 14 brand-new members on that committee, freshmen who have not been through this process, and indeed, not only deserve to have the right to consider possibly amending, but in turn carry out their responsibility to so participate.

Instead, item after item ended up being passed by way of the phantom vote that was so eloquently expressed by my representative from the Committee on Rules. The committee, under the leadership of its chairman, has done a real disservice to the constituents of the gentlemen from California, AL MCCANDLESS, DUNCAN HUNTER, BILL THOMAS, and myself, who were elected to represent the people who live in, who understand, and who love the desert. All of us feel that we have been treated in this process somewhat like second-class Members of this body.

I would say to any one of these Members who happens to be watching on television or listening here on the floor, think about your own district. If someone was going to carry legislation that directly impacted the planning process, the use of the lands that make up the majority of your district, you would expect at least to have the courtesy of some consultation, some discussion. There was no attempt on the part of this committee to reach out to those Members, to ask them to participate in the process. Indeed, a preconceived idea of the way our districts ought to work by people outside our districts was the total process of this committee.

It was clear that one could make amendments in committee if they had time to figure out where they should go and what form they should take, but there is also, no doubt, beyond a small, strictly partisan meeting held the day before to discuss some of these things, a clear message was sent by the chairman that no amendment should be passed by way of majority votes on the committee. There was too much involved in terms of the past work of the chairman, I guess, perhaps too much California politics involved as well.

The chairman has also attempted to circumvent the Committee on Armed Services by removing from the text of H.R. 518 any reference to the military activities which are conducted at the key military installations in the California desert. During consideration of H.R. 518 Mr. MILLER and the gentleman from Minnesota [Mr. VENTO] will offer an amendment dealing with land withdrawals and military overflights. I caution my colleagues on the Committee on Armed Services, pay very, very close attention to the way the Miller-Vento amendment reads. It could severely impact the training and testing activities conducted in the desert, the very activities that are vital to our national defense, and which General Schwartzkopf indicated were fundamental to our success, for example, in the recent confrontation in the Middle East.

I hope it is clearly understood by the Members of the House that the legislation before us, H.R. 518, severely impacts the land use and local economies of the Members' districts involved, AL MCCANDLESS of Riverside County, DUNCAN HUNTER in Imperial County, BILL THOMAS in Kern County and my district, which is large enough desert to put four Eastern States very easily inside.

□ 1740

Mr. Speaker, we are debating the California wilderness bill. One way or another, this committee has decided that they can handle the planning, the future economic values, the development, the growth potential, indeed the lives of the people who live in areas that large and forget about those people they elected to represent them.

I hope it is clearly understood by the Members of the House that the legislation before us severely impacts not just that land use, the fundamental violation is the relationships between Members in this House. It is outrageous to think that the chairman would actually go so far as to ram legislation in this fashion through without even bringing in those Members for personal consultation about their districts. It is unbelievable that that kind of process has developed here in this committee.

Mr. Speaker, we will hear the proponents of H.R. 518 describing it as a compromise. Compromise, indeed. This could not be further from the truth. H.R. 2379, the California Desert and Employment Preservation Act introduced by my colleagues and I who represent the desert is the only compromise that truly deserves that description. H.R. 518 is nothing more than a wish list for a small band of well-funded and influential preservation groups with a narrow ideological agenda.

Mr. Speaker, H.R. 518 cavalierly ignores the recommendations made by the Bureau of Land Management as mandated under legislation coming out of this very committee a number of years ago.

I would like the Members to particularly focus on this point. My predecessors, Jerry and Shirley Pettis, Jerry was tragically killed in an airplane accident. He had had legislation calling for the creation of a commission that would lead to dealing with the complex issues in this region. Shirley when she arrived here was approached by the chairman of this committee, at that time Philip Burton. Mr. Burton suggested that they should shepherd this bill through because it was a complex area that deserved maximum public input.

Mr. Speaker, as a result of that the Federal Land Policy and Management Act was passed. It created a 15-member commission. On that commission were representatives of environmental groups, of ranchers, of miners, all those who care about and understand the desert. They met for a period of 4 years. There were some 40,000 individual comments, some $8 million were spent of public taxpayers' monies leading to a compromise. Yet this committee and this chairman and this subcommittee chairman have chosen to ignore all that money and this work.

Mr. Speaker, I want the members to get a clear sense that we are not just unhappy about this process.

I do not consider it just an outrageous way to handle public affairs and public policy development. I believe the Members of this body know that I am not enamored with the rhetoric of the extreme. Indeed I believe deeply that the American public is disgusted with partisan confrontation that too often dominates the floor debate. Most issues have little to do with partisan politics and certainly this kind of an issue should have little to do with it. But if the Committee on Natural Resources is any indication of the way the rest of the policy committees in the House in the future intend to act in terms of the way they will treat the minority in this place, then, friends, Katy bar the door. No wonder the floor debate is so often dominated by the extreme. The world's greatest deliberative body has become a partisan shouting match precisely because of the excesses of the majority. If this continues, the over 50 years of dominance of a single party in this House is going to end up destroying not just comity but really undermining the fundamentals of what has originally been designed to make this the greatest deliberative body in the world.

Mr. Speaker, I appreciate my colleague from California yielding me so much time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, a great deal has been said in a short time about the procedures used in the committee and the procedures used by the chairman of the Committee on Natural Resources, which happens to be me, and I have just got to tell the House that not only does it reflect badly on the Members who are constructing that record but it simply is not true.

Mr. Speaker, I find it rather interesting if this is the most important piece of legislation to the gentleman who was just in the well or to his colleagues from California, Mr. MCCANDLESS and Mr. HUNTER, who he named in his remarks that they would never once ask me for an appointment to have a substantive discussion on this matter, they would never send me an amendment or a note or a request for any change in this legislation in the over 2½, 3, 4 years since I have been chairman of the committee and we have had this under discussion.

Mr. Speaker, I would say to the gentleman that has never happened.

Mr. Speaker, when various committees in the Congress impact my district, I go see the chairman or the subcommittee chairman or the Member who has that bill or whoever it might be and say, what is going on here? Is there a chance we can talk about this? Can I offer some amendments?

Mr. Speaker, I have never had that request from the gentleman or the other gentlemen from California, Mr. MCCANDLESS or Mr. HUNTER. I do not know. Maybe the gentleman has to explain back home why this bill got 90 votes in the Senate for it, and the loss, but do not put that on me, because that never happened.

Mr. Speaker, the first mention I got was a nice note the other night from the gentleman saying how upset he was with the process. That is the first time, and we have had this bill in our committee under active consideration for 3 years, because we passed it in the last session and we have had it this time.

Mr. Speaker, let us understand that clearly. The gentleman was in our committee when we took up the bill for full consideration and as everybody on my committee knows, in spite of the gentleman's characterization of it, every member of my committee is entitled to offer amendments. I have never prevented a member of my committee from offering that because I grew up in the tradition of listening to people. There happened to be one from the gentleman's side, John Ashbrook, who told me what it was like to be in the minority around here and when people act that way.

Mr. Speaker, when we discharge the committee, my habit, and people from my committee on both sides of the aisle know this, I will say, "The gentleman is asking for unanimous consent to discharge the subcommittee. If there is no objection," then there is a deliberative pause for several seconds. I say, "Hearing no objection, so ordered."

Mr. Speaker, the gentleman was in the room when that happened and maybe his lieutenants on the committee bumbled, fumbled, or mumbled but the fact is they never made that request. They never made request for an additional hearing, they never made a request for amendments and, in fact, a few minutes after we were into the hearing and the markup, most of them had left the room.

Mr. Speaker, the fact is that is the way this committee has been run from the time I have been on it. I think there are two committees in this House that respect minority rights. That does not mean the minority gets to win because they do not have the votes to win on crucial issues, but their rights are preserved, the procedure is preserved, and as the gentleman from the Committee on Rules knows, we always come and ask for an open rule.

Mr. Speaker, we are here on an open rule. We are simply asking for management. The fact remains for those listening to this that I am sure there is some other explanation going on here and that is that the gentleman in all likelihood if we can take the last time the House considered the bill, the fact the Senate has considered the bill and the expected outcome is not going to win his debate here, so now the gentleman has decided to make this personal and impugn the integrity of the committee and me as the chair.

Mr. Speaker, I am simply here to say it never happened, I would never run a committee that way, and the members of my committee know that is the case.

Mr. Speaker, it is very interesting. In the most contentious hearings, whether it was the energy bill or whatever it is, I have members of my committee on the minority side come to me all the time and say, "Thank you for letting me offer the amendments." I consider that their right. I either win those votes or I lose those votes. I am not there to block people from having a say. I used to vote all the time with the minority before we got so partisan not to cut off debate so that people would have a chance, but now we have all of these rules that we only get 1 hour of debate, 10 minutes of debate, 5 minutes of debate.

Mr. Speaker, I do not believe that is the way to run this institution. The gentleman is talking about some other episode, folks, because those rights were protected. Those amendments were not offered.

Why is this bill different than the Montana bill? There were no boundary changes offered to Montana today if the gentleman was there on the floor while we were considering the bill. The amendments we are considering here have numerous, hundreds and hundreds of boundary changes, and what we asked for was the right to have those printed in the RECORD so we could look, so tomorrow if we start amendments we could say to the Members of the House, this is or is not the impact, and those who offer the amendments from either side could agree or disagree but we would understand that.

□ 1750

I am very troubled that my colleagues would engage in this kind of tactic to somehow try to taint this process, to taint this legislation.

This is an urgent and necessary piece of legislation. The people in our State overwhelmingly support it. The gentleman who spoke and some who will speak do not support it. That is the process. That is the process.

But let us not lead people to believe that something took place that did not take place or that somebody was shut out of a process when this process has been open and we have had, as I said, some 15 hearings. I do not know what the Republicans did on their side of the aisle. We took people through the Senate bill. We talked about the changes.

The gentleman stands in the well and says that the amendments that we brought were more expansive. No. They are not. We took what we passed and moved toward the Senate. We started taking out mining companies and all the things that concerned the gentleman in the desert. The bill is narrower than when the House passed it last.

So there is somebody kicking up some dust here trying to avoid, I think, what probably will be the results when the House is finished with the deliberation. But I will not stand here and have the integrity of this committee on either side, because the minority was there, and at each and every stage there is a pause before amendments. I even make them call the votes twice of every Member. All the votes are called twice. All the requests are stated twice in our committee. And that is how we run the Natural Resources Committee.

I do not know how other chairs run it. That is how we run it.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. The gentleman would probably like to be informed that I did sit on the floor for the last time with the author of this bill, the gentleman from California [Mr. LEHMAN], just a week ago to discuss some of these possibilities. He is the author.

Mr. MILLER of California. Reclaiming my time, the gentleman was talking about me when he was standing in the well. You were referring to the chairman of this committee.

Mr. LEWIS of California. Let me just complete the statement. The response of the author of the bill was, "JERRY, I am not going to be able to help you with this. The chairman is going to do exactly what he wants to do with this bill, and he already has in his mind what he is going to do. He is going to roll right over me," is what he said to me.

Mr. MILLER of California. Reclaiming my time, how long has the gentleman been in this body?

Mr. LEWIS of California. I am not sure that that is relevant. But long enough.

Mr. MILLER of California. Well, are you incapable of having a face-to-face conversation with another Member? Are you incapable of coming over and asking me whether that characterization is accurate or not, especially when this is so important to your district? I would think you would stretch out a little bit. The aisle is not that far.

Mr. LEWIS of California. I say to the gentleman from California [Mr. MILLER], certainly I stood on that side of the aisle for that reason. You know very well how I feel about that. The fact is you and I have had occasion on more than one circumstance to talk about this legislation.

Mr. MILLER of California. You have never requested a substantive discussion on this bill at all. Never.

Mr. LEWIS of California. Your style is always so gentle.

Mr. MILLER of California. Do not tell me about my style.

Mr. LEWIS of California. You always just gently suggested, "I will just roll you over, LEWIS. Do not worry about it." I know your style. Everybody else knows your style.

Mr. MILLER of California. No. Except it does not work that way.

Mr. LEWIS of California. It seems to.

Mr. MILLER of California. I guess the gentleman made a horrible error in judgment. My door has never been closed to people who have had an interest in a piece of legislation. And it never happened.

Mr. LEWIS of California. Is it accurate to say that a significant number of the votes on this bill in committee were ghost votes, the Members were not even present to vote?

Mr. MILLER of California. No. It is accurate to say that when votes were taken, because in many instances the Republicans left the room, votes were voted by proxy on both sides. The gentleman knows that is allowed under the rules. The gentleman's side of the aisle does not agree with that, but they voted their proxies, we voted our proxies, not ghost votes, not phantom votes. I appreciate that characterization. That means something else to the public.

Let us talk about what went on in that committee in this body.

Mr. LEWIS of California. I do know this, the public expects Members to be there and cast their own vote. They do not expect ghost votes.

Mr. MILLER of California. If the gentleman was in the room, he could have asked any Republican member to enforce the right to call a quorum to vote on anything. The fact is you did not do it. You fumbled the ball. You fumbled the ball, and that is it.

Mr. LEWIS of California. Mr. MILLER, probably the value of this is that there is a clear display of your gentle style. I appreciate it.

Mr. MILLER of California. No; it is the firmness when you impugn the integrity of the committee which I run or my chairmanship of that committee or me personally. There is nothing to suggest that I have to take that, and you know you made a bad error in judgment about how you handled this legislation. You will not rub that off on this committee, the membership of this committee on either side of the aisle, or on me.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from La Quinta, California, [Mr. McCANDLESS] another of the Members who represents one of the areas which will be affected if this were to become law. He is going to be retiring, and let us hope that he could play a role in the compromise. Unfortunately, he has not been able to, up to this point.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I listened with a great deal of interest to the dialog that just took place.

Having been born in the area that we are talking about and having spent a great deal of my younger life and all of my adult life in the area, I have a certain feeling for it. In fact, people say, "Are you going to stay on the east coast after you retire?" I say, "No, once you have sand in your shoes, it never leaves." Now, what that means is that people like myself, who live in the areas in question where the impact is going to take place, relative to this legislation, love the area in which they live. We love the people, love the climate, love everything that is special about it, and so we are not about to go out and destroy something that we have been raised in.

Now, the problem here is when we talk about the history of this legislation, yes, there is a long history. The gentleman from California [Mr. LEWIS] touched on a part of that. It started in 1968. That was the beginning of it with Bob Mathias, and it went on through the points that the gentleman from California [Mr. LEWIS] made with respect to Jerry and Shirley Pettis.

Interestingly enough, that original part of the history, the legislative history of this bill, also included Senator Cranston, who with the Pettises and Bob Mathias ultimately worked down to the point where in 1976, this body passed the FLPMA legislation the gentleman from California [Mr. LEWIS] referred to.

Now, I arrived on the scene in about 1975, as a part of the governmental process upon which this FLPMA legislation took place. As a member of the Riverside County Board of Supervisors, I followed this process almost on a weekly basis, because another member of our board was the representative of county government for Riverside County on the advisory commission, and they went out into the field. They held hearings. They took all kinds of information from the people who are involved there in all walks of life, in all disciplines, in every part of the desert areas in question. They filed their report after the long and arduous process, with the Secretary, as his advisory committee, and Secretary Andrus, a Democrat I might add, under the Carter administration, accepted the plan.

We now come back to the bill before us, and now some are not satisfied with the 6 years of work on the part of the group who spent hours and hours and weeks and weeks doing this advisory work all this because a small group was not satisfied. They wanted more.

This was a consensus. This was a consensus plan. But that small faction who were unsatisfied, and wanted more than the compromise gave them, talked Mr. Cranston into bringing back up all of this that goes beyond the 1980 plan to satisfy their agenda.

Obviously that side of the issue became more successful than we have to date, because this passed the Senate in recent times.

The point I am trying to make here is that we in the desert, both those who live there and all of those who represent it, love the area. We want to preserve the desert. But those who support H.R. 518 say that because we oppose it, well, we do not care about the desert. We are happy to see motorcycles run all over it.

Let me tell you, ladies and gentleman, what is going to happen here in my area where you have four-wheel-drive clubs that are very responsible, that are made up of working people who cannot afford to fly-fish in Australia. They are not even going to be able to travel to their own property which is privately owned, because it will have become an inholding surrounded by wilderness, or some other designation that will be a part of this bill.

Now, how would you like to continue to pay taxes on a piece of property that you have enjoyed, as a kind of a campout place over a weekend, and now not be able to even get to it?

□ 1800

These are the points that I am interested in, that the people who live in the area are interested in. I might add, the people who are not supporting this bill are the people who live in the area, the people who use the area, not the people from San Francisco or someplace like that, far from the desert.

If you talk to the people within the framework of the counties impacted by this bill, they will tell you they are not supportive of this, on an overwhelming basis.

Mr. Speaker, I want to conclude by simply saying that I am sorry that we got involved in this kind of a donneybrook. Mr. VENTO was kind enough, several years ago, to invite me and others to attend and be a part of the hearings that were held in the desert, and from that we were able to see what it was people wanted, from the vast majority of people who showed up. Interestingly enough, Mr. VENTO, with the consent, I guess, and the agreement of the full committee chairman, created a new chairmanship and presented this particular piece of legislation to that new subcommittee chairman, who then handled it and has handled it during those previous years. That is kind of an interesting paradox in itself because when you talk to the subcommittee chairman, you get the direct impression that there is no use even talking to anybody else about this bill. We were not able to talk with the Senator who sponsored this bill over in the other body. We were not able to talk to a number of people. They did not want to talk to us.

So, these are the frustrations that you see being vented here today that, in my mind, are not as personal as the framework within which this bill has passed through the years, and the disappointments we have had after we thought we had something that Secretary Andrus approved and that President Carter approved. And then we go back and reinvent the wheel.

I thank the gentleman for yielding.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time at this time.

Mr. DREIER. Mr. Speaker, we have no further requests for time.

At this point I yield myself such time as I may consume and will close by simply saying that the four Representatives of this area—Messrs. LEWIS, McCANDLESS, HUNTER, and THOMAS—have worked for years to fashion a compromise on this. Unfortunately, they have not been able to be part of this process.

I have just been handed a note here saying that they requested a hearing on their bill and they were denied the request for the hearing that they had wanted to have on their legislation.

The gentleman from California [Mr. MCCANDLESS] does still have sand in his shoes, I know that. He loves the desert. He is very generous in allowing many of us from California and other parts of the country to enjoy the magnificent desert empire.

It seems to me that as we look at this issue, we can address this in a very balanced way. All we need to do is defeat the previous question here, and then pass my amendment, which will be a true open rule, basically waiving this preprinting requirement, which is jeopardizing the process of free and fair debate, and then we can proceed and have all of these ideas considered and then the House will be able to work its will.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I do not want to continue the debate. I would just point out that the gentleman referred to a request for a hearing of me. I was working as a subcommittee chairman with this jurisdiction in the 101st, and this Congress. Under the rules of the committee—I might say that the request came to me 2 days before we had the hearing on the measure that was before us, the major measure, H.R. 518. I might say, for the sponsors of that bill, I was not able to prepare and to get witnesses to respond to a bill that quickly which was introduced just a couple of days before the hearing, but the members did discuss their bill at the hearing. Whether that was adequate or not, I do not know. I would like to say on this matter further——

Mr. DREIER. The gentleman is referring to H.R. 2379, as they introduced it.

Mr. VENTO. That is correct.

Mr. DREIER. The indication they gave to me was that they had made the request that you hold a hearing on that issue and were denied that.

Mr. VENTO. They wanted the hearing held at the same time.

The SPEAKER pro tempore (Mr. PETERSON of Florida). The Chair would advise Members that all debate should be addressed to the Chair.

Mr. VENTO. Mr. Speaker, if the gentleman would yield further, the request was, since we were having hearings on H.R. 518, that they asked to be heard the same day or at the same time so they could discuss the bills together. Unfortunately, it had not been introduced but just a few days, several days before the hearing, nor was there a request up to that point.

So it was not possible to prepare the witnesses to respond to this bill at that point. But they did discuss the bill at the hearing.

Mr. DREIER. If I may reclaim my time, I will close by saying that the chairman of the full committee made what I believe to be a very eloquent argument for the open rule. He referred to the fact that in his committee he allows amendments to be offered regularly. And he usually asks for us to do that right here on the House floor. I am going to give my friend from Martinez a chance to continue that "Mr. Open Rule" moniker which we regularly like to put around him, and vote to defeat the previous question, bring about an open rule, and let us do just the way they do in the Natural Resources Committee, have free and fair debate here.

Mr. Speaker, with that I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, in closing, if I may, I would remind my colleagues that this in fact is an open rule. It is clear from the number of amendments which were submitted for preprinting, about 45 of them, that the rule, even with that provision, gives the House a chance to consider virtually every technical or policy issue associated with this bill to protect the California desert.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 172, not voting 16, as follows:

[Roll No. 175]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke

Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Barlow
Blackwell
Brown (CA)
Byrne
de la Garza
Emerson
Fish
Ford (TN)
Grandy
Leach
Neal (NC)
Sharp
Smith (OR)
Tucker
Valentine
Washington

□ 1825

The Clerk announced the following pairs:

On this vote:

Mrs. Byrne for, with Mr. Emerson against.

Mr. Tucker for, with Mr. Leach against.

Mr. Washington for, with Mr. Smith of Oregon against.

Mr. MILLER of Florida changed his vote from "yea" to "nay."

Mr. HAMILTON and Mr. DOOLEY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETERSON of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 165, not voting 20, as follows:

[Roll No. 176]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—165

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Barlow
Brown (CA)
Byrne
de la Garza
Emerson
Fish
Ford (TN)
Grandy
Harman
Leach
McKinney
Neal (NC)
Reynolds
Sabo
Sharp
Smith (OR)
Tucker
Valentine
Washington
Waters

□ 1835

The Clerk announced the following pairs:

On this vote:

Mrs. Byrne for, with Mr. Emerson against.

Mr. Tucker for, with Mr. Leach against.

Mr. Washington for, with Mr. Smith of Oregon against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994

The SPEAKER pro tempore (Mr. PETERSON of Florida). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4277, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4277, as amended.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 177]

YEAS—413

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Barlow
Brown (CA)
Byrne
Coleman
de la Garza
Emerson
Fish
Ford (TN)
Grandy
Mink
Neal (NC)
Rose
Sabo
Sharp
Smith (OR)
Spence
Studds
Tucker
Valentine
Washington

☐ 1851

So (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was absent on Tuesday, May 17 and was not present for rollcall votes 171, 172, 173, 174, 175, 176, 177. But had I been in Washington and not my congressional district, I would have voted to approve the journal; I would have voted against the DeLay amendment and the Bryant amendment to the Montana Wilderness Act; I would have voted in support of the final passage of the Montana Wilderness Act; and I would have voted in support of the Beilenson motion on ordering the previous question and the Beilenson motion on agreeing to the resolution providing for the consideration of the California Desert Protection Act. I would have voted in support of H.R. 4277, to establish the Social Security Administration as an independent agency.

On rollcall vote No. 171, "yea";
On rollcall vote No. 172, "nay";
On rollcall vote No. 173, "nay";
On rollcall vote No. 174, "yea";
On rollcall vote No. 175, "yea";
On rollcall vote No. 176, "yea"; and
On rollcall vote No. 177, "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2108, BLACK LUNG BENEFITS RESTORATION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–508), on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 2108) to make improvements in the Black Lung Benefits Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–509), on the resolution (H. Res. 429) providing for consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE HONORABLE RON WYDEN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following communication from the Honorable RON WYDEN, Member of Congress:

HOUSE OF REPRESENTATIVES,
May 17, 1994.

Hon. THOMAS S. FOLEY.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance is inconsistent with the privileges and precedents of the House.

Sincerely,

RON WYDEN,
Member of Congress.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 518.

□ 1855

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I, of course, rise in support of H.R. 518, the California Desert Protection Act. It is a significant and comprehensive measure.

It addresses in a comprehensive manner the future management of millions of acres of public lands in California's southeastern quarter that are now primarily under the management of the BLM and other agencies of the Department of the Interior. The resources of California involve lands that encompass three distinct types of deserts: The Mojave, the Sonoran and the Great Basin Area. The parks that are currently in existence will be expanded substantially and a new park, the Mojave National Park, will be created or designated in this legislation. About 4 million acres of those lands within the parks that are expanded, the Joshua Tree Monument and Death Valley Monument, would be changed to national park nomenclature, they would be expanded and 4 million acres of land would be designated wilderness in this area.

In fact, in terms of expansion of the national park system and national wilderness preservation system, the measure before us, H.R. 518, is the most far-reaching single measure to come before the House since the 1980 enactment of the Alaska Lands Act.

This, however, Mr. Chairman, is not a new matter. Bills similar to H.R. 518 have been under consideration since 1985, for the last 9 years. During the 101st Congress, the Subcommittee on National Parks and Public Lands held extensive hearings on the version of the bill introduced by our former colleague from California, Mr. Levine. In fact, including in those hearings three field hearings in California, we heard more than 600 witnesses at all of those hearings. They were well attended and they were very lively.

Mr. Chairman, during the last Congress there were further hearings and our committee reported out a bill that was taken to the floor under an open rule and was passed by the House of Representatives by an overwhelming majority vote. Regrettably the Senate did not complete action on that bill before the end of the last Congress.

Mr. Chairman, unfortunately they persist in pursuing a policy wherein a single Senator from a State can, in fact, stop or block action on any proposal before their body. I suggest that that, this one-Senator veto, is a process that we ought not to accept.

This year forthwith with the change in terms of leadership from California, however, there has obviously been a much different reaction to the measure, and that measure now, a measure similar to the one before us, has passed the Senate by an overwhelming vote.

Mr. Chairman, as was the case in 1991, the bill reported out today does not address the renewal of military withdrawals for certain public lands in California, nor the relationship between the desert bill's land designations and continued military overflights of those wilderness and national park lands.

Such provisions were included in the bill passed by the Senate but omitted from the measure before us because they involved areas where our committee shares jurisdiction with the Committee on Armed Services. However, it is appropriate for these matters to be addressed as part of the California desert bill.

Mr. Chairman, the House actually addressed this matter separately and it was at the insistence of the Senate that they were included initially. In 1991 I joined the Delegate from Guam, Mr. Blaz, who served on both our committee and the Committee on Armed Services in offering an amendment that offered similar provisions to the California desert bill. I will offer a similar amendment dealing with these matters when we reach the appropriate point in the process on this bill.

Mr. Chairman, I am pleased that the gentleman from Utah [Mr. HANSEN], the gentleman from California [Mr. DELLUMS], chairman of the Committee on Armed Services, and other members on the Committee on Armed Services have worked with us and we, I think, have a satisfactory resolution of that matter.

Mr. Chairman, the bill reported by the Committee on Natural Resources is a good, sound, and balanced bill. During the committee's consideration of this measure, some amendments were adopted. Others were rejected.

□ 1900

I anticipate one of the amendments rejected by the committee will be offered again here today on the House floor that deals with hunting in the Mojave National Park or National Preserve. In fact, the sponsors propose not to have a park but to have a preserve, in fact, accommodating not the general needs of a park but that of hunting.

I would suggest this is not whether you are for or against hunting. It is a question of whether or not we ought to have a park, and I think this area is worthy. The Mojave Desert, as a basic theme, is worthy of being designated as a park, notwithstanding the fact that there are some game species, a small number, I might add, and many more nongame species which will be in fact hunted year-round and change the basic character of the populations that inhabit this 1.5-million-acre proposed park.

I am convinced that amendment should be defeated on the floor as it was in committee.

Mr. Chairman, the bill gives us an opportunity to restore a little bit of gold to the Golden State, that State famous for its Gold Rush and many other things in recent years which has been challenged and has had a lot of difficulties. But the fact of the matter is that this 15-million-acre land designation that we are doing here close to 25 million people in southern California and other areas is very important in terms of recreation, in terms of designation and preservation, conservation, restoration of what is a great ecosystem in that area.

I think by these actions we will, in fact, take positive steps. The Congress has reserved to itself these positive steps to take these actions, to in fact accord the type of protection that these lands deserve and the type of use that is necessary for the military, for the other types of economic activities that are important to some of the people in southern California.

Mr. Chairman, I urge the Members to strongly support this bill and the amendments that will be offered. It has been through a deliberative process. It is a good bill, a good product that has been before the Congress for nearly 10 years. It is time to act. It is time to save these dessert lands for future generations.

I urge the Members to support it.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentleman for yielding me this time at the opening of the debate on this side.

Mr. Chairman, I rise in opposition to this so-called California Desert Protection Act.

As we debate the bill over the next several days, it will become very clear who this legislation does not protect. It certainly does not protect the taxpayer, and, in fact, it will cost more than $300 million and probably much more than that. It does not protect the constituents who will be affected by the legislation. In fact, the four Members of Congress who represent the districts impacted by this bill strongly oppose it.

It does not protect the legislative process. This bill was discharged from the subcommittee without so much as a markup. Fourteen new members of the committee were denied their opportunity to consider and amend this legislation, all because the distinguished chairman of the committee was in a hurry to get this bill to the floor.

It does not protect the economic growth of the State of California or the country. It makes future mining in one of the most important mineral areas of the United States virtually impossible, thereby limiting the growth of a vital national industry.

It does not protect our Nation's borders relative to drug interdiction. In fact, by not allowing the Immigration and Naturalization Service and the Drug Enforcement Agency to use airplanes and motor vehicles, illegal immigrants and drug smugglers are given easy access through many of the border areas included in this legislation.

And if the legislation does not protect the taxpayers, the constituents, the process, the economy, or the Nation, who does it protect? Well, it protects the narrow views of environment zealots, to be perfectly frank, who would rather put the Nation's resources out of touch of middle-class America from Wyoming to Montana, from Colorado to now California.

This legislation represents another chapter in President Clinton's war on the West. By taking property rights away from the ordinary citizen and by limiting the economic potential of the Western States, the President ignores the wishes of the people in favor of the special interests.

I would urge my colleagues to oppose this legislation, stand up against the President's war on the West. We need quite frankly to strike a balance between environmental concerns on the one hand and the people's concerns on the other hand, and in my judgment this bill does not.

For that reason, I am compelled to oppose it.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 518.

The California desert is a vast and mysterious land, a land far more subtle than our Sierra Nevada Mountains, a land wild and untamed in contrast to our cultivated agricultural valleys, a stark and virtually unpopulated land juxtaposed against the nearby urban sprawls of southern California. It spans some 25½ million acres, of which the Bureau of Land Management administers nearly half and the Department of Defense over 3 million acres, and the National Park Service over 2 million acres, and the State of California over 1 million acres.

It is an area inhabited by only the most hardy, some including ranchers and homesteaders whose families have been there for generations.

The desert is not a wasteland but, rather, a home to diverse people, diverse species of animal and plant life. It is an area that richly deserves the protection warranted and created by this legislation.

Over the years I have taken a judicious approach to legislation to protect the desert, and encouraged people of different points of view to come together to discuss their many ideas about how this vast territory could best be managed. I have been involved in desert-protection legislation since 1987 when Senator Cranston introduced the first bill.

In 1991 I teamed with former Representative Mel Levine to craft compromise legislation that integrated many of the concerns not included in previous desert bills. In that bill, we eliminated 271,000 acres from wilderness designation and left it available for off-road-vehicle use, utility purposes, and mining interests. We eliminated all known active mines from wilderness areas. We resolved the specific concerns of every single utility in California. None of them are opposed to this legislation. We trimmed 75,000 acres and 114 miles from the bill for off-road-vehicle use. We included language to provide a land exchange for two of the largest private landholders on the desert, the California State Lands Commission and the Catellus Corp.

We included language that allowed grazing within the Mojave National Monument for up to 25 years and directed the Secretary of the Interior to give priority to those acquiring the base property of ranchers willing to sell.

We kept three proposed wilderness areas totaling 160,000 acres near Fort Irwin in study status pending expansion proposals from the Department of Defense.

Senator FEINSTEIN, for her part, has actively engaged in the process of crafting compromise legislation in the Senate that would protect California jobs as well as the fragile ecosystem enveloped in S. 21, the Senate version of H.R. 518. She and the U.S. Senate made over 50 subsequent changes to the bill, many of which have been incorporated into the bill before us today and when it was heard in our Committee on Natural Resources 2 weeks ago.

Senator FEINSTEIN deserves tremendous credit for quickly absorbing vast amounts of information and skillfully maneuvering S. 21 through a committee on which she has no seat. It is because of her that a desert-protection bill has passed the Senate for the first time and will likely be amended with the legislation which we are now considering.

There has been an open process on the Natural Resources Committee from the inception. We have had over six hearings in our committee alone on this legislation. We have had numerous field trips to the desert on behalf of any member of that committee who has wanted to go. Since I became involved in the administration, or in the legislation, 5 years ago, my office door has been virtually every day to anyone who wanted to come in and discuss this legislation.

There are going to be further amendments offered here on the floor, and I noticed the gentleman from Illinois [Mr. MICHEL], the distinguished leader on the other side, just referred to the question of immigration and law enforcement on the desert in this bill. The only reason that is not included in the transcript on the floor before us today is because the Natural Resources Committee did not have jurisdiction over it, and there will be amendments to that effect, and I am sure they will satisfy the objections of the gentleman from Illinois.

In this bill we have been sensitive to the rights and needs of private property owners within the desert and the need to adequately preserve large enclaves of land.

In the House Natural Resources Committee, I offered a successful amendment to delete 59,000 acres of private landholdings from the Lanfair Valley portion of the proposed Mojave National Park, the area which contains the largest concentrations of inholdings in the entire bill.

□ 1910

The committee did not delete the entire Lanfair Valley as the other body proposed, because the area contains a multitude of very valuable natural historical and cultural resources that deserve inclusion on a Mojave national park.

Mining in the California desert, often cited as a reason the National Park Service should not manage the current East Mojave national scenic area, is allowed by this legislation. All active mines have been deleted from the park and wilderness designations and valid and existing claims are given an opportunity to be proven up.

Mr. Chairman, we are aggressively changing the way land in the California desert is managed and our land management agencies will be presented with new and exciting challenges in the next few years. This bill makes the important step of transferring land within the current BLM-managed East Majave national scenic area to the National Park Service to create a new Mojave national park. The Mojave national park should be a park, and not a hunting preserve that allows a limited amount of hunting that currently takes place there to continue. There is no good reason to noticeably downgrade the area's level of protection from park to preserve. I believe the bill we have before us is a measured and appropriate way to safeguard a very fragile area. I do believe it considers the views of the people who have previously opposed similar desert legislation, and I know it would make good law. As we approach consideration of this bill, it is important to note here that the vast majority of Californians support desert protection, including 69 percent of desert county residents, according to a 1993 Field Institute poll. As well, 16 cities and 36 counties representing over 70 percent of the State are on record as endorsing this legislation.

This is a popular bill in California. This body passed similar legislation in 1991 by a vote of 297 to 136. The other body recently voted 69 to 29 in favor of S. 21.

Mr. Chairman, we have discussed, debated, and amended this bill now for 8 years. Finally, we are at this point in time where the Senate has passed legislation. We stand on the verge of a historic conference here to work out the last remaining details in this act, which is sorely needed by the people of California and the people of the United States to protect this valuable resource and manage it in all of our best interests.

Mr. Chairman, I urge adoption of the legislation, and I urge opposition to amendments to weaken it.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am somewhat dismayed with this Natural Resources Committee bringing up H.R. 518 before us today. This bill seems to me to be not so much a compromise but more of a land grab in that area.

I remember 5 years ago going to Barstow, California, with my friend, JERRY LEWIS, and we had one of the largest meetings I think I have ever been to in my life. There were literally hundreds of people there talking about the potential of this particular piece of legislation.

Mel Levine, our former colleague, was conducting the meeting. We had the opportunity to talk to this massive crowd on a one-to-one basis before and after.

Listening to them, we got quite a difference of opinion on how this thing would be put together.

I think those people who represent the area of Mr. LEWIS, BILL THOMAS, DUNCAN HUNGER, AL MCCANDLESS, have a pretty good approach to it. And the people who live around that area and those who are close to it and live on the land, I do not think they go along with this H.R. 518. I think they feel it is an extreme approach to the things that the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL] was talking about, which is the will and desire of some people who believe in tying up the West and those people who believe in taking away our natural resources.

Somewhere there is moderation. I do not know whoever made the statement, "Moderation in all things," if it is not scriptural, it ought to be. This is something that we ought to find ourselves where we can live together without this extreme approach that we are looking at at this time.

Mr. Chairman, as ranking member of the Subcommittee on National Parks, Forests and Public Lands, I personally feel that some of the amendments that are coming up would make this a better piece of legislation, and I strongly support the LaRocco/Lewis amendment to preserve hunting in the East Mojave; the Lewis substitute, which follows the BLM's recommendation.

Mr. Chairman, I cannot understand why we put so much money into the Forest Service, the Park Service and BLM and say, "Now, guys, go out and work hard and come up with a recommendation," and we totally ignore it.

In my own home State of Utah, BLM spent $10 million, 13 years, to come up with a BLM recommendation. We totally ignored it.

If we are going to do anything, we ought to take these guys out of the process because Congress is the one that does it. I cannot think of one bill in my 14 years on that committee that we have paid any attention to these people.

Then I hope that we can come up with a compromise.

I appreciate the work of my colleagues on this who have worked on it. I think it would be a better piece of legislation if we could represent more of the needs of the people who live in that area.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from California [Mr. LEWIS] who represents this area.

Mr. LEWIS of California. Mr. Chairman, first I would express to the House my appreciation for the committee's courtesy today on the floor, particularly the time being yielded by my colleague. It is a most frustrating moment for JERRY LEWIS and for AL MCCANDLESS, DUNCAN HUNTER, BILL THOMAS, the people who do represent districts involved in the vast desert territory of California. Frustrating, yes; not quite so disconcerting if we had truly had an opportunity to consult with the committee, have some open and fair exchanges regarding the real needs of our people in that process.

We discussed that earlier. So I am going to spend my time here discussing a few elements of this bill that are of concern to me and indeed point to some of those items we will be discussing sometime in the near future relative to amendments that might improve this legislation.

Over the past 8 years I have addressed the complex issues raised by this bill and similar legislation introduced by Senator FEINSTEIN and her predecessor, Alan Cranston.

Today I intend to restate many of my previous comments and ask questions, trying to shed light on the effort by the House to craft a formula that would make some sense for California's crown jewel, the 25 million acres of California desert.

I have come to this position of opposition to H.R. 518 and to a position of very strong opposition to S. 21 introduced by the gentlewoman from California, with no small reservation in terms of my taking such a position as it relates to questions of our environment and its protection.

I want the House, my colleagues, to know that I take no back seat to anyone relative to environmental concerns. During my years in the State legislature, it was my privilege to serve as the chairman of a standing select committee on air quality. There, I was the author of a bill which fashioned the toughest air quality management district in the entire country. Indeed the South Coast Air Quality Management District is recognized everywhere as a model in that field in terms of attempting to improve our environment with regard to air quality.

While in the legislature, I fashioned legislation to try to protect my desert district as well. In those days, there were people who saw the beauty of the desert and they decided to come across the lines from Nevada and Arizona. We would find, after going to sleep at night, looking at a beautiful scene, that scene would have changed because people were coming and stealing whole stands of cacti to take off and put in somebody's garden or used for nursery purposes.

Indeed, we improved law enforcement to stop that kind of activity. Time and time again we have taken steps to protect the desert from people across State lines who want to take advantage of its beauty.

Since being a Member of the House, I played a role in doubling the number of BLM Desert Rangers available for protecting the eastern Mojave, where largely we have difficulty some 20 to 30 miles outside of the urban centers where people use offroad vehicles and otherwise in an abusive fashion. Past that, the terrain is largely undisturbed. That does not address the questions, however, that are a part of this bill.

Since coming to Congress, from the very earliest days I began attempts to communicate with this committee. I remember the former chairman, Phil Burton, who was a very talented legislator in this area, who worked with my predecessor fashioning the Federal Lands Policy and Management Act. I would submit that he was a gentleman of compromise who recognized the value of dealing with his colleagues one on one and dealing with his colleagues especially where their districts were involved. I remember Phil Burton back there right at the end of that aisle put his arm around me when I first arrived and he said, "JERRY, know what wilderness is."

□ 1920

Mr. Chairman, we talked often about that. If he had not, unfortunately, passed away, I would suggest we would have fashioned a bill that provided for compromise and made sense some time ago.

Mr. Chairman, it is my personal view that, if H.R. 518 does become law, it is going to have several very, very serious and negative impacts, not the least of which is the negative impact it will have upon our national park system. This bill proposes three new national parks, one dealing with Death Valley, one dealing with Joshua Tree, one dealing with the east Mojave.

Within the process there are four million acres of wilderness proposed. Nowhere within this process, however, is there any stream which logically suggests where the funding will come from. That is left for another time, and the answer really is coming forth in subcommittee. It is that it is going to come from the rest of the park's budget at the very moment when the really beautiful sections of our country, in terms of national parks that already exist, are highly pressured by a lack of funding, cannot keep up the roads, cannot build housing for employees, et cetera, et cetera. Yellowstone, Yosemite, all are under great, great pressure, and yet there is no answer to where the funding is going to come from.

The eastern Mojave's 1.5 million, almost that many acres of a new national park, are in territory that absolutely has almost none of the elements that justify designation as a national park. It has endless thousands of miles of roadways through it. There are transmission lines used by utility companies. Currently there is a great controversy because it has been decided that just outside its borders is a great location for one of our low level radioactive waste locations.

Ward valley is a great controversy. I say to my colleagues, "If you go to that location, drive 3 miles across the desert, same land, exactly the same land, you would suddenly be in a national park." Somebody has decided that we ought to put the whole world of the east Mojave into national park when we are under great pressure in terms of financing the parks that already exist. The mining question is not a light question. Of the thousands of mines within the desert region, Mr. Chairman, 10,000 of those mining claims are located in the east Mojave.

Many, many of the elements and potential riches of that area are yet to be untapped. We are developing new technology for discovering where these vital resources are located, and, as time goes on, there is going to be a virtual fortune available to the interests of America in terms of not just our fundamental wealth that relates to minerals, like gold and silver, but in terms of minerals that relate to our national defense and our industrial capacity. It is fundamental to recognize that there are few areas in the world that have this kind of potential, and yet there are people in common desert territory that does not deserve designation as a park per se where the BLM would protect the areas that do deserve protection and in the meantime would make available to us the kinds of resources of which I speak.

Mr. Chairman, this will destroy the mining industry of our region. Under park direction if will be impossible for any of the small miners to really operate. They will end up vacating those claims. Hundreds, if not thousands, of jobs will be lost, and certainly the amount of money is even yet to be within the realm of calculation.

There are some 800,000 acres of known in-holdings within the region. It happens. Nobody has really discussed this before. I have not because wanted to wait until this moment. Within those in-holdings I personally have a little 40-acre parcel. I say to my colleagues,

> You know, frankly this is going to really help me a lot. I ought to be voting for this think because that parcel happens to be right on the edge of one of the slopes that will probably be part of the park system. However, the overwhelming numbers of my constituents don't want a park. May be I can convince someone to make a ski run right down to my property. Indeed I may benefit, so I am not worried about that per se.

But it is interesting the way in-holders are handled by the legislation developed by the gentleman from California [Mr. MILLER] and his colleagues within the committee. Two major land holders; one involves roughly 244,000 acres in the ease Mojave. That involves the California Lands Commission. The other involves a minor little corporation that also has in excess of 300,000 acres. That little corporation is known as Catellus Development Corporation, and, my colleagues, listen to this:

It is actually the land holding company of the Sante Fe Railroad. And guess what? Those two big land holders are somehow treated especially well by this bill. They are put at the front of the line, and they are allowed to really get the first action for trading out of that land as the park decides they have got to take over that property. Indeed over time, if appropriate trades are not available, they will eventually be given chits which have value for which Catellus will be able to trade for other Federal assets or even sell to a third party.

To suggest that they are treating inholders fairly in this process, is to pay no attention to the real benefit being given to very special interests in this case.

I have no idea what kinds of conversations have taken place by the committee and the representatives of Catellus, and I would not suggest anything direct, but it surely is interesting to note that a significant piece of Catellus is owned in a stock sense by the employees association in California.

I am a former employee in California in the legislature. I suppose I may benefit from that as well, but frankly, I think the average people who are going to be effected negatively, who are small property holders, need at least the kind of care, and service, and attention that these two huge property owners are getting from the committee.

Additionally it seems to me, Mr. Chairman and Members, we ought to be very, very careful about guesstimates.

Let me kind of shift gears by saying that there are all kinds of materials that can be presented to the committee relative to what these kinds of land transactions actually cost. In the interests of time I will reserve those until we get to the amendments that will be ahead of us sometime in the near future. I think it is awfully important for us to keep in mind though that, unlike many of our national parks, the California desert is not directly threatened, especially in the east Mojave.

I say to my colleagues,

> It is a fact of life, when you get 25 miles outside of Victorville, or Barstow, or otherwise, the desert has done awfully well all by itself for a long, long time. Much of it is beautiful territory, but the two areas that we are talking about that are national monuments, about which I have no real argument, but monuments that involve Death Valley and the Joshua Tree, are already doing very, very well under current management. No one has suggested they have not done very, very well. The east Mojave has a pretty far reach. The current managing agency of the east Mojave, the BLM, has done a fine job with limited resources. Let's adequately fund the BLM, and let them continue to provide protection for multiple uses. It is very apparent that one way or another this legislation is the result of the direct influence of a very special group of interests rather than the general public, let alone the elected representatives of any of the counties that represent this territory.

Mr. Chairman, every county involved here opposes this legislation, and I thank the gentleman from Utah [Mr. HANSEN] for having yielded this time to me.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. McCANDLESS].

Mr. McCANDLESS. Mr. Chairman, I rise in strong opposition to H.R. 518, the bill now before us.

Once again, I would like to emphasize to my colleagues the false promises made by H.R. 518, and underline the fact that this is not just another California issue. It has extremely serious budget and policy implications, which will be of no small interest to each of our constituencies. Let me also clarify that despite claims which will be made to the contrary, I and my desert colleagues are not opposed to protecting the desert. However, we are interested in doing it right, and H.R. 518 fails miserably in this regard. Fortunately, a workable alternative exists, which we will be discussing later.

I have been intrigued by some of the arguments in favor of this bill which have been set forth by its proponents. We have heard repeatedly from the "alleged" environmental community that anything short of this bill is an affront to our great deserts. This bill will ultimately affect roughly 8 million acres, in both parks and wilderness areas. The mindset here is evident—"bigger is better". Never mind that much of the "wilderness" it would create makes a mockery of the original 1964 Wilderness Act; never mind that we lack the funds to pay for and manage these newly designated areas; and never mind our inability to adequately manage existing natural resource areas. We all know by now about the funding backlog at the Park Service, and its perennial budget shortfalls. It is clear to me that if we do not have available the proper assets to care for our parks and wildlands, then they will deteriorate.

It may be that it is only clear to me because I am actually from the desert in question here, unlike any of my colleagues in either chamber who support H.R. 518.

My question is this: what resource management or conservation goals are being met when our policy for such things consists of bestowing an eloquent title on a given area, knowing full well that we cannot properly care for it? What good is it, for example, to congratulate ourselves for creating three new National Parks, as H.R. 518 would, when the superintendent of Yosemite National Park says on a popular morning T.V. show that his park absolutely lacks the resources it needs to do just basic things, like repair trails or maintain restrooms? If this is the case at Yosemite, one of the "crown jewels" of our park system, what chance do three brand new parks have of being properly funded and cared for?

Make no mistake, some money will be found for these new areas. But because it will be drawn from a finite and shrinking pot of dollars, national park service facilities in each State, and the Americans who visit them, will feel the pinch. This is why I have a hard time with criticism in my own backyard from so-called environmentalists, who in the name of their own narrow agenda are willing to gamble on the future viability of our natural resources. It raises the question of motive—what would these professional chicken littles do for a living, if we actually had our house in order, and were able to take proper care of these resources nationwide? What shrill warnings could be sounded, what breasts could be beaten, if our park system was properly maintained? Mr. Chairman, it is cause for wonder.

Mr. Chairman, let me also make it abundantly clear that there is a true alternative, despite the clucking of the chicken littles. California now boasts a nearly 6 million acre wilderness system, which in my humble opinion is unparalled in magnificence. It is the largest such system outside of Alaska. The Lewis substitute would expand that by 2.3 million acres. However, unlike H.R. 518, it would recognize the need for common sense management of the diverse desert environments. It is a fair compromise, shaped after considerable public input, dozens of hearings, and years of give and take between varied user groups. So make no mistake, friends, you can vote for a sound wilderness proposal without all the negative baggage of H.R. 518. Let us not give in to the fantasy of "bigger is better". We know we can make a smarter choice than that.

□ 1930

Mr. HANSEN. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I wanted to thank the gentleman from Utah, the ranking Member, Mr. HANSEN, who has done a wonderful job on this bill, for yielding.

Mr. Chairman, let me address what I think are the three important elements of this so-called desert bill, a bill that I call the desert lockout bill. The first of those elements is people. You know, there was a movie made a couple of years ago about motorcycle racing called "On Any Sunday". That title went directly to the appeal of that particular sport, because that sport was one that was enjoyed by blue collar America. The idea was that "On Any Sunday" you would see thousands of Americans going out to the out-of-doors to race their motorcycles on off-road races, to enjoy with their families some time away from the boss, away from the job, and, without needing to be independently wealthy, they could take a little time in America, away from their home and away from the urban area, and enjoy a great sport.

I like to think that title, "On Any Sunday", often applies to the blue collar Americans who live in the urban areas in southern California. All of my colleagues know when you fly into southern California, you get close to the coast, you see a ton of concrete. You see wall-to-wall concrete in Los Angeles. You can fly in a high-speed aircraft for 30 minutes and still be over Los Angeles. And it is getting so Orange County and San Diego areas are similar.

Yet blue collar Americans, without needing the type of money that is required if you want to take your vacation in New Zealand and go fly fishing, or take an around the world vacation, or do any of the other things you can do if you have a lot of money, blue collar Americans who live in these urban areas in southern California can get in their campers, they can hook up the dune buggy, they can hook up the motorcycles, they can get the kids, and get away from the boss by going to the California desert.

If you go out there, like I have and my colleagues the gentleman from California, Mr. McCANDLESS and Mr. LEWIS and others, if you go out there and talk to them when they are camped under that particular paloverde tree, they might tell you, including one of the last groups I talked to, where the grandmother camped out under that same tree with her husband, now gone, and where the children had camped out under that tree, and now the grandchildren were camping under that very tree, policing the desert, taking good care of it, but, nonetheless, enjoying the fact that they could go back year after year, to their favorite place. That is what the desert means to hundreds of thousands of blue collar Americans. And, let us be blunt about it, that is what we are taking away in thousands of instances.

The chairman has said you can still enjoy this off-roading in parts of the California desert, but you cannot enjoy it where you have enjoyed it for 20 or 30 or 40 years, and that is a fact. And a lot of California families are going to be leaving these favorite places.

You know, that is a real tragedy, because that is part of the joy and part of the lifestyle and part of the freedom of living in California, being able to get a little bit remote, get away from that boss, forget about the work, and spend a little time with your family.

Let me talk a little bit about crime control, because crime control is a major defect in this particular bill. We have massive smuggling taking place, of both illegal aliens and illicit narcotics, heavy on the cocaine, coming across the Mexican-California border.

Now, the smugglers are very flexible and they are very creative. And as we have built a border, including a border fence, on the western part of the California-Mexican border, extending to the Pacific Ocean, the smugglers have begun to go east. They have gone into what is my district in Imperial County, a part of Imperial County that is abutted by several of the wilderness areas, proposed wilderness areas, where no vehicles are going to be allowed.

Now, what does that mean to a smuggler? It means a smuggler, who cuts across the border in a vehicle, whether he is carrying 20 pounds of cocaine in a back bag and riding a motorcycle or pickup or some other type of four-wheel drive, looking to make some fast money, it means once he goes into this refuge that has been created that will operate to his benefit, that has been created by the desert wilderness bill, by this body, it means that law enforcement agents cannot follow.

In other cases, it means that law enforcement agents, whether they are driving four-wheel drive vehicles or flying aircraft, cannot run reconnaissance over this particular piece of land.

What that means is we are creating thoroughfares or smuggling corridors for these smugglers. Let me tell you how creative and how flexible and responsive these smugglers are. We have built this border fence and put more border patrol on the 14-mile smuggler corridor between Tijuana and San Diego, where about 50 percent of all the dope and illegal alien smuggling nationwide takes place. Since we have done that, they have started to flank that operation by going out in the California desert. We now have see the figures, the drug seizures, go up from about $113 million a year, 2 years ago, to almost $600 million, four times that, in just 1 year.

□ 1940

So what we are doing here is creating a haven at the same time when the administration is saying we have got to crack down on the smuggling of narcotics and illegal aliens, we are creating a haven, a thoroughfare for the smugglers. And that provision, unless we have a provision in this bill that gives law enforcement people total access to those wilderness areas that abut the border, we are going to see the same creativity and the smugglers moving into those areas that they have shown in moving into other areas to the east of the border fence.

Last, Mr. Chairman, let me say this about wildlife and about access to desert water. Desert Wildlife Unlimited has built 59 watering holes that has singlehandedly brought back the desert bighorn sheep and the desert mule deer in the desert just north of Mexico.

Under this Wilderness Act that is proposed, we will not be able to take vehicles into this area, and we cannot maintain these guzzlers without having vehicles in the area. If we do not bring in the jackhammers and the other equipment that is necessary to maintain these drinking water holes where the bighorn sheep can go down into the deep tenhaas without slipping down and drowning, we are going to see these sheep and these deer going into the All-American Canal where they wear their hooves out trying to climb back up the canal after they have slipped down.

Three reasons, people, wildlife, and crime control, for us to vote against this bill.

Let me just amplify on the last point that I made. I was very distressed to see the Sierra Club being against this wildlife preservation amendment that we are going to offer to allow vehicularized access by State fish and game so that they can go in and service these 59 watering holes that have been dug by real conservationists, people who went out in 120-degree heat into the desert that is actually below sea level during the summertime, in the wintertime and built 59 watering holes that has brought back this great resource.

Let me tell my colleagues, I will bring out tomorrow photographs of desert bighorn sheep and deer that have literally worn out their hooves trying to get out of the All-American Canal in the days when we did not have those watering holes out there in the desert. And I am going to be reading letters from some of these wildlife conservation groups that have put their blood and sweat and tears into preserving these species. I think it is a little bit unsettling to real conservationists to see armchair conservationists in the Sierra Club dismiss all their hard work and all their expertise with a few papers on the House floor.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague's comments. He is hitting right at home on a number of the basic issues that we will be addressing by way of amendments when the bill comes back up. We are not sure exactly when it will. It may be somewhat beyond tomorrow.

I must say from there, the old saying that says "A man's home is his castle" is very much related to our great desert.

In this bill, we are taking away people's property rights in an arbitrary fashion. We are cutting off America's access to one of the most beautiful spots in the entire country. And they presume that people who are trying to protect the bighorn sheep someway are hurting the environment. And indeed, the gentleman makes a number of points that I hope the public as well as my colleagues will focus upon very carefully as we go forward with amendments.

Mr. HUNTER. Mr. Chairman, I thank my friend. He is absolutely right. A lot of California families, when this lockout bill goes through, will lose their home or a part of their home.

Mr. SABO. Mr. Chairman, I would like to address one aspect of H.R. 518 which concerns me gravely. The bill circumvents the discipline of the Budget Act by including spending outside the 10-year timeframe covered by current budget law. H.R. 518 allows the California State Lands Commission and the Catellus Development Corp., a private development company, to be compensated for land exchanges with unfinanced monetary credits after the year 2004.

If these credits were first effective before October 1, 2004, there would be a violation of the budget resolution. H.R. 518 is saved from problems with House or Senate budget rules only because the credits do not become effective until fiscal year 2005. CBO estimates that the potential value of the monetary credits could be as high as $180 million.

I am convinced of the importance of protecting the California Desert, and I will not oppose passage of H.R. 518. However, I am concerned about this funding mechanism. Clearly, sound fiscal policy is not well-served by legislative provisions that are designed to bypass budgetary constraints. I urge my colleagues on the Natural Resources Committee to do all that they can to ensure that the final bill which emerges from a conference committee with the Senate does not include this provision.

The CHAIRMAN. All time has expired.

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WISE] having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 322, MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. MILLER of California, LEHMAN, RAHALL, YOUNG of Alaska, and Mrs. VUCANOVICH.

There was no objection.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT,
Washington, DC May 17, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance is inconstant with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of California). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the remaining two motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 18, 1994.

AIRPORT IMPROVEMENT PROGRAM TEMPORARY EXTENSION ACT OF 1994

Mr. WISE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill (S. 2024) to provide temporary obligational authority for the Airport Improvement Program and to provide for certain in airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting ", and $15,413,157,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amounts";

(2) by inserting "to less than $1,900,000,000" after "to be obligated"; and

(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "$400,000" and inserting "$500,000".

SEC. 104. DISCRETIONARY FUND.

(a) MINIMUM AMOUNT TO BE CREDITED.—Section 507(c) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(c)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In any fiscal year not less than $325,000,000 of the amount made available under section 505(a) shall be credited to the discretionary fund established by paragraph (1), and such $325,000,000 shall be exclusive of amounts that have been apportioned in a prior year under this section and which remain available for obligation.

"(B) In any fiscal year in which the amount credited to the discretionary fund pursuant to paragraph (1) is less than $325,000,000, the total amount calculated under subparagraph (C) of this paragraph shall be reduced by an amount which, when credited to the discretionary fund, will, together with the amount credited pursuant to paragraph (1), equal $325,000,000.

"(C) The total amount, for any fiscal year, that is subject to reduction pursuant to subparagraph (B) shall be the sum of—

"(i) the amount determined under subsection (a)(1);

"(ii) the amount determined under subsection (a)(2);

"(iii) the amount determined under subsection (a)(3);

"(iv) the amount determined under section 508(d)(1);

"(v) the amount determined under section 508(d)(2);

"(vi) the amount determined under section 508(d)(3);

"(vii) the amount determined under section 508(d)(4); and

"(viii) the amount determined under section 508(d)(5).

"(D) To accomplish a reduction pursuant to subparagraph (B), each of the amounts described in subparagraphs (C)(i) through (C)(viii), respectively, shall be reduced by an equal percentage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 105. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

Section 508(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

(1) in paragraph (1), by striking "10" and inserting "5";

(2) in paragraph (3), by striking "2.5" wherever it appears and inserting "1.5"; and

(3) in paragraph (4), by striking "½" and inserting "¾".

SEC. 106. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following:

"(C)(i) it was incurred—

"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was previously executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums appointed under sections 507(a)(1) and 507(a)(2).".

SEC. 107. TERMINAL DEVELOPMENT.

Section 513(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(2)) is amended—

(1) in the second sentence)

(A) by inserting after "may be used" the following: ", subject to the approval of the Secretary, (A)"; and

(B) by striking the period at the end and inserting the following: ", and (B) by the sponsor of a reliever airport for the types of project costs allowable under paragraph (1) of this subsection, including project costs allowable for a commercial service airport which annually has .05 percent or less of the total enplanements in the United States."; and

(2) by adding at the end the following: "All or any portion of the sums to be distributed at the discretion of the Secretary under sections 507(c) and 507(d) for any fiscal year may be distributed for use by primary airports each of which annually has .05 percent or less of the total enplanements in the United States for project costs allowable under paragraph (1) of this subsection.".

SEC. 108. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Inter-modal Transportation Act of 1992)" and inserting "or the Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 109. UPWARD ADJUSTMENTS.

(a) IN GENERAL.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "Apportioned"; and

(2) inserting before the period at the end "; and

(B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) COMPLAINT BY AIR CARRIER.—

(1) FILING.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) OPPORTUNITY TO RESPOND.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) FRIVOLOUS COMPLAINT.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) Order By The Secretary.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) LIMITATION.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) OPPORTUNITY TO COMMENT AND FURNISH RELATED MATERIAL.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretay on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) ACTION ON COMPLAINT.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) APPLICABILITY.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.

SEC. 202. DEFINITIONS.

For purposes of this title.

(1) the term "fee" means any rate, rental charge, landing fee, or other service charge for the use of airport facilities; and

(2) the term "Secretary" means the Secretary of Transportation.

TITLE III—REFORM OF AIR TRAFFIC CONTROL SYSTEM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM.

(a) STUDY.—The Secretary of Transportation shall undertake a study of management, regulatory, and legislative reforms which would enable the air traffic control system of the Federal Aviation Administration to provide better services to users and reduce the costs of providing services, without reducing the safety of the system or the availability of the system to all categories of users and without changing the basic organizational structure under which the system is part of the Federal Aviation Administration.

(b) COMPONENTS.—The study to be conducted under subsection (a) shall include the following:

(1) Evaluation of reforms which would streamline procurement, enhance the ability to attract and retain adequate staff at hard-to-staff facilities, simplify the personnel process, provide funding stability, ensure continuity of leadership, and reduce the incidence of unnecessarily detailed management oversight.

(2) Identification of any existing laws or regulations governing procurement or personnel which are having an adverse effect on the operation or modernization of the air traffic control system.

(3) Evaluation of a range of possible reforms and the advantages and disadvantages of each possible reform.

(4) Comparison of the advantages and disadvantages of each possible reform with the comparable advantages and disadvantages to be achieved under any proposal of the Secretary of Transportation to create a separate Federal corporate entity to operate the air traffic control system.

(c) DEADLINE.—The results of the study to be conducted under subsection (a) shall be contained in a report which shall be completed by the Secretary of Transportation on or before the date which is 180 days after the date of the enactment of this Act, or the date on which the Secretary submits to Congress proposed legislation to create a separate corporate entity to operate the air traffic control system, whichever date occurs first.

(d) TRANSMITTAL.—On the date of completion of the report under subsection (c), the Secretary of Transportation shall transmit copies of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 401. GRANDFATHER PROVISION FOR FAA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Notwithstanding the termination of the personnel demonstration project for certain Federal Aviation Administration employees on June 17, 1994, pursuant to section 4703 of title 5, United States Code, the Federal Aviation Administration, subject to subsection (d), shall continue to pay quarterly retention allowance payments in accordance with subsection (b) to those employees who are entitled to quarterly retention allowance payments under the demonstration project as of June 16, 1994.

(b) COMPUTATION RULES.—

(1) In general.—The amount of each quarterly retention allowance payment to which an employee is entitled under subsection (a) shall be the amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994, reduced by the portion of the amount of any increase in the employee's annual rate of basic pay subsequent to June 17, 1994, from any source, which is allocable to the quarter for which the allowance is to be paid (or, if applicable, to that portion of the quarter for which the allowance is to be paid). For purposes of the preceding sentence, the increase in an employee's annual rate of basic pay includes—

(A) any increase under section 5303 of title 5, United States Code'

(B) any increase in locality-based comparability payments under section 5304 of such title 5 (except if, or to the extent that, such increase is offset by a reduction of an interim geographic adjustment under section 302 of the Federal Employees Pay Comparability ACt of 1990 (5 U.S.C. 5304 note));

(C) any establishment or increase in a special rate of pay under section 5305 of such title 5;

(D) any increase in basic pay pursuant to a promotion under section 5334 of such title 5;

(E) any periodic step-increase under section 5334 of such title 5;

(F) any additional step-increase under section 5336 of such title 5; and

(G) any other increase in annual rate of basic pay under any other provision of law.

(2) SECTION RULE.—In the case of an employee on leave without pay or other similar status for any part of the quarter prior to June 17, 1994, based on which the amount of the allowance payments for such employee under subsection (a) are computed, the "amount of the last quarterly retention allowance payment paid to such employee under the personnel demonstration project prior to June 17, 1994" shall, for purposes of paragraph (1), be deemed to be the amount of the allowance which would have been payable to such employee for such quarter under such project had such employee been in pay status throughout such quarter.

(c) TERMINATION/—An employee's entitlement to quarterly retention allowance payments under this section shall cease when—

(1) the amount of such allowance is reduced to zero under subsection (b), or

(2) The employee separates or moves to a position in which the employee would not, prior to June 17, 1994, have been entitled to receive an allowance under the demonstration project,

whichever is earlier.

(d) SPECIAL PAYMENT RULE.—The Administrator of the Federal Aviation Administration may make payment for the costs incurred under the program established by subsection (a) for the period between June 18, 1994, and September 30, 1994, following the end of the first full pay period that begins on or after October 1, 1994, subject to appropriations made available in fiscal year 1995.

(e) STUDY OF RECRUITMENT AND RETENTION INCENTIVES.—The Administrator of the Federal Aviation Administration shall conduct a study of impediments that may exist to achieving appropriate air traffic controller staffing levels at hard-to-staff facilities. In conducting such study, the Administrator shall identify and evaluate the extent to which special incentives, of a financial or non-financial nature, could be useful in recruiting or retaining air traffic controllers at such facilities. The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 180 days after the date of enactment of this Act a report on (1) the results of such study, (2) planned administrative actions, and (3) any recommended legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia [Mr. WISE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important legislation which will release $800 million in funding for the Airport Improvement Program. This bill will permit work to begin on important projects to improve airport safety and capacity before the end of this year's construction season.

We passed a short-term AIP bill 2 weeks ago. The bill now before us represents a compromise between our bill and the short-term bill passed by the other body.

The bill now before us is a good and fair compromise. In addition to the provisions on airport funding, the bill includes all the provisions which were in our original bill. I consider one of these provisions to be of particular importance; the provision requiring the Federal Aviation Administration to continue a pay differential program, which was begun 5 years ago to attract air traffic controllers, technicians and inspectors to hard to staff facilities in New York, Chicago, and California.

Without this legislation, the pay differential would expire in June and the pay of personnel in critical air traffic control facilities would be cut 12 to 15 percent. This would create severe morale problems which could impair air traffic control.

On AIP fundings, the bill now before us represents a fair compromise between the House and the Senate. The compromise on funding formulas strikes a good balance between the needs of large and small airports and ensures that FAA will have enough discretionary money available to fund those projects which can make the greatest difference to the efficiency of the national aviation system.

Finally, Mr. Speaker, I regret that we have been unable to reach agreement with the Senate on a long-term reauthorization bill. Airports need to plan their capital development with knowledge that there will be a stable Federal program in place for several years. Last September, the House passed a 3-year reauthorization for fiscal years 1994 through 1996. Unfortunately, the other body has not been able to pass its own multi-year bill because of unrelated disputes over general aviation product liability and airport fees and charges. We are hopeful that these disputes will be resolved soon and that the other body will be able to pass a multi-year reauthorization bill in the near future.

In the meantime, it is critical to pass this short-term extension so that we will not lose this year's construction season. I urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2024 is very similar to legislation which was passed by the House 2 weeks ago under the Suspension Calendar.

The bill before us provides a temporary authorization of the Airport Improvement Program, allowing up to $800 million in new grants for eligible airport construction activities.

Following passage of the earlier bill, we negotiated with our Senate counterparts to reach a quick compromise on the shape of the temporary AIP bill. On Thursday last, May 12, the Senate passed S. 2024. And if the House approves the bill today, it will be sent to the President for enactment.

Let me take just a moment to describe two major differences between the bill reported by the House on May 3 and the bill now before us.

☐ 1950

Airports chiefly rely on two distinct pots of money, both of which are part of Airport Improvement Program. One pot is distributed by formula based on the number of passengers and volume of cargo that passes through the airport. A second pot, the discretionary fund, is managed by the Federal Aviation Administration based on their assessment of national priorities.

Current law does not establish a minimum size of the discretionary fund. Instead, after the allocations and setasides have been established for a variety of AIP-related programs, and these are all done by formula, whatever remains is reserved for the discretionary fund.

Over the last several years the size of the discretionary fund has been steadily diminishing. The bill before us would change the allocation practice by establishing that, at a minimum, the discretionary fund will be authorized at $325 million. To achieve that goal most AIP programs, with the exception of Alaskan airports, will be subject to across-the-board reductions of the degree necessary to reach the $325 million level. Whether or not reductions occur depends on the obligation limitation set annually through the appropriations process.

I think this is a worthwhile provision, Mr. Speaker, giving greater latitude to the FAA to fund expensive needed airport development projects.

Mr. Speaker, another noteworthy modification in the bill before us increases the minimum annual entitlement for our smallest commercial airports by an additional $100,000. I strongly support this feature of the bill. Airport projects, even minor ones, are very expensive, and small airports generally do not have the resources to afford them. This increase will be a significant help.

Mr. Speaker, while on the issue of small airports, I would like to stress the importance of the Small Airport Fund. The House successfully resisted attempts to cut this fund, as we have dealt with the matter this year. Consequently, the bill before us does not change any of its features. I want to use this opportunity to point out to Members that small airports do not have the volume of passengers to make PFC's, passenger facility charges, a practical option for financing expensive capital projects such as new runways, terminal buildings, or the like.

In addition, Mr. Speaker, small airports do not have the same access to bond markets, and typically their local government sponsors do not have deep pockets to finance these very expensive projects at their small airports.

The creation of the Small Airport Fund in the 1990 authorization, or reauthorization, has been and continues to be a very important supplement to their financial well-being, so I really welcome the fact that we have been able in this bill to increase that fund or that amount by $100,000.

Mr. Speaker, there are several other smaller, lesser changes in the bill that I think I would describe, and would clearly be described, as very technical in nature, and do not need to be dwelt upon at great length here. I would just indicate that I strongly support this measure, and I would encourage all Members to support it, as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, section 301 of the bill directs the Secretary of Transportation to undertake a comprehensive study of management, regulatory, and legislative reforms which would enhance the efficiency of the air traffic control system while preserving the existing organizational structure under which the ATC system operates as part of an integrated Federal Aviation Administration. The study will compare the advantages and disadvantages of reform of the existing structure with those of proposals to break up FAA into two parts; a government corporation to operate air traffic control system and a rump FAA to regulate the safety of the ATC system and carry out other FAA responsibilities.

It should be clearly understood that the requirements of section 301 for a study are not met by the discussion in the administration's recent report "Air Traffic Control Corporation Study." We do not regard the brief discussion of internal reform in this document as the in-depth, objective analysis called for by section 301.

It is somewhat surprising that there is any discussion of internal reform in the administration's report, since early this year the administration announced that it would no longer be studying alternatives to a breakup of FAA, but would focus its study on the details of establishing a corporation. The decision not to study internal reform was severely criticized. In an apparent response to the criticism, it was decided to have the final report recommending an ATC corporation include a brief discussion of internal reform.

In discussing internal reform, the study concedes, as it must, that FAA's alleged problems with legislative and regulatory limitations governing personnel, procurement and funding could be solved by eliminating or modifying these requirements, while keeping FAA as an integrated Government department.

The remaining question is what are the advantages and disadvantages of going beyond these reforms and breaking up FAA into two units. On this complex question, the report contains only a few sentences, which appear to assume that only government corporations, and not government departments, can develop the management skills needed to carry out complex technological programs. This assumption ignores the poor results achieved when governmental or quasi-governmental corporations were formed to run the Postal Service and Amtrak. This assumption of corporate superiority is also inconsistent with discussion, in the report and elsewhere, in which the administration speaks admiringly of the skills and dedication which the ATC workforce shows in running a safe and efficient system in the face of the allegedly burdensome personnel and procurement rules. Why couldn't this skilled and dedicated workforce achieve all the benefits attributed to a corporation if legal and regulatory restraints are removed, but FAA remains intact.

Our legislation contemplates a more complete, objective analysis of FAA than is found in the administration's corporation report. There needs to be a more focused discussion on which of the requirements governing personnel, procurement, and budget are believed to create the greatest problems and how these requirements might be changed. There needs to be serious consideration of the problems which have been raised by the Congress, the General Accounting Office, the Aircraft Owners and Pilots Association, the National Academy of Public Administration, and others that splitting up FAA will require a new allocation of responsibilities between two Government agencies, which will create risks and uncertainties. It must also be recognized that if a government corporation is freed from personnel and procurement restrictions applying to the Government generally, the corporation will have to set up its own systems to deal with these matters. There are risks and uncertainties inherent in establishing these new systems.

Without spelling out every detail of the study required by the pending legislation, we wish to make it clear that the legislation contemplates much more than the brief, advocacy discussion included in the administration's ATC report.

Mr. Speaker, I include for the RECORD memoranda from the Congressional Budget Office and the Department of Transportation on the scoring of the bill for budget purposes, and on the amount of contract authority authorized by the bill:

MEMORANDUM

To: Donna McLean, House Committee on Public Works and Transportation.

From: John Patterson, Budget Analyst, Congressional Budget Office.

Subject: Airport Improvement Reauthorization

Date: May 9, 1994.

If the temporary reauthorization amends the cumulative contract authority for the Airport Improvement Program to $15,413,157,000 for fiscal year 1994, does not amend the FY 1994 obligation limitation of $1,690,000,000, and ends funding for the program on June 30, 1994, the Congressional Budget Office will score −$65,343,000 in budget authority (see table) and will not score a change in outlays.

Scoring of temporary airport improvement reauthorization

Contract Authority through FY 1993	$15,966,700,000
Less: February 1994 Rescission	$488,200,000
Current Level of Contract Authority	15,478,500,000
New Level of Contract Authority	15,413,157,000
Less: Current Level of Contract Authority	15,478,500,000
Change in level of contract authority	−65,343,000

If the long-term reauthorization raises the cumulative level of contract authority to $17,528,700,000 for FY 1994 and does not amend the FY 1994 obligation limitation, the Congressional Budget Office will score $2,115,543,000 in budget authority (see table) and will not score a change in outlays.

Scoring of long-term airport improvement reauthorization

Level of Contract Authority after Long-Term Reauthorization	$17,528,700,000
Less: Level of Contract Authority After Temporary Reauthorization	15,413,157,000
Change in Level of Contract Authority	2,115,543,000

Scoring of two bills combined

Scoring of Temporary Reauthorization	−$65,343,000
Plus: Scoring of Long Term Reauthorization	2,115,543,000
Total Scoring	2,050,200,000

DEPARTMENT OF TRANSPORTATION,
OFFICE OF ASSISTANT SECRETARY,
Washington, DC, May 10, 1994.

To: David Heymsfeld, Majority Aviation Counsel; David Shaffer, Minority Aviation Counsel.

From: Eugene Conti, Deputy Assistant Secretary.

Subject: AIP Authorization.

The Office of the Secretary of Transportation has been asked for its opinion on how much new AIP contract authority would be established by an amendment authorizing a cumulative contract authority level of $15,413,157,000.

It is our opinion that the above number results in $800 million in new contract authority for the AIP, and in addition authorizes $89.583 million for carryover entitlements for FY 1994.

The above figures reflect a change in the assumed level of unobligated contract authority available at the end of FY 1993, compared to what was shown in the President's FY 1995 Budget—an increase from $1,092.4 million to $1,443.1 million. This increase is an adjustment for certain prior year rescissions (the adjustment was not recorded when the cumulative contract authority was increased.) The difference between the cumulative authorization level of $15,966.7 million and cumulative obligations to date is $1,443.1 million—the adjusted level of carryover into FY 1994.

FAA and OMB agree with the amounts assumed above and the table below:

	Thousands
Unobligated balance as of 9/30/93	$1,443,126
Carryover entitlements and new FY 1994 program	−889,583
Excess CA given FY 1993 $15,966.7 million cumulative level	553,543
Cumulative CA level, end of FY 1993	15,966,700
Excess CA given new program and carryover	−553,543
Necessary CA needed to fund $889 million program	15,413,157

Mr. SHUSTER. Mr. Speaker, I am pleased to join my colleagues in support of this legislation to reauthorize the Airport Improvement Program. Our Nation's airports have been without critical Federal funding since last year when the AIP program expired. Although the House passed H.R. 2739 last October to reauthorize the program for 3 years, the Senate has been unable to pass similar long-term legislation due to a dispute over the regulation of airport rates and charges. Therefore, we need this legislation to restore some money to our aviation infrastructure.

This bill will permit FAA to issue $800 million in new AIP grants until June 30. There will be an additional $89 million in entitlements carried over from prior years that will be available on top of the $800 million.

In crafting legislation for only part of the year, several technical budgetary scoring problems were encountered. I am pleased that these problems have been resolved. We have a memorandum from the Congressional Budget Office [CBO] confirming that this bill will not create any scoring problems or change in outlays either now or when the long-term authorization ultimately passes. The CBO scoring of the bill also reflects the fact that it has already counted the rescission of $488 million in contract authority for the California earthquake relief. In addition, we have a memorandum from the Department of Transportation confirming that the cumulative authorization in this bill will result in $800 million in new contract authority for AIP.

Due to the complex funding allocations in the law and the fact that the authorization is for only part of the fiscal year, the exact amount of money to be allocated to each entitlement and set-aside has been a matter of some uncertainty. Therefore we have worked with the FAA in drafting appropriate legislative language to ensure that the money is allocated in the way Congress intends. In this effort, I would particularly like to thank Bert Randall, Lowell Johnson, and Jim Borsari of the FAA staff for their assistance. The charts they have provided for us show that, for example, primary airports will receive $550.7 million over the full year and $285.3 million under this bill and the small airport fund will receive $78.7 million over the full year and $39.4 million under this bill. We have drafted the legislation based on these numbers and we would expect the FAA to implement the program consistent with the numbers they have provided us.

The allocation of the AIP money in this bill reflects a compromise between the House and Senate versions. The Senate sought to increase the discretionary fund in order to provide more money to large airports. The original House bill sought to fairly allocate money between the large and small airports. The compromise we are considering today does create a larger discretionary fund but it does so in a way that does not unduly burden small airports. In fact, this bill raises the minimum entitlement for small primary airports and preserves the integrity of the small airport fund which the Senate had sought to cut.

In addition, the bill for the first time makes terminal development at non-hub primary airports eligible to receive discretionary money. This is the same provision that passed the House last year as part of the long term reauthorization. At the time, there was some confusion about exactly which airports were affected and how much they could receive. It should now be clear that the provision is designed to permit non-hub primary airports to receive money from the discretionary and small airport funds for terminal development. It is not designed to affect the cap that applies to other classes of airports. There is also a slightly different provision in this bill that applies to reliever airports. Both will enhance the ability of small airports to construct or improve their terminal buildings.

There are several other provisions in the bill that I would also like to mention.

Section 106 is a special reimbursement provision. As a general rule, the law does not permit airports to get reimbursement for work already done. But in this case, where a bill is being enacted for only part of the year, a special reimbursement provision seemed justified. This provision permits an airport that gets a grant from this part-year bill to continue with the work and get reimbursed, after the long-term bill is passed, for any costs that were not covered by the original grant. The reimbursement could only come from the airport's entitlement money.

Section 109 addresses a problem that has arisen at Blair County Airport and elsewhere. In some instances, an airport will get an AIP grant to purchase land only to find that the ultimate cost of the project is more than the original grant. Current law permits this overrun to be paid out of the money recovered from underruns in other grants. However, a recent interpretation of the law held that this could only be done while an AIP authorization was in place. This section will correct that interpretation retroactive to October 1, 1993.

Title II of the bill basically freezes airport fees until June 30. The dispute between airports and airlines over airport fees has been the stumbling block in the Senate to a longer term AIP reauthorization. This short-term freeze will preserve the status quo while this controversy is being resolved. With respect to this controversy generally, I would simply note that airports are already prohibited from diverting airport revenue to non-aviation purposes. But if airports are able to build up huge surpluses, the temptation and political pressure to divert revenue will be too great. Last summer's dispute between Los Angeles and the airlines showed that airports could use their monopoly position to dramatically increase rates and that they would try to divert the resulting revenue off the airport for non-aviation purposes.

Title III of the bill requires the Secretary of Transportation to study the air traffic control system and suggest ways to reform it without converting it to a Federal corporation. I have an open mind on the administration's corporation proposal although I am concerned about the safety implications of it. However, I do think it is important to fully consider other ways to improve the FAA. DOT's May 1994 corporation study does not do this and nothing that DOT has done so far meets the requirements of Title III.

Title IV grandfathers those controllers and other FAA safety personnel who are now receiving bonuses under the FAA's pay demonstration program. It is really a very fiscally conservative provision since it does not add any new employees to the program and it does not envision that existing recipients would get any pay increases until the normal pay scale catches up to their salary level. However, it does prevent the blow to morale that would occur if these employees should suddenly suffer a pay cut as would happen in June without this provision. Also, the provision gives the FAA the discretion to pay the fourth quarter 1994 bonus either this fiscal year or in fiscal year 1995.

Mr. Speaker, it is important that we pass this bill quickly before the construction season is lost. Therefore, I urge my colleagues to support this legislation.

Mr. WISE. Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WISE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from West Virginia [Mr. WISE] that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 2024.

The question was taken; and (two-thirds have voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment to the Senate bill was concurred in.

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment to the House amendment to S. 2024, the legislation just considered and concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in the Hospitals and Health Care Subcommittee of the Committee on Veterans' Affairs on May 11 and in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 12, 1994.

I also submit for the RECORD the votes on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 17, 1994.

COMMITTEE ON VETERANS AFFAIRS, SUBCOMMITTEE ON HOSPITALS AND HEALTH CARE

HEALTH CARE MARKUP, MAY 11, 1994

The following recorded votes were taken on May 11, 1994 in the Subcommittee on Hospitals and Health Care of the Committee on Veterans Affairs during consideration of Chairman Rowland's substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An Amendment by Mr. Smith to prohibit abortion in VA health plans except in cases of rape or incest and when the life of the mother is in danger. The amendment was passed 11–8.

DEMOCRATS

Mr. Rowland, "nay."
Mr. Applegate, "yea."
Mr. Montgomery, "nay" (ex-officio).
Ms. Long, "nay."
Mr. Edwards, "yea."
Mr. Clement, "yea."
Mr. Filner, "nay."
Mr. Tejeda, "yea."
Mr. Gutierrez, "nay."
Mr. Kennedy, "nay."
Mr. Bishop, "nay."
Mr. Kriedler, "nay."

REPUBLICANS

Mr. Smith, "yea."
Mr. Stump, "yea."
Mr. Burton, "yea."
Mr. Bilirakis, "yea."
Mr. Hutchinson, "yea."
Mr. Buyer, "yea."

Mr. Linder, "yea."

2. An amendment in the nature of a substitute by Mr. Rowland in lieu of title 8 of H.R. 3600, the Health Security Act. The amendment would maintain service-connected veterans as the highest priority for care and allow veterans access to a full range of services and not just limit them to the Clinton-provided benefits package.

DEMOCRATS

Mr. ROWLAND, "yea."
Mr. APPLEGATE, "yea."
Mr. MONTGOMERY, "yea" (ex-officio).
Ms. LONG, "yea."
Mr. EDWARDS, "yea."
Mr. CLEMENTS, "yea."
Mr. FILNER, "yea."
Mr. TEJEDA, "yea."
Mr. GUTIERREZ, "yea."
Mr. KENNEDY, "yea."
Mr. BISHOP, "yea."
Mr. KRIEDLER, "Nay."

REPUBLICANS

Mr. SMITH, "yea."
Mr. STUMP, "yea."
Mr. BURTON, "yea."
Mr. BILIRAKIS, "yea."
Mr. BUYER, "yea."
Mr. LINDER, "yea."

COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 12, 1994

The following recorded votes were taken on May 12, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the health Security Act of 1994.

1. An amendment by Mr. Hoekstra to restore the option for employers to choose between community-rated health plans (i.e. Regional Alliances) and experience-rated health plans (i.e. Corporate Alliances) as was initially provided in the Clinton bill. The amendment was rejected 10–15.

DEMOCRATS

Mr. WILLIAMS, "nay."
Mr. FORD (ex officio).
Mr. CLAY, "nay" by proxy.
Mr. KILDEE.
Mr. MILLER of California, "nay" by proxy.
Mr. OWENS, "nay" by proxy.
Mr. MARTINEZ, "nay."
Mr. PAYNE, "nay" by proxy.
Mrs. UNSOELD, "nay."
Mrs. MINK, "nay."
Mr. KLINK, "nay."
Mr. MURPHY, "nay" by proxy.
Mr. ENGEL, "nay" by proxy.
Mr. BECERRA, "nay" by proxy.
Mr. GREEN, "nay."
Mrs. WOOLSEY, "nay."
Mr. ROMERO-BARCELO, "nay."

REPUBLICANS

Mrs. ROUKEMA, "yea."
Mr. GOODLING (ex officio), "yea."
Mr. GUNDERSON, "yea" by proxy.
Mr. ARMEY, "yea."
Mr. BARRETT, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."

2. An amendment by Mr. Klink to exclude abortions from the comprehensive benefits package "except where—(A) a woman suffers from a physical disorder, illness, or injury that would, as certified by a physician, place the woman in danger of death if the fetus were carried to term; or (B) the pregnancy is the result of a forcible rape or incest. (c) CONSTRUCTION OF ABORTION EXCLUSION—Subsection (b)(10) shall not be construed to remove or diminish coverage of any reproductive health service, family planning service, or service for pregnant women otherwise provided for under this Act, except abortions. Page 91, after line 13, insert the following: (c) NO AUTHORITY TO ALTER ABORTION EXCLUSION—Notwithstanding any other provision of this Act, the Board may not expand the comprehensive benefit package to include any abortion that is excluded under section 1141(b)(10)." The amendment was rejected 11–16.

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "yea."
Mr. Miller of California, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay."
Mr. Klink, "yea."
Mr. Murphy, "yea" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay."
Mrs. Woolsey, "nay."
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "nay."
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

3. An amendment by Mr. Armey regarding the "Preservation of state authority regarding constitutionally permissible abortion regulations", which reads that "nothing in this Act shall be construed to conflict with any constitutionally permissible regulation of abortion by a State or a subdivision of a State." The amendment was rejected 11–14.

DEMOCRATS

Mr. Williams, "nay" by proxy.
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay."
Mr. Kildee, "yea."
Mr. Miller of California, "nay."
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "yea."
Mr. Murphy. ——
Mr. Engel, "nay."
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay" by proxy.
Mrs. Woolsey, "nay."
Mr. Romero-Barcelo, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Fawell (present).
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.

COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 17, 1994

The following recorded votes were taken on May 17, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. A motion by Mr. Clay to table Mr. Boehner's appeal of the Chairman's ruling against his amendment to require Members of Congress to be enrolled in community-rated health plans at the same time that their constituents are required to be enrolled under such plans in a state (the Chairman ruled the amendment was not within the Subcommittee's jurisdiction). The motion was agreed to 17–9.

DEMOCRATS

Mr. Williams, "yea."
Mr. Ford (ex officio), "yea" by proxy.
Mr. Clay, "yea."
Mr. Kildee, "yea" by proxy.
Mr. Miller of California, "yea" by proxy.
Mr. Owens, "yea."
Mr. Martinez, "yea."
Mr. Payne, "yea" by proxy.
Mrs. Unsoeld, "yea."
Mrs. Mink, "yea" by proxy.
Mr. Klink, "yea."
Mr. Murphy, "yea" by proxy.
Mr. Engel, "yea" by proxy.
Mr. Becerra, "yea" by proxy.
Mr. Green, "yea."
Mrs. Woolsey, "yea."
Mr. Romero-Barcelo, "yea."

REPUBLICANS

Mrs. Roukema.
Mr. Goodling (ex officio), "nay" by proxy.
Mr. Gunderson, "nay."
Mr. Armey, "nay."
Mr. Barrett, "nay."
Mr. Boehner, "nay."
Mr. Fawell, "nay" by proxy.
Mr. Ballenger, "nay.".
Mr. Hoekstra, "nay"by proxy.
Mr. McKeon, "nay" by proxy.

2. An amendment by Mr. Armey to strike the provision in the Chairman's mark requiring that the National Council on Graduate Medical Education, in making allocations among eligible programs for each medical specialty, consider (A) The extent to which the population of training participants in the program includes training participants who are members of racial or ethnic minority groups, and (B). With respect to a racial or ethnic group represented among the training participants, the extent to which the group is underrepresented in the field of medicine generally and in the various medical specialities. The amendment was rejected 8–18.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay."
Mr. Kildee, "nay."
Mr. Miller of California, "nay."
Mr. Owens, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay" by proxy.
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay."
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay" by proxy.
Mr. Green, "nay."

Mrs. Woolsey, "nay."
Mr. Romero-Barcelo, "nay."

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling, (ex officio).
Mr. Gunderson, "nay."
Mr. Armey, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

TRIBUTE TO THE LATE HONORABLE WILLIAM H. NATCHER

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 60 minutes as the designee of the majority leader.

Mr. MAZZOLI. Mr. Speaker, tonight it is my honor, on behalf of the delegation from the Commonwealth of Kentucky, and really on behalf, I am sure, of all the Members of the House, to take this special order to pay tribute, and I can think of no better word than the word tribute, it is very apposite here with respect to our late colleague, Congressman Bill Natcher of Kentucky, but to take this moment to pay tribute to that great man for his over 40 years of devoted and diligent service to the House of Representatives, to the Nation, to the Commonwealth of Kentucky, to the Second Congressional District of Kentucky, to his friends and his family in Bowling Green, his birthplace, and the center of his district.

□ 2000

Mr. Speaker, it has to be said that there have been in the history of the House, the history of this Congress on both sides of the Hill, important people, men and women, who have served their Nation with particular distinction. But try as I might and with full allowance to the fact that being a native-born Kentuckian myself, I am probably not one to be completely objective here, but try as I might, in searching my brain and the books of this Nation as carefully as I have, it is hard to think of anyone more qualified than Congressman Natcher, our late friend, for holding a distinction as one of the premier lawmakers in the history of our country.

Bill Natcher began serving the Second District of Kentucky in 1953. He was a young man at the time. However, he had already served as county attorney, commonwealth's attorney, he had served his country in the Navy in the service of his land, but he began that service in 1953 and probably never thinking that his service would extend for the next 40 years and for 18,000 plus consecutive votes, which remains a record for this assembly and probably for any free assembly in this entire Nation. But he was sworn in 1953 in a midterm and he was consecutively reelected without a break for the next 40 years until he passed away just recently in this year of 1994.

Throughout his service, Congressman Natcher was at all times a devoted public servant, he was at all times a very diligent legislator who rose as we all know to become chairman of the distinguished House Appropriations Committee. But as it was said in Bill's behalf at the funeral in Bowling Green, which many of us attended, as it was said by his family friend, Bill was never very far away from Bowling Green. President Clinton, who graced KY and Bowling Green and, of course, honored the memory of Bill Natcher by appearing at the funeral, said much the same thing: That Bowling Green was never very far from Bill's mind and heart. It at the same time represented in a figurative way of speaking the fact that Bill never, despite his ascendancy here to a position of great rank, never really forgot his roots, he never forgot his origins. He was born in Bowling Green, Kentucky. He never left it despite his 40 plus years here in Washington, and when the Lord called him home, he wound up his time in Bowling Green and it was so fitting that it would end that way.

Congressman Natcher was educated in the public school system of Warren County, received his degree from what was then known as Western State College which is now, of course, Western Kentucky University, and then Bill received his juris doctor degree, his law degree, from Ohio State University.

Bill began practicing law in 1934, and it was during this time that his public service truly began. He served as Federal Conciliation Commissioner in the period 1936 to 1937, County Attorney for Warren County which is, of course, the county in which Bowling Green is the county seat; he served as county Attorney for Warren County for three 4-year terms, almost 12 years; served as Commonwealth attorney from 1951 to 1953, which I might say also were the years when I was at the University of Notre Dame, reading at the same time about Congressman Natcher, never thinking that at some point I would actually serve with him.

As I mentioned, Bill was elected to Congress in 1953 and served until 1994, a 41-year career.

One of my first recollections of coming into this great Chamber in 1971 when I was elected was the distinguished gentleman from Kentucky, and once again I think of no combination of words that better describe Bill Natcher than "the distinguished gentleman from Kentucky," because he was a very distinguished looking man, very careful in his attire, fastidious, perfectly groomed at all times. He always made all of us look very sloppy and unkempt by comparison. It looks like we just came in from carrying the garbage out to the dump and Bill just stepped out of some gentleman's magazine, but that is how it was with him. The only human being I ever knew who could sit down in these chairs for hours in a row and stand up with nary a wrinkle, and how he did it to this day I still never know.

I watched him often as he arranged himself in these chairs, taking the coat, the tails of his coat and putting them in a certain way and arranging the trousers in a certain way, and I tried to do it many times and I still came away looking rumpled, but Bill always fresh as a daisy.

When the Vice President in Statuary Hall, which is just a few feet away from here, when Vice President GORE spoke at the memorial service held here in behalf of Congressman Natcher, the then Congressman GORE, our colleague in the House, remembered that any time Bill Natcher was in the chair as Chairman or Speaker pro tempore, something important was happening because all the Speakers back to the start, and it goes back in Bill's case to Speaker Rayburn, but in my case to Speaker Albert, they would choose Bill Natcher when they had a tough proposition to handle, they needed someone with parliamentary skills in the chair, they needed someone who commanded respect in the Chamber, someone who was respected, not just by command but by example, and always this person was Bill Natcher.

I was always prone to study his actions and mannerisms as he stood and presided over the House and would get order where there was chaos earlier, and often when I am in the chair myself and I thank the Speaker for inviting me to act as Chairman and Speaker pro tempore from time to time and often when I am in the chair, I think of situations and think, how would Bill Natcher do it? How would he try to get order, or how would he try to handle the recognition of Members, or how would he respond to a question propounded to the Chair.

I was not aware until I read about Bill after his death that while at law school, Bill memorized the Robert's Rules of Order. We do not use Robert's Rules, we use the Jefferson Rules of Order, as modified over the years, but the Robert's Rules of Order are the sort of traditional and much honored set of rules which govern parliamentary activities throughout this Nation. And Bill memorized those, and the fact that that shows some mental acumen which would defy most of us does not surprise me because Bill was an extremely intelligent man, but also it takes a lot of discipline, of plain iron-willed discipline to memorize and memorize something like the Robert's Rules. But Bill did and that, of course, gave him the leg up on every other challenge he ever had from a standpoint of parliamentary rulings because he had that tucked away in his head and he knew exactly how to respond.

I also know that Bill was an extremely tenacious legislator and along with my awareness of what an important figure he was when I came into this Chamber in 1971 as a freshman Member, I also had the, probably the somewhat misfortune of having a sort of different position on an issue that was particularly close to Bill's heart in those early days. Most Members would never remember the Three Sisters Bridge, but it was a major contentious factor here in the House for a number of years in the early 1970's. I do know that Bill would be able to recite from memory not only Robert's Rules but how everybody voted on the Three Sisters Bridge, or failed to vote as the case might be.

I found out very quickly that I needed to do a little more study about that issue and I needed to study at his knee which I proceed to do, and then I was shriven of my sins.

☐ 2010

Chairman Natcher is known for a lot of things including his gentility, his gentlemanliness, his courtliness, his absolute devotion to good manners, as would befit a gentleman or a gentlewoman in this Congress. He also was known, and very admirably so, as one who never took any political funds from any source, not just political action committees, which I myself have not taken money from, but from anybody. Bill Natcher financed his own campaigns. They were modest affairs by the likes that we use today where you can have multimillion-dollar campaigns for a House seat. Several hundred thousand is the norm.

Bill Natcher would get by with a few thousand dollars that he would himself finance, and he would put signs up, and he would sort of go from county seat to county seat throughout his far-flung district. He would talk to his friends. He would say, "I'm Bill Natcher," although everyone knew him, "I need your help in this election," which he never really needed, but it was always nice to be asked. People appreciate being asked.

And so he was, some would say, an anachronism. That word has sort of a pejorative meaning, so only in a very healthy way was he an anachronism. He was a calling back. He was a reference back to an era in which people did not spend great globs of money, did not have to be incessantly raising funds, did not have to be out all the time producing money in order to fund a campaign. So to that extent, he was a kind of an anachronism, but a very healthy and positive example did that set for all of us.

Because in the year, for example, 1992, when Bill ran, he could still do that. He could still have retail politics, hands-on, face-to-face, hand-to-hand politics, and managed to win and win handily in an era in which politics is driven so much by money that we are now in the process of changing the campaign finance laws in order to bring more balance to it and try to reinsert the grassroots at the heart of the political system.

Well, Bill never had to go backward to that, in a sense, because he never was any different from the start in 1953 to the end in 1994 when he voted coming in that door on the hospital bed, devoted to duty despite his personal distress and despite his very great pain. That he would even do what he did was an example of real legislative and personal heroism which I think will be with us for a long time to come.

Chairman Natcher lived and practiced politics in an era when sound bites are of the norm. We try to crunch our statements down to 10 or 15 or 30 seconds, and we try to position ourselves to the cameras, and we try to say the thing which we believe the news editors would find distills the idea of the event. Well, Bill Natcher did not do any of that, because he did not really have to. He not only had a very incisive mind and he had a very intelligent grasp of the English language with that melodious southern drawl of his, he did have a wonderful command of the vocabulary, so he was able to say things when he chose to talk to the press, which was not often, often enough to suit the press, but often enough to suit Mr. Natcher was the rule not so much what the press wanted but what he liked, but when he did, he did not need to go the sound-bite routine.

We also live in an era in which we live and die by the telephone and by the fax machine and by the television set and by the cellular phone and by the satellite photography and all of the ways and means we get information back and forth to our districts. But it was said by President Clinton down in Bowling Green that for a while he was wondering when he had to deal with this man Natcher, at the beginning of the Clinton administration, he could not figure out how was he a technician, and of course, I still say Congressman GORE, AL GORE, but Vice President GORE who are on the superhighway of electronics, I mean, how could they deal with a man who had an office that we at least hear had no fax machine and did not have the copiers and did not have all of these high-speed duplicators and things that most of us take as a matter of course. Bill did not really need those things because he, of course, studied the issues. He knew them carefully. He responded to his mail.

He had Diane Rihely and all of those wonderful, as he calls them, his ladies. He is one of the few people who might be able to in this day and age use that terminology in that way, but it was meant obviously without patronizing. It was meant as a great compliment to the staff that he had, which happened all to be women. But they functioned in a very positive way to help Mr. Natcher stay abreast of all of his work.

But he was unusual in the respect that he did not have the extensive staff that many of us have. Yet he still managed to run this giant Committee on Appropriations. He managed every day to make an entry into that remarkable journal of his which, when revealed and opened to scholars and to writers and to political scientists, historians, social scientists, demographers, is going to be a treasure trove. Simply stated, it is a treasure trove.

We who were here for several years, in my case 24 years, with Mr. Natcher through the bulk of these 18,401 votes that he cast consecutively, we will miss him for lots of things including that type of devotion and the fact that he was his own person and he was his own person at a time when there are very few people in political life who are their own people.

Mr. Speaker, I yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding. I appreciate his leadership in calling this special order for Mr. Natcher this evening.

I just wanted to express my respect and affection for him. All of my family started out in the part of western Kentucky that Mr. Natcher represents, represented. I still think he is with us.

Mr. MAZZOLI. I make the same mistake myself. I use it in the present tense often.

Mr. SKAGGS. Yes. When I first arrived here a few years ago and realized that common root with Mr. Natcher, it was something that I particularly enjoyed being able to talk to him about, because we could talk about Short Creek and Caneyville and Falls are Rough and Litchfield and a whole bunch of little towns down in his district that I used to spend a lot of time in as a little boy visiting grandparents that nobody else around this place, outside the Kentucky delegation, even some of you, probably have never heard of, and being able to have that kind of connection with him was a priceless thing and a source of great joy for me, because I could talk with him a little bit on his own terms, although he was many times my senior in this place.

But it also gave me an insight into his devotion to duty and to the House and to his country and to his district that I probably would not have been able to see quite so well otherwise, a man who was the absolute epitome of integrity.

I was down in the Rayburn garage walking to my car last week and walked by his parking place, and there still under the name tag of Mr. Natcher of Kentucky is his old Chevy Impala, I think, virtually spotless, and if you could ever picture what a car would look like in a vest, I mean, it was the vehicle, and as the gentleman knows, Mr. Natcher was one of the few Members here who often still was in the three-piece suit a lot of the time, even in the summertime. But just to see sort of his car there was a very poignant memorial of the man and his style and his particular way of doing this job, and in so many ways I think for each of us, and I am privileged to serve on the committee that he chaired with such distinction. Every day, every time we turn around almost there is something here that reminds us of this extraordinary American with whom I was very proud to serve, and I thank the gentleman for yielding.

Mr. MAZZOLI. I thank the gentleman from Colorado. He and I have talked often about his Kentucky roots, and we are always happy to have our colleagues here who either know our State or, in your case, actually have a contact with it, and I think you are exactly right. Passing that car, as I sometimes pass the locker of the gentleman from Kentucky, Mr. Natcher, it does remind me of how important he was to this place and how vivid his memory really is and how hard it is for us to say about Bill in the past tense.

☐ 2020

I think for a long time to come those Members among us who served with him for a length of time will probably always consider Bill in a kind of present tense way, which I think is maybe the greatest testimonial to the kind of human he really was.

Mr. SKAGGS. One further comparison: I spent a little bit of time at the University of Virginia in my student days. They still refer to Mr. Jefferson down there as if he had just gone away for the weekend. It would be nice if we could have Mr. Natcher's presence here in the same way.

Mr. MAZZOLI. Well said, well said.

At this time, Mr. Speaker, I yield to the gentlewoman from Maryland.

Mrs. BENTLEY. I first want to thank the gentleman from Kentucky for taking this time to pay tribute to one of the outstanding Members of this body.

Mr. Speaker, the loss of our colleague, Bill Natcher, has diminished the effectiveness of this body by a magnitude that will only be fully realized in the days ahead.

Of his many strengths, the one that I admired the most and felt was the greatest contribution to the stature of the Congress—to all of us—was his respect for the awesome power of the seat. That respect was manifested in his deep sense of responsibility to the House and in that, to the people whom he represented not only in the 2nd District of Kentucky, but across this great Nation.

That respect permeated his every action: from the respect shown toward ideas and concepts, to the patient courtesy displayed, toward everyone, in the most difficult of hearings.

It is a legacy of intellectual integrity and responsibility that should be held up for future generations of the Congress, an inspiration to walk in the footsteps of this extraordinary servant of the people.

You know, I came here 10 years ago as a freshman, but Mr. Natcher always made me feel, and I know he did this with every person who came in contact with him in this Congress, he made us feel important. He made us feel like we were wanted. There was a warmth, a welcome, a "can I help you" attitude always from Mr. Natcher.

When I went on his committee, I was extremely proud and pleased. Initially, as I told him once, I said, "You know, I don't really want to be on the subcommittee that I had been assigned to," and he was the chairman of that subcommittee, Labor, Health, Education, Human Services. I concluded that year last year, and I said, "You know, this has been a real learning lesson for me and one that you have helped so much to make so interesting and so important. And I want to thank you, Mr. Chairman, for doing that."

Again I just want to say to the gentleman from Kentucky thank you so much for taking this time tonight to pay tribute to a truly great American.

Mr. MAZZOLI. I thank the gentlewoman from Maryland for those comments. The gentlewoman's being here adds a lot to our evening. It also points out again what I had said earlier, or tried to say, that Bill was the essence of courtliness and decency and friendliness despite his rank here. When she joined, as I did earlier, even, he was a man of rank, but despite that he was still a person who was down to earth. I think, as I also said earlier, he carried those roots from Bowling Green here to Washington and never forgot Bowling Green and never forgot the way you deal with people. He carried that here, and he exhibited those same wonderful tendencies all throughout his career.

So we thank the gentlewoman for remembering him.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

I knew Bill Natcher for a little over 25 years, and my experience in observing him was that he was a man of both starch and steel.

My first experience with him came shortly after I went on the Committee on Appropriations and he was my first subcommittee Chair, he and Julie Butler Hansen. I served on D.C. and on Interior subcommittees.

My first experience in dealing with Bill Natcher came on an occasion on which he and I were on opposite sides of an issue. I found out just how tough he was, because he had decided, for reasons that I respected but disagreed with, that he was not going to support funding of the D.C. Subway at that point because he felt that previously agreed arrangements had not been lived up to.

I decided that as a newcomer I thought that that judgment should be changed. So I organized an effort which resulted in Mr. Giaimo from Connecticut offering the amendment to provide the funding for the subway system. And after a long, protracted fight, we won in the House and, I thought then, because the Senate was for it, that we were going to win. But I discovered very quickly that Bill knew the rules. So he simply decided that he was going to try not to bring out a D.C. Appropriation bill at all that year, force us into a continuing resolution, where last year's rules and regulations would prevail. Our win on the floor would have been gone.

It took the combined effort of Richard Nixon in the White House making telephone calls, Egil Krogh, who was handling it for the White House, the Speaker of the House, George Mahon, who was then the chairman of the full Appropriations Committee, and the United States Senate, in order to finally, in the last week of the session, overcome Bill's opposition.

I was having what we know in Wisconsin as "Tom and Jerry" parties in my office during the week just before Christmas Eve. Bob Giaimo came over to my office and decided he was going to have more than one. And Bob said, "You know, Bill is going to remember this for a long time." And he did remember it for a long time. Over the years we got over our differences on that issue, but he taught me then he knew an awful lot about this House and about the rules.

JAMIE WHITTEN, when he had his portrait unveiled in Statuary Hall, was making some comments about some of the subcommittee Chairs on the Appropriations Committee, and he looked at Bill and he looked at me, and he said, "You know, we have two fellas here, Bill Natcher, why, if he died and went to Heaven, he wouldn't go into Heaven until he knew the rules; and OBEY wouldn't go into Heaven until he changed them." Bill got as big a kick out of that as I did.

And I certainly knew Bill Natcher through the years as he chaired the Labor, Health, and Education and Welfare Subcommittee, which was a great love of his. He was regarded with great respect and affection, especially by the folks at NIH. As you know, there is a building named after Bill out there, and justifiably so. I think anyone who dealt with Bill understood he was fair and he was also tough. We will remember that.

I was grateful for the fact that shortly before he died, he and I had a wonderful conversation in his hotel room out at Bethesda Hospital. He was extremely gracious. He told me the story of how he misspelled his middle name as a child and stuck to that misspelling all through his life.

I told him that, in my view, he had set a record for exhibiting a sense of duty that would never be equaled in this place, and I really believe that. I think we were all fortunate to have served with him, not just on the committee but in the House as a whole.

It is a tremendous privilege to be a Member of this body and not very many people in our country's history have been given that privilege. Bill Natcher never forgot that for one moment.

Mr. MAZZOLI. I thank the gentleman from Wisconsin. The gentleman brings up some very interesting recollections. One I have is that Bill Natcher, as my friend from Kentucky to whom I will yield in a moment will attest, Bill remembered all of the data in all of these budgets. He had that tucked way in his capacious brain.

The story was he said to people that he would know when it was time to leave, unlike some of the jurists and people, he would know when he couldn't recall the data from any budget that he had ever put together in the Committee on Appropriations all the way back to 1953 or '54, when he came on it. As we know from all the breakfasts we have enjoyed over all these years as he was standing before any group, whether it was a Farm Bureau group or a child welfare group, he would have in his brain all of the data from all of the budgets.

□ 2030

So actually he passed on never having lost any of that sharp edge that the gentleman is talking about. His ability to remember, his ability to synthesize this information, was legendary, and he, therefore, becomes one of those people whom I would call an icon of this place, a person who brings credit to it and brings credit to all of us by the very fact that we were able to serve with him.

The gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Kentucky [Mr. MAZZOLI] for yielding, and, more than that, I appreciate the gentleman taking this special time, this special order, to allow us to share with him the memories of our dear departed colleague, Bill Natcher.

Mr. Speaker, before I pay tribute to Bill Natcher, I want to pay tribute to the gentleman in the well who has this special order. He is leaving the Congress after this term, and, although we are divided by the aisle of the House, we are not divided by any personal animosities at all. In fact, I regard the gentleman as one of my best and dearest friends, and he has served this body with great distinction and with great honor. He is an independent thinker, and a very conscientious American, and devoted public servant, and I say, "Ron, we will miss you in this body very much."

Mr. MAZZOLI. I thank my friend very much. I thank you.

Mr. ROGERS. Bill Natcher, of course before he came to this body, was in Kentucky a Commonwealth attorney, which is a State prosecuting attorney, which happened to have been my background as well, and I wish I could emulate Bill Natcher, but that is impossible because of my lack of talents. But Bill Natcher came to this body with a great and abiding respect for the Constitution, and this body especially, and a great reverence for law and a great reverence for procedure because he believed, as I do and, I think, the gentleman does, that in procedure, and in the law, and in the Constitution are the guarantees of our individual liberty obviously, and he believed that to the nth degree.

I do not think we will see the likes of Bill Natcher again. Truly he was what I have referred to as an antebellum man, and I mean that in the most respectful and admirable way: "antebellum" of course meaning prior to the great war, the Civil War, in his courtliness, and in his demeanor and in his attitude toward other people which we see lacking, I think, in our world today.

I wish we had more of the civility in our society that Bill Natcher represented. Unfortunately we do not. But he certainly is an example for all of us to try to live up to.

"He is the quintessential Member of the U.S. House of Representatives," one of our colleagues said in an earlier tribute to him here on the floor, words to this effect, that he is the model by which we all should try to conduct ourselves as a Member of this body. Truly he not only was representative in the highest sense of a Member of Congress, but he also set the standards for the rest of us to try to live up to.

Of course Bill was a natty dresser. I say to my colleagues, "He was one of the most handsomely dressed men that you'll ever encounter. I never saw Bill Natcher without a three piece suit on, a very colorful, but conservative, tie, and always with perfectly creased pants and with buttoned coat. You never saw Bill Natcher with his coat unbuttoned, nor without a vest, and his creases were always perfect. And if you noticed when he took his seat in the Chamber here, there was a ritual that he went through to preserve that. There was, before he sat down, the lifting of the coat so as to not wrinkle the back, and then the creasing of the pants as he sat down," and, as was said in the tribute, I think, last week by Speaker FOLEY in Statuary Hall, "always never crossing of the legs because that ruined the crease in the pants."

But he was a very prideful man of his appearance, and rightly so. He was a very handsome man and very handsomely dressed always.

In fact one time a few years ago a secretary in my office told me that she lived in the same building that Mr. and Mrs. Natcher lived in, and she came in one Monday morning and told me she had seen Chairman Natcher in the apartment building the previous weekend. I said, "Where did you see him?"

She said, "I was doing my laundry in the laundry room downstairs, and, as I was doing my laundry, there was Bill Natcher doing his."

And I said, "Well, was he O.K.?"

And she said, "Why certainly."

And I said, "Well, how was he dressed?"

And she said, "Well, we were in the laundry room, and he was dressed in a three piece suit as he did his laundry."

When I first came to the Congress in January of 1981, Mr. Speaker, Bill Natcher and Carl Perkins were the two senior Members of our delegation, and both of them helped me no end to learn a little bit about how to conduct myself in this body. I wish I had learned more. But Bill Natcher always was helpful, as the gentleman has indicated. I tell my colleagues:

"Any problem that you had, political, or legislative, or what have you, personal, Bill Natcher was always there in that seat. And the seat next to it was always open and welcome for any who would come and sit with him, and every Member of this body at one time or the other, and many times in many cases, sat there, and listened, and learned, and asked questions, and was courteously treated and advised honestly and forthrightly. And one of his favorite sayings, as all of us have recollected, I am sure; he would answer a question, and then he would say, 'I say that to you frankly.' Now that meant, when he said, 'I say that to you frankly,' that meant you better write that down because that's the way it's going to be."

"I say that to you frankly," and he said that to presidents, and kings, and the lowliest Member of this body, and to everyone who came in his path, but always with a courteous and humble demeanor, never in a mean-spirited way. I never heard Bill Natcher talk ill of anyone, whether it be across the aisle here in the heat of debate or any other fashion. It was just not in his heart to be uncivil or unkind to another human being.

So, his like will not be seen anymore. He was a man of great intellect. He had a great memory. He had a devotion to his work on the Committee on Appropriations. And of course, as chairman of the committee, subcommittee, that had the largest budget; in fact, the subcommittee on which he was chairman had a budget, I think, that was like the fourth or fifth largest budget of any government in the world, but he knew every penny in that budget and was able to recite it, as the gentleman has indicated, quickly and repeatedly, and in fact he would repeat it to Farm Bureau groups and others who came here, who had no idea, I think, many times what he was talking about, and yet he was devoted to the extent that he wished to share that with them.

His district bordered mine in southern Kentucky. Bowling Green is an hour's drive from where I live, and our districts abutted each other for all the time that we served here, and we shared a lot of the same types of problems with people where he lived and where my district also is. And he was always devoted to Kentucky. He never forgot that this was his old Kentucky home, and he revered it, and he revered the people there, and he was devoted to their well-being, and he never let us rest when it came to the problems of his constituents.

Interestingly enough, and this has been referred to, but a few people, I think, can probably comprehend this:

In his district of small towns in Kentucky, I think some 22 or so counties, when it came time to campaign for reelection, Mr. Speaker, Bill Natcher did not hire any Washington consultant.

□ 2040

He did not hire even a Kentucky consultant. He did not hire a press secretary. He did not hire any radio commercials or television commercials. That was alien to his way of campaigning.

What he would do campaigning-wise, he would get in his car and he would drive to one town. He would have called beforehand to talk to one or two of his supporters there. And he would arrange a luncheon or a breakfast or an evening meal with four or five of his local supporters. He would not go to the radio station nor the newspaper nor the courthouse, as all of us have to do as mere mortals. He would merely go to the restaurant and meet with his four or five supporters in that county and they would have a good time talking and renewing the acquaintance, talking about what the needs of that community were. He would then drive to the next town, on his own gasoline, as they say, and do the same thing.

The people of that community would know that he was there. He would walk the streets. But he would have no structured events. If a newspaper man called him or a radio station called him for some comment on some issue, he did not do that. That was Bill Natcher, and no one challenged that.

He was able, I guess, to get by with that type of activity, where the rest of us would be sorely chastised for it.

What a wonderful man, what a personal friend he was to so many of us, and so many people around the state and in the country, a personal friend, and that is hard to come by sometimes, particularly in public life where you have to guard what you say and do and be careful what you say to what you may consider a friend. This business is rough on friendships, and it is rough on confidences and that type of thing.

But in Bill Natcher, you could tell him your innermost secret. You could confide in him your most troublesome problem, and be assured, instantly, that there was an open ear, a kind heart, some good advice, and absolute confidentiality. That is hard to come by these days.

As the minister at the Baptist Church in Bowling Green at the funeral so eloquently I thought described the goodness of public service, Bill Natcher certainly is the one example that we can think of that gave all of us a good deal of confidence that public service, after all is worthwhile.

He believed that the greatest gift one can give to the world is public service, honest public service, and that is an example that we need so much these days. In this era of cynicism in politics, particularly, and cynicism in the demeanor of those of us in public life, Bill Natcher stood tall and alone, almost, in the probity, in the stature, in the self-confidence that all of us wish we could emulate.

I know Bill Natcher is listening on this great C-SPAN in the sky this evening, and we want him to know that we loved him and cared for him. More than that, we listened to him, and we will try to emulate his type of public service.

Again, I thank the gentleman for his taking this special order.

Mr. MAZZOLI. I want to thank my friend of many years, Congressman HAL ROGERS, for those wonderful statements. I am sure Bill is watching, and confident Bill is tuning into what he said. The Speaker, as he stood here, as you remember, in telling us Bill was going to have to miss some votes for the first time in his career, did say he thought Bill was going to be watching and still staying very close in touch with what we are doing here, because he is so proud of this place and so proud of being a legislator and a public servant. So he wanted to be there despite his own grievous personal health problems, to show that kind of tenacity and devotion to duty, that fidelity, to come into this Chamber in the side door to cast a vote, when most of us would have long since put that aside, but he did it, as the gentleman said, because he felt strongly about public service.

Mr. ROGERS. If the gentleman will yield, and I will close with this, the one compliment, the one way that Bill Natcher found to compliment you when you did something that he liked, he would say, "You are going to turn out OK in my journal." You know, he kept a journal of the daily activities of his life. We are all anxious to read those notes. They are bound volumes now, stacks on end. And he described in those, we are told, in those journals, the everyday secrets of this place, not, I am sure, confidential matters, but things we will have long forgotten. And he would, he said, write comments in the journals at the end of the day about Members who did something that he liked or did not like. We are all anxious to see what will come out.

But he always would almost threaten you with the journal. And we were all worried about doing something to cross him, for fear that he would write about us in his journal. But he would always, when you did something right, you knew you were complemented when Bill Natcher said, "You are going to turn out OK in my journal."

But I will just say this, my friend, in closing, that I think if we kept journals ourselves, and maybe we should, Bill Natcher would certainly turn out right in my journal.

Mr. MAZZOLI. I thank the gentleman very much.

The gentlewoman from Georgia.

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman so much for organizing this special order, so we could say some nice things about a man who was always so nice to us. I suspect that I might always have a place in Chairman Natcher's journal, and I do not know if I turned out right or not. But I would like to talk about my first experience with Chairman Natcher. It is one that I will carry with me for the rest of my political career.

My very first memory of Chairman William Natcher will last forever. I sat on the floor with my friend CARRIE MEEK anticipating the start of our first joint session of Congress as Members.

CARRIE and I talked about everything under the sun—including abolishing the Appropriations Committee. Little did I know that the elderly gentleman sitting next to me was the Chair of the Committee.

He introduced himself—and this Georgia peach blossom shrank, realizing that I had to try to remove the foot from my mouth—and fast.

Unfazed by my embarrassment, Mr. Natcher was just as nice as he could be. And from that moment on, it became a tradition for the two of us to sit together during joint sessions. He would even help me fight for my seat as more senior Members tried to move me—a freshman with no seniority—to a less than prime location in the gallery. Mr. Natcher would say, "This seat is reserved for my Georgia Peach!"

I miss Mr. Natcher. And tomorrow, when we attend the first joint session since his passing, I will be thinking of him, and I'll know he'll be looking down from heaven for the seat next to his Georgia Peach.

Mr. MAZZOLI. I thank the gentlewoman. That is a wonderful statement.

As we sit here I can look in the back at that very chair where, for all the years I have been here, 24 years, always Chairman Natcher was in that very same seat. And almost always the pictures that would come out from the national news photographers would always have Bill there. He took those sessions very seriously. I think the gentlewoman has risen to a particularly lofty state in her first term by being considered the gentleman's "Georgia Peach." That is a pretty high title, and a pretty wonderful title to be given to anyone, to say the least. I thank the gentlewoman very much for her comments.

My friend from Minnesota.

□ 2050

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding to me.

I had not intended to participate in the special order. I was here for another purpose. But hearing all the wonderful statements about Chairman Natcher, I must add a very few reflections of my own.

My first experience with Mr. Natcher was as Administrative Assistant to my predecessor, John Blatnik, who was a very close friend of Bill Natcher and preceded Chairman Natcher in Congress by several years. John was elected in 1946. But he, too, recounted the story of the Three Sisters Bridge and how Bill Natcher had nothing, no personal interest or reflection or commentary upon the District of Columbia. But there was a law that said that the Three Sisters Bridge had to be built. And he was not going to allow a penny to be spent on the subway until the prior commitment had been met, which was the law.

And John Blatnik said, "You watch. Bill Natcher will not yield an inch."

It was not until the caissons were pounded into the embankment on the Virginia side of the Potomac River and the work begun on building the southern extremity of Three Sisters Bridge that Chairman Natcher finally relented, as now-Chairman OBEY recounted in the House-Senate conference on the continuing resolution, to allow those funds, initiated by the Senate, to be spent for the subway.

The second experience that I had, not directly with Mr. Natcher, but it was confirmed by him, was Speaker Albert, during the dark days of Watergate, when it appeared that President Nixon was going to be, that Articles of Impeachment were going to be issued from the Committee on Judiciary and that impeachment would be brought to the House floor, Speaker Albert told me that he had selected Chairman Natcher to preside over the House because, he said, he is the one person who can command universal respect and national appreciation for the job that would be necessary in these highly charged circumstances to preside with equanimity, with fairness, with dignity and with complete command of the rules of procedure of the House. And so he was right.

I asked Bill Natcher about that some years later. He said, "It is not well-known, but that is true." And he just let it lie there. He said, "I was fully prepared, but I am glad, Jim, you know, I am glad I never had to take that task on," he said.

And a third experience that I shall treasure forever was in 1981, when the first Reagan budget came to the Appropriations Committee. And I found, to my astonishment and horror, that funding for libraries was proposed for elimination.

I did some research, made some comparisons, came armed with sheets of paper, documents, and testified at the Labor-HHS Appropriations Subcommittee hearings.

I said, "Mr. Natcher, are you and the members of this committee aware that in this budget funding for library services would be eliminated? At the previous level of funding, $114 million for the current fiscal year, that there is more money spent in the military budget on marching bands for the combined uniformed armed services than we would have spent for library services and that in the next fiscal year, we will spend zero?"

And he leaned forward and said, "I didn't know that. Thank you for reminding the committee. Jim, you have always been a good member. You have always supported our bills when we brought them to the floor. I can assure you that we are going to deal with this matter, and you will be pleased with its outcome."

That is all you needed from Bill Natcher. He was an impeccable man of his word. But he understood, even the significance of even one of the smallest items in that appropriations bill, library services, he say to it through all his years that that funding remained and that it grew at an appropriate level with full understanding of the importance to small towns and rural areas of bookmobile services and interlibrary loans. And he knew it down to the last detail.

He was a man for the ages and a man to be admired and an example for all of us.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Minnesota for those wonderful words, because Bill is with us in spirit. And he is with us in the embodiment of what public service is about. He appreciates what you have said, because it really does crystallize the fact that he was a master of the legislative detail.

But he was also a human being. He understood the human side of a budget, the human side of a figure on an appropriations bill. That is what made Congressman Natcher such a powerful and important person.

Mr. Speaker, I would like to make just a few more comments. I would like to, of course, mention the fact that we know very well that Bill's 18,401 consecutive votes, which will last forever as a symbol not just of legislative devotion but of, of course, a great knowledge of the way this parliamentary system operates. We know of his journal, the wonderful treasure trove that will yield priceless gems about what has happened in America for these past 40-plus years. We know about all of his wonderful mastery of the legislative detail.

We have heard tonight about his fondness for Members on both sides of the aisle, and we have a pretty good idea, I think, of the fact that Bill Natcher was a devoted family man.

It was said about the fact that, as Congressman ROGERS said, about one of the tenants in the same apartment house seeing Congressman Natcher in the laundry room dressed up to the nines. Of course, he was very much in love with his wife Virginia for many, many years. Her illness and eventually her death obviously was a very severe personal tragedy for Bill and probably did not do his own health any good.

And his daughters, Louise and Celeste, and the family and, of course, we had an opportunity to hear a wonderful statement by, I think it was Christopher, I believe, one of the grandsons who spoke at the Statuary Hall and talked about his grandfather and about how much he as a young man, admired his grandfather and admired what his grandfather stood for.

So Bill was really everything. Bill was a legislator. Bill was a human being of great talent and devotion. He was a father, a husband, a loving grandfather as well.

His passing is a serious blow to this entire body.

Mr. WHITTEN. Mr. Speaker, I would like to take this opportunity to join with all his friends and colleagues here to pay tribute to Bill Natcher.

I could say a lot of good things about Bill Natcher, and every one of them would be true. He was a trustworthy friend and it was a pleasure and a privilege to serve with him during his 40 years in Congress and as my colleague on the House Appropriations Committee.

As chairman of the full Appropriations Committee and its Subcommittee on Labor, Health and Human Services, Bill provided an invaluable service to the Nation, while always remaining faithful to his people back home in Kentucky and his district.

He was a gentleman in every respect and was always called upon when a cool head was needed. You might argue with his position, but nobody could ever take exception to the way he handled himself. He was respected by all who knew him, both here and at home.

He set an example for all his colleagues in conducting himself in an honest and straightforward manner, both in Congress and in his campaigns.

I will certainly miss Bill's counsel, his friendship, and his leadership.

Mr. MAZZOLI. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I appreciate his forbearance. I thank him for taking out this time.

I feel very saddened, first, of course, with the passing of Mr. Natcher. But unfortunately, as many of us were out of the country when he passed on, I was unable to go to Kentucky for the service. I was in China at the time and was really very surprised and saddened. Why? Because I was convinced that that incredible spirit and drive, which we had seen repeatedly embodied in the life of Mr. Natcher, would come back.

We know that many talked about the fact that he spent so much time voting and not focusing attention on his health, that that was slowing his recovery. But we know he finally did focus attention on it. It was a very sad day, of course, when for the first time in his four decades of uninterrupted voting that he did miss that vote.

But I wanted to take just a moment to talk about a couple of instances that I had.

I happen to serve as a member of the Rules Committee. One of the things that Mr. Natcher taught me was that we in this House should operate under the standard rules. He always had a standard line with me over the past several years. He would say, "Now, David, where does the Rules Committee meet?" He said, "I just don't have any idea where you all are."

And the reason he said that is that appropriations bills are privileged resolutions which can come directly to the floor unless waivers are requested. And Mr. Natcher was very consistent in his refusal to request waivers.

He would say to me on a regular basis down here, "David, this place should run under the standard operating rules."

□ 2100

That is why he would quip, "I don't know where the Rules Committee is," because he did not like going right upstairs above this Chamber and testifying before our committee, because he believed very sincerely in the operation which should allow Members to have the chance to offer amendments to legislation, increasing or cutting amendments in appropriation bills, and he stood by that very firmly.

From my perspective, we all know what an incredible gentleman Bill Natcher was, and he was a model Congressman, but from my perspective as a member of the Committee on Rules, I especially appreciated his consistent position as chairman of the House Appropriations Committee, standing there and saying we should operate under the standard rules of this institution.

One other thing, Mr. Speaker. I one day was sitting near his famous seat and he was telling me that his grandson, who appeared on television programs in Los Angeles, near the area that I am privileged to represent. He almost missed a vote, and blamed me for that. I don't think anyone would have brought the gavel down if he was in the Chamber here, but he did jump, as he often did, at the prospect of missing a vote.

One story that he did tell about nearly missing one, and he would have missed this one, it was late one night in the early 1980's. I had just come here. He was driving out of the garage in the Rayburn Building and our former and deceased colleague, Phil Burton, my fellow Californian, had called a re-vote on a measure at about 1 o'clock or 2 o'clock in the morning. Bill Natcher said that he just happened to catch a glimpse, and I don't know if you will recall, but I know you do, RON, a blue screen, and if there was a blue screen on, it meant there was a vote going on. We don't do that any longer.

He said he was just turning the corner there heading to go home and his eye caught that blue screen, and that let him turn around and come back and cast that vote that he might have missed. He was a great man. He was an inspiration to so many of us, and I will miss him. I thank the gentleman very much for taking out this time.

Mr. MAZZOLI. I thank the gentleman from California for those recollections, and they again bear out both the humanity of this man, his legislative skills, his devotion to duty, his patriotism, having served his country, his rigid devotion to the betterment of this place and how to actually make it function in the way it was designed to function. All of those things are so important to this place that his passing is a deprivation to this entire body. I appreciate the gentleman's statement.

Mr. Speaker, I include for the RECORD a statement prepared by Diane Rihely and the staff of the gentleman from Kentucky, Mr. Natcher, which has many personal reflections which I wish there were time to talk about tonight, but there is not. They will be in the RECORD.

I also include an extensive biography of Chairman Natcher which is concluded by that wonderful citation on the Presidential Citizens Medal, the medal that President Clinton awarded to Bill while Bill was out at Bethesda Naval Medical Center. The citation itself is very important.

Mr. Speaker, I also include various newspaper stories, various obituaries, material that would enhance the image of Chairman Natcher.

Last but not least, Mr. Speaker, I take this moment to express to the family of Congressman Natcher our condolences, our sympathies on the loss of their loved one, but I would also extend the fact that each one of us in a sense entitled to some of those same sympathies, because we have lost a great friend and a great mentor.

The material referred to is as follows:

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, April 11, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On behalf of the U.S. Department of Education, I join the Congress in paying tribute to William H. Natcher, a distinguished lawmaker and a true friend of education.

Over the past 40 years, Bill Natcher exerted a major influence on the Federal role in education. When he came to Congress in 1953, Federal assistance to education was limited to Vocational Education and Impact Aid, and the Department of Education had an annual appropriation of $200 million. The Federal presence today has grown to 240 programs that span every area of education and affect, in one way or another, all of the Nation's 64 million elementary, secondary, and postsecondary students. Under Bill Natcher's leadership on the Appropriations Committee, funding for these programs has grown to over $30 billion per year. He worked with twelve Commissioners of Education and six Secretaries of Education of both political parties and a variety of philosophies—and always with admirable grace and decorum.

Bill Natcher was famous for his often-stated belief that "if we take care of the health of our people and the education of our children, we will continue to live in the strongest country in the world." There is no doubt that he lived as he believed, and did more than his part for a strong America.

Bill Natcher will be missed not only in the halls of Congress, but in every school in this Nation where young people are getting a better education because of him.

Yours sincerely,

RICHARD W. RILEY.

IN REMEMBRANCE * * *

(Diane Rihely and the staff of Congressman William H. Natcher, April 6, 1994)

We wish to share with his friends, colleagues and acquaintances, our fond remembrances of our boss, our leader, and most importantly, our friend. We are privileged and feel honored to have worked with such a truly wonderful and outstanding man.

We always knew when he was approaching the office—he hummed. As a matter of fact, he hummed all the time. Even on the House Floor (microphones on or off).

He frequently, while stirring in front of yet another stack of constituent mail, would wonder aloud "how many times I've signed my name? I'll bet it's a million this year alone."

Monday mornings, he would share with us his weekend activities—most of the time he'd talk about speaking engagements at various events in the Second Congressional District—but sometimes, he would tell us of how he lovingly washed and waxed his 1968 Chevrolet Impala—by himself and in the garage of his apartment building. There was always comments from passersby like—"when you get finished, mine is in space number fourteen" or "looks like you do good work."

Many people have heard Mr. Natcher utter phrases for which he became known—such as "If we take care of the health of our people and educate our children, we will continue to live in the strongest Country in the world."

Probably only a handful, however, have heard him say, when asked if he was having a busy day, "I'm just standin' on my head." Or, when it had been a long, hard day, "Let's get out of this salt mine." (Meaning the office, of course).

And, when there was a particularly difficult issue or piece of legislation on the House floor, as he was preparing for the ensuing battle, his remark would be "I'm going over to put my dog in this fight." We always inquired if the dog had eaten nails for breakfast.

Some of his favorite phrases—

"I know what you mean."—He always knew.

"I'll tell you frankly."—He always would.

"Let's do it right."—He always did.

Another favorite phrase of Mr. Natcher as he walked out of the office was "I'll be seeing you all in the sweet bye-and-bye." Mr. Natcher, we look forward to seeing you in the sweet bye-and-bye."

For now though, we stand silent before the reality that when a giant passes on, there remains a void that cannot be filled.

William H. Natcher; Democrat of Bowling Green, Warren County, Kentucky, is the son of J.M. Natcher and Blanche Hays Natcher, both deceased. He was educated in the public schools of Bowling Green, Kentucky, with high school at Ogden Preparatory Department, Ogden College. He obtained his A.B. Degree at Western Kentucky University, Bowling Green, Kentucky, and LL.B. Degree at Ohio State University, Columbus, Ohio. On June 17, 1937, he married Miss Virginia Reardon of Bowling Green, Kentucky; two daughters, Celeste and Louise. He practiced law in Bowling Green from March 18, 1934, until elected to Congress. During this period, he served as Federal Conciliation Commissioner 1936–37 for Western District of Kentucky; elected County Attorney of Warren County for three four-year terms and then elected Commonwealth Attorney serving from 1951 to August 1953, when elected to Congress. Baptist, member of the Kiwanis Club, Odd Fellows, VFW, American Legion Post 23, and 40 & 8 Mammoth Cave Voiture 1146; past president of the Young Democrats of Kentucky; during World War II served in U.S. Navy from October 1942 to December 1945. Elected to the 83rd Congress on August 1, 1953, to fill the vacancy caused by the death of Garrett L. Withers and sworn in as a Member of Congress on January 6, 1954; reelected to the 84th, and each succeeding Congress through the present, 103rd Congress; home address: 638 East Main Street, Bowling Green, Kentucky; district offices: 414 East Tenth Street, Bowling Green, Kentucky; Suite #4, 312 North Mulberry Street, Elizabethtown, Kentucky.

Representative Natcher is the Chairman of the Committee on Appropriations. As the Chairman, he serves as an Ex-Officio member on the thirteen Subcommittees. Representative Natcher, in addition, serves as the Chairman of the Subcommittee on Labor, Health & Human Services and Education Appropriations, and has served in this capacity since 1979. The Committee on Appropriations is a privileged committee, and members serving on this committee cannot serve on another standing committee. As provided for in the Constitution all appropriations and tax bills must originate in the House.

As a member of the Committee on Appropriations, he has taken the lead in programs concerning agriculture, education, health, pollution, recreation, new industry in Kentucky, along with all projects pertaining to small watershed programs, research, marketing, extension, school lunch milk programs, sewer, water, airport, flood control, navigation, multi-purpose REA, and all programs essential to and of assistance to the development of private industry.

Representative Natcher has never missed a day in Congress or a roll call vote since he has been a Member. The records of Congress, both the House of Representatives and the United States Senate, show that with the exception of Representative Natcher, no Member has served, beginning with the opening date of the first Congress on March 4, 1789 and continuing for a period of 32 consecutive years or longer from the date the Member was sworn in, without missing one or more votes. Representative Natcher was sworn in on January 6, 1954, and from this date through March 2, 1994 he has 14,161 consecutive roll call votes and, in addition, 4,240 quorum calls. When added together, the total is 1,401. The 1978, 1990, 1992, 1993 and 1994 editions of the Guinness Book of World Records contain a citation concerning the voting record of Representative Natcher. This is now recognized as the world record.

Awards: Distinguished Service Award from National Education Association of the United States; Soil Conservation Citation for services rendered, 1964; Distinguished Service Award by the Legislative Commission of the National Education Association, 1968; National Honorary Membership in Future Homemakers of America; Honorary Member of 4-H Club; Special Meritorious Commendation from AMVETS, 1969; Honorary Membership in Kentucky Association of Future Homemakers of America, 1969; National Legislators Award from National Society of the Sons of the American Revolution, 1970; Award by the College of Agriculture, University of Kentucky, for conspicuous and significant contributions to agriculture, 1970; Citation by the United States Military Academy for ten consecutive years as a member of the Board of Visitors, 1971; Citation by the Department of Agriculture of the Commonwealth of Kentucky for leadership and diligent service, 1971; recipient of the 1971 Kentucky American Legion Distinguished Service Award; Citation by Third District Association of School Administrators for contributions to education in the United States, 1972; Citation by Elementary and Secondary Education Group of Kentucky for services rendered on Title I programs, 1974; National Multiple Sclerosis Society Appreciation Award, 1976; Distinguished Service Award for Development and Progress of the Nation's Agriculture, by the Limestone Institute, 1977; Appalachia Educational Laboratory Award for efforts on behalf of education in the Nation and the Appalachian Region, 1978; Distinguished Service Award, American Society of Allied Health Professionals, 1979; National Honorary Extension Fraternity, State Friend of Extension Award, 1979; Lifetime Honorary Membership Award in Kentucky Young Democrats, 1979; Honorary Doctor of Laws Degree from Western Kentucky University, 1979; Health Service Award, National Association of Community Health Centers, 1980; Meritorious Service to Field of Education Award, Adult Education Association of the United States, 1980; Congressional Award from Young Democrats of America, 1980; KACE Award, Outstanding Proponent for Adult and Continuing Education, 1981; Appreciation Award for Outstanding Service to 4-H, 1982; Selected for membership in the National Honorary Extension Fraternity, 1983; Congressional Award, National Council for Resource Development and American Association of Community and Junior Colleges, 1984; Congressman of the Year Award, National Multiple Sclerosis Society, 1985; Appreciation Award, National Association of Federally Impacted Schools, 1985; Public Service Award, Federation of American Societies for Experimental Biology, 1985; Honorary Doctor of Laws Degree, Howard University, 1986; Recognition Award, American Federation for Clinical Research, 1986; Honorary Membership in National Association for Dental Research, 1986; George M. O'Brien Award, National Kidney Foundation for leadership in the establishment of six new Kidney and Urological Research Centers, 1986; American Association of School Administrators "I Care" Award, 1986; Award, Bowling Green Human Rights Commission, 1986; National Collegiate Athletic Association, Distinguished Service Award on behalf of the National Youth Sports Program, 1986; National Education Service Award, Association of Community College Trustees, 1987; Distinguished Service Award, National Rural Electric Cooperative Association, 1987; Henry Paley Award, National Association of Independent Colleges and Universities for Outstanding Advocacy Service to American Higher Education, 1988; J.W. Marriott, Sr. National Public Service Award for Distinguished Achievement in the field of Public Service, American Heart Association, 1988; Distinguished Service Award, The Committee for Education Funding, 1988; Conservation Person of the Year, Kentucky Association of Conservation Districts, 1988; Award from Edison Job Corps Center, Edison, New Jersey, 1988; Distinguished Rural Kentuckian Award, 1988 by the Kentucky Association of Electric Cooperatives; Carl Perkins Humanitarian Award, American Vocational Association, 1989; Political Leadership Award, Coalition for Injury Prevention and Control, 1989; Recognition for Outstanding Contributions, Southeastern Association of Educatonal Opportunity Program Personnel, 1989. Laureate Award from National School Boards Association for leadership on behalf of America's school children, 1990; Friend of Housing Award, Kentucky Housing Corporation, 1990; President's Award, The American Legion, 1990; Henry T. Yost Award in recognition of outstanding service in support of American higher education, American Association of University Professors, 1990; Certificate of Appreciation for support of Medicare and Medicaid Programs, National Council of Senior Citizens, 1990; Award for efforts to advance biomedical research from the American Academy of Otolaryngology, 1990; Special Recognition Award, Association of American Medical Colleges, 1990; Certificate of Appreciation, Association of American Universities, State Universities and Land-Grant Colleges and American Council on Education, 1990; James G. O'Hara Education Leadership Award, Committee for Education Funding, 1990; Award for contributions to programs to assist the blind, National Federation of Blind of Kentucky, 1990; Dr. Nathan Davis Award, American Medical Association, 1990; Silvio O. Conte Public Service Award, National Alliance for the Mentally Ill, 1991; Public Service Award in recognition of outstanding support of libraries, Friends of Libraries, U.S.A., 1991; Award for Distinguished Public Service, Medical Library Association, 1991; Award, Society for Neuroscience for continued and outstanding devotion to health and betterment of U.S. citizens, 1991; Kentucky Affiliate of American Heart Association award for continuing support of biomedical research, 1991; Certificate of Meritorious Service in recognition and appreciation of distinguished contributions toward advancement of the practice of family medicine, American Academy of Family

Physicians, 1991; Award from Friends of National Library of Medicine for conspicuous service, 1991; Epsilon Sigma Phi, National Honorary Extension Fraternity, Inc., National Friend of Extension in recognition of outstanding public service and support of Cooperative Extension Services, 1991; Housing Hero Award, Homebuilders Association of Kentucky, 1992; Inspector General's Special Integrity Award for steadfast and unswerving support of Office of Inspector General and outstanding service to the American people as chairman of Subcommittee on Labor/Health and Human Services/Education Appropriations; 1992; Citation for Outstanding Public Service, Council For Exceptional Children, 1992; Academic Consortium Special Commendation, the Academic Consortium of The American Psychiatric Association, 1992; 1992 Distinguished Leadership Award, National Dissemination Study Group; Dean's Appreciation Award, The Johns Hopkins University School of Hygiene and Public Health in grateful appreciation for furthering the cause of public health, 1992; Recognition by the National Institutes of Health for outstanding service to the Nation with a groundbreaking ceremony for the William H. Natcher Building, a conference and office complex to house over 3,000 employees at the Bethesda campus; An Award from The National Breast Cancer Coalition, in appreciation of his contribution in the fight to eradicate the breast cancer epidemic, 1993; The Kentucky School Boards Association's 1993 Friend of Education Award for outstanding contributions to education, 1993; First Annual Award from the National Institutes of Health Alumni Association for his strong adcovacy and support of biomedical research; The American Legion Certificate of Appreciation, 1994; National Farmers Union Congressional Appreciation Award in recognition of an outstanding voting record supporting the Family Farm System of Agriculture, 1994; The 1993 National Race for the Cure Certificate of Merit for exceptional leadership and support for legislation pertaining to women's health issues, especially the fight against breast cancer, 1994; Distinguished Alumnus of the Commonwealth's Association of Kentucky, having served as Commonwealth's Attorney for the 8th Judicial Circuit, 1993; Certificate of Appreciation from the Kentucky Association Educational Opportunity Program Personnel for his many years of service to Kentucky's TRIO Students, 1994; Certificate from the Clerk of the United States House of Representatives on casting his 18,401 consecutive vote since being elected to the United States House of Representatives on August 1, 1953, March 2, 1994; Awarded the Presidential Citizens Medal from The President of the United States of America, for his distinguished career in the Congress, March 3, 1994;

The President of the United States of
America
Awards this
Presidential Citizens Medal
to
William H. Natcher

Few legislators in our history have honored their responsibilities with greater fealty, or shunned the temptations of power with greater certainty, than William Huston Natcher. Mr. Natcher is a citizen-legislator who reads and answers his own mail, who declines political contributions and pays for his own campaigns, and who has cast, along with his 18,401 consecutive votes in Congress, an unbroken chain of reverence for the opinions of his constituents in Kentucky. On the House Appropriations Committee, he has successfully fought to better cure disease, advance education, and promote the public welfare. Throughout his distinguished career in the Congress, Mr. Natcher has written essays of service that will be read and practiced as lessons by our citizens always.

WILLIAM J. CLINTON.

The White House,
Washington, DC., March 3, 1994.

[From the Courier-Journal, Mar. 31, 1994]

KENTUCKY GENTLEMAN GAVE SECOND DISTRICT AND NATION HIS BEST

(By Mike Brown)

WASHINGTON.—William H. Natcher, the Kentucky congressman who outlived his era to become a political phenomenon revered by colleagues of both parties, died Tuesday night at Bethesda Naval Hospital. He was 84.

The Bowling Green Democrat, who made national headlines recently as he fought to keep intact his record of having never missed a vote in the House, died of heart failure.

"His death was peaceful and in the company of his family and friends," Natcher's office said yesterday morning.

Natcher's health had deteriorated during the past several months, and it was widely reported in Washington that he had congestive heart failure. An intestinal blockage complicated his condition earlier this month.

Natcher won widespread attention for his record of never missing a roll-call vote in his 40 years in the House. His string reached 18,401 on March 3 when his frail condition forced him to stay in the hospital. The day before, his determination had brought him to the House floor on a gurney, surrounded by Navy medical personnel and with tubes in his nose and arm.

But more than his attendance record, it was Natcher's gentlemanly demeanor and rectitude that won the respect of his House colleagues. This was a politician who shunned the press, publicity and many of the modern accouterments that go with public office, including a fax machine. He was a legislator of the 1950s that spawned his House career rather than the 1990s that saw it end.

State Sen. Walter Baker of Glasgow, one of the few Republicans to mount a serious campaign to unseat Natcher, once likened running against him to "running against God. He's up there by himself."

Natcher was born in rural Warren County Sept. 11, 1909. He graduated from Western Kentucky State College (now Western Kentucky University) in 1930 and received a law degree from Ohio State University three years later.

Elected Warren County attorney in 1937, his 12-year tenure was interrupted by World War II service in the Navy. In 1951 he was elected commonwealth's attorney for Warren and Allen counties, and in 1953 he won a special election to Congress, succeeding Rep. Garrett L. Withers, who had died in office.

"They never sent a congressman from the 2nd District who wanted to come up here as bad as I did," he said after winning the seat. He took office in January 1954.

While the 2nd District frequently went Republican in statewide elections, the GOP came close to defeating Natcher only in 1956. That was the year of President Dwight Eisenhower's second-term landslide, which helped put Republicans Thruston Morton and John Sherman Cooper in the U.S. Senate.

But Natcher, running against Republican R.H. Blankenship, won with 52 percent of the vote.

Unlike most congressmen, who usually return for long weekends in their districts, Natcher's fear of losing his roll-call record kept him in Washington and, according to critics, limited his effectiveness.

In later years Natcher himself conceded his record had become a burden, and urged newcomers not to follow his example. "I've told them it might be best in the very beginning to just miss one and get it over with," he said.

Natcher would return to Bowling Green during long recesses and make what he said were solitary drives to county seats to meet constituents individually and hold private luncheons. That was the informal way he always campaigned, though the description is based on his recounting because he refused to let reporters accompany him.

The truth is, the only reporter he ever liked was an absent one. "I'd appreciate it if you would let me alone," he once told a Courier-Journal reporter preparing what turned out to be an entirely positive Natcher profile.

Through his informal contacts and on the strength of his reputation, he was able to hold on to the sprawling district that stretches north from the Tennessee border to the Ohio River. In addition to Bowling Green (Warren County), it includes Owensboro (Daviess County), Elizabethtown (Hardin County) and parts of Jefferson County.

For 18 of his years on Appropriations, Natcher was chairman of the subcommittee on the District of Columbia, by most standards an unwanted job.

In that position he drew the enmity of local Washington leaders by blocking plans for construction of the Washington subway until the District completed work on a freeway system mandated by Congress. A citizens' committee called Natcher "a run-of-the-mill politician" who practiced "unabashed extortion" to force construction of the freeway. His critics were certain he had secret links to the auto and highway industries or to some other special interest. The Washington Post sent a reporter to Bowling Green to check him out. They turned up nothing.

Courier-Journal reporter Ward Sinclair wrote later: "What most don't realize, and they would have no way of realizing since Natcher doesn't talk, is that his intractability most likely goes directly to his background and his reverence for Congress as an institution.

"Many find it hard to believe when he says simply that the freeways must be built because Congress passed a law in 1968 directing that they be built."

In a 1970 profile, Sinclair wrote of Natcher: "Always conservatively attired and groomed to a fault, Natcher wears stiffly starched white shirts. He doesn't smoke; doesn't drink; is deeply devoted to his family; drives a well-used automobile. His thoughts, his triumphs and his defeats are recorded in a personal daily journal that next year will go into its 18th leather-bound volume. The books are kept in an office safe, and only members of the Natcher family are allowed to read them."

In 1979, Natcher became chairman of the appropriations subcommittee on Labor, Health and Human Services, and Education, which controls the purse strings to most social programs.

In January when Congress convened for the new session, Natcher, who had always appeared robust and far younger than his years, returned week and frail, and rapidly grew more so.

In early February he spent a weekend at Bethesda and checked in again on Feb. 11 for what proved to be his final stay. Although he left temporarily on three days to make floor votes, he never returned to his Washington apartment.

Natcher is survived by two daughters. Louise Murphy of Los Angeles and Celeste Jirles of Cambridge, Ohio, seven grandchildren and two great-grandchildren. His wife of more than 50 years, Virginia Reardon Natcher, died in January 1991.

Arrangements are pending

[From the Courier Journal, Apr. 7, 1994]

WORDS ABOUT NATCHER

PRESIDENT CLINTON

"Why is it that I am so moved by this man? * * * What is it that he had done that if the rest of us could do it we could really be true to the founders of this country, true to the challenges of our time, we could bring more harmony and a strong sense of community to our people? What is it exactly? And I think what it was is that he found a way to live in Washington and work in politics and still be exactly the way he would have been if he'd been here in Bowling Green running a hardware store. And this country works well when people in Washington treat each other the way they would have to treat each other if they were living in Bowling Green. And it doesn't work very well when everybody up there thinks, 'Oh, this is a different place and we have to treat each other differently and we have to muscle each other around' * * * But somehow Bill Natcher just had enough internal strength and coherence, maybe he was just enough old fashioned, that he literally was able to live every day as he would have lived had he been here all the time. That was the beauty of his legacy."

A HUMOROUS CLINTON ON MEETING NATCHER AND ON NATCHER'S HELP ON THE BUDGET

"I didn't know Mr. Natcher when I became president. I knew about him; nearly everybody in American politics did. Everybody's asking: Can this young guy from Arkansas who has only been a governor, never been in Congress, be president? I was saying: Can a man who doesn't have a fax machine run the appropriations committee?"

"He came to see me one day. We sat alone in the Oval Office and he almost held my hand, which is just about what I needed."

"He said * * * we're going to get through this all right. And you're going to make some hard decisions, and I'm going to help you. Then if we're really lucky we'll get it through the Congress. And you'll have to be willing to be misunderstood for a while, which I thought was a delicate way of putting the position I was in."

HOUSE SPEAKER THOMAS FOLEY

"Public office is a gift, a free gift of a free people. And it is given with a chance to use it in a way that will advance their interests, their needs, their future, their welfare. If anybody I have served with in the last 40 years represented that standard better thân Bill Natcher, I know not who he or she is."

JO "TOP" ORENDORF, NATCHER'S LIFELONG FRIEND FROM BOWLING GREEN

"Bill never became Mr. Chairman to the people in Bowling Green. He remained Bill. And none of us here learned anything when he was recognized on the floor of Congress as the gentleman from Kentucky. We knew he was a gentleman long before he left Kentucky."

[From the Courier Journal, Apr. 7, 1994]

CLINTON, OTHER LEADERS SAY GOODBYE

(By Al Cross)

BOWLING GREEN.—A flock of political leaders rarely if ever seen in Kentucky said hail and farewell yesterday to William Natcher, the congressman famous for never missing a vote until he was on his deathbed and for never taking a campaign contribution.

Natcher's legacy is larger than that. President Clinton and House Speaker Tom Foley told dozens of congressmen, other officials and just plain folks at Natcher's funeral.

Both leaders spoke of Natcher's service to others through the federal budget, but "the beauty of his legacy." Clinton said, is the courtesy and civility that he took from this Southern Kentucky town to the Capitol and displayed until he died.

"This country works well when people in Washington treat each other the way they would have to treat each other if they were living in Bowling Green," the president said.

As he boarded a small version of Air Force One at the Bowling Green airport, Clinton was asked if there would ever be another Congress member like Natcher, who served in Congress 40 years and died of heart failure March 29 at age 84.

"It would be hard, probably, to never miss a vote and never to take a campaign contribution, but it wouldn't be so hard to try and conduct yourself in Washington as you would if you were still living back home on Main Street." Clinton said. "That was the really important thing he did."

Natcher really did live on Main Street in Bowling Green, and he was a member of First Baptist Church, where the funeral would have been held, but a fire had destroyed the sanctuary. The service was moved to the town's largest church, Eastwood Baptist, and a joint choir sang.

That combination of circumstances and compromise, so important in politics and Congress, befit the man whose body lay in the flag-draped casket that will be buried in Fairview Cemetery this morning.

"I never met anyone like him," said Foley, of Washington state, who served with Natcher for more than 29 years. "I don't know anybody who epitomizes congressional service * * * more than Bill Natcher."

Before and after he became House Appropriations Committee chairman in 1992, Natcher headed the subcommittee that handles the health, human-services and labor budgets, and one of his favorite aphorisms was that this country would be the world's greatest if it educated its people and kept them healthy.

Said Foley, "There are in so many places today in this country, there are so many millions of people whose lives are better, whose health is stronger, whose future is brighter because of the daily work of Bill Natcher."

Natcher, who represented the 2nd District, also often said that the only epitaph he wanted was, "He tried to do it right," Foley said, "He not only tried. He did it right * * * I don't think he will ever be equaled."

Clinton said Natcher gave the nation "a great gift" last year by helping him pass a budget with a lower deficit and more spending on education and research.

The president said that he and Natcher grew close during that process, and that when they were alone in the Oval Office, "he almost held my hand, which is just about what I needed.

"He said, 'Now, Mr. President * * * we're going to get through this all right and you're going to make some hard decisions, and I'm going to help you * * * and you'll have to be willing to be misunderstood for a while'—which I thought was a delicate way of putting the position we were in."

Clinton spoke of other such warm moments in the hour he spent with Natcher's immediate family before the funeral, said Dave Turner, director of Johnson-Vaughn Funeral Home, who was present for the visit.

"I was blown away. He was very nice and very gracious," Turner said. "You saw a person who was genuinely concerned and genuinely moved by Natcher."

During the service, Clinton got a laugh from the crowd when he recalled that when some wondered whether a young governor from Arkansas could handle the presidency, he had asked, "Can a man who doesn't have a fax machine run the Appropriations Committee?"

Natcher was known also for his frugality, spending less on his office than any other member of Congress, and for his old-fashioned manners and dress.

After reciting those and other virtues and trademarks, Natcher's pastor, the Rev. Richard Bridges, noted that some have called Natcher an anachronism, but he said, "Honor and integrity and duty and faithfulness and civility never go out of style."

Bridges also said, "If his name were to appear on the ballot at the next election, he would be re-elected * * * because most of us would rather vote for a dead Bill Natcher than a living somebody else."

Though Bridges said "there is a great hunger in the land for men and women just like him," he said Natcher is also proof that those who sweepingly condemn the government are wrong. "An honest man can never serve alone," Bridges said. "He can only serve in the company of others who are equally brave, equally as devoted and equally without guile."

That may have been welcome news for the 200 or so guests from Washington, including Labor Secretary Robert Reich, Health and Human Services Secretary Donna Shalala, many congressional staffers and members such as Rep. David Obey, D-Wis., Natcher's successor as appropriations chairman.

Also in the congressional seating area were former Reps. Larry Hopkins, a Republican, and Chris Perkins, a Democrat. Natcher was close to Chris Perkins' father, former Rep. Carl Perkins, and delivered the eulogy at his funeral in 1984.

Perhaps the most moving eulogy yesterday came from retired Bowling Green banker-lawyer Jo T. "Top" Orendorf, Natcher's friend of 70 years. "Bill never became 'Mr. Chairman' to the people in Bowling Green," Orendorf said. "He remained Bill."

Orendorf said he wasn't able to visit Natcher in Bethesda Naval Hospital, where he died. But he said he would have told him. "Goodbye, Bill you did it right. See you soon."

[From the Courier Journal, Apr. 10, 1994]

NATCHER'S FULL STORY NOT YET TOLD

Bill Natcher began our last interview without giving me a chance to ask a question.

"I have one thing to say" the congressman from Bowling Green began, using his firm, familiar tone that brooked no interruption. "I will be a candidate for re-election." We were at the annual Daviess County Democratic picnic last August. The most curious political news of the week was that Natcher's 2nd District had a new resident, former 1st District Rep. Caroll Hubbard, and there had been some silly speculation that Hubbard would try to gain the seat if Natcher gave it up.

No chance of that, Natcher made sure we all knew. He stood more than an hour, greeting everyone who approached and introducing them to each other. It was an amazing performance for a man who would turn 84 in a month and would be dead in little more than seven. He bubbled with interesting (but just short of news-worthy) observations about the new president, and it was easy to imagine Bill Clinton serving his term and leaving office and Natcher still a Washington fixture. After all, he went to Congress before I was born, and for about half my life as a voter, he had been my congressman.

I admired Natcher, but for much of my life as a reporter, he was a major frustration because he always refused to let me join him on his solitary sojourns in the district. Maybe he considered such coverage superfluous for a congressman who voted on every question and answered his own mail. Finally, I staked out his home before sunup in hopes of tailing him. He apparently had left before I arrived.

Maybe word of that got back to him. A year later, when I showed up at one of his discreetly arranged lunches with friends and acquaintances in county-seat towns, he introduced me to a friend as "the meanest man in Kentucky." Seems that he blamed me for failing to report that he had given the formal eulogy a few weeks before at the funeral of his colleague and close friend, Carl Perkins of Hindman.

He got over that slight, perhaps learning that it was someone else's omission. I did think his eulogy deserved little mention because it was formal and stiff, without the rich personal analysis that Clinton and those close to Natcher gave at his funeral last week. Natcher relied on formality and tradition, and it didn't always serve him well as the world around him changed.

When he wrote the District of Columbia's budget in secret hearings in the late 1960s, and held up construction of its subway system until expressways were built, many there suspected his motives. But it turned out he was in thrall to a law, not to highway builders, and when the hearings were opened in the Watergate era he earned high marks for his fairness.

His fixation on his chosen course is still with us, is the choice of his successor. In December and January, he was clearly at risk of not finishing this term—much less the next one—and there was quiet talk of other candidates.

But Natcher signed his filing papers in his usual bold hand on Dec. 15, and when the Jan. 25 deadline passed, he was still the only Democratic candidate. No strong Republican had dared to file against him.

The combination of his candidacy and death puts the choice of his replacement effectively in the hands of the district's county Democratic committees, which are closely aligned with Gov. Brereton Jones and former state Sen. Joe Prather, 54, of Vine Grove, who was Jones' campaign chairman and is now the likely nominee. That boxes out Owensboro Mayor David Adkisson, 40, a rising political star who might have won an open-seat primary.

Adkisson's fate is ironic. He is a protege of U.S. Sen. Wendel Ford, whose father, E.M. Ford of Owensboro, was a key player in choosing the Democratic nominee in the last special election in the 2nd District. That was in 1953 and the nominee was Bill Natcher.

We may never know whether Natcher consciously passed up a chance to return the favor to Ford, or whether he returned it long ago in another way. Maybe he thought staying in the race was the best way to make sure Democrats kept the seat, and to keep himself from being a lame-duck chairman of the House Appropriations Committee.

My best guess is that like many people with gradual heart failure. Natcher kept thinking he would get better. Why else would he have allowed the House to suspend business for a day while he was hospitalized and then, a day later, have himself wheeled in on a gurney to cast his final votes?

The answer to these and other questions about Natcher and his era may be in the daily journals he wrote from the start of his congressional career but refused to make public—with some rare and unremarkable exceptions—until after his death.

Natcher wouldn't let us tell his full story while he lived. Here's hoping that he wanted to tell it himself.

REPRESENTATIVE WILLIAM H. NATCHER, DIES AT 84; CHAIRED APPROPRIATIONS COMMITTEE

(By Bart Barnes)

William H. Natcher, 84, the chairman of the House Appropriations Committee and an influential and powerful figure on matters of federal spending, died March 29 at Bethesda Naval Medical Center. He had heart and lung ailments.

Mr. Natcher, a Kentucky Democrat, served more than four decades in Congress, and in 1992 he was elected by fellow Democrats to be chairman of the Appropriations Committee, which controls most discretionary spending.

From 1979 until his death, he also was chairman of the Appropriations subcommittee on labor, health and human services, which has legislative jurisdiction over the funding of hundreds of billions dollars in social service, health and educational programs.

From 1961 until 1979, Mr. Natcher was chairman of the Appropriations D.C. subcommittee, and in that capacity he exercised vast powers over spending by the city government of the nation's capital. He clashed repeatedly with D.C. officials, especially over his insistence that various highway projects be completed before the release of funds for Metro rail construction.

These exchanges grew particularly heated during the final years of Mr. Natcher's leadership of the D.C. subcommittee, when officials of a newly reorganized city government contended that the congressman was refusing to recognize the District's right to manage its own affairs.

On Capitol Hill, Mr. Natcher was known as a figure of consummate courtesy and integrity who did not miss a roll call or a vote from his first day in office until March 3, 1994. His record of 18,401 consecutive votes earned him a place in the Guinness Book of World Records.

The day before his streak ended, Mr. Natcher was wheeled onto the House floor on a hospital gurney. He cast the last four votes of the streak while connected to an oxygen tank and intravenous tubing. On the previous day, the House suspended all legislative action at Mr. Natcher's request to permit the streak to continue.

On the day Mr. Natcher missed his first vote, he was visited in his hospital room by President Clinton, who presented him with the Presidential Citizen's Medal, the nation's second-highest civilian award. The citation said, "Few legislators in our nation's history have honored their responsibilities with greater fealty or shunned the temptations of power with greater certainty than William Houston Natcher."

In a statement issued by the White House press office yesterday, the president said, "In an era of sound bites and high-tech media campaigns, Bill Natcher was a rarity.

"Some may think that Bill Natcher's death marks the end of an era in politics. I hope not. I hope that Congressman Natcher's devotion to public service serves as an inspiration to the young men and women of America for as long as his voting record stands."

As a politician, Mr. Natcher accepted no political contributions, took no honoria for speeches and served as his own press secretary, administrative assistant and legislative assistant. His office staff consisted of "five ladies," as he described them, who answered the telephones, greeted visitors and took dictation.

Erect and immaculate in a starched white shirt and dark suit, it was Mr. Natcher's custom to arrive at work at 7 a.m., open his own mail and remain on the job until dusk. He kept a daily journal of his congressional activities, which had grown to more than 50 leather-bound volumes after four decades in office.

As a legislator, Mr. Natcher opposed efforts to add pork projects to appropriations bills, and he abhorred governmental waste and disorder. At the same time, he always made sure his own congressional district got its fair share of federal dollars. Flood control projects and educational programs for the disadvantaged were among those measures.

He also was proud of the growth in funding for the National Institutes of Health under his legislative stewardship, from $73 million when he first took office in 1953 to more than $10 billion today. On his 83rd birthday in 1992, NIH broke ground on a new office building complex named after him.

"I have always believed that if you take care of the health of your people and educate your children, you continue living in the strongest country in the world," he often said.

Mr. Natcher was born in Bowling Green, Ky., and maintained his official residence there all his life. He graduated from Western Kentucky State College and received a law degree from Ohio State University. While in law school, he memorized Robert's Rules of Order, and he remained a stickler for proper parliamentary procedure throughout his professional career.

After law school, he had a private law practice in Bowling Green. He was county attorney for Warren County, then during World War II served three years in the Navy. After the war, he was county attorney again and then a state prosecutor. He also was president of the Kentucky Young Democrats.

In a 1953 special election, he won a seat in the House of Representatives from Kentucky's 2nd Congressional District after the death of the incumbent. Party leaders united behind Mr. Natcher, and he ran unopposed.

Over the years, Mr. Natcher kept in touch with his constituents the old-fashioned way: He traveled around and talked to them. Rarely did he spend more than $7,000 in an election campaign, and he always used his own money.

During his years as chairman of the Appropriations D.C. subcommittee, Mr. Natcher headed a panel with authority over each line item in the D.C. budget.

In the chambers of the D.C. Council and on the editorial pages of Washington's newspapers, he often was attacked for cuts in the city's budget, ranging from slashes in the annual federal payment to reductions in such measures as staffing for the advisory neighborhood commissions and funding to permit low-income residents to make down payments on homes. Such decisions were the responsibility of local officials, Mr. Natcher's critics contended.

The congressman argued that he was only trying to eliminate inefficiency and duplication in the city government.

In 1937, Mr. Natcher married Virginia Reardon. She died in 1991.

Survivors include two daughters, Celeste Jirles of Cambridge, Ohio, and Louise Murphy of Los Angeles; and seven grandchildren.

[From the Roll Call, Mar. 28, 1994]

REPRESENTATIVE BILL NATCHER, 'OLD BULL' IN BEST SENSE OF THE WORD

(By Norman J. Ornstein)

Brace yourself for the shock, but Rep. William Natcher (D-Ky) is * * * an Old Bull! Yes, one of that hated class, targets of sidewalk camera muggings by "Prime-Time Live," vicious slurs by "60 Minutes," and general obloquy by journalists and "public interest" lobbies everywhere.

It is hard to think of Natcher in that light after the well-deserved praise directed at him from all quarters, including television news shows, when he first made his 18,401st consecutive roll call vote from a hospital gurney, and then was forced by debilitating illness to miss out on number 18,402.

From his post on the Appropriations Committee, and with his courtly demeanor Natcher has not been as highly visible to the Washington press corps or to New York producers as, say, Reps. Dan Rostenkowski (D-Ill), Jack Brooks (D-Texas), or John Dingell (D-Mich).

The fact is, he could have stood at the corner of Connecticut Avenue and K Street at lunchtime any day in the past four decades and attracted no attention whatsoever. He became the focus of airtime and column inches only because his illness brought his incredible roll call record to broader journalistic attention.

That attention now, at the tail end of his time in the House, has finally shown most Americans the Bill Natcher Congress-watchers have known, one whose career has been a model of rectitude and exemplary conduct; its tale could itself be a chapter in William Bennett's best-selling "The Book of Virtues."

Over his 41 years in the House, he has shown time and again the kind of personal style and professional behavior that exemplify all the "old" virtues—honesty, modesty, hard work, fairness, prudence, compassion, decency, institutional loyalty—that we could find in any Frank Capra movie.

Natcher is best known generally for his mind-boggling voting record; he is best known to Congressional insiders and regular C-SPAN viewers for his frequent stints presiding over the House. For years, any time a partisan of ideological controversy has arisen, both sides have agreed on one thing: Save Tom Foley (D-Wash), only Bill Natcher, with his utterly impeccable record for fairness, should sit in the Speaker's chair.

Voting on the House floor, of course, is not the most significant thing lawmakers do; neither does presiding over the chamber rank, say, with marking up legislation in subcommittees. But these activities speak to the broader personal qualities Natcher has brought to his job, that have made him so special among his colleagues. As Rep. Randy "Duke" Cunningham (Calif), one of the fire-breathing GOP junior Members, noted on the House floor, Natcher has always reached out to give insight and the benefit of his experiences and perspective to all Members, especially the junior ones.

Moreover, longtime observers of Congress and especially the appropriations process also know that Natcher's imprint is on most of the social policy that has been implemented over the past three decades, from his post as chair of the Appropriations subcommittee and Labor, Health and Human Services, and Education, which he achieved after many years of service on the panel—i.e. via that dreaded disease, seniority.

And if Natcher has been known for his courtliness and warmth, he has also shown a steely side when it comes to his own sense of national priorities and of careful use of the people's money; Washingtonians with long memories will recall Natcher's toughness when the issue of extended funding for the Metro subway system was considered.

More than anything else, in fact, what Natcher's career demonstrates is commitment to his work as a public servant and to his institution. Bill Natcher never ran for Congress by running against Congress. Bill Natcher never took a gratuitous swipe at his own institution of his colleagues on either side of the aisle. Bill Natcher has spent more than 40 years trying to assemble majorities in the Appropriations Committee and in the House to make policy for the public.

There is nothing more difficult in a complex, geographically, ethnically, and ideologically diverse democracy than assembling majorities. Stitching together widely disparate, independently elected Members of Congress from widely disparate backgrounds and viewpoints into 218 votes for meaningful public policy is tough work.

What distinguishes the best of the "Old Bulls" (in both parties, by the way; the Michels and Hydes as well as the Natchers and Foleys) from the rest of the House is their dedication to doing so—to making things happen when something needs to be done but there is no consensus, to fulfilling their charge as legislators. What distinguishes many of the junior colleagues of the "Old Bulls" is their dedication to posturing over legislating.

Many of Natcher's fellow "Old Bulls" have far rougher edges, more partisan leanings, and more personal peccadilloes—and have gotten far more press attention over the years. Most of it, at least recently, has been relentlessly negative, trashing not just their personal habits or styles but their very existence as old, out-of-touch, corrupt-by-definition, and, worst of all, "career politicians."

But for all their rough edges, most of the "Old Bulls," the Rostenkowskis, Fords, and Dingells, have a lot of Natcher's virtues as well. They too are loyal to their institution and their country, have their word as their bond, work hard, and are more interested in making public policy than logging minutes on camera or jockeying to jump to the next rung on the career ladder.

Bill Natcher is a quintessential career politician, a charter member of the "Old Bulls." As such, he is an extraordinarily valuable role model for all his colleagues—but most especially the younger ones who show no appreciation for their own institution, little sense of fairness or non-partisanship, little grounding in any of the old virtues he represents.

If they achieve their ardent desire and implement term limits for the House, aided by the usual kind of press coverage that treats the term "Old Bull" as an epithet, there will be no more Bill Natchers, or Dan Rostenkowskis, Bob Michels, Henry Hydes, or John Dingells—and likely, many fewer old virtues, along with much poorer legislating and legislation, in the House.

[From the New York Times, Mar. 30, 1994]

WILLIAM H. NATCHER DIES AT 84; HELD VOTING RECORD IN CONGRESS

(By Michael Wines)

WASHINGTON.—Representative William Huston Natcher, a Kentucky Democrat whose political longevity and spotless reputation won him the most powerful committee post in the House, died of heart failure late Tuesday. He was 84.

Outside of Congress, Mr. Natcher was best known for his streak of 18,401 uninterrupted roll-call votes in the House, a feat that ended on March 3, when failing health forced him to miss a vote (on a minor procedural matter) for the first time since he took office in 1954.

But on Capitol Hill, Mr. Natcher was an icon, a lawmaker who educated himself on the issues rather than rely on his staff, who took no campaign contributions, who was visibly offended by hints of corruption and who honored legislative procedures and courtesies to their last jot.

He once said that he wanted his epitaph to read, "He tried to do it right."

Those qualities, and his seniority, landed Mr. Natcher the chairmanship of the House Appropriations Committee in 1992, but only after Jamie L. Whitten of Mississippi surrendered the job.

OBEYED RULES OF COURTESY

The chairman, who effectively controls House action on much of the Federal budget, is one of most powerful figures in Congress. House Democratic leaders had beseeched Mr. Natcher to take the job fro Mr. Whitten months earlier, after Mr. Whitten suffered a stroke, but Mr. Natcher refused to overthrow his colleague.

That sense of fairness also led House colleagues to make him chairman of the body's internal gymnasium committee, where they could be assured that he would allot court time and other amenities without regard to politics or personal favors.

Mr. Natcher was said to take more pride in his voting record, his daily entries in a diary and the weekly essays on history that he sent to his seven grandchildren than in his eminence in the House.

In his district, in central and western Kentucky, he generally campaigned by placing a few newspaper advertisements and driving from town to town in his own automobile. And in contrast to many House members, who operate publicity machines of Wurlitzer proportions, Mr. Natcher issued one press release each year, summarizing his voting record.

TOOK NO CONTRIBUTIONS

In 1990 he spent $6,768 of his own money to rack up 66 percent of the vote against an opponent who had spent $144,315. One Republican who tried to unseat him in the 1980's likened the race to running against God.

Mr. Natcher was born in 1909 in Bowling Green, a middle-sized town in Kentucky's rolling limestone cave country. He was awarded a law degree from Ohio State University in 1933. After Navy service in World War II and a string of private and public legal jobs, he won a special election to the House in August 1953.

Mr. Natcher's record of continuous votes, believed to be the longest in Congressional history, became a burden to him in later life.

He regularly urged newly elected members to miss a vote early in their careers to avoid this fate.

As his wife Virginia lay dying in Kentucky in 1991, Mr. Natcher shuttled almost continuously between her bedside and the House floor to avoid missing votes.

HOUSE SUSPENDS WORK

He was visibly weak in January, when the House returned to business after its winter recess. After he entered Bethesda Naval Hospital, the House suspended voting business on March 1 for one day to allow him to keep his voting stream intact, something the House had never done before for a member.

On March 2, Mr. Natcher left his hospital bed and had Navy aides wheel him onto the House floor on a gurney. There, studded with intravenous tubes but clad in a dark suit, he cast several votes on routine issues.

The next day he was unable to leave his bed, and both his streak and his tenure on the Appropriations panel effectively ended. But while House Democrats voted to place Representative David R. Obey of Wisconsin in command of the panel, they allowed Mr. Natcher to keep the title of chairman until his death.

Besides his grandchildren, Mr. Natcher is survived by two daughters, Celeste Jirles of Cambridge, Ohio, and Louise Murphy of Berkeley, Calif., and two great-grandchildren.

[From the Louisville Courier Journal, Mar. 31, 1994]

THE FINAL ROLL CALL

They don't make 'em like Bill Natcher anymore.

It wasn't just his record of 18,401 consecutive House votes, a record that seems likely to last as long as there is a U.S. Congress.

Mr. Natcher, who died Tuesday night at age 84, did more than just show up for quorum calls. He also epitomized virtues that have become all too rare in American political life, and in much of the rest of American society, as well: courtesy, frugality, honesty.

He accepted no campaign contributions and appeared in no high-priced TV commercials. His campaigns were financed out of his own pocket. In 1992 he spent $6,624. The average spent by House incumbents seeking reelection that year was nearly $600,000.

Of course, he didn't usually have tough competition at election time during his 40 years in the House. Folks in the Second District liked and respected him, and we suspect that most of them couldn't imagine anyone else representing them in Congress.

Many of his colleagues in the House may also find it hard to accept that he's gone. He was admired, and as chairman of the Appropriations Committee, he had a lot of clout—though he wasn't the sort to threaten or intimidate.

Younger politicians can look to his career for guidance. They needn't focus on not missing a vote—in fact Mr. Natcher once said he advised newcomers in the House not to try. It would be enough, it would be a national blessing, if they were simply as decent and dutiful as he.

REPRESENTATIVE NATCHER IS DEAD AT 84—FAMILY AND FRIENDS AT HIS BEDSIDE AFTER LONG ILLNESS, HOSPITALIZATION

(By Mary Jacoby)

Rep. William Natcher (D-Ky), the 26th chairman of the House Appropriations Committee, died Tuesday night with family and friends at his bedside, ending a distinguished 40-year House career and closing the door on an era of whistle-stop campaigning and no-gimmick legislating. Natcher, who was 84, died of complications related to heart disease, according to his office. He passed away around 10:30 p.m. at Bethesda Naval Hospital, where he had been hospitalized almost continuously since early February.

Members rushed to praise the gentlemanly Natcher, who came to Congress in 1953 at the age of 45.

"He set a standard of congeniality with his fellow Members of both parties which is essential for any parliamentary democracy, but harder to find in this modern era," Speaker Tom Foley (D-Wash) said in a statement. "His memory will burn brightly."

Majority Leader Richard Gephardt (D-Mo) called Natcher a "constant inspiration" who "weighed every legislative decision with * * * weight and seriousness and purpose."

Rep. David Obey (D-Wis), elected acting Appropriations chairman last week and soon to be head of the committee in his own right, described Natcher as "an absolute rock of integrity."

Natcher's closest friends in the House remembered their long association with the legendary Natcher, who set a record of 18,401 consecutive recorded votes before his illness forced him to abandon the string in early March.

"He was fun to be with because he was full of anecdotes," said Rep. Sid Yates (D-Ill), who served 40 years with Natcher in the House. "He and I used to sit around and compare notes about the early days under Speaker Rayburn."

Rep Sonny Montgomery (D-Miss) said he considered Natcher one of his closest friends. But even friendship couldn't shield a Member from Natcher's keen memory of legislative events, he said.

"It was interesting. One time I voted against one of his bills, and he didn't forgive me for two years. And I ate breakfast with him every morning. He'd look up at me and say, 'Remember you voted against my bill three years ago?' "

"It's not going to be the same,"

Montgomery added. "We might just save his place down at our breakfast table for a while."

Natcher ran his office like he ran his life—spartan and efficient. He resisted the modern era, refusing to buy a fax machine. His Washington staff numbered seven at his death—one-third as many aides as he was authorized to hire. He employed all women and paid his top aide $50,000 a year, according to House records.

Remarkable in this age of million-dollar campaign budgets and high-tech advertising, Natcher never accepted campaign contributions and spent his own money on re-election.

In 1982 and 1984, Natcher spent a combined $21,000 to win elections against challengers backed collectively by hundreds of thousands of dollars. Seven times in his career Natcher was unchallenged in the general election. He usually won with 60 percent or more of the vote.

Yates recalled a conversation Natcher said he once had with Rayburn, a man from a modest Texas farming background who adhered to Natcher's campaign values but found even he had to bend to the modern era.

Recalled Yates, "Natcher went into the cloakroom one day, and there was Speaker Rayburn sitting in one of the armchairs. And Rayburn said to him, 'I suppose you didn't raise any money again for your campaign.'

And Natcher said, 'Yes, that's right, Mr. Speaker.' And Rayburn told him, 'Based on my experience, you're going to regret that one day.' "

Said Yates: "Well, he never did. He always used his own money."

Natcher never had to submit to exhausting fundraising rituals—and the charge of selling his vote to special interests—because he had built up a sturdy political operation at home that ran on auto-pilot, Yates said.

In Washington, Natcher exercised every day, riding an ancient stationary bicycle in the House gym that was removed last month after he became ill. At night, he would take a long way.

Natcher also kept meticulous diaries filled with his impressions of House Members and events. Every 300 pages, he would ship the volumes off to the Government Printing Office to be bound at his own expense.

Natcher had said the diaries would be released after his death.

Natcher—at age 83—became Appropriations chairman in 1992 after ailing Rep. Jamie Whitten (D-Miss.) stepped down.

In the year Natcher headed the committee, he remained opposed to earmarking and protective rules for the spending bills on the floor, although the Rules Committee usually issued rules anyway.

But his wife's death in 1991 took its toll on Natcher, according to friends. While she was seriously ill, Natcher flew back and forth between Kentucky and Washington, preserving both his devotion to his wife and to his voting streak.

Then, in February, Natcher drew national attention as he struggled to maintain his voting record, leaving Bethesda Naval Hospital during the day to vote and returning at night to recuperate from the strain.

In an unprecedented move, House leaders canceled legislative business on March 1 to enable Natcher to seek medical attention for intestinal blockage. Natcher had said he would rather forgo treatment than miss a vote.

The next day Natcher was wheeled onto the floor on a hospital gurney to cast votes. He had tubes attached to his arm and nose and returned, exhausted, to the hospital that night.

On March 3, Natcher released a statement saying he had "very reluctantly" decided to remain in the hospital, missing his first day of work in his professional life. His streak was over.

Natcher had been present for 18,401 consecutive recorded votes—14,161 roll calls and 4,240 quorum calls.

Yates said he once asked Natcher what would cause him to miss a vote. Natcher recited a telephone number and said, "You can call this number to find out," Yates recalled.

"I said, 'What's that?' He said it was the number of a funeral home back in Bowling Green. And it was almost true, except that at the end he was so close to death that he just couldn't vote anymore."

Natcher was born in Bowling Green, Ky., and graduated from Western Kentucky State College in his hometown in 1930. He received a law degree from Ohio State University in 1933 and moved back to Bowling Green to start a law practice.

From 1938 to 1950 he was Warren County attorney and served in the Navy from 1942 to 1945. He was elected to Congress in a 1953 special election to fill a vacancy caused by the death of Rep. Garrett Withers (D).

Natcher is survived by seven grandchildren and two daughters, Celeste Jirles of Cambridge, Ohio, and Louise Murphy of Berkeley, Calif.

Funeral arrangements are pending.

[From the Courier Journal, Mar. 1, 1994]

QUIET HERO

(By John Ed Pearce)

This old anvil laughs at many broken hammers. There are men who can't be bought." From The People Will Live On, by Carl Sandburg.

It may well be as much saddening commentary on our times, and on the low level of public service, as on the life and times of William Natcher, that he is praised in recollection to only for what he did but for what he did not do.

In a day when far too many public men seemed steeped in weakness, if not evil, he was, simply a good man, a man who did his duty as he saw it, representing the people of his district within the bounds of his conscience.

It is a fortunate man who can do that today, and Natcher was fortunate that he fit so well the part of our state he represented. His was a congressional district remarkably of a piece in a state of division and differences. He might not have survived 40 hard years in Congress had he been sent by a more diverse and demanding district, might not have been able to answer the varying command of clashing races, of unions against management, farmers against industry.

So, too, was the Second District fortunate to have Bill Natcher. For just as he was known as a man who did the right thing as he saw it, so did he avoid the wrong. When the time of choice arrived, he did not do the bad thing.

What is the reward for the man who takes the political road less traveled? Bill Natcher was one of the most powerful men in Congress; he could have amassed a fortune, lived lavishly. He could have, like most of his fellows, taken campaign contributions, using for his own benefit those funds not spent. No one would have blamed him for taking an easier way. But surely he should be remembered for not doing so.

His record reads with a peculiarly old-fashioned sound. He was not a spectacular lawmaker, but he kept an eye on the people's money. He opened his own mail, drove himself to work each morning, watched office expenses.

* * * * *

But he felt he was sent to Washington to vote, and so he would vote. He never missed a vote in his 40 years in Congress until time, age, the toll of work and a tired heart cut him down.

Those who chafe at the drag of custom and tradition and feel the need to fit the changing times may well question the impact of William Natcher on tomorrow. From a conservative district, he was conservative. He seldom heard the call of tomorrow strongly enough to move far ahead of today. The Second District of Kentucky has seldom flown the banners of liberalism. In this time, it nurtured the forces of the Confederacy. Only recently did its tempo quicken from that of the farm to that of the assembly plant. Change comes slowly when it moves to the rhythm of seed time and harvest.

And with the slow and steady pace of seasons, Bill Natcher worked to serve his people, with a quiet virtue that made him seem out of place among the bawling voices of mean attack and self-praise that crowd the stage of Washington. He brought home his share of lakes and roads and such projects as he could defend in good conscience.

He considered it improper to accept campaign contributions, knowing such gifts made one obligated to the giver.

He refused to make television commercials extolling his own virtues and seeking to damage his opponent. In a day of the talk show and the multi-microphone interview, he shunned publicity, avoided reporters and kept in touch with his constituents by the old-fashioned method of visiting and talking with them.

Progressives may question some of his votes, but no one can question his character or his conduct. And it is worth noting that a new health building will be named in honor of his efforts on behalf of health improvement laws.

It is said that the statues to the quiet heroes stand in the hearts of those they served. And what monument can we raise as reverent as the fact that in seeking his successor, we will look for the virtues that marked him?

Mr. MCDADE. Mr. Speaker, It was a great privilege to serve in the U.S. House of Representatives with our late colleague, Bill Natcher. Congressman MAZZOLI and the Kentucky delegation are to be commended for organizing this special order to honor a truly special man.

I am not exaggerating when I say that there was no one like him before and I am not overstating the facts when I say there will be no one like him again. Bill Natcher was one of the most distinguished and dedicated Members to ever serve in the U.S. House of Representatives.

Certainly Bill Natcher will be remembered for his 18,401 consecutive recorded votes. While that is an unparalleled achievement not likely to be surpassed, Bill Natcher should and will be remembered for so much more. He made a lasting legislative imprint with his leadership in drafting the annual Labor, HHS and Education appropriations bill. That bill impacts the lives of millions of Americans by funding such things as employment and training services, occupational safety, health delivery programs, Head Start, rehabilitation services, and student financial assistance.

Bill Natcher was remarkable in many ways. He will be remembered for being elected and reelected 20 different times without the expensive, high-technology campaigns which are now the norm. He never accepted political contributions, and he tended to the needs of the people of his Kentucky district with a bare-bones office staff and a roll-up-your-sleeves approach to constituent service.

Those of us who knew him personally will warmly recall his integrity, collegiality, and his devotion to doing what was right for the people of his district and our great Nation. I feel very fortunate to have worked closely with him during the past several years when he served as chairman of the House Appropriations Committee and I served as ranking Republican. The committee has always put partisanship aside in the interests of enacting appropriations legislation which serves the citizens of this Nation. Bill Natcher carried on that tradition in grand style, earning the respect of his colleagues from both political parties on the committee and in the House.

There were, of course, moments of disagreement, but Bill Natcher never ceased to be a gentleman and a credit to this institution. You could disagree with Bill Natcher and never jeopardize your friendship. He carried himself with great decorum, whether he was presiding over the chamber during a controversial debate or guiding the Appropriations Committee during a time of tightening budgets.

Bill Natcher will long be remembered not for the length of time he spent in Congress, but for the high quality of his service. His life serves as a model to those of us who have been elected to public office. Any young person who is interested in public service should study the writings and actions of Bill Natcher.

My sympathies go to Bill's two daughters, Celeste Jirles and Louise Murphy, and seven grandchildren. They can take great comfort in knowing what a rare and special man their father and grandfather was. The people of this Nation, and those of us who served with Bill Natcher, are richer for his contribution to the Congress.

Mr. BUNNING. Mr. Speaker, it is an honor for me to hold this special order to give more of our colleagues the opportunity to pay their final tributes to a great Kentucky gentleman and a great U.S. Congressman, William H. Natcher.

Chairman Natcher and I didn't share the same political party. We didn't see eye to eye on every issue. But he was a leader. He was a gentleman. And he was a friend. I respect him greatly. And I will miss him much.

The Kentucky Post, one of the major newspapers in my home district, recently referred to Chairman Natcher in an editorial headline, as Capitol Hill's "Man of Steel".

They were, of course, referring to the 40 years during which Bill Natcher never missed a day of work; the 40 years that Bill Natcher never missed a recorded vote; the 40 years that Bill Natcher devoted to public service here in the U.S. House of Representatives. Forty years of unblemished, untarnished, and unquestioned integrity.

And "Capitol Hill's Man of Steel" is definitely an appropriate way to remember Bill Natcher today, because Chairman Bill Natcher was indeed a "Man of Steel" when it came to his convictions. They never wavered.

He was a man of steel when it came to his commitment. It never faltered. For 40 years, while 9 presidents came and went. While seven Speakers of the House came and went—Bill Natcher was there day in and day out, quietly going about the business of doing the people's business .

He didn't showboat. He didn't make a lot of speeches. He didn't schmooze with the press. He just quietly went about the business of public service, because he believed in it.

When you looked at Bill Natcher, it was easy to believe that he was indeed a man of steel. He always stood so straight and tall—like he had a ramrod for a backbone. Never wrinkled—never rumpled, never mussed. Always courtly in appearance, with a pleat in his trousers as sharp as a knife.

And he got the job done. During the years he presided as Chairman of the Appropriations Subcommittee on Health, Human Services and Education, the appropriations bill was on schedule and under budget. It took firm resolve and hard work to get that done. It took a "Man of Steel."

But Bill Natcher was more than an "Iron Man" and it was that other side of the man that those of us who knew him personally, loved and respected the most.

And I hope that side of Bill Natcher will end up in the history books along with the voting and attendance records that he left behind. Because it was that other side of Bill Natcher that made the biggest mark on me—his warmth and generosity of spirit.

The stories you could tell to illustrate this side of Bill Natcher are endless.

Eighteen years ago, my chief of staff, Dave York, worked for my predecessor, Gene Snyder. He would occasionally bring his 6-year-old daughter, Rebecca, into the office with him on Saturdays.

Rebecca would disappear. And Dave would go looking for her. Invariably, he would find his daughter across the hall in Bill Natcher's office sitting on the chairman's knee as he read to her from one of the letters he wrote his own grandchildren every week.

That is the side of Bill Natcher I am talking about.

Some years ago, on a fall morning you would find Bill Natcher, walking out onto the lawn of the U.S. Capitol, stooping down every now and then to pick up buckeyes which had fallen from one of the trees. He would call it his harvest.

Then this man, who was the chairman of one of the most powerful subcommittees in the world, and who was destined to be the chairman of the full Appropriations Committee, would take those buckeyes and polish them a bit, wrap them in tissue and put them in a gift box he had saved from birthdays and Christmases to pass out to visiting constituents.

It is stories like this that illustrate the side of Bill Natcher that I will cherish in my memories. The compassion. The gentle spirit and the genuine thoughtfulness that made him truly great in my book.

I also believe that it was this side of Bill Natcher that actually gave him the strength of purpose and commitment that helped make him the "Iron Man of Capitol Hill." The iron man was driven by a soft and gentle heart full of compassion.

Chairman Bill Natcher's philosophy was simple. He wasn't shy about sharing his beliefs. I guess I heard his spiel a thousand times in the 7½ years I was in Washington with him. He repeated it virtually every time he spoke before a group of Kentuckians visiting Washington. It wasn't a complex philosophy.

He simply said, "If you educate your children, and if you provide for the health of your people, you will continue to live in the strongest Nation in the world."

He believed that. And he helped make it happen.

That was Bill Natcher. A man of iron will and steel commitment driven by a heart full of gentleness, compassion, and caring. That is what made him great.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my long-time good friend and colleague, Chairman Bill Natcher of Kentucky, who passed away in March.

Much has been said about Bill Natcher's outstanding career as a Congressman and much has been said about his matchless voting record. Certainly, he was one of the most respected and dedicated Members of the Congress to ever serve our Nation. And, it's likely that his long, unbroken voting record will never be beaten.

But, most important, Bill Natcher was a wonderful person who cared deeply about his family, the people of his district, his State and Nation. He devoted himself to them and served them with great dignity and integrity.

Bill Natcher was highly principled, always a gentleman and set very high standards throughout his 40 years in Congress. He will always be an excellent role model in every respect, not only for current Members, but also for future Members and anyone else who serves in public office.

On many occasions, I saw Bill stand up for what he believed in. He did it with determination and firmness, but also, with good manners. In his role as chairman of the House Appropriations Committee, he served with great tact, diplomacy, and leadership.

I was impressed with the time, energy, and devotion he gave to corresponding with his grandchildren each week.

I predict that his record of events spanning his 40-year congressional career will make excellent reading.

I enjoyed my friendship with Bill Natcher over the years, especially the time we spent together on the House Appropriations Committee. I will always remember him with fondness and respect.

Bill Natcher will be missed, but his service to his district, his State, and our Nation will never be forgotten.

He was one of the finest public servants who ever lived.

Mr. GOODLING. Mr. Speaker, oh, how I wish that the American public had the same image of the Congress of the United States that the Members of Congress have of Mr. Natcher. What an honor it was to have served in the Congress of the United States for 19½ years with the perfect gentleman from Kentucky. I always knew I had an ally when I went before the Appropriations Committee fighting for child nutrition and education moneys. I always knew that what Mr. Natcher said, Mr. Natcher did.

Beyond his dedicated service as a Member of the U.S. House of Representatives, was the magnificent human being from Kentucky. I can remember when dad left Congress, he said he won't miss the job but he will certainly miss his friends. I certainly miss and will miss Congressman Bill Natcher; as I know will be true of his family, who he loved so much and talked about so often.

Well done my good and faithful servant.

Mr. GALLO. Mr. Speaker, we have gathered today to honor the memory of an individual who touched us all in very personal ways—our friend and colleague Bill Natcher, the gentleman from Kentucky.

It is a measure of our times that Bill Natcher became well known across the country for his amazing voting record in this body, with more than 18,000 consecutive votes cast—a record that will most probably never be equaled.

Inside the beltway, of course, he was best known for the important role which he played on the House Appropriations Committee, ending his career as chairman of that committee.

But to many of us, he was known simply as a gentleman and as a friend.

In fact, Bill Natcher's many kind words and his dedication to service defined for many of us the word gentleman during his many years in the U.S. House of Representatives.

As a member of the House Appropriations Committee, I had the honor to work closely with him and to have many fond memories of his wit and wisdom and of his many good works as chairman.

He had a smile and a kind word for everyone he met in the Halls of Congress.

He treated Presidents and pages with the same gentle consideration, courtesy, and respect.

And, anyone who knew him knew that his kindness was genuine and that it was a part of his nature. He was not a gentleman by profession, but by nature.

No one could share an elevator with Bill Natcher and not come away feeling better than before.

He always had a kind word for everyone he met. He was a good friend to a great many people. He will be greatly missed.

Mr. Speaker, I join with my colleagues today to remember Bill Natcher, a dedicated and powerful Member of Congress who never lost touch with his own humanity or with the feelings of the people around him. I am proud to join with you in honoring this gentle man from Kentucky.

Mr. HYDE. Congressman Bill Natcher was ramrod straight, both in physical appearance and the conduct of his office. He was an example of what a Congressman should be. His natural reserve and formality added to his aura of stature and rectitude.

He did more for the poor and despised of our country through his always effective leadership as chairman of the Subcommittee on Health and Human Services of the Appropriations Committee than anyone I can imagine. It was impossible to say "no" to Bill Natcher.

He always defended the unborn, even when it was unpopular with many of his colleagues. There are literally millions of people alive today because Bill Natcher would not let them be aborted.

To call a political figure great is by now a cliché. There are so few truly great people. But by any standard, Bill Natcher was great. I have been blessed to know and work with him.

Mr. CRANE. Mr. Speaker, the House of Representatives and the Nation have lost an outstanding legislator and a true gentleman with the passing of our colleague and friend, William "Bill" Natcher of Kentucky.

It is certainly doubtful that his unbelievable attendance of over 40 years will ever be equaled. But Bill Natcher leaves more than a record-setting 18,401 consecutive rollcall votes behind him.

Death took him as he served as chairman of the House Appropriations Committee—the committee to which he had given so many years of his life, always doing his utmost to fight any unnecessary spending of the hard-earned dollars of taxpayers.

Before taking over leadership of that very important committee, Bill Natcher served his Kentucky constituents as well as his Nation by dedication to duty as chairman of the Subcommittee on Labor, Health and Human Services and Education Appropriations, which he took over in 1979.

For 40 years he served his country in the House of Representatives as few others in history have served. And before he brought his talent and kindness to this body, he also served his country for over 3 years in the U.S. Navy during World War II.

As we witness the media take its daily swipes at Congress in efforts to increase circulation and lift ratings, we wonder why they never took the time to point out another side of Congress—that best represented by Bill Natcher. Bill Natcher was an honorable, dedicated public servant.

In his four decades of duty here in the House of Representatives, Bill Natcher continuously displayed, as one observer noted, "the kind of personal style and behavior that exemplified all the 'old' virtues—honesty, modesty, hard work, fairness, prudence, compassion, decency, institutional loyalty."

It was not only a pleasure to serve with this kind, warm individual—it was a privilege to serve with William "Bill" Natcher, truly one of the outstanding figures in U.S. congressional history.

Mr. APPLEGATE. Mr. Speaker, I wish to join with my many colleagues on both sides of the aisle in recognizing a truly outstanding and much loved Member of this House, someone who taught us many important lessons about who we are, and who reminded us that we should never forget where we come from, the late Honorable Bill Natcher of Kentucky.

Throughout my term of service in the House of Representatives, I always enjoyed and greatly appreciated my working relationship with Mr. Natcher. For many of us, Bill Natcher was the last remaining link to a past in politics and statesmanship that will be forever lost. He showed us how campaigns could still be conducted with just a few bucks from your pocket and without any fast-talking strategists and political advisers. He taught us about frugality, not only when it came to working out a Federal budget, but just as equally when it came to operating a lean and efficient office. Bill Natcher was his own chief of staff and he spoke as his own press secretary.

But no one should ever doubt the deep and abiding commitment and sincere respect and love that Representative Bill Natcher held for this institution. You only need to look at his consecutive voting record of more than 18,000 recorded votes since first coming to Congress over 40 years ago to fully understand his dedication.

I will miss Bill Natcher, as a good friend and a faithful colleague. I extend to his many friends and to his family, including his daughter, Celeste Jirles, who resides in Cambridge, OH, in my congressional district, my very deep regards and sympathy upon the passing of this true giant of the U.S. Congress.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to the distinguished gentleman from Kentucky [Mr. MAZZOLI] for reserving this special order in honor of our friend and colleague, the late Bill Natcher.

We gather to pay tribute to a dedicated individual whose 40-year tenure in the Congress earned him the respect and admiration of all who knew and served with him. I was proud to have known Chairman Natcher, and I join my colleagues this evening in celebrating his life and contributions to this legislative body and the Nation.

With the passing of Chairman Natcher, the Second Congressional District of Kentucky and the Nation have lost a fearless leader and champion. Chairman Natcher served his constituency and the Nation to the very best of his ability. He was a committed public servant who gave selflessly of his time, energy, and talents.

Mr. Speaker, in reflecting upon the legislative career of Chairman Bill Natcher, words such as hard-working, conscientious, and one-of-a-kind are used to describe an individual who was easily one of the most respected and admired Members to ever serve in the U.S. Congress.

When he was elected to this body in 1953, Bill Natcher brought to Washington a passion for public service. His commitment not only earned him a perfect attendance and voting record, but it won him the admiration of his colleagues and his constituency.

Prior to his illness, Chairman Natcher never missed a day in Congress or a rollcall vote. He cast a historic 18,401 votes during his tenure in the House. We are proud to note that the historical records of the Congress will reflect the fact that this record is unsurpassed.

Bill Natcher served with distinction as the chairman of the House Appropriations Committee. His leadership of this powerful panel was exemplary. Chairman Natcher was a champion for education, health, and the environment. He was not only a skilled legislator, but he was fair and conscientious in his decision-making.

Mr. Speaker, I was privileged to serve on the Appropriations Committee under Chairman Natcher. When I recall Chairman Natcher, I remember his love for this institution, for his family, and for his country. I recall his legislative brilliance and strong leadership. I also fondly remember our close friendship and the personal interest he took in my career.

Mr. Speaker, we are honored to have had the opportunity to serve in the Congress with Chairman Natcher. He will be remembered for his honesty, compassion, and loyalty. Above all, we will remember Chairman Natcher as a role model and statesman. His devotion to public service and distinguished record serve as an inspiration to each of us. Chairman Natcher has earned a very special place in history, and he will never be forgotten.

Mr. ROWLAND. Mr. Speaker, people are already using the term "legendary" in reference to William H. "Bill" Natcher, our beloved friend and colleague whose public career spanned more than half a century.

No matter how bitter the debate, Congressman Natcher always used his position and influence in a fair and evenhanded and well-reasoned manner. He was, in fact, regarded by everyone as a gentleman in the truest sense of the word. Yet, he could be a very tough and determined opponent. He was certainly one of the most highly skilled legislators to ever serve in this body. Although he is among the greatest legislative achievers of our time, he was characteristically modest about these achievements, quick to give credit to others and usually avoiding the media attention he earned.

As the publication "Politics in America" noted, Congressman Natcher was not a man to bend with the times. He was noted for not accepting campaign contributions and for campaigning the old-fashioned way, often driving unaccompanied through his district and meeting with constituents on an individual basis. As chairman and longtime member of the House Appropriations Committee, he was an implacable foe of any spending he perceived as "pork barrel." In that respect, "Politics in America" pointed out that the times had begun to bend with Congressman Natcher during the past several years as pressure for greater fiscal responsibility in Washington increased.

For these reasons, and more, few people who have served in this body have been held in greater esteem than the gentleman from Bowling Green, KY.

Mr. EMERSON. Mr. Speaker, Bill Natcher was one of a kind, and I feel very blessed to have served with him, to have learned from him, to have heard many of his wonderful stories, and to have counted him a good friend.

Throughout my 14 years in Congress, Bill was, of course, so very senior, very eminent, very respected. But he always had time for a pleasant exchange, and kind word, a story, and, yes, when necessary, to focus on the business of importance to we rank and file who needed to talk with him about something in particular. He always tried to help, to be constructive, and he always carried out his business in the most deliberate, kind, and gentle manner.

It was axiomatic when the leadership, for the consideration of the most contentious legislation, wanted the fairest of the fair, the most objective and evenhanded person presiding, Bill was in the chair. The whole House knew that and appreciated it. Once, when in the course of debate a lot of us were scrambling to be recognized, he recognized someone ahead of me, following which he motioned for me to come to the chair. He said, "I should have recognized you. I think you were first on your feet, but I didn't see you out of the corner of my eye in time. You will be next." I hadn't thought anything of it, but that was Bill; that was just how he was.

Often I had the privilege—when hosting constituents and would meet him in a corridor of the Capitol or elsewhere on the Hill—to introduce my folks to him and to note his great attributes to them. He always had time for a pleasant word with them.

I had the privilege of being a page in the 83d Congress, when Bill arrived here. While I wasn't here for a lot of the intervening time, I was here for his first vote and his last. We always enjoyed visiting about the former times in Congress, how it was then versus how it is now, and talking about some of the characters of days gone by. These were special times for me, to have seen Bill's perspective and to share in his recollections, so well framed, so well stated.

His district, Kentucky, and the country have lost an exemplary public servant who made his mark and whose service will be felt and recognized for generations to come. I shall miss greatly his presence here, the class of his very being, and the touch of his friendship.

Mr. PICKETT. Mr. Speaker, as a product of pioneer settlement of the rugged Commonwealth of Kentucky, Bill Natcher grew up on principles and patriotism that made him one of modern history's greatest legislators.

He learned at an early age the meaning of words like integrity, honesty, honor, and principles. He learned the power that strength of moral character brought to one's life. It was these life values that made him the solid, compassionate, knowledgeable, and intellectual legislator whom we would do well to emulate. And it was these same values that the residents of Kentucky's Second District also embraced by returning Bill Natcher to Congress over and over from 1953 until his death.

Bill Natcher lived the traits of a textbook legislator: His devotion to detail. The seriousness with which he took his responsibility to vote. His fairness and civility to fellow legislators, regardless of party affiliation. His belief and support of his constituency. His protection of his public trust. His frugality in handling his country's money resources. His love of the institution of the House of Representatives, and his commitment to never tarnishing its image or reputation.

He was a thoroughly modern example of the courtly southern gentleman of years past who was an inspiration in public service to all who would listen. He established a voting record as an effective public servant that may never again be equaled, but one for which we would all do well to strive for as we go about the public's business in today's world.

His wise counsel will be missed, but his record and his principles will continue to shine for all to see.

Mrs. MEEK of Florida. Mr. Speaker, we refer to each other as "gentleman" or gentlewoman," but, when we refered to the late Representative of the Second District of Kentucky, we really did mean it.

It has been a privilege for me to serve with the gentleman from Kentucky for a little over a year and to serve under his leadership as a member of the Committee on Appropriations. No Member of this House was more fair or courteous, or, I may say, tolerant of the foibles of a new Member.

This Congress has seen the Committee on Appropriations have to make tough decisions on priorities. Some of these decisions have not always been to my liking, but I have always had the opportunity to express my views. Sometimes I have prevailed, but courtesy and fairness was always the Chairman's watchword. Who can ask for more than that.

Chairman Natcher was a product of the progressive wing of the Kentucky Democratic Party with its foundations in the Wilson era and the New Deal and the Fair Deal. He was allied with the faction led by former Senator Earl Clements. He has been a hard fighter for the working men and women, and the children, of Kentucky and America.

Although his compassion for the less powerful in his Commonwealth and our Nation is well known, he has not hesitated to insist that programs produce. Woe be it to an agency that he caught not delivering an efficient and effective service, and catch them he did.

His dedication to the service of the people of the Second District is exemplified by his never having missed a vote since coming to this House in a special election in 1953. His dedication is more than demonstrated by his efforts to improve the lives of his bosses, the people, in his district. I am told that he and the late Kentucky Congressman, Carl D. Perkins, had a friendly rivalry on who had the most flood control projects in their respective districts. This rivalry developed from a dedication to prevent human destruction caused by Mother Nature.

Chairman Natcher's mark is not these concrete manifestations of his legislative prowess, but it is the millions of young men and women who have received a decent education, it is the millions who lead healthy lives as a result of medical research he nurtured at the National Institutes of Health, it is the children of America who have benefited from immunization programs and Head Start, and it is the millions of working men and women who have safer work places because of his efforts to insure that the Department of Labor did its job.

He left this earth a little better place for future generations.

My condolences go to his daughters, Celeste and Louise, and grandchildren and to his loyal and skilled staff who served him and America well.

Mr. DE LUGO, Mr. Speaker, since his sad passing just a few weeks ago, people from all walks of life have extolled the remarkable qualities and exceptional achievements of William Natcher. By every measure, Bill Natcher was an extraordinary man, a superlative Member, an outstanding chairman, a gracious gentleman, and, to me and many, many others, a real friend.

There is little that I can add to what has already been said about Bill Natcher, other than to recount a few of my personal experiences that I believe well illustrate the deep principals and heartfelt generosity that Bill Natcher always showed to me and people of the Virgin Islands.

Thirty years ago, my district experienced the impact of large scale immigration, made far more challenging by the islands' small size and insular nature.

After a Federal court decision required the Virgin Islands school system to teach the children of all residents. I felt the Federal Government had an obligation to help insure that all young people had the opportunity to receive the best possible public education. Doing so would be an important investment in them and in the future of our community.

I developed and had authorized a special assistance to education program, but without appropriations the program was on the books but would never reach the classrooms.

That's when Bill Natcher, as Appropriations Subcommittee chairman, stepped in. In a purely pragmatic sense, he had no reason to support a program for school children as far away from Kentucky as the Virgin Islands. Bill Natcher would gain no political advantage by supporting my request to fund a program when many other districts with powerful members were competing for money.

But Chairman Natcher did help. He recognized the needs of Virgin Islands young people were no less important then those of every other school child in this Nation. He knew that nothing in their young lives would be more important than a solid education. So, he saw to it that my program was funded.

Last year, the last time as it turned out that I would be privileged to testify before him, I was joined by my Governor, Alexander A. Farrelly. Always the epitome of graciousness, Chairman Natcher left the dias to personally greet the Governor. The Chairman remembered the Governor by name and he took him aside to chat until the duties of the committee called him back.

Those sorts of courtesy, personal interest and genuine kindness are rare indeed, but they were typical of Bill Natcher. He knew what was right and he did it, from insuring the education of children he would never meet to greeting a man he had no reason to recall other than his personal interest and courtesy.

These were the qualities of a truly extraordinary man, and why Bill Natcher was so respected and admired.

Chairman Natcher now is gone, but his legacy and his example will always remain within this Chamber, will dwell here so long as we remember this remarkable man and the principles he lived by.

Mr. HEFNER. Mr. Speaker, history will record the great energy and dedication our colleague, Bill Natcher, devoted to this institution and to the people it serves.

It will record an incredible 18,401 uninterrupted rollcall votes amassed over 43 years in which he never missed a single day of work. Not a single day.

It will record that he came here as the representative of a rural, small-town district and rose to great positions, of leadership in the Appropriations Committee and on this floor, all on the same humble values of hard work, fair play and attention to duty.

History will record, and will no doubt be indebted to, his faithful chronicle of life and work as a Member of this body during one of the most fascinating and momentous periods in our Nation.

And it will record that Bill Natcher did all of these things will little fanfare, neither seeking nor accepting any special attention in Washington or at home.

But, Mr. Speaker, history will also record what is in such evidence here today, and that is the great love and true affection Members of this body have for Bill Natcher. He was a man of exceptional courtesy and sincerity, a teacher of wise and generous counsel, a gentleman whose word was always his bond.

Mr. Speaker, I count the leadership and friendship I received from Bill Natcher among the genuine, blessing of service in this institution. It was an honor to serve with him and under him on the Appropriations Committee, and a privilege to call him both colleague and friend.

Mr. Speaker, in the history of this body and of this country there will, I believe, be no further public servant, no man of greater industry and integrity, no better loved and respected leader than Bill Natcher. He was a man without parallel and we miss him. And we always will.

Mr. DE LA GARZA. Mr. Speaker, dedication. Loyalty. Service. These are the traits that defined the late William Natcher. All of us in this body aspire to exemplify these qualities, but I don't know how many of us succeed to the degree that our late colleague so magnificently did. Like the Central Kentucky people he served for nearly a half-century, William Natcher displayed these qualities with modesty, courage, and fairness—always leading by example and maintaining the highest standards.

As Congressman, chairman, and statesman, William Natcher certainly set the ideal for public service: paying for his own campaigns, reading and answering his own mail, casting an impressive and awe-inspiring 18,401 consecutive votes. For 40 years he set an example of what public service should be.

In addition, he was a master legislator. As chairman of the House Committee on Appropriations, he has had in some way or another a profound impact on the lives of all Americans. He long was a champion of women's health issues, especially the fight against breast cancer. He worked diligently to advance education. Of course, something near and dear to me is agriculture, and Chairman Natcher was a good friend of the American farmer, ardently supporting the family farm system of agriculture. I could go on and on, but the accomplishments of this gentleman are legion. This year's presentation of the Presidential Citizens Medal from the President clearly says it all by recognizing the distinguished career of our colleague, William Natcher.

William Natcher was a man without peer, and we will miss him greatly. Along with my wife, I extend the most heartfelt of condolences to his many friends and family.

Mr. BARLOW. Mr. Speaker, in my first term in the House representing my fellow Kentuckians living in the First District, I had the high honor and very distinct privilege to serve with Congressman William H. Natcher who, himself, served the citizens of Kentucky's Second District.

Mr. Natcher loved his people. Mr. Natcher loved the House. Through his many kindnesses I came to know Mr. Natcher—as we all did.

It was a cool spring night about 1 year ago that I flew into Nashville, TN, from here in Washington where we had finished the week's legislative work. Usually I change planes in Nashville and fly on to Paducah, KY—my home town from where I travel out over the weekends to meet with my people for the gathering of the information that is essential to doing the work in Congress of my 31 county district. The First District of Kentucky, as I describe it, is everything west and south of Mr. Natcher. Mr. Natcher loved his district. Indeed, a number of counties in my district were served by him through successive reapportionments. He is loved in my district as he is loved across Kentucky.

This evening I had my car at Nashville and instead of going on to Paducah, I headed directly north on the interstate highway from Nashville into central Kentucky—the road that as it comes into Kentucky goes by Franklin in my district and on to Bowling Green, Mr. Natcher's hometown. And as I traveled along in the cool darkness, my headlights lit up the bumper of a car ahead of me going in the same direction, north. As I came up on the car I read a very simple, plainly printed bumper sign attached to the car ahead. The sign read: "I am a student at the William H. Natcher Elementary School."

Such a simple sign. Such a sign that began to say so much to me as I traveled along in the cool darkness, my headlights picking out the road ahead, the twists, the turns, the falling away, the rising of my journey onward.

I had only been in the House a few months. Yet in that short time Mr. Natcher had so graciously shared his friendship—a veteran of years of service. There were no barriers of time nor, indeed, even of age. Just a generous reaching out and a warm and friendly welcome to service for our people in this House.

And as I drove the word "elementary" began to grow in my mind just as a wonderful creation rises up to inspire, from roots to branches, to leaves to full beholding flower.

For indeed, we all are students in Mr. Natcher's school of the elements, the basic requirements, the very fundamentals of succeeding in the House of Representatives of the American people, succeeding in moving with our people, for our Nation—ahead in progress, in peace. These were his elements which guide me as they guide the people he touched and touches through time:

Mr. Natcher was dignity.

Mr. Natcher was respect.

Mr. Natcher was duty.

Mr. Natcher was kindness.

Mr. Natcher was patience.

Mr. Natcher was forbearance.

Mr. Natcher was devotion—devotion to the bringing together for the continuing crafting towards continually receding goals. Here in the House, as we work together, success is measured in the reaching ahead toward goals always moving ahead of us. That is the House at its best. Mr. Natcher loved the House.

I remember now some of Mr. Natcher's words which I will treasure and pass on in my life:

"I hear what you are saying."

"I understand."

And my favorite for its unique Kentucky wisdom for rich living:

"Now come on up to my office and we are going to put the clock in the drawer and talk."

Mr. Natcher was pre-eminent in the House in his knowledge and appreciation for the rules of parliamentary procedure—rules that have been crafted through time to bring harmony out of chaos, to bridge differences so that we can keep in column, moving ahead—together. For a great Nation. For America.

We address the chair in debate. Because, on occasion, tempers can flare and an impartial pillar for the focus of our argument helps to keep the peace.

And in the world we live in, the crack of the gravel sure beats the crack of the gun. Life continues.

In his months as chairman of the Appropriations Committee of the House, Mr. Natcher led us in an historic turning, reaching out to all sides of party, beyond the rancor and divisiveness, a turning for America towards discipline, towards renewed strength, towards a rededication of our great Nation and our families, a rededication to the very qualities of living the truly good life which were rooted so firmly in him. All his years of service before his chairmanship were, I do believe, his special preparation for his leadership in this turning of the wheel and the setting of our Nation on this new and vital course. We shall continue now.

I remember now Mr. Natcher with the words of the 23d Psalm:

> The Lord shall prepare a table before me in
> the presence of my enemies.
> He anoints my head with oil.
> My cup runneth over.
> Surely goodness and mercy shall follow me
> all the days of my life.
> And I shall dwell in the House of the Lord
> forever.

In my youth I would picture this scene from the Bible in militant pageantry. A David and Goliath mural. But in my time in Congress, I have come to an understanding that the biblical word "enemies" has the fuller and richer and deeper connotation of people in their differences.

The table is the place for nourishment—spiritual, physical, mental—in a setting of dignity. A place of peace.

And as we come to discourse on our differences in the setting of the Psalm for the sake of our nourishment, the Lord shows His special favor for our labors, each one of us as children of God here on Earth, in our daily lives, by anointing our heads with oil, by overflowing the bounties of our vessels or nourishment.

I do believe that this passage from the Bible serves us in all our gatherings, not just in the House, but in gatherings of family and friends, in towns and cities—wherever people gather together, wherever there are—and there are and always will be—differences.

Mr. Natcher labored well. We know that.

The annals of the House will show for future generations that goodness and mercy did indeed follow from him and his labors for us.

And, surely, surely as he has now passed from our presence, he shall dwell in the House of the Lord forever.

Mr. SMITH of Iowa. Mr. Speaker, we meet today to pay respects to one of the all time distinguished citizens of the United States, Congressman William H. Natcher of Kentucky. Chairman Natcher was an influential leader in our country and a role model through all of the years of the his active life. He lived up to the expectations of all who knew him proudly and with great distinction, he knew his rights and stood his ground, but he never offended anyone and accomplished by persuasion where others have failed by confrontation and loud or foul talk.

Bill Natcher and I were appointed on the same day to the subcommittee where all health and education funding in the United States begins and ends. The funding for health research on that day for the NIH was $73 million. Today it is over $11 billion. No other American has more to do with advancement in health care and saving lives through research than Bill Natcher. Millions of people world wide live today because of his dedication and effective resolve to advance health research. But even with the great advancements in health care available today, eventually ones time on this Earth must arrive. Sitting next to and learning from Bill Natcher, I was exposed to his intuition that permitted him to decipher witnesses, to recognize those who could offer valuable advice as to the deviation of limited funding and at the same time to be scrupulously fair and just. He was peculiarly capable of exercising the responsibility and power he possessed and which led to the great respect for his judgment and recommendations.

I had the good fortune and I stress the term good fortune to serve on three subcommittees he served on and I quickly realized that it would be easy to underestimate this man who understood the problems of the disadvantaged, the importance of access to education for individuals to reach their potential, and that he held no rancor against others, but was both proud and humble, gentle and fun-loving, and intensely earnest about helping others who deserved help. He always paid his dues quietly and waited for another opportunity to help. He lived through eras when demogoguery, loud talk, and attacking others seemed to temporarily reward some in public officials life but he never engaged in those tactics. Those types soon disappeared from the scene but the ever polite, firm but fair Bill Natcher lived on.

While he loved the Congress and the constituents he represented, his daily love and devotion was to his family.

You all know he wrote faithfully to his grandchildren every week he was in Congress and those letters will be published and forever be a treasured part of literary history. Much of the content of those letters, which were not kept secret, referred to historical events.

He also recorded his observations about current events on a regular basis and those observations were not public. I have seen these volumes many times but like all others, was never permitted to read a page. All he would say is, "You are treated kindly." I certainly hope so, however, knowing Bill Natcher as I did, I doubt if anyone was treated very unkindly.

Chairman Natcher lived a long, full life, touched, at times, by personal sorrows, as are most human lives, but basically a happy career of rich fulfillment and achievement. He was blessed with a wonderful wife, Virginia, who shared his ideals and aspirations and was always a source of strength at his side, and by two daughters and seven grandchildren. Our sadness and I am sure their sadness today is tempered by our thankfulness that such a man lived among us and enriched all of our own lives with his wisdom, his love of justice and his unfailing good humor.

Sometimes a person comes into our lives who touches us in such a way that we are better off for having known him. Congressman William H. Natcher was definitely such a person.

Mr. WALSH. Mr. Speaker, trying to say something out of the ordinary about a person who was anything but ordinary is a very difficult thing to do. So many of my colleagues have already risen to offer very special and personal praise about Chairman Bill Natcher. Many of them knew the wonderful gentleman from Kentucky far better than I, yet every member who simply met him felt he had a special friend.

Right after my election to the House in 1988, I came to Washington to participate in the freshman orientation program. Our class had the opportunity to listen to various Members of House leadership who came to explain what we should expect as a Member of the House of Representatives. Every speaker left us with something to ponder, but no one left a more lasting impression than Bill Natcher. His voice was crystal clear and he spoke with the deep affection of one who truly loved his association with the House. His message was so simple, yet holds as true today as it did then: You are given the honor to serve by the people of your district. Never dishonor that special trust, work hard, and always tell the truth even if it might hurt you on occasion. And, most importantly, never forget your family. He pointed to the major evil of reelection, namely money. People spend too much time both raising and then spending it. The public deserves better, he said.

What a message. What vision. And more importantly, how true. Here was a man way ahead of his time and at that point in his career he was almost 80 years of age.

Every institution or company tends to have certain individuals who are frankly the envy, in the most positive sense of the word, of all their colleagues. Bill Natcher was the envy of all of us because no one could hold a candle to his special relationship to this House. He was known by the support people at all levels. He spoke to everyone and everyone spoke to him. That warm smile, the hand on your shoulder offering encouragement, the willingness to always help—that was this wonderful man.

The public may not hold the Congress in high esteem, as every poll indicates, but if they ever met Bill that opinion would rapidly change. There are two men in my life who I can honestly say represent everything a public servant should be in elective service. They both have the same first name and carry the badge of honesty, integrity and fairness with a quite dignity recognized by their fellow citizens. One is my father. The other is Bill Natcher.

There is an old Irish proverb that says, "The fox never found a better messenger than himself." This institution was blessed for many years by a very special fox who lived his life as an example for all of us. We should never forget him and I, for one, never will.

Mr. HUTTO. Mr. Speaker, Bill Natcher has left a legacy in this House that should be a standard to which we and future Members of Congress ought to aspire. I know of no one who was more loved and respected than the gentleman from Kentucky.

Many tributes have been made to our departed friend, Bill Natcher, and they are all deserved. These tributes have been humorous, personal, and nearly always touching. It is easy to eulogize someone like Bill Natcher. The memorial service, held in Statuary Hall was a beautiful event in which speaker after speaker eloquently reflected on the life of Mr. Natcher.

Bill Natcher was a Congressman's Congressman. We all looked up to him. He gave us leadership. Any Member would do well to emulate his fiscal conservatism, efficiency in operating his office, and his steadfast adherence to the highest ethical principles. His constituents knew they could trust Bill to do the right things for America and for his district. I have never heard anyone question his integrity or his dedication.

The accomplishments of Congressman Bill Natcher were numerous, but without a doubt his voting consistency in never missing a vote in 40 years in the House stands out as the attention getter. Although this spotlighted Bill's deep commitment, he realized in later years that it restricted his life unduly. Several times in recent years I urged Bill to miss a vote so that he could remove this albatross. Bill agreed that he should do this, but somehow he could not bring himself to miss a vote, no matter how trivial it might be. It seemingly was a symbol of his dedication and we all respect that.

Bill Natcher is greatly missed. He loved his family. He loved America, and he loved this institution. We all are better for his having passed our way and we remember Bill Natcher with great affection.

Ms. FURSE. Mr. Speaker, today is a day to give deserved praise to the political and person life of Bill Natcher. While I have served in this body only a short time, it is clear to anyone who had the honor of working with Chairman Natcher that he embodied congressional service. It is an understatement to say he is missed.

When I testified before Chairman Natcher's subcommittee last year about some funding problems facing my homestate of Oregon due to a property tax limitation measure, I had been in Congress less than 3 months. After my testimony, Chairman Natcher taught me the less of bipartisanship, telling me that the problems of my State could only be addressed by working with people from both political parties. "When you walk down the aisle together [to solve a problem], that is the day you're a Member of Congress," the chairman told me.

He was reminding me of how people who are elected should operate. In light of all the gamesmanship, partisanship, and blame placing that surrounds political life, it was a pure, simply message: people have to work together to accomplish anything. Later that year, when I had worked with a Republican to ensure that an important health program had adequate funding, he accommodated our request.

While only a freshman, I came to know Mr. Natcher well. I have a picture on my wall which he sent me after our last visit, one which I will cherish long after I serve in this body. It is so easy to get caught up in the maelstrom that is politics and being a Member of Congress: the issues of the day, media, messages, and on and on. It is amazing to me that in the midst of all our seemingly endless daily activities, in the midst of ably chairing one of the most important committees in Congress, Bill Natcher took the time to write his grandchildren every week. His words and deeds taught everyone that humanity and political life are irrevocably intertwined. To be successful in anything, including government service, you must respect what is important—and people are preeminently important.

I will miss Chairman Natcher in this institution. My predecessor, Les AuCoin, often spoke of his leadership on the Appropriations Committee and as a good Democrat. I only hope that I will live up to Bill Natcher's model of humanity and service that was the hallmark of his distinguished career here in the House.

Mr. RAHALL. Mr. Speaker, it is with a feeling of high honor that I rise to pay tribute to the late Bill Natcher of Kentucky.

This great man, great humanitarian, astute legislator, gentle grandfather, is sorely missed by this body which he served for more then 40 years. His devotion and diligence as he went about the business of the Nation, and the business of his constituents, will never be seen by the Members of the House of Representatives again. When Bill Natcher was born, and when he died, they broke the mold.

To his friends and family in the Second District, and his hometown of Bowling Green, I extend my most sincere condolences on their loss. To those of us who remain behind in this Chamber, I extend condolences also—for we will never see the like of him again—and we will never have his good counsel, his leadership, or his friendship ever again.

Mr. Natcher used to tell a story about when he first arrived in the House as a freshman Member. He said that he looked out over the entire body, and saw 434 other Members, and realized that they were, everyone, his senior in the House. He said he wondered if a sufficient number of them would ever retire, resign, suffer defeat for reelection, or whatever—so that he could gain the seniority he knew he would have to have in order to make a difference for the people he lovingly came here to do well by. And then he would say that, after 40 years, he had finally risen to a position of seniority on his beloved Appropriations Committee—one step away from being chairman.

I am so happy for him that finally, he rose to chairman of the House Appropriations Committee, and I know that in so doing he realized his freshman dream. Yet during all the years that he worked toward being senior enough to chair that committee, he achieved just as much for his beloved Second District of Kentucky as if he had already arrived at his final senior post. Bill Natcher didn't need seniority to serve the people who elected him to office. He had only to be here, learn the rules and the ropes—a job he more than relished, but one he accomplished with humanity and great heart.

We have our memories of Bill Natcher the able appropriations chairman, the good friend, the personal mentor. And I know that all of us have fond memories of encounters with this grand old man as he tenaciously banged the gavel to bring order out of the chaos the House could often create. The House depended upon him to keep good order in trying times as the House conducted its business, and he took that responsibility very seriously, using an iron fist in a velvet glove.

I have read the tributes given by his friends, his colleagues, in this body during the special order. I am in awe of so many descriptive words and phrases so lovingly used to describe the same man. I saw where he was called, deeply knowledgeable, sharp, keenly intelligent, kind, distinguished, able, devoted, diligent, dutiful, tenacious, compassionate, humble, fair, tough, warm, respectful, courtly, decent, reverent, civil, honest, forthright, confident, discrete, dignified, man for the ages, a man of steel, a gentle man and a gentleman, family man, patriotic, and always trustworthy.

Bill Natcher was, of course, all those things and more.

I look forward to the publication and public access to his journals—40 years of priceless memories of our times. A treasure trove. The most coveted words you could hear from him would have been: You'll do OK in my journals.

As many of my colleagues have noted, I would be honored if I am mentioned in those journals—even if I didn't, as Mr. Natcher put it, do OK. It was a privilege to have Bill Natcher's undivided attention, even if you wished afterwards you hadn't, especially if you were on his wrong side.

I miss him, I know we all do. We can never become another Bill Natcher—but we can try. We can, each and every time we enter this Chamber, or go before the Appropriations Committee, or write a letter, or visit with our constituents—ask ourselves: What would Bill Natcher do? Then do it.

Mrs. MORELLA. Mr. Speaker, I would like to take this opportunity to pay tribute to my friend and colleague, Bill Natcher. Chairman Natcher was one of the finest individuals to have ever served in the Congress. His leadership and dedication to this House are exemplified by his record of more than 18,000 consecutive votes on the floor without an absence.

Bill will be remembered for his mastery of the legislative process and his integrity. He never accepted political contributions, and ran for office 20 different times without the use of high-technology political gurus and consultants.

His work on drafting the annual Labor, HHS and Education appropriations bill will always have a lasting impression on millions of Americans. This bill impacts so many of us in the areas of employment, health, education, and many other social spending priorities.

The National Institutes of Health, located in my district, is home to the William Natcher Building. This building will house the NIH's extramural research programs, its grant-making offices and several other institutions. His contributions to NIH over the years have been substantial, and the William Natcher Building will be a constant reminder of his devotion to biomedical research.

Bill Natcher was a true gentleman. I have never heard a negative word about him. He was recognized by his colleagues as a man of great intellect and dedication, and he will be sorely missed.

ON THE RETIREMENT OF JOSEPH A. ITALIANO

The SPEAKER pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from Minnesota [Mr. OBERSTAR] is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I appreciate the forebearance of my colleague, the gentleman from Colorado [Mr. ALLARD], who has a special order at this time in letting me proceed.

Mr. Speaker, I take this time to pay my respects to a retiring member of the staff of the Committee on Public Works and Transportation, Joseph A. Italiano. Joe Italiano and I worked together as staff members of the Committee on Public Works and Transportation for 6 years, during 4 of which I was administrator of the staff of the Committee on Public Works and Transportation, and for the past 20 years serving as a Member while Joe was our editor of the full committee operations.

Mr. Speaker, I look upon Joe Italiano not only as a coworker, as a colleague, but most importantly, as a dear and treasured and wonderful friend. He leaves with 33 years of service to the Congress. He started as a special assistant to the U.S. Senate Permanent Committee on Investigations in 1951 through 1965, and from 1965 through 1968 he was special assistant to the U.S. Senate Committee on the District of Columbia. In October of 1968 he began his service with the Committee on Public Works and Transportation.

During all of those years, those 26 years of service to our committee, Joe Italiano presided over the editorial review of thousands of volumes of committee testimony and more than 2 million pages of testimony, which he himself meticulously reviewed, carefully scrubbed for accuracy, from the transcriber's notes through galley proofs to the final printed document.

Typical of Joe Italiano's workmanship and devotion and dedication to duty was hearings my Subcommittee on Aviation held in February 1993 on the final condition of the airline industry and on legislation to expand a Presidential commission on the financial and competitiveness of the airline industry.

I said "Joe, when we have finished these hearings, I want all of the printing work completed so we can have the final document in the hands of all the members of the Presidential Commission when they begin their work."

Within two weeks from the time of completion of our hearings, that document, that thick document of about 600 pages of testimony, was completed. It was in our hands and it was available for the Commission, which was not appointed for the next four months.

Joe Italiano has the unique distinction of having been born where he works. He was born and raised on Independence Avenue at his family home, which was acquired by the U.S. Congress for the construction of the Rayburn Building. It was later, after Rayburn was completed, Joe Italiano joined the staff of the Public Works Committee, and I think his office is probably just a few stories above where his family home originally stood.

It says a lot about a man who gave a career of total dedication, total devotion to duty, and consummate professionalism that his work, his life, were one.

UNFUNDED FEDERAL MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. ALLARD] is recognized for 60 minutes.

Mr. ALLARD. Mr. Speaker, Eads, CO, population 847, $20,000 a year, $23.60 per person. Columbus, OH, $1.6 billion over 10 years, $850 annually per household. And finally, Ft. Morgan, CO, population of 12,000, $44 million.

What these towns have in common is that they are being required by the Federal Government to comply with new broadly defined environmental laws and regulations. Most of the time these regulations improve the environment, but in far too many instances they don't even accomplish that objective. Without providing any financial assistance, the Federal Government continues to pass laws and lay down unfunded mandates that are taking up a larger and larger portion of local government budgets. While all unfunded mandates are a concern, environmental unfunded mandates have especially exploded in the past several years. What's particularly interesting about these mandates is they cut across rural, urban, and suburban areas. Eads, CO, and Columbus, OH, probably have only one thing in common, they're both being slowly strangled by Federal unfunded environmental mandates. The unfunded mandate caucus is a good example of the breadth of this problem. Their membership ranges from the east coast to the west coast with a lot of stops in between. Unfunded environmental mandates aren't a regional problem, they're a national problem.

Unfunded environmental mandates are becoming such a problem that States are beginning to revolt. Colorado's State Legislature recently passed a resolution demanding that the Federal Government "Cease and Desist" unfunded mandates. Other States are also beginning to take action. Utah, Nevada, and New Mexico are in the process of setting up constitutional defense councils to fight the Federal Government in court. However, the Governor of Ohio, George Voinovich, may have put it best when he said that, "something has to be done or all hell is going to break loose."

Tonight I would like to begin helping States and businesses do something about environmental unfunded mandates by drawing attention to their real effect at the local level.

To find out what effect unfunded environmental mandates are having in my district I wrote to every mayor, county commissioner, and State legislator in my area asking them to tell me how they are being affected. The response I received back was surprising. In less than a week I received many responses from towns in my district.

Perhaps the most disturbing was the response I received from the mayor of Aurora, CO. Aurora sends approximately 90 percent of its wastewater to a metro wastewater treatment plant. In 1988 they paid about 4.2 million dollars for treatment. However, in 5 years that amount more than doubled to 9.1 million dollars for treatment of the same amount of wastewater because of increased federally mandated discharge standards.

Clearly, we can't continue to place further costs on cities and towns. If this special order only makes Congress and the environmental protection agency more aware of the problems they are causing then we have accomplished something. As the mayor of Loveland, CO, my hometown, wrote back to me, "every new environmental monitoring requirement, every new chemical added to a standards list, every new species added to the threatened and list results in an unfunded mandate. Loveland is proud of its environmental record and will continue to be pro-active. While the EPA should remain vigilant regarding problem areas, they should adopt policies to allow States and local governments more control and flexibility."

□ 2110

I would like to take a moment and reflect on the town meetings that I have had throughout my congressional district, and I have had a lot of town meetings through the 2½ or now 3½ years that I have served in the House of Representatives. At almost every meeting, I would say every meeting I can count on a representative from the city council, more likely somebody who is actually serving on the city council at that particular time standing up and talking to me about the Federal mandates that are being forced down upon them. They are objecting not to the objectives of the program, which is to try and keep a safe environment, but they are objecting to the extreme conditions that are being forced upon their city council, particularly when they are not funded, and they view this as the Federal Government doing nothing more than passing the costs of their own legislation down to their city councils and their county commissioners, and even their State legislators and saying, "You pay for these programs."

They are concerned about the consequences of all of these mandates on their local budgets and concerned about having to go to their own citizens and ask for dollars to pay for those. They do not feel like the Congress is living up to its responsibilities by providing the dollars that are necessary to take on and fully fund some of these very worthwhile programs.

But they also feel that if the Congress had to pay for them they may take a little more judicious approach to the rules and regulations they are forcing down on local government.

Mr. Speaker, I have a letter here that I would like to spend some time in going over from the city of Loveland, my hometown. They start out a paragraph by explaining that their city water supply is great, it is an excellent water supply. I would have to agree with that, because when I was starting my veterinary practice in the city of Loveland I picked up a part-time job to help them comply with the rules and regulations that are being forced upon them so far as the Clean Water Act is concerned and the Safe Drinking Water Act. I also was a businessman in town who had to rely on high-quality water in order to run my tests, I was a veterinarian, in order to run my tests in the lab, and in order to autoclave a lot of my instruments. I can tell Members from personal experience as a businessman in the city of Loveland that they had some of the best water around. In fact, my autoclave that I used to sterilize my instruments with for my veterinary business stated that in order for it to assure long life, and so that it would not accumulate a lot of deposits in the autoclave that we should use distilled water. I never once used distilled water because the city water drinking supply in Loveland was that pure. It compared closely to a bottle of distilled water that you would go down to your grocery store and buy.

That was my personal experience as a businessman. That is my experience as a health officer for the city of Loveland. We sent out samples periodically to test the contents of the drinking water, and it came back remarkably pure. So from my own personal experience I can testify to the fact that the water in the city of Loveland was extremely high quality.

But they go on to explain in this particular letter that recent changes in the regulations have resulted in an estimated loss of treatment plant production capacity of 3 million to 6 million gallons per day, and the reason for this 3 million to 6 million gallon per day loss was because of these new safe drinking water regulations. They go on to elaborate that the water customers paid for a 30 million gallon per day plant, but now it is a 24 million gallon per day to 27 million gallon per day plant because of the lost capacity from those regulations.

They go on to say further that the EPA mandates through regulations are forcing them to periodically test for organic chemicals in their treated drinking water. They point out that only 1 out of 100 different organic chemicals have even been detected, and that was a chlorine compound resulting from the required chlorination of their water. Monitoring costs are continuing to go up, they explain. EPA provides little freedom to States or local governments to meet the intent of regulations.

Another issue facing the city of Loveland as well as other mountain communities along the front range of the Rockies has to do with wastewater treatment facilities and acute and chronic exposure to discharges. They go on to explain that the extreme conservatism of EPA standards does not take into account site-specific conditions and operating techniques. Many cities have undoubtedly spent money to upgrade plants to meet an EPA nationwide standard when it would not have been necessary had EPA allowed greater flexibility to the facility, meaning that they would very easily have been able to meet those standards and meet the objectives by having clean water if they just had been allowed to have the flexibility to meet those standards.

□ 2120

I would like to share another letter with the House from the city of Aurora. They go on to explain that as required by the Clean Water Act of Aurora Utilities Department submitted a national pollution discharge elimination system permit for the municipal separate storm sewer system to the State of Colorado in 1992.

The initial costs associated with the permit were estimated to be $1.3 million for the 5-year permit term. However, 2 years later the current projection is closer to $2 million.

Now, the increased amount, they go on to explain, can be attributed to further permit conditions added by the State. Now, as they understand the problem, they explained it to me in their correspondence with me, these additional permit conditions are due to pressure from the Federal Government on State agencies to incorporate additional requirements not specified by the Federal regulation, and I think this brings up another concern that we need to talk about in the House of Representatives.

More and more frequently it is being called to my attention that we have regulators out there who are taking the attitude that we are going to go ahead and force these rules and regulations on cities and counties and businesses or States, and if Congress does not like what they are doing, then they can pass laws that prohibit us from doing it. Now, our Founding Fathers had a completely different attitude in mind, that the regulators would not be promulgating rules and regulations unless it was specifically authorized in some piece of legislation, and what the current trend seems to be is that they are going and continuing to act assuming a considerable amount of power which I do not think was granted in the Constitution. I think by taking this type of action that it is in total disregard of what many of our Founding Fathers had in mind as far as the Constitution was concerned and as far as the relationship between the Congress and the executive branch. They had in mind that it was up to the Congress to pass legislation, to pass laws. It was not up to the bureaucracy to go ahead and implement laws and then worry about it and then have the Congress go back and revert their policy.

It changes the burden of proof. It changes the burden of action, and that burden of action must first start with the House of Representatives and then the regulators or the bureaucracy should go ahead and pick up and promulgate those rules and regulations specifically authorized in any legislation that is passed in the House of Representatives.

They go on in this letter from the city of Aurora to explain that a more indirect yet equally concerning costly impact is the rising cost of treating effluent in order to meet federally mandated discharge standards.

The city of Aurora sends approximately 90 percent of its wastewater to the Metro Wastewater Reclamation District's plant for treatment. Then they go on to explain the Metro fees are about $4.2 million in 5 years. Again that amount has doubled, as I explained, to $9.14 million for treatment for essentially the same amount of wastewater.

Mr. Speaker, I have another letter here from Arapahoe County in Colorado. I just finished sharing some thoughts from a couple of municipalities that have written my office and expressed their concerns at our request.

Arapahoe County, CO, says that is the environmental area, two of the most significant examples that they are struggling to deal with relate to the National Pollutant Discharge Elimination System, sometimes referred to as NPDS, and the Federal Emergency Management Agency's pending requirements to improve the flood-plain maps.

The FEMA situation they point out is most ridiculous.

FEMA currently has flood-plain maps which graphically depict the boundaries of blood plains throughout our country. Now, FEMA has announced to us that they plan to convert, announced to us, meaning Arapahoe County, that they plan to convert to digital computer-generated maps and that digitizing involves a very expensive surveying technique. The announced reason is to increase the accuracy of the flood-plain boundaries, a worthy goal, but FEMA's technical problems in implementing will make the map less accurate, and the burden and expenses for correcting FEMA's mistakes will rest with the local governments.

They go on to explain in this letter to my office that they are providing us with three maps, and they explain that the first map is an example of the current flood-plain map known as the flood insurance rating or FIRM. They go on to explain street alignments are actually as-built streets and explain that a homeowner interested in knowing where the flood plain is in relation to his house can fairly easily make the determination.

They go on to explain that map 2 is the digitized version of the same area, and that map 3 is an overlay of the two maps, and they go on to explain if you look at the overlay you can see that the streets and flood-plain boundaries do not line up. In some cases, there are wide discrepancies due to survey areas and other conversion problems. When this is pointed out to FEMA, the response was the county must do the expensive survey work necessary to correct the error in FEMA's work.

The simple cure to this pending disaster is suspend issuance of the improved map until the mistakes are fixed. Well, obviously that is another example of some of the mandates that are going on that are impacting counties.

I have another letter from a small community in Colorado, Lamar, CO, and they expressed their concerns about the Safe Drinking Water Act. They go on to explain that they are required to provide drinking water samples to the State health department for testing, and they are required to do this on a very frequent basis, and they are now even required to submit new samples all of which must meet certain testing criteria.

They had a problem in meeting some of their deadlines, and despite an unblemished record of providing samples in a timely fashion, despite consistently good test results, the city of Lamar was forced to purchase and run an ad in the local newspaper stating that they had violated the provision of the Safe Drinking Water Act because they had not had one of their samples delivered as was customarily delivered through the many years that they have spent complying with the rules and regulations. The boilerplate ad did not provide space for an explanation of the violation.

Well, as a result of that, they had a lot of concerned citizens in their town calling them up and expressing concerns about this boilerplate ad. In reality, it was not the city's fault, and in reality, there was not an actual problem there, because the city had consistently had good test results and made every effort to try and comply.

Many times, even though these good-faith efforts are attempted, cities are faced with fines that go up to $10,000 a day. Now, if you are talking about a large community like New York or Denver or Los Angeles, $10,000 a day is not much. But if you are talking about a very small community like Lamar, for example, or you are talking about some of the communities whose total budget may be $50,000 or $100,000, it is an unreasonable fine to impose on those communities, and it is not necessary to impose that heavy a fine if they run into problems with complying with the environmental regulations.

I think that this is one area that we need to look at seriously when we come around to reauthorizing, for example, the Clean Water Act or passing amendments as far as the Safe Drinking Water Act are concerned.

I have shared with the House of Representatives this evening a number of situations that have come to my attention in my district.

□ 2130

This is in response to a consistent stream of complaints that I received in my town meetings and correspondence sent to my office from many small communities in the district I am privileged to represent. It is a rural community, and we have a lot of small communities that are struggling, struggling economically and struggling with all these rules and regulations. What is most disturbing to them is that even though they are complying with the standards, that the standards are being moved beyond common sense. They say, "We are very proud of the fact that we have a good water supply, but because of some of the rules and regulations getting so extreme, they are moving out of the realm of common sense."

Something needs to be done to call the attention of Congress to the problems that we are having.

So, Mr. Speaker, it is because of their concerns and because of their correspondence to my office that I have taken time this evening to talk to the House about those problems happening to small communities in the 4th Congressional District of Colorado.

I am going to be fighting with a number of other congressman to try to bring back a perspective of common sense. There is no doubt in my mind that we need to work hard to protect our environment and make sure that there is a future for generations of Americans. But to go to the extreme that we expect a huge expenditure by communities with little results to show for those rules and regulations is not good common sense.

Mr. Speaker, that is all they are asking, that we give them more local control, that we put a little more faith in their judgment to do what is best for their electorate, the people who elected them to office.

So again, Mr. Speaker, I want to thank you for allowing me this time for special orders, and I will continue to press this very important issue because it is important to the small communities in my district.

In talking with Members of Congress, I perceive this as a national problem, and we will continue to be working on this very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EMERSON (at the request of Mr. MICHEL) after 3 p.m. today and the balance of the week on account of attending a meeting of the Russian Duma and to speak to the Russian National Prayer Breakfast.

Mr. TUCKER (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. NEAL of North Carolina (at the request of Mr. GEPHARDT) for today and tomorrow on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BARRETT) of Nebraska) to revise and extend his remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes each day, on May 18, 19, and 20.

(The following Member (at the request of Mr. MAZZOLI) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARRETT) and to include extraneous matter:)

Mr. GEKAS.
Mr. MCCANDLESS.
Mr. GALLEGLY.
Mr. JOHNSON of Texas.
Mr. LEWIS of California.
Mr. WALSH in two instances.
Mr. GALLO.
Mr. STEARNS.
Mr. GOODLING.
Mr. COX.
Mr. PORTMAN.
Mr. SOLOMON.
Mr. MCDADE.
Mr. HYDE.
Mr. YOUNG of Florida.
Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. TRAFICANT.
Ms. SHEPHERD.
Mr. SCHUMER.
Mr. HAMILTON.
Mr. HOYER in three instances.
Mr. STOKES in six instances.
Mr. COYNE.
Mr. SANGMEISTER.
Mr. LANTOS.
Mr. ACKERMAN in two instances.
Mr. TEJEDA.
Mrs. MALONEY in two instances.
Mr. MINETA in two instances.
Mr. LAFALCE.
Mr. BERMAN.
Mr. FOGLIETTA.
Mr. MATSUI.
Mr. JACOBS.
Mr. LEVIN.
Mr. TOWNS.
Mr. APPLEGATE.
Mr. DICKS in two instances.
Mr. STARK.
Mr. VISCLOSKY.
Mr. HAYES.
Mr. STRICKLAND.
Mrs. UNSOELD.
Mr. SWIFT.
Mr. MINETA in two instances.
Mr. BRYANT.
Mr. SABO.
Ms. ENGLISH of Arizona.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 720. An act to clean up open dumps on Indian lands, and for other purposes; to the Committee on Natural Resources.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2000. An act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income House Energy Assistance Act of 1981, and for other purposes.

S. 636. An act to amend title 18, United States Code, to assure freedom of access to reproductive services.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day."

H.R. 1134. An act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 2868. An act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Court of Appeals Building," and for other purposes.

ADJOURNMENT

Mr. ALLARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 18, 1994, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during 1993 and the first quarter of 1994, in connection with official foreign travel, as well as the consolidated Speaker's report of foreign currencies and U.S. dollars utilized in connection with official foreign travel authorized by the Speaker, U.S. House of Representatives, in the first quarter of 1994, pursuant to Public Law 95-384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Macedonia, Croatia and Slovenia, Feb. 11-16, 1993:											
Delegation expenses	2/15	2/15	Croatia				134.00		232.00		366.00
Committee total							134.00		232.00		366.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Apr. 30, 1994.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Pakistan, Jordan, Turkey, Israel and France, Aug. 9-18, 1993:											
Delegation expenses	8/17	8/19	France						1,599.26		1,599.26
Visit to Okinawa, China, Hong Kong and Vietnam, Aug. 22-27, 1993:											
Delegation expenses	8/26	8/27	Hong Kong				1,194.16		3,912.96		5,107.12
Visit to Ireland, Germany, Italy, the Czech Republic and the United Kingdom, Aug. 25-Sept. 5, 1993:											
Delegation expenses	8/30	9/1	Italy						367.27		367.27
	9/1	9/2	Czech Republic				460.31		533.51		993.82
	9/2	9/5	United Kingdom				1,854.50		4,097.50		5,952.00
Committee totals							2,314.81		4,998.28		7,313.09

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Apr. 30, 1994.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Republic of Korea Thailand, Singapore and Hong Kong, Nov. 24-Dec. 4, 1993:											
Delegation expenses	11/27	11/30	Thailand				1,478.45		2,854.96		4,333.41
	12/2	12/5	Hong Kong				1,854.50		4,097.50		5,952.00
Committee total							3,332.95		6,952.46		10,285.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Apr. 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William J. Hughes	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military transportation							[3] 10,000.00				10,000.00
Hayden Gregory	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military transportation							[3] 10,000.00				10,000.00
Hon. Hamilton Fish, Jr	8/27	8/31	Italy		132.00						132.00
	8/31	9/4	Switzerland		1,756.05						1,756.05
Commercial transportation							789.00				789.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					6,002.05		20,789.00				26,791.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] The amount shown is equivalent to first class commercial fare.

JACK BROOKS, Apr. 22, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George (Buddy) Darden	10/8	10/12	Denmark		1,047.50						1,047.50
Military air transportation											
Hon. Jim Kolbe	12/9	12/11	Switzerland		482.00						482.00
Military air transportation											
Hon. Jim Kolbe	12/25	12/27	Kenya		212.00						212.00
	12/28	12/29	England		120.00						120.00
Commercial air transportation							5,626.45				5,626.45
Hon. John Murtha	10/13	10/14	Kenya		120.00						120.00
Military air transportation							7,490.00				7,490.00
Hon. John Murtha	11/25	11/26	Germany		103.00						103.00
	11/26	11/27	Belgium								
Military air transportation							5,800.00				5,800.00
Hon. Ron Packard	11/29	12/1	Czech Republic		560.00						560.00
	12/1	12/3	Kazakhastan		558.00						558.00
	12/3	12/10	China		539.00						539.00
	12/10	12/12	Hong Kong		658.00						658.00
Travel by military aircraft											
Hon. Ralph Regula	11/29	12/3	Switzerland		904.50						904.50
Commercial air transportation							3,049.45				3,049.45
Hon Charles Wilson	10/7	10/9	France		302.00				321.55		623.55
	10/9	10/10	Germany		253.00						253.00
	10/10	10/11	Bosnia		124.00				205.24		329.24
	10/11	10/12	Germany		253.00						253.00
Commercial air transportation							3,056.15				3,056.15
Hon. Charles Wilson	11/30	12/2	Germany		285.00						285.00
	12/2	12/5	Hungary		657.00						657.00
	12/5	12/6	Austria		267.00				208.59		475.59
	12/6	12/10	Slovakia		832.00				471.31		1,303.31
	12/10	12/13	Russia		960.00						960.00
	12/13	12/14	England		318.00						318.00
Commercial air transportation							5,286.95				5,286.95
Sally Chadbourne	12/1	12/3	The Netherlands		434.00						434.00
	12/3	12/7	Germany		648.00						648.00
	12/7	12/10	Switzerland		753.00						753.00
Commercial air transportation							1,604.85				1,604.85
Robert Foster	12/8	12/16	Switzerland		1,687.00						1,687.00
Commercial air transportation							3,049.45				3,049.45
Sara Magoulick	12/1	12/3	The Netherlands		450.00						450.00
	12/3	12/7	Germany		698.00						698.00
	12/7	12/11	Switzerland		1,004.00						1,004.00
Commercial air transportation							1,593.75				1,593.75
Juliet Pacquing	12/7	12/10	Great Britain		528.00						528.00
	12/11	12/12	Oman		470.00						470.00
	12/12	12/15	Egypt		546.00						546.00
Commercial air transportation							4,413.45				4,413.45
John Plashal	11/25	11/26	Germany		103.00						103.00
	11/26	11/27	Belgium								
Military air transportation							5,800.00				5,800.00
Donald Richbourg	10/13	10/14	Kenya		120.00						120.00
Military air transportation							7,490.00				7,490.00
Donald Richbourg	11/25	11/26	Germany		103.00						103.00
	11/26	11/27	Belgium								
Military air transportation							5,800.00				5,800.00
Richard H. Ash	10/31	11/3	Venezuela		489.75		3,079.45		68.92		3,638.12
	11/3	11/6	Equador		207.00						207.00
	11/6	11/10	Paraguay		480.25						480.25
G. Carter Baird	10/31	11/4	Bolivia		472.50		3,459.45		34.00		3,965.95
Albert J. Boudreau	11/28	11/30	Italy		377.00		4,654.95		301.12		5,333.07
	11/30	12/2	Switzerland		382.00						382.00
	12/2	12/5	Poland		555.00						555.00
	12/5	12/6	Turkey		153.00						153.00
	12/6	12/8	Romania		490.00						490.00
	12/8	12/11	Latvia		563.75						563.75
	12/11	12/12	Sweden		230.00						230.00
Roger T. Castonguay	11/14	11/17	Mexico		554.75		753.95		59.97		1,368.67
	11/18	11/20	Costa Rica		387.50						387.50
Norman H. Gardner	11/16	11/19	England		527.00		2,987.45		29.09		3,543.54
Robert D. Green	11/29	12/5	England		1,009.00		2,793.99		76.56		3,879.55
	12/5	12/10	Germany		765.50						765.50
Carroll L. Hauver	9/28	9/30	Czech Republic		567.50		4,179.63		112.09		4,859.22
	9/30	10/3	Hungary		507.00						507.00
	10/3	10/4	Serbia		206.25						206.25
	10/4	10/5	Hungary		126.75						126.75
	10/5	10/7	Romania		518.00						518.00
	10/7	10/9	Turkey		408.00						408.00
William P. Haynes	9/28	9/30	Czech Republic		567.50		4,179.63		83.34		4,830.47
	9/30	10/3	Hungary		507.00						507.00
	10/3	10/4	Serbia		206.25						206.25
	10/4	10/5	Hungary		126.75						126.75
	10/5	10/7	Romania		518.00						518.00
	10/7	10/9	Turkey		408.00						408.00
James J. Hogan	10/31	11/3	Venezuela		489.75		3,079.45		89.08		3,658.28
	11/3	11/6	Ecuador		207.00						207.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	11/6	11/10	Paraguay		480.25						480.25
Robert W. Lautrup	11/16	11/19	England		527.00		4,010.45		50.61		4,588.06
Dennis K. Lutz	11/29	12/5	England		1,009.00		2,773.99		76.68		3,859.67
	12/5	12/10	Germany		765.50						765.50
Frank T. Lyons	10/15	10/19	Russia		805.00		3,777.05		70.00		4,652.05
	10/19	10/21	Germany		414.00						414.00
	10/21	10/22	Bulgaria		231.25						231.25
	10/22	10/26	Switzerland		753.75						753.75
Donald J. Murphy	11/28	12/1	Italy		540.50		3,651.65		161.86		4,354.01
	12/1	12/4	Spain		561.00						561.00
	12/4	12/8	France		769.00						769.00
	12/8	12/11	Germany		570.00						570.00
Douglas D. Nosik	11/14	11/18	Mexico		554.75		753.95		36.70		1,345.40
	11/18	11/20	Costa Rica		375.00						375.00
Timothy W. O'Brien	10/31	11/4	Bolivia		408.50		3,417.45		93.70		3,919.90
	11/4	11/7	Peru		486.50						486.50
Robert H. Pearre	11/28	12/1	Italy		540.50		3,651.00		170.03		4,361.53
	12/1	12/4	Spain		561.00						561.00
	12/4	12/8	France		769.00						769.00
	12/8	12/11	Germany		570.00						570.00
Thomas R. Reilly	10/31	11/4	Bolivia		408.75		3,417.45		61.26		3,887.46
	11/4	11/7	Peru		486.50						486.50
R.W. Vandergrift, Jr.	10/2	10/3	Hungary		134.50		5,708.18		1,052.54		6,895.22
	10/3	10/4	Yugoslavia		165.00						165.00
	10/4	10/5	Hungary		126.75						126.75
	10/5	10/7	Romania		582.75						582.75
	11/6	11/10	Paraguay		401.50		4,067.00		86.26		4,554.76
L. Michael Welsh	10/15	10/19	Russia		872.50		3357.45		36.88		4,266.83
Vicki O. Williams	11/28	11/30	Italy		377.00		4,654.95		495.63		5,527.58
	11/30	12/2	Switzerland		382.00						382.00
	12/2	12/5	Poland		555.00						555.00
	12/5	12/6	Turkey		153.00						153.00
	12/6	12/8	Romania		490.00						490.00
	12/8	12/11	Latvia		563.75						563.75
	12/11	12/12	Sweden		230.00						230.00
Kennedy L. Wilson	10/15	10/19	Russia		805.00		3,777.05		82.50		4,664.55
	10/19	10/21	Germany		414.00						414.00
	10/21	10/22	Bulgaria		231.25						231.25
	10/22	10/26	Switzerland		753.75						753.75
Committee total					32,832.50		76,185.57		3,328.82		112,346.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. NATCHER, Mar. 14, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1993.

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Spratt, Jr	12/9	12/14	Switzerland		[3] 964.00						[3]964.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft—$320 returned to U.S. Treasury 3/15/94

JOHN CONYERS, Jr., Apr. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George (Buddy) Darden	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation							8,367.00				8,367.00
Hon. Norman Dicks	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Hon. Thomas Foglietta	1/12	1/15	Taiwan		777.00						777.00
Commercial air transportation (one way)							1,526.95				1,526.95
Hon. Jerry Lewis	2/12	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Hon. Bob Livingston	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Hon. Joseph McDade	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Hon. John Murtha	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/18	Germany		224.00						224.00
Military air transportation							8,367.00				8,367.00
Hon. John Murtha	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Livingston	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation					.00		8,367.000				8,367.00
Hon. Martin Olav Sabo	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation					.00		8,367.00				8,367.00
Hon. Joe Skeen	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Hon. Esteban Torres	1/12	1/16	Greece		808.00						808.00
	1/16	1/18	Israel		642.00						642.00
	1/18	1/19	Jordan		191.00						191.00
	1/19	1/21	Syria		512.00						512.00
	1/21	1/23	Morocco		423.75						423.75
Military air transportation											
Hon. Charles Wilson	1/9	1/12	England		954.00						954.00
	1/12	1/14	Egypt		406.00						406.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Commercial and military air transportation									8,367.00		8,367.00
Robert S. Kripowicz	1/19	1/11	Holland		392.00						392.00
	1/11	1/11	Sweden		184.00						184.00
	1/12	1/15	Poland		421.00						421.00
	1/15	1/19	Germany		842.00						842.00
	1/19	1/23	France		1,068.00				53.02		1,121.02
Commercial air/rail transportation							4,460.48				4,460.48
Fred Mohrman	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation							8,367.00				8,367.00
Mark W. Murray	1/11	1/14	El Savador		393.00						393.00
	1/14	1/17	Nicaragua		531.00						531.00
	1/17	1/18	Panama		138.00						138.00
Commercial air transportation							966.41				966.41
Juliet Pacquing	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
John Plashal	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation							8,367.00				8,367.00
John Plashal	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
Donald E. Richbourg	1/11	1/14	Turkey		762.00						762.00
	1/14	1/17	Kenya		400.00						400.00
	1/17	1/18	Kuwait		424.00						424.00
	1/18	1/19	Germany		224.00						224.00
Military air transportation							8,367.00				8,367.00
Kevin Roper	2/13	2/15	Korea		508.00						508.00
Military air transportation							5,360.00				5,360.00
William Schuerch	1/13	1/15	Philippines		364.00						364.00
	1/13	1/16	Hong Kong		329.00						329.00
	1/16	1/17	Thailand		213.00						213.00
	1/17	1/20	Cambodia		864.00						864.00
	1/20	1/23	Thailand		639.00						639.00
	1/23	1/25	Laos		284.00						284.00
	1/15	1/16	Thailand		213.00						213.00
Commercial air transportation							4,294.95				4,29495
Committee total					29,878.75		126,424.79		53.02		156,356.56

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID R. OBEY, April 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Thomas K. Baker	1/25	1/30	South Africa		746.50		7,269.15		78.36		8,094.01
	1/30	2/1	Egypt		297.00						297.00
	2/1	2/3	Tunisia		162.00						162.00
	2/3	2/5	Italy		414.00						414.00
Benjamin M. Cass	1/16	1/19	Germany		761.00		4,052.75		170.61		4,984.36
	1/19	1/22	England		689.00						689.00
John P. Gullen	1/12	1/17	The Netherlands		759.75		3,036.35		63.74		3,859.84
Carroll L. Hauver	1/25	1/30	South Africa		746.50		7,114.15		109.74		7,970.39
	1/30	2/1	Egypt		297.00						297.00
	2/1	2/3	Tunisia		162.00						162.00
	2/3	2/5	Italy		414.00						414.00
John D. O'Shaughnessy	1/14	1/19	Japan		1,373.75		3,863.95		168.21		5,405.91
	1/19	1/22	Korea		624.50						624.50
Robert J. Reitwiesner	1/14	1/19	Japan		1,373.75		3,863.95		211.56		5,449.26
	1/19	1/22	Korea		624.50						624.50
Mary E. Shields	1/14	1/19	Japan		1,373.75		3,863.95		111.30		5,349.00
	1/19	1/22	Korea		624.50						624.50
Joseph M. Stehr	2/12	2/16	The Netherlands		592.75		3,036.35		116.55		3,745.65
R.W. Vandergrift	1/24/	1/29	South Africa		638.50		8,333.85		208.68		9,181.03
Richard L. Weaver	2/12	2/17	The Netherlands		759.75		33,036.35		77.09		3,873.19

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
L. Michael Welsh	2/15	2/19	Germany		761.00		4,052.75		102.50		4,916.25
	2/19	2/22	England			689.00					689.00
Committee totals					14,884.50		51,523.55		1,418.34		67,826.39

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID R. OBEY, Apr. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to New Zealand, Jan. 1–10, 1994:											
Hon. Bob Dornan	1/1	1/1	New Zealand		316.00						316.00
Commercial transportation							6,349.10				6,349.10
Visit to Saudi Arabia and Israel, Jan. 4–7, 1994:											
Hon. Patricia Schroeder	1/4	1/5	Saudi Arabia		165.00						165.00
	1/5	1/7	Israel		358.00						358.00
Commerical transportation							4,167.95				4,167.95
Mr. William J. Andahazy	1/4	1/5	Saudi Arabia		176.00						176.00
	1/5	1/7	Israel		374.00						374.00
Commercial transportation							4,167.95				4,167.95
Ms. Betty J. Wheeler	1/4	1/5	Saudia Arabia		150.00						150.00
	1/5	1/7	Israel		345.00						345.00
Commercial transportation							4,167.95				4,167.95
Visit to Russia and the Netherlands, Jan. 3–10, 1994:											
Hon. Martin Lancaster	1/3	1/7	Russia		1,300.00						1,300.00
	1/7	1/10	Netherlands		738.00						738.00
Commercial transportation							3,365.85				3,365.85
Hon. Glen Browder	1/3	1/7	Russia		1,300.00						1,300.00
	1/7	1/10	Netherlands		738.00						738.00
Commercial transportation							3,365.85				3,365.85
Mr. Stephen O. Rossetti	1/3	1/7	Russia		1,300.00						1,300.00
	1/7	1/10	Netherlands		738.00						738.00
Commercial transportation							3,365.85				3,365.85
Visit to Germany, Italy, Nigeria, and Belgium, Jan. 9–16, 1994:											
Hon. Ronald V. Dellums	1/9	1/11	Germany		250.00						250.00
	1/11	1/12	Italy		207.00						207.00
	1/12	1/14	Nigeria		340.00						340.00
	1/14	1/16	Belgium		344.00						344.00
Ms. Marilyn A. Elrod	1/9	1/11	Germany		250.00						250.00
	1/11	1/12	Italy		207.00						207.00
	1/12	1/14	Nigeria		314.00						314.00
	1/14	1/16	Belgium		344.00						344.00
Mr. Robert B. Brauer	1/9	1/11	Germany		250.00						250.00
	1/11	1/12	Italy		207.00						207.00
	1/12	1/14	Nigeria		314.00						314.00
	1/14	1/16	Belgium		344.00						344.00
Ms. Hazel Ross-Robinson	1/9	1/11	Germany		250.00						250.00
	1/11	1/12	Italy		207.00						207.00
	1/12	1/14	Nigeria		314.00						314.00
	1/14	1/16	Belgium		344.00						344.00
Delegation expenses	1/11	1/12	Italy						117.72		117.72
Visit to Germany, Feb. 4–6, 1994:											
Hon. Norman Sisisky	2/4	2/6	Germany		375.00						375.00
Hon. Marilyn Lloyd	2/4	2/6	Germany		375.00						375.00
Hon. John M. Spratt	2/4	2/6	Germany		16.96						16.96
Mr. Ronald J. Bartek	2/4	2/6	Germany		375.00						375.00
Visit to Panama, Feb. 16–19, 1994:											
Hon. Gene Taylor	2/16	2/19	Panama		414.00						414.00
Mr. Peter M. Steffes	2/16	2/19	Panama		414.00						414.00
Committee total					14,453.96		28,950.50		117.72		43,522.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Apr. 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William F. Clinger	1/13	1/16	Greece		606.00		1,167.30				1,773.30
Committee total					606.00		1,167.30				1,773.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Apr. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
James H. Mathews	2/26	3/1	Mexico	1872.30	603.25		[3]444.45		0.00		1,047.70
Committee total					603.25		444.45		0.00		1,047.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare.

GERRY E. STUDDS, Apr. 25, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
CODEL Gephardt:											
Hon. George Miller	1/6	1/8	Jakarta		462.00		(3)				462.00
	1/8	1/12	Bangkok		852.00						852.00
	1/12	1/16	China		800.00						800.00
John Lawrence	1/6	1/8	Jakarta		462.00		(3)				462.00
	1/8	1/12	Bangkok		852.00						852.00
	1/12	1/16	China		800.00						800.00
Committee Total[3]					4,228.00						4,228.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

GEORGE MILLER, Apr. 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner, Jr.	1/3	1/6	Russia		960.00						960.00
	1/6	1/7	Germany		240.00		[3]3,709.85		139.74		4,089.59
	1/7	1/10	France	FF4,733.91	801.00					FF4,733.91	801.00
	1/10	1/12	Italy	L865,576	514.00				190.35	L865,576	704.35
Richard M. Obermann	1/3	1/6	Russia		960.00						960.00
	1/6	1/7	Germany		240.00		[3]3,709.85		139.74		4,089.59
	1/7	1/10	France	FF4,733.91	801.00					FF4,733.91	801.00
	1/10	1/12	Italy	L865,576	514.00				190.34	L865,576	704.34
Nicholas A. Fuhrman	1/3	1/6	Russia		960.00						960.00
	1/6	1/7	Germany		240.00		[3]3,709.85		139.74		4,089.59
	1/7	1/10	France	FF4,733.91	801.00					FF4,733.91	801.00
	1/10	1/12	Italy	L865,576	514.00				190.34	L865,576	704.34
Hon. Robert S. Walker	1/6	1/9	Switzerland		723.01						723.01
	1/9	1/12	Italy		771.00		[3]2,160.05				2,931.05
David D. Clement	1/6	1/9	Switzerland		723.01						723.01
	1/9	1/12	Italy		771.00		[3]2,143.05				2,914.05
Frank X. Murray	1/9	1/11	Netherlands	762.24	392.00					D762.24	392.00
	1/11	1/12	Sweden	SEK1,507.50	184.00		[3]2,904.35			SEK1,507.50	3,088.35
	1/12	1/15	Poland		421.00				55.88		476.88
	1/15	1/16	Germany	DM389.09	224.00					DM389.09	224.00
Nancy J. Jeffery	1/9	1/11	Netherlands	D762.24	392.00					D762.24	392.00
	1/11	1/12	Sweden	SEK1,507.50	184.00		[3]4,201.05			SEK1,507.50	4,385.05
	1/12	1/15	Poland		421.00				55.88		476.88
	1/15	1/19	GermanyDDM1,462.55	842.00				101.95	DM1,462.55	943.95	
	1/19	1/23	France	FF6,365.28	1,068.00				45.83	FF6,365.28	1,113.83
Mason E. Wiggins	1/9	1/11	Netherlands	D762.24	392.00					D762.24	392.00
	1/11	1/12	Sweden	SEK1,507.50	184.00		[3]4,201.05			SEK1,507.50	4,385.05
	1/12	1/15	Poland		421.00				55.88		476.88
	1/15	1/19	Germany	DM1,462.55	842.00				101.95	DM1,462.55	943.95
	1/19	1/23	France	FF6,365.28	1,068.00				45.83	FF6,365.28	1,113.83
Harlan L. Watson	1/9	1/11	Netherlands	D762.24	392.00					D762.24	392.00
	1/11	1/12	Sweden	SEK1,507.50	184.00		[3]4,201.05			SEK1,507.50	4,385.05
	1/12	1/15	Poland		421.00						421.00
	1/15	1/19	Germany	DM1,462.55	842.00				101.95	DM1,462.55	943.95
	1/19	1/23	France	FF6,365.28	1,068.00				45.83	FF6,365.28	1,113.83
David D. Clement	2/18	2/23	Thailand	BHT26,838	1,065.00					BHT26,838	1,065.00
	2/23	2/25	Singapore		719.58		[3]3,589.95				4,309.53
	2/25	2/27	Hong Kong	HK5,081.70	658.00					HK5,081.70	658.00
William H. Buckey	2/18	2/23	Thailand	BHT26,838.	1,065.00					BH26,838.	1,065.00
	2/23	2/25	Singapore		719.58		[3]3,589.95				4,309.53
	2/25	2/27	Hong Knog	HK5,081.70	658.00					HK5,081.70	658.00
Committee total					25,360.18		38,120.05		1,601.23		65,081.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air.

GEORGE E. BROWN, Jr., Apr. 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Steny H. Hoyer		1/15	United States				4,104.3				4,104.03
	1/16	1/18	Denmark		354.75						354.75
Victoria Showalter		1/15	United States				2,897.35				2,897.35
	1/16	1/18	Denmark		329.84						329.84
Samuel Wise		1/15	United States				2,987.35				2,897.35
	1/16	1/18	Denmark		354.75						354.75
Frank R. Wolf		1/4	United States				1,402.65				1,402.65
	1/5	1/7	Croatia		478.00				300.00		778.00
	1/7	1/8	Germany		184.00						184.00
Committee total					1,701.34		11,301.38		300.00		13,302.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Apr. 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA, PHILIPPINES, THAILAND, AND INDONESIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 24. 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim McDermott	1/8	1/3	India				9,656.85				9,656.85
							144.00				144.00
	1/13	1/16	Philippines								
	1/16	1/18	Thailand		934.13						934.13
	1/18	1/22	Indonesia		807.00		434.00				1,241.00
Charles Williams	1/8	1/13	India				9,656.85				9,656.85
							144.00				144.00
	1/13	1/16	Philippines								
	1/16	1/18	Thailand								
	1/18	1/22	Indonesia				434.00				434.00
Committee totals					1,741.13		20,469.70				22,210.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter among expended.

JIM McDERMOTT, May 10, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 15, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert E. Wise, Jr.	1/8	1/15	Japan		3,073.00		(3)				
Hon. Jolene Unsoeld	1/8	1/15	Japan		3,073.00		(3)				
Hon. Earl Hilliard	1/8	1/15	Japan		3,073.00		(3)				
Hon. Bennie Thompson	1/8	1/15	Japan		3,073.00		(3)				
Hon. Henry Hyde	1/8	1/15	Japan		3,073.00		(3)				
Michael O' Neil	1/8	1/15	Japan		3,073.00		(3)				
Don Pidings	1/8	1/15	Japan		3,073.00		(3)				
Judy Wolverton	1/8	1/15	Japan		3,073.00		(3)				
Committee total					22,761.00		7,411.90				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air.
[4] Military air and commercial air (one-way).
[5] Total commercial air.

BOB WISE, Feb. 14,1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LUXEMBOURG, BELGIUM AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 21, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jennifer Burton	1/11	1/13	Luxembourg		340.47						
	1/13	1/18	Belgium		1260.00						
	1/18	1/19	Strasbourg		468.00		2,793.45				
Ted Van Der Meid	1/11	1/13	Luxembourg		340.47						
	1/13	1/18	Belgium		1260.00						
	1/18	1/20	Strasbourg		702.00		2,793.45				
Elana Broitman	1/11	1/13	Luxembourg		340.47						
	1/13	1/18	Belgium		1260.00						
	1/18	1/21	Strasbourg		936.00		2,745.05				
John Herzberg	1/11	1/13	Luxembourg		340.47						
	1/13	1/18	Belgium		1260.00						
	1/18	1/21	Strasbourg		936.00		2,793.45				
Charlotte Preece (Detailed employee from CPS to Office of Speaker Thomas Foley).	1/11	1/13	Luxembourg		340.47						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LUXEMBOURG, BELGIUM AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 11 AND JAN. 21, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/13	1/18	Belgium		1260.00						
	1/18	1/21	Strasbourg		936.00		2,793.45				
Committee totals					11,980.35		13,918.85				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currently is used, enter amount expended.

JENNIFER BURTON, Feb. 4, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ROMANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 14 AND JAN. 23, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Bart Gordon	1/17	1/23	Romania		996		1,677.45				2,673.45
Harrison Wadsworth	1/14	1/22	Romania		1,328		1,166.45				2,494.45
Kent Syler	1/14	1/22	Romania		1,328		1,210.45				2,538.45
Robin Webb	1/14	1/22	Romania		1,328		2,388.45				3,716.45
Committee total											11,422.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BART GORDON, Feb. 8, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SLOVAKIA, AND CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 18 AND JAN. 28, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	1/18	1/23	Slovakia		800.00						800.00
	1/23	1/28	Czech Republic	17,241.95 KC	1,150.00						1,150.00
Commercial transportation							3,260.90				3,260.90
William Freeman	1/18	1/23	Slovakia		800.00						800.00
	1/23	1/28	Czech Republic	17,241.95 KC	1,150.00						1,150.00
Commercial transportation							3,260.90				3,260.90
Committee total					3,900.00		6,521.80				10,421.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, May 5, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GHANA, SOUTH AFRICA, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 2, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Lewis	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Hon. Butler Derrick	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Hon. Kweisi Mfume	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Hon. Patricia Schroeder	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Hon. Donald Payne	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Hon. Craig Washington	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GHANA, SOUTH AFRICA, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 2, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amo Houghton	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Robert Bassin	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Amelia Parker	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Leo Coco	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Faith Rivers	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
James Waller	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Ron Roach	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Carl Swann	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Lilly Clark	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
John Meier	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Charles Mellody	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Dr. James Ford	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Keith Jewell	3/27	3/28	Ghana		162.00		(3)				162.00
	3/28	3/30	South Africa		179.00		(3)				179.00
	3/30	3/31	South Africa		223.00		(3)				223.00
	3/31	4/1	South Africa		236.00		(3)				236.00
	4/2	4/2	Portugal		165.00		(3)				165.00
Committee totals					18,335.00						18,335.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

JOHN LEWIS, May 3, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. JAMES D. FORD, TRAVEL TO GREECE, ISRAEL, JORDAN, SYRIA, AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 12 AND JAN. 23, 1994—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dr. James D. Ford	1/12	1/16	Greece		808.00		[3]				808.00
	1/16	1/18	Israel		642.00		[3]				642.00
	1/18	1/19	Jordan		191.00		[3]				191.00
	1/19	1/21	Syria		512.00		[3]				512.00
	1/21	1/23	Morocco		423.75		[3]				423.00
Committee totals				2,576.75							2,576.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] DOD.

JAMES D. FORD, Oct. 26, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL J. O'NEIL, TRAVEL TO SOUTH KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 15, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael J. O'Neil	2/13	2/15	South Korea	Won	508.00						
Committee totals					508.00						508.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL J. O'NEIL, Mar. 17, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MICHAEL J. KOPETSKI, TRAVEL TO FRANCE AND SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 16, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael J. Kopetski	2/12	2/12	France	Francs 1.554,80	260.00		[3]				260.00
	2/13	2/16	Switzerland	Francs 1,073.65	723.00		2,949.85				3,672.85
Committee totals											3,932.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft.

MIKE KOPETSKI, Mar. 16, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PHILIP M. SCHILIRO, TRAVEL TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 18, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Philip M. Schiliro	2/14	2/18	Switzerland	1,129.95	764.00		612.95				1,376.95
Committee totals					764.00		612.95				1,376.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHILIP M. SCHILIRO, Mar. 11, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTI E. WALSETH, TRAVEL TO GREECE, ALBANIA AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 25, 1994

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristi E. Walseth	2/16	2/22	Greece	206,038	823.00						823.00
	2/22	2/24	Albania		262.00						262.00
	2/24	2/25	Italy		257.00						257.00
							2,123.95				2,123.95
Committee totals					1,342.00		2,123.95				3,465.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial transportation.

KRISTI E. WALSETH, Mar. 7, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. HENRY COLLINS, TRAVEL TO BULGARIA, HOUSE OF REPRESENTATIVES EXPENDED BETWEEN MAR. 7 AND MAR. 12, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Henry Collins	3/7	3	Bulgaria		1,065.75						1,065.75
Commercial transportation							2,383.35				2,383.35
Committee totals					1,065.75		2,383.35				3,449.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Mar. 29, 1994.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3194. A communication from the President of the United States, transmitting amendments to the fiscal year 1995 appropriations requests for the Departments of Agriculture, Commerce, Education, Energy, Housing and Urban Development, Justice, Labor, Transportation, and the Treasury; the General Services Administration; the Small Business Administration; the John F. Kennedy Assassination Records Review Board; and the Securities and Exchange Commission, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-257); to the Committee on Appropriations and ordered to be printed.

3195. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3196. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3197. A letter from the Department of the Navy, transmitting notification that the Department intends to offer for lease four naval vessels to the American Institute in Taiwan, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

3198. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting a draft of proposed legislation to amend section 1007 of title 37, United States Code, to authorize a deduction from the active-duty pay of enlisted personnel of the Armed Forces in an amount not to exceed $2; to the Committee on Armed Services.

3199. A letter from the Secretary of Education, transmitting Final Regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3200. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Mary Ann Casey, of Colorado, Ambassador designate to the Republic of Tunisia, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3201. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Frank G. Wisner, of the District of Columbia, Ambassador designate to India, and members of his family, also by Ronald E. Neumann, of Virginia, Ambassador designate to the Democratic and Popular Republic of Algeria, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3202. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the inspector general for the period October 1, 1993, through March 31, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3203. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Bumping Lake Dam, Yakima Project, Washington, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Natural Resources.

3204. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes, to the Committee on the Judiciary.

3205. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

3206. A letter from the Secretary of Health and Human Services, transmitting the initial estimate of the applicable percentage increased for fiscal year 1995 that will be recommended for hospitals subject to the Medicare prospective payment system [PPS] and for hospitals and units excluded from PPS, pursuant to section 1886(e)(3)(B) of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 2108) to make improvements in the Black Lung Benefits Act (Rept. 103-508). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 429. Resolution providing for consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes (Rept. 103-509). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON (by request):

H.R. 4429. A bill to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Foreign Affairs.

By Mr. MANTON (for himself and Mr. STUDDS) (both by request):

H.R. 4430. A bill to amend the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BATEMAN:

H.R. 4431. A bill to authorize demonstration grants for the renovation of facilities and the purchase of equipment for existing free health clinics that exclusively serve individuals who are without health insurance; to the Committee on Energy and Commerce.

By Mr. BEREUTER:

H.R. 4432. A bill to provide relief from regulatory requirements inhibiting the effectiveness and productivity of public housing agencies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Texas (for himself, Mr. BARRETT of Wisconsin, Mr. BUNNING, Mr. CANADY, Mr. COLLINS of Georgia, Mr. COX, Mr. DOOLITTLE, Mr. DORNAN, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GORDON, Mr. HANCOCK, Mr. KASICH, Mr. KINGSTON, Mr. LEVY, Mr. MACHTLEY, Mr. MEEHAN, Mrs. MEYERS of Kansas, Mr. OXLEY, Mr. PORTMAN, Mr. SHAYS, Mr. STEARNS, and Mr. TORKILDSEN):

H.R. 4433. A bill to establish a commission to make recommendations for the disposal of Federal Government property, the closure and consolidation of offices of Federal agencies, the procurement of Federal agency functions, the repeal of provisions of Federal statutes, and the termination of Federal regulations, and to provide a procedure for the expedited implementation of these recommendations; jointly, to the Committees on Government Operations, Rules, Merchant Marine and Fisheries, and Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. PENNY and Mr. KASICH):

H.R. 4434. A bill to reform the concept of baseline budgeting, set forth strengthened procedures for the consideration of rescissions, provide a mechanism for dedicating savings from spending cuts to deficit reduction, and ensure that only one emergency is included in any bill containing an emergency designation; jointly, to the Committees on Government Operations and Rules.

By Mr. WOLF:

H.R. 4435. A bill to provide for the orderly termination of easements and property used for public utility purposes at the Manassas National Battlefield Park; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 4436. A bill to transfer certain Coast Guard property; to the Committee on Merchant Marine and Fisheries.

By Mr. HINCHEY:

H.R. 4437. A bill to extend the emergency unemployment compensation program; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4438. A bill to provide for funding for Federal employee pay adjustments and comparability payments through reductions in agency spending on service contracts for fiscal year 1995; jointly, to the Committees on Post Office and Civil Service, Government Operations, and Appropriations.

By Mr. JOHNSON of South Dakota:

H.R. 4439. A bill to expand the scope of the Belle Fourche irrigation project, and for other purposes; to the Committee on Natural Resources.

By Mr. McDADE:

H.R. 4440. A bill to provide for performance accountability in the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. PORTMAN (for himself and Mr. CONDIT):

H.R. 4441. A bill to clarify that a reasonable suspicion, sufficient to support a constitutional stop and frisk by a law enforcement officer, includes membership in a criminal street gang that engages in a pattern of criminal gang activity; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4442. A bill to provide consultations for the development of Articles of Relations and Self-Government for insular areas of the United States; to the Committee on Natural Resources.

By Mr. BONIOR (for himself, Mr. TORRICELLI, Mr. BERMAN, Mr. BROWN of Ohio, Mr. ENGEL, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. LA-

Falce, Mr. Lewis of Georgia, Mrs. Meek of Florida, Mr. Peterson of Minnesota, Mr. Rush, Mr. Serrano, Mrs. Thurman, Ms. Velazquez, and Mr. Wynn):

H. Con. Res. 250. Concurrent resolution expressing the sense of the Congress in support of efforts by the Government of Mexico, and the major political parties and concerned members of civic society in Mexico, to reform Mexico's political and electoral processes and ensure free and fair elections; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

386. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to Kansas POW's/MIA's in Southeast Asia; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mrs. UNSOELD introduced a bill (H.R. 4443) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. King.

H.R. 35: Mr. Tucker.

H.R. 302: Mr. Lazio and Mr. Gillmor.

H.R. 325: Ms. McKinney, Mr. Miller of California, Mr. Gene Green of Texas, Mr. Schiff, Mr. Montgomery, Mr. Darden, Mr. Abercrombie, and Mr. Klink.

H.R. 326: Ms. English of Arizona, Mr. Romero-Barceló, and Mr. de Lugo.

H.R. 512: Ms. Furse.

H.R. 1164: Ms. Schenk.

H.R. 1231: Mr. Hamburg, Mr. Stokes, Mrs. Kennelly, and Mr. Matsui.

H.R. 1277: Mr. Upton.

H.R. 1280: Mr. Dicks.

H.R. 1671: Mr. Dickey.

H.R. 1864: Mr. Baker of California.

H.R. 1900: Mr. Flake.

H.R. 1928: Mr. Knollenberg, Mr. Levy, and Mr. Gunderson.

H.R. 2132: Mr. Ravenel.

H.R. 2365: Ms. Snowe and Mr. Filner.

H.R. 2460: Mr. Baesler.

H.R. 2554: Mr. Slattery and Mr. Rush.

H.R. 2681: Mr. Levy, Mr. Ehlers, Mr. Kreidler, and Mr. Williams.

H.R. 2959: Mr. Thomas of Wyoming.

H.R. 2969: Mrs. Kennelly.

H.R. 3005: Mr. Hobson.

H.R. 3173: Mrs. Roukema, Mr. Barrett of Nebraska, Mr. Zimmer, and Mr. Traficant.

H.R. 3293: Mr. LaFalce and Mr. Calvert.

H.R. 3347: Ms. Roybal-Allard, Mrs. Meek of Florida, Mr. Towns, Mr. Rush, Mr. Jefferson, and Mr. Lewis of Georgia.

H.R. 3386: Mr. Hilliard.

H.R. 3421: Mr. Hobson and Mr. Condit.

H.R. 3486: Mr. Schiff, Mr. Barton of Texas, Mr. Roberts, and Mr. Spence.

H.R. 3492: Mr. Hutto and Mr. McCurdy.

H.R. 3611: Mr. Dixon and Mr. Tucker.

H.R. 3630: Ms. McKinney.

H.R. 3656: Mr. Gingrich and Mr. Zeliff.

H.R. 3790: Mr. Grandy, Mrs. Meyers of Kansas, and Mr. Strickland.

H.R. 3820: Mr. Skeen, Mr. Lightfoot, Mr. Manton, and Mr. Towns.

H.R. 3830: Mr. Filner and Mr. Williams.

H.R. 3871: Mr. Hyde.

H.R. 3994: Mr. Gingrich.

H.R. 4042: Mr. Frost, Mr. Jacobs, and Mr. Mineta.

H.R. 4050: Mr. Andrews of Texas and Mrs. Lloyd.

H.R. 4124: Mr. Spence.

H.R. 4132: Mr. Miller of California, Ms. Velázquez, Mr. Gene Green of Texas, and Mrs. Lloyd.

H.R. 4158: Mr. McNulty, Ms. Slaughter, Mr. Schumer, and Mrs. Lowey.

H.R. 4189: Mr. Hoekstra, Mr. Canady, Mr. Lewis of Florida, and Mr. Hayes.

H.R. 4210: Mr. Penny, Mr. Shays, Mr. Hyde, Mr. Engel, Mr. McCloskey, Mr. Royce, Mr. Smith of New Jersey, Mr. Gunderson, and Mr. Livingston.

H.R. 4213: Ms. Roybal-Allard and Ms. Velázquez.

H.R. 4224:Mr. Montgomery.

H.R. 4251: Mr. Frost and Mr. Kanjorski.

H.R. 4269: Mr. Petri and Mr. Emerson.

H.R. 4276: Mr. Gallegly and Mr. Edwards of California.

H.R. 4290: Mr. Solomon, Mr. Sam Johnson, Mr. Nadler, Mr. Hoyer, and Ms. Molinari.

H.R. 4306: Mr. Minge and Mr. Barca of Wisconsin.

H.R. 4311: Mr. Myers of Indiana.

H.R. 4350: Mr. Canady.

H.R. 4356: Mr. Fingerhut.

H.R. 4365: Mr. Stupak and Mr. Ewing.

H.R. 4366: Mr. Frost, Mr. Hughes, Mr. Coleman, and Mr. Pete Geren of Texas.

H.R. 4377: Mr. Murtha and Mr. Ehlers.

H.R. 4378: Mr. Murtha and Mr. Ehlers.

H.R. 4386: Mr. Parker and Mr. Kreidler.

H.J. Res. 90: Mr. Farr and Mr. Thomas of California.

H.J. Res. 112: Mr. Andrews of New Jersey and Mr. Skeen.

H.J. Res. 129: Mr. Shays.

H.J. Res. 209: Mr. Sabo, Mr. Burton of Indiana, Mr. Hyde, Mr. Fields of Louisiana, Mr. Roemer, Mr. Bacchus of Florida, Ms. Velázquez, Mr. Camp, and Mr. Solomon.

H.J. Res. 295: Mr. Wolf, Mr. Saxton, Mr. King, Mr. Dornan, Mr. Solomon, Mr. Quinn, Mr. Goodling, Mr. Frank of Massachusetts, Mr. Levy, Mr. Menendez, Mr. McNulty, Mr. Frost, Mr. McCollum, Mr. Talent, Mr. Barca of Wisconsin, Mr. Gingrich, and Mr. Parker.

H.J. Res. 315: Mr. Paxon.

H.J. Res. 327: Mr. Wheat, Mr. Stark, and Mr. Bilbray.

H.J. Res. 334: Mr. Archer, Mr. Becerra, Mr. Conyers, Mr. Dingell, Mr. Evans, Mr. Fazio, Mr. Flake, Mr. Gordon, Mr. Gene Green of Texas, Mr. Hamburg, Mr. Hobson, Mr. Hilliard, Mr. Hochbrueckner, Mr. McNulty, Mr. Mineta, Mr. Myers of Indiana, Mr. Sanders, Mr. Skeen, Mr. Sisisky, Mr. Slattery, Mr. Young of Florida, and Mr. Watt.

H.J. Res. 344: Ms. Slaughter, Mr. Kildee, Mr. Barrett of Wisconsin, Mr. Bryant, Mr. Diaz-Balart, and Mr. Skeen.

H.J. Res. 354: Mr. Kopetski, Mr. Andrews of New Jersey, Mr. Richardson, Mr. Bonior, Ms. Slaughter, Mr. Bacchus of Florida, Mr. Bilirakis, Mr. Owens, Mr. Waxman, Mr. Hobson, Mr. Wynn, and Mr. Gonzalez.

H.J. Res. 356: Mr. Watt, Mr. Bacchus of Florida, Ms. Eshoo, and Ms. Velazquez.

H.J. Res. 362: Mrs. Lloyd, Mr. Parker, Mr. Flake, Mr. Lancaster, Mr. Klein, Ms. Eddie Bernice Johnson of Texas, and Mr. Pickle.

H. Con. Res. 35: Mr. Gekas, Mrs. Fowler, Mr. Mann, and Mr. Gilman.

H. Con. Res. 148: Mr. Flake, Mr. Stenholm, Mr. Hastert, Mr. Goodling, and Mr. Gingrich.

H. Con. Res. 176: Mr. Spence.

H. Con. Res. 210: Mr. Rose and Mr. Huffington.

H. Res. 330: Mr. Zeliff.

H. Res. 377: Mr. Zeliff.

EXTENSIONS OF REMARKS

GLENN H. ROTTMANN—50 YEARS OF FEDERAL SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. HOYER. Mr. Speaker, Mr. Glenn H. Rottmann, a constituent of mine, celebrated his 50th anniversary of Federal service on May 2 of this year. He has given valuable service not only to his agency, the Government Printing Office, but to the entire Federal Government, especially to the Congress during his long career. Mr. Rottmann, in his role as Director of Production Services, has primary responsibility for the timely delivery of the many essential products needed by the Congress for its daily operation. These products include, but are not limited to, the CONGRESSIONAL RECORD, House and Senate Calendars, bills, reports, and hearings. I know we all wish Mr. Rottmann and his family continued good health and good luck in the future. I wish to insert a brief biography highlighting some of the many accomplishments of Mr. Rottmann at this point.

BIOGRAPHY

Mr. Rottmann began his Federal career 50 years ago on May 2, 1944, with a brief stint in the U.S. Army. On July 23, 1945, he started his career at the U.S. Government Printing Office [GPO]. His first position was entitled junior offset platemaker. He served in various journeyman and supervisory roles during the first 16 years of his time at GPO.

In 1971, Mr. Rottmann became the foreman of the offset plate section. Following successive promotions, he was named Superintendent of the Offset Division in 1975.

In 1981, Mr. Rottmann was promoted to the position of Production Manager of the Government Printing Office. In 1993, he was named Director of Production Services by current Public Printer Michael F. DiMario. In this capacity, he manages the activities of the Graphic Systems Development, Electronic Systems Development, Electronic Photocomposition, Press, and Binding Divisions of the Production Department. He is responsible for managing nearly 1,800 employees and for administering a printing budget in excess of $110 million annually. His fundamental responsibility is to ensure that Government information products and services are produced with the highest possible quality, in the most timely manner, and at the lowest possible cost.

A brief series of accomplishments that demonstrate Mr. Rottmann's leadership include his support of desktop publishing initiatives in Federal agencies through GPO's "dial-up" composition system, the continued development of the MicroComp software package, the production and distribution of the CONGRESSIONAL RECORD in CD-ROM format, the increased utilization of batch and interactive online products, the development of a strategic planning and equipment acquisition program, the expanded utilization of recycled paper in Government printing, and, most importantly, his determination to move GPO from an operation based on traditional print technologies toward an integrated information processing operation utilizing electronic technologies in the creation and replication of information.

Mr. Rottmann has earned numerous GPO awards, has served as an apprentice training representative, has completed several major personal development programs, and is a graduate of the Federal Executive Institute.

BICENTENNIAL OF THE TOWN OF POMPEY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. WALSH. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the town of Pompey in my home district of central New York on the occasion of its bicentennial.

On April 1, 1794, Township No. 10, the township of Pompey, in the newly formed Onondaga County, was officially organized. Moses DeWitt, a land surveyor of this military land grant area, was selected as its first supervisor.

During the period of June 10 to June 25, 1994, the town will hold many activities to celebrate its 200th birthday. The celebration will conclude with a townwide family picnic in September.

The bicentennial committee, cochaired by Elwyn Chartrand, Nancy Edwards, and Sylvia Shoebridge, eagerly awaits public participation in this local milestone.

The town today remains a vibrant part of our local area, rich in the qualities of American living and proud of its rural and suburban heritage.

I salute the townspeople, and look forward to participating with them in this grand celebration of an important mark in its history.

UNFAIR TAX ON ELECTION WORKERS SHOULD BE REPEALED

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. GALLO. Mr. Speaker, every time an election is held anywhere in New Jersey, our local election officials rely on the services of scores of men and women—many of them senior citizens—to staff the polling places and ensure the integrity and fairness of our elections.

These poll workers put in a long day for minimal pay, and now thanks to the Federal tax writers, they have to pay taxes on their meager pay.

As one poll worker put it to me, "You can count me out in the future if this is the way it is to be. We get little enough for 14 hours—and then we are to pay tax on it. Not this volunteer."

Another poll worker said to me, "I am 79 years old and have no deduction. If this policy is to continue, I have worked my last election."

These are not isolated cases. As a result of this unfair tax, fewer individuals are coming forward to work at the polls.

The New Jersey State Association of Election Officials reports that the result could well be a voting process which is less fair and less open than is currently the case.

I am pleased to report that a modified version of my legislation to lift the unfair and shortsighted tax on those individuals who work on the polls on election day passed the House today and now must be considered by the Senate.

I introduced legislation in the House of Representatives in April 1993 to exempt election day board workers from the FICA withholding tax. My bill has the support of 58 cosponsors.

The modified version, which will exempt all election day earnings up to $1,000 from FICA withholding, will, for all intents and purposes, meet the requirements of my legislation. I would have preferred a full repeal, but I am happy that this unfair tax is being effectively removed with the legislation approved in the House. My bill would correct an injustice that election day board workers are presently subject to.

I believe that this legislation is long overdue. Under current law, any board worker who earns more than $100 in a calendar year is subject to this 7.65-percent withholding tax.

This withholding strikes me as both petty and unnecessary.

In fact, since I introduced this legislation last year, I have heard from election boards in all five counties of the 11th District supporting my bill and expressing concern about worker shortages if Congress does not act.

Mr. Speaker, I know from many years of personal observation that board workers play an invaluable role in the conduct of our elections—local, school board, State, and Federal. Without these dedicated workers, we would literally be unable to open the polls on election day.

I have been working hard to persuade Congress to take action to remove this unfair FICA tax withholding requirement from workers' election day pay, and I am pleased that we have at least been partially successful.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

A TRIBUTE TO LEROY SIMMONS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of LeRoy Allan Simmons of Barstow, CA. Judge Simmons has demonstrated a remarkable dedication to the needs of San Bernardino County residents over the past 27 years. He will be honored on May 21, 1994, as he retires from his position of superior court judge in San Bernardino County.

A 1964 graduate of Brigham Young University, Judge Simmons continued his studies at the University of San Francisco Law School. Upon graduation, he began his legal career with the San Bernardino County district attorney's office. After practicing law in the D.A.'s office for 3 years, Judge Simmons began working in the private sector for the law offices of Wilson, Borror and Dunn in San Bernardino. In August 1971, Judge Simmons relocated his law practice in Barstow, CA. Some 6½ years later, Judge Simmons was elected to sit as municipal court judge for Barstow and served in this position until August 1, 1981, when he was appointed to the superior court bench. For the past 13 years, Judge Simmons has strived to benefit the community through his position on the superior court bench.

Judge Simmons' legal career is further highlighted by his involvement in several organizations in the legal community. He was a member of the County Legal Aid Society, the High Desert Bar Association, and director of the San Bernardino Country Bar Association. Additionally, Judge Simmons has served as a statewide instructor for new judges at the California judicial education and research training in Oakland, has been on the faculty of California Judges College, and has been a trustee for the San Bernardino County law library for the past 11 years.

Indicative of his commitment to public service, Judge Simmons has served on the Barstow College board of trustees, the San Bernardino County Planning Commission, and the YMCA board of directors. He has been a judge for the county schools' mock trials and has served the Boy Scouts of America as Mojave district chairman, vice president of Inland Empire Council, and currently as Eagle chairman for Mojave district. Judge Simmons' future plans include working for Judicial Arbitration and Mediation Services where he will serve as an arbitrator and mediator in civil cases.

Mr. Speaker, I ask that you join me, our colleagues, Judge Simmons' devoted wife Barbara, their four children and many friends in honoring this unique individual for his extensive and dedicated service. Over the years, Judge Simmons has touched the lives of many people in our community and it is only fitting that the House recognize him today.

HONORING THE ARMED SERVICE ACADEMY APPOINTEES FROM BROOKLYN AND QUEENS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize some outstanding young students from my district. They are among the select few who were chosen as appointees to our armed service academies. I rise today in recognition of Jeremy Owen Larkin and Henry Lee of Midwood High School who will be attending the Merchant Marine Academy and West Point respectively; Jonathan R. Bear of Forest Hills High School attending the Naval Academy; Matthew George Leddy of Archbishop Molloy High School attending the Air Force Academy; John Paul Sweeny of Cathedral Preparatory Seminary attending West Point; Terrence Michael Shashaty of Bishop Ford High School attending the Naval Academy; and Edward J. Browne of Bronx High School of Science attending the Air Force Academy.

Each of my colleagues is very familiar with the rigorous procedure used to determine academy appointments. Candidates must display the academic skills, as well as possess the character and commitment to succeed.

It is encouraging to see strong determination in those who seek appointments. People who give so much of themselves to serve their country are truly an inspiration. Those selected to the academy become part of an enduring tradition and legacy.

Mr. Speaker, I hope all of my colleagues will join me in wishing these fine young men all the best in the future. We are extremely proud to have them representing and serving us at the service academies, and hope that all of their expectations are met and exceeded.

IN HONOR OF LEWIS O. KING'S WORK ON BEHALF OF THE NATIONAL GUARD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize and commend the accomplishments of an outstanding individual who has done an exceptional job of working for the betterment of the National Guard.

On April 1, 1994, Mr. Lewis O. King retired as executive director of the National Guard Association of Texas after 15 years with the association. The National Guard Association of Texas is the largest and most active State national guard association in the Nation.

Lewis King served as associate director after retiring from his position as manager of personnel services for the Adjutant General's Department, Texas National Guard, in November 1978. He was named executive director in January 1987. He is a retired chief warrant officer in the Texas Army National Guard with 40 years of service.

Through his untiring efforts, Mr. King was instrumental in establishing and coordinating the Texas Guard Legislative Task Force, whose volunteer members work solely for a better National Guard and for the defense of this great Nation. Mr. King's initiative, foresight, professional knowledge, and keen insight into the complexities of the defense legislative process contributed immeasurably to the effectiveness of the National Guard, thereby contributing to the success of the Nation's defense.

Lewis King's constant devotion to duty has earned him the respect and admiration of all with whom he worked. His high standards of conduct, infectious enthusiasm, and indomitable spirit became infused in those around him.

Mr. King has served as executive director of the Texas Committee for Employer Support of the Guard and Reserve, secretary/treasurer of the National Guard Executive Directors Association, secretary of the Texas Military Forces Museum, is an active member of the National Guard Association of the United States and has also served on the Texas Committee for the Tiltrotor Technology Task Force. He has received his certified association executive [CAE] status from the American Society of Association Executives. He and his wife, Pat, are very active members of Hyde Park Baptist Church in Austin, TX.

Mr. Speaker, I salute Lewis King for his hard work, diligence and dedication to the National Guard. He has been the guiding light in obtaining modernized equipment and better personnel benefits for the members of the guard. His work for the National Guard is not over. He will continue his legislative efforts to make sure the National Guard is properly equipped to defend our Nation. We all owe him a debt of gratitude for his years of dedicated service and join together in commending him for showing great foresight and commitment to the National Guard. We thank him for his service and wish him all the best in his future endeavors.

SALUTE TO JEWEL PEDI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a selfless public servant who for the past 16 years has ensured that thousands of the less fortunate have had food to put on the table.

As executive director of the Oxnard-based Food Share, Inc., Jewel Pedi has watched the organization grow from a small operation into a United Way agency that fed 1 in 6 Ventura County residents last year.

But she has hardly just watched. Those who know Jewel Pedi know a woman who has struggled for years to both serve those in need of help and convinced those who do not that there were indeed less fortunate citizens living within their midst.

Food Share, Inc. was established in 1977 as a food bank aiming to fight hunger in Ventura County by gleaning, soliciting, storing, and distributing surplus and donated food to charitable agencies that help feed the needy. Today, the organization serves 250 agencies throughout the county—in excess of 90,000 people each month.

Among the agencies served by Food Share are the American Red Cross, Catholic Charities, the Salvation Army, Zoe Christian Center, Meals on Wheels, and many others.

Run primarily through volunteer support, Food Share depends on hundreds of Ventura County residents who donate their valuable time to glean and sort produce, and perform a variety of tasks associated with distributing food to the needy. Roughly 540 volunteers work with 9 salaried workers to keep the food pipeline open and flowing throughout the county.

Those who know and work with Jewel Pedi say that she operates from the heart, and what better quality can a person strive for? She has been married to her husband John for 49 years and they have shared the blessings of 3 children, 15 grandchildren and 6 great-grandchildren.

Retirement will give her more time to dote on those grandchildren, to do some traveling with John and to stop and appreciate the difference she has truly made in the lives of so many of her friends and neighbors.

SAVE THE U.S. MERCHANT MARINE ACADEMY; SUPPORT H.R. 3293

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. ACKERMAN. Mr. Speaker, I would like to take a few minutes to thank the alumni of the U.S. Merchant Marine Academy [USMMA], and the members of Project Acta for their continuing efforts to preserve the valuable resource that is the U.S. Merchant Marine Academy at Kings Point, NY.

Project Acta was initiated in the fall of 1993 when it became clear to the U.S. Merchant Alumni Association that the future of the Academy was in jeopardy. Project Acta's official mission in threefold: first, to support the U.S. Merchant Marine Academy; second, to support the U.S. merchant marine; and third, to support the Nation's security interests. However, the immediate objective of Project Acta is to ensure that the USMMA remains a fully funded Federal service academy, with no tuition charges.

The threat to the Merchant Marine Academy became real when the administration's National Performance Review [NPR] recommended that tuition be charged to midshipmen attending the USMMA. Additionally, the administration has reissued this proposal as part of its budget for fiscal year 1995. While fully funding the USMMA for fiscal year 1995, the budget proposes to cut funding in half for fiscal year 1996 and to make up for the difference by charging tuition.

Like the other four Federal service academies, the USMMA provides its students with a tuition free college education in return for a lengthy commitment of service to the Nation. If the academy is forced to charge tuition, the effects will be felt immediately and severely.

Presently, candidates for appointment to the USMMA are drawn from every State in the United States through nomination by their Senator or Member of Congress. Typically, Academy midshipmen are high achievers with strong motivation to excel in a maritime-transportation career.

If the charging of tuition becomes requisite for the USMMA, the selection process at Kings Point will, out of necessity, become based upon a candidate's ability to afford tuition. At an expected price of $15,000 per year, the Academy would become more expensive to attend than most State universities and many private colleges.

The Academy would be placed in an untenable position if it must tell prospective students that in addition to their lengthy minimum 12-year commitment of service to the Nation, they must also foot the bill for their own education. It was no surprise that when rumors about charging tuition at Kings Point began to spread through high schools last year, applications for admission to the class of 1998 dropped off by nearly 25 percent.

Offering tuition-free education allows each of the Federal service academies to draw upon America's most gifted and talented students, without regard to race, religion, ethnic, gender, economic or geographic background in return for a commitment to service to the country. Charging tuition would destroy the diversity that the Academy's student body now enjoys. The USMMA would become unaffordable to many able and deserving young Americans.

President Clinton has stressed the need for the United States to educate its youth so that we may compete effectively in the international trade arena. It is ironic that the administration has chosen to target an institution that has been doing this for over half a century.

Over 18,000 alumni of the USMMA have made great contributions to our country as leaders in the maritime industry, the Armed Forces, academia, corporate America, and the Government. Many came to Kings Point from modest means and would not have been able to afford the tuition being proposed today.

The USMMA is the least costly Federal service academy. In fact, it currently costs the Federal Government only $29 million a year to operate Kings Point. Compared to what many other prestigious universities spend on their students each year, the Merchant Marine Academy is a bargain for the United States. Kings Point spends 40 percent less for each student's education than the average of the top 25 universities in the United States. Additionally, and in contrast to the other Federal service academies, USMMA midshipmen are required to pay their personal expenses at a cost of $7,000 per student over a 4-year period, and they do not receive any stipend while attending the academy.

Please join me by cosponsoring H.R. 3293 to preserve the tuition-free status of all of our Federal service academies. It is necessary that we ensure the ability of future generations the opportunity to attend the USMMA and serve their country and its maritime industry.

LEGENDS OF BLYTHE: CHARLIE AND EMILIE GRAHAM CELEBRATE 50 YEARS TOGETHER

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. MCCANDLESS. Mr. Speaker, it seems like I've known Charlie and Emilie Graham all of my life. Actually, I've known them for more than 30 years—but people like Charlie and Emilie don't just make friends for a month or a year—they really do make them for life. They even made a friend of an entire town, their town of Blythe, CA.

It wasn't always "their" town. When Army Sergeant Charlie met Army nurse Lieutenant Emilie more than 50 years ago in Denver during World War II, his Engle, NM, roots got along just fine with her Leavenworth, KS, roots. After they married, and post-Army, they had thoughts of farming in the Rio Grande Valley, but land prices were skyrocketing there. They heard of another valley—the Palo Verde in California, where things were more affordable. A number of people from New Mexico, Emilie and Charlie included, headed west. Blythe would never be the same.

There's hardly a piece of Blythe's modern history that hasn't felt the positive impact of the Grahams' concern for their beloved adopted community. Whether it was from the aspect of Blythe's history—and Emilie's tireless work to insure that a historical society and museum would grow and prosper—or Charlie's steady hand at the helm of the chamber of commerce and countless other organizations, the Grahams have always been in the thick of things. We'll never know how many schoolchildren felt the benefit of Charlie's many years of work as a member and president of the school board, or how many residents were recipients of community projects that Charlie worked on as a longtime Rotarian. And it would be impossible to estimate how many lives were improved, and even saved, by Emilie's 30 years of commitment to the local blood bank.

It occurred to me once that the word "No" and the phrase, "We're too busy," somehow were left out of the Grahams' vocabulary. The phrase, "If you want something done, and done right, you should ask the busiest person you know" was coined with Emilie and Charlie in mind.

The Grahams' life became more and more busy. After 10 years of farming, land values increased just as they hoped. Encouraged by a friend to join the growing auto industry, Charlie and Emilie became the owner of an auto dealership, which they retained until just a few years ago. Their car dealership was a hub of Blythe's business community, and whether you were after a car or a cup of coffee or just the local news, Charlie Graham's was the place to go.

Always civic-minded, Charlie never promoted himself, but he encouraged a lot of other people to get involved in local and national Government, including me for the Riverside County Board of Supervisors and then the U.S. Congress, and then his office manager, Doris Morgan, who was elected to the city council and then rose to the job of mayor.

Probably two of Emilie and Charlie's finest accomplishments are their son Dick and daughter Susie, and then, eventually, wonderful extended families and grandchildren: Dick's wife Nancy and children Aaron and Matthew, and Susie's husband Jim Garretson and children Jesse and Pat. The Graham brand of kindness and warmth, humor, and wisdom, has been handed down and is extended to all who meet them.

On the 11th day of May in 1944, Emilie and Charlie began a partnership that touched thousands of lives over the next 50 years. We who know and cherish them thank them for that. And we wish them every good thing that life can offer for the next 50 years.

Mr. Speaker, I ask my colleagues to join me in wishing a happy 50th anniversary to two remarkable people, Emilie and Charlie Graham of Blythe, CA.

ELENA BONNER ON RUSSIAN TROOPS AND HUMAN RIGHTS IN THE BALTICS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. HOYER. Mr. Speaker, on May 10, 1994, the Commission on Security and Cooperation in Europe, of which I am proud to serve as cochairman, cosponsored, along with the National Endowment for Democracy, a breakfast featuring Dr. Elena Bonner. Dr. Bonner is the widow of Nobel Peace Prize laureate Dr. Andrei Sakharov, and a prominent human rights activist.

I will not report on all of the many interesting and insightful comments made by Dr. Bonner, one of which was her belief that Russia, while still facing many problems, has made significant progress since Soviet times in the area of pluralistic democracy and human rights. In other words, it's not all gloom and doom.

But specifically, I would like to focus on Dr. Bonner's response to a question from her audience regarding the remaining Russian military forces in Estonia and Latvia, and linkage with human rights of the ethnic Russian, noncitizen population of those countries. Dr. Bonner noted that there should never have been, nor should there be, any linkage between human rights of Russians in the Baltics and the withdrawal of troops, nor should there have been talk of zones of influence and geopolitical interests. Morever, as she put it so succinctly, "there's nothing for Russian soldiers to do there anyway."

Dr. Bonner continued by saying that when the Russian troops are removed, it will be possible to seek the observance of human rights for ethnic Russians under the provisions of the U.N. Declaration on Human Rights. Otherwise, she noted, the troops issue can be used for propaganda purposes by those who do not really wish to see the issue resolved.

Dr. Bonner's advice to delink human rights and the necessity of withdrawing Russian troops hits the nail on the head. Since July 1992, the Conference on Security and Cooperation in Europe has called for the early, orderly, and complete removal of foreign troops from the Baltic States, and I have repeated this call on several occasions before this body.

On the other hand, Estonia and Latvia, where Russian troops remain, have not resolved the issue of the legal status of their noncitizen, predominantly ethnic Russian populations. There have been charges in both countries of irregularities in the process of registering noncitizens for legal residence. The CSCE Mission in Estonia, for instance, has referred to "delays and bureaucratic obfuscation in registering noncitizens and issuing residence permits." And the European Union has expressed concern "regarding the implementation by the Estonian authorities of some aspects of the Aliens Laws."

Mr. Speaker, I believe Moscow would do well to take Dr. Elena Bonner's advice and remove all of its military forces from the Baltics, unless there is a specific treaty permitting them to be there. Threats, such as the one made by Russian Defense Minister Grachev recently to increase force levels in Estonia, are entirely out of place. If the Government of Russia has complaints about human rights violations anywhere in the CSCE member countries, it should raise them privately and publicly in appropriate diplomatic and public fora. The international community is listening. But human rights concerns should not be used as a cover for occupying the territory of another member country of the CSCE and the United Nations.

TRIBUTE TO SYRACUSE STARS PEE WEE MAJOR HOCKEY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. WALSH. Mr. Speaker, I am very proud to announce that the Syracuse Stars Pee Wee Major Hockey Team posted an astounding record this past season on the way to winning eight championships across the United States and Canada. This record earned these 11- to 13-year-old boys the New York State tier I championship as well as the USA hockey national championship in their division.

The players and coaches deserve our congratulations and our encouragement. Athletics at this level teaches discipline and strength of character. To win is an additional privilege, but to play hard, to compete, is the real reward.

I would like to ask my colleagues to join me in saluting this year's team and coaches: Gary Baronick, Danny Bequer, Justin Brown, Drew Bucktooth, Jeremy Downs, Josh Downs, Justin Forrest, Bill Houze, Todd Jackson, Josh Jordan, Patrick Lannon, Doug MacCormack, Matt Maglione, Anthony Pace, Stephen Pakan, Mike Saraceni, Ricky Williams, Coach John Jackson, and Coach Rick Williams.

At the same time, I would like to pay tribute to the parents who have supported these players not only through this championship season but throughout their lives, making them the fine young people they are.

Finally, I would like to congratulate the other teams in the Syracuse Stars program who also had championship seasons. On the Bantam level, made up of 14- and 15-year-olds, the team won the State championship and lost only in the semifinals of the nationals. On the 11-year-old and under Squirts level, the team won the State Championship.

I am very proud of everyone involved and I ask my colleagues to join me in saluting these players for the excellence they have achieved.

IMPACT OF UNITED STATES ASSISTANCE TO RUSSIA AND EASTERN EUROPE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. HAMILTON. Mr. Speaker, there has been considerable discussion in recent months about the impact of United States assistance to the post-communist countries of the Soviet Union and Eastern Europe. Has it been too much or too little? Is it properly targeted, to the right countries and the right sectors? Has it been provided in a timely manner?

The administration recently provided a short paper identifying key U.S. assistance programs and their impact. I would like to bring that paper to the attention of my colleagues, as a contribution to a more informed debate on assistance to the countries of Eastern Europe and the former Soviet Union. The text follows:

PROGRAM RESULTS IN CENTRAL AND EASTERN EUROPE [CEE] AND THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION [NIS], AS OF MARCH 1994

The goals of the United States Government's assistance to the CEE states and the NIS are: establishing market economies, developing democratic institutions and practices, and easing the human costs associated with political and economic transition. In some areas the accomplishments to date are very tangible. In other cases the groundwork is being laid for structural change, and it may be too early to judge longer-term impact. The following summarizes many important accomplishments under each goal.

1. Transition to market-based economies.—Our programs are fostering the emergency of competitive, market-oriented economies in which the majority of economic resources are privately owned and managed. Macroeconomic stability and efficiency call for legal, regulatory, procedural and institutional changes to support private, market-based activity. Specific results include:

PRIVATIZATION

In Russia, two-thirds of all small scale shops (70,000) and 8,500 medium and large enterprises have been privatized. 900 medium, large and very large enterprises are being privatized each month. 40% of Russia's industrial labor force is now working for the private sector. 50 million Russians have become shareholders.

In Hungary, over 30% of privatization transactions have been accomplished through employee stock ownerships (ESOPs).

In the Czech Republic, a U.S. advisory team reviewed 300 companies proposed for privatization and helped privatize 84 that have led to $1.9 billion in foreign investment, with $0.5 billion more expected.

Technical advisors helped to structure the $4 billion Polish Mass Privatization Program of 450 former state-owned enterprises, enabling 25 million Poles to purchase shares.

Enterprise Funds are providing capital resources and technical assistance to both privatized and new enterprises throughout CEE and will soon begin operations in NIS. Roughly $290 million has been invested in over 3,000 new private enterprises in CEE, creating an estimated 20,000 new jobs and leveraging almost $200 million from other investors. The Russian American Enterprise Fund opened in February and should make its first investments imminently.

ECONOMIC REFORM

The 50 top Russian banks have developed detailed reform plans. 250 Russian bankers have received U.S. training and returned to apply new approaches to their own banks.

In Poland, advisors are helping the Central Bank develop its bank supervision capacity and are preparing several state-owned commercial banks for privatization. Hundreds of bankers have been trained in Poland, including 74 from Belarus, Estonia, Lithuania and Ukraine.

In Russia, laws have been passed to promote anti-trust and competition procedures to permit market forces to work. Bankruptcy procedures have been developed which will permit restructuring of many industries.

In Russia, we have helped regional, local and national governments to develop tax and expenditure policies which link revenues with public service expenditures at each level. 14 high-ranking officials studied U.S. approaches to state and local government finances.

ENERGY

Efficiency audits and demonstrations of U.S. technology have achieved savings of up to 30 percent in Russia, Kazakhstan, Kyrgyzstan and Armenia in the massive district heating systems which dominate the provision of heat and hot water. In one Russian city alone, Kostromo, savings were $15 million a year.

In Poland, Romania, Bulgaria and other Eastern Europe countries, U.S. efficiency equipment valued at over $1 million has been installed in over 40 industrial facilities. These pilot projects are estimated to have saved over $16 million annually or over 1 million tons of oil equivalent.

In Poland, a U.S. private corporation has designed and installed a high efficiency flue gas desulphurization unit at the Skawina power plant in Krakow. This is the first such unit in Poland and will allow this plant to meet the tough Polish environmental regulations go into effect in 1998. It will also reduce pollution in Krakow which is destroying the cultural artifacts and causing serious health problems.

U.S. advisers demonstrated U.S. energy efficiency equipment at over 40 industrial plants in CEE and saved approximately $16 million in annual savings for an investment of about $1.2 million.

In nuclear safety, advisors have helped improve safety at plants in Bulgaria, Czech Republic, Slovakia, Hungary and Bulgaria, Russia and Ukraine.

HOUSING

Armenia has adopted a housing privatization law, land tax law, and a land transfer tax policy which permits land privatization. It includes regulations for urban land valuation and sale, and registration procedures.

Kazakhstan has established a housing policy to privatize condominiums and permit private ownership and use rights to land.

Russia has established privatized management and maintenance of housing for 2,000 units in Novosibirsk and 7,000 units in Moscow, and has developed mortgage instruments which can be used despite the current inflationary environment. This may be a model for other NIS countries.

In Poland, the first market-based mortgages have been made for private individuals in Eastern Europe, through a housing guaranty program which immediately affects 1,500 residential units.

In Hungary, Szolnok city officials are redirecting housing subsidies to the most needy, permitting a reduction in cost and greater equity in the program.

Condominium and privatization laws in Albania have resulted in over 95% of the 270,000 housing units in urban areas to be privatized in one year.

U.S. assistance was instrumental in introducing the concept and substance of the Housing Privatization and Condominium Law enacted by the Slovak Parliament in 1993.

2. Building democracy.—U.S. assistance supports the transition to democratic political systems, free and independent media, transparent and accountable governance, rule of law, and the empowerment of indigenous civic and economic institutions to ensure broad-based participation in political life. Specific achievements to-date include:

POLITICAL SYSTEMS AND INSTITUTIONS

The American Bar Association's Central and East Europe Law Initiative has helped counterparts in a number of CEE and NIS countries draft democratic constitutions.

The Library of Congress has helped the parliaments of eight CEE countries establish parliamentary research and information systems to empower them with a source of information independent of the executive branch.

The International Foundation for Electoral Systems, the National Democratic Institute and the International Republican Institute have helped establish electoral systems and supported party development across Central and Eastern Europe.

Parliamentary and presidential elections in Russia, Ukraine, Georgia, Moldova, Albania, Romania and Estonia have benefitted from U.S. NGO assistance in central election commission procedures, political party development, and poll-watcher training.

RULE OF LAW

American Bar Association technical advisers have helped Russia reintroduce trial by jury for the first time since 1917 in nine regions.

The American Bar Association helped draft clauses protecting human rights in the new Hungarian criminal code, expected to remain in the final legislation.

U.S. anti-monopoly advisors helped draft the existing competition law, with Poland becoming the first former communist country to have its competition report accepted by the OECD. With help from the U.S. FTC and Consumer Protection Agency, a Polish Consumer Protection Department has been established within the Anti-Monopoly Office.

The National Democratic Institute has helped Romania's Pro-Democracy Association (PDA) launch a three-month parliamentary transparency and accountability campaign. As of January 1994: (1) small groups of citizens are now being admitted to the plenary debates in the Senate; and (2) the parliamentary newspaper will publish the upcoming draft laws to be debated.

INDEPENDENT MEDIA

The International Media Fund (IMF) has helped launch independent newspapers and radio stations across CEE as well as establish media resource centers in the region.

Internews (a U.S. NGO) helped link six independent Russian TV stations, for the production of two local news programs on more than 40 stations in Russia, Ukraine and Kazakhstan for a combined viewership of over 70 million. In the Ukraine, Internews helped create a network of independent TV stations with a wider viewership than Ukrainian state television.

LOCAL GOVERNMENT AND CIVIL INSTITUTIONS

The International City Manager's Association has provided technical assistance and training to several local municipal government associations in Poland, the Czech Republic and Slovakia, and helped to establish self-sustaining vocal centers playing an important role in the decentralization of power from central to regional and local governments.

Over 200 Polish local municipal council members and administrators were trained in principles of public service organization, management and local finance.

To help the Russian people build the institutions of a civic society, grants were provided to over 300 indigenous nongovernmental organizations and provided technical assistance to encourage formation of additional NGOs. Four years ago, such organizations were all but unknown. Today there are a least 12,000 NGOs in the NIS.

3. Easing human costs.—Our focus is on redefining public and private sector roles in the management of humanitarian, health, and related social services fundamental to a stable transition. Emergency assistance provides some relief as new systems are put in place. Specific achievements include:

EMERGENCY ASSISTANCE

Emergency humanitarian assistance has helped avoid hunger, epidemics and other hardships in strife-torn Armenia, Georgia, Azerbaijan and Tajikistan, as well as the former Yugoslavia. Critically needed medical supplies and emergency food aid have been directed to the most vulnerable groups. Emergency kerosene and seed wheat are helping Armenia survive the winter and will permit spring planting. Looking longer term, pharmaceutical and vaccine production capacity is being restored in Russia.

Agricultural and dairy products to vulnerable groups in Armenia, Georgia and Russia have already reached 2,226,000 pregnant and nursing mothers, infants and pensioners. Another $38 million in such assistance is being provided this year.

In Central Asia, vaccination of over 500,000 children has prevented epidemics of measles and other childhood diseases.

In Croatia and Bosnia-Herzegovina, we support 20 local organizations, including women's groups, community organizations and local voluntary organizations, to assist war refugee trauma victims and reunite families separate by the conflict.

In Romania, emergency assistance was provided to many of the 100,000 institutionalized children. Nearly 2,500 children under three years of age have received rehabilitation assistance, and 147 children have been placed with Romanian and American adoptive parents.

HEALTH

To restore vaccine production, U.S. firms are providing raw materials and inputs for production of measles, polio and DPT vaccines, and training in sound manufacturing practices. The U.S. FDA is assisting in vaccine quality control and regulation. Feasibility studies for potential private sector investment in new production facilities have been completed.

31 partnerships between U.S. hospitals and health facilities in Central and Eastern Europe and the NIS are directly improving the quality of medical care in cities throughout the region. To improve emergency care, ten such partnerships have improved ambulance services, emergency room and intensive care in Russia. Urkraine, Belarus, Kazakhstan, Georgia and Armenia. Other partnerships in both CEE and the NIS are improving treatment of children with leukemia, improving nursing standards and skills, and updating medical management.

In Central Asia, women's access to family planning services in being expanded by development of commercial supply systems for modern contraceptives and training of health care providers.

Under the PROJECT HOPE Health Care Partnership, a pediatric cardiovascular team from Boston Children's Hospital is helping to establish high quality treatment capability in Slovakia. In the first eight months of training, it is reported that the number of children abroad for heart treatment was reduced by 90%. Project HOPE has increased cardiology services; the waiting time for surgery has been shortened; and the hospital mortality rate has been reduced from 12% to 5%.

ENVIRONMENT

Technical advisors have helped restore the water supply system and wastewater system for the City of Yerevan, a system that provides service to approximately 50% of the Armenian population.

In the Central Asian Republics we have launched an Aral Sea Initiative which initially focuses on providing potable water to the most affected populations. Follow-up work will include TA on water resources management.

The World Environment Center is introducing new technology for decreasing industrial wastes. This helped the largest refinery in the Czech Republic to decrease carcinogenic emissions by 72% and will also help this company to save over $130,000 yearly in production costs. Also in the Czech Republic, the U.S. capitalized with $10 million dollars in local currency a fund to undertake environmental activities and investments.

In Poland, the Oswiecim chemical works realized a 90% reduction in emission of vinyl chloride and an annual savings of $2 million by application of relatively inexpensive technological changes. Replicable energy efficiency demonstrations in multi-family housing in Krakow are expected to realize energy savings of 30–35%. The recently-installed sulfur scrubbers at the Skawina power plant near Krakow are predicted to reduce sulphur dioxide emissions by 80%—from 4,000 tons to 8,000 tons annually.

TRIBUTE TO A SPECIAL GROUP OF STUDENTS FROM LAKE RIDGE MIDDLE SCHOOL, GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to acknowledge the outstanding achievements of an exceptional group of students from the Lake Ridge Middle School, in Gary, IN.

Today, Lake Ridge Middle School will be hosting its annual scholars banquet. Among the many students who will be recognized for their exemplary academic achievements, I would like to commend the efforts of nine eighth graders who will be receiving the Presidential Award for Academic Excellence. The Presidential Award is presented to those who have maintained a B+ average or higher, throughout their 3 years spent at Lake Ridge Middle School. Those students receiving special honors include: Amanda Brown, Justin Brown, Shanna Conover, Rhonda Czapla, Michelle Gronendyke Sha'Ettine James, Catherine Ray, Norman Reithel, and Jason Wilkerson.

These students, along with others from Lake Ridge, also participated in the 1994 Indiana Academic Super Bowl, taking a first place in the science category, and a Second Place in the Social Studies division. The Academic Super Bowl allows specially selected school teams from around the State to compete against one another, answering questions in the areas of math, science, and social studies. The 1993 team from Lake Ridge Middle School tied for first place in the interdisciplinary portion of the competition, which covers all three areas.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to the students of the Lake Ridge Middle School for their commitment to excellence, as well as to the faculty members who have instilled in their students the desire to succeed. I am proud to have been given this opportunity to recognize these future leaders, and I look forward to their future achievements as they continue their rise to the top.

A TRIBUTE TO NELSON MANDELA AND THE PEOPLE OF SOUTH AFRICA

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Ms. SHEPHERD. Mr. Speaker, I rise today in celebration of the people of South Africa and their new President, Nelson Mandela. Through tireless work and principled advocacy, Nelson Mandela has led his nation back into the community of nations. His dignity, his high moral vision, and his strength of conviction have earned him not just the presidency but also the Nobel Peace Prize and admiration of people around the world.

On June 6, 1966, then-Senator Robert Kennedy spoke at the University of Cape Town in South Africa. In an impassioned anti-apartheid speech, Kennedy said,

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Nelson Mandela, Oliver Tambo, Steven Biko, Archbishop Desmond Tutu, and millions of other men and women, sending forth their own tiny ripples of hope through millions of acts of courage over decades and centuries of struggle, have torn down the walls of oppression in South Africa. Theirs is a story of freedom that would not be denied.

Mr. Speaker, I join all of my colleagues in saluting the brave people of South Africa, especially their indomitable new President Nelson Mandela. We salute you and send you our most heartfelt congratulations on the beginning of a new era of freedom and dignity for all of the people of South Africa.

ITALIAN-AMERICAN LAW ENFORCEMENT ASSOCIATION FORMALLY AFFILIATES WITH THE ORDER SONS OF ITALY IN AMERICA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. TRAFICANT. Mr. Speaker, I would like to take a moment to commemorate and congratulate the recent formal alliance of a distinguished group of Italian-American uniformed secret service agents, whose duty it is to protect the President and Vice President of the United States and their families, as well as members of the diplomatic community, with the Order Sons of Italy in America [OSIA], the oldest and largest organization representing America's 23 million citizens of Italian heritage.

This is an extremely important partnership which, among other things, underscores the strong involvement in and commitment to law enforcement on behalf of this Nation's Italian-Americans. OSIA and its Sons of Italy Foundation [SIF], in another notable example, is the largest, non-police/non-corporate contributor to the National Law Enforcement Officers Memorial [NLEOM] in Washington, DC. The NLEOM is dedicated to America's fallen law enforcement officers.

Accordingly, I would like to commemorate in the CONGRESSIONAL RECORD the names of OSIA National President Joanne L. Strollo, OSIA National Executive Director Philip R. Piccigallo, and OSIA staff member Andrea K. Beach, for their role in sponsoring this partnership between OSIA and the national Italian-American law enforcement community; and I would like to congratulate the following elected officers of the newly formed Italian-American Law Enforcement Association [OSIA]: Camillo Mascio, president; Paul Verna, vice president; Jeffrey D'Alessio, secretary; Michael Adelizzio, treasurer; Robert Bonasia, trustee and Anthony Ferrara, trustee.

Through this and other supportive acts, I am confident that OSIA, and its one-half million family members, will, as it has during its previous 89 years of existence, continue to demonstrate its total commitment to community, country, patriotic causes, and the rich culture it so proudly upholds.

TRIBUTE HONORING ROBERT PACHECO ON THE OCCASION OF HIS RETIREMENT FROM THE ACADEMIC PROFESSION IN THE HARLANDALE SCHOOL SYSTEM

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. TEJEDA. Mr. Speaker, it is indeed my privilege to honor a distinguished citizen of my constituency, Mr. Robert Pacheco, on the occasion of his retirement as principal of Harlandale High School in San Antonio. Prior to his service at Harlandale High School, Mr. Pacheco promoted the education of youth by serving as an elementary instructor of fifth grade students at both Stonewall Elementary and Flanders Elementary schools in the 1960's. He led efforts in community education and student outreach while employed at Sanyo, Inc. from 1966 to 1971. Mr. Pacheco served as vice-principal at Harlandale High School from 1971 to 1973, principal at Leal Middle School from 1973 to 1981, and principal at Harlandale High School from 1981 to his retirement this month.

Through those many years, Mr. Pacheco served young people and their education with dedication and strong purpose, but his service to the community did not stop at the classroom door. He aggressively and imaginatively sought ways to combat community problems such as poverty, crime, unemployment, and despair.

Like many south Texans, Mr. Pacheco grew up in poverty. His father, whom he credits as influencing his interest in an education career, was a professional baseball player and one of the first students to attend a one-room school house of the post-mission education era in Texas. At an early age, Robert Pacheco was interested in sports and developed his enthusiasm into enjoyable community service opportunities with the city parks and recreation department. He relied on a partial athletic scholarship and endured the financial and personal sacrifices that are necessary to obtain higher education. He served in the military and once again enjoyed baseball through the special services baseball team while assigned to the 124th Signal Corps in Italy. Robert always knew that becoming an educator was his ultimate career goal but he never lost sight of his desire to help those who need it most. He was one of Father John W. Yanta's warriors against poverty, helping organize neighboring councils in all the poverty areas of San Antonio.

In fact, Robert Pacheco has a unique gift for uniting his two goals: reducing poverty and promoting education. He understands that education is the key to unlocking the shackles of poverty in society. I fully agree with Robert Pacheco's own words: "Education is basic to any improvement in the social and economic development of people."

Among his numerous achievements in education, Robert Pacheco created SOS, School on Saturday, Strengthening Our Students, and developed a discipline/attendance model resulting in increased student attendance and reduced behavioral problems. He started a system of dual college credit classes between Harlandale High School and Palo Alto College on the high school campus and created a curriculum center to enhance program development. During his career, he always believed that the many student dropouts from disadvantaged families and communities had a tremendous potential that was needlessly lost. He fought to reduce the dropout rate through community involvement, student encouragement, and scholastic reward for achievement. With these innovations and many others, Robert Pacheco left his mark on the educational system in the San Antonio area.

Mr. Speaker, our Nation can be proud of educators and community leaders like Robert Pacheco. He epitomizes the truly American call to service, a compassion for the struggle of youth, and a work ethic we should all share. Generations of San Antonians have benefited from his vision of education. Fortunately, the innovative programs he leaves in place will assist future generations of San Antonians. I wish to salute him today and give him a well-deserved thank you from his community and this Nation.

INTRODUCTION OF LEGISLATION TO COMBAT RAMPANT GANG VIOLENCE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. PORTMAN. Mr. Speaker, today I am introducing legislation to help law enforcement officers combat rampant gang violence that is threatening our communities all across America. Gang violence is not only a problem plaguing major cities; it is starting to creep into smaller communities.

In the last few days in my own congressional district, a carload of young men came into the small city of Norwood, OH, assaulted a group of teenagers and ended up shooting to death a 20-year-old boy in cold blood with a .38 caliber handgun. According to a Norwood police officer who is investigating the matter, the gang members expressed absolutely no remorse for what they had done.

Unfortunately, this was not a bizarre and rare occurrence in our area. Local law enforcement officers said that it was indicative of a trend showing an escalation in gang violence.

What, if anything, can we do about it? As criminologist James Q. Wilson stated in his thoughtful article published in the New York Times magazine recently:

> Our goal should not be the disarming of law-abiding citizens. It should be to reduce the number of people who carry guns unlawfully, especially in places—on streets * * *—where the mere presence of a gun can increase the hazards we all face. The most effective way to reduce illegal gun-carrying is to encourage the police to take guns away from people who carry them without a permit. This means encouraging the police to make street frisks.

Wilson is right. We ought to target the criminal part of the population, not the law-abiding citizens. We should do all we can to target the 6 percent of the offenders who commit approximately 70 percent of the crimes in this country.

There are many ways to promote gun frisks, but one way is to pass Federal legislation that reduces the likelihood that cases will be thrown out on constitutional grounds.

The legislation I introduce today clarifies that it shall constitute a "reasonable suspicion," the constitutional standard police officers must meet in order to perform a stop and frisk, that a police officer knows or has good reason to believe that the person who is subject to that limited stop and frisk actively participates in a criminal street gang with knowledge that such gang members engage or have engaged in a pattern of criminal gang activity.

Capt. Thomas Williams, the assistant chief of the Norwood Police Department, has already instructed his fellow officers that they must begin to perform more pat downs in order to protect the community and avoid shootings like the one that occurred this past week. Williams also stated:

> Your stop and frisk legislation will assist us and other local police officers in combatting the violence that is threatening our communities. Cops on the beat need all the support they can get. Your bill will help make pat downs of criminal gang members, such as those who shot and assaulted those young kids, routine. The risks involved in performing the pat downs are few and the costs of not doing so are high.

This legislation will not please everyone, but we believe it helps to clarify the application of the "reasonable suspicion" standard, established in Terry versus Ohio and further refined—often inconsistently—in other cases, where criminal gangs are involved. Furthermore, those police officers fighting these gangs have told me clearly that they would like this additional protection.

It is time to start taking back our streets—not only in Los Angeles, New York, Chicago, and Miami, but in Norwood, OH, too. The crime wave that has hit urban America is an extraordinary problem that requires creative solutions. If we are truly committed to taking back our streets and preserving the peace in our communities, we must start by taking illegal guns away from criminals and getting the criminals off the streets.

I urge you to cosponsor this legislation to help prevent the kind of violence we saw in Norwood, OH, creep into your communities.

GEKAS JOINS HOUSE REPUBLICAN'S BILL TO REFORM WELFARE PROGRAM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. GEKAS. Mr. Speaker, Supplemental Security Income [SSI] might be the most wasteful program in the entire Federal Government, so I have joined Congressman RICK SANTORUM, several Ways and Means Committee Republicans, and others to introduce a new House Republican welfare bill, this one to radically reform the fourth largest entitlement program: the SSI program.

SUPPLEMENTAL SECURITY INCOME: THE 4TH LARGEST ENTITLEMENT

Created in 1972, SSI provides an entitlement benefit for two groups—poor elderly and disabled individuals—because age and physical or mental impairment reduce the ability to work. Recipients get a monthly check of $436 if they're single, or $669 if they're married. In addition, they receive Medicaid, which is worth about $8,000 for the elderly, $7,000 for the disabled. So the package of benefits is worth a minimum of $12,000 per year, much more for couples.

Spending in the SSI program has increased from $13 billion in 1983 to $29 billion in 1994, including a $10 billion rise the last 3 years. The spending explosion can be traced to unprecedented increases in three demographic groups: first, the number of noncitizens; second, the number of children; and, third, the number of alcoholics and drug addicts coming onto the SSI rolls.

SSI FOR NONCITIZENS

The bill we Republicans are introducing first starts by eliminating SSI benefits for most noncitizens. Immigrants should—and most do—come to America for opportunity, not welfare. However, until they become a citizen, immigrants must support themselves or be supported by a sponsor who signs an affidavit agreeing to meet that immigrant's basic needs. After steep rises in recent years, the number of noncitizens on SSI went from 128,000 in 1982 to 700,000 this year, 60 percent of whom are elderly. Once on SSI, noncitizens are automatically eligible for Medicaid, and, most of the time, food stamps. It is no surprise that we spend around $8 billion per year on welfare benefits for immigrants.

By ending SSI benefits and, in most cases, Medicaid for noncitizens, the Republican bill would substantially reduce the SSI rolls. The Congressional Budget Office estimates that this single reform would save over $15 billion during the next 5 years, and $4.4 billion in the final year.

SSI DISABILITY FOR SUBSTANCE ABUSERS

The second major section of the bill dramatically alters the SSI program for alcoholics and addicts. SSI law stipulates that people with drug or alcohol addictions that are severe enough to interfere with their ability to work are by definition disabled and therefore eligible for SSI benefits. These addicts may be disabled, but they are not too spaced out to recognize a good deal when they see one. The SSI program for addicts has been one of the fastest growing sources of spending in the Federal budget for the past 3 or 4 years. With 4,700 addicts on SSI in 1985, the number of alcoholics and addicts drawing SSI benefits has increased to 78,000 in the last year alone.

Recent Ways and Means hearings have shown that only 10 percent of SSI addicts are participating in treatment programs as required by law. Rather, they appear to be receiving the cash SSI benefit of about $450 per month and using the money to purchase drugs. Once addicts get on SSI, it becomes a permanent source of money to support their drug habit.

The Republican bill would limit receipt of SSI by addicts to 3 years, would require addicts to submit to drug tests and temporarily end their cash benefit if they test positive for illegal substances, would penalize addicts for not sticking with their treatment program, and would strengthen a program requiring that the cash SSI benefit be paid to a third party rather than directly to the addict. These provisions are estimated by CBO to save about $130 million over 5 years.

SSI DISABILITY FOR KIDS

The second demographic group causing SSI spending to mushroom is children. The most sensitive issue of SSI reform is the provision for children in that Members feared being accused of being antichild. However, committee testimony has shown that exclusion of this SSI/kids provision would be more antichild than allowing the following abuses to continue. When SSI was passed back in 1972, a mere 26-word section was slipped in during the House-Senate conference that made children eligible for the benefit. The provision received virtually no discussion by the committees of jurisdiction or on the floor of either House.

Why children are even eligible for SSI is something of a mystery. The underlying concept of SSI is that if people are too old or too disabled to work, SSI provides a substitute for wages. But children are not expected to work; the basic rationale of SSI doesn't fit.

Now there is widespread abuse of the program. Reports have been submitted that parents are tutoring their children to act up in school—particularly attention and behaviorial disorders—so they can qualify for the $450 per month cash benefit, which also carries eligibility for Medicaid health insurance. After a 1990 Supreme Court decision, SSI administrators loosened eligibility requirements for children, especially those who have hard-to-measure impairments such as attention deficit disorders. The result has been a surge in child recipients, from a little over 300,000 in 1990 to nearly 800,000 in 1993.

An additional problem with providing cash to families because they have a disabled child is that there is no assurance that the cash will actually be used to help the disabled child. The concern of Congress is to help disabled children get treatment for their condition at public expense. Therefore, the Republican bill converts the entitlement for cash into vouchers for treatment, thereby removing the incentive to cheat in order to receive the cash benefit.

Republicans are not getting cooperation from Democrats on these provisions. On May 3, 1994 during Ways and Means Committee passage of a bill to clean up the SSI disability program, the Democrats defeated both the provision on immigrants and the provision on children. Similarly, President Clinton has ignored SSI when discussing welfare reform.

The CBO estimates that the Republican bill would save about $16 billion over 5 years.

WELFARE BUREAUCRACY

During the May 12 press conference announcing the introduction of the SSI bill, Minority Whip NEWT GINGRICH commented how SSI is a microcosm for the larger problems of the welfare state.

First, Gingrich says the examples of local bartenders acting as representatives payees would not have been allowed if control of welfare dollars resided in a local agency, not the Federal bureaucracy. Second, a prisoner letter by lawyers showing prisoners how to apply for SSI demonstrates the lengths unscrupulous individuals go to game the system. Third, the SSI/kids problem shows the problem of perverse incentives: children are trained to fail to get crazy checks, and young, healthy low-income males who are ineligible for welfare get diagnosed as disabled because of their drug habit to receive SSI. These problems demonstrate further the aggregate failure of the bureaucratic welfare state.

REMEMBERING THE HOLOCAUST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STOKES. Mr. Speaker, recently, individuals in communities throughout the United States gathered for the Jewish observance of Yom Hashoah, which commemorates the Holocaust. In memorial ceremonies marking this bleak period in modern history, individuals paid tribute to Holocaust victims, survivors, and rescuers.

In my congressional district, more than 1,000 people attended a special memorial service. One of the highlights of the service was the opportunity for school students to express their feelings regarding the Holocaust. I am proud to report that the winning high school entry was submitted by Adam D. Borland, an 11th grade student at Orange High School. His poem is entitled, "The Phone Number." I commend Adam for preparing this moving work and I am pleased to share it with my colleagues and the Nation.

During the observance of Yom Hashoah, the Plain Dealer newspaper published an editorial entitled, "Remember." The editorial states in part, "It is worth taking time * * * to remember the brutality that one people can inflict upon another and to renew the vow of 'never again.'" I want to also bring this important editorial to the attention of my colleagues and the Nation.

Mr. Speaker, many of our families and friends were greatly affected by the Holocaust. During Yom Hashoah, we pause to recognize the tremendous sacrifices made by these individuals and the suffering they endured. At the same time, we gather to renew our commitment to prevent such tragedies in the future.

THE PHONE NUMBER

(By Adam D. Borland)

Daily he quietly sits on the park bench, warmed by the sun and the sounds of life.
He hears the sounds that annoy others, hungry baby birds screeching and overtired babies gently crying.
For a long moment he remembers when there were no sounds of life only of cruel death.
He sees the panicked faces, hears the piercing and silent screams, smells the burning flesh.
The moment abruptly ends and the sun warms the numbers on his arm, faded but forever ingrained.
And when the freckle-faced boy asks him why he wrote his phone number on his arm, the old man's heart smiles, warmed by the sun and the sounds of life, and he gently replies, "So I won't forget."
And so we don't forget.

[From the Cleveland Plain Dealer, Apr. 7, 1994]

REMEMBER

Sundown tonight through sundown tomorrow marks the Jewish observance of Yom Hashoah, which commemorates the Holocaust. That horror is well worth vigilance and recollection—not just for Jews.

The Holocaust was born of a nation's insecurity, out of a madman's mind and the need for a scapegoat. Twelve million innocents perished in the carefully planned purge. Jewish victims numbered 6 million; the other half included gays, Gypsies, the infirm, and religious and political dissidents.

Those horrific years ended with World War II in 1945. But the factors present then in Germany—insecurity, a madman with power, the need for a scapegoat—still surface around the world. Resentment against foreigners flares in Germany and other European nations, arising in part from economic woes that leave the wounded looking for someone to blame. A nationalist zealot spewing policies of hate and destruction gains credence in Russia.

These are days of conflicting forces. The movie "Schindler's List" and The United States Holocaust Memorial Museum in Washington, D.C., have brought genocide's horror to a broader audience. Yet, as the last survivors and eyewitnesses pass away, so-called Holocaust revisionists try to rewrite history to satisfy their hatred.

If the factors of wartime Germany are ignored, allowed to fester or to be distorted, they could combine to let cruelty reign again, be it another Holocaust or the earlier tragedy of slavery committed against Africans.

It is worth taking time tonight or tomorrow to remember the brutality that one people can inflict upon another and to renew the vow of "never again."

TRIBUTE TO JOSEPH ITALIANO

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. MINETA. Mr. Speaker, I rise to recognize and congratulate Mr. Joseph Italiano, our editor on the Public Works and Transportation Committee. Joe has spent more than 37 years in Government service, 25 years of which has been on the Public Works and Transportation Committee—first as assistant editor, then as our editor. Joe decided this spring, however, that he will retire and move on to more entertaining and relaxing pursuits.

A native of Washington, DC, Joe Italiano began his career in Government service in 1951 entering the U.S. Air Force where he was stationed for a time at their command headquarters in Anchorage, AK. He went on to accept a position with the Government Printing Office and, in association with GPO, a number of detail assignments with committees on the Hill, before coming to the Public Works Committee in 1968.

As editor, Joe has been entrusted with the thankless, yet vital task of preserving an accurate, historical record of this committee's activities. In the course of his duties, he has earned the respect of our members and staff for his integrity, professionalism and meticulous attention to detail. Joe has always taken great pride in his work. We estimate that in his many years of editing, Joe has reviewed roughly 25,000 hours of hearings and produced more than 3,500 committee documents. With those numbers to his credit, to say that he is a man of great patience and tenacity may be an understatement.

Joe has been a steadfast and valued member of the Public Works and Transportation Committee. On behalf of the members and staff of the committee, I wish Joe and his wife Kathy a retirement filled with good health and happy times.

INTRODUCTION OF BILL REQUESTING JONES ACT WAIVER

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mrs. UNSOELD. Mr. Speaker, one of the real pleasures of serving in Congress comes when I get the chance to help a constituent who has run into red tape.

Bob Wolf of Olympia is a retired Army colonel with 30 years service. Shortly before he retired in 1992 he bought a U.S.-built boat. Some time later he decided he would like to start a charter business taking passengers out onto Puget Sound.

The only problem is he can't prove the nationality of one of the boat's previous owners. That gap in the boat's record requires a Jones Act waiver so that Bob can get the license he needs to operate the vessel in a coastwise trade.

Today I am introducing a bill that will allow Bob to get the license he needs. I hope this body will act promptly so that Bob may begin the next chapter in his life.

HONORING DISTINGUISHED MEMBERS OF ST. MATTHIAS APOSTLE CHURCH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. HOYER. Mr. Speaker, I rise today to recognize three very distinguished members of the St. Matthias Apostle Church in Lanham, MD. May 15, 1994, was a very special day for the church. First, Mrs. Romaine Pinchback is retiring after 35 years of teaching the Catholic faith as a volunteer catechist. She now becomes catechist emeritus. She has been a dedicated and thorough teacher, as untold numbers of children have learned their prayers from her. She has worked very closely with individual students, designing programs that best suit their needs. Her services will be enormously missed by the church, as well as the entire community of Laurel.

Second, Mr. Speaker, I seek to recognize Bill Pinchback, who is also retiring after 14 years as principal of the St. Matthias Parish Religious Education Program. His support of the catechists was instrumental in developing an atmosphere in which all of the members of the church community truly benefited. He dedicated himself to the safety and well-being of each individual child during the Sunday morning classes. For these, and many more reasons, he too will be greatly missed and difficult to replace.

Mr. Speaker, it is only fitting that as members of our community retire after many years of service, new religious leaders are developing and maturing into the leaders of tomorrow. It is with this in mind, that I proudly rise today to recognize Kevin Butler, an 18-year-old parishioner at St. Matthias Apostle Church.

Mr. Speaker, Kevin is unique in that he has a perfect 12 year religious education class attendance record in his parish's confraternity of Christian doctrine class. He is an altar server, as well as an usher at St. Matthias.

Kevin is also an honor student at DuVal High School and a member of the varsity baseball and soccer teams. Kevin plans to attend college in the fall and major in accounting. Kevin exemplifies all of the qualities necessary to truly lead our country into the 21st century and I am confident that he will do just that.

Mr. Speaker, these special people embody some of the most important elements of our society: Community service, religion, and dedication. I am very proud to represent these people and others who are working hard to make our communities safe, productive, and pleasant places to live, and I am sure that the entire House joins with me today to recognize their service and commitment.

ROLE OF PSYCHOLOGY IN CRIME PREVENTION

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STRICKLAND. Mr. Speaker, I want to alert my colleagues to the critical role that psychologists play in crime prevention throughout the Nation. Extensive research, much of it conducted by psychologists, has identified important factors that predict and influence criminal behavior. Based on this research, psychologists have developed and implemented comprehensive and effective prevention programs to lower the incidence of crime. Further, psychologists working with adjudicated offenders have provided valuable rehabilitative interventions for hard core criminals, and psychological interventions with victims to lower the painful, long-term consequences of violence. In every facet of crime prevention and intervention, psychologists have been active and productive agents for change.

I urge my colleagues to consider the difficult and complex nature of criminal behavior. In deciding how we will deal with criminals, we must acknowledge what puts our young people at risk to become criminals. These include characteristics of families, communities, and schools within which potential criminals exist, as well as qualities of peers and the offenders themselves. Many of these characteristics can be changed by systemic and concerted interventions. They are sound and clear-cut targets for programs seeking to make our Nation a safer and less-fearful place to live. Psychologists' expertise in addressing these risk factors is a crucial component in preventing crime and violence and providing direct rehabilitative services to offenders and their victims.

I further urge my colleagues to understand that ultimately the most effective solution to crime is prevention. Psychologist researchers and practitioners have identified effective psychological interventions to accomplish this. These interventions—leading to changes in behavior, thinking, and social skills—provide the necessary tools for solving our Nation's crime problem. Among these are school-based programs, such as problem-solving training, conflict resolution programs, social skills training, and interventions to improve school environments, discipline, and safety. Additionally, community-based interventions, such as parenting education and integration of services show great promise in effectively lowering our Nation's crime rates by dealing with the roots of crime. Other important contributions of psychology have included training police, judges, hospital staff, and correctional personnel to deal effectively with the psychological and behavioral aspects of crime; assessment of individuals and situations to promote nonviolent problem solutions; and training school personnel to provide safe, disciplined classroom environments.

The need for real solutions to crime in our Nation is great. Interventions that work are critical to meeting this need, and psychologists are providing the leadership, skills, and expertise required to put these interventions in place. Psychologists' knowledge of mental health and public health provides the crucial underpinnings for prevention programs contained within this bill. Their expertise in attitude and behavior change furnishes important tools for lowering the prevalence and acceptability of guns and drugs in schools and communities.

Psychology has an important role to play in the implementation of the programs authorized by this legislation. Examples would include providing specialized community and school-based knowledge and skills for school components of Assistance of Delinquent and At-Risk Youth, Safe Schools, and Family and Community Endeavor Schools. Psychologists' skills and knowledge in technical assistance, evaluation, and program development are critical to successful implementation of such programs as Employment and Skills Crime Prevention, Violence Against Women, Community Policing, and Juvenile Drug Trafficking. Psychologists' expertise in violence and substance abuse prevention, human development, and behavior change is critical for working with the judicial system on such programs as Alternative Methods of Punishment for Youthful Offenders, Police Partnerships for Children, Drug Courts, Gang Prevention Grants, and Violence Against Women.

As active partners in our Nation's crime initiatives, psychologists are prepared to meet the challenge of effectively and efficiently dealing with the problem. Psychologists' training equips them to be primary participants in programs for preventing criminal behavior, serving young offenders, rehabilitating problem offenders, and healing the scars of victims of crime.

TRIBUTE TO LANSING SCHOOL SUPERINTENDENT BILL SIMPSON

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. SANGMEISTER. Mr. Speaker, it is with pride and sadness that I rise today to salute Bill Simpson. Pride, because of the outstanding job that Mr. Simpson has done as the school superintendent of Lansing, and sadness, because May 20 marks Mr. Simpson's retirement.

Mr. Simpson began his career in Lansing as principal of Memorial Junior High School in August, 1967. Two years later, he was promoted to assistant superintendent of schools, and in April 1970, he was appointed superintendent of schools.

During his tenure, he has provided decisive leadership in numerous difficult situations. These include the demolition of a school building, the closing of two elementary schools, changes in school boundary lines and several construction and remodeling programs. Faced with severe financial constraints, he planned and implemented a budget that maximized resources and was in the best interest of the children of Lansing.

Among Mr. Simpson's many accomplishments is an untarnished record of successfully negotiating every contract with the Lansing Education Association without any disruption to class schedules. for 24 years, his interpersonal skills, coupled with a sincere interest in the welfare of employees and their families, have served to keep morale high among teachers, parents and students. Under his leadership, the district recently passed the first successful tax referendum in almost 30 years.

Mr. Simpson holds a bachelor of arts degree from St. Ambrose University, a master of science degree from Western Illinois University and has done postgraduate work at Purdue University. Prior to his employment in Lansing, he was a teacher and coach in Bettendorf, IA, and Moline, IL, and a school administrator in Davenport, IA. He also served 4 years in the U.S. Air Force, was a salesman for EMCO, and was a realty officer for the General Services Administration.

As his professional career draws to a close, Mr. Simpson is looking forward to spending more time with his wife, Martha, and his five children, Craig, Steve, David, Brian, and Catherine.

Mr. Speaker, Bill Simpson's fingerprints have touched nearly everything we are proud of about the Lansing School System in the last three decades. In appreciation of the work he has done, and in commemoration of his retirement, I would like to declare May 20, 1994, Bill Simpson Day in the village of Lansing, IL.

CELEBRATING EAST BAY CENTENARIANS DURING OLDER AMERICANS MONTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STARK. Mr. Speaker, I rise today to share with my colleagues news of a special gathering that will take place on Thursday, May 19, in Castro Valley, CA. Over 50 senior citizens, each over 100 years old, will join together at Eden Medical Center for the fifth annual 100+ celebration.

Every one of us has looked to an elder, perhaps a grandparent or great-grandparent, at different times during our lives for the wise counsel that only experience can provide. Their wit and wisdom speak of lessons learned, their knowing smiles are a reflection on decades of experience. I know my own mother, who is just 84 years old, has taught this incorrigible son an encyclopedia of lessons.

While I cannot be there on Thursday, I want to join Eden Hospital in honoring our local centenarians. The most senior of these senior citizens are 105, including Mercedes Hengeveld, Ada Hermans, Vera Sherman, and Anna Simmons. Thee are also four 104-year-olds, including Abdul Khaliqi, Antonio Neito, Mary Souza, and Ethel Stenson.

Nicolasa Alcon, Allie Cox, Elizabeth Denny, Florence Hyde, Jesse "Ed" Lacy, Etta Osborn, Epifania Saldana, Eva Thorton, Catherine Walker, and Lily Wilkinson are 103 this year: The 102-year-olds who will be there on Thursday are: Giorgina Angeli, Mable Boyd, Michael Branden, Lillian Garfias, Mamie McGriff, Antonio Nava, and Huldah Stukaloff.

Addie Abbott, Earl Brush, Lenora Costa, Marie Edwards, Eva Fordan, Wayne Frances, Jim Hendricks, Hinda Jackson, Helen Leandro, Eugenia Liorentzevich, Erminia Oberti, Edna Payne, and Fred von Brethorst, at 101, are the sophomores of this class. The freshmen, young at only 100, are: Marion Boone, Hilda Carr, Olga Cherepanoff, Josephine Corona, Hazel Garard, Olive Gurney, Marianne Hill, Kristina Langas, Ethel Manildi, Helen Minore, Marian Morken, Kishi Noma, Cecil Penberthy, Lillie Seay, Mary Silva, Ernestine Smedman, Charles Ulrich, Leo Valentino, and Marguerite Zugoni. We also remember Mary Haaga, who would have been 100, and Dr. Don Warren, who would have been 104 this year.

Mr. Speaker, I hope my colleagues will join me in honoring these centenarians, especially during Older Americans Month, 1994. Their long and full lives have been a source of inspiration to their friends, family, and us all. I wish them all good health and good cheer.

A SALUTE TO THE ARTISTIC DISCOVERY WINNERS OF OHIO'S 11TH CONGRESSIONAL DISTRICT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STOKES. Mr. Speaker, I am pleased to be among the Members of Congress who have hosted the Artistic Discovery art competition throughout their congressional district. The Artistic Discovery contest not only allows high school students to showcase their artistic ability, but this nationwide art competition also grants Members the opportunity to recognize the creativity of American high school students. This year more than 300 entries representing 13 high schools were received from my district. Of those entries, I can proudly say that each piece of art work reflects tremendous artistic talent and ability.

Recently, participants in, and supporters of, Artistic Discovery assembled at the Cleveland Heights City Hall, for an awards ceremony and reception honoring this year's participants. This served as a culmination to the Salute to Young Artists week-long celebration in recognition of the young artists in Ohio's 11th District.

Mr. Speaker, this year's competition proved to be an intense one. In the end, William Hernandez, a senior at the Cleveland School of the Arts was selected as the winner. William's innovative scratchboard and ink piece, entitled "We Will Overcome" will become part of the mosaic of culturally diverse art work from students nationwide on display in the Capitol.

I join my colleagues in looking forward to the official opening of Artistic Discovery on June 28, 1994. I appreciate the dedication and effort of the principals and art instructors in schools throughout the 11th District. I also thank the Artistic Discovery judges as well as Cleveland Heights mayor, Carol Edwards and her staff for accommodating us at City Hall during the Salute to Young Artists.

Mr. Speaker, the walls of the Capitol are about to be adorned with an array of diverse paintings, representing the creative spirit of our youth, and making the walls of the Capitol more beautiful. I am pleased to have joined with my colleagues in participating in such a worthwhile event, and would once again like to thank the participants and supporters who helped to make this event successful.

BEAUMONT SCHOOL

Alyssa Adams
Stephanie Adams
Susan Ancheta
Catherine Bammell
Ann Bartek
Crystal Bell
Jennifer Blum
Accalia Calabrese
Anne Coburn
Kathleen Conkey
Susan Dernyar
Julie Engstrom
Kathryn Entsminger
Jessica Eppich
Katherine Fitzgerald
Megan Fitzpatrick
Sarah FitzSimons
Erin Gage
Elizabeth Havach
Lori Indriolo
Keisha Jones
Molly Keefe
Lucy Kirchner
Terre Kraus
Margaret Lann
Karen Leach
Kara Lock
Josephine Lombardi
Brandyn-Marie Manocchio
Sarah McCormack
Ann McKeever
Bridgette Meredith
Megan Moore
Lindsey Moriarty
Sherry Peterson
Pamela Pritchard
Nicole Prospal
Eileen Ryan
Jean Smith
Kate Sopko
Terry Strauchon
Ann Tinker
Jennifer Trausch
Amelia Vlah
Vassimo White
Elizabeth Wiemels
Allison Wooley
ART TEACHERS:
Ellen Carreras
Sister M. Lucia, O.S.U.

BEDFORD HIGH SCHOOL

Steve Compton
Melanie Dusek
Nicole Hanusek
Damon Hart
Ayn Riedthaler
Michael Sidoti
Jessica Squire
Heather Takacs
Bryan Wahl
Lia Young
ART TEACHER:
Robert Bush

BELLEFAIRE SCHOOL

Steven Strom
ART TEACHER:
Kelly Gutowitz

CLEVELAND HEIGHTS HIGH SCHOOL

Dan Coate
Matthew Coate
Seriaha Gum
Gabe Lader
Justin McCombs
ART TEACHER:
Shelley Abraham

CLEVELAND SCHOOL OF THE ARTS

Aja Aaron
Andre Adams
Jean Edmonds
Kim Goodman
Albert Hale III
Naijal Hawkins
William Hernandez
Ja'Nitta Marbury
James Miller
Jason Nichols
Jermaine Powell
Gilberto Rivera Jr.
Joseph Sellars
Mai La Thai
Tonia Thomas
Sahara Williamson
ART TEACHER:
Andrew Hamlett

GARFIELD HEIGHTS HIGH SCHOOL

John Dwiers
Becky Fetherson
Audrey Hill
Bernice Kane
Bryan Lewis
Kevin Lucas
Valerie Lubinski
Kelly Markiewicz
Todd Marshall
Leah Roddy
Arthur Stachowicz
Rafal Stachowicz
Ben Svihlik
ART TEACHER:
Christine French

JOHN ADAMS HIGH SCHOOL

Charles Campbell II
Irene Epple
Cameron Walker
ART TEACHER:
Harry Petaway

JOHN HAY HIGH SCHOOL

Christina Bratsch
Karen Burks
Nedra Carter
Tomika Cowan
Pinkie Daniel
Charlene Deberry
Ashaunte Debose
Damien Dix
Arkita Franklin
Terrence Graves
Anthony Greagh
Nura Hakim
Rashaun Hall
Nakeya Henry
Kolithia Johnson
Brian Kline
Danielle Marion
Bryan Mayhugh
Jeffrey Melton
Wendy Mullins
Stanley O'Neal
Dolores Ortiz
Brent Richard
Christine Savage
Marquis Smith
Tamika White
Robert Whittingham
Rachael Weisenseel
Demitrius Williams
Rafeale Woods
Michael Yingst
ART TEACHERS:
Harriet Goldner
Kathleen Yates
Richard Chappini

LUTHERAN HIGH SCHOOL EAST

Tameko Brice
Robin Richmond
ART TEACHER:
Patricia Sears

MAPLE HEIGHTS HIGH SCHOOL

William Abram
Elliott Anderson
Tim Beba
Mark Beccia
Tim Bishop
Jacob Filarski
Greg Gadowski
Jennifer Gedeon
Melissa Lenzo
Katherine Martinez
Tim Matyaszek
Charles Rapp
Jim Rickon
Carla Ruffo
Stefeny Sega
Tamika Skrine
Otis Thomas
Gabriel Trinidad
Mark Unrein
Ann Worth
ART TEACHERS:
Mary Keefe
Karen Mehling

SHAW HIGH SCHOOL

Oscar Alexander

Walter Caldwell
Jamol Coles
Melanie Neal
Chris Young
ART TEACHER:
Susan Lokar

SOUTH HIGH SCHOOL

Tony Evans
Khaleel Khaafidh
Fidelity Murchison
Raynae Pobega
ART TEACHER:
Roman Rakowsky

WARRENSVILLE HEIGHTS HIGH SCHOOL

Angela Brown
Kindu Hughley
Todd Moore
Karlie Newton
Eddie Rox
Billy Sanders
ART TEACHER:
James Evans

TRIBUTE TO MARJORIE MARIE DOWLING

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. MINETA. Mr. Speaker, I rise in recognition and appreciation of the long years of service to the Public Works and Transportation Committee of Mrs. Marjorie Marie Dowling, a staff assistant with the committee assigned to our Economic Development Subcommittee. Marge is retiring this summer after some 20 years with our committee and an additional 7 years of service to the Federal Government.

Originally from Ohio, Marge worked for a time with her husband in his law practice, and as a secretary in the Office of Education. After dedicating a number of years to raising her family, Marge returned to the work force in 1975 accepting a position with the Public Works and Transportation Committee. Marge has been a valued and dedicated member of our committee staff since that time, and a special friend to each of us who have worked with her over the years. Marge is a devoted professional whose quiet and gentle manner has been an asset during many hectic hours of subcommittee hearings, markups, and preparations for consideration of legislation on the House floor.

I join with Marge's many friends and colleagues on the committee in wishing her, and her husband Garland, good health and an extra measure of happiness in their retirement.

SALUTE TO MILTON A. EISENBERG

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Mr. Milton A. Eisenberg, who is being honored by the Hero Scholarship Fund of Philadelphia for his many years of humanitarian service to their organization, the Philadelphia community and to those everywhere who have benefited from his generosity.

Milton Eisenberg helped organize the Hero Scholarship Fund in 1954, to raise money to provide scholarships for the children of police officers and firefighters killed or disabled in the line of duty.

Mr. Eisenberg has demonstrated his dedication to helping those in need through many generous efforts including his leadership over several prominent organizations. Recently named honorary president of the Hero Scholarship Fund, he is also past president of Philadelphia Public Relations Association as well as the former chairman of Police Athletic League and the National Conference of Christians and Jews. Further, Mr. Eisenberg has been honored on numerous occasions by such organizations as the United Way, the Philadelphia Chamber of Commerce, the Federal Bar Association, the American Legion and the City of Philadelphia, illustrating his dedicated efforts and consistent achievements in improving the lives of others.

Therefore, it is with great pride that I join with the distinguished members of the Hero Scholarship Fund of Philadelphia in paying special tribute to this great humanitarian, Mr. Milton A. Eisenberg for his spirited dedication to helping those in need.

TRIBUTE TO LUIS LANIER

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. BERMAN. Mr. Speaker, my colleagues, HENRY WAXMAN, ANTHONY BEILENSON, and myself are honored to pay tribute to Luis Lanier, a friend for years and a man who embodies the true meaning of community. Luis' entire life has been devoted to helping the elderly and the poor, as well as to garnering support for Israel and promoting interethnic dialog. His desire above all is to see a more just and compassionate world.

Luis has built a remarkable record of service in this area. For example, he is a cofounder of Bet Tzedek, the Jewish legal services program for the poor and elderly. Luis was its first executive director and, later, served as president of the board of directors. He has also been a member of the board of directors of the Jewish Federation Council, and was chairperson of the Chicano-Jewish Dialog of the JCRC.

Recently Luis completed a 6-year tenure as an international board member of the New Israel Fund. During that time he chaired the program committee and nurtured and fostered the growth of the New Israel Fund. As a result of his work, the New Israel Fund is honoring Luis at its 1994 Tzedakah award dinner.

Luis has always had a deep commitment to Judaism. He applies Jewish values, especially concern for the underdog, to his work in the community. To him this is the essence of being a Jew.

Mr. Speaker, we ask our colleagues to join us today in saluting Luis Lanier, whose life's work consists of helping others. He is an inspiration to all of us.

CELEBRATING THE 100TH ANNIVERSARY OF BETHLEHEM LUTHERAN CHURCH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. COYNE. Mr. Speaker, the Bethlehem Lutheran Church of the city of Pittsburgh's Allentown neighborhood is celebrating its 100th anniversary this year. This centennial will be marked with commemorative events throughout 1994, and I am pleased to take this opportunity today to call attention to this remarkable organization.

Although the actual organization of the Bethlehem Lutheran Church took place on January 31, 1994, the beginnings of the congregation date back to 1887 when Pastor Adolf Ebert of Mount Zion Lutheran Church conducted services on Warrington Avenue in Allentown. Over the next several years, attempts were made to organize the congregation but various problems delayed the incorporation until 1894. On January 31, 1894, a meeting was held in the home of Robert Lindemann and a resolution to organize was signed by 17 heads of families. The new congregation took the name of the German Evangelical Lutheran Bethlehem Church and listed 40 baptized members at the time of its inception. The Reverend Franklin Beiswenger served as the first pastor, a position he would hold until his death in 1930.

Since the days of Pastor Beiswenger, six other pastors have served Bethlehem Lutheran Church: The Reverend Fred O. Schuh, 1931–46; the Reverend Dr. O.H. Boening, 1947–51; the Reverend Herbert C. Roth, 1952–69; the Reverend George Lutz, 1971–77; the Reverend Lyall J. Lorez, 1977–88; and the current pastor, the Reverend Jonathan W. Linman, who has served since 1989.

For the past 100 years, Bethlehem Lutheran Church has been a stable force in Pittsburgh's Allentown neighborhood, ministering first to the needs of immigrants from Germany and now to a more diverse population. Its commitment to embracing the residents of its community with service and opportunities for worship, education, and fellowship has remained unchanged during these 100 years, despite the fact that the intervening years have changed the community dramatically.

It is fitting that the House of Representatives should recognize the contributions to the quality of life in American communities made by institutions like the Bethlehem Lutheran Church. I ask the Members of the House gathered in session today to join me in extending our best wishes to the Bethlehem Lutheran Church for many more years of successful service to the members of its congregation.

TRIBUTE TO FLORENCE HONGO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Florence Hongo, a truly special individual who has volunteered her time and effort for a quarter of a century to promote the image of Asian-Americans in our country. Florence has worked diligently to foster a general understanding of the Asian-American experience, and on May 21, 1994, she will be recognized by the Japanese American Curriculum project for the many tireless contributions she has made to the project and her community.

Florence Hongo received her B.A., in History from San Francisco State University; she then proceeded to obtain her secondary teaching credential from San Francisco State University. Ever since her graduation, Florence has helped others understand the importance of Asian-American history in our country both as an educator/instructor as well as in numerous advisory roles, and she has devoted her efforts to increasing the public's awareness of Asian-American history, culture, and literature. Through her work, Florence has helped create a more positive self-image for the Asian-American community through her efforts.

Florence Hongo has voluntarily managed the Japanese-American Curriculum Project, or JACP, since its inception. JACP was originally created to educate the public about the Japanese-American experience during World War II from firsthand accounts. Through the help of dedicated volunteers like Florence, the project has grown considerably in scope and importance. Throughout the growth of the JACP, Florence Hongo has worked to ensure that the materials assembled portray an accurate and unbiased account of the different Asian-American experiences.

Mr. Speaker, Florence Hongo has received numerous awards for her hard work and dedication. I highly commend Florence Hongo for her many accomplishments and contributions to educating the public about the Asian-American experience and for her 25 years of service to the JACP. I ask my colleagues to join me in congratulating her for being honored at the JACP's Silver Anniversary. I extend my best wishes to Florence Hongo for continued success in all her future endeavors.

HONORING THE NATIONAL COUNCIL OF JEWISH WOMEN NEW YORK SECTION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the 100th anniversary of National Council of Jewish Women New York Section.

In May 1894, a group of 120 women organized NCJW New York Section, determined to reach out to address the needs of their community. In its early years, New York Section pioneered efforts to help newly arriving immigrants adjust to living in the United States. They opened settlement houses, offered English classes and religious instruction, and provided job training.

The trip to the United States was particularly perilous for young women and girls who were lured by unscrupulous employers. These employers would promise them jobs and housing in America. When the young immigrants arrived in the United States, the employers would often meet them at the docks and take them off to a dreary life in a brothel or a sweatshop. Responding to a plea from President Cleveland, volunteers from New York Section began going to Ellis Island to meet the ships. The young immigrants were provided with assistance in finding a good job and a decent place to live. In addition, New York Section organized classes to help the women acclimate to living in America.

From its inception 100 years ago, New York Section has always been active in providing food, clothing, and compassion to those who are in need. In its early years, New York Section ran a home for unmarried mothers and wayward girls. It opened programs to help patients at the hospitals on Blackwell's Island. Volunteers read to the blind and taught blind children self-sufficiency. Over the years, New York Section opened several community facilities in New York City to house its many programs. In addition, New York Section was a vocal advocate of meaningful child labor laws, minimum wage laws, women's suffrage, antidiscrimination laws and good public housing.

In 1945, New York Section donated their Bronx facility to the community. At the ceremony, Eleanor Roosevelt spoke, and recognized the contributions of New York Section to the community at large. She said: "The example of responsibility displayed by council can well serve as a model to other sectarian agencies in changing neighborhoods and to the nations who are about to meet at San Francisco to lay the groundwork for a United Nations."

In recent years, New York Section has focused on three major problems affecting New York City: hunger, illiteracy, and AIDS. Recognizing the unfortunate fact that too many people in the city are hungry, New York Section maintains several programs that provide meals to the needy. Every Wednesday, they serve dinner to 105 people. People who are unable to be seated for the dinner are provided with sandwiches and fruit at the New York Section food pantry. In addition, every Sunday, volunteers serve brunch to families with children.

New York Section's efforts to combat illiteracy date to its earliest years, when volunteers helped immigrants learn to read English. In the 1960's, volunteers participated in the first Head Start programs. Today volunteers from New York Section's Children's Literacy Program help maintain small libraries in day care centers and public schools. By reading to children and helping them to improve their reading skills, volunteers work to foster a love of books.

In 1982, New York Section founded the Jewish Women's Resource Center, which maintains an extensive research library at 9 East 69th Street in Manhattan, with the intent of establishing a repository of materials on Judaism, materials on the impact of the women's movement on the practice of Judaism, and unique documents that council has collected over the years. The center also plays an important role in the community, sponsoring workshops and readings on a regular basis.

New York Section operates two programs to serve people with AIDS. In one program, volunteers work with AIDS afflicted babies living at the Incarnation Children's Center in Washington Heights. In the other program, volunteers visit AIDS patients at Goldwater Memorial Hospital, providing entertainment, companionship and support to the patients. Volunteers make a special point of celebrating birthdays. Although this may seem like a small thing to do, people with AIDS seem to feel a need to celebrate such milestones more strongly than other people.

New York Section's latest major endeavor is its HIPPY—Home Instruction Program for Pre-School Youngsters—program, which teaches parents of 4- and 5-year-olds how to help their children learn. This program, which was initiated in Israel in the 1960's and brought to the United States in 1984, helps reach families that are at risk. Participants report that both parents and children appear to benefit from the program. Children reach school with better classroom skills than other children. Parents develop a stronger bond with their children and better sense of their own worth. Recognizing the achievements of the HIPPY program, Congress recently voted to provide new funds to begin similar programs across the country.

Because of the tremendous contributions of National Council of Jewish Women New York Section in serving the Jewish community, assisting immigrants, guiding troubled children, helping the sick, providing educational programs and so much more, I would like my colleagues to join me in congratulating them on their 100th anniversary and wishing them another 100 years of good fortune and service to the community.

HONORING THE STEUBENVILLE SUNSET CLUB

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. APPLEGATE. Mr. Speaker, one of the tremendous aspects of American society and a truly outstanding value of our Nation can be found in the way we look after and care for the senior citizens of the United States.

No finer example of this outstanding commitment exists than in the proven track record of the Steubenville Sunset Club, an association dedicated to providing services and social activities for the older citizens of this community in eastern Ohio. I'm very pleased to inform my colleagues in the House of Representatives that the Sunset Club will be observing its 40th anniversary next Tuesday, May 24th.

Since 1954, the Sunset Club has offered the seniors of Steubenville more than just a place to gather. Most of all, the club has worked at extending a vital hand to each and every participant who has ever had the experience of working with the Sunset Club and its numerous volunteers. These volunteers fully deserve our utmost recognition and honor, including Mrs. Emma Gorsuch, a co-founder and a continuous member of the club since its beginning. Mrs. Gorsuch, I should add, has also served as a director of the senior citizens components of the Sunset Club.

I also want to pay tribute to the late Frank Linton, another co-founder of the Sunset Club and a longtime recreation director for the city of Steubenville. Mr. Linton and Mrs. Gorsuch have done more than anyone else in paving the way for the Steubenville Sunset Club to become the community success that it has become, and I wish to join with all of my colleagues in bestowing a special honor to the many volunteers who have served and who continue to serve. Mr. Speaker, I wish to extend my very best wishes and hopes to the Sunset Club for yet another 40 additional years and more of dedication and service to our senior citizens. Congratulations.

A SPECIAL SALUTE TO MRS. HELEN PRYOR, 1994 CONGRESSIONAL SENIOR CITIZEN INTERN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STOKES. Mr. Speaker, during the month of May, our Nation celebrates National Senior Citizen Month. In communities throughout the United States, senior citizens will be recognized for their contributions to our communities and the Nation. In observance of Senior Citizen Month, seniors from across the Nation are gathering on Capitol Hill this week for our annual Congressional Senior Intern Program.

During their Capitol Hill internship, seniors receive a firsthand look at the legislative process. They attend meetings, workshops, and issue forums on topics which impact the elderly community. Seniors also have the opportunity for extensive dialog with congressional leaders, administration officials and Washington policymakers.

Mr. Speaker, I am proud to participate in the Congressional Senior Citizen Intern Program. At this time, I rise to salute my congressional senior citizen intern for 1994, Mrs. Helen Pryor. I want to share with my colleagues some information on this outstanding individual who has been selected to represent Ohio's 11th Congressional District on Capitol Hill this week.

Mrs. Pryor is a resident of Euclid, OH. She retired from a management position with the U.S. Postal Service after more than 30 years of service. In the Cleveland community, Mrs. Pryor plays an active role in addressing the needs and concerns of senior citizens. She is the past president of the University Circle chapter of the American Association of Retired Persons. Under Mrs. Pryor's direction, the organization has been a strong voice for seniors in the Greater Cleveland area and throughout the State.

Mr. Speaker, Helen Pryor is a committed individual who has used her talents and energy to make a difference in the lives of others. She is a member of Mount Pleasant Baptist Church in Cleveland, where she serves on the missionary society. In addition, she devotes time to assisting the area Salvation Army. Mrs. Pryor's family proudly notes that, "Wherever help is needed, she is willing to give of her time." Mrs. Pryor is the mother of four children, Arland, Terry, Beverly, and Marc.

Mr. Speaker, I take this opportunity to congratulate Mrs. Pryor upon her selection as my congressional senior citizen intern. I am certain that our community will benefit greatly from her visit to Capitol Hill. I am proud to welcome this outstanding individual to our Nation's Capitol.

GRANT'S TOMB

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. HYDE. Mr. Speaker, Grant's Tomb, once New York's most popular visitor attraction, has become one of its most tarnished. The sad plight of this important historical figure is more particularly set forth in the accompanying article.

Illinois State Senator Judy Baar Topinka has taken up the cause of moving Grant's Tomb to Illinois, where he once lived in Galena, and where his last resting place will be treated with more respect. She authored an Illinois Senate joint resolution.

This material has been forwarded to the Honorable Rudolph Giuliani, mayor of the city of New York, on behalf of Senator Topinka.

[From USA Today, Apr. 1, 1994]

ONCE GRAND, GRANT'S TOMB NOW GRUNGY

(By Bruce Frankel)

NEW YORK.—The correct question soon may change from "Who's buried in Grant's Tomb?" to "How much longer will Ulysses S. Grant and his wife, Julia, be buried there?"

The imposing New York mausoleum where the Civil War hero and 18th U.S. president is buried has been neglected for decades. Now the Illinois General Assembly wants the National Park Service, which administers the tomb, to surrender unconditionally to these demands:

Show some respect and take care of the century-old tomb—or send the Grants to Illinois, where Grant maintained a residence for 20 years.

"Maybe we're just dumb Midwesterners, but we'd be very proud to take care of him," says Illinois state Sen. Judy Baar Topinka.

But Joe Avery, superintendent of the park service's Manhattan sites, defends the government's maintenance: "It's being sensationalized. We're doing all we can."

The tomb once attracted more visitors than the Statue of Liberty. But crime-wary tourists are afraid to visit the 122nd Street monument, near Columbia University and on the edge of Harlem.

Homeless people sleep on its littered portico and urinate in its corners. Drug addicts loiter in the shadows, leaving crack vials behind.

Graffiti is regularly scrawled on the sepulcher's walls. The roof leaks. Photographs and Grant's Civil War battle flags are missing.

"Grant's Tomb has become the most desecrated presidential burial site in the nation," says Frank Scaturro, a Columbia University history major.

Scaturro, a former volunteer park service guide at the tomb, has been trumpeting alarm across the nation in a 325-page report.

"It's a presidential tomb, and it's being treated as a subway station," says Ulysses Grant Dietz, Grant's great-great-grandson.

The stir is getting results.

About $400,000 has been set aside for contracts being drawn to refurbish the tomb's roof, gutters and ventilation. An additional $50,000 has been approved to open the tomb seven days a week.

Responds Topinka: "We'll give them six months to show they means business."

For Grant to receive such treatment would have been unthinkable a century ago.

One million people lined New York's streets on Aug. 8, 1885, to watch 60,000 marchers in a five-hour funeral procession for the military leader credited with winning the Civil War and saving the country from dissolution.

Grant actually wanted to be buried at West Point. But, because his wife could not be buried there by his side, he requested a burial site in St. Louis, Galena, Ill., or New York City.

New York was chosen because his wife, who lived here, could visit frequently, and because Grant was grateful to New Yorkers for their outpouring of affection when he went broke in his later years.

Grant was born in Ohio. He went to Galena in 1860 to work in his family's harness shop and left the next year to fight in the Civil War. He returned briefly after the war and kept his Galena home.

The park service began managing the monument in 1958. Fewer than 50,000 people a year now visit.

SENATE JOINT RESOLUTION

Whereas, Ulysses Simpson (U.S. "Unconditional Surrender") Grant was the best-known Federal general in the U.S. Civil War, and because of his military prowess and daring, he helped to shorten the time of that great and bitter conflict; and

Whereas, Grant's exploits in the Civil War earned him the Republican nomination and ultimately two terms as the 18th President of the United States where he pushed for conciliation toward the South, sought unconditional readmission of Virginia to the Union, relentlessly opposed the Ku Klux Klan in his ever stalwart detestation of slavery and its aftermath, and established a strong record in foreign affairs; and

Whereas, Although dying of throat cancer, he wrote his now classic memoirs in an effort to support his family and to guarantee that they would be provided for upon his death; and

Whereas, U.S. Grant died at Mt. McGregor, N.Y., on July 23, 1885, and his body was finally laid to rest amidst much pomp, circumstance, parades and speeches in an imposing tomb on Riverside Drive, on New York City's upper West Side, wherein he was ultimately joined by his much beloved wife, Julia Boggs Dent Grant in 1902, and that his tomb has been compared to other notable 19th and 20th century tombs such as that of Napoleon in the Dome des Invalides in Paris; the Lenin Mausoleum in Red Square, Moscow; and the Tomb of the Unknown soldier, at Arlington National Cemetery in Virginia; and

Whereas, Although born in Ohio, U.S. Grant is closely associated with the State of

Illinois, where he lived, worked, and spent many happy days in the municipality of Galena; and

Whereas, It comes to the attention of the Illinois General Assembly that his 8,000 ton tomb in Manhattan has become a hangout for muggers, the homeless and drug dealers and, according to the Chicago Tribune, "graffiti has to be sandblasted regularly from the tomb's walls and columns"; and

Whereas, The same Chicago Tribune would note that "there are few mentions of the monument in tourist brochures. Visitors to the site, which is open only five days a week, find nothing but a few plaques. The lighting is poor, the roof is leaky, there are no tour guides and no bathrooms . . . and in this behemoth city awash with people and problems, the fate of an out-of-the-way memorial to a man from Galena, Illinois, has clearly not been a priority"; and

Whereas, At least one New Yorker has tried in vain to get the National Park Service, which administers the tomb, to make the tomb respectable again, and has sought the help of Civil War buffs around the nation to contribute rehabilitation monies with little result, and that now, only between 40,000 and 100,000 people a year come to the tomb even though, in 1887 when it was built, the cost was more than $800,000 collected from some 90,000 people around the country so that it would command a breathtaking view overlooking the Hudson River and would be in proximity to Grant's widow's home in Manhattan; and

Whereas, At the time of its dedication, speeches by President William McKinley and Mark Twain declared that "New York would always be a famous city because Grant was buried there"; therefore, be it

Resolved by the Senate of the Eighty-Eighth General Assembly of the State of Illinois, the House of Representatives concurring herein, That the Illinois General Assembly respectfully requests that the Mayor of New York City, the Governor of the State of New York, and the National Park Service appropriately honor the memory of Ulysses S. Grant, the 18th President of the United States of America, a man who so gallantly served his country in war and peace, by making all necessary improvements and rehabilitations to his tomb and by providing free and accessible tourist information on the tomb; and be it further

Resolved, That the City of New York and the State of New York, in lieu of making necessary improvements and rehabilitation to Grant's tomb and providing appropriate tourist information, may acknowledge that the memory of U.S. Grant and the maintenance of his tomb now constitute a burden to those two entities; and be it further

Resolved, That if the maintenance of Grant's tomb is too burdensome, the State of Illinois would then request that the City of New York and the State of New York petition the National Park Service to be free of the burden of the Grant's tomb and that the State of Illinois be allowed to appropriately honor this great hero so that he and his wife might find a final resting place with all due respect and tranquility, in a hallowed space in Illinois selected by the Illinois General Assembly in consultation with the Historic Preservation Agency; and be it further

Resolved, That if the National Park Service agrees to move Grant's tomb to a site in Illinois, the cost shall be borne privately; and be it further

Resolved, That Illinois is fully capable of honorably caring for its war heroes and former Presidents' resting places as is illustrated by the outstanding condition of Abraham Lincoln's tomb, located in Springfield, Illinois; and be it further

Resolved, That suitable copies of this preamble and resolution be forwarded to the Mayor of the City of New York and the Governor of the State of New York in an attempt to ask for immediate consideration of the pleas of the people of the State of Illinois to whom Grant brought so much glory.

DEVELOPMENT OF ARTICLES OF RELATIONS AND SELF-GOVERNMENT FOR INSULAR AREAS OF THE UNITED STATES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. YOUNG of Alaska. Mr. Speaker, on November 22, 1993, I introduced legislation to provide consultations for the development of Articles of Incorporation for territories of the United States. The intent of that legislation, H.R. 3715, was to establish a mechanism for full self-governance and political empowerment in our territories consistent with international decolonization and the principles of self-determination.

Based on the interest and concerns raised from the insular areas, I am introducing a new proposal. The new legislation has been broadened in scope but retains the same intent of providing full self-governance and political empowerment in the United States insular areas. It enables the insular areas to utilize the same mechanism for options other than incorporation.

Under the new legislation, the governor of an insular area many request the President of the United States to enter into consultations for the development of Articles of Relations and Self-Government to achieve a full measure of self-government through political integration into the United States or through another arrangement with the United States. Political integration refers to the full extension of the United States Constitution and such measures which provide for political empowerment. Alternatively, an insular area may seek "another arrangement with the United States" which could be independence or free association.

At the request of an insular area government, and not later than December 31, 1997, the President would designate a personal representative to consult and develop, with representatives designated by the government of the insular area, Articles of Relations and Self-Government. The proposed Articles and a report on the consultations would be forwarded to the Congress within 1 year after the appointment of the United States Representative. These proposed measures would be submitted to Congress no later than December 31, 1998, to provide time for the Congress to enact implementing legislation before the end of the decade, which has been named the "Decade for the Eradication of Colonialism" by the United Nations.

Upon enactment by the Congress of a resolution approving Artices, the legislation would be submitted to the citizens of the insular area in a plebiscite. The question to approve the resolution would be organized by the government of the insular area and would take effect in accordance with the terms of the resolution upon ratification by a majority vote in the insular plebiscite.

The United States areas included in the proposal are American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. These United States flag areas are identical to those named in H.R. 3715.

The last section of the bill, General Insular Area Processes, clarifies that the process for developing the status of insular areas provided for by this legislation is meant to be in addition to any other process for addressing issues in relationship between the United States and an insular area. A number of the insular areas have Federal or insular area acts which relate to addressing issues in the U.S.-insular relationship. The enactment of this legislation is not meant to prevent or limit any of these efforts. Consistent with the principle of self-determination, the process is optional on the part of each insular area.

With nearly 4 million U.S. citizens living in U.S.-flag areas without the full extension of the United States Constitution, I feel strongly that it is necessary to provide a clear process agreed to by Congress and the President for our fellow citizens to achieve a full measure of self-government through political integration with the United States or another arrangement for self-government. The time constraints of the proposed process, the deadlines and one year negotiating requirement, are necessary to insure real measurable progress in such matters of fundamental importance to the citizens of the insular areas and the United States.

The following is the text of the bill to provide consultations for the development of Articles of Relations and Self-Government for insular areas of the United States:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

(a) FINDINGS.—The Congress finds that:

(1) The United States of America has long been committed to making it possible for all peoples to exercise their inherent rights of self-government.

(2) While the nearly four million citizens of the insular areas of the United States of America are United States citizens (or, in the case of American Samoa, United States nationals) and have achieved local self-government, they do not fully participate in the Federal decisionmaking process although they are subject to Federal laws, rules, and regulations.

SEC. 2. PURPOSE.

The purpose of this Act is to provide a process whereby the citizens of United States insular areas can achieve a full measure of self-government through political integration into the United States or through another arrangement with the United States.

SEC. 3. ARTICLES OF RELATIONS AND SELF-GOVERNMENT.

(a) GENERAL AUTHORIZATION.—Before December 31, 1998, the President and the government of an insular area may develop, and submit to the Congress, proposed measures to enable the citizens of the insular area to exercise greater powers of self-government or greater participation in the Federal system.

(b) APPOINTMENT OF UNITED STATES REPRESENTATIVE.—At the request of the government of an insular area transmitted not later than December 31, 1997, the President shall designate a personal representative to consult and develop in good faith with representatives designated by the government of the area, Articles of Relations and Self-Government.

(c) SUBMISSION DEADLINE.—The proposed Articles and a report on the consultations shall be submitted to the Congress within one year after the appointment of a representative under subsection (b).

(d) RATIFICATION.—Upon enactment of a resolution approving the proposed Articles, the legislation shall be submitted to the citizens of the insular area in a plebiscite organized by the government of the insular area and shall take effect in accordance with the terms of such resolution if ratified by a majority vote in that plebiscite.

(e) INSULAR AREA DEFINED.—For the purpose of this Act, the term "insular area" includes America Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 4. GENERAL INSULAR AREAS PROCESSES.

The process for developing the status of insular areas provided for by this Act shall be in addition to any other process for addressing issues in the relationship between the United States and an insular area established by or initiated pursuant to any other Federal or insular area Act and enactment of this Act is not intended to prevent or limit such efforts.

JUDGE ABNER MIKVA ON: THE POLITICS OF CRIME

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. LAFALCE. Mr. Speaker, concerns about crime and how to control and cope with it are topics being widely debated in the legislative hallways and in homes all across America.

The Honorable Abner J. Mikva, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, and a former colleague in the House of Representatives, injected some interesting perspectives, which I largely share, into this debate during a lecture at my alma mater, Canisius College, in Buffalo, NY. The 11th speaker in the Frank G. Raichle Lecture Series, Judge Mikva's topic was: "The Politics of Crime."

Judge Mikva's comments make for some particularly timely reading as we in the Congress continue to labor to forge meaningful anticrime legislation.

THE POLITICS OF CRIME

(By Abner J. Mikva)

When Congressman John LaFalce, one of Canisius's distinguished alumni, first asked me if I would be interested in speaking as part of the Raichle Lecture Series, I accepted with alacrity. First of all, because it was John LaFalce doing the asking. But second, because I knew that some very distinguished personages had been previous lecturers in this series. I have always believed in innocence by association, and so if I can claim identification with the likes of Justice Ruth Ginsburg and Judge Wald of my court, I do it. And so, President Cooke had no trouble getting me to come to Buffalo, especially if it wasn't during the winter time.

I was gerrymandered during my tenure in Congress. I was not the late Mayor Daley's favorite Chicago Democrat, and so after the 1970 census, I found myself running on the North Shore of Chicago, in what was then the richest congressional district in the country. I didn't think that my views on taxation and labor law and social programs, which had been met with approbation in my South Side, University of Chicago district, would fair too well in my new district. And so I tried to make reform of the criminal laws one of the main issues in the campaign. I talked about gun control, and prison literacy programs, and a meaningful prison industry structure. I talked about all the prisons I have visited, and how we had to find alternative means of punishing and treating criminals. I lost that campaign, even though I was sort of the incumbent Congressman, running against a relatively unknown opponent. The criminal laws have been "reformed" several times since then (some would say "deformed"), and none of the ideas that I was then expressing are any more popular now than then. But I am stubborn, and what's more, none of the ideas that are not being offered as solutions to our crime problems make much sense to me. I am convinced that we are moving in the wrong direction. And since Article III protects me from having to persuade anybody that I am right in order to keep my job, let me proceed.

We have been trying to protect ourselves from and avenge ourselves on the evil-doers amongst us since we came out of our caves. Almost never do we recognize that there is great tension between those two purposes—protection and vengeance. In sentencing criminal defendants, there are four objectives traditionally stated:

1. Retribution—getting "even" with the defendant;
2. Deterrence—frightening others from offending;
3. Rehabilitation—reforming the defendant to sin no more.
4. Incapacitation—keeping the defendant from committing other crimes—at least while he is in jail;

Of those four objectives, only incapacitation achieves any of society's expectations. As to the others, they are expensive, foolish, or at war with each other.

Let us start with retribution—getting even, revenge. It's very expensive. It now costs over $30,000 per year to keep a defendant in a federal penal institution. That is more than it costs to send someone to Harvard Law School. While we can contemplate as to which institution does the inmate the most harm, at least Harvard is not financed with tax revenues.

Those who favor the death penalty, and there are many, would say that retribution—an eye for an eye—is a compelling argument for imposing more capital punishments. Be assured that those cost even more. Put together the costs to the judicial system in the endless, but often necessary, appeals, the extra costs of keeping an inmate on death row, the total lack of evidence that the death penalty has any deterrence value, the obvious lack of rehabilitation potential on any of our executed felons, and we are left with a very uncomfortable justification for society engaging in "legalized murder"—and that is that we can make sure that the particular sinner will sin no more.

Many earlier civilizations—and some third world countries today—meted out capital punishment for all kinds of crimes. In early England, it was used against pick-pockets. It did not even deter pick-pocketing at the public hangings of other pickpockets, although it took care of the particular pickpocket being hanged. Today, we are one of the few countries still tolerating capital punishment at all. The European Human Rights Treaty prohibits any signatories from enacting capital punishment, and makes it very difficult for any signatory to cooperate with those countries which use it. Attorney General Meese had to assure the German government that we would not seek capital punishment against an accused terrorist before Germany would even consider the terrorist's extradition to this country.

A frequent historical justification for our "get even" mentality is the Old Testament's "eye for an eye" and "tooth for a tooth" doctrine. Actually, that biblical reference would more appropriately justify restitution, the talmudists tell us, because the ancient Jewish legal system was not strong on capital punishment or vengeance. The idea was that if someone took your eye, he would have to provide restitution by "seeing" for you in your work.

The "deterrence" factor is getting a lot of play in legal literature. It blends in nicely with the cost-benefit analysis that my alma mater, the University of Chicago has touted so highly. If it works for torts, and adoptions, and environmental laws, why doesn't it make sense to apply it to the criminal law. And so we have the sentencing guidelines, which have federal judges poring over a grid system, which factors in all of the elements of the crime—the amount of drugs being carried, the presence of a weapon—as well as the defendant's level of remorse and cooperativeness, and achieves a sentencing range for that person. The sentencing guidelines, coupled with the mandatory minimum sentencing provisions that Congress is fond of, appear to rest on the notion that the criminally inclined carry around one of those sentencing grid tables that judges use. Before he perpetrates his crimes, the putative perpetrator sits down and figure out the costs, finds them higher than the benefits, and thinks better of perpetration.

It has always befuddled me that we can seriously assume that the members of our society who generally behave least rationally are going to engage in the rational process that underlies the deterrence theory. When coupled with the mathematical computations that the sentencing guidelines require, it is hard to believe that anyone is serious about deterrence. A young 16 year old kid in New York is promised $300.00 for delivering a "package" to someone in Washington. He gets one-half in front, and the other half when the package is delivered. On most occasions, he is nabbed at Union Station in Washington, the package and the $150.00 is seized, and he is sentenced on the basis of how large a quantity of drugs was in the package. Whether seized or not, there is nothing in our criminal justice system that will deter the next 16 year old kid from leaping to the same opportunity when it is offered him. And the attractiveness to the next kid will not turn in any way on whether the punishment is 5 years or 10 years or life or death.

A recent survey showed that most black male teenagers, living in the ghettos, did not expect to live until age 30. Most of them had been in jail or had family members in jail. Their life expectations, and life expectancy, were so bleak that jail held no terrors. Factor that into a deterrence formula.

Then there is rehabilitation. We even name our institutions as if we seriously think that our present punishment system contributes to that end. Of course we reform kids in our reform schools, or course we correct first-offenders in the houses of correction, and of course we make our felons penitent in the penitentiaries. Shall we talk about prison industries? I am always amazed that our prison industry planners are able to anticipate what jobs will become non-existent in our economy, and concentrate our training programs in those fields. In Illinois, for example, prison training concentrated in printing, where there has been chronic unemployment since World War II, in tailoring, where again the unemployment rate has been overwhelming, and in the making of license plates. I always though that license plate making was an especially interesting trade to learn in prison. As far as I know, the only places where there are jobs to make license plates is in—prisons.

There are some literacy programs extant in the penal institutions, but they are very few and poorly-funded. Statistics show that the overwhelming majority of prison inmates have trouble with basic reading and writing skills. How expensive can it be to require literacy training? Nothing near what it costs us not to do it. The recidivism rates throughout our country make it clear that rehabilitation is a bust.

That leaves incapacitation. That works. There are several problems, however, with making that the centerpiece of our criminal justice system. In the first place, if nothing is done to check the flow of new felons, the cost is overwhelming—not just the per capita costs that I referred to earlier—but the additional costs of servicing an ever and ever larger prison population. The cost of building new prisons is much higher than the cost of the old prisons. Older prisoners (and we do have to keep prisoners longer if we are to really incapacitate them from further crime: good, hardened criminals that have been exposed to the penal system for any length of time need to be kept until they "burn out" which may mean keeping them into their 50's and 60's.) cost much more in medical expenses alone.

In addition to cost, there is the national shame factor. We now have more people in jail in relation to our population than any other country in the world. Are we really the most lawless nation around? And in addition to the shame factor, there is the limits factor which in our body politic will impose. Building all of those new prisons, putting more and more policemen on the streets, finding more and more ways to secure our houses and shopping malls and factories and post offices from criminals, and then finding ourselves even more in fear of our lives and safety than before, at a certain point the taxpayers will say incapacitation is not enough. And it isn't.

The fact is that the criminal justice system is not enough—or even the most relevant institution to deal with our crime problems. It makes about as much sense to look to prisons to solve our chronic crime problem as it would be to build more funeral parlors to solve a cholera epidemic. A very distinguished judge of the Superior Court of the District of Columbia, Curtis von Kann, recently made a speech on how to solve the homicide crisis in our nation's murder capital. He said:

"The criminal justice system in America has never been viewed by knowledgeable observers as the principal force in reducing crime. That is not its job. Rather, its job is to apprehend and try alleged offenders, and upon conviction, to sentence them. While all of that, of course, has been thought to have some impact on reducing crime, sociologists will tell you that in any society the far more important factors working to prevent the commission of crime are societal factors—for example, education, widely shared moral and religious codes of conduct, family structure and support and viable lawful opportunities for employment and upward mobility."

And there is the rub. Those "societal factors" are all expensive and exactly what the voters do not want to hear. They cost a lot of money, and they have no "red meat" appeal to the people who have been terrorized by perceptions of more violent crime. The voters want "here and now" answers to the problem, not some goody two-shoes, bleeding heart alternatives. And so the current crime bill that has passed the Senate and is pending in the House of Representatives has 50 new death penalty provisions, a huge number of additional mandatory minimum sentencing provisions, and $22 billion for more police, more jails, more resources to the "output end" of the crime pipeline.

Senator Paul Simon of my home state of Illinois was one of four Senators to vote against the crime bill when it passed the Senate late last year. I admire his courage, but I hope he fares better than I did in 1970 when I was one of 38 members of the House to vote against the Organized Crime Act of 1970. I voted against it for similar reasons to his—the provisions in the 1970 Act—like RICO (Racketeer Influenced Corrupt Organizations) and other programs that did nothing about the serious street crime problems we had even then—were totally irrelevant to the problems we were supposedly addressing. I spent the rest of my political career explaining why I voted "for" organized crime. The majority of Congress know where the politics of this issue lie.

If we really want to get at the input piece of the crime problem, we need to work at the disease. When my wife was teaching school in the inner city of Washington, D.C., some of her fellow teachers said that they could predict at the third grade level which kids would end up in prison. They were probably more right than wrong, and the predictions weren't always self-fulfilling prophecies. Early intervention is possible. It is expensive and it does not satisfy the red meat eaters that I spoke of earlier. But it is not a radical idea to suggest that there must be a substitution source for family values, and parental guidance and societal mores that most kids get at home. We need to give the troubled and anti-societal kids some visions of a good life that includes the good things that our kids aspire to and achieve for. For one third the cost of keeping somebody in jail after the fact, we could send that somebody to a private school, or, better yet, improve the public schools—at a far lower per capital cost and with a great restoration of the historic first principle of our democracy, a universal, free, public school system that promotes the commonality of our nation.

It would help if we took a bite out of the weapons of crime. No other country has more handguns per capita than the United States. We have kids killing kids for a pair of shoes, or because somebody "dissed" somebody on the way to class. Those killings and the overwhelming percentage of street crimes are not done with hunting weapons. They are done with concealable weapons, and a serious effort to reduce the accessibility of handguns would make a substantial difference.

Mostly, it would help if we started looking at real solutions. If we really want to reform the criminal justice system, we have to start at the very first intersection that it has with a rule-breaker. Usually, that is in the juvenile delinquency system. If you saw the rap sheets that I see, you would agree with me that the juvenile institutions are a disaster. The detention facilities are overcrowded, understaffed and without any discernible mission except to act as a finishing school for young hoodlums. The juvenile courts are not much better. Even when there are sensitive judges who are trying to make some reason out of the system, there are no resources available—no counselors, no mental health specialists, no teachers, no nothing. Back when I was practicing law, on those rare occasions when I represented a juvenile in trouble with the law, I would opt for the adult criminal court. At least there, the judge had some experience with notions of due process, and, more important, there were more resources available than at the juvenile court level.

But I am not advocating a "soft approach" to juveniles. On the contrary, I want that first encounter with the law, whether it is at the juvenile level or at the adult level, to be treated with the utmost urgency and stringency. I want to do whatever it takes to break the chain then, when the rule-breaking may be non-lethal. If it means incarceration for a long period to incapacitate the transgressor, and that is the only remedy that will work in that case, let's do it. If it means extensive counseling, that is still a lot cheaper than subsequent institutionalization. If it means changing the milieu of the juvenile (such as removing him or her from the home where the rule-breaking is breeding), let's do it. If it means moving the adult transgressor out of his community to another place—whether it's a boot camp or a job in another city, let's do it. Whatever we do at that early time is much more likely to work, and be much cheaper to implement than anything we do after the perpetrator has accumulated a nice long curriculum vitae of crime.

The President evoked a great response to his "three strikes and you are out" proposal in his State of the Union speech. As he should. It is incomprehensible to let serious three time losers out on the street again. And we don't, with very, very few exceptions. Most of the time, persons who are found guilty of crimes of violence go to jail for very long periods. I don't know many three time losers who judges or jailers turn loose. I don't know many jailers who are soft on crime. I don't know any judges who are soft on crime. I certainly am not one of them. I have to remind myself over and over on reviewing the appeals from the criminal court (that our federal district court has become) that the issue of law involved transcends the heinous facts of the case—or the understandable fear that my fellow citizens—and I—have of the street crime that threatens us all. Judges who see the crime and carnage that are rampant in our big cities are not unaware of the way people feel about the criminals among us. But we have to be equally aware that the answer to the problem will not come from a high bench or a black robe. Nor will it come through more frequent and longer use of the penal institutions to which we sentence those criminals.

Somehow, we need to fashion a political process that breaks the present linkage between crime and punishment and politicians who are better able to sell the political package that I so poorly hawked during my years as an elected representative. I am hoping that some of those better politicians are sitting right in this room.

Thank you.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. McDADE. Mr. Speaker, today I am introducing the District of Columbia Performance Accountability Act, in an effort to address a major, underlying problem facing the government of the District of Columbia. That problem is the lack of accountability to the citizens of the District for the efficiency and effectiveness of the District's departments, agencies, and programs.

This lack of accountability—by programs generally, and by program managers specifically—is a fundamental cause of the ongoing litany of waste, fraud, abuse, and mismanagement by the District government to which we have been treated. The governmental scandals of which we read seemingly daily must be only the most egregious examples of what a reasonable person would conclude is a more widespread problem—systemic mismanagement throughout the District's government.

Last year similar concerns about the lack of accountability in the Federal government led Congress to enact the Government Performance and Results Act, legislation I was pleased to cosponsor. This new law requires all Federal agencies to develop annual performance plans, with measurable goals for all programs, and to publish annual performance reports, showing what results were actually achieved.

The legislation I am introducing today imposes a similar accountability requirement on the District government. Efficiency and effectiveness goals would have to be set for significant activity of every program, measuring both the quantity and quality of government service. Every year Congress would get a report on the past year's program performance, and a plan showing those goals for the coming year.

To that I have added two additional requirements. First, next to each program goal shall be listed the name and position of the manager most directly responsible for achieving the goal and that person's immediate superior. This is called personal accountability, something that seems to be missing from the managerial ranks of D.C. government. And second, my legislation ties achievement of minimum and higher level program goals directly into the District's pay and promotion system. Simply put, there will be real consequences suffered for bad management, before it rises to scandalous proportions, and only good management will be rewarded.

For those of my colleagues who are concerned about protecting home rule for the District of Columbia, I would just point out that the greatest threat to home rule is the continued drumbeat of mismanagement arising from that government. It is the District's own demonstrated unwillingness, despite years of widespread managerial misfeasance, to instill serious personal and programmatic accountability in its affairs that has caused this threat to occur. I would urge the friends of the District and anyone who is concerned about the problems of our Nation's Capital, to join me in supporting this long-overdue reform.

IN HONOR OF THE FLORIDA CENTER FOR THE BLIND

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. STEARNS. Mr. Speaker, I rise today to pay tribute to the Florida Center for the Blind in my hometown of Ocala, Florida. The mission of this non-profit organization is to facilitate the complete integration of the blind into society on a basis of equality.

I have had the pleasure to learn first-hand about the wonderful work the Florida Center for the Blind has done for the visually-impaired in North Central Florida. The Center was founded in 1987 by a small group of blind persons who realized that the region's blind population were without services that would be of benefit to them.

Mr. Speaker, these dedicated individuals, with the help of the United Way and contributions from the community, have established a remarkable organization over the past several years that has offered the visually-impaired a wide variety of needed services. These include rehabilitation and assistance for the blind in adjusting to their environment; job skills training; establishment of support groups for the blind and their companions; an area resource library on blindness; advocacy for the blind concerning their civil rights; and serving as a liaison between the blind and the social service agencies that can be of assistance to them.

Mr. Speaker, I ask all of my colleagues to join me in congratulating the Florida Center for the Blind for its outstanding service to the visually impaired. They truly are a beacon of light and they serve as an inspiration to the people of Florida.

DON'T KILL THE GOOSE THAT LAYS THE GOLDEN EGGS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. COX. Mr. Speaker, recently, one of my constituents, Mr. Earl Griffith of Laguna Hills, sent me a letter he had written about the serious impact of Hillary Rodham Clinton's plan to place price controls on pharmaceuticals. Because his letter aptly illustrates the important role that pharmaceuticals play in helping Americans to live longer and healthier lives, I set it forth for the RECORD.

LAGUNA HILLS, CA,
February 28, 1994.

DEAR REPRESENTATIVE COX, President Clinton's position on drug price controls greatly concerns me, since I consider the drug companies the provider of the "Goose That Lays the Golden Eggs."

May I suggest you look carefully at the statistics on the Elderly? We (I am 75) are living longer because of the research and development of new drugs. When my father was my age, he had been dead for 10 years.

As soon as price controls are applied to drugs, the research and development departments of the drug companies will dry up, since they will be without funds. Price controls were tried during the Nixon administration and failed miserably. I would like to think our people in Washington would take a lesson from past experiences.

I myself am a direct beneficiary of research and development of new drugs. In 1981, I was diagnosed with an aortic aneurysm. I was 63. After four and a half hours of surgery, God's good grace, and the result of R&D of new drugs, after three weeks' hospitalization I survived.

In 1988, I had my gall bladder removed. Following surgery, I was diagnosed with two areas of infection. With God's good grace, and the result of R&D of new drugs, I survived.

In 1989, I was diagnosed with prostate cancer. I was 70. Because of prior surgical scar tissue, my urologist elected to use radiation rather than surgery. After 35 treatments of radiation, the cancer was gone—the result of God's good grace and R&D that developed modern radiation therapy.

In 1992, I was diagnosed with cancer of the esophagus and stomach. My surgeon spent six and a half hours with me and removed all the cancerous tissue. With God's good grace, and R&D of new drugs, I survived 11 days of hospitalization.

Following my surgery, it was mandatory that I undergo chemotherapy to remove any possible microorganisms of cancer. After four months of chemotherapy, and with God's good grace plus R&D that gave me effective new drugs, I survived.

To apply price controls to drugs is like "Killing the Goose That Lays the Golden Eggs." Has it occurred to you, that as people live longer, they are more productive and continue to work and pay income taxes to Uncle Sam? I've already benefited from the research and development of new drugs, so I'm not worried for myself. I am worried for people your age who have children and grand-children. We both know there will be new diseases and new drugs will be needed. If we don't have the drug companies to do the R&D, who will do it? Our government? Whenever our government takes on a project, it invariably costs twice as much as the private sector. You know that and so do I.

Every Congressman in Washington should think twice before he or she makes a decision on drug price controls.

Sincerely,

EARL GRIFFITH.

THE JOHN H. BONER COMMUNITY CENTER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. JACOBS. Mr. Speaker, well known in Indianapolis, not so well elsewhere, John H. Boner is an authentic 20th century pioneer.

There are many kinds of reclamation projects, but the kind that reclaims a blighted part of a city should be considered the most noble. John Boner in 1971, was among the few, and the very few, who had faith and energy enough to begin the Near Eastside Multi-Service Center in Indianapolis. In the words of Kipling, John Boner and his colleagues watched a neighborhood which was broken and stooped to build it up with worn out tools.

Today this multi-service center is one of the best in the Nation and has accomplished the impossible, a fantastic renewal of a large neighborhood.

On April 28, 1994, the board of directors of the Indianapolis Near Eastside Multi-Service Center was named the John H. Boner Community Center. Credit was given where credit was due.

I insert a copy of the resolution by which the center was named.

> Whereas: John H. Boner helped open the doors of the Near Eastside Multi-Service Center in 1971 and has been the Executive Director of the Center since 1976;
>
> Whereas: John Boner has devoted his professional career to serving the near east side and the broader Indianapolis community;
>
> Whereas: Under John's leadership, the Near Eastside Multi-Service has become a focal point for creativity, collaboration and coordination of services for thousands of people of all ages;
>
> Whereas: John was among the leaders who established, built the leadership and shaped the work of the Near East Side Community Organization, People's Health Center, Eastside Community Investments and the Near Eastside Community Federal Credit Union;
>
> Whereas: John always perceives opportunities where others may see obstacles;
>
> Whereas: John has inspired and encouraged new leaders, motivated hundreds of volunteers, and conveyed a message of caring throughout the City of Indianapolis; and
>
> Whereas: The Board of Directors wishes to ensure that the Near Eastside Multi-Service Center will forever embody John Boner's wisdom, compassion, enthusiasm, determination, optimism, spirit of cooperation and commitment to community.
>
> *Be it resolved:* That the Near Eastside Multi-Service Center will be renamed: The John H. Boner Community Center
>
> Approved by the Board of Directors:
> Date: April 28, 1994

MERRITT SCOVILLE RECEIVES BAR ASSOCIATION LIBERTY AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. SOLOMON. Mr. Speaker, you can measure a man by how much he gives of himself to his community. By that yardstick, Merritt "Mike" Scoville of Glens Falls, New York is a giant.

Scoville is the recipient of the Warren County Bar Association's 1994 Liberty Bell Award, which has been awarded every year since 1966 for outstanding community service. The choice was a good one.

Mr. Speaker, one of the greatest assets in the northern part of the 22nd Congressional District is Adirondack Community College. Mr. Scoville has played a key role in the founding and growth of that institution. It was in the late 1950s when he became part of the committee to establish the college. By 1961, he was a charter member of the college's board of trustees, a position he retained until 1992. He also served as president of the Adirondack Community College from 1983 to 1990.

Merritt Scoville's contributions were not limited to the college. He also served on the governing boards of such organizations as Glens Falls Hospital and the Tri-County United Way.

But it is to the college that Mr. Scoville's name will always be connected. In his three decades as a trustee, Scoville missed only three meetings. Some of his colleagues, in fact, remember the time he attended a meeting bruised, battered, and shaken, having fallen off a church roof he had been working on earlier that day.

ACC President Roger C. Anderson observed recently that with the exception of the late Dr. Charles Eisenhart, the college's founding president, no one has had a greater impact on the growth and direction of the school.

Mr. Speaker, America would not be the great country it is without the contributions of such people, who give so generously of themselves in such a way that the entire community benefits.

That being the case, Mr. Speaker, I would ask all members to join me in a salute to Merritt Scoville in recognition of his selfless service. He is a great American and a man I am proud to call my friend.

A TRIBUTE TO FALLEN HEROES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. BRYANT. Mr. Speaker, more than 13,000 American law enforcement officers have been killed in the line of duty since 1794. These men and women are heroes no less than those who have given their lives in service to their country in the armed forces throughout our history.

Law enforcement—whether it is in a big city, in a small community, or on a highway through a rural area—is one of the toughest and most dangerous jobs in our society. And rarely are those who risk their lives in defense of ours accorded the recognition and thanks they so richly deserve.

All Americans owe our local, State, and national law enforcement officers our constant support and encouragement.

But this week—Peace Officers' Memorial Week—we pause to pay tribute to those who unselfish service has cost their lives.

This year the names of 147 slain officers and Federal agents from 38 States, the District of Columbia, and Puerto Rico—14 of them from Texas—have been engraved on the grey marble walls of the National Law Enforcement Officers Memorial in Washington, DC.

Although congressional business requires me to be in the Capitol and prevents my participating personally this week with the people of Henderson County, TX, in honoring five outstanding officers killed in the line of duty, I want to call the attention of my colleagues and the American people to their sacrifice.

At the observance the citizens of Henderson County, at a luncheon and courthouse ceremony sponsored by the Henderson County Peace Officers Association, will honor:

Lieutenant Bennie R. Everett of the Athens Police Department, killed in a jailhouse struggle with a prisoner in 1977;

Deputy Sheriff Charlie Fields, Sr. of the Henderson County Sheriff's Department, killed in a gunfight while arresting a suspect in 1956;

Trooper Kohler C. "K.C." Winn of the Texas Department of Public Safety, killed in an automobile accident in the line of duty in 1974;

Trooper Larry Hobson of the Texas Department of Public Safety, killed in an automobile accident in the line of duty in 1974; and

Texas Ranger Dan McDuffie, who was killed in 1931.

No words can adequately express my appreciation or that of our community to these gallant officers who were killed in the line of duty and their families whose loss we share.

Now, their names have been added, as they so richly deserve, to the roster of law enforcement heroes on the wall of the National Law Enforcement Officers' Memorial in their Nation's capital.

This week and forever, we thank you for your service to your fellow citizens.

TRIBUTE TO PROJECT VISION, INC.

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to pay special tribute to Project Vision, Inc., a nonprofit ophthalmic program with volunteer physicians from the United States. This organization has provided services for underprivileged people in Israel which should clearly be acknowledged and commended.

Project Vision's Operation Outreach, along with Kupat Holim Clalit, offers opthalmic diagnosis and treatment to at least 1,000 patients every month. The program is particularly special for its conviction to provide services to people regardless of their ability to pay, as well as its equal treatment to people of all ethnicity, religious conviction, and political background.

Mr. Speaker, I would also like to commend Project Vision on creating a mobile eye clinic on March 14, 1994. In its initial week of operation, the mobile van visited four villages, two Arab Druze, one Jewish, and one Kibbutz, treating approximately 280 patients. In addition, Project Vision sponsors fellowship exchange, a retinal program at Nahariyah Hospital, and a model ambulatory center at the Lin Clinic in Haifa.

I congratulate all the volunteers who have made this organization a success. These fine men and women have made a significant contribution to the people of Israel, and I encourage them to continue their worthwhile deeds.

BAYFRONT WOMEN'S AND CHILDREN'S HEALTH CENTER PROVIDING VITAL PRIMARY CARE SERVICES

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. YOUNG of Florida. Mr. Speaker, one of the most critical issues facing our Nation is health care and the right and need of every American to have access to quality health care. My colleagues and I in the U.S. Congress, are currently engaged in a major debate to determine the best way to ensure that all families have some form of health care coverage. It is a difficult task which will affect every one of our Nation's household's.

There are many different opinions and approaches to achieve this goal. Yet there is widespread agreement that whatever health care plan Congress considers should place a high priority on primary medical care, including preventive measures and health education.

The Bayfront Women's and Children's Health Center in Pinellas Park, FL, which I had the privilege to help dedicate, is an example of how a creative partnership can be established between a hospital and neighborhood health clinic to serve the community's need for primary care. This new health center at 7955 66th Street in Pinellas Park, is an innovative collaboration of Community Health Centers of Pinellas and Bayfront Medical Center, two health care facilities with a long history of working together for the good of our community.

The need for more prenatal and obstetrical care in an underserved area of Pinellas County caught the attention of officials at both Bayfront and Community Health Centers. Statistics showed that a large number of women living in this area in mid-Pinellas County were receiving late prenatal care or none at all, a contributing factor to low birth weight and premature babies and a factor that had the potential for skyrocketing health care costs.

Bayfront Medical Center, an acute care community hospital that provided more than $28 million in charity care to the community in 1993, and Community Health Centers of Pinellas, a network of neighborhood-based health clinics, saw an opportunity to combine their expertise and make a difference in people's lives. The two should be commended for seeing a health care challenge and responding without the need for tax dollar support.

Now 1 year old, the center continues to provide comprehensive and affordable care to women and children in a convenient neighborhood location. Its philosophy of accepting patients regardless of their ability to pay mirrors the missions of the hospital and Community Health Centers and should be emulated by other communities throughout our Nation.

While Sue Lane, the center's manager, tells me the demand for obstetrical and pediatric care has not lessened since the day the center opened its doors, the real difference the program makes is in encouraging and facilitating regular medical care and preventative screenings for women of all ages. The women who are receiving these important services are the women who were falling through the cracks before and not receiving the proper care. The center's staff has found that many of these women were taking care of their children, they were taking care of their husbands, but they often neglected themselves. Now we are taking care of them and many other Pinellas County women.

The Bayfront Women's and Children's Health Center is served by a tremendously dedicated and compassionate staff dedicated to their cause. It is a program that makes a difference in people's lives every day.

Mr. Speaker, as a member of the House Appropriations Subcommittee on Health and Human Services, I have focused much of my work in Congress on improving the quality and accessibility of medical care for Americans of all ages. In particular though, I have devoted much of my time to programs that emphasize the need for prenatal and pediatric care. This type of primary medical care, which relies on preventative measures and health education, ensures that children are given a strong start which we hope translates into long and healthy lives with bright and successful futures.

U.S. TRADE POLICY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. LEVIN. Mr. Speaker, in the near future, Congress will be asked to approve the GATT Uruguay Round Trade Agreement—the most significant international trade pact in more than 15 years. The rules and obligations agreed to by the parties to the agreement will govern international world trade well into the 21st century. This agreement provides substantial new opportunities for U.S. businesses by breaking down many of the trade barriers that have long prevented free trade throughout the world.

While I believe this trade pact on the whole will expand global trade, many of us are concerned about various specific provisions and whether the U.S. trade laws will be so weakened by the agreement that the U.S. manufacturing base will be exposed to unfair trade practices in our own market without real access to a remedy under our laws. It is very important, as we work on the implementing legislation, that we are careful to ensure strong and effective antidumping, countervailing duty and market access laws.

Recently, Jeffrey E. Garten, Under Secretary of Commerce for International Trade, spoke before the U.S. Chamber of Commerce on the antidumping laws and U.S. trade policy. Mr. Garten's speech, I believe, provided a sound description of the historical and economic rationales for effective antidumping laws. It successfully refuted the notion that products dumped by foreign competitors lower consumer costs by demonstrating that the dumping of products into the U.S. market actually undermines our manufacturing base. As a result, U.S. consumers ultimately are captive to inflated prices imposed by the foreign producers who no longer have any U.S. competition to maintain fair and reasonable pricing.

As we prepare for the debate on the Uruguay Round Trade Agreement, I believe it is helpful for us to read the key points raised by Mr. Garten in his speech. I have excerpted the major elements of Mr. Garten's remarks to be printed in the RECORD at the conclusion of my statement.

NEW CHALLENGES IN THE WORLD ECONOMY: THE ANTIDUMPING LAW AND U.S. TRADE POLICY

(By Jeffrey E. Garten)

SUMMARY

Few areas of American trade policy have become more contentious than the antidumping law. Those firms which have used it have found it essential for their survival, and those who think they may need it are comforted by its existence. Others see the antidumping statute as protectionist and arbitrarily administered; many of them worry, also, that other countries will adopt U.S.-type laws and use them against American exporters abroad. The debate was evident in the recently completed Uruguay Round. It will no doubt be continued in Congress as the legislation implementing the Uruguay Round results is considered.

The proponents and opponents of the antidumping laws often argue in highly legalistic terms which make the stakes appear to be at the fringes of trade policy. This is especially true in a world in which international commerce has grown so fast, and so complex, and become so central to both domestic and foreign policy. Yet the underlying debate is not marginal; in many ways the fundamental issues are central to the maintenance of a liberal trading system.

The most important conclusion is that a strong antidumping law is more important than ever to American interests. It is an essential cornerstone of U.S. support for the kind of liberal and open trading system to which President Clinton is dedicated. The Administration will administer and enforce this law as vigorously and as fairly as possible.

"In the end I will conclude that a strong antidumping statute, vigorously enforced, is more important than ever to America's interest. The Clinton Administration is intensely committed to opening foreign markets, and to keeping our own economy open to fairly priced foreign products. The existence and implementation of our laws against unfair trade are absolutely essential to creating public confidence that we can counteract unfair practices and create a level playing field. Without this concept of fairness, popular support for an open world economy, let alone American leadership towards that goal, would be badly weakened."

THE PURPOSE OF THE ANTIDUMPING LAW

Broadly speaking, dumping refers to price discrimination between national markets, such as the sale in the United States of a product at a price less than is charged for the product in the producer's home market. In these circumstances, U.S. producers may be at a disadvantage because their prices are unfairly undercut. The U.S. law seeks to end such injurious pricing practices that commonly result when the free market is prevented from operating properly because of trade barriers or other reasons. The antidumping law provides for the imposition of duties on imported products that are sold in the United States at "less than fair value" (i.e. dumped) and cause "material injury" to a U.S. industry. Fair value usually is determined by the foreign producer's home-market price of a comparable product or its price in a third country market. Alternatively, the constructed value (which is the sum of the cost of materials, an amount for general expenses, an amount for profits, and the cost shipping containers) of the foreign producer's merchandise may be used to determine fair value. Constructed value is generally used as the basis for foreign market value when one of two conditions exist. Either there is no home market or third country sales; or, alternatively, the manufacturers home market or third country sales are below his cost of production.

In its simplest form, if a manufacturer in country "X" sells a widget in the United States for a price which is lower than the price charged in the manufacturer's home market, then the manufacturer is dumping. This is rarely a simple determination, for both international agreements and U.S. law mandate a complex series of adjustments to ensure that price comparisons are fair. Thus, if there are physical differences in the products sold in the two markets or differences in selling expenses that logically and directly affect price, adjustments for these differences are mandated to ensure that only actual price discrimination is detected. If imports are dumped and cause or threaten material injury to the completing U.S. industry in the sense that the industry loses sales, suffers profit losses, or is forced to lay off workers, the United States has the right, under international agreements, and the obligation under U.S. law, to impose a duty on those goods equal to the amount of the dumping. That duty is designed to correct the competitive imbalance created by the dumped imports.

While one form of dumping may arise from price discrimination, dumping may also occur when the U.S. producers are unfairly undercut by foreign producers selling below their costs of production. In this case, where the manufacturer is selling below cost in both markets, the U.S. price is compared to the constructed value. However, this alone is not enough to justify the assessment of antidumping duties. Such below cost sales must be shown to be injuring the competing U.S. industry. In other words, during a recession where producers in other countries are selling below cost, that fact alone would not be sufficient to sustain a dumping and impose a duty. It must be shown that such sales are adversely affecting the U.S. industry—i.e., that U.S. producers are bearing a disproportionate share of the burden of the recession because of the selling practices of the foreign industry.

Dumping sends false signals to the market. While free trade increases world wealth, dumping causes resources to be misallocated, ultimately resulting in reduced wealth for the nation in which it occurs. This raises the most basic issue presented by dumping: "Where will investment occur—in this country, or somewhere else?" The ability to dump acts as a disincentive to investment in the country is occurring and fosters excessive investments in the market of the dumper. This is because certain market distortions such as closed market, anticompetitive practices and government subsidization shield investors in the dumping country from normal market risk in the open market where dumping occurs. Accordingly, capital will flow to those industries and markets where investors believe that they are most likely to make money on their investments; and will flow away from industries where this is less likely. Dumping has a dramatic effect on investors decisions.

Other mechanisms, such as Section 301 of the Trade Act of 1974, do not address the problem of dumping and furthermore, do not work fast enough or surely enough to deal with the underlying causes of dumping. The antidumping law deals relatively promptly with the adverse effects of dumping and that is particularly important today, given how quickly the manufacturing processes are changing and how fast import penetration can surge, and how much damage can be done to domestic industry in so short a time. This is especially true in the high technology area, where product life cycles are so short that failure to achieve economies of scale in one product jeopardizes the next generation of products.

The antidumping law seeks to foster a strong, fair, and competitive U.S. market. It seeks no special advantage for U.S. producers, but simply seeks to preserve any natural comparative advantage they have. If a foreign producer sells to the United States at a price no lower than his home market price, and also no lower than his full cost of production, then it is not dumping. However, if the foreign producer dumps, and in so doing injures a U.S. industry, the antidumping law steps in to rectify the imbalance.

ATTACKS ON THE ANTIDUMPING LAW

While the U.S. antidumping law has a long history of enforcement and has been administered in a manner consistent with our GATT obligations, the use of the law has, for some time, been attacked by foreign countries who want to protect their industries' ability to dump in the United States at the expense of U.S. industries. We had to fight hard to obtain acceptable antidumping provisions in the Uruguay Round Agreement.

Authorization to take antidumping actions remains firmly embedded in the multilateral trading system. Further, the U.S. antidumping law will remain an effective remedy against dumped imports. Nevertheless, there are those who argue that while it may be consistent with international law, the antidumping law is not in the best interest of the United States.

THE ARGUMENT THAT THE ANTIDUMPING LAW HARMS CONSUMERS

There are those who argue that the antidumping law serves to keep domestic prices higher, thereby depriving the domestic consumer of the benefits of competitively produced goods from whatever source and placing domestic users of dumped merchandise at a competitive disadvantage in relation to foreign producers.

Such critics tend to focus on the short-term benefits of low-priced imports to consumers and consuming industries, conveniently ignoring the effects of such imports on directly competing U.S. industries.

History has shown that the idea that we should simply accept all low-priced foreign goods would be a disaster for the manufacturing sector. The antidumping law has saved numerous U.S. industries, not from more efficient production or better products, but from competitors who are able to sell in the United States at artifically low prices, supported by government subsidies or profits earned in protected home markets.

When dumping result from price discrimination between the home market of a foreign producer and the U.S. market, the U.S. manufacturer who purchases the dumped input is not put at a disadvantage globally by an antidumping order. That manufacturer is simply required to pay a price comparable to that of its foreign competition.

In the case where dumping exists not because of price discrimination, but because the foreign producer is selling below cost in both the home market and the United States, a different result occurs. An antidumping order only affects prices in the U.S. market. As a result, customers of dumped products may find themselves competing with firms that have purchased the input at a lower price abroad. However, the answer is not to sacrifice one domestic industry for another, a producer for a consumer. In these cases, the trade laws cannot bear all the burden. We must have a broad range of policy devices to create a competitive environment. DRAMS are a good example of this. We not only took trade actions to provide short-term relief to the industry, but we also created SEMATECH, which is a government-industry partnership, to improve development and production processes for use by American producers. This will help to assure the long term competitiveness not only of the DRAMS producers but of the users of DRAMS as well.

In the short run, the consumer may have to pay higher price for individual goods. Let's acknowledge the painful truth. However, without antidumping enforcement, in the long run the consumer will ultimately be the one to pay as reduced competition enables foreign producers to raise prices. Moreover, the consumers as citizens will also pay in terms of high unemployment as well. In the long run, the consumer will ultimately benefit as increased supply by domestic producers ensures a stable and competitive market place, in which industrial users are not forced to rely only on off-shore sources for components which may very well be controlled by their direct competitors. Finally, we need to bring some perspective to this short term picture. Antidumping orders affect very limited amounts of U.S. imports. In 1993, less than one percent, by value, of total merchandise imports were covered by an antidumping duty order. Antidumping orders have only a limited impact on consumers in the short run and provide a long term benefit to the economy.

BASIC HEALTH CARE FOR WOMEN AND CHILDREN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mrs. MALONEY. Mr. Speaker, I strongly support the package of women's and children's health care benefits that are contained in chairman PAT WILLIAMS' version of H.R. 3600, being considered by the Education and Labor Subcommittee on Labor-Management Relations.

For women, the benefits in this package are life-giving, since recovery from cancer depends on early detection. The provisions for screening mammograms—every 2 years for women in their forties, and annually for women 50 and older—are appropriately comprehensive, coupled with annual clinical breast examinations for all women. It is also appropriate that these services, along with annual pap smears and pelvic examinations for all women of childbearing age, be provided with no costsharing.

For children, our most precious resource, the provisions promote healthy development and physical and emotional growth. They expand outpatient rehabilitation services to include coverage for children with chronic and congenital conditions. They also provide hearing-aid coverage for children under 18, during the crucial years when efficient learning greatly depends on comprehension of spoken language.

In addition, by providing these services that both save lives and help to build healthy lives, we are actually saving money in the long run, because preventive care is far and away the most economical care.

I am proud that this Congress is moving toward health care reform that includes prudent, wise, and humane health services for women and children. I urge my colleagues to insist that any final version include the provisions in the Williams package.

TRIBUTE TO W. GRAHAM CLAYTOR, JR.

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 17, 1994

Mr. SWIFT. Mr. Speaker, it was not quite 6 months ago when the Congress overwhelmingly passed House Joint Resolution 294, a resolution to express appreciation to W. Graham Claytor, Jr., for his dedicated and inspired service to our Nation. W. Graham Claytor, Jr., who had a distinguished career in both public and private sectors, died on May 14, 1994, at the age of 82. Don Phillips of the Washington Post wrote a fitting tribute to the great man that I had the privilege of working with when he was president of the National Railroad Passenger Corporation. I insert it in W. Graham Claytor, Jr.'s honor and memory:

W. GRAHAM CLAYTOR JR., 82, EX-AMTRAK PRESIDENT, DIES

(By Don Phillips)

W. Graham Claytor Jr., 82, a six-decade Washington presence who retired last year after 11 years as president of Amtrak, died yesterday at a hospital in Bradenton, Fla., of complications of cancer. He lived in Washington and Holmes Beach, Fla.

He had been a corporate lawyer, president and board chairman of the Southern Railway, and deputy secretary of defense and acting secretary of transportation in the Carter Administration. A World War II Navy veteran, he served as secretary of the Navy from 1977 to 1979, leading it into its first recognition of women's right to serve on ships and of gays' right to leave the service without criminal records.

He was best known for his decade as president of Amtrak, starting in 1982. He is credited with bringing political and operational stability to the nation's passenger train network, keeping the trains running despite repeated attempts by the Reagan and Bush administrations to "zero-out" its funding.

Mr. Claytor was born in Roanoke, Va., and grew up in Virginia and Philadelphia. He was a 1933 graduate of the University of Virginia and a 1936 summa cum laude graduate of Harvard University law school. He had served as a president of the Harvard Law Review.

His first job after law school was as clerk to Learned Hand, a legendary U.S. Court of Appeals judge in New York. In 1937, Mr. Claytor moved to Washington to become law clerk to U.S. Supreme Court Associate Justice Louis Brandeis. Washington was considered a lawyers' backwater in those days, and normally any bright young attorney like Mr. Claytor would crave a job in New York.

"But I didn't like Wall Street law firms," he said in an interview several weeks before his death. "I didn't like the business they did. And I didn't want to live in New York City."

He joined a fledgling Washington law firm, Covington & Burling, becoming the junior associate in a 28-lawyer firm. The firm became one of the city's leading legal establishments.

Mr. Claytor said he saw war coming and tried to join the Navy in 1940. At first, he was rejected as too old for active duty as a Navy officer, but a recruiter discovered a special category for overage volunteers who had once been seamen, such as a tugboat captain.

"So I had been sailing the Chesapeake Bay for four years, had my own boat, won some races, loved it," he said. "So I got in that way."

As commander of the destroyer escort Cecil J. Doyle in the Pacific in July 1945, Mr. Claytor sped without orders to check reports of men floating in the water. As he approached at night, he turned searchlights on the water and straight up on low clouds, lighting up the night and exposing his ship to possible attack by Japanese submarines but rescuing almost 100 survivors of the sunken cruiser Indianapolis.

Turning on the lights violated "all known regulations," he said. "You tried not to thumb your nose at rules, but we didn't let it interfere with our judgment as to what was best.

After the war, Mr. Claytor returned to Covington & Burling, becoming a partner in 1947. Among his clients was Major League Baseball, and he became general counsel under Happy Chandler, the baseball commissioner.

In 1963, he was persuaded to become vice president-law for Southern Railway, headquartered in Washington. Mr. Claytor was a rail fan who began taking photos of trains early in life and who amassed one of the country's outstanding collections of toy trains, which filled shelves from floor to ceiling in his Georgetown home.

One of his duties at Southern was to help rid the railroad of money-losing passenger trains. He became president in 1967 and board chairman and chief executive officer in 1976. He retired in 1977.

After serving as Navy secretary, he briefly was acting secretary of transportation in 1979 after the resignation of Brock Adams. Mr. Claytor was deputy secretary of defense from 1979 to 1981.

As Navy secretary, which he once described as his most fun job, he allowed women to serve on some ships for the first time and ordered that homosexuals be given honorable discharges rather than be subjected to courts-martial. Later, as deputy defense secretary, he persuaded the Defense Department to adopt the homosexual policy service-wide.

When Amtrak was formed to save passenger train service in 1971, Claytor had refused to allow the Southern's New York-New Orleans Southern Cresent to join. At a loss of several million dollars a year, he chose to keep the Crescent running as a Southern train, and he regularly rode it to check on service quality.

"Amtrak, we could see from the initial setup, was going to be an operation run by non-railroad people who were going to screw it up almost beyond redemption," he said.

The Crescent remained a Southern train until after Mr. Claytor's retirement. However, in 1982, the year after he left government, Mr. Claytor assumed control of the Crescent and all the country's other passenger trains as Amtrak president.

He said Reagan White House staffers opposed selection of a Democrat, but then-Transportation Secretary Drew Lewis and Vice President George Bush championed his cause.

At Amtrak, Mr. Claytor set about to put the corporation on a businesslike basis, tightening labor rules and sharply cutting costs. Amtrak was covering about 80 percent of its operating costs from ticket sales when Claytor left, up from 48 percent when he arrived.

Among his achievements was the restoration of Washington's Union Station as a train station. The station passenger concourse was renamed "Claytor concourse" earlier this year in his honor.

Survivors include wife, Frances Murray Claytor of Washington and Holmes Beach, Fla.; a son, W. Graham Claytor III of Alameda, Calif.; a daughter, Murray Claytor of Atlanta; a brother, Richard A. Claytor of Bethesda; and two grandchildren.

SENATE—*Wednesday, May 18, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.—Isaiah 59:14.

God of Abraham, Isaac, and Israel, not only leadership but all of us need to comprehend the wisdom of the prophet Isaiah, that justice, equity, and judgment are inextricably connected with truth and righteousness. No truth—no justice or righteousness, no judgment or equity.

The prophet Isaiah wrote, "The way of peace they know not; and there is no judgment in their goings: they have made them crooked paths: whosoever goeth therein shall not know peace. Therefore is judgment far from us, neither doth justice overtake us: we wait for light, but behold obscurity; for brightness, but we walk in darkness."—Isaiah 59:8, 9.

Patient Lord, we are a confused people. We seem blind and deaf to reality. But Isaiah reminds us, "Behold, the Lord's hand is not shortened, that it cannot save; neither his ear heavy, that it cannot hear * * *"—Isaiah 59:1.

Mighty God, Father of us all, lead us to the light.

In His name who is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2019, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS], is recognized.

Mr. BAUCUS. Mr. President, we are now on the Safe Drinking Water Act again. We have a new consent agreement which essentially provides that all amendments listed must be offered by 3 p.m. today in order for them to be in order. I urge Senators to think long and deep about the meaning of that consent agreement, because it essentially has the effect of saying that if there are amendments up, say, at 1 o'clock being extensively debated and we are still on the amendment at 3 o'clock, all other amendments on the list are out of order. They cannot be brought up once we reach 3 o'clock.

So I strongly urge Senators to bring up their amendments now. It is 5 minutes after 9 in the morning. Those amendments brought up now will have a much better chance of being fully debated. I think the Senate will be in recess beginning at 10:40 a.m. in order to accommodate the joint session of Congress, so that Members of both bodies will be able to hear an address by the Prime Minister of India. That is time which is not available to offer amendments.

I also believe there might be other times during the day which would be more difficult for Senators to offer amendments. So there is not a lot of time remaining between now and 3 o'clock to deal with amendments. We have about 50 amendments. That is 50 amendments in less than 6 hours, or probably in about 4 hours.

I urge Senators to come to the floor and offer their amendments.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I inquire as to what is the pending business for today.

The ACTING PRESIDENT pro tempore. The pending business is S. 2019, the Safe Drinking Water Act.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as if in morning business for no more than 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS and Mr. BAUCUS pertaining to the introduction of S. 2125 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. BURNS pertaining to the introduction of Senate Joint Resolution 191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana, [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business on another matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MFN FOR CHINA

Mr. BAUCUS. Mr. President, on July 3, China could lose its most-favored-nation tariff status. By an odd coincidence, that is the 150th anniversary of our first trade agreement with China—the Treaty of Wanghia. In that treaty, our main achievement was that China gave us—gave America—MFN status. Then, as now, MFN was neither a concession nor a privilege. It is a basic, reciprocal way to conduct trade.

And MFN conditions are the economic equivalent of a nuclear bomb. If we revoke MFN, we flout the advice of every Asian friend and trade partner. We cut off trade with the world's fastest growing market. We endanger scientific contact with a huge contributor

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to global warming. We risk a cold war with the biggest country in the world. It would be folly.

IMPORTANCE OF PROMOTING HUMAN RIGHTS

Our goals in human rights are the right goals. I have met a man who was tortured with needles in a Chinese jail, and spoken with families of political prisoners. It makes me angry, and it makes us all angry. But anger is not enough. The question is not whether to promote human rights in China. The question is how to promote human rights in China.

Pressure helps. I, like others, have pushed the Chinese regime on human rights. It is a great source of pride for me to have played some small role in the releases of Gendun Rinchen and Wang Juntao.

But pressure also has limits. Whatever our threat, the regime will make no concession it thinks will weaken its hold on power. MFN conditions simply cannot win basic reform.

COSTS OF REVOKING MFN STATUS

And if the threat is real, MFN conditions mean disaster. Take trade. Last year we sold China 9 billion dollars' worth of goods, and 180,000 American jobs depend on those exports. More every day. If we revoke MFN, China retaliates and we lose it all.

On the environment, we lose a chance to slow global warming; protect our fisheries; and help China prevent millions of birth defects and other tragedies. On security, we lose China's cooperation on North Korea. Our problems on missile sales worsen. China would oppose us at the U.N. Security Council. And a new generation of Chinese leaders turns against us as the succession to Deng Xiaoping begins.

And human rights. Revoking MFN puts up to 13 million Chinese out of work. The Government, fearing riots, would clamp down harder, and dissidents would take the blame for wrecking the lives of millions of workers. No wonder the student leader Wang Dan has already called on us to renew MFN.

U.S. POLICY PARALYZED

MFN is a great threat. And it scares us as much as China. It makes us lose our nerve when we need to be firm.

We back off on copyright piracy and endangered species because we are afraid of MFN.

In March, the Secretary of State could not afford to cancel his visit when China arrested dissidents. In April, we avoided a formal Presidential meeting with the Dalai Lama. And in May, when the President of Taiwan passed through Hawaii, we would not even let him get a night's sleep in a hotel. We are paralyzed.

NO HALF MEASURES POSSIBLE

Supporters of MFN conditions have begun to say we can do it halfway. Revoke MFN for state-owned enterprises, or invent a special tariff category for China between Smoot-Hawley and MFN.

These half-measures sound superficially attractive. But in reality, they are impossible.

Our laws provide no authority, barring a national economic emergency, for any of them. There is plainly no such emergency. We need legislation even to begin.

If a bill passed, it would be unworkable. Take revoking MFN for state-owned enterprises. In China, ministries run firms for profit. They start joint venture enterprises. Their bosses open companies. Even in theory there is no line between public and private. If there was, our U.S. Customs could never find it in practice.

And if we impose any massive sanction, China will not kowtow and thank us because we did not quite revoke MFN. It will hit back. A trade war will begin, with the same result as revoking MFN completely.

THIS YEAR'S MFN DECISION

So the time has come to renew MFN permanently. The question, of course, is whether we can renew it at all.

I believe we can. Emigration and prison labor, the two mandatory conditions in the President's Executive order, are met. And on the five conditions on which we asked for overall, significant progress, we have enough to justify renewal.

China advanced on at least 10 of the 30 articles in the Universal Declaration of Human Rights; gave a real if flawed accounting of political prisoners; released some prisoners; and entered apparently good faith talks on Red Cross access and VOA jamming. No problems are solved. But we have enough to renew MFN and move on to a long-term policy, using four main tools. What are they?

NEW POLICY AFTER JUNE 3

First, diplomacy. We need more diplomatic personnel on the issue in China. We should meet more frequently with democrats from China and Tibet, and with the elected leaders of Taiwan. And we should give human rights a permanent, top-level focus with new bilateral and regional Human Rights Commissions.

Second, economic leverage. One area is prison labor, where we should use trade sanctions if China breaks its commitments. Another is the World Bank, where we should oppose loans to abusive provinces and support loans to reformers. A third is tourism, where our travel advisories can help steer American tourists and their money toward reformist provinces.

Third, nonconfrontational methods. Angry speeches get headlines. But a quieter approach gets results. Legal exchange, the Peace Corps, environmental and scientific missions all help.

And fourth, voluntary action from American business. It can be human rights advocacy; adopting codes of conduct; preventing pollution and promoting workplace safety.

Companies like Reebok, Dow, and Sears, Roebuck already take these measures. GE and Chrysler have an innovative proposal to reinstate OPIC and TDA in China, with a human and labor rights review on their projects.

CONCLUSION

Finally, we should begin by recognizing that trade itself promotes human rights.

Frederick Douglass writes: "to make a contented slave, it is necessary to make a thoughtless slave." To control people, stop them from thinking. Keep them illiterate, ignorant, and isolated.

That is what Mao did. He shut the doors. He burned the books; shut down commerce; and thus controlled the people. But because of trade and economic reform—in part, because China has MFN—his system is beginning to crack.

You see it all over China, particularly in the southern provinces and in the western provinces. But you also see it now in the mainland with commerce and the rise of communications technologies and all the TV antennas that are sprouting up in southwest China, helping democracy thrive.

With MFN in place, the cracks will widen. And in time, China will become the great, respected, democratic nation we all hope to see.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHINA'S MOST-FAVORED-NATION TRADING STATUS

Mr. BRADLEY. Mr. President, on June 3, President Clinton will determine the fate of China's most-favored-nation trade status. Although the issue has been framed in terms of trade and human rights, in fact the choice is between two competing views of America's relationship with China. The President will be choosing whether to free China policy from the cold war straitjacket embodied in the MFN-human rights linkage. He should end the linkage and free American policy to pursue a more multifaceted approach to United States-China relations.

For over 40 years, America's China policy was subordinated to the cold war struggle between liberal market democracy and communist totalitarianism. After failing to prevent the fall of China in 1949, the United States worked to isolate and exclude Red China from the international community. Then, after over 20 years of a

China policy that tried to pretend that the world's most populist country did not exist, President Nixon played the China card against the Soviet Union, starting a process which led to full diplomatic relations in 1979.

Just as the United States established full diplomatic relations with the People's Republic of China, Deng Xiaoping unleashed the first of the reforms that would open China to the world and transform it from a command society built around a centralized bureaucracy and Communist economy, to a primarily market economy.

Deng's reforms have turned China into an economic giant. Using purchasing power parities, the World Bank has determined that China is already the world's third largest economy. That may be stretching the point but, by any measure, it is clear that China is a major economic power.

Growing at over 10 percent per year, China has become an important engine for global economic growth. For example, China is America's fastest growing export market. American exports to the People's Republic rose by 18 percent last year to $8.8 billion, triple the figure of a decade ago, making China our 13th largest export market. Even that figure may be an understatement, when reexports through Hong Kong are taken into account. United States companies have also committed billions in investment in China. America's strategy for export-led growth requires continued economic engagement with China.

China's economic growth, with its associated opening to the outside world, is also the primary engine of China's continuing social and political transformation. What do I mean by that? In a Marxian irony, Communist social and governmental structures have become a constraint on China's continued development and are changing under the pressure of China's economic dynamism. Government cannot cope with the billions of pieces of information and the millions of decisions necessary for the functioning of any market economy, let alone a marketizing economy with the size and growth rate of China's. In this information age, economic development requires openness to outside information and outside influences, otherwise no growth—or not as fast. It requires fax machines, telephones, and copiers, which are profoundly subversive to centralized control.

China's regions are gaining power at the expense of the center, as economic decisionmaking becomes more and more decentralized. Foreign firms are training workers and exposing them to western business values and practices. The rigor of law is starting to replace the whim of party dictate in many areas of the economy.

Individuals have freedom in their personal and economic lives that, while incomplete and clearly inadequate, is unparalleled in modern Chinese history. Economic growth has undermined the dan-wei system, under which the work unit controlled the personal lives of its members. It is also undermining the household registration system which restricted freedom of travel within China.

However, there is a residual cold war-era trap which could slow this progress and put the United States at odds with the forces transforming China—the linkage of MFN and human rights. This linkage embodies two aspects of what I call "old-think," both of which should join the cold war on the dust heap of history.

First, the original Jackson-Vanik requirement for yearly MFN waivers is a product of the United States-Soviet rivalry. The Soviet Union is gone, and Jackson-Vanik should have gone with it.

Second, the additional human rights conditionality contained in President Clinton's Executive order originated in Congress' opposition to George Bush's early reengagement with China's dictators after Tiananmen Square. George Bush has left office, and the human rights-MFN linkage should have left with him.

Mr. President, the time is past due to escape this trap and turn the page to a new policy framework that will do justice to the importance of the United States-China relationship. For America has a big stake in a healthy United States-China relationship. Without responsible Chinese behavior, no stable Asian security equilibrium is possible. Without responsible Chinese behavior, America cannot manage its regional and global security agenda. Trade, the future of Hong Kong and Taiwan, North Korean proliferation, environmental degradation—all require Chinese cooperation. Because China is a veto-wielding permanent member of the United Nations Security Council, Chinese cooperation is vital for the American global agenda from Bosnia to Iraq.

I strongly agree with those who contend that we have an important national interest in improving the living conditions of China's 1.2 billion people. Support for the dignity of the individual is part of who we are as a nation. However, the MFN-human rights linkage has provided too narrow a path to try to influence Beijing's human rights practices. We need a more multi-faceted approach that works with the forces shaping China, not against them.

An effective human rights policy must be based on measures to increase China's exposure to the outside world. Expanding Voice of America and Radio Free Asia broadcasts would swell the flow of unbiased information into China, including much-needed information about Tibet. Increasing educational and cultural exchanges would expose more Chinese, especially in the younger generation, to our example as a multiethnic, multicultural, stable, and prosperous democracy. The more United States delegations go to China with open access to factories, farms, and businesses, the deeper will be the human rights message, coming from many Americans, not simply from the Government.

Human rights policy must also seek to expand trade. Trade is the motive force behind China's opening to the world. That is why I support China's membership in the World Trade Organization. China's obligations as a WTO member would require Beijing to replace party with law in the economic sphere even as it encouraged China's continued economic dynamism. Growth alone will not democratize China. But it does create the fluid political and social environment, the exposure to the outside world, and the emergence of a class of economically prosperous Chinese, which are the prerequisites for democratization and improved human rights practices.

The alternative, disrupting trade in support of human rights goals, would work against the forces that are liberalizing China. It would run counter to the efforts of the Chinese people themselves to better their lives. It would create an "American recession" in south China that could turn individual Chinese against us.

A third element of human rights policy is genuine dialog. All too often, the United States-China human rights dialog consists of American officials presenting Chinese counterparts with a list of demands. China, supported by other Asians, has responded that Western human rights standards are not applicable in Asia. The result has been an empty exchange of monologs.

The alternative is genuine exchange with the Chinese and other Asians on human rights. While we will not agree with Asian assertions about the relativity of human rights, we can hear them out with the aim of finding common ground on which to build. We can begin by framing some essential human rights principles, such as rule of law, in positive terms. Rule of law is not only in the interest of China, it is in the interest of whoever is governing China. How can China be governed or China's economy be managed without rule of law?

Fourth, as we wait for the last members of the Long March generation to pass from the scene, we must continue our efforts to protect individual Chinese dissidents, such as Wei Jingsheng, by raising their cases at every opportunity and working to improve conditions in detention. As part of this process, it is vital that China and the International Red Cross conclude their negotiations on prison access.

Tough talk on individual cases does not contradict my call for genuine dialog. Rather, once we are talking effectively with the Chinese, appeals on behalf of individual dissidents will have greater impact as part of this genuine dialog. There are many ways to institutionalize such a dialog, such as by creating binational human rights commission or exchanging parliamentary delegations to investigate human rights practices, as the Chinese and Australians already do today.

China's craving for international legitimacy provides additional influence, opportunities to influence. As part of our human rights framework, we must make it clear to Beijing that we will work to deny China the symbols of full international legitimacy as long as China fails to uphold basic human rights standards. That is why I worked to deny China the 2000 Olympics and will, if necessary, work to deny China the 2004 Olympics. China should not host APEC or U.N. agency meetings as long as it abuses its people. For example, China is slated to host the Fourth World Conference on Women next year in Beijing. This is the kind of meeting we must deny or attempt to deny Beijing getting until its human rights practices improve.

Sixth, we must ask business to help by supporting voluntary ethical investor principles, preferably as part of an APEC investment code. The distinguished Senator from Montana alluded to this in his own remarks. This would harness international business in pursuit of practices that encourage China's liberalization, without putting our firms at a competitive disadvantage. This code would not be, as business may fear, a unilateral requirement for business to bear the brunt of Washington's human rights agenda. Nor would it imply that business was the problem. Instead, it would acknowledge that business is a key part of the solution.

Notice how many of the steps I have outlined call for action in a multilateral context. This is no coincidence. For our credibility and impact, we must eliminate the appearance that human rights is only a kind of American preoccupation and actively seek out ways to exert concerted Asian and international pressure on Beijing.

Proposals for partial or targeted revocation of MFN have no place in this framework.

Conceptually, such an approach is wrong because it would maintain the trade-human rights link. It would hurt United States business and consumers, run counter to the forces transforming China, and still leave the administration looking weak.

Tactically, there is no reason to believe China would cave in to partial revocation if the threat of full revocation was not effective.

Practically, given the structure of the Chinese economy, withdrawal of MFN from state-owned firms would be an administrative nightmare as the Chinese authorities kept restructuring ownership one step ahead of our customers' officers.

That does not mean there is no place for sanctioning specific Chinese products. Products made with prison label should be sanctioned. If the administration wants to exclude the Chinese-made AK-47's that are coming into this country as so-called sporting rifles, it should, by all means, do so. But link specific sanctions to specific problems, not to human rights in general.

Mr. President, a decision to revoke or continue to condition China's MFN status would be a blunder of historic proportions.

Let me repeat that. Mr. President, a decision to revoke or continue to condition China's MFN status would be a blunder of historic proportions.

Unlike 1949, when the United States could ignore Red China, in the Asia of 1994 we would be isolating ourselves from the world's most dynamic region. We would be standing alone against the forces transforming China, Asia, and the world.

Mr. President, the cold war is over. Let us put it behind us, delink MFN from human rights and begin to realize the real potential of a U.S.-Chinese relationship.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey yields the floor.

Mr. BAUCUS and Mr. ROBB addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business, and I will soon yield to the Senator from Virginia.

Mr. President, I wish to thank the Senator from New Jersey for that very fine statement. He has thought long and hard about this issue. It is not an easy issue to resolve, and I compliment the Senator on his statement. It is a far-reaching statement. It is one with vision. It is one with a perspective on the issue, and his statement reflects, as the Senator very often does, a long-term view of what is in the best interest of this country.

I might say, Mr. President, he made many very good points. One that particularly struck home to me is when he said it is important with respect to China—probably with respect to any country—to deal less with abstractions and much more with specifics. He mentioned names of individual prisoners and individual dissidents, for example. The more we give a list of individual dissidents with their names and ask for an accounting, the more likely we will see progress on that issue rather than just saying "better human rights in China."

I say this from my own experience because I found that it works. Last August, I spent some time in China trying to get a better idea of what the right policy should be. I met with the wife of a dissident, a man who was very actively involved in Tiananmen, been in prison since Tiananmen, almost 5 years now, in solitary confinement and very ill. She was desperately concerned about her husband, as any wife, any spouse, as would be any loved one.

When we talked about it, I told her I would do what I could to get his release. I met later with President Jiang Zemin, the President of China, and other Chinese officials, and I gave them a letter asking for the release of this particular person.

Mr. President, I was very heartened, and it meant a lot to me, to see him; he was in my office just last week. He has been released. He is in the United States now, getting medical care.

It was proof to me that if you are specific about something, if you push for something, you can get results. I say that only as an example of the kinds of efforts I think will work again not only with China but with any country. We can be specific about Voice of America not being jammed. We can be specific about suggesting that the International Red Cross be allowed to visit. We can be specific about a whole list of items. I do think we should not only be specific, but we also should be very firm about it but be firm with a lower profile. Because the more we publicize the areas in which we are firm, the more we dramatize it, the more it is in the public arena, the more psychologically difficult it is for China, for any country, because it wants to save face from following up and accommodating us in a way that seems to be a good resolution of the issue.

I again thank the Senator from New Jersey. It was a very good statement. It is one to which I hope all Senators pay close attention.

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the distinguished Senator from Montana. It was a great pleasure for me this morning to follow his own statement. He has clearly played a very constructive leadership role in this whole area, and so I was very pleased to be able to follow his statement today which called for the granting of MFN without condition to China. We hope that is what will be the result. If it is, I think the Senator from Montana can take a great deal of credit for that end.

Mr. BAUCUS. I thank the Senator.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the period for morning business be extended.

Before the Senator from New Jersey departs the floor, let me say that I join in the sentiments expressed so eloquently by the Senator from New Jersey. I have attempted to articulate a vision similar to that outlined but with less eloquence and less thoroughness. I applaud the Senator from Montana for his ongoing leadership in this area and the Senator from New Jersey for the clearest exposition of views and a realistic assessment of what the situation is and what needs to be done to address that situation as I have heard in a long time.

I am going to ask the permission of the Senator from New Jersey to communicate the text of his statement directly to Winston Lord, the Assistant Secretary for East Asian and Pacific Affairs, who is in the process as we speak this morning of formulating a recommendation to the Secretary of State, who in turn will forward a recommendation to the President on this particular topic. I think that the position and the vision as to how to address a very thorny issue in the international arena has been addressed by the Senator from New Jersey, in my opinion, in precisely the way we ought to address this particular question.

As the chairman of the East Asian and Pacific Affairs Subcommittee of the Foreign Relations Committee, I held a hearing a little over a week ago to talk about it, but as a member of the Finance Committee, with its original jurisdiction, I think the statement the Senator from New Jersey made this morning is extremely important and right on the money. I am very pleased to join in seconding the suggestion the distinguished Senator has made, as he frequently does on important topics, with a very thoughtful review of the facts and some suggestion as to where we might go in the future.

Mr. BRADLEY. Mr. President, I thank the distinguished Senator from Virginia for his comments. His comments, given his position on the Foreign Relations Committee, are as important as the statement itself. I am very pleased that he sees the direction the same as I do, and I thank him very much for his own leadership on this issue and for his clear-sightedness. I appreciate it very much.

EXTENSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia [Mr. ROBB], and asks the Senator how long he wishes to speak.

Mr. ROBB. Mr. President, I would ask that the period for morning business be extended for approximately 10 minutes. I think I can complete my statement in that time.

Again, I thank the Senator from New Jersey for one of the most important policy statements I have heard delivered on this floor in a long time, and again it is very much in sync with the leadership the Senator from Montana has been giving.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Virginia.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 2126 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1720

(Purpose: To require risk assessment and cost-benefit analysis regarding major human health or environmental regulations promulgated by the Environmental Protection Agency)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1720.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add a new section as follows:

Sec. (a) REQUIREMENT.—Except as provided in subsection (b), in promulgating any proposed for final major regulation relating to human health or the environment, the Administrator of the Environmental Protection Agency shall publish in the Federal Register along with the regulation a clear and concise statement that—

(1) describes and, to the extent practicable, quantifies the risks to human health or the environment to be addressed by the regulation (including, where applicable and practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive);

(2) compares the human health or environmental risks to be addressed by the regulation to other risks chosen by the Administrator, including—

(A) at least three other risks regulated by the Environmental Protection Agency or another federal agency; and

(B) at least three other risks that are not directly regulated by the federal government;

(3) estimates—

(A) the costs to the United States Government, state and local governments, and the private sector of implementing and complying with the regulation; and

(B) the benefits of the regulation; including both quantifiable measures of costs and benefits, to the fullest extent that they can be estimated, and qualitative measures that are difficult to quantify; and

(4) contains a certification by the Administrator that:

(A) the analyses performed under subsection (a)(1) through (a)(3) are based on the best reasonably obtainable scientific information;

(B) the regulation is likely to significantly reduce the human health or environmental risks to be addressed;

(C) there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated and that would achieve an equivalent reduction in risk in a more cost-effective manner, along with a brief explanation of why other such regulatory alternatives that were considered by the Administrator were found to be less cost-effective; and

(D) the regulation is likely to produce benefits to human health or the environment that will justify the costs to the United States Government, state and local governments, and the private sector of implementing and complying with the regulation.

(b) SUBSTANTIALLY SIMILAR FINAL REGULATIONS.—If the Administrator determines that a final major regulation is substantially similar to the proposed version of the regulation with respect to each of the matters referred to in subsection (a), the Administrator may publish in the Federal Register a reference to the statement published under subsection (a) for the proposed regulation in lieu of publishing a new statement for the final regulation.

(c) REPORTING.—If the Administrator cannot certify with respect to one or more of the matters addressed in subsection (a)(4), the Administrator shall identify those matters for which certification cannot be made, and shall include a statement of the reasons therefore in the Federal Register along with the regulation. Not later than March 1 of each year, the Administrator shall submit a report to Congress identifying those major regulations promulgated during the previous calendar year for which complete certification was not made, and summarizing the reasons therefor.

(d) OTHER REQUIREMENTS.—Nothing in this section affects any other provision of federal law, or changes the factors that the Administrator is authorized to consider in promulgating a regulation pursuant to any statute, or shall delay any action required to meet a deadline imposed by statute or a court.

(e) JUDICIAL REVIEW.—Nothing in this section creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If a major regulation is subject to judicial or administrative review under any other provision of law, the adequacy of the certification prepared pursuant to this section, and any alleged failure to comply with this section, may not be used as grounds for affecting or invalidating such major regulation, although the statements and information prepared pursuant to this section, including statements contained in the certification, may be considered as part of the record for judicial or administrative review conducted under such other provision of law.

(f) DEFINITION OF MAJOR REGULATION.—For purposes of this section, "major regulation" means a regulation that the Administrator determines may have an effect on the economy of $100,000,000 or more in any one year.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.

Mr. JOHNSTON. Mr. President, this is an amendment on risk assessment. It will be agreed to later.

But I ask unanimous consent that it be temporarily laid aside. I see Senator BAUCUS is here. But I think Senator CHAFEE wanted time to prepare a statement.

I ask unanimous consent that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield the floor?

Mr. JOHNSTON. Yes, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN], is recognized.

Mr. LIEBERMAN. I thank the Chair.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

FEDERAL RESERVE BOARD INTEREST RATE POLICY

Mr. LIEBERMAN. Mr. President, for the fourth time in 4 months, the Federal Reserve has raised short-term interest rates —it happened yesterday, as we all know—the discount rate, by half a percent, and the Federal funds rate by half a percent. Apparently, they did so because they have concluded that the economy is overheating and inflation is just around the corner.

Mr. President, I do not know about anybody else, but I have looked around the corner and I have looked right in front of me, and I do not see inflation in this economy. What I do see is these increases in interest rates cutting and stifling the economic recovery that is trying to begin in States like Connecticut.

I do not think anyone wants to return to the inflation levels we suffered through the 1970's. But, at the same time, you really have to wonder whether the people at the Fed are in touch with the daily lives of most working Americans, or even whether they are reading the newspapers.

Stated succinctly, the Fed has raised interest rates in the face of slow growth on the one hand and low inflation on the other. For the first quarter of this year, the newspapers tell us—you do not have to be an economist—the economy grew at a moderate rate of 2.6 percent. We cannot even feel confident that that is going to continue. Just last week, we saw signs of a softening economy, when retail sales for the month of April dropped by eight-tenths of 1 percent. Yesterday, it was announced that housing starts for April dropped by 2½ percent.

When it comes to inflation, all the news has been good. The big indicators show no signs of inflation. Producer prices for the month of April dropped by one-tenth of 1 percent. Consumer prices for the month of April rose by a meager one-tenth of 1 percent. So in the light of all of the good news about inflation—which is to say there is none—and the dampening news about economic growth, I have to ask: What are our friends at the Fed thinking?

There are no inflation fires to be dampened. The action the Fed took yesterday is more akin to throwing water on a pile of dry sticks that are waiting for a match.

Mr. President, without question, the business of setting interest rates is complicated. The goal is to reach a delicate balance between economic growth and inflation. Rampant growth can spur inflation. But a number of economists are now challenging the old theory that unemployment rates and inflation must move in opposite directions, and there is a lot on the line here. What is on the line are the jobs of millions of Americans and the capacity of millions of American families to buy a home, to buy a car, to pay their credit card bills.

Mr. President, I said a few moments ago that none of us want to return to the high inflation times of the 1970's, but this is not the 1970's, and it is not the 1970's because today we have a truly integrated global economy. I am not sure some of our economists are accounting for that. There is a global labor surplus, and that has been having the effect of holding down the real wages of American workers for more than a decade. Intense international competition will continue to hold prices and wages down. That is why I so fundamentally question the increase in interest rates that has occurred. It is largely due to this international competition, and the fact that corporate America is completing its most expansive and painful downsizing in decades.

Why is this so important? As I said before, there is a lot of economic data flying around, but for a lot of Americans—at least a million of them—this is a question of whether they are going to have jobs or not. There is an economic theory which I fear the Fed is reacting to that you cannot let unemployment go too low, or it will stimulate inflation. Go tell that to the people behind the numbers who, as a result of rising interest rates, are not going to get the jobs they want because the businesses cannot borrow the money, the people cannot buy the cars, the people will not build the new homes.

The Fed needs to understand that the actions they take not only affect the bond market on Wall Street, but the supermarket on Main Street. The last Fed action sent the prime interest rate to its highest point in 2 years, and that was felt by consumers and small businesses.

Mr. President, we are talking here about credit cards, home equity loans, and auto loans. The Fed's action has sent long-term interest rates to their highest level since 1992, and since these are the rates to which home mortgages are tied, it is consumers who will bear the brunt of higher home mortgage payments.

Last week, the average 30-year fixed-rate mortgage rose to 8.77 percent from a low of 7 percent earlier in this year. For a new home buyer, that is not just percentage points, that is $125 more in monthly mortgage payments.

We in Connecticut know that these numbers are real to real people. We are still in the midst of what I would describe, at best, as a fragile economic recovery, not an overheated economy. Unemployment is still at unacceptably high levels, and forecasters know New England growth levels will continue to lag behind the rest of the country.

Mr. President, what the Fed is doing is putting at risk our recovery and undercutting the courageous efforts Congress has made to cut the deficit and keep interest rates down.

I will just say this: If the folks at the Fed really think the economy is overheating, I invite them to come to Connecticut, and I suggest they bring a coat, because it is still awfully cool economically in my State.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate for 6 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, we have been, in effect, in morning business since 9 o'clock this morning and have not had an opportunity for amendments.

Mr. GRASSLEY. I will not object if the Senator wants to work on the bill and does not want me to speak now.

Mr. BAUCUS. There are about 40 or 50 amendments on the list.

Mr. GRASSLEY. The Senator needs no explanation. Please go ahead.

Mr. BAUCUS. I thank the Senator.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Randy Wetzel, a fellow of the Environment and Public Works Committee, be afforded privileges of the floor during debate on S. 2019 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I have a unanimous consent to put in an amendment dealing with the Oil Pollution Act of 1990. Our Committee on Natural Resources dealt with it and had a recommended amendment.

I understand, if I may have the attention of the Senator from Montana, that the committee is knowledgeable about the problem created by the Oil Pollution Act of 1990, and that is that it requires that independents who drill on the Outer Continental Shelf have financial responsibility assets of some $150 million, which means that when and if that goes into effect, and we understand that—"Open 90" is what we call the Oil Pollution Act of 1990—when and if Open 90 goes into effect and requires $150 million in insurance or financial assets, it will mean that independents who now drill some 80 percent of the wells on the Outer Continental Shelf will be frozen out of the business.

I do not know how we made that mistake, but the administration is aware of it, and I understand that the Committee on Environment and Public Works is aware of it. I will not press the amendment now if I have the assurance from the chairman that their committee will deal with this matter.

I understand we have a written colloquy that may reflect our agreement on that. I ask the chairman if that is correct.

Mr. BAUCUS. Mr. President, the distinguished chairman of the Energy Committee is correct. This is a matter which the committee has examined, and we worked out an understanding between the two committees. I thank the chairman for being helpful.

Mr. JOHNSTON. I wish the Senator would look at that colloquy. I understand it has been approved by the staff. If that would adequately reflect our agreement, then I will not be putting in the amendment on the Oil Pollution Act of 1990.

Mr. BAUCUS. I must say I am going to have to look at this. It was just now handed to me. If the Senator might proceed and I would like to read this.

OIL POLLUTION ACT OF 1990

Mr. JOHNSTON. I would like the assurance of the bill manager, the Senator from Montana, that he will work with me to address an egregious problem with the Oil Pollution Act of 1990.

The Oil Pollution Act of 1990 [OPA '90] was passed and signed into law following the *Exxon Valdez* tanker spill in Alaska. The intent of OPA '90 was to lessen the risk of oil spills and to improve the level of preparedness and responsiveness when spills do occur.

OPA '90 was primarily designed to address the serious damage we all know to be a risk with tanker traffic. It also included separate requirements for nontanker facilities operating on the Outer Continental Shelf [OCS]. However, in our usual postdisaster zeal, the legislation went far beyond the problem.

Currently the Outer Continental Shelf Lands Act [OCSLA] requires owners of OCS facilities and nontanker facilities to demonstrate evidence of financial responsibility equal to $35 million. OPA '90 increased the financial responsibility to a much higher level, $150 million. Unfortunately, this does not relate to the actual experience with nontanker facilities on the OCS, and would in all likelihood make it impossible for smaller, independent oil and gas companies to operate on the OCS.

Between 1974 and 1991, 27 times as much oil was spilled from tankers as that spilled from nontanker facilities. The most expensive spill from an offshore facility on the Gulf of Mexico had cleanup costs of about $10 million. For that same 1970 spill, which occurred before current safety devices and procedures came into routine use, the Minerals Management Service of the Department of the Interior [MMS] estimates that damages as now provided for under OPA '90 would have been about $20 million, still significantly below the existing requirement of $35 million and way below the OPA '90 $150 million requirement.

The OPA '90 requirement needlessly penalizes the independent producers, those who have stayed and provided jobs while the majors have moved overseas. Over the past 10 years, the total number of operators in the Federal offshore has nearly doubled. The increase has come entirely from independent operators. The majors are still responsible for the bulk of offshore oil and gas production; however, only 15 of the 139 offshore operators are major integrated oil companies. Independents now account for nearly 90 percent of the offshore operators, producing 23 percent of the oil and 36 percent of the natural gas offshore. Since 1988 independents have acquired more lease acreage, paid the majority of bonuses to the Federal Government, and made an overwhelming number of new discoveries. They have also hired 70 percent of the drilling contractors active offshore.

According to the Energy Information Agency and Arthur Andersen, only 20 percent of the offshore operators would be able to self-ensure to meet the $150 million financial responsibility requirement. The remaining 80 percent will be forced to seek traditional insurance. The National Petroleum Council, in an interim report released in December 1993, estimates these insurance costs could be as much as $1.10 per barrel of oil. Only small operators would be affected by this, the majors, who can self-ensure, will not be burdened with these costs.

The Department of Interior recognizes the necessity of amending this provision of the act. Tom Fry, Director of the Minerals Management Service, was quoted in the Oil Daily on May 3, 1994 as saying that Congress may want to reconsider the $150 million mandate. He said, "maybe $150 million is more than is needed under every circumstance." He also suggested a risk-analysis approach might be the best way to determine how much insurance to require of offshore drillers.

In testimony last month, Assistant Secretary Bob Armstrong told the Energy and Natural Resources Committee that the Department of the Interior is not in a rush to implement OPA '90, "because of the agony that it imposes." He went on to say, "we do not believe that you can take as clear a language as in OPA '90 and fix it by regulation that runs contrary to the clear language * * * some sort of legislative help is going to be necessary to fix that problem."

The Energy and Natural Resources Committee, having repeatedly heard from all quarters that a legislative remedy would be necessary, has in fact endorsed just such an amendment. The amendment gives the Secretary of the Interior the leeway to evaluate risks posed by different facilities—based on size, storage capacity, oil throughput, history of discharges, class or category of facilities—and where appropriate, set a different financial responsibility requirement. This is the same risk based approach that OPA '90 applies to the liability limits for onshore facilities.

The amendment is very narrowly crafted—the only issue it addresses is the level of financial responsibility. It does not mandate a lower requirement, it simply gives the Secretary the necessary discretion for a reasonable rule.

With respect to the committee amendment, Assistant Secretary Armstrong said, "it looks to me like that would fix the problem. * * *"

Does the Senator from Montana agree that there are some legitimate concerns regarding the impact of the $150 million financial responsibility requirement?

Mr. BAUCUS. I agree that there are concerns with the OPA '90 provision. I am hopeful that some of these problems can be worked out in the rulemaking that the MMS is currently engaged in. There may, however, be limited flexibility under OPA '90 in certain areas, requiring some legislative adjustment. It is my belief, though, that any such adjustment must be carefully limited in scope to avoid reopening hard-fought and hard-won compromises agreed to in OPA '90.

I am concerned that the language endorsed by the Energy and Natural Resources Committee gives the Secretary unfettered discretion and that a financial responsibility requirement could be set that would not assure that money is available to pay for spill damages or that would be less than what is required under existing law. Is this the Senator's intent?

Mr. JOHNSTON. It is not my intent to give the Secretary unfettered discretion. Nor is it my intent to provide for less protection than exists under current law or to allow financial responsibility requirements to be set lower than the amount necessary to cover a realistic assessment of the potential spill damages, given the risks posed by an operation. I would be happy to work with the Senator from Montana to address his concerns.

Mr. BAUCUS. I would like to work with the Senator from Louisiana on language that addresses both of our concerns. Assuming we can reach agreement on legislative language, and I will commit to the Senator that I will work toward that end, I think that the Clean Water Act, or other legislation, would be an appropriate vehicle for such a language.

Mr. JOHNSTON. I thank the Senator. I had intended to offer the amendment today on the Safe Drinking Water Act. However, if we are in agreement that mutually agreed upon language will be included in the Clean Water Act or other appropriate legislation in the near future, I will withhold the amendment for now. I appreciate the Senator's willingness to try to work out a problem of significant importance to the State of Louisiana.

Mr. BAUCUS. I believe we are in agreement. I appreciate the Senator's withdrawing the amendment, and look forward to working with him to resolve this issue.

AMENDMENT NO. 1722

(Purpose: To provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1722.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following, numbered accordingly:

SEC. . AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—The Outer Continental Shelf Lands Act, as amended, is amended by redesignating section 8(a)(3) (43 U.S.C. 1337(a)(3)) as section 8(a)(3)(A) and by adding at the end thereof the following:

"(B) The Secretary may, in order to promote development and new production on a producing or non-producing lease, through primary, secondary, or tertiary recovery means, or to encourage production of marginal or uneconomic resources on a producing or non-producing lease, reduce or suspend any royalty or net profit share set forth in the lease.

"(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, no royalty payment shall be due on new production, as defined in clause (iii) of this subparagraph, from any lease located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, and the Eastern Planning Area of the Gulf of Mexico west of the lateral seaward boundary between the States of Florida and Alabama, or for any lease in the frontier areas of Alaska, which shall, at a minimum, include those areas with seasonal sea ice, long distances to existing pipelines and ports, or a lack of production infrastructure, until the capital costs directly related to such new production have been recovered by the lessee out of the proceeds from such new production.

"(ii) With respect to any lease in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, upon application by the lessee, the Secretary shall determine within ninety days of such application whether new production from such lease would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider all costs associated with obtaining, exploring, developing, and producing from the lease. The lessee shall be afforded an opportunity to provide information to the Secretary prior to such determination. Such application may be made on the basis of an individual lease or unit (as defined under the provisions of 30 CFR part 250). If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) of this subparagraph shall not apply to such production. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within sixty days of such application. The Secretary may extend the time period for making any determination under this clause for thirty days if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. In the event that the Secretary fails to make the determination or redetermination upon application by the lessee within the time period, together with any such extension thereof provided for by this clause, the relief from the requirement to pay royalties provided for by clause (i) shall apply to such production.

"(iii) For purposes of this subparagraph, the term—

"(aa) 'capital costs' shall be defined by the Secretary and shall include exploration costs incurred after the acquisition of the lease and development costs directly related to new production. The terms 'exploration' and 'development' shall have the same meaning contained in subsections (k) and (l) of section 2 of this Act except the term 'development' shall also include any similar additional development activities which take place after production has been initiated from such lease. Such capital costs shall not include any amounts paid as bonus bids but shall be adjusted to reflect changes in the consumer price index, as defined in section (1)(f)(4) of title 26 of the United States Code; and

"(bb) 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; and

"(iv) In any month during which the arithmetic average of the closing prices for the earliest delivery month on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil subject to relief from the requirement to pay royalties under clause (i) of this subparagraph shall be subject to royalties at the lease stipulated rate, and the lessee's gross proceeds from such oil production, less Federal royalties, during such month shall be counted toward the recovery of capital costs under clause (i) of this subparagraph.

"(v) In any month during which the arithmetic average of the closing prices for the earliest delivery month on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas subject to relief from the requirement to pay royalties under clause (i) of this subparagraph shall be subject to royalties at the lease stipulated rate, and the lessee's gross proceeds from such natural gas production, less Federal royalties, during such month shall be counted toward the recovery of capital costs under clause (i) of this subparagraph.

"(vi) The prices referred to in clauses (iv) and (v) of this subparagraph shall be changed during any calender year after 1994 by the percentage if any by which the consumer price index changed during the preceding calendar year, as defined in section (1)(f)(4) of title 26 of the United States Code.".

SEC. . REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this Act within one hundred and eighty days after the date of enactment of this Act.

SEC. . AREA-WIDE LEASING.—The Secretary shall not implement the system of tract nomination for oil and gas leasing in the Central and Western Planning Areas of the Gulf of Mexico under the Outer Continental Shelf Lands Act, and shall use the existing area-wide system of leasing in such areas.

SEC. . REPORT TO CONGRESS.—(a) The Secretary shall review Federal regulations and policies within the Secretary's jurisdiction which create barriers and disincentives that unnecessarily preclude new production, or result in premature abandonment or suspension of existing production of oil and gas on Federal lands, including the Outer Continental Shelf. Such review, conducted with the participation of all interested parties, shall assess how Federal policies could be modified to reduce compliance costs and improve the cash flow of oil and gas operations on Federal lands. The review shall include administrative compliance, royalty collection, timing of operational and production management requirements, such as permanent plugging and abandonment of wells, and any other requirements which unduly burden natural gas and oil exploration, production and transportation on Federal lands.

(b) The Secretary shall evaluate the impact, if any, of current royalty rates for oil and gas on Federal lands, both onshore and offshore, on the viability of undeveloped fields by general category, such as production volume, crude quality, water depth, and distance from existing infrastructure. The review shall be based on current industry technology and cost information, and shall assess how a reduction in Federal oil and natural gas royalties would encourage development.

(c) The Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives on the review required by this section and actions taken as recommended pursuant to such review, or the reason such actions have not been taken, within ninety days of the date of enactment of this Act.

Mr. JOHNSTON. Mr. President, as I think all Senators are aware, domestic production in the United States is plummeting, imports are escalating at a frightening rate. The balance of payments caused by this is very negative to the United States.

One of the reasons that domestic production is plummeting is the high cost of drilling in the Outer Continental Shelf. For that reason the Committee on Energy and Natural Resources has reported S. 318, dealing with the question of drilling in the deep water on the Outer Continental Shelf.

What this bill does is first clarifies the existing law whereby the Secretary has authority to reduce royalty for producing or nonproducing leases in the Outer Continental Shelf. In other words, the Secretary has discretion at the present time to reduce those royalties. This clarifies that authority where there are expensive secondary or tertiary recovery technologies that need to be employed on those Outer Continental Shelf wells.

The principal thing that the bill does is provides that with respect to deepwater leases, that is 200 meters or more, that royalty shall be suspended until the capital costs are recovered in those cases where the wells would not otherwise be drilled.

The Secretary is mandated to determine whether or not it would be economic to drill or to produce those wells without this incentive in the form of royalty reduction.

If the wells would be drilled anyway, then there is no incentive; there is no reduction in royalties. It is only when those wells that would not be drilled otherwise that the incentive in S. 318, which is this amendment, would apply.

The CBO has scored this at zero for the very logical and understandable reason that if a well is not going to be drilled, it is not going to produce any royalty, so there is no loss to the Federal Government. There is actually a gain to the Federal Government, because if you get an otherwise noneconomic well to be drilled, and you do drill it, and then it is going to produce income, it is going to produce income taxes and eventually will produce royalties once the capital costs are recovered.

I can see no reason why anyone would oppose this amendment. I urge my colleagues to vote affirmatively on it.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Of course.

Mr. METZENBAUM. Mr. President, does the Senator's amendment have the same language as that which is found in S. 318, the Senator's bill that was introduced on April 11, 1994?

Mr. JOHNSTON. Yes. There have been some changes. The Oil Pollution Act of 1990 language has been deleted.

Mr. METZENBAUM. But it is substantially the same?

Mr. JOHNSTON. Yes, it is substantially. Correct.

Mr. METZENBAUM. I thank the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM], is recognized.

Mr. METZENBAUM. Mr. President, one of the things is sort of an absurdity. First of all, there is a pending piece of legislation on this subject which in the normal course of events would be considered by the appropriate committee. It has been considered by the appropriate committee, and it is my understanding that that bill is now pending at the desk.

This is an effort on the part of my friend from Louisiana to circumvent the fact that there are certain holds that are on that measure. It is indicated that a number of us are prepared to debate it at considerable length.

Frankly speaking, this is a giveaway. This is a plain, simple giveaway of the Treasury's dollars. And when the Senator from Louisiana says it is scored at zero, that is sort of specious reasoning.

It is scored at zero because it is only permissible for the Secretary to suspend these royalties or net profit sharing that are presently in the lease. That is what is there. The reason it is scored at zero is because he may never do that to any of them. But the fact is, knowing the way Washington works, you can bet all the tea in China that the Secretary will come under political pressure to suspend the royalties or the share of the net profits that are called for in the leases as they were negotiated.

What we are talking about here is these oil companies, these drillers, negotiated with the Federal Government—and I must say in an aside that my colleague from Louisiana knows 100 times more about the oil industry and drilling than the Senator from Ohio, but the Senator from Ohio knows at least as much as the Senator from Louisiana about how moneys go into the Treasury and how moneys fail to get in the Treasury, how we are always talking about balancing the budget around here, and running out and telling our constituents how strongly we want to balance the budget.

This is a raid upon the Federal Treasury, and let no one be kidded about it. Frankly, it does not belong in this bill. It has no relationship to this bill. This is an inappropriate way of trying to go around the bend to see to it that we do not have a full debate on the floor of the Senate on this particular pending legislation.

But the language of the bill—and I have not seen the amendment, but my colleague indicates it is the same—"The Secretary may,"—and I skip some language—"in order to promote development and new production on a producing or nonproducing lease, through primary, secondary, or tertiary, recovery means, or to encourage production of marginal or uneconomic resources on a producing or nonproducing lease"—here is the relative language—"reduce or suspend any royalty or net profit share set forth in the lease."

These people entered into an agreement, and this is an effort to remove from them the obligation to live up to the terms of that lease.

What kind of Senators are we that we would even consider such a proposal? You make a deal, you live up to the terms of your deal. You do not go to the Congress of the United States and say take away our obligation.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. METZENBAUM. When I am through I will yield.

Then it goes on to say: "Notwithstanding the provisions of this Act other than this subparagraph, no royalty payment shall be due on new production, as defined in clause (iii) of this subparagraph, from any lease"—and it goes on to define the leases. And then it adds "and the Eastern Planning Area of the Gulf of Mexico," et cetera. Then it goes on to say other terms.

But when you get all said and done, this is a wolf in sheep's clothing. This amendment is bad business. This amendment, in my opinion, if enacted, would be irresponsible on the part of the U.S. Senate.

I address myself to my colleagues on the other side of the aisle with respect to this amendment. I am known as a liberal Member of the U.S. Senate, and I am one who is willing to give away the Federal assets—which is not true, but that is some of the reputation. But many of those on the other side of the aisle are known as the conservatives. They are the ones who are standing up day in and day out and saying we have to balance the budget, and I agree with them on that. But the fact is in many instances their voices have been louder than mine.

Here is an instance in which you are called upon to face the issue, to run head on into the question of whether or not you are going to permit someone to come in and dig out a portion of the Federal revenues.

It is a subtly disguised raid on the Federal Treasury to benefit big oil and little oil. Frankly, I do not care whether it is big oil or little oil. There is not any reason that someone who has entered into an agreement should have the right to get out from under the obligation of that agreement, and there is not any reason why those who are drilling in Federal waters should not be paying a reasonable royalty, whether it is an old lease or a new lease. According to the Senator's amendment, royalty lease payments would be suspended for drilling on the Outer Continental Shelf until the oil company recouped its capital costs.

Why? You would not do that if you were drilling on some private farmer's piece of land or any other person's piece of land. Why should you do it because you are on the Federal land? Because Big Daddy is always willing to give away the Federal assets if you have the right people proposing the amendment.

And I do not say this in a negative manner about my colleague. He is doing what he thinks is right for his constituents in Louisiana. But I think it is wrong for the constituents of every other Member of the U.S. Senate and all of the other States of this country.

Frankly speaking, this would just be a windfall. It would be a giveaway of I do not know how many billions of dollars. I believe I saw some figure like $1.750 billion. But, whatever, if the amount is only $100; but it is not $100, you can be sure of that.

I have a note here from my staff.

According to an earlier analysis of the bill, the Treasury would lose as much as $1.9 billion—$1.9 billion. When we are fighting for money to take care of the homeless, to take care of those with Alzheimer's, to take care of those with AIDS, to take care of senior citizens, to provide health programs for this country, are we in a position to even take the chance of losing $1.9 billion or any lesser amount, whatever it may be?

The version we are talking about today disguises the loss by hiding behind it the discretion of the Secretary. Well, if the Secretary does not want to do it—I do not remember hardly any Secretary that was not subject to some political pressure, just as probably every Member of the U.S. Senate is probably subject to some political pressure.

There is not any reason under the sun for this matter to be in this bill. It has not anything to do with it. And there is not any reason, logic, or justification for us to adopt this amendment.

Frankly, this whole proposal is just a gimmick to hide the true impact of the bill. This question of making it permissive with the Secretary does not really make it a better bill.

If you really look at it, the amendment is nothing more than a plain subsidy.

You would think that we had learned our lesson on royalty relief earlier this week when the Secretary gave away mineral rights worth $11 billion for the princely sum of $9,000. I do not blame that on the Secretary. It was under circumstances that he could not help. But the fact is, we gave away billions of dollars of mineral rights to a Canadian company to permit them to mine gold for the paltry sum of $9,000. And yet today the Senator from Louisiana is asking the Senate to approve yet another raid on the Treasury.

I understand this amendment is designed to spur job creation. I do not know of many bills that have come to the floor that somebody does not say it will spur job creation. It will not spur job creation. It will spur a raid upon the Treasury, and it will mean that the Federal budget will be more negative than it presently is. The deficit will be a greater one. Frankly, it is the wrong way to go about creating jobs.

Mr. President, I want to make it clear to my colleagues that if this amendment is not tabled—and it is my understanding that the manager of the bill is considering that approach—the Senator from Ohio will be prepared to discuss this subject and elaborate upon all of the reasons why this amendment should not be adopted. I think it is a horrendous amendment. I think it is just exactly the wrong way to go.

I salute my colleague from Louisiana, who is really one of the more conservative Members of the Senate and probably more of a leader in that area as far as balancing the budget. The Senator from Ohio is oftentimes willing to vote for human service programs the Senator from Louisiana may have some reservation about.

This is not the way to go. I do not believe the Senator ought to press his amendment. I think this is an amendment that had a bad beginning, a bad birth, and I hope it has an early death.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. Surely.

Mr. JOHNSTON. Mr. President, I am not certain the Senator understands. Does he understand that there is no incentive, no royalty relief unless the Secretary determines that the well would not otherwise be drilled or produced?

Mr. METZENBAUM. I do not believe that is the way the language reads. I do not believe that is what the language is.

It says: "The Secretary may, in order to promote development and new production on a producing or nonproducing lease"—I assume this is the same language that is in the amendment—"through primary, secondary, or tertiary recovery means, or to encourage production of marginal or uneconomic resources on a producing or non-producing lease. * * *"

That does not conform, if I may say so, to what the Senator has just asked of me.

Mr. JOHNSTON. Mr. President, the Senator apparently did not understand the amendment. If I can invite his attention to page 2 of the amendment.

Mr. METZENBAUM. I do not have the amendment in front of me. I only have the bill. I have not been afforded a copy of the amendment.

I will take a look at it.

Mr. JOHNSTON. I invite his attention to page 2. That points out, with respect to any lease in existence on the date of enactment, the Secretary shall determine "whether new production from such lease would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph."

And then it goes ahead and states that, "If the Secretary determines that such new production would be economic in the absence of relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) of this subparagraph shall not apply to such production."

In other words, the Secretary of the Interior, who is the former President of the League of Conservation Voters—hardly an organization founded or promoted by big oil and hardly a big oil background—will have to determine, with every one of these leases, whether it would be economic to drill the lease in the absence of this incentive. And if the lease would be drilled anyway, then he is directed not to give the relief. That is why CBO has scored this amendment as zero.

Mr. President, we have leases out there that are not being drilled. I mean, how would we lose anything at all by this amendment? We can only gain by it.

I know the Senator is fair-minded, and I know he will read this. And if he concurs with what I think is the very plain language—and, in all fairness, he did not have the amendment—if he concurs with that, I hope he will withdraw his objection.

Mr. President, we have lost 450,000 jobs in the oil and gas business in America. That is more than all the jobs lost in autos and steel combined.

In 1992, for the first time, major oil companies spent more on production and exploration outside of this country than they spent in America. Crude oil production decreased almost 3 percent in 1992 and in July of 1993 reached its lowest level since 1958—the lowest level of domestic oil production, last year, since 1958—and it is dropping rapidly. During 1992, crude oil reserves actually dropped by 937 million barrels. Domestic oil and gas drilling decreased nearly 17 percent during 1992 and was the lowest level since 1942.

So, Mr. President, this is a serious problem for the country. I mean, this is no giveaway for big oil companies. Look, the big oil companies are going out of the country. Now the question is whether you want them to do all their production and exploration out of the country where we pay royalties to Saudi Arabia or Nigeria or Indonesia, or whether you want to drill on wells in the United States that would not otherwise be drilled.

I mean, this is a modest attempt in those areas in very deep water—which are very expensive, which would not otherwise be drilled—to give to the former president of the League of Conservation Voters, that is Bruce Babbitt, the Secretary of the Interior—the discretion to determine that these wells would not otherwise be drilled and give this incentive.

The CBO says it costs the Treasury nothing. If it costs the Treasury nothing, it is actually going to be a gain for the Treasury because a well that otherwise would not be drilled will have a lot of economic activity, will have payment of wages and income taxes, and eventually royalty payments when the capital costs are recovered.

I can see no valid objection to this amendment. The administration has endorsed it in its thrust. They want to tweak some of the provisions in conference.

I cannot for the life of me see why we would not agree to this amendment.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF THE REPUBLIC OF INDIA

RECESS UNTIL 12:15 P.M.

The PRESIDING OFFICER. Under the previous order, the time of 10:40 having arrived, the Senate will now stand in recess until the hour of 12:15 and proceed to the Hall of the House of Representatives for the joint meeting.

Thereupon, the Senate, at 10:41 a.m., recessed until 12:15 p.m., and the Senate, preceded by the Secretary of the Senate, Martha S. Pope; the Sergeant at Arms, Robert Laurent Benoit; and the President pro tempore [Robert C. Byrd], proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of the Republic of India.

(The address delivered by the Prime Minister of the Republic of India to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's Record.)

At 12:15 p.m., the Senate having, returned to its Chamber, reassembled and was called to order by the Presiding Officer [Ms. Moseley-Braun].

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will return to consideration of S. 2019, the Safe Drinking Water Act.

The pending question is the amendment of the Senator from Louisiana.

The Chair recognizes the majority leader, the Senator from Maine.

Mr. MITCHELL. Madam President, I rise in strong support of legislation to reauthorize and improve the Safe Drinking Water Act.

I want to commend Senator Baucus, chairman of the Environment and Public Works Committee, and Senator Chafee, the ranking minority member of the committee, for their determined effort to develop fair and balanced legislation to reauthorize the Nation's drinking water program.

Reauthorization of the Safe Drinking Water Act is a high priority for communities all across the country and in my home State of Maine. Over the past several years, I have met with many representatives of large and small water systems in Maine. The vast majority of people who run water systems in this country are committed to providing the safest possible drinking water.

Unfortunately, many State and local officials in Maine and around the country have lost faith in the drinking water program. They are not convinced that the many new requirements they face are truly needed to protect public health. They are convinced that the program costs too much. they want the Congress to act promptly to amend and improve the act.

Public confidence in the quality of drinking water has also declined. Reports of serious illness and death as a result of contaminants in drinking water in Milwaukee have raised public concern.

Here in Washington DC, hundreds of thousands of people boiled water for several days following reports of possible contamination.

The legislation being considered today starts the long process to rebuilding the confidence of State and local officials and the public in the drinking water program.

Everyone agrees that safe drinking water should be available to every American.

In the 1986 amendments to the act, the congress responded to the failure, by the EPA to develop and implement drinking water standards and directed EPA to take aggressive steps to address threats to public health from contaminants in drinking water.

We know today that, while EPA responded to the 1986 law, we failed to establish the foundation of cooperation, understanding, and trust among local, State, and Federal officials necessary for successful implementation of a national drinking water program.

The bill before us responds to many of the concerns of municipal and State officials while preserving and enhancing the important public health protections of the current act.

A first, essential step in reauthorizing the drinking water program is to adopt President Clinton's proposal to use $1 billion a year to establish State loan funds to assist communities in financing of drinking water treatment and related projects.

Many local and State officials have rightly complained that the Federal Government sometime asks other levels of government to address important national policy objectives without becoming a partner in financing the steps needed to accomplish those objectives.

The Safe Drinking Water Act is often cited as an example of a Federal law imposing unfunded Federal mandates.

By enacting the President's proposal, we will be applying to the drinking water programs the principle of Federal, State, and local partnership which has served us well in financing the cleanup of rivers and streams under the Clean Water Act.

The bill reported by the Senate Environment and Public Works Committee includes the President's proposal for a new State loan fund.

The bill authorizes $600 million in 1994 for the new State loan funds and $1 billion in fiscal year 1995 through 2000. States are to provide a 20-percent match to this funding. Total funding provided under the bill is almost $8 billion.

The EPA has estimated that the capital cost of complying with drinking water regulations is about $8 billion. In very general terms, the bill provides financial assistance at a level comparable to the costs of major projects to assure that water is safe to drink. The bill does not create an unfunded mandate. It funds an existing mandate.

More importantly, the bill recognizes the special financial problems faced by small communities. Because of limited economies of scale, customers of small drinking water systems pay the highest rates to comply with drinking water treatment requirements.

The new drinking water loan fund proposed in the committee reported bill gives top priority to protecting customers of small systems from sometimes astronomical rate increases.

States are authorized to use 30 percent of funds to forgive repayment of loans for communities which meet affordability guidelines adopted by a State.

States are also given new authority to extend repayment schedules beyond the otherwise applicable schedule of 20 years where an extension would help a disadvantaged community keep rates under control.

For example, under the bill, the State of Maine will develop guidelines for determining when a drinking water treatment project is not affordable for a community. The State might decide that rates of more than 1 percent of median household income are excessive. A community proposing to build a $1 million dollar treatment facility might find that, even with a low interest loan, the project will increase rates to 1.5 percent of median household income. The State would then give the community a $1 million loan at zero interest and then forgive repayment of principal or extend loan repayment periods as needed to keep household rates below 1 percent of median household income.

We have heard lots of rhetoric over the past several months about the Federal Government not being a responsible partner with other governments in funding essential public services like safe drinking water.

Some have called for dramatically reducing our commitment to protection of public health and the environment. This bill rejects the notion that we should retreat from essential public health protection.

At the same time, it recognizes the important role the Federal Government must play in assisting communities, especially the most needy communities, in financing projects to assure safe drinking water.

While financial assistance to communities is essential for reform of the drinking water program, financial assistance alone is not sufficient to restore the confidence of the public and State and local officials in the national drinking water program.

Rebuilding confidence in the drinking water program requires that we address three major issues—the problems faced by small communities; the costs of drinking water monitoring; and the process for setting enforceable drinking water standards. The bill before us addresses each of these issues in a balanced, responsible manner.

One of the most difficult problems we face in implementing the national drinking water program is that drinking water quality that is generally affordable for people served by big systems is very expensive for people served by small systems because of limited economies of scale.

The bill addresses this fundamental problem by directing the EPA to identify small system technology which is affordable for systems of under 10,000 persons or for even smaller systems.

Small system technologies are available to communities only based on approval by the State of a new small system variance provided for in the bill. Small system variances are to be provided only after the State has determined that no other management or treatment option is available. States are not to grant small system variances if the State finds that the community can afford to comply with a drinking water standard. States are not to grant small system variances if an alternative source of water is available. And, States are not to grant small system variances if the system can be restructured or consolidated with another system to assure its long-term viability.

Many communities around the country are concerned about the high cost of monitoring for drinking water contaminants under regulations developed by the EPA. The bill before us today provides substantial relief from monitoring costs while maintaining sufficient monitoring to assure the protection of public health.

A key monitoring provision of the bill provides for substantial reduction in monitoring costs for small communities which do not detect a contaminant in initial tests. This provision could reduce these costs for these communities by up to 75 percent.

The bill also provides that States may submit to EPA proposals to tailor monitoring requirements to meet the specific water quality circumstances in the State. This new authority will assure that drinking water systems are not required to conduct monitoring for contaminants that are not a threat to public health in the State.

One of the most hotly debated issues related to the Safe Drinking Water Act is the process for selection and regulation of contaminants in drinking water. After considerable discussion and debate the committee developed a legislative proposal which is a sound and responsible compromise. The bill will maintain the high standard of public health protection which we all expect but will also allow the EPA Administrator greater flexibility in selection of contaminants for regulation and recognizing opportunities for reducing treatment costs.

The bill revises the process for selecting contaminants to be regulated under the act. It eliminates the requirement for the regulation of 25 new contaminants every 3 years. It assures that the EPA will use sound science and high quality data in determining which contaminants pose the greatest health threat and need to be regulated.

In addition the bill reforms the process for actually setting enforceable drinking water standards.

The basic policy of the current law is retained, but the EPA Administrator is given new authority to recognize cost saving opportunities in very specific circumstances.

Under the current law, EPA sets the standard at the concentration level which is as close to the no adverse effect level as is feasible, taking technology and cost into account. The Administrator is to continue to set standards in this manner. However, if the Administrator determines that, for a cancer causing contaminant, a treatment technology exists which provides substantial cost savings, while at the same time providing public health protection which is not significantly different from the level which would apply under the law, the Administrator may set the standard at the level which can be attained by the alternative technology. This authority is discretionary and to be used only in cases where the Administrator judges it to be appropriate.

The committee considered applying this same basic policy to the setting of standards for contaminants other than cancer causing substances. There is substantial concern, however, that there is not an adequate scientific basis for changing the approach to standard setting provided in current law for non-cancer causing substances.

For example, it is not now possible to develop a probabilistic risk estimate for noncarcinogens. Another problem is how to account for the different health effects of a contaminant or group of contaminants. A single contaminant may cause nervous system effects and kidney damage.

Madam President, I ask unanimous consent that a letter from EPA Administrator Carol Browner and a memorandum from Assistant Administrator Lynn Goldman addressing these issues be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2)

Mr. MITCHELL. Madam President, in light of this concern for revising the standard setting process for noncancer causing substances, the manager's amendment to the bill provides for a study by the National Academy of Sciences. The Academy is to assess whether there are sound scientific practices which would allow the Administrator to make informed and responsible judgments about revising concentration levels for noncancer causing substances in the manner proposed for cancer causing substances.

If the Academy finds that there are sound scientific practices which would allow informed and responsible judgments about revising concentration levels for noncancer causing substances and makes recommendations regarding such practices to the Administrator, the Administrator may publish in the Federal Register scientific guidelines addressing this topic.

After such guidelines are published, the Administrator may follow the guidelines in setting standards for noncancer causing substances without further approval from the Congress.

I am confident that the standard setting policies we have proposed will assure continued protection of public health while giving the EPA Administrator the discretion to recognize opportunities to reduce costs for communities and ratepayers.

I am especially pleased that the bill includes several provisions which are important to my home State of Maine.

Radon is a naturally occurring gas which is a known cause of lung cancer. Many water systems in Maine draw drinking water from ground water and many of these ground water wells have high levels of radon. The high levels of radon in Maine groundwater are probably the most significant threat to public health associated with drinking water in the State.

Unfortunately, the development of a radon in drinking water standard has been delayed for several years by substantial scientific controversy and the complexity of this issue.

EPA has proposed to regulate radon in drinking water on the basis of the health effects from both ingestion and inhalation. The proposed standard, however, provides for reducing the risk from radon in drinking water to a level that is less than the risk resulting from exposure to radon to outdoor air.

In other words, drinking water systems would have to remove enough radon from water to keep radon in the air in a home well below the level that exists in the air outside the home.

The bill reported by the committee responds to this concern by allowing States and water systems the option of meeting a radon in water standard developed under current law or meeting an alternative standard which has a health risk equivalent to the risk associated with outdoor air.

All drinking water systems in a State could meet the alternative standard if the State is implementing a program to reduce exposure to radon in indoor air. Even if a State is not implementing a radon in indoor air program, a drinking water system could comply with the alternative standard by implementing simple steps to reduce radon in indoor air.

This innovative approach to the unique problems posed by radon in drinking water will result in balanced, responsible programs for control of radon in both air and water and will result in prompt action to address this significant health threat.

Many Maine drinking water systems rely on surface water sources. Because of the cold climate and rural character of much of the State, surface water is a clean and reliable source of drinking water throughout Maine.

The 1986 amendments to the Safe Drinking Water Act directed EPA to develop regulations requiring disinfection and filtration to remove microbiological organisms from surface water.

Many Maine water systems have installed treatment for microbiological contaminants at a substantial cost. The costs of this treatment would have been greater except that the law provided for waivers of filtration requirements in the case of very clean source water. Over a dozen major drinking water systems in Maine qualified for waivers.

The cost of surface water treatment is highest for small systems, especially small noncommunity systems such as campgrounds and summer camps. Many of these small systems will need to comply with the surface water treatment regulations over the next several years.

The bill specifically provides that the EPA is to identify in regulations various filtration technologies which are feasible and affordable for small systems. In addition, while small system variances are not available for these filtration technologies, the State may grant extensions of the compliance periods as needed to allow time for small systems to identify and implement affordable filtration technologies.

In cases where a system cannot afford the small system technology, the exemption provision of the bill provides authority to delay compliance for a limited period until funding under the State loan funds becomes available.

In addition, the bill provides authority for a State to refinance a project already constructed to meet the requirements of the 1986 amendments to the Safe Drinking Water Act. This authority is vital to a State like Maine where many communities have undertaken major projects to comply with new drinking water regulations, such as the surface water treatment rule.

Without this authority, communities which complied with the law in good faith and constructed projects on time without Federal assistance will be at a disadvantage with respect to Federal assistance compared to communities which have been slower to comply.

All the provisions of the bill will help drinking water systems in Maine provide safe water at reasonable cost. The provisions of the bill related to radon, surface water treatment, and funding of past projects respond directly to two of the most difficult drinking water issues in the State in a constructive and balanced manner.

I am pleased to report that the Maine Rural Water Association and the Maine Water Utilities Associations both support the bill.

There are many other important provisions of this legislation. It provides new authority to assure sufficient funding for State management of drinking water programs. It encourages drinking water systems to invest in protection of drinking water supplies from both ground water and surface water. It streamlines and clarifies enforcement authority and practices. And, it assures that the public will receive timely and understandable notice of violations of drinking water standards and related requirements.

This bill is important for public health and it is important to municipal officials across the country and I urge my colleagues to support it.

Several of the major newspapers in my home State of Maine have recently published editorials in support of the bill reported by the committee and opposing proposals to weaken the act. I ask unanimous consent that these editorials be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 28, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to express my appreciation for your leadership to advance legislation to reform the Safe Drinking Water Act consistent with the Administration's principles. S. 2019 accomplishes our shared goal of improving public health protection while reducing unnecessary regulatory burdens on the nation's water suppliers.

I also would like to commend you for your open and active approach to the negotiations involved in bringing the bill to the Senate floor. This testifies to your commitment to respond directly to the concerns of the Administration and the many organizations that regulate, manage and supply drinking water to the American people.

I am concerned, however, about proposals that could significantly weaken the health protection measures, especially the standard setting provisions, that are fundamental to the Safe Drinking Water Act. The American people expect and deserve the highest quality water in the world when they turn on their faucets for drinking, bathing or cooking. We cannot compromise their trust of their health.

The legislation reported unanimously by the Committee on Environment and Public Works encompasses many of the Administration's recommendations—and many of those advanced by a coalition of state and local organizations—by focusing on the challenges confronting the nation's water suppliers, particularly the small ones. Your bill establishes a new state revolving loan program to fund much-needed infrastructure improvements, it addresses monitoring and compliance schedules, it provides low-cost technology and flexibility for small systems, and it eliminates the current mandate that we regulate a fixed number of contaminants per year regardless of the benefits to public health. These are precisely the types of reforms that will reduce the regulatory and financial burdens on water systems without compromising public health.

I know you share the President's goal of securing a reformed Safe Drinking Water Act during this session of Congress. This goal, however, cannot be accomplished at the expense of public health. As you know, I will continue to work with you and will not hesitate to express my concerns if subsequent amendments adversely affect the specific drinking water health protection measures essential to the legislation.

Public health protection requires a balance between new flexibility and regulatory reforms on the one side, and appropriate safeguards on the other. These basic safeguards must include new efforts to prevent pollution from entering drinking water sources in the first instance. They also must assure that the nation's water suppliers meet basic tests to reliably deliver high quality water to their customers, including ensuring that the water systems we invest in are economically and administratively viable.

I am confident that with your continued leadership the Senate bill will strike this vital balance. I look forward to continuing to work with you and your colleagues as the legislation proceeds.

Sincerely,

CAROL M. BROWNER.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES,
Washington, DC, April 29, 1994.

Subject: Proposed Amendments to the Safe Drinking Water Act.

From: Lynn R. Goldman, M.D., Assistant Administrator.

To: Robert Perciasepe, Assistant Administrator for Water.

I have reviewed the language you sent to me and am very concerned about the policy, science and public health issues that it raises.

For the sake of consistency with Administration policy, the public health standard should be one to assure "a reasonable certainty of no harm." For cancer, this is equivalent to a "negligible risk" standard, or a risk of about 1+10−6.

The proposed standard in (B)(i)(II) of "health risks * * * not unreasonably increased" from "health risks at a level that is feasible" would be open to a number of interpretations. This standard, coupled with the language in (B)(ii) establishing a determination that is simply not "arbitrary and capricious," would result in a non-science based, non-public health protective standard. Rather, it appears that the goal of this approach is to achieve the least public health protective measure for any given level of feasibility. (For cancer, the EPA would be prohibited from establishing more protective MCL even at equivalent costs!) This proposed standard is not in accord with Administration policy because it would not assure a reasonable certainty of no harm.

The "clarification" section, or proposed colloquy language, is also problematic. The "reference dose" is the Agency's scientists' best determination of a dose that gives a "reasonable certainty of no harm." Moving off the reference dose to higher doses will decrease the certainty of no harm.

Further, the same level of certainty of no harm does not exist within an order of magnitude (or factor of three above or below—for each reference dose. Reference doses have various levels of supporting data. They are for drastically different health effects ranging from acute toxicity to developmental/reproductive effects to chronic effects like neurotoxicity. The level of uncertainty around such estimates would be very much dependent on the uncertainty of the underlying data.

Although the proposed colloquy talks about uncertainty around the reference dose, the proposed statutory language indicates that the flexibility is around the level that is feasible. This could be a higher level than the reference dose. Depending on the health endpoint of concern, the dose response curve at any point could be very "flat" or very "steep." Agency scientists must apply much scientific judgement in establishing references doses and levels of certainty around them and other points on the dose response curve. This is a matter for peer review and evolving scientific understanding.

The proposed colloquy appears misleading when it states that the proposed procedures will be equally protective of public health. The proposed procedure will systematically drive allowable doses upward, which may well result in a net reduction in public health protection.

The colloquy will tend to freeze scientific procedures at a given point in time by legislating an issue that should be a matter of scientific judgement, and that will change as our knowledge grows. The appropriate way to develop scientific procedures is through scientific effort, use of best available information and peer review by groups such as the Science Advisory Board (SAB) and National Research Council (NRC), as the Agency has done in the past in developing its reference dose procedure. Most recently, the NRC has released a report that affirms EPA's procedures for cancer and non-cancer effects, while making recommendations for a number of improvements. This is how our procedures should evolve, not by statute.

EXHIBIT 2

[From the Bangor Daily News, May 5, 1994]

KEEP CLEANING THE WATER

The cancer of water pollution was engendered by our abuse of lakes, streams, rivers and oceans; it has thrived on our half-hearted attempts to control it; and like any other disease, it can kill us.—Sen. Edmund Muskie

A generation after Congress passed substantial measures to protect and improve the nation's waters, it will reconsider the Clean Water Act and the Safe Drinking Water Act amid new pressures not only on the water systems, but on the budgets of those charged with protecting them.

The paradox in the debate over the need to improve water quality is that both sides can point to evidence to support their cases. While as many as half the U.S. waterways have yet to meet the 1972 goal of becoming "fishable and swimmable," municipalities find themselves saddled with water-quality projects that cost tens of millions of dollars but provide only incremental improvements for systems that by most measures are already considered safe.

The Safe Drinking Water Act emerges from the sensible idea that Americans ought to be able to open a spigot and drink a glass of water confident that it will not harm them. The Centers for Disease Control and Prevention, however, offers statistics from as recently as 1992 that show thousands of people each year suffering ill effects from drinking tap water. Now is not the time to weaken safe-drinking-water laws through eliminating the need for public notice of unsafe water systems or by lowering public health standards, as amendments propose to do.

Both acts share with other decrees that fly out of Washington these days the onerous burden of unfunded mandates: costly regulations imposed on state or local governments without the funds to pay for them. Banning these mandates, particularly those that seek to protect the environment, is a popular notion in Washington, but the long-term cost of such a rule would be devastating to the taxpayer.

A law that would require Congress to fully fund all environmental mandates is an invitation to states to reap financial benefit through irresponsible enforcement of environmental laws, knowing that, eventually, the rest of the country would be forced to cover the cost of cleanup. The situation would be akin to the savings-and-loan mess, in which banks that acted recklessly had their excesses covered by government-backed depositors insurance.

A better plan in the Senate would create a revolving-loan program for states to meet the mandates. Such a plan has been proposed for the drinking-water act and would also be useful in meeting clean-water regulations. Fines for noncompliance with other environmental laws should help fund the program.

The Senate is expected to consider the Safe Drinking Water Act this week, and vote on the Clean Water Act sometime later this month. Amendments to the latter could strengthen wetlands protection laws, increase the fines for noncompliance and attempt to reduce nonpoint source pollution, which has become a prime target of environmentalists as more obvious sources of pollution have dried up.

As it focuses on the Safe Drinking Water Act, the Senate should view the current act as a successful start to protecting this essential element of life. By giving municipalities flexibility in meeting its goals and creating funding sources for protection that will pay off in the long-term, the nation can maintain the vision that Sen. Muskie and others created more than 20 years ago.

[From the Portland Press Herald]

SAFE DRINKING WATER IS CRITICAL TO ALL AMERICA

Senators should hold the line this week against gutting efforts.

It is tragic that just as Americans were preparing to celebrate Earth Day weekend, the environments sunshine friends in Congress were preparing to demolish one of the cornerstones of the environmental movement.

The Safe Drinking Water Act was intended to protect one of Americans' more basic environmental rights—the right to clean, safe drinking water wherever they may live. For more than two decades. It has mostly done that.

In those instances where the act's protections failed, as in the deaths of 104 people and the illnesses of 400,000 more from contaminated water in Milwaukee last year, the need for strengthening the act was clear.

Instead of strengthening the act, however, which would be the proper way to mark Earth Day, some in Congress want to weaken it further. They are responding to complaints about unfunded federal mandates and the costs of enforcement—valid concerns, but ones that hardly should be addressed by relaxing critical health protection standards.

One good provision in the bill that will come to a Senate vote this week, for instance, is creation of a revolving billion-dollar state loan fund. The Clinton adminitration has proposed other reforms, including a fund to help communities pay for federally mandated improvements. Streamlining EPA enforcement procedures also is possible without gutting the act.

An idea of what's being proposed by the act's critics may be had by their desire to keep water problems secret. They would eliminate the requirement that the public be notified through the media of serious contamination of water supplies, and leave it up to negotiation between the water industry and the affected states.

Unsafe drinking water is not a theoretical problem; it is here and it is real. "The problem is that millions of people are drinking unsafe, unprotected water," says Jeanne Bassett, New England field coordinator of the U.S. Public Interest Research Group. She cites 1986-92 figures from the Centers for Disease Control that show nearly 35,000 people becoming ill from contaminated water in 33 states, and 133 violations of safe drinking water standards in Maine.

This isn't the time to be weakening those standards. Senators should stand firm against the Domenici-Boren-Hatfield amendments that would do just that, else the title of the "Safe Drinking Water Act" will be a bitter mockery.

Mr. MITCHELL. Madam President, I urge my colleagues to join me in supporting this important legislation.

I thank my colleagues for their courtesy.

Mr. JOHNSTON and Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, will the majority leader yield? Do I understand we are not having votes until after 3 o'clock?

Mr. MITCHELL. Madam President, that is correct.

Mr. BAUCUS and Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I wish to thank the majority leader for his statement. He has been a very strong supporter of environmental issues generally—strong, progressive, balanced environmental legislation, in particular a very strong supporter of the Safe Drinking Water Act. He is a member of the committee and given very valuable assistance on the committee. He has helped very much with respect to scheduling and timing to assure that we not only get the bill up for consideration at the appropriate time but in a good, strong, solid fashion so that agreements can be worked out to better enhance the passage of a good, strong Safe Drinking Water Act.

I very much thank the majority leader for his very fine leadership on this issue.

Mr. MITCHELL. Madam President, I am grateful to my colleague for his kind remarks, but every Member of the Senate knows that the person who has really done the work on this bill has been Senator BAUCUS, along with Senator CHAFEE. I am honored to serve on the committee under his leadership, and I think it is a good bill, the result of a lot of time and effort, and I hope very much that we can pass it with a very large majority today.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I move to temporarily lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I understand the Senator from California wanted to proceed with an amendment.

If I could ask the distinguished manager of the bill, it is my understanding, Madam President, that the Senator from California had an amendment which was going to be accepted.

Mr. BAUCUS. That is correct.

Mr. KERRY. I would like to ask unanimous consent that the Senator from California be permitted to proceed with her amendment; after the acceptance of that amendment, I be permitted to proceed as if in morning business for a period of time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Reserving the right to object, can the Senator give us a sense of how long he wishes to speak?

Mr. KERRY. I honestly do not know what the full time is going to be but it is not—

Mr. BAUCUS. Will the Senator agree to 10 minutes?

Mr. KERRY. I cannot do it in 10 minutes.

Mr. BAUCUS. Madam President, the problem is we have 40 to 50 amendments that could be offered and under the consent agreement each of those amendments must be offered by 3 o'clock today.

Mr. KERRY. I understand that.

Mr. BAUCUS. We are on the Safe Drinking Water Act, and I just think in comity to other Senators, in deference to other Senators, we should be sure we have as much time as possible so they can offer their amendments before 3 o'clock today. So if the Senator could agree to limit his remarks, I think that therefore we would be in a good position to accommodate other Senators.

Mr. KERRY. Let me just say to my friend, I was in the very position he is in with the Senator from New York not long ago. I understand it. The Senator from New Jersey, the Senator from Montana, and others have spoken on the subject earlier and because of the timeframe of the special session I was unable to get in at that point in time. I wanted to be able to have the commensurate amount of time they had off the bill on this very subject.

Mr. BAUCUS. Madam President, again reserving the right to object, it is true that the Senator from New Jersey spoke on this as in morning business. But that was at a time during morning business where no amendments were pending, and when I was imploring Senators to come to the floor to offer amendments. We are now in a different posture. We now have two amendments pending and potentially a third one which we will accept. And the Senator from New York wishes to speak. We do not have a lot of time left. We are in a different timeframe.

I want to accommodate the Senator. But if he could give us an assurance to cut his remarks down to, let us say, at the outset 15 minutes. Otherwise, I am afraid I would be constrained to object.

Mr. KERRY. Madam President, as the Senator well knows, this is a subject that is difficult to explain in that period of time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, it is my understanding that the manager has a couple of people who wanted to proceed with amendments immediately. I will not stand in the way of that, particularly since I think they are agreed on.

I ask unanimous consent that at least after their amendments and we have a chance to come back to revisit where we are in time if I could have the floor in order to do that without again trying to disrupt the process.

Mr. BAUCUS. Madam President, again, I think in fairness to other Senators, we need an indication of the limit of time.

Mr. KERRY. Right; but I would like to see where we are at that point in time, if I could have the right to come back to make a decision as to where we are. That is all I am asking.

Mr. BAUCUS. Madam President, we are getting kind of tied up here in a parliamentary knot. I suggest to the Senator from Massachusetts that we proceed, and temporarily set the two amendments by the Senator from Louisiana aside; that we go to the amendment of the Senator from California, and I think the Senator from New York has a small matter he wishes to dispense with. I give assurance to the Senator from Massachusetts that during the interim I will try to work out an accommodation with the Senator, and certainly I would not be constrained to not let him seek the floor. I think during that time we can work it out.

Mr. CHAFEE. Madam President, I think that the Senator from Louisiana is going to be ready to go with his amendment. As I understand, we can take the risk assessment amendment after the two amendments that are going to be accepted.

Mr. JOHNSTON. Yes. I would like to go ahead and get the risk assessment done. I understand it is agreed upon.

Mr. CHAFEE. It is agreed upon to have a time limit.

Mr. JOHNSTON. Yes.

Mr. BAUCUS. Madam President, I suggest regular order.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1723

Mrs. BOXER. Madam President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. BRADLEY, proposes an amendment numbered 1723.

Mrs. BOXER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 86, line 20, insert after paragraph (B) the following new subsection:

"(f) WATER WELL PUMPS AND WATER WELL SYSTEM COMPONENT PARTS.—

(1) The Administrator shall, within one year from the date of enactment, complete a report reviewing data and information on the leaching of lead from water well pumps and water well system component parts (not to include above-ground pipes, pipe fittings and fixtures specified under subsection (e)) that come into contact with drinking water and the adequacy of voluntary consensus standards for protecting the health of persons from the leaching of lead. In conducting a review under this paragraph, the Administrator shall identify the potential health risks to children and other vulnerable subpopulations associated with water well pumps and water well system component parts.

(2) Not later than two years after the date of enactment of this paragraph, if the Administrator determines that a voluntary consensus standard is not effectively protecting the health of persons, then the Administrator shall establish a health-effects based performance standard and testing protocol for the maximum leaching of lead from water well pumps and water well system components parts (not to include above-ground pipes, pipe fittings and fixtures specified under subsection (e)) in water well systems that come into contact with drinking water.

(3) It shall be a violation of this Act to import, manufacture, sell, distribute or install a water well pump or water well system component parts (not to include above-ground pipes, pipe fittings and fixtures specified in subsection (e)) that leach lead above the maximum level identified in the standard established by the Administrator under paragraph (2)."

(4) Not later than 180 days after the date of enactment of this subsection, the Administrator shall request information as is reasonably required to assist the Administrator in carrying out the requirements of this subsection."

On page 86, line 21, strike "(f)" and insert "(g)" in lieu thereof.

Mrs. BOXER. Madam President, I am very pleased to offer this amendment. I really want to thank the chairman and the ranking member for their assistance.

Madam President, I rise to offer an amendment that addresses the serious health threat posed by lead leaching from water well pumps and well system component parts.

My amendment would require EPA to establish, within 2 years, an enforceable, health-based standard for lead leaching from water well pumps and component parts, unless the Administrator determines that a voluntary standard is effectively protecting public health.

The standard would be set based on a review and report, required by the amendment, regarding the leaching of lead from well pumps and other component parts in well water systems that come into contact with drinking water.

The report would also examine the adequacy of voluntary standards for protecting the health of persons from the leaching of lead and identify the potential health risks to children and other vulnerable subpopulations associated with well pumps and component parts.

The amendment was drafted with significant input from the pump manufacturers and with the assistance of Senators REID, CHAFEE, BUMPERS, and PRYOR. I would like to thank those Senators and their staffs for their valuable help.

Submersible ground water pumps are used to raise ground water to the surface. They are immersed at the bottom of a well and often include brass and bronze parts. The National Ground Water Association estimates that submersible well pumps are used in about half of the private wells in the United States and that about 450,000 new submersible pumps were sold in 1993. Census data also indicate that 11.8 million homes in the United States and over 30 million Americans are served by private wells.

The California attorney general and several private organizations recently documented seriously high levels of lead leaching from submersible drinking water well pumps made with brass or bronze parts. The problem with such pumps is most acute when they are new. In their first 10 days of use, they can leach over 1,300 parts per billion of lead, over 100 times the level EPA considers safe. The levels of lead leached from these pumps drop with time, but can still average 245 parts per billion after 21 to 30 days. EPA drinking water standards prohibit lead in drinking water at levels above 15 parts per billion. EPA has set a maximum contaminant level goal of zero parts per billion.

The EPA has responded to the California findings by taking the unusual step of recommending that private well owners with submersible pumps have their drinking water tested for lead. In the short term EPA recommended that people with brass or bronze pumps less than a year old should drink bottled water until they get their test results.

Lead leaching submersible pumps pose a real threat, particularly to our children. Lead affects childrens' nervous systems, IQ levels, behavior, and attention span, even at extremely low levels. A recent study by researchers at the University of North Carolina indicates that the lead from these pumps, leaching at up to 100 times EPA's action level of 15 parts per billion, could "cause relatively severe neurologic damage if ingested."

Lead is particularly damaging to unborn babies who can ingest lead when their mothers are exposed.

Lead also endangers adults by increasing blood pressure. And if these dangers were not enough, lead stays in our bodies, accumulating with each exposure.

So we must look seriously at eliminating any source of lead contamination. This is never more true than when the contamination comes in the water we must drink every day of our lives.

Some may argue that this amendment will unjustifiably restrict the use of ground water pumps. But such arguments ignore the fact that alternatives to lead-containing pumps are readily available. Indeed, the best selling water pump in the State of California has no lead in it.

In California, proposition 65 forbids these pumps from leaching excessive lead levels into drinking water. The California attorney general, along with several environmental and public health groups have sued pump manufacturers whose pumps leach lead. But California's action will only protect Californians.

There is no provision in Federal law to reduce lead leaching from pumps, and voluntary measures have not been sufficient to assure safe lead levels in drinking water from these pumps in the rest of the Nation.

The amendment I propose would simply direct EPA to establish a health-based lead leaching test for ground water pumps. These tests would assure that pumps do not leach lead into drinking water at levels that would threaten the health of children, adults, or women of childbearing age.

With cost effective alternatives readily available, there is no reason, no reason at all, for these pumps to continue as a source of lead contamination.

I therefore urge my colleagues to agree to this amendment.

I again want to thank my colleagues so very much on both sides of the aisle for working with us over these last several weeks to come to an agreement. I am very proud of this amendment. I think it strengthens this bill. I strongly support it. And I am very pleased that my colleagues appear to be willing to accept this amendment at this time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1724 TO AMENDMENT NO. 1723

(Purpose: To require the Administrator to prepare a report on the health risks from submersible well pumps)

Mr. CHAFEE. Madam President, I send to the desk a second-degree amendment to the amendment of the Senator from California. This is an amendment that she has approved of, and has been approved on her side and the other side. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. JEFFORDS, proposes an amendment numbered 1724 to amendment numbered 1723.

Mr. CHAFEE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the subsection (f) proposed to be inserted, strike the quotation marks at the end and insert the following new paragraph:

"(5) REPORT ON LEAKING OIL FROM SUBMERSIBLE WELL PUMPS.—

"(A) STUDY.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall complete a study that—

"(i) reviews data and information on the leaking of oil, including nonfood grade oil and food grade oil, and polychlorinated biphenyls from well pumps that come into contact with drinking water in private wells and wells in public water systems; and

"(ii) identifies potential health risks from the leaking oil and polychlorinated biphenyls in wells.

"(B) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall publish a report, to be provided to the environmental agency of each State for distribution to the public, that—

"(i) identifies each pump that presents a health risk referred to in subparagraph (A), including the manufacturer and model number of the pump; and

"(ii) provides recommendations on presentations to be taken to avoid the risk, such as the replacement of the pump, cleaning of the well and plumbing system in which the pump is located, and testing of the well after the removal of the pump.

Mr. CHAFEE. Madam President, this amendment asks the EPA to investigate the health risks associated with leaking oil and PCBs from submersible pumps, and identify those pumps which are most likely to fail.

The EPA is then instructed to produce a report to be provided to the public discussing the health risks, listing those pumps which may fail, and advising the public on measures to be taken to avoid these health risks. Private well owners deserve safe, potable water. This amendment will allow us to educate and protect those private wellowners whose wells contain pumps that risk leaking.

Mr. JEFFORDS. Madam President, I would like to commend the chairman and ranking member of the Environment and Public Works Committee for their commitment to safe drinking water and their tireless dedication to completing action on this measure. I would also like to thank Senator BOXER and her staff for their assistance on this amendment.

The amendment I offer today asks the EPA Administrator to conduct a study on the leaking of oil and PCB's from submersible well pumps in order to identify the health risks associated with damaged or faulty pumps and produce a report listing those pumps causing such health risks and providing recommendations on actions to be taken to avoid this risk.

I recognize that the Safe Drinking Water Act does not specifically regulate or provide assistance to owners of private wells. However, I feel strongly that there are certain instances where private well owners deserve to be protected against adverse health affects from contaminated water. A perfect example is the recent report that well pumps and their component parts are leaching lead into drinking water. Simultaneously, some submersible pumps can also leak oil and PCBs into well water. The Wisconsin Department of Natural Resources has prepared and distributed a health advisory regarding the risks these submersible pumps pose. The State of Vermont will shortly complete a similar advisory to assist well owners in understanding and responding to questions about oils and PCBs in submersible pump motors.

A resident of my home State of Vermont, Craig Stead, of Putney, brought this issue to my attention after he and his family suffered health problems related to contamination of their well water from oil containing PCBs which leaked out of their submersible well pump. In hopes that other families would not face similar adverse health effects, Mr. Stead has been actively working with our State environmental agency, and with my staff, to develop materials which would inform other private well owners of the potential risks they may face from leaking submersible well pumps.

Newer submersible well pump motors are generally filled with a water/propylene glycol mixture, for which leakage presents no concern. Some older submersible pump motors however, were filled with oil, and some fraction of these may also contain PCB's. Leakage of these contaminants may cause a health risk to consumers. Although only a fraction of submersible pump motors may fail in such a way as to leak their contents into well water, when it does happen it can be very costly to fix. Often a well owner must replace the pump, flush out the well and continue to monitor the well to assure that the contaminants have been removed.

This amendment asks that the EPA investigate the health risks associated with leaking oil and PCB's from submersible pumps and identify those pumps which are most likely to fail. The EPA is then instructed to produce a report, to be provided to the public, discussing the health risks, listing those pumps which may fail and advising the public on measures to be taken to avoid these health risks.

Madam President, private well owners deserve safe potable water. This amendment will allow us to educate and protect those private well owners whose wells contain pumps that risk leaking. I would like to thank the Vermont Department of Health, the Vermont Attorney General's Office for their assistance on this matter. In addition, I would like to thank Craig Stead for this devotion to providing safe drinking water.

I thank the managers of this bill for accepting this amendment and look forward to working with them to pass this important measure.

Mr. BAUCUS. Madam President, these are two good amendments. First is the amendment offered by the Senator from California, which is to direct the EPA Administrator to develop regulations to protect against leaching from submersible pumps. It is a problem across the country and particularly in California. It must be addressed.

The second-degree amendment offered by the Senator from Rhode Island on behalf of the Senator from Vermont goes a step further. It is an improvement, and it requires a study so we can get a better sense to even do a better job in addressing leaching from submersible pumps that gets into the ground water systems.

I urge the Senate to adopt both amendments.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1724 to amendment No. 1723.

The amendment (No. 1724) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1723, as amended.

The amendment (No. 1723), as amended, was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana, Mr. BAUCUS, is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the vote on Senator JOHNSTON's amendment No. 1720 occur, without any intervening action or debate, at 3:45 p.m. and that no second-degree amendments be in order to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. JOHNSTON], is recognized.

Mr. JOHNSTON. Madam President, what is the regular order?

The PRESIDING OFFICER. Amendment No. 1722 by the Senator from Louisiana.

Mr. JOHNSTON. On risk assessment?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSTON. Madam President, did I understand that the Senator from New York just wanted 2 minutes?

Mr. D'AMATO. Yes.

Mr. JOHNSTON. I ask unanimous consent to lay aside the pending amendment for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank my distinguished colleague from Louisiana.

AMENDMENT NO. 1725

(Purpose: To require a screening program to test certain substances to determine whether the substances may have effects in humans similar to the effects produced by naturally occurring estrogens, or other endocrine effects)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. LEVIN, and Mr. CHAFEE, proposes an amendment numbered 1725.

Mr. D'AMATO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 143, after line 23, add the following new subsection:

(i) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—Section 1442 (42 U.S.C. 300j–1) (as amended by section 11(a)(10)) is further amended by adding at the end the following new subsection:

"(j) SCREENING PROGRAM.—

"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

"(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

"(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

"(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

"(5) COLLECTION OF INFORMATION.—

"(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

"(B) FAILURE TO SUBMIT INFORMATION.—

"(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

"(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

"(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

"(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

"(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

"(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

"(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

"(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.".

Mr. D'AMATO. Madam President, this amendment will require the EPA to gather information that may prove essential in the war against breast cancer. Specifically, this amendment will require the EPA to develop and implement a testing program to identify pesticides and other chemicals that can cause estrogenic and other biological effects in humans, and to report their findings to Congress within 4 years.

This amendment is critical in view of growing evidence linking environmental chemicals that are capable of mimicking or blocking the action of the hormone estrogen to a host of developmental and reproductive abnormalities in wildlife and humans. The most alarming findings suggest a link between exposure to these chemicals and the dramatic increase in human breast cancer that has become so tragically apparent in our Nation over the past several decades.

In 1960, the chances of a woman developing breast cancer were 1 in 14. Today, they are one in eight. This year alone, breast cancer will strike an estimated 182,000 American women, and will take the lives of over 46,000. It has become the most common female cancer and the leading cause of death among American women between the ages of 35 and 54.

For years, researchers have understood that breast cancer is influenced by how much estrogen a women produces. If you take the existing known risk factors—including early puberty, late menopause, delayed childbearing, or having no children at all—they have one thing in common: they all contribute to a high lifetime exposure to estrogen. There is clear evidence that the more estrogen a woman is exposed to in her lifetime, the higher her risk of developing breast cancer.

Recently, scientists have been taking a close look at the relation between so-called xeno-estrogens and increased breast cancer risk. It is theorized that these estrogenic materials—which include pesticides and other chemicals capable of affecting the internal production of the hormone estrogen—may hold the key to explaining some of the 70 percent of all breast cancer cases not associated with any of the existing known risk factors.

The research is compelling.

Perhaps the most startling findings are those of Dr. Mary Wolff of Mt. Sinai Medical Center, whose research involved the estrogenic chemicals PCB and DDE, which is a breakdown product of the pesticide DDT. Dr. Wolff tested the blood of 58 women with breast cancer and compared it to that of 171 women who were cancer-free, taking pains to ensure that the women were identical when it came to age, childbearing history, and every other characteristic known to influence breast cancer risk. She found that the women who had developed breast cancer had PCB levels in their blood that were 15 percent higher than the cancer-free women, and DDE levels that were 35 percent higher. She also discovered that as the level of DDE increased, so did the risk of developing breast cancer—to the extent that the women with the highest DDE levels were four times as likely to get breast cancer as those with the lowest levels.

A subsequent study by Canadian researchers, published on February 2 in the Journal of the National Cancer Institute, found a further link between DDE levels in breast tissue and the development of breast cancer. In this case, higher DDE levels were associated with a higher risk for a particular-type of breast cancer which feeds on estrogen—a type of breast cancer which, according to researchers, has made up a larger and larger portion of the increase in breast cancer in recent years. In the words of the study's authors, "this study supports the hypothesis that exposure to estrogenic organochlorine may affect the incidence of hormone-responsive breast cancer."

The women of Long Island, NY have long suspected a connection between the region's unusually high breast cancer rates and the exceptional concentrations of DDT and other potentially estrogenic pesticides that were once applied in an effort to rid former potato fields of a parasite known as the golden nematode.

Women who have grown up and raised families in residential subdivisions that were built on top of these abandoned potato fields have good reasons to be suspicious. Not least of these is the recent finding that if you are a woman and you have lived in Nassau County for more than 40 years, your risk of getting breast cancer is 72 percent greater than a women of the same age who have lived in the county for less than 20 years.

The National Cancer Institute is now in the process of further examining the connection between breast cancer and xeno-estrogens as part of a comprehensive study into the causes of Long Island's high breast cancer rates. Their findings—expected within the next 5 years—will contribute greatly to our knowledge base about this important issue.

As we wait for the results of this and other studies, it is vital that we begin to systematically identify those pesticides and other compounds present in the environment that possess estrogenic properties. We must do this so we will be ready, should further research confirm a clear link between these substances and breast cancer, to take appropriate steps to protect the public.

This amendment will give us some of the information needed to begin taking these steps should they become necessary.

The amendment would require the EPA to utilize appropriate, scientifically validated test systems as part of a screening program to identify pesticides and other substances capable of altering estrogenic activity in the human body.

Several quick and inexpensive test systems have been developed in recent years which could potentially be utilized in such a screening program. Examples include tests developed by Dr. Ana M. Soto of Tufts University School of Medicine in Boston and Dr. Leon Bradlow of the Strang-Cornell Cancer Research Laboratory in New York, as well as a third test utilizing state-of-the-art biotechnology techniques described recently in Environmental Health Perspectives by Dr. John McLachlan of the National Institute of Environmental Health Sciences.

Because these tests are simple, inexpensive and quick, they are well suited for the kind of large-scale screening needed to identify potentially hazardous estrogenic compounds. Since reproduction requires complex interactions between hormones and cells in the intact body, the tests are not intended to replace existing animal testing models, but to complement them by quickly flagging suspect compounds which can then be targeted for additional testing or public health approaches.

Given the availability of these new techniques, I was shocked when I learned last September that the EPA does not routinely screen pesticides for estrogenicity. I raised this concern in testimony before a joint hearing of House Subcommittee on Health and the Environment and the Senate Committee on Labor and Human Resources on September 21, 1993. In my testimony I called for a much more aggressive EPA response to the evidence which has been put forward linking estrogenic chemicals and breast cancer.

The EPA has now become more interested in this area—for which I commend and encourage them. But I would like to encourage them further by requiring them to undertake the kind of widespread screening program that our Nation's breast cancer epidemic demands, utilizing appropriate, scientifically validated testing techniques, coupled with a research program to understand the health risks associated with exposure to xeno-estrogens.

This amendment would ensure that such a program is underway within 1 year, and would give the EPA Administrator a deadline of 2 years to implement a peer-reviewed plan, with a report to Congress due in 4 years detailing the program's findings and any recommendations for further action the Administrator deems appropriate.

Madam President, we simply cannot afford to wait until we have a smoking gun before we act to identify those chemicals in the environment that are estrogenic. Breast cancer is claiming the lives of women in this country at a rate of 1 death every 11 minutes. It would be unconscionable not to arm ourselves with crucial knowledge about chemicals that may be contributing to this scourge so that we can rapidly implement appropriate public health measures when scientific research indicates they are warranted.

Madam President, this is an urgent matter. Let us not wait until it's too late to take this small step to help save the lives of American women. I urge the adoption of the amendment.

Mr. MOYNIHAN. Madam President, I congratulate the Senator from New York for his leadership on this amendment that seeks ways to identify pesticides and other chemical substances that may lead to breast cancer and other effects. I am pleased to have worked with him on the language and I wish to be an original sponsor of the amendment.

Breast cancer is a terrible disease of great concern to women all over America and especially to the women of Long Island. Dr. Mary Wolff of the Mount Sinai Hospital in New York City studied a population of Long Island women and reported, just last month in the Journal of the National Cancer Institute, that breast cancer was four times more common among women with the highest blood levels of DDE. DDE is a breakdown product of the pesticide DDT, a pesticide that was banned 20 years ago. It seems that DDT may be exacting a delayed toll.

We are coming to learn that certain environmental pollutants mimic naturally occurring hormones and that they may contribute to reproductive failure, breast cancer, and other diseases. If true the consequences of inaction are too terrible to contemplate. Mr. President, there is no doubt but that we need to begin to identify those chemicals that cause such effects and we need to take responsible action to make sure they cause no harm.

This will not be easy. The presence or absence of a link between estrogenic pollutants, such as pesticides, and breast cancer is not clear. Just 1 week after Dr. Wolff's findings were published, Dr. Nancy Krieger of the Kaiser Foundation Research Institute in Oakland, CA, reported an epidemiological study that found no link between DDE and breast cancer. Such is the nature of environmental science. The scientific community warns us that a single positive epidemiology study is not a conclusive finding, and that positive results from laboratory screening studies do not prove harm in humans.

But then the lack of clear-cut links between cause and effects should not daunt us. Regulatory decisions aren't clean. Look at the Safe Drinking Water Act [SDWA]. The degree of regulation that looked good in 1986 seems too costly today. In 1985 we felt there was a strong scientific basis for setting allowable amounts of contaminants, referred to as the maximum contaminant levels [MCL's]. Today we are coming to understand MCL's are based as much on policy as on science.

This dawning realization coupled with protests from State and local officials over the costs of complying with the 1986 act causes the Senate to pause. Clearly, protection of public health is our primary goal. But does our current law go beyond protection of human health? Do we really need to spend so much to insure the public welfare? These concerns led me to offer language, accepted during the Environment and Public Works Committee markup of the bill for research to learn more about the biological basis of the effects caused by drinking water contaminants and for developing and applying tools and techniques to assess costs, risks, and priorities. Both recognize the need to make decisions now, based on the currently available knowledge, but both emphasize the need to improve our capacity to make decisions in the future.

The pending amendment takes the same approach. It uses current technology to screen the chemicals found in pesticide products to identify those that mimic estrogen and other hormones, providing a basis for selecting that subset that warrants further study. We simply cannot do everything at once so we must set priorities.

As a next step our intent is that EPA work with expert scientists to identify how best to further characterize priority chemicals and report to Congress about what criteria they used to set priorities, what chemicals they recommend for further study, and what needs to be done to develop dose response relationships for these substances so that plausible biologically based risk assessment models can be developed for use by EPA and others.

Madam President, this is a realistic and honest approach. It will not resolve all uncertainty; nothing ever can or will. In fact, many questions will remain, but it will help inform managers as they grapple with the factors that must be considered in deciding what to do about estrogens in the environment. I thank the managers for agreeing to accept this amendment.

Madam President, would the Senator from New York yield for some questions regarding this amendment?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. Given the concerns that reproductive effects in wildlife may be linked to endocrine disruption, for instance decline in fertility of Beluga whales in the Saint Lawrence Seaway, some are concerned that the amendment is too limited because it focuses on human breast cancer. Does the amendment take a position on this issue?

Mr. D'AMATO. I recognize the concern that environmental estrogens and other hormone mimics may cause significant effects on nonhuman species. However, the top priority of this amendment is to learn more about substances that may lead to breast and other related forms of cancer in humans. It is silent about the possibility that effects may occur in other species and leaves that judgment to the Administrator.

Mr. MOYNIHAN. I have heard concerns raised about other endocrine and immune system impairments too. Does the discretion provided the Administrator under this amendment extend to health effects other than breast cancer?

Mr. D'AMATO. Yes. For example, if the Administrator so chose she could include screening for male reproductive effects, effects to the immune system, and so forth.

Would the Senator address a question about the scope of the amendment?

Mr. MOYNIHAN. Certainly.

Mr. D'AMATO. When the results of the screening study become available, subsection j(6) directs the Administrator to "* * * take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health." Is the intent that the Administrator regulate all substances found positive in the study under the amendment?

Mr. MOYNIHAN. No. The testing called for in the amendment is a screening study to identify active and inert pesticide ingredients that mimic estrogens. It is a hazard identification process designed to identify the magnitude of the potential problem and to help set priorities for the future. As we learned from the experience with the Ames test for carcinogens in the 1970's and 1980's, hazard identification tests do not provide enough information to be the sole basis for regulatory action. Having said that, let me quickly note that the Administrator may have additional information about the exposure levels, or about the relationship between exposure and effect for certain of the substances to be tested such that she makes a risk management decision that regulatory action is needed. If, as a result of such evaluations, the Administrator finds a substance likely has a potential adverse effect in humans she must take appropriate regulatory action. The amendment gives her authority to do so through appropriate regulatory action under the Federal Insecticide, Fungicide and Rodenticide Act or the Toxic Substances Control Act or under other authority available to the Administrator.

Mr. D'AMATO. What happens once the screening study called for in this amendment is completed.

Mr. MOYNIHAN. The screening study will identify certain pesticide ingredients that mimic estrogens and perhaps other hormones. Consequently, people will be concerned, some very concerned abut their health. It is important to be realistic, honest and responsible throughout the design and conduct of this study so that we do not create undue apprehension, but it is also important to inform the public and to take action where significant hazards are identified.

Mr. D'AMATO. The Senator raises something that I feel very strongly about. Frankly, I am extremely worried about the health impacts associated with exposure to pesticides, and I am deeply concerned that they may lead to diseases such as breast cancer. At the same time I think that the women of Long Island and elsewhere have suffered enough anguish, and I do not want to scare people unnecessarily.

Mr. MOYNIHAN. The Senator raises an extremely important issue—how best to determine whether pesticides, a widespread class of environmental contaminants, pose a potential risk without creating panic in the population by which they will carry out this amendment. An important part of this process should be a risk communication strategy to identify the likely outcomes, to keep the public informed and aware of the purpose of the study, including its strengths and limitations. It is important not to over promise and raise false expectations.

Mr. D'AMATO. Would the Senator like to comment on why the amendment requires that the testing requirements and communication strategies by reviewed by the Science Advisory Panel and Science Advisory Board, and any other review group the Administrator deems appropriate, before finalizing the requirements.

Mr. MOYNIHAN. Yes, certainly. It is because we are just coming to learn that certain environmental pollutants mimic naturally occurring hormones and that they may contribute to breast cancer, reproductive failure, and other diseases. There is no consensus about the magnitude and nature of the problem, and so it will be controversial, with those on opposite sides of the issue voicing strong opinions. It is our intent that the EPA be as responsible and credible as it can be. This means that the Administrator should work with expert scientists from government, academia, industry and the public health sector to select criteria for what constitutes a validated test, to select the set of validated tests to be used, and to design the protocols for study. She may wish to engage organizations, such as the National Academy of Sciences or the American Society for Testing and Materials, and so forth for assistance.

Similarly, when the study is completed, the report to Congress required under subsection j(7) should reflect guidance from the scientific community, summarizing the findings of the screening study, and recommending followup actions, as necessary.

Mr. D'AMATO. Could the Senator discuss the potential followup actions that might be recommended?

Mr. MOYNIHAN. Obviously, that depends on the outcome of the screening program. If only a few substances screen positive, the followup might include conducting more detailed tests on each substance that tests positive; if a number are positive, however, priorities must be set to identify those chemicals of greatest concern for which does-response relationships are needed. Though we may wish it were not so, we simply cannot do everything at once.

The criteria for setting priorities may well be to select those chemicals found most often in the environment and in the highest concentrations, those that are most active or that bioaccumulate, those for which there are testable hypotheses for action, and those which are representative of specific categories of chemicals. The goal is to develop plausible biologically-based risk assessment models for use by EPA and others to inform their risk management decisions.

Mr. D'AMATO. Does the Senator know just what studies will likely need to be conducted and how much they will cost?

Mr. MOYNIHAN. The amendment is silent on exactly what additional studies to require after the screening study because we want to benefit from the screening results and from EPA's guidance before deciding what, if anything, to do next. The determination about how much science is needed before making a regulatory decision is a policy call. There will never be enough information to unambiguously answer every question about environmental safety. When the EPA makes its report to Congress it would be appropriate to examine just how much science is recommended by EPA to resolve this issue, how much additional research or action beyond that initiated by EPA would cost, and how much Congress thinks is appropriate to pay.

Mr. LEAHY. Madam President, I am pleased to cosponsor Senator D'AMATO's amendment. Recent studies indicate that some pesticides imitate human hormones, particularly estrogen, and that such estrogen-imitating compounds may be linked to breast cancer and disruptions in the human endocrine system. Pesticides are found in drinking water.

We cannot afford to overlook these studies linking breast cancer and pesticides. Breast cancer has reached epidemic levels. In 1994 alone, 182,000 women will be diagnosed with breast cancer and 46,000 will die of it. This epidemic greatly concerns Vermonters because our State's breast cancer mortality rate is higher than most other parts of the country.

Since the 1940's, both the incidence of breast cancer and the use of pesticides have increased dramatically. We must determine what exactly the link between these developments may be.

Last November, I wrote to the Environmental Protection Agency to urge it to accelerate the development of a plan to test pesticides that may have estrogenic or other endocrine-disrupting properties. This amendment helps ensure the plan will be implemented.

I appreciate the clarifications that Senators MOYNIHAN and D'AMATO have made about the scope of their amendment. My office received some calls expressing concerns about its scope, and I thank the Senators from New York for their assistance in responding to these concerns.

Mr. BAUCUS. Madam President, the committee has worked with the Senator from New York, as well as with his colleague from New York. This is a very commendable, good amendment. I think it addresses a potential public health threat. We urge its adoption.

Mr. CHAFEE. Madam President, this side, too, thinks it is a good amendment. I would like to be added as a cosponsor with the approval of the Senator from New York.

Mr. D'AMATO. I would be delighted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1725.

The amendment (No. 1725) was agreed to.

Mr. D'AMATO. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1720

Mr. JOHNSTON. Madam President, the pending amendment is one on risk assessment. I am very pleased to tell my colleagues that the Senator from Montana and I have come to an agreement. The Senator from Rhode Island, I understand, is not yet agreeable, but the Senator from Montana and I are in agreement, as is the Senator from New York [Mr. MOYNIHAN].

Madam President, the Senate will recall that as part of the EPA elevation bill, we considered and passed my risk assessment amendment by a vote of 95 to 3. That bill then went to the House of Representatives, where certain Members of the House opposed the risk assessment amendment. In fact, the amendment was first not included in the House version of the EPA elevation bill. It then went to the Rules Committee, where a risk assessment amendment similar to mine was declared not to be in order, and the rule then came to the floor of the House of Representatives.

The House of Representatives turned down that rule and, in effect, said that we should have a risk assessment amendment. I then proposed to put that amendment on this legislation, and we began negotiation with both Sally Katzen, the assistant administrator of OMB, and the distinguished Senator from Montana [Mr. BAUCUS].

We have now resolved our differences, Madam President. I can tell the Senate that the amendment, as agreed upon, is, I believe, a better amendment than when it passed the Senate. What it does is require that in any major regulation—a major regulation defined as that which has a $100 million effect on the economy or upon the people who have to comply with the regulation—that a risk assessment certificate be prepared in every one of those major regulations.

This would be approximately 20 to 25 major regulations each year, and we believe that will cover 85 percent of all regulations which come up. We also provide for limits on the number of risk comparisons. The original amendment required that the administrator, in filing a certificate, compare the risk to others which people ordinarily encounter.

The amendment now calls for a comparison to six risks, three within the jurisdiction of the EPA or other Federal agencies and three not directly related by the Federal Government.

The idea here is that we want the public to be informed about what these risks are, and by comparing them to, say, the risk of getting killed by lightning, the risk of getting killed in an airplane crash. These are the kind of risks that the public can understand. We want this information brought out. The amendment requires that six different comparisons be made.

We require that a cost estimate of complying with the regulation be made, and we require a cost effectiveness certification.

Madam President, risk assessment is, in my judgment, one of the most important tools that rulemakers need to use, particularly in EPA, and I believe we should require other departments of the Federal Government also to use risk assessment. The reason is that in the past, according to EPA's own internal documents, risks and rules were based upon public opinion rather than science.

What this is designed to do is to make the rules of the Environmental Protection Agency based upon science, that they be adopted only after a rigorous cost-benefit analysis is made, and only after a certification that the risk justifies the cost.

I would simply give one example of the kind of thing that this amendment is designed to do. It is an example brought out by Judge Stephen Breyer, who had a case within his own court. As a result of that, he wrote a book called "Breaking the Vicious Cycle," on the question of risk analysis. He points out that he had a particular case before his court involving a toxic waste dump. This was known in the book as "the last 10 percent problem," also known as the case of "dirt-eating children." Chief Judge Breyer, recently nominated by President Clinton to the

Supreme Court, wrote this book, and his favorite example of poor risk regulation is from his own courtroom.

The EPA insisted on the cleanup of the last 10 percent of the waste from the toxic waste dump located in a swamp at a cost of $9.3 million.

How much extra safety did the $9.3 million buy? Without this expenditure, the waste dump was clean enough for children playing on the site to eat small amounts of dirt daily for 70 days each year without harm. With the expenditure of $9.3 million, the soil would have been clean enough for the children to eat small amounts of dirt daily for 245 days per year without harm. But the problem was, of course, there were no dirt-eating children at all because this was a swamp.

Judge Breyer goes into the science of risk analysis, the rigorous method of risk analysis, pointing out that example and others and saying that our Government needs to adopt the best science and needs to adopt this rigorous discipline of risk analysis.

So, Madam President, the amendment as proposed and as agreed to between myself, EPA, Senator MOYNIHAN and Senator BAUCUS, I believe achieves that and does it in a workable effective way.

Mr. BAUCUS. Madam President, will the Senator from Louisiana yield for some questions regarding the amendment?

Mr. JOHNSTON. Certainly.

Mr. BAUCUS. Since his amendment was adopted by the Senate last year, his staff, my staff, and Senator MOYNIHAN'S staff have worked together to make a number of changes that substantially improve and clarify the language. In order to make sure that those changes are understood by the Environmental Protection Agency and those who follow the work of the Agency, I think it would be useful to briefly discuss them.

First, why was the amendment expanded to cover proposed rules, as well as final rules?

Mr. JOHNSTON. I added proposed rules so that the public would have an opportunity to comment on the analyses prepared by EPA pursuant to this amendment. I think it is important that EPA take such comments into account, the same as it does with respect to comments on any other aspect of a proposed rule.

I retained final rules because the final rule may be significantly different from the proposed rule. However, to avoid redundancy, I have also revised the amendment to provide that the Administrator need not publish a new statement along with a final regulation where the final regulation is substantially similar to the proposed regulation. Instead, the Administrator may simply provide the Federal Register cite to the statement that was published along with the proposed rule.

Mr. BAUCUS. Why was the phrase "clear and concise" added to subsection (a) of the amendment?

Mr. JOHNSTON. That phrase was added in order to stress that the Administrator's statement and certificate should not be lengthy and full of technical jargon. I understand that this amendment calls for a discussion of matters that are often complex, but I want the Administrator to strive for brevity and readability.

Mr. BAUCUS. Next, please describe the changes to subsection (a)(1), and the purposes of that subsection.

Mr. JOHNSTON. The revised version of subsection (a)(1) begins by calling for a statement by the Administrator that "describes and, to the extent practicable, quantifies the risks to human health or the environment to be addressed by the regulation. . . ." In other words, the Administrator is to describe the nature of the risk, and conduct a risk assessment to quantify the risk with as much certainty and precision as the scientific data allow. The risk assessment should describe the methodologies and assumptions used, and should be based on the best reasonably obtainable scientific information. Based on the quantity and quality of the scientific information, the risk assessment should provide a range of uncertainty with respect to any quantifications.

It is particularly important that the risk assessment distinguish between what we know about the nature and extent of the adverse effects on rodents, for example, and the policy-based procedures that are used to estimate the risk of these adverse effects on humans. Such policy-based procedures should be clearly described as part of the risk assessment.

The second portion of this subsection provides that the description and quantification of risk shall include, "where applicable and practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive." This is an acknowledgement that there are significant subpopulations that have been disproportionately exposed to environmental hazards, such as the inner-city poor, and others who may be particularly sensitive to such exposures, like children. Where the regulation could affect such groups, and where adequate data exist to differentiate the effect on them from the effect on the population as a whole, those effects should be described and, if practicable, quantified.

Mr. BAUCUS. I certainly agree. Next, section (a)(2) of last year's amendment called for a "comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed." Please explain the changes that have been made in the pending amendment.

Mr. JOHNSTON. Following adoption of last year's amendment, there was concern that this provision might be read to require comparison to all other risks to which the public is exposed, thereby leading to "paralysis by analysis." Although I think that this concern is based on a rather strained reading of the earlier provision, we nevertheless thought it would be useful to put some clear parameters around the comparative analysis that we are seeking.

The provision now provides that the Administrator is to "compare the human health or environmental risks to be addressed by the regulation to other risks chosen by the Administrator, including at least three other risks regulated by the Environmental Protection Agency or another federal agency, and at least three other risks that are not directly regulated by the federal government." Thus, the Administrator has fully satisfied this provision if she compares the risk addressed by the regulation to six other risks, three regulated by the Federal Government and three not directly regulated by the Federal Government.

Mr. BAUCUS. What is the purpose of these comparisons?

Mr. JOHNSTON. There are actually two purposes. The purpose of the comparison to other federally-regulated risks is to provide policymakers and the public a sense of how the risk addressed by the regulation stacks up against some other risks that the Federal Government is regulating. The purpose of the comparison to risks not regulated by the Federal Government is to provide perspective through information regarding understandable risks that we encounter in our daily lives. With this information, both the public and policymakers will be better equipped to make judgments regarding the allocation of our finite resources to the management of various risks.

Mr. MOYNIHAN. Madam President, I applaud the efforts of the Senators from Louisiana and Montana and wonder if they would yield for additional questions?

Mr. JOHNSTON. I am happy to yield to the Senator from New York. But first let me first commend him for his leadership in the field of risk assessment. It was his environmental risk reduction legislation, introduced as S. 2132 in the 102d Congress and as S. 110 in the 103d Congress, that were the first bills on this important subject. He is truly a leader in this field.

Mr. MOYNIHAN. I thank the Senator and congratulate him on the pending amendment. I certainly support the use of comparative risk as a tool to inform environmental decisions. However, I think that it's important to note that comparative risk assessment methods are still being developed. The data gaps, subjective issues, and uncertainty in any ranking process must be recognized. Does the Senator share that view?

Mr. JOHNSTON. Yes, I do. Comparative risk assessment is an evolving field, and I am confident that we can improve our methods and our base of scientific information in the coming years. In the meantime, as we both know, risk assessment is a tool that is useful today, as long as we bear in mind its limitations as well as its strengths. Furthermore, we cannot afford to wait until it is perfect. We need to use it to help put environmental concerns in perspective, knowing that we will get better at it the more we use it.

Mr. BAUCUS. If the Senator would yield, I have heard concerns that it is inappropriate to compare voluntary risks, such as smoking, to involuntary risks, such as air pollution. Does this revised provision take a position on this issue?

Mr. JOHNSTON. No. My feeling all along has been that the purpose of the comparison is to create reference points that put in context the risk addressed by the regulation; this, in my mind, has nothing to do with whether the risk is voluntary or involuntary. However, my amendment is silent on this issue and leaves that judgment to the Administrator. If she feels that involuntary risks should be compared only to other involuntary risks, the amendment allows her to do so. The key is to make comparisons that can be readily understood by the public.

Mr. BAUCUS. Does this provision require the Administrator to conduct a risk assessment for each of the other risks that the Administrator chooses for purposes of comparison?

Mr. JOHNSTON. No; the Administrator should use existing information regarding the nature and magnitude of the other risks used for comparison. With respect to the federally regulated risks used for comparison, the Administrator should rely on existing risks assessments prepared by EPA or another Federal agency. With respect to the risks not regulated by the Federal Government, the Administrator should use peer-reviewed, published estimates of risk.

Mr. BAUCUS. I recall that the EPA prepared a comparative risk analysis when it issued a proposed rule on the National Emission Standards for Hazardous Air Pollutants; Regulation of Radionuclides [NESHAPS], 54 Fed. Reg. 9612 (March 7, 1989). In section VI.B of the proposed rule, EPA provided, for comparative purposes, a description and quantification of various other risks. Some of these risks were natural and not regulated; others were regulated. Is this the type of comparative information that this provision would require?

Mr. JOHNSTON. The Senator is correct. That rule placed the radionuclide risk in perspective by comparing it to the risks from natural background radiation, home accidents, rare diseases, tripping and falling, and rabies.

Mr. BAUCUS. Subsection (a)(2)(B) provides that the Administrator shall compare the risk addressed in the regulation to at least three risks that are not directly regulated by the Federal Government. Why did we use directly in this provision?

Mr. JOHNSTON. Because many of the risks that we face in everyday life are regulated in some way by the Federal Government. For example, there is a very small risk of dying of liver cancer from eating peanut butter. Even though the Federal Government undoubtedly has regulations regarding the production and labelling of peanut butter, I regard this risk as one not directly regulated by the Federal Government.

Mr. BAUCUS. Paragraph (a)(4)(C) of the amendment provides that the Administrator must certify that there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated and that would achieve an equivalent reduction in risk in a more cost-effective manner. Can you give us a brief description of this provision?

Mr. JOHNSTON. My main concern is that the regulation be designed in the most cost-effective manner possible. In response to concerns raised, I added the phrase "allowed by the statute" in order to make clear that no regulatory option prohibited by the applicable statute need be considered in determining the most cost-effective design. Similarly, I added "achieve an equivalent reduction in risk" to make clear that this amendment does not dictate a particular level of risk reduction; it simply says that once the level of risk reduction is determined by the Administrator, the regulation must be designed in the most cost-effective manner to reach that level.

Mr. MOYNIHAN. If the Senator would yield, section (a)(4)(D) provides that "the regulation is likely to produce benefits to human health or the environment that will justify the costs. . . ." What is the significance of using the word "justify"?

Mr. JOHNSTON. Justify was used rather than exceed for two reasons. First, it is often more difficult to estimate the benefits of an environmental regulation than it is to estimate the costs. For example, a clean air regulation may have far-reaching benefits for the environment that are difficult to quantify.

Consequently, I wanted to give the Administrator the latitude to take into account those difficult-to-estimate benefits. If the Administrator concludes that the benefits of the regulation, both quantifiable and unquantifiable, justify the costs to be incurred, the amendment allows her to enter a positive certification on this point. All I ask is that the Administrator candidly describe in her certificate the nonquantifiable benefits that weighed in her determination, and a brief statement of her reasons.

The second reason for using justified is that other policy considerations may constitute a benefit of a regulation. For example, the Administrator may conclude that poor children in particular inner-cities may be suffering from exposure to a chemical that poses a human health threat. Even though the quantifiable benefits may not exceed the quantifiable costs, the Administrator may determine that the regulation is nevertheless justified on other policy grounds. Again, I have no objection to these considerations, as long as the Administrator clearly articulates them as part of her certificate.

Mr. BAUCUS. I share the Senator's view. It is perfectly appropriate to consider nonquantifiable benefits, and to take into account other policy considerations, but it is also imperative to clearly and candidly describe how those matters figured in the decision to issue the regulation.

I would like to give some general and some specific examples of difficult-to-quantify benefits. General examples include avoided cancers of noncancer diseases that reduce the quality of life, the preservation of biological diversity and the sustainability of ecological resources, and the maintenance of an esthetically pleasing environment. Maintaining a clear view of the Grand Canyon, preserving a unique species of fish or wildlife, or extending the overall life expectancy of a population are more specific examples of benefits that are difficult to quantify.

Mr. MOYNIHAN. If the Senator will yield, does the Senator from Louisiana intend for the Administrator to be able to consider limitations in methods, sparse data, and uncertainty about the relationship between exposure and effect in her justification? I think it is critical that these matters be considered and discussed by the Administrator so that we can better understand how decisions are made and how we can improve them in the future.

Mr. JOHNSTON. Yes, I intend that the Administrator be able to consider such matters. However, when she does so, she must clearly and specifically explain what she is considering and why.

Mr. BAUCUS. If the Senator will yield, I would like to ask the Senator from Louisiana to describe what is meant by the phrase "or change the factors that the Administrator is authorized to consider in promulgating a regulation pursuant to any statute, * * *."

Mr. JOHNSTON. My amendment requires the Administrator to engage in analyses that are not called for in every environmental statute. For example, not all environmental statutes require risk analysis and cost-benefit analysis. This phrase makes clear that the requirement in my amendment to perform these analyses does not change the factors, contained in the applicable environmental statute, that the Administrator is authorized or required to consider in deciding whether to promulgate the regulation. Conversely, this phrase does not relieve the Administrator of the obligation to perform any of the analyses required by this amendment, even if the applicable environmental law forbids the consideration of such analyses in promulgating the regulation.

Mr. BAUCUS. Please describe section (e) of the amendment, relating to judicial review.

Mr. JOHNSTON. My understanding is that EPA regulations are usually reviewed under the Administrative Procedures Act, which allows a court to set aside an agency action if certain relatively narrow tests are met, i.e., it is arbitrary and capricious, violates the Constitution, is in excess of the agency's statutory authority, or is unsupported by substantial evidence. Section (e) makes clear that my amendment creates no new rights to judicial or administrative review. If a major regulation is subject to judicial review under any other provision of law, such as the APA, the adequacy of the certification itself, and any alleged failure to comply with this section, may not be used as grounds for affecting or invalidating that major regulation. For example, if the Administrator certifies that the benefits of the regulation justify the costs, that certification could not be challenged as arbitrary and capricious.

However, the statements and information prepared pursuant to this section, including the statements and information contained in the certification, may be considered as part of the review conducted under such other provision of law. For example, such statements and information could be cited to show that the regulation is arbitrary and capricious under the APA.

Mr. BAUCUS. Will the Senator from Louisiana please explain why the amendment now applies to major rules, defined in subsection (f) as regulations that may have an effect on the economy of $100 million or more in any 1 year, instead of all rules?

Mr. JOHNSTON. The amendment adopted by the Senate last year applied to all regulations issued by EPA. That aspect of the amendment was criticized by the Administration and environmental groups as over-inclusive, and I was persuaded that their criticism has merit.

Consequently, the amendment is now limited to major regulations, which are defined in subsection (f) as those that have an effect on the economy of $100 million or more in any 1 year. That threshold was chosen based on a May 11, 1994, letter that I received from Sally Katzen, Administrator of OMB's Office of Information and Regulatory Affairs, stating that a $100 million threshold would capture approximately the largest 20–25 proposed and final regulations per year. More importantly, she estimated that those 20 to 25 regulations would account for roughly 85 percent of the total cost to the economy imposed by EPA rulemaking. I ask unanimous consent that her letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 11, 1994.

Hon. BENNETT JOHNSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: In connection with your consideration of the appropriate threshold for application of the Johnston amendment, you asked me to provide an overview of Environmental Protection Agency (EPA) rulemaking activities, including an estimate of the number of rules reviewed by the Office of Information and Regulatory Affairs (OIRA) each year that have an annual effect on the economy of $100 million per year or more.

Over the past several years, EPA has published 300 to 400 final rule documents each year in the FEDERAL REGISTER, and a corresponding number of proposed rules, for a total of 600 to 900 documents each year. Historically, under its Executive Order No. 12291 review, the Office of Management and Budget (OMB) has reviewed about a quarter of these documents. The remaining 500 to 650 final and proposed rules include, for example, EPA actions on State Implementation Plan revisions (roughly 300 a year), EPA actions on individual pesticide tolerances (roughly 150 a year), and procedural rules or corrections to previously issued rules (roughly 100 a year). Most of these actions were exempted from Executive Order No. 12291 review in the early 1980's.

Under Executive Order No. 12866, EPA is submitting for review about two-thirds of the rules and proposals that it submitted under Executive Order No. 12291. In addition to those previously exempted, we are no longer reviewing under Executive Order No. 12866 relatively minor rules, such as rules establishing new monitoring techniques, State petitions for alternative fuel volatility standards, and minor rules for an individual industry.

Historically (and currently), EPA has submitted roughly 20 to 25 proposed and final rules each year that would have an annual effect on the economy of $100 million or more. A small subset of reviewed rules—three or four rules a year—account for as much as 70 percent of the total costs imposed by EPA rulemaking in any given year. All of the rules with an effect on the economy of $100 million or more per year would account for roughly 85 percent of the total cost to the economy of EPA rulemakings promulgated in that year. Our best estimate is that the inclusion of rules having an economic effect of $50 million or more per year, instead of $100 million, would increase the number of these rules (and the workload) by 50 percent (or 10 to 15 proposed and final rules per year). These additional rules would account for only a modest incremental fraction of the total cost of EPA rulemaking (probably less than 10 percent in a typical year). Given the relatively small contribution of these smaller rules to the total cost of EPA rulemakings, the benefits of requiring a major benefit/cost study will also be correspondingly smaller. It is for this reason, that the benchmark of $100 million or more per year has been used since 1974 to identify major rules requiring analysis.

If you have any further questions concerning this, please give me a call.

Sincerely,

SALLY KATZEN.

Mr. JOHNSTON. I stress the importance of the 85 percent figure in my decision to move the threshold to $100 million. I think that applying the amendment to regulations that impose 85 percent of the regulatory costs is an acceptable cutoff, but I also intend to track that figure in the coming years to make sure that it does not significantly decline. If it does, I intend to offer legislation to lower the threshold, and would like the assurance of the Senator from Montana that he would join me in that effort.

Mr. BAUCUS. I agree that we should use the $100 million threshold because that is the threshold that has been used in regulatory executive orders since at least 1981. However, I would share the concern of the Senator from Louisiana if the 85 percent figure fell significantly, and pledge to work with him to amend the threshold if that happens.

Mr. JOHNSTON. I thank the Senator. I also think that it is important to explain what subsection (f) means when it defines a major regulation as one that "the Administrator determines may have an effect on the economy of $100,000,000 or more in any one year." Although these words were largely borrowed from the Clinton administration's Executive order on regulatory review, we need to express our own intent regarding their meaning.

First, the word "may" was used instead of "will" because we want the Administrator to err on the side of applying the pending amendment to regulations that are estimated to be close to the $100 million threshold and the precise economic effect is uncertain. I would be very concerned if, after the enactment of this provision, a pattern were to develop of regulations that are estimated by EPA to have effects on the economy or $80–100 million, particularly if there was evidence that the actual effect on the economy turned out to exceed $100 million.

Second, "effects on the economy" is a rather broad phrase that is intended to include the costs to the U.S. Government, State and local governments, and the private sector of implementing and complying with the regulation, as well as other effects on the economy that are attributable to the regulation, such as the loss of jobs and reductions in industrial output. It is important to note that the benefits of a regulation cannot be netted against the costs for purposes of determining the effects on the economy. Does the Senator from Montana agree?

Mr. BAUCUS. Yes. I believe that the Senator has aptly described our intent.

Mr. MOYNIHAN. If the Senator will yield, I would like to briefly discuss with the Senator from Louisiana the relationship between the pending amendment and section 15 of the Safe Drinking Water bill, which I offered in the Environment and Public Works Committee. Section 15 asks the Administrator to compare the risks, costs, and benefits of agency actions across sources of pollution. The goal is to provide the Administrator with information that will help inform her decisionmaking now, but equally important, to build the Agency's capacity for future decisionmaking. My understanding of the pending amendment is that it requires the use of the tools currently available to prepare estimates of risks, costs, and benefits when EPA adopts major regulations. Thus, I think that section 15 of the bill and the pending amendment emphasize two different aspects of the risk assessment and cost-benefit analysis issue. Does the Senator agree?

Mr. JOHNSTON. Yes. Section 15 emphasizes the improvement of our methodologies in this field, while the pending amendment focuses on the analyses that should be performed when EPA adopts major regulations. I see the two provisions as complementary.

We also need to briefly discuss the process that we are agreeing to follow after this bill passes the Senate. Because the Senator from Montana will lead the Senate conferees on this bill, and because I will not be a conferee, can the Senator assure me that he will vigorously defend this provision in conference, and consult with me if any changes are proposed?

Mr. BAUCUS. Yes. I not only support this provision, but also will regard it as the position of the Senate, which I am bound to defend in conference. In the event that others in conference propose to make changes to the amendment, I will be happy to consult with the Senator from Louisiana.

In turn, will the Senator from Louisiana agree to encourage his colleagues to accept the compromises reflected in his revised amendment?

Mr. JOHNSTON. Yes. I am satisfied with the revised amendment, and will urge those who have been advocating the statutory application of risk and cost-benefit analysis to EPA regulations to support its enactment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, in the words of the famous American philosopher Yogi Berra I feel like this is "deja vu all over again."

The question before us is, Is this a killer amendment? Let us review the bidding.

Last April 29, while the Senate was considering the EPA Cabinet bill—that was the bill to make the head of the EPA a member of the President's Cabinet—the Senator from Louisiana presented an amendment on risk assessments and cost-benefit analysis very similar to this amendment that we are considering here today. The Senator argued forcefully, and I might say persuasively, as he can. Few people can exceed the persuasive powers of the senior Senator from Louisiana.

His point was that EPA promulgates too many regulations without giving adequate consideration to the costs being imposed on the regulated community. He argued that the EPA regulations are frequently designed to address risks that in his and others' judgments sometimes are too small to be addressed.

After negotiating with the administration officials and some of the leading environmental leaders in the Senate, the Senator modified his amendment and we were assured that the amendment, as modified, was not opposed by the administration and seemed to be acceptable to everyone, including those of us who care deeply about EPA and its ability to carry out its mission.

Based on that and the persuasive powers of the Senator, 95 Senators came to the floor and approved it and only 3 Senators voted against it. That is a pretty good margin any day around here.

What happened after that? Well, people had a chance to more thoroughly consider the amendment. They realized it was not entirely a benign amendment, and it ran into significant opposition, as the Senator from Louisiana has said, in the House of Representatives. And the environmental leaders in the House fought back efforts in the committee to add the amendment to the House version of the EPA Cabinet bill. The environmental leaders also convinced the Rules Committee that the amendment was not germane and obtained a rule that would have precluded any attempt to bring the Johnston amendment up as an amendment on the floor.

As was pointed out, the rule was defeated on the floor, which does not happen very often. What happened then? Well, the environmental leadership of the House pulled the bill. The EPA Cabinet bill is dead, and it is dead because that amendment is on it.

The environmental leaders in the House said we are not going to bring that bill up, if that is the price of bringing the EPA Cabinet bill to have the risk assessment amendment of the Senator from Louisiana on it.

The point I am making here today is, we have a good bill before us and it has a lot of support. I am talking about the safe drinking water bill. But I believe that if this amendment is adopted and we start down the path that was followed in the House of Representatives, we are not going to see this safe drinking water bill emerge.

I am not just conjuring this. I am not just dreaming it up. We have seen what has happened and there is the experience. It is exactly what happened with the Cabinet bill. So, Madam President, I think that is one very good reason not to accept this.

Now, let me give you another reason that I believe this amendment is not proper at this time. It is not necessary. No one is going to stand here and say that risk assessment is not a useful tool. It is. It is important for everyone to recognize that this amendment is not about some being for or some being against the use of risk assessment. EPA already is required to use risk assessment, and does it extensively. So risk assessment is nothing. New since 1981 it has been the basis for countless public policy decisions dealing with the regulation of chemicals in our environment.

Indeed, Madam President, there is an Executive order from this President, President Clinton, that continues this tradition of risk assessment and requires EPA to use this important tool when making decisions.

When the Senator first presented his amendment in April of last year, after that and in response to the Senator's concerns the following September—in other words, the amendment was presented the last part of April—in September of last year, 1993, President Clinton issued an Executive order, and that new Executive order covers many of the points addressed by the Senator's amendment.

So the question is, Why do we need it? In my view, we do not need it. I do not think it will add anything good, and I do believe it will produce results that none of us can foresee and few of us will like.

Do not think that risk assessment is without controversy. There is plenty of controversy, and some people say the assumptions that are undertaken when you make a risk assessment are conjured, that they are dreamed up. Who knows? Who can bring up all the assumptions that have to go into a risk assessment?

Let me just give you a little illustration of risk assessment gone haywire.

Take the example of dioxin at the town of Times Beach in Missouri. Most of us here are familiar with that case.

In 1983, 11 years ago, EPA discovered that the town of Times Beach was contaminated with dioxin, so they tracked it down. It turned out someone had disposed of contaminated oil and spread it over the dirt roads in the town to control the dust. It seemed like a good idea. Take a little oil, waste oil, and spread it around and keep the dust down. So they got rid of the oil and they got rid of the dust at the same time.

The provisions of the Superfund required EPA to take some action when dioxin was discovered, but the law did not mandate what kind of standard you have for a cleanup. How do you clean up dioxin? The law did not say that.

The EPA went to the Centers for Disease Control in Atlanta and said, "Give us a risk assessment here. Figure out what the public health consequences are of this dioxin in this nice town of Times Beach."

So they did that. They came up with a risk assessment. And based on the advice of the Centers for Disease Control—which every one of us here admires; we all have great respect for the Centers for Disease Control—they came up with a health risk assessment. It was so strong in presenting the dangers of dioxin that EPA decided to evacuate the town of Times Beach and buy the whole town.

Now we have 20-20 hindsight. We look back and everybody says that decision was an unnecessary overreaction. It was ridiculed.

But there was a decision that came about by risk assessment. They weighed all the things and took the assumption and took the conclusion that this dioxin is incredibly dangerous.

What does risk assessment bode for the future? Well, what about dioxin emissions from municipal incinerators? Or what about the discharges of chlorine from our rivers and lakes? What about the exposure to secondhand cigarette smoke.

To those who want every EPA decision based on a rigorous scientific risk assessment, I say, be careful. You be careful what you wish for. You may get it.

As I stated earlier, this amendment has nothing to do with being for or against risk assessment. It is the extent to which you carry it.

And there are other things involved in all of this besides straight risk assessment. There are sociological situations.

(Mr. DORGAN assumed the chair.)

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. CHAFEE. May I just finish; then I will be glad to answer questions.

I think we need to do a better job of assessing priorities and costs and benefits, and all of this we can improve on. That is why I supported an amendment by Senator MOYNIHAN during consideration of this bill in the committee. So section 15 of the bill, beginning on page 129, recognizes the importance of risk assessment. This is what it says. This section of the bill directs the Administrator to rank sources of pollution with respect to the relative risks of adverse effects on human health, on the environment, and on the public welfare.

It also directs the Administrator to estimate the private and public costs associated with every source of pollution and the costs and benefits of complying with regulations designed to prevent or reduce the risks associated with each source of pollution. The risk ranking and the cost-benefit analysis are to be communicated to the public and to Congress in triennial reports.

Mr. President, with the Clinton Executive order in place, and with the addition of section 15 that I just touched on, I believe this amendment is unnecessary. I think it should be defeated for the larger good of the bill.

As I pointed out, I think the inclusion of this amendment is going to kill this bill. And I am not just dreaming that up; I am looking at past experience.

I have a number of questions and specific problems with the amendment.

First, why do we limit it to EPA? Why EPA alone? Is this new, such a policy? Why not every agency? Why do we pick on EPA?

If the concern about expanding its scope is one of House committee jurisdiction, why not add at least the Secretary of Energy? This bill is already headed to the Energy and Commerce Committee, so there is no jurisdictional problem. Let us have it apply to the Department of Energy, just as it applies to EPA.

Why does this amendment only look at half the equation? It imposes requirements on EPA only with respect to regulations promulgated to control risks. What about EPA decisions not to regulate? Suppose EPA says we are not going to regulate their decisions, to allow activities to continue without regulatory constraints, even where those activities create significant risk? Suppose there is a risk out there, and EPA says we are not going to regulate? Should we not have the same risk assessment study as when they say they are going to regulate?

What would a risk assessment and a cost-benefit analysis tell about EPA's decision to forgo the regulation of some oil and gas waste under the Federal hazardous waste law?

Mr. President, I know that turning around a vote of 95 to 3 is not the easiest thing in the world, and it is even harder when the sponsor of the amendment has made significant changes to meet some of the criticisms that were expressed against his earlier amendment; that is, the amendment that was brought up last year.

The Senator has made a number of changes to address some of the concerns that people had with his amendment. But he has not made enough changes to satisfy at least this Senator.

For example, the amendment continues to require that the EPA Administrator certify that certain conditions are met when proposing or promulgating a major regulation. The major problem here, Mr. President, is the requirement that the Administrator issue a formal legalistic verification of fact, in essence a declaration of truth. These conditions are not subject to truth or certainty. When you are making a risk assessment, you do not know. Each of these conditions goes to the Administrator's judgment. The Administrator has to make a judgment: Was the analysis performed using the best information? Is a regulation likely to result in significant reduction in risk? Was there a more cost-effective alternative? Is the regulation likely to produce benefits that justify the costs?

Imposing this requirement of certifying or issuing a finding as to each of these conditions is unrealistic, and it is troubling to me. It seems to me that a simple statement of the Administrator's judgment as to whether the conditions were met would suffice. He cannot cross his heart and hope to die and raise his right hand.

Mr. President I do not think we need to go beyond the Clinton Executive order.

Do we need to go beyond the new section 15 of the bill? I do not think so.

Because the Johnston amendment goes beyond that, I urge my colleagues to oppose it.

I thank the Chair.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, just very briefly, because I think the Senator has pointed out that this passed previously by a vote of 95 to 3, and I do not think it is necessary to further justify it for the Senate except to make a couple of points.

The Senator from Rhode Island pointed out that Times Beach was an example of risk assessment gone amok, that caused all the difficulties we had—shutting down a town, spending hundreds of thousands of dollars. I agree with him that certainly Times Beach was a disaster. However, Times Beach is a pertinent example of why you need risk assessment.

The distinguished Senator from New York [Mr. MOYNIHAN], testified before our committee about Love Canal. Here is what he said. I am quoting from page 6 of our report.

> There was no data. There was no evidence. There was no research. There were simply newspapers announcements, television announcements, and enacted legislation in 3 weeks' time. As far as I know—and I am prepared to be told I am wrong—but as far as I know, there have never been any scientific health data out of that region to establish any morbidity, much less mortality.

So the Love Canal is an example of why you need risk assessment. We need to put science in the loop before we spend hundreds of thousands or even billions of dollars in the case of some of these amendments.

I pointed out earlier that EPA's own internal documents show that they have not used risk assessments. EPA recognized this in its 1987 document entitled, "Unfinished Business," where EPA systematically ranked the seriousness of the various risks it was addressing and could address. The report found that there was little correlation between the risk that the EPA staff judged as the most threatening and EPA's program priorities. The report said:

> Overall, EPA's priorities appear more closely aligned with public opinion than with our own estimated risks.

EPA, after a study of risk and risk assessment, says that their regulations are in line with public opinion but not with their own estimated risks. These conclusions were confirmed in 1990 by EPA's Science Advisory Board in its "Reducing Risk" report. The report urged EPA to target its environmental protection effort on the basis of opportunities for the greatest risk reduction.

I will close with two thoughts. First, this will not kill this bill. It is now supported by the committee, by the committee chairman; it is supported by EPA. It was worked out with Sally Katzen of OMB. I believe it is an excellent solution to a very, very important and difficult problem. I think it is demanded by the country, by the people of this country.

Mr. President, this amendment as worked out will make this a stronger bill and will bring us rigorous risk assessment, which will both reduce the cost of regulation and ensure that we regulate those risks which are risks to Americans and I believe will help in the health and safety as well as the pocketbooks of taxpayers.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I think it is fair to say this is not an easy issue. It is one that requires balance, it requires much scrutiny to try to figure out what is the best use of risk assessment and cost-benefit analysis.

Just to clear the record, it is true the earlier risk assessment amendment offered by the Senator from Louisiana was termed as a "killer amendment." That is the reason the EPA cabinet bill has not proceeded in the House. That is true.

It is not true, however, in this Senator's judgment, that this new version is a killer amendment because it is so different. This is not the same risk assessment amendment that the Senate voted on—I think only three Senators opposed it—not too long ago. In addition, the EPA is not opposed to this compromise worked out between the Senator from Louisiana——

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. BAUCUS. I will.

Mr. JOHNSTON. The Senator is correct, it was worked out with EPA. EPA does not oppose it. I misspoke in saying EPA endorses the amendment. They did not oppose it, and we did work it out.

Mr. BAUCUS. That is correct, it is not opposed—it is not supported, but it is not opposed by the Environmental Protection Agency.

It seems whenever we debate environmental legislation these days, three issues keep coming up. The issues are risk, takings, and unfunded mandates. Some see the three issues as magic potions that will cure all our ills. Others see them as disguised attempts to gut our environmental laws and refer to the three as the "unholy trinity." I think the honest assessment is that any or all of the three may or may not be potions, or gut environmental laws, depending on how they are written. In fact, each of the three issues embodies an important core principle. We should set priorities using, when appropriate, risk and cost-benefit analysis. I do not think many people would disagree with that. We should respect property rights. We should help provide State and local governments the resources to match their responsibilities. I do not think anybody quarrels with those statements.

However, these important principles must be balanced against other equally important principles, such as protecting the public health. After all, that is why we pass environmental statutes. If we get past the slogans on both sides and try to balance these principles, we can work constructively together and improve our environmental laws. That is particularly true in the case of risk and cost-benefit analysis. Properly applied, risk and cost-benefit analysis can increase environmental protection, not diminish it.

Let me repeat that. Properly applied, risk and cost-benefit analysis can increase environmental protection, not diminish it.

Risk and cost-benefit analysis can help us get the most bang for our environmental buck. They can help us set rational priorities, and they can standardize our estimates of hazards, costs, and benefits. We will have greater environmental protection, with properly applied risk and cost-benefit analysis.

For precisely these reasons, we included carefully crafted risk provisions in the bill which the Senate is considering today, both with respect to standard-setting and with respect to the Moynihan amendment that helps establish better overall environmental priorities.

The amendment offered by Senator JOHNSTON goes, I might say, several steps further to apply risk and cost-benefit analysis, but only to major EPA regulations. Last year, the Senator from Louisiana offered another version of this amendment to the EPA cabinet bill. The amendment was approved by an overwhelming vote. Members of the Senate sent a strong message.

At the same time, the amendment generated serious concerns about several issues. There were concerns that, by applying to all EPA regulations, the amendment would lead to paralysis by analysis; that is, everything would be studied to death so the Agency could not function. There were concerns that the amendment did not give proper consideration to the benefits of a regulation, a point addressed by the Senator from Rhode Island, including environmental benefits; benefits that may be difficult or impossible to quantify. There were concerns the amendment might not sufficiently preclude judicial review and therefore might generate endless litigation.

Over the past several weeks, I have been working with Senator JOHNSTON, Senator MOYNIHAN, and others to address these and other concerns that arose regarding the earlier version of the Johnson amendment, and I am pleased to report the Senator from Louisiana has agreed to several key changes that I think improve the amendment substantially.

Some of the key changes are as follows:

First, the amendment does not apply to all rules, only to those that have an economic effect of at least $100 million a year. This focuses our efforts on the most significant rules and regulations of the Agency, perhaps a dozen or two out of about 400.

The amendment considers environmental justice, requiring that a risk assessment consider, where practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive—a major improvement. The amendment expressly provides that the cost-benefit analysis must consider nonquantifiable benefits. This includes environmental benefits such as protecting species diversity.

The amendment provides that the cost-benefit analysis need not conclude that benefits exceed the costs, but rather justify the costs.

This reflects the fact that, in some cases, environmental benefits, or moral and ethical benefits, may justify a regulation, even if the quantifiable cost exceeds the quantifiable benefits. That is a very important point. That is, the cost-benefit analysis need not conclude the benefits exceed, but rather justify the costs. In many cases, environmental, moral, and ethical benefits may justify a regulation, even if the quantifiable cost exceeds the quantifiable benefits.

The amendment contains tighter language, making it clear that it is not intended to supersede or otherwise affect any underlying statutory standard and is not judicially reviewable.

These and other changes substantially improve on the original version of the amendment. These changes, I believe, will improve environmental regulations without causing unnecessary delay or undermining environmental protection. As a result, I am pleased to cosponsor the amendment.

Again, I thank the Senator for working constructively. I also thank the Senator from New York [Mr. MOYNIHAN] for his efforts. I do believe this is a major improvement.

I might add, Mr. President, we have a lot of tools in our environmental toolbox. There is no one tool that works better than the others.

The analogy I sometimes make is to the many trade tools in our international trade toolbox. We have section 301, special 301, super 301. We have antidumping, countervailing duty provisions. There are lots of different tools we have, in addition to bilateral and multilateral rights, to address different trade problems in this country. We use the one most suitable, according to the circumstance.

It is the same with respect to environmental legislation, and environmental efforts. We have many different environmental tools in our environmental toolbox. We have health-based standards; we have technology-based standards; we have market-based approaches, like provisions of the Clean Air Act. We have nuisance theory, a separate tool; environmental justice; principles of federalism; and, of course, risk and risk assessment. We have risk assessment here because of technological and scientific advances; advances in scientific understanding in our country and in other countries.

I think we must not turn our backs on science, on good science, on sound science. Science will help us better determine which areas we should address ahead of others; where the greater environmental problem lies compared with another effort we might undertake. The more good science we have, the more we are able to understand what choices to make because we cannot do it all. If everything is a priority, nothing is a priority. We are spread too thin. We have to make choices based upon the best information, the best evidence available, and certainly good, sound science is very helpful.

We already consider risk assessment, Mr. President, in a whole host of efforts that the Environmental Protection Agency undertakes today. What are they? Let us just confine ourselves to the Safe Drinking Water Act.

Risk is used in the selection of contaminants. It has to be. This legislation repeals the current provision that EPA must find 25 new contaminants to regulate every 3 years. That is not based on risk. That is repealed. We replace it with a provision that EPA must consider new contaminants, study new contaminants, make recommendations to the Congress as to which new contaminants to write regulations for and choose, at its discretion, regulations for those contaminants that are the most dangerous. That is risk. EPA is trying to decide which contaminant should more justifiably be regulated compared to others.

We use risk in setting standards. By definition, EPA has to use risk in setting standards. You set the MCLG, that is, the goal. You back it down to the standard based upon feasibility.

By definition, risk is used and cost benefit is used. Risk is used in the bill when we delegate the authority for States to develop State monitoring programs, subject to certain guidelines, but when a State develops a State monitoring plan, by definition, it is deciding which parts of the State require monitoring for some contaminants versus other parts of the State where the State would monitor for other contaminants.

There might be certain factories, certain industries in some part of the State which would lead the State to conclude that there are contaminants in the cities and towns which should be monitored to see if those contaminants are in the drinking water. That might not be true in another part of the State. Again, the State, by definition, is using risk assessment.

What this comes down to is what is the proper way, what is the balanced way? How do we use risk without sacrificing human health; without sacrificing the environment; without sacrificing public health? That is really the question.

I must say, I think the earlier risk amendment offered by the Senator from Louisiana went too far in the wrong direction. It was focusing too much on quantifiable costs, not enough on quantifiable benefits and the moral, ethical, and human health benefits that may outweigh the quantifiable costs and benefits.

I think, at this stage in our country's history, there is a little bit of preoccupation with quantifying everything. After all, we are in the computer age. Everybody has spread sheets. There is a tendency to quantify. It is important to quantify, but it is also very important to take other values, other considerations into account, such as the moral, the ethical, the aesthetic, the environmental, as well as the human health—certainly the human health value into account. The redrafted version clearly takes those values into consideration.

I think, therefore, it is a good resolution at this stage of a very complex issue. This is not the last time we are going to visit risk assessment. It is an evolving concept. It is a very important concept, but it is an evolving concept. I think, again, the resolution makes good sense.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, one of the problems with this amendment is it is 4½ pages long with a lot of detail. As I mentioned previously, we already have the Clinton administration Executive order. We already have the section in this bill that deals with this. Now on top of it comes these 4½ pages. The EPA is currently, in some instances, more than 2 years behind in issuing its regulations. I do not know how it will ever get a regulation out, once they have to start following everything that is in this amendment.

Next, I would like to follow up on what the chairman of the committee was just saying about there are other factors involved than risk. He mentioned environmental and aesthetic and health. How do you figure the value of a wetland, for example? What is the risk assessment? You want to fill it in. The risk assessment presumably is going to do some harm to wildlife, to waterfowl principally. Somehow you do a risk assessment, whatever the value of the waterfowl is. I do not know whether you take the value of a mallard duck when shot and served up for dinner someplace or how you do it. But there are a lot of factors involved in the life that we lead, other than those that can be strictly judged by risk.

It was mentioned that Love Canal proved scientifically there is no problem there. You try and tell that to the people who live there next to that toxic waste dump and on top of it. You can call it apocryphal, you can call it anecdotal, but they had all kinds of evidence of premature babies born, and babies born with all kinds of difficulties that were not in the normal community. So you say to those people in Love Canal, "Look, here we've got it, it's all down. There's no risk here. Stop being foolish."

I think there are other factors to be taken into consideration than just some risk analysis. Because of the complexity of this 4½ pages when they are over 2 years behind in issuing some regulations now, the fact that it solely applies to the environmental community, solely applies to EPA, there is no question that in this Senate there is a lot of effort to go after EPA. Whether it is the big three, the takings amendment, or the risk assessment, or the unfunded mandates, it is always focused on EPA. That is unfortunate, because I think EPA has done a lot for this country. And over the past 20 years that that organization has been in effect, we have a lot for which to be thankful.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, I wish to speak on a matter unrelated to the amendment that has just been discussed, and I do not want to have it interrupt the flow of debate and discussion of the chairman on that. So I ask unanimous consent that my discussion and my colloquy with the manager of the bill would occur outside of the debate that has just transpired or any other remarks that may come pertaining to the Johnston amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I might ask how long the Senator wishes to proceed.

Mr. DODD. Just a couple of minutes.

Mr. BAUCUS. That is fine. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, if I could, I have already informed the manager of the bill of what I am about to speak on and would just invite him, and possibly the Senator from Rhode Island, at the conclusion of my remarks, to offer any comments on this generally.

A Supreme Court decision handed down this week, Mr. President, deals with a matter that is unrelated to the safe drinking water matter we are considering, but one might argue that, since it deals with an infrastructure issue in our communities, there is some relationship. I speak of the decision in Carbone versus Town of Clarkstown, in which, in a 6 to 3 vote, the Supreme Court has concluded that municipalities are restrained, to put it mildly, from directing waste disposal in their own communities. The decision, the details of which I will not go into at great length here, hinges on open competition, which is obviously a very important issue and one that we ought to endorse and support wherever possible—to ensure the promotion of a free competition.

However, as the communities argued, when it comes to the public safety issues associated with solid waste disposal, I would argue that municipalities certainly have a strong and vested interest in having a say of where and in what manner waste generated within their borders is disposed.

Many of the localities to which I refer have made significant investments in recent years to close existing landfills and construct state-of-the-art waste disposal facilities to handle waste. In many communities in Connecticut and throughout the country, these facilities are typically designed to accommodate whatever additional capacity will be needed in the future. This combination of excess capacity and outstanding bonds creates a very difficult burden for managers of these waste disposal facilities. They need to be able to count on a minimum volume of waste to be processed at their facility in order to ensure that the plant will be financially viable.

The citizens of my State have a real stake in the success of these facilities, as do citizens in other communities. These disposal sites often represent the most significant state-of-the-art, environmentally friendly waste disposal technologies. Alternatives to these facilities could expose—and have in the past—local populations to unnecessary public health risks. Furthermore, local taxpayers are liable to the bondholders of these facilities. If the facilities fail, they are stuck holding the bill.

So I do not expect, nor would I even suggest, that an amendment ought to be offered here. This is a complicated matter. A 6-to-3 decision is not insignificant, but it is going to pose some very important questions when the Clean Water Act, I presume, comes up.

So I just wanted to raise this issue this afternoon. The distinguished Senator from Montana and the Senator from Rhode Island are expert in these areas. I did not want to miss an opportunity during the consideration of the safe drinking water bill to raise this issue and urge them in their respective jurisdictions to look at this matter.

Hopefully, Mr. President, before this session is over, an amendment or some legislation might be offered to deal with it. This poses a significant financial exposure to many communities, not to mention the legitimate environmental issues that go along with it. The decision has raised important questions about competition and the ability of the communities to deal with health and safety questions in their own jurisdiction.

I ask the managers of the bill to take a look at this. I am sure they already have, or the staffs have informed them. Again, I have no amendment to offer. I know the attorney general of the State of Connecticut, Richard Blumenthal, is very knowledgeable on this subject. In fact, ironically, he clerked for Henry Blackmun, who was one of the dissenting Justices in this matter, along with Justice Sutter, from New Hampshire, and Chief Justice Rehnquist. They were the three dissenting voices on this matter. It is kind of an interesting group of dissenters, if you will, in terms of their points of view.

But I ask them to look at it and consider how we might address it, if we should address it. I am sure there will be some diverse opinion even on that question. But, again, I did want to raise this matter with them today in the hopes that before the session is over we might address the issue.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Connecticut has raised a very important issue as a consequence of the recent Supreme Court decision which essentially overruled States' efforts to direct that solid waste go to their own local incinerators. It was tied in with a related issue, namely, the ability of States to control and limit the shipment of out-of-State solid waste. We are talking about garbage here, plain, simple, garden variety garbage. This is quite a contentious issue, as we all know, essentially because almost every State exports and imports garbage. There are a lot of communities in our country that do not, however, want new landfills constructed in their backyard. They would rather the garbage be dumped, if you will, someplace else.

It gets to the question of State's rights. It gets to the question of the commerce clause in the Constitution. It is quite complicated. It is unfortunate that the Congress has not yet resolved this issue. I think we are getting closer to resolution of how to handle the shipment of interstate garbage, and I say that because the flows of interstate garbage are starting, for some States, to diminish.

The Senator from Indiana is not here, but Indiana used to be a major importing State. Now much less garbage is being shipped into Indiana for various reasons. First, one of the major exporting States is starting to take better control of its own garbage and handling it within its own borders. And second, stiffer regulations with respect to landfills make it more expensive to ship garbage across the country into some other State.

My basic view on all this, Mr. President, is that we should work very diligently to craft a solution which encourages States to take care of their own garbage. I think it is important to encourage a conservation ethic, a recycling ethic, an ethic where people are more responsible and States are more responsible for the garbage they generate and not necessarily dump it in some other State.

Again, it is complex. The Supreme Court has ruled generally in this whole area that, under the commerce clause, with respect to not only flow control but interstate garbage shipments, it is the Congress which has the authority, in fact virtually sole authority, to decide, so it is incumbent upon us as Members of the House and Senate to decide how to resolve this issue.

It is my hope, frankly, that there might be some silver lining in this decision and that the silver lining be a greater impetus to cause Senators to work out an agreement.

I am very thankful that the Senator from Connecticut has brought this issue to the floor. I urge those Senators who are most concerned about flow control, which is the subject of the Carbone decision, as well as those Senators who are concerned about interstate garbage shipments, to sit down and talk. For a long time, I have been trying to get these Senators to sit down and talk. They just find it hard to sit down and work out a compromise. Because of the rules of the Senate, it is incumbent that we reach a resolution; reach a compromise. Again, I thank the Senator for raising this issue regarding the committee's efforts to work to resolve this issue. The Congress has the obligation, under the Constitution, to resolve it.

Mr. CHAFEE. Mr. President, I would like to join in congratulating the Senator from Connecticut for bringing this decision to our attention again.

The problem is he has it in his State. I have it in my State. You have these communities invest in, say, an incinerator because they want to do the job right. They are following every regulation. They want to clean up the town. They are not going to ship it out of the State. All of these things they follow faithfully, and they float the bonds to pay for the construction of the incinerator. They have to depend on a certain flow of this garbage and trash to come. So they quite rightfully enact certain restrictions that everything within their town must come to this one incinerator to guarantee the bonds so that they can pay for it. It all makes sense.

Now, in comes this decision that says they cannot do it. It is very, very troublesome. I know that in the Senator's State he has already a group of incinerators that are running into some financial difficulties. We are in the same situation to some degree.

So it is something that I feel strongly about. I think it behooves all of the Senators that do care, to keep after us so that we will pursue it with the diligence that it requires.

Mr. DODD. Mr. President, just to conclude, let me thank both my colleagues from Rhode Island and Montana. The Senator from Rhode Island has it exactly right. As the Senator from Montana knows, we are trying to address the issue of shipping garbage around; encouraging these towns to handle their own wastes. To some, an incinerator conjures up a billowing, stenchy smoke, to put it mildly. A lot of them are very sophisticated and look like some sort of a high-technology plant, rather than the traditional landfill or dump site; very expensive.

As the Senator from Rhode Island absolutely has it on point, they have to be able to guarantee that they can pay for these bonds. So the flow is coming in.

So trying to manage, rather than shipping it off to Indiana—and we know how our colleague, Senator COATS from Indiana, feels, and how strenuously he feels about garbage being sent to Indiana. Competition is not an illegitimate point. In interstate commerce it is a very legitimate one. How you balance competition with the safety and health questions is a hard one.

But I am very grateful to both of them for their expressions of interest in the subject matter, and look forward to working with them on this issue.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Senator ROBB].

Mr. ROBB. Mr. President, I thank you.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that we have a pending amendment before the Senate. Is there objection to setting aside the pending amendment?

Mr. ROBB. I ask unanimous consent to set the pending amendment aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1726

(Purpose: To establish a hardship community demonstration program)

Mr. ROBB. Mr. President, I send an amendment to the desk for myself and Senator WARNER, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself and Mr. WARNER, proposes an amendment numbered 1726.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 141, between lines 2 and 3, insert the following new subsection:

(g) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—Section 1444 (42 U.S.C. 300j–3) is amended by adding at the end the following new subsection:

"(e) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The State agency administering a loan fund pursuant to part G in the State of Virginia (referred to in this subsection as the 'State agency') may conduct a program in accordance with this subsection to demonstrate alternative approaches to intergovernmental coordination in the financing of drinking water projects in rural communities in southwestern Virginia that are experiencing severe economic hardship.

"(2) REGIONAL ASSISTANCE FUND.—

"(A) ESTABLISHMENT.—The State agency may establish a regional endowment fund (referred to in this subsection as the 'regional fund') to assist in financing projects that are eligible under this subsection.

"(B) USE OF REGIONAL FUND.—The State agency shall invest amounts in the regional fund and shall use interest earned on amounts in the regional fund to pay a portion of the non-Federal share of a Federal grant to assist a project that is eligible under this subsection. Interest earned on amounts in the regional fund shall not be considered to be Federal funds.

"(C) DEPOSITS TO REGIONAL FUND.—

"(i) IN GENERAL.—Notwithstanding any other provision of this title, the State agency may deposit into the regional fund $2,000,000 from funds made available pursuant to section 1472 for each of fiscal years 1994 through 1997, if there are commitments to deposit into the regional fund a total of not less than 25 percent of that amount from non-Federal sources.

"(ii) LESSER AMOUNT.—Notwithstanding clause (i), the State agency may deposit into the regional fund an amount less than $2,000,000 from funds made available pursuant to section 1472, if the amount deposited is equal to 3 times the amount committed to be deposited into the regional fund from non-Federal sources.

"(3) ELIGIBILE PROJECTS.—

"(A) IN GENERAL.—Assistance provided under this subsection shall meet the requirements of subsections (a), (b), and (c) of section 1473.

"(B) ELIGIBLE RECIPIENTS.—Assistance under this subsection shall be available only—

"(i) for a project that serves a disadvantaged community (as defined in section 1473(e)(1)); and

"(ii) to a public water system located, in whole or in part, in Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia.

"(4) ADVISORY GROUP.—The State agency shall establish an advisory group, including representatives of jurisdictions identified in paragraph (3)(B)(ii) and other appropriate parties, to assist the State agency in setting priorities for the use of funds under this subsection. The advisory group shall include a representative of Mountain Empire Community College, Wise County, Virginia.".

On page 141, line 3, strike "(g)" and insert "(h)".

On page 141, line 13, strike "(h)" and insert "(i)".

Mr. ROBB. Mr. President, I am here to discuss a proposal that the Virginia Senators would like to include in the reauthorization of the Safe Drinking Water Act.

I understand it has either been cleared or, with the exception of one or two words, is now finally being cleared by both sides.

The Safe Drinking Water Act focuses on improving the quality of drinking water.

Our amendment addresses a more basic issue: those who cannot get drinking water at all.

Mr. President, when you turn on a tap here in the Capitol, or in our homes, water comes out.

It is so automatic we do not even think about it.

But when you turn on some taps in Dickenson County, VA, you get a thick, yellow-orange liquid. It may contain some water; it certainly contains a number of other compounds. It even comes out of the ground that way. For people there, water comes not from a tap, but in jugs, pans, or however else you can carry it from water ditches, cisterns, rain barrels, or neighbors' homes and businesses with potable supplies.

With a small bottle, you can brush your teeth. To take a bath requires several trips to the store, and heating many gallons of water on the stove. It is like 19th-century America—except this situation exists today, on the verge of the 21st century.

The same story is repeated in many communities in the southwestern portion of Virginia, with no access to water and it is time to do something to correct this deplorable situation.

While S. 2019 provides for State-administered revolving loan funds and grants, it will not remove the barrier which prevents small communities in southwest Virginia from utilizing Federal water assistance resources. Let me explain.

This region of my State is less concerned about improving the quality of its water than it is in getting water to households in the first place. In isolated areas where wells are now dry, families are hauling water, or using water from cisterns or ditch lines.

While southwest Virginia has produced coal and helped this Nation to reduce its dependence on foreign energy sources, its future well-being has been threatened by destruction of its water supplies. This rural, sparsely populated area of the Commonwealth has been mined for coal for over 100 years. Unlike any other part of the State, it has experienced a serious degradation of water quality and supply as a byproduct of the very industry on which its economic health is dependent.

Today, the Virginia Division of Mined Land Reclamation estimates that it would require $120 million to restore water to households whose water supplies have been degraded by coal mining predating 1977.

I believe it is important to note that the Federal Government has recognized the needs of these small and rural communities by establishing programs, such as those within the Rural Development Administration, the Appalachian Regional Commission, and the U.S. Department of Housing and Urban Development, to assist in developing water projects. These programs offer Federal grants which require a non-Federal match. Despite the availability of these grants, many small communities have not had access to these Federal resources, because they are unable to secure the necessary funds to meet the non-Federal fund requirements. In these instances, the Federal dollars fade away and communities are left without assistance.

My amendment is simple. It encourages the State to undertake alternative approaches to intergovernmental coordination in financing drinking water projects in rural communities in southwestern Virginia experiencing severe economic hardship.

This amendment would authorize the Commonwealth of Virginia to set up an endowment within the context of its revolving loan fund program and use the interest earned from the endowment fund to help rural areas meet the non-Federal fund requirement of Federal water grant programs. The amendment would authorize $7 million for the establishment of the new funding source.

The main benefit of this amendment is that it would enable small communities to take advantage of other existing Federal funds for water projects. The project would also provide an opportunity for experimentation with securing non-Federal financial support for financing public water systems in small communities.

I cannot express enough how important this endowment fund is to those Virginians of the southwestern part of the Commonwealth. This is an effort that the local and State representatives have been advocating for years. Most of us take the availability of water for granted. We do not have to think about whether there will be water to drink, water to bathe in, or water to wash our children's clothes in. This is not the reality that southwest Virginians face every day.

This amendment will let them know that we are willing to make a commitment to provide adequate access to water and I would urge my colleagues to accept this amendment.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, the Senator's amendment, which is aimed at solving a problem in southwest Virginia, is basically for a community that needs help and is somewhat depressed. I understand that they are either present or former coal mining communities, communities that are just having a hard time making ends meet and certainly need help under the Safe Drinking Water Act.

The amendment essentially provides that up to $8 million in the States' own revolving loan fund may be used to help capitalize the fund, the interest of which will be used to help meet the non-Federal portion, and other Federal assistance to address problems. In addition, the allocation would be discretionary; that is, up to the discretion of the State of Virginia.

I think it is an amendment that the committee can accept.

Mr. CHAFEE. Mr. President, it is my understanding that Senator WARNER is a cosponsor of the amendment, am I correct?

Mr. ROBB. The Senator from Rhode Island is correct.

Mr. CHAFEE. I know that when I talked with Senator WARNER, he was enthusiastic about this amendment. We have no objections on this side. I think it is a good amendment, and I commend the authors, Senators ROBB and WARNER.

Mr. ROBB. I thank the chairman and ranking member of the committee for their consideration.

I ask for action on this amendment at this time.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1726) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OIL POLLUTION ACT

Mr. DOLE. If the Senator from Montana would yield. I, too, have an amendment on the list with respect to the Oil Pollution Act which I would like to offer.

Mr. BAUCUS. Yes, as I understand it, the amendment deals with modifying the definitional scope of the term "offshore facility" in the context of identifying parties for oilspill financial responsibility. Is that correct?

Mr. DOLE. Yes, that is correct. I am particularly concerned that the rulemaking currently underway at the Minerals Management Service will force facilities, that were never intended to provide evidence of financial responsibility, to comply with the provisions of the Oil Pollution Act.

Mr. CHAFEE. I am well aware of this issue. I know our small marina operators in Rhode Island are concerned that their facilities would be defined as "offshore" and thus obligated to provide evidence of financial responsibility up to $150 million.

Mr. BAUCUS. I agree, there are questions with respect to particular definitions under the act. Although my position has been to let the rulemaking go forward unfettered by legislative action, I understand the uncertainty created by the current situation. Yet, a piecemeal approach to resolving this here, without any real review by the Environment and Public Works Committee would do a disservice to the massive amount of time that went into crafting the oil pollution legislation in 1990. The issue merits greater attention.

Mr. DOLE. I ask then if the chairman and the ranking member would work with me on a more appropriate vehicle than the measure before us to resolve this. Would that be agreeable?

Mr. BAUCUS. I would be more than willing to work with the Senator.

Mr. CHAFEE. I would be happy to work with the Republican leader as well.

Mr. DOLE. With that commitment, I thank the chairman and the ranking member and withdraw the amendment.

Mr. BAUCUS. I thank the Senator.

Mr. DOLE. Mr. President, last August the Minerals Management Service published an advanced notice of proposed rulemaking to implement the Oil Pollution Act of 1990. I understand it received a record 1,700 comments.

The majority of these comments related to the question of what was an offshore facility. An offshore facility has unlimited liability for cleanup and must meet a $150 million financial responsibility requirement just to operate.

The Oil Pollution Act contains a sweeping definition of "offshore facility" as, "any facility of any kind located in, on or under the navigable waters of the United States * * *."

In its preliminary interpretation of the law, the MMS has suggested that all facilities that fit into that broad definition would be required to meet the $150 million requirement. It is my view that Congress never intended to require every, small Kansas oil producer, marina, service station, or farmer with a fuel tank on his property to purchase $150 million of insurance.

Given current court interpretations of "navigable waters of the United States," I am concerned that thousands of small businesses that are hundreds of miles inland may be classified as "offshore facilities" if the MMS interpretation stands.

Mr. President, it is my view that under the law it is "responsible parties" not "offshore facilities" that are the ones which must provide evidence of financial responsibility.

This amendment, which I will offer at a later time, will clarify that Congress means to limit financial responsibility provisions of the 1990 Oil Pollution Act to only responsible parties whose facilities are located in the traditionally recognized offshore region. It amends the responsible party definition to require evidence of financial responsibility from only those who operate facilities licensed or permitted under the Outer Continental Shelf Lands Act or comparable State laws governing or exploring for, drilling for, producing or transporting oil on submerged lands.

This amendment does not change in any way the requirement that everybody who handles oil to prevent or cleanup oil spills nor does it change their legal liability in these instances. It is a sensible clarification of the law.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . OIL POLLUTION ACT OF 1990.

Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended—

(1) by striking out "applicable State law or" and inserting in lieu thereof "applicable State law relating to exploring for, drilling for, producing, or transporting oil on submerged lands in accordance with a license or permit issued for such purpose, or under"; and

(2) by striking out "43 U.S.C. 1301–1356" and inserting in lieu thereof "(43 U.S.C. 1301 et seq.),".

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Vermont be allowed to address the Senate 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of legislation are printed in today's RECORD under "Statements and Introduced Bills and Joint Resolutions.")

TAKINGS LEGISLATION

Mr. LEAHY. Mr. President, all too often, an organized minority can impose its will on the public as a whole. The opponents of regulation often argue that environmental extremists impose their will on the general public. Now the shoe is on the other foot.

Recently, a well organized lobby has developed around the so-called takings issue. The proponents of this theory believe that whenever the Government limits the use of private property, the landowner must be compensated.

This view is extreme. Never in the tradition of Anglo-American law has anyone been permitted to use his property in a way that hurts his neighbor. Common law called it nuisance. Common sense says that your freedom ends where your neighbor's nose begins.

This extreme theory of what constitutes a takings would undermine everything from child labor laws to public health. Should a town have to pay a landowner to stop him from building a hazardous waste dump next to the town reservoir?

Our Constitution appropriately provides for compensation for citizens' private property taken by the Federal Government. However, the Constitution was never meant to allow an individual to use their property to the detriment of the public good.

The Senate has considered and passed, on several occasions, legislation requiring that all new environmental regulations be extensively studied to see if they are consistent with the extreme view of takings. The proposed amendment echoes these earlier efforts.

These studies might be intellectually stimulating, if they were not so expensive.

How much will they cost the Government and the taxpayers? A conservative estimate puts it at over $150 million a year.

Legislation similar to this proposal has been considered in State legislatures across our Nation. The Governor of Kansas, Joan Finney, recently vetoed a so-called takings bill which would have cost that State $1.5 million a year to produce new reports and studies.

A takings provision that costs Kansas $1.5 million, will cost the Federal Government, which is 100 times larger, over $150 million. That is why I have asked President Clinton to conduct an assessment of the costs of this type of legislation. This proposal and others like it are being touted as a way to reel in the Federal Government to the benefit of taxpayers. They are not.

As Governor Finney said,

> The language of the takings legislation is vague and unnecessary and creates bureaucracy which would divert at least one million dollars in taxpayer's money from more productive uses.

Let me give you an example of how destructive this amendment could be. When I became chairman of the Senate Agriculture Committee I made it my top priority to extend the coverage of the Women, Infants, and Children Program to every child in America. This program makes sure that infants receive the nutrition they need in those crucial and formative, early years of life. This program has been praised by every administration and every assessment of its effectiveness.

The committee found that the prices that WIC paid for baby formula varied widely. Where competitive bidding of WIC formula was required, its price was much lower than where it was not. So I put through legislation that required competitive bidding for the infant formula supplied to WIC recipients.

This so lowered the price of formula, that now there are 1 million children receiving WIC assistance that could not receive it before—at no additional costs to the taxpayers.

Now the big drug companies that produce infant formula do not like competitive bidding. It lowers the prices they receive for formula. If this amendment were law when that bill was passed, not only would the USDA have to do an extensive study on the effect of competitive bidding on the price of formula, it would have required a study of the effect that this would have had on everyone who made or sold infant formula in the United States. Now Congress knew it was going to cut the prices of infant formula when it passed the law. That is why it passed the law. But the waste of the taxpayers funds for this study would not have been the real tragedy.

The real tragedy is that the drug companies could have gone to court and blocked this competitive bidding requirement from going into effect. This would have meant that millions of children would not have received the infant formula they need.

As the chairman of the Agriculture Committee I am deeply disturbed about the implications that this proposed amendment would have on agriculture programs.

This amendment will cripple disaster programs. Aid to farmers hurt by a disaster could be argued to be a taking from farmers benefiting from a disaster.

This amendment will threaten the Conservation Reserve Program and any program like it in the future. Any action to extend or not extend contracts will have an impact on the property of farmers and the commodity market as a whole.

This amendment will jeopardize our ability to protect our livestock and crops from pests and disease. The Secretary of Agriculture's ability to eradicate animal diseases and destroy invested material would be severely compromised.

This amendment will cause fluctuations in commodity prices and supply. It will lower the overall quality of American produce and destroy markets for American agricultural products. All Federal marketing and promotion orders would be threatened by this amendment.

As the chairman of a subcommittee of the Senate Appropriations Committee, I know how tight the discretionary spending available to each of the subcommittees is. Just a few weeks ago this Senate voted to reduce those levels $13 billion lower. Now we have an amendment which, conservatively, will require the U.S. Government to spend $150 million more to perform studies.

I urge all of my fellow members of the Appropriations Committee to think carefully about this amendment. This proposal will be an immense unfunded mandate. Instead of the taxpayers funds being used to protect veterans health, to fund a space program, to rebuild our highway systems, to protect our public health and the environment, instead of providing disaster assistance to hard hit areas, instead of feeding children, instead of retraining workers, the legislation will require the Federal Government to spend $150 million on studies of a spurious legal theory.

Just a few years ago, when the 1990 farm bill was on the floor, a Senator offered an amendment which said that USDA should do no more than 12 studies. The USDA reorganization bill, which passed the Senate by a 98 to 1 vote just 4 weeks ago, contained a provision, included at the request of the ranking member of the committee, requiring that 30 reports be done.

And now, we have an amendment on this floor that will require the Government to spend $150 million on more studies.

The fifth amendment to the Constitution does not require studies, it requires compensation if property is taken. These amendments are not about takings at all, they are about 150 million dollars' worth of studies that we do not need and that we cannot afford.

Perhaps, we should do a cost-benefit analysis of legislation which tries to improve on the Constitution, but ends up costing $150 million.

I urge my colleagues to think twice about this action.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. I yield to the Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, the Lake Pontchartrain Basin forms one of the largest natural estuaries in the continental United States. The basin drains an area of almost 5,000 square miles from 16 Louisiana parishes and 4 Mississippi counties. The ecology of the basin provides the diverse essential habitat that supports countless species of fish, birds, mammals, and plants. It's extensive wetlands provide the primary nursery for much of the seafood harvested in the gulf coast.

Urbanization, increasing population growth, explosive development combined with intensive land use have resulted in dramatic threats to the environment and ecology of the basin. Sewage and septic tank discharges, animal waste from farms, herbicides, pesticides, fertilizers, stormwater runoff, sediments from construction, and sewage from fishing camps are among the many mounting threats to the basin. These are threats to economics, health, safety, and quality of life for 1.5 million concerned citizens that live, work, and play in the basin.

Discharge of contaminants has been the major cause of the water quality degradation that has: closed Lake Pontchartrain beaches, recreation areas, and rivers to recreation; diminished shellfish and finfish harvest; and caused significant habitat destruction.

I am particularly concerned that this pattern of destruction has put continuing and mounting devastating pressures on the numerous species of animals, fish, and plants that are so essential to a productive basin.

Mr. President, in fiscal year 1991, funding was earmarked in EPA's Abatement, Control, and Compliance budget as a grant to the Lake Pontchartrain Basic Foundation for pollution abatement projects. This initial funding has allowed the foundation to provide technical assistance to affected parties in identifying and implementing pollution abatement projects in cooperation with local and community interest groups. However, without sufficient funding to continue these important voluntary grass-roots pilot projects, effective restoration plans cannot go forward.

My amendment is designed to provide continued funding for those programs devised to reverse the detrimental and destructive trends associated with Lake Pontchartrain. Continuation of the implementation of projects that will restore and preserve the water quality and the essential habitat in the basin is a very high priority to me.

I believe—and I have informed the chairman that I believe—that the Safe Drinking Water Act Amendments of 1994, might be an appropriate vehicle for us to include this legislation that I have proposed to deal with this problem, legislation to grant authority to the Administrator of EPA to provide funding and oversight to the Lake Pontchartrain Basin Foundation to carry out restoration projects for the Basin. I ask the chairman to comment, if he would, on the prospects of moving ahead with this amendment and for any thoughts he has as to the appropriateness of our going forward. I have not offered the amendment to the legislation at this time, but I wanted to explore with him what course of action he recommends at this point.

Mr. BAUCUS. I am keenly aware of the interest of the Senator from Louisiana in this amendment. The Senator has contacted me early and repeatedly on this subject. I think that the Senator has a valid point, the degradation in the Lake Pontchartrain basin is a problem that must be addressed.

The difficulty in facing this problem at this point, however, is that this is a Safe Drinking Water Act. It is not a Clean Water Act. There are many other Senators who have come to the committee with similar requests; that is, requests for provisions for their own States that much more appropriately lie with the Clean Water Act, not with this bill. I have requested of all these Senators that they defer and take up these issues on the Clean Water Act, which I have every intention to bring up in the next couple of weeks.

When that bill comes before the Senate, I expect that the Senator from Louisiana will then urge the Senate to accept his amendment. I say to the Senator that we will very carefully consider the amendment at that time and we will make a good faith effort to find an accommodation. I recognize how important this project is to the Senator from Louisiana and I understand the merits of the program.

Mr. JOHNSTON. I thank the chairman very much for his words of support. I look forward to working diligently with the chairman on trying to legislate this amendment. If this is not the proper vehicle, I am willing to accept that and defer until the Clean Water Act. However, I do feel that we must move ahead with this issue. Needless delay will only exacerbate a situation direly in need of continuing corrective measures.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I delivered the substance of the first five pages of this statement in slightly different form earlier in the debate on the Safe Drinking Water Act Amendments of 1994, but I would like to deliver the entire text of my statement at this time.

I support passage of S. 2019, the Safe Drinking Water Act Amendments of 1994, and I commend my chairman, Senator BAUCUS, and the Environment Committee's ranking member, Senator CHAFEE, for the extraordinary diligence and patience with which they have brought this bill to the Senate floor.

The mood surrounding the reauthorization of this important law has been largely one of frustration. We have heard a lot in the last year or so, Mr. President, about how the 1986 reauthorization of the Safe Drinking Water Act—which passed almost unanimously and was signed into law by President Reagan—imposed overly burdensome requirements on small drinking water systems. We were told as well that some larger systems felt they shouldn't have to invest significant sums of money to achieve what they believed to be minimal gains in the prevention of deaths by cancer.

At the same time, Madam President, we have seen cases like Milwaukee's, where people died because they drank the water from their kitchen tap. The culprit, a contaminant called cryptosperidium, was not even regulated. Unfortunately, Milwaukee is but the most tragic and dramatic example of a nationwide public health threat. EPA tells us that one-third of the 200,000 drinking water systems in the United States exceeded their allowable limits of contamination last year. The Natural Resources Defense Council identified more than 250,000 violations of the Safe Drinking Water Act in 1991 and 1992, affecting 43 percent of the Nation's public drinking water systems serving an estimated 120 million people.

The NRDC report that this statistic comes from, Danger on Tap, is instructive. According to the report, the Centers for Disease Control in Atlanta estimates that waterborne organisms cause nearly 1 million cases of intestinal illnesses and 900 deaths annually in the United States. Between 1989 and 1990, 16 States reported 26 major waterborne disease outbreaks affecting more than 4,000 people. By 1991 and 1992, 17 States had reported 34 major waterborne outbreaks affecting more than 17,000 people.

But these statistics only account for impacts on Americans who get their water from public water systems. According to Health magazine, July/August 1993, "an estimated 8 percent of Americans—more than 20 million people—still rely on unfiltered water from mostly ground water sources; this water is not part of any public water system and hence excluded from official statistics." The NRDC report further tells us that "one study group assembled by the EPA and the American Water Works Association concluded, 'by the time microbes are detected, the water has been consumed.' Thus many experts believe that the true extent of waterborne illness in the United States remains largely unknown."

That is the statistical reality as we understand it. The perception is even worse. One of the most telling statistics of all is this, bottled water is a $2.7 billion industry. Americans are paying to avoid having to drink from their kitchen taps. More to the point, a recent survey concluded that only 4 percent of Americans believe that drinking water standards are too stringent. Nearly 84 percent believe they ought to be tougher. This is underscored by a 1993 American Water Works Association-Research Foundation study which found that 74 percent of water system customers were willing to pay additional costs in order to raise drinking water quality above Federal standards.

All of the recent studies on the efficacy of the Safe Drinking Water Act program—whether done by EPA, GAO, the American Water Works Association, the Natural Resources Defense Council, all agree that there are certain elements critical to running a program for drinking water that will protect the public health: a strong State-run program; the prevention of new nonviable systems and the authority to consolidate existing ones or force them to find alternate sources of water; stronger research funds and technology development particularly for treatment technologies suitable for use by small systems; training for operators of those new technologies; more directed monitoring programs.

They also all appear to agree that until now there have not been the financial resources to help make that happen. States have the authority under current law for example to relieve small systems of certain monitoring requirements, if the State can demonstrate that the contaminant to be monitored for has not been used in that particular watershed. But States do not, as a rule, have strong enough State programs to be able to make that assessment. With most drinking water programs being run by State departments of health, perhaps it is because their resources have been drained by other pressing health protection or awareness programs.

This is unfortunate, particularly as now is the time that the requirements of the Safe Drinking Water Act are increasing. The 83 contaminants that the 1986 law instructed EPA to set standards for are coming due. This in itself was apparently enough to panic a lot of States and particularly those with a lot of small systems. How in the world were those systems going to be able to comply with additional monitoring and perhaps treatment requirements when they were struggling to meet those already required?

Clearly, we needed to find a way to address real compliance problems while not compromising public health protection. We needed to make sure that we were using the best available science upon which to base contaminant monitoring choices and frequency. We needed to find a way to help States mount strong State-run programs so that they could help their own small systems protect the health of their customers. We needed to recognize that the cheapest way to control drinking water contamination was not to treat it, but to prevent it, at its source.

S. 2019, reported unanimously from the Environment and Public Works Committee did all of this. It established a new State revolving loan fund of nearly $6 billion dollars to assist States with compliance with Federal law. It set up a system by which small systems could meet safe drinking water standards without going broke, a process by which they could achieve a variance if there were no way to either combine with another system or seek an alternate source of drinking water. States would be able to substitute their own monitoring programs for EPA regulations.

S. 2019 would also require some efforts from States, namely that they have the legal authority to prevent new nonviable systems from forming, and that they establish a strong State program to encourage the restructuring of existing nonviable systems. In addition, S. 2019 required States to develop a process by which the State could review a source water protection plan should one be developed and presented to the State.

We are faced with a serious public health concern and a public health threat. At the same time we are faced with increased costs—for smaller systems. It is important to keep in mind here that, according to EPA, "the total annual cost of all 84 [drinking water] standards now on the books is expected to reach $1.4 billion nationally by 1995." The fact is that approximately 80 percent of households pay $3.00 to $13.00 per year for compliance with all SDWA regulations.

The truth is that large systems find it relatively easy to spread the costs of compliance among a large rate payer base. Small systems, obviously, do not. The key is to deal with the legitimate economic needs of the small systems while not compromising the public health of Americans who get their drinking water from large systems and can afford the better water. No where has this conflict come into greater relief than in the area of how to set a drinking water standard. While the committee, rightly, was willing to go a long way to ease the financial burden on small systems, and on large systems for that matter, it was not willing to stray far from the current standard setting process for contaminants. I think that is right. Almost 90 percent of the American public is served by large systems, over 10,000 customers. Conversely, almost 87 percent of all systems are small, less than 10,000 customers. The drinking water standard under current law requires that the EPA Administrator set the standard or the maximum contaminant level using best available technology economically achievable. In the case of carcinogens, where any exposure could result in a tumor, the Administrator is constrained by a maximum contaminant level goal of zero exposure. So the standard or maximum contaminant level is set as close to zero as possible using BAT economically achievable. For noncarcinogens, there is a more easily identified threshold. Above a certain amount of a particular contaminant, people get sick; below, they do not. The goal is set at that threshold. The standard or the MCL is in almost every case also at that threshold because EPA has been able to identify the best available technology economically achievable to get us there.

The trouble is that the term "economically achievable" is set based on the circumstances under which 90 percent of Americans get their drinking water—from a large public system. That leaves the remaining 10 percent with a big bill for drinking water—if they want to meet Federal standards. How do we address their economic need?

Some suggested we lower the standard by defining "economically achievable" as that technology which a small system could afford. This would have had the effect of lowering the health protection of 90 percent of Americans—even though they could afford it. The committee rejected this solution.

Then it was suggested we have two different standards, one for people who were served by a large system, and another, less stringent for those who lived in rural areas, trailer parks, those served by hospitals, perhaps; the drinking water on trains, in prisons. That wasn't acceptable either.

Finally, it was suggested that we substitute a cost/benefit analysis procedure for the technology based standard economically achievable. That sounded benign until one took a closer look.

Cost-benefit analysis, risk assessment, both sound like good principles, and they are. Risk assessment is a tool used throughout the Safe Drinking Water Act, as is cost/benefit analysis. But we need to be very careful about how we use these tools because they may not be benign.

If we were to take away the best available technology standard and replace it with a directive to the EPA Administrator to develop a process by which she would determine whether the amount of money spent to treat a particular contaminant was worth the additional cancer deaths it prevented or, in the case of noncarcinogens, the intestinal distress it prevented, we would be shifting the basis upon which the Administrator sets a drinking water standard. We would be requiring the Administrator to determine—not what a system could afford to do—but how much a life is worth.

That is a cost/benefit analysis. It is risk assessment in its way, but it is not determined by science. It is a value judgment, ultimately, as most risk assessments are. And in the case of drinking water standards, where such value judgments will result directly in impacts on human health and mortality, I believe it ought to be the elected representatives, the Congress, and not the officials who work in the government agencies, who should be required to make that determination. Largely, this is a matter of accountability. We as the elected representatives of the people, must accept the responsibility to be accountable for these value judgments and their health impacts.

The truth is, Mr. President, we made our value judgment, our cost-benefit analysis, our risk assessment in 1986. And the committee, with some modifications and some new flexibility for the Administrator, has reaffirmed it. Our assessment is that it is worth what you can afford to avoid an additional death by cancer as a result of contaminated drinking water.

Unable ourselves to assign a dollar amount to that additional cancer, to say for example it's worth $10 million or $1 million or $100,000 or $1,000 to avoid an additional cancer, we didn't buck the decision to the EPA and tell them to make the value judgment. Instead we made it, we said, "it's worth what you can afford."

Now, the committee, under extraordinary pressure to ease the financial burden on small systems in every single possible way, and being responsive and responsible, met with those who advocated a different standard. Ultimately, I believe, an effective and defensible compromise was reached.

The committee's bill as reported would still require in the case of carcinogens that the standard be set as close to zero as best available technology economically achievable will take us. But it did recognize that sometimes science is not as exact as we would like and that sometimes there might be technologies significantly less expensive that would deliver essentially equivalent health protection. In those cases we ought to allow the Administrator to back off a technology based standard economically achievable and embrace the less expensive version, if you will.

The managers' amendment offers a further refinement. Rather than making the health test what is "essentially equivalent," the managers propose that the alternative standard ensure "health risks not significantly different from." I think this is an improvement. This language makes the measurement a bit more precise when we're comparing cases of lifetime exposures to cancer.

The managers' amendment also seeks to extend this flexibility to standard setting for noncarcinogens. This is more problematic, as there does not appear to be any sound scientific methodology for applying the same process to contaminants which render acute rather than chronic effects. To account for that, the managers' amendment directs the National Academy of Sciences to establish whether or not there is a sound scientific basis for the change and if there is, to recommend it to EPA. Upon such recommendation, and the establishment of appropriate scientific guidelines by the EPA Administrator, published in the Federal Register, the Administrator will have the option of choosing a less expensive technology if it poses a reasonable certainty of no harm.

The new language also calls for a study on the potential impacts on so-called sensitive subpopulations, such as pregnant women and infants or those more disposed to adverse reaction to contaminants present in drinking water. It was, for example, those with impaired immune systems who died as a result of the cryptosperidium outbreak in Milwaukee. Personally, I prefer the language that the committee had in the bill it reported to the floor, that which would require the EPA explicitly to consider these subpopulations when setting standards. I think both measures are warranted. A study to determine in what instances and for which contaminants we can identify sensitive subpopulations, and a corresponding direction that the Administrator consider the results of the research when setting maximum contaminant level goals. It is my understanding that while the Administrator currently has that authority, phrased in the statute as authority to "ensure an adequate margin of safety," this authority is not used consistently. This may be because the data on sensitive subpopulations is so limited. Senator BARBARA BOXER's amendment would remedy that, and I am pleased to be a cosponsor.

There is one other area I would like to comment on. That is source water protection. If we take a step back from the drinking water program and the problems that beset it for a moment, the elements of a truly protective program are clear. In addition to setting acceptable levels of exposure to particular contaminants and monitoring for their presence and treating them when necessary, we would want to make sure that we were doing everything possible to prevent their occurrence in the first place.

Sometimes we call this pollution prevention. Sometimes we call it watershed planning and management. My own State of Connecticut is a leader in this regard, taking what I feel to be a pragmatic approach. Connecticut is the only State to prohibit absolutely any direct discharge into surface water drinking water supplies. In order to prevent the contamination of underground sources, it has instituted an aquifer protection planning process, run out of the State's Department of Environmental Protection. The Department of Health, which administers the drinking water program, requires additional 40-year water supply plans from its major water utilities. To make this more manageable, the State was divided up into service areas, and these areas were assigned to existing utilities. These utilities are to use their planning process to coordinate individual water system plans and avoid the creation of new systems unable to meet safe drinking water standards.

If you take a step back and think for a minute about where drinking water sources get their contamination, source water protection programs make even more sense. The sources are varied and can only be identified within the course of a watershed and in many cases can only be controlled voluntarily or by agreement among the community. Sources range from leaking septic tanks, combined sewer overflows, the runoff from feedlots and dairies, to construction sites and city streets.

Looking at these threats, EPA's latest biennial water assessment concludes that, "44 percent of assessed river and stream miles and 32 percent of assessed lakes acres that are designated for drinking water are degraded or threatened."

The American Water Works Association concluded from a 1991 study that "The primary pollutants of concern for raw water supplies were turbidity, excess nutrients, microbial contamination, pesticides, and trihalomethane precursors, a potential carcinogen formed when organic materials react with chlorine." The study went on to conclude, "On a nationwide scale, nonpoint sources are responsible for most of the contaminant loading but their effective control is hindered by regulatory, institutional, and financial barriers * * * [W]ater treatment and in-reservoir management practices are not substitutes for effective watershed management."

If you want to lower the cost of monitoring for contaminants and treating those present, the best option may be to protect your drinking water source from the contaminants in the first place. In many cases, you will save money and protect the public health.

Unfortunately, Connecticut is the exception and not the rule. States are generally not using watershed planning and source water protection as a means of protecting public drinking water supplies. A General Accounting Office study in April 1993, stated that "of the 49 States that have 'primacy' for implementing the Safe Drinking Water Act, 34 States do not regularly include the 'watershed's management' as an element in their community water system surveys."

It is important enough that we should consider requiring States to do this kind of planning and management. But the committee took a more modest step. The committee bill would have only required that States have a procedure by which to evaluate the quality of a watershed or source protection plan, should one be presented to them. The bill did not require that such plans be prepared nor that they, if prepared, they be implemented. Unfortunately, in my view, the amendment to this provision accepted earlier in our deliberations weakened even this provision. It merely authorizes States to set up such procedures should they wish to do so and should a utility or community wish to present them with a source water protection plan. I hope we will be able to improve upon this in conference with the House.

Madam President, this is an important bill and an important test for this Congress. Senators BAUCUS and CHAFEE have done the Congress and the public an enormous service by setting the course for public expenditure and public health at a time of fewer available dollars and rising health risks. I am lucky. I live in a State that has fought hard to put a strong drinking water program in place. The residents of my State were the winners from this effort. That is not the case for every American. And wherever you think the responsibility should lie for protecting public drinking water supplies, if the people in your State get sick because of contaminated drinking water, you are going to hear about it. I think that is as it should be. It is in the national interest to ensure consistently safe drinking water for all Americans. Senators BAUCUS and CHAFEE have made that possible with their work on this bill, and I urge all my colleagues to support it.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAUCUS. Madam President, I ask unanimous consent that when Senator DOLE offers his takings amendment, that the first amendment in order thereto be one offered by Senator MITCHELL or his designee; that upon the disposition of that amendment, the next amendment in order thereto be one offered by Senator DOLE or his designee; that both of these second-degree amendments be relevant to the subject matter of the first degree; that no other amendments to the Dole amendment be in order; and that upon the disposition of these amendments, the Senate vote on Senator DOLE's first-degree takings amendment, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1727

Mr. CHAFEE. Madam President, I send to the desk on behalf of Senator HATCH an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the two pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island [Mr. CHAFEE], for Mr. HATCH, proposes an amendment numbered 1727.

Mr. CHAFEE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 82, line 8, after "(D)" insert "and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (B) or (C)".
>
> On page 82 line 10, insert the following after the period:
>
> "The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.".

Mr. HATCH. Madam President, my amendment to the pending legislation addresses a persistent problem afflicting States regarding the subject of addressing monitoring and water quality issues of the Safe Drinking Water Act [SDWA] incurred by a public water system operated on an Indian reservation. This is a situation that has been raised by the Utah Division of Safe Drinking Water, and I am pleased to offer this amendment to address this situation.

There are many public water systems that are located within the borders of this Nation's Indian reservations. The entity with primary authority to administer the provisions of the SDWA is the Federal Government, or more specifically, the Environmental Protection Agency [EPA]. The States do not have this responsibility, especially when it comes to the area of enforcement.

Many of these systems located on Indian reservations provide service to municipalities and other communities that are located outside the reservation boundary and that are regulated by the States who have primacy. Various distribution monitoring tests are conducted by officials of these cities, and these tests have in the past resulted in abnormal readings regarding certain contaminants. This distribution monitoring may flag source monitoring problems which may originate with the system located on the reservation. If this scenario were to happen to a public water system not located on the reservation and not regulated by the State, an immediate enforcement action would be undertaken by the applicable State agency, which in Utah's case would be the Utah State Division of Drinking Water. Appropriate action would be undertaken by State and local officials to address and correct the abnormal condition of the water.

Unfortunately, this prompt action is not always undertaken by the EPA when monitoring and water quality concerns arise with a public water system operated on Indian reservations. In no way should anyone point the finger at local tribal officials; they are innocent parties. My comments should not be misconstrued to suggest error or neglect on their part on this issue. The problem is with EPA and its unwillingness to take corrective action in a timely fashion.

The situation is such that EPA will stridently enforce the provisions of the SDWA when the entities over which the agency has responsibility, the States, have monitoring and/or water quality problems that the States must correct. However, when the tables are turned and the problem originates in an area where the EPA has direct responsibilities, the agency is not as quick to react. The EPA holds a hammer over the heads of the States, which hold smaller hammers over the heads of the cities. Who holds the hammer, large or small, over the EPA? No one other then Congress. That is the reason for this amendment.

The amendment will require the EPA to include a summary of violation, enforcement, and compliance activities on Indian reservations in an annual report to Congress. This report, which will also include a summary of similar activities by the States, will provide recommendations concerning the resources needed to improve compliance by the States and, with this amendment, Indian reservations, with the SDWA.

The purposes of the amendment is to provide a mechanism by which the States can obtain information from the Administrator to be kept abreast of the operations of these systems located on Indian reservations. I also believe this will have a benefit to EPA. If the States are receiving information from the agency on monitoring and water quality issues involving public water systems on Indian reservations and discussing these issues with agency personal, then EPA officials will be reminded of its regulatory duty over these systems. I hope that future water quality issues related to public water systems located on Indian reservations will be effectively and efficiently addressed so as not to overburden the States and municipalities serviced by this systems.

I thank the chairman and ranking member of the committee for their willingness to review this amendment. I urge my colleagues to adopt this amendment.

Mr. CHAFEE. Madam President, I will just comment about the amendment which has been cleared on both sides. It deals with a persistent problem afflicting States trying to monitor addressing the monitoring and water quality issues of the Safe Drinking Water Act incurred by public water systems operated on an Indian reservation.

This is a situation that has been raised by the Utah division of safe drinking water, and this amendment addresses the problem.

This is an amendment that we have examined on this side and think it is a good one.

I urge its adoption.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the committee has reviewed this amendment. This amendment will provide useful information about serious environmental problems on Indian reservations, particularly in Utah.

The amendment has been reviewed and approved by the chairman of the Committee on Indian Affairs. I urge the Senate to approve it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1727) was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Madam President, for the past several days the Senate has debated legislation to reauthorize the Safe Drinking Water Act. But prior to this debate, communities across Washington State—and the Nation—have debated the merits of the current act and its affect on small and large communities alike.

Washington State has over 14,400 public water systems and of these systems 11,800 are small systems serving 2 to 100 customers—in Washington State all water systems, except those serving one single family residence are considered public water systems. But the problems with the existing act impact both small and large systems alike. From the city of Chelan to the city of Seattle, I have heard from hundreds of local officials about the Safe Drinking Water Act, and the message was clear: "It's time to fix the Safe Drinking Water Act."

After listening closely to the concerns of Washington State, I cosponsored S. 1920, a bill to reauthorize the SDWA. S. 1920 was written by the national associations representing mayors, legislators, regulators, and cities across Washington State and was the starting point for a successful series of negotiations with the Environment and Public Works Committee's bill to reauthorize the act.

Supporters of S. 1920 from Washington State include: Governor Mike Lowry; city of Everett Public Works Department; Washington State Department of Health, drinking water division; Mayor Earl Tilly, Wenatchee; Mayor Joyce Stewart, Chelan; Mayor Steve Jenkins, Bridgeport; Mayor John Huselton, Entiat; Seattle Water Department; Tacoma Water Department; city of Moses Lake; city of Walla Walla; Washington Association Water Systems, Ferndale; Mayor Pat Berndt, city of Yakima; Washington Public Utilities Districts Association; Woodinville Water District; Mayor Hartman, town of Coulee Dam; and the list goes on.

Madam President, I ask for unanimous consent that a copy of a Seattle Times editorial on S. 1920 be printed in the RECORD following my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See Exhibit 1.)

GORTON SAFE DRINKING WATER FORUM

Mr. GORTON. During the Senate's Easter recess, over 100 people gathered together—mayors, utility representatives, council members, and concerned citizens—in Moses Lake, Washington to talk with me about the Safe Drinking Water Act Chuck Clarke, EPA Region 10 Administrator, and David Clark, director of the drinking water division of the Washington State Department of Health, were on hand to answer technical and policy questions.

I convened this forum after hearing from so many mayors and local officials across the State about the high cost of compliance with the current act. Not surprisingly, the forum was packed with folks who spent nearly 3 hours sharing with me the impacts of the current act on local residents, and one by one they made a strong and persuasive argument for overhauling the current act.

Public utility representatives shared with me the troubles they face as they try to consolidate small systems together and the capital problems which this poses for the utility and the ratepayers. Access to State revolving loan funds and flexibility is a key element of SDWA reform.

Mayors told me about the arguably tough time they have selling their ratepayers on increases—some of which were 100 percent increases—to their monthly water bills to pay for water officials to monitor and treat the water supply for contaminants which do not even exist.

Smaller water system operators told me that they cannot afford to have a staff person sit in an office all day to file the paperwork required by the act, and that their time is better spent in the field helping small systems effectively monitor their supply.

Several themes emerged from my forum as the key elements of reform for Washington State, namely—risk assessment, costs, flexibility, and funding. My goal throughout this process was to ensure that these predominant concerns were met—and I am comfortable that the majority of the concerns of my constituents will be met within S. 2019, as amended.

BAUCUS-CHAFEE-HATFIELD-KERREY AMENDMENT TO S. 2019

I commend the efforts of Senators HATFIELD and KERREY who worked very hard, together with the Environment and Public Works staff, to amend S. 2019 to make it a good bill for small and large communities alike. In addition, Senator DOMENICI deserves a great deal of credit for introducing S. 1920 and for providing the vehicle for a good series of negotiations and compromises.

In particular I am pleased that S. 2019, as amended, will throw out the one-size-fits-all approach of the current act, and replaces it with flexibility for our States. In my opinion this is the key to the reform of this act. By definition each of our 50 States is unique, and consequently our water sources and systems need flexibility to provide safe water to communities.

Madam President, I believe that upon final passage, S. 2019, as amended, will be a bill which will help small and large communities across Washington State provide safe, affordable drinking water to their customers.

EXHIBIT 1

[From the Seattle Times, May 1, 1994]

SAFE WATER, SUPERFUND WAIT FOR THE GREEN LIGHT

Somewhere back in the dark days of James Watt, some environmentalists lost their ability to compromise.

Twelve years of unfriendly administrations, including Watt's tenure as Secretary of Interior, conditioned the greens to sink their heels because they were likely to lose anyway. Now that environmentalism has returned to the White House, it's time for the hardliners to unsink those heels and engage in the democratic process.

Two examples, Superfund and the Safe Drinking Water Act, languish in congressional committees, held up at least in part by environmentalists obsessed with puritanical virtue.

Superfund already has spent billions in a largely futile effort to clean up toxic waste sites across the nation. The law failed because it focused on fixing blame for the dumps instead of cleaning them up. And it requires that each site be returned to a virtually pristine condition, never mind the cost.

Rep. Al Swift, the Bellingham Democrat, has led the effort to rewrite the act, relaxing the liability clauses and, where appropriate, the clean-up standards—all based on realistic costs and benefits. But his efforts have been stymied by a range of stubborn interest groups, including environmentalists who resist the effort to relax clean-up standards.

Similarly, the well-intended Safe Drinking Water Act over-reached by requiring local water districts, big and small, to test for every conceivable contaminant and remove them, regardless of cost, and even if they pose no risk to people's health. The new standards would cost billions; Seattle's price tag alone would be as high as $400 million.

And for what? Washington has 14,000 public water systems, most of which have no problem delivering safe drinking water to their customers.

Senate Bill 1920, co-sponsored by Sen. Slade Gorton, introduces some flexibility to the act, including an assessment of costs and benefits before imposing costly requirements. The bill has attracted bipartisan support across the state.

Yet some environmental groups insist the bill is a step backward.

Swift warns against painting everybody the same shade of green. Some environmentalists—the Environmental Defense Fund, for example—have shown a willingness to compromise on Superfund.

But other groups, from the Sierra Club to Greenpeace, remain entrenched in the mistaken belief that political purity will lead somehow to ecological purity. Nature doesn't work that way, and neither does politics.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 6 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL MISMANAGEMENT AT DOD

Mr. GRASSLEY. Madam President, I would like to speak about gross, continuing financial mismanagement at the Department of Defense [DOD] and the need for some accountability.

I have spoken on the subject a number of times over the past year.

Today, I would like to focus on financial mismanagement at one of the major Defense Finance and Accounting Service or DFAS centers.

I would like to discuss the recon file at DFAS' Denver center.

Mr. John S. Nabil is Director of the Denver Center.

The recon file could be another magic vault in the making.

The recon file is like a festering boil on the books at DFAS' Denver Center. It needs medical attention.

Recon stands for reconciliation. But that's a misnomer, because the recon file is a dumping ground for financial transactions that either cannot be or have not been reconciled.

Worse yet, they may never be reconciled. What records exist have been stuffed in storage boxes. They defy reconciliation, and Mr. Nabil has no tools for reconciling them.

Mr. Nabil's recon file is identified in an audit report prepared by the DOD Inspector General [IG].

The IG report is entitled "Uncleared Transactions By and For Others," Report No. 94-048, dated March 2, 1994.

The DOD IG states that Mr. Nabil is not providing complete and accurate figures on unmatched disbursements.

The DOD IG says that Mr. Nabil is just not reporting some unmatched disbursements and the rest—those over 9 months old—are placed in the recon file.

The DOD IG says that as of January 31, 1993, Mr. Nabil had stashed $8.8 billion in unreported unmatched disbursements in his recon file.

The $8.8 billion figure includes $6.2 billion in cross disbursements and a negative $2.6 billion in intra-service transactions.

The negative number should be treated as a positive number when determining the true dollar value of unmatched disbursements. DOD likes to net them out to arrive at a lower figure.

The negative numbers could be erroneous payments to contractors that were voluntarily returned.

Even though Mr. Nabil has over 125 accounting clerks dedicated to the recon file, Mr. Nabil has no idea how long the $8.8 billion in unmatched and unreported transactions have been in the recon file. He really doesn't know what's in the file. He has lost control.

Mr. President, I ask unanimous consent to have pages 22 through 24 of the DOD IG report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUDIT REPORT—OFFICE OF THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

REPORTING OF UNDISTRIBUTED DISBURSEMENTS

Statistics. DFAS-Cleveland, DFAS-Denver, and DFAS-Columbus substantially understated the numbers and dollar values of undistributed disbursements over 180 days old as of January 31, 1993. DFAS-Indianapolis accurately reported information on undistributed disbursements. We did not include DFAS-Kansas City in our review because January 1993 was the first month that DFAS-Kansas City submitted data, and only part of the undistributed disbursements could be collected. Our analysis showed that the numbers and dollar values of undistributed disbursements were understated by about 860,000 transactions and at least $7.2 billion. See Appendix A for a breakdown by DFAS Center.

Personnel at the DFAS Centers did not report the same data and had different methods of collecting and calculating the numbers and dollar values of undistributed disbursements. Consequently, the data reported to DFAS Headquarters were incomplete, inaccurate, and not comparable.

Reported Data. Each DFAS Center reported different information to DFAS Headquarters. DFAS-Indianapolis appropriately considered a disbursement distributed when the accountable station accepted the transaction and recorded it against the corresponding obligation. Unlike DFAS-Indianapolis, DFAS-Cleveland and DFAS-Denver considered disbursements identified to the appropriation level to be distributed. DFAS-Columbus did not submit an "Undistributed Disbursements" report. Only DFAS-Indianapolis reported complete and accurate data in the "Undistributed Disbursements" report.

The DFAS Centers also were inconsistent in reporting information on the "Uncleared TBO" report. DFAS-Indianapolis included uncleared intra-Service transactions and some uncleared cross-disbursing transactions, as well as uncleared interfund billings, in its "Uncleared TBO" report. The same information, along with the balance of the uncleared cross-disbursing transactions, was appropriately included in DFAS-Indianapolis' "Undistributed Disbursements" report. DFAS-Denver included data on undistributed transactions in its "Uncleared TBO" report, but omitted it, along with other undistributed disbursement data, from its "Undistributed Disbursements" report. DFAS-Cleveland did not submit an "Uncleared TBO" report until February 1993, and then reported only uncleared cross-disbursing transactions. DFAS-Columbus reported only some disbursements that had been rejected by Army accountable stations in its "Uncleared TBO" reports. The lack of complete, accurate, and comparable data from the DFAS Centers obscured DoD's problems with undistributed disbursements.

DFAS-Denver. DFAS-Denver did not report complete and accurate data on the numbers and dollar values of undistributed disbursements. In its "Uncleared TBO" report, DFAS-Denver identified 4,157 transactions valued at about $53.0 million. These intra-Service transactions represented disbursements and collections that had cleared the Merged Accountability and Fund Reporting System and had been placed in a temporary file, waiting to be accepted or rejected by accountable stations. Consequently, these disbursements and collections had not yet been matched against corresponding obligations. However, these data, along with similar data on cross-disbursing transactions (2,939 transactions, valued at about $21.3 million), were not included in DFAS–Denver's "Undistributed Disbursements" report. Undistributed disbursements not shown on either report included about 6,200 transactions, valued at about $114.1 million, that had been rejected for more than 180 days by accountable stations. Collectively, DFAS–Denver understated undistributed disbursements over 180 days old by at least $188.4 million. In addition, undistributed transactions over 9 months old were placed in another file, called a reconciliation file, that contained other undistributed disbursements. The reconciliation file contained about $3.6 billion in undistributed disbursements as of January 31, 1993 ($6.2 billion related to cross-disbursements and a negative $2.6 billion related to intra-Service transactions). We could not obtain the numbers of dollar values of undistributed disbursements over 180 days old because DFAS–Denver could not determine how long the undistributed disbursements remained in this file. Consequently, Appendix A does not include an estimate of the numbers and dollar values of undistributed disbursements in this file. The inability to age these undistributed disbursements means that management has less oversight.

DFAS–Cleveland. DFAS–Cleveland understated undistributed disbursements over 180 days old by about $6.7 billion. DFAS–Cleveland did not report disbursements and collections that did not match corresponding obligations in accounting systems at its DAOs. In some cases, dollar values that other DFAS Centers had made and reported to the Treasury on behalf of Navy accountable stations differed from the amounts that other DFAS Centers reported in cycles to DFAS–Cleveland. DFAS–Cleveland did not report these differences as undistributed disbursements.

Data Collection and Reporting. DFAS–Cleveland did not routinely collect the numbers and dollar values of undistributed disbursements from any of its 13 DAOs. We obtained undistributed disbursement data from DFAS–Cleveland's DAO Arlington (the office that accounted for about 57 percent of the Navy's funds). STARS contained 932,342 transactions, valued at $7.1 billion, in undistributed disbursements. The other accounting system, the Integrated Disbursing and Accounting Resource Management System, contained 91,258 transactions, valued at $140.6 million, in undistributed disbursements. We calculated that about 864,000 transactions, totaling $6.0 billion, were more than 180 days old. For the other 12 DAOs, the numbers and dollar values of undistributed disbursements were not readily available. Data collected on a one-time basis by DFAS–Cleveland showed that the other DAOs had over $37.5 million in undistributed disbursements over 180 days old as of the end of December 1992. However, all DAOs did not report the requested data, and the data were not available as of the end of January 1993.

Understated Treasury Data. We requested information that showed differences between the dollar values of disbursements that other DFAS Centers had made and reported to the Treasury on behalf of Navy accountable stations, and the amounts the other DFAS Centers reported in cycles to DFAS- Cleveland, that were more than 180 days old as of the end of January 1993. Records at DFAS-Cleveland showed that $547.8 million more had been reported to the Treasury as disbursements than had been reported to DFAS-Cleveland. DFAS-Cleveland also understated undistributed disbursements by not reporting disbursements and collections that failed to clear the Consolidated Expenditure and Reimbursement Processing System. As of March 29, 1993, accounts at DFAS-Cleveland contained 11,484 disbursements, valued at about $90.0 million, and 628 collections, valued at $2.2 million, for the period ending January 31, 1993. Conversely, personnel at DFAS-Cleveland overstated the number of undisturbed interfund transactions by 35,427 because they incorrectly reported the total instead of reporting only the transactions that were over 180 days old.

DFAS-Columbus. DFAS-Columbus reported only part of the undistributed disbursements it was responsible for clearing. All disbursements and collections made by or for DFAS-Columbus and Defense Logistics Agency activities were processed through the DFAS-Indianapolis Transactions By and For Other System. DFAS-Indianapolis omitted from its reports the disbursements that had not been matched to corresponding obligations, and DFAS-Columbus reported only part of them to DFAS Headquarters. Of the 55 accountable and disbursing stations that DFAS-Columbus could have reported on, we found that DFAS-Columbus reported only part of the undistributed disbursements for 14 disbursing stations. DFAS-Columbus also had not reported any data on undistributed interfund disbursements. DFAS-Indianapolis' records showed that a total of 4,498 transactions, valued at about $163.0 million, should have been reported by DFAS-Columbus as undistributed disbursements on Program Appraisal Review reports. DFAS-Columbus also should have reported other undistributed disbursements, but we could not determine the amounts.

Negative Unliquidated Obligations. The practice of not posting disbursements when obligations are insufficient to cover them gives an inaccurate picture of the true account balance and can result in the failure to detect and correct violations of the Antideficiency Act. At DFAS-Cleveland's DAO Arlington, when disbursements were related to obligations that had insufficient unliquidated obligation authority to cover them, these disbursements were inappropriately recorded as undistributed. The Navy's STARS automatically rejected each disbursement as unmatched if the corresponding unliquidated obligation balance was not sufficient to cover the disbursement. Consequently, disbursements were not matched with obligations and posted to accounting records. Records showed that disbursements exceeded available unliquidated obligations for $4.0 billion of the $7.1 billion unmatched in STARS as of January 31, 1993. This practice differed from other accounting organizations and from good accounting practice. DFAS Headquarters should take immediate action to standardize DFAS-Cleveland's accounting and reporting practices for negative unliquidated obligations with those of the other DFAS Centers.

Mr. GRASSLEY. Madam President, this section of the report identifies $7.2 billion in unreported, unmatched disbursements at various DFAS centers. The figure excludes the $8.8 billion in the "Recon" file.

And the "Recon" file continues to fester. As of April 30, 1994, it had grown to $11 billion—an increase of $2.2 billion in the last year.

The "Recon" file underscores the continuing lack of effective internal controls and the breakdown of discipline in accounting at DFAS.

DOD Comptroller Hamre directed DFAS to reduce unmatched disbursements by 50 percent by June 1994.

Mr. Hamre is trying to get rid of unmatched disbursements because they leave DOD accounts vulnerable to theft and abuse.

Now, by hiding unmatched disbursements in the "Recon" and other temporary files, is Mr. Nabil really helping Mr. Hamre fix the problem?

Mr. Nabil's "Recon" file also tells me that the current estimate of $41 billion for unmatched disbursements is nothing more than a wild guess. The real figure is probably much higher.

But there is an even more disturbing aspect to Mr. Nabil's "Recon" file.

It is a new disguise for an old problem—another problem that DFAS was directed to fix.

Mr. Nabil's "Recon" file is nothing more than a "Roll-Up" of discrepancies between the accounting records maintained at the base level and the books maintained at the departmental level.

Now, does not that sound familiar?

The "Recon" file takes us right back to square one.

It takes us right back to the $649.1 million caper engineered by the former Director of the Denver Center, Mr. Clyde E. Jeffcoat.

Several years ago the Air Force discovered a $649.1 million discrepancy between the balances in its departmental books versus base-level books. To correct the problem, the Air force took $649.1 million from the M accounts to plug the gap. And presto, the books balanced.

The Air Force had to use the M accounts to force the books into balance, because the Air Force was not doing bookkeeping.

Instead of recording obligations and expenditures in a ledger as they occur, the Air Force was using algorithms—mathematical equations—to estimate the missing numbers.

Well, as any first-year accounting student would know, you can't balance your books that way.

Both the DOD IG and the GAO examined the $649.1 million transaction and reached the same conclusion:

There was no documentary evidence to support the use of $649.1 million.

Without documentary evidence, as required by law, we do not know what happened to the money. There is no audit trail. It could have been stolen.

Based on the DOD IG and GAO findings, I concluded that the $649.1 million should be returned to the Treasury.

So I planned to offer an amendment to the fiscal year 1993 supplemental appropriations bill to rescind the money. That was on June 22, 1993.

But my good friend from Hawaii, Senator INOUYE, who chairs the Defense Subcommittee, persuade me to pursue "a more positive approach to fixing the DOD accounting system." He offered to have the DOD IG review the base-level records to pinpoint the problem.

I agreed and withdrew my amendment.

Madam President, I would like to return this subject again tomorrow.

I will try to show how the director of DFAS, Mr. John P. Springett, and the Director of the Denver Center, Mr. Nabil, have failed to honor their mandate: to balance the books and clean up the mess.

Based on lessons learned from recent IG reports, I will recommend that these two officials be held accountable for the deepening financial crises at DOD.

I yield the floor.

JAMES BAKER SPEECH

Mr. DOLE. Madam President, according to a poll in the Washington Post this morning, only 13 percent of the American people believe the Clinton administration has a clear foreign policy. Maybe the administration does not want to talk about foreign policy since they criticized President Bush and his advisers for spending too much time of international affairs.

But it looks like the American people miss the days of Presidential attention to detail in foreign policy. While I did not always agree with President Bush on foreign policy, I knew that its formulation and execution was in the best of hands with Secretary of State Jim Baker.

Under the Bush-Baker team, the Berlin Wall collapsed and a unified Germany was brought into NATO. A multinational coalition led by the United States reversed Saddam Hussein's conquest of Kuwait. The Soviet Union was left on the ash heap of history and 15 new nations were born. Peace agreements brought a decade of bloodshed to a close in Central America. NAFTA was negotiated. The foundations of future agreements were laid in Cambodia, the Middle East, and South Africa.

Madam President, Secretary Baker recently spoke at the Woodrow Wilson Institute in Washington. He offered an excellent analysis of Europe's past and future. He struck a balance between optimism and pessimism—in the realistic terms for which he was respected while in office. Secretary Baker got it exactly right when he said we are ending history's most brutal century on a note of hope due to American world leadership. "That leadership remains as vital today as it ever was."

Europe is free and prosperous today because of American leadership—through two hot wars and the cold war. America cannot shrink from continued leadership today. I recommend this speech to all my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IS HISTORY REPEATING ITSELF IN EUROPE?

(By James A. Baker III)

It is a privilege for me to be here this evening on behalf of The Wilson Center, an institution with which I have been proudly associated for over 17 years, and a pleasure to see around the room the faces of so many old friends and colleagues.

Since leaving government I have been deeply involved in the development of an institute for public policy at Rice University in my hometown of Houston, Texas. Like all new endeavors, the Institute is looking for examples of excellence to emulate, and I can assure you that The Woodrow Wilson Center for International Scholars ranks high among them. I only hope that the Baker Institute will be half as successful as the Center has been in attracting our nation's most distinguished scholars and practitioners of public policy.

My subject tonight is Europe in the post-Cold War era and, in specific, an appropriate American response to the strategic, political, and economic changes that are (for better or for worse) still transforming the region that comprises the former Soviet bloc.

All of us can remember the euphoria we felt when the Berlin Wall fell and freedom surged, first through Central and Eastern Europe and then into the heart of the Soviet Empire itself. It seemed for a moment as if Woodrow Wilson's great vision of a liberal international order, based on the shared values of democratic societies, might come to pass.

Those days seem long ago. Today, euphoria has been replaced by the somber realization that history—the history of human conflict and cruelty—has not, in fact ended.

In the former Yugoslavia, Europe has witnessed its worst human savagery and suffering since the end of World War II. The nightmare in Bosnia has revealed both the strength of ethic animosity and the impotence of the international community in addressing it, prompting some pessimists to describe it as the model of future conflict throughout the former communist bloc.

In Russia, economic reform seems stalled, if not yet reversed, and, day-by-day, evidence of a more assertive, some say aggressive, Russian foreign policy towards its neighbors accumulates. There is, not surprisingly, already talk in the West of "losing" Russia. I believe that events in Moscow, like the war in Bosnia, represent only part of broader trends in Central and Eastern Europe and the former Soviet Union.

I am convinced that these trends, if not slowed, promise a continent far-removed from the Europe whole and free which seemed so close when the Cold War peacefully concluded.

POST-REVOLUTIONARY TRENDS IN THE FORMER SOVIET BLOC

Perhaps the most disturbing of these trends, and certainly the most costly in human terms, has been the rise of communal conflict throughout much of the former communist bloc.

In some places, conflict has boiled over into outright violence. This is true, not just in Bosnia, but also in Moldova, Georgia, Armenia, Azerbaijan, and Tajikistan. Elsewhere conflict simmers just below the surface, especially in Ukraine, with its large, restive, and increasingly militant Russian minority. And Russia itself is a country within which there are many ethnic, linguistic, and sectarian differences.

Also worrisome is an emerging pattern of setbacks for economic reform. The eclipse of reformers in Yeltsin's government, notably former Prime Minister Gaidar and Finance Minister Fydorov, and their replacement by apparatchiks have parallels elsewhere. In Moldova, Belarus, and Ukraine, the forces of reform, never robust, are in retreat. In last month's parliamentary elections in Ukraine, for instance, reformers won only 35 of 338 seats. In contrast, over 100 former communists were elected. Not even Poland, one of Eastern Europe's free market successes, has proven immune. Even there, former communists have been able to capitalize on the hardships associated with economic reform for electoral gain—as they appear to have done in yesterday's elections in Hungary.

Simultaneous with this movement away from economic reform has been a trend towards political radicalism. Communist totalitarianism may have met defeat, but the victory of liberal democracy has been far from complete. Today, ideological struggle continues, but along a different front.

After fifty years of near silence in Europe, fascism has found its voice again—an ugly, menacing voice of anti-semitism, xenophobia, and authoritarianism. This development has been most striking in Russia, where Vladimir Zhirinovsky's success in last December's election demonstrates the powerful appeal of reaction to the economically hard-pressed.

But Zhirinovsky is not alone in his appeal, nor is Russia unique in its temptation. In Serbia, Slobodan Milosovic has already put much of Zhirinovsky's theory into practice, prosecuting a war in the name of a Greater Serbia without consideration of basic human rights or international norms of behavior. Elsewhere in the region, there are those prepared to follow his and Zhirinovsky's lead.

Even some Western Europeans, presumably far more sophisticated politically than their brethren to the East, have yielded to reactionary temptation, turning to the political extremism of neo-fascists in Italy and Germany or to the street violence of skinheads in Great Britain and elsewhere.

A final worrisome trend, now subject to intense debate in the United States and in Europe, is Russia's reassertion of its traditional sphere of influence. President Yeltsin and Foreign Minister Kozyrev have staked claim to a special Russian relationship with the states of the so-called "near abroad." As Russian military involvement in Georgia and Moldova already demonstrates, this relationship presumably includes the right to intervene in its neighbors' affairs.

Whatever Russia's intent, the nations around it, particularly those, like Ukraine, with sizable ethnic Russian minorities, are plainly apprehensive.

So are the Eastern European countries that have incurred Moscow's imperial yoke in the past. Russia's introduction of peacekeepers into Bosnia has so far marked a positive contribution to peace in that volatile region. It nevertheless raises concerns in the Balkans and elsewhere about the reemergence of a pan-Slavism that led, at least in part, to the outbreak of World World War I in 1914.

LIBERALISM AND REACTION

All these trends, from the trend toward reversal of reform, to the rise of fascism to the risk—if not yet the reality, of a new Russian imperialism are interrelated. All, I believe, reflect a fundamental rejection of the principles of liberalism, principles first delineated in the works of Enlightenment theoreticians like Locke, Montesquieu, and Kant, and embodied by the modern societies of Western Europe and the United States.

Free enterprise, democratic government, civic identity based on voluntary association rather than communal solidarity, and the peaceful resolution of international disputes are all great liberal ideals. All today are under assault in Central and Eastern Europe and the former Soviet Union.

Whether the anti-liberal trends I have discussed represent a true counterrevolution, or simply temporary reverses understandable given the enormous tasks confronting reformers in the East, is unclear. Some observers have gone so far as to suggest that the Cold War itself marked an anomaly in European history, and that, with its conclusion, the traditional continental struggle between liberalism and reaction dating back to the 19th century will resume.

Clearly, the great Eastern debate over modernization continues. The division between Russia's Slavophiles and Westernizers, apparent at least since the time of Peter the Great, can be seen today in the contest between men like Zhirinovsky and Gaidar, who possess not just different, but mutually exclusive, visions of their nation's nature and international role.

THE WESTERN (NON-)RESPONSE

The Western response to developments in the former communist bloc has been mixed at best, and marked, in the United States and elsewhere, by near maniac-depressive swings between optimism and gloom. This is particularly true in the case of Russia, where opinion is sharply divided.

Some observers seem prepared to countenance any Russian backsliding at home or bellicosity abroad for fear of prompting a reaction from the Russian right. Many in the current Administration appear to fall into this camp.

Others, in contrast, seem ready to declare Russia already lost. Some members of my own political party have seized on the recent U.S.-Russian spy scandal to call, not just for a termination of American aid to Russia, but, at least by inference, for the creation of a new anti-Russian alliance.

In my opinion, the first point-of-view is naive, the second premature. Yet both, ironically, suffer from the same intellectual affliction: Russo-centrism.

This is not to deny the importance of Russia and developments there, not just for its neighbors, but for Western Europe and the United States.

Indeed, I will later argue that it is precisely this importance which makes it imperative for the West to maintain assistance to Russian reform and reformers.

But I believe it is also critical to recall that Poland, Hungary, and the Czech Republic, to name just three, possess importance to the West in their own right, as fellow democracies, diplomatic partners, and potential markets. Our policies towards them must be dictated by American interest, not by domestic Russian politics.

What the West needs, I submit, is a European approach to European problems, one that addresses unfolding events in Russia in a broader continental context. I believe that the West should pursue a four-part strategy towards Central and Eastern Europe and the former Soviet Union.

A WESTERN STRATEGY

First, the West must make irreversible our past progress on strategic arms control and non-proliferation.

Lost in today's headlines is a fact of extraordinary importance: tens of thousands of nuclear warheads, enough to destroy humanity several times over, remain in Russia, Belarus, and Ukraine.

Plainly, the United States should continue to monitor closely the dismantlement of Russian nuclear weapons pursuant to arms control agreements. As we have since 1991, we should support this effort with technical assistance. In addition, the United States and its allies must intensify pressure on Ukraine to meet all its commitments under agreements it negotiated and signed with us and other countries—commitments that the government of Ukraine has solemnly made, frequently reiterated, but not yet fulfilled.

Our willingness to compromise with Ukraine, rather than insist on full compliance with these commitments is why we have been on the receiving end of an ever-escalating series of demands for economic and security assistance.

Lest anyone be tempted to forget, the missiles in Ukraine are aimed at Washington, not Moscow. This vital fact should outweigh any consideration of domestic politics and we should demand that Ukraine fulfill its two-year-old commitments to us.

But the West must worry about more than the nuclear weapons that remain in the former Soviet Union, dangerous as they are. We must also be concerned about the illicit export of unconventional arms, technology, and expertise from the former Soviet Union to parts unknown, or rather suspected: locations like Teheran, Tripoli, Pyongyang, or Baghdad. Given the profound economic hardship reigning in the former Soviet bloc, and particularly the extreme shortage of foreign exchange, the temptation to proliferate will be considerable.

But it must be resisted, if necessary with the reinforcement of Western sanctions against violators. With the Clinton Administration's decision to lift remaining COCOM restrictions on sensitive exports to the former Soviet Union, the risk of diversion of technologies has, in fact, increased. As we call for discipline on the part of the former Soviet Union, it is important that the United States and our allies meet the same test of responsibility.

Second, the West must reinvigorate the North Atlantic Treaty Organization. This begins with a refocused mission for NATO. Russia's military is in disrepair. Manpower is down to only a quarter of that of the former Soviet Union. Readiness is poor, with military exercises regularly cancelled for lack of ammunition or equipment.

And morale, as evidenced by a recent draft call in Moscow where only 5 percent of inductees turned up, is low. In short, though large in comparison to its neighbors, Russia's armed forces today, and for the foreseeable future, represent no conventional threat to Western Europe.

Nonetheless, the disappearance of an immediate threat to Western Europe should not lead to the demise of the West's premier political and security organization: NATO. I am convinced that NATO must still play a vital role in the future of European security. It is, quite simply, the world's foremost military alliance. There is simply no replacement for it on even the most distant of horizons.

The relative success of NATO's recent, if overdue, action in Bosnia demonstrates, I believe, its unique capability and credibility. Both should be put more aggressively to use in containing the Bosnian conflict from expanding into a general Balkan War that could draw in Albania, Greece, Hungary, or even Turkey.

Macedonia, in particular, remains a potential flashpoint, despite the presence of American and other observers. Highly vulnerable to possible Serbian aggression, it has also been, since February, the victim of an unwarranted Greek trade embargo.

Explicit warnings to anyone tempted toward adventurism in Macedonia, including the government in Belgrade, backed up, if necessary, by the deployment of substantial NATO forces, should be part of our approach to the Macedonian problems. So, too, must be a clear message to Athens from all its NATO and EU partners that its embargo of Macedonia, however popular domestically, runs the real risk of further destabilizing an already war-ravaged region and should be reversed.

Central to NATO's reinvigoration is expanding membership eastward. I believe that the Alliance should offer full membership to former Soviet bloc states that demonstrate a commitment to democracy, free markets, and responsible security policies. By so doing, NATO can extend powerful incentives for reform. In my opinion, Poland, Hungary, and the Czech Republic are ready for membership now. The Administration's "Partnership for Peace" is, at best, a half-hearted response—and last January's NATO Summit marked a missed historic opportunity. Broadening full Alliance membership will enhance security in Central and Eastern Europe as it did in Western Europe after World

War II, and send a message of Western resolve to would-be Russian imperialists.

Moreover, I am convinced that NATO membership can be expanded eastward without prompting an extreme and irreversible Russian reaction. True, Russia is on record as opposing full NATO membership for the Czech Republic, Hungary, and Poland, but Russia herself has also shown interest in some association with NATO. I believe that Russia, like the other former bloc states, should be offered full Alliance membership when and if it, too, meets the criteria I have mentioned. In the final analysis, however, expanding NATO membership must be NATO's decision. A Russian veto on this is simply unacceptable.

Third, the West should sustain support for reform in Central and Eastern Europe and the former Soviet Union.

It is crucial to remember that Russia has not yet been lost. Reform, though slowed, continues. The economic hardship being endured today by the Russian people should not obscure the remarkable strides they have made in just a few years. A new free economy may not have arrived, but the old command economy is clearly a thing of the past.

Already, more than 75 percent of Russian small business is in individual hands and more than 25 percent of the labor force works in the private sector.

Prices have been freed on all but 10 percent of goods. Inflation, through still unacceptably high, continues to decline. And, most importantly of all, Russia already possesses a dynamic entrepreneurial class.

Nor, we should remember, is Russia in any real sense the West's to lose. Russia remains a great power. It is a vast, populous nation with a rich culture and extraordinary economic potential. Russians, and Russians alone, will determine their country's future, for better or for worse.

That said, assistance to reform in Russia remains the West's best international investment, with potential returns, both political and economic, of historic magnitude. Western aid to Russia has never approached a fraction of the cost associated with deterring the Soviet Union. That aid, however, should be more narrowly focused on encouraging private sector development and promoting the institutions, such as political parties, that are preconditions to a civil society. Above all, Western donors and institutions like the International Monetary Fund must continue to remind Russia and others of an unpleasant economic truth: deferring reform will only delay the day of final reckoning. There can be no "therapy" without some "shock."

Equally vital, however, is a good faith effort by the West to open its markets to Eastern goods. Here, the record of the European Community has failed abysmally to match its rhetoric. Indeed, certain EU policies, particularly tariffs on key Eastern products such as steel and agricultural goods, have been positively punitive towards the East.

The urge to protect Western European producers, especially given the lingering recession on much of the continent, is understandable. Unemployment is high, growth feeble. Nevertheless, it would be truly tragic were Europe to pull down the Iron Curtain only to erect a trade wall between the "haves" of the West and the "have-nots" of the East. In this regard, Chancellor Kohl's recent call for a roll-back of tariffs against Eastern goods is a positive sign and one that the United States should encourage.

But we here in America must also go further to open our markets to trade with the East. As a first step, we should stop protecting our own domestic producers of commodities, like uranium, which Russia needs to export to generate critical foreign exchange. We should also reach out to former communist bloc countries like Hungary, the Czech Republic, and Poland, to negotiate free trade agreements. Trade and investment between East and West can help ensure mutual security and shared prosperity in ways that massive armies or foreign assistance cannot.

The fourth and final element of a Western strategy for Central and Eastern Europe, and the former Soviet Union must be American leadership.

This does not mean that the United States should become Europe's policeman. We have fought three wars in Europe during this century—two hot ones and a cold one—and that is quite enough. Still, the United States is a European power, with enduring interests there, and we must act as one.

As it has for four decades, European unity remains in America's national interest.

We should look forward to the day when the United States can work with a united Europe as a full diplomatic, economic, and strategic partner.

That day, however, has not yet arrived. Even economic union, a far less daunting task than political unity, has proven more difficult than many European enthusiasts had predicted. "EC 92" has come and gone and the states of Western Europe still struggle with coordination. Monetary union remains as ephemeral as it has always been.

Diplomatic coordination has proven, if anything, even more difficult for the EU to achieve. Anyone who doubts the imperative of American leadership need only review, the tragi-comic history of Europe's "common policy" towards the former Yugoslavia.

SELECTIVE ENGAGEMENT

The end of the Cold War has created extraordinary freedom of action for the United States, in Europe and elsewhere. We no longer face a single overwhelming threat. We no longer confront a single global enemy. The decades of East-West confrontation, when every conflict, no matter how minor, could become a zero-sum contest between the two blocs, are, gratifyingly over. American engagement is no longer compulsory.

Instead, today the United States can afford to engage selectively. This selective engagement requires us to assess our interests and seek policies that are proportionate to them. We must choose the appropriate instrumentality, multilateral or unilateral to pursue those policies. And, above all, we should husband that most important of intangibles, our credibility, in the service of our national interests.

To be blunt, I believe that the Administration—by missteps in Haiti and Somalia, a diminution of American leadership within NATO, and a "stop-and-go" policy towards Bosnia that can only charitably be labeled "confused"—have called that credibility into doubt.

In foreign policy, far more than in domestic policy, words are the currency of the realm.

If promises to allies are kept and threats against enemies carried out, our currency will rise in value. But if promises are betrayed, threats are unfulfilled, and rhetoric and reality don't match, then the currency of our foreign relations will be dangerously defaulted. And right now, the run against the dollar pales in comparison to the devaluation that has taken place in our foreign relations.

In short, the Administration has indulged in Wilsonian rhetoric without backing it up with Wilsonian resolve. As Michael Mandelbaum, foreign policy expert and, ironically, advisor to the Clinton campaign in 1992, puts it succinctly: "If you're not going to pull the trigger, don't point the gun."

The impression today is inescapable: the nation's leadership is fundamentally uncomfortably with the concept of American power, which of course is a sine qua non of its proper exercise. In the wake of the Cold War, the scope for that exercise is without parallel. The United States finds itself in a unique and ironic set of circumstances. Without emergencies as the world's sole superpower, the United States can do so much that we are tempted to attempt everything—or do nothing at all.

It is clear that the United States must avoid temptation and their attendant false choices. If we are to protect our interest and promote our values, as I believe we must, then we must get beyond empty either/or's and engage selectively. Fundamentally, the question is not if the United States should remain engaged in world affairs, but when, where, and how.

EMBRACING UNCERTAINTY

This is nowhere truer than in Central and Eastern Europe and the former Soviet Union, a region where history is still being made at a revolutionary pace. The strategy I have sketched tonight—a strategy of selective engagement—embraces the uncertainty of the current moment around the world, but especially in Europe.

No simple analysis will yield the truth about a region as vast, complex, and rich with history as the former communist bloc. And no single policy will permit the West to meet the challenges of the post-Cold War Europe.

Still, I believe that the approach which I have outlined maximizes opportunity and minimizes risk not just for the West, but for the nations of the former Soviet bloc themselves. It reinforces liberalization where possible but prepares against the eventuality of reaction. It hedges our strategic bets. It is a strategy, in short, that combines both hope and realism.

CONCLUSION

If my remarks this evening lack the optimism of a few years ago or the pessimism we hear so much nowadays, it is for a reason. Today, we stand neither on the verge of the millennium nor on the eve of Armageddon.

Indeed, we are, on balance, rather further from Armageddon than we were just a few years ago, when Europe was still divided by barbed wire and armies bristling with weapons.

And lest we forget it, hundreds of millions of individuals today throughout the former communist bloc have a chance they did not just five years ago: an opportunity to live free and prosperous lives in a world made safer for them and their children. Woodrow Wilson's dream may not yet be universally realized, but it is enjoyed today by more people than at any time in human history.

We are ending human history's most brutal century on a note of hope, however tentative. That we and the world do so is attributable above all, I believe, to American leadership on the international stage. And that leadership remains as vital today as it ever was.

No, Russia is not yet lost. Nor, whatever happens there, is Europe. The continent is not ready—yet—to repeat its tragic history of the 1930's and '40s.

Nonetheless, I do believe that the United States and its allies today run the real risk of losing a unique historical opportunity to shape Europe in a way that will protect our interests and promote our values for years, and, indeed, decades to come.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. WALLOP. Madam President, I ask unanimous consent that the pending amendment be set aside so that I might call up an amendment of my own.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1715

(Purpose: To require a review by the Congress of any regulations issued under the authority of this legislation)

Mr. WALLOP. Madam President, I would like to call up amendment No. 1715.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. Wallop] proposes an amendment numbered 1715.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following language:

SECTION 1.

(a) Any rule proposed pursuant to authority under this Act shall during the period after publication and before the rule becomes effective be subject to review by Congress as provided in section 2.

(b) Disposal Required.—If a rule is reviewed pursuant to section 2, the rule shall not take effect unless a review resolution is disposed of as required under section 2(b)(4) and section 2(b)(5).

(c) If Congress adjouns sine die at the end of a Congress prior to disposition of a Review Resolution as provided in section 2, the regulation will not become final.

SEC. 2. CONGRESSIONAL REVIEW.

(a) Petition of Review.—If one-fifth of either House, duly chosen and sworn, sign a petition requesting congressional review of a regulation described in section 1, the Congress shall consider a joint resolution (referred to as a "review resolution") as provided in subsection (b).

(b) Congressional Consideration of Review Resolution.—

(1) Terms of the resolution.—For the purposes of subsection (a), the term "review resolution" means a joint resolution that—

(A) is introduced within the 2-day period beginning on the date on which a petition is filed pursuant to subsection (a);

(B) does not have a preamble;

(C) states after the resolving clause "That Congress disapproves and repeals the regulations promulgated on XX", the blank space being filled in with the date on which the regulations were promulgated and a description of the regulation; and

(D) is entitled a "Joint resolution disapproving the regulations promulgated on XX", on the blank space being filled with the date and agency.

(2) Referral.—(A) A review resolution that is introduced in the House of Representatives shall be referred to the committee of jurisdiction.

(B) A review resolution that is introduced in the Senate shall be referred to the committee of jurisdiction.

(3) Discharge.—If the committee to which a review resolution is referred has not reported the resolution (or an identical resolution) by the end of the 5-day period beginning on the date on which the petition is filed, such committee shall, at the end of that period, be discharged from further consideration of the resolution, and the resolution shall be placed on the appropriate calendar of the House of Representatives or the Senate, as the case may be.

(4) Consideration.—(A)(i) On or after the first day after the date on which the committee to which a review resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution (but only on the date after the calendar day on which the member announces to the House concerned the member's intention to do so).

(ii) All points of order against a review resolution (and against consideration of the resolution) are waived.

(iii)(I) A motion to proceed to the consideration of a review resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable.

(II) A motion described in subclause (I) is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business.

(III) A motion to reconsider the vote by which a motion described in subclause (I) is agreed to or not agreed to shall not be in order.

(IV) If a motion described in subclause (I) is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the review resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B)(i) Debate on a review resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) An amendment to a review resolution is not in order.

(iii) A motion further to limit debate on a review resolution is in order and not debatable.

(iv) A motion to postpone consideration of a review resolution, a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(v) A motion to reconsider the vote by which a review resolution is agreed to or not agreed to is not in order.

(C) Immediately following the conclusion of the debate on a review resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House of Representatives or the Senate, as the case may be, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or of the Senate, as the case may be, to the procedure relating to a review resolution shall be decided without debate.

(5) Consideration by other house.—(A) If, before the passage by one House of a review resolution that was introduced in that House, that House receives from the other House a review resolution—

(i) the resolution of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under clause (ii)(II); and

(ii)(I) the procedure in the House that receives such a resolution with respect to such a resolution that was introduced in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of a review resolution that is received by one House from the other House, it shall no longer be in order to consider such a resolution that was introduced in the receiving House.

(6) Rules of the Senate and House of Representatives.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a review resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitution right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Mr. WALLOP. Madam President, I ask unanimous consent that that amendment be temporarily set aside so that I might call up and qualify another amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I inquire of the Senator the nature of his amendments, so we have a sense of what they are.

Mr. WALLOP. Yes. I think the Senator knows what they are. One of them calls for a congressional review of regulations issued under the authority.

Mr. BAUCUS. Is that the first amendment?

Mr. WALLOP. That is the first one.

The second one is to make the provisions of the Act a matter of State compliance, rather than Federal compliance.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. Without objection, amendment No. 1715 is set aside.

AMENDMENT NO. 1721

(Purpose: To permit each State to determine the drinking water regulations that shall apply in the State)

Mr. WALLOP. Madam President, I call up amendment No. 1721.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1721.

Mr. WALLOP. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 139, strike lines 2 through 6 and insert the following:

"that the State determines are appropriate or applicable in the State;".

On page 143, after line 23, insert the following new subsection:

"(i) APPLICABILITY OF PRIMARY DRINKING WATER REGULATIONS.—Section 1411 (42 U.S.C. 300g) is amended by inserting 'to the extent that the State determines that the regulations are appropriate or applicable' after 'in each State'.

Mr. WALLOP. Madam President, I will, at the convenience of the managers, be prepared to debate them. I was told we needed to qualify them by 3. I thank them for their consideration. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I ask unanimous consent that the pending amendment be laid aside and that I be allowed to offer an amendment listed by Senator GREGG which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Might the Chair inform the Senate how many amendments we now have that are being laid aside?

The PRESIDING OFFICER. There are currently four amendments that have been set aside.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1728

(Purpose: To exempt from the labor standards requirements assistance derived from repayments to the State loan fund)

Mr. SMITH. Madam President, I send an amendment to the desk on behalf of Senator GREGG and myself and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, and Mr. GREGG, proposes an amendment numbered 1728.

Mr. SMITH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 17, insert "but not" before "including".

Mr. SMITH. Madam President, I inquire of the Chair or managers whether or not they wish to have this amendment debated at this time or just offered?

Mr. BAUCUS. Madam President, it is my hope the Senator will press his amendment now so we can deal with it at the moment.

Mr. SMITH. I thank my colleague. I am prepared to do that.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise today to offer an amendment on behalf of myself and Senator GREGG to the Safe Drinking Water Act reauthorization that will free States from the Davis-Bacon requirements when the Federal commitment to State revolving funds, better known as SRF's, has ended in the fiscal year 2000. This amendment will also free the States from the Davis-Bacon requirements when these funds are relent by States from SRF under this act.

This is a new SRF program established under the Safe Drinking Water Act and the bill authorizes seed money to set up revolving loan funds. Loans are repaid and then funds are reloaned. Current practice, as is the case in the Clean Water Act, has been to apply Davis-Bacon only to the initial pool of money receiving a Federal contribution.

This bill as it is now written applies Davis-Bacon to subsequent loans, future loans, made out of the revolving funds 5, 10, 15, 20 years later, after the Federal Government has stopped contributing any funds. This far exceeds current Davis-Bacon requirements. No matter how you voted on the Faircloth amendment yesterday, this exceeds the current requirement for Davis-Bacon.

Revolving funds are administered by State agencies. They are matched with State funds. They are loans based on State and local assessments of need. Obviously, over time these revolving funds, SRF's, become State money more and more, and Federal money less and less. That is the whole purpose of the SRF's. So money repaid into SRF's, all of those dollars, are State dollars.

As an obvious example of this written right into the bill, States can decide whether or not to forgive loans to disadvantaged communities. They can make that decision. It does not make sense to apply Davis-Bacon to a subsequent loan that was made possible solely because the State collected a loan repayment it could have forgiven.

The bill contains a provision which essentially expands the Davis-Bacon coverage to all drinking water projects funded by the SRF's created in this bill—expands. This Davis-Bacon provision amounts to just one more Federal unfunded mandate on local communities. After the year 2000, the SRF will be capitalized solely by repayments into the loan fund.

So the Davis-Bacon provision currently in this bill would apply the law's requirements, not just for the first few years of the program, not just when the Federal Government is making a financial contribution—that is bad enough for those of us who do not like Davis-Bacon—but it also applies when the SRF is fully capitalized with States' funds.

This language is very significant. It is an unprecedented expansion of the Davis-Bacon Act, which will eventually place the full burden of the associated inflation costs on the States. This is very, very unfair. It is an unprecedented expansion which should not be allowed. It is not in any way justified under the whole concept of Davis-Bacon, whether you support the existing concept or not.

A study released by the GAO estimates that the Davis-Bacon Act raises the cost of Federal construction by an average of anywhere from 5 to 15 percent—a big range, but there are a lot of numbers out there in terms of what this means. A University of Oregon study estimated the inflated costs in rural areas, like most of my home State of New Hampshire, to be as high as 38 percent. And the Davis-Bacon Act currently impacts States and localities because it often applies even when the Federal Government makes only a nominal contribution and the project is primarily funded by the State and local authorities and by the private sector.

Where do we get off having Davis-Bacon apply? We know it applies to Federal, unfortunately, but where do we get off having it apply to State and local community money? It is simply unfair. The inflated costs and other problems associated with Davis-Bacon can virtually nullify the Federal Government's assistance—and it does frequently. The language in this bill imposes this type of burden on the States, but it also goes a step further by applying Davis-Bacon indefinitely, even when Federal dollars comprise no part of the SRF's.

So we are now going to look into the future when no Federal money is being placed into the SRF, yet they are going to be governed by the Davis-Bacon provisions. That is wrong. It is unfair, and it was not the intention of the statute.

I do not think there is a Member in this body who is opposed to the overall goal of safe drinking water—I hope not. But what concerns many of us is how we reach this goal.

Supporters of this legislation have spoken on the additional flexibility that the bill provides. While this may be true in some areas, the Davis-Bacon provision in this legislation is entirely contrary to the whole intent of the statute. In my State and that of Senator GREGG, the State of New Hampshire, the State legislature unanimously repealed the prevailing wage law in 1985 by a voice vote in the House and by a 17-to-6 vote in the New Hampshire Senate. The State legislature in

New Hampshire as well as 17 other States has clearly stated they do not want to pay these inflated costs, especially on environmental projects like this. They want to put the money into cleaning up the environment, in this case safe drinking water.

If this bill is truly flexible and intent on the goal of safe drinking water, it would not have an unfunded mandate that shifts the purpose of the bill from the purity of our water to a labor issue. That is what we are talking about here, a labor issue. It is a labor issue, ironically, that costs jobs and takes money away from the cleanup.

The bill authorizes $600 million in fiscal year 1994 and $1 billion per year over fiscal year 1995 to the year 2000, or $6.5 billion total. Davis-Bacon costs, depending on whose estimates you use—if you use as little as 1.5 percent of the total, that is $100 million. It could go, if you use the GAO estimates, to as high as $1 billion.

So $100 million to $1 billion—that is a big range. You pick a number, and whatever number you pick that money is not going to be used to make drinking water safer. It is not going to be used for that at all. It is going to be used to pay more to people to do the work than the prevailing wage rate is. That is what it is going to do. And it will cost people, especially in urban areas, jobs.

The result: less capital improvement, less safe drinking water, more money. It does not sound like a good deal to this Senator.

We rejected the Faircloth amendment yesterday. The Senate spoke very clearly on that. I happen to agree with Senator FAIRCLOTH, but the issue now is far beyond the Faircloth amendment. I want my colleagues to understand that. This amendment takes Davis-Bacon well beyond that and into the realm of the States and the localities who in good faith contributed money to this fund which then becomes self-sustaining so those dollars can be used to take Federal dollars out of the equation down the road. And what are we doing? Imposing the long arm of Government into those SRF's with the Davis-Bacon provision. It is wrong.

Let me conclude by saying this. My colleagues should be very clearly aware that the SRF provisions in this bill are not just a traditional application of Davis-Bacon requirements on Federal construction projects. That is not what we are talking about here, but an expansion of Davis-Bacon requirements to any assistance derived from repayments through the SRF. This represents an entirely new application of Davis-Bacon to construction work not directly funded by Federal money.

So in voting on this amendment, you must ask yourself: Do you want the Federal Government to reach into these SRF funds and dictate the prevailing wage on State and local money? State and local money, not Federal money.

Whether you like Davis-Bacon in its current form or not, Senators should at least be able to support this amendment because it stops an unprecedented, unintended—unintended—expansion of the law to the States. Davis-Bacon was not intended to expand to State moneys. The Federal Government should not be in the business of telling States how they must spend their scarce resources. Not only that, they should not be in the business of telling States how much money to pay to clean up a particular environmental problem—in this case, safe drinking water—when that money could be used better to provide for the actual cleanup rather than for labor costs that are unnecessary.

I urge my colleagues to support this amendment, to look at it, to review it, not be prejudiced by previous debate, but look at the essence of this amendment and what it does.

Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I agree with the Senator from New Hampshire. I think the point he made is that in the revolving fund, pretty soon they are entirely State funds, there are no Federal funds in there. What he is objecting to is that a Federal law requiring a higher wage than is the normal wage right in the vicinity must be paid for any work that is done under the revolving fund. I share with him that is not appropriate.

I think that the local water company, once they get some funds from the revolving fund, should be able to put it out to bid and get the lowest bid. But that is not true under the law, under the provision that is now in this bill.

I might say that applying Davis-Bacon to this fund is new. It also is true that the State revolving fund itself is new, but applying the Davis-Bacon to the Safe Drinking Water Act is a new proposal. It was not in the prior law.

So I think the Senator's point is well made, and I congratulate him for it.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, we had essentially the same issue before us yesterday. It is a little bit different. But it is essentially the same issue. The Senate voted overwhelmingly against the amendment to delete Davis-Bacon from the Safe Drinking Water Act State revolving fund. I forgot the vote, but the Senate rejected this amendment—not exactly this amendment, but a similar amendment yesterday. This is basically the same issue.

The question is, should Davis-Bacon apply not only to loans from the State revolving loan fund in the first instance, but also to loans from the State revolving loan fund that are loaned back out of the fund subsequently to other communities.

There has been some illusion on the floor that somehow these funds become State funds. They do not. It is still principally Federal money. In fact, by and large, it is always—about 80 percent—Federal funds and only about 20 percent State because it is a Federal 80-percent grant to the State revolving loan fund and 20 percent matched by the States.

From that grant, States then loan funds out to communities to install treatment facilities through the revolving loan fund under the Safe Drinking Water Act. Every year, the process is the same. Every year, if this legislation is enacted, Uncle Sam will contribute 80 percent more to the State revolving loan fund, and every year the State will contribute its match of 20 percent.

In the first year, the State revolving loan fund will be about $600 million, 80 percent Federal, 20 percent State. Then the authorization next year under the bill is up to $1 billion and each year thereafter. Each year there is essentially 80 percent contribution of Federal dollars, 20 percent matched by the States.

That is why I say this is essentially the same issue because we are talking about loans from the State revolving loan fund which is, by and large, 80 percent Federal dollars and 20 percent State.

There are all kinds of studies on this issue and the studies go in all directions. Some of the proponents of this amendment say, "Gee, prevailing wage under Davis-Bacon is wrong. It is unfair because it is too costly to communities to pay prevailing wage."

There are a lot of studies that show just the opposite, Madam President; that is, the prevailing wage provisions tend to lower costs in many instances because there are fewer cost overruns, there are fewer stoppages, fewer slowdowns, higher quality of construction. So it is not clear.

As the Senator from Massachusetts [Senator KENNEDY] made the argument quite eloquently yesterday—we are not talking about a lot of dollars to the ordinary working men and women who get paid prevailing wage, which is not high. It is not glamorous; it is not massive. These are not high wages. These are ordinary wages paid to ordinary people. I do not think that we in the Congress today—certainly we in the

Senate today—should break suddenly and say, "OK, these payments out of the Safe Drinking Water Act revolving loan fund should not be according to prevailing wages." I think it should.

It is for those reasons I urge the Senate to reconfirm the vote we did yesterday. It is not exactly the same amendment, but for all intents and purposes, it is the same. I urge us to continue the same vote and disapprove this amendment.

Mr. SMITH. Will the chairman yield to me briefly for a response?

Mr. BAUCUS. Sure.

Mr. SMITH. I know there are other Senators who want to offer amendments. I will be brief. I will say to the chairman, with all due respect, it is not a reconfirmation of the Faircloth vote. It is quite different. It does go far beyond the existing Davis-Bacon.

The chairman has admitted at least—I do not agree with his numbers on the other 80 percent—he has at least admitted 20 percent of the funds minimally are State funds. So I do not know how you can justify, even on that basis, that 20 percent being under the restrictions of Davis-Bacon.

I think, finally, even the Federal dollars that are in the fund that are provided to the States, they are provided so that the States can do the best job that they can to do the environmental work that needs to be done; in this case, to clean up drinking water. And we are tying their hands by saying to them you have to pay more money for wages to do that than what you have to pay. That is not good for the environment certainly. It certainly is not going to help clean up the water and it is certainly not good for the taxpayers of America.

So I think a vote in favor of the Smith amendment is a vote for the taxpayers and a vote for environmental cleanup. Let us keep the record straight on that.

Mr. BAUCUS. Madam President, one point I want to make regarding the provisions in the committee bill. Applying prevailing wage to projects as a consequence of loans out of the State revolving loan fund under the Safe Drinking Water Act is entirely consistent with the provisions that currently apply under another revolving loan fund, the Clean Water Act State revolving loan fund.

In fact, we in the committee addressed this very issue under the Clean Water Act for loans to communities for sewage wastewater treatment plants. We decided in the committee that the prevailing wage should apply in all cases. I just think for the sake of consistency that we should apply the same principle today. Again, the committee has voted on this.

The committee, frankly, I might add, Madam President, voted this bill out unanimously, which included provisions that prevailing wage would be provided in all cases.

Basically it comes down to this: We in the Senate just should make a clear decision: Does Davis-Bacon apply or does it not apply? If it does apply, it applies. If it does not apply, it should not apply. We in the Senate have stated very clearly, a significant majority has stated that Davis-Bacon should apply to Federal projects. This is a Federal project. This is a Federal project because at least 80 percent of the funds loaned out are Federal.

I think that we should affirm our earlier position, and I urge the Senate to do so; to disapprove the amendment offered by the Senator from New Hampshire.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 1729

(Purpose: To propose 1st degree amendment to require Federal agencies to prepare private property taking impact analyses, and for other purposes)

Mr. DOLE. Madam President, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending.

Mr. DOLE. I ask unanimous consent that the amendment be temporarily laid aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. HEFLIN, Mr. MCCONNELL, Mr. PRESSLER, Mr. BURNS, Mr. BROWN, Mr. HATCH, Mr. BOND, Mr. GORTON, Mr. KEMPTHORNE, Mr. GRAMM, Mrs. HUTCHISON, and Mr. CRAIG, proposes an amendment numbered 1729.

Mr. DOLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 138, insert between lines 16 and 17 the following new section:

SEC. 16. PRIVATE PROPERTY RIGHTS.

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that it is the policy of the Federal Government to use all practicable means and measures to minimize takings of private property by the Federal Government.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall submit a certification to the Attorney General of the United States that a private property taking impact analysis has been completed before issuing or promulgating any policy, regulation, proposal, recommendation (including any recommendation or report on proposal for legislation), or related agency action which could result in a taking or diminution of use or value of private property.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of whether a taking of private property shall occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) the effect of the policy, regulation, proposal, recommendation, or related agency action on the use or value of private property, including an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action requires compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would lessen the adverse effects on the use or value of private property;

(E) an estimate of the cost of the Federal Government if the Government is required to compensate a private property owner; and

(F) an estimate of the reduction in use or value of any affected private property as a result of such policy, regulation, proposal, recommendation, or related agency action.

(3) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(A) make each private property taking impact analysis available to the public; and

(B) to the greatest extent practicable, transmit a copy of such analysis to the owner or any other person with a property right or interest in the affected property.

(4) PRESUMPTIONS IN PROCEEDINGS.—For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the cost, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(A) such analysis was completed 5 years or more before the date of such action or proceeding; and

(B) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) limit any right remedy, or bar any claim of any person relating to such person's

property under any other law, including claims made under section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages.

(g) STATUTE OF LIMITATIONS.—No action may be filed in a court of the United States to enforce the provisions of this section on or after the date occurring 6 years after the date of the submission of the certification of the applicable private property taking impact analysis with the Attorney General.

(h) EFFECTIVE DATE.—The provisions of this section shall take effect 120 days after the date of the enactment of this Act.

Mr. DOLE. We are not going to debate this amendment at this time. It is the so-called takings amendment in which I know a number of Members on each side have an interest. And this just protects me; so I have offered the amendment prior to 3 o'clock. I understand we have worked out some agreement. There will be two second-degree amendments.

Mr. BAUCUS. Right.

Mr. DOLE. I thank the managers. I yield the floor.

Mr. BAUCUS. Madam President, I thank the Senator, too, for being accommodating in working this out. We have worked out an understanding that three amendments will be laid down, two second-degree amendments, one offered by either Senator MITCHELL or his designee and, pending disposition of that, the Senator will offer his second second-degree amendment, so essentially depending on how the votes come out——

Mr. DOLE. One way to shorten that would be to accept the amendment I sent up.

Mr. BAUCUS. I could think of other ways to shorten it, too.

AMENDMENT NO. 1730

(Purpose: To exempt contracts entered into by the United States or District of Columbia for construction, alteration, or repair work that is performed in disadvantaged communities and that is necessary to comply with the Safe Drinking Water Act from the requirements of the Davis-Bacon Act)

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I thought that was an excellent suggestion parliamentary wise. Hopefully, that will be the same with mine, but I see it is not. Therefore, I send an amendment to the desk and ask it be read.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming, [Mr. SIMPSON] proposes an amendment numbered 1730.

Mr. SIMPSON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . EXEMPTION OF CERTAIN CONTRACTS FROM REQUIREMENTS OF THE DAVIS-BACON ACT.

Notwithstanding any other provision of law, the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; 40 U.S.C. 276 et seq) shall not apply to a contract entered into by the United States or District of Columbia for construction, alteration, or repair work that—

(1) is performed in a disadvantaged community (as defined by the State in which the disadvantaged community is located) in a State; and

(2) is necessary to comply with the requirements of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

Mr. SIMPSON. The managers are well aware of this amendment, and if someone should come to the floor during my remarks, I will certainly yield to those persons so that they might submit amendments which must be in before 3 o'clock. With that, unless the managers have some different view, I will just make brief remarks.

Mr. BAUCUS. Madam President, the Senator has made a good suggestion. As far as we are concerned, he should proceed.

Mr. SIMPSON. Madam President, I have heard the phrase used in legislating called fine tuning. It sometimes can be overdone, but I think this is a modest change in some of the requirements of the Davis-Bacon law as it relates to the Safe Drinking Water Act.

What this amendment does is exempt only disadvantaged areas as are defined by the States from the prevailing—which, of course, are always union—wages as contained in Davis-Bacon. The EPA tells us that it will cost small, disadvantaged communities nearly $3 billion to comply with current Federal drinking water regs, and another $20 billion to repair, replace, and expand the current drinking water infrastructure to meet future needs. Davis-Bacon requirements only increase, of course, the financial burden.

I have heard the debate. This is not about Davis-Bacon in its own raw skeleton form. This actually affects the smaller communities. It keeps the smaller contractors from competing. In addition, it increases the cost of water systems for disadvantaged communities.

Remember, this does not affect anybody but a disadvantaged community as defined by the States under this bill. And I want to commend the managers, Senator BAUCUS and Senator CHAFEE, for their fine work to date with regard to the efforts to accommodate so many of us from different regions of the country. That has been truly exemplary, and I thank them and deeply appreciate it.

But this amendment is simply an attempt to level the playing field for contractors in small communities that simply cannot afford to meet expensive safe drinking water requirements and principally, of course, includes communities in rural and also in urban locations.

When it comes to rural areas, anyway you look at it, Davis-Bacon is often a raw deal. And the more rural you get, the more raw it gets. The act is failing miserably when it comes to preserving jobs for local rural communities. In fact, contractors on public projects are much more likely to come from outside the community than they are from within, and the culprit is Davis-Bacon. It is about wages. It is about rural sections of the country. Wages in the rural sections are not as high as wages in the urban sections of the country. There are good reasons for that. So I think it is senseless for the Government to be paying the Denver union wage rate for a project in Wamsutter, WY. It is not appropriate. Not only does Davis-Bacon raise wages, it makes it more difficult for local firms to compete.

According to a 1982 report by the Department of Economics at Oregon State University, and I quote, "Davis-Bacon increases the cost of public nonresidential buildings in rural areas." That will also be true for public drinking water system construction costs. The report shows how construction costs in rural areas are as much as 40 percent higher than in other locations thanks to Davis-Bacon. Davis-Bacon illustrates well the plight of rural localities in trying to spur economic activity, and it is certainly one reason why the deck is stacked against us.

In this situation, recall, please, that it is only to the disadvantaged areas. I might add that minority contractors have told us that, and I quote now from the National Association of Minority Contractors—Minority Contractors:

> Davis-Bacon is poison to minority contractors. It has a terrible effect on minority employment. Davis-Bacon stifles the introduction of minority laborers into the construction industry. And, it is clear that the requirements of Davis-Bacon serve to discourage fair minority participation in the Federal construction market.

Mr. CHAFEE. Madam President, I wonder if the Senator will yield for one question here?

Mr. SIMPSON. I would yield for a question.

Mr. CHAFEE. I wonder if the Senator would agree that one of the problems with Davis-Bacon is not just the additional cost but Davis-Bacon is a great favor to the large construction companies. They have dealt with it. They are used to it. They have these jobs. But Davis-Bacon is poison to the small contractor. He cannot bid on the job because he does not have that history of having paid the prevailing wage within the area—the so-called prevailing wage, which we all know is a synonym for the union wage.

Am I not correct in saying that one of the people who loses out because of

Davis-Bacon requirements is the small contractor?

Mr. SIMPSON. Madam President, my friend from Rhode Island is saying it as crisply as possible. Indeed, those are the people most affected. The people we try to affect the least are the most affected by Davis-Bacon.

Let me just conclude that our party met in Philadelphia in conference several weeks ago. The topic of inner-city job creation came up. And we were told by persons in Philadelphia that they are losing 1,000 jobs a month.

Now, the mayor of that city, Ed Rendell, a Democrat, a very able and very impressive man—at least to me he is—has been working on it. And it may startle some to know that his principal job to do something for his city is to target a portion of Federal procurement to businesses situated in distressed areas or disadvantaged areas. If we want to make the mayor's dream come true, we should get rid of Davis-Bacon.

For too long, cities have operated on the premise that crime, welfare, and drugs are the cause of their problems. These social problems are actually symptoms which are directly related to an eroding economic base. We need to start hearing that one in Washington and help promote policies which promote commercial activity and job creation in our inner cities, rural fringes and, for that matter, the entire country.

I would also address the issue of quality. Many who support this law give credit to Davis-Bacon for creating higher standards of quality on construction projects. This is a myth that was pretty effectively shattered this past winter in our Nation's Capital. I ask my colleagues to recall how only months ago this city was shut down for several days because of a drinking water facility disaster. I have since learned that this facility was constructed under Davis-Bacon requirements. Enough said. The structure collapsed downtown. Davis-Bacon on that one too.

Davis-Bacon has been harshly criticized by most rural and inner-city business groups. Those include, the U.S. Hispanic Chamber of Commerce, National Center for Neighborhood Enterprise, National Association of Counties, National League of Cities, National School Boards Association, National Association of House and Redevelopment Officials, National Taxpayers Union, and the American Farm Bureau Federation.

I would argue that this amendment does not go nearly far enough, and I have always believed that an outright repeal is really the best way of dealing with Davis-Bacon. The law as a whole has helped to severely weaken employment in this sluggish economy by increasing costs.

The Congressional Budget Office has told us on more than one occasion that Davis-Bacon has an inflationary effect on private construction costs. And if you are still not satisfied, the Government Accounting Office [GAO] has called for a complete repeal of Davis-Bacon—because we waste a billion bucks each year as a result of this law.

While I would concur with the GAO's conclusion, my amendment does not even come close to repeal or attempt it. I think it is important to point out that this amendment would only affect—at a maximum—30 percent of all safe drinking water contracts because only 30 percent of the revolving loan fund is available for loan forgiveness to disadvantaged communities. So the other 70 percent of the funding would still be open to all Davis-Bacon requirements.

This is a fairness issue. Why should we penalize those communities that need the financial assistance most? If we want to give them more bang for the buck, we should exempt them from Davis-Bacon requirements as another means of financial assistance. Seventy percent of the safe drinking water compliance costs will be incurred by disadvantaged small communities which account for 10 percent of the population. These communities need our help.

So, with that in mind, I would expect that each and every Senator may find it appropriate to support this reasonable and modest attempt to induce some economic stimulus into our most distressed rural and urban communities.

Mr. GLENN. Will the Senator yield for a question?

I had an amendment I would like to get in. It will just take a minute, if the Senator will yield.

Mr. SIMPSON. Madam President, I yield to the Senator from Ohio.

Mr. GLENN. Thank you very much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Thank you very much, Madam President.

Madam President, I rise to offer an amendment to elevate EPA to Cabinet-level status.

This amendment passed the Senate just over a year ago as a free-standing bill—S. 171, the Department of Environmental Protection Act. That legislation passed the Senate by a vote of 79 to 15. Unfortunately, the House has failed to pass a counterpart bill, so we have not been able to go to conference. My hope is that by attaching this amendment to Safe Drinking Water Act reauthorization, we will be able to conference a bill and enact it this year.

I would note that this amendment incorporates S. 171 as passed and amended, so it includes all amendments, except one, that were offered and agreed to last year—amendments from Members from both sides of the aisle. The only difference between this amendment and S. 171 as passed is that I have dropped section 123—the Johnston risk assessment provision. I have dropped this provision because a Johnston-Baucus compromise on risk assessment has already been debated and will be adopted as a separate amendment to Safe Drinking Water Act reauthorization.

We will debate it, and take action on it at a later date.

I thank my colleague for yielding.

I yield the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 1731

(Purpose: To establish the Department of Environmental Protection, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes)

Mr. GLENN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] for himself, Mr. SASSER and Mr. LEVIN, proposes an amendment numbered 1731.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment appears in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Madam President, I thank the managers for their cooperation and assistance.

I hope that the Senate will find it appropriate to support this reasonable and modest attempt to do something, knowing that only 30 percent of the money under the revolving fund is going to be available for loan forgiveness to disadvantaged communities. So the other 70 percent of the funding will not be affected in any way, and will still have Davis-Bacon apply to it.

Mr. BAUCUS. Madam President, several points with respect to the amendment offered by the Senator from Wyoming.

First of all, this is one of I think three so-called Davis-Bacon amendments that have been offered here on the Safe Drinking Water Act. It strikes me that because we are getting different variations of the same issue that a lot of these Davis-Bacon questions would be much more appropriately handled in a more appropriate process, and I would submit that would be the Labor Committee; a very able committee that can deal with the Davis-Bacon questions.

I think it is more fair to all concerned to take up these variations on an orderly basis. I therefore suggest that for that reason alone all of these Davis-Bacon amendments not be approved here at this time. In fact, I do not think they should be approved at all. But at least that is the orderly process in the Labor committee.

The second point that strikes me is this: I do not see why employees, workers in disadvantaged communities should be further disadvantaged by their inability to be paid prevailing wage. It just seems to me that would layer disadvantage on top of disadvantage. The problem we are talking about is not all of the communities, but in many cases it may be a large community. At least it is a disadvantaged community.

It seems to me that if prevailing wage applies to the nondisadvantaged communities, but is not available for disadvantaged communities, that is discrimination against local workers. It does not make sense to me. Therefore, I do not think this amendment makes much sense.

In addition to that, there are a lot of studies that show that a prevailing wage does not increase costs. It does not increase costs over the long run. There are a lot of data, a lot of studies, which very definitely show that the prevailing wage reduces cost overruns. It also tends to increase the quality of construction.

There are a lot of reasons why it enhances stability. It enhances certainty. It enhances reliability so that the contractor, the employees, the union, and the community know what the base is to build upon.

I am not going to get into any great debate about this right now. But I do think those are considerations we should all have in mind when we consider this amendment. And, therefore, I oppose it.

AMENDMENT NO. 1732

Mr. **BAUCUS**. Madam President, I have an amendment, the managers amendment, which I submit to the desk, and I ask for its immediate consideration. I ask unanimous consent that the pending amendment be temporarily laid aside.

The **PRESIDING OFFICER**. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1732.

Mr. **BAUCUS**. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 3, strike "is identified in an intended use plan developed by the State pursuant to section 1474 and the assistance" and inserting in lieu thereof "pursuant to part G or any other Federal or State program".

On page 48, as amended by amendment No. 1699, strike the following:

"requirements established by the State are based on—

"(I) occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) the monitoring frequencies are no less frequent than the requirements of the national primary drinking water regulations for a contaminant that has been detected at a quantifiable level during the 5-year period ending on the date of the monitoring."

and insert in lieu thereof the following:

"requirements established by the State—

"(I) are based on occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) include monitoring frequencies for public water systems in which a contaminant has been detected at a quantifiable level no less frequent than required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection."

On page 51, before line 2, insert the following:

"(iv) OTHER STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State, and the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to applications from States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.".

On page 67, line 9, strike "and" and insert "or".

On page 71, line 1, strike "the issuance of the order assessing the penalty" and insert "the proposed issuance of such order."

On page 76, line 23, strike "1432".

On page 78, line 9, strike "to a private entity".

On page 83, lines 11 and 12, strike "and Prohibition on Certain Return Flows."

On page 84, line 21, insert ", except manufacturers," after "supplies".

On page 86, strike lines 21 through 25.

On page 103, line 24, strike "approved pursuant to section 1429" and insert "pursuant to section 1420".

On page 105, line 7, strike "(including travelers)" and insert "endangerment,".

On page 116, line 12, strike "subparagraph" and insert "subparagraphs".

On page 116, line 22, strike "";" and insert the following new subparagraph:

"(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

"(i) the State requests the modification;

"(ii) the revised estimates assure full and effective administration of the public water system supervision program in the States and the revised estimates do not overstate the resources needed to administer such program; and

"(iii) the basis for the estimates are used consistently under this title, including for purposes of section 1474(a)(2) in each fiscal year for which such section is applicable."''

On page 130, between lines 13 and 14, insert the following:

(4) cost-benefit analysis and risk assessment should be presented with a clear statement of the uncertainties in the analysis or assessment;

On page 130, line 14, strike "(4)" and insert "(5)".

On page 130, line 20, strike "(5)" and insert "(6)".

On page 131, line 1, strike "(6)" and insert "(7)".

On page 131, line 11, strike "(7)" and insert "(8)".

Beginning on page 132, line 25, strike all through line 1 on page 133 and insert "estimate the private and public costs associated".

On page 133, strike lines 6 through 9 and insert the following:

(3) EVALUATION OF OTHER FEDERAL ACTIONS.—In addition to carrying out the requirements of paragraphs (1) and (2), the Administrator shall also estimate the private and public costs and benefits associated with selected major Federal actions chosen by the Administrator that have the most significant impact on human health or the environment, including the direct development.

On page 138, line 4, strike "establish" and insert "establish, not later than 24 months after the date of enactment of this Act,".

On page 138, strike lines 18 through 21, and insert the following:

(a) DEFINITION OF PUBLIC WATER SYSTEM.—

(1) The first sentence of section 1401(4) (42 U.S.C. 300f(4)) is amended by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances".

(2) Such section is further amended by adding at the end thereof the following: "A connection for residential use (drinking, bathing, cooking or other similar uses) or to a facility for similar uses to a water system that conveys water by means other than a pipe principally for purposes other than residential use (other purposes, including irrigation, stock watering, industrial use, or municipal source water prior to treatment) shall not be considered a connection for determining whether the system is a public water system under this title, if—

"(A) the Administrator or the State in which the residential use or facility is located has identified any treatment or conditioning necessary to protect human health if the water is used for human consumption and the residential user of owner of the facility is employing such treatment or conditioning at the point of entry; or

"(B) the system certifies to the Administrator or the State that an alternative source of water for drinking and cooking is being provided to the residential users or using the facility.

An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped system with only incidental residential use shall not be considered a public water system, if the residential use complies with subparagraphs (A) and (B).".

(3) The provisions of this subsection shall take effect 1 year after the date of enactment.

On line 9 of Amendment No. 1709, strike "shall" and insert "may".

On page 143, after line 23, insert the following new subsection:

(i) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.".

(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting ", the Lake Champlain Basin Program," after "Great Lakes Commission".

(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting ", Lake Champlain," after "Great Lakes" each place it appears.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

(A) in paragraph (3), by inserting ", and the Lake Champlain Research Consortium," after "Laboratory"; and

(B) in paragraph (4)(A)—

(i) by inserting after "(33 U.S.C. 1121 et seq.)" the following: "and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322)"; and

(ii) by inserting "and the Lake Champlain basin" after "Great Lakes region".

The PRESIDING OFFICER. Is there debate on the amendment?

AMENDMENT NO. 1733

Mr. CHAFEE. Madam President, I send to the desk in behalf of Senator GORTON an amendment, and I ask for its immediate consideration. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. GORTON, proposes an amendment numbered 1733.

Mr. CHAFEE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 109, line 7, insert the following after "2000."

"If the Administrator makes a grant to a non-profit organization to provide technical assistance under this section, the Administrator shall assure that the program administered by the non-profit organization, in combination with other grants under this section, provides technical assistance among the States in an equitable manner. A non-profit organization conducting any activities supported by a grant under this subsection, shall consult with the State agency having primary enforcement responsibility under section 1413 on the activities to be conducted in the State."

AMENDMENT NO. 1734

Mr. CHAFEE. Madam President, I ask unanimous consent that the pending amendment be set aside, and on behalf of Senator HATCH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the previous amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. HATCH, proposes an amendment numbered 1734.

Mr. CHAFEE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, after line 11, insert the following new paragraph:

"(4) SCHEDULE OF INSPECTIONS.—

"(A) IN GENERAL.—The Administrator or authorized representative of the Administrator shall conduct inspections undertaken pursuant to this subsection during the normal operating hours of the establishment, facility, or other property.

"(B) SMALL SYSTEMS.—(1) For a public water system serving a population of 3,300 or less, the Administrator or authorized representative of the Administrator shall, to the extent practicable—

(i) notify the person referred to in paragraph (1), at least 3 days before the inspection, of the time when the inspection is scheduled to occur, and

(ii) schedule the inspection at a mutually convenient time.

"(C) WAIVER.—The Administrator or an authorized representative of the Administrator may waive the requirements of subparagraphs (A) or (B) if the Administrator or authorized representative of the Administrator determines that an immediate inspection may be necessary to protect public health."

Mr. HATCH. Madam President, this amendment to the pending legislation will address a problem I foresee with this bill for the operators of our smaller public water systems.

The legislation before us today authorizes an official of the Environmental Protection Agency [EPA] to conduct an inspection and audit of any water system that is subject to the provisions of this title. Certainly, no one wants to prevent the EPA from conducting a proper and thorough inspection of our public water systems, no matter the size of the system or the community serviced by that system. We do not want to let an incident go unnoticed and, if the situation is appropriate, unenforced.

However, the operators of the smaller systems in Utah, or almost 90 percent of Utah's systems, do not make their primary income from the position of a system operator. Their primary, secondary, or tertiary responsibilities do not involve the operation of the local water system. This does not mean that they have no interest in the proper operation of the system—they do. It simply means that their effort, and therefore their time, must be appropriated between various conflicting responsibilities. They are farmers, dairy ranchers, small business owners, and other occupations, and must perform the duties of these positions as well as focus their attention on their position as the local water operators. In Utah, one of our operators is an employee of the Utah State Board of Education, and one owns and operates a nursing home.

My amendment takes this diversity into consideration. My amendment encourages the EPA to conduct inspections authorized under this act, for pubic water systems serving populations of 3,300, at a time that is as convenient as possible to the local operators. This is merely a consideration to those individuals who have to juggle their schedules and perhaps even commute some distance. Spot inspections conducted by the EPA would not be fair, appropriate, or even effective without the presence of the operator. EPA officials should address monitoring or water quality problems in a particular system, and I encourage them to take what action they need. But, my amendment encourages them to contact the operator of that system to schedule a time certain when an inspection and audit can be accomplished.

We do not need to encourage further acrimony between local government officials and the Federal Government by allowing one party to make one-sided demands on the other. They need to work together. This cooperation can begin in this legislation by working to agree to a time and place for the inspection.

Originally, the amendment would have required a written notice by the EPA to the local operator within a certain number of days. While that solution would be my first preference, I am willing to accommodate the procedural concerns of the EPA and the managers of this bill. Therefore, I have modified the amendment so that the EPA inspector shall, to the extent practicable, contact the local operator three days in advance prior to scheduling an inspection, and determine, if possible, a mutually agreeable time to conduct the inspection and audit of the system's records. The amendment authorizes the Administrator to conduct an inspection if there is a compelling reason to do so in the interest of protecting public health. The important part of my amendment is that EPA officials be encouraged to give prior notification to the local operator as they carry out this inspection and audit activity.

I believe this is a reasonable requirement for EPA officials. It may not seem important to many people, but it is critical to the operators of small public water systems. I appreciate the willingness of the managers of the bill to review this issue, and I urge the amendment's adoption.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 1730

Mr. SIMPSON. Madam President, I would just respond to my good friend from Montana in the final arguments with regard to my amendment which I think is different from other Davis-Bacon amendments.

This amendment that I present has to do with poor communities. These are disadvantaged communities I speak of which cannot even afford drinking water. It is nice to think of the Safe Drinking Water Act, except if you are in a situation where you could impose a maximum levy on your whole community, and it will not even build you a water tower. That is the reality in many places in America.

That is why the revolving fund is very appropriate. But this is an effort to give them more for their money. It is not an effort to make them more disadvantaged. Often workers for these treatment plants come from out of town. You can talk about the fellow making $20,000 or $23,000 a year. We are talking about the person who is very skilled, willing to work for $15,000 a year, and cannot get a job because of Davis-Bacon, because of a union prevailing wage. And there is no way that person can get a job in a disadvantaged community.

If you want to do something for the local community, for local contractors, that issue of quality always comes up. The water system here in Washington, D.C. was built under Davis-Bacon requirements. And we had the biggest scare in history last year with regard to potable water in the District of Columbia. Then there was a building a few blocks from here that fell in a couple of years ago. During construction, it just collapsed. All of that was not exactly quality work under Davis-Bacon. I think that is an argument that certainly can be challenged.

But that is the purpose of the amendment.

I thank the managers, and I appreciate their courtesy.

Mr. BAUCUS. Madam President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1735 TO AMENDMENT NO. 1729

(Purpose: To provide a perfecting amendment)

Mr. BUMPERS. Madam President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for Mr. MITCHELL, for himself, Mr. BUMPERS, and Mr. BAUCUS proposes an amendment numbered 1735.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first section heading and insert the following:

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that the Federal Government should protect the health, safety, and welfare of the public and, in doing so, to the extent practicable, avoid takings of private property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property, except that—

(i) this subparagraph shall not apply to—

(I) an action in which the power of eminent domain is formally exercised;

(II) an action taken—

(aa) with respect to property held in trust by the United States; or

(bb) in preparation for, or in connection with, treaty negotiations with foreign nations;

(III) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(IV) a study or similar effort or planning activity;

(V) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(VI) the placement of a military facility or a military activity involving the use of solely Federal property; and

(VII) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(ii) in a case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation pursuant to section 553(b)(B) of title 5, United States Code, the taking impact analysis may be completed after the emergency action is carried out or the regulation is published.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(3) SUBMISSION TO OMB.—Each agency shall provide an analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of a taking claim, or an award of compensation pursuant to the Just Compensation Clause of the Fifth Amendment to the Constitution. The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made pursuant to this paragraph.

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party at law or equity against the United States, an agency or instrumentality of the United States, an officer or employee of the United States, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, any alleged failure to comply with this section may not be used as a ground for affecting or invalidating the agency action.

(2) CLAIMS FOR JUST COMPENSATION.—Nothing in this section shall limit the right of

any person to seek just compensation pursuant to the Fifth Amendment to the Constitution.

(h) EFFECTIVE DATE.—The provisions of this section shall take effect 120 days after the date of the enactment of this Act.

Mr. BUMPERS. Madam President, could I inquire of the distinguished floor manager what the parliamentary situation is here, and how we are handling these amendments?

Mr. BAUCUS. Madam President, 3 o'clock having arrived, we are in a somewhat complex and unique situation.

As I understand it, after consulting with the parliamentarian, we now have 11 amendments to dispose of here. We are taking them in reverse order until 3:45, and at 3:45 we will have a vote on the Johnston risk-taking amendment. At that point, I think we can proceed in the order in which they were offered.

Mr. BUMPERS. I understood from my staff—and I want to verify it—the amendment I offered just now to the Dole amendment will be debated and voted on, at which time, if I prevail, at that point, he would be entitled to offer a second-degree amendment to mine; is that correct?

Mr. BAUCUS. That is my understanding. That is correct.

Mr. BUMPERS. I thank the floor manager.

I yield the floor.

The PRESIDING OFFICER. If the Senator will withhold, if there is no objection, the Bumpers amendment No. 1735 will be considered a second-degree amendment to the Dole amendment No. 1729.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order is the Johnston amendment No. 1722.

Mr. BAUCUS. Madam President——

The PRESIDING OFFICER. The pending amendment is the Hatch amendment.

Who seeks recognition?

AMENDMENT NO. 1732

Mr. BAUCUS. Madam President, I ask unanimous consent that we now take up the managers' amendment, amendment No. 1732, offered on behalf of myself, and I ask that that now be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, this is essentially a technical amendment. This is the managers' amendment including technical provisions.

It has been cleared, and I urge the Senate to approve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1732) was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. LIEBERMAN). The pending amendment is the Hatch amendment.

Who seeks recognition?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. BAUCUS. Mr. President, we have 10 amendments before us, on three of which the yeas and nays have been ordered. Two of those three are Davis-Bacon amendments. One was offered by Senator SMITH and the other by Senator SIMPSON.

Under a previous unanimous consent agreement, the first vote is to occur at 3:45 on the Johnston amendment No. 1720.

I ask unanimous consent that pending the disposition of the Johnston amendment No. 1720, the Senate proceed to vote on two Davis-Bacon amendments, namely, amendment No. 1728 and amendment No. 1730, that the vote occur on or in relation to those amendments; further, that no second-degree amendments pursuant to those two amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, as I understand the procedure now, at 3:45, we will vote on the Johnston amendment dealing with risk assessment?

The PRESIDING OFFICER. The Senator from Rhode Island is correct.

Mr. CHAFEE. I also understand that following disposition of that we will vote on the Smith amendment dealing with Davis-Bacon?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. CHAFEE. Following the disposition of that, it is my understanding we will then vote on the Simpson amendment dealing with Davis-Bacon?

The PRESIDING OFFICER. Again that is the understanding of the Chair. The Senator is correct.

The Chair advises the Senator from Rhode Island that the votes on those three matters will be on or in relation to the matters stated.

Mr. CHAFEE. Meaning not necessarily up or down?

The PRESIDING OFFICER. The Senator is correct.

Who seeks recognition?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1729

Mr. BURNS. Mr. President, I rise in support of the Dole amendment, as we have some time here before these three votes occur. It has a tremendous impact and importance to the property owners in Montana and this country. Farmers, ranchers and business people, who would like to have some kind of control over their lands to make a living, are rallying behind this legislation that would help protect them from legislative or regulatory assault on private property rights. This problem is a concern to Montanans on all kinds of legislation.

Private property rights are protected under the fifth amendment to the Constitution which states "nor shall private property be taken for public use without just compensation." Yet, we see many laws and many regulations being promulgated now that are encroaching further and further on this right, because people here inside this beltway do not respect or understand the importance of maintaining this right. In fact, it is the cornerstone of this free society.

Wetlands and endangered species regulations in particular have had a devastating impact on Montana property owners. The opportunity to make a living is dramatically reduced. Their opportunity to conduct normal agricultural operations, build a house, or even utilize water from Federal storage projects is often threatened on the very land that they rightfully own and have a right to the activities on that land.

I have taken several actions aimed at reducing the takings impact of Federal laws and regulations. In 1991, I submitted to the U.S. Supreme Court a friend-of-the-court brief which dealt with the taking of private property in South Carolina. In this case, the Court sided with the property owner, reaffirming every American's right. I have added my name as a cosponsor of S. 2006 by Senator DOLE and several other pieces of legislation to reduce the impact of takings.

I think that is what we are talking about here. It is not that some activities are done for the public good. But if they are, then the property owner has to be compensated for that taking.

The amendment before you today is very simple. It is very straightforward. It merely requires Federal agencies to look before they leap when they promulgate regulations. It requires them to conduct takings impact assessments to determine what effect their actions will have on the use and the value of private property.

If the action will result in a taking, the amendment requires agencies to consider the alternatives that would reduce the impact on private property. Not only does this amendment protect private property, but it also protects the Government agencies from expensive legal actions if they are initiated by a property owner as a result of a taking.

So, Mr. President, with this amendment, Congress is merely reinforcing the Government's responsibility to reduce the impact of their actions on property owners, something Government should already be doing.

In other words, it should not even have to be put in this legislation. In other words, all we have to do is look to the fifth amendment anytime the Government does something. But basically that is what we are doing. We are shoring up this fifth amendment. It is good for property owners. It is also good for this Government.

I strongly urge your support of this amendment. It just says, "Government, look before you leap in the area of private property on any kind of a rule or regulation that is promulgated out of Washington."

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, this afternoon, I join with my colleague from Montana in support of Senator DOLE's amendment on private property taking.

The Senator has produced an amendment that is very similar to legislation that has several times passed the U.S. Senate. The Senator is calling this the Private Property Rights Act of 1994.

I find it an interesting time in our Nation when we must once again affirm the right of our citizens under the fifth amendment to the Constitution; that, at the risk of an all-intrusive Federal Government, we must argue on the floor of this Senate that citizens are entitled once again to the property rights that were propounded for them in the Constitution by our Founding Fathers.

But that is what we are about this afternoon. We are about it because for over three decades we have seen a progression of public policy that has continually eroded the private property value in the sense of the right of the landowner or the property owner in this country.

How has that come about? Well, it has come about largely because we have failed as a Congress to be observant and to be critical of agencies in their administration of the public policy that we create.

Let me this afternoon give you an example of the kind of issue that the DOLE amendment would clarify. Because, as has been outlined by my colleague from Montana, the DOLE amendment largely, in its protection of the private citizen through the fifth amendment, as it was made applicable by the 14th amendment in our Constitution, basically puts up a private property taking impact analysis that would require a Federal agency to submit a certification to the Attorney General of the United States that a property taking impact analysis had been completed before the issuing or promulgating of policy, regulation, proposal, or recommendation as it relates to their activities as it might impact private property.

The example that I am referring to that is so typical resulted in a small community in Blaine County, ID. Well, to many of you, that does not make much sense, until I tell you it is right next to Sun Valley, ID. It is just a few miles from the home of Picabo Street, who now we honor as a medalist in the Olympics and bringing this Nation to the kind of respect we love to see coming from our athletes.

Triumph, ID, is a small, rural, now retirement and recreational community that once upon a time was a mining community. About 1½ or 2 years ago, the EPA, in its frustration because it could not administer Superfund in that we had so badly skewed it to become a lawyer's haven, began to search for areas around the United States that they could quickly bring the Superfund law over and show its worth and therefore prove to the American public that all is well with Superfund and we were going to clean up hazardous waste sites.

And, lo and behold, they targeted Triumph, ID. It was an old mining community. It had old tailing ponds and a tailing pile and private homes were built all around it and wildlife abounded. And yet, they said, for some reason, this was going to become a Superfund site. Every citizen of that community could imagine large trucks rolling in, Caterpillars working, ground being removed, property values plummeting dramatically. Nobody wanted to live in the view of a Superfund site.

So some very courageous citizens took the EPA on. They went out and they got their scientists. They discovered that every fact that the EPA had put out on Superfund as it related to arsenic in the soil and in the water and lead in the soil and the water simply was not true; that, in fact, EPA had rushed to judgment, and in rushing to judgment, they had badly damaged or put at risk the property and therefore sometimes the whole lifetime earnings of the citizens of this small community.

Well, I helped those citizens some. But, let me tell you, they helped themselves. They spent literally thousands and thousands of dollars to protect their property against a big Federal Government that simply said, "We don't care. We are going to do this because we have the right to do it. Property values be damned. We do not care about you citizens. We have a mandate and our mandate is going to drive us to assure that this is going to be a safer place to live."

Well, they got outsmarted by the citizens. But that fight still goes on and the citizens, in a very gallant and vital way, are holding the giant Federal Government at bay, because they have been able to argue and hire quality and bona fide and highly recognized scientists to prove that the EPA was wrong.

The Dole amendment to protect private property, to force Federal agencies to do an analysis of impact, would have avoided the Triumph mine situation. That is one of literally hundreds of examples around this country today where a Federal agency, under the mandate of Federal law and rule and regulation, moves in and, by their action, begins to rapidly destroy private property values and they do not offer compensation under the fifth amendment as they are supposed to. They just simply walk away in their arrogance—the arrogance of power.

We have actually seen people put in prison because they decided to change the nature of their private property, and Federal agents under the guise of wetlands protection came in and took these individuals to court and won when in fact it could be argued that, while the private property owner was working to improve the value of his or her property, the Federal Government was simply saying you could not do that.

The Dole amendment would begin the process of correcting that tremendous threat that now hangs over the private property owner, the citizen of this country who once felt himself and herself whole under the fifth amendment as it was made applicable by the 14th. That is really the essence of this debate. And I am absolutely amazed that there are going to be Senators who will come to this floor and argue this is something we ought not to be engaged in, that this amendment does not apply, that somehow it ought to go away, that it is not important for the right of our citizens to be held whole in the value of their property.

Why it is important is for all the reasons I have just given and many more. We now have a Secretary of a very important agency of our Government who recently said, in an interview in a national publication, that property lines and property rights are obsolete Anglo-Saxon concepts and that in the pursuit of a greater cause we ought to do away with these barriers or lines that ultimately define property rights and protect the citizen in his or her ownership and the values of their property.

I am amazed by that statement. I think all of us were surprised by it, that one of the leading Federal officials of our Government would stand forth and make that kind of statement, that private property is an obsolete concept. Our whole Nation was founded on it. Our Constitution defines it and protects it for us. And why is it not proper for us today to be engaged in a debate to ensure that we work toward increasing the protection of private property values for the right of our citizens?

I applaud Senator DOLE today for bringing forth this amendment. I am a cosponsor of it. But to assure that we as a Senate continue to broaden our base of understanding of private property, just several months ago Senator HOWELL HEFLIN and I organized a private property caucus, that many Senators have now become members of, for the purpose of educating for better understanding and bringing about a base of knowledge for the Senate relative to the protection of private property in our country and the assurance we will not continue down that long road, that march toward increased law and public policy that somehow constantly puts this basic American right at jeopardy or destroys the value of this right when an individual may have invested his or her lifetime's savings or earnings into that right or into that property. That is really the debate here this afternoon. That is the issue that is at hand.

While others may try to interpret it differently, the amendment is very straightforward. It simply puts up a test and a reasonable test that says that Federal agencies of our Government must examine through an analysis process whether the rules and regulations promulgated and the policies of the laws we pass have in some way a way of diminishing the value of private property that could be described as a taking and, therefore, under the fifth amendment, the citizen would find himself or herself to be justly compensated by their Government for that taking.

I strongly support the amendment. I encourage my colleagues to join with us in the support of this amendment. It is fundamental to our country and to the strength of our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from the State of Arizona is recognized.

Mr. McCAIN. I thank the Chair.

(The remarks of Mr. McCAIN pertaining to the introduction of S. 2128 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VOTE ON AMENDMENT NO. 1720

The PRESIDING OFFICER. The hour of 3:45 p.m. having arrived, the question occurs now on agreeing to amendment No. 1720, offered by the Senator from Louisiana [Mr. JOHNSTON].

The yeas and nays have been ordered.

Mr. MURKOWSKI. Mr. President, I rise to support the Johnston amendment, which requires the EPA Administrator to publish in the Federal Register a cost-benefit and comparative risk analysis of EPA's proposed and final major regulation. Major regulations means a regulation that the Administrator determines may have an effect on the economy of $100 million or more in any one year.

I have offered some cost-benefit amendments myself and am very supportive of the idea of weighing the benefits of proposed rules against projected costs and making commonsense decisions about what risks to regulate and how closely to regulate them. I have, in the past, offered amendments that would have required the EPA Administrator or head of an Agency to publish in the Federal Register the cost-benefit analysis to both proposed and final regulations.

So, I support the Johnston amendment. This is a good amendment although it could go even further. For instance, this amendment could be applied to all Agencies, and to all regulations with the exception of those regulations dealing with agency organization, management, or personnel matters, or regulations related to military or foreign affairs matters as outlined in the recent Executive order on regulative review.

However, I am pleased to see that the amendment now applies to proposed rules, not just to final rules. This is absolutely essential and reflects language in the cost-benefit amendments that I have offered. Analyzing rules at the proposed stage provides the public with the knowledge it needs to fully comment on rules before the final rules are promulgated. It allows the public to comment with information regarding risk analysis and cost-benefit analysis.

I congratulate my colleague, Senator JOHNSTON, for his commitment to this needed reform in our regulatory process. I am also committed to remaining active in this area.

I would now like to make some important points that I think Dr. Graham, the director of the Harvard Center for Risk Analysis, has illustrated very well in an editorial that he wrote that was published in Risk Analysis, a peer-reviewed publication of the Society for Risk Analysis.

His editorial is based on testimony delivered before the Senate Committee on Energy and Natural Resources here in Washington, DC, on November 9, 1993. I testified at this hearing on the benefits of cost-benefit analysis.

The editorial asks the question whether it is "Time for Congress to Embrace Risk Analysis?" I think the Senate side has agreed that it is time.

Dr. Graham makes some excellent points. Each of us is confronted with numerous risks when we get out of bed every morning. And, we do what we can to minimize these risks.

Our resources are scarce. Any resources used to reduce low-level risks, which are often in the environmental area, are resources that can not meet other needs of our society that in many cases are more pressing and will save more lives.

Dr. Graham wisely points out that:

> The scarce human and material resources devoted to environmental protection are resources that we cannot use to combat crime, educate our children, reduce poverty, improve health reform, strengthen out national defense, and meet the other basic needs of citizens and their families.

Dr. Graham correctly states that the reality check of the high cost of reducing risks is hitting Congress and the President as we look at the health care system has not yet registered in environmental policy.

Dr. Graham also points out that we have considered environmental legislation for pesticides to protect for a one-in-one-million lifetime cancer risk or beyond. He asks "How small is this risk?"

According to Dr. Graham's editorial,

> By way of comparison, there is a tiny yet nonzero chance that an airplane will inadvertently miss its destination and strike one of us. It turns out that a baby born today in the United States has not one chance but roughly four chances in a million of suffering this unfortunate outcome in his or her lifetime.

Dr. Graham points out that:

> While we do regulate airplanes to minimize the frequency of mishaps, no one has seriously argued that we should ban airplanes that violate a one-in-a-million rule, without even considering the benefits of airplanes.

Without oversight such as that provided by the Johnston amendment, EPA has charted a course spending millions to reduce risks to unnecessarily low levels.

Dr. Graham concludes that:

> Whether the technology is airplanes, pesticides, or coal-based electric power production, sound regulatory legislation must authorize consideration of the risks, costs, and benefits of technologies and their potential substitutes.

I agree with Dr. Graham. I think that common sense in a time of limited resources dictates this approach to policymaking.

I do not necessarily agree with each and every statement made by Dr. Graham, but I agree with the main message of his editorial.

I agree with Dr. Graham that Congress must promote a risk-based, cost-benefit approach to environmental policy. We must consider both what is actually known about the magnitude of risks and what citizens are willing to pay for various risk reductions in light of this knowledge.

I would now like to submit for the RECORD the editorial written by Dr. Graham.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Risk Analysis]

TIME FOR CONGRESS TO EMBRACE RISK ANALYSIS?[20]

(By John D. Grahsm[21])

Each day citizens are confronted with new information about potential dangers to their health and safety, the well-being of their families, and the quality of their natural environment. What are citizens to make of this potpourri of risks: the potential dangers of childhood cancer from living in homes near electric powerlines, the chances of premature death among the elderly from the inhalation of fine particles from cars and factories, lung cancer from the naturally occurring levels of radon in our basements, birth defects from eating fish with trace amounts of PCBs and dioxin, neurological effects in children from ingestion of lead paint, aggravation of asthma from breathing excessive levels of ozone in urban areas, breast cancer from consuming minute amounts of pesticide residues on foods, and potentially catastrophic changes in global climate from the release of greenhouse gases?

Journalists, opinion leaders, policymakers, and the public are looking for guidance about which dangers are real and which are exaggerated, which are big enough to worry about, and which can be reduced or prevented altogether through feasible, cost-effective action. If our nation had unlimited resources to devote to environmental protection, then there would be less need for risk analysis. But the reality of scarcity is more apparent today than ever before. The scarce human and material resources devoted to environmental protection are resources that we cannot use to combat crime, educate our children, reduce poverty, improve health care, strengthen our national defense, and meet the other basic needs of citizens and their families.

MISALLOCATED RESOURCES

The current debate on the economics of health care reform foreshadows a vigorous national debate about the economics of environmental protection. Take, for example, the Clean Air Act Amendments of 1990. This single law, while promising numerous benefits, is estimated to add $25 billion per year to the nation's $150 billion annual investment in environmental risk reduction.[1] As Senator Daniel Patrick Moynihan has observed, $150 billion per year is not necessarily an excessive level of spending for clean air and water but it is certainly too much to invest unwisely.[2]

The "reality check" that is hitting the health care system has not yet registered in environmental policy. Compare, for example, the Clinton Administration's recent proposals for investment in cancer prevention through medical care and the control of pollution at industrial plants.

In the case of early detection and treatment of cervical cancer, the Clinton basic security plan covers women for one screening every three years at an estimated marginal cost of $14,000 per year of life saved. But why didn't the Clinton plan authorize screens every two years, every year, or every six months? It turns out that the cost-effectiveness of authorizing more frequent screening deteriorates rapidly. The best estimates are that the marginal cost of screening every two years (instead of three) is about $200,000 per year of life saved, and that the marginal cost of annual screens (instead of every two years) would approach $675,000 per year of life saved.[3] Mrs. Clinton and her colleagues made a difficult yet reasonable resource allocation decision by limiting coverage to a screening frequency of once every three years.

In contrast, consider the cost-effectiveness of EPA's proposed regulation of the pulp and paper industry, which was announced recently. EPA estimates that the annualized cost of this single rule will be $888 million per year. The agency's mid-range estimates of benefits include $486 million in environmental benefits plus 14 fewer cases of cancer per year from less exposure to toxic chemicals such as dioxin and chloroform.[4] If each case of cancer would have been fatal and would have shortened life by 15 years, then EPA's mid-range estimates imply that this regulation will cost about $1.9 million per year of life saved. Thus, while Mrs. Clinton has rejected cancer prevention investments that cost more than $250,000 per year of life saved, the EPA is proposing to enact rules that will cost millions of dollars per year of life saved.

Admittedly, the specific example of dioxin control does not permit a perfect investment comparison. Dioxin is not only a carcinogenic agent but is also known to cause adverse ecological effects and various noncancer health effects of unknown frequency and severity. Perhaps more importantly, preventing the formation of cancer through pollution prevention is certainly more desirable than detecting a cancer early and successfully treating it. The mere knowledge of tumor formation can cause enormous suffering among patients, family members, and friends.

We need to consider carefully the differences in the two risk-reduction strategies, and ask ourselves how much society should be willing to pay for primary prevention of cancer through pollution prevention? Should it be $25,000 per life year saved, $100,000 per life year saved, or over $1 million per life year saved? If we do not address this issue, we may create an economic crisis in environmental protection similar to what we now face in the health care system. In fact, if EPA-style risk management is applied unthinkingly to cleanup decisions at sites managed by the Department of Energy and the Department of Defense, it will not be difficult to bankrupt the country's economic future!

Another good example of our inability to apply sound risk analysis to environmental protection occurs in legislation to reform pesticide regulation. Some interest groups are promoting a plan that would ban any pesticide shown to cause cancer in rodents if the hypothetical lifetime cancer risk to food consumers is estimated to be as small as one chance in a million.[5] How small is this risk? By way of comparison, there is a tiny yet nonzero chance that an airplane will inadvertently miss its destination and strike one of us. It turns out that a baby born today in the United States has not one chance but roughly four chances in a million of suffering this unfortunate outcome in his or her lifetime.[6]

While we do regulate airplanes to minimize the frequency of mishaps, no-one has seriously argued that we should ban airplanes that violate a one-in-a-million rule, without even considering the benefits of airplanes. Unfortunately, in recent testimony to a joint House-Senate hearing, EPA proposed a plan that would ultimately prohibit any consideration of the benefits of risky pesticides, even when the cancer risks are slight. This prohibition of benefits analysis was proposed without acknowledging the considerable scientific progress that has been made in estimating the benefits to consumers of pesticide use.[7] The pesticide example illustrates a broader point. Whether the technology is airplanes, pesticides, or coal-based electric power production, sound regulatory legislation must authorize consideration of the risks, costs, and benefits of technologies and their potential substitutes.

The solution to the problem of resource misallocation must be crafted carefully. A large-scale program of deregulation at EPA would be counterproductive. Many EPA programs such as the phase-out of lead in gasoline have generated human health and economic benefits that were far in excess of costs.[8] Nor would it be appropriate to so overload EPA with analytical requirements that a "paralysis by analysis" ensues. What is needed are specific administrative and legislative steps that induce EPA and other agencies to be more selective in policy choice based on the findings of insightful yet timely risk analysis, benefit-cost analysis, and equity analysis.

AN AGENDA FOR CONGRESS AND THE PRESIDENT

Given the widespread confusion in Washington about the proper role of analysis in environmental policy, it is urgent that the White House and Congress revamp the current decision-making processes.

The Clinton Administration has taken an important first step with the 1993 executive order on regulatory planning that reinforces the requirement that agencies conduct benefit-cost studies of major rules. President Clinton's new requirement that agencies conduct comparative assessments of risks within their jurisdiction is a modest yet encouraging innovation. The renewed openness of the regulatory review process under the Clinton Administration is also encouraging because it will foster better public understanding of risks, costs, and benefits.

The Administration needs to go further by building the capacity of the Executive Office of the President to participate in risk analysis and management. Other commentators have noted the limited expertise within the Office of Management and Budget on questions of risk.[9] Either more and new kinds of expertise need to be added to OMB or the Office of Science and Technology Policy needs to be better equipped to provide leadership in risk analysis.[10] The Council of Economic Advisers also needs to become a more consistent and determined contributor in the Administration's discussions of risk management reform.

Regardless of how far the Clinton Administration goes in this direction, it is absolutely critical that Congress enact legislation to promote a risk-based approach to environmental policy. Years of experience have taught us that EPA (as well as Congress) have often been guilty of "asking the wrong questions" (such as asking what is "safe" rather than considering the magnitude of the risk and how much citizens are willing to pay for various amounts of risk reduction).[11]

Footnotes at end of article

If Congress does not endorse a risk-based approach, the message to EPA will be that "business as usual" is acceptable since EPA can simply say that they are doing what Congress has told us to do.

The most immediate step that Congress should take is to elevate EPA to Cabinet status with legislation that highlights the importance of risk analysis, cost-benefit analysis, and equity analysis in the pursuit of pollution prevention. In this regard, Senator Bennett Johnston's recent amendment is a crucial first step in the correct direction, particularly the provisions about use of best available science, comparative risk assessment, and reporting of the benefits and costs of each rule (where feasible). I also support the efforts to promote environmental equity considerations through statutory provisions that will encourage the risk analysis community to document which groups of citizens in the United States are incurring the risks, costs, and benefits of environmental policies.

To enhance the proper reporting of environmental risks to the public, legislation aimed at improving risk communications is urgently needed. Scientists in agencies need more resources and congressional encouragement to play a role in risk communication.[12] The hands of government scientists would be strengthened if Congress would insist that the degree of scientific uncertainty in risk estimates be reported to the public, particularly in ways that facilitate valid comparisons of risks across EPA program offices and even across agency jurisdiction. Only through a consistent and accurate risk assessment process can Congress gain access to the information necessary to allocate scarce resources properly among competing programs and agencies.[13] A new bill (H.R. 2910) introduced in the House by Representatives Moorhead and Brown deserves serious consideration because it would set into motion the development of promising new techniques of risk characterization.[14]

Finally, Congress needs to get serious about passing Senator Daniel Patrick Moynihan's bill (S. 110) that would promote rational priority setting at EPA through comparative risk analysis.[15] This technique is proving very useful at the state and local levels of government and in other countries by stimulating scientific and public debate about what our environmental priorities should be.[16] In contrast to those who believe that comparative risk assessment represents a tyranny of experts, I believe this tool can provide policymakers and the public just the type of information that Thomas Jefferson would have desired us to have.

The Moynihan bill could be strengthened by adding provisions that call for a ranking of risk-reduction opportunities (including their costs) as well as a ranking of risks. I was encouraged to learn that Representative Richard Zimmer (R-NJ) has played a leadership role in the House by bringing risk-reduction concepts to the EPA Cabinet bill. In the long-run, the efforts by Senator Moynihan and Representative Zimmer will direct EPA's energies to the more serious problems such as childhood lead poisoning.[17] and indoor air pollution.[18] If recently published evidence on the mortality effects of inhaling fine particles is validated, this may also prove to be one of the largest environmental problems from a public health perspective.[19]

Momentum in Congress is building for legislation aimed at strengthening the role of risk analysis in environmental policy. This movement does not represent a retreat from environmental protection or a backlash against the environment, radical steps that the public will not and should not take. Recent environmental ballot initiatives in California, Ohio, and Massachusetts were defeated at the polls precisely because these ambitious proposals were not sensitive to public concerns about what would be accomplished in a period of intensified scarcity. The risk-analysis movement should represent a constructive effort to better allocate our precious risk-reduction resources in ways that are sensitive to the concerns of both efficiency and equity. In the long run, the best defense of environmental policy is clear justification in the basic principles of risk analysis and management.

FOOTNOTES

[1] *Environmental Investments: The Cost of a Clean Environment* (U.S. Environmental Protection Agency, Washington, D.C., December 1990); Paul R. Portney, "Policy Watch: Economics and the Clean Air Act," *Journal of Economic Perspectives* 173–181 (1990); Richard Schmalensee, "The Costs of Environmental Protection" (Center for Energy and Environmental Policy, MIT, Cambridge, Massachusetts, October 1993, Research Working Paper 93–015).

[2] Senator Daniel Patrick Moynihan (D–NY), "Environmental Risk Reduction Act," *Congressional Record* (January 21, 1993), p. S550.

[3] David M. Eddy, "Screening for Cervical Cancer," *Annals of Internal Medicine* 113, 214–226 (1990).

[4] U.S. Environmental Protection Agency, "Effluent Limitation Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper and Paperboard Category; National Emission Standards for Hazardous Air Pollutants" (Proposed rules, 40 CFR Part 430, 40 CFR Part 63, 1993).

[5] Alon Rosenthal, George M. Gray, and John D. Graham, "Legislating Acceptable Cancer Risk from Exposure to Toxic Chemicals," *Ecology Law Quarterly* 19, 269–362 (1992).

[6] Bernard D. Goldstein, Michele Demak, Mary Northridge, and Daniel Wartenberg, "Risk to Groundlings of Death Due to Airplane Accidents: A Risk Communication Tool," *Risk Analysis* 17, 339–341 (1992).

[7] David Zilberman, Andrew Schmitz, Gary Casterline, Erik Lichtenberg, and Jerome B. Siebert, "The Economics of Pesticide Use and Regulation," *Science* 253, 518–522 (1991).

[8] U.S. Environmental Protection Agency, *The Costs and Benefits of Reducing Lead in Gasoline* (Final Regulatory Impact Analysis, Washington, D.C., 1985).

[9] K.S. Crump and R. Gentry, "A Response to OMB's Comments Regarding OSHA's Approach to Risk Assessment in Support of OSHA's Final Rule on Cadmium," *Risk Analysis* 13, 487–489 (1993); P.F. Infante, "OMB Interference in Federal Agency Risk Assessments and Health Study Design Protocols," *Risk Analysis* 13, 491–492 (1993).

[10] *Risk and the Environment: Improving Regulatory Decision Making* (The Carnegie Corporation, New York, 1993).

[11] Marc K. Landy, Marc J. Roberts, and Stephen R. Thomas, *The Environmental Protection Agency: Asking the Wrong Questions* (Oxford University Press, New York, 1990).

[12] John D. Graham (ed.), *Harnessing Science for Environmental Regulation* (Praeger, Westport, Connecticut, 1991).

[13] John D. Graham, Laura C. Green, and Marc J. Roberts, *In Search of Safety: Chemicals and Cancer Risk* (Harvard University Press, Cambridge, Massachusetts, 1988); M. Granger Morgan and Max Henrion, *Uncertainty: A Guide to Dealing with Uncertainty in Quantitative Risk and Policy Analysis* (Cambridge University Press, New York, 1990).

[14] H.R. 2910, 103rd Congress, 1st Session (August 6, 1993).

[15] S. 110, 103rd Congress, First Session (January 21, 1993).

[16] Richard A. Minard, Jr., Kenneth Jones, and Christopher Paterson, *State Comparative Risk Projects: A Force for Change* (Northeast Center for Comparative Risk, South Royalton, Vermont, March 1993).

[17] Karen L. Florini and Ellen K. Silbergeld, "Getting the Lead Out," *Issues in Science and Technology*, 9, 40–46 (1993).

[18] Jonathan M. Samet and John D. Spengler (eds.), *Indoor Air Pollution* (Johns Hopkins University Press, Baltimore, 1991).

[19] Douglas Dockery and C. Arden Pope III, "Acute Respiratory Effects of Particulate Air Pollution," *Annual Review of Public Health* (in press).

[20] This editorial is based on testimony delivered before the Committee on Energy and Natural Resources, United States Senate, Washington, D.C., November 9, 1993. Helpful comments were provided by Joshua Cohen, Adam Finkel, George Gray, Richard Minard, Susan Putnam, and March Sadowitz. The opinions are exclusively those of the author.

[21] Center for Risk Analysis, Harvard School of Public Health, 718 Huntington Avenue, Boston, Massachusetts 02115.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—8

Boxer
Bryan
Chafee
Feingold
Jeffords
Metzenbaum
Roth
Wellstone

NOT VOTING—2

Riegle
Shelby

So the amendment (No. 1720) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1728

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, is the pending order the Simpson amendment on the Davis-Bacon matter?

The PRESIDING OFFICER. The question will be on amendment No. 1728 offered by the Senator from New Hampshire [Mr. SMITH].

Mr. LEVIN. As a former local official, I am very concerned over the burden Federal mandates can place on State and local governments. My own frustration over the lack of flexibility and responsiveness within the Federal Government to the unique needs and concerns of my community was one of the reasons I decided to come to Washington.

I voted against the amendment offered by Senator GREGG because I do not feel we can effectively address this complex, overarching problem in a piecemeal, case-by-case fashion. If we are going to end up with a workable, realistic solution, there are a number of fundamental questions that need to be answered about the implementation of legislation to assist State and local governments in complying with Federal mandates.

For example, there are many different views on what constitutes a mandate. How can we move ahead on legislation if we don't have an accepted definition for what we are trying to solve? Moreover, if we define a mandate, how broadly do we define the costs associated with it and how do we oversee the reimbursement process?

An important issue that has not been, I think, adequately brought out in the debate is that we need to consider the benefits of Federal mandates as well. For instance, when we mandated 55-mile-per-hour speed limits, there was a cost associated with it—signs had to be changed, enforcement measures needed to be put in place. But, we cannot ignore the benefits associated with the 55 mph speed limit—namely decreased automobile accident injuries and fatalities and therefore, reduced medical costs. Even if we are confident we can measure the cost, should we not also measure the benefits?

Questions such as these should not be an excuse for doing nothing, but they also cannot be ignored. We need to roll up our shirtsleeves and do the hard work if we want to get solid results. Senator GLENN is attempting to do just that in the Governmental Affairs Committee, and we should await the results of that effort.

Mr. METZENBAUM. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the vote just completed was the first of three votes that have been ordered. The first was a regular 15-minute vote. I ask unanimous consent that the next two votes, including the one on the motion to table by the Senator from Ohio, be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Campbell
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—46

Bennett
Bond
Boren
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Roth
Sasser
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—2

Riegle
Shelby

So the motion to lay on the table the amendment (No. 1728) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1730

The PRESIDING OFFICER. The question now occurs on Amendment No. 1730 offered by the Senator from Wyoming [Mr. SIMPSON]. The yeas and nays have been ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise only for the purpose of clarifying the fact that we just had Davis-Bacon. We had Davis-Bacon yesterday. This is an additional Davis-Bacon. On the last vote there was a motion to table. So if you were opposed to Davis-Bacon you voted "aye."

I see no purpose in offering a motion to table on this particular amendment. I hope those who are opposed to changing the Davis-Bacon Act will vote "no."

VOTE ON AMENDMENT NO. 1730

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—45

Bennett
Bond
Boren
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Campbell
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Reid
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—2

Riegle
Shelby

So the amendment (No. 1730) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1722

Mr. BAUCUS. It is now my intention to go to amendment No. 1722, the amendment offered by the Senator from Louisiana, Senator JOHNSTON, concerning offshore royalties.

Essentially, Mr. President, this is a matter which was brought up in the Energy Committee and reported out of the Energy Committee. It is a bill that is at the desk. I understand several Senators have an interest in this measure. That is why this measure has not proceeded to the full Senate.

It is for that reason, primarily, Mr. President, that I do not think it would be appropriate for that measure to be offered as an amendment to the Safe Drinking Water Act.

I think most Senators want the Safe Drinking Water Act to be passed fairly quickly. I think it is important we pass the Safe Drinking Water Act.

It probably behooves us not to unnecessarily complicate it. This amendment, if it were adopted, would require a more complicated conference and would somewhat place the whole bill in jeopardy. I do not want to overstate that point.

But, more importantly, this measure, more appropriately, lies in another arena, another forum, perhaps, to come up before the full Senate. But it should not be on this bill.

Mr. President, for those reasons, I move to table the amendment and I ask for the yeas and nays.

Mr. President, I withhold the tabling motion at this point.

The PRESIDING OFFICER. The Senator withholds his motion.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I do not intend to stand in the way of the Senator from Montana's offering his motion to table, and I support him. But I want the Members of this body to understand what this amendment is all about.

This amendment would make it possible for the Secretary of the Interior to eliminate the royalties that are presently paid or to be paid in the future from oil leases. We have enough trouble trying to balance the budget around here without giving the Secretary of the Interior the right to vitiate an obligation entered into between an oil company and the Federal Government. If this motion to table is not to be agreed to, I know I as well as a number of other Senators are prepared to debate the subject and point out to the Senate all of the reasons why this just does not make sense.

If you are a conservative Member of the U.S. Senate, I do not believe you can willingly agree to eliminate the obligation that oil companies have made to the Federal Government to pay royalties in connection with offshore leases. I say to my colleagues, no matter what your political philosophy is, this is no time for this Government to be giving away or forgiving debts or obligations that have been incurred in the normal course of business.

I do not intend to speak to the issue any longer. It is my thinking the motion to table in all likelihood will be agreed to because certainly this amendment does not belong on this bill. There is another bill at the desk on this very subject. If and when it comes up, perhaps we could debate this at some length. But if we pass the Clean Water Act, I hope the Baucus motion to table will be agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I think it is only fair, if the Senator from Ohio wishes to speak on the amendment, that somebody have a moment to respond to him.

This does not—keep it in mind—this does not cost the Federal Government any money. You cannot get royalties from a mineral that is not produced. And the idea is that these are so deep and so complex they will not be produced without some relief. Once they are produced, guess what. The United States gets some money. The United States gets some wealth. The Treasury retrieves some income. Absent that, there is no income.

The Senator from Ohio's motion to table, or agreement to it, does nothing but cost this country money.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to remind my colleagues that realism dictates that unless there is an incentive, the industry is not going to go out in the deeper depths or in the ice fields offshore in Alaska to initiate exploration and production. The Senator from Wyoming is quite correct. There is not going to be any revenue lost. We are talking about using new technology to go out and drill safely in frontier areas where there is absolutely no existing infrastructure of any kind. There is no pipeline. You have, perhaps in my State, ice conditions where you have to build islands out there. Unless there is an inducement for a lower royalty, we will simply import more oil, we will export our dollars. And that is just what is happening.

So it is not a matter of giving anything away. For Heaven's sake, what we are doing now is importing more than half our oil, we are exporting our dollars, exporting our jobs. We talk about the balance of payments around here. Half of it is the cost of imported oil. That is what it is. The other half is Japan. For Heaven's sake, let us be realistic and recognize we are talking about U.S. jobs and U.S. high technology to develop these frontier areas.

What do you think the industry is going to do? As my friend from Ohio knows, unless the inducement for a return is there, they are going to import from overseas, and that is just the reality.

So I urge my colleagues to recognize facts for what they are. The industry does not invest this kind of money unless there are prospects for a return. But if you do not have pipelines and do not have an infrastructure, there has to be an inducement, and the inducement is lower royalties. And you are not talking about losing anything. You are talking about a significant gain to the prosperity of the United States through jobs and taxation and the sales of equipment from Ohio and other States.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think the sides are pretty well delineated here. As we can tell, this is quite controversial; frankly, without reason. I do not think it should be on this bill. Without going into the merits, I urge us to vote in support of the tabling motion. I might say, if this amendment is on this bill, its outcome is somewhat problematic because we would have to conference with the House Natural Resources Committee, the House Merchant Marine Committee, and I think we all know that makes it unlikely the bill would survive conference.

The PRESIDING OFFICER. If the Chair can state the parliamentary position, the question occurs on amendment 1734, offered by Senator CHAFEE on behalf of Senator HATCH.

The Senator from Montana may call for the regular order with regard to amendment 1722, and that amendment would then recur.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1722

Mr. BAUCUS. Mr. President, I call for amendment 1722.

The PRESIDING OFFICER. The pending question is amendment 1722.

Mr. BAUCUS. I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Louisiana.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—65

Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Chafee
Coats
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Smith
Specter
Warner
Wellstone
Wofford

NAYS—34

Akaka
Bennett
Bond
Boren
Breaux
Brown
Burns
Campbell
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Ford
Gramm
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kempthorne
Lott
Lugar
McCain
McConnell
Murkowski
Pressler
Simpson
Stevens
Thurmond
Wallop

NOT VOTING—1

Shelby

The motion to lay on the table the amendment (No. 1722) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

SENATOR THURMOND'S 14,000TH VOTE

Mr. DOLE. Mr. President, this is the time when tourists come to Washington, DC, to tour landmarks like the Washington Monument, the Lincoln Memorial, and the Jefferson Memorial.

I always remind Kansans to go to the Senate gallery so they can see another Washington landmark—our colleague, Senator Strom THURMOND. Senator THURMOND's record of service to America and to South Carolina is truly remarkable. It is a record that stretches from the beaches of Normandy, to the South Carolina Governor's office, to this Chamber.

The fact is that not one of Senator THURMOND's 99 colleagues has ever served in the Senate without him. He has been here every day for nearly 40 years—and usually he is the first one in the Chamber in the morning, and he is the last one to turn out the lights at night.

I just wanted to take a minute this afternoon to salute Senator THURMOND on reaching another milestone. On May 5, Senator THURMOND cast vote number 14,000 in his Senate career.

Some have said that Senator THURMOND's first vote in the Senate was to vote for Julius Caesar as majority leader. I do not know if that is true, but I do know that this Chamber is a better place because of the senior Senator from South Carolina.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank my able friend from Kansas for his kind remarks. He is a remarkable leader in the Senate. He served with great distinction as a soldier in World War II, where he was almost killed in battle. We are proud of his service as a soldier and a statesman.

So far as my service is concerned, I am very proud to have represented South Carolina all these years. We have the greatest country in the world. In order to retain the freedom and liberties that we have inherited, we must maintain a strong defense.

We are proud of this Nation and proud of Bob DOLE.

Thank you very much.

(Applause, Senators rising.)

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question again recurs on amendment No. 1734 offered by Senator CHAFEE on behalf of Senator HATCH.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the Johnston amendment was tabled.

Mr. CHAFEE. Mr. President, I would call up amendment——

The PRESIDING OFFICER. The business before the Senate is the motion to reconsider.

Mr. CHAFEE. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1734 AS MODIFIED

Mr. CHAFEE. Mr. President, as I understand it, amendment 1734 is now before us.

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. I send a modification to the desk in behalf of Senator HATCH.

The PRESIDING OFFICER. For clarification, is the Senator sending to the desk a second-degree amendment or a modification?

Mr. CHAFEE. It is a modification.

The PRESIDING OFFICER. A modification of the first-degree amendment. The Senator has that right. The amendment is so modified.

The modification is as follows:

On page 124, after line 11, insert the following new paragraph:

"(4) SCHEDULE OF INSPECTIONS.—

"(A) IN GENERAL.—The Administrator or authorized representative of the Administrator shall conduct inspections undertaken pursuant to this subsection during the normal operating hours of the establishment, facility, or other property.

"(B) SMALL SYSTEMS.—(i) For a public water system serving a population of 3,300 or less, the Administrator or authorized representative of the Administrator shall, to the extent practicable—

(i) notify the person referred to in paragraph (1), at least 3 days before the inspection, of the time when the inspection is scheduled to occur, and

(ii) schedule the inspection at a mutually convenient time.

"(C) WAIVER.—The Administrator or an authorized representative of the Administrator may waive the requirements of subparagraphs (A) or (B) if the Administrator or authorized representative of the Administrator determines that it may be necessary to conduct an inspection to protect public health."

The PRESIDING OFFICER. Is there further debate on amendment No. 1734?

Mr. CHAFEE. As modified.

The PRESIDING OFFICER. As modified.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The committee has looked at the amendment, including the modification, and urges the Senate to adopt it.

The PRESIDING OFFICER. Is there any further debate on amendment No. 1734, as modified? Is there any objection?

Mr. CHAFEE. I wonder if the Chair would withhold 1 minute.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Montana.

Mr. BAUCUS. Mr. President, again, the committee has examined this amendment, and we urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1734), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Chair.

YASSER ARAFAT

Mr. SPECTER. Mr. President, I have informed the managers of my interest in speaking for just a few moments on a matter of substantial importance. I shall be brief because I know the managers want to proceed with the bill.

I want to call my colleagues' attention to a tape recording of PLO Chief Yasser Arafat urging a holy war on Jerusalem which poses a clear and present danger of additional violence, notwithstanding the commitments of the PLO and Arafat in the Israeli-PLO accord and which threatens peace in the Mideast.

This is a matter that the Congress of the United States and the Senate of the United States and really all Americans are going to have to be concerned about in light of what is happening in the Mideast and in light of the very substantial commitments which the Israelis have made in the Israeli-PLO accord and which the United States has made in backing up that accord.

We are going to have to be insistent and make no mistake about our demands that the commitments of the PLO be maintained. What has apparently happened here, from all the news reports, is that when Arafat was in Johannesburg attending the inauguration of President Nelson Mandela, he was speaking in a mosque where they could not understand Arabic. Arafat spoke in English and talked about a jihad or a holy war in order to retake Jerusalem. And now Arafat apparently in Oslo today has said that the jihad, which is the word for a holy war, was really meant to be an effort to peacefully take Jerusalem.

Mr. President, that simply does not wash. You have a very volatile situation in the Mideast at the present time.

In an extensive article in today's New York Times which cites the violence, there is the report of the shooting to death of two Israeli settlers by Islamic militants just south of the West Bank town of Hebron. There is a reference in this article to the at-risk position of some 5,000 Israeli settlers on the Gaza Strip, and a citation and the reference here to some 130,000 settlers in Israeli-held territory which will be turned over to the PLO, and an especially high-risk situation for some 450 settlers referred to in this perennial flash point where religious and nationalistic feelings are especially intense.

The mayor of Jerusalem, Mayor Ehud Olmert, has called upon Arafat for a specific apology and for a specific declaration that the PLO will be following and observing their commitments under the Israeli-PLO accord.

Mr. President, there has been very substantial evidence of violations by the PLO. They have been logged by the Zionist Organization of America, by the national president, Mr. Morton A. Klein, a very distinguished Philadelphian who brings these matters to my attention with regularity, and to others in this body. And I, in turn, bring these matters to the attention of my colleagues.

Mr. President, I ask unanimous consent that at the conclusion of my comments a full statement of the Associated Press dispatch from May 17 be printed in the CONGRESSIONAL RECORD which recites the background of the tape recording of Arafat's call for a holy war; that the summary of the ZOA reports on violations for the week of May 4 through May 11 and the week of May 11 through May 18 be included in the RECORD, together with the article from the New York Times from today, May 18, which sets forth in some detail the background of what will enable me to abbreviate my comments at the present time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, there is a somewhat longer article which appears in today's Wall Street Journal which details the background of the controversy over the holy sites and sets forth in some detail the concerns of Jerusalem's Mayor Ehud Olmert about Arafat's vow to pray in Jerusalem, which is a matter of some historical importance, and puts in perspective the current controversy.

I ask unanimous consent that be printed in the RECORD at the conclusion of my remarks as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, in essence, we are facing a situation of tremendous tension. I am concerned about it as a U.S. Senator. I am concerned about it also in terms of the reports which I have received a few months ago from relatives who live in Jerusalem. Within the past hour and a half I talked to my sister, Hilda Specter Morgenstern and her husband, Arthur Morgenstern, who relate to me the on-the-spot concerns in Jerusalem about what is happening.

It was a historic moment when President Clinton—and I again compliment him for what he did on September 13 of last year in bringing together Arafat and Rabin on the White House lawn. It was a moment for me of some mixed emotions seeing Arafat honored at the White House of the United States of America after his long, notorious record for terrorism, including the murder of the U.S. Chargé d'Affaires in 1974, and for the PLO's complicity, and Arafat's personal complicity, for the murder of Mr. Klinghoffer on the *Achille Lauro* and for what has happened.

But when the Israelis and Prime Minister Rabin are willing to make this arrangement, it seems to me the United States ought to be supportive. But when these acts of violence continue, and when Arafat, the signatory to these arrangements, who has made the promises all around the world, promises which I heard personally when a good many Senators had a chance to meet with Arafat, it seems to me that this is something which the Senate has to focus on, the Congress has to focus on, and America has to focus on to see to it that these commitments that Arafat has made are lived up to; and that we not permit him to talk where he thinks he is off the record, talking secretly and talking about the jihad, a holy war, and we have to insist that those commitments be maintained.

I thank my colleagues for these few moments.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, May 18, 1994]

DESPITE PEACE PACT, JERUSALEM'S HOLY SITES KEEP PASSIONS BURNING

(By Peter Waldman)

JERUSALEM.—In a few weeks, shortly after he settles into his new home in Jericho, Yasser Arafat hopes to make the 30-minute drive through the Judean hills to pray here at the al-Aqsa mosque.

Ehud Olmert, Jerusalem's mayor, has vowed to rally 500,000 Jews to stop him. Bloodshed from an Arafat pilgrimage, the mayor has predicted, will cause "10 times" more victims than February's Hebron massacre, in which a Jewish extremist killed 30 Palestinians.

With the signing of the Gaza-Jericho peace pact in Cairo, the Israeli and Palestinian haggling over postage stamps and passports is nearly finished for now. But as the pique over Mr. Arafat's proposed pilgrimage to Jerusalem suggests, the most volatile issues between Muslim and Jew remain far from resolved. Chief among them is the abiding dispute over the spot here known to Jews as the Temple Mount. The ancient stone plaza, where King Solomon's temple once stood, holds the Aqsa mosque and the gold-plated Dome of the Rock, Islam's third-holiest shrine.

AGE-OLD CONFLICT

As Mr. Arafat and the PLO edge ever closer to Jerusalem, this age-old conflict is only getting more explosive.

"In very, very sanguine terms," says Joel Lerner, an Israeli and self-described free-lance scholar, "if the Hebron incident derailed the peace process for a month, a vaguely similar operation on the Temple Mount would derail it forever."

Mr. Lerner, an Orthodox Jew from New York, ought to know. He has spent six of the past 20 years in Israeli prisons for conspiring to blow up the Dome of the Rock and for plotting a religious coup against the Israeli government.

As hard as the peace negotiators have tried, the scared and the secular cannot be separated in the holy land. In Yasser Arafat and Yitzhak Rabin, the PLO and Israel have come close. Both leaders are pragmatic centrists who have long eschewed religious zealotry. But their peace treaty, based on their common secular ground and focusing on things like police powers, education and taxes, necessarily skirts the religious heart of the conflict: Who, in the end, will rule the holy sites in Jerusalem? Until that dispute is resolved, coexistence will remain dicey.

In the Cairo agreement, "Religious Affairs" are relegated to item No. 15 in a 38-point list of powers being transferred to the Palestinians. The accord pledges free access to all religious sites in the PLO's domain. Beyond that, it preserves Israeli control over an ancient synagogue in Jericho, and grants Palestinians power over a 13th-century mosque near Jericho where Muslims believe Moses is buried. Finally, on at least three occasions a year, it gives pilgrims the right to visit, "under the Palestinian flag," the site called al-Maghtas on the Jordan River, the spot where John the Baptist is believed to have baptized Jesus.

The accord doesn't mention Jerusalem or its sacred sites—dilemmas that the PLO and Israel have agreed to postpone until "final-status negotiations" begin in two years. Despite Mr. Arafat's often-expressed desire to pray at the Aqsa mosque, Oded Ben-Ami, a spokesman for Prime Minister Rabin, says the PLO leader has not raised the issue of a visit and that, for the moment, such a pilgrimage remains "hypothetical."

Still, swords have already been drawn. In an overpowering image of where Mr. Arafat believes he is heading, a massive color photograph of the Dome of the Rock papers the wall behind his desk in Tunis. Jordan's King Hussein, who has never renounced custody of the Jerusalem shrines since losing them in the 1967 war, has commissioned archaeologists to prove Jerusalem was an Arab city before Jews settled here 3,000 years ago. And in his cave-like office beneath the Dome of the Rock, Sheik Mohammed Said al-Jamel, the cleric in charge, heaps scorn on Jewish claims to the Temple Mount. "All that they believe is superstition," he says.

Nor are militant Jews watching all this from the sidelines. Since the Hebron massacre, police have detained a dozen or so alleged Jewish extremists without charges, and revoked the gun permits of some 50 others. But these people comprise just a small fraction of the thousands of ardent, messianic Jews living in Israel and the occupied territories.

For the messianists, the creation of the state of Israel in 1948 and its expansion to its biblical borders in 1967 began nothing less than a process of divine redemption that must now continue at all costs.

The heart and soul of messianic Judaism is the 3,000-year-old Temple Mount, or what Muslims call in Arabic al Haram ash Sharif. The tree-lined rectangular area, roughly the size of three football fields, is so hotly contested by Muslims and Jews that no Israeli government, since capturing the site in 1967, has had the nerve to seize it from its Muslim administrators.

To messianic Jews, continued Muslim control of the Temple Mount constitutes an insufferable indignity.

"Until the holy of holies is under our sovereignty, it means we're still living in the Diaspora," say Rabbi Shlomo Goren, one of Israel's pre-eminent religious figures and the army rabbi who blew the shofar, or ram's horn, when Israeli troops captured the Temple Mount in 1967. "It means we are not yet living in a Jewish state."

Jews believe the Temple Mount is where Abraham bound his son Isaac for sacrifice, where Solomon erected the so-called First Temple for prayer and animal offerings, and where it was later rebuilt by Herod the Great.

After the Romans destroyed the Second Temple in 70 A.D., Jews have longed to rebuild a third one. Many messianic Jews believe a third temple is a prerequisite for the coming of the Messiah.

"Since the Romans destroyed the Second Temple, it's as if Judaism has had its heart extracted and is living on borrowed time," says Mr. Lerner.

There is one big problem: For the past 1,200 years, the Temple Mount has been the foundation of the Aqsa mosque and the Dome of the Rock, which covers the spot from where Muslims believe Mohammed ascended to heaven on a staircase of light. Jews haven't been allowed to pray regularly at the site for at least a millennium.

That is why Mr. Arafat's plans to pray on the Temple Mount pose such an affront to many Jews today. Not only does the PLO leader remain reviled in Israel for directing terrorism against the Jewish state, but equally important, his claim to Jerusalem threatens to interfere with Jewish destiny, messianic Jews believe. Jerusalem's Mayor Olmert recently expressed this fear in a different way to the Jerusalem Report magazine, warning that if Mr. Arafat ascends the Temple Mount to pray, he will declare a Palestinian state and never leave.

To counterattack, militant Jews have embarked on a campaign to get Muslims off the Temple Mount once and for all.

"We are living at a time when God is correcting the mistakes of history," says Gershon Salomon, a history professor and leader of Temple Mount Faithful, a Jewish group dedicated to wresting control of the sacred site. "Al-Aqsa and the Dome of the Rock must be removed back to Mecca, the place from where they came. We will rebuild them stone by stone. We have the means to do it."

Though the Temple Mount has become a lightning rod for Jewish extremists, most less-religious Jews—inside and outside Israel—don't give the sacred site much thought these days. The Reform movement's prayer book doesn't even mention the ancient temple rituals, although nearly one-quarter of the Torah's 613 laws deal with the temple's animal sacrifices, writes Rabbi Joseph Telushkin in his book, "Jewish Literacy." The Conservative denomination's prayer book celebrates the temple cult as part of ancient Judaism, but expresses no desire to reinstate it.

Only Orthodox Jews continue to pray regularly for the rebuilding of the temple and for animal sacrifices to be offered there again. But even many of these observant Jews find the prospect of reviving animal offerings, on the eve of the 21st century, a bit far-fetched.

"It would be hard for me, as a mainstream Orthodox rabbi, to assume that if the temple was rebuilt, we'd pick up where we were 2,000 years ago," says Rabbi Michah Halpern, a historian in Jerusalem. Rather, he says, it is the act of "yearning" for the third temple and the Messiah that counts. "We are not involved in the actual building processes themselves," he says.

This modern reticence made it easy for then-Israeli Defense Minister Moshe Dayan, shortly after Israel's 1967 victory, to return control of the Temple Mount to its Jordanian-run Islamic board, called the waqf. At the time, many rabbis were warning Jews to stay off the Temple Mount anyway, lest they commit the "arrogance of arrogance" of treading on the "holy of holies," where in ancient times only the high priest was allowed to go. (Nobody knows precisely where the hollowed ground lies.) The waqf took back the keys; few Jews complained.

But over the years, Temple Mount experts, including Rabbi Goren, published diagrams of the ancient site showing the many areas where Jews could safely roam. The messianists, whose numbers have steadily grown since 1967, had their calling: Take back the Temple Mount.

Small groups sprang up to lead Jewish worshipers on to the mount in defiance of the waqf. Israeli police had to seal off ancient tunnels discovered under the site to foil Jewish efforts to raze the Muslim shrines. Nearby, a yeshiva, a religious school, was founded to train future priests for duties in a rebuilt temple. And the Temple Institute, funded in part by the Israeli government, reproduced all the necessary biblical trappings—from sacrificial urns and altars to priestly vestments and breastplates—to perform the temple rituals again. Suddenly, Jews, who had waited millenniums to restore the temple, were beginning the process themselves.

"When you say the Messiah will rebuild the temple later on," says the institute's Rabbi Chaim Richman, "you're basically shirking the responsibility yourself."

The temple cause spread to non-Jews as well. In Canton, Miss., a Christian preacher and cattle breeder named Clyde Lott, after reading Genesis one night, contacted his state's trade office to find out if Israel had the red cows it would need to perform proper, biblical purification rites in a third temple. It didn't. Over the past five years, Mr. Lott, working with the Temple Institute and some American Christian backers, has developed a breed of red cow that he hopes will spawn "the livestock restoration" of Israel, he says. The first shipment of 500 cows is due to arrive in Israel in November.

The temple's messianic calling dove-tailed with the calling of another group of zealots: Israel's few-thousand unalloyed, anti-Arab fanatics. Today, the prospect of Mr. Arafat moving to Jericho and praying in Jerusalem has made these people more agitated than ever.

"Zionism and Arab nationalism are diametrically opposed; you can't wish that away," says Israel "Keith" Fuchs, co-founder of the Temple Mount Yeshiva, a militant Jewish school which recently had to shut down after both its top rabbis were detained by police. Mr. Fuchs, 30, has been in and out of police custody since he was 16. He and his Temple Mount cohorts provide a telling picture of the passions, and dangers, looming ahead.

For Mr. Fuchs, it all started in Santa Monica, Calif., he says, where his family moved from Brooklyn in 1978. One afternoon, another child kicked his little sister and called her "a Jew bitch." Soon after, Mr. Fuchs joined militant Rabbi Meir Kahane's Jewish Defense League, and was arrested several times for fighting with American Muslims and neo-Nazis. He moved to Israel in 1982, only to serve 22 months in prison for shooting up an Arab bus near Hebron. Later, he was investigated by the Federal Bureau of Investigation, but never charged, in connection with several bombings in the U.S., including the deaths of an Arab-American activist and a suspected Nazi war criminal.

Last fall, Mr. Fuchs helped start the Temple Mount Yeshiva with Rabbi Avraham Toledano, a former leader of the late Rabbi Kahane's Kach party. Rabbi Toledano was arrested at the Tel Aviv airport in November with weapons, bomb-making gear and $50,000 in cash in his luggage. A third yeshiva founder, Baruch Ben-Yosef, born Andy Green in Brooklyn, was detained without charges in March. A long-ball hitter in the Jerusalem softball league, Mr. Ben-Yosef, 35, has served several prison terms for attempting to bomb Arab targets, including the Dome of the Rock.

Their yeshiva attracted a mix of a dozen or so veteran messianists and spiritual seekers, most drawn to it by the doting charm of Mr. Ben-Yosef.

On their daily trips to the Temple Mount, the yeshiva students were kept from praying by Israeli police. But they were allowed to march around the plaza, shadowed by waqf guards, who radioed for reinforcements whenever prayer was suspected. A student was once hauled off for rubbing his eyes, a gesture of worship, the guards said. This spring, the yeshiva had planned a guerrilla sacrifice of a lamb on the Temple Mount for Passover, which would have been the first real Passover lamb in 2,000 years, students claim. But those plans, like the yeshiva itself, fell apart after Mr. Ben-Yosef's arrest.

Now, the students are moving on to other activities. Mr. Fuchs, the former JDL activist, has retreated to his computer-graphics company in Jerusalem, though he still carries a concealed pistol—with a permit—under his jacket. Daniel Leubitz, 19, is going home to Cleveland to start a local JDL chapter to combat "black anti-Semitism," he says.

"We've spent many dollars on the phone" from Cleveland, says Mr. Leubitz's worried mother, Amalia, "reminding Dan that Abraham had doors on all sides of his tent to welcome all people."

To Sean Casper, chairman of the Movement to Rebuild the Third Temple, the "mindboggling" thing isn't that Mr. Arafat may soon pray on the Temple Mount but that Israel may let him. "This country has never had a problem doing what it wants to do," he says. "Our problem is we don't know what we want."

Mr. Casper, a lawyer who represents several of the Jewish militants in detention, doesn't think it would take much to shake things up. "It would be easier to blow up al-Aqsa than it was to kill 30 people in the Hebron mosque," he says. "If I wanted to, I could do it myself."

EXHIBIT 2

[From the New York Times International, May 18, 1994]

ISLAMIC MILITANTS SLAY 2 SETTLERS IN HEBRON

(By Clyde Haberman)

HEBRON, ISRAELI-OCCUPIED WEST BANK.—Two Israeli settlers were shot to death today by Islamic militants just south of this West Bank town, and Israel's army commander warned that the violence might be a foretaste of what settlements would face under Palestinian self-rule in the Gaza Strip.

The question of what, if anything, to do about Jewish settlements in Gaza and the West Bank has been relatively muted lately.

But the killings today, which followed clashes in Hebron on Monday that left at least a dozen Palestinians wounded by settlers and soldiers, made clear that the issue is very much alive and is a factor in the success or failure of the exercise in Palestinian self-government that has begun in Gaza and Jericho.

DOUBTS ABOUT THE ACCORD

Settlers and other Israelis who question Israel's wisdom in signing the self-rule agreement with the Palestine Liberation Organization are likely to have deeper doubts after the attack today. Two Jews were killed and a third seriously wounded in the head in an ambush as they drove south of Hebron, an area still under Israeli control. An armed wing of the Hamas group of Islamic militants claimed responsibility.

Later, the army chief of staff, Lieut. Gen. Ehud Barak, cautioned that the attack today was probably not the last, either in the West Bank or in Gaza.

His remarks were significant because security for roughly 5,000 Israeli settlers in the Gaza Strip—most in a cluster of outposts known as Gush Qatif, along the Mediterranean coast—is a basic component of the Israeli-P.L.O. agreement.

For many Israelis, a critical test of the accord is whether those settlers stay safe on their islands in a sea of hostility. They were unlikely to be reassured after hearing General Barak say today, "I don't rule out terrorist attacks on the roads to Gush Qatif."

While Israeli forces are largely pulling out of Gaza, they will remain at border crossings and in newly created buffer zones around the settlements, patrolling roads with Palestinian police officers to assure that Jews there move safely between their homes and Israel.

The troop withdrawal from the rest of Gaza, under way in earnest for a week, may be completed on Wednesday. Today, the Israelis formally handed over civil authority in Gaza to the Palestinians, as they did in Jericho on Friday, but a government is not yet in place, and so no real changes in daily life are expected right away.

For Palestinians, the fighting in Hebron on Monday, rekindled their calls for removing the estimated 130,000 settlers in Israeli-held territories, especially the 450 in this perennial flash point, where religious and nationalist feelings are intense.

The settlements are such a delicate issue that negotiations on their fate have been delayed by Israel and the P.L.O.—presumably for at least two years, although under their agreement the matter could be raised at any point.

But the question clearly will not go away. That was guaranteed by the Hebron massacre on Feb. 25, when a settler killed at least 29 Palestinians at prayer. After that, Israeli Cabinet ministers said they were ready to evict the Jews from Hebron for security reasons. But Prime Minister Yitzhak Rabin, while unsympathetic to the Hebron settlers, insisted that the issue was not now on his agenda.

Although the matter then receded from public attention, its immediacy was reaffirmed when a group of armed settlers here walked to a religious site on Monday, the Jewish holiday of Shabuoth, and got into an argument with Arabs near a mosque.

What happened is not clear. The Jews say that the Arabs threw stones and that they fired their guns in self-protection. Arabs say that the Jews attacked first and that only then did they respond with rocks.

Either way, the incident reignited a town that does not need much to throw it into turmoil. At least a dozen and perhaps as many as 18 Palestinians were shot in the fighting, both by settlers and by Israeli soldiers who showed up and become embroiled in their own clashes with the Arabs.

At a weekly meeting today, some Cabinet ministers accused the settlers of having been provocative with their Monday walk through town, which army officers said had not been coordinated with them in advance, as required.

The Israeli radio quoted Mr. Rabin as having called the settlers' actions unjustified, and other officers were troubled by reports that the Hebron Jews, after hearing about the killings today, walked through the main Palestinian market, overturning stands and destroying merchandise.

SHARON DEFENDS SETTLERS

Hebron's Mayor, Mustafa Natshe, called the settlers "detonators" ready to explode, and demanded that they be removed. But Ariel Sharon, the former Defense Minister, defended the right of Jews to be in Hebron and to defend themselves when attacked. "What are you expecting—that they should step quietly, or maybe that they should run away?" he said.

In the hope of reducing tensions, at least for now, the army sealed off Hebron to outsiders and put the town under curfew. Among those under restrictions were the 160 members of an observer force of Norwegians, Danes and Italians that was created after the massacre, ostensibly to protect local residents and help keep the town calm.

But the clashes on Monday underscored how limited in power this force is. Its members carry no weapons, they have no police functions and if the Israeli Army restricts their movements—as it did on Monday and today—there is not much for them to do except to file reports to an Israeli-Palestinian committee and to their governments.

"We're just sitting in our foxholes," said Bjarno Sorensen, a spokesman for the force. The situation was "a little bit frustrating," he acknowledged, but he said the monitors hoped "to be on the move again soon."

ARAFAT CALL FOR JIHAD COULD THREATEN PEACE ACCORD

JERUSALEM.—A tape recording of PLO chief Yasser Arafat urging a "holy war" for Jerusalem could stall progress towards full Palestinian autonomy, Prime Minister Yatzhak Rabin said Tuesday.

The tape was played by Israel radio which said it received Arafat's May 10th speech at a mosque in Johannesburg from the South African Jewish community.

"You have to understand our main battle isn't how much we can achieve from them here or there. Our main battle is Jerusalem," Arafat said.

He added that Israel had promised in a letter that Jerusalem could be discussed three years from now, when negotiations begin over a permanent settlement.

"You have to come and to fight and to start a Jihad to liberate Jerusalem, the historical shrine. And this is very important," Arafat said.

Rabin said Arafat's comments violated the peace agreement signed in Cairo on May 4 that led to the implementation of autonomy.

"If he indeed called for a Jihad this is a grave violation to what he committed himself to in the letter to me he wrote and signed that led to the mutual recognition of Israel and the PLO," Rabin said.

"If this is indeed his call it will put into question the continuation of the process between us and the Palestinians. We will not be able to accept a violation of a PLO commitment not to be involved in violence and terror," he added.

Rabin added that Israel, in its accord with the PLO, agreed the issue of Jerusalem, holy to Jews, Christians and Muslims, could be raised when negotiations on a permanent settlement began.

Israel captured the Arab eastern sector of Jerusalem from Jordan during the 1967 Mideast war and later annexed it as part of its capital. The Palestinians see east Jerusalem as capital of their would-be state.

Rabin has repeatedly said that Jerusalem is not up for negotiation. On the question of Jerusalem, unlike the West Bank or Gaza Strip, Israelis are almost unanimous in opposing any territorial compromise.

Still fresh in their minds is pre-1967 Israel, when Jordanians banned Jews from their most holy site, the Western Wall.

Following the broadcast of Arafat's comments, the right-wing National Religious Party tabled a no-confidence motion in Parliament. Opposition parties demanded that the government release all secret annexes to its May 4th autonomy agreement with the PLO.

Rabin has denied any secret agreements.

Members of Rabin's Labor party faction in Parliament also protested Arafat's comments and demanded a government response.

"If such things were really said, believe me, there will be a very determined and aggressive response," Police Minister Moshe Shahal said.

Deputy Defense Minister Mordechai Gur said that Arafat's comments could stem from the staunch opposition he faces on the Palestinian front but added that Israel would not allow the PLO chief to damage its credibility.

Uri Dromi, head of the Government Press Office, said he hoped Arafat would deny what "he allegedly said in the mosque" to allow the peace process to go forward.

"Up until now we have reason to be optimistic about the smooth transfer of authority and we hope that statements or expressions like he allegedly said in the mosque will not undermine the peace process," Dromi said.

ZIONIST ORGANIZATION OF AMERICA,
New York, NY, May 12, 1994.
To: Senator Arlen Specter
From: Morton A. Klein, National President, Zionist Organization of America.

1. May 10, 1994: Arab terrorists fired at least 10 shots into an Israeli civilian bus near the Arab village of Mezrat-Asharkia, in the administered territories. Three passengers were wounded by the gunfire. The Popular Front for the Liberation of Palestine (PFLP), a faction of the PLO, claimed responsibility for the attack.* Yasser Arafat has neither condemned the attack, nor taken any steps to "discipline" the PFLP.

2. May 4-11, 1994: Yasser Arafat gave no speeches encouraging the Palestinian Arabs to refrain from violence.

3. May 4-11, 1994: Yasser Arafat did not convene the Palestine National Council to delete those clauses in the Palestine National Covenant that call for the destruction of Israel.

ZIONIST ORGANIZATION OF AMERICA,
New York, NY, May 18, 1994.
To: Senator Arlen Specter,
From: Morton A. Klein, National President, Zionist Organization of America.

1. May 12, 1994: Arab terrorists shot at an Israeli truck driver near the Israeli town of Mogaz, in the Gaza Strip. The driver was wounded. Hamas, a non-PLO group, claimed responsibility for the attack.

Yasser Arafat did not condemn the attack.

2. May 12, 1994: Arab terrorists shot at Israeli soldiers near the Jabaliya refugee camp, in the Gaza Strip. None of the soldiers were wounded; when the Israelis returned fire, one of the terrorists was wounded. Responsibility for the attack was not immediately determined.

Yasser Arafat did not condemn the attack.

3. May 15, 1994: Arab terrorists in a van opened fire at Israeli bystanders were wounded. Hamas, a non-PLO group, claimed responsibility for the attack. Yasser Arafat did not condemn the attack.

4. May 17, 1994: Arab terrorists shot at an Israeli civilian auto travelling south of Hebron. Two Israelis were killed, and a third was seriously wounded. Hamas, a non-PLO group, claimed responsibility for the attack.

Yasser Arafat did not condemn the attack.

5. May 17, 1994: Israel Radio played a tape recording of a speech by Yasser Arafat in a mosque in Johannesburg, South Africa, on May 10, 1994, in which Arafat urged Arabs to launch a "holy war" to conquer Jerusalem.

6. May 11-18, 1994: Yasser Arafat gave no speeches encouraging the Palestinian Arabs to refrain from violence.

7. May 11-18, 1994: Yasser Arafat did not convene the Palestine National Council to delete those clauses in the Palestine National Covenant that call for the destruction of Israel.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. The regular order would be amendment 1715 offered by the Senator from Wyoming?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1721

Mr. WALLOP. I ask that the regular order might be suspended and that I might talk on an amendment following that, No. 1721.

The PRESIDING OFFICER. It would also be in order to call for the regular order with respect to No. 1721.

Mr. WALLOP. Therefore, I will be addressing amendment 1721, which was offered earlier.

The PRESIDING OFFICER. That is the pending question.

The Senator may proceed.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield me 2 minutes for a brief colloquy.

Mr. WALLOP. Yes, I will yield for that purpose.

Mr. DOMENICI. If I can get the attention of Senator CHAFEE, last night, Senator BINGAMAN, my colleague from New Mexico, spoke on the floor about a very serious problem we have in our State—and Texas has the same problem and parts of Arizona—called the colonias.

The bill that I introduced along with Senator BOREN, Senate bill 1920, which was used to do some negotiating in behalf of the Governors and mayors, had in it protection authorization for funding for these unincorporated, small communities that are in terrible condition, with no water, no sewer, and they are in the United States. That is not in the bill that you introduced—you and the chairman—but I would like to ask, since we are not going to put any such funding on this bill—and with that I concur—is the position of the ranking member similar to that of the chairman, that when we get the next environmental bill, which may be the Clean Water Act, perhaps, that every consideration will be given to helping us get authorization for that, so that it might come out of the $500 million that is already appropriated for disadvantaged communities?

Mr. CHAFEE. Mr. President, I want to assure the Senator from New Mexico, who has been vitally interested in this colonias situation, yes, we will give every effort to consider his special situation, the colonias situation, as it exists along the New Mexico-Mexican border, for authorization for those funds that have been appropriated.

Obviously, there will be a large demand upon the funds, and the question will be how to set some form of priority. But the answer is, yes, the next bill probably will be the clean water bill. If that does not come up for some reason, then there is the water resources bill that clearly will come along, and we can consider it on one of those other two—I think the Senator said on the next environment bill. There is a possibility that Superfund might come along, and that would not really be the bill to put it on. So either the clean water bill or the water resources bill.

Mr. DOMENICI. I thank my friend.

Let me close by saying that I have been working on this problem for quite some time. We did get some funding out of appropriations the year before last, and that money has not yet all been used. The problem is a severe one. I thank my good friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 1721

Mr. WALLOP. Mr. President, I doubt that any of us, over the last couple of years has escaped noticing the fact that Americans actively fear their Government. They actively seek to serve it lest it take notice of them. This holds true not just of small businessmen and women, or ranchers, or farmers, or truckers, or dairymen, or bankers, or real estate operators; it holds true also of elected officials, county, and city officials. At the conclusion of my remarks, I will begin to describe some of the things that the EPA has done for my community of Sheridan.

The thing that is interesting about this concept of Americans being frightened of their Government is that they do not know where the Federal authority to do certain things comes from. They do not know who to blame. Senators and Members of Congress will come home and say, "I never expected them to do it that way. That is the bureaucrat, the regulator." The regulator will say, "We were authorized to do this under the legislation just passed," and there is no democratic accountability. Nobody for whom you voted can be nailed with this thought or credited with this thought.

So what this amendment of mine would do is to make the Safe Drinking Water Act regulations advisory in nature, allowing the States to choose which of those Federal regulations are appropriate and applicable within their boundaries.

Mr. President, this is not a reckless concept. This is a concept which says that those people who you know at home are going to be voting to adopt or choosing to adopt a set of rules and regulations that will guide them through the various intricacies of providing safe drinking water for their people.

I do not know very many local officials who are going to be willing to just up and say, "The heck with that, that is the Federal Government, we are not going to pay any attention to them. They are not going to do that." But there has been in the past—and I will say to the managers of the bill that this bill goes a long way toward redressing some of the utterly ridiculous concepts noted—namely, that we in Wyoming are testing for pesticides used only in Hawaii. The fact is that we would be naive to assume that under this bill, there will not be circumstances that will be deemed to be ridiculous within one State or other. And that which might be deemed to be ridiculous, because no hazard is being addressed or no safety credit is being created, might be a different thing in the State of Wyoming than the State of the occupant of the chair. But at least those who are elected and accountable and responsible to the citizenry will be the ones who get credited with, or blamed for, the acceptance of certain criteria in the provision of the safety standards.

The bill that we are considering today is one of the most important measures that this Congress will consider. Providing such an immediate and basic service as the delivery of clean and safe drinking water is something with which anyone can identify, even though the language in the bill, and the actual implementation of it is complex and extremely technical in nature. The beauty of this issue is that it graphically illustrates another basic concept, and that is the concept of federalism, the balance of power between Federal, State, and local governments, and what goes wrong when the balance tilts too far in one direction.

The reason consideration of this vital measure has been so contentious and has therefore been so delayed is that Americans are beginning to understand the consequences of allowing the Federal Government to assume all the power unto itself.

The 1986 amendments to the Safe Drinking Water Act have been described as an overreaction to the scare of contaminated drinking water. The result was to strangle this country in bureaucratic red tape. The standard setting and monitoring requirements were excessive, unnecessarily expensive, and not especially effective.

States, municipalities, and water providers all across America have been made to take action they know to be useless, and their taxpayers have been forced to foot bills they never should have received in the first place. We have seen time and time again where the Federal Government has ordered a community to tax itself. Mr. President, the concept of America when it was established was there ought not to be taxation without representation. Nobody I know believes the EPA to be representation. We have reached the point of general recognition that a large, centralized Federal Government simply cannot answer to all the problems Americans face today.

The city manager from Casper, WY, told me that the Federal Government, through the EPA, will bankrupt this Nation, and it is a thought echoed all across America. We can no longer impose substantial and unaffordable burdens on municipalities and States.

My amendment does not just address the unfunded mandate issue, it goes further. It was a recognition that we have stripped responsibility from where it belongs—State and local politicians, who are immediately held accountable by their constituents, the persons that they have sworn to serve, and water utility professionals, who have dedicated their careers to protecting, preserving, safe drinking water to the customers and families. They are known at home, and the threat of doing wrong is clearly recognized by those at home. But the threat is balanced between the notion of accountability for the taxes and obligations assumed versus the risk understood.

People came to Congress in droves asking for help. What they wanted was strong public health protection through what they hoped would be reasonable, practical, and affordable regulation of the public drinking water supply. They wanted Congress to recognize that the goal of attaining safe drinking water depends on the unique circumstances of each locality, the local topography, the climate, the soil conditions, the specific water source, the mixture of contaminants present, and size and economic status. No single answer voted on here tonight could provide a blanket that covers all of America.

The Wyoming Association of Rural Water Systems wrote that they support a commonsense approach covering water systems, especially the small systems in the State. We believe that the State of Wyoming should be provided flexibility to address the specific considerations of each system rather than a one-size-fits-all policy determined by the Federal Government.

The National Rural Water Association asked simply that we allow water system administrators to do what is in the public interest, not just to be dictated to by Washington.

It is interesting, but not surprising, to see how Congress responded to the pleas for common sense. The original bill, S. 1547, would have imposed even more substantial costs and regulatory burdens accompanied by stringent law-enforcement provisions in order to bring swifter punishment. S. 1547 was opposed by the National Governors, the Conference of Mayors, the League of Cities, the Association of Counties, and nearly every rural water association in America.

Through compromise and hard work, S. 1547 was significantly changed until it became S. 2019, and now the managers of the bill have amended it further, and so have Senators, in an effort to make it more acceptable to more Americans. I applaud their efforts and thank them. They have taken a hesitant step in the right direction, but Congress can, and must, do more.

The amendment I am offering clarifies that the Federal role in this important issue of protecting the public health is advisory in nature. The Federal role is to provide financial and technical assistance and not to dictate impracticalities under the threats of draconian penalties. The amendment is simple. It allows States to choose which Federal regulations they feel are appropriate and applicable within their boundaries and to which they will submit to Federal oversight. Other regulations remain available for their information and thus are advisory in nature.

My amendment will make this a true Federal-State partnership and return responsibility, democratic responsibility, to those who best know their problems and how to resolve them.

The original act was supposed to establish a State-Federal partnership. It did not. This will not. The Environmental Protection Agency was to set national drinking water standards, and qualifying States were primarily responsible for their enforcement. As a part of this statutory scheme, however, Congress set out the initial State primacy requirement, and EPA was to prescribe by regulation the manner in which it would grant and withdraw State primacy. Specifically under the act, a State has primacy during any period for which the EPA makes a determination that the State satisfies certain requirements, including adoption of regulations that are no less stringent than the national primary drinking water regulations in effect.

In other words, there is no partnership. There is an adversarial role. EPA says, "Do this." And if the State says, "I will do it," then EPA says, "You can administer it." But if the State says, "These are not rational," the EPA says, "No, you cannot do it."

So there is no partnership, Mr. President. There is a role of ruler and ruled, and that is what this amendment seeks to eliminate.

It is a twisted view of primacy to insist that States adopt drinking water regulations that are no less stringent than the national primary regulations, and then order them to use their own resources to achieve those which are national.

My home State, Wyoming, has not obtained primacy because it simply cannot afford the cost and will not suffer the regulatory nightmares that accompany such authorities. Many other States, absent significant reform of this act, may soon follow Wyoming's example.

On top of all the other problems, current law provides even a fine up to $25,000 a day for violations. It often occurs because small systems simply cannot afford to comply with horrendous and unnecessary monitoring and paperwork provisions. There are towns in the State of Wyoming which might just as well turn over the keys of the city to the EPA because the fines are greater than the assessed valuations.

With this bill, we establish Federal administrative penalties for drinking water violations, and we increase the penalties for civil enforcement action. In addition, we will allow EPA to take an enforcement action within a State without providing the State the opportunity to initiate its own action. This is a dangerous precedent, indeed. My amendment would ensure that the Federal role is appropriately one of research, education, technical advice, and financial support.

Mr. President, let me conclude with a couple of interesting things. There is the experience of my town of Sheridan. An article in the Sheridan Press:

> The Environmental Protection Agency is prepared to take immediate action against the city of Sheridan if the capital facilities tax is rejected by the voters on July 25.

Mr. President, most of us grew up in America thinking that taxation without representation meant that we had a vote. We had a say. We did not have someone in Washington saying, "If your voters do not agree with us and tax themselves, we will punish you," which is an amazing concept. That is what this amendment seeks to address.

Under the Safe Drinking Water Act, the EPA threatened the city of Sheridan with fines and penalties if they did not provide treated water taps along the Big Goose Valley. For the first time in EPA history, they chose to mediate the safe drinking water violations. It was a very good process. We worked with the safe drinking water people in my town. We came up with a solution. The city and the county envisioned building an entire new water delivery system countywide.

Mr. President, the cruel thing about it is that the water supply was part of the mediated solution, but guess what happened. The safe drinking water people do not talk to the clean water people, and the clean water people would not allow us to put in the reservoir. The Corps of Engineers said it would be just fine by them if we condemned the property right of ranchers and irrigating farmers along the way and took that water as a source of supply instead of using one that the city and the EPA safe drinking water people had agreed upon.

Mr. President, this is a total abuse of the power of the Government over the States. The Federal Government ought never to have such power as to make a statement in the paper the night before the election that if the citizens of a community do not vote to tax themselves, the Government of the United States will penalize and punish them. And then having mediated the problem, tell them the mediation does not work, "Sorry, boys, we are out."

That is what this amendment seeks to address. It is not viewed by this Senator as a radical departure but only as a means of requiring accountability to the process of democracy, which so seldom now does exist.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a sweeping amendment. It essentially provides that States can pick and choose which provisions under the Safe Drinking Water Act apply to them and which ones do not apply to them.

Essentially, it is a 20-year step backward because, in 1974, Congress, for the first time, passed the Safe Drinking Water Act. Prior to 1974, there was too much illness and too many deaths as a consequence of unsafe drinking water in too many communities across our country. Congress felt it would be wise to lay a basic foundation to address unsafe water systems in our country.

It is a bit complex. We are one Nation. We are 50 States. We have a Federal system. We had to find the right balance between national Federal provisions on one hand and State and local control on the other. It is not an easy matter.

It is not easy, either, because we travel in our country. Residents of North Dakota often visit Wyoming, often visit Rhode Island, Montana, and vice versa. We are a mobile society, a mobile country, a mobile people.

I think Americans assume that the water they drink in any State is safe and clean. It is an assumption we all make as Americans. And we are proud of that. There have been few exceptions. The cryptosporidium scare in Milwaukee is an example. Here in Washington, DC, tens of thousands, maybe hundreds of thousands, of people had to boil water to drink for several days because of a breakdown in the Washington water system.

But, essentially, Americans think they can drink the water wherever they visit, wherever they travel.

It is also important because many Americans take jobs in other States. We are becoming more transient and more mobile with each passing year. I think the rule of thumb now is a person can have maybe 10 or 12 different jobs in his or her lifetime.

We also are proud of our drinking water in juxtaposition with drinking water in other countries. It was not too many years ago that many Americans thought that we have safe drinking water, but it is those other folks in other countries that may not. The question was, is it potable? Can you drink water in another country? Our water is safe, but maybe it is not safe in other countries.

Well, that is changing a bit now. Most countries, certainly developed countries, industrialized countries, have good, clean, safe drinking water.

We want to be sure to continue to have good, clean, safe drinking water in our country. It is very important for all Americans.

Congress, therefore, passed legislation in 1974. It has had kind of a bumpy ride. In 1986, Congress passed amendments to the Safe Drinking Water Act which overdid it; went too far. Frankly, that is why we are here today. We are trying to make the system work better than it would work under the 1986 amendments.

This legislation before us, I think substantially addresses the problems that were caused by the 1986 amendments. We dramatically reform the testing requirements and monitoring requirements that were otherwise imposed upon communities, particularly smaller communities. We also add much more flexibility to the technology requirements for those communities, particularly small communities, if a contaminant is found.

In addition to that, we give much, much more flexibility to States, where the States themselves can decide how to administer their drinking water program.

An example is the State monitoring plans. We make it very easy for States to develop their own State monitoring program which will achieve dramatic savings.

There are three States that come to mind that already participate in the State monitoring waiver program. They are Wisconsin, Massachusetts, and Michigan. In the State of Michigan, the monitoring costs are reduced to one-tenth what they otherwise would be if that State did not have a State waiver for its monitoring program.

We made it very clear in this bill. We are reducing a lot of redtape so that the other remaining States, remaining 47, can very easily develop their own State monitoring programs. That is important because each State is different.

In addition to that, localities within States are different. Some part of one State might have an industry that would make it advisable to monitor for certain contaminants which may not be found in another part of that State, which means that monitoring would not be required. There is dramatic flexibility here.

In addition, Mr. President, we are funding the remaining reformed mandates in this legislation—$600 million the first year, $1 billion in State revolving loan funds in each successive year, over $6 billion. So we are addressing the problem.

I might say, Wyoming is the only State in the Nation that has not taken over its drinking water program. Wyoming is the only State where EPA runs it.

Part of the solution, I submit, frankly, not only for Wyoming but for all States, is for the States to take over the drinking water programs themselves and then they can tailor their program to conditions that are very appropriate to the State.

Basically, I think it is clear on its face that this amendment is a gigantic, 20-year step backward; back to where we were before the 1974 Safe Drinking Water Act. It would essentially allow States to have veto power over any safe drinking water rule or regulation. I do not think that is wise policy because then we have 50 States with completely different policies. We will have no idea whether Americans traveling around the country, whether in this community or that community, the drinking water is safe or not. I do not think it is a good way to do business.

In order to address that balance between national legislation on the one hand and State and local control on the other, we, again, are dramatically reducing the requirements. We are adding many, many Federal dollars to help States comply. We are giving much, much more flexibility to States. In fact, I think the balance is a good balance between national control on the one hand and total State control on the other.

It is for those reasons that I strongly encourage the Senate not to agree to the amendment by the Senator from Wyoming. If this amendment were adopted, it would completely gut this bill. We would be back, as I said, to where we were 20 years ago.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island

Mr. CHAFEE. Mr. President, I will be very brief because the chairman of the committee has touched on most of the issues.

As I read this amendment, it would make the safe drinking water legislation a voluntary program, and yet each State would continue to receive the Federal funds. It is a win-win situation, I must say, for the States. They do not have to enforce it, but they still get the funds.

The current law, as was pointed out, provides that the States can currently take over the administration of the program.

For some reason, Wyoming has not chosen to do this. Wyoming and the District of Columbia are the only two entities in the United States that have chosen not to administer their own program. And so, undoubtedly, Wyoming does run into direct contact with the EPA in connection with this program because that is the way they have chosen to do it. They may have perfectly good reasons, but it is unique that Wyoming has not chosen, as has North Dakota, Rhode Island, Montana, and all the other States in the Nation, to administer its own program.

I, again, would like to reiterate the point that the chairman made that drinking water can present very serious health risks. The EPA has a science advisory board. The science advisory board ranked drinking water among the four most serious environmental risks to health that we have in our country.

So it seems to me there is a Federal role in protecting drinking water for the very reasons that were pointed out—because of the mobility of our population, the transient nature that we have. And having one set of uniform standards across the country, it seems to me, is appropriate.

Are we going to ask every State to try to develop its own standards? Are we going to have 50 different sets? This is a tremendous burden to impose on the States.

I think this piece of legislation we have before us, as the Senator from Wyoming pointed out, goes a long way to take care of the particular problems of the small water supply systems. So, therefore, I reluctantly oppose the amendment by the Senator from Wyoming and hope we could vote on it fairly soon.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, the Senator from Rhode Island suggested this would be a burden on the States. Let me suggest the States have the option of embracing the Federal regulation in its entirety. That is not much of a burden. And they do that if and when they think it meets the needs of their people.

Is it not funny how we no longer trust local government? Is it not an astonishing statement to say the people you vote for in the States are not competent or trusted? The people whom you vote for in your counties are not competent or to be trusted? The people who run your cities are not competent to be trusted? Only Washington.

I will say to the Senator why Wyoming has not assumed primacy. Because Wyoming was required, as has every other State been required, to adopt in its entirety the Federal regulation. That is not a partnership, as I stated in my opening remarks. That is a mandate: Do it our way or we will do it our way. The only difference is that in Wyoming for us to do it their way would have required us hiring some, I think the figure was 20 or 30 new people, to service a population of half a million people.

Do it our way or we will do it our way, is what the partnership is today.

I am not asking, and I do not suspect there are going to be, a whole lot of different standards around the country. The Senator from Montana is talking about the problems of cryptosporidium in Milwaukee. That is my point exactly, I would say to the Senator. Thousands were ill, and many died as a result of this parasite. But the mayor of Milwaukee knew, more than anyone else, about what went wrong and how to solve it.

But guess what he was doing. He was spending money monitoring things mandated by the Federal Government for 25 new contaminants listed every 3 years on a totally arbitrary basis. I would say that what happened in Milwaukee, in Washington, DC, happened under the aegis of the EPA and under the aegis of the Safe Drinking Water Act. It was not solved by a Federal solution, it was created by the Federal solution.

I grant what the Senator says about prior to 1974. But there was no EPA capability to provide the kinds of information, the kinds of science and the technology base which I am suggesting is the appropriate Federal role: To provide the information, to provide people with knowledge of what constitutes risk and what does not, to provide science to give people counsel as to what constitutes good technologies and what does not.

There is this unbelievable assumption that local officials will ignore unsafe circumstances that are a threat to their community and that a local government official cannot feel as much pain about these threats as we in Washington. That is a very strange concept. "Only Washington, only the beltway, can provide sensitivity to health threats. Local government officials—do not trust them. They are not to be trusted. Washington knows and locals do not and States do not and counties do not."

I just say again the flexibility which is described in this bill is more than was in the 1986 act, but the flexibility that was provided in the 1986 act says, EPA says: You adopt in its entirety our way of doing things, you do our work, and we will only fine you if we think it is wrong.

I think the State of Wyoming quite wisely said to the EPA, if it is going to be your way, you do it. The confrontations that we had in Wyoming were not unique to Wyoming. They happened in other States which had their own programs and their programs were threatened to be taken away when the States protested that they needed a little bit of flexibility, they needed to do some things more cheaply. "Oh, no," says the EPA, and, "Oh, no," will say the EPA when this thing comes down the road in its current configuration.

Mr. President, the solution of Wyoming was to opt not to do something over which they had no say and just become the administrative flunky of an agency in Washington. What other States have done is up to them. But my guess is, and from what I have heard, that other States have been as frustrated as has been Wyoming. Other States have had small communities threatened with fines that were more than their assessed valuation, and the States, on top of it, were threatened to be fined as well.

Is this a Government that was once conceived of as a Government of the people and for the people? Or is this Government now master of the people? And do we now owe it our obligation to serve it in quiet?

I think that is what the question is here, Mr. President. That is the meaning of my amendment and that is the spirit in which I offer it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, I think the issue is fairly well defined. It is my strong view this amendment does gut the bill before us, sets us back 20 years. I urge the Senate not to agree to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

Mr. WALLOP. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WALLOP. Mr. President inasmuch as nobody has answered the rollcall yet, I ask I be recognized for 30 seconds not on this amendment; that is, to state to the managers I will withdraw amendment No. 1715.

The PRESIDING OFFICER. Without objection.

The amendment (No. 1715) was withdrawn.

The PRESIDING OFFICER. Does the Senator have anything further to add?

Mr. WALLOP. The Senator has nothing further to add. I am willing to have the rollcall proceed. Thank you.

The PRESIDING OFFICER. The clerk will continue to call the roll. The assistant legislative clerk resumed the call of the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] and the Senator from Louisiana [Mr. JOHNSTON], are necessarily absent. I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

The PRESIDING OFFICER [Mr. FEINGOLD]. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 28, nays 67, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—28

Bennett
Brown
Burns
Coats
Cochran
Craig
D'Amato
Dole
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—67

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Coverdell
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—5

Conrad
Johnston
Kempthorne
Roth
Shelby

So, the amendment (No. 1721) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1733

Mr. CHAFEE. Mr. President, I believe the amendment numbered 1733 offered by the Senator from Washington is pending.

Mr. GORTON. Mr. President, the amendment I offer today has been substantially modified from the amendment I was to originally offer. The telephone calls your office may have received from your State national rural water affiliate are based upon concerns with my original amendment—not the amendment I will offer today.

My amendment would amend the Small Systems Technical Assistance Program provision in the Safe Drinking Water Act. The technical assistance provision was set up to allow for small water systems to receive technical assistance on compliance with the act. The account is reauthorized at $10 million each year for fiscal years 1994–2000 within S. 2019. Traditionally EPA has awarded funds appropriated to this account to the National Rural Water Association, a national nonprofit organization. NRWA, in turn, provides money to each of its State affiliates which is used to provide technical assistance to small systems in the State. The majority of the States have a National Rural Water affiliate, however, I understand a few States share operations.

Washington State has a National Rural Water affiliate, however, the Washington Rural Water Association and National Rural Water are in the midst of a disagreement over accounting procedures. I want to make clear that the amendment I offer today is not intended in any way to impact the ongoing disagreement between National Rural Water and its Washington State affiliate. WRWA and NRWA need to work out this dispute, and I encourage both to work to do just that. Nonetheless, I want to assure that Federal funds from the technical assistance account continue to make it to Washington State—and all other States in an equitable manner. Simply put Washington State is entitled to its fair share of Federal funds from this account.

My amendment does not seek to change the way in which NRWA and its State affiliates do business. My amendment only seeks to assure that funds are being distributed on an equitable basis, and that NRWA consult with a State on technical assistance issues. Specifically my amendment does two things:

First, it requires the Administrator of the EPA to assure that funds awarded to National Rural Water, which NRWA in turn provides to its State operations, to deliver technical assistance, are distributed among the States in an equitable manner.

In addition, it requires that NRWA consult with the State agency with primary enforcement responsibility in an effort to provide even better technical assistance activities in the State.

I would like to expand on the first point. I would like to define equitable as used in this amendment. The Administrator, under my amendment, must assure that the nonprofit organization distributes technical assistance funds equally amongst the States.

Furthermore, my amendment requires National Rural Water to consult with the States on NRWA-sponsored technical assistance activities in a given State. This is an extremely important provision, given that S. 2019, as amended, gives States increased flexibility in dealing with small systems. Since States will be required to establish their own monitoring program, under S. 2019, it is vital that folks providing technical assistance to these small systems have the benefit of consultation with the State. In addition the new operator certification program established under S. 2019 makes the consultation between NRWA and a State very important for proper compliance with the Act.

In addition I would like to clarify that my amendment is directed toward funding authorized under the technical assistance for small systems account which is used for providing technical assistance for Safe Drinking Water Act purposes. My amendment should not be misinterpreted to be directed at programs—like the Rural Community Action Program [RCAP]—but rather solely at funds provided for Safe Drinking Water Act technical assistance purposes.

I would like to thank the committee and Senator KERREY's office for their help in working out the problems with the originally drafted amendment.

I thank the committee for accepting my amendment.

Mr. President, I would like to thank the managers of the bill for accepting my amendment which seeks to ensure that funds from the technical assistance for small systems section of the Safe Drinking Water Act are distributed equitably among the states.

Mr. CHAFEE. Will the Senator yield?

Mr. GORTON. The Senator will.

Mr. CHAFEE. It would be helpful, in the opinion of this Senator, if the Senator from Washington would clarify the definition of "equitable" as used within his amendment.

Mr. GORTON. The Senator would be happy to clarify the intent for the Senator from Rhode Island. The amendment directs the Administrator to assure that the nonprofit organization provide technical assistance in an "equitable" manner. Equitable should be interpreted to direct the Administrator to ensure that funding from this program is equally distributed amongst the States.

Mr. BAUCUS. Will the Senator yield for another question?

Mr. GORTON. The Senator would be happy to yield.

Mr. BAUCUS. Does the Senator's amendment address only those funds which are authorized in the technical assistance account to provide technical assistance for drinking water systems?

Mr. GORTON. The Senator is correct. My amendment only addresses funding of the technical assistance program for drinking water systems.

Mr. BAUCUS. I thank the Senator.

Mr. CHAFEE. Mr. President, I believe we are ready for consideration of the amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

Mr. BAUCUS. Mr. President, we have looked at this amendment, and I think it is a very equitable answer to a problem.

I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1733) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1735

Mr. BUMPERS. Mr. President, I call up my amendment.

The PRESIDING OFFICER. If the Senator wishes to ask for regular order with respect to his amendment, that would be appropriate.

Mr. BUMPERS. I ask for regular order.

The PRESIDING OFFICER. The question is on agreeing to amendment number 1735.

Mr. BAUCUS. Mr. President, I ask the Senator from Arkansas if we might suspend so that we can take up the amendment of the Senator from Ohio. I think it has been cleared all the way around. It should not take very long.

Mr. BUMPERS. Mr. President, I yield the floor with the understanding that my amendment would be the first in order after the amendment of the Senator from Ohio is disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

AMENDMENT NO. 1731

Mr. GLENN. Mr. President, I call up my amendment 1731. It has been cleared on both sides. It is an amendment which passed the Senate by a vote of 79 to 15 before, the Department of Environmental Protection Act. I ask for a vote.

Mr. President, I rise to offer an amendment to elevate EPA to Cabinet-level status.

This amendment passed the Senate just over 1 year ago as a free-standing bill—S. 171, the Department of Environmental Protection Act. That legislation passed the Senate by a vote of 79 to 15. Unfortunately, the House has failed to pass a counterpart bill, so we have not been able to go to conference. My hope is that by attaching this amendment to Safe Drinking Water Act reauthorization, we will be able to conference a bill and enact it this year.

I would note that this amendment incorporates S. 171 as passed and amended, so it includes all amendments, except one, that were offered and agreed to last year—amendments from Members from both sides of the aisle. The only difference between this amendment and S. 171 as passed is that I have dropped Section 123—the Johnston risk assessment provision. I have dropped this provision because a Johnston-Baucus compromise on risk assessment has already been debated and adopted as a separate amendment to Safe Drinking Water Act reauthorization.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1731) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. I thank my distinguished colleague from Arkansas very much.

Mr. BUMPERS. Mr. President, I see the Senator from Kansas on the floor. I wonder if we could enter into a time agreement on this amendment.

Mr. DOLE. I am certainly willing to. I would like to have the vote tomorrow morning, if that is satisfactory with the majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1735 TO AMENDMENT NO.1729

Mr. BUMPERS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is amendment No. 1735 offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be as brief as I can.

What the Senator from Kansas has done under his amendment is to say that any Federal policy, regulation, or proposed law that could diminish or have the effect of not only taking someone's property but diminishing the value of their property would require an agency analysis.

I will give you a classic case in point. This is my substitute amendment to the Dole amendment. Today, if the Secretary of Agriculture were to propose to the President of the United States that he limit durum wheat imports from Canada into the United States, under my amendment that would not constitute a taking of anybody's property nor would it constitute a diminution in the value of anybody's property, and, therefore, the Department of Agriculture would not do, essentially, an impact analysis.

Today, the Department of Agriculture does an analysis if it is likely to lead to a taking. That is essentially the difference in mine and Senator DOLE's amendments. He says the Department of Agriculture must do an analysis if it diminishes anybody's property value.

Let us assume that I am a pasta manufacturer, that I make pasta. Let us assume, further, that, by limiting durum wheat imports from Canada, durum wheat prices are going to go up and, therefore, the cost of my product is going to go up, and it could go up to the point that it diminishes the value of my pasta manufacturing facility, indeed to the point that I might lose my business. Under the Dole amendment, if it diminishes the value of my property by one penny—one penny—I have the right to demand that the Department of Agriculture do an impact analysis.

Mr. President, along with my staff, we did a study of all the possible scenarios we could think of. I want to applaud the Senator from Kansas for offering an amendment on an issue that is going to have to be dealt with. It is a very important issue. When we consider the clean water bill here, we are going to get back on this issue, I promise you, because if the Corps of Engineers says that your land is now wetlands and you were planning to build a home on it, obviously there has been a serious diminution in the value of your property, at least for the purposes for which you bought it. That would trigger an analysis under the Dole amendment.

As I said, under my amendment, which essentially codifies the existing law on it, the analysis would only be done if a Federal action was likely to lead to a taking—likely to lead to a taking.

Mr. President, I am not going to belabor this. I hope that every Senator, when they come onto the floor, will understand this. I think we are going to voice vote this, and we will not have a rollcall vote.

The other problem with the Dole amendment is that it does not exempt anybody. You could tie up emergency aid for the Midwest during the floods; you could tie up emergency aid for the Los Angeles earthquake for years if our efforts there to assist all of those people had the effect of diminishing the value of anybody's property, say in Los Angeles, by one penny. Nobody intends that.

We have always—even the Reagan order, I forget the number of it—the executive order of Ronald Reagan exempts law enforcement, exempts the military, exempts foreign policy issues and initiatives. The Dole amendment exempts nothing.

So, Mr. President, while I applaud the Senator from Kansas for legitimately bringing to this body an issue that is going to have to be dealt with, in my opinion it would bring Government to an absolute standstill in this country. I cannot overemphasize the staggering, unbelievable, effect it would have.

Having said all of that, Mr. President, we are not going to have an extended debate on this. I think the amendment is going to be accepted, so I will yield the floor.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1735, AS MODIFIED

Mr. DOLE. Mr. President, I ask unanimous consent that I may modify the pending amendment, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1735), as modified, reads as follows:

Strike all after the first section heading and insert the following:

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well being of the Nation, declares that the Federal Government should protect the health, safety, and welfare of the public and, in doing so, to the extent practicable, avoid takings of private property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property, except that—

(i) this subparagraph shall not apply to—

(I) an action in which the power of eminent domain is formally exercised;

(II) an action taken—

(aa) with respect to property held in trust by the United States; or

(bb) in preparation for, or in connection with, treaty negotiations with foreign nations;

(III) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(IV) a study or similar effort or planning activity;

(V) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(VI) the placement of a military facility or a military activity involving the use of solely Federal property; and

(VII) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(ii) in a case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation pursuant to section 553(b)(B) of title 5, United States Code, the taking impact analysis may be completed after the emergency action is carried out or the regulation is published.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(3) SUBMISSION TO OMB.—Each agency shall provide an analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of a taking claim, or an award of compensation

pursuant to the Just Compensation Clause of the Fifth Amendment to the Constitution. The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made pursuant to this paragraph.

(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) limit any right or remedy, or bar any claim of any person relating to such person's property under any other law, including claims made under section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages.

(g) STATUTE OF LIMITATIONS.—No action may be filed in a court of the United States to enforce the provisions of this section on or after the date occurring 6 years after the date of the submission of the certification of the applicable private property taking impact analysis with the Attorney General.

Mr. DOLE. Mr. President, I might just say a word before we adopt the amendment.

I thank the Senator from Arkansas. I think, as he properly indicated, this is a matter that is going to be before the Senate. We have not had the last word on it, but I think we have made some improvements.

I thank not only the Senator from Arkansas, but the managers of the bill and others on both sides who have an interest in this particular legislation.

I think we should go ahead and act on the amendment, and then I would like to make a further statement before we go out.

The PRESIDING OFFICER. For clarification, the modification by the Republican leader is to the second degree amendment.

Mr. CHAFEE. Mr. President, I am not in favor of either of these amendments.

Mr. MURKOWSKI. Mr. President, I rise today to lend the strongest possible support to the amendment offered by the minority leader, Senator DOLE.

There is no quarreling with the clear words of the fifth amendment to the Constitution: "Nor shall private property be taken for public use without just compensation." The debate has been over precisely when a property has been taken, and thus when to provide just compensation.

It is one thing to recognize when the Federal Government takes a property by appropriation or physical possession. If what a Government policy, regulation, proposal, recommendation, or other agency action does is to restrict one's use of property, there is a real possibility of a taking by regulation. This, it is quite another thing to recognize when there has been a regulatory taking.

Since 1922 the courts have been struggling with the concept of regulatory taking. In the scattering of cases over the last 50 years, the standards for a regulatory taking have always been ad hoc.

Since the 1970's, one decision after another has come from the courts on this issue, creating a historic legal framework for the courts to decide future cases within. But what is missing is participation by the agencies in evaluating just when they have effected a taking, and how much it will cost.

The National Park Service of the United States is the envy of the world. It is widely emulated in other countries. What we don't talk about very much, and what we don't want the rest of the world to emulate is the way we deal with private property contained as inholdings within the parks.

Over the years we have encumbered millions of acres of private property within the designated units of the National Park Service.

The record is replete with anecdotal stories of the heavy handed actions taken by the Government as they constrain and control the otherwise lawful actions of the private property owners that have through no fault of their own become included within park service units.

This country is founded on the premise that private property rights are valuable, and should be respected. Yet what we have witnessed in the last few years is the tyranny of the Federal Government against the private property owner in the name of wetlands rules, Endangered Species Act regulations, and dozens of other Federal policies, proposals, recommendations, and other agency actions.

Over the past years thousands upon thousands of individuals—private property owners—have had their rights diminished by well-intentioned bureaucrats who have had no idea of what wrath their rules have wrought. Nor did they have any concept, idea, or thought about the cost of the unfunded liability the private property would need to bear.

It is time for a little truth in advertising Mr. President—people need to know how our laws and subsequent rules and regulations are going to impact their basic constitutional rights.

Under this amendment, the Federal Government would be required to analyze the impact of their programs on private property rights. Then, Mr. President, we will have a measure of the effect of agency actions on the use and value of private property. The people will know, and we will have a clear statement of whether the owner is entitled to compensation.

I urge my colleagues to support the amendment.

Mr. MCCONNELL. Mr. President, I would like to commend Senator DOLE and Senator HEFLIN for offering this amendment to the Safe Drinking Water Act Amendments of 1994. I rise in support of this amendment.

It is time for Federal regulators to obey the Bill of Rights. Under the fifth amendment, the rights of property owners are protected from the Federal Government. Unfortunately, those who have sworn to uphold our Constitution are not always as vigilant as they should be.

As I understand this amendment, Federal agencies are required to conduct a taking impact assessment prior to promulgating any agency policy, regulation or guideline, or when recommending legislative proposals to Congress. The assessment must consider the effect of the agency action, the cost of the action to the Federal Government, and the reduction in value to private property owners. The agency would also be required to consider alternatives to taking private property.

The legality of the Government disallowing certain legitimate and productive uses of land, yet still requiring taxes to be paid on it, could certainly be questioned. The amendment before us today will require agencies to consider alternatives to taking private property, and to take into consideration what their actions may have on the use and ownership of private property.

Senator BUMPERS' substitute does not provide for the opportunity for public availability or review nor does it provide for judicial review of agency analysis.

Mr. President, I urge my colleagues to oppose the Bumpers amendment and support the underlying Dole amendment.

Mr. LIEBERMAN. Mr. President, I cannot support the so-called takings amendment offered by Senator DOLE. If all it did was make sure that agencies proposing new regulations ascertained in advance whether those regulations constituted a taking of private property for public use, and published that analysis in the Federal Register, I would not oppose it. But this amendment is not just about protecting the public purse against potential takings claims. It goes far beyond any reasonable construction of the fifth amendment's takings clause and attempts to erect a system in which maintaining property values—not just avoiding takings—is paramount to all other public interests, including health and safety. At a time when we are all trying to streamline Government, to make Government more productive and more efficient and more focused on results, it would create boatloads of new paperwork, much of which is unnecessary and excessive. This amendment is neither good law, good policy nor good government.

Mr. President, private property rights are an important foundation of our constitutional and economic system. The right of American citizens to be protected from having their property taken by the Government without just compensation is central to our governmental system. But one of the hallmarks of our system of government is that all rights are balanced and none are absolute. Even the freedom to speak, which is the cornerstone of democracy, has its limits. I respectfully suggest that this amendment takes the tried and true and much revered, much appreciated, much valued, much protected, right of private property and would use that right as a theory to obliterate a host of other rights we have such as the right to due process, the right to be safe, healthy, and free, and the right to be protected by a government of laws on which we must depend because we cannot always protect ourselves.

Let's look at exactly what this bill would require. Before an agency could issue any policy, regulation, proposal, recommendation—including any recommendation or report on proposal for legislation—or take any related agency action which could conceivably result in a taking or a diminution of use or value of private property, the agency would have to certify to the Attorney General that the agency has conducted a so-called private property taking impact analysis. The so-called takings impact analysis must contain a statement of the specific purpose of the proposed action, an assessment of whether a taking would occur, an evaluation of the effect of the action on the use or value of private property, and possible alternatives that would lessen the adverse effects on the use or value of private property. These analyses would not only be required for new actions, but would have to be repeated every 5 years.

So what's wrong with this amendment? Let's start at the top. First, it applies to just about every action an agency could take, regardless of whether it was simply floating a trial proposal for comment or was actually on the doorstep of promulgating final regulations. Does this mean that an agency cannot even put out an advance notice of proposed rulemaking, the most preliminary step in formulating new rules, without engaging in this lengthy and complicated analysis? Can the Administrator of the Environmental Protection Agency give a speech saying that the EPA is considering whether a new approach or policy might be warranted without having completed the taking impact analysis? The amendment would even require an agency to complete such an analysis before it could report on proposed legislation. It sounds to me like a takings impact analysis would have to be completed before an agency could give testimony before a congressional committee.

Second, the so-called takings impact analysis is not even limited to an evaluation of whether a taking would occur. Instead, this amendment reaches far beyond any constitutional definition of a taking and requires an assessment of the extent to which any contemplated action would result in any diminution of property values. While the effect on property values certainly should be considered as part of any overall assessment of the costs and benefits of a regulatory action, assessment of the effect on property values for actions that are not takings is simply not a proper part of a taking impact analysis.

Third, this amendment is truly unprecedented in scope. Even the Takings Executive order issued by President Reagan did not go this far. A taking is a concept defined by the courts interpreting the fifth amendment. It has never been interpreted to include a diminution in property value. Indeed, in its most recent takings decision, the Supreme Court concluded that a regulatory action might categorically be a taking only if the owner was denied all economically viable uses of the property.

Fourth, what is meant by a diminution in value? Many actions can diminish the value or use of one property interest but increase the value or use of others. For example, if night airport landings are restricted at National Airport, this diminishes the use or value of the airport, but it increases the value of property in the neighborhood of the airport. Similarly, if the FAA were to issue a regulation prohibiting high-rise buildings near the flight path of an airport, this would increase or maintain usability of the airport, but diminish the use or value of affected properties. This amendment appears to ask for an evaluation of the effect on each property, not just property interests taken as a whole.

Fifth, this is largely a duplicative paperwork exercise. Under the President's Regulatory Management Executive order, executive branch agencies are required to assess all costs and benefits of available regulatory alternatives. The diminution of property values is clearly a cost that would be required to be considered. For any significant regulatory action, one with an impact of over $100 million annually or with a material effect on the economy, a sector of the economy, productivity, competition, or jobs, the agency's assessment of the costs must be submitted to the Office of Management and Budget for review. With respect to these proposed regulations, the analysis required by this amendment is duplicative.

Sixth, this amendment even appears to prevent emergency regulations, such as might be imposed if we found ourselves suddenly and totally at war, from being issued without a takings impact analysis.

Mr. President, it is important to remember that the takings clause of the fifth amendment is self-executing. Individuals who believe the Government has taken their property without just compensation have the right to seek restitution in the U.S. Claims Court. The courts have defined, through the case law, what constitutes a taking of private property for public use. This bill does not change any of that—nor should it. The courts are much better situated than we are to examine the circumstances surrounding each alleged taking to determine whether one has actually occurred. Indeed, the fact that some courts have found that some Government regulations may result in a taking shows that the court system is working.

What this amendment does is simply impose a huge and unworkable paperwork burden on the Federal Government. The analysis this amendment calls for is completely out of proportion to the laudable goal of identifying potential takings in advance, so that policymakers can weigh those costs in their decisions. This amendment does not streamline government nor make it more efficient. It is not consistent with any notion of reinventing government.

The proponents of the amendment have not made the case for the aggressive legislative intervention that this amendment contemplates. It is important to remember what is at stake here. This amendment would dramatically limit our Government's capacity to protect us, our health, and our safety.

For these reasons, Mr. President, I will oppose the Dole amendment. I urge my colleagues to do likewise.

Mr. LEAHY. Mr. President, I would like to ask the Chairman a few questions about the Bumpers substitute to the Dole amendment.

The Constitution, in the fifth amendment, now requires that if the Government takes property, compensation must be provided. Does this amendment change the constitutional understanding of the concept of takings?

Mr. BAUCUS. This substitute does not change the present constitutional provision on takings nor expand the concept by legislative action.

Mr. LEAHY. Beyond the obligation which exists to respect private property and to avoid takings in regulatory action where possible, does this legislation require that the agency head take any action beyond the analyses and reporting requirements in subsections (e) and (f)(2)?

Mr. BAUCUS. No, it does not.

Mr. CHAFEE. I rise to express my views on the second degree amendment offered by Senator BUMPERS. I have some significant concerns that thisi second degree, like the Dole amendment, will result in paralysis by analysis. While the Bumpers second degree is a substantial improvement over the Dole amendment, I question whether this type of amendment is necessary at all.

First, let me express my general concerns about this entire approach. While the scope of the Bumpers amendment is much more reasonable than the original amendment, it still would require that a fairly extensive takings analysis be completed whenever any Federal action was likely to result in a taking. This would be a costly requirement and divert significant Federal resources.

I question whether this amendment is necessary when the fifth amendment fully protects property rights. It is proper for the courts, not the agencies, to judge when a taking has occurred.

I am also concerned that the resources for performing these takings analyses will come from the scarce resources available to protect the public health, environment and welfare. The second degree would improve this situation by including reasonable exceptions and by streamlining the required analysis, however, it will cost money that we simply do not have.

On the plus side, the second degree amendment would not require, as in the Dole amendment, agencies submit a certification regarding their takings analyses to the Attorney General. This requirement provides little protection for property owners while raising the specter of unnecessary bureaucratic delays for important Federal regulations. So, striking that requirement is an improvement.

In addition, the second degree amendment exempts a limited list of Federal actions relating to foreign policy, military matters, law enforcement and study and planning activities. These actions would rarely, if ever, effect a taking under the fifth amendment. Further, if a number of these activities were delayed due to the requirement for a takings impact assessment, United States interests would be seriously compromised. So again, adding these exemptions is an improvement.

Consistent with current Supreme Court takings jurisprudence and common sense, the second degree would require a takings impact assessment only for those actions likely to affect a taking, and not for actions which may in some way diminish the use or value of property. This will avoid redefining constitutional takings law, and reinforce the primary purpose of the legislation—to enhance constitutional protection of private property rights. This change will also ensure that the Government can continue to fulfill its other responsibilities to protect the public health, safety and environment.

Unlike the Dole amendment, the second degree would not make these internal agency analyses public. Instead, agencies would be required to provide the analyses to the Office of Management and Budget. Making these documents public would encourage takings litigation at the expense of the taxpayer. The second degree amendment would avoid the prospect of providing a bonanza for takings lawyers rather than protecting property rights.

Mr. President, I continue to believe that the fifth amendment is the best protection a property owner could have. I know that Senator DOLE and others are concerned that Federal agencies do not always heed the words of the Constitution.

But, when that happens, when agency action crosses the line of acceptable Government regulation and results in a taking of private property, the supreme law of the land already requires compensation. We do not need new legislation to improve upon the Constitution. For that reason, Mr. President, I am opposed to the Bumpers amendment.

We are going to have a voice vote and I would like to have it noted that I voted no.

The PRESIDING OFFICER. The record will so indicate.

Is there further debate on the second degree amendment. If not, the question is on agreeing to the amendment.

The amendment (No. 1735), as modified, was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Could I speak on the amendment now? As I understand, you may want to get the other agreement first.

I yield the floor temporarily.

Mr. BAUCUS. Mr. President I ask unanimous consent that the vote on final passage of S. 2019 occur without any intervening action or debate at 10:30 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I also ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Does the Senator from Arkansas want to speak further on the amendment, as modified?

Mr. BUMPERS. No.

Mr. DOLE. I want to say a few words and then I would ask that the Senator from Texas, Senator GRAMM, be allowed to speak for 10 minutes.

Is there objection to that?

Mr. BAUCUS. Does the Senator mean now?

Mr. DOLE. I am going to speak now.

Mr. BAUCUS. For about how long?

Mr. DOLE. I think about 5 minutes. Then the Senator from Texas would like to speak for about 5 or 10 minutes.

Mr. BAUCUS. Before we get to that, I would just like to thank Senators who have been involved and worked very hard to pass this bill.

Senator CHAFEE, who has worked long and hard, through thick and thin; Senators HATFIELD and KERREY have done a tremendous job in offering amendments to help put this bill together; Senator WARNER, who helped in broadening support for source water protection, along with Senator CONRAD; and Senator JOHNSTON, for the cooperative way he approached our discussions to draft a better amendment on risk.

Tremendous thanks to Administrator Browner, Bob Perciasepe, and Jim Elder for their helpful assistance at EPA. And Martha Bennett and Doug Pahl of Senator HATFIELD's office for the long, hard, many, many hours. The same for Diane Hill, a fellow Montanan, I might add, who works for Senator KERREY, from Nebraska. Ann Loomis, with Senator WARNER; Jerry Reynoldson, with Senator REID; Barbara Cairns, with Senator LIEBERMAN.

We think we work long hours, Mr. President, but the names of the people I have just mentioned I think have worked even longer hours than we have.

From our committee staff, Jimmie Powell, Steve Shimberg, and Lori Williams. In addition, Jeff Peterson; Jo-Ellen Darcy; Bob Irvin; John Reeder, on loan from EPA; Karen Ilardo, Mike Evans, Tom Sliter, and Peter Scher. I give my heartfelt thanks to all of them.

I just thank them for their hard work.

Mr. President, also in behalf of the majority leader, I will announce there will be no more votes tonight.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, time and again, I have heard from the people all across America that Congress must do more to stop the tide of infringement on private property rights. I believe we have all heard this message. So, this amendment is a small first step toward ensuring that government mandates and government bureaucrats do not continue to run over individual citizens and individual rights.

It is time for Congress to send a very clear signal to the people affected by this and other legislation. The message is that, unless absolutely necessary, the Federal Government should not be in the business of the whole or partial taking of private property.

This amendment would send that message. The amendment is very simple. It would require Federal agencies to conduct a takings impact assessment when promulgating any agency policy, regulation or guideline, or recommending legislative proposals to Congress. This bill does not stop legitimate regulatory processes, and it only applies to actions which could result in a taking.

The assessment required by this amendment must consider the effect of the agency action, the cost of the action to the Federal Government, and must explore alternatives to taking private property.

The rights of property owners are supposed to be protected from the Federal Government under the 5th amendment and from State Governments by the 14th amendment. Unfortunately, those who have sworn to uphold our Constitution are not always as vigilant as they need to be. Let's face it, whether we like it or not, there are multiple takings each year by the Federal Government.

I have several examples of court cases against the Federal Government, where a taking of private property was involved. I would like to cite just a few of these cases.

Whitney Benefits, Inc., and Peter Kiewit Sons' versus the United States. The plaintiffs purchased a large tract of minable coal. The Government later enacted the Surface Mining Control and Reclamation Act. The property owner was prevented, by the application of this law to his property, to realize the benefit of his investment. The Court of Federal Claims found that this was a taking under the fifth amendment of the U.S. Constitution, and awarded the plaintiff the sum of over $62 million, plus interest compounded annually. Adding in interest, the total amount owed by the United States is $300 million. 1902 Atlantic, Ltd. versus United States in 1981, the plaintiff applied for a permit to fill a hole in the ground that had been dug to provide dirt for a nearby overpass. Over the years, the hole had accumulated water. Moreover, the hole had become a local dumping site for trash and refuse. One child had been killed as a result of playing in the hole. The owners wanted to fill the hole, and build an industrial park. Neighbors were ecstatic because it would clean up an eyesore, cure a safety hazard, and increase the tax base. The Government refused the wetlands permit, and only after 14 years of litigation finally agreed to compensate the owner for a taking.

It is also important to note that a taking can occur even though title to the property remains with the original owner and the Government has only placed restrictions on its use. Fortunately, courts have recognized that these partial takings are subject to just compensation.

Some will question why this amendment is necessary if the courts are doing such a good job. Unfortunately, challenging the Federal Government in court is out of the financial reach of most Americans. The Government, backed by the seemingly limitless resources of the U.S. Justice Department, usually outlasts by outspending, while the poor citizen pays for the lawyers for both sides through fees and taxes.

This is nothing more than a companion requirement that major Government undertakings be accompanied by a takings impact statement. These efforts are complimentary, not mutually exclusive.

So, let us be clear. A vote for this amendment is a vote for taking the first step toward putting the people back in charge of their land and back in the loop of what we are doing as their elected representatives. I can assure my colleagues that there is great interest in this matter by your constituents and by a large group of organizations who will be letting your constituents know exactly where we all stand on this matter.

This is a good-Government amendment. It brings Government into the sunshine. If you support the National Environmental Policy Act, if you support the Freedom of Information Act, if you support the Administrative Procedures Act, then you should support the Private Property Rights Act of 1994.

Mr. President, I ask my colleagues to ask their small business men and women, their farmers, their ranchers, those who believe in the private property rights contained in our Constitution, what they think about this amendment. When they do, I am certain they will agree that we should adopt this amendment.

Mr. MURKOWSKI. The Senators from Alaska would like to clarify the application in Alaska of several provisions of the Baucus-Chafee-Hatfield-Kerrey amendment that was adopted on Thursday, May 12, 1994.

The bill requires the principal operator of each community and noncommunity water system serving nontransient populations and any laboratory conducting tests to be certified as proficient. The Kerrey-Hatfield amendment also requires the Administrator to publish guidelines developed in consultation with the States describing minimum standards for certification of the proficiency of operators and other appropriate personnel.

It is important that these guidelines take into account the availability of certified operators in Alaska. Systems that cannot afford to train staff or hire certified operators should be able to meet requirements by having a part-time certified operator through the circuit rider program. In the view of the chairman, would a circuit rider operation and maintenance program be a viable substitute for providing a certified operator in each village?

Mr. BAUCUS. In my view, it would. In fact, the circuit rider program is a viable option for small, rural communities.

Mr. MURKOWSKI. That is fortunate because only 6 percent—14 of Alaska's 225 plus villages have an operator who has received a level of training and certification beyond that of an operator-in-training [OIT]. Obtaining an OIT certificate requires either 3 months of experience or successfully completing a 4-day couse and passing a certification exam. It is my understanding that this is a very basic entry level certification. The combination of the circuit rider program and the operator-in-training program should be sufficient for Alaska to meet any guidelines for certification.

Mr. BAUCUS. Yes; we recognize that the State of Alaska, like other rural States, has numerous small systems and that it would be impractical to expect each system to have a certified operator.

Mr. STEVENS. The Chairman is correct. Statistics demonstrate that Alaska is a small system State—95 percent of Alaska's community systems serve less than 3,300 people, 93 percent serve less than 1,000 people, and 84 percent serve less than 500 people.

As a small system State, Alaska is also in need of special consideration under the system viability provisions of the bill. The junior Senator from Alaska and I considered offering an amendment clarifying the need for special consideration for the immense viability challenges due to climate, remoteness, and inadequate drinking water supplies in some parts of our State. However, in discussions we were assured that the Administrator, when issuing guidance on viability, would address Alaska's viability challenges.

Many small systems in Alaska lack the technical, financial, and managerial capability to consistently comply with regulations. Different approaches may be needed for these small systems.

Alaska's remote maintenance worker program provides skilled assistance to small communities and conduct 1-on-1 training for local operators. Each remote maintenance worker position provides services to 10 to 15 villages. There have been no system failures since 1989 in areas served by remote maintenance workers. This program is supplemented by a remote systems monitoring program. This allows systems of several villages to be monitored in one central location via telephone.

Mr. CHAFEE. I thank the Senator from Alaska for informing the Senate of the special rural programs for water systems in Alaska. The remote maintenance worker program and remote systems monitoring program sound like the right approach to ensuring viable of rural water systems. The committee has considered utilization of such programs. We intended that such programs will enable small, rural communities like Alaska villages to attain viability.

Mr. MURKOWSKI. I might add that many Alaska rural communities do not currently have governments that can afford to maintain viable systems. Although these systems would be considered by most as nonviable—unable to financially meet EPA monitoring and treatment requirements—water from these systems provides a higher degree of safe water than the impractical or impossible alternatives of individual water sources or gathering water from surface ponds, rivers, or snow melt.

Mr. STEVENS. I agree with the statements of my colleague from Alaska. The State of Alaska should be given latitude to develop its own criteria for determining system viability. The traditional concept of system viability among the South 48 States may not fit the unique circumstances in Alaska. Physical consolidation of many of Alaska's systems, is impossible in many areas due to isolated, remote locations, cultural differences, and harsh environmental factors.

Mr. BAUCUS. We are well aware of the deplorable problems that the rural communities of Alaska face. It is the intention of the managers of the bill that these conditions be considered in the Administrator's guidance under the viability provisions of the bill and the viability considerations for the State of Alaska generally. As the Senator indicated, however, viability does not always require physical consolidation. There are innovative programs, such as those being developed in Alaska, which can help a system become viable without physical consolidation.

Mr. CHAFEE. Yes; it is important that we recognize that Alaska is dealing with a unique set of circumstances and that we can not expect third world sanitation conditions in some villages to change overnight.

Mr. McCAIN. Mr. President, I would like to ask the chairman a question regarding metering for water conservation purposes.

Mr. BAUCUS. I would be pleased to respond to the Senator.

Mr. McCAIN Because of arid conditions in the desert southwest, we muct be careful how our water resources are utilized. State and local governments have responsibly passed laws and ordinances which promote water conservation. The Arizona State Legislature recently passed a law which encourages mobile home parks to submeter and charge for water use to encourage conservation.

Is it the intent of the committee to impose another level of regulatory oversight in this case?

Mr. BAUCUS. No, Mr. President, it is not the intention of this Senator or the committee to regulate these systems differently from nonsubmetered systems and inhibit the ability of the States to encourage water conservation. The use of a water meter for the purpose of establishing charges at a trailer or at any point in a distribution system does not create a separate water system

Mr. McCAIN. Mr. President, I thank the chairman for his courtesy to my inquiry.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The question is on the amendment.

The underlying first-degree amendment is the question.

Mr. BAUCUS. Madam President, I urge the Senate adopt the underlying amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BAUCUS. Might I make a short statement?

Mr. GRAMM. I yield the floor.

Mr. BAUCUS. I thank the Senator from Texas.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, tomorrow we are going to vote for final passage on this bill. I have already said plenty about the merits and I have said plenty about the intricacies of the Safe Drinking Water Act, about variances, about MCLG's, disinfection byproducts, small system BAT, et cetera. I will spare my colleagues and staff a recap about that. But I would like to make a few basic simple points.

We are, I hope, about to pass the new Safe Drinking Water Act. That is important. The bill will protect public health so every American can turn on the faucet and pour a glass of water without worrying about getting sick. The bill also reduces cost to public water systems, especially small public water systems, struggling to provide important service to the neighbors.

But, in addition to passing the new Safe Drinking Water Act, we are also about to do something even more important. We are about to demonstrate that we in this Chamber can work together constructively to improve our environmental laws. Maybe this does not sound like a big deal, but I think it is.

For years now, the country and this Chamber has been paralyzed by gridlock over environmental policy. For years now, there has been in essence a religious war between the business community and environmental community. One side argues that environmental protection undermines the economy. The other side argues that economic growth destroys the environment. It has been characterized as a zero sum game—gridlock.

This attitude has spread to some of our other debate here on the floor. It seemed like you are either for the environment or for the economy, for the environment or for private property, for the environment or for sound science-based analysis.

This bill is a striking break from that pattern. It is bipartisan, reported by the committee by a vote of 17 to zero. On the Senate floor we worked with a coalition led by Senators KERRY and HATFIELD. Through it all, we worked to achieve common objectives: To promote the environment and reduce burdensome regulations on those who operate drinking water systems. After all, the American people want both. They want to protect their water and want to reduce burdensome regulations.

Madam President, I think they also want us to take a practical, commonsense approach to our environmental problems. That is what this bill does.

Madam President, we have further tough issues ahead of us: the Clean Water Act, Superfund, Endangered Species Act. But this bill, I think, can serve as a model. We do not have to pit the environment against the economy. Rather, if we work together, listen to legitimate arguments on both sides and take creative approaches, work very hard, long hours, roll up our sleeves, we can write environmental laws that protect the environment and promote economic growth.

I look forward to working with all my colleagues to achieve this goal as we take up the Clean Water Act, Superfund, Endangered Species Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I want to speak on the amendment offered by Senator DOLE on my behalf and on behalf of other cosponsors.

Mr. GRAMM. Madam President, the fifth amendment of the Constitution concludes with the following words: "Nor shall private property be taken for public use without just compensation."

The Founding Fathers understood that private property was the foundation of liberty. The Founding Fathers understood that freedom of speech was equally as important as economic security and that both deserved constitutional protection.

So when the Founders wrote the Constitution, they meticulously protected not just our political rights, but our economic rights. Nowhere is that clearer than the protection for private property. I think, Madam President, that the founders would be stunned at the assault on private property which has occurred in America since the 1930's. In fact, it seems to me that the courts believe that any two consenting adults can engage in any activity with constitutional protection other than owning and possessing private property, engaging in commerce, and creating jobs. When people engage in those activities, they stand naked before the growing Federal assault on their constitutionally protected private property rights. I do not believe the Founding Fathers intended that to be so.

If you own 100 acres of land today and the local government comes in and condemns 10 acres to build a road, no one disputes the fact that they have to pay you for those 10 acres. However, if you own 100 acres and the Government comes in and says you have the red-cockaded woodpecker nesting in one corner of your land where you planted pine trees to harvest, to earn money for you, but now the Federal Government decided that since this endangers the nesting habitat of the red-cockaded woodpecker, you cannot cut these 10 acres.

Madam President, currently, there is a dispute at all levels in the courts and before the Supreme Court as to whether that is a taking of private property or not. Unfortunately very few Americans have the resources to fight the Federal Government in Federal court. As a result, takings are occurring all over the country in the name of regulatory takings, and it does not appear that private property is protected.

I believe that James Madison would have no doubt, were he here today, that when the Founding Fathers wrote the Constitution they intended to protect property, and they intended to require that people are provided compensation when their property is taken, whether they lose it physically or whether they simply lose its value in use or its value in exchange.

The amendment that has been offered by Senator DOLE, by me, and by others tries to force the Federal bureaucracy to account for takings, to respect private property, and to undertake a study of the impact that Federal actions have on private property.

What we have seen today is the adoption of a compromise. I am not sure the compromise goes far enough, but it is a step in the right direction. I want to assure my colleagues that this issue is not going to go away; that before this Congress ends, at least this first step is going to be taken and is going to become the law of the land.

But I also want to say, in conclusion, that I do not think this first step is far enough. I want to do with private property what America did in the 1950's and the 1960's with civil rights. What we did with civil rights is write into law what we meant by the 14th amendment, and we guaranteed that 14th amendment rights were going to be protected. I believe that the protection provided by the Constitution in regard to private property rights is as important as the protection provided for civil rights. I support both.

I want to ultimately write into law that a regulatory taking that diminishes the value of land in use or in exchange is a taking. Therefore, when Government through its regulatory action takes away people's property or the use of their property, Government has to compensate.

There is going to be opposition to this, Madam President, because there are people who want to undertake activities that seize other people's property without paying for it.

My view is we cannot have rational decisionmaking unless we pay people for things we take away from them. So not only is it the right thing to do, not only is it the constitutional thing to do, but I think it is the rational thing to do as well. And my prediction is, when we have to compensate people for taking their property, we are going to take less of it, and I think the people will rejoice.

So I want to congratulate Senator DOLE for his leadership. I am happy to be a sponsor of this amendment. I think it is an important first, modest step, but I believe the American people are ready to fully reaffirm private property, to fully reaffirm the fifth amendment. I believe when we do that, we will preserve economic freedom without which political freedom cannot be sustained.

I yield the floor.

The PRESIDING OFFICER. Without objection, amendment 1715 is withdrawn.

So the amendment (No. 1715) was withdrawn.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I would like to say that I really appreciate what Senator BUMPERS has done in accepting Senator DOLE's modification to the private property rights amendment. I fully support the efforts to clarify how important private property rights are in this country.

I have been watching, slowly but surely, private property rights take a back seat to environmental regulations. The EPA regulations often have the effect of taking private property because they render property useless—whether it is undeveloped or developed land.

This issue is very important to America. The right of protection of private property is in our Constitution. It built this country. Family farms and businesses are the wealth of generations of work. It is important that we protect this private property. I appreciate the efforts of Senator DOLE and Senator BUMPERS to assure that no bureaucrat can take private property without a takings impact assessment so that we know how much the taking is going to cost and that the private property owner will be properly compensated if the Government takes the property by any means.

I am pleased that Senator DOLE's legislation will be part of the bill. I think it is very important that as we go into this next year that all of the bills that we take up should have as a primary goal keeping the private property rights protection of our Constitution. The taking of land by regulation is every bit as much a taking of land as if the Government took the title to that property, because people are not going to be able to afford to keep undeveloped land if they have so many assessments and so many regulations and so many ways that they cannot use it for its ultimate purpose. That is a taking, Madam President, that we cannot permit.

I thank you, Madam President. I am pleased that we will be able to make sure that in this case, private property rights are observed. I yield the floor.

Mrs. KASSEBAUM. Madam President, I support this amendment, the Private Property Rights Act of 1994.

Private property rights are a foundation of our democratic, free-market system, and they always have been. We know from history that Thomas Jefferson initially proposed that the Declaration of Independence should proclaim the rights of "life, liberty, and property." Without private property there can be no contract, no exchange, no personal economic security.

In our time, countries of the former communist bloc have reached the same conclusion: Private ownership and management of a nation's wealth are fundamental to national prosperity. Put another way, private property is a protector of the general welfare.

That is why our Constitution prohibits the Government from taking private property without adequate compensation. The Supreme Court has held that excessively burdensome regulation may trigger this constitutional protection. The task of defining the constitutional limits on so-called regulatory takings should remain with the Court—and, under this legislation, it does.

This bill does not expand the fifth amendment right to property. Contrary to the chicken-little outcry of some opponents, the bill will not preclude Federal health, safety, or environmental regulation. To the extent that those regulations constitute takings, they already are prohibited by the Constitution.

The bill does not change the substantive rules, but it ensures that Federal regulators play by them. It establishes an up-front procedure—a takings impact assessment—to ensure that individual regulations square with the fifth amendment before they become law.

Today, our citizens too often are presented with a bureaucratic fait accompli. Their property may be unconstitutionally taken by regulation, but their rights can be vindicated only through costly, time-consuming lawsuits. For many, that simply is not an option. I believe the Federal Government has an affirmative obligation to guarantee the constitutional rights of its citizens. It is not enough merely to react when challenged in court.

Some have argued that the up-front constitutional analysis proposed by this bill will be costly. I share a deep concern about cost, but in this context I find that argument specious. Is complying with the Constitution really too costly? Do we disregard our citizens' rights to free speech, to free exercise of religion, or to freedom from unreasonable search and seizure because vindicating those rights would be expensive? The fifth amendment, too, is more important than paperwork reductions or savings in staff time.

Moreover, I suspect this amendment will cost less than its critics anticipate. I also expect substantial savings from the reduction in litigation fighting unconstitutional takings.

This legislation reaffirms that the Constitution governs the regulatory process. I fail to understand how any official sworn to uphold the Constitution could oppose that purpose, and I urge my colleagues to support it.

The PRESIDING OFFICER. Without objection, amendment No. 1729, as modified, is agreed to.

AMENDMENT NO. 1720

Mr. BREAUX. Madam President, I rise today to speak in support of S. 318, the Outer Continental Shelf Deep Water Royalty Relief Act. I commend the senior Senator of Louisiana for introducing this economically prudent bill, which would provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico. I agree with Senator JOHNSTON that this legislation is vitally needed to reduce our reliance on foreign oil, maintain a vital infrastructure, create jobs, and minimize the risk of oilspills.

Madam President, the domestic energy industry is on the endangered industries list and continues to decline. Thousands of oil industry workers have been laid off and it looks like many more may become unemployed in the near future. Over 400,000 jobs have been lost in the oil and gas industry in the last 10 years. Our national security depends on access to dependable domestic energy reserves. The expertise needed to develop oil and gas is highly skilled and trained, now that the remaining domestic reserves are increasingly more difficult to recover. Unless we take steps today to help preserve a viable domestic industry, the next industry crisis may be chronic and very damaging to our economy.

Finally, this bill is also environmentally sensible because it offers a tremendous opportunity for the discovery and production of new world class natural gas and oil fields in the only undeveloped domestic area of high resource potential open for exploration and production. Furthermore, the most recent data obtained from the minerals management survey shows that only 2 percent of the world's oilspills are the result from Outer Continental Shelf [OCS] development. In contrast, 45 percent of the world's oilspills come from transportation related, or tanker spills. The more we import, the higher the risk of large oilspills.

A significant component of our strategy to assure the availability of domestic supply is the development of the Outer Continental Shelf [OCS], particularly areas in the deep water over 1,200 feet. The OCS contains almost one-quarter of all estimated remaining domestic oil and gas reserves, much of which are in deep water. According to the Department of the Interior estimates, there are 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. The costs of finding and producing oil and gas in deep water areas are astronomical; for example, a state-of-the-art rig in deep water, over 3,000 feet, can cost more than $1 billion, as opposed to $300 million for a conventional fixed leg platform in 800 feet of water.

Based on similar large-scale projects, the development of the deep water of the Gulf of Mexico would create tens of thousands of jobs in the oil industry and a multiple of that in the general economy. The investment required to find, develop, and produce 5 to 10 billion barrels of oil could range from $50 to $100 billion. Since various studies have estimated that every billion dollars' worth of investment could create 20,000 jobs, a large-scale effort could create up to 1 million jobs.

Under current economic conditions, most oil and gas potential in the Gulf of Mexico will not attract investment, due to the high cost of finding and producing hydrocarbons in a hostile deepwater environment. S. 318 will attract such investment and provide an incentive to the domestic energy industry by providing that the Secretary of the Interior can reduce or eliminate royalties on nonproducing leases, and on new production from any lease located in depths of 200 meters or more in the western or central planning areas of the Gulf of Mexico until capital costs related to such production have been recovered.

I urge my colleagues to join me in supporting this important legislation.

Mr. CONRAD. Madam President, I rise to express my support for the bill before us today S. 2019, the Safe Drinking Water Act Amendments of 1994. S. 2019 will provide the Nation with a more workable, rational, and flexible law that decreases the burden on small systems without jeopardizing public safety. In fact, I am convinced that the changes contained in S. 2019 will enhance public safety by giving States the flexibility to allocate their scarce resources to their most pressing needs.

I had some serious concerns with S. 2019 as it was reported out of committee. It imposed new mandates on States, failed to provide regulatory flexibility, and did not do enough to balance risk and cost. Along with other Senators, I brought my concerns about S. 2019 to the committee, and they worked with us very diligently to fix the problems with the bill. As a result, I believe we now have a very solid, workable bill. I appreciate the chairman's willingness to work through these issues and compliment him, Senator CHAFEE, and the other Senators who have worked together to produce this legislation.

Back in 1992, Congress took the first steps toward trying to fix the Safe Drinking Water Act when it approved monitoring relief for small systems under the Chafee-Lautenberg amendment. The Senate also narrowly rejected a much more far-reaching amendment that would have held up new drinking water regulations until the EPA could more fully assess their need. I supported that amendment and believe that it started a process which has brought us to this point today.

The Safe Drinking Water Act is clearly a law that needs fixing. It is a perfect example of a mandate that places an unnecessary burden on States and communities. For example, the current statute requires that EPA regulate 25 new contaminants every 3 years, regardless of the overall risk posed by these contaminants. Mr. President, that is ridiculous. It is regulation for regulation's sake. In fact, this approach can actually increase public health risks by forcing communities to devote a disproportionate share of their scarce resources to drinking water regulation. The Act also requires systems to test for almost 100 contaminants, regardless of whether those contaminants are found in the area or not. According to our state health department, North Dakota systems are testing for at least 10 pesticides that are not used and do not occur in the State.

The current law imposes a particularly large burden on small water systems. Almost all of the water systems in my State qualify as small systems, and 87 percent of all systems nationally are small. These systems cannot afford the expensive testing and treatment technology required by the Safe Drinking Water Act. If they cannot meet these requirements what, then, is their alternative? They can force their customers to pay hundreds or thousands of dollars a year to comply; they can apply for the very small amount of assistance available through various Federal agencies; they can be in noncompliance and face stringent penalties from EPA; or they can abandon their public water systems and return to unregulated private wells. In my State, Mr. President, people are strongly considering this last alternative. However, private wells often pose a greater health risk than water from the public system. Thus, the Safe Drinking Water Act may have the ironic effect of increasing the health risk to rural citizens instead of decreasing it.

S. 2019 provides the flexibility and assistance necessary for all systems, both small and large, to better protect the public health at less cost. It greatly reduces the mandates and burdens imposed on States and communities. The changes to existing law are numerous, and I would like to highlight the most significant.

First, we are eliminating the unnecessary requirement that 25 contaminants be regulated every 3 years. Under S. 2019, only contaminants which present a significant threat to public health will be regulated. EPA will also have to base its analysis on sound science and risk assessment when determining whether or not a contaminant poses a significant enough threat to merit regulation.

We will also consider the tradeoff between risks and costs when setting the maximum contaminant level [MCL] for regulated contaminants. The current standard setting process is driven solely by technology, and EPA must select the most effective treatment technology that is affordable to large systems. S. 2019 allows EPA to select a different technology if it will provide significant savings and not sacrifice public safety. This could save communities millions of dollars in treatment costs.

EPA will also be required for the first time to publish the projected costs and benefits of a regulation when proposing it in the Federal Register. This way, all citizens will be able to see the threat being addressed and the associated costs to combat it. I believe it is important for everyone to gain a better understanding of what is behind the regulations.

Risk comparison will also be used for a specific contaminant that has the potential to be tremendously expensive to treat for—radon. Radon occurs in water in far lower concentrations than it occurs in air. Thus, radon in water presents less of a threat to public health than does radon in air. However, the proposed rule for radon would have systems spend huge amounts of money to treat for radon concentrations in water which are only a fraction of those in the air. S. 2019 allows States to direct their resources to the greatest threat by relaxing the water treatment level for radon in States that have a program to combat radon in air.

Monitoring for contaminants represents one of the greatest expenses involved in complying with the Safe Drinking Water Act, and S. 2019 reduces unnecessary monitoring requirements. It makes no sense for systems to have to test for contaminants that do not exist in the sourcewater area. In addition, systems should not have to test frequently if there is little chance of a contaminant polluting the water supply. S. 2019 reduces the burden on systems by allowing States to develop their own monitoring plans that take into account the occurrence of contaminants within the State. Systems serving less than 10,000 people will get additional monitoring relief through reduced monitoring requirements for contaminants that are carcinogens. Finally, EPA will have to review at least 12 regulated contaminants to determine whether or not they still occur often enough to warrant continued monitoring.

As I have mentioned, small systems have a particularly difficult time meeting the requirements of the Safe Drinking Water Act. In addition to monitoring relief, S. 2019 allows small systems to use a more affordable treatment technology if they cannot afford the expensive one identified under the MCL. This alternative treatment technology would not put public health at risk, but would enable small systems to meet their needs in an affordable way.

Finally, even with all of these changes to make the Act more workable, States and small systems still desperately need additional resources to comply with drinking water requirements. Therefore, we are authorizing a State revolving loan program of $600 million/year in 1994 and $1 billion/year from 1995–2000. This money will be loaned, and sometimes granted, to systems in each State so they can make the investments necessary to provide safe drinking water to their users. S. 2019 further allows States to transfer funding between the Safe Drinking Water and Clean Water revolving loan funds. Thus, States will have the flexibility to address their most pressing water needs as they see fit.

S. 2019 also increases the yearly administrative grants made by EPA to the States and authorizes the use of the revolving loan fund by the States for special administrative purposes. For example, a State could use some of the fund to establish its own monitoring program, thereby reducing the long-term monitoring costs to systems.

Finally, I am pleased that my amendment regarding a sourcewater protection program was adopted. My amendment modifies the sourcewater program originally included in S. 2019 in two main ways. First, it makes the program voluntary for States so they will not have another mandate imposed upon them. Second, it requires communities to work together with the State and the affected parties in the sourcewater area to address contaminant problems in the water. My amendment requires a cooperative, problem-driven approach and gives communities a valuable new tool in their fight to keep their water safe.

In sum, S. 2019 will reduce the burden on States and communities, reduce unnecessary regulation, and provide needed relief and assistance for small systems struggling to continue providing safe drinking water. I might add that S. 2019 has the support of a broad group of water interests, including the National Rural Water Association. The North Dakota State Health Department also believes that the changes included in S. 2019 are important and necessary. I hope to see these changes enacted into law very soon.

Mr. DOLE. Madam President, if ever there was a metaphor for Federal mandates in America it has been the Safe Drinking Water Act. I can think of few issues that have been as contentious as this one has been. In fact, I have heard from dozens of Kansas communities which are overwhelmed with EPA safe drinking water mandates they cannot afford. Many of the complaints we hear involve the sheer complexity and overkill just to comply. The system is broken—and needs to be fixed. I believe there is a general agreement on that point.

However, Madam President, I do have some concerns that his bill does not go as far as it should to bring real regulatory relief to these communities, particularly rural water systems which have extremely limited resources to comply with Washington's regulations.

I am encouraged by the degree of discussion and cooperation that has occurred already. Senator CHAFEE has worked very hard on this bill. Senators DOMENICI, KEMPTHORNE, WARNER, SIMPSON, SMITH, FAIRCLOTH, and DURENBERGER have done an outstanding job as well. I know Senator BAUCUS appreciates the impacts this law has had in his State of Montana.

I appreciate the changes that will be included in this bill since this debate began. These changes to improve EPA flexibility, a monitoring waiver for small systems serving less than 10,000 people, and provisions to assist disadvantaged communities with State revolving loan funds are indeed necessary and appreciated.

However, I would have to say this bill is not perfect by any means. I share the concerns of many of my fellow rural, agricultural State colleagues that this bill is the first step toward EPA regulation of production agriculture. My colleagues know we produce an abundant, safe and inexpensive supply of food for this Nation and for export. I remind my colleagues that we can only go so far—both scientifically and economically—before we cross the line where agricultural production is no longer a viable industry.

Likewise, Madam President, I am also concerned this legislation could adversely affect the domestic oil and gas industry, the construction industry and many other important and critical industries who may suddenly find themselves awash in additional Federal redtape in order to comply with rules and regulations that at great cost are marginal at best in terms of public health protection.

I appreciate the work that was done to modify the watershed protection provisions that were originally contained in the committee approved bill.

I will, however, reserve judgment for the future as to their effect and closely monitor the implementation of these provisions—particularly the critical aquifer protection provisions.

Eventual application of safe drinking water standards to all navigable and underground waters, in my view, is the intent of some of my colleagues in the Senate and will only lead to the imposition of new and substantial mandates to State and local governments and on American agriculture and other important national industries.

Madam President, this debate is not about whether the U.S. Senate supports safe drinking water. Of course we do. What this debate is about is whether unreasonable Federal mandates out of Washington, DC are truly serving the interests and needs of the American people to provide adequate protection of our water supplies at a reasonable cost.

Mr. HATCH addressed the Chair.

Mr. FORD. Madam President, how much time would the Senator from Utah desire?

Mr. HATCH. I think no more than 5 minutes.

Mr. FORD. Madam President, I ask unanimous consent that the Senator from Utah may have 5 minutes and at the end of his statement—does the Senator from Nebraska want some time?

Mr. EXON. Yes.

Mr. FORD. How much time does the Senator want.

Mr. EXON. Two minutes.

Mr. FORD. Two minutes.

Madam President, I ask unanimous consent that the Senator from Utah have 5 minutes, the Senator from Nebraska, [Mr. EXON], have 2 minutes, and at the end of that statement there be a period for morning business with Senators allowed to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. I thank the Chair.

I rise to support Senator BUMPER's amendment, as modified by Senator DOLE's language, which requires Federal agencies to assess the impact of their proposed actions on private property. It addresses a matter of concern to growing numbers of Utah property owners.

James Madison, rightly called the Father of the Constitution, penned a very important essay on property which appeared in the March 27, 1792, issue of the National Gazette. In the essay, Madison opined as to the meaning and importance of property. To Madison, property has a twofold nature:

> This term . . . means "that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual." In its larger and juster meaning, it embraces everything to which a man may attach a value and have a right, which leaves to every one else the like advantage. In the former sense, a man's land, or merchandise, or money, is called his property. In the latter sense, a man has a property in his opinions and the free communication of them. . . . In a word, a man is said to have a right to his property, he may be equally said to have a property in his rights.

Indeed, Government is instituted, according to James Madison and our other Founding Fathers, "to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. Thus being the end of Government that alone is a just Government which impartially secures to every man whatever is his own."

Sadly, Madam President, through the pale of time and in the rush by some to resolve all social problems through the heavy hand of governmental regulation, we have all too often failed to honor Madison's philosophy. All too often in order to protect the environment or to promote the aesthetics of our neighborhoods, we have placed a disproportionate burden on small landowners, in violation of the fifth amendment's command of just compensation and that property be taken only for public use. We have witnessed horror stories of the worst kind of naked arbitrary use of governmental power, where a property owner was imprisoned for cleaning up his garage and backyard because the area was declared a wetland—or where a municipality conditioned a variance to enlarge a family run hardware store on the ceding of 10 percent of their land to the city to build a bicycle path! This is nothing more than an act of extortion, and indeed, because of its national importance, this case is presently being considered by the U.S. Supreme Court. These acts have spawned a nation-wide property rights movement—a "sagebrush" revolt—of small landowners, farmers and ranchers, and owners of "mom and pop" businesses. I believe that the fight to restore property rights is one of the premier civil rights issues of the 1990's.

To be sure, the need to protect our natural resources—our environment—is of great concern. It is a legacy owed to posterity. But a balance needs to be struck between conservation and development, between the environment and the right of property. Executive Order 12630, promulgated by President Reagan in 1988, attempted to reach that balance. In essence, the Executive order required Federal agencies to conduct a takings impact analysis or TIA before undertaking any proposed action regulating private property use for the protection of the environment or any other legitimate public purpose. I said that the Executive order "required" Federal agencies to conduct a takings impact analysis because, most unfortunately, this administration has refused to enforce this simple remedial measure. Executive Order 12630, for all practical purposes, is a dead letter.

That is why this amendment is so important. It would codify the TIA requirement. Thus, agencies would have to assess whether a taking of private property would occur under its proposed regulation and consider such alternatives to the proposed regulation that would lessen the adverse effects on the use or value of private property. This "assess and consider the alternatives" approach is similar to that of the National Environmental Policy Act and its requirement that agencies consider the environmental impact of proposed rules. Can we do no less for the property rights or ordinary citizens?

Madam President, I wish to personally thank Senator DOLE for his leadership on this issue. It is about time we did this. I hope that this amendment will be carried through on this bill all the way through the process, because it is about time we stood up and did what is right about property rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 2132 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Madam President, I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2019) was ordered to be engrossed for a third reading and was read the third time.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. We are now in morning business, is that correct?

The PRESIDING OFFICER. That is correct.

OLDER AMERICANS MONTH

Mr. SARBANES. Madam President, since 1963 when President Kennedy began this important tradition, May has been proclaimed "Older Americans Month," a time set aside each year for our country to honor senior citizens for their many important accomplishments and their contributions to improving and advancing their communities and their Nation.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years look forward to this opportunity to pause and reflect on the contributions of those citizens who played such a major role in shaping the great Nation in which we live today. We honor them for the hard work and countless sacrifices they have made throughout their lifetimes and look forward to their continued contributions to our country's welfare.

Senior citizens of today have witnessed more technological changes than any other generation in our Nation's history. The average senior today has lived through a major depression, a world war, and incredible advancements in the fields of science, medicine, transportation, and communications. It is imperative that we address the needs of these Americans who have devoted so much of their lives to the betterment of our society. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased that we were able in the last Congress to reauthorize the Older Americans Act. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-based services so critical to many of our Nation's seniors.

The need for such legislation becomes especially apparent during a time set aside to honor older Americans, the most rapidly growing segment of our population. Currently, older Americans comprise 12.5 percent of the country's population. In my own State of Maryland, over 735,000 individuals are over the age of 60, representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to incerase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities, and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century. The Older Americans Act is only the beginning. It is not enough that we honor our senior citizens. We must continue to work for and enact legislation which meets the needs of this valuable segment of our society.

As you know, the slogan for this year's Older Americans' Month is "Aging: An Experience of a Lifetime." It is this lifetime of experience which makes our seniors a particularly valuable national resource. Senior citizens in America do not sit on the sidelines, they continue to contribute to their families, their friends, their communities, and their country. Older Americans have played an integral part in bringing the serious need for health care reform to the forefront of our domestic agenda. Many seniors led the way in calling for comprehensive national health care, not only for their benefit, but for the benefit of all Americans. They have experienced the failures and the successes of our current health care system.

Older Americans have been the hardest hit by health care inflation. For many Americans under the age of 60, a prescription is something one fills once a year. Many older Americans fill prescriptions once a month or even once a week, and older Americans as a group use four times the prescription drugs that Americans under 60 do. Most Americans under the age of 60 have been insulated from the skyrocketing cost of prescription drugs. Many seniors, on the other hand, have found their disposable income eaten up by prescription drugs. Many other seniors have seen a lifetime of savings whittled away by the long-term care of a spouse or a parent. In short, if our current health care system is not reformed, the rest of us will experience the same. As we consider health care reform, we should keep in mind the theme for this year's Older Americans' Month, "Celebrating Long Life and Good Health." Without true health care reform, many Americans will have very little to celebrate. If we are to be prepared for the needs of our Nation tomorrow, we must answer the needs of older Americans today.

My own State of Maryland has been blessed with a substantial and growing senior population. In recognition of the countless accomplishments and contributions of Maryland seniors, this year has been designated the "Year of the Senior" in Maryland. As our Nation has benefited from an active, concerned senior population, so too has the State of Maryland. As a State we have seen our seniors step in to fill the breach left by the ravages of drug abuse and violence. Countless numbers of seniors in Maryland and across the Nation are becoming surrogate parents.

While many of us assume we will be relaxing in retirement, many older Americans choose to continue a lifetime of volunteer service or even to become volunteers for the first time. For example, the National Senior Volunteer Program provides critical support for numerous retired and senior volunteer programs throughout the Nation. A good example of the effectiveness of this program is seen in the Retired and Senior Volunteer Program [RSVP] for Baltimore County, MD. This program has over 2,000 volunteers who provide over 300,000 hours of service to their community each year at a cost of less than 20 cents per volunteer hour.

RSVP for Baltimore County addresses a wide variety of community needs, with volunteers serving children in day care centers, tutoring and mentoring students from elementary through middle school students, and supporting substance abuse programs geared to high school students. In addition, RSVP volunteers work in community settings such as libraries, hospitals, hospice programs, adult day care centers, nursing homes, and provide services to isolated homebound seniors. We are all extremely fortunate that RSVP for Baltimore County is only one of the many senior organizations contributing to the well being and advancement of both the State of Maryland and the Nation as a whole.

Madam President, I am confident that we now have an administration sensitive to the needs of older Americans and committed to affirming their continued dynamism. We are, of course, very fortunate in Maryland to have Senator BARBARA MIKULSKI serving as the chair of the Senate Labor and Human Resources Committee's Subcommittee on Aging. As we continue our observance of "Older Americans Month," I look forward to working with Senator MIKULSKI and the rest of my colleagues in affirming the continuing contributions of older Americans to our society and in ensuring that they are able to live independently and with dignity.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate Scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 13, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 10, 1994, Congress approved and the President signed the Foreign Relations Authorization Act (Public Law 103–236), changing the current level of budget authority and outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, May 16, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through May 13, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 9, 1994, Congress approved and the President signed the Foreign Relations Authorization Act (Pub. L. 103-236) changing the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 13, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,223.2	1,218.5	−4.8
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,490.5	−241.4
OFF-BUDGET			
Social Security outlays:			
1994	274.8	274.8	(3)
1994–98	1,486.5	1,486.5	(3)
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE; 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 13, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742.749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (Pub. L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (Pub. L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (Pub. L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (Pub. L. 103–235)	5	3	
Foreign Relations Authorization Act (Pub. L. 103–236)	(2)	(2)	
Marine Mammal protection Act Amendments (Pub. L. 103–238)		4	
Total enacted this session	(2,683)	(643)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	
Total Current Level[3] [4]	1,218,460	1,217,056	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,789	1,093	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of Pub. L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of Pub. L. 102–391.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

INTERNATIONAL INSTITUTE OF METROPOLITAN DETROIT

Mr. LEVIN. Madam President, the International Institute of Metropolitan Detroit is celebrating 75 years of service to our multi-ethnic community. The institute was founded to help newcomers to America become creative and productive members of our society. Besides helping new immigrants with counseling, job placement, naturalization assistance, and instruction in English, it educates the community about the various ethnic groups and sponsors many cultural events.

A series of commemorative events is taking place this anniversary year, none more important than the induction of five new members to the International Heritage Hall of Fame. The hall of fame was founded 10 years ago to honor distinguished area leaders, each of whom represents an ethnic segment of the community and has made significant contributions to the community as a whole.

I would like to say a word or two about each of the honorees who will be inducted into the hall of fame on May 25.

Mary Bell, president of Bell Broadcasting, is a leader in social service, cultural, religious, and professional organizations. Her firm, established in 1956, constructed the first black radio station in America. She serves on many boards, is a strong promoter of the United Negro College Fund, and has received awards from diverse civic organizations.

Father William Cunningham is a name in Detroit that is synonymous with Focus: HOPE. He founded this civil and human rights organization in 1968, and in 26 years it has grown from distributing food to tens of thousands of people to a state-of-the art place of manufacturing and education which is training a work force for the jobs of the 21st century.

Yousif Ghafari founded a multidiscipline architectural, engineering, and computer applications firm with offices in Michigan, Ohio, and Indiana. His philanthropic interests include local institutions of higher learning, and he is a founding member of the Wayne State University Arab-American Scholarship Fund. His company provides scholarships and employment to minority students through the Detroit public school system.

Maestro Neemi Jarvi came to Detroit in 1990 as the musical director of the Detroit Symphony Orchestra. He charmed concert goers the first evening he picked up the baton to lead the orchestra, and he has pleased his audiences ever since with his large talent, his great energy, and his joie de vivre. He has conducted major orchestras in many countries as well as the United States, and he has brought international acclaim to the Detroit Symphony Orchestra through recordings.

Mado Olga Lie, a mother of 10 children, somehow finds the spare time to serve major Detroit cultural organizations. She is devoted to the arts and sciences. She has a multicultural background and tirelessly makes contributions to a multicultural community.

Madam President, I want to congratulate each of these individuals, thank them for their devotion to Detroit, and wish them many more years of good health and good works.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Tuesday, May 17 at the close of business, the Federal debt stood—down to the penny—at exactly $4,588,708,682,253.76. This debt, mind you, was run up by the Congress of the United States, because the big spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Madam President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

"WE THE PEOPLE * * *" PROGRAM NATIONAL FINALS

Mr. BROWN. Madam President, on April 30–May 2, 1994, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capitol to compete in the national finals of the "We the People * * * The Citizen and the Constitution" program. A class from East High School in Denver represented Colorado. These young scholars have worked hard to reach the national finals by winning local competitions in Colorado.

The members of the team representing Colorado are: John Akolt, Aisha Alkayali, Ned Augenblick, Eric Berson, Kendra Bird, Noah Borwick, John Fryer, Susan Givens, Andrea Gibson, Erin Gretzinger, Tyler Haring, Daniel Hoefer, Thomas Kerr, Kimberly Knous, Sarah Liegl, Justin Milner, Eric Nussbaumer, Kristin Petri, Ashby Plain, Nickie Robinson, Laura Ruttum, Lafayette Scott-Pierre, Jessica Smith, Alexis Sophocles, Gwendolyn Turner, Lane Volpe, and Graham Williams.

Their teacher, Dr. Deanna Morrison, deserves much of the credit for the success of the team. The district coordinator, Loyal Darr, and the State coordinator, Barbara Miller, also contributed a significant amount of time and effort to help the team reach the national finals and place in the top 10.

The "We the People * * * program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentation are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the program is now in its 7th year and has reached more than 20 million elementary, middle, and high school students and teachers. The "We the People * * *" program provides an excellent opportunity for students to gain an informed perspective of the significance of the U.S. Constitution and its place in our history and our lives.

TRIBUTE TO GUY L. NICHOLS

Mr. BUMPERS. Madam President, I rise today to pay tribute to Guy Nichols, an outstanding public servant from my State, who will soon retire from government service after a distinguished 50-year career, including 30 years with the National Park Service.

Guy's career with the Federal Government started at age 18 with the Civilian Conservation Corps in the Ozark National Forest. After serving in the CCC for 2 years, Guy enlisted in the U.S. Navy in 1942. He participated in several military campaigns and has been the recipient of numerous awards and commendations including the National Defense Medal and the Navy Occupation Service Medal.

After retiring from the Navy in 1962, Guy embarked on his second career of service and became a Park Service Ranger at the Fort Smith National Historic Site in Fort Smith, AR. When the park lost its chief historian in 1968, Guy took it upon himself to learn everything he could about the history of the fort and its place in our Nation's history. He quickly became the park's "unofficial historian." Guy's entertaining and informative tours have brought history alive to thousands of visitors. School groups are a particular favorite of Guy's and in 1933 he was recognized for his work with school children at the Secondary Social Studies Educators Frontier Achievement Award ceremony. Most recently, Guy was nominated for the Department of Interior's Superior Service Award.

Madam President, it is truly a pleasure to recognize and honor the accomplishments of such a devoted public servant. His talent, hard work and devotion have greatly enriched his community, State and country. I hope my colleagues will join me in extending our thanks and appreciation to Guy Nichols.

TRIBUTE TO MELVIN N. GREENBERG

Mr. GRAHAM. Madam President, I rise today to pay tribute to a man who has spent much of his life helping others in south Florida, my friend Mr. Melvin N. Greenberg.

Mel Greenberg is a founding shareholder of the law firm of Greenberg Traurig, one of the most distinguished and highly regarded firms in Florida. He is also a generous contributor to numerous civic causes for the benefit of all citizens.

Mel Greenberg is dedicated to promoting the highest ethical standards, professional reliability and diligence in the legal profession. He has been duly recognized for his academic excellence and brilliance as an attorney.

Mel Greenberg, in his four decades of service to the community, has chaired and held key positions at numerous national and local committees of charitable organizations. His goal is always the same: to improve the quality of life of others.

He has contributed substantially to the University of Miami as vice-chairman of the Board of Trustees; past vice-chairman of the Executive Committee; co-chairman of the Ad Hoc Medical School Committee; and member and former chairman of the Visiting Committee of the School of Medicine.

One of Mel's greatest contributions has been to the United Way where he was chairman of the United Way Campaign. He also served as trustee with the Public Health Trust of Dade County.

Mel Greenberg will be honored next month by the leaders of the Miami business and civic community for a most distinguished career and four decades of service to the community.

Mel Greenberg has brought a commitment to excellence to every endeavor which he has undertaken. Florida is a better place because of him.

TRIBUTE TO CHARLES A. HARVIN, JR.

Mr. THURMOND. Madam President, I rise today to pay tribute to one of South Carolina's leading citizens and most prominent sons, Mr. Charles Alexander Harvin, Jr., who recently passed away at the age of 78.

Throughout his long and fulfilling life, Mr. Harvin was a man who was committed to making his community and State better places to live. Throughout his life he was actively involved in many different civic and service organizations, and he actually served as the chairman of 18 of them. These organizations included everything from agricultural and trucking associations to the Boy Scouts and educational boards.

Mr. Harvin's hard work toward making South Carolina an even better place to live did not go unnoticed by those who benefitted from his work. Among the many honors he received, Mr. Harvin earned distinguished service awards from the South Carolina Farm Bureau and the South Carolina Mental Health Association; part of U.S. 301 has been named the "Alex Harvin Highway"; and, he was awarded our State's highest honor, the "Order of the Palmetto".

Madam President, it is difficult to sum up the many contributions that Charles Harvin made to our State in just a few moments here on the Floor. We are all grateful for his commitment to humanity and South Carolina and he is a man who will be greatly missed by many. I would like to take this opportunity to extend my deepest condolences to his lovely wife, Thomasine; and his children, Alex, III, and Thomasine.

TRIBUTE TO CLIFTON G. BROWN

Mr. THURMOND. Madam President, I rise today to pay tribute to a good friend and one of South Carolina's proudest sons, Mr. Clifton G. Brown, who recently passed away.

A graduate of The Citadel, Mr. Brown had a strong commitment to public service. It was this commitment that led him into the Army Air Corps during World War II; into city government as a council member and mayor; and into Federal service as an employee of the Department of Housing and Urban Development. Additionally, he was a respected attorney, having graduated from the University of South Carolina's School of Law, and businessman.

Mr. Brown was also involved in many other business and civic activities including several banks; the South Carolina Bar Association; the American Legion; and the University of South Carolina Alumni Association. His many efforts did not go unnoticed and he was recognized with the HUD Distinguished Service Award and the Order of the Palmetto, South Carolina's highest award.

Madam President, Clifton Brown is a man who contributed much to his community and State and he will be greatly missed by all who knew him. I would like to take this opportunity to extend my deepest sympathies to his lovely wife, Carolyn; and their two sons, Clifton, Jr., and John.

SAM BROWN NOMINATION

Mr. HATFIELD. Madam President, as the administration seeks to fill several important positions in our Government, I commend highly to my colleagues Mr. Samuel Brown, who is the President's nominee for the rank of Ambassador during the tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe.

The CSCE has an important agenda to consider, including matters relating to human rights, democracy and the rule of law. I believe that the Senate should move quickly to approve Mr. Brown's nomination.

I first came to know Sam Brown during his days as an activist opposing the war in Vietnam. Mr. Brown believed, as I did, that it was most productive to work within our system of government to bring an end to that war. In the ensuing years, Mr. Brown served with distinction as the Director of ACTION, which at that time also included the Peace Corps.

In reviewing Mr. Brown's qualifications for this position, I am aware that concerns have been raised about his lack of military service. This has not been a hindrance to previous CSCE representatives, including Ambassador Max Kampleman, and I believe that it should not be an obstacle to Mr. Brown's confirmation. The European security mission of the CSCE goes far beyond military security and Mr. Brown has spent a considerable amount of time over the past several months in preparation for this mission.

Because he is qualified and holds a proven record of public service and active concern for international affairs, I look forward to supporting Sam Brown's nomination.

MEMORIAL TO J.P. "JAY" HUMPHREYS

Mr. BOND. Madam President, it is my regret to announce the death of a man of principle and integrity, a man who dedicated his life to the preservation of freedom.

Jay Humphreys died on October 6, 1993, in Joplin, MO, where he had lived for 38 years. He was 70.

He was a man who lived his life according to his principles—all of which sprung from his cornerstone belief in the God-given right to freedom.

Jay Humphreys was born September 13, 1923, in Raymond, KS.

He graduated from the University of Kansas with a bachelor of science in business administration.

In 1956, he joined TAMKO Asphalt Products, Inc. He served as the company's president from 1960 until his death. During his tenure as president, he turned TAMKO from a small local business into a national concern with seven manufacturing plants, providing jobs for over 1,000 employees.

Throughout his life, Jay Humphreys took to heart Thomas Paine's admonition that "those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

In his lifetime, Jay Humphreys played many roles: father, husband, community leader, employer, businessman. But in all parts of his life, he was first and foremost a champion for freedom. For all this, he shall be remembered and missed.

PRESSLER'S RURAL TELEPHONE AMENDMENTS

Mr. PRESSLER. Madam President, I want to take this opportunity to announce my support for certain amendments to S. 1822, the Communications Act of 1994. I have been working with the rural telephone coalition on a package of amendments addressing concerns regarding the preservation of universal service in a competitive environment.

S. 1822 is designed to stimulate investment in our Nation's telecommunications networks by encouraging competition. I support competition where it can work. However, competition may not be sufficient to bring advanced services to all users. Everyone seems to agree that local telephone competition is likely to occur first in large metropolitan markets. Many have questioned whether competition ever will develop in high-cost rural areas.

I was pleased to join my distinguished colleagues, Senator HOLLINGS, the chairman, Senator DANFORTH, the ranking member, and a bipartisan majority of the Commerce Committee as an original cosponsor of S. 1822. However, I am concerned that the bill, as introduced, may not further the goals of increasing investment and bringing new services to sparsely populated areas. Rural cooperatives and small telephone companies have a proven track record of upgrading their networks to bring advanced telecommunications services to their customers. Congress should ensure they can continue to do so.

Earlier today, the Commerce Committee held a hearing on the local telephone competition and universal service provisions of S. 1822. Maintaining universal service in a changing technological and competitive environment is probably the most difficult challenge the committee faces in crafting this legislation.

S. 1822 establishes the proper sequence for dealing with these issues. Universal service mechanisms must be in place, before the local telephone loop is opened to competition. Nonetheless, I believe the bill can be improved. Policies designed for metropolitan markets—where local competition already has begun—may not be appropriate for small markets.

I have listened to the concerns raised by the telephone cooperatives, small telephone companies and small cable systems in my State. They do not believe a one-size-fits-all policy for urban and rural areas makes sense. I agree. Therefore, I will propose certain amendments to S. 1822, which are supported by the Rural Telephone Coalition.

My package of amendments would:

Ensure universal service remains a dynamic, evolving concept as technology changes;

Establish a Federal-State joint board to implement universal service principles set by Congress;

Ensure reasonably comparable service in rural and urban areas at affordable, geographically averaged rates;

Restrict infrastructure sharing benefits to providers with carrier of last resort obligations and limited economies of scale or scope;

Retain State authority to determine competitive conditions in rural areas;

Exempt rural telephone companies from interconnection, access and unbundling obligations until the FCC determines rural markets can support local competition;

Provide more flexible buyout and joint venture provisions for cable systems and telephone companies in rural areas.

I will work with Senator HOLLINGS, Senator DANFORTH, and other members of the committee to incorporate these rural safeguards in the bill. I think these amendments will increase support for the Senate's approach to local competition and universal service.

THE HEALTH CARE PRIVACY AND PROTECTION ACT

Mr. WOFFORD. Madam President, as my colleagues are aware, the Labor and Human Resources Committee, of which I am a member, began its markup of comprehensive health reform legislation earlier today. This is the work Pennsylvanians set me to Washington to do, and I am anxious to move the process forward in a bipartisan fashion that seeks to find the highest common ground, not the lowest common denominator.

An important factor in maintaining public trust in a reformed health care system is assuring the privacy of every American's medical information. The future of health care in this country will involve the rapid exchange of information through electronic data networks. Without proper protections, information about patient medical conditions and treatments could become more susceptible to abuse and improper disclosure. That's why it is so important that health reform legislation safeguard individual rights to privacy and confidentiality.

I am happy today to cosponsor the Health Care Privacy and Protection Act, introduced by Senator LEAHY. I commend Senator LEAHY for introducing this bill and for the important contribution his hard work has made to the health care reform movement.

This bill sets down a marker for the type of safeguards we need to guarantee that every American's medical data will be kept private and confidential, except in very specific circumstances. It also gives individuals the right to know what information about them exists, how it is being used, and whether it is accurate.

Another positive aspect of Senator LEAHY's legislation is that it resolves concerns about the privacy of personal medical records right at the beginning. That is better than the Clinton approach which would have a board recommend standards for privacy 3 years down the road. Today's existing information systems already make patient medical information vulnerable to misuse and with no uniform safeguards. We must act immediately to address this situation and to ensure that once health reform is fully implemented, these protections are completely in place.

Again, I commend Senator LEAHY for this bill and offer my support. Americans will rest much easier knowing that health reform will not mean compromising their fundamental right to privacy.

SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 422, S. 1485, the Satellite Compulsory License Extension Act of 1994; that the committee substitute amendment be agreed to and the bill, as amended, be deemed read three times, passed, and the motion to reconsider laid upon the table, and any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1485), was deemed to have been considered, read three times, and passed, as follows:

S. 1485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Compulsory License Extension Act of 1994".

SEC. 2. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)(2)(C)—

(A) by striking out "90 days after the effective date of the Satellite Home Viewer Act of 1988, or";

(B) by striking out "whichever is later,";

(C) by inserting "name and" after "identifying (by" each place it appears; and

(D) by striking out ", on or after the effective date of the Satellite Home Viewer Act of 1988,";

(2) in subsection (a)(5)—

(A) in subparagraph (C) by striking out "the Satellite Home Viewer Act of 1988" and inserting in lieu thereof "this section"; and

(B) by adding at the end thereof the following new subparagraphs:

"(D) BURDEN OF PROOF.—In any action brought under this subsection, the satellite carrier shall have the burden of proof (in the case of a primary transmission by a network station) that a subscriber is an unserved household.

"(E) SIGNAL INTENSITY MEASUREMENT; LOSER PAYS.—

"(i) GRADE B CONTOUR.—(I) Within the Grade B Contour, upon a challenge by a network affiliate regarding whether a subscriber is an unserved household, the satellite carrier shall—

"(aa) deauthorize service to that household; or

"(bb) conduct a measurement of the signal intensity of the subscriber's household to determine whether the household is unserved.

"(II) If the carrier conducts a signal intensity measurement under subclause (I) and the measurement indicates that—

"(aa) the household is not an unserved household, the carrier shall immediately deauthorize the service to that household; or

"(bb) the household is an unserved household, the affiliate challenging the service shall reimburse the carrier for the costs of the signal measurement, within 45 days after receipt of the measurement results and a statement of the costs.

"(III)(aa) Notwithstanding subclause (II), a carrier may not be required to test in excess of 5 percent of the subscribers that have subscribed to service before the effective date of the Satellite Compulsory License Extension Act of 1994, within any market during a calendar year.

"(bb) If a network affiliate challenges whether a subscriber is an unserved household in excess of the 5 percent of the subscribers within any market, the affiliate may conduct its own signal intensity measurement. If such measurement indicates that the household is not an unserved household, the carrier shall immediately deauthorize service to that household and reimburse the affiliate, within 45 days after receipt of the measurement and a statement of costs.

"(ii) OUTSIDE THE GRADE B CONTOUR.—(I) Outside the Grade B Contour, if a network affiliate challenges whether a subscriber is an unserved household the affiliate shall conduct a signal intensity measurement of the subscriber's household to determine whether the household is unserved.

"(II) If the affiliate conducts a signal intensity measurement under subclause (I) and the measurement indicates that—

"(aa) the household is not an unserved household, the affiliate shall forward the results to the carrier who shall immediately deauthorize service to the household, and reimburse the affiliate within 45 days after receipt of the results and a statement of the costs; or

"(bb) the household is an unserved household, the affiliate shall pay the costs of the measurement.

"(iii) RECOVERY OF MEASUREMENT COSTS IN A CIVIL ACTION.—In any civil action filed relating to the eligibility of subscribing households, a challenging affiliate shall reimburse a carrier for any signal intensity measurement that indicates the household is an unserved household.";

(3) in subsection (b)(1)(B)—

(A) in clause (i) by striking out "12 cents" and inserting in lieu thereof "17.5 cents per subscriber in the case of superstations not subject to syndicated exclusivity under the regulations of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations subject to such syndicated exclusivity"; and

(B) in clause (ii) by striking out "3" and inserting in lieu thereof "6";

(4) in subsection (c)—

(A) in the heading for paragraph (1) by striking out "DETERMINATION" and inserting in lieu thereof "ADJUSTMENT";

(B) in paragraph (1)—

(i) by striking out "December 31, 1992, unless"; and

(ii) by striking out "After that date," and inserting in lieu thereof "All adjustments of";

(C) in paragraph (2)—

(i) in subparagraph (A) by striking out "July 1, 1991," and inserting in lieu thereof "January 1, 1996,"; and

(ii) in subparagraph (D) by striking out "until December 31, 1994" and inserting in lieu thereof "in accordance with the terms of the agreement"; and

(D) in paragraph (3)(A) by striking out "December 31, 1991," and inserting in lieu thereof "July 1, 1996,"; and

(5) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

"(2) NETWORK STATION.—The term 'network station' means—

"(A) a television broadcast station, including any translator station or terrestrial satellite station that rebroadcasts all or substantially all of the programming broadcast by a network station, that is owned or operated by, or affiliated with, one or more of the television networks in the United States which offer an interconnected program service on a regular basis for 15 or more hours per week to at least 25 of its affiliated television licensees in 10 or more States; or

"(B) any noncommercial educational station, as defined in section 111(f) of this title, that is a member of the public broadcasting service."; and

(B) in paragraph (6) by inserting "and operates in the Fixed Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations," after "Commission,".

SEC. 3. CABLE COMPULSORY LICENSE.

Section 111(f) of title 17, United States Code, is amended—

(1) in the paragraph relating to the definition of "cable system" by striking out "wires, cables" and inserting in lieu thereof "wires, microwave, cables"; and

(2) in the paragraph relating to the definition of "local service area of a primary transmitter"—

(A) by striking out "comprises the area" and inserting in lieu thereof "comprises either the area"; and

(B) by inserting after "April 15, 1976," the following: "or such station's television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any subsequent modifications to such television market made pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations,".

SEC. 4. TERMINATION.

(a) EXPIRATION OF AMENDMENTS.—Section 119 of title 17, United States Code, as amended by section 2 of this Act, ceases to be effective on December 31, 1999.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 207 of the Satellite Home Viewer Act of 1988 (17 U.S.C. 119 note) is repealed.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) BURDEN OF PROOF PROVISIONS.—The provisions of section 119(a)(5)(D) of title 17, United States Code, (as added by section 2(2)(B) of this Act) relating to the burden of proof of satellite carriers, shall take effect on January 1, 1997, with respect to civil actions relating to the eligibility of subscribers who subscribed to service as an unserved household before the date of the enactment of this Act.

TITLE AMENDMENT—S. 2087

Mr. FORD. Madam President, I ask unanimous consent that in the engrossment of S. 2087, passed May 17, the title be amended to read as follows: "An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994."

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Madam President, I ask unanimous consent that during the recess-adjournment of the Senate that Senate committees may file committee-reported Legislative and Executive Calendar on Thursday, June 2, from 11 a.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE PRIVACY PROTECTION ACT

Mr. FORD. Madam President, I understand that S. 2129, Health Care Privacy Protection Act, introduced earlier today by Senator LEAHY and others, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2129) to amend Title 18 of the United States Code to preserve personal privacy with respect to medical records and health-care-related information, and for other purposes.

Mr. FORD. Madam President, I now ask for its second reading, and on behalf of the Republicans, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 116

The PRESIDING OFFICER laid before the Senate, a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

MESSAGES FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 2024) to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MILLER of California, Mr. LEHMAN, Mr. RAHALL, Mr. YOUNG of Alaska, and Mrs. VUCANOVICH as the managers of the conference on the part of the House.

The message further announced that the Speaker appoints the following Members as additional conferees on the part of the House in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1969 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local corrections facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment":

As additional conferees from the Committee on Agriculture, for consideration of sections 4601–4608, 5105, and 5145 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE, Mr. STENHOLM, Mr. ROBERTS, and Mr. POMBO.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201–2204, 2301, and 4901–4933 of the Senate amendment, and sections 1031(b), 1038, and 1099AA–1099CC of the House amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. VENTO, Mr. LEACH, and Mrs. ROUKEMA.

As additional conferees from the Committee on Education and Labor, for consideration of sections 631–633, 662(e), 662(f), 811–816, 921–928, 1121–1150, 1331, 2801–2803, 3261, 3263, 3311, 3341, 3351, 3361, 3381–3383, 3501, 3707, 4001–4009, 4301–4304, 4701–4702, 4801–4809, 4901–4933, 5120, 5122, 5135, 5140, 5142–5143, and 5147 of the Senate amendment, and sections 1010–1026, 1030–1034, 1038, 1051–1052, 1065–1071, 1081–1096, 1099A–1099G, 1099H–1099O, 1099P–1099T, 1606, 1610, 1653–1654, 1902(e), 1902(f), 2201–2202, 2701–2739, 3061–3062, 3089–3090 of the House amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. KILDEE, Mr. MARTINEZ, Mr. GOODLING, and Mr. BALLENGER.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503–1504, 1511–1523, 1532, 1534–1535, 1537, 1902(e), 3101–3103, 3261, and 5166 of the Senate amendment, and sections 1010–1026, 1041–1044, 1606, 2901–2903, and 3086 of the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. MOORHEAD, and Mr. BLILEY: *Provided*, That Mr. OXLEY is appointed in lieu of Mr. BLILEY solely for the consideration of sections 1534, 1902(e), and 3101–3103 of the Senate amendment and sections 2901–2903 of the House amendment: *Provided further*, That Mr. STEARNS is appointed in lieu of Mr. BLILEY solely for consideration of section 3086 of the House amendment.

As additional conferees from the Committee on Government Operations, for consideration of sections 1353–1354, 1535, and 5150 of the Senate amendment, and sections 1075–1076 of the House amendment, and modifications committed to conference: Mr. WAXMAN, Mr. LANTOS, Mr. TOWNS, Mr. CLINGER, and Mr. MCCANDLESS: *Provided*, That Mr. SPRATT and Mr. KYL are appointed in lieu of Mr. WAXMAN and Mr. CLINGER solely for the consideration of sections 1535 and 5150 of the Senate amendment.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713–715, 4601–4608, 5105, and 5145 of the Senate amendment, and modifications committed to conference: Mr. STUDDS, Mr. ORTIZ, Mr. HOCHBRUECKNER, Mr. FIELDS of Texas, and Mr. YOUNG of Alaska.

As additional conferees from the Committee on Natural Resources, for consideration of sections 3232–3233, 4601–4608, and 5145 of the Senate amendment and sections 1099U–1099Z of the House amendment, and modifications committed to conference: Mr. MILLER of California, Mr. VENTO, Ms. SHEPHERD, Mr. YOUNG of Alaska, and Mrs. VUCANOVICH: *Provided*, That Ms. ENGLISH of Arizona is appointed in lieu of Ms. SHEPHERD solely for the consideration of sections 4601–4608 of the Senate amendment: *Provided further*, That Mr. HINCHEY is appointed in lieu of Ms. SHEPHERD solely for the consideration of sections 1099U–1099Z of the House amendment.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Rules, for consideration of sections 1353–1354 of the Senate amendment, and modifications committed to conference: Mr. MOAKLEY, Mr. DERRICK, Mr. BEILENSON, Mr. SOLOMON, and Mr. GOSS.

As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515–1516, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. ARCHER, and Mr. CRANE.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–497. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

"Whereas, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

"Whereas, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

"Whereas, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs, experiencing severe revenue shortfalls and budget imbalances, which are further exacerbated by the need to fund these unfunded federal mandates; and

"Whereas, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

"Whereas, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions, amended its constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

"Whereas, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

"Whereas, the Brady Handgun Violence Prevention Act, enacted recently by the United States Congress and effective on February 1994, although laudable in its goals, represents yet another unfunded federal mandate that is leading the State of Maine and its municipalities to incur new expenses related to conducting criminal background checks; now, therefore, be it

"*Resolved*, That we, your memorialists, respectfully recommend that the Attorney General of the State of Maine initiate a lawsuit soon as possible that specifically challenges the continuing practice of enacting unfunded federal mandates as evidenced by the Brady Handgun Violence Prevention Act; and be it further

"*Resolved*, That the Attorney General of the State of Maine, to the extent possible, work in concert with any other state that is filing or contemplating the filing of a similar lawsuit; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Attorney General of the State of Maine and to each Member of the Maine Congressional Delegation."

POM–498. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 138

"Whereas, the District of Columbia has operated the Lorton Penitentiary in Fairfax County through the benevolence of all Virginians; and

"Whereas, the District of Columbia has run the Lorton Penitentiary inefficiently, without respect or accountability to the neighboring citizens of Fairfax Station and Mason Neck; and

"Whereas, the District of Columbia has shown gross neglect by its failure to use standard and appropriate correctional practices; and

"Whereas, the surrounding community lives in constant fear and danger from repeated escapes from the Lorton Penitentiary; and

"Whereas, the property values of the homeowners and business owners in the neighboring communities have dropped significantly over recent years because of the public menace and danger posed by the Lorton Penitentiary; and

"Whereas, officials from the District of Columbia Department of Corrections routinely fail to report escapes to the Fairfax County police in a timely manner; and

"Whereas, during a 10-month period in 1993, 12 prisoners at the Lorton Penitentiary escaped, eight from the minimum security facility and four from the maximum security prison; and

"Whereas, 11 of these escapees have not been apprehended and are still at large; and

"Whereas, since June 30, 1993, the citizens and police expended $16,079.60 in tax dollars and hundreds of man hours to aid in the search for escapees and to protect the community's safety; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the President and the Congress of the United States be requested to promptly and expediently revoke the District of Columbia's authority to operate the Lorton Penitentiary; and, be it

"*Resolved further*, That the Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–499. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 216

"Whereas, mandates imposed by the federal government on states have increased greatly over the last several decades while federal funding of mandated programs has been sharply reduced; and

"Whereas, unfunded federal mandates result in substantial costs to state governments and place a severe strain on the states at a time when fiscal restraint is necessary; and

"Whereas, the federal government unfortunately has tended to respond to the deficit crisis and its own budgetary constraints by mandating that states carry out new programs without providing appropriate financial support for the programs and without regard to the costs imposed on the states; and

"Whereas, states already are struggling to balance their own budgets and further expansion of federal mandates would result in fiscal conditions that many states would find unmanageable; and

"Whereas, federally mandated programs not only are increasingly underfunded but are excessively specific and restrictive, limiting the flexibility and choices that states may exercise in carrying them out; and

"Whereas, state governments are best positioned to ascertain the attitudes and needs of their own citizens and to make informed decisions as to how the goals for which federal programs have been established can best be carried out within their particular jurisdictions, and, indeed, were intended so to do by the framers of our constitutional system; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the General Assembly hereby memorialize the Congress of the United States to cease its pattern of burdening state governments with unfunded mandates by not enacting any new programs unless sufficient funding is provided, by fully funding those mandates now in place that are deemed essential, and by eliminating mandates wherever possible; and, be it

"*Resolved further*, That the General Assembly also memorialize Congress to restore state authority to fashion mandated programs to best meet the particular needs of its own citizens by providing federal support in the form of block grants rather than narrow, specific categorical grants and set-aside elements; and, be it

"*Resolved finally*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation to apprise them of the sense of the Virginia General Assembly on the matter of unfunded and over-regulated federal mandates."

POM-500. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Governmental Affairs.

"Whereas, Several mechanisms were created in the 1980's to help limit the growth in federal regulation of state governments, including the congressional fiscal note requirements, the federal "Paperwork Reduction Act of 1980", and the federal "Regulatory Flexibility Act"; and

"Whereas, While these mechanisms offered potential for limiting and mitigating the federal regulation burdens of state governments, the mechanisms were not perfect and the growth of mandates has continued at a rapid pace; and

"Whereas, Between 1981 and 1990, the Congress of the United States enacted twenty-seven new laws or major amendments that added significant requirements for state and local governments; and

"Whereas, House Joint Resolution 93-1012, enacted at the first regular session of the fifty-ninth general assembly, continued the activities of the Federal Budget Task Force; and

"Whereas, The Federal Budget Task Force has been authorized to continue the study of the impact of a reordering of federal government budget priorities on Colorado in light of probable reductions in the federal budget; and

"Whereas, A survey of Colorado state departments identified one hundred ninety-five federal programs containing mandates for state or local governments, over one hundred of which contained direct orders for which noncompliance will result in sanctions or the loss of federal aid; and

"Whereas, The Federal Budget Task Force has met on three occasions during the 1993 legislative interim and has made its recommendations to the governor and the general assembly no later than the required reporting date of January 1, 1994; and

"Whereas, In Colorado's 1993 fiscal year, $793.9 million or 11.9 percent of the total state budget and $715.8 million or 23.2 percent of general fund spending were to comply with federal mandates or conditions of aid; and

"Whereas, The Congress is currently considering at least sixty bills that contain some form of mandates or requirements for state or local governments; now, therefore,

"*Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:*

"(1) That state departments identify those bills pending in Congress and regulations to be prepared within the executive branch of the federal government that may have significant effects on state governments;

"(2) That state departments press committees and subcommittees of Congress responsible for the identified bills to consider the effect on state and local governments;

"(3) That state departments call for the preparation of fiscal notes by the congressional budget office on significant provisions of those bills before final subcommittee and committee action;

"(4) That state governments educate the public about the impact of federal regulation on state and local governments and their respective budget;

"(5) That federal, state, and local governments continue to evaluate ways to improve regulatory relief mechanisms and give high priority to the development of a more effective, efficient, and equitable intergovernmental partnership to achieve shared objectives with minimal unilateral and costly regulation.

"*Be It Further Resolved*, That copies of this resolution be sent to the Secretary of State each of the several states in the Union to disburse to the Speaker of the House and the President of the Senate of the state legislature, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to each member of the Colorado Congressional Delegation."

POM-501. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Indian Affairs.

"HOUSE JOINT RESOLUTION NO. 25

"Whereas, by resolution of the General Assembly, eight Indian tribes have been recognized by the Commonwealth; and

"Whereas, the Chickahominy; the Chickahominy, Eastern Division; the Mattaponi; the Upper Mattaponi; the Rappahannock; and the Pamunkey tribes were recognized by House Joint Resolution No. 54 in 1983; the Nansemond tribe by House Joint Resolution No. 205 in 1985; and the Monacan tribe by House Joint Resolution No. 390 in 1989; and

"Whereas, the existence of these tribes has also been recognized by the Virginia Council on Indians, and the Mattaponi have received federal recognition of their tribal status; and

"Whereas, the members of the remaining seven Indian tribes have expressed the desire, through their leadership, for greater autonomy and local authority to deal with issues affecting tribal members; and

"Whereas, among these local issues are housing, health care, and education; and

"Whereas, the preservation of tribal identity, culture, and tradition is also a concern of the leadership of the seven tribes; and

"Whereas, federal recognition of the tribal status of these seven Virgina Indian tribes would greatly enhance the ability of the tribes to preserve their tribal cultures and address pressing local problems affecting tribal members; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the Congress of the United States be hereby memoralized to grant federal recognition to the Chickahominy; the Chickhominy, Eastern Division; the Upper Mattaponi; the Rappahannock; the Pamunkey; the Nansemond; and the Monacan as Indian tribes under federal law; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia on this matter."

POM-502. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT MEMORIAL NO. 1012

"Whereas, the people of the State of Arizona view with concern the current lack of funding for construction of the proposed Dilkon Health Center by the Indian Health Services; and

"Whereas, the people of the State of Arizona recognize the special needs for health services in Dilkon; and

"Whereas, the Dilkon community has spent the past ten years preparing for the health center by upgrading the highway system and increasing water and electrical capacity for the surrounding area.

"Wherefore your memoralist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the President of the United States and the One Hundred Third Congress of the United States direct the Indian Health Services agency to fund construction of the Dilkon Health Center.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-503. A resolution adopted by the Chamber of Commerce, Key West, Florida relative to the "Save Our Everglades Constitutional Amendment"; to the Committee on the Judiciary.

POM-504. A petition from citizens of the State of New Hampshire relative to crime; to the Committee on the Judiciary.

POM-505. A resolution adopted by the Intercounty Association of Western New York relative to the right to keep and bear arms; to the Committee on the Judiciary.

POM-506. A resolution adopted by the City of Sunrise, Florida relative to crime; to the Committee on the Judiciary.

POM-507. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT MEMORIAL NO. 1006

"Whereas, although the right of free expression is part of the foundation of the

United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and that is committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress propose to the people an amendment to the Constitution of the United States, as provided by law to add to the Constitution of the United States, an article providing as follows:

"Section 1. The Congress and the states have power to prohibit the physical desecration of the flag of the United States.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

POM–508. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT MEMORIAL NO. 1001

"Whereas, the United States Congress has agreed in a process of appropriations that has prevented the President of the United States from exercising his constitutional veto powers in order to protect the nation's fiscal integrity; and

"Whereas, the people of the State of Arizona view with growing concern the passage of extravagant legislation by Congress and the inability of the President to separate such legislation from an otherwise worthwhile bill.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the Congress of the United States propose and submit for ratification by the states an amendment to the Constitution of the United States to authorize the President of the United States to disapprove and veto any appropriation or provision of an appropriation bill while approving the remainder of the bill.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Arizona Congressional Delegation and to the President of the Senate and the Speaker of the House of Representatives of each of the states in this nation, together with the hopes and request of the Arizona Legislature that such state legislative bodies will swiftly adopt a similar Memorial."

POM–509. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

"RESOLUTION NO. 5

"Whereas, the American flag, to this day, is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults; and

"Whereas, the country represented by the Stars and Stripes remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of the United States; Now, therefore,

"*Be it resolved by the Legislature of the State of Minnesota*, That it urges the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have power to prohibit the physical desecration of the flag of the United States.

"*Be it further resolved*, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and Minnesota's Senator and Representatives in Congress."

POM–510. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

"HOUSE JOINT RESOLUTION NO. 292

"Whereas, Part H of the Individuals with Disabilities Education Act is a discretionary five-year federal grant program of early intervention services to infants and toddlers with disabilities and to their families; and

"Whereas, Part H of the Education of the Handicapped Act was enacted by Congress in October 1986 as an amendment to P.L. 94–142 because of a strong congressional desire to serve children starting at birth; and

"Whereas, Part H of the Education of the Handicapped Act was subsequently reauthorized by Congress as Part H of the Individuals with Disabilities Education Act, reflecting the preference for the use of "disabled" over "handicapped"; and

"Whereas, Virginia has participated in the grant program since 1987 and entered into full implementation in September 1993 when it commenced its fifth year of the five-year grant program; and

"Whereas, Virginia has received a considerable amount of technical and financial assistance from the federal government in expanding and improving its early intervention services since it first began participation in the federal grant program; and

"Whereas, the expansion and improvement of early intervention services in Virginia have provided substantial support for the families of infants and toddlers with disabilities and have enhanced the quality of life not only for the child with disabilities, but also for all members of the child's family; and

"Whereas, early intervention services are of vital importance to Virginia's families with infants and toddlers with disabilities and because early intervention services can prevent or mitigate numerous problems, the expansion of early intervention services ultimately benefits all citizens of the Commonwealth and the United States; and

"Whereas, studies show that early intervention programs for infants and toddlers with disabilities reduce expenditures for special education, residential placements, and other human services; and

"Whereas, numerous state and local agencies have worked very hard to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency Part H Program in Virginia; and

"Whereas, the Virginia General Assembly established the Joint Subcommittee Studying Early Intervention Services for Infants and Toddlers with Disabilities in 1990 to study the fiscal and programmatic impact of adopting public policy for the implementation of Part H, and the joint subcommittee has continued in existence because of the complexity and importance of funding and service delivery issues; and

"Whereas, early intervention works and saves money; and the improvements that Virginia has attained cannot be maintained without participation in the federal grant program; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That Congress be urged to reauthorize Part H of the Individuals with Disabilities Education Act so that Virginia can maintain and improve the early intervention services that are currently available in the Commonwealth so that more lives can be impacted; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–511. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Labor and Human Resources.

"SENATE JOINT MEMORIAL NO. 114

"Whereas, the Tenth Amendment to the Constitution of the United States reserves to the states or to the people powers not delegated to the United States by the Constitution nor prohibited by it to the states; and

"Whereas, the Constitution of the United States does not reserve to the federal government any exclusive or limited powers relating to the control of education, nor does it prohibit states from exercising such powers; and

"Whereas, the State of Idaho enjoys a strong educational system; and

"Whereas, the strength of our educational system is derived in great part from the flexibility and versatility of our state policy which allows for the delivery of education in a variety of environments to meet a broad range of needs; and

"Whereas, the private schools and home schools of our state are an integral part of that educational delivery system; and

"Whereas, the State of Idaho recognizes the value of our nontraditional, nonpublic schools and can verify their contributions; and

"Whereas, private schools and home schools educate and graduate students at a level of academic achievement comparable to and often exceeding state and national averages of academic achievement; and

"Whereas, local control of education is vital to the maintenance of our republican form of government; and

"Whereas, any forced imposition of federal standards jeopardizes the foundation on which our form of government is based; and

"Whereas, it is the position of the State of Idaho that the role of the state in educating her people, including the preparation and monitoring of those personnel who are responsible for providing that education, is reserved to the state, the local school districts and to the parents.

"*Now, therefore, be it resolved*, By the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we emphatically urge resistance to and total rejection of any attempt by the federal government to interject itself into the educational affairs of the nontraditional, nonpublic schools of this state.

"*Be it further resolved*, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Honorable Bill Clinton, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM–512. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

"HOUSE JOINT RESOLUTION NO. 287

"Whereas, minorities have traditionally depended on access to education to increase their life options; and

"Whereas, minorities are usually least able to afford a college education, and the dramatic increase in tuition costs makes attaining a college education more difficult for such students; and

"Whereas, although the Congress has recently eased the requirements for financial aid, making college possible for many who had no hope of attending; and

"Whereas, historically "black" colleges and universities have contributed significantly to producing capable minority lawyers, judges, physicians, teachers, professors, tradespeople, and others who have excelled in their chosen professions; and

"Whereas, these institutions have provided this invaluable service to the nation during dark and difficult times in the nation's history, often not funded at a level commensurate with "white" institutions providing the similar services; and

"Whereas, these institutions have educated the majority of the nation's minorities, whom they have accepted when other institutions would not, and at great sacrifice because many of their constituents have been unable to afford a college education; and

"Whereas, there have been recent court decisions affecting the desegregation of public institutions, and new federal laws link loan default rates to the accreditation of schools; and

"Whereas, historically "black" colleges and universities in Virginia require the attention and help of national policy makers as well as financial assistance to continue their illustrious work; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That Congress be hereby requested to increase the funding for historically "black" colleges and universities; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia."

POM–513. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Labor and Human Resources.

"A RESOLUTION

"Whereas, reform of the American system of health care is a pressing issue of national concern; and

"Whereas, long-term care services comprise a significant portion of the American health care system; and

"Whereas, a committee was established by 1992, 276, a copy of which is attached, to study the feasibility of developing an in-home care pilot program; and

"Whereas, this committee has concluded its study, and found that New Hampshire residents are living longer and increasingly require assistance with activities of daily living to remain independent; and

"Whereas, the provision of long-term care services should be based on the needs of those who require such services and should consider an individual's preference to remain at home whenever appropriate; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the general court urges that the development and provision of long-term care services be based upon a philosophy that:

"I. Is family centered;

"II. Supports and empowers the individual recipient;

"III. Is community based; and

"IV. Prioritizes the least restrictive alternative; and

"That copies of this resolution together with a copy of 1992, 276 be forwarded by the House clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the New Hampshire Congressional delegation, the governor of the state of New Hampshire, and the commissioner of the New Hampshire department of health and human services."

POM–514. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Veterans' Affairs.

"A RESOLUTION

"Whereas, New Hampshire's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to their country; and

"Whereas, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

"Whereas, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

"Whereas, the radiation to which they were exposed is now and will continue to eat away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

"Whereas, because their wounds were not of the conventional type, and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical and disability benefits and did not receive a medal such as the Purple Heart; and

"Whereas, many atomic veterans have already died and others will die a horrible and painful death; therefore, be it;

"*Resolved by the House of Representatives, the Senate concurring*, That atomic veterans be recognized by the federal government; and

"That the United States Senators and Representatives from New Hampshire propose or support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans; and

"That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the House, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairperson of the Senate Veterans Affairs Committee, and members of the New Hampshire Congressional delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 2125. A bill to provide for the designation of certain Federal lands in Montana as wilderness areas, to provide for multiple use and recovery of certain other Federal lands in Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 2126. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DANFORTH:

S. 2127. A bill to improve railroad safety at grade crossings, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 2128. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. RIEGLE, and Mr. WOFFORD):

S. 2129. A bill to amend title 18, United States Code, to preserve personal privacy with respect to medical records and health care-related information, and for other purposes; read the first time.

By Mr. DOLE (for himself and Mr. BREAUX):

S. 2130. A bill to amend the Internal Revenue Code of 1986 to adjust the death benefit limits for certain policies purchased to cover payment of burial expenses or in connection with prearranged funeral expenses; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 2131. A bill to authorize additional major medical facility construction projects for fiscal year 1994, at the Department of Veterans Affairs Medical Center, Sepulveda, California, and to waive the notice and wait requirement for an administrative reorganization at that facility; to the Committee on Veterans Affairs.

By Mr. EXON:

S. 2132. A bill to authorize appropriations to carry out the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS (for himself, Mr. WOFFORD, and Mr. GRASSLEY):

S.J. Res. 191. A joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day"; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. THURMOND, Mr. BIDEN, Mr. METZENBAUM, Mr. GRASSLEY, Mr. HEFLIN, Mr. BROWN, Mr. DECONCINI, Mr. D'AMATO, Mr. BOND, Mr. HOLLINGS, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROBB, Mr. SARBANES, Mr. WOFFORD, Mr. LEVIN, Mr. LAUTENBERG, Mr. CHAFEE, Mr. AKAKA, Mr. FEINGOLD, Mr. NUNN, and Mr. COCHRAN):

S.J. Res. 192. A joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2125. A bill to provide for the designation of certain Federal lands in Montana as wilderness areas, to provide for multiple use and recovery of certain other Federal lands in Montana, and for other purposes; to the Committee on Energy and Natural Resources.

THE MONTANA JOBS SECURITY AND LANDS PROTECTION ACT OF 1994

Mr. BURNS. Mr. President, this morning I am introducing the Montana Jobs Security and Lands Protection Act of 1994. This bill sets aside as wilderness approximately 800,000 acres of Montana's Forest Service and Bureau of Land Management lands and almost 500,000 acres in special management areas. Equally important, it releases 5 million acres of lands which have not met the wilderness test to their traditional multiple uses.

This bill is made in Montana. It was written by natural resource providers in the living rooms of Montana. It is supported by more than 20 of Montana's most respected organizations representing more than 100,000 members.

This bill is historic because, for the first time, lands not designated wilderness will be managed with an emphasis on the job-producing activities that have sustained Montana's economy and maintained the public lands of which we are so proud.

This bill will help protect water rights and property rights which were established before designation of the wilderness areas.

PRESERVING WILDERNESS AND PROTECTING JOBS

While Montana's economy has been expanding, the jobs of people who work in Montana's natural-resources based industries have been disappearing. Job losses in timber, mining, energy, and agriculture are readily apparent.

Mr. President, I am submitting for the RECORD a list of 16 mine and sawmill closings which have taken place in Montana since 1990. These closings, which are only a partial accounting of jobs lost in mining and timber, meant the loss of more than 1,500 good paying, family jobs in Montana. This list I am submitting is only a partial accounting of the total number of jobs lost in mining and timber during the last few years. Total job losses and the loss of secondary jobs generated by mining and timber are much, much higher. I ask unanimous consent that that list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MONTANA SAWMILL AND MINE CLOSURE DETAILS

[1990–1994]

Status	Operation	Year	Location	Company	Employees
Closed	Sawmill	1990	Col. Falls	WTD/CF Forest Prod.	150
Closed	Mine	1991	Libby	W.R. Grace	130
Closed	Sawmill	1991	Dillion	Stoltze Lumber	95
Closed	Sawmill	1992	Dillion	Stoltze Lumber	110
Closed	Sawmill	1992	Dixon	Flathead Post & Pole	80
Closed	Mine	1992	Troy	Sarco	340
Closed	Sawmill	1992	Kalispell	Industrial Wood Products	
Closed	Sawmill	1992	Polson	Pack River Lumber	60
Closed	Sawmill	1993	Libby	Champion International	35
Closed	Mine	1993	Garrison	Cominco	150
Closed	Sawmill	1993	Libby	Champion International	150
Closed	Sawmill	1993	Darby	Stoltze Lumber	58
Closed	Sawmill	1993	Livingston	Park County Lumber	10
Closed	Sawmill	1994	Bonner	Stimpson Lumber	
Closed	Sawmill	1994	Drummond	Tricon Lumber	63
Closed	Sawmill	1994	Superior	Crown Pacific	160
Total					1,591

Source: Intermountain Forest Industry Association, Montana Mining Association.

Mr. BURNS. Mr. President, too many of our young people are forced to leave Montana to find good-paying, family jobs. I want to see Montana's economy grow and job opportunities created in Montana.

That is why I am introducing a bill which will help ensure that Montana's economy will prosper while we preserve our best lands. Besides designating wilderness, this bill will also allow for the environmentally responsible recovery of our natural resources on our public lands.

This means jobs in agriculture, mining, timber, and energy, and it means jobs in our service industries. The businesses on Montana's main streets will grow with new natural resource jobs. Communities which are dependent on these industries will have the certainty they need and deserve.

Our entire State benefits as our businesses grow. Our counties have a larger tax base to provide for the services our communities need, and our schools do not have to look for additional areas to cut when they are already just getting by.

Montanans expect to be able to find jobs within our State to support their families. This bill helps assure that their expectations will be met.

My bill seeks a balance between protecting wilderness, jobs, and Montana's economy. We are already approaching that threshold of that balance. Montana already has 3.4 million acres of wilderness. With this bill, Montana will become the third-highest State in the Nation in total wilderness acres. Already, there are already three times the wilderness acres in Montana than in all the States east of the Mississippi combined.

Montana's economic future depends on achieving the vital balance between protecting wilderness and preserving jobs. One of the reasons we all enjoy living in Montana is the diversity of its people. We all have neighbors who work in town, on our farms and ranches, and in our vital natural resources sector. By using these resources, Montanans are able to provide a stable income for their families, pay community taxes for schools, and contribute to the economic health of small towns across Montana.

Sadly, there are those who want to close these family jobs down. Urged on by out-of-State special interests, they want to lock away our renewable timber base for all time, and eliminate the jobs to the thousands of Montana families that depend upon them.

RELEASING LAND TO MULTIPLE USES

My bill provides the best opportunity we have to put Montanans to work in good-paying, family jobs in natural resources industries such as timber, mining, and energy production. It is balanced. That is what we have to strive for, a balance, in these communities who depend socially and economically in primarily western Montana to have some sort of stability. They deserve a balanced piece of legislation that will protect their jobs and also their social viability.

For too long the problem with wilderness bills has been that they do nothing concrete for the lands that they release. And the wilderness extremists simply take another bite of the apple—lock up as much land in wilderness as possible and fence everyone else out. Not only are we locked out of the areas designated as wilderness, but we are also locked out of those lands designated for further study, otherwise known as defacto wilderness.

What has been lacking has been language that provides direction to the Forest Service and to the courts that the lands released should be managed in a responsible way for the resource-based jobs that they can sustain. That helps our families, it helps our communities, and ultimately it helps our State.

The release language in this bill does just that. Without repealing any of our environmental laws, it offers direction to the Federal land managers, requiring them to manage for multiple uses of nonwilderness lands, preserving local jobs for Montanans on the 5 million acres of lands which have been carefully studied and have not met the wilderness test. This bill offers a real solution to the release problem—a problem that has kept these lands in wilderness limbo and off limits to Montana resource providers for almost a decade.

The mining industry, so vital to Montana, has come under attack recently, and I believe much of that attack is unwarranted. So-called mining reform, in my view, is another effort by out-of-State preservationists who simply want mining, and the good paying, family jobs that they represent, to move away, overseas or wherever. Out of sight, out of mind is their view.

Now the Eastern elite have decided they have another tool to help them eliminate mining, and the jobs they represent. That tool is wilderness. I was surprised to learn that most of Montana has never been mapped for its mineral potential. I do not believe Montana can afford to lock away forever some of its best job producing potential. That is why I have introduced a wilderness bill with a different focus.

My bill would actively seek ways to use our resources on released lands in an environmentally sound manner that would create the diversified job base that can support families, pay taxes, and contribute to the health of our communities. I want to see the wilderness issue put to rest in Montana, while at the same time, securing the jobs for Montanans that will continue to make our State such a special place in which to live.

PROTECTING WATER, PROPERTY RIGHTS, AND EXISTING USES

My bill helps protect Montana against threats to our most precious natural resource—our water. Indications are that the Justice Department and other Federal agencies have reversed their long-standing position of not aggressively working to reserve portions of Montana's water to the Federal Government. I believe that they are going to make a run at our water.

We live in a semiarid State that is very dependent upon our limited water resources. And we have a long history of giving to the people of the State of Montana the authority to decide how that water is used. There are instances when the Federal Government should be given water, but, and this is an important point—the Federal Government should stand in line like everyone else in our State, for its share.

In no way does this bill diminish the Federal Government's current authority to use water to protect wilderness values. It has that authority now. It simply helps assure that Montana's lifeblood—its water—will not be disrupted and will continue to flow through the intricate appropriations system which has been developed by the State of Montana during the last 150 years. We just cannot let the Federal Government grab our water, it is that simple.

Property rights rival water rights in their importance to Montanans. Besides taking our water, the Federal Government wants to walk over our individual private property rights, as well. Whether it is by law or regulation, this constitutionally protected right is under assault. Now the bureaucrats want to infringe on our private property rights through land management policies. That is why I have included a provision in the bill which protects private property.

Private property rights are guaranteed to us by the fifth amendment to the Constitution. And I want to safeguard that right—that is also why I am a founding member of the Senate Private Property Rights Caucus.

My wilderness bill will not only help create the jobs Montana needs, it will ensure that when implementing the bill, the land management agencies will respect and protect private property rights.

Private property rights are important for all of Montana's businesses, including our four largest industries—agriculture, mining, timber, and oil and gas. If these industries are threatened, Montana's diversified economy is threatened. If these industries are allowed to grow, our entire economy will benefit. I believe my bill is responsive to the working men and women of Montana because it will provide jobs and it protects our private property rights.

This bill takes an extra step to protect the rights of those who cannot step out on their own. Under current wilderness regulations, handicapped persons can be denied access to wilderness areas if they try to enter using a motorized wheelchair. My bill would end this ridiculous impediment.

MORE THAN WILDERNESS

As we consider new wilderness legislation for Montana, we must remember that we are considering much more than what acres we want to designate as wilderness. We are also making decisions about the jobs of Montanans that we are willing to protect and those that we are willing to sacrifice.

Yes, we must protect our very best wild areas. But we also must work to find a reasonable balance. We cannot just permanently lock away all our natural resources, because in doing so, we jeopardize Montana's economic diversity and economic future. That is not fair to the Montanans who live and work here today and want their children and grandchildren to have the same opportunities to live and work here in the future.

Mr. BURNS. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Mr. President, my colleague from Montana has just introduced his version of the wilderness solution in our State of Montana. It is my very fervent hope that we who represent Montana and this country can finally resolve this issue.

Montanans have been attempting for many years to solve the wilderness issue. At issue is how many of Montana's 6 million acres of roadless acreage in national Forest Service land should be designated as wilderness and how much should be returned to the forest planning process.

Montana has been wrestling with this question for 16 years. We are in this situation because about that number of years ago the Ninth Circuit Court of Appeals held that the national Forest Service did not correctly apply NEPA with respect to roadless acres in national Forest Service land.

As a consequence, the Forest Service asked the U.S. Congress to allocate the various designations of use of roadless acreage in national Forest Service land. If the Forest Service had to go back and rewrite the environmental impact statements for every roadless area in the national Forest Service System it would be too expensive and in effect break the bank.

Therefore, the U.S. Congress has for the 29 States in our Nation that have national Forest Service roadless acreage, addressed the wilderness allocation question. Congress has done so, that is, for every State but two; Montana and Idaho.

It is a very contentious issue in our State because Montanans are outdoors people. Everybody in our State loves the out-of-doors. We hunt. We fish. We backpack. We ride horses. We also harvest grain, raise livestock, mine minerals, and harvest timber. We have recreation industries, tourist industries. Montanans are also somewhat independent people. We pride ourselves on our individualism, and each of us has our own idea as to how the land should be managed.

I would hope, Mr. President, that finally this year for the sake of Montanans and the Nation that we can finally resolve this issue.

The House of Representatives passed its version of the roadless acreage bill just yesterday. This legislation introduced by our Congressman Pat Williams, allocates about 1.7 million acres for wilderness—out of the total of 6 million.

The bill now introduced by my colleagues essentially provides for about 800,000 acres of wilderness.

I have told my colleague from Montana on many occasions that it was my intention, as soon as the House passed its version, to ask him to join me in reintroducing the same bill that he and I agreed to when we last dealt with this issue 2 years ago. Under that version, about 1.2 million acres of wilderness would be allocated wilderness. This is the measure that passed the Senate, and is the same measure that he and I agreed to a couple of years ago.

It is my firm belief that if the Senate can move the same bill that moved out of the Senate a couple of years ago that Senator BURNS and I agreed to, and send it to conference with the House, then we can get Wilderness fairly resolved, and get this issue behind us.

I urge my colleague to reconsider cosponsoring the same bill that he and I agreed to a couple years ago. We must find a compromise.

So I urge my colleague, in addition to introducing his own bill, to join me in cosponsoring the same bill he and I agreed to so we can compromise with the House.

My colleague might disagree with the compromise that comes out of the conference. At the very least, let us keep the process on track.

Montanans want a solution. They want their delegation to resolve it; to do it in a fair, balanced way, but to resolve it.

I also think that most Montanans do not want us, as a delegation, to listen to the extremists on either side of the issue. They want a balanced, fair solution.

I do hope, finally, this year we can get this resolved. I urge my good friend and colleague to join with me in getting a compromise and in getting a compromise and in getting this finally resolved.

Mr. BURNS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, I extend the invitation to my friend to also take a look at the bill I have just introduced and take a good, close look at it, because it is a different approach. It does come up to around the 800,000 plus 500,000 special management.

We can sure get together and work out something, I think, that would be acceptable to both Senators which can pass this body before Mr. WILLIAMS' bill comes to the Senate or we go into conference.

So I invite Senator BAUCUS to take a look at it. I know it is a very contentious issue. It is an issue that I would like to get settled. We all would. We are all going to try very hard to do that.

By Mr. ROBB:

S. 2126. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

Mr. ROBB. Mr. President, I rise today to introduce legislation which will protect communities from being inundated with unwanted garbage generated out of State, a problem that has plagued a number of communities all over the country and several in my own State of Virginia.

I commend Senator BAUCUS, Senator COATS, and others who have worked to attempt to resolve this issue for a number of years. Few of us can forget the long debate we had in this Chamber over this particular matter in the summer of 1992, and few of us care to repeat it.

I have worked with the Environment and Public Works Committee for the last 6 months or so to help find a workable and fair solution to this seemingly intractable problem. I introduce this legislation with the hope that it will advance the debate, and I look forward to continuing a dialog with Chairman BAUCUS and others as we begin to move forward in earnest within the coming weeks to resolve this very contentious issue. There is a new sense of urgency regarding this issue. The U.S. Supreme Court in this session alone has handed down three decisions dealing with the interstate shipment and disposing of trash. On Monday of this week the court decided a case involving local flow control legislation which is really the flip side of the issue which this legislation addresses. As a result of these decisions, it is clear that Congress must act to provide clear rules to bring order to this growing multi-billion-dollar industry.

Because the Supreme Court has determined that garbage is commerce like any other commodity, States and localities have heretofore been powerless to halt the disposal of waste disposed of in their jurisdictions which was generated outside the State. Based on their responsibility to protect the environment, the States determine whether to issue permits for construction of landfills and are charged with monitoring the operation of landfills and incinerators to guarantee compliance with environmental laws.

The bill that I introduce today will not affect in any way the States' rights to enforce the States' environmental standards. The thrust of the legislation is to empower localities to protect themselves from unwanted trash by allowing them to decide whether landfills or incinerators located within their communities should be permitted to accept out-of-State waste. In doing so, it seeks to strike the appropriate balance between State and local authority. The real responsibility for picking up the trash and finding a place to put it down rests ultimately with localities.

Because the local community is the one most directly affected by garbage imports, this legislation vests primary authority regarding interstate wastes in local government. The legislation defines an affected local government as the political subdivision of the State charged with making land use decisions. In my view, if an elected body is competent to make decisions regarding use of the land within the community, then it is certainly competent to determine whether a landfill already permitted under State law should be allowed to accept out-of-State wastes.

Striking the right balance between State and local authority, however, was only half the battle. The other major issue implicated by placing restrictions on out-of-State wastes is how to treat existing facilities. In many cases, existing facilities which accept out-of-State wastes do so in the face of local opposition. These communities, understandably, want us to stop the garbage from flowing.

It would not be fair, however, to those who expended millions of dollars to build new landfills in compliance with the strict Federal regulations to cut off their commerce completely. Therefore, the measure that I am introducing today balances these interests by allowing the Governor of each State to limit the amount of additional out-of-State wastes which can be disposed of in existing facilities and it does not otherwise abrogate existing contracts already in effect.

I believe the cooperation between local governments and landfill developers will grow over the next few years. Many localities are faced with the closure of their local landfills and simply do not have the resources to build new ones in compliance with strict new landfill regulations promulgated under section D of RCRA, the Resource Conservation and Recovery Act.

Increasingly, these localities will invite private landfill developers into the community to build regional landfills with the costs subsidized by other communities which export wastes. This cooperative relationship, however, can only flourish if the locality has some leverage over the development. Under current law, a local government is powerless to deny a zoning permit to a landfill developer simply because wastes from out of State will be disposed of in the landfill.

If the local government is given the power to reject out-of-State wastes, it will also have the power to accept the wastes with conditions. By allowing communities to have leverage at the bargaining table, they can enter into host community agreements which are beneficial to the locality and its neighbors. In many instances, this can be a winning proposition for the local community. The new landfill can be built at no cost to the community, and the community can charge a host community fee, which can be used to reduce taxes or pay for other projects, such as building schools. In fact, in Virginia, such an arrangement has worked out well for Charles City County. Faced with having to build a new landfill over 3 years ago, the county government invited private developers to build a new landfill which would accept out-of-State wastes. Not only did Charles City County not have to pay the cost of constructing a new landfill, but the county is not charged for disposing of its wastes there and the revenue generated by the host county agreement has allowed it to construct a new $18 million school complex while cutting real estate taxes. In effect, the costs of the landfill are being subsidized by those export communities which choose to send wastes elsewhere at high cost.

While inviting the landfill developer into a community may not be the solution for every local government, it should remain an option for those who choose to pursue it. And under my legislation, the local government would not have to make such a decision alone. The legislation requires the local government to consult with the Governor and adjoining local governments before a decision is made.

More importantly, however, this legislation absolutely bans out-of-State waste from new facilities unless a community affirmatively agrees to imports. This is important to many communities in my State, mostly rural, that can fall prey under the existing law to unscrupulous landfill developers who, in their search for land, can run roughshod over the wishes of the locality.

I hope that my colleagues will join with me in supporting this legislation and protecting our communities from unwanted out-of-State trash.

By Mr. DANFORTH:

S. 2127. A bill to improve railroad safety at grade crossings, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RAILROAD GRADE CROSSING SAFETY ACT OF 1994

• Mr. DANFORTH. Mr. President, every year we see improvements in transportation safety. For example, 10 million fewer motor vehicle traffic accidents occurred last year than in 1978, with 10,000 fewer deaths. Transportation mishaps involving the release of hazardous materials were cut by 80 percent during that time, from 138 to 27. The annual number of gas and hazardous liquid pipeline incidents was down from about 1,600 in 1978 to about 400 in 1992.

Similarly, accidents involving railroads fell from 11,300 to 2,300. The number of collisions involving trains and motor vehicles at grade crossings also dropped dramatically, from 13,400 in 1978 to 4,800 in 1993. There were 83 fewer collisions in 1993 than in 1992, despite record high levels of freight traffic. The number of people injured in grade crossing accidents reached a record low last year, dropping 9 percent from 1,969 in 1992 to 1,792 in 1993. There is a tragic exception to this good news trend, however. Last year alone, grade crossing fatalities increased from 579 to 614, a jump of 6 percent.

In fact, a vehicle and train collide every 90 minutes in the United States, at an average annual cost as high as $1.8 billion in terms of medical costs, insurance payments, legal fees, and damages to railroad property. The driver of the car or truck that collides with a train is 30 times more likely to be killed than in a crash involving 2 motor vehicles. The main cause of these deaths is not inadequate signage. Over 50 percent of collisions between trains and motor vehicles occur at crossings with active warning gates, lights, and bells. Most of the time, motorists simply fail to recognize that to race a train is to race death.

The legislation that I am introducing today, the Grade Crossing Safety Act of 1994, creates no new, expensive programs. It is modest in scope, and limited to issues within the jurisdiction of the Commerce Committee. Simply stated, this bill is intended to save lives. Specifically, the measure would:

First, maximize the impact of Federal, State, and railroad safety efforts by directing the Secretary of Transportation to make clear the allocation of responsibility for selection and installation of signal devices at public railroad-highway grade crossings;

Second, reduce public risk by including plans to close dangerous and redundant grade crossings, and policies to limit the creation of new crossings, in the highway safety management systems that States are required to develop by October 1, 1996;

Third, help ensure that existing signs and warning devices are in working order by establishing a toll-free 800 telephone number for the public to use to report problems and malfunctions at grade crossings;

Fourth, improve awareness of grade crossing dangers by increasing Federal, State, and private sector support for a multiyear, multimedia public information and law enforcement campaign through Operation Lifesaver, Inc., a nationwide, nonprofit organization created 22 years ago to reduce crashes, fatalities, and injuries at grade crossings;

Fifth, promote advanced technology development by directing the Secretary of Transportation to conduct at least two operational tests of intelligent vehicle-highway system technologies focused on grade crossing safety;

Sixth, encourage public safety by creating Federal civil penalties for any motor carrier operator who enters, without sufficient space to clear, a grade crossing; any individual who vandalizes grade crossing signs, signal, or devices; or anyone who trespasses on a railroad right-of-way, roadbed, or bridge;

Seventh, increase compliance by establishing sanctions against commercial motor vehicle operators who repeatedly violate grade crossing safety laws; and

Eighth, improve compliance with and enforcement of grade crossing laws by encouraging cooperation between the National Highway Traffic Safety Administration, the Office of Motor Carriers within the Department of Transportation's Federal Highway Administration, the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver.

Mr. President, these grade crossing safety provisions will be discussed during the Commerce Committee's June hearing on reauthorizing Federal rail safety programs. I will recommend that they be included in the committee's rail safety reauthorization bill. I urge my colleagues to support this lifesaving legislation when it is considered by the Senate.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Grade Crossing Safety Act of 1994".

SEC. 2. GRADE CROSSING SIGNAL DEVICES.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended—

(1) by redesignating the subsections after the first subsection (r) as subsections (s), (t), (u), and (v), respectively; and

(2) by adding at the end the following new subsection:

"(w) GRADE CROSSING SIGNAL DEVICES.—The Secretary shall, within 1 year after the date of enactment of this subsection, establish nationally uniform standards regarding the allocation of responsibility for selection and installation of signal devices at public railroad-highway grade crossings.".

SEC. 3. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.

(a) AMENDMENT OF REGULATIONS.—The Secretary of Transportation shall conduct a rulemaking proceeding to amend the Secretary's regulations under section 500.407 of title 23, Code of Federal Regulations, to require that each highway safety management system developed, established, and implemented by a State shall, among countermeasures and priorities established under subsection (b)(2) of that section, include—

(1) public railroad-highway grade crossing closure plans that are aimed at eliminating high-risk or redundant crossings (as defined by the Secretary); and

(2) railroad-highway grade crossing policies that limit the creation of new at-grade crossings for vehicle or pedestrian traffic, recreational use, or any other purpose.

(b) DEADLINE.—The Secretary of Transportation shall complete the rulemaking proceeding described in subsection (a) and promulgate the required amended regulations, not later than 1 year after the date of enactment of this Act.

SEC. 4. EMERGENCY NOTIFICATION OF GRADE CROSSING PROBLEMS.

(a) TOLL FREE TELEPHONE NUMBER.—The Secretary of Transportation shall establish, not later than 1 year after the date of enactment of this Act, and thereafter maintain an emergency notification system utilizing a toll free "800" telephone number that the public can use to convey to railroads, either directly or through public safety personnel, information about malfunctions or other safety problems at railroad-highway grade crossings. In establishing such emergency notification system, the Secretary may coordinate with, or incorporate components of, existing notification systems.

(b) NOTICE TO PUBLIC.—Not later than 90 days after the establishment of the emergency notification system described in subsection (a), the Secretary of Transportation shall promulgate regulations requiring railroads with railroad-highway grade crossings to display publicly at each such crossing, in a manner prescribed by the Secretary, information

(1) describing the emergency notification system;

(2) instructing the public how to use the system;

(3) stating the toll free telephone number that is available for such use; and

(4) specifying the unique number (as assigned by the Secretary) identifying such grade crossing.

(c) TREATMENT IN JUDICIAL PROCEEDINGS.—A court shall not hold the Secretary of Transportation or any other Federal official or agency, any State or agency or political subdivision of a State, or any railroad liable for damages caused by an action taken under this section or by failure to perform a duty imposed by this section. No evidence may be introduced in a trial or other judicial proceeding that the emergency notification system required by this section exists or is relied upon by any governmental official or entity or any railroad.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purpose of carrying out this section $1,000,000 for fiscal year 1995, $500,000 for fiscal year 1996, and $500,000 for fiscal year 1997.

(e) COST SHARING.—At least 30 percent of the cost of establishing and maintaining the emergency notification system required by this section shall be provided from non-Federal sources.

SEC. 5. OPERATION LIFESAVER.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of amounts appropriated to the Secretary of Transportation for railroad research and development, there are authorized to be appropriated to the Secretary $300,000 for fiscal year 1995, $500,000 for fiscal year 1996, and $750,000 for fiscal year 1977, to support Operation Lifesaver, Inc.

(b) PROGRAM REQUIREMENTS.—The Secretary of Transportation shall not provide financial assistance to Operation Lifesaver, Inc., in excess of $150,000 for any fiscal year unless—

(1) such excess funding is for the development and implementation of a national, multiyear, multimedia public information and law enforcement program for the reduction of fatalities and serious injuries involving railroad-highway grade crossings and trespassing on railroad rights-of-way and property; and

(2) at least 30 percent of the costs of developing and implementing such program is provided from non-Federal sources, including States and railroads.

SEC. 6. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) IN GENERAL.—In implementing the Intelligent Vehicle Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system technologies to promote safety at railroad-highway grade crossings. The Secretary of Transportation shall ensure that two or more operational tests funded under such act shall promote highway traffic safety and railroad safety.

SEC. 7. PENALTIES FOR CERTAIN GRADE CROSSING VIOLATIONS.

(a) MOTOR VEHICLE VIOLATIONS.—The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, amend regulations—

(1) under the Hazardous Materials Transportation Act (43 App. U.S.C. 1801 et seq.) to prohibit the drive of a motor vehicle transporting hazardous materials in commerce, and

(2) under the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2501 et seq.) to prohibit the driver of any commercial motor vehicle. from driving the motor vehicle onto a railroad-highway grade crossing without having sufficient space to drive completely through the crossing without stopping.

(b) VANDALISM; TRESPASSING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall amend the Secretary's regulations under section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) to make subject to a civil penalty under such Act any person who—

(1) defaces or disables, or commits any other act that adversely affects the function of, any signal system, sign, or device at a grade crossing; or

(2) trespasses on a railroad-owned or railroad-leased right-of-way, roadbed, or bridge.

SEC. 8. VIOLATION OF GRADE CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—The Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.), as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

"SEC. 12022. VIOLATION OF GRADE CROSSING LAWS AND REGULATIONS.

"(a) REGULATIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

"(b) MINIMUM REQUIREMENTS.—Regulations issued under subsection (a) shall, at a minimum, require that—

"(1) any operator of a commercial motor vehicle who is found to have committed a first violation of a law or regulation pertaining to railroad-highway grade crossings shall be disqualified from operating such a vehicle for a period of not less than 90 days and shall be subject to a civil penalty of not less than $1,000;

"(2) any operator of a commercial motor vehicle who is found to have committed a second violation of such a law or regulation shall be disqualified from operating such a vehicle for a period of not less than 1 year and not more than 5 years and shall be subject to a civil penalty of not less than $1,000; and

"(3) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.

"(c) DEADLINE.—The regulations required under subsection (a) shall be issued not later than 5 years after the date of enactment of this section.".

(b) STATE REGULATIONS.—Section 12009(a) of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2708(a)) is amended—

(1) in paragraph (21), by striking "12020(a)" and inserting in lieu thereof "12021(a)"; and

(2) by adding at the end the following new paragraph:

"(22) GRADE CROSSING REGULATIONS.—The State shall adopt and enforce any regulations issued by the Secretary under section 12022.".

(c) TECHNICAL AMENDMENT.—The Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.) is amended by redesignating the second section 12020 (as added by section 4009(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2156)) as section 12021.

SEC. 9. SAFETY ENFORCEMENT.

The National Highway Traffic Safety Administration, and the Office of Motor Carrier Safety within the Federal Highway Administration, shall on a continuing basis cooperate with the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.●

By Mr. McCAIN:

S. 2128. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

GRAND CANYON NATIONAL PARK ACT OF 1994

Mr. MCCAIN. Mr. President, today I am introducing legislation to help finance desperately needed improvements at our Nation's premier national park—our great pride and joy—the Grand Canyon.

The measure would authorize the Secretary of the Interior to establish a special public-private partnership account, under which entrance fee revenues would be matched with private donations to help fund vital projects called for in the park's general management plan.

This legislation will provide additional resources for the Grand Canyon at a time when park needs far outstrip the ability of Treasury to fund them. The measure enjoys the support of two important organizations dedicated to protecting the interests of the Grand Canyon: The Grand Canyon Trust; and, the Grand Canyon Natural History Association.

We in Arizona are proud to be home to the crown jewel of our National Park System. We take immense pride in the park and appreciate the awesome responsibility with which our country has been vested as stewards of this world class resource. We also understand that we have much work to do in order to meet those responsibilities.

By some accounts, $2.2 billion is needed to make repairs to the park's aging infrastructure. Compare that need to be canyon's park budget this year which is only $13 million—a gap as wide and formidable as the Grand Canyon itself.

The need is enormous and it is growing. Last year, 5 million people visited the Grand Canyon—a number that is expected to double by the turn of the century. The ever increasing demand will place even more stress on the park's aging and needy infrastructure.

To address future needs, the National Park Service has been working diligently on the park's general management plan. The plan will guide management perogatives into the next century. The draft plan which was released earlier this year, identifies projects and programs which will help us to cope with the increased visitation, enhance visitor experience and protect the canyon's valuable resources for this and future generations.

While the plan has not been completed, preliminary reports estimate that it will cost nearly a quarter of a billion dollars to fully fund. Providing the necessary resources is a staggering challenge. The proposal I am presenting here today is one way to help us meet this enormous need.

As I said, the bill would authorize the Secretary to use fee revenues to leverage private contributions to help finance park projects.

In order to fund the Federal share of such partnerships, the Secretary would be authorized to add a surcharge of up to $2 on the current $10 per vehicle park entrance fee.

Mr. President, no one, least of all this Senator, likes the idea of higher park entrance fees. But, visitors understand that park services and infrastructure cost money and they are willing to support the park with their fees as long as they know the revenue will be used for that purpose.

Under current procedures, entrance fees are collected at the park, returned to the General Treasury and appropriated by Congress in many instances for purposes other than the needs at the Grand Canyon.

The revenues raised under the measure I am proposing would remain in a special account at the park to be used only in concert with private donations for vital park needs. Such public-private partnerships have ample and successful precedent in other areas of public administration, and are an excellent means of stretching our resources. I believe they could be a useful tool at the Grand Canyon and perhaps other national parks as well.

Again, no one likes the idea of any increase in park fees. But, ironically, we need only to look to Disney World for a reality check. Today, visitors to Disney World pay $35 a piece to see Mickey Mouse. By comparison, Grand Canyon visitors pay a relatively modest $10 per carload to view what John Wesley Powell aptly described as the most sublime spectacle on Earth. We all understand and accept the fact that keeping that spectacle sublime and providing for its employment by the millions who visit costs money. An added surcharge to leverage private dollars would seem to be a justified and efficient means of making ends meet, and it deserves our thoughtful consideration.

We estimate that the surcharge would generate an additional $2 million a year. Once leveraged with money from the private sector the fund would make a significant contribution to park improvements and maintenance of infrastructure such as upgrading the park's transportation system to relieve overcrowding; maintaining trails; and improving the water system and housing, just to name a very few.

Mr. President, the creation of a special partnership account raises many questions. I, like others, want to make absolutely certain that private contributions to the park are not used in any way that would compromise park interests or values. This measure seeks to address that issue because management of the fund must be dictated solely by the needs of the park and the ethic of stewardship.

The measure calls on the Secretary of the Interior to establish regulations, with full public comment and participation, to guide how the fund will be managed, how private donations will be solicited, for what purposes they will be used and how the partnerships will be structured and managed.

In addition, the bill specifically requires that any project funded under the partnership must be consistent with the statutes, regulations and rules governing the park, and that it is specifically approved and prioritized within the general management plan. These plans are developed with public participation and are subject to all the applicable environmental laws. Ensuring that partnership funds are used only for purposes authorized by the relevant management plan will ensure that only necessary and appropriate projects are undertaken.

Many businesses and individuals want to contribute to the protection of Grand Canyon National Park because they realize that it is a national treasure and that it needs and deserves our assistance. Nevertheless, we must take steps to ensure that these donations are not offered with strings attached that would place commercial interests ahead of park needs and values.

Mr. President, Grand Canyon and our other national parks are at a critical point. Demand for park resources is increasing, as is the cost of maintenance. Several weeks ago, Secretary Babbitt began a tour to examine many of these problems firsthand. I commend him for taking this action.

While his tour is not yet complete, he is certain to discover that the needs of our parks far outstrip the ability of a limited Federal treasury to finance them. When our parks are not properly funded it makes resource management, interpretation and other essential duties of the Park Service impossible.

Last year, the Interior Appropriations committee increased the operations account of the Parks Service by 9 percent above the fiscal year 1993 level in an effort to improve conditions. While this increase was helpful, it is not nearly enough to meet the needs at the Grand Canyon and I am sure other parks as well. Given the current budget situation the administration and Congress is not likely to provide further increases to adequately to meet the need.

We must look for innovative ways to fully fund the preservation and enhancement of our Nation's Park System. I believe the method I am proposing is a viable option that should be fully examined and considered.

Mr. President, this year we celebrate the 75th anniversary of Grand Canyon National Park. It is most appropriate that we recommit ourselves to the charge of Theodore Roosevelt "to keep the canyon for our children and our children's children, and for all who come after us, as one of the great sights which every American if he can travel at all should see."

Let us work to meet the needs at the Grand Canyon with that purpose firmly in mind.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) As of the date of enactment of this Act, the existing infrastructure of Grand Canyon National Park is not adequate to serve the purposes for which the Park was established.

(2) Improving the infrastructure of the Park would enhance the natural and cultural resources of the Park and the quality of the experiences of visitors to the Park.

(3) Through the development of a general management plan, the Director of the National Park Service has identified reasonable measures that are necessary to improve the infrastructure and related services of the Park, including making improvements to transportation facilities and visitor services, and reusing historic structures appropriately.

(4) In order for the Director to implement the general management plan referred to in paragraph (3) at the Park, it is necessary for the Director to be authorized to—

(A) enter into agreements with non-Federal entities to share the costs of the improvements; and

(B) assess and collect a special surcharge in addition to the entrance fees otherwise collected by the National Park Service.

SEC. 2. GRAND CANYON ENTRANCE FEE SURCHARGE.

Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) authorize the Superintendent of the Grand Canyon National Park to charge and collect, in addition to the entrance fee collected pursuant to section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a), a surcharge in an amount not to exceed $2 for each individual charged such entrance fee; and

(2) remit to the special account for Grand Canyon National Park infrastructure improvement amounts collected as a surcharge under such authority.

SEC. 3. SPECIAL ACCOUNT FOR GRAND CANYON NATIONAL PARK INFRASTRUCTURE IMPROVEMENT.

(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish in the Treasury of the United States a special account for Grand Canyon National Park infrastructure improvement.

(b) ADMINISTRATION OF ACCOUNT.—The Secretary of the Treasury shall—

(1) credit to the special account amounts remitted pursuant to section 2(2); and

(2) make funds in the special account available for use only as provided in subsection (c).

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, may use funds in the special account only to pay the Federal share of the cost of eligible projects.

(2) DAILY OPERATIONS.—No funds in the special account may be used for daily operation of the Grand Canyon National Park.

SEC. 4. ELIGIBLE PROJECTS.

(a) ELIGIBLE PROJECTS.—Subject to subsection (b), any project for the design, construction, operation, maintenance, repair, or replacement of a facility within the Grand Canyon National Park is eligible for funding in accordance with this Act.

(b) LIMITATION.—A project referred to in subsection (a) shall be consistent with—

(1) the laws governing the National Park Service;

(2) the Act entitled "An Act to establish the Grand Canyon National Park in the State of Arizona", approved February 26, 1919 (16 U.S.C. 221 et seq.), the Grand Canyon National Park Enlargement Act (16 U.S.C. 228a et seq.), and any related law; and

(3) the general management plan for the Park.

SEC. 5. COST-SHARING AGREEMENTS WITH NON-FEDERAL ENTITIES.

(a) AGREEMENTS REQUIRED.—The Director of the National Park Service, in consultation with the Superintendent of the Grand Canyon National Park, shall enter into a cost-sharing agreement with a non-Federal Government entity for each eligible project.

(b) CONTENT.—The cost-sharing agreement shall specify the Federal share and the non-Federal share of the cost of the project and shall provide for payment of the non-Federal share by the non-Federal entity.

(c) AUTHORITY TO COVER SEVERAL PROJECTS.—A cost-sharing agreement may cover more than one eligible project.

SEC. 6. REGULATIONS.

(a) REGULATIONS REQUIRED.—The Secretary of the Interior shall prescribe regulations to carry out this Act.

(b) CONTENT.—The regulations shall include the following matters:

(1) The procedures for the management of the special account.

(2) The manner in which funds for payment of the non-Federal share of the cost of an eligible project may be solicited and acknowledged.

(3) Provisions for ensuring the protection of the natural, cultural, and other resources that the Park was established to protect.

(4) Provisions to encourage funding from the private sector only for projects that contribute to the restoration and protection of the resources referred to in paragraph (3).

(5) Protections against the commercialization of the Grand Canyon National Park.

(6) Procedures to prevent the creation of a conflict of interest with respect to an employee of the Federal Government.

(7) Provisions for continuous participation of the general public in the oversight of the implementation of this Act.

(c) NOTICE AND PUBLIC COMMENT.—The Secretary shall carry out subsection (a) in accordance with section 553 of title 5, United States Code (relating to publication of notice and opportunity for public comment), without regard to any applicable exception provided in such section.

SEC. 7. REPORT.

(a) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report on the Grand Canyon National Park infrastructure improvement authority provided in this Act.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) An assessment of the effectiveness of the exercise of authority under this Act to improve the infrastructure of the Grand Canyon National Park.

(2) Any recommended legislation with respect to—

(A) the surcharge authorized under section 2;

(B) the special account;

(C) the use of the special account for funding eligible projects; or

(D) any other matter that the Secretary determines to be related to the authority provided under this Act.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) FACILITY.—The term "facility" includes any structure, road, trail, utility, or other facility that is used or to be used for or in support of—

(A) the protection or restoration of a natural or cultural resource;

(B) an interpretive service; or

(C) any other service or activity that the Secretary determines to be related to the operation of the Grand Canyon National Park.

(2) FEDERAL SHARE.—The term "Federal share", with respect to the cost of an eligible project, means the percent of the cost of such project that is paid with Federal funds, including funds disbursed from the special account.

(3) NON-FEDERAL SHARE.—The term "non-Federal share", with respect to the cost of an eligible project, means the percent of the cost of such project that is paid with funds other than funds referred to in paragraph (2).

(4) ELIGIBLE PROJECT.—The term "eligible project" is any project that is eligible for funding in accordance with this Act.

(5) SPECIAL ACCOUNT.—The terms "special account for Grand Canyon National Park infrastructure improvement" and "special account" mean the account established pursuant to section 3.

GRAND CANYON TRUST,
May 9, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing the Grand Canyon Trust with the opportunity to review and comment on both draft and final versions of your proposed legislation regarding entrance fees and public/private cost-sharing at Grand Canyon National Park.

We believe that your proposed legislation will greatly assist the efforts of the National Park Service and other entities who are struggling to find appropriate means to generate the additional funding so urgently needed by Grand Canyon National Park. In this regard, we strongly support the core concepts in your bill: new fees to generate incremental revenue for park projects and cost-sharing arrangements between the Park Service and nongovernmental entities.

We share your concern that Grand Canyon's pressing infrastructure and resource management needs will not be met unless Congress acts to provide the new authorities described in your legislation. And, if those needs are not met, the park environment and visitor experience will continue to deteriorate—an utterly unacceptable and unnecessary fate for the crown jewel of America's parks.

Senator McCain, we applaud your consistent leadership on behalf of Grand Canyon. This bill, the National Parks Overflights Act, Grand Canyon Protection Act, and so many other measures reflect your unwavering dedication to the needs of the park. Please be assured that we are prepared to assist you in your efforts to move the bill through the legislative process to final enactment.

Again, thank you for all you have done for the Grand Canyon.

Sincerely,

THOMAS C. JENSEN,
Executive Director.

GRAND CANYON
NATURAL HISTORY ASSOCIATION,
May 6, 1994.

Hon. JOHN MCCAIN,
U.S. Senator, Washington, DC.

DEAR SENATOR MCCAIN: I am very happy to be able to write this letter of complete and enthusiastic support for your bill designed to authorize an entrance fee surcharge at the Grand Canyon National Park, for the purpose of assuring a Federal matching pool of funds for necessary capital projects at the Park. We have previously discussed the value of such a tool to be used to foster public/private partnerships to accomplish the overdue rebuilding of infrastructure to support the crush of visitors. We further believe that the choice of Grand Canyon as the test case for such an effort will enable us to create a model that can be used by other National Parks and Monuments across the country. Please let us know how else we can support this important legislation.

Sincerely,

ROBERT W. KOONS,
General Manager, CEO.

IN SEARCH OF HELP

When droning airplanes and rattling helicopters were swooping unchecked below the rim of the Grand Canyon, destroying the natural quiet, Congress wisely took steps to restore peace and tranquility by creating flight-free zones and banning aircraft below the rim.

This idea, passed into law in 1987, is now being touted as a solution to the soaring decibel levels being generated by an increase in the number of low flying aircraft in many of the nation's national parks.

If U.S. Sen. John McCain has his way, Arizona's most prized natural treasure may again serve as a model for the rest of the nation. This time, the Arizona Republican has proposed a novel public-private partnership as a way to pump some badly needed dollars into rebuilding and improving the infrastructure of Grand Canyon National Park.

Under his proposed legislation, to be introduced this week, the Secretary of the Interior would be required to impose upon visitors to Grand Canyon a surcharge of up to $2 per vehicle. The surcharge would be placed into a special trust account, when it would be matched by contributions from corporations, foundations and individuals.

The special account could be drawn down to design, build, repair or replace the park's infrastructure, but not for daily operational expenses.

The concept behind McCain's proposal is two-fold. First is the belief that any additional entrance fees ought to stay with the park: As it is, visitors fees flow to the federal treasury and are appropriated back to the National Park Service for park operations each year. Second is the idea that the park service be allowed to enter into flexible cost-sharing agreements with the private cost-sharing agreements with the private sector in order to maximize donations earmarked for park improvements.

When it comes to the plight of the National Park Service, the financial dilemma is not illusory. Park usage is on a stampede upward, but this popularity has a price—a steep one. It is estimated that $2.2 billion worth of park repairs are needed—a considerable undertaking even in the best of times.

Grand Canyon, the *grande dame* of the park system, is being loved to death and it shows. Trails could be improved. Housing is inadequate. Transportation and water systems are at a capacity. And if Interior Department officials are serious about a South Rim that is auto-free and capable of handling the 5 million visitors each year—a figure expected to double by the turn of the century—some form of mass transit would appear to be in the cards.

All of these are expensive propositions at a time that Congress is especially sensitive to new spending proposals. This is a reality of the times. If the American people are serious about preserving the nation's cultural and natural resources, Congress must examine creative financing measures.

McCain has thrown out one. Cost-sharing, of course, is not a new idea. Corporations and foundations underwrite numerous and worthwhile causes. What's important to keep in perspective is that the national parks cannot be for sale. Not under any circumstance. The Coney Islands and Disneylands have their place and it is not in our national treasures.

We have said it before and we'll say it again: The almighty dollar must not drive the needs of the park; the needs of the park ought to drive the fund-raising. Tom Jensen, executive director of the Grand Canyon Trust, a non-profit advocacy group of the Colorado Plateau, was right when he said, "The devil is in the details."

With adequate protections against commercialization of the park system, there may be merit in McCain's proposal. He is to be commended for trying park surcharges and private donorship into a plan that, at the least, is worthy of being discussed. One thing is a given fact: the more time that passes without the fiscal needs of Grand Canyon and the park system being met, the situation can only worsen.

[From the Arizona Daily Star, May 16, 1994]

FUNDING A HEALTHY CANYON

Sen. John McCain—a good fighter for Grand Canyon—has now proposed a novel plan to fund efforts to attack overcrowding at the park.

With a few caveats, the Arizona Republican's proposal looks like a sound blueprint for the maintenance of a superb Canyon experience even despite a use crisis that now portends near chaos along those ledges and cliffs.

McCain's proposal possesses the virtues of both pragmation and timeliness.

By allowing the park to raise millions of dollars through corporate donations as well as a surcharge up to $2 on the $10 entrance fee, McCain's new legislation would enable Canyon administrators to attack their expensive problems in an era of scanty appropriations.

The surcharge alone should yield at least $2.5 million a year toward the enormous needs now being identified in the still incomplete General Management Plan, since some five million visitors will strain park roads and buildings this year.

And presumably tens of millions of dollars more could be solicited from corporate America for the infrastructure account. In this way, McCain's scheme would go far toward instituting a steady funding mechanism by which the park could begin enacting the forthcoming GMP, whose implementation may cost a quarter of a billion dollars.

McCain's plan innovates with its establishment of a dedicated add-on fee. Such fees may well represent the wave of the future all through the Park Service by allowing parks to retain collected money for their own use, rather than send them into the general fund.

Once major concern does linger about Sen. McCain's pragmatic strategy to supplement Grand Canyon National Park's $15 million budget.

This touches the sure knowledge that in America corporate "cost sharing" agreements all too easily lend to subtle "promotional" agreements providing, for instance, for tramways plastered with corporate logos and viewpoints brought to you by big business.

True, McCain aides point out that language in the bill limits expenditures from the infrastructure fund to less visible capital uses. Yet anyone familiar with a university capital drive or museum construction knows that does not preclude the distraction of nameplates and corporate logos, even on public lands.

Furthermore, no rules now exist in the bill to guard against excessive commercialization, though its text does provide for the Secretary of Interior to write such regulations and guarantee public oversight. This leaves cause for worry about the fine line Sen. McCain's plan walks between securing new financial resources for the Canyon, and opening it to hype.

But then, it is early. For now, those who care about the Canyon should keep the creation of adequate rules curbing undue commerce in mind, even as they urge Congress to move quickly on McCain's grounddbreaking, pragmatic plan to preserve a national treasure.

By Mr. LEAHY (for himself, Mr. RIEGLE, and Mr. WOFFORD):

S. 2129. A bill to amend title 18, United States Code, to preserve personal privacy with respect to medical records and health care-related information, and for other purposes; read the first time.

THE HEALTH CARE PRIVACY PROTECTION ACT

Mr. LEAHY. Mr. President, today I am introducing, with Senators RIEGLE and WOFFORD, the Health Care Privacy Protection Act of 1994, legislation that I hope will be included in the health care reform measure that we are considering this year.

President Clinton is showing tremendous leadership in tackling health care reform. Because of his efforts, the country and the Congress are engaged in a serious debate about how to make sure that every American has health insurance and how to bring costs under control so that health care is affordable for families and small businesses.

Vermonters are particularly focused on health care reform because of our State's efforts to reform our system. I hear from hundreds of Vermonters every week who share with me their ideas about what needs to be done. They do not want a one-size-fits-all approach, and I have worked to ensure that the President's bill allows individual States the flexibility to tailor the plan to fit local needs. State flexibility has been and remains an important component of any health care reform plan if it is to be successful.

I have also concentrated my efforts on making sure that Americans' expectations of privacy for their medical records are fulfilled. That is the purpose of this bill. As intractable as questions of financing and structure may seem, I have confidence that we will find a way to respond to the American people's profound need for health security. My fear has been that the Achilles heel of our health care reform efforts would turn out to be a perception that such legislation would lead to a loss of personal privacy.

A recent public opinion poll sponsored by Equifax and conducted by Louis Harris indicated that 85 percent of those surveyed agreed that protecting the confidentiality of medical records is extremely important in national health care reform. I can assure you that if that poll had been taken in Vermont, it would have come in at 100 percent or close to it.

The distinguished Republican leader put his finger on this in his response to the President's State of the Union Address earlier this year. Senator DOLE remarked then that a "compromise of privacy" that sends information about health and treatment to a national data bank without a person's approval would be something that none of us would accept. I felt then and feel even more strongly now that health care reform will only be supported by the American people if they are assured that the personal privacy of their health care information is protected.

Indeed, without confidence one's personal privacy will be protected many will be discouraged from seeking help from an improved health care system or taking advantage of the increased accessibility we are working so hard to create.

In October last year we began a series of hearings before the Technology and the Law Subcommittee of the Judiciary Committee. I was fascinated with smart card technology and the opportunities it presents to deliver better and more efficient health care services, especially in rural areas. The health security card can expedite care in medical emergencies and eliminate paperwork burdens. But it will only be accepted if it is used in a comprehensive and secure system protecting confidentiality of sensitive medical conditions and personal privacy.

Fortunately, improved technology offers the promise of security and confidentiality and can allow levels of access limited to information necessary to the function of the person in the health care treatment and payment system.

In January we continued our hearings and heard testimony from the administration, health care providers, and privacy advocates about the Health Security Act and the need to improve upon its privacy protections.

In testimony I found among the most moving I have experienced in nearly 20 years in the Senate, the subcommittee heard first-hand from Representative NYDIA VELÁZQUEZ, our House colleague who had sensitive medical information leaked about her during her campaign. She and her parents woke up to find disclosure of her attempted suicide smeared across the front pages of the New York tabloids. If any of us have reason to doubt how hurtful a loss of medical privacy can be, we need only talk to our House colleague.

Unfortunately, this is not the only horrific story of a loss of personal privacy. I have talked with the widow of Arthur Ashe about her family's trauma when her husband was forced to confirm publicly that he carried the AIDS virus and how the family had to live its ordeal in the glare of media spotlight.

We have also heard testimony from Jeffrey Rothfeder, who described in his book, Privacy for Sale, how a freelance artist was denied health coverage by a number of insurance companies because someone had erroneously written in his health records that he was HIV-positive.

The unauthorized disclosure and misuse of personal medical information has affected insurance coverage, employment opportunities, credit, reputation, and a host of services for thousands of Americans. Let us not miss this opportunity to set the matter right through comprehensive Federal privacy protection legislation.

As we began focusing on privacy and security needs last year, I was shocked to learn how catch-as-catch-can are the patchwork of State laws protecting privacy of personally identifiable medical records. A few years ago we passed legislation protecting records of our videotape rentals and library borrowings, but we have yet to provide even that level of privacy protection for our personal and sensitive health care data.

Now is the time to accept the challenge and legislate so that the American people can have some assurance that their medical histories will not be the subject of public curiosity, commercial advantage, or harmful disclosure.

In my examination of the Health Security Act, I was encouraged by the fact that the administration clearly understands that health security must include assurances that personal health information will be kept private, confidential, and secure from unauthorized disclosure. There is no doubt that the increased computerization of medical information has raised the stakes in privacy protection.

The American public cares deeply about protecting their privacy. This has been demonstrated, again, most recently in the American Civil Liberties Union Foundation's Benchmark Survey on Privacy entitled "Live and Let Live" wherein three out of four people expressed particular concern about computerized medical records held in data bases used without the individual's consent. As policymakers, we must remember that the right to privacy is one of our most cherished freedoms—it is the right to be left alone and to choose what we will reveal of ourselves and what we will keep from others.

The administration's health care reform proposal provides that privacy and security guidelines will be required for health data cards and computerized medical records. In this regard, the President is to be commended. The difficulties I had with the provisions of Health Security Act, as originally introduced, is that it delayed recommendations to Congress for consideration of comprehensive privacy legislation for 3 years and did not include a criminal penalty for unauthorized disclosure of someone's medical records.

The bill we introduce today, the Health Care Privacy Protection Act seeks to provide a comprehensive framework for protecting the privacy of our medical records from the outset.

This bill adds a number of important components necessary for health care reform legislation. It establishes in law the principle that a person's health information is to be protected and to be kept confidential. It creates both criminal and civil remedies for invasions of privacy for a person's health care information.

The bill creates a set of rules and norms to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment, and to facilitate effective oversight. Special attention is paid to emergency medical situations, public health requirements, and research.

Further, this legislation would provide patients with a comprehensive set of rights of inspection and an opportunity to correct their own records, as well as information accounting for disclosures of those records.

I want to commend Representative CONDIT, who chairs the House Subcommittee on Information, Justice, Transportation and Agriculture of the House Committee on Government Operations, for the leadership he is showing in this area. I have followed with interest the hearings he has recently held and companion legislation that he and Representative VELÁZQUEZ introduced in the House. It is my hope and intention that introduction of the Health Care Privacy Protection Act moves us closer to our shared goal of enacting effective privacy protection for medical records.

We have tried to simplify, clarify, and strengthen the privacy protection provisions currently under discussion. We have also sought to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if a reformed health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly sanctioned playground for the unscrupulous. Too much is being invested in health care reform to allow the resulting system to be the subject of undetected fraud or abuse.

We look forward to working with our colleagues both here in the Senate and in the House as we refine this legislation. As Senator KENNEDY prepared to mark up a Labor Committee bill, I have been consulting with him to ensure that privacy protection be included in that bill. I thank him and his able staff for the opportunity to work with them on this important issue and commend them for including health care privacy protections in the Labor Committee markup and for their longstanding commitment to personal privacy. I look forward to consulting with Senator MOYNIHAN, as well, as the Finance Committee prepares for its markup and know of his strong resolve in this regard. With the help of Senators RIEGLE and WOFFORD, who have each shown sensitivity and leadership in this effort, we hope to provide a consensus on these important issues.

I want to thank all of those who have been working with us on the issue of health information privacy and, in particular, wish to commend the Vermont Health Information Consortium, the American Hospital Association, the American Medical Association, the American Health Information Management Association, IBM, Equifax, the Working Group on Electronic Data Interchange, the Electronic Frontier Foundation, the American Civil Liberties Union, and the Department of Health and Human Services for their tireless efforts in working to achieve a significant consensus on this important component of health care reform.

With continuing support from the administration, health care providers, and privacy advocates we can enact provisions to protect the privacy of the medical records of the American people in a reformed health care treatment and payment system in which health care security becomes a reality for all Americans.

By Mr. ROCKEFELLER (by request):

S. 2131. A bill to authorize additional major medical facility construction projects for fiscal year 1994, at the Department of Veterans Affairs Medical Center Sepulveda, CA, and to waive the notice and wait requirement for an administrative reorganization at that facility; to the Committee on Veterans Affairs.

SEPULVEDA, CA, CONSTRUCTION PROJECT AUTHORIZATION ACT OF 1994

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2131, a bill to authorize additional major medical facility construction projects for fiscal year 1994 at the Department of Veterans Affairs Medical Center, Sepulveda, CA, and to waive the congressional waiting period requirement for an administrative reorganization at that facility. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated April 13, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CONSTRUCTION PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects for which funds were appropriated in Public Law 103-211 in the amounts specified:

(1) Construction of a new ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for fiscal year 1994, $103,700,000 for the major medical facility projects authorized by section 1.

(b) LIMITATION.—The projects authorized in subsection (a) may only be carried out using the following funds:

(1) Funds appropriated for the Construction, major projects account of the Department of Veterans Affairs by chapter 7 of title I of Public Law 103-211 and available for obligation for major construction projects.

(2) Funds appropriated for the Construction, major projects account of the Department of Veterans Affairs for a fiscal year before year 1994 that remain available for obligation.

(3) Funds appropriated for the Construction, major projects account of the Department of Veterans Affairs for fiscal year 1994 for a category of activity not specific to a project.

(4) Funds in an amount not to exceed $10,600,000 out of the funds appropriated to the Medical Care account of the Department of Veterans Affairs by chapter 7 of title I of Public Law 103-211 that are transferred to the Construction, major projects account of the Department by an appropriations Act enacted after the date of the enactment of this Act.

SEC. 3. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) AUTHORITY FOR ADMINISTRATIVE REORGANIZATION.—The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 510(b) of title 38, United States Code.

(b) SPECIFIED REORGANIZATION.—Subsection (a) applies to a reorganization at the Department of Veterans Affairs Medical Center in Sepulveda, California, necessitated by the January 1994 earthquake damage at that location as such reorganization was described in the detailed plan and justification submitted by the Secretary of Veterans Affairs in April, 1994, letters to the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

THE SECRETARY OF
VETERANS AFFAIRS,
Washington, DC, April 13, 1994.

Hon. AL GORE,
President of the Senate,
The Capitol, Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, "To authorize additional major medical facility construction projects for Fiscal year 1994, at the Department of Veterans Affairs Medical Center Sepulveda, California, and to waive the Congressional waiting period requirement for an administrative reorganization at such facility." I request that this bill be referred to the appropriate committee and promptly enacted.

This measure would authorize specific funding for the construction phase of a new ambulatory care/support services facility at the Department of Veterans Affairs (VA) Medical Center Sepulveda, California, as well as other major medical facility projects for extensive repairs and renovations at that facility. Further, since the proposed replacement of the Sepulveda hospital, with a new ambulatory care facility at Sepulveda, is a change which constitutes an administrative reorganization subject to the Congressional notice and waiting period requirements of Section 510(b) of title 38, United States Code, this measure would waive the waiting period requirement in order to expedite this project.

The January 1994 Southern California earthquake caused enormous physical damage, leaving tens of thousands homeless, closing major highways, demolishing schools and closing down utilities. The VA's Sepulveda Medical Center was not spared. It sustained extensive structural damage which required the transfer of more than 300 hospital and nursing home patients to other VA facilities in the Los Angeles area on the day of the earthquake.

Responding to the situation necessitated a reexamination of the medical needs of veterans in the earthquake damaged area and of the most effective manner in which VA could best meet those needs. For example, even after the transfer of the Sepulveda Medical Center patients, the West Los Angeles VA Medical Center still had more than 170 inpatient beds available. Furthermore, future (year 2005) hosptial bed projections indicate a need for approximately 600 fewer VA hospital beds than the current operating capacity in the Los Angeles area.

In addition, VA's health care delivery system in the Los Angeles area must be properly positioned for future competitiveness under health care reform. VA intends to improve the efficiency of its health care delivery system in order to be more competitive and to continue to move toward a managed care system with a primary care focus. Under a managed care system, there will be incentives to promote alternatives to hospitalization and to avoid hospital admissions whenever possible. Accordingly, VA has determined that veterans' medical care needs will be best served by retaining and enhancing ambulatory care and nursing home programs at VA's Sepulveda Medical Center and by permanently shifting the hospital programs to the West Los Angeles VA Medical Center.

Congress, through the enactment of a supplemental emergency appropriation, provided VA the initial funding necessary to accomplish these objectives. On February 12, 1994, Congress enacted the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211), which appropriated $21,000,000 to the VA's Medical Care account to provide health care to veterans affected by the earthquake. In addition, $45,600,000 was appropriated to VA's Construction, Major Projects account to repair and renovate buildings as well as to restore electrical and water services at the VA Medical Centers in Sepulveda and West Los Angeles. In addition, since only preliminary damage estimates were available when these supplemental appropriations were considered, Congress included a contingency fund of $550,000,000 in the Unanticipated Needs account of the Act.

The contingency fund appropriation was made available for transfer at the discretion of the President to various agencies to meet disaster needs. In a letter to the Speaker of the House of Representatives dated March 18, 1994 (copy enclosed), the President stated that $47,500,000 from the contingency fund would be transferred to the VA's Construction, Major Projects account for constructing a state-of-the art ambulatory care facility to replace the damaged Sepulveda hospital. This request reflected a reestimate of the additional Medical Care costs incurred as a result of the earthquake that was $10,600,000 less than originally assumed. The Department proposes to transfer to the Construction, Major Projects account up to $10,600,000 of the $21,000,000 appropriated to the Medical Care account to complete all major medical facility projects at the Sepulveda Medical Center.

Despite the Congressional appropriation and Presidential transfer of funds to the Construction, Major Projects account, VA currently is barred by statute from obligating these funds for the purposes appropriated. Section 8104(a)(2) of title 38, United States Code, prohibits VA officials from obligating any funds appropriated for any major medical facility project (defined as a project for the construction or alteration of a medical facility involving a total expenditure of more than $3,000,000) unless funds for such project have been specifically authorized by law. Therefore, this draft bill would specifically authorize VA to obligate the $45,600,000 appropriated by the Congress and the $47,500,000 transferred by the President, as well as any transfer to the Construction, Major Projects account of up to $10,600,000 in Medical Care funds appropriated by the Emergency Supplemental Appropriations Act of 1994.

Further, section 510(b) of title 38, United States Code, precludes any action, including the obligation of funds, to carry out a reorganization at the Sepulveda Medical Center prior to complying with the Congressional notice and waiting period requirements of that section. Since the construction of an ambulatory care facility at Sepulveda Medical Center in lieu of replacing the damaged Sepulveda hospital would be delayed for a minimum of 90 days of continuous session of Congress while VA complies with the Congressional waiting period requirement, the draft bill would waive the waiting period requirement and expedite the proposed project.

The Omnibus Budget Reconciliation Act of 1990 requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit and, if it does, it must trigger a sequester if it is not fully offset. The funds provided by the Emergency Supplemental Appropriations Act of 1994 were designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and the President, in his March 18, 1994, request designated the amount of funds made available from the Unanticipated Needs account as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Accordingly, this legislative proposal would not score under the pay-as-you-go provisions of the Budget Enforcement Act.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.

THE WHITE HOUSE,
Washington, DC, March 18, 1994.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In accordance with provisions of P.L. 103-211, the Emergency Supplemental Appropriations Act of 1994, I am transmitting a request to make available appropriations totaling $103,000,000 in budget authority for the Departments of Commerce, Housing and Urban Development, the Interior, Labor, Transportation, and Veterans Affairs, and the Corporation for National Community Service. The funds to be made available will be transferred from the Unanticipated needs account within Funds Appropriated to the President to support emergency requirements arising from the consequences of the January 17th earthquake in Southern California and the Midwest floods of 1993. As provided in P.L. 103-211, the funds will be available 15 days from the date of this transmittal.

In addition, in accordance with provisions of P.L. 102-368, the Dire Emergency Supplemental Appropriations Act of 1992, I hereby make available appropriations of $75,000,000 in budget authority for the Small Business Administration. These funds will provide $326 million in additional disaster loans to victims of the January 17th earthquake in Southern California and will be available immediately.

I designate the amounts made available as emergency requirements pursuant to section 251(D)(2)(D)(i) of the Balanced Budget and Emergency deficit Control Act of 1985, as amended.

The details of these actions are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with his comments and observations.

Sincerely,

WILLIAM J. CLINTON.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 18, 1994.

The PRESIDENT,
The White House.

Submitted for your consideration are requests to make available emergency appropriations totaling $429 million in budgetary resources for the Departments of Commerce, Housing and Urban Development, the Interior, Labor, Transportation, and Veterans Affairs, the Small Business Administration (SBA), and the Corportion for National and Community Service. Your approval of these requests would make available previously appropriated funds to these agencies to enable them to address needs arising from the consequences of the January 17th earthquake in Southern California and the Midwest floods of 1993.

P.L. 103-211, the Emergency Supplemental Appropriations Act of 1994, provided $550 million for the Unanticipated needs account within Funds Appropriated to the President that may be transferred to any authorized Federal governmental activity to meet requirements of disasters. The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. At this time, $103 million is required to support urgent needs arising from recent disasters. As provided in P.L. 103-211, the funds would be available 15 days after the submission of your request to the Congress. As described in the enclosure, the requests include: $90.8 million in continued emergency support for victims of the January 17th earthquake in Southern California; $12.2 million for the Department of the Interior to support additional needs arising from the Midwest floods of 1993.

Public Law 102-368, the Dire Emergency Supplemental Appropriations Act of 1992, provided $331.8 million in budget authority to SBA for the cost of direct loans. Of this amount, $256.8 million was made immediately, and the availability of $75 million was made contingent upon the President submitting a budget request to the Congress and designating the entire amount of the request as an emergency requirement. This $75 million in budget authority, which will support additional disaster lending of $326 million to victims of the Southern California earthquake, is now required. Forwarding this request to the Congress will make the funds available to SBA immediately.

I recommend that you designate these requests as emergency funding requirements in accordance with applicable provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

I have carefully reviewed these proposals and am satisfied that they are necessary at this time. Therefore, I join the heads of the affected departments and agencies in recommending that you approve these requests by signing the enclosed letter to the Speaker of the House of Representatives. This action would make the $75 million in SBA funds available immediately. No further congressional action will be required on the $103 million from the Unanticipated needs account; however, P.L. 103-211 provides Congress with 15 days to review your proposed allocation of the funds before the funds can be released.

Sincerely,

LEON E. PANETTA,
Director.

EMERGENCY APPROPRIATIONS: AMOUNTS PREVIOUSLY APPROPRIATED MADE AVAILABLE BY THE PRESIDENT

Funds appropriated to the President:

Unanticipated needs—$103,000,000.

Public Law 103-211, the Emergency Supplemental Appropriations Act of 1994, which was enacted into law on February 12, 1994, provided $550 million in contingent emergency funding for the Unanticipated needs account within Funds Appropriated to the President. These funds were made available contingent upon the President submitting a budget request to the Congress and designating the entire amount requested at an emergency requirement.

The Act further provides that the funds may be transferred to any authorized Federal governmental activity to meet the requirements of disasters. At this time, $103 million is required to support needs arising from the consequences of the January 17th earthquake in Southern California and the Midwest floods of 1993 and will be transferred to the following programs, projects, and activities in the amounts specified.

Department of Commerce, Economic Development Administration: Economic development assistance programs—$8,000,000.

These economic development assistance program funds will: (1) support technical assistance grants to municipal governments for long-term, post-earthquake economic recovery planning, including financial management activities; and (2) assist minority businesses in Southern California in recovering from the impact of the January 17th earthquake.

Department of Housing and Urban Development Housing Programs: Annual contributions for assisted housing—$1,000,000.

This $1 million will enable the Department to help families locate housing in areas affected by the January 17th earthquake. These search funds are needed due to the limited availability of affordable housing, particularly for large families.

Policy Development and Research: Research and technology—$1,500,000.

These funds will enable the Department to conduct urgent studies of housing issues related to the Southern California earthquake, including minimizing residential damage and monitoring and redirecting Federal emergency housing response.

Department of the Interior, Geological Survey: survey, investigations, and research—$1,800,000.

This $1,8 million will support the activities of the interagency Scientific and Assessment Team (SAST). Arising from the consequences of the Midwest floods of 1993, the SAST is due to deliver a floodplain study on May 30, 1994.

Fish and Wildlife Service: Resource management—$600,000.

These funds will be used to create computerized wetlands maps of the Midwest areas flooded in 1993.

Construction—$400,000.

These construction funds will be used to repair Fish and Wildlife Service facilities damaged in the Midwest floods of 1993.

Land acquistion—$3,900,000.

These funds will allow the Department to acquire environmentally valuable wetlands in the Midwest. In the absence of this proposal, the lands would revert to agricultural production, which would be subject to repeated flooding and associated crop losses.

National Park Service: Historic preservation fund—$5,500,000.

This $5.5 million will be used to repair levee damage in St. Genevieve, Missouri, caused by the flooding of 1993.

Department of Labor, Employment and Training Administration: Training and employment services—$28,000,000.

These funds will finance temporary jobs for dislocated workers to support cleanup, repair, and reconstruction of property damaged by the January 17th earthquake in Southern California.

Department of Transportation, Federal Aviation Administration: Facilities and equipment—$2,000,000.

These funds will be used to repair air traffic control and other facilities in Southern California damaged by the January 17th earthquake.

Department of Veterans Affairs, Construction: Construction, major projects—$47,500,000.

These funds are needed to construct a state-of-the-art ambulatory care/research facility to replace the hospital damaged at the Sepulveda California Medical Center by the January 17th earthquake.

Corporation for National and Community Service: National service initiative—$2,800,000.

This $2.8 million will enable the Corporation to expand and coordinate service programs in Southern California areas affected by the January 17th earthquake.

Small Business Administration: Disaster loans program account—$75,000,000.

Public Law 102-368, the Dire Emergency Supplemental Appropriations Act of 1992, which was enacted into law on September 23, 1992, provided $331.8 million in budget authority to the Small Business Administration for the cost of direct loans. Of this amount, $256.8 million was made available immediately, and $75 million was made available contingent upon the President submitting a budget request to the Congress and designating the entire amount of the request as an emergency requirement. This $75 million in budget authority is now required and will support $326 million in additional disaster lending to victims of the Southern California earthquake.●

By Mr. EXON:

S. 2132. A bill to authorize appropriations to carry out the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1994

Mr. EXON. Mr. President, as chairman of the Senate Surface Transportation Subcommittee, I am pleased and honored to introduce the Federal Railroad Safety Act of 1994 by the request of the Clinton administration. My highest priority as a member and chairman of the subcommittee has been safety.

This Monday, the Nation arose to news of an unfortunate accident in North Carolina. As safe as rail transportation has become, this incident reminds us all that more needs to be done. My thoughts and prayers go out to the family of the engineer who lost his life and the passengers and crew who were injured in the accident. The good people of Smithfield, NC, the passengers and crew of the Silver Meteor showed great courage, compassion, and composure in coping with a difficult ordeal. I assure my colleagues and the passengers of the Silver Meteor that this accident will be carefully investigated by the Surface Transportation Subcommittee. If there is a gap in the Federal regulatory structure, especially as it relates to securing cargo, it will be closed.

Rail transportation remains by far one of the safest modes of transportation. It is impossible to anticipate every possible circumstance that confronts any mode of transportation. While every accident is different, we can study each one to find ways to reduce risk. In general, the railroads and State and Federal Government have done a good job. The overall trend for rail accidents is down.

On occasion, the Congress has had to nudge the Federal Rail Administration into action. I am pleased to report that the current Rail Administrator needs very little encouragement. Jolene Molitoris has revitalized the FRA and has brought a much-needed energy and enthusiasm to the work of the agency. The seriousness in which the Administrator has taken her responsibilities with regard to mandated rulemakings is most appreciated.

The administration's bill is a basic reauthorization with authority to conduct, with the cooperation of labor and management, a pilot project on hours of service.

This legislation is a very good start. I will, of course, have some ideas of my own to add to this bill. In addition to addressing any issues which may arise from the Silver Meteor crash, I would like to enhance this legislation with a meaningful grade crossing safety initiative. I have discussed this matter with members of the Clinton administration and applaud the Secretary of Transportation for his ambitious review of grade crossing safety measures.

We need to take advantage of improved technologies to advance safety where the rails meet the roads. States must be encouraged to close or upgrade crossings, drivers and children need to be educated as to the dangers of crossings and held responsible for violating the law at crossings, and new priorities must be created to assure that the most dangerous crossings receive immediate attention.

Mr. President, I look forward to working with all interested parties to continue the good work which has been done in rail safety and to make America's railroads even safer. I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Railroad Safety Authorization Act of 1994".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 214(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444(a)) is amended by striking the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this Act not to exceed $68,289,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996, 1997 and 1998.

SEC. 3. HOURS OF SERVICE PILOT PROJECT.

(a) IN GENERAL.—The Hours of Service Act (45 U.S.C. 61 et seq.) is amended by adding at the end the following new section;

"SEC. 7. HOURS OF SERVICE PILOT PROJECT.

"(a) A railroad or railroads, and all labor organizations representing any directly affected covered service employees of the railroad or railroads, may jointly petition the Secretary of Transportation for approval of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the requirements of this Act, including, but not limited to, those concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary, after notice and opportunity for comment, may waive, in whole or in part, compliance with this Act for a period of no more than 2 years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to 2 years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

"(b) The Secretary shall submit to Congress no later than June 1, 1996, a report that explains and analyzes the effectiveness of any pilot projects approved under this section."

(b) CIVIL PENALTY.—The first sentence of section 5(a)(1) of the Hours of Service Act (45 U.S.C. 64a(a)(1) is amended by inserting immediately before "shall be liable" the following: "or that violates any provision of a waiver applicable to that person that has been granted under section 7 of this Act."

SEC. 4. TECHNICAL AMENDMENT TO FEDERAL RAILROAD SAFETY ACT OF 1970.

The first sentence of section 209(f) of the Federal Railroad Safety act of 1970 (45 U.S.C. 438(f)) is amended by inserting "any of the Federal railroad safety laws, as defined in section 212(e) of this title (except for the Hazardous Materials Transportation Act), or" immediately after "individual's violation of".

SEC. 5. BIENNIAL REPORTING ON IMPLEMENTATION OF FEDERAL RAILROAD SAFETY ACT OF 1970.

(a) IN GENERAL.—Section 211(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(a)) is amended—

(1) in the first sentence, by striking "on or before July 1 of each year a comprehensive report on the administration of this title for the preceding calendar year" and inserting in lieu thereof "every 2 years, on or before July 1 of the year due, a comprehensive report on the administration of this title for the preceding 2 calendar years";

(2) in paragraph (1), by striking "occurring in such year" and inserting in lieu thereof "occurring during each of the 2 preceding calendar years, by calendar year";

(3) in paragraphs (2), (3), and (6), respectively, by striking "year" and inserting in lieu thereof "years"; and

(4) in paragraphs (9) and (10), by striking "during the preceding calendar year" each place it appears and inserting in lieu thereof "during the preceding 2 calendar years".

(b) CONFORMING AMENDMENT.—The section heading for section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is amended by striking "ANNUAL REPORT" and inserting in lieu thereof "BIENNIAL REPORT".

By Mr. KOHL (for himself, Mr. THURMOND, Mr. BIDEN, Mr. METZENBAUM, Mr. GRASSLEY, Mr. HEFLIN, Mr. BROWN, Mr. DECONCINI, Mr. D'AMATO, Mr. BOND, Mr. HOLLINGS, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROBB, Mr. SARBANES, Mr. WOFFORD, Mr. LEVIN, Mr. LAUTENBERG, Mr. CHAFEE, Mr. AKAKA, Mr. FEINGOLD, Mr. NUNN, and Mr. COCHRAN):

S.J. Res. 192. A joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on the Judiciary.

NATIONAL CRIME PREVENTION MONTH

• Mr. KOHL. Mr. President, I rise today to introduce a measure that declares October 1994 to be National Crime Prevention Month. The purpose of this bill is to encourage Americans to join in the fight against crime.

We all know that too many Americans live their lives in fear. We know of the tragic statistics that have caused us to question what kind of society we have become. Day after day we are reminded of how crime—and especially juvenile crime—has twisted the American dream.

Well, Mr. President, the time has come for us to stop lamenting this fact and start taking bold steps to make our streets and neighborhoods safe. And we need to encourage preventative measures that stop crime before it happens.

Crime Prevention Month does this by celebrating community partnerships and encouraging individuals, families and neighbors to come together in the fight against crime. Last year, during Crime Prevention Month, over 27 million Americans participated in crime prevention activities, established community watch groups, and took part in self-protection courses. Together, through involvement in these kinds of activities, we can stop crime before it occurs.•

ADDITIONAL COSPONSORS

S. 987

At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 987, a bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1406

At the request of Mr. KERREY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1406, a bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1478

At the request of Mr. PRYOR, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1478, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and for other purposes.

S. 1521

At the request of Mr. GORTON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

S. 1592

At the request of Mr. DORGAN, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1592, a bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located in such State and local governments.

S. 1727

At the request of Mr. COHEN, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 1815

At the request of Mr. SIMPSON, his name was withdrawn as a cosponsor of S. 1815, a bill to authorize matching funds for State and local firearm buyback programs.

S. 1836

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Kentucky [Mr. FORD], the Senator from Maryland [Mr. SARBANES], the Senator from Montana [Mr. BURNS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1915

At the request of Mr. NICKLES, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1915, a bill to require certain Federal agencies to protect the rights of private property owners.

S. 1924

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 2030

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 2094

At the request of Mr. DASCHLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2094, a bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training.

S. 2112

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 2112, a bill to amend the Defense Base Closure and Realignment Act of 1990 to postpone until 1997 the base closure process otherwise scheduled to commence in 1995.

SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. DOMENICI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Ohio [Mr. GLENN], the Senator from New York [Mr. D'AMATO], the Senator from Oregon [Mr. PACKWOOD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Virginia [Mr. WARNER], the Senator from Alabama [Mr. SHELBY], the Senator from Arizona [Mr. DECONCINI], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. METZENBAUM], the Senator from California [Mrs. FEINSTEIN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Virginia [Mr. WARNER], the Senator from California [Mrs. BOXER], the Senator from Utah [Mr. HATCH], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

AMENDMENT NO. 1718

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1718 proposed to S. 2019, an original bill to reauthorize and amend title XIV of the Public Health Service Act—commonly known as the Safe Drinking Water Act—and for other purposes.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

JOHNSTON AMENDMENT NO. 1720

Mr. JOHNSTON proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; as follows:

At the appropriate place in the bill, add a new section as follows:

SEC. (a) REQUIREMENT.—Except as provided in subsection (b), in promulgating any proposed or final major regulation relating to human health or the environment, the Administrator of the Environmental Protection Agency shall publish in the Federal Register along with the regulation a clear and concise statement that—

(1) describes and, to the extent practicable, quantifies the risks to human health or the environment to be addressed by the regulation (including, where applicable and practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive);

(2) compares the human health or environmental risks to be addressed by the regulation to other risks chosen by the Administrator, including—

(A) at least three other risks regulated by the Environmental Protection Agency or other federal agency; and

(B) at least three other risks that are not directly regulated by the federal government;

(3) estimates—

(A) the costs to the United States Government, state and local governments, and the private sector of implementing and complying with the regulation; and

(B) the benefits of the regulation; including both quantifiable measures of costs and benefits, to the fullest extent that they can be estimated, and qualitative measures that are difficult to quantify; and

(4) contains a certification by the Administrator that:

(A) the analyses performed under subsection (a)(1) through (a)(3) are based on the best reasonably obtainable scientific information;

(B) the regulation is likely to significantly reduce the human health or environmental risks to be addressed;

(C) there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated and that would achieve an equivalent reduction in risk in a more cost-effective manner, along with a brief explanation of why other such regulatory alternatives that were considered by the Administrator were found to be less cost-effective; and

(D) the regulation is likely to produce benefits to human health or the environment that will justify the costs to the United States Government, state and local governments, and the private sector of implementing and complying with the regulation.

(b) SUBSTANTIALLY SIMILAR FINAL REGULATIONS.—If the Administrator determines that a final major regulation is substantially similar to the proposed version of the regulation with respect to each of the matters referred to in subsection (a), the Administrator may publish in the Federal Register a reference to the statement published under subsection (a) for the proposed regulation in lieu of publishing a new statement for the final regulation.

(c) REPORTING.—If the Administrator cannot certify with respect to one or more of the matters addressed in subsection (a)(4), the Administrator shall identify those matters for which certification cannot be made, and shall include a statement of the reasons therefor in the Federal Register along with the regulation. Not later than March 1 of each year, the Administrator shall submit a report to Congress identifying those major regulations promulgated during the previous calendar year for which complete certification was not made, and summarizing the reasons therefor.

(d) OTHER REQUIREMENTS.—Nothing in this section affects any other provision of federal law, or changes the factors that the Administrator is authorized to consider in promulgating a regulation pursuant to any statute, or shall delay any action required to meet a deadline imposed by statute or a court.

(e) JUDICIAL REVIEW.—Nothing in this section creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, it agencies or instrumentalities, its officers or employees, or any other person. If a major regulation is subject to judicial or administrative review under any other provision of law, the adequacy of the certification prepared pursuant to this section, and any alleged failure to comply with this section, may not be used as grounds for affecting or invalidating such major regulation, although the statements and information prepared pursuant to this section, including statements contained in the certification, may be considered as part of the record for judicial or administrative review conducted under such other provision of law.

(f) DEFINITION OF MAJOR REGULATION.—For purposes of this section, "major regulation" means a regulation that the Administrator determines may have an effect on the economy of $100,000,000 or more in any one year.

(g) EFFECTIVE DATE—This section shall take effect 180 days after the date of enactment of this Act.

WALLOP AMENDMENT NO. 1721

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill S. 2019, supra; as follows:

On page 139, strike lines 2 through 6 and insert the following:

that the State determines are appropriate or applicable in the State;".

On page 143, after line 23, insert the following new subsection:

(i) APPLICABILITY OF PRIMARY DRINKING WATER REGULATIONS.—Section 1411 (42 U.S.C. 300G) is amended by inserting "to the extent that the State determines that the regulations are appropriate or applicable" after "in each State".

JOHNSTON AMENDMENT NO. 1722

Mr. JOHNSTON proposed an amendment to the bill S. 2019, supra; as follows:

At the appropriate place in the bill, add the following, numbered accordingly:

SEC. . AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—The Outer Continental Shelf Lands Act, as amended, is amended by redesignating section 8(a)(3) (43 U.S.C. 1337(a)(3)) as section 8(a)(3)(A) and by adding at the end thereof the following:

"(B) The Secretary may, in order to promote development and new production on a producing or non-producing lease, through primary, secondary, or tertiary recovery means, or to encourage production of marginal or uneconomic resources on a producing or non-producing lease, reduce or suspend any royalty or net profit share set forth in the lease.

"(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, no royalty payment shall be due on new production, as defined in clause (iii) of this subparagraph, from any lease located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, and the Eastern Planning Area of the Gulf of Mexico west of the lateral seaward boundary between the States of Florida and Alabama, or for any lease in the frontier areas of Alaska, which shall, at a minimum, include those areas with seasonal sea ice, long distances to existing pipelines and ports, or a lack of production infrastructure, until the capital costs directly related to such new production have been recovered by the lessee out of the proceeds from such new production.

"(ii) With respect to any lease in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, upon application by the lessee, the Secretary shall determine within ninety days of such application whether new production from such lease would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider all costs associated with obtaining, exploring, developing, and producing from the lease. The lessee shall be afforded an opportunity to provide information to the Secretary prior to such determination. Such application may be made on the basis of an individual lease or unit (as defined under the provisions of 30 CFR part 250). If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) of this subparagraph shall not apply to such production. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within sixty days of such application. The Secretary may extend the time period for making any determination under this clause for thirty days if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. In the event that the Secretary fails to make the determination or redetermination upon application by the lessee within the time period, together with any such extension thereof provided for by this clause, the relief from the requirement to pay royalties provided for by clause (i) shall apply to such production.

"(iii) For purposes of this subparagraph, the term—

"(aa) 'capital costs' shall be defined by the Secretary and shall include exploration costs incurred after the acquisition of the lease and development costs directly related to new production. The terms 'exploration' and 'development' shall have the same meaning contained subsection (k) and (l) of section 2 of this Act except the term 'development' shall also include any similar additional development activities which take place after production has been initiated from such lease. Such capital costs shall not include any amounts paid as bonus bids but shall be adjusted to reflect changes in the consumer price index, as defined in section (1)(f)(4) of title 26 of the United States Code; and

"(bb) 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; and

"(iv) In any month during which the arithmetic average of the closing prices for the earliest delivery month on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil subject to relief from the requirement to pay royalties under clause (i) of this subparagraph shall be subject to royalties at the lease stipulated rate, and the lessee's gross proceeds from such oil production, less Federal royalties during such month shall be counted toward the recovery of capital costs under clause (i) of this subparagraph.

"(v) In any month during which the arithmetic average of the closing prices for the earliest delivery month on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas subject to relief from the requirement to pay royalties under clause (i) of this subparagraph shall be subject to royalties at the lease stipulated rate, and the lessee's gross proceeds from such natural gas production, less Federal royalties, during such month shall be counted toward the recovery of capital costs under clause (i) of this subparagraph.

"(vi) The prices referred to in clauses (iv) and (v) of this subparagraph shall be changed during any calendar year after 1994 by the percentage if any by which the consumer price index changed during the preceding calendar year, as defined in section (1)(f)(4) of title 26 of the United States Code.".

SEC. . REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this Act within one hundred and eighty days after the date of enactment of this Act.

SEC. . AREA-WIDE LEASING.—The Secretary shall not implement the system of tract nomination for oil and gas leasing in the Central and Western Planning Areas of the Gulf of Mexico under the Outer Continental Shelf Lands Act, and shall use the existing area-wide system of leasing in such areas.

SEC. . REPORT TO CONGRESS.—(a) The Secretary shall review Federal regulations and policies within the Secretary's jurisdiction which create barriers and disincentives that unnecessarily preclude new production, or result in premature abandonment or suspension of existing production of oil and gas on Federal lands, including the Outer Continental Shelf. Such review, conducted with the participation of all interested parties, shall assess how Federal policies could be modified to reduce compliance costs and improve the cash flow of oil and gas operations on Federal lands. The review shall include administrative compliance, royalty collection, timing of operational and production management requirements, such as permanent plugging and abandonment of wells, and any other requirements which unduly burden natural gas and oil exploration, production and transportation on Federal lands.

(b) The Secretary shall evaluate the impact, if any, of current royalty rates for oil and gas on Federal lands, both onshore and offshore, on the viability of undeveloped fields by general category, such as production volume, crude quality, water depth, and distance from existing infrastructure. The review shall be based on current industry technology and cost information, and shall assess how a reduction in Federal oil and natural gas royalties would encourage development.

(c) The Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives on the review required by this section and actions taken as recommended pursuant to such review, or the reason such actions have not been taken, within ninety days of the date of enactment of this Act.

BOXER (AND BRADLEY) AMENDMENT NO. 1723

Mrs. BOXER (for herself and Mr. BRADLEY) proposed an amendment to the bill S. 2019, supra; as follows:

On Page 86, line 20, insert after paragraph (B) the following new subsection:

"(f) WATER WELL PUMPS AND WATER WELL SYSTEM COMPONENT PARTS.—

(1) The Administrator shall, within one year from the date of enactment, complete a report reviewing data and information on the leaching of lead from water well pumps and water well system component parts (not to include above-ground pipes, pipe fittings and fixtures specified under subsection(e)) that come into contact with drinking water and the adequacy of voluntary consensus standards for protecting the health of persons from the leaching of lead. In conducting a review under this paragraph, the Administrator shall identify the potential health risks to children and other vulnerable subpopulations associated with water well pumps and water well system component parts.

(2) Not later than two years after the date of enactment of this paragraph, if the Administrator determines that a voluntary consensus standard is not effectively protecting the health of persons, then the Administrator shall establish a health-effects based performance standard and testing protocol for the maximum leaching of lead from water well pumps and water well system components parts (not to include above-ground pipes, pipe fittings and fixtures specified under subsection (e)) in water well systems that come into contact with drinking water.

(3) It shall be a violation of this Act to import, manufacture, sell, distribute or install a water well pump or water well system component parts (not to include above-ground pipes, pipe fittings and fixtures specified in subsection (e)) that leach lead above the maximum level identified in the standard established by the Administrator under paragraph (2)).

(4) Not later than 180 days after the date of enactment of this subsection, the Administrator shall request information as is reasonably required to assist the Administrator in carrying out the requirements of this subsection."

On page 86, line 21, strike "(f)" and insert "(g)" in lieu thereof.

JEFFORDS AMENDMENT NO. 1724

Mr. CHAFEE (for Mr. JEFFORDS) proposed an amendment to amendment No. 1723 proposed by Mrs. BOXER to the bill S. 2019, supra; as follows:

In the subsection (f) proposed to be inserted, strike the quotation marks at the end and insert the following new paragraph:

"(5) REPORT ON LEAKING OIL FROM SUBMERSIBLE WELL PUMPS.—

"(A) STUDY.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall complete a study that—

"(i) reviews data and information on the leaking of oil, including nonfood grade oil and food grade oil, and polychlorinated biphenyls from well pumps that come into contact with drinking water in private wells and wells in public water systems; and

"(ii) identifies potential health risks from the leaking oil and polychlorinated biphenyls in wells.

"(B) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall publish a report, to be provided to the environmental agency of each State for distribution to the public, that—

"(i) identifies each pump that presents a health risk referred to in subparagraph (A), including the manufacturer and model number of the pump; and

"(ii) provides recommendations on precautions to be taken to avoid the risk, such as the replacement of the pump, cleaning of the well and plumbing system in which the pump is located, and testing of the well after the removal of the pump.

D'AMATO (AND OTHERS) AMENDMENT NO. 1725

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. LEVIN, and Mr. CHAFEE) proposed an amendment to the bill S. 2019, supra; as follows:

On page 143, after line 23, add the following new subsection:

(i) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—Section 1442 (42 U.S.C. 300j–1) (as amended by section 11(a)(10)) is further amended by adding at the end the following new subsection:

"(j) SCEENING PROGRAM.—

"(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

"(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

"(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

"(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

"(5) COLLECTION OF INFORMATION.—

"(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

"(B) FAILURE TO SUBMIT INFORMATION.—

"(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

"(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

"(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

"(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

"(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

"(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

"(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

"(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.".

ROBB (AND WARNER) AMENDMENT NO. 1726

Mr. ROBB (for himself and Mr. WARNER) proposed an amendment to the bill S. 2019, supra; as follows:

On page 141, between lines 2 and 3, insert the following new subsection:

(g) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—Section 1444 (42 U.S.C. 300j-3) is amended by adding at the end the following new subsection:

"(e) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The State agency administering a loan fund pursuant to part G in the State of Virginia (referred to in this subsection as the 'State agency') may conduct a program in accordance with this subsection to demonstrate alternative approaches to intergovernmental coordination in the financing of drinking water projects in rural communities in southwestern Virginia that are experiencing severe economic hardship.

"(2) REGIONAL ASSISTANCE FUND.—

"(A) ESTABLISHMENT.—The State agency may establish a regional endowment fund (referred to in this subsection as the 'regional fund') to assist in financing projects that are eligible under this subsection.

"(B) USE OF REGIONAL FUND.—The State agency shall invest amounts in the regional fund and shall use interest earned on amounts in the regional fund to pay a portion of the non-Federal share of a Federal grant to assist a project that is eligible under this subsection. Interest earned on amounts in the regional fund shall not be considered to be Federal funds.

"(C) DEPOSITS TO REGIONAL FUND.—

"(i) IN GENERAL.—Notwithstanding any other provision of this title, the State agency may deposit into the regional fund $2,000,000 from funds made available pursuant to section 1472 for each of fiscal years 1994 through 1997, if there are commitments to deposit into the regional fund a total of not less than 25 percent of that amount from non-Federal sources.

"(ii) LESSER AMOUNT.—Notwithstanding clause (i), the State agency may deposit into the regional fund an amount less than $2,000,000 from funds made available pursuant to section 1472, if the amount deposited is equal to 3 times the amount committed to be deposited into the regional fund from non-Federal sources.

"(3) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Assistance provided under this subsection shall meet the requirements of subsections (a), (b), (c) of section 1473.

"(B) ELIGIBLE RECIPIENTS.—Assistance under this subsection shall be available only—

"(i) for a project that serves a disadvantaged community (as defined in section 1473(e)(1)); and

"(ii) to a public water system located, in whole or in part, in Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia.

"(e) ADVISORY GROUP.—The State agency shall establish an advisory group, including representatives of jurisdictions identified in paragraph (3)(B)(ii) and other appropriate parties, to assist the State agency in setting priorities for the use of funds under this subsection. The advisory group shall include a representative of Mountain Empire Community College, Wise County, Virginia.".

On page 141, line 3, strike "(g)" and insert "(h)".

On page 141, line 13, strike "(h)" and insert "(i)".

HATCH AMENDMENT NO. 1727

Mr. CHAFEE (for Mr. HATCH) proposed an amendment to the bill S. 2019, supra; as follows:

On page 82, line 8, after "(D)" insert "and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (B) or (C)".

On page 82 line 10, insert the following after the period:

"The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.".

SMITH (AND GREGG) AMENDMENT NO. 1728

Mr. SMITH (for himself and Mr. GREGG) proposed an amendment to the bill S. 2019, supra; as follows:

On page 22, line 17, insert "but not" before "including".

DOLE (AND OTHERS) AMENDMENT NO. 1729

Mr. DOLE (for himself, Mr. HEFLIN, Mr. MCCONNELL, Mr. PRESSLER, Mr. BURNS, Mr. BROWN, Mr. HATCH, Mr. BOND, Mr. GORTON, Mr. KEMPTHORNE, Mr. GRAMM, Mrs. HUTCHISON, and Mr. CRAIG) proposed an amendment to the bill S. 2019, supra; as follows:

On page 138, insert between lines 16 and 17 the following new section:

SEC. 16. PRIVATE PROPERTY RIGHTS.

(A) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that it is the policy of the Federal Government to use all practicable means and measures to minimize takings of private property by the Federal Government

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall submit a certification to the Attorney General of the United States that a private property taking impact analysis has been completed before issuing or promulgating any policy, regulation, proposal, recommendation (including any recommendation or report on proposal for legislation), or related agency action which could result in a taking or diminution of use or value of private property.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of whether a taking of private property shall occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) the effect of the policy, regulation, proposal, recommendation, or related agency action on the use of value of private property, including an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action requires compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would lessen the adverse effects on the use or value of private property;

(E) an estimate of the cost to the Federal Government if the Government is required to compensate a private property owner; and

(F) an estimate of the reduction in use or value of any affected private property as a result of such policy, regulation, proposal, recommendation, or related agency action.

(3) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(A) make each private property taking impact analysis available to the public; and

(B) to the greatest extent practicable, transmit a copy of such analysis to the owner or any other person with a property right or interest in the affected property.

(4) PRESUMPTIONS IN PROCEEDINGS.—For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the costs, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(A) such analysis was completed 5 years or more before the date of such action or proceeding; and

(B) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) limit any right or remedy, or bar any claim of any person relating to such person's property under any other law, including claims made under section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of the value of any property for purposes of any appraisal for the acquisition of property, or for the determination of damages.

(g) STATUTE OF LIMITATIONS.—No action may be filed in a court of the United States to enforce the provisions of this section on or after the date occurring 6 years after the date of the submission of the certification of the applicable private property taking impact analysis with the Attorney General.

(h) EFFECTIVE DATE.—The provisions of this section shall take effect 120 days after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 1730

Mr. SIMPSON proposed amendment to the bill S. 2019, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . EXEMPTION OF CERTAIN CONTRACTS FROM REQUIREMENTS OF THE DAVIS-BACON ACT.

Notwithstanding any other provision of law, the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; 40 U.S.C. 276 et seq.) shall not apply to a contract entered into by the United States or District of Columbia for construction, alteration, or repair work that—

(1) is performed in a disadvantaged community (as defined by the State in which the disadvantaged community is located) in a State; and

(2) is necessary to comply with the requirements of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

GLENN (AND OTHERS AMENDMENT) NO. 1731

Mr. GLENN (for himself, Mr. SASSER, and Mr. LEVIN) proposed an amendment to the bill S. 2019, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Environmental Protection Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Establishment of the Department of Environmental Protection.
Sec. 104. Assistant Secretaries.
Sec. 105. Deputy Assistant Secretaries.
Sec. 106. Office of the General Counsel.
Sec. 107. Office of the Inspector General.
Sec. 108. Small business compliance assistance.
Sec. 109. Small governmental jurisdiction compliance assistance.
Sec. 110. Bureau of Environmental Statistics.
Sec. 111. Grant and contract authority for certain activities.
Sec. 112. Study of data needs.
Sec. 113. Miscellaneous employment restrictions.
Sec. 114. Termination of the Council on Environmental Quality and transfer of functions.
Sec. 115. Administrative provisions.
Sec. 116. Inherently governmental functions.
Sec. 117. References.
Sec. 118. Savings provisions.
Sec. 119. Conforming amendments.
Sec. 120. Additional conforming amendments.
Sec. 121. Sense of the Senate.
Sec. 122. Office of Environmental Justice.
Sec. 123. Human health and safety or the environment final regulations.
Sec. 124. Wetland determinations by a single agency.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

Sec. 201. Establishment; membership.
Sec. 202. Commission responsibilities.
Sec. 203. Report to the President and Congress.
Sec. 204. Commission staff.
Sec. 205. Advisory groups.
Sec. 206. Termination of Commission.
Sec. 207. Funding; authorization of appropriations.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Environmental Protection Act".

SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves cooperation with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of Environmental Protection should be established.

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of Environmental Protection (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E.P.".

(b) SECRETARY OF ENVIRONMENTAL PROTECTION.—(1) There shall be at the head of the Department a Secretary of Environmental Protection who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as determined to be necessary or appropriate.

(c) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the position of Secretary.

(d) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) REGIONAL OFFICES.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) INTERNATIONAL RESPONSIBILITIES OF THE SECRETARY.—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of Environmental Protection and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) AUTHORITY OF THE SECRETARY WITHIN THE DEPARTMENT.—Except as provided under section 112, nothing in the provisions of this Act—

(1) authorizes the Secretary of Environmental Protection to require any action by any officer of any executive department or agency other than officers of the Department of Environmental Protection, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of Environmental Protection to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of Environmental Protection any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The provisions of this Act apply only to activities of the Department of Environmental Protection, except where expressly provided otherwise.

(i) ISSUANCE OF PERMITS.—

(1) GUIDES.—At the time a person or small business concern (as defined in section 3 of the Small Business Act), including family farms, contacts an officer or employee of the Department to obtain a permit to engage in an activity under the jurisdiction of the Department, the Secretary shall make available, on request of the person, an employee of the Department to—

(A) act as a guide for the applicant in obtaining all necessary permits for the activity in the least quantity of time practicable; and

(B) facilitate the gathering and dissemination of information with respect to the Federal agencies and departments and agencies of States and political subdivisions of States that have a regulatory interest in the activity to reduce the period required to obtain all such necessary permits.

(2) DUTIES OF SECRETARY.—In issuing a permit to an applicant to carry out an activity under the jurisdiction of the Department, the Secretary shall—

(A) provide assistance and guidance to, and otherwise facilitate the processing of the application for, the applicant; and

(B) set reasonable deadlines for action to be taken on an application for the permit.

(3) USE OF GUIDES.—An applicant that chooses to use the services of a guide referred to in paragraph (1) may subsequently choose not to use the services at any time after requesting the guide.

SEC. 104. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 12, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement;

(B) compliance monitoring;

(C) research and development;

(D) air;

(E) radiation;

(F) water;

(G) pesticides;

(H) toxic substances;

(I) solid waste;

(J) hazardous waste;

(K) hazardous waste cleanup;

(L) emergency response;

(M) international affairs;

(N) policy, planning, and evaluation;

(O) pollution prevention;

(P) congressional affairs;

(Q) intergovernmental affairs;

(R) public affairs;

(S) administration and resources management, information resources management, procurement and assistance management, and personnel and labor relations; and

(T) regional operations and State and local capacity.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without prior written notification with explanation of such modification to the appropriate committees of the Senate and the House of Representatives.

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF FUNCTIONS.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of Environmental Protection, Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, and the Chief Financial Officer of the Agency shall be redesignated as the Chief Financial Officer of the Department, without renomination or reconfirmation.

(e) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 105. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 106. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Environmental Protection shall establish within the Department a Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) DUTIES.—

(A) IN GENERAL.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) SPECIFIC DUTIES.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act;

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(vii) providing assistance in permitting, where appropriate.

(b) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Environmental Protection and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or

in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.—The Secretary of Environmental Protection may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—The Secretary of Environmental Protection shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) SPECIFIC DUTIES.—The duties of the Secretary of Environmental Protection shall include—

(1) providing to small governmental jurisdictions—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of Environmental Protection's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(6) providing assistance in permitting, where appropriate.

SEC. 110. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) ESTABLISHMENT.—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and (ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environmental Protection officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, State or local government, or to establish observation or monitoring programs. The Bureau shall not duplicate the information collection functions of other Federal agencies.

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

(b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) ENVIRONMENTAL STATISTICS ANNUAL REPORT.—On July 1, 1995, and each July 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(e) ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(f) REVIEW OF REGULATIONS.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change. Such assessment shall be required to the extent that the Department of Environmental Protection is not in compliance with any applicable Executive Order requiring an analysis of costs and benefits for proposed regulations submitted to the Office of Management and Budget for review. The assessment required by this subsection shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

SEC. 111. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.

The Secretary may make grants to and enter into contracts with State and local governments, Indian tribes, universities, and other organizations to assist them in meeting the costs of collecting specific data and other short term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

SEC. 112. STUDY OF DATA NEEDS.

(a) STUDY OF DATA NEEDS.—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environmental Protection, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability to integrate data bases;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability to integrate management information systems;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 113. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(b) REPORTS ON IMPLEMENTATION.—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 114. TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND TRANSFER OF FUNCTIONS.

(a) TRANSFER OF FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Except as provided under paragraph (2), all functions of the Council on Environmental Quality under titles I and II of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and under any other law, are transferred to the Secretary. The Secretary is authorized to take all necessary action, including the promulgation of regulations, to carry out these functions.

(2) Referrals of interagency disagreements concerning proposed major Federal actions significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 102(2)(C)) and concerning matters under section 309(b) of the Clean Air Act (42 U.S.C. 7609(b)) shall be made to the President for resolution.

(b) TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended by striking out "Council" and inserting in lieu thereof "Secretary of Environmental Protection".

(2) Sections 202, 203, 205, 206, 207, and 208 of the National Environmental Policy Act (42 U.S.C. 4342, 4343, 4345, 4346, 4346a, and 4346b) are repealed.

(3) The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 through 4375) is repealed.

(4) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) (as amended by paragraph (1) of this subsection) is redesignated as section 202 of such Act.

(5) The heading for title II of the National Environmental Policy Act is amended to read as follows:

"TITLE II

"ENVIRONMENTAL QUALITY REPORT".

(c) REFERENCES IN FEDERAL LAW.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Council on Environmental Quality—

(1) with regard to functions transferred under subsection (a)(1), shall be deemed to refer to the Secretary; and

(2) with regard to disagreements and matters described under subsection (a)(2), shall be deemed to refer to the President.

(d) AVAILABILITY OF FUNDS.—Unobligated funds available to the Council on Environmental Quality shall remain available to the Department until expended for the gradual and orderly termination of the Council and transfer of Council functions as provided in this Act.

(e) SAVINGS PROVISIONS.—(1) All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, by the Council on Environmental Quality, or by a court of competent jurisdiction, in the performance of functions of the Council on Environmental Quality, and

(B) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Council on Environmental Quality at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) The provisions of this section shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(4) No suit, action, or other proceeding commenced by or against the Council on Environmental Quality, or by or against any individual in the official capacity of such individual as an officer of the Council on Environmental Quality, shall abate by reason of the enactment of this Act.

(5) Any administrative action relating to the preparation or promulgation of a regulation by the Council on Environmental Quality may be continued by the Department or the President with the same effect as if this Act had not been enacted.

(6) The contracts, liabilities, records, property, and other assets and interests of the Council on Environmental Quality shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 115. ADMINISTRATIVE PROVISIONS.

(a) ACCEPTANCE OF MONEY AND PROPERTY.—(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity involved in a Government program or any official involved in that program.

(b) SEAL OF THE DEPARTMENT.—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of Environmental Protection, until such time as the Secretary may cause a seal of office to be made for the Department of Environmental Protection of such design as the Secretary shall approve.

(2)(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§716. Department of Environmental Protection Seal

"(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of Environmental Protection, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the Secretary of Environmental Protection and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of Environmental Protection, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of the United States upon complaint by any authorized representative of the Secretary of the Department of Environmental Protection.".

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

"716. Department of Environmental Protection Seal.".

(c) ACQUISITION OF COPYRIGHTS AND PATENTS.—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) ADVISORY COMMITTEE COMPENSATION.—The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 116. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) GOVERNMENT OFFICERS AND EMPLOYEES.—(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, the term "inherently governmental function" means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. Inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. The Secretary shall promulgate regulations or internal guidance to implement this section. This section is not intended, and may not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department, its officers, or any person.

(b) CONFLICTS OF INTEREST.—(1) The Secretary shall by regulation require any person proposing to enter into a contract, grant, or cooperative agreement whether by sealed bid or negotiation, for the conduct of research, development, evaluation activities, or for consulting services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(3) For purposes of this subsection, the term "consulting services" includes—

(A) management and professional support services;

(B) studies, analyses, and evaluations;

(C) engineering and technical services, excluding routine engineering services such as automated data processing and architect and engineering contracts; and

(D) research and development.

(c) REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF CONFLICTS.—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if the Secretary—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) PUBLIC NOTICE REGARDING CONFLICTS OF INTEREST.—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) DISCLAIMER.—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) CENTRAL FILE.—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(g) REGULATIONS.—No later than 120 days after the effective date of this Act, the Secretary shall promulgate regulations for the implementation of this section.

SEC. 117. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of Environmental Protection;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of Environmental Protection; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of Environmental Protection.

SEC. 118. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this Act had not been enacted.

(f) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) SAVINGS.—The Department of Environmental Protection and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

SEC. 119. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of Environmental Protection".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of Environmental Protection".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection (12).

"General Counsel, Department of Environmental Protection."; and

(3) by striking out "Chief Financial Officer, Environmental Protection agency" and inserting in lieu thereof "Chief Financial Officer, Department of Environmental Protection".

(f) COMPENSATION, LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Bureau of Environmental Statistics, Department of Environmental Protection.

"Executive Director of the Commission on Improving Environmental Protection.".

(g) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 11(1), by inserting "Environmental Protection," after "Energy,"; and

(2) in section 11(2), by inserting "Environmental Protection," after "Energy,".

SEC. 120. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of Environmental Protection shall prepare and submit to the Congress legislation which the Secretary determines is necessary and appropriate containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act.

SEC. 121. SENSE OF THE SENATE.

It is the sense of the Senate that building the capacity of State and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of Environmental Protection.

SEC. 122. OFFICE OF ENVIRONMENTAL JUSTICE.

There is established within the Department the Office of Environmental Justice. The Office of Environmental Justice shall—

(1) develop a strategic plan to ensure equality in environmental protection;

(2) evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure;

(3) compile an annual report on progress in achieving environmental equity;

(4) require the collection of data on environmental health effects so that impacts on different individuals or groups can be understood;

(5) identify environmental high impact areas which are subject to the highest loadings of toxic chemicals, through all media; and

(6) assess the health effects that may be caused by emissions in the environmental high impact areas of highest impact.

SEC. 124. WETLAND DETERMINATIONS BY A SINGLE AGENCY.

In consultation with the Secretary of Agriculture, the Secretary of Environmental Protection, the Secretary of the Army, and the Secretary of the Interior, the President shall, within 90 days of the date of enactment of this Act, make recommendations and report to the Congress on measures to—

(1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers; and

(2) provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 201. ESTABLISHMENT; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the Minority Leader of the House of Representatives;

(4) 2 members to be appointed by the Senate Majority Leader; and

(5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

SEC. 202. COMMISSION RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of Environmental Protection in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department;

(4) enhance the consistency of policies throughout the Department;

(5) establish new and enhanced small business and small governmental jurisdictions compliance assistance programs, and to strengthen organizational mechanisms in the Department for providing better compliance and technical assistance to small businesses and small governmental jurisdictions; and

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

(b) RECOMMENDATIONS.—The Commission shall provide specific steps and proposals for implementing the Commission's recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

(c) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

SEC. 203. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 204. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 205. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of Environmental Protection and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 206. TERMINATION OF COMMISSION.

No later than 90 days after the date on which the Commission submits its final report, the Commission shall terminate unless otherwise directed by the President.

SEC. 207. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 in fiscal year 1993 and $2,000,000 in fiscal year 1994 to carry out the provisions of this title.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect 6 months after the date of the enactment of this Act.

BAUCUS AMENDMENT NO. 1732

Mr. BAUCUS proposed an amendment to the bill S. 2019, supra; as follows:

On page 47, line 3, strike "is identified in an intended use plan developed by the State pursuant to section 1474 and the assistance" and inserting in lieu thereof "pursuant to part G or any other Federal or State program".

On page 48, as amended by Amendment No. 1699, strike the following:

"requirements established by the State are based on—

"(I) occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) the monitoring frequencies are no less frequent than the requirements of the national primary drinking water regulations for a contaminant that has been detected at a quantifiable level during the 5-year period ending on the date of the monitoring."

and insert in lieu thereof the following:

"requirements established by the State—

"(I) are based on occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) include monitoring frequencies for public water systems in which a contaminant has been detected at a quantifiable level no less frequent than required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection.

On page 51, line 2, insert the following:

"(iv) OTHER STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State, and the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to applications from States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.".

On page 67, line 9, strike "and" and insert "or".

On page 71, line 1, strike "the issuance of the order assessing the penalty" and insert "the proposed issuance of such order."

On page 76, line 23, strike "1432".

On page 78, line 9, strike "to a private entity".

On page 83, lines 11 and 12, strike "and Prohibition on Certain Return Flows."

On page 84, line 21, insert ", except manufacturers," after "supplies".

On page 86, strike lines 21 through 25.

On page 103, line 24, strike "approved pursuant to section 1429" and insert "pursuant to section 1420".

On page 105, line 7, strike "(including travelers)" and insert "endangerment,".

On page 116, line 12, strike "subparagraph" and insert "subparagraphs".

On page 116, line 22, strike "";" and insert the following new subparagraph

"(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

(i) the State requests the modification;

(ii) the revised estimates assure full and effective administration of the public water system supervision program in the States and the revised estimates do not overstate the resources needed to administer such program; and

(iii) the basis for the estimates are used consistently under this title, including for purposes of section 1474(a)(2) in each fiscal year for which such section is applicable.""

On page 130, between lines 13 and 14, insert the following:

(4) cost-benefit analysis and risk assessment should be presented with a clear statement of the uncertainties in the analysis or assessment;

On page 130, line 14, strike "(4)" and insert "(5)".

On page 130, line 20, strike "(5)" and insert "6".

On page 131, line 10, strike "(6)" and insert "7".

On page 131, line 11, strike "(7)" and insert "8".

Beginning on page 132, line 25, strike all through line 1 on page 133 and insert "estimate the private and public costs associated".

On page 133, strike lines 6 through 9 and insert the following:

(3) Evaluation of Other Federal Actions.—In addition to carrying out the requirements of paragraphs (1) and (2), the Administrator shall also estimate the private and public costs and benefits associated with selected major Federal actions chosen by the Administrator that have the most significant impact on human health or the environment, including the direct development

On page 138, line 4, strike "establish" and insert "establish, not later than 24 months after the date of enactment of this Act,".

On page 138, strike lines 18 through 21, and insert the following:

(a) DEFINITION OF PUBLIC WATER SYSTEM.—

(1) The first sentence of section 1401(4) (42 U.S.C. 300f(4)) is amended by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances".

(2) Such section is further amended by adding at the end thereof the following: "A connection for residential use (drinking, bathing, cooking or other similar uses) or to a facility for similar uses to a water system that conveys water by means other than a pipe principally for purposes other than residential use (other purposes, including irrigation, stock watering, industrial use, or municipal source water prior to treatment) shall not be considered a connection for determining whether the system is a public water system under this title, if—

"(A) the Administrator or the State in which the residential use or facility is located has identified any treatment or conditioning necessary to protect human health if the water is used for human consumption and the residential user of owner of the facility is employing such treatment or conditioning at the point of entry; or

"(B) the system certifies to the Administrator or the State that an alternative source of water for drinking and cooking is being provided to the residential users or using the facility.

An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped system with only incidental residential use shall not be considered a public water system, if the residential use complies with subparagraphs (A) and (B).".

(3) The provisions of this subsection shall take effect 1 year after the date of enactment.

On line 9 of Amendment No. 1709, strike "shall" and insert "may".

On page 143, after line 23, insert the following new subsection:

(i) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN—.

(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

"(C) by adding at the end the following new paragraph:

"(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.".

(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting ", the Lake Champlain Basin Program," after "Great Lakes Commission".

(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting ", Lake Champlain," after "Great Lakes" each place it appears.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

(A) in paragraph (3), by inserting ", and the Lake Champlain Research Consortium," after "Laboratory"; and

(B) in paragraph (4)(A)—

(i) by inserting after "(33 U.S.C. 1121 et seq.)" the following: "and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322)"; and

(ii) by inserting "and the Lake Champlain basin" after "Great Lakes region".

GORTON AMENDMENT NO. 1733

Mr. CHAFEE (for Mr. GORTON) proposed an amendment to the bill S. 2019, supra; as follows:

On page 109, line 7, insert the following after "2000."

"If the Administrator makes a grant to a non-profit organization to provide technical assistance under this section, the Administrator shall assure that the program administered by the non-profit organization, in combination with other grants under this section, provides technical assistance among the States in an equitable manner. A nonprofit organization conducting any activities supported by a grant under this subsection, shall consult with the State agency having primary enforcement responsibility under section 1413 on the activities to be conducted in the State."

HATCH AMENDMENT NO. 1734

Mr. CHAFEE (for Mr. HATCH) proposed an amendment to the bill S. 2019, supra; as follows:

On page 124, after line 11, insert the following new paragraph:

"(4) SCHEDULE OF INSPECTIONS.—

"(A) IN GENERAL.—The Administrator or authorized representative of the Administrator shall conduct inspections undertaken pursuant to this subsection during the normal operating hours of the establishment, facility, or other property.

"(B) SMALL SYSTEMS.—(i) For a public water system serving a population of 3,300 or less, the Administrator or authorized representative of the Administrator shall, to the extent practicable—

(i) notify the person referred to in paragraph (1), at least 3 days before the inspection, of the time when the inspection is scheduled to occur, and

(ii) schedule the inspection at a mutually convenient time.

"(C) WAIVER.—The Administrator or an authorized representative of the Administrator may waive the requirements of subparagraphs (A) or (B) if the Administrator or authorized representative of the Administrator determines that an immediate inspection may be necessary to protect public health."

MITCHELL (AND OTHERS) AMENDMENT NO. 1735

Mr. BUMPERS (for Mr. MITCHELL, for himself, Mr. BUMPERS, and Mr. BAUCUS) proposed an amendment to amendment No. 1729 proposed by Mr. DOLE to the bill S. 2019, supra; as follows:

Strike all after the first section heading and insert the following:

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that the Federal Government should protect the health, safety, and welfare of the public and, in doing so, to the extent practicable, avoid takings of private property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property, except that—

(i) this subparagraph shall not apply to—

(I) an action in which the power of eminent domain is formally exercised;

(II) an action taken—

(aa) with respect to property held in trust by the United States; or

(bb) in preparation for, or in connection with, treaty negotiations with foreign nations;

(III) a law enforcement action; including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(IV) a study or similar effort or planning activity;

(V) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(VI) the placement of a military facility or a military activity involving the use of solely Federal property; and

(VII) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(ii) in a case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation pursuant to section 553(b)(B) of title 5, United States Code, the taking impact analysis may be completed after the emergency action is carried out or the regulation is published.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking a private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(F) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(3) SUBMISSION TO OMB.—Each agency shall provide an analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of at taking claim, or an award of compensation pursuant to the Just Compensation Clause of the Fifth Amendment to the Constitution. The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made pursuant to this paragraph.

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party at law or equity against the United States, an agency or instrumentality of the United States, an officer or employee of the United States, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, any alleged failure to comply with this section may not be used as a ground for affecting or invalidating the agency action.

(2) CLAIMS FOR JUST COMPENSATION.—Nothing in this section shall limit the right of any person to seek just compensation pursuant to the Fifth Amendment to the Constitution.

(h) EFFECTIVE DATE.—The provisions of this section shall take effect 1230 days after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 18, 1994, at 9:30 a.m. on S. 1822 and local competition/universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 18, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 18, at 2 p.m., to conduct a business meeting to discuss the U.S. Army Corps of Engineers civil works program and its policies on recreation and environmental protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the Session of the Senate on Wednesday, May 18, at 2 p.m. to hold an ambassadorial nomination hearing on Mr. Timothy A. Chorba to be Ambassador to the Republic of Singapore.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 18, at 10 a.m. to hold a nomination hearing on:

Ms. Jan Piercy, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development; and

Ms. Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 18, 1994, at 8 a.m., to be reconvened in the afternoon, for an executive session to consider The Health Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONVENTION ON THE RIGHTS OF THE CHILD

• Mr. LEAHY. Mr. President, I rise today to speak about an issue we all have a great interest in—ensuring the safety, well-being, and sound development of the world's children.

To help achieve that goal, over 4 years ago the United Nations signed the Convention on the Rights of the Child. After months of negotiation, the General Assembly approved the convention, a universal endorsement of the global responsibility to protect and nurture children.

It is a simple concept. Our children will one day be grown men and women. It is incumbent upon us to give the world's children the necessary tools to care for the world they will inherit from us. The convention aims not only to make the world a better place for children, but also to enable our children to make the world a better place for their children.

To date, more than 170 countries have ratified the convention, showing their commitment to this simple concept. Only a handful of countries have not, among them Somalia, Iraq, and the United States. The administration, first under President Bush, and now President Clinton, has stalled the convention for 4 years, despite a Senate resolution calling on the President to submit it for ratification.

The administration's resistance is due to misunderstandings about the convention. Opponents claim that it is antifamily, or allows children to sue their parents, that it will overturn Roe v. Wade, or infringe upon States rights. The Convention on the Rights of the Child does none of these things.

It does create an internationally approved, minimum standard for protecting children from poverty, abuse, and cruel labor practices. It calls on nations to affirm the rights of children not to go hungry, to be educated, and to live without persecution on the basis of gender, race, religion or creed. In short, it provides a framework around which to build a safe, healthy, stable environment for our children's development. As the world's most powerful and wealthiest nation, these are standards that we should embrace.

Last year I and Senators BRADLEY, HATFIELD, and LUGAR again introduced a resolution asking President Clinton to submit the convention to the Senate for consideration. Since then, the resolution has gained more than fifty cosponsors. Yet many of my colleagues still have not decided whether to support this important measure.

There will be a briefing for Senate staff on Friday, May 20, from 10:00–11:30 in Hart 708, to answer questions regarding the convention's effect on Federal and State law. I encourage all Senate staff to attend what will be an extremely useful briefing. And I encourage my colleagues who have not done so to cosponsor Senate Resolution 70.•

TRIBUTE TO THE GAINES CENTER FOR HUMANITIES

• Mr. McCONNELL. Mr. President, I rise today to honor the 10th anniversary of the Gaines Center for Humanities located on the University of Kentucky campus. The building has become both a distinctive and special feature of the school and was named in honor of Joan and John Gaines—two individuals who generously supported and encouraged funding for the humanities building's renovation.

The Gaines Center stands out as both an attractive and unique part of the university. The house itself has no classrooms, but small groups of students and faculty meet every day in this informal setting. This educational environment lends itself to interdisciplinary seminars and experimental workshops that have defined the University of Kentucky's humanities program. The center has given students the opportunity to directly interact and debate with their teachers and fellow classmates.

The Gaines Center also awards ten fellowships each year, and a special faculty-initiated seminar is held every other year to provide 10 students with U.K. scholarships. In the coming academic year, the center is planning to grant more fellowships, and students will be able to receive a minor in the humanities.

I do not know of any other State university that has such a strong, personal, and widely appreciated humanities program. The renovation of the Gaines Center has given the University of Kentucky students the unique opportunity to receive a strong education in a very intimate and personal atmosphere. Only the students and faculty at the University of Kentucky can fully appreciate the Gaines Center's unusual qualities, yet we can all recognize the honor the center's distinctive academic program—particularly now when celebrating the building's 10th anniversary.

Ten years is not, of course, a long time in the life of an institution like the University of Kentucky. Nevertheless, the Gaines Center has accomplished more in 10 years than many programs accomplish in a lifetime. Mr. President, I commend the students and faculty at the Gaines Center, and I particularly commend Joan and John Gaines for their generous support and dedication to the humanities program at the University of Kentucky.

Please enter my comments, as well as an excerpt from the University of Kentucky alumni magazine, into today's RECORD.

The article follows:

[From the Kentucky Alumnus, Summer 1994]

(By Raymond F. Betts)

No other state university that I know of has such a program. Ours may even be, as indeed I think it is, the educational environment of the future, with small groups of students and faculty gathered in interdisciplinary seminars and experimental workshops, all the while testing ideas and engaging in debate, presenting and projecting concepts in notebooks and on computer screens. Certainly, the structure and scale of university education have drastically altered since Patterson Office Tower was thrust upward. "Informal and domestic" describe the reclaimed campus environment; "intense and far-ranging" describe the learning situation. The Gaines Center, celebrating these conditions, has no classrooms. Ours has moveable and arrangeable space, interiors where faculty members can casually say to students: "Pull up a chair," which is the proper greeting in any modern republic of letters.

My opinion of the unusual qualities of the Center has been confirmed many times over several years. After visiting here in 1991, Dr. W. Robert Connor, director of the National

Humanities Center in North Carolina, remarked: "But the Gaines Center was the surprise. I had little idea of what that phrase meant—'the beauty of the house, the quality of the restoration, the good sense of focusing on students and their needs . . .'"

Two of our current undergraduate fellows, Irene Hong and Steven Allen, recently offered the following statement: "In a large university such as UK, the Gaines Center provides a personal and intimate atmosphere. For all members of the UK community with hectic schedules, the Center offers an alternative—a place for reflection."

Now, with a well-established and widely appreciated academic program in place, with public service activities that reach across the state in influence, and with three well-appointed buildings that face the community, yet define the north end of campus, the Gaines Center is an exceptionally attractive part of the university. As I approach the buildings each day from the parking lot behind Memorial Coliseum, I think how fortunate I am to be able to enter such a place, to think, talk and write where purpose and proportion are so finely joined.

When, just over 10 years ago, Joan and John Gaines walked cautiously down the littered staircase of the state-of-ruin building that I hoped would be renovated, I moved along anxiously. The place was, at very best, an unsightly mess, victim of neglect and abuse. "It's beautiful, isn't it, John?" Joan remarked. John quickly agreed. I sighed in relief. With that particular vision which allowed the Gaines to imagine the building restored, they had already imagined the value of a special humanities program to the university. Their generous support, matched by large donations from Mary Bingham and Margrite Davis, has allowed the development of a diversified humanities program in what is an ideal academic setting. The Gaines Fellowship program awards 10 fellowships each year. A special faculty-initiated seminar, which provides 10 student scholarships is offered every other year and allows for the appearance on campus of an outstanding scholar whose public lectures are published through a joint venture with the University of Kentucky Press. Each semester, several undergraduate research assistant-ships are available to faculty members, an arrangement that allows the best of faculty-student scholarly engagement possible. This year, we are planning to increase the number of our fellowships, and we are also initiating an undergraduate minor in the humanities that is long overdue.

Were I given to what might be called "Scholstats," the academic arithmetic which lists statistics as measures of intellectual development, I think that I could prove our program one of the most successful in the university. But what really matters—and does not "count"—is the intellectual fervor that is generated in a seminar setting. I will never forget that one session when we were preparing to discuss the awesome, yet elusive, outer condition called "civilization." I brought in my favorite and long-enduring teaching "tool," a bag of blocks my older son had been given, many, many years ago. As I dumped the blocks on the table, I commanded the class, with a tenured professor's authority, "Now build me a civilization." For the next hour and a half, the students arranged the blocks which became temple, palace, treasury and monument, public highway and private walk, order, cleanliness and beauty (the last three being Freud's listing of what civilization is all about).

Nothing was resolved, no grand exclamation of consummatum est or "hurrah!" at the end of the allotted seminar time. The seminar was over; however, the subject remained unsettled, to be further considered, to be reconsidered. Without bearing the label, our buildings are houses of provocation, places where the mind is stimulated, where our being, both individual and collective, is pondered. The humanities are profoundly concerned with three tenses of the verb "to be" expressed in the third person singular: has been, is, may be. We so tense up in our special fellowship seminar on Tuesday and Thursday between 5 p.m. and 6:30 p.m. each of the two semesters of the course. I cannot measure the success of our program in traditional administrative fashion, but I do know that what we attempt, student and teacher as scholars, is good because it is a serious effort to understand ourselves, to situate ourselves in an ever-changing context that is historical, philosophical and environmental.

One of the outstanding visitors we have had as a program participant at the Gaines Center is the naturalist writer Barry Lopez. In his essays, Lopez frequently states that he has turned, paused and wondered. He is a person not driven recklessly forward. When I stopped at the apartment in the Gaines Center to take him to the place of his lecture, he was standing in the living room and meditating. His was a humanistic stance, thoughtful reflection before presentation, consideration before commitment. How appropriate, I thought, in this place, for this program. I silently rejoiced that structure and purpose were consonant. I still do.

Ten years is not a long time in the life of an institution like a university, but it is the major mark of individual life: a decade. During this last decade, I have been privileged to serve as director of the Gaines Center. I have delighted in assisting with curricular development. I have been pleased with the well-designed growth of our physical space. I have enjoyed interviewing students for our fellowships and discussing our programs with faculty. None of these fulfilling and worthwhile activities has matched, however, that exceptional quality of intellectual engagement that comes from discussion with bright students seeking meaning.

Not too long ago, one of our Junior Fellows sent me an electronic mail message. The illuminated screen bore the words: "I have discovered the many meanings of the word 'kin.' It is a beautiful word. What do you think?" Simple and direct, sincere and anxious, inquisitive and alert, expressive of concern and wonder—that is the way I read the brief message. I pressed the "quit" key on our e-mail system. I only "quit" the message, not the question. "What do you think?" she had electronically inquired. I am still thinking about it. Anyone concerned with form, with memory, with value should continue to think about such a question. Anyone concerned with study of the humanities should. Housed within the three buildings of the Gaines Center for the Humanities are such thoughts and such concerns. They have been for 10 years now, and they will be for the many decades that will follow this, the very first one.•

SERVICE LIFE EXTENSION PROGRAM

• Mr. D'AMATO. Mr. President, the Navy has been quietly circulating a point paper on the proposed Service Life Extension Program [SLEP] Availability for the U.S.S. *America* (CV-66). It makes for grim reading. The *America* "is at her naval architecture limits for displacement for hull strength and torpedo side protection." Her "hull plating thickness is thinner and stringer sizes are smaller than previous and later constructed CVs," and the hull itself is nonsymmetrical. This is outrageous. That we are putting our sailors at risk by keeping this ship at sea is wrong. Knowing the deficiencies of the *America*, the ship should be retired immediately.

Here's the weird part, though. The *America* is the last ship of her class, and the other two ships of her class, the *Kitty Hawk* and the *Constellation*, went through SLEP's that the Navy hailed as triumphs of costeffectiveness. Now, the last time I checked, sister ships were essentially similar ships built from the same general plans. That being so, you'd think that what was good for the goose would be good for the gander. But not according to the Navy.

Something just doesn't click. Prior to SLEP, were the *Kitty Hawk* and the *Constellation* at the limits for hull strength and torpedo side protection? If not, why the difference from the *America*? If so, how did each ship avoid the hull blister, hull strapping, and plate replacement required by the *America*? Why were the hull plating thickness and stringer sizes of the *Kitty Hawk* and the *Constellation* different from the *America*? Was the hull of the *Kitty Hawk* and the *Constellation* symmetrical? If not, how were complications avoided?

You can't have it both ways. Either the *America* is a heap that should be stricken from the rolls, or her SLEP would be no more costly or difficult that that of her sisters. If the *America* is a wreck, we should be investigating how she got that way. If the *America* is no worse than the *Kitty Hawk* of the *Constellation*, we should be investigating how the Navy came to the conclusions it did in its point paper.•

THE MONTEVIDEO NATIONAL GUARD TRAINING AND COMMUNITY CENTER

• Mr. DURENBERGER. Mr. President, this weekend, I will be joining Congressman MONTGOMERY, Congressman MINGE, and a number of other officials at the dedication of the Montevideo National Guard Training and Community Center in Montevideo, MN. This celebration marks the culmination of many years of hard work by community leaders to see this project become a reality.

I am especially pleased that the distinguished chairman of the House Committee on Veterans' Affairs, SONNY MONTGOMERY, will be the featured guest at the dedication, having taken a personal interest in this armory and the partnership it represents. I am very grateful to him for his involvement in this project, as well as his tireless efforts on behalf of our Nation's veterans.

About 12 years ago, Arnie Anderson, a friend of mine from Montevideo, recognized the need for a new National Guard armory in that community. The old Montevideo Armory was constructed in 1921, and had fallen into disrepair over the years. Unfortunately, about 3 years ago, the funding request for the new armory was denied.

Vin Weber, the congressman representing Minnesota's Second District at the time, Rudy Boschwitz, my Minnesota colleague in the Senate, and I continued to work together with Arnie, Maj. Gen. Eugene Androetti, the Adjutant General of the Minnesota National Guard, and other community and State leaders to ensure that this vision for a new community center in Montevideo would come to pass.

One of the reasons we believed so strongly in this project, Mr. President, is that this armory is not a typical armory. Its construction is the result of a unique cooperative funding formula between the city, the county, the Federal Government, and the school. The building is situated near—and connected by corridor to—the Montevideo Senior High School. There are six classrooms that can be used as the high school needs them, and the drill floor is used by the students for athletic activities. The kitchen is large enough to cater to various community events, with enough room on the floor to accommodate 800 people.

Another reason for our commitment to this center was the men and women of the Minnesota National Guard unit in Montevideo who so desperately needed a new facility. The local unit is the 151st Battalion—part of the 34th Infantry Division, which has the longest combat record in military history. The members of the 151st have consistently demonstrated their strong commitment to their Nation and their community and have a proud history—both in combat and in coping with natural disasters.

After many years of hard work and tireless efforts by many individuals, this community center has become a reality. Last spring, construction of the center began, and the unit moved into the building the end of March, 1994. Already, the armory has lived up to its name as a community center. Every evening and every weekend the facility is in use, filled with trade shows, machinery shows, and banquets.

In closing, I want to pay special tribute to all those in the Montevideo community and those in the Minnesota National Guard leadership who never gave up on this vision, especially Arnie Anderson. I believe that when the history of the 20th Century in Montevideo is written, people will read that it was Arnold Anderson who contributed most significantly to the well-being and the quality of life in this community and this region. A retired brigadier general, he served his country with honor and distinction. And he has served his hometown with his heart and soul. From libraries to the railroad; from a community center to fine art exhibits; Arnie has put his imprint on this community with his love and care.

Mr. President, I have a feeling that over the next 50 or more years, the Montevideo National Guard Training and Community Center is going to be the birthplace of many happy memories as a place where the community comes together.●

ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 19; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senator LIEBERMAN for up to 5 minutes; Senators KERRY, GRAHAM, and BRADLEY for up to 15 minutes each; that at 10:30 a.m., the Senate resume consideration of S. 2019 and vote on final passage, as provided for under the provisions of a previous consent agreement; further that following the rollcall vote at 10:30 a.m., that no other rollcall votes occur prior to 6:30 p.m., Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:31 p.m., recessed until tomorrow, Thursday, May 19, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1994:

DEPARTMENT OF STATE

RAYMOND EDWIN MABUS, JR., OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 1998, VICE JOY CHERIAN, RESIGNED.

DEPARTMENT OF JUSTICE

JOHN W. CALDWELL, OF GEORGIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS, VICE JIMMY C. CARTER.

ROBERT HENRY MCMICHAEL, OF GEORGIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS, VICE LYNN H. DUNCAN.

ROY ALLEN SMITH, OF OHIO, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS, VICE ROBERT W. FOSTER.

DAVID WILLIAM TROUTMAN, OF OHIO, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS, VICE ALBERT Z. MOORE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL E. BLACKWELL [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DOUGLAS J. KATZ [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, May 18, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 18, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us always, O gracious God, to enjoy the glory of Your created world. In spite of all the challenges and difficulties that face people each day, may we pause to celebrate with awe and respect and amazement the miracle of life, the mystery and wonder of all creation, the magnificence and beauty of nature, the glory and grace and potential of every person. May our lives never become so crowded with the necessary details that we miss the opportunities to see more clearly the spiritual verities that are Your gift to us. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 12, 1994, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY, P.V. NARASIMHA RAO, PRIME MINISTER OF THE REPUBLIC OF INDIA

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the Republic of India into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from California [Mr. FAZIO];

The gentleman from Indiana [Mr. HAMILTON];

The gentleman from Washington [Mr. MCDERMOTT];

The gentleman from New York [Mr. HOCHBRUECKNER];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Texas [Mr. ARMEY];

The gentleman from New York [Mr. GILMAN]; and

The gentleman from Iowa [Mr. LEACH].

The PRESIDENT pro tempore. On the part of the Senate, the Chair appoints as members of the committee of escort the following Senators:

The Senator from Maine [Mr. MITCHELL];

The Senator from Rhode Island [Mr. PELL];

The Senator from Maryland [Mr. SARBANES];

The Senator from New York [Mr. MOYNIHAN];

The Senator from Massachusetts [Mr. KERRY];

The Senator from Pennsylvania [Mr. WOFFORD];

The Senator from Tennessee [Mr. MATHEWS];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Indiana [Mr. LUGAR];

The Senator from South Dakota [Mr. PRESSLER]; and

The Senator from Montana [Mr. BURNS].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 1 minute a.m., the Doorkeeper announced the Prime Minister of the Republic of India.

The Prime Minister of the Republic of India, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency P.V. Narasimha Rao, Prime Minister of the Republic of India.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, P.V. NARASIMHA RAO, PRIME MINISTER OF THE REPUBLIC OF INDIA

Prime Minister RAO. Mr. Speaker, Mr. President, distinguished Members of the Congress of the United States:

It is with great pleasure and a deep sense of honor that I address you today. Standing in this august Hall, as two great Indian statesmen did before me, is an inspiration to all who hold democracy and freedom above all else. If, as Thomas Carlyle once wrote, "the history of the world is but the biography of great men," then much of the world's recent history is owed to these Chambers.

The histories of our two nations have been intertwined by the words and deeds of great men and women. Christopher Columbus set off to discover a new route to India, only to discover a new world. Out of that unintended discovery was born a great Nation. Undaunted by the rather big difference he

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

discovered in his destination, Columbus remarked, this time with perfect accuracy, that the more you go east, the more you are assured to come upon the west. Thus America has a special place in the Indian thinking, as a continent found further east of the known east. This direction is significant in its own way.

In his final inaugural address, Thomas Jefferson spoke of "Freedom of religion, freedom of the press, and freedom of person under the protection of Habeas Corpus, and trial by juries impartially selected." When India gained independence, we accepted these fundamental freedoms, and looked to the Declaration of Independence and the Bill of Rights while formulating the constitution of the world's largest democracy. Now, both countries are forever joined by the shared values of secularism, political pluralism, and the rule of law.

The spirit of America's Declaration of Independence so moved Indian spiritual leader Swami Vivekananda that on July 4, 1898, he wrote a poem titled, "To the Fourth of July."

Move on, O Lord, in the resistless path!
Till the high noon overspreads the world,
Till every land reflects thy light,
Till men and women with uplifted head
behold their shackles broken, and
know in springtime joy, their life renewed.

Author Henry David Thoreau was influenced by early Indian philosophy and thought, from which he drew his inspiration for the essay, "Duty of Civil Disobedience." Thoreau wrote, "If the law is of such a nature that it requires you to be an agent of injustice to another, then I say break the law, let your life be a counter friction to stop the machine."

Thoreau's essay influenced Mahatma Gandhi tremendously while he was in South Africa and in fact gave him the inspiration for the great nonviolent civil disobedience he was to practice in the subsequent years so effectively. I am sure his spirit showers his choicest blessings on free and democratic South Africa today.

In turn, Gandhi inspired Dr. Martin Luther King, who learned from Gandhi that "non-violent resistance paralyzed and confused the power structure against which it was directed." Dr. King wrote that "Gandhi was probably the first person in history to lift the love ethic of Jesus above mere interaction between individuals, to a powerful and effective social force on a large scale. It was in this Gandhian emphasis on love and non-violence that I discovered the method of social reform that I had been seeking for so many months."

Thus the United States and India have learned a great deal from each other throughout history. Distances did not matter. Indeed distances never mattered in the transmission of ideas, because their medium is the mind. They travel at what is known as manovega in the Indian tradition, meaning the speed of the mind, higher than anything anyone has ever imagined or can ever imagine.

So ideas, and born of them ideals, have echoed back and forth between India and America. Some perceived them, some experienced them, others did not, as often happens. Swami Vivekananda, Gandhi, Rabindranath Tagore, Thoreau, Emerson, Martin Luther King, and many others, known and unknown all these names seemed to belong but to one nation of humans. Hundreds of American missionaries spread into the remotest tribal areas of India, learned their complicated languages and numberless dialects and served the people there with unparalleled devotion. I am personally acquainted with some of your sons and daughters, and a few who were born in my own district.

For over a century grew this great friendship, a relationship purely between the peoples, with no trace of domination of selfish motive of any kind. Americans rejoiced in India's political freedom. India forever acknowledges the debt we owe to Franklin Delano Roosevelt for his role in pleading with the British for India's independence. Everything looked fine.

We had the unique opportunity of shaping the history of the post-war world—a history which could have offered the peace dividend to all, East or West, North or South, by enabling countries to attain their full potential by giving their citizens the better life they deserved, but which they had been deprived of, for ages.

Then came the cold war.

That great opportunity seemed to be slipping through our fingers, even as we tried to hold it in our hands. Today, we have to worry about the fingers.

Mr. Speaker, I shall now skip the cold war. Not being a historian, I am under no obligation to recount it. Being transient, term-bound representatives of our peoples, you and I have neither the time nor the need to review what we do not wish to repeat. It is the future we have to think about, in fact worry about. And, of course, the fingers.

The fingers are, simply, democracy and development. From my own personal experience, I have no doubt that this is an extremely difficult combination, and equally essential, in India's view.

India has undertaken the first steps to shaping our history for the next generation. After decades of centralized economic policies, India recently embarked on a reform program designed to modernize our economy, liberalize trade, and realize our economic potential. We welcomed private investment and competition and encouraged free market growth. As a result, India is becoming globally competitive and the standard of living of our citizens is gradually on the rise. The momentum of these reforms will carry India into the next century as the single largest free market in the world.

Perhaps the most impressive aspect of India's ambitious economic reform program is the smoothness with which the transition from a closed, protected economy to an open, export-oriented economy has occurred. Far-reaching changes have been undertaken in a short span of 3 years, at the same time devising prompt and effective steps to obviate severe social consequences which could have threatened future reforms. With these steps, coupled with popular support and a broad consensus across India's diverse political spectrum, the reform process has now acquired a momentum of its own.

The impact of the changes in India has had a profound effect on Indo-United States economic relations and has benefited both countries. American firms have been in the forefront of forging a new economic relationship. India's vast domestic market, huge educated, skilled and semi-skilled work force, sound financial institutions and time-tested and democratic system offer tremendous investment opportunities for forward-looking companies.

In shaping our history for the next century, we must look ahead to greater trade between nations. An unfortunate by-product of the past half century was the introduction of weapons of mass destruction around the world. The difficult and complex question of nuclear weapons proliferation can be effectively addressed only when we consider their global reach, requiring similar global solutions.

Every nation, large or small, rich or poor, is sovereign and possesses an inherent right and responsibility to its people to ensure their security. I firmly believe that the way to ridding the world of weapons of mass destruction lies in creating a world order based on the universal principles of equality and non-discrimination as means of enhancing security. The answer that we as nations choose will shape the destiny of the world in the coming century.

Progress has been made in establishing an international consensus for banning nuclear weapons testing and halting production of fissile materials for nuclear weapons purposes. India and the United States have worked closely together in helping to forge this international consensus. To consolidate these gains, further meaningful steps should be taken towards denuclearization which the international situation now allows.

And so much more remains to be done. A nuclear no-first-use agreement, indeed an agreement to outlaw the use of nuclear weapons is necessary in the short term by way of precaution, while serious multilateral negotiations are launched for nuclear disarmament, the objective being a nuclear-free world.

Distinguished friends, President Abraham Lincoln, in his first inaugural address on March 4, 1861 had said:

> I hold that, in contemplation of Universal Law and of the constitution, the union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Physically speaking, we cannot separate this with the so-called self-determination slogans that are being raised today. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them.

Indeed in 1968 your Supreme Court had to say,

> When Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union and all the guarantees of Republican Government in the union, attached at once to the state. It was the incorporation of a new member into the political body. And it was complete and final * * *

India accepts this statement as truly characteristic of a multicultural, multi-ethnic and multireligious republic like India or the United States and as totally unassailable.

It is the responsibility of nations to preserve the life and liberty of all their citizens under the law regardless of race, religion,or ethnicity. We in India, like you here in this great democracy, are determined in our assertion that the rights of minority groups must be protected vigorously under the rule of law. Our Constitution provides for this, our people demand this, and our heritage requires this.

The task that confronts democratic governments today is to maintain protection of human rights in the face of the most dangerous threat to the violation of human rights, namely, the bullets of terrorists. India is committed to protecting its citizens from terrorism and no government worth its name can shirk this responsibility. We are taking scrupulous care to protect the rights of individuals under due process of law and punish human rights violations whenever they occur. In this difficult and delicate task, we are doing all that is humanly possible.

As regards the United Nations, it has long been a strong defender of the rights of all the world's citizens. We must therefore promote, in all possible ways, the original mandate of the United Nations, namely, to provide collective security as a means of achieving peace.

The U.N. framework for pursuing global security through international cooperation must be preserved, despite the problems and limitations that exist. The international community needs to strengthen the U.N. and provide more resources if we expect it to respond to today's challenges.

It is our strong feeling too, that the U.N.'s decisionmaking bodies must more accurately reflect the regional situation of states in the world today. In order to chart a new course to navigate these troubled but exciting times, we need to recognise the role which many nations can play in the pursuit of peace.

Mr. Speaker, Indo-United States relations are on the threshold of a bold new era. We have seen unprecedented cooperation in a number of areas. Most recently Indian forces patrolled alongside United States and United Nations forces in Somalia. We share common interests in addressing global environmental crises, combating international terrorism, and stemming the tide of international narcotics trafficking. In these areas, the United States and India have worked closely together.

Yet there remain areas where further cooperation is warranted. Export controls on technology, while once a useful means for controlling weapons technology, now hinder, developing countries in their efforts to improve the lives of their people. Much of what is termed as weapons technology in fact has vital applications in a modern civilian society. Many special materials and complicated computer processors found in missile control systems are also found in hospital intensive care units and global telecommunications systems.

In October 1949, India's first Prime Minister Jawaharal Nehru had stated, "It was necessary, even desirable, and, perhaps, inevitable that India and the United States should know each other more and cooperate with each other more." Later that year, Prime Minister Nehru predicted that the next 100 years are going to be the century of America.

The Prime Minister was right. The 20th century will be known as the American century. Throughout the last 100 years of American and Indian history—through the peaks and valleys of Indo-United States relations—Nehru's words have rung true and a bond has been forged based on affinity and understanding. The success of Indian-Americans in this country reflects the understanding and mutual respect between the world's two largest democracies.

As India stands poised to contribute to global prosperity and peace in the next century, we look forward to continuing our partnership with America and with the American people.

India is one of the developing countries in which the process of development is firmly established. We have realized that no quick fixes are possible and that there is no substitute for hard work with full involvement of the people. The results achieved in India are commended by some, derided by others, on the basis of physical statistics. In all these appraisals, however, one crucial element that has not figured as it should, is the fact that Indian's progress has been achieved in a democratic set up. This dimension, I submit, is extremely important. As an experienced activist in the community development process in India ever since it commenced in the early 1950's, I can vividly recall the hurdles that we encountered in the path of development, for which many people have blamed our democratic process. Many scholars and experts, including some from this country, told us that we were attempting the impossible, and that at that rate, we were heading for nothing but failure and frustration by attempting development under democratic conditions. It almost became a fashion to assert that democracy was inimical to development and was not suited to developing countries in their initial stages of development. It may also be recalled that several countries had deviated from the democratic system in those years in the name of ensuring development in the first instance, as they put it. They were all the facts.

I am not merely recalling history. I would like to submit to this august assembly that the agenda for democracy is by no means over, all over the world. The principle of the system is perhaps universally accepted now, but even this acceptance is not unqualified. In the ultimate analysis, the survival and acceptance of any system would depend crucially on its capacity to deliver the goods. This may not be so obvious in countries where democracy has become a way of life and the political process has been rooted in the principle for centuries, making it normal and unquestioned. But elsewhere, the temptation to cut corners for immediate benefits and the tendency to superficialize democracy while the real wielders of power only make it a mask—these are phenomena that should make genuine votaries of the system sit up and think.

I may be forgiven for striking this new, if discordant note in the orchestra of prevailing opinion. I submit, sir, that the basic and most essential agenda of the world hereafter, perhaps through the next century, is the consolidation and concretization of democracy. On this single plank, directly or indirectly, will depend the prospects of peace, disarmament and development—in one word, the survival of humankind. I am not referring to the processes of democracy, but to its content which should, in essence, mean that the will of the ordinary citizen, as it is and not as it is manipulated for a given occasion, prevails. I do realize that this is a tall order; yet nothing less will do, if the dangers to democracy are to be met effectively. The 21st century must prove that development is best assured when democracy is assured.

The crux of the matter is, how much is the real stake in democracy that has been created for all people of the world, not just some? How effective is democracy in solving the problems of the people where it has been newly adopted? This is a crucial question for the system to take root in what may be called somewhat alien soils.

In developing countries, government is a serious matter. A much larger proportion of people are affected by changes in government there than in affluent countries. This can be easily seen. It accounts for the heavier turnout of voters in developing countries when elections are held. By the same token, one could imagine the frustration and consequent erosion of faith in the system if the system fails to deliver. The success of democracy is therefore a very important part of political stability everywhere. The question therefore is: Since the bloc configuration which did not, and perhaps could not, put any great value on democracy then, is not such a compelling necessity now, what can the established democracies do for the success of their system in the world so that governments become transparent and are run according to the common aspirations of the common people everywhere? I have no ready-made answers, but I am sure that the task is worth taking note of. And I beseech your attention, as a tested and tempered person from the grassroots of a developing society who, in the footsteps of great stalwarts, struggled for freedom, attained freedom and has ever since been involved in consolidating that freedom in a vast and complex country where nothing has been easy through the long centuries, where life has been a perpetual walk on a razor's edge.

There is another matter in which we come face to face with the need for responsibility, in thought and in action. It is a similar sense that must inform our tending of our planet's resources. The pace of development often prompts the appropriation—or misappropriation—of what is not ours, this generation's alone, legitimately. I recall the felicity with which, I, in my campaign to be a State legislator, promised roads to my constituents 40 years ago. We built the roads, but lost the forests. That, perhaps, epitomizes the dilemma of a development that must sustain itself and sustain the heritage within which it is rooted. Today's easy options could prove to be tomorrow's regrets; so it is in the quest for technologies that allow development with responsibility that we have yet another critical area for the partnership between India and America, and our peoples.

Mr. Vice President, 2 years ago you authored a book which one critic, very aptly, described as remarkable for a political figure in that you wrote it yourself. Going through it, with an interest compelled as much by your style as your subject, I came across an anecdote about Mahatma Gandhi that I had not chanced upon earlier. It bears repetition, and I hope you will allow me. Gandhiji, you write, was approached one day by a woman, concerned that her son ate too much sugar. She requested him to counsel her son about its harmful effects. The Mahatma promised to do so but asked her to return after a fortnight. This they did and Gandhiji advised the boy as he had promised. The mother was profuse in her gratitude but could not conceal her puzzlement as to why Gandhiji had insisted on the interval of 2 weeks. He was honest in his reply, and said: "I needed the two weeks to stop eating sugar myself."

We are now in the closing years of a century ravaged by war, made heroic by the scientific, intellectual and creative attainments of man, enfeebled by want and deprivation and yet made strong by our collective capacity to identify solutions that had eluded us in the past. We recognize those solutions, but like Gandhiji, we will have to take our 2 weeks to practice them before we acquire the authority to prescribe them to others. That, in a sense, is what responsibility is all about.

Lala Lajat Rai, one of the great fighters for India's freedom, had written of the "numberless American men and women who stand for the freedom of the world, who know no distinctions of color, race, or creed and who prefer the religion of love, humanity, and justice." Mr. Vice President, Mr. Speaker, and distinguished friends, the people of India count upon those numberless women and men of this great country to work together with them to realize the vision that our shared experience and practice of democracy have made possible and the responsibilities of our times have rendered necessary.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., the Prime Minister of the Republic of India, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 43 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Ms. ENGLISH of Arizona. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 15 1-minutes on each side of the aisle.

GREAT BENEFITS SEEN FOR WOMEN WITH UNIVERSAL HEALTH CARE COVERAGE

(Ms. ENGLISH of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ENGLISH of Arizona. Mr. Speaker, I rise to emphasize how universal health care coverage can have a real impact of the lives of millions of women.

Women now pay 68 percent more in out-of-pocket health costs than men. These high medical costs directly affect the health of low-income, and (un)insured women who can't even afford routine exams. An (un)insured woman with breast cancer is 50 percent more likely to die from the disease.

In Arizona, 2,500 women are diagnosed with breast cancer each year. One-fifth of those women die. But early detection can decrease the mortality rate by more than 30 percent.

My colleagues and I on the Education and Labor Committee are succeeding in improving health coverage for women—yet we are humbled by the long battle ahead of us.

In Chairman Williams' mark, we have made mammograms, pap smears, and other preventive services affordable for all women.

Mr. Speaker, I say to my colleagues, we need to show leadership and persistence in achieving universal health care coverage for all Americans.

CALLING FOR THE RECOGNITION OF TRUE FREEDOM, DEMOCRACY, AND HUMAN RIGHTS IN INDIA

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Prime Minister of India spoke very eloquently from this lectern just a few minutes ago, but some of the things he did not talk about need to be illuminated.

He talked about Martin Luther King, but he did not mention that in India, if you are black, you will never be able to rise above cleaning streets or cleaning toilets, and if you talk to anybody in a higher caste or even touch them, they can kill you.

He talked about freedom and democracy and human rights. He even quoted Thomas Jefferson, but he did not comment about the T.A.D.A. law, which allows the government to take people out of their homes in the middle of the night and throw them into jail without any due process of law for up to 2 years.

He did not talk about the 1.2 million Indian troops in Kashmir and Punjab and Jagaland and elsewhere persecuting Moslems, Sikhs, and Christians.

He did not talk about the torture and the gang rapes that are taking place at the hands of the Indian troops in those areas. He did not talk about the disemboweling that is taking place, this kind of torture that is taking place, under the guise of freedom, democracy, and human rights.

Mr. Speaker, we must tell the world the truth about what the Indian Government is sanctioning, and we must make sure that the world makes them change their policies, because freedom, democracy, and human rights truly should be recognized in India.

SMALL BUSINESS AND HEALTH CARE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, small businesses try to provide comprehensive health care for their workers, but they suffer a distinct competitive disadvantage. On average they pay 35 to 50 percent more just to provide the same coverage as larger businesses.

Most often this simply prohibits them from offering the coverage they would like to. Health care reform will ease the burdens heaped on these businesses, giving them choice and flexibility where they now have little.

Health care reform will allow small businesses to offer real, comprehensive coverage instead of having to settle for bare bones programs.

Reform will prevent insurance companies from shifting costs onto the backs of small businesses.

Reform will give small businesses more leverage in negotiating with insurance companies.

Small businesses will get a better deal out of reform. It will save them money, and give them the power to expand and create jobs with the savings.

NATIONAL LEADERSHIP, OR THE LACK OF IT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the front page story in the Washington Post put it this way:

> President Clinton's stern threat to punish China with trade sanctions if it fails to improve its record on human rights has all but collapsed in a jumble of cross purposes, second thoughts and mistaken assumptions about the ease of reaching compromise with Beijing.

The President's policy with the world's largest country has been a complete failure. And it gets worse from there.

From Haiti to Bosnia, from Japan to Rwanda, the Clinton administration has failed to articulate a clear, consistent or logical foreign policy.

Remember when the President's campaign said, "It's the economy, stupid."

Well, if the President continues to neglect our relations with our competitors, trade partners, enemies, and friends, our economy will sink like a rock in the ocean.

Mr. Speaker, it is not only the economy. It is leadership, and right now the United States isn't showing much around the world.

HIGHER INTEREST RATES, AND TAX PAYMENTS BY CREDIT CARD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, once again the Fed has raised interest rates, this time one-half percentage point. They say, "Try it, Mikey, you will like it. It is good for you, Mikey. Pay more."

They said, "Even though we are raising these rates, in the long run, it is going to be cheaper for you, Mikey." Beam me up, Ivan Boesky.

I find it also very coincidental, at the same time the Fed is going to raise taxpayers' interest rates, Uncle Sam is going to allow them to pay their taxes and back taxes with their plastic weapon, a credit card. No more hassles, just use that Visa, American Express, Discover, MasterCard, and just pay all those back taxes.

Mr. Speaker, here is exactly how I feel, because I do not buy it. Anyone who is willing to give their Visa card number to the Internal Revenue Service is either smoking dope or should be counseled by Dr. Kevorkian. Beam me up. The IRS is already in our bedroom. Now do we want them in our checking accounts?

I yield back the balance of my credit card account, Mr. Speaker.

AS THE DEMOCRATS MEET

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, recently the ranking members of the Committee on Education and Labor, the Subcommittee on Health of the Committee on Energy and Commerce, and the Committee on Ways and Means in the House, sent a letter to the chairmen of those committees asking for some bipartisan support, and to get together and have a meeting on how they could all go with a Republican-Democrat approach to health care reform.

The chairman of the Subcommittee on Health in the Committee on Ways and Means scribbled across the top of the letter that he had received, and sent it back to the ranking committee member on the Committee on Ways and Means, that "This is pure, unadulterated * * *" and I cannot finish the sentence here in the House. Apparently the congressional Democrats and President Clinton are going to meet again next week to plot ways to pass health care reform without Republican help, because I guess they do not want it.

Since the Democrats seem to be so out of touch with what middle-class America wants from health care reform, let me give them some hints. First of all, the American people want reform that preserves the high quality of our current system. They want malpractice reform to keep health care dollars from going to lawyers. They want portability reform, a change in preexisting condition requirements, and other insurance reforms that will promote universal access to private health insurance.

The American people do not want to pay a huge payroll tax. They do not want 98,000 more Federal bureaucrats to run it.

Mr. Speaker, the people want reform now that fixes the problems of our current system without creating a whole new set of problems to be fixed later.

TRIBUTE TO ROBERT T. SECREST

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, this week a giant of a man passed this scene: Robert T. Secrest, age 90, former Democratic Member, former Federal Trade Commission member, appointed by Dwight D. Eisenhower, former member of the Ohio House of Representatives and the State Senate, and a former Ohio Director of Commerce.

Bob Secrest came to this Congress in 1932 with Franklin Delano Roosevelt, elected with Jennings Randolph of West Virginia. These were the two oldest former Members. Jennings Randolph still lives.

Bob Secrest was the first Member to leave Congress to join the service in World War II, joining the U.S. Navy. In Ohio, he was known as the veterans' veteran. He was called Mr. Veteran, and when he was a Member of this House, he served on the Committee on Veterans' Affairs.

He was the only person in the history of this Congress ever to be elected three times, one of the most admired and respected gentlemen that I have ever had the chance to meet. He was a confidant and a very personal friend.

He was preceded in death only recently by his beautiful wife, Virginia "Dutch" Secrest. He will be missed by all who knew him.

WHATEVER THE QUESTION, THE ANSWER IS ALWAYS TAXES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, quietly the word has been coming out that the administration may need more taxes.

Amazing. With tax forms filed barely a month ago, the hand is already creeping out of their pockets and toward yours.

First, we hear the Social Security System needs fixing. Again. And the same team that fixed it last time, would like to fix it this time.

Next, it is the health care system that needs fixing. At one time, this fixing was supposed to save us money. Now it seems it will cost us money so a broad-based $40 billion tax is being mentioned.

If the same team of Mr. and Ms. Fixits kept coming to your house to fix what they had fixed before, at ever higher prices, you would slam the door.

Well, the same team is back. They are telling you they have found another problem for them to solve and all you have to do is pay for it.

The real problem is with this phalanx of Federal fixers. With them, whatever the question, the answer is always taxes.

SPECIAL INTEREST ORGANIZATIONS OPPOSE SPENDING CUTS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, any time a Member of Congress has the audacity to suggest spending cuts in this body, the special interests pounce upon that Member of Congress with a vengeance. The latest target of special interest lobbying is cutting spending A to Z. This plan really has the big special interests upset, and there are certainly a lot of these special interests to get upset.

Let me give a listing that was recently sent to our offices, A to Z, of some of the special interests that are saying that they are opposed to cutting spending this time around:

AFSCME, the AIDS Action Council, the Air Force Association, the Air Force Sergeants Association, the Amalgamated Clothing and Textile Workers Union, the Amalgamated Transit Union, the American Arts Alliance, the American Association of Classified School Employees, the American Association of Community Colleges, the American Association of Dental Schools, the American Council on Education, the American Counseling Association, the American Educational Research Association, the American Ex-Prisoners of War, the American Federation of Government Employees, the American Federation of Teachers, the American Jewish Committee, the American Jewish Congress, the American Network of Community Options and Resources, the American Planning Association, the American Postal Workers Union, the American Public Health Association, the American Speech, Language and Hearing Association, the American Symphony Orchestra League, Americans for Democratic Action, the Association of Art Museum Directors.

Mr. Speaker, is my time up? I have not even gotten through the A's yet.

□ 1230

I am trying to do this A to Z with all of these special interest groups that are saying they are opposed to A to Z, and I have not gotten through the A's yet. I will have to continue later.

OPPORTUNITIES FOR CUTS IN DEFENSE SPENDING

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I heard a lot of Members say they want some opportunities to do some spending cuts, and today we are going to have some great opportunities to do spending cuts. We are coming forward with a $262.7 billion defense bill. That is more than the whole rest of the world is spending together, and I remind Members the cold war is over.

We have $3.7 billion in there for a nuclear powered submarine. There is $2.7 billion for ballistic missile defense, the old SDI. There are all sorts of other things that there will be amendments on so Members who really want to do some spending cuts, now is the time for real spending cuts, and let us see how this all comes out at the end of the day.

IT IS A QUESTION OF LEADERSHIP

(Mr. GOSS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Candidate Clinton promised laser-like focus on domestic issues. President Clinton is following through. But unfortunately the world isn't standing still while the President and his advisors scramble to catch up on international affairs.

While we tend to our knitting at home there is other knitting going on in the world, and there are now lots of loose ends, dangerous loose ends.

The nuclear standoff in North Korea, unrest and violence in Bosnia and crisis in Haiti, all provide startling pictures of the disarray our foreign policy finds itself in. President Clinton thinks the American people don't care—but the public is alarmed by the inconsistent and ineffective foreign policy we are witnessing. Only 13 percent believe, according to polls, the administration has a clear foreign policy, only 13 percent, and 53 percent outright oppose what he is doing. Mr. Speaker, the President must understand world events are too important for a passing glance. It is time to focus and it is a question of leadership.

WOMEN'S CONCERNS DEEMED CRUCIAL TO HEALTH CARE REFORM

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to take this opportunity this morning to commend my colleagues in the House who are tirelessly working to ensure that all women will receive adequate health care coverage under health care reform.

At a time when most everyone is recognizing the importance of preventive health care measures, it would be such a great loss to not have included in the benefits package screenings and tests that would alert women and their physicians to diseases such as breast and ovarian cancer. Also, we must ensure that every women has ready access to gynecological and obstetrical care as well as access to family planning services.

In the past, women's health concerns have not been readily addressed. The treatment of women's health concerns have lacked seriousness and aggressiveness. As we begin anew under health care reform, I look to the opportunity to have women's concerns form a central part of any comprehensive health benefits.

To go forward with a health care plan that does not provide adequate coverage for women would be disastrous for half of our Nation's citizens.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship from H.R. 3222, the Managed Competition Act of 1993.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Florida:

There was no objection.

PRESIDENT CLINTON'S ENDORSEMENT OF ROWLAND-BILIRAKIS HEALTH CARE PLAN WOULD BRING QUICK ACTION

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I rise today to call attention to the man who has emerged as the greatest obstacle to health care reform—Bill Clinton. The American people do not want bigger government. They do not want more bureaucracy and they do not want health care reform to threaten choice or the quality of care their family receives. The American people now believe that is exactly what the Clinton plan will mean.

The flip-flops, wavering, and deceptions on the middle-class tax cut; Whitewater, Haiti, Bosnia, North Korea, China, and so forth have all contributed to a remarkable erosion in Bill Clinton's overall creditability. And now it turns out that Bill Clinton's biggest creditability problem is in health care. By introducing such a massive plan, Bill Clinton has asked the American people to trust him with their health care—and the American people simply do not trust Bill Clinton.

It is time for the President to accept the verdict of the American people and to show leadership by endorsing the Rowland-Bilirakis approach that can reach a bipartisan majority before the August recess.

AMERICA NEEDS DECISIVE LEADERSHIP

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday's survey results on the public's faith in President Clinton's foreign policy skills were no surprise to me and my colleagues. We have known for some time that our country's once unquestioned role as leader of the free world is *now* in doubt.

Only 40 percent of all Americans approve of Mr. Clinton's handling of foreign affairs, and with the way we are headed in Haiti, Bosnia and North Korea, does anyone really believe that this number is going to improve?

It has become a question of leadership. Is the decisiveness there? Will we defend our strategic interests? These types of questions are getting louder, not just at home I remind you, but more and more from our allies abroad.

Mr. Speaker, what type of message is President Clinton sending our troops stationed at the border between North and South Korea?

What type of message do his weekly policy changes send to military dictators in Haiti?

And what type of message does his wavering send our NATO and UN allies when we do not deliver on our promises in Bosnia?

Mr. Speaker, I urge you and my colleagues in calling on President Clinton to be decisive and act out of conviction. The American people deserve it and our allies *demand* it!

America needs *decisive leadership*.

HOW THE CLINTON HEALTH CARE PLAN AFFECTS SMALL BUSINESSES

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I would remind my friends on the Republican side of the aisle who are referring to polls, apparently that is why Bill Clinton is in office and they are not, because George Bush was a weather vane on polls. He would not move without looking at what the polls showed, and so I think there is quite a statement there. We choose not to operate strictly on polls.

But, Mr. Speaker, I want to talk about small business and health care, because I have a feeling, and I just want to say to those who say that the Clinton health care plan and proposals being discussed are bad for small business that those who are lobbying, Mr. Speaker, telling their memberships for instance that this is bad for small business may themselves be out of office in a few short months if their members ever take a look at what some of these packages are.

For instance, does small business really know that under the Clinton plan that a minimum wage worker would only cost 19 cents to insure? The minimum wage increase was 90 cents in two installments in 1988, and yet here we get full coverage.

Does small business truly appreciate that in many cases thousands of dollars less in premiums would be charged under the Clinton plan than their present situation?

INTRODUCTION OF STOP-AND-FRISK LEGISLATION TO COMBAT GANG VIOLENCE

Mr. PORTMAN. Mr. Speaker, yesterday, I introduced, together with my colleague, the gentleman from California [Mr. CONDIT], legislation to help law enforcement officers combat rampant gang violence that is threatening our communities all across America. Our legislation clarifies that membership in a gang known for violent crime shall be a sufficient basis for a police officer to stop and frisk for a weapon. Gang violence is not only a problem plaguing our major cities; it is starting to creep into smaller communities. The New York Times today described on its front page a chilling gang murder in Davenport, IA.

Just days ago in my own congressional district, a carload of young men of one gang came into the small city of Norwood, OH, assaulted a group of teenagers of another gang and ended up shooting to death a 20-year-old.

We have to do all we can to stem the epidemic of gang violence in America. As noted criminologist James Q. Wilson recently stated,

> Our goal should be to reduce the number of people who carry guns unlawfully, especially * * * on streets * * * where the mere presence of a gun can increase the hazards we all face. The most effective way * * * is to encourage[e] the police to make street frisks.

Captain Tom Williams, assistant chief of the Norwood police, said,

> Your stop and frisk legislation will help make pat downs of gang members, routine. The risks involved in performing the pat downs are few and the costs of not doing so are high.

I urge you to cosponsor this legislation to help prevent the kind of violence we have seen in Norwood, OH, and Davenport, IA, creep into your own communities.

□ 1240

HMO CLAIMANTS ARE DENIED BENEFITS WHILE EXECUTIVES GET MILLIONS IN SALARIES AND BONUSES

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, the San Francisco Chronicle recently reported that a Northern California for-profit HMO CEO received more than $4.3 million in salary and bonuses in 1 year, excluding stock options.

Foundation Health's CEO made more money than the CEO's of Chevron, Bank of America, or Hewlett-Packard.

In the same year, this HMO denied requests from several of its members for a $120,000 experimental bone marrow transplant to treat breast cancer.

Only after suing did one of the patients finally receive treatment and beat cancer.

This case demonstrates how lopsided, unfair, and sick the entire system is.

Paying seven figure salaries while providers duck payment of life-saving treatments cannot be defended.

Mr. Speaker, I believe our health care system must be competitive. But it must also be cost efficient. And most importantly, Mr. Speaker, its purpose must be to make Americans healthy—not a few HMO executives wealthy.

MILITARY BEING CUT TO THE BONE MARROW

Mr. CUNNINGHAM. Mr. Speaker, there are some of the Members who got up and said they need to cut defense. We have cut defense $177 billion.

Candidate Clinton said $60 billion would put us into bone marrow; $177 billion.

Let me tell you how the administration and the liberals are trying to kill defense. First of all, the base closure, the savings is supposed to go to pay for the military in 1995 and out. They are living on bone marrow through 1994. But they cannot use the money for 1993 base closure because this administration is not funding it.

We testified that environmental cleanup was going to cost much more. But it is costing more, and there is no savings from a lot of these bases. So our out years are being expanded.

The NTC in my district, the base commander had to spend $30,000 for plywood to board it up because President Clinton will not fund BRAC 1993.

The gentlewoman from California says we need to cut. There are $4 billion in social spending in the military bill, $45 million for pork barrel in her district.

Let us cut out that $45 million from the gentlewoman from Colorado.

WELCOME TO PARLIAMENTARY DELEGATION FROM KUWAIT

Mr. WELDON. Mr. Speaker, I rise today to welcome and pay tribute to the inaugural visit by a parliamentary delegation from the state of Kuwait. This is the first time we have been able to host 12 members of the new National Assembly in that country.

In fact, Mr. Speaker, during the debate before and after Desert Storm, there was much criticism on the floor of this body and the other body that Kuwait had not done enough to extend democracy to its people. In fact, the National Assembly has been in place for several years and is in fact taking separate positions from the Emir and is beginning to play its role representing the citizens of that nation.

The Speaker of the National Assembly, Ahmed Abdul-Aziz Al-Saadoon, is here leading that delegation.

We officially welcome that delegation and look forward to an ongoing dialog with Members of our Congress from both parties. I am extremely pleased to hear that our Speaker and leadership of the minority party are meeting with the delegation, and I would remind my colleagues that this evening between 5:30 and 7:30 my colleague from the other side, the gentleman from Texas [Mr. PETE GEREN], and I will be hosting a reception, and I would encourage all of our colleagues to come out and to interact with the leaders of the National Assembly from Kuwait.

INTRODUCTION OF LEGISLATION TO STOP THE SPACE STATION

Mr. ROEMER. Mr. Speaker, if you were investing in the stock market and you could invest in the space station, two of the things that you would evaluate would be, on the one hand, the track record, the past, and, on the other hand, the future prospects.

The track record of the space station has been for 10 years that we have invested $11 billion. We have redesigned it seven times, and we still barely have a name for it let alone any kind of hardware.

The future? Now we have a space station which we are supposed to invest with Russia on. We are losing jobs with this new space station. It is down approximately 20,000 jobs from the last Freedom space station, and we are turning the NASA budget into a foreign aid budget with $400 million going from NASA science to the Russians.

This space station must be stopped, and I am introducing a bill today to stop it, and I would encourage my colleagues to support this legislation.

THE BIPARTISAN BI-WAY

Mr. HASTERT. Mr. Speaker, there are two roads to health care reform. The partisan path is cluttered with extremist plans, conflicting ideologies, some stubborn chairmen, and far-off dreams.

Every good intention, every brilliant idea, every necessary reform on this path is bottled up in policy gridlock.

The bipartisan path is free of the partisan extremism found in the first road. It contains only those willing to put special interests aside for the national interest rather than building these useless bureaucratic loops. It promotes common sense and quick action.

Every single American will be impacted by the health care reform bill that Congress passes, and yet it appears that some remain willing to keep health care reform a partisan issue.

Let us put partisanship behind and craft a health care reform bill that can pass with over 300 votes in this House that will be real change.

SLAUGHTER IN RWANDA

Mr. MICA. Mr. Speaker, as history records this past month, unfortunately it will recall another sad chapter in President Clinton's foreign policy.

I am not talking about Bosnia, Haiti, North Korea, or China, I am speaking about Rwanda.

This time the United States failed to act to avert a genocide of our time. This administration not only ignored the wholesale slaughter in Rwanda, it delayed action on creating an international force and allowed the killing to continue.

Instead of leadership to stop the massacre we provided delay. Instead of demanding United Nations action—we offered an arms embargo after hundreds of thousands had been hacked to death by machetes, knives and spears.

When we say never again to a holocaust—we once again speak as hypocrites.

As we watch the rotting human corpses on our color TV screens we see before our eyes another failure in foreign policy and a sad chapter in the history of mankind.

Unfortunately whatever we do now is too little too late.

PROVIDING FOR CONSIDERATION OF H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 4 of this resolution. Except as specified in section 3, 4, or 5 of this resolution, each amendment printed in the report shall be considered only in the order printed and may be offered only by a Member designated in the report. Each amendment printed in the report shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that pro forma amendments for the purpose of debate may be offered by the chairman or ranking minority member of the Committee on Armed Services). All points of order against amendments printed in the report are waived.

SEC. 3 (a) After disposition of or postponement of further proceedings on amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution, it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Such consideration shall begin with an additional period of general debate, which shall be confined to ballistic missile defense and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

(b) After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, it shall be in order to consider the amendments printed in part 3 of the report (relating to burdensharing).

(c) After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, it shall be in order to consider the amendments printed in part 4 of the report of the Committee on Rules accompanying this resolution. Such consideration shall begin with an additional period of general debate, which shall be confined to the Trident II (D-5) missile and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

(d) After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, it shall be in order to consider the amendment printed in part 5 of the report (relating to the *Seawolf* submarine).

(e) After disposition of or postponement of further proceedings on the amendment printed in part 5 of the report, it shall be in order to consider any amendment printed in part 1 of the report not previously considered.

SEC. 4. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendment en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 5. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration any amendment made in order by this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. After disposition of or continued postponement of further proceedings on each of the amendments printed in the report of the Committee on Rules accompanying this resolution and any amendments offered pursuant to section 4 of this resolution, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

□ 1250

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. FROST. Mr. Speaker, House Resolution 429 provides for the initial consideration of H.R. 4301, the National Defense Authorization Act for Fiscal Year 1995. This resolution provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. The rule makes in order the Armed Services Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute shall be considered as read. All points of order are waived against consideration of both the bill and the substitute.

The rule makes in order only those amendments printed in the report to accompany the rule, certain amendments en bloc described in section 4, and pro forma amendments if offered by the chairman or ranking minority member of the Armed Services Committee. Except as specified in section 3, 4, or 5 of the rule, the amendments shall be considered in the order and manner specified in the report. The rule provides that unless otherwise specified in the report, each amendment is debatable for 10 minutes equally divided and controlled. The amendments shall be considered as read and are not subject to amendment nor a demand for a division of the question. All points of order are waived against the amendments in the report.

The rule provides for an additional period of 20 minutes of general debate on the subject of ballistic missile defense and an additional period of 20 minutes of general debate on the subject of the Trident II (D-5) missile. The amendments printed in part 2 of the report (relating to ballistic missile defense funding) will be considered under the king-of-the-hill procedures.

The chairman of the Armed Services Committee or his designee is authorized to offer amendments en bloc consisting of the amendments printed in part 1 of the report and germane modifications thereto. The amendments en bloc shall be considered as read except that modifications will be read. The amendments en bloc are debatable for 20 minutes equally divided and controlled by the chairman and the ranking minority member of the Armed Services Committee and are not subject to amendment nor a demand for a division of the question. The original proponents are permitted to insert statements in the RECORD. All points of order are waived against the amendments en bloc.

The chairman of the Committee of the Whole is permitted to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first series of votes.

The chairman of the Committee of the Whole is permitted to recognize for consideration of any amendment printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Armed Services Committee or a designee announces from the floor a request to that effect. Finally, the rule provides that no further consideration of the bill shall be in order except as subsequently ordered by the House.

Mr. Speaker, with adoption of this resolution we can begin the important debate on our Nation's defense policy. H.R. 4301 authorizes $262.8 billion for defense and for Department of Energy national security programs. This is about $900 million less than what was requested by the President, but $1.8 billion more than the amount appropriated for fiscal year 1994.

H.R. 4301 provides funding authorizations for our Nation's defense activities, including procurement, research, development, test and evaluation, operation and maintenance, military personnel, defense conversion, and other items necessary to our national defense efforts.

We are continuing to find our way in the post-cold-war era. In previous years, the threat to our national security was easy to recognize—quite simply, it was the Soviet Union. We crafted a defense policy based on this threat, procured weapons systems based on this threat, and trained our military forces to deal with this threat.

But the threat is changing. The former Soviet Union has undergone an extraordinary transformation, and is no longer the dominant military threat it once was. Instead, we are seeing other trouble spots breaking out throughout the world. Bosnia, Somalia, Korea, and Haiti all represent potential national security challenges to our country. And who knows where the next crisis will erupt?

Mr. Speaker, the world remains a dangerous place. We cannot deceive ourselves into thinking that, just because the former Soviet Union has broken up, we can let down our guard. Armed conflict can arise at any time, at any place, requiring the use of American power to protect our national security interests. We must remain prepared to deal with those threats.

H.R. 4301 provides the authorizations to ensure that we have the resources necessary to respond to threats to our national security. In ensures that the men and women who serve our Nation are well trained, and have the equipment and systems required to protect our shores and our interests in the world.

Of course, even with the fine work of the Armed Services Committee in bringing this bill to the floor, policy issues remain to be debated. By adopting this resolution, we can begin that debate on issues such as ballistic missile defense, burdensharing, the Trident II missile, and the *Seawolf* nuclear attack submarine. Members will have the opportunity to address other critical issues later during further consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

☐ 1300

Mr. Speaker, I urge support for this rule.

Mr. Speaker, my friend, the gentleman from Texas [Mr. FROST], has adequately explained the rule, so I will not go into detail about that. The rule, however, does make in order an en bloc package of miscellaneous amendments, and it provides for the consideration of other amendments in the specific areas that the gentleman from Texas has mentioned.

I would like to assure the Members that this first rule is the byproduct of bipartisan consultation, and therefore, it deserves our support on this side of the aisle. I will be voting for this rule.

I would also like to make clear, however, that several of the more controversial amendments listed in the en bloc package will be subject to separate consideration and separate votes, and that is as it should be. These are the last three amendments listed on the handout provided to Members.

Having said all this, Mr. Speaker, I must also be very candid and let the Members know that Republican support for this rule today does not in any way bind us to support the next rule. If Members will recall, there were four rules last year on the defense bill. For this bill we expect only one additional rule, but indeed this present rule may very well be the calm before the storm. The really heavy lifting will come in the next rule. If that rule does not provide for a balanced consideration of the critical issues on which our Government must make some timely decisions, let me assure all the Members that all hell is going to break loose around here. I say that reluctantly, but with emphasis.

Mr. Speaker, I have great respect for the chairman of the Committee on Armed Services and for the ranking Republican member. Those two gentlemen have established a record of bipartisan cooperation that should serve as a model for other committees. In fact, we would have a much better Congress if other committees operated in the same way that the Committee on Armed Services does under the leadership of the chairman, the gentleman from California [Mr. DELLUMS]. However, the Committee on Armed Services unfortunately has been straitjacketed by a series of budget resolutions and reconciliation bills that have torn the guts out of the defense budget. Add to all that the indecision, the vacillation, and the outright cowardice shown by this administration, and we are presented with a formula for disaster as far as the national defense of this country is concerned.

Mr. Speaker, this defense authorization bill represents the latest installment in an ongoing effort to dismantle the security posture of the United States of America. The defense budget in real terms has declined by 35 percent since fiscal year 1985. That is 35 percent. And then the Clinton administration comes along and slashes another $120-plus billion out of the defense budget, cuts made above and beyond the 5-year phased reduction proposed by the previous administration. This year's defense cuts are so deep, and they are so unjustified in light of the global crises out there, that this President cannot meet the minimum spending levels his own Bottom-Up Review defined as necessary to protect the vital interests of the United States.

Mr. Speaker, this Congress will live to rue the day it decided to go along with this irresponsible nonsense.

Mr. Speaker, the ship of state is adrift. A lethal combination of factors is coming together. At the same time that defense cuts are disconnecting the ship's rudder, the administration, with the captain at the helm, cannot find a compass. I am not sure that he is even looking for one, if you look at his record on foreign policy. One thing we do know for sure, the administration is showing a growing intolerance of criticism and fervently wishes to squelch a congressional debate on peacekeeping, among other sensitive subjects.

The distinguished Republican leader has filed three amendments on peacekeeping that must be included in the next rule or else there will be unanimous Republican opposition to that rule and probably to the bill itself.

His first amendment would stop the shell game whereby the United Nations can charge the United States over 31 percent of the cost of the peacekeeping operation and then issue everybody a blue helmet without ever acknowledging the in-kind logistical and operational support that America is already providing and which makes the whole peacekeeping effort possible in the first place.

In other words, we provide all the transportation and we take all the blue-helmeted soldiers into a strategic area; then we come back, and because we are not wearing the blue helmets, we do not even get credit for having participated. But we still have to shell out of our own pockets, the pockets of the taxpayers, another 31 percent of the cost. That means we end up paying 50, 60, or 70 percent of all these peacekeeping efforts that are going on all over the world.

Why should we pay at both ends and never have our true contributions acknowledged, much less appreciated? I just think it is wrong.

BOB MICHEL's second amendment would end the monstrous folly of placing U.S. troops under the operational command and control of foreigners. If you have looked at the operations in Somalia and other areas around the world, you know that is an absolute disgrace. It is the first time in the history of the United States that we have ever put American troops under foreign control, the consequences of which can only get much, much worse.

The gentleman's third amendment would prohibit defense funds from going to the United Nations as payment for the U.S. assessment in support of a peacekeeping mission. Let the administration find that money somewhere else, preferably in the State Department budget. The pinstriped boys at the White House and the State Department might be a little less willing to sign up American troops for every misguided operation that comes along if they knew that they could not count on getting a blank check from the Pentagon, a blank check that the American taxpayers end up paying in the long run.

Mr. Speaker, there are many other issues that need to be debated, and I hope the next rule for this bill, which should reach the floor on Friday, will provide for a fair debate. This is the most important bill to come before this Congress this year or any other year.

It is the real reason why the Government of the United States was formed in the first place, to provide for a common defense. That is really what we are here for. I urge the Members to make sure that the rule next Friday is going to be a fair one. Again I urge support for this first rule today.

Mr. Speaker, I include with my remarks the following materials to appear in the RECORD:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	66	14	21	52	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 18, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994)
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994)
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 15, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Department of Defense on H.R. 1055, 103d Congress, a bill "To direct the Secretary of Defense to issue a commendation to each individual exposed to mustard agents during World War II, and for other purposes."

H.R. 1055 would require the Secretary of Defense to issue a commendation to individuals exposed to mustard agents during World War II, and to notify these individuals of their exposure, the possible health effects of the exposure, and the options available to them for medical treatment for health effects resulting from the exposure. Further, if the bill were enacted the Secretary of Defense would be required to make available to the Secretary of Veterans Affairs any information regarding exposure to include the names of the individuals.

We fully support H.R. 1055. We do caution, however, that given the many years that have passed since some of these activities were carried out, and the format and dispersion of the records, it may not be possible for us fully to identify and notify all participants. In spite of the above obstacles, the Department of Defense is committed to doing everything possible to support the bill's provisions. We continue to pursue the review of records and we are determined to make as complete and thorough a review as possible and to share our findings with the Department of Veterans Affairs.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

STEPHEN W. PRESTON,
Acting General Counsel.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have been voting for these defense bills, and I have listened to these arguments on both sides of the aisle. There is a lot of good in the defense bill, but each and every one of us has some problems with it, and I have some concerns myself.

I believe that the American taxpayers pay for the defense of Japan and Germany and Europe to the tune of about $100 billion. That is, "b", a hundred billion. Now, I know they say that protects American interests when we send all this money over there, but I want the Members to think about this.

The taxpayers of American send a check over to Frankfurt to an American soldier who cashes his check at a bank in Frankfurt. Then he goes out and he buys clothing in Heidelberg, or he goes to dinner in Dusseldorf, or in fact they may take in a theater at some point in Rome, or some American soldier may cash his check and buy sushi in Tokyo. This amazes me. And yet we have millions of illegal aliens running across our border, and Congress is feverishly trying to find money to finance new Border Patrol agents. I just cannot believe how dumb the Congress of the United States can be.

Now, I say to the gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. FROST] that I have a little amendment to offer. It has been on the books for 3 years, and I have been jacked around.

□ 1310

Here is what is says: The Traficant amendment says the Secretary of Defense can take some of these soldiers, who are falling out of chairs without armrests in Europe, and relocate them on our borders so we do not have to come up with more money and bankrupt American families and taxpayers. And they can work with immigration, they can work with the Border Patrol, they will not violate posse comitatus laws, and they will help to keep out illegal aliens, heroin, brown Mexican heroin, crack, guns, and people that end on welfare programs. And that is not a statement being made against Mexico and southern America. I know the problems we have. I want my amendment in the damn bill.

Mr. HUNTER. Will the gentleman yield?

Mr. TRAFICANT. I will yield to my good friend from California.

Mr. HUNTER. I thank my friend from Ohio for his amendment. I think it is an excellent amendment, and I think the Republican side of the aisle will do everything it can to see that the gentleman's amendment is made in order. The gentleman is right on point with respect to the massive smuggling that is taking place on the border.

We are knocking out 1,700 young people a week out of the military, taking them out of uniform. We are, in fact, supporting a great deal of the rest of the free world with American taxpayer dollars. We could make some common sense decisions, and I think the gentleman's amendment is excellent.

Mr. TRAFICANT. Mr. Speaker reclaiming my time, I appreciate the support of the gentleman from California [Mr. HUNTER]. I have voted to support the gentleman on every one of his border initiatives. The gentleman has been a leader in the Congress.

Mr. Speaker, the Traficant amendment does not say "shall," because I do not want to frighten away the Democrats. I would say to the gentleman from Texas [Mr. FROST], this is important: The Traficant amendment says the Secretary of Defense may relocate and restation these troops.

Now, let me say this to you: I say we are sending our money overseas, they are cashing our check over there, going to theaters in Rome, and we have some big problems in our country. Why do not we take it easy on the taxpayers? Allow us to bring some of our troops already trained, put them on the border. Maybe after they are done with their service, we might be able to keep them in the Border Patrol and they will understand the significance of those particular problems.

So I would like my amendment included in the second round, or else I declare war here today in this defense bill. And the gentleman from Illinois [Mr. COSTELLO] and the gentleman from Illinois [Mr. LIPINSKI] are saying yes, sir, they are all going to support me, and the gentleman from California [Mr. HUNTER] and the gentleman from New York [Mr. SOLOMON] and we are going to overrun the Democrats and the gentleman from Pennsylvania [Mr. WALKER]. So I would say to the gentleman from Florida [Mr. GOSS] you have to make it happen. I would appreciate it, Mr. Chairman, if you would put my amendment in this bill.

Mr. SOLOMON. Mr. Speaker, let me just assure the previous speaker that we always support his amendments. We believe in open rules and open debate on this floor.

Mr. Speaker, I yield 3½ minutes to a very distinguished Member of the Committee on Rules, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, today we begin the arduous but crucial task of establishing our Nation's defense priorities for the coming fiscal year. Today's rule is the first cut, attempting to address some of the major issues while leaving room for further discussion down the road. I take heart in the notice at the top of today's list of amendments, which reads "any amendment not printed on this list is still available and may be included in the next rule" because there are massive gaps. One area of tremendous concern is the President's latest policy shift on Haiti—another zag in the ongoing zigzag of administration attempts to resolve the Haitian crisis. The President has announced we will begin processing Haitian refugee claims on the high seas, or perhaps in third countries, but the Coast Guard has no instructions on implementing this policy shift. Many of my colleagues believe this new policy is a bad idea and, coupled with the impending tightened the U.N. embargo, will lead to mass exodus from Haiti. There is real disbelief about renting cruise ships as processing centers, especially when cheaper and safer solutions exist. Meanwhile, this policy does nothing to address the long-term problem of stability in Haiti. The administration is sliding ever further down the slippery slope toward military intervention, without a clear mission and with no clue about how to extract ourselves once we are there. This would be a tragic mistake. Several Members, including myself, have offered amendments to the DOD bill regarding Haiti, presenting alternative solutions to the current crisis. My suggestion deals with using a large Haitian island as a safe haven. Mr. SHAW of Florida has raised the possibility of training Haitians to take back their country. And Mr. KYL has sought to put the Congress on record as opposing a United States invasion of Haiti. In addition, I have an amendment to ensure that DOD resources are not used to pursue the unworkable and dangerous policy of refugee processing on the high seas. These are important subjects that Members have a right to consider. I hope the majority will make them in order in the second rule. Lastly, Mr. Speaker, I draw Members' attention to one small provision in this massive bill; sense of Congress language in title X pertaining to a DOD commendation for all the victims of World War II mustard gas tests. This language comes from my bill, H.R. 1055, which has more than 70 bipartisan cosponsors and has DOD support. I am grateful to my friends Mr. SKELTON and Mr. KYL for their help in securing this provision. We have been assured that such matters are normally handled by Sense of Congress language, and I submit for my colleagues review a letter underscoring the Department of Defense's support for this effort and commitment to providing long-overdue recognition and gratitude to victims of those secret Government tests. How appropriate that we get this done before the 50th anniversary of the invasion of Normandy.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the very distinguished gentleman from California [Mr. CUNNINGHAM], a member of the Committee on Armed Services.

Mr. CUNNINGHAM. Mr. Speaker, the Speaker is one of those strong supporters of defense, and I would like to recognize that.

I would like to go through several different ways in which this administration is attempting to kill defense. First of all, there was a $50 billion cut under the 102d Congress, and candidate Clinton said $60 billion would put us into bone marrow. Immediately in his budget he put $127 billion additional cuts in defense, which brought it to $177 billion.

Why? Because then he could reduce the deficit. He could show the American people how he is reducing the deficit. But he is doing it on the backs of the men and women who serve this country.

The military through 1994 is operating by the skin of its teeth. It has very little funding for training and operations, and with us still in Iraq and Bosnia and trying to get into Haiti, and even in Somalia, it affects us. It affects our readiness back here at home as well.

The funding for all services through 1995 and out, 1994 is taken care of, but 1995 and out is dependent on closing the ordinary bases ordered under BRAC'93. But the administration is not funding BRAC'93, and there is no savings, so there is no funding of the military 1995 on out.

What is happening in my own district, the commanding officer of NTC just took $30,000 out of training and operations to buy plywood to board up the buildings he is trying to close, but he cannot do it. That is affecting our readiness, Mr. Speaker.

The President needs to fund BRAC'93. It is killing the military. They are eating themselves from within.

I testified before the BRAC that the environmental cleanup cost of those bases would far exceed their estimates. That has come to fruition. In many cases, Mr. Speaker, there is no savings from those bases. So again, in the out years.

A fourth way that the administration is attempting to kill defense, they have ordered early demise of F-14's, F-15's, F-16's, and even ordered the cancellation and demise of the A-6, our only all-weather fighting plane. In the meantime, they keep extending the research and development of a joint airplane beyond the year 2000. Our inventory is going downhill, and there is no replacement. The F-18-EF has been delayed, and it is killing us and killing our support.

□ 1320

BRAC'93 and the military expansion funds and training and maintenance and operation is killing us. The liberal House has ordered that we spend $4 billion in social programs out of the defense budget, $4 billion, when the gentlewoman from Colorado said we need to kill and cut defense even more above the $177 billion, and she herself stuck in millions of dollars of pork barrel projects in her own district on social spending out of the defense budget. That is a crime.

They are trying to kill the inventory. The administration is risking national security in the United States by costing the lives of our men and women. I look at the defense cuts with a faulty foreign policy. I look at 22 rangers in Somalia and 77 wounded that did not have to die. No, it is not Les Aspin's fault. It is the President of the United States.

I make that statement because I disagreed with our capabilities in Lebanon. I disagreed with those liberals that turned their backs on us in Vietnam while we fought that battle and got us killed, and they are doing the same thing today. It is like deja vu. On one side of a combat weapon and looking back and say, "Don't they know what they are doing to us in Congress?"

And today, being part of that and seeing in many cases the same liberals that are trying to get us killed, not only today but in the future. Do they not realize what the demise of the defense industry in the research and development? Research and development has kept us on the technical edge. The F-14, for example, is the greatest airplane ever built, and we had that technical edge.

But that research and development will be diminished, and we will not have that edge. We are drawing down our troops. We are cutting training.

I coined a phrase, "You fight like you train." That training is going away. They want to kill defense. They are killing our men and women and, damn it, I am quite tired of it.

Mr. President, fund BRAC'93, quit taking social spending out of the defense bill and quit the hyprocritic statements that we have too much defense.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would advise the gentleman that he is to address the Chair, and not the President, directly.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have become increasingly concerned in recent weeks that the House is not going to proceed with the basic reform legislation some of us who worked on a committee for almost a year developing those reforms had expected. It becomes clear from what the Speaker is saying on a daily basis that at the most we are going to get reforms out here of a very minor nature.

One of the things that we in the minority felt strongly about was the fact that we need to end the proxy voting in the House of Representatives. Proxy voting is when Members do not show up at committee but their votes are cast for them anyway.

What I am wondering is, as I hear the debate on this very complicated issue that literally involves the lives of men and women in our service, whether or not we had a situation in this committee where some of these fundamental issues as they were decided in committee were decided by proxy vote, whether or not that was even important enough to be raised at the Committee on Rules.

I have been up at the Committee on Rules on a number of cases and testified and at no time were questions asked about whether or not the bill was reported using a lot of proxy votes, whether or not proxy votes were used in the deliberations and in the amendments that came to the floor.

I have to tell my colleagues, if we are not going to have reform in the House of Representatives, if in fact, once again, the Democratic leadership is going to try to fool the American people and have them believe that somehow reform has been done when, in fact, nothing has been done, that we are going to have to, it seems to me, begin to raise those issues.

My guess is it was not raised in this particular matter, but it ought to be raised in the future.

Each time committees come before the Committee on Rules, it seems to me that one of the questions that needs to be asked is whether or not proxy votes were used to bring forward the legislation in any way, shape or form. The American people deserve to know whether or not we have ghost voting in the committees. The American people sent Representatives here not to have someone else cast their vote for them but to have that vote cast by the person who was elected.

Time and time again what we are finding is that the Democrats in this institution are allowing their power structures to spread so that no one can show up at committees and then justifying proxy voting on the basis of, "Well, Members are too busy to be there and cast their votes."

It is time we reform the body and it is time one of the issues that we raise is whether or not Members are showing up for work in their committees. Showing up for work means casting your vote. It is not being done and, as we sit here and listen to the complicated issues that this committee took up, I sure hope that there were not votes cast by proxy. I am sure that there were not questions asked about that in this round. But in the future, I sure hope those questions will be asked, because it is high time that the Committee on Rules and the House as an institution asked the questions of whether or not Members are casting their votes for real in committee or whether this is being done for them by committee chairmen and others who may be casting ghost votes.

It is wrong. It ought to be stopped, and just the nature of the issues that we are hearing about today, what the gentleman from California just said about the decisions that we are making in the Congress that involve very life and death issues, those ought not be done by proxy votes.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER], a very distinguished member of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time to me and for the great leadership he has shown in this rules debate.

My colleagues, we are reliving a very tragic history. It is a history that follows American victories in major conflicts.

After World War II, when we were disassembling our military, General Marshall was asked how was the demobilization going. He said, "This isn't a demobilization. This is a rout."

He was right, and America discovered that he was right when in Korea a few years after having the most massive, effective military in the history of the world, we found that we could not hold our ground in Korea because we had done away with the personnel and with the equipment that was necessary to subject American power effectively.

We won World War II and we demobilized too quickly. We demobilized too quickly after Korea, and I would submit that we have demobilized too quickly after this perceived victory in the cold war.

We are cutting 1,700 young people free per week from the military, cashiering 1,700 people out of the military. We have cut back our fighter strength already to about 50 percent of what it was a few years ago. We are replacing fighter aircraft and combat aircraft at the rate of only 1 to 100 in inventory on an annual basis.

That means we are obsolescing our fighters at five times the rate that took place during the 1980's. And against this backdrop of military slashing, of destroying the military that President Clinton has embarked upon, we have a remaining dangerous world with North Korea acquiring nuclear weapons, continued instability in the Soviet Union, continued problems and potential conflicts in the Middle East, the Balkans are exploding. There is massive death in Africa, and Communist China is attempting to assert itself into the position of superpower status formerly enjoyed by the Soviet Union.

I have President Clinton's statement in front of me in which he says, with respect to this bill, the White House says, "The bill is most objectionable in the deep and arbitrary reductions it would impose on readiness."

Let me just say, the deep and arbitrary cuts and reductions that have been imposed on military readiness have been imposed by President Clinton, because he has cut defense $127 billion initially below the line that was established by President Bush.

He has massacred national defense.

And what he does when he does that is not just deal a body blow to a bunch of people in the Pentagon or in administrative positions around the United States at military bases. What he does is undermine the credibility of the 30,000-plus American soldiers who occupy the Korean Peninsula whose real defense is the credibility of America's military power.

What he does is cut back on the credibility of Americans who are trying to see to it that nuclear weapons do not proliferate and that this country remains strong.

Now, let me just say that there is a strong disagreement. While we in the Committee on Armed Services voted this bill out so we could get on the floor, there is not a bipartisan agreement on this defense bill with respect to the amount of dollars we spend on defense, because we are devastating national security with this bill. And Republicans do not agree with it.

I think Members are going to see in the end of this debate a strong position by the Republicans in this House. I think by Democrats, conservative Democrats, pro-defense Democrats who have been talking to enlisted people, who have been talking to people at the bases, who have been talking to people in the field, they know defense is being cut too much. They are going to join to oppose this bill.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I rise in support of this rule. During the regular debate I will be acknowledging the leadership of our committee chairman and our ranking Republican who I think have done an admirable job, certainly have been fair and have worked with us in a truly bipartisan spirit. But I have four major problems with where we are in terms of defense spending, Mr. Speaker.

First of all, the perception is that we have not cut defense spending. Members are going to hear that over and over again by our colleagues particularly on the other side. Nothing could be further from the truth. If we look at what we were spending on defense in the 1960's after the Korean war but before the Vietnam war, we were spending 9 percent of our GNP on defense. We were spending 55 cents of every dollar on the military. In this year's budget we will be spending 3 percent of our GNP on defense and roughly 17 cents of every dollar on the military. Any Member who gets up here and says we have not cut defense is just lying to the American people.

My second problem is this President stood up at this podium, our President, and made the promise to the American people, as he pounded the table, "I will not cut defense further."

I will include his quote where he said, "The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of our forces * * * We must not cut defense further."

I include that entire quote, as follows:

> Last year I proposed a defense plan that maintains our post-Cold War security at a lower cost. This year many people urged me to cut our defense spending further to pay for other government programs. I said no. The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of our forces.
>
> Ultimately, the best strategy is to do that. We must not cut defense further. I hope the Congress without regard to party.

Mr. Speaker, what do the numbers show? In each of the next 4 years we cut defense spending not at the rate of inflation, but we cut defense spending in real terms. The administration has just not been truthful with the American people, and I have a real problem with that.

The third major problem I have with where we are in defense is this bill is not based upon the threat. Mr. Speaker, as you know, the Members of the Committee on Armed Services are given the responsibility by our colleagues to look at this threat that is out there, where the problem areas are, where the hot spots are and how we can respond, and then we are supposed to come up with what we think would be necessary to defend America and our allies. That is not what happened this year. This year we were given a number, as SAM NUNN said, pulled out of the air. That number was given to us as our budget number for this fiscal year. This budget and this defense bill is not based on the real threat that is out there, and we will be discussing that during the regular debate on the full bill.

My fourth concern with where we are in terms of defense is the defense bill, because of its size, is becoming the cash cow for the country. Members who cannot justify programs and priorities that have nothing to do with the military are inserting them in defense spending through the appropriations process, through the authorization process. Senator MCCAIN estimated that there were $4 billion last year of items tacked on to defense spending that had nothing to do with the military, things that were stuck in by Members who could not get their priorities addressed through legitimate channels.

That has got to end, and when our colleagues on the other side say cut defense spending, they ought to start by cutting out those items that have nothing to do with national security.

Mr. Speaker, this is in fact a major piece of legislation, and while I support the overall attempt at what we are doing with limited funds, I have major problems, and I ask our colleagues to look seriously at these issues as we debate the national defense bill for next year.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to clarify from our side of the aisle that when speakers say the Members on the other side of the aisle, there are a lot of Members, including yourself, Mr. Speaker, who help us on defense issues and realize what the needs are of this country.

But I would like my liberal colleagues, some on the other side, as well as the conservatives and moderates across the board, to get a security briefing from our submariners. While in all of Russia today the lights are going out and they have economic troubles, they are dropping four, to five to six *Typhoon* class submarines, nuclear submarines a year. They have three submarines, and I cannot quote the depth because it is classified, that go thousands and thousands of feet. They use molded titanium. Those submarines cost $5 billion to $10 billion, and they are spending $50 billion in nuclear submarines while we are giving them billions of dollars in Russia. I would ask if we really want to save money, let us take a look at where those kinds of dollars are going, and we can save a lot of money. And that does affect our national security.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said at the outset of this debate, I urge support for this rule. It is a rule that has been negotiated on a bipartisan basis between the majority and minority. We were treated fairly on this rule. We have a lot of reservations about the second rule, but we will get to that in due time.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Georgia [Mr. GINGRICH], our Republican whip.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Georgia [Mr. GINGRICH] is recognized for 3 minutes.

Mr. GINGRICH. Mr. Speaker, I think I can say what needs to be said in about 3 minutes. I think there are only three points that we need to make.

The first point is for those watching who care about America's young men and young women in uniform, those who are worried about America's strength around the world, this bill, when it comes to the floor, is a very dangerous bill. It is dramatically under President Clinton's request. President Clinton's request was dramatically under President Bush's request.

My fear is that some day in the next couple of years we are going to see young men and women in American uniforms killed because they are not going to have the right equipment, they are not going to have the right training, they are not going to have the airlift capability. And while I think the committee has tried very hard, and I want to say that I think my good friend, Chairman DELLUMS, has been very fair, and I think there has been a very serious effort to try to do the best they can, the fact is when we cut defense as deeply as we are cutting it over the next 5 years, we are weakening America, and this bill is a major step. This year they do everything they can to keep it up as far as they can, but if we look at the outyears, the year after and the year after, by 1999 we have a radical cut in our defense capabilities. That is my first point, that this bill moves us down the road to weakening America which is going to endanger the lives of American men and women around the planet.

My second point would be that once again our friends in the Democratic Party, who have run this House for 40 years, are trying to produce a rule that does not make in order very major amendments. And I want to talk about those amendments as my third point.

But I want every American to understand, and I want my colleagues to understand that there is something profoundly wrong when the Democrats, who have been in charge for 40 years, find the only way they can get a bill through is to rig the rules, to bring to the floor a rule which blocks important, legitimate amendments. The American people deserve to see our vote on key issues, and that gets me to my third point.

Mr. SOLOMON. Mr. Speaker, will the gentleman from Texas [Mr. FROST] please yield time to the gentleman in the well, because we were constrained, and the gentleman has not used up his time yet. Could he yield the gentleman a couple of minutes?

Mr. FROST. No, Mr. Speaker. The gentleman has had his full time on his side. He had his full 30 minutes.

Mr. GINGRICH. Mr. Speaker, I would not expect the machine to yield us any extra time. I understand the machine is not going to yield any extra time. It wants a closed rule, and a closed debate, and it wants to hide and keep power.

Mr. Speaker, let me say on the issue of Haiti we are about to make some major decisions in this country that are going to risk the lives of American young men and women that this House has an obligation to debate, and this bill is a legitimate place to debate that. This is about the use of Americans in uniform, about the use of the American Navy, and we deserve, and the American people deserve, to have those amendments made in order.

Mr. Speaker, I am going to oppose this rule, and I am going to oppose the next rule if the Democratic machine, after 40 years, insists on gagging the House so the American people do not get a fair debate and a recorded vote on an immediate issue that involves real foreign policy questions that involves the potential threat to the lives of America's men and women in uniform.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only point out to the minority whip who has just been speaking that there is ample general debate time provided under this rule, and the minority whip or anyone else on his side will have ample time during general debate to express their concern about the issues that the gentleman has raised.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 49, not voting 15, as follows:

[Roll No. 178]

YEAS—369

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—49

Allard
Archer
Armey
Baker (CA)
Ballenger
Barton
Bunning
Burton
Buyer
Coble
Combest
Crapo
Cunningham
DeLay
Dornan
Duncan
Ehlers
Fawell
Fields (TX)
Franks (NJ)
Gallegly
Gallo
Gekas
Grams
Hancock
Hoekstra
Huffington
Hunter
Kasich
Kim
Klug
Lewis (CA)
McCandless
McCrery
McHugh
McKeon
Miller (FL)
Packard
Petri
Pombo
Ramstad
Roberts
Roth
Royce
Sensenbrenner
Stearns
Stump
Thomas (CA)
Zimmer

NOT VOTING—15

Ackerman
Boucher
Crane
Dicks
Emerson
Ewing
Grandy
Hall (OH)
Hochbrueckner
McDermott
Neal (NC)
Rangel
Towns
Washington
Whitten

□ 1401

Mr. PAXON changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR PRINTING OF MILITARY CONSTRUCTION PROJECT TABLE OMITTED FROM HOUSE REPORT 103–499

Mr. DELLUMS. Mr. Speaker, a page from the military construction project table, listed by State, was inadvertently omitted from the original table contained in House Report 103–499. I ask unanimous consent that this page, to be inserted after page 326 in the report, be printed in the RECORD at this point for the convenience of Members of the House.

The SPEAKER pro tempore. (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

The table referred to is as follows:

No.—Location	Service	Installation	Project	Budget request	Change to request House	Committee recommendation
156 Minnesota	Army National Guard	Camp Ripley	Combined support maintenace shop	0	5,000	+,000
157 Minnesota	Air National Guard	Minneaplis/St. Paul Intern'l Airport	Operations/Aeromedical building	0	8,000	8,000
158 Mississippi	Air Force	Columbus AFB	Bachelor enlisted quarters	0	10,000	10,000
159 Mississippi	Air Force	Keesler AFB	7-level training dormitory	8,800	0	8,800
160 Mississippi	Air Force	Keesler AFB	7-level training classrooms	1,800	0	1,800
161 Mississippi	Air Force	Keesler AFB	Ungrade fire suppression system	640	0	640
162 Mississippi	Army National Guard	Camp Shelby	Regional school facility	0	7,000	7,000
163 Mississippi	Army National Guard	Crystal Springs	Armory	0	2,250	2,250
164 Mississippi	Army National Guard	Winona	Armory	0	1,650	1,650
165 Mississippi	Air National Guard	Gulfport	Troop camp quarters	0	5,800	5,800
166 Mississippi	Air National Guard	Thompson Air National Guard Field	Fire station	0	2,400	2,400
167 Missouri	Air Force	Whiteman AFB	Storm drainage facilities	1,290	0	1,290
168 Missouri	Air Force	Whiteman AFB	B–2 ADAL dock & hangar fire protection sys.	3,400	0	3,400
169 Missouri	Air Force	Whiteman AFB	B–2 aircraft maint docks/hydrant fueling	15,000	0	15,000
170 Missouri	Air Force	Whiteman AFB	B–2 ADAL apron, taxiway, & convoy roads	4,600	0	4,600

No.—Location	Service	Installation	Project	Budget request	Change to request House	Committee recommendation
171 Missouri	Army National Guard	Columbia	Armory	0	1,415	1,415
172 Missouri	Army National Guard	Skelton Training Center, Jefferson City	Defense access road	0	1,500	1,500
173 Missouri	Air National Guard	Jefferson Barracks ANG Site	Replace fuel tanks/upgrade refuel booth	500	0	500
174 Missouri	Air National Guard	St. Louis-Lambert Field	Replace undergound fuel storage tanks	440	0	440
175 Missouri	Air National Guard	St. Joseph	Civil engineering facility	0	3,000	3,000
176 Montana	Air Force	Malmstrom AFB	Ungd fuel storage tanks minuteman III Facs	4,000	0	4,000
177 Montana	Air Force	Malmstrom AFB	Underground fuel storage tanks	3,200	0	3,200
178 Montana	Air National Guard	Great Falls IAP	ADAL fuel cell and corrosion control hang	1,150	0	1,150
179 Nebraska	Air Force	Offutt AFB	Storm drainage facilities	1,500	0	1,500
180 Nebraska	Air Force	Offutt AFB	Underground fuel storage tanks	760	0	760
181 Nebraska	Air National Guard	Lincoln MAP	Parking apron, jet fuel stor and opting com	14,274	0	14,274
182 Nebraska	Air National Guard	Lincoln MAP	Replace underground fuel storage tanks	500	0	500
183 Nevada	Army National Guard	Washoe County	Armory	0	5,500	5,500
184 Nevada	Army Reserve	Las Vegas	Armed Forces Reserve Center	0	20,000	20,000
185 New Jersey	Army	Mil Ocean Tern Bayonne	Pave cargo staging and holding area	4,050	0	4,050
186 New Jersey	Navy	Lakehurst Navairwarefare Ctr Aircraft Div.	Potable water distribution system adon	2,950	0	2,950

CHANGE IN ORDER OF CONSIDERATION OF AMENDMENT PRINTED IN PART 5 OF HOUSE REPORT 103–509 ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4301 pursuant to House Resolution 429 the amendment printed in part 5 of House Report 103–509 may be considered as though printed in part 1 of that report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4301), to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

The Chair designates the gentleman from Illinois [Mr. DURBIN] as Chairman of the Committee of the Whole and requests the gentleman from New Jersey [Mr. MENENDEZ] to assume the chair temporarily.

☐ 1405

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4301, with Mr. MENENDEZ, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 429, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 1 hour, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this year the Armed Services Committee again faced the task of authorizing national defense programs in a time of continuing transition and strategic uncertainty, a period of continuing analysis and development of fundamental defense doctrine, and in the face of increasingly severe Federal budgetary constraints.

The committee held a number of hearings to explore these issues, in order to build an analytical base for the on going defense debate. We heard testimony on the situations unfolding in the former Soviet Union and Yugoslavia, and on the Korean peninsula. We analyzed DOD's Bottom-Up Review and its planning scenarios, the Navy's ship acquisition strategy, and our military airlift requirements. We employed the emergence and importance of peace operations in this changed environment.

Although broad differences of opinion exist within the committee regarding the pace and scale of the post-cold-war force changes, we reported H.R. 4301 on a 55–1 vote. This near unanimity reflects a determination to fill the bill within budget limitations, while structuring programs to provide the training and material necessary so our forces can meet their missions. The future will require an even more vigorous debate, to answer the many remaining questions.

What military role remains for nuclear weapons in our arsenal, if any? What constitutes critical defense industrial base skills demanding a constant procurement or research stream, and in what areas can we rely upon our general industrial and technological base to meet our military needs? What size and type of force do we need for this period, and how does it relate to other military and nonmilitary resource needs? How should we train and equip them? These are but a few of the questions which must be answered in the future.

Although important matters have been deferred, the committee undertook a number of significant measures to address the national security challenges facing the Nation. The President requested $263.7 billion in defense spending for fiscal year 1995. The budget authority implications of the committee bill are $262.7 billion, an amount consistent with the results of the Budget Conference and the allocation process within the House Appropriations Committee.

The committee successfully grappled with the issue of acquisition reform; confronted the debilitating problems of sexual harassment and the effects of race and sex discrimination; provided for a vigorous and robust training and operations program to ensure readiness; broadened the missions of our national laboratories to reflect emerging national security priorities; and further developed our previous commitment to defense economic reinvestment and conversion.

In addition, we recommended initial steps to protect important industrial base assets, pending a thorough analysis of long-term industrial base needs; provided for needed environmental cleanup programs; and continued a reassessment and realignment of strategic forces in line with the dramatic transformation of the strategic threat.

Here are some additional highlights of the committee bill that exemplify these and other initiatives:

The bill ensures readiness by protecting the substance of the administration's 13.5 percent increase per active duty service member for training, operations and maintenance.

The bill continues our dual-use technology reinvestment program and matures the initiatives begun earlier in defense conversion.

With the growing recognition of the need for our military to act in compliance with environmental regulations, and because advance planning may ultimately reduce the significant costs associated with cleanup, the bill requires the Secretary of Defense to conduct an analysis in compliance with the National Environmental Policy Act of the life-cycle environmental costs of major defense acquisition programs, before development commences.

In order to ensure that DOD programs are open to full and fair competition, the bill directs GAO to conduct a study of the participation of women-owned small business in defense contracting; it also directs the Secretary of Defense to reevaluate the accounting method now used to assess compliance with DOD's 5-percent minority contracting goal.

The acquisition subcommittee—and then the full committee—faced a number of important decisions regarding weapons and other systems. What follows are some of the major items in the acquisition area:

The C–17 is one of the larger issues confronted by the committee this year. Unfortunately, DOD did not provide sufficient information to us regarding the C–17, which forced us to craft a solution to the several problems presented by the current airlift modernization strategy. We sought to preserve options and ensure an expansion of needed airlift capability, which we do not believe can be provided effectively by the C–17 alone. The committee recommends a complementary mix of four C–17 aircraft plus $550 million for the acquisition of nondevelopmental alternative aircraft that would be procured under competitive procedures. Such planes may more appropriately fill part of the airlift need and the early startup of this acquisition process will guard against the airlift capability shortfall associated with a C–17-only approach.

The committee faced a dilemma regarding the nuclear aircraft carrier (CVN–76), which the Navy sought to fund partially through the utilization of unobligated funds from a prior year appropriation. The committee chose instead to provide full funding, $3.6 billion, for the aircraft carrier from fiscal year 1995 accounts. It also provided advance procurement, $100 million, for the large-deck amphibious ship LHD–7. The projected acquisition of the LHD–7 ahead of the LX, reverses the Navy's proposed acquisition sequence but seems better suited to Marine Corps needs and industrial base preservation strategies.

In recognition that the perceived imperatives of the cold war have evaporated with regard to the strategic conflict with the former Soviet Union, the bill prohibits modification of Trident submarines currently carrying C–4 missiles to enable them to carry D–5 missiles.

The committee continues to work with the Government Operations Committee to move a separate, comprehensive acquisition reform bill. This should be done in the very near future. In the meantime, the committee has recommended taking action on some defense-unique requirements relating to reporting and weapons testing and other service specific considerations. These proposals are based on the recommendations of the advisory report on streamlining defense acquisition laws.

The bill also provides for a bridge on Apache procurement that will preserve the production line between the end of the planned AH–64A program and the initiation of AH–64D deliveries.

Because of problems with all aspects of the program the committee bill would terminate the costly and chronically troubled Tri-Service Standoff Attack Missile [TSSAM].

Recognizing that cold war space systems purchased to manage that strategic environment are costly for our current needs, the committee undertook to accelerate the MILSTAR III communications satellite program, which may allow it to replace the last two MILSTAR II satellites. We have requested that DOD provide us with a military communications master plan, and we have fenced $50 million until it does so.

In addition, the committee proposes that a ballistic missile early warning satellite assurance fund of $300 million be established to reduce the risk associated with the transition from the DSP satellite program to the initial availability of the followon ALARM satellite program.

The bill contains a package of Guard and Reserve procurement initiatives totaling $785 million.

The committee bill includes $100 million for a bomber force upgrade fund to maintain operational B–1 or B–52's, or to purchase B–1 conventional upgrades.

The overall thrust of these provisions is an effort to realign our forces to meet the threats and realities of the post-cold war world in which they must operate. It reflects a prudent, perhaps conservative, view of how to meet those needs.

Some committee members fear, though, that we are cutting too quickly in the face of continuing strategic uncertainties and that we will face an inability to meet the mission requirements posited in the Bottom-Up Review. It bears noting that the Congressional Budget Office testified before the committee that the Bottom-Up Review force was generally affordable within the 5-year defense plan.

Beyond that, the Bottom-Up Review commits the United States to meet a much more stringent planning requirement than was being planned for under the Bush administration. And, it would have us plan to be able to meet two major regional contingencies without benefit of allied participation. Finally, it must be noted that the administration's current plans will provide significant force enhancements, an actual expansion of military capability in the midterm.

There are those on the committee, including this gentleman, who believe that we have not gone far enough in implementing a realignment made possible by the end of the cold war. I believe that the information garnered in our hearings will allow us in the future to make substantial further cuts in force structure and to reduce and realign important acquisition programs. A failure to do so threatens to carry forward too large a force structure that is organized for the wrong purposes. This will hamper both our ability to meet our urgent and desperate civilian needs and the more practical requirements of our defense forces.

This is the debate that ensues, both with the amendments that are now before you and with the committee bills that will come forward in the future.

□ 1420

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before commencing I want to thank Chairman DELLUMS for the way in which he has led the committee this year. The fact that the committee reported a bill that codifies the President's controversial defense budget figure on a nearly unanimous vote speaks volumes about the chairman's respect for the process and the rights of his colleagues.

If you are able to take H.R. 4301 out of its broader context, namely an insufficient top-line spending figure, then the committee bill represents a reasonable balance of political realities and substantive requirements. There is much that is good about this bill. For instance, it explicitly rejects the President's proposal to pay the U.S. share of U.N. peacekeeping costs out of the Department of Defense budget instead of the State Department budget. It provides for a military pay raise of 2.6 percent, which is consistent with the requirements of current law. The President had proposed a pay raise of only 1.6 percent. It readjusts the schedule on which military retirees receive their COLA's in fiscal year 1995 to make it consistent with the schedule for all other Federal civilian COLA's.

In the broader context of the President's national security strategy, there is much to be troubled about. The world has not become any friendlier, nor the administration's foreign policy any more reassuring since the House debated the fiscal year 1994 defense authorization bill last September.

North Korea has transitioned from rattling their nuclear sabers to playing nuclear brinkmanship. If last weekend's report that the North Koreans have started to remove fuel rods from their experimental reactor is accurate, it would represent a major escalation of the crisis—an escalation that must be responded to with stiff economic sanctions. As Secretary Perry has indicated on numerous occasions, it is not clear how long the road is between sanctions and the possibility of armed conflict.

The United States has stumbled further down the slippery slope of direct military involvement in the civil war in Bosnia—an involvement that may ultimately include the stationing of 20,000–30,000 U.S. ground troops for a period of years.

The administration's expanded policy in Somalia, including the manhunt for General Aideed, resulted in the tragic October deaths of 18 U.S. military personnel and ultimately ended in failure.

Ethnic, religious, and nationalist-inspired violence around the periphery of the former Soviet Union grows, while Russian nationalism is on the rise.

To anyone who believes that the post cold war will be a kinder and gentler world, one has only to consider the hatred and inhumanity that has characterized the Rwandan tribal violence of the past month—it defies description.

CLINTON DEFENSE SPENDING REDUCTIONS

Despite the violence, turmoil, and instability that characterize the post cold war world, President Clinton continues to call for the deepest defense spending reductions since World War II. The fiscal year 1995 defense budget request is almost $9 billion in outlays below current fiscal year 1994 spending levels, and follows on the heels of 9 consecutive years of declining defense budgets. In a broader sense, the fiscal year 1995 defense request is only the second installment in the President's 6-year plan to reduce defense spending by approximately $156 billion. By 1999, the defense budget will represent only 2.8 percent of U.S. gross domestic product—the lowest level since the Great Depression. By comparison, over the same timeframe, the President's budget would have domestic spending increase by 12 percent and entitlements by 38 percent.

We often become impervious to these kinds of statistics because we rarely gain an understanding of their day-today implications. Therefore, to help put the Clinton administration's defense spending reductions into some perspective: In fiscal year 1994, on average DOD is releasing almost 12,000 active duty, reserve, and civilians each month. In fiscal year 1995, the monthly average will increase to 15,000.

Over the 5-year period from fiscal year 1992 to 1997, Bureau of Labor Statistics information indicates that an average of 20,000 private sector defense-related jobs will be lost each month. The U.S. aerospace industry has not employed so few workers since Jimmy Carter was President.

In fiscal year 1995, on average, DOD will retire 1 ship, 37 primary authorized aircraft and 1 combat battalion each month.

By fiscal year 1999, active duty military will be down 32 percent, selected reserves down 20 percent, DOD civilians down 29 percent, Army divisions down 45 percent, Navy battle force ships down 37 percent, and attack/fighter aircraft down 40 percent compared to fiscal year 1985 levels.

No matter how you look at these various Clinton defense budget indicators, the trends are all down.

DOD BUDGET SHORTFALLS

The fact that the Clinton 5-year defense plan is substantially underfunded only compounds these already troubling trends. Secretary Perry has testified that the 5-year budget shortfall is approximately $20 billion, although I believe that the shortfall resulting from discrepancies between the Bottom-Up Review and the Clinton defense spending plan is much larger. Some analysts contend that the budget shortfall is as large as $100 billion.

The 5-year shortfall results from the Bottom-Up Review's overstated estimates of personnel, modernization, and infrastructure savings and its understated costs that include the congressionally endorsed military pay rise, full funding of the Odeen Panel-identified management reform shortfall, and underestimated inflation.

NONDEFENSE SPENDING

Still further compounding the problems is the proliferation of nondefense initiatives funded out of the defense budget that have the effect of cannibalizing an already declining budget from within. Examples of these numerous nondefense initiatives abound, but examples include environmental cleanup, defense conversion programs, that simply transfer defense funds to other executive branch agencies, foreign assistance programs, so-called conversion programs to provide for troops to health care workers, troops to teachers and troops to policeman programs.

The dramatic decline in defense spending, coupled with budget shortfalls and the growth of nondefense initiatives funded in the defense budget make protecting readiness an increasingly difficult proposition.

READINESS

Since taking office, a principal rhetorical theme emphasized by the Clinton administration in the area of national security has been the protection of U.S. military readiness. yet all defense budget trends point in the direction of an impending readiness problem. As demonstrated by last year's divisive debates over the President's proposals on allowing homosexuals to serve in the military and denying the military a pay raise, readiness has come to mean more than OPTEMPO activities such as tank miles, aircraft flying hours, and ship steaming days. The magnitude of the Clinton administration's proposed defense spending reductions, following on the heels of cutbacks in defense spending since the mid-1980s, has served to expand the definition of, and debate over, readiness.

PEOPLE

The readiness of a high-quality, all-volunteer force places a premium, first and foremost, on people. However, the administration's continued insistence on reducing pay, for example, is having a negative effect on men and women in the military who are already justifiably concerned about their futures. The early indicators of a personnel problem are evident as the propensity among young people to enlist in the armed services is down, the quality of recruits is declining, and the services are having a difficult time meeting their recruiting objectives. Unfortunately, I am not surprised since the Clinton administration has demonstrated an insensitivity to the importance of people and the central role our men and women in uniform play in maintaining a ready force.

MODERNIZATION

While the debate over readiness grows, the linkage between modernization and maintenance of a ready force has also become apparent. As Chairman of the Joint Chiefs of Staff, General Shalikashvili, recently testified, "modernization is the key to future readiness." Protecting a viable industrial base will, of course, be integral to any cost-effective modernization of U.S. military forces in the future. Unfortunately, the administration's approach to preservation of the industrial base and force modernization is not a strategy for success.

Despite a 67-percent real reduction in procurement spending and a 20-percent real reduction in research and development spending since the mid-1980s, President Clinton's defense budget nevertheless projects spending $93 billion less on modernization than the Bush administration proposed over the next 5 years. As noted earlier, these reductions are in part responsible for the average monthly loss of 20,000 private sector defense jobs under the Clinton budget from fiscal year 1992 to 1997.

The administration's modernization plan will delay any significant force modernization until next century, will dramatically increase the costs associated with any such modernization effort, and will pass the responsibility for building a political consensus and securing the requisite funding to some future administration. The lack of modernization spending and the quantity and quality of defense-related jobs being lost over the remainder of this decade as a consequence raises disconcerting questions about the state in which our defense industrial base will be in by the time a future administration is confronted with the necessity of having to modernize the force. A force in desperate need of modernization early in the next century will not be a ready force.

CONCLUSION

Last year I expressed my fear that the Clinton defense spending plan would damage U.S. military preparedness and, in the long-term, would reduce our capability to employ military force as an effective foreign policy tool to protect and promote U.S. national interests. Since that time, the debacles in Somalia, Haiti, and even Bosnia have vividly reinforced my initial fears.

In the absence of a commitment to reverse course and increase the defense budget, the Clinton administration will be hard pressed to continue demanding that the military do more with less without ensuring a return to the hollow military of the late 1970's.

I reserve the balance of my time.

□ 1430

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, the process by which the Military Forces and Personnel Subcommittee provisions were put together was open and fair and gave full consideration to Republican concerns. Since this is the last time I will report to the full House as the ranking Republican of the subcommittee, I want to thank Chairman SKELTON for his consideration and leadership. As a result, the section is a strong, positive effort that addresses issues critical to the men and women of the Armed Forces.

Of the approximately 60 legislative provisions in the Military Forces and Personnel section, let me just highlight a few.

Pay raise: We did the right thing by providing a full 2.6 percent pay raise for the military. We cannot shirk our responsibility to provide adequate compensation to those men and women.

Retiree COLA equity: I am gratified that the committee unanimously accepted my amendment to restore the payment of military retiree cost-of-living allowances in fiscal year 1995 to the same schedule as Federal civilian retirees. This is a matter of fairness and civilian retirees will now be treated the same.

Desert storm mystery illness: Mr. BUYER's efforts to focus us on the plight of sick active duty veterans of the Persian Gulf war resulted in what I think is one of the major provisions from our subcommittee. With this legislation, DOD should have the impetus to begin correcting the inattentive, uncoordinated, and ineffective care it was providing to service members.

Victim's advocates and whistleblower protection: The need to protect a person from retaliation after sexual harassment or unlawful discrimination was made abundantly clear to the committee by the women who testified. What happened to them should not ever again be allowed. Similarly, our legislation meets one more glaring need: To provide victims of sexual harassment, sexual and domestic violence, and unlawful discrimination an advocate in the process.

Active end strength: I know that Chairman SKELTON would have increased end strength if resources had been available. Unfortunately, those resources were not available and so this bill does not provide the end strength necessary to adequately man the forces needed for two major regional contingencies. In fact, end strength decreases 85,000 from fiscal year 1994 levels. That decrement leaves the Army at least 30,000 personnel short of what would be required to adequately man its forces. That decrement only increases the risk of failure in war and higher casualties. Those are risks we should have avoided.

Mr. Chairman, in closing, I again commend Mr. SKELTON for the way he conducted business this year. I voted to report the bill out of committee largely because of the provisions in our portion of the bill.

DEPARTMENT OF ENERGY NUCLEAR PROGRAMS

I am pleased to join JOHN SPRATT in recommending that the House support the DOE portion of the fiscal year 1995 DOD authorization bill. Overall, I am supportive of the funding levels provided for Department of Energy national security programs and environmental restoration and waste management.

As this will be my last time addressing the House as ranking member of the DOE Nuclear Facilities Panel, I want to take this opportunity to voice my strong concern about the welfare of defense nuclear programs within the Clinton Department of Energy. For the past 2 years a number of policy decisions have been made which, in my opinion, indicate that the Clinton administration is pursuing a policy of nuclear atrophy.

When combined with decisions from last year that weakened the nuclear weapons development and production infrastructure, it is clear to me that the United States risks losing the competency and capabilities necessary to field and maintain a credible nuclear deterrent. It appears to me that this administration has brought the weapons complex perilously close to collapsing from neglect.

The Clinton administration has extended the moratorium on nuclear testing through September 1994, despite concrete evidence that confidence in our nuclear stockpile will erode without testing; and, the Clinton administration has decided to virtually abandon Complex 21, providing the United States with minimal capability to manufacture nuclear weapons, if necessary, in the future.

Additionally, I am concerned about the lack of any tritium production capability. Without immediate action to establish a reliable source of tritium, the United States will lose the capability to maintain the nuclear weapons in our stockpile.

I strongly urge all of my colleagues to pay attention to the decisions emanating from the Clinton Department of Energy. The future of our nuclear deterrent depends on it.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], chairwoman of the Subcommittee on Research and Technology.

Mrs. SCHROEDER. Mr. Chairman, I am pleased to discuss the research and technology portions, including the defense conversion provisions, of H.R. 4301, the defense authorization bill.

This year we focused on three broad themes that allowed the subcommittee to gauge the content of the administration's request. The first is the maturing initiatives in defense conversion which the Congress began 2 years ago.

The committee is recommending over $3.6 billion to fund the Department of Defense's reinvestment and economic growth initiatives. This is the major part of the President's overall $4.8 billion multiagency conversion program. We are authorizing roughly $600 million for the Technology Reinvestment Project [TRP], bringing the total investment to date to over $1½ billion. The tremendous response to the Technology Reinvestment Project attests to its role as the cornerstone of conversion efforts. Our title makes some modifications in the current TRP program to encourage greater defense worker and small business participation. We are also recommending a mandatory loan guarantee program for defense diversification and conversion activities and linked the program to defense worker skill retention to complement technology reinvestment activities. We expect this $50 million loan guarantee initiative to generate up to $1 billion in loan volume to capitalize commercial markets and stimulate near-term job creation.

The second element of our recommendation is ensuring the continued transformation of technology programs from those which supported the cold war to those which support the post-cold-war environment.

The committee supported the new Air Force/Navy Joint Advanced Strike Technology Aircraft Program, called JAST. That hopefully will lead to lower cost and greater commonality in the next generation strike aircraft.

The committee also supported the Navy's new attack submarine that will be an important acquisition to replace the expensive *Seawolf* Program.

We also supported the Army's Comanche helicopter program and provided some redirection to the Armored Systems Modernization Program to ensure the Army will be able to field the next generation of field artillery as rapidly as possible.

The bill maintains the bottom-up review priorities for the Ballistic Missile Defense Organization [BMDO], but authorizes and overall funding level of $2.9 billion, a decrease of approximately $350 million from the administration's request.

I wish we had had more time to review carefully the many special access programs in the DOD to make sure these programs are still necessary and should be continued. Why are there so many in 1994? Secretary O'Leary at DOE is way ahead of DOD on declassifying.

The committee provided recommendations in technologies and industries essential for both strong national defense and economic security. Of particular mention is our space launch capability which seems to suffer from lack of leadership, priority, and a general lack of national focus. Our electronics programs, particularly lithography, are essential to our next generation of electronics systems that will both put us on the information highway and guarantee our success on the battlefield. These programs, however, also suffer from a lack of coordinated leadership and vision. Our committee strengthened these programs and legislatively called for the development of goals, strategies, and coordinated programs to repair deficiencies and provide a clear path toward achievement.

Finally, Mr. Chairman, I want to report that we are protecting our technology base and manufacturing programs from unwanted earmarks that have plagued our university-related research and manufacturing technology programs in the past. Earmarking impedes the expenditure of scarce defense resources in pursuit of our overall strategic objectives. Therefore, we have provided a means to ensure open competition for these programs.

The committee reported a strong bill that reflects the realities we face today. I urge my colleagues to support the committee's reported bill.

□ 1440

Mr. SPENCE. Mr. Chairman, I yield 5½ minutes to the gentleman from California [Mr. HUNTER], the ranking member on the Subcommittee on Military Installations and Facilities.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from San Diego, CA.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentlewoman from Colorado, I have never heard such bunk. I have a paper that when we go into the full House I am going to submit on what a joke the conversion is. Conversion dollars is a liberal's way of cutting defense. We do have a couple of good programs. There is one at the university which they are looking at bridges that they use composite materials. But that is not going to replace 1 in 1,000 jobs. It is expenditures for a way to cut defense.

Mr. Chairman, I would like to submit it when we go into the full House. Conversion is a joke.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his statement.

My colleagues, let me talk about my subcommittee that I have the privilege of being the ranking member on and serving with the gentleman from Oklahoma [Mr. MCCURDY], our chairman. I want to talk about that, about MILCON, the budget that we have worked up this year, and also talk about the big picture, because I think as never before the big picture is important in this defense debate and that is the top line and the number of dollars we are spending or cutting from national defense.

First my colleague and our chairman of the MILCON subcommittee is not up right now but I want to commend him for the work that he did and for all the members on this subcommittee and in the full House and on the committee who worked with us with respect to various projects that they thought were important in their districts, they thought were important for national security, and I think we have on balance a fairly good MILCON budget under the budgetary constraints that came down from the administration.

Mr. Chairman, there are a couple of problem areas, though. One problem area right now is environmental compliance. We have built an industry of lawyers, engineers, analysts, consultants who now are drawing down literally billions of dollars out of the Department of Defense budget for these compliance projects on military bases, and we have seen that in some cases in excess of 50 percent of these projects that involve million-dollar reports, in the end no pollution is found on the particular base.

Mr. Chairman, we are supporting a major industry that in many cases has very little to do with national security. And the dollars, while massive dollars are going to environmental compliance, we still have in many, many areas, especially in the wake of BRAC, of base closing, we have a deficiency in family housing and a deficiency in military-oriented projects, mission-oriented projects. We are going to have to work on that.

Mr. Chairman, I would submit that unless we make some radical changes, we will once again have developed this new area, this environmental area, that is sucking money away from the moneys that are available for military commanders, for base commanders to be using on mission readiness. That is going to be a bad thing.

Mr. Chairman, the average base commander today, if he is really going to be up to speed and the EPA has come in and testified to us that it is important for commanders to know what they need to comply environmentally, but if a commander really is going to learn what he has to do to comply with the environmental regulations, the average base commander of a Marine base or an air base or a Navy base has to know about 10,000 pages of regulations. What that means is that he has to take time away from preparing his soldiers or sailors or marines for war to go over and become an environmental expert of sorts to make sure that his base is in compliance with this massive regulatory bureaucracy that we have built in the EPA and at the same time it feeds this new industry of lawyers and accountants and analysts and consultants who feed on military bases on environmental compliance.

Mr. Chairman, having said that, let me go to the big picture. We are undertaking a tragic recurrence of history with this defense bill, because we are massively cutting national security and there is no deep thinker in the Pentagon or elsewhere who really knows exactly what we are going to need a few years from now, who really knows how the Korean threat is going to play out, whether that is going to move other nations in that region, such as Japan, to start developing nuclear systems, what it is going to do with respect to Communist China. Nobody knows where China is going in the South China Sea with their claim to all of the territories that lie there. Nobody knows what is going to happen ultimately in the Balkans, nobody knows what is going to happen with the four former states of the Soviet Union which have nuclear weapons still aimed at the United States and have, to understate it, very unstable political systems.

Mr. Chairman, I think everybody who believes that we are not spending enough on national security should vote no on this defense bill, Republican and Democrat.

It is only by doing that, not by talking in the hallways, not by talking in small groups but by saying that on the House floor, by voting no on President Clinton's defense bill that we can send a message to him that he is forgetting this most important of national priorities, the defense of this country.

□ 1450

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Florida [Mr. HUTTO], who chairs the Subcommittee on Readiness.

Mr. HUTTO. Mr. Chairman, I rise in support of H.R. 4301, the fiscal year 1995 defense authorization bill.

This package represents several items to enhance the readiness of our forces as our dedicated people are being asked to meet more frequent and diverse challenges in the protection of freedom around the globe.

Readiness increases include mobilization enhancements, $600 million in equipment repair increases, and $67 million for recruiting, funding for safety training, and protection against friendly fire, mobility enhancements, and measures to free up thousands of military positions to return to combat units by replacing military and administrative and support positions with civilians.

This bill identifies offsets to the budget to enable funding of an otherwise unfunded pay raise for our troops.

Most importantly, we have restricted the amount of funding that can be moved out of the readiness OPTEMPO accounts for track miles, steaming days, and flying hours, and provided for friendly fire training. The Readiness Subcommittee and, in fact, the full HASC has fought hard, in the face of this drawdown, to make sure we maintain the readiness OPTEMPO of our forces.

Again, we have tackled the expensive and critical area of financial management with tight sanctions over the operation of the Defense Business Operations Fund.

We provided additional funding for the DOD Inspector General oversight. For many years the Readiness Subcommittee has been in the forefront of moving DOD toward a better financial system.

Secretary of Defense Bill Perry and Comptroller John Hamre have assured me this is a top priority with them and that they are committed to bringing about a more efficient financial accounting system for our Department of Defense.

This year the subcommittee has included a number of provisions aimed at preserving the organic capacity of the Department of Defense's ability to repair equipment and to assist those depots that have been forced to close.

We have several provisions aimed at ensuring the effectiveness and accountability of the most important efforts on cooperative threat reduction for former Soviet nuclear arms. We have stressed burdensharing with the provision that encourages our negotiators to get a better deal and transfer those savings back to U.S. installations.

But as the leader of the free world, we must not pull the rug from under our uniformed service people wherever they serve us around the world.

In summary, the list is long, but I believe that it fulfills our charter to ensure effective oversight over the largest and growing segment of the DOD budget and ensure that our forces have what they need to meet any adversary safely and effectively. Readiness is vital to our defense effort.

I have been concerned that the drawdown is too much too quick. Witnesses before our subcommittee have testified about problems they are already having. In view of this, I am encouraged that the need for increased O and M funding is being recognized. We simply must provide our troops with what they need to do their jobs.

I want to congratulate the chairman, the gentleman from California [Mr. DELLUMS], and the ranking member, the gentleman from South Carolina [Mr. SPENCE], for their leadership.

I urge support for this bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 4301.

Mr. Chairman, I would like to begin by commending Chairwoman PAT SCHROEDER for her continued leadership and management of the Research and Technology Subcommittee of our committee. Given the budget that the administration has proposed and all of the factors involved, the subcommittee has done about as well as could be done in recommending what is in the bill before us today.

However, while there are a lot of reasons to support this bill, there are even more reasons to vote against this bill.

I have never said the Pentagon is a model of efficiency and every program that they request should be funded. But I do say that we have vital national security interests and the threats to those interests are just as potentially threatening as they ever were. I believe the defense program posed by the administration is inadequate to meet those potential future threats.

The threat of near-instantaneous annihilation from Soviet missiles is greatly reduced. However, regional threats, proliferation of chemical, biological, and nuclear weapons and technology and our lost credibility to do anything about these threats and capabilities pose major threats to our Armed Forces personnel and our vital interests.

This administration's defense policy is like a Hollywood back lot—great facades and scripts, but nothing behind them—step through the doors, look through the windows and there is nothing there. After the script is read and the lights go down, nothing happens, its over.

The President stood in this Chamber in January and pronounced that there would be no further cuts in defense spending. Over the intervening 4 months we've witnessed one innovative scheme after another in the form of a supplemental, a rescission, reprogrammings, and the defense budget itself, posing new and innovative ways of using money that should go for national defense for nondefense purposes.

The bill before us, that is supposed to fund our defense programs for the next fiscal year, is inadequate to fund the administration's own national military strategy. This is not my opinion; this is the administration's own admission. In addition, this bill includes $15 to $20 billion in programs that have little or no direct relationship to providing, training, and equipping our Armed Forces.

In addition, the administration doesn't appear to be satisfied with 800-percent increases in non-DOD technology program funding. It continues to propose new ways to use more and more DOD dollars for such nondefense purposes. Robert Samuelson, in today's Washington Post which I ask be included in the RECORD after my statement, describes how the administration is asking the Pentagon to pay for a $600 million industrial policy program in flat panel displays. At most, DOD purchases of such displays represent 3 percent of the market, yet DOD is being directed to fund the entire cost of the program.

Procurement spending has been cut by two-thirds since the late- to mid-1980's. For the first time in the history of the Air Force, its budget does not include a request for a single fighter aircraft. If it were not for foreign military sales, the fighter industrial base and the associated jobs would be in serious jeopardy.

While procurement has taken a two-thirds cut, research and development appears next on the list. In just two budget cycles—since 1993—DOD's overall basic research budget is down 12 percent, exploratory research is down 22 percent, and advanced development is down 24 percent. The Army is looking at a 40-percent reduction in R&D funding over the next 5 years.

There was a time when this country was the world leader in space launch and had 100 percent of the commercial space launch market as well. Now, we are a fourth rate producer of space launch vehicles and are lucky to get 40 percent of the commercial market. Yet we can't get the administration or the Pentagon to spend the money we have authorized and appropriated to try to turn this situation around. Nor is the administration willing to provide focus to the space launch program by putting someone in charge to sort out the conflicting goals, priorities, and budgets of the various departments and agencies.

There is example after example of the continuing deterioration of the defense industrial base and our military capability. While the committee has sought to fashion a credible bill, it amounts to fiddling on the margins while our defense industrial base, military capability, and international credibility continue to deteriorate. I cannot support such policies and therefore cannot support this bill.

[From the Washington Post, May 18, 1994]

FLAT SCREENS AND SUBSIDIES

(By Robert J. Samuelson)

The Clinton administration's latest excursion into industrial policy is its most troubling. The Pentagon proposes spending $587 million over five years to enable U.S. companies to capture 15 percent of the world market for "flat-panel displays." These are used for laptop computers, video games, advanced instruments—and cockpit displays for jet fighters. The plan is a huge overreaction to a real problem, ensuring adequate supplies of vital components. The whole effort smacks of political grandstanding to show that the Clinton administration is championing U.S. industry and jobs.

It's true that flat-panel displays will be a part of future weapons systems—everything from displays in tanks to, possibly, hand-held mapping devices for soldiers—and that there are now no major U.S. suppliers. Japanese companies control about 95 percent of the $5.6 billion world market, which is forecast to grow to $14 billion by 2000, according to Stanford Resources Inc., a research firm. The Japanese haven't cooperated on defense projects, says the Pentagon. The remedy, then, is to create a new U.S. industry that would exist mainly to serve civilian markets.

This is novel. Previously the Defense Department has financed civilian research and development in the hope that military applications might result; and obviously, it also has supported defense contractors directly. But it has never before invoked "dual use" technologies—that is, technologies that have civilian and defense applications—as the reason to subsidize an entire nondefense industry. It would do this through subsidies that, though granted for R&D, would require companies to build commercial factories. In practice, they're production subsidies.

No one denies that these factories would aim primarily at civilian markets. Consider the numbers. Between 1995 and 2000, the Pentagon may buy 15,000 flat displays annually. By contrast, world production of displays now totals 33 million units and should rise to 84 million units by 2000, says Stanford Resources. The U.S. market is about 6.5 million units. Defense needs, then, account for about two-tenths of one percent of U.S. demand in units, though in dollar value the military displays—which cost more because they have to be customized for combat conditions—might represent one percent to 3 percent of sales.

The White House is plainly eager to use the Pentagon as a vehicle for "technology policy." (That's the newest variant of "industrial policy.") Not surprisingly, the first suggestion for a flat-panel program came from Laura Tyson, chairwoman of the Council of Economic Advisers, who raised it with White House economic adviser Robert Rubin, according to a Business Week story that Tyson confirms. Rubin then urged the Pentagon, which had been financing R&D in display technology, to study the matter.

Technology policy is politically seductive because it appeals to raw nationalism and Americans' faith in gadgetry. The lesson isn't lost on Commerce Secretary Ronald Brown, former chairman of the Democratic Party. He's sharply expanded Commerce's Advanced Technology Program, which subsidizes projects involving, for instance, advanced materials or computer software. In 1990 the ATP spent $10 million. For 1995 Brown wants to spend $451 million on the way to $744 million by 1997.

Unfortunately, the popular appeal of technology policy rests on two widespread misconceptions.

The first is that a few "critical" technologies determine living standards and global economic success. "It's a totally wrong notion," says science specialist Bruce Smith of the Brookings Institution. What matters is a complex mix of many technologies, management practices, work habits, culture and government policies that is too intricate to control. Technology is only one influence. Consider a simple example: airlines. Americans and Europeans fly the same jets; yet, U.S. carriers are vastly more efficient (in 1989, they handled twice as many passengers with only 25 percent more workers).

The second myth is that Japan successfully practices technology policy and that we must follow suit or be shut out of high-tech industries. True, some Japanese industries have benefited from government aid; so have some U.S. industries. But in general, Japanese government support for R&D is less than ours, reports economist Gary Saxonhouse. Less than 2 percent of nondefense business R&D is financed by government in Japan compared with 22 percent in the United States. And some recent Japanese technology projects have failed badly; notably, high-definition TV.

The point is that, in encouraging new commercial technologies, it's hard for government to improve consistently on the "market," which is simply many companies trying many things until someone discovers what works best. This does not mean that all government projects will flop. But on average, they will waste money, fall prey to political pressure and distort competition. Sadly, business groups don't oppose these boon doggles on principle, because no one wants to offend the White House needlessly, and companies that might benefit will "take the money if government is dumb enough to give it away, as one lobbyist says.

The potential harm goes beyond waste. If America expands its free wheeling subsidies, other countries may do likewise. Indeed, the Clinton administration had global trade rules modified to permit bigger subsidies. Now, the Pentagon is creating a mechanism to transform alleged R&D subsidies into subsidies to build commercial factories. Perversely, this may make it harder for many U.S. companies to plan their investments, because they won't know whether foreign competitors may be subsidized.

None of this means the Pentagon should ignore flat-panel displays; they are an important technology with military uses. But the response should be less extravagant and more patient. Some U.S. firms are beginning or expanding production; in the future, foreign companies are likely to establish U.S. plants. And in any case, today's tiny U.S. production capacity is still large enough to meet the Pentagon's small needs many times over in an emergency. The situation, in short, is not as desperate as the Pentagon says. The rush to create a commercial industry suggests, as Brookings' Smith puts it, that "they almost forget that the Defense Department has a defense mission."

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank my friend, the gentleman from South Carolina [Mr. SPENCE], very much for yielding me this time.

Mr. Chairman, I would like to commend both the chairman of the Committee on Armed Services and the ranking member for the, I think, exemplary manner in which they lead the transaction of the committee's business. I have served now on the Committee on Armed Services long enough to have served under three chairmen. In my experience, it has never been presided over with the same measure of fairness and absolute zeal for the protection of the rights of every member to be able to participate in the debate, in the deliberations within the committee, and a full opportunity to be heard; that someone can do this when they are in strong policy disagreement and preside over a committee is a refreshing change in this body, and I cannot commend the gentleman from California enough. And it is the same spirit in which the gentleman from South Carolina [Mr. SPENCE] approaches his responsibilities. As wide as the policy gap between them, the operating relationship is an example for every committee in the House of Representatives.

Mr. Chairman, I feel something of a quandary besets me today. It is my view that the committee has done very substantially a commendable job with what it was given to work with. My concern, however, is that the committee was not given enough to work with.

I am one of those like my colleague, the gentleman from California, and my colleague, the gentleman from South Carolina, who believe that we are underfunding the Nation's national security requirements.

We have gone through the Bottom-Up Review. There are some of us who feel that the force structure called for by that review is not adequate to these very unstable times through which we are moving. But even if you concede that the Bottom-Up Review is correct, with the force structure it contemplates, we all have to face up to and admit the fact that it is being seriously underfunded in this budget.

And in the outer years, in terms of the now announced 5-year defense plan, that underfunding will become increasingly more dramatically inadequate. I think we have got to reverse that trend.

Let me say this bill does have in it, and I think it is very important that it does, the 2.6-percent pay raise for our military personnel, something that we must do throughout our deliberations in connection with the Department of Defense, protect the well-being of the people who make up our Armed Forces. It is commendable that our bill resolves the disparity, the inequitable disparity between the way the military retirees have been treated for purposes of cost-of-living adjustments versus other Federal retirees, something that I think is unconscionable and is being addressed.

Let me say finally, in terms of a particular weapons system, this bill includes within it the authorization for a new aircraft carrier. It is the No. 1 priority program for the U.S. Navy in the fiscal year 1995 budget. It is as requested by our President. It is as required if you are going to follow Bottom-Up Review. It represents the Nation's most awesome, effective, and flexible platform from which to project our power and to deter aggression. It is the vehicle, it is the instrument that every President for 40 years has always called for first when a time of crisis arose.

A new carrier would replace a conventional-powered carrier which, by the time this one is completed, would be more than 40 years old. It will need to be retired, and we will have to have this carrier.

It sustains a vital industrial capability for this Nation which would be entirely lost unless, in a regular program way, as this bill contemplates, we go forth with the authorization and funding of that new carrier. I hope it will be the pleasure of the House to pass this bill with the provision upholding the necessity for the building of CVN-76, a new carrier for America which someone recently described as a 90,000-ton piece of diplomacy. It is our most valuable platform in all of our military establishment.

Mr. Chairman, I hope in the next sessions of Congress that we will see a reversal of the trend which has brought the Defense budget down now for every fiscal year since 1985, and brings it to a point where I think we are in jeopardy of imperiling America's security.

We started with a budget resolution that did not take into account our needs, our threats, our requirements, but we went through that debate and that process, and we arrived at a budget resolution.

And then we have ended up with an allocation of budget authority to our committee not really with regard to what our national security requirements are. But that is something our committee has been unable to do anything about.

I hope that in the next session of Congress we will do something about it and that we will not starve our defense.

□ 1500

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON], who very ably chairs the Subcommittee on Military Forces and Personnel.

Mr. SKELTON. Mr. Chairman, first let me mention that I rise in strong support of this bill and also I wish to commend our chairman, the gentleman from California [Mr. DELLUMS] for his evenhanded leadership, for his ability to listen and for his interest in the troops. It also appears, Mr. Chairman, that the efforts of the gentleman from California, together with mine, will bear fruition concerning the tax problem of moving our soldiers as they must do from time to time overseas. I certainly commend him for his efforts in that regard.

I also thank the gentleman from South Carolina [Mr. SPENCE] for his courtesy. Let me also mention it is pleasing to see the new aircraft carrier in this bill and I look forward to a positive debate, hopefully with a favorable outcome concerning the C–17.

Mr. Chairman, as chairman of the Subcommittee on Military Forces and Personnel, I rise in support of the manpower portions of H.R. 4301, the Defense authorization bill for fiscal year 1995.

At the outset, I want to commend all the members of the subcommittee—and especially the ranking member, JON KYL—for their diligence and hard work on the difficult issues before us. The subcommittee has held 11 hearings so far this year, on top of 27 hearings last year, on a wide variety of force structure and manpower issues.

On the issue of end strengths, the committee approved the budget request for an active duty end strength reduction of 85,584 and a drilling reserve reduction of 45,803 below the fiscal year 1994 level. Many members would have preferred a smaller end strength cut, but unfortunately the dollars simply are not there.

The centerpiece of the personnel portion of H.R. 4301 is a 2.6-percent pay raise, the full amount authorized by current law, effective January 1, 1995. In this time of great uncertainty with the force drawdown, it is important to reassure our young men and women in uniform that we haven't forgotten them. High morale is critical to maintaining the quality force we have today.

Maintaining the quality of the force is clearly a theme for H.R. 4301. For over a year now I have been voicing my concerns to my colleagues, to the military, and to the administration about the debilitating impact of defense cuts. Since the cold war ended, we have geometrically increased the peacetime operations of our forces—in Somalia, Macedonia, northern Iraq, southern Iraq, and on and on—while cutting them to the bone. Our military services are experiencing significant problems in readiness, retention, morale, and operations and maintenance. These difficulties will continue to become more even more acute in the future and will erode the Armed Forces ability to wage war if we don't act. We cannot afford to sit idly by as spectators and observers.

In no service are the problems more evident than in the Army. Consequently, H.R. 4301 contains a provision intended to safeguard the Army contingency force's ability to respond quickly to a major regional conflict. In addition, the report on the bill contains a committee recommendation which I proposed that would maintain the Army at 12 divisions by relying more heavily on the National Guard.

The contingency force consists of the Army's five highest trained, best-equipped, and fastest deploying divisions. The contingency force provision reflects the committee's concern that the current practice of assigning units from the Army's premiere divisions to peacekeeping operations is significantly degrading the Army's ability to respond quickly to a major regional conflict. Under the administration's Bottom-Up Review, those divisions are supposed to be prepared at all times to deploy immediately in case of a conflict anywhere.

Although the Army assigned the personnel equivalent of little more than one division to Somalia, units from throughout the contingency force participated. Moreover, additional contingency force elements were simultaneously engaged in other peacetime operations. As a result, the force we called upon first in the Persian Gulf war would have been unable to deploy quickly in robust numbers in the event of a crisis or regional conflict.

The provision recommended by the committee would limit the assignment of contingency force units for peacekeeping and other peacetime operations. Elements from no more than one of the five contingency force divisions could be engaged in peacetime operations at any given time unless elements of all other Army divisions were already engaged in such operations.

Whereas the contingency force provision focuses on the Army's capability to respond to 1 regional conflict, the committee's recommended 12-division active-reserve Army force structure focuses on retaining a credible 2-war capability. The present national military strategy calls or our Armed Forces to be capable of fighting and winning two major regional conflicts nearly simultaneously. The Bottom-Up Review recommends a 10-division all-active Army to support the strategy.

I agree with a two-war strategy. It is needed to discourage a second, opportunistic aggression after we commit our forces to an initial conflict. But in my view, the Army planned under the Bottom-Up Review cannot meet that requirement. In fact, I am not sure today's Army could repeat Operation Desert Storm, let alone fight a major conflict in a second theater. We sent eight divisions to the Persian Gulf in 1990 and are now being told to depend on force enhancements that will allow us to fight two similar contingencies with only five divisions each. The 10-division Army planned under the Bottom-Up Review leaves the Army with little margin for error or capability to fight a protracted war.

The committee report, instead, recommends returning the Army to its pre-Desert Storm organization by integrating National Guard combat units with Active Forces in later deploying divisions. Eight divisions would be composed entirely of active personnel. The remaining active combat elements would be integrated with National Guard units in at least four roundout divisions. All 12 division headquarters would be composed primarily of active personnel. The committee recommendation would afford the Army the flexibility to generate combat power seamlessly and continuously with all-active units deploying first, mixed, active, and National Guard units next—after 3 or 4 months of post-mobilization training—and finally, the eight remaining National Guard divisions.

Mr. Speaker, in addition to the force structure proposals the committee approved a number of additional measures intended to maintain the quality of the force.

We heard repeated testimony before the subcommittee and the full committee that the recruiting market is getting much tighter with the declining propensity of young people to serve in the military. As a result, H.R. 4301 repeals a statutory reduction on the number of recruiters that came from the Senate several years ago and pluses up recruiting resources.

In addition, H.R. 4301 maintains faith with those who served in the past by equalizing the fiscal year 1995 cost-of-living adjustment for military retirees with their civilian counterparts.

Reflecting the lessons learned from Desert Storm, the committee approved DOD's request for two modifications to the selected reserve call-up authority:

First, we approved an increase in the Presidential call-up authority of 200,000 selected reservists from the current 90 days with an additional 90-day extension to 180 plus an additional 180-day extension.

Second, we approved, with modification, the authorization request to permit the President to authorize the Secretary of Defense to call up to 25,000 selected reservists when the President determines that this action may be necessary to augment the Active Forces for an operational mission.

Finally, H.R. 4301 extends whistleblower protection to service members who file unlawful discrimination or sexual harassment complaints, thereby requiring an investigation of any allegation of retaliatory action against those members. This provision, proposed by Chairman DELLUMS and cosponsored by many of us on the committee, results from the compelling testimony of the four young current or former servicewomen who testified before the full committee in early March.

I believe the committee has worked extraordinarily hard to maintain its longstanding commitment to the welfare of young men and women in uniform and their families and urge my colleagues' support for the manpower portions of H.R. 4301.

Mr. Chairman, the committee has worked long and hard and I certainly urge a favorable vote on these provisions.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Utah [Mr. HANSEN], the ranking member of the Subcommittee on Investigations.

Mr. HANSEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, in the eighties we passed a piece of legislation that we know as the base closing law. That is gone. We have gone through three rounds. 1988, 1989, 1991. Right now we are asking the Rules Committee to consider whether or not there should be a pause or delay in the base closing law from 1995 to 1997. We will not know the outcome of that until the next time they meet.

What did we find during this time of 1988, 1991 and 1993? Let me tell you some of the findings that we came up with. One was that we found that it cost a lot more than ever anticipated to close those bases. We also found that the savings is an awfully long way down the pike, 15 to 20 years and in cases of big depots 100 years they anticipate.

We found that the environmental cleanup was a lot more than anybody anticipated and we found that the economy of the areas that we were looking at was an awful lot of money to take care of. All of those things have now been documented. They are true and they are findings that we have come up with.

So with all this savings we were supposed to save, apparently it is just not there.

I would like to read, if I may, Mr. Chairman, some of the statements that have come from the Pentagon, "We haven't saved a whole lot," says the Deputy Assistant Secretary of the Army. General Accounting Office: "Environmental cleanup costs are substantially higher than originally anticipated." It goes on and on with people talking that way.

The next question we have, as a member of the Committee on Intelligence and listening to the Director of CIA, the very able Jim Woolsey, it is interesting to hear his comments. He talked about the old Soviet Union, how tough they were and that we had a contingency plan to take care of every problem that may come up. The contingency plan, he said, this was the old Soviet Union, was a big dragon out in the jungle but we knew how to handle it.

Now it is split apart and we have 50 poisonous snakes. We have heard about those today: North Korea, Bosnia, the problems in the Middle East, the resurgency, possibly, of the Soviet Union; all of those sitting there waiting to come up.

I remember years ago when I went on this particular Committee on Armed Services, I still remember what was said: We set the budget predicated on the threat.

Now, I ask you the question, can anybody in here tell me what the threat is? No one seems to know at the particular time.

So number 1, Mr. Chairman we are asking that we look very, very carefully at the savings. Is there really a savings?

Number 2, we are saying: Do we really know where we are going? I ask the committee and Members of this House and the Committee on Rules to give some thought to taking a pause, not to stop; base closing is necessary, let us have a delay, not a stop. Let us let the dust settle, find out where we are headed in this area so we will know where we are going. I think it would be a wise and prudent thing to let us have a vote up or down on this in order to find out whether we should continue with this base closing idea.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY], who ably chairs the Subcommittee on Investigations.

Mr. SISISKY. Before I start, Mr. Chairman, may I congratulate the distinguished committee chairman, the gentleman from California [Mr. DELLUMS] and also the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE]. We have had a very difficult year. Yes, it is true that many of us on the committee, both Democrat and Republican, think that this bill is underfunded and our national security is underfunded. This may be the wrong place to debate this issue. The place to debate this issue really is when we submit our budgets and in the budget debate.

Mr. Chairman, I want to take a moment to note that the House Armed Services Committee included full funding for the carrier, CVN-76, in fiscal year 1995.

This decision makes sense in terms of national security, in terms of budget responsibilities, and in terms of preserving the nuclear and non-nuclear industrial base.

I have said before that the carrier is the centerpiece of Navy forward presence, and forward presence is the centerpiece of U.S. foreign policy.

With the drawdown of American forces overseas, and the reluctance of many nations to host our military forces, we need the flexibility and versatility of carriers.

Carrier battle groups provide visible, unmistakable evidence of America's resolve to preserve peace, and to assist the victims of civil strife or international aggression.

All of us can anticipate what carriers will do if the crisis in Korea comes to a head—just as we can remember what carriers did in conflicts ranging from World War II to Desert Storm.

But even more important than wars in which they participated were wars that were prevented—because the presence of carriers made aggressors think twice before they attacked their neighbor.

In 50 years after World War II, the Navy responded to nearly 200 overseas crises. Carriers, usually more than one, were involved two-third to three-quarters of the time.

The average has been higher in recent years. That's why it is important to not put ourselves in the box of trying to divide their warfighting from their peacekeeping mission.

If anything, peacekeeping mission may have greater long-term importance—because peacekeeping saves American lives. That is where our priority should be.

Building CVN-76 now is also the right decision in terms of our budget responsibilities. Additional delays result in additional costs.

And the option of SLEPing a conventional carrier gets us a less capable ship, with only 10 or 15 years additional service—but at a cost of $2.6 billion.

It makes sense to procure a new, more capable carrier, with a service life of 40+ years, and which represents a more prudent investment.

As far as the nuclear industrial base, I will only recount that the company recently went looking for 200 nuclear welders and could only find 6—in the whole United States.

In sum, funding the carrier in this year's budget is a prudent, responsible decision.

I also want to note several other provisions in the bill.

During markup of this year's defense authorization bill, the oversight and investigations subcommittee, which I chair, handled organizational issues and general provisions.

Of the dozens of items we considered, five stand out that I would like to bring to the attention of the House.

First, our National Guard Bureau language is a modified version of a bill introduced by Representative MONTGOMERY to establish the Guard Bureau in the law.

I view the result before you as a fair and reasonable compromise that addresses the interests and concerns of all parties.

Second, this bill provides $714.2 million for counter-drug activities—the sum requested by the administration.

The bill reflects the administration's changed priorities: reducing funding for drug interdiction efforts in the Caribbean, while placing more emphasis on demand reduction and on stopping drugs at their source in the Andes.

Third, the administration requested $300 million to pay assessments for many U.N. peacekeeping operations.

The language before you, however, places $300 million into the cash fund the Congress created last year to pay the start-up costs of unanticipated U.S. operations.

These include peacekeeping operations, disaster relief, Desert Storm, the L.A. riots—any kind of operation that could not be anticipated and budgeted for in advance.

There is nothing in here to pay the United Nations, though the funds would pay start-up costs for U.S. participation in a U.N. operation.

Fourth, the administration requested $72 million for humanitarian assistance.

We reduced that to $60 million and fenced half the money until the Department provides documentation we ordered last year and which was due by March.

Humanitarian programs have been fragmented. This bill puts them together in one all-encompassing program.

The intent is to minimize micromanagement and give the Pentagon flexibility as it tries to get its hands around these programs.

Finally, we killed a Pentagon plan that smacks of a subsidy for private business.

The Department recently said that under certain conditions a defense firm buying another firm could charge some of the restructuring costs off to the Government. This was announced as a clarification.

Our subcommittee report would require the Department to come to the Congress if it wishes to institute such a major change in policy.

Mr. Chairman, that is a summary of portions of the bill my subcommittee worked on.

I think they are good provisions—well thought out and helpful in framing an efficient, responsive and cost-effective Defense Department.

The other subcommittees and the full committee have worked similarly hard at crafting what I believe is an excellent bill.

One final example of the difficulty we faced was in the area of burdensharing.

The committee made the tough decision to reduce the overseas O&M request by $400 million.

I urge my colleagues to take a cautious, balanced, reasoned approach. Additional reductions in troop strength or funding are not warranted.

We have made steady, measured progress toward goals already established by this body. Let's not risk the stability of Europe or other regions by hasty, precipitous reductions and withdrawals.

That is the wrong signal to send to the rest of the world.

In conclusion, I commend the bill as reported and urge all Members to support the bill.

□ 1510

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield I would like to commend the gentleman from Virginia [Mr. SISISKY] especially on the carrier. That is a front line of defense. They are out there, and I certainly want to thank him for his hard work and also for what he did on updating the reserve headquarters that is in this legislation. It makes a lot of sense to improve the Reserves, and I thank him for taking on this obligation.

Mr. SISISKY. Mr. Chairman, it has been my pleasure, and I thank the gentleman from Mississippi.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, in the 8 years that I served in this body and been a member of the Committee on Armed Services I will start out by saying I have never seen the committee work more closely together than this year, but I say that also acknowledging that I do not think the committee, in my opinion, has ever worked under conditions that have been worse than this year in terms of our responsibility and our obligation to the full House in reporting on what our defense posture is and what it should be.

I want to start off by acknowledging the work of the chairman. He, as everyone else has said, is eminently fair and has done a fantastic job working with our leader, the gentleman from South Carolina [Mr. SPENCE], in crafting the best that we could get out of a terrible situation, and that is this defense bill. Let me also acknowledge the work of the subcommittee chairmen and the ranking members. They also have done a fine job, and there are some good things in this bill. There are things in here that we can be proud of:

The efforts to begin the process of acquisition reform which the chairman is carrying on in cooperation with other committees, the work to restore the pay raise for our troops, the COLA reform that we were able to put in limiting the use of the State Department's access to DOD dollars for initiatives, some of the efforts in the conversion area which I have supported and which will be talked about in the conversion section of this bill, the support of the chairman and ranking member on a specific project I included dealing with Russian naval vessels and military hardware for the peace initiative, the acquisition fairness that occurred in the acquisition subcommittee where we came together, Republicans and Democrats, with the dollars we had and made decisions that almost all of us agreed on.

Mr. Chairman, I applaud all of those efforts, and I certainly would be remiss if I did not mention I applaud the fact that the V-22 is in there again and, in fact, is not an issue this year, which makes me even happier, but I must sound the warning, Mr. Chairman. I must sound the warning.

Let me say that President Clinton, when he stood at the podium up here, deserved an A. He deserved an A, and I say that as a former teacher because he pounded the podium very well, and he made the point to the American people that he was not going to stand for any more defense cuts. This was in January of this year, and the American people all across the country said, "This President has really now finally gotten that we're not going to cut defense any further."

But I have to give him an F for followup because, I say to my colleagues, "If you look at his budget, not just this year, but for the next 4 years, he cuts defense spending in real terms every year," and I have to tell my colleagues, Mr. Chairman, I have great problems with that. These are real cuts, real dollars, not cutting the rate of increase, real hard cuts in defense spending. One million men and women are loosing their jobs in the military over 5 years, and, for all of those out there who are in the defense industry, the Office of Technology Assessment and the General Accounting Office estimate that up to 2.5 million of them will lose their jobs over the next 5 years. I ask:

"Where are we going to put you? What kind of job are we going to move you into?" No one knows, but all we can say is under this budget scenario they are going to lose their jobs. One out of every two people working in the military-industrial complex in America over the next 5 years will lose their job.

This budget is not based on real threats. Goodness knows the security briefings we have had. There are over 60 situations around the world where there are hostilities taking place today where factions are fighting factions, ethnic groups are fighting ethnic groups, country fighting country, any one of which could draw us into a regional conflict.

Some would say the world is safer today. Many of us feel that is not the case. The nuclear warheads are still in the Soviet Union, the former Soviet

Union, and still pose a real threat to us.

Look at history and see what happened as we have made massive cuts in defense. After every major confrontation we found ourselves in a situation where we have not been able to respond quickly to deter aggression and that is the ultimate job of our committee and the military in this country, is to be able to deter aggression. My fear is that we do not do this.

As a matter of fact, Mr. Chairman, looking at the President's own Bottom-Up Review, this budget does not meet the President's own Bottom-Up Review. The administration presented a budget which cuts the Air Force structure by 20 percent from that recommended in the Bottom-Up Review; the Navy, 16 percent fewer ships than the Bottom-Up Review, the Marine Corps has only 77 percent of the troop strength recommended by the Bottom-Up Review. So, the President's own Bottom-Up Review is not, in fact, maintained by this bill that we are voting on today.

Now I could go to the charts, Mr. Chairman, and the charts are nice because they depict in pictorial terms what we know to be true, but that is not the bottom line here. The bottom line is what do we do to men and women who serve in the military.

A year ago in January I was in Somalia. I was in Mogadishu and Baidoa, and in talking to the young Marines there who were doing a fantastic job I said to them, "What do you want us to take back to our committee and to the Congress?"

They said, "Mr. Congressman, there is one thing please tell them, that we just can't keep continuing to go to all these different missions and responsibilities and not have the backup support that we need."

□ 1520

One young Marine told me he had been deployed three of the last four holiday seasons because we do not have the backup commitment and support to go back home. That is what our defense cuts are causing, and we have to understand that. When we cut the military, we are hurting real people and real families. That is my concern with this bill.

Mr. Chairman, we need to deter aggression with a strong military, and we now have to send a signal to this President that this has to be the last year for these kinds of defense cuts.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the remaining time for both sides of the aisle?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] has 30½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 21 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I certainly rise in support of this legislation. Every member of the committee would love to have had more money, more funding and certainly to have achieved greater goals, but it is a good bill, and certainly we acted responsibly.

Mr. Chairman, I want to commend the chairman of the full committee and the gentleman from South Carolina [Mr. SPENCE] for their leadership, as well as the staff.

I would like to spend my time commending the legislation for recognizing and seeking to maintain the relationship of the United States with its NATO allies. Clearly the cold war has ended and certain reductions in our Nation's defense budget have been appropriate. We now have the opportunity to use this funding to accomplish other goals, both foreign and domestic.

However, we must not and we cannot walk away from nor diminish the importance of the work that we began over 50 years ago. Our alliance with our North Atlantic neighbors must not be forgotten. That relationship with our European allies was the catalyst for establishing the North Atlantic Treaty Organization, the most successful alliance in the history of civilization.

So we must continue to actively participate in that alliance and contribute to the common security that is the hallmark of NATO.

In that regard, I strongly urge this great body to support the ceiling that was set by last year's defense bill of maintaining 100,000 U.S. troops in Europe by the end of 1996. Any efforts or any amendments offered here today to reduce these numbers would seriously undermine NATO's goal of common defense and undermine the ability of this Nation to secure our vital interests overseas.

The United States can be proud of its initiative embraced by NATO to establish a partnership for peace, and now, as NATO forges this partnership with our former adversaries in Eastern Europe, we share the responsibility of overseeing this effort and maintaining a presence that is representative of our position in NATO's strong and successful democrat community. We must not jeopardize our country's ability to sustain its strategic interests abroad.

Mr. SPENCE. Mr. Chairman, I am proud to yield 3½ minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me say that I was extremely pleased this year with the way this bill was handled in committee. The chairman of the committee and I would have never dreamed when we started out together in this body, with our many philosophical differences, that we would ever in our lifetime work well together. But we do work well together. I think we have a mutual respect. We still do not agree on a lot of things, but we have a mutual respect and we work well together, and we work well across the aisle.

I saw something I have seen very seldom in all my experience here in Congress in terms of procurement reform, the way that the chairman and the ranking member sat down together and worked this out, and the two sides agreed to it almost without any dissension whatsoever. I think that is a wonderful example for the rest of Congress.

But let me say that I think the defense cuts embodied in this bill are too drastic. I think, Mr. Chairman, that I must rise in strong protest to the Clinton administration's plans for national defense.

This bill is an unusual one for Congress. In most instances we do not handle bills in this way. Instead of adding to the President's requests, as we do with most bills, we are cutting from his requests. Instead of spending over the last year's level, as we do with most bills, we are decreasing spending. It is just too bad that Congress does not want to dismantle the deficit with the same fervor that it wants to dismantle the defense structure of this country.

Certainly the changes in this world call for a look at and a possible reduction in defense spending. We no longer see the Soviet Union as the same kind of threat to national security. The changes in Eastern Europe allow us to drawdown our forces.

But, Mr. Chairman, just because the Soviet Union is no longer a superpower does not mean that we do not have any enemies out there. In a number of ways, our world may be a more dangerous place than ever. If you know who your enemy is, you can prepare for him. It is much more difficult to prepare for an enemy that may pop up anywhere at any time.

In a conversation with the CIA Director sometime ago, he mentioned that we used to know where the dragon was, now we have a hundred snakes that can pop up everywhere. We do not have the same dragon anymore.

We all witnessed the magnificent victory of our troops in the Persian Gulf war. We can conclude that our victory in the Gulf stemmed from two things: our technological advantage and the training of our soldiers. The technology used in the war was developed primarily in the 1960's and the 1970's. Technology is not developed overnight, and we must stay ahead of our future adversaries. Our soldiers' training will certainly suffer from declining defense dollars since O&M defense dollars are short. We have a moral obligation to send our sons and daughters on the battlefield with the best training and with a technological advantage.

Additionally, there is a disturbing trend toward using the defense budget as a cash cow. This body must awaken to the fact that our budget deficit was not caused by defense spending; rather, it was caused by out-of-control social spending.

Mr. Chairman, I believe that we are laying the groundwork for a very dangerous situation. We are in fact cutting too fast and too deep. This committee did the best it could given the budget environment. Anyone who believed that we could fight North Korea and Bosnia with the forces called for in the administration's budget this year is simply fooling themselves.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am compelled to point out that my colleague is absolutely correct, but it is very interesting that two of my distinguished colleagues who are very eloquent, very articulate, and very bright continue to refer to "the Soviet Union."

I know that that was a slip, but the point is that what I am trying to suggest is that the world has changed in powerful and profound ways. Yet is it extremely difficult for us to make the change. We still see the Soviet Union. There is no such thing as the Soviet Union. We are no longer in a Cold-War environment; we are in a post-Cold-War environment.

This forces us to trigger our minds, our brains, our perspectives, and our perceptions in fundamentally different ways. The world is different. It is without precedent. It is very difficult for many of us to let go of the past, Mr. Chairman, but there are some of us here who are suggesting in very powerful terms that it is precisely that which we must do—let go of the past as we come to terms with the myriad of priorities that affect our people, not simply the issue of national security, which in the 1990's has a much broader definition than many of my colleagues were prepared to define as "national security" in the context of the 1960's or the 1970's.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who serves as the ranking member of our full committee.

Mr. MONTGOMERY. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I join my colleagues in commending our chairman, the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE], and the staff for the great work they have done. This bill has gone about as smoothly as any I can recall, Mr. Chairman.

The bill treats the National Guard and the Reserve in a fair manner. End strengths are sufficient. The major armories around this country will not have to be closed because the Guard and Reserve have not been treated fairly.

□ 1530

Also pertaining to the reserve equipment package, there is about $800 million to go to the reserve forces to buy trucks, guns, and parts. Nothing fancy, but what they need to do is a better job.

Mr. Chairman, I am concerned about an amendment that will be offered that would eliminate registration in the Selective Service System. If adopted, this amendment would make the system ineffective and with nothing to do. President Clinton did not ask for this Selective Service amendment, and I am expecting a letter from him in opposition.

We need to keep the Selective Service System as an inexpensive insurance policy, to ensure that we have enough manpower to fight a major conflict.

Mr. Chairman, I urge my colleagues to oppose this Selective Service amendment.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I want to join with a number of other colleagues who have complimented the chairman, the gentleman from California, [Mr. DELLUMS], on the way this bill has been handled and reported. In particular, he knows we have had some very difficult and contentious issues, particularly related to the C-17 and other matters. I appreciate very much the way that has been handled. That goes, of course, for the ranking member, the gentleman from South Carolina [Mr. SPENCE], as well.

However, there is room for disagreement. I stand today in deep frustration over the defense authorization bill we are here discussing. I am frustrated because of the legislative and budgetary constraints we face in attempting to craft a defense bill which will adequately address our national security. I am frustrated also because our military is constantly being asked to do more with less. I am very reluctant to support this bill because it simply does not meet our military requirements nor strengthen our national security.

This chart to my left points this out very well. In just a quick glance, it shows what is going to happen with the growth in mandatory spending. It shows also in green what happens to the growth in domestic discretionary spending. Of course, on the far right of the chart it shows what happens to the decrease, more than 35 percent over the next few years, a 35 percent decrease in real military defense spending.

Last fall the administration released its blueprint of the post-Cold War defense force structure. It called it the so-called bottoms up review. Although many seasoned defense analysts questioned the wisdom of this strategy, especially in light of the growing turmoil around the world, the Pentagon has cemented it and developed plans to support two major regional contingency scenarios. Yet this defense budget falls short of supporting that minimum requirement. My fear, and the fear of many who have thought seriously about our Nation's defense, is we are returning to the hollow force that was much talked about in the 1970's.

As a member of the Joint Economic Committee, I am well aware of the need to reduce Government spending. But deficit reduction cannot be done solely on the back of our defense establishment. Since 1985, Mr. Chairman, defense spending has decreased by 35 percent. During that period we have cut military personnel by 600,000 and closed over 130 military bases.

Mr. Chairman, enough is enough.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to our distinguished colleague, the gentleman from Oklahoma [Mr. MCCURDY], who chairs the Subcommittee on Military Installations and Facilities.

(Mr. MCCURDY asked and was given permission to revise and extend his remarks.)

Mr. MCCURDY. Mr. Chairman, in January 1993, when President Clinton proposed cuts in defense spending twice as large as those he had called for during the campaign, the defense budget seemed like a convenient source of deficit reduction.

Russia maintained an openly pro-Western foreign policy. Iraq had been defeated. There were no imminent military threats to U.S. interests.

But since that time, events abroad and at home have reminded us yet again of our chief responsibility as a government: to provide for a strong defense.

Today in Russia, hostile nationalists are gaining strength and influence. Today in the Middle East, Iraq is rebuilding its army, and Iran continues to reject the peace process and threaten the stability of that critical region.

As we stand here today, a crisis is brewing in Korea that may call for decisive military action sooner than any of us had feared.

And even today, the Bottom Up Review's funding shortfall is evident in the declining readiness and morale of our armed services.

So as we consider the defense bill, I ask my colleagues to remember our solemn responsibility to the American people. The end of the cold war has not meant an end to all war, or all threats to American interests. It was right to cut defense spending, but it is wrong to destroy our military capabilities.

As the President has said, we have cut enough from defense. We cannot cut any more.

And I would remind my colleagues that, unless we are willing to add more resources to the budget, the next round of base closures, painful as they may be, must go ahead as scheduled. Any delay would thrust a fiscal dagger into the heart of our military.

I am pleased to rise in support of the H.R. 4301, the National Defense Authorization Act for fiscal year 1995, as reported by the Committee on Armed Services.

I take this opportunity as chairman of the Subcommittee on Military Installations and Facilities to report to the House the actions of the Subcommittee. The committee has authorized $17.5 billion for programs under the subcommittees' jurisdiction. This authorization includes $5.3 billion for military construction for active installations and those funded in the base closure accounts, $3.4 billion for family housing construction and support, $4 billion for repair and maintenance purposes, $2.1 billion for the Defense Environmental Restoration Account, $2.0 billion for environmental compliance, $106 million for conservation and $392 million for pollution prevention.

The committee's additional authorization of $500 million attempts to bolster the administration's military construction request, better known as the Priority Investment Program [PIP]. This program, established to not prejudice the last authorized base closure round scheduled for 1995, funds only minimal infrastructure needs of the Department of Defense. In doing so, however, the administration has failed to realize the importance of retaining the robust infrastructure that must be funded in order to meet the requirements set forth in the Bottom Up Review. The committee is hopeful that this additional authorization will help meet these unfunded requirements necessary in the years ahead.

The committee has also taken action to provide additional authorization to the Base Closure and Realignment or BRAC III account to alleviate the fiscal pressures and delays that could have been caused by Congress' recent actions to rescind $508 million from this account. The committee's action will ensure that the closure process will not slow and that needed infrastructure will be in place to keep faith with the decisions of the 1993 Base Realignment and Closure Commission.

While we are on the subject of base closure, let me inform my colleagues of my ardent opposition to the proposal by Mr. HANSEN of Utah to delay the 1995 base closure round until 1997. On May 11, Secretary Perry and General Shalikashvili issued a statement, indicating their intention to conduct the 1995 round of base closures. Let me repeat their words,

> We must proceed to close bases to save money, managing the process in a way that recognizes that base closing costs money before it saves money. Too much too soon jeopardizes our current program; too little, too late jeopardizes our future program.

We must get on with the next round, as scheduled, in order that we not risk the readiness of our forces in exchange for short term political gain.

The general provisions contained in Division B of the bill range from land conveyances to military construction program changes that will ensure effective oversight of the military construction process by the Congress.

This product has received the unanimous support of the subcommittee and full committee. I would like to take this opportunity to thank the ranking member, Mr. HUNTER, for his assistance and thoughtful counsel, the members of the committee, and Chairman DELLUMS for his mastery in guiding this legislation to the full House for its consideration. I urge its adoption.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, there is much good in this defense bill, but I will invariably be voting against it because of the message it sends to the world, and that is that we are voluntarily withdrawing our role as the world's only superpower.

As we continue cuts down to far below the Pearl Harbor era as a percentage of our gross domestic product, I watch a dangerous world, and turn to the metaphor of the current Secretary of Defense, which I think says it with perfect clarity: "We have killed the dragon. No one wants to go back to a nuclear standoff between an evil Soviet empire and an armed-to-the-teeth United States."

But then the Secretary of Defense said, "We now have a garden filled with poisonous snakes."

I was stunned last week when I realized that more human beings, including mothers with babies in their arms, more human beings, most of them by knife and by machete, were killed in a tiny little country named Rwanda in only five weeks, than died in four of the six Nazi death camps. Not labor camps, like Plaszow in the great movie "Schindler's List." Not concentration camps, where several million died. But instead death camps, set up in Poland, with all the science and technology they could muster under Hitler's evil regime, to kill human beings, at the rate of 10,000 a day at Auschwitz toward the end of the war. But four of those camps, Maidanek, Belzec, Chelmno, and Sobibor, killed less people in three years than were killed in Rwanda in five weeks.

□ 1540

And we cannot seem to do a bloody thing about it. Isolationist voices are rising up in my party just as they dominated my party in the 1920's and up to the middle 1930's. And they almost destroyed Great Britain and caused it to be overrun by Nazi forces less than half a decade later. The other party, which has always been the isolationist party, now under a President that says no more defense cuts, continues to cut and yet does this to us.

Despite these savage defense cuts, we are still putting American men and now women in harm's way. Sixteen Special Forces and Rangers killed on the October 3 last, and two the next morning in a rescue mission of BOB DOLE'S 10th Mountain Division. U.S. Marines are now being stationed off Haiti. The *Wasp* sailed yesterday. It is in the papers.

I was told by the Navy, day before yesterday, they are not going, Congressman. Those wives who called you were wrong. They are just back from a deployment.

But the *Wasp* sailed today. It is in the papers. A young F-18 Hornet pilot, where we almost say, thank God he was a bachelor, died launching off the *Saratoga* in the Gulf.

Air Force crews on alert against possible aggression from North Korea and Army helicopter crews, in two UH-60 Blackhawks, killed by friendly fire over Iraq. And the list goes on and on and on where we are possibly going to put people in harm's way. Yet 86,000 personnel were cut out of the military in this very budget.

There will be a ceremony at the White House within days, actually the Commander in Chief has sat on this for days, even weeks, where the Medal of Honor will go to two of the brave Special Forces personnel from Fort Bragg, First Sergeant Randy Shughart and Master Sergeant Gary Gordon.

Yet despite those savage cuts, we are still asking men to give their lives for their comrades, for their country and even for some of those starving women and children in Somalia.

It is a very dangerous world, Mr. Chairman. We just cannot drain any more of the energy and strength out of our national security and our military to put it into phony titles like "defense conversion," into more social programs. Are we a superpower or are we a pitiable giant that is going to sit around and watch children slaughtered all over the world?

Mr. Chairman, let us put defense spending and defense requirements in perspective. There are constant defense cuts with no end in sight; 1995 will represent the 10th straight year of real decline for the defense budget. In real terms, the 1995 DOD budget is 35 percent smaller than 1985. Personnel cuts continue: 1995 budget reduces 86,000 active duty personnel; Clinton defense plan will reduce additional 200,000 personnel over the Bush defense plan through 1999; and since 1987, nearly 650,000 troops have been cut, a 30 percent cut.

Meanwhile, despite savage defense cuts, this administration continues to place American troops in harm's way to correct foreign policy mistakes. Sixteen U.S. Special Forces and Rangers were killed during the "manhunt" in Somalia, with two Tenth Mountain Division young men killed in the rescue attempt. U.S. Marines are now off Haiti. The U.S.S. *Wasp*, LHD-1, sailed today on exercise. A Navy F/A-18 Hornet pilot was killed off Bosnia in a bad flight launch. Air Force crews are on alert against possible aggression from North Korea. Army helicopter crews on two UH-60 Blackhawks were killed by friendly fire over Iraq.

We have only two choices, neither considered by the administration:

Properly man, maintain, and equip a combat force to be used proactively around the world, or cut defense spending drastically and keep U.S. troops out of action.

Instead, we continue to cut defense while at the same time sending our brave soldiers, sailors, Marines, pilots, and aircrewmen to the far corners of the globe as policemen of the world. Fund the force or don't deploy—those are the real choices.

We've done some positive things in this bill, but not enough. First, naval upper-tier ballistic missile defense, a near-term, inexpensive program building upon existing systems, is not even made a core program by this administration. The committee nearly doubled funding, but it is still not even half of what is needed to build hardware, hardware that could protect our allies and ground forces from attack in places such as Korea.

Second, friendly fire is still a growing problem of modern warfare, causing one-quarter of Desert Storm casualties. There is no procurement funding by Administration for an off-the-shelf system-committee funded 150 units for a brigade size test at Ft. Irwin but we still need more systems to test and more systems in the field.

Third, the B–1B/B–2 bomber fleet is modern, but still needs conventional enhancements such as precious guided smart bombs. The committee provided additional $100 million for B–1B Lancer. However, with no further funding for B–2 industrial base, what happens when we need more bombers?

Last, the C–17 post-cold-war system can carry troops into combat or food to the starving and can operate on 10,000 more airfields [unimproved] than other aircraft, but the committee funded only 4 instead of 6 C–17 aircraft for 1995. We've done some good, but halfway is not good enough; we need to fully fund our requirements or pay the cost on the battlefield.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], a top-gun fighter pilot.

Mr. CUNNINGHAM. Mr. Chairman, I would like to extend my congratulations to the chairman, that of all the times and the issues that we have met on, I think there was only one time the question of fairness came up. And even then, we resolved it fairly.

Although we disagree on some issues and the amount that defense should be cut, the process at which the chairman conducted, as a matter of fact, I was amazed, and I think the other Members were, and the complicity at which Members on both sides of the aisle worked together on a lot of these projects really, I think, in my 3 years since I have been here, have been exemplary.

Where the chairman did mention that the world had changed, I agree with him. But I would like the chairman and the other Members to take a look at some real, my real concerns.

I mentioned earlier that what used to be called the Soviet Union, while all the lights are out in economic prosperity that is going on in Russia today, three Soviet shipbuilding bases have actually increased their tempo in producing nuclear submarines. I cannot give the exact number, because that is classified. But those are highly capable nuclear submarines that they are investing in and producing at a higher rate than they were in the cold war, nuclear submarines that far exceed the capabilities of our own submarines.

I would include everybody in the Chamber to get that classified briefing. *Typhoon* class submarines and subs that go much far beyond, and they have three subs that actually cripple our defense system at great depth. I cannot give Members those depths, because they are classified, but it is a real concern.

The wars that we have fought have never been against the Soviet Union and are not directed at Russia. Vietnam was a classic example. We look at Somalia, where we invested billions of dollars and we had a lot of people die there. We are still in Iraq, defending the Kurds, Kuwait, which in Desert Storm, and we still have interests there. Saddam Hussein is still around, and North Korea, and even the conflict that we might get into in Bosnia.

My heartburn comes from the defense cuts, not just $177 billion but the additional ways that defense is being cut.

BRAC 1993 was supposed to close bases and reap those savings to carry over so we could fund our military. That is not happening. Either environmental costs or because BRAC is not funded, the military is having to take it out of their hide in many cases, which is cutting even lower their readiness.

I look at the order of demise of some of our top-line fighters, of F–14's. F–15's, F–16's. And yet out new joint airplane is being pushed out until the year 2000. Our assets are dwindling there. That is going to reduce our readiness.

There are good parts in this thing. The defense conversion that I spoke of, and I have here the Armed Forces Journal. This is the journal from the Armed Forces. As I said, later I would like to submit it for the RECORD. It tells what a tragedy the conversion program is.

Mr. Chairman, I include for the RECORD the following information.

DEFENSE CONVERSION: TRAGEDY OR FARCE?

(By David Silverberg)

Experts may disagree on whether the American defense conversion effort is tragedy or farce, but they all seem to agree on one thing. It is no resounding success.

"It is more farce than tragedy," Murray Weidenbaum, the first chairman of the Council of Economic Advisers and currently director of the Center for the Study of American Business at Washington University, St. Louis, MO, told AFJI. "I expect a very low return on this investment."

"It is a tragedy," Erik Pages, a policy associate at Business Executives for National Security (BENS) and a conversion expert, said in an interview. "There are a lot of high expectations, and I'm afraid that whatever is done, the conversion effort in general, particularly the TRP [Technology Reinvestment Project]. won't live up to them."

There have been successes, but they have been isolated, the result of the foresight and effort of individual executives and companies. By contrast, the overall state of defense conversion offers ample doses of both farce and tragedy. Those who see life as a comedy can point to conversion funding going to centers for all sorts of arcane studies. Civic projects, university institutes and policy centers, technological schemes, and training programs completely unrelated to defense are taking shape in the bowels of the Pentagon budget.

For the tragic-minded, there is the sad spectacle of the already stretched Defense Department being forced to fund utterly unrelated projects out of its critical operations and maintenance account, or its equally important research, development, testing and engineering (RDT&E) account. Furthermore, the congressional earmarking that is taking place is also beginning to pervert the entire conversion effort into just another pork barrel.

THE NEED, THE STAKES, THE RESPONSE

American industry needs to convert out of its Cold War mode—this is undisputed. The transition is difficult and painful—this is also obvious. That some form of bridge between the Cold War and New World Order economies would be necessary became apparent almost as soon as the Soviet Union dissolved in 1991.

The idea of a grand conversion effort gained ground in 1992. President Bush's administration was indifferent to the idea, but the concept provided a useful Democratic campaign plank that appealed to defense workers, particularly in key political states like California and Texas. Defying the Republican executive branch, Congress passed the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, which created new programs and increased funding for existing ones.

In March 1993, President Clinton announced a conversion plan that would spend $20 billion over five years. Of that, $1.7 billion would be spent in the remainder of Fiscal Year 1993, a $3.3 billion in FY94, and by FY97 funding would be increased to $5.3 billion. This money was to help people find new jobs, create technologies with both civilian and military uses (dual-use technologies), and assist civilian technologies of national importance.

Congress appropriated $1.8 billion for conversion in FY94. Of this amount, $217 million was earmarked or made "an item of special congressional interest, a funding decrease to which requires prior congressional approval"—meaning that the Pentagon had no control over the money or how it was spent.

Of earmarked conversion funds in the FY94 budget, appropriators from the House and Senate, meeting in their traditional secret session to negotiate the Defense appropriation bill, recommended that $113.6 million in earmarked funds come out of DOD's operations and maintenance budget and $103.8 million come out of the RDT&E account.

The Pentagon does not have to take those funds out of the targeted accounts, but it must fund the projects.

The 1995 defense budget perpetuates the Clinton conversion plan. According to figures from the Office of Management and Budget, it provides $2.6 billion for defense reinvestment and economic growth initiatives. This has three components: $1.4 billion will be spent investing in dual-use technologies; $1 billion will be spent helping people retrain and adjust; and nearly $200 million will be spent assisting communities hard-hit by the drawdown, either because of military base or plant closings.

AT THE TROUGH

Earmarking is a vice in itself but one that Congress will likely never give up because of the power it bestows. The practice has traditionally been used to force the Pentagon to purchase specific weapons or equipment from favored congressional districts or companies. With procurement accounts way down, conversion funds are serving the purpose instead.

Earmarking—and its extension to defense conversion—has been denounced in Congress. In November, Sen.—— ——, who has long denounced earmarking, passionately attacked the pork in the FY94 budget. "What we are doing is not acceptable,"——raged, adding, "My greatest fears about defense conversion were that the money for [it] that we appropriated would not be used to help with conversion of industries that need help but . . . would be used for pork barrel projects."

Then——began a litany of earmarked conversion projects: "The World Language and Cultural Study Center in Pfeiffer College is going to get $250,000. What is the requirement for defense conversion? New London State pier. I do not know what that has to do with defense conversion. It is earmarked . . . I am sure that the Paiute Indians need to have something paid for and cleaned up. What do the Paiute Indians have to do with national defense?"

Not only is earmarking injuring the Defense Department, it is hurting the conversion effort. "Earmarking has always been a problem," Dorothy Robyn, who handles conversion issues for the White House, said at a February conference in Washington on defense conversion sponsored by the Medill School of Journalism and the MacArthur Foundation.

"The MANTECH program has been destroyed by earmarking," she said, referring to a federal program to support manufacturing processes. But Robyn also acknowledged the political reality: "Politically, you cannot thumb your nose at —— —— [D-PA] or Senator —— —— [D-HI]," she said, referring to the powerful chairmen of the House and Senate defense appropriations subcommittees, who control the earmarks.

—— in an interview with AFJI, defended the practice. "I don't know any better than the [individual] members what is needed [for defense conversion]," he stated emphatically. "So many times the bureaucrats don't know what needs to be done, and if we feel it is justified, we will do what we can to make sure it is done."

INDUSTRY'S SHOCK THERAPY

The irony is that government conversion money is becoming available while industry, which it was designed to help, is either completing its consolidation or is well on the way to diversification. And when government money is available to an individual company—during the research and development stages of a product—the company needs it least. The most pressing need is for additional financing during production.

Corporate consolidation occurred with surprising speed. Industry executives mostly eyed the defense downsizing with grim determination. Many weak, defense-dependent subsidiaries already have been sold off. Layoffs have largely stabilized. Companies like Lockheed, Martin Marietta, and Loral are concentrating on the core defense business that remains.

The Bottom-Up Review has introduced some stability into defense planning.

Virtually all defense producers have plans to diversify their product lines and raise the proportion of their nondefense products. Experienced industry executives already are aware that developing, producing, and marketing civilian or dual-use technologies will take a long time and require fundamental changes to business and corporate culture.

"In the US it is going to be slow," James Wilson, president and chief executive officer of Thiokol Corporation, told AFJI. "It is difficult for a company to take new products into new markets. That's just the nature of the business. It's hard for defense companies to be competitive in many commercial markets with the kind of overhead structures they have geared toward defense."

Thiokol should know. "One of the classic technological spinoffs [developed by Thiokol] is the automobile airbag, a spinoff of the rocket business," said Wilson. "It took 20 years of very patient effort to make that a viable business," Conversion efforts in general "take a long time, and the probability of success is uncertain."

It is also difficult to measure the current success of the overall conversion effort. While all the evidence is anecdotal, it seems to indicate that federal programs work slowly at best.

Witness the fate of 650 New Jersey workers laid off by Unisys in 1991 who applied for federal assistance. According to a Rutgers University study, "Retraining For What?," by April 1993 73 percent of the workers were still unemployed, and those who were working were employed at far below their previous wages. On the other hand, a 1992 study of successful conversion projects, "Weathering The Defense Transition," issued by Erik Pages at Business Executives for National Security, found a number of small firms had successfully diversified. But these firms had done so thanks to strategic planning, strong management commitment, and realism—not government funding.

IS THERE HOPE?

Does conversion's current dismal record mean that it should be abandoned? No, but expectations have to become realistic, investment has to be made where there is some anticipation of return, and some control must be imposed on congressional appropriations for conversion projects.

Part of the problem with the conversion effort is that it is seeking an elusive panacea to magically create jobs and production on the same scale as the defense production that preceded it. Such guarantees aren't likely. Defense production was massive because threats were massive. The NATO allies faced the seven industrialized nations of the Warsaw Pact. Civilian demand for material does not exist on the same scale, and where there is huge demand, the field is already crowded with producers.

Nor will conversions happen immediately. Conversion advocates look back nostalgically on the immediate post-World War II years when American industry abruptly switched from defense production to filling civilian needs. However, in an article in the 30 January New York Times Magazine titled "But Can They Make Cars?," author Les Daly, a former defense industry executive, writes, "Those companies were simply recapturing markets they had served before the war." The postwar "conversion" was largely "reversion." Furthermore, this "conversion" occurred after only 4 years of war production, not 40. Results from the current conversion effort—for example, investment in new technologies—could take decades to appear.

Government programs are unlikely ever to restore the scale of defense employment or production or provide any quick fixes. Once we accept these facts, there are some hopeful signs.

The administration's technology programs appear to be relatively sound. These include the work done by DOD's Advanced Research Projects Agency (ARPA), which identifies and encourages promising dual-use technologies and awards funds on a competitive basis. These are funded through the Technology Reinvestment Project (TRP), budgeted at $575 million in 1994. In 1995, the administration is proposing to spend $2.1 billion in dual-use technologies.

"There is excitement in the technology community to put their minds together to apply for the money [for dual-use technology development]," John Deutch, undersecretary of defense for procurement, told the Medill conversion conference. The beauty of the TRP, he said, is that projects require a matching investment from industry, so the risk is spread out. "This one smells to me like it is going to be successful," he said.

The TRP, however, deals only with technology development and favors large firms. Furthermore, even here there are congressional moves afoot to earmark TRP funds or intervene on behalf of firms that lose in the competitive grant process. So far the administration has successfully resisted this congressional pressure, but it will be interesting to see if it can continue to do so.

THE ENTREPRENEURSHIP SOLUTION

Conversion analysts are beginning to see that assistance to small, startup companies will probably bring greater results in terms of technology development, employment, and economic contribution than big government programs. The concept of entrepreneurship as a form of conversion is gaining ground. As a result there are proposals to encourage conversion entrepreneurship through export assistance and management advice.

One recommendation is to give credit assistance to new and innovative companies. The Clinton administration has provided good support for dual-use research, according to Erik Pages of BENS, "But all this effort will be wasted if the research isn't turned into products that help build new companies and create new jobs. Right now, there simply isn't enough working capital to move good ideas from the lab into the marketplace," he said.

In 1992, Bernard Schwartz, chief executive officer of Loral Corporation, proposed a Fund for Defense Conversion to make venture capital available to startup firms. The federal government would be the initial investor, but private investments would match the government funding.

CLARIFYING ROLES

Government may not have the greatest success in supporting companies, but it has played a constructive role in setting standards of performance and achievement, according to George Donahue, vice president of the Rand Corporation, the California-based think tank. As long as government sticks to the roles it can play successfully, it can be constructive in the conversion effort.

Another suggestion is to take the conversion account out of the Defense Department and have it appropriated separately. This, however, would take several billion dollars out of the hands of the defense appropriators in the House and Senate, so it is unlikely to be enacted without a struggle.

On a different level, it would be worthwhile to open up the conversion appropriation process to the public. The defense budgets are traditionally marked up or revised in secret to protect national security. Sen. McCain already is leading an effort to change that. But even if most of the negotiations on the defense budget are kept secret, there is nothing secret about conversion funds or the conversion effort. At the very least, the conversion portion of the defense budget should be marked up, and the House and Senate conferees should negotiate it in public. The public should know which legislator is doing what and who is pursuing pork for the hometown.

To date, defense conversion as currently conceived has few successes to show. Nonetheless, it is still early in the game, and corrective action is possible. Diversification already is well under way in the private sector. In the governmental realm, if the less savory and parochial impulses of politic do not succeed, defense conversion need not veer off further into either tragedy or farce. Who knows, it may turn into a triumph instead.

CALIFORNIA DREAMING

Nowhere has the concept of defense conversion taken hold more strongly or its dollars been pursued more ardently than among the California congressional delegation. California was very hard hit by the defense drawdown, so an effort to convert is a natural response.

But defense conversion also is a comfortable crusade for California's congressional delegation whose more liberal members eschew any military connections or support for defense on an ideological basis.

Democratic Sen. —— —— campaigned in 1992 with a call for 50-percent cuts in the defense budget but now has to help create jobs in a state that is in the process of losing an estimated 650,000 defense-related jobs. Creating an Economic Conversion Clearinghouse to provide conversion information was her legislative triumph in this area in 1993. California's other Democratic Senator —— ——, tried to ensure that conversion dollars would be apportioned by region, with the hardest hit regions (i.e., California) getting the most money.

After calling for cutbacks in defense for 23 years, Rep. —— —— was confronted with closure of four major military installations in his district that could cost over 50,000 jobs. He inserted $300 million in conversion money into the 1994 Defense Authorization Bill and managed to squeeze out $150 million.

Interestingly, a survey of 358 high-technology companies in the Los Angeles area conducted by the Economic Roundtable, a nonprofit research corporation, found that California companies, particularly aerospace, had become more dependent on defense contracting in the last two years. Commercial aviation orders declined at a faster rate than military sales. Moreover, "defense conversion efforts have not opened significant new commercial markets for the region's major defense contractors," the Economic Roundtable report stated.

The firms surveyed were overwhelmingly critical of government responses to the defense downturn, whether at the local, state, or national level. Indeed, 88 percent rated every level of government as ineffective. At the same time, they were very clear about what they wanted: a stable regulatory environment; long-term, conventional financing; and information about new markets.

"The principal thing government can do is improve education and provide a stable tax and regulatory environment. It can't help because all its information is yesterday's information. That's why the jobs it worries about losing are in yesterday's industries," wrote one small company in Costa Mesa. Some 80 percent of its sales were defense-related, and it had experienced a 40-percent growth in employment. "If defense contractors don't know what to do to survive, what does a bureaucrat or cooperative group of defense contractors who are competing against each other, bring to the table?"

Based on the survey, one might conclude that while earmarked appropriations and conversion programs might play well to the galleries, it is not what California industry is seeking. ——, at least seems to have gotten the message. In February she introduced a bill, S–1830, to provide loan guarantees to small businesses through the Small Business Administration.

SUCCESSFUL CONVERSION—AT A PRICE

It would be wrong to see defense conversion in only a negative light. There have been success stories, even if they are rare. For example, there is the potential of the V–22, which could revolutionize commercial transport. And there are big corporations, like Westinghouse, which have steadily increased their share of commercial work.

But even the success stories demonstrate the limits of defense conversion as currently practiced.

Take CMS Inc., a Tampa, FL, subsidiary of Daimler-Benz. Primarily a maker of rocket and missile components, CMS embarked on civilian projects, including clearing hazardous sites (in Kuwait), mapping, and environmental restoration. In 1994 it began using its defense expertise to make the propellant for automobile air bags. Between 1990 and 1994 it changed its revenue base from one wholly dependent on defense to one with a 50–50 mix of civilian and military contracts.

Despite this success, CMS' personnel roster has declined from a high of 1,000 two years ago, to 500 today, according to Fred Dibella, CMS' vice president. Not only has CMS been forced to lay off workers, profit margins are "razor slim" when compared to its more robust defense profits in the past.

Another success story belongs to Frisby Airborne Hydraulics, Inc. of Freeport, NY. Frisby successfully altered its product mix from 90 percent defense in 1980 to 75 percent in 1990.

After securing some significant contracts from the Boeing Co., Frisby Airborne entered 1993 with the largest backlog in its history—a year that also saw the first layoffs in the company's 50-year history, when 25 percent of the work force was dismissed.

Greg Frisby, chief executive officer of both companies, attributes the layoffs to a lack of working capital for defense conversion. While the military provided progress payments for defense contracts, commercial aerospace contracts require continuous access to commercial capital to keep going. Furthermore, Frisby Aerospace lost a potentially lucrative contract to a Canadian firm because the Canadian firm had government financial backing.

"People in Washington are really focused on the research and development phase of conversion and that's not where you need the capital," Frisby told AFJI in an interview. "You really need it when you go into production."

Frisby's experience is echoed in a survey of the 125 small- to medium-size New York-based companies that are members of the Aerospace and Defense Diversification Alliance in Peacetime Transition (ADDAPT), which he chairs. Many of ADDAPT's member companies already have diversified, the successful ones by concentrating on core products and technologies rather than seeking out new ones. The members felt that adequate assistance for conversion was available from existing federal programs. However, the real obstacle was the lack of capital for commercial production.

"Cash flow," Frisby concluded, "is the true casualty of conversion."

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a very valuable new member of our committee.

Mr. BUYER. Mr. Chairman, I join a number of my colleagues in admiration and applause to the gentleman from California [Mr. DELLUMS] and to the gentleman from South Carolina [Mr. SPENCE].

The gentleman from California [Mr. DELLUMS] is an individual who is very fair and actually prides himself on fairness. I have to admit, Mr. Chairman, I was tickled in his remarks a little bit ago when he decided to take a 1 minute, because he loves to challenge the Members to think anew. And it does prove that we do not have to be just young men like myself to think anew and to be very challenging such as the gentleman. I extend that as a compliment to him.

But what I found was interesting in his comments was when he mentioned that quit saying the Soviet Union, because the Soviet Union is dead. And it is forever gone. Do not think back in the 1960's and 1970's.

Something that jumped into my mind was that part of the characteristics of the movement in the 1960's for peace, love, and harmony is a very strong characteristic in the White House. They are more sophisticated though today. They do not call it that. They call it multilateralism. It is that harmony, that placing our foreign policy under the homogeneous community of nations.

And I believe that that is a strong characteristic for which now this White House, being more sophisticated, is falling back to the era of the 1960's and allowing us not to think anew but to think in that 1960's movement. So it is difficult to talk about the defense bill without also talking about foreign policy and the posture for which we should have in our country.

To me, President Clinton fiddles while the world in fact smolders. Of all the hot spots throughout the world, not only in Europe, with the winds of change that fan various world hot spots into true brush fires, with the collapse of the Soviet Union, with the building of China into a superpower and how their dire needs, some of the Russians dire needs for hard currency and the sell of military hardware to China places fears into the Pacific rim. How the hot spots are still in the Middle East. How the hot spots are still in Africa.

But here we are in a budget free fall in the defense bill which is very bad. So our inconsistent foreign policy coupled with the President's propensity to always defer to the United Nations, this homogeneous community of nations, on tough decisions overseas makes today's consideration of the defense authorization bill all the more disturbing.

While we are driven more and more towards participation in dubious United Nations peacekeeping operations, we face the 10th straight year of defense cuts. So over the next 5, actually now 4 years, President Clinton will in fact have cut, over that 5-year period, $127 billion out of defense on top of President Bush's 50 billion in cuts.

The results we have not yet seen, folks. The so-called bottom-up review, the bottom-up review designated to implement this Nation's strategy of fighting two nearly simultaneous major regional conflicts, it has become obvious that the review was nothing more than a justification for the Administration's emasculation of the defense budget. Unable to meet the stated strategy, we now find that even an inadequate force is underfunded and will require further cuts. It is absolutely wrong. We need a new assessment of the strategy for this country based on a realistic assessment.

□ 1550

Mr. SPENCE. Mr. Chairman, we are indeed blessed on our committee with having on our side of the aisle a wealth of new talent, and another one is the gentleman from Missouri [Mr. TALENT].

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. I thank the gentleman for his very kind remarks. I think two minutes is enough time for me to state my view on the overall issues.

Mr. Chairman, if we want to look at what we need to spend on defense, we have to look first at what the national military strategy is. The military strategy of the United States, which was the strategy of the Bush administration and now the Clinton administration, is that we should have an armed service capable of fighting two Desert Storm like contingencies, which is a fancy name for a war, at the same time, while also doing peacekeeping around the world like we did in Somalia, like perhaps we may do in the Balkans and in other places.

That is the national military strategy of the United States. The administration conducted a review of our defense establishment and decided that a force structure consistent with what it calls its Bottom-Up Review, and a force structure is the end strength, the final strength of the Army, Navy, Air Force, and Marines, was adequate in order to accomplish that national military strategy.

I have not been in the Congress for 16 months, we have had numerous hearings, a lot of consideration of this issue, and I am convinced of the following truths:

The first is that there is no question that in this bill we are not funding the administration's request. We are under their request.

Second, even if we were, the administration's budgets for the next 5 years are not adequate to fund the Bottom-Up Review end strength level for the Army and the Navy.

Third, even if it was, the Bottom-Up Review end strength is not adequate to meet the national military strategy as we have now designated it.

I believe that based on statements by Members of both parties in committee hearings, hearings of the subcommittee of the distinguished gentleman from Missouri [Mr. SKELTON], my own studies and discussions with a number of top level military officers, there are two options we can take reasonably now, two intellectually honest options.

The first is to reexamine the national military strategy, that is what the distinguished chairman of this committee was just talking about a minute ago, reexamine the kind of force structure we need in light of the realities of the world regarding foreign policy. That is one intellectually honest option. I do not think I would end up in the same place he would end up, but it is an honest way of approaching the issue.

The second option we have that is honest is to fund the American military at the level necessary to meet the current national military strategy. We must do one or the other, if we are to be faithful to our constituents and faithful to the men and women of America's military.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise today to express my deep concern that the Department of Defense budget we are now debating is inadequate to meet our agreed upon strategy of being able to fight and win two near-simultaneous major regional conflicts. Because the budget we are debating is inadequate to allow our men and women in uniform to fulfill the missions we may give them, I ask all my colleagues to join with me in opposing the further cuts this budget would inflict.

The dissolution of the Soviet Union as our main global rival has not ushered in an era of tranquility. Instead, the demise of the cold war has brought with it a period of heightened ethnic antagonism, civil strife, and regional conflicts that have contributed to wide scale starvation, inexpressible atrocities, and outright murder.

As the tension of the cold war has decreased, the instability of multiple, regional crises and conflicts have increased.

As a result, the United States is challenged to develop a force structure that meets the full spectrum of very different, but still significant, near term and future threats to our national security interests. While we do not need to spend as much money as we did in the mid 1980's, we must spend enough to allow our men and women in uniform to complete the missions we give them—both military and humanitarian—as safely and efficiently as possible.

The Bottom-Up Review developed by the Clinton administration outlines a strategy that hedges against future threats to U.S. national security interests. It is a stopgap strategy with a commensurate stopgap budget. It only works if all assumptions are met, and no additional cuts are made.

The previous Base Force as proposed by then Secretary of Defense Cheney outlined a 1997 force of 1.64 million active military personnel, 451 ships, and 39 active and reserve air wings. The current force structure as outlined in the Clinton Bottom-Up Review further cuts the number of ships by 105, further cuts the numbers of airwings by 8, and further cuts the number of personnel by 200,000, but still asks our personnel to fight and win two near-simultaneous major regional conflicts.

For our military to meet the continuing demands we place on them with these greatly reduced resources will be extremely difficult, if not impossible. I ask my colleagues to vote against this authorization, as it will make further cuts to the very stringent ones proposed by President Clinton.

We cannot and should not defend an antiquated notion of cold-war-era threats. We must face the very different and still serious challenges to our national security that we face today.

While we all applaud the end of the cold war, and the greater freedom that has allowed all of us, the shackles of the cold war have also been removed from many of the world's pariahs—the dictators in Iran, Iraq, and North Korea to name a few.

The accelerated flow of technology and proliferation of weapons of mass destruction make the threats to our national security very real. North Korea is just the prime example, with an unstable government possessing a 1 million man army, potentially possessing nuclear weapons, and constantly making threats of invasion. We cannot ignore the threats of North Korea, nor can we ask our men and women in uniform to take a role without the best in training and equipment.

And while I personally believe it would be a mistake to commit United States ground forces in Haiti, there are many in both chambers who are advocating precisely that type of intervention.

It is ironic that at a time when we are asking our troops to do more, by being deployed in greater numbers, at greater intervals and into far more areas, at the same time we are debating further cuts, over and above what President Clinton has recommended.

Mr. Chairman, as a member of the Armed Services Committee, I urge my colleagues to consider the consequences of these constant cuts in the defense budget, at the same time we are making nearly unlimited demands on our men and women in uniform. I urge my colleagues to vote no on the further cuts to President Clinton's defense budget.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of H.R. 4301, the fiscal year 1995 defense authorization bill. As a member of the Armed Services Committee, I am proud that we have stepped up, in the words of our chairman, to the job of funding a strong national defense in a time of uncertainty and transition.

Chairman DELLUMS has led the committee through many complex discussions and pulled it together to deal with tough issues. Every view has been heard, and we will agree that it is a privilege to serve on his committee.

This bill has been shaped under tight spending limits and amid continuing crises that test both our political will and our military resources. We have seen some peaceful transitions of power in the past few weeks in South Africa and the occupied territories, and it is important to celebrate those successes. But other countries are still pursuing weapons of mass destruction, and ethnic conflict has produced horrific results in the former Yugoslav republics and Rwanda. Our military leaders have to plan and budget for missions that are hard to predict, and their resources are stretched ever thinner. In short, now is exactly the time to worry about a strong defense.

I support a strong national defense, one that has the capabilities to deal with post-cold-war threats and uncertainties. This bill preserves America's options in key areas, including early warning of ballistic missile launches, and airlift so we can respond quickly and massively to regional conflicts. It maintains our current level of investment in defense transition programs, so we can build a strong and flexible industrial base. And it invests in people: It provides a full 2.6-percent pay raise, a cost-of-living adjustment for troops stationed in high-cost regions of the United States like southern California, and funds to help ex-servicemembers become teachers, firefighters, and law enforcement officers.

Like many of my colleagues, I would like to do more, and there are several issues I hope to address here on the House floor. Yesterday the Armed Services Committee held an in-depth hearing with DOD and Air Force officials on the C–17 program. Many of us believe that we now have the information we need to consider the full request of six planes and authority to settle outstanding disputes between DOD and McDonnell Douglas. I will also support the amendment to be offered by Mr. HEFLEY to restore ballistic missile defense funding to the administration's request.

In addition, I will offer an amendment to strike section 534, which would require the discharge of certain servicemembers who cannot be assigned worldwide due to permanent medical conditions. It was not requested by the services, and DOD representatives have testified that they can handle the problem through the current system. I and many of my colleagues see this language as a discriminatory measure that would end the careers of people who are still performing their jobs up to military standards. As we reduce the size of our Armed Forces, we must ensure that everyone who is willing and able to serve has that opportunity.

Finally, I want to state my strong support for the amendment to be offered by the chairman that will restore funds to dismantle nuclear weapons in the former Soviet republics, provide humanitarian and disaster assistance overseas, and clear landmines around the world. These programs were dropped from the committee bill because of jurisdiction issues, which I am informed are now resolved. As an advocate of a strong defense, I think these programs are crucial. National security is not secured only by weapons. It also comes through proactive action around the world to handle threats like the former Soviet arsenal without fighting them. Chairman DELLUMS has given these programs and others, such as military-to-military contacts, high priority. I urge my colleagues to do the same, and to support this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, for several years, I have introduced legislation to eliminate a better than 100-year-old law that requires an offset between military retirement pay and VA disability compensation. Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability.

For those who are unfamiliar with this offset, let me give an example of its negative impact on military retirees. It is possible to have two Federal retirees with the same service-connected disability suffered in the same battle who have worked the same number of years in Federal service treated differently. Why? Because one served all his years in the military and the other served only 2 years in the military and the remainder in civil service.

The military retiree must pay for his disability benefits from his retirement check. But the civil service retiree may receive both his civil service retirement and his VA disability in spite of the fact that his military service in included in calculating his civil service retirement and in spite of the fact that he had been receiving VA disability during all his years as a civil servant.

The military retiree is unjustly penalized by the fact that he chose military service as his career. In effect, the military retiree is singled out solely because of his career choice.

H.R. 65, my legislation to eliminate this inequitable offset, has received wide bipartisan support. In fact, H.R. 65 has 140 cosponsors, including 26 members of the Armed Services Committee. Moreover, this legislation is backed by the Nation's veterans organizations.

Last year, Congress took the first steps toward correcting the injustice penalizing military retirees. The conference report to the fiscal year 1994 DOD authorization bill contained a provision that authorized the concurrent receipt of military retirement pay and VA disability compensation for those retirees who have a disability rated by the VA as being total and permanent in nature.

However, the conference report also contained language that allowed DOD to nullify this provision if the Department issued a report prior to January 1, 1994. DOD issued this report on December 28, 1993, and, consequently, the special pay provisions did not go into effect.

This week, I submitted an amendment to the Rules Committee that would have continued the congressional action taken in 1993. Unfortunately, the Rules Committee did not make my amendment in order.

My amendment would have authorized a military retiree who has a service-connected disability rated as total, to be paid a special pay equal to the amount of monthly retired pay that would be payable to such person but for the person's receipt of disability compensation from the Department of Veterans Affairs.

There are approximately 7,100 military retirees with a 100-percent disability rating. How can we turn our backs on the men and women who have sacrificed so much in service of their country?

I have been trying to eliminate the inequitable offset between military retirement pay and VA disability compensation for over 8 years. Throughout the years, I have been told that allowing military retirees to receive retired pay and VA disability compensation concurrently is just too expensive. I have been told, "Mike, we would like to help you out but we simply cannot afford it." But, no one would ever accuse Congress of being thrifty.

I find it incredulous that Congress can find the money to bail out the savings and loan industry—which will cost each military retiree $2,600, but we cannot find the money to provide these retirees with the benefits they deserve.

It is ironic that we will soon be commemorating the 50th anniversary of D-day. Many Members of Congress will soon be traveling to Europe to take part in the commemoration ceremonies. We are very good at commemorating the accomplishments of our Armed Forces. Yet, we tend to overlook the needs of the brave men and women who have sacrificed so much in service to their country.

Despite strong bipartisan support for my bill and repeated requests, I have been unsuccessful in gaining committee consideration of this legislation. Given this situation, I have taken the further step of introducing a special rule to force H.R. 65 from committee. My rule would bring H.R. 65 to the House floor for consideration by the full House of Representatives

On March 24, 1994, I additionally filed a discharge petition on House Resolution 382. This petition will discharge the rule from committee and will allow House Resolution 65 to be considered on the House floor.

I had hoped that the committees of jurisdiction would act on my legislation without this action. However, given that this legislation and other bills have obtained widespread cosponsorship in the past—without committee consideration—I felt I had no other choice. The discharge petition appears to be the only available course of action.

Mr. Chairman, the overwhelming support in Congress and in the veterans' community should compel us to take action on this matter. I hope my colleagues will join me in my efforts to eliminate the inequitable offset between military retirement pay and VA disability compensation and sign discharge petition No. 15.

□ 1600

Mr. DELLUMS. Mr. Chairman, pursuant to section 5 of House Resolution 429, I request that the Chair recognize for consideration amendment No. 2 printed in part 3 of House Report 103–509 before amendment No. 1 printed in that part of the report.

The CHAIRMAN. The Chair will grant the gentleman's request.

Mr. DELLUMS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I appreciate the remarks of many of my colleagues with respect to the process that we undertook to bring this bill to the floor of Congress. I have tried to carry out my responsibilities as chair of the committee as diligently and as openly and as fairly as possible. It is not always easy given the political perspective that this gentleman brings to these Chambers and to the committee. I have attempted to discharge my responsibilities as chairman of the committee. At this point I simply would like to speak as Representative DELLUMS who represents the Ninth Congressional District and comment to some of the remarks that many of my colleagues have made suggesting that the military budget has been cut too quickly, that there are major threats out there, and that in some way we have become a second-rate power.

First, Mr. Chairman, let me point out to my colleagues that at the time when we were spending in excess of $300 billion per year, we were spending between 50 and 70 percent of those dollars contemplating waging war with the Warsaw Pact and the Soviet Union, two geographic and political entities that no longer exist. There is no longer a Warsaw Pact, there is no longer a Soviet Union. But we were spending between 50 and 70 percent of our national dollars budgeted for the purposes of national security to deal with those two scenarios. Quick mathematics means that annually we were spending between $150 and $210 billion per year for the possibilities of waging war in two places that no longer exist.

Mr. Chairman, one does not have to be a brilliant Ph.D. or great scholar to realize that at the time that the Berlin Wall fell and that the cold war was over that we could look at the military budget with fresh eyes, with a different perspective, with a different set of responsibilities.

I challenge us each day, Mr. Chairman, to do just that. We find ourselves in a very different world now, unchartered waters, unprecedented environment, an avenue of significant change.

Mr. Chairman, remember this: There are no experts in what to do in a post-cold war world. We developed many scholars and experts as we contemplated what to do in the context of the cold war. Great scholars wrote brilliant articles and books and papers, delivered great lectures on being experts in the cold war. But suddenly it was over. And now where are the experts? There are none. Each of us must grapple together and individually, with new ideas in a new environment, lay down old ideologies, lay down old paradigms, and reach to new ideas.

Mr. Chairman, I would suggest that there are two possibilities here. We could step up to this unprecedented moment of change, change that none of us could have contemplated just a few short years ago. One possibility is to paint bold strokes across the canvas of time. Think boldly, think about relationships that we could not have contemplated just a while back, begin to move across the lines of adversity and the lines that created enemies and obliterate the lines and begin to communicate, to talk, to use the power of ideas.

If Nelson Mandela could become the President of a great nation in South Africa without violence and without anger and without accusation, could we do less? Do we need to continue to spend billions and billions of dollars contemplating waging war when I believe, Mr. Chairman, that the scenarios of the future is not waging war with Korea or waging war with Iraq, low-intensity conflicts and peacekeeping, peacemaking and peace enforcement activities in the Somalias, the Bosnias, and the Haitis and Rwandas of the world.

The challenge before us, Mr. Chairman, is not how to frighten the American people about becoming a second-rate power but, rather, to determine what is indeed the threat that is out there. My colleagues say the world is now no longer one big dragon but several snakes. We have got to define the nature of the snakes. Arguing by analogy has its own inherent weaknesses.

When the world was a bipolar world and very simple, us and them and the bear and us, the Soviet Union and the United States, East versus West, it was very easy. But once we stripped away the thin veneer of the cold war that overshadowed this world, what are we now seeing? What are we now confronted with? The harsh and unfortunately ugly reality of the human condition, where people kill and maim each other on the basis of ethnic violence and ethnic conflicts, where groups maim and kill each other on the basis of tribalism.

Mr. Chairman, the question before us is not how to go back into the cold war but how do we march forward into the 21st century and contemplate a force that deals with the reality of what we are going to be confronting out there.

Mr. Chairman, I walked in the door 24 years ago standing here as a man of peace. Twenty-four years later, I still believe in the power of peace, the power of negotiation, the power of political and diplomatic and economic solution to problems. Out children demand that we move away from war as a way of solving our problems. Our people demand that we radically alter the priorities in this country so that we deal with the problems of poverty and hunger and disease and homelessness and hopelessness that permeate our environment.

If America is becoming second rate, it is not second rate in terms of our national security apparatus, it is second rate in terms of the quality of life that we are providing for our children and our children's children. That is because of our incredible preoccupation with the desire not to give up the old baggage of the cold war and walk forward into this moment and paint bold strokes and bring new changes.

Let us not have our grandchildren look at this generation of us and say they frittered away our future by tinkering at the margins of change because they lacked the wisdom, they lacked the vision and at the end of the day they lacked the courage to go forward boldly.

Mr. Chairman, we are the only superpower in the world. We are, as Colin Powell said, the bully on the block. But when you are the biggest and the baddest, it requires two responsibilities: Walk gently among the people and show other people that there are alternative ways to operate than the blatant use of force and violence as a way of solving problems.

Mr. Chairman, we have the moment now. I believe that our committee, given an opportunity in these Chambers, given the opportunity to seriously address and discuss these matters, will find ourselves moving away from $260 some odd billion budgets because there are other ways to deal with it, there are other force structures that we can develop that move us forward dealing with the reality of the threat that is out there as opposed to a political analysis of what we think the threat is.

This is the moment that we have, Mr. Chairman, and in the course of the next several days that we are on the floor, let us challenge each other to a higher and better standard. Our children demand it, our grandchildren demand it, and our great grandchildren will thank us for stepping up to this moment.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair asks our visitors in the gallery to please refrain from demonstrations of approval or disapproval. We are happy to have our guests, but the rules preclude that activity.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH], the ranking member of the Subcommittee on Readiness.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I want to say that I did listen intently to the gentleman from California, my colleague who as many know we are friends and I want to salute the gentleman for his commitment to idealism in the world, along with my colleague, the gentleman from South Carolina, who has the same kind of view, an idealism about what he sees as a safer world.

□ 1610

I want to say a couple of things that I think the people need to understand in this debate. When Bill Clinton ran for President of the United States, you might remember that, unlike previous Presidential elections, defense never became an issue. The reason why defense never became a real issue in the campaign is because the differences between George Bush and Bill Clinton, as laid out in that campaign, were essentially minimal.

The problem was that Bill Clinton got elected President and said that he wanted to continue to downsize the U.S. military by a total of about $60 billion worth of additional savings in defense.

What happened was the November election came and went, and we went from $60 billion in savings to $129 billion in savings, more than doubling the amount of money that Bill Clinton had talked about before the campaign and began to deliver once he became President.

Now, as many of you know, last year I made every effort I could within the Republican Party, in fact working even against some of my own leadership, to support Chairman DELLUMS' bill, because I thought it was important that Chairman DELLUMS have bipartisan support for a bill that would continue the downsizing of the U.S. military. I do not think we downsized the U.S. military too much last year and, frankly, I really do not think we are downsizing the U.S. military too much this year. I mean, we can quibble over $1 billion or $2 billion in terms of this year's level, but we are in accord when it comes to the fact that the U.S. military needs to be downsized, because the nature of the threat has significantly changed.

We are a less troop-oriented, a less troop-intensive military as a result of the fact that the Warsaw Pact has changed, collapsed, the Soviet Union does not exist anymore.

But the concern that we have, those people who claim to be prodefense, is the fact that 3 additional years of cuts are going to come. I happened to sit in the Readiness Subcommittee one day when we had some people who did not have stars on their shoulders come to testify, and they talked about the severe implications that 3 more years of defense cuts would mean to their ability to carry out their job, to be trained, to be ready, for them to have the skills that are necessary for them to be able to carry out the role and the missions that the civilians in this country send them to do.

Mr. Chairman, it is going to be impossible for me to be able to complete this statement. But in a nutshell, the concern that we have is that the Department of Defense is an awful lot like a fire department. No one worries about the fire department until your house catches on fire, and no one worries so much about the level of defense spending until we need to actually use it, and I will say that when you look at Somalia and Bosnia and Haiti and North Korea and Rwanda and Georgia and Pakistan, there are many trouble spots throughout this world.

I would maintain that the greatest shortfall that we have had over the period of the last several years has been the inability of this administration and some of the inability of Republicans to really think about what the roles and the missions are in the post-cold-war era, but this is not a world where evil people have vanished. When you take a look at what is going on in Rwanda and you read the stories, it is not even believable. When you see the films about Bosnia, it is not believable. When you read the stories about Zhirinovsky, it is hardly believable in the 1990's.

But the bottom line is it is a dangerous world still, and people still look to the United States to provide the essential leadership for what is right in this world, to stand up for people sometimes who cannot stand up for themselves.

I would refer everybody in this Chamber back to the six principles that Mr. Weinberger enunciated during a speech in 1984 to the National Press Club where he began to define what true and real U.S. interests are, and so as we go through this debate, I hope we will have more discussion about the fact that we need to have a coherent post-cold-war policy that we still do not have.

We have got too much vacillation, too much indecision, too much double-talk, and not a certainty of what U.S. policy is, not only to the people outside of our boundaries, but there has been a lack of clear definition to people inside our boundaries.

And I would say, Mr. Chairman, and to the gentleman from South Carolina [Mr. SPENCE], this is our challenge, to truly define our interests, to be firm, to be tough, not short ourselves on national defense, and maybe if we think and work together, we can reach some agreement in terms of where the United States military and these defense budgets ought to go for the rest of this decade.

Mr. Chairman, my concern is if you take a look at Weinberger's statement, and I have got to have it published in the RECORD, about our vital interests must be at stake, the issues involved are important for the future of the United States, that we have clearly defined political and military objectives, that we have sized our forces to achieve our objectives, that we have reasonable assurance of the support of the American people, that U.S. forces are committed to combat only as a last resort; we are lacking in our definition of what we are doing in this world.

One minute we say the North Koreans should not have a nuclear device, and the next day we say, well, if they have only two, that is OK. One minute we say we are going to go to Bosnia, and the next day we say, well, maybe we should not.

It is not always the policy, in my judgment, that is at issue here. It is the lack of being able to make clearcut, tough decisions and being able to define the fundamental basic interests of the United States of America. And in the course of doing it, we cannot short ourselves the kind of military forces we need in order to accomplish those objectives.

That is how we will begin to move forward in the post-cold-war era, is to be able to define legitimate U.S. interests and provide the resources that are necessary to carry them out.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Alabama [Mr. BROWDER], a member of our committee.

Mr. BROWDER. Mr. Chairman, I rise in support of this bill, and I take this opportunity to discuss the chemical and biological defense program.

Mr. Chairman, I rise in support of H.R. 4301 and the Congress' continuing initiative to improve the chemical and biological warfare defense and readiness of our Armed Forces.

Last year, as a follow-on to the House Armed Services Committee's review of lessons-learned from the Persian Gulf War, the committee completed a special inquiry into the nature of the threat posed by the proliferation of chemical and biological weapons in the post-Soviet world. The inquiry concluded that the threat is increasing in terms of widespread proliferation, technological diversity, and probability of use. The inquiry recommended several measures to strengthen the chemical and biological warfare defense of our Armed Forces and related matters in the areas of chemical and biological weapons arms control, nonproliferation, and chemical demilitarization. Many of these recommendations were incorporated in last year's Defense Authorization Act, Public Law 103–190.

Among other things, the law requires the Secretary of Defense to establish the Chemical and Biological Warfare Defense Program in a separate Department of Defense budget account, a coordinated and integrated chemical and biological defense program for the military departments with the Army as executive agent and under the oversight of a single office within the Office of the Secretary of Defense. The Secretary is required to report on the Department's management of the combined program and measures that should and are being taken to improve joint coordination and oversight. The Secretary is also required to provide an annual assessment of the overall readiness of the Armed Forces to fight in a chemical and biological warfare environment and the steps being taken to improve such readiness.

The reports required by the law have not yet been transmitted officially to the Congress. The Armed Services Committee has had the opportunity, however, to review advance copies of the reports and, in general, is pleased that the Department of Defense has taken a number of management, research and development, and training initiatives which should result in significant improvements in the chemical and biological warfare defense readiness of U.S. Armed Forces. The Committee notes that the Department has created a biological warfare defense program with a general officer assigned as program manager. This indicates the seriousness with which the Department regards the potential threat posed by such weapons of mass destruction and the need for a viable medical and nonmedical biological defense program.

The committee has been particularly concerned, however, that, in a declining budget environment, the requirements for an effective chemical and biological defense program not be ignored. We believe that a high priority must continue to be placed on the program and that it must not be subjected to disproportionate cuts as budgets are reduced. The committee believes that such cuts would seriously undermine long-term efforts to improve the readiness of U.S. Armed Forces to fight in a chemical-biological warfare environment. The committee believes that each military service must allocate an appropriate amount of its budget for its share of the integrated C–B Defense Program and that the Secretary of Defense should ensure in annual budget guidance that such allocation is accomplished. In support of this belief, the committee has recommended an increased authorization of $53 million to restore critical program reductions in the fiscal year 1995 budget request for the Chemical-Biological Warfare Defense Program.

The chemical and biological threat to United States forces posed by Iraq was very real during the Persian Gulf war. Similar threats posed by these weapons of mass destruction exist today in areas where U.S. forces might be deployed. The Congress must ensure that they are prepared and ready to fight in such an environment. H.R. 4301 will provide that insurance.

I urge your support for the bill.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to my distinguished colleague, the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise today to offer my strong support for the Defense Authorization Act and to applaud the leadership of Chairman DELLUMS, ranking member SPENCE, and the other members of the committee who brought this bill to the floor.

This bill is particularly important because it contains a correction to an inequity in the cost of living adjustment [COLA] schedules for Federal civilian and military retirees.

Historically, the Congress has always made a point of ensuring that Federal civilian and military pensioners are treated equally and fairly. Both groups have been given adequate benefits packages and annual cost of living adjustments to ensure that their income stays current with inflation.

But last year, the Omnibus Budget Reconciliation Act of 1993 contained a disparity in the COLA schedules for Federal civilian and military retirees. In 1995, Federal civilian retirees would receive their COLA's in April, but military retirees would not have received their COLA until October. Without the passage of this amendment, military retirees would have received no COLA in fiscal year 1995.

While many of us supported the Omnibus Budget Act voted to decrease the deficit, I felt that this was a serious inequity that had to be corrected and introduced legislation to do so. This also has become an important issue for many members and more than 210 of our colleagues have signed on as cosponsors to my bill.

COLA's do not make the retiree wealthier over time. They do not increase his or her pension. The automatic cost of living adjustments would only ensure that an individual's post-retirement income stays current over the remainder of their life and that their buying power neither grows nor diminishes. The problem with delaying COLA's for Federal retirees is that it does decrease their pensions and does decrease their buying power. Otherwise, we wouldn't have been able to score about $3 billion in savings from the COLA delay. A policy which puts COLAs on different schedules for different groups of retirees unfairly impact the losing group. Federal civilian retirees and military retirees both receive federally funded retirement programs. We should not discriminate against a single class of retirees.

I am very pleased that the Armed Services Committee was willing to adopt an amendment that corrected the disparity in COLA's for fiscal year 1995. I also want to express my appreciation to Representative KYL who offered this amendment in the committee markup. Most importantly, I want to express my deep gratitude for the military retirees across the country who created an incredible grass roots lobbying effort in support of this effort.

Mr. SPENCE. Mr. Chairman, as I indicated earlier, we have a wealth of new talent on our committee, and another one is the gentlewoman from Florida [Mrs. FOWLER].

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

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Mrs. FOWLER. Mr. Chairman, I rise today to express my support—although it is reluctant support—for the defense authorization bill before us today.

In my judgment, this bill leaves us peering over a dangerous precipice. It is one more step along the way to ending up with the force specified by President Clinton in his Bottom-Up Review—a plan that I believe will ultimately compromise our readiness and put our service people at greater risk. The Bottom-Up Review also perpetuates a faulty view of future military challenges and our ability to meet them. Though I recognize that times have changed and our military forces must undergo reductions, this bill cuts bone, not just muscle.

That said, it also includes provisions that I am convinced are important and necessary to our Nation's defense. It is for these reasons, that this measure has my support.

This legislation increases the pay raise for our military personnel from the inadequate 1.6 percent requested by the President to 2.6 percent, a level that more closely matches the real increase in the cost of living. This pay raise will provide an urgently needed incentive for the best and brightest of our military personnel—who serve today under increasingly difficult circumstances—to remain in the service.

It authorizes $3.65 billion in funding for an item that I consider to be absolutely crucial to our Nation's continued ability to support our security strategy overseas—CVN-76, our next nuclear-powered aircraft carrier. We absolutely must provide the funding necessary to move ahead with this critical program in fiscal year 1995 if we are to ensure our ability to protect our most vital interests and address the threats that are certain to arise in the 21st century.

In addition, the bill contains funding for continued research on or procurement of several critical defense assets, including DDG-51 destroyers, the next *Seawolf* submarine, the V-22 *Osprey* tiltrotor aircraft, the F-22 fighter, the Comanche helicopter, and tactical ballistic missile defenses.

Mr. Chairman, although this bill is not everything it could be, I will support it. At the same time, I want to put my colleagues on notice that I will continue to work against the kind of debilitating cuts that this administration seems determined to pursue.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to a very valuable member of our committee, the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. I thank the gentleman for yielding this time to me.

I would first like to thank the chairman of our committee, the gentleman from California [Mr. DELLUMS] for being a very fair chairman, for leading our committee and crafting what I think might very well be the best bill we could have crafted considering the budgetary constraints we were placed under. I totally agree that we ought to be waging peace and not war, but I think that history will indicate, particularly recent history, that the surest way to peace is through strength, and I think that when the Berlin Wall came down, that communism collapsed precisely because we were strong.

Mr. Chairman, the challenge for the future is to properly identify the threat we might face so we will have a military equivalent to that threat. My personal feeling, and I think I join a growing number of military and nonmilitary people who feel the bottom-up threat was not an appropriately designated threat. Even if the threat was appropriate, the end force that they indicate would not meet that threat. The dollars included would not support the end force.

I agree that we are in uncharted waters, and precisely because we are in uncharted waters, we should go slowly, we should go carefully. The over-aggressive downsizing of the military, before we have clearly identified the kinds of threat we really will face, does not serve well the American people.

Mr. Chairman, I again commend the chairman for what he has done, but I must regretfully vote against this bill simply to send the message that we need to do better for America and for our children.

Mr. CUNNINGHAM. Mr. Chairman, I rise to discuss the language in this bill that concerns precision conventional weapons for the B-2 bomber. Mr. Chairman, I believe that the key to maintaining the long-term security of the United States is a strong national defense. I am sure that many of my colleagues on both sides of the aisle agree with me when I say this.

With the ending of the cold war, it has become necessary for us to reexamine the needs of the American military. As U.S. military activity in Desert Storm demonstrated, there is an increasing need for the capability to make precision conventional strikes anywhere in the world. By allocating the funding necessary to equip the B-2 bomber with GATS/GAM technology, we are ensuring that the U.S. military will have these capabilities.

By approving the GATS/GAM funding, we will enable the B-2 Stealth bomber to make precision conventional strikes anywhere in the world from bases in this country at a minimum risk to the lives of American servicemen and women and at a minimum cost to the American taxpayer.

By approving the GATS/GAM funding, we will arm the B-2 Stealth bomber with a weapon superior to current precision conventional weaponry. GATS/GAM technology can be used in all weather conditions, unlike laser-guided bombs. GATS/GAM technology can also be deployed on long-range aircraft, unlike current precision gravity bombs.

By approving the GATS/GAM funding, we will arm the U.S. military with long-range precision strike capability 3 to 4 years sooner than would otherwise be possible. GATS/GAM weaponry will demonstrate 60-foot accuracy by mid-1995 and 20-foot accuracy by mid-1996. Twenty-foot accuracy. Mr. Chairman, that's about the distance between your chair and my podium. Any comparable precision weaponry will not be ready for deployment until 1999.

Mr. Chairman, it is clear to me that we must approve the funding necessary to equip the B-2 Stealth bomber with GATS/GAM technology. Arming the U.S. military with the capability to make precision strikes with conventional weapons anywhere in the world is a step that must be taken to support a strong national defense. GATS/GAM technology is one of the keys to ensuring the long-term security of the United States, and we must approve its funding.

Mr. BAKER of California. Mr. Chairman, I have some serious concerns about the legislation that is before us today. H.R. 4301, the National Defense Authorization Act for fiscal year 1995, continues to reduce our national defense to the point where the U.S. will be unable to support our country's defense needs, military force levels, and readiness.

Mr. Chairman, let's take a look at defense spending over the last few years. Since 1986 defense spending has decreased 35 percent, by the President's own numbers. Today, only 17.8 percent of the Federal budget is spent on defense, the lowest since 1940. As a percentage of gross domestic product, defense spending is 3.9 percent, the lowest since 1948. While we're gutting defense, domestic social spending continues to spiral out of control. I will not support this bill because these severe cuts are beginning to undermine our national security and will return the state of our defense to the hollow forces of the 1930's and late 1970's.

I would, however, like to take this opportunity to express my strong support for the provision in the bill that eliminates the disparity between civil service and military retiree COLA's.

The disparity, enacted as a part of Mr. Clinton's 1993 tax plan, unfairly singles-out military retirees by delaying their COLA's until April 1994 and until October in every year thereafter until 1998.

I was pleased to have cosponsored H.R. 3023 to eliminate this unfair treatment of our military retirees as well as join many of my colleagues in sending a letter to Chairman MARTIN SABO of the House Budget Committee requesting his support in correcting this disparity.

Mr. Chairman, we must honor the promise we made to our military retirees and eliminate this unfair COLA treatment. They have served this country with honor and courage and we should give to them what they are owed.

Although I will oppose this authorization bill, I will continue to support reinstatement of the full military COLA. It is my sincere hope that the final defense bill we send to the President will contain this important change.

Mr. ZELIFF. Mr. Chairman, I rise today in strong support of the Porter-Penny amendment to H.R. 4301, Department of Defense Authorization for Fiscal Year 1995, cap spending on the first two *Seawolf* submarines, SSN-21 and SSN-22, at $4.673 billion.

The *Seawolf* program has been plagued by documented production problems, delays, and cost overruns. What began as $4.4 billion for two subs is now estimated to cost $4.7 billion; $300 million more than planned.

Our Nation is struggling to meet national defense needs with a drastically reduced budget. Our guiding philosophy has been to make our Armed Forces leaner, more efficient, more mobile, and more effective.

How building a large, incredibly expensive new class of submarine fits into this overall scheme is beyond me. In the meantime, we are forging ahead to put a number of highly capable Los Angeles class attack submarines into early retirement.

This is clearly a case of misplaced priorities. Simply put, the *Seawolf* is a luxury that we cannot afford in the age of $200 billion budget deficits, and with an administration looking to cut $156 billion from the defense budget over 5 years.

Continuing to pour money into the *Seawolf* sinkhole is a bad deal for the taxpayers and for our national defense. Finally, while I am glad to support the spending cap in the Porter-Penny amendment, I am dismayed that this will only affect the two *Seawolfs* already in production.

We need to stop the administration's plan to purchase a third *Seawolf,* SSN–23, a move that will save taxpayers another $2.5 billion. I am an original cosponsor of H.R. 4100, which would cap the *Seawolf* Program at two subs. This bill has been endorsed by Citizens Against Government Waste, the National Taxpayers Union, and Citizens for a Sound Economy.

For the cost of one *Seawolf,* we can repair and overhaul 10 Los Angeles class attack submarines. This approach provides our Armed Forces with the flexibility needed to address numerous regional conflicts. I believe this is a far better use of our limited resources given the world situation today.

I urge the Rules Committee to make in order an amendment to limit *Seawolf* production to two submarines. Let this proposal come to the floor for a full and open debate.

Mr. SCHAEFER. Mr. Chairman, I have heard many arguments for and against the C–17 and I agree with those who say it is an important part of our national defense. However, I also agree with those who point out that, at a half-billion dollars per plane, the C–17 is a money pit.

In an effort to reconcile our national security needs with budgetary reality, I have an amendment before the Rules Committee which would limit DOD's C–17 purchases to 60 units. Existing wide-body aircraft can and would take up the slack in airlift capacity. My amendment save $4.4 billion over the next 5 years and $16 billion over the life of the program.

Why do I think we can make do with just 60 C–17's, when the Air Force has consistently sought twice that number? Because I do not believe that very future airlift effort will require the C–17's unique features.

Why, then, do I not support immediate termination of the program at 32 units? Because I believe that if we ever do need to mount a large airlift to a remote or hazardous location, the extra 28 planes might make the difference between success and failure of our mission.

Mr. Chairman, I urge my colleagues support of the Schaefer amendment to H.R. 4301 limiting the C–17 program to 60 units.

Mr. GRAMS. Mr. Chairman, with an unstable world and continued threats toward world peace, I believe that a strong national defense is one of the most important functions of our Government. While everyone concurs that spending levels of our military should be carefully reviewed and that overall defense spending should be reduced, our cutbacks should not endanger the lives of our men and women who are placed in harm's way defending our Nation's interests.

Unfortunately, many of the funding levels and policies the Democrats and President Clinton requested in H.R. 4301, the National Defense Authorization Act for Fiscal Year 1995, have failed to protect our national security interests. It will be impossible to reconcile the Nation's declining defense resources with the Clinton administration's continuing commitment of U.S. military personnel to operations around the world.

Our national defense is already cut to the bone. The fiscal year 1995 defense budget represents the 10th consecutive year of real defense cuts. Under Clinton's budget, defense will be reduced from 18 percent of the Federal budget in 1995 to 13.2 percent by 1999. As a percentage of GDP, it will decline to 2.8 percent by 1999—the lowest since the Great Depression.

It is for these reasons that I cannot support the 1995 National Defense Authorization Act. Currently, armed services enlistments are down, quality of recruits has dropped, and our recruiting objectives are not being met. H.R. 4301 puts our country on the wrong course.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1995".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations
Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs
Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs
Sec. 121. Termination of Navy F-14A/B upgrade program.
Sec. 122. Limitation on acquisition of guidance systems for Trident II missiles.
Sec. 123. Prohibition on Trident II backfit.
Sec. 124. Inclusion of conversion of vessels in Fast Sealift Program.

Subtitle D—Air Force Programs
Sec. 131. Intertheater airlift programs.
Sec. 132. B-2 bomber program cost limitation.
Sec. 133. Bomber force upgrade program.

Subtitle E—Defense-Wide Activities
Sec. 141. Ballistic missile early warning programs.

Subtitle F—National Defense Sealift Fund
Sec. 161. Prohibition of transfer of fiscal year 1994 funds to CVN-76 construction.
Sec. 162. Fiscal year 1995 National Defense Sealift fund program.
Sec. 163. Transfer of excess amount to BRAC III account.
Sec. 164. Fiscal year 1994 unauthorized sealift appropriation defined.

Subtitle G—Other Matters
Sec. 171. Transfer of USNS Maury.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Space launch modernization.
Sec. 212. Standoff air-to-surface munitions technology demonstration.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Applicability of certain electronic combat systems testing requirements.
Sec. 215. Advanced Self Protection Jammer (ASPJ) program.
Sec. 216. Advanced lithography program.
Sec. 217. Federally funded research and development centers.
Sec. 218. Defense experimental program to stimulate competitive research.
Sec. 219. Digital battlefield program.
Sec. 220. Mobile Off-Shore Base and Landing Ship Quay Causeway program.

Subtitle C—Missile Defense Programs
Sec. 231. Ballistic missile defense organization budget presentation.
Sec. 232. Theater missile defense programs.
Sec. 233. Theater missile defense risk reduction activities.
Sec. 234. Military satellite communications.
Sec. 235. Limitation on flight tests of certain missiles.

Subtitle D—Women's Health Research
Sec. 241. Defense women's health research program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Sec. 302. Defense Business Operations Fund.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Funds for depot-level maintenance and repair work.
Sec. 305. Support for the 1996 Olympics.

Subtitle B—Limitations
Sec. 311. Reports and limitation on transfer of certain operations and maintenance funds.
Sec. 312. Limitation on retention of morale, welfare, and recreation funds by military installations.
Sec. 313. Prohibition on use of appropriated funds for operation of Armed Forces Recreation Center, Europe.

Sec. 314. Limitation on use of specifications for procurement of subsistence items.

Subtitle C—Depot-Level Activities

Sec. 321. Findings.
Sec. 322. Modification of limitation on performance of depot-level maintenance.
Sec. 323. Limitation on the performance of depot-level maintenance of materiel for new weapon systems.
Sec. 324. Audits to monitor cost growth of contracts to perform depot-level maintenance and repair.
Sec. 325. Consideration of costs of closing Department of Defense depots in certain cost comparisons.
Sec. 326. Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies.
Sec. 327. Authority of depots to provide services outside of the Department of Defense.
Sec. 328. Maintenance of sufficient depot-level facilities, activities, and employees of the Department of Defense.
Sec. 329. Reutilization initiative for Army and Navy depot-level activities.

Subtitle D—Defense Business Operations Fund

Sec. 341. Oversight of Defense Business Operations Fund.
Sec. 342. Review by Comptroller General of charges imposed by Defense Business Operations Fund.

Subtitle E—Department of Defense Domestic and Overseas Schools

Sec. 351. Reauthorization of Department of Defense domestic elementary and secondary schools for military dependents.
Sec. 352. Survey and pilot program for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.
Sec. 353. Evaluation of schools of the defense dependents' education system with fewer than 150 students.
Sec. 354. Prohibition on tuition ceiling for schools of the defense dependents' education system.

Subtitle F—Other Matters

Sec. 361. Modification of fees paid by residents of Armed Forces Retirement Home.
Sec. 362. National Guard youth program.
Sec. 363. Department of Defense food inventory program.
Sec. 364. Department of Defense special supplemental food program.
Sec. 365. Transportation of the remains of deceased retired members who die outside of the United States.
Sec. 366. Authority to transport the remains of certain deceased veterans on Department of Defense aeromedical evacuation aircraft.
Sec. 367. Modification of Air Force support for the Civil Air Patrol.
Sec. 368. Review and report on use of operations and maintenance funds by the Department of Defense.
Sec. 369. Requirement of comparative report on operations and maintenance funding.
Sec. 370. Automated data processing programs of the Department of Defense.
Sec. 371. Review by Defense Inspector General of cost growth in certain contracts.
Sec. 372. Cost comparison studies for contracts for advisory and assistance services.
Sec. 373. Requirement and plan for converting performance of certain positions to performance by Department of Defense employees.
Sec. 374. Use of service contract funds for separation incentive programs for Department of Defense employees.
Sec. 375. Non-Federal employment incentive pilot program.
Sec. 376. Uniform health benefits program for employees of the Department of Defense assigned to nonappropriated fund instrumentalities.
Sec. 377. Operation of military exchange and commissary store at Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.
Sec. 378. Ships' stores.
Sec. 379. Program to commemorate World War II.
Sec. 380. One-year extension of certain programs.
Sec. 381. Clarification and codification of overseas military end strength limitation.
Sec. 382. Authority to issue military identification cards to so-called honorary retirees of the Naval and Marine Corps Reserves.
Sec. 383. Modification of statute of limitations for certain claims for personal property damage or loss.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Limitation on deployment of divisions constituting Army contingency force.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. Active component members to be assigned for training compatibilty with guard units.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authority for officers to serve on successive promotion boards.
Sec. 502. Army field grade officer strength limitations.
Sec. 503. Technical changes to provisions enacted by Warrant Officer Management Act.
Sec. 504. Navy and Marine Corps limited duty officers.
Sec. 505. Retirement or enlistment of certain limited duty officers of the Navy and Marine Corps.
Sec. 506. Temporary exclusion of Superintendent of Naval Academy from counting toward number of senior admirals authorized to be on active duty.
Sec. 507. Grade of heads of certain professional military education schools.

Subtitle B—Reserve Component Matters

Sec. 511. Selected Reserve activation authority.
Sec. 512. Reserve general and flag officers on active duty.
Sec. 513. Definition of active guard and reserve duty.
Sec. 514. Repeal of obsolete provisions pertaining to transfer of regular enlisted members to the Retired Reserve.
Sec. 515. Guard and reserve transition initiatives.

Subtitle C—Other Matters

Sec. 521. Repeal of required reduction in recruiting personnel.
Sec. 522. Coast Guard force reduction transition benefits.
Sec. 523. Extension of Warrant Officer Management Act to Coast Guard.
Sec. 524. Authorized active duty strengths for Army enlisted members in pay grade E–8.
Sec. 525. Reimbursement for certain losses of household effects during PCS moves.
Sec. 526. Victims' advocates programs in Department of Defense.
Sec. 527. Prohibition of retaliatory actions against members of the Armed Forces making allegations of sexual harassment or unlawful discrimination.
Sec. 528. Annual report on personnel readiness.
Sec. 529. Programs related to Desert Storm mystery illness.
Sec. 530. Upgrade of Armed Forces Staff College wargaming and other capabilities.
Sec. 531. Prohibition on imposition of additional charges or fees for attendance at certain academies.
Sec. 532. Authorization for instruction of civilian students at Foreign Language Center of the Defense Language Institute.
Sec. 533. Sense of Congress concerning appropriate Department of Defense force structure through 1997.
Sec. 534. Discharge of members who are permanently nonworldwide assignable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1995.
Sec. 602. Cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States.
Sec. 603. Increase in subsistence allowance payable to members of Senior Reserve Officers' Training Corps.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Increase in authorized incentive special pay for certified registered nurse anesthetists.
Sec. 612. Extension of authority for payment of aviation officer retention bonus

Subtitle C—Travel and Transportation Allowances

Sec. 621. Change in provision of transportation incident to personal emergencies for members stationed outside the continental United States.
Sec. 622. Clarification of travel and transportation allowance of family members incident to the serious illness or injury of members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 631. Elimination of disparity between effective dates for military and civilian retiree cost-of-living adjustments for fiscal year 1995.
Sec. 632. Clarification of calculation of retired pay for officers who retire in a grade lower than the grade held at retirement.
Sec. 633. Crediting of reserve service of enlisted members for computation of retired pay.
Sec. 634. Minimum required reserve service for eligibility for retired pay for nonregular service during force drawdown period.

Sec. 635. SBP premiums for reserve-component child-only coverage.
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Sec. 1034. Transfer of certain B–17G aircraft.
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Sec. 1101. Short title.
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Sec. 1111. Funding of defense technology reinvestment programs for fiscal year 1995.
Sec. 1112. Clarification of eligible non-Department of Defense participants in technology reinvestment projects.
Sec. 1113. Additional criteria for loan guarantees under the defense dual-use assistance extension program.
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TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
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TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Restoration of authority to carry out military construction project at Naval Supply Center, Pensacola, Florida.
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TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Revision of family housing project at Tyndall Air Force Base, Florida.
Sec. 2306. Authorization of military construction projects at Tyndall Air Force Base, Florida, for which funds have been appropriated.
Sec. 2307. Modification of Air Force Plant No. 3.
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TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Improvement to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Community impact assistance with regard to Naval Weapons Station, Charleston, South Carolina.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Prohibition on using funds for unauthorized Guard and Reserve projects.
Sec. 2603. Authorization of projects for which funds have been appropriated.
Sec. 2604. State National Guard headquarters, Fort Dix, New Jersey.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1991 projects.
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TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Strengthening monetary limitation on renovation of facilities.
Sec. 2802. Navy housing investment agreements.
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Subtitle B—Defense Base Closure and Realignment

Sec. 2811. Prohibition against consideration in base closure process of advance economic planning undertaken by communities adjacent to military installations.
Sec. 2812. Repayment of State and local costs incurred in connection with establishment of certain military installations selected for closure.
Sec. 2813. Limitation on sources of funds available to implement base closures and realignments.
Sec. 2814. Prohibition on transfer of certain property located at military installations to be closed pending completion of redevelopment plans.
Sec. 2815. Report of effect of base closures on future mobilization options.

Subtitle C—Changes to Existing Land Conveyance Authority

Sec. 2821. Additional lessee of property at Naval Supply Center, Oakland, California.
Sec. 2822. Modification of land conveyance, Fort A.P. Hill Military Reservation, Virginia.
Sec. 2823. Preservation of Calverton Pine Barrens, Naval Weapons Industrial Reserve Plant, New York, as nature preserve.
Sec. 2824. Release of reversionary interest retained as part of conveyance of electricity distribution system, Fort Dix, New Jersey.

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Sec. 2831. Land conveyance, Air Force Plant No. 3, Tulsa, Oklahoma.
Sec. 2832. Land conveyance, Air Force Plant No. 59, Johnson City (Westover), New York.
Sec. 2833. Land conveyance, Radar Bomb Scoring Site, Dickinson, North Dakota.
Sec. 2834. Land conveyance, Army Reserve Facility, Rio Vista, California.
Sec. 2835. Land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.
Sec. 2836. Lease of property, Naval Radio Receiving Facility, Imperial Beach, Coronado, California.
Sec. 2837. Release of requirements and reversionary interest on certain property in Baltimore, Maryland.
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Subtitle E—Other Matters

Sec. 2851. Authority for Oxnard Harbor District, Port Hueneme, California, to use certain navy property.
Sec. 2852. Environmental education and training program for defense personnel.
Sec. 2853. Repeal of restriction on land transactions relating to Presidio of San Francisco, California.
Sec. 2854. Report on use of military installations in Okinawa.
Sec. 2855. Study of height restriction and avigation requirements surrounding Eglin Air Force Base, Florida.
Sec. 2856. Continued operation of military medical treatment facility at K. I. Sawyer Air Force Base, Michigan.
Sec. 2857. Technical amendment to correct reference in land transaction.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Nuclear materials support and other defense programs.
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Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Requirement of conceptual design for request of construction funds.
Sec. 3127. Authority for emergency planning, design, and construction activities.
Sec. 3128. Funds available for all national security programs of the Department of Energy.
Sec. 3129. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Stockpile stewardship recruitment and training program.
Sec. 3132. Defense inertial confinement fusion program.
Sec. 3133. Payment of penalties.
Sec. 3134. Water management programs.
Sec. 3135. Worker protection at nuclear weapons facilities.
Sec. 3136. Worker health and protection.
Sec. 3137. Limitation on use of program direction funds.
Sec. 3138. Limitation on use of funds for new construction projects.
Sec. 3139. Limitation on use of funds for special access programs.
Sec. 3140. Prohibition on prefinancing.

Subtitle D—Other Matters

Sec. 3151. Accounting procedures for Department of Energy funds.
Sec. 3152. Approval for certain nuclear weapons activities.
Sec. 3153. Study of feasibility of conducting certain activities at the Nevada Test Site, Nevada.
Sec. 3154. Report on waste streams generated by nuclear weapons production cycle.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Conditions on authority to dispose of certain strategic and critical materials.

Sec. 3302. Rejection of change in stockpiling principles.
Sec. 3303. Limitations on the disposal of chromite and manganese ores.
Sec. 3304. Conditional prohibition on proposed disposal of zinc from National Defense Stockpile.
Sec. 3305. Special program for conversion of low carbon ferro chromium to high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.
Sec. 3402. Transfer of Federal Civil Defense Act of 1950 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE XXXV—NAVAL PETROLEUM RESERVES

Sec. 3501. Authorization of appropriations.
Sec. 3502. Price requirement on sale of certain petroleum during fiscal year 1995.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Army as follows:

(1) For aircraft, $1,301,452,000.

(2) For missiles, $685,136,000.

(3) For weapons and tracked combat vehicles, $942,886,000.

(4) For ammunition, $854,833,000.

(5) For other procurement, $2,651,233,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Navy as follows:

(1) For aircraft, $4,588,007,000.

(2) For weapons, including missiles and torpedoes, $2,223,246,000.

(3) For shipbuilding and conversion, $6,869,897,000.

(4) For other procurement, $3,241,611,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Marine Corps in the amount of $528,352,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Air Force as follows:

(1) For aircraft, $6,101,767,000.

(2) For weapons including missiles, $3,953,232,000.

(3) For other procurement, $6,855,423,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1995 for defense-wide procurement in the amount of $2,066,694,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $262,000,000.

(2) For the Air National Guard, $176,000,000.

(3) For the Army Reserve, $50,000,000.

(4) For the Naval Reserve, $183,000,000.

(5) For the Air Force Reserve, $68,900,000.

(6) For the Marine Corps Reserve, $47,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1995 the amount of $670,349,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

(b) ALLOCATION.—Of the funds specified in subsection (a)—

(1) $365,084,000 is for operations and maintenance;

(2) $284,465,000 is for procurement; and

(3) $20,800,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

Sections 132 and 133 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) are repealed.

Subtitle C—Navy Programs

SEC. 121. TERMINATION OF NAVY F-14A/B UPGRADE PROGRAM.

(a) TERMINATION.—The Secretary of Defense shall terminate the F-14A/B aircraft upgrade program.

(b) LIMITATION ON FUNDS.—None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1995 or a later fiscal year may be obligated for the F-14A/B aircraft upgrade program.

SEC. 122. LIMITATION ON ACQUISITION OF GUIDANCE SYSTEMS FOR TRIDENT II MISSILES.

No funds authorized to be appropriated for fiscal year 1995 for Mark 6 guidance systems for Trident II (D–5) missiles may be obligated until the Secretary of Defense certifies to the congressional defense committees that, based upon a review by the Secretary of the readiness, testing, spares, and logistics requirements for the guidance system, the inventory objective of 562 units of the guidance system is required to support the inventory objective for Trident II (D–5) missiles.

SEC. 123. PROHIBITION ON TRIDENT II BACKFIT.

The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D–5) missiles.

SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST SEALIFT PROGRAM.

Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is amended—

(1) by inserting "or converted" after "constructed" each place it appears; and

(2) by inserting "or conversion" after "construction" each place it appears.

Subtitle D—Air Force Programs

SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) $550,000,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) $1,856,402,000 shall be available for the C-17 aircraft program, of which—

(A) $1,802,819,000 is for procurement of four C–17 aircraft;

(B) $47,475,000 is for advance procurement of four C–17 aircraft for fiscal year 1996; and

(C) $6,108,000 is for C–17 modifications.

(b) REQUIREMENT FOR COMPETITION.—The Secretary of Defense shall use competitive procedures in selecting a source for the aircraft to be procured as Non-Developmental Alternative Aircraft under subsection (a).

(c) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated for procurement under subsection (a) until 60 days after the date which the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the obligation of those funds.

(d) PRESERVATION OF INTERTHEATER AIRLIFT CAPACITY.—In acquiring aircraft under subsection (a), the Secretary of Defense shall structure the acquisition of those aircraft so as to preserve the aggregate intertheater airlift capacity of the Air Force (measured in millions of ton-miles per day) as of the date of the enactment of this Act.

SEC. 132. B-2 BOMBER PROGRAM COST LIMITATION.

In determining the expenditures to be applied against the total program cost limitation of $28,968,000,000 (in fiscal year 1981 constant dollars) specified by law for the B–2 bomber program, expenditures by the Department of Defense associated with preserving the industrial facilities used to produce that aircraft shall be included in that total program cost.

SEC. 133. BOMBER FORCE UPGRADE PROGRAM.

(a) HEAVY BOMBER FORCE UPGRADE FUND.—From funds authorized by section 104 for defense-wide procurement activities, $100,000,000 shall be for a heavy bomber force upgrade fund. The Secretary of Defense may obligate amounts in the fund for—

(1) long-range heavy bombers that would otherwise become attrition reserve aircraft;

(2) accelerating conventional mission upgrades for the B–1 bomber; or

(3) a combination of expenditures under paragraphs (1) and (2).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed expenditures from that fund for the purposes specified in subsection (a).

Subtitle E—Defense-Wide Activities

SEC. 141. BALLISTIC MISSILE EARLY WARNING PROGRAMS.

(a) RISK MITIGATION FUND.—From funds authorized by section 104 for defense-wide procurement, $300,000,000 shall be for a satellite early-warning assurance fund. The Secretary of Defense may obligate amounts in the fund for—

(1) continued procurement of Defense Support Program (DSP) satellite number 24;

(2) accelerated development of the Alert, Locate, and Report Missiles (ALARM) satellite program leading to launch of the first satellite under that program no later than the first quarter of 2002;

(3) development of the Brilliant Eyes satellite sensor system;

(4) acquisition of up to three additional interim theater missile sensors; or

(5) a combination of expenditures under paragraphs (1), (2), (3), and (4).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed expenditures from that fund for the purposes specified in subsection (a).

Subtitle F—National Defense Sealift Fund

SEC. 161. PROHIBITION OF TRANSFER OF FISCAL YEAR 1994 FUNDS TO CVN-76 CONSTRUCTION.

None of the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164) may be transferred (pursuant to the provisions of an Act making appropriations for a fiscal year after fiscal year 1994 or to authority provided under such an Act) to funds appropriated for fiscal year 1994 or a later fiscal year for Shipbuilding and Conversion, Navy, to be available for CVN–76 construction.

SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT FUND PROGRAM.

(a) USE OF FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION.—From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $608,600,000 shall, to the extent provided in appropriations Acts making appropriations for a fiscal year after fiscal year 1994, be available for fiscal year 1995 programs to be carried out through the National Defense Sealift Fund, of which—

(1) $546,400,000 is for the execution of new ship construction contract options for construction of two prepositioning surge ships;

(2) $43,000,000 is for procurement and installation of national defense sealift features on privately owned, United States documented commercial roll-on/roll-off vessels that are constructed after the date of the enactment of this Act by a shipyard located in the United States; and

(3) $19,200,000 is for research and development of strategic sealift technology.

(b) DENIAL OF AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1995.—No funds are authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1995.

SEC. 163. TRANSFER OF EXCESS AMOUNT TO BRAC III ACCOUNT.

From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $591,400,000 shall, to the extent provided in appropriations Acts, be transferred to, and deposited in, the account "BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III", to be available for the same purposes, and subject to the same limitations, as other funds in that account.

SEC. 164. FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION DEFINED.

For purposes of this subtitle, the term "fiscal year 1994 unauthorized sealift appropriation" means $1,200,000,000 of the amount appropriated for fiscal year 1994 to the National Defense Sealift Fund (in title V of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1435)).

Subtitle G—Other Matters

SEC. 171. TRANSFER OF USNS MAURY.

(a) IN GENERAL.—The Secretary of the Navy shall transfer the USNS Maury (TAGS–39) to the Department of Transportation for assignment as a training ship to the California Maritime Academy at Vallejo, California. The transfer shall be made on the date of the decommissioning of that vessel.

(b) TERMS AND CONDITIONS.—(1) In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army $5,425,303,000.

(2) For the Navy, $8,913,963,000.

(3) For the Air Force, $12,318,766,000.

(4) For Defense-wide activities, $9,325,708,000, of which—

(A) $254,995,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,501,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1995.—Of the amounts authorized to be appropriated by section 201, $4,288,064,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) POLICY.—(1) It is in the Nation's long-term national security and economic interests to regain preeminence in the area of space launch technology and operations.

(2) Access to space at affordable costs is fundamental to maintaining required command, control, communications, intelligence, navigation, weather, and early warning support to United States and coalition forces.

(3) Encouragement of privately financed, cost effective expendable and reusable launch vehicles is in the economic interest of the Department of Defense and the United States Government.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall take the following actions in pursuance of the space launch modernization policy set forth in subsection (a):

(1) Begin and complete a program to replace or consolidate the current fleet of medium and heavy expendable launch vehicles with new or upgraded expendable launch vehicles or with a combination of expendable and reusable launch vehicles. The Secretary shall initiate flight tests of new or upgraded expendable launch vehicles and of reusable launch vehicles not later than 1998 to achieve an initial launch capability for selected replacement vehicles not later than July 1, 2002. The program shall include a fly-before-buy acquisition strategy with both advanced concept technology demonstrations of expendable launch vehicles and advanced technology demonstrations of reusable launch vehicles.

(2) For purposes of paragraph (1), initiate a competitive Advanced Concept Technology Demonstration program to achieve a cost reduction over current medium and heavy expendable launch vehicles of at least 15 percent in flyaway cost per pound (in fiscal year 1994 dollars) and at least 25 percent reduction in launch operations costs per launch (in fiscal year 1994 dollars).

(3) Encourage and evaluate innovative acquisition, technical, and financing (including best commercial practices) solutions for providing affordable, operable, reliable, and responsive access to space.

(4) Centralize oversight of launch requirements of the Department of Defense and other users to preclude inflated requirements from escalating current and future launch costs.

(5) Encourage and provide incentives for the use of commercial practices in the acquisition, operation, and support of Department of Defense space operations.

(6) Establish effective suitable coordination among military, civilian, and commercial launch developers and users.

(c) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201(3), $200,000,000 shall be available for research, development, test, and evaluation of non-manrated space launch systems and technologies. Of that amount—

(1) $100,000,000 shall be available only for a competitive reusable rocket technology demonstration program, including—

(A) use of at least 90 percent of such amount for development and flight testing of one or more technology demonstration vehicles, and

(B) further development of reusable rocket technologies; and

(2) $100,000,000 shall be available only for an Advanced Concept Technology Demonstration program for expendable launch vehicles, including—

(A) competitive development and flight testing of advanced concept technology demonstration vehicles, and

(B) further development of enhanced technologies related to expendable launch vehicles, including Russian rocket propulsion technology.

(d) LIMITATIONS.—(1) Not more than 2 percent of the funds made available by subsection (c) may be used for direct and indirect Department of Defense-related program office, contractor support, and management overhead costs.

(2) Program office staff may not exceed 10 individuals, including contractor support.

(3) None of the funds authorized in this section may be released or otherwise transferred for execution or obligation to any Government department, agency, or organization outside the Department of Defense.

SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for the Air Force shall be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a standoff and near-precision guided capability. Such amounts shall be obligated not later than nine months after the date of the enactment of this Act.

(2) Paragraph (1) applies to guided and unguided in-inventory munitions of the class of 1,000 pounds and below.

(b) REPORT.—The Secretary of the Defense shall submit to the congressional defense committees a report setting forth in detail the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing both range extension and near-precision guided capability to in-inventory munitions.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during fiscal year 1995 unless such testing is specifically authorized by law.

SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COMBAT SYSTEMS TESTING REQUIREMENTS.

(a) COVERED SYSTEMS.—Subsection (a) of section 220 of the National Defense Authorization

Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1589) is amended—

(1) by inserting "ACAT I level integrated or stand-alone" before "electronic combat system"; and

(2) by inserting "ACAT I level integrated or stand-alone" before "command, control, and communications countermeasure system".

(b) APPLICABILITY.—Subsection (e) of section 220 of such Act is amended to read as follows:

"(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to an ACAT I level integrated or stand-alone electronic combat system and to an ACAT I level integrated or stand-alone command, control, and communications countermeasure system regardless of whether development of the electronic combat system or the command, control, and communications countermeasure system, as the case may be, began before, on, or after the date of the enactment of this Act.".

SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

(a) Subject to subsection (b), the Secretary of the Navy shall, not later than September 30, 1994, obligate funds appropriated to the Department of Defense for fiscal year 1994 and prior years to carry out logistics support, maintenance, and integration of existing Advanced Self Protection Jammer systems from the Navy inventory into the F–14D aircraft for testing and evaluation. The Secretary may acquire sufficient racks, spares, and logistic support, including hardware and software, necessary to maintain the existing ASPJ systems in the Navy inventory.

(b) The Secretary of the Navy may obligate funds under subsection (a) only to the extent provided in appropriations Acts.

(c) The Secretary of the Navy shall carry out subsection (a) notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334).

SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.

(a) PURPOSE.—The purpose of the Advanced Lithography Program (hereinafter in this section referred to as the "ALP") is to fund goal-oriented research and development to be conducted in both the public and private sectors to help achieve a competitive position for American lithography tool manufacturers in the international market place.

(b) CONDUCT OF PROGRAM.—(1) The program shall be conducted in accordance with research and development plans (including an interim plan) developed by the Semiconductor Technology Council, established in section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) (as amended by section 263 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1608)).

(2) The interim plan referred to in paragraph (1) shall be the Semiconductor Industry Association (SIA) 1994 development plan for lithography.

(c) PROGRAM MANAGEMENT.—The Advanced Research Projects Agency (ARPA) shall be the executive agent for the ALP and shall ensure seamless program planning of the ALP into the full range of ARPA core electronics development programs.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $100,000,000 shall be available for the advanced lithography program. Of that amount—

(1) $75,000,000 shall be available to conduct research and development activities in accordance with subsection (b); and

(2) $25,000,000 shall be available to procure advanced American-manufactured lithography tools for evaluation at Government-owned or Government-sponsored research facilities engaged in advanced lithography.

(e) REQUIREMENTS.—Not later than January 1, 1995—

(1) the President shall appoint to the Semiconductor Technology Council, referred to in subsection (a), the members listed in section 273(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603);

(2) the Under Secretary of Defense for Acquisition and Technology, in his capacity as Co-chairman of the Council, shall call a meeting of the Council for the purpose of developing a national strategy for lithography;

(3) the Council shall issue a Department of Defense instruction for the operation of the Council; and

(4) the Council shall develop and submit to the Secretary of Defense a plan for achieving the national strategy for lithography.

(f) RESTRICTION.—After January 1, 1995, no funds may be obligated by the Department of Defense for the High Performance Computing Program (PE 602301E), Sematech (PE 603745E), or Warbreaker (PE 603226E; Project EE40) unless the events listed in subsection (e) have occurred.

SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) AUTHORITY.—A Federally Funded Research and Development Center (FFRDC) of the Department of Defense that functions primarily as a research laboratory may respond to solicitations and announcements under programs authorized by the Federal Government for the purpose of promoting the development and transfer of dual-use technology to the United States industrial sector if such FFRDC meets the following conditions:

(1) The FFRDC is a collaborating member of a United States industry-led team.

(2) The nature of such collaboration is that of a precompetitive research and technology development effort.

(b) USE OF COOPERATIVE AGREEMENTS.—An FFRDC described in subsection (a) that responds to a solicitation or announcement described in such subsection shall not be considered to be engaging in a competitive procedure and may use a cooperative research and development agreement (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) or other cooperative agreement as the instrument of participation in the solicitation or announcement.

SEC. 218. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) IN GENERAL.—(1) The Secretary, through the Director of Defense Research and Engineering, shall operate a Defense Experimental Program to Stimulate Competitive Research (hereinafter in this section referred to as "DEPSCoR") as part of the university research programs of the Department of Defense.

(2) The objectives of DEPSCoR shall be—

(A) to enhance the competitiveness within the peer-review system of investigators from academic institutions in eligible States; and

(B) to increase the probability of long-term growth of competitive funding to investigators at institutions from eligible States.

(3) In order to carry out the objectives stated in paragraph (2), DEPSCoR shall provide for activities which may include competitive research awards, research infrastructure support, and graduate traineeships.

(4) DEPSCoR shall assist those States that—

(A) historically have received relatively little Federal research and development funding; and

(B) have demonstrated a commitment to develop their research bases and improve science and engineering research and education programs at their universities and colleges.

(b) DEFINITION.—The term "eligible States" means States that have been designated by the Director of the National Science Foundation as eligible to participate in the Experimental Program to Stimulate Competitive Research.

(c) COORDINATION.—The Secretary shall consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of DEPSCoR and shall coordinate the Department's program with similar programs sponsored by other Federal agencies. All solicitations shall be made to, and all awards shall be made through, the State committees established by the National Science Foundation for the purpose of administering the Experimental Program to Stimulate Competitive Research. The State committees shall ensure that the DEPSCoR program is coordinated with other Federal Experimental Program to Stimulate Competitive Research initiatives in their respective States.

SEC. 219. DIGITAL BATTLEFIELD PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army shall establish a Digital Battlefield program to provide enhancements required to field components for a digitalized battlefield by 1996. These enhancements shall include electronics, second-generation forward-looking infrared technology, and communications for major platforms and development of applique packages for platforms without embedded digital systems.

(b) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for fiscal year 1995 for the digital battlefield program (PE 203758A).

(c) PROGRAM LIMITATION.—None of the funds appropriated pursuant to section 201 for the digital battlefield program (PE 203758A) for the Army for fiscal year 1995 may be obligated for research and development activities for development or integration of such program until the Secretary of the Army—

(1) establishes, and programs funds for, a research and development program to enhance the processing and memory capability of the electronic systems on the Abrams tank to make the M1/M1A2 Abrams tank compatible and interoperable with the digital battlefield, when placed into service;

(2) restructures the M1 Abrams tank upgrade program to incorporate the enhancements produced by the research and development program established under paragraph (1);

(3) transmits to the congressional defense committees a report providing notice of the restructured M1A2 program under paragraph (2) and a description of the program;

(4) coordinates with the Secretary of the Navy to include the Marine Corps in the Army's plans for the digital battlefield; and

(5) transmits to the congressional defense committees a report describing—

(A) the Army's plan of actions and milestones for defining the overall system architecture for the digital battlefield, the standards and protocols for the digital battlefield, and resulting requirements;

(B) how those requirements affect or will affect the major platforms that will make up the digital battlefield; and

(C) the manner in which coordination with the Secretary of the Navy under paragraph (4) is being carried out.

SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP QUAY CAUSEWAY PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The concepts of the sea-going Mobile Off-Shore Base and the related Landing Ship Quay Causeway could result in significant improvements in the capability for the Armed Forces to respond to crises in those areas where land bases are not available for use by those forces.

(2) The potential development and acquisition costs of the Mobile Off-Shore Base and the

Landing Ship Quay Causeway are such that any program for development of the Mobile Off-Shore Base or the Landing Ship Quay Causeway should be designated as a major defense acquisition program.

(b) LIMITATION.—No funds are authorized for fiscal year 1995 for research and development for a Mobile Off-Shore Base or a Landing Ship Quay Causeway program. The Secretary of Defense may not develop or acquire a Mobile Off-Shore Base or a Landing Ship Quay Causeway until both of the following occur:

(1) The military requirement for a Mobile Off-Shore Base and a Landing Ship Quay Causeway, as reflected in operational requirements documents, is approved by the Joint Requirements Oversight Council.

(2) The Secretary of Defense certifies to the congressional defense committees that—

(A) there is a validated requirement for the Mobile Off-Shore Base or the Landing Ship Quay Causeway; and

(B) the acquisition plan and program to fulfill the requirement are established and are funded to the end of the current future-years defense program submitted pursuant to section 221 of title 10, United States Code.

Subtitle C—Missile Defense Programs

SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION BUDGET PRESENTATION.

In the budget of the President for any fiscal year, amounts requested for the Ballistic Missile Defense Organization shall be set forth showing the amounts requested for each individual program, project, and activity of that organization as well as the total amount requested for the organization.

SEC. 232. THEATER MISSILE DEFENSE PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided for the Ballistic Missile Defense Organization under section 201 for Theater Missile Defense, not less than $40,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier Program for Naval Theater Missile Defense.

(b) ACCELERATED ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall initiate during fiscal year 1995 an accelerated Advanced Concept Technology Demonstration Program to demonstrate the technical feasibility of using the Navy's Block IV Standard Missile combined with a kick stage rocket motor and the lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

(c) THEATER MISSILE DEFENSE PROGRAM PRIORITIES.—(1) The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall establish as the first priority of the Theater Missile Defense Program the deployment of—

(A) a layered land-based Theater Missile Defense capability consisting of the Patriot Advanced Capability (PAC-3) system and the Theater High-Altitude Area Defense (THAAD) system; and

(B) a layered sea-based Theater Missile Defense capability consisting of the Navy Lower Tier theater missile defense program and the Navy Upper Tier theater missile defense program.

(2) Each program referred to in paragraph (1) shall be treated by the Department of Defense as a major acquisition program for funding purposes for fiscal years 1995 through 1999, as prescribed in the October 1993 report of the Secretary of Defense entitled "Report on the Bottom Up Review" and in Defense Planning Guidance.

SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—Of the amount provided in section 201 for Defense-Wide Activities, $210,000,000 is for theater missile defense risk reduction activities of the Ballistic Missile Defense Organization. None of such amount may be obligated for a program specified in subsection (b) until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's plans to obligate funds for such program.

(b) PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) The Extended-Range Interceptor (ERINT) program.

(2) The Multi-Mode Missile.

(3) Sea-based lower tier systems.

(4) Sea-based upper tier systems.

SEC. 234. MILITARY SATELLITE COMMUNICATIONS.

(a) MILSTAR LIMITATION.—Of the amount authorized in section 201 for the MILSTAR satellite communications program, $50,000,000 may not be obligated until a report setting forth the plan described in subsection (b) has been received by the congressional defense committees.

(b) MILITARY COMMUNICATIONS MASTER PLAN.—The Secretary of Defense shall develop a military communications master plan that addresses—

(1) the projected military communications requirements of the Department of Defense;

(2) alternate and innovative ways of meeting those requirements (including greater reliance on the commercial sector); and

(3) methods to ensure that those elements of the Department of Defense that create the demand for such communications services are required to have an important role in paying for the provision of those services.

SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—The Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris in a land area of the United States outside a designated Department of Defense test range.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

(c) CERTAIN TESTING UNAFFECTED.—Nothing in this section shall be construed as prohibiting or limiting testing of cruise missiles, unmanned aerial vehicles (UAVs), or precision-guided munitions.

Subtitle D—Women's Health Research

SEC. 241. DEFENSE WOMEN'S HEALTH RESEARCH PROGRAM.

(a) CONTINUATION OF THE PROGRAM.—The Secretary of Defense shall continue the Defense Women's Health Research Program (hereinafter in this section referred to as the "Program") established in fiscal year 1994 pursuant to the authority in section 251 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1606). The Program shall continue under an Army executive agency or agent and shall serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Program also shall coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) IMPLEMENTATION PLAN.—If the Secretary of Defense intends to change the plan for the implementation of the Program previously submitted to the Committees on Armed Services of the Senate and House of Representatives, the amended plan shall be submitted to such committees before implementation.

(c) PROGRAM ACTIVITIES.—The Program shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Epidemiologic research, including health care needs of deployed women, patterns of illness and injury, environmental and occupational hazards, side-effects of pharmaceuticals and biologicals, and psychological stress associated with military training, deployment, traumatic incidents, and other military life conditions.

(2) Data base development designed to facilitate long-term research studies of women's health issues, and continued development and support of a military women's health information clearinghouse to serve as an information resource for clinical, research, and policy issues affecting women in the Armed Forces.

(3) Policies and standards issues, including research supporting development of military standards related to training, operations, deployment, and retention and their relationship to factors affecting women's health.

(4) Research emphasizing interventions that have a potential for affecting health issues associated with women's military service.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201, $40,000,000 shall be available for the Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $17,362,741,000.

(2) For the Navy, $20,110,196,000.

(3) For the Marine Corps, $1,997,095,000.

(4) For the Air Force, $18,733,458,000.

(5) For Defense-wide activities, $9,513,523,000.

(6) For the Army Reserve, $1,255,057,000.

(7) For the Naval Reserve, $827,819,000.

(8) For the Marine Corps Reserve, $81,462,000.

(9) For the Air Force Reserve, $1,481,332,000.

(10) For the Army National Guard, $2,448,615,000.

(11) For the Air National Guard, $2,780,178,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,544,000.

(13) For the Defense Inspector General, $147,172,000.

(14) For the Court of Military Appeals, $6,152,000.

(15) For Environmental Restoration, Defense, $2,655,200,000.

(16) For Drug Interdiction and Counter-drug Activities, Defense-wide, $714,200,000 (none of the funds of which may be used to carry out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note)).

(17) For Medical Programs, Defense, $9,613,331,000.

(18) For the National Contingency Operation Non-DBOF Costs Fund, $300,000,000.

(19) For Department of Defense World War II 50th Anniversary Program, $500,000.

SEC. 302. DEFENSE BUSINESS OPERATIONS FUND.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for the Defense Business Operations Fund in the amount of $1,212,038,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1995 from the Armed Forces Retirement Home Trust Fund the sum of $59,317,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR WORK.

(a) INCREASED FUNDING FOR DEPARTMENT OF DEFENSE DEPOT-LEVEL ACTIVITIES.—Of amounts authorized to be appropriated for fiscal year 1995 under section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by depot-level activities of the Department of Defense is the amount equal to the sum of—

(1) the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work; and

(2) $600,000,000, of which—

(A) $300,000,000 shall be available for the Army;

(B) $100,000,000 shall be available for the Navy;

(C) $150,000,000 shall be available for the Air Force; and

(D) $50,000,000 shall be available for the Marine Corps.

(b) DECREASED FUNDING FOR CONTRACTORS.—Of amounts appropriated for fiscal year 1995 pursuant to section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by non-Federal Government personnel is not more than the amount equal to 40 percent of the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work.

SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization of appropriations in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the games of the XXVI Olympiad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 for the Department of Defense for fiscal year 1995 to carry out subsection (a).

Subtitle B—Limitations

SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CERTAIN OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON TRANSFER.—Section 116 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

"(b) REPORTS ON TRANSFERS OF CERTAIN FUNDS.—(1) Each report required by subsection (a) shall include a report on the following:

"(A) Each transfer of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations during the preceding fiscal year, including the reason for the transfer.

"(B) Each transfer of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity during the preceding fiscal year, including the reason for the transfer.

"(2) On May 1 of each year, the Secretary of Defense shall submit to the Congress a report on the following:

"(A) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations, including the reason for the transfer.

"(B) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity, including the reason for the transfer.

"(3) The activities referred to in paragraphs (1) and (2) are the following:

"(A) Activities for which amounts are appropriated for the Army for operations and maintenance for operating forces for (i) combat units, (ii) tactical support, and (iii) force-related training/special activities.

"(B) Activities for which amounts are appropriated for the Navy for operations and maintenance for operating forces for (i) mission and other flight operations, (ii) mission and other ship operations, (iii) fleet air training, and (iv) ship operational support and training.

"(C) Activities for which amounts are appropriated for the Air Force for operations and maintenance for operating forces for (i) primary combat forces, (ii) primary combat weapons, (iii) global and early warning, and (iv) air operations training.

"(c) LIMITATION.—The Secretary of Defense may not transfer an amount that exceeds $20,000,000 of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in subsection (b)(3) between appropriations or within that appropriation for any other such activity until—

"(1) the Congress is notified of the transfer; and

"(2) a period of 30 days elapses after such notification is received.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§116. Operations and maintenance activities: congressional oversight".

(2) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

"116. Operations and maintenance activities: congressional oversight.".

(c) CONFORMING REPEAL.—Section 377 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1638) is repealed.

SEC. 312. LIMITATION ON RETENTION OF MORALE, WELFARE, AND RECREATION FUNDS BY MILITARY INSTALLATIONS.

(a) LIMITATION.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2219. Retention of morale, welfare, and recreation funds by military installations: limitation

"Amounts may not be retained in a nonappropriated morale, welfare, and recreation account of a military installation of a military department in excess of the amount necessary to meet working capital requirements of that installation. Amounts in excess of that amount shall be transferred to a single, department-wide nonappropriated morale, welfare, and recreation account of the military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Retention of morale, welfare, and recreation funds by military installations: limitation.".

SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR OPERATION OF ARMED FORCES RECREATION CENTER, EUROPE.

No funds appropriated to the Department of Defense for any fiscal year may be used to operate the Armed Forces Recreation Center, Europe, except that such funds may be used for the payment of utilities, emergency repairs, and transportation of United States products for the Center.

SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR PROCUREMENT OF SUBSISTENCE ITEMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§2332. Subsistence items: limitation on use of specifications and restrictions in procurement of

"(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not use specifications or restrictions in the procurement of subsistence items for use at military installations.

"(b) EXCEPTION.—The Secretary of Defense may use specifications and restrictions in the procurement of field rations and shipboard rations (including tray packs and meals ready-to-eat), except that any such specifications and restrictions shall be developed consistent with the preference of the Department of Defense for commercial items.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2332. Subsistence items: limitation on use of specifications and restrictions in procurement of.".

Subtitle C—Depot-Level Activities

SEC. 321. FINDINGS.

The Congress finds the following:

(1) By providing the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment, the depot-level maintenance and repair activities of the Department of Defense play an essential role in maintaining the readiness of the Armed Forces.

(2) The consolidation of entities within the defense industry has jeopardized the capability of the defense industry to perform maintenance and repair of weapon systems and equipment.

(3) The defense industry maintains not less than 60 percent of the total capability to perform maintenance and repair of weapon systems and equipment.

(4) The capability of the depot-level maintenance and repair activities of the Department of Defense to perform maintenance and repair of weapon systems and equipment should not be determined by policies established by the defense industry.

(5) Reductions in the number of civilian employees of the depot-level maintenance and repair activities of the Department of Defense may account for approximately 80 percent of all reductions in the coming years in the number of civilian employees of the Department.

(6) An increase from one fiscal year to the next in the amount of funds available for the maintenance and repair of weapon systems and equipment does not necessarily result in a corresponding increase in the performance of such maintenance and repair.

SEC. 322. MODIFICATION OF LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) MODIFICATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—Not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.".

(b) INCLUSION OF REPAIR ACTIVITIES.—Subsection (b) of such section is amended by inserting "and repair" after "maintenance" each place it appears.

(c) COMPUTATION OF PERCENTAGE.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) COMPUTATION OF PERCENTAGE.—In computing for purposes of subsection (a) the percentage of funds referred to in that subsection that are used to contract for the performance of depot-level maintenance and repair workload by non-Federal Government personnel, the Secretary of the military department, or in the case of a Defense Agency, the Secretary of Defense shall include in the computation any funds provided for the performance by such personnel of the following:

"(1) Interim contractor support.

"(2) Contract logistic support.

"(3) Maintenance and repair workload above the unit level.

"(4) The provision of materials and parts by a contractor to a depot.".

(d) REPORT.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) REPORT.—Not later than January 15, 1995, the Secretary of Defense shall submit to the Congress a report describing the progress during the preceding fiscal year by each military department and Defense Agency to achieve and maintain the percentage of depot-level maintenance and repair required to be performed by employees of the Department of Defense pursuant to subsection (a).".

SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.

(a) LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, as amended by section 322 of this Act, is amended—

(1) by inserting "(1)" before "Not more than 40 percent"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system by a contractor to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to a weapon system initially delivered after the date of the enactment of this Act.

SEC. 324. AUDITS TO MONITOR COST GROWTH OF CONTRACTS TO PERFORM DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2470. Audits of cost growth in contracts to perform depot-level maintenance and repair

"The Secretary of Defense shall audit contracts entered into by the Department of Defense for the performance of depot-level maintenance and repair to monitor the costs incurred by the contractor to perform the contract. An audit of a contract under this section shall be performed at least once during the period in which the contract is performed and shall take account of any costs incurred by the contract in excess of the amount proposed by the contractor to perform the contract or in excess of costs incurred by the contractor during the previous year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2470. Audits of cost growth in contracts to perform depot-level maintenance and repair.".

SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPARTMENT OF DEFENSE DEPOTS IN CERTAIN COST COMPARISONS.

Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) REQUIREMENT TO CONSIDER COSTS OF CLOSING DEPOTS.—In any comparison conducted by the Department of Defense of the cost of performing depot-level maintenance and repair work by non-Federal Government personnel and the cost of performing such work by employees of the Department of Defense, the Secretary of Defense shall, to the maximum extent practicable, consider the estimated cost (including the cost to perform any necessary environmental restoration of the facility) that would be incurred if the Department of Defense were required to close a Department of Defense defense depot-level facility as a result of awarding the contract to non-Federal Government personnel to perform such work.".

SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE TO COMPETE FOR MAINTENANCE AND REPAIR WORKLOADS OF OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 324 of this Act, is further amended by adding at the end the following new section:

"§2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies

"A depot-level activity of the Department of Defense shall be eligible to compete for the performance of any depot-level maintenance and repair workload of a Federal agency for which competitive procedures are used to select the entity to perform the workload.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies.".

SEC. 327. AUTHORITY OF DEPOTS TO PROVIDE SERVICES OUTSIDE OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 326 of this Act, is further amended by adding at the end the following new section:

"§2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by

"(a) AUTHORITY TO LEASE EXCESS EQUIPMENT AND FACILITIES.—Subject to subsection (b), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may lease excess equipment and facilities of a depot-level activity of the military department, or the Defense Agency, to a person outside the Department of Defense for the performance of depot-level maintenance and repair work by such person.

"(b) LIMITATIONS.—A lease under subsection (a) may be entered into only if—

"(1) the lease of any such equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned;

"(2) the person leasing such equipment or facilities agrees to reimburse the Department of Defense for the costs (both direct and indirect costs, including any rental costs, as determined the Secretary concerned) attributable to the lease of such equipment or facilities;

"(3) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out the lease of such equipment or facilities; and

"(4) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned to suspend or terminate the lease in times of war or national emergency.

"(c) CREDIT TO GENERAL FUND.—Any reimbursement received under this section shall be credited to the General Fund of the Treasury.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by.".

SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FACILITIES, ACTIVITIES, AND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall maintain sufficient depot-level activities and facilities of the Department of Defense and a sufficient number of employees of the Department that are assigned to the performance of depot-level maintenance and repair to carry out this subtitle and the amendments made by this subtitle.

SEC. 329. REUTILIZATION INITIATIVE FOR ARMY AND NAVY DEPOT-LEVEL ACTIVITIES.

(a) PILOT PROGRAM AUTHORIZED.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the Department of the Army and the Department of the Navy for the purpose of—

(1) demonstrating commercial uses of such depot-level activities that are related to the principal mission of such depot-level activities;

(2) preserving employment and skills of employees currently employed by such depot-level activities or providing for the reemployment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing such depot-level activities to remain in operation to continue to perform their defense readiness mission.

(b) PARTICIPANTS IN PILOT PROGRAM.—The Secretary shall designate not less than five depot-level activities of the Department of the Army and the Department of the Navy to participate in the pilot program under this section.

Of these depot-level activities, at least two shall be depot-level activities of the Department of the Army and at least three shall be depot-level activities of the Department of the Navy.

(c) CONDITIONS ON PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary shall ensure that the program—

(1) does not interfere with the closure or realignment of a depot-level activity of the Department of the Army or the Department of the Navy under a base closure law; and

(2) does not adversely affect the readiness or primary mission of a participating depot-level activity.

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amounts authorized to be appropriated under section 301, $100,000,000 shall be available only to carry out the pilot program under this section.

Subtitle D—Defense Business Operations Fund

SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF AUTHORITY.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out "During the period" and all that follows through "December 31, 1994, the" and inserting in lieu thereof "The".

(b) LIMITATION ON TRANSFERS.—Except as otherwise provided in this Act, the Secretary of Defense may not transfer amounts to or from the Defense Business Operations Fund from or to any other account or source until after the expiration of 30 days from the date on which the Secretary transmits to the Congress a notification of the Secretary's intent to make the transfer.

(c) PROHIBITION ON ADVANCE CHARGES.—(1) After September 30, 1995, the Secretary of Defense may not charge for goods and services provided through the Defense Business Operations Fund in advance of the provision of such goods and services.

(2) The payment of amounts to the Defense Business Operations Fund from another fund or activity of the Department of the Defense may be made only for goods or services actually provided by the Defense Business Operations Fund.

(d) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Defense Business Operations Fund from a source other than the Defense Business Operations Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Defense Business Operations Fund offers.

(e) ANNUAL REPORTS AND BUDGET.—(1) The Secretary of Defense shall annually submit to the Congress, at the same time that the President submits the budget under section 1105 of title 31, United States Code, the following:

(A) A detailed report that contains a statement of all receipts and disbursements of the Defense Business Operations Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

(B) A detailed proposed budget for the operation of the Defense Business Operations Fund for the fiscal year for which the budget is submitted.

(2) Not later than September 30 each year, the Secretary of Defense shall submit to the Congress a report that contains a comparison of the amounts actually expended for the operation of the Defense Business Operations Fund for the fiscal year ending on that September 30 with the amount proposed for the operation of the Defense Business Operations Fund for that fiscal year in the President's budget.

(f) LIMITATION ON INCLUSION OF CERTAIN COSTS IN DBOF CHARGES.—A charge for a good or service provided through the Defense Business Operations Fund may not include amounts necessary to recover losses incurred by the Defense Business Operations Fund that are unrelated to the good or service or amounts to cover costs incurred in connection with the closure or realignment of a military installation.

(g) LIMITATION ON ACCUMULATION OF FUNDS.—(1) The Secretary of Defense shall establish billing procedures to ensure that the balance in the Defense Business Operations Fund does not exceed $300,000,000 more than amount necessary to provide for the working capital requirements of the Defense Business Operations Fund, as determined by the Secretary.

(2) The Secretary may waive the limitation described in this subsection if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for the waiver.

SEC. 342. REVIEW BY COMPTROLLER GENERAL OF CHARGES IMPOSED BY DEFENSE BUSINESS OPERATIONS FUND.

(a) REVIEW.—The Comptroller General of the United States shall review the charges for goods and services provided by the Defense Business Operations Fund, including a review of—

(1) charges for goods and services provided by the Defense Business Operations Fund, including a comparison of charges imposed for the provision of goods and services to the military departments and Defense Agencies with charges imposed for the provision of goods and services to persons outside the Department of Defense;

(2) charges imposed by the Defense Business Operations Fund for overhead costs and service charges; and

(3) the extent to which charges imposed by the Defense Business Operations Fund provide an advantage or disadvantage for the military departments and Defense Agencies or for persons outside the Department of Defense for whom such goods and services are provided.

(b) REPORT.—Not later than April 15, 1995, the Comptroller General of the United States shall submit to the Congress a report on the results of the review conducted under subsection (a) and the recommendations of the Comptroller General for any legislative and administrative action the Comptroller General considers to be appropriate.

Subtitle E—Department of Defense Domestic and Overseas Schools

SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS FOR MILITARY DEPENDENTS.

(a) CONTINUED AUTHORITY TO PROVIDE FOR EDUCATION OF MILITARY DEPENDENTS WHEN LOCAL AGENCIES ARE UNABLE TO.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2164. Department of Defense domestic dependent elementary and secondary schools

"(a) AUTHORITY OF SECRETARY.—If the Secretary of Defense makes a determination that appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces residing on or near a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may provide for the elementary or secondary education of such dependents.

"(b) FACTORS TO BE CONSIDERED.—Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

"(1) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

"(2) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents. For purposes of this section, an appropriate educational program, as determined by the Secretary, is a program comparable to a program of free public education provided for children—

"(A) in similar communities in the State, in the case of a military installation located in a State;

"(B) in similar communities in adjacent States, in the case of a military installation adjacent to or located in more than one State; and

"(C) in the District of Columbia, in the case of a military installation located in a territory, commonwealth, or possession, except that an appropriate educational program under this subparagraph is also a program of education conducted in the English language.

"(c) EDUCATION FOR DEPENDENTS OF FEDERAL EMPLOYEES.—(1) An individual who is a dependent of a Federal employee residing at any such military installation at any time during the school year may enroll in an educational program provided by the Secretary of Defense pursuant to subsection (a).

"(2)(A) Except as provided in subparagraph (B), an individual who is a dependent of a Federal employee, who is enrolled in an educational program provided by the Secretary pursuant to subsection (a), and who is not living on the military installation may be enrolled in the program for not more than five consecutive school years.

"(B) An individual referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the Secretary determines, after consideration of the individual's educational well-being, that good cause exists to extend the enrollment for more than the five-year period described in such subparagraph. Any such extension may be made for only one school year at a time.

"(C) For purposes of this paragraph, the five-year period described in subparagraph (A) begins on the date the individual enrolls in the program pursuant to this section or pursuant to any provision of law enacted before the date of the enactment of this section that provided eligibility to the individual for enrollment in a similar program.

"(3) An individual enrolled in a program under this subsection may participate in the program for the remainder of the school year notwithstanding a change in status of the Federal employee with respect to whom the individual is a dependent, except that any such individual may be removed from enrollment in the program at any time for good cause, as determined by the Secretary.

"(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1) The Secretary of Defense shall provide for the establishment of a school board for each Department of Defense elementary or secondary school established for a military installation under this section.

"(2) Each school board established for a school under paragraph (1) shall be elected by the parents of individuals attending the school. Meetings conducted by the school board shall be open to the public.

"(3)(A) A school board elected for a school under this subsection may develop fiscal, personnel, and educational policies and procedures for the school, including fiscal, personnel, and educational program management, except that the Secretary may issue any directive to the school board and school administrative officials the Secretary considers necessary for the effective operation of the school or the entire school system.

"(B) Any directive referred to in subparagraph (A) shall, to the maximum extent practicable, be issued only after consultation with appropriate school boards elected under this subsection. The Secretary shall establish a process by which a school board or school administrative officials may formally appeal such directives directly to the Secretary. Consideration of

such appeals may not be delegated below the Secretary of Defense.

"(e) STAFF.—(1) The Secretary of Defense, in coordination with the school board established for a school under subsection (d), may enter into such arrangements as may be necessary to provide educational programs under this section.

"(2) The Secretary may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(A) establish such positions for civilian employees in schools established under this section;

"(B) appoint individuals to such positions; and

"(C) fix the compensation of such individuals for service in such positions.

"(3)(A) Except as provided in subparagraph (B), in fixing the compensation of employees appointed under paragraph (2), the Secretary, in coordination with the school board established for a school under subsection (d), shall consider—

"(i) the compensation of comparable employees of the local educational agency in the capital of the State where the military installation is located;

"(ii) the compensation of comparable employees in the local educational agency that provides public education to students who live adjacent to the military installation; or

"(iii) the average compensation for similar positions in not more than three other local educational agencies, as determined by the Secretary and the appropriate local school boards in the State in which the military installation is located.

"(B) In fixing the compensation of employees in schools established in the territories, commonwealths, and possessions under this section or any other provision of law enacted before the date of the enactment of this section that provided for similar schools, the Secretary shall determine the level of compensation required to attract qualified employees. For employees in such schools, the Secretary, in coordination with the local school boards and without regard to the provisions of title 5, may arrange for the tenure, leave, hours of work, and other incidents of employment on a similar basis as is provided for comparable positions in the public schools of the District of Columbia.

"(f) REIMBURSEMENT.—When the Secretary of Defense provides educational services under this section to an individual who is a dependent of an employee of another Federal agency, the head of the other Federal agency shall, upon request of the Secretary of Defense, reimburse the Secretary of Defense for those services at rates routinely prescribed by the Secretary of Defense for those services. Any payments received by the Secretary of Defense under this section shall be credited to the account designated by the Secretary for the operation of educational programs under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2164. Department of Defense domestic dependent elementary and secondary schools.".

SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANSFER OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO APPROPRIATE LOCAL EDUCATIONAL AGENCIES.

(a) SURVEY.—(1) The Secretary of Defense shall conduct a survey of each Department of Defense domestic dependent elementary and secondary school operated by the Department of Defense to determine the feasibility of, and actions necessary to be taken to provide for, the transfer of that school to the appropriate local educational agency.

(2) The Secretary of Defense shall coordinate the conduct of the survey of each such school with representatives of the local educational agency referred to in paragraph (1) and of parent organizations representing parents of students enrolled in the school.

(3) Issues addressed by the survey shall include—

(A) the opinions and attitudes of such parents with respect to the appropriate entity to operate the school;

(B) the position of the local educational agency and the appropriate education officials of the State in which the school is located regarding the extent to which the transfer of the school to the local educational agency is feasible and desirable, including the financial and legal justifications for that position; and

(C) the requirements, as specified by the local educational agency and the appropriate education officials of the State in which the school is located, for financial support, military construction, and any other support provided by the Department of Defense in order to complete the transfer of the school to the local educational agency.

(4) Not later than June 30, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey. The report shall include the recommendations of the Secretary with respect to the transfer of each such school.

(b) PILOT PROGRAM.—(1) The Secretary of Defense shall conduct a pilot program to assess the potential for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.

(2) The Secretary of Defense shall select two schools for participation in the pilot program based on the results of the survey conducted by the Secretary under subsection (a). The Secretary shall provide for the transfer of each such school to the appropriate local educational agency not later than the date on which the 1995 school year begins for that school.

(3) Not later than March 31, 1996, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the pilot program. The report shall include the recommendation of the Secretary with respect to the extent to which other Department of Defense domestic dependent elementary and secondary schools should be transferred to appropriate local educational agencies.

(c) LIMITATION.—A Department of Defense domestic dependent elementary or secondary school may not be transferred to a local educational agency under this section except on terms that are agreeable to the local educational agency.

SEC. 353. EVALUATION OF SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM WITH FEWER THAN 150 STUDENTS.

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended by adding at the end the following new subsection:

"(e)(1)(A) Each school year, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct an evaluation of each school referred to in subparagraph (B) to assess the alternatives to operating that school.

"(B) A school referred to in subparagraph (A) is a school of the defense dependents' education system that had, during the previous school year, an enrollment at any time during the school year (except during a summer school session) of fewer than 150 students or that is projected to have such an enrollment during the next school year.

"(2) If, after the evaluation conducted under paragraph (1), the Secretary determines that a school referred to in paragraph (1)(B) should remain open, the Secretary shall require the payment each fiscal year of 70 percent of the costs to operate the school from operations and maintenance funds appropriated to the military departments during that fiscal year. The ratio of funds paid by a military department in a fiscal year under this paragraph shall bear the same ratio to the total amount of funds paid by the military departments in a fiscal year under this paragraph as the ratio of the number of students enrolled in the school who are sponsored by a member of that service bears to the number of all students enrolled in the school who are sponsored by a member of the Armed Forces.".

SEC. 354. PROHIBITION ON TUITION CEILING FOR SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 1404(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(b)(1)) is amended by adding at the end the following: "The Secretary may not impose a ceiling for a tuition rate determined under this paragraph.".

Subtitle F—Other Matters

SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) IN GENERAL.—Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)(2)) is amended to read as follows:

"(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident, subject to such adjustments in the fee as the Retirement Home Board may make under paragraph (1). The percentage shall be the same for each establishment of the Retirement Home.".

(b) APPLICATION OF MODIFIED FEES TO ALL RESIDENTS.—(1) Subsections (d) and (e) of section 1514 of such Act are repealed.

(2) Such section is further amended by adding after subsection (c) the following new subsection (d):

"(d) APPLICATION OF FEES.—Subject to such adjustments in the fee as the Retirement Home Board may make under subsection (c), each resident of the Retirement Home shall be required to pay a monthly fee equal to—

"(1) in the case of a resident who is receiving assisted-living services at the Retirement Home, 65 percent of all monthly income and monthly payments (including Federal payments) received by the resident; and

"(2) in the case of a resident who is not receiving assisted-living services at the Retirement Home, 40 percent of all such monthly income and monthly payments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 362. NATIONAL GUARD YOUTH PROGRAM.

(a) AUTHORITY.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

"§508. Assistance to certain youth organizations

"(a) Members or units of the National Guard may provide the services described in subsection (b) to an organization described in subsection (c) in conjunction with training required under this chapter if—

"(1) the provision of such services does not degrade the quality of the training or otherwise interfere with the ability of any unit to perform its military functions;

"(2) the services provided are not commercially available or affected commercial entities have agreed in writing not to object to the provision of the services;

"(3) members of the National Guard providing the services perform activities which enhance their skills in their military specialties; and

"(4) such assistance does not materially increase the cost of training activities under this chapter.

"(b) Services which may be provided under this section are the following:

"(1) Ground transportation.

"(2) Limited air transportation, but only in the case of the Special Olympics.

"(3) Administrative support.

"(4) Technical training.

"(5) Emergency medical assistance.

"(6) Communications.

"(c) The organizations which may be assisted under this section are the following:

"(1) The Boy Scouts of America.

"(2) The Girl Scouts of America.

"(3) The Boys and Girls Clubs of America.

"(4) The YMCA.

"(5) The YWCA.

"(6) The Civil Air Patrol.

"(7) The Special Olympics.

"(8) Campfire Boys and Girls.

"(9) The 4-H Club.

"(10) The Police Athletic League.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 32, United States Code, is amended by adding at the end the following item:

"508. Assistance to certain youth organizations.".

SEC. 363. DEPARTMENT OF DEFENSE FOOD INVENTORY PROGRAM.

(a) DEMONSTRATION PROJECT.—The Department of Defense Food Inventory Demonstration Project (the implementation of which was requested of the military departments and the Defense Logistics Agency by the Deputy Under Secretary of Defense, Logistics, in a memorandum dated August 16, 1993) shall be completed by the Department of Defense not later than September 30, 1995 and shall be expanded to cover two geographic areas, as designated by the Secretary of Defense.

(b) REPORT.—Not later than October 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of the demonstration project referred to in subsection (a).

(c) IMPLEMENTATION OF PROGRAM THROUGHOUT UNITED STATES.—Not later than October 1, 1996, the Secretary of Defense shall provide for the expanded use throughout the United States of full-line commercial food distributors to meet the food requirements of the Department of Defense.

SEC. 364. DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1060a. Special supplemental food program

"(a) AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Defense shall make available, from funds appropriated for such purpose, the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(c) PROGRAM ADMINISTRATION.—(1)(A) The Secretary of Defense shall administer the program referred to in subsection (a) and, except as provided in subparagraph (B), shall determine eligibility for program benefits under the criteria published by the Secretary of Agriculture under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(B) The Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of individuals participating in the program under this section.

"(2) The program benefits provided under the program shall be similar to benefits provided by State and local agencies in the United States.

"(d) DEPARTURES FROM STANDARDS.—The Secretary of Defense may authorize departures from standards prescribed by the Secretary of Agriculture regarding the supplemental foods to be made available in the program when local conditions preclude strict compliance or when such compliance is highly impracticable.

"(e) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Defense for operations and maintenance for any fiscal year in such amounts as may be necessary for the administrative expenses of the Department of Defense under this section.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to administer the program authorized by this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'eligible civilian' means—

"(A) a dependent of a member of the armed forces residing with the member outside the United States;

"(B) a employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States; or

"(C) an employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States.

"(2) The term 'national of the United States' means—

"(A) a citizen of the United States; or

"(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

"(3) The term 'dependent' has the meaning given such term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end the following new item:

"1060a. Special supplemental food program.".

SEC. 365. TRANSPORTATION OF THE REMAINS OF DECEASED RETIRED MEMBERS WHO DIE OUTSIDE OF THE UNITED STATES.

(a) AUTHORITY.—Section 1481 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "the remains of—" and inserting in lieu thereof "the remains of the following:";

(B) by amending the first word in each paragraph by capitalizing the first letter of that first word;

(C) by striking out "and" after the semicolon in paragraph (7);

(D) by striking out the semicolon at the end of each paragraph and inserting in lieu thereof a period; and

(E) by inserting after paragraph (8) the following new paragraph:

"(9) To the extent authorized under section 1482(g) of this title, any retired member of an armed force or a dependent of such a member who dies while outside the United States."; and

(2) by adding at the end the following new subsection:

"(c) In this section, the term 'dependent' has the meaning given such term in section 1072(2) of this title.".

(b) EXPENSES INCIDENT TO DEATH.—Section 1482 of such title is amended by adding at the end the following new subsection:

"(g) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481(a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the time of reimbursement, for the payment of such expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the remains of, and incidental expenses incident to the recovery, care, and disposition of, an individual who dies after the date of the enactment of this Act.

SEC. 366. AUTHORITY TO TRANSPORT THE REMAINS OF CERTAIN DECEASED VETERANS ON DEPARTMENT OF DEFENSE AEROMEDICAL EVACUATION AIRCRAFT.

(a) TRANSPORTATION AUTHORIZED.—Subsection (a) of section 2641 of title 10, United States Code, is amended by inserting before the period the following: "or of transporting the remains of a deceased veteran who died at the facility after being transported to the facility under this subsection. Transportation of the remains of a deceased veteran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b)—

(A) by inserting "or for the remains of a veteran" after "furnished to a veteran";

(B) in paragraph (1), by inserting "or of the remains of such veteran" after "of such veteran"; and

(C) in paragraph (2), by inserting "or the remains of the veteran" after "for the veteran";

(2) in subsection (d)(1)—

(A) by inserting "or on the survivors of a veteran" after "on a veteran"; and

(B) by inserting "or for the remains of the veteran" after "to the veteran"; and

(3) in subsection (d)(2), by inserting "or for the remains of veterans" after "to veterans".

(c) CROSS REFERENCE AMENDMENT.—Subsection (c) of such section is amended by striking out "5011(g)(5)" and inserting in lieu thereof "8111(g)(5)".

SEC. 367. MODIFICATION OF AIR FORCE SUPPORT FOR THE CIVIL AIR PATROL.

(a) PROVISION OF FUNDS.—Subsection (b) of section 9441 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) provide funds for the national headquarters of the Civil Air Patrol, including the provision (in advance of payment) of funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent and utilities, and other operational expenses;".

(b) LIAISONS.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Air Force may authorize the Civil Air Patrol to employ, as administrators and liaison officers, retired members of the Air Force whose qualifications are approved under regulations prescribed by the Secretary and who request such employment.

"(2) A retired member employed pursuant to paragraph (1) may receive the member's retired pay and an additional amount that is not more than the difference between the member's retired pay and the pay and allowances the member would be entitled to receive if ordered to active duty in the grade in which the member retired. The additional amount shall be paid to the Civil Air Patrol by the Secretary from funds generally available to the Air Force for civil air assistance.

"(3) A retired member employed pursuant to paragraph (1) shall not, while so employed, be considered to be on active duty or inactive-duty training for any purpose.".

SEC. 368. REVIEW AND REPORT ON USE OF OPERATIONS AND MAINTENANCE FUNDS BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of each operations and maintenance account of the Department of Defense to determine the extent to which funds appropriated to the Department for operations and maintenance accounts are used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

(b) REPORT.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that contains the result of the review conducted by the Secretary under subsection (a) and a report on the extent to which funds appropriated to the Department of Defense for operations and maintenance accounts are being used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

SEC. 369. REQUIREMENT OF COMPARATIVE REPORT ON OPERATIONS AND MAINTENANCE FUNDING.

(a) REQUIREMENT.—Subsection (a) of section 116 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall include in each such report a comparison of the level of funding for operations and maintenance for the next fiscal year with the level of operations and maintenance funding for each previous fiscal year beginning with fiscal year 1975, using constant dollars and the same standard of comparison for each such fiscal year.".

(b) DEVELOPMENT OF COMPARATIVE METHOD.—Not later than February 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the development by the Secretary of a method to make the comparison required under paragraph (3) of section 116(a) of title 10, United States Code, as added by subsection (a).

SEC. 370. AUTOMATED DATA PROCESSING PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Of amounts authorized to be appropriated under section 301, not more than $2,575,000,000 shall be available for new development and modernization of automated data processing programs of the Department of Defense. The Secretary of Defense may not obligate or expend amounts in excess of $2,000,000,000 for any such new development or modernization until the Secretary—

(1) makes a determination that any such new development or modernization is based on—

(A) a sound functional economic analysis;

(B) objectives of the defense information infrastructure;

(C) migratory assessment guidance provided by the Defense Information Systems Agency; and

(D) Department of Defense directives on life cycle management; and

(2) establishes performance measures and management controls to oversee and manage the accelerated implementation of migration systems, data standards, and process improvement.

(b) REPORTS.—(1) Not later than December 15, 1994, the Secretary of Defense shall submit to the Congress a report on the establishment by the Secretary of performance measures and management controls to ensure, to the maximum extent practicable, the best possible return on investment for any funds used by the Secretary for new development and modernization of automated data processing programs of the Department of Defense.

(2) Not later than March 15 and December 15 of each year, the Secretary of Defense shall submit to the Congress a report on the progress made by the Secretary in improving the defense information infrastructure, realizing a reduction in the overall support infrastructure of the Department of Defense, selecting and converting to migration systems, establishing data standards, and improving the functional business process for the automated data processing programs of the Department. The report shall include information (by functional area) on—

(A) the migration systems selected for the programs;

(B) the systems that will be migrated or eliminated;

(C) the total cost of migration, including conversion and interface costs;

(D) the number of corporate data elements that have been standardized; and

(E) the improvements that have been made to any such process, including the savings that have been achieved by such improvements.

(c) REVIEW BY THE COMPTROLLER GENERAL.—Not later than March 1, 1995, the Comptroller General of the United States shall submit to the Congress a report that contains an evaluation of the performance measures and management controls established by the Secretary of Defense to manage and oversee the implementation of migration systems, data standards, and process improvements for the automated data processing programs of the Department of Defense.

SEC. 371. REVIEW BY DEFENSE INSPECTOR GENERAL OF COST GROWTH IN CERTAIN CONTRACTS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 327, is further amended by adding at the end the following new section:

"§2473. Cost growth in commercial contracts: review by Inspector General

"(a) REVIEW.—Each fiscal year, the Inspector General of the Department of Defense shall conduct a review of not less than 20 percent of existing contracts for the performance of commercial activities which resulted from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any other successor administrative regulation or policy) to determine the extent to which the costs incurred by a contractor under any such contract has exceeded the cost of the contract at the time the contract was entered into.

"(b) REPORT.—Each year, not later than 30 days after the day on which the President submits to the Congress the budget for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the most recently conducted review under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2473. Cost growth in commercial contracts: review by Inspector General.".

(b) USE OF FUNDS.—Of amounts authorized to be appropriated pursuant to section 301(12) for the Inspector General of the Department of Defense, $10,000,000 shall be available to conduct a review under subsection (a) for fiscal year 1995.

SEC. 372. COST COMPARISON STUDIES FOR CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410l. Contracts for advisory and assistance services: cost comparison studies

"(a) REQUIREMENT.—Before the Secretary of Defense enters into a contract for the performance of advisory and assistance services, the Secretary of Defense shall conduct a comparison study of the cost of performing the services by Department of Defense personnel and the cost of performing the services by contractor personnel.

"(b) WAIVER.—The Secretary of Defense may, pursuant to guidelines established by the Secretary, waive the requirement under subsection (a) to perform a cost comparison study based on factors that are not related to cost.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410l. Contracts for advisory and assistance services: cost comparison studies.".

(b) PROCEDURES FOR CONDUCT OF STUDIES.—The Secretary of Defense shall establish the following procedures:

(1) Procedures to carry out a cost comparison study under section 2410l of title 10, United States Code, as added by subsection (a). Such procedures may contain a requirement that the cost comparison study include consideration of factors that are not related to cost, including the quality of the service required to be performed, the availability of Department of Defense personnel, the duration and recurring nature of the services to be performed, and the consistency of the workload.

(2) Procedures to review contracts entered into after a waiver under subsection (b) of such section to determine whether the contract is justified and sufficiently documented.

(c) EFFECTIVE DATE.—Section 2410l of title 10, United States Code, as added by subsection (a), shall take effect six months after the date of the enactment of this Act.

SEC. 373. REQUIREMENT AND PLAN FOR CONVERTING PERFORMANCE OF CERTAIN POSITIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE EMPLOYEES.

(a) CONVERSION TO PERFORMANCE BY EMPLOYEES.—In each of fiscal years 1995, 1996, and 1997, the Secretary of Defense shall change the performance of not less than 10,000 positions that, as of September 30, 1994, were designated to be performed by members of the Armed Forces on active duty to performance by employees of the Department of Defense.

(b) PLAN.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan for the implementation of subsection (a).

SEC. 374. USE OF SERVICE CONTRACT FUNDS FOR SEPARATION INCENTIVE PROGRAMS FOR DEPARTMENT OF DEFENSE EMPLOYEES.

During fiscal year 1995, any separation pay paid to an employee of the Department of Defense pursuant to section 5597 of title 5, United States Code, or any other separation incentive program shall be paid from funds appropriated to the Department of Defense for operation and maintenance for the purpose of entering into service contracts.

SEC. 375. NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may establish a pilot program for employees (as defined in subsection (g)) at military installations scheduled for closure or realignment under which retraining and relocation incentives may be paid to encourage non-Federal employers to hire or retain such employees.

(b) RETRAINING INCENTIVE.—(1) As part of the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees to hire an employee for a mutually agreeable salary for a minimum twelve-month period and to certify to the Secretary the employer's cost to train the employee.

(2) The Secretary shall pay a retraining incentive to the non-Federal employer upon the employee's completion of employment for the twelve-month period referred to in paragraph (1). The Secretary shall prorate the amount of the retraining incentive paid to the non-Federal employer for an employee who does not complete such employment for that twelve-month period.

(c) RELOCATION INCENTIVE.—An employee employed by a non-Federal employer under the pilot program shall be eligible to receive from the Secretary a relocation incentive for such period of employment equal to the travel, transportation, and subsistence expenses that would be authorized to be paid to the employee under chapter 57 of title 5, United States Code (including the reimbursement payment authorized under section 5724b of such title) if the employee were traveling on official business away from the employee's designated post of duty or away from the employee's home or regular place of business during such period.

(d) LIMITATIONS.—A military department or a Defense Agency may offer an incentive under the pilot program only with the prior consent, or on the authority, of the Secretary. Any such incentive may be paid for retraining, relocation, or a combination of retraining and relocation, except that the maximum amount that may be paid to a non-Federal employer to hire an employee under the pilot program may not exceed $10,000.

(e) DURATION.—The pilot program shall terminate not later than September 30, 1999.

(f) DEFINITIONS.—In this section:

(1) The term "employee" means an employee of a military department or a Defense Agency, serving under an appointment without time limitation, who has been currently employed by the military department or Defense Agency for a continuous period of at least 12 months and who has been given specific notice of separation by reduction in force, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Government;

(B) an employee who is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title and who, at the time of separation from service, has fulfilled the requirements for immediate annuity under such subchapter or chapter; or

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(2) The term "non-Federal employer" means an employer that is not the Federal Government.

SEC. 376. UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Not later than October 1, 1995, the Secretary of Defense shall take such steps as may be necessary to provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

(b) REPORT.—The Secretary of Defense shall submit a report on the implementation of subsection (a) to the Committees on Armed Services of the Senate and House of Representatives not later than March 15, 1995.

SEC. 377. OPERATION OF MILITARY EXCHANGE AND COMMISSARY STORE AT NAVAL AIR STATION FORT WORTH, JOINT RESERVE CENTER, CARSWELL FIELD.

The Secretary of Defense shall provide for the operation by the Army and Air Force Exchange Service, until December 31, 1995, of any military exchange and commissary store located at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

SEC. 378. SHIPS' STORES.

(a) EXTENSION OF DEADLINE FOR CONVERSION.—Section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 7604 note) is amended by striking out "October 1, 1994" and inserting in lieu thereof "October 1, 1995".

(b) MODIFICATION OF EFFECTIVE DATE.—Section 371(d) of such Act is amended by striking out "shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a)" and inserting in lieu thereof "shall take effect on October 1, 1994".

SEC. 379. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) EXTENSION.—Section 378 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2387) is amended by striking out "1995" in subsections (a) and (b) and inserting in lieu thereof "1996".

(b) REIMBURSEMENT OF CERTAIN COSTS.—Such section is further amended by adding at the end the following new subsection:

"(g) REIMBURSEMENT FOR CERTAIN EXPENSES.—The Secretary of Defense may provide for reimbursement of expenses incurred by a person to provide for the participation of the S.S. Jeremiah O'Brien in programs and activities to commemorate the 50th anniversary of World War II.".

SEC. 380. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate on December 5, 1994" and inserting in lieu thereof "terminate on December 5, 1995".

(2) Section 343(e) of such Act is amended by striking out "February 3, 1995" and inserting in lieu thereof "February 3, 1996".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

SEC. 381. CLARIFICATION AND CODIFICATION OF OVERSEAS MILITARY END STRENGTH LIMITATION.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123a the following new section:

"§123b. Forces stationed abroad: limitation on number

"(a) END-STRENGTH LIMITATION.—No funds appropriated to the Department of Defense may be used to support a strength level of members of the armed forces assigned to permanent duty ashore in nations outside the United States at the end of any fiscal year at a level in excess of 200,000.

"(b) EXCEPTION FOR WARTIME.—Subsection (a) does not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

"(c) PRESIDENTIAL WAIVER.—The President may waive the operation of subsection (a) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"123b. Forces stationed abroad: limitation on number.".

(b) EFFECTIVE DATE.—Section 123b of title 10, United States Code, as added by subsection (a), does not apply with respect to a fiscal year before fiscal year 1996.

(c) CONFORMING REPEAL.—Section 1302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545) is repealed.

SEC. 382. AUTHORITY TO ISSUE MILITARY IDENTIFICATION CARDS TO SO-CALLED HONORARY RETIREES OF THE NAVAL AND MARINE CORPS RESERVES.

(a) AUTHORITY.—The Secretary of the Navy may issue a military identification card to a member of the Retired Reserve described in subsection (b).

(b) COVERED MEMBERS.—A member of the Retired Reserve referred to in subsection (a) is a member of the Naval Reserve or Marine Corps Reserve who transferred to the Retired Reserve under section 274(2) of title 10, United States Code, without having completed the years of service required under section 1331(a)(2) of such title for eligibility for retired pay under chapter 67 of that title.

(c) EFFECT ON COMMISSARY AND EXCHANGE BENEFITS.—The issuance of a military identification card under subsection (a) to a member of the Retired Reserve does not confer eligibility for commissary and exchange benefits on that member.

SEC. 383. MODIFICATION OF STATUTE OF LIMITATIONS FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) MODIFICATION.—Subsection (g) of section 3721 of title 31, United States Code, is amended—

(1) by striking out ". However, if" and inserting in lieu thereof ", except that in the case of a member of the uniformed services, the claim must be presented in writing within 1 year after the claim accrues. If"; and

(2) in the second sentence, by inserting "(or, in the case of a member of the uniformed services, within 1 year)" after "presented within 2 years".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a claim under section 3721 of title 31, United States Code, that accrues on or after the date of the enactment of this Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1995, as follows:

(1) The Army, 510,000.
(2) The Navy, 441,641.
(3) The Marine Corps, 174,000.
(4) The Air Force, 400,051.

SEC. 402. LIMITATION ON DEPLOYMENT OF DIVISIONS CONSTITUTING ARMY CONTINGENCY FORCE.

(a) IN GENERAL.—Whenever practicable, in assigning forces of the Army for operations other than war, the President shall seek to use elements of divisions that are not part of the contingency force, and the President may not at any one time use elements of more than one division of the contingency force for such operations (except for domestic humanitarian or disaster relief missions) unless elements of all divisions that are not part of the contingency force are currently deployed for such operations.

(b) CONTINGENCY FORCE DEFINED.—For purposes of this section, the term "contingency force" means the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, such force consisting of those divisions that are assigned to be the initial Army divisions to be deployed to respond to a regional conflict.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1995, as follows:

(1) The Army National Guard of the United States, 400,000.
(2) The Army Reserve, 242,000.
(3) The Naval Reserve, 100,710.
(4) The Marine Corps Reserve, 42,000.
(5) The Air National Guard of the United States, 115,581.
(6) The Air Force Reserve, 78,706.
(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1995, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,650.

(2) The Army Reserve, 11,940.

(3) The Naval Reserve, 17,510.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,098.

(6) The Air Force Reserve, 648.

SEC. 413. ACTIVE COMPONENT MEMBERS TO BE ASSIGNED FOR TRAINING COMPATIBILTY WITH GUARD UNITS.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1995, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 69,420.

(2) The Navy, 43,064.

(3) The Marine Corps, 25,377.

(4) The Air Force, 36,840.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1995 a total of $71,086,397,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1995.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY FOR OFFICERS TO SERVE ON SUCCESSIVE PROMOTION BOARDS.

Section 612(b) of title 10, United States Code, is amended—

(1) by striking out "No officer may be" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer may not be"; and

(2) by adding at the end the following:

"(2) With the approval of the Secretary of the military department concerned, an officer may serve as a member on successive consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers as the first board.".

SEC. 502. ARMY FIELD GRADE OFFICER STRENGTH LIMITATIONS.

(a) REVISIONS TO AUTHORIZED ACTIVE DUTY NUMBERS.—The table in section 523(a)(1) of title 10, United States Code, is amended by striking out all of the table preceding "Air Force:" and inserting in lieu thereof the following:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
"Army:			
60,000 ...	12,380	8,361	3,080
65,000 ...	13,071	8,750	3,264
70,000 ...	13,763	9,138	3,447
75,000 ...	14,454	9,527	3,631
80,000 ...	15,146	9,915	3,814
85,000 ...	15,837	10,304	3,997
90,000 ...	16,529	10,692	4,181
95,000 ...	17,220	11,081	4,364
100,000 ..	17,912	11,469	4,548
110,000 ..	19,295	12,246	4,915
120,000 ..	20,678	13,023	5,281
130,000 ..	22,061	13,800	5,648
170,000 ..	27,593	16,908	7,116".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 503. TECHNICAL CHANGES TO PROVISIONS ENACTED BY WARRANT OFFICER MANAGEMENT ACT.

Chapter 33A of title 10, United States Code, is amended—

(1) in section 578, by adding at the end the following new subsections:

"(e) An officer who is appointed to a higher grade under this section is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

"(f) An officer who has served continuously since the officer subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.";

(2) in sections 573(a)(2) and 574(e), by striking out "on active duty";

(3) in section 575(d), by inserting before the period at the end ", except for those officers precluded from consideration under regulations prescribed by the Secretary concerned under section 577 of this title";

(4) in section 576(f)(1), by striking out the last sentence; and

(5) in section 582(2), by inserting before the period at the end "(except those retired warrant officers who were recalled to active duty before February 1, 1992)".

SEC. 504. NAVY AND MARINE CORPS LIMITED DUTY OFFICERS.

Section 5589 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following subsection:

"(c) An officer designated for limited duty who is serving on active duty pursuant to a temporary appointment under section 5596 of this title may be given an original appointment under this section with the same grade and date of rank as the officer held pursuant to the temporary appointment.".

SEC. 505. RETIREMENT OR ENLISTMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS.

Section 6383 of title 10, United States Code, is amended—

(1) in subsections (a)(1), (a)(2), (a)(3), (a)(4), (b), and (d), by striking out "Except as provided in subsection (i)," and inserting in lieu thereof "Except as provided in subsections (f) and (h),".

(2) by striking out subsection (f) and inserting in lieu thereof the following:

"(f)(1) An officer subject to discharge under subsection (b), (d), or (e) who is not eligible for retirement and to whom paragraph (2) does not apply may, upon the officer's request and in the discretion of the Secretary of the Navy, be enlisted in the grade prescribed by the Secretary.

"(2) If an officer subject to discharge under subsection (b) or (d) is, on the date on which the officer is to be discharged, within two years of qualifying for retirement under section 6323 of this title, the officer shall be retained on active duty until qualified for retirement and shall then be retired under that section, unless the officer is sooner retired or discharged under another provision of law.";

(3) by striking out subsection (g);

(4) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i) respectively; and

(5) in subsection (h) (as so redesignated), by striking out "or the discharge under subsection (d)" and inserting in lieu thereof "or the discharge under subsection (b) or (d)".

SEC. 506. TEMPORARY EXCLUSION OF SUPERINTENDENT OF NAVAL ACADEMY FROM COUNTING TOWARD NUMBER OF SENIOR ADMIRALS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) GRADE RELIEF.—If the next officer appointed to serve as Superintendent of the United States Naval Academy after April 1, 1994, is an officer described in subsection (b), that officer, while so serving, shall not be counted for purposes of the limitations contained in section 525(b)(2) of title 10, United States Code.

(b) QUALIFYING OFFICER.—Subsection (a) applies in the case of a retired officer who—

(1) holds the grade of admiral on the retired list;

(2) is ordered to active duty pursuant to section 688 of title 10, United States Code, to serve as Superintendent of the United States Naval Academy; and

(3) is appointed pursuant to section 601 of that title to have the grade of admiral while serving on active duty in that position.

SEC. 507. GRADE OF HEADS OF CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) NATIONAL DEFENSE UNIVERSITY.—The president of the National Defense University, if a member of the Armed Forces on active duty, has the grade of lieutenant general or vice admiral while so serving, if appointed to that grade for service in that position.

(b) COMPONENT SCHOOLS OF NDU.—The commandant of each of the following Department of Defense schools shall be selected from among officers on the active-duty list who have the grade of major general or rear admiral:

(1) The National War College.

(2) The Industrial College of the Armed Forces.

(3) The Armed Forces Staff College.

(c) SERVICE SCHOOLS.—The following positions may be held only by officers on the active-duty list serving in the grade of major general or rear admiral or a higher grade:

(1) The commandant of the Army War College.

(2) The president of the Naval War College.

(3) The commandant of the Air University.

Subtitle B—Reserve Component Matters

SEC. 511. SELECTED RESERVE ACTIVATION AUTHORITY.

(a) ENHANCED ACTIVATION AUTHORITY.—Subsection (a) of section 673b of title 10, United States Code, is amended to read as follows:

"(a)(1) If the President determines that augmentation of the active forces is necessary for an operational mission, the President may provide Reserve activation authority. The period for which a unit or member is ordered to active duty pursuant to Reserve activation authority provided under this paragraph may not be more than 180 days (and is subject to extension under subsection (i)).

"(2) If the President determines that augmentation of the active forces may be necessary for an operational mission that the President authorizes to be carried out, the President may, on or after the date on which the President authorizes that mission to be carried out, provide Reserve activation authority with respect to a total of not more than 25,000 members of the Selected Reserve. The period for which a unit or member is ordered to active duty pursuant to Reserve activation authority provided under this paragraph may not be more than 90 days.

"(3) The term 'Reserve activation authority' means authority provided by the President to the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy to order to active duty (other than for training) without the consent of the members concerned (A) any unit of the Selected Reserve, and (B) any member of the Selected Reserve not assigned to a unit organized to serve as a unit.

"(4) This section applies notwithstanding the provisions of section 673(a) of this title or any other provision of law.".

(b) PERIOD OF EXTENSION OF ACTIVE DUTY.—Subsection (i) of such section is amended in the first sentence—

(1), by striking out "is ordered to active duty under this section" and inserting in lieu thereof "is ordered to active duty under authority provided under subsection (a)(1)"; and

(1) by striking out "90 additional days" and inserting in lieu thereof "180 additional days".

(c) CONFORMING AMENDMENT CONCERNING NOTICE TO CONGRESS OF USE OF ACTIVATION AUTHORITY.—Subsection (f) of such section is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2) Whenever a unit or member of the Selected Reserve is ordered to active duty under authority provided under subsection (a)(2), the Secretary of Defense or the Secretary of Transportation, as the case may be, shall submit, within 24 hours after issuing such order, a report to Congress, in writing, setting forth the circumstances necessitating the action taken and describing the anticipated use of the units or members ordered to active duty.".

SEC. 512. RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 526 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) Within the numbers authorized under subsections (a) and (b), there shall be, at a minimum, the following Reserve general and flag officers serving in the National Guard Bureau, the Office of a Chief of a reserve component, or the headquarters of a reserve component command:

Army National Guard of the United States	3 general officers.
Army Reserve	3 general officers.
Naval Reserve	3 flag officers.
Air National Guard of the United States	3 general officers.
Air Force Reserve	3 general officers.

"(2) Within the numbers authorized under subsections (a) and (b), there shall be (in addition to the officers specified in paragraph (1)) a Reserve general or flag officer who is assigned as the Military Executive to the Reserve Forces Policy Board.

"(e) The limitation of this section does not apply to a reserve general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 513. DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7)(A) The term 'active Guard and Reserve duty' means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps or of the National Guard pursuant to an order to active duty or full-time National Guard duty for a period of more than 180 consecutive days for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

"(B) Such term does not include the following:

"(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 175 of this title.

"(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

"(iii) Duty performed in connection with drug interdiction and counter-drug activities under section 112 of title 32.

"(iv) Duty performed as a general or flag officer.

"(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).".

SEC. 514. REPEAL OF OBSOLETE PROVISIONS PERTAINING TO TRANSFER OF REGULAR ENLISTED MEMBERS TO THE RETIRED RESERVE.

(a) ARMY.—Section 3914 of title 10, United States Code, is amended by striking out the second and third sentences.

(b) AIR FORCE.—Section 8914 of such title, is amended by striking out the second and third sentences.

SEC. 515. GUARD AND RESERVE TRANSITION INITIATIVES.

(a) Section 1331a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 4415(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 1331(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence.".

(b) Section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2714) is amended—

(1) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for the number of years specified by the Secretary concerned. Such number shall be one or more but not more than five, except that the entitlement to the annual payment shall terminate on the member's 60th birthday.";

(2) by adding at the end of subsection (e) the following new paragraph:

"(3) In the case of a member who will attain 60 years of age during the 12-month period following the date on which an annual payment is due, the payment shall be paid on a prorated basis of one-twelfth of the annual payment for each full month between the date on which the payment is due and the date on which the member attains age 60."; and

(3) by adding at the end the following new subsection:

"(i) COORDINATION WITH RETIRED PAY.—A member who has received one or more annual payments under this section shall, upon entitlement to retired pay under chapter 67 of this title, have deducted from each payment of such retired pay 50 percent of such payment until the total amount deducted is equal to the total amount of payments received under this section.".

Subtitle C—Other Matters

SEC. 521. REPEAL OF REQUIRED REDUCTION IN RECRUITING PERSONNEL.

Section 431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2400) is repealed.

SEC. 522. COAST GUARD FORCE REDUCTION TRANSITION BENEFITS.

(a) INVOLUNTARY SEPARATION BENEFITS AND SERVICES.—Chapter 58 of title 10, United States Code, is amended as follows:

(1) Section 1141 is amended in the matter preceding paragraph (1)—

(A) by striking out "Army, Navy, Air Force, or Marine Corps" and inserting in lieu thereof "armed forces"; and

(B) by striking out "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" and inserting in lieu thereof "or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994,".

(2) Section 1143 is amended—

(A) in the heading, by striking out "**: Department of Defense**";

(B) in subsection (a), by inserting "and the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense" and by striking out "under the jurisdiction of the Secretary";

(C) in subsection (b), by adding at the end the following new sentence: "The Secretary of Transportation shall establish permanent employment assistance centers at appropriate Coast Guard installations.";

(D) in subsection (c), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(E) in subsection (d), by adding at the end the following new sentence: "The Secretary of Transportation shall provide the same preference in hiring to involuntarily separated members of the Coast Guard, and the dependents of such members, in Coast Guard nonappropriated fund instrumentalities.".

(3) Section 1143a is amended—

(A) in the heading by striking out "**: Department of Defense**"; and

(B) by adding at the end the following new subsection:

"(h) This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall implement the requirements of this section for the Coast Guard.".

(4) Section 1145 is amended by adding at the end the following new subsection:

"(e) The provisions of this section shall apply to members of the Coast Guard (and their dependents) involuntarily separated from active duty during the five-year period beginning on October 1, 1994. The Secretary of Transportation shall implement this section for the Coast Guard.".

(5) Section 1146 is amended by adding at the end the following new sentence: "The Secretary of Transportation shall implement this provision for Coast Guard members involuntarily separated during the five-year period beginning October 1, 1994.".

(6) Section 1147(a) is amended—

(A) by inserting "(1)" before "The Secretary of a military department"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of Transportation may prescribe regulations to permit members of the Coast Guard who are involuntarily separated during the five-year period beginning October 1, 1994, to continue for not more than 180 days after the date of such separation to reside (along with others of the member's household) in military family housing provided or leased by the Coast Guard to the individual as a member of the armed forces.".

(7) Section 1148 is amended by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(8) Section 1149 is amended—

(A) by inserting "or the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense"; and

(B) by striking out "of the military department".

(9) Section 1150 is amended by adding at the end the following new subsection:

"(c) COAST GUARD.—This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall prescribe regulations to implement this section for the Coast Guard.".

(10) The table of sections at the beginning of the chapter is amended by striking out ": Department of Defense" in the items relating to section 1143 and 1143a.

(b) SPECIAL SEPARATION BENEFIT.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "of each military department" and inserting in lieu thereof "concerned";

(2) in subsection (d), by striking out "of a military department" and inserting in lieu thereof "concerned";

(3) in subsection (e)(3), by striking out "of the military department"; and

(4) in subsection (h), by striking out "of a military department" and inserting in lieu thereof "concerned".

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by inserting "and the Secretary of Transportation" after "Secretary of Defense";

(2) in subsection (c), by striking out "of the military department";

(3) in subsection (g), by inserting "and the Department of Transportation for the Coast Guard" before the period at the end;

(4) in subsection (h)(3), by inserting "except for payments to members of the Coast Guard" after "under this section"; and

(5) in subsection (i), by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(d) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2702, 10 U.S.C. 1293 note) shall apply to the Coast Guard in the same manner and to the same extent as that provision applies to the Department of Defense. The Secretary of Transportation shall implement the provisions of that section with respect to the Coast Guard and apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply only to members of the Coast Guard who are involuntarily separated after September 30, 1994.

SEC. 523. EXTENSION OF WARRANT OFFICER MANAGEMENT ACT TO COAST GUARD.

(a) ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5.—(1) The grade of chief warrant officer, W-5, is hereby established in the Coast Guard.

(2) Section 571(a) of title 10, United States Code, is amended by striking out "Army, Navy, Air Force, and Marine Corps" and inserting in lieu thereof "armed forces".

(b) EXTENSION OF WARRANT OFFICER MANAGEMENT ACT PROVISIONS TO COAST GUARD WARRANT OFFICERS.—Chapter 33A of title 10, United States Code, is amended as follows:

(1) Section 573(a) is amended—

(A) by striking out "Secretary of a military department" in paragraph (1) and inserting in lieu thereof "Secretary concerned"; and

(B) by striking out "of the military department" in paragraph (2).

(2) Section 574 is amended by striking out "Secretary of each military department" in subsections (a) and (b) and inserting in lieu thereof "Secretary concerned".

(3) Section 575(b)(2) is amended by inserting "and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(4) Section 576 is amended—

(A) in subsection (a), by striking out "of the military department" in the matter preceding paragraph (1);

(B) in subsection (e), by striking out "of the military department"; and

(C) in subsection (f)(2), by striking out "of the military department".

(5) Section 580 is amended—

(A) in subsection (a)(4)(B), by inserting ", or severance pay computed under section 286a of title 14, as appropriate," after "section 1174 of this title"; and

(B) in subsection (e)(6), by inserting "and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(6) Section 581(a) is amended by striking out "in the Army, Navy, Air Force, or Marine Corps".

(c) TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1) A regular warrant officer of the Coast Guard who on the effective date of this section is on active duty and—

(A) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade;

(B) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer W-5; or

(C) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which that warrant officer is serving; shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as amended by this subsection (b), for promotion to the permanent grade equivalent to the grade in which that warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(2) An officer referred to in subparagraph (A) of paragraph (1) who is not promoted to the grade to which that warrant officer is considered under such subsection to have been recommended for promotion because that officer's name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered

by a board convened under section 573 of title 10, United States Code, as amended by subsection (b), for promotion to the permanent grade equivalent to the temporary grade in which that warrant officer was serving on the effective date of this section as if that warrant officer were serving in the permanent grade.

(3) The date of rank of an officer referred to in paragraph (1)(A) who is promoted to the grade in which that warrant officer is serving on the effective date of this section is the date of that officer's temporary appointment in that grade.

(d) TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1)(A) Except as provided in paragraph (2), a reserve warrant officer of the Coast Guard who on the effective date of this section is subject to placement on the warrant officer active-duty list and who—

(i) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade; or

(ii) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W-5, that is the same as or higher than that warrant officer's permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which the warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(B) The date of rank of a warrant officer referred to in subparagraph (A)(i) who is promoted to the grade in which that warrant officer is considered under such subparagraph to have been recommended for promotion is the date of the temporary appointment of that warrant officer in that grade.

(2) A reserve warrant officer of the Coast Guard who on the effective date of this section—

(A) is subject to placement on the warrant officer active-duty list;

(B) is serving on active duty in a temporary grade; and

(C) holds a permanent grade higher than the temporary grade in which that warrant officer is serving;

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than the permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, the appointment of that warrant officer to such grade shall be a temporary appointment.

(e) RANK OF COAST GUARD WARRANT OFFICERS.—(1) Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following new section:

"§215. Rank of warrant officers

"(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

"(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 214 the following new item:

"215. Rank of warrant officers.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1125(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 555 note) is repealed.

(2) Section 286a(a) of title 14, United States Code, is amended by striking out "section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)" and inserting in lieu thereof "section 580(a)(4)(A) of title 10".

(3) Section 334(b) of such title is amended by striking out "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or" and inserting in lieu thereof "section 580,".

(4) Section 41 of such title is amended by striking out "chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;" and inserting in lieu thereof "chief warrant officers; cadets; warrant officers;".

(5)(A) Sections 212 and 213 of such title are repealed.

(B) The table of sections at the beginning of chapter 11 of such title is amended by striking out the items relating to section 212 and 213.

(6) Section 214 of such title is amended by striking out subsections (b) and (c).

(7) Section 583 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The active-duty list referred to in section 573(b) of this title includes the active-duty promotion list established by section 41a of title 14.".

(g) TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN WARRANT OFFICERS.—Section 580a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) This section applies to the Secretary of Transportation in the same manner and to the same extent as it applies to the Secretary of Defense. The Commandant of the Coast Guard shall take the action set forth in subsection (b) with respect to regular warrant officers of the Coast Guard.".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 1994; or

(2) the first day of the fourth month beginning after the date of the enactment of this Act.

SEC. 524. AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8.

(a) IN GENERAL.—Section 517(a) of title 10, United States Code, is amended by inserting "(or, in the case of the Army, 2.5 percent)" after "may not be more than 2 percent".

(b) SPECIAL RULE FOR 1995.—The percentage applicable to enlisted members of the Army in pay grade E-8 under section 517(a) of title 10, United States Code, during 1995 shall be 2.3 percent (rather than the percentage provided by the amendment made by subsection (a)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.

SEC. 525. REIMBURSEMENT FOR CERTAIN LOSSES OF HOUSEHOLD EFFECTS DURING PCS MOVES.

(a) AUTHORITY TO REIMBURSE.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the Secretary's jurisdiction for a loss described in subsection (b).

(b) COVERED LOSSES.—This section applies with respect to a loss of household effects sustained during a move made incident to a change of permanent station when, as determined by the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

(c) LIMITATION.—The Secretary may provide reimbursement under this section for a loss described in subsection (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

(d) EFFECTIVE DATE.—The authority provided by this section applies with respect to losses incurred after June 30, 1990.

SEC. 526. VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall establish within each of the military departments a victims' advocates program to provide assistance to members of the Armed Forces and their dependents who are victims of sexual and physical abuse, unlawful discrimination, or sexual harassment.

(b) IMPLEMENTATION THROUGH FAMILY ADVOCACY PROGRAM.—The programs under subsection (a) shall, to the extent practicable, be carried out through Family Advocacy Programs in the military departments.

(c) VICTIMS ADVOCATE DEFINED.—For purposes of the programs under subsection (a), a victims advocate program is a program in which individuals working in the program serve the interests of a victim of sexual and physical abuse, unlawful discrimination, or sexual harassment by providing information on available benefits and services, assistance in obtaining those benefits and services, and other appropriate assistance.

(d) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 527. PROHIBITION OF RETALIATORY ACTIONS AGAINST MEMBERS OF THE ARMED FORCES MAKING ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination

"(a) PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—(1) No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing a communication described in subsection (b)(2) to—

"(A) a Member of Congress;

"(B) an Inspector General (as defined in subsection (g));

"(C) a member of a Department of Defense audit, inspection, investigation, or law enforcement organization; or

"(D) any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures for such communications.

"(2) Any action prohibited by paragraph (1) (including the threat to take any action and the withholding or threat to withhold any favorable action) shall be considered for the purposes of this section to be a personnel action prohibited by this subsection.

"(b) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF PROHIBITED PERSONNEL ACTIONS.—(1) If a member of the armed forces submits to the Department of Defense Inspector General (or to the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast

Guard is not operating as a service in the Navy) an allegation that a personnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General shall expeditiously investigate the allegation. The Inspector General of the Department of Defense may not delegate or assign any such investigation to an office or organization within a military department.

"(2) A communication described in this paragraph is a communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, sexual harassment or unlawful discrimination.

"(3) The Inspector General is not required to make an investigation under paragraph (1) in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is subject of the allegation.

"(c) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.—If the Inspector General considers it necessary, due to evidence of a biased or inadequate investigation of the underlying allegation of sexual harassment or unlawful discrimination, the Inspector General may initiate a separate investigation of that allegation.

"(d) REPORTS ON INVESTIGATIONS.—(1) Not later than 30 days after completion of an investigation under subsection (b) or (c), the Inspector General shall submit a report on the results of the investigation to the Secretary of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and the member of the armed forces who made the allegation.

"(2) In the copy of the report submitted to the member, the Inspector General shall ensure the maximum disclosure of information possible, with the exception of information that is not required to be disclosed under section 552 of title 5.

"(3) If, in the course of an investigation of an allegation under this section, the Inspector General determines that it is not possible to submit the report required by paragraph (1) within 120 days after the date of receipt of the allegation being investigated, the Inspector General shall provide to the Secretary of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and to the member making the allegation a notice—

"(A) of that determination (including the reasons why the report may not be submitted within that time); and

"(B) of the time when the report will be submitted.

"(4) The report on the results of the investigation shall contain a thorough review of the facts and circumstances relevant to the allegation and the complaint or disclosure and shall include documents acquired during the course of the investigation, including summaries of interviews conducted. The report may include a recommendation as to the disposition of the complaint.

"(e) CORRECTION OF RECORDS WHEN PROHIBITED ACTION TAKEN.—(1) A board for the correction of military records acting under section 1552 of this title, in resolving an application for the correction of records made by a member or former member of the armed forces who has alleged a personnel action prohibited by subsection (a), on the request of the member or former member or otherwise, may review the matter.

"(2) In resolving an application described in paragraph (1), a correction board—

"(A) shall review the report of the Inspector General submitted under subsection (d);

"(B) may request the Inspector General to gather further evidence; and

"(C) may receive oral argument, examine and cross-examine witnesses, take depositions, and, if appropriate, conduct an evidentiary hearing.

"(3) If the board elects to hold an administrative hearing, the member or former member who filed the application described in paragaph (1)—

"(A) may be provided with representation by a judge advocate if—

"(i) the Inspector General, in the report under subsection (d), finds that there is probable cause to believe that a personnnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in subsection (b)(2);

"(ii) the Judge Advocate General concerned determines that the case is unusually complex or otherwise requires judge advocate assistance to ensure proper presentation of the legal issues in the case; and

"(iii) the member is not represented by outside counsel chosen by the member; and

"(B) may examine witnesses through deposition, serve interrogatories, and request the production of evidence, including evidence contained in the investigatory record of the Inspector General but not included in the report submitted under subsection (d).

"(4) The Secretary concerned shall issue a final decision with respect to an application described in paragraph (1) within 180 days after the application is filed. If the Secretary fails to issue such a final decision within that time, the member or former member shall be deemed to have exhausted the member's or former member's administrative remedies under section 1552 of this title.

"(5) The Secretary concerned shall order such action, consistent with the limitations contained in sections 1552 and 1553 of this title, as is necessary to correct the record of a personnel action prohibited by subsection (a).

"(6) If the Board determines that a personnel action prohibited by subsection (a) has occurred, the Board may recommend to the Secretary concerned that the Secretary take appropriate disciplinary action against the individual who committed such personnel action.

"(f) REVIEW BY SECRETARY OF DEFENSE.—Upon the completion of all administrative review under subsection (e), the member or former member of the armed forces (except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) who made the allegation referred to in subsection (b)(1), if not satisfied with the disposition of the matter, may submit the matter to the Secretary of Defense. The Secretary shall make a decision to reverse or uphold the decision of the Secretary of the military department concerned in the matter within 90 days after receipt of such a submittal.

"(g) POST-DISPOSITION INTERVIEWS.—After disposition of any case under this section, the Inspector General shall, whenever possible, conduct an interview with the person making the allegation to determine the views of that person on the disposition of the matter.

"(h) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.

"(i) DEFINITIONS.—In this section:

"(1) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.

"(2) The term 'Member of Congress' includes any Delegate or Resident Commissioner to Congress.

"(3) The term 'Inspector General' means—

"(A) an Inspector General appointed under the Inspector General Act of 1978; and

"(B) an officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe the regulations required by subsection (g) of section 983 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) CONTENT OF REGULATIONS.—In prescribing regulations under section 983 of title 10, United States Code, as added by subsection (a), the Secretary of Defense and the Secretary of Transportation shall provide for due process procedures for the subject of any investigation carried out under the provisions of that section, including a process for appeal and review of investigative findings.

(d) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to any personnel action taken (or threatened to be taken) on or after the date of the enactment of this Act as a reprisal prohibited by subsection (a) of that section.

SEC. 528. ANNUAL REPORT ON PERSONNEL READINESS.

(a) REQUIRED ASSESSMENT.—The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

(b) DATA TO BE COLLECTED.—Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction of the Secretary (as well as such additional information as the Secretary considers appropriate):

(1) The numbers and rates of temporary and permanent nondeployability of members of the Armed Forces, displayed by cause of nondeployability, rank, and gender.

(2) The numbers and rates of complaints and allegations involving gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

(d) INITIAL SUBMISSION.—The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991.

SEC. 529. PROGRAMS RELATED TO DESERT STORM MYSTERY ILLNESS.

(a) OUTREACH PROGRAM TO PERSIAN GULF VETERANS AND FAMILIES.—The Secretary of Defense shall institute a comprehensive outreach

program to inform members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf Conflict, and the families of such members, of illnesses that may result from such service. The program shall be carried out through both medical and command channels, as well as any other means the Secretary considers appropriate. Under the program, the Secretary shall—

(1) inform such individuals regarding—

(A) common disease symptoms reported by Persian Gulf veterans that may be due to service in the Southwest Asia theater of operations;

(B) blood donation policy;

(C) available counseling and medical care for such members; and

(D) possible health risks to children of Persian Gulf veterans;

(2) inform such individuals of the procedures for registering in either the Persian Gulf Veterans Health Surveillance System of the Department of Defense or the Persian Gulf War Health Registry of the Department of Veterans Affairs; and

(3) encourage such members to report any symptoms they may have and to register in the appropriate health surveillance registry.

(b) INCENTIVES TO PERSIAN GULF VETERANS TO REGISTER.—In order to encourage Persian Gulf veterans to register any symptoms they may have in one of the existing health registries, the Secretary of Defense shall provide the following:

(1) For any Persian Gulf veteran who is on active duty and who registers with the Department of Defense's Persian Gulf War Veterans Health Surveillance System, a full medical evaluation and any required medical care.

(2) For any Persian Gulf War veteran who is, as of the date of the enactment of this Act, a member of a reserve component, opportunity to register at a military medical facility in the Persian Gulf Veterans Health Care Surveillance System and, in the case of a Reserve who registers in that registry, a full medical evaluation by the Department of Defense. Depending on the results of the evaluation and on eligibility status, reserve personnel may be provided medical care by the Department of Defense.

(3) For a Persian Gulf veteran who is not, as of the date of the enactment of this Act, on active duty or a member of a reserve component, assistance and information at a military medical facility on registering with the Persian Gulf War Registry of the Department of Veterans Affairs and information related to support services provided by the Department of Veterans Affairs.

(c) COMPATABILITY OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REGISTRIES.—The Secretary of Defense shall ensure that the Department of Defense Persian Gulf Veterans Health Surveillance System register is compatible with the Persian Gulf War Registry maintained by the Department of Veterans Affairs and that all information on individuals who register with the Department of Defense system is provided to the Department of Veterans Affairs for incorporation into the Persian Gulf War Registry.

(d) PRESUMPTIONS ON BEHALF OF SERVICE MEMBER.—(1) A member of the Armed Forces who is a Persian Gulf veteran, who has symptoms of illness, and who the Secretary concerned finds may have become ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations.

(2) A member of the Armed Forces who is a Persian Gulf veteran and who reports being ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations until such time as the weight of medical evidence establishes other cause or causes of the member's illness.

(3) The Secretary concerned shall ensure that, for the purposes of health care treatment by the Department of Defense, health care and personnel administration, and disability evaluation by the Department of Defense, the symptoms of any member of the Armed Forces covered by paragraph (1) or (2) are examined in light of the member's service in the Persian Gulf War and in light of the reported symptoms of other Persian Gulf veterans. The Secretary shall ensure that, in providing health care diagnosis and treatment of the member, a broad range of potential causes of the member's symptoms are considered and that the member's symptoms are considered collectively, as well as by type of symptom or medical speciality, and that treatment across medical specialties is coordinated appropriately.

(4) The Secretary of Defense shall ensure that the presumptions of service connection and illness specified in paragraphs (1) and (2) are incorporated in appropriate service medical and personnel regulations and are widely disseminated throughout the Department of Defense.

(e) REVISION OF THE PHYSICAL EVALUATION BOARD CRITERIA.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall ensure that case definitions of Persian Gulf related illnesses, as well as the Physical Evaluation Board criteria used to set disability ratings for members no longer medically qualified for continuation on active duty, are established as soon as possible to permit accurate disability ratings related to a diagnosis of Persian Gulf illnesses.

(2) Until revised disability criteria can be implemented and members of the Armed Forces can be rated against those criteria, the Secretary of Defense shall ensure—

(A) that any member of the Armed Forces on active duty who may be suffering from a Persian Gulf-related illness is afforded continued military medical care; and

(B) that any member of the Armed Forces on active duty who is found by a Physical Evaluation Board to be unfit for continuation on active duty as a result of a Persian Gulf-related illness for which the board has no rating criteria (or inadequate rating criteria) for the illness or condition from which the member suffers is placed on the temporary disability retired list .

(f) REVIEW OF RECORDS AND RERATING OF PREVIOUSLY DISCHARGED GULF WAR VETERANS.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that a review is made of the health and personnel records of each Persian Gulf veteran who before the date of the enactment of this Act was discharged from active duty, or was medically retired, as a result of a Physical Evaluation Board process.

(2) The review under paragraph (1) shall be carried out to ensure that former Persian Gulf veterans who may have been suffering from a Persian Gulf-related illness at the time of discharge or retirement from active duty as a result of the Physical Evaluation Board process are revaluated in accordance with the criteria established in subsection (c)(1) and, if appropriate, are rerated.

(g) PERSIAN GULF ILLNESS MEDICAL REFERRAL CENTERS.—The Secretary of Defense shall evaluate the feasibility of establishing one or more medical referral centers to provide uniform, coordinated medical care for Persian Gulf veterans on active duty who are or may be suffering from a Persian Gulf-related illness. The Secretary shall submit a report on such feasibility to the Committees on Armed Services of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

(h) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on—

(A) efforts taken and results achieved in notifying members of the Armed Forces and their families as part of the outreach program required by subsection (a);

(B) efforts taken to revise the Physical Evaluation Board disability rating and interim efforts to adjudicate cases before the revision of the criteria; and

(C) results of the review and rerating of previously separated servicemembers.

(2) The first report under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act.

(i) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf Conflict.

SEC. 530. UPGRADE OF ARMED FORCES STAFF COLLEGE WARGAMING AND OTHER CAPABILITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Congress and the Department of Defense have envisioned the Armed Forces Staff College as the premier educational institution for joint operational planning and warfighting.

(2) The mission of the college is to educate staff officers and other leaders in joint and combined operational planning and warfighting in order to instill a primary commitment to joint teamwork, attitudes, and perspective.

(3) The intention of the Congress and the Department of Defense is that the college be a "hands-on" school, preparing officers for joint duty assignments through extensive use of case studies and war games that focus on the specifics of joint warfare and involve theaters of war set in both developed and underdeveloped regions.

(4) The inadequate wargaming capability at the college does not allow for a hands-on approach, nor does the current capability and associated facilities, in particular, the antiquated and decaying library, support an atmosphere in which students are able to develop critical thinking skills and problem-solving abilities as they pertain to joint operational planning and warfighting.

(5) In order for the college to fulfill its mission to educate officers in joint matters with a curriculum that is hands-on from the first day of school until the last, the college must be able to run war games and practical exercises simultaneously whenever the curriculum dictates. To meet this requirement, the college must have its own wargaming facility.

(6) Neither the Joint Warfighting Center, which Congress strongly supported in Public Law 103–160, nor a proposed wargaming facility for the United States Atlantic Command (both of which will be located miles from the college), can fulfill the unique, continuous, on-campus educational requirements of the college.

(7) Off-site facilities cannot sustain the evolution of the college to fulfill its potential as a research center for joint operational excellence whose faculty and advanced students achieve the highest levels of ability in critical thinking and problem solving regarding joint matters and, as a consequence, are capable of using wargaming, simulation, and other analytical techniques to develop and evaluate advanced warfighting and campaign concepts and doctrine for the future employment of joint forces.

(8) The Congress, in the joint statement of managers to accompany the bill H.R. 2401 of the 103d Congress—

(A) noted that there were "no current Department of Defense plans to upgrade the wargaming capability at the Armed Forces Staff College";

(B) urged "that this situation be corrected and that the Department of Defense, particularly the Chairman of the Joint Chiefs of Staff and the Secretary of the Navy, develop plans for a wargaming capability at AFSC comparable to those at the Army, Navy, and Air Force professional military education schools"; and

(C) stated that the conferees "expect the Department of Defense budget for fiscal year 1995 to contain a request for funding to upgrade the wargaming capability at AFSC.".

(9) The Department of Defense budget request for fiscal year 1995 did not contain a request for funding to upgrade the Armed Forces Staff College wargaming capability.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall—

(1) upgrade the wargaming capability at the Armed Forces Staff College to make that capability, at a minimum, comparable to the wargaming capability at the Army, Navy, and Air Force professional military education schools;

(2) survey the other facilities and capabilities of the college (in particular, the library and the classroom instruction facilities) and upgrade them to make them comparable to the facilities and capabilities at the Army, Navy, and Air Force professional military education schools;

(3) include a request for funding the upgrades under paragraphs (1) and (2) in the Department of Defense budget for fiscal year 1996; and

(4) submit to the congressional defense committees, not later than January 15, 1995, a plan for executing those upgrades.

SEC. 531. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at an academy named in subsection (c) may be imposed unless the charge or fee is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to cadets or midshipmen at an academy named in subsection (c) for which a charge or fee is imposed as of the date of the enactment of this Act. The Secretary of Defense or the Secretary of Transportation, as the case shall be, shall notify the Congress of any change made by an academy in the amount of a charge or fee authorized under this subsection.

(c) COVERED ACADEMIES.—This section applies to the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

SEC. 532. AUTHORIZATION FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) ADMISSION OF CIVILIANS AS STUDENTS.—(1) The Secretary of the Army may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students enrolled at an institution of higher education that is a party to the agreement may receive instruction at the Foreign Language Center of the Defense Language Institute on a cost-reimbursable, space-available basis.

(2) The Secretary may also permit other persons who would benefit from the instruction provided at the Center, as determined by the Secretary, to receive instruction at the Center on a cost-reimbursable, space-available basis.

(b) SELECTION AND ATTENDANCE.—(1) The Secretary shall select the persons who will be permitted to receive instruction at the Center pursuant to subsection (a). In the case of agreements under subsection (a)(1), the Secretary shall consult with the other parties to the agreements to establish qualifications and methods of selection for persons to receive instruction at the Center.

(2) Except as the Secretary determines necessary, a person who receives instruction at the Center pursuant to subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(c) RETENTION OF FUNDS.—Amounts collected under subsection (a) to reimburse the Center for the costs of providing instruction to students under subsection (a) shall be credited to funds available for compensation of instructors at the Center and to defray direct civilian student costs to the school.

(d) CENTER DEFINED.—For purposes of this section, the term "Center" means the Foreign Language Center of the Defense Language Institute.

(e) EXPIRATION OF AUTHORITY.—No student may be admitted to the Center under subsection (a) to commence classes beginning after September 30, 1997.

SEC. 533. SENSE OF CONGRESS CONCERNING APPROPRIATE DEPARTMENT OF DEFENSE FORCE STRUCTURE THROUGH 1997.

It is the sense of Congress that—

(1) through 1997 the United States should have—

(A) not less than 520,000 personnel in the active forces of the Army;

(B) not less than 11 active aircraft carriers and one reserve aircraft carrier in the Navy;

(C) not less than 20 active and reserve fighter wings in the Air Force; and

(D) not less than 174,000 personnel in the active forces of the Marine Corps;

(2) funding for national defense for fiscal years 1995 through 1997 should be established at a level sufficient to support the force structure described in paragraph (1) and to ensure that the United States does not have a hollow force; and

(3) the force structure described in paragraph (1) represents the minimum level which should be maintained, but the President should be willing to increase defense spending to meet new or existing threats.

SEC. 534. DISCHARGE OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) IN GENERAL.—(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling

"(a) REQUIRED SEPARATION.—A member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated. Such separation shall be made on a date determined by the Secretary concerned, which (except as provided in subsection (b)(2)) shall be as soon as practicable after the date on which the determination is made that the member should be so classified and not later than the last day of the twelfth month beginning after that date.

"(b) FORM OF SEPARATION.—(1) If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged.

"(2) In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(c) EXCEPTIONS.—The Secretary concerned may waive subsection (a) with respect to an individual member of the armed forces under the jurisdiction of that Secretary if the Secretary determines that there are circumstances that warrant the retention of that member. Such circumstances may include—

"(1) consideration that the medical condition making the member permanently nonworldwide assignable was incurred in combat or otherwise as the result of an action of the member for which the member received a decoration or other recognition for personal bravery;

"(2) consideration that the member has a specific proficiency or skill that is vital to the national security; and

"(3) any other circumstance that the Secretary considers to be for the good of the service.

"(d) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(e) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as added by subsection (a), shall apply with respect to members determined to be permanently nonworldwide assignable by reason of a medical condition before, on, or after the date of the enactment of this Act. In the case of such a determination made before the date of the enactment of this Act, the period for the separation of the member specified in subsection (a) of such section shall be treated as beginning on the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "section 580" and inserting in lieu thereof "section 580, 1177,".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1995 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1995, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.6 percent.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1995, section 203(c)(1) of title 37, United States Code, is amended by striking out "$543.90" and inserting in lieu thereof "$558.04".

(d) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term "uniformed services" does not include the Coast Guard.

SEC. 602. COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED TO HIGH COST AREAS IN THE CONTINENTAL UNITED STATES.

(a) ALLOWANCE REQUIRED.—(1) Chapter 7 of title 37 is amended by inserting after section 403a the following new section:

"§403b. Cost-of-living allowance in the continental United States

"(a) MEMBERS ELIGIBLE.—(1) A member of the uniformed services who is assigned to a high cost area in the continental United States is entitled to a cost-of-living allowance under this section.

"(2) A member who is assigned to an unaccompanied tour of duty outside the continental United States is entitled to a cost-of-living allowance under this section if the dependents of the member reside in a high cost area in the continental United States.

"(3) A member who is assigned to duty in the continental United States and whose dependents, due to the duty location or other circumstances, must reside in a high cost area in the continental United States, may be paid a cost-of-living allowance under this section based on the area where the dependents reside if it would be inequitable to base the allowance on the duty location of the member.

"(b) EXCEPTIONS OR CONDITIONS.—(1) A member of the uniformed services who is otherwise entitled to a cost-of-living allowance under this section is not entitled to the allowance for the number of days during which travel is authorized while changing permanent duty stations.

"(2) A member of a reserve component is not entitled to a cost-of-living allowance under this section unless the member is on active duty under a call or order that specifies a tour of active duty of 140 days or more or states that the active duty is in support of a contingency operation.

"(c) ANNUAL ALLOWANCE THRESHOLD.—Based on the amount of funds available for a fiscal year to provide cost-of-living allowances under this section, the Secretary of Defense shall establish annually an allowance threshold to represent the percentage by which the cost of living of an area must exceed the national average cost of living in order to qualify the area as a high cost area for payment of the cost-of-living allowance to members of the uniformed services described in subsection (a). However, the allowance threshold for a fiscal year may not be less than 1.05 nor more than 1.08.

"(d) DETERMINATION OF NATIONAL AND AREA COST OF LIVINGS.—(1) The Secretary of Defense shall establish the cost-of-living allowance for a fiscal year by using the Consumer Price Index (as determined by the Bureau of Labor Statistics of the Department of Labor) or by using a comparable index developed in the private sector to determine a national average cost of living and the cost of living for various areas in the continental United States. To determine the cost of living of members of the uniformed services, the Secretary shall consider nonhousing costs (such as transportation, goods, and services) incurred by members of the uniformed services and average income tax paid by such members. The Secretary shall reduce the amounts determined to exclude cost savings attributable to military facilities (such as commissary, military exchange, and military health care benefits) and any military subsistence allowance.

"(e) ALLOWANCE FACTOR.—The factor used in a particular high cost area to calculate the amount of the cost-of-living allowance for a fiscal year for members of the uniformed services described in subsection (a) shall be equal to the difference between—

"(1) the cost of living for the high cost area divided by the national average cost of living; and

"(2) the allowance threshold established under subsection (c) for that year.

"(f) AMOUNT OF ALLOWANCE.—The cost-of-living allowance of a member of the uniformed services described in subsection (a) who is covered by a particular high cost area is equal to the product of the basic pay of the member and the allowance factor for that high cost area determined under subsection (e). The Secretary shall adjust the amount determined to maintain after-tax purchasing power of the allowance.

"(g) DEFINITIONS.—In this section—

"(1) the term 'high cost area' means an area in the continental United States in which the cost of living, with respect to a particular fiscal year, exceeds the national average cost of living by a percentage greater than the allowance threshold established for that fiscal year under subsection (c);

"(2) the term 'continental United States' means the 48 contiguous States and the District of Columbia; and

"(3) the term 'uniformed services' does not include the Coast Guard.".

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 403a the following new item:

"403b. Cost-of-living allowance in the continental United States.".

(b) APPLICATION OF AMENDMENT.—The Secretary of Defense may not provide a cost-of-living allowance under section 403b of title 37, United States Code, as added by subsection (a), before July 1, 1995.

SEC. 603. INCREASE IN SUBSISTENCE ALLOWANCE PAYABLE TO MEMBERS OF SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking out "$100 a month" in the first sentence and inserting in lieu thereof "$150 a month".

(b) APPLICATION OF INCREASE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to months beginning after August 31, 1995.

(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. INCREASE IN AUTHORIZED INCENTIVE SPECIAL PAY FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.

Section 302e(a)(1) of title 37, United States Code, is amended by striking out "$6,000" and inserting in lieu thereof "$15,000".

SEC. 612. EXTENSION OF AUTHORITY FOR PAYMENT OF AVIATION OFFICER RETENTION BONUS

Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Travel and Transportation Allowances

SEC. 621. CHANGE IN PROVISION OF TRANSPORTATION INCIDENT TO PERSONAL EMERGENCIES FOR MEMBERS STATIONED OUTSIDE THE CONTINENTAL UNITED STATES.

Section 411d(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding the subparagraphs, by striking "from the international airport" and all that follows through "or the international airport nearest" and inserting in lieu thereof "from the location of the member or dependents, at the time notification of the personal emergency is received, or";

(B) in subparagraph (A), by striking "closest to the international airport" and inserting in lieu thereof "closest to the location"; and

(2) in paragraph (4), by striking "to the international airport" and all that follows through the period and inserting in lieu thereof "to the location from which the member or dependent departed or the member's duty station.".

SEC. 622. CLARIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCE OF FAMILY MEMBERS INCIDENT TO THE SERIOUS ILLNESS OR INJURY OF MEMBERS.

(a) ALLOWANCE IN CASES OF BRAIN DEATH.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "is necessary for" and inserting in lieu thereof "may contribute to"; and

(2) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and".

(b) DEFINITION OF HEALTH AND WELFARE.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) In this section, the term 'health and welfare', with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

(c) LIMITATION.—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of $376,000,000 to offset increased outlays to be made from that fund *during fiscal year 1995 by reason of the provisions of subsection (a).*

SEC. 632. CLARIFICATION OF CALCULATION OF RETIRED PAY FOR OFFICERS WHO RETIRE IN A GRADE LOWER THAN THE GRADE HELD AT RETIREMENT.

(a) PREVENTION OF RETIRED PAY BASED ON GRADE HIGHER THAN RETIRED GRADE.—Section 1401a(f) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting "based on the grade in which the member is retired" after "at an earlier date";

(2) in the second sentence, by inserting ", except that such computation may not be based on a rate of basic pay for a grade higher than the grade in which the member is retired" before the period at the end; and

(3) by striking out the third sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to the computation of the retired pay of a member of the armed forces who retires on or after the date of the enactment of this Act.

SEC. 633. CREDITING OF RESERVE SERVICE OF ENLISTED MEMBERS FOR COMPUTATION OF RETIRED PAY.

(a) ARMY.—(1) Section 3925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 3991 of this title,"; and

(B) by striking out subsection (c).

(2) The table in section 3991(a)(1) of such title is amended by striking out "section 3925" in formula B under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(3) The table in section 3992 of such title is amended by striking out "section 3925" in formula A under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(b) NAVY AND MARINE CORPS.—The table in section 6333(a) of title 10, United States Code, is amended by striking out "his years of active service in the armed forces" in formula C under the column designated "Column 2" and inserting in lieu thereof "the years of service that may be credited to him under section 1405.".

(c) AIR FORCE.—(1) Section 8925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 8991 of this title,"; and

(B) by striking out subsection (c).

(2) The table in section 8991(a)(1) of such title is amended by striking out "section 8925" in formula B under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(3) The table in section 8992 of such title is amended by striking out "section 8925" in formula A under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(d) CONFORMING AMENDMENT.—Section 1405 of such title is amended by adding at the end the following new subsection:

"(c) EXCLUSION OF TIME REQUIRED TO BE MADE UP.—Time required to be made up by an enlisted member of the Army or Air Force under section 972 of this title may not be counted in determining years of service under subsection (a).".

(e) EFFECTIVE DATE.—This section shall apply to the computation of the retired or retainer pay of any enlisted member who retires or is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve on or after the date of the enactment of this Act.

SEC. 634. MINIMUM REQUIRED RESERVE SERVICE FOR ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE DURING FORCE DRAWDOWN PERIOD.

Section 1331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the entitlement of that person, upon application, to retired pay under this section shall be determined, in the case of the requirement specified in subsection (a)(3), by substituting 'the last six years' for 'the last eight years'.".

SEC. 635. SBP PREMIUMS FOR RESERVE-COMPONENT CHILD-ONLY COVERAGE.

(a) DETERMINATION OF PREMIUMS.—Subsection (b) of section 1452 of title 10, United States Code, is amended to read as follows:

"(b) CHILD-ONLY ANNUITIES.—

"(1) REQUIRED REDUCTION IN RETIRED PAY.—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

"(2) NO REDUCTION WHEN NO CHILD.—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

"(3) SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

"(4) CHILD-ONLY COVERAGE DEFINED.—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

"(A) does not have an eligible spouse or former spouse; or

"(B) has a spouse or former spouse but has elected to provide an annuity for dependent children only.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) applies to any election for child-only coverage under a reserve-component annuity under the Survivor Benefit Plan, whether made before, on, or after the date of the enactment of this Act.

(2) Paragraph (1) does not apply in a case of an election referred to in that paragraph that was made before the date of the enactment of this Act if the participant was informed, in writing, before the date of the enactment of this Act that no reduction in the participant's retired pay for child-only coverage would be made during a period when there was no eligible dependent child.

SEC. 636. DISCONTINUATION OF INSURABLE INTEREST COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Paragraph (1) of section 1448(b) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

"(C) A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(D) The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

"(E) Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a).".

Subtitle E—Other Matters

SEC. 641. AUTHORITY FOR SURVIVORS TO RECEIVE PAYMENT FOR ALL LEAVE ACCRUED BY DECEASED MEMBERS.

(a) REMOVAL OF 60-DAY LIMITATION.—Subsection (d) of section 501 of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "(1)" after "(d)"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The limitations contained in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) on the number of days of leave for which payment may be made shall not apply with respect to payments made under this subsection."; and

(2) by striking out paragraph (2).

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking out ", (d)," in the first sentence.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO INCLUDE YOUNG PEOPLE BEING ADOPTED BY MEMBERS OR FORMER MEMBERS.

(a) ELIGIBILITY FOR HEALTH BENEFITS.—Section 1072 of title 10, United States Code, is amended—

(1) in paragraph (2)(D), by striking out ", including an adopted child or stepchild,"; and

(2) by adding at the end the following new paragraph:

"(6) The term 'child' includes an adopted child, a stepchild, or an unmarried person placed in the home of a member or former member of a uniformed service by a State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member or former member, who otherwise meets the requirements specified in paragraph (2)(D).".

(b) CONFORMING AMENDMENT.—Section 401(b)(1)(B) of title 37, United States Code, is amended by striking out "placement agency for the purpose of adoption" and inserting in lieu thereof "State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member".

SEC. 702. TREATMENT OF CERTAIN DEPENDENTS AS CHILDREN FOR PURPOSES OF CHAMPUS, DEPENDENTS' DENTAL PROGRAM, AND CONTINUED HEALTH BENEFITS COVERAGE.

(a) CHAMPUS.—Section 1079(a) of title 10, United States Code, is amended in the first sentence by striking out "and children" and inserting in lieu thereof ", children, and dependents described in section 1072(2)(I) of this title".

(b) DEPENDENTS' DENTAL PROGRAM.—Section 1076a of such title is amended—

(1) in subsection (a)(1), by striking out "spouses and children (as described in section 1072(2)(D) of this title)" and inserting in lieu thereof "eligible dependents";

(2) in subsection (e), by striking out "spouse or child" and inserting in lieu thereof "eligible dependent";

(3) in subsection (f), by striking out "spouse or children" both places it appears and inserting in lieu thereof "eligible dependents"; and

(4) by adding at the end the following new subsection:

"(h) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a spouse, child, or dependent described in section 1072(2)(I) of this title of a member of the uniformed services who is on active duty for a period of more than 30 days.".

(c) CONTINUED HEALTH BENEFITS COVERAGE.—Section 1078a of such title is amended—

(1) in subsection (b)(2)(A), by inserting before the semicolon the following: "or ceases to meet the requirements for being considered an unmarried dependent under section 1072(2)(I) of this title";

(2) in subsection (c)(3)—

(A) by striking out "child" both places it appears and inserting in lieu thereof "dependent"; and

(B) by striking out "child's" each place it appears and inserting in lieu thereof "dependent's";

(3) in subsection (d)(2)(A)—

(A) by striking out "child" the first, second, and fourth places it appears and inserting in lieu thereof "dependent"; and

(B) by striking out "an unmarried dependent child under section 1072(2)(D) of this title," and inserting in lieu thereof "a dependent under subparagraph (D) or (I) of section 1072(2) of this title;";

(4) in subsection (d)(2)(B)—

(A) by striking out "child" and inserting in lieu thereof "dependent"; and

(B) by striking out "child's" and inserting in lieu thereof "dependent's";

(5) in subsection (g)(1)(B), by striking out "an unmarried dependent child under section 1072(2)(D) of this title" and inserting in lieu thereof "a dependent under subparagraph (D) or (I) of section 1072(2) of this title"; and

(6) in subsection (g)(2), by striking out "child" both places it appears and inserting in lieu thereof "dependent".

SEC. 703. AUTHORIZATION FOR MEDICAL AND DENTAL CARE OF ABUSED DEPENDENTS OF CERTAIN MEMBERS.

(a) ADDITIONAL BASIS FOR CARE.—Subsection (e) of section 1076 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Subject to paragraph (3), if an abused dependent of a member of a uniformed service described in paragraph (4) needs medical or dental care for an injury or illness resulting from the abuse, the administering Secretary may, upon request of the abused dependent, furnish medical or dental care to the dependent for the treatment of such injury or illness in facilities of the uniformed services."; and

(2) by adding at the end the following new paragraph:

"(4)(A) A member of a uniformed service referred to in paragraph (1) is a member who—

"(i) receives a dishonorable or bad-conduct discharge or is dismissed from a uniformed service as a result of a court-martial conviction for a criminal offense, under either military or civil law, involving abuse of a dependent of the member; or

"(ii) is administratively discharged from a uniformed service as a result of such an offense.

"(B) Whether an offense involved abuse of a dependent of the member shall be determined in accordance with regulations prescribed by the administering Secretary for such uniformed service.".

(b) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2), by striking out "paragraph (1)(A)" and inserting in lieu thereof "paragraph (4)"; and

(2) in paragraph (3)(C), by striking out "paragraph (1)(A)" and inserting in lieu thereof "paragraph (4)".

SEC. 704. ADDITIONAL AUTHORIZED HEALTH CARE SERVICE AVAILABLE THROUGH MILITARY HEALTH CARE SYSTEM.

Section 1077(b)(2)(B) of title 10, United States Code, is amended by inserting after "artificial limbs" the following: ", voice prostheses,".

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. EXPANDED USE OF PARTNERSHIP AND RESOURCE SHARING PROGRAMS FOR IMPROVED COST-EFFECTIVENESS.

Section 1096 of title 10, United States Code, is amended by inserting at the end the following new subsections:

"(d) PAYMENTS BY NON-FEDERAL PARTIES.—An agreement entered into under subsection (a) may require a civilian health care provider that is a party to the agreement to make payments to a facility of the uniformed services in connection with resources specified in subsection (b) that are provided by the facility under the agreement. Amounts received by the facility under this subsection shall be credited to the appropriation supporting the maintenance and operation of the facility and shall not be taken into consideration in establishing the operating budget of the facility.

"(e) REIMBURSEMENT FOR LICENSE FEES.—In the case of an agreement entered into under subsection (a) under which personnel of the uniformed services who are assigned to a facility of the uniformed services will provide health care services at a facility of a civilian health care provider, the Secretary of Defense may reimburse the personnel for any professional license fee that is required by the governmental jurisdiction in which the civilian health care facility is located and is paid by the personnel if the Secretary determines that such reimbursement is necessary to effectively implement the agreement. The amount of such reimbursement may not exceed $500 per person.".

SEC. 712. IMPOSITION OF ENROLLMENT FEES FOR MANAGED CARE PLANS.

Section 1097(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of contracts for health care services under this section or health care plans offered under section 1099 of this title for which the Secretary permits covered beneficiaries who are covered by section 1086 of this title and who participate in such contracts or plans to pay an enrollment fee in lieu of meeting the deductible amount specified in section 1086(b) of this title, the Secretary may establish the same (or a lower) enrollment fee for covered beneficiaries described in section 1086(d)(1) of this title who also participate in such contracts or plans.".

SEC. 713. STRENGTHENING MANAGED HEALTH CARE AUTHORITIES.

(a) AMENDMENTS TO ALTERNATIVE HEALTH CARE DELIVERY CONTRACTS AUTHORITY.—Section 1097 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) (as amended by section 712) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) COORDINATION WITH FACILITIES OF THE UNIFORMED SERVICES.—The Secretary of Defense may provide for the coordination of health care services provided pursuant to any contract or agreement under this section with those services provided in medical treatment facilities of the uniformed services. Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary may not deny access to facilities of the uniformed services to covered beneficiaries based on enrollment or declination of enrollment in any program established under, or operating in connection with, any contract under this section. However, the Secretary may, as an incentive for enrollment, establish reasonable preferences for services in facilities of the uniformed services for covered beneficiaries enrolled in any program established under, or operating in connection with, any contract under this section.

"(d) COORDINATION WITH OTHER HEALTH CARE PROGRAMS.—In the case of a covered beneficiary who has enrolled in a managed health care program not operated under the authority of this chapter, the Secretary may contract under this section with such other managed health care program for the purpose of coordinating the beneficiary's dual entitlements under such program and this chapter. A managed health care program with which arrangements may be made under this subsection includes any health maintenance organization, competitive medical plan, health care prepayment plan, or other managed care program recognized pursuant to regulations issued by the Secretary.".

(b) AMENDMENTS TO THIRD PARTY COLLECTIONS PROGRAM AUTHORITY.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "if that care" and all that follows through the period and inserting in lieu thereof the following: "shall operate to prevent collection by the United States under subsection (a) if that care is provided—

"(1) through a facility of the uniformed services;

"(2) directly or indirectly by a governmental entity;

"(3) to an individual who has no obligation to pay for that care or for whom no other person has a legal obligation to pay; or

"(4) by a provider with which the third party payer has no participation agreement.";

(2) in subsection (d), by inserting "and except as provided in subsection (j)," after "(b),";

(3) in subsection (h)(1), by adding at the end the following new sentence: "Such term also includes entities described in subsection (j) under the terms and to the extent provided in such subsection."; and

(4) by adding at the end the following new subsection:

"(j) The Secretary of Defense may enter into an agreement with any health maintenance organization, competitive medical plan, health care prepayment plan, or other similar plan (pursuant to regulations issued by the Secretary) providing for collection under this section from such organization or plan for services provided to a covered beneficiary who is an enrollee in such organization or plan.".

SEC. 714. DELAY IN DEADLINE FOR USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

Section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1696; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a), by striking out "after the date of the enactment of this Act" and inserting in lieu thereof "after December 31, 1994";

(2) in subsection (e), by striking out "February 1, 1994" and inserting in lieu thereof "December 31, 1994"; and

(3) by adding at the end the following new subsection (f):

"(f) MODIFICATION OF EXISTING CONTRACTS.—In the case of managed health care contracts in effect or in final stages of acquisition as of December 31, 1994, the Secretary may modify such contracts to incorporate the health benefit option required under subsection (a).".

SEC. 715. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

Section 518(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2407) is amended—

(1) by inserting before the period at the end the following: ", unless the Secretary certifies to Congress that the number of such personnel to be reduced in a particular military department is excess to the current and projected needs for personnel in the Selected Reserve of that military department"; and

(2) by adding at the end the following new sentence: "The assessment of current and projected personnel needs under this subsection shall be consistent with the wartime requirements for Selected Reserve personnel identified in the final report on the comprehensive study of the military medical care system prepared pursuant to section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note).".

Subtitle C—Other Matters

SEC. 721. DELAY IN CLOSURE OF ARMY HOSPITAL AT VICENZA, ITALY.

(a) CLOSURE DELAY.—During fiscal year 1995, the Secretary of the Army may not reduce the level of medical care services provided by the United States Army Hospital at Vicenza, Italy.

(b) REPORT ON HOSPITAL.—Not later than March 1, 1995, the Secretary of Defense shall submit to Congress a report regarding the operation of the Army Hospital at Vicenza, Italy. The report shall contain the following:

(1) A description of the number and demographic characteristics of members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, who typically receive medical care services at the hospital, including those members and covered beneficiaries stationed or residing at (or in the immediate vicinity of) Aviano Air Force Base and Camp Darby.

(2) An analysis of the projected costs or savings, including the cost of CHAMPUS benefits, resulting from the programmed closure of the hospital.

(3) A description of the differences in practice patterns between American and Italian doctors, such as differences in the normal lengths of stay for the most frequent inpatient admissions (including childbirth) and the availability of alternative methods of providing anesthesia during childbirth.

(4) An analysis of the feasibility of establishing a birthing center for the area and patients currently served by the hospital, to be staffed primarily by American nurse-midwives.

(5) A detailed plan for ensuring the availability of quality medical care, consistent with American medical practice patterns, for covered beneficiaries residing in Northern Italy.

SEC. 722. DEMONSTRATION PROGRAM FOR ADMISSION OF CIVILIANS AS PHYSICIAN ASSISTANT STUDENTS AT ACADEMY OF HEALTH SCIENCES, FORT SAM HOUSTON, TEXAS.

(a) CIVILIAN ATTENDANCE.—The Secretary of the Army may enter into a reciprocal agreement with an accredited institution of higher education under which students of the institution may attend the didactic portion of the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas, in exchange for the provision of such academic services by the institution as the Secretary and the institution consider to be appropriate to support the physician assistant training program. The Secretary shall ensure that the Army Medical Department does not incur any additional costs as a result of the agreement than the Department would incur to obtain academic services for the physician assistant training program in the absence of the agreement.

(b) SELECTION OF STUDENTS.—(1) Subject to paragraph (2), not more than 20 civilian students per year may receive instruction at the Academy pursuant to the agreement under subsection (a). In consultation with the institution of higher education that is a party to the agreement, the Secretary shall establish qualifications and methods of selection for civilian students to receive instruction at the Academy. The qualifications established shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

(2) The Secretary shall ensure that members of the Armed Forces are not denied enrollment in the physician assistant training program in order to permit the attendance of civilian students. The maximum annual enrollment for the program may not be increased solely for the purpose of permitting civilian students to attend the program.

(c) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a civilian student who receives instruction at the Academy pursuant to the agreement under subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to military students attending the Academy.

(d) TERM AND TERMINATION OF AGREEMENT.—The term of the agreement entered into under subsection (a) may not extend beyond September 30, 1997. Either party to the agreement may terminate the agreement at any time before that date.

(e) REPORT.—For each year in which the agreement under subsection (a) is in effect, the Secretary shall submit to Congress a report specifying the number of civilian students who received instruction at the Academy under the agreement during the period covered by the report and accessing the benefits to the United States of the agreement.

(f) ACADEMY DEFINED.—For purposes of this section, the term "Academy" means the Academy of Health Sciences of the Army Medical Department at Fort Sam Houston, Texas.

SEC. 723. REPORT ON EXPANDED USE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) REPORT REQUIRED.—Not later than December 31, 1994, the Secretary of Defense shall submit to Congress a report describing the plans (if any) of the Department of Defense to use the authority provided in sections 1080(b) and 1086(e) of title 10, United States Code, regarding making a determination whether to issue a nonavailability of health care statement. The report shall include an analysis of the impact of such plans on—

(1) the freedom of choice of covered beneficiaries in selecting their health care providers;

(2) the access of covered beneficiaries to health care services;

(3) the quality and continuity of health care services;

(4) the clarity and understandability of the applicable requirements regarding issuance nonavailability of health care statements; and

(5) the health care costs incurred by the United States and covered beneficiaries.

(b) USE OF AUTHORITY.—During the period beginning on the date of the enactment of this Act and ending 90 days after the date the Secretary submits the report required by subsection (a), the Secretary may not—

(1) expand the number or size of the geographical areas in which the Secretary is currently using the authority provided by sections 1080(b) and 1086(e) of title 10, United States Code; or

(2) implement or use such authority in a manner inconsistent with the manner in which such authority was implemented or used as of February 1, 1994.

SEC. 724. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES IN CERTAIN AREAS AFFECTED BY BASE CLOSURES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should take all appropriate steps, including a limited continuation of services for managed health care currently provided to covered beneficiaries described in subsection (b) who are eligible for such services, to ensure the continuity of health care services for such beneficiaries during the procurement, transition, and initial implementation phases of the TRICARE managed care support contract for Health Services Region Six of the Military Health Services System of Department of Defense.

(b) COVERED BENEFICIARIES DESCRIBED.—The covered beneficiaries referred to in subsection (a) are covered beneficiaries under chapter 55, United States Code, who reside in areas adversely affected by the closure of England Air Force Base, Louisiana, Bergstrom Air Force Base, Texas, or Carswell Air Force Base, Texas, and for whom the Secretary of Defense established a contracted managed health care program, as required by section 9032 of the Department of Defense Appropriations Act, 1993 (P.L. 102–396; 106 Stat. 1907).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

Subtitle B—Acquisition Improvement

PART I—GENERAL IMPROVEMENTS

SEC. 811. CONGRESSIONAL DEFENSE PROCUREMENT POLICY.

Section 2301 of title 10, United States Code, is amended to read as follows:

"§2301. Congressional defense procurement policy

"(a) The Congress finds that in order to ensure national defense preparedness; conserve fiscal resources; enhance science and technology, research and development, and production capability; provide for continued development and preservation of an efficient and responsive defense industrial base; and ensure the financial and ethical integrity of defense procurement programs, it is in the interest of the United States that property and services be acquired for the Department of Defense in the most timely, economic, and efficient manner

consistent with achieving an optimum balance among efficient processes, full and open access to the procurement system, and sound implementation of socioeconomic policies. It is therefore the policy of Congress that—

"(1) full and open competitive procedures shall be used by the Department of Defense in accordance with the requirements of this chapter;

"(2) to the maximum extent practicable, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department;

"(3) when commercial items and components are not available, practicable, or cost effective, the Department of Defense shall acquire, and shall require prime contractors and subcontractors to incorporate, nondevelopmental items and components to the maximum extent practicable;

"(4) property and services for the Department of Defense may be acquired by any kind of contract, other than cost-plus-a-percentage-of-cost contracts, but including multiyear contracts, that will promote the interest of the United States and will provide for appropriate allocation of risk between the Government and the contractor with due regard to the nature of the property or services to be acquired;

"(5) contracts, when appropriate, shall provide incentives to contractors to improve productivity through investment in capital facilities, equipment, flexible manufacturing processes, and advanced and dual-use technology;

"(6) contracts for advance procurement of components, parts, and materials necessary for manufacture or for logistics support of a weapon system should, if practicable, be entered into in a manner to achieve economic-lot purchases and more efficient production rates;

"(7) procurement protests and disputes shall be fairly and expeditiously resolved through uniform interpretation of relevant laws and regulations;

"(8) the head of an agency shall use advance procurement planning and market research and develop contract requirements in such a manner as is necessary to obtain full and open competition with due regard to the nature of the property or services to be acquired; but may restrict competitions to suppliers of commercial items to foster accomplishment of the above objective; and

"(9) the head of an agency shall develop and maintain an acquisition career management program to ensure a professional acquisition work force in accordance with the requirements of chapter 87 of this title.

"(b) Further, it is the policy of Congress that procurement policies and procedures for the agencies named in section 2303 of this title shall, in accordance with the requirements of this title—

"(1) be issued in accordance with and conform to the requirements of sections 22 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b and 421);

"(2) promote and implement the Congressional policies in subsection (a) of this section and section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401);

"(3) be implemented to support the requirements of such agencies in time of war or national emergency as well as in peacetime;

"(4) promote responsiveness of the procurement system to agency needs by—

"(A) simplifying and streamlining procurement processes; and

"(B) providing incentives to encourage contractors to take actions and make recommendations that would reduce the costs of property or services to be acquired;

"(5) facilitate the acquisition of commercial items and commercial components at or based on commercial market prices, without requiring contractors to change their business practices; and

"(6) promote the acquisition and use of commercial items, commercial components, and nondevelopmental items by requiring descriptions of agency requirements, whenever practicable, in terms of functions to be performed or performance required.

"(c) Further, it is the policy of Congress that 20 percent of the purchases and contracts entered into under this chapter should be placed with small business concerns and that 5 percent of the purchases and contracts entered into under this chapter should be placed with concerns that are small disadvantaged businesses.

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or severely handicapped (as defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.".

SEC. 812. REPEAL OF REQUIREMENT RELATING TO PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT.

(a) Repeal.—Section 2329 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 813. REPEAL OF VOUCHERING PROCEDURES SECTION.

(a) Repeal.—Section 2355 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

SEC. 814. CLARIFICATION OF PROVISION RELATING TO QUALITY CONTROL OF CERTAIN SPARE PARTS.

The second sentence of subsection (a) of section 2383 of title 10, United States Code, is amended to read as follows: "In establishing the appropriate qualification requirements, the Secretary of Defense shall use the Department of Defense qualification requirements that were used to qualify the original production part, unless the Secretary determines in writing—

"(A) that there are other requirements sufficiently similar to those requirements that should be used instead; or

"(B) that any or all such requirements are unnecessary.".

SEC. 815. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

(a) Repeal of Requirement for Report on Waivers.—Subsection (e) of section 2403 of title 10, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out paragraph (2).

(b) Provisions To Be Addressed by Regulations.—Subsection (h) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The regulations shall include the following:

"(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as determined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

"(B) Procedures for administering contractor guarantees.

"(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.".

PART II—MAJOR SYSTEMS STATUTES

SEC. 821. WEAPON DEVELOPMENT AND PROCUREMENT SCHEDULES.

(a) Deadline and Purpose.—Subsection (a) of section 2431 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "at the same time" and inserting in lieu thereof "not later than 45 days after"; and

(B) by striking out "a written report" and inserting in lieu thereof "budget justification documents"; and

(2) in the second and third sentences, by striking out "report" and inserting in lieu thereof "documents".

(b) Additional Matters To Be Included.—Subsection (b) of such section is amended—

(1) by striking out "include—" and inserting in lieu thereof "include each of the following:";

(2) by capitalizing the first word in each of paragraphs (1), (2), and (3);

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by amending paragraph (4) to read as follows:

"(4)(A) The most efficient production rate, the most efficient acquisition rate, and the minimum sustaining rate, consistent with the program priority established for such weapon system by the Secretary concerned.

"(B) In this paragraph:

"(i) The term 'most efficient production rate' means the maximum rate for each budget year at which the weapon system can be produced with existing or planned plant capacity and tooling, with one shift a day running for eight hours a day and five days a week.

"(ii) The term 'minimum sustaining rate' means the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.".

SEC. 822. SELECTED ACQUISITION REPORT REQUIREMENT.

(a) Definition of Procurement Unit Cost.—

(1) Definition.—Paragraph (2) of section 2432(a) of title 10, United States Code, is amended—

(A) in clause (A), by striking out "for a fiscal year" and all that follows through "such program in such fiscal year";

(B) in clause (B), by striking out "with such funds during such fiscal year." and inserting in lieu thereof a period; and

(C) by striking out the last sentence.

(2) Conforming Amendments.—Section 2433 of such title is amended—

(A) in subparagraph (B) of subsection (c)(1), by striking out "current" before "procurement unit cost";

(B) in subsection (d), by striking out "current" before "procurement unit cost" each place it appears; and

(C) in subsection (e), by striking out "current" before "procurement unit cost" both places it appears.

(b) Exclusion of Firm, Fixed-Price Contracts.—Subsection (a) of section 2432 of such title is amended in paragraph (3) by inserting before the period at the end the following: "and that is not a firm, fixed price contract".

(c) Definition of Full Life-Cycle Cost.—Such subsection is further amended in paragraph (4) by striking out "has the meaning" and all that follows through the end of the

paragraph and inserting in lieu thereof the following: "means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.".

(d) NOTICE OF PROPOSED CHANGES IN SAR.—Subsection (c) of such section is amended in paragraph (2) by striking out the second sentence and inserting in lieu thereof the following: "Whenever the Secretary of Defense proposes to make changes in the content of a Selected Acquisition Report, the Secretary shall submit a notice of the proposed changes to such committees. The changes shall be considered approved by the Secretary, and may be incorporated into the report, only after the end of the 60-day period beginning on the date on which the notice is received by those committees.".

(e) ELIMINATION OF CERTAIN SAR REQUIREMENTS.—Such subsection is further amended in paragraph (3) by striking out subparagraph (C).

(f) UNIFORM IMPLEMENTATION OF LIFE-CYCLE COST ANALYSIS.—Such subsection is further amended—

(1) by striking out paragraph (5); and

(2) by adding at the end of subparagraph (A) of paragraph (3) the following: "The Secretary of Defense shall ensure that this subparagraph is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.".

(g) DEADLINE REVISION.—Subsection (f) of such section is amended by striking out "60 days" in the first sentence and inserting in lieu thereof "45 days".

(h) ELIMINATION OF PRELIMINARY REPORT.—Such subsection is further amended by striking out the second sentence.

(i) TERMINOLOGY CORRECTIONS.—Such section is further amended as follows:

(1) Subsection (b)(3)(A) is amended by striking out "full scale development or" in clause (i).

(2) Subsection (c)(3) is amended by striking out "full-scale engineering" in subparagraph (A) and inserting in lieu thereof "engineering and manufacturing".

(3) Subsection (h)(1) is amended by striking out "full-scale engineering" both places it appears and inserting in lieu thereof "engineering and manufacturing".

SEC. 823. UNIT COST REPORT REQUIREMENT.

(a) REVISION OF BASELINE REPORT DEFINITIONS.—

(1) REVISION.—Section 2433(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking out "Baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Estimate"; and

(ii) by striking out "Selected Acquisition Report in which" and all that follows through the end of the paragraph and inserting in lieu thereof "cost estimate included in the baseline description for the program under section 2435 of this title."; and

(B) by striking out paragraph (4).

(2) CONFORMING AMENDMENTS.—Section 2433 of such title is further amended—

(A) in subsection (c)(1), by striking out "Baseline Report" in subparagraphs (A) and (B) and inserting in lieu thereof "Baseline Estimate"; and

(B) in subsection (d), by striking out "Baseline Report" in paragraphs (1) and (2) and inserting in lieu thereof "Baseline Estimate".

(b) CONTENTS OF UNIT COST REPORT.—Section 2433(b) of such title is amended in paragraph (3) by striking out "Baseline Report was submitted." and inserting in lieu thereof "contract was entered into.".

(c) ELIMINATION OF CERTAIN UNIT COST REPORT REQUIREMENT.—Section 2433(c) of such title, as amended by subsection (a), is further amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) CONSTANT BASE YEAR DOLLARS.—Section 2433(f) of such title is amended by striking out "include expected inflation" and inserting in lieu thereof "be stated in terms of constant base year dollars (as described in section 2430 of this title)".

(e) CONTENTS OF SAR.—Subparagraph (I) of section 2433(g)(1) of such title is amended to read as follows:

"(I) The type of the Baseline Estimate that was included in the baseline description under section 2435 of this title and the date of the Baseline Estimate.".

SEC. 824. REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND MANPOWER ESTIMATES BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Section 2434 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the full life-cycle cost of a program—

"(A) be prepared by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include the total personnel required—

"(A) to operate, maintain, and support the program upon full operational deployment; and

"(B) to train personnel to carry out the activities referred to in subparagraph (A).".

(b) TERMINOLOGY CORRECTION AND OTHER AMENDMENT.—Subsection (a) of such section is amended—

(1) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development"; and

(2) by striking out "cost of the program, together with" and inserting in lieu thereof "full life-cycle cost of the program, and".

SEC. 825. BASELINE DESCRIPTION.

(a) IN GENERAL.—Section 2435 of title 10, United States Code, is amended to read as follows:

"§2435. Baseline description

"(a) BASELINE DESCRIPTION REQUIREMENT.—(1) The Secretary of a military department shall establish a baseline description for each major defense acquisition program under the jurisdiction of such Secretary.

"(2) The baseline shall include sufficient parameters to describe the cost estimate (referred to as the 'Baseline Estimate' in section 2433 of this title), schedule, and performance of such major defense acquisition program.

"(3) No amount appropriated or otherwise made available to the Department of Defense for carrying out a major defense acquisition program may be obligated without an approved baseline description unless such obligation is specifically approved by the Under Secretary of Defense for Acquisition and Technology.

"(4) A baseline description for a major defense acquisition program shall be established—

"(A) before the program enters engineering and manufacturing development; and

"(B) before the program enters production and deployment.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the content of baseline descriptions;

"(2) the submission of reports on deviations of a program from the baseline description by the program manager to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology;

"(3) procedures for review of such deviation reports within the Department of Defense; and

"(4) procedures for submission to, and approval by, the Secretary of Defense of revised baseline descriptions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by amending the item relating to section 2435 to read as follows:

"2435. Baseline description.".

SEC. 826. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 827. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

PART III—TESTING STATUTES

SEC. 831. AUTHORIZATION OF LESS THAN FULL-UP TESTING.

Section 2366(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3) and in that paragraph by striking out "such certification" and inserting in lieu thereof "certification under paragraph (1) or (2)"; and

(3) by inserting before paragraph (3) (as so designated) the following new paragraph:

"(2) In the case of a covered system (or covered product improvement program for a covered system), the Secretary may waive the application of the survivability and lethality tests of this section to such system or program and instead allow testing of the system or program in combat by firing munitions likely to be encountered in combat at components, subsystems, and subassemblies, together with performing design analyses, modeling and simulation, and analysis of combat data, if the Secretary certifies to Congress that the survivability and lethality testing of such system or program otherwise required by this section would be unreasonably expensive and impracticable.".

SEC. 832. LIMITATION ON QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.

Section 2400(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out "paragraph (1)" and inserting in lieu thereof "this section"; and

(B) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development";

(2) by redesignating paragraph (4) as paragraph (5) and in that paragraph by inserting after the first sentence the following: "If the quantity exceeds 10 percent of the total number of articles to be produced, as determined at the milestone II decision with respect to that system, the Secretary shall include in the statement the reasons for such quantity."; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) The quantity of articles of a major system that may be procured for low-rate initial production may not be less than one operationally configured production unit unless another quantity is established at the milestone II decision.".

SEC. 833. OPERATIONAL TEST AND EVALUATION OF DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY TO USE DIFFERENT PROCEDURES.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Secretary of Defense may, for a particular major defense acquisition program, prescribe and apply operational test and evaluation procedures other than those provided under subsection (a) and paragraphs (1) through (3) of this subsection if the Secretary transmits to Congress, before the Milestone II decision is made with respect to that program—

"(A) a certification that such testing would be unreasonably expensive and impracticable; and

"(B) a description of the actions taken to ensure that the system will be operationally effective and suitable when the system meets initial operational capability requirements.".

(b) CROSS REFERENCE CORRECTIONS.—Section 2399 of such title is further amended—

(1) in subsection (b)(6) (as redesignated by subsection (a)(1)) and subsection (c)(1), by striking out "section 138(a)(2)(B)" and inserting in lieu thereof "section 139(a)(2)(B)"; and

(2) in subsection (h)(1), by striking out "section 138(a)(2)(A)" and inserting in lieu thereof "section 139(a)(2)(A)".

PART IV—CIVIL RESERVE AIR FLEET

SEC. 841. DEFINITION OF CONTRACTOR.

Section 9511(8) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of clause (A); and

(2) by inserting before the period at the end the following: ", or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet".

SEC. 842. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.

Chapter 931 of title 10, United States Code, is amended—

(1) in subsection (a) of section 9512, by inserting "AUTHORITY TO CONTRACT.—" after "(a)";

(2) in subsection (c) of section 9512, by striking out "(c)" and inserting in lieu thereof "(d) AUTHORITY TO CONTRACT AND PAY DIRECTLY.—";

(3) in subsection (b) of section 9512, by striking out "(b)" and inserting in lieu thereof "(c) TERMS AND REQUIRED REPAYMENT.—";

(4) by redesignating subsection (a) of section 9513 as subsection (b) and transferring such subsection (as so redesignated) to section 9512 and inserting such subsection after subsection (a);

(5) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(6) in subsection (b) of section 9512, as redesignated and transferred to such section by paragraph (4)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section", and

(B) by inserting "CONTRACT REQUIREMENTS.—" after "(b)";

(7) in subsection (c) of section 9512, as redesignated by paragraph (3), by striking out "the terms required by section 9513 of this title and";

(8) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (5)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section", and

(B) by inserting "COMMITMENT TO CIVIL RESERVE AIR FLEET.—" after "(e)"; and

(9) by striking out the heading of section 9513.

SEC. 843. USE OF MILITARY INSTALLATIONS BY CONTRACTORS.

(a) AUTHORITY.—Chapter 931 of title 10, United States Code, as amended by section 842, is further amended by adding at the end the following new section 9513:

"§9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, a technical stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

"(c) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the Air Force (and any other armed force having jurisdiction over any installation covered by the contract) from all actions, suits, or claims of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

"(d) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary concerned may, without providing prior notice, deny access to an installation designated under the contract when the Secretary determines that it is necessary to do so in order to meet military exigencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

"9513. Use of military installations by Civil Reserve Air Fleet contractors.".

PART V—MISCELLANEOUS

SEC. 851. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF PROVISION RELATING TO MANUFACTURE AT FACTORIES AND ARSENALS.

(a) CONSOLIDATION, REVISION, AND EXTENSION TO DEPARTMENT OF DEFENSE OF AUTHORITY.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2542. Factories and arsenals: manufacture at

"(a) The Secretary of Defense or the Secretary of a military department may have supplies needed for the Department of Defense or such military department, as the case may be, made in factories or arsenals owned by the United States.

"(b) The Secretary of Defense or the Secretary of the military department concerned may abolish any United States arsenal that such Secretary considers unnecessary.".

(2) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end the following new item:

"2542. Factories and arsenals: manufacture at.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) ARMY AUTHORITY.—

(A) REPEAL.—Section 4532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 433 of such title is amended by striking out the item relating to section 4532.

(2) AIR FORCE AUTHORITY.—

(A) REPEAL.—Section 9532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 933 of such title is amended by striking out the item relating to section 9532.

SEC. 852. REGULATIONS ON PROCUREMENT, PRODUCTION, WAREHOUSING, AND SUPPLY DISTRIBUTION FUNCTIONS.

(a) IN GENERAL.—Section 2202 of title 10, United States Code, is amended to read as follows:

"§2202. Regulations on procurement, production, warehousing, and supply distribution functions

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking out the item related to section 2202 and inserting in lieu thereof the following:

"2202. Regulations on procurement, production, warehousing, and supply distribution functions.".

SEC. 853. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 854. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401 the following new section:

"§2401a. Lease of vessels, aircraft, and vehicles

"The Secretary of Defense or the Secretary of a military department may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, unless the Secretary has considered all costs of such contract (including estimated termination liability) and has determined in writing that the contract is in the best interest of the Government.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401 the following new item:

"2401a. Lease of vessels, aircraft, and vehicles.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101-165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 855. REPEAL OF APPLICATION OF PUBLIC CONTRACTS ACT TO CERTAIN NAVAL VESSEL CONTRACTS.

(a) REPEAL.—Section 7299 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7299.

SEC. 856. CONSOLIDATION OF LIMITATIONS ON PROCUREMENT OF GOODS OTHER THAN AMERICAN GOODS.

Section 2534 of title 10, United States Code, is amended—

(1) by striking out subsections (a) through (f); and

(2) by inserting after the section heading the following:

"(a) LIMITATION ON CERTAIN PROCUREMENTS.—The Secretary of Defense may procure the following items only if they are manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title):

"(1) BUSES.—Multipassenger motor vehicles (buses).

"(2) CHEMICAL WEAPONS ANTIDOTE.—Chemical weapons antidote contained in automatic injectors (or components for such injectors), but only if the company that manufactures the item not only manufactures it in the United States but also meets the following requirements:

"(A) The company is an existing producer under the industrial preparedness program at the time the contract is awarded.

"(B) The company has received all required regulatory approvals.

"(C) The company has the plant, equipment, and personnel to perform the contract in existence in the United States at the time the contract is awarded.

"(3) VALVES AND MACHINE TOOLS.—(A) Items in the following categories:

"(i) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping for naval surface ships and submarines.

"(ii) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

"(B) Contracts for the procurement of items described in subparagraph (A) include contracts—

"(i) for the use of such items in any property under the control of the Department of Defense, including Government-owned, contractor-operated facilities; and

"(ii) entered into by contractors on behalf of the Department of Defense for the purposes of providing such items to other contractors as Government-furnished equipment.

"(C) In any case in which a contract for items described in subparagraph (A) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories, each supply class shall be evaluated separately for purposes of determining whether the limitation in this subsection applies.

"(D) This paragraph is effective through fiscal year 1996.

"(4) AIR CIRCUIT BREAKERS.—Air circuit breakers for naval vessels.

"(5) SONOBUOYS.—Sonobuoys.

"(6) BALL BEARINGS AND ROLLER BEARINGS.—Ball bearings and roller bearings, in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on October 23, 1992. This paragraph is effective through fiscal year 1995.

"(b) EXCEPTIONS.—The Secretary of Defense may waive the limitation in subsection (a) with respect to the procurement of an item listed in that subsection if the Secretary determines that any of the following apply:

"(1) Application of the limitation would cause unreasonable costs or delays to be incurred.

"(2) United States producers of the item would not be jeopardized by competition from a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(3) Application of the limitation would impede cooperative programs entered into between the Department of Defense and a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(4) Satisfactory quality items manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title) are not available.

"(5) Application of the limitation would result in the existence of only one source for the item that is an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title).

"(6) The procurement is for an amount less than the simplified acquisition threshold and simplified purchase procedures are being used.

"(7) Application of the limitation is not in the national security interests of the United States.

"(8) Application of the limitation would adversely affect a United States company.

"(c) PRINCIPLE OF CONSTRUCTION WITH FUTURE LAWS.—A provision of law may not be construed as modifying or superseding the provisions of this section, or as requiring funds to be limited, or made available, by the Secretary of Defense to a particular domestic source by contract, unless that provision of law—

"(1) specifically refers to this section;

"(2) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(3) specifically identifies the particular domestic source involved and states that the contract to be awarded pursuant to such provision of law is being awarded in contravention of this section.".

SEC. 857. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Technical data and computer software.

"(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.".

SEC. 858. DEPARTMENT OF DEFENSE REVIEW OF ANTITRUST CASES WITH NATIONAL SECURITY IMPLICATIONS.

(a) IN GENERAL.—Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2508. Antitrust cases with national security implications: Secretary of Defense review

"(a) REVIEW.—The Secretary of Defense shall conduct a review of any proposed acquisition of a business concern that is a critical United States defense supplier with respect to which the Attorney General or the Federal Trade Commission receives notice under the antitrust laws. In conducting such review, the Secretary shall assess the likely effect of the proposed acquisition (if carried out) on the policy objectives for the national technology and industrial base (as set forth in section 2501(a) of this title) and on such other considerations relating to national security as the Secretary considers appropriate.

"(b) COMMUNICATION OF VIEWS OF SECRETARY.—In any case in which the Secretary determines, as the result of a review and assessment under subsection (a), that a proposed acquisition is likely to have an appreciable effect (whether positive or negative) on the policy objectives for the national technology and industrial base or on other considerations relevant to national security (as determined by the Secretary), the Secretary shall immediately communicate that determination, in writing, to the Attorney General and the Federal Trade Commission. The Secretary shall include in such communication the Secretary's evaluation concerning the proposed acquisition.

"(c) DEFINITION.—In this section, the term 'critical United States defense supplier' means a company organized under the laws of the United States that is—

"(1) a contractor or critical subcontractor for a major system, as defined in section 2302(9) of this title;

"(2) a contractor for a contract awarded to a particular source pursuant to paragraph (3) of section 2304(c) of this title for the reasons described in clause (A) of that paragraph; or

"(3) in such other category as the Secretary of Defense may prescribe by regulation as being critical to the national technology and industrial base.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2508. Antitrust cases with national security implications: Secretary of Defense review.".

Subtitle C—Other Matters

SEC. 871. ENVIRONMENTAL CONSEQUENCE ANALYSIS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS.—Before development under a major defense acquisition program begins, the Secretary of Defense shall analyze the life-cycle environmental costs of such program.

(b) GUIDANCE.—The Secretary of Defense shall issue guidance, to apply uniformly throughout the Department of Defense, regarding—

(1) how to ensure timely compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to major defense acquisition programs (as defined in section 2430 of title 10, United States Code); and

(2) how to analyze the life-cycle environmental costs for such major defense acquisition program.

(c) DATA BASE FOR NEPA DOCUMENTATION.—The Secretary of Defense shall establish and maintain a data base for documents prepared by the Department of Defense in complying with the National Environmental Policy Act of 1969 with respect to major defense acquisition programs. Any such document relating to a major defense acquisition program shall be maintained in the data base for 5 years after commencement of low-rate initial production of the program.

SEC. 872. AWARD OF CONTRACTS AND GRANTS ON THE BASIS OF COMPETITION.

(a) POLICY.—Section 2301 of title 10, United States Code (as amended by section 811) is further amended by adding at the end the following new subsection:

"(e)(1) It is the policy of Congress that the Department of Defense should not be required by legislation to award a new contract or grant to a specific non-Federal Government entity (a

practice commonly known as earmarking) for basic research, exploratory development, advanced technology development, and manufacturing technology activities. It is further the policy of Congress that any program, project, or technology identified in legislation be procured through competitive procedures, and that any such program, project, or technology not be so narrowly described in legislation that only one institution qualifies for competition.

"(2) A provision of law may not be construed as requiring the Department of Defense to award a new contract or grant to a specific non-Federal Government entity unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government entity to be awarded the contract or grant; and

"(C) sets forth the national defense purpose to be fulfilled by requiring the department to award a new contract or grant to the specified non-Federal Government entity.

"(3) For purposes of this subsection—

"(A) a contract is a new contract unless the work provided for in the contract is a continuation of the work provided for in a preceding contract; and

"(B) a grant is a new grant unless the work funded by the grant is substantially a continuation of the work for which funding is provided in a preceding grant.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANGAGEMENT

SEC. 901. REVISION OF NATIONAL GUARD BUREAU CHARTER.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 11 the following new chapter:

"CHAPTER 12—NATIONAL GUARD BUREAU

"291. National Guard Bureau.
"292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade.
"293. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force.
"294. Chief of National Guard Bureau: annual report.
"295. Vice Chief of the National Guard Bureau.
"296. Other senior National Guard Bureau officers.
"297. Definition.

"§291. National Guard Bureau

"(a) NATIONAL GUARD BUREAU.—There is in the Department of Defense the National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force.

"(b) PURPOSES.—The National Guard Bureau is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and Department of the Air Force, and (2) the several States.

"§292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade

"(a) APPOINTMENT.—There is a Chief of the National Guard Bureau, who is responsible for the organization and operations of the National Guard Bureau. The Chief of the National Guard Bureau is appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(3) are in a grade above the grade of brigadier general.

"(b) TERM OF OFFICE.—An officer appointed as Chief of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. An officer may be reappointed as Chief of the National Guard Bureau.

"(c) ADVISER ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"(d) GRADE.—The Chief of the National Guard Bureau shall be appointed to serve in a grade above major general.

"§293. Functions of National Guard Bureau: Charter from Secretaries of the Army and Air Force

"The Secretary of the Army and the Secretary of the Air Force shall jointly develop and prescribe a charter for the National Guard Bureau. The charter shall cover the following matters:

"(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

"(2) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

"(3) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

"(4) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

"(5) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

"(6) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

"(7) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

"(8) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

"(9) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

"(10) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

"(11) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

"(12) Such other functions as the Secretaries may prescribe.

"§294. Chief of National Guard Bureau: annual report

"(a) ANNUAL REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense an annual report on the state of the National Guard and the ability of the National Guard to meet its missions. The report shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

"(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113(c) of this title is submitted to Congress.

"§295. Vice Chief of the National Guard Bureau

"(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(B) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(C) are in a grade above the grade of colonel.

"(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

"(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

"(B) The term of the Vice Chief of the National Guard Bureau shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

"(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief and Vice Chief of the National Guard Bureau.

"(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

"(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade above brigadier general.

"(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHIEF AND VICE CHIEF.—When there is a vacancy in the offices of both Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.

"§296. Other senior National Guard Bureau officers

"(a) ADDITIONAL GENERAL OFFICERS.—(1) In addition to the Chief and Vice Chief of the National Guard Bureau, there shall be assigned to the National Guard Bureau—

"(A) two general officers selected by the Secretary of the Army from officers of the Army National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

"(B) two general officers selected by the Secretary of the Air Force from officers of the Air National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

"(2) The officers so selected shall assist the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to their respective branches.

"(b) OTHER OFFICERS.—There are in the National Guard Bureau a legal counsel, a comptroller, and an inspector general, each of whom shall be appointed by the Chief of the National Guard Bureau. They shall perform such duties as the Chief may prescribe.

"§297. Definition

"In this chapter, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam and the Virgin Islands.".

(2) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 11 the following:

"12. National Guard Bureau .... 291".

(b) CONFORMING REPEAL.—(1) Section 3040 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 305 of such title is amended by striking out the item relating to section 3040.

(c) CONFORMING AMENDMENT.—The text of section 108 of title 32, United States Code, is amended to read as follows:

"If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 902. ARMY RESERVE COMMAND.

(a) IN GENERAL.—(1) Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3083. Army Reserve Command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Army a United States Army Reserve Command, which shall be maintained as a separate command of the Army. The Army Reserve Command shall be established and maintained by the Secretary of the Army with the advice and assistance of the Chief of Staff of the Army.

"(b) SUPERVISION BY CHIEF OF STAFF.—The Secretary of the Army shall provide for the Chief of Staff of the Army to exercise supervision over the Army Reserve Command and to perform all other responsibilities and functions with respect to such command as are specified or authorized in subsections (c), (d), and (e) of section 3033 of this title.

"(c) COMMANDER.—Unless otherwise directed by the Secretary, the Chief of the Army Reserve shall be the commander of the Army Reserve Command. The commander of the Army Reserve Command reports directly to the Chief of Staff of the Army.

"(d) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve Command all forces of the Army Reserve.

"(e) FUNCTIONS OF CHIEF OF STAFF.—The Chief of Staff of the Army, acting through the active component command structure, shall—

"(1) be responsible for establishing standards, evaluating units, validating units, and providing training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization;

"(2) establish procedures for the evaluation of reserve component units by active component units for the purpose of determining whether, or to what extent, they meet the standards established under paragraph (1);

"(3) establish policies for acceptance of premobilization readiness evaluation results where appropriate during a mobilization in order to minimize the time required to certify reserve units as ready for combat operations and to avoid unnecessary duplicative training;

"(4) validate and certify the readiness of reserve component units after they are mobilized; and

"(5) establish training doctrine (with associated tasks, conditions, and standards) for individual and unit training and standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

"(f) RESPONSIBILITY.—The commander of the Army Reserve Command is responsible for meeting the standards and complying with the evaluation, certification, and validation requirements established by the Chief of Staff pursuant to paragraphs (1) and (2) of subsection (e).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3083. Army Reserve Command.".

(b) CONFORMING REPEAL.—Section 903 of Public Law 101–510 (10 U.S.C. 3074 note) is repealed.

(c) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary for implementing of section 3082 of title 10, United States Code, as added by subsection (a).

(d) SCHEDULE FOR IMPLEMENTATION.—Implementation of section 3082 of title 10, United States Code, as added by subsection (a), shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 903. ASSIGNMENT OF RESERVE FORCES TO COMBATANT COMMANDS.

Section 162 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) ASSIGNMENT OF RESERVE FORCES.—(1) Except as provided in subsection (d), reserve component forces shall be subject to paragraphs (1) and (2) of subsection (a) only after being called or ordered to active duty (other than for training) in accordance with chapter 39 and sections 3013, 5013, and 8013 of this title, as applicable.

"(2) The Secretary of each military department, in accordance with directives issued by the Secretary of Defense, shall allocate reserve component units under the Secretary's jurisdiction to the combatant command or commands to which it is expected that they may be assigned after being called or ordered to active duty (other than for training).

"(3) The commanders of the combatant commands to which a reserve component unit may be assigned after being called or ordered to active duty (other than for training) shall establish standards in the areas of (A) joint training, and (B) readiness to carry out missions assigned to the commanders. The Secretaries of the military departments, in accordance with their responsibilities under chapters 303, 503, and 803 of this title, shall prepare reserve component units to meet the standards established by the commanders of the combatant commands.

"(4) As directed by the Secretary of Defense, and notwithstanding paragraphs (1), (2), and (3), reserve component special operations units and personnel designated under section 167(b) of this title may be treated in the same manner as active forces under paragraph (1) of subsection (a).

"(d) AUTHORITY OF GOVERNORS OVER NATIONAL GUARD.—Nothing in this section shall be construed to limit or otherwise modify the authorities reserved to the Governors of the several States over forces of the National Guard when those forces are not in Federal service.

"(e) DEFINITION.—In this section, the term 'forces' refers to military units and personnel that the Secretary of a military department has determined, in accordance with the Secretary's responsibilities under chapter 303, 505, or 803 of this title, as applicable, to be prepared for the effective prosecution of war, in accordance with section 3062, 5062, 5063, or 8062 of this title and, therefore, capable of carrying out missions assigned to the commander of a combatant command.".

SEC. 904. BUDGET SUPPORT FOR RESERVE ELEMENTS OF SPECIAL OPERATIONS COMMAND.

Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) BUDGET SUPPORT FOR RESERVE ELEMENTS.—The budget proposal for the special operations command that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the Secretary of the military department concerned, propose to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit. The budget proposal for a military department that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the commander of the special operations command, propose funding for special operations forces in the military personnel budget for a reserve component in that military department that has the effect of proposing to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit.".

SEC. 905. CHANGE OF TITLE OF COMPTROLLER OF THE DEPARTMENT OF DEFENSE TO UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) IN GENERAL.—(1) Section 135 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)"; and

(B) in subsections (b), (c), (d), and (e), by striking out "Comptroller" each place it appears and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(2) The heading for such section is amended to read as follows:

"§135. Under Secretary of Defense (Comptroller)".

(3) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"135. Under Secretary of Defense (Comptroller).".

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) Section 131(b)(4) of title 10, United States Code, is amended by striking out "Comptroller" and inserting in lieu

thereof "Under Secretary of Defense (Comptroller)".

(2) Section 138(d) of such title is amended by striking out "and Comptroller".

(c) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller).".

(d) REFERENCES IN OTHER LAWS.—Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).

SEC. 906. RECLARIFICATION OF INDEPENDENT STATUS OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(c) of title 10, United States Code, is amended by inserting after "(c)" the following: "Within the Office of the Secretary of Defense, the Director reports to the Under Secretary of Defense (Comptroller).".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 4301 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1004. DATE FOR SUBMISSION OF FUTURE-YEARS MISSION BUDGET.

Section 222(a) of title 10, United States Code, is amended by striking out "at the same time that" in the second sentence and inserting in lieu thereof "within 30 days after the date on which".

Subtitle B—Contingency Operations

SEC. 1021. FUNDING FOR CONTINGENCY OPERATIONS.

(a) RESTRICTION.—Section 127a of title 10, United States Code, is amended—

(1) by striking out paragraph (3) of subsection (b);

(2) by transferring subsection (d) to the end of the section and redesignating that subsection as subsection (j);

(3) by inserting after subsection (c) the following new subsection (d):

"(d) LIMITATION ON SOURCE OF FUNDS FOR CONTINGENCY OPERATIONS.—The Secretary of Defense may not use amounts in an operation and maintenance operating forces account (known as a budget activity 1 account) in fully reimbursing the Defense Business Operations Fund under a plan referred to in subsection (c).";

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(5) by inserting after subsection (e) the following new subsection (f):

"(f) RESTRICTION.—(1) When an operating unit of the armed forces is assigned to carry out an operational mission for which funds were not specifically provided in the budget for the then-current fiscal year, otherwise applicable funding procedures described in paragraph (2) may not be waived unless the operational mission is designated as a National Contingency Operation under subsection (a).

"(2) Paragraph (1) applies to a provision of law or a Government accounting practice that requires (or that has the effect of requiring) that when an operating unit of the armed forces receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit shall reimburse that support unit (or that fund) for the costs incurred by the support unit (or the fund) in providing such support.".

(b) EXTENSION OF USES OF APPROPRIATED FUND.—Subsection (e) of such section is amended—

(1) in the subsection heading, by striking out "INCREMENTAL PERSONNEL COSTS ACCOUNT" and inserting in lieu thereof "NATIONAL CONTINGENCY OPERATION NON-DBOF COSTS FUND";

(2) in the first sentence, by striking out "Personnel" and inserting in lieu thereof "Non-DBOF Costs"; and

(3) in the second sentence, by inserting before the period the following: "and for other costs attributable to a National Contingency Operation for which funds cannot be provided through the Defense Business Operations Fund (or a successor fund), and for no other purpose".

Subtitle C—Other Matters

SEC. 1031. ANNUAL REPORT ON DENIAL, REVOCATION, AND SUSPENSION OF SECURITY CLEARANCES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

(b) MATTER TO BE INCLUDED IN REPORT.—The Secretary shall include in each such report the following information with respect to the fiscal year preceding the fiscal year during which the report is submitted (shown separately for members of the Armed Forces, civilian officers and employees of the Department of Defense, and employees of contractors of the Department of Defense):

(1) The number of denials, revocations, and suspensions of a security clearance, including clearance for special access programs and for sensitive compartmented information.

(2) For cases involving the denial of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the denial of the clearance to the date of the final determination of the denial, as well as the shortest and longest time period in such cases.

(3) For cases involving the suspension of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the suspension of the clearance to the date of the final determination of the suspension, as well as the shortest and longest time period of such cases.

(4) The number of cases in which a security clearance was suspended in which the resolution of the matter was the restoration of the security clearance, and the average period of time for such suspensions.

(5) The number of cases in which an individual who had a security clearance denied or revoked remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the final determination to deny or revoke the clearance.

(6) The number of cases in which an individual who had a security clearance suspended, and in which no final determination had been made, remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the suspension.

(7) The number of cases in which an appeal was made from a final determination to deny or revoke a security clearance and, of those, the number in which the appeal resulted in the granting or restoration of the security clearance.

SEC. 1032. COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) SIZE OF COMMISSION.—Section 952(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1738) is amended by striking out "seven members" and inserting in lieu thereof "ten members".

(b) CONFORMING AMENDMENT.—Section 956(b)(1) of such Act (107 Stat. 1740) is amended by striking out "Four members" and inserting in lieu thereof "Six members".

(c) DEADLINE FOR APPOINTMENT OF ADDITIONAL MEMBERS OF COMMISSION.—The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by subsection (a) shall be appointed by the Secretary of Defense within 45 days after the date of the enactment of this Act.

SEC. 1033. PROHIBITION ON AUTHORIZATION OF PAYMENT OF COSTS UNDER DEFENSE CONTRACTS FOR RESTRUCTURING COSTS OF A MERGER OR ACQUISITION.

On and after May 4, 1994, the Secretary of Defense may not authorize payment of any restructuring costs associated with a merger or acquisition that are incurred by a contractor under contract with the Department of Defense.

SEC. 1034. TRANSFER OF CERTAIN B-17G AIRCRAFT.

The Secretary of the Air Force shall transfer all right, title, and interest of the Air Force in a B-17G aircraft, serial number 44-83684, to the organization known as Planes of Fame, Chino, California.

SEC. 1035. USS INDIANAPOLIS (CA-35): GALLANTRY, SACRIFICE AND A DECISIVE MISSION TO END WW II.

(a) The Congress finds that—

(1) the USS INDIANAPOLIS served the people of the United States with valor and distinction throughout World War Two in action against enemy forces in the Pacific Theater of operations from 7 December 1941 to 29 July 1945,

(2) the fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa,

(3) this mighty ship repeatedly proved herself a swift, hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-shipping, shore bombardments, anti-air and invasion support roles, serving with honor and great distinction as Fifth Fleet Flagship under Adm. Raymond Spruance, USN, and Third Fleet Flagship under Adm. William F. Halsey, USN,

(4) this gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots,

(5) following the accomplishment of her mission, the INDIANAPOLIS departed Tinian for Guam. And from Guam she embarked for the Leyte Gulf where she would join with the fleet assembling for the invasion of Japan. And at 0014 hours on 30 July 1945, the USS INDIANAPOLIS was sunk by enemy torpedo action,

(6) of her crew of 1,198 officers and men, approximately 900 survived the initial torpedo attack. And, owing to the fact that her communication ability had been destroyed in the attack, INDIANAPOLIS' sinking was not discovered for 5 fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure. Only 319 were rescued, and

(7) from her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the USS INDIANAPOLIS, and her crew left an indelible imprint on our nation's struggle to eventual victory. And this selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Naval Service.

(b) Therefore, the Congress of the United States, acting on behalf of the grateful people of the United States, hereby recognizes the invaluable contributions of the USS INDIANAPOLIS to the ending of WW II. And on the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on July 30th, 1995, the Congress hereby commends this gallant ship and her crew for selfless and heroic service to the United States of America.

SEC. 1036. SENSE OF CONGRESS CONCERNING COMMENDATION OF INDIVIDUALS EXPOSED TO MUSTARD AGENTS DURING WORLD WAR II TESTING ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should issue to each individual described in subsection (b) a commendation in honorary recognition of the individual's special service, loyalty, and contribution to the United States.

(b) COVERED INDIVIDUALS.—Individuals referred to in subsection (a) are those individuals who, as members of the Armed Forces or employees of the Department of War during World War II, were exposed (without their knowledge or consent) to mustard agents in connection with testing performed by the Department of War during that war.

(c) NOTIFICATION OF EXPOSURE.—The Secretary of Defense shall notify each surviving individual described in subsection (b) of—

(1) the exposure described in subsection (a);

(2) the possible health effects of the exposure that are known to the Secretary; and

(3) the likely options available to the individual for medical treatment for any adverse health effects resulting from the exposure.

(d) FURNISHING OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS.—The Secretary of Defense shall provide to the Secretary of Veterans Affairs any information of the Department of Defense regarding the exposure described in subsection (a), including the names of the individuals described in subsection (b).

SEC. 1037. SENSE OF CONGRESS CONCERNING ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, for the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, should be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned should determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations should be made as expeditiously as possible after the date of the enactment of this Act.

TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1994".

SEC. 1102. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1995, the sum of $3,256,400,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $15,000,000 of the amounts authorized to be appropriated pursuant to title I.

(2) $2,375,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $866,400,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993 (title XIII of Public Law 103-160; 107 Stat. 1783) and the amendments made by that Act.

(3) The programs and activities authorized by this title and the amendments made by this title.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1111. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1102(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $771,600,000 shall be available for activities described in the defense reinvestment program element of the budget of the Department of Defense for fiscal year 1995.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $355,600,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $50,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $50,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $15,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title.

(6) $65,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) $15,000,000 shall be used for assistance pursuant to subsection (c)(3) of such section; and

(B) $50,000,000 shall be available to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(9) $35,000,000 shall be available for the agile manufacturing/enterprise integration program.

(10) $50,000,000 shall be available for the maritime technology program, as provided for in section 1352(c)(2) of the National Shipbuilding and Shipyard Conversion Act of 1993 (subtitle D of title XIII of Public Law 103-160; 10 U.S.C. 2501 note).

(11) $37,000,000 shall be available to the Secretary of Defense to support the activities of the Department of Defense and Department of Justice Dual-Use Technology Research and Development Center.

(c) Availability of Funds for Fiscal Year 1994 Technology Reinvestment Projects.—Funds allocated under paragraphs (1) through (7) of subsection (b) to the defense reinvestment programs described in such paragraphs may also be used to make awards to technology reinvestment projects that were solicited under such programs in fiscal year 1994.

SEC. 1112. CLARIFICATION OF ELIGIBLE NON-DEPARTMENT OF DEFENSE PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) Definition of Eligible Entities.—Section 2491 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) The term 'eligible entity' means an eligible firm or a labor organization (as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)).".

(b) Conforming Amendments.—(1) Section 2511 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities"; and

(B) in subsection (f)(6), by striking out "eligible firms" and inserting in lieu thereof "eligible entities".

(2) Section 2512 of such title is amended—

(A) in subsection (a)—

(i) by striking out "eligible firms" and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities"; and

(B) in subsection (e)(6), by striking out "eligible firms" and inserting in lieu thereof "eligible entities".

(3) Section 2513 of such title is amended—

(A) in subsection (c)(1)(A)(i), by inserting before the semicolon the following: "or other eligible entities operating in such region";

(B) in subsection (e), by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(C) in subsection (f)—

(i) by striking out "eligible firms" and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities".

(4) Section 2522(b) of such title is amended—

(A) by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(B) by striking out "such firms" and inserting in lieu thereof "such eligible entities".

SEC. 1113. ADDITIONAL CRITERIA FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) In the case of loan guarantees under subsection (b)(3), the extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.".

SEC. 1114. FINANCIAL COMMITMENT REQUIREMENTS FOR SMALL BUSINESS CONCERNS FOR PARTICIPATION IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) Defense Dual-Use Critical Technology Partnerships.—Section 2511(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(b) Commercial-Military Integration Partnerships.—Section 2512(c)(3) of such title is amended by adding at the end the following new subparagraph:

"(C) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(c) Regional Technology Alliances Assistance Program.—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

"(4) The Secretary shall consider a proposal for a regional technology alliance that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the alliance. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the regional technology alliance from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the proposal submitted by the small business concern.".

(d) Manufacturing Extension Programs.—Section 2523(b)(3) of such title is amended by adding at the end the following new subparagraph:

"(E) The Secretary shall consider a proposal for a manufacturing extension program that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the program. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the manufacturing extension program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(e) Defense Dual-Use Assistance Extension Program.—Section 2524(d) of such title is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a program proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated program costs, the Secretary may revoke the selection of the program proposal submitted by the small business concern.".

(f) Definition of Person of a Foreign Country.—Section 2491 of such title, as amended by section 1112(a) of this Act, is further amended by adding at the end the following new paragraph:

"(17) The term 'person of a foreign country' has the meaning given such term in section 3502(d) of the Primary Dealers Act of 1988 (22 U.S.C. 5342(d)).".

SEC. 1115. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) Benefits to United States Economy.—In providing for the establishment or financial support of partnerships and other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1111(a), the Secretary of Defense shall ensure that the principal economic benefits of, and the job creation resulting from, such arrangements accrue to the economy of the United States.

(b) Use of Competitive Selection Procedures.—Funds made available under subsection (a) of section 1111 for defense reinvestment programs described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1121. FUNDS FOR ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount made available pursuant to section 1102(a), $54,100,000 shall be available to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

SEC. 1122. STUDIES AND PLANS FOR MARKET DIVERSIFICATION.

(a) Form of Community Adjustment and Economic Diversification.—Section 2391(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The terms 'community adjustment' and 'economic diversification' include the development of feasibility studies and business plans for market diversification by businesses and labor organizations located in a community adversely

affected by an action described in clause (A), (B), (C), or (E) of subsection (b)(1).".

(b) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $10,000,000 shall be available only to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code, for the purpose of developing feasibility studies and business plans for market diversification by businesses and labor organizations located in communities adversely affected by an action described in clause (A), (B), (C), or (E) of paragraph (1) of such section. The funds provided to a particular State or local government under this subsection in fiscal year 1995 may not exceed $50,000.

SEC. 1123. ADVANCE COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION PLANNING.

(a) ASSISTANCE AUTHORIZED.—Section 2391(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in planning community adjustments and economic diversification even though the State or local government is not currently eligible for assistance under paragraph (1) if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the advance planning is dependent on defense expenditures.".

(b) CONFORMING AMENDMENTS.—Paragraph (8) of such section, as redesignated by subsection (a)(1), is amended by striking out "paragraph (6)" both places it appears and inserting in lieu thereof "paragraph (7)".

(c) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $5,000,000 shall be available only to provide advance adjustment planning under paragraph (5) of section 2391(b) of title 10, United States Code, as added by subsection (a)(2). The funds provided to a particular State or local government under such paragraph in fiscal year 1995 may not exceed $1,000,000.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1131. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

Of the amount made available pursuant to section 1102(a), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410j of title 10, United States Code.

SEC. 1132. PROGRAMS TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN EMPLOYMENT POSITIONS AS PUBLIC SAFETY OFFICERS.

(a) SEPARATED MEMBERS.—Section 1152 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "law enforcement officers" and inserting in lieu thereof "public safety officers"; and

(B) by inserting "or fire departments" after "agencies";

(2) in subsection (b)(1)(B), by inserting "or fire fighting," after "police)";

(3) in subsection (d)(1)—

(A) by striking out "law enforcement officers" and inserting in lieu thereof "public safety officers";

(B) by inserting "and fire departments" after "law enforcement agencies";

(C) by striking out "with these agencies"; and

(D) by striking out "a law enforcement agency" and inserting in lieu thereof "the agency or department";

(4) in subsection (d)(2)—

(A) by striking out "law enforcement officer" and inserting in lieu thereof "public safety officer";

(B) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(C) by striking out "law enforcement agency" the second place it appears and inserting in lieu thereof "agency or department";

(5) in subsection (d)(4)—

(A) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(B) by inserting "or department" after "the agency";

(6) in subsection (d)(5)—

(A) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(B) by striking out "law enforcement agency" the second place it appears and inserting in lieu thereof "agency or department";

(7) in subsection (e)(1), by inserting "and fire departments" after "law enforcement agencies"; and

(8) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'public safety officer' means a law enforcement officer or a firefighter."; and

(C) by adding at the end the following new paragraph:

"(4) The term 'firefighter' includes a public employee member of a rescue squad or ambulance crew.".

(b) TERMINATED EMPLOYEES.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1598a. Assistance to terminated employees to obtain employment as public safety officers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible civilian employees of the Department of Defense after the termination of their employment to obtain employment as public safety officers with State and local law enforcement agencies or fire departments.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1994, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense; or

"(B) has occupational training or experience related to law enforcement or fire fighting or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1994, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select civilian employees to participate in the placement program on the basis of applications submitted to the Secretary not later than one year after the date the employees receive a notice of termination. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that participant.

"(d) PLACEMENT OF PARTICIPANTS AS PUBLIC SAFETY OFFICERS.—Subsections (d), (e), and (f) of section 1152 of this title shall apply with respect to the placement program authorized by this section.".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 1152 of title 10, United States Code, is amended to read as follows:

"§1152. Assistance to separated members to obtain employment as public safety officers".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking out the item relating to section 1152 and inserting in lieu thereof the following new item:

"1152. Assistance to separated members to obtain employment as public safety officers.".

(3) The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

"1598a. Assistance to terminated employees to obtain employment as public safety officers.".

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $25,000,000 shall be available for the public safety officer placement programs authorized by sections 1152 and 1598a of title 10, United States Code.

SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS.

(a) COOPERATIVE ARRANGEMENTS.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to establish cooperative arrangements between the Department of Defense and a consortium of two or more entities described in subsection (b) for the purpose of assisting bilingual members of the Armed Forces after their separation from active duty, and bilingual civilian employees of the Department of Defense after the termination of their employment, to obtain certification and employment as bilingual elementary or secondary school teachers in mathematics or science.

(b) ELIGIBLE ENTITIES.—The entities with which the Secretary of Defense may enter into a cooperative arrangement under the pilot program are as follows:

(1) Local governments of States that contain military installations and a high concentration of residents of Hispanic descent.

(2) A consortium of two or more Hispanic-serving institutions of higher education (as defined in section 316(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(1))) that have a solid background, expertise, and experience in operating bilingual teacher training programs in mathematics and science with an emphasis in English as a second language.

(c) ELIGIBLE MEMBERS AND EMPLOYEES.—(1) A member of the Armed Forces shall be eligible to participate in a cooperative arrangement established under the pilot program if the member—

(A) during the seven-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) A civilian employee of the Department of Defense shall be eligible to participate in a cooperative arrangement established under the pilot program if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(d) STIPEND FOR PARTICIPANTS.—A member of the Armed Forces or a civilian employee of the Department of Defense who participates in a cooperative arrangement established under the pilot program shall be eligible to receive an educational stipend in the same amount as provided under paragraph (1) of subsection (g) of section 1151 of title 10, United States Code, subject to the conditions specified in paragraphs (2) and (3) of such subsection and section 1598(e)(2) of such title.

(e) ADMINISTRATIVE COSTS.—The Secretary of Defense shall cover the reasonable management costs of the pilot program incurred by the non-Federal entities participating in the cooperative arrangements established under the pilot program.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "bilingual" means the ability to communicate in both the English and Spanish languages.

(2) The term "State" includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $3,000,000 shall be available to the Secretary of Defense to carry out this section.

SEC. 1134. DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS.

(a) BUSINESS OWNERSHIP DEMONSTRATION PROJECT.—During fiscal year 1995, the Secretary of Defense may carry out a demonstration project in not more than two eligible communities to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) who reside in the community to own their own businesses. The Secretary shall carry out the demonstration project in consultation with the Secretary of Commerce.

(b) ELIGIBLE COMMUNITIES.—To be eligible for selection by the Secretary of Defense as a site for the demonstration project, a community shall be required to meet two of the following conditions:

(1) The local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract (or having such contract terminated by the Department of Defense) or closing a major facility.

(2) The local economy may be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons.

(3) The local economy would be adversely affected by the closing of two or more military installations.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to assist the following persons to own their own businesses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ACTIVITIES UNDER DEMONSTRATION PROJECT.—Under the demonstration project, the Secretary of Defense shall—

(1) develop a business plan to establish a facility in each community in which the demonstration project is conducted to assist persons described in subsection (c) to own their own businesses;

(2) conduct a market study to identify markets for the facility;

(3) develop innovative approaches to capital formation for the facility and persons described in subsection (c);

(4) conduct a skills assessment study to determine the number and type of employees needed to operate the facility; and

(5) analyze the potential to use persons described in subsection (c) as employees of the facility.

SEC. 1135. DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS A METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS.

(a) SHIP RECYCLING DEMONSTRATION PROJECT.—The Secretary of Defense may carry out a demonstration project in not more than three eligible locations to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) to obtain employment by participating in the establishment and operation of ship recycling facilities.

(b) ELIGIBLE LOCATIONS.—A location shall be eligible for selection by the Secretary of Defense as a site for the demonstration project if the location contains one or more military installations that have been selected for closure or realignment pursuant to a base closure law and such installations include naval and port facilities. Competitive procedures shall be used in the selection of locations in which to conduct the demonstration project.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to promote the establishment and operation of ship recycling facilities that will provide employment for the following persons:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ASSISTANCE AUTHORIZED.—To carry out the demonstration project in an eligible location selected by the Secretary, the Secretary may make grants to, and enter into contracts and cooperative agreements with, State governments, local governments, private entities, nonprofit organizations, and institutions of higher education operating in that location:

(e) ACTIVITIES SUPPORTED.—An entity (or group of such entities) receiving assistance under the demonstration project shall use the assistance to perform, or support the performance of, any of the following:

(1) Develop a business plan to establish a ship recycling facility for military and commercial ships currently in service and projected for future scrapping.

(2) In consultation with the private sector, conduct a market study of—

(A) the existing private sector capacity to perform ship recycling;

(B) the utilization of existing ship recycling capacity;

(C) the regional impact on markets for scrap generated from ship recycling;

(D) the environmental remediation requirements associated with ship recycling;

(E) the ability to incorporate the private sector into the ship recycling facilities established pursuant to the demonstration; and

(F) such other issues related to ship recycling as the Secretary considers appropriate.

(3) Conduct a skills assessment study to determine the number and type of employees needed to operate a ship recycling facility.

(4) Develop plans for the cost effective environmental remediation of ships to be recycled at the facility.

(5) Demonstrate the feasibility of a ship recycling facility to become financially self-sustaining or project a reasonable timetable for the completion of the demonstration project, in which case the entity shall develop training, skills enhancement, and career placement programs to assist employees involved in ship recycling to secure new occupations and careers.

(6) Support regional ship recycling start-up activities.

(7) Analyze the potential to use persons described in subsection (c) as employees at a ship recycling facility.

(f) TRANSFER OF EXCESS NAVAL VESSELS.—The Secretary of Defense may allocate among the ship recycling facilities established under the demonstration project excess naval vessels of the United States for recycling.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $15,000,000 shall be available to the Secretary of Defense to carry out the demonstration project.

Subtitle D—ARMS Initiative

SEC. 1141. EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993 through 1995".

Subtitle E—Other Matters

SEC. 1151. CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

(a) TIME FOR NOTICE REQUIREMENT AFTER SUBMISSION OF BUDGET.—Subsection (a) of section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended—

(1) by striking out "As soon as reasonably practicable" and inserting in lieu thereof "Not later than 30 days"; and

(2) by striking out "and not more than 180 days after such date,".

(b) TIME FOR NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Subsection (b) of such section is amended—

(1) by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 30 days"; and

(2) by striking out "and not more than 180 days after such date,".

(c) TIME FOR NOTICE REQUIREMENT ON WITHDRAWAL OF NOTIFICATION.—Subsection (f) of such section is amended—

(1) by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 30 days"; and

(2) by striking out "and not more than 45 days after such date,".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1995".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Arkansas	Pine Bluff Arsenal	$97,000,000
California	Fort Irwin	$10,000,000
Georgia	Fort Benning	$4,650,000
	Fort Gordon	$48,250,000
Hawaii	Schofield Barracks	$10,000,000
Kentucky	Fort Campbell	$36,400,000
Maryland	Aberdeen Proving Grounds	$2,750,000
	Adelphi Laboratory Center	$6,600,000
New Jersey	Bayonne Military Ocean Terminal	$4,050,000
New York	Fort Drum	$19,150,000
	U.S. Military Academy, West Point	$28,000,000
North Carolina	Fort Bragg	$29,000,000
	Sunny Point Military Ocean Terminal	$22,200,000
Oregon	Umatilla Depot Activity	$179,000,000
Oklahoma	Fort Sill	$18,000,000
Pennsylvania	Tobyhanna Depot	$17,000,000
Texas	Fort Bliss	$20,800,000
	Fort Hood	$49,000,000
	Fort Sam Houston	$7,050,000
Virginia	Fort Lee	$21,000,000
	Fort Myer	$7,300,000
Washington	Fort Lewis	$64,000,000
CONUS Classified	Classified Location	$1,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
Korea	Camp Casey	$40,800,000
Kwajalein Atoll	Kwajalein	$6,400,000
Worldwide	Host Nation Support	$25,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installation for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Colorado	Fort Carson	145 units	$16,500,000
Georgia	Fort Stewart	128 units	$10,600,000
Hawaii	Schofield Barracks	190 units	$26,000,000
Massachusetts	Natic Research Center	35 units	$4,150,000
New York	U.S. Military Academy, West Point	56 units	$8,000,000
South Carolina	Fort Jackson	105 units	$12,000,000
Texas	Fort Bliss	215 units	$21,400,000
	Fort Sam Houston	100 units	$10,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,992,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $49,760,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,139,036,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $703,100,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $72,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,126,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $164,402,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,121,208,000, of which not more than $243,442,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT FORT BRAGG, NORTH CAROLINA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Using amounts previously appropriated for this purpose, the Secretary of the Army may carry out a military construction project for the construction of a library at Fort Bragg, North Carolina, in the total amount of $5,500,000.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Amphibious Task Force	$10,700,000
	Camp Pendleton Marine Corp Base	$7,470,000
	China Lake Naval Air Warfare Center	$6,000,000
	El Centro Naval Air Facility	$3,000,000
	Lemoore Naval Air Station	$7,000,000
	North Island Naval Air Station	$18,830,000
	Port Hueneme Construction Battalion Center	$9,650,000
	San Diego Marine Corps Recruit Depot	$1,090,000
	San Diego Naval Station	$4,100,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$2,900,000
Florida	Blount Island	$10,000,000
	Jacksonville Fleet and Industrial Supply Center	$2,200,000
	Pensacola Naval Air Station	$2,100,000
Hawaii	Kaneohe Bay Marine Corps Air Station	$171,000
Illinois	Great Lakes Navy Public Works Center	$13,000,000
Indiana	Crane Naval Surface Warfare Center	$8,415,000
Maryland	Indian Head Naval Surface Warfare Center	$10,000,000
	Patuxent River Naval Air Warfare Center	$8,200,000
	United States Naval Academy	$2,000,000
New Jersey	Lakehurst Naval Air Warfare Center	$2,950,000
New Mexico	White Sands Naval Ordnance Missile Test Station	$1,390,000
North Carolina	Camp Lejeune Marine Corp Base	$14,850,000
	Cherry Point Marine Corps Air Station	$2,100,000
Pennsylvania	Philadelphia Naval Shipyard	$11,500,000
Rhode Island	Newport Naval Education and Training Center	$14,500,000
	Newport Naval War College	$28,000,000
South Carolina	Beauford Marine Corps Air Station	$10,800,000
	Parris Island Marine Corps Recruit Depot	$8,550,000
Texas	Ingleside Naval Station	$14,110,000
	Kingsville Naval Air Station	$1,530,000
Virginia	Chesapeake Naval Security Group Activity	$1,150,000
	Dam Neck Fleet Combat Training Center	$7,000,000
	Little Creek Amphibious Base	$5,000,000
	Norfolk Marine Corps Security Force Battalion Atlantic	$6,480,000
	Norfolk Naval Base	$5,100,000
	Norfolk Naval Station	$17,430,000
	Oceana Naval Air Station	$4,700,000
	Quantico Marine Corps Combat Development Command	$19,900,000
Washington	Bremerton Puget Sound Naval Shipyard	$11,040,000
	Everett Naval Station	$21,690,000
	Whidbey Island Naval Air Station	$5,200,000
Various Locations	Aircraft Fire Rescue and Vehicle Maintenance Facilities	$2,200,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Crete Naval Support Activity	$3,050,000
Guam	Public Works Center	$21,600,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
Italy	*Naples Naval Support Activity*	*$28,460,000*
	Sigonella Naval Air Station	*$13,750,000*
Puerto Rico	*Sabana Seca Naval Security Group Activity*	*$1,650,000*
United Kingdom	*Saint Mawgan Joint Communication Center*	*$3,900,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installation for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	*Camp Pendleton Marine Corps Base*	*196 units*	*$28,552,000*
	San Diego Navy Public Works Center	*136 units*	*$18,262,000*
Hawaii	*Pearl Harbor Public Works Center*	*100 units (replacement)*	*$16,000,000*
Maryland	*Patuxent River Naval Air Station*	*Housing Office*	*$863,000*
Mississippi	*Gulfport Construction Battalion Center*	*120 units*	*$10,370,000*
Texas	*Corpus Christi Naval Air Station*	*100 units*	*$11,800,000*
Virginia	*Norfolk Navy Public Works Center*	*Warehouse & Self Help Center*	*$555,000*
Washington	*Everett Naval Station*	*Housing Office*	*$780,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,681,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $155,602,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,569,850,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $325,996,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $72,410,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $43,380,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $267,465,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $853,599,000, of which not more than $114,336,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $18,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island).

SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT NAVAL SUPPLY CENTER, PENSACOLA, FLORIDA.

(a) REAUTHORIZATION.—Notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), the Secretary of the Navy may carry out the military construction project at the Naval Supply Center, Pensacola, Florida, which involves construction of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514).

(b) CONFORMING AMENDMENT.—Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), is further amended—

(A) in the matter preceding the paragraphs, by striking out "$1,759,990,000" and inserting in lieu thereof "$1,765,690,000"; and

(B) in paragraph (1), by striking out "$667,700,000" and inserting in lieu thereof "$673,400,000".

SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT NAVAL STATION, FLORIDA.

(a) COMMENCEMENT OF DESIGN ACTIVITIES.—At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Florida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environmental impact study to identify environmental issues associated with such improvements, the Secretary shall begin design work for such military construction projects as may be necessary to provide for such a capability.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed as an authorization to the Secretary to proceed with the construction of facilities specifically designed to make Mayport Naval Station capable of serving as a homeport for a nuclear powered aircraft carrier.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	*Maxwell Air Force Base*	*$9,600,000*
	Maxwell Air Force Base Annex	*3,700,000*
Alaska	*Cape Lisburne Long Range Radar Site*	*$2,800,000*
Arizona	*Davis Monthan Air Force Base*	*$1,400,000*
California	*Beale Air Force Base*	*$11,850,000*

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Edwards Air Force Base	*$14,850,000*
	McClellan Air Force Base	*$10,150,000*
	Travis Air Force Base	*$12,600,000*
	Vandenberg Air Force Base	*$6,550,000*
Colorado	*Peterson Air Force Base*	*$1,750,000*
Delaware	*Dover Air Force Base*	*$10,500,000*
Florida	*Cape Canaveral Air Force Station*	*$10,450,000*
Georgia	*Moody Air Force Base*	*$13,400,000*
	Robins Air Force Base	*$21,200,000*
Idaho	*Mountain Home Air Force Base*	*$4,950,000*
Illinois	*Scott Air Force Base*	*$2,700,000*
Kansas	*McConnell Air Force Base*	*$500,000*
Louisiana	*Barksdale Air Force Base*	*$1,500,000*
Maryland	*Andrews Air Force Base*	*$6,300,000*
Mississippi	*Columbus Air Force Base*	*$10,000,000*
	Keesler Air Force Base	*$11,240,000*
Missouri	*Whiteman Air Force Base*	*$24,290,000*
Montana	*Malstrom Air Force Base*	*$7,200,000*
Nebraska	*Offutt Air Force Base*	*$2,260,000*
New Jersey	*McGuire Air Force Base*	*$17,000,000*
New Mexico	*Holloman Air Force Base*	*$10,950,000*
	Kirtland Air Force Base	*$3,200,000*
North Carolina	*Pope Air Force Base*	*$4,750,000*
North Dakota	*Grand Forks Air Force Base*	*$5,200,000*
	Minot Air Force Base	*$10,350,000*
Ohio	*Wright-Patterson Air Force Base*	*$8,250,000*
Oklahoma	*Altus Air Force Base*	*$3,750,000*
	Tinker Air Force Base	*$20,443,000*
	Vance Air Force Base	*$11,680,000*
South Carolina	*Charleston Air Force Base*	*$11,400,000*
South Dakota	*Ellsworth Air Force Base*	*$5,950,000*
Tennessee	*Arnold Air Force Base*	*$1,900,000*
Texas	*Brooks Air Force Base*	*$6,500,000*
	Dyess Air Force Base	*$5,400,000*
	Kelly Air Force Base	*$16,550,000*
	Lackland Air Force Base	*$5,200,000*
	Sheppard Air Force Base	*$3,300,000*
Virginia	*Langley Air Force Base*	*$5,500,000*
Washington	*Fairchild Air Force Base*	*$14,350,000*
	McChord Air Force Base	*$10,400,000*
Wyoming	*F.E. Warren Air Force Base*	*$2,650,000*
CONUS Classified	*Classified Location*	*$2,141,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	*Ramstein Air Base*	*$12,350,000*
	Spangdahlem Air Base	*$9,473,000*
Greenland	*Thule Air Base*	*$2,450,000*
Portugal	*Lajes Field, Azores*	*$2,850,000*
United Kingdom	*Lakenheath Royal Air Force Base*	*$7,100,000*
Overseas Classified	*Classified Location*	*$4,050,000*

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installatio for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alabama	*Maxwell Air Force Base*	*25 units*	*$2,100,000*
Arizona	*Davis-Monthan Air Force Base*	*110 units*	*$10,029,000*
California	*Beale Air Force Base*	*76 units*	*$8,842,000*
	Edwards Air Force Base	*34 units*	*$4,629,000*
	Los Angeles Air Force Station	*50 units*	*$5,000,000*
	Vandenberg Air Force Base	*128 units*	*$16,460,000*

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
District of Columbia	Bolling Air Force Base	100 units	$9,000,000
Florida	Patrick Air Force Base	75 units	$7,145,000
Idaho	Mountain Home Air Force Base	4 units	$881,000
	Mountain Home Air Force Base	60 units	$5,712,000
Kansas	McConnell Air Force Base	70 units	$8,322,000
Louisiana	Barksdale Air Force Base	82 units	$8,236,000
Missouri	Whiteman Air Force Base	Housing Office	$567,000
New Mexico	Cannon Air Force Base	1 unit	$230,000
	Holloman Air Force Base	76 units	$7,733,000
	Kirtland Air Force Base	106 units	$10,058,000
North Carolina	Pope Air Force Base	120 units	$14,874,000
	Seymour Johnson Air Force Base	74 units	$6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	$709,000
South Carolina	Shaw Air Force Base	3 units	$631,000
Texas	Dyess Air Force Base	59 units	$7,077,000
Utah	Hill Air Force Base	138 units	$11,400,000
Virginia	Langley Air Force Base	148 units	$14,421,000
Washington	Fairchild Air Force Base	6 units	$1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	$11,321,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,275,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,770,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,548,040,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $388,554,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $38,273,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,386,000.

(5) For the construction of the climatic test chamber at Eglin Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594), $20,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $243,482,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $801,345,000, of which not more than $112,757,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. REVISION OF FAMILY HOUSING PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1869) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "Infrastructure" and inserting in lieu thereof "45 units".

SEC. 2306. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1867) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "$2,600,000" and inserting in lieu thereof "$8,200,000".

(b) CONFORMING AMENDMENT.—Section 2304(a) of such Act (107 Stat. 1870) is amended—

(1) in the matter preceding the paragraphs, by striking out "$2,040,031,000" and inserting in lieu thereof "$2,045,631,000"; and

(2) in paragraph (1), by striking out "$877,539,000" and inserting in lieu thereof "$883,139,000".

SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3.

Of the amount authorized to be appropriated under section 301(4) for the Air Force (and made available for real property maintenance), $10,000,000 shall be available to the Secretary of the Air Force to proceed with the modification of Air Force Plant No. 3, Tulsa, Oklahoma.

SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIREMENT OF MINUTEMAN II MISSILES.

Section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1775) is repealed.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Intelligence Agency	Bolling Air Force Base, Washington, D.C.	$600,000
Defense Logistics Agency	Defense Construction Supply Center, Columbus, Ohio	$2,200,000
	Defense Contract Management Area Office, El Segundo, California	$5,100,000
	Defense Fuel Support Point, Craney Island, Virginia	$3,652,000
	Headquarters, Defense Logistics Agency, Ft. Belvoir, Virginia	$4,600,000
Defense Medical Facility Office	Fort Dix, New Jersey	$2,000,000
	Fort McPherson, Georgia	$11,400,000
	McClellan Air Force Base, California	$10,280,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
National Security Agency	Fort Meade, Maryland	$5,458,000
Office Secretary of Defense	CONUS Classified, Classified Location	$5,300,000
Section 6 Schools	Naval Surface Warfare Center, Virginia	$1,300,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$12,300,000
	Kirtland Air Force Base, New Mexico	$9,600,000
	Naval Base Coronado, San Diego, California	$3,400,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition) at the location, for the purpose, and in the amount set forth in the following table:

Air Force: Family Housing

Country	Agency	Purpose	Amount
Belgium	National Security Agency	1 unit	$300,000

SEC. 2403. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2835 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,999,138,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $77,190,000.

(2) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $120,000,000.

(3) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $66,000,000.

(4) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $75,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,348,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,501,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $45,960,000.

(8) For energy conservation projects authorized by section 2404, $50,000,000.

(9) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $87,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,417,148,000.

(11) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $350,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $29,031,000, of which not more than $24,051,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by l the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1) of this section.

SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD TO NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of the Navy shall transfer $3,000,000 to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, which provides access to the Naval Weapons Station, Charleston, South Carolina, to help alleviate the adverse effects of the closure of the Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program, as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program, as authorized by section 2501, in the amount of $119,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1994, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $145,067,000; and

(B) for the Army Reserve, $37,410,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $11,905,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $210,212,000; and

(B) for the Air Force Reserve, $55,516,000.

SEC. 2602. PROHIBITION ON USING FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

Unless otherwise specifically authorized by a law enacted after the date of the enactment of this Act, funds appropriated pursuant to the authorization of appropriations in section 2601 may only be used for the purpose of paying for the costs of acquisition, architectural and engineering services, *and construction of facilities for the Guard and Reserve Forces (and for contributions for such purposes) under chapter 133 of title 10, United States Code, in the case of projects for the Guard and Reserve Forces specified in the joint explanatory statement of the committee of conference to accompany the bill H.R. 4301 of the One Hundred and Third Congress.*

SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended—

(1) in paragraph (1), by striking out "$283,483,000" and inserting in lieu thereof "$289,398,000"; and

(2) in paragraph (2), by striking out "$25,013,000" and inserting in lieu thereof "$33,713,000".

SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT DIX, NEW JERSEY.

Funds appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602) for the renovation of facilities at Fort Dix, New Jersey, for the purpose of accommodating a consolidated New Jersey National Guard headquarters may also be used for additions and alterations to such facilities for the same purpose.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1998 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190, 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	$150,000
Georgia	Camp Merrill	Family Housing New Construction (36 Units)	$4,550,000
	Fort Benning	General Instruction Facility	$2,150,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility	$3,600,000
		Ammunition Demilitarization Utilities	$7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse	$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center	$5,400,000
Italy	Sigonella Naval Air Station	Operations Control Center	$9,850,000
Outside United States	Various locations	Satellite terminal	$8,770,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson Air Force Station (formerly Shemya Air Force Base)	Hazardous Materials Storage	$4,000,000

Army National Guard: Extension of 1992 Project Authorizations

State	Location	Project	Amount
California	Stockton	Additions & Alterations CSMS	$1,613,000
District of Columbia	Fort Belvoir	Addition, Aviation AASF	$2,765,000
Maryland	Cheltenham	Armory	$3,300,000
	Towson	DLOG Warehouse	$373,000
Mississippi	West Point	Maintenance Shop	$1,270,000
	Tupelo	Maintenance Shop	$992,000
	Senatobia	Maintenance Shop	$723,000
Nevada	Washoe County	Maintenance Shop	$1,050,000
North Carolina	Camp Butner	Range	$986,000
Ohio	Toledo	Armory	$3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	$578,000
	Camp Fogarty	Armory	$5,151,000
West Virginia	Huntington	Guard & Reserve Center	$2,983,000

Army Reserve: Extension of 1992 Project Authorizations

State	Location	Project	Amount
Massachusetts	Taunton	USAR Center	$3,526,000
Ohio	Perrysburg	Reserve Center Addition	$2,749,000
Pennsylvania	Johnstown	Army&Marine Corps Aviation Facility	$30,224,000
Tennessee	Jackson	Joint Training Facility	$1,537,000
West Virginia	Huntington	Guard & Reserve Center	$6,617,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2201 or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1880), shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) is as follows:

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	$5,300,000

Defense Agencies: Extension of 1991 Project Authorization

State	location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization & Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1994; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. STRENGTHENING MONETARY LIMITATION ON RENOVATION OF FACILITIES.

(a) APPLICATION OF LIMITATION TO REPAIRS.—Section 2811 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "repair projects and" after "carry out";

(B) by striking out "that combine maintenance, repair, and minor construction projects"; and

(C) by adding at the end the following new sentence: "For purposes of this section, a repair project combines maintenance and repair for a facility and a renovation project combines maintenance, repair, and minor construction projects."; and

(2) in subsection (b), by inserting "repair project or" after "such a".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2811. Repair or renovation of facilities".

(2) The item related to such section in the table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended to read as follows:

"2811. Repair or renovation of facilities.".

SEC. 2802. NAVY HOUSING INVESTMENT AGREEMENTS.

(a) INVESTMENT AGREEMENTS AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2837. Investment agreements with private developers of housing

"(a) INVESTMENT AGREEMENTS.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation, under the jurisdiction of the Secretary, at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

"(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

"(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

"(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—Any investment agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title.

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board established under section 2838 of this title.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received from the repayment of investments or profits on investments under subsection (a).

"(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for contracts, investments, and expenses necessary for the implementation of this section and section 2838 of this title.

"(e) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

"(f) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(g) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1999.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2837. Investment agreements with private developers of housing.".

SEC. 2802. NAVY HOUSING INVESTMENT BOARD.

(a) INVESTMENT BOARD AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 (as added by section 2802) the following new section:

"§2838. Navy Housing Investment Board

"(a) ESTABLISHMENT.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

"(b) MEMBERS.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. Among such members, the Secretary may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

"(2) The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

"(c) DUTIES.—The Navy Housing Investment Board shall—

"(1) advise the Secretary regarding which proposed investment agreements under section 2837 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

"(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

"(d) TERMINATION OF BOARD.—The Navy Housing Investment Board shall terminate on November 30, 1999.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2837 (as added by section 2802) the following new item:

"2838. Navy Housing Investment Board.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE CLOSURE PROCESS OF ADVANCE ECONOMIC PLANNING UNDERTAKEN BY COMMUNITIES ADJACENT TO MILITARY INSTALLATIONS.

Section 2903(c)(3) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following: "However, in recommending military installations for closure or realignment, the Secretary (and the Commission in reviewing such recommendations) shall not—

"(A) in calculating the economic impact of the closure or realignment of a military installation, consider advance economic planning undertaken by a community as a precaution against the possible closure or realignment of the military installation; or

"(B) otherwise penalize communities that undertake such advance economic planning.".

SEC. 2812. REPAYMENT OF STATE AND LOCAL COSTS INCURRED IN CONNECTION WITH ESTABLISHMENT OF CERTAIN MILITARY INSTALLATIONS SELECTED FOR CLOSURE.

(a) REPAYMENT REQUIRED ON ACCOUNT OF CLOSURE.—In such aggregate amount as may be provided in advance in appropriation Acts to carry out this section, the Secretary of Defense shall repay a State, county, or municipal entity (or an agency or political subdivision of any such entity) for any funds described in subsection (b) that were expended or obligated by such entity to assist the United States in establishing a military installation described in subsection (e). The amount repaid shall include interest, calculated at a rate that is the greater of the interest rate of any bonds issued and the interest rate of Federal Treasury notes.

(b) DESCRIPTION OF FUNDS TO BE REPAID.—The funds referred to in subsection (a) that are required to be repaid shall include funds raised and bonds issued for the purposes of military construction, pier construction and improvement, land purchase, and infrastructure and utility improvements in direct support of the military installation to be closed.

(c) BASE ON-TIME COST REPORT.—Any payment required to be made under subsection (a) with respect to a military installation shall be used in the calculation of the Base On-Time Cost Report used to determine the cost of closing the installation. A possible sale of assets at the installation may not be included in such calculation.

(d) PROHIBITION OF CERTAIN REQUIRED PAYMENTS.—An entity described in subsection (a), or an agency or political subdivision of such an entity, may not be required to pay for the cost of any improvement at the military installation.

(e) MILITARY INSTALLATIONS COVERED.—This section shall apply with respect to military installations—

(1) for which construction in connection with the establishment of the installation began on or after January 1, 1985; and

(2) which were selected for closure on or after January 1, 1993.

SEC. 2813. LIMITATION ON SOURCES OF FUNDS AVAILABLE TO IMPLEMENT BASE CLOSURES AND REALIGNMENTS.

Section 2905(a)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "and may use" and all that follows through "maintenance;" and inserting in lieu thereof "and shall use for such purposes funds in the Account;".

SEC. 2814. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED PENDING COMPLETION OF REDEVELOPMENT PLANS.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(3)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority identifies such items as unnecessary to the reuse or redevelopment of the installation.".

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b)(3)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority identifies such items as unnecessary to the reuse or redevelopment of the installation.".

SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FUTURE MOBILIZATION OPTIONS

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the Armed Forces to remobilize to the end strength levels authorized for fiscal year 1987 by sections 401, 403, 411, 412, and 421 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859). The report shall identify those military construction projects, if any, that would be necessary to facilitate such remobilization and any defense assets disposed of under a base closure or realignment, such as air space, that would be difficult to reacquire in the event of such remobilization.

(b) TIME FOR SUBMISSION.—Not later than January 1, 1995, the Secretary shall submit the report required by this section to Congress. Not later than September 30, 1995, the Secretary shall revise and resubmit the report to Congress to reflect the consequences of the closure or realignment of military installations selected for closure or realignment in 1995.

Subtitle C—Changes to Existing Land Conveyance Authority

SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended—

(1) is paragraph (1)—

(A) by striking out "City"the second place it appears and inserting in lieu thereof "Cities"; and

(B) by inserting "the City of Alameda, California," after "California," the first place it appears; and

(2) in paragraphs (2) and (3), by striking out "City" each place it appears and inserting in lieu thereof "Cities".

SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) PARTICIPATING POLITICAL SUBDIVISIONS.—Subsection (c)(3) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph—

"(i) from initially participating in the written agreement referred to in paragraph (2); or

"(ii) from agreeing at a later date to participate in the regional correctional facility to be constructed and operated on the parcel of land conveyed pursuant to this section either as a member of the government or by contract with such governmental entity.".

(b) TIME FOR CONSTRUCTION AND OPERATION.—Subsection (d)(1)(A) of such section is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following new clause:

"(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than April 1, 1997;"; and

(2) in clause (ii), by striking out "five years after such date" and inserting in lieu thereof "April 1, 2002".

SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS. NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, NEW YORK, AS NATURE PRESERVE.

(a) PRESERVATION AS NATURE PRESERVE REQUIRED.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484, 106 Stat. 2626) is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d); and

(2) by inserting before subsection (c), as so redesignated, the following new subsections:

"(a) PURPOSE.—It is the purpose of this section to ensure that the Calverton Pine Barrens is maintained and preserved, in perpetuity,m as a nature preserve in its current undeveloped state.

"(b) PROHIBITION ON INCONSISTENT DEVELOPMENT.—The Secretary of the Navy shall not carry out or permit any development, commercial or residential, at the Calverton Pine Barrens that is inconsistent with the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking out "PROHIBITION.—" and inserting in lieu therefore "REVERSIONARY INTEREST.—"; and

(2) by striking out "for commercial purposes" and all that follows through the period and inserting in lieu thereof "in a manner inconsistent with the purpose specified in subsection (a) (as determined by the head of the department or agency making the conveyance).".

SEC. 2824. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FOR DIX, NEW JERSEY.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (division B *of Public Law 103-160; 107 Stat. 1904) is amended—*

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Tulsa, Oklahoma (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, which consists of approximately 337 acres located in Tulsa, Oklahoma, and is known as Air Force Plant No. 3. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59, JOHNSON CITY (WESTOVER), NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Broome County Industrial Development Authority (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Air Force Plant No. 59, Johnson City (Westover), New York. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstituted on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Authority in exchange for security services, fire protection, and maintenance provided by the Authority for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority, directly or through an agreement with another public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at Air Force Plant No. 59.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE RADAR BOMB SCORING SITE, DICKINSON, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the North Dakota Board of Higher Education (in this section referred to as the "Board") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 4 acres located in Dickinson, North Dakota, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Dickinson, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board—

(1) use the property, recreational facilities, and housing facilities conveyed under such subsection for housing, recreation, and other purposes that, as determined by the Secretary, will promote and enhance educational opportunities provided by Dickinson State University; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE FACILITY, RIO VISTA, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Rio Vista, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) containing the Reserve training facility located in Rio Vista, California.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City use the property for recreational purposes.

(c) CONSIDERATION.—In recognition of the public use to which the conveyed property will be devoted, the Secretary may require the City to pay to the United States an amount equal to less than the fair market value of the property, as determined by the Secretary, as consideration for the conveyance under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, NAVAL WEAPONS, INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—To facilitate the economic redevelopment of appropriate portions of the Naval Weapons Industrial Reserve Plant located in Calverton, New York, the Secretary of the Navy may convey to an appropriate redevelopment authority (designated by the Secretary) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,900 acres comprising the fenced-in portion of the Naval Weapons Industrial Reserve Plant. The conveyance authorized under this subsection shall be made without consideration.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Cost of such survey shall be borne by the State of New York or the redevelopment authority to whom the property is conveyed.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LEASE OF PROPERTY, NAVAL RADIO RECEIVING FACILITY, IMPERIAL BEACH, CORONADO, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to the Young Men's Christian Association of San Diego County, a California nonprofit public benefit corporation (in this section referred to as the "YMCA"), such interests in a parcel of real property (including any improvements thereon) consisting of approximately 45 acres at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, as the Secretary considers appropriate for the YMCA to operate and maintain a summer youth residence camp known as the YMCA San Diego

Unified Recreational Facility (Camp SURF). Pursuant to the lease, the Secretary may authorize the YMCA to construct facilities on the parcel.

(b) LEASE TERMS.—The lease authorized in subsection (a) shall be for a period of 50 years, or such longer period as the Secretary determines to be in the best interests of the United States.

(c) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the YMCA shall—

(1) agree to maintain and enhance the natural resources of the leased premises; and

(2) pay to the United States an amount in cash equal to the difference between the rental price prescribed by the Secretary under subsection (d) and the value of natural resources maintenance and enhancements performed by the YMCA, as determined by the Secretary.

(d) DETERMINATION OF RENTAL PRICE.—Acknowledging the benefits the YMCA has provided to the Armed Forces and the specific benefits Camp Surf provides to the children of San Diego, the Secretary may prescribe a rental price for the real property leased under subsection (a) that is less than fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers necessary to protect the operation of the Naval Radio Receiving Facility, Imperial Beach, and to protect the interests of the United States.

SEC. 2837. RELEASE OF REQUIREMENTS AND REVERSIONARY INTEREST ON CERTAIN PROPERTY IN BALTIMORE, MARYLAND.

(a) RELEASE REQUIRED.—The Secretary of Defense may release the requirements and the reversionary interest of the United States that are described in section 2 of the Act entitled "An Act granting a site for a dry-dock in the city of Baltimore upon certain conditions.", approved June 19, 1878 (Chapter 310; 20 Stat. 167).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms or conditions in connection with the release required under this section as the Secretary considers appropriate to protect the interests of the United States.

(c) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2838. RELEASE OF REVERSIONARY INTEREST ON CERTAIN PROPERTY IN YORK COUNTY, JAMES CITY COUNTY, AND NEWPORT NEWS, VIRGINIA.

(a) RELEASE AUTHORIZED.—The Secretary of the Navy may release the reversionary interest of the United States in the real property conveyed by the deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a deed between the United States and the Commonwealth of Virginia dated August 17, 1966, which conveyed to the Commonwealth of Virginia certain parcels of land located in York County, James City County, and the city of Newport News, Virginia.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States and to ensure that the real property will continue to be used for a public purposes.

(d) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

Subtitle E—Other Matters

SEC. 2851. AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Oxnard Harbor District, Port Hueneme, California, a special district of the State of California (in this section referred to as the "District"), under which the District may use United States Navy Wharf Number 3 and associated real property comprising up to 25 acres located at the Naval Construction Battalion Center, Port Hueneme, California (in this section referred to as the "Center").

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the District with an option to extend the agreement for three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the District—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the District shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the District's use of the property.

(2) The Secretary may include a provision in the agreement requiring the District—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration to the port operations area (or to roads and railways serving the area) at the Center.

(2) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY DISTRICT.—The Secretary may authorize the District to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the District and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM FOR DEFENSE PERSONNEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and conduct an education and training program for members of the Armed Forces and civilian employees of the Department of Defense whose responsibilities include planning or executing the environmental mission of the Department. The Secretary shall conduct the program to ensure that such members and employees obtain and maintain the knowledge and skill required to comply with existing environmental laws and regulations.

(b) IDENTIFYING ENVIRONMENTAL TRAINING CENTERS.—As part of the program, the Secretary shall identify military facilities that have existing expertise (or the capacity to develop such expertise) in conducting education and training activities in various environmental disciplines. The Secretary may designate such facilities as national environmental training centers and shall encourage the use of such a center by members and employees referred to in subsection (a) who are not under the jurisdiction of the military department operating the center.

SEC. 2853. REPEAL OF RESTRICTION ON LAND TRANSACTIONS RELATING TO PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

Section 2856 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1908) is repealed.

SEC. 2854. REPORT ON USE OF MILITARY INSTALLATIONS IN OKINAWA.

(a) REPORT REQUIRED.—Not later than October 15, 1994, the Secretary of Defense shall submit a report to Congress regarding the United States military presence in Okinawa.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A description and evaluation of United States security needs in Okinawa.

(2) An infrastructure inventory and utilization rate of defense facilities in Okinawa.

(3) An evaluation of the economic and environmental impact that these facilities have on the citizens of Okinawa.

(4) A description of any action that the Secretary of Defense can undertake to affirmatively respond to requests from the Okanawan Prefectural Government for the exchange or return of lands held by the Secretary.

(5) An evaluation of the extent to which the assistance of the Government of Japan is required in order to close United States military installations in Okinawa or exchange or return of lands held by the Secretary in Okinawa.

SEC. 2855. STUDY OF HEIGHT RESTRICTION AND AVIGATION REQUIREMENTS SURROUNDING EGLIN AIR FORCE BASE, FLORIDA.

(a) STUDY REQUIRED.—The Secretary of the Air Force shall conduct a comprehensive study of current and anticipated future avigation requirements for the area surrounding Eglin Air Force Base, Florida. As part of the study, the Secretary shall review all Air Force mission requirements and take into consideration the economic growth and development needs of the adjacent community.

(b) REPORT ON STUDY.—Not later than March 31, 1995, the Secretary of the Air Force shall submit to Congress a report containing the results of the study required under subsection (a), including recommendations for any changes to the existing avigation easements currently in place at Eglin Air Force Base.

SEC. 2856. CONTINUED OPERATION OF MILITARY MEDICAL TREATMENT FACILITY AT K. I. SAWYER AIR FORCE BASE, MICHIGAN.

(a) Sense of Congress.—In light of the large number of retired military personnel and their dependents who currently receive health care services at the military medical treatment facility located at K. I. Sawyer Air Force Base, Michigan, which was selected to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), it is the sense of Congress that the Secretary of Defense and the Secretary of the Air Force should pursue all practicable options (including transfer of the facility to the jurisdiction of the Department of Veterans Affairs) necessary to keep the facility in operation to serve the health care needs of retired military personnel and their dependents.

(b) Retired Military Personnel Defined.—For purposes of this section, the term "retired military personnel" means members and former members of the uniformed services who—

(1) are entitled to retired or retainer pay, or equivalent pay; and

(2) are eligible to receive medical and dental care in facilities of the uniformed services under section 1074(b) of title 10, United States Code.

SEC. 2857. TECHNICAL AMENDMENT TO CORRECT REFERENCE IN LAND TRANSACTION.

Section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1898) is amended by striking out "Washington Gas Company" and inserting in lieu thereof "American Water Company".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) Research and Development.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for research and development in carrying out weapons activities necessary for national security programs in the amount of $1,339,937,000, to be allocated as follows:

(1) For core research and development, $795,251,000, to be allocated as follows:

(A) For operating expenses, $653,341,000.

(B) For capital equipment, $69,420,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $72,490,000, to be allocated as follows:

Project GPD–101, general plant projects, various locations, $8,500,000.

Project 95–D–102, CMR upgrades, Los Alamos National Laboratory, New Mexico, $3,300,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $13,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $21,810,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $4,900,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $20,980,000.

(2) For stockpile stewardship for operating expenses, $152,419,000.

(3) For inertial fusion, $176,473,000, to be allocated as follows:

(A) For operating expenses, $166,755,000.

(B) For capital equipment, $9,718,000.

(4) For technology transfer, $215,794,000, to be allocated as follows:

(A) For operating expenses, $209,794,000.

(B) For capital equipment, $6,000,000.

(b) Testing.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for testing in carrying out weapons activities necessary for national security programs in the amount of $192,300,000, to be allocated as follows:

(1) For testing capabilities and readiness $186,000,000, to be allocated as follows:

(A) For operating expenses, $150,000,000.

(B) For capital equipment, $15,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $21,000,000, to be allocated as follows:

Project GPD–101, general plant projects, various locations, $4,000,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $17,000,000.

(2) For Marshall Islands dose reconstruction, $6,300,000, to be allocated as follows:

(A) For operating expenses, $5,830,000.

(B) For capital equipment, $470,000.

(c) Stockpile Support.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for stockpile support in carrying out weapons activities necessary for national security programs in the amount of $1,605,556,000 to be allocated as follows:

(1) For operating expenses for stockpile support, $1,393,085,000.

(2) For operating expenses for reconfiguration, $94,271,000.

(3) For capital equipment, $12,880,000.

(4) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $105,320,000, to be allocated as follows:

Project 88–D–122, facilities capability assurance program, various locations, $14,820,000.

Project GPD–121, general plant projects, various locations, $1,000,000.

Project 95–D–122, sanitary sewer upgrade Y–12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 94–D–124, hydrogen fluoride supply system, Oak Ridge Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $15,000,000.

Project 93–D–123, complex–21, various locations, $58,000,000.

(d) Program Direction.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out weapons activities necessary for national security programs in the amount of $154,852,000, to be allocated as follows:

(1) For weapons program direction, operating expenses, $152,498,00.

(2) For capital equipment, $2,354,000.

(e) Adjustments.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (d) reduced by $89,276,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) Corrective Activities.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) for Project 92–D–403, tank upgrades project, Lawrence Livermore National Laboratory, California, $512,000.

(b) Environmental Restoration.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,527,469,000.

(2) The amount authorized to be appropriated pursuant to this subsection is the amount authorized to be appropriated in paragraph (1) reduced by $133,900,000, as a result of the productivity savings initiative.

(c) Waste Management.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,852,682,000, to be allocated as follows:

(A) For operating expenses, $2,384,066,000.

(B) For capital equipment, $104,790,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $363,826,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $23,542,000.

Project 95–D–401, radiological support facilities, Richland, Washington, $1,585,000.

Project 95–D–402, install permanent electrical service, WIPP, $700,000.

Project 95–D–403, hazardous waste storage facility, AL, $597,000.

Project 95–D–405, industrial landfill V and construction demolition landfill VII, Y12 Plant, Oakridge, Tennessee, $1,000,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada, $2,338,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,000,000.

Project 95–D–408, Phase II liquid effluent treatment and disposal, RL, $7,100,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $3,292,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $21,373,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,700,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $4,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $42,200,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,700,000.

Project 94–D–417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, $300,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $3,300,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $3,300,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $14,810,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $88,605,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $26,525,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $5,000,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $2,846,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $3,995,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $3,819,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,747,000.

Project 90–D–178, TSA retrieval enclosure, ID, $7,594,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $300,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $18,000,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $5,900,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $6,000,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $45,058,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $160,800,000, as a result of the productivity savings initiative.

(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $426,409,000, to be allocated as follows:

(1) For operating expenses, $386,974,000.

(2) For capital equipment, $25,435,000.

(3) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), for Project 95–E–600, Hazardous materials training center, Richland, Washington, $14,000,000.

(e) TRANSPORTATION MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $20,684,000, to be allocated as follows:

(1) For operating expenses, $20,240,000.

(2) For capital equipment, $444,000.

(f) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $84,948,000, to be allocated as follows:

(1) For operating expenses, $83,748,000.

(2) For capital equipment, $1,200,000.

(g) FACILITY TRANSITION AND MANAGEMENT.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for facility transition and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $795,857,000, to be allocated as follows:

(A) For operating expenses, $685,550,000.

(B) For capital equipment, $23,947,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $86,360,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $20,495,000.

Project 95–D–453, primary highway route north of the Wye Barricade, Richland, Washington, $2,500,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 95–D–455, Idaho National Engineering Laboratory radio communications upgrade, Idaho National Engineering Laboratory, Idaho, $1,440,000.

Project 95–D–456, Security facilities upgrade, Idaho chemical processing plant, Idaho National Engineering Laboratory, Idaho, $986,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $2,500,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,219,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $7,800,000.

Project 94–D–415, Idaho National Engineering Laboratory medical facilities, Idaho National Engineering Laboratory, Idaho, $4,920,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $10,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $7,800,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,000,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $4,000,000.

Project 92–D–125, Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $2,100,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,900,000.

Project 92–D–186, steam system rehabilitation, phase II, Richland, Washington, $5,600,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $5,000,000, as a result of the productivity savings initiative.

(h) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (g) reduced by $240,300,000, for use of prior year balances.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) MATERIALS SUPPORT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for materials support in carrying out nuclear materials support necessary for national security programs in the amount of $910,255,000, to be allocated as follows:

(1) For reactor operations, $163,634,000.

(2) For processsing of nuclear materials, $410,468,000.

(3) For supporting services, $167,776,000.

(4) For capital equipment, $52,427,000.

(5) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $59,950,000, to be allocated as follows:

Project 95–D–154, Health physics site support facility, Savannah River, South Carolina, $2,000,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $11,300,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $2,700,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $3,000,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $5,000,000.

Project GPD–146, general plant projects, various locations, $21,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $750,000.

Project 95–D–156, radio trunking system, Savannah River, South Carolina, $2,100,000.

Project 95–D–157, D-area powerhouse life extension, Savannah River, South Carolina, $4,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $2,000,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,200,000.

(6) For program direction, $56,000,000.

(b) OTHER DEFENSE PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for other defense programs in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $691,204,000, to be allocated as follows:

(1) For verification and control technology, $352,102,000, to be allocated as follows:

(A) For operating expenses, $336,229,000.

(B) For capital equipment, $15,873,000.

(2) For nuclear safeguards and security, $85,816,000, to be allocated as follows:

(A) For operating expenses, $82,421,000.

(B) For capital equipment, $3,395,000.

(3) For security investigations, $38,827,000.

(4) For security evaluations, $14,780,000.

(5) For the Office of Nuclear Safety, $24,679,000, to be allocated as follows:

(A) For operating expenses, $24,629,000.

(B) For capital equipment, $50,000.

(6) For worker and community transition, $125,000,000.

(7) For fissile material control and disposition, $50,000,000.

(c) NAVAL REACTORS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for naval reactors in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $730,651,000, to be allocated as follows:

(1) For naval reactors development, $698,651,000, to be allocated as follows:

(A) For operating expenses:

(i) For plant development, $146,700,000.

(ii) For reactor development, $348,951,000.

(iii) For reactor operation and evaluation, $136,000,000.

(iv) For program direction, $18,800,000.

(B) For capital equipment, $28,200,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $20,000,000, to be allocated as follows:

Project GPN-101, general plant projects, various locations, $6,200,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, $2,400,000.

Project 95-D-201, Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $700,000.

Project 93-D-200, Engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,900,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

(2) For enrichment materials for operating expenses, $32,000,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by—

(1) $40,000,000, for recovery of overpayment to the Savannah River Pension Fund; and

(2) $343,406,000, for use of prior year balances for materials support and other defense programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $129,430,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 102 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, the Congress.

(b) REPORT; COMPUTATION OF DEADLINE FOR SUBMISSION.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which the Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Except as provided in paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by the Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Congress of transfers made under the authority of this section.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. REQUIREMENT OF CONCEPTUAL DESIGN FOR REQUEST OF CONSTRUCTION FUNDS.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—The Secretary of Energy may not make a request to the Congress for funds for a construction project which is in support of national security programs of the Department of Energy until the Secretary submits to the congressional defense committees a conceptual design for that project.

(b) EXCEPTION.—The requirement of subsection (a) does not apply to emergency planning, design, and construction activities under section 3127.

SEC. 3127. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3128. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3129. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.

(a) CONDUCT OF PROGRAM.—(1) As part of the stockpile stewardship program established in *section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note), the Secretary of Energy shall conduct a stockpile stewardship recruitment and training program at the Sandia National Laboratories, the Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.*

(2) The recruitment and training program shall be conducted in coordination with the Chairman of the Nuclear Weapons Council established in section 179 of title 10, United States Code, and the directors of the laboratories referred to in paragraph (1).

(b) Support of Dual-Use Programs.—(1) As part of the recruitment and training program, the directors of the laboratories referred to in subsection (a)(1) may hire undergraduate students, graduate students, and postdoctoral fellows and sponsor research conducted by such individuals for military or nonmilitary dual-use programs related to nuclear weapons stockpile stewardship.

(2) Of amounts appropriated to the Secretary of Energy pursuant to section 3101(a)(1) for weapons activities for core research and development and allocated by the Secretary for education initiatives, $5,000,000 shall be made available for carrying out paragraph (1). The amount made available under this paragraph shall be allocated equally among the laboratories referred to in subsection (a)(1).

(c) Establishment of Retiree Corps.—As part of the training and recruitment program, the Secretary, in coordination with the directors of the laboratories referred to in subsection (a)(1), shall establish a retiree corps for the laboratories under which the directors shall hire on a part-time basis retired scientists who have expertise in the research and development of nuclear weapons to provide appropriate assistance on nuclear weapons issues, to contribute relevant information to be archived, and to help to provide training to other scientists.

(d) Report.—(1) Not later than February 1, 1995, the Secretary of Energy shall submit to the congressional defense committees a report on the personnel demographic trends at the laboratories referred to in subsection (a)(1) and on actions taken by the Department of Energy to remedy identified shortfalls in various skill areas.

(2) The report shall be prepared in coordination with the Chairman of the Nuclear Weapons Council and the directors of the laboratories. Information included in the report shall be aggregated and compiled into statistical categories.

(3) The report shall include the following:

(A) An inventory of the weapons-related tasks that the laboratories need to perform to support their nuclear weapons responsibilities.

(B) An inventory of the skills necessary to complete the weapons-related tasks referred to in subparagraph (A).

(C) For each laboratory, a specification of the number of scientists needed in each skill area to perform such tasks.

(D) A statement of the number of scientists in each skill area at each laboratory, by age.

(E) An assessment of which skill areas are understaffed.

(F) A statement of the number of scientists entering the weapons program at each laboratory, and their skill areas.

(G) A statement of the number of full-time equivalent personnel with weapon skills, their distribution by skill and, for each such skill, their distribution by age.

(H) A statement of the number of scientists retiring from the weapons program and the skill areas in which they worked in the year preceding their retirement.

(I) Based on the information contained in subparagraphs (A) through (H), a projection of what areas will become understaffed in the five years following the date of the submission of the report.

(J) A statement of alternatives for retaining and recruiting scientists for the weapons programs at the laboratories in order to preserve a sufficient skill base and to fulfill stockpile stewardship responsibilities.

(K) The recommendations of the Secretary for implementing any of the alternatives referred to in subparagraph (J).

SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995, $176,473,000 shall be available for the defense inertial confinement fusion program, of which—

(1) not less than $20,765,000 shall be available for program activities at the University of Rochester, Rochester, New York; and

(2) not less than $8,750,000 shall be available for program activities at the Naval Research Laboratory, Washington, District of Columbia.

SEC. 3133. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as follows:

(1) $50,000, assessed against the Fernald Environmental Management Project, Ohio, under such Act.

(2) $50,000, assessed against the Portsmouth Gaseous Diffusion Plant, Ohio, under such Act.

SEC. 3134. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $11,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3135. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995 for waste management activities for environmental restoration and waste management activities necessary for national security programs, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3136. WORKER HEALTH AND PROTECTION.

Of amounts appropriated to the Department of Energy for fiscal year 1995 pursuant to section 3101 for weapons activities for operating expenses, $2,500,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

SEC. 3137. LIMITATION ON USE OF PROGRAM DIRECTION FUNDS.

The Secretary of Energy may not obligate more than 50 percent of the funds appropriated pursuant to this title for fiscal year 1995 for operating expenses for program direction in carrying out environmental restoration and waste management activities necessary for national security programs until the Secretary submits to the Congress the reports required to be submitted under subsections (a) and (d) of section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950) in the year during which that fiscal year ends.

SEC. 3138. LIMITATION ON USE OF FUNDS FOR NEW CONSTRUCTION PROJECTS.

The Secretary of Energy may not obligate or expend funds appropriated for a new construction project until the Secretary has approved a conceptual design for that project. In this section, the term "new construction project" means a construction project necessary for national security programs of the Department of Energy for which funds were initially requested for fiscal year 1995.

SEC. 3139. LIMITATION ON USE OF FUNDS FOR SPECIAL ACCESS PROGRAMS.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be obligated for a limited access program or special access program until the Secretary of Energy submits to the congressional defense committees the report required under section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a).

SEC. 3140. PROHIBITION ON PREFINANCING.

The Secretary of Energy may not set aside funds appropriated to the Secretary for national security programs for any fiscal year for the purpose of retaining personnel of the Department of Energy in the event that there is a lapse of funds appropriated for such purpose for the following fiscal year.

Subtitle D—Other Matters

SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

The Secretary of Energy shall establish procedures to account for the use of funds, in each fiscal year beginning with fiscal year 1995, for the performance of the programs and activities of the Department of Energy for which funds are appropriated for national security programs of the Department of Energy. The procedures shall account for funds appropriated for such programs and activities which are not used for the purpose for which such funds were appropriated. The procedures shall provide for an accounting of all encumbered funds, unencumbered funds, unobligated funds, costed funds, and uncosted obligations of the Department of Energy in each such fiscal year.

SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

(a) Approval by Nuclear Weapons Council.—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement.".

(b) Report.—Such section is further amended by adding at the end the following new subsection:

"(e) Annual Report.—(1) Each fiscal year, before the preparation of the annual budget request of the Department of Energy, the Chairman of the Council shall submit to the Secretary of Energy a report on the following:

"(A) The effectiveness and efficiency of the Council, and of the deliberative and decision-making processes used by the Council, in carrying out the responsibilities described in subsection (d).

"(B) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for

the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of—

"(i) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

"(ii) the schedule for completion of each such activity or study; and

"(iii) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modifications and with established or projected military requirements.

"(2) Each fiscal year, at the same time as the submission of the President's budget, the Secretary of Energy shall submit the report referred to in paragraph (1), in classified form, to the Committees on Armed Services and Appropriations of the Senate and House of Representatives.".

(c) Technical Amendment.—Subsections (a)(3) and (b) of such section are amended by striking out "appointed" each place it appears and inserting in lieu thereof "designated".

SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CERTAIN ACTIVITIES AT THE NEVADA TEST SITE, NEVADA.

Not later than March 1, 1995, the Secretary of Energy shall submit to the Congress a report on the feasibility of conducting the following activities at the Nevada Test Site, Nevada:

(1) The demilitarization of large rocket motor and conventional ordnance.

(2) Disarmament and demilitarization, generally.

(3) The conduct of experiments that assist in monitoring compliance with international agreements on the nonproliferation of nuclear weapons.

(4) The provision of support to the Department of Energy nuclear weapons complex.

(5) The conduct of programs for the Department of Energy and the Department of Defense to develop simulator technologies for nuclear weapons design and effects, including advanced hydrodynamic simulators, inertial confinement fusion test facilities, and nuclear weapons effects simulators (such as the Decade and Jupiter simulators).

(6) The conduct of the stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1946; Public Law 103–160).

(7) Experiments related to the non-proliferation of nuclear weapons, including experiments with respect to disablement, nuclear forensics, sensors, and verification and monitoring.

SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY NUCLEAR WEAPONS PRODUCTION CYCLE.

(a) Report.—Not later than March 31, 1995, the Secretary of Energy shall submit to the Congress a report that contains a description of all waste streams generated during each step of the complete cycle of production and disposition of nuclear weapon components by the Department of Energy. The description for each such step shall be based on a unit of analysis that is appropriate for that step. The report shall include an estimate of the volume of waste generated per unit of analysis and an analysis of the toxicity of each waste stream.

(b) Definitions.—In this section:

(1) The term "waste stream" means waste materials the storage, treatment, or disposition of which is regulated under Federal law, except that such term does not include usable source materials and usable special nuclear materials.

(2) The terms "source material" and "special nuclear material" have the meaning given such terms in section 11(z) and (aa), respectively, of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z), (aa)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1995, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. CONDITIONS ON AUTHORITY TO DISPOSE OF CERTAIN STRATEGIC AND CRITICAL MATERIALS.

Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649) is amended by striking out "before October 1, 1994." and inserting in lieu thereof the following: "until after the President certifies to Congress that—

"(1) there is a reliable domestic source for the adequate and timely production of these materials; and

"(2) such source can be called upon in times of a national emergency or a significant mobilization of the Armed Forces.".

SEC. 3302. REJECTION OF CHANGE IN STOCKPILING PRINCIPLES.

(a) Establishment of Principles.—Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "Before October 1, 1994, the quantities" and inserting in lieu thereof "The quantities"; and

(2) by striking out paragraph (3).

(b) Biennial Report on Stockpile Requirements.—Section 14(b) of such Act (50 U.S.C. 98h–5(b)) is amended—

(1) in the second sentence, by striking out "Before October 1, 1994, such assumptions" and inserting in lieu thereof "Such assumptions"; and

(2) by striking out the third sentence.

SEC. 3303. LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES.

(a) Preference for Domestic Upgrading.—In offering to enter into agreements pursuant to any provision of law for the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c), the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) Domestic Ferroalloy Upgrader Defined.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or is capable of engaging in such operations; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) Application of Section.—The requirements specified in subsection (a) shall apply during fiscal year 1995.

SEC. 3304. CONDITIONAL PROHIBITION ON PROPOSED DISPOSAL OF ZINC FROM NATIONAL DEFENSE STOCKPILE.

(a) Prohibition.—Except as provided in subsection (b), the President may not proceed with the disposal from the National Defense Stockpile of any portion of the 75,000 short tons of zinc that was proposed for disposal in the annual materials plan submitted to Congress under section 11(b) of such Act (50 U.S.C. 98h–2) in March 1994.

(b) Exception.—Subsection (a) shall not apply to the disposal of zinc from the National Defense Stockpile if the President certifies to Congress before proceeding with such disposal that any such disposal would not cause any undue disruption of the usual markets of producers, processors, and consumers of zinc.

(c) Definition.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3305. SPECIAL PROGRAM FOR CONVERSION OF LOW CARBON FERRO CHROMIUM TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) Required Upgrading.—During each of the fiscal years 1995 and 1996, the President shall obtain bids from domestic producers of high purity electrolytic chromium metal for the conversion of low carbon ferro chromium held in the National Defense Stockpile. On the basis of such bids, the President shall award contracts for the conversion of such chromium into high purity electrolytic chromium metal for inclusion in the National Defense Stockpile.

(b) Quantities To Be Upgraded.—Contracts awarded under subsection (a) shall provide for the addition of not less than 500 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(c) Use of Barter.—The President shall carry out this section only through the use of the barter authority provided to the President under section 6(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(c)) for the management of the National Defense Stockpile.

(d) Definition.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $129,658,000 for fiscal year 1995 for the purpose of carrying out title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as added by section 3402.

SEC. 3402. TRANSFER OF FEDERAL CIVIL DEFENSE ACT OF 1950 TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) Inclusion as Additional Title.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating title VI as title VII;

(2) by redesignating sections 601, 602, 603, and 604 as sections 701, 702, 703, and 704, respectively; and

(3) by inserting after title V the following new title VI:

"TITLE VI—FEDERAL CIVIL DEFENSE

"SEC. 601. DECLARATION OF POLICY.

"The purpose of this title is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this title.

"SEC. 602. DEFINITIONS.

"In this title:

"(1) The term 'hazard' means an emergency or disaster resulting from—

"(A) a natural disaster; or

"(B) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.

"(2) The term 'attack-related disaster' means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire, or nuclear, radiological, chemical, bacteriological, or biological means or other weapons or processes.

"(3) The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

"(4) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).

"(5) The term 'organizational equipment' means equipment determined by the Director to be necessary to a civil defense organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans.

"(6) The term 'materials' includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense.

"(7) The term 'facilities', except as otherwise provided in this title, includes buildings, shelters, utilities, and land.

"(8) The term 'Director' means the Director of the Federal Emergency Management Agency.

"(9) The term 'neighboring countries' includes Canada and Mexico.

"(10) The term 'State' includes interstate civil defense authorities established under section 611(g).

"SEC. 603. ADMINISTRATION OF TITLE.

"This title shall be carried out by the Director of the Federal Emergency Management Agency.

"Subtitle A—Powers and Duties

"SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.

"The Director is authorized, in order to carry out the policy described in section 601 to perform the following functions:

"(a) Prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, Congress, and the several States advised of the status of civil defense in the United States.

"(b) Delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities and review and coordinate the civil defense activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

"(c) Make appropriate provision for necessary civil defense communications and for dissemination of warnings to the civilian population of a hazard.

"(d) Study and develop civil defense measures designed to afford adequate protection of life and property, including research and studies as to the best methods of treating the effects of hazards, developing shelter designs and materials for protective covering or construction, and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements.

"(e) Conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or including the payment of travel expenses, in accordance with subchapter I of chapter 57 of title 5, United States Code, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and provide instructors and training aids as deemed necessary. The terms prescribed by the Director for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed ½ of the total cost of such expenses. Not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection. The Director is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.

"(f) Publicly disseminate appropriate civil defense information by all appropriate means.

"(g) Assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; and aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard. A copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress shall be granted to each such compact, upon the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such 60-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact. Nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact.

"(h) Procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof. Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title, prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes (40 U.S.C. 255). The Director shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection. The Director is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized law. The Director is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Director shall prescribe.

"(i) Make financial contributions, on the basis of programs or projects approved by the Director, to the States for civil defense purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities. No contributions shall be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local civil defense workers. The amounts authorized to be contributed by the Director to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws. Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban population of the critical target areas (as determined by the Director, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States. The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate same to other States under the formula described in the preceding sentence. The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection. The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State civil defense programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1)

is intended for use, in whole or in part, for any purpose other than civil defense, and (2) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding sentences of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for civil defense purposes. The Director shall report not less often than annually to Congress all contributions made pursuant to this subsection. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5)), and every such employee shall receive compensation at a rate not less than one and ½ times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276(c)).

"(j) Arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts.

"SEC. 612. MUTUAL AID PACTS BETWEEN SEVERAL STATES AND NEIGHBORING COUNTRIES.

"The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries.

"SEC. 613. IDENTITY INSIGNIA.

"The Director may prescribe insignia, arm bands, and other distinctive articles (including designs previously covered under Letters Patent which were assigned to the United States and held by the Office of Civilian Defense created by Executive Order Numbered 8757 issued May 20, 1941) which may be manufactured for or possessed or worn by persons engaged in civil defense activities pursuant to rules and regulations for the manufacture, possession, or wearing thereof established by the Director. The manufacture, possession, or wearing of any such insignia, arm band, or other distinctive article otherwise than in accordance with such rules and regulations shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

"SEC. 614. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.

"(a) GENERAL AUTHORITY.—To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate civil defense authorities established pursuant to section 611(g)) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Director) for the civil defense of the States. The financial contributions to the States under this section shall not exceed ½ of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

"(b) PLAN REQUIREMENTS.—Plans submitted under this section shall—

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Director;

"(4) provide for the employment of a full-time civil defense director, or deputy director, by the State;

"(5) provide that the State shall make such reports in such form and content as the Director may require; and

"(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

"(c) TERMS AND CONDITIONS.—The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

"(d) APPLICATION OF OTHER PROVISIONS.—In carrying out this section, the provisions of section 611(g) and 621(h) shall apply.

"(e) ALLOCATION OF FUNDS.—For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the target and support areas and the areas which may be affected by hazards with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not utilized by a State in a plan submitted hereunder. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein.

"(f) SUBMISSION OF PLAN.—In the event a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations hereunder, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director will best assure the adequate development of the civil defense capability of the Nation.

"(g) ANNUAL REPORTS.—The Director shall report annually to the Congress all contributions made pursuant to this section.

"SEC. 615. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

"Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

"SEC. 616. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this title for civil defense activities and measures related to hazards.

"Subtitle B—General Provisions

"SEC. 621. ADMINISTRATIVE AUTHORITY.

"For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the following administrative authorities:

"(a) Employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with subchapter III of chapter 51 and chapter 53 of title 5, United States Code.

"(b) Employ not more than 100 such part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of this title. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the Director.

"(c) Utilize the services of Federal agencies and, with the consent of any State or local government, accept and utilize the services of State and local civil agencies; establish and utilize such regional and other offices as may be necessary; utilize such voluntary and uncompensated services by individuals or organizations as may from time to time be needed; and authorize the States to establish and organize such individuals and organizations into units to be known collectively as the United States Civil Defense Corps. The members of such corps shall not be deemed by reason of such membership to be appointees or employees of the United States.

"(d) Notwithstanding any other provision of law, accept gifts of supplies, equipment, and facilities and utilize or distribute such gifts for civil defense purposes in accordance with the provisions of this title.

"(e) Reimburse any Federal agency for any of its expenditures or for compensation of its personnel and utilization or consumption of its materials and facilities under this title to the extent funds are available.

"(f) Purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44, United States Code.

"(g) Prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title through or with the aid of such officials of the Federal Emergency Management Agency as the Director may designate.

"(h) When, after reasonable notice and opportunity for hearing to the State or other person, *the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this title for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure. Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder. As used in this subsection, the term 'person' means the political subdivision of any State or combination or group thereof, any interstate civil defense authority established pursuant to subsection 611(g), or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.*

"SEC. 622. EXEMPTION FROM CERTAIN PROHIBITIONS.

"The authority granted in subsections (b) and (c) of section 621 shall be exercised in accordance with regulations of the President, who may also provide by regulation for the exemption of persons employed or whose services are utilized under the authority of such subsections from the operation of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

"SEC. 623. SECURITY REGULATIONS.

"(a) ESTABLISHMENT.—The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

"(b) LIMITATIONS ON EMPLOYEE ACCESS TO INFORMATION.—No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Director.

"(c) NATIONAL SECURITY POSITIONS.—No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director for any other reason shall deem it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director for evaluation in writing. Thereafter the Director may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director for action.

"(d) EMPLOYEE OATHS.—Each Federal employee of the Federal Emergency Management Agency, except the subjects of the United Kingdom and the Dominion of Canada specified in section 621(b), shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for civil defense shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

'I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

'And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of (name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence.'

After appointment and qualification for office, the director of civil defense of any State, and any subordinate civil defense officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of title 18, United States Code.

"SEC. 624. UTILIZATION OF EXISTING FACILITIES.

"In performing duties under this title, the Director shall—

"(1) cooperate with the various departments and agencies of the Federal Government;

"(2) utilize, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and

"(3) refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this title.

"SEC. 625. ANNUAL REPORT TO CONGRESS.

"The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director shall deem appropriate.

"SEC. 626. APPLICABILITY OF TITLE.

"The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

"SEC. 627. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

"There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Bureau of the Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer.

"SEC. 628. ATOMIC ENERGY ACT OF 1946.

"Nothing in this title shall be construed to amend or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 629. FEDERAL BUREAU OF INVESTIGATION.

"Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation.

"SEC. 630. SEPARABILITY.

"If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title, and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 631. APPLICABILITY OF REORGANIZATION PLAN NUMBERED 1.

"The applicability of Reorganization Plan Numbered 1 of 1958 (23 F.R. 4991) shall extend to any amendment of this title except as otherwise expressly provided in such amendment.".

(b) CONFORMING REPEAL.—The Act entitled "An Act to authorize a Federal civil defense program, and for other purposes.", approved January 12, 1951 (50 U.S.C. App. 2251 et seq.), is repealed.

(c) CONFORMING AMENDMENTS.—(1) Section 202(c) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking "section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))," and inserting "section 611(c) of this Act".

(2) The undesignated paragraph under the heading "CIVIL DEFENSE PROCUREMENT FUND" in chapter XI of the Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264; 65 Stat. 61) is repealed.

(3) Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out "the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297)." and inserting in lieu thereof "title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

TITLE XXXV—NAVAL PETROLEUM RESERVES

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $199,456,000 for fiscal year 1995 for the purpose of carry out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1995.

During fiscal year 1995, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at the price prescribed by section 7430(b)(2)(A) of title 10, United States Code.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except amendments printed in House Report 103–509 and amendments en bloc described in section 4 of House Resolution 429.

Except as specified in section 3, 4, or 5 of the resolution or unless otherwise specified in the report, the amendments shall be considered in the order printed, may be offered only by a member designated in the report, shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, except that pro forma amendments for the purpose of debate may be offered by the chairman and ranking minority member of the Committee on Armed Services.

After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, there shall be an additional period of general debate which shall be confined to ballistic missile defense and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 2 of the report. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, it shall be in order to consider the amendments printed in part 3 of the report relating to burdensharing.

After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, there shall be an additional period of general debate which shall be confined to the Trident II (D-5) missile and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 4 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, and pursuant to the order of the House of earlier today, it shall be in order to consider any amendment printed in part 1 of the report not previously considered.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report or germane modifications of any such amendment.

Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments made in order by the resolution out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of or continued postponement of further proceedings on each of the amendments printed in the report and any amendments offered pursuant to section 4 of the resolution, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

For what purpose does the gentleman from California rise?

Mr. DELLUMS. Mr. Chairman, I rise first to congratulate the Chair on the clarity of his instructions to govern the proceedings. I followed them very carefully.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 4 of House Resolution 429, I offer amendments en bloc consisting of amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, amendment No. 14, as modified, and finally amendment No. 15 printed in part 1 of House Report 103-509, and the amendments printed in part 5 of that report.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments, as modified, offered by Mr. DELLUMS, is as follows:

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Amendment offered by Mr. DELLUMS: Page 49, line 12, strike out "$2,655,200,000" and insert in lieu thereof "$2,180,200,000".

Page 49, line 14, strike out "(none of the" and all that follows through line 17 and insert in lieu thereof a period.

Page 49, after line 23, insert the following:

(20) For Project Peace, $15,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

(22) For Overseas Humanitarian, Disaster, and Civic Aid programs, $60,000,000.

Page 52, after line 11, insert the following new section:

SEC. 306. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $25,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes, as determined by the Secretary of Defense.

Page 111, after line 10, insert the following new sections:

SEC. 384. OPERATION OF OVERSEAS FACILITIES OF THE DEPARTMENT OF DEFENSE BY UNITED STATES FIRMS.

(a) OPERATION OF FACILITIES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2542. Operation of overseas facilities of the Department of Defense by United States firms

"(a) OPERATION OF OVERSEAS FACILITIES.—A contract to operate a Department of Defense facility not in the United States (or its territories or possessions) for the production or distribution of subsistence items may be awarded only to a United States firm. The facility shall be operated in accordance with Federal law governing the production or distribution of such items.

"(b) DEFINITION.—In this section, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2542. Operation of overseas facilities of the Department of Defense by United States firms.".

(b) EFFECTIVE DATE.—Section 2542 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations issued, contracts awarded or extended, or subcontracts approved, after January 1, 1995.

SEC. 385. EXCLUSION OF CERTAIN TROOPS IN CALCULATION OF AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

Subsection (c)(1) of section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by adding at the end the following: "For purposes of this paragraph, members of the Armed Forces of the United States assigned to permanent duty ashore in Iceland, Greenland, and the Azores are excluded in calculating the end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO.".

Page 168, after line 17, insert the following:

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States has committed itself to fight and win two Persian Gulf-type regional wars almost simultaneously. Both the Bush and Clinton administrations have embraced the so-called "win/win" strategy which requires sizing the military for two major regional conflicts.

(2) The involvement of the United States in relief efforts in Somalia, the continued involvement of the United States in Bosnia, and the possible need for military action in Korea reaffirm the importance of a sufficient-sized military to deter aggression and enforce America's interests abroad.

(3) The United States military will be called upon in the future to perform an increasing number of humanitarian and relief missions, causing increased strain on the resources of the Armed Forces.

(4) The United States military force structure has shrunk dramatically since the Persian Gulf War in 1991. Critical force enhancements which will not be deployed for several

years are needed to achieve decisive victory in major regional conflicts.

Page 168, strike out line 18 and insert in lieu thereof the following:

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

Page 266, after line 20, insert the following new subtitle:

Subtitle B—Counter-Drug Activities

SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "through 1995" and inserting in lieu thereof "through 1997".

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1995 under section 301 for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

Page 268, after line 24, insert the following:

SEC. 1022. EXTENSION OF AUTHORITY TO ENTER INTO CERTAIN COOPERATIVE AGREEMENT AUTHORITIES TO INCLUDE THE UNITED NATIONS AND REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER.

(a) LOGISTICS AGREEMENTS.—Section 2341 of title 10, United States Code, is amended—

(1) by striking out "and" the first place it appears in paragraph (1) and inserting in lieu thereof a comma, and

(2) by inserting after "from North Atlantic subsidiary bodies" the following: ", and from the United Nations Organization or any regional international organization of which the United States is a member".

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) the United Nations Organization or any regional international organization of which the United States is a member; or"; and

(2) in paragraph (2), by striking out "subsidiary body" both places it appears and inserting in lieu thereof "organization";

(c) METHOD OF PAYMENT FOR ACQUISITIONS AND TRANSFERS.—Section 2344(b)(4) of such title is amended by adding at the end the following new sentence: "The pricing principles set forth in paragraphs (1) and (2) shall also apply to agreements under this subchapter with the United Nations Organization or any regional international organization of which the United States is a member.".

(d) DEFINITIONS.—Section 2350 of such title is amended—

(1) in paragraph (1)—

(A) by inserting "(including airlift)" after "transportation";

(B) by inserting "calibration services," after "maintenance services,"; and

(C) by adding at the end the following new sentence: "Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act."; and

(2) by adding at the end the following new paragraph:

"(4) The term 'transfer' means loaning, or otherwise temporarily providing, logistic support, supplies, and services under the terms of a cross-servicing agreement.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to any acquisition or transfer of logistic support, supplies, and services under the authority of subchapter I of chapter 138 of title 10, United States Code, that is initiated after the date of the enactment of this Act.

SEC. 1023. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID.

(a) OHDACA PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 2547, and 2551 of title 10, United States Code, by section 2219 of title 10, United States Code, as added by section 1024, and by section 1025.

(b) LIMITATION.—Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until—

(1) the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1839) have been prescribed; and

(2) the report required to be submitted by subsection (d) of that section has been submitted.

SEC. 1024. DISASTER RELIEF.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2219. Disaster relief; Defense Emergency Response Fund

"(a) DOMESTIC DISASTER RELIEF.—The Defense Emergency Response Fund (established by title V of Public Law 101–165 (103 Stat. 1126)) is available only for assistance in the case of disasters occurring in the United States.

"(b) OVERSEAS DISASTER RELIEF.—Whenever the Secretary of Defense is directed to provide disaster relief assistance in the case of a natural or manmade disaster occurring outside the United States, the Secretary shall designate the activity of the Department of Defense to provide that assistance to be a National Contingency Operation under section 127a of this title.

"(c) ORGANIZING POLICIES AND PROGRAMS.—Amounts appropriated for any fiscal year for Oversesas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Disaster relief; Defense Emergency Response Fund.".

SEC. 1025. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

(a) PROGRAM.—The Secretary of Defense shall carry out a program to assist other nations in clearing landmines for humanitarian purposes. Such assistance may be provided in the form of financial assistance, in-kind or personnel assistance, or both.

(b) LIMITATION ON ACTIONS OF UNITED STATES PERSONNEL.—The Secretary of Defense shall ensure that United States military personnel are not engaged in the physical lifting or destroying of landmines except in support of United States military operations.

(c) SOURCE OF FUNDS.—Of the funds authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, such sums as determined by the Secretary of Defense shall be available for the program under subsection (a) and may be used for—

(1) activities to support the clearing of landmines for humanitarian purposes, including activities relating to the furnishing of education, training, technical assistance, equipment, and technology; and

(2) contributions to nongovernmental organizations that have experience in landmine clearance to support activities described in paragraph (1).

Page 277, after line 2, insert the following new sections:

SEC. 1038. MILITARY-TO-MILITARY CONTACT PROGRAM.

(a) AUTHORIZATION.—Of amounts appropriated pursuant to section 301(5) for Defense-wide activities, $45,800,000 shall be available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) REPORT TO CONGRESS.—Not more than $10,000,000 of the funds authorized by subsection (a) may be obligated until the Secretary of Defense submits to Congress a report describing in detail how the military-to-military contact program will be executed during fiscal year 1995.

SEC. 1039. LIMITATION ON OBLIGATION OF FUNDS FOR OVERSEAS BASING ACTIVITIES.

(a) LIMITATION.—The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1995 may not exceed $8,181,000,000, except to the extent provided by the Secretary of Defense under subsection (b).

(b) EXCEPTION.—The Secretary of Defense may increase the amount of the limitation under subsection (a) by such amount as the Secretary determines to be necessary in the national interest, except that such increase may not exceed $400,000,000. The Secretary may not make any such increase until the Secretary notifies the Congress of the Secretary's intent to make such an increase and a period of 15 days elapses after the day on which the notification is received by the Congress.

(c) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1995 for the purposes covered by subsection (a) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

(d) DEFINITION.—In this section, the term "overseas basing activities" has the meaning given such term in section 1401(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.

1825), except that such term does not include activities of the Department of Defense for which funds are provided through appropriations for Military Personnel.

Page 308, after line 24, insert the following new title:

TITLE XII—COOPERATIVE THREAT REDUCTION, COUNTERPROLIFERATION, AND RELATED MATTERS

Subtitle A—Cooperative Threat Reduction

SEC. 1201. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REQUIRED REPORT.—Of the amount authorized to be appropriated in section 301 for Cooperative Threat Reduction programs, not more than 10 percent may be obligated until the Secretary of Defense submits to Congress a report on the efforts made by the United States Government (including the use of audits, examinations, and on-site inspections) to ensure that United States assistance provided under the Cooperative Threat Reduction program in fiscal year 1994 and prior years is fully accounted for and is being used for its intended purposes.

(b) INFORMATION TO BE INCLUDED.—The report—

(1) shall include—

(A) a listing of United States Cooperative Threat Reduction assistance provided as of the time the report is submitted;

(B) a description of the whereabouts and conditions of the aid; and

(C) a determination of whether the aid in question has been used for its intended purpose; and

(2) shall describe the activities planned in fiscal year 1995 to ensure that United States assistance provided that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which the report described in subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessing the Secretary's report and making any recommendations the Comptroller General considers appropriate.

SEC. 1202. REPORT ON CONTROL AND ACCOUNTABILITY OF MATERIAL RELATING TO WEAPONS OF MASS DESTRUCTION.

The Secretary of Defense shall submit to Congress a report on progress being made in each state of the former Soviet Union that is a recipient of assistance under Cooperative Threat Reduction programs toward the development of an effective system of control and accountability for material related to weapons of mass destruction in that country. Under such a system, officials of the United States and of the recipient country should have an accurate accounting of the weapons of mass destruction in that country and the fissile and chemical materials from those weapons. The report shall be submitted not later than three months after the date of the enactment of this Act.

SEC. 1203. COOPERATIVE THREAT REDUCTION.

(a) FUNDING REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for programs of cooperative threat reduction with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such cooperative threat reduction programs.

(b) MATTERS TO BE INCLUDED IN ANNUAL REPORT.—The Secretary of Defense shall include in the report under subsection (a) the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of cooperative threat reduction programs.

(2) A multiyear plan for the use of amounts and other resources provided by the United States for cooperative threat reduction programs and to provide guidance for preparation of annual budget submissions.

(c) SUBSEQUENT REVISIONS TO REPORT.—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for cooperative threat reduction programs.

(d) FISCAL YEAR 1995 LIMITATION.—Of the amount authorized in this Act for cooperative threat reduction programs, the sum of $50,000,000 may not be obligated until the President certifies to Congress that the United States is making a concerted effort to ensure that allies of the United States are increasing their levels of support for activities that will aid in accomplishing the objectives of the cooperative threat reduction programs.

(e) COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of this section, cooperative threat reduction programs are those programs described in section 1203(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1778).

Subtitle B—Counterproliferation Activities

SEC. 1211. EXTENSION AND REVISION OF COUNTERPROLIFERATION AUTHORITIES.

(a) EXTENSION OF INTERNATIONAL NONPROLIFERATION AUTHORITIES.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal year 1994"; and

(2) in subsection (e), by striking out "of fiscal year 1994" and inserting in lieu thereof "of a fiscal year".

(b) ADDITIONAL NONPROLIFERATION AUTHORITIES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "the International Atomic Energy Agency (IAEA)" and inserting in lieu thereof "international organizations";

(B) by striking out "nuclear";

(C) by striking out "aggressive" and inserting in lieu thereof "effective"; and

(D) by striking out "the Treaty on" and all that follows in such paragraph and inserting in lieu thereof "international agreements on nonproliferation.";

(2) in paragraph (2), by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense";

(3) in paragraph (4), by striking out "nuclear proliferation" and all that follows in such paragraph and inserting in lieu thereof "proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons."; and

(4) by adding at the end the following new paragraph:

"(5) Activities supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons.".

(c) REPEAL OF FUNDING LIMITATIONS.—Subsection (d) of such section is amended—

(1) by striking out paragraphs (1) and (3); and

(2) by striking out "(2)".

(d) CROSS REFERENCE AMENDMENT.—Subsection (e)(2) of such section is amended by striking out "and under subsection (d)(4)".

SEC. 1212. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amended by striking out "During fiscal year 1994, the Secretary" and inserting in lieu thereof "The Secretary";

(b) REPEAL OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by striking out subsections (d) and (e); and

(2) by redesignating subsection (f) as subsection (d).

SEC. 1213. FISCAL YEAR 1995 AMOUNT.

(a) FISCAL YEAR 1995 AMOUNT.—Of the total amount authorized to be appropriated in section 301 for Defense-wide activities, $30,159,000 is available for the purposes of conducting counterproliferation activities.

(b) RESTRICTION.—None of the amount specified in subsection (a) may be obligated until 15 days after the date on which the Secretary of Defense submits to the congressional committees named in section 1607(1) of Public Law 103-160 a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843);

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

SEC. 1214. LIMITATION ON FUNDS FOR STUDIES PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORT.

(a) LIMITATION.—Of the total amount specified in section 1213(a) for counterproliferation activities for fiscal year 1995, $2,000,000 shall be withheld from obligation until the report described in subsection (b) has been submitted to Congress.

(b) REPORT.—The report referred to in subsection (a) is the report required to be submitted to Congress not later than May 30, 1994, pursuant to section 1422 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1829).

Page 414, after line 4, insert the following new section:

SEC. 3155. RELEASE OF CERTAIN RESTRICTED DATA.

Subsection (f) of section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162(f)) is amended by adding at the end the following: "This subsection does not preclude the President from releasing to a degree and in a manner which is more limited than a public release of such data any Restricted Data which is exchanged with a member state of the Commonwealth of Independent States pursuant to a bilateral exchange of such data.".

Amendment offered by Mr. SPENCE: At the end of subtitle E of title III (page 83, after line 8), insert the following new section:

SEC. 355. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) AUTHORITY.—Section 2605 of title 10, United States Code, is amended—

(1) by striking out "the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)" in subsection (a) and inserting in lieu thereof "a defense dependents' school"; and

(2) by striking out "the defense dependent's education system" in subsection (b) and inserting in lieu thereof "defense dependents' schools".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'defense dependents' school' means the following:

"(1) A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(2) An elementary or secondary school established pursuant to section 2164 of this title.".

(c) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 2605. Acceptance of gifts for defense dependents' schools".

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2605. Acceptance of gifts for defense dependents' schools.".

Amendment offered by Mr. ABERCROMBIE: At the end of subtitle F of title I (page 25, after line 4) insert the following new section:

SEC. 165. OPERATION OF SEALIFT VESSELS FOR WHICH ASSISTANCE IS PROVIDED THROUGH NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) A vessel that is constructed, altered, converted, purchased, operated, maintained, leased, or chartered with funds in the National Defense Sealift Fund pursuant to subsection (c)(1)—

"(i) may not be operated or maintained directly by the Department of Defense or Department of Transportation; and

"(ii) may not be crewed by employees of the United States.

"(B) Operation and maintenance of any such vessel with funds in the National Defense Sealift Fund (including retention of the vessel in reduced operating status) shall be conducted using private operating companies employing only merchant mariners on board such vessel who are United States citizens. To the extent possible, preference in employing such mariners shall be given to otherwise qualified former or retired military personnel who are released from active duty as a result of the downsizing of the armed forces.

"(C) Subparagraphs (A) and (B) do not apply during time of war or national emergency declared by the President or the Congress if the Secretary of Defense certifies that no qualified private contractor or private sector merchant mariners are available to operate the vessel.

"(D) Nothing in this paragraph shall be construed to—

"(i) require the separation by reduction in force of any employee of the United States who, on the date of the enactment of this paragraph, is employed as a crewmember on a vessel described in subparagraph (A); or

"(ii) restrict the ability to embark military detachments to operate special equipment.".

Amendment offered by Ms. SHEPHERD: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . TRANSPORTATION OF CHEMICAL MUNITIONS.

(a) PROHIBITION OF TRANSPORTATION ACROSS STATE LINES.—The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.

(b) TRANSPORTATION OF CHEMICAL MUNITIONS NOT IN CHEMICAL WEAPONS STOCKPILE.—If it is considered necessary, the Secretary of Defense may transport to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, if the transportation of those munitions to that facility can be accomplished while protecting public health and safety.

Amendment offered by Mr. KLINK: At the end of subtitle F of title III (page 111, after line 10), insert the following new section:

SEC. . AUTHORITY TO TRANSFER CERTAIN EXCESS PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary of Defense may, until January 1, 1997, authorize the transfer, on a nonreimbursable basis, of any property described in section 2535 of title 10, United States Code, to any nonprofit educational institution or training school whenever the program proposed by such institution or school for the use of such property is in the public interest.

Amendment offered by Mr. MCCURDY: At the end of subtitle B of title II (page 42, after line 5), insert the following new section:

SEC. . ARROW/ACES PROGRAM.

Of the amount provided in section 201 for Defensewide activities, $52,400,000 is available for the Arrow/ACES program.

Amendment offered by Mr. SKELTON: At the end of subtitle B of title V (page 128, after line 20), insert the following new section:

SEC. 516. SEMIANNUAL REPORT ON SEPARATIONS OF ACTIVE ARMY OFFICERS.

Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536) is amended by adding at the end the following new subsection:

"(e) On a semiannual basis, the Secretary of the Army shall furnish to the Chief of the National Guard Bureau a list containing the name, home of record, and last-known mailing address of each officer of the Army who during the previous six months was honorably separated from active service in the grade of major or below.".

Amendment offered by Mr. DEUTSCH: At the end of title VII (page 208, after line 7), insert the following new section:

SEC. 725. ORAL TYPHOID VACCINE INVENTORY OF DEPARTMENT OF DEFENSE.

(a) NUMBER OF DOSES MAINTAINED IN INVENTORY.—The Secretary of Defense shall direct that the number of doses of oral typhoid vaccine maintained in inventory by the Department of Defense during a fiscal year is not less than the number of doses of parenteral injection typhoid vaccine maintained in inventory by the Department during that fiscal year.

(b) WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress of the reasons for the waiver.

Amendment offered by Mr. HUNTER: In subsection (d) of the amendment made by section 322 (page 59, line 24), strike out "by non-Federal Government personnel".

In subsection (d)(4) of the amendment made by section 322 (page 60, lines 8 and 9), strike out "by a contractor to a depot".

Amendment offered by Mr. BEREUTER: At the end of title X (page 277, after line 2) add the following:

SEC. 1038. FINDINGS AND SENSE OF CONGRESS CONCERNING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The North Atlantic Treaty Organization has served as a bulwark of peace, security, and democracy for the United States and the members of the alliance since 1949.

(2) The unswerving resolve of the member states of the North Atlantic Treaty Organization to mutual defense against the threat of communist aggression was central to the demise of the Warsaw Pact.

(3) The North Atlantic Treaty Organization is the most successful international security organization in history, and is well suited to help marshal our cooperative political, diplomatic, economic, and humanitarian efforts, buttressed by credible military capability aimed at deterring conflict, and thus contributing to international peace and security.

(4) The threat of instability in Eastern and Central Europe, as well as in the Southern and Eastern Mediterranean, continues to pose a fundamental challenge to the interests of the member states of the North Atlantic Treaty Organization.

(5) North Atlantic Treaty Organization assets have been deployed in recent years for more than the territorial defense of alliance members; and the Rome Summit of October 1991 adopted a new strategic concept for the North Atlantic Treaty Organization that entertained the possibility of operations beyond the alliance's self-defense area.

(6) In Oslo in July 1992, and in Brussels in December 1992, the alliance embraced the deployment of North Atlantic Treaty Organization forces to peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe.

(7) The North Atlantic Treaty Organization should attempt to cooperate with and seek a mandate from international organizations such as the United Nations when considering responses to out of area crises.

(8) Not all members of the international community share a commonality of interests that would ensure timely action by the United Nations Security Council.

(9) The security interests of the member countries of the North Atlantic Treaty Organization must not be held hostage to indecision at the United Nations or a veto by a permanent member of the Security Council.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) it should be the policy of the United States that the North Atlantic Treaty Organization retains the right of autonomy of action regarding missions in addition to collective defense should the United Nations Security Council or the Conference on Security and Cooperation in Europe fail to act;

(2) while it is desirable to work with other international organizations and arrangements where feasible in dealing with threats to the peace, the North Atlantic Treaty Organization is not an auxiliary to the United Nations or other organization; and

(3) ultimately the member states of the North Atlantic Treaty Organization reserve the right to act in defense of their vital interests independent of decisions by any international organization or arrangement.

Amendment offered by Mr. SOLOMON: At the end of title X (page , after line), insert the following new section:

SEC. 1038. REPORT ON STATUS OF DEFENSE RANDOM DRUG TESTING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress describing the policy and procedures under which the Armed Forces conduct random drug testing of members of the Armed Forces, the frequency of such testing, and the number of members annually required to submit to such testing. The report shall describe any changes that were made or proposed to be made to such policy or procedures or to the frequency of such testing during the one-year period ending on the date of the enactment of this Act.

Amendment, as modified offered by Mr. MONTGOMERY: In lieu of the text of H.R. 1040, as passed the House on May 11, 1993, insert at the end of division A (page 308, after line 24), a new title XII as follows:

TITLE XII—RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

SEC. 1201. SHORT TITLE.

This title may be cited as the "Reserve Officer Personnel Management Act".

SEC. 1202. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

Subtitle A—Reserve Officer Personnel Management

PART I—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 1211. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle E—Reserve Components

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap.	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"PART II—PERSONNEL GENERALLY

"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
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"§ 14001. Applicability of this part

"This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§ 14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§ 14003. Reserve active-status: position of officers on the list

"(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§ 14004. Reserve active-status lists: eligibility for Reserve promotion

"Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§ 14005. Competitive categories

"Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§ 14006. Determination of years in grade

"For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

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"14102. Selection boards: appointment and composition.
"14103. Oath of members.
"14104. Confidentiality of board proceedings.
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"§ 14101. Convening of selection boards

"(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§ 14102. Selection boards: appointment and composition

"(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§ 14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§ 14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§ 14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§ 14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§ 14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§ 14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§ 14109. Reports of promotion boards: in general

"(a) REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) CERTIFICATION.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) SHOW-CAUSE RECOMMENDATIONS.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§ 14110. Reports of promotion boards: review by Secretary

"(a) REVIEW OF REPORT.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) RETURN OF REPORT FOR FURTHER PROCEEDINGS.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§ 14111. Reports of selection boards: transmittal to President

"(a) TRANSMITTAL TO PRESIDENT.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) REMOVAL OF NAME FROM BOARD REPORT.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

"§ 14112. Dissemination of names of officers selected

"Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"CHAPTER 1405—PROMOTIONS

"Sec.

"14301. Eligibility for consideration for promotion: general rules.
"14302. Promotion zones.
"14303. Eligibility for consideration for promotion: minimum years of service in grade.
"14304. Eligibility for consideration for promotion: maximum years of service in grade.
"14305. Establishment of promotion zones: mandatory consideration for promotion.
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"14307. Numbers of officers to be recommended for promotion.
"14308. Promotions: how made.
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"14311. Delay of promotion: involuntary.
"14312. Delay of promotion: voluntary.
"14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half).
"14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; state adjutants general.
"14315. Position vacancy promotions: Army and Air Force officers.
"14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.
"14317. Officers in transition to and from the active-status list or active-duty list.

"§ 14301. Eligibility for consideration for promotion: general rules

"(a) ONE-YEAR RULE.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

"(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

"(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

"(b) REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) OFFICERS BELOW THE ZONE.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

"(e) RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) CERTAIN RESERVE OFFICERS OF THE AIR FORCE.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§ 14302. Promotion zones

"(a) PROMOTION ZONES GENERALLY.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§ 14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O-1 AND O-2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O-3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§ 14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§ 14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§ 14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§ 14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§ 14308. Promotions: how made

"(a) Promotion List.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) Promotion; How Made; Order.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) Date of Rank.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) Officers With Running Mates.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) Army Reserve and Air Force Reserve Promotions To Fill Vacancies.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) Effective Date of Promotion After Federal Recognition.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) Army and Air Force General Officer Promotions.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§ 14309. Acceptance of promotion; oath of office

"(a) Acceptance.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) Oath.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§ 14310. Removal of officers from a list of officers recommended for promotion

"(a) Removal by President.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) Removal for Withholding of Senate Advice and Consent.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) Continued Eligibility for Promotion.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§ 14311. Delay of promotion: involuntary

"(a) Delay During Investigations and Proceedings.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) Delay for Lack of Qualifications.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§ 14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§ 14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§ 14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) Credit for Service in Grade.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§ 14315. Position vacancy promotions: Army and Air Force officers

"(a) Officers Eligible for Consideration for Vacancy Promotions Below Brigadier General.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) Consideration for Vacancy Promotion to Brigadier General or Major General.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) Vacancy Promotion Boards.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) Effect of Nonselection.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) Special Rule for Officers Failed of Selection.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) Opportunity for Promotion To Fill a Vacancy in the Guard.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) Automatic Federal Recognition.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) National Guard Officers Failed of Selection.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) Transfer to Army Reserve or Air Force Reserve.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§ 14317. Officers in transition to and from the active-status list or active-duty list

"(a) Effect of Transfer to Inactive Status or Retired Status.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) Effect of Placement on Active-Duty List.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) Officers on a Promotion List Removed From Active-Duty List.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) Officers Selected for Position Vacancies.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.

"14501. Failure of selection for promotion.

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"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
"14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
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"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
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"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§ 14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) Officers Twice Failed of Selection.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§ 14502. Special selection boards: correction of errors

"(a) Officers Not Considered Because of Administrative Error.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) Officers Considered but Not Selected; Material Error.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) Report.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) Applicable Provisions.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) Appointment of Officers Recommended for Promotion.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) Time Limits for Consideration.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) Limitation of Other Jurisdiction.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) Judicial Review.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) Designation of Boards.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§ 14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) Authorized Discharges.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) Time for Discharge.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) Regulations.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) General Rule.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) Exceptions.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) Lieutenant Colonels and Commanders.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) Colonels and Navy Captains.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) Thirty Years Service or Five Years in Grade.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) Thirty-Five Years Service or Five Years in Grade.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

"(c) Retention of Brigadier Generals.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) Retention of Major Generals.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the

Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§ 14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§ 14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§ 14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§ 14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§ 14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§ 14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§ 14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.
"14701. Selection of officers for continuation on the reserve active-status list.
"14702. Retention on reserve active-status list of certain officers until age 60.
"14703. Authority to retain chaplains and officers in medical specialties until specified age.
"14704. Selective early removal from the reserve active-status list.
"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
"14706. Computation of total years of service.

"§ 14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.

"14902. Separation for substandard performance and for certain other reasons.

"14903. Boards of inquiry.

"14904. Rights and procedures.

"14905. Officer considered for removal: retirement or discharge.

"14906. Officers eligible to serve on boards.

"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§ 14904. Rights and procedures

"(a) Procedural Rights.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) Summary of Records Withheld.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 14905. Officer considered for removal: retirement or discharge

"(a) Voluntary Retirement or Discharge.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) Required Retirement or Discharge.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) Separation Pay.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§ 14906. Officers eligible to serve on boards

"(a) Composition of Boards.—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) Limitation.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) Authority To Withdraw Federal Recognition.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) Discharge From Reserve Appointment.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART II—CONFORMING AMENDMENTS

SEC. 1221. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 1222. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) Authority.—Section 123 is amended to read as follows:

"§ 123. Authority to suspend officer personnel laws during war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.".

(b) Conforming Repeal.—Section 644 is repealed.

SEC. 1223. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 1224. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.".

SEC. 1225. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 1226. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.".

SEC. 1227. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law.".

SEC. 1228. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 1229. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 1230. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§ 310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.".

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.".

Subtitle B—Other Personnel Policy Amendments

PART I—APPOINTMENTS

SEC. 1231. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1232. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 1233. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§ 596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.".

SEC. 1234. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 1233) the following new section:

"§ 596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.".

SEC. 1235. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1291, section 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 1236. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART II—SEPARATION AND RETIREMENT

SEC. 1241. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.".

PART III—OTHER AMENDMENTS

SEC. 1251. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: "While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.".

SEC. 1252. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

Subtitle C—Reorganization and Consolidation of Laws Relating to Reserve Components

SEC. 1261. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 1211, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
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"CHAPTER 1001—DEFINITIONS

"Sec.

"10001. Definition of State.

"§ 10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.

"10101. Reserve components named.

"10102. Purpose of reserve components.

"10103. Basic policy for order of National Guard into Federal service.

"10104. Army Reserve: composition.

"10105. Army National Guard of the United States: composition.

"10106. Army National Guard: when a component of the Army.

"10107. Army National Guard of the United States: status when not in Federal service.

"10108. Naval Reserve: administration.

"10109. Marine Corps Reserve: administration.

"10110. Air Force Reserve: composition.

"10111. Air National Guard of the United States: composition.

"10112. Air National Guard: when a component of the Air Force.

"10113. Air National Guard of the United States: status when not in Federal service.

"10114. Coast Guard Reserve.

"§ 10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§ 10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§ 10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§ 10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§ 10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§ 10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§ 10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§ 10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§ 10109. Marine Corps Reserve: administration

"(a) The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§ 10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§ 10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§ 10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§ 10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§ 10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.
"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.
"10142. Ready Reserve generally.
"10143. Ready Reserve: Selected Reserve.
"10144. Ready Reserve: Individual Ready Reserve.
"10145. Ready Reserve: placement in.
"10146. Ready Reserve: transfer from.
"10147. Ready Reserve: training requirements.
"10148. Ready Reserve: failure to satisfactorily perform prescribed training.
"10149. Ready Reserve: continuous screening.
"10150. Ready Reserve: transfer back from Standby Reserve.
"10151. Standby Reserve: composition.
"10152. Standby Reserve: inactive status list.
"10153. Standby Reserve: status of members.
"10154. Retired Reserve.

"§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§ 10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§ 10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

"§ 10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

"§ 10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§ 10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

"§ 10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§ 10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§ 10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§ 10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§ 10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§ 10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§ 10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§ 10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.

"10201. Assistant Secretary of Defense for Reserve Affairs.

"10202. Regulations.

"10203. Reserve affairs: designation of general or flag officer of each armed force.

"10204. Personnel records.

"10205. Members of Individual Ready Reserve: requirement of notification of change of status.

"10206. Members: periodic physical examinations.

"10207. Mobilization forces: maintenance.

"10208. Annual mobilization exercise.

"10209. Regular and reserve components: discrimination prohibited.

"10210. Dissemination of information.

"10211. Policies and regulations: participation of reserve officers in preparation and administration.

"10212. Gratuitous services of officers: authority to accept.

"10213. Reserve components: dual membership prohibited.

"10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.

"10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§ 10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 138(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§ 10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§ 10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§ 10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§ 10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§ 10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§ 10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§ 10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§ 10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

"(1) among Regulars;

"(2) among Reserves; and

"(3) between Regulars and Reserves.

"§ 10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§ 10211. Policies and regulations: participation of Reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§ 10212. Gratuitous services of officers: authority to accept

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.

"§ 10213. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§ 10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§ 10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.".

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"261. Reference to chapters 1003, 1005, and 1007.

"§ 261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.".

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98-525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§ 10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§ 10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§ 10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.".

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.".

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§ 3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.".

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§ 8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.".

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

"CHAPTER 1011—NATIONAL GUARD BUREAU

"Sec.
"10501. National Guard Bureau: organization; function.
"10502. Chief of Bureau: appointment.
"10503. Chief of Bureau: term of office; grade; filling vacancy.
"10504. National Guard Bureau: assignment of officers of regular or reserve components.

"§ 10501. National Guard Bureau: organization; function

"There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§ 10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§ 10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

"(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

"§ 10504. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.".

(2) Section 3040 (as amended by section 1251) and sections 3541 and 8541 are repealed.

(d) ANNUAL REPORTS TO CONGRESS.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.
"10541. National Guard and reserve component equipment: annual report to Congress.
"10542. Army National Guard combat readiness: annual report.".

(2)(A) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(B) The heading of that section is amended to read as follows:

"§ 10541. National Guard and reserve component equipment: annual report to Congress".

(3) Section 3082 is transferred to chapter 1013, as added by paragraph (1), inserted after section 10541 (as transferred and redesignated by paragraph (2)), redesignated as section 10542, and amended by striking out the word in the section heading before the colon and by striking out subsection (c).

SEC. 1262. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 1211, is amended by inserting after part I of such subtitle, as added by section 12601, the following:

"PART II—PERSONNEL GENERALLY

"Chap.	Sec.
"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties	[No present sections]
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.
"12001. Authorized strengths: reserve components.
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
"12003. Authorized strengths: commissioned officers active status.
"12004. Strength in grade: reserve general and flag officers in an active status.
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
"12006. Strength limitations: authority to waive in time of war or national emergency.
"12007. Reserve officers of the Army: distribution.
"12008. Army Reserve and Air Force Reserve: warrant officers.
"12009. Army and Air Force reserve components: temporary increases.
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§ 12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,000
"Army Reserve	980,000
"Air National Guard and the Air National Guard of the United States	150,000
"Air Force Reserve	500,000.

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§ 12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,000
"Air Force	200,000
"Navy	150,000
"Marine Corps	24,500.

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§ 12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	207
"Air Force	157
"Navy	48
"Marine Corps	10.

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	28
"Medical Corps	5
"Chaplain Corps	1
"Judge Advocate General's Corps	1
"Dental Corps	2.
"Nurse Corps	1.
"Medical Service Corps	1.

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§ 12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

"(1) each special branch; and

"(2) all other branches taken together.

"§ 12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§ 12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§ 12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

"(a) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74

"(b) Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E–8.".

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.
"12101. Definition.
"12102. Reserve components: qualifications.
"12103. Reserve components: terms.
"12104. Reserve components: transfers.
"12105. Army Reserve and Air Force Reserve: transfer from Guard components.
"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§ 12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§ 12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§ 12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§ 12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.".

(2) Sections 510 (as amended by section 1231(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	Redesignated section
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.
"12201. Qualifications for appointment.
"12202. Commissioned officer grades.
"12203. Commissioned officers: appointment, how made; term.
"12204. Commissioned officers: original appointment; limitation.
"12205. Commissioned officers: appointment; educational requirement.
"12206. Commissioned officers: appointment of former commissioned officers.
"12207. Commissioned officers: service credit upon original appointment.
"12208. Officers: appointment upon transfer.
"12209. Officer candidates: enlisted Reserves.
"12210. Attending Physician to the Congress: reserve grade while so serving.
"12211. Officers: Army National Guard of United States.

"12212. Officers: Air National Guard of United States.
"12213. Officers; Army Reserve: transfer from Army National Guard of United States.
"12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.
"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.".

(2) Sections 591 (as amended by section 1231(b)), 592, 593 (as amended by section 1232), 594, 596, 596a (as added by section 1233), 596b (as added by section 1234), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 203)	12206
596b (as added by section 204)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1236(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213
8352	12214

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

"Sec.
"591. Reference to chapters 1205 and 1207.

"§ 591. Reference to chapters 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).".

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209—ACTIVE DUTY

"Sec.
"12301. Reserve components generally.
"12302. Ready Reserve.
"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
"12304. Selected Reserve: order to active duty other than during war or national emergency.
"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
"12306. Standby Reserve.
"12307. Retired Reserve.
"12308. Retention on active duty after becoming qualified for retired pay.
"12309. Reserve officers: use of in expansion of armed forces.
"12310. Reserves: for organizing, administering, etc., reserve components.
"12311. Active duty agreements.
"12312. Active duty agreements: release from duty.
"12313. Reserves: release from active duty.
"12314. Reserves: kinds of duty.
"12315. Reserves: duty with or without pay.
"12316. Payment of certain Reserves while on duty.
"12317. Reserves: theological students; limitations.
"12318. Reserves on active duty: duties; funding.
"12319. Ready Reserve: muster duty.
"12320. Reserve officers: grade in which ordered to active duty.
"12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned.".

(2) Sections 672 through 687, section 689 (as amended by section 1224), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) The heading of section 12321 (as so redesignated) is amended to read as follows:

"§ 12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned".

(4) Chapter 39 is amended by inserting after section 671b the following:

"§ 672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.
"12401. Army and Air National Guard of United States: status.
"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
"12405. National Guard in Federal service: status.
"12406. National Guard in Federal service: call.
"12407. National Guard in Federal service: period of service; apportionment.
"12408. National Guard in Federal service: physical examination.

"§ 12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§ 12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§ 12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§ 12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§ 12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§ 12406. National Guard in Federal service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§ 12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§ 12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.".

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.
"12501. Reserve components: detail of members of regular and reserve components to assist.
"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§ 12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§ 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.
"12601. Compensation: Reserve on active duty accepting from any person.
"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§ 12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.".

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.
"12641. Standards and procedures: Secretary to prescribe.
"12642. Standards and qualifications: result of failure to comply with.
"12643. Boards for appointment, promotion, and certain other purposes: composition.
"12644. Members physically not qualified for active duty: discharge or transfer to retired status.
"12645. Commissioned officers: retention until completion of required service.
"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.".

(2) Sections 1001, 1002, 266, 1004 (as amended by section 1261(b)(4)), and 1005 through 1007 are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
1001	12641
1002	12642
266	12643

1004	12644
1005	12645
1006	12646
007	12647

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§ 12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§ 12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.

"1001. Reference to chapter 1219.

"§ 1001. Reference to chapter 1219

"Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).".

(i) SEPARATION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221—SEPARATION

"Sec.

"12681. Reserves: discharge authority.

"12682. Reserves: discharge upon becoming ordained minister of religion.

"12683. Reserve officers: limitation on involuntary separation.

"12684. Reserves: separation for absence without authority or sentence to imprisonment.

"12685. Reserves separated for cause: character of discharge.

"12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§ 12681. Reserves: discharge authority

"Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§ 12682. Reserves: discharge upon becoming ordained minister of religion

"Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§ 12683. Reserve officers: limitation on involuntary separation

"(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply—

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

"(1) who has been absent without authority for at least three months; or

"(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§ 12685. Reserves separated for cause: character of discharge

"A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

"(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

"Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.".

(2) Sections 1162 and 1163 are repealed.

(j) RETIRED PAY.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.

"12731. Age and service requirements.

"12731a. Temporary special retirement qualification authority.

"12732. Entitlement to retired pay: computation of years of service.

"12733. Computation of retired pay: computation of years of service.

"12734. Time not creditable toward years of service.

"12735. Inactive status list.

"12736. Service credited for retired pay benefits not excluded for other benefits.

"12737. Limitation on active duty.

"12738. Limitations on revocation of retired pay.

"12739. Computation of retired pay.

"§ 12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

"(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

"(A) the person performed active duty during World War I or World War II; or

"(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

"(2) In this subsection:

"(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

"(C) The term "Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

"(D) The term "Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

"(E) The term "Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

"(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"§ 12731a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 12731 of this title, the Secretary concerned may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1999, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1999.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2713).

"(d) EXCLUSION.—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard.

"§ 12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§ 12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§ 12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§ 12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§ 12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§ 12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§ 12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§ 12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.".

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.
"1331. Reference to chapter 1223.

"§ 1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

"CHAPTER 1225—RETIRED GRADE

"Sec.
"12771. Reserve officers: grade on transfer to Retired Reserve.
"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
"12773. Limitation on accrual of increased pay or benefits.
"12774. Retired lists.

"§ 12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§ 12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§ 12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.".

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§ 1376. Temporary disability retired lists".

SEC. 1263. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 1211, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap.	Sec.
"1601. Training Generally	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.",

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"2131. Reference to chapter 1606.
"2138. Savings provision.

"§ 2131. Reference to chapter 1606.

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.
"16201. Financial assistance: health-care professionals in reserve components.
"16202. Reserve service: required active duty for training.
"16203. Penalties and limitations.
"16204. Regulations.

"§ 16204. Regulations.

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§ 16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.
"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.".

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.".

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§ 2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 1264. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 1211, is amended by adding after part IV of such subtitle (as added by section 1263) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap.	Sec.
"1801. Issue of Serviceable Material to Reserve Components	[No present sections]
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Frovisions	18501

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	Redesignated section
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.
"2231. Reference to chapter 1803.

"§ 2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.
"18501. Reserve components: personnel and logistic support by military departments.
"18502. Reserve components: supplies, services, and facilities.

"§ 18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§ 18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 1265. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 301 through 304 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this title.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

Subtitle D—Technical and Clerical Amendments

SEC. 1271. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components .... 10001".

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209.";

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists.".

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties.".

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title ".

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "section 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof "section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)":

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 1272. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080 and section 3082.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 1273. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 1274. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 1275. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 1262(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 1262(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 1262(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)."; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 1262(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.".

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 1276. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) Title 32, United States Code.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.
"310. Federal recognition of National Guard officers: automatic recognition.".

(b) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 1277. AMENDMENTS TO OTHER LAWS.

(a) Title 5, United States Code.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10".

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10".

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) Title 14, United States Code.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) Internal Revenue Code of 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) Title 38, United States Code.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) Public Law 99-661.—Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) Military Selective Service Act.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

Subtitle E—Transition Provisions

SEC. 1281. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) Continuation Under Old Law.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel, shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

(b) Exemption.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this title.

SEC. 1282. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) Promotions To Fill Vacancies.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this title, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this title, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this title.

(b) Promotions Other Than To Fill Vacancies.—A reserve officer of the Army or Air Force who, on the day before the effective date of this title, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this title, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this title.

(c) Officers Found Qualified for Promotion to First Lieutenant.—A reserve officer of the Army or Air Force who, on the effective date of the title, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section

14308(b) of title 10, United States Code, as added by this title.

(d) Officers Once Failed of Selection.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this title. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of this title, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this title, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) Officers Twice Failed of Selection.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this title.

(f) Officers With Approved Promotion Declinations in Effect.—A reserve officer of the Army who, on the day before the effective date of this title, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of this title, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this title), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) Covered Officers.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this title are in an active status; and

(2) on the effective date of this title are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 1283. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) Recommendations for Promotion.—An officer covered by this section who, on the day before the effective date of this title, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this title.

(b) Failures of Selection.—An officer covered by this section who, on the day before the effective date of this title is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this title, as if such failure or failures had occurred under the provisions of those chapters.

(c) Officers Other Than Covered Officers Recommended for Promotion.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this title (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this title.

(d) Officers Found Qualified for Promotion to Lieutenant (Junior Grade) or First Lieutenant.—A covered officer who, on the effective date of this title, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

(e) Officers Whose Names Have Been Omitted From a List Furnished to a Selection Board.—A covered officer whose name, as of the effective date of this title, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

(f) Covered Officers.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 1284. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) Delays in Promotions.—(1) A delay in a promotion that is in effect on the day before the effective date of this title under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this title.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code, or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this title.

(b) Removals From List.—An action that was initiated before the effective date of this title under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this title.

SEC. 1285. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this title, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this title. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this title.

SEC. 1286. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) Six-Month Deadline.—Not later than six months after the effective date of this title, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) Regulations.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this title.

SEC. 1287. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1286, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 1288. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this title, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this title, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this title.

SEC. 1289. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 1290. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this title is in an active status, and

(B) on the day before the effective date of this title was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this title is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this title, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this title.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this title, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

Subtitle F—Effective Dates and General Savings Provisions

SEC. 1291. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this title shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 1211, shall become effective on the first day of the ninth month that begins after the date of the enactment of this Act.

(2) Any reference in subtitle E of this title to the effective date of this title is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date of the enactment of this Act and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 1211, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 1211, shall take effect on the date of the enactment of this Act.

SEC. 1292. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this title under section 1291(b)(1) is transferred or amended by this title, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 1293. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this title, the provisions of this title and the amendments made by this title do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this title under section 1291(b)(1).

Amendment offered by Mr. HANSEN: At the end of subtitle B of title XXVIII (page ___, after line ___), insert the following new section:

SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN EMPLOYEES IN CONNECTION WITH CERTAIN BASE REALIGNMENTS.

(a) RESTORATION REQUIRED.—Section 6304(d)(3) of title 5, United States Code, is amended—

(1) by striking "closure of" and inserting "closure of, and any realignment with respect to,";

(2) by striking "(3)" and inserting "(3)(A)"; and

(3) by adding at the end the following new subparagraph:

"(B) For the purpose of subparagraph (A), the term 'realignment' has the meaning given such term in section 2687(a)(2) of title 10.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act.

Amendment offered by Mr. PORTER: At the end of subtitle C of title X (page 19, after line 15), insert the following new section:

SEC. 125. LIMITATION ON COST OF SEAWOLF SUBMARINE PROGRAM.

No more than $4,673,371,000 may be obligated or expended for procurement of the SSN-21 and SSN-22 Seawolf submarines.

The CHAIRMAN. The Clerk will report the modifications.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD at the appropriate point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I have one amendment in the en bloc amendments. My amendment was a standing bill; on May 11, 1993, a suspension bill which passed by unanimous consent. It went to the Senate. They have not acted on this amendment.

□ 1630

No one voted against the amendment in the House earlier last year. What the amendment does is it clarifies the promotion of Reserve and National Guard officers, it makes it easier to find out about promotions and discharges of military reserve officers, and it is just a codification clearing up Reserve and National Guard officers serving for their country.

Mr. Chairman, I ask for support of the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, I am pleased to offer an amendment which would provide explicit authority to the Secretary of Defense to accept gifts for DOD domestic elementary and secondary schools for dependents, also known as Section 6 schools. The Secretary has such authority to accept gifts for DOD dependent schools located overseas, so it only makes sense that he have such authority with respect to domestic schools.

This discrepancy was thankfully brought to my attention by Wendy A. Steiger, president of the Fort Jackson Elementary Schools Board, Fort Jackson, SC. The lack of explicit authority to accept gifts makes it difficult for parent groups and other organizations to donate items such as computers, library equipment, books and playground equipment to section 6 schools. Currently, if a gift is offered, it must be accepted by the service secretary as a gift to the service which then transfers the gift to the school. This is a cumbersome process which makes gift giving difficult. Because of this, many schools are accepting items on a loan basis.

There ought not to be any obstacles which inhibit or act as a disincentive to the donation of needed educational materials like books and computers. My amendment, by giving the Secretary of Defense the same authority he already enjoys with respect to DOD overseas schools, will facilitate the acceptance of gifts. This is an important issue for our military families and ultimately, for our children.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from South Carolina [Mr. SPENCE] for yielding this time to me, and, Mr. Chairman, the reason that I rise is I would like to indulge in a colloquy regarding the commendation of individuals exposed to mustard gas agents during World War II, and I would like to ask the distinguished chairman of the Subcommittee on Military Forces and Personnel to engage in this colloquy regarding the commendation of these veterans exposed to mustard gas agents during World War II.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would certainly be happy to engage in a colloquy with the gentleman from Florida.

Mr. GOSS. Mr. Chairman, as the gentleman is aware, the bill we are currently debating contains a provision expressing the sense of Congress that the Secretary of Defense should issue a commendation to those individuals who were victims of World War II mustard gas tests, without their knowledge or consent. I just wanted to take this opportunity to emphasize that the Department of Defense fully supports the intent of this provision and has entered sufficient material to that purpose earlier today.

Mr. SKELTON. Mr. Chairman, let me assure the gentleman that the committee greatly appreciates and fully supports his efforts to secure recognition of these deserving veterans. As frequently occurs, the committee chose to express the support as a sense of Congress in this particular bill, and I want to assure the gentleman that I join him in urging the Secretary of Defense to give this sense of Congress favorable consideration.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman of the subcommittee for that very much, as well as the chairman of the full committee for his efforts on this behalf, and I would like to just say at the time of the 50th anniversary, where the celebrations are beginning to get under way, this gives these people something extra to celebrate, and I certainly thank the gentleman, and I thank my colleague, the gentleman from South Carolina [Mr. SPENCE] as well.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, my amendment, which has very strong bipartisan support, calls for the national defense sealift vessels to be crewed by commercial merchant mariners instead of Government employees. It is consistent with the policy established in the previous Republican administration and carried on by the present Democratic administration, and may I say I want to thank the members of several committees, including those on civil service employment, veterans, merchant marine, and the armed services. There has been close bipartisan cooperation.

And let me indicate that the commercial merchant mariners is the sole source of operating crews for the over 100 vessels currently in the Government's active and reserve strategic sealift force, and, Mr. Chairman, we have no better example than what is happening right today. We have only to look at the Miami Herald report of Tuesday, May 17. We are having to hire today two Ukrainian ships at $34,000 a day to handle the responsibilities of the United States Government. The *Gruziya* is coming into the Caribbean at $34,000 a day but will not get here until May 23, and the *Ivan Franko* is going to cost us $29,000 a day excluding food, fuel and port charges because the United States of America, with $270 billion a year being spent on defense, does not have a single ship available with a single American merchant mariner to be able to handle our responsibilities.

Mr. Chairman, this amendment is to take care of a situation that every Member of this House should find disgraceful and shameful. With this amendment we are going to get on track and see to it that American ships, built in American shipyards and crewed by Americans, are going to be taking care of the business properly to be done by Americans whether it is foreign policy, whether it is national defense, whether it is the sealift policy involved. With all of that, Mr. Chairman, it is up to us as Americans to take care of it. I do not think the Ukrainians need to be brought in at this stage of the game to be handling what we should be doing in America.

I urge support for the en bloc amendment. I urge support for the merchant mariner section of the en bloc amendment that not only has bipartisan support, but more than ever, as a result of what is happening today, is completely pertinent to what is going on with national defense policy.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1994.

SUPPORT THE LIBERTY SHIPS OF THE NINETIES

SUPPORT THE ABERCROMBIE AMENDMENT FOR COMMERCIAL OPERATION OF SEALIFT VESSELS

My amendment calls for national defense sealift vessels (as defined by 10 U.S.C. subsection 2218(k)(2)–(3)) to be crewed by commercial merchant mariners instead of government employees. During the Gulf War, every such vessel employed in sealift operations (including fast sealift ships, maritime and afloat prepositioning ships, aviation maintenance support ships, and Ready Reserve Force vessels) was operated successfully by commercial operators employing commercial merchant mariners. With the sole exception of the Navy's two hospital ships, which have been exempted under this amendment, none of the national defense sealift vessels were operated directly by the government or required government operating crews to participate in the war effort.

Moreover, the commercial merchant mariner is the sole source of operating crews for the over one hundred vessels currently in the government's active and reserve strategic sealift force. Reserving employment opportunities for such mariners on vessels funded through the National Defense Sealift Fund is one way to ensure the continued availability of trained mariners for those vessels without incurring the substantial cost of establishing a merchant marine reserve (civilian or military).

In addition, the reservation of employment and vessel operating opportunities in the proposed amendment is consistent with ongoing efforts to ensure the continued existence of a strong maritime industry in the United States and to reduce the size of the government workforce. At the same time, the provision provides employment opportunities for qualified members of the military whose career plans are interrupted by the downsizing of the U.S. Armed Forces, thus furthering the process of defense conversion.

Sincerely,

NEIL ABERCROMBIE.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member would like to thank the distinguished chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS] and the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE] for their cooperation and assistance in bringing the issue of NATO's right of autonomy of action to the attention of this body and for incorporating the amendment is the en bloc amendment now under consideration.

This Member would also extend his particular thanks to the chairman of the Subcommittee on Oversight and Investigations, the distinguished gentleman from Virginia [Mr. SISISKY], and the ranking member, the distinguished gentleman from Utah [Mr.

HANSEN] for the information and support to this Member in crafting this amendment and ensuring that the amendment accurately reflects and confirms fully with U.S. policy. In particular, this Member would note the excellent staff work that the Armed Services Committee staff afforded to this Member, who admittedly is not on their committee.

Mr. Chairman, this amendment seeks to address a rather basic, but increasingly contentious policy issue (at least contentious among some of the parliamentarians of some of our European allies) regarding "out-of-area" action options and responsibilities for the North Atlantic Treaty Organization [NATO]. As this body knows, it is now the policy of NATO to no longer prohibit out-of-area actions, i.e., to restrict its activities to the territory of the 16 member-states of NATO. NATO is active in enforcing the embargo of Serbia, and it is flying missions in Bosnia. And, at the recent heads of state meeting in Brussels, the leaders of NATO member states confirmed that NATO can take on and currently has out-of-area responsibilities.

However, the question has arisen in the North Atlantic Assembly and elsewhere regarding whether NATO can act out-of-area only with or under the specific mandate of the U.N. or the CSCE; or alternatively whether it can act without a U.N. mandate if the leaders of NATO believe their collective national interests are at stake in out-of-area territory. There are some factions and political parties within various U.N. member states which would restrict NATO to operating only under a U.N. or CSCE mandate.

The issue has been debated at recent meetings of the North Atlantic Assembly, the parliamentary arm of NATO, where a great many parliamentarians from our allies would clearly prefer that NATO be constrained to acting only pursuant to U.N. Security Council resolutions. The unanimous position of the U.S. delegation to these meetings has been that NATO must have the flexibility to respond independently if circumstances so dictate.

Certainly it is desirable for NATO to be acting in support of a United Nations resolution. Indeed, in most situations, a U.N. mandate for NATO activity would almost certainly be forthcoming. But, quite frankly, the concern has been that we must not make NATO absolutely dependent upon the actions of an institution such as the U.N. Security Council, where a Chinese or Russian veto could potentially frustrate the will of the members of the Alliance.

There is also the possibility of instances where timely and decisive action could prevent a crisis from escalating. In those instances, NATO action must not run the risk of being delayed by indecision or reluctance within the United Nations or CSCE.

This Member's language simply makes it clear that, from the U.S. perspective, NATO has and must retain the right of autonomy of action despite the actions of inaction of the United Nations, the CSCE of any other international body. And, while it may be desirable to work with the United Nations in instances where out-of-area force deployments are required, this is not a prerequisite for NATO action. As this Member has stated, this language simply reflects the strong majority and probably unanimous view of the U.S. parliamentary delegation to the North Atlantic Assembly as expressed at the 1993 annual meeting in Copenhagen and this position also has been echoed by our U.S. Ambassador to NATO.

Again, Mr. Chairman, this Member thanks his colleagues on the Armed Services Committee for making it possible to clarify this point of U.S. defense and foreign policy.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Chairman, I rise today in support of my amendment of H.R. 4301, the fiscal year 1995 Defense authorization bill, to prohibit the Secretary of Defense from transporting munitions from the chemical weapons stockpiles across State lines. This amendment, although very important, should be noncontroversial, since it merely codifies current Department of Defense policy dating back to 1992. Both the Armed Services Committee and the Department of Defense have indicated that they are prepared to accept my amendment. I would like to thank Chairman DELLUMS and the Armed Services Committee for their assistance and cooperation in shaping this legislation.

This amendment is necessary to prevent the enormous risks to human life and health that would be posed by the transport of these deadly weapons. Many of these munitions, especially the older ones, are decaying and are in exceedingly fragile condition. Even a minor accident, especially if it were in a densely populated area, could be catastrophic, and there is no completely safe method of transportation. Highway accidents occur hundreds of times a day, and there have been four major rail accidents in the last 14 months.

I do not see how anyone in good conscience can dispute the longstanding position of the Department of Defense: moving these weapons is simply too dangerous. Just a whiff of mustard gas can scar the lungs for life; a tiny drop of nerve agent can kill. The communities around the stockpiles have extensive, multimillion dollar emergency response programs to deal with an accidental release; but the thousands of communities along the highways or rail lines that would be used for transport would have no such program and, most likely, no warning.

Please support this commonsense amendment. The Department of Defense and the Armed Services Committee agree that it is too dangerous to transport these weapons. Now is your chance to let your constituents know you agree they should not be put at risk.

□ 1640

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in support of the chairman's en bloc amendment, which now includes the Porter-Penny *Seawolf* submarine cost cap. Our amendment caps spending on the first two *Seawolf* submarines at $4.673 billion. This commonsense measure will establish a badly needed, legally binding measure of fiscal accountability in the *Seawolf* Program. The gentleman from Minnesota [Mr. PENNY] and I appreciate the chairman and ranking member's acceptance of it.

Mr. Chairman, the cap established in this amendment limits spending to the level the Navy says it needs to finish these vessels. That level is over $330 million above what the vessels were supposed to cost. I repeat, the first two Seawolves are $330 million over budget. These enormous cost overruns have been driven by the design equipment production and other program problems which have marked the Seawolf program since its start and have made it not famous, but notorious. New problems were discovered in the first two Seawolves only weeks ago. These costly problems are troublesome in and of themselves, but are even more serious when considered in the context of our shrinking defense budget.

Mr. Chairman, by passing the Porter-Penny cost cap, we will send a clear message to the Navy and other parties involved in the *Seawolf* Program. We will say that regardless of additional problems, there are limits, that we will throw no more money into these overpriced submarines, and the Navy must get the job done and not siphon off any more resources from other higher priority military needs.

Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] for including the Porter-Penny Seawolf cost cap in the en bloc amendment and urge its adoption.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I thank the gentleman for yielding.

Let me provide my view as a former U.S. Navy enlisted man and someone who has worked in aerospace engineering for over 20 years. I strongly support this bill, and I certainly support the en bloc amendments. I think they strike the proper balance between providing for a strong conventional defense capability, and at the same time providing important funding for diversification.

In this bill there is $3.6 billion for diversification. People say how is it being spent? Obviously, we need to retrain the troops we are bringing home.

As you know, we are on a 5-year drawdown plan, going from 2.1 million active duty personnel to 1.6 million—100,000 troops a year are coming home. We need to retrain them so we can fit them into our economy.

Certainly there is also money under diversification in order to take the workers who have been laid off in the defense industry and to move them into producing commercial products so that we can be more competitive in the world marketplace, and that makes a lot of sense.

Clearly, providing funding under the Technology Reinvestment Program, providing dual use programs, is extremely important. The best way to put people to work is to develop better commercial products, utilizing the talents of the surplus workers, the high technology people, in our defense industry, and moving them into producing competitive commercial products.

The Technology Reinvestment Program makes a tremendous amount of sense, and we have put $1 billion in it over the last 2 years, and this authorization bill contains another $625 million. It is absolutely the best way to put our laid-off defense workers to work, producing products that we can sell around the world as well as at home.

The dual use idea is a great idea. It is the right thing to do, and I applaud President Clinton for promoting it, along with an industrial policy in our Nation. But it is not a new idea. We have been promoting dual use programs for 8 years.

Two good examples are the program I have been championing called X-ray lithography, producing the next generation of smaller and faster computer chips. Certainly we are using defense money to do it. It is vital to have smaller and faster computers for our space and defense programs, but 88 percent of computer chips are sold commercially. This is what we need to be doing.

Another dual use example where we have had tremendous bipartisan support is in the V-22 Osprey aircraft. Yes, the Marines are crazy for this aircraft, because it goes twice as far and twice as fast as the CH-46 helicopter it replaces, but we will sell the commercial version of this tilt-rotor aircraft around the world to every Nation in the future.

So this is the way to go. This is the way, in fact, to utilize defense money to put our people to work. I certainly applaud this bill.

For those who are concerned about the dollars, yes, defense spending is down, but, remember, we used to spend almost two-thirds of our defense dollars defending our allies. Now we can afford to let them pay more of their own freight. Let us vote for this bill and the en bloc amendments. They make sense and deserve our support.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I applaud Chairman DELLUMS; decision to include in his en bloc amendment the proposal of Mr. HANSEN which would end the distinction between closure and realignment of military bases, as it relates to annual leave accumulation.

The Hansen amendment corrects an unintended inequity in the 1993 Defense authorization measure which has led to the offering of annual leave restoration to employees at closing bases but not at ones that are being realigned.

In order to assist base commanders in carrying out closures or realignments, annual leave which otherwise would be forfeited by an employee may be restored to a separate account for the employee's subsequent use or for inclusion in a lump-sum leave payment if the employee's inability to use the leave results from closure or realignment. It makes good sense to treat all of the displaced employees equally and also to give all the base commanders the same tools to do their jobs.

I also want to commend my chairman of the Post Office and Civil Service Committee [Mr. CLAY] for giving Mr. HANSEN's amendment a careful review. The Hansen amendment is very similar to a bill I introduced earlier in the year which is before the Post Office and Civil Service Committee .

The Hansen amendment corrects an inequity and therefore deserves the support of all of us.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time on this side of the aisle to the distinguished gentleman from Pennsylvania [Mr. KLINK].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KLINK] is recognized for 2 minutes.

Mr. KLINK. Mr. Chairman, it is a pleasure to speak in behalf of my amendment to H.R. 4301, the Defense authorization bill for fiscal year 1995.

Hundreds of the thousands of students in more than 30 States across the Nation have benefited from the Defense Logistics Agency's Tools for Schools program.

This little known, but highly effective program has furthered the vocational training of many, many students by lending about 4,800 lathes, drills, grinding machines, and other tools to more than 900 schools from Massachusetts to California. Last year, the Defense Logistics Agency terminated the program, but the agency expressed an interest in donating the tools to the participating schools.

My amendment would grant the DLA the statutory authority it has requested so that the Secretary of Defense would have the authority to donate the equipment that is currently on loan to these participating schools and community colleges. Without my amendment, the schools will be responsible for shipping the equipment back to the DLA at the schools' expense.

If the schools chose not to keep the equipment they could ship it back to the DLA under their original loan agreements.

The amendment is limited only to the Tools for Schools program which covers about 4,800 pieces of equipment in 900 schools in 31 States. The amendment would further limit the Secretary's authority to donate the equipment until January 1, 1997.

Mr. Chairman, the enactment of this amendment will not result in significant added costs to the Department of Defense. In most instances, the machines would be sold for scrap and have no value to other agencies because of the age of the equipment—most of the equipment is more than 25 years old.

According to the DLA, the cost of handling, storage, and sale of the equipment would likely exceed the value of the property. In addition, the administrative costs of continuing to account for the tools would also be eliminated.

Finally, without my amendment the schools and the community colleges will be required to ship the equipment back to the DLA at the schools' expense.

Mr. Chairman, my amendment has the support of the Armed Services Committee, the Defense Logistics Agency, the American Association of Community Colleges, and the backing of the Association of Community College Trustees. I also have letters of support of my amendment from the DLA and these associations that I want to introduce into the RECORD.

I would urge all members to vote in favor of the Klink Amendment to keep these tools in our schools.

□ 1650

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to debate the subject matter of ballistic missile defense.

The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the 10 minutes on this side be controlled by the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], who ably chairs the Subcommittee on Research and Technology, which has jurisdiction over this particular area of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] shall serve as designee for the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, this amendment builds on the committee's hard work in trimming $400 million from the Clinton administration's budget request for ballistic missile defense without hamstringing development of the most promising and realistic technologies.

The committee mark includes $2.7 billion for ballistic missile defense, which is about the same amount appropriated in fiscal year 1994, so we're not talking about any radical departure from the existing level of funding. I am happy to have the support of Chairman DELLUMS, and I think this amendment represents a sensible and evenhanded approach.

The Clinton administration's Bottom-Up Review recommended that the DOD devote a greater share of missile defense resources to theater-level programs—the types of systems most useful against renegade states like North Korea and Iraq, who threaten to launch short and medium range missiles at their neighbors. The committee authorized $1.8 billion for theater missile defense in recognition of the fact that this is the core of our Ballistic Missile Defense Program. I support theater missile defense. As the Patriot missile demonstrated in the Persian Gulf war, deployment of an effective theater missile defense capability is not only possible, it is a reality.

However, we can cut funding for exotic technologies without damaging national security. The technologies cut by this amendment have no realistic chance of contributing to any system that will be fielded in the near-term, and we can afford to cut back a little bit of the BMD budget to rein in these high-risk, low-payoff programs. I want to emphasize that what we are proposing is a $200 million cut in a $2.7 billion program. This amendment would sustain a prudent level of research and development to fund core theater missile defense programs, the kind that offer a real chance of protecting real people against real threats.

The savings from this amendment would be dedicated to deficit reduction, and it is endorsed by Citizens Against Government Waste. This amendment is the sensible thing to do. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of a very strong ballistic missile defense program.

Mr. Chairman, I rise to share with my colleagues some thoughts on the future of the U.S. ballistic missile defense [BMD] program, as well as my views on the amendment to H.R. 4301 offered by Mr. MEEHAN to reduce funding for BMD below the level recommended by the Armed Services Committee.

It is important to remember that the budget for BMD has already been cut dramatically from the levels contained in the final Bush budget. Specifically, the Bottom-Up Review recommended a budget profile for missile defense of $17 billion over the fiscal year 1995–1999 period, down from $39 billion in the Bush plan—a cut of over 50 percent. I remain deeply concerned with the implications of this decision.

By deciding to focus only on basic research and development as opposed to actual deployment, the DOD plan postpones indefinitely the date by which an effective national missile defense for the continental United States will be deployable. I need not remind my colleagues that today the United States has no capability to intercept intercontinental ballistic missiles once they are launched. In my opinion, the DOD program is inadequate in light of the continuing efforts of various Third World nations to obtain the means of delivering conventional munitions or even weapons of mass destruction over intercontinental distances.

Reducing the BMD budget below the level recommended by the Armed Services Committee would serve only to magnify these shortcomings.

Mr. Chairman, week after week the Armed Services Committee receives intelligence reports on the proliferation of nuclear, chemical, and biological weapons and the missiles that can be used to launch them. Irresponsible Third World nations, such as Iran, Syria, Iraq, and Libya are making deals with the likes of North Korea and the People's Republic of China [PRC] for assembled missiles and, in some instances, missile production hardware. North Korea's development of several new long-range ballistic missiles that could put at risk all of Northeast Asia, Southeast Asia, the Pacific area, and much of Russia is a particularly worrisome development. Sadly, the proliferation trend is moving in the direction of systems with increased range and accuracy.

Likewise, in the area of warhead development and production, the race continues. It is only a matter of time before unstable, antidemocratic regimes in the Third World will possess the means of destroying Washington or New York or Los Angeles, just as they today possess the means of targeting Tel Aviv, Rome and Ankara.

During the cold war, the paramount nuclear threat to the United States was from a massive first-strike from the Soviet Union. Today, the threat to the United States of a deliberate attack from Russia has clearly diminished. Still, there is the real possibility of an accidental or unauthorized launch from the nuclear forces in the four nuclear republics of the former Soviet Union. As noted by senior CIA analyst Dr. Lawrence Gershwin in a May 18, 1993, speech:

> The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must not that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

Moreover, the PRC today possesses a capability to deliver a major nuclear attack against American cities. In his May 18 speech, Dr. Gershwin publicly confirmed that China does in fact target the United States with a percentage of its intercontinental nuclear forces and the Beijing is planning to modernize these forces with new missiles.

It is quite possible that other, unexpected missile threats to the continental United States could emerge within the next 10–15 years as well. As was noted in a February 1993 report by proliferation experts entitled, "The Emerging Ballistic Missile Threat to the United States," several paths exist wherein Third World nations could acquire the means to target this country with long-range missiles. One such path is the purchase of ICBM capabilities from other states. Another is the development of acquisition of space launch vehicle [SLV] technology or complete systems, and their subsequent conversion to long-range missile capabilities. Furthermore, it is widely accepted that any SLV capable of placing a satellite into low-earth orbit can be converted, with relative ease and with little or no warning, to an ICBM capable of delivering nuclear, chemical or biological warheads to the continental United States. The resulting ICBM capabilities, while few in number, nonetheless could constitute a threat to the United States.

In light of current and prospective threats to the American homeland posed by long-range ballistic missiles, the DOD program to focus the National Missile Defense Program exclusively on basic research is, I believe, unwise.

In the area of Theater Missile Defense [TMD], even this aspect of the U.S. BMD program fell victim to DOD's budgetary reductions. My colleagues will recall that last year DOD announced that TMD was the highest priority within the new administration's refocused BMD program. At the same time, however, the budget request for TMD programs in fiscal year 1994 and throughout the 5-year defense plan was cut substantially below the Bush spending levels.

Mr. Chairman, we should be realistic about the level of funding necessary to field improved TMD systems. Taking the most important U.S. TMD programs through development and into deployment will cost several billion dollars per year. Congress needs to approve the administration's funding request for TMD if U.S. forces and our allies are to benefit from improved protection against emerging theater-class missile systems.

Turning briefly to the BMD funding amendment offered by Mr. MEEHAN, let me summarize by saying that I believe it is vital to the defense of this Nation that we not reduce further the amount authorized for the U.S. BMD program in fiscal year 1995. In fact, the Armed Services Committee voted to cut one-half a billion dollars from the administration's already reduced request for BMD. My strong preference would be to see the funding level for SDI increased at least to the level requested by the DOD.

I strongly urge my colleagues to vote "no" on the Meehan amendment, which would further reduce U.S. BMD funding in fiscal year 1995 below the Armed Services Committee recommended levels. This amendment, if enacted, would further erode our ability to deploy improved TMD systems, as well as delay the date by which the American people could be protected from emerging long-range missile threats.

For these reasons, Mr. Chairman, I strongly oppose the Meehan amendment, and urge my colleagues to do the same.

Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, many Members may ask themselves why we should support a strong program for a defense against ballistic missiles. We can look to the past and to the future for the answers.

During Desert Storm, American service personnel were killed by incoming Scud missiles. If we had had a better defense, these soldiers and airmen would be alive today.

Israel sat night after night worrying and waiting, worried about a Scud attack. Desert Storm should have made it very clear we need an effective defense against ballistic missiles.

How about the future? What can it tell us about the need for ballistic missile defense?

There are approximately 30 countries with a ballistic missile capability. Some of these nations are our allies, but many of them are not. We have got China, Iraq, Syria, Iran, Libya, North Korea. Of the 30 nations which have a ballistic missile capability, 8 are in the Middle East. Right now an entire United States Army division is stationed in South Korea with no protection from the ballistic missiles of North Korea.

Someday it might be Washington, DC, instead of the West Bank or China or Russia and the Ukraine. All have the ability right now to deliver a ballistic missile strike against the United States.

The current situation in Russia ought to cause some concern. What if a hardliner comes to power. Even worse, what if a hardliner who believes the old Soviet Union should be reconstructed gets control of the nuclear weapons? What about North Korea? They are actively pursuing nuclear weapons. Our troops are currently stationed in range of North Korea.

The budget for ballistic missile defense has been decimated. The Bottom-Up Review cut over 50 percent of the BMW budget, and the Committee on Armed Services cut the Clinton BMW request by 500 million already.

The amendment that I have proposed today would restore the 500 million and fund the ballistic missile defense at the administration's requested level.

The administration supports my amendment. It does not support the Meehan-Schroeder amendment.

President Clinton stood on this floor in February and pounded the podium. And he said, "They are trying to make me cut defense more, but I will not do it. We have gone far enough."

My colleagues, today would be a chance for us to back up Bill Clinton's words. The amendment that I have proposed would restore ballistic missile defense spending to the President's request.

I would particularly urge the defeat of the Meehan-Schroeder amendment or the defeat of any more cutting in the funds for this very important program.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that I be permitted to control the time of the gentleman from South Carolina [Mr. SPENCE] on this side of the aisle.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

□ 1700

Mr. SPRATT. Mr. Chairman, I think it is worth saying as a word of overview that what we have before us right now is BMD, ballistic missile defense. There are so many Members of this House probably who equate this with SDI, but in truth, BMD, ballistic missile defense, encompasses a lot more than SDI.

At the direction of the Congress, this particular account was created several years ago to encompass all ballistic missile defense, and today, again at the direction of the House, because we were the ones who led the way in setting this priority, it mainly includes tactical and theater ballistic missile defense, and very, very little money for strategic defense.

The President this year requested $3.25 billion for all of these programs that fell under the rubric, the umbrella, of ballistic missile defense. That is the Patriot, the THAAD, the Theater High Altitude Intercept System, ERINT, the Navy lower tier defense, the Navy higher tier defense, CORSAM, and the National Missile Defense, all of that for $3.25 billion.

Out of that sum of money the administration requested $467 million for what we used to call strategic defense. It is a semblance of its former self. In fact, we used to spend only a few years ago $1 billion more than this year's request for strategic defense alone. This year it is $467 and the committee has already cut that to $400 million.

What does $400 million buy? It buys a technical preparedness plan, it buys a readiness plan, it advances the state of the art in certain technologies like sensors, like intercept systems, like ground-based radar, so it we see a threat arising where we are seriously threatened or think we need to do something about creating and deploying a strategic missile defense for the continental United States, we would have the technology in a ready state to move forward within a few years, but we have only provided $400 million for that purpose, and the gentleman from Massachusetts [Mr. MEEHAN] would propose to take another $150 million out of that. We have cut to the bone already, Mr. Chairman, and I do not think we need to cut any further.

Basically what we have here, Mr. Chairman, is a program that covers the essentials and does nothing more. I think that is the message I would like to leave with the entire House. The gentleman from Massachusetts has said this does not buy anything that we can use in the near term. That is true, because we do not plan to deploy anything in the near term. The money that we have here, the $400 million, does keep advancing the state of the art.

For example, it buys solid-state demonstration program based radar. That would be our system for detecting as early as possible whether or not anyone had launched a missile launch at us, and if so, where the RV's were headed. It would also continue our technology research into discrimination of RV's, reentry vehicles, as they headed toward this country. It would also continue our technology research and development into so-called hypervelocity kinetic kill effect.

All of this sounds very esoteric, but all of it is very essential to this sort of system, and it is funded at a minimum level. We do not need to take any more out of it.

I thank the gentlewoman for yielding time to me.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I want to take this time to express opposition to the Meehan-Schroeder amendment, which will be offered soon, an amendment which would reduce the budget for the ballistic missile defense organization by an additional $200 million. That amendment is irresponsible for many of the reasons that the gentleman from South Carolina [Mr. SPRATT] just discussed.

The BMD, as he noted, budget has already been reduced. The House Committee on Armed Services cut $380 million from the 1995 request, and remember, that was the request of the President who stood right here before the Congress not too long ago and said that the Congress and this Nation should cut defense no further. The budget has been reduced by $18 billion over the so-called FDYP.

Space-based interceptors have been completely eliminated from the program. Space-based sensors have been sharply cut back, with little possibility that they can be deployed in this century, and directed energy programs receive a mere $25 million this year. Procurement of a National Missile Defense System that is to protect the continental United States has been eliminated in favor of the modest Technology Support Program.

The only thing left to cut is the theater defense program, the very program that proponents of this amendment claim they want to protect. The whole debate, frankly, is a mystery to me. What else needs to happen before Members understand the threat posed by ballistic missiles in the Third World?

The intelligence community, under both Republican and Democrat Presidents, believes there is a threat. Our allies believe there is a threat. Ask the Japanese and the Israelis and the South Koreans, for example. The families of 28 Americans who died in Saudi Arabia from a Scud attack know there is a threat. Even the Russians believe there is a threat, and even the citizens of Yemen now know about the threat from ballistic missiles.

Some in this Congress apparently do not believe that there is a threat. Listen to the CIA. Larry Gershwin stated recently, "After the turn of the century, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States." Gershwin is only talking about indigenously developed missiles, not missiles stolen from Russians or bought from the Chinese or by some other actor.

Just last week there was a small article in the Washington Times noting that the Russian underground has attempted to buy several nuclear weapons, and another article which appeared in the Wall Street Journal highlighted the problem of misplaced nuclear materials in Japan and Russia.

Further, cases of nuclear peddling are pending in Germany, Switzerland, Austria, Belorussia, Poland, Ukraine, the Czech Republic, and the United Kingdom.

Mr. Chairman, I think it is time that we understand that there is a threat posed by ballistic missiles; that about the only program that we are developing to meet that is the ballistic missile theater kind of protection, the kind that is espoused by the sponsors of this amendment, and that therefore, to cut an additional $200 million would simply further undercut the program that almost everybody recognizes as essential to the protection of our allies and our troops abroad.

Mr. Chairman, the House Committee on Armed Services has come to the conclusion that the appropriate level for spending is that submitted by the committee, and I think it would be irresponsible for this body to further cut the Committee on Armed Services mark by an additional $200 million. I would urge the Members to oppose the Schroeder-Meehan amendment.

The CHAIRMAN. The Chair would state that each side has 4 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this issue of ballistic missile defense is enormously serious. I want to state how disappointed I am that our colleague, the gentleman from Colorado [Mr. HEFLEY] has chosen not to offer his amendment. I understand his reasons, but I would have joined him in a bipartisan fashion in trying to restore our ballistic missile defense budget to the level requested by the administration.

The budget for ballistic missile defense, as reported by the Committee on Armed Services, of which I am a member, is a bare minimum budget. In meeting this morning with General Malcolm O'Neill, who directs BMDO, I am persuaded that the cuts that will be forced in that budget to not only theater missile defense, which has just been explained well by the gentleman from Arizona [Mr. KYL], but to our technology base, are very tough cuts. For example, according to the director of BMDO, there will be a 44 percent reduction in funding for innovative science and technology programs.

As the gentlewoman from Colorado [Mrs. SCHROEDER] knows, science and technology are absolutely critical to develop a national defense strategy for the future, and one of the only places where technology is happening is in the BMDO budget, and that is going to be reduced significantly.

In closing, let me just hold up a map. This shows Iran in the center. That is what the red is. The orange at the far end is the furthest reach of existing missile technology. If Iran is in the center, there are missiles now that can be aimed and hit Saudi Arabia, Israel, Turkey, and the former Soviet Union. This is an enormously destabilizing factor. We need an adequate missile defense, and this bare minimum budget must be retained.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is one area where there should be a great sense of urgency on both sides of the aisle. If there is any area where we are vulnerable, our allies are vulnerable, our troops are vulnerable, it is missile defense. I know the politics, and I know how Walter Mondale, head of the Democrat Party, stood in San Francisco and said, "We cannot have defense against missiles because that is war in the heavens." However, after that Scud missile, that first Scud missile was knocked down by a Patriot in Desert Storm, that same Walter Mondale I am sure said, "Thank heavens," because we have a missile defense. This should be a matter of utmost urgency. We should be spending $10 billion on this program.

Mr. Chairman, I am proud that a lot of members of this committee back in 1987 wrote the letter to the Prime Minister of Israel and to our Secretary of Defense and to our head of SDI saying, "The centerpiece of the American-Israeli production should not be a fighter aircraft, because a lot of free world nations make those. It should be a theater defense system that can knock down a Scud missile."

The Scud missile we shot down, or the Scud missiles we shot down in Desert Storm, were the Model T's of missiles. They are very slow ballistic missiles. We have a lot of countries that are making missiles that are much faster. They are going to come in at a higher velocity, and where do we want to shoot these missiles down? Very simply, we want to shoot those missiles down at launch, if possible. We want to shoot them down at midcourse, and we want to shoot them down when they are 100 yards above our schools, our churches, our communities, our troops, our ships.

□ 1710

Mr. Chairman, we have to learn to shoot down missiles. We should not cut one dime out of this program. We ought to be adding $5 billion to this program.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] has 2 minutes remaining. The gentlewoman from Colorado [Mrs. SCHROEDER] has 2 minutes remaining and has the right to close debate. The gentleman from Colorado should yield his time, if he cares to, at the moment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just in summary say that I want to do two things:

First of all I would like to share with Members the feeling of the Department of Defense on this where they state absolutely that we should not reduce any more where we are in this program.

Mr. Chairman, let me tell Members why. North Korea possesses Scud missiles capable of striking South Korea and our forces there. It is developing several new long-range ballistic missiles. North Korea's nuclear program, we know, is progressing. Iran has embarked on a program to develop weapons of mass destruction. Iran is cooperating with North Korea to acquire long-range Scuds and in China for missiles and nuclear-related technologies. Iraq, Saddam Hussein still has a significant residual program in all four areas of weapons of mass destruction, missiles, nuclear, biological and chemical. Syria has turned to North Korea for an extended-range Scud. Syria apparently is also seeking assistance from China and Western firms to acquire improved capability with chemical and biological warheads. Libya has not abandoned its long-term goal of extending military reach across the eastern Mediterranean.

Mr. Chairman, I yield my remaining 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the Bottom-Up Review is to support two conflicts. There is a shortfall of $50 billion in that bottoms-up. The committee cut even less than that. There are further amendments to cut even more, but yet the gentleman said he supports defense. I cannot agree with that. The gentlewoman from California fights for some projects but when she votes to cut defense $127 billion, it is kind of hard to believe.

I was shot down by a missile, Mr. Chairman. It is no fun being in a burning F-4. Let us not put our children and our men and women in the same predicament. Let us support the system.

Mrs. SCHROEDER. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, let me say first of all we have spent over $32 billion since this program began. That is real money, $32 billion. Second, the committee approach to this is a very smart one, I think. We do not cut much at all. Instead what we do is some consolidation and we really focus on the theater missile ballistic defense that everyone is so worried about. It is a risk reduction fund where we try to get some of the bugs out and be much smarter in how the money is spent. I think that is really what we have to do. It is not a matter of how much money we spend but what do we get for the money we spend?

Mr. Chairman, we are very close to what the administration proposed, but we think we have it under much tighter management and a much better way. That is the committee proposal and that is the one we had the votes for on the R&D committee.

Mr. Chairman, I support the Meehan amendment which goes a little further. It only takes another $200 million out, and if Members voted for that, at least at the end of the day we could say we did some deficit reduction by $200 million.

Mr. Chairman, what do we take out there? Mr. Chairman, $50 million is from consultant fees, for crying out loud, we know. There are many more consulting fees in the budget that we could really do without. The other is a further consolidation we think that could be more than sustained.

Mr. Chairman, it is really trying to make sure this program is not a cash cow but is a lean, mean research program that is getting us where we want to go and, that is, having the best theater missile defense in the world. The other things that have had marginal success and are so long range that we do not know that we will ever get there, saying to put those on hold and focus on the theater missile defense.

Mr. Chairman, I think that the number in the bill is very sustainable and I also think we could cut another $200 million, which is just a very small percent of what is in the bill. I think what we have to do is show that we are spending money efficiently and that we are getting the results we need. That is what this is all about.

Mr. Chairman, I certainly hope that Members will vote for at least the committee bill if not the Meehan-Schroeder amendment.

Mr. DORNAN. Mr. Chairman, may I please go over again just a few of the examples of the threat posed by missile proliferation.

First and hottest right now: North Korea.

Possesses Scud missiles capable of striking South Korea and our forces there.

Is developing several new long-range ballistics missiles. One missile, the No Dong, was tested last year and is capable of carrying nuclear, chemical, or biological weapons.

Is also developing two additional missiles with ranges greater than the 1,000 kilometer No Dong missile. Its two new, untested missiles could put at risk all of Northeast Asia, Southeast Asia, the Pacific area, and much of Russia.

North Korea's nuclear weapons development is also of obvious concern.

Furthermore, the North Korean regime has shown no reservations in selling its missiles to rogue/terrorist regimes across the globe. Pyongyang has already sold Scud missiles to Iran, Syria and other bad actors. We should assume North Korea would sell any nuclear weapons it develops, as well as any long-range missiles.

Next: Iran.

Iran has embarked on a program to develop weapons of mass destruction.

Iran is cooperating with North Korea to acquire long-range Scuds and to China for missiles and nuclear-related technologies.

Despite being a signatory to the Nuclear Nonproliferation Treaty, Iran continues to pursue the acquisition of nuclear weapons.

Iran could achieve a nuclear weapons capability within 8 to 10 years.

Iran is also out shopping for fully-fabricated nuclear weapons and weapons-grade nuclear materials.

And next of course: Iraq.

Saddam Hussein still has significant residual programs in all four areas of weapons of mass destruction—missiles, nuclear, biological, and chemical.

The time and cost to Iraq of reviving its missile program will depend on the continuation to the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Baghdad continued to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter Western involvement in the region.

And let's not forget: Syria.

Syria has turned to North Korea for an extended range Scud. Syria apparently is also seeking assistance from China and Western firms to acquire improved capability with chemical or biological warheads.

And not yet off our radar nor should it be: Libya.

Libya has not abandoned its long-term goal of extending its military reach across the eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer-range missiles.

We should not forget that Libya, like Iraq, has fired ballistic missiles in anger against United States forces.

The CHAIRMAN. Pursuant to House Resolution 429, it is now in order to consider the amendments printed in part 2 of House Report 103–509 relating to ballistic missile defense, which shall be considered in the following order: by Representative HEFLEY and by Representative MEEHAN.

If more than one of the amendments is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It is now in order to consider amendment No. 1 printed in part 2 of House report 103–509 offered by the gentleman from Colorado [Mr. HEFLEY].

It is now in order to consider amendment No. 2 printed in part 2 of House report 103–509 offered by the gentleman from Massachusetts [Mr. MEEHAN].

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEHAN:

At the end of subtitle C of title II (page 46, after line 4), insert the following new section:

SEC. 236. LIMITATION ON FUNDS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION.

The amount provided in section 201 for Defense-wide activities that is available for the Ballistic Missile Defense Organization is hereby reduced by $200,000,000, of which $150,000,000 is to be derived from amounts for Advanced Technology Development Activities under Program Element 0603217C and

$50,000,000 is to be derived from amounts available for consulting services.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MEEHAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment fully preserves funding for theater missile defense systems that can be fielded in the next 5 to 10 years. What we are proposing is a modest cut in the ballistic missile defense research and development account for the most speculative research efforts.

Our amendment identifies 42 programs in the advanced technology development account. The advanced technology development line emphasizes space-based technologies, an approach inconsistent with our basic policy on the militarization of outer space.

Our ballistic missile defense program has three components—theater missile defense, national missile defense, and the technology base. You may hear arguments that our amendment will kill our technology base and our technological readiness. I am sensitive to that argument, and I support a robust research and development budget, but it is difficult to make the case for spending half a billion dollars on efforts that will have no tangible results for a decade even if they work as planned.

Proponents of increased missile defense funding like to argue that Ronald Reagan's SDI Program helped push the Soviet economy to the brink of collapse. Maybe they are right. Maybe not. But after spending $35 billion on missile defense systems over the last 10 years, our own economy is feeling the strain.

Someone has to believe that we can continue spending billions of dollars every year on military programs we don't need without harm to our own economic health. Even if you think the total level of defense spending in this bill is too low, that's no reason to oppose cuts in programs that have nothing to do with our ability to confront the threats facing our fighting forces.

Mr. Chairman, most of the people who have spoken on the floor today in opposition to this reduction to an exotic missile system are the same individuals who signed up to sign the A to Z petition to cut spending in Congress, and many of them signed on to the balanced budget amendment, and they support a balanced budget. But they are not willing to vote for the cuts that are required. Do any of them think those cuts are going to be easier than this one? Do they think that we are going to cut spending with no tough choices?

Mr. Chairman, I am willing to make the hard decisions, and they do not get much easier than this one. I believe that the American people really see through it all. There is no way they can be for not cutting defense; in fact, increasing defense.

They are the same individuals who are against the President's deficit reduction package because it included increases in taxes, so they did not support it. Yet they went above what the caps in the President's budget called for in spending when it came to defense spending because they did not want to live within the cuts the President had proposed.

Mr. Chairman, the time has come to deal with the deficit in reality. I as one Member of Congress am sick and tired of Members of Congress being against increases in taxes, being opposed to any cuts in defense spending, being opposed to cutting any entitlements, being opposed to cutting Social Security, but somehow, some way being for a balanced budget amendment.

☐ 1720

This is the easiest decision that Members of Congress will have to make. It is supported by all the deficit-reduction groups, and I would urge my colleagues that they do not get much easier than this cut.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Colorado [Mr. HEFLEY] seek time in opposition?

Mr. HEFLEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] is recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to share with you what I have in my hand here, a letter dated May 18, 1994, from John Deutch, the Deputy Secretary of Defense from the Clinton Defense Department, and what he says in this is that we are going to be facing this amendment today that will cut an additional $200 million. "I would like to take this opportunity to express the Department's strong opposition to this proposal. When combined with the reductions already proposed by the Committee on Armed Services, this amendment would inflict nearly a $600 million cut to the President's budget request. This would directly impact our high-priority Theater Missile Defense Program and also would have a devastating effect on our national missile defense technology readiness and BMD Technology Base Programs. This amendment would virtually terminate the BMD technology base, which is the Department's sole technology effort supporting national and theater missile defense efforts. In addition, the proposed amendment would eliminate our meaningful ABM treaty compliant, NMD Technology Readiness Program. Such a budget reduction would seriously hinder our ability to provide advanced TMD capabilities, such as boost phase intercept and Navy wide area defenses." He goes on, but he ends with saying, "I urge you and your colleagues to fight attempts to further reduce funding for this vitally important program."

In other words, it appears that the Deputy Secretary of Defense in the Clinton Defense Department disagrees with the gentlewoman from Colorado [Mrs. SCHROEDER] on the analysis of this being kind of a nothing, throwaway amendment, we save some money, but it really does not hurt anything. He says it really does hurt something.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Meehan-Schroeder amendment to reduce funding of the ballistic missile defense program to $2.7 billion.

Since the strategic defense initiative was announced in 1983 as a defense against an all-out nuclear attack on the United States, we have spent $32 billion on this program. Throughout this time period, we have seen high costs, shifting rationales, unrealistic program objectives, difficult technical problems, and unaffordable funding requests.

We have the opportunity today to take a step toward a more rational and prudent ballistic missile defense program, by reducing the fiscal year 1995 funding level for this program to $2.7 billion. This is a measured, reasonable cut of $200 million from the committee mark, reducing the advanced technology development activities account by $150 million and cutting consultant services by $50 million. With this reduction, the BMD funding level remains adequate for a healthy research and development effort focused on theater missile defenses while avoiding investment in overlapping or marginal technologies which will not be affordable in the long term and will not contribute to our defense needs in the near term.

As we put our military budget priorities in order, we must take a hard look at the BMD program and bring its funding level in greater alignment with our post-cold-war national security needs. This amendment does that, and provides ample funding for BMD programs based on key principles:

Priority to theater missile defense over national missile defense;

Priority to those systems that can be deployed sooner rather than later;

Making intelligent choices to reduce large numbers of systems with overlapping capabilities; and

Avoiding investments in marginal or overlapping programs, and in programs that will not be affordable in the out years.

Mr. Chairman, I urge you and our colleagues to vote for this amendment and to bring the BMD program into better alignment with our real national security needs, and with fiscal reality.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in opposition to the Meehan amendment. This is not the time to cut the legs out from under BMD.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the Meehan amendment and in support of the committee position.

As I stated earlier, I think even that is too low. I would have supported full funding of the administration request at $3.25 billion.

As you know, the committee position is $2.9 billion, which is low, but supportable; $2.7 billion, which is the result under the Meehan amendment, is not supportable.

This is not star wars. This is ballistic missile defense.

I am holding up a list of star war programs, 26 programs. There are only three of those programs left, and deleted are items like Brilliant Pebbles, space-based interceptors, hypervelocity guns, talent shield, thermal imaging radar, a lot of proposals many people had doubts about in the 1980's. They are gone.

This is the defense system we need to protect us against our biggest national security threat, which is missile proliferation.

I strongly support the Committee on Armed Services number and strongly oppose the Meehan amendment.

Mr. MEEHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is an amendment to cut a program that the United States has invested in over the last 10 years nearly $33 billion.

This is a proposal to cut $200 million, and it is 42 specific programs that are outlined that will not be deployed in the next 5 to 15 years. The Citizens Against Government Waste have sent a letter to Members calling this program which has received $32 billion over 10 years, calling this cut a modest cut.

Let us take that $200 million and have it to real deficit reduction.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the gentleman from Massachusetts has called upon us to make a cut in the budget and a cut in the deficit. We have already cut this budget, cut it to the bone, $390 million in committee. The administration sent us the lowest request in 9 years. We took another $390 million out of it.

We took $185 million specifically out of this particular account that he would cut further. We took a 24-percent cut out of advanced technology.

Now, Mr. Deutch, the Under Secretary of Defense, has told us in a letter sent here today to the chairman of this committee, "Cut any further and it will have a devastating effect on national missile defense technology readiness. It will virtually terminate the BMD tech-based program."

Mr. Chairman, that is all that is left of strategic defense. Take this cut, and you have got it here from John Deutch, you will virtually terminate what we have in our budget, which is just $400 million for ballistic missile defense.

The gentleman would have us believe this just affects only strategic defense, but in truth he is taking advanced tech money out of the entire spectrum of programs. It is going to have an impact on tactical and theater ballistic missile defense. We put all of these programs together in one basket because they have great commonality. Anytime you take away from the technology of sensor technology, radar technology that lends to the defense against ballistic missiles, strategic defense, you take away from tactical and theater as well. This will cut everything. It will weaken the program.

Follow the advice of the Under Secretary of Defense. Reject this amendment. We have cut it enough. Let us not cut it any further.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 271, not voting 12, as follows:

[Roll No. 179]

AYES—155

Abercrombie
Andrews (ME)
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (OH)
Bryant
Cantwell
Carr
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gordon
Gutierrez
Hall (OH)
Hamburg
Hastings
Hinchey
Hoekstra
Holden
Hughes
Inslee
Jacobs
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Lehman
Levin
Lewis (GA)
Maloney
Manton
Margolies-Mezvinsky
Markey
McCloskey
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Porter
Poshard
Price (NC)
Rahall
Ramstad
Reed
Reynolds
Roemer
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Synar
Thurman
Torricelli
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOES—271

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum

McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Scott
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Ackerman
Bacchus (FL)
Emerson
Faleomavaega (AS)
Gephardt
Grandy
Neal (NC)
Owens
Rangel
Towns
Washington
Whitten

☐ 1749

The Clerk announced the following pair: On this vote:

Mr. Rangel for, with Mr. Grandy aganist.

Mr. SKAGGS changed his vote from "aye" to "no."

Mrs. MEEK of Florida, Mr. REED, and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1750

The CHAIRMAN. It is now in order to consider the amendments relating to burdensharing printed in part 3 of House Report 103-509 which, pursuant to the notice given earlier today, will be considered in the following order: By Representative BRYANT and by Representatives FRANK of Massachusetts, SHAYS, FURSE, or UPTON.

It is now in order to consider Amendment No. 2 printed in part 3 of House Report 103-509.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRYANT:

At the end of title X insert the following section:

SEC. . REQUIREMENT TO USE SAVINGS FROM BURDENSHARING CONTRIBUTIONS FOR DEFICIT REDUCTION.

(a) BURDENSHARING AGREEMENTS.—(1) As soon as practicable after the date of the enactment of this Act, the President should enter into negotiations for purposes of revising the host-nation agreement with each foreign country described in paragraph (2). A revised host-nation agreement is an agreement under which the foreign country agrees to assume, beginning on or before September 30, 1997, all costs incurred by the United States related to the presence of all United States military personnel stationed in the country. The agreement may provide for the phased-in assumption of such costs over the three-year period beginning on October 1, 1994, and ending on September 30, 1997.

(2) Paragraph (1) applies with respect to—

(A) each country of the North Atlantic Treaty Organization (other than the United States); and

(B) Japan.

(b) TROOP WITHDRAWAL.—If a revised host-nation agreement described in subsection (a) is not entered into by September 30, 1997, in a country to which subsection (a) applies, the President shall order the withdrawal of all United States Armed Forces assigned to permanent duty ashore in that country. The President may provide for the phased-in withdrawal of such forces over the three-year period beginning on October 1, 1997, and ending on September 30, 2000.

(c) USE OF SAVINGS REALIZED.—The savings realized each fiscal year as a result of the assumption of an increased share of United States costs by the foreign countries to which subsection (a) applies shall be used for deficit reduction.

(d) REPORT.—The Secretary of Defense shall include in the annual report required by section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2546) the following information:

(1) For each foreign country to which subsection (a) applies, the costs to the United States of maintaining and operating each United States military installation in that country during the preceding fiscal year.

(2) For each such military installation, the savings realized during the preceding fiscal year (if any) as a result of the assumption of an increased share of United States costs by the host nation.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes. Is there a Member in opposition to the amendment?

Mrs. LLOYD. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentlewoman from Tennessee [Mrs. LLOYD], will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, the amendment before you at this time with regard to burden sharing is an amendment which received 195 votes of this Chamber last year when it was last presented.

Next month we will be sending a delegation to Normandy to celebrate an enormous achievement on behalf of our country that was done for the benefit of the entire world. But no one ever thought that 50 years later, we Americans would still be spending somewhere between $140 billion and $180 billion a year to defend Europe and Japan, to pay the expenses for the defense of areas of the world that are well-developed, that are well-advanced, and that are well able to pay their own bills.

The amendment before us today says very plainly and very simply that unless our allies in Europe and Japan agree to begin paying 100 percent of the cost of maintaining our military personnel on their soil for their benefit, that by the year 2000, by September of the year 2000, we will have gradually withdrawn all of our troops.

I do not think it is too much, 50 years after World War II, to say to the Europeans and the Japanese, you can pay 100 percent of the cost of your own defense. You do not need a subsidy from us any longer. It is time for you to do so. If you do not agree to do so by 1997, we will begin to gradually, over a 3-year period, withdraw our troops, unless the last ones are out by September 2000.

It is very important, I think, for us to understand that while we have been subsidizing the defense of Europe and Japan, they have been doing a better job than we have educating their children. While we have been subsidizing the defense of nations well able to pay their own bills, they have been doing a better job than we have paying for the education of their children; a better job than we have providing health care for their people, in fact, for 100 percent of their people; and a better job than we have protecting their people from crime. They live in countries where the crime rate in all categories is 10 percent of our crime rate. And they have been using the money they save, while we pay for their defense, subsidizing their industries and their products to compete most of the time, much of the time unfairly, with American products, resulting in a loss of millions of jobs and economic advantages for them that we paid for with the tax dollars of the American people.

Given the fact that we have staggering budget deficits, and have had for the last decade, it is very clear that we have been borrowing the money to finance our government from the very allies whom we are subsidizing by paying the cost of their defense, while they sit back and enjoy the benefits of a subsidy from a part of the world with whom they compete vigorously.

Another great irony is the fact while we are closing bases in this country and costing the areas where these bases close enormous economic difficulties, we are still paying the cost of troops in the countries abroad that we defended 50 years ago.

I submit to you, my friends, that we cannot continue ad infinitum into the future paying the costs of areas of the world, the costs of defending areas of the world, that are able to defend themselves and still expect to balance our budget or achieve any type of policy that will lead to fiscal sanity and prudence. The fact of the matter is we are paying the costs of areas of the world that can well pay for it themselves, and it is time for them to assume that obligation.

This amendment says that as soon as possible, the President shall enter into negotiations with host nations in Europe and Japan to reach an agreement with them to pay 100 percent of the United States costs, including personnel costs, related to the presence of U.S. military personnel assigned to permanent duty ashore in their country. It provides for a phased-in assumption over 3 years of that 100 percent obligation.

It says that if those agreements are not met by September 30th, 1997, then the President will order the gradual withdrawal of all U.S. Armed Forces assigned to permanent duty ashore in that country until September 30 of the year 2000, when the last troops will be gone.

They will have the opportunity to decide to pay their pay share. This is not a precipitous withdrawal, but it is a very clear statement we are going to have them out by the year 2000 unless they bear the cost of their own defense. All savings realized from this amendment will be authorized for reduction of the deficit.

Now, ladies and gentlemen, we ought to be including Korea in this provision. We have in the past. But inasmuch as there are some difficulties with regard to Korea right now, I do not want that to enter into this debate and I do not want any false signals to be sent to North Korea. So Korea is off the table. But with regard to Europe and with regard to Japan, it is time for them to pay for the cost of their own defense or else for us to say we are going to begin to take the funds we are spending subsidizing them and apply them to the deficit that this country is now bearing.

Mr. Chairman, I reserve the balance of my time.

☐ 1800

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] has used 5 minutes of the 20 minutes allocated. The gentlewoman from Tennessee [Mrs. LLOYD] controls 20 minutes in opposition to the amendment.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Bryant amendment. It is long past time for this body to place the burdensharing debate where it belongs, solidly on the grounds of securing our own national interests. Every member of this body should certainly understand that we do not have troops in Japan primarily to defend Japan. We do not have troops in Europe to defend Europe.

The Armed Services Committee and the administration, like past administrations, have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interest. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities and burdens to the extent that their interests are also being secured.

Indeed, our allies have taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion a year against United States stationing costs by 1995 except those, such salaries, that would not be appropriate. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country, including the United States, to the reconstruction, democratization, and economic reform of Eastern Europe and the former Soviet Union.

The Bryant amendment is unrealistic and fails to recognize the responsibility of the United States to contribute support to its own military force when stationed abroad. As I have stated here, our troops are stationed abroad for more reasons than to protect the country in which they are located. Therefore, expecting host countries to pay 100 percent of the costs for the presence of U.S. troops is unrealistic. This Nation must remain part of the burdensharing in these circumstances.

I urge my colleagues to vote against the Bryant amendment.

Mr. BRYANT. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would just like to ask, very respectfully, because I think the gentlewoman's position is well-considered, though I disagree with it, is it the gentlewoman's opinion and the opinion of her side of this debate that we should continue to pay a significant portion of the cost of defending Japan and Europe into infinity forever? Of is there some end to that that she sees?

Mrs. LLOYD. Mr. Chairman, certainly, I respect the direction that the gentleman is going, but it is unrealistic to expect it at this time.

As the gentleman knows, we have cut back more than 50 percent. We have cut 60 percent back on our troops. We have cut back 60 percent of the cost, and we are moving in that direction. But it is unrealistic to think we can go this far at this time.

Mr. BRYANT. Mr. Chairman, if the gentlewoman will continue to yield, I would like to ask another question as well. It is a puzzle to me to understand, in view of the situation that we see in Europe today, where we have troops stationed that appear not to be able to involve themselves in the conflict in Bosnia in that part of the world, in view of the situation in the Far East as well, I would like the gentlewoman to offer us a hypothetical use of American troops in Japan today that is for the benefit of us and not the Japanese?

Mrs. LLOYD. Mr. Chairman, at this point if the gentleman would look at the costs that they are paying and what they are doing, and certainly we are not there to protect the Japanese, we are there to protect our interests. I do not think that we want to revert to nationalism. We do not want to revert to isolationism.

Right now, at the end of the cold war, we want to continue to work for the good of the world and democracies of the New World Order.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it occurs to me, certainly, that one reason we have troops in Japan is to prevent the proliferation of additional nuclear countries. And Japan, if we pull out, is going to have a nuclear bomb like that. If Members think it is a healthy thing to have Japan and, of course, then South Korea and then Taiwan, all of them to develop nuclear weapons because we have turned our back on that part of the world, then we do differ, because I think that would destabilize all of Asia.

Mr. Chairman, I thank the gentlewoman for yielding to me.

Mrs. LLOYD. Mr. Chairman, I reserve the balance of my time.

Mr. BRYANT. Mr. Chairman, I yield myself 2 minutes.

If the gentleman from Illinois would return for a discussion of the point that he just made, I would like to point out to him that the lack of proliferation of nuclear weapons is not due to a military threat that we are making against the Japanese or the Taiwanese. We are not telling them that we are going to do something to them with these troops if they begin to proliferate nuclear weapons.

Second, I would like to make the point that very obviously the cost of this entire operation is designed to benefit them. One might say us as well, perhaps inferentially.

Surely, a nation with whom we run a $59 billion pay deficit can afford to pay 100 percent of the cost.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am not sure I quite understood the gentleman.

It is in our interest. It is in the interest of the West. It is in the interest of the world to have the number of countries that possess a nuclear weapon limited. And Japan surely would feel that she was naked in the Pacific, if we pulled back and we turned our back militarily. And she would develop the bomb. That is not stabilizing.

Mr. BRYANT. Mr. Chairman, there is a very simple and inexpensive remedy for the Japanese. Pay 100 percent of the cost of these troops. We are not suggesting that we pull out. I am saying, pay 100 percent of the cost. But if they do not pay 100 percent of the cost, we are going to pull out.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, it is in our interest to keep the number of nuclear powers limited. It is in the interest of peace.

Asia would be very concerned, Malaysia, China, Korea, should Japan develop a nuclear bomb.

My memory is not as short, perhaps, as the gentleman.

Mr. BRYANT. Mr. Chairman, I certainly agree. Why cannot the Japanese pay the cost of this? They have more money per capita than we do. They do not have a trade deficit of 100 billion-plus every year. They have a trade surplus.

Mr. HYDE. It is in our interest to get them to pay as much as we can.

Mr. BRYANT. Vote for my amendment.

Mr. HYDE. But it is surely not in our interest to pull back.

Mr. BRYANT. We cannot get them to do anything unless we are willing to threaten to leave. That is what I am saying we are going to do. They either start paying 100 percent, or we will be leaving.

Mr. HYDE. I hate to make threats we do not live up to.

Mr. BRYANT. Mr. Chairman, I reserve the balance of my time.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in opposition to this amendment.

As chairman of the Readiness Subcommittee, I have had extensive involvement with the issue of forward presence and the importance of maintaining an infrastructure overseas in order to protect our interests.

On mobility—it is imperative that we have forward airfields to get our troops to global hot spots and to keep them adequately resupplied.

What if our en-route infrastructure was not there for the deployment to the Gulf war?

What if our airfields and supply points were not there for our enforcement of U.N. resolutions in Bosnia?

I submit to you that we would have extended our forces without any backup in close proximity. That is unacceptable, and I think that our citizens gain great comfort knowing that there is backup close by for our forces.

For readiness—our troops must be in a position to be rapidly deployed to reinforce allies or U.S. troops or citizens that may be threatened.

If this amendment passes, we would be placed in a position that would not allow us to react to crisis or reinforce our troops in the field.

No one in Congress has been more interested in the issue of burdensharing than I. We have consistently pushed our allies to pay more, and we have made significant progress. Yes, it should be more. And that is why we have again included a provision in this year's bill that pushes the allies to pay more, reduces overseas spending by $400 million, and transfers savings back to the United States.

I deeply respect Mr. BRYANT's intentions and his sincerity to obtain more support from the allies. But linking troops to dollars in this dangerous world is risky business.

□ 1810

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the good news is that the Pentagon has recognized budgetary constraints as a problem with defense spending. The bad news is that they have recognized those with regard to England, France, Belgium, Norway, and other countries, not America. They did that burden-sharing report. The Pentagon says, "Don't do any of these burden-sharing amendments because there are economic problems, budgetary constraints, a need to contribute to peacekeeping, and a need to deal with the former Soviet Union in Europe."

Apparently they have not looked at America lately, because everything they say as the reason for not doing this overseas is a reason why we have a right to say "help out." We say when you have an alliance, that is what you do, you have troops in each other's places. I have not seen any Belgian troops in my travels around America. I do not see any British or French troops helping us patrol our borders. We have not asked for them.

When they ask us to send substantial numbers of troops over there to defend them and stimulate their economies, because we are spending American tax dollars on fuel and on transportation and on education and on recreation and food and housing and clothing, they do not want to contribute back.

The gentleman from Illinois [Mr. HYDE] said if this amendment passes and we threaten to pull out the troops, the Japanese would develop a nuclear weapon. We all know the terrible, sad history of Japan. The antinuclear weapons feeling in Japan is so deep that they have not even been able to make token contributions to any other kind of peacekeeping. To suggest that the presence of American troops is so important that if we left they would revolutionize their society and build a nuclear weapon, but they will not put up a couple of billion dollars to keep us there, turns logic on its head.

If this question is so important to the Japanese that it would lead them to repudiate their nonnuclear tradition, then we are offering them a much easier way to buy that reassurance.

There are 100,000 American troops in Western Europe left over from the cold war. We are not saying totally, "We will never help you." We are saying that increment ought to be paid for by our European allies.

The United States spends, I think, on defense more than all of our European allies put together, and probably throw in Japan. As a percentage of gross domestic product we spend twice as much as they do. There is no logic to it. Of course, it is good for us, some, but it is even better for them.

It is clear, Mr. Chairman, that the most popular book in the world is "Tom Sawyer," because everybody else in the world has figured out how to get America to paint their fences. Not only do we paint their fences, we pay them for the privilege of doing it.

If Members believe that those troops are essential to international peace, and obviously the Europeans and Japanese do, the gentleman from Texas [Mr. BRYANT] is not saying to pull out, he is saying that the wealthiest nations in the world, which benefit enormously from American tax spending, and we will still do it, because we are not charging them for our nuclear umbrella and our submarines that they ought to pay a little bit, but before we cut further at home, let us ask the rich nations of the rest of the world to contribute.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the debate on this amendment thus far has been considerably colorful, but not terribly enlightening. We are overlooking entirely the central point of what is involved. If this were truly a burden-sharing issue, it would be a moot point. If we did not have the advantage and reasons for American forces being forward deployed in Japan and in Western Europe, they would not be there. There should not be any of them there, but they are not there for any reason other than it serves our national security interests.

The proposition that is involved here is basically to say that America's Armed Forces are mercenaries. I frankly resent the implications of that. We pay less cost for troops stationed in Western Europe, and certainly in Japan, than if they were garrisoned in the United States. We can and we should, we have, pressed allies to do more. They have been doing more. They will continue, I believe, under our pressure to do it, but this is an irresponsible way to do it. This is a bad idea whose time should not come.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, one point we make is when we spend the money here, it is going to stimulate our economy. One of the things we object to is spending tax dollars from the United States in Western Europe and Japan, further stimulating their economy, so our economy is losing.

Mr. BATEMAN. Reclaiming my time, this is not a question, this is another peroration and I would tell the gentleman to do it on his own time, not on mine.

Mr. FRANK of Massachusetts. It was an oration, not a peroration.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment.

Putting aside the need for a robust forward presence for our forces.

Putting aside the need to maintain an en route reinforcement base for global reach.

Let us look at the numbers. Right now, according to the Armed Services Committee report on this year's defense bill, direct host nation support for our overseas forces is $3.82 billion, up nearly $400 million from last year. This includes payments for foreign national pay, utilities and facilities. At the same time, our overseas costs—due to force structure reductions and more host nation offsets have dropped by nearly half, greatly reducing the savings potential for this amendment.

This year's authorization bill as reported by the committee urges more host nation offsets. As we speak, our negotiators in Germany are moving forward on an agreement with the German Government which will be a multi-billion dollar package of compensation for the investment the United States has made in facilities.

Mr. Chairman, the train is already rolling thanks to the emphasis provided by the Armed Services Committee and the pressure placed on this issue by my colleagues, Mr. FRANK and Mr. BRYANT.

In fact, last year, conferees on the Defense bill agreed that the United States could not move its embassy from Bonn to Berlin unless they got more burdensharing support from the Germans. I assure you that got the State Department's attention.

But, tying overseas troop strengths to dollars is the wrong approach at the wrong time.

We already are doing a lot in this area and there are plans by the administration to do more.

I urge my colleagues to oppose this amendment.

Mr. BRYANT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just like to point out that the Congressional Budget Office estimates that if we only got those countries to pay 75 percent of non-military personnel costs, the savings would total $14.2 billion over the 1995–1999 period.

This amendment that I have before the House today includes personnel cost, and it also includes 100 percent of all costs. Let me talk about another matter that relates to the price we are paying today.

The gentleman from Massachusetts [Mr. FRANK] mentioned a moment ago that we are spending twice as much of our gross domestic product on defense as our allies. Specifically, the figures are in 1995 it will be 4.1 percent of our gross domestic product spent on defense, compared to Germany, which only spends 1.5 percent of its gross domestic product on defense; France, 3 percent; and Japan, nine-tenths of 1 percent.

I ask the Members how we can justify continuing to pay two and three times what our allies pay for their defense.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Bryant amendment to require that our European and Japanese allies bear the costs of their defense.

This year marks the 50th anniversary of the invasion of Normandy. Yet, 50 years after the liberation of Europe, and 49 years after the end of the war in the Pacific, we are spending roughly $140 billion defending against enemies that no longer exist. It is time to bring that money home and require that Europe and Japan pay for their own defense.

This amendment is very simple. It gives the President until the end of fiscal year 1997 to negotiate an agreement with the Europeans and the Japanese to pick up 100 percent of the costs of their defense. If agreements are not achieved within that timetable, then the amendment calls for beginning a complete withdrawal of troops in fiscal year 1998, ending on September 30, 2000.

At one time, a reasonable case could be made for picking up the costs of defending Europe and Japan, which were economically devastated by World War II and needed time and assistance to rebuild their societies. But that was 50 years ago. In the past 50 years, both Europe and Japan have built strong economies and societies and both are able to bear the costs of their defense.

People in my rural northern California district have a difficult time understanding why their tax dollars are going overseas to defend other countries at time when we are closing seven military bases in northern California.

The residents of Solano and Napa counties will be hit hard by the closure of Mare Island Naval Shipyard. Roughly 11 percent of the local workforce will be put out of work by this action. To make matters worse, the Pentagon has been slow in providing the funds contained in last year's defense bill for retraining. Recently, the Pentagon has claimed that the cleanup process may be delayed due to lack of funds.

The people of Humboldt County are struggling to adapt to a new economy that is not as resource-dependent. Displaced timber workers and salmon fisherman are in a state of crisis. Funds for retraining and economic development, funds to help people make a transition to a new way of life, are scarce.

Yet today, we are asked to support sending billions upon billions of dollars overseas to defend nations that are in some cases wealthier than we are. Nations that do not have a problem balancing their budgets. Nations that can afford world-class educational systems. Nations that compete with us on the global market and, in many cases, win. It is no small wonder that they enjoy these advantages. They pay a pittance for their own defense.

People in my district want solutions to the crime problem; they want guaranteed health care that can't be taken away; they want skilled, decent paying jobs; and they want a first-rate education system. A nation as wealthy as ours should be able to provide these basics to all of our citizens. Sadly, we do not.

How long are we going to continue not funding the unmet national security needs of our own country, but continue to readily fund the defense of other wealthy nations? Now is the time to seriously question this policy. Now is the time for action.

I urge my colleagues to support this amendment.

□ 1820

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise to speak in strong opposition to the amendment that would seriously impede the ability of the United States to defend its national security interests in Europe, the Mid East, Asia, and other parts of the world.

There is a false assumption that our remaining troops in Europe are there only to protect Europe. Nothing could be further from reality. During the Persian Gulf war, three out of our four Army divisions were deployed from Europe to Saudi Arabia. Nine out of our ten Air Force air wings were deployed from Europe to Saudi Arabia.

Are the advocates of this amendment going to require that Saudi Arabia, or

Israel, or any other country pay for our troops stationed in Europe, which now are on a moment's notice to defend our interests, individually and jointly with Saudi Arabia, Israel, or any other country?

U.S. Armed Forces are not mercenaries. They are not available to the highest bidder.

Please do not embrace this amendment that may appear politically attractive, but will severely undermine not only our foreign policy, but also our ability to assist our allies while defending our own interests. We have, and must continue our efforts to have all our allies pay more. But let us not hurt our own ability in the process.

I urge all my colleagues to defeat this short-sighted amendment.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, obviously I rise in opposition to the amendment offered by the gentleman from Texas. This has been an interesting debate, sometimes in simplistic terms. Tonight I am going to something that has been mentioned twice already today about Normandy. We fought World War I in Europe, we fought World War II. Fortunately we have not fought World War III there, and I think that says something about the troops.

Mr. Chairman, I urge my colleagues to put the interests of America first when voting on this amendment. I would ask my colleagues to not forget that the allied security arrangements entered into by our Nation, include the forward deployed presence of our forces, are the foundations of our larger vital interests in the world.

There is no question that the security of many nations is enhanced by the presence of our troops, but let's not delude ourselves. We made this commitments because of our own strategic interests. In short, the lives of American citizens are enhanced by the many benefits of American forward presence to include general stability, expansion of democracy and human rights, access to open markets, and the spread of free enterprise.

Mr. Chairman, this Nation's investment in forward presence is money well spent. I understand the interest of many for the allies to pay their fair share but we must be honest about why we are there and how it pays off for America. We have to weigh the relative value of our presence and pay our fair share as well.

Mr. Chairman, it is my view that should this amendment be adopted there would be a substantial threat that this Nation would be required to reduce its overseas presence. The allies know what is fair, and paying all the costs associated with our overseas presence is clearly an unfair request.

This is simply not the time for America to withdraw from the world scene. If anything, the post-cold-war period has brought new dangers and instability that threaten our fundamental interests. We must maintain our forward presence. Vote no on the amendment offered by the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to respond directly to some of the things that have been said a moment ago and reminds the Members that we have heard exactly these same speeches now year after year after year. I think that the staff of the Armed Services Committee goes and gets them out of the filing cabinet and passes them out to all the Members that come to the debate. Every year they tell us it is a well-motivated effort to get the allies to pay more but let us not do it because of these amendments, whether it is mine, the Frank amendment or anybody else's, these amendments go too far.

They say, we badly want these allies to pay their fair share because, after all, you are right, it has been 50 years, believe it or not, since the end of World War II but we cannot go so far as to threaten that if they do not pay a little more, we might withhold our services from them.

Mr. Chairman, the fact of the matter is we have no strategy whatsoever for accomplishing this goal. Somehow or other we have developed a culture within this Congress where Members can stand up here and argue with a straight face that a nation like Japan that runs a $59 billion a year trade surplus with the United States ought to receive a subsidy from us for its defense, when we run over a $100 billion a year trade deficit with the entire world.

Mr. Chairman, somehow we have developed a culture where Members can stand up here and say that we ought to continue to subsidize the defense of Europe when we run a trade deficit every year with Germany alone in excess of $9 billions a year.

When are we going to come to our senses and recognize our allies are not going to give us anything? We have got to stand up and say to them: Look, we like what we have been doing, we want to keep it up, but we cannot afford it anymore and we want you to pay 100 percent of the costs of what we are doing in your country. You can afford it.

For goodness sake, why must we pay twice as much as of our gross domestic product for defense as they are paying, in some cases three times as much? How can we justify it when some people come to us and say, "Why can't you guys pass a health care bill?" We say, "We can't. We're subsidizing everybody else.

Why cannot we educate our children like they do in Europe? We cannot because we are busy defending Europe.

Why cannot we protect our people from crime? The European crime rate is 10 percent of ours in every category. Yet we continue to send them money every year. How can we justify that?

Mr. Chairman, this amendment simply says by 1997 we are going to enter into agreements with these countries where they pay 100 percent of the cost. If they do not do it, by the year 2000 we are going to have our troops withdrawn on a gradual basis. If they want to change their mind any time along the way, they can do so, but if they do not do so, we are going to finally make it stick.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I only have a few minutes left. I would like to reserve the balance of my time. I will yield on the gentlewoman's time.

Mrs. LLOYD. I will yield on the gentleman's time.

Mr. BRYANT. I will yield on the gentlewoman's time so I might have time to close.

Mrs. LLOYD. I think I yielded to the gentleman the last time.

Mr. BRYANT. In that case I am humbled, and I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. Mr. Chairman, the gentleman is aware we only pay a 15 to 20 percent overage for keeping our troops overseas than we spend in the United States and that Japan pays 75 percent of the cost of our troops in Japan. The only reason they do not pay more, we will not let them because we do not want our troops to be mercenaries. So certainly they are paying their share.

Mr. BRYANT. Reclaiming my time, the gentlewoman says she does not want the troops to be mercenaries, yet she is boasting about the fact we are making them pay more money. The gentlewoman is either for it or not for it, one or the other.

Mrs. LLOYD. I said we are moving in the right direction, if the gentleman recalls my words. I thank the gentleman for yielding.

Mr. BRYANT. Mr. Chairman, I reserve the balance of my time.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, respectfully I have to say I think this is one of those sound-good and feel-good amendments that is in fact bad public policy and bad national security policy.

The reason we do not have troops from France and Belgium in the United States is because we have had our troops forward-deployed in Europe and the Far East and we have thru kept conventional warfare farther from our shores. We are not defending their interests in those foreign locations, we are defending our interests, and simultaneously our allies' interests.

Let me give Members a couple of examples of why, beyond those already mentioned, we ought to be opposing the Bryant amendment.

We have been making substantial progress in burdensharing as the gentlewoman from Tennessee just mentioned. The costs have been reduced by 33 percent for our troops abroad.

That is $10 billion since 1990 alone. Japan has assumed a very large portion of costs already incurred for the forward positioning of United States forces in Japan and they have committed themselves to paying virtually 100 percent of such costs if we want them to do so by the year 1995.

Second, the amendment effectively ties the hands of the President and is unwarranted intrusion into the Presidential prerogatives in the conduct of military policy.

Third, the United States national security interests should not be subjected to a rigid, all-or-nothing kind of burdensharing formula when it comes to deployment costs.

□ 1830

Fourth, the amendment would force the United States to withdraw from forward-deployed areas without considering the security interests of the United States or the security interests of the host country, just arbitrarily cut it off and, finally, I think the principal difference between the Bryant amendment this year and the amendment offered last year is that last year's amendment included Korea. Is it possible that increased tension on the Korean Peninsula led to the removal of Korea from the strict all-or-nothing provisions of this year's amendment? I believe the change may well implicitly recognize that threats to U.S. national interests can and do change and that a forward deployed American presence is important to national security.

Mr. Chairman, I urge my colleagues to reject the Bryant amendment.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to the amendment. I know that many of our colleagues are concerned about the level of allied support for forward-deployed U.S. forces. I share their concern and would encourage the administration to continue their vigorous negotiations to find the correct balance between allied support and direct funding from the United States.

But this amendment is a meat ax approach to the problem and is clearly not the way to get the job done. Demanding the allies to pay 100 percent of the costs of forward basing is not remotely realistic or achievable by the allies and, more importantly, would have a number of negative effects for the Nation.

For example, the allies can be expected to react to such an ultimatum by stopping all productive efforts to find the correct balance between U.S. and allied payments. This amendment would suggest that the United States has no understanding of the value this Nation gains from having troops stationed overseas, and would appear to say that America will act unpredictably and unilaterally.

We must also not overlook the impact this proposal would have on the military personnel and their families. The Congress has spent a great deal of money on programs designed to minimize the turbulence for service members during the military drawdown. This amendment would only increase turbulence and whipsaw already stressed military families.

Mr. Chairman, this amendment would put into jeopardy American prestige and influence at the precise moment when this Nation can least afford to appear hesitant to assume the responsibilities of world leader. The collapse of the Warsaw Pact and the end of the cold war has only increased uncertainty and violence throughout the world. The threat to our security and economic well-being may well be at greater risk today than at any time during the cold war.

I strongly urge my colleagues to vote "no" on the amendment of the gentleman from Texas.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the Bryant amendment.

As has been said here already, we have our troops in Asia, and we have our troops in Europe because of the U.S. national security interest. We have negotiated very effectively with the Japanese to get them to pay 70 percent of the costs associated with certain personnel that we hire. We have made great progress there.

I commend the gentleman from Texas. I think it is good that the gentleman from Texas [Mr. BRYANT] offers this amendment as long as this body defeats it, because it keeps kind of a dragon out there. But this would not be a good thing for us to do militarily. Let me tell you why.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I might point out that many years ago when I was a Boy Scout at camp we would sing a song that has a phrase in it, "Let the Rest of the World Go By." This is a let-the-rest-of-the-world-go-by amendment.

We are a superpower, the only one in this world. The fact that we have troops in Europe, the fact that NATO exists, the fact that we have troops elsewhere points out that we have had peace throughout the world where we have been, and I might say in recorded history, you have never had this length of peace in Europe. Our presence there has done it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I was just in Asia. I asked every leader in Asia should the United States retain its forces there. Every Asian leader said yes, because it will provide peace and stability in the region. If the United States pulls out of Asia, if the United States pulls out of Europe, you are going to have instability again, and we will be back there, but it will cost us a lot more.

Let us again reject the Bryant amendment and keep our country doing the right thing in defense of national security policy.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. WISE].

The CHAIRMAN. The Chair would remind the gentlewoman from Tennessee that she has the right to close.

Mrs. LLOYD. Mr. Chairman, the gentleman from Texas wanted the right to close, and I am using my time.

Mr. WISE. Mr. Chairman, the gentleman from Texas makes an excellent argument when it comes to economics.

The national security also depends upon logistics, if you want to be 3,000 miles closer to where your military challenge may be. Anyone who has had the privilege to talk to former Ambassador to Japan Mike Mansfield, the first thing he would tell you is we are there for us. We are in Japan for United States interest.

When you are talking about forward projection of your military forces, if you want to be projecting from the west coast when it comes to a challenge from Russia, when it comes to a possible challenge from the former Soviet republics, and what about China with its billion-person army, what about Asia generally and certainly North Korea?

I think it is also important to recognize that perhaps some of the arguments of the gentleman from Texas about Europe are valid, and I agree with them. But Japan is a country that has consistently renegotiated with us to the tune today that they are paying 75 percent of all costs exclusive of salaries.

So I would submit that this is not a good amendment, that you are talking in national security about logistics as well as economics, and I would hope it would be rejected.

Mr. BRYANT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, many feel our Government should not be giving handouts from American taxpayers. I suspect many of my colleagues on both sides of the aisle would agree with that statement.

If you do not vote for burdensharing, you ought to be prepared to explain why we should be paying for the defense of countries whose products are among our toughest competitors in international markets. You ought to be able to tell your constituents why you voted to continue pumping billions of dollars into the economies of Germany, France, and Britain while we cut spending on domestic needs.

But I am disappointed that the fall of the Berlin Wall and the demise of communism have generated so little enthusiasm for self-reliance among our European friends. These burdensharing amendments would require our allies to pay their share of the cost of keeping the peace in Europe.

When our allies needed help after World War II, Americans sent huge amounts of aid. We built a security umbrella that made possible the political and economic reconstruction of Europe, not to mention victory in the cold war. I think we were wise to invest in Europe's security, and I do not begrudge the Europeans the aid we sent.

If you think self-reliance is a principle that applies to our welfare programs for wealthy European countries at least as much as our welfare programs for poor American people, then you ought to vote for the Bryant burdensharing amendment.

Mrs. LLOYD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I do urge my colleagues to vote against this amendment. It neither recognizes the importance of our forward military presence in securing our national interest nor does the amendment recognize our responsibility for the costs associated with the security of these interests.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BRYANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would first reiterate what was said earlier in the very beginning of the debate that notwithstanding the arguments marshaled every year against this amendment and amendments like it, this is not a proposal to withdraw from Europe, not a proposal to withdraw from Japan. It is a proposal that, sure enough, 50 years after World War II, it has been long enough. We have waited long enough for them to pay the full cost of our presence in their countries.

Why should not nations more wealthy than we are, that are educating their children to a greater extent than we are, that are providing health care for their people when we are not, that are protecting their people from crime when we are not, why should not those people pay 100 percent of the cost of our troops? Why should we continue to subsidize the economies of nations that will not give us the slightest break at the bargaining table when it comes to negotiating trade agreements?

A few moments ago I heard several gentlemen, whom I respect very much, and I respect all of the people on the other side of this debate, stand up and say that America's prestige is at stake. What could be more perilous to our prestige than to continue to carry this mountain of growing debt which is to a great extent due to the fact that we continue to shoulder three and four times the burden of defense spending of our allies?

A few moments ago another gentleman stood up and said we are a superpower; we have the obligation to act like a superpower. How much longer will we be a superpower if we continue borrowing money from our allies to finance our Government which turns around and subsidizes their defense? That does not make any sense.

Ladies and gentleman, I strongly urge you to vote today for a commonsense proposal that says by the year 2000 we are going to gradually withdraw our troops unless these countries have begun to pay 100 percent of the cost of their own defense.

I urge an aye vote.

□ 1840

The CHAIRMAN. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

The question was taken and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BRYANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 163, noes 260, not voting 15, as follows:

[Roll No. 180]

AYES—163

Abercrombie
Andrews (ME)
Applegate
Barca
Barcia
Barrett (WI)
Becerra
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (OH)
Bryant
Byrne
Camp
Cardin
Carr
Clay
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Crane
Cunningham
Danner
de Lugo (VI)
DeFazio
Dellums
Deutsch
Dixon
Duncan
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Ewing
Farr
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hayes
Hefner
Hinchey
Holden
Horn
Hughes
Hunter
Inslee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
LaRocco
Lehman
Lewis (GA)
Lipinski
Long
Lowey
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Murphy
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Ramstad
Regula
Reynolds
Rohrabacher
Rostenkowski
Roth
Royce
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Shepherd
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Swett
Tauzin
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NOES—260

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Cantwell
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer
Crapo
Darden
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
English
Everett
Fawell
Fazio
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Houghton
Hoyer
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Reed
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scott
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery

Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Talent
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Torkildsen
Torres
Underwood (GU)
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Williams
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—15

Ackerman
Derrick
Emerson
Faleomavaega (AS)
Fingerhut
Ford (MI)
Gephardt
Grandy
Jefferson
Neal (NC)
Owens
Rangel
Towns
Washington
Whitten

☐ 1858

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Grandy against.

Messrs. GRAMS, INHOFE, and HILLIARD changed their vote from "aye" to "no."

Messrs. CAMP, DEUTSCH, and KREIDLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1900

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOOLEY) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, I was not present during part of the House session on Wednesday, May 18. Had I been present, I would have voted "yes" on Congressman BRYANT's amendment to H.R. 4301, defense authorization for fiscal year 1995, requiring the President, over a 3-year period, to secure burdensharing agreements with NATO member nations and Japan requiring those nations to assume all costs incurred by the United States related to the presence of U.S. military personnel in those countries. All savings would have to be used for deficit reduction.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4301, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 824

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING 1994 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to consider the concurrent resolution (H. Con. Res. 236) authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, I will not object, but I do so to yield to the gentleman from Ohio [Mr. TRAFICANT] for a brief explanation of this resolution.

Mr. TRAFICANT. Mr. Speaker, the Special Olympics Torch Relay run is a very special annual Washington, DC event which requires the use of the Capitol Grounds, under the supervision of the Capitol Police and the Architect of the Capitol. The event, which would take place on May 20, 1994, culminates at Gallaudet University and the opening of the Special Olympics. This resolution is necessary as there is a law that prohibits open flames on the Capitol Grounds and the resolution would waive that prohibition.

As we are all aware, the Special Olympics is an athletic program for handicapped children and adults which gives them the opportunity to compete in athletic events, and thereby enhances their self-esteem and self-image.

Additionally, members from approximately 65 Federal and local law enforcement agencies participate in the ceremony as they relay the torch through the District of Columbia to Gallaudet. Their participation is a visible sign of support and recognition of these very special athletes.

The committee is pleased to be associated with this worthwhile family event and the resolution has strong bipartisan support.

Mr. Speaker, I urge adoption of this resolution.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I support H. Con. Res. 236, a resolution authorizing the running of the Special Olympics Torch Relay through the Capitol Grounds. This event is expected to take place on May 20, 1994.

The Special Olympics summer games will be held at Gallaudet University in Northeast Washington DC. This is a worthwhile endeavor that deserves our wholehearted support.

The relay will be conducted by law enforcement officers from 65 Federal and local law enforcement agencies. More than 2,500 police officers representing their respective agencies will relay the torch through the District of Columbia to Gallaudet University.

I urge my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 20, 1994, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1994 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Mr. CONDIT. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2139) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) $6,000,000 for fiscal year 1994;

"(E) $7,000,000 for fiscal year 1995;

"(F) $8,000,000 for fiscal year 1996; and

"(G) $10,000,000 for fiscal year 1997.".

Amend the title so as to read: "An Act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.".

Mr. CONDIT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. CONDIT], and I am excited to hear what the gentleman has to say about the Senate amendments.

Mr. CONDIT. Mr. Speaker, I thank the gentleman for yielding. H.R. 2139 reauthorizes appropriations for the National Historical Publications and Records Commission. Last year, the House passed a 5-year reauthorization at such sums as may be necessary. The Senate proposes a 4-year reauthorization starting at $6 million for 1994, $7 million for 1995, $8 million for 1996, and $10 million for 1997. This is a reasonable compromise.

The current authorization for the Commission is $10 million. The Senate amendment represents a 22.5 percent reduction from the current authorization level over 4 years. This reduction is a reflection of the continuing budget limitations and not an indication of a lack of support for or interest in the work of the Commission. The Commission's programs are important, but we cannot afford to fund the Commission at the higher levels thought possible in the past.

I am not aware of any controversy about the bill or the Senate amendment.

Mr. THOMAS of Wyoming. Mr. Speaker, I withdraw my reservation of objection, and I urge adoption of the amendments.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2139 and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND MEETING OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House as members of the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group:

Mr. JOHNSTON of Florida, Chairman;

Mr. LAFALCE of New York, Vice Chairman;

Mr. HAMILTON of Indiana;

Mr. OBERSTAR of Minnesota;

Mr. GIBBONS of Florida;

Mr. RICHARDSON of New Mexico;

Mr. PETERSON of Florida;

Mr. GOSS of Florida; and

Mr. WALSH of New York.

LEASING UKRAINIAN CRUISE SHIPS TO CARE FOR HAITIAN REFUGEES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, National Public Radio reported yesterday that the Federal Government is now renting two Ukranian cruise ships to take care of Haitian refugees.

According to NPR, the Government is spending $30,000 per day to lease these ships.

This $30,000 per day does not include food and fuel.

The contract that has been signed is for 6 months, and the Ukranian company has now canceled its summer cruises because it is much easier to make money off Uncle Sam.

What a ridiculous waste of millions of dollars.

We are now going to take in thousands, maybe millions of Haitian refugees, really primarily because of domestic political considerations.

Illegal aliens are already costing this Nation many billions each year. There is simply no way we can afford to take in all the millions who want to come here from all over the world.

We need to work with the United Nations to get some other countries to take some refugees. We cannot do this all alone.

However, the truth is that these refugees do not want to go to other countries.

One thing is for sure—No other Nation is spending $30,000 a day to lease cruise ships to make it easier and more pleasant for Haitians to come in.

□ 1910

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. DOOLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

It is my pleasure to present to you the twenty-eighth annual report of National Endowment for the Humanities (NEH). In terms of breadth and number of projects funded, this agency is the largest grant-making entity for the humanities in the country. The Endowment supports scholars, teachers, and students in their research and studies, and provides funds for projects such as documentary films and museum exhibitions that reach a large general audience. These humanities activities strengthen the cultural resources of the nation and provide insight into the problems that face our increasingly complex society.

In addition to direct federal support of the humanities, NEH programs have stimulated private contributions, to date almost $1.3 billion in matching gift funds. The Endowment also requires grantees in most programs to commit their own funds for part of the project costs. The NEH support of a project is highly respected and often attracts additional funding from other sources.

The country can be proud of the role the Endowment has played as a catalyst for the support of excellent humanities scholarship and education in the United States over the past twenty-eight years.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1994.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1993 AND INVENTORY OF FUNDS DISTRIBUTED BY CERTAIN FEDERAL DEPARTMENTS AND AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1993 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1994.*

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JIM KOLBE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, Washington, DC

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Volusia County, Florida.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not a proper exercise of that court's jurisdiction.

Sincerely,

JIM KOLBE,
Member of Congress.

THE PRESIDENT'S MISGUIDED POLICY ON HAITI

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of Florida. Mr. Speaker, I want to bring to my colleagues' attention one more casualty of the President's misguided policy on Haiti—humanitarian missions from the United States.

A group from West Palm Beach Florida—which has been delivering humanitarian supplies to Haiti nonstop for 14 years is now grounded—caught in a bureaucratic maze.

When my office calls the Treasury Department—they say call the State Department—who says call the United Nations. Our multilateral efforts have resulted in a multibureaucratic nightmare.

Meanwhile the poorest Haitians are going without.

Worse—scheduled airline flights can still come and go from Haiti—so the relatives of the military leaders can go shopping—but a relief plane cannot enter to bring food and supplies.

This week's U.S. News has a great article—which I am submitting for the record—about how this administration makes policy without understanding—or caring about—the real implications.

This is embarrassing when it is a policy mistake.

It is tragic—and inexcusable—when it results in some of the poorest people in the world going without food and medical supplies.

It is time to quit splitting hairs—and to get our priorities straight. If we want to help the people of Haiti—our chance is sitting on a runway in Florida now.

It is outrageous.

Mr. Speaker, I include for the RECORD an article by Brian Duffy in the May 23, 1994, U.S. News & World Report:

A QUESTION OF OPTIONS—HOW THE CLINTON ADMINISTRATION HAS PAINTED ITSELF INTO A CORNER ON HAITI

Haiti is half an island, today something less than a whole country, 6½ million souls inhabiting a downward spiral of economic misery and political mayhem. Born of a slave revolt 190 years ago, the Caribbean nation has seen its unique promise squandered by a nearly unbroken succession of brutal, corrupt and downright bizarre political leaders. For Americans, the place has long been a conundrum. Occupied by U.S. troops early in this century, blessed later by millions of dollars in American aid, Haiti has descended unswervingly into the current maelstrom, with Washington now actively considering the use of military force as a United Nations deadline ticks down before even tougher economic sanctions are imposed. Of no strategic importance, Haiti has somehow managed to confound every recent American president but Gerald Ford, who served so briefly he did not have to deal with it.

Now it is Bill Clinton's turn. Before he entered the oval Office, Clinton, in discussing Haiti, conjured the sound of trumpet blasts. "My administration will stand up for democracy," Clinton said, denouncing George Bush's "cruel" policy of forcibly repatriating Haitian refugees. As for the military junta that forced out Haiti's only elected leader, the Rev. Jean-Bertrand Aristide, Clinton rejected its claim to leadership, saying he would work to "buttress democratic forces in Haiti . . . and throughout the Western hemisphere."

Things have not worked out that way. An examination of Clinton administration's posture toward Haiti shows policy remarkable at once for the ambition of its goals—and the timidity of its actions. As with other areas of foreign policy, Clinton's episodic attention troubles even some aides. "It's reacting to domestic politics," says a State Department official. "Now we are all trying to figure out how to make it work."

The White House vigorously defends its efforts in Haiti—and in other foreign arenas where its policies have come under fire. "We came in here inheriting three very tough problems—Haiti, Somalia and Bosnia," says an administration official. "They all deal with internal collapses—unlike classic security issues; the rules are harder to define. In Haiti, the most important thing is that we refused to give up."

A review of the administration's Haiti policy highlights a number of problems. U.S. News reporters reviewed confidential government cables and memorandums and interviewed more than 30 administration officials, diplomats and military and intelligence officers, as well as aides and advisers to President Aristide. The review identifies a handful of critical decisions marred by miscommunication and logistical snafus. Principal findings:

A series of late-night phone calls between a presidential adviser and an Aristide aide weakened a key deal to forcibly remove Haiti's military leader from power.

The decision to withdraw a U.S. Navy ship from Port-au-Prince, the capital of Haiti, was made without the knowledge of U.S. diplomats, who later cabled Washington saying the ship could have docked if given one more day.

A State Department cable and intelligence intercepts have questioned the heart of the Clinton administration's policy—Aristide's democratic bona fides.

Although Clinton publicly promised to restore Aristide to office, administration officials were troubled by intercepts of phone calls from Aristide to his supporters viewing vengeance on his opponents after he returned to power.

While the administration's policy was built on the idea of pressuring Haiti's military rulers to step aside, the CIA consistently warned that the military leader, Lt. Gen. Raoul Cédras, and his cronies could be removed only by force.

Even before being sworn in as president, Bill Clinton made the first foreign-policy decision of his administration, and it was on Haiti. Clinton's campaign pronouncements about reversing the Bush administration's repatriation policy on Haitian refugees had spawned an orgy of boat building in Haiti's impoverished coastal towns. A wave of Haitian refugees in Florida would be a disaster. Clinton made the announcement: The Bush repatriation policy would remain in effect. "Once the alternatives were explained to him," says Warren Zimmermann, then director of the State Department's Bureau for Refugee Programs, "it was a decision that made itself." What it wasn't, however, was a particularly auspicious beginning.

Father Aristide was not a congenial partner for Washington. After the Haitian military arranged Aristide's ouster in September 1991, a military adviser raided his medicine cabinet in the presidential quarters and provided a long list of its contents to the CIA. The new Haitian president, the CIA was told, was taking lithium and other drugs for treatment of mental depression. A letter, allegedly from a Haitian neurosurgeon, described Aristide as a "psychotic manic depressive" and referred to treatment Aristide had undergone in Canadian hospitals a decade earlier. Many details about the physicians's report and the drugs—none of the vials had Aristide's name on them—were questioned. Today, Aristide's opponents still use the allegations against him and some analysts still question Aristide's reliability. "He can drive you crazy," says a State Department official who has worked closely with Aristide. "But that doesn't mean he is crazy."

Other evidence confirmed, however, that Aristide would be, at best, a difficult partner for the Clinton administration. In a speech days before he was toppled, as his supporters were being killed, Aristide described the practice of necklacing—placing burning tires around the necks of his opponents—as a "beautiful instrument." According to several informed sources, U.S. intelligence agencies also would intercept phone calls from Aristide in the United States pledging violent retribution against his opponents. Much has been made of the CIA's unflattering psychological profile of Aristide, but the more troubling parts of the intelligence community's reporting have to do with the instability that could ensure in Haiti if Aristide were returned.

President Clinton had been briefed thoroughly on these and other aspects of the Haiti situation before his first meeting with Aristide in the White House on March 16, 1993. Clinton was committed, he said, to "stronger measures" to restore Aristide to power. "I want to make it clear in the strongest possible terms," Clinton said, "that we will not now or ever support the continuation of an illegal government in Haiti."

THE FLY IN THE OINTMENT

The next step seemed pretty straightforward. Since the fly in the Haitian ointment was the military, the thing to do was remove it. Working closely with Lawrence Pezzullo, then Clinton's special envoy to Haiti, a Pentagon team lead by a charismatic Marine lieutenant general named Jack Sheehan, who first set foot in Haiti in 1964 and knew it well, would take on the job of remaking Haiti's military. Their plan called for a United Nations team to transform Haiti's 7,000-man military into a smaller force that would concentrate on rebuilding Haiti's shattered infrastructure and patrolling its long border with the Dominican Republic on the island of Hispaniola. Canadian authorities would take the lead in building a new civilian Haitian police force.

Things began lurching ahead. The "transformation" plan for the Haitian military was approved by then-Secretary of Defense Les Aspin. President Clinton announced tougher sanctions against the Haitian military in June 1993. Soon, a deal seemed in prospect. Aristide had two principal demands. Unlike the Clinton administration, which had adopted its predecessor's gradualist approach on tightening economic sanctions. Aristide wanted the toughest sanctions possible imposed—but for only a short time. More important, Aristide was convinced that General Cédras and his colleagues would never relinquish power unless they were forced to do so. Oddly enough, the CIA's Haiti analysts were predicting the same thing.

Clinton understood the problem, but his aides believed the two sides had to negotiate. Anthony Lake, Clinton's national security adviser, was the godfather of the scheme. Larry Pezzullo was assigned the job of making it happen. The result was an accord reached between Aristide and Cédras. The two never met face to face, but the deal was hatched in a comfortable building on Governors Island in New York Harbor. The date was July 2. By this time, the United Nations had imposed an embargo on shipments of oil and arms to Haiti. The financial assets of Cédras and his aides had been frozen in accounts overseas.

DEAL BREAKER

Cédras, presumably, had incentive to talk. Aristide, for his part, demanded that Cédras, other members of his high command and Col. Joseph Michel François, the head of Haiti's repressive police force, be required to resign their posts as a condition of any deal. Aristide had already agreed, reluctantly, to a delay of four months. At 3 a.m. on July 3, the terms of the deal seemed solid. Michael Barnes was a former congressman whose law firm was representing Aristide's government-in-exile. He got a call in his hotel room from Tony Lake. Cédras & Co. would leave. Four hours later, Barnes's phone rang again. This time it was a State Department official named Charles Redman. Somehow the terms of the deal had changed. Only Cédras would be required to leave the Army. His aides could assume Army assignments outside the high command. Barnes phoned Lake in a fury: "This is a deal breaker," he shouted.

But it wasn't. Twelve hours later, after U.N. guarantees that would force Cédras's aides to either retire or assume military posts outside of Haiti, Aristide relented. At the United Nations Plaza Hotel late in the morning of July 3, Aristide was confronted with the tearful entreaties of friends and supporters; still he held firm. With a grim smile, he affixed his signature to the Governors Island accord. "I signed it," Haiti's exiled president said. "I will keep my word."

One of the stranger things about the Governors Island agreement was that both Cédras and Aristide, having rejected the earlier plan for the "transformation" program for Haiti's military, were demanding it now: Details of the plan were specified in Paragraph 5 of the accord. At the Pentagon, General Sheehan prepared to make things happen with the Haitian military. Simultaneously, Dante Caputo, the United Nations special negotiator for Haiti, moved to Port-au-Prince to begin laying the groundwork for both the police and military missions. Within a month of the signing of the Governors Island accord, the first American service personnel began showing up in Haiti to survey the job at hand. The personnel were dispatched from the Atlantic Command in Norfolk, Va. Since the "transformed" Haitian Army was to be largely an engineering force, many of the earliest Pentagon personnel dispatched temporarily to Haiti were Seabees, specialists from the Navy's Civil Engineer Corps. Things were beginning to accelerate.

But trouble was also brewing. For one thing, many of the newly arrived military personnel were shocked by life in Haiti. The place is brutally poor, and even before the ouster of Aristide, political violence had become something of a way of life. By early September, although unarmed human rights monitors roamed the country without serious incident, many of the military specialists from the Atlantic Command were phoning back to Norfolk with horror stories: There was gunfire every night, and bloodied corpses were turning up daily in the streets. Within weeks, the phone calls from Port-au-Prince to Norfolk constituted a separate but very real intelligence network. Coincidentally, the reports to Norfolk jibed with reporting by the CIA and the Defense Intelligence Agency about increasing violence in Haiti. The violence was among Haitians, however; foreign aid workers and diplomats were seldom even bothered.

Within the Pentagon, there were growing concerns. Adm. David Jeremiah, the vice chairman of the Joint Chiefs of Staff, would soon become chairman, following Gen. Colin Powell's retirement. Jeremiah was worried about two things. One was the increasing violence in Haiti and growing reports that Cédras might renege on the Governors Island deal. The second concern was more prosaic but also more real. The USS Harlan County was due to depart for Port-au-Prince any day with 600 trainers and engineers on board, but there were just a fraction of the anticipated 500 Canadian police trainers on the ground in Haiti. "Our force protection would be underpinned by the police," says a senior Pentagon official. "The groundwork wasn't prepared."

Jeremiah expressed these concerns to Secretary Aspin, who was in Norfolk on October 1 to speak to the newly reorganized Atlantic Command. Aspin asked the commanding admiral. Paul David Miller, about the situation in Haiti. Miller was not encouraging. The next day, Jeremiah, at a White House meeting, outlined conditions for the Haiti mission. The day after that, halfway around the world in Somalia, 18 U.S. Army Rangers lost their lives in a vicious firefight. In Washington, the jitters over Haiti turned to shakes. Some Pentagon officials say the nervousness was justified by the news coming out of Haiti. Lawrence Pezzullo, the administration's diplomatic point man, was skeptical. "All of a sudden," Pezzullo said, "Haiti became Somalia."

Smaller issues intervened. The Harlan County was supposed to arrive in Port-au-Prince on October 11. Terms of the transition plan called for Pentagon personnel to carry side arms into Haiti as protection. Somehow, in translating from English to French to Creole, "side arms" turned out as "pistols." There was one problem with that: Seabees and others among the 600 people on the Harlan County didn't carry pistols; their personal side arms were M–16 assault rifles. With the Harlan County steaming toward Port-au-Prince, Pezzullo hurried to inform Robert Malval, Aristide's increasingly unhappy prime minister. Reluctantly, Malval agreed to the last-minute change; Cédras and the military were not to be informed. This might have been fine except for one unfortunate gaffe. On a Sunday morning television talk show, a day before the Harlan County would steam into Port-au-Prince harbor, Secretary Aspin was being grilled about the tragedy in Somalia when the questioning turned to Haiti. Would the 600 Pentagon trainers and engineers be unarmed. ABC's Sam Donaldson asked Aspin. Not at all, Aspin replied. "They'll have M–16s." Within an hour, the news had ricocheted around Port-au-Prince. The response from Cédras was predictable: double-cross. Says Pezzullo: "That blew it for us nicely."

The wind was calm and the skies fair when the Harlan County arrived at the lip of the Port-au-Prince harbor shortly after noon on October 11. Several dozen unarmed thugs were waiting at the dock; earlier that morning, they had jostled an embassy car carrying the chargé d'affaires, Vicki Huddleston. To Huddleston, Pezzullo and Dante Caputo, the U.N. envoy waiting for the ship, the demonstration was annoying—no more. Cédras, reached by phone, told Huddleston he knew nothing of the little demonstration. An impasse ensued. Later, on the water, two tiny Haitian patrol boats menaced the Harlan County, and the ship's captain ordered the boats tracked with a radar-fitted Gatling gun. The patrol boats departed. In Port-au-Prince early that evening, the Harlan County cast a tall silhouette against the darkening tropical sky.

In Washington, the secure phone lines from the White House purred quietly. Details remain unclear, but Anthony Lake spoke with Les Aspin, and the president was briefed: The

Harlan County would be ordered back to Norfolk. The decision was clearly one with which several administration officials felt uncomfortable. At a meeting the next morning in the White House Situation Room, Pezzullo called the demonstration on the dock in Port-au-Prince "a bit of theater, no more." CIA Director R. James Woolsey disagreed, and Pezzullo rose to try and refute the argument. Lake cut him off: "The decision has been made, Larry." The Harlen County weighed anchor soon after. Aristide heard about it still later—on CNN.

The decision, even many administration officials now concede, was a fiasco. A State Department cable reports that the demonstrators on the Haiti docks "never had any expectation that they would in fact be successful in prompting the departure of the vessel." A study of the incident by the U.S. Army War College delivers a more scathing indictment. "The decision to withdraw the ship from Haitian waters was taken without consultation with or even notification of the United Nations, President Aristide or Prime Minister Malval. It left the impression that the United States had cut and run . . . frightened away by a few unruly thugs." From the Harlan County incident in October until March of this year, Washington's Haiti policy would be marred by similar dramatic episodes, each side shooting down new initiatives to get them back together. "After Harlan County," Pezzullo sighs, "it was like trying to put Humpty Dumpty together again."

DITHERING

The Harlan County episode may be the most embarrassing in the Clinton administration's handling of the Haiti account, but it is not the most troubling. The yearlong display of dithering and direction changing has come with a price, a high one. Today, having declared his own Haiti policy a failure and ordered his aides to conduct a full-blown review, President Clinton increasingly finds himself confronting two unpalatable choices: dumping Aristide or intervening with force. A confidential 11-page State Department cable reflects the ambivalence within the administration about Aristide: "If the U.S. and the U.N. choose to remain engaged with Aristide, they must also remain engaged in human rights monitoring and institution building in Haiti, otherwise Aristide will continue to use lawlessness in Haiti to force his own agenda of intervention." Aristide disputes the cable's conclusions—and worries that even if Clinton is serious about returning him to Haiti, many of his key aides don't support the tough measures that may be necessary to make it happen.

That agenda, which could well result now in the deployment of American troops in a unilateral or multilateral invasion of Haiti, may satisfy Clinton's growing number of critics on Capitol Hill. Indeed, Clinton's decision this month to begin processing Haitian refugees aboard ships in the Caribbean instead of sending them back to Haiti immediately had the effect of ending a popular activist's hunger strike against the administration's Haiti policy.

But it is hardly a solution. Nor is the option of increased sanctions. The U.N. deadline for Cédras and his aides to leave Haiti will expire later this month, when the tighter economic sanctions will take effect. No one expects them to work; but they could well result in a new wave of Haitians taking to the high seas in boats, which would only compound the administration's problems. So barring the unexpected departure of Cédras and his colleagues, the only option left to President Clinton may be the one he relishes least—the use of military force.

THE STATE OF THE ECONOMY

The Speaker pro tempore. Under a previous order of the House, the gentleman from California [Mr. Lehman] was recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, I rise to address the faulty and damaging policies which are being pursued by the Federal Reserve Board. Under the guise of fighting inflation, the Fed is adding hurdles to economic recovery throughout the United States.

Earlier this year, the Fed raised interest rates based on solid economic growth in the 4th quarter of last year, even though companies were still laying off thousands of workers and key States such as California did not share in the economic activity.

A few weeks later, based on mixed signals from the economy, the Fed again jolted key productive sectors of the economy with another rate hike.

And yesterday, despite similar mixed indicators, the Fed again completed its mystical calculations and decided on yet another half-percentage-point increase in interest rates.

Who are these people and what planet do they live on? To a reasonable person, mixed forecasts and uneven growth would indicate a need for further review to avoid causing damage. To the Fed, this information apparently indicates a need to remain sequestered in their temple on Constitution Avenue and take immediate action to exorcise the demons of inflation.

Let me describe the situation that is faced by real people in California. Unemployment in California is 2½ points higher than in the United States as a whole; in 4 counties in the Central Valley, unemployment ranges from nearly 12 percent to just under 20 percent. Statewide, defense-related and other durable-goods manufacturing are still losing jobs, the total effects of military base closures have not been felt, and construction is still weak.

I want to focus on the housing situation because of its ripple effects throughout the economy. Higher interest rates make homes less affordable, especially for first time home buyers and those who are trading up. These increased interest rates can add hundreds of dollars to a homeowner's mortgage. This increase can make the difference between renting and buying, it can mean the difference between moving to a nicer and safer neighborhood, it can mean the difference between getting by and achieving the American dream.

Apparently these bureaucrats at the Fed don't understand these simple facts of American life. What they should understand is that we lack a sustained recovery, capacity is still slack, prices for raw materials remain low, and we have the lowest budget deficit in 6 years. In addition, productivity is improving drastically, capital investment is much more effective, and international trade continues to expand, leading to low inflation, not high inflation.

The result of this policy may be praised on Wall Street, but it is being damned on Main Street.

H.R. 3800

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] was recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, an issue passed today in the Committee on Energy and Commerce under the leadership of the gentleman from Michigan, Chairman JOHN DINGELL, which will help create jobs in American cities. I particularly want to applaud and thank the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], the gentleman from Ohio [Mr. OXLEY], and the gentleman from Michigan [Mr. DINGELL] for their leadership on this issue.

Every industrial city in America has large tracts of land that are abandoned. These tracts used to be auto companies or used to be steel plants or used to be chemical companies. These are tracts of land that when the businesses close, these tracts of land simply were abandoned by the owners, simply are not reclaimable under present law in these communities.

The banks will not lend money to clean them up and to develop new industry there. The owners simply cannot afford to clean up. So you will see large sectors of land, large tracts of land in all of America's major industrial cities, including cities like Lorain and Elyria, Ohio, in my district where nothing is happening in those areas.

□ 1920

What we see, instead, is a Bermuda Triangle of economic growth. There is no job creation in these communities, where large tracts of land are abandoned. There is an erosion of the tax base, because these lands, these tracts of land, used to create jobs, used to house factories where there were lots of jobs, where people were working and the tax base was expanding and schools were getting money and all of that in these cities.

The third leg of that Bermuda Triangle is the environmental degradation in these communities on these sites, where nobody is cleaning them up. They are simply sitting there abandoned with fences around them.

These cities where these large abandoned tracts of land are located are the cities that built America. They are the cities where ships were built and steel was produced and automobiles were made and chemical companies produced chemicals for American industry and for American consumers, where appliances were built. All of these areas have been abandoned.

I drive by these abandoned sites in Lorain and Elyria almost every day. H.R. 3800 will help people go into these communities, will help developers go in, will help bankers loan money in these communities, so that people can—companies can go in and start new industries and bring these areas back, which makes sense for job creation, it makes sense to expand the tax base, it makes sense for environmental cleanup.

Instead, if we do not pass H.R. 3800, these companies will continue to go to the suburbs and continue to knock down virgin forests and continue to develop lands that are farmlands, instead of going back into the cities and using these lands.

H.R. 3800 will help America reclaim our jobs, reclaim our schools, reclaim our cities, and reclaim our environment.

THE IMPOSITION OF TRADE SANCTIONS ON CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, I wish to express my agreement with the position stated earlier this week by Mr. MITCHELL, the distinguished Senate majority leader, in which Senator MITCHELL called for trade sanctions against China unless the Chinese Government improves its human rights policies by June 3.

June 3 is the date designated for President Clinton to make a decision on the renewal of most-favored-nation [MFN] trade status with China. In his Executive order last June, the President solemnly promised that he would revoke MFN unless China made overall, significant progress, on such human rights issues as protecting Tibet's unique culture, freeing political prisoners, and ending the use of prison labor to manufacture export goods.

Mr. Speaker, the Chinese failed to respect the President's call, their policies have shown even less respect for the principles of human freedom.

The terms of the Executive order have clearly not been met. Even if MFN is to be extended it must be strongly conditioned with strong and specific sanction.

During the 1992 election campaign, Mr. Clinton criticized then-President Bush for unwillingness to condition trade on human rights. He spoke in the aftermath of the Tianamen Square massacre. Now the ball is in President Clinton's court. The time has come for us to demonstrate to the Beijing Governing that we mean business.

Senator MITCHELL said he was drafting sanctions because he believes that China has not met the conditions specified by President Clinton. I propose to strongly support those sanctions unless the President acts in the next 2 weeks. Let the White House stand advised that the Congress will not ignore the brutality of the Chinese authorities in the area of human rights.

When we consider the mutual trade question regarding China, I suggest that we remain mindful of America's greatest export—the principles of freedom and liberty. This ideal principle is inherent in the universal democracy concept that Thomas Jefferson saw as our mission among the nations. Let us honor America's true heritage in our China policy.

China has just issued an order widening police powers to detain dissidents and restrict proponents of democracy. There are now reports of outrageous persecution in Tibet involving denial of religious and cultural freedom. The Dalai Lama was led to believe by our Government that we really cared about what happened to the Tibetan people and the Buddhist faith.

I hope the President addresses this matter in the next 2 weeks in keeping with the integrity and vision that led him to issue his Executive order last June.

It has been said that unbridled capitalism would bring freedom to China and we should ignore human rights. This is not American free enterprise, It is unbridled, raw, greedy, uncontrolled, laissez-faire exploitation reinforced by the police power of the state. I would like to incorporate into my remarks at this point an article in the Washington Post on May 13 by Professor Dorothy Solinger of the University of California who has studied the MFN renewal issue:

IN CHINA, CAPITALISTS ABUSE HUMAN RIGHTS TOO

(By Dorothy Solinger)

As the administration backs away from using the most drastic of trade sanctions to promote human rights in China—that is, ending its most favored nation status—one of the compromise plans being most seriously considered is to impose more limited sanctions, directed only against enterprises owned by the state. Those who support this proposal argue that by trading only with enterprises owned and managed by the private sector or involved in joint ventures with foreign capital, we would be encouraging the most progressive sectors in China while at the same time exerting pressure on the Chinese state.

Most of the objections to this proposal (including those made in The Post's editorial yesterday) have to do with its impracticality and the difficulty of enforcing it. I would suggest there is another, more important problem with the plan; that many of the private enterprises we would be dealing with are responsible for some pretty nasty human rights abuses of their own. For the fact is that the so-called "entrepreneurial sector" in China contains a huge number of businesses that accord shameful treatment to their employees.

It is true that some firms in this sector rely for a portion of their work forces on technically trained, sophisticated personnel. And these staff do get pensions and other appropriate protection. But many of these firms, especially those in the rural and suburban areas and the ones developed with Hong Kong capital, depend for the bulk of their labor on near-destitute, under-educated manual workers drawn from poverty-stricken areas of the countryside that are experiencing huge labor surpluses and have severely limited land resources. These workers are treated as a labor reserve, people who "come when beckoned and leave when dismissed," in the words of a Chinese periodical.

Just as with any migrant labor the world around, these peasant-workers are handed the labor-intensive, dirty forms of work. They receive few or no benefits and have no job security whatever.

One of the fullest reports on the foreign firms comes from a Chinese scholar who compares capital-labor relations in the foreign-funded firms today to those in the Chinese factories of the early 1950s, before the state benefit and job security system had been put into place. A better comparison for Western readers would be the miserable workplaces of early-industrial, mid-19th century England described by Charles Dickens.

In one representative joint venture, where the partner is from Hong Kong, workers are given two 10-minute rest periods a day, during which more than 200 women must compete for two toilet stalls. Not surprisingly, many cannot contain themselves while waiting at their machines. Other appalling conditions abound in various firms. Sixteen to 18-hour days with no extra pay are often the norm. In some Japanese firms in China, if a worker is late, he or she has to stand outside and suffer humiliation for an hour. (Such practices are also reported in Taiwanese, Korean and Hong Kong firms in China.) Cursing, beating of workers, deductions of their wages and bonuses, and arbitrary firings are not uncommon.

Chinese journalists writing in a magazine in Guangdong Province revealed that in the entrepreneurial sector (including both foreign-funded and Chinese firms in the rural areas) of the Pearl River Delta—widely acclaimed as China's most "capitalistic" region—12- to 18-hour days, seven-day weeks, 20-minute lunches, and a total absence of labor protection, sanitation and injury compensation are the rule—all flying in the face of state regulations. There are grim tales of fires, such as one (of many) in a Shenzhen factory in November 1993 in which 84 peasant workers, locked in to prevent theft, were suffocated and burned to death.

As compared with these "entrepreneurial" firms, those in the state sector treat migrant workers with at least a degree of dignity. In the latter, most transients' jobs are guaranteed by three- to five-year contracts, and many other low-cost medical care, some bonuses and subsidies. There are at least minimal sanitary and safety standards observed, and workdays are eight hours, with Sundays off.

Benefits may be far skimpier for peasants than for the permanent urban regulars in the state firms. But in reports and interviews on treatment of rural migrants, there are no stories of a total lack of benefits, of assaults on workers' dignity and bodies, of poisonous exposures, excessive overtime, embezzled wages, or frisks and searches, as we find repeatedly in press reports on the foreign-funded ventures.

Why is there this obvious discrepancy? The main thing to keep in mind is that while

China is in the midst of a transition away from socialism, this doesn't mean it is going to step directly into the sort of mature capitalism that we in the West tend to associate with a market economy. In those areas where the state is largely absent—as in the "entrepreneurial sector," and especially in those firms subject to the competition of the international market—the transition to welfare state capitalism as we know it does not take place easily or rapidly, just as it did not in the West.

Instead, what we see is a raw, unadulterated laissez-faire capitalism, made possible in part by the fact that decades of Communist Party rule have undermined the rule of law, given workers little opportunity to organize, and allowed local party officials to rule pretty much as they please.

Firms in the state sector, however, are at least somewhat affected by the regulatory climate and the tradition of benefits and welfare that have shaped socialist work places for some 40 years. Granted, workers in the state firms also suffer under the authoritarian rule of the party. But the regulations of the state continue to provide some protection for workers—at least until the day when more "entrepreneurial" reforms destroy this legacy altogether.

CONCERNS REGARDING THE ETHICS REFORM BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the Minority Leader.

Mr. BURTON of Indiana. Mr. Speaker, tonight I'm going to talk about something that I'm sure will appear to be an exercise in futility to almost all of my colleagues, because the pressure from the media and from special groups like Common Cause is so great that there is probably not much chance that we are going to be able to reverse the tide.

I thought I would tonight take a little bit of time and try to express my concerns about the ethics reform bill that we are talking about, that just passed the Senate, a similar bill just passed the House; to tell you why I oppose many provisions in it, and why it is going to be bad for the institution called the Congress of the United States and bad for the American people.

Right now we have a policy which demands that every time we do anything that costs money from a lobbyist or a person who takes us out to lunch or dinner or buys us any kind of a small gift, we have to report it on our FEC report. That is going to be changed with the new ethics reform bill to such a degree that many of our constituents will not even be able to converse with us.

Let me just give an example. Right now if a businessman or a businesswoman wants to take a client out to lunch or a friend out to lunch, they do that and they deduct it, in many cases, from their taxes. Many times a constituent or a group of constituents will come to Washington, 10 or 15, and they will say, "We want to sit down with our Congressman over lunch and talk to them about problems of our State," and because there are 10 or 15 of them, the Congressman cannot afford to buy everybody's lunch or dinner, so they will take him out to lunch or dinner so they can have the opportunity to spend a long period of time with him talking about their problems or their concerns.

Under the new ethics reform law, if they go out and have lunch, a $2.50 sandwich, the person buying the sandwich and the Congressman or Congresswoman will be guilty of a crime. That is going too far. That is just going too far.

If a Congressman or Congresswoman says to a friend visiting Washington, or maybe even back in their district, "Would you like to go out and play golf?" and the Congressman or Congresswoman pays for that, that is all right. If a businessman pays for that, if a friend pays for that, that is all right. But if a person takes a Congressman or Congresswoman out to play golf or tennis or something like that, that is going to be a crime, not only for the Congressman but for the person who is paying the freight.

Charity golf events and charity events that have raised hundreds of thousands of dollars for different charities, cancer research, Ronald McDonald House and a lot of other charities like that, instead of the Federal Government paying for it, instead of the taxpayer paying for it, many of these charity events pay for it. A lot of those are going to be stopped completely, because Congressmen and Congresswomen will not be able to participate any longer. They are going to cut that out.

I think that that is something that ought to be looked at with a jaundiced eye, because if these charity events are done away with across the country, and maybe this is a first step toward eliminating them altogether, I don't know, then the government is going to have to pay for it, and that is going to mean the taxpayer is going to pay for it.

Individual citizens, individual businesspersons do not have these kinds of restrictions, and they should not have. I do not think we should have a double standard where Congress should be any better off or any worse off than the private sector.

What we are going to see if we pass the Senate ethics proposal, Mr. Speaker, is you won't be able to have lunch with anybody if they buy you a sandwich, because it will be illegal. You won't be able to go to a sporting event with them if they buy you a ticket, because it will be illegal and both of you will commit a crime. You won't be able to play golf with anybody or tennis with anybody if they pay the fee at all, because it will be a crime. You won't be able to participate in any charity events that raise monies for charity, because it will be a crime.

I just think that is going too far. It is just going too far. What is the answer? The answer is to let your constituents and let the people of America in on everything we do, report it all. If we get a small gift, report it; limit the gift, but report it. If we go out to lunch with somebody, report it, so our constituents know who is buying our lunch, or who is going out to be with us for a sporting event or whatever it may be.

If we go too far, you may rest assured that the media that is always following everything that Congressmen and Congresswomen do, they will report it and they will report it on the front pages of the paper, and the political pressure will be so great that Congressmen and Congresswomen will have to change what they are doing. That is the way it should be.

To make criminals of Congressmen and Congresswomen because they go out and have a sandwich with somebody is wrong. To make criminals of Congressmen and Congresswomen because they play golf or tennis with somebody, and make the person paying that a criminal as well, is wrong. To stop us from participating in charity events that help cancer research and help organizations like Ronald McDonald House and others like that is just dead wrong. Most of my colleagues are scared to death to come down here and talk about this.

They have tried to put some loophole in the Senate provision by saying if you go out with a friend, that that does not qualify as something being purchased by somebody who may lobby you for something. What are we going to do?

Are we going to have Congressmen going around with a sheaf of letters and when they go to have lunch with somebody say, "I hereby say that I am DAN BURTON's friend," or "I'm the Congressman's friend," and you have them sign it, and then you have record back in your office that it was a friend that bought you that sandwich or that round of golf or whatever it might be? You could drive a truck through that loophole, and I guarantee it will be on the front page of the paper shortly after that passes, and it will make Congress look even worse than it has in the past.

The way to solve the problem is to make everything clear and above board and reported in our FEC report, so the world knows about it, but do not start creating criminal penalties if somebody buys you a McDonald's hamburger or takes you out to play a round of golf or takes you to see a basketball game.

Besides that, it is going to be very, very hard for us—they said in some cases that they will allow you back in your home district to have somebody take you to lunch or take you to dinner, or you can go out and play a round of golf with them. The problem with that is they may be a lobbyist and you will have to just carry that ethics reform law with you everywhere you go to make sure you do not violate it.

There will be Members of this body and the other body that will inadvertently violate the law, and some of them may be subject to prosecution down the road, not because they intentionally violated the law but because they unintentionally did, because ignorance of the law is no excuse, as we have heard many times in the past.

I would just like to say to my colleagues that I am confident that they are going to pass this bill, I am confident that it is going to become law, but I think it is a step in the wrong direction. A more realistic way to solve the problem is to report everything and let the people know the facts and the country will be safe, and I would like to add to that and say, let the people know the facts and Congressmen will toe the mark.

□ 1930

That is the way to do it instead of making these criminal offenses.

I would like to say just one more thing which really galls me. There was a charity golf event this past Monday I believe, and there were about 30 or 35 Congressmen that played in it, and $35,000 was raised for charity, $35,000 raised for charity. I believe it was ABC that was out there in a plain blue van, going around the golf course, peeking through the trees. They had a tripod with a telephoto lens trying to take pictures of members of Congress with other Members of Congress and the people that put on the charity event, trying to make it look like there was something horribly wrong with that. And I want to tell Members that really bothers me that the media and these scandal shows are out there trying to make something like a charity event look like something that is a crime, because there was not anything wrong with that, and there is not anything wrong with that. For Congressmen who are busy 6, 7 days a week to go out and participate in a charity event that raises money for a good charity, to be scared to death to even go participate because they are afraid they are going to be on television, on "Prime Time Live" or "60 Minutes" or some other show.

So I guess I have vented my spleen tonight, Mr. Speaker. I think if I had all of my colleagues up here speaking what is really in their heart, I believe the majority in both the House and the Senate would agree with me. The answer is not to create criminal penalties for us having lunch or playing golf with somebody in this Capitol or in our home district. The answer is to report everything.

The answer is not to do away with charitable events that are going to help many worthwhile charities because Congressmen and Congresswomen cannot participate. The answer is for us to report when we participate in those events, and if we participate in too many of them, then I am sure that we will be taken to task by our constituents.

With that, Mr. Speaker, I think I have said my piece.

HEALTH CARE AND SMALL BUSINESS

The SPEAKER pro tempore (Mr. DOOLEY). Under the Speaker's announced policy of February 11, 1994, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the majority leader.

Mr. BONIOR. Mr. Speaker, tonight I wish to address the health care issue as it relates to the small business community.

Mr. Speaker, about 2 weeks ago there was a really big press conference on Capitol Hill, and like many press conferences around here the past few months, this one was about health care reform. The group that called it strongly urged the passage of comprehensive health care reform and strongly supported the goals of the President's health care plan.

That comes as no surprise because there are millions of Americans who support the President's health care plan. Mr. Speaker, what comes as a surprise is that the group that called the press conference was a coalition of small businesses. They represent over 340,000 small businesses and over 3.1 million employees.

The reason I say that it comes as a surprise is that if you believe what you read in the newspapers or hear on your TV sets, or even if you believe some of the press releases from the groups that oppose health care reform at any cost, you would be led to believe that small businesses do not want health care reform. But the truth is small businesses especially, and this is critically important, especially the small businesses that now took up the responsibility that was before them and insure their employees, they are the strongest supporters of health care reform.

Mr. Speaker, I am joined tonight by my good colleague, the gentleman from West Virginia [Mr. BOB WISE], and will soon be joined by the gentlewoman from Connecticut [Ms. DELAURO], to talk about this issue.

For anybody who owns a small business, they know the reason why when people talk about health care crisis in America nobody has been hit harder by the high cost of health care than the small business community, nobody. If you were to sit down and come up with a new health care system, chances are you could not possibly design one that is worse for the small business community than the system that we have today. You could not figure it out any better to have a system that is as bad for these business people.

Put simply, Mr. Speaker, our current health care system is killing small business today. Let us look at some facts.

Today small businesses pay an average of 25 to 35 percent more for coverage than big business, and that is because they do not have the market muscle that big businesses have to bargain for a better rate. So all of the power is on the side of providers. There is no negotiation. It is an either take it or leave it coverage.

Every single year, every single year health care costs for the average small business increases anywhere between 20 and 50 percent, every single year. For most small businesses to insure their employees today, they can only afford really basic, bare bones coverage, and that is because it costs too much to get good coverage. So they end up paying too much, and they get too little coverage.

What is more, small business is subject today to every single abuse that exists in our current health care system. About 15 percent of the small firms in America today fall into industries that insurance companies refuse to provide coverage to because they are considered high risk, places like beauty salons and florist shops, hospitals and logging or mining industries. This is known in the business, in the parlance of the business as occupational redlining, and it is rampant in America today.

What is more, insurance companies often refuse to cover small businesses or price their coverage so high that they cannot afford it simply because one or more of their employees have what everyone I think is learning to call now preexisting conditions. So if you have somebody in a firm that may have 10 people with a preexisting condition, often times you are not able to afford or will not be able to even get insurance for your employees. What often happens in those cases is that small business will cover their employees, but exclude the people who have preexisting conditions for the first year. But when the year is over, those employees are allowed to join the plan, only to find the cost of coverage has gone up so much because of them that the employer basically has to drop coverage altogether.

On top of that, most small businesses do not have benefits departments so that the owner has to take time away from dealing with his customers in order to haggle with the insurance company and fill out all of those forms.

Then add to that the fact that the workers' compensation costs have been going through the roof because the medical portion of Workmen's Comp has climbed from 35 to 40 percent and up to 50 percent of the total cost. If you are self-employed, if you are a farmer or an independent contractor, then you cannot deduct 100 percent of your costs like everyone else; you can only deduct about 25 percent of the cost.

Mr. Speaker, those are just some of the challenges that face every small business person today. It is no wonder that they are up against the wall when trying to provide coverage for their employees and instill a stable work environment where they can keep their employees.

Yet, even with all of these challenges, 70 percent of small businesses today provide some kind of coverage to their employees. Even with all of that, the community believes that it is worth it from a community standpoint, from a good business standpoint, from a standpoint of retaining these workers, they believe it, and so 70 percent of small businesses provide some kind of coverage.

But the ultimate indignity is that the firms that do cover their employees not only have to compete against the firms that are getting the free ride, that do not, but they have to pick up their costs as well. You may ask how does that work.

People who are not covered by their employer still get health care when they need it, but they just get treated like most people who do not have health care coverage are treated, they go to the emergency room which is the most expensive part of getting care where the cost is four times more than an average doctor's office call, but guess who pays the bill? The small business does. They end up paying for their competitors who do not insure.

So Mr. Speaker, the bottom line is that the private sector has failed small business on health care. The private sector has failed small business on health care. Big business has enough market muscle to deal with the problem, but small business has tried everything over the past decade to keep pace, and nothing has worked. They have tried switching programs, managed care, self-insurance, reducing benefits, passing along a bigger share to the employees, and everything has failed. The costs still rise between 20 percent and 50 percent every single year.

□ 1940

The cost of health care continues to grow at an extraordinary rate, and the smaller the business, the less clout, the higher the cost.

Mr. Speaker, we cannot afford to nibble around the edges any longer. It is time for comprehensive reform to make the system work for small business, and that is exactly what the President's plan does.

Small businesses are finding that when they read the fine print on the President's plan, they like what they see. Forget what you have heard from all the nay-sayers who do not want health care reform at any price, the fact is the President's plan will help small business in a number of different ways. First, the President's plan makes it possible for the first time for small business to buy good, rock-solid coverage, insurance that is as good as any plan offered by the Fortune 500 companies. Small business will no longer be stuck with only being able to afford these bare-bones coverages, and they will not lose employees to bigger companies just because of health care benefits, because they will be able to offer the same plan.

Now, second, it shifts the power of the marketplace to small businesses, so it has the same muscle as big business. Of course, no insurance is any good if you cannot afford it.

The President's plan provides discounts, discounts for small business, and we are in the process today of making the plan even stronger by exempting certain small businesses altogether and making it easier for others to phase in coverage.

And, third, it controls the cost of premiums and copayments. No more jacking up rates if an employee gets sick.

Fourth, it increases the choices employees and businesses have of their doctors in the plans. As you know today, only one in three companies with fewer than 500 employees offer any choice at all. Under the President's plan, everyone can follow their doctor to any health plan that they may join. And everyone will have a minimum of at least three different kinds of plans to choose from.

Now, fifth, it stops insurance company abuses. No more occupational redlining, no more preexisting conditions, no more price baiting.

Sixth, it allows people who are self-employed like farmers to deduct 100 percent instead of the 25 percent of the cost, which will be a tremendous savings for families who have small independent businesses.

And, seventh, it gets workers' compensation costs under control, and it folds the worker portion of workers' comp into health care.

Above all, eighth, it requires all of us to take responsibility for the system. No longer will small businesses who cover their employees have to pay for those who do not.

Everyone will have a role. That is basically what the plan does. And those people who say that it does not matter what plan we choose remind me about the old story about the veterinarian and the taxidermist who shared the same office together, and their motto was, "Either way, you get your dog back."

It does matter. It does matter. It makes a difference. And, of course, the big question is: How do we finance it? There are basically three ways.

First, you can do a single-payer plan like they have in Canada which says the Government should run our health care system. It is built around the principle that one size fits all. But what works in Michigan will not necessarily work in West Virginia, Connecticut, or New Mexico, and we will have to raise taxes too much to do it. Frankly, politically it is not feasible to do that at this point in this Congress.

Second, there is the family mandate making families solely responsible for coverage. But if that happens, many businesses may just offload onto families, and I think that is too much for families to handle, if we had individual or family mandates. We have that now, if you want, you can provide, but many cannot provide.

The third choice is for employees and employers to share costs and build on the system that we have now.

Now, today 70 percent of small businesses cover their employees, and 9 out of 10 people who are covered get benefits at work. The most interesting statistic is that 8 out of 10 uninsured people in this country have jobs.

Well, this makes the most sense. And I know there is a lot of concern about how much it will cost small business. We are addressing the problem now, and we are working on ways to offer more exemptions and subsidies for small businesses. There is a myriad of formulas out there. We are trying to craft things that will make it compatible and workable and affordable for our small-business community.

But for those who cover their employees now, the majority of businesses, they will get more coverage for less, and that is basically what we will end up with. You will get more coverage for less if you already cover your people.

The Wall Street Journal said this is a bonanza, the Clinton health care plan is a bonanza or something to that effect for the small-business community, and they are no friends of the President, as many of you understand and recognize. But they recognize the economics of the plan, and for those who do not cover their employees now, they may pay a little more, but when you look at how much, you realize it is no more than the cost of an increase in the minimum wage. Either way, it is a lot better than the system we have now.

Health care reform will not work if it does not work for small business. We know that, and that is why we are working hard. We are working diligently to give small business the best deal that we can.

The small businesses who were at the press conference a few weeks ago realize we will never get the system under control until we make everyone take responsibility for it. Everybody has to take responsibility, no more free rides. We are in this together. If we are in it together and if we work together, it will work well for all of us. But if we have companies taking a free ride on other companies, then it becomes cannibalistic, and then you are in a situation where you do not have your muscle for bargaining and your negotiations for lower rates, a decrease. Responsibility is the key in all aspects of life, whether it is family, whether it is religion, whether it is work, and responsibility is a key ingredient as we move forward to deal with this small-business health care crisis.

As I said earlier, we could not have dreamed up, if we stayed up all night, a worse system than we have now for the small-business community when it deals with health care. So the message is there can be no more something for nothing. We have all got to play a role in getting the system under control.

We ask everyone to open their minds, to open their hearts, and to work with us as we try to craft legislation that will truly be important, not only to employees in this country but to the owners of small businesses as well.

I would be happy to yield to my friend, the gentleman from West Virginia, and to my colleague, the gentlewoman from Connecticut, who have both been champions on health care certainly, but especially on the issues of health care.

Mr. WISE. Mr. Speaker, I thank very much the gentleman from Michigan for yielding and taking this time and for beginning to sound the drumbeat which is particularly for small business.

Check this package out carefully. Do not buy a pig in a poke, but do not buy those who are telling you that the President's plan is not good for small business.

I have got this mental image that in a few short months, let us assume for a second the President's plan is not successful, does not pass; I have got this mental image in a few short months of a group of small business people suddenly beginning to read what went by, what they missed, what got voted down, and calling up some of their so-called advocates, for instance, such as the National Federation of Independent Business People, calling them up and saying,

> What in the world have you done? You let a chance get away that I could have employed my workers for as low as, in the case of companies under 25 employees, with an average salary of less than $12,000, you let a chance get away that I could have employed my workers, insured my workers, in a comprehensive plan average of the Fortune 500 plans, guaranteed benefits for 3½ percent of my gross payroll.

Many small businesses are paying that much in workers' comp already.

If your business is predominantly, as many businesses are, particularly in restaurants and particularly in other sectors, is predominantly minimum wage, then you can insure under the Clinton plan your people for as low as 19 cents an hour. The last minimum wage increase that this Congress passed in 1988 was 90 cents an hour implemented over a 2-year period, 45 cents a year.

Nineteen cents an hour, and you have got complete coverage. You had better read it. I hope small businesses will read that package. I hope they will question those who are telling them it is so bad.

My concern over what is happening in this argument is the first statement in the President's package dealing with small business is what is quoted, but nobody pays attention to the next sentence. The first sentence is that all businesses will be required to pay 80 percent of the premium. That's what scares a lot of people. They never hear, because there are some people who do not want them to hear; they never hear the second line. The second line is but the premiums costs to the small businessperson are capped, and in no case under the President's plan can it exceed 7.9 percent of your gross payroll. That is it, 7.9 percent.

A friend of mine runs a machine shop, has about 35 employees. He provides, because he believes he should, he provides insurance for those employees, health insurance.

□ 1950

He was giving me heck about a year ago on the provisions as he understood them of the Clinton plan. I finally said, "Stop for a second, Ray, what percentage are you paying right now?" He said about 14 percent of his payroll. I said, "Do you understand there will be complete coverage for all your employees and it cannot exceed 7.9 percent of your payroll?" He said, "You mean I get a reduction?" I said, "You not only get a reduction, you probably get an improved policy." He said "you guys probably will raise it a point or two and it is still an incredible deal."

I was in a restaurant operated by—a small mom and pop restaurant operated by two very good friends of mine in a rural community in West Virginia. Clyde was expressing concern to me about what the costs could be if there were mandated coverage. He said, "Bob, we are doing the best we can. We cannot afford health insurance for our employees." I went through the details. And he has roughly 10 employees at basically minimum wage. I said, "Do you understand that you would pay no more than 3.5 percent of your payroll?" He paid more than that for the family policy that covered only him and his wife. And now he could cover all of his employees and deduct 100 percent.

Mr. BONIOR. And deduct 100 percent.

Mr. WISE. Yes.

Self-employed are able to deduct the 100 percent as opposed to the 25 percent that they can deduct now, all for the cost, in that particular situation once again, of about 19 cents an hour.

Now many of us look for the best buy. So we go to a store—now this is not small business understand. It is Wal-Mart. We go into Wal-Mart because it is a discount store, because there is a markdown. What they are not telling you is that for all of us as taxpayers, and they as consumers, they are marking up. Why? Because Wal-Mart—and I do not want to single out Wal-Mart because too many retailers are doing this, but Wal-Mart only insures about half their employees. That leaves many, many thousands uninsured. It has been estimated that the uninsured group are spending something consuming around $480 million a year in health care services. Somebody is paying for it. So when you go into a discount store and those employees are not covered by health insurance, you are getting a savings on the item marked down but they are not telling you that your health insurance premium that you are paying is marked up 30 percent to cover those who are uninsured.

So every time we see that label in the store that says "markdown" ask whether those employees are insured because what is happening is there is a markup. Everyone who has private paid insurance, whether Blue Cross, Aetna, wherever you get your policy, the chances are excellent that you are paying 30 percent in your premium costs, not for your coverage but for the coverage of all of those who are not covered.

Mr. BONIOR. Because those who are not covered when they get sick go into the emergency room where the cost is four times higher than it is in a doctor's office. That cost is spread, gets spread and everybody else pays it. Everybody has an example of being in a hospital or having that cost, that you just referred to, spread on their bill. They wonder why is this bill so outrageous? It is outrageously high oftentimes because you are picking up the costs of those employees who are not insured.

Mr. WISE. The gentleman is correct. They are going in sicker and they are going in at the most expensive rate. And everybody pays as a taxpayer, as a consumer.

I will sit down in just a second but I want to talk for a second about my spending some time in the food industry. I think we have to get this health care debate in terms that all of us deal with.

Most of us eat pizza. I was fascinated recently when the chairman of Godfather's pizza, a large pizza chain in many parts of our country who challenged the President and said that this would be catastrophic to his business. I did some calculations based on the figures that the Godfather's CEO provided to the President.

What I found out was that in the case of the $10 pizza, the application of the President's plan at the most would be 20 cents more per pizza, per $10 pizza, and possibly as low as 10 cents, based upon the cost of labor versus the total profits or total earnings of that company.

Now while the Godfather's CEO employees, some of his employees are insured, some of the employees are not insured. So that means that not only are we paying for the pizza, but we have the privilege of paying for their health care either through Medicaid or through our own insurance premiums in the cost-shifting when the employee eventually gets sick and goes into the hospital. What was not even mentioned is that while the increase might be 10 cents or 20 cents per pizza, which is about at the maximum I think of one-third of the cost of a new topping, the maximum cost could be that much but the offsets are these: They are going to lower worker's compensation costs, particularly that portion dealing with health care. The cost shifting will stop, which means I am not going to be paying for somebody else with insurance who is not going to be paying for that Godfather's employee who does not have insurance, but yet still goes into the emergency room. Finally, everybody is going to be on a level playing field.

That restaurant owner, that pizza operator or preparer who does provide health insurance is operating at a disadvantage to Godfather's. I think that is significant as well.

I think we are going to have a lively discussion, but at this point I will stop and let my colleagues proceed.

Mr. BONIOR. My colleague is absolutely right and I thank him for his comments. You know, people have to take responsibility. We cannot be freeloading off of each other. The businesses who are not stepping up and facing this in a real way but will provide their employees with good coverage at a reasonable rate lower than, in many instances, than the increase in the minimum wage for instance and want to continue the system that they have and ride off the backs of others are not being fair with the rest of the business community.

Mr. Speaker, I yield to my friend, the gentlewoman from Connecticut.

Ms. DELAURO. I thank my friend for yielding. I am really delighted to be able to join with my colleagues tonight and engage in this effort. I think one of the critical things we can do—I think the word drumbeat is a good one because I think we ought to stand here as many nights as we can, particularly on this issue of health care and small business, and to try to really push away the incredible misimpressions that there have been surrounding this. We need to fight back on this. I think we ought to do that over the next several weeks and months because over the past weeks and months much has been said to scare small business into believing that health care reform is going to take away their profits, force them to fire employees. That is just not the case, simply not the case. What we need to do, as some of which has been done here tonight, is to put what the President has proposed in some sort of perspective, to take stock of what small businesses face today and look at what the circumstances are.

Small businesses' health care costs are rising at a rate of 20 to 50 percent on a yearly basis.

Mr. BONIOR. Every year, every single year.

Ms. DELAURO. It is startling what they are paying.

And the plan offers the small business owner a discount. Also, something that is being fought against, but we do not emphasize enough and we ought to begin to emphasize, what the President has talked about is a premium cap so that every single year we can eliminate that 20 to 50 percent increase for small businesses. There are a lot of folks who are screaming about the premium cap. But we have to try to do something to keep it down and to keep the costs, health care costs from escalating beyond what wages are doing these days. That is what has not happened in the last several years.

As my colleague from Michigan pointed out, business owners can only afford bare bones coverage for their employees. The Clinton plan makes it possible for an employer to provide a comprehensive benefit package and to be able to offer their employees, in the same as the big businesses do. The susceptibility to discriminatory insurance programs, occupational red-lining, preexisting conditions. Let me use myself as an example. I have a preexisting condition. I am a survivor of ovarian cancer. Today I have a wonderful job serving as a Member of the House of Representatives. I get paid a good salary. I have health care coverage. I share in the costs of my health care. First of all, individuals will be able to get similar kinds of health insurance today that Members of Congress are getting but more importantly if the voters of the 3d district of Connecticut decide I should not serve in this body any longer and I go to look for a job somewhere else, no business, small business, wants to hire me. Their premiums would go up tremendously. They do not want to include me in their small group policy because I would drive the costs up off the charts.

□ 2000

So these kinds of conditions and exclusions that would be prohibited are critical. Also, based on age, and gender, and price discrimination, these practices would be outlawed.

The self-employed, the 25 percent deduction which small businesses are getting now, would rise to a 100 percent deduction.

So, we make the point, we have made it, that the current system clearly is not working for small businesses, and what we are not proposing to do is to tear down what we have built up where nine out of ten people today get their insurance, if they were insured, through their business, but to build on that system, and anyone would say, "Let's not go back to square one; let's build on the current system that we already have."

Mr. BONIOR. There are good things about the system.

Ms. DELAURO. Right.

Mr. BONIOR. I am talking about the small business part of it that is pretty much of a disaster. But with respect to our doctors, nurses, our skilled and our wonderful people, they generally do very exceptional work. We have to build on that, and, as the gentlewoman has just mentioned, we ought to build on the system we have that is employer based.

Ms. DELAURO. And we do have the best health care in the world. The problem is not everybody is sharing in the opportunity to get access to that health care or can afford it today, and particularly a small business cannot afford to do it.

Let me make one other point. Oftentimes I know my colleagues hear that there are people on welfare, and people on welfare get their health care free, and that should not be the case, and it should not be the case. If we do provide a system, why, if we want to create incentives for people to go to work in this country, which we should do; we all espouse the values of work, and, if that individual goes to get a job somewhere, and in fact the employer does not provide any health care, where is the incentive for an individual to say, "I'm going to take this job," when they are not going to get protected, they are not going to get any protection, their family is not going to get any protection for health care and the cost of health care. It flies in the face of anything that is real about trying to bring some sense to our system.

Mr. BONIOR. This health care bill is the first major step in welfare reform. It just follows naturally; the gentlewoman is absolutely correct.

Ms. DELAURO. Well, I think the organizations today that are lobbying against the health care reform bill, and they claim to be doing that on behalf of small businesses, are actually, in fact, hurting the very businesses they claim that they want to support. They really ought to be working with those of us who are in Congress who are trying to really help the small business man and women who are ready to try to do the right thing by providing health care and those that want to do it but cannot because the costs are prohibitive.

Let me just mention a couple of examples in my own community.

Harry Pappas, who I have mentioned before on the floor of this House, who is in the drycleaning business, he took the time to do the math on his health care for himself. He received a package from the National Federation of Independent Businesses, and they told him that he should phone me to tell me to vote against the President's health care plan because it was bad for small business, and they provided him with a worksheet. Well, Harry took out the worksheet, figured it all out, and he found out for his 11 people he would pay 37 percent less, 37 percent less in his health care costs. So, Mr. Speaker, when he did phone me to talk to me he called to ask me to please support the President's health care plan.

Kathy Berko, who is another small business owner in my district, she wants to try to provide her employees with profit sharing and retirement benefits, but she cannot do that because her costs to provide health care continue to go up, and for one employee the premium went up 50 percent in just 2 years.

I think again, as we have said here tonight, that the more small businesses hear the truth about what is in this health care reform package, the more that they will begin to appreciate the advantages, and I think we have to take on that responsibility because others are out there in great force because there is a lot at stake. There is a lot of money at stake in this plan, and we have got to take it on to try to get the message out to small businesses that health care reform is right for them and right for the American people.

Let me just mention one more point, and then we will engage in a conversation.

Many businesses, Safeway, United Airlines, Xerox, Time Warner, members of the National Leadership Coalition for Health Care Reform, have already thrown their support behind the President's health care reform bill. It is good for business. Health care reform that has been proposed is good for business, and I say, whether you're General Motors with a listing on Wall Street, or whether you are Washington Cleaners with an address on Main Street, I think we see that this is going to help small businesses provide health insurance and to keep their costs down.

So, Mr. Speaker, I am really pleased to join with my colleagues tonight and to continue to beat that drum so that we can, in fact, do something for the American people and for American business.

Mr. BONIOR. I thank my colleague for her contribution and for illustrating vividly with those examples just what is at stake for individual business people. And I make the plea, as well, tonight that our business community look carefully at what we are suggesting here.

I say, don't dismiss it. Don't just take the word of the NFIB or your neighbor. Do the worksheet like your friend did, and find out what effect it will have for you and for your employees, and I think you're going to be pleasantly surprised. And for those of you who don't provide it now, you will be able to provide it, as the gentleman from West Virginia said, in some instances as low as 19 cents an hour, which is far less than what the last minimum wage increase was. In some instances it will be higher than that, but you will be able to provide for your employees, and there is nothing more important in the relationship in a firm between the employer and the employee. The type of quality of work that's done is oftentimes related to how you treat your employees, and we are trying to make it all work for everyone in this country, and please help us and join us in this effort.

I yield now to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I think the idea that the gentleman from Michigan [Mr. BONIOR] and the gentlewoman from Connecticut [Ms. DELAURO] have is excellent in encouraging all small businesses to view this just as they would when various insurance agents come to tell them about a plan, and that is really what is happening. I say, you have got the NFIB which wants to sell you no plan, keep it as it is. It's not working for you, but the devil you know is probably better than the devil you don't know—I guess is the best positive spin I can put on it. But then also look at the other plans out there, the cost of doing nothing, the cost of some of the plans that are presented, and then particularly the President's plan and some of the spinoffs that are developing by trying to accommodate the additional concerns of small business.

Mr. Speaker, I have been amazed at every time I have dealt with a small business person, and recently there were several NFIB representative members—not representatives, but members, of the group in my office from home. I find out when we sit down and talk about it that the President's plan gives them a better deal.

There is one gentleman I was meeting with last week who expressed great concern about mandates and how he would be affected under the President's plan. I said, well, give me some information. I'm not looking for proprietary information, but tell me a little bit about your business.

He worked very hard to provide a 60–40 cost share on the premium. He paid 60; his employees paid 40. Of course under the President's plan he would pay 80, so he would pay more theoretically. The employee would pay 20. But yet what he does not have today, but what he gets under the President's plan, is a significant, significant subsidy, and the result is that in—which he even, I think, concluded at the end of our discussion—he would get a much better policy at a lower cost to himself and to his business, much less to his employee, better policy, better cost arrangement for both concerned, lower costs, and so that is the kind of comparison that needs to take place.

I am not asking the people to take my representations, or my colleague's representations, or even the President's representations, at face value. Certainly do not take those who are saying, "Don't do it."

Mandates interest me. Now I guess that, yes, everyone would be required to provide insurance with the assistance that we mentioned. Of course what is not mentioned is that everyone is required to participate in some form. All of us have copayments under the President's plan. All of us have deductibles. There is no free lunch. Everyone pays at least according to their income on a sliding scale, and so everyone is in this system in some way, and everyone is making a contribution, not just the business.

But if I were a business person, a small business person, I would, too, be a little suspicious and say, great I've got OSHA to worry about, I've got wage and hour paperwork to do, I've got this and that, all of these mandates, and what am I getting for it?

I say, here you are getting something. First of all, you are doing what you know you wanted to do anyhow. You're trying to provide health insurance for your employees, but you're getting it at a much lower cost and getting a much better policy.

There is a lot of talk about unfunded mandates. This one comes with the funds attached to it. This one works.

There is one question I get and, I suspect, that each of those of us participating tonight gets. It is the final fallback: "All right, Wise. You say that this is such a great plan, but how can you guarantee to me that the cost won't go up in a couple of years after we get it implemented? You know how you folks in Congress are."

Well, let me tell my colleagues what I can guarantee to them right now.

□ 2010

I can guarantee to you that if you have health insurance, if you buy it for your employees, your cost is going up without the President's plan.

As the gentleman from Michigan and the gentlewoman from Connecticut have pointed out, you are going up 20 to 50 percent automatically every year.

My father was a health insurance agent and the thing that he dreaded, particularly in the late 1970's, early 1980's was taking the premium increase around to the businesses that he was serving because they would not believe him. They would think that he was gouging, and he said that this is what will happen, and a lot of business people today confirmed this for me, "They will kick me out of their office and they will cancel the policy I am selling them and they will then shop around and find somebody that will sell them the policy cheaper. They will sell them cheaper the first year to get in the door. The next year the policy cost goes up sharply and they are right back in the same situation again."

It is funny how many times I tell that story and I can see heads nodding, "Oh, yeah, that's happened to me twice already in the last 5 years."

Everyone knows that costs are going up sharply in the present system. Here we have a plan where everybody is in the pool, everybody is paying something, where the emphasis is on cost containment and where the costs to the business are capped. That is the best guarantee I think we can get.

Ms. DELAURO. I have found that in terms of talking to small businesses and to being very up front with them and I do not shy away from this issue at all. Some people say, "Well, I don't want to sit down and talk and you not be able to answer the questions." I think when we sit down with small businesses, and I have done a lot of small business meetings, with groups of 10 or 15 people, and we go through the entire plan, what is in the plan for small businesses and be very honest and up front with them.

For those businesses who now do not provide any kind of insurance for their employees, in fact, they are going to have to provide something. Nobody is standing here and saying that that is not the case. But when I sit down and go through it, they look at me with an expression on their faces, "My God, we didn't know that, we didn't understand that. Why didn't we?"

I have to ask myself, "Why didn't we?" I think that we all need to do that, those of us here tonight and the rest of our colleagues. We have got to take on those naysayers and begin to show small businesses what is in this plan on their behalf.

They should not take our word for it, the President's or the NFIB, they should sit down and we ought to try as many ways as we can to provide the opportunity for them to get the answers to these questions, because while they do want to see reform, there is a healthy skepticism and they should. Those questions ought to be answered. But 9 out of 10 times I can sit with a group of people that from the outset may have these concerns and fears and probably 85 to 90 percent of those fears and concerns are allayed by the time we walk out the door. It really is incredible.

Mr. BONIOR. I think the sense of taking our word for it is well taken. My colleagues have both spoken about that today. People are skeptical. But the Wall Street Journal, and I have said this already tonight, I will say it again. When they come out and say this is a great bargain for the small business community, the Clinton health care plan, I think that ought to raise a red flag and people ought to say, "Well, at least maybe I ought to look at it in that respect."

Mr. WISE. I am not quoting the Wall Street Journal a whole lot on a lot of issues.

Mr. BONIOR. I am not, either. But occasionally they are right.

Mr. WISE. On this one the facts are with us.

If you are a small business person, take your payroll, whatever it is, $100,000, for instance, and say, "What is the very most I could be paying under the Clinton health plan?"

Say 7.9 percent, we will round it off to 8, $8,000, but do not stop there, to quote again my dad.

If you have less than 75 employees, it is going to be lower than that. Get the formula. For instance, if you are under 25 employees and less than $12,000 average annual wage per employee, it is going to be 3½ percent. So in a $100,000 payroll, you are somewhere between $8,000 and $3,500. I am willing to wager many small businesses are providing health insurance for just the family members in that business, the operator and his or her spouse.

Mr. BONIOR. That reach that level.

Mr. WISE. Yes, for that amount.

So that is the kind of pencil work that every business needs to do before they react to it.

The gentlewoman mentioned businesses supporting it and there were a whole group of them that came out the other day. I think it is significant; there is a lot of concern over profit margins. The grocery retailing sector has probably the lowest profit margin of just about any in the retail sector, if not the lowest profit margin period, yet significant stores like Safeway, Pathmart in the Northeast and others have come out in favor of a comprehensive national health care plan.

I might point out that retailing overall, the Wal-Marts, for instance, of the world average somewhere around 2½ to 3 percent. Those with the lower profit margins are providing health insurance, even though they have a lower profit margin in the nature of their business, they are finding it makes good business.

I have a lot of sympathy for, and what all of us are trying to do is work with that small business person who wants to provide health insurance and is up against the wall, does not have the profit margin, cannot do it. I do not have a lot of sympathy for the one, and I ran into one of these folks the other day, who said, "I won't accept a mandate. I will not provide coverage. It's not my obligation."

If you do not like people putting their burdens on you, why is it that business A which provides insurance, works next door to business B and is in competition with them for the same product, business A does provide insurance, business B does not. Yet who has the competitive edge, the one who does not live up to his or her obligations.

So I would hope that small businesses that are providing insurance, and many of them have told me this, would say, "Wait a minute. Let's get everybody on that level playing field." It is good policy but it is also good competition.

Ms. DELAURO. That is the other thing that happens in these small group gatherings. Those that do provide the insurance begin to look at those who do not. Because as our colleague from Michigan said, people in places where they do not provide insurance, they get sick, their families get sick, they go somewhere and those costs just do not disappear. They just are not in that either. They get passed on.

I think it is a very careful consideration. I think other businesses who are now doing this need to talk to their colleagues, they need to talk to their conferees and say, "Hey, come aboard." Everyone has a responsibility in this effort.

Mr. WISE. In each one of our States that is represented here tonight, probably in your State, as in mine this last year, the most troublesome issue in the State legislature was funding Medicaid. Medicaid, health care for the low income, was the fastest rising cost to States. One of the reasons is just what we are saying, that low-income workers who when they finally do get sick do not have insurance, goes into the hospital, and that is when Medicaid kicks in and that is when the taxpayers pay. There is no free ride.

When we see that markdown in a discount store and they are not providing health insurance, we are paying for it. We are just paying for it in our tax bill and in our insurance premium instead of at the cash register.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for their comments and for their patience and for their eloquence this evening. I look forward to talking about this same issue with them on other occasions.

RESTORING A DEMOCRATIC REPUBLIC THROUGH NATIONAL INITIATIVE AND REFERENDUM

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, Americans are frustrated with their government and their elected leaders. This is evident in the large turnover in 1992 congressional elections, in low public regard for Congress, in little public interest in political affairs, and in widespread disbelief that government programs can create positive outcomes or be run efficiently. If these trends and frustration continue, our republican form of government, already crippled, will cease to function.

At the root of this frustration is the perception that, no matter how many incumbent politicians lose to eager newcomers, the most important issues on the voters' minds are not addressed. Campaigns and elections come and go, but major issues never see the light of day in Congress. One hundred ten new members of the House have done little to advance issues like a balanced budget amendment, term limits, or reducing the size of government. Public opinion on these issues is starkly contrasted with congressional inaction.

Voters were told that their 1992 votes sent a message to Washington to get its fiscal and political houses in order, yet no one in Washington seems to have understood this. The 1992 election results disproved the assumption that electoral turnover means political change. No wonder public trust in government has, if anything, deteriorated since the 1992 election results.

When it comes right down to it, the bond between our citizens and their government in Washington has been damaged because elected officials are unresponsive to critical issues. After my first year in office, I see nothing that gives me hope that things will dramatically change. Yet, things need to change.

A major source of public anger is that politics has become less substantive. Issues and parties have less effect on voters' decisions. Personalities, money, and narrow interest have far too great an impact. Through deliberate tactics and funded by special interests, politicians personalize their appeal to voters, avoiding controversial or divisive issues. While this may win elections, the result is that politicians elected on such personality centered campaigns believe the way to govern is to avoid responding to issue agendas, merely presenting a pleasing personality and satisfying the parochial needs of individuals and narrow interests.

Thoughtful people should be increasingly concerned about such a crisis of confidence. If unchecked, declining confidence will destroy the credibility of national institutions so much that governing sensibly will become nearly impossible. The most important question for those concerned with these problems is how to restore confidence in our republican form of government.

Policy making, at the national level and elsewhere, is a two step process. First, an issue agenda is set; then, these issues which make it on the agenda are debated and, hopefully, settled. Elections should allow voters to set the agenda, as candidates courting their votes debate the relative importance of issues and their positions on them. In casting their vote for a particular candidate, voters choose both what issues they want debated and whom they most trust to resolve them.

After the election is over, the most important task is for the chosen political elites to settle the issues raised in the campaign. Through deliberations in Congress and through negotiations between Congress and the President, these elites settle these key questions. Their secondary task is, of course, to debate and resolve both routine legislative items and any new issues which may arise.

The great challenges of the Civil War and the Depression show how useful this definition is. Just before the Civil War, voters knew the issue of slavery had to be decided with finality. The election of Lincoln and Republicans assured that the issue would be settled, although few knew the extent and outcome of the ensuing Civil War. In 1932, voters clearly wanted FDR to do something about the Depression. Even though FDR's New Deal legislative program was far different than the platform on which he ran, he was rewarded for acting on the overriding public call to action and was forgiven for not adhering to all the particulars of a campaign pledge.

The point is that at these key times successful political elites correctly interpreted broad electoral change in issue-oriented terms. Major election changes placed new items on the critical list for action by Congress and the President. They acted, issues were resolved, and elected representatives eventually moved on to new agenda items. Elections don't work that way any more. Individual members of Congress have devoted their staff and financial resources into doing individualistic favors and avoiding positions on broader national issues. The personalization of campaigning means that the agenda setting function of elections has been short circuited. Voters no longer vote issues, or even parties, they vote the candidate.

A major corrective step would be to restore the connection between national elections and national issues. Unfortunately, one cannot rely on individual candidates to do so since the current campaign strategies are so effective, at least in the short term.

Allowing voters to instruct Congress, through indirect initiative elections, is the one most important and effective way to restore that connection. An indirect initiative process would reconnect issues to congressional elections without violating the basic form of the Constitution, or the Founders views of proper government.

The Constitution is a mixture of elements forming our representative democracy—a form of government in which people freely choose their decision makers but do not make the decisions themselves. We are and should remain a republic, not a pure democracy. The Founders rightly feared the momentary passions of even the limited, property-owning, male and fairly well-educated electorate of the time. For them, democracy meant rule by the demos, or mob—a volatile situation to be avoided for its tendency to trample minority rights.

Madison believed a republican form of government would "refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations." In large measure, the main constitutional elements of separation of powers, federalism, and bicameralism are all designed to allow time for the passions of the masses to cool, hopefully turning dangerous impulses into more reasoned effective change.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, about the "wisdom * * * patriotism * * * and love of justice" of elected representatives seems, in light of current events, naive.

The brakes against mob rule written by the Founders into the Constitution should not be lightly dismissed. There are, on the other hand, constitutional elements to promote the democratic impulse. These include a wide suffrage, short election terms for House Members, and the required origin of money bills in the House. Constitutional amendments added since have expanded the vote, made the Senate directly elected, guaranteed participation rights to excluded groups, and preserved and promoted individual freedoms. Extraconstitutional developments such as the rise of mass political parties, and the expansion of offices filled by elections have further enhanced the voice of the people.

Sadly, these changes to broaden participation have not improved our government. The changes clearly have made elected officials more responsive to the immediate opinions of individual votes, yet major issues remain unresolved. Individual citizens have more opportunities to participate in political debate, but see little substance in what is being debated. Institutional developments and campaign changes have made Members of Congress almost invulnerable to mass public judgment, while at the same time empowered them to manipulate the opinions of isolated constituencies and individuals. Representatives cultivate individuals through casework, and narrow constituencies by targeted mail and political action committee solicitations.

The power to appease constituents on an almost individual basis has empowered representatives to ignore larger issues and place the blame for inaction on the institution. Thus, today we have a far more responsive government than ever, but its officials are far better able to evade responsibility for inaction and gridlock.

To return to the Founders' original intent for our constitutional government, we need a new constitutional mechanism that lets voters help set the national agenda. I have introduced three bills in the House of Representatives which provide two basic indirect initiative processes. Either process would let voters set issue agendas in national elections, reconnecting elections and candidates to issues. Indirect initiatives restore substantive debate on real policy while preserving key constitutional checks on mass democracy.

The first bill I have introduced, H.R. 3835, provides for a nationwide advisory referendum on term limits for Members of the House and Senate. This advisory election would be held on November 8, 1994, the next general election for U.S. House and Senate Members. Voters would vote on the question whether Congress should pass a Constitutional amendment limiting service in the House and Senate. While current opinion polls suggest such a referendum would be overwhelmingly in favor of term limits, a nationwide vote would clearly have more impact than a mere public opinion poll. A nationwide debate would be much better, then the current legal maneuvering in the courts. All representatives would be challenged to act upon such an amendment in the 104th Congress, or be prepared to explain their inaction in the 1996 elections.

H.R. 3835 is admittedly a test run for initiatives—the results would be nonbinding and Congress could choose to ignore, as it too frequently does now, the voters' choice. But the political dynamics of a national referendum, even one that is non-binding, are such that Congress will be hard pressed to avoid issues subject to such wide public discourse.

As a further inducement to restore democracy, I have introduced two other pieces of legislation which would make the indirect initiative process more powerful. House Joint Resolution 180 is an indirect initiative process for legislation, and provides for the placement of citizen-sponsored initiatives on a national ballot. An initiated measure must first pass stiff petition rules for being placed on the ballot, and then, if it receives a majority vote in three-fifths of the States, it goes before the Congress. Congress is then given 15 months to enact the approved proposal, pass legislation with changes in it, or ignore the bill. If Congress approves the legislation and the President signs the bill into law, the process ends. If Congress takes no action, the same initiative is placed on the next general election ballot and, if it passes, becomes law. If Congress passes a different but related bill, both versions go back to the people for a second vote. The measure which receives the most votes becomes law. If neither receives a three-fifths vote, the initiative fails.

House Joint Resolution 181 provides a similar mechanism to propose Constitutional amendments. A citizen-initiated constitutional amendment proposal must meet the same rigorous petition and vote requirements as H.J. Res. 180. It must also, however, gain a super-majority (sixty percent) of the votes in a majority of states. If it meets these hurdles, the amendment is proposed to the states for ratification. At that stage, the ratification procedures provided for in Article V of the Constitution take over.

These National Citizens Initiative (NCI) proposals will help citizens set the agenda in Washington without changing the essential nature of the way decisions are made. H.R. 3835 is a modest means to induce congressional action. If such a process bears fruit, the constitutional amendments I have proposed would prove unnecessary.

More likely, however, the more forceful mechanisms in the joint resolution proposals are necessary to redirect Congress attention back to the interests of the people. House Joint Resolution 180 is designed to give citizens the right to enact laws through an initiative process without disrupting the structure of our representative form of government. The petition requirements, the super-majority vote requirements, the 15 month congressional review, and the second vote requirement combine to make House Joint Resolution 180 a prudent method of reconnecting the American people with their government at a time when the trust between the two is at an unacceptably low level. Like House Joint Resolution 180, House Joint Resolution 181 is designed to help citizens set the agenda in Washington without changing the essential nature of how decisions are made. It is designed to stimulate debate on constitutional amendments, while leaving intact the ratification process that has been established in Article V of the Constitution.

Initiative and referendum opponents have traditionally made many arguments against various forms of national initiatives. Although most of the attacks have been leveled against direct initiatives, not against the indirect processes I propose, these arguments deserve to be considered.

The first argument against initiatives is that direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But this legitimacy is already questioned by a large segment of the electorate, and indirect initiatives still involve the legislature. A Congress finally working on issues of major public concern would enhance, not harm, its legitimacy.

Another argument against initiatives is that they encourage legislative inertia, that the legislation will wait for the public to act on controversial matters to avoid blame. Again, this avoidance is occurring now—indirect initiatives will force action but not predetermine the outcome. Opponents of initiatives have argued that such lawmaking avoids the important steps of deliberation, compromise, and refinement, but again the indirect process resolves those concerns. Any ballot measure that is hasty, too strident, oversimplified or poorly drafted can be halted and corrected by Congress, subject to the approval of voters that Congress would have had two years to convince.

Some critics of initiatives have said that they are potential tools of special interests which cannot get their way in the regular legislative process. That comment is ironic at the least, given the current corruption surrounding American politics. Now, narrow interests can easily get items on Congress's legislative agenda or, in the case preserving previously arranged special interest deals, keep reform efforts off. Witness the difficulty of killing honey, wool and mohair, or tobacco programs, or the failure to enact real campaign reform. The petition requirements are large enough to ensure that special interest or frivolous measures would rarely, if ever make it even to the initial vote. A harmful special interest will have a far more difficult time in organizing support for two nationwide votes two years apart than in obtaining closed-door favors from a few congressional leaders.

Some critics contend that a national initiative destroys federalism, and its important protections for states and regions. To the extent federalism is not already destroyed by federal mandates and the shrinking power of the Tenth Amendment, the supermajority requirements and legislative review of these proposals limit the possibility of specific regions or states gaining unfair advantages in the process.

Finally, critics of the initiative process say that proponents have undue faith in the masses and lack of respect for elected elites. Admittedly, indirect initiatives display more faith in the average voter and put more power into their hands. I believe it restores an appropriate balance between the electors and the elected. It is clear to me, our current system places too much faith in elected elites to address issues which are of broad concern.

Indirect initiatives preserve many of the advantages of the current system—preserving our representative form of government, protecting minorities, preventing hasty decisions, fostering compromise and conciliation.

New benefits they bring include the potential to stimulate the dangerously flagging public participation in civic affairs. Elections would once again be about both issues and candidates. Voters could go to the polls confident that they are sending a signal to Congress on which issues they want addressed. Candidates would be more likely to take positions on ballot issues, and less able to go into office based merely on name recognition and slick campaign styles.

The underlying contemporary malaise, alienation and cynicism toward politics is all too apparent today. Unchannelled into productive expressions of citizen control, it is likely to erupt in ways far more dangerous to our Constitutional principles and longstanding political traditions such as political parties.

A further benefit of indirect initiatives and referenda is to provide national leadership for the legislature. Such leadership has been far too absent from the current congressional power structure. A national initiative of either the advisory referendum type or the more powerful legislative proposals would provide a national, publicly-developed agenda of issues with which Congress would be forced to grapple in the next 2 years.

Congress would be transformed from an assemblage of parochial agents to a body forced to debate and define the public good. Other attempts at more enlightened debate like "Oxford-style debate" are puny and hollow because they do not require a resolution of any issues. Forced debate on, say, term limits would guarantee an open and educational debate on an issue otherwise inadequately considered.

The initiative process realizes the Constitutional provision for the public to petition Congress for redress of grievances. Special interest lobbyists defend their access to Congress on these same petition grounds. Sure, individuals can write, call or meet with their representatives. But the wealthy have the means to organize in a collective voice, and their "petitions" are more likely to be heard. The National Citizens Initiative gives the average voter greater clout to compete with the current powerful interests.

A fundamental purpose of persons seeking to preserve and strengthen public confidence in our institutions is to make them more responsive to items on the public's agenda. At the same time, enhanced responsiveness must not harm the positive contribution of representative institutions—the time for deliberation, modification and improvement. The question is how to make our system more responsive and more responsible. I believe that a system of indirect national initiatives along the lines of legislation I have introduced would do both.

A national indirect initiative process is not a conservative or liberal issue. Experience from the states and other nations that have initiatives shows both liberal and conservative victories. Indirect initiatives are a democratic response to restoring republican principles. By linking national elections with agenda setting, they are a return to our roots, not a departure from them. National Citizen Initiatives provide two useful functions that elevate public debate and reinvigorate our traditional institutions—separating issues from personalities so one focuses on issues, and facilitating communication between the electorate and the elected representative.

NCI is a balanced and reasonable measure. It will make the institution of Congress more responsive, preserve its deliberate role, and the same time curb the excesses of populism which can at times turn ugly. It serves as an incentive to get Congress to set priorities—to focus on problems of pressing interest and hopefully set aside more narrow and parochial concerns. NCI combines the best democratic and republican virtues.

As with any major reform, national indirect initiatives and referenda will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this nation needs—nor what the voters want—at this point in our history. Enacting an indirect initiative process provides an opportunity to restore the democratic nature of our republican institutions, before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today after 4 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN and to include extraneous matter:)

Mr. BILIRAKIS.
Mr. DORNAN.
Mr. GRAMS.
Mr. KING.
Mr. COMBEST.
Mr. HASTERT.
Mr. CRAPO.
Mr. MOORHEAD.
Mr. CRANE.
Mr. GEKAS.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. BRYANT.
Mr. MAZZOLI in two instances.
Mr. SARPALIUS in two instances.
Mr. ENGEL.
Mr. MEEHAN.
Mr. HAMILTON.
Mr. STARK in two instances.
Mr. MANTON in two instances.
Mr. HOCHBRUECKNER.
Mr. CLEMENT.
Mr. FROST.
Mrs. MALONEY.
Mr. DE LUGO.
Mr. FOGLIETTA.
Mr. LANTOS.
Mr. JACOBS.
Ms. KAPTUR.
Mr. REED.
Mr. WISE.
Mr. STARK.
Mr. MURTHA in two instances.
Mr. PETERSON of Minnesota.
Mr. FLAKE.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. REYNOLDS.
Mr. KLEIN.
Mr. PARKER.
Mr. KREIDLER.
Mr. ROEMER.
Mr. POSHARD.
Mr. YOUNG of Florida.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until Thursday, May 19, 1994, at 9:30 a.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23

Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

FRANK D. LUCAS, Sixth District Oklahoma.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3207. A letter from the Secretary of Health and Human Services, transmitting the annual report, fiscal year 1992, describing the activities and accomplishments of programs for persons with developmental disabilities, pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

3208. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 04-94, concerning a cooperative project between the United States Department of Defense and the Dutch Ministry of Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3209. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Defense Mapping Agency's proposed Letter(s) of Offer and Acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 94-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3210. A letter from the Comptroller General Accounting Office, transmitting the list of all reports issued or released in April 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. House Concurrent Resolution 236. Resolution authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 103-510). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT of Maryland:

H.R. 4444. A bill to require the Congress to comply with the laws which it requires others to comply with, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, Government Operations, the Judiciary, Rules, Energy and Commerce, and Ways and Means.

By Mr. BEREUTER:

H.R. 4445. A bill to amend the Housing Act of 1949 to authorize the Secretary of Agriculture to guarantee the repayment of loans made by private lenders for the development costs of multifamily rental housing for low- and moderate-income families in rural areas; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 4446. A bill to amend section 1332 of title 28, United States Code, to require that the plaintiff in a diversity case not be a resident of the State in which the case is brought; to the Committee on the Judiciary.

By Mr. MANTON:

H.R. 4447. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972 to clarify what constitutes an alternative system for the management of sewage sludge and industrial waste for purposes of section 1048 of that title, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MEEHAN:

H.R. 4448. A bill to amend the act establishing Lowell National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. PETERSON of Minnesota (for himself, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. VENTO, and Mr. RANGEL):

H.R. 4449. A bill to amend part A of title IV of the Social Security Act to enable States to construct, rehabilitate, purchase, or rent permanent housing for homeless AFDC families, using funds that would otherwise be used to provide emergency assistance for such families; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. REYNOLDS:

H.R. 4450. A bill to amend title 18, United States Code, to federalize the crime of child molestation; to the Committee on the Judiciary.

By Mr. ROEMER (for himself, Mr. ZIMMER, Mr. PENNY, Mr. RAMSTAD, Mr. SCHUMER, Mrs. ROUKEMA, Mr. KLEIN, Mr. UPTON, Mr. POMEROY, Mr. SANDERS, and Mr. MANN):

H.R. 4451. A bill to terminate the International Space Station Alpha Program, and to redirect the savings therefrom to National Aeronautics and Space Administration space and civil aviation programs; to the Committee on Science, Space, and Technology.

By Mr. THOMPSON:

H.R. 4452. A bill to designate the post office building at 115 West Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 367. Joint resolution to provide a congressional medal to the courageous citizen who exposed the conspiracy to murder millions of Americans; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H. Res. 430. Resolution congratulating the people of India on the occasion of the 47th anniversary of their nation's independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

387. By the SPEAKER: Memorial of the Senate of the State of New York, relative to taxes; to the Committee on the Judiciary.

388. Also, memorial of the Senate of the State of Hawaii, relative to States with no mandatory motorcycle helmet laws; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. KILDEE, Mr. DIAZ-BALART, and Mr. TORRICELLI.

H.R. 303: Mr. GENE GREEN of Texas.

H.R. 393: Mr. GEJDENSON.

H.R. 702: Mr. MANZULLO.

H.R. 1110: Mr. RAVENEL.

H.R. 1277: Mr. BUNNING.

H.R. 1289: Mr. EDWARDS of California, Mr. MINETA, and Mr. GUNDERSON.

H.R. 1500: Mr. EDWARDS of California.

H.R. 1823: Ms. FURSE, Mr. JEFFERSON, and Mr. DE LUGO.

H.R. 1824: Mr. GINGRICH.

H.R. 1897: Mr. MCDADE, Mr. MARKEY, Mr. BILIRAKIS, Mr. COX, and Mr. CALVERT.

H.R. 1906: Mr. NADLER and Mr. ENGEL.

H.R. 1968: Mr. MINETA.

H.R. 2460: Mr. HAYES, Mr. CAMP, Mr. CLYBURN, and Mr. SARPALIUS.

H.R. 2525: Mr. NEAL of Massachusetts, Ms. PRYCE of Ohio, Mr. DUNCAN, and Mr. BACHUS of Alabama.

H.R. 2720: Mr. ZELIFF.

H.R. 2756: Mr. FINGERHUT and Mr. KING.

H.R. 2866: Mr. BOEHLERT and Mr. MEEHAN.

H.R. 3013: Mr. MONTGOMERY, Mr. JACOBS, Mr. PASTOR, Mr. BONIOR, Mr. DELLUMS, Mrs. KENNELLY, Ms. DELAURO, Ms. HARMAN, and Ms. NORTON.

H.R. 3017: Mr. BEILENSON.

H.R. 3173: Mr. LEVY.

H.R. 3261: Mr. BALLENGER, Mr. PORTMAN, Mr. ACKERMAN, Mr. ARMEY, Mr. HANCOCK, Mr. RAVENEL, Mr. STENHOLM, Mr. COX, Mr. APPLEGATE, Mr. HORN, Mr. RAMSTAD, Mr. INHOFE, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. TAYLOR of Mississippi, Mr. HEFLEY, Mr. DUNCAN, Mr. ORTIZ, Mr. MICA, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. GINGRICH, Mr. HUNTER, Mr. SAXTON, Mr. HOKE, Mr. ROGERS, Mr. MCKEON, Mr. GOODLING, Mr. QUILLEN, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BARCIA of Michigan, Mr. BOEHNER, Mr. CLINGER, Mr. BILIRAKIS, Mr. DELAY, Mr. CUNNINGHAM, Mr. PACKARD, Ms. DUNN, Mr. WALKER, Mr. ZELIFF, Mr. HYDE, Mr. SUNDQUIST, Mr. COLLINS of Georgia, Mr. BOEHLERT, Mr. FINGERHUT, Mr. DORNAN, Mr. TUCKER, Mr. HALL of Texas, Mr. ROBERTS, Mr. HAYES, Mr. QUINN, Mr. BLILEY, Mr. EVERETT, Mr. FIELDS of Texas, Mr. YOUNG of Florida, Mr. SWETT, Mr. KINGSTON, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. FLAKE, Mr. TORKILDSEN, Mr. MCCOLLUM, and Mr. UPTON.

H.R. 3523: Ms. PRYCE of Ohio and Mr. GRAMS.

H.R. 3561: Mr. EVANS, Mr. WYNN, Mrs. KENNELLY, and Mrs. CLAYTON.

H.R. 3611: Ms. ROYBAL-ALLARD.

H.R. 3633: Mr. FRANKS of Connecticut, Mr. SAM JOHNSON, Mr. LINDER, Mr. POMBO, Mr. RAMSTAD, and Mr. SAXTON.

H.R. 3658: Mr. TORRES and Mr. FILNER.

H.R. 3660: Mr. ROYCE.

H.R. 3663: Mr. WAXMAN.

H.R. 3739: Mr. HUTTO, Ms. SNOWE, Mr. HYDE, Mr. SENSENBRENNER, and Ms. MOLINARI.

H.R. 3761: Mr. BALLENGER, Mr. PORTMAN, Mr. ARCHER, Mr. ARMEY, Mr. HANCOCK, Mr. RAVENEL, Mr. STENHOLM, Mr. COX, Mr. APPLEGATE, Mr. HORN, Mr. RAMSTAD, Mr. INHOFE, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. TAYLOR of Mississippi, Mr. HEFLEY, Mr. DUNCAN, Mr. ORTIZ, Mr. MICA, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. GINGRICH, Mr. HUNTER, Mr. SAXTON, Mr. HOKE, Mr. ROGERS, Mr. MCKEON, Mr. GOODLING, Mr. QUILLEN, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BARCIA of Michigan, Mr. BOEHNER, Mr. CLINGER, Mr. BILIRAKIS, Mr. DELAY, Mr. CUNNINGHAM, Mr. PACKARD, Ms. DUNN, Mr. WALKER, Mr. ZELIFF, Mr. HYDE, Mr. SUNDQUIST, Mr. COLLINS of Georgia, Mr. BOEHLERT, Mr. FINGERHUT, Mr. DORNAN, Mr. TUCKER, Mr. HALL of Texas, Mr. ROBERTS, Mr. HAYES, Mr. QUINN, Mr. BLILEY, Mr. EVERETT, Mr. FIELDS of Texas, Mr. YOUNG of Florida, Mr. SWETT, Mr. KINGSTON, Mr. LEVY, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. FLAKE, Mr. TORKILDSEN, Mr. MCCOLLUM, and Mr. UPTON.

H.R. 3820: Mr. HORN, Mr. HOAGLAND, Mr. MANZULLO, Mr. DOOLITTLE, Mr. SKELTON, Mr. CAMP, Mr. FRANKS of New Jersey, Mr. MCCRERY, Ms. PRYCE of Ohio, Mr. SMITH of Oregon, Mr. PORTER, Mr. WALKER, Mrs. LLOYD, Mrs. THURMAN, Mr. HINCHEY, Mr. CANADY, Mrs. FOWLER, Mr. GILMAN, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. SHAYS, and Mr. GOSS.

H.R. 3875: Mr. ORTON, Mr. KNOLLENBERG, Mr. SKELTON, Mr. TRAFICANT, and Mr. PETE GEREN of Texas.

H.R. 3939: Mr. FIELDS of Louisiana, Mr. SMITH of New Jersey, Mr. PAXON, Mr. TOWNS, Mr. BOEHLERT, Mr. RICHARDSON, Mr. HUGHES, Mr. MANTON, and Mr. BAKER of Louisiana.

H.R. 3951: Mr. INHOFE, Mrs. VUCANOVICH, Mr. MCCURDY, Mr. ZELIFF, Mr. BUYER, Mr. JOHNSON of South Dakota, and Mr. LEHMAN.

H.R. 4036: Mr. ZELIFF.

H.R. 4095: Mrs. MEYERS of Kansas, Mr. EWING, Mr. SUNDQUIST, Mr. TALENT, and Mr. HANSEN.

H.R. 4135: Mr. APPLEGATE, Mr. COYNE, Mr. BOEHLERT, Ms. MARGOLIES-MEZVINSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. STOKES, Mr. MOLLOHAN, Mrs. MEEK of Florida, Mr. MAZZOLI, Mr. SMITH of Oregon, Mr. GONZALEZ, Mr. SOLOMON, Mr. MCHUGH, and Mr. SMITH of Texas.

H.R. 4143: Mr. EVANS, Mr. GENE GREEN of Texas, Mr. CLYBURN, Mr. HINCHEY, Mr. RANGEL, Mr. WASHINGTON, Mr. SERRANO, and Ms. COLLINS of Michigan.

H.R. 4159: Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. CLYBURN, Mr. DELLUMS, Ms. VELAZQUEZ, Mr. FILNER, Mr. CLAY, Mr. WATT, Mr. EVANS, Mr. Frost, Mr. ENGEL, Mr. SERRANO, Mr. HILLIARD, and Mr. RAHALL.

H.R. 4271: Mr. MEEHAN, and Mr. TOWNS.

H.R. 4306: Mr. MCHALE, Mr. HUGHES, Mr. BEILENSON, Ms. ESHOO, and Mr. SANDERS.

H.R. 4321: Mr. SABO, Mr. BOUCHER, and Mr. FURSE.

H.R. 4350: Mr. GRAMS.

H.R. 4356: Mr. WELDON.

H.R. 4382: Ms. DELAURO.

H.R. 4403: Mr. HANCOCK and Mr. HUTCHINSON.

H.J. Res. 1: Ms. FURSE, Mrs. MEEK of Florida, Mr. CARR, and Mr. ABERCROMBIE.

H.J. Res. 90: Mr. LIVINGSTON and Mr. SOLOMON.

H.J. Res. 209: Ms. FURSE, Mr. WILSON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. SLATTERY, Mr. SWETT, Mr. THOMAS of California, Mr. MILLER of California, Mr. WYDEN, and Mr. COPPERSMITH.

H.J. Res. 233: Mr. ANDREWS of New Jersey, Mr. BOEHLERT, Mr. GREENWOOD. and Mr. COBLE.

H.J. Res. 315: Mrs. LLOYD and Mr. VALENTINE.

H.J. Res. 320: Mr. MCNULTY.

H.J. Res. 343: Mr. MARTINEZ, Mr. EHLERS, Mr. MCCOLLUM, Mr. HOCHBRUECKNER, Mr. ANDREWS of New Jersey, and Mr. MANN.

H.J. Res. 356: Mr. JACOBS, Ms. FURSE, Mr. FARR, Mr. BONIOR, and Mr. GUTIERREZ.

H.J. Res. 359: Mr. SLATTERY, Mr. SAXTON, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. FARR, Ms. VELÁZQUEZ, Mr. BLUTE, Mr. LANTOS, Mr. HILLIARD, and Mr. WALSH.

H.J. Res. 364: Mrs. MEEK of Florida, Mr. CLEMENT, Mr. STOKES, Mr. FLAKE, Mr. SAM JOHNSON, and Mr. LEWIS of Georgia.

H. Con. Res. 3: Mr. CALVERT and Mr. BLUTE.

H. Con. Res. 148: Mr. SCHIFF, Mr. WALKER, and Mr. LEWIS of California.

H. Con. Res. 215: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. APPLEGATE, Mr. BAESLER, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BYRNE, Ms. CANTWELL, Mr. CARDIN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONDIT, Mr. CONYERS, Mr. COOPER, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. COYNE, Mr. CRANE, Mr. DARDEN, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DURBIN, Mr. EDWARDS of Texas, Mr. EDWARDS of California, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FINGERHUT, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Ms. FURSE, MR. GALLEGLY, Mr. GEJDENSON, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILMAN, Mr. GOODLING, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMBURG, Mr. HANSEN, Mr. HASTINGS, Mr. HAYES, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HOYER, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INSLEE, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KLEIN, Mr. KLINK, Mr. KOPETSKI, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEVY, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Mrs. LOWEY, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. ORTON, Mr. OWENS, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. REGULA, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mr. ROSE, Mr. ROWLAND, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SCHUMER, Mr. SCOTT, Ms. SHEPHERD, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WHITTEN, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H. Res. 255: Mr. MCKEON, Mr. MCCRERY, and Mrs. CLAYTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 824: Mr. MCHUGH.

H.R. 3222: Mr. MILLER of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII,

94. The SPEAKER: presented a petition of the Council of New York City, NY, relative to discrimination against women; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO ALEX PADILLA, EAGLE SCOUT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MANTON. Mr. Speaker, I rise today to congratulate Alex Padilla on achieving the highest honor in Scouting, becoming an Eagle Scout. This honor will take place on Friday, June 3, 1994 at Cathedral Preparatory Seminary in Elmhurst, Queens located in the Seventh District of New York, which I have the pleasure of representing.

Alex has worked diligently toward achieving this goal along with merit medals Ad Altare Dei and Pope Pius XII in the Catholic Committee. He also is an integral part of the Suanhacky Lodge of the Order of the Arrow.

Mr. Speaker, for his Eagle Project, Alex built three toy like walking carts which are used daily by children with disabilities. They were donated to Stepping Stone Day School Inc. Alex is a sophomore at Cathedral Preparatory Seminary where his ceremony will be taking place.

Mr. Speaker, Alex illustrates leadership and loyalty not only to his country and scouting community, but his school and church as well. I know my colleagues join me in congratulating Alex on this very special day.

LOUISVILLE GAS & ELECTRIC CO. RECEIVES AWARD FROM U.S. DEPARTMENT OF ENERGY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MAZZOLI. Mr. Speaker, the Louisville Gas and Electric Co. [LG&E] of Louisville and Jefferson County, KY, was recently cited by the U.S. Department of Energy in connection with the Department's 1994 National Awards Program for Energy Efficiency and Renewable Energy.

The Department of Energy honored 50 projects around the Nation which utilized initiatives to increase the use of renewable energy, to reduce overall energy consumption, to enhance the environment, and to increase productivity. Among those 50 awardees was LG&E's Natural Gas Vehicle Fuels Program.

LG&E is the first electric utility in Kentucky and one of the first in the Nation to open and maintain a commercial natural gas refueling station. The station is accessible to LG&E employees and to those people in the public who drive vehicles powered by natural gas. A magnetic card is issued which allows the customer to access the station 24-hours a day, 7 days a week. Statistics, as of September 1993, show that 80 LG&E vehicles and 25 customer vehicles use the station on a regular basis.

The refueling station is unique because it is controlled by a state-of-the-art mechanism which allows the station to be operated in a self-service manner. The magnetic fuel card not only gives access to the natural gas fuel, but also records the purchases.

The station itself is designed to look like a normal gas station with dispensers programmed to show gallons, unit price, and total quantity and cost of fuel. The Micro-Mini Dispensers are unique because they calculate the volume of compressed natural gas that is dispensed to an accuracy of ±0.5 percent.

The decision to invest in natural gas vehicles and the necessary support structure was prompted by LG&E's desire to reduce air pollution. The technologies employed by the utility can lower hydrocarbon emissions by 70 percent, carbon monoxide emissions by 50 percent and carbon dioxide emissions by 30 percent. Natural gas, unlike liquid fuels, dissipates quickly when released into the atmosphere. If liquid fuel is leaked, it will be soaked up by the ground causing groundwater pollution. With natural gas, fuel groundwater pollution is eliminated.

There are financial benefits as well. Natural gas costs roughly 40 cents less per gallon then gasoline which adds up to savings for the consumer. Prices, and, therefore, the savings, may vary, depending on current prices of gasoline and natural gas, however, it is estimated that approximately 122,000 gallons of gasoline a year are saved due to this one natural gas refueling station.

I extend congratulations to Louisville Gas and Electric Company for its pioneering work in providing our community with greener forms of energy and transportation.

HONORING THE WICHITA FALLS SOCIAL SECURITY OFFICE

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. SARPALIUS. Mr. Speaker, I would like to encourage my colleagues to join me in honoring the Wichita Falls Social Security Office. This office was recently recognized as one of the best performing offices in 1993 in the five-State Southwest Region of the Social Security Administration.

Only a select few of the 134 district and branch offices in the region are selected for the annual Superior Office Award by the agency's regional commissioner. This region includes the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

More than 34,355 Social Security beneficiaries and 3,500 supplemental security income recipients are served by the Wichita Falls office.

I commend the Wichita Falls Social Security Office for making it a priority to handle all business with exceptional efficiency and courtesy. Those in the Wichita Falls area who depend on this office for Social Security and SSI payments have been lucky to work with such dedicated and dependable people.

Once again, I would like to extend my congratulations to the staff of the Wichita Falls Social Security Office. They are very deserving of the annual Superior Office Award.

IN RECOGNITION OF BETH DARRETT, ELLEN BEAN AND SUZANNA SOKOL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. BILIRAKIS. Mr. Speaker, this week, I am privileged to have in my office three constituents, Beth Darrett, Ellen Bean, and Suzanna Sokol. These women are in my office through the auspices of the Congressional Senior Citizen Intern Program. I rise today to recognize their interest and involvement in our governmental system and the welfare of the people of the Ninth District of Florida.

Beth, Ellen, and Suzanna were selected to represent the ninth district because of their interest and activism in their communities. It is my hope that upon completion of the program, they will be better prepared to take a leadership role once they return home. As our former Speaker Tip O'Neill once said, "all politics is local." I certainly believe that not only effective governance—but effective change—arises on the local level.

While participating in this program, Beth, Ellen, and Suzanna will spend some time in my office learning all the facets of legislative work. In addition, they will be meeting and working with approximately 200 other senior interns from across the country to experience, first-hand, the legislative process, and to discover that by working effectively with their elected officials, they can shape public policy today and in the future.

Specifically, these interns, as most seniors across the Nation, pay close attention to the events that take place in the Federal Government. They know their future—and their children's future—depends on it. As part of Older Americans Month, I am proud to have these constituents in my office and their dedication to learn more about American government.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATIONS TO DESCHA J. DAEMGEN, EAGLE SCOUT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MANTON. Mr. Speaker, I rise today to congratulate Descha J. Daemgen on his becoming an Eagle Scout, the highest honor in scouting. He will receive this honor on June 11, 1994, at the First United Methodist Church of Jamaica, NY located in the Seventh Congressional District, which I have the pleasure of representing.

Descha began his trail to Eagle when he joined Troop 61 in 1988 where he became a Boy Scout at the age of 11. His activity in the troop, his scout spirit, and his living of the Scout law led him through the ranks. He became a tender foot in 1988 and a Second Class Scout in 1989. In 1990, Descha became a first class Scout, senior patrol leader of Troop 61, and vice-president of Explorer Post 61. Remaining senior patrol leader and post vice-president, he became a Star Scout in 1991 and a Life Scout in 1992. Descha completed his Eagle Scout project on June 19, 1993. He officially became an Eagle Scout in March of 1994.

Mr. Speaker, Descha earned 21 merit badges plus an optional 14 giving him a total of 35 merit badges. He also managed to earn the snorkeling, mile swim, and Boy Scout lifeguard awards. His Eagle project was to aid in the restoration of the United Methodist Outreach Center in Far Rockaway.

Descha has been involved in various community activities with the help of Scouting and Exploring. He participated in numerous food distributions at the First United Methodist Church, served dinner to senior citizens on Thanksgiving and participated in the Christmas holiday party for the children of Cremore State Hospital. In 1990, he became a member of the Order of the Arrow. In 1991, Descha joined the staff of Ten Mile River Scout Reservation's Camp Kunatah as an assistant director of the Lenape Native American program. In 1992, he returned to Camp Kunatah as a junior assistant scoutmaster of Provisional Troop 640. In 1993, he was assistant director of the newly joined Lenape and Scout Skills Program.

Mr. Speaker, in addition to his participation in the Boy Scouts, Descha has also been very active in his school and community. As a student at Hunter College High School he is a co-captain and 4-year member of the very successful cross-country and track teams. He is also co-president of the science club, former coach of the Hunter Elementary School Track Team and a staff writer for two school newspapers. Descha has also been vice-president of his church's youth group. He is currently planning to attend Cornell University's College of Engineering in the fall.

Mr. Speaker, Descha is the epitome of leadership not only in his church and school community, but the scouting community as well. I know my colleagues join me in congratulating Descha Joseph Daemgen on his very special day.

FAIRDALE—KENTUCKY BASKETBALL'S "TOP DOG"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MAZZOLI. Mr. Speaker, one of the most important subjects in the Commonwealth of Kentucky is basketball.

Today, I congratulate the Fairdale High School Bulldogs for winning the 77th annual Kentucky State High School Basketball Tournament. It is the third State title Fairdale, located in the district I am proud to represent, has won.

All the teams played extremely well as evidenced by the final game between Fairdale and the Paul Dunbar School of Lexington. In fact, the game's most frantic action came in the last 44 seconds. The final score of 59–56 gave Fairdale the victory before 9,000 screaming fans at Freedom Hall in Louisville.

Lloyd Gardner, who was the assistant coach at Fairdale in 1990 and 1991, took home his first championship as head coach. His assistant coaches are: Kent Able, Greg Longacre, John Smith and Ernest Smith. The team trainers are: Jimmy Croan and Eric Withers. And, the members of the 1994 Kentucky State Championship team are: Theo Kenemore; Anthony Wales; Antwuan Jones; Tony Hawkins; Keith Weathers; Brent Hicks; Tony Wales; William Anderson; Terrance Jones; B.J. Davis; Monty Bussey; Jimmy Kincaid; Eric Martin; Jenson Bell; Bryon Strawter; Troy Brown; and, Rashawn Morris, who was voted the game's most valuable player.

I congratulate Fairdale High School and ask now that the following article be included in the RECORD:

[From the Courier-Journal, Mar. 27, 1994]

TOP DOGS

(By Bob White)

Terrance Jones' three-pointer from the right corner was the shot that gave Fairdale its third boys' state high school basketball championship in five years last night, but some of the game's most frantic action came in the remaining 44 seconds of the battle between Bulldogs.

Jones' goal erased a 56–54 lead by Paul Dunbar of Lexington and gave Fairdale a 57–56 edge en route to a 59–56 victory in the 77th annual State Tournament final before 9,640 fans in Freedom Hall.

Jones, however, missed the front end of the bonus with 24.6 seconds left, and teammate Anthony Wales did the same at 0:09.0.

Before adding this title to those it won in 1990 and '91, Fairdale had to watch Paul Dunbar's Terrance Huguely miss two free throws with 3.4 seconds remaining and his team trailing by a point.

After Huguely's second miss, Fairdale's 6-foot-5 Eric Martin grabbed the rebound and was fouled by Greg Jones at 0:01.7. Martin, who had 14 points and 12 rebounds in the game, swished two free throws to make it 59–56.

Even than Fairdale couldn't celebrate. Paul Dunbar's long inbounds pass was reflected, but Jeff Baker got off a 30-footer that bounced off the rim at the buzzer, finally enabling Fairdale's players to mob each other in jubilation.

It was Fairdale's third title in six trips to the Sweet Sixteen but Lloyd Gardner's first crown in three years as head coach. He was Stan Hardin's assistant in 1990 and '91.

"Sure, it feels better because I'm the head coach now," Gardner said. "It means we're carrying on the tradition and that we have accomplished something."

Fairdale was No. 2 in The Courier-Journal's Litkenhous Ratings at the end of the regular season even though the Bulldogs had won two prestigious tourneys, the Louisville Invitational and King of the Bluegrass.

"Can anyone tell me these kids aren't No. 1 now?" Gardner asked.

Has Fairdale built a dynasty now?

"It means the program is still alive," he said. "I'm so happy for the kids. I don't see how they've put up with me so long, but when the key time in the game comes, they listen to me."

Tony Wales scored 14 points for Fairdale, including three baskets early in the fourth quarter. Tourney Most Valuable Player Rashawn Morris added 13, including a three-pointer at the horn ending the first quarter.

But the husky Jones hit the game-winner, the shot that gave Fairdale (34–4) its ninth straight victory and made Paul Dunbar (32–9) the runner-up for the second straight year.

HONORING O'BRIEN WEST FOR HIS HEROISM

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to an outstanding young man in the 13th District of Texas—O'Brien West. On Sunday, May 15, 1994, O'Brien demonstrated the best in heroism and human compassion.

At 9:00 p.m. that evening, a fire set off the fire alarm in the home of 95-year-old Marion Johnson. Unfortunately, her arthritis slowed her pace and delayed her getting to her phone. She recalls not being able to remember the fire department's phone number.

Suddenly, putting his life in harm's way, O'Brien entered the burning house and put one of his arms around Ms. Johnson and the other around her walker. Together they made their way to the much-needed fresh air outside. But his concern for others continued.

Not knowing if anyone was still inside the house, O'Brien rushed back inside and found a closed door. He knocked loudly on the door and yelled for anyone who might be inside. Because no one answered, O'Brien kicked the door down only to be met by a wall of black smoke and intense heat. He worked his way to the bed but no one was left. Content that the house was now empty he returned outside.

Mr. Speaker, O'Brien's act of courage is most notable because of his age. He is an 18-year-old senior at Burkburnett High School. In a time when young people seem only to make headlines because of unacceptable behavior, it is an honor to pay tribute to a young man for uncommon courage. I trust we can all learn from his bravery and ability to think of others beyond himself.

And to make this story grander, Ms. Johnson celebrated her 96th birthday the following day. I trust my colleagues will join me in praising O'Brien West for a job well done. In the words of Ms. Johnson, "He's a hero."

SALUTE TO SMALL BUSINESS WEEK

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. COMBEST. Mr. Speaker, May 1–7 marks Small Business Week, an event to honor the hard-working Americans that account for 99.7 percent of all employers in the United States. These individuals are our unsung heroes, committed to the establishment of free enterprise which has helped shape men and women such as Alexander Graham Bell, Estee Lauder, Sam Walton, Debbie Fields, Levi Strauss, and many others.

Small-business men and women keep alive the great tradition of entrepreneurship which this country was built upon, by employing about 54 percent of the private work force and providing most Americans with their first jobs. To run a successful small business requires persistence, creativity, and hard work, all of which these individuals display every day.

Small business has long been the backbone in building America's future, and will continue to be the force that drives the Nation's economy well into the 21st century. The U.S. economy is projected to add 25 million new jobs by 2005, with small businesses contributing approximately 68 percent of these new jobs.

Sponsored by the Small Business Administration, this year's 31st annual celebration recognizes the estimated 21 million small businesses in America, proving once again that there is nothing small about small business. To all of these men and women from West Texas and all across the Nation—we salute you.

HONORING KINGSBRIDGE CENTER OF ISRAEL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize today the 60th anniversary of Kingsbridge Center of Israel, the first synagogue established in the Riverdale-Kingsbridge area.

What started as a small gathering of 12 families in a rented storefront in 1934 eventually grew to be a vital part of hundreds of people's lives. For six decades, the members of the Kingsbridge Center have served their neighbors and fellow Jews. For example, the Kingsbridge Center once sponsored refugees from Nazi Germany, and now its members are busy helping emigres from the former Soviet union. At its peak, the Kingsbridge Center had more than 200 students in its religious school.

The constant has always been the Torahs, and the ideals and history they represent. It is a credit to the leaders and members of the Kingsbridge Center of Israel that they have kept these traditions alive. I commend them for their dedication and wish them success as they continue into the future.

IN COMMEMORATION OF ASIAN-AMERICAN HERITAGE MONTH AND THE VISIT OF THE HONORABLE P.V. NARASIMHA RAO OF INDIA TO THE UNITED STATES

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MEEHAN. Mr. Speaker, as we celebrate Asian-American Heritage Month and we welcome the Honorable Prime Minister P.V. Narasimha Rao of India to our country, I think we should take a moment to consider the need for closer relations between the United States and India. Given the shared interests of India and the United States, I hope that the Prime Minister's visit signals a new direction in the relationship between our countries.

By the year 2050 India will be the most populous democratic country in the world. The United States is one of India's largest trading partners. Recently, India was identified as one of the world's great emerging markets. Yet our relations have at times been strained over a variety of issues. Fortunately, both nations are working to build stronger ties.

We must promote greater understanding between the United States and India, particularly in the economic, political and cultural areas. India has made tremendous strides in converting to a market economy. Far-reaching reform efforts have resulted in economic growth, increased foreign trade, and opportunities for American investment. However, we cannot ignore the difficulty involved in the ongoing economic transformation, and progress must continue if bilateral trade is to grow.

About 1 million Indian-Americans live in the United States. Many Americans assume that Indian-Americans, because they are often well-educated, do not face the same problems as other minorities. They are wrong. In many parts of this country Indian-Americans are victims of hate crimes and racial harassment. They are victims of discrimination in business and in education. Members of Congress cannot ignore these issues.

As a member of the congressional caucus on India and Indian-Americans, I want to work with my colleagues in Congress and members of the Indian-American community to address these problems. It is imperative that the Department of Labor enforce existing anti-discrimination laws. No one should be denied access to professional or educational opportunities because of their ethnicity. The United States has always been considered a melting pot of peoples, religions and ethnic groups. We in Congress cannot allow people who come to this country to be victimized or subjected to bigotry.

I urge my colleagues in Congress to recognize the importance of India and the Indian-American community. I can think of no better time to reflect on our mutual interests than during the Prime Minister's visit to Washington.

TRIBUTE TO PAUL LAWRENCE DUNBAR HIGH SCHOOL, FORT WORTH, TX

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. FROST. Mr. Speaker, it is my distinct pleasure to announce that Paul Lawrence Dunbar High School in Fort Worth, TX, became the first school in the history of University Interscholastic League State academic competitions to win the science and computer science competitions in the same year. The students won three gold medals in computer science, five golds in the science category and one silver in current events.

This achievement is a prime example of what our young people can do given the determination and encouragement. Too often we hear and read about the students who get in trouble or drop out of school. We need to be reminded of students like these at Dunbar who strive for excellence and pay tribute to their accomplishments.

I salute the teachers and students of Dunbar High School and congratulate them for their academic excellence: The teachers are Lillian Estes, Gary Hicks, Patricia Martin, Donna Redding, Dotti Rosson, Dinesh Shah, and Carolyn Turner; and the students are Spencer Chang, John Dallas, Robert Gordon, Clay Stevenson, Thai Tran, Tung Tran, Ashwin Vasan, and Jason Yandell.

U.S. FISHERIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, May 18, 1994 into the CONGRESSIONAL RECORD:

THE CRISIS IN U.S. FISHERIES

"There's plenty more fish in the sea" is fast becoming an outdated phrase. Major fishing areas around the world are in serious decline. The depletion of U.S. fisheries is especially acute in the New England area. Pollution and changing weather patterns have contributed to the problem, but most experts agree that overfishing—driven by growing consumer demand, technological innovation, and poor management policies—is the single leading cause. While the depletion of fish stocks does not impact Indiana seriously, Hoosiers are affected by the availability, cost, and the long term viability of this food supply. The current situation has sparked discussion about how to reverse the trend and ensure the long term sustainability of marine resources. The Magnuson Fishery Conservation and Management Act, which governs fishing in federally controlled ocean waters, is up for reauthorization and several reforms are under consideration.

The New England Crisis: For more than 200 years, groundfish species, such as cod, haddock, and flounder, have sustained the New England fishing industry and, to a certain extent, the region's economy. Over-fishing and habitat degradation are jeopardizing this important resource.

Some New England species have declined to the point where they are commercially extinct—that is, rare enough that boat owners cannot make money by fishing for them. New England haddock catches fell by 90% between 1983 and 1990. The 1993 cod catch, down 19% from the previous year, fell to the lowest level in 20 years. The situation is even worse in Canada where cod fishing on the Grand Banks of Newfoundland is now banned altogether. Fisheries in the West are also under stress. Much has been written about the decline in salmon stocks in the Pacific Northwest.

Reasons for the Decline: Pollution is one factor that has contributed to the decline in U.S. fisheries. For instance, pollution off the North Carolina coastline has had the effect of depleting life-sustaining oxygen for fish. Natural weather cycles and unusual weather patterns have also caused fish declines. On shore construction and development have threatened certain fish stocks. Dams in the Pacific Northwest, for example, have made it more difficult for salmon species to reach their spawning grounds and, consequently, have depleted the population.

Still, overfishing is considered the primary cause for the declines, and it continues despite federal efforts to protect U.S. fisheries. The Act was enacted in 1976 in response to concerns that foreign fishing fleets were systematically overfishing U.S. waters. The law authorized the federal government to regulate fishing activities up to 200 miles offshore in an area known as the "exclusive economic zone," or EEZ. Eight regional councils set overall limits on the number of fish that can be caught in a season, and allocate the catch among user groups. The law has had the effect of "Americanizing" the EEZ. The once-substantial share of fish taken by foreign vessels has been reduced to zero.

The Act, however, has not curbed overfishing by domestic fishermen. Tax incentives and loan programs that followed the 1976 law encouraged U.S. fishermen to expand their fleets and helped to create overcapacity in the industry: too many boats and too many fishermen to harvest fish at sustainable or profitable levels. In New England, the number of fishermen harvesting groundfish more than doubled between 1976 and 1984. Over the same period, technological innovations were making it possible to track and catch fish with increasing proficiency.

Protecting U.S. Fisheries: Several environmental organizations filed suit in 1991 charging that the government had failed to protect and rebuild New England groundfish stocks as required by the Act. This case prompted the government to issue regulations in January, 1994 to reduce the rate at which groundfish are caught by roughly one-half over the next five to seven years. These regulations, which are being implemented, require fishermen to use nets with larger holes; limit boats to 500 pounds of haddock per trip; require many boats to carry electronic tracking devices; and limit the number of days fishermen can spend at sea.

Fishermen generally agree that action must be taken to ensure the long term viability of the industry. Even so, many fear that the new regulations will drive them out of business. New restrictions mean higher costs for an industry already in financial difficulty. Most boat owners are independents with high fixed costs—as much as $10,000 a month in loan payments and insurance—even if they never leave port. A 10-day fishing trip can cost $10,000 in fuel, ice, and food. In addition, the new wider-mesh nets (which are in short supply) cost several thousand dollars each.

New Approaches: President Clinton has provided some assistance to New England communities affected by the downturn. The money will be used to encourage economic diversification and otherwise assist local fishermen. This aid might help some fishermen in the short term, but it is not a long term solution for the ailing industry.

Congressional hearings on the Act have been held, and the administration and Congress are reviewing alternatives for making the industry sustainable in the long term. Possible strategies include establishing a boat buyback program to reduce the size of the fishing fleet; developing markets for underutilized species; raising fish in controlled environments (as is done with salmon); limiting access to fish stocks in high demand; and improving coastal fish habitats. It is essential that any reauthorization bill be sensible, prudent, and based on sound science.

Conclusion: The crisis in New England has focused attention on how to better balance the goals of resource conversation and job preservation. The current policy is not working and, if left unchanged, would further decimate the New England fisheries. Rebuilt stocks in New England and elsewhere will eventually provide benefits to producers and consumers, but, at the present, efforts to halt overfishing, restore the depleted resource, and conserve habitats will decrease revenues to fishermen and drive some out of business. The industry will have to sustain some losses in the short term if it is to remain viable in the long term.

HUMAN RIGHTS ABUSES

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. KING. Mr. Speaker, I rise today to express my concern over the terrible persecution of the Sikh people in Punjab, Khalistan by the Indian Government. This organized campaign of oppression has resulted in the deaths of thousands of Sikh men, women and children, and the imprisonment without trial and torture of thousands more.

As a member of the Congressional Human Rights Caucus, I am deeply concerned by the hundreds of reports of government-sponsored atrocities in Punjab, Khalistan. According to Amnesty International, "each year scores of people 'disappear' in Punjab among the thousands of political prisoners detained in the state. State complicity in such practices is evident from a clear pattern of official cover-up." The 1994 State Department Human Rights Report on India states that between 1991 and 1993, over 41,000 cash bonuses were awarded to police officers for killing Sikh militants.

This government-run campaign of oppression, imprisonment, and murder has many parallels to the illegal British occupation of the six northeastern counties of Ireland. Under both systems, a religious minority is denied its basic human rights and a people are denied their right to self-determination.

I have written to President Clinton to urge him to address these issues during his meeting with Indian Prime Minister Narasimha Rao. As the world's largest democracy and lone superpower, the United States of America has a moral obligation to protest the intolerable human rights abuses taking place in Punjab, Khalistan at the hands of the Indian Government.

A SPECIAL MEMORIAL DAY CELEBRATION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MURTHA. Mr. Speaker, when the veterans of the Vietnam conflict returned home, the national wounds of that war's debate left many of these young veterans jobless, unrecognized, and forgotten.

As an older reservist who had re-enlisted for a year's duty in Vietnam, I was fortunate in being able to handle the situation better than many younger veterans. But so many of my fellow servicemen and women have suffered, as the attitude they were greeted with when they returned to the United States started a spiral in which veterans of all ages began to feel like forgotten Americans.

Today, however, more and more Americans have begun to realize that the collapse of the Berlin wall, the demise of communism, the end of the cold war, and the better relations we have with many countries around the globe can be traced directly to the commitments made by the thousands of veterans and their families who suffered the hardships of war through World War II, Korea, and Vietnam.

As we remember the 50th anniversary of D–Day and the sacrifices made by the military personnel who served our country, let's all join in closing the cycle of the forgotten American, and restore the honor fully due American veterans and their families. Mothers lost sons, wives lost husbands, and young men endured disabling injuries for the freedoms, liberties, and democracy we enjoy and want others in the world to enjoy.

The month of May and early June will be filled with remembrances of the critical events of 50 years ago, culminating in the celebrations in France. But we should also use this time to properly honor all of America's veterans, and remember their dedication and sacrifices in the cause of freedom.

IN HONOR OF RAPHAEL BELLUOMINI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Raphael Belluomini's distinguished career of service to the schools of the San Francisco Bay area.

For almost 40 years, Mr. Belluomini has served California's children, as classroom teacher, principal, director of secondary education, and superintendent of the Fremont Unified School District. In that time, he has stressed hands-on involvement by parents in their children's education. His keen sense of judgment has been heralded by employee groups and management alike.

In 1955, he began his service as an elementary school teacher. In 1965, he became a vice-principal of Mt. Diablo High School and, 3 short years later, became the high school's principal, a position he held for 11 years. Mr. Belluomini came to the Freemont Unified School District in 1983 as assistant superintendent of curriculum and instruction. In this position, he was responsible for the development of an outstanding curriculum that has been the model for the East Bay area. In 1987, Mr. Belluomini became the superintendent of the Freemont Unified School District and, for the past 7 years, has overseen the education of 28,000 students annually.

For his dedication, Mr. Belluomini has received numerous awards, among which are the PTA Honorary Service Award in 1993 and the PTA Golden Oak Award in 1994.

I would like to join with those who have recognized Mr. Belluomini for his life-long commitment to the education of our children and his outstanding abilities as teacher and administrator.

Raphael Belluomini will be sorely missed by the Freemont Unified School District. I wish him happiness and success in all of his future endeavors.

REMARKS ON THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. GRAMS. Mr. Speaker, I rise today to oppose the conference report on S. 636, the Freedom of Access to Clinic Entrances Act [FACE], which the House and Senate have recently passed. It is up to President Clinton to decide whether or not to sign FACE into law.

I would urge the President to veto FACE because it undermines the intent of the U.S. Constitution by making Federal felons out of concerned citizens who are seeking to nonviolently exercise their constitutional rights.

While I do not condone violence in any way, I believe one of the most precious rights we have as Americans is the first amendment's "freedom of speech" clause, which tacitly includes sidewalk vigils, legal pickets, and public prayers. To punish one group on the basis of its convictions is contrary to the principles upon which America was founded.

Penalties for violating this bill are extremely harsh. Under FACE, an abortion clinic can take a prolifer to court without the person being convicted of a crime. Those convicted of a second offense could receive up to 18 months in prison and fined up to $250,000. This degree of punishment is disproportionate to punishment most other acts of nonviolent, peaceful civil disobedience receive.

Mr. Speaker, no group should be given special privileges or preferences and no group should be singled out and penalized based on their beliefs. Again, I urge the President to uphold the intent of the U.S. Constitution by vetoing FACE.

THE INTRODUCTION OF THE LOCK OUT CHILD CRIME ACT OF 1944

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. REYNOLDS. Mr. Speaker, I rise today to introduce the Lock Out Child Act of 1994. This legislation would federalize the crime of child molestation. I urge my colleagues support for this vital legislation.

The LOCK bill makes the horrible, sick crime of child molestation a Federal offense. It is intended to ensure that child molesters do not slip through the cracks of the current system of prosecution.

This legislation would institute a minimum mandatory sentence of no less than 10 years for anyone convicted of child molestation and permits a sentence of up to life.

Our children are our most precious resource, Mr. Speaker. They are not adequately protected by the various laws of the States and municipalities. Sometimes, through oversight and miscommunication in the various levels of government, accused child molesters walk the streets stalking our children. We must end the uncertainty of the present system as it relates to these crimes against children.

I urge my colleagues' support and cosponsorship of the Lock Out Child Crime legislation.

TRIBUTE TO LEO SLATUS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. KLEIN. Mr. Speaker, I am very proud to honor Mr. Leo Slatus, health advocate for Essex County, NJ.

After retiring in 1981, Mr. Slatus enrolled at Bloomfield College majoring in sociology. Not only did he complete his degree, but he then received a certificate from the gerontology department at Seton Hall University and also took courses in counseling and guidance at Montclair State College.

During his studies, he became associated with Neal Clarke of Essex County Senior Service. Soon after, he began a 2-year period with the Nursing Home Advocacy Program. In 1983, he attended a Medicare seminar sponsored by the American Association of Retired Persons. Subsequently, he initiated the Senior Service Corps benefits counseling program. Through this effort, he assisted many seniors by explaining the procedures and options available to them.

In 1987, the State of New Jersey authorized the Senior Health Insurance Program for all 21 New Jersey counties. This legislation was modeled on Mr. Slatus' program that he created in Essex County. Also that year, he became SHIP coordinator in Essex County and he supervised 60 volunteers.

For his outstanding service to the community, Mr. Slatus received the HCFA Beneficiary Services Certificate of Merit Award at a special ceremony hosted by the Health Care Financing Administration in Baltimore.

I am very proud to ask my colleagues to join with me in honoring Mr. Slatus for the assistance he has given to thousands of seniors.

IN HONOR OF THE MEMORY OF MYRAH A. KEATING SMITH

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. DE LUGO. Mr. Speaker, I rise to honor the memory of Myrah A. Keating Smith, nurse, midwife, mother and matriarch, who served the island of St. John with love and dedication for more than four decades.

Myrah Keating Smith was godmother for 500 babies she helped deliver on the island of St. John over the course of her 45-year career, and she became known as the Angel of Mercy for her selflessness and devotion to the people of the community she served.

Myrah Keating Smith was one of the first Virgin Islanders to earn a degree in nursing and then return home to practice her skills for the benefit of the residents of her islands.

After graduation, she lived and worked on her native St. Thomas and then spent the rest of her career on the island of St. John where she was in charge of the Cruz Bay Clinic.

As isolated as St. John was years ago when transportation between the islands was a challenge and communications were difficult at best, Myrah Keating Smith was the health expert that residents relied upon for their care. For routine exams or emergencies, she was the person that two generations of St. Johnians trusted with their health and their lives.

In 1963, the St. John Business and Professional Women's Club honored her as Woman of the Year. In 1977, she was cited by the 12th legislature for her years of hard work and duty to the people of St. John as a registered nurse.

Also in her honor, the Department of Health established the Myrah Keating Smith Health Scholarship so deserving students on St. John could pursue their medical educations.

In 1983, the newly built St. John clinic was named in her honor.

Myrah Keating Smith retired in 1976 and, 2 weeks ago, passed away at the age of 86.

She left behind a grateful community that for two generations was faithfully served by her craft and genuinely touched by her kindness.

PRESIDENT ALFREDO CRISTIANI

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MURTHA. Mr. Speaker, I want to submit an excellent article written last week by Mr. Bernard Aronson, former Secretary of State for inter-American Affairs, concerning the excellent job done by President Cristiani in El Salvador.

Having been part of the oversight teams that certified the elections in El Salvador, I'm so very grateful that President Cristiani has done so well.

The steps the United States helped to promote toward democracy in Central America are among the most significant foreign policy steps taken in the last decade. I think the members will be very pleased when they read what has been accomplished in El Salvador.

[From the Washington Post, May 11, 1994]

THE MAN WHO SAVED EL SALVADOR

(By Bernard Aronson)

To answer the perennial question—Do political leaders or historic forces shape history?—consider the achievement of Alfredo Cristiani, who ends his five-year term as president of El Salvador June 1. When Cristiani ran for president five years ago, he was a little-known businessman representing the rightist party known as ARENA. The conventional wisdom was that his election would polarize the country's politics and lead to a new onslaught of right-wing violence.

When I first met him back then, I was struck by how little candidate Cristiani resembled the stereotype. He spoke quietly, with moderation and common sense. In his inaugural address, he announced his preeminent goal: to end El Salvador's bloody civil insurgency through negotiations.

During Cristiani's first year as president, FMLN hit squads systematically assassinated prominent right-wing figures, including several members of Cristiani's cabinet. In January 1990, I sat next to him in a huge outdoor amphitheater for the inaugural ceremonies of the new Honduran president. "Last night was the first night I got a decent rest in months," he said. He meant that the night he had spent in Honduras was the first night he slept without fear of assassination.

Six weeks earlier, the FMLN had launched a massive offensive on San Salvador. The first night, guerrilla sappers tried to overrun Cristiani's home, the home of his vice president, and that of the president of the national assembly, in an attempt to decapitate El Salvador's leadership. I spoke with Cristiani every day during the 13-day long offensive. While thousands of guerrillas streamed into San Salvador and the country's survival hung in the balance, Cristiani spoke in the same measured, calm tone as always. In fact, in five years of his presidency, I never heard him raise his voice.

Once only, he made reference to the pressure he was under. It was April 1991, a critical moment in the peace negotiations. The FMLN was insisting that the process of reforming the Constitution be changed to allow a single national assembly—not two successive assemblies—to amend the Constitution. The proposal provoked a political firestorm, particularly from ARENA partisans. The United Nations was pressing Cristiani to relent.

"I've been pulling this string little by little," Cristiani said. "But I don't think I can pull it any further." The United States supported Cristiani's refusal to change the process. In the end, it turned out to be a good tactic. The guerrillas and the government knew they had to agree on constitutional reforms in time for the outgoing national assembly to ratify them before it expired on May 1. In the final days of April, they reached agreement on a series of constitutional amendments—the first major breakthrough in the negotiations.

Time and again in the peace process, Cristiani performed the political equivalent of Richard Nixon's historic opening to China. No military in Latin America had ever agreed to anything like a purge of 107 senior officers by a U.N.-appointed civilian commission. No police force had ever been peacefully abolished. Cristiani agreed to land reform, human rights reform, a Truth Commission, judicial reform and electoral reform. Through it all, somehow, he retained the trust and confidence not only of all Salvadoran political factions but also of leaders of both the government and guerrilla armies.

At the peace treaty signing ceremony in January 1992 in Mexico City, Cristiani sat above the audience at the center of a row of heads of state. The FMLN representative gave a tough, uncompromising speech that stressed the enormous losses of FMLN members and supporters. It was a speech for the cadres, perhaps necessary but not conciliatory. Cristiani, in a plea for national reconciliation, declared that El Salvador's war was rooted in past injustice and repression. A decade earlier, Salvadoran leftists had disappeared for making similar statements; for an ARENA president to utter such thoughts would have been unthinkable. When he finished, Cristiani walked down to the audience and one by one shook hands for the first time with each FMLN comandante. A sense of relief and exhilaration filled the hall.

The only time I heard of Cristiani letting his hair down was on the flight returning from the peace ceremony. When Cristiani's presidential plane reached San Salvador, carrying the entire elected leadership of his country, it buzzed the outdoor stadium where Salvadorans were celebrating late into the night. I am told this decision—reached after a number of celebratory toasts—had Cristiani's personal approval. I shudder to think of what could have happened to that tipsy plane, with all the hopes of peace in the country riding with it.

In the midst of war, and then protracted negotiations, Cristiani found time to radically reform the ravaged economy. Last year was El Salvador's fourth year of strong economic growth. The overwhelming victory of the ARENA presidential candidate in El Salvador's recent election is largely a tribute to Cristiani's leadership.

From Bosnia to Angola to former Soviet Georgia to East Timor, societies and nations are being torn apart by ethnic, religious and political differences. After a brutal civil war, El Salvador is coming together. Many forces created opportunity for negotiations, but Alfredo Cristiani was the catalyst and glue that held the peace process together. His legacy is secure.

TO PROVIDE A CONGRESSIONAL MEDAL TO THE COURAGEOUS CITIZEN WHO EXPOSED THE CONSPIRACY TO MURDER MILLIONS OF AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. STARK. Mr. Speaker, I have today introduced the following House Joint Resolution:

TO PROVIDE A CONGRESSIONAL MEDAL TO THE COURAGEOUS CITIZEN WHO EXPOSED THE CONSPIRACY TO MURDER MILLIONS OF AMERICANS

Whereas one or more tobacco companies have known for decades that cigarette smoking is addictive and threatens the health and life of its users, and

Whereas one or more tobacco companies have continued to market tobacco products for financial gain in spite of their knowledge that tobacco products are addictive and threaten the health and life of their users and

Whereas concealing this information is, in fact, a conspiracy to murder millions of Americans, and

Whereas someone has made public some of these concealed documents, thus potentially helping save millions of Americans in the future, and

Whereas one tobacco company and its law firm are seeking to punish the whistleblower through legal action, and

Whereas anyone with any common sense recognizes that the true criminals are those who concealed evidence that they were plotting the murder of millions of Americans and that the person who exposes this plot is displaying a true sense of civic duty which should be rewarded: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress shall bestow a Congressional Medal of Appreciation for Public Spirit to the courageous citizen who made the concealed documents public.

BICYCLE HELMETS SAVE CHILDREN'S LIVES: A SUCCESS STORY FROM SEATTLE

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. KREIDLER. Mr. Speaker, as the House takes up the conference report on H.R. 965, the Child Safety Protection Act, I want to express my special support for title II of the bill, the Children's Bicycle Helmet Safety Act. This legislation authorizes Federal assistance to State and local programs that require or encourage children to wear bicycle helmets.

Five to six hundred American children die each year from bicycling injuries, but we could prevent 85 percent of head injuries in bicycling if everyone used a helmet. That's why it is so important to see that children wear helmets when riding bicycles, and to get that message to every parent and child in this country. This bill will help accomplish that goal.

Recently the Injury Prevention and Research Center at Harborview Medical Center in Seattle examined the effect of its bicycle helmet promotion campaign on bicycle-related head injury admissions to local hospitals. This is the first time such a direct correlation has been made between increasing helmet use and reduction in injuries.

Harborview's center is one of eight injury control centers designated by the Centers for Disease Control and Prevention, and I want to share the findings of this research with my colleagues. As Dr. David Grossman, acting director of the center, wrote to me, "saving lives and dollars and informing others how to do the same is something we can all be proud of."

That's why I am including with these remarks an article from the April 4, 1994 issue of Pediatrics, the professional journal of the American Academy of Pediatrics, reporting the success of Seattle's educational campaign to increase bicycle helmet use among children. The authors are Dr. Frederick P. Rivara, Diane C. Thompson, Dr. Robert S. Thompson, Lisa W. Rogers, Bruce Alexander, Debra Felix, and Dr. Abraham B. Bergman.

Seattle's program is an outstanding example of what can be accomplished. This bill will help make such programs possible across this country. I commend the Seattle experience to everyone concerned about children's safety and health.

THE SEATTLE CHILDREN'S BICYCLE HELMET CAMPAIGN: CHANGES IN HELMET USE AND HEAD INJURY ADMISSIONS

Abstract. Objective. To describe the impact of a community bicycle helmet campaign on helmet use and the incidence of bicycle-related head injuries.

Setting. Metropolitan community and a large health maintenance organization.

Interventions. Communitywide bicycle helmet campaign.

Outcomes. Rate of observed bicycle helmet use in the community and incidence of bicycle-related injuries in a health maintenance organization population.

Results. Helmet use among school-aged children increased from 5.5% in 1987 to 40.2% in 1992. Bicycle-related head injuries decreased by 66.6% in 5- to 9-year-old and 67.6% in 10- to 14-year-old members of a health maintenance organization.

Conclusions. Educational campaigns can increase helmet use and decrease the incidence of bicycle-related head injury. Pediatrics 1994; 93:567-569; bicycle-related head injury, bicycle helmet, educational campaign.

Bicycling injuries to children account for some 300,000 emergency department visits[1] and 500 to 600 deaths each year in the United States.[2] Helmets have been shown to be very effective, reducing the risk of bicycle-related head injuries by 85%.[3] A campaign in Seattle, WA, which addressed barriers to helmet use,[4] was previously reported to increase helmet use from 5.5% to 15.7% in its first 2 years, compared with no significant change in Portland, OR, a control community.[5]

We wish to update our observations on the effects of this campaign and to report on the changes in bicycle-related admissions for head trauma.

METHODS

The campaign has been described in detail previously.[4] The program sought to increase parental awareness of the need for helmets, reduce financial barriers to helmet purchase, and promote use of helmets by children. A communitywide coalition used several methods to accomplish these goals, including stories in the print and electronic media, public service announcements, press conferences, posters, brochures, stickers, health fairs, bike rodeos, school and youth programs, and a discount coupon. The campaign has been held annually since 1986 with intensive activities from April through September of each year.

The evaluation of the campaign employed observations of helmet use each fall as described previously.[5] In brief, children estimated to be between 5 and 12 years old were observed at the same sites each year while riding two-wheeled bicycles. Using a formal sampling scheme, observation sites were chosen to represent bicycle-riding and helmet-wearing behaviors of children throughout the Seattle metropolitan area. The 139 census tracts in Seattle were numbered according to median household income and divided into tertiles based on the number of resident children aged 5 to 15 years. Within each income tertile a sample of 150 sites was randomly allocated with probability proportional to the number of children residing in each census tract. Observers went to each site for 20 minutes and recorded data on all children observed riding bicycles. If the children were accompanied by adults, their helmet use was also recorded. Observations were conducted during a 2-week period on afternoons throughout weekdays and the weekend. The same observation sites were used each year.

Unadjusted rates of helmet use for each observation period are reported. In our previous report, a confounder score had been used to develop estimates adjusted for potential confounding variable.[5] However, adjusted and unadjusted rates were nearly identical; thus, for simplicity only crude rates are reported here.

Population-based rates of bicycle-related injuries were obtained from Group Health Cooperative of Puget Sound (GHC), a large staff-model health maintenance organization. GHC membership is demographically similar to the surrounding population in the Seattle metropolitan area. GHC patients receive nearly all their outpatient, emergency department, and hospital care at GHC facilities. Injured GHC cyclists were identified during a 1-year surveillance of the two GHC Seattle area emergency departments and their respective hospitals from December 1, 1986, to November 30, 1987, and again from March 1, 1992, to February 28, 1993. The results of the prior survey have been reported previously.[6] Incidence rates were calculated using the midyear 1986 and 1992 membership population of GHC, respectively.

RESULTS

Helmet use among Seattle metropolitan area school-aged children increased from 5.5% in 1987 to 40.2% in 1992 (Table 1). Helmet use of 38.1% in boys compared with 47.2% in girls, and 47.8% in whites compared with 8.2% in black and 15.5% in Asians. Helmet use in 1992 was highest for children riding on bike paths (82.7%) compared with children riding on streets (23.1%), at schools (38.1%), or at playgrounds/parks (39.1%). Helmet use was highest among children riding with adults who were helmeted (94.7%) and lowest among children riding with unhelmeted peers (7%). Helmet use was highest among children riding in the highest income census tracts (44.4%). Nevertheless, 31.6% of children riding in the lowest income areas were helmeted.

TABLE 1.—OBSERVED BICYCLE HELMET USE, SEATTLE, 1992

Category	N	Percent	Helmet users in category, percent
Total	701	100	40.2
Sex:			
Male	538	76.8	38.1
Female	163	23.2	47.2
Race:			
White	656	79.3	47.8
Black	73	10.4	8.2
Asian	58	8.3	15.5
Other	14	2.0	7.0
Medium household income of site:			
Low	168	24.0	31.6
Middle	283	40.4	41.7
High	250	35.7	44.4
Site type:			
Street	130	18.5	23.1
School	333	47.5	38.1
Park/playground	138	19.7	39.1
Bike path	81	11.6	82.7
Store	19	2.7	21.1
Companions:			
Adult with helmet	57	8.1	94.7
Adult without helmet	14	2.0	35.7
Child with helmet	99	14.1	81.8
Child without helmet	143	20.4	7.0
Riding alone	388	55.4	34.0

There was a remarkable decline in head injuries among 5- to 9- and 10- to 14-year-old children in the GHC surveillance population (Table 2). Medically treated head injuries decreased by 66.6% in the younger age group and by 67.6% among the older children. In contrast, injuries to children not involving the head decreased by 13.7% and 25.9%, respectively. Head injuries accounted for 32.1% of all injuries in 1987 and only 12.1% in 1992. Helmet wearing in this population increased from 4.3% in children younger than 15 years of age in 1987[4] to 54% for 5- to 9-year-olds and 37.7% for 10- to 14-year-olds in 1992.

TABLE 2.—INCIDENCE OF BICYCLE-RELATED INJURIES PER 100,000 IN 1987 AND 1992: GROUP HEALTH COOPERATIVE OF PUGET SOUND EMERGENCY DEPARTMENT SURVEILLANCE

	1987	1992	Percent decreased
5- to 9-year-olds:			
Head injuries	283	94.6	66.6
Non-head injuries	388	335	13.7
All injuries	671	429	36.1
10- to 14-year-olds:			
Head injuries	188	60.9	67.6
Non-head injuries	621	460	25.9
All injuries	809	521	35.6
Head injuries, percent of total	32.1	16.4	48.9

DISCUSSION

This study indicates that the campaign has been associated with a continued increase in helmet use in Seattle. This has been accompanied by a gratifying and remarkable decrease in bicycling-related head injuries in a subset of the target population of children. These results strongly suggest that a concerted, coordinated communitywide approach which counters a specific injury problem with a specific intervention can be effective. Similar programs have now been developed by the American Academy of Pediatrics, the National SAFE KIDS program, and health providers across the country.

In addition to educational programs and efforts to lower financial barriers, recent efforts by others have included legislation for mandatory helmet use. One such evaluation showed a marked increase in helmet use through legislation.[7] Legislation mandating bicycle helmet use has been very effective in increasing use and has been associated with a decrease in bicycling-related head injuries in the state of Victoria, Australia.[8] The gradual plateauing of the effect of our educational program in the past 2 years indicates that legislation may be necessary to achieve helmet use by the majority of children riding bicycles.

Use of bicycle helmets by school-aged children seems to be associated with peer and adult role models. Efforts to increase helmet use should be generalized to all age groups to achieve the greatest benefit.

Unlike our previous report on this campaign, the present study did not control for other possible influences on helmet use in Seattle. Interest of both the lay and professional communities in bicycle helmet use

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Footnotes at end of article.

has certainly expanded nationally in the last few years. This has been accompanied by information in the media on the need for helmet use, as well as by a general lowering of helmet prices and increased availability of helmets in many stores. The impact of these factors in Seattle cannot be separated from the specific bicycle helmet promotion campaign. This was a multifaceted communitywide campaign. It is therefore very difficult to disaggregate the components of the program which appeared to be causally related to the increased use of helmets and decreased incidence of head injuries. We believe, in fact, that each of the components is likely to be ineffective when used by itself. The power of communitywide campaigns lies in the multiple avenues of health education used. We do believe, however, that the discount coupon played a central role by lowering the cost and barriers to helmet use.[4, 9] With the increasing emphasis on health care costs in this country, more attention should be paid to actual subsidies to lower the cost of helmets further and to push usage rates higher. Such subsidies can be cost-effective through the cost savings of medical care for the resultant head injuries which are averted.[10]

Observations in fall of 1993 indicate almost 60% of children were helmeted.

ACKNOWLEDGMENTS

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FOOTNOTES

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ARKANSAS SECRETS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. DORNAN. Mr. Speaker, I commend to the attention of my colleagues an editorial from the March 31, 1994 edition of the New York Times concerning the President and Mrs. Clinton's financial histories.

[From the New York Times, Mar. 31, 1994]

ARKANSAS SECRETS

There will be plenty of time to explore whether laws were violated when the Clintons went into the land development business with James and Susan McDougal or when George Stephanopoulos and other White House aides meddled with Treasury Department investigations. For the moment, it is enough to ponder the fluid morality implicit in the Clintons' tax returns and the records of Mrs. Clinton's short but profitable career as a commodities trader.

The inescapable conclusion is that this couple, early and late, suffered from a thematic insensitivity to the normal rules of conflict of interest. At every turn of their financial life, the then-governor and First Lady of Arkansas were receiving financial favors from individuals who had something to gain from having friends in high places.

Consider the Whitewater case. The 230-acre development was supposed to be a 50–50 partnership between the two couples. To be clean politically, the deal had to be one of equal investment and equal risk. But from the moment that Jeff Gerth of The New York Times wrote the first Whitewater story in 1992, 8 March, the Clinton campaign and later the White House press office dodged questions and withheld documents.

The reason is clear. The Clintons put up $500 initially and claimed losses of $43,635, most of it in payments on loans, by the time of the 1992 campaign. In contrast, the McDouglas paid out $268,000 and withdrew $175,800 for a loss of $92,200. Although the records are muddled, the McDougals apparently paid dramatically larger amounts to support Whitewater than did their supposedly equal partners, the Clintons.

Moreover, Mr. McDougal's heaviest contributions to the partnership came after he acquired Madison Guaranty, a savings and loan that was part of Mr. Clinton's regulatory responsibility as Governor. The disorder of Whitewater and Madison records is such that it is unknown whether the Clintons benefited from any fund transfers between Madison Guaranty and Whitwater Development, or whether Madison benefited from favorable treatment by Mr. Clinton's regulators. That is a legal determination, but the political conclusion is clear. From the start of his governorship, Mr. Clinton was involved in potentially compromising financial entanglements.

The same goes for Mrs. Clinton. On an initial investment of $1,000 she made $98,000 by trading in agricultural commodities while her husband was running for governor. Her principal adviser was James Blair, the lawyer for Tyson Industries; the broker he chose for her, Robert (Red) Bone, had once worked for Tyson and had been disciplined by regulators for not keeping good records on which accounts made money and which lost. Once Mr. Clinton was in office, Tyson received $9 million in state loans and very gentle treatment when it came to the water pollution associated with raising and cleaning chickens.

The investigators are nowhere near the bottom of Whitewater. But we now have a fairly clear idea of how it got started and what it is about. It started with a well-meaning young couple who seemed to have an extraordinary indifference to, or difficulty in understanding, the normal divisions, between government and personal interests. Their conduct may not have been illegal, but it was reckless and politically unattractive.

To deal with these seedy appearances, Clinton supporters are now engaged in what we have come to recognize as The Arkansas Defense. A central argument is that while the Clintons' dealings were not pretty, you cannot apply the standards of the outside world to Arkansas, where a thousand or so insiders run things in a loosey-goosey way that may look unethical or even illegal to outsiders. This logic holds that whatever the Clintons did was penny-ante stuff that the Republicans and the press ought to be willing to overlook in service to the higher national interests.

Certainly, there is a national interest in a viable Presidency and in swift progress on health care reform and other pressing issues. But the genius of the Federal system does not reside in importing to Washington the faults and idiosyncracies of the state capitals.

The effort to keep a lid on the Clinton's personal and financial histories has led to the development of a distinctive Clinton style—to withhod critical information and to respond furiously with attacks on the motives of critics. It is a viable campaign practice. But the clumsy efforts to silence Congressional critics and the possible White House interference with Federal agencies demonstrates that it is a dangerous way to govern.

INTERNATIONAL SPACE STATION FATALLY FLAWED

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. ROEMER. Mr. Speaker, the proposed joint United States/Russian space station effort is a phoenix rising from the ashes of the recent, failed U.S. space station redesign effort. Early this year, the President asked NASA to prepare three options for a replacement for space station *Freedom*, to cost $5 billion, $7 billion, and $9 billion respectively. The result were five, not three options, dubbed A–1, A–2, B–1, B–2, and C.

These options, in turn, evolved into space station *Alpha*, an amalgam of these five versions and the original *Freedom*. The pricetag: about $19.5 billion. NASA has publicly stated that the two countries did not have the resources to keep two space station programs going. Presumably, this is an admission that NASA knows we cannot go forward with a space station alone.

But this proposal to turn to the Russians for help is fraught with peril. The events in Russia of last October, and the alarming demonstrations of ardent nationalism since, clearly demonstrate that the political instability in Russia could threaten the program. There remains great skepticism that the Russian launch facility, in the country of Kazakhstan, can be maintained in good working order without tens or even hundreds of millions of U.S. dollars. In fact, this facility known as the Baikinour Cosmodrome, is located in Lenisk, a crumbling city with no real resources.

Mr. Speaker, far too many other questions remain unanswered. NASA has yet to determine or release any accurate cost figures for this program, but continues to offer robust assurances that it will save money. NASA has yet to provide any public information on a dollar value of the Russian contribution, how much cash, hardware and services the United States will be required to give the Russians, and how many U.S. jobs will go to Russian citizens.

In fact, there are far too many questions that require good answers for the United States to be comfortable in signing any lasting agreements. The issue of control over the space station remains paramount. NASA has offered only assurances that the United States can control the proposed space station while it is largely a Russian project, but no scientific proof. U.S. citizens are not going to support building a space station largely with U.S. dollars that the Russians control. And make no mistake, the Russians continue to insist that they control the station.

I am all for working with our former adversaries, and sharing our knowledge of important scientific issues, aiding Russian democracy and providing economic leadership skills. But NASA is not the place for a massive foreign aid program to Russia. Furthermore, according to a recent New York Times article, the Russians are quickly moving away from big government space programs and toward smaller private programs involving communications, satellites, earth imaging, and commercial launches.

The United States and Russian space agencies have taken two large, difficult and complex space station programs, both of which cost huge amounts of money, neither which produces affordable quality science, and proposed to merge them, thereby making them even more complex and riskier without increasing the promise of success or results.

The space station program has been through at least seven revisions, and yet sees no improvement. Yet the costs continue to increase, the unanswered questions continue to mount, and the promise has long since died.

I am today introducing legislation to end the space station program. In my view, such a measure is the only way we can save our space leadership role, a vital and healthy space program, and restore NASA's role as a leading agency of new and useful technologies. I urge my colleagues to cosponsor and support this legislation.

It is time to end this program before it deflates NASA and America's space mission. There would be no shame in admitting problems and going back to the drawing board to define a new and better role for manned space missions. Pushing forward is an affront to the taxpayers and to good science. The choice is clearer than ever.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the International Space Station Alpha program is neither necessary nor affordable to the United States at this time:

(2) the presence of this "mega-project" is causing schedule delays, funding cuts, cost-overruns, and cancellation of other, worthier National Aeronautics and Space Administration programs;

(3) the cancellation of the International Space Station Alpha program will require a number of close-down costs in order to end production and buy out certain contracts;

(4) current political turmoil in Russia, which is very likely to continue into the foreseeable future, creates grave doubts about the suitability of building a joint project costing tens of billions of dollars to the United States;

(5) Russian insistence on continuing some control over the space station components is unacceptable to this country; and

(6) in the absence of the International Space Station Alpha program, billions of dollars in Federal obligations will be available for other National Aeronautics and Space Administration projects.

SEC. 2. TERMINATION OF PROGRAM.

No Federal funds may be appropriated or obligated for the International Space Station Alpha program, except for funds necessary to terminate such program.

SEC. 3. REDIRECTION OF AMOUNTS SAVED.

The amounts appropriated for the Space Station before the date of enactment of this Act are authorized to be appropriated for expenses necessary for the termination of the program, and the remainder are authorized to be appropriated to proportionately increase the National Aeronautics and Space Administration budget for—

(1) civil aviation programs, to ensure that the United States can continue to compete in and lead international markets for the development and production of aircraft, meeting the challenge posed by such competitors as the Airbus consortium;

(2) other space science, research, and education programs which can further build on the National Aeronautics and Space Administration successes and economic contributions of the past; and

(3) other such purposes and programs within the mission of the National Aeronautics and Space Administration.

Pursuant to Clause 4 of the rule XXII of the rules of the House of Representatives, the following sponsors are hereby added to H.R. —. Mr. ZIMMER, Mr. PENNY, Mr. RAMSTAD, Mr. SCHUMER, Mrs. ROUKEMA, Mr. KLEIN, Mr. UPTON, Mr. POMEROY, Mr. SANDERS, and Mr. MANN.

SALUTE TO MOM BOONE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Mom "Queen Esther" Boone whose 93d birthday will be celebrated this Saturday at the Morton Community Center in the Germantown section of Philadelphia. Mom Boone has been a resident of the Morton Homes since it's inception, and has been a cornerstone of her community ever since. This celebration which is being sponsored by the United Morton Homes Tenant Council is a symbol of the strength of this neighborhood. Mr. Speaker, I join with the residents of the Morton Homes in wishing Mom Boone a very happy 93d birthday.

50TH ANNIVERSARY OF MILLWRIGHTS AND PILEDRIVERS LOCAL UNION #1393

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Ms. KAPTUR. Mr. Speaker, on May 21, the members of the Millwrights and Piledrivers Local Union #1393 in northwest Ohio will celebrate their 50th anniversary. I would like to take this opportunity to thank the men and women of Local #1393 for the contributions they have made over the past half-century to our community.

As America was emerging from World War II, there was a critical need for skilled tradesmen throughout the construction industry. In 1944, a small group of members of the United Brotherhood of Carpenters petitioned their union for a charter for a Millwright Local in Toledo, OH. On December 22, 1944, a charter for Millwright Local Union #1393 was issued.

The original 37 charter members of Local #1393—the men who were the linchpins that helped form the union—include: John Arbogast, Bill Barnes, Edward W. Baugher, Edward M. Baugher, Robert Bope, Sr., Paul Deuble, Albert Edwards, Ray Flory, Tony Fournier, Lloyd Garn, Dick Gremling, Jensie Griffith, Joe Hall, Dick Hauter, John Higley, William Kinerm, Grover Kline, Abe Laramie, Bill Lebeau, Oscar Longbrake, Charles McArtor, J.E. McCauley, Pat McDaniels, Amzy Ottney, Arthur Poupard, Fred Ralph, Ed Roepke, Jack Sangston, Charles Schultz, Fred Shirtz, Frank Spaulding, Otis Spratt, Bill Stapleton, Harry Stiger, Jessie Stern, Charles Vaughn, and Brad Wilcox.

Fifty years later, Local #1393 has grown from its 37 original members to over 340 today. The members and leadership of Local #1393 have consistently met the challenges of our rapidly changing work force by putting into place one of the most aggressive job training programs in our community.

The Millwrights and Piledrivers Local #1393 is a union that will lead our community into the 21st century. On behalf of the U.S. Congress, I congratulate them on a half-century of service to our Nation and wish them the best of success in the next 50 years.

INTRODUCTION OF THE PERMANENT HOUSING FOR HOMELESS FAMILIES ACT

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. PETERSON of Minnesota. Mr. Speaker, today I am introducing legislation to stop the wasteful spending of millions of Federal dollars to shelter homeless families in privately owned welfare hotels. This legislation will end the use of welfare hotels by developing more cost-effective and more humane methods of sheltering homeless families. I am very pleased to be joined in this important effort by my colleagues, Messrs. FLAKE of New York, FRANK of Maine, RANGEL of New York, and VENTO of Minnesota, who share my concern about welfare hotels.

The bill is budget neutral. It targets States that currently use welfare hotels to shelter homeless families for at least 30 days at a cost of $1,200 or more per family. The bill would permit States to use Federal funds that subsidize welfare hotels for alternative housing approaches such as the rehabilitation, construction, rental or purchase of permanent affordable housing. The State could not spend more funds, on average per homeless family, than it spent the preceding fiscal year.

Welfare hotel costs are staggering. The cost of a welfare hotel room, up to $2,600 a month per family, could support two or three families in their own homes. In New York, 333 hotels are used to shelter over 1,400 families at an average cost per family of $2,640 per month. In Massachusetts, 55 hotels are used to serve over 400 families at an average cost per family of $2,100 per month. In New Jersey, 18 hotels serve over 450 families at an average cost of $1,571 per month. The monthly $2,100-per-family payment to welfare hotels in Boston is three times the monthly cost of renting an apartment. Obviously, this is not a good deal for the taxpayer.

Many of these welfare hotels are squalid. The heat and hot water are inadequate; bathrooms are inoperable; single rooms with one or two beds serve an entire family and doors have broken locks. Sometimes, families are split up because a hotel has a limit on the number of children allowed. Recently, a homeless woman living in the Center City Hotel in Washington, DC, could bring only two of her four children with her. She had to choose which two to bring and also find places for her other two children to stay. Some families are forced to move from hotel to hotel, because there are limits on the number of days a family can stay in one hotel. This affects the children's schooling, requiring them to repeat grades and lowering their achievement.

In introducing this bill today my hope is that we can stop using costly welfare hotels to shelter homeless families.

IN HONOR OF THE CENTENNIAL OF THE HARRISBURG CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. GEKAS. Mr. Speaker, it is indeed a pleasure to recognize the centennial of a venerable central Pennsylvania institution, the Harrisburg Chapter of the Daughters of the American Revolution.

Since its creation by a group of patriotic citizens on May 19, 1894, the Harrisburg DAR has labored to preserve the rich history of the Susquehanna Valley. The organization is well known for charitable and educational endeavors, and I applaud its efforts to maintain the spirit of the men and women who struggled for American independence.

I want to congratulate the Harrisburg DAR for its 100 years of public service, and extend my best wishes for its future.

TRIBUTE TO BRIAN M. DANIELS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Brian M. Daniels of Troop 117 in Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Brian organized local production of the play, Clue, at a local school. Proceeds realized from this production were donated to the Impossible Dream, a local charitable organization which grants wishes for terminally ill children.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Brian M. Daniels. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Brian M. Daniels will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO JUDGE ROBERT F. PECKHAM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. JACOBS. Mr. Speaker, I enclose an article published in the Indianapolis Star of February 24, 1994, and written by the Marion County prosecutor, Jeffery Modisett.

This is a fitting tribute to Mr. Modisett's mentor. Mr. Modisett, modest as he is, might just as well have been writing about himself. His knowledge of the law and skill in applying it with justice, together with his refreshing civility and reasoned tones, make him one of the finest public servants in this country.

A HERO OF THE COURTROOM AND OF LIFE

(By Jeffrey Modisett)

The Star last week published the obituary of Judge Robert F. Peckham, a federal judge from San Francisco who died at age 72. Judge Peckham had achieved national prominence when he presided over the sensational trial of People's Temple follower Larry Layton, who murdered U.S. Rep. Leo Ryan at Jonestown, Guyana, in 1978.

Over 900 other temple followers, including the Rev. Jim Jones, died in a mass murder-suicide moments after the murder. Rev. Jones had started the People's Temple in Indianapolis.

The death of Judge Peckham signals the loss of an American hero. He was a rare individual with a strong moral compass based on love of family, respect and compassion for all and an appreciation of the law, especially constitutional and civil rights.

I was lucky enough to have been Judge Peckham's law clerk from 1981-82, which included the retrial of the People's Temple case in 1981. He soon became my friend, my mentor and a powerful influence on my life.

I first met this kind, gentle man when he was interviewing prospective law clerks at Yale Law School in the fall of 1980. It was immediately obvious he was special, even among jurists. His demeanor spoke of one who cared about everyone he met, even strangers, and his words reflected the wisdom of one who had spent years thinking deeply about the great issues of our time.

When I showed up for work the following year, he was in the middle of the retrial of Larry Layton. Both the prosecutors and the defense attorneys were, as expected, loud and aggressive, always pushing their arguments as far as they could. But no court observer could help noticing the calm in the middle of the storm. Judge Peckham never lost his temper, never made a faulty, snap decision, and never addressed any lawyer or witness with anything but respect. His decisions were not always popular, but they were always grounded firmly in the Constitution and they always protected minority rights.

This was nothing new for Judge Peckham. Just two years earlier he had shocked the educational system in America by ruling that IQ tests that resulted in black students being classified as retarded were biased and illegal. In a quintessential Peckham ruling, the opinion exhibited fairness, compassion and courage.

Thinking back, some of my most enjoyable memories of the judge come from a trip we took in 1982 to Guam where he was to sit as a special judge. On the way, we stopped over in Japan. He arranged for us to visit the Japan Supreme Court and to have lunch with the chief justice. You could tell he was in his element: Everyone was polite, deferential, scholarly and calm. He even managed a perfect smile as the repast of cold, slimy eel was placed before him.

His humor was always genuine. During this same trip we were entertained at a traditional Japanese restaurant by a local family. The conversation (through interpreters) was flowing freely as each cup of sake was kept filled to the brim. At the end of the dinner, our hosts insisted everyone join in a traditional dance. The judge joined in without hesitation and didn't even object when tradition required him to wear a bright red ribbon around his bald head. No one enjoyed the evening more than the judge.

I hadn't seen Judge Peckham in a few years when I called him in 1989 to ask if he would marry Jennifer and me. He readily agreed to refused to accept a dime for his flight from San Francisco to the wedding in Santa Barbara, Calif. Again, he was in his element, presiding over a ceremony that was romantic, poetic and inspiring.

It seems so hard to find heroes anymore. We search for a person worthy of our admiration, someone who is not motivated by money, power or ego. We want to know that there is someone who is truly altruistic, who has added something to this world and not just taken from it.

Judge Peckham taught me how to love the law, but only after he taught me how to love life. His place in history may be a small footnote, but his place in the hearts of the thousands he affected during his life will be large. I will miss this American hero.

ON THE RETIREMENT OF MARJORIE DOWLING

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. WISE. Mr. Speaker, I rise today to recognize a valued staff member who serves on my Subcommittee on Economic Development on the Committee on Public Works and Transportation. Marjorie Dowling will be retiring soon after 20 years of service to the House and the Public Works and Transportation Committee.

Hailing from Akron, OH, Marge has been a terrific help to me as a new subcommittee chairman on Public Works, and has been a steady hand during the frequently hectic negotiations over the past months and years on the legislation that my subcommittee has been working on. Anybody who knows her speaks of her always cheerful demeanor, and anyone who meets her for the first time soon realizes that she really knows her way around the committee and our subject areas. She is unflappable, and truly helped me a great deal as I learned the ropes at Public Works. I don't think I ever heard a cross word from her lips, and every time she answered the phone when I called down to the subcommittee I always heard the same patient and helpful voice. Very refreshing, indeed.

She and her husband Garland deserve nothing less than some relaxation and togetherness, and I wish both of them good health and many years of happiness. I also would like for Marge to teach me her tricks about how to do crossword puzzles—she is absolutely the best I have ever seen at them—and I am sure this is a skill that has helped her on Capitol Hill more than once.

Marge, on behalf of all the members of our subcommittee, I wish you well.

COMMENCEMENT ADDRESS BY GEN. COLIN POWELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. LANTOS. Mr. Speaker, on May 14, 1994, Gen. Colin Powell delivered the commencement address at Howard University. His eloquent words of encouragement and tolerance for your fellow man bring much of the controversy surrounding speeches at college campuses into perspective. For this reason, I bring my colleagues' attention to these excerpts from his remarks.

You know, the controversy over Howard's speaking policy has its positive side. It has caused the university to go through a process of self-examination, which is always a healthy thing to do.

Since many people have been giving advice about how to handle this matter, I thought I might as well too.

First, I believe with all my heart that Howard must continue to serve as an institution of learning excellence where freedom of speech is strongly encouraged and rigorously protected.

That is at the very essence of a great university and Howard is a great university, and freedom of speech means permitting the widest range of views to be presented for debate, however controversial those views may be.

The first amendment right of free speech is intended to protect the controversial and even outrageous word, and not just comforting platitudes, too mundane to need protection.

Some say that by hosting controversial speakers who shock our sensibilities Howard is in some way promoting or endorsing their message. Not at all. Howard has helped put their message in perspective while protecting their right to be heard. So that the message can be exposed to the full light of day.

I have every confidence in the ability of the administration, the faculty, and the students of Howard to determine who should speak on this campus. No outside help needed, thank you.

I also have complete confidence in the students of Howard to make informed, educated judgments about what they hear.

But for this freedom to hear all views, you bear a burden to sort out wisdom from foolishness.

There is a great wisdom in the message of self-reliance, of education, of hard work, and of the need to raise strong families.

There is utter foolishness, evil and danger in the message of hatred, or of condoning violence, however cleverly the message is packaged or entertainingly it is presented.

We must find nothing to stand up and cheer about or applaud in a message of racial or ethnic hatred.

I was at the inauguration of President Mandela in South Africa earlier this week. You were there too by television and watched that remarkable event.

Together, we saw what can happen when people stop hating and begin reconciling.

De Klerk the jailer became De Klerk the liberator and Mandela the prisoner became Mandela the President. Twenty-seven years of imprisonment did not embitter Nelson Mandela. He invited his three jail keepers to the ceremony.

He used his liberation to work with his former tormentors to create a new South Africa and to eliminate the curse of apartheid from the face of the Earth. What a glorious example! What a glorious day it was!

Last week you also saw Prime Minister Rabin and PLO Chairman Arafat sign another agreement on their still difficult, long road to peace, trying to end hundreds of years of hatred and two generations of violence. Palestinian authorities have now begun entering Gaza and Jericho.

In these two historic events, intractable enemies of the past have shown how you can join hands to create a force of moral authority more powerful than any army and which can change the world.

Although there are still places of darkness in the world where the light of reconciliation has not penetrated, these two beacons of hope show what can be done when men and women of good will work together for peace and for progress.

There is a message in these two historic events for us assembled here today. As the world goes forward, we cannot start going backward.

African-Americans have come too far and we have too far yet to go to take a detour into the swamp of hatred. We, as a people who have suffered so much from the hatred of others, must not now show tolerance for any movement or philosophy that has at its core the hatred of Jews or of anyone else.

Our future lies in the philosophy of love and understanding and caring and building. Not of hatred and tearing down.

We know that. We must stand up for it and speak up for it!

We must not be silent if we would live up to the legacy of those who have gone before us from this campus.

I have no doubt that this controversy will pass and Howard University will emerge even stronger, even more than ever a symbol of hope, of promise and of excellence.

That is Howard's destiny!

JOHN PORTER HONORED FOR HIS HARD WORK AND DEVOTION TO HIS CONSTITUENTS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. YOUNG of Florida. Mr. Speaker, for the past 14 years, it has been a pleasure to serve on the House Appropriations Committee with my colleague from Illinois, JOHN PORTER. He is a hard-working and very dedicated member of our committee and serves as the ranking member on our Labor, Health and Human Services, and Education Subcommittee.

Sunday, he received the long overdue recognition he deserves when The Chicago Tribune ran a very positive feature article about his work and his devotion to representing the people of the 10th Congressional District of Illinois. As Tribune staff writer Michael Killian writes, JOHN PORTER continuously fights for the people he represents back home, stands firmly for the principles he believes in here in our Nation's Capital, and seeks freedom and human rights for oppressed people abroad.

Mr. Speaker, JOHN PORTER and I share a belief that we are elected to do the people's work and not seek headlines. We agree that if we do our job to the best of our ability, the word will spread to our constituents.

Obviously this has been a very successful formula for JOHN PORTER and following my remarks, I would like to include for the benefit of my colleagues the Chicago Tribune article. It is always nice to see a hard-working colleague receive the public recognition and respect he has earned and deserves.

[From the Chicago Tribune, May 15, 1994]

JOHN PORTER ISN'T A HOUSEHOLD NAME, BUT HE'S WORKING ON IT

(By Michael Killian)

WASHINGTON.—How come John Porter isn't more famous. Dan Rostenkowski is nationally known for his clout. Henry Hyde became "Mr. Right to Life," Bobby Rush went to Congress as the Black Panther-turned-pol. Even newcomer Luis Gutierrez gets calls from around the nation now because CBS' "60 Minutes" featured him (dubiously) as a congressional reformer.

But Porter, GOP congressman from the North Shore's 10th District has never made the media big-time, though he has been around for seven terms, his district is one of the most influential in the state and richest in the country and he's the perfect Hollywood image of a congressman.

Granted, his prematurely snow white hair may be a little to sparse to blow dry at age 58, and his clean-cut, high-school-yearbook good looks are somewhat lined and craggy. But Porter still seems the kind of fellow every mother would have wanted her daughter to date (or marry), the kind of non-nerdy straight-arrow who makes both "most popular" and class valedictorian.

He speaks as carefully as he dresses and that's always to beautifully tailored pinstriped perfection. His posture, invariably, is what you find in official portraits. His biographical sketch lists his nickname as "John."

But the Evanston-born former probate lawyer is far from a cardboard cutout.

When other members of his party were falling all over themselves in slavish support of Reaganomics, blithely ignoring the deficit spending that sent the national debt soaring in the 1980s, Porter steadfastly opposed the Reagan deficits ad kept calling for a function-by-function freeze in federal spending that he claims would have the nation's finances balanced by now.

As co-chairman of the Republican Task Force on Congressional Reform Porter has long fought the continuing resolutions by which a succession of Congresses financed the government in stop-gap fashion.

Appropriations Committee colleague C.W. Bill Young (R-Fla.) praises Porter for having a real genius for separating pork and grease from nuts and bolts in spending bills. "He's one of the abler members of the House," Young said.

In 1988, as a congressional overseer of the Helsinki Accords, Porter went to Moscow with a list of 694 dissidents who'd been barred from leaving the Soviet Union. Within a week, all but one were released.

Still, Porter isn't widely known.

"I'm famous in my district—and in Hong Kong," he says, the latter an allusion to his human-rights activities in Asia.

"I've never felt my greatest human need was to get my name in newspapers," he said, "I just came down here to do a job."

If he is known mostly to his district, which runs from Evanston's northern boundary up to Wisconsin and west to Arlington Heights and Wheeling, it's in large part because the North Shore has been his home, personally and politically, all his life, and he's fixated on that territory, though reapportionment has moved his district's border around over the years.

Porter claims to spend a good 80 percent of his time back in his district—an enthusiasm more common to congressional newcomers than veterans. He has emphasized constituent services to an even greater degree than his Democratic predecessor, Abner Mikva, whose constituent-assistance team Porter called one of the best.

In addition to working on routine Social Security military and veterans problems, his district-office caseworkers have tracked down and recovered the cremated remains of a constituent's dead husband, which had been missent by the Postal Service to a Congressional cemetary "Instead of the proper Jewish one."

That kind of attention provides political results too.

In the past, the 10th has been a swing district represented by moderate Republican Don Rumsfeld, Nixonian conservative Sam Young and the unabashedly liberal Mikva, who beat Porter by 450 votes in the latter's first congressional try in 1978. Mikva was appointed to the federal bench in Washington a few months later, and Porter won the 1980 general election for the 10th District seat by 61 percent to 89 percent over Democrat Robert Weinberger.

Porter has been challenged by doctrinaire right-winger Kathleen Sullivan in the last two Republican primaries but held off her surprisingly strong bid in 1992 by 80 to 40 percent and by a vote of 2–1 last March.

In 1992, George Bush edged out Bill Clinton in the 10th by only 4,000 votes out of more than 260,000 cast. In that election, Porter beat his young, well-heeled Democratic challenger, Michael Kennedy, a 29-year-old Harvard graduate and junior-high classmate of one of Porter's daughters, in another landslide—65 to 85 percent.

This year, no one filed a candidacy in the 10th District Democratic primary to earn the right to oppose Porter in the November general election, the district's Democratic committeeman subsequently named Andrew Krupp, a 25-year-old Arlington Heights manufacturing executive, as their candidate to run against Porter in the fall.

A VANISHING SPECIES

Krupp, who is vice president of his family's Riverside Manufacturing Co., has hooked his campaign to the charge that Porter "is out of touch with the people of his district," but not all Democrats find him so alien.

"The truth is that John is very representative of his district," said Highland Park Mayor, Dan Pierce, a liberal who is the 10th Democratic state central committeeman and who served in the state legislature with Porter in the 1970's. He's conservative on things like the federal budget, but he's liberal on things like women's rights and the environment. He's very good on constituent services and he's not aloof. He's that vanishing species of Republican—the moderate."

Porter's chief flaw, according to Pierce, is his party affiliation.

"He's a ranking member of a party that's in the perpetual minority and no longer controls the White House," Pierce said. "It's not easy for him to get things done for the district."

Pierce cited Porter's failure to persuade the Defense Department to convert Ft. Sheridan into a lakefront recreation area as an example of lack of influence. In response, Porter invokes such local successes as bringing about the Superfund environmental cleanup of PCB-plagued Waukegan Harbor and securing federal funds to build three reservoirs along the North Branch of the Chicago River to ease flood problems there.

A LOVE MATCH

The fameless Porter is not an all-work dull boy. In the 1980s he could be seen fooling around the northern Virginia suburb where he lived in sunglasses and a white sports car. He and his wife of 20 years, Kathyrn Cameron Porter left earlier spouses for each other and are one of the great love matches on Capitol Hill. The globe-trotting director of gender and social policy for Conservation International, she was Porter's first administrative assistant when he came to Washington and has been his campaign manager in all his congressional campaigns.

A Michigan native who worked in George McGovern's 1972 presidential campaign ("He hates it when I talk about my sordid past as a Democrat"), she met Porter following his victory in the 1972 Republican primary for a North Shore seat in the Illinois House.

Three of the Porters' five children—John, David, Donna, Robyn and Ann—are from his previous marriage and two are from hers. They decline to say which are which. "We raised them as ours," she said.

Porter is perhaps best politically defined by his forthright and ideologically disparate stands on the federal budget, the environment and international human rights.

He has repeatedly been honored by the conservative, anti-government-spending National Taxpayers Union and was one of only six congressmen last session cited as a "Taxpayer Superhero" by the Grace Commission's Citizens Against Government Waste, the only Illinoisan and the only member of the Appropriations Committee to be so cited. He fought the Reagan administration on what he considered wasteful defense spending, including the swifty obsolete B-2 bomber, Star Wars research and new binary chemical weaponry, which he argued had repeatedly failed in tests and would not be accepted by all NATO countries.

"My party, in fact, ran away from me," he said "My party used to stand for balanced budgets and not allowing the national debt to rise. During the 1980's my party began to say, 'Deficits don't matter.' I disagree. They quadrupled the national debt."

On the environment, Porter has always leaned far to the other side of the ideological fence, and is as outspoken a critic of the despoilation of the world's rain forests. He has introduced bills to place tight curbs on the unregulated export of waste and encourage recycling. He was congressional delegate to the United Nations Conference on Environment better known as the Earth Summit last year in Rio

A ZEAL FOR HUMAN RIGHTS

Porter's zeal on human rights dates to a visit he and his wife made to Russia in 1982, when she was grabbed and strip-searched by the KGB after the two of them had met with Soviet dissidents. Porter then joined with Rep. Tom Lantos (D-Calif.) in founding Congress Human Rights Caucus, which with more than 200 members, is the second largest caucus on Capitol Hill.

Porter was born and raised in Evanston (the suburb was removed from his district in the 1980 reapportionment; he now lives just across the line in Wilmette), and got his undergraduate degree from Northwestern University before going on to the University of Michigan Law School. His late father, Harry H. Porter, was the long-time chief judge of the Evanston Municipal Court and later served in the Law Division of Cook County Circuit Court.

Porter got into politics as part of the so-called suicide squad of Republican candidates for countywide judicial seats in 1970—a time when the old Daley Democratic Machine had a stranglehold on those posts. Though he and the others lost in the balloting, he led the ticket on his slate and won the support of every newspaper and group endorsing in the race.

"Then my father died very suddenly," Porter said. "If he had not died he probably would have talked me out of any political career and said, 'Have a happy life and practice law.'"

Instead, Porter ran for the Illinois House in 1972 and won, serving three terms. Though he didn't grab many major headlines, he got 60 bills passed by the House in Springfield, including a ban on leghold traps, government inducements to car pooling, denial of pension rights to any public official convicted of a felony, a prohibition against flammable tents and outdoor-use fabrics, and one requiring disclosure of secret beneficiaries of land trusts involved in business with state government.

Asked if he has plans for higher office, he replied: "I certainly do. I've wanted to be president since I was 10 years old. At the moment, I do have to win . . . an election. But we do have Senate seats coming up in 96 and 98, and I'm certainly going to look at that."

The Senate, of course, could make John Edward Porter really famous. But to get there, he'll first have to make himself as well known in Metropolis, Shawneetown, Quincy and Galena as he is now along Sheridan Road.

INTRODUCTION OF THE PERMANENT HOUSING FOR HOMELESS FAMILIES ACT

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. FLAKE. Mr. Speaker, today I am introducing along with my colleagues, Messrs. PETERSON of Minnesota, RANGLE of New York, FRANK of Massachusetts, and VENTO of Minnesota, the Permanent Housing for Homeless Families Act. This legislation would improve the way the Federal Government spends Federal dollars. Instead of pouring millions of dollars into costly welfare hotels to shelter homeless families, the bill would permit States to develop cost-effective permanent housing alternatives. Further, homeless families would no longer be subject to living in dilapidated hotels with poor living conditions and inadequate services.

Last fall, Chairman Peterson of the Government Operations Subcommittee on Employment, Housing and Aviation and I held a hearing to explore the issue of welfare hotels. The findings of this hearing explicitly confirmed the urgent need for legislation to responsibly alleviate the hotels. In response, we drafted the Permanent Housing for Homeless Families Act.

Because the responsibility of welfare hotels straddle two agencies—HHS and HUD—and because so many Americans are in desperate need of basic shelter, I clearly understand that alleviating welfare hotels has been complex yet long overdue. We must find a solution that spans jurisdictional issues. The common mission of these two agencies are to meet the basic needs of this Nation and I know they sincerely want this issue to be resolved. This departmental coordination demonstrates true reinventing government, an effort for the Federal Government to better and more efficiently serve this Nation.

One point is clear, we cannot continue this cycle of throwing away millions of Government dollars with absolutely no return on our investment. In New York, we are spending an average of $2,640 per month for 1,442 families. This number translates to over 562 families in my district alone. With this kind of money, we could live in a mansion or decently house three or four families. But with the current spending structure, at the end of the year we have nothing to show for these millions of dollars.

Beyond inefficiencies and Government waste, there are real people behind these statistics, many of whom are children. Yes, welfare hotels do provide a temporary roof. However, in many cases hotels do not provide a kitchen, provisions for basic health care, education and jobs, sanitation, safety or security. Often these hotels are rodent ridden, filled of crime and prostitution. Studies have shown time and again that children cannot thrive in this kind of atmosphere. Without hope, we cannot expect these children to thrive and eventually become productive and well-adjusted adults. We are allowing a generation of innocent children to slip away from us when it is in our power to stop this cycle.

The Permanent Housing for Homeless Families Act makes good common sense to accomplish a variety of Federal goals: reinventing government, efficient allocating Federal dollars, responsibly alleviating welfare hotels, and ultimately, decently and humanely housing every American.

HONORING PROFESSOR ANGELA HERO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district this Friday, May 20. On that day, the Queens College Center for Byzantine and Modern Greek Studies is celebrating its 20th anniversary of service to the college and the community. At this special anniversary celebration, the center is also honoring Prof. Angela C. Hero upon her retirement as professor of Byzantine and modern Greek history.

During its 20 year existence, the Queens College Center for Byzantine and Modern Greek Studies has done much to promote the values, culture and ideals common to the United States and Greece.

Amongst its contributions to the community, the center developed, not only a comprehensive and full-fledged B.A. program in Byzantine and modern Greek studies in which over 8,000 students participated, but also established a major community outreach program. The outreach program has included over 20 major conferences, several exhibits on Greek America and a major library for use by both students and the community. The numerous publications of the center have raised awareness of the issues confronting modern Greece as well as the problems facing the United States in the Balkan-Eastern Mediterranean region. Such publications include the annual Journal of Modern Hellenism and over a dozen books on themes dealing with the Greek American community, Greece, Cyprus and United States Foreign Policy in the region. Seminars hosted by the center attracted academics and professionals from the greater New York area, stimulated discussions and provided the basis for the birth of new ideas.

These extraordinary accomplishments of the center can without a doubt be attributed to Professor Hero's impressive individual achievements. For her pioneering efforts in the development of Byzantine and Greek studies from 1977 to the present, Professor Hero has been justifiably called "Teacher of the Nation" and will receive the prestigious Constantinos D. Paparrigopoulos Award. Her exceptional ability will be acknowledged and honored by the presence of many of her former students, who were fortunate enough to receive her guidance and benefit from her talents and devotion to the center. In her own tradition, Professor Hero will give to those at the ceremony what she gave to her many students—she will deliver the 16th annual Constantinos D. Paparrigopoulos Lecture and bring to life the topic on which she is speaking, "Sailing to Byzantium." The honoring of Professor Hero is a fitting complement to the 20th anniversary celebration of the center, which owes so much to her efforts.

MADAGASCAR SERPENT-EAGLE

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. CRAPO. Mr. Speaker, I would like to congratulate the Peregrine Fund for the work and support they have provided to Madagascar in their work on endangered species. The Peregrine Fund is best known for their efforts to recover the peregrine falcon. Very few people know that this is an international conservation organization which has worked in over 30 countries around the world. The discovery in November 1993 of the Madagascar serpent-eagle is an excellent milestone for this organization.

Madagascar is one of the world's top ten conservation priorities. Three of the world's most endangered birds of prey exist there. The Peregrine Fund has been working in Madagascar since 1990 to conserve these species and their wetland and rainforest habitats. For the first time since 1930, when early explorers shot the last specimen of the Madagascar serpent-eagle, Peregrine Fund biologists have captured and released for study this very rare eagle.

Mr. Speaker, I would also like to add a brief side note about Boise State University's involvement with the Peregrine Fund. Very few people know that Boise State University is the only university in the world where one can obtain a masters degree in raptor biology. Russell Thorstrom, the biologist who saw the eagle, received this degree in 1993 from Boise State University.

Finally, the Peregrine Fund's project is funded by the Liz Claiborne and Art Ortenberg

Foundation, Environment Now, the John D. and Catherine T. MacArthur Foundation, and the U.S. Agency for International Development.

CONGRATULATIONS POLYDOR-NASHVILLE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. CLEMENT. Mr. Speaker, I would like to join music fans around the world and congratulate PolyGram on the opening of its Polydor Nashville office. PolyGram has made immeasurable contributions to country music and Tennessee with Mercury Records. And now under the guidance of Alain Levy, PolyGram is expanding its presence in Nashville and the music industry by opening Polydor Nashville, its second record label in Music City.

Polydor is one of the most recognizable names in music, boasting such acts as Eric Clapton, James Brown, and the Atlanta Rhythm Section, and has a reputation worldwide as a company that believes in its music. With the growth of country music and the success of Mercury Nashville, PolyGram decided the time was right to revive the Polydor label in Nashville.

Polydor Nashville is headed by Harold Shedd, who has perhaps been responsible for more success in country music than any other music executive. Shedd is known for finding unique acts who appeal to a broad audience, and among Harold Shedd's past discoveries are Alabama, Toby Keith, Billy Ray Cyrus, the Kentucky HeadHunters, K.T. Oslin, and Sammy Kershaw.

Now he's ready to unveil a new generation of great artists who include Amie Comeaux, Graham McHugh, the Moffatts, Shane Sutton, and Chely Wright. And they will join such stars as Toby Keith, Davis Daniel, and Clinton Gregory as the first acts on Polydor Nashville's roster.

Coupled with Harold Shedd's quest for new sounds is the imagination of Steve Miller, Polydor Nashville's vice president and general manager. Steve Miller was the force behind the launch of Billy Ray Cyrus, whose first album broke all records sales of a debut album, including those of the Beatles and Elvis Presley. For his achievement, Steve Miller was the only music industry executive named to Advertising Age's Marketing 100 list.

Polydor Nashville will release its first single on June 6, with Chely Wright's "He's a Good Ole Boy." And I believe this is just the beginning of many firsts for Polydor Nashville.

I would like to thank Alain Levy and PolyGram for its support and contributions to Nashville and American music. I would also like to extend my congratulations and best wishes to Harold Shedd, Steve Miller, and the Polydor Nashville staff.

TRIBUTE TO ACCURATE DIAL & NAMEPLATE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MOORHEAD. Mr. Speaker, I rise today to pay tribute to a small business in my congressional district that on May 5, 1994 was recognized by the Small Business Administration [SBA] for its exemplary product and services.

Accurate Dial & Nameplate of Glendale was one of the 70 SBA nominees for Regional Small Business Contractor of the Year. I am proud to announce that the 36-year-old company received the SBA's Administrator's Award for Excellence.

The national economic recovery is slow in reaching California. The drastic cuts in defense are one major factor. Many small businesses have been wounded, some mortally. But, Accurate Dial continues to weather the storm.

Accurate Dial makes custom nameplates, dials, equipment identification tags, decals, and roll labels. Their work—whose specialty is silkscreening on a variety of metals, plastics, and vinyls—has ended up on everything from rock concert backstage passes to nameplates on the B-2 bomber and EuroDisney ride panels.

About 70 percent of the company's clients are small businesses, while the other 30 percent are military contractors.

Accurate Dial, which is owned by David V. Howarth and Jerry D. Childs, was brought to the attention of the SBA by the Northrop Corp., a prime government contractor. Northrop had literally hundreds of companies from which to choose to be honored. I think they made the right choice.

Again, congratulations to everyone at Accurate Dial & Nameplate of Glendale. From Vinnie to Jerry to Sandy, and the 20-plus other employees, I am proud to represent such good, honest, and hardworking small business people. You are what makes this country run. Thank you.

HIGH-LEVEL NUCLEAR WASTE MANAGEMENT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. HASTERT. Mr. Speaker, with respect to the issue of high-level nuclear waste management, the clock is ticking and the time for a solution is now.

A dozen years ago, Congress directed the Department of Energy, in the Nuclear Waste Policy Act, to develop a solution for the safe management of spent nuclear fuel from the commercial nuclear power plants that produce 20 percent of our electricity.

Among other measures, the above legislation stated that, in return for payment of fees by customers of the electric utilities that operate nuclear power plants, the Secretary of Energy would, beginning in 1998, have a mechanism for environmentally-safe, cost-effective disposal of spent nuclear fuel.

To date, only the customers of nuclear utilities who have paid almost $8 billion into the Nuclear Waste Fund have met their obligation. The Department of Energy has fallen short of satisfying its part of the agreement. In fact, under the best case scenario, the Department is at least 16 years away from being ready to receive spent fuel shipments at the proposed Yucca Mountain, Nevada site.

Energy Secretary Hazel O'Leary has recognized that the Federal Government has a moral obligation to meet this 1998 responsibility and is looking at options to meet this challenge. This simply is not enough.

Clearly, one plausible solution is the establishment of Federal or private sector interim off-site spent fuel storage capacity. This particular measure has recently been endorsed in a pair of resolutions adopted by the National Association of Regulatory Utility Commissioners [NARUC]. Indeed, this organization obviously has a major stake in the stewardship of ratepayer monies.

The State utility commissioners have gone on record in favor of the Federal Government initiating a serious effort to locate an interim storage facility. Mr. Speaker, I applaud this initiative and encourage Secretary O'Leary to take decisive action in this direction to translate her moral obligation into tangible steps that can restore confidence in the ability of the Nation to deal with this issue in a straightforward and meaningful way.

However, notwithstanding my support for the above resolutions, I believe that it is essential that neither Congress nor NARUC allow an interim facility to divert our attention and efforts from our primary endeavor—to establish Yucca Mountain as the permanent repository for the permanent disposal of spent fuel. We must not condone, whether directly or indirectly, continued delays involving this site. To be sure, Mr. Speaker, with respect to spent nuclear fuel management, the future is now, not later.

In conclusion, I request that the NARUC resolutions be printed in the CONGRESSIONAL RECORD.

RESOLUTION TO ENCOURAGE THE DEVELOPMENT OF PRIVATE TEMPORARY STORAGE FACILITIES

Whereas, The United States Department of Energy (DOE) has the responsibility to dispose of spent nuclear fuel generated by utilities in their domestic nuclear power reactors; and

Whereas, The DOE has the responsibility to accept title to, transport and dispose of the spent nuclear fuel generated by utilities beginning not later than January 31, 1998; and

Whereas, The National Association of Regulatory Utility Commissioners (NARUC) believes the DOE will not develop a Federal high-level nuclear waste repository or facility for the storage of spent nuclear fuel which would be operational by January 31, 1998; and

Whereas, Without an operational repository, utilities are required to provide for additional temporary spent nuclear fuel storage at significant cost to the nuclear electric utility and their ratepayers; and

Whereas, The Mescalero Apache Nation, the New Corporation and other parties are interested in developing a temporary facility for the storage of spent nuclear fuel; and

Whereas, The DOE and the Congress has discontinued funding of the efforts of local government entities, including the Mescalero Apache Nation, to develop a Federal Monitored Retrievable Storage facility; and

Whereas, Despite the termination of funding by the Congress and the DOE, the Mescalero Apache Nation, and New Corporation and other parties continue to express their readiness to negotiate a voluntary siting agreement for an MRS as outlined in the 1987 amendments to the Federal Nuclear Waste Policy Act and maintain an interest in developing such a temporary storage facility; now, therefore, be it

Resolved, By the Executive Committee of the NARUC, convened at its 1994 Winter Committee in Washington, D.C., that it supports the nuclear electric utility industry working to review the development and operation of a private temporary storage facility for spent nuclear fuel; and be it further

Resolved, That the NARUC urges DOE to advocate restoration of Phase II-B funding for prospective volunteer jurisdictions and if necessary to transfer funds from the site characterization effort for a permanent repository for this effort; and be it further

Resolved, That DOE increase its efforts in assisting with the development of private facilities; and be it further

Resolved, That the NARUC Executive Committee adopts the following principles;

1. High-level radioactive waste management is the responsibility of this generation;

2. Health, safety and minimization of environmental impact are the overriding priorities in managing civilian nuclear waste with other important considerations including: geographical equity, public acceptance, and cost effectiveness;

3. The Department of Energy has a responsibility to take title to and remove spent fuel from reactors beginning in 1998;

4. Consistent with global scientific consensus and congressional mandate, deep geologic disposal of spent fuel should continue as the ultimate objective of the Federal government's civilian nuclear waste management program;

5. Compensation alone would not satisfy the Department of Energy's obligation to remove spent fuel from reactor sites;

6. Even though central Department of Energy interim spent fuel storage facilities may be available, subject to the above principles, each utility should have the option to pursue storage on-site or elsewhere should it be more desirable to do so; and be it further

Resolved, That the NARUC Executive Committee adopts the following recommendations:

1. The Federal government needs to establish interim off-site spent fuel storage capability to allow the Department to take title to and remove spent fuel from reactor sites starting in 1998;

2. The voluntary process, including both the public and private efforts for locating interim storage facilities, should continue;

3. The Federal government should initiate a serious effort to locate an interim storage facility on Federal or private property;

4. The Department of Energy should increase the planned rate of acceptance of spent fuel from reactors and Congress should increase the capacity limit of interim spent fuel storage facilities in order to efficiently and effectively accommodate actual interim storage needs;

5. The Department of Energy should take immediate action to ensure that the necessary infrastructure (such as transportation capability) exists and will be available to support the acceptance of spent fuel for interim storage in 1998;

6. The Nuclear Regulatory Commission should be asked to review its regulations, and implementation of those regulations, for safety, added value, and to ensure the cost effectiveness of interim storage facilities; and be it further

Resolved, That this resolution be communicated to the United States Congress and to the Secretary of Energy along with a copy of the dialogue report.

Sponsored by the Committee on Electricity, Adopted March 2, 1994

RESOLUTION REGARDING THE NARUC DIALOGUE ON SPENT FUEL MANAGEMENT CONCLUDED FEBRUARY 25, 1994

Whereas, Approximately 20% of the United States electricity is generated using nuclear energy; and

Whereas, The major by-product of nuclear generation is spent nuclear fuel, which has been produced and stored in storage pools at over 70 commercial reactor sites; and

Whereas, Most reactors do not have sufficient pool storage capacity to accommodate all of the spent nuclear fuel; and

Whereas, Congress, in the Nuclear Waste Policy Act of 1982, directed the Department of Energy to develop a system to manage commercially-generated spent fuel by 1998, in exchange for electric utility ratepayers payments into the Federal Nuclear Waste Fund; ratepayers will have paid $10 billion by 1998; and

Whereas, While the Department of Energy is making progress toward the establishment of a repository, such repository is not expected to become available until 2010 or later, therefore, the Subcommittee on Nuclear Issues-Nuclear Waste initiated a dialogue of stakeholders including commissioners, utility chief executive officers, and environmentalist, a representative of the State of Nevada, and a representative of the scientific community in Nevada; and

Whereas, The dialogue was initiated to develop a consensus on how best to deal with interim storage of spent nuclear fuel, given the existing political structure; and

Whereas, The dialogue produced a report dated February 25, 1994 which included minority reports from the State of Nevada and the environmental representative; and

Whereas, It is the intent of the NARUC to continue discussions with interested parties regarding implementation of specific recommendations and legislative changes required; now, therefore, be it

Resolved, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1994 Winter Committee Meetings in Washington, D.C. accepts the report of the NARUC Dialogue On Spent Fuel Management presented to this body by the Standing Committee on Electricity; and be it further

Resolved, That the operation of a private temporary storage facilities does not obviate the need for DOE to meet its responsibility to begin accepting fuel from utilities in 1998.

Sponsored by the Committee on Electricity, Adopted March 2, 1994.

TRIBUTE TO AN AMERICAN LEGACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. CRANE. Mr. Speaker, recently the American conservative community lost an intellectual giant with the death of Russell Kirk.

Mr. Kirk is properly credited as the father of the modern conservative movement. He was an accomplished author, best known for "the Conservative Mind." In addition to writing articles for National Review, he lectured at colleges all over America, frequently at my alma mater, Hillsdale College.

As a tribute to Mr. Kirk, I would like to submit to the RECORD an article from the May 4, 1994 Washington Times by Timothy Goeglein. I commend Mr. Goeglein's article to the attention of my colleagues so that they may share in the glory of Mr. Kirk's legacy.

RUSSELL KIRK'S LEGACY

(By Timothy S. Goeglein)

This has been a sad week for American conservatives. One of our brightest lights has been laid to rest.

Russell Kirk passed away at his rural Michigan home "Piety Hill" last Friday. He was 75. His illness was short, but his achievement is lengthy. Mr. Kirk's was nothing short of a brilliant career.

American conservatism's self-described "Bohemian Tory" had just celebrated the 40th anniversary of the publishing of his landmark book "The Conservative Mind" last year. It is now in its eighth printing.

Unlike most of the books published in 1953, Mr. Kirk's masterpiece is as relevant and as prescient today as it was the week it was featured on the cover of Henry Luce's Time magazine and lavishly reviewed in the New York Times.

Along with William F. Buckley, Whittaker Chambers and James Burnham, Mr. Kirk played one of the leading and pivotal roles in making Anglo-American conservatism intellectually respectable when liberalism seemed to stand unchallenged in the groves of the higher learning in the early 1950s.

Mr. Kirk never looked back after "The Conservative Mind" became one of the most talked about books of the year. He resigned his professorship at Michigan State College and dedicated the rest of his life to the principles he outlined in a letter to publisher Henry Regnery:

"Poverty never bothered me; I can live on four hundred dollars cash per annum, if I must; time to think, and freedom of action, are much more important to me at present than any possible economic advantage. I have always had to make my own way, opposed rather than abided by the time and the men who run matters for us; and I don't mind continuing to do so."

Russell Kirk was that rarest of American phenomena: a highly successful man of humane letters without a university pedigree to sustain his work. In typically humble candor, Mr. Kirk called himself "the last leaf on the tree."

His penned 30 books in his seven decades, the two most recent highly representative of his life's work.

The first, "The Politics of Prudence," is a wake-up call aimed at young Americans who are concerned about the direction of their country. Mr. Kirk urges prudence (one of the four classical virtues) over ideology in navigating the next American century.

The second, "America's British Culture," is the most powerfully argued book yet written on the dangers of multiculturalism and the subsequent importance of cultural restoration.

The common thread of both books is a strongly proactive way of dealing with some of our most pressing concerns. It is that thread that continues to make Mr. Kirk highly relevant.

Instead of joining the growing ranks of conservatives who proved adept at showing what they oppose instead of what they favor, Mr. Kirk used his profound sense of right reason to show young American that it pays to have a morally imaginative program.

He begins not by battling against the gains of the multiculturalists—as legion reactionaries are wont to do—but by showing the need on the part of conservatives to strengthen America's largely multiethnic, British culture. Wrote Mr. Kirk:

"A culture is perennially in need of renewal . . . A culture does not survive and prosper merely by being taken for granted; active defense always is required, and imaginative growth, too. Let us brighten the culture corner where we find ourselves."

Mr. Kirk called on Americans to affirm and renew their shaken culture shoring up the moral order and inveighing against the multi-cultural attack:

"It is possible to exhaust the moral and social capital; a society relying altogether upon its patrimony soon may find itself bankrupt. With civilization, as with the human body, conservation and renewal are possible only if healthful change and reinvigoration occur from age to age. It is by no means certain that our present moral and constitutional order is providing sufficiently for its own future."

The argument, too, provides the theme of "The Politics of Prudence." This collection of essays, largely delivered at the Heritage Foundation, where Mr. Kirk was a Distinguished Fellow, is an action plan for those who want to find the middle way between the active and thoughtful life propounded by one of Mr. Kirk's chief political pin-ups, Edmund Burke.

Mr. Kirk outlined 10 principles that should guide any renaissance in coming social, economic and political battles. He recommends 10 books that should guide the men and women who want to be part of that renaissance. He concludes with a wonderful exhortatory epilogue that asks: "May the Rising Generation Redeem the Time?"

Mr. Kirk believed it might just be possible, but only if the spiritual and political decadence of the present century can be overcome. In this is his last hope:

"I have found it to be a real world, its vices notwithstanding: a real world in which one still may develop and exercise one's potential virtues of courage, prudence, temperance, and justice; one's faith, hope, and charity. Do not fail to remind yourselves that consciousness is a perpetual adventure. Do not ignore the wisdom of the ages, the democracy of the dead."

Americans, particularly young Americans, who want deeply to preserve and enhance this inherited order of ours, complete with its unique standards of justice, wisdom and beauty, must feel conflicted by the immense challenge of restoration before us.

Russell Kirk's plea for cultural renewal and continuity could not have been more forcefully written, or more timely. We shall miss the way he led the charge to "redeem the time," in T.S. Eliot's words.

But we shall carry on in the spirit of this humble, gifted intellectual giant who gave so much back to the country he loved. The fight is over nothing less than our individual liberty and intellectual freedom.

CONGRATULATIONS TO JAMES McNARY FOR 25 YEARS OF DEDICATED SERVICE AS A BAND DIRECTOR AT MARION JUNIOR HIGH SCHOOL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor James McNary, an educator and band director who has influenced and enriched the lives of students and parents in my district. For the past 25 years, Mr. McNary has directed the Marion Junior High School Band in Marion, IL. As director, Mr. McNary and his band attained 24 consecutive superior ratings at State contests, a feat believed to be unprecedented in Illinois history. Just recently, Mr. McNary and his band participated in their 100th band contest.

Through his dedication and innumerable hours of teaching, Mr. McNary has established a music program of which the entire community of Marion can be proud. A teacher myself, I understand the commitment and hard work that goes into developing a successful educational program. While many schools across our Nation face cuts to their music and art programs, Mr. McNary gave Marion Junior High School a reason to not only keep its music program, but to provide an opportunity for the program to expand and grow. Mr. McNary, his junior high band, the Marion Junior High School, and the entire community should be commended for their commitment to music and the arts.

On behalf of the people of the 19th Congressional District, I would like to congratulate Mr. James McNary on his retirement and on 25 memorable years of instilling musicianship in the minds and hearts of our young people.

IN RECOGNITION OF MISSISSIPPI HIGHWAY PATROL TROOPER JOHN W. LEGGETT FOR HIS BRAVERY AND OUTSTANDING SERVICE TO OUR STATE AND OUR NATION

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. PARKER. Mr. Speaker, today, I stand in the halls of Congress to ask you to join me in honoring Trooper John W. Leggett of the Mississippi Highway Patrol for his outstanding performance in the capture of two North Carolina prison escapees connected with the murder of a young Florida woman.

On April 28, 1994, Trooper John W. Leggett observed a suspicious vehicle bearing Florida license plates on Highway 51 outside Brookhaven, MI. He trailed the stolen vehicle into town and attempted to stop the driver for speeding. When Trooper Leggett started the patrol car's siren, the passenger fired a shotgun at him. After Trooper Leggett's dogged pursuit of the vehicle through the city, the stolen Bronco crashed in a yard. The suspects tried to flee, exchanging gunfire with Mr. Leggett. Both escapes were wounded, allowing them to be apprehended and arrested. Later, one of them cooperated with law enforcement officials, and the body of the Florida nursing student was found. Today we thank John W. Leggett for his bravery and tenacity in the face of life-threatening danger. Because of his valor, intuition and ability, the streets of America are safer. We in Mississippi are fortunate to have an officer of this caliber to protect us. He will receive a local commendation and the Mississippi Highway Patrol Medal of Valor for his bravery and exemplary service.

Tropper Leggett has been employed by the Mississippi Highway Patrol for 7 years. After receiving his training with the Highway Patrol in Woodville, MI, he has spent his entire career with Troop M Brookhaven. This recent arrest is not Tropper Legget's first experience in a national manhunt. During his training, he assisted in the arrest and conviction of a murder-rapist from California. But despite his impressive arrest record, John Leggett is not the type of patrolman glorified in movies and on television. He is the father of three children and stays active in their schools. He lives in Lincoln County, near Brookhaven, where he goes to church and where he enjoys hunting and fishing. John Leggett described as a very strong, very quiet person who smiles a great deal. He is worthy of imitation not only as a law enforcement officer but also as an outstanding citizen.

Mr. Speaker, at this time, I ask that my colleagues join me in saluting Trooper John W. Leggett for his bravery and service to my home State, Mississippi, and to our great Nation.

WELCOMING THE PRIME MINISTER OF INDIA, THE HONORABLE P.V. NARASIMHA RAO

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to extend my warm welcome to the Prime Minister of India, P.V. Narasimha Rao, who will be speaking before a special joint session of the Congress today. I recently had the opportunity to visit India and meet with Prime Minister Rao.

India is a nation of tremendous and growing importance to the United States. It is the most populous democracy in the world. One of its official languages is English. It is strategically located on the Asian subcontinent and equidistant between the Persian Gulf and the newly industrialized states of the Pacific rim. And, importantly, there are millions of Americans of Indian ancestry who are productive, active, and concerned members of their local communities.

With a total population of over 900 million people, India has the third largest technical and scientific workforce in the world and a growing middle class of over 200 million eager consumers. Since 1991 Prime Minister Rao has dismantled restrictive regulations and bureaucratic regulations that discouraged foreign investment and steadily moved his country toward a more open market economy. Average tariffs on imported goods have declined by one-half over the past 2 years and foreign companies can now own majority shares in Indian companies.

These reforms have yielded substantial benefits to American businesses. Today, the United States is India's largest trading partner. Over the last 3 years, United States exports to India have grown from $1.9 billion in 1992 to $2.4 billion between January and November in 1993—a 38-percent increase over the corresponding period in 1992. Over 200 foreign institutional investors have been registered with the Securities and Exchange Board of India and as of the beginning of this year $1.13 billion has been invested in India as portfolio investment. General Electric, American Express, AT&T, Citibank, IBM, Merrill Lynch, Morgan Stanley, and Raytheon are all actively pursuing markets in India.

Mr. Speaker, as a founding member of the Congressional Caucus on India and Indian-Americans, I have a special interest in India. I am pleased that the Prime Minister has decided to visit our country and I look forward to his remarks today.

IN MEMORY OF ANTHONY R. STEFANIK, JR.

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. MURTHA. Mr. Speaker, I had a chance a few weeks ago to visit with the family of Anthony Stefanik, Jr., a 31-year-old Air Force captain who was one of seven crewmen to die when their plane crashed during a routine surveillance mission near Somalia.

Anthony was on his second tour of duty in Africa, and had served previously with his brother, Ron, during Desert Storm.

After Operation Desert Storm, he wrote some notes about his experience, and concluded with:

"I realized the best thing about being in the military now is we are young, get to fly missions all around the world, meet good friends in unexpected places, and most importantly, we now have one thing in common: we risked our lives for our country in the performance of our duties. I also realized that the enemy never had a chance. They had no idea of the talent, training, and professionalism they encountered."

Anthony symbolized all those qualities, and America is a better country today because of the strength of Anthony and his family.

Besides my own comments, I'd like to also enclose this statement made by Tony's friend, Eric Swank.

ANTHONY R. STEFANIK, JR.

"Greater love has no man than this, that a man lay down his life for his friends." John 15:13

Captain Anthony R. Stefanik, Jr. was born on 1 October 1962 to Anthony and Donna Stefanik in Johnstown, Pennsylvania. He graduated from Johnstown High School in 1980. In 1984, he graduated cum laude from the University of Pittsburgh at Johnstown earning a B.A. in Accounting. During his high school days, he was active in baseball and karate. He loved to lift weights and it showed.

Tony worked for the accounting firm Barnes and Saly until feeling the calling of service in October 1985. After graduating from Officer Training School in January 1986, he went to Mather AFB to earn his Navigator wings. From there, he went to Castle AFB for B-52 training. His first operational assignment was in B-52Gs on Guam. He arrived there in 1987.

He married his wife Catherine in 1988. The two of them went to Carswell AFB in 1990. While there, they were blessed with a son, Anthony III. Tony came to Hurlburt Field and the AC-130H in June 1992 as a Fire Control Officer.

Tony flew on the last B-52 sortie of Operation Desert Storm. He wrote a short story about his experience. After the bomb run he writes: "As we egressed the area, the radios came alive with the sounds of search and rescue efforts for a downed aircrew." How ironic that just a few years later, the rescue radios would be crackling about him.

A strong man both physically and emotionally, his wife, son, mother, father, brother Ronald, sister Teri, and all who know him will miss him greatly.—*Eric Swank, Tony's friend.*

U.N. CONFERENCE ON SUSTAINABLE DEVELOPMENT OF SMALL ISLAND DEVELOPING STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 18, 1994

Mr. HAMILTON. Mr. Speaker, April 25 to May 6, 1994, the United Nations convened a global conference on the sustainable development of small island developing states. The idea for such a conference was approved by nations at the 1992 United Nations Conference on Environment and Development [UNCED] in Rio de Janeiro, Brazil.

The key output of the conference was a program of action which was similar to, although smaller in scope than UNCED's program of action, agenda 21. Fourteen issue areas are featured in the small islands program of action. They include: climate change, sea level rise, and climate variability; natural and environmental disasters; management of wastes; coastal and marine resources; freshwater resources; land resources; energy resources; tourism resources; biodiversity; national institutions and administrative capacity; regional institutions and technical cooperation; transport and communications; science and technology, and human resource development.

I submit for the RECORD my exchange of letters with the administration on United States leadership at the conference, and United States statements made at Barbados by the Honorable Tim Wirth, Deputy Secretary of State, and the Honorable Elinor Constable, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 22, 1994.

Hon. TIMOTHY WIRTH,
Department of State,
Washington, DC.

DEAR TIM: I write to offer my strong support of US leadership at the upcoming Conference on Small Island Developing States [SIDS] in Barbados, as you conclude preparations for your participation there.

It is important to recognize the importance of the small island states and our interest in the well-being of their people and their sustainable development. The United States has had an historic attachment and interest in many of the small island states, particularly in the Caribbean and South Pacific. Collectively their numbers are considerable. Although widely dispersed and diverse in characteristics, they share many common problems and challenges.

Traditionally the small island nations have had little political muscle and influence until their emergence as the Association of Small Island States [AOSIS] just prior to the first climate negotiations at Chantilly, Virginia in 1991. Its genesis was a response to concern regarding the particular vulnerabilities of islands to the impacts of sea level rise from climate change. Although AOSIS is not a formally established negotiating group, it exercised remarkable collective influence to draw attention to the unique concerns of its members. At the UNCED meeting in Rio, nations agreed that a Conference should be conducted to address the particular development needs confronting small island states.

At Barbados, and in follow-up activities to the SIDS Conference, I would hope the US will give careful consideration to constructive measures which promote the sustainable development of the island states. Expectations are high among the islands regarding Conference outcomes. To date there has been little in terms of concrete initiatives specific to the island countries and their particular development needs.

My understanding is a coral reef initiative may be unveiled in Barbados, building on efforts since the Administration's workshop and consultations on coral reefs in January. I hope such a coral reef initiative will be premised on local participation, integrate conservation and management strategies, and promote institutional capacity through appropriate training and technical assistance.

Recognizing the funding constraints, there are real limitations as to what the US and others can offer. However, a package of bilateral and multilateral measures should be announced which demonstrates US commitment to the small islands and to implementation of the Barbados plan of action. In addition to a coral reef initiative, other steps can be taken through a variety of channels. Among elements of a US proposal should be genuine efforts to address the concerns of small islands through international conventions, regional programs and organizations, as well as the multilateral development banks. Further, the US should encourage other donors to undertake similar actions.

U.S. leadership and a sincere commitment to address the concerns of small islands through a multitude of channels, even though on a small scale, can provide an important and effective contribution to the Conference objectives.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

Department of State,
Washington, DC, May 13, 1994.

Dear Mr. Chairman: Thank you for your letter of April 22 to Under Secretary Wirth regarding U.S. leadership at the UN Global Conference on Sustainable Development of Small Island Developing States in Barbados. We are delighted to know of your support for the Conference objectives and for the concerns of the small island states.

The United States has been an active partner in making this Conference a success, providing leadership at the two regional technical meetings (Caribbean and Pacific) as well as both sessions of the Preparatory Committee meeting in New York. Throughout the formulation of the Program of Action, the United States provided specific recommendations at the national, regional, and international levels. The Barbados Conference offered an unparalleled opportunity to focus global attention on these recommendations.

The United States has consistently supported international attention to the special challenges facing small island developing states. As you say in your letter, funding constraints impose real limitations. Nonetheless, the United States has agreed to support a call by the Association of Small Island States (AOSIS) for multilateral and other development banks to modify existing guidelines to include assistance for microenterprise projects. The United States also supports the call by AOSIS for access to the Global Environment Facility, especially for projects which address the areas of biodiversity, climate change, and international waters.

At the Conference, Under Secretary Wirth announced that the U.S. is developing a Coral Reef Initiative, and urged other countries to join with us in protecting these fragile ecosystems. He also announced the broad outline of this initiative in Barbados and appealed to other donors for assistance and support. Furthermore, he stated our support for enhanced integrated coastal zone management and for the Global Climate Country Studies program.

Additional information about ongoing U.S. programs and technical assistance is included in the enclosed attachments. Please accept our assurance that the United States will continue to provide leadership on these issues, and encourage cooperation and support for the objectives of the Program of Action.

I hope this response is helpful. Please do not hesitate to contact us if you need further assistance.

Sincerely,
Wendy R. Sherman,
Assistant Secretary,
Legislative Affairs.

U.N. Global Conference on the Sustainable Development of Small Island Developing States

(By Hon. Timothy E. Wirth)

Thank you Mr. Prime Minister and distinguished delegates.

Standing here on this beautiful island it is hard to picture the challenges facing small island developing states that have been identified during the past two weeks. The idea of an island is frequently associated in the human mind with refuge from ordinary cares. But we realize that today many small islands face unprecedented threats to their environment and tremendous challenges in their efforts to achieve sustainable development.

The Earth Summit recognized these problems and called for this conference to be held in order to bring special attention to the problems facing the small island developing states. Our delegations have worked hard and well throughout these past two weeks to identify and define the specific concerns and needs of these nations.

Now, we must turn our attention to implementing a sound, effective program of action that can help ensure the sustainable development of small island states. As is clear from the work done thus far, this will require a concerted and sustained international commitment. However, it is also clear from the events of these past two weeks that there is no lack of commitment to taking action in this area.

First we must begin with climate change, which, with its potential for sea level rise, presents such a forbidding prospect for the future of many small island states. The United States considers addressing climate change to be a very high priority and we are committed to a global partnership in this area. As an initial step, we are committed to limiting U.S. greenhouse gas emissions to their 1990 levels by the year 2000. We urge all developed countries to take the steps necessary to achieve their national commitments for limiting emissions this century.

However, we recognize that even if these measures are implemented, atmospheric concentrations of greenhouse gases will continue to grow, thus increasing the potential for sea level rise and other severe global consequences. We therefore believe international discussions need to begin now with regard to what steps should be taken for the period after the year 2000.

* * * * *

Some sources estimate that ten percent of all coral reefs have been degraded beyond recovery, and another thirty percent will be in peril over the next ten to twenty years. This is of particular concern to us here because coral reefs are an essential resource base for the sustainable development of many small island states, and a rich resource of bio-diversity, key to the discovery of new foods, fiber, fuel and pharmaceuticals for our children and grandchildren.

The United States believes that we must all begin to work together now to halt this alarming trend. As a first step in this effort, I am pleased to announce that the United States is developing a multifaceted Coral Reef Initiative. Plans for its core elements include strengthening countries' capacity to preserve, manage, and protect such ecosystems, and improving research and monitoring for management and sustainable development. As this Initiative becomes more fully developed, we will invite partnerships with other countries and entities, including non-governmental organizations, in what will need to become a truly international effort.

We intend to invite key countries, international organizations, and NGO's to a proposed intersessional meeting under the auspices of the U.N. Commission on Sustainable Development by early 1995. We hope to focus attention on coral reef ecosystems and provide an opportunity for substantive and pragmatic discussion about how we can all cooperate in protecting these vital resources. If we can address the threats to coral reefs, like marine pollution and coastal zone degradation, we will also address many fundamental challenges to the sustainable development of small island states.

Finally, if we are to realize all the ambitious goals set out during these past two weeks, a unified international effort will be needed. This will include an unprecedented degree of cooperation among the major funding sources for sustainable development, including bilateral donors, multilateral development banks, and the private sector. It will require what Prime Minister Sandiford so well described this morning on a new concept of multi-lateralism. It will require new and imaginative forms of financing, including debt for nature, public-private partnerships, and the promise of intellectual property protection combined with the enormous patrimony from nature's diversity. It will require the full engagement of non-governmental organizations, some of the most effective and creative institutions available to carry out the mandate of sustainable development and, at the same time, to hold governments accountable.

* * * * *

U.N. Global Conference on the Sustainable Development of Small Island Developing States

(By Hon. Elinor G. Constable)

Mr. President, distinguished heads of state and government, ministers, your excellencies, ladies, and gentlemen:

Thank you, Mr. President, for the opportunity to address this conference. On behalf of the U.S. delegation, I want to express our most sincere appreciation to the people of Barbados for their warm hospitality and leadership in organizing this conference.

At the Earth Summit in Rio, the peoples of the world made it known that we all belong to a single global community. To be sure, our countries come in different sizes and shapes. Some are richer; some are more populous. But we are all interconnected; what each does affects others. We sometimes hear it said that the problems small island developing States face from climate change—or the challenges they confront in pursuing sustainable development—are the same as we might face in the U.S. This surely is not so. The problems are different. What is the same is the risk: the risk to our global community if we do not take care of our environment, if we do not safeguard the future through the sustainable development of all of our nations and peoples.

We decided at Rio that we must have a common agenda to deal effectively with the related problems of environment and development. We recognized that none of us can accomplish this alone.

UNCED called for this conference on sustainable development of small island developing States to bring special attention to the problems that small islands face as they look to the future. We have worked closely with you through the last year to identify the special concerns of small island developing States and to build partnerships to address those concerns. Working together on these vital issues is of utmost importance to the U.S. and to the success of all our futures.

As a member of both the Caribbean region and the Pacific region, the U.S. has a very real partnership with many small island developing States. We have been closely tied to small island States in the Caribbean and the Pacific for over a century. We draw from our experiences in Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau and the State of Hawaii. These islands and their people face many of the same problems as the independent and freely associated states of the Pacific, Caribbean, and Indian ocean regions. For example, we have worked with our insular areas to develop new programs aimed specifically at protecting invaluable coastal resources, including coral reefs. The lessons learned from these and other experiences in coastal zone management are being drawn upon as we support the members of the South Pacific Regional Environment Program in their development of an integrated coastal zone management scheme.

The small islands developing States Programme of Action can and must be seen as a model for the rest of the world in implementing the goals of the earth summit. We intend to take the results of this conference forward in our bilateral and multilateral relationships. As Ambassador Wensley said in her remarks earlier this week, "We know that small islands have big problems, but in addressing their problems we can help find solutions for problems that are not unique to island States but which are of profound importance for us all." The wisdom of her observation has been recognized throughout this conference. The sustainable development of small island developing states is important to all of us.

The Programme of Action must not become just another document sitting on a dusty shelf. Instead, let it become the ship we use to navigate our way to collaborative, creative, and concrete results reflecting mutual commitment to sustainable development in small island developing states. My country is committed to developing a Programme of Action that is both practical and meaningful.

We want to ensure that this conference is part of the continuum of world activity following Rio, that it builds upon the work that has been done and contributes to the work yet to come. As the first conference to address the specific implementation of Agenda 21, it is critically important to future discussions in many arenas. Of particular interest to this conference is the upcoming UNEP Intergovernmental Conference on the Protection of the Marine Environment from Land Based Activities. The U.S. will host this meeting in November 1995 in Washington. We should work to ensure that the issues facing small islands are carried forward to the Washington meeting, and are addressed in response to the work we do here.

The U.S. has collaborated actively with UNEP to promote the development of a protocol on land-based sources of marine pollution for the wider Caribbean region (under the Cartagena Convention). In a recent meeting of experts in Puerto Rico, we urged that negotiations on this protocol begin. We hope the countries of the wider Caribbean, including the U.S., will move forward together to prevent further pollution of our waters.

The U.S. also recognizes that climate change and its associated impacts, especially sea level rise, are of particular concern to small island developing States, and we are committed to doing our part in addressing these issues. We were the first of the industrialized countries to ratify the Framework Convention on Climate Change, and President Clinton has promised that the U.S. will reduce its greenhouse gas emissions to their 1990 levels by the year 2000. This past October, he released the national action plan for climate change, which is the U.S. blueprint for achieving this objective. We are searching for additional steps we can take to carry us into the next century.

The U.S. Climate Change Country Study initiative is currently assisting several island governments in their efforts to address the potential impacts of climate change, including sea level rise. The initiative provides technical assistance and financial support to conduct inventories of greenhouse gas emissions, and to develop adaptation plans, including integrated coastal management planning, as a response to sea level rise, and other aspects of climate variability.

In keeping with the spirit of Rio, this Administration has made it clear that sustainable development is a national priority. It is at the heart of President Clinton's establishment of the President's Council on Sustainable Development, a national forum for partnerships among public, private and non-governmental communities to develop national strategies, including sustainable communities.

Sustainable development must ensure conservation and stewardship of natural resources. For many small island states, coral reefs and their related ecosystems—mangroves and seagrass beds—are the foundations upon which local livelihoods, cultures, and indeed the islands themselves, are built. In terms of biodiversity, these ecosystems are among the richest in the world, equivalent to the tropical rain forests on land.

The health of these ecosystems is rapidly declining. By some estimates, over ten percent of the world's coral reefs have been degraded beyond recovery, and another thirty percent may face the same fate over the next ten years. The problems often result from development, including sedimentation, pollution, overfishing, and agricultural drainage. But they are also caused by global factors—including climate change and ozone depletion. The response. therefore, must be global in scope, one in which nations join in partnerships to halt and reverse this degradation. These rich resources are important to the global community, and essential to many islands peoples' livelihoods.

We know how to solve many of these problems. As Gus Septh pointed out earlier at this meeting, coral mining can be ended, and marine protected areas can be established. Integrated coastal zone management can be employed. The international community can work together to address climate change and ozone depletion. We believe that through international cooperation, new programs can be developed in which developing and developed countries work together, in partnership, to address the crises that those ecosystems now face.

I encourage you to read the information briefs presented by the United States. These describe the general approach we are taking and many of the programs we currently support in small islands, both domestically and internationally.

Much of this conferences has and will focus on the issue of financial resources to support sustainable development, as this issue is a necessary and critical component of the implementation of the Programme of Action. Mr. President, we all know there is never enough money. This perennial problem is also our most serious challenge. As our government prepared for this conference, we looked at our current activities, with an eye towards comparing the draft Programme of Action to our current programs. This comparison was informative.

The U.S. is a major contributor to development assistance to small island States through our bilateral assistance, the World Bank, the regional development banks, and other multilateral assistance agencies. The U.S. has been very proactive with these organizations in promoting policies and procedures to ensure that the financing we provide truly promotes sustainable development. These include environmental impact assessments, energy efficiency, and improved integrated coastal resource environmental management. We think these sound practices should be an integral part of their development assistance activities. We also welcomed Gus Speth's call for a Barbados "Renewable Energy" Initiative and would urge that relevant multilateral and bilateral financing agencies contribute to promoting greater use of renewables in small island developing States.

The World Bank and regional development banks represent large sources of funds for development. Multilateral development banks should be encouraged to finance and support smaller institutions such as community banks. Small scale grants and microenterprise loans, if implemented properly, can provide important new sources of financing. We will be vigilant in encouraging development assistance organizations to which we contribute to provide assistance aimed at the sustainable development of small island developing states. Case in point: next week the Asian Development Bank's board will meet. We should work to place the small island developing states' Programme of Action on their agenda.

Innovative financing mechanisms are receiving increased attention, including at this conference and recently at the meeting of the UN Commission on Sustainable Development's ad hoc working group on finance. We strongly support the exploration of such mechanisms along with the improved effectiveness and the setting of priorities of existing bilateral and multilateral assistance toward sustainable development goals. At the same time, we must move forward to give some content and meaning to what these innovative financing mechanisms are and put them into practice.

For example, like the Dominican Republic, the Philippines, Bhutan, Paua New Guinea, Bolivia and Panama have created or are creating trust funds whose boards are made up of representatives from the public and private sectors, including NGO's. These funds are transparent in operation and accountability.

My government wants the Commission on Sustainable Development to be a vital mechanism for promoting international partnerships and cooperation, and we believe that the CSD could place more emphasis on creative national and regional funding mechanisms.

Recent negotiations on the replenishment of the Global Environment Facility (GEF) have confirmed the intention of donors to reach the target $2 billion replenishment level. The U.S. pledged to provide $430 million to the restructured facility, a significant contribution. We expect the restructured GEF to play an important role in implementing the Programme of Action.

The U.S. is taking a new look at our assistance resources in order to become more responsive to the concerns of small island developing States. Moreover, we are prepared to explore how our export finance agencies and trade promotion programs might contribute to the implementation of the Programme of Action, through increased emphasis on facilitating the export of environmentally sound technologies to small islands.

Some of the most innovative sustainable development projects are being undertaken by NGOs and local communities. We encourage governments to enter into partnerships with nongovernmental groups in planning and implementing environment and development actions. Sustainable development requires both top-down and bottom-up efforts.

We recognize that related challenges of environmental protection and sustainable development find sharp expression in the situation of small island developing states. These states, like all countries, can achieve sustainable development. But achieving this objective is not easy for any of us. We owe it to ourselves to work together for our common good, because we all share the risks of failure. This conference is a unique opportunity to develop a model for sustainable development in the context of small island developing states which can inspire us all. I look forward to working with you to develop a Programme of Action that will lead to concrete results. Let us pledge ourselves to achieve this goal.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 19, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

8:00 a.m.

Labor and Human Resources

To continue mark up of proposed legislation to provide for health care security.

SH-216

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.

SD-138

9:30 a.m.

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings to examine whether certain medical device materials are a threat to public health.

SD-342

MAY 24

8:00 a.m.

Labor and Human Resources

Business meeting, to resume markup of proposed legislation to provide for health care security.

SH-216

9:30 a.m.

Armed Services

Business meeting, to discuss issues relating to markup of the proposed National Defense Authorization Act for Fiscal Year 1995.

SR-222

Energy and Natural Resources

To hold hearings on the science concerning global climate change.

SD-366

Environment and Public Works

Toxic Substances, Research and Development Subcommittee

To hold hearings to examine issues relating to the Environmental Protection Agency's research and development programs, focusing on S. 1545, to authorize funds for fiscal years 1994 through 1996 for environmental research, development, and demonstration activities and program management support of the Office of Research and Development of the Environmental Protection Agency.

SD-406

Indian Affairs

To hold hearings on S. 2075, to reauthorize and improve programs of the Indian Child Protection and Family Violence Prevention Act, and provisions of S. 2074, to increase the special assessment for felonies and improve the enforcement sentences imposing criminal fines.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD-192

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 1902, to improve the administration of export controls, and S. 1952, to authorize the minting of coins to commemorate the 175th anniversary of the founding of the United States Botanic Garden, and to consider the nominations of Alan S. Blinder, of New Jersey, to be a Member and Vice Chairman of the Board of Governors of the Federal Reserve System, Steven Mark Hart Wallman, of Virginia, to be a Member of the Securities and Exchange Commission, and Philip N. Diehl, of Texas, to be Director of the Mint, Department of the Treasury.

SD-538

Commerce, Science, and Transportation

To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on public interest considerations.

SR-253

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings to examine issues relating to medical malpractice.

SD-226

2:00 p.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.

SD-138

Energy and Natural Resources

To hold hearings on proposed legislation authorizing funds for programs of the Energy Policy and Conservation Act, and S. 2032, to revise the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.

SD-366

4:00 p.m.

Select on Intelligence

Business meeting, to mark up proposed counter-intelligence legislation.

SD-116

MAY 25

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues relating to teenage pregnancy.

SD-192

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on organized crime and its impact on the United States.

SD-342

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.

S-128, Capitol

10:30 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on education and telecommunications infrastructure.

SR-253

2:00 p.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

2:30 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

MAY 26

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

9:00 a.m.

Armed Services

Business meeting, to discuss procedures for markup of the proposed National

Defense Authorization Act for Fiscal Year 1995.

SR-222

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR-253

Energy and Natural Resources

To hold hearings to examine policy options for the disposition of excess weapons plutonium.

SD-366

Rules and Administration

Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

Finance

To hold hearings on provisions of S. 1951 (pending on Senate calendar), to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers.

SD-215

2:00 p.m.

Environment and Public Works

To hold hearings on the U.S. Army Corps of Engineer Civil Works program and its policies on recreation and environmental protection.

SD-406

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 1989, to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder.

SR-253

JUNE 8

9:30 a.m.

Indian Affairs

To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.

SR-485

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.

S-128, Capitol

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.

SD-366

JUNE 9

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.

SD-366

JUNE 14

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

JUNE 15

9:30 a.m.

Indian Affairs

To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR-485

JUNE 16

9:30 a.m.

Rules and Administration

To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

SR-301

JUNE 23

9:30 a.m.

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR-301

CANCELLATIONS

MAY 19

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

POSTPONEMENTS

MAY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

HOUSE OF REPRESENTATIVES—*Thursday, May 19, 1994*

The House met at 9:30 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that the tasks of today are made easier by the loyalty and commitment of those who have gone before. On this day we remember with gratitude and recognition those who have served in this place with distinction and honor. With thanksgiving we recall the challenges of other days and the responsibilities of another time. We pray, O gracious God, that Your spirit of justice and good will, will encourage and inspire those who today are the custodians of the traditions of this land that in all things, we will do justice, love mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 12, 1994, the Chair declares the House in recess, subject to the call of the Chair, to receive the former Members of Congress.

Accordingly (at 9 o'clock and 32 minutes a.m.) the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. The Chair would like to have an opportunity at this point to welcome our former Members, who have come again for this wonderful opportunity for us to share their friendship and remembrance and recollection of previous service together. I am delighted to have the opportunity now to recognize distinguished Members who are former Members of the House, but before I do that, I would like to recognize the distinguished Republican leader, Mr. MICHEL.

Mr. MICHEL. Thank you, Mr. Speaker. May I simply say to our former Members that we are always glad to see you come back. I think our ranks look a little depleted this morning. Maybe we ought to convene this meeting about 1 or 2 o'clock. As we all get a little older, we do not like to get up early in the morning, but the Speaker is obliged to do so, and so is the minority leader. We are here, Johnny-on-the-spot.

I would like to tell the former Members that things keep changing around here. I doubt whether any one of the former Members would have experienced a period of time during their tenure when in one class there were 110 new Members. That happened this last time around. People talk about a renewal of the Congress, or the need for term limits or some such thing. When we think about it in practical terms, a quarter of the House renewed last time. This year already we have retirement announcements that will almost rival last year's, including resignations and those running for Governor, Senator, et cetera. We are going to have, after the next election, a House of Representatives where nearly 50 percent will have less than two terms. It is going to be quite a different House of Representatives, as I see it.

As many of you know, I have announced my own intention to bow out, and have made that official. I already have a successor hopefully on the right track to succeed me. I guess it could be said that next year at this time I will be joining your ranks.

It is a funny thing how people approach you about it. I was kind of taken aback when even back home they are congratulating me, and I said, "What for?" "Well, for announcing your retirement." You kind of get mixed emotions about that. It seems that they are darn glad you are leaving, you know.

It is nice to have those of you who do come back from time to time to visit with us. One of the things I have missed, particularly since the advent of our electronic voting, is the fact that we can observe so much of what goes on here on the floor on the television monitor back in our office. It might be good for the American people, but the bad part about it for the institution is that we are not communicating with one another across the aisle as frequently as we did. Let's face it, all those debates you listened to were not always the most sparkling, interesting, or enlightening kinds of things. There were dull moments, but when we were here we used those dull moments to visit with one another, get to know each other better. It was a different kind of institution at that time than it is today.

I guess all I can do is satisfy in my own mind that times do change. The Republic has endured. This House and the Senate, they have changed dramatically over a period of years, so I guess we will just simply have to live with it.

Again, I say thanks to all of you for coming back and giving us an opportunity to renew our friendship.

The SPEAKER. The Chair might make a comment that in addition to having a 1993 class of the 103d Congress of 110 Members, the largest since 1948, most expectation is that next year, when on January 3 I hope and expect to be swearing in the first session of the 104th Congress, it is now estimated that probably half of the House will have served 4 years or less on that day, and many of us have to be reminded that the vast number of Members of this Congress did not serve in President Carter's administration, an increasingly great number did not serve in President Reagan's administration, and have only been recently elected, so you will see a number of new faces, a great number of new faces, as the Members come into the Chamber.

Particularly for us who have had the honor and pleasure of serving with so many of you, it is a wonderful opportunity to see you again and to greet you and to welcome you back to the House.

It is now my great pleasure to ask the gentleman from Arizona, the distinguished former Republican Leader of the House, John J. Rhodes, Jr., to come forward and take the gavel and the chair, and to preside over this session.

Mr. JOHN J. RHODES, JR. (presiding). This is a real pleasure, it always is. I want to say something to my friend, BOB MICHEL. When I led the applause when you announced that you were about to retire, it was because of my deep affection for you and the fact that you are going to be a member of the Association of Former Members. I must admit that that was half of me. The other half was sorry that you are

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

leaving the House, because as my successor as the Republican leader. I have always been proud of you, and I still am, and I thank you for the fine service that you have given.

One of the things which I often thought has taken away from some of the collegiality that we used to have is the difficulty in getting to know other people, particularly those who serve on the party which is not your party. If you will recall, most of you, when we had the rollcall by the Clerk, you could be on the floor and somebody, the Clerk, would say, "Lindsay," and somebody would say, "Here," and you could say, "There is Lindsay," and that is the way you got to know the faces, at least, and later you got to know the individual.

□ 0940

I am not suggesting that we turn the clock back and go back to the old days of calling the roll, but I do think that there ought to be some better way than I think there is for the Members to get to know each other. I am just naive enough to believe that if that could occur, the whole attitude of a lot of the Members might change to be more like it was back in the old days.

The Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of the Congress, and the following former Members answered to their names:

ROLL CALL OF FORMER MEMBERS OF CONGRESS ATTENDING THE 24TH ANNUAL SPRING MEETING, MAY 19, 1994

J. Glenn Beall, Jr. of Maryland;
Edward P. Boland, of Massachusetts;
William S. Broomfield, of Michigan;
Donald C. Brotzman, of Colorado;
Clarence J. Brown, of Ohio;
James T. Broyhill, of North Carolina;
Elford A. Cederberg, of Michigan;
Charles E. Chamberlain, of Michigan;
Floyd J. Fithian, of Indiana;
Louis Frey, Jr., of Florida;
Robert N. Giaimo, of Connecticut;
Robert A. Grant, of Indiana;
James M. Hanley, of New York;
William L. Hungate, of Missouri;
David S. King, of Utah;
Horace R. Kornegay, of North Carolina;
Peter N Kyros, of Maine;
John V. Lindsay, of New York;
John Y. McCollister, of Nebraska;
Daniel A. Mica, of Florida;
Abner J. Mikua, of Illinois;
John S. Monagan, of Connecticut;
Frank E. Moss, of Utah;
Shirley N. Pettis, of California;
Richard B. Ray, of Georgia;
John J. Rhodes, of Arizona;
John J. Rhodes, III, of Arizona;
Philip E. Ruppe, of Michigan;
Harold S. Sawyer, of Michigan;
Mark D. Silhander, of Michigan;
Henry P. Smith, III, of New York;
James W. Symington, of Missouri;
Charles W. Whalen, Jr., of Ohio;
Edward L. Winn, Jr., of Kansas; and
Lester Wolff, of New York.

Mr. JOHN J. RHODES, JR. (presiding). The Chair recognizes the gentleman from Missouri, Jim Symington, the President of this august assemblage.

Mr. SYMINGTON. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of my colleagues, I am pleased to present our 24th Annual Report to the Congress. Although marked by a grievous loss to which I shall later refer, it has been a full and productive year.

The Association has continued its successful Congressional/Campus Fellows Program in which former Members of Congress visit college, university and high school campuses for 2 to 5 days to share their practical political experience with students, faculty and community representatives to help them better understand the Congress. To date, 71 former Members of Congress have made a total of 230 such visits to 164 institutions in 49 States. Most recently our colleague, Lindy Boggs, former Louisiana Representative, combined a high school visit and a college visit in one highly successful trip to Minnesota's Twin Cities. Both institutions reported what should be no surprise to us that "Lindy wowed them." The Congressional/Campus Fellows Program was begun in 1974 under a grant from the Ford Foundation and has been continued through a number of other corporate and foundation contributions. In the light of what I think it is fair to say can be perceived as an erosion of respect for this national representative body, the Members of our Association believe it is very important to take advantage of every opportunity to encourage young people to learn about the political process and to participate in it. We know the need is great for this program and would like to expand it as, and if, appropriate resources become available.

Mr. Speaker, I ask permission to insert in the RECORD at this point the list of the institutions that have been visited by former Members of Congress.

COLLEGES, UNIVERSITIES AND HIGH SCHOOLS VISITED UNDER THE CONGRESSIONAL FELLOWS PROGRAM

COLLEGE/UNIVERSITY/HIGH SCHOOL, LOCATION, FELLOW, AND STATE/COUNTRY

Adelai E. Stevenson High School, Illinois, Paul A. (Pete) McCloskey (California).

Alaska Pacific University, Alaska, William S. Mailliard (California).

Albion College, Michigan, David S. King (Utah).

Albion College, Michigan, Ted Kupferman (New York).

Albion College, Michigan, Martha Keys (Kansas).

Alfred University, New York, Frank E. Moss (Utah).

American College in Paris, France, David S. King (Utah).

American College in Paris, France, Byron L. Johnson (Colorado).

Arizona State University, Arizona, Gale W. McGee (Wyoming).

Arizona State University,[1] Arizona, Jacques Soustelle (France).

Assumption College, Massachusetts, Gale W. McGee (Wyoming).

Auburn University, Alabama, William L. Hungate (Missouri).

Auburn University,[1] Alabama, Alan Lee Williams (United Kingdom).

Avila College,[1] Kansas, Karin Hafstad (Norway).

Bainbridge Jr. College, Georgia, Gilbert Gude (Maryland).

Baylor University, Texas, James Roosevelt (California).

Baylor University,[1] Texas, Peter von der Heydt (Germany).

Bowling Green State University, Ohio, Robert P. Hanrahan (Illinois).

Bradley University, Illinois, Charles W. Whalen, Jr. (Ohio).

Brandeis University, Massachusetts, Abner J. Mikva (Illinois).

Brandeis University, Massachusetts, L. Richardson Preyer (North Carolina).

Brenau College, Georgia, Ralph W. Yarborough (Texas).

Brigham Young University,[1] Utah, Jacques Soustelle (France).

California Poly. State—San Luis Obispo, California, John B. Anderson (Illinois).

California Poly. State—San Luis Obispo, California, Frank E. Evans (Colorado).

California Poly. State—San Luis Obispo, California, Paula Hawkins (Florida).

California Poly. State—San Luis Obispo, California, Robert N. Giaimo (Connecticut).

California Poly. State—San Luis Obispo, California, John R. Schmidhauser (Iowa).

California Poly. State—San Luis Obispo, California, Ralph W. Yarborough (Texas).

California Poly. State—Pomona, California, Robert R. Barry (New York).

Cameron University, Oklahoma, William D. Hathaway (Maine).

Cameron University, Oklahoma, William L. Hungate (Missouri).

Cameron University, Oklahoma, Dick Clark (Iowa).

Carleton College, Minnesota, William S. Mailliard (California).

Carroll College, Montana, Ralph W. Yarborough (Texas).

Chaminade College, Hawaii, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Martha Keys (Kansas).

Charleston College,[1] South Carolina, John M. Reid (Canada).

Clarke College, Georgia, William L. Hungate (Missouri).

Clark College, Georgia, William S. Mailliard (California).

Colgate University, New York, William S. Mailliard (California).

College of the Sequoias, California, Gale W. McGee (Wyoming).

Colorado State University,[1] Colorado, Alastair Gillespie (Canada).

Columbia College, South Carolina, Catherine May Bedell (Washington).

Columbia College, South Carolina, Martha Keys (Kansas).

Columbia College, South Carolina, James M. Quigley (Pennsylvania).

Columbia College,[1] South Carolina, John M. Reid (Canada).

Columbia College, South Carolina, Henry S. Reuss (Wisconsin).

Columbia College, South Carolina, Nick Galifianakis (North Carolina).

Concordia College, Michigan, Walter H. Moeller (Ohio).

Connecticut College, Connecticut, Ralph W. Yarborough (Texas).

Converse College, South Carolina, Jed Johnson, Jr. (Oklahoma).

Dartmouth College, New Hampshire, John O. Marsh, Jr. (Virginia).

Dartmouth College, New Hampshire, William S. Mailliard (California).

Davis & Elkins College, West Virginia, Frank E. Moss (Utah).

Davis & Elkins College, West Virginia, J. Glenn Beall, Jr. (Maryland).

Denison University, Ohio, Frank E. Moss (Utah).

DePauw University, Indiana, Hugh Scott (Pennsylvania).

Dillard University,[1] Louisiana, Georg Kahn-Ackermann (Germany).

Doshisha University, Japan, Catherine May Bedell (Washington).

Duke University,[1] North Carolina, Georg Kahn-Ackermann (Germany).

Eckerd College, Florida, William L. Hungate (Missouri).

Elmira College, New York, Charles W. Whalen, Jr. (Ohio).

Friends University, Kansas, Henry P. Smith III (New York).

Furman University, South Carolina, Jed Johnson, Jr. (Oklahoma).

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Morris Brown College, Georgia, William L. Hungate (Missouri).

Mount Vernon College, Washington, DC, Martha Keys (Kansas).

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Oregon State University, Oregon, Martha Keys (Kansas).

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Purdue University—Calumet, Indiana, Tom Railsback (Illinois).

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Sangamon State University,[1] Illinois, Alan Lee Williams (United Kingdom).

Sangamon State University,[1] Illinois, Alastair Gillespie (Canada).

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Siena College, New York, Charles W. Whalen, Jr. (Ohio).

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230 visits—71 Fellows—164 institutions—49 states.

[1] International project funded by the Ford and Rockefeller Foundations for visit of Parliamentarians from the United Kingdom, Germany, France, Canada, Brazil and Norway.

The Association has continued serving as the secretariat for the Congressional Study Group on Germany, which is the largest and most active exchange program between the U.S. Congress and the Parliament of another country. It is a bipartisan group involving more than 100 Representatives and Senators which provides opportunities for Members of Congress to meet with their counterparts in the German Bundestag to facilitate better understanding and greater cooperation. The Congressional Study Group on Germany is an unofficial and informal organization open to all Members of Congress.

In addition to hosting a number of Members of the Bundestag and other German Government leaders at the Capitol this past year, the Study Group hosted the Sixth Annual German-American Day Celebration in October 1993. Dr. Klaus Kinkel, Vice Chancellor and Foreign Minister, and Dr. Dieter-Julius Cronenberg, Vice President of the Bundestag, participated in the celebration along with a delegation of Members of the Bundestag and representatives from the German Foreign Ministry. In April 1994, the 11th Annual Congress-Bundestag Seminar was held on the Outer Banks of North Carolina in which seven Members of Congress and six Members of the Bundestag participated, along with former Members of Congress and the Bundestag and German and American speakers and other guests.

This program is funded principally by the German Marshall Fund of the United States. It has included joint meetings of the Agriculture Committees of Congress and the Bundestag and visits by Members of the Bundestag to observe the Illinois Presidential Primary and the Iowa Caucus, as well as to Congressional Districts throughout the country with Members of Congress to learn about the U.S. political process at the grassroots level. Because of the election schedules in the United States and Germany in 1994, a German-American Day celebration is not being planned, but it is hoped that a seminar can be held to introduce the new Members of Congress and the Bundestag to the importance of United States-German relations. This year's chairman of the Congressional Study Group on Germany in the House is Representative H. MARTIN LANCASTER of North Carolina. The Vice Chairman is Representative BILL EMERSON of Missouri. Senators WILLIAM V. ROTH, Jr. of Delaware and THOMAS A. DASCHLE of South Dakota serve as cochairmen of the Congressional Study Group on Germany in the Senate.

In March of this year, the Association, in cooperation with the Herbert Quandt Foundation and the Paul H. Nitze School of Advanced International Studies of the Johns Hopkins University and funded by the Quandt Foundation, convened an international conference on "The United States and Europe: Transatlantic Relations Beyond 2000." Political leaders, scholars, business and media representatives from the United States, Western and Eastern Europe discussed these issues and deliberated on the future of the Transatlantic Community.

Another project of the Association's, in cooperation with the East-West Center, is the Congressional Japanese Study Group, which was initiated in January 1993. It is currently led by Senator WILLIAM V. ROTH, Jr. Delaware as chairman and Representative LEE H. HAMILTON of Indiana as vice chairman. An unofficial, informal and bipartisan group open to all Members of Congress, it has 67 members and an additional 34 Members of Congress have asked to be kept informed of activities. The objectives of the study group are to develop a congressional forum for the sustained study and analysis of policy options on major issues in United States-Japan relations, and to increase opportunities for Members of Congress to meet with their counterparts in the Japanese Diet for frank discussion of those key issues. Initially, the Study Group is focusing attention on four major areas of concern to legislators in both countries: aid to Russia; United States and Japanese role in the Asia Pacific Region; bilateral trade and economic relations; and certain global issues. In a series of roundtable discussions that have been held throughout the year, United States and Japanese Government officials and nongovernmental experts have explored these issues indepth. Initial funding to launch the Study Group and to support its programs has been provided by the Ford Foundation, the Japan-United States Friendship Commission, and the Laurasian Institution.

A special project grant from the Center for Global Partnership gave support for the "United States-Japan Issues

Meeting" in Lanai, HI in February of this year which brought together current and former Members of Congress and the Japanese Diet, academicians, business representatives, and other government personnel to discuss major issues of mutual concern. Its signal success leads us to hope regular opportunities of this kind may be provided.

Another facet of the Association's program with Japan was the continuation of the Japanese Congressional Fellows Program. In the past, staff members participating in this program had been selected from nominations made by the Secretaries General of the House of Councillors and the House of Representatives of the Japanese Diet. In 1993, the Association broadened the program to invite nominations from the Japanese political party structure so that in the fall of 1993, under funding from the Center for Global Partnership, two staff members from the Policy Research Councils—one from the Liberal Democratic Party and one from the Komeito Party—participated in the program. They spent approximately 60 days in the United States, during which time, the Association arranged for them to serve in congressional offices and to meet with staff in the Congressional Research Service of the Library of Congress, the Congressional Budget Office, and other support institutions of the U.S. Congress. The fellows also attended special academic lectures and visited congressional districts with Members of Congress.

The Japanese Congressional Fellows Program has proven to be extremely helpful to the staff members of the Diet and to the political parties. The experiences of the fellowship benefit not only the participants but also the colleagues with whom they share their experience. The time spent by the Japanese fellows in offices also has been extremely beneficial to United States congressional staff members by refining their understanding of the Japanese political process, and of Japan, per se.

The Association's program to aid the emerging democracies in Central and Eastern Europe also has continued to expand. In September and October 1993, the Association, under a grant from the United States Information Agency, hosted a delegation of four parliamentarians from the Czech Republic for a 2-week visit in the United States. During their week-long visit in Washington, the parliamentarians met with a number of current and former Members of Congress, including Representative MARTIN FROST of Texas, Chairman of the House Task Force on Eastern Europe, other government representatives and personnel of congressional support institutions. They also traveled to Cleveland and Chicago for discussions with business, academic, and community leaders who have particular interests in the Czech Republic, as well as with State legislators and local government leaders.

Also under the grant from the United States Information Agency, our first Congressional Fellow, Bulcsu Veress, successfully completed his second year providing technical assistance to the Parliament of Hungary. It is evident from a letter received from the President of the Hungarian National Assembly that Dr. Veress' 2 years in Hungary were highly productive. His counsel was welcomed by the administrative staff of the National Assembly. He assisted in the drafting of the new rules of the House and translated into English for further comparison and analysis the entire yearly legislative output of the Hungarian National Assembly.

Building upon this first successful venture of sending a Congressional Fellow to provide technical assistance to a new Parliament, the Association applied for and received a grant from the Pew Charitable Trusts. Under this grant, one Congressional Fellow has been sent to Slovakia, Jon Holstine, and another to Ukraine, Clifford Downen, for 1 year, with the possibility of renewal for a second year, to work with the members and staffs of those respective Parliaments. It is anticipated that a third Congressional Fellow will be sent to Bulgaria later this year or next year on a similar assignment.

The Association has continued its program of hospitality and orientation for distinguished international visitors, parliamentarians, cabinet ministers, judges, academicians and journalists here at the Capitol. This program, originally funded by the Ford Foundation, has been continued under grants from the German Marshall Fund of the United States. It has enabled us to host 292 events—breakfasts, luncheons, dinners and receptions—for visitors from 82 countries and the European Parliament. It has proved a genuine resource for communication and understanding between Members of Congress and leaders of other nations.

Two invaluable comparative studies have been prepared by the Association in connection with these ongoing initiatives: "The Japanese Diet and the U.S. Congress" and "The U.S. Congress and the German Bundestag." The latter has been particularly helpful to the new parliamentarians of Central and Eastern Europe.

Mr. Speaker, needless to say, these programs could not be conducted without financial support, and on behalf of the Association, I want to thank our many contributors who continue to make them possible. At this point, I would like to insert in the RECORD the list of our financial sponsors.

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In addition to our work with current parliamentarians, we maintain close relations with associations similar to ours, that is, former members of the parliaments of other countries. In this connection, Mr. Speaker, I am pleased to recognize and welcome several representatives of those associations who are with us today: Jack Ellis and Barry Turner of the Canadian Association of Former Parliamentarians; Georg C. Ehrnrooth of the Finnish Association of Former Members of Parliament; Ellen Lauterbach of the Association of Former Members of the German Bundestag; and Giuseppe Vedovato of the Association of Former Parliamentarians of the Italian Republic. These relationships have been particularly rewarding, and we look forward to exploring further cooperative efforts to promote and assist parliamentary forms of government.

Mr. Speaker, it is now my sad duty to inform the House of those persons who have served in the Congress and who have passed away since our report 2 years ago:

Jerome A. Ambro of New York;
Ross Bass of Tennessee;
Jackson E. Betts of Ohio;
Iris F. Blitch of Georgia;
J. Caleb Boggs of Delaware;
Lyle H. Boren of Oklahoma;
Frank P. Briggs of Missouri;
J. Herbert Burke of Florida;
Gene Chappie of California;
Earl Chudoff of Pennsylvania;
Del Clawson of California;
Thomas B. Curtis of Missouri;
John W. Davis of Georgia;
Millicent H. Fenwick of New Jersey;
J. Allen Frear of Delaware;
Newell A. George of Kansas;
Ben H. Guill of Texas;
Sam B. Hall, Jr. of Texas;
Julia Butler Hansen of Washington;
Louis Heller of New York;
Floyd V. Hicks of Washington;
Richard H. Ichord of Missouri;
Jed Johnson, Jr. of Oklahoma;
Walter H. Judd of Minnesota;
Frank M. Karsten of Missouri;
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Martin McKneally of New York;
William S. Mailliard of California;
Chester L. Mize of Kansas;
George L. Murphy of California;
Ancher Nelson of Minnesota;
Richard M. Nixon of California;
James E. Noland of Indiana;
Thomas P. O'Neill, Jr. of Massachusetts;
Ray Roberts of Texas;
Will Rogers, Jr. of California;
Fred D. Schwengel of Iowa;
Robert T. Secrest of Ohio;
William L. Springer of Illinois;
Newton I. Steers of Maryland;
Robert Taft, Jr. of Ohio;
Herbert Tenzer of New York;
George M. Wallhauser of New Jersey;
Charles L. Weltner of Georgia;

I would like to ask for a moment of silence in their memory.

It is now my happy duty to report that nominated to be our Association's new President is our colleague Philip Ruppe of Michigan, and as Vice President, Lindy Boggs of Louisiana. So the leadership of the Association will be in capable and experienced hands.

Each year, the Association presents a Distinguished Service Award. This award rotates between political parties as do our officers. Last year's recipient on the Democratic side was former Illinois Representative Abner J. Mikva. This year the Republican recipient is the distinguished former Ohio Representative Clarence J. "Bud" Brown.

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Clarence J. "Bud" Brown's 17 years as the Representative for the Seventh District of Ohio built upon a family tradition of legislative service, for Bud succeeded his own father after the latter had served 13 terms from 1939 to 1965. Bud would likely have equaled or exceeded his Dad's legislative tenure had he not won the GOP nomination for Governor of Ohio half way through his ninth term. In 1983, he accepted the post of Deputy Secretary of the U.S. Department of Commerce. Serving beside his good friend, and one of the Nation's greatest Secretaries, Malcolm Baldrige, Bud won instant recognition for his sound policies and administrative skills. A U.S. Navy veteran of both World War II and the Korean war, Bud graduated from Duke University with a degree in economics, and won his MBA at Harvard at the age of 21. A shining example of the Former Members' axiom that public service does not end with public officer, Bud brought his skills to the Kennedy School of Government, and the American Enterprise Institute, as a fellow of both institutions. A devotee of American history and tradition, Bud found the perfect expression of these interests when, in September 1992, he was named President and Chief Executive Officer of the U.S. Capitol Historical Society, succeeding the Honorable Fred Schwengel. Finally, it should not only be noted but emphasized that Bud Brown's tenure as President of the U.S. Association of Former Members of Congress did us all proud. His extraordinary vigor, perception and dedication mark his service to our Association.

So, it is my great pleasure to present to him, on behalf of our Association, a volume of letters from his former colleagues in the Congress and this plaque and gavel which commemorate this special occasion and this award presented on behalf of his colleagues who served with him in the Congress.

Mr. Speaker, I yield to Bud Brown.

□ 1000

Mr. BROWN of Ohio. Jim, thank you for those kind words. If the acting Speaker will forgive, and if my Republican colleagues will forgive and certainly if the current Speaker will forgive me, I will speak from this podium rather than the one I normally spoke from when I was in the Congress. It looks OK, does it?

Jim, I thank you for those kind words, and I thank all of my friends in the Association of Former Members of Congress for the award, which I choose to call historic. In my current role as president of the U.S. Capitol Historical Society, I am now looking at everything in historic terms, and some of that, of course, may be the result of advancing age.

However, I must assure you that without much thought, I can count many other Members with whom I served or who have served since I left the Congress who are much more deserving of this honor than I. Even more embarrassing, several of them are in this room today.

I am not naming them because it might stimulate some kind of a recall petition and I certainly do not want that to happen.

As a matter of fact, when I informed one of my former colleagues that I had taken the post I now enjoy with the Capitol Historical Society, he thought for a minute and said to me, "It is probably a good idea, Bud, since you couldn't make history when you were in the Congress, at least you can now rewrite it," a temptation that has occurred to me from time to time.

That reminds me also to thank Jim for the very graceful way in which you handled, Jim, my race for Governor in 1982. With a Republican President that year in the White House, I was trying to succeed a term-limited Republican Governor in Ohio in the worst economy we had experienced since 1932, when my father ran for Governor of Ohio as a Republican and lost.

We just do not learn a hell of a lot in my family about politics, one generation over the next.

Like Jim Symington, though, I must say I am also proud of Jim and the wonderful job he has done this year, perhaps, except for this selection, heading up the Association of Former Members at a time we had some very severe challenges with the death of Jed Johnson. But, Jim, you did a nice job with that comment. Like you, I am proud of my dad and my family heritage in politics. After 27 years here, my dad died in office. I believe he would have been amazed that I succeeded him; my mother, of course, would have been justified, but both of them would be very proud today.

My dad never got to be a former Member of Congress, but he would have enjoyed this organization because he liked nothing more than telling stories about political personalities, old-time events in politics.

One of his homilies was to assure me that if I ever went into politics, there was no good way out of it. You either retired to do something else, he said, in which case no one remembers your name about 6 months later, or you get defeated, which tends to discredit you, or you die at the height of your power and there is damn little comfort in that.

Well, I went through that experience. First, I want to say it is a demanding and consuming job and, as 110 of our colleagues who left last year will tell you, it takes a while to get over it.

Soon after I left the House, I ran into a former colleague and an old friend I had admired very much, Bob Giaimo of Connecticut, the first chairman of the Committee on the Budget, who had retired a few years earlier. "How are you handling retirement," Bob said in a very gracious way. "Oh, fine," I told him, "I didn't like losing the Ohio gubernatorial race to an Italian Democrat, but I am taking it all right." I said that without any effort at political correctness.

Somewhat more gently, with a hand on my arm, he said, "Seriously, Bud, how are you handling it?" I said, "Well, I dreamed the other night I had heard the bells ringing and I was late for a vote that I hadn't decided how I was going to cast, and I think I am driving Joyce crazy. But other than that, everything is OK." He smiled and patted my arm, and he said, "Well, you'll get over it. Give it another 6 months or so, you should be OK after the next election." Indeed, Bob, it turned out that way. You had the experience that you shared with me, and I appreciate it.

My dad loved this body, and his friends and adversaries on both sides of the aisle. And we do have adversaries on both sides of the aisle. There is nothing quite like the infamy of one of your own colleagues who votes the wrong way on an issue that you feel strongly about.

He hated to see it deprecated unless, of course, he was doing the deprecating. And that is true of all of us, too.

One of dad's friends from across the aisle, an Ohio colleague of his and mine later, was a great American whom some of you will remember. I will not identify him, but he had a 3rd grade education because he had left school to go to work in the mines, the coal mines in Ohio, when he was 9 years old. He had a pet project for his district which he never got quite through the congressional process, in spite of considerable power and the promises that he had received from many of his colleagues that they thought it was a good idea and they would support it. When he would get frustrated, he used to say that he met more gentlemen in the mines than he ever met in the U.S. Congress.

Well, unfair though it was, I think sometimes you felt that way when you got mad. That seems a tough remark when we have just recently laid to rest Bill Natcher, with whom so many of us served. Judge Natcher would probably get a unanimous vote as one of the best examples of a true gentleman that any of us ever met, but not all of us are gentlemen. As a matter of fact, there are some in this room who are not, and I intend to identify them at this moment.

□ 1010

First I want to point out Representative Pettis of California. I do not know were Representative Boggs of Louisiana is, but that is another, and of course there were others here who were not gentlemen: Griffiths of Michigan, Jordan of Texas, and many, many more, and I expect one of those ladies would say, any one of those ladies would say, as one of my great colleagues from Ohio, Frances Bolton, once said to a group of her male counterparts when she discovered them discussing legislative matters in terms that were very ungentlemanly, and she was embarrassed when she walked into the room at that time; she said, "Don't worry, fellows. Just think of me as one of the boys."

But all of us did get frustrated, did get frustrated from time to time, as are many of the Members serving in Congress today and as many of Americans are with Congress and other of our institutions. I remind them all that the blessing we have in our Democratic Republic is that we have within our hands the power to make whatever reforms we like, sometimes wisely, sometimes unwisely.

I am reminded in my historical activities that almost a century ago the House rebelled against omnipotent Speaker Uncle Joe Cannon to establish the Committee on Rules and the seniority system for selecting chairmen. Uncle Joe used to pick them out of the group by his own choice. Within my time of service junior Members of Congress on both sides upended the seniority system to select their own chairmen instead of relying on the winnowing system of seniority, and just last year, at the apex of the furor over term limits, over one-fifth of the Members of Congress did not return to serve.

Patience sometimes serves us better than revolution, but we do have those means within our own hands. It does not work perfectly, this system of ours, and it does not always satisfy us. But it does work, and this system has made us the greatest Nation and the most envied Nation in the history of mankind.

The dome above us under which we have all served and labored sincerely, even among our differences, makes this building and what goes on here the best-known edifice in the world. There is not a person beyond our Nation's shores who would not be pleased to be governed under this dome.

I assure my colleagues, particularly my colleagues and friends on the other side of the aisle, that I will not rewrite any history in my new role, but candor advises me to admit one of the reasons I accepted that responsibility with the Historical Society. I hope to be able to use the position to bring about a better public perception of the U.S. Congress and the people who serve in it. I feel more deeply than I can adequately express that service in the U.S. Congress is one of the highest callings there is, and it is one of the greatest honors a person can be given by fellow citizens of this country.

Our Nation's founders must have shared that view because the Congress, this body in which we have all had the honor to serve, was the first to be established by our Constitution. We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and to our posterity do ordain and establish this Constitution of the United States of America. Article I, section 1, all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of the Senate and a House of Representatives given the responsibility to fulfill that opening of the Constitution.

What higher calling? The Supreme Court? The President of the United States?

At the next State of the Union Address look at the audience wherein sit the invited Chief and Associate Justices and at the lower podium wherefrom the invited President speaks. All are beneath the chairs of the Speaker of this House and the presiding officer of the Senate. Mr. Speaker, that means that there is no higher calling in public service in this country than serving as a Member of the U.S. Congress.

It is a demanding job, as I said. We are all proud to have had the opportunity, and I am particularly proud today, as a former Member of Congress, to receive your honor. I say, "Thank you very much."

[Applause.]

Mr. JOHN J. RHODES, JR. (presiding). The Chair recognizes the gentleman from Missouri.

Mr. SYMINGTON. I thank the distinguished gentleman from Ohio for his comments, advice, and counsel.

Mr. Speaker, before adjournment, I have one last function to perform as this year's president of the Association. As we all know, to our grief, last December we lost our esteemed executive director, Jed Johnson. Those of you who were unable to attend the services for Jed should know that there was an outpouring of sentiment, reminiscence and love that did justice to the career and the character of the man. His one shining term as a Member of Congress was later supplemented by 20 years of absolutely devoted and selfless service to our Association. It is no exaggeration to say he was the Association.

Looking back over those years and the voluminous record of interparliamentary and educational endeavors which engaged us, it is almost impossible to believe that all the planning, all the diplomacy, all the energy and all the detail necessary to conceive, carry out, promote and fund our activities arose full blown from the mind, heart and tireless spirit of that ever young gentleman from Oklahoma. He left us so quickly, and so unexpectedly, that the award we would have wanted him to have in his lifetime must now be posthumous. Even then it is but a mere symbol of the enormous gratitude we bear for Jed and his life of service.

We are honored today by the presence of Jed's gracious widow, Sydney Herlong Johnson, their two daughters, Alice and Sydney, and Jed's sisters, Mrs. Janelle Seiberlich and Mrs. Joan Stauffer. I would ask at this time that Mrs. Johnson approach the well to receive this small reminder of the gratitude and affection which reads,

> In Memoriam. The Honorable Jed Joseph Johnson, Jr. December 27, 1939–December 16, 1993. Representative from the Sixth District of Oklahoma 1965–67. Executive Director, U.S. Association of Former Members of Congress 1974–93. In recognition of his selfless and invaluable service to this Association, the nation and the cause of peace. Presented to his widow, Sydney Herlong Johnson, by the United States Association of Former Members of Congress on the floor of the House of Representatives. Washington, DC. May 19, 1994.

Sydney, this if for you, and it comes with the pledge that the Association Jed served so well will continue in his spirit.

□ 1020

Mrs. SYDNEY HERLONG JOHNSON. Thank you all very much. I really appreciate this expression of your gratitude.

Jed loved his work with former Members of Congress, and I am really grateful that he had so many years to work for a cause that he believed in so deeply. I feel that I am among our treasured and wonderful friends today, and I want you to know that I thank you all so very much, not only for what you have done in the past but for what you are doing to continue the important work that he loved and treasured so deeply. Thank you.

[Applause.]

Mr. SYMINGTON. Thank you, Sydney.

Mr. Speaker, this concludes the 24th Annual Report to the Congress by the United States Association of Former Members of Congress. We are grateful as always to you, Speaker FOLEY, and the Members of his House on both sides of the aisle for this pleasant chance to share a review of the activities of its former Members and to renew our commitment to the spirit of this place; to touch, as it were, a few of what Mr. Lincoln called "the mystic chords of memory."

Finally, we thank you, Mr. Speaker, for the continuing opportunity to lend bipartisan support for the interparliamentary and educational exchanges which the Congress deems of value.

With renewed appreciation and respect, Mr. Speaker, we take our leave. Thank you.

[Applause.]

Mr. JOHN J. RHODES, JR. (presiding). I thank the gentleman from Missouri.

The Chair has the gavel, and that gives me certain prerogatives, and among those is to say what he has in mind, and I have several things in mind.

Sydney is not only the wife of a Congressman but the daughter of my very good friend, Syd Herlong. We extend to you and your daughters our absolute sincerity and sympathy in the passing of Jed. As a former president of the Association, I had the privilege, of course, of serving very closely with Jed. I have never known an individual any more dedicated to his job and to an organization than Jed was to this. I think most of us would agree with me that if it had not been for Jed Johnson, this organization might well have passed into oblivion sometime ago.

So, Sydney, we do appreciate you, because I know that without a wife a man really is not worth very much. And I can say that from personal experience. I hope that you will not only give our love to your daughters but to your father and mother also.

Now, Jim, I want to congratulate you on a great term. You had the misfortune to be president of this organization during what I will say was a watershed year, but it was much more than that. I was a difficult year because of the fact that Jed is no longer with us. You have handled it beautifully, and I know you will be passing the gavel to Phil Ruppe, who will also handle it beautifully. It is amazing how people who have served in the Congress have all sorts of capabilities that you do not get to really exercise unless you are in the leadership of the Congress. It is really wonderful and it is heartwarming when people who have served in the Congress take over as leaders of this organization and do such a magnificent job. In fact, I do not remember any officer of this organization who has not done a great job. I am looking right at Ab Mikva right now who certainly was a close associate of mine during that time.

I need to announce that there have been 32 Members who have announced their presence. Are there any former Members of the Congress in the House who would like to have their presence recorded whose presence has not previously been recorded? If not, I have one other announcement.

Those of you who desire to take the Capitol tour will assemble in the Speaker's Lobby behind the podium here.

Before I close, let me give my thanks to the Speaker, as well as to the Parliamentarian and his staff, for all the kindnesses that you have shown the former Members, not only this year but in other years past. We thank you, Sir.

The House will stay in recess until 11 a.m. eastern daylight time, of course, and again may I thank all of you who are here and pray that we will all be together at this time next year.

Without motion, I now declare the session of the Association of Former Members of Congress in the House of Representatives adjourned.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House continued in recess until 11 a.m.

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. VISCLOSKY] at 11:05 o'clock a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1485. An act to extend certain satellite carrier compulsory licenses, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 168) "Joint Resolution designating May 11, 1994, as 'Vietnam Human Rights Day'.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

FOCUS ON THE PROBLEMS OF THE HOMELESS

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, I rise today to commend President Clinton and Secretary Henry Cisneros for their leadership in finally addressing the homeless problems that this country is facing.

All of us as Members of the House, when you drove to this Capitol today, you saw people sleeping on the streets. We have a serious problem that must be addressed.

During the Reagan and Bush years, we saw housing assistance was cut by 78 percent, elementary and secondary education by a third, job-training programs by 48 percent, child nutrition by 19 percent. We saw many mental institutions beginning to let people out on the streets. Today nearly a third of the homeless people came from mental institutions.

By 1987, the homeless population more than doubled. Dropouts increased. Teen pregnancy increased. Domestic violence increased. Today we have over 600,000 families in this country who are homeless.

But the sad part is the fastest growing population among the homeless are children. We have 1.5 million children in this country who do not have a home. We are now in the second generation of children growing up in shelters, and one-third of those children are not going to school.

So, Mr. Speaker, I challenge my colleagues to focus on the problems of the homeless in this country.

AN EMPLOYER MANDATE FAVORS MACHINES OVER PEOPLE

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. The real world, Mr. Speaker, is tough. When the cost of hiring goes up, as it will when even the smallest employer has to provide a health plan richer than Xerox's plan, it will simply not be worth hiring a part-time employee or even a full-time employee to do many of the jobs currently done.

We all know the employer mandate will cost jobs, but listen to this from the real world: Service industries are currently reviewing new technologies that would allow them to automate their operations. By buying technology now available, a fast-food restaurant could cut its staff from seven people to two people. Sitting in my office, they lay out spreadsheets that show the only way they can prevent increasing their prices to consumers is to substitute machines for people. These folks are not sharing with me estimates of job losses. They are sharing real world facts about options they will face if we arbitrarily increase their costs with an employer mandate.

We have already seen automation at the expense of jobs of real people in the manufacturing sector. As costs went up, machines took the jobs of real folks. My State of Connecticut is still struggling with the ramifications of such decisions.

Further, a retailer recently sat down in my office and showed me how he would have to increase the productivity of his full-time workers. He would have to have them at work when the customers were in the store. He would have to have them work split shifts, 2 hours here, 4 hours there, 2 hours later in the day. Is forcing people into split-shift work patterns wise and good? Is providing policy incentives to substitute technology for real people earning real wages wise and good? I think not.

We can reform our health care system to control costs and restore access for all. We can address the problems in our health care system without costing jobs. It's time to move forward with true bipartisan reform—now.

PRINTING OF PROCEDURES HAD DURING RECESS

Mr. WISE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SUPPORT THE BLACK-LUNG BENEFITS RESTORATION ACT

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today the House has a chance to correct the long delays and the procedural barriers that have plagued black-lung recipients for many years.

This is the situation: Imagine it, work a mile underground for 30 or 40 years mining coal and eating coal dust, cough black dust every time you cough, then apply for the benefits that help you pay for your oxygen and medical expenses; oh, oops, you have to wait 4 to 7 years. Then you have to run through numerous medical exams, a lot of procedural hoops.

A lawyer will not take your case, because they know they will not be paid, and chances are you will be dead before the benefits are ever received.

Mr. Speaker, this bill before the House today begins correcting these inequities.

Opponents cannot require more than one medical exam of a claimant. Reasonable attorney's fees for a claimant must be paid. Death is presumed to be from pneumoconiosis if the claimant was receiving black-lung benefits or was disabled by black lung at the time of death.

Mining coal and eating coal dust to mine this Nation's energy is tough enough, Mr. Speaker. Today disabled coal miners and their families finally have a chance to get a little justice.

□ 1110

WHITE HOUSE TRAVEL OFFICE: A SHAMEFUL AFFAIR

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, on this day, one year ago, 7 employees of the White House travel office were abruptly fired and publicly humiliated by the then-new Clinton administration. Today, a full year later, these former White House employees are still faced with the personal agony of public embarrassment and ever-mounting legal bills.

Despite an internal White House review that concluded that it was guilty only of not being sensitive to the appearance of being insensitive and a General Accounting Office review that avoided the really tough questions, the public's knowledge of this shameful affair has not been enhanced.

The FBI investigation, which began on the same day as the firings, still has not been completed. It is ironic to note that this investigation has lasted nearly twice as long as the investigation of much more complex allegations against Secretary of Commerce Ron Brown.

The GAO report on the White House travel office was just issued on May 2, 1994. Because it fails to fully answer many important questions, the Republican Staff of the Committee on Government Operations is reviewing the GAO work papers in order to determine the depth and objectivity of its review. Following that review, and if warranted by the information developed, as ranking member I intend to renew my previous request for hearings on this matter.

GOOD LUCK AND GOD BLESS JENNIFER CAPRIATI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Jennifer Capriati, she beat Monica Seles, she beat Steffi Graf, she beat Tracy Austin, she beat Martina Navratilova. Ladies and gentlemen, Jennifer Capriati had defeated Chris Evert.

Mr. Speaker, Jennifer Capriati was busted for drugs. The Jennifer Capriati case is not about American teens, I think it is more about American attitudes and values.

When, at all costs, money, win, peewee football, little league baseball, not for youngsters to learn teamwork, but to get the big ring, put them under pressure to get it all.

Ladies and gentleman, what have we done to our country and what have we done with our kids? This is a sad day. I say this: Good luck and God bless Jennifer Capriati in her fight now to defeat a very, very big opponent. I think it is time we all take a look in the mirror and see how we raise our children and what is really happening in America.

WHITEWATER

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, the Whitewater saga may not be occupying the headlines and airwaves as it did a few months ago but that does not mean the issue has gone away. The way the Democrat leadership in the House is dragging its feet on conducting hearings, you would think that Whitewater was simply a bad collective dream that we have all awoken from and quickly forgotten.

Well, sorry to be the bearer of bad news, but Whitewater may be a nightmare for the White House, but it certainly is not a dream. And until we get some answers I assure you it is not going to fade away.

It is no wonder Americans have such little respect these days for institutions of authority, including Congress and the Presidency. The double standards that exist here are enough to disgust even the casual observer. We pass laws that apply to everyone except Congress. We have conducted over 20 congressional investigations of recent Republican administrations but ignore the potential wrongdoing of the current Democrat administration.

There is a drumbeat of discontent out there. I hear it in Minnesota and all around this country. The double standard being applied to investigating Whitewater is merely symptomatic of a larger festering problem.

Mr. Speaker, it is time this body stopped turning its back on the American people. It is time to end the double standards. It is time to show the public that we are serious about democracy and justice for all, and congressional hearings on Whitewater are a good place to start.

IT IS TIME TO FIX AMERICA'S FAULTY HEALTH CARE SYSTEM

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as this Congress considers ways to fix America's health care system, it is easy to get caught up in the political process. Whose plan is up; whose plan is down—all the name-calling and arm-waving that goes with any major piece of legislation. And sometimes, it is easy to forget what is really at stake here: millions of lives and billions of dollars.

Just yesterday, two devastating new studies found that we're actually paying more for less, forcing millions of Americans into emergency health care that is the most expensive for us and the least efficient for them.

These studies also found that millions of Americans are shut out of decent health insurance—and these unlucky Americans are two to three times more likely to die in a hospital as a result.

Let us be clear: we are not talking about paperwork, or bureaucracy, or even high premiums; we're talking about human lives.

In one study, the New England Journal of Medicine found that in our cities, poor Americans have to rely on expensive emergency room care, because decent care simply is not available to them any other way. And we pick up the tab for that emergency care, often through higher premiums and higher taxes.

Another sobering study found that children without health insurance are less likely to get treatment for potentially devastating medical conditions.

What kind of health care system condemns poor children to suffer bad health just because they were not born into wealth?

What kind of health care system forces people to rely on the kinds of medical care that are least efficient and most expensive, just because we do not have the courage to do something about it?

And how can we, in good conscience, stand up for a status quo that can cost people their lives?

When we take these powerful medical studies into account, there is really no alternative: It is time to fix America's faulty health care system, and make guaranteed, affordable health care the law of the land—instead of just a perk for the privileged.

CLINTON ADMINISTRATION NEEDS COHERENT FOREIGN POLICY AND MILITARY POLICY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, Harry Truman once said a leader has to lead, otherwise he has no business in politics. One wonders about the Clinton administration's leadership in international affairs. We talked yesterday and will be talking again tomorrow about defense authorization, one of the most important issues that we have before us.

Mr. Speaker, a strong defense is one of the first responsibilities of the Federal Government, to defend our citizens and defend our freedom. Certainly it is also true that this is not a peaceful world. We have problems in Bosnia and in Haiti, and maybe most importantly, in North Korea and in the Russian Republics and South Africa, the continent.

But before we can describe what the new mission of the defense force is to be and how then we fund that capacity, we have to have a foreign policy. We have to have a foreign policy because the military capacity is part of that; it is the big stick; it is what makes foreign policy work.

What is our role in the world now? How do we extend democracy? Are we the policemen in the world? We have not made that decision, and it is mighty tough to have a military policy without a foreign policy. We need leadership in that area.

DO NOT LEAVE LOCAL GOVERNMENT HOLDING THE GARBAGE BAG

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, this week, in the decision of Carbone versus Clarkston, the U.S. Supreme Court trashed flow control laws in this country. Flow control is the power of local government to determine the ultimate disposition of garbage. This decision severely handicaps our cities and counties abilities to safely dispose of our Nation's garbage.

The Federal Government required State and local governments to dispose of solid wastes in environmentally sensible fashion. It is good, but it is a classic unfunded mandate.

It was expected that local governments could meet this mandate by building new facilities, charging for their use, and directing the flow of garbage to these facilities.

The Supreme Court overturned these local ordinances and has now forced communities to take the risks of unsafe, environmentally hazardous disposition of solid wastes, and threatens the security of $18 billion in outstanding municipal bonds.

Congress must respond by enacting legislation that will give our localities the tools they need to keep our children and our communities safe.

I implore my colleagues not to leave local government holding the garbage bag. instead we must learn how flow control is important to our communities and enact legislation to return to them the power to deal with their solid waste.

PENDING HEALTH CARE LEGISLATION WOULD BE DEVASTATING TO SMALL BUSINESS

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to express my opposition to employer mandated health coverage included in the President's Health Security Act, and in the health reform legislation currently pending before the Committee on ways and Means. As one of the few small business owners in Congress, I can attest to the devastating effect employer mandates have on economic growth, international competitiveness, and most importantly, employee job security.

Believe me, when this mother of all mandates is handed down to America's job creating companies, businesses will close their doors for good. In fact, a recent study conducted by Consad Research Co., estimates a loss of between 850,000 and 3.8 million jobs.

Ask your constituents what is more important? A job providing income and family support, or a club membership card to a new big government health care program. I think the answer is obvious judging from the fact that the President's plan to take over health care is now dead and buried.

There are reasonable ways to ensure universal access to affordable health care without destroying small business in America. It is time to dismiss the employer mandate for the bad idea it is, and get on with fixing the true problems with our current health care system.

□ 1120

TIME FOR OUR ALLIES TO PAY FOR THEIR SECURITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to support the burden-sharing amendment to the Department of Defense reauthorization bill. We have a chance today to cut Federal spending, to lower the deficit and to lower defense costs without sacrificing military readiness.

The United States has protected Europe for the last 50 years. We provided our European Allies with troops and political support. It is now time that our allies come forward to share the financial burdens that are associated with this security.

The United States is faced with a huge budget deficit, and we must take care of our own financial problems. If we, as a nation, are to continue to provide the security, and the safety and strength to our European Allies, and to Japan, then they must come forward and pay for the security that we have provided them over the past 50 years.

I say to my colleagues, "I don't understand the logic at a time when many communities in the United States are struggling with the effects of base closings that we continue to subsidize the defense of wealthy countries in Western Europe and in Japan. It's time they started to pay their own way instead of relying on Uncle Sam."

THE EMPEROR HAS NO CLOTHES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in the story about the emperor, no one but a child would speak the truth and point out the emperor was wearing no clothes. Unlike the emperor, whose loyal subjects did not dare speak out, the truth on health care is coming loudly and clearly, not just from Americans, but from the President's own officials. Last week, Surgeon General Elders suggested to a congressional panel that emphasis in health care should move away from leading killers, cancer and heart disease, and toward AIDS research, because quote:

> Most of the people that die with heart disease and cancer are our elderly population, and we all will probably die with something sooner or later.

Here is the President's Surgeon General, advocating rationing of care and taking away from our seniors. Americans now see Clinton health for what it is—a misguided, Government-run bureaucracy that will lead to rationing, restricting choice, and decreased quality of care. It is no wonder Americans oppose the Clinton health plan. This emperor indeed has no clothes.

THE REEMPLOYMENT ACT OF 1994

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, I rise today to call to the attention of my colleagues an issue that is very important to my district and to the rest of America, and that issue is jobs. Sometime within the next several months, 2,000 workers in Wilkes-Barre, PA, employed at Leslie Fay, Inc., will probably receive the proverbial pink slip indicating that their employment is no longer necessary. They will have lost their jobs in the garment industry to some country such as Guatemala or Mexico, or some other country that can compete at a lower wage than the United States.

This, Mr. Speaker, is the tragedy facing many Americans today. One of the major challenges that this Congress must face is that of creating job opportunities for Americans and reforming our existing programs to see that jobs are available.

I call my colleagues' attention to the Reemployment Act of 1994, an initiative of President Clinton and the Secretary of Labor and this Congress which is second to none. It moves away from the old principle of unemployment compensation, and the maintenance of unemployment, and moves toward reemploying people by providing one-stop shopping and the opportunity to retrain, re-skill, and move people from one industry and one job opportunity into another.

I urge my colleagues to support the President and the leadership of the Congress and join in supporting the Reemployment Act of 1994.

STRICT ENFORCEMENT OF CHILD SUPPORT ORDERS VITAL TO WELFARE REFORM

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, here is new evidence that we must address: The disgrace of deadbeat dads, and some moms, who can afford to, but do not pay child support is forcing mothers into endless, debasing legal battles just to get the support to which their children are legally and morally entitled. Many of these children are just one step from the welfare rolls. If we are serious about reforming our Nation's welfare system, we must get serious about child support enforcement reform.

That is why I was pleased to hear the news this morning from the State of Maine. Maine has been successful in instituting common sense child support reforms that are working. Maine's law confirms that the reforms recently proposed by the National Commission on Child Support Enforcement and included in my Interstate Child Support Enforcement Act, H.R. 1600, do work. In Maine, parents who refuse to pay child support lose their driver's and professional licenses. In the 9 months since passage of the law, State officials have collected over $1 million per month in overdue support.

My legislation includes these same provisions and more. H.R. 1600 requires all States to make it a crime to refuse to pay child support and, for the first time, would definitely allow States to serve child support orders on out-of-State parents. My bill would also enact bold new initiatives to establish paternity, in the hospital, at the time of birth. Finally, my bill would reduce paperwork, increase use of credit reporting and standardize and expand the role of the IRS.

Mr. Speaker, Americans are demanding an end to welfare as we know it. The Maine reforms are proof that strict enforcement of child support orders is essential to welfare reform. When we institute them nationwide, they will work!

PROVIDING A BRIGHTER FUTURE FOR AMERICANS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, Secretary Reich and the President are to be commended for the Reemployment Act of 1994.

Mr. Speaker, we have been living with a system that was primarily focused on unemployment and unemployment compensation, but with the changes that are occurring in today's economy in my district and across the Nation that is not enough. Many defense workers, who will be laid off from their jobs, will not be going back to that same plant or facility. A decade ago providing unemployment to bridge a temporary loss of work was adequate. Today the system is simply not working. More than 2,000,000 people have annually lost their jobs, and more than 75 percent of those will not go back to the original jobs.

Mr. Speaker, we need a system that will help train people, sustain them through an education and training period, provide support for them and their families, and then make sure that at the completion of that training they will know where the jobs are, those jobs that will continue into the future. Using the data base that the Secretary of Labor has designed working with various State and Federal agencies, Mr. Speaker, we can help Americans go back to work at jobs that will bring them a brighter future.

IT'S THE STUPID SPENDING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, 2 days ago the Washington Post carried a story that read: "White House Wonders Why Interest Rates Keep Rising."

If this is true, then someone needs to buy the White House a mirror.

During the 1992 campaign, the Clinton team had a slogan. It had been: "It's the Economy, Stupid," but since entering office has been the stupid spending.

The only things this administration has cut are either painted camouflage or salute. Last year President Clinton's budget deal was 3 to 1 tax increases to spending cuts.

Not only can the President not bring himself to cut spending, but he opposes anyone else trying to do so as well.

He has opposed Republican attempts to cut spending in each of the last 2 years. He opposed the Penny-Kasich amendment last November, opposed a bipartisan balanced budget amendment this year, and is opposing the A to Z spending cut plan today.

With this kind of record, it is no wonder the Federal Reserve feels it had to do what the administration will not.

THE REEMPLOYMENT ACT OF 1994

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to endorse the President's Reemployment Act.

This legislation is long overdue. Our current retraining and job placement effort is a miasma of programs, a cross-stitch of agencies, and a confusing network of support systems that sometimes work, but more often do not.

The President's Reemployment Act creates clarity out of chaos and simplicity out of confusion by consolidating similar job-training and job placement programs into a single program.

Under this bill, no longer will the emphasis be on why a worker lost his or her job, but how to put hard-working people back into the workplace.

I can testify first-hand that the President's Reemployment Act will work. A similar program is in operation in my district right now. The Monterey County Regional Job Opportunity Center is a one-stop resource and information center for job training, job placement, and worker benefits and assistance.

This job opportunity center assists job seekers with identification of skills and abilities, job retraining, job search preparation and the directed job search. For employers, the job opportunity center assists with recruitment, screening and referral, employee training reimbursements, and identification of potential tax credits.

The President's bill seeks to do the same. It pairs the unemployed with employers who need good, solid workers, and it does it in a simple, straightforward way.

Let us get the President's bill moving so we can put America back to work again!

□ 1130

A MEDICAL MIRACLE IN CALIFORNIA

(Mr. BAKER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I want to talk today about a little girl 13 years old in Laguna Beach named Lauren. Lauren's grandmother, Jean Meredith, is one of my dearest friends. About a month ago they discovered, as they were looking for a genetic defect in little Lauren, that she had an aneurysm in the middle of her brain, and it is right where the blood vessel comes to the optic nerve.

So within 30 days they interviewed three doctors, one in the University of California in San Francisco, one in Stanford, and one in Arizona, who were specialists—yes, specialists in this area. Within 30 days they scheduled an appointment, and they operated and went into her brain and sealed this aneurysm just 2 days ago.

She did not have to go to a regional health alliance; she did not have to go before a regional health board or a national health board that sets global budgets; she did not have to queue up as they do in Canada or in Great Britain. She did not face a shortage of medicine because of price fixing; she did not have to be concerned about a shortage of specialists because everybody in Government here believes all people should be general practitioners.

I would like to say something you cannot say in a public school. I would like to thank God for the miracle in saving Lauren's life. I would like to thank God for the greatest medical system in the world here in the United States. I would like to pray to God that he continue to give us his blessings and keep this Nation No. 1. Let us defeat the health care plan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WISE). The Chair would remind those sitting in the gallery that they are here as guests of the House. We welcome your attendance, but we would ask you to refrain from any kind of demonstration of approval or disapproval.

PASSAGE OF REEMPLOYMENT ACT OF 1994 WOULD REVERSE WORKER DISLOCATION TREND

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, all of us have read the good news about jobs. Our economy is creating jobs—many of them good jobs. But, Mr. Speaker, for many working Americans the news is not good.

This year, over 2 million working Americans will find themselves dislocated from their jobs—set adrift through downsizing, defense cuts, and fundamental structural shifts occuring throughout our economy. This is the highest rate of worker dislocation ever recorded in our history. The average length of unemployment for these dislocated workers is at near post-war records.

Mr. Speaker, it is vital that we act to help these millions of workers make the connection to new and good jobs. The President has taken the first step. The Reemployment Act of 1994 takes our antiquated unemployment program transforms it into a reemployment system that would give dislocated workers, and other unemployed workers, the job search, counseling, training, education and income assistance they must have to connect with and compete effectively for good new jobs.

Now it is up to us to work with the administration, pass the Reemployment Act, and get it to the President's desk for his signature this year. The 2 million Americans losing their jobs this year deserve no less.

SCHOLAR-ATHLETES FROM PENNSYLVANIA'S SEVENTH DISTRICT VISIT WASHINGTON

(Mr. WELDON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. WELDON. Mr. Speaker, I rise today to welcome and to pay tribute to 43 of the best and brightest young people that I have in my congressional district in Pennsylvania.

Each year I invite every high school in my district to send their outstanding male and female scholar-athletes to Washington for a day so that we can share with them the experience of our Federal Government and have individuals who have been able to combine athletics with academics here in Washington. In the past we have had Senator BILL BRADLEY, who has been a very capable speaker. Today I will have Senator BEN NIGHTHORSE CAMPBELL. These are individuals who have combined athletics and academics in the pursuit of their career goals.

I am very happy to have representatives here today from 24 high schools, from Delaware, Chester, and Montgomery Counties. I am proud of them. I am proud of what they have done, but, more importantly, they are the hope and the opportunity of the future for this great Nation. I look forward to working with them as the future leaders of America.

Mr. Speaker, the list of the visiting scholar-athletes is included as follows:

1994 7TH DISTRICT SCHOLAR-ATHLETES

Academy Park: David Briggs; Shana Houlihan.

Chichester: Joseph Pearson; Kara Rill.

Unionville: Steve Betts.

Spring-Ford Area: Joseph Evans.

Cardinal O'Hara: Justin Reger; Kathleen Heyman.

Pheonixville: Michael Currie; Christing Miller.

Spring-Ford Senior: Gregory Wilson; Sarah Walters.

Devon Prep: Ryan Todd.

Penncrest: Adriene Lee; Byrne Remphrey.

Archmere Academy: Dannielle Kissel.

Sun Vally: Jennifer Herker; Ronald Withelder.

Conestoga: Kelley King; Mark Matz.

Villa Maria: Katrine Prndergast.

Great Valley: Joshua Snyder; Jennifer Devine.

Strath Haven: Amy Speckhals; Matthew (Rocky) Russel.

Ridley: Jaime Schemberg; Gavin Trverso.

Radnor: Raghav Gupta; Kathryn Bergsteinsson.

Springfield: Angie Svernick; Bill Bullard.

Upper Merion: Michael Fabrizio; Daphne-Leigh Hoonce.

Haverford: Sarah Pusey; Zachery Hafer.

Upper Darby: Christoper Rickards; Kathleen Bielli.

Garnet Valley: Chris Meon; Kendra Shambach.

Marple Newtown: Matthew Bayley; Cheryl Videon.

Interboro: Lauri Senkow; Fred Kunze.

COST CONTAINMENT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, health care costs are out of control.

Americans will spend nearly $4,000 this year on health care.

Their employers spend 12 percent of payroll on health care.

And more than 14 percent of our GDP—$1 trillion—is spent on health care.

Mr. Speaker, these spiraling costs are bleeding our companies and breaking the financial back of our citizens and our companies.

As health care reform moves through the various committees, we must mount a real attack on these staggering costs.

The health care our people receive should be based on their need, not on their ability to pay.

I hope, Mr. Speaker, that when health care reform reaches the floor later this year, we will have an opportunity to vote on the single payer system, which offers the toughest possible measures for controlling these spiraling health care costs.

DEDICATION OF PERKINS PORTRAIT SCHEDULED FOR TODAY AS BLACK LUNG LEGISLATION IS CONSIDERED

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I rise to alert my colleagues to an event that is occurring this afternoon that is directly related to legislation that this body will consider as well during the course of today. I inform my colleagues that at 2:15 today in the House Committee on Education and Labor we will unveil the portrait of the late Honorable Carl D. Perkins. At the same time on the floor of this body today, we will be considering legislation to reform the Federal Black Lung Program.

There could be no better tribute to the legacy and to the remarkable career of the distinguished gentleman from Kentucky, Mr. Carl D. Perkins, than to pass this legislation through the House of Representatives today, the day that we unveil the portrait of Carl D. Perkins.

Mr. Speaker, this legislation is all about human justice. I salute the leadership and commend them for scheduling this bill today, and I salute the distinguished chairman of the full Committee on Education and Labor, the gentleman from Michigan [Mr. FORD], as well as the subcommittee chairman, the gentleman from Pennsylvania [Mr. MURPHY], for their leadership in bringing this long overdue legislation to the floor. It may not be a perfect bill, but indeed it is progress over the current system, and it will help to alleviate and help to end the cold bureaucratic nightmare many of our Nation's coal miners have been traveling through in order to obtain their just and legitimate benefits.

CONFERENCE REPORT ON S. 24, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1994

Mr. BROOKS submitted the following conference report and statement on the Senate bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-511)

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 24), to reauthorize the independent counsel law for an additional 5 years, and for other purposes, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1994".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1994".

SEC. 3. ADDED CONTROLS.

(a) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(l) COST CONTROLS AND ADMINISTRATIVE SUPPORT.—

"(1) COST CONTROLS.—

"(A) IN GENERAL.—An independent counsel shall—

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) LIABILITY FOR INVALID CERTIFICATION.—An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.

"(C) DEPARTMENT OF JUSTICE POLICIES.—An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) ADMINISTRATIVE SUPPORT.—The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) OFFICE SPACE.—The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until such office space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies.".

(b) INDEPENDENT COUNSEL PER DIEM EXPENSES.—Section 594(b) of title 28, United States Code, is amended—

(1) by striking "(b) COMPENSATION.—An" and inserting the following:

"(b) COMPENSATION.—

"(1) IN GENERAL.—An"; and

(2) by adding at the end the following new paragraphs:

"(2) TRAVEL EXPENSES.—Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.

"(3) TRAVEL TO PRIMARY OFFICE.—

"(A) IN GENERAL.—After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended by 6 months if the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter.

"(B) RELEVANT FACTORS.—In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors—

"(i) the cost to the Government of reimbursing such travel and subsistence expenses;

"(ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(iii) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(iv) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.".

(c) INDEPENDENT COUNSEL EMPLOYEE PAY COMPARABILITY.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES-4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed.".

(d) ETHICS ENFORCEMENT.—Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) ENFORCEMENT.—The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended—

(1) by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply";

(2) by adding at the end the following: "To determine these policies and policies under sub-

section (l)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice.";

(3) by striking "An independent" and inserting the following:

"(1) IN GENERAL.—An independent"; and

(4) by adding at the end the following new paragraph:

"(2) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material.".

(f) PUBLICATION OF REPORTS.—Section 594(h) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(3) PUBLICATION OF REPORTS.—At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44.".

(g) ANNUAL REPORTS TO CONGRESS.—Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made".

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel, at the end of the succeeding 2-year period, and thereafter at the end of each succeeding 1-year period.".

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDITS.—(1) On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after the date on which the office is terminated.

"(2) The Comptroller General shall—

"(A) conduct a financial review of a mid-year statement and a financial audit of a year-end statement and statement on termination; and

"(B) report the results to the Committee on the Judiciary, Committee on Governmental Affairs, and Committee on Appropriations of the Senate and the Committee on the Judiciary, Committee on Government Operations, and Committee on Appropriations of the House of Representatives not later than 90 days following the submission of each such statement.".

(j) THRESHOLD INQUIRY.—Section 591(d)(2) of title 28, United States Code, is amended by striking "15" each time it appears and inserting "30".

(k) RECUSAL.—Section 591(e) of title 28, United States Code, is amended to read as follows:

"(e) RECUSAL OF ATTORNEY GENERAL.—

"(1) WHEN RECUSAL IS REQUIRED.—(A) If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General.

"(B) If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General.

"(2) REQUIREMENTS FOR RECUSAL DETERMINATION.—Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to such information.".

(l) DISCLOSURE OF INFORMATION.—Section 592(e) of title 28, United States Code, is amended by inserting after "Except as otherwise provided in this chapter" the following: "or as is deemed necessary for law enforcement purposes".

(m) CLARIFICATION OF AUTHORITY TO USE DEPARTMENT OF JUSTICE PERSONNEL.—Section 594(d)(1) of title 28, United States Code, is amended by adding at the end the following: "At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice may be detailed to the staff of the independent counsel.".

(n) ATTORNEYS' FEES.—Section 593(f) of title 28, United States Code, is amended—

(1) in the last sentence of paragraph (1) by inserting before "Attorney General" the following: "the independent counsel who conducted the investigation and"; and

(2) in paragraph (2)

(A) by striking "may direct" and inserting "shall direct such independent counsel and"; and

(B) by striking all after "subsection," and inserting the following: "addressing—

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item;

"(C) whether the underlying item would have been incurred but for the requirements of this chapter; and

"(D) the reasonableness of the amount of money requested.".

(o) FINAL REPORT.—Section 594(h)(1)(B) of title 28, United States Code, is amended by striking ", and the reasons" and all that follows through the period and inserting a period.

SEC. 4. MEMBERS OF CONGRESS.

(a) DISCRETIONARY AUTHORITY.—Section 591(c) of title 28, United States Code, is amended to read as follows:

"(c) PRELIMINARY INVESTIGATION WITH RESPECT TO OTHER PERSONS.—

"(1) IN GENERAL.—When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(2) MEMBERS OF CONGRESS.—When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

(b) POSTEMPLOYMENT COVERAGE.—Section 591(b) of title 28, United States Code, is amended—

(1) by striking paragraphs (6) and (7);

(2) by redesignating paragraph (8) as paragraph (6), and, at the end of that paragraph, striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position.".

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability),".

SEC. 6. REPORT ON WHITE HOUSE OFFICE PERSONNEL.

(a) SUBMISSION OF REPORT.—On July 1 of each year, the President shall submit a report described in subsection (b) to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

(b) CONTENTS.—A report under subsection (a) shall, except as provided in subsection (c), include—

(1) a list of each individual—

(A) employed by the White House Office; or

(B) detailed to the White House Office; and

(2) with regard to each individual described in paragraph (1), the individual's—

(A) name;

(B) position and title; and

(C) annual rate of pay.

(c) EXCLUSION FROM REPORT.—If the President determines that disclosure of any item of information described in subsection (b) with respect to any particular individual would not be in the interest of the national defense or foreign policy of the United States—

(1) a report under subsection (a) shall—

(A) exclude such information with respect to that individual; and

(B) include a statement of the number of individuals with respect to whom such information has been excluded; and

(2) at the request of the Committee on Governmental Affairs of the Senate or the Committee on Government Operations of the House of Representatives, the information that was excluded from the report shall be made available for inspection by such committee.

SEC. 7. TRANSITION PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this Act shall apply with respect to independent counsels appointed before, on, or after the date of enactment of this Act.

(b) ASSIGNMENT OF EMPLOYEE TO CERTIFY EXPENDITURES.—An independent counsel appointed prior to the date of enactment of this Act shall assign to an employee the duty of certifying expenditures, as required by section 594(l) of title 28, United States Code, as added by section 3(a), by the date that is 30 days after the date of enactment of this Act.

(c) OFFICE SPACE.—The Administrator of General Services, in applying section 594(l)(3) of

title 28, United States Code, as added by section 3(a), to determine whether the office of an independent counsel appointed prior to the date of enactment of this Act should be moved to a Federal building, shall take into account the moving, legal, and other expenses that might arise if the office were moved.

(d) TRAVEL AND SUBSISTENCE EXPENSES.—For purposes of the restrictions on reimbursement of travel and subsistence expenses of an independent counsel and employees of an office of independent counsel contained in paragraph (3) of section 594(b) of title 28, United States Code, as amended by section 3(b), as applied to the office of an independent counsel appointed before the date of enactment of this Act, the 1-year service period shall begin on the date of enactment of this Act.

(e) RATES OF COMPENSATION.—The limitation on rates of compensation of employees of an office of independent counsel contained in the last sentence of section 594(c) of title 28, United States Code, as amended by section 3(c), shall not be applied to cause a reduction in the rate of compensation of an employee appointed before the date of enactment of this Act.

(f) PERIODIC REAPPOINTMENT.—The determinations by the division of the court contained in the last sentence of section 596(b)(2) of title 28, United States Code, as amended by section 3(h), shall, for the office of an independent counsel appointed before the date of enactment of this Act, be required no later than 1 year after the date of enactment of this Act and at the end of each succeeding 1-year period.

(g) REPORTING REQUIREMENTS.—No amendment made by this Act that establishes or modifies a requirement that any person submit a report to any other person with respect to an activity occurring during any time period shall be construed to require that a report submitted prior to the date of enactment of this Act, with respect to that time period be supplemented to include information with respect to such activity.

(h) REGULATORY INDEPENDENT COUNSEL.—Notwithstanding the restriction in section 593(b)(2) of title 28, United States Code, the division of the court described in section 49 of that title may appoint as an independent counsel any individual who, on the date of enactment of this Act, is serving as a regulatory independent counsel under parts 600 and 603 of title 28, Code of Federal Regulations. If such an individual is so appointed, such an independent counsel shall comply with chapter 40 of title 28, United States Code, as amended by this Act, in the same manner and to the same extent as an independent counsel appointed before the date of enactment of this Act is required to comply with that chapter, except that subsection (f) of this section shall not apply to such an independent counsel.

(i) WHITE HOUSE PERSONNEL REPORT.—Section 6 shall take effect on January 1, 1995.

And the House agree to the same.

JACK BROOKS,
JOHN BRYANT,
DAN GLICKMAN,
BARNEY FRANK,
Managers on the Part of the House.

JOHN GLENN,
CARL LEVIN,
DAVID PRYOR,
BILL COHEN,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of S. 24 struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and House amendment. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 591(b)(6) AND (7): LENGTH OF POSTEMPLOYMENT COVERAGE

1987 law

The 1987 independent counsel law applied on a mandatory basis to certain high level executive branch officials, not only while they occupied a covered office or position, but also for a period of time after they left that office or position. The length of mandatory postemployment coverage varied from a minimum of one year to a maximum of three years.

Senate bill

The Senate bill reduces mandatory postemployment coverage from a maximum of three years to a maximum of one year. For persons who leave a covered office or position within 90 days of a new president's inauguration, the Senate bill eliminates the one-year period of postemployment coverage.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions by limiting mandatory postemployment coverage to one year after a person leaves a covered office or position, regardless of whether the departure occurs during the term of office of the President who appointed that person or after the expiration of that President's term.

SECTION 591(C): DISCRETIONARY COVERAGE AND MEMBERS OF CONGRESS

1987 law

The 1987 law provided the Attorney General with discretionary authority to use the independent counsel process for any person whose investigation or prosecution by the Department of Justice "may result in a personal, financial or political conflict of interest." This discretionary authority permitted the Attorney General, if a conflict of interest were present, to use the independent counsel process to investigate Members of Congress. However, Members of Congress were not specifically identified as falling within that general category of coverage.

Senate bill

The Senate bill gives the Attorney General specific discretionary authority to use the independent counsel process to investigate Members of Congress. It broadens the standard for invoking the process with respect to Members from requiring a conflict of interest to requiring the Attorney General to find it would be in the public interest. This broader standard would permit the Attorney General to use the independent counsel process for Members of Congress in cases of perceived as well as actual conflicts of interest. In addition, the Senate bill rewords the general discretionary provision to simplify it and to authorize the Attorney General to use the independent counsel process to investigate a "matter" as well as a person.

House amendment

The House amendment also gives the Attorney General specific discretionary authority to use the independent counsel process with respect to Members of Congress. The House amendment does not otherwise change the general discretionary provision that appeared in the 1987 law.

Conference agreement

The conference agreement follows the Senate bill, except that the language giving the Justice Department general discretionary authority to use the independent counsel process to investigate a "matter" as well as any person is deleted, because it would in effect substantially lower the threshold for use of the general discretionary provision. The conference agreement makes no change from the 1987 law in the substantive reach or scope of the general discretionary provision.

SECTION 591(e): RECUSAL BY ATTORNEY GENERAL

1987 law

The 1987 law set forth the standards and procedures governing recusal by the Attorney General in a matter being handled under the independent counsel law.

Senate bill

The Senate bill rewords the provision to make it clear that recusal is automatic in any matter in which the Attorney General is personally involved.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill.

SECTION 592(a)(2)(B): CRIMINAL INTENT

1987 law

The 1987 law set forth with the Attorney General could close a matter under the independent counsel law based upon a determination that an investigatory subject lacked the intent necessary for a crime to have been committed. The law prohibited any consideration of intent in the context of a threshold inquiry under section 591(d), and permitted closure of a matter after a preliminary investigation under section 592 only if the Attorney General determined there was "clear and convincing evidence" of a lack of criminal intent.

Senate bill

The Senate bill permits the Attorney General to close a matter after either a threshold inquiry under section 591(d) or a preliminary investigation under section 592, if the Attorney General determines there are "no reasonable grounds to believe that the subject acted" with criminal intent and "no reasonable possibility that further investigation would develop such evidence."

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House bill. Congress believes that the Attorney General should rarely close a matter under the independent counsel law based upon finding a lack of criminal intent, due to the subjective judgments required and the limited role accorded the Attorney General in the independent counsel process. Congress also believes that at least one Attorney General abused his authority in this area, that this abuse was the impetus for the statutory restriction in the expired law, and that a statutory restriction remains necessary to prevent future problems.

SECTION 592(e): DISCLOSURE OF COURT FILINGS

1987 law

The 1987 law prohibited employees of the Justice Department and of an independent counsel from disclosing any filing with the special court to any person outside their office without first obtaining a court order.

Senate bill

The Senate bill creates a limited exception to this nondisclosure provision by authorizing disclosure of court filings to outside persons for law enforcement purposes.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill with a minor change. The Congress intends that this exception should be narrowly construed to permit, for example, giving copies of court filings to an IRS investigator to facilitate examination of a tax matter under the independent counsel's purview or to an agency Inspector General or state prosecutor performing a separate but possibly related criminal investigation to determine whether coordination of the criminal case is appropriate.

In determining whether a proposed disclosure is deemed necessary for law enforcement purposes, Congress intends independent counsels and attorneys for the government to be guided by the law enforcement exception to the grand jury secrecy rules found in Rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure. That rule allows otherwise prohibited disclosures to be made "to such governmental personnel (including personnel of a state or subdivision of a state) as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce federal criminal law." If no such law enforcement purpose is present, a court order must be obtained prior to disclosure.

SECTION 593(f): ATTORNEY FEES

1987 law

The 1987 law set forth the standards and procedures governing when persons may recover attorney fees incurred in response to independent counsel proceedings. Essentially, to recover fees, a person must have been an unindicted subject of an independent counsel's investigation and incurred fees which would not have been incurred but for the requirements of the independent counsel law. Fee requests were decided by the special court which could ask the Attorney General to file a written evaluation of the reasonableness of the amounts requested, the supporting documentation and the need or justification for each expense.

Senate bill

The Senate bill follows the 1987 law, but adds a sentence stating that no award of attorney fees may be made for fees that would have been incurred if the investigation had been conducted by the Department of Justice. The purpose of this sentence is not to change the standard for awarding fees, but to help illuminate application of the provision which permits reimbursement of only those fees that "would not have been incurred but for the requirements of the independent counsel law" (the "but-for" requirement). The new language indicates that, in judging whether the but-for requirement has been met, a significant factor the special court must consider is whether these fees would have been incurred if the Justice Department had handled the investigation instead of the independent counsel. The Senate bill also expands the written analysis by the Justice Department on fee requests by allowing it to comment on whether the but-for requirement has been satisfied.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions. It retains the Senate language requiring an expanded analysis of each attorney fee request, and adds a provision directing the special court to obtain this analysis from not only the Department of Justice, but also the independent counsel who handled the investigation. The conference agreement drops the Senate language conditioning payment of attorney fees on whether the same fees would have been incurred if the matter had been handled by the Justice Department, because that concept is already addressed in the existing but-for requirement.

Since the inception of the attorney fee provision, Congress has intended it to be narrowly construed. The conferees believe detailed analyses of fee requests by both the Department and independent counsel, including application of the but-for requirement, will aid the special court in keeping to a narrow construction.

Since the last reauthorization of the independent counsel statute in 1987, a number of decisions awarding attorney fees have been issued by the special court. The conferees believe that several of these decisions were overly generous in interpreting the attorney fee provision.

Illustrative of the conferees' concerns is the 1993 decision awarding attorney fees to former Secretary of State George Shultz *In re: Oliver L. North, Shultz Fee Application*, December 7, 1993). In that decision, the court found that the but-for requirement was met in part because, "in the experience of the Court, it is not reasonable to expect that a professional prosecutor" would begin to treat a witness as the subject of an investigation "four and one-half years after the commencement"' of the case. Congress did not intend the but-for requirement to be used as a vehicle for the special court to rule on the wisdom or timing of an independent counsel's prosecutorial decisions. The opinion also held that the but-for requirement was met in part because the investigation centered on violation of the Boland Amendment, which the Justice Department had determined was not a criminal statute. In fact, the independent counsel subsequently indicated that the Shultz investigation centered on false testimony and concealed documents relating to Iran arms sales and not at all on the Boland Amendment. This misreading of the basis of the investigation may have been the result of the court's decision to handle the fee application under seal, on an ex parte basis, and without its usual practice of affording the independent counsel an opportunity to comment. In another case, the court appears to have awarded attorney fees to a subject, because it surmised that had the Attorney General been able to use a grand jury during the preliminary investigation, the case might have been closed after "a non-public summary investigation."

Such recent court decisions suggest that the special court may be viewing the attorney fee provision as one which should routinely result in fee awards. That has not been Congress' intent because, were it not for the existence of the independent counsel statute, the Department of Justice may well have investigated these same matters and, had it done so, no attorney fees would be recoverable under any circumstances. The court has, on occasion, accurately quoted legislative history stating that an attorney fee award under the independent counsel law "is warranted, if at all, in only rare instance" and "should not become a routine event." In reauthorizing the statute, the Congress reaffirms its original intent, as reflected in legislative history, that the special court construe the but-for requirement of the attorney fee provision narrowly.

Finally, the conferees not the special court's decision in the *Shultz* matter that an hourly rate of $370 is reasonable under the law. The court observed that the Justice Department describes this rate as "extraordinarily high," but stated that the law "provides no particular guidance for our determination of standards of reasonableness." It also cites two opinions from 1989 and 1990, subsequent to the 1987 reauthorization of the law, approving similar hourly rates.

In response to the court's invitation to provide guidance in evaluating the reasonableness of hourly rates requested by defense counsel under the independent counsel law, the conferees note that Congress did not intend that properly recoverable attorney fees under this statute be construed to be what the market will bear in the private sector. Rather, Congress intends that the reasonableness of attorney fee requests under the independent counsel law be judged, not solely with reference to the rates commanded by expensive legal counsel, but also with reference to what cost is reasonable for the taxpayers to bear.

Three statutes provide the special court with the guidance it seeks in evaluating the reasonableness of attorney fees requested by defense counsel under the independent counsel statute. First, by law, the independent counsel is compensated at the per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule, which is currently set at $115,700. At that annual rate of pay, the independent counsel's compensation is approximately $55 per hour. Second, the Equal Access to Justice Act, Public Law 96-481, which allows Federal courts to award attorney fees to private parties in suits against the United States, limits the amount of attorney fee recovery to "$75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. 2412(d)(2)(A). Third, fees to private defense counsel who are paid by the United States pursuant to the Criminal Justice Act of 1984, Public Law 88-455, to represent indigent defendants in Federal criminal cases, are currently limited to "$60 per hour for time expended in court or before a United States magistrate and $40 per hour for time reasonably expended out of court, unless the Judicial Conference determines that a higher rate of not in excess of $75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a magistrate and for time expended out of court." 18 U.S.C. 3006A(d)(1).

These three statutes identify hourly rates, ranging from $40 to $75 per hour, which Congress has determined are reasonable and may be fully reimbursed with taxpayer dollars. Although by design the independent counsel law does not impose a specific ceiling on the hourly rates payable to defense counsel, hourly rates of $300 and $400 generally so far exceed other statutorily approved rates that they should not be fully recoverable under the independent counsel law. While individuals remain free, of course, to employ any defense counsel they choose, they should be on notice that the independent counsel law may not authorize payment of taxpayer dollars to reimburse fully all of the fees they incur.

SECTION 594(b): INDEPENDENT COUNSEL TRAVEL EXPENSES

1987 law

The 1987 law contained no explicit direction on whether an independent counsel was subject to federal law regarding travel expenses, whether executive or judicial branch requirements applied, or whether expenses were reimbursable for travel to and from an independent counsel's primary office if that independent counsel resided elsewhere.

Senate bill

The Senate bill provides that independent counsels and their staffs are subject to the same restrictions on travel expenses as other federal executive branch employees. It also states that, after one year of service, independent counsels and their staffs are not entitled to travel and per diem expenses to commute to and from the city in which their primary office is located or subsistence expenses at such location, except that an independent counsel's certifying official may approve payment of these expenses for an additional three months if the official determines the investigation "will likely be concluded within that time period."

House amendment

The House amendment contains similar provisions to those in the Senate bill, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for successive 6-month periods if the certifying officials, after considering certain specified factors, determines payment would be in the public interest.

Conference agreement

The conference agreement follows the House amendment, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for only one 6-month period. The conference agreement also makes it clear that the prohibition on reimbursement of travel, per diem and subsistence expenses applies only to expenses incurred by independent counsels or their staff in commuting to and from their primary office, and does not prohibit reimbursement of their expenses for traveling elsewhere.

SECTION 594(C): STAFF COMPENSATION

1987 law

The 1987 law specified that staff hired by the independent counsel could not be compensated at a rate exceeding the maximum rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5. The law provided no other guidance on staff compensation.

Senate bill

The Senate bill states that employees hired by the independent counsel may not be paid at a rate greater than Level IV of the Executive Schedule under 5315 of title 5. This rate is comparable to the GS–18 rate which no longer exists under the current General Schedule. In addition, the bill directs the independent counsel to compensate staff at levels not to exceed those payable for comparable positions in the U.S. Attorney's Office for the District of Columbia.

House amendment

The House amendment provides that no more than 2 employees of the independent counsel may be compensated at a rate equal to Level V of the Executive Schedule and that remaining staff may not be compensated at a rate greater than GS–15 of the General Schedule.

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions. It specifies that no independent counsel staff may be compensated at a rate greater than Level 4 of the Senior Executive Service Schedule, as adjusted by locality pay applicable to the District of Columbia, and that no staff compensation level may exceed that payable for comparable positions in the U.S. Attorney's Office for the District of Columbia. It is the intent of these provisions that independent counsels pay reasonable salaries commensurate with an employee's experience and job responsibilities and that only the most senior assistants receive the maximum rate allowable for staff. No independent counsel should pay all or even most staff attorneys at the maximum permissible rate, nor should part-time counsel be paid at the billable hourly rate they receive when privately employed. Congress intends by these provisions to conserve taxpayer dollars, while ensuring staff salaries in an independent counsel's office are comparable to those paid to other federal prosecutors.

SECTION 594(D): JUSTICE DEPARTMENT ASSISTANCE

1987 law

The 1987 law provided that the independent counsel may request assistance from the Department of Justice in carrying out the law, and the Department was required to provide that assistance, including use of Department resources and personnel.

Senate bill

The Senate bill requires the independent counsel to request such assistance, and the Department to provide it.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate approaches, by clarifying the existing authority of independent counsels, at their option, to ask the Department of Justice to detail to their staffs, on a reimbursable or nonreimbursable basis, prosecutors, administrative personnel, or other persons employed by the Department. Independent counsels have already made frequent use of FBI detailees, who are employees of the Justice Department; it is the intent of this provision to clarify, not alter, the authority for that practice. While the Justice Department is encouraged to support the work of independent counsels by facilitating details, it does retain the authority to decline an independent counsel's request for a specific detailee.

This provision is intended to allow independent counsels to take advantage of the expertise of Justice Department personnel. Department employees accepting a detail under this law must understand that, during the detail, they owe their allegiance solely to the independent counsel, and it would be a serious breach if they were to violate that allegiance by, for example, providing unauthorized information to the Department or other parties. This obligation must be made clear to the detailee by both the Department and the independent counsel.

SECTION 594(F): COMPLIANCE WITH JUSTICE POLICIES

1987 law

The 1987 law required independent counsels to comply with Department of Justice policies on criminal law enforcement "except where not possible."

Senate bill

The Senate bill requires independent counsel compliance with Department policies on criminal law enforcement "except to the extent that to do so would be inconsistent with the purposes" of the independent counsel law. It also requires the independent counsel to consult with the Department on its law enforcement and spending policies "to the extent possible throughout his or her term of office."

House amendment

The House amendment contains the same provision as the Senate bill, except that it does not require independent counsels to consult with the Department on law enforcement and spending policies "except where to do so would be inconsistent with the purposes" of the independent counsel law. This standard is consistent with the rest of the section and signals the need for independent counsels to balance the goal of handling matters in the same way as other federal prosecutors with the goal of retaining appropriate independence. By including this provision, Congress affirms its intent that independent counsels engage in appropriate consultation with the Department of Justice.

SECTIONS 594(H)(1) AND 595(A)(2): INDEPENDENT COUNSEL REPORTS

1987 law

The 1987 law required independent counsels to file with the special court semi-annual expense reports under section 594(h)(1)(A), and a final report under section 594(h)(1)(B) "setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel." In addition, independent counsels were permitted under section 595(a)(2) to "submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel consider[ed] appropriate."

Senate bill

The Senate bill amends section 595(a)(2) to require independent counsels to report to Congress quarterly on "all monies expended" and annually on "their activities, including a description of the progress of any investigation or prosecution * * * adequate to justify the expenditures" made. In addition, the Senate bill narrows the scope of the final report required under section 594(h)(1)(B) by removing requirements that it be full and complete and that it explain the reasons for not prosecuting any matter.

House amendment

The House amendment adopts the Senate's proposed change to section 595(a)(2) requiring independent counsels to report to Congress annually on their activities, but does not otherwise amend the reporting requirements contained in the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate approaches.

First, in response to the desire to increase fiscal controls on independent counsels, the conference agreement replaces the Senate requirement for quarterly expense reports by independent counsels with requirements for increased financial oversight by the General Accounting Office (GAO). The conference agreement requires GAO to conduct a financial review of independent counsel expenditure statements at mid-year, a full audit at year-end, and another full audit at termination of each independent counsel's office. Requiring this additional oversight by a third party auditor, rather than requiring additional reports by an independent counsel, is believed to be a more effective fiscal control on expenditures. The conferees also direct independent counsels when preparing their expenditure statements to consult with GAO and to prepare them in a format which will facilitate GAO's financial oversight.

Second, in response to concerns about the proper scope of the final report, the conference agreement retains the requirement in the 1987 law that these reports include a full and complete account of the independent counsel's activities, but eliminates the requirement that the independent counsel explain the reasons for not prosecuting any matter.

Requiring a prosecutor to file a final report that may become a public document is unique to the independent counsel process; other federal prosecutors are neither required nor expected to issue such a public report. The final report requirement thus must be understood to be an exception to the norm.

This exception is justified by the unique environment in which an independent counsel must operate—without direct and ongoing supervision by senior Justice Department officials. It serves as an important check on independent counsel investigative and prosecutorial activities by requiring them to identify and explain their actions.

Because this reporting requirement is unique in the federal criminal justice system, the conferees recognize the importance of making the objectives and intended limits of the report clear.

The conference agreement reaffirms the duty of independent counsels to provide a full and complete description of their work. Congress continues to view this requirement as a key measure for insuring accountability. Under this provision, independent counsels are expected to provide a summary of the key steps taken in the investigatory and prosecutorial stages of their work and to explain the basis for their decisions.

Congress also wants to clarify, however, that independent counsels are not expected to and should not take additional investigative steps, such as additional interviews or document requests, in order to produce a detailed report. No investigation by an independent counsel should be lengthened or deepened simply because of the final report requirement. The report should instead reflect only the work required for a prosecutor to execute his or her normal investigative and prosecutorial responsibilities.

The conference agreement eliminates the requirement that independent counsels explain, in every instance, their reasons for not prosecuting any matter within their jurisdiction. Other federal prosecutors do not normally provide public explanations of decisions not to indict and, in deviating from this norm, independent counsels must exercise restraint. The power to damage reputations in the final report is significant, and the conferees want to make it clear that the final report requirement is not intended in any way to authorize independent counsels to make public findings or conclusions that violate normal standards of due process, privacy or simple fairness.

The conferees believe that, in assessing whether an explanation should be provided with respect to a specific unindicted individual, an independent counsel should base the decision on whether it would be in the public interest for such information to be disclosed. The public interest encompasses a wide range of concerns which need to be carefully balanced, including understanding the basis for the independent counsel's decision not to indict; taking into account the extent to which the individual was central or peripheral to the independent counsel's jurisdictional mandate; exonerating the innocent; and protecting individual rights to due process, privacy and fairness. For example, it may be in the public interest to report that the evidence did not sustain the allegations that gave rise to the investigation or that the evidence demonstrates an individual's innocence.

With regard to an individual whose conduct was only tangential to that of the person for whom the independent counsel was appointed, an independent counsel should normally refrain from commenting on the reason for not indicting that person unless it is to affirm a lack of evidence of guilt. On the other hand, the conferees consider to be crucial a discussion of the conduct of the person for whom the independent counsel was appointed to office. This discussion should focus on the facts and evidence and avoid use of conclusory statements in the absence of an indictment. However, in the rare event that an indictment is forestalled because of an event beyond the control of the independent counsel, public accountability may well require such independent counsel to express a professional opinion on whether the grounds for an indictment had been present.

The same concerns apply to the new requirement in both House and Senate bills for independent counsels to file annual reports on their activities. The conferees caution independent counsels to exercise the same degree of restraint and responsibility in issuing those interim reports.

SECTION 594(H)(2): DISCLOSURE OF FINAL REPORT

1987 law

The 1987 law authorized the special court to release a final report filed by an independent counsel after making provisions to ensure that the rights of any individual named in the report and any pending prosecution are protected.

Senate bill

The Senate bill follows the 1987 law.

House amendment

The House amendment follows the 1987 law, but adds language encouraging the court to release the report and associated material if the court determines it would be in the public interest and would be consistent with maximizing public disclosure, ensuring a full explanation of the independent counsel's activities and decisionmaking, and facilitating the release of information which the independent counsel had determined should be disclosed.

Conference agreement

The conference agreement follows the Senate bill. The conferees agree that the standards in the 1987 law on releasing a final report to the public are not overly restrictive, as evidenced by the special court's decision to release the final report in the Iran-Contra matter despite numerous motions by persons named in the report to repress all or portions of it. For this reason, the conferees have determined that additional statutory language encouraging disclosure is unnecessary.

SECTION 594(1)(2): ADMINISTRATIVE SUPPORT

1987 law

The 1987 law did not address the issue of administrative support for independent counsels.

Senate bill

The Senate bill states that the Administrative Office of the U.S. Courts "Shall provide administrative support and guidance to each independent counsel." It also relieves the Administrative Office of any obligation to disclose information about an independent counsel's operations without the express authorization of that independent counsel. The bill also requires the independent counsel to authorize such disclosure by the Administrative Office unless to do so "would interfere with a pending investigation or prosecution."

House amendment

The House amendment contains a similar provision as the Senate bill, but is not specific as to when an independent counsel should authorize disclosures by the Administrative Office.

Conference agreement

The conference agreement follows the House amendment. The purpose of this provision on administrative matters is threefold. First, it clarifies the responsibility of the Administrative Office to provide administrative support for independent counsel operations. The Administrative Office has been providing this support informally for many years, but the statutory basis for its actions has not been explicit.

Second, the provision makes it clear that the Administrative Office should provide independent counsels with not only the administrative services they need, but also guidance on complying with federal personnel, administrative and procurement requirements. This guidance is sorely needed by offices that have a limited duration and little familiarity with federal procedures. To provide this guidance and develop an institutional memory for how matters have been handled by past independent counsels, the conferees strongly urge the Administrative Office to develop written material to assist new independent counsels in establishing their offices, hiring staff and conducting their work.

By using the words "support and guidance" to describe the Administrative Office's functions, Congress intends for the Administrative Office to provide independent counsels with informed advice, but not to exercise decisionmaking authority for specific actions. Actions taken by an independent counsel's office remain the responsibility of the independent counsel in charge. At the same time, the support and guidance provided by the Administrative Office can serve independent counsels unfamiliar with federal requirements by providing them with the information needed for informed decisions.

The third purpose of this provision is to shield the Administrative Office from conflicts that may arise when Congress, the press or others seek, information about independent counsel activities. In the past, some pressed the Administrative Office to provide information which an independent counsel had declined to provide. This provision makes it clear that an independent counsel's decision not to release information may not be circumvented by directing information requests to the Administrative Office. Moreover, Senate language directing independent counsels to authorize the Administrative Office to disclose information "unless it would interfere with a pending investigation or prosecution" is not included, because this language could encourage information requests to be directed to the Administrative Office instead of directly to an independent counsel.

It is the intent of Congress that independent counsels, not the Administrative Office, have sole responsibility for responding to information requests. When confronted with such requests, independent counsels have the same disclosure obligations that apply to the Department of Justice, except where such disclosure would be inconsistent with the purposes of this Act. The independent counsel is also subject to the disclosure requirements of the Freedom of Information Act, and Congress urges all independent counsels to be responsive and forthcoming to such requests for information.

SECTION 593(H): GOOD CAUSE REMOVAL

1987 law

The 1987 law states that an independent counsel may be removed from office by the Attorney General "for good cause."

Senate bill

The Senate bill follows the 1987 law, but adds a sentence indicating that good cause for removal would include an independent counsel's failure to follow written Justice Department guidelines and violation of applicable canons of ethics.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House amendment. By eliminating the Senate language, the conferees do not mean to suggest that a refusal to follow important Department guidelines or that a serious violation of ethics could not be grounds for removal; they—like many other circumstanes—do provide potential grounds for removing an independent counsel from office.

SECTION 596(B): PERIODIC REAPPOINTMENT

1987 law

The 1987 law authorized the special court, on its own motion or at the request of the Attorney General, to terminate an independent counsel's office if that independent counsel's work had "been completed or so substantially completed that it would be appropriate for the Department of Justice to complete" any remaining tasks.

Senate bill

The Senate bill retains the 1987 provision, but adds a requirement that the special court determine whether termination is warranted under the provision "no later than 2 years after the appointment of an independent counsel or the reported expenditures by such independent counsel have reached $2 million, whichever occurs first, and at the end of each succeeding 1-year period."

House amendment

The House amendment retains the 1987 provision, but adds a requirement that the special court determine whether termination is warranted under the provision "no later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period."

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions, requiring the special court to determine whether termination is warranted under the provision no later than 2 years after appointment of an independent counsel, at the end of the succeeding 2-year period, and then at the end of each succeeding 1-year period.

The purpose of this provision is to ensure that the special court inquiries on a periodic basis, with respect to each independent counsel, as to whether that independent counsel's work is complete. It is not intended to establish deadlines for the completion of this work. Nor is it intended to provide the special court with new termination authority that did not exist at the time the law was reviewed by the Supreme Court in *Morrison* v. *Olson*. that case formulated a narrow construction of the special court's termination authority, and Congress intends for this new provision to be construed within the bounds of that narrow construction. The sole purpose of the new provision is to ensure that the special court exercises its Constitutionally-defined authority on a periodic basis.

The special court is expected to make the required determination within the statutorily specified period. If it should fail to do so, however, the relevant independent counsel would not be affected. Rather, the court would be obligated to make the needed determination as soon as possible. Until then, the relevant independent counsel would be authorized to continue in office.

OTHER PROVISIONS

With minor changes, the Senate recedes to the House on section 3(a)'s provision creating a new section 594(l)(1)(A) (certifying official); section 3(e)'s provision creating a new section 594(f)(2) (national security procedures); and section 5's amendment of section 496(a)(1) (removal for physical or mental disability). The House recedes to the Senate on section 2's provision relating to the five-year reauthorization; section 3(a)'s provision creating a new section 594(l)(3) (office space); and section 3(j)'s amendment of section 591(d) (30-day period to determine need for preliminary investigation).

REPORT ON WHITE HOUSE PERSONNEL

Senate bill

The Senate bill contains a non-germane provision requiring the White House to file a semi-annual report identifying the names and salaries of persons employed or detailed to the White House.

House amendment

The House amendment has no comparable provision.

Conference agreement

The conference agreement follows the Senate bill with simplifying changes and an exception for disclosures which would not be "in the interest of national defense or foreign policy." The conferees intend that this exception be construed narrowly, and that it be applied in a manner similar to section 552(b)(1)(A) of the Freedom of Information Act, which permits the withholding of information "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy." The conference agreement requires the report to identify the total number of individuals for whom information is excluded, and requires that access to this excluded information be provided to the Senate Governmental Affairs Committee or House Government Operations Committee, upon the Committee's request. The conferees intend that, upon receiving such a request, prompt access to the excluded information be provided to the person or persons (including Committee staff) designated by the requesting Committee to review such information.

EFFECTIVE DATE AND TRANSITION PROVISIONS

Senate bill

The Senate bill is effective on the date of enactment, except for the provisions limiting staff salaries which are applied only to staff hired after the date of enactment of the law. The bill does not address the status of the 1987 law.

House amendment

The House amendment is effective on the date of enactment. In the section reauthorizing the law, the amendment states that the 1987 law must be considered as if it had not expired.

Conference agreement

Both the House and Senate intend to reauthorize the independent counsel law for an additional five years. In December 1992, the 1987 independent counsel law ceased to be effective except with respect to independent counsel proceedings then pending. Because two of the three independent counsel proceedings then in existence remain ongoing, the 1987 law has remained on the federal statute books and in effect for those proceedings.

The conferees agree that because this law has remained on the books and in effect for ongoing independent counsel proceedings, and because it has never been repealed, it can be amended to reauthorize the law for all purposes. Accordingly, section 2 of the conference agreement reauthorizes the law, as amended, for an additional five years, and section 7(a) applies the amended law to existing independent counsel proceedings, subject to certain transition provisions.

The transition provisions in section 7 primarily resolve how to apply specific provisions in the amended law to ongoing independent counsel cases.

Section 7(b) states that existing independent counsels shall have 30 days after the date of enactment to appoint the certifying official required by the new section 594(l)(1)(A)(iii).

Section 7(c) states that, in applying to existing independent counsels the new requirement in section 594(l)(3) to use federal office space unless other arrangements would cost less, the Administrator of the General Services Administration is directed to take into account moving, legal and other costs that may arise if an independent counsel is required to move to new offices.

Section 7(d) states that the new restriction on reimbursement of certain travel expenses added by section 594(b)(3) shall apply to existing independent counsel operations by restricting expenses incurred one year after the enactment of this Act. The new restriction on travel expenses is not intended to be applied retroactively.

Section 7(e) states that the compensation restrictions added by section 594(c) shall not be applied to cause a reduction in the compensation paid to any employee appointed before the date of enactment of this Act.

Section 7(f) states that the new requirements added by section 596(b)(2) shall be applied to existing independent counsel operations to require, for each independent counsel, a determination by the court one year after the date of enactment of this Act and thereafter at the end of each succeeding 1-year period.

Section 7(g) states that, in applying new reporting requirements to existing independent counsel operations, these provisions should be interpreted so as not to require any retroactive reports.

Section 7(h) addresses a different concern, involving pending independent counsel proceedings which are regulatory rather than statutory in nature. It creates a transition provision for "any individual serving, at the time of enactment of this Act, as a regulatory independent counsel under Parts 600 and 603 of title 28 of the Code of Federal Regulations."

The 1987 independent counsel law and this reauthorization prohibit the special court from appointing as an independent counsel "any person who holds any office of profit or trust under the United States." 28 U.S.C. 593(b)(2). That provision ensures that the effectiveness of individuals who are chosen to serve as independent counsel will not be impaired as a result of divided loyalty or perceived conflicts of interest.

While the conferees believe that this provision should be continued, the conferees also believe that special circumstances exist with regard to the regulatory independent counsel who was appointed in In re Madison Guaranty Savings and Loan Association. That counsel was appointed from outside the Federal Government by the Attorney General, pursuant to 28 C.F.R. Part 600 et seq., during the period in which the Attorney General lacked the authority to seek appointment by the court of a statutory independent counsel for new matters. Given those circumstances, the conferees believe that it is appropriate for the special court to have the option to appoint the same person as the statutory independent counsel, should the statute be triggered with regard to the allegations that such regulatory independent counsel is currently investigating.

The conferees express no opinion on whether the statute will or should be triggered. That decision rests solely with the Attorney General. Nor do the conferees express any opinion on whether, if triggered, the special court will or should appoint the current regulatory independent counsel as the statutory independent counsel. That decision rests solely with the special court.

The conference agreement requires any regulatory independent counsel, if appointed by the special court as a statutory independent counsel, to abide by the provisions of the independent counsel law, as amended by this Act, to the same extent as statutory independent counsels appointed prior to the enactment of this Act. The only exception is that section 7(f)'s accelerated schedule of court reviews of existing matters to determine whether their termination is appropriate would not apply; instead, the provisions of section 596(b)(2), as amended by section 3(h) of this Act, would apply.

Finally, section 7(i) states that the new reporting requirements for White House personnel added by section 6 of the Act shall take effect on January 1, 1995.

And the House agree to the same.

That the Senate recede to the House's amendment to the title of the bill, so that it will be the "Independent Counsel Reauthorization Act of 1994."

JACK BROOKS,
JOHN BRYANT,
DAN GLICKMAN,
BARNEY FRANK,
Managers on the Part of the House.

JOHN GLENN,
CARL LEVIN,
DAVID PRYOR,
BILL COHEN,
TED STEVENS,
Managers on the Part of the Senate.

BLACK LUNG BENEFITS RESTORATION ACT OF 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2108) to make improvements in the Black Lung Benefits Act. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(b)(1) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours (excluding time consumed by recorded votes and proceedings incidental thereto). It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4415. The amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1140

The SPEAKER pro tempore (Mr. WISE). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 428 is an open rule providing for the consideration of H.R. 2108, the Black Lung Benefits Restoration Act.

The rule waives section 401(b)(1) of the Congressional Budget Act against consideration of the bill only. That section of the Budget Act prohibits consideration of new entitlement authority which becomes effective prior to October 1 of the year in which it is reported. This is a technical waiver which will be corrected by the substitute which this rule will make in order. The original bill as reported from the Committee on Education and Labor did not contain an effective date and therefore theoretically could have allowed spending to occur in fiscal year 1994.

The rule makes in order an amendment in the nature of a substitute consisting of the text of H.R. 4415 as an original bill for the purposes of amendment. The substitute is identical to the reported bill except for adjustments to include an effective date. Therefore when the new text is made in order upon passage of the rule, there will not be any Budget Act violation.

The substitute shall be considered as read.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule further provides for a limit of 3 hours, excluding the time for votes, for consideration of the bill for amendment.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2108, the bill for which the Rules Committee has recommended this rule, would amend the Black Lung Benefits Act to ensure that process of determining eligibility for black lung benefits is objective and that beneficiaries and their families and survivors are treated fairly.

In a series of oversight hearings since 1990, the Education and Labor Committee discovered that the Black Lung Benefits Program had been restricted to the point that only 5 percent of miners' claims are approved. The committee heard repeated testimony that retired miners and their families have been terrorized by unscrupulous collection agencies hired by the Government to reclaim benefits legally paid to claimants while their cases were on appeal.

H.R. 2108 is designed to make the determination of eligibility for black lung benefits fairer and speedier. In addition, the bill would remove the overpayment repayment requirement if those receiving interim benefits are later found to be ineligible.

Mr. Speaker, I ask my colleagues to support this open rule so that we may proceed with consideration of the merits of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I thank the gentlewoman from New York for yielding.

Mr. Speaker, I am pleased to rise in support of this open rule providing for consideration of the Black Lung Benefits Restoration Act. We all know the problems in the coal mining areas which bring about the black lung disease, and they need help.

Mr. Speaker, I am pleased that this is an open rule. Unusual, indeed, but nevertheless, welcome.

Initially there was a great deal of concern that this bill violated the budget act because it technically could have allowed new entitlement authority in this fiscal year.

Although the rule does waive section 401(b)(1) of the Budget Act, it also makes in order substitute text containing an October 1, 1994, effective date. Therefore, upon adoption of this rule, there will be no violation of the Budget Act.

The Federal Black Lung Program provides monetary reimbursements to current and former coal miners who are totally disabled by black lung disease. The program also provides benefits for dependents and survivors.

There are many problems with the current program. It is extremely difficult for claimants to obtain benefits. The Black Lung Trust Fund is about $3.9 billion in debt, and the financing is causing a financial hardship on the coal industry. This bill attempts to address these problems and others, but there are substantial concerns over many provisions of the bill, some of which I share.

This open rule will allow Members to offer germane amendments to address their particular interests.

Mr. Speaker, I submit for the RECORD a comparative chart on open versus restrictive rules, and I urge my colleagues to adopt this rule so we can proceed with the consideration of this legislation.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	66	14	21	52	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 18, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (Oct. 6, 1993).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act—1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV. (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV. (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171. (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176. (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote. (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote. (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209. (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote. (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165. (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote. (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	176 (D–118; R–58)		A: 369–49. (May 18, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, rise in support of the rule. It is not all that I would like in the sense that it does waive the Budget Act in regard to section 401(b)(1). But as has been indicated, that is a technical objection. Yes, but it is a real problem, waiving pay-go for an entitlement program, because part of the deep problems of the Black Lung Benefits Act is indeed the fact that the trust fund, which represents all of those owners who cannot be found and who have to react to a workman's compensation claim from the miners of America who are suffering from black lung disease, that black lung fund is $4 billion in debt and has been bailed out by the taxpayers once before by waiving all interest for several years. That is a deep, deep problem which we will be discussing later.

So I would have hoped that we would have faced that before bringing this to the floor, and at least be able to take the roughly $200 million of added expense on the black lung fund and at least cut in other areas under the domain of the Committee on Education and Labor, so that there will be no threat upon the various allocations which the committee has already set forth for the fiscal year 1995.

But we do rejoice in having an open rule. I think that is fine. A lot of us believe this is a very important act. Unfortunately, Congress has been a terrible, terrible insurer, you might say, which is what the black lung fund is, for the Workmen's Compensation Act, known as the Black Lung Benefits Act. If we were in private business, we long ago would have been closed and bankrupt and ridiculed for the terrible job that Congress has done in handling this. But that will all come in the debate.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURPHY] chairman of the subcommittee.

Mr. MURPHY. Mr. Speaker, I rise to urge my colleagues to approve House Resolution 428, the rule providing for consideration of H.R. 2108, the Black Lung Benefits Restoration Act of 1994. After receiving testimony from majority and minority members of the Committee on Education and Labor, the Committee on Rules approved H.R. 428 and now recommends its adoption by the House. I support the recommendation of the Committee on Rules and urge prompt ratification of the rule.

H.R. 428 makes in order an amendment in the nature of a substitute to H.R. 2108, consisting of the text of H.R. 4415 as original text for the purpose of amendment. H.R. 2108, which is similar to a black lung reform bill approved by the House during the last Congress (H.R. 1637–102d Cong.), was ordered reported by the Committee on Education and Labor, April 13, 1994, and is described in the committee report filed last week. (House Report 103–507, May 12, 1994.)

The text of H.R. 4415, which this rule would substitute for the text of H.R. 2108, is identical to the committee-reported bill, except for the effective date. The language of H.R. 2108 would have the legislation effective upon enactment. The text of H.R. 4415 makes the legislation effective on the first day of the next fiscal year, October 31, 1994.

The effective date provision of H.R. 4415 and other conforming language which would be substituted for the text of H.R. 2108 cures a technical inconsistency with section 401(b)(1) of the Budget Act of 1974. That provision of the Budget Act requires the spending contained in our bill begin after the fiscal year in which it is enacted. The effective date in the text of H.R. 4415 brings H.R. 2108 into compliance with this provision of the Budget Act.

The rule, H.R. 428, which we have before us, waives section 401(b)(1) of the Congressional Budget Act (prohibiting consideration of new entitlement authority which becomes effective prior to October 1 of the year in which it is reported). Adoption of the rule cures any Budget Act infirmity and provides that all points of order against consideration of the bill for failure to comply with section 401(b)(1) of the Budget Act of 1974 are waived.

With respect to the nature of the rule, the Committee on Rules has recommended an open rule. The chairman of the Education and Labor Committee and I, in testimony before the Rules Committee, recommended a modified closed rule making in order three amendments submitted to the Rules Committee on Monday, May 16. Republican members of our committee urged the Rules Committee to grant an open rule with no limit on the number of amendments and generous debate time.

Reluctantly, I agreed to the minority's demands because I did not want our committee to be accused of being unfair or attempting to prevent a full debate on this important issue.

The Committee on Rules, in H.R. 428, has granted the minority's wish.

They have the open rule they asked for.

They have no limits on the number of amendments as they requested. Yesterday our minority members told the Rules Committee they would have seven or eight amendments. I hope that is still true today and we haven't opened the gate to a flood of amendments designed to delay consideration of black lung reform legislation.

They have 1 hour of debate on the rule, another hour of general debate on the bill, and 3 hours of debate on amendments. That's a total of 5 hours, not counting time consumed for votes.

I assume, since the minority has gotten everything they requested in the rule, we can count on their support for adoption of the rule.

Having participated in our committee's presentation to the Rules Committee, listening to the minority's demands, reluctantly assenting to their demands, and seeing their demands incorporated in the rule, I would consider it disingenuous to turn around and oppose the rule. Furthermore, since we have agreed to everything the minority wanted in the rule, I think we should dispense with further debate on the rule and proceed to substantive consideration of H.R. 2108.

I urge my colleagues to approve H. Res. 428, the rule providing for consideration of H.R. 2108, and allow us to proceed to bring comprehensive black lung reform legislation before the body for the second time in approximately 18 months.

The last time the Education and Labor Committee brought a similar bill (H.R. 1637) before the House it was approved by a voice vote. I certainly hope we will enjoy the same success again today. The victims of this debilitating disease, some of whom traveled to Washington yesterday in the hope of seeing justice done today, have waited too long already.

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Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in strong support of this rule and strong support of this bill. I think it is time. It is justice long overdue. It is not complete justice. It will not take care of all the inequities, but it is a start.

It is a start, for instance, for those claimants who have been in this process year after year after year, who retire because of pneumoconiosis or black lung, as it is popularly known, and then begin to go through all the administrative hoops and procedural barriers of the black lung programs.

It is the case, for instance, of people who have cases pending anywhere from 7 to 10 years. It is the case, for instance, of somebody who knows that they will never receive their benefits. Their one hope is that they will last long enough and so finally there will be victory and their spouse, usually their widow, will receive those benefits.

This would, for instance, end the practice of running claimants around to different medical examiners until there is a decision adverse to them. So that it ends the practice of making them go to doctor after doctor after doctor trying to get that decision that will eventually rule against them. It would assume, for instance, that death that would come from pneumoconiosis, if the claimant was receiving benefits or was disabled by pneumoconiosis at the time of death.

That makes sense, does it not? Unfortunately, not in the administration of the black lung program.

Some of my colleagues, and I understand some of them are not from coal-mining country, they wonder why, what is the problem here? Why can Medicare, as has been suggested, not cover it or COBRA. Nobody can afford COBRA that I have been able to see, but why COBRA cannot cover it.

Let me try and create the picture for my colleagues of a mine. First of all, turn the lights out in here. Then, after that, pretend like there are cutting machines going in every corner. And just to make it complete, start the fans going that blow black coal dust at you and blows at you and you breathe it day after day after day, 30 or 40 years. We will not even get into the occupational safety aspects of it, the fact that the roof is creaking overhead. We have to worry about roof falls. We have to worry about it being the most hazardous industry in the country.

We will talk about the hazards that come after people retire and they are going to retire. And if they have worked in there 20 years at least, they are going to retire with black long. There is no way around it. They are going to be disabled, and it is going to be steadily degenerative as a result.

My colleagues, they cannot eat and inhale black coal dust day after day after day without having severe respiratory problems resembling emphysema that are going to get worse and worse. Every day they walk out of that mine and, indeed, often for people long after they have left the mine, every time they cough, they are going to cough black dust.

That is what black lung is. Most of us are fortunate. We do not have to worry about that. Men and women who work underground every day do. So that is what this program is about.

After they have worked all that time, they ought not be frustrated by a program that is really procedurally almost designed to frustrate them.

This is a chance to bring some justice. It is a chance to remove some of the administrative barriers. It is a chance, finally, to bring a little bit of light to an occupation that does not see a whole lot of it.

Mr. Speaker, I urge adoption of this rule and the bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of the rule. If Members sat in the chair back in the district that I sit in, they would hear from claimants for black lung who have waited 5 or 10 years for benefits. And they beat around the mulberry bush.

It is time that we take the burden off of the coal-operating companies and that we acknowledge obligation and we do something about it.

By allowing these amendments on the floor of the House to be debated and the bill itself, we will get down to the business of helping and not destroying the lives of so many people.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. RAHALL). Pursuant to House Resolution 428 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2108.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2108) to make improvements in the Black Lung Benefits Act, with Mr. WISE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. FAWELL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 2108, the Black Lung Benefits Restoration Act of 1993. The bill is essentially the same as the one which passed the House near the end of the 102d Congress. That bill was severely scaled back to meet both substantive and budgetary considerations. There are many provisions that we left out of this bill that I personally favored. We gave them up to get a bill that could and should pass the House of Representatives.

Black lung is an occupational disease that destroys the lives of those who mine the coal on which this country depends. It is a savage disease that debilitates tens of thousands of once strong and energetic miners by denying them the very breath of life. No one who has visited the coalfields of this country can deny the horrible consequences of pneumoconiosis.

In 1969, under the leadership of my good friend John Dent, who cared deeply for the people of the coal fields, we passed the first Black Lung Act, as part of the Federal Coal Mine Health and Safety Act of 1969. The need for a compensation program for disabled miners was compelling then and is no less compelling today. Over the years, we have amended and reamended this law as we have attempted to better balance the demonstrable need for disability compensation with fiscal responsibility by ensuring that the legal standards establishing eligibility and causation were clear. This has not been an easy task. Unclear and inconsistent evidence with regard to work histories over long periods of time and the lack of conclusive medical evidence in this field has always plagued this program through no fault of either the miner or the operator.

In 1981, the following other changes to the act in 1972 and 1977, this Congress severely restricted the presumptions of causation used to determine eligibility. As a result, the approval rates for claimants has dropped dramatically, virtually nullifying the act. This is especially true for the widows and survivors of miners.

The current system is so stacked against the claimant that even the clearest case is often difficult to establish. The evidentiary standards and the lack of presumptions as to work histories and causation almost ensure that the party with the most money for the greater number of examinations and the greater number of expert witnesses wins—wins not on the basis of the quality of the evidence, but simply by the poundage of the evidence. My colleagues, the party with such funds available is not the miner or his or her survivors.

This bill is a modest attempt to ensure a fairer and more balanced claims system for both parties to these cases. Specifically, the bill limits for all parties the number of medical examinations that can be required and the pieces of similar medical evidence that can be introduced which are derived from the same medical procedure. It also gives weight to the treating physicians of miners disabled by the disease if those physicians are appropriately qualified.

This bill reestablishes the widows/widowers presumption—that if the miner was receiving benefits at the time of death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis. It establishes a procedure for early designation by the Secretary of the named responsible operator so that the claimant does not have to litigate against an array of operators, all of whom wish to avoid liability. It makes it economically feasible for attorneys to represent black lung claimants in lengthy litigation against coal operators. It also extends the act to workers who contracted black lung while working at coke ovens.

This is a good bill, a budget-conscious bill, and one that all my colleagues in the House should support. The work of miners deep inside the earth has literally powered our Nation for decades. If you believe that over time we have eliminated the cause of black lung and therefore need not continue to provide compensation, may I just remind you of the recent dust sampling scandal which exposed miners to dust levels well above those allowed by law. Until the causes of black lung are remedied we, as a nation, owe a debt to our miners and their survivors. This bill is a repayment of that debt. The need is as important today as it was in 1969. Just ask the miner whose life is dependent on a respirator that must be carried by his side forever. Compassion for these hard-working people requires that the House pass this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FAWELL. Mr. Chairman, I yield myself 18 minutes.

Mr. Chairman, I rise in opposition to H.R. 2108.

First of all, I want to say that all of us here today are committed to responsible stewardship of the Black Lung Benefits program and with its basic purpose as a workers' compensation program, something of which I think we lost sight of from time to time, designed to provide payments to disabled miners based on a clear showing of employment-related medical disability.

Unfortunately, H.R. 2108 would move the program far beyond congressional intent concerning the Black Lung Benefits Act and, indeed, move us backward to the 1970's.

□ 1200

Mr. Chairman, most of the people by now have forgotten that this $1.5 billion per year program was a last-minute addition, indeed an afterthought to the 1969 Federal Coal Mine Health and Safety Act, a law concerned primarily with the technical safety requirements of coal mines.

So it was that Congress with minimal debate or consideration tacked a rider on to the Coal Mine Health and Safety Act and created the Black Lung Benefits Act, a workers' compensation act.

Mr. Chairman, the original Black Lung Act was limited, limited in duration, limited to underground coal miners who could establish that they were totally disabled as defined only in regard to being totally disabled to work in the mines only, not totally disabled in general, due to black lung disease arising out of coal mine employment and limited to governmental liability, also.

But as we have seen before, Federal entitlement programs can attain a life and a momentum all of their own. In 1972 Congress decided that not enough miners were receiving black lung benefits and the so-called temporary act was suspended to cover surface miners and special presumptions were added so that miners were considered to have black lung disease simply because of the number of years that they worked in the mines, and the act ordered the review of all prior denials. Some 70,000 claimants had their claims reversed, resulting in an additional $9 billion over the lifetime of those claimants of expense to the black lung trust fund, which is set up to be able to respond insofar as illness from black lung is concerned from owners of coal companies that no longer can be found.

Mr. Chairman, in 1977 Congress proved that it could make things worse. The 1977 amendments gave a new meaning to the concept of retroactive liability. Congress again sought to ease the burden on claimants seeking benefits, so that all of the claims which were reviewed initially under the 1969 act and re-reviewed under the 1972 amendments were to be reviewed yet again under the 1977 amendments. The 1977 amendments created 125,000 claims to be refiled and relitigated which caused workers' compensation insurance companies, by the way, to deny liability for the claims they were insuring because they said, "Hey, we only really insured one bite at the apple in litigation, not several more," which caused the trust fund to go deeply into debt and caused the coal companies much consternation because they had to self-insure for black lung liability and that set the stage for 1981.

Thus in 1981 the administration, labor and management agreed on a compromise set of amendments to the Black Lung Act in order to stabilize programs and to hopefully steer the trust fund toward financial stability.

By late 1981, it was clear that funding arrangements enacted in 1978 were so inadequate that the trust fund had accumulated $1.5 billion of debt to the U.S. taxpayers with no prospect of future solvency.

Mr. Chairman, in 1981 Congress passed amendments which doubled the tax on coal to provide additional income for the trust fund and repealed, repealed, Mr. Chairman, most of the presumptions and the restrictions on evidence passed in 1969, 1972 and 1978 designed to make proof of real medical illness that much easier.

The purpose of the 1981 amendments was to ensure that entitlement of claims filed in the future would not be based on presumptions of eligibility and restrictions of evidence but on actual proof of total disability due to black lung disease arising from employment in the coal industry.

By the way, about 12,000 claims against the coal operators were transferred over to the trust fund because of the enormous responsibilities that were involved because of those 1977 amendments, which kind of rigged, and that is not possibly the best way of expressing it, but changed the mode of procedure for approving these claims.

Mr. Chairman, the result of the 1981 amendments was that the growth of the trust fund dramatically slowed, but it did not stop. So today the trust fund is approaching $4 billion of debt. All of the tax revenues which were increased in 1981 are sufficient, yes, to cover benefit outlays now and are sufficient to cover administration expenses now but not interest on the debt. So even with the 1981 reforms, the trust fund now is $4 billion in debt and growing.

Mr. Chairman, the insurance company known as the trust fund operated by Congress is in tragic shape right now. And along comes H.R. 2108. What does it do? It goes back to the 1970's, to the good old days, and it says, we will bring back irrebuttable presumptions of eligibility, we will bring back restrictions of evidence that the black lung recoveries would again not necessarily have to be based on actual proof of total disability, and that is a disservice, I say, to the miners who really are deeply sick because of black lung disease. Thus, these miners are not thus getting the benefits they deserve because of the avalanche of all these claims being relitigated and relitigated time and time again when some members of Congress and some unions do not like the results of Black Lung workers compensation litigation. So in 1972 Congress ordered re-litigation of Black Lung cases and they attempted to doctor the legal procedures to get better results. In 1977 they did the same thing, ordering 125,000 the right to re-litigate their Black Lung cases which they had lost. All of this of course is tremendously expensive and cloggs up the adjudication process.

Mr. Chairman, what are we doing? We are saying that interim benefits for total disability need never be repaid even if the claim is denied, even if it is admitted that there was no basis for the claim. A survivor widow is entitled to the irrebuttable presumption that death of the miner was caused by pneumoconiosis if the miner was totally disabled at his death regardless, Mr. Chairman, of what really caused death. He might have committed suicide, he might have had an accident. It does not matter. Automatically we extend these benefits.

That means there is less for the ones who really, really need it.

Mr. Chairman, the rules of evidence, what do we do here? The rules of evidence in black lung cases allow claimants to put three medical examinations into evidence while the trust fund, this is the people's insurance company, Congress' insurance company, and the responsible operators, the coal operators, can only offer one medical examination. Mr. Chairman, you can always find one doctor to be able to express your opinion all right. The opinion of the miner's treating physician shall be, get this, given substantial weight over the opinions of other physicians in determining the claimant's eligibility. That is a cost, by the way, of $22 million; the interim benefits, a cost of $56 million new; and the survivor's widow case to which I referred to, $7.5 million.

Mr. Chairman, we did not stop there with this legislation. There is more. There is also extended coverage. We are going to make the Black Lung Benefits Act extend farther and farther and wider and much more coverage. We are going to be covering coke oven workers. Nobody knows how many coke oven workers might be involved under the definition of coke oven workers as set forth in this bill. CBO makes the stab $11 million more of costs, but nobody really knows.

Mr. Chairman, we also redefine the definition of pneumoconiosis to include obstructive lung disease as well as restrictive lung disease. What does that mean? Basically it means that a style of life, for instance, if someone smokes too much and has respiratory problems is no defense. We are going to just compensate all of those people, too, who happen to have had any experience in the mines.

Then for attorney fees, we also allow attorney fees and expert witness fees and costs even if the claim is denied.

Mr. Chairman, we will say that even though a claim is denied, one gets attorney fees. By the way, under those circumstances, who pays for the attorney fees for the coal operators? Guess what? The people's insurance company, the trust fund, of course.

Mr. Chairman, I do not have any problems with attorney fees being ordered. I think it is a big problem in the Black Lung Act because a lot of very competent attorneys are not in there fighting for the miners to the degree they ought to, and I support the concept that there ought to be legal fees awarded. I would even go so far as to say that unlike all the other workers' compensation statutes, that the fee does not have to come out of the recovery, although that is generally true in the States where they have a contingent fee arrangement in workmen's compensation cases. I will go along with that even. I think also that if we really wanted to do some progress in regard to getting these cases over with, we would have contingent fees on recovery the way the State do and the way basically tort law and injury law is worked. Those are just my opinions. I think it would help a great deal.

Mr. Chairman, the only thing I say is, no, no, I do not think anybody in this Congress believes that legal fees should be awarded when the claim is denied.

□ 1210

I do not think anybody believes that legal fees, when the claim is denied, then have to be shifted over to the trust fund.

So what, in reality, does H.R. 2108 do? As I have said, it goes back to the 1970's. It treats the Black Lung Benefits Act more as an entitlement program to total disability payments, not a workers' compensation act.

Mr. Chairman, you cannot go on refiling years and years and thousands and hundreds of thousands of claims over the years simply because you do not like the results that the Department of Labor is giving to you or the administrative judges. You know, what that does out in the private industry, it is absolute chaos. Yet in H.R. 2108 there is another requirement that some 87,000 miners may now—after have had their "day in court"—and their claim denied, can refile. Anyone who lost his or her case since 1981 can refile their claim. And CBO says that at least 20,000 new awards will result from being able to relitigate under changed rules of evidence.

Well, it does not bother Congress, because we just go along with those things, but let me tell you, anybody trying to run a coal business and trying to find anybody who might want to insure for workmen's compensation, you have a tough time when the insurance company says, "Well, Congress may go and just cause us to relitigate four or five times." Well, that is one of the things that we are doing. It is a trust fund buster. It is made to order for more massive bailouts.

If without the new requirements of 2108 the trust fund has added $2.5 billion to its debt since 1981 and has gone up to $4 billion, what do you think, Mr. Chairman, the new debt will be with all of these new costs and gimmicks and ways of rearranging rules of evidence in trials? This bill totally ignores the spirit of the requirements of pay-go by refusing to offset the new costs by cutting elsewhere.

But really pay-go and CBO only look ahead for 5 years, and I am telling you that is not where the big debt here is. We ought to in Congress, in operating this particular insurance company known as the trust fund, we ought to be setting up reserves which would, therefore, guarantee that we would have the money without having to be bailed out by the taxpayers again in the future when these miners who have lifetime rights to total disability payments come along and ask for their payments.

In truth, the full cost of this bill will be so immense over the years that the offsets that CBO is talking about, and they have suggested that there would be $195.5 million of pay-go violations here, but that is not going to alleviate the concern that I think the administration has, nor do I think it is going to alleviate the concerns that all of the rest of us have.

In fact, in closing, let me say that H.R. 2108 creates more inequities in the black-lung program than it corrects and would substantially increase expenditures for black lung benefits. As I said, it is a black lung-fund buster.

But do not take my word for it, Mr. Chairman. Let us look at OMB. And what does OMB say about it? I do not know if the administration has endorsed this bill yet. I do not think they have. At least, it has been relatively quiet. But even OMB recoils, and here is what they say: "The administration is very concerned about the enormous debt in the black-lung disability trust fund, and the additional debt that would result from those revisions," and, Mr. Chairman, the actuary with whom I have been working to determine what the ultimate costs will be has estimated that on the basis of DOL estimates that there will be the 80,000 refilings, that on the basis of 80,000 refilings which this bill requires, that you would have a lifetime cost of approximately $225,000 per case lifetime total disability obligation.

You multiply that by 10,000, which would be roughly the share of cases attributable to the trust fund, and you have got there alone $2.2 billion. If we were a true insurance company, we would be putting out in reserves to make sure we are not going to bankrupt the future and can pay for those 10,000 new cases. But we are not going to be doing that. That does not even include the added costs in H.R. 2108—to which we will be addressing ourselves with our amendments.

That does not, by the way, include either what the private sector is going to have to absorb, and the same actuary has stated that there we are talking about many billions of dollars upon the private sector which, as a practical matter, probably will have to be handled by new taxes, which is what Senator SIMON is talking about.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if we were in a court of law, I would say this side rests at this point, because I think the gentleman has done a marvelous job of confusing the issue so badly that no one could follow his lead and vote against this bill, and ever be able to explain it later.

The fact of the matter is the numbers he is throwing around outnumber the total number of people engaged in coal mining in this country by many thousands.

If it occurs to one we could amend this bill so that a coal miner could never again, no matter how badly disabled, collect a dollar in order to get the gentleman's vote; it still would not work, because he would not vote for the bill even if we changed it in that way.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. MURPHY], the chairman of the subcommittee, in order that he may allocate time to other speakers.

Mr. MURPHY. Mr. Chairman, I yield myself 4 minutes to address the remarks.

Let me say this is quite a fitting day for us to be considering the black-lung restoration benefits of 1994. Today the Education and Labor Committee is commemorating the passing and the service of our former chairman, Carl Perkins of Kentucky.

Mr. Perkins was a champion of the cause of disabled miners, particularly in his eastern Kentucky district, and we enjoyed and greatly benefited by his chairmanship during many years here in the House.

H.R. 2108, let me address that, is a very necessary matter. And let me say to all of the Members who are in their offices listening and here on the floor, for over 100 years the coal miners of this country mined the coal under our surface without safety regulations or rules imposed by the Federal Government. There were some in various States, but they were lax. they were not totally adequate to protect the health and safety of our miners.

In 1969 this Congress, with the leadership of Carl Perkins, John Dent, and BILL FORD and others addressed those concerns with passage of the first Federal health and safety coal mine act, recognizing that during our war years of 1941 through 1945, there were very little safety regulations in coal mining. Many of the miners who worked in those days could not, nor would they consider, going out on strike over health matters or safety matters. They were serving the needs of this country in providing the energy, 80 percent of the energy, that our country needed in those years which was provided by the coal industry.

□ 1220

Those miners were totally exposed to the hazards of coal mining. Pneumoconiosis was the result of their rewards for service in those years and all through the years of coal mining.

Pneumoconiosis, what is it? It is the graying and blackening of the coal miner's lungs when he is exposed day after day, hour after hour, sometimes working 10 and 12 hours during those years at the face of the coal mine where coal dust was not regulated. We recently, unfortunately, even though we passed in 1969, 1972, 1977, improvements in the Mine Health and Safety Act, we recently had a scandal of one or two of the major coal operators in this country fudging their coal air reports in their reports to our Federal health and safety divisions and to our Bureau of Mines. So we still have in some instances black lung still being acquired by those coal miners. It need not be so. If all of the mines adhere to the regulations we now have in effect, there will be no miners in 20 years or 15 years from now benefiting from these because there will not have to be. Black lung is gradually being eliminated.

But what about those older miners who had to serve in those years? They have health costs, they have living costs that far exceed what they can get from their pittance on social security to take care of them. And now most of them are in their 70's and 80's, unable to drag their oxygen tent up the steps of a bank and rob a bank, as the gentleman from Illinois would have you believe that they are doing, to sustain their needs. No, they need these amendments.

In 1972, with a Republican President and a divided Congress, the act was improved. In 1977, with a Democrat President, the act was further improved. But in 1981 the benefits were greatly reduced, and those are the benefits we are now trying to restore by this act.

Mr. Chairman, I reserve the balance of my time so that my other colleagues may have an opportunity to speak on it, and I will readdress it, if I have additional time.

Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding this time to me.

I again salute the committee and the gentleman from Michigan [Mr. FORD] the chairman of the committee, for bringing this legislation to the floor today.

Mr. Chairman, I rise in strong support of this legislation. There may be Members in this Chamber, or watching this debate, who may be saying to themselves: "I don't have any coal miners in my district. Why should I vote for this bill?"

Well, who do you think produces the energy to provide the lighting, heating, and cooling in this very Chamber and in your offices?

Our Nation's coal miners. That is who.

You may be from New England, from Florida, from almost anywhere in this great Nation of ours and either all or some of your electricity is generated from coal. So I would submit that you, as do I, have a substantial stake in this bill, a bill to fulfill a promise this Congress, the Federal Government, made to the coal miners of our country back in 1969.

And that promise was that we will compensate you for the black lung disease that you may contract for mining coal, for producing the energy so necessary for this Nation to maintain its industrial strength and our standard of living.

My colleagues, that promise has been broken. That is the reason for the pending legislation. As it now stands, disabled miners who suffer from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

Today, we are witnessing less than a 10 percent approval rate on claims for black lung benefits. This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well being of this Nation.

We are faced with other problems as well, among them the long period of time it takes the Labor Department to process a claim; the inability to find legal representation, the denial of benefits to widowers, and perhaps one of the most insidious of them all, Government attempts to seek repayment of benefits paid under claims that are appealed years after the initial payment was made.

This was, however, originally envisioned by Congress as being a fairly straightforward program.

Yet, through years of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant.

This type of philosophy certainly does not represent the statutory commitment we made to compensate coal miners and their families.

The pending legislation, H.R. 2108, contains a number of provisions aimed at addressing the bona fide concerns of those who are afflicted with black lung.

I urge the House to approve this legislation, for make no mistake about it. Victims of black lung disease are not people who are looking for a handout. They are people who worked their lives in one of the most dangerous occupations in this country. They are people who were promised compensation by their Government, and they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

Mr. FAWELL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. I thank the gentleman for yielding this time to me.

I congratulate the gentleman from Illinois for the work he has done on this subcommittee on this and many other subjects. Certainly those miners who have been afflicted with black lung over the years, before the dangers of underground mining were understood, deserve the support of this program, and that is why it was put into effect and still continues to operate.

But I think we should all understand that this program has been fraught with problems since its inception. Part of that problem is that there are continuing to be a large number of miners who do not qualify for the program because they have diseases and other disabilities that have nothing to do with black lung.

So we continue to have a lot of people rejected from this program because of that, and there have been attempts over the years at trying to open the program up for more and more miners who have disabilities.

Now, it should not surprise any of us that Members who have brought this legislation to the floor and many of those who will speak today represent areas where there are large underground mines. I certainly understand that. But I and other colleagues in this body have a responsibility to look at the facts in this program and determine whether in fact we ought to make the changes being suggested by the gentleman from Pennsylvania.

Unfortunately, many of us believe that the Black Lung Program has become an extra pension, if you will, for a lot of those who have worked in mining areas that do have disabilities, unfortunately, coming from other problems, other than black lung.

I would like to talk about two of the problems in this bill. One is the tax increase that is in this piece of legislation, $195 billion over the next 5 years. This does not include that coal mine operators are going to be required to pay if in fact these changes are made.

Now, we have to remember there already is a $4 billion debt in the Black Lung Program that is not being addressed, and yet we want to not only exacerbate that problem but give even more benefits out, which is only going to compound the problem even worse.

The other body at least is a little more honest with their legislation; they call for a 5.5-percent coal tax increase in order to meet the extra costs in their legislation that does not appear in this legislation at all.

□ 1230

The surprising thing about the 5½-percent tax that the other body has in their legislation is that it is on surface mines as well as underground mines. It is a well-known fact that miners who work in surface mines do not contract black lung. I do not know what responsibilities surface mine operators have to this program, but, in fact, that is what the other body is attempting to do.

Another issue in this bill is the refiling area, and I will be offering an amendment later in this debate to strip out the refiling language. We have allowed those who have been denied claims, up until 1972, to refile claims, and some, in the tens of thousands of miners who have been denied claims, refiled at the time. In 1977 we had another bite at the apple where those who had been denied up to 1997 were allowed to refile, and what we are attempting to do in this piece of legislation is to allow the 87 claimants who have been denied their claim since 1981 another bite at the apple. Well, not only are we going to give them another bite at the apple, but we are going to give them another bite with new evidentiary rules. We are also going to say that the claimants can go out and get three doctors' opinions, but the defendant, the operators, can only bring one medical opinion in.

It also says in the legislation, if my colleagues can believe it or not, that preference should be given to the personal physician's statement for the claimant above all others that might want to produce evidence. All previous evidence that has been put in the file from this claim where it was denied is all off the record and not allowed to be considered. I think that we are asking for a lot of trouble here. We are opening this program up to even more abuse than what we have seen in the past, and I think it is a grave mistake for this body to continue to move in this direction with this program.

Mr. Chairman, there ought to be real reform of this program, and unfortunately this bill does not bring it to us.

Mr. MURPHY. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. McCLOSKEY. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania [Mr. MURPHY] for yielding this time to me.

Reform with justice in the black lung benefits program is long overdue, and hopefully, with passage of this legislation today, and I might say without gutting amendments, it will bring us a lot closer to justice for senior citizens in the coal fields of our country. Only a minuscule amount of applicants, less than 5 percent of deserving applicants, are ever certified for this program. Especially tragic is a longstanding Department of Labor practice of demanding immediate repayment of sums for benefits paid under the interim benefit procedure.

Mr. Chairman, one elderly widow in my district in southwestern Indiana was told by the Bush Department of Labor to repay $60,000 in interim benefits or she would be turned over to private bill collectors. I ask my colleagues, "Can you imagine the stress and strain imposed on people in their late sixties, seventies, and eighties being told within 60 or 70 days they are going to have to pay 30, 40, 50, 60, $70,000 out or face the consequences, and in at least one case it has resulted in the loss of a home in my district, in the Eighth District of Indiana, to a miner's estate.

Mr. Chairman, black lung sufferers are senior citizens. They certainly do not have the resources or the energy to be at constant battle with the system. they have devoted their lives to working in the coal fields and want a peaceful and stable retirement. In one case an 80-year-old man lost his entire savings. In another case the Department of Labor harassed a miner for 8 years, and, when he died, his family lost his house. In my district it is estimated that 120 retired miners or their dependents are being hounded, or at least fairly regularly dunned, to repay $3.5 million in interim black lung benefits. Many of these miners, under previous practices which I understand are getting better, were not aware that the claim paid out in this process was subject to repayment. They are being punished for bringing forward their appeal to the Government.

Section 2 of H.R. 2108, the Black Lung Benefits Restoration Act, rectifies this unjust situation. It provides that a miner or if a miner's dependent receives interim black lung benefits, during the claim processing period in the final decision provides that the miner is ineligible for benefits. Any interim benefits paid will not be subject to repayment. I might say this only makes for common sense, simple justice, administrative simplicity. How are we going to ask retired working people to pay back in many cases 30, 40, or 50, in many cases $60,000? It hardly makes any sense to have a program like this if there is going to be a provision like this imposed.

I might note that they were told by qualified medical physicians that they had this condition to start with, and surely a system like this should not go on. Some have claimed this provision is a giveaway and incompatible with integrity of the black lung program. It is not true. It simply asks that simple justice be done. We have to realize that the retired miner, or their widows, do not have the resources to fight the claims. They are much outstaffed, outgunned, outspent, if my colleagues will, by the coal companies' doctors and their lawyers.

Mr. Chairman, this legislation is vitally important to our Nation's coal miners and their survivors. I want to commend again my colleagues on the Committee on Education and Labor, particularly the gentleman from Pennsylvania [Mr. MURPHY] and the gentleman from Michigan [Mr. FORD], also the leadership of the gentleman from West Virginia [Mr. RAHALL] on this concern for simple justice for miners and their families which is longstanding. I urge my colleagues to vote in favor of the legislation and against any amendments that strike sections of H.R. 2108.

Mr. FAWELL. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I say to the gentleman from Illinois, Thank you for the time.

I rise in opposition to the bill. No one disagrees with the proper implementation of a black lung program. No one disagrees that eligible miners should receive care. Nobody says black lung victims should not receive compensation. But sometimes it seems to me on this floor we argue largely on emotion.

I recall people standing up and saying, "I'm for kids." Of course they are. "I'm for miners." Of course they are. "I'm for people." Of course they are. But what we need to look for is a balanced distribution of a program to do this.

Mr. Chairman, it is my understanding that this would amend the law to provide the revision of evidentiary standards to determine the eligibility of disability benefits, limit a defendant's ability to defend against unjustified claims, require the reconsideration of approximately 90,000 previously denied claims, provide automatic entitlement for survivor benefits even when a miner's benefit resulted totally unrelated to coal work, expand the definition of miners to include individuals whose work is unrelated to mine and coal employment.

Someone mentioned, "Does it affect you?" Yes, it affects me. I come from the State that is the largest producer of coal, and I am very much interested in it.

Mr. Chairman, the black lung program was created to provide monetary reimbursements to current and former members stricken with, miners stricken with, black lung disease, and unfortunately it has become a Federal entitlement program that is nearly $3.5 million in debt. The bill before us simply makes this worse. We act as if nothing has been done. It is my understanding that in excess of $30 billion has been expended for monthly disability and medical benefits to approximately 225,000 miners and survivors. The expenditure exceeds $1.5 billion annually and is in the hole nearly $4 billion.

No one denies we should help this horrible disease, but it is important to remember who pays for it. The ratepayers of America pay for this program, my colleagues' constituents and mine. Although the black lung disability fund is financed through excise tax on underground and surface-mined coal, the true costs, of course, are borne by consumers. So, we need to deal with this issue with some balance. It is not just an idea of saying that we ought to throw the dough out there.

Mr. Chairman, when are we going to learn we cannot continue to strap businesses with new and excessive costs? it creates unemployment and limits the economic growth across this country. This bill is not a good resolution to the problem. If we need to change the administration, we should do that. This bill goes far beyond that. It creates an unfunded Federal entitlement program that will end up costing Americans billions of dollars.

I say to my colleagues, Let's defeat this measure and start to bring a little common sense into the way we do things around here.

□ 1240

Mr. MURPHY. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I would like to commend the committee very much for bringing H.R. 2108, the Black Lung Benefits Restoration Act, before us. This brings up the principle of fairness. That is what we are dealing with here, fairness.

I say that to the Members on the other side of the aisle who are focusing on this issue today. That is the word that summarizes this bill—fairness. This bill provides fairness to the miners, it provides fairness to the coke workers, it provides fairness to the families, the widows and widowers, and it even provides fairness to the operators.

Miners who received interim benefits and later were deemed ineligible have been forced to repay these benefits. Through heavy-handed methods, these benefits were collected, devastating families who had no means to save from their limited incomes. Many used that money to buy groceries and pay rent.

H.R. 2108 would not consider interim benefits as an overpayment, and miners would not be responsible for repayment.

H.R. 2108 will provide fairness to widows and widowers. If a miner dies and the cause of death is black lung, then the wife and children are entitled to the benefits. Men and women who have dedicated their lives to the mines deserve to have their families provided for if they die of black lung.

H.R. 2108 will provide fairness to the coke workers. In the past, coke workers were exposed to the same substances as miners but were not eligible for black lung benefits. These long-suffering men and women deserve the black lung benefits that this bill will provide.

H.R. 2108 gives an even playing field for the miners. It allows them to compete fairly with opposing legal expertise by providing prompt payment to their attorneys and only requesting one necessary medical examination.

H.R. 2108 provides fairness for the coal operator. No longer will the operator be falsely accused as the responsible party. This will save operators witness fees and attorney fees. This bill provides fairness for all.

I wish the Members could hear, as I do, as I go through the coal fields in my district, stories from retired miners of conditions in the mines in days gone by when you could not see your hand in front of your face, when the heat was over 100 degrees for the long hours you toiled in the mine, and then you coughed and spit mine dust for your life, for the rest of your life going forward. If Members could hear these stories, they would know that this bill is very necessary and its benefits very deserved.

The CHAIRMAN. The Chair would inform both sides that the gentleman from Pennsylvania [Mr. MURPHY] has 11 minutes remaining, and the gentleman from Illinois [Mr. FAWELL] has 5 minutes remaining. The gentleman from Pennsylvania [Mr. MURPHY] will have the right to close.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, we are waiting for a member of the committee, so I reserve the balance of my time.

Mr. FAWELL. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, those of us who come from Pennsylvania have a historic bond with the coal mines and the courageous people who have harvested that precious fuel over the generations. So we have almost uniformly supported the efforts to provide recompense to the miners who become afflicted with the deadly disease which is the subject of today's legislation.

So I begin this process in this debate with a hard leaning towards supporting the benefits package that is before us, but I do owe it to my own nature in watching carefully the extent of the funding and the spending that might be included in this legislation, so I will reserve final judgment on the bill as I review the amendments as they will be offered to see whether or not the process which is so important in the ultimate funding of that process would merit final support.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time first to assure my good friend and colleague, the gentleman from Pennsylvania, that we do not believe this is a budget-busting bill. We received estimates from the CBO that, yes, the trust fund owes the Federal Government $3.4 billion. It is not $4 billion or $3.9 billion; it is $3.4 billion. Most of that was incurred as a result of instituting the benefits following 1972.

At the present time the coal operators will pay in more than enough to pay current benefits by the extent of $20 million to $25 million more than the cost to administer the program and pay the benefits.

The interim benefits that were previously paid, and now, since 1981 and

1982, the amounts the claimants have been required to repay have not been going back to reduce the $3.4 billion that is owed by the trust fund; they are going into the general treasury. We would hope that the Treasury Department would give us credit for that, but they have not.

In addition to that, on the $3.4 billion that we owe the Treasury, the trust fund is being assessed 10½ percent interest. I would submit to the Treasury that I hope we can work that out with the Committee on Ways and Means in the coming months before we start paying benefits on this, so that they would refloat the $3.5 billion that the trust fund owes. Today they could sell the Treasury bonds in the open market for 4.2 percent, for a savings of almost $200 million a year. The trust fund could actually bail itself out if the Treasury Department would cooperate. We are going to approach the Committee on Ways and Means with this theory.

We would take the $25 million in excess, we would pay that toward the trust fund debt, we would refinance the trust fund at today's current interest rate, 4.2 percent, and we would be able to retire the debt.

In addition to that, I would say to my colleague, the gentleman from Pennsylvania, and the opponents of this measure that we are not talking about 80,000 claims being automatically reopened. We are talking about the right of those miners who are still living who have been denied benefits only since 1981 to have a right to have their claims reexamined. They must first refile, and then they would be reexamined. We are talking about probably 10,000 to 12,000 or 13,000 miners. The 80,000-miner pool is no longer out there, as it was in 1972. Yes, when the 1972 Act required a reexamination of all the claims, there were 80,000. Those miners are dead. This is 18 years later from that time, or over 20 years later. There were 18,000 since 1972 reviewed, and there were only 77,000 at that time. The number of miners that would be eligible is greatly reduced, probably to the extent of less than 10,000.

I might also say that the estimates from the administration and the Department of Labor are that even if all these provisions in today's proposed Act are approved, we are only going to have a 5 to 10 percent approval rate of all the claims filed, even if we take Mr. FAWELL's figure of 80,000, which is far in excess. Ten percent of that is 8,000. The figures they are throwing around here are just ridiculous.

Mr. Chairman, I would like to caution the Members to listen to the debate on the amendments, follow the debate, listen to the real statistics, get the CBO estimates, get the Department of Labor estimates of costs, and be guided by that in their votes.

Mr. Chairman, at this time I have no further requests for time, and I reserve the balance of my time.

□ 1250

Mr. FAWELL. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise today in strong opposition to H.R. 2108, the Black Lung Benefits Restoration Act. This bill represents yet another expansion of entitlements without a single thought dedicated to paying for the new spending. The changes made by this legislation, far from enhancing the availability of benefits under the Black Lung Program, will only serve to undermine the long-run financial viability of the entire program.

To those in this Congress who have fought to add fiscal responsibility to the Federal budget process, the history of the Black Lung Program in an all-too-familiar tale. A last minute add-on to another piece of legislation in 1969, the costs of this small, temporary entitlement ballooned far beyond original estimates. Each successive change expanded eligibility and benefits under the program, and by the late seventies, the Black Lung Program had become a permanent entitlement and a significant burden on U.S. taxpayers.

It is easy to dole out new benefits to laudable causes, but few Members ever talk about the costs and tradeoffs each program expansion necessitates. Every new Federal dollar spent must be taken from somewhere else. All too often it comes from future generations of American taxpayers. Such careless compassion turns out not to be very compassionate at all, because it ignores the real costs associated with any budget decision.

The Congressional Budget Office estimates that the expansion of available benefits in the Black Lung Program provided for under H.R. 2108 will cost $195.5 million. Where will the money come from? Nobody knows.

Unfortunately, the Black Lung Trust Fund—intended to pay for the benefits—is already almost $4 billion in debt and that debt continues to grow. It is time for the proponents of this legislation to come clean with the American people. This latest expansion of this poorly-managed entitlement is nothing more than a raid on the Federal Treasury. I urge my colleagues to vote against this fiscal folly. Vote against H.R. 2108.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KLINK], a member of the Committee on Education and Labor.

Mr. KLINK. Mr. Chairman, as a cosponsor of this legislation, I rise in strong support of H.R. 2108, the Black Lung Benefits Restoration Act.

Mr. Chairman, western Pennsylvania is coal country. Thousands of our neighbors there worked in the coal mines and now many of them are afflicted with black lung.

We know that black lung is caused by overexposure to coal dust. It is a terrible disease, and bad enough by itself. But when black lung is combined with the paperwork, red tape, and bureaucracy that a victim must face in trying to obtain benefits, the situation becomes almost overwhelming.

In one of my district offices, a caseworker is working on a black lung case that is 20 years old. That is wrong.

This legislation will help ease the burden of those afflicted with black lung and restore the fairness to the black lung benefits system that has been missing since the early 1980's.

H.R. 2108 would change the requirement that beneficiaries must repay interim benefits if they are denied regular black lung benefits and provides for survivors benefits for widows of black lung beneficiaries.

The bill places reasonable limits on what potential beneficiaries must provide as evidence of a claim. The legislation also provides for the designation of a "responsible operator" or mining company responsible for black lung benefits payment and allows for reasonable attorney's fees to be paid by that operator.

Finally, the bill allows that any black lung claim denied after 1982 may be refiled as a new claim.

I want to commend my friend and colleague, Chairman MURPHY, for his diligent work on this bill and on behalf of the coal mining families of western Pennsylvania. He has earned their gratitude.

Mr. Chairman, H.R. 2108 will restore fairness and equity to the black lung system. I urge my colleagues to support this bill and oppose the amendments to it. Miners and their families have waited long enough.

Mr. FAWELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge the body, we are going to have amendments which will address these particular concerns which have been highlighted. I think after Members carefully listen to what we have to say, they will agree with us that this is deja vu all over again. What we have here is the 1977 amendments, where once again the effort is simply to relitigate all the cases because the results did not turn out as we wanted them, and then try to set up new regulations and rules of evidence, in order to try to increase the number of awards that are being granted. That is what is being done.

But in 1977, that is when, by the way, the debt began to grow. Not before then. It came after 1977, and went up to $1.5 billion. There was a complete catastrophe, consensus legislation, that eliminated all these rules and regulations about trying to have evidence that is going to help your person win and so forth and so on, and it has worked to a degree, but we also had mammoth taxes in the private industry.

But it is still going down hill. The trust fund is $4 billion in debt. I verified that the other day. But bit by bit, we will be taking all of these changes that are in this bill and showing you how it is not going to help the people who really need the help, who are not getting that help.

I think we can suggest, too, how you really can do the job to be able to help the Black Lung Act so that those who are most in need, those who are suffering the most from pneumoconiosis, will be helped.

The answer is not to expand this program even further, to liberalize the spending even more. The answer is fairness in regard to the program itself. The unfairness of the program is that it does not help the people that ought to be helped.

Mr. Chairman, I think our amendments, one-by-one, if we will only listen carefully to them, I think we will prove that. This is a catastrophe in terms of money for the taxpayers of the country. We must think of that also.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD], in whose district we conducted one of the hearings.

Mr. POSHARD. Mr. Speaker, I grew up in the coal mines of southern Illinois, and I have been a strong supporter of legislative efforts to revise the Black Lung Benefits Act since my arrival in Congress in 1989. And I rise again today to express my support for passage of H.R. 2108, the Black Lung Benefits Restoration Act of 1994, and to thank the gentleman from Pennsylvania, Chairman MURPHY, and the others who have worked so diligently on this bill.

I personally witnessed the cruel suffering caused by black lung disease endured by coal miners of southern Illinois. It is heartbreaking to see miners denied legitimate claims, who have worked for decades in the mines and contracted this disease through no fault of their own. And there are numerous instances where a miner may be granted benefits that under current laws appeals by the coal companies prevail, and benefits are revoked, requiring a miner to pay back thousands of dollars in payments already made.

This is unconscionable, especially for the people who have spent their entire lives in the coal mines, to be dealt this kind of blow. And these situations must be remedied, and this is the bill in which they must be remedied.

Since the 1981 amendments to the Black Lung Benefits Act eliminated several presumptions and evidentiary rules which had previously assisted claimants in establishing their entitlements to benefits, the lengthy maze of litigation miners have had to tolerate in order to prove their claims has been truly inhumane.

Since the 1981 changes, Department of Labor statistics show that less than 4 percent, less than 4 percent, Mr. Speaker, of total claims submitted, are actually approved.

Imagine that, Mr. Speaker, that less than 4 percent of those miners who got up every morning, went to the coal mines, went down to the belly of the earth to bring up the plentiful energy supply that this Nation has to offer its people, who breathed the coal dust and the smoke and the gaseous fumes from those underground mines, less than 4 percent of the miners who ever applied for these benefits, not the ones who worked there, but who even bothered to apply, less than 4 percent of these people have ever been given claim to their rightful benefits that they should enjoy under this act.

□ 1300

Mr. Chairman, that, too, is unconscionable. Countless eligible miners over the years have refrained from even submitting claims, seeing the difficulties their fellow workers have encountered.

The growth of this country was powered by the coal these miners brought up out of the depths of the earth. I urge the House to take up their cause, to make a difference in the lives of these American workers who are deserving of these benefits from which they have effectively been cut off in the past decade.

Mrs. LLOYD. Mr. Chairman, I rise in strong support of H.R. 2108, the Black Lung Benefits Restoration Act. This legislation eases the requirements necessary to qualify for black lung benefits. It provides relief for dependents and survivors of black lung victims. And most importantly, it provides that disability claimants who are later found to be ineligible for black lung benefits will not be required to pay back any of the benefits they may have already received.

Seldom do victims of black lung have the means to put aside benefit payments in the event of a later negative decision in their case. Most who receive these benefit payments find they must use them to pay for daily living expenses, making it impossible to recover these funds.

I have heard from several miners and their families in my congressional district of Tennessee who often complain of their financial hardship of trying to repay moneys long ago spent to supplement their daily living while waiting for their claim to be approved. In some cases a levy is placed against a miner's home in an effort to recover payments. Mr. Speaker, I cannot in good conscious ask the coal miners and their families of the Third District of Tennessee to suffer the devastating effects of such actions. Coal miners have given so much for our country. They have worked hard and some have died with such a disability.

It is long past time that we move legislation on behalf of the thousands of miners, their widows, and families who are suffering financially under a program that was intended to bring them relief.

I believe this bill does an excellent job of returning to a program that more closely reflects the commitment of Congress, to compensate those coal miners who suffer from the crippling effects of black lung. This legislation is in the best interest of the thousands of black lung victims who have earned the right to retire with dignity.

I urge my colleagues to restore an important measure of fairness and equity to a program that is badly in need of repair.

Mr. MOLLOHAN. Mr. Chairman, I rise in strong support of this important legislation. I want to commend my colleagues on the Education and Labor Committee, especially chairman FORD and Chairman MURPHY, for bringing this bill to the floor.

H.R. 2108 will bring needed relief to our Nation's coal miners * * * many who have suffered physical disability from years of hard labor in the coal fields of this country.

Under current law, miners are paid interim benefits while their claim is evaluated by officials at the Department of Labor. This process takes an average of 8 years.

If their claim is eventually denied, they are forced to repay these benefits. And I can tell you that these are not wealthy people. There have even been cases of miners receiving a letter from the Government and—in a panic—selling off their possessions. In one case, a miner sold his home to meet this obligation.

This policy clearly imposes a real hardship on many miners, and I think it is time for us to affect a change. Over the years, I have witnessed firsthand the problems with the current system. And I believe this bill will address these injustices.

It will expedite and improve the process through which black lung benefits are provided. By doing so, it will make the process more equitable, more accessible and more in keeping with the intent of the Black Lung Program as initially conceived.

It will make it easier for widows to receive survivor benefits, protecting such benefits upon the remarriage of a widow.

And it will allow claimants denied benefits since 1982 to refile their claims. These miners were subject to the more stringent guidelines which were enacted to protect the solvency of the trust fund.

From my experience, I believe that the strict medical and reporting requirements of the Black Lung Benefits Program too often act as a deterrent to miners who should apply for benefits. This legislation would simplify the process, and make the program more responsive to those it was meant to serve.

We all know that this is not the first time the House has considered this bill. I hope it is the last time. Our miners have greatly contributed to this Nation's energy security. And they have suffered as a result of their long years of work. We must not turn our backs on them.

I urge my colleagues to vote in favor of this bill and against any weakening amendments.

Mr. MCDADE. Mr. Chairman, I rise in strong support of H.R. 2108, the Black Lung Benefits Restoration Act. I urge my colleagues to adopt these reasonable and long overdue reforms for miners disabled with black lung disease.

As a representative of a coal-mining district, I have seen thousands of miners and their families who have been disabled with black lung disease. All you have to do is listen, as I have over the years, to the difficulty these miners have in breathing to know about the health hazards they faced in the mines and the price they have paid from years of inhaling coal dust. These hard-working citizens dedicated their lives to the energy security and economic well-being of this great Nation. They are often repaid with years of bureaucratic delays and unwarranted questions about their credibility.

The legislation before us today is an entirely reasonable effort to bring simple justice to the process that was designed to provide monetary reimbursements to coal miners disabled by black lung, their survivors and dependents. The needed reforms in the bill will restore equity in a process that is all too often adversarial to the miner.

The people who are impacted by this bill are not mere statistics. The are real people with real families who have worked hard in a dangerous occupation. They are not out to bilk the government. Rather, they are honest citizens who are afflicted by a painful and deadly disease.

The bill before us does not change the intent of Congress to base benefits on sound medical evidence, but it does put the miners, who often have difficulty in even paying for a full medical exam, on a more equal footing with the operators who have the financial resources to pay for numerous exams and volumes of expert testimony.

Another measure provides that, in cases where a minor dies before a claim can be perfected, a widow need only prove that the miner was disabled with black lung at the time of death. This is a simple matter of fairness to the families of those who were afflicted, and prevents the survivors from further financial distress.

The legislation also addresses the problems miners have faced in finding legal representation with provisions providing prompt payment for the attorney at each step in the claims procedure whenever a formal decision is rendered.

Mr. Chairman, I urge passage of this legislation without weakening amendments, and I commend my colleague from Pennsylvania, AUSTIN MURPHY, for his skill, dedication, and compassion in bringing this measure to the floor.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. KLECZKA). Pursuant to the rule, the amendment in the nature of a substitute, consisting of the text of H.R. 4415, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Black Lung Benefits Restoration Act of 1994".

(b) REFERENCE.—Whenever in this Act (other than section 9(a)(1)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the following:

"SEC. 436. (a) The repayment of benefits paid on a claim filed under this part before the final adjudication of the claim shall not be required if the claim was finally denied, unless fraud or deception was used to procure the payment of such benefits.

"(b) The trust fund shall refund any payments made to it as a reimbursement of benefits paid on a claim filed under this part before the final adjudication of the claim, unless fraud or deception was used to procure the payment of such benefits.

"(c) the trust fund shall reimburse an operator for any benefits paid on a claim filed under this part before the final adjudication of the claim if the claim was finally denied.

"(d) If on a claim for benefits filed under this part—

"(1) the Secretary makes an initial determination—

"(A) of eligibility, or

"(B) that particular medical benefits are payable, or

"(2) an award of benefits is made,

the operator found to be the responsible operator under section 422(h) shall, within 30 days of the date of such determination or award, commence the payment of monthly benefits accruing thereafter and of medical benefits that have been found payable. If an operator fails to timely make any payment required by an initial determination or by an award, such determination or award shall be considered final as of the date of its issuance."

SEC. 3. EVIDENCE.

Section 422 (430 U.S.C. 932) is amended by adding at the end the following:

"(m)(1)(A) During the course of all proceedings on a claim for benefits under this part, the results of no more than 3 medical examinations offered by the claimant may be received as evidence to support eligibility for benefits.

"(B) During the course of all proceedings on a claim for benefits under this part, the responsible operator and the trust fund—

(i) may each require, at no expense to the claimant, not more than one medical examination of the miner, and

"(ii) may not each offer as evidence the results of more than one medical examination of the miner.

"(C) An administrative law judge may require the miner to submit to a medical examination by a physician assigned by the District Director if the administrative law judge determines that, at any time, there is good cause for requiring such examination. For purposes of this subparagraph, good cause shall exist only when the administrative law judge is unable to determine from existing evidence whether the claimant is entitled to benefits.

"(D) The complete pulmonary evaluation provided each miner under section 413(b) and any consultive evaluation developed by the District Director shall be received into evidence notwithstanding subparagraph (A) or (B).

"(E) Any record of—

"(i) hospitalization for a pulmonary or related disease;

"(ii) medical treatment for a pulmonary or related disease, and

"(iii) a biopsy or an autopsy,

may be received into evidence notwithstanding subparagraph (A) or (B).

"(2) In addition to the medical examinations authorized by paragraph (1), each party may submit one interpretive medical opinion (whether presented as documentary evidence or in oral testimony) reviewing each clinical study or physical examination (including a consultive reading of a chest roentgenogram, an evaluation of a blood gas study, and an evaluation of a pulmonary function study) derived from any medical examination or contained in a record referred to in paragraph (1)(E).

"(3) A request for modification of a denied claim under section 22 of the Longshore and Harbor Workers' Compensation Act, as made applicable to this Act by subsection (a) of this section, shall be considered as if it were a new claim for the purpose of applying the limitations prescribed by paragraphs (1) and (2).

"(4) The opinion of a miner's treating physician, if offered in accordance with paragraph (1)(A), shall be given substantial weight over the opinion of other physicians in determining the claimant's eligibility for benefits if the treating physician is board-certified in a specialty relevant to the diagnosis of total disability or death due to pneumoconiosis.

"(5) For purposes of this subsection, a medical examination consists of a physical examination and all appropriate clinical studies (not including a biopsy or an autopsy) related to the diagnosis of total disability or death due to pneumoconiosis.".

SEC. 4. SURVIVOR BENEFITS.

(a) DEATH.—Section 422 (30 U.S.C. 932), as amended by section 3, is amended by adding at the end the following:

"(n) If an eligible survivor files a claim for benefits under this part and if the miner—

"(1) was receiving benefits for pneumoconiosis pursuant to a final adjudication under this part, or

"(2) was totally disabled by pneumoconiosis at the time of the miner's death,

the miner's death shall be considered to have occurred as a result of the pneumoconiosis.".

(b) RULES FOR WIDOWS AND WIDOWERS.—Section 422 (30 U.S.C. 932), as amended by subsection (a), is amended by adding at the end the following:

"(o)(1) A widow or widower of a miner who was married to the miner for less than 9 months at any time preceding the miner's death is not qualified to receive survivor benefits under this part unless the widow or widower was the natural or adoptive parent of the miner's child.

"(2) The widow or widower of a miner is disqualified to receive survivor benefits under this part if the widow or widower remarries before attaining the age of 50.

"(3) A widow or widower may not receive an augmentation in survivor benefits on any basis arising out of a remarriage of the widow or widower.".

SEC. 5. RESPONSIBLE OPERATOR.

Section 422(h) (30 U.S.C. 932(h)) is amended by inserting "(1)" after "(h)" and by adding at the end the following:

"(2)(A) Prior to issuing an initial determination of eligibility, the Secretary shall, after investigation, notice, and a hearing as provided in section 19 of the Longshore and Harbor Workers' Compensation Act, as made applicable to this Act by subsection (a) of this section, determine whether any operator meets the Secretary's criteria for liability as a responsible operator under this Act. If a hearing is timely requested on the liability issue, the decision of the administrative law judge conducting the hearing shall be issued not later than 120 days after such request and shall not be subject to further appellate review.

"(B) If the administrative law judge determines that an operator's request for a hearing on the liability issue was made without reasonable grounds, the administrative law judge may assess the operator for the costs of the proceeding (not to exceed $750).".

SEC. 6. ATTORNEY FEES.

Section 422 (30 U.S.C. 932), as amended by section 4(b), is amended by adding at the end the following:

"(p)(1) If in any administrative or judicial proceeding on a claim for benefits a determination is made that a claimant is entitled to such benefits, the claimant shall be entitled to receive all reasonable costs and expenses (including expert witness and attorney's fees) incurred by the claimant in such proceeding and in any other administrative or judicial proceeding on such claim occurring before such proceeding.

"(2) In the case of a proceeding held with respect to such claim—

"(A) the person or Board which made the determination that the claimant is entitled to benefits in an administrative proceeding and any other person or Board which made a prior determination in an administrative proceeding on such claim, or

"(B) the court in the case of a judicial proceeding,

shall determine the amount of all costs and expenses (including expert witness and attorney's fees) incurred by the claimant in connection with any such proceeding and shall assess the operator responsible to the claimant for such costs and expenses which are reasonable or if there is not an operator responsible to the claimant, shall assess the fund for such costs and expenses.

"(3) The determination of such costs and expenses shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses to a person, the Board, or court which made a determination on the claimant's claim. The person, Board, or court receiving such petition shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of the determination of such costs and expenses unless a motion to reconsider—

"(A) the amount of such costs and expenses, or

"(B) the person liable for the payment of such amount,

is pending.

"(4) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.

"(5) Section 28(e) of the Longshore and Harbor Workers' Compensation Act shall apply with respect to any person who receives costs and expenses which are paid under this subsection on account of services rendered a claimant.".

SEC. 7. ADMINISTRATION.

(a) APPEALS TO THE BENEFITS REVIEW BOARD.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) ACQUIESCENCE.—The Secretary of Labor may not delegate to the Benefits Review Board the authority to refuse to acquiesce in a decision of a Federal court.

SEC. 8. REFILING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the effective date of this Act prescribed by section 11(a), may be refiled under such Act after such effective date for a de novo review on the merits.

SEC. 9. DEFINITIONS.

(a) COKE OVENS.—

(1) FEDERAL MINE SAFETY AND HEALTH ACT OF 1977.—Section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802) is amended—

(A) in paragraph (d), by inserting before the semicolon the following: "or who operates a coke oven or any machine shop or other operation reasonably related to the coke oven",

(B) in paragraph (g), by inserting before the semicolon the following: "or working at a coke oven or in any other operation reasonably related to the operation of a coke oven", and

(C) in paragraph (h)(2), by inserting before the semicolon the following: "and includes a coke oven and any operation, structure, or area of land reasonably related to the operation of a coke oven".

(2) BLACK LUNG BENEFITS ACT.—The first sentence of section 402(d) (30 U.S.C. 902(d)) is amended by inserting before the period the following: (or who works or has worked at a coke oven or in any other operation reasonably related to the operation of a coke oven".

(b) PNEUMOCONIOSIS.—Section 402(b) (30 U.S.C. 902(b)) is amended—

(1) by adding after "sequelae" the following: "which disease or sequelae is restrictive or obstructive or both", and

(2) by striking out "coal mine" and inserting in lieu thereof "coal mine or coke oven".

SEC. 10. CONSTRUCTION.

If in any legal proceeding a term in any amendment made by this Act is considered to be ambiguous, the legislative history accompanying this Act shall be considered controlling.

SEC. 11. EFFECTIVE DATES.

(a) GENERAL RULE.—[Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect October 1, 1994.]

(b) SECTION 6.—The amendment made by section 6 shall apply only with respect to claims which are filed for the first time after October 1, 1994, and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 3 hours, excluding time consumed by recorded votes and proceedings incidental thereto.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: Page 11, beginning in line 22, strike "subsection (b)" and insert "subsections (b) and (c)" and on page 12 add after line 6 the following:

(c) BLACK LUNG DISABILITY TRUST FUND.—The amendments made by this Act shall not take effect unless the total indebtedness of the Black Lung Disability Trust Fund is less than $600,000,000.

Mr. BOEHNER. Mr. Chairman, over 200,000 American citizens suffer from black lung disease. This disease disables the respiratory system and is irreversible.

For those who suffer from black lung, they most often die from cardiac arrest. It is a sad fate of the people who provide resources for Americans to turn on their lights and heat for their homes. The everyday conveniences in America have their root, frankly, from the coal miners. But the black lung trust fund currently owes the Federal Government $3.4 billion because current disbursements are higher than revenue received by the trust fund. Meanwhile, the interest that the trust fund owes to the U.S. Treasury on the outstanding debt is $340 million every day. Therefore, the debt owed to the U.S. Treasury continues to increase.

Now, if H.R. 2108 passes, it will cost an additional $195 million over the next 5 years to the black lung trust fund.

Let me explain that the Congressional Budget Office estimates that allowing claimants found ineligible for benefits to keep previously received benefits will cost $5 million annually. The government would also have to return any benefit repayments claimants made prior to the enactment of H.R. 2108, costing the trust fund $40 million over 3 years.

H.R. 2108 also changes the requirements for evidence to prove eligibility at a cost of, according to the CBO, $22 million over a 5-year period.

Expanding the survivor benefit provision will cost the trust fund $1.5 million annually, and expanding the payment of the attorney fees provision is going to cost the trust fund an additional $5 million annually.

It sounds like it is becoming an entitlement program for lawyers.

H.R. 2108, therefore, will necessitate a second mortgage on a house with a mortgage that has already grown by four times the prices of the house. My amendment, Mr. Chairman, makes sound business sense, something this entire bill lacks. My amendment puts the changes in current law enumerated in this bill on hold until the trust fund debt is lowered to $600 million a year.

The reason for that is, it is about $600 million a year that comes in and out of this fund that should be the minimum before we begin to put these benefits into place.

I believe the Congressional Budget Office estimation of an additional $195 million over the next 5 years is spending by the trust fund that it just does not have. It is obvious that a trust fund 3.4 billion dollars' worth of debt to the government would have to borrow this additional money from the Treasury every year to pay for the additional benefits that we are going to give, if this bill were to pass.

I do not think that we should be passing this bill unless we are willing to pay for it, unless we are willing to fix the problems in the current system. But to hold out the hope of more benefits for those that are afflicted with this disease without coming up with the money to pay for them is irresponsible. We should not do it.

This amendment, I believe, says very clearly, no new additional benefits until such time as the trust fund debt has been paid down to $600 million and we can proceed in a more sensible way.

Mr. MURPHY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, since fiscal year 1990, the coal tonnage—I remind my colleagues that the black lung program is paid for by an excise tax on each ton of coal that is mined in the United States either by the deep or surface mine method—since 1990, coal tonnage tax receipts and penalties have exceeded benefit payments as well as administrative costs of the black lung benefits program by more than $135 million.

I will submit these individual statistics for the record showing that in each year the income exceeded the outgo.

The trust fund, I addressed under general debate, was caused in the 1972 and 1977 provisions of the act. And since 1981, every miner and miner's widow who received a notice from the Department of Justice and the Department of Labor to return their moneys to the fund, and there have been thousands of them, many in my district, they have been paying those moneys back. They have not been going into the trust fund. They have been going to the general Treasury.

Again, I reiterate, if the Treasury Department and the Black Lung Trust Fund will refinance that $3.5 billion in notes, 10½-percent notes on today's current interest, and I have knowledge that this week the Treasury notes are going for 4.2 percent, we can wipe out half of that debt.

I say to the bean counters, the gentleman from Ohio [Mr. BOEHNER] and others, this is not a matter of counting beans and counting past dollars. This is counting a benefit for miners who have been suffering for years and years with the loss of their lungs, their blackened lungs.

The gentleman from Illinois [Mr. POSHARD], the gentleman from West Virginia [Mr. RAHALL], the gentleman from Pennsylvania [Mr. KLINK], all of the Members discussed under general debate why we are pleading for this program and its continuance, because only 2 or 3 percent of those who have filed for benefits, 2 or 3 people out of the 100 who file for benefits have been awarded benefits.

In the year 2006, this program will be eliminated, and there will be more money coming in from the tonnage to pay off this trust fund debt that we are talking about. Current revenues are amortizing the cost of the program.

Let us retire this debt when there are no more 70- and 80-year-old suffering coal miners to receive the benefits. Then the debt will be paid off, unless the Treasury wants to refinance it before then, which I submit they can.

Mr. FAWELL. Mr. Chairman, I move to strike requisite number of words, and I rise in support of the amendment.

I commend the gentleman from Ohio [Mr. BOEHNER] for presenting this amendment. It is good, common sense, businesswise. It is also extremely fair to all the potential recipients of the black lung fund largess.

I think if we were to think of Congress, as I have indicated before, as being in reality an insurance company and with the obligation to look ahead every time that we have an expansion of the act, which is what this legislation does do, there was reference to the fact that some of the coal miners may be going into other occupations, there would be less applicants.

Well, we are taking care of that here. We are expanding the act to cover all coke oven workers with a very vague and liberal definition. Not even the steel companies have any idea of how many of their employees might be covered under this legislation.

☐ 1310

Mr. Chairman, we are redefining pneumoconiosis, too, so we are making it much more broader and liberal in regard to the recoveries that can be made.

Congress, I know, does not like to look ahead and determine how much our children and our grandchildren are going to have to pay for our latest exercises in what sometimes I think we have to laughingly call any kind of business efforts on our part at all. But the truth of the matter is that CBO has said we are going to produce in the next 5 years about $195 million of new costs, and if Members would talk to the people at DOL as I have done and as I am sure the gentleman from Pennsylvania [Mr. MURPHY] has done, they will quickly say that what the CBO estimates for the first 5 years is surely not what the total costs of this program shall be.

Mr. Chairman, I made reference in my opening comments, in the debate portion of this bill, that actuaries make it very, very clear that we are going to have something like $225,000 for lifetime total disability benefits of claims which are allowed.

These are not my figures. DOL says there will be 20,000 claims, new claims allowed because of this legislation out of the 80,000 which are possible. If the past where we have done the same thing is any guidance, most of the miners to take advantage of refiling their claims.

The actuaries point out that if we were an insurance company, what we would do is take $125,000, slap it in the reserve, figure over the years we would get back 6-percent interest averaging over a 30-year period, average it, and lo and behold we would guarantee we would have the money to be able to meet these expenses when they come up, but why worry about 20 or 30 years from now or even more than 5 years from now? Life is short, our kids will have to take care of it. Blow it away; $2.2 billion is what the actuaries say who have lived with these problems of trying to anticipate what costs will be.

We can ask any insurance company that is in the business of insuring black-lung disease and they will say that it is about $125,000 which they will put in reserve for every one of those 20,000 cases.

Mr. Chairman, 10,000 have to be handled by the coal operators because it is their liability, but 10,000 of those cases have to be handled by, guess what, the U.S. insurance company that Congress operates. God help us.

We are not going to put any money in reserve. To heck with that. Insurance companies, actuaries will do it because, do my colleagues know why? They have to break even or they go out of business and they go bankrupt. We do not care about that because we can always tax the taxpayers some more and say, come on in and help us out where our prognosis was not very good.

Mr. Chairman, to have an amendment like this that would say, Hey look, right now, Mr. Insurance Company, U.S. Congress Insurance Company, you are $4 billion in debt, don't you think you should bring the debt down a little bit before you start expanding and going out and writing new policies?

The CHAIRMAN pro tempore (Mr. KLECZKA). The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, we do not have before us with the CBO estimates anything but the first 5 years. The testimony has already been given by the other side that, Hey, unfortunately these darn cases will take 4 to 6 years. We won't even be beginning the real cost until after 5 years.

Mr. Chairman, that is the success of congressional budgeting: Push it off, push it out of our mind and we do have to worry about it.

That is why I say as a practical matter, what we are doing is a disservice to the people who my colleagues have so ably described who need help and they are not getting it. We ought to be able once we have set this insurance company the way it ought to be set and know that we have funds, yes, we ought to be able to give more than just $400 a month for total disability and double that if there are dependents. We could do those things perhaps if we were not running a bankrupt company.

Mr. Chairman, this amendment I think is very proper.

Mr. KLINK. Mr. Chairman, I move to strike the last word and I rise in opposition to the Boehner amendment.

Mr. Chairman, carrying the amendment to its ultimate conclusion, why do not we just cut funding to education until the Federal budget is balanced? Why do not we stop paying Social Security, Medicare, Medicaid, Federal pensions? In fact, why do not we just stop paying the military until we get the budget balanced?

Mr. Chairman, in essence what we are saying is let us go ahead and balance the budget, the Federal, budget on the health of these miners that are dying. When these gentlemen were down in the mines crawling around, in some instances 18-foot seams lying on their backs, mining the coal, breathing the dust, breathing the poisonous gases, fueling this economy, fueling our industrial age, they were what made this Nation great.

I guess it just seems that we automatically would follow the Boehner amendment and let us just go ahead and now that we have got fiscal problems in this Nation, let us wait for these men to die until we take some kind of action, and that is exactly what this amendment is saying.

Mr. Chairman, some comment was made a few moments ago about when Congress took this up in 1977. I have get news for my colleagues. There are many, many fewer miners to be concerned about today than there were back in 1977 because these people who suffer with black lung are dying every day.

We mentioned about the cases in my office, some of which are going back 20 years, where a lot of these miners are dying and even their widows are dying before these benefits are being adjudicated.

Mr. Chairman, I rise in strong opposition to this amendment. It makes absolutely no sense for the working men and women.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in support of the Boehner amendment because it adds fiscal sanity to this budget. This whole budget process is just an unbelievable disaster. When we realize 50 percent of our budget is in entitlements, this is how it gets out of control and this is a classic case of out-of-control spending. It is $4 billion it has cost us, now we are getting it under control where revenues have basically come up to paying for the money going out, but we are going to expand the benefits and let it get out of control again.

Mr. Chairman, we have to have some fiscal sanity. A few weeks ago we debated the issue of a balanced budget amendment. People said, we do not need a balanced budget amendment, all we need is the will to make the decisions. Here is one of those cases where we will have the chance to make the decision: Do we want to have a balanced budget and fiscal sanity?

Mr. Chairman, this is not a question of compassion. We are not talking about doing away with this program. We are saying keep the program the way it is, but let us not just open a box of unlimited benefits. That is how we got into the trouble in the 1970's. Let us keep this under control.

The CBO says it is $200 million over 5 years. Very likely it is going to be much higher because CBO has always underestimated the cost of entitlements. This is one way to say if we are going to increase the benefits, let us make sure we have fiscal sanity first.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words and I rise today in support of the gentleman from Pennsylvania [Mr. MURPHY], my good friend's bill that is pending before us, the Black Lung Restoration Act. I give personal testimony that prior to my service in Congress, I served as an administrative law judge in the Commonwealth of Pennsylvania. In this capacity, I administered and tried thousands of black-lung cases.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURPHY] is finally bringing reason to chaos. To have seen widows of miners required to take plugs of their husbands' lungs out of the mortuary in order to establish cause of death from black lung was an atrocious sight; to have seen the actual unearthing of remains in order to prove cause of death because some physician was sloppy or may not have been familiar with pneumoconiosis was unspeakable. I sat through thousands of hearings on these cases. I have listened to thousands of medical doctors testify. Often I could predict before the doctors even opened their mouths whether they were hired by the company or the insurance company. It was standard procedure for these doctors to testify that death was from almost any other cause but black lung.

□ 1320

I do not think we have a perfect system, but then, as a practical matter, I am reasonable enough to know that we are never going to have a perfect system. There are two provisions in this bill that I think are especially important: One provides that widows would not be caused to reprove the conditions for which their husbands were suffering and were receiving benefits at the time of death. That is just good government, good form, it is good practical process in the legal process. The other provision will finally end the ad infinitum hearings, the offering of testimony, and the practice of buying testimony by insurance companies and coal companies.

Finally, all of us who have been in the Congress for the last 10 years and who are at all familiar with the term pneumoconiosis have been waiting for an enlightened President and an enlightened Congress to reform the existing black-lung law. My hat goes off to the retiring Member from western Pennsylvania [Mr. MURPHY] because he has had the tenacity, the nerve, and the sheer guts to withstand this battle through his tenure here in the House. I hope that this bill passes overwhelmingly as a tribute to his skill as a legislator and to his tenacity as a human being.

I say to my friends on the other side who propose amendments that would stultify this bill or cause other barriers to occur that until you have witnessed the life, and then the death, of someone who suffers from black lung, do not be too fast to judge these people and the benefits they receive.

In my district in northeastern Pennsylvania, the heart of the anthracite coal region, I still have 19,000 recipients who gave their lives for the industrial revolution and the world-class economy this country has today. I think the least we can do here in the Congress, on behalf of the American people, is to recognize them for their wartime service. In their time of need, their latter part of life, when little exists for them other than minimal Social Security and no pension, it is our duty to assist them in living a decent life until death and to assist their widows in living a decent life by passing the Black Lung Benefits Restoration Act.

The CHAIRMAN pro tempore (Mr. KLECZKA). The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 15, as follows:

[Roll No. 181]

AYES—189

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly

Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Nussle
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hunter
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—15

Ballenger
Collins (MI)
Cox
Dixon
Emerson
Faleomavaega (AS)
Fish
Grandy
Hefner
Kennedy
Neal (NC)
Parker
Torkildsen
Washington
Wilson

□ 1345

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Washington against.

Mrs. COLLINS of Illinois, Ms. SHEPHERD, Mr. DERRICK, and Mr. EVERETT changed their vote from "aye" to "no."

Messrs. LIVINGSTON, HOAGLAND, and CLINGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 11, beginning in line 22, strike "subsection (b)" and insert "subsections (b) and (c)" and on page 12 add after line 6 the following:

(c) COSTS OFFSET.—The amendment made by this Act shall not take effect unless the costs of the amendments are fully offset in each fiscal year through fiscal year 1999 by changes to the Black Lung Benefits Program.

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, I merely want to say that the administration's position on H.R. 2108 agrees with my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, I rise briefly to oppose the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING], but mostly to request the ranking member of the committee to answer a couple of questions I may have on his amendment.

At the present time the income from the tonnage on coal is sufficient to pay the current benefits that are being paid. There is also additional surplus in that, and I guess, as I understand the gentleman's amendment, it merely states that the excise tax on the coal that is being paid will be sufficient to pay the benefits, the benefit payments, until the year 1999.

Is that correct?

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Basically, Mr. Chairman, what it is indicating is that we follow the pay-go procedure of the Budget Act, and so I think the answer to the gentleman's question is yes.

Mr. MURPHY. If the answer is yes, then of course I have no objection to the gentleman's amendment because the excise tax now and in the future should provide sufficient benefits to pay benefits. But I would want to make sure that it does not now state that we then have to impose an additional tax on the coal operators to deal with the trust fund deficit, which is something we have been debating all morning.

Mr. GOODLING. The reason I could not give the gentleman a totally unqualified yes was simply because of CBO and their scoring procedures and so on. But in my estimation the answer would be yes.

Mr. MURPHY. With that understanding, Mr. Chairman, on behalf of the chairman of my committee I will accept the amendment, but also would respectfully address the gentleman and say that we may want to explore this in conference committee, and I would hope that my arrangement with the gentleman stands for today's acceptance providing that the gentleman and I have the same understanding.

With that, Mr. Chairman, we will accept the amendment.

□ 1350

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL: Strike section 3, redesignate sections 4 through 11 as sections 3 through 10, and on page 12, line 1, strike "6" each place it appears and insert "5".

Mr. FAWELL. Mr. Chairman, this amendment would delete section 3, which is the so-called evidence section.

The bill proposes a radical change to Black Lung administrative law by placing, for the first time, I might add, restrictions on the presentation of evidence by employers and by the Black Lung Trust Fund. CBO estimates that the changes made by this provision will result in direct spending of $22 million in additional Black Lung benefits over a 5-year period.

The statutory procedures for the adjudication of Black Lung claims are set forth in the Longshoremen and Harbor Workers Compensation Act and are incorporated by reference into the Black Lung Benefits Act.

The Act currently provides for a trial before an administrative law judge. Traditionally, each party has been allowed to present his or her case or defense, to submit rebuttal evidence, and to conduct such cross-examination as required for a full and true disclosure of the facts.

Section 3 restricts for the first time the medical evidence offered by a claimant to three examinations, that is, by the miner, while the defendant, being the employer or being the indebted Trust Fund, would be restricted to just one medical examination. Given the size and the crucial impact of the benefit program on both claimants and the operators and the Trust Fund, it is critical that the process of claims adjudication be fundamentally fair to both sides. The sponsors of H.R. 2108 maintain that this legislation is needed to establish a more objective process for determination entitlement to Black Lung benefits.

This bill, however, proposes a novel and unique warping of the normal adjudicative process historically established under Federal law and under the Federal Rules of Evidence and the Administrative Procedures Act. Congress has the power to set and to alter evidentiary procedures used in adjudicating administrative cases, but only so long as those procedures do not violate the Constitution.

I believe that barring defendants in a Black Lung case from submitting more than one medical examination while allowing the claimant to submit three clearly confronts the due process clause of the U.S. Constitution.

Furthermore, section 3 gives substantial weight to the treating physician's opinion in determination of the claimant's eligibility for benefits even if the other side presents a physician who is equally qualified. The claims adjudication process will become formally biased, I think, in favor of the claimant, and this will undercut the integrity and fairness of the adjudication process and its ability to act as a check against mistaken decisions.

There are many other changes made by this bill, as we have discussed, which will make it much easier for one to be able to prove a case. While it may be the intent of the sponsors of the bill to address the imbalance in resources between the claimant and the defendant where multiple examinations could place undue hardship on a claimant, I believe that the end result will be to tip the scales in favor of the claimant.

I frankly know of no law like this that can withstand constitutional scrutiny. It is just basic common law that we inherited from England and common sense that two parties that are litigating are treated the same.

The problem I think, insofar as miners are concerned, is the fact that under the law that now exists not many competent attorneys even want to take the case because they cannot get compensated until the end of the case, and then they have to be held to an hourly rate, and under the circumstances where cases may go from 4 to 6 years, there are not a whole lot of attorneys who will be able to take the case. We ought to be addressing that problem, not trying to rig the rules of evidence. That makes no sense.

Mr. McCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly urge my colleagues to oppose the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The simple fact is that anyone who is from mining areas knows there is not a level playing field right now. In essence, the mining companies are able to overwhelm the claimants with unlimited resources. The committee has a record of at least one case, I say to the gentleman from Illinois [Mr. FAWELL], where the claimant was required to submit to 55 medical examinations. That basically amounts to just harassment and abuse. We think the present reform legislation basically provides for a much more fair situation, a level playing field.

Mr. Chairman, section 3 of the legislation establishes that during the course of all proceedings on a claim, the results of not more than three medical examinations offered by the claimant, the miner, may be received as evidence. The respondent, the responsible coal operator, may only require the claimant to submit to one medical examination. An administrative law judge may require the claimant to submit to a medical examination if there is good cause. Substantial weight is granted to the claimant's treating physician over the opinion of other physicians in determining the claimant's eligibility if that physician is board certified relevant to diseases associated to black lung.

Section 3 brings a basic fairness into the black lung determinant process that has not existed for years. Coal companies can no longer overwhelm a miner with their doctors whose sole purpose is to find reasons to disprove that the miner has black lung because of coal dust. They currently spend thousands of dollars on doctors and on attorney's fees to prove that miner's are not sick or that the coal company is not responsible for the miner's sickness. The miners, however, have few resources to fight the coal companies, and each day the number of lawyers who will accept a black lung benefit case grows smaller. Black lung benefit cases are not an example of David versus Goliath—David would never win if he had black lung.

I urge my colleagues to defeat this amendment. Black lung sufferers do not have the voice that other, more powerful interests groups have. Congress must be the voice and the conscience for those who suffer from black lung.

□ 1400

Mr. HOEKSTRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Fawell amendment.

Mr. FAWELL. Will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it was maybe one case there were 55 medical examinations. Now, that is an absurdity that may have taken place, but certainly in the halls of justice and administrative law, you do not see any judge, usually, that would ever countenance something like that.

I may say that we would have no problem if it was equal, three and three, or two and two perhaps. But you do not go around trashing the Constitution simply because you do not think that, for whatever reason, you are getting the judicial rulings that you would like to be able to get now.

I have as much heart and as much feeling for the miners of this Nation as anyone else. Let me tell you, there are millions and millions of people throughout this land who in their various occupations do have to go in and litigate under workmen's compensation statutes all over the land.

Let me tell you also that nobody bends down and gives them any particular special privileges in regard to basic constitutional due process of law. Everyone, when they walk into a court of justice, when they walk into an administrative law court, they do expect to be able to be treated equally.

Therefore, no matter how deeply and paternalistic you may feel, and understandably so, for the cause of the American miner and the particular occupational illness or injuries that he may face, you must also recognize that you cannot trample upon the Constitution.

I think this is unconstitutional and probably it will be stricken when a court finds out about it. But it also illustrates this fact: That what we are trying to do, do you not see, is to liberalize the whole process, because we do not think we have gotten the recoveries we think we ought to get. In liberalizing the procedures and the basic laws that affect us all in courts of justice, we are saying relitigate. Relitigate 80,000 potential cases. That is taken seriously by CBO and DOL, who tell me they estimate that 20,000 indeed will then recover under these new, let us say, relaxed rules of evidence, under these presumptions, and under these kinds of restrictions.

So, please, this is not antiminer or prominer. All the working people of America have to accept basic constitutional due process of law. If you can do it here, my friends, you can do it against anybody that Congress may not particularly like. We are going to give you only one bite at the apple, but the complainant, we favor him, we like him, he is a good guy, we are going to give him more.

We do not want to do that. Are we thinking right now with our heads? No. With our hearts maybe, because we want to do something good for the miners. Actually, this bill is a catastrophe for the miners and a catastrophe for the taxpayers.

But this is just generally not a major portion, but it is one I thought everyone would accept. How can you be against basic constitutional due process of law? This is not a partisan argument here. It is justice, my friends; it is fairness. And if you have to dispel with fairness to get your way, you are not getting something, you are taking something.

So I would ask all those, maybe not the ones who have their minds made up, but all those who are listening in, please listen to this. It is something that will not stop this juggernaut from moving on, but, by George, it will bring us, and guarantee, justice.

I thank the gentleman for yielding.

Mr. RAHALL. Mr. Chairman, will the gentleman from Michigan yield?

Mr. HOEKSTRA. I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman yielding.

Mr. Chairman, I say in response to the gentleman from Illinois, if leveling the playing field, which is what we are doing in this legislation, if that is called liberalizing, then I plead guilty. I am for liberalizing. I would go much farther than the pending legislation would go if I had my way. I think we have struck a very good compromise in this particular piece of legislation, a compromise that would be drastically upset by the amendment of the gentleman from Illinois.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentleman from Michigan has expired.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say further that in regard to litigation that other vocations in this country have to face in regard to workmen's compensation, I would agree fully that this is a very difficult process as well. But I can think of no other group or no other profession in this country that has had to go through the catastrophe of the last 10 years before the Department of Labor, in which the process has been skewered so dramatically against the claimant. I can think of no other vocation in this country that has faced a similar experience as our Nation's coal miners have over the past decade.

The amendment seeks to strike from the bill, as I said, a compromise.

Mr. FAWELL. Mr. Chairman, if the gentleman will yield, I just want to bring out that these kinds of presumptions of alterations of evidence were in there before. They did not do what I think you would hope they would do and increase the awards that are being gathered. They were stricken by consensus of labor, management, and the administration, because they did not accomplish anything.

Mr. RAHALL. Mr. Chairman, reclaiming my time, let us go over the background very quickly to see in what frame these regulations were issued.

Mr. Chairman, it should be noted that Congress passed the Black Lung Benefits Reform Act in 1977 because of its dissatisfaction with the low approval rate for black lung benefits.

Today, in 1994, in part because the Labor Department did not fulfill its mandate under the 1977 Act, we are once again seeking legislation.

The 1977 statute required the Labor Department to adopt interim eligibility standards that were to be no less restrictive than what had been in effect on June 30, 1973; a reference to a set of standards previously used by the Department of Health, Education and Welfare.

The problem is that the interim standards promulgated by the Labor Department were far more restrictive than HEW's.

Moreover, the permanent standards adopted in 1980, and the 1981 amendments to the Act, further aggravated the situation and the number of claims approved continued to plummet.

According to a 1990 GAO report, between 1973 and 1988 less than 10 percent of claims were approved.

This low claim approval rate does not attest to any reasonable and unbiased comportment of the facts.

Rather, the low claim approval rate that Congress sought to address in 1977, and that we are again seeking to rectify with this bill, is due to years of administrative maneuverings over the program's eligibility criteria.

Under H.R. 2108, we will return to a program that more closely reflects the statutory commitment Congress, and indeed, the Nation, made to compensate those coal miners who suffer from the crippling effects of black lung.

However, and with all due respect to the committee, while the bill contains helpful provisions relating to the evidence a claimant or opposing party must provide, they do not in my view go far enough.

I would maintain that a black lung claimant need only to produce a single piece of qualifying evidence. That is what Congress originally intended.

This is however, not what the bill requires and we have a compromise here.

And this amendment would break that compromise and it would gut the bill. It is a truly killer amendment. I urge its defeat.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we look at this bill and dissect the problems that we have with it, one of the most major problems is in fact this language in there that changes the evidence that can be presented and allows the claimant to bring in statements from three physicians, while the company's coal company operator can bring in a statement from one physician. If that is not bad enough, it goes on to say that preferential treatment shall be given to the personal physician of the claimant in adjudicating the claim.

Now, this is entirely unfair. Congress has no business proceeding to do this type of legislating in the bill that is before us.

We are here to represent all of the citizens of the United States and to do what is fair and to do what is right, and we are given a sacred trust by the American people to carry out legislation on their behalf in fairness to all.

□ 1410

Now, we have heard for some time from the other side that the reason we have these changes coming before us in this bill is because there are a reduced number of claims being approved by the Department. That probably has something to do with the fact that over the years, as these new safety initiatives were put into place, less and less miners were contracting black lung disease.

What this bill purports to do is to give all of them a second bite at the apple, to liberalize the process. But the language that the gentleman from Illinois, who is offering this amendment, the language that he seeks to strike out is, as I believe he mentioned, unconstitutional on its face.

We have a responsibility to live under the Constitution. When we all are sworn in here, we will swear that we will uphold the Constitution. The fact is, this language is unconstitutional. It should be stripped from the bill, and the amendment of the gentleman from Illinois should be passed.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

I might say that if the gentleman from Illinois had an amendment that he was concerned with making an equal playing field, I think those of us here in the majority and the proponents of this measures would be willing to discuss it with him. But he is not proposing an equal playing field. He wants to revert to what we have now as existing law.

Let me state, one ALJ said, after he had reviewed all of the matters coming in, all of the medical evidence, "What happens is the employers inundate the record with consulting medical reports and rereadings of x rays and then argue nonentitlements to benefits based on the preponderance of the evidence."

What has been happening is that the coal companies, in defense of their claims, run the poor coal miner all over the country for additional medical reports. Time after time they request a continuance of the hearing until they can get one or more x ray reading, one more hired gun, medical gun, one more report adverse to the coal miner's interest.

The miner himself can hardly afford to pay the $200 to $250 to his own physician to come in with one single medical report, to the extent where one ALJ said, "Hiring armies of experts often results in needless expense. If such a system continues unchallenged, justice is not served while monied interests thrive."

That is what is happening today. If the gentleman were sincerely interested, he would not be striking the entire section of evidence. He would come in here with something there will be an even playing field. The coal miner treats under his family physician for years. He has a hospital record. He has a clinic record. He has x rays. He should be entitled to bring these in.

The coal company sends him to one expert for a 15-minute exam. Three months later, so that he can delay the hearing, he sends him to a hospital in Pittsburgh for another exam and x rays. Three or four months later he sends him to another medical expert. Finally, the miner dies and he then sends all of the evidence to other experts to review his death certificates. The miner cannot afford to continually fight this total weight and preponderance of the evidence that the coal companies are using as hired medical guns.

Let us make this an even playing field. I say to the gentleman from Illinois [Mr. FAWELL], he can accept an amendment as we had in the last bill two years ago, which he opposed, and then accept this bill and then we have a deal. But until that time, he is against the miners when he wants to strike all the evidentiary section.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I have two basic complaints to which I made reference. Both are as unconstitutional as one can possibly be.

Mr. MURPHY. Let the courts decide that.

Mr. FAWELL. Mr. Chairman, if the gentleman will continue to yield, I would say that to all of the attorneys at least in Congress, if they have heard what we have been talking about, would concur. But my esteemed colleague, who is also an attorney, I gather does not agree, but I certainly, if it was 3 and 3 and if we removed the wording about the treating physician having to have been given substantial weight, a good treating physician for the miner, he is going to have the weight of being the treating physician. The judge is going to see his demeanor and be able to obviously decide how much weight he is going to give him.

Mr. MURPHY. Mr. Chairman, if the gentleman will withdraw his amendment, I will commit it in the conference committee. He and I will work it out so there will be an equal playing field. The identical language I had in my bill in the last session of Congress, we will put in place in this one.

Mr. FAWELL. Mr. Chairman, I appreciate the gentleman's offer.

Let me understand what we are talking about. We would be deleting then the three to one to make it three and three.

Mr. MURPHY. Three and three.

Mr. FAWELL. And we would be deleting the words that would require that the treating physician be given substantial weight over the opinion of other physicians? Obviously, a court is going to make that decision all by itself without our having to demand that that be done.

Mr. MURPHY. It probably would. But I submit to the gentleman, the treating physician, he has equal qualifications.

The CHAIRMAN pro tempore (Mr. LIPINSKI). The time of the gentleman from Pennsylvania [Mr. MURPHY] has expired.

The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore [Mr. RAHALL] assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994.

The SPEAKER pro tempore. The Committee will resume its sitting.

BLACK LUNG BENEFITS RESTORATION ACT OF 1994

The Committee resumed its sitting.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I was not going to speak on the bill. And while they are working out their differences, I would just like to make a few comments. It is evident that we have a committee, subcommittee and committee that have brought to the floor legislation that seems to be friendly to an American worker's interest. Friendly to American workers, in this case, friendly to coal miners who have suffered from black lung or other dysfunctions due to the nature of their workplace. Is that not refreshing? Congress is getting a little friendly, at least in this piece of legislation where coal miners have to jump through hoops, get five different opinions, go to 90 different elements to try and confirm that they are sick, sick from their workplace and may die to get some help from Uncle Sam.

The few comments I want to make is, if you live in my area, you may have to move to Mexico to get a job in the first place. And we see a committee that is basically being attacked and challenged because they are trying to give a helping hand to members of the American workforce who are now dysfunctional because of the problems in environmental conditions that they have faced over the years.

I am not speaking about the substantive issues of the amendment of the gentleman from Illinois [Mr. FAWELL] at all. "Frankly, Scarlett, I don't give a damn."

I see a committee that has come forward trying to right a wrong that puts the American worker and the problems that the American workers face is No. 1 on their agenda. And I rise to say "Thank you, Mr. Chairman; thank you, subcommittee; thank you, committee." I hope that Congress supports their efforts. We need a few more subcommittees like that.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois.

Section 3 of H.R. 2108 proposes a radical and fundamentally unfair change in black lung administrative law, for the first time, differentially restricting the presentation of evidence of medical examinations of miners.

It would restrict the presently unabridged right of a claimant or defendant to submit medical examinations of the miner in support of or opposition to a claim and, in so doing, allow the claimant to offer up to three examinations but bar the defendant from submitting more than one examination. These examinations fundamentally underlie the entire factfinding process in black lung cases.

The provision proposes a claims adjudication process formally biased in favor of the claimant, by legislatively manipulating the presentation of evidence, undercutting the adjudication process' integrity, fairness and ability to act as a check against mistaken decisions.

The provision proposes a novel and unique warping of the normal adjudicative process historically established under Federal law, the Federal Rules of Evidence and the Administrative Procedure Act. Congress has the power to set and alter evidentiary procedures used in adjudicating administrative cases, but only so long as those procedures do not violate the Constitution. I believe, barring defendants, in black lung cases, from submitting more than one medical examination while allowing the claimant to submit three examinations, clearly and squarely, confronts the Due Process Clause of the U.S. Constitution.

The Supreme Court has held that a fair trail in a fair tribunal is a basic requirement of due process and this applies to administrative agencies which adjudicate as well as to courts.

Section 3 of H.R. 2108 would legislatively bias the fact-finding of the decisionmaker in the claim-adjudication in favor of the claimant. Not only is a biased decisionmaker constitutionally unacceptable, but our system of law has always endeavored to prevent even the probability of unfairness. There is simply no governmental interest, in these cases, in preventing one party from submitting the same amount of like-kind evidence as the opposing party. In fact, there is a strong governmental interest in avoiding mistaken decisions and, in providing justice. Procedures are unreliable if they do not give a party an opportunity to test the strength of the evidence by confronting and cross-examining adverse witnesses and by presenting witnesses on its own behalf.

As Justice Brennan said in Brock versus Roadway Express, Inc., "employers * * * are entitled to a fair opportunity to cross-examine witnesses, and to produce contrary records and testimony."

Supreme Court concern for ensuring this protection by allowing litigants to present their case has been longstanding. For example, the Supreme Court said in 1941: "[o]ne of the most important safeguards of the rights of litigants and the minimal constitutional requirement, in proceedings before an administrative agency vested with discretion, is that it cannot rightly exclude from consideration, facts and circumstances relevant to its inquiry which upon due consideration may be of persuasive weight in the exercise of its discretion." *Pittsburgh Plate Glass Co.* v. *NLRB*, 31 U.S. 146, 177 (1941).

The Supreme Court maintains a particular concern for allowing litigants to ultimately present their case where presumptions are used to shift the burden of going forward with evidence, such as in the black lung program.

For the presumption to pass constitutional muster there must be some rational connection between the fact proved and the ultimate fact presumed, and that the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate. However, by biasing the presentation of evidence, section 3 undermines the ability of the factfinder to discover the truth and, thus, be able to reasonably find the rational connection between the fact proved and the ultimate fact presumed.

Section 3, as presently written is wrong from a policy point of view and, I believe, unconstitutional. The section is fundamentally unfair, unreasonable and contains a high risk of leading to mistaken decisions. The amendment of my colleague of Illinois striking section 3 should be adopted.

I ask that my complete statement be printed in the RECORD.

□ 1440

I think there is a lot of very much historical, legal matter; certainly Brock versus Roadway Express, Inc., where it says, "The employer is entitled to a fair opportunity to cross-examine witnesses and produce contrary records and testimony," that there is much legal background to support the fact that we should allow all litigants to ultimately present their case, and where presumptions are used to shift the burden of going forward with the evidence, such as in this program, that that gives one or the other side an unfair advantage.

I want to give those who have the problems that this addresses an opportunity to have their day in court, but I think we ought to look at it from both sides.

The CHAIRMAN pro tempore (Mr. LIPINSKI). The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Chairman pro tempore announced that the noes appear to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 238, not voting 19, as follows:

[Roll No. 182]

AYES—181

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez

Hall (OH)
Hamburg
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Hoyer
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—19

Brown (CA)
Cox
Dixon
Emerson
Faleomavaega (AS)
Ford (MI)
Goodling
Grandy
McDermott
Michel
Nadler
Neal (NC)
Parker
Pelosi
Romero-Barcelo (PR)
Stokes
Torkildsen
Washington
Williams

□ 1442

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Washington against.

Mr. PALLONE and Mr. SPRATT changed their vote from "aye" to "no."

Messrs. WALSH, QUILLEN, and DICKEY, and Ms. HARMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 182 on H.R. 2108 I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: Strike section 6 and on page 11, line 22, strike "(a) General Rule.—" and on page 12 strike lines 1 through 6.

Mr. ARMEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, H.R. 2108, the Black Lung Benefits Restoration Act creates more problems than it solves. It already has been stated that the bill reported out of committee is one which places too heavy a burden on mine operators, violates the principle that all relevant evidence is admissible, and is fiscally irresponsible.

Additionally, as if to establish some sort of coal miners' lottery, H.R. 2108 has a provision covering the award of attorneys' fees that could potentially create a nightmare. Under current law, reimbursements for attorneys' fees are paid out of either the black lung trust fund or by the mine operator at the final resolution of the case. No final judgment, no attorneys fee awards. The amendment I am offering will return us to this state of affairs.

Unfortunately, H.R. 2108 rejects this commonsense approach, and authorizes payments to be made by the mine operator to the claimant at every stage of the process where the claimant prevails. Under what can be characterized only as a lawyers' bounty, H.R. 2108 would make a miner, who has gone down to the local Division of Coal Miners Workers' Compensation Office to file a claim, eligible to receive attorneys' fees after the claims examiner rules in his favor in an initial determination.

Such an award will have occurred even before the mine operator has even entered a Federal court. This Federal court. This outcome is unnecessary and unwarranted. The system is already generous enough. Today, any claimant who prevailed during the initial determination receives benefits from the trust fund while the case is being contested.

But apparently this is not enough. H.R. 2108 would mandate payments for attorneys' fees for requests to reconsider determinations, proceedings before administrative law judges, and appeals before the Benefits Review Board.

Remember, all of this is before the case even gets to a Federal court, and these awards are allowed even when it is the claimant that appeals or ask for reconsideration.

Now supporters of this provision will tell you that all of this does not matter, because innocent mine operators get compensated too. This has a ring of truth in it, but the facts are that the mine operator has never been allowed to recover his own attorneys' fees.

H.R. 2108 would not change this. Instead, it generously says that if the mine operator ultimately is successful, the Federal Government—via the black lung trust fund—will pay him back. Not for his own costs, but for any costs for the claimants attorneys' fees that we have forced him to pay out.

The truth is that this provision in the bill will serve as little more than an inducement for more claimants to file against an already beleaguered trust fund. Even with a case that ultimately proves to have no merit, a claimant and his lawyer will have been given new incentives to file a claim. His lawyer recognizes that win or lose, he or she will likely be paid, and paid well.

If the threat of such awards force a mine operator to settle the case, in the eyes of the trial lawyers, this is so much the better.

Well, it is not better for the trust fund and ultimately the American taxpayer who will have to be responsible when the trust fund goes belly-up.

According to the Congressional Budget Office projected expenditures for attorneys' fees is expected to be $25 million over 5 years, rivaling the administrative costs of $27 million during the same period.

The trust fund is currently $4 billion in debt. We must not compound this by providing unwarranted awards to lawyers, and unduly stimulating suits against mine operators. I urge my colleagues to vote in favor of this amendment. It is a return to fiscal sanity and its good policy.

□ 1450

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because it denies an entire class of people—the aged, the ill, the infirm, the unemployed miner—adequate legal representation. These individuals who filed under the harsh 1981 amendments, with their stricter standards, were unfairly excluded from eligibility. And now to deny these people sufficient representation on a rehearing is tantamount to total justice denied.

The attorneys fee section was incorporated into this bill in response to testimony received throughout our oversight hearings. Numerous witnesses discussed the great difficulty they and their fellow coal miners have in finding any legal representation.

Under the current system, attorneys are not paid until the claim is fully adjudicated. Now, contrary to what the gentleman from Texas [Mr. ARMEY] would have us believe, no attorney, no attorney would be paid any fee at all until and unless the claimant was granted benefits by the Department of Labor.

This is not attorneys fees in advance; this is only attorneys fees that accumulate if the company then files and puts the miner through an appeals process. But no attorneys fee is paid until the claim is granted. After that, not if the miner appeals—he would not have to appeal—only if the company appeals would then the attorney be allowed to be paid and only paid for the work he has accumulated as having done at that stage of the proceedings.

We found in instance after instance in the entire State of West Virginia, half a dozen attorneys representing the miners; in the entire State of Kentucky, a dozen attorneys who were willing to represent miners. They cannot afford to tie up their time and energy until a 10-year period of appeals is up.

What we are saying is companies have their lawyers at the table all through the proceedings; let us have the miner have his attorney at the table all throughout the proceeding.

Remember, the attorney would not get paid a cent until he had received his first initial benefit; that means that he had won.

Now they put them through the appeals process, and we are saying that is when the attorneys leave them. We would like the attorney to stick with them.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Pennsylvania has pointed out the fact that in the State of West Virginia there are a half a dozen that will handle these black lung cases. During hearings that the gentleman's subcommittee graciously held in my home town of Beckley, WV, 5 years ago, we heard testimony there were only a dozen lawyers at that time that would handle black lung cases. The gentleman from Illinois earlier referred to the lack of lawyers handling these cases. This is precisely why. How would we like to get paid at the end of each term rather than each month during the term?

Mr. MURPHY. And only if you got a bill passed.

Mr. RAHALL. Right. And only if you got a bill passed. So I think the gentleman's amendment is bad policy, and I urge its defeat, and I associate myself with the remarks of the chairman of the subcommittee.

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for us to stop and really take a look at this section. There is no question in my mind, as I have indicated before—and I know that Chairman MURPHY and I have discussed this on numerous occasions—that the present system insofar as legal fees are concerned is one that is not conducive to having competent attorneys. Not that those who are handling these matters are not competent, but it is not conducive to attracting a lot of attorneys to represent miners. Progress can be made. But I think Congressman ARMEY has circled and hit a very, very important point.

Now, if you take a good long look at this section, you will find that there are two big detriments to it. No. 1 is that legal fees will be granted even in instances where the claim is denied.

Now, that just is not the case, I think, in any workman's compensation statute in the Nation. Why do we do this here when we have a number of ways that we could really make progress?

And this goes further: I think as a sweetener to kind of soften opposition, it goes further and says that legal fees which are awarded during the process of the suit when there is an ultimate denial of the claim—those legal fees must be reimbursed to the coal company employer who won the case. And guess who gets stuck with having to pay the legal fees? You are right, the "U.S. Congress Insurance Company," the trust fund, has to pick up all of those legal fees in instances where ordinarily speaking in all the other workman's compensation statutes in this Nation there are no legal fees when you lose the case.

Now, I have suggested, and I think Chairman MURPHY is entertaining this point too, that why do we not look at what the rest of the world is doing? The rest of the world both in tort actions and in workman's compensation will recognize that contingent fees are not evil. I think the Department of Labor sometimes think they are. I would not even suggest that if contingent fees were possible and you would have a lot of good attorneys coming in and doing the work, that they necessarily had to be taken out of the recovery, which, by the way, is the way all other workman's compensation statutes in the States work. It is normal.

But the chairman is quite right when he says there is no incentive if you are on hourly rate and you cannot be paid until the very end, and then if you do not win, of course you lose. You are not going to get many attorneys to buy that package.

I do not know why we have not changed this long ago. I suppose that with all the work that I have done on this matter, I could have worked to put that in. I would be glad to work assiduously on this because I want to make it easier for miners too. But I will tell you what, all the changes you are making otherwise are not going to make a hoot of difference unless you recognize that an attorney can have that contingent fee arrangement, as I said, even if you want it not to come from the recovery. I think that is the way this ought to be, but it would hurt too many feelings there, I suppose; but Mr. ARMEY is absolutely zeroing in. He is objecting to the fact that, "Hey, you don't get attorneys fees, my friends, when you lose the case." And then, "You don't go out and charge the trust fund to pick up that bill."

How much more money will that be that the trust fund has to borrow from the U.S. taxpayers in order to finance that one? Does anybody know? None of us knows, none of us knew it very much, and we do not care. We are too busy, we cannot run an insurance company this way.

I keep referring to the trust fund as an insurance company because that is the only entity that is going to be there for the miners who are suing under black lung fund when the owners have disappeared.

The CHAIRMAN pro tempore (Mr. LANCASTER). The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. So Mr. ARMEY goes and hits the bulls-eye, but he is not probably going to get much reaction here. I pledge to the chairman, Chairman MURPHY, I would be more than glad to try to work with him to copy what is successful in all the other workman's compensation statutes where the attorneys do pitch in and do give the kind of representation that the miners ought to have and which they have not been getting. This is the most expensive, wasteful route you can possibly think of, and it is mollifying the coal operators. The only people left who would object are the taxpayers, here I am, one person, and there is another one over there, Mr. ARMEY, who brought this point up.

That is all I have to say on the matter.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 176, noes 250, not voting 12, as follows:

[Roll No. 183]

AYES—176

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Ewing
Fawell
Fields (TX)

Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Dixon
Emerson
Faleomavaega (AS)
Grandy
Nadler
Neal (NC)
Parker
Pelosi
Romero-Barceló (PR)
Torkildsen
Vucanovich
Washington

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Washington against.

Mr. HAYES and Mr. CLINGER changed their vote from "aye" to "no."

Mr. HYDE and Mr. McHUGH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr HOEKSTRA: Strike section 10 and redesignate section 11 as section 10.

Mr. HOEKSTRA. Mr. Chairman, fewer than half of the cases decided by the Supreme Court involve constitutional issues, but well over half involve the interpretation of laws (CRS Review/Sept. 1991).

Although the Court has sent mixed signals about deference to agency interpretations of statutes, there is a trend toward increased reliance on the text of law and a decreased reliance on legislative history, such as committee reports and floor debate (CRS Review/Sept. 1991).

Section 10 of this legislation is obviously a reaction to some recent opinions of the Supreme Court, particularly by Justice Scalia. In fact, I think, legal experts would say that while the Court may be more skeptical of using legislative history opinions have varied a great deal about how and when it is appropriate, and Judge Breyer's appointment, assuming he is confirmed, will add to the mix of views on this issue in the court.

But, I read somewhere that one of the things Justice Scalia has said is that efforts to use committee reports as authoritative legislative history should be discounted because they are written by staffers and members often don't even read them. Is he wrong about that? Not in my experience. I would say he is exactly right in the majority of instances. So why are we trying to undercut him? There should be more emphasis on what the statute says, and less on trying to read the minds of the staff persons who wrote the committee report.

The Supreme Court should not need to go to legislative history to interpret what it is we intend. This body needs to make sure it knows what it is authoring and putting into law and that it is not vague and overly broad. Too often, it is the intellectually and politically lazy road to draft legislation and amendments which we either don't know enough about to send definite messages or we are too chicken to make a choice between two approaches.

Ambiguity is defined by Websters as uncertainty. If we are uncertain, we had better go back to the drawing board and start the process over again.

This provision sets a brand new precedent that, in and of itself, should be thoroughly debated and analyzed—not just stuck in a bill. It is an invitation for Members of Congress to load every piece of legislation up with rhetoric, some of which may end up being contradictory.

Mr. MURPHY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to state that I do not oppose the gentleman's amendment. It is my belief that legislative intention should be reviewed by the courts when they are in doubt as to the actual ambiguity of a statute. However, though I may disagree with Justice Scalia, I do agree with the philosophy, legal philosophy, of court nominee Breyer, attorney Breyer, and I believe that perhaps these two may offset each other in the court procedure.

Therefore, I do not find it absolutely necessary to include this statutory construction-type language to encumber the black lung bill. Inasmuch there is an objection to it, I would agree to strike it at this point, and just hope the courts would more favor my legal philosophy on it than that of a strict constructionist, such as the gentleman from Michigan. But we will agree to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL: Strike section 2, redesignate sections 3 through 11 as sections 2 through 10, and on page 23, line 1, strike "6" each place it appears and insert "5".

Mr. FAWELL. Mr. Chairman, my amendment strikes section 2, which deals with a very controversial and I think somewhat emotional topic, interim benefits to claimants. A little background on interim payments is helpful to better understand my amendment.

Under current law, individuals who file for black lung benefits can receive interim benefit payments, that is, total disability payments, once the Department of Labor makes an initial determination that the claimant is eligible for benefits.

Basically a claimant can be found by the Department of Labor to be entitled to benefits if the medical evidence shows that the miner has black lung disease and is completely unable to perform his or her customary coal mine work as a result of the disease.

Note, you can still be totally disabled and be able to otherwise support yourself. Total disability under this act does not mean total disability. It means total disability insofar as doing work in the mines.

A reduction of 40 percent from the expected normal respiratory function is regarded as totally disabling for coal mine workers in the absence of evidence to the contrary. Interim benefits are then paid to the claimant, and this is important, with a clear understanding that they will have to be repaid if the claimant loses his case. In other words, claim denied.

These interim benefits, again total disability benefits, have always been paid to the claimant with the understanding that they will have to be repaid if the claimant is ultimately found to be ineligible for the benefits. Section 2 of this bill would eliminate this requirement entirely. The section states that if interim benefits, total disability benefits, have been granted and paid to a claimant whose claim is ultimately denied, the claimant will no longer have to repay these funds.

□ 1530

I happen to be one that thinks that they should get these interim benefits, but they should get them after they win, then they relate back, which is the law, by the way. In other words, one can get total disability payments under this provision even it one has no right whatsoever to any total disability payments.

Additionally, section 2(b) requires the trust fund to refund any payments made to it as a reimbursement of benefits paid on a claim which was ultimately denied. Claimants do, by the way, repay interim benefits paid to them if their claim is ultimately denied. But section 2(b) would require the trust fund to retroactively reimburse any such benefits going all the way back to 1973. CBO scores this requirement as costing CBO $40 million over 3 years, 1995 through 1997.

Section 2(c) also required the trust fund to indemnify, guess who, the responsible operators for any interim benefits paid on the claim which is later denied. The trust fund, there is our insurance company again.

If we have these situations where a claim is denied but interim benefits have been ordered to be paid and they no longer have to be repaid, then the good old trust fund is going to indemnify the coal operators who were the ones who contested the claim and ultimately caused the claim to be denied.

I ask Members, what section 2 is doing in requiring that the trust fund has to subsidize the cost of interim benefits which the coal operators are under order to pay in cases where the claim is ultimately denied. Obviously, there is no justification in that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. All of this is in spite of the fact that the Department of Labor already waives repayment in cases where a claimant demonstrates financial hardship. The Department waives repayment if the recovery of interim benefits would deprive the individual of income needed for order and necessary living expenses or otherwise is against equity and good conscience.

It makes no sense whatsoever to have an act which when a person loses the case, we have already said he loses the case and the attorney still gets paid, now we say he loses the case and it may go on for 4 to 6 years, but he can keep all the total disability payments though he never was entitled to the total disability payments. Only a bankrupt insurance company could dream up that kind of a scenario.

I know my colleagues' hearts think that is right, but it is the dumbest thing from a viewpoint of business that one could think of. Any wonder why the trust fund is $4 billion in debt and the taxpayers are now bailing it out.

Mr. McCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been discussed already, but in all good will, I think the gentleman from Illinois [Mr. FALWELL] does not recognize the human element and the actual reality, and I think we from the minefields know this, as far as it affects the practical workings of people's lives and what happens to them.

What we have under this program, and as we all know the final certification on black lung eligibility has taken in some cases 6, 8, sometimes 9, 10 years. People are living in their old age, having served their Nation, having worked in the minefields, and all of a sudden that notice, and we have all seen them, comes in from the Department of Labor saying, "Dear Mr. Smith/Mrs. Jones, you owe $60,000 to the Department of Labor. You have been found ineligible for permanent black lung benefits. Please pay it back within 60 to 90 days or get in touch with us and we will talk about it. A certified check will be accepted."

That is all very fine, but how many miners and their families, who have to live on these benefits as they are ascertained on an interim basis, have $20,000, $30,000, $40,000, $50,000, $60,000? In many cases, it can cause emotional to the point of heart attack and medical problems. That is an obvious.

Many people in my district, the 8th District of Indiana, have been bewildered by this. The simple fact is that these claims were not filed fraudulently. They were filed in good will, in good faith. Even at that point they may very well have black lung. All that is is a particular certification most often after many years have gone by.

I dare say that this proposal not to have these payments have to be repaid, not only being compassionate and common sense, is also an incentive in a system for the DOL and the Federal process to get the permanent resolution of these cases ascertained.

We all know what it means for a 70-year-old retired miner or widow being told to pay, they owe $50,000, $60,000 and in some cases houses and homes have been lost. It is simply a very weird Alice in Wonderland way to treat the working people of this fine Nation.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I would suggest, again, we want to do justice for the miner. We want to hope that this insurance company of ours, called the trust fund, is going to be able to exist.

Mr. McCLOSKEY. Mr. Chairman, reclaiming my time, the cost of this provision, which I initially authored and we have been working on for some years, over 5 years is $56 million. In the line of what we are talking about, this is more than a reasonable cost for simplification of the system, basic justice and, indeed, as the gentleman has said, an incentive that the system would work faster so that in essence the loss to the mine fund as to the black lung payments, would not go on so much.

I dare say, does the gentleman have any retired mine families on black lung benefits in his district?

Mr. FAWELL. Mr. Chairman, if the gentleman will continue to yield, no, I do not. But I do want to point out that the law already states that once you win the case, the interim benefits relate back to the time you filed the case. So they are going to get those benefits if they win.

Mr. McCLOSKEY. But if they do not, as the gentleman knows, that is what we are talking about, if they lose, so to speak, at that point, is it not true that working people who are middle class, not upper middle class, they have worked their whole lives and they have spent their life savings, are in effect being told very often, let us say a typical demand is $40,000. Do my colleagues know what is means for even many of us in the Congress to be told we have to pay $40,000 within 3 months.

Mr. FAWELL. Mr. Chairman, we can say this for all the families in America who are in a position where they have to go to a workmen's compensation statute. The point is that we then best change the statute and simply provide for total temporary types of aids pending a case in action. But we have not done that.

Mr. McCLOSKEY. We have not done that.

Mr. FAWELL. When we make this change though, this is going to be around for many, many years. Actuarially speaking, we are going to bankrupt the fund.

Mr. McCLOSKEY. Mr. Chairman, we are dealing with this system today.

□ 1540

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleagues, this amendment would continue a practice that has evolved under the previous Administrations of robbing victims of black lung disease of the benefits they receive on an interim basis.

The effect of this amendment, if it should pass, is to cause black lung beneficiaries to be placed on the welfare rolls.

We are not talking about rich people here. Let us get real.

We are talking about people who are suffering from black lung. Who can barely breath. Who can hardly walk.

They receive their benefits about a ruling that they are eligible.

Once that happens, the coal companies with their legions of lawyers and doctors seek to challenge that ruling. It is commonplace. There is no discrimination in this regard. Every positive ruling of eligibility is challenged.

And so we have our black lung victim, barely able to maintain himself at a substandard level of living, faced with the challenge of trying to defend himself against these high-powered doctors.

Is it any surprise that the black lung victim may ultimately find himself being ruled against?

With this legislation we are saying that once you receive benefits, and through no fault of yourself, that their is no fraud or abuse involved, you will not be required to repay those benefits.

Mr. Chairman, I urge the defeat of this amendment.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope all of the Members who are listening in their offices and in committee will understand that interim benefits are not paid unless the miner has secured an award of benefits from the administrative Department of Labor proceedings. He must file his claim.

I had one Member ask me about a half an hour ago, "Does everybody that files a claim get interim benefits until his case is decided?" Heavens, I hope that no one is under that misapprehension. No one gets interim benefits paid unless he has secured an award. Those interim benefits are then the benefits that are paid until or unless there is an appeal process. The miner does not cause the appeal process, the coal company then appeals. They take them on for another 5 or 10 years.

If eventually, under the 1981 rules and regulations, the company is successful, which has been the case in 97 percent of the cases, then interim benefits stop, all benefits stop, and the miner gets no more.

I am pointing out to my friend, the gentleman from Illinois [Mr. FAWELL], that there perhaps is the best equity in the entire proceedings. At least the miner got half a loaf, because he was paid after he had an award, he was paid up until the time they drove him into bankruptcy with an appeal, and then they finally win because they outlasted him. Then the benefits stop. He at least got some benefits. He did not get the whole loaf.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. Yes, I am glad to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, my point, of course, is that we should not be giving interim benefits. That is not done in other workmen's compensation statutes. I do not know why it has to be done here. If you win, you will get all the interim payments.

Mr. MURPHY. Mr. Chairman, I would tell the gentleman, they are not interim payments at that point. The interim are that a person gets paid after he has won the first round.

Mr. FAWELL. If the gentleman will continue to yield, yes, but it goes back to that interim period. It covers the interim period. If the person wins, he goes back to the date he filed and is given total disability coverage.

What I am saying is that if he loses, though we should never have even thought of creating a system whereby we give interim benefit payments before the final adjudication.

Mr. MURPHY. The gentleman may be correct, if the person loses, but I am saying that he has won. He has won before he gets his interim benefits. That is the inequity we are trying to point out. He did not just file, he had to prove his case. He proved it to the DOL, and they are tough enough to prove it to. Then he was awarded his benefits.

Once he starts the benefits, then what has happened in the last 12 years, and I wish the gentleman from Illinois could have some of those poor people come into the office and say, "Here is my letter from the Department of Justice. They are going to take me to jail. They are going to sue me for all this money. I am borrowing the money from my daughter out in San Francisco so I can help pay. I am going to the bank. I am going to pay it back." This is what has been happening.

The DOL, the Department of Labor, for the last 12 years has been harassing these people, even though they got an award, they got their benefits. Now they are saying, "Send it back," and the total inequity to all the taxpayers is it did not go back in the trust fund, it went to the general treasury.

Mr. FAWELL. If the gentleman will continue to yield, why should the trust fund then pick up these interim benefits in losing situations, where the coal company ends up losing?

Mr. MURPHY. Mr. Chairman, I would tell the gentleman that that is because they had an award and they proved their case.

Mr. FAWELL. If the gentleman will yield further, it is a case against the coal company. The trust fund is not even involved, but not these interim benefits, in a case where they lose against the coal company, the trust fund has sent the bill and the trust fund has to pay it, the good old friendly insurance company from the U.S. Congress.

Mr. MURPHY. In the proceedings before the person files the petition, he has to get a lawyer, if he can beg one to represent him for nothing under the current law. The coal company will send him to seven or eight doctors. If he can go before the hearing and the Department of Labor grants him an award, boy, I say he is entitled to it. If he has gotten that far, he is among the 3 percent, the 3 out of 100 that got a benefit, and now he is being harassed to send it back.

Mr. FAWELL. If the gentleman will continue to yield, my inquiry is, the order is against the coal company to pay the interim. They are contesting it, so they do not. Ultimately, if the coal company wins, the man loses, and the gentleman has legislation saying the trust fund has to cough up the money and indemnify the coal company. Why in the world has he done that?

Mr. MURPHY. Let us have the coal company and the Department of Justice put the money back in the trust fund.

Mr. FAWELL. The gentleman's bill says the trust fund has to pay this.

Mr. MURPHY. I will be very happy to say the Department of Justice will pay it out of the money they have already collected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. BARRETT OF NEBRASKA

Mr. BARRETT of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Nebraska: Add at the end of the bill the following:

SEC. 11. STUDY.

(a) IN GENERAL.—The Federal Black Lung Advisory Committee, established under subsection (d) and referred to in this section as the "committee", shall—

(1) examine State workers' compensation laws to determine the effectiveness of the laws in providing benefits on the amount of disability or death due to pneumoconiosis, and

(2) evaluate the information collected in conducting the examination under paragraph (1).

(b) CONSIDERATIONS.—In carrying out subsection (a), the committee shall consider—

(1) whether a State's law providing monthly benefits for total disability or death due to a coal miner's pneumoconiosis in an amount that is comparable to or that exceeds the amounts payable under the Federal black lung program under part C of the Black Lung Benefits Act,

(2) whether the State law provides adequate coverage for health care needs generated by a coal miner's pneumoconiosis,

(3) whether a State's law precludes awards by virtue of periods of limitation or other provisions that unreasonably restrict the filing of claims or awards for a coal miner's pneumoconiosis,

(4) whether the medical or legal criteria for determining entitlement in a State are fair and reasonable, and

(5) whether a State workers' compensation system facilitates reasonably prompt awards or settlements.

(c) REPORT.—The committee shall transmit to the Secretary of Labor, not later than 12 months after its establishment, a final report containing a detailed statement of its findings, conclusions, and recommendations under subsection (a).

(d) COMMITTEE ESTABLISHMENT.—The Secretary of Labor shall establish the Federal Black Lung Advisory Committee with 9 members. The Chairman of the committee and a majority of the members of the committee shall be appointed by the Secretary from individuals who have no economic interests in the coal mining industry and who are not officers, directors, employees, or representatives of groups organized to assist claimants in the processing of their claims under the Federal black lung program under part C of the Black Lung Benefits Act. Of the 9 members, 2 shall be representatives of labor and 2 shall be representatives of coal mine operators. 5 members of the committee shall constitute a quorum for the purpose of doing business. Members of the committee who are not officers or employees of a Federal, State, or local government shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary but not in excess of the daily rate in effect for grade GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses.

Mr. BARRETT of Nebraska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BARRETT of Nebraska. Mr. Chairman, I, too, want to pay my respects to the gentleman from Pennsylvania [Mr. MURPHY] for the openness that he has exhibited, and for the decision of the Committee on Rules in offering an open rule. I also want to compliment the gentleman from Illinois [Mr. FAWELL] for the excellent job he has done in shepherding this measure through.

Mr. Chairman, my amendment would call for an advisory committee to be appointed by the Secretary of Labor, to study the effectiveness of State workers' compensation programs to determine first, the effectiveness of the laws that include black lung as a compensable occupational illness; and secondly, whether there exists a need for the continuation of the Federal Black Lung Program.

The Black Lung Benefits Act was enacted in 1969 and was designed to provide to coal miners who were totally disabled due to black lung disease.

The sponsors of this act intended for it to be a temporary program of limited size duration, and cost.

The program was to be administered by the Social Security Administration, which would receive and adjudicate the expected claims arising from past exposures. Once the existing backlog was dealt with, the Department of Labor, would handle new incoming claims under a workers' compensation system.

Aside from the continuing benefits paid to successful claimants under the Social Security Administration-managed part of the program, the Federal involvement in black lung compensation was to cease 7 years after the law's enactment, that is, by December 30, 1976, 18 years ago.

It was thought that the program would become unnecessary once the individual States developed adequate occupational disease compensation systems of their own.

Including claims for health benefits and refilings, more than 1 million claims have been filed, and more than $30 billion has been paid to worthy beneficiaries. It is almost certain by now that all coal mining families that had been overlooked by State laws have had a fair chance to obtain benefits under the Federal program.

The Department of Labor, in fact, reports that all workers' compensation laws in coal mining States today afford higher benefits for total disability or death due to black lung disease.

Mr. Chairman, I believe that many State laws currently meet the Federal requirements under the statute, and that a careful review of them would show that the Federal Black Lung Program has fully achieved its original objectives.

It is for that reason that I offered an amendment during Education and Labor Committee consideration that is similar to that which I am offering today, with one major change.

A provision in my committee amendment called for the termination of the Black Lung Program in 1998, whereas my amendment today does not include that provision. Instead, my amendment simply calls for a study—nothing more and nothing less.

This amendment calls for the creation of a nine-member advisory committee, a majority of which shall have no economic interest in the coal mining industry. The rest of which shall be equally represented by coal mine operators and labor representatives.

This advisory committee would study various State workers' compensation laws to determine their effectiveness in providing benefits for victims of black lung, and to determine whether there exists a need to continue the Federal program.

I urge my colleagues to vote "yes" on the Barrett amendment.

□ 1550

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was offered in the committee, it was debated at some length and was soundly defeated, as it should be here.

I am reaching out now to the people who talk about unfunded mandates. In 1969, we amended the Coal Mine Safety Act with an amendment that covered black lung for the first time and we said this is a national problem because coal is used all over the country. Then we said the way to pay for it is to have the people who make the profit out of coal pay a tonnage cost, and that is the way it is paid for. It is not like workers compensation. The owners do not pay any premium based on the number of people that work for them who get black lung as in workers compensation which is experience-based rated.

Mr. Chairman, this is an industry-wide assessment that creates a trust from which it is paid wherever the person happens to be when black lung brings them down and totally disables or kills them.

Mr. Chairman, what the gentleman wants to do is completely rewrite the thrust of this legislation. I guess Nebraska does not have any coal mines and, therefore, Nebraska would be completely out of any future responsibility for this dreadful national problem. But those people who come from States that either have coal mines or States like mine that while it does not have coal mines has automobile plants to which former coal miners migrate for employment can tell us that if they had to try to handle the cost of this out of their State workers compensation fund, they would have a real problem on their hands. So we have the heating and the powering of the entire United States by the coal States with them bearing the subsequent costs that come after the fact for the inevitable disease that comes from working around coal dust. I do not believe that we want to do this.

Mr. Chairman, it is going to be argued, I am sure, that this is only a study, and what difference does it make? It is a study predicated on the presumption that there is a valid way to turn this into a State workers compensation piece of legislation. We had State workers compensation before this act was passed and there were a couple of States that did in fact compensate for pneumoconiosis. The fact of the matter was that it was kind of spotty and we decided that it really was not fair to that very small part of the country that provides all the energy for the rest of the country to have to bear the cost of this once we identified a national problem with pneumoconiosis and this would turn us back to where we were before 1969. I would therefore recommend that we not give a seal of approval to the idea of going in that direction.

Mr. Chairman, I have been listening on this floor all of this session to people talking about unfunded mandates. Imagine my State that is a receiving State for former coal miners in our work force having to pick up in our State workers compensation program money collected from all the businesses in the State to pay for the problems created by a business located in another State. This is truly an interstate problem and should be kept on an interstate basis. The only way we can do that is with a national focus.

Mr. Chairman, I deeply respect the gentleman from Nebraska and if I were representing Nebraska, I would be voting for the gentleman's amendment. I ask Members to defeat it.

Mr. MURPHY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I do not totally disagree with the concept of my colleague, the gentleman from Nebaraska. All Federal programs, of course, should be periodically examined. It does concern me that in the first sentence the gentleman strikes out all after the enacting clause of our measure, that does concern me, because then we have no bill.

Next I would like to remind the gentleman from Nebraska that prior to 1969, this Congress and the Department of Labor did an exhaustive——

Mr. BARRETT of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Nebraska. I think the gentleman has something important to tell me.

Mr. BARRETT of Nebraska. Yes. I wonder if the gentleman is on the correct amendment.

Mr. MURPHY. I have the only copy of the amendment, the one I received yesterday in the subcommittee wherein the gentleman from Nebraska says, "An amendment to H.R. 2108 is reported offered by Mr. BARRETT of Nebraska," sir. It says, "Strike out all after the enacting clause and insert the following."

Mr. BARRETT of Nebraska. There was an addition then at the end of the bill.

Mr. MURPHY. The gentleman has an addition to that at the end of the bill, something about paying these committee people to a GS–18 level.

When does the gentleman propose to strike after the enacting clause, before or after?

Mr. BARRETT of Nebraska. It is an addition to the end of the bill.

Mr. MURPHY. Then I will address myself to the contents of your resolution.

Mr. BARRETT of Nebraska. It does not deny current benefits. It does not touch the current statute. It simply is a stopgap to pause and step back and take a look and decide whether or not we want to continue or not. Essentially that is it.

Mr. MURPHY. I will tell the gentleman, perhaps, then, in view of that, I was not aware of that at subcommittee or at full committee because the amendment was in its original form. I would like and will discuss with the gentleman the possibility of some type of a review, but I would remind the gentleman that our committee, the committee on which we serve, we are charged with the responsibility of reviewing these acts and I, therefore, think we should be considered in meeting with this committee or be a part of the committee.

Mr. Chairman, next I would say that paying these committee members who someone else appoints, the Secretary of Labor or the President, they are going to be paid at a grade GS–18 level, that is a lot of money and we are going to be wrapping up a lot of money in the study that this Congress itself should be doing and I believe does do. They did it prior to the enactment of the first act in 1969, we have been doing it since then, we have been studying this measure now for 4 to 5 years. We have found that many States do not compensate any of the disabled miners because they moved to their States following their disabilities.

Again I would say I am not adverse to the concept but I must oppose the gentleman's amendment at this time because I do not think it is comprised in the right way and I think it is adding more dollars to it. By paying them to a GS–18 level, they will make as much as a Congressman.

Mr. BARRETT of Nebraska. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. MURPHY. I yield to the gentleman from Nebraska.

Mr. BARRETT of Nebraska. We have had studies as the gentleman suggests, I believe, we have had study after study and today we are looking at a massive, massive expansion of the current program.

Mr. MURPHY. The gentleman is saying one more study would cure that?

Mr. BARRETT of Nebraska. Yes, we need to take that last look to determine whether or not a temporary program, and it was to be a temporary program, should continue. We of course have spent an additional $195.5 billion, have we not, and I would urge that the body adopt the amendment.

Mr. MURPHY. Mr. Chairman, at this point I am still reluctant to accept it, saying that one more study merely adds to the total cost of our program and may not solve it any more than all the studies we have had.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just very briefly, in support of this particular amendment, I think it is good that we pause and look back to 1969 when the Black Lung Benefits Act was amended to another bill, and at that time that it was created, the idea was that the black lung fund would cease to exist as of December 30, 1976, and that it was temporary only until such time as the State workers' compensation laws would take over.

Obviously, like many programs that we have created of a temporary nature, it grows into a behemoth and continues to gobble up taxpayers' funds to the point where, as we all know, we have a black lung fund which is indebted to the tune of $4 billion and will be getting further into debt.

Mr. Chairman, it does not seem to me that it is a bad idea, therefore, and I know that the unions and the coal association are discussing this right now, of how indeed we might be able to make that transition which was planned back in 1969 so that pneumoconiosis and respiratory diseases coming from coal dust would indeed be inculcated into the State workers' compensation laws.

☐ 1600

I know in West Virginia they are, and in Pennsylvania they are, and in Kentucky they are, and in Illinois they are, and, indeed, a successful complainant can get more money under the State workmen's compensation laws in those States than he can from the Federal law.

Someday we will actually make the transition and eliminate the Federal black lung law and merge it into the State worker compensation laws. There is nothing wrong with that, and we should not feel as though there is a challenge or to be frightened by the suggestion that we have a study on this. I think the unions would welcome it and the coal association.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURPHY. I just wanted to say to the gentleman from Illinois [Mr. FAWELL], the gentleman is correct in what he has stated.

I was in the Pennsylvania Senate at the time that this was passed down here in 1971 in Pennsylvania. We amended our State workers' compensation law to include disabled miners into the program, and they have been benefited by that ever since.

I again go back to say I do not object to a review of this, and perhaps sometime between now and conference committee the gentleman from Nebraska, myself, and the gentleman from Illinois can sit down and say how can we review this. My concern is that many miners have now migrated throughout the country, and I would want to retain some benefits for them.

I think part of our study has to say, well, OK, if it is necessary to have a Federal program for some who are now living in Florida or California or somewhere else, these are the things we should be exploring. I just am reluctant to say that we will allow the Secretary of Labor to create this now and shift it all back to some States that may not be willing to accept the burden.

That is why I respectfully oppose it. But I do say you have a point, and what you have stated is correct.

Mr. FAWELL. I thank the gentleman, and I think that eventually that transition will be made by the various unions and the coal companies both of whom, I believe, rightfully think that the disability payments here are not what they should be, and that all respiratory illnesses, without any question, if they come from one's occupation, one ought to have an avenue within the State workmen's compensation laws to be able to utilize, and so I would think the Federal Government, and considering its record, would be glad to get out of this business, assuming that workers are going to be protected.

But I think they can be protected when they are protected much better in the States of Kentucky, Pennsylvania, Illinois, and West Virginia with the laws they have right there than what we have in our Federal Black Lung Act.

Mr. BARRETT of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I am happy to yield to the gentleman from Nebraska.

Mr. BARRETT of Nebraska. Mr. Chairman, may I ask the gentleman from Pennsylvania a quick question? In light of the very conciliatory nature of the gentleman's previous statements which are greatly appreciated, would he be willing to accept my amendment and then work it out in conference with the gentleman from Illinois [Mr. FAWELL], between myself and yourself?

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, I would rather work it out with you without accepting it into our deliberations and, in fact, I just whispered in my staff's ear to get hold of your staff person, whoever is in charge of this.

The CHAIRMAN pro tempore (Mr. WISE). The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(At the request of Mr. MURPHY and by unanimous consent, Mr. FAWELL was allowed to proceed for 30 additional seconds.)

Mr. MURPHY. If the gentleman will yield further, I will, regardless of whether you call for a vote or withdraw or do not, I would like to work that out, because I think we should properly review it. I just do not want it to cost us a lot of money. I do think that Members of Congress, and I will not be here, I think Members of Congress should be included in that study, because this is ultimately where the decision has to be made.

Mr. BARRETT of Nebraska. I appreciate the answer, and I appreciate the openness of the gentleman from Pennsylvania.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, Mr. BARRETT.

As a member of the Committee on Education and Labor I opposed H.R. 2108 in committee on the grounds that it is fiscally irresponsible—I continue to oppose it today for the same reasons.

As we have mentioned before the Black Lung Benefits Act was intended to be a temporary program—with limited size, with limited duration, with limited cost, none of which have been followed through.

The program, despite reforms, continues to escalate in cost, and 25 years later, is hardly temporary.

Today, the Congressional Budget Office estimates that this bill will increase costs under the black-lung benefits program by $195.5 million over 5 years—however this bill does not provide any increase in revenues to offset the increase in direct spending. This trust fund is already nearly $4 billion in debt.

This program will continue to cost taxpayers hundreds of millions of dollars over the next 5 years.

Coal mining families that had previously been overlooked by State laws have had a fair chance to obtain benefits under the Federal program.

And in fact, the Department of Labor has reported that all workers' compensation laws in coal-mining States today afford higher benefits for total disability or death due to black-lung disease.

So the time has come to take some action. This amendment would provide for an independent and impartial review of whether the Federal temporary black-lung program should be terminated.

I ask my colleagues to support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nebraska [Mr. BARRETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Nebraska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 265, not voting 11, as follows:

[Roll No. 184]

AYES—162

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—265

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Hughes
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Blackwell
Dixon
Emerson
Faleomavaega (AS)
Gibbons
Grandy
Nadler
Neal (NC)
Parker
Stokes
Washington

□ 1626

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Stokes against.

Mr. VALENTINE and Ms. SHEPHERD changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHNER: Strike section 8 and redesignate sections 9, 10, and 11 as sections 8, 9, and 10, respectively.

Mr. BOEHNER. Mr. Chairman, the great thing about this country is that people who fail are often times given a second chance to succeed. In business, there is always another venture. In sports, there is always another game. However, the bill before us would give another chance to 87,000 individuals who have had their black lung claims denied since 1982. They will be able to refile their claims, as if their original claim had never been filed. While giving them another chance may sound all-American, it is in reality, fiscal and administrative nonsense. This is why I am offering this amendment to strike the refiling section.

Many of the individuals who had their claims denied did not satisfy the medical criteria for black lung benefits. Under the provisions of this bill, these people, without having to show any change in their medical condition, will be able to refile their claims. Not only will the file from the previous claim be totally ignored, new rules of evidence will be in effect. For those who are unfamiliar with these new rules, let me briefly explain them to you. They allow the claimant to submit three medical exams, while the opposing party only gets to submit one exam. To top it all off, prevailing weight is to be given to the claimant's physician. I am hard pressed to figure out how we can tilt the playing field any more favorably toward the claimants.

This refiling section is blatantly unfair. After legitimately losing a claim, we are going to give claimants another bite at the apple, and on much more favorable terms. In the end, the Congressional Budget Office estimates this section will cost the American taxpayer $42 million—and this estimate does not include the new awards that will have to be paid out of the black lung trust fund or the ensuing administrative nightmare.

We only need to look back to 1972 and 1977 to realize the financial implications of this section. In both years, rejected claimants were permitted to refile. In 1972, 70,000 claims ended up being reversed at a cost of $9 billion. In 1977, 60,000 claims ended up being reversed at a cost of $7.5 billion.

There is also the issue of whether this section is necessary in the first place. Current law provides for a refiling of a claim if a claimant has new medical evidence or experiences a material change in their condition.

Finally, I have received the administration's position on this bill. They have requested that this measure be limited to eight separate provisions. Allowing failed claimants to refile their claim is not among these provisions. In short, the administration's silence on this point speaks volumes about their position on this section.

This section is unnecessary. Out of a sense of fairness, and fiscal and administrative sanity, I urge my colleagues' support of this amendment.

□ 1630

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment. As the debate throughout the course of today has shown on numerous occasions, the process through which these denied claimants have been put over the last decade or so has been horrendous. The black lung program has been administered in a fashion that has been aimed squarely at reducing the number of claims that have been approved.

This amendment would say that people who in the past, who are victims of this horrendous journey, who are victims of this bureaucratic nightmare, cold and uncaring, could not come forth to seek a new day in court. These are claimants, mind you, that have been denied their benefits in the past by administrative shenanigans, by maneuverings that have been aimed solely at denying them their legitimate benefits.

During a hearing on the black lung program conducted by the Subcommittee on Labor Standards several years ago in my hometown of Beckley, WV, one witness aptly described the current situation in this way, quoting from his testimony:

> Coal miners who were strong and vigorous workers have been reduced by years of inhaling coal dust to broken bodies, to strain for every breath. They are forced to go through degrading, humiliating and seemingly endless contests in a generally futile effort to obtain benefits and medical care, a paltry compensation for the destruction of their health.

Indeed, they have been humiliated. They have been subject to endless contests. They have been subject to maneuverings and lawyers and big company protests, and delays that have caused them only suffering of their health. Indeed, many of them have succumbed to death.

So I say, let us defeat this amendment. Let us give these people a chance to be reviewed under a fair and just system, that levels the playing field, rather than the slanted, stilted system that has existed in the past.

I urge defeat of the Boehner amendment.

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if this is not deja vu all over again, I do not know what is. The previous speaker said that everything has been aimed at causing miners to go through all kinds of circumstances, and that the failure to have awards was due to the system.

Yet in 1972, I do not know how many thousands of refilings were allowed. In 1977, 125,000 refilings were allowed; in 1995, another 87,000. Ever since the Black Lung Benefits Act has been in being, it just has not delivered the bacon, and therefore we just refile and refile and refile. I have never known a system of justice that has done it like this.

Still in 1977 it was done in spades, all kinds of presumptions, all kinds of restrictions. Everything in the world was done to be able to get victory for more and more awards. But for some reason it does not happen.

We found out, unfortunately, in 1977, when there was no black lung fund debt, that, lo and behold, we created a monster. And by 1981, what did we have? $1.5 billion. We had all those refiled cases. And what happened? The insurance companies took a walk and said: "We walk away from our workmen's comp policies. We didn't hire out to sell our policies on the basis we had to defend over and over again, just because the Congress doesn't like the results."

So they took a walk. And we found the responsible operators, coal operators, they had to self-insure. There was catastrophe. So bad, in fact, that unions and coal operators and the administration all got together and said "Oh, my God, we have to do something. We have screwed this up so badly." And they came up with the reforms.

They got rid of these presumptions. They got rid of these evidentiary restrictions. They transferred 12,000 cases from the operators over to the black lung fund, or else they would not have been able to even put the reform program through.

Indeed, we finally did have some success in slowing the fantastic growth of debt. We did not stop it, because now the black lung fund is $4 billion and growing. So we know we still have to do something to control this bankrupt insurance company that we are operating.

And what do we do? We say let us go to the future by going back to the 1970's. Do it in spades. Do it again. You have a different administration. They might even sign it. They might be dumb enough to sign it. But the administration is not that dumb. They are not endorsing what you are doing. They are saying no.

OMB comes out and points out that the damage which is going to be done to the black lung fund, my friends, is more than just what they have estimated for the first 5 years, because the real avalanche comes in years 5, 6, 7, and on out to 19, 20, and 25 years. Under the actuarial studies that nobody has rebutted because of the absolute truth, for every case that is successful, and CBO says you are going to have 20,000 new awards, new successes, out of the 80,000 that can file, 20,000 will hit the jackpot and win this time.

□ 1640

Ten thousand will be cases against the coal operators. Ten thousand will be against the black lung fund, the bankrupt black lung fund. That is going to be $225,000 per case, because it is a total disability for life.

I know that we in Congress do not like to look at things like that, but do Members know what the coal operators will do? Do they know what the insurance companies will do? The will immediately take $125,000. They will put it in reserve, and that is how they are going to pay for this.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, that is what sensible people will do. But sensible things we do not do in Congress. Workmen's comp insurers will put down $125,000, will invest it, and they know that as you go through the next 10, 20, 30 years or so, whatever it may be, you have got the money there to be able to give the help that you are planning to give.

We do not do that. We just simply say, when the time comes, when the bills start rolling in, we will just borrow more from the taxpayers. So we can build a $4 billion fiasco into a $8 billion fiasco. That is what we are doing.

The gentleman from Ohio [Mr. BOEHNER] is hitting the very heart, the very heartbeat of this bill, which is special interests, unfortunately, and it is not doing any favors for the people who really have black lung disease.

They have to prove it. They have to prove it. They have to have some doctors come in and show that they have respiratory illness that comes from coal dust, not from smoking or something like that. I would say, this is a must amendment. If we cannot vote for this, I do not know what we can do to help posterity in this country.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

As the great grandson and grandson of anthracite coal miners, I rise in strong opposition to the amendment and in strong support of the bill.

Mr. Chairman, in 1981, the scales were tipped against hard-working men who gave their health and in many cases their lives to fuel this country. Many deserving men have been denied benefits. Many deserving widows have been denied benefits.

Mr. Chairman, I ask my colleagues today, do what is fair. That is what we are asking. We want to level the playing field. We want to give people a chance to hand in legitimate claims and have those claims awarded. We are not asking for illegitimate claims to be awarded. We are asking for legitimate claims to be awarded.

I ask my colleagues, do what is right, allow for a fair hearing and allow people to go back to 1981, when the scales were tipped against them, and allow them a fair day in court and a fair hearing.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. HOLDEN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I want to tell my colleagues that this is a very sad day for me to be in the House of Representatives. I never thought I would hear on the floor of this House the kind of rhetoric that I have heard today.

We ought to be ashamed. How can you stand up and talk about hitting the jackpot as if this were some kind of a lottery that you are going to have on the 6 o'clock news. These people are sick. These people are ill. And if they are hurt and they are Americans, we should be taking care of them.

You do not mind spending billions of dollars, I heard you get up on this floor, many of you today that are voting against this, and say, let us give billions of dollars across the seas to our so-called allies who will not ever support us, our American fighting men and women. But you will not devote a dime to people that are dying.

You talk about people getting $225,000 for total disability for life; $245,000, you think that is enough? Shame on you.

It is a disgrace for you to be on the floor and say this kind of thing to us. And if you want to associate yourselves as Republicans, I am going to tell you, it is not the kind of Republicans I have been dealing with on so many of these issues. How can you stand there with people who are ill and dying and say to them and look in their faces and say, you are a statistic and you do not count in this Congress. You are not a good enough American to have the same kind of health care.

I want to know how many of you have black lung disease? I want to know how many of you are going to stand up here and tell everybody else who has it that they are not eligible for this. You talk about posterity.

What will the posterity be for these people who have it?

I do not have anybody in my district with black lung disease, but by God, I am an American who is going to stand here and say to all of us, let us end this disgraceful debate. How can anybody be seeing us on this floor, watching us across the country and not weep with despair that the Congress of the United States would deny a single American in the situation that these people are in what we would give anybody who is in need.

Jesus wept. Jesus wept, indeed, that we can have this kind of conversation today. End this disgraceful episode. Vote against this amendment, and let us vote through what these people deserve.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio. We ought to take a little look at the facts. It is great to get up with great emotion, and I understand and everyone in here is as caring as the gentleman who just spoke.

If someone came from somewhere else and listened to that, they would say we have not done anything for people with black lung. We spend $30 billion, and we continue to and we should. That is not the question. That is not the point.

The point is to deal with the issues in a balanced way so that we can continue to do it, that we can pay our bills and that we can do these things.

A Member can come up the next day and have the very same speech about some other group, if they have to find some way to do it levelly and balanced, and that is what we are seeking to do.

This amendment deals with a particularly troublesome aspect of the legislation. Under this bill all claimants with black lung benefits would be given the opportunity to refile claims and have their cases reconsidered. This does not make sense.

In addition, this bill throws out all the evidence compiled prior to this one on the claim and against the process from square one. How much sense does that make? How much sense does that make?

Provisions in this bill allow for claimants to refile their claims, providing no better example of why this bill is a massive expansion of a Federal entitlement program that has already cost $30 billion, that is already $3.5 billion in the hole. That is where it is, and that is what we are trying to do here today, is to do something that is reasonable, to do something that we can pay for.

I support the gentleman's amendment and urge my colleagues.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, the gentleman from Hawaii made certainly an emotional appeal to all of us. Nothing that we are trying to do here is trying to deny legitimate black lung benefits to any American who has that disease.

But I find it interesting that in 1972, we had to open up this program and allow people to re-file because not enough people were getting benefits under the program the way it was originally designed. And then in 1977, we opened up the program again and allowed everybody who had been denied a chance to re-file their claim. And here we are, again in 1994, wanting to go back for the last 13 years and say, if you have had your claim denied, we are going to let you have another bite at it under more liberalized rules.

The fact is that we want to help those who legitimately have black lung, but what we do not want to do is to put the American taxpayer at risk for a pension program for people who live in coal areas that are disabled not from black lung but for a bunch of other reasons.

It is that responsibility to the American taxpayers that some of us in this Chamber take very seriously and stand here today and say, this program brought here by the gentleman from Pennsylvania is going to cause abuse. And it is going to put American taxpayers at risk and those people who mine coal and their operators, also put them at risk.

This amendment is a good amendment. It eliminates the re-filing which is the most onerous part of the bill that we have in front of us today.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words, and oppose the amendment and very seriously so.

The gentleman from Ohio would have us believe that these ill, infirmed, and I mean, aged miners are committing fraud and deception and they are getting benefits for some other reason that pneumoconiosis, the destruction of their lungs.

□ 1650

Mr. Chairman, we have specifically always had in the law, and we include in this bill, that any fraud and deception in the filing of these claims will eliminate all interim benefits, will eliminate all benefits and throw them out the door forever. I would not want Members to have our colleagues believe that any of these benefits have been granted where there is that type of fraud and deception. There is not, Mr. Chairman.

What this amendment proposes to do is strike out the clause that merely says that a miner who has been denied benefits since 1981, and I will remind the gentleman that his party and his President in 1981 stripped 97 percent of the eligible Black Lung recipients from their benefits in that reconciliation bill in 1981. I remember it well. Since that time, very, very few miners' claims have been approved.

We do not say reexamine every claim, as we did in the 1972 act signed by President Nixon, as was done in the 1977 act signed by President Carter. We do not mandate that. We merely say that a miner who has been denied benefits since 1981, and we are not going back to 1972, 1977, or 1969, only those who have been denied under the unfair rules that we have been operating with for the past 14 years, be allowed, just be allowed to fill out a lengthy form, submit it to the department, and say, "Do I have it or not," under some fair rules where he may bring in an equal amount of medical evidence, where he may have an attorney that is at least paid a few dollars to represent him and help him fill out the forms.

All we are asking is for a level playing field, and that those miners not have their claim automatically renewed; not 80,000 or all those figures they come up with. I will bet there will not be 8,000 to 10,000 applications total nationwide. There are not that many left. We are talking about 14 years preceding this, none before, and only those in the 14 years. There were only 70,000 of them at that time who were eligible to file, so there cannot be that many of them left.

We do not order a review, only that they have a right, Mr. Chairman, and the gentleman himself said that we give everybody a second chance; yes, everybody except a disabled miner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 258, not voting 14, as follows:

[Roll No. 185]

AYES—166

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grams

Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-
  Mezvinsky
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—258

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo
  (PR)
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Dixon
Emerson
Faleomavaega
  (AS)
Grandy
Hutto
Lewis (FL)
Markey
McMillan
Nadler
Neal (NC)
Parker
Thomas (CA)
Torres
Washington

☐ 1713

Ms. LAMBERT changed her vote from "aye" to "no."

Messers. BUYER, GUNDERSON, OXLEY, and SCHAEFER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to the bill?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. WISE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2108) to make improvements in the Black Lung Benefits Act, pursuant to House Resolution 428, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FAWELL

Mr. FAWELL. [Mr. Speaker, I offer a motion to recommit.]

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FAWELL. Yes, I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FAWELL moves to recommit the bill H.R. 2108 to the Committee on Education and Labor.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 166, not voting 15, as follows:

[Roll No. 186]

AYES—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-
  Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey

McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—166

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Nussle
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Petri
Pickett
Pombo
Portman
Pryce (OH)
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Dixon
Emerson
Grandy
Hoke
Lewis (FL)
Livingston
Markey
Nadler
Neal (NC)
Parker
Pomeroy
Slattery
Thomas (CA)
Torres
Washington

□ 1734

The Clerk announced the following pairs:

On this vote:

Mr. Slattery for, with Mr. Thomas of California against.

Mr. Washington for, with Mr. Grandy against.

Mr. Nadler for, with Mr. Lewis of Florida against.

Mr. ZIMMER changed his vote from "aye" to "no."

Messrs. HOAGLAND, FOGLIETTA, and HUGHES changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1995

Mr. HEFNER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103-516) on the bill (H.R. 4453) making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 1995, which was referred to the Union Calendar and ordered to be printed.

Mrs. VUCANOVICH reserved all points of order on the bill.

REPORT ON H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1995

Mr. HEFNER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103-517) on the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year 1995, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. YOUNG of Florida reserved all points of order on the bill.

EXTENDING TIME PERIOD FOR COMPLIANCE WITH THE NUTRITION LABELING AND EDUCATION ACT OF 1990 FOR CERTAIN FOOD PRODUCTS

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2087) to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I shall not object, but I take this reservation for the purpose of asking the gentleman from California [Mr. WAXMAN] to explain the reason for this request.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, the final regulations for the Nutrition Labeling and Education Act of 1990 became effective on May 8 of this year. The implementation of this act represents a magnificent achievement on the part of the Federal Government and American industry. It will greatly benefit consumers.

The vast majority of companies have been able to meet the May 8 deadline. However, there are a number of companies that have sought a 3-month extension of the deadline either because of the backlog in printing labels or because they have a large inventory of containers and labels that do not comply with the new rules. We have been informed that these containers and labels are worth millions and perhaps tens of millions of dollars.

This bill will grant a 3-month extension for compliance with the NLEA with respect to certain products. This brief extension will allow companies to use this excess inventory, but will not in any way undercut the basic benefits of the NLEA.

I urge my colleagues to support this bill.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, this bill simply extends the May 8, 1994, deadline for all companies to be in compliance with the Nutrition Labeling and Education Act for another 3 months. Companies that had printed labels before May 8, 1994, will be able to continue to use their old nutrition labeling until August 8, 1994. This will enable companies to avoid the economic and environmental waste of discarding millions of labels.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before August 8, 1994, section 403(q) and 403(r)(2) of the Federal Food, Drug, and Cosmetic Act and the provision of section 403(i) of such Act added by section 7(2) of the Nutrition Labeling and Education Act of 1990, shall not apply with respect to a food product which is contained in a package for which the label was printed before May 8, 1994 (or before August 8, 1994, in the case of a juice or milk food product if the person responsible for the labeling of such food product exercised due diligence in obtaining before such date labels which are in compliance with such sections 403(q) and 403(r)(2) and such provision of section 403(i)), if, before June 15, 1994, the person who introduces or delivers for introduction such food product into interstate commerce submits to the Secretary of Health and Human Services a certification that such person will comply with this section and will comply with such sections 403(q) and 403(r)(2) and such provision of section 403(i) after August 8, 1994.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1740

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 4385, THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1994, THE LEGISLATIVE BRANCH APPROPRIATIONS BILL FOR 1995, AND THE FOREIGN OPERATIONS APPROPRIATIONS BILL FOR 1995

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, Mr. Speaker, the Rules Committee is scheduled to meet during the week of May 23 to grant rules for the following bills: H.R. 4385, the National Highway System Designation Act of 1994, the foreign operations appropriations bill for fiscal year 1995, and the legislative branch appropriations bill for fiscal year 1995. The committee may report rules which would permit only those floor amendments designated in the particular rule for the particular bill. The committee has circulated individual "Dear Colleagues" outlining the parameters for submission of amendments for each bill. For H.R. 4385, the National Highway System Designation Act of 1994, the committee requests that 55 copies of each amendment to the bill be submitted to the Rules Committee no later than 12 noon on Monday, May 23. It is my understanding that the Public Works and Transportation Committee will file H.R. 4385 sometime today.

Copies of the text of the bill are currently available at the Public Works and Transportation Committee at 2165 Rayburn, for Members who intend to offer amendments to H.R. 4385.

Regarding our plans with respect to the Foreign Operations Appropriations Act for fiscal year 1995, Members should submit 55 copies of their amendment no later than 12 noon on Tuesday, May 24.

And finally, with respect to the legislative branch appropriations bill for fiscal year 1995, filed this afternoon, the committee requests that Members interested in offering amendments to the bill submit 55 copies of their amendment to the Rules Committee no later than 5 p.m. on Tuesday, May 24.

It is my understanding, Mr. Speaker, that copies of the bills will be available, to Members and staff preparing amendment, in the Appropriations Committee office, located in room H-218 of the Capitol Building, on the afternoon of Friday, May 20. One copy of each of the bills will be made available to Members' offices only.

We appreciate the cooperation of all Members in our effort to be fair and orderly in granting each of these three rules.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to inquire of the chairman as to whether or not this is the beginning of a process in which we will be considering rules on all appropriations bills? Is there any indication as to whether or not this is a pattern that has begun?

This is something that does concern me, in light of the fact that appropriations are privileged resolutions which, frankly, can come straight to the floor here.

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, as the gentleman may recall, because the gentleman from California [Mr. DREIER] has such an extensive memory, there were only two appropriations bills that were so structured last year, and those are two of the three that are here.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to House Resolution 429 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1743

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. DURBIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 18, 1994, amendment No. 2 printed in part 3 of House Report 103–509 offered by the gentleman from Texas [Mr. BRYANT] had been disposed of.

Pursuant to the notice of the Committee of Wednesday, May 18, 1994, it is now in order to consider amendment No. 1 printed in part 3 of House Report 103–509.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, on behalf of myself, the gentleman from Connecticut [Mr. SHAYS], the gentlewoman from Oregon [Ms. FURSE], and the gentleman from Michigan [Mr. UPTON], I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts:

At the end of title X (page 277, after line 2) insert the following new section:

SEC. 1038. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point that the allied contribution level determined under paragraph (2) is below the goal specified in subsection (c) as of the end of a fiscal year, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is below the goal specified in subsection (c).

(2) ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL GOALS FOR FORCE REDUCTION.—In continuing efforts to enter into revised host-nation agreements as described in section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2545) and section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1824), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(1) By September 30, 1995, 18.75 percent of such costs should be assumed by those nations.

(2) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(3) By September 30, 1997, 56.25 percent of such costs should be assumed by those nations.

(4) By September 30, 1998, 75 percent of such costs should be assumed by those nations.

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency and immediately informs the Congress of the waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Force for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployments of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Force for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term "nonpersonnel costs", with respect to United States military installations in European member nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 30 minutes, and the gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that I be allowed to give 15 minutes to my coauthor, the gentleman from Connecticut [Mr. SHAYS], and that he be allowed to manage that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, to begin this debate, I yield 3 minutes to the majority whip, the gentleman from Michigan [Mr. BONIOR], the gentleman who pioneered the approach this amendment takes a few years ago when he offered an amendment that provided that Japan be asked to do what we here ask Western Europe to do.

Mr. BONIOR. Mr. Chairman, I want to applaud my colleagues from both sides of the aisle for offering this amendment today.

Mr. Chairman, there was once a time when America needed to foot the bill to defend our allies—when Europe lay in ashes after World War II, when the Marshall Plan was helping our allies rebuild, and even during much of the cold war—we were the only ones who were in the position to pay these expenses.

And we paid—at great sacrifice to ourselves—but we paid.

But that time has come and gone.

In 1990, Mr. Chairman, I offered an amendment that required Japan to pick up a fair share of their own defense.

Then, as now, critics said it would not work.

They said it would disrupt our defense alliances—and interfere with our relationships with our allies.

They said these countries couldn't afford to pay.

Well, let me tell you what happened.

The amendment passed with overwhelming bipartisan support.

And at 11 that night, I got a call from the Japanese Ambassador.

He called to tell me that as a result of the House action, the Japanese cabinet met in special session—and had agreed to increase Japan's contribution to the Persian Gulf war from $1 to $4 billion.

Eventually—they more than doubled that amount.

And within a year, Japan was paying half of the total cost to station United States troops there.

We would like it to be more—and it should be more—but at least they are paying for half.

The lesson to be learned from that experience is that burden sharing works.

The lesson is that when you get tough—you get respect.

And when you get respect—you get results.

With this amendment, we are saying that it is time for our European allies to pay their fair share, too.

It's not like they cannot afford to pay, Mr. Chairman.

Think about it: this year, for example, we will spend at least $4 billion—not counting salaries—to defend Germany.

Yet, Germany has wage rates that are about 140 percent of ours. They have national health care, parental leave, child care, a national job-training program, and a month's paid vacation for all their workers.

And to top it all off, last quarter, Germany ran a trade surplus with the United States of about $10 billion.

Yet, we are spending $4 billion to defend them?

It doesn't make any sense, Mr. Chairman. Not any more.

It's time for our European allies to pay their fair share.

We are proud of the role that the United States has played in the defense of freedom throughout the world. And we must and we will continue to lead the world with our military strength.

But there is no reason why American taxpayers should continue to foot the bill to defend countries that are more than capable of paying for their own defense.

This amendment says that the days of the free ride are over, and I urge my colleagues to support it.

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Frank amendment because it would jeopardize what we have achieved in Europe over the past 50 years. It would jeopardize our country's ability to sustain its strategic interests abroad.

We cannot go below the 100,000 troop ceiling established by the Congress in the fiscal year 1993 defense authorization bill. The President has used that personnel limit in making his commitments to our European allies and I think we must keep our word and stand by those commitments.

Last year during my visit to countries in Central and Eastern Europe as chair of the committee's North Atlantic assembly panel, I was repeatedly asked by the leaders of those countries if the United States would continue to maintain a military presence of 100,000 troops in Europe as promised. Respecting the United States for its role in ending the cold war and bringing the opportunity for democracy to their countries, these new leaders of former Soviet Block countries wanted the assurance that the United States would continue to participate in the security of the European continent while they struggle to build democratic governments.

Mr. Chairman, I would like to read from a recent letter the Secretary of Defense, William J. Perry, sent to the chairman of the House Armed Services Committee.

Dear Mr. Chairman: I would like to express my concern about the potential damage to U.S. national interests that would result from burdensharing legislation such as the amendments being offered by Mr. FRANK and Mr. BRYANT.

Rather than compelling our European allies to greater burdensharing these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in NATO, and our ability to promote and protect our vital national interests in Eastern Europe. The extremely effective security structure which has served U.S. interests for more than 40 years would be shattered.

> At the NATO summit in January, the President reaffirmed the U.S. commitment to Europe. He did this because our own security and well-being are inextricably tied to European stability. Pulling our forces out of Europe would undercut this interest, creating uncertainty and putting the U.S. itself at risk.
>
> The Administration shares the Congress's concern about equitable "burdensharing" and this remains a primary administration policy. However, to make this the basis of our European policies would be shortsighted in the extreme. Moreover, it does not take into account the total contribution of our European allies to our common security interests today. Consider, for example, the stabilizing effect of European financial assistance to the East and the costs that the U.S. will not have to pay because of these efforts.
>
> The Administration has made good progress in adapting NATO to the new post-cold war security environment. More still needs to be done. Forcing the withdrawal of U.S. forces from Europe would undercut U.S. leadership of NATO during this critical time of transition.

Mr. Chairman, that concludes the Secretary of Defense's remarks on this amendment. I hope my colleagues will give them serious consideration and vote against the Frank amendment.

☐ 1750

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON], a coauthor of this amendment in support of burdensharing.

Mr. UPTON. Mr. Chairman, the premise of our amendment is simple and fair: Starting in 1996, if our allies don't increase their payments, we will gradually reduce our troops. What is wrong with that?

A number of years ago we heard some of the same arguments against burden sharing that we'll hear tonight. Back then, we were hammering out a way to get Japan to pay its fair share for our military presence there.

Some of our colleagues argued that we weren't in Japan merely to defend the Japanese, but that we use Japan as a base to protect our interests in an entire region.

Well, who could quibble with that logic? We don't maintain European bases simply to provide security for our host nations.

When we talk burden sharing, let's emphasize the word sharing. Let's understand that our regional interests are the shared interests of the nations in which we house our troops.

For many years, we've talked about how burden sharing is a nice idea. We've talked about how burden sharing is a laudable goal. The fact is we've talked and talked and talked and talked and talked about demanding that our European allies pay their fair share. Now, it's time to act.

Our host-nation support agreement with Japan requires Japan to pay 75 percent of the nonsalary costs for U.S. troops by 1995. Yet while Japan has agreed to pay 75 percent of all nonpersonnel costs for our military bases there, European countries typically contribute a puny 5 to 20 percent.

When we're saying "no" to increased funding for good programs that benefit people here at home, how can we continue to say yes to a $5 to $10 billion direct cash subsidy for the defense of wealthy European countries like Germany, France, Italy, and the United Kingdom?

Groups like the National Taxpayers's Union and the Citizens Against Government Waste strongly support the amendment before us today.

In their letter of endorsement, the National Taxpayers Union said:

> This imbalance hurts Americans in two respects: As taxpayers, who must shoulder the burden of defense spending through high taxes or deficits; and as consumers, who are put at a competitive disadvantage to other countries whose economies need not bear the full price for defending their own territories * * *. It is time to eliminate unnecessary taxpayer subsidies abroad as well as at home.

Citizens Against Government Waste states the situation simply:

> Your amendment serves the men and women of our armed forces in two ways: By freeing up the funds for the best weapons and support we can give them, and by using their tax dollars prudently.

Mr. Chairman, I was sadly disappointed when I read the front page of today's Washington Post quoting the chairman of the House Appropriations Committee, who said "we're cutting meat from the bone," referring to Head Start, a wonderful program.

Both he and the chairman of the Senate Appropriations Subcommittee on Labor, Health and Human Services, TOM HARKIN, are saying we can only finance about 18 cents of every dollar authorized for health programs. Breast cancer research and other very worthwhile programs and everything else will indeed suffer.

We need to change some priorities in the spending process, and that means other countries need to begin serious burden sharing. This bill saves the taxpayers almost $5 billion.

This amendment is a start in the right direction toward fiscal sanity and responsibility.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong opposition to this amendment, and I thank the gentlewoman for yielding time to me.

It is easy to be partisan on this issue. Here we have President Clinton saying it is a bad amendment. We have Secretary Perry saying it is a bad amendment. We have Secretary Christopher saying it is a bad amendment. I, as a Republican, I could get up here and I could demagog and say it is a bad amendment and run home and get headlines in my newspaper saying I am great. I voted to bring all of our troops back home unless our foreign allies put money up.

I am proud of the golden bulldogs. I had, just as my colleague from Michigan is proud of his, for my votes as a fiscal conservative. But we are not here to get headlines back home. We are here to do the right thing.

We are here not to just protect the interests of our allies. We are here to protect America's interests. That is why our Secretary of State, that is why our Secretary of Defense, and that is why the majority of the members of the Committee on Armed Services who have looked at this issue in depth on both sides of the aisle think that we are making real progress in burden sharing.

In fact, we have brought home 40 percent, we have had a 40-percent reduction in our troops just in the last several years.

Let us get the facts on the table, Mr. Chairman. Everyone of our colleagues in this body wants burden sharing. There is no one group that wants to burden share and the others who want to send all of our money overseas. All of us want to burden share. But we want to do it in a way consistent with our foreign policy.

In this case, I want to support the administration. They know it is a very critical point in time. The European nations are at a terrible point where they do not know which way to go. This administration has taken a leadership role. They just passed a partnership for peace. And guess what, Mr. Chairman, the partnership for peace is going to be implemented by U.S. troops working our allies. Now what we are saying here is, let us pull the plug out. Let us not worry about what President Clinton said, about what Secretary Christopher or Secretary Perry say. Let us pull the plug, because we want the headlines back home that we really are for having the foreign allies pay their fair share of the costs. That is a bunch of baloney.

All of us in this body are for burden sharing, but we want to do it in the right way. I am willing, as a Republican, to give this administration a chance to do it logically, consistently and in the best interests of our foreign policy and not just to score cheap headlines.

Mr. FRANK of Massachusetts. Mr. Chairman, I am grateful for a very, very brief flicker of bipartisanship on the other side. I do not expect it to last too long.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], whose name has been invoked and who has, in fact, been the pioneer in the whole area of burden sharing.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Let us try and do something unique here. Let us try and look at the facts.

This is not about pulling our troops out of Europe, no, no, no.

Yes, I worked very hard to say that there should be no more than 100,000 troops in Europe.

☐ 1800

That is one of the goals they are working to. They can all stay there, every one of them can stay there, if the allies work toward paying 75 percent of the cost of keeping them there, other than salaries. That is all. That is all it is. It is really very simple. If the allies think they are so important, this is a terrific deal for them.

I also must say, think of how expensive it is to maintain people there on rotations, on the cost of deploying over there. We got so used to assuming those costs that I love the people who come and say they are all for burden-sharing, but not this bill, not this time, not this day, because I got 20 years of those kinds of same statements. Have we not been pushing down here with these amendments, we would have not made the progress we made.

I want to give the Members some facts right out of the burden sharing thing that came from the Defense Department. We insist that they do this report, and in the recent reports the Secretary of Defense says to us, "Please don't call it 'burden sharing,' call it 'responsibility.'"

Okay, let us call it responsibility sharing. That is fine with me. I do not care. The politically correct thing is now "responsibility sharing." However, the Secretary of Defense goes on to say that "Even by that measure, Germany, Norway, Portugal, and the Netherlands, in their overall efforts, could best be characterized as mixed." Boy, that is exciting.

Then when it comes to Belgium, Italy, and Spain, they explain that away as "worse than mixed," but not to worry, because they are on the lower tier, so we certainly would not want to expect more out of them. So they are even failing on responsibility sharing, which is what the Secretary of Defense is saying we should hold them to, which is a lesser standard, for crying out loud.

Then the Secretary of Defense goes on to say that these allies face "persistent economic problems and increasing pressures on their own defense budgets." Do we not?

Not only that, these allies have much better education programs, much better health care programs. They are not talking about cutting Head Start. They would not cut it in a minute. They even immunize all their children, and we only do about 50 percent.

However, we cannot wait to rush to the well to keep saying: "Let us keep pretending like the Soviet Union is going to run over them any minute and we have to pre-position all our troops there so we will be ready."

Wait a minute, we are not protecting West Germany from East Germany, because it is now one country. All the West Germans and the East Germans can now go across the border, and the wall is a speed bump, and we are still there.

I encourage people to finally say, "Let us talk about this." It does not bring one troop home unless they do not start paying at least 75 percent of the cost. Let us keep the facts on the table.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to the Frank amendment. Mr. FRANK has been offering amendments aimed at cutting the defense budget and withdrawing our overseas troops for many years. In some years, he has targeted U.S. troop levels in Europe and Asia. In other years, he has specifically targeted our troops in Europe. His amendment before us now, would result in pulling out of Europe as much as 75 percent of the troops the Congress has decided we need to protect our national interests there.

Mr. FRANK's amendments of yesteryear were after the same sort of deep reductions in our overseas troop levels, but they were offered when we had hundreds of thousands more stationed in Europe alone. I would suggest, Mr. Chairman, that all of us, Mr. FRANK included—regardless of the ideology we espoused during the cold war—need to review our cold-war thinking in the light of new realities. In doing so, we must keep clearly before us the vision of a peaceful, stable world.

With the cold war over, the fundamental challenge becomes that of establishing and securing the peace. We should all realize by now that we can not accomplish that alone. Either we make peace in cooperation with other nations or it will not be made.

Continuing to work closely with our European partners in NATO and extending that partnership to our former adversaries in Eastern Europe, seems to this Member to be the best way to pursue peace and stability in Europe and to extend peace and stability elsewhere.

We all agree that we no longer need our cold-war level of 326 thousand American troops in Europe to pursue those objectives. But, we did decide in this Chamber to support the amendment of the gentlewoman of Colorado and establish in law a ceiling of 100 thousand troops there, and we are cutting back to that level on schedule. The troops we have decided to maintain in Europe are now engaged in pursuing NATO's new missions of peacekeeping beyond NATO's borders and reaching eastward to widen the circle of democracy and stability.

This partnership for peace we are trying to build now throughout Europe holds a great deal of promise for peace and stability not only on that continent but beyond. We should put our shoulders to the wheel to develop partnerships in Europe, including those involving our former adversaries, that we can apply to cooperative efforts to establish and keep the peace there and elsewhere. We need to work together in this way in order to preempt crisis and confrontation—to prevent the next Somalia and the next Bosnia—or to respond to them collectively and effectively if they occur.

Mr. Chairman, our military leadership and troops in Europe are far along in recognizing the challenges of the post-cold war world and working effectively to meet them. We have charged those troops with implementing the partnership for peace and accomplishing NATO's new missions. In my opinion, this is not the time to tell our troops in Europe that we are going to withdraw them.

I urge my colleagues to vote no on this amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE], the other coauthor of this burden-sharing amendment.

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to tell you how my constituents respond when asked the question, "Should our allies bear more of the cost of their defense?" They respond with an overwhelming yes.

The Frank-Shays-Furse-Upton amendment gives us a choice. A real choice. We can choose to invest in our needs, our jobs, our businesses, our education, or we can choose to pick up billions of dollars for Europe's defense costs while they invest their money in their economy and race past us economically. I say the choice is simple. That is the bottom line of the Frank-Shays-Furse-Upton amendment. It is about fairness. It is about common sense.

The other day I heard someone say that the leaders in Europe want us to keep our troops there. Well, of course they do. It is the biggest bargain they could have—they can spend the money they save on other needs. I say it is time they begin to pay their fair share.

Well, Mr. Chairman, the people of Oregon have needs too. And there is not enough money to meet those needs. Oregon communities have been devastated by timber and fishing losses. We have had to lay off a thousand teachers this year because of a budget shortfall. Oregonians need health care and affordable housing.

When we ask Europe to pay their fair share they say they cannot afford it. Well, I say we can no longer afford this enormous cost alone. We need to support our military at home, to educate our children, to protect our streets. We need to reduce the deficit and make us competitive once again.

If our allies find our troops useful, they should be willing to help share the cost of supporting them, just like Japan does. Japan pays 60 to 70 percent of the nonsalary costs of the United States troops stationed there.

Those who are serious about cutting unnecessary spending should vote for the Frank-Shays-Furse-Upton amendment. By bringing this money home, we stop giving Europe a bargain, and begin giving our own communities a break. My constituents, and all Americans, deserve nothing less.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I will use my two minutes extemporaneously to try and deal with what I think is the major thrust on behalf of the proponents of this amendment.

In my view, and I think it is entirely a correct one, the flaw in this amendment is the same flaw that was in the Bryant amendment which we dealt with yesterday. That flaw is that the amendment, that one as well as this one, proceeds from the premise that we are stationing forces overseas and in Europe to protect them, and therefore, they must pay some determined figure that we in this elective political body determine they should pay, rather than the actual situation, which is that we deploy forces there not for their sake, not in their interests, but in our security interest.

One of the flaws that is further involved in this is that we are saying if they do not come up to a percentage of participation which we in a politically elected body arbitrarily establish, we are going to reduce our forces by 37,500 troops which would be brought home and forced out of our military, the equivalent of two Army divisions, when we are already at a point where, under bottom-up review, some of the most serious students of our force structure believe that the force structure contemplated is inadequate already. How insane can we get.

This is not a matter that we can say, Norway is not doing its share, Portugal is not doing its share, x, y, and z are not doing their share. We are dealing with things almost in a global, conglomerate point of view, instead of dealing with them on a discrete point of view.

If we are going to withdraw all these forces if they do not do this, do we withdraw all forces just from those who are not participating, even though that is where we need them? How do we manage it if we are going to try to manage it in keeping with our security interest?

This is a flawed concept. I do not charge that the people who are doing it are doing it for political reasons, but I do charge that it is terribly flawed conceptually, actually, impractical of implementation, and undesirable in implementation, and the amendment should be rejected.

Mr. Chairman, I rise in opposition to the Frank amendment that would cut our troop strength in Europe to untenably low levels well below the ceiling mandated by the Congress. No one can refute the fact that our men and women in uniform in Europe and their counterparts in other NATO nations were an essential factor in winning the cold war and preventing World War III. They accomplished this by their mere presence and solidarity in Europe with NATO allies, and did it without firing a single round in anger.

Now, we and the same NATO allies, along with the partners NATO seeks to develop across old lines of confrontation, are faced with the challenge of preserving the peace. I certainly hope that we do not repeat the costly errors we made following the end of World War I by running away from that challenge. At that time, the victorious Americans left Europe lock, stock, and barrel. President Woodrow Wilson argued that we needed an international organization to make the world a safer place, but, as many of us here know only too well, the isolationists prevailed. The world suffered the awful consequences of another world war, and another generation of Americans had to return to the same European battlefields to shed their blood to protect the same American interests.

Isolationism was the tragically wrong answer then, and would be the tragically wrong answer now. This is the time to build on the successes of our collective security organizations like NATO, not to return to the failures of the past.

Can anyone doubt the wisdom of such collective security efforts, when they offer so much promise in the post-cold war era. The alternative is the renationalization of security and all the dangers that would entail. If the two world wars were the explosions resulting from nationalized security, the terrible violence being experienced in tragic places like the former Yugoslavia is the implosion of nationalized security applied to ever smaller ethnic groups. I think we all agree that American presence in Europe has been crucial to securing our collective security. It contributes greatly to the solidarity and stability of Europe, partly because of the additional capabilities it provides and partly because it helps Europeans resist the urge to renationalize European security.

I will conclude, Mr. Chairman, by pointing out that, not only would this amendment have extremely dangerous outcomes in Europe, its damage would be spread throughout our national security structure. The amendment would withdraw as many as 75,000 more troops from Europe than the Congress has mandated, and half of that number would be forced out of our military. Mr. Chairman, that would reduce our military forces by another 37,500—the equivalent of about two Army divisions. Many here in Congress do not believe that the force levels as currently planned are adequate to meet our national security requirements. None of us should be willing to accept this backdoor approach to cutting well below those levels without full debate of the policy foundations involved—especially since this amendment would base such a cut not on our own national security requirements but on what others do or fail to do.

□ 1810

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. ANDREWS], a member of the Committee on Armed Services.

Mr. ANDREWS of Maine. Mr. Chairman, I think this debate needs a bit of perspective and I would like to give the perspective of someone that is working very hard and fighting very hard to restore commercial shipbuilding and shipbuilding jobs to the United States. Paying for the defense of our very wealthy allies in Europe and not insisting that they pay their fair share for their own defense means that we are in effect forcing American taxpayers to pay for the exportation of good paying American jobs overseas.

Mr. Chairman, we are subsidizing to the tune of billions of dollars the economies of our European allies by letting them off the hook when it comes to paying their fair share, and that is all we are talking about, paying their fair share for their own defense. That in turn enables them to put billions of dollars every year of subsidies into their commercial shipyards. For our NATO allies alone, that is $6 billion every single year, $2.3 billion for Germany. That has enabled them to make it virtually impossible for our shipbuilders, our commercial shipbuilders to compete in a promising new commercial market.

Mr. Chairman, we have lost 120,000 good paying jobs over the last 10 years and despite the fact that we have a promising commercial market, ladies and gentlemen, we are looking at the loss of an additional 180,000 jobs if we allow the status quo to continue. This status quo, Mr. Chairman, is weakening our economy, it is throwing thousands of hardworking Americans out of work, and it is weakening our defense by weakening our shipbuilding industrial base.

In short, since they do not have to pay their fair share for their own defense, they invest their dollars in taking our jobs. Americans end up paying billions of dollars to send our jobs overseas despite the fact of this promising market.

I urge everyone to vote yes on this important amendment and save American jobs and stop the rip-off of American taxpayers.

Mrs. LLOYD. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. HUTTO], chairman of the Subcommittee on Readiness.

Mr. HUTTO. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment. While I understand that the stated objective of the amendment is to increase the contributions of the allies to support operating costs of overseas bases, I would caution my colleagues that increased allied contributions would not result from this amendment.

This amendment is nothing more than an ultimatum to the allies—pay up or the United States pulls the plug on troops. I don't know how the sponsors believe the allies will react, but I am quite certain that, in very short order, this amendment will become little more than a troop reduction plan. The amendment would suggest that the United States has no understanding of the immense value this Nation gains from having troops stationed overseas, and would appear to say that America has no intention to fairly negotiate the issue. Our negotiators are pressing hard for increased payments, and we should be tough.

For example, this year's budget request increases host nation support for our forces to $3.82 billion. The Committee on Armed Services added $400 million to the requirement during markup. There is no lack of commitment within the Armed Services Committee to require the allies to pay their share.

But that does not relieve us of the obligation to acknowledge the strategic value of our forward presence and negotiate a burdensharing agreement that includes a "fair share" contribution from the United States.

Accordingly, in my view, this amendment will leave the defense posture of this Nation stripped of the capabilities and benefits of forward presence.

In terms of capabilities, it is painfully clear that our ability to respond to every corner of the globe to protect America's interests would be greatly diminished without the en route airfields and supply bases that overseas basing provides us. Without an en route infrastructure we would subject our troops in the Persian Gulf, or Bosnia, or Africa, or the Far East to significantly increased risks because the flow of supplies and equipment, and the availability of reinforcements would be uncertain.

In terms of benefits, I would suggest to my colleagues that every American has a direct economic stake in preserving some level of overseas presence. Without the visible on-scene leadership of the United States, how many nations would be closed to American goods? How many shipping lanes would be blocked? I caution my colleagues to not overlook the powerful influence this Nation derives from forward presence. Our presence in an area of the world provides an important calming influence for which there is no substitute. I would suggest that whenever America withdraws from an area of the world that area will become less stable and we will pay a price in closed factories and lost jobs right here at home.

Mr. Chairman, I am not suggesting we need to maintain large overseas presence. The costs of our overseas presence is half what it was just 3 years ago. Our presence can be small, but we must be there or suffer the consequences of abdicating the important role we play preserving peace for all people around the world.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER], a very distinguished member of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding the time and congratulate him for his work on this. I would also like to congratulate the thoughtful and hardworking members of the Committee on Armed Services and say that I have the utmost regard for that committee which addresses what I believe is the one key issue that the Federal Government has responsibility for, and that is national defense.

Mr. Chairman, yesterday I opposed the Bryant amendment. I did so because frankly I believed that it went too far. But I believe that the issue of burdensharing is something that we should try to compromise on. As I looked at this amendment, it seems to me that a gradual, I underscore the word gradual, increase in contribution from our allies is an important thing for us to try to put into effect, No. 1. No. 2, the fact that we have a waiver so that the President of the United States can make a decision that this is not the route to take if it is absolutely essential has led me to conclude that this is a modest compromise on the issue, facing the issue of both national security and deficit reduction. I have concluded that it is essential that we support this very balanced approach.

Mrs. LLOYD. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE], the ranking minority member of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in opposition to this amendment. It would do irreparable harm to our national security.

Mr. Chairman, I rise in opposition to the so-called burdensharing amendment offered by the gentleman from Massachusetts [Mr. FRANK].

This amendment, under the guise of burdensharing, seeks to dramatically reduce the number of U.S. troops deployed in Europe. It may surprise some of my colleagues to know that, contrary to the inaccurate conventional wisdom, less than 10 percent of the defense budget is actually allocated for the overseas activities of American forces—very little of which has to do with protecting some other country.

More to the point, U.S. Forces based in the European theater are responsible for promoting and defending America's interests in some 82 nations, spanning an area of responsibility that encompasses not just Europe but parts of the Middle East, North Africa, and Sub-Saharan Africa. In the past year alone, these forces have been called upon to perform a wide variety of missions critical to American national interests.

Mr. Chairman, I continue to be amazed by the logic used by proponents of these burdensharing amendments. I am always glad to hear my colleagues talk about the need to save the taxpayer money. Yet, the only place they ever seem willing to cut is in an already declining and underfunded defense budget.

Who stands to benefit from a reduced forward-deployed American military presence in Europe as implied by the Frank amendment? Not the United States and certainly not our allies. The principal beneficiaries of American retrenchment would be our adversaries. I can assure my colleagues that no tears will be shed in North Korea, Libya, Cuba, or Iraq, if Congress ultimately compels the President to reduce drastically our military presence abroad.

The best way to protect our interests is to remain strong militarily and to maintain our many international alliances which have brought an unprecedented measure of stability and security to Europe since World War II. In that context, it is vital that the United States sustain a credible force abroad, especially in Europe. As the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, has observed, "Our military contribution [to NATO] is significant compared to those of other member nations; so is our influence. Nothing can be more favorable for U.S. interests in Europe than to retain that degree of influence."

The amendment authored by Mr. FRANK would not reduce costs, it would simply reduce America's ability to influence global events. It is a wrong-headed approach to protecting and promoting U.S. security interests and should be defeated. I urge my colleagues to vote against this ill-considered amendment.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the ranking minority member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, at the heart of this debate, pure and simple, is the issue of defining and maintaining our country's ability to sustain its strategic interests abroad.

I know that my colleagues recognize that our allied security arrangements in Europe, Japan, Korea, and the South Pacific serve as the underpinning of our larger, vital interests in the world. Those vital interests cannot be protected without a substantial U.S.-forward deployed presence.

That presence, and the associated leadership and prestige it brings, is at risk if the House takes action to force untenable reductions in our forces in Europe.

NATO has adopted new missions that are critical to U.S. security interests. In particular, NATO has endorsed and is rapidly implementing the Partnership for Peace initiative which reaches out to the countries of Central and

Eastern Europe in an attempt to integrate them into the community of democratic nations.

There is a growing recognition that the West cannot afford continued ambiguity while nations with strong roots in Western culture and a growing commitment to democratic values struggle in the shadow of uncertainty. The continued presence of our troops in Europe is essential to the implementation of the Partnership for Peace and the preservation of NATO as an effective, stabilizing institution in a potentially volatile part of the world.

It would be the height of folly to take rash action now that could speed a return to the kind of confrontation that compelled us to station over 300,000 troops in Europe for decades during the cold war.

Given the uncertainty in Russia and elsewhere in Central and Eastern Europe, this is no time to precipitously withdraw our forces from that region.

This is not to say that the United States should not continue to vigorously pursue arrangements with our allies that would be more beneficial to the United States. Indeed, the American people deserve no less. But the American people must also know what is at stake in Europe if U.S. forces are reduced too far and too fast.

Accordingly, I urge my colleagues to vote against the Frank amendment.

□ 1820

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I rise in strong support of the Frank-Shays burdensharing amendment to H.R. 4301.

This amendment would reduce defense spending and budget deficits for years to come.

It gives our European allies 4 years to contribute 75 percent of the nonpersonnel costs of maintaining U.S. troops in their countries.

While the United States has already negotiated such an agreement with Japan, European countries continue to contribute only 5 to 20 percent of these costs.

Mr. Chairman, the United States can not afford to be the world's police department. We have the world's best troops, but using them all over the world without compensation from the protected nations makes no fiscal sense. We simply cannot afford it.

I also want to point out that this amendment also includes safeguards for national security. If the President declares an emergency, he may waive the amendment's provisions.

The bottom line is that, according to CBO, this amendment would save $4.8 billion over 5 years.

Mr. Chairman, I urge my colleagues to listen to the 600,000 members of Citizens Against Government Waste. Listen to the 250,000 members of the National Taxpayers Union. Let us strike a blow for deficit reduction and pass the Frank-Shays amendment.

Let us have our allies pay their fair share.

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. JOHNSON].

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, current Defense Department plans call for dramatic reduction in U.S. forces in Europe, from over 320,000 to a floor of 100,000 troops. We have already reduced real annual stationing costs overseas by one-third since 1990, or $10 billion.

This amendment will, in effect, arbitrarily reduce U.S. active-duty strength in Europe by as much as 75,000 troops and total active-duty strength by the equivalent of two army divisions. We simply cannot afford to make any further reductions in our European presence.

Our forces play a vital role in insuring a minimum capability to support NATO with operations in Europe as well as the Middle East, Africa, and the states of the former Soviet Union. They help deter aggression, enhance regional stability, demonstrate U.S. commitment, and promote U.S. values.

Importantly, they also ensure a continued close relationship with our NATO allies, several of whom played an invaluable role in the Persian Gulf war, and they will do so again and again as we face new threats to our vital interests in the decades ahead.

Those who are sincerely concerned about the reductions in our national defense capability understand that U.S. troop reductions overseas are already putting a tremendous strain on U.S. capabilities to project forces abroad. We are being forced to shift enormous resources toward new air and sealift capabilities, pre-positioning, more robust logistics, and better communications, all to compensate for the loss of forward operating areas.

In short, the United States needs the European operating areas as much as the alliance needs our stabilizing presence.

I urge opposition to this arbitrary approach to national security.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the amendment, and I commend the sponsors.

This well-crafted, responsibility-sharing amendment recognizes a few fundamental realities. First, the pockets of the American taxpayer are not endlessly deep.

Second, our European allies commit far less of their wealth to defense than do we.

Third, the stationing of troops in Europe significantly enhances the security of our European allies.

Finally, those allies are paying less than one-fifth of the nonpersonnel costs associated with stationing our troops on their soil defending their security.

The amendment simply calls upon our European allies to do what the Japanese are already doing, pay 75 percent of the nonpersonnel costs of keeping our troops. This amendment is fair, and it is economically responsible.

I urge my colleagues to tell our European allies the free lunch is over.

Mrs. LLOYD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to the Frank amendment and would like to focus my comments on only one of the several faulty assumptions on which the amendment is based and which render it dangerously wrongheaded.

The amendment clearly attempts to apply the model of Japan's financial offsets blindly and restrictively to our arrangements with European allies with vastly different approaches to sharing the responsibilities and burdens of providing for our common security. Mr. Chairman, the Japanese model is not appropriate in Europe; it is not workable in Europe, and, most importantly, it would not be in our national interest in Europe.

Yes, Japan does offset about 75 percent of our financial costs associated with stationing troops in that country. But, Japan provides so much more in the way of financial offsets because it provides so much less in the many other important ways of equitably sharing the responsibilities and burdens of ensuring stability and security. Our financial arrangements with Japan are unique to the particular circumstances there.

In fact, Mr. Chairman, I am puzzled as to why the author of this amendment would choose the Japanese model to try to apply to Europe rather than the Korean model. In one letter from the sponsors of the amendment, they point approvingly to both models, saying that Japan pays about 75 percent of our nonsalary costs, and that Korea has agreed to pay about 33 percent.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, Japan is a lot wealthier than Korea. Western Europe economically more nearly resembles economically Japan than Korea, so we thought from the economic standpoint, Western Europe was a better analogy to Japan than to South Korea.

Mr. LANCASTER. If the gentleman will allow me to do so, if I can continue my statement, I will respond directly to that question.

The sponsors find the much lower Korean offset acceptable, no doubt, because Korea contributes far more than Japan to our common security in other important ways, like investing far more in its own defense and participating far more in our multinational security efforts. Despite this apparent understanding of the differences between Japan and Korea, the amendment attempts to apply the financially more stringent Japanese model to our European allies who contribute far more than either the Japanese or the Koreans in these other ways.

Mr. Chairman, let me briefly outline the key differences between the situations with our Japanese and European allies that make the Japanese model inapplicable in Europe. First, NATO is a multilateral alliance with an international headquarters, an integrated military command structure, and a well-developed system of assigning national defense assets to coalition roles and missions. It is these elements of the alliance relationship—along with cost-sharing arrangements such as the infrastructure program to which our NATO allies contribute 72 percent—that constitute the most important aspect of responsibility sharing in NATO.

Our European allies also make tremendous contributions in support of related Western security objectives, for example, involvement in peacekeeping operations, absorption of large numbers of refugees, and—especially in the case of Germany—payment of substantial sums to expedite the departure of former Soviet troops, assist in the reconstruction, democratization, and stabilization of Eastern Europe, and underwrite German unification.

Even if our European allies were able to provide substantial cash increases comparable to Japan to offset United States stationing costs overseas, this would be a dangerously shortsighted policy to pursue, since it would almost certainly result in corresponding decreases in the allies' ability, for example, to field and maintain ready and modern forces. Such a tradeoff would have highly undesirable strategic implications, diminishing allied capability to participate effectively in multinational security and peace operations, and increasing the reliance of our allies on overstretched U.S. power projection capabilities during a period of increased global instability; and, at the same time, making U.S. forward presence policy dependent on tightly constrained allied budgets.

Mr. Chairman, achieving more equitable sharing of the responsibilities and financial burdens has been a very high priority of this Congress and this administration as well as their predecessors. The Armed Services Committee has been extremely active on this issue and, in this bill and last year's bill reduced funds for overseas stationing by a total of almost $1 billion in anticipation of accelerated troop withdrawals and increased allied contributions. Those contributions have been increasing and we are working for more.

But, Mr. Chairman, this attempt to apply a model of 75 percent payments to our European allies is unworkable and contrary to our national interests. Furthermore the troop reductions and active duty force level reductions that would result from this amendment would be disastrous.

I urge my colleagues to vote "no" on the Frank amendment.

□ 1830

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM] who has spoken articulately for defense matters for so many years.

Mr. CUNNINGHAM. Mr. Chairman, I am known as a strong proponent of defense issues and very seldom do I find myself in support of the gentleman from Massachusetts [Mr. FRANK]. But when he is right, I think we need to align ourselves in that direction.

We are talking about burden sharing. We are talking about a country's defense that is going downhill and being cut too much. Most of my experience comes from Southeast Asia. I was on the 7th Fleet staff. Team spirit was the defense of Korea. Yet Korea today is overtaking Japan in economic development. They need us there. It is probably one of the biggest hotspots. Just like in Desert Storm, the United States cannot afford to take on the burdens of the world anymore.

We need help, we need help for our ships, our sailors and our troops who are fighting these battles.

I think that is time these countries support us. The question is why pick on Japan? I am on the Merchant Marine and Fisheries Committee. Japan subsidizes its shipbuilding by $3 billion a year. Then we turn around and kill our own shipbuilding and ship repair industry. They also repair our ships, our Navy ships and our ship repair industry is dying.

Look at the trade imbalance, are you telling me that they cannot afford to pay for part of that?

I look at the Philippine Islands. I would have loved to stay in the Philippine Islands. We could not afford it because our own deficit and our own debt in this country—I would love to stay in these countries if we had the capital to do it. But I am looking at a $4.9 trillion debt in which we are trying to reduce the deficit and the debt.

When we are talking about forward deployed, we have 12 aircraft carriers, and I would hope our colleagues would support maintaining those. We have B-2 bombers. I think that if we want a strong military, we need help from these other countries.

One other area that I would like to look at is the Soviet Union, which is now Russia. They are building many, many $5 billion to $9 billion submarines, and we are giving them $3 billion in aid. Let us take back and get some of that burden sharing back.

Mrs. LLOYD. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I have one quick question for my colleague from California, my good friend, Mr. CUNNINGHAM. Does my colleague think that this amendment applies to Japan? Was that the tone of his comments?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from California.

Mr. CUNNINGHAM. I think it applies to all burden sharing.

Mr. WELDON. I say to the gentleman it applies just to Europe.

Let me set the record straight: Mr. Chairman, all of our colleagues in this body are for burden sharing. There is no one small group of people who want to share the burden and the rest who want to pay more and more money overseas. Everyone is for burden sharing.

Members of the committee are for burden sharing.

The troops over in Europe are not just there to protect our allies. As a matter of fact, one of the key elements in our national security strategy, and I quote, "The forward presence of viable land, air and maritime forces."

As a matter of fact, NATO just recently adopted two new missions that are critical to U.S. security interests. One is projecting stability eastward, and the other involves peacekeeping operations outside of NATO borders.

President Clinton unveiled his Partnership for Peace as a primary vehicle to accomplish both of those objectives. Now what we are proposing is to ignore President Clinton, ignore the Secretary of Defense, and say forget about all that, forget about the instability of NATO, we are simply going to make the decision based on what is politically best in our interest here and not based upon what is best for us in terms of policy. Let us not just vote "no" because President Clinton wants us to vote "no," let us not just vote "no" because the Secretary, Secretary Perry, wants us to vote "no" or Secretary Christopher wants a "no" or the chairman of the Joint Chiefs of Staff wants a "no"' let us vote "no" because it is the right thing. We owe it to our troops, we owe it to our country, we owe it to the people. We want to protect our vital interests. This is a wrongheaded amendment. We need to do the right thing.

I urge my colleagues to vote "no."

Mr. FRANK of Massachusetts. Mr. Chairman, this has budgetary implications, and I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], who is a defense expert and who is also the ranking Republican on the Committee on the Budget.

Mr. KASICH. I thank the gentleman for yielding, but what I appreciate more is the fact that I finally got the gentleman from Massachusetts to move my way on burden sharing.

I have been an advocate of strong burden sharing in this Congress for a number of years. What I have objected to, however, is the idea that foreign governments ought to pay for the salaries of our troops. I think that is a very, very dangerous precedent that calls to mind the fact that our people then literally become mercenaries around the world.

But what I have been frustrated about over the years is the notion that somehow we should not ask the host nations on whose soil we have troops—and admittedly, we have troops in Europe as a benefit to the United States, early deployment—but there are also benefits that the host nations accrue. Over the years I have become increasingly frustrated by the lack of participation by the Europeans. In fact, the lack of participation by many nations around the world. I do not know how many of you are aware of this, but literally the Filipinos threw us out of their country, so did the Spanish. And we actually had to pay the people who lost their jobs, who were foreign nationals, severance pay. That is not just in the Philippines but in Spain as well. That is an outright rip-off of the taxpayers of this country.

Now, what I like about this amendment is it puts us on the model that I have been talking about for years, and that is the Japanese model. That we increase the amount of support that host nations pay for U.S. troops in terms of physical facilities. I want to tell my colleagues we have a number of issues that are at stake. With our troops coming home, we are leaving facilities, we are leaving our own equipment over there, and we are in the middle of a debate with our allies about what the fair return should be on the property that we put over there.

So I want to say to my Republican and Democratic colleagues, this is first of all not the end of the line. I am not convinced that this amendment will make it—I am not convinced that the other body will accept this in conference. But we are now in a position here in the House where, in my judgment, Republicans and Democrats alike who believe in a reasonable burden-sharing solution, a reasonable proposal, to say that host nations ought to join in supporting the common defense. This is a reasonable proposal and a reasonable solution that everybody in this House ought to be able to support.

We are no longer going to treat our troops as mercenaries, that is out of the mix. This essentially says the Japanese have agreed to provide a certain level of host nation support, the Japanese have agreed to do it. This is a country that we have been furious about their lack of participation for years. All this does is increase the amount of support that the Europeans are providing for our troops over there in Europe.

I mean, could you imagine the fact that we are moving toward the Japanese model? If the Japanese agreed to do this, and this is a country with which we have been frustrated for years—if the Japanese have agreed to do this, it makes absolutely perfect sense to get the Europeans on the same formula.

Now, there is going to be some time to negotiate, let everybody from over there send all the nasty letters over here, and work this out in conference if some feel it is too strong. But I say to my colleagues this is a very reasonable proposal to institute some reasonable burden sharing.

Mr. Chairman, I want to compliment the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Connecticut [Mr. SHAYS] for moving in the direction of a responsible and reasonable burden-sharing proposal that we can in fact support as a Congress and as a Nation.

☐ 1840

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the very patient gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I rise today in strong support of the Frank and Shays amendments.

We have been hearing from the opponents that they will support some burden-sharing amendment. Now the Bryant amendment might have gone too far. This amendment certainly does not. This amendment addresses one of America's most pressing policy concerns, our desire to maintain military presence overseas versus our need to cut spending and regain control of our economy. Cutting this funding will not diminish America's role as defender of the free world. We are still willing to put our young men and women on the guard posts and on the front lines. We want our allies to pay some share of that financial burden, a burden, I believe, that they will accept if they are pressed.

Our national debt, at $4 trillion, is too large, and our children's financial burden is too great, for us to continue shouldering this burden. We have one of the largest foreign trade deficits in the world, and our allies do not any longer need this subsidy.

Mr. Chairman, I urge my colleagues to vote in favor of this reasonable amendment and help make our allies pay their fair share.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me.

Mr. Chairman, I, too, as a self-styled hawk, find myself in a peculiar position, but I want to support this amendment and intend to vote for it.

I have one reservation, and that is: What effect does this have on the arrangements that our Nation has with NATO insofar as they may amount to a treaty of these arrangements? I do not want to be in a position of voting for a proposition that would somehow cause the President or the Secretary of Defense to be in violation of those kinds of arrangements or commitments.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, this has, at the insistence of the gentleman from Connecticut correctly, a complete waiver for the President.

Mr. GEKAS. I understand that.

Mr. FRANK of Massachusetts. So, on this ground he can waive it.

Second, a statute would not contravene a treaty. The treaty would be superior. I do not believe that the NATO treaty compels any specific level of American troops, but, if they were found to be in disparity, the treaty would supersede, and I would say to the gentleman——

Mr. GEKAS. Seizing back my time, notwithstanding the fact that NATO cannot dictate how many troops, the spirit, if not the words, of provisions of a treaty could be violated.

I am going to vote for the amendment and hope that we can straighten that out in——

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 additional seconds to the gentleman from Pennsylvania [Mr. GEKAS] and say to the gentleman, "If that proves to be a problem, I would agree, I think my cosponsor would agree, that we would work it out over there. All I am saying is, I don't think this does contravene the treaty because the treaty doesn't set a specific troop level."

Mr. GEKAS. Mr. Chairman, that is all I wanted to assure myself of, and the gentleman and I will talk later about further deliberations, but I am going to vote for the amendment.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the participants on both sides of the aisle and both sides of the debate on this issue of burden sharing.

Mr. Chairman, as a member of the Committee on the Budget I have often wondered why does Europe contribute $392 million to the nonpersonnel costs of the United States troops in Europe when we have over 100,000 troops, and why does Japan contribute $2.3 billion, almost $2.4 billion, for the nonpersonnel costs of our troops in Japan? I do not understand it, and I do not understand why this country has permitted this to continue. The Japanese model makes sense. The Japanese are working up close to the 75 percent nonpersonnel costs of our troops in Japan. It seems to me that we have got to begin to do the same in Europe. Right now Europe is paying about 5 percent of the nonpersonnel costs.

The bottom line, as far as I am concerned, Mr. Chairman, is that the only way we are going to get this administration, or the past administration, or any future administration is to set a course in this Congress by law that says they need to work and to negotiate with the Europeans. Without that, without Congress clearly making that message strong, loud, and clear, there is no incentive on the administration to do that.

The bottom line for me is we have this amendment that is before us. I do not question in any way the integrity or motive for why a Member is on one side of the issue or the other. To me it is a budgetary issue. -It is a defense issue. We simply cannot afford to do all the things we want to do around the world. We cannot continue to do it and also deal with national deficits that are over $300 billion a year. Our national debt is going up $1.6 trillion in the next 5 years. That is the largest increase in any 5-year period.

Mr. Chairman, this amendment does not spend the money somewhere else. It simply begins to say that the Europeans should pay, and, by the way, if they do pay, we do not just save $5 billion. We save $10 billion.

We have all made the assumption the Europeans are not going to pay. Why? Why do we make that assumption? Are our troops so unnecessary in Europe that Europe does not want them? In my judgment our troops are needed, and the Europeans should be willing to pay some or part of the costs.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have Members here saying, "Look, burden sharing is a good thing, and we are already getting there." But we would not have gotten where we are today had this House not insisted several years ago. The gentleman from Michigan, the gentleman from Colorado, and others, the gentleman from Ohio on the other side, took the lead, and the Secretary of Defense says no today. So did the Secretary of Defense 5 years ago. The Secretary of State says no today. So did the Secretary of State 5 years ago. So does the President. So does the Committee on Armed Services because there is a natural institutional relationship there.

The fact is that virtually every argument that says that this will not work today was said that it would not work with regard to Japan. So, first they said this would not work with regard to Japan, do not do it, it will be a disaster. Go back and look in the record. Now they say, Oh, it works for Japan, but it will not work for Europe. They are using the same arguments, and what are the arguments?

One of these gentlemen on the other side read from what the Pentagon said from my administration which I support most of the time. Here on page 11 is why they say there is a problem:

> While we believe progress can be made in this area, allies continue to indicate that persistent economic problems and increasing pressures on their own defense budgets make it impossible for them to help us.

Well, who is kidding whom? We are not saying this is solely in their interests. We are saying it is not solely in our interests. We are saying that a system in which we pay almost all of it, all of the personnel costs all of the transport costs and most of the stationing costs is inequitable now that they are wealthy.

Yes, this is a very moderate amendment. I voted for the Bryant amendment. I would go further. I did not have the votes. What this does is to set up a framework in which the Europeans begin to contribute, if they think it is worth it, and, by the way, there will be no troop withdrawal here unless the Western European Allies say that they are not willing to contribute to the costs of stationing American troops, and by that get the American troops for nothing.

Remember we will pay the troops. We will equip the troops. We are simply saying to the Europeans under this amendment, "Contribute to the costs of their being there," and if our European Allies, our wealthy European Allies, do not think that it is worth it, then I do not think we can be charged with running out on an alliance. We can continue to supply the nuclear deterrence for this alliance. We will continue to supply most of the force. We will continue to supply troops. We ask only that they make a contribution, and to say no is, in fact, to say no to burdensharing.

Mrs. LLOYD. Mr. Chairman, to close the debate I yield 5 minutes to the gentleman from Virginia [Mr. SISISKY].

□ 1850

Mr. SISISKY. Mr. Chairman, I rise in opposition to the Frank amendment that would cut U.S. troop strength in Europe to a level as low as 25,000—that is, as much as 75 percent below the ceiling that we established here in this Chamber. This amendment is based on at least three completely erroneous assumptions: First, it assumes that we have decided to deploy troops in Europe primarily to defend Europeans and their interests; second, it assumes that we should determine the troop level we need to maintain in Europe based entirely on what Europeans do or do not do; third, it assumes that the Japanese model of financial offsets of United States stationing costs should be applied to our basing arrangements in Europe.

Mr. Chairman, because this amendment is based on three such fallacious assumptions, it is no wonder that it arrives at policy conclusions that are so completely contrary to our national interest. Let me correct these assumptions one at a time. First, I would remind my colleagues that our troops are deployed in Europe not to defend Europeans or European interests but to defend American interests. Those troops and their European counterparts in NATO played a major role in winning the cold war without conducting a single offensive operation. We must now build on that success rather than returning to the failures of the past. I need not remind my colleagues that, following World War I, Americans left Europe only to have to return a generation later and spill blood on the same ground. After World War II, however, Americans stayed in Europe, and instead of having to return later to fight World War III, they helped secure victory in the cold war without major bloodshed on the continent. The challenge now is to establish and secure the peace, and I hope we all will respond in the same collective fashion.

Our troops in Europe today support a key element in United States national security strategy—the forward presence of viable land, sea, and air forces. These forces deter aggression, enhance regional stability, demonstrate U.S. commitment, provide initial crisis response capability, and promote U.S. influence.

Mr. Chairman, I cannot make this important point any better than the Chairman of the Joint Chiefs of Staff, General Shalikashvili, when I asked him about the importance of our troop commitment to NATO in a recent full-committee hearing. General Shalikashvili answered my question this way:

> Our interest in NATO is really our interest in Europe. I think it starts out with the fact that, if there is a lesson of this century, it really is whenever the United States and Europe begin to go their separate ways, we both—on both sides of the Atlantic—pay a terrible price for it. We have done so after World War I. We almost did it after World War II. At the last minute, we decided to stay and brought Europe the longest period of peace in its modern history. Not just for Europe, but for the United States every bit as well. The stability and security of Europe is inextricably tied to our own security. We gain a foothold in Europe really through NATO. We can talk until we are blue in the face about our common heritage, about economic linkages; but it is really through the alliance that we have not only a foothold in Europe but also have the right to leadership. Now, there is another half of Europe looking for the same anchor of stability that only NATO can give them to build their own democratic institutions, to build, for the first time, market economies. For the first time, I think, in history, we have the oppor-

tunity to build one Europe. If you travel through Eastern Europe and Central Europe, the one institution they believe can give that to them is NATO. Why? Because they see through NATO membership or through the alliance itself that opportunity that they will have to build themselves into nations that mirror, in time, that which Western Europe has become.

Mr. Chairman, I would only expand on the theme that our troops in Europe defend our economic interests as well as our security interests. We cannot afford to lose sight of the fact that Europe is already our largest market, even without the 400 million people in Central Europe and the former Soviet Union. Security throughout that region is important to securing economic development and economic opportunities for Americans.

Yes, we all agree that we no longer need 326,000 American troops in Europe, but we decided in this Chamber to support the amendment of the gentlewoman of Colorado and establish a ceiling of 100,000 troops there. And, I would remind my colleagues, that ceiling we established was already 50,000 troops below the number that our commander in Europe and the President said we needed to protect our interests in Europe.

Mr. Chairman, we are rapidly reducing to the level the Congress has established and the troops that remain are no longer defending against the old, cold war threats. Those troops are way ahead of most of us here in recognizing the new threats and challenges of the post-cold war world—they face them every day, and they are working hard with their counterparts across Europe—east and west—to meet those challenges. They are engaged in pursuing NATO's new missions of peacekeeping in Europe and elsewhere and reaching eastward to widen the circle of democracy and stability. This is not the time to tell our troops and their partners in these important missions that we are going to withdraw them.

Mr. Chairman, the second fallacious assumption underlying this amendment is that the United States should base its security and foreign policy and the troop levels we need to maintain in Europe entirely on what the Europeans do or do not do. As Secretary of Defense Perry says in his letter opposing this amendment, "To make this the basis of our European policies would be shortsighted in the extreme." I would say to my colleagues that, if we do decide later to lower the level of our troop commitment in Europe, we should do so on solid policy grounds—on the basis of what we need to do to protect our own interests, not on the basis of what the Europeans provide or do not provide to offset our costs there.

Finally, Mr. Chairman, this amendment erroneously attempts to apply the Japanese model of financial offsets to an entirely different situation in Europe. The Japanese model is inappropriate, unworkable, and not in our national interests in Europe. Japan does offset about 75 percent of United States nonpersonnel stationing costs, but Japan is constitutionally limited to a very small national defense budget, 1 percent of its GDP, and does not at all compare to our European Allies in terms of providing for its own or our common defense, cooperating with the United States and others in international peace operations, or investing in economic assistance in areas of key United States and international concern. That is not a model we want our European Allies to adopt.

Germany, for example, while hosting the largest number of United States overseas troops, spends, when compared to Japan, more than twice the percentage of its GDP on defense, has 4 times the percentage of its population on active duty, 20 times the percentage of its population involved in multinational peace operations, and invests more than twice the percentage of its GDP in grant aid overseas. In fact, Germany contributes more than any other country—including the United States—to the reconstruction, democratization, and economic reform of Central Europe and the former Soviet Union—including about 75 percent of all grant aid to the former Soviet Union, and more than $8 billion to facilitate the withdrawal of Russian troops from Germany. The Germans certainly cannot afford to do all that and meet the Japanese financial model of paying 75 percent of our costs as well. We most certainly do not want them to switch to the Japanese financial model and stop making all those other invaluable contributions to our mutual interests.

Mr. Chairman, I urge my colleagues to act responsibly in protecting U.S. national interests and to vote no on the Frank amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. LLOYD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes 144, not voting 26, as follows:

[Roll No. 187]

AYES—268

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bachus (AL)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bilirakis
Blackwell
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Cantwell
Carr
Chapman
Clayton
Clement
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
Crane
Crapo
Cunningham
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dooley
Doolittle
Dreier
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Glickman
Goodlatte
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hancock
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hughes
Hutchinson
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Laughlin
Leach
Lehman
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCloskey
McDermott
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Morella
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Ridge
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tauzin
Taylor (NC)
Thomas (WY)
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—144

Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bishop
Bliley
Bonilla
Browder
Bunning
Burton
Buyer
Canady
Castle
Clinger
Clyburn
Collins (GA)
Combest
Coppersmith
Cox
Cramer
Darden
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dornan
Dunn
Edwards (TX)
Everett
Fields (TX)
Fowler
Franks (CT)
Gallo
Geren

Gibbons
Gilman
Gingrich
Gonzalez
Goss
Grams
Greenwood
Gunderson
Hamilton
Hansen
Hastert
Hastings
Hefley
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Johnson (GA)
Johnson, Sam
Kanjorski
King
Kingston
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lazio
Levin
Levy
Lewis (CA)
Linder
Lloyd
Lucas
Mann
Mazzoli
McCrery
McDade
McHale
McHugh
McKeon
McMillan
Michel
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Ortiz
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Pickett
Porter
Price (NC)
Quillen
Richardson
Roberts
Ros-Lehtinen
Rowland
Sarpalius
Saxton
Scott
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swift
Talent
Tanner
Taylor (MS)
Tejeda
Torkildsen
Underwood (GU)
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff

NOT VOTING—26

Barlow
Cardin
Clay
Dixon
Emerson
Faleomavaega (AS)
Grandy
Harman
Lewis (FL)
Livingston
Markey
Matsui
McCollum
McCurdy
Nadler
Neal (NC)
Parker
Romero-Barcelo (PR)
Santorum
Slattery
Smith (IA)
Thomas (CA)
Torres
Washington
Whitten
Wilson

☐ 1914

The Clerk announced the following pairs:

On this vote:

Mr. Nadler for, with Mr. Thomas of California against.

Ms. Harman for, with Mr. McCollum against.

Mr. BISHOP changed his vote from "aye" to "no."

Mr. MACHTLEY and Mr. GOODLING changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. COPPERSMITH] having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, I unavoidably missed a number of votes, and I wish to indicate that had I been present, I would have voted as follows: "No" on rollcall No. 182; "no" on rollcall No. 183; "no" on rollcall No. 184; "no" on rollcall No. 185; "yes" on rollcall No. 186; and "yes" on rollcall No. 187.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, last Thursday, May 19, 1994, I missed roll call vote No. 187 on the Frank-Shays burdensharing amendment to the fiscal year 1995 Defense Department authorization bill. I would have voted aye on the amendment and I wanted the RECORD to reflect my position.

I was sorry to have missed this vote; it was unfortunate and unavoidable. I have a longstanding commitment and record of support for greater burdensharing of defense costs with our allies. In fact, the previous day I voted in support of the Bryant amendment that would have required even more burdensharing by our allies.

I am sorry the Bryant amendment failed this year. I was pleased, however, that as expected the Frank-Shays amendment carried easily.

TEMPORARY RESIGNATIONS AS MEMBERS OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignations as members of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a Member of the Committee on Science, Space, and Technology in order to serve on the Committee on the Budget. It is my understand that my seniority status on the Committee on Science, Space, and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

LYNN C. WOOLSEY.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a member of the Committee on Science, Space and Technology in order that I may serve on the Committee on the Budget. It is my understanding that my seniority status on the Committee on Science, Space and Technology will be protected during my tenure on the Budget Committee.

Sincerely,

GLEN BROWDER.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the Democratic membership is revised for the following listed committees and printed in the RECORD at this point:

COMMITTEE ON AGRICULTURE

E de la Garza, TX, Chairman.
George E. Brown, Jr., CA.
Charlie Rose, NC.
Dan Glickman, KS.
Charles W. Stenholm, TX.
Harold L. Volkmer, MO.
Timothy J. Penny, MN.
Tim Johnson, SD.
Bill Sarpalius, TX.
Jill L. Long, IN.
Gary A. Condit, CA.
Collin C. Peterson, MN.
Calvin M. Dooley, CA.
Eva M. Clayton, NC.
David Minge, MN.
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Jay Inslee, WA.
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GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the action taken thus far on H.R. 4301, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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PUTTING THE SQUEEZE ON THE HAITIAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I want to address the subject of Haiti and our foreign policy. Many Americans are very puzzled about what is going on.

What exactly is our administration trying to achieve in Haiti? If they are trying to ensure that Haitians take to boats in record numbers, if they are trying to ensure that whatever progress Haiti has made toward democracy in the 1990 election is nullified, if they are trying to ignore President Aristide, if they are trying to create more misery in the economy and on the oppressed and the poor in that country, then they are doing exactly the right things, because that is exactly what is going on as a result of the administration's foreign policy.

On May 8 the President announced a new policy: Tougher sanctions and better visa processing for those who want to leave the areas that are impacted by tougher sanctions and that, of course, is across Haiti, and those visa processing centers are going to be either offshore or in some other country, some unspecified, some mythical country that does not exist. It turns out since May 8 the administration has in fact leased two cruise ships to do some type of processing for Haitian refugees who are now fleeing the country's misery in record numbers. One of these ships we are paying $29,000 a day for rent. Another we are paying $34,000 a day of taxpayer's dollars. I do not know where these ships are cruising. I do not know whether it is just offshore in the Windward Passage or nearby Caribbean waters, or they are planning to anchor them somewhere. But in addition to those rental costs for them per day, we now have the economy package, and crew, fuel, potable water, and a whole bunch of other extras that have to be included. So this is getting to be a very expensive processing center.

On top of that the State Department conceded Monday that there has been a marked increase in refugees since the announcement the President made on May 8. In fact, the Coast Guard reported last weekend was the highest weekend repatriation total since 1992.

So far in May we have repatriated 897 Haitian refugees; 877 of those have been intercepted since last Friday.

What that means is the President announced one policy on May 8 that encouraged Haitian refugees to leave Haiti, and the word did not get down to the executive branches. The Coast Guard is returning those people. So we have this vast flow of people who are trying to get out of economic harm's way in a country, being returned right back to where they started from after a perilous journey in the water. Not a good policy.

The President has said that he wanted to toughen up the sanctions, create a tougher embargo. What we are doing here is we are grinding further into poverty the poorest, the most needy people in the most needy nation in our hemisphere.

Just this week, AGAPE and MFI humanitarian aid flights were grounded because of an Executive order. On Wednesday a flight loaded with 5,000 pounds of food and other supplies on 2 flights that were supposed to go out of West Palm Beach have now been grounded. This group, incidentally, of these folks have been delivering humanitarian aid to Haiti for more than 14 years. So what we have done is stepped up a damaging embargo, and what it is going to do is it is going to enrich the military further and make the lives of the poor even worse.

A friend of mine, an associate who just came back from Haiti, explained to me when I asked him for a characterization, that is a public health disaster. What is going on in Haiti right now is as a result of our policies, and we are forcing the Haitians into the sea. They have eaten their seed corn, they have cut down their fruit trees for fuel, they have trashed their environment and they have polluted their waters. There is not much left. And then the coup de grace, we say we are going to have an invasion of Haiti. What better reasons to leave and seek a life abroad?

That is what the President's policies are doing for us in Haiti. And it is what they are doing to Haitians, and that is even worse.

Mr. Speaker, I think that it is fair to say that the President's policies have polarized the situation, and I hope not beyond repair. The right wing has been forced to rally. We have seen this new President who is now a President Premier, and now the President Premier with a new Cabinet appointed by him of the right wing, a Emile Jonason, and every time the President announces a new policy around the former Premier, Malval, they trump that policy with some other right-wing activity. So we now have a polarized situation, and we are further away from a democratic solution than we started out with.

Just yesterday in Florida, Haitians in this country are exhibiting their disgust with this policy. We had 500 or so demonstrating, clogging I-95 down in south Florida yesterday, holding up signs saying, "No Aristide—no peace." In other words, we cannot ignore President Aristide is their President.

There is more and more to this. There is a solution to all of this. It is in a place called Eoile de la Gonave off Haiti, and that is where we should take the Haitian refugees and set up a safe haven.

We will be talking about this more.

A CELEBRATION OF INDEPENDENCE AND A NEW STRUGGLE FOR A FREE AND INDEPENDENT CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 60 minutes as the majority leader's designee.

Mr. MENENDEZ. Mr. Speaker, today I join with freedom loving people throughout the entire world, and particularly with those here in the United States, on the eve of May 20, to commemorate Cuban Independence Day. I want to dedicate this speech to the many heroes and political prisoners who have paid with their lives or years of improvement so that Cuba might be free.

The spirit of Cuban independence is alive and well, both among those Cubans who live outside their native country and those who live on the island. The great Cuban independence heroes, José Marti, Antonio Maceo, Maximo Gomez, Felix Varela, Ignacio Agramonte, and many more, struggled, sacrificed, and even died so that their dream of freedom could become a reality.

Thanks to them, the Cuban Republic was born 92 years ago. On May 20, 1902, United States forces withdrew from Cuba and an American military Governor turned over the Government of Cuba to the first elected President of Cuba.

Cuban independence was certainly long in coming. Cuba was the last country in Latin America to win its independence from the Spanish Empire. The first Cuban war of independence began in 1868, but it would take 34 more years for Cubans to secure their independence from colonial Spain. When that magic moment arrived a war-weary but victorious people paused to celebrate their independence.

Despite some problems, that Republic endured 58 years. But in 1959 a dictator named Fidel Castro betrayed the trust and dashed the dreams of the Cuban people and imposed a Communist dictatorship which has since ravaged that beautiful island nation. It has now been 35 years since Cuba has been held hostage by the ruthless dictator, Fidel Castro.

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Once again, Cuban independence has been long in coming, but surely as the spirit of Cuban independence lives on, as we celebrate it today, it will once again prevail.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Florida [Mr. DIAZ-BALART], someone who has fought valiantly on behalf of the cause of Cuban independence and a member of the Committee on Foreign Affairs.

Mr. DIAZ-BALART. I thank the gentleman from New Jersey [Mr. MENENDEZ] for yielding to me on this important subject that unites us and so many others in this Chamber in solidarity with a people who have been suffering for too long.

I saw an article in the newspaper today, May 19, also an important date in Cuban history, because the great day that is celebrated, May 20, as the gentleman from New Jersey [Mr. MENENDEZ] has stated, the birth of tne republic after almost 100 years of struggle by the Cuban people in 1902.

May 19 is also remembered as another kind of day. It is not a day that is celebrated. It is the day on which the person who did more than anyone else to see May 20 become a reality, the day that he was killed, that Marti was killed at 44 years of age. After having left his native land at age 16, he finally returned, and within a few weeks of setting foot on his beloved island, he was killed on May 19. and so he never saw May 20, 1902, and yet the Republic that was founded on May 20, 1902, owes more to him than anyone else.

In that Republic and during that Republic so much solidarity was manifested, was constantly shown by the Cuban people for peoples throughout the world, and especially in our hemisphere, who had lost their freedom. What civic or labor or professional association during the republic did not have, for example, a committee for the liberation of the Dominican Republic during the dictatorship of Trujillo, had a committee for the liberation or the reinstatement of the republic in Spain during the 39-year-old dictatorship of General Franco, and many other committees in solidarity with dictatorships, especially, especially in this hemisphere? and yet today, after 35 years of suffering the most brutal dictatorship in the history of this hemisphere, where, where are the committees for the liberation of Cuba? In what Latin-American universities, in what Latin-American labor associations, in what Latin-American professional associations do we find committees for the liberation of Cuba? Where is the act of reciprocity, the elemental act of reciprocity with the Cuban people after the solidarity that was demonstrated in an unparalleled way during the years of the republic with exiles from throughout the hemisphere? Unfortunately, I do not recognize, I do not see that solidarity, and yet just as after almost 100 years of struggle, one nation, one nation stood with the Cuban people and helped the Cuban people achieve its independence from colonialism, European colonialism, and that one nation that stood with the Cuban people was the United States of America.

History repeats itself, and now after more than 30 years of brutal dictatorship, one nation in this Earth, one nation on this planet tells its business community, "We will not allow you to profit from the oppression of the Cuban people. We will not allow you to profit from the lack of the ability to unionize and to collectively bargain. In other words, we will not allow you to profit from the slave labor that Castro maintains and forces upon the Cuban people," and that one nation, that one nation that stands in solidarity with the Cuban people again, as a hundred years ago, is the United States.

So not only do we see the acts of repression more than ever, not only do we see the total economic devastation of a previously prosperous land at the hands of the dictatorship, but also on a daily basis and especially us in southern Florida who are able to meet with people who, risking their lives and the lives of their loved ones, reach our shores with their stories every day; we are able to witness the acts also of humiliation that the dictatorship commits upon its people today.

Today I read in the newspaper, May 19, 1994, of the 90-year-old widow of one of Cuba's most famous writers, Enrique Labrador Ruiz. She is 90 years old. A few weeks ago, reading the newspaper, she comes across a painting that was achieved, that was produced in 1942 of her late husband as the new exhibit at Christie's, the new sale of Cuban art. Christie's had announced a sale of Cuban art works and had given it much publicity. This lady seized the photograph of the painting of her husband. She is a 90-year-old widow without means, and Christie's states, "No, that is a painting that was obtained from Cuba, that was sold by Cuba." In other words, think of what this means: the impotence that the Cuban people have to live on a day-to-day basis, the humiliation that they have to live on a day-to-day basis, the lack of power, of empowerment of that people, all of these sad realities, all of these sad realities, not only this example which touches the heart of the 90-year-old widow who could not believe that her precious painting that had been left in a relative's home, even that was being sold by the dictator to achieve currency, even that was being sold by the dictator, and that she was impotent to stop it.

She settled apparently. "I settled," says the 90-year-old widow, "it was very poor compensation but at least it will pay for my burial. Enrique always said nobody buries me. I pay my own burial." That is the widow of Enrique Labrador Ruiz, one of the greatest writers produced by the Cuban nation in this century.

So this is another example of what the Cuban people have to live in a day, the humiliation and the impotence that the Cuban people have to live on a day-to-day basis, and we see the lack of solidarity in the hemisphere.

And yet we see the solidarity in this Nation. The Congress of the United States just a few weeks ago, as you know, I say to the gentleman from New Jersey [Mr. MENENDEZ] because you helped so much in that language that was inserted in the State Department authorization bill, requested formally of the President international sanctions, that international sanctions be sought at the U.N. Security Council against the brutal dictatorship of Castro.

The AFL–CIO, the most important labor union in the entire world, has a committee for the liberation of Cuba. Throughout professional and civic institutions, throughout this land, there is solidarity with the Cuban people, just as 100 years ago the American people stood side by side with the Cuban people, the American people and its representative institutions including its supremely representative institution, this Congress, stands with the Cuban people in the certainty that just as May 19, the Sun set, on May 19, and the Sun rose on May 20, that just as that occurred at the end of the last century, it will also occur very soon, and the Cuban people will experience a rebirth and will create once again a republic that is, as it was, the envy of Latin America, will be again the envy of Latin America, with truly democratic institutions and respect for all divergent, dissident, and all points of view, for all human beings.

In other words, a republic based on and ruled by the rule of law, that we will see. I know as I stand here today, I know that we will see that reality and that we will see it soon and that we will then be witness to and be able to assist in the reconstruction of that republic.

I thank the gentleman from New Jersey for the honor of having participated this evening in his special order.

Mr. MENENDEZ. I thank the gentleman from Florida for his participation and continuous strong voice on behalf of human rights in Cuba and other places in the world.

Mr. Speaker, I yield to a distinguished colleague, also from Florida, who has spoken very strongly on the question of human rights not only in Cuba but in different parts of the world and who joins us tonight and joins her strong voice in support of this cause of Cuban independence. I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to join with my colleagues this evening in commemorating the 92d anniversary of the independence of Cuba.

Tomorrow, May 20, is a day of celebration that freedom-loving people inside Cuba—and outside Cuba—hold dear.

Banners will fly everywhere and hearts will stir. For it was on this day in 1902 that the controls of government were turned over to the free and independent Republic of Cuba by the Government of the United States, which had helped liberate Cuba after 400 years of Spanish control.

But Mr. Speaker, there is a bittersweet aspect to this celebration. For on this day of celebration of the founding of a free and independent Cuba, Cuba is neither free nor independent.

Since 1959, Cuba has been under the domination of the last of his generation of Communist dictators, Fidel Castro, who has no regard for the welfare or the rights of his own people.

It is hard to celebrate the idea of Cuban independence when that national is under the domination of one who has no appreciation for the history of his own country.

For the history of Cuba demonstrates—no less than our own—an indomitable spirit, a yearning for freedom, and a repugnance of oppression.

We celebrate our Fourth of July and the great founders of our country—Jefferson, Washington, Madison, Adams, and the others.

But who among us could not be inspired by the life and words of Cuban patriot Jose Marti, a man of enormous talents, devoted to principle, and a patriot, who organized and unified the movement for Cuban independence and who died on the battlefield fighting for it.

Jose Marti was born in 1853 and educated in Havana.

But even as a young man, he saw his path clearly and knew his heart.

When he sided with freedom fighters during an uprising against the yoke of Spanish control, he was sentenced to 6 months of hard labor and deported to Spain.

Allowed to return to Cuba a few years later, he was again deported because of is continued political activities.

He eventually ended up in New York City, where he wrote newspaper articles, poetry, and essays that are considered a model of Spanish prose and that made him famous throughout Latin America.

But the central theme of Jose Marti's life was his passion for freedom. The eloquence of his words stirred a generation to action.

He died on the field of battle, fighting for the freedom is his country, in 1895, only 7 years before his lifelong goal of Cuban independence was achieved.

Mr. Speaker, I'm from Miami, FL—home to thousands of Cubans who fled Castro's oppression and the home of thousands of Cuban-Americans who have contributed so much to the strength and vitality of our community, and our Nation.

And so, on this Cuban Indpendence Day, let us reflect on the sacrifices of all of those who have worked so hard and given so much to achieve the elusive goal that I know will one day be ours—a free democratic, and independenct Cuba.

Mr. MENENDEZ. I thank the gentlewoman from Florida for her participation. Also let me take this opportunity to thank her here for her strong support as a member of the Committee on Appropriations on behalf of the Radio and Television Marti, which gives us an opportunity to transmit into Cuba a free and unfettered flow of information about what is happening in the world. We appreciate her support in that regard.

Mr. Speaker, I would like to turn to a distinguished colleague, again from Florida, on the Republican side, probably the first voice in these Chambers on behalf of the people of Cuba in terms of Cuban independence, in terms of human rights, the first American elected to this House of Cuban descent, the distinguished gentlewoman from Florida, ILEANA ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank the gentleman from New Jersey for that wonderful introduction.

Thank goodness I am not the first to have risen in this Chamber to speak on the behalf of the enslaved Cuban people.

Thank goodness that we have had many fine Congressmen and Congresswomen on both sides of the aisle who have done their job very eloquently for more than 35 years. I am just one more humble addition to that, as all of us are. I thank the gentleman for this great opportunity.

Once again, unfortunately, we find ourselves making the same plea that we made last year when it was a sad anniversary and we were here in the Chamber with the guidance of the gentleman from New Jersey [Mr. MENENDEZ], on behalf of those enslaved Cuban brothers and sisters.

We hope that next year we will not be making the same urgent plea for freedom and democracy in our own land and that soon Cuba will be free.

Mr. Speaker, I join the voices of eloquence here, Congressman LINCOLN DIAZ-BALART, with whom I have had the honor of serving many years in the State legislature, we have a good team working here, always speaking out on behalf of the Cuban people in favor of democracy and against oppression wherever that oppression may be.

I also thank the gentlewoman from Miami, CARRIE MEEK, who has been so eloquent for so many years through her years in her service in the Florida house and now in the United States Congress, always speaking out on the right side of the issues, especially as they relate to freedom and democracy in Cuba.

Later on we will be hearing from Congressman PETER DEUTSCH, also from south Florida, a person with whom I also served in the Florida legislature and who also has been a leader for us in the right causes. I thank all of you for the opportunity to speak.

Mr. Speaker, for more than a century, the Cuban people fought for their independence.

Tomorrow, the 20th of May, marks the latest commemoration of the foundation of the Cuban Republic. We pay tribute to those unselfish patriots who, with firm conviction and valor, made its creation possible.

That same fighting spirit is still present today in the new generation of Cubans, who refuse to live under a tyrannical regime.

The Cuban people today face a cruel and despotic regime which progressively violates their basic human rights. As the latest Department of State human rights report indicates, the Cuban Government drastically denies the Cuban people's basic political and civil rights. The regime does not allow freedom of expression. Does not allow for assembly. Does not allow free movement. It denies the people the right to privacy, the right to work, and the right of the Cuban people to freely elect their leaders. The Castro regime denies all labor rights to the Cuban people.

Over the past 35 years, hundreds of thousands of Cubans have been sent to prisons or concentration camps for expressing dissent against the regime and for voicing their support for democratic changes on the island. To this day, men and women are still imprisoned, battered and tortured, for raising their voices against the ruthless practices of Castro's regime.

Just last week, Mr. Speaker, Cuban dissident Francisco Chaviano, president of the National Council for Civil Rights in Cuba, an illegal dissident group, was arbitrarily arrested at his house for what the Cuban Government called revealing state secrets. This is but the latest example of Castro's iron fist at work.

☐ 1950

In Cuba today, the Cuban people are not only deprived of their rights, but also of all basic needs, thanks to the perverse economic policies of the regime. Instead of creating equality, the regime has distributed misery and hunger—this is a shared trait of all the Cuban people. This is a country which once enjoyed one of the highest standards of living in Latin America. But as everything else in Cuba, the economy has been yet another one of Castro's victims.

The regime now pretends to be willing to reform the economic system in hopes of gaining international support. However, the willingness to spew this rhetoric has, of course, not been equaled by the regime's actions. These so-called reforms implemented are directed at maintaining the Communist elite in power, not to help the Cuban people.

The latest crackdown by the government has come through the implementation of decree-law 149 which calls on the Cuban authorities to adopt "effective and exemplary measures" against those who enrich themselves with "goods and assets obtained through illegal enrichment." Of course, what the Cuban regime terms "illegal enrichment" is what the Cuban people must engage in for their survival.

Reportedly, already more than 10 individuals have been victims of this latest repressive measure implemented by the regime.

This blatant disregard for the Cuban people's rights has now been going on for 35 years and it is time for them to end. It is time to step up pressure against Castro by calling for an international embargo against the repressive forces subjugating the Cuban people. I congratulate the gentleman from Florida [Mr. DIAZ-BALART] and the gentleman from New Jersey [Mr. MENENDEZ] for their leadership on this issue of making the embargo an international one.

Mr. Speaker, the international community has united against the undemocratic governments of Haiti, South Africa, and Iraq, yet only 90 miles from our shores one of the last bastions of totalitarian communism remains and the international community turns its back.

It is time for the international community to join together against Cuba's despotic dictator and implement an international embargo against Castro and his cronies.

Mr. Speaker, we condemn today and will continue condemning the brutal repression to which the Cuban people are subjected.

Cuba will again be free and it will become free thanks to the efforts of all its people, both inside and outside the island, who have not halted in their struggle and thanks to the firmness of the policy we defend.

We hope that soon a law-abiding, democratic regime is once again established in the fatherland of Jose Marti.

Mr. MENENDEZ. Mr. Speaker, I thank the gentlewoman from Florida [Ms. ROS-LEHTINEN] for her participation and for her constant strong voice on behalf of a free, independent Cuba.

Mr. Speaker, I call upon a Democratic colleague at this time and yield to him. We both entered the House together as freshmen this past year, but in fact he has had a strong voice on behalf of seeking freedom, and democracy and respect for human rights in Cuba, the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, tomorrow the world will remember the 92d anniversary of Cuba's struggle for independence from Spain. What might otherwise be remembered as a joyous moment in history, however, now serves as a dismal reminder of the horrific conditions which exist in Cuba today. The 35 years of repression under the Castro regime have brought misery to the people of Cuba. The regime has stifled a once vibrant island economy and laid waste to a once flourishing nation. In addition, the Castro government has moved vigorously to stifle dissent and free thought in an attempt to beat an entire society into submission.

This year, as in years past, the United Nations has condemned the human rights situation in Cuba under Castro. The Castro government continues to bar the entry of U.N. human rights investigators and refuses to ratify the main U.N. human rights accord. In most cases, those brave enough to speak out are jailed, tortured, or killed. The silencing of dissidents through incarceration and physical violence is a common practice of which the world is well aware.

Yet, it appears that years of Castro's attempts to stifle free thought have not been able to squelch the Cuban people's commitment to democracy and freedom. The tactics of consistent humanitarian abuse has not been sufficient to break the will and the spirit of the Cuban people. And it is in honor of Cuban Independence Day that I take this opportunity to celebrate the indomitable spirit of the Cuban people.

The Castro regime, however, has chosen to make a mockery of the deep desire of the Cuban people for freedom. On February 14, 1994, Cuban Foreign Minister Robert Robaina announced that a conference between the Castro government and 200 Cuban exiles would be called in Cuba. The conference, held on April 22–24, 1994, focused on normalizing relations. While Mr. Robaina marketed the event as a significant attempt to reach out to the exile community, he later admitted that only those whose sympathies were with the revolution would be welcome.

While the Castro regime attempted to borrow from the principles of democracy by hosting this dialog, it must realize that it can not borrow selectively. For 35 years, the regime has worked to stifle free expression. It has harassed, jailed, harmed, and forced out those who have tried to express a different opinion. It has leveled fierce criticism against the United States, democracy, and capitalism. Now, the Castro regime seeks to feign openness in order to work toward normalized relations.

A free exchange of ideas is the hallmark of a democratic system, a system which allows all opinions to be heard, a system which clearly does not exist in Cuba. And when the regime ostensibly initiates a discussion with only one side represented, it is a sham. There is an old Cuban saying that when you have three Cubans in a room, you have at least four opinions. Cubans are no strangers to open discussion and free expression. And, many, including many Members of the United States Congress, would like to see a Cuba where this type of freedom is institutionalized. Instead, Mr. Castro's remedy was a reunion for Cuba's so-called revolutionaries.

The Castro regime has completely failed and abused the people of Cuba. Castro's unwillingness to institute comprehensive reforms demonstrates that only a complete transfer of power can restore Cuba to its people and to its place in the family of nations. By bargaining with Castro we prolong his time in power and the suffering he has inflicted on the people of Cuba. It is our moral obligation to reject any accommodation of this brutal dictatorship.

Today, I stand with my colleagues in solidarity with the people of Cuba. As we celebrate their will and strength, we recall the legacy of José Marti and his commitment to the principle of personal liberty. And, as Americans we remember our own struggle for sovereignty and the belief that this was and is our fundamental right.

The year 1868 marked the beginning of the first war for Cuban independence. However, only after 34 years of struggle were the Cuban people finally free. Cuba has been under the thumb of the Castro regime for an unconscionable 35 years. Ironically, we are now beginning to see the seeds of the regime's collapse. I sincerely hope that soon the Cuban people will share my feelings of freedom and have the ability to live without fear. Castro's abuse of the Cuban people must come to an end. I look forward to celebrating Cuban Independence Day next year in a free Havana.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from Florida [Mr. DEUTSCH] for his strong statement and his continuous support, and we share his goals. We certainly hope we can celebrate Cuba's independence day next year in a free and independent Cuba.

Mr. DEUTSCH. Mr. Speaker, I would like to add one point. The gentleman knows, and many of my colleagues know, that my district is physically the closest district to Cuba. I represent south Florida, including all of the Florida Keys, and, when I am in Key West, I am actually closer to Havana than I am to Miami, and we see on a daily basis the struggle that is going on in Cuba. Almost every day people who have risked their lives come to our shores. We do not know whether it is 1 out of 2 or 1 out of 10 that make it to our shores in vessels that are not adequately described as boats, but are vessels of whatever floats, and I have personally talked with hundreds of people who have risked their lives to come to our shores, and each person is a hero. Each person tells a story of conditions that are existing in Cuba today.

A process is going on in world history today that we see in south Florida on a daily basis that truly is an inspiration for the entire world. It is a story that unfortunately is not being told enough, and most people around the country and most people around the world do not know it, but it is a story of absolute commitment.

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I will mention it is not just the people who risk their lives in water almost every day. I had the opportunity to visit the American Naval Base in Guantanamo Bay and I had the opportunity to speak with several young people in their teens and early 20's who had either walked across mine fields or swam in shark-infested waters to get to Guantanamo Bay and to get to freedom. Each of those people again and some of their fellow victims—we know this when explosions occur in the mine field—had been killed, had a story, and truly was a hero. With those types of heroes, I think that the legacy and the independence that we believe will happen in Cuba is inevitable, will happen, and it will happen very soon.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for those laughs of what he experiences daily in his district.

It is amazing what people will do in search of freedom and justice.

Mr. Speaker, I would like to give another face to what is happening in Cuba and it is Cuba's economic situation.

Cuba's economic situation is so dire that one critic compares it to Bosnia's, with the potential for deterioration to widespread hunger and a genuine food crisis more comparable to sub-Saharan Africa or Somalia.

Cuba is in the midst of her worst economic crisis in history. Absent the vanished free ride of 30 years of Soviet subsidies, the Castro regime is broke, heavily in debt, and uncreditworthy by any standard. Cuba is nearly incapable of trading anything at all at the moment.

According to the Cuban Government's own estimates—not statistics, as the Government has not released statistics since 1989—Cuban exports have shrunk from $5.4 billion in 1989 to $1.7 billion in 1993. Of this figure, the Government requires a minimum of $1 billion to purchase imports of food and oil for subsistence. The balance is required for purchase of inputs for the production of the few exports that Cuba can manage to generate, such as chemicals and fertilizers. The harvest of Cuba's major cash crop and main source of foreign exchange—sugar—has shrunk to half of 1950's levels: The 1993 harvest yielded just 4.2 billion tons—a 50 percent decline from 1990 levels. National income has shrunk by the same amount since the fall of the Soviet Union and the former East bloc.

Remember during the last Presidential election the slogan, "It's the economy, stupid"? It came about at the time the U.S. economy had shrunk less than 1 percent. That was enough to knock an American President out of office. Compare that to Cuba's 50 percent shrinkage, which has thrown it into a depression. Somehow, there are no consequences for the Cuban dictator, but plenty for the Cuban people.

Imports have shrunk over 75 percent in the last 4 years, from $8.1 billion to under $2 billion in 1993. Can anyone imagine the same occurring here at home?

Industrial production has shrunk an incredible 80 percent, and will not improve, as spare parts from the former East bloc are being cannibalized for other purposes. If you believe the Russians, Cuba's international hard currency debt stands at $40 billion, $8 billion of which is owed to the Paris club of mainly Western European creditor nations.

Let me put it more plainly. The Castro regime can barely conduct normal trade. It cannot feed the Cuban people. It neither grows enough food, nor generates enough money to purchase the food its citizens require. Cubans struggle everyday just to survive and get a bite to eat. This may involve eating cat and dog meat. Since the Cuban economy is in ruins, the black market is now the major source of food on the island.

HUMAN RIGHTS ABUSES

The indignity of scrounging for food everyday is not the worst of it by any means for the Cuban people. Castro's human rights record is abysmal and one of the worst in the world. Severe violations began right away in 1959, when Castro's henchmen executed thousands of Cubans.

Castro's human rights record—that is, based on what we are able to obtain—documents a horror story of systematic abuse and violations of the fundamental human rights of the Cuban people.

The only monitors in Cuba are Castro's security thugs. But they do not monitor human rights. They monitor and beat, imprison, and torture the brave defenders of human rights. Those courageous enough to express their opposition to the regime risk violent acts of repudiation by the infamous Rapid Response Brigades, and the ire of the regime's Big Brother Watchdogs, the Committees for the Defense of the Revolution.

Freedom House's 1994 annual review lists Cuba as among the 10 worst offenders of human rights in the world. The United Nations and the Organization of American States, Amnesty International, Human Rights Watch, the Lawyers Committee for Human Rights, and other reputable human rights groups continue to equally denounce Castro. Yet, since none have been to Cuba, none of them really knows how many thousands of political prisoners today languish in Castro's brutal jails.

Freedom House and the Freedom Forum recently determined that Cuba is one of the five worst offenders of press freedom in the world. Even the foreign press is not free when they are inside Cuba. The government continues to restrict the ability of the foreign media to operate. Journalist visas are required and reporters whom the government considers hostile are not allowed entry. As you might imagine, friendly reporters get the royal treatment. Foreign journalists interviewing dissidents risk being detained and expelled, and in a few cases reporters have been beaten up.

Let me tell you about a bizarre incident that occurred recently to a foreign reporter. Just days ago a reporter from the Dominican Republic was mistaken for a Cuban citizen. He was apprehended, taken to Cuban state security headquarters, beaten, and tortured. Later, when Castro's men realized they had the wrong person they released him—but not before they threatened him with further violence if he didn't keep his mouth shut.

Every year, the U.N. Commission on Human Rights censures Cuba for its gross violations of human rights—and every year the Cuban Government responds by refusing to grant a visa to the U.N.-appointed special rapporteur on human rights in Cuba.

As a result no one seems to know how many political prisoners there are in Cuba. Is it 1,000? Is it 10,000? Is it 100,000 prisoners who languish in Castro's political jails? We may never know.

But we do know about Mario Chanes de Armas, the longest serving political prisoner in the Western Hemisphere. Mr. Chanes used to be Castro's comrade-in-arms. But like so many others, he was betrayed by his former friend. Chanes was sentenced to 30 years in prison.

I asked Chanes what was the most painful part of his experience in Castro's jails. His answer was revealing and profoundly sad. He told me that while he was in prison, his son was born. Many years later, while he was still in prison, his son died. Mario Chanes never had human contact with his son.

I was glad to join Chanes at the White House in a meeting with President Clinton. In an emotional meeting, Chanes thanked the President for his principled opposition to the Castro dictatorship. The President was visibly moved by the meeting with Chanes. In my presence, he told Chanes, "I will never forget you or this meeting."

We know about Rodolfo Gonzalez. Gonzalez, the spokesman of the Cuban Committee for Human Rights [CCHR]. Mr. Gonzalez was first arrested on International Human Rights Day on December 10, 1992. He was held for 16 months before trial. He was sentenced to 7 years for enemy propaganda. It turns out his crime was talking to foreign radio stations on the phone.

We also know about Francisco Chaviano Gonzalez, President of the National Council for Civil Rights [CNDCC] in Havana, Cuba. Mr. Chaviano was arrested less than 2 weeks ago at his home. He is being held at Villa Marista, the headquarters of Castro's state security. What was his crime? He dared to stand up for human rights. The regime says that makes him highly dangerous.

Unsatisfied with its cruelty toward Chaviano, Castro's thugs arrested the entire leadership of the National Council. Their names are: Jorge A. Lorenzo Pimienta, vice-president of the CNDCC; Mario Rodriguez Castellon, Abilio Ramos Moya, and, Terina Fernandez Gonzalez (Chaviano's sister). All members of the organization.

On and on it goes. Castro's state security apparatus, under the Cuban ministry of the interior is capable of monitoring every aspect of a person's life, in all realms of activity: Economic, political, social, and cultural. Since 1959 this has been the state of human rights in Cuba.

NATIONAL SECURITY CONCERNS

On the national security front, the United States needs to be concerned about Cuba's effort to finish building the Juragua nuclear power plant, near Cienfuegos. We certainly don't need another Chernobyl 90 miles from the United States. Nor would we like the former soviet spy station in Lourdes, Cuba to continue to intercept United States communications—especially in the wake of the Ames espionage case.

If that were not enough cause for concern, it is probable that the Cuban Government is pursuing the means to develop biological and chemical weapons in Cuba, through their biotechnology industry.

U.S. POLICY AND THE EMBARGO

People often ask me what should be our policy toward the Castro Dictatorship. Some suggest that the United States policy of economic sanctions or the embargo on Cuba should change.

Let me address this point, because I think it is important. I want to begin by citing a few basic facts about the embargo. Despite revisionist claims to the contrary, the United States embargo on Cuba is not an arbitrary punitive measure in response to Castro's radical political orientation. Nor is it an instance of American interventionism in Latin-American affairs, as unfortunately other policies indeed have been.

The U.S. embargo was first put into effect in 1962 by Executive order of the late President John F. Kennedy. President Kennedy did so in response to the Castro dictatorship's expropriation of United States citizens' property with a value of $1.8 billion—without compensation and in violation of international law. That illegally confiscated property now is valued at close to $6 billion.

President Clinton, another Democrat, right now can lift President Kennedy's embargo with the stroke of a pen, but like his seven predecessors he sees no reason to do that, given the lack of any movement by Castro toward substantive political or economic reform or settlement of U.S. claims. I applaud the President, support his principled stance, and am confident that he will maintain his first position.

In respect to Cuba, our foreign policy objective is to promote democracy, human rights, and eventually prosperity in a country just 90 miles from our shores. We look forward to the day that relations between our two countries are constructive and based on mutual respect.

The fact is, lifting the embargo won't create hard currency to buy the goods Cuba needs.

The fact is, the food and medicine and other products Cuba might need are available from other countries throughout the world, but they won't sell to Cuba because it can't pay.

The fact is, Castro will not allow a free-market system to develop in Cuba and insists on what he said for so many years. He now claims that the embargo is the reason for the misery in Cuba. Not surprisingly, there are people in this country who suddenly agree with Castro. They suggest that we should lift the embargo unilaterally, no questions asked.

They would have us forget about human rights, although the President has just asked the U.N. Secretary-General to appoint a high commissioner for human rights to give human rights a higher profile in U.S. foreign policy.

They would have us forget the hundreds of innocent Cuban political prisoners languishing in jail.

They would have us forget the atrocities of the Cuban KGB.

During the time that Cuba was subsidized to the tune of $6 billion annually by the Soviet Union, Castro loudly insisted that the United States embargo on Cuba was irrelevant. He stated ad nauseam that Cuba's economic prosperity would enable her to sidestep the United States embargo. In the meantime, United States critics of the embargo denounced it as ineffectual and merely an irritant in relations with Cuba.

Yet now, we see what a little sunshine can do. The Soviet subsidies are gone. Trade with Russia and the countries of the former eastern bloc are conducted strictly on commercial terms. Castro's Cuba stands isolated and exposed.

With the cushion of Soviet subsidies gone, Castro is now saying precisely the opposite of keeping his centrally planned economy—which has failed.

The fact is, at the height of Soviet aid to Cuba, which amounted to nearly $6 billion a year, Castro still rationed the Cuban people—instead of using that money to provide for their needs.

The fact is, Castro took the money provided by the Soviets and used it to export revolution around the world instead of feeding the Cuban people.

At the moment there is one obstacle which stands in the way: That is the dictator, Fidel Castro—and not U.S. policy.

LENDING THE CUBAN PEOPLE A HAND

As a Nation, we need to look beyond the Castro regime and to a time when Cuba will once again join the Democratic Nations of the world. To that end, I introduced H.R. 2758, the Free and Independent Cuba Assistance Act, which details a plan of assistance and cooperation to a post-Castro government in Cuba. Under the plan, emergency economic and humanitarian assistance and military adjustment assistance would be granted to a transitional government pledged to democracy and moving to a democratically-elected government.

Assistance to a Democratic government would include developmental aid and insertion of Cuba into the international financial community to ease the transition to democracy. The bill provides for negotiations to include Cuba in the Caribbean basin initiative and in a potential free-trade agreement, and offers the return of Guantanamo Bay Naval Station.

The Free and Independent Cuba Assistance Act will send a beacon of light to the Cuban people. It says that we are in solidarity with you, but not with those who enslave you. We are ready to help, but first you must help yourselves. Remove the impediments to democracy and we will offer a strong helping hand.

To the Cuban military we say: "We are not your enemy and have no interest other than to recognize that we understand the pain of adjustment and are willing to help—so long as you do not turn your back on your brother and sister as they move to seek freedom and democracy."

Finally, to the world community we erase the view that United States policy is strictly punitive toward the Cuban people—and show that we are eager to welcome Cuba into the family of Nations.

In conclusion, Mr. Speaker, given the dubious record of the Castro regime, I believe we should not take any steps to prolong the life of this odious dictatorship—especially at a time when the clock is ticking on its final hour.

Mr. GILMAN. Mr. Speaker, I want to commend my friend, the gentleman from New Jersey [Mr. MENENDEZ] for this special order.

Mr. Speaker, I also want to take this opportunity to commend our Cuban-American colleagues for their leadership on the question of U.S. policy toward Cuba. We are fortunate to have their insights on the Foreign Affairs Committee. They bring a depth of experience and commitment that is invaluable.

They also bring to their analysis the best interests of both the United States and the Cuban people. For that, we are grateful.

May 20 will mark 92 years of Cuban independence. Tragically for the Cuban people, it will not mark 92 years of freedom.

Fidel Castro is in his 35th year of totalitarian rule. When combined with the Batista regime, the Cuban people will have spent more than 40 years of their independence as a Nation under the heel of an authoritarian leader.

Violations of fundamental human and political rights occur on a daily basis. The Castro government continues its refusal to cooperate with the U.N. Secretary-General's special rapporteur. It is questionable whether the so-called reforms are genuine efforts to liberalize the country's political system and economy. More likely, they are merely a recognition of the economic dislocation caused by Castro's communism.

Despite this adversity, the Cuban people have never lost their spirit, their warmth and generosity, nor have they given up their struggle for democracy and respect for human rights.

This special order provides another opportunity to demonstrate to the Cuban people that both the American people and the U.S. Government stand together in our support for their desire for freedom and that most important right of being able to freely and democratically choose the system of government under which they wish to live, and their leaders.

These fundamental rights have been denied far too long.

I recently had the privilege of attending the inauguration of Nelson Mandela as President of South Africa. Frankly, that historic day in Pretoria was one that I did not expect to witness during my tenure in Congress. What happened in South Africa is relevant to Cuba: In South Africa, a closed, unrepresentative elite based on race, ran a country without regard to the fundamental rights of the majority of its own people.

In Cuba, a closed, unrepresentative elite based on an ideology runs Cuba without regard to the fundamental rights of the majority of the Cuban people.

In the case of South Africa, the United States together with the international community acted on our indignation of the injustices of apartheid.

In Haiti, we have joined an international effort to express our outrage at the situation there by the implementation of comprehensive economic sanctions.

But when it comes to Cuba, the same logic that applied to South Africa and that applies to Haiti is thrown out the window. In the case of Cuba, the United States stands alone in attempting to show its moral outrage at the abuse of an entire country.

Today, we should have one standard for authoritarian regimes regardless of whether they are based on an ideology, race, or result from the removal of a democratically-elected government: that standard should be to declare them illegitimate and to deny them the respect of, and normal interaction with, the rest of the international community.

It is my hope that when we next commemorate Cuban Independence Day, we will do so in a free and democratic Cuba. The Cuban people deserve nothing less. They are a heroic people with a proud history. We must not falter in our commitment to their democratic future.

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GENERAL LEAVE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. (Mr. COPPERSMITH). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VACATING OF SPECIAL ORDER

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that the 5-minute special order granted today to the gentleman from California [Mr. HORN] for May 20, 1994, be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COX (at the request of Mr. MICHEL), until 3 p.m. today, on account of wife going into labor.

Mr. TORKILDSEN (at the request of Mr. MICHEL), for today until 4 p.m., on account of attending a funeral.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), for today and tomorrow, on account of official business.

Mr. NADLER (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of official business.

Mr. NEAL of North Carolina (at the request of Mr. GEPHARDT), for today and tomorrow, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. HORN, for 5 minutes, on Friday, May 20.

(The following Members (at the request of Mrs. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mr. LAUGHLIN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. WALSH.

Mr. OXLEY.

Mr. SHAW.

Mr. CAMP.

Mr. REGULA.

Mr. PETRI.

Mrs. BENTLEY.

Mr. GILMAN in two instances.

Mr. THOMAS of California.

Mr. THOMAS of Wyoming.

Mr. GINGRICH.

Mr. YOUNG of Florida.

(The following Members (at the request of Mrs. MEEK of Florida) and to include extraneous matter:)

Mr. SWETT.
Mr. CLYBURN.
Mr. TEJEDA.
Mr. MCDERMOTT.
Mr. MINGE.
Mr. BONIOR.
Ms. NORTON.
Mr. ROSE.
Mr. HOYER.
Mr. MATSUI.
Mr. RUSH.
Ms. KAPTUR in two instances.
Ms. DELAURO.
Mr. RICHARDSON.
Mr. STUDDS.
Mr. LANTOS.
Mr. OWENS.
Mr. DINGELL.
Mr. KILDEE.

(The following Members (at the request of Mr. MENENDEZ) and to include extraneous matter:)

Mr. POSHARD.
Mr. KINGSTON.
Mr. BECERRA.
Mr. TOWNS.
Mr. CONDIT.
Mr. GUTIERREZ.
Ms. ESHOO.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2139. An act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following title:

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S.J. Res. 168. Joint resolution designating May 11, 1994 as "Vietnam Human Rights Day."

ADJOURNMENT

Mr. MENENDEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, May 20, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3211. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a report regarding the latest date available in the Toxics Release Inventory; to the Committee on Energy and Commerce.

3212. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of Presidential Determination No. 94–23, authorizing for furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent needs of Rwanda and Burundi refugees, returnees, displaced persons, and conflict victims, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on special nuclear materials in the Commonwealth of Independent States, pursuant to 22 U.S.C. 5860; to the Committee on Foreign Affairs.

3214. A letter from the Director, Ballistic Missile Defense Organization, Department of Defense, transmitting a copy of Presidential Determination 94–24 certifying that the representatives of the member nations of NATO and Japan, Israel, and South Korea were formally presented with a proposal concerning coordination of U.S. theater missile defense programs with TMD programs of our friends and allies, pursuant to Public Law 103–160, section 242; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 1432. A bill to establish missions for Department of Energy research and development laboratories, provide for the evaluation of laboratory effectiveness in accomplishing such missions, and reorganize and consolidate Department of Energy technology transfer activities, and for other purposes; with an amendment (Rept. 103–484 Pt. 2) Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee of Conference. Conference report on S. 24, an act to reauthorize the Independent Counsel Law for an additional 5 years, and for other purposes (Rept. 103–511). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 1638. A bill to amend the Excellence in Mathematics, Science, and Engineering Education Act of 1990 to establish the National Academy of Science, Space, and Technology at State universities, to expand the scholarship program associated with such academy, to direct the Administrator of General Services to construct a public building to provide space for the headquarters of such academy, and for other purposes; with an amendment (Rept. 103–512, Pt. 1). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3724. A bill to designate the U.S. courthouse located in Bridgeport, CT, as the "Brien McMahon Federal Building" (Rept. 103–513). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3840. A bill to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse" (Rept. 103–514). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. House Concurrent Resolution 238. Resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby (Rept. 103–515). Referred to the House Calendar.

Mr. HEFNER: Committee on Appropriations. H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–516). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 4454. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–517). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4385. A bill to amend title 23, United State Code, to designate the National Highway System, and for other purposes; with an amendment (Rept. 103–519). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4425. A bill to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, to revise and improve veterans' health programs, and for other purposes (Rept. 103–518). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFNER:

H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. FAZIO:

H.R. 4454. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes.

By Mr. BEREUTER:

H.R. 4455. A bill to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JEFFERSON:

H.R. 4456. A bill to amend title 10, United States Code, to give a priority to the States for the transfer of nonlethal excess supplies of the Department of Defense; to the Committee on Armed Services.

By Mr. SAM JOHNSON:

H.R. 4457. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide special look-back treatment for emergency appropriations, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. KOLBE (for himself, Mr. KOPETSKI, Mr. DREIER, Mr. LIVINGSTON, Mr. HYDE, Mrs. JOHNSON of

Connecticut, Mr. GILCHREST, Mr. MCCRERY, Mr. EHLERS, Mr. HORN, and Mr. PORTMAN):

H.R. 4458. A bill to promote United States industry and technology in competition with Japan; to the Committee on Foreign Affairs.

By Mr. MCNULTY:

H.R. 4459. A bill to provide for retroactive award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between July 4, 1943, and March 1, 1961; to the Committee on Armed Services.

By Mr. MINETA (for himself and Mr. APPLEGATE) (both by request):

H.R. 4460. A bill to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OWENS (for himself, Mr. WILLIAMS, and Mr. MARTINEZ):

H.R. 4461. A bill to provide grants to partnerships to encourage work force diversity in order to improve the working conditions of all individuals in the United States and to help organizations compete more effectively both domestically and internationally, and for other purposes; to the Committee on Education and Labor.

By Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming):

H.R. 4462. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Natural Resources.

By Mr. STUDDS:

H.R. 4463. A bill to provide for studies in order to establish a basis for evaluating the impact of health care reform; jointly, to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DANNER and Mr. LIGHTFOOT.

H.R. 408: Mr. BILIRAKIS.

H.R. 417: Mr. THOMAS of Wyoming.

H.R. 488: Mr. PETE GEREN of Texas and Mr. FROST.

H.R. 885: Mr. KINGSTON.

H.R. 896: Ms. MOLINARI.

H.R. 1314: Mr. ZELIFF.

H.R. 1487: Mr. BACHUS of Alabama.

H.R. 1493: Mr. SHAYS.

H.R. 1606: Mr. SHAYS.

H.R. 1671: Mr. MORAN and Mr. KYL.

H.R. 1736: Mr. STUPAK and Mr. INGLIS of South Carolina.

H.R. 1843: Mr. KIM.

H.R. 1945: Mr. SANDERS, Mr. BARCA of Wisconsin, Mr. GLICKMAN, and Mr. COBLE.

H.R. 2292: Mr. HOLDEN and Mr. BACCHUS of Florida.

H.R. 2394: Mr. ABERCROMBIE and Mr. HILLIARD.

H.R. 2395: Mr. ABERCROMBIE and Mr. HILLIARD.

H.R. 2623: Mr. NEAL of Massachusetts, Mr. KLINK, Mr. ISTOOK, Mr. ROYCE, and Mr. DELLUMS.

H.R. 2649: Mr. GEJDENSON.

H.R. 2736: Ms. ROYBAL-ALLARD.

H.R. 2741: Ms. SLAUGHTER.

H.R. 3173: Mr. RIDGE, Mr. GINGRICH, Mrs. MEYERS of Kansas, and Mr. CRANE.

H.R. 3396: Mr. ZELIFF.

H.R. 3439: Mr. ZELIFF.

H.R. 3440: Mr. WILSON and Mr. WAXMAN.

H.R. 3486: Mr. SANTORUM, Mr. QUILLEN, Mr. ROYCE, Mr. SCHAEFER, Mr. LIVINGSTON, and Mr. FROST.

H.R. 3519: Mr. EMERSON and Mr. MARTINEZ.

H.R. 3671: Mr. ACKERMAN and Ms. VELAZQUEZ.

H.R. 3738: Ms. ROYBAL-ALLARD and Mr. KILDEE.

H.R. 3797: Mr. INGLIS of South Ccrolina and Mr. SMITH of Texas.

H.R. 3820: Mr. SHUSTER, Mr. BLILEY, Mrs. MORELLA, Mr. RICHARDSON, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GUNDERSON, Mr. KYL, Mr. MCKEON, Mr. SMITH of New Jersey, Mr. UPTON, Mr. WOLF, Mr. TRAFICANT, and Mr. CLYBURN.

H.R. 3897: Mr. SCHUMER, Mr. FARR, Mr. MILLER of California, Mr. EDWARDS of California, Ms. WOOLSEY, and Mr. LIPINSKI.

H.R. 3970: Mr. RANGEL, Mr. SUNDQUIST, and Mr. MATSUI.

H.R. 4047: Mr. LIPINSKI, Mr. RUSH, Mr. SANGMEISTER, and Mr. YATES.

H.R. 4050: Ms. MCKINNEY.

H.R. 4051: Mr. DELLUMS, Mr. TRAFICANT, and Ms. ESHOO.

H.R. 4057: Mr. WALSH, Mr. FAWELL, Mr. HOEKSTRA, Ms. MOLINARI, Mr. ARMEY, Mr. ROWLAND, Mr. DEAL, Mr. HAYES, Mr. MCCURDY, Mr. MONTGOMERY, and Mr. STUMP.

H.R. 4064: Mr. GEJDENSON.

H.R. 4065: Mr. GEJDENSON.

H.R. 4074: Mr. STUMP, Mr. LIPINSKI, Mr. MANTON, Mr. DIXON, Mr. BONIOR, and Mrs. MEYERS of Kansas.

H.R. 4095: Mr. DOOLITTLE, Mr. PAXON, and Mr. CANADY.

H.R. 4189: Mr. CAMP, Mr. SANTORUM, and Mr. OXLEY.

H.R. 4198: Mr. BARTON of Texas.

H.R. 4251: Mr. MURTHA and Mr. EVANS.

H.R. 4258: Mr. FINGERHUT.

H.R. 4260: Mr. ANDREWS of New Jersey, Mr. NADLER, and Mr. LEWIS of Georgia.

H.R. 4314: Mr. FROST, Mr. OLVER, Mrs. UNSOELD, Mr. RICHARDSON, Mr. EDWARDS of California, and Mr. WILLIAMS.

H.R. 4317: Mr. RANGEL.

H.R. 4318: Mrs. CLAYTON.

H.R. 4345: Mr. FINGERHUT and Mr. BACHUS of Alabama.

H.R. 4349: Mr. EDWARDS of California, Mr. OLVER, Ms. WOOLSEY, Mr. WAXMAN, and Mr. MILLER of California.

H.R. 4358: Mr. MICHEL, Mr. GILMAN, Mr. HANSEN, Mr. WILSON, Mr. STUMP, and Mrs. MEYERS of Kansas.

H.R. 4365: Mr. TALENT and Mr. CANADY.

H.R. 4000: Mr. POSHARD and Mr. ROMERO-BARCELO.

H.R. 4419: Ms. MOLINARI.

H.R. 4425: Mr. MONTGOMERY, Mr. STUMP, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.J. Res. 44: Mr. ROTH.

H.J. Res. 209: Mr. MCCLOSKEY, Mr. TAUZIN, Mr. JOHNSON of South Dakota, Ms. MOLINARI, Mr. DARDEN, Mr. YOUNG of Alaska, Mr. APPLEGATE, Mr. HALL of Texas, Ms. SLAUGHTER, Mr. BARTLETT of Maryland, and Mr. HOEKSTRA.

H.J. Res. 287: Mr. MCNULTY, Mr. SABO, Mr. VENTO, Mr. SAWYER, Mr. TALENT, Mr. FOGLIETTA, Mr. VISCLOSKY, Mr. LEVIN, Mr. KLINK, Mr. LEWIS of Florida, Mr. KANJORSKI, and Mrs. THURMAN.

H.J. Res. 315: Ms. KAPTUR, Ms. PRYCE of Ohio, and Mr. MARTINEZ.

H.J. Res. 318: Mr. PETE GEREN of Texas, Ms. NORTON, Mr. GENE GREEN of Texas, Mr. MYERS of Indiana, Mr. DINGELL, Mr. ANDREWS of Texas, Mr. CALVERT, Ms. PRYCE of Ohio, Mr. ENGEL, and Mr. ROWLAND.

H.J. Res. 347: Mr. LIPINSKI, Mr. PETE GEREN of Texas, Mrs. MEEK of Florida, Mr. SAXTON, Mr. KLEIN, Mrs. BYRNE, Mr. SOLOMON, Mr. LEWIS of California, Mr. SMITH of Texas, and Ms. MOLINARI.

H.J. Res. 356: Mr. MARTINEZ, Mr. DELLUMS, Mr. CONYERS, and Mr. HILLIARD.

H. Con. Res. 152: Mrs. MEYERS of Kansas.

H. Con. Res. 166: Mr. PORTMAN and Mr. BAKER of Louisiana.

H. Con. Res. 210: Mr. BARTLETT of Maryland.

H. Con. Res. 223: Mr. LEVIN, Mr. GUTIERREZ, Mr. BILBRAY, Mr. HINCHEY, Mr. HOCHBRUECKNER, and Mr. HILLIARD.

H. Con. Res. 227: Mr. DOOLITTLE.

H. Con. Res. 245: Mr. DREIER, Mr. MCKEON, Mr. BACHUS of Alabama, Mr. TORKILDSEN, Mr. SOLOMON, Mr. BONILLA, Mr. POMBO, Mr. KIM, Mr. EWING, Mr. MILLER of Florida, Mr. FILNER, Mr. BLUTE, and Mr. LIPINSKI.

H. Res. 234: Mr. FLAKE.

H. Res. 291: Mr. STUMP and Mr. COX.

H. Res. 368: Mr. FLAKE, Mr. PORTMAN, Mr. FORD of Tennessee, and Mr. HILLIARD.

H. Res. 381: Mr. HASTERT.

H. Res. 424: Mr. GREENWOOD, Mr. CALVERT, Mr. ROWLAND, and Mr. SMITH of New Jersey.

SENATE—*Thursday, May 19, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we approach this morning, the God that made the world and all things therein, the Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*God that made the world and all things therein * * * hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation; That they should seek the Lord * * *.*—Acts 17:24, 26–27.

Eternal God, the Apostle Paul reminds us that Thou art a sovereign Lord, that Thou hast determined the times and the boundaries of the nations that they should seek the Lord.

When we read the words of our Founding Fathers, we become aware of the profound faith in Thee which inspired them. It is not for nothing that our currency bears the words, "In God We Trust." But we tend to behave as though we have no need of Thee.

Mighty God, all wise, all powerful and unchanging, before it is too late, awaken us as a nation to our need of Thee that we may seek Thee and serve Thee, individually and corporately.

We pray this in the name of the King of Kings and the Lord of Lords. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Special orders have been entered for the Senator from Connecticut [Mr. LIEBERMAN] to be recognized for up to 5 minutes; the Senator from Massachusetts [Mr. KERRY] to be recognized for up to 15 minutes; the Senator from Florida [Mr. GRAHAM] to be recognized up to 15 minutes; the Senator from New Jersey [Mr. BRADLEY] to speak for up to 15 minutes.

The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Carolina [Mr. FAIRCLOTH] is recognized.

Mr. FAIRCLOTH. I thank the Chair.

(The remarks of Mr. FAIRCLOTH and Mr. GRASSLEY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. Who yields time?

Mr. LUGAR addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. LUGAR] is recognized for not to exceed 5 minutes.

Mr. LUGAR. Mr. President, I ask unanimous consent that I may be permitted to speak for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for not to exceed 10 minutes.

UNITED STATES POLICY TOWARD CHINA

Mr. LUGAR. Mr. President, President Clinton has commenced a consultation process with the congressional leadership in regard to continuing China's current trade status. Various Members are working with the White House staff in an effort to develop a compromise that might include limited sanctions while permitting a considerable amount of trade to continue if China fails to meet the administration's human rights objectives.

Several Members of the Senate have spoken to this issue.

My interest is not in debating the merits or demerits of targeted revocation of MFN status. Rather, I want to suggest that this debate is perhaps too narrow and misses the mark. The trade and human rights components of our China policy have been joined by a strategic component that belies the utility of any linkages in our policy. We must face the growing nuclear proliferation threat in the region as exemplified by the North Korean nuclear program and the need to need to bolster our diplomatic and negotiating position while simultaneously considering the imposition of sanctions on North Korea. Both will require the full support of and full implementation by countries in the region, most specifically China.

The practice of tying our human rights objectives in China to the continuation of MFN status for China, even if in a more limited and targeted way, makes less likely Chinese willingness to avoid a Security Council veto on any sanctions resolution or, even should China abstain in such vote, full participation in carrying out any such sanctions. A limited, targeted United States approach in conditioning the renewal of China's MFN status is likely to beget limited Chinese pressure on North Korea to be more forthcoming in the negotiations as well as conditional Chinese participation, if any, in any sanctions program initiated against North Korea.

This is not to suggest that we should lessen an energetic pursuit of our human rights objectives in China, even as we pursue the increasing trade and business opportunities offered by the fastest growing economy in Asia. But I do suggest that the linkage or conditional approach, even if practiced in a more nuanced and targeted way, denies the United States the ability to set policy priorities in the region. To our policy objectives of the promotion of human rights in China and increased economic interchange with the rapidly growing economies in the region must now be added the policy objective of nonproliferation or counterproliferation, an objective identified by the administration as one of its top priorities.

We need to adopt a strategic policy approach to China, one that is significantly influenced although not exclusively dominated by the nuclear proliferation dilemma posed by North Korea. At least some elements of the North Korean leadership understand that the worsening domestic economic situation and the accelerating gap between North and South increasingly will threaten the country's political and economic survival. The United States must use the leverage provided by the desperate straits in North Korea to help persuade that country to abandon its nuclear program. Any serious attempt to design a package of sanctions must center on cutting off North Korean imports of oil.

However, if the prospect of an oil cutoff is to be credible, Chinese cooperation is indispensable. China accounts

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for about two-thirds of North Korea's current oil imports, most of which are delivered via pipeline. Should it so decide, China could easily provide all of North Korea's current oil needs, even if a naval blockade cut off tankers delivering oil from other suppliers. At a minimum, China needs to be convinced not to replace oil imports from other suppliers that might be cut off.

With China's support, manipulation of oil imports could provide an important source of leverage. Without that cooperation, economic measures are certain to be ineffective and to leave more forceful actions as the only alternative.

While China may not need to be convinced that a more mature North Korean nuclear capability is not necessarily in its interest, it will have to be persuaded that the North Korean nuclear problem requires urgent action and that the United States has in mind a strategy that can succeed with their active involvement but it will fail without Chinese involvement, leaving only worse and starker alternatives.

But if United States-China cooperation on the North Korean issue is to be realized, that cooperation must take a strategic dimension, grounded in serious dialog about mutual security interests and concerns that would benefit the United States-Chinese relationship more generally. Only if the North Korean issue is placed in a strategic framework, rather than submerged in the current agenda of MFN and human rights, can one realistically expect to convince the Chinese that the North Korean nuclear problem is not only serious but requires urgent action.

The issue is not one of ignoring our bilateral differences with China over human rights or conditioning MFN status because of those differences, but rather to find common ground on an issue of mutual importance that transcends the bilateral issues. If this goal can be achieved, it would hold the promise of a constructive multilateral or regional approach to North Korea's march toward nuclear weapons, of putting our key bilateral relationship with China on a new and stronger footing, and of providing a more constructive framework for tackling the bilateral problems of trade and human rights.

As Senator NUNN and I wrote in February following our trip to South Korea and Japan:

> We believe that avoiding another war on the Korean peninsula and preventing the spread of nuclear weapons are our paramount interests in Northeast Asia today. We cannot expect a China that is the object of United States economic sanctions (targeted or not) to participate in sanctions against North Korea.

As this body continues its deliberations on China's trade status, I would suggest that Members place the current debate over targeted sanctions in the larger strategic context that must be shaped by the nuclear proliferation dangers in that part of the world and the need for the United States to address those challenges in concert with real and would-be friends in the region. We must engage China fully in helping to prevent nuclear proliferation and preserve stability on the Korean peninsula. The negotiations with North Korea cannot be fruitfully concluded, nor can any economic sanctions be effectively implemented, without China's cooperation. The United States must communicate to China that this is the highest priority in our relationship.

I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KERRY] is recognized under the order previously entered for not to exceed 15 minutes.

Mr. KERRY. Mr. President, I believe that I was, under the order, to be recognized for not to exceed 30 minutes. I ask unanimous consent that that be the order.

The PRESIDENT pro tempore. Without objection, that will be the order, and the Senator will be recognized for not to exceed 30 minutes.

Mr. KERRY. I thank the President pro tempore.

Mr. President, the clock is ticking on the question of MFN for China. I congratulate the Senator from Indiana for his statement this morning and also the Senators from New Jersey and Montana for the statements they made yesterday with respect to this issue.

We all know that by June 3, the President of the United States has to decide whether China has made sufficient progress in the area of human rights to meet the conditions of his Executive order for the renewal of most-favored-nation trade status [MFN].

This is going to be a difficult decision, not the least because reasonable people will differ over the degree to which China has fulfilled the human rights conditions set out in that order. It is also, as my colleagues have already suggested, a critically important decision with far-reaching consequences for our overall relationship with China, our relationships with other nations in the Asian region, our role in Asia, and our domestic economy, though clearly the latter ought not to be put before other considerations.

Our present policy of conditioning MFN on improvements in human rights in China is rooted in the tragic events that took place 5 years ago in Tiananmen Square. It is not rooted in a 1994 assessment of the overall relationship or the interests that we have today in China. It is a policy that grew out of the grotesque, shocking confrontation that took place in June 1989 in Tiananmen Square, when students and other peaceful pro-democracy protesters were cut down by armed Chinese soldiers and run over by Chinese tanks. Those who were not killed were detained. Many of them subsequently were executed.

That, Mr. President, was an event that so outraged us that, in response, we in Congress sought to use all the means at our disposal, including the renewal of MFN, to put pressure on Chinese leaders to release those who were detained and to end the ongoing repression. At that time, before the cold war had ended and the Soviet Union had collapsed, we turned to an old and familiar tool from the cold war, the Jackson-Vanik amendment, which conditions the extension of MFN to Communist countries on freedom of emigration.

China had been receiving MFN routinely every year since 1979, when the Carter administration extended it as part of the normalization of United States-China relations. There was little opposition in Congress to the extension of MFN on human rights or any other grounds from 1979 to 1989. But the brutal attack in June 1989 on those seeking basic rights and freedoms in China changed all that. In the wake of Tiananmen Square, we sought to use the presumed leverage embodied in the extension of MFN to put pressure on China's leaders to release prodemocracy activists and fulfill other human rights conditions.

Linking trade and human rights was an instinctive American response to Chinese repression in 1989. It signaled our disapproval of China's behavior and our willingness to forgo whatever benefits we might derive from trade with China for higher, moral considerations.

I supported the policy of linking human rights to MFN at that time. To this day, I am convinced that that was the appropriate response at that moment and that we were correct in making the linkage.

Whether it ever achieved its full effectiveness remains a question because every time Congress threatened to revoke MFN, the Bush administration relied on party pressure and the veto to undermine that effort. At best, China's leaders received a blurred message. At worse, they knew that George Bush would bail them out.

Then we came to 1993. Unlike his predecessor who rejected the idea of linkage from the start, President Clinton formally embraced it. In his Executive order issued last May, the President set forth seven human rights conditions that must be met in order for China to obtain MFN again this year. I point out to my colleagues that only two of those criteria—freedom of emigration and refraining from exporting prison labor products to the United States as required by the 1992 United States-China agreement on prison labor—are mandatory, and China basically has met them.

In addition, the Executive order requires China to make "overall, significant progress" in five other areas: Adhering to the Universal Declaration of Human Rights, releasing and providing an acceptable accounting for political prisoners, allowing international humanitarian and human rights groups access to prisoners, protecting Tibet's religious and cultural heritage, and permitting international radio and television broadcasts into China.

It is easy to understand why the President of the United States elected to proceed on this course. It reflected our deepest values and our concern for those who are denied basic rights and freedoms. It enjoyed strong support among the American public and here in Congress. It reversed the Bush administration's policy toward China, which many regarded as too soft, as appeasement. However, I suggest that in 1994 this may no longer be the appropriate policy for achieving our objectives in China, beginning with human rights.

Ever since Secretary Christopher's hostile reception in Beijing in March, China has sent us mixed signals about its intention to comply with the Executive order. On the positive side, China, as I have said, seems to have met the two mandatory conditions relating to emigration and prison labor.

It has also moved, although not as far as we would like, on the five remaining conditions on which we seek "overall, significant progress." China has issued a high level statement on its adherence to the Universal Declaration of Human Rights, but we know that it has a considerable distance to go to translate the words into practice. It is now in the process of negotiating an agreement with the ICRC to provide that organization with access to prisoners. Although Chinese officials still refuse to meet personally with the Dalai Lama, they have met with his representatives on several occasions. They have also taken technical data provided by the United States on the jamming of VOA broadcasts and expressed a willingness to review this issue.

Wang Juntao and Chen Ziming, two of the most well-known prodemocracy activists arrested in Tiananmen Square, have been released. At the same time, however, Wei Jinsheng, the most prominent democracy activist who was released and then taken again into custody at the time of the Christopher trip, is still being held. Beijing has yet to release others on the list of 200 plus prisoners held since the Tiananmen Square crackdown.

Moreover, last week the central government amended its public order law to broaden further the power of the police to detain and restrict the activities of labor and prodemocracy activists, those practicing unsanctioned religions, and national minorities such as the Tibetans. This is a particularly disturbing development.

Questions will be asked in the next days. Have China's leaders gone as far as they intend to go? Are they waiting, as in past years, until the eleventh hour to take a few last-minute steps, or are they serious about moving further down the road? The next 2 weeks will provide the answers. I, personally, believe that China can go further. There is not any question about that. Nor is there any question about our desire to have them go further. And I urge China to do so in these final days.

But the question before us is much larger than simple compliance with the Executive order. The question before us is how best to promote all of our interests in China. I respectfully submit to my colleagues that if we get bogged down in a debate that focuses exclusively on whether or not China has met the Executive order, we will be overlooking the totality of United States interests in China and avoiding our own responsibility in the United States Senate to protect those interests.

I believe the President of the United States must recognize that the policy of linkage, although rooted in the best of intentions, is outdated and ill-suited to the promotion of the totality of our interests in China. It is, as I said, principally a policy shaped by the image of tanks and protesters in Tiananmen Square. It is geared to the events of 1989, not the China of 1994. It ignores the sum of our interests and the realities of 1994. It ignores China's power and potential, China's role as a regional and international actor, and our need to have a viable relationship with China in the post-cold-war period, not a cold-war relationship.

With the end of the Cold War and the demise of the Soviet Union, China has become one of the most important foreign policy challenges for the United States. This challenge cannot be met by a policy of linkage, which excludes the many other critical interests that we and our allies share in China.

China accounts for 20 percent of the world's population. Its economy is the fastest growing in the world, at an annual rate of 13 percent in the last 2 years alone. According to the CIA, China has registered an average real growth rate of nearly 9 percent a year since the early 1980's. Last year, China signed contracts worth more than $100 billion with investors from more than 40 countries. Today, China is regarded as the largest emerging market in the world.

China is the strongest military power in Asia and an independent nuclear power. China is one of the five permanent members of the U.N. Security Council, whose vote we seek on critical issues such as Bosnia, peacekeeping, and, soon, sanctions against North Korea for nuclear proliferation. We need China's cooperation. We cannot afford to adopt a cold-war kind of policy that merely excludes and pushes China away.

Unlike Russia which is in a period of turmoil, China is on the rise. Already the major power in Asia, China has the potential to be an international superpower.

For these reasons alone, the United States needs to have a relationship with China that is more workable and manageable than the one that we have had in recent years. But there are other reasons as well.

China has a population of 1.2 billion people that are denied basic human rights and fundamental freedoms. China is a purveyor of nuclear weapons related materials to some of the most dangerous nations in Asia and the Mideast. China poses the largest single security threat to the Asian nations, especially Taiwan. China controls the future of the Tibetan people. China is the power with the most influence on North Korea, as my colleague from Indiana just said. China is one of the key members of APEC and a major player on the range of issues affecting the Asian-Pacific region.

China offers a growing and potentially large market for American goods, services, and technology. China is an ecological disaster in the making, and we must be part of the partnership to prevent that disaster. China needs our environmental technology and know-how to avoid that disaster. China wants our support for its admission into GATT, and we must have China as a partner in writing the new rules of trade in this new world marketplace.

Our interests in China and, by extension, in the Asian region dictate that we have a multidimensional relationship with Beijing. But our present policy undermines our ability to forge this kind of relationship. It puts us in an untenable bind. If China fails to make the necessary progress in human rights, the President, to be credible, will have to deny the renewal of MFN for all, or some, of China's products. The impact of this action would be disastrous for our ability to promote human rights in China, our bilateral relationship with China, our role in Asia, and our economy.

Let there be no doubt that the promotion of human rights has been, and must continue to be, a critical part of our China policy. It is consistent with our national history, our humanitarian traditions, and our values as the world's strongest democracy. Repressive governments throughout the world have been subjected to our condemnation and our pressure and, Mr. President, they ought to be. China, which has one of the world's worst human rights situation, should be no different.

China is a signatory to the Universal Declaration of Human Rights, the cornerstone of the international human rights regime. However, in policy and practice, it denies its citizens internationally recognized rights and freedoms, such as freedom of speech, assembly, and information. Domestic critics are repressed, imprisoned, and often subject to torture, and other forms of physical abuse. Criminal defendants are denied legal safeguards and visits from family members. Trials are in reality sentencing hearings because "guilt" has already been assumed by the state. Detainees are held for indefinite periods of time. Confessions are forcibly extracted. Extrajudicial killings take place at the hands of government security and police forces. Hundreds of others are executed "officially."

Beijing denies that it has "political prisoners" because dissidents are generally charged and convicted, usually of "counterrevolutionary offenses" under criminal statutes. Many of China's political prisoners are sent to "reeducation through labor" camps. According to Chinese officials, there were 3,172 persons serving sentences for "counterrevolutionary" offenses at the end of last December. Even when released, former political prisoners retain "criminal" records, which affects their daily lives in countless ways including where they live, whether and where they can be employed, and their freedom of movement.

Although forced abortion and sterilization are no longer authorized by the central government, these practices continue to occur in rural areas. In urban areas, the government forces compliance through a combination of economic incentives, economic penalties, and psychological pressure.

Religious worship is allowed but only through official, state sanctioned churches. Those who attempt to practice religion outside of these channels are harassed, at times detained, and sometimes imprisoned. Bibles are confiscated. Unofficial or so-called house churches are sporadically closed down.

I learned of this first hand in January, when I visited the house church of Pastor Samuel Lamb in Guangzhou. Pastor Lamb was imprisoned for many years during the 1950's and 1960's because of his religious activities. Since his release he has continued preaching the Gospel in his house church.

His church consists of the second floor of his small, darkly lit home in the center of Guangzhou. His pulpit is a lectern on top of a table. Pastor Lamb told me that his church had been closed twice after Tiananmen Square and that government officials had threatened to close it a third time. He said that they have limited the number of sermons he can preach per week and confiscated his tapes, records, and other teaching materials. Yet, despite this, Pastor Lamb's congregation has grown dramatically, from 400 parishioners to over 1,200. Many of these new worshippers are young people who learn about the church by word of mouth.

Although the overall human rights situation in China remains poor, it is important to recognize two points. First, as I suggested earlier, China has basically met the two mandatory requirements in the President's Executive order and taken modest steps toward fulfillment of several of the remaining conditions. Second, the promotion of human rights takes place at many levels. In the case of China, other more dramatic changes, stemming from the decision to open China's economy, are taking hold.

Today, China is a more open society than at any time since the start of the Cold War. Access to information has increased, not only in the southern provinces bordering Taiwan and Hong Kong but even in rural areas where satellite dishes can be seen on the horizon. The practice of religion outside of official churches is growing, despite official attempts to stop it. A middle class is beginning to emerge, particularly in those areas such as Guangdong province, where foreign investment and trade has blossomed. Parallel with this is an improved standard of living, greater worker mobility, and more economic choice for citizens in these areas. For many Chinese citizens, the work unit is no longer the determinant of the everyday aspects of their lives.

Better living standards and greater economic choice are no substitute for fundamental political rights and freedoms. However, they are developments which should not be dismissed out of hand. Beijing's leaders have made a deliberate decision to open China's economy and markets to the outside world. We need to take advantage of that decision. We must not play into the hands of hardliners who would shut the door and go back to the age of doing everything and anything they want without the outside world looking in or objecting.

Our companies and businessmen cannot transform China into a Western society but they can expose the Chinese people to our values, our culture, our ideas, and our way of life. Over time that exposure will have a profound impact on Chinese society and China's political system. Frankly, we ought to have more confidence in the power of our ideas and values. They are a potent weapon in the struggle to promote respect for basic rights and freedoms.

At present there appears to be little support for the idea of cutting off MFN entirely. However, the administration is seriously considering the option of denying MFN for some Chinese exports to the United States, such as those produced in state-owned industries. Mr. President, this option would be as disastrous as cutting off MFN entirely because it would undermine the very process that is helping to bring about change in China. It would handicap, possibly even remove, our companies and thus our presence from China because Beijing would surely retaliate. It would close China off to our ideas and our knowledge. It would minimize, if not eliminate entirely, our direct influence on China's development and cede that over to our competitors.

In short, it would make us a bit player in a production of enormous proportions. This approach would not enhance our ability to promote human rights in China. It would reduce or, worse, eliminate it.

Failure to renew MFN would transform our bilateral relationship into one of confrontation, thereby diminishing our ability to influence China on the whole range of issues of importance to us. It would escalate the price of Chinese goods, making them unaffordable for lower income Americans and causing profit losses to many American retailers.

American exporters no doubt would find China's markets closed off to them. American investors would find business deals going to their Asian and European counterparts. This would reduce our influence, not just in China, but in all of the rest of Asia.

A confrontational relationship with China could increase the insecurity of other countries in Asia and undermine our ability to encourage peaceful resolution of economic and political problems in the region.

Clearly the stakes surrounding the MFN question are high for the United States. But they are also high for China. The United States is an important and growing market for China. China has a $25 billion trade surplus with us. As I mentioned earlier, China needs our technology, particularly in the environmental area to avoid costly environmental cleanups in the future. Our technology and know-how is critical to China's development.

China is not facing serious threats to its security at present. However, expansion of Russian power or North Korea's entry into the nuclear club could reverse this. From Beijing's perspective, a positive relationship with the United States could help to lessen these potential threats.

The high stakes involved in the revocation of MFN make it incumbent upon the President to renew MFN this year and move on to a new policy which abandons the link between trade and human rights. Undoubtedly, some are going to argue that this means sacrificing our commitment to human rights in favor of the commercial benefits of trade. I just do not agree. I think they miss the point. Delinking does not force us to choose one interest above the other. It allows us to pursue all of our interests simultaneously. It liberates us from the false choice embodied in linkage between trade and human rights.

The question is not MFN or human rights. It is a question of how we best advocate our interest in human rights and promote the development of those rights for the people of China. I believe that the best approach to achieve these objectives is severing the link between trade and human rights.

Beijing must understand that we regard human rights as a legitimate issue in our bilateral relationship, that we will react negatively and decisively if there is another event like Tiananmen Square, and that we will continue to press China to abide by internationally recognized norms and standards of human rights. In turn, we in Washington must understand that there are many ways to press our case on human rights, that we cannot unilaterally compel China to comply, and that public confrontations are likely to produce the least results.

A new policy toward China must be multidimensional and where necessary multilateral. It must allow the United States and China to discuss differences without destroying the overall bilateral relationship. It must be flexible enough to respond to changing circumstances. It must enable us to interact with all levels of Chinese society including those that are striving for greater freedom. It must combine carrots and sticks in meaningful and effective ways.

If our efforts to promote change in China are to be successful, we must strengthen our support for those inside China who are pressing for change. This is essential if we are to make it clear to the Chinese people and the leadership in Beijing that we have not abandoned our commitment to human rights. We are simply changing the tools by which we seek to promote them.

We should establish a human rights assistance program to be administered out of the United States Embassy in Beijing and the United States consulate in Hong Kong to provide direct assistance to human rights activists. These programs could provide legal aide information, technical assistance, and financial support for grassroots undertakings when possible.

To make it clear to Chinese authorities that we are watching what they are doing, we should designate a full-time human rights officer in our Embassy in Beijing and in each of our consulates in China. These officers should press the limits of the system to obtain and convey to the outside world information about the abuses wrought by the government upon its citizens. They should be our watchdogs on the front line of the struggle for human rights.

We should establish a code of conduct for American companies in China, akin to the Sullivan Code adopted for American companies in South Africa in the 1980's. American companies would be called upon to set up programs providing information about worker rights, international labor laws and practices.

We should continue to press the human rights agenda in multilateral fora. We must make our allies understand that the only effective form of pressure on Beijing in the human rights area is multilateral. Just a few months ago China succeeded in preventing the U.N. Human Rights Commission in Geneva from voting upon a resolution condemning China's recent crackdown on dissidents. China controlled this situation because our allies were afraid that voting for this resolution would upset or undermine their commercial relationships. However, had all of China's trading partners stuck together, China would have failed in taking this issue off the table and no one country would have paid the price. China can take economic revenge on one trading partner; it cannot afford to take it on all.

We should maximize the flow of information into China through expanded radio and television broadcasting. It is essential for us to undertake responsible broadcasting that provides the citizens of China with the information they want to hear, not with propaganda we want to give them. The cold war is over; we must resist the temptation to use outmoded cold war tools to address post-cold-war problems.

International exchange programs are one of the most proven methods of exposing other nations to our values and ideas. China's need for Western, and particularly American, know-how and technology provides us with a ready-made opportunity. Existing United States governmental exchange programs with China, such as Fulbright, should be expanded. New ones should be developed in those areas where China is reaching outward. For example, China desperately needs to establish a rule of law to regularize commercial and financial transactions. China also needs more trained lawyers and judges. The establishment of a legal exchange program would be attractive to the leaders in Beijing. While, at the same time, promoting Western legal values and procedures.

We need to find ways to support Tibetans struggling to preserve their culture and society. For example, the fiscal year 1994-95 Foreign Relations authorization bill contains a provision, offered by the Chairman of the Foreign Relations Committee, Senator PELL, establishing a small exchange program for Tibetan students.

The past has clearly demonstrated that we possess no stick, including MFN, which can force China to embrace internationally recognized human rights and freedoms. We can encourage, we can cajole, we can entreat, we can embarrass the rulers in Beijing but we cannot compel. However, that is not the case in other areas.

When it comes to trade, we have plenty of sticks that can and should be used to force China to open its markets and to become a responsible member of the world trading community. We can initiate investigations and impose sanctions against China under section 301 and special 301. The record to date suggests that these sanctions work. Each time we have initiated 301 investigations, the leadership in Beijing has responded positively. Why? No doubt because they regard this as a legitimate form of pressure exerted through legitimate instruments of trade.

We can also use China's desire to join GATT as a means of forcing China to open its markets and change its laws and administrative regulations to enhance the daily business of trade and investment. The GATT card is significant and we should maximize it.

Similarly, in the nonproliferation area, we can bring effective pressure on China, both unilaterally and multilaterally, through the Missile Technology Control Regime [MTCR] and through the sanctions regime on the proliferation of chemical and biological weapons. Last year the administration imposed sanctions against China under the MTCR for its sale of the M-11 missile to Pakistan. The administration was absolutely correct in taking this step. China's activities in the proliferation area are dangerous and seriously undermine our efforts to stem the tide of nuclear weapons proliferation. These kinds of sanctions can be effective, but only if we are vigilant and hardline about their imposition and implementation.

Mr. President, the passing of the cold war has initiated a period of uncertainty in international politics. The elements of power are realigning. The rules of the game are unclear. International institutions have yet to find their new role. International powers are not fully defined.

In this context we cannot afford to ignore or to alienate China. China does not pose the threat to us that the Soviet Union did. However, China is a country on the march, a country whose power and influence will grow not only in Asia but in the world at large. Our national interests demand that we have a constructive relationship with China. That can only happen if we recognize the inappropriateness of our current policy and move on to a new one which delinks trade and human rights and allows us to pursue all of our interests in tandem.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KERRY. I thank the Chair.

Mr. DANFORTH and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH], is recognized for not to exceed 5 minutes.

MFN STATUS FOR CHINA

Mr. DANFORTH. Mr. President, I think the comments of the Senator from Massachusetts are very important comments. I certainly associate myself with the Senator's conclusion. As the Senator pointed out, the continued linkage of MFN status for China to human rights conditions for China is not now suited to the promotion of human rights or the interests of the United States.

Mr. President, we have had a lengthy debate in our country between people who think that it is a good idea and people who do not think it is a good idea to link trade policy with various other objectives we might have. I have been a Senator who has been very wary, very skeptical of attempts to condition trade relations on other objectives. This issue has been hotly contested in the Senate.

But I would say, as somebody who has been skeptical about such attempts, that I recognize that those who do want to get some handle on human rights within China are representing the finest traditions of the United States. I do not think it is a good strategy to use, but I recognize what they are trying to do, and I compliment them because who can turn a blind eye to human rights abuses in other parts of the world. It is very characteristic of American principles to try to do something about China and about human rights.

As the Senator from Massachusetts has just pointed out, the fact is that continued linkage will not serve the purpose of human rights in China. There is no reasonable likelihood that to continue such linkage would do anything other than make matters worse within China. It would clearly be contrary to the commercial interests of the United States, to job opportunities in the United States. In short, it simply would not work.

At a time when the most significant foreign policy challenge we face in the world is nuclear proliferation in North Korea, clearly the cooperation of China is very important to the world order as well as to the interests of the United States.

So I do compliment Senator KERRY for his comments. I believe they are very important. I am concerned, Mr. President, that the typical political approach right now to try to resolve the conundrum we are in with respect to MFN for China is that the administration will somehow try to compromise the issue, to cut the baby in half, to maintain some kind of partial linkage of MFN and human rights or, as Senator KERRY pointed out—and really I think one of the few points where I disagreed with his comments—some sort of code of conduct for American businesses that are doing business in China.

It is the view of this Senator that that would be a mistake; that the efforts to have a partial MFN linkage or impose partial trade sanctions against China, or the efforts to have a code of conduct for American businesses, would get us basically in the same soup we are in right now.

So I would urge the administration not to do that, and to take the very simple position that continued linkage of MFN and human rights is not in the best interests of the United States. Continued linkage is not in the best interests of human rights in the People's Republic of China, and it is not in the best interests of maintaining peace in the world.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 8 minutes under the time of Senator BRADLEY. I believe that was the arrangement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana [Mr. JOHNSTON] is recognized for 8 minutes.

Mr. JOHNSTON. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Missouri as well as the outstanding statement of the Senator from Massachusetts [Mr. KERRY] on China and MFN. I believe their statements were totally persuasive, totally correct, and in the very primary interest of this country.

The question, I believe, as the Senator from Missouri told us, is really not whether we would deny MFN altogether to China. I think that would be an act of such abject foolishness that this country would really not consider that, notwithstanding the fact that calls for that come occasionally from Members of the Congress. That really is not the question.

The question is whether we will take some half-step, some cutting of the baby in two, as the Senator from Missouri calls it, something like, for example, an embargo on goods made by the Chinese military, an increase of the tariff from 8 to 10 percent, or some half-action that would be designed politically to please both sides in this conflict.

I very strongly urge the administration not to take what I believe would be a very foolish action because it is not likely to achieve any of the results that those who seek it would have it do. There is no paradigm for these half-actions, an increase in tariff related to one country. There is no paradigm for a partial embargo on items such as goods made by the military. It would not be possible to have a partial embargo on goods made by the military or goods made by the Government because, in China in this period of transition, determining what is made purely by private enterprise versus the Government is very difficult to discern.

If we took one of these half-actions, it would call for an annual review. I think even this year, if we had an annual review of MFN and graded, in effect, the actions of a prideful and sovereign foreign country, it would not likely affect the question of what would China's reaction likely be to one of these partial actions.

When you talk about MFN, I believe there are three operative words or phrases—pride, stability, and the law of unintended consequences.

We should not underestimate the role that pride plays in this whole scenario with China. Those who know history—and I know the present occupant of the chair is without peer in his knowledge of history—will know that China is one of the oldest civilizations in the world, one of the most developed civilizations in the world. Indeed, the Chinese now and always have called their country the "middle kingdom," the center, in effect, of the world. They have always considered it such. Yet in late centuries China has been the subject of great abuse. The opium wars in the late 1830's and the early 1840's were wars caused by the British policy of insisting that they send opium and open the opium markets in China.

If there was ever a case of abuse of a country by a foreign power, the opium wars and the policy that begat that war show it. This is a country that has been subjected to gunboat diplomacy, that has been occupied three times in the last 150 years. That caused Mao Tse-tung on October 1, 1949, when he finally took over, to say with great resonance around the country, "The Chinese people have stood up. They will never again be humiliated."

Mr. President, those words and the pride that they bespeak of the Chinese people and the Chinese leadership should not be lost on our foreign policymakers, because the Chinese will not be pushed around, Mr. President. They will not have the United States try to impose its value systems, its culture upon them, right or wrong. Their history, their culture, their feelings, their innermost feelings, dictate this. If ever we undertook some kind of action against the Chinese, surely they would retaliate, and surely retaliation is easy to do. They can retaliate on fertilizers where we have a tremendous market—and I might say from my State we ship a lot of fertilizer—in agricultural products, in commercial aircraft, telecommunications, energy, particularly energy efficiency. Mr. President, they can retaliate very easily just in the trade market.

I agree with my friend from Massachusetts when he says this should not be dollars and cents where you in effect worry about American jobs for human rights. That is not the tradeoff. But that is part of the equation.

The effect of denying of MFN, by some estimates, would result in the loss of 10 million jobs in China if it were a total revocation. What it would do to our relationship with North Korea, where the Chinese have been our strong ally, no one can say. It is clear that it would not have a salutary effect on that relationship. And, more to the point, Mr. President, what would be the reaction of the People's Liberation Army, which is one of the most conservative groups in China?

China has its doves and its hawks just as we do, and the People's Liberation Army constitute the hawks, constitute what we would call the conservatives, constitute those who say that China has done too much to placate America, saying that China has done too much in terms of being humiliated by the United States. The PLA, and what they represent, desiring a larger proportion of the budget of China, could very well spark a new cold war where they build up and we have to build up in reaction to that.

Finally, Mr. President, there is the question of stability. China is the most dynamic, growing country in the world, the largest country in the world, of 1.2 billion people. It had a growth rate last year of 13 percent real. It has had a growth rate of over 7 percent for decades and decades.

Mr. President, I ask unanimous consent that I be allowed to proceed under the time of Senator BRADLEY for an additional 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 5 additional minutes.

Mr. JOHNSTON. Mr. President, this growth, this transition from a total command economy to a capitalist economy, a free-market economy, leads to tremendous instabilities in China, vast differences in wealth, tremendous unemployment as formerly Government owned and run enterprises are forced into the free enterprise system.

Mr. President, it is an unstable country. Deng Xiaoping, its leader, is reputed to be in very ill health, aged 90. They do not have a model for transition, a constitutional system as we do, where someone peacefully and automatically succeeds. There is likely to be, or there could very well be, a power struggle. The Chinese see stability as an order of first priority in that country, stability before even prosperity—stability even before prosperity, Mr. President. So they are not going to install a democratic system in a country that has no background, no understanding, no culture, no history of democracy. They ought to do it, but they are not, Mr. President. That is not the way they see their own interests.

They look at Russia, which installed democracy first before free enterprise, and they see a model that they do not wish to imitate or emulate. They look at Taiwan and South Korea, which first put in free enterprise, and both of those countries used to be very much authoritarian countries. They were our allies, and we did not talk about MFN with Taiwan or South Korea. But their human rights record was no better than China's. We stuck with them because they were our allies in the cold war.

China can look at Taiwan and South Korea and see in both cases very prosperous countries, which now have some of the leading democracies in the world, which have democratic practices that even the United States does not criticize.

So here is China in a period of instability, in a period of transition from command economy to free enterprise economy, in a period of transition from Deng Xiaoping to who knows what, very concerned about their stability, who looks at these models of Russia, Taiwan, and South Korea, and the Chinese say to me, "Do you really think we should do what the Russians are doing rather than what the South Koreans and Taiwanese have done?"

It is a compelling case, Mr. President. Whether it is logical or proper, it is what they believe. They are motivated by concerns about pride and stability.

Mr. President, finally, I want to speak about the law of unintended consequences. The intentions of all who promote the connection between human rights and MFN are the very best and the very finest of emotions, just as our entry into the Vietnam war was caused by the very finest of emotions—a desire to help people, to promote democracy and freedom.

But just as in Vietnam, unintended consequences happen. So in MFN for China, unintended consequences can very well arise—tit for tat, retaliation here, and before you know it, Mr. President, it is not too much to say that the whole of Asia could be destabilized, and that a new cold war could actually begin over trade and MFN.

Mr. President, I trust this country will not be foolish enough to do that.

One final point: Is there progress? In some ways, there has been a very disappointing lack of progress in China. In other ways, the progress for human rights has been leaping forward by light years.

Mr. President, there are now 150 million people in China who are free to seek jobs, to be employed, to make their own deal with employers; whereas, just a few years ago, they were all under a controlled economy. I believe there is evidence of progress, and I believe we should delink MFN and human rights.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

UNITED STATES POLICY TOWARD CHINA AND TAIWAN

Mr. MURKOWSKI. Mr. President, we have heard a good deal of discussion this morning about the issue of most-favored-nation status. I rise this morning to extend my feelings about the necessity of extending most-favored-nation status to China.

Other speakers this morning have addressed the issue of linkage between human rights and trade. Obviously, we all want to see human rights advancements take place as quickly as possible. But the U.S. mentality is for a quick fix. We want to see the problem resolved and see it behind us. From the standpoint of the Chinese, however, they feel they are making progress. The Chinese are making progress, but not as quickly as the Americans would prefer.

Nevertheless, the question is extending most-favored-nation status or terminating it. You bring about change through trade and commerce. MFN is the vehicle which gives us an opportunity to influence the Chinese, and therefore, bring about change.

I think it is rather interesting to reflect on some of the dialog that has taken place over the last several months concerning most-favored-nation status, statements by some of our colleagues, as well as our President, concerning the adequacy of human rights advancements. I have detected some inconsistencies in these statements as compared to speeches by these same people 1 year ago. I don't think the Chinese have changed over this time period, but the attitude of the administration and many of my colleagues has changed as they have come to realize the consequences of their actions. We are faced with the harsh reality of where we will be if we do not extend MFN to China.

The Senator from Alaska feels very strongly that the concept of encouraging advancements, at the same time extending the channels through which trade and commerce can take place, will ultimately bring about a greater sensitivity toward human rights in China.

This morning I want to also talk about the one-China-and-two-systems policy of the United States—the two systems being Hong Kong and Taiwan. I think that Taiwan and Hong Kong should be an integral part of our Asian policy.

Tomorrow is the fourth anniversary of President Lee Teng-hui's presidency. President Lee, as all my colleagues are aware, is the freely elected leader of the Republic of China on Taiwan. I would like to commend President Lee for his leadership. Taiwan is a stable, prosperous, democratic country. It is a model for the emerging democracies. In recognition of these accomplishments, President Lee received a letter from over 70 Senators congratulating him. That letter is certainly evidence of this Chamber's good will toward the people of Taiwan.

Yesterday, as a further gesture of good will, Senator BROWN and I sent President Lee an individual letter asking him to consider visiting the United States, specifically the States of Alaska and Colorado.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 1994.

Hon. LEE TENG-HUI,
President, Republic of China on Taiwan, c/o Mou Shih Ding, Representative, CCNAA.

DEAR PRESIDENT LEE: The Republic of China on Taiwan, under your leadership, has become a leader in the industrialized world with a dynamic and growing economy and a prosperous and free people. As Senators from states with a strong focus on the Pacific Rim, we see tremendous opportunities to expand and strengthen ties between the people of the United States and the people of the Republic of China on Taiwan. We are firmly in favor of preserving and promoting extensive, close, and friendly commercial, cultural and other relations between the United States and Taiwan.

For that reason, we would like to formally invite you to come to the United States to see for yourself the strong sentiments and support for the Republic of China on Taiwan. Specifically, we would like to invite you as our guest to visit our home states—Alaska and Colorado. We would also be honored if you could be our guest in Washington, D.C.

Thank you for your consideration of our invitation.

Sincerely,

HANK BROWN,
U.S. Senator.
FRANK H. MURKOWSKI,
U.S. Senator.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to print in the RECORD a letter to President Clinton, dated May 17, 1994, from Senator BROWN and me regarding our invitation to President Lee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 1994.

Hon. WILLIAM J. CLINTON,
The President,
The White House.

DEAR MR. PRESIDENT: On April 30, 1994, you signed into law the Foreign Relations Authorization Act. Section 508 of that Act urges you to "take steps to show clear United States support for Taiwan * * *." This expression of congressional intent is consistent with the Taiwan Relations Act which sets forth the policy of the United States "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan * * *." 22 U.S.C. 3301.

Despite this expression of congressional intent, we were embarrassed to learn that the Department of State refused the request of the Honorable Lee Teng-hui, the freely elected leader of the democratic Republic of China on Taiwan, to overnight in Hawaii enroute to Costa Rica. We believe this decision was ill advised. We were particularly dismayed to hear that this decision was made to appease the PRC's Ambassador who had protested the presence of President Lee on American soil.

Mr. President, we believe that our country should be doing everything it can to promote close and friendly ties with the Republic of China on Taiwan—a democratic country that is extremely important to our economic and security interests in East Asia. For that reason, we have attached a letter that we have sent to the Honorable Lee Teng-hui inviting him to visit our home states of Alaska and Colorado, and to be our guest in Washington. We think that such a visit by Mr. Lee can go a long way to repair the damage done by the recent snubbing at the hands of the State Department, and to promote extensive, close, and friendly relations with the people of the Republic of China on Taiwan.

Sincerely,

FRANK MURKOWSKI,
U.S. Senator.
HANK BROWN,
U.S. Senator.

Mr. MURKOWSKI. Mr. President, we think such a visit by President Lee will help preserve and promote close and friendly ties between the United States and Taiwan. We believe that such increased ties can be made without harming relations with the People's Republic of China.

While Congress is intent on improved relations with Taiwan, to some extent, our administration stays rooted in history. Fifteen years have passed since Congress passed the Taiwan Relations Act. Yet, our actions towards Taiwan have not moved forward during that time to any great degree.

Few of my colleagues know that 2 weeks ago the State Department—after protests of the ambassador of the People's Republic of China—refused to let President Lee's plane stay overnight in Hawaii en route to Costa Rica. The base commander was not even allowed to come out and greet the President.

RESTRICTIVE POLICY ON VISITS

The State Department's explanation is that it is a sensitive issue because of the lack of diplomatic relations between the United States and the Republic of China. But within 1 month of President Lee's visit, we have seen several individuals who have no official relations with the United States Government hold meetings in Washington: The Dalai Lama of Tibet's Government-in-exile; Yasser Arafat of the PLO; Gerry Adams of Sinn Fein; Mrs. Anson Chan of Hong Kong's government.

NO HIGH-LEVEL VISITS

We have had no high-level visits to Taiwan since USTR Carla Hills went in 1991. But France, Germany, the United Kingdom, and other allies send high-level officials to Taiwan frequently, while still maintaining normal relations with Beijing.

REPRESENTATIVE OFFICES HAVE CODE NAMES

We have unbelievable procedures for identifying offices for Taiwan. The offices have code names. The CCNAA—Coordinating Council for North American Affairs—is the name of the Republic of China's office here. The name has no identification with Taiwan. In Taiwan, we have the American Institute of Taiwan. At least our office is identified with America.

VISA STAMPS

If you want a visa to come to the United States, it bears a Hong Kong stamp. That is what our representative office, AIT, issues. What happens in 1997? The State Department has not addressed that issue yet—but it must.

PASSPORT PLACE OF BIRTH

Taiwanese with United States passports are not allowed to record Taiwan as their place of birth on the United States passport. We hope that recently passed legislation will solve this inconsistency.

The list goes on and on, but time is short so I will stop here.

The point is that this is simply a crazy way to treat a friend and ally. The administration and Congress should work together to make positive changes.

Mr. President, I am convinced that these changes should be made as part of an overall policy approach to Asia that stresses greater balance in our relationship not only toward Taiwan but toward China as well. But I will save that speech for another day, some time closer to June 3.

I wish the President pro tempore a good day.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN], is recognized for not to exceed 5 minutes.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

INTEREST RATES

Mr. LIEBERMAN. Mr. President, yesterday I came to the floor to speak with my colleagues about my concern, indeed my anger, about the decision the Federal Reserve Board made on Tuesday to raise short-term interest rates. My concern is that that decision was made in spite of the fact that every economic indicator we see suggests that the economy is not overheated. In fact, we are growing at a moderate 2.6-percent rate. There is no sign of inflation, and in April the key indicators, the consumer price index, the producer price index, one went down and one went up a little. The housing industry tells us that new housing starts went down 2.5 percent in April.

In the midst of all that, the Federal Reserve comes along and raises the cost of money to small businesses that need to create jobs, on consumers that need to buy cars and buy houses.

Today, Mr. President, I want to speak not just about the fact of the rise in interest rates but, if I may put it this way, the speed with which some rates go up and the slowness with which others seem to move or, to put it more directly, I am troubled by the way in which the banks have so quickly raised the interest rate on the money that businesses and consumers borrow from them and how slowly, how long it takes them to raise the interest rates they are willing to pay to consumers who put money into the bank in savings.

Mr. President, on Tuesday the Federal Reserve announced at 2 p.m. that they were raising short-term interest rates. By 2:30, a half hour later, three of the major regional bank centers, Citibank, First Chicago, and Bank of New York had already raised the prime rate a half percent to 7¼ percent interest, which represented a cumulative increase in of a point and a quarter in the prime rate since February. It was one-half hour to achieve that. In one-half hour the cost for borrowing for small businesses that need the money to create jobs went up dramatically. The cost of a car loan, a $10,000 4-year car loan will cost the average consumer $300 more at 2:30 than at 2 on Tuesday afternoon. Another example. A $50,000 small business loan at prime plus 3 will cost $2,700 more today than the same loan would have cost last February. All that in a half hour.

But, Mr. President, have we seen any increase in the interest rates paid to consumers, particularly elderly Americans, who believe in the traditional savings bank certificate of deposit? Have we seen any increase in the interest rates paid to those consumers in the time since 2 o'clock on Tuesday? No. It was a half hour to raise interest rates on money we want to borrow; it is 44 hours plus and the clock is running and no increase in the interest paid on savings that hard-working Americans put away in a bank that have been hovering around 3 percent, which, Mr. President, in real terms adjusted for inflation basically comes to just about no interest at all.

So I have come to the floor today to make an appeal to the banking industry of America to be fair with consumers. If the Fed has created the context, erroneous as I think it is, to raise interest rates on money borrowed, is it not fair to raise interest rates also on the money we put into the bank?

I call on consumers. There was a TV debate the other night between the representative of the banking industry and a consumer representative about this, and the bankings industry representative said maybe consumers should go to the local banks and say they want more interest; maybe that is the way the interest rates will go up.

Maybe that is the way it will go up. If it is, I urge American consumers again, particularly those senior citizens, those hardworking middle-class families that are putting in the dollars in the bank, that are not putting their money into the speculative futures markets and sophisticated instruments that travel so quickly around Wall Street these days—these are the traditional American savings, the bedrock of our country and what used to be the bedrock of our economy who deserve a better deal at the bank, who deserve higher interest rates. The clock is ticking. It is almost 44½ hours since the Fed raised interest rates with no increase in interest rates on savings given to consumers. Let us see those interest rates go up as we watch the clock tick away. That is fair, Mr. President.

I thank the Chair and I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. KOHL], is recognized for not to exceed 5 minutes.

Mr. KOHL. Thank you, Mr. President.

SAFE DRINKING WATER

Mr. KOHL. Mr. President, this morning we are going to vote on final passage of the Safe Drinking Water Act reauthorization. I am very pleased that we have included in this bill strong provisions to address the growing concerns about parasite contamination. The bill requires EPA to set standards for safe levels of cryptosporidium in drinking water. And it requires EPA to institute an aggressive research program to develop better ways to detect and treat for cryptosporidium and other parasite contamination.

And Mr. President it is not a moment too soon, because the city of Milwaukee just last night learned that a water sample taken 9 days earlier has again turned up traces of cryptosporidium, the same parasite that caused death and illness in that city 1 year ago.

Despite these traces, no disease has been reported. In reality, we do not really know what the positive test means from the standpoint of public health, and this precisely demonstrates the problem.

The state of science is extremely limited with regard to our understanding of how to detect and treat for parasites like cryptosporidium. We do not even understand what levels of cryptosporidium will cause illness.

It is shocking that Milwaukee has to wait 9 days to get the results from a water sample, and it is ludicrous that we do not know exactly what it means to human health when they do get back the results of those tests.

It just so happens that since Milwaukee's outbreak a year ago, the city has been aggressively monitoring for cryptosporidium. But it is suspected that the parasite is much more widespread than we recognize in other parts of the Nation, where no such monitoring is taking place.

So, Mr. President, again, I believe that Milwaukee's continuing problems are a clear example of the need to move this bill forward as quickly as possible. We have a lot to learn about drinking water safety, and we have no time to waste. I urge my colleagues to vote in favor of final passage of S. 2019, to reauthorize, and to improve, the Safe Drinking Water Act.

I thank you, Mr. President.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, it appears that we have secured broad, bipartisan support for a series of reforms to the Safe Drinking Water Act, a law that has become most controversial in recent months.

Achieving this much reflects the contributions of many Senators and others, including the Administrator of the Environmental Protection Agency, Carol Browner, and her team in the EPA water office.

The problems with the Safe Drinking Water Act were first brought to the attention of the Senate in 1992 by the Senator from New Mexico [Mr. DOMENICI]. He alerted us then to the problems in the program and to the need for promptly enacted reforms. His determination to see real changes in the Safe Drinking Water Act has been steadfast right through to today. He was our sentinel out on the frontlines of this battle.

In response to the concerns Senator DOMENICI raised, the Congress adopted an amendment that I offered along with Senator LAUTENBERG to the 1993 EPA appropriations bill. That amendment delayed the proposed radon standard, provided some relief to small systems from monitoring requirements and requested a report from EPA on the status of the program.

EPA's report arrived in September 1993. It is a thorough analysis and has been very helpful to Senators in understanding the intricacies of this law. The head of the drinking water office, Jim Elder, deserves special praise for the quality of his report and the foundation that it has laid for this Senate debate.

Administrator Browner included 10 recommendations to strengthen the program along with the EPA report. At the top of her list was the proposal by President Clinton to establish a new State revolving fund program to support infrastructure investments for drinking water treatment. The President committed $1 billion per year in Federal grants to this new program. It does not miss the mark by much to say that the promise of capitalization grants for State revolving funds has been the glue that has held this legislative effort together at many difficult moments. The President's bold proposal for a new Federal grant program deserves some of the credit for our presence here today.

Senator BAUCUS used the 10 EPA recommendations as the foundation for his bill, S. 1547, which was introduced in October of last year. The committee held hearings on that bill and it was the starting point for the bill that is now before the Senate.

Some parts of that bill, including new fees to be imposed on drinking water systems and criminal enforcement provisions that had been recommended by EPA, generated strong opposition among officials of State and local government. Because of these objections, some significant adjustments were required when the bill reached markup at the full committee.

I want to applaud my colleagues on the Republican side of the aisle for the help they gave us at that point in the process. Although some of them preferred a much stronger dose of reform, they voted unanimously to support the committee process and report a reauthorization bill to the Senate. The votes by Senators SIMPSON, DURENBERGER, WARNER, SMITH, FAIRCLOTH, and KEMPTHORNE gave us a 17-0 vote in committee and real momentum to move the chairman's bill with significant amendments to the floor of the Senate.

Most people were expecting a pitched battle here on the floor when the leaders called up this bill. But through the assistance of Senator KERREY of Nebraska and Senator HATFIELD of Oregon, that battle has been avoided. They have ably represented the concerns of their States and their drinking water systems in working with us to develop a series of additional amendments that brought this bill into a form that most Senators will support.

It is rare for Senators who are not members of the committee of jurisdiction to play such a strong and constructive role in developing a bill. I know that Senator HATFIELD prepared for this effort by holding many town meetings in Oregon. At the meetings they discussed problems with the drinking water program as it is experienced by people who actually run small drinking water systems. Senator KERREY is a very able member of the Appropriations Subcommittee with jurisdiction over EPA and the needs of the program first came to his attention because of the issues related to the radon standard. We are grateful for their interest and the time they have spent to find thoughtful solutions to the concerns their constituents have raised.

Reaching this degree of consensus on a program that has generated so much controversy is a considerable achievement. We all congratulate Senator BAUCUS on his success. I know he joins with me in extending appreciation to each of those I have mentioned and to the other Members of the Senate, administration officials, and State and local government officials who have played a constructive role in this process.

Mr. President, the principal difficulty that we face in designing a workable Federal drinking water program is the great disparity in the size of public water systems. Most Americans get their drinking water from large municipal utilities that serve 10,000 or more people. But most drinking water systems are quite small serving only a few hundred people.

Let me give you the statistics. There are more than 220,000 public drinking water systems covered by the requirements of this act; 60,000 of those systems are community systems with connections to homes or other residential buildings. Of the 60,000 community systems, 36,000 are very small serving fewer than 500 people.

On the other hand, 79 percent of the population receives its drinking water from systems that serve more than 10,000 people. That is the disparity—79 percent of the population gets its drinking water from large systems that can afford relatively sophisticated treatment while at the same time there are 36,000 very small community drinking water systems that often do not have the technical or financial ability to use even simple treatment like chlorination or filtration.

As is the case with most utility services, there are large economies of scale in drinking water supply. A large system that serves tens of thousands can afford monitoring and treatment programs that are absolutely out of reach for small systems. That makes it very difficult to set a uniform Federal standard that applies in a workable way to all drinking water systems. What people living in large cities can afford, and want, in the way of health protection is often not affordable in small towns.

There are several ways to resolve that dilemma. You could have two standards—one urban and one rural. But most people reject that idea. It sounds too much like second class health protection for Americans living in small towns.

There are others who apparently believe that the best solution is to abandon the notion of a Federal drinking water program. They would resolve the dilemma by passing the problem off to the State. That proposition was offered in an amendment by Senator WALLOP yesterday afternoon. Making the program voluntary with the States would take the pressure off EPA and the Congress, I suppose, but it does not solve the dilemma. At some level of government it would still be necessary to confront the challenge of meeting health-protection drinking water standards in communities served by small public water systems.

A coalition of State and local government interests have put another proposal on the table. They suggest that existing provisions of the law requiring EPA to set standards as close to the health goal as feasible be put aside and that EPA be allowed to weigh a wide range of cost and risk information in picking a drinking water standard. The corollary to their theme is that current drinking water standards are not based on good science. Many Senators came to the view that better scientific information and a more carefully balancing of cost and health risk concerns might produce standards that would resolve the big city-small town dilemma.

That is not a correct view. It is usually not possible to find one standard that is ideal for systems of all sizes. No amount of analysis can overcome the economic reality of drinking water supply. Large systems can afford more health protection, more monitoring, more treatment, more source water protection.

The bill before the Senate attempts to resolve the dilemma with a four-part strategy. First, the bill mandates that EPA reconsider the monitoring regime it has promulgated, especially for the contaminants that are pesticides or industrial chemicals. It is possible to substantially reduce monitoring costs in this program without sacrificing an ounce of health protection.

Second, the bill allows States to give variances to small systems that cannot afford to comply with the Federal standards. These variances would require the systems to use the best treatment technology they can afford and would only be granted after other options like alternative sources of water supply or consolidation with other systems have been considered.

Third, the bill establishes a new basis for a radon standard. Radon is a small system contaminant. It occurs in ground water which is the source of supply for small systems. It is expensive to treat water to remove radon. The standard proposed by EPA would force thousands of systems with no other drinking water problem to install treatment. Because EPA's proposed rule would establish a health protection level far below the threat from other sources of radon including indoor and outdoor air, the bill provides an alternative approach to reduce the risks from radon. In States that have programs addressing the indoor air radon risk, the drinking water standard will be set at a less stringent level reflecting risks from exposure to radon in outdoor air.

Finally, and perhaps most important, the bill authorizes a substantial Federal grant program to assist small communities in acquiring the treatment systems that are necessary to provide safe drinking water. Money for the new revolving loan fund program has already been appropriated awaiting enactment of this bill. EPA has estimated that the total cost to install treatment to meet all standards that have been promulgated under the 1986 amendments to the Safe Drinking Water Act is $8.6 billion. This bill authorizes $6.6 billion in grants to meet these needs. It is also important to note that the Rural Development Administration provides grants and loans amounting to hundreds of millions of dollars per year to small drinking water systems, as well.

This four-part solution to the dilemma confronted by any effort to set uniform Federal health standards for all drinking water systems has not been easy to sell. It would have been far easier to pretend that the standard setting authority of the law is the problem and that wide-open discretion to pick an objective and unbiased standard based on sound science the sure solution. In my view that course would have led to paralysis at EPA, or to a relaxation of the health standards so sweeping as to deny the American people the safe drinking water they want and can readily afford.

That we have been able to reject the simplistic solutions and recognize that the problem is in the economics of drinking water supply, rather than structure of the law or the competency of the Agency is a substantial achievement for this body. As I have said, we owe thanks to many who serve in this Chamber but especially to the distinguished chairman of the Environment and Public Works Committee, Senator BAUCUS, and to the Senators from Oregon [Mr. HATFIELD] and Nebraska [Mr. KERREY].

Mr. President, I see the Senator from Idaho is about to speak.

I just want to briefly say that a lot of thanks are due to the chairman of the committee, Senator BAUCUS; for Tom Sliter, his top aide in this; and Jimmie Powell, the leading staff worker on this side. They are two of the hardest working, bright, even-tempered, and talented people I have had the pleasure to work with and we all owe them a hearty thanks for their work on this bill. And I want to congratulate each and every one of them.

The chairman has worked diligently on this program and deserves a lot of credit for it. I salute him and those members of the staff.

Last night, Senator BAUCUS mentioned many of the staff people who worked on this bill, including those from EPA who gave us valuable assistance throughout this process, and I want to join him in thanking all of them.

In addition to those he mentioned last night, I want to acknowledge the long hours and dedicated effort put into this bill by several people who work for members of the committee. They are: Brent Erickson with Senator SIMPSON, Ann Loomis with Senator WARNER, Chris Russell with Senator SMITH, George Howard with Senator FAIRCLOTH, and Meg Hunt with Senator KEMPTHORNE.

From my staff, I want to thank Lori Williams, Dan Delich, and John Grezebien as well as those staffers who work behind the scenes, those who never get to the Senate floor but play a vital role in the legislative process: Carolyn Streeter, Donna Campbell, Marie Balderson, and Irene Sarate.

I thank: Martha Bennett and Doug Pahl with Senator HATFIELD and Diane Hill with Senator KERREY.

From the EPW majority staff: JoEllen Darcy, Jeff Peterson, John Reeder—on loan from EPA—Bob Irvin, Karen Ilardo, Jerry Reynoldson, and Peter Scher.

From the EPA staff: Carol Browner, Administrator; Bob Perciascepe, Assistant Administrator for Water; Chuck Fox; Phil Metzger; and Jim Elder, Director of the Safe Drinking Water Program.

I thank the Senator from Idaho very much.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. KEMPTHORNE] is recognized.

SAFE DRINKING WATER REAUTHORIZATION

Mr. KEMPTHORNE. Mr. President, I am pleased the Senate is acting on the safe drinking water reauthorization. It is an important bill for my State, where many communities have been struggling to comply with the existing law.

As I approached this authorization, I had two principal goals. First and foremost, I wanted to make sure that any reform initiative undertaken by the committee continued to protect public health. Second, I hoped we could introduce some badly needed flexibility into the law. I believed that it was time to allow States to tailor drinking water requirements to fit their unique circumstances and to provide better assistance to communities, especially the smaller communities that face large costs to comply with the law. As Senator BAUCUS himself pointed out, the Safe Drinking Water Act has, for most of American States and cities, become a symbol of Federal heavy-handedness and abuse.

I voted to report this bill from committee because I believe we had made significant progress in producing a bill that met my goals. Following the markup, I joined some of my committee colleagues in outlining issues that we thought needed more work prior to full Senate consideration. Together, we helped to initiate an effort to see that happen.

While I think there is always more than we can do, I believe that we have reached a point today that, on balance, gives us a bill that is an enormous improvement over current law. In an ideal world I would have done even more to empower State decisionmaking and to redefine the Federal-State relationship. But we have struck a balance here, retaining EPA oversight while giving the States significant responsibility for developing alternative monitoring schemes and for administering a program for small system variances.

I hope the States use the authorities under this act to help public water systems comply with the law and to reduce their costs of doing so. I also hope that EPA will reject past practice and withstand the temptation to micromanage the States, or to dictate the details of State programs because it prefers uniformity to variation. Should these reforms survive a conference with the House, I expect to watch very closely the implementation of these reforms, and I will press to make further changes should our intended result not happen.

For today, I am pleased the committee has responded so well to the issues defined by the additional views that I prepared jointly with Senators SIMPSON, WARNER, SMITH, and FAIRCLOTH, my colleagues on the committee. I also congratulate Senators HATFIELD and KERREY for their role in helping to bring about the improvements that have been offered today, and Senators DOMENICI and BOREN for introducing their bill, which provided a goal line to move toward.

Needless to say, the good will and hard work of Senator BAUCUS and Senator CHAFEE made it possible for us to achieve a product that comes closer to addressing those of my concerns that were still outstanding at the close of the markup in committee.

Since that time, the bill has been substantially modified. I would like to highlight some of the improvements to the bill that were of particular interest to me. Under the bill, States are given more flexibility to develop alternative monitoring programs without undue interference by the EPA. The language pertaining to the selection of future contaminants has been modified to delete the presumption that any contaminant studied for regulation would actually be regulated.

More than at any other time in the past, we are likely to see future contaminants regulated on the basis of good science, their actual occurrence in drinking water, and their risk to public health.

My State had expressed serious concern about the bill's original mandate requiring State programs to address the viability of new and existing systems in a manner prescribed by EPA. Failure to have an EPA-approved program would have jeopardized both primacy and a State's revolving loan fund allocation.

We've worked out a program that should give States maximum flexibility to deal with viable systems and allowed for the development of a purely State-based program. I believe these ingredients are essential if States are to be successful in working with presently nonviable systems.

In the area of standard setting, the present language is an improvement over that contained in the bill reported by committee. I think it provides a good basis from which to work, and one which we can revisit in the future should it be necessary.

I am still concerned about the mandates imposed in the context of this bill. The committee has been responsive in providing funding for State administrative costs, including a means to fund the upsurge in State administrative needs in the immediate future. It has also been generous with the State revolving loan fund, which is crucial to assist with the capital costs for treatment facilities.

I do not believe the funding we have provided is adequate to cover the ultimate cost to local government of complying with the requirements of this bill, particularly as new contaminants are regulated. But it is also true that the significant reforms that we have made today in monitoring, variances for small systems, the scientific basis for EPA decisions to regulate, and standard setting may provide the kind of flexibility that will produce substantial reductions in any remaining unfunded mandated costs. On that basis, and at the behest of State and local officials who have worked so hard to achieve this compromise, I withhold offering an unfunded mandates amendment.

I intend to support this bill on final passage.

I would like to then address the Safe Water Drinking Act which in just a few moments we will be voting upon.

Mr. President, I think it is very important that if you disagree with something you should speak out, but I think also when you agree with something you should speak out as well.

As a member of the Environment and Public Works Committee I was very involved in this legislation as it was being dealt with in the committee. I hope that I brought to that process the perspective of a local official because, as you know, I was the former mayor of Boise, ID.

There are a number of issues I am very concerned about with the existing law. Therefore, I tried to bring that focus when we talked about the new legislation that is proposed. A number of those concerns were addressed by the chairman and the ranking member and were included in the chairman's opening remarks.

I know there are a number of colleagues who are still considering how they may vote on this measure. I would just ask them this question, as I have asked myself: Are there improvements in this proposed Safe Drinking Water Act reauthorization over the existing law? The answer that I have concluded is there are vast improvements. There are significant achievements, such as a substantial State's flexibility for designing alternative monitoring programs. There is the small systems variance, the risk assessment, both for non-carcinogens as well as carcinogens. Are there costs involved in this? Absolutely. Are all costs taken care of? No.

But there has been genuine effort to authorize funds for many of the costs involved, and that again is a vast improvement.

So today, Mr. President, I would just like to state before this vote that I will vote for the Safe Water Drinking Act reauthorization. I urge my colleagues to do so as well. I believe that if they do, they will find that a number of mayors and county commissioners in their respective States will be grateful for their support of this legislation, which I hope will have strong support and will be carried in the House, as well.

I commend Chairman BAUCUS and the ranking member, Senator CHAFEE, for their efforts in crafting what I think is a very balanced and progressive bill.

Mr. President, thank you very much.

HONORING THE LATE LEONARD CARPENTER

Mr. DURENBERGER. Mr. President, I rise today to commemorate the passing of a major contributor to the commercial and cultural life of Minnesota. Last Sunday, my friend Leonard Carpenter died at the age of 91.

Leonard was truly a man for all seasons. Born in Orono, MN, he went from Yale to the 1924 Paris Olympics, where he was a member of the gold-medal United States rowing team.

Back home, he became a key figure in Minnesota's lumber industry, impressing industry observers with his accomplishment in turning a struggling enterprise—McCloud Lumber Co.—into a major economic success.

But Minnesotans—myself included—will miss him most as a driving force behind the Minnesota Orchestra. For over half a century, he devoted his very best efforts to making that symphony the pride of our State—serving in various capacities, including vice president and member of the board of the Minnesota Orchestral Association.

He will be missed by the many of us who knew him and loved him. I would like to take this opportunity to extend the warmest condolences to his widow Geraldine—and especially to thank her for the terrific contribution she made to building the Leonard Carpenter success story. All Minnesotans stand in the debt of Leonard and Geraldine Carpenter.

Mr. President, I ask unanimous consent that the Minneapolis Star Tribune obituary of Leonard Carpenter be included at the conclusion of my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

(From The Minneapolis (MN) Star Tribune, May 17, 1994)

LEONARD CARPENTER, KEY ORCHESTRA SUPPORTER, DIES

(By David Chanen)

Leonard G. Carpenter devoted more than 50 years to the Minnesota Orchestra, but it was only a small part of what made his life special.

He ran one of the largest lumber companies in the United States and was a member of the rowing crew that won a gold medal in the 1924 Summer Olympics in Paris. Through all his accomplishments, his greatest joy might have come from classical music and his work with the orchestra.

He died Sunday at Abbott Northwestern Hospital in Minneapolis. He was 91.

"He had an interest in everything that was going on around him, from business to his extended family," said his son, Tom, of Buffalo, Colo.

His longtime friend and former next-door neighbor, John Pillsbury, said Carpenter was a gentleman with capital letters. He took Pillsbury, the retired chairman of Northwestern National Life Insurance Co., on his first sailboat ride. Both raced at the Minnetonka Yacht Club, where Carpenter was a champion.

The Minnesota Orchestra was known as the Minneapolis Symphony until 1968. Carpenter was a board member of its governing body, the Minnesota Orchestral Association, for 56 years, including long terms as vice president and member of the executive committee. He was named a life director, the association's highest honor, in 1970. His father, Albert, was a charter member of the board of the association when it was formed in 1903 and was its president from 1905 to 1945.

"If he was in town, Carpenter and family members were always attending concerts," said Richard Cisek, former president of the association "He had a great devotion to the orchestra and wanted to make sure it was a gift to the community."

He said Carpenter had a great understanding of classical music and was tenacious when it came to defending the orchestra's artistic standards. His son was a board member of the association, and his daughter-in-law, Vicky B. Carpenter, is now chairwoman of the board.

Carpenter was born in Orono and attended the Blake School in Hopkins and Hotchkiss School in Lakeville, Conn. He earned a bachelor's degree in English from Yale University. While at Yale, he was part of the team that won a gold medal in rowing at the 1924 Summer Olympics in Paris. The crew never lost a race and set a world record.

Except for a stint in the Navy during World War II, he worked for the family lumber business, Shevlin, Carpenter & Clarke. It was a sawmill operation that operated a railroad and distribution sites throughout the United States.

He was president and director of McCloud Lumber Co. in Minneapolis and president of McCloud River Lumber Co. in McCloud, Calif., both associated with Shevlin, Carpenter & Clarke. The company was sold to U.S. Plywood Corp. for more than $40 million in 1962.

"He took the company, that for a time was floundering, and turned it around with his leadership abilities," said Curt Lee, former comptroller at McCloud Lumber Co. "He had a phenomenal success record."

Preservation of the forest and the proper management of timber was important to Carpenter, Lee said. He was a board member of the National Lumber Manufacturers Association and the National Forest Products Association, president of American Forest Products Industries and a member of the American Forest Society.

He was a director of First Bank System, Northwestern National Life Insurance Co., the Minneapolis Institute of Arts, the Minneapolis Foundation, the Minnesota Historical Society and the Community Chest of

Hennepin County (now United Way of Minneapolis Area), trustee of the old Farmers & Mechanics Savings Bank of Minneapolis and a member of the Minneapolis Club and Woodhill Country Club in Orono.

Besides his son, Carpenter is survived by his wife, Geraldine, and a daughter, Nina Carpenter Masek, of Sonoita, Ariz.

A celebration of life and music including members of the Minnesota Orchestra and assistant conductor William Eddins will be held in his honor at 3 p.m. Thursday at Orchestra Hall, 1111 Nicollet Mall, Minneapolis. Memorials to the Minnesota Orchestra Association's Leonard G. Carpenter Family Fund are suggested. Arrangements are by the David Lee Funeral Home, Wayzata.

THE 40TH ANNIVERSARY OF BROWN VERSUS BOARD OF EDUCATION

Mr. DOLE. Mr. President, this week marks the 40th anniversary of the landmark Brown versus Board of Education decision. With this single ruling, the Supreme Court changed America for the better, forever altering our Nation's social landscape. No longer did separate mean equal. No longer did black American mean second-class citizen.

The Brown decision soon led to other civil rights successes: The Civil Rights Act of 1964, prohibiting job discrimination; the Voting Rights Act of 1965, a law that has made the right to vote something real for millions of Americans.

Even the Americans With Disabilities Act owes much to the Brown legacy. Yes, separate is not inherently equal, and that's why the A.D.A. seeks to offer all of our Nation's citizens, including those with disabilities, the opportunity to enter the mainstream of American life.

Since the Brown decision, there have been many individual success stories. Young black men and women graduate from our finest universities. Minorities continue to move ahead in corporate America—though much more work needs to be done in this area. Thousands of black Americans have been elected to public office—in Congress, in State legislatures, as mayors of our Nation's largest cities, even as Governor of Virginia. And a black American from the Bronx, Colin Powell, has inspired us all, rising from the ranks of the ROTC to become our Nation's top military official, Chairman of the Joint Chiefs of Staff.

Yet today, 40 years after Brown, America remains a deeply divided country. Race relations are shockingly poor. In too many communities, fear has replaced hope, distrust has replaced understanding.

Forty years after Brown, it has become obvious that the so-called rights revolution started in 1954 has not, and cannot, do it all. It is self-deception, pure and simple, to believe that America's tattered social fabric can somehow be patched together simply by using an ever-expanding list of rights as the stitches.

No right can solve the daunting problem of illegitimacy. No right can end the violence in our inner cities. No right can raise educational standards and guarantee educational success.

Three years ago, Congress' top legislative priority was the Civil Rights Act of 1991, which codified an area of employment law known as the law of disparate impact. Mainstream civil rights leaders where effusive in their praise of the bill, saying it was essential to restoring the principle of equal opportunity.

Yet, today, if you were to walk into any public housing project and ask its residents about the Civil Rights Act of 1991, you are likely to be met by a wall of blank stares. Why? Because the law of disparate impact is irrelevant to the millions of black Americans who spend their lives wading through the dangerous shoals of the underclass.

Mr. President, the times have changed—and these times demand a civil rights agenda that is not merely popular, but one that can also make a real difference, as the Brown decision did 40 years ago.

This past weekend, University of Pennsylvania law professor Lani Guinier suggested that our country should engage in "a national conversation on race," I agree.

Indeed, having a frank discussion about race is difficult because the cost of plain talk can be so high: Whites who argue against racial preferences or who cite rising black crime rates are too often branded as "racists." They may even try to lace their arguments with quotes from like-minded blacks, as if compelled by a need for political cover. Blacks who challenge the prevailing orthodoxy on, say, affirmative action, have suffered the indignity of being labeled an "Uncle Tom."

And yes, those of us in positions of leadership have been slow to act, shying away from a frank and meaningful discussion about illegitimacy, single-parent families, violent crime, welfare dependency, the absence of moral values among our young—the forces of social decay, in other words, that are crashing against black America, as well as white America, and poisoning relations among the races.

Mr. President, when Oliver Brown and his daughter, Linda Brown Thompson, succeeded 40 years ago in challenging Topeka's segregated school system, they taught us that individuals, acting out of conviction, can make a big, big difference in the lives of us all. That's why I sponsored the legislation establishing the Brown Historic Site at Topeka's Monroe School.

But the Brown family also taught us another lesson. They taught us how important it is to have the courage to ask questions. Oliver Brown didn't simply accept that "separate was equal," but questioned why that was so.

And that's what we have to do today. We have to question: Why do we have a thriving black middle class, but a despairing black underclass? What social forces feed a Louis Farrakhan, whose message of racial separatism continues to tap a responsive chord? Why are the illegitimacy rates in some communities so high, and the carnage of crime so vast?

I don't pretend to have all the answers. But we must start asking the questions * * * publicly, fearlessly, and with optimism. That's the most important legacy of Brown versus Board of Education.

U.N. PROTECTION FORCES ARE NOT PROTECTING BOSNIA

Mr. DOLE. Mr. President, yesterday, the United Nations Protection Forces units in the United Nations declared safe haven of Tuzla again came under attack by Bosnian Serb forces. Once again, these forces requested NATO air strikes. And once again, the U.N. special representative, Yasushi Akashi, turned down their request.

Well, the Nordic battalion cannot count on Akashi to come to their defense, but the Bosnian Serbs can. The Bosnian Serbs have an overwhelming advantage in tanks and artillery, but their biggest advantage appears to be Akashi and his refusal to use NATO air forces at his disposal—even when United Nations forces are under direct and serious attacks by Serb forces.

I do not know how many times U.N. forces have requested air support. I would like to know, but apparently the Pentagon does not keep track of these requests—which is odd in view of the administration's support for this NATO-U.N. arrangement.

The bottom line is that the United Nations protection forces are not protecting Bosnians—they can hardly protect themselves. The only rational way out of this absurd situation is to withdraw UNPROFOR and lift the arms embargo so that the Bosnians can defend themselves. As I mentioned here last week, if the administration does not move to lift the embargo in the near future, Senator LIEBERMAN and I—and I think many others who were on the other side the last time—will offer our bill once again as an amendment to pending legislation. Lifting the embargo is the right thing to do and the smart thing to do, and now is the time to do it.

COMMENCEMENT ADDRESS OF SENATOR THAD COCHRAN AT MISSISSIPPI STATE UNIVERSITY

Mr. DOLE. Mr. President, someone once said that the role of a commencement speaker is like the role of a body at a funeral—they cannot hold the ceremony without you, but no one expects you to say very much.

Those who graduated from Mississippi State on May 14 were very fortunate. For they had the privilege of hearing a commencement speech that contained a great deal of wisdom, and that said a great deal about America and its future.

The speech was delivered by our friend and colleague, Senator THAD COCHRAN. Senator COCHRAN reminded the graduates of the promise of America, and the threat to this promise which comes from the loss of character.

It is a message that all of us should read, Mr. President. I ask unanimous consent that the text of Senator COCHRAN'S commencement address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS—MISSISSIPPI STATE UNIVERSITY

(By U.S. Senator Thad Cochran)

Thank you very much. Dr. Zacharias, I appreciate having the honor of being commencement speaker today.

I know some of you may wonder why they invited an Old Miss graduate to do this speech. Well, I want you to know I'm pulling for State to beat LSU in the baseball game today, and if some of you are listening to the game instead of to me, I don't blame you.

And I'm also here at least once each year to cheer for the Dawgs during football season. * * * And my mother's father graduated from State in 1908.

Also, my father had two first cousins who went to State—one was President of the student body and captain of the basketball team in 1935, and the other is a member of the State sports hall of fame and was an Olympic gold medal winner in track in 1924.

And, I'm a friend of Sonny Montgomery, and John Stennis, with whom I have worked very closely and cordially, in Washington. A good bit of their love and affection for this University has rubbed off on me.

So, I feel especially honored today to be on this platform * * * and my Mississippi State kinfolk are delighted.

In his 1953 book, The People's College: A History of Mississippi State, John K. Bettersworth said: "[This] college has been a symbol of the search of the Mississippian for the better life. This has involved, among other things, pushing out into that broader field of human culture where men learn to live with men as civilized and responsible citizens."

Today, your graduation pushes you into that broader field better equipped now with the skills and knowledge to help you reach your goals; and with your goals set higher than they otherwise would have been were it not for your experience here at this fine University.

As you enter this next phase of your lives, you should think about your resources and your assets. You may think you don't have any—that you are broke or even in debt.

But, I hope after today you will realize instead that you have what many others around the world wish they had—a country that is strong and free and rich with diversity and opportunity.

William Faulkner made a speech 42 years ago to the annual meeting of the Delta Council in Cleveland, Mississippi and he said:

"The United States is the whole world's golden envy. * * * [There never has been] such a land of opportunity in which all a man needed were two legs to move to a new place on, and two hands to grasp and hold with, in order to amass to himself enough material substance to last him the rest of his days and who knew? even something over for his and his wife's children."

In that year, 1952, the United States produced forty percent of the goods and services in the world. Almost half of the value of the economic output of the entire world was produced by the United States. We were the dominant power economically, politically, and militarily.

And guess what? We still are—William Faulkner's words are still true today. The United States is the envy of the world and a land of opportunity like no other.

Last year, America's gross domestic product was $6.4 trillion—more than twice that of Japan and four times that of Germany.

We sold more of what we produced, on our farms and in our factories, in the world marketplace than any other country in the world. $430 billion worth.

America leads the world in technological and scientific achievement. During the last twenty years we have won more Nobel prizes in physics, chemistry, medicine and physiology than all of the other countries of the world combined.

People in other countries want to come here and to live here because of the opportunities we have. Last year, 1 million three hundred thousand people were apprehended trying to enter the United States illegally. 10,000 were arrested at Kennedy airport in New York alone.

A few weeks ago 63 Chinese were found living in the basement of a house in Maryland, hiding from the immigration authorities. Four men from Colombia stowed away on a container ship on its way to New York City. Three of them smothered to death. The sole survivor told their story of risking death to get to the United States which he said they had heard was paradise so they could find a good paying job and take the money back home to their families.

All around the world struggles for life, for freedom, for opportunity lead so many to yearn for and even to die for the chance to have what you have, what we all have.

What you have is an unparalleled opportunity to start a business, to go to college, to go where you want to go, to be who you want to be and to do what you want to do.

But, I must acknowledge our example is being tarnished by a real threat to the American dream of freedom, prosperity, and opportunity. We observe an erosion of pride, self-confidence, self-reliance and character in our society.

Today in America a crime of violence occurs every 22 seconds. Each year, 25 percent of all homes are victimized by crime. The chances of being the victim of a violent crime are now greater than being injured in an automobile accident.

In 1992, according to a National Education Goals Panel report, ten percent of those in the tenth grade admitted carrying a gun to school at least once.

I believe these problems are symptoms of a more serious national ailment—loss of character.

William Faulkner also said in his Delta Council speech in 1952 that our country was founded upon "the inalienable duty of man to be free and independent and responsible."

Last month, I joined with seven other United States Senators from both parties, four Republicans and four Democrats, to sponsor a resolution to urge national recognition of the fact that the present and future well being of our society requires an involved, caring citizenry with good character. This is an effort to support the Character Counts Coalition which is cochaired by actor Tom Selleck and former Congresswoman Barbara Jordan.

Our resolution and the national Character Counts Coalition seeks to make all citizens more aware of the importance of the core elements of character, which are: trustworthiness, respect, responsibility, fairness, caring, and citizenship. We should all become active in this national crusade to help make good character traits an intrinsic part of the lives of all Americans.

A part of the effort is to support education initiatives to help provide students with opportunities to discuss how to build a strong sense of character in our schools. Churches and other organizations are also becoming involved to promote a greater sense of community awareness of the need for good character.

Teachers across the country have started integrating discussions of these personal attributes into the daily classwork of their students. Early reports are very positive. They say good character traits are contagious, among students as well as teachers.

This crusade is important because we must ensure that our country's legacy as the greatest democracy in the world continues to meet the needs and expectations of this and future generations of Americans.

We are at a critical point in the life of our country. We can continue down the road toward anarchy—with a diminishing sense of responsibility for ourselves and for others, with more crime and more violence.

Or, we can take the road that leads to a renewed sense of caring, and responsibility that means fairness and justice for all.

The well being of our society depends upon all of us accepting this responsibility, and realizing in our daily lives our example counts.

Thank you very much, and good luck!

COMMENCEMENT ADDRESS OF GEN. COLIN POWELL AT HOWARD UNIVERSITY

Mr. DOLE. There is no doubt about the fact that Colin Powell—as I have just indicated in commenting on the Brown decision—is one of America's most respected public figures. His record of service to his country, his patriotism, and his character make him a role model for all young Americans.

This past Saturday, General Powell delivered an eloquent commencement speech at Howard University here in Washington, DC. His speech speaks to many of the complex challenges of our time, and I recommend it highly to all of my colleagues and anybody else who might have an interest in what I think was one of the outstanding speeches of our time.

I ask unanimous consent that the text of General Powell's entire speech be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS AT HOWARD UNIVERSITY

(By Gen. Colin L. Powell)

Thank you for your very warm reception.

Mr. President, Mr. Chairman, members of the board of trustees, fellow honorees, alumni, faculty members, family members, the great Howard Class of 1994.

I am so pleased to be with you on this very beautiful spring morning. I am deeply honored to be the recipient of an honorary degree, alongside two gentlemen as distinguished as Dr. Cheek and Ambassador Annenberg. For that, I thank the university and the board of trustees.

Let me also take this opportunity to extend my thanks to President and Mrs. Jennifer for their service to Howard University and to wish them every success at the University of Texas as they begin a new phase in their life of service to American youth. I also congratulate Dr. Ladner on her elevation to acting president.

I am especially pleased to be the commencement speaker for the class of 1994. I have wanted to be the commencement speaker for a number of years and this is my lucky year.

Because you know, these days you get a lot of attention being a speaker at Howard University.

Is Connie Chung here today so I can get on her "Eye to Eye" television show.

The real challenge in being a commencement speaker is figuring out how long to speak.

The graduating students want a short speech, 5–6 minutes and let's get it over. They are not going to remember who their commencement speaker was anyway. P-O-W-E-L-L.

Parents are another matter, arrayed in all their finery they have waited a long time for this day, some not sure it would every come, and they want it to last. So go on and talk for two or three hours. We brought our lunch and want our money's worth.

The faculty member who suggested the speaker hopes the speech will be long enough to be respectable, but not so long that he has to take leave for a few weeks beginning Monday.

So the poor speaker is left figuring out what to do. My simple rule is to respond to audience reaction. If you are appreciative and applaud a lot early on, you get a nice short speech. If you make me work for it, we're liable to be here a long time.

You know, the controversy over Howard's speaking policy has its positive side. It has caused the university to go through a process of self-examination, which is always a healthy thing to do.

Since many people have been giving advice about how to handle this matter, I thought I might as well too.

First, I believe with all my heart that Howard must continue to serve as an institution of learning excellence where freedom of speech is strongly encouraged and rigorously protected.

That is at the very essence of a great university and Howard is a great university.

And freedom of speech means permitting the widest range of views to be presented for debate, however controversial those views may be.

The first amendment right of free speech is intended to protect the controversial and even outrageous word, and not just comforting platitudes, too mundane to need protection.

Some say that by hosting controversial speakers who shock our sensibilities Howard is in some way promoting or endorsing their message. Not at all. Howard has helped put their message in perspective while protecting their right to be heard. So that the message can be exposed to the full light of day.

I have every confidence in the ability of the administration, the faculty and the students of Howard to determine who should speak on this campus. No outside help needed, thank you.

I also have complete confidence in the students of Howard to make informed, educated judgments about what they hear.

But for this freedom to hear all views, you bear a burden to sort out wisdom from foolishness.

There is great wisdom in the message of self-reliance, of education, of hard work, and of the need to raise strong families.

There is utter foolishness, evil and danger in the message of hatred, or of condoning violence, however cleverly the message is packaged or entertainingly it is presented.

We must find nothing to stand up and cheer about or applaud in a message of racial or ethnic hatred.

I was at the inauguration of President Mandela in South Africa earlier this week. You were there too by television and watched that remarkable event.

Together, we saw what can happen when people stop hating and begin reconciling.

De Klerk the jailer became de Klerk the liberator and Mandela the prisoner became Mandela the president.

Twenty-seven years of imprisonment did not embitter Nelson Mandela. He invited his three jail keepers to the ceremony.

He used his liberation to work with his former tormentors to create a new South Africa and to eliminate the curse of apartheid from the face of the Earth. What a glorious example! What a glorious day it was!

Last week you also saw Prime Minister Rabin and PLO Chairman Arafat sign another agreement on their still difficult, long road to peace, trying to end hundreds of years of hatred and two generations of violence. Palestinian authorities have now begun entering Gaza and Jericho.

In these two historic events, intractable enemies of the past have shown how you can join hands to create a force of moral authority more powerful than any army and which can change the world.

Although there are still places of darkness in the world where the light of reconciliation has not penetrated, these two beacons of hope show what can be done when men and women of good will work together for peace and for progress.

There is a message in these two historic events for us assembled here today. As the world goes forward, we cannot start going backward.

African-Americans have come too far and we have too far yet to go to take a detour into the swamp of hatred.

We, as a people who have suffered so much from the hatred of others, must not now show tolerance for any movement or philosophy that has at its core the hatred of Jews or of anyone else.

Our future lies in the philosophy of love and understanding and caring and building. Not of hatred and tearing down.

We know that. We must stand up for it and speak up for it!

We must not be silent if we would live up to the legacy of those who have gone before us from this campus.

I have no doubt that this controversy will pass and Howard University will emerge even stronger, even more than ever a symbol of hope, of promise and of excellence.

That is Howard's destiny!

Ambassador Annenberg, one of your honorees today, is a dear friend of mine and is one of America's leading businessmen and greatest philanthropists.

You have heard of his recent contributions to American education and his generous gift to Howard.

A few years ago I told Mr. Annenberg about a project I was involved in to build a memorial to the Buffalo Soldiers, those brave black cavalrymen of the West whose valor had long gone unrecognized.

Ambassador Annenberg responded immediately and with his help the Memorial now stands proudly at Fort Leavenworth, Kansas.

The Buffalo Soldiers were formed in 1867, at the same time as Howard University. It is even said that your mascot, the bison, came from the bison, or buffalo, soldiers.

Both Howard and the Buffalo Soldiers owe their early success to the dedication and faith of white military officers who served in the Civil War.

In Howard's case, of course, it was your namesake, Major General Oliver Howard.

For the 10th cavalry Buffalo Soldiers, it was Colonel Benjamin Grierson who formed and commanded that regiment for almost 25 years. And he fought that entire time to achieve equal status for his black comrades.

Together, Howard University and the Buffalo Soldiers showed what black Americans were capable of when given the education and opportunity; and when shown respect and when accorded dignity.

I am a direct descendent of those Buffalo Soldiers, of the Tuskegee airmen; and of the Navy's golden thirteen, the Montfort Point Marines, and all the black men and women who served this Nation in uniform for over 300 years.

All of whom served in their time and in their way and with whatever opportunity existed then to break down the walls of discrimination and racism to make the path easier for those of us who came after them.

I climbed on their backs and stood on their shoulders to reach the top of my chosen profession to become chairman of the American JCS.

I will never forget my debt to them and to the many white "Colonel Greirsons" and "General Howards" who helped me over the 35 years of my life as a soldier.

They would say to me now, "Well done, and now let others climb up on your shoulders."

Howard's "Buffalo soldiers" did the same thing and on their shoulders now stand governors and mayors and Congressmen and generals and doctors and artists and writers and teachers and leaders in every segment of American society.

And they did it for the class of 1994. So that you can now continue climbing to reach the top of the mountain; while reaching down and back to help those less fortunate.

You face 'great expectations.' Much has been given to you and much is expected from you.

You have been given a quality education, presented by a distinguished faculty who sit here today in pride of you.

You have inquiring minds and strong bodies given to you by God and by your parents; who sit behind you and pass on to you today their still unrealized dreams and ambitions.

You have been given citizenship in a country like none other on Earth; with opportunities available to you like nowhere else on Earth; beyond anything available to me when I sat in a place similar to this 36 years ago.

What will be asked of you is hard work. Nothing will be handed to you. You are entering a life of continuous study and struggle to achieve your goals.

A life of searching to find that which you do well and love doing. Never stop seeking.

I want you to have faith in yourselves. I want you to believe to the depth of your soul that you can accomplish any task that you set your mind and energy to.

I want you to be proud of your heritage. Study your origins. Teach your children racial pride and draw strength and inspiration from the cultures of our forbearers.

Not as a way of drawing back from American society and its European roots.

But as a way of showing that there are other roots as well. African and Caribbean roots that are also a source of nourishment for the American family tree.

To show that African-Americans are more than a product of our slave experience.

To show that our varied backgrounds are as rich as that of any other American; not better or greater, but every bit as equal.

Our black heritage must be a foundation stone we can build on, not a place to withdraw into.

I want you to fight racism. But remember, as Doctor King and Doctor Mandela have taught us, racism is a disease of the racist. Never let it become yours. White South Africans were cured of the outward symptoms of this disease by President Mandela's inauguration, just as surely as black South Africans were liberated from apartheid.

Racism is a disease you can help cure here by standing up for your rights and by your commitment to excellence and to performance.

By being ready to take advantage of your rights and the opportunities that will come from those rights.

Never let the dying hand of racism rest on your shoulder, weighing you down. Let racism always be someone else's burden to carry.

As you seek your way in the world, never fail to find a way to serve your community. Use your education and your success in life to help those still trapped in cycles of poverty and violence.

Above all, never lose faith in America. Its faults are yours to fix, not to curse.

America is a family. There may be differences and disputes in the family but we must not allow the family to be broken into warring factions.

From the diversity of our people, let us draw strength and not cause weakness.

Believe in America with all your heart and soul and mind. It remains the 'last best hope of Earth.'

You are its inheritors and its future is today placed in your hands.

Go forth from this place today inspired by those who went before you. Go forth with the love of your families and the blessings of your teachers.

Go forth to make this a better country and society. Prosper, raise strong families, remembering that all you will leave behind is your good works and your children.

Go forth with my humble congratulations. And let your dreams be your only limitations. Now and forever.

Thank you and God bless you.

Have a great life!

THE MANDELA OF NEPAL

Mr. DURENBERGER. Mr. President, all Americans have a right to be proud as we watch the transformation of South Africa into a democratic regime based on equality and respect for human rights. It is nothing short of a re-enactment of the American idea—the noble quest that was expressed by President Kennedy in his declaration that Americans are willing to "pay any price (and) bear any burden, to assure the survival and the success of liberty."

Nelson Mandela's odyssey from political prisoner to democratic President is a thrilling human drama. But it is not unique. I would like to bring to the attention of my colleagues the story of another world statesman who made the perilous journey from political prisoner to leader of his Nation.

Today, Girija Prasad Koirala is the Prime Minister of Nepal—a powerful force leading his Nation toward full economic and political freedom. He has traveled a very long road to reach this summit of leadership.

For two centuries, Nepal has been an island of independence in a world marked by great-power European colonialism. But Nepal's independence from colonial powers did not provide for the self-government of its own people. From the consolidation of Gurkha power in 1775 until 1951, the politics of Nepal was characterized by ruling-class rivalries between the royal family and various factions of the nobility.

In 1947, the withdrawal of the British from India—and the consequent withdrawal of their tacit support for the Nepali regime—had wide-ranging consequences. Democratic forces were heartened by the Indian example, but their forces were blunted for a decade by compromise with the royal family.

In 1959, a democratic constitution was finally approved, and Koirala's brother—Bisheshwar Prasad Koirala—was elected Prime Minister of Nepal. In the following year, King Mahendra—declaring the democratic experiment a failure—dissolved the Parliament and imprisoned B.P. Koirala and his Cabinet ministers.

Subsequently—as part of an agreement with India—the Koirala family and other democratic leaders were allowed to emigrate to India. But this opportunity for permanent exile did not satisfy the desire of G.P. Koirala to bring democracy to his own land.

The so-called basic democracy system implemented by King Mahendra in 1962—basically a monarchy, with the support of traditional village councils—was not the full political democracy of which Koirala believed Nepal to be capable.

For 29 years, political activity was banned in Nepal. According to the British journal the Economist, the Nepalese government under the basic democracy system was dominated by corrupt feudal families—and consequently did little to promote the real interests of the Nepalese people.

After returning from exile in the 1970's, Koirala spoke out for democratic change—and served a 7-year jail sentence as a result.

Throughout his years of imprisonment and exile, Koirala never lost sight of his ideals. Armed with right—like Nelson Mandela in South Africa—he prevailed over the might of the right-wing royalists.

In 1990, a democratic revolution overtook King Birendra, Mahendra's son and successor. Ten weeks of demonstration led to the formation of an interim government and a new constitution featuring multi-party elections.

The first elections under the new regime were held in the following year—and on May 12, 1991, G.P. Koirala won a slim majority to become Prime Minister.

The new regime is a constitutional monarchy, and while a majority of Nepalese citizens believe that King Birendra is an incarnation of the Hindu divinity Vishnu and consequently must play some role in public life, nobody doubts that the Prime Minister is the chief responsible officer of the government.

The analogy with South Africa is suggestive. Nelson Mandela—like G.P. Koirala—is not an absolute ruler free to reshape society in complete accordance with his own wishes. He inherits a racial situation—and some established sources of power—that are potentially explosive. But the example of G.P. Koirala—the hard work and perseverance he has demonstrated in his 3 years as Prime Minister—show that democracy can work if the people go about it in the right spirit.

Nepal is one of the poorest countries in the world—only about a third of its citizens are literate and 80 percent of the people are engaged in farming at the subsistence level. This is the society that G.P. Koirala leads—in the firm faith that they can govern themselves, without recourse to absolute monarchy or Communist class warfare.

Just 2 months ago—on March 7—Koirala's vision was reaffirmed by the Parliament, as he beat back a no-confidence motion. During the debate on the no-confidence motion, Koirala collapsed on the floor of the Parliament after delivering 70 minutes of remarks in defense of his government.

He has been ordered by his doctors to slow down his pace. But Koirala is a man with a mission. He had time to relax when he was in prison—now he wants to share the benefit of his wisdom and ideals with the people of Nepal.

The criticism, the infighting, and the partisanship are all part of the price that he is willing to pay for his vision of Nepal. While his aides reflect on occasion that it was easier to be in the opposition, Koirala knows that he has duties to perform.

Mr. President, I would offer to my colleagues the heartening example of this statesman. Prison and exile can teach two very different lessons: They can teach anger, hatred, and revenge. And they can teach endurance, commitment, and faith in fundamental bedrock values.

Like Vaclav Havel before him—and, I am confident, Nelson Mandela as well—G.P. Koirala has learned the right lessons from his hard experience. He has become a strong person—and he is going to bring those lessons to bear on the creation of a better future for Nepal.

COMMEMORATING BICENTENNIAL OF CHESHIRE ACADEMY

Mr. DODD. Mr. President, I rise today to recognize the bicentennial of Cheshire Academy, a cherished educational institution in my home State. Cheshire is one of the oldest schools in the Nation, and I believe it exemplifies the American commitment to fostering an intelligent, thoughtful, and compassionate citizenry.

The Academy has been through many changes through the years, though it has always remained committed to the highest standards of excellence in education. Cheshire Academy was founded in 1794 as the Episcopal Academy of Connecticut. Its charge was to prepare boys for college and for the ministry.

After World War II, Cheshire Academy, in conjunction with the Federal Government, set up a program to help returning soldiers earn their high school diplomas. In 1969, it began to admit girls. Today, Cheshire has a very successful postgraduate program for high school graduates who want an extra year to prepare for college.

The Academy has seen a host of headmasters and owners over the years. Originally founded by the residents of Cheshire, the Academy's first principal was the Reverend John Bowden. The Reverend Sanford J. Horton instituted a military system during the Civil War and had all students wear blue-grey uniforms. In 1917 the Roxbury training school bought the Academy and redesigned the school to prepare young men for admission to Yale University. Arthur N. Sheriff, headmaster from 1923 to 1966, took the school from being a for-profit to a nonprofit in 1937.

Throughout this long and nuanced history, Cheshire Academy has never lost its dedication to excellence in education. But it is important to remember that the school's mission is not only to educate the young men and women of Connecticut, but also to instill in them a sense of personal worth and character. Such people as Prof. Eri Woodbury, a teacher at Cheshire Academy and a winner of the Congressional Medal of Honor during the Civil War, worked tirelessly to impart upon their students academic skills as well as self-confidence.

Mr. President, I am proud to be able to speak on behalf of the Cheshire Academy because it has meant so much both to my State and to my family. Among the institution's graduates is John Daniels, former mayor of New Haven. In addition, Cheshire has two alumni who are very close and dear to me, my brothers Tom and Jeremy. Though I did not attend Cheshire myself, I almost feel as if I did after hearing so many warm and enthusiastic tales about the school from my brothers.

I would like to once again congratulate Cheshire Academy on the occasion of its 200th birthday.

THE INTEREST RATE SCANDAL

Mr. DECONCINI. Mr. President, just 2 weeks ago I took the floor to voice my concern about the string of decisions by the Federal Reserve to raise interest rates. Here we go again. The Federal Reserve's decision yesterday to raise interest rates by another half a point, after having just raised them half of a percent on April 18, doesn't make sense. If the purpose of raising interest rates is to slow business expansion to prevent spiraling inflation, one has to wonder what credible evidence the FED used to make its decision.

I see no frightening expansion of the economy and neither does the ordinary consumer. Inflation performance is the best it has been in 30 years. The economy is expanding at a very modest rate of 2.6 percent according to the latest statistics. The increases in interest rates over previous months have already had a negative impact on a recovering but skittish economy. Retail sales were down in April. Housing starts fell by 2½ percent. The producer price index is down. Are these signs of a inflationary economy? The answer is quite clearly no. Are there any signs whatsoever that the economy is growing at an unsustainable rapid rate? Again, the answer is clearly "no."

What these economic statistics show is that recent FED actions have already frightened consumers. They are once again uncertain about the future strength of the economy. Unemployment and lack of job opportunities are once again creeping into their consciences and tempering their optimism. They are once again concerned about the prospects for retaining their jobs or finding new ones. Because of these concerns, they are increasingly wary of their futures. They are not buying at the same rate, and they are putting off long-term investments such as houses and cars. And yesterday's actions will only heighten their concerns. This seemingly inexplicable action by the FED conjures up the public's stereotypical image of decisionmakers at the FED as academics in ivory towers or green eye-shade bureaucrats who are totally out of touch with the real world.

While the administration now appears to have tempered its views on rising interest rates, Secretary Bentsen did at least express his concerns to Alan Greenspan about these steady, incremental bumps in rates telling him that he "didn't want to get into a Chinese water torture on interest rates." I guess the administration has concluded that it is better to take the bitter pill of rising interest rates now rather than to swallow them closer to the election. I, for one, disagree strongly with that view.

I am convinced that these rising interest rates will deter economic growth just as it will undermine consumer confidence. Nothing, in my view, could have a more devastating effect on Democratic success at the polls this November than a shrinking economy, and I fear that is the direction we are heading. The President had it right during his election campaign: "It's the economy, stupid." The bottom line in the election results this fall will still be: "It's the economy, stupid." If we don't get it, we will pay a high price for losing our focus.

Our current monetary policy is a policy gone amok. It is made by the Federal Reserve's Board of Governors which is totally unaccountable for its actions. The policy makes no sense to this Senator and to a vast majority of the American public. It will choke off economic growth. It will make capital more expensive and more scarce. It will deter business investment and expansion. It will cause uncertainty in the financial markets and will surely shake consumer confidence. But the FED is free to make monetary policy without ever having to explain why or how it came to its decisions. Yet the decisions of the FED have an immediate impact on the lives of millions of Americans. I think it is just plain wrong that the FED remains totally unaccountable for its actions. At the very least, I think the FED ought to make public the reasons for its decisions. And I think there should be some congressional oversight. Policymaking which is accountable to no one can be dangerous indeed. What is wrong with having a sensible discussion on monetary policy just as we have on fiscal policy? What's wrong with requiring the Chairman of the FED to appear at a limited number of congressional hearings to respond to lawmakers' concerns? What's wrong with subjecting the Federal Reserve to oversight? By oversight, I do not mean verbally beating the FED into submission to congressional wishes. No one wants Congress to make monetary policy. We know that would be a disaster of the first order. What I want, and what I think the American people deserve, is an intelligent discussion and explanation of the monetary policies which affect them so personally. I do not concur with the current FED policy. In fact, I vehemently disagree. But at the very least, I think the American public deserves a credible explanation for those policies.

THE LIVING ROOM WAR

Mr. COHEN. Mr. President, those of us from States with major military installations that have closed or are scheduled to close are painfully aware of the economic devastation that the downsizing of the U.S. military is having on our States and communities.

Downsizing defense and closing bases are also wreaking havoc on the lives of thousands of servicemen and servicewomen as they face uncertainty over the future of their military careers and the financial security of their families. As a recent article in Time magazine noted, "Soldiers and sailors who once dreamed of a secure, 20-year career and a handsome pension now find themselves facing a truncated career, no pension and bleak employment prospects in the civilian world."

These pressures may be contributing to a staggering increase in the number of reported cases of domestic violence within military families, which have risen from 27,783 in 1986 to 46,287 last year. The Pentagon program for tracking and preventing domestic violence began in 1986 and some of the increase may be due to better reporting.

A recent survey conducted for the Department of the Army revealed, according to Time magazine, that each week a family member dies at the hands of a relative in uniform, and that spousal abuse is occurring in one in every three Army families. Regrettably, members of military families are well represented among the thousands of individuals in this Nation who are being held hostage in their own homes, plagued by physical and emotional abuse.

The tragedy of domestic abuse is not, of course, new to the military. Military families are no more immune to domestic battering than civilian families, and they are just as in need of prevention and intervention services.

As communities struggle to deal with the rising tide of crime and violence that is sweeping this country, domestic abuse is one aspect of this plague that has received and continues to receive too little attention. It has only been in the last 20 years that police, prosecutors, courts, and society in general have been forced to confront an issue that has too long been considered a private family matter.

The Department of Defense has recognized the seriousness of domestic abuse and is very much aware that it may be growing within the military. More importantly, the Pentagon is attempting to confront the problem. The Army's Family Advocacy Program, for example, provides community education, prevention services, crisis intervention, emergency shelter, and counseling for troubled families.

As the Defense Department implements reductions in force and oversees the closure of hundreds of military installations, it must do everything within its power to ease the difficult transitions facing service members and their families. To the extent this situation is exacerbating the problem of domestic violence, DOD must redouble its efforts to prevent battering and, when it occurs, effectively help those in need.

Today, I am writing to the heads of each of the military services to request an assessment of the scope of the problem and what measures are being taken to address it. Specifically, I have asked each to report on the following:

The extent to which the incidence of reported domestic violence has increased overall since 1988 and, specifically, at installations being closed;

The extent to which the incidence of domestic violence is related to disruptions caused by defense cutbacks and reductions in force;

The steps being taken to ensure that family support services are maintained at closing facilities through closure;

The level and adequacy of resources currently allocated to prevent and respond to domestic violence; and

The measures in place to ensure confidentiality for victims seeking assistance.

According to press reports, at least some military officials are failing to comply with a requirement to notify victims of the impending release of their batterers from military prisons, in some cases with tragic results. I am, therefore, also asking the services to survey all military prisons on the extent to which such notifications are being made and to report their findings to the Senate Armed Services Committee. In addition, the letters urge that they take all appropriate steps to ensure compliance with the notification requirement.

It is my intention to vigorously pursue these questions with the Defense Department in an effort to ensure, first, that effective measures are being taken to prevent and reduce the incidence of domestic violence among military families; second, that services such as counseling and shelter are available to those families in need; and third, that military personnel who are committing abuse receive appropriate counseling and are subject to appropriate disciplinary measures.

Mr. President, I ask unanimous consent that the full text of the Time magazine article on this issue be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LIVING ROOM WAR

(By Mark Thompson)

Jeromy Willis, an Air Force enlisted man and ex-Army marksman, had been trained to kill the enemy. But when the cold war ended and his base faced closure and his career began looking less secure and his marriage came under strain, the enemy started looking a lot like his wife Marie. First he tried to kill her with a flaming propane torch. Weeks later he tried to strangle her. She fled to her mother's home in Rhode Island, and the Air Force confined Jeromy to his base in Myrtle Beach, South Carolina. But when Marie returned there to press charges against her husband, he had somehow learned of her supposedly secret appointment. Outraged that she was ruining his career, Jeromy confronted Marie inside the waiting room of the base legal office early last year. He fired a pawnshop pistol into her chest. As horrified witnesses watched her yellow dress turn crimson, she screamed, "Jeromy, no!" And then he fired a second round into her brain.

Marie Willis became another victim of an alarming increase in domestic violence on America's military bases. The rise in abuse of spouses and children, researchers and the Pentagon believe, may be connected to the painful reduction in U.S. fighting forces following the end of the cold war. In 1986 there were 27,783 reported cases of violence in military families; last year there were 46,287. Now, a confidential—and unprecedented—Army survey obtained by Time suggests that spousal abuse is occurring in one of every three Army families each year—double the civilian rate. Each week someone dies at the hands of a relative in uniform, and nearly 1,000 formal complaints of injury are lodged against family members in the service. Untold thousands may suffer in silence.

Over the past year there has been gory evidence of the home-front carnage. A soldier in Washington state killed his wife, packed her body into a suitcase and threw it off a bridge. In Southern California a Marine who was a hero in the Persian Gulf War shot and killed his newly divorced wife and their five-year-old daughter. In North Carolina an airman hacked his wife to pieces, wrapped her remains in plastic garbage bags and stored them in the refrigerator. In Hawaii a sailor killed his baby daughter, stuffing her into a duffel bag and tossing her into Pearl Harbor. A soldier in Germany, angered at his wayward spouse, decapitated her G.I. lover and placed the severed head atop his wife's nightstand.

The new Army survey offers an unvarnished and quantifiable look at the problem. "The rates of marital aggression are considerably higher than anticipated," declared the researchers, who have questioned more than 55,000 soldiers at 47 bases since 1989, and continue to do so. The growing number of victims seeking help "is soon likely to exceed treatment resources." And the problem isn't restricted to low-level or poorly performing soldiers. "Often those in the most responsible and stressful positions," the report says referring to noncommissioned officers, "appear to be more likely to be involved in abusive episodes." The violence ranges from kicking, biting and punching to attacks with knives and guns.

The Army's efforts to curb such violence—through counseling and other help—are rarely mandatory. That, says the study, leads to two critical failings: few soldiers take advantage of the help, and the worst abusers don't participate. Researcher Peter Neidig, whose company, Behavioral Science Associates in Stony Brook, New York, is conducting the Army survey, believes similar levels of domestic abuse exist in the other services. While Neidig believes the Army is ahead of the civilian world in confronting the issue, Army officials admit they are only starting to understand the extent of the problem. "We were being very reactionary," explains Delores Johnson, who heads the service's program to combat such abuse. Rather than trying to prevent it, the Army emphasized medical and legal help after the violence occurred. "We're just beginning to take a look at what prevention means," says Johnson. The Army study, which is designed to identify groups at high risk of domestic violence, found evidence that abuse tends to escalate at bases scheduled to shut down. "We're very interested in that," Johnson says, "because we're in the middle of downsizing." Pentagon officials also say their efforts to encourage military families to report such abuse has played a role in the rising number of reported cases.

But the military is spending only $80 million of the $120 million it says it needs this year to fight domestic abuse. That $40 million gap is less than the price of one of the three dozen F/A-18 fighters the Navy is buying in 1994. The shortfall, officials concede, means most of the money will still go toward the medical and legal bills of those already ensnared in domestic terror, instead of focusing on prevention.

Gail McGinn, a top Pentagon personnel official, says the military family's nomadic existence contributes to the problem. Most move every three years, ripping the military family from the support network of relatives and friends that civilian families count on when times get tough. The long absences of the breadwinner—on lengthy cruises, battlefield exercises or peacekeeping missions-add to familial stress. The military drawdown, from 2.2 million troops in 1987 to 1.5 million in 1997, compounds the problem. Soldiers and sailors who once dreamed of a secure, 20-year career and a handsome pension now find themselves facing a truncated career, no pension and bleak employment prospects in the civilian world. "Everybody is wondering about what their own careers and their own finances will be, and of course, financial issues are major contributors to family violence," McGinn says "There's lot of tension." Outside experts point to other factors. Compared with civilian society, the military population is younger and drawn from lower socioeconomic ranks, and consequently more violence prone. Alcohol abuse in relatively high, pay tends to be poor and the military attracts men who have authoritarian tendencies.

Also boosting the opportunity for such violence is the fact that nearly 58% of the military are married, perhaps the highest proportion in history. According to Pentagon figures, abuse is largely confined to midlevel enlisted personnel like Air Force, Army and Marine sergeants and Navy petty officers. They're old enough to be married and have children—and the resulting debts—but often earn less than $20,000 a year.

Some military training contributes to a misogynist attitude, says Joan Zorza, director of the National Battered Women's Law Project in New York City. "A man is criticized by being told he's acting like a woman—a ——— —to humiliate him and make him tougher." she says. "That often translates into seeing women as not being important and therefore easier to oppress."

An earlier study had already found a correlation between combat jobs and domestic violence. Troops trained to fight are more likely to batter children than their uniformed colleagues in noncombat jobs, according to a 1979 study of 985 cases of child abuse among Air Force personnel by the University of New Hampshire. "There's a spillover from what one does in one sphere of life in one role to what one does in other roles," says Murray Straus, A University of New Hampshire family-violence expert who worked on the study. "If you're in a occupation whose business is killing, it legitimizes violence."

The inherent lack of autonomy in a military job also sets the stage for abuse. "It's all about control," says Cindy Zamora, the wife of an Army tanker. She now lives in a shelter for battered women in Killeen, Texas, just outside huge Fort Hood. She moved there after her husband bit her, beat her and threatened her with a knife. "There's a lot of women in here married to soldiers whose sergeants protect them if they're good soldiers," she says. "They can't control their superiors on the job, so they control us." Although her husband admitted under oath last month in a Texas courtroom that he is married to two women, he remains in the Army. "He was under a lot of stress and was nervous about being kicked out," she says. "He said if he didn't get his sergeant's stripes, I was going to get hurt." She's angered that he remains in the Army in good standing even as it investigates his bigamy. "The military knows he has two wives, but he's still in the Army," she says. "They just sweep it under the rug."

Katherine Coleman was married to an Army major and psychologist. "It's a myth that domestic violence doesn't happen in officers' families," says Coleman, now divorced and living in San Antonio, Texas. Her husband went so far as to draft a prenuptial pact detailing sexual obligations and rules governing outside friendships. She recalls him cornering her in the kitchen or bathroom and not letting her leave until she gave in to his demands. "We argued once for four hours in the kitchen, and he wouldn't let me out," she says. "I had to urinate on the kitchen floor." But she had power over him too. "He hit me a couple of times until I told him his career would be over if he did it again," Coleman says. He remains in the Army, training its mental-health workers.

The men involved in such episodes aren't eager to discuss them. But some acknowledge that the prospect of watching lifelong dreams shatter as the military shrinks can make them lash out in rage and frustration. "It stresses you out, but you can't hit the officers," an Army man says. "So you wait till you get home and take it out on her and the kids." Another soldier will only say of his wife that "we abused each other." In fact, the Army survey suggests that spousal abuse usually involves violence by both partners. But women, it notes, are far more likely than men to be injured.

The military has reacted to the problem by creating counseling programs and discipline boards. Military families are told to report any instances of domestic violence they witness, even if it occurs outside their family. But few abused spouses are willing to risk their family's financial future by seeking help through Army channels, because such complaints often end up on the desk of the abuser's commander. "The military needs to do something to ensure the confidentiality of spouses so the wife can go and get help without hurting his career," says Phyllis Lonneman, a Kentucky attorney representing a woman charged with the slaying of her Army husband in August after years of alleged abuse. "It doesn't matter how good or bad the military's programs are if the spouses are afraid to use them."

And the abuser's commander often isn't sympathetic to the battered spouse, according to Sadonna Polhill, who is the top caseworker at the Killeen shelter. "They'll tell the wife, 'This is a bunch of bull—quit making these accusations because you're ruining your husband's career,'" she says. "They try to make the one who's being battered at fault." Anxiety over their husbands' careers has led to a sharp drop in the number of women—from 85% to 50% over the past two years—who permit the shelter's staff to alert military officials to the women's visits. "A lot of that has to do with the pressures on the soldiers and their families," Polhill says. "And many are deathly afraid of their husbands."

While many civilian domestic-violence experts praise the strides the military has made in dealing with the problem, they say follow-through is often lacking. A Pentagon investigation last year surveyed 13 Pentagon prisons to see how many were complying with a 1982 federal law obligating them to alert crime victims, including abused spouses, when perpetrators are released. Not a single one was. In a 1990 case, a Kentucky woman, Andrea Turner, was murdered by her husband three days after his release from a military prison. The killer, who had been locked up for abusing her, said he shot her five times in the back because she ruined his Army career. She had made plans to move secretly to a new home before his official release date, but the military neglected to tell her that he was getting out two months early because of accumulated military leave. "It was a nightmare," one Army official involved in the case says. "Nobody told her."

The problem isn't limited to spouses. Child abuse is also on the rise, leading the Pentagon to create a child death-review task force that will eventually probe all child deaths in the U.S. military to determine if abuse is to blame. "After a child dies, people say it was an accident," says Army Colonel Will Hatcher, who is helping to launch the program. "But we want to go back and check." For several months the task force has been examining child deaths at the Fitzsimons Army Medical Center in Colorado and at hospitals at the Bremerton naval base in Washington and Travis Air Force Base in California.

Despite the Pentagon's intentions, its sometimes haphazard efforts offer little comfort to victims and their families. Jeromy Willis, for example, was sentenced to life imprisonment for the murder of his wife and is now serving time at Fort Leavenworth, Kansas. Yet Marie Willis' family remains bitter, because the military ignored so many warnings that a tragedy was afoot. Her family says Jeromy was confined to base twice because he tried to kill Marie, but he was allowed to roam freely on the base when the Air Force invited and paid for her to return there and testify against him. "Abused people should not rely on the military for protection," says her father, Eugene Mello, himself an Air Force veteran. Her mother, Marie Mello, puts it more simply: "The Air Force was an accomplice in my daughter's death."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let's have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Wednesday, May 18, the Federal debt stood—down to the penny—at $4,590,201,572,619.26. This means that every man, woman, and child in America owes $17,606.47, computed on a per capita basis.

Mr. President, to answer the question (how many million in a trillion?) there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

J.P. "JAY" HUMPHREYS, 1923–1993

Mr. HELMS. Mr. President, it is my regret to announce the death of a man of principle and integrity, a man who dedicated his life to the preservation of freedom.

Jay Humphreys died on October 6, 1993, in Joplin, MO, where he had lived for 38 years. He was 70.

He was a man who lived his life according to his principles—all of which sprung from his cornerstone belief in the God-given right to freedom.

Jay Humphreys was born September 13, 1923, in Raymond, KS.

He graduated from the University of Kansas with a bachelor of science in business administration.

In 1956, he joined TAMKO Asphalt Products, Inc. He served as the company's president from 1960 until his death. During his tenure as president, he turned TAMKO from a small local business into a national concern with seven manufacturing plants, providing jobs for over 1,000 employees.

Throughout his life, Jay Humphreys took to heart Thomas Paine's admonition that "those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

As a businessman, Jay Humphreys promoted freedom by becoming a pioneer in the movement to make the workplace consistent with the values of a free society.

In his role as employer, he stood up for the liberty and integrity of his employees, never forcing them to join or support a union, Jay Humphreys believed that the decision whether to support or join a union ought to rest with each individual.

It was because of his commitment to employee freedom that in 1981 he was elected to the board of trustees of the National Right to Work Legal Defense Foundation. He served on the board until his death.

In his lifetime, Jay Humphreys played many roles: Father, husband, community leader, employer, businessman. But in all parts of his life, he was first and foremost a champion for freedom. For all this, he shall be remembered and missed.

IN CELEBRATION OF THE FOURTH ANNIVERSARY OF THE PRESIDENT OF THE REPUBLIC OF CHINA, PRESIDENT LEE TENG-HUI

Mr. CRAIG. Mr. President, I wish to take this opportunity to express my sincere congratulations to President Lee Teng-Hui on the occasion of his 4th anniversary of his Presidency. The excellent representatives at the Coordinating Council of North American Affairs have kept me well informed of the many economic successes that the Republic of China has enjoyed, as well as the political progress that has occurred during President Lee's years of leadership.

The Republic of China on Taiwan is a tremendous example of economic prosperity and democratic freedom for developing nations around the world.

Mr. President, I would also like to mention the long and close relationship that has existed between the Republic of China and my home State, Idaho. Through that friendship my State has greatly benefited by expanding trade. Idaho exports range from agricultural and wood products to electronics.

The relationship between the Republic of China and the United States has been very beneficial for both parties. Not only do I look forward to the continued relations between the United States and the Republic of China, but the friendly and mutually beneficial ties that have developed between the Republic of China and my home State of Idaho.

Mr. President, I ask unanimous consent to insert a congratulatory letter in the RECORD to President Lee that is signed by myself and 44 of my Republican colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 11, 1994.

President LEE TENG-HUI,
c/o Foreign Minister Frederick Chien, Ministry of Foreign Affairs, Taipei, Taiwan, The Republic of China.

DEAR MR. PRESIDENT: We wish to take this opportunity to congratulate you on the occasion of the Fourth Anniversary of your Presidency. Your leadership has enabled the Republic of China on Taiwan to become a leader in the industrialized world as well as a model for emerging market democracies. Continuous prosperity and steady economic growth have afforded your people a standard of living comparable to that of western nations. We are impressed by the fact that in Taiwan, full democracy has rapidly taken root with a multi-party system in place and free elections held regularly.

As we observe the 15th Anniversary of the passage of the Taiwan Relations Act, we also note that you are vigorously trying to upgrade your country's participation as a constructive member of the world community. Your successful visit to Southeast Asia earlier this year and the follow-up investment activities there certainly testify to this effect.

We believe that maintaining stability in today's world relies on the joint efforts of all countries. We consequently note with approval your contributions to many international humanitarian relief efforts, not to mention your generosity last year in helping needy communities in the flooded Midwest and the areas of California ravaged by the recent earthquake. In addition, we in this body together with several administrations in the recent decade have consistently supported your constructive role in multilateral institutions such as the Asian Development Bank, the General Agreement on Tariffs and Trade and the Asian Pacific Economic Cooperation. In return, your country's continuing participation or involvement in such institutions and your substantial financial support of other important multi-lateral organizations such as the Inter-American Development Bank and the Central American Bank for Economic Integration clearly illustrate the benefits of constructive cooperation in today's world. We therefore support your further participation in other important international organizations.

We also wish you every success in your continued tenure in office, and hope that at some appropriate time in the future you and Mrs. Lee will be able to visit us in the United States.

May God bless you, your country and your people.

Congratulations:

Bob Dole, Larry E. Craig, Charles E. Grassley, Christopher Bond, Bob Smith, Connie Mack, Dan Coats, David Durenberger, John W. Warner, Paul Coverdell, Lauch Faircloth, Mitch McConnell, Conrad Burns, Jim Jeffords, Trent Lott, Richard G. Lugar, Don Nickles, Malcolm Wallop, Slade Gorton, William S. Cohen, Judd Gregg, Hank Brown, Arlen Specter, Pete V. Domenici, Nancy Landon Kessebaum, Orrin Hatch, Strom Thurmond, Ted Stevens, John H. Chafee, Jesse Helms, Kay Bailey Hutchison, Robert F. Bennett, Phil Gramm, Larry Pressler, William V. Roth, Alan K. Simpson, Alfonse D'Amato, Bob Packwood, Dirk Kempthorne, Thad Cochran, John Danforth, Mark Hatfield, John McCain.

AMERICA'S FOREIGN POLICY: DOES A DEBACLE LIE AHEAD?

Mr. HELMS. Mr. President, when President Clinton assumed the office and the responsibilities of the Presidency, everyone knew he was not going to be the foreign policy president. Notwithstanding, it was hoped that Mr. Clinton would assemble a strong foreign policy team with the mission of thinking out international problems—and with providing the President with sound recommendations upon which he could base his decision.

Regrettably, that has not been the case. As someone has observed the Clinton foreign policy team consists largely of Carter retreads, friends of Bill and Vietnam war protesters.

I am a Republican, but I am an American first. The situation that now exists does not bring any joy to me. It is troubling. It is serious. It is dangerous. Charles de Gaulle said, "There are no friends in international politics." His point, of course, was that there are only nations that respect you, that fear you or nations that hold you in contempt.

Democrats and Republicans alike know that this administration has caused international respect and international fear of the United States to disappear. Only international contempt is left. I am aghast at seeing Boutros Boutros-Ghali jerk the United States around.

What has America come to when a few thugs in Haiti have the nerve to turn a United States warship away? How should others interpret us kowtowing to Aristide in the face of his contemptuous disdain for the United States? Given how the United States bows, and scrapes with the likes of Aristide, is there any surprise when the Chinese treat the Secretary of State of the United States with contempt, as they did on his recent trip to Beijing?

A new low in U.S. foreign policy history.

There is an actuarial principle employed by experts who calculate insurance premiums for industrial customers: when a pattern of many small accidents occurs, you raise the premium, because a major accident is just a matter of time.

The same holds true for those assessing foreign policy risks; a pattern of many smaller miscues suggests that debacles lie ahead.

The time has come to recalculate the insurance premium on this administration's foreign policies, and perhaps take out some additional risk insurance.

Neither the American people nor foreign leaders have much confidence in this administration's foreign policy management, and for good cause. Neither the Serbian warlords, nor the municipality of Singapore places importance on the word of the man who occupies America's highest office in the one remaining superpower.

There are two ways that a beleaguered President can recoup his credibility. He can send American troops somewhere on a shoot-em-up mission that may or may not solve his problems. Indeed, his problems may worsen in the aftermath of a landing on some distant coast. Frankly, in the aftermath of the draconian cuts in our military strength during this administration, invasions may no longer be an option.

The other, less expensive method of repairing credibility involves performing major surgery in both the Department of State and the National Security Council. Professional, true professionals, hard-nosed professionals—a complete house cleaning—must replace the retreads, the friends of Bill and the Vietnam war protestors. For the security of the United States this is imperative. This must be done now. If it is not, a major catastrophe will surely follow.

There is, of course, a danger in the second course of action as well. In the event that a new team at the Department of State and the National Security Council continues in the current mode of visionless, flip-flopping foreign policy, the entire world will know for sure what it now perceives: That the problem with American foreign policy does not rest with the State Department or the National Security Council, but with the President himself.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is now closed.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on the passage of S. 2019, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. LEAHY. Mr. President, I rise to bring attention to a new dimension of the safe drinking water issue that has become increasingly important to several States, and very important to Vermont.

The goal of the legislation before us, S. 2019, is to guarantee that the water from our taps in our homes will be safe—not just from bacteria that cause immediate health hazards but also from chemicals that can cause expensive, chronic, and life-threatening health problems.

In Vermont, however, with the discovery and the inevitable proliferation of the zebra mussel in Lake Champlain, we cannot take for granted that we will have water in our taps at all. The zebra mussel threatens to clog the water intake pipes of 11 water systems serving over 20 communities. In fact, the zebra mussel could cut off the drinking water supply for 25 percent of Vermont's population.

For this reason, I have sponsored an amendment to the Safe Drinking Water Act that addresses this important issue. My amendment expands the authority in the Non-indigenous Aquatic Nuisance Prevention and Control Act to enable the State of Vermont to tackle this problem more effectively.

The Non-indigenous Aquatic Prevention and Control Act, Public Law 101–646 is a comprehensive and far-sighted piece of legislation that addresses the zebra mussel problem. I want to commend Senator GLENN, former Representative Bob Davis, and others for providing the leadership to pass this bill in 1990. It was drafted at a time when zebra mussels were a Great Lakes problem, and my amendment incorporates perhaps the sixth "great lake," Lake Champlain, into this law.

My amendment stresses the opportunity that Lake Champlain communities have to act quickly to establish controls before the zebra mussel becomes established. This is an important opportunity, and one that could save many thousands of dollars. With appropriate Federal support, Lake Champlain can nip the problem at the bud and lead the Nation in early action measures.

Finally, my amendment allows the State of Vermont to undertake research on the zebra mussel with Federal assistance. Ironically, the only State in New England that is not eligible for certain zebra mussel funds under Public Law 101–646 is also the only State that actually has zebra mussels, the State of Vermont. My amendment changes this.

I know that this amendment will be welcome to the State of Vermont. The current legislature is considering an appropriation of almost $6 million for zebra mussel control and prevention. This substantial investment takes away from concurrent efforts to meet safe drinking water standards. Without this amendment, towns like South Hero, VT—a community that has already made a huge investment to upgrade their water system—face a daunting task with few resources. Ultimately, this amendment helps promote the vital goal of protecting the water supply for the American public.

I want to thank Chairman BAUCUS and Senator CHAFEE for their leadership on this difficult bill. I appreciate their hard work to bring this bill to the floor with the unanimous support of the Committee on Environment and Public Works. I also want to thank Tom Sliter and Jo-Ellen Darcy for their hard work on this bill, and especially for their work on the amendment.

Mr. NICKLES. Mr. President, imagine, Mr. President, the burden the Federal Government has placed upon the water systems of our country. No matter how well intentioned, the Safe Drinking Water Act has begun to strangle our water suppliers with costly mandates and red tape. Today the Senate will finally vote on long overdue amendments to the Safe Drinking Water Act.

It has been 2 years since I came to this floor and raised serious issues with the current safe drinking water law and stated that changes needed to be made to make this law more workable. No action occurred. In April 1993, I introduced the Water Supply Protection Act of 1993, which was a total reauthorization of the Safe Drinking Water Act. Still no action occurred despite the pleas from water systems all over the Nation.

Then on March 10, 1994. I cosponsored S. 1920, with Senators DOMENICI, BOREN, and HATFIELD, which is another safe drinking water reauthorization bill. Yet, it was not until April 14 of this year that the committee reported out a safe drinking water bill and even then, major changes were required before this bill was brought to the floor of the Senate.

My interest in this issue began when rural water systems started to raise concerns with the current law during meetings I attended in Oklahoma. I repeatedly heard complaints about the cost of the testing and monitoring requirements of the current law and the lack of health risks associated with many of the act's requirements.

Under existing law, water systems are required to test and monitor for contaminants that do not even exist in their water and EPA has to set standards for contaminants which do not even post a health risk. The current law requires that by the year 2000, water systems would have to be testing, monitoring, and treating for over 200 contaminants for little to no health benefits.

The bill, as reported by the committee, failed to address the majority of my concerns with the current law. However, I commend Senators BAUCUS and CHAFEE for the steps they have taken to address many of my concerns in the managers amendment. Improvements were made to several key aspects of the bill including the way EPA sets standards for contaminants, selection of contaminants for regulation, monitoring requirements, variances for water systems, and the state viability program provisions.

These changes to the bill are significant improvements over current law and I strongly encourage the Senators who will be appointed as conferees on this bill to insist on these provisions as a minimum. The changes made in the managers amendment are good steps in the right direction and must be maintained if improvements to the current law are to be made.

Although these amendments are an improvement, I believe additional changes may be needed in the future to ensure that public health is protected from real risks, not hypothetical risks. Also, additional safeguards may be needed to make sure EPA does not impose costly requirements on water systems that do not result in true health benefits. With these reservations, I intend to support these much needed changes to an act that has been broken for too long.

Mr. BOND. Mr. President, the bill before the Senate represents a triumph of common sense and a true legislative success story. As every Senator who has heard from their local water operators knows, current law has developed into a symbol of the growing frustration over prescriptive, often arbitrary, Federal regulations unaccompanied by sufficient funds to finance them. Small rural operators who have the fewest resources at their disposal have been hit the hardest.

This bill confirms the Senate's recognition that significant changes in current law are necessary. Further, it demonstrates that important concepts that are often only included in political speech material can be incorporated into affirmative legislative action. These principal concepts include: making sound science the basis for Federal regulation; relieving States and localities of the growing burdens of unfunded Federal mandates; and permitting far more discretion and flexibility to those who carry out this important program on the local level.

This legislative success story was driven by the grassroots involvement of a coalition of citizens and state and local officials outside of Washington who worked constructively and untiringly with Senators inside Washington. This is the way the process should work if our laws are to become more sensible and this is the way the process will have to work if we are to restore the confidence of the American people in the ability of Congress to act affirmatively on their behalf.

I have heard from a number of water operators regarding this bill. They are pleased that the bill would permit them to spend thousands of dollars treating contaminants that are present in their systems instead of the old requirement of wasting thousands of dollars re-testing for contaminants that are not present. They are pleased at the recognition that even though they are not located in Washington, they are a public interest group concerned with public health and, consequently, they should be entrusted with greater authority in carrying out this law.

On behalf of the water operators in Missouri who accept the responsibility of providing a safe product and on behalf of Missouri citizens who rely on that product, I personally commend the bill and its authors. I congratulate the managers of the bill, Chairman BAUCUS and Senator CHAFEE, and Senators HATFIELD and KERREY who helped craft the compromise language that brought the bill to the floor.

In addition to these Senators, I believe special mention should be made of the efforts to Senator DOMINICI who first worked with the coalition to coauthor S. 1920 and whose tireless determination through the process helped in very large measure to drive us toward the final product we have today. Senator DOMINICI insisted that this opportunity not be missed and pressed diligently in the background. His efforts helped to ensure that the EPA use the best available peer-reviewed science when promulgating regulations under the bill and to ensure that costs and benefits of regulations are weighed to maximize the level of water safety each dollar purchases.

There are many deserving of credit in bringing us to where we are today, but I make special mention of Senator DOMINICI, whose efforts, though less visible, were instrumental in the crafting of a good safe drinking water bill.

RISK ASSESSMENTS

Mr. BUMPERS. Mr. President, I would like to offer an observation regarding the amendment by Mr. JOHNSTON on risk assessments, which has been included in this bill. We all know that the issue of risk assessments has captured the attention of people all across the country and that it has become closely tied to the larger concept of unfunded Federal mandates.

The amendment by Mr. JOHNSTON will require EPA to use the best reasonably obtainable scientific information in conducting the analyses set forth in the amendment. These analyses are directed at EPA's description of the risks to be addressed by a regulation, a comparison of those risks to other risks regulated by the agency and risks not regulated by the agency, and an estimate of the costs of those regulations to the Federal, State, and local governments, and the private sector. However, the amendment does not direct EPA to establish any specific procedure for conducting the original risk assessment itself.

Mr. President, during consideration of this legislation a number of Senators, including myself, have raised the issues of unfunded Federal mandates, private property rights, and a host of other topics described as the unavoidable negative implications of burdensome Federal regulation, especially in the area of environmental protection. While I am sensitive to the often harsh result of some regulatory programs, we need look no further than article 1 of the U.S. Constitution to be reminded that Congress is charged with the responsibility "to provide for the common Defence and general Welfare of the United States." This is a responsibility that I do not take lightly nor, do I believe, does any other Member of this body.

If the Congress were to refrain from taking any action that would impose a cost or burden on any individual, State, or community, then we would have never enacted the Internal Revenue Code, pest and disease quarantine laws, food safety inspection and drug safety and efficacy laws, civil rights legislation, and a host of other programs that the American public has come to recognize as a proper and necessary function of Government.

In many ways, environmental protection is no less an integral part of the general welfare than those items mentioned above. Without clean air, clean and safe drinking water, and other environmental considerations, this Nation and this planet would be a less comfortable place to live, and at some point it would be life itself that would be at risk. We have a responsibility, founded in the Constitution, to ensure these protections, and we also have a responsibility to ensure that the programs designed to maintain those protections are carried out in a proper and deliberate manner. The risk assessment process at EPA, which the Senator from Louisiana addresses in his amendment, is often the basis for many of the environmental programs facing American communities, businesses, and individuals, and that process clearly must withstand the scrutiny of the best science available in order to ensure a reasonable application of regulation to the regulated community and a resulting proper allocation of financial resources to fully comply with the dictates of those regulations.

On April 5, 1994, the General Accounting Office released a report on the perspectives of State and local government representatives on the impact of unfunded Federal mandates. Not surprisingly, many of the concerns raised in that report fall in the category of environmental regulations. In addition to problems related to the costs and inflexibility of those regulations, the report also noted that a major concern of States and local governments is the absence of conclusive scientific evidence to support the need for some mandate prescriptions. The report goes on to state that the lack of conclusive data often leads to regulations that are unreasonable, inefficient, or extremely costly. Mr. President, I don't feel anyone in this Chamber would oppose the implementation of a necessary environmental program grounded in sound science, but I think we would all have problems with one that is unreasonable, inefficient, and extremely costly.

On April 22, 1994, an editorial appeared in the Delta Farm Press, a farm publication with a wide readership throughout the Midsouth, which outlined the high costs of environmental regulations and the need for the application of sound science to the process. The editorial quotes former EPA Administrator, William K. Reilly, as stating, "Our society is being forced to make enormously costly decisions on a very small science base." Although the Delta Farm Press is written largely for an audience within the farming community, this editorial and the statement by Mr. Reilly are just as true when applied to all communities, industries, and individuals throughout the United States.

Mr. President, I am not a scientist. I have no intention of dictating to the EPA a specific method of precisely how they should conduct risk assessments that will ultimately affect us all in the form of Federal regulations. However, this country is blessed with an outstanding scientific community which does have the knowledge, expertise, and experience to understand what makes risk assessments work and why they fail. Toward the goal of injecting a better scientific base into the risk assessment process, I was prepared to offer an amendment to this bill.

My amendment would require EPA to establish uniform guidelines for risk assessments which would be subject to notice and comment rulemaking. This would accomplish several objectives, it would guarantee that all risk assessments would be subject to an objective scientific standard, it would involve the expertise of the entire scientific community, and it would result in a more reasonable, efficient, and hopefully less costly, set of regulatory programs. My amendment would in no way change the substance of any environmental statute, the standards of protection would remain the same. My amendment would simply mandate that the procedures by which we measure those standards be based on sound science.

The Senate Committee on Energy and Natural Resources has held hearings on risk assessments, and a clear message from the testimony we heard expressed the need for a better application of science to the process. That sentiment has also been echoed recently by the National Academy of Sciences and EPA's own Science Advisory Board. Since the specific nature of my amendment has not undergone the scrutiny of Senate hearings, I have not offered it to the bill we have passed today, but I will introduce it as a separate bill that I hope my colleagues will study closely and join me as cosponsors.

The American people are crying for relief from unreasonable and costly regulations, not for a repeal of measures truly intended to protect the environment and other aspects of the general welfare of the United States. My legislation will not turn the regulatory community on its head, but it will be a first good start, along with the efforts of Mr. JOHNSTON, to bring an objective standard to the problems imposed on the regulated community which, Mr. President, includes every one of us.

Mr. LEVIN. Mr. President, with the passage of this bill, the Senate has produced a piece of legislation that is flexible and reasonable. We have listened carefully to the concerns voiced to us since the passage of the 1986 amendments by local governments and small communities. In response to their justifiable concerns, we are now moving legislation that does not contain major new, overly prescriptive requirements that provide only marginal returns to public or environmental health. Instead, this bill reduces the financial and administrative burdens imposed on small communities by current monitoring requirements without sacrificing public health. And the bill is intended to simplify the entire regulatory process.

Mr. President, the Senate is now more attuned to the effect that Congress' action has on small communities. I hope that this bill creates a new setting for the Senate's future consideration of other environmental and public health protection measures.

The PRESIDENT pro tempore. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Faircloth
Helms
Pressler

NOT VOTING—2

Pell
Shelby

So the bill (S. 2019), as amended, was passed as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. State revolving loan funds.
Sec. 4. National drinking water regulations.
Sec. 5. Small systems programs.
Sec. 6. Enforcement of drinking water regulations.
Sec. 7. Control of lead in drinking water.
Sec. 8. Radon in drinking water.

Sec. 9. Water quality protection partnership.
Sec. 10. Emergency powers.
Sec. 11. Drinking water research, education, and certification.
Sec. 12. State drinking water program funding.
Sec. 13. Information and inspections.
Sec. 14. Federal agencies.
Sec. 15. Assessing environmental priorities, costs, and benefits.
Sec. 16. Bottled drinking water standards.
Sec. 17. Research plan for harmful substances in drinking water.
Sec. 18. Risk assessment and cost-benefit analysis.
Sec. 19. Private property rights.
Sec. 20. Other amendments.

4TITLE I—DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sec. 100. Short title.

SUBTITLE A—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Establishment of the Department of Environmental Protection.
Sec. 104. Assistant Secretaries.
Sec. 105. Deputy Assistant Secretaries.
Sec. 106. Office of the General Counsel.
Sec. 107. Office of the Inspector General.
Sec. 108. Small business compliance assistance.
Sec. 109. Small governmental jurisdiction compliance assistance.
Sec. 110. Bureau of Environmental Statistics.
Sec. 111. Grant and contract authority for certain activities.
Sec. 112. Study of data needs.
Sec. 113. Miscellaneous employment restrictions.
Sec. 114. Termination of the Council on Environmental Quality and transfer of functions.
Sec. 115. Administrative provisions.
Sec. 116. Inherently governmental functions.
Sec. 117. References.
Sec. 118. Savings provisions.
Sec. 119. Conforming amendments.
Sec. 120. Additional conforming amendments.
Sec. 121. Sense of the Senate.
Sec. 122. Office of Environmental Justice.
Sec. 123. Wetland determinations by a single agency.

SUBTITLE B—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

Sec. 201. Establishment; membership.
Sec. 202. Commission responsibilities.
Sec. 203. Report to the President and Congress.
Sec. 204. Commission staff.
Sec. 205. Advisory groups.
Sec. 206. Termination of Commission.
Sec. 207. Funding; authorization of appropriations.

SUBTITLE C—EFFECTIVE DATE

Sec. 301. Effective date.

(c) REFERENCES TO TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) the Federal Government needs to assist communities in the financing of drinking water treatment and related projects;

(3) small drinking water systems need additional technical assistance and information from State and Federal agencies to ensure the provision of safe and affordable drinking water;

(4) the existing process for the assessment and regulation of additional drinking water contaminants needs to be improved and revised to provide for more extensive participation from interested parties and to strengthen the scientific basis for drinking water regulations;

(5) States play a central role in the implementation of safe drinking water programs and States need increased financial resources to ensure the prompt and effective development and implementation of drinking water programs; and

(6) there is substantial noncompliance with requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and Federal and State agencies need more effective authorities to ensure the implementation of the Act.

SEC. 3. STATE REVOLVING LOAN FUNDS.

(a) ESTABLISHMENT OF STATE LOAN FUNDS.—The title (42 U.S.C. 300f et seq.) is amended by adding at the end the following new part:

"PART G—STATE REVOLVING LOAN FUNDS

"GENERAL AUTHORITY

"SEC. 1471. (a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1472 (referred to in this part as 'capitalization grants') to establish a drinking water treatment State revolving loan fund (referred to in this part as a 'State loan fund').

"(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

"(1) the State has established a State loan fund that complies with the requirements of this part;

"(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

"(3) the State will deposit the capitalization grants into the State loan fund;

"(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

"(5) the State will deposit into the State loan fund an amount equal to at least 20 percent of the total amount of each payment to be made to the State on or before the date on which the payment is made to the State, except as provided in subsection (c)(4);

"(6) the State will use funds in the State loan fund in accordance with an intended use plan prepared pursuant to section 1474(b);

"(7) the State and loan recipients that receive funds that the State makes available from the State loan fund will use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards, as determined by the Administrator; and

"(8) the State has adopted policies and procedures to ensure that loan recipients are reasonably likely to be able to repay a loan.

"(c) ADMINISTRATION OF STATE LOAN FUNDS.—

"(1) IN GENERAL.—The authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund shall remain with the State agency that has primary responsibility for the administration of the State program pursuant to section 1413(a), after consultation with other appropriate State agencies.

"(2) FINANCIAL ADMINISTRATION.—A State may combine the financial administration of the State loan fund pursuant to this part with the financial administration of a State water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or other State revolving funds providing financing for similar purposes if the Administrator determines that the grants to be provided to the State under this part, together with loan repayments and interest deposited into the State loan fund pursuant to this part, will be separately accounted for and used solely for the purposes of and in compliance with the requirements specified in this part.

"(3) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a Governor of a State may—

"(i) reserve up to 50 percent of a capitalization grant made pursuant to section 1472 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

"(ii) reserve in any year a dollar amount up to the dollar amount that may be reserved under clause (i) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State pursuant to section 1472.

"(B) STATE MATCH.—Funds reserved pursuant to this paragraph shall not be considered a State match of a capitalization grant required pursuant to this title or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(4) STATE MATCH.—Notwithstanding subsection (b)(5), a State shall not be required to deposit a State matching amount in the fund prior to the date on which each payment is made for payments from funds appropriated for fiscal years 1994 and 1995, if the matching amounts for the payments are deposited in the State fund prior to September 30, 1998.

"CAPITALIZATION GRANTS

"SEC. 1472. (a) GENERAL AUTHORITY.—The Administrator may make grants to capitalize State loan funds to a State that has entered into an agreement pursuant to section 1471.

"(b) FORMULA FOR ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (c) and paragraph (2), funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to section 1471 in accordance with—

"(A) for each of fiscal years 1994 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1994, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

"(B) for each of fiscal years 1998 through 2000, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1475(c), except that the minimum proportion provided to each State shall be the same as the minimum proportion provided under subparagraph (A).

"(2) OTHER JURISDICTIONS.—The formula established pursuant to paragraph (1) shall reserve a total of not less than 0.5 percent of the amounts made available to carry out this part for a fiscal year for providing direct grants to the jurisdictions, other than Indian tribes, referred to in subsection (f).

"(c) RESERVATION OF FUNDS FOR INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part, the Administrator shall reserve 1.5 percent of the funds for providing financial assistance to Indian tribes pursuant to subsection (f).

"(2) USE OF FUNDS.—Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian tribes, as determined by the Administrator in consultation with the Commissioner of Indian Affairs and Indian tribes.

"(3) NEEDS ASSESSMENT.—The Administrator, in consultation with the Commissioner of Indian Affairs and Indian tribes, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to section 1475(c), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

"(d) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) SMALL SYSTEM.—The term 'small system' means a public water system that serves a population of 10,000 or less.

"(B) TECHNICAL ASSISTANCE.—The term 'technical assistance' means assistance provided by a State to a small system, including assistance to potential loan recipients and assistance for planning and design related to the development and implementation of a source water quality protection petition program, alternative supplies of drinking water, restructuring or consolidation of a small system, and treatment to comply with a national primary drinking water regulation.

"(2) RESERVATION OF FUNDS.—To provide technical assistance pursuant to this subsection, each State may reserve from capitalization grants received in any year an amount that does not exceed the greater of—

"(A) an amount equal to 2 percent of the amount of the capitalization grants received by the State pursuant to this section; or

"(B) $300,000.

"(e) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the sums allotted to a State pursuant to subsection (b) for a fiscal year shall be available to the State for obligation during the fiscal year for which the sums are authorized and during the following fiscal year.

"(B) FUNDS MADE AVAILABLE FOR FISCAL YEAR 1994.—The sums allotted to a State pursuant to subsection (b) from funds that are made available by appropriations for fiscal year 1994 shall be available to the State for obligation during each of fiscal years 1994 through 1996.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—Prior to obligating new allotments made available to the State pursuant to subsection (b), each State shall obligate funds accumulated before a date that is 180 days prior to the date of the obligation of a new allotment from loan repayments and interest earned on amounts deposited in a State loan fund. The amount of any allotment that is not obligated by a State by the last day of the period of availability established by paragraph (1) may, at the election of the Governor of such State, be reallocated in the form of additional grants pursuant to subsection (f)(1) for eligible projects. Otherwise such amount shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under subsection (b), except that the Administrator may reserve and allocate 10 percent of such remaining amount for financial assistance to Indian tribes in addition to the amount allotted under section 1472(c). None of the funds reallotted by the Administrator shall be reallotted to any State that has not obligated all sums allotted to the State pursuant to this section during the period that the sums were available for obligation.

"(3) ALLOTMENT OF WITHHELD FUNDS.—All funds withheld by the Administrator pursuant to subsection (g) and section 1442(e)(4) shall be allotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subsection (b). None of the funds allotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has viability authority pursuant to section 1418 and has an adequate certification program pursuant to section 1442(e).

"(f) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants for the improvement of public water systems of Indian tribes, the District of Columbia, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau (pending the entry into full force and effect of the Compact of Free Association between the United States and the Republic of Palau); and

"(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

"(g) VIABILITY.—Beginning in fiscal year 1998, the Administrator shall withhold the percentage prescribed in the following sentence of each capitalization grant made pursuant to this section to a State if the Administrator has not approved a viability program pursuant to section 1418(c) for the State. The percentage withheld shall be 10 percent for fiscal year 1998, 30 percent for fiscal year 1999, and 30 percent for each subsequent fiscal year.

"ELIGIBLE ASSISTANCE

"SEC. 1473. (a) IN GENERAL.—The amounts deposited into a State loan fund, including any amounts equal to the amounts of loan repayments and interest earned on the amounts deposited, may be used by the State to carry out projects that are consistent with this section.

"(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

"(1) IN GENERAL.—The amounts deposited into a State loan fund shall be used only for providing financial assistance for capital expenditures (excluding the cost of land acquisition, unless the cost is incurred to acquire land for the construction of a treatment facility or for a consolidation project) for—

"(A) capital expenditures for a project that will facilitate compliance with national primary drinking water regulations promulgated pursuant to section 1412;

"(B) capital expenditures for a project that will facilitate the consolidation of public water systems or the use of an alternative source of water supply;

"(C) capital expenditures for a project that will upgrade a drinking water treatment system; and

"(D) capital expenditures for the development of a public water system to replace private drinking water supplies if the water poses a significant threat to human health.

"(2) ASSISTANCE TO NONVIABLE SYSTEMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

"(ii) has a history of past violations of any maximum contaminant level, treatment technique, monitoring requirement, or other requirement of a national primary drinking water regulation or variance.

"(B) RESTRUCTURING.—A nonviable public water system may receive assistance under this part if the owner or operator of the system agrees to undertake changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long-term.

"(C) PROHIBITION.—No assistance under this part shall be provided to a public water system for a project for which the State determines that consolidation is appropriate other than assistance for consolidation.

"(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State loan fund may provide financial assistance only to community water systems and publicly owned and nonprofit noncommunity water systems.

"(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

"(1) to make loans, on the condition that—

"(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

"(B) principal and interest payments on each loan will commence not later than 1 year after completion of the project for which the loan was made and each loan will be fully amortized not later than 20 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (e)(1)), a State may provide an extended term for a loan, if the extended term—

"(i) terminates not later than the date that is 30 years after the date of project completion; and

"(ii) does not exceed the expected design life of the project;

"(C) the recipient of each loan will establish a dedicated source of revenue for the repayment of the loan; and

"(D) the State loan fund will be credited with all payments of principal and interest on each loan;

"(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after October 14, 1993, or to refinance a debt obligation for a project constructed to comply with a regulation established pursuant to an amendment to this title made by the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339; 100 Stat. 642);

"(3) to guarantee, or purchase insurance for, a local obligation if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund;

"(5) as a source of revenue or security for the payment of interest on a local obligation; and

"(6) to earn interest on the amounts deposited into the State loan fund.

"(e) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

"(1) DEFINITION OF DISADVANTAGED COMMUNITY.—As used in this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

"(2) LOAN SUBSIDY.—Notwithstanding subsection (d), in any case in which the State makes a loan pursuant to subsection (d) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

"(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (2) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"STATE LOAN FUND ADMINISTRATION

"SEC. 1474. (a) ADMINISTRATION, TECHNICAL ASSISTANCE, AND MANAGEMENT.—

"(1) ADMINISTRATION.—Each State that has a State loan fund is authorized to expend from the State loan fund a reasonable amount not to exceed 4 percent of the capitalization grant made to the State, for the costs of the administration of the State loan fund.

"(2) STATE PROGRAM MANAGEMENT ASSISTANCE.—

"(A) IN GENERAL.—Each State that has a loan fund is authorized to expend from the State loan fund an amount, determined pursuant to this paragraph, to carry out the public water system supervision program and source water quality protection petition program in the State.

"(B) LIMITATION.—Amounts expended pursuant to this paragraph in a fiscal year may not exceed the amount that is equal to the percentage specified in subparagraph (C) of the amount that is the difference between the grant funds available to the State in the fiscal year pursuant to section 1443(a) (including non-Federal funds matching the grant funds) and the amounts identified in the public water system supervision resource model established pursuant to section 1443, including State source water protection programs established pursuant to section 1429.

"(C) PERCENTAGE.—The percentage referred to in subparagraph (B) shall be—

"(i) 50 percent in fiscal year 1995;

"(ii) 100 percent in each of fiscal years 1996, 1997, and 1998; and

"(iii) 50 percent in fiscal year 1999.

"(D) STATE FUNDS.—Funds may not be expended pursuant to this paragraph unless the Administrator determines that—

"(i) the amount of State funds supporting the water supply supervision program is not less than the amount of State funds provided in fiscal year 1993; and

"(ii) in fiscal year 1999, funding for the water supply supervision program in the State (including funding provided pursuant to this paragraph) will be at a level that is no less than the level specified in the resource model established pursuant to section 1443.

"(b) INTENDED USE PLANS.—

"(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to its State loan fund.

"(2) CONTENTS.—An intended use plan shall include—

"(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

"(B) the criteria and methods established for the distribution of funds;

"(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund;

"(D) to the maximum extent practicable, a description of all projects for which public water systems sought financial assistance for the fiscal year and the per household costs for drinking water for the systems; and

"(E) to the maximum extent practicable, a description of projects expected to be assisted in the 2 fiscal years following the fiscal year for which a list was prepared under subparagraph (A).

"(3) USE OF FUNDS.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to those projects that address the most serious risk to human health and that assist systems most in need on a per household basis according to State affordability criteria.

"STATE LOAN FUND MANAGEMENT

"SEC. 1475. (a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, and annually thereafter, the Administrator shall conduct such reviews and audits as the Administrator considers appropriate, or require each State to have the reviews and audits independently conducted, in accordance with the single audit requirements of chapter 75 of title 31, United States Code.

"(b) STATE REPORTS.—Not later than 2 years after the date of enactment of this part, and biennially thereafter, each State that administers a State loan fund shall publish and submit to the Administrator a report on the activities of the State under this part, including the findings of the most recent audit of the State loan fund.

"(c) DRINKING WATER NEEDS SURVEY AND ASSESSMENT.—Not later than 2 years after the date of enactment of this part, and every 2 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey shall be submitted in even-numbered years so as to alternate annually with the estimate and comprehensive study of costs required to be submitted to Congress in each odd-numbered year under section 516(b) of the Federal Water Pollution Control Act (33 U.S.C. 1381(b)). The survey and assessment conducted pursuant to this subsection shall—

"(1) identify, by State, the needs for projects or facilities owned or controlled by community water systems eligible for assistance under this part on the date of the assessment (other than refinancing for a project pursuant to section 1473(d)(2));

"(2) estimate the needs for eligible facilities over the 20-year period following the date of the assessment;

"(3) identify, by size category, the population served by public water systems with needs identified pursuant to paragraph (1); and

"(4) include such other information as the Administrator determines to be appropriate.

"(d) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 1996. The evaluation shall be submitted to Congress at the same time as the President submits to Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 1998 relating to the budget of the Environmental Protection Agency.

"ENFORCEMENT

"SEC. 1476. The failure or inability of any public water system to receive funds under this part or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

"LABOR STANDARDS

"SEC. 1477. (a) IN GENERAL.—The Administrator shall take such action as is necessary to ensure that all laborers and mechanics employed by contractors or subcontractors of projects for which financial assistance is provided under this part (including any assistance derived from repayments to the State loan fund) shall be paid wages at rates not less than the prevailing rates for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly known as the 'Davis-Bacon Act') (40 U.S.C. 276a et seq.).

"(b) AUTHORITY AND FUNCTIONS.—With respect to the labor standards described in subsection (a), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

"REGULATIONS AND GUIDANCE

"SEC. 1478. The Administrator shall publish such guidance and promulgate such regulations as are necessary to carry out this part, including guidance and regulations to ensure that—

"(1) each State commits and expends funds from State loan funds in accordance with the requirements of this part and applicable Federal and State laws; and

"(2) the States and eligible public water systems that receive funds under this part use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1479. (a) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this part $600,000,000 for fiscal year 1994 and $1,000,000,000 for each of fiscal years 1995 through 2000.

"(b) NATIONAL ACADEMY OF SCIENCES.—The Administrator is authorized to reserve from funds appropriated pursuant to this section for fiscal year 1995 an amount not to exceed $1,000,000 to support a study by the National Academy of Sciences of scientific practices related to the development of drinking water standards for contaminants that are regulated on the basis of a health effect other than a carcinogenic effect.".

(b) DEFINITIONS.—Section 1401 (42 U.S.C. 300f) is amended—

(1) in paragraph (13)—

(A) by striking "The" and inserting "(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following new subparagraph:

"(B) For purposes of part G, the term 'State' means each of the 50 States and the Commonwealth of Puerto Rico.";

(2) in paragraph (14), by adding at the end the following new sentence: "For purposes of part G, the term includes any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c))."; and

(3) by adding at the end the following new paragraphs:

"(15) The term 'community water system' means a public water system that—

"(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

"(B) regularly serves at least 25 year-round residents.

"(16) The term 'noncommunity water system' means a public water system that is not a community water system.".

SEC. 4. NATIONAL DRINKING WATER REGULATIONS.

(a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking "(b)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(b) STANDARD SETTING SCHEDULES AND DEADLINES.—

"(1) IN GENERAL.—

"(A) GOALS AND REGULATIONS FOR CERTAIN CONTAMINANTS.—In the case of those contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

"(i) not later than 12 months after June 19, 1986, for not less than 9 of the listed contaminants;

"(ii) not later than 24 months after June 19, 1986, for not less than 40 of the listed contaminants; and

"(iii) not later than 36 months after June 19, 1986, for the remainder of the listed contaminants.

"(B) SUBSTITUTION OF CONTAMINANTS.—If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in such subparagraph. There may be no more than 7 contaminants in subparagraph (A) for which substitutions may be made. Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

"(2) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

"(A) PROPOSED GOALS AND REGULATION.—Not later than May 31, 1994, the Administrator shall propose maximum contaminant level goals or maximum residual disinfectant level goals, and a national primary drinking water regulation, for disinfectants and disinfection byproducts (including maximum residual disinfectant levels). The Administrator shall also propose an interim enhanced surface water treatment rule for systems serving a population of more than 10,000 that includes a maximum contaminant level goal for cryptosporidium. The proposed regulation shall be consistent with the 'Disinfection and Disinfection Byproducts Negotiated Rulemaking Committee Agreement'.

"(B) STAGE I REGULATION.—Not later than December 31, 1996, the Administrator shall, after notice and opportunity for public comment, publish maximum contaminant level goals or maximum residual disinfectant level goals, and promulgate a revised national primary drinking water regulation for disinfectants and disinfection byproducts (including maximum residual disinfectant levels) and an interim enhanced surface water treatment rule for systems serving a population of more than 10,000 for microbial contaminants, including cryptosporidium.

"(C) INFORMATION COLLECTION RULE.—Not later than July 29, 1994, the Administrator shall, after notice and opportunity for comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium.

"(D) PROPOSED RULE.—Not later than June 30, 1997, the Administrator shall propose a long-term enhanced surface water treatment rule for all public water systems (including any appropriate revisions to the interim regulations for public water systems serving a population of more than 10,000) promulgated pursuant to subparagraph (B).

"(E) FINAL RULE.—Not later than December 31, 1998, the Administrator shall promulgate a long-term enhanced surface water treatment rule for all public water systems (including any appropriate revisions to the interim regulations for public water systems serving a population of more than 10,000) promulgated pursuant to subparagraph (B).

"(F) STAGE II REGULATION.—Not later than June 30, 2000, the Administrator shall, after notice and opportunity for comment, promulgate a revised national primary drinking water regulation for disinfectants and disinfection byproducts taking into account the information collected under subparagraph (C). To the extent practicable, the Administrator shall develop the revised national primary drinking water regulation through the negotiated rulemaking procedure provided for under subchapter III of chapter 5 of title 5, United States Code.".

(b) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g–1(b)(7)(C)) is amended by adding at the end the following new clause:

"(v) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—At the same time as the Administrator proposes a regulation pursuant to paragraph (2)(A), the Administrator shall propose a regulation that describes treatment techniques that meet the requirements for filtration pursuant to this subparagraph and are feasible for community water systems serving a population of 3,300 or less and noncommunity water systems.".

(c) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—Paragraph (3) of section 1412(b) (42 U.S.C. 300g–1(b)(3)) is amended to read as follows:

"(3) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—

"(A) GENERAL AUTHORITY.—The Administrator shall publish a maximum contaminant level goal, and promulgate a national primary drinking water regulation, for each contaminant (other than a contaminant referred to in paragraph (1) or (2) for which a national primary drinking water regulation has been promulgated) if, in the judgment of the Administrator, the contaminant may have an adverse effect on the health of persons and the contaminant is known or anticipated to occur in public water systems with a frequency and at levels of public health concern.

"(B) CONTAMINANTS TO BE CONSIDERED.—

"(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall publish a list of not fewer than 15 contaminants that, in the judgment of the Administrator (after consultation with the Secretary of the Department of Health and Human Services acting through the Director of the Centers for Disease Control and Prevention), present the greatest public health concern, based on available information with respect to the adverse health effects associated with the contaminants and the known or anticipated occurrence of the contaminants in public water systems.

"(ii) SUBSEQUENT LISTS.—Not later than 5 years after the date of publication of the initial list under clause (i), and every 5 years thereafter, the Administrator shall publish a list of not fewer than 7 additional contaminants meeting the criteria set forth in clause (i).

"(iii) COMMENT.—The Administrator shall seek comment on each of the lists required under clauses (i) and (ii) prior to publication of each list from officials of State and local governments, operators of public water systems, the scientific community, and the general public.

"(iv) LIST OF CONTAMINANTS.—Each of the contaminants listed pursuant to clause (ii) shall be on the list of contaminants established pursuant to section 1445(a)(2)(B).

"(v) PROPOSED WORK PLANS.—Proposed work plans, including schedules and milestones, for meeting the requirements of subparagraphs (C), (D), and (E) shall be published at the time a list is published under this subparagraph.

"(C) PROPOSED GOAL AND REGULATION.—Not later than 18 months after the date on which a contaminant has been listed pursuant to subparagraph (B), the Administrator shall publish a maximum contaminant level goal, and propose a national primary drinking water regulation, for the contaminant, if the Administrator determines that—

"(i) appropriate, peer-reviewed, scientific information and an assessment of health risks, conducted in accordance with sound scientific practices (considering applicable guidance from the National Academy of Sciences), have been considered;

"(ii) adequate data are available to develop the regulation; and "(iii) the contaminant meets the criteria for regulation established in subparagraph (A).

A determination under this subparagraph shall be a final agency action for purposes of section 1448.

"(D) FINAL WORK PLAN FOR INFORMATION.—Not later than 18 months after the date on which a contaminant is listed pursuant to subparagraph (B) and for each of the contaminants for which a national primary drinking water regulation is not proposed pursuant to subparagraph (C)(ii), the Administrator shall publish a final work plan with respect to the contaminant for collecting information and conducting studies necessary for development of a national primary drinking water regulation for the contaminant.

"(E) PUBLICATION OF GOAL AND REGULATION OR DETERMINATION.—After the completion of studies for a contaminant identified in a work plan under subparagraph (D), but not later than 5 years after a contaminant is first listed under subparagraph (B), the Administrator shall publish—

"(i) a maximum contaminant level goal and propose a national primary drinking water regulation for the contaminant; or

"(ii) a determination that the contaminant does not meet the criteria for regulation under subparagraph (A).

A determination under clause (ii) shall be a final agency action for purposes of section 1448.

"(F) ISSUANCE OF REGULATIONS.—The Administrator shall promulgate a national primary drinking water regulation for each contaminant for which a regulation is proposed under this paragraph not later than 24 months after the date on which the regulation is proposed.

"(G) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate a national primary drinking water regulation for a contaminant using procedures other than the procedures specified in subparagraphs (B) through (F) to address an urgent threat to public health.

"(H) MONITORING DATA AND OTHER INFORMATION.—The Administrator may require, in accordance with section 1445(a)(2), the submission of monitoring data and other information necessary for the development of studies, work plans, or national primary drinking water regulations.

"(I) NATIONAL DRINKING WATER OCCURRENCE DATA BASE.—

"(i) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under section 1445(a) and information from other public and private sources.

"(ii) USE.—The data shall be used by the Administrator in making determinations under this section with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

"(iii) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under section 1445(a)(2).

"(iv) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

"(v) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

"(vi) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

"(I) monitoring information collected by public water systems that serve a population of more than 10,000, as required by the Administrator under section 1445;

"(II) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 10,000 or less; and

"(III) other appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.

"(J) PRIOR REQUIREMENTS.—The requirements of subparagraph (C) of this paragraph (as it existed before the amendment made by section 4(b) of the Safe Drinking Water Act Amendments of 1994), and any obligations to promulgate regulations not promulgated as of the date of enactment of such Act, are superseded by this paragraph and paragraph (2).".

(d) GOALS AND STANDARDS.—Section 1412(b)(4) (42 U.S.C. 300g-1(b)(4)) is amended—

(1) by striking "(4) Each maximum" and inserting the following:

"(4) GOALS AND STANDARDS.—

"(A) IN GENERAL.—Each maximum"; and

(2) by adding at the end the following new subparagraphs:

"(B) HEALTH RISK REDUCTION AND COST.—At the time a maximum contaminant level is proposed, the Administrator shall publish and seek public comment on, and consider for the purposes of subparagraph (C), an analysis of—

"(i) the health risk reduction benefits that are likely to occur as the result of treatment to comply with the maximum contaminant level;

"(ii) the costs that will be experienced as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs;

"(iii) any potential increased health risk that may occur as a result of compliance with the maximum contaminant level; and

"(iv) the effects of the contaminant upon subpopulations that are identified as being at greater risk for adverse health effects in the research and evidence described in section 1442(j).

"(C) ADDITIONAL AUTHORITY.—

"(i) Notwithstanding subparagraph (A), the Administrator may establish a maximum contaminant level that is less stringent than is feasible (as determined under paragraph (5)), if the Administrator determines that the less stringent level will result in compliance costs that are substantially less than costs that would be experienced by public water systems to comply with the level that is feasible and that the less stringent level will—

"(I) for any contaminant that is regulated on the basis of the carcinogenic effects of the contaminant, not result in a significant increase in individual lifetime cancer risks from concentrations of the contaminant in drinking water relative to the feasible level; or

"(II) for any contaminant that is regulated on the basis of a health effect other than a carcinogenic effect, ensure a reasonable certainty of no harm.

"(ii) For contaminants that are regulated on the basis of health effects other than carcinogenic effects, the Administrator shall use the authority provided in this subparagraph only after the Administrator publishes in the Federal Register guidelines establishing sound scientific practices for the implementation of the authority with respect to the contaminant. The Administrator may publish guidelines pursuant to this clause only after the National Academy of Sciences has completed a study and made recommendations concerning the scientific information, methods, and practices that would be necessary to support the implementation of clause (i)(II) and ensure that decisions by the Administrator pursuant to clause (i)(II) are based on appropriate, peer-reviewed, scientific information and sound scientific practices. The study by the National Academy of Sciences shall be completed as expeditiously as practicable.

"(D) CONSIDERATION OF OTHER HEALTH EFFECTS.—

"(i) Notwithstanding the provisions of subparagraph (A), the Administrator may establish a maximum contaminant level for a contaminant at a level that is less stringent than is feasible if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the overall health risk from drinking water by—

"(I) increasing the concentration of other contaminants in drinking water; or

"(II) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

"(ii) If the Administrator establishes a maximum contaminant level for any contaminant pursuant to the authority of this subparagraph, the level shall minimize the overall risk of adverse health effects, including the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of treatment techniques and processes that would be employed to attain the maximum contaminant level.".

(e) MONITORING FOR UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is amended by striking paragraphs (2) through (8) and inserting the following new paragraphs:

"(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

"(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

"(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

"(i) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1994, and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 30 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water data base maintained pursuant to section 1412(b)(3)(I).

"(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under section 1445(a)(2) each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

"(C) MONITORING BY LARGE SYSTEMS.—A public water system that serves a population of more than 10,000 shall conduct monitoring for all contaminants listed under subparagraph (B).

"(D) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serves a population of 10,000 or less. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations within the State.

"(E) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

"(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator may waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 1995 through 2000.".

(f) DRINKING WATER STANDARD REVIEW AND COMPLIANCE PERIODS.—

(1) REVIEW PERIOD.—The first and second sentences of section 1412(b)(9) (42 U.S.C. 300g-1(b)(9)) are each amended by striking "3" each place it appears and inserting "6".

(2) COMPLIANCE PERIOD.—Paragraph (10) of section 1412(b) (42 U.S.C. 300g-1(b)(10)) is amended to read as follows:

"(10) COMPLIANCE PERIOD.—A national primary drinking water regulation promulgated under this section shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator or, a State in the case of an individual system, may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State determines that additional time is necessary for capital improvements.".

(3) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g-5) is amended—

(A) in subsection (a)(1)—

(i) by inserting after "(which may include economic factors" the following: ", including qualification of the public water system as a 'disadvantaged community' pursuant to section 1473(e)(1)"; and

(ii) by inserting after "treatment technique requirement," the following: "or to implement measures to develop an alternative source of water supply or restructure or consolidate the system,"; and

(B) in subsection (b)—

(i) in the first sentence of paragraph (1)—

(I) by inserting after "(A)" the following: "(i)";

(II) by striking "(B)" and inserting "(ii)";

(III) by striking the period at the end of the sentence and inserting "; or"; and

(IV) by inserting after subparagraph (A) (as amended by subclauses (I), (II), and (III)) the following new subparagraph:

"(B) implementation by the public water system of measures needed to ensure compliance with the requirements of this title, including development of an alternative source of water supply or restructuring or consolidation of the system."; and

(ii) in paragraph (2)—

(I) by striking "(except as provided in subparagraph (B))" in subparagraph (A) and all that follows through "3 years after the date of the issuance of the exemption if" in subparagraph (B) and inserting the following: "not later than 3 years after the otherwise applicable compliance date established in section 1412(b)(10).

"(B) No exemption shall be granted unless";

(II) in subparagraph (B)(i), by striking "within the period of such exemption" and inserting "prior to the date established pursuant to section 1412(b)(10)";

(III) in subparagraph (B)(ii), by inserting after "such financial assistance" the following: "or assistance pursuant to part G or any other Federal or State program is reasonably likely to be available within the period of the exemption";

(IV) in subparagraph (C)—

(aa) by striking "500 service connections" and inserting "a population of 3,300"; and

(bb) by striking "for one or more additional 2-year periods" and inserting "for one additional 2-year period"; and

(V) by adding at the end the following new subparagraph:

"(D) VARIANCES.—A public water system may not receive an exemption under this section if the system was granted a variance under section 1415(e).".

(g) MONITORING REQUIREMENTS.—

(1) ALTERNATIVE MONITORING PROGRAM.—Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is amended—

(A) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(B) by adding at the end the following new subparagraphs:

"(C) REVIEW.—The Administrator shall—

"(i) not later than 1 year after the date of enactment of this subparagraph, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not less than 12 contaminants identified by the Administrator; and

"(ii) not later than 1 year after the review, promulgate any necessary modifications.

"(D) STATE-ESTABLISHED REQUIREMENTS.—

"(i) IN GENERAL.—Each State with primary enforcement responsibility may submit an application to the Administrator to establish for any national drinking water regulation, other than a regulation applicable to a microbial contaminant (or indicator of a microbial contaminant), monitoring requirements applicable to public water systems identified by the State, in lieu of the monitoring requirements contained in the regulation, if the monitoring requirements established by the State—

"(I) are based on occurrence data and other relevant characteristics of the contaminant or the systems subject to the requirements; and

"(II) include monitoring frequencies for public water systems in which a contaminant has been detected at a quantifiable level no less frequent than required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection.

"(ii) COMPLIANCE AND ENFORCEMENT.—The monitoring requirement established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation.

"(iii) APPROVAL.—The Administrator shall review an application submitted by a State pursuant to this subparagraph and approve the application, in whole or in part, if the application meets the requirements of this subparagraph. If the Administrator has not acted pursuant to this clause within 180 days after submission of the application, the application shall be deemed to be approved. If the Administrator disapproves an application, or a part of an application, the Administrator shall provide to the State a description of the changes needed for the program to be approved. A monitoring program approved pursuant to this clause shall be approved for a period of 3 years and each subsequent approval shall be for a period of 5 years.

"(iv) OTHER STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State, and the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to applications from States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.".

(2) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as amended by paragraph (1)(B)) is further amended by adding at the end the following new subparagraph:

"(E) SMALL SYSTEM MONITORING.—With respect to monitoring requirements for contaminants regulated on the basis of the carcinogenic effects of the contaminants, the Administrator or a State that has primary enforcement responsibility pursuant to section 1413(a) may modify the requirements to provide that any public water system that serves a population of 10,000 or less shall not be required to conduct additional quarterly monitoring during any 3-year period for a specific contaminant if monitoring conducted at the beginning of the period for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system, and the State determines that the contaminant is unlikely to be detected by further monitoring in the period.".

SEC. 5. SMALL SYSTEMS PROGRAMS.

(a) SMALL SYSTEM VARIANCES.—

(1) IN GENERAL.—Section 1415 (42 U.S.C. 300g-4) is amended by adding at the end the following new subsection:

"(e) SMALL SYSTEM VARIANCES.—

"(1) IN GENERAL.—The Administrator, or a State with primary enforcement responsibility for public water systems under section 1413, may grant to a public water system serving a population of 10,000 or less (referred to in this subsection as a 'small system') a variance under this subsection for compliance with a requirement specifying a maximum contaminant level or treatment technique contained in a national primary drinking water regulation, if the variance meets all the requirements of this subsection.

"(2) AVAILABILITY OF VARIANCES.—A small system may receive a variance under this subsection if the system installs, operates, and maintains, in accordance with guidance or regulations issued by the Administrator, treatment technology that is feasible for small systems as determined by the Administrator pursuant to section 1412(b)(12).

"(3) CONDITIONS FOR GRANTING VARIANCES.—A variance under this subsection shall be available only to a system—

"(A) that cannot afford to comply, in accordance with affordability criteria established by the State (or the Administrator for State that does not have primary enforcement responsibility under section 1413), with a national primary drinking water regulation, including compliance through treatment, alternative source water supply, or restructuring, including consolidation; and

"(B) for which the Administrator or, if the State has primary enforcement responsibility under section 1413, the State determines that the terms of the variance ensure adequate protection of human health, considering the quality of the source water for the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(4) APPLICATIONS.—An application for a variance for a national primary drinking water regulation under this subsection shall be submitted to the Administrator or the State not later than the date that is the later of—

"(A) 3 years after the date of enactment of this subsection; or

"(B) 1 year after the compliance date of the national primary drinking water regulation as established under section 1412(b)(10) for which a variance is requested.

"(5) VARIANCE REVIEW AND DECISION.—

"(A) TIMETABLE.—The Administrator or the State shall grant or deny a variance not later than 1 year after the application deadlines established in paragraph (4).

"(B) PENALTY MORATORIUM.—Each public water system that submits a timely application for a variance under this subsection shall not be subject to a penalty in an enforcement action under section 1414 for a violation of a maximum contaminant level or treatment technique in the national primary drinking water regulation with respect to which the variance application was submitted prior to the date of a decision to grant or deny the variance.

"(6) COMPLIANCE SCHEDULES.—

"(A) VARIANCES.—A variance granted under this subsection shall require compliance with the conditions of the variance not later than 3 years after the date on which the variance is granted, except that the State may allow up to 2 additional years to comply with a treatment technique if the State determines that additional time is necessary for capital improvements, or to allow for financial assistance provided pursuant to part G or any other Federal or State program.

"(B) DENIED APPLICATIONS.—If the Administrator or a State denies a variance application under this subsection, the public water system shall be in compliance with the requirements of the national primary drinking water regulation for which the variance was requested not later than 4 years after the date on which the national primary drinking water regulation was promulgated.

"(7) DURATION OF VARIANCES.—

"(A) IN GENERAL.—A State shall review each variance granted under this subsection not less often than every 5 years after the compliance date established in the variance to determine whether the system remains eligible for the variance and is conforming to all conditions of the variance.

"(B) REVOCATION OF VARIANCES.—The Administrator or, if the State has primary enforcement responsibility under section 1413, the State shall revoke a variance in effect under this subsection if the Administrator or the State determines that—

"(i) the system is no longer eligible for a variance;

"(ii) the system has failed to comply with any term or condition of the variance, other than a reporting or monitoring requirement; or

"(iii) the terms of the variance do not ensure adequate protection of human health, considering the quality of source water available to the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(8) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

"(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

"(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

"(9) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations for variances to be granted under this subsection. The regulations shall, at a minimum, specify—

"(i) procedures to be used by the Administrator or a State to grant or deny variances, including requirements for notifying the Administrator and consumers of the public water system applying for a variance and requirements for a public hearing on the variance before the variance is granted;

"(ii) requirements for the installation and proper operation of treatment technology that is feasible for small systems;

"(iii) eligibility criteria for a variance for each national primary drinking water regulation, including requirements for the quality of the source water (pursuant to section 1412(b)(12)(A)) and the financial and technical capability to operate the treatment system, including operator training and certification; and

"(iv) information requirements for variance applications.

"(B) AFFORDABILITY CRITERIA.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator, in consultation with the States, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria.

"(10) REVIEW BY THE ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator shall periodically review State decisions with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection and the regulations promulgated by the Administrator. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State.

"(B) OBJECTIONS TO VARIANCES.—

"(i) BY THE ADMINISTRATOR.—If any variance proposed to be granted by a State contains provisions that are determined by the Administrator as not in compliance with this subsection (including the requirement that a variance not be granted to a system that can comply with the national primary drinking water regulations through treatment, an alternative source of water supply, or restructuring) and the regulations promulgated by the Administrator pursuant to paragraph (9), the Administrator shall object to the granting of the variance. The State shall respond in writing to each objection of the Administrator. The State shall not grant the variance until the objections of the Administrator have been resolved.

"(ii) PETITION BY CONSUMERS.—If the Administrator does not object to the granting of a variance, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 90 days after the receipt of the petition. The State shall not grant the variance during the 90-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State.

"(C) NOTICE AND PUBLICATION.—If the Administrator determines that variances granted by a State are not in full compliance with affordability criteria developed by the State and the regulations promulgated by the Administrator pursuant to paragraph (9), the Administrator shall notify the State in writing of the deficiencies and make public the determination.".

(2) SMALL SYSTEM TREATMENT TECHNOLOGIES.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by adding at the end the following new paragraph:

"(12) SMALL SYSTEM TREATMENT TECHNOLOGIES.—

"(A) IN GENERAL.—At the same time as the Administrator promulgates a national primary drinking water regulation pursuant to this section, the Administrator shall issue guidance or regulations describing a treatment technology (or technologies) for the contaminant that is the subject of the regulation that is feasible (as defined in paragraph (5)) for public water systems serving a population of 10,000 or less. The Administrator may classify systems by the size of the population served and describe a technology or technologies that are appropriate for systems in each class. The guidance or regulations shall identify the effectiveness of the technology, the cost of the technology, and other factors related to the use of the technology, including requirements for the quality of source water to ensure adequate protection of human health, considering removal efficiencies of the technology, and installation, and operation and maintenance requirements, for the technology. The Administrator shall not issue guidance or regulations for a technology under this paragraph unless the technology adequately protects human health, considering the expected useful life of the technology and the source waters available to systems for which the technology is considered feasible.

"(B) REGULATIONS AND GUIDANCE.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall issue guidance or regulations under subparagraph (A) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph for which a variance may be granted under section 1415(e). The Administrator may, at any time after a national primary drinking water regulation has been promulgated, issue guidance or regulations describing additional treatment technologies that meet the requirements of subparagraph (A) for public water systems serving a population of 3,300 or less that are subject to the regulation.".

(3) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j-4) is amended by adding at the end the following new subsection:

"(g) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of section 1412(b)(12), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and date by which information shall be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under section 1412(b)(12).".

(b) VIABILITY OF PUBLIC WATER SYSTEMS.—Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following new section:

"STATE VIABILITY PROGRAMS

"SEC. 1418. (a) IN GENERAL.—Each State shall adopt a State Drinking Water System Viability Program (referred to in this section as the 'State Viability Program') to ensure the capability of public water systems in the State to comply with the requirements of this title.

"(b) PROGRAM ELEMENTS.—A State Viability Program complies with this section if it includes—

"(1) the legal authority to ensure that all new public water systems commencing operation after October 1, 1997, have the managerial, technical, and financial capability to comply with national primary drinking water regulations and other requirements of this title; and

"(2) a program to secure the voluntary restructuring (including physical consolidation) of existing systems that are in violation of a national primary drinking water regulation or other requirement of this title and that lack the managerial, technical, or financial capability to comply with the regulation or requirement.

"(c) SUBMISSION AND APPROVAL OF PROGRAMS.—

"(1) SUBMISSION.—Not later than 36 months after the date of enactment of this section, each State shall submit to the Administrator a proposal for a State Viability Program that meets the requirements of this section.

"(2) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove each State Viability Program not later than 180 days after receipt of the Program. If the Administrator disapproves a Program, the Administrator shall notify the State of the reasons for disapproval in writing and the State may resubmit the Program as modified to resolve the objections of the Administrator.

"(3) WITHDRAWAL OF APPROVAL.—The Administrator may, after notifying a State, withdraw approval of a State Viability Program, if the State fails to carry out the Program as provided in this section.

"(d) PENALTY MORATORIUM.—A public water system in violation of a requirement specifying a maximum contaminant level or treatment technique that seeks assistance from a State for restructuring, including physical consolidation, shall not be subject to a penalty in an enforcement action under section 1414 for a violation of the requirement for a period of 3 years, if the system is meeting the terms and conditions of a State restructuring order. The extension described in the preceding sentence shall not apply to a system that applies for assistance after the date that is 4 years after the date of enactment of this section.

"(e) SYSTEMS IN COMPLIANCE.—Nothing in this section requires a State to prohibit the operation of a public water system that is in compliance with national primary drinking water regulations and other requirements of this title.

"(f) EPA GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Administrator shall, after consultation with officials of State and local governments, publish guidance for use by the States—

(1) identifying the factors contributing to nonviability of public water systems; and

(2) identifying technical, managerial, financial, and other options to address the factors, including options that have been successfully employed by States.

"(g) EPA SURVEY.—Not later than 2 years after the date of enactment of this section, the Administrator shall conduct a survey of public water systems to identify public water systems that are likely to be nonviable based on the requirements of law and factors contributing to nonviability, including the economic circumstances of the community. The results of the survey shall be published with the guidance prepared by the Administrator pursuant to subsection (f).".

(c) SMALL WATER SYSTEMS TECHNOLOGY CENTERS.—Section 1442 (42 U.S.C. 300j-1) is amended by adding at the end the following new subsection:

"(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—

"(1) GRANT PROGRAM.—The Administrator shall make grants to institutions of higher learning to establish and operate not fewer than 5 small public water system technology assistance centers in the United States.

"(2) RESPONSIBILITIES OF THE CENTERS.—The responsibilities of the small public water system technology assistance centers established under this subsection shall include the conduct of research, training, and technical assistance relating to the information, performance, and technical needs of small public water systems or public water systems that serve Indian tribes.

"(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

"(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The small public water system technology assistance center shall be located in a State that is representative of the needs of the region in which the State is located for addressing the drinking water needs of rural small communities or Indian tribes.

"(B) The grant recipient shall be located in a region that has experienced problems with rural water supplies.

"(C) There is available to the grant recipient for carrying out this subsection demonstrated expertise in water resources research, technical assistance, and training.

"(D) The grant recipient shall have the capability to provide leadership in making national and regional contributions to the solution of both long-range and intermediate rural water system technology management problems.

"(E) The grant recipient shall have a demonstrated interdisciplinary capability with expertise in small public water system technology management and research.

"(F) The grant recipient shall have a demonstrated capability to disseminate the results of small public water system technology research and training programs through an interdisciplinary continuing education program.

"(G) The projects that the grant recipient proposes to carry out under the grant are necessary and appropriate.

"(H) The grant recipient has regional support beyond the host institution.

"(I) For purposes of this subsection, the State of Alaska shall be considered a region.

"(5) CONSORTIA OF STATES.—At least 2 of the grants shall be made to consortia of States with low population densities. As used in this paragraph, the term 'consortia of States with low population densities' means a consortia of States, each State of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.".

(d) Section 1412(b)(6) (42 U.S.C. 300g–1(b)(6)) is amended by adding at the end thereof the following: "The Administrator shall include in the list any technology, treatment technique or other means that is feasible for small public water systems and that achieves compliance with the maximum contaminant level, including (A) packaged or modular systems; and (B) point of entry treatment units that are controlled by the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.".

SEC. 6. ENFORCEMENT OF DRINKING WATER REGULATIONS.

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–3) is amended to read as follows:

"ENFORCEMENT OF DRINKING WATER REGULATIONS

"SEC. 1414. (a) CIVIL ENFORCEMENT AUTHORITY.—If, on the basis of information available to the Administrator, the Administrator finds that a person has violated an applicable requirement and the State with primary enforcement responsibility for the requirement has not commenced or is not diligently prosecuting an enforcement action to require compliance with the requirement, the Administrator shall notify the person and the State of the finding and shall issue an order pursuant to subsection (b) requiring the person to comply with the requirement or shall initiate an action for the assessment of an administrative penalty pursuant to subsection (c), or both, or shall initiate a civil action pursuant to subsection (e).

"(b) ADMINISTRATIVE COMPLIANCE ORDERS.—If the Administrator finds that a person has violated an applicable requirement, the Administrator may issue a compliance order. A compliance order shall be served by personal service, state with reasonable specificity the nature of the violation, and specify a reasonable time for compliance that takes into account the nature of the violation. If an administrative compliance order is issued to a corporation, a copy of the compliance order shall be served on any appropriate corporate officer.

"(c) ADMINISTRATIVE PENALTY ORDERS.—

"(1) IN GENERAL.—If the Administrator finds that a person has violated an applicable requirement, the Administrator may issue a penalty order assessing a class I or a class II civil penalty against the person.

"(2) PENALTIES.—

"(A) CLASS I.—Except as provided in subsection (d), the Administrator may, after notice and opportunity for hearing (but without regard to chapters 5 and 7 of title 5, United States Code), assess a class I civil penalty under paragraph (1) in an amount not to exceed $10,000 per day per violation, except that the maximum amount of a class I civil penalty may not exceed $25,000.

"(B) CLASS II.—

"(i) IN GENERAL.—Except as provided in subsection (d), the Administrator may, after notice and opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code, assess a class II civil penalty under paragraph (1) in an amount not to exceed $10,000 per day per violation, except that the maximum amount of a class II civil penalty may not exceed $200,000.

"(ii) PUBLIC NOTICE AND OPPORTUNITY TO COMMENT.—Before assessing a class II civil penalty under clause (i), the Administrator shall provide public notice of, and reasonable opportunity to comment on, the proposed issuance of such order.

"(3) FINALITY OF ORDERS.—An order assessing a civil penalty under this subsection shall become final 30 days after the order is issued, except that an order issued upon consent shall become final upon issuance.

"(4) ELECTION OF CIVIL PENALTY REMEDY.—If a civil penalty is assessed by the Administrator for a violation pursuant to this subsection, an additional penalty may not be assessed by the Administrator or a Federal court pursuant to this section for the same violation.

"(5) JUDICIAL REVIEW.—

"(A) IN GENERAL.—A person against whom a penalty order is issued under this subsection, except upon consent, or who commented on the proposed assessment of the penalty in accordance with paragraph (2)(B)(ii), may obtain review of the order in the United States District Court for the District of Columbia or in the district court in the district in which the violation is alleged to have occurred by filing, during the 30-day period beginning on the date the penalty order becomes final, a complaint with the court. The person shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

"(B) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion. The court may not impose an additional civil penalty for a violation that is the subject of the assessment by the Administrator unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

"(C) FORUM.—Notwithstanding section 1448(a)(2), a penalty order issued under this subsection shall be subject to judicial review only under subparagraph (A).

"(6) COLLECTION.—If a person fails to pay an assessed civil penalty after the order making the assessment has become final, or after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Administrator, the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In the action, the validity, amount, and appropriateness of the penalty shall not be subject to judicial review. A person who fails to pay on a timely basis the amount of an assessed civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to the amount and interest, attorney fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which the failure to pay persists. The nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of the penalties and nonpayment penalties of the person that are unpaid as of the beginning of the quarter.

"(7) SUBPOENAS.—The Administrator, in connection with administrative proceedings brought under this subsection or in connection with investigations conducted pursuant to this part, may issue subpoenas for the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this part. The district courts shall have jurisdiction to enforce the subpoenas and impose sanctions.

"(d) FEDERAL FACILITIES.—

"(1) MAXIMUM PENALTY AMOUNTS.—The amount of a civil penalty assessed against a Federal agency may exceed the maximum amounts described in subsection (c)(2), but may not exceed $25,000 per day per violation.

"(2) PROCEDURE.—Before a civil penalty order or administrative compliance order issued pursuant to this section applicable to a Federal agency becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

"(3) PUBLIC REVIEW.—Any interested person may obtain review of a civil penalty order issued pursuant to this subsection to a Federal agency. The review shall be in accordance with the procedures provided under subsection (c)(5) for persons against whom a penalty order is issued under subsection (c).

"(e) CIVIL ACTIONS.—

"(1) IN GENERAL.—If the Administrator finds that a person has violated an applicable requirement or has failed to comply with an order issued under subsection (b) or section 1431, the Administrator may commence a civil action pursuant to this subsection for appropriate relief, including a permanent or temporary injunction.

"(2) JURISDICTION.—An action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business. The court shall have jurisdiction to restrain any applicable violation and to require compliance with a requirement referred to in paragraph (1). The court may enter such judgment as the protection of public health requires.

"(3) PENALTIES.—A person who has violated an applicable requirement or has failed to comply with any order issued under subsection (b) or section 1431 shall be subject to a civil judicial penalty in an amount not to exceed $25,000 per day for each violation.

"(f) PENALTY FACTORS.—In determining the amount of a civil penalty assessed pursuant to this section, the Administrator or court shall consider the seriousness of each violation, the economic benefit (if any) resulting from the violation, any history of similar violations including violations that are not part of the current action, any good faith efforts to comply with applicable requirements before the initiation of the civil action, the size of the system, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(g) EFFECT OF ENFORCEMENT ACTION.—Nothing in this section limits the authority of the Administrator to take enforcement action against a person under any other provision or affects the obligation of a person to comply with an applicable requirement or an order issued by the Administrator pursuant to this title (except an order superseding a previous order issued under subsection (b)).

"(h) DEFINITION OF APPLICABLE REQUIREMENT.—As used in this section, the term 'applicable requirement' means—

"(1) a requirement of section 1412, 1415, 1416, 1417, 1419, 1441, 1442, 1445, 1447, 1463, 1464, 1466, or 1471;

"(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

"(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1);

"(4) a duty to allow access under section 1445(b); and

"(5) a requirement of, or permit issued, under an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.

"(i) VARIANCES AND EXEMPTIONS.—For purposes of this section, compliance with the requirements of a variance granted pursuant to section 1415 or an exemption issued pursuant to section 1416 for any national primary drinking water regulation shall be considered compliance with the regulation during the term of the variance or exemption.

"(j) CONSOLIDATION INCENTIVE.—

"(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility pursuant to section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

"(A) the physical consolidation of the system with 1 or more other systems;

"(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

"(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

"(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1) no enforcement action shall be taken pursuant to this part and with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date that consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

"(k) NOTICE OF PUBLIC WATER SYSTEM TO PERSONS SERVED.—

"(1) IN GENERAL.—Each owner or operator of a public water system shall give notice to the persons served by the system—

"(A) of any failure on the part of the public water system to—

"(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

"(ii) perform monitoring required by section 1445(a); and

"(B) if the public water system is subject to a variance granted under section 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, of—

"(i) the existence of the variance or exemption; and

"(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption.

"(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

"(A) IN GENERAL.—The Administrator shall, by regulation, prescribe the form, manner, and frequency for giving notice under this subsection.

"(B) VIOLATIONS WITH POTENTIAL TO CAUSE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations promulgated under this subsection shall specify notification procedures for each violation by a community water system that has the potential to cause serious adverse effects on human health. Each notice of a violation provided under this subparagraph shall—

"(i) be distributed as soon as practicable after the violation, but not later than 24 hours after the violation;

"(ii) be provided to appropriate broadcast media;

"(iii) be prominently published in a newspaper of general circulation serving the area not later than 1 day after the distribution of a notice pursuant to clause (i), or the date of publication of the next issue of the newspaper;

"(iv) provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) any potential adverse effects on human health;

"(III) the steps that the public water system is taking to correct the violation; and

"(IV) the necessity of seeking alternative water supplies until the violation is corrected; and

"(v) be provided to the State agency that has primary enforcement responsibility pursuant to section 1413 and to the Administrator.

"(C) NOTICE BY MAIL.—Regulations promulgated under this subsection shall specify that community water systems shall provide notice by mail to each customer of the system of any violation of a maximum contaminant level or treatment technique, in the first billing, if any, that occurs after the violation, but not later than 1 year after the violation. The Administrator shall prescribe the form and manner of the notice to ensure a clear and readily understandable explanation of the violation, any potential adverse health effects, the steps that the system is taking to correct the violation, and the necessity to seek alternative water supplies, if any, until the violation is corrected.

"(D) OTHER VIOLATIONS.—Notice of violations other than violations by a community water system identified under subparagraph (B) shall be—

"(i) provided not less frequently than annually and prominently published in a newspaper of general circulation serving the area; and

"(ii) provided to the State agency that has primary enforcement responsibility pursuant to section 1413 and to the Administrator.

"(E) VIOLATIONS BY NONCOMMUNITY SYSTEMS.—The Administrator shall establish appropriate procedures for notifying the users or potential users of a noncommunity water system of violations by the system, including posting wherever access to the water of the system is available to the public, if the violation may present a serious threat to human health.

"(F) ANNUAL REPORT BY STATE.—Not later than January 1, 1996, and annually thereafter, each State that has primary enforcement responsibility pursuant to section 1413 shall publish an annual report on public water system compliance in the State and submit the report to the Administrator.

"(G) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1996, and annually thereafter, the Administrator shall submit to Congress an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (F) and notices submitted by public water systems serving Indian tribes provided to the Administrator pursuant to subparagraph (B) or (D) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.

"(l) NOTICE OF NONCOMPLIANCE WITH SECONDARY DRINKING WATER REGULATIONS.—Whenever, on the basis of information available to the Administrator, the Administrator finds that within a reasonable time after national secondary drinking water regulations have been promulgated, 1 or more public water systems in a State do not comply with the secondary regulations, and that the noncompliance appears to result from a failure of the State to take reasonable action to ensure that public water systems throughout the State meet the secondary regulations, the Administrator shall so notify the State.

"(m) STATE AUTHORITY TO ADOPT OR ENFORCE LAWS OR REGULATIONS.—Nothing in this title shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting drinking water regulations or public water systems, but no such law or regulation shall relieve any person of any requirement otherwise applicable under this title.".

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g–2(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) has adopted authority for administrative penalties comparable to the authority in section 1414(c).".

SEC. 7. CONTROL OF LEAD IN DRINKING WATER.

(a) FITTINGS AND FIXTURES.—Section 1417 (42 U.S.C. 300g–6) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) PROHIBITIONS.—

"(A) IN GENERAL.—No person may use any pipe, pipe or plumbing fitting or fixture, solder, or flux, after June 19, 1986, in the installation or repair of—

"(i) any public water system; or

"(ii) any plumbing in a residential or nonresidential facility providing water for human consumption, that is not lead free (within the meaning of subsections (d) and (e)(4)).

"(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.";

(B) in paragraph (2)(A), by inserting after "Each" the following: "owner or operator of a"; and

(C) by adding at the end the following new paragraph:

"(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

"(A) for any person to introduce into commerce any pipe or pipe or plumbing fitting or fixture that is not lead free;

"(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

"(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.";

(2) in subsection (d)—

(A) by striking "For" and inserting "Except as provided in subsection (e)(4), for"; and

(B) in paragraph (2), by striking "pipe fittings" each place it appears and inserting "pipe and plumbing fittings and fixtures"; and

(3) by adding at the end the following new subsections:

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

"(2) STANDARDS.—

"(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

"(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.

"(f) WATER WELL PUMPS AND WATER WELL SYSTEM COMPONENT PARTS.—

"(1) The Administrator shall, within one year from the date of enactment, complete a report reviewing data and information on the leaching of lead from water well pumps and water well system component parts (not to include above-ground pipes, pipe fittings and fixtures specified under subsection (e)) that come into contact with drinking water and the adequacy of voluntary consensus standards for protecting the health of persons from the leaching of lead. In conducting a review under this paragraph, the Administrator shall identify the potential health risks to children and other vulnerable subpopulations associated with water well pumps and water well system component parts.

"(2) Not later than two years after the date of enactment of this paragraph, if the Administrator determines that a voluntary consensus standard is not effectively protecting the health of persons, then the Administrator shall establish a health-effects based performance standard and testing protocol for the maximum leaching of lead from water well pumps and water well system components parts (not to include aboveground pipes, pipe fittings and fixtures specified under subsection (e)) in water well systems that come into contact with drinking water.

"(3) It shall be a violation of this Act to import, manufacture, sell, distribute or install a water well pump or water well system component parts (not to include aboveground pipes, pipe fittings and fixtures specified in subsection (e)) that leach lead above the maximum level identified in the standard established by the Administrator under paragraph (2).

"(4) Not later than 180 days after the date of enactment of this subsection, the Administrator shall request information as is reasonably required to assist the administrator in carrying out the requirements of this subsection.

"(5) REPORT ON LEAKING OIL FROM SUBMERSIBLE WELL PUMPS.—

"(A) STUDY.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall complete a study that—

"(i) reviews data and information on the leaking of oil, including nonfood grade oil and food grade oil, and polychlorinated biphenyls from well pumps that come into contact with drinking water in private wells and wells in public water systems; and

"(ii) identifies potential health risks from the leaking oil and polychlorinated biphenyls in wells.

"(B) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall publish a report, to be provided to the environmental agency of each State for distribution to the public, that—

"(i) identifies each pump that presents a health risk referred to in subparagraph (A), including the manufacturer and model number of the pump; and

"(ii) provides recommendations on precautions to be taken to avoid the risk, such as the replacement of the pump, cleaning of the well and plumbing system in which the pump is located, and testing of the well after the removal of the pump.".

(b) RECORDS AND INSPECTIONS.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by section 4(g)(1)(A)) is amended by striking "Every person" and all that follows through "is a grantee," and inserting "Every person who is subject to any requirement of this title or who is a grantee".

SEC. 8. RADON IN DRINKING WATER.

Part B (42 U.S.C. 300g et seq.) (as amended by section 5(b)(2)) is further amended by adding at the end the following new section:

"RADON IN DRINKING WATER

"SEC. 1419. (a) REGULATIONS FOR RADON IN DRINKING WATER.—Notwithstanding any other provision of this title or any other Federal law, not later than 1 year after the date of enactment of this section, the Administrator shall promulgate national primary drinking water regulations for radon.

"(b) RADON STANDARD.—

"(1) MAXIMUM CONTAMINANT LEVEL.—The regulations promulgated pursuant to subsection (a) shall specify a maximum contaminant level goal and a maximum contaminant level determined pursuant to section 1412(b).

"(2) ALTERNATIVE CONTAMINANT LEVEL.—Notwithstanding the requirements of section 1412(b), the regulations promulgated pursuant to subsection (a) shall—

"(A) specify an alternative contaminant level that—

"(i) results in a radon concentration level in indoor air from drinking water that is equivalent to the national average concentration in outdoor air; or

"(ii) is not less than 50 percent of the national level specified in clause (i), reflecting consideration of risks other than risks from radon in ambient air, including risks from ingestion of radon in drinking water and episodic uses of drinking water, if the National Academy of Sciences considers it appropriate to include the risk referred to in this clause;

"(B) specify a period of compliance of 3 years; and

"(C) require compliance pursuant to paragraph (3).

"(3) ALTERNATIVE COMPLIANCE PROGRAMS.—A public water system may comply with the alternative contaminant level specified in paragraph (2) in lieu of the maximum contaminant level established pursuant to paragraph (1) if the system is—

"(A) located in a State that is implementing a program to reduce radon in indoor air or is receiving State grant assistance for the program pursuant to section 306 of the Toxic Substances Control Act (15 U.S.C. 2666); or

"(B) implementing a service area alternative compliance program pursuant to subsection (c).

"(c) SERVICE AREA ALTERNATIVE COMPLIANCE PROGRAM.—

"(1) IN GENERAL.

"(A) SUBMITTAL OF PROGRAM.—The appropriate official of a public water system that proposes to carry out an alternative compliance program shall submit a program to the State agency that has primary enforcement responsibility pursuant to section 1413 or another appropriate State agency designated by the Governor.

"(B) PUBLIC REVIEW AND COMMENT.—The appropriate official of the public water system shall provide opportunity for public review and comment on the program prior to the submittal of the program to the State pursuant to subparagraph (A) and shall provide to the State a summary of public comments concerning the program.

"(C) REVIEW BY STATE.—

"(i) IN GENERAL.—Not later than 180 days after the date of submittal of the program, the appropriate official of the State shall review and approve the program if the program is consistent with the requirements of this section.

"(ii) REVIEW BY ADMINISTRATOR.—The Administrator shall, at the request of a State, review and approve a program submitted to the State pursuant to this subparagraph.

"(2) EDUCATIONAL MATERIAL.—Each alternative compliance program referred to in paragraph (1)(A) shall provide for the distribution to each residential customer, not later than 1 year after the approval by the State of the program and every 5 years thereafter, educational material concerning radon.

"(3) TESTING FOR RADON IN INDOOR AIR.—

"(A) IN GENERAL.—Each alternative compliance program referred to in paragraph (1)(A) shall provide for testing of radon in indoor air (or evidence that the resident declined to have the residence tested) in not less than 50 percent of the residences of residential customers served by the public water system as expeditiously as practicable, but not later than 5 years after the date of approval of an alternative compliance program pursuant to this subsection.

"(B) REQUIREMENT FOR TESTING.—Testing for radon in indoor air conducted pursuant to this paragraph shall be conducted by a person certified as proficient in conducting testing for radon in air by the Administrator.

"(4) RADON NEW CONSTRUCTION STANDARDS.—Each program developed pursuant to this subsection shall include the adoption, prior to approval of the program, of enforceable mechanisms requiring compliance with radon new home construction standards established by the Administrator pursuant to section 304 of the Toxic Substances Control Act (15 U.S.C. 2664) for each new home to be served by the public water system that is the subject of the program beginning on the date that is 2 years after the date of adoption of the mechanisms.

"(5) ASSESSMENT AND EVALUATION.—

"(A) SUBMITTAL OF ASSESSMENTS.—Each public water system with a program approved by a State pursuant to this subsection shall report on program implementation to the State not later than 5 years after the date of approval of the program, and every 5 years thereafter.

"(B) PROGRAM DISAPPROVAL.—In any case in which a State or the Administrator determines that a public water system has not fully complied with the requirements of this subsection, the State or the Administrator shall—

"(i) notify the public water system of the determination; and

"(ii) disapprove the alternative compliance program not later than 1 year after providing notice pursuant to clause (i), unless the system takes sufficient corrective action.

"(C) COMPLIANCE.—A public water system for which an alternative compliance program is disapproved shall comply with the maximum contaminant level for radon (as determined by the regulations promulgated under subsection (a)) not later than 3 years after the date of disapproval by the Administrator or the State.

"(6) ROLE OF STATE.—A State may assume some or all of the responsibilities of carrying out an alternative compliance program approved pursuant to this subsection.

"(d) REPORT.—

"(1) IN GENERAL.—Not later than 7 years after the date of enactment of this section, the Administrator shall submit a report to Congress that assesses and evaluates the implementation of the regulations promulgated pursuant to subsection (a).

"(2) CONTENTS OF REPORT.—The report shall—

"(A) identify the number of public water systems that are in violation of a maximum contaminant level or alternative contaminant level established pursuant to the regulations;

"(B) identify the number of programs of public water systems approved by a State pursuant to this subsection and the number of States receiving grant assistance under section 306 of the Toxic Substances Control Act (15 U.S.C. 2666);

"(C) evaluate the implementation of the public water system and State programs; and

"(D) estimate the overall change in radon exposure attained as a result of alternative compliance programs and State radon programs.

"(e) RESIDENTIAL CUSTOMER DEFINED.—As used in this section, the term 'residential customer' means a customer of a public water system that occupies a residence other than an apartment located above the first story of a building.".

SEC. 9. WATER QUALITY PROTECTION PARTNERSHIP.

(a) SOURCE WATER QUALITY PROTECTION.—Part B (42 U.S.C. 300g et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SOURCE WATER QUALITY PROTECTION

"SEC. 1420. (a) SOURCE WATER QUALITY PROTECTION PETITION PROGRAM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system of the State, or a municipal or local government or political subdivision of the government in the State, may submit a water quality protection petition to the State requesting that the State assist in addressing—

"(i) the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities, that affect the drinking water supply of a community; and

"(ii) the financial or technical limitations that impair the ability of a community water system to provide drinking water that complies with a national primary drinking water regulation for—

"(I) a contaminant listed under this title; or

"(II) an unregulated contaminant for which the Administrator has determined that there is an urgent threat to public health pursuant to section 1412(b)(3)(G).

"(B) FUNDING.—The State may provide assistance in response to the petition using funds referred to in subsections (b)(2)(C) and (c).

"(2) GOAL.—The objective of a petition submitted under this subsection shall be to seek assistance from the State in directing or redirecting resources under Federal or State water quality programs to establish voluntary, incentive-based partnerships in order to address the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities, that affect the drinking water supply of a community.

"(3) CONTENTS OF PETITION.—A petition submitted under this subsection shall, at a minimum—

"(A) include a delineation of the source water area in the State that is the subject of the petition;

"(B) identify the origins of the drinking water contaminants of public health concern, including to the extent practicable the specific activities, in the source water area delineated under subparagraph (A);

"(C) identify any deficiencies in information that will inhibit the identification of significant origins of drinking water contaminants of public health concern; and

"(D) identify any public participation solicited from affected persons in the source water area delineated under subparagraph (A), including—

"(i) voluntary efforts to address the origins of the drinking water contaminants of public health concern, including specific activities; and

"(ii) the assistance that may be needed to facilitate the efforts.

"(b) APPROVAL OR DISAPPROVAL OF PETITIONS.—

"(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (a), the State shall approve or disapprove in whole or in part the petition in an expeditious manner.

"(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (a). The notice of approval shall, at a minimum, include—

"(A) a determination that the drinking water contaminants referred to in the petition pose a public health concern;

"(B) a description of the options available, including voluntary measures and practices, for the protection of source waters to address the problems described in the petition;

"(C) an identification of technical or financial assistance that the State will provide to assist in addressing the drinking water contaminants of public health concern based on—

"(i) the relative priority of the public health concern identified in the petition as compared to the other water quality needs identified by the State;

"(ii) any appropriate studies or assessments that are available to identify significant origins of drinking water contaminants of public health concern;

"(iii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

"(iv) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G) and the appropriate distribution of the funds to assist in addressing the problems described in the petition;

"(D) a description of Federal and State programs available to assist in addressing the problems described in the petition, including—

"(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

"(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

"(iv) the sole source aquifer protection program established under section 1427;

"(v) the community wellhead protection program established under section 1428;

"(vi) any pesticide or ground water management plan; and

"(vii) any abandoned well closure program;

"(E) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition; and

"(F) a description of alternative management measures or treatment techniques and other strategies, including an evaluation of the costs associated with each alternative, and a description of sources of funding available to implement the alternative.

"(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (a), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if new information becomes available or conditions affecting the source water that is the subject of the petition change.

"(c) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed pursuant to section 1427, a wellhead protection plan developed pursuant to section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (a) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), in the same manner as a project, measure, or practice identified in a State plan under such section 319 is eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (a), the funds may be used only for a measure that addresses nonpoint source pollution.

"(d) GRANTS TO SUPPORT STATE PROGRAMS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the petition program for the year in which the grant is available.

"(2) APPROVAL.—As a condition of receiving grant assistance under this subsection, a State shall submit to the Administrator for approval a source water protection petition program that is consistent with the guidance published under paragraph (3).

"(3) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance to assist States in the development of a source water protection petition program. The guidance shall, at a minimum—

"(A) recommend procedures for the approval by a State of a source water protection petition submitted under subsection (a);

"(B) recommend procedures by which a community water system may submit a source water protection petition developed under subsection (a);

"(C) recommend criteria for the delineation of source water protection areas within a State; and

"(D) describe sources of funding that are available to develop and respond to source water protection petitions.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 1995 through 2000. Each State with a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.".

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h-6) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) PURPOSE.—The purpose of this section is to support and assist the establishment of programs for the protection of critical aquifer protection areas.

"(b) DEFINITION OF CRITICAL AQUIFER PROTECTION AREA.—As used in this section, the term 'critical aquifer protection area' means an area that contains ground water that—

"(1) is the principal source of supply to a public water system;

"(2) if contaminated, would create a significant hazard to public health; and

"(3) satisfies the criteria established pursuant to subsection (d).";

(2) in subsection (c)—

(A) in the first sentence—

(i) by striking "State,";

(ii) by striking "the Administrator" and inserting "a State with a program pursuant to section 1420"; and

(iii) by striking "selection of such area for a demonstration program" and inserting "approval of an application for the designation of the area"; and

(B) by striking the last sentence; and

(3) in the first sentence of subsection (n), by adding at the end the following:

"1992–2000 ....20,000,000.".

(c) WELLHEAD PROTECTION AREAS.—

(1) APPLICATIONS.—Section 1428(a) (42 U.S.C. 300h-7(a)) is amended by striking "shall, within 3 years of the date of enactment of the Safe Drinking Water Act Amendments of 1986," and inserting "may".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 1428(k) (42 U.S.C. 300h-7(k)) is amended by adding at the end the following:

"1992–2000 ....35,000,000.".

SEC. 10. EMERGENCY POWERS.

Section 1431 (42 U.S.C. 300i) is amended—

(1) in subsection (a)—

(A) by striking "(a)";

(B) in the first sentence, by striking "and that appropriate State and local authorities have not acted to protect the health of such persons" and inserting "and upon providing concurrent notice to appropriate State and local officials";

(C) by striking the second sentence; and

(D) in the last sentence, by inserting "or to restore or protect the public water system or underground source of drinking water" after "endangerment,"; and

(2) by striking subsection (b).

SEC. 11. DRINKING WATER RESEARCH, EDUCATION, AND CERTIFICATION.

Section 1442 (42 U.S.C. 300j-1) (as amended by section 5(c)) is further amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following new paragraph:

"(2) INFORMATION AND RESEARCH FACILITIES.—In carrying out this title, the Administrator is authorized to—

"(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

"(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title.";

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) SCIENTIFIC BASIS FOR DECISIONS.—

"(A) IN GENERAL.—In carrying out this title, the Administrator shall use the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

"(B) PUBLIC INFORMATION.—In carrying out this title, the Administrator shall ensure that the presentation of information on public health effects is complete and informative. The Administrator shall, in a document made available to the public in support of a regulation issued under this title, specify, to the extent feasible—

"(i) each population addressed by any estimate of public health effects;

"(ii) the expected risk or central estimate of risk for the specific population;

"(iii) each appropriate upper-bound or lower-bound estimate of risk;

"(iv) each uncertainty identified in the process of the assessment of public health effects and future research that is necessary to address the uncertainty; and

"(v) any study known to the Administrator that supports or fails to support any estimate of public health effects, including the methodology used to reconcile varying scientific data."; and

(C) by adding at the end the following new paragraph:

"(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection and subsection (h) $25,000,000 for each of fiscal years 1994 through 2000.";

(5) in subsection (b) (as so amended)—

(A) by striking "subparagraph" each place it appears and inserting "subsection"; and

(B) by adding at the end the following new sentence: "There are authorized to be appropriated to carry out this subsection $8,000,000 for each of fiscal years 1995 through 2000.";

(6) in the first sentence of subsection (c), by striking "eighteen months after the date of enactment of this subsection" and inserting "2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, and every 5 years thereafter";

(7) in subsection (d) (as amended by paragraph (1))—

(A) in paragraph (1), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and";

(C) by adding after paragraph (3) (as redesignated by paragraph (1)) the following new paragraph:

"(4) develop and maintain a system for forecasting the supply of, and demand for, various professional occupational categories and other occupational categories needed for the protection and treatment of drinking water in each region of the United States."; and

(D) by adding at the end the following new sentence: "There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1994 through 2000.";

(8) by striking subsection (e) and inserting the following new subsection:

"(e) CERTIFICATION OF OPERATORS AND LABORATORIES.—

"(1) REQUIREMENT.—The principal operator of each community and noncommunity water systems serving nontransient populations and any laboratory conducting tests pursuant to this title, and such additional personnel as may be designated by the Administrator, shall be required to be certified as proficient pursuant to this section by a State or the Administrator.

"(2) EFFECTIVE DATE.—The requirement referred to in paragraph (1) shall become effective on the date that is 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994.

"(3) GUIDELINES.—Not later than 2 years after the date of enactment of the 1994 Safe Drinking Water Act Amendments of 1994, the Administrator shall publish guidelines developed in consultation with the States describing minimum standards for certification of the proficiency of operators and other appropriate personnel by a State pursuant to this subsection.

"(4) NONCOMPLIANCE.—Effective beginning October 1, 1999, if the Administrator determines that the certification program implemented by a State lacks a major element identified in the guidance published pursuant to paragraph (3) or an element of the program is substantially inconsistent with the guidelines established in paragraph (3), the Administrator shall withhold a percentage (prescribed in the second sentence) of the capitalization grant made to the State pursuant to part G. The percentage withheld shall be 10 percent for fiscal year 1999, 30 percent for fiscal year 2000, and 50 percent for each subsequent fiscal year.";

(9) in subsection (g)—

(A) in the second sentence, by inserting "and multi-State regional technical assistance" after "'circuit rider'"; and

(B) in the third sentence, by striking "1987 through 1991" and inserting "1994 through 2000. If the Administrator makes a grant to a non-profit organization to provide technical assistance under this section, the Administrator shall assure that the program administered by the non-profit organization, in combination with other grants under this section, provides technical assistance among the States in an equitable manner. A non-profit organization conducting any activities supported by a grant under this subsection, shall consult with the State agency having primary enforcement responsibility under section 1413 on the activities to be conducted in the State"; and

(10) by adding at the end the following new subsections:

"(i) RESEARCH.—

"(1) IN GENERAL.—In conducting research under this section, the Administrator shall conduct studies to—

"(A) determine the levels and national distributions of contaminants in drinking water that have adverse effects on human populations;

"(B) develop more reliable and cost-effective monitoring methods to identify and characterize drinking water contaminants;

"(C) determine the diseases drinking water contaminants likely cause;

"(D) identify other sources of exposure that exist for the hazardous agents found in drinking water and whether drinking water is a major or minor contributor to the overall exposure to the hazardous agents;

"(E) develop improved technologies and alternative strategies for treating water, particularly for small systems, that emphasize risk reduction; and

"(F) evaluate the relative risks, costs, and benefits of each strategy to provide safe drinking water to citizens of the United States.

"(2) RISK ASSESSMENT RESEARCH.—In carrying out paragraph (1), the Administrator shall conduct research necessary to—

"(A) develop a more accurate, coordinated national data base on the occurrence of contaminants (including chemicals, microbes, and radiologics) in drinking water, as well as in air, food, and other media;

"(B) understand the mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

"(C) understand the effects of contaminants referred to in subparagraph (A) and the mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially sensitive subpopulations, and from test animals to humans;

"(D) develop new tools, such as biomarkers, to allow epidemiological studies of higher resolution so as to confirm the predictions of health hazards to humans that are derived from animal studies; and

"(E) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

"(3) STUDIES.—In carrying out paragraph (1), the Administrator shall—

"(A) conduct studies on the relative risks of alternative disinfectants and the byproducts of the disinfectants;

"(B) conduct studies on the microorganisms that occur in drinking water and surveys to identify highly susceptible populations that are at greater risk of disease because of the microorganisms found in drinking water;

"(C) conduct social science studies to better evaluate how to weigh and analyze competing risks, such as risks associated with chemical exposures versus microbial exposures in drinking water;

"(D) establish a national data base that describes the occurrences of the synthetic organic chemicals found in drinking water, and conduct studies to identify the relative contributions of the chemicals from poor quality source water, highly treated wastewaters considered for direct reuse, treatment processes, and materials used in plumbing or distribution systems;

"(E) conduct studies on inorganic and synthetic organic chemicals to evaluate the effects of treatment processes, such as coagulation and chemical oxidation, on the level and toxic effects of chemicals in drinking water and the potential risks associated with the disposal of sludges and other wastes resulting from drinking water treatment; and

"(F) develop microbial models to predict the impact of waterborne microorganisms on community health, assess the costs and benefits of control strategies, evaluate competing risks, and develop and implement risk management decisions.

"(4) PRIORITIZATION.—Congress finds that research conducted under this section will be costly and will require years to achieve. In light of the costs, a high priority for research under this section should be placed on any substance in drinking water that meets the following criteria:

"(A) The concentrations at which the substance is commonly found in drinking water are sufficiently high to suggest that the substance may significantly impact the public health as judged by then current risk assessments.

"(B) There is significant concern over the accuracy of then current assessments.

"(C) Viable and compelling hypotheses can be proposed concerning potential mechanisms of action that are amenable to testing.

"(D) Measurement of the substance and, in the case of a chemical, the important metabolites of the substance, in the body is feasible.

"(E) There is significant concern over the substance such that there is a need to develop methods to measure the substance or the important metabolites of the substance, or both.

"(F) Regulation has the potential of imposing adverse impacts on public health, such as dictating the use of a water treatment process that is less well proven or potentially more toxic than the process in use.

"(5) RISK CHARACTERIZATION AND RISK MANAGEMENT.—

"(A) IN GENERAL.—The Administrator shall develop an integrated risk characterization strategy for drinking water quality.

"(B) DEADLINES.—The strategy shall be—

"(i) submitted to Congress not later than 1 year after the date of enactment of this subsection; and

"(ii) revised every 3 years thereafter.

"(C) PURPOSES.—The strategy shall—

"(i) define the policy of the Administrator for drinking water protection;

"(ii) describe the plans of the Administrator to conduct research, over the 12- to 15-year period beginning on the date of the submission or revision, to resolve the uncertainties about drinking water risks;

"(iii) identify unmet needs, priorities for study, how the results of the studies may be used to better understand the risks of drinking water exposures for near-term decisionmaking, and to improve the scientific basis for decisionmaking over time; and

"(iv) address the uncertainties that will likely remain even after the research is completed and what the uncertainties imply for decisionmaking by the Administrator and for communicating the decisions to the public and Congress.

"(j) SUBPOPULATIONS AT GREATER RISK.—The Administrator shall conduct a continuing program of research to identify groups within the general population that may be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population. The Administrator shall report to Congress on the results of this research not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, and indicate in the reports whether there is any evidence that infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water. In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall take into account all relevant factors, including the margin of safety for variability in the general population and the results of research required under this subsection and other sound scientific evidence (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects.".

SEC. 12. STATE DRINKING WATER PROGRAM FUNDING.

(a) PUBLIC WATER SYSTEM SUPERVISION PROGRAM.—Section 1443(a) (42 U.S.C. 300j–2(a)) is amended—

(1) in paragraph (3)—

(A) by striking "(3) A grant" and inserting the following:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—A grant"; and

(B) by adding at the end the following new subparagraphs:

"(B) DETERMINATION OF COSTS.—In order to determine the costs of a grant recipient pursuant to this paragraph, the Administrator shall, in cooperation with the States and not later than 60 days after the date of enactment of this subparagraph, establish a resource model for the public water system supervision program and review and revise the model as necessary.

"(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

"(i) the State requests the modification;

"(ii) the revised estimates assure full and effective administration of the public water system supervision program in the States and the revised estimates do not overstate the resources needed to administer such program; and

"(iii) the basis for the estimates are used consistently under this title, including for purposes of section 1474(a)(2) in each fiscal year for which such section is applicable.";

(2) in paragraph (7), by adding at the end a period and the following new flush sentence: "For the purpose of making grants under paragraph (1), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1992 and 1993 and $100,000,000 for each of fiscal years 1994 through 2000."; and

(3) by adding at the end the following new paragraphs:

"(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

"(9) STATE LOAN FUNDS.—

"(A) IN GENERAL.—In addition to amounts made available pursuant to paragraph (8), the Administrator may use the amount reserved pursuant to subparagraph (B) for the administration of the public water system supervision program of States in which the Administrator implements the program.

"(B) RESERVATION OF FUNDS.—For any fiscal year for which the amounts made available to the Administrator by appropriation are less than the amount the Administrator determines is needed to supplement funds made available pursuant to paragraph (8) and ensure the full and effective administration of a public water system supervision program in a State, the Administrator may reserve from funds made available to the State pursuant to section 1479 the difference between the amounts.".

(b) STATE GROUND WATER PROTECTION GRANTS.—Section 1443 (42 U.S.C. 300j–2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) STATE GROUND WATER PROTECTION GRANTS.—

"(1) IN GENERAL.—The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

"(2) GUIDANCE.—Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1994, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

"(3) CONDITIONS OF GRANTS.—

"(A) IN GENERAL.—The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

"(B) INNOVATIVE PROGRAM GRANTS.—The Administrator may also award a grant pursuant to this paragraph for innovative programs proposed by a State for the prevention of ground water contamination.

"(C) ALLOCATION OF FUNDS.—The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this subsection are allocated to each State that submits an application that is approved by the Administrator pursuant to this subsection.

"(D) LIMITATION ON GRANTS.—No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

"(4) COORDINATION WITH OTHER GRANT PROGRAMS.—The awarding of grants by the Administrator pursuant to this subsection shall be coordinated with the awarding of grants pursuant to section 319(i) of the Federal Water Pollution Control Act (33 U.S.C. 1329(i)) and the awarding of other Federal grant assistance that provides funding for programs related to ground water protection.

"(5) AMOUNT OF GRANTS.—The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount that is not less than 50 percent of the cost of conducting the program.

"(6) EVALUATIONS AND REPORTS.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this subsection and report to Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this subsection $20,000,000 for each of fiscal years 1995 through 2000.".

(c) UNDERGROUND INJECTION CONTROL GRANT.—Section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended by adding at the end the following:

"1992	$20,850,000
1993	$20,850,000
1994	$20,850,000
1995	$20,850,000
1996	$20,850,000
1997	$20,850,000
1998	$20,850,000
1999	$20,850,000
2000	$20,850,000.".

SEC. 13. INFORMATION AND INSPECTIONS.

(a) INFORMATION GATHERING.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as designated by section 4(g)(1)(A)) is amended by striking "such information as the Administrator may reasonably require" and all that follows through the period at the end and inserting the following: "such information as the Administrator may reasonably require—

"(i) to assist the Administrator in establishing regulations under this title or to assist the Administrator in determining, on a case-by-case basis, whether the person has acted or is acting in compliance with this title; and

"(ii) by regulation to assist the Administrator in determining compliance with national primary drinking water regulations promulgated under section 1412 or in administering any program of financial assistance under this title.".

(b) INSPECTIONS.—Subsections (b) and (c) of section 1445 (42 U.S.C. 300j-4) are amended to read as follows:

"(b) INSPECTIONS.—

"(1) IN GENERAL.—The Administrator, or the authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator), on presentation of appropriate credentials to any person who is or may be subject to—

"(A) a national primary drinking water regulation prescribed pursuant to section 1412;

"(B) an applicable underground injection control program;

"(C) any requirement to monitor an unregulated contaminant pursuant to subsection (a); or

"(D) any other requirement of this title,

or to a person in charge of any of the property of a person referred to in subparagraph (A), (B), (C), or (D) (or the senior employee present at the site), is authorized to enter any establishment, facility, or other property of a person referred to in subparagraph (A), (B), (C), or (D).

"(2) PURPOSES OF INSPECTIONS.—The Administrator or an authorized representative of the Administrator may enter an establishment, facility, or other property pursuant to paragraph (1)—

"(A) in order to determine whether a person has acted or is acting in compliance with this title, including for this purpose, inspecting, at reasonable times, records, files, papers, processes, controls, and facilities; or

"(B) in order to test any feature of a public water system, including the raw water source of the system.

"(3) ACCESS TO RECORDS.—The Administrator or the Comptroller General of the United States (or any authorized representative designated by the Administrator or the Comptroller General of the United States) shall have access for the purpose of audit and examination to any record, report, or information of a person or grantee that—

"(A) is required to be maintained under subsection (a); or

"(B) is pertinent to any financial assistance provided pursuant to this title.

"(4) SCHEDULE OF INSPECTIONS.—

"(A) IN GENERAL.—The Administrator or authorized representative of the Administrator shall conduct inspections undertaken pursuant to this subsection during the normal operating hours of the establishment, facility, or other property.

"(B) SMALL SYSTEMS.—For a public water system serving a population of 3,300 or less, the Administrator or authorized representative of the Administrator shall, to the extent practicable—

"(i) notify the person referred to in paragraph (1), at least 3 days before the inspection, of the time when the inspection is scheduled to occur, and

"(ii) schedule the inspection at a mutually convenient time.

"(C) WAIVER.—The Administrator or an authorized representative of the Administrator may waive the requirements of subparagraphs (A) or (B) if the Administrator or authorized representative of the Administrator determines that it may be necessary to conduct an inspection to protect public health.

"(c) COMPLIANCE.—Any person, who is subject to any requirement of this title (including a person that the Administrator determines may be subject to a requirement of this title), shall—

"(1) comply with the requirements of subsection (a);

"(2) allow the Administrator or the authorized representative of the Administrator to enter and make determinations and test and take samples pursuant to paragraphs (1) and (2) of subsection (b); and

"(3) allow the Administrator, the Comptroller General of the United States, or an authorized representative of the Administrator or the Comptroller General of the United States, to have access to, audit, and examine records, reports, and information pursuant to subsection (b)(3).".

SEC. 14. FEDERAL AGENCIES.

(a) IN GENERAL.—Subsections (a) and (b) of section 1447 (42 U.S.C. 300j-6) are amended to read as follows:

"(a) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall be subject to, and comply with, all Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions concerning the provision of safe drinking water or underground injection in the same manner, and to the same extent, as any nongovernmental entity is subject to, and shall comply with, the requirements, authorities, and process and sanctions.

"(2) ADMINISTRATIVE ORDERS AND PENALTIES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

"(3) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—The United States expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, or process or sanction referred to in paragraph (2) (including any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charge referred to in the preceding sentence includes a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, variance, or exemption, review of a plan, study, or other document, or inspection or monitoring of a facility, as well as any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

"(4) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(5) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States may be subject to a criminal sanction under a State, interstate, or local law concerning the provision of drinking water or underground injection. No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in the preceding sentence.

"(b) WAIVER OF COMPLIANCE.—

"(1) IN GENERAL.—The President may waive compliance with subsection (a) by any department, agency, or instrumentality in the executive branch if the President determines waiving compliance with such subsection to be in the paramount interest of the United States.

"(2) WAIVERS DUE TO LACK OF APPROPRIATIONS.—No waiver described in paragraph (1) shall be granted due to the lack of an appropriation unless the President has specifically requested the appropriation as part of the budgetary process and Congress has failed to make available the requested appropriation.

"(3) PERIOD OF WAIVER.—A waiver under this subsection shall be for a period of not to exceed 1 year, but an additional waiver may be granted for a period of not to exceed 1 year on the termination of a waiver if the President reviews the waiver and makes a determination that it is in the paramount interest of the United States to grant an additional waiver.

"(4) REPORT.—Not later than January 31 of each year, the President shall report to Congress on each waiver granted pursuant to this subsection during the preceding calendar year, together with the reason for granting the waiver.".

(b) CITIZEN ENFORCEMENT.—The first sentence of section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

(1) in paragraph (1), by striking ", or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) for the collection of a penalty (and associated costs and interest) against any Federal agency that fails, by the date that is 1 year after the effective date of a final order to pay a penalty assessed by the Administrator pursuant to section 1414(c), to pay the penalty.".

(c) CONFORMING AMENDMENTS.—Subsection (c) of section 1447 (42 U.S.C. 300j–6(c)) is amended—

(1) by striking "(c)(1)" and inserting the following:

"(c) INDIANS.—

"(1) INDIAN LANDS.—"; and

(2) in paragraph (2), by striking "(2) For" and inserting the following:

"(2) DEFINITION OF FEDERAL AGENCY.—For".

SEC. 15. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS, AND BENEFITS.

(a) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVERSE EFFECT ON HUMAN HEALTH.—The term "adverse effect on human health" includes any increase in the rate of death or serious illness, including disease, cancer, birth defects, reproductive dysfunction, developmental effects (including effects on the endocrine and nervous systems), and other impairments in bodily functions.

(3) RISK.—The term "risk" means the likelihood of an occurrence of an adverse effect on human health, the environment, or public welfare.

(4) SOURCE OF POLLUTION.—The term "source of pollution" means a category or class of facilities or activities that alter the chemical, physical, or biological character of the natural environment.

(b) FINDINGS.—Congress finds that—

(1) cost-benefit analysis and risk assessment are useful but imperfect tools that serve to enhance the information available in developing environmental regulations and programs;

(2) cost-benefit analysis and risk assessment can also serve as useful tools in setting priorities and evaluating the success of environmental protection programs;

(3) cost and risk are not the only factors that need to be considered in evaluating environmental programs as other factors, including values and equity, must also be considered;

(4) cost-benefit analysis and risk assessment should be presented with a clear statement of the uncertainties in the analysis or assessment;

(5) current methods for valuing ecological resources and assessing intergenerational effects of sources of pollution need further development before integrated rankings of sources of pollution based on the factors referred to in paragraph (3) can be used with high levels of confidence;

(6) methods to assess and describe the risks of adverse human health effects, other than cancer, need further development before integrated rankings of sources of pollution based on the risk to human health can be used with high levels of confidence;

(7) periodic reports by the Administrator on the costs and benefits of regulations promulgated under Federal environmental laws, and other Federal actions with impacts on human health, the environment, or public welfare, will provide Congress and the general public with a better understanding of—

(A) national environmental priorities; and

(B) expenditures being made to achieve reductions in risk to human health, the environment, and public welfare; and

(8) periodic reports by the Administrator on the costs and benefits of environmental regulations will also—

(A) provide Congress and the general public with a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and the research needed to reduce major uncertainties; and

(B) assist Congress and the general public in evaluating environmental protection regulations and programs, and other Federal actions with impacts on human health, the environment, or public welfare, to determine the extent to which the regulations, programs, and actions adequately and fairly protect affected segments of society.

(c) REPORT ON ENVIRONMENTAL PRIORITIES, COSTS, AND BENEFITS.—

(1) RANKING.—

(A) IN GENERAL.—The Administrator shall identify and, taking into account available data, to the extent practicable, rank sources of pollution with respect to the relative degree of risk of adverse effects on human health, the environment, and public welfare.

(B) METHOD OF RANKING.—In carrying out the rankings under subparagraph (A), the Administrator shall—

(i) rank the sources of pollution considering the extent and duration of the risk; and

(ii) take into account broad societal values, including the role of natural resources in sustaining economic activity into the future.

(2) EVALUATION OF REGULATORY AND OTHER COSTS.—In addition to carrying out the rankings under paragraph (1), the Administrator shall estimate the private and public costs associated with each source of pollution and the costs and benefits of complying with regulations designed to protect against risks associated with the sources of pollution; and

(3) EVALUATION OF OTHER FEDERAL ACTIONS.—In addition to carrying out the requirements of paragraphs (1) and (2), the Administrator shall also estimate the private and public costs and benefits associated with selected major Federal actions chosen by the Administrator that have the most significant impact on human health or the environment, including the direct development projects, grant and loan programs to support infrastructure construction and repair, and permits, licenses, and leases to use natural resources or to release pollution to the environment, and other similar actions.

(4) RISK REDUCTION OPPORTUNITIES.—In assessing risks, costs, and benefits as provided in paragraphs (1) and (2), the Administrator shall also identify reasonable opportunities to achieve significant risk reduction through modifications in environmental regulations and programs and other Federal actions with impacts on human health, the environment, or public welfare.

(5) UNCERTAINTIES.—In evaluating the risks referred to in paragraphs (1) and (2), the Administrator shall—

(A) identify the major uncertainties associated with the risks;

(B) explain the meaning of the uncertainties in terms of interpreting the ranking and evaluation; and

(C) determine—

(i) the type and nature of research that would likely reduce the uncertainties; and

(ii) the cost of conducting the research.

(6) CONSIDERATION OF BENEFITS.—In carrying out this section, the Administrator shall consider and, to the extent practicable, estimate the monetary value, and such other values as the Administrator determines to be appropriate, of the benefits associated with reducing risk to human health and the environment, including—

(A) avoiding premature mortality;

(B) avoiding cancer and noncancer diseases that reduce the quality of life;

(C) preserving biological diversity and the sustainability of ecological resources;

(D) maintaining an aesthetically pleasing environment;

(E) valuing services performed by ecosystems (such as flood mitigation, provision of food or material, or regulating the chemistry of the air or water) that, if lost or degraded, would have to be replaced by technology;

(F) avoiding other risks identified by the Administrator; and

(G) considering the benefits even if it is not possible to estimate the monetary value of the benefits in exact terms.

(7) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall report to Congress on the sources of pollution and other Federal actions that the Administrator will address, and the approaches and methodology the Administrator will use, in carrying out the rankings and evaluations under this section. The report shall also include an evaluation by the Administrator of the need for the development of methodologies to carry out the ranking.

(B) PERIODIC REPORT.—

(i) IN GENERAL.—On completion of the ranking and evaluations conducted by the Administrator under this section, but not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall report the findings of the rankings and evaluations to Congress and make the report available to the general public.

(ii) EVALUATION OF RISKS.—Each periodic report prepared pursuant to this subparagraph shall, to the extent practicable, evaluate risk management decisions under Federal environmental laws, including title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.), that present inherent and unavoidable choices between competing risks, including risks of controlling microbial versus disinfection contaminants in drinking water. Each periodic report shall address the policy of the Administrator concerning the most appropriate methods of weighing and analyzing the risks, and shall incorporate information concerning—

(I) the severity and certainty of any adverse effect on human health, the environment, or public welfare;

(II) whether the effect is immediate or delayed;

(III) whether the burden associated with the adverse effect is borne disproportionately by a segment of the general population or spread evenly across the general population; and

(IV) whether a threatened adverse effect can be eliminated or remedied by the use of an alternative technology or a protection mechanism.

(d) IMPLEMENTATION.—In carrying out this section, the Administrator shall—

(1) consult with the appropriate officials of other Federal agencies and State and local governments, members of the academic community, representatives of regulated businesses and industry, representatives of citizen groups, and other knowledgeable individuals to develop, evaluate, and interpret scientific and economic information;

(2) make available to the general public the information on which rankings and evaluations under this section are based; and

(3) establish, not later than 24 months after the date of enactment of this Act, methods for determining costs and benefits of environmental regulations and other Federal actions, including the valuation of natural resources and intergenerational costs and benefits, by rule after notice and opportunity for public comment.

(e) REVIEW BY THE SCIENCE ADVISORY BOARD.—Before the Administrator submits a report prepared under this section to Congress, the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), shall conduct a technical review of the report in a public session.

SEC. 16. BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end following new subsection:

"(b)(1) After the Administrator of the Environmental Protection Agency publishes a proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that a regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water.

"(2) The regulation shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

"(3) The regulation—

"(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

"(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

"(4)(A) If the Secretary fails to establish a regulation within the 180-day period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

"(B) Not later than 30 days after the end of the 180-day period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and appropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect.".

SEC. 17. RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.

Section 1412 (42 U.S.C. 300g-1) is amended by adding at the end the following new subsection:

"(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than September 30, 1994, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (announced at 59 Fed. Reg. 6332 (February 10, 1994));

"(ii) disinfectant and disinfection byproducts rule (Stage 2) (announced at 59 Fed. Reg. 6332 (February 10, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological and epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological and epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vi) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(vii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and how the risks can most effectively be controlled, taking into consideration the costs of various control methods and the sizes of various systems.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1995 through 1998.".

SEC. 18. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

(a) REQUIREMENT.—Except as provided in subsection (b), in promulgating any proposed or final major regulation relating to human health or the environment, the Administrator of the Environmental Protection Agency shall publish in the Federal Register along with the regulation a clear and concise statement that—

(1) describes and, to the extent practicable, quantifies the risks to human health or the environment to be addressed by the regulation (including, where applicable and practicable, the human health risks to significant subpopulations who are disproportionately exposed or particularly sensitive);

(2) compares the human health or environmental risks to be addressed by the regulation to other risks chosen by the Administrator, including—

(A) at least three other risks regulated by the Environmental Protection Agency or another Federal agency; and

(B) at least three other risks that are not directly regulated by the Federal Government;

(3) estimates—

(A) the costs to the United States Government, State and local governments, and the private sector of implementing and complying with the regulation; and

(B) the benefits of the regulation;

including both quantifiable measures of costs and benefits, to the fullest extent that they can be estimated, and qualitative measures that are difficult to quantify; and

(4) contains a certification by the Administrator that—

(A) the analyses performed under subsection (a)(1) through (a)(3) are based on the best reasonably obtainable scientific information;

(B) the regulation is likely to significantly reduce the human health or environmental risks to be addressed;

(C) there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated and that would achieve an equivalent reduction in risk in a more cost-effective manner, along with a brief explanation of why other such regulatory alternatives that were considered by the Administrator were found to be less cost-effective; and

(D) the regulation is likely to produce benefits to human health or the environment that will justify the costs to the United States Government, State and local governments, and the private sector of implementing and complying with the regulation.

(b) SUBSTANTIALLY SIMILAR FINAL REGULATIONS.—If the Administrator determines that a final major regulation is substantially similar to the proposed version of the regulation with respect to each of the matters referred to in subsection (a), the Administrator may publish in the Federal Register a reference to the statement published under subsection (a) for the proposed regulation in lieu of publishing a new statement for the final regulation.

(c) REPORTING.—If the Administrator cannot certify with respect to one or more of the matters addressed in subsection (a)(4), the Administrator shall identify those matters for which certification cannot be made, and shall include a statement of the reasons therefor in the Federal Register along with the regulation. Not later than March 1 of each year, the Administrator shall submit a report to Congress identifying those major regulations promulgated during the previous calendar year for which complete certification was not made, and summarizing the reasons therefor.

(d) OTHER REQUIREMENTS.—Nothing in this section affects any other provision of Federal law, or changes the factors that the Administrator is authorized to consider in promulgating a regulation pursuant to any statute, or shall delay any action required to meet a deadline imposed by statute or a court.

(e) JUDICIAL REVIEW.—Nothing in this section creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law of equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If a major regulation is subject to judicial or administrative review under any other provision of law, the adequacy of the certification prepared pursuant to this section, and any alleged failure to comply with this section, may not be used as grounds for affecting or invalidating such major regulation, although the statements and information prepared pursuant to this section, including statements contained in the certification, may be considered as part of the record for judicial or administrative review conducted under such other provision of law.

(f) DEFINITION OF MAJOR REGULATION.—For purposes of this section, "major regulation" means a regulation that the Administrator determines may have an effect on the economy of $100,000,000 or more in any one year.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.

SEC. 19. PRIVATE PROPERTY RIGHTS.

(a) SHORT TITLE.—This section may be cited as the "Private Property Rights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

(c) PURPOSE.—The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that the Federal Government should protect the health, safety, and welfare of the public and, in doing so, to the extent practicable, avoid takings of private property.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

(e) PRIVATE PROPERTY TAKING IMPACT ANALYSIS.—

(1) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(A) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this section; and

(B) all agencies of the Federal Government shall complete a private property taking impact analysis before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in a taking of private property, except that—

(i) this subparagraph shall not apply to—

(I) an action in which the power of eminent domain is formally exercised;

(II) an action taken—

(aa) with respect to property held in trust by the United States; or

(bb) in preparation for, or in connection with, treaty negotiations with foreign nations;

(III) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(IV) a study or similar effort or planning activity;

(V) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(VI) the placement of a military facility or a military activity involving the use of solely Federal property; and

(VII) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(ii) in a case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation pursuant to section 553(b)(B) of title 5, United States Code, the taking impact analysis may be completed after the emergency action is carried out or the regulation is published.

(2) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(A) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(B) an assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related agency action;

(C) an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(D) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(3) SUBMISSION TO OMB.—Each agency shall provide an analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of a taking claim, or an award of compensation pursuant to the Just Compensation Clause of the Fifth Amendment to the Constitution. The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made pursuant to this paragraph.

(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) limit any right or remedy, or bar any claim of any person relating to such person's property under any other law, including claims made under section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages.

(h) STATUTE OF LIMITATIONS.—No action may be filed in a court of the United States to enforce the provisions of this section on or after the date occurring 6 years after the date of the submission of the certification of the applicable private property taking impact analysis with the Attorney General.

SEC. 20. OTHER AMENDMENTS.

(a) DEFINITION OF PUBLIC WATER SYSTEM.—

(1) The first sentence of section 1401(4) (42 U.S.C. 300f(4)) is amended by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances".

(2) Such section is further amended by adding at the end thereof the following: "A connection for residential use (drinking, bathing, cooking or other similar uses) or to a facility for similar uses to a water system that conveys water by means other than a pipe principally for purposes other than residential use (other purposes, including irrigation, stock watering, industrial use, or municipal source water prior to treatment) shall not be considered a connection for determining whether the system is a public water system under this title, if—

"(A) the Administrator or the State in which the residential use or facility is located has identified any treatment or conditioning necessary to protect human health if the water is used for human consumption and the residential user or owner of the facility is employing such treatment or conditioning at the point of entry; or

"(B) the system certifies to the Administrator or the State that an alternative source of water for drinking and cooking is being provided to the residential users or using the facility.

An irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped system with only incidental residential use shall not be considered a public water system, if the system and its residential users comply with subparagraphs (A) and (B).".

(3) The provisions of this subsection shall take effect 1 year after the date of enactment.

(b) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator;".

(c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j-7(a)) is amended—

(1) in paragraph (2) of the first sentence, by inserting "final" after "any other"; and

(2) in the second sentence, by striking "or issuance of the order" and inserting "or any other final Agency action".

(d) ANNUAL REPORT.—Section 1450 (42 U.S.C. 300j-9) is amended by striking subsection (h).

(e) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—Section 1450 (42 U.S.C. 300j-9) (as amended by subsection (d)) is further amended by inserting after subsection (g) the following new subsection:

"(h) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—The Administrator shall conduct a study to determine the extent and seriousness of contamination of private sources of drinking water that are not regulated under this title. Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1994, the Administrator shall submit to Congress a report that includes the findings of the study and recommendations by the Administrator concerning responses to any problems identified under the study. In designing and conducting the study, including consideration of research design, methodology, and conclusions and recommendations, the Administrator shall consult with experts outside the Agency, including scientists, hydrogeologists, well contractors and suppliers, and other individuals knowledgeable in ground water protection and remediation.".

(f) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), and notwithstanding any other provision of law, at the request of the public water supply customers of the Washington Aqueduct—

(A) the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers, shall borrow from the Federal Financing Bank such funds as the Secretary of the Army determines are required to finance capital improvements for the Washington Aqueduct; and

(B) the Board of Directors of the Federal Financing Bank shall loan the funds to the Secretary of the Army on such terms as may be established by the Secretary of the Army and the Board of Directors.

(2) INTEREST.—The rate of interest to be charged in connection with a loan made under paragraph (1) shall be not less than a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(3) CONTRACT.—The Secretary of the Army shall borrow funds under paragraph (1) after the public water supply customers enter into a written contract with the Secretary of the Army to repay the funds and to pay the costs associated with borrowing the funds.

(4) NET PRESENT VALUE OF LOAN.—The Secretary of the Army may borrow funds under paragraph (1) if amounts sufficient to pay for the cost, as defined in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), of the loan involved are provided in advance in appropriation Acts.

(5) DEFINITION.—As used in this subsection, the term "public water supply customers" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(g) CERTIFICATION OF RESIDENTIAL WATER TREATMENT DEVICES.—Part F (42 U.S.C. 300j-21 et seq.) is amended by adding at the end the following new section:

"RESIDENTIAL WATER TREATMENT DEVICES

"SEC. 1466. (a) CERTIFICATION.—For the purpose of certifying residential water treatment devices for material safety and effectiveness in reducing the concentration of drinking water contaminants of health concern, the Administrator shall—

"(1) not later than 1 year after the date of enactment of this section, develop, by rule, criteria to identify qualified independent certifiers; and

"(2) identify certifiers meeting the criteria developed pursuant to paragraph (1).

The Administrator shall provide technical assistance and information to independent certifiers for the purposes of this section. Any person may submit to the Administrator an application to be identified as a qualified independent certifier. The Administrator shall promptly approve the application if the person meets the criteria developed by the Administrator.

"(b) LIST OF CERTIFIED DEVICES.—Not later than 2 years after the date of enactment of this section and annually thereafter, the Administrator shall publish a list of residential water treatment devices that are certified by qualified independent certifiers. A list published under this subsection shall identify, for each listed device, consumer information on the effectiveness of the device for removing drinking water contaminants of health concern, the period of effectiveness, and recommended operational procedures.

"(c) PRODUCT CLAIMS.—No person shall claim or imply product certification under this section for a water treatment device unless the device has been certified by a qualified independent certifier and the claim is consistent with the certification.

"(d) PROHIBITION.—It shall be a violation of this title to distribute, sell, or promote the sale of any residential water treatment device on the basis of false or misleading claims concerning the effectiveness of the device in removing drinking water contaminants, the protection of health, or the safety of product materials.".

(h) DRINKING WATER ADVISORY COUNCIL.—The second sentence of section 1446(a) (42 U.S.C. 300j-6(a)) is amended by inserting before the period at the end the following: ", of which two such members shall be associated with small, rural public water systems".

(i) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—Section 1444 (42 U.S.C. 300j-3) is amended by adding at the end the following new subsection:

"(e) HARDSHIP COMMUNITY DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The State agency administering a loan fund pursuant to part G in the State of Virginia (referred to in this subsection as the 'State agency') may conduct a program in accordance with this subsection to demonstrate alternative approaches to intergovernmental coordination in the financing of drinking water projects in rural communities in southwestern Virginia that are experiencing severe economic hardship.

"(2) REGIONAL ASSISTANCE FUND.—

"(A) ESTABLISHMENT.—The State agency may establish a regional endowment fund (referred to in this subsection as the 'regional fund') to assist in financing projects that are eligible under this subsection.

"(B) USE OF REGIONAL FUND.—The State agency shall invest amounts in the regional fund and shall use interest earned on amounts in the regional fund to pay a portion of the non-Federal share of a Federal grant to assist a project that is eligible under this subsection. Interest earned on amounts in the regional fund shall not be considered to be Federal funds.

"(C) DEPOSITS TO REGIONAL FUND.—

"(i) IN GENERAL.—Notwithstanding any other provision of this title, the State agency may deposit into the regional fund $2,000,000 from funds made available pursuant to section 1472 for each of fiscal years 1994 through 1997, if there are commitments to deposit into the regional fund a total of not less than 25 percent of that amount from non-Federal sources.

"(ii) LESSER AMOUNT.—Notwithstanding clause (i), the State agency may deposit into the regional fund an amount less than $2,000,000 from funds made available pursuant to section 1472, if the amount deposited is equal to 3 times the amount committed to be deposited into the regional fund from non-Federal sources.

"(3) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Assistance provided under this subsection shall meet the requirements of subsections (a), (b), and (c) of section 1473.

"(B) ELIGIBLE RECIPIENTS.—Assistance under this subsection shall be available only—

"(i) for a project that serves a disadvantaged community (as defined in section 1473(e)(1)); and

"(ii) to a public water system located, in whole or in part, in Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia.

"(4) ADVISORY GROUP.—The State agency shall establish an advisory group, including representatives of jurisdictions identified in paragraph (3)(B)(ii) and other appropriate parties, to assist the State agency in setting priorities for the use of funds under this subsection. The advisory group shall include a representative of Mountain Empire Community College, Wise County, Virginia.''.

(j) SHORT TITLE.—

(1) IN GENERAL.—The title (42 U.S.C. 1401 et seq.) is amended by inserting after the title heading the following new section:

''SHORT TITLE

''SEC. 1400. This title may be cited as the 'Safe Drinking Water Act'.''.

(2) CONFORMING AMENDMENT.—Section 1 of Public Law 93-523 (88 Stat. 1660) is amended by inserting ''of 1974'' after ''Water Act''.

(k) TECHNICAL AMENDMENTS TO SECTION HEADINGS.—

(1) The section heading and subsection designation of subsection (a) of section 1417 (42 U.S.C. 300g-6) are amended to read as follows:

''PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX, AND ON CERTAIN RETURN FLOWS

''SEC. 1417. (a)''.

(2) The section heading and subsection designation of subsection (a) of section 1426 (42 U.S.C. 300h-5) are amended to read as follows:

''REGULATION OF STATE PROGRAMS

''SEC. 1426. (a)''.

(3) The section heading and subsection designation of subsection (a) of section 1427 (42 U.S.C. 300h-6) are amended to read as follows:

''SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

''SEC. 1427. (a)''.

(4) The section heading and subsection designation of subsection (a) of section 1428 (42 U.S.C. 300h-7) are amended to read as follows:

''STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS

''SEC. 1428. (a)''.

(5) The section heading and subsection designation of subsection (a) of section 1432 (42 U.S.C. 300i-1) are amended to read as follows:

''TAMPERING WITH PUBLIC WATER SYSTEMS

''SEC. 1432. (a)''.

(6) The section heading and subsection designation of subsection (a) of section 1451 (42 U.S.C. 300j-11) are amended to read as follows:

''INDIAN TRIBES

''SEC. 1451. (a)''.

(7) The section heading and first word of section 1461 (42 U.S.C. 300j-21) are amended to read as follows:

''DEFINITIONS

''SEC. 1461. As''.

(8) The section heading and first word of section 1462 (42 U.S.C. 300j-22) are amended to read as follows:

''RECALL OF DRINKING WATER COOLERS WITH LEAD-LINED TANKS

''SEC. 1462. For''.

(9) The section heading and subsection designation of subsection (a) of section 1463 (42 U.S.C. 300j-23) are amended to read as follows:

''DRINKING WATER COOLERS CONTAINING LEAD

''SEC. 1463. (a)''.

(10) The section heading and subsection designation of subsection (a) of section 1464 (42 U.S.C. 300j-24) are amended to read as follows:

''LEAD CONTAMINATION IN SCHOOL DRINKING WATER

''SEC. 1464. (a)''.

(11) The section heading and subsection designation of subsection (a) of section 1465 (42 U.S.C. 300j-25) are amended to read as follows:

''FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD CONTAMINATION IN SCHOOL DRINKING WATER

''SEC. 1465. (a)''.

(l) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—Section 1442 (42 U.S.C. 300j-1) (as amended by section 11(a)(10)) is further amended by adding at the end the following new subsection:

''(j) SCREENING PROGRAM.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

''(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

''(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

''(5) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

''(B) FAILURE TO SUBMIT INFORMATION.—

''(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

''(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

''(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

''(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

''(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

''(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

''(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

''(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.''.

(m) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.''.

(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting ''the Lake Champlain Basin Program,'' after ''Great Lakes Commission''.

(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting '', Lake Champlain,'' after ''Great Lakes'' each place it appears.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

(A) in paragraph (3), by inserting '', and the Lake Champlain Research Consortium,'' after ''Laboratory''; and

(B) in paragraph (4)(A)—

(i) by inserting after ''(33 U.S.C. 1121 et seq.)'' the following: ''and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322)''; and

(ii) by inserting ''and the Lake Champlain basin'' after ''Great Lakes region''.

TITLE I—DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 100. SHORT TITLE.

This title may be cited as the "Department of Environmental Protection Act of 1994".

Subtitle A—Elevation of the Environmental Protection Agency To Cabinet Level

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Department of Environmental Protection Act".

SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves cooperation with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of Environmental Protection should be established.

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of Environmental Protection (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E.P.".

(b) SECRETARY OF ENVIRONMENTAL PROTECTION.—(1) There shall be at the head of the Department a Secretary of Environmental Protection who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as determined to be necessary or appropriate.

(c) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the position of Secretary.

(d) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) REGIONAL OFFICES.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) INTERNATIONAL RESPONSIBILITIES OF THE SECRETARY.—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of Environmental Protection and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) AUTHORITY OF THE SECRETARY WITHIN THE DEPARTMENT.—Except as provided under section 112, nothing in the provisions of this title—

(1) authorizes the Secretary of Environmental Protection to require any action by any officer of any executive department or agency other than officers of the Department of Environmental Protection, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of Environmental Protection to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of Environmental Protection any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The provisions of this title apply only to activities of the Department of Environmental Protection, except where expressly provided otherwise.

(i) ISSUANCE OF PERMITS.—

(1) GUIDES.—At the time a person or small business concern (as defined in section 3 of the Small Business Act), including family farms, contacts an officer or employee of the Department to obtain a permit to engage in an activity under the jurisdiction of the Department, the Secretary shall make available, on request of the person, an employee of the Department to—

(A) act as a guide for the applicant in obtaining all necessary permits for the activity in the least quantity of time practicable; and

(B) facilitate the gathering and dissemination of information with respect to the Federal agencies and departments and agencies of States and political subdivisions of States that have a regulatory interest in the activity to reduce the period required to obtain all such necessary permits.

(2) DUTIES OF SECRETARY.—In issuing a permit to an applicant to carry out an activity under the jurisdiction of the Department, the Secretary shall—

(A) provide assistance and guidance to, and otherwise facilitate the processing of the application for, the applicant; and

(B) set reasonable deadlines for action to be taken on an application for the permit.

(3) USE OF GUIDES.—An applicant that chooses to use the services of a guide referred to in paragraph (1) may subsequently choose not to use the services at any time after requesting the guide.

SEC. 104. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 12, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement;

(B) compliance monitoring;

(C) research and development;

(D) air;

(E) radiation;

(F) water;

(G) pesticides;

(H) toxic substances;

(I) solid waste;

(J) hazardous waste;

(K) hazardous waste cleanup;

(L) emergency response;

(M) international affairs;

(N) policy, planning, and evaluation;

(O) pollution prevention;

(P) congressional affairs;

(Q) intergovernmental affairs;

(R) public affairs;

(S) administration and resources management, information resources management, procurement and assistance management, and personnel and labor relations; and

(T) regional operations and State and local capacity.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without prior written notification with explanation of such modification to the appropriate committees of the Senate and the House of Representatives.

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF FUNCTIONS.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of Environmental Protection, Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, and the Chief Financial Officer of the Agency shall be redesignated as the Chief Financial Officer of the Department, without renomination or reconfirmation.

(e) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 105. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 106. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Environmental Protection shall establish within the Department a Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) DUTIES.—

(A) IN GENERAL.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) SPECIFIC DUTIES.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act;

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(vii) providing assistance in permitting, where appropriate.

(b) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Environmental Protection and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.—The Secretary of Environmental Protection may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—The Secretary of Environmental Protection shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) SPECIFIC DUTIES.—The duties of the Secretary of Environmental Protection shall include—

(1) providing to small governmental jurisdictions—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of Environmental Protection's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(6) providing assistance in permitting, where appropriate.

SEC. 110. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) ESTABLISHMENT.—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and (ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environmental Protection officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, State or local government, or to establish observation or monitoring programs. The Bureau shall not duplicate the information collection functions of other Federal agencies.

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

(b) Director of Environmental Statistics.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) Environmental Statistics Annual Report.—On July 1, 1995, and each July 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) Continuing Performance of the Functions of the Director Pending Confirmation.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this title.

(e) Advisory Council on Environmental Statistics.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(f) Review of Regulations.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change. Such assessment shall be required to the extent that the Department of Environmental Protection is not in compliance with any applicable Executive Order requiring an analysis of costs and benefits for proposed regulations submitted to the Office of Management and Budget for review. The assessment required by this subsection shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

SEC. 111. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.

The Secretary may make grants to and enter into contracts with State and local governments, Indian tribes, universities, and other organizations to assist them in meeting the costs of collecting specific data and other short term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

SEC. 112. STUDY OF DATA NEEDS.

(a) Study of Data Needs.—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environmental Protection, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability to integrate data bases;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability to integrate management information systems;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 113. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) Prohibited Employment and Advancement Considerations.—Except as otherwise provided in this title, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(b) Reports on Implementation.—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 114. TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND TRANSFER OF FUNCTIONS.

(a) Transfer of Functions of the Council on Environmental Quality.—(1) Except as provided under paragraph (2), all functions of the Council on Environmental Quality under titles I and II of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and under any other law, are transferred to the Secretary. The Secretary is authorized to take all necessary action, including the promulgation of regulations, to carry out these functions.

(2) Referrals of interagency disagreements concerning proposed major Federal actions significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 102(2)(C)) and concerning matters under section 309(b) of the Clean Air Act (42 U.S.C. 7609(b)) shall be made to the President for resolution.

(b) Termination of the Council on Environmental Quality.—(1) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended by striking out "Council" and inserting in lieu thereof "Secretary of Environmental Protection".

(2) Sections 202, 203, 205, 206, 207, and 208 of the National Environmental Policy Act (42 U.S.C. 4342, 4343, 4345, 4346, 4346a, and 4346b) are repealed.

(3) The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 through 4375) is repealed.

(4) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) (as amended by paragraph (1) of this subsection) is redesignated as section 202 of such Act.

(5) The heading for title II of the National Environmental Policy Act is amended to read as follows:

"TITLE II

"ENVIRONMENTAL QUALITY REPORT".

(c) REFERENCES IN FEDERAL LAW.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Council on Environmental Quality—

(1) with regard to functions transferred under subsection (a)(1), shall be deemed to refer to the Secretary; and

(2) with regard to disagreements and matters described under subsection (a)(2), shall be deemed to refer to the President.

(d) AVAILABILITY OF FUNDS.—Unobligated funds available to the Council on Environmental Quality shall remain available to the Department until expended for the gradual and orderly termination of the Council and transfer of Council functions as provided in this title.

(e) SAVINGS PROVISIONS.—(1) All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, by the Council on Environmental Quality, or by a court of competent jurisdiction, in the performance of functions of the Council on Environmental Quality, and

(B) which are in effect at the time this title takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) The provisions of this title shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Council on Environmental Quality at the time this title takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(3) The provisions of this section shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(4) No suit, action, or other proceeding commenced by or against the Council on Environmental Quality, or by or against any individual in the official capacity of such individual as an officer of the Council on Environmental Quality, shall abate by reason of the enactment of this Act.

(5) Any administrative action relating to the preparation or promulgation of a regulation by the Council on Environmental Quality may be continued by the Department or the President with the same effect as if this title had not been enacted.

(6) The contracts, liabilities, records, property, and other assets and interests of the Council on Environmental Quality shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 115. ADMINISTRATIVE PROVISIONS.

(a) ACCEPTANCE OF MONEY AND PROPERTY.—(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

(b) SEAL OF THE DEPARTMENT.—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of Environmental Protection, until such time as the Secretary may cause a seal of office to be made for the Department of Environmental Protection of such design as the Secretary shall approve.

(2)(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§716. Department of Environmental Protection Seal

"(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of Environmental Protection, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the Secretary of Environmental Protection and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of Environmental Protection, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of the United States upon complaint by any authorized representative of the Secretary of the Department of Environmental Protection.".

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

"716. Department of Environmental Protection Seal.".

(c) ACQUISITION OF COPYRIGHTS AND PATENTS.—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) ADVISORY COMMITTEE COMPENSATION.—The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 116. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) GOVERNMENT OFFICERS AND EMPLOYEES.—(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, the term "inherently governmental function" means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. Inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. The Secretary shall promulgate regulations or internal guidance to implement this section. This section is not intended, and may not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department, its officers, or any person.

(b) CONFLICTS OF INTEREST.—(1) The Secretary shall by regulation require any person proposing to enter into a contract, grant, or cooperative agreement whether by sealed bid or negotiation, for the conduct of research, development, evaluation activities, or for consulting services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(3) For purposes of this subsection, the term "consulting services" includes—

(A) management and professional support services;

(B) studies, analyses, and evaluations;

(C) engineering and technical services, excluding routine engineering services such as automated data processing and architect and engineering contracts; and

(D) research and development.

(c) REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF CONFLICTS.—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if the Secretary—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) PUBLIC NOTICE REGARDING CONFLICTS OF INTEREST.—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) DISCLAIMER.—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) CENTRAL FILE.—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(g) REGULATIONS.—No later than 120 days after the effective date of this Act, the Secretary shall promulgate regulations for the implementation of this section.

SEC. 117. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of Environmental Protection;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of Environmental Protection; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of Environmental Protection.

SEC. 118. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Environmental Protection, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this title takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the date this title takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this title had not been enacted.

(f) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) SAVINGS.—The Department of Environmental Protection and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

SEC. 119. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of Environmental Protection".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of Environmental Protection".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection (12).

"General Counsel, Department of Environmental Protection."; and

(3) by striking out "Chief Financial Officer, Environmental Protection Agency" and inserting in lieu thereof "Chief Financial Officer, Department of Environmental Protection".

(f) COMPENSATION, LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Bureau of Environmental Statistics, Department of Environmental Protection.

"Executive Director of the Commission on Improving Environmental Protection.".

(g) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 11(1), by inserting "Environmental Protection," after "Energy,"; and

(2) in section 11(2), by inserting "Environmental Protection," after "Energy,".

SEC. 120. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of Environmental Protection shall prepare and submit to the Congress legislation which the Secretary determines is necessary and appropriate containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this title.

SEC. 121. SENSE OF THE SENATE.

It is the sense of the Senate that building the capacity of State and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of Environmental Protection.

SEC. 122. OFFICE OF ENVIRONMENTAL JUSTICE.

There is established within the Department the Office of Environmental Justice. The Office of Environmental Justice shall—

(1) develop a strategic plan to ensure equality in environmental protection;

(2) evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure;

(3) compile an annual report on progress in achieving environmental equity;

(4) require the collection of data on environmental health effects so that impacts on different individuals or groups can be understood;

(5) identify environmental high impact areas which are subject to the highest loadings of toxic chemicals, through all media; and

(6) assess the health effects that may be caused by emissions in the environmental high impact areas of highest impact.

SEC. 123. WETLAND DETERMINATIONS BY A SINGLE AGENCY.

In consultation with the Secretary of Agriculture, the Secretary of Environmental Protection, the Secretary of the Army, and the Secretary of the Interior, the President shall, within 90 days of the date of enactment of this Act, make recommendations and report to the Congress on measures to—

(1) provide that a single Federal agency be responsible for making technical determinations, including identification of wetlands, on agricultural lands with respect to wetland or converted wetland in order to reduce confusion among agricultural producers; and

(2) provide that the Soil Conservation Service be the Federal agency responsible for all such technical determinations concerning wetlands on agricultural lands.

Subtitle B—Establishment of the Commission on Improving Environmental Protection

SEC. 201. ESTABLISHMENT; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the Minority Leader of the House of Representatives;

(4) 2 members to be appointed by the Senate Majority Leader; and

(5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

SEC. 202. COMMISSION RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of Environmental Protection in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department;

(4) enhance the consistency of policies throughout the Department;

(5) establish new and enhanced small business and small governmental jurisdictions compliance assistance programs, and to strengthen organizational mechanisms in the Department for providing better compliance and technical assistance to small businesses and small governmental jurisdictions; and

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

(b) RECOMMENDATIONS.—The Commission shall provide specific steps and proposals for implementing the Commission's recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

(c) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

SEC. 203. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this subtitle, and in a final report no later than 24 months after the effective date of this subtitle. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 204. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 205. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of Environmental Protection and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 206. TERMINATION OF COMMISSION.

No later than 90 days after the date on which the Commission submits its final report, the Commission shall terminate unless otherwise directed by the President.

SEC. 207. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 in fiscal year 1993 and $2,000,000 in fiscal year 1994 to carry out the provisions of this subtitle.

Subtitle C—Effective Date

SEC. 301. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this title and such amendments shall take effect 6 months after the date of the enactment of this Act.

Mr. SIMON. Mr. President, I ask unanimous consent to address the Senate for 4 minutes as in morning business.

The PRESIDING OFFICER (Mr. AKAKA). Is there objection?

Without objection, it is so ordered.

The Senator is recognized.

CHINA AND MFN

Mr. SIMON. Mr. President, I have not been here. I understand the question of China and MFN has been under consideration. I have been in the committee where we are marking up health care reform.

Yesterday, I sent a letter to President Clinton. I think we are right to stick to our traditions of human rights. We also do not want to discourage trade with other countries, and I have sent a letter which, basically, says we ought to reaffirm the terms of the Executive order of last year; we should consider imposing a tariff of up to 50 percent on goods from the People's Republic of China; we ought to make clear to the Chinese that if, when Hong Kong comes in, there is a fundamental change in the freedom for the people of Hong Kong, that is going to alter appreciably the economic relationship with the United States; and that we move away from this totally inconsistent policy of giving a cold shoulder to Taiwan while we seem to quake at whatever the Government of the People's Republic of China has to say.

The reality is the Government of Taiwan has a multiparty system today. They have as free a press as exists anywhere in Asia. They have moved in the directions that we say we ought to move. They are our sixth largest trading partner. We export twice as much to Taiwan as we do to the People's Republic of China. Yet, when the President of Taiwan has to land in Hawaii to refuel, we say, no, you cannot have anyone go out and greet him. The base commander where he landed was not permitted to greet the President of Taiwan.

Here we are cozying up to a dictatorship, and we have a free multiparty system in Taiwan to which we are giving the cold shoulder. I think that does not make sense.

I hope that, as the President and the administration consider what they are doing, we keep in mind our human rights policy. We are inconsistent as we utilize that human rights policy vis-a-vis the People's Republic of China and Taiwan.

Mr. President, I ask unanimous consent to print my letter to President Clinton in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 18, 1994.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: You are approaching decisions on China's MFN status that, if not properly handled, could sacrifice America's values without serving our own interests. "De-linking" human rights from trade only accents our vulnerabilities while missing the reality that only accents our vulnerabilities while missing the reality that China's trade surplus with the U.S. is now roughly $25 billion.

Your extending China's MFN status without counter measures can only mean that we believe China's record on human rights, nonproliferation, trade practices, Tibet, and other issues has shown significant improvement. But the sad fact is that China's record remains deplorable, with the leadership in Beijing doing no more than occasionally dribbling out dissidents from their vast prison network by the ones and twos in these days leading up to MFN renewal.

It is particularly troubling that our democratic friends in Taiwan, who have an exemplary human rights record and who stand ready to work with us on a host of issues, are shown disrespect and are not treated as the sovereign power they clearly are.

An implicit acknowledgment from you that the United States, when push comes to shove, does not mean what it says, will further erode our standing in the world and our self-respect at home.

The Executive Order you signed a year ago represented sound and responsible policy. China has done next to nothing to justify its being removed from the agenda. You are left with a difficult political and diplomatic choice. China's intransigence and divisions in the administration point you toward embracing a policy of doing less—not more—than your predecessors in regard to human rights in China.

While justified by the facts and consistent with your stated policy, denying MFN benefits is not your only alternative. I suggest instead that you impose meaningful sanctions while extending MFN trade status for the People's Republic. Such measures should include:

Reaffirming the terms and purposes of your 1993 Executive Order;

Imposing a tariff increase of perhaps 50 percent on all products from the People's Republic;

Making clear to the Chinese, following consultations with the British, that fundamental changes in Hong Kong's political and economic arrangements following the transfer of power will have serious consequences for U.S. economic relations with China;

Taking steps to bring our relationship with Taiwan into harmony with our interests and our ideals. Taiwan is now democratic and prosperous, their human rights situation is excellent, and the Taiwanese are our sixth largest trading partner. U.S. exports to Taiwan are twice the value of our exports to the People's Republic.

The inconsistency of our position was well illustrated by the cold shoulder we gave President Lee of Taiwan when his plane landed in Hawaii to refuel. Not only did we not give him any of the usual courtesies, we even made sure the base commander did not greet him. We shake at the possibility of disapproval of the dictatorship of China, while we turn a cold shoulder to the freely elected president of a democracy.

At a minimum, we should institute Cabinet-level exchanges with Taiwan and support its bid to re-enter the United Nations with the understanding that its officials represent the island and not the mainland. We should no longer conduct policy toward Taiwan within the narrow limits of Beijing's tolerance. Taiwan's open economy and democratic system represents a model for the People's Republic.

Mr. President, there are uncertainties in any course of action. But one thing remains clear: we will not hasten the end of repressive communism in China by rewarding Beijing. And we will not enhance our standing in the world community if we fail to follow through with strong action this year, and fail to live up to our ideals.

Cordially,

PAUL SIMON,
U.S. Senator.

RENEWAL OF MFN STATUS FOR CHINA

Mr. MATHEWS. Mr. President, as I join in support of the most-favored-nation status for the People's Republic of China, I do so with a request that we do this on an unconditional basis.

For a number of years now, we have faced this question. Each year in June, we face a crisis point, we reach a decision, and then we start the countdown until the next June. I think it is time that we put that behind us.

I support unconditional renewal of MFN because it is the most direct and intelligent way to promote American interests and global interests in social reform, military stability, and economic growth.

Mr. President, I start with the premise that we have exhausted the effectiveness of MFN status as a tool for advancing human rights in the People's Republic. I am sure that risk of losing MFN status has had some influence on China's decisions. Yet the annual fracas over MFN has not brought the degree of change we seek, nor has it been lasting. In fact, some groups contend that human rights have deteriorated in parts of China since 1989, when we began using trade status as a lever in this issue. My visit to China earlier this year convinced me that the annual threat of withholding MFN not has lost its leverage with the Chinese, it also places Americans in China in the position of being regarded as Yankee bullies.

The State Department publishes an annual report on human rights conditions in all of the world's countries. Some of these countries are major trading partners, and the State Department report about them makes for very grim reading. Yet despite their poor record of human rights conditions, we do not subject them to annual review of MFN status. It is time for us to decouple human rights from trade with China and to address China's human rights record in a more suitable forum.

The effective way to address human rights is through bilateral and multilateral dialogs that summon the influence of regional alliances. This is the approach advocated by Australia and other allies in the region, and it is much more sensible than clubbing China with threats about MFN status. Cooperation always achieves more than isolation and confrontation.

What is more, the United States has no exclusive claim to confront China's policies about a range of issues, including human rights. China's neighbors have a great stake in democratic ideals, security, and trade practices. We should join with them instead of acting like the lone sheriff facing down desperados at high noon.

I submit that programs in human rights will accelerate as China trade grows because political change normally follows economic change. The surest way to build dissatisfaction with repression is contact with people who do not live under it. U.S. investment and people-to-people exchanges of technological and government agencies will expand that contact. They will expose the Chinese to American work conditions, standards of treatment, and human regard that United States policy seeks and that the American influence brings. It is absolutely incongruous to think that restricting China's access to our influence will liberalize China's behavior. When the Chinese people see what they have been denied, the repercussions will be far more permanent than those we try to impose externally.

Economic enrichment is far from reaching the majority of China's 1.2 billion people. Pressures toward massive social upheaval are real and increasing. The United States shares a stake in China's economic and social stability, and sustained trade is one way to promote our shared interest. We see the beginnings of improved human rights as we compare social conditions in southern China, where economic progress is advancing, to those of northern China, where people live under a more rigid regime.

We have to evaluate each decision about China in the context of overall long-term goals in Asia. President Clinton has spoken of his vision for a unified Pacific community on many occasions. Adopting a maybe-but attitude toward the fastest-growing, most populous country in Asia pokes a stick in the eye of his vision. A unified Pacific community cannot and will not become fact without a working association with China. By definition, no extensive

Asian-American bond is possible without China's active presence.

What is more, China can be influential in reducing regional tensions. It is in China's interest and the world's interest to decrease the chance of North Korean hostility toward South Korea, where thousands of United States troops are now stationed. It is also in China's interest and everyone's to curtail North Korea's development of nuclear arms. The military menace in Asia is a threat to world peace. The Chinese have contacts and lines of communication to help defuse that threat.

Finally, we must consider what will happen to trade itself if we do not renew MFN. China already is our seventh largest trading partner. The United States and China know the benefits of fostering a greater trade relationship. We also know our relationship has been rocky, and progress has been jagged in reducing Chinese barriers and making China's trade regime more transparent. Much remains to be done if we are to resolve these matters. But we have agencies to monitor trade activities, and we have recourse other than withholding MFN in reacting to them. No progress and no resolution will come if we limit our dialog with China and our choice of responses.

Withdrawing China's MFN would raise tariffs on Chinese imports and prices for American consumers. It would provoke retaliation from China, including further trade barriers, limits on United States investment, and exclusion of United States firms from bidding on public works projects. Denying MFN now would rescind what progress our trade negotiators have made.

We also must look at the inconsistencies we are spreading over United States policies by recycling this China-MFN issue every year. When we are negotiating NAFTA and GATT, we are constantly calling for a level playing field. Yet when we talk with China and other nations in the region, we teeter-totter all over the place, compounding the level of uncertainty.

That's a frustration echoed by the American businessmen, including those in my native Tennessee. Tennessee's economy is a testament to the possibilities of foreign trade and foreign investment, especially with Asia. In 1992, Tennessee exports to China exceeded $106 million, and exports to other Asian nations were tens of millions more. My constituents contact me nearly every day about opening and expanding Asian trade relationships. They cannot make investment plans on a teeter-totter, and they should not have to.

China is part of the next generation of Asian trade for the United States. It also presents one of our greatest occasions to advance liberties and standards of living for the huge portion of the Earth's people. Those two opportunities are synonymous. To be part of both, the United States must accept that we and China are almost totally different nations. We have to proceed with recognition of and respect for those differences instead of insisting that our view is the only view. But the key word is proceed. Different as we are, we can find a way to cooperate when we face issues of mutual interest, and we can find a way to advance those interests.

I began my remarks by saying that China has made progress in addressing the issues before us, and I want to close on that note. We should remember that 20 years ago the People's Republic was steeped in its vicious and bloody cultural revolution. The China of today—Tiananman Square notwithstanding—is different from the China of 20 years ago. It is different socially and economically—just as the United States today differs from who we were before civil rights legislation scarcely more than 20 years ago.

China can be and should be more open and progressive. However, all nations young and old constantly remake themselves as the world transforms. We and China should continue our dialog with confidence in the inevitably of change.

The crucial point, Mr. President, is that our relationship with China must be based on the multitude of interests that involve us. I repeat: We cannot center our relationship with China on any single interest. At a minimum, our interests, include global economic growth, nuclear nonproliferation, regional stability, and environmental cooperation as well as human rights. We must consider the advancement of all those interests.

China speaks often of having opened itself to the world, and we speak often of opening China to a multitude of influences. Battering only on the door of human rights will not open any other doors, and it certainly does not to expand American growth through world trade.

Legitimate disagreements with China remain, and about a host of issues. But we gain nothing by adding to the acrimony. Let us match criticism with recognition of progress, and let us pursue the opportunity of further progress on all fronts before us.

I thank the Chair. I yield the floor.

Mr. HELMS. Mr. President, it is indeed appropriate that we pay our respects to President Lee of the Republic of China on the fourth anniversary of his presidency. It is also appropriate that we commend the splendid citizens on Taiwan for the democratic and economic success they have worked so hard to achieve, and I happily join Senators MURKOWSKI and SIMON in doing so.

Under President Lee's leadership, Taiwan's economy has skyrocketed; Taiwan is today an outstanding model of democratic and free market economic success and is one of the United States leading trading partners.

All Americans can take pride in having been a partner in Taiwan's success. On the occasion of President Lee's fourth anniversary, I assure the people of Taiwan that the U.S. Senate surely will always stand behind their efforts to fend off the insidious influence of communism from across the straits.

Most importantly on this occasion, it is proper that the record reflect the positive actions taken by the Senate Foreign Relations Committee and by the U.S. Congress just a few weeks ago when the Foreign Relations Authorization Act was passed.

Once again, the U.S. Congress exhibited its never-failing support for President Lee and Free China by including three strong provisions specific to Taiwan and Taiwan alone. Unfortunately, but not surprisingly, the U.S. State Department and President Clinton appear eager to ignore congressional intent in their efforts to appease the Communist dictatorship on the mainland. That issue, however, will best be addressed in another venue.

Mr. President, Taiwan has always been a responsible member of the international community, willing to take on multilateral political and financial burdens to the relief of the American taxpayer and to the benefit of world peace and prosperity. I strongly and proudly support Taiwan's admission to the United Nations, the GATT, and other international organizations and urge the administration to increase its support for Taiwan's admission into the arena of international organizations.

Mr. President, in this rapidly changing world, it is encouraging to know that the United States continues to have a core group of solid, special friends. Without question, the Republic of China is a leader of this group.

DOD ACCOUNTABILITY

Mr. GRASSLEY. Mr. President, yesterday, I spoke briefly about financial mismanagement at the Department of Defense [DOD] and the need for accountability.

I focused on the recon file at the Defense Finance and Accounting or DFAS center in Denver, CO.

The recon file is being used to hide at least $11 billion of unmatched disbursements.

Comptroller of DOD, Mr. Hamre has ordered DFAS to reduce unmatched disbursements by 50 percent next month, because they leave DOD accounts vulnerable to theft and abuse.

Well, that goal may be met.

But DFAS will follow a twisting and devious path to get there.

DFAS will do it by burying unmatched disbursements in subterranean vaults, like the recon file.

I am bothered by Mr. Nabil's recon file for another reason.

It is a new disguise for another problem DFAS was directed to fix.

Mr. Nabil's recon file is nothing more than a roll-up of discrepancies between the accounting records maintained at the base level and those maintained at the departmental level.

In 1991, DFAS got caught with its hands in the same cookie jar.

DFAS and the Air Force got caught taking $649.1 million from the M accounts to force Denver's books into balance—to plug a gaping hole.

After that was exposed, we were led to believe DFAS had fixed the problem.

When I raised the issue last year, my friend Senator Inouye assured me: "The Air Force has acted to address the errors in its bookkeeping system."

The late Donald J. Atwood, who was the Deputy Secretary of Defense at the time, said exactly the same thing.

This is what Mr. Atwood had to say in a document dated April 14, 1992, and I quote:

> On February 18, 1992, the DOD Comptroller directed DFAS to correct the Air Force departmental-level accounting records so that they agree with supporting records at the installation level as well as any related Treasury records. * * * DFAS [is] expected to eliminate systemic problems such as those that led to the $649 million error experienced by the Air Force.

Mr President, this looks like one more directive that DFAS failed to honor.

DFAS has an unblemished record of noncompliance.

The IG has completed the review of remaining M account balances requested by Senator INOUYE.

Of the $574 million in obligations examined, the IG found that $440 million or 76.5 percent were invalid; that is, not supported by documentation.

The $469.1 million was used as a DFAS/Air Force plug figure to conceal the disappearance of a lot of money.

That money remains unaccounted for to this day.

Even worse, the IG discovered that DFAS Denver is still using mathematical equations to generate phony, artificial ledger entries.

This kind of simulated accounting work means the books are out of whack again—big time.

Accounting practices at DFAS Denver are a disgrace.

Comptroller General Bowsher has repeatedly stated: "Such accounting practices are inexcusable and must not be tolerated."

Senator GLENN says: "Someone has to be held accountable on this."

Comptroller General Bowsher agrees. Deputy DOD IG Vander Schaaf agrees. We have a consensus: senior officials in accounting and finance are responsible.

I think the Director of DFAS, Mr. John P. Springett, and the Director of the DFAS center at Denver, Mr. John S. Nabil, need to be held accountable.

If others should be held accountable in their place, we need to identify who they are. And I don't mean GS-5 accounting clerks. I mean people further up the line—way up the line.

If not them, then who is it.

A quick review of Springett's and Nabil's job descriptions and DOD Directive 5118.5 governing DGAS tells me that both officials are responsible for the deepenig DOD financial crisis.

I quote from those documents:

Mr. Springett is the "principal DOD executive for finance and accounting." He "exercises command and control over the six operating centers."

Mr. Nabil is "the principal advisor and assistant" to Mr. Springett and top manager at the Denver center.

Mr. Springett and Mr. Nabil are in charge. They make the decisions. They run the show. They are accountable.

And they get paid exceptionally well for shouldering so much responsibility.

Together, they receive combined annual salaries including bonuses, totaling over a quarter of a million dollars—$252,765 to be exact.

Obligations come with the high pay: Honor the DFAS mandate; balance the books; clean up the mess; and above all, guard the people's money.

That money is entrusted to their care and must be treated with total respect.

Mr. Springett and Mr. Nabil collect the big pay checks, but they do not honor their commitments and obligations.

That is the lesson learned from a slew of recent IG reports, Mr. President. And the obvious next step is to hold them accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa yields the floor.

Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I know Senators are waiting. I have been waiting, also. Let me just ask, is it imperative that the Senator proceed immediately? If not, I ask for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL RESERVE BOARD

Mr. DOMENICI. Mr. President, during the past few days, there has been an ongoing debate and actually a national concern about the Federal Reserve Board and its adjustment of the discount and Federal fund rates.

During that time, I have had an opportunity to meet with some rather renowned economists, and today I would like to share with the Senate four or five lessons that I think I have learned in an effort to get the best possible idea as to what is going on, whether it is positive or negative, and a little bit of the history.

The first lesson that I have learned is that Federal Reserve policy acts with a lag, and it has worked to take us to the expansion side of the business cycle. Responding to weakening demand in the economy, beginning in mid-1990, long before the last election, the Federal Reserve shifted to a policy of increasing accommodation to growth. More credit was made available to support economic growth. The Federal fund rate—the overnight rate commercial banks charge each other for loans—was pushed down by the Federal Reserve from 8.3 percent in 1990 to 3 percent by the end of 1992—the lowest level since the 1960's.

So, obviously, during that period of very slow growth, the Federal Reserve Board set about to stimulate growth by lowering the discount rate from 8.3 to 3 percent by the end of 1992.

The lower interest rates have had a very salutary effect. They helped by reducing the excessive debt burdens of households, businesses, and financial institutions that had accumulated, as asset values weakened leading up to the 1990 recession. This process took time, however, and in the face of these "headwinds" to economic growth—to borrow a word from Chairman Greenspan—the Federal Reserve maintained an accommodating policy of historically low-interest rates through all of 1993.

The interest rate reductions were eminently successful. Household debt service as a percent of disposable income—the interest cost of maintaining debt, and for most Americans it would be interest on their house, perhaps interest on some fixed appliances, perhaps the interest on an automobile—declined from a high of 19 percent in 1989 to nearly 16 percent by 1993. That is what we mean when we say refinancing your house lowers your payment from $982 to $726, for example. Obviously, that household has reduced the monthly cost of accommodating and accumulating those assets.

Payment delinquencies on consumer loans fell sharply in 1992 and 1993, the lowest levels in 6 years. Lower interest rates helped to strengthen ailing financial institutions and stabilized the values of excess real estate. Most noticeably, beginning in the second half of 1992, the interest rate-sensitive sectors of this economy were responding rather well: Business equipment, home sales, autos, and the like.

The Federal Reserve's policies helped but with a lag. I repeat, the Fed went from 8.3 to 3 percent between mid-1990 and 1993, and the accommodating interest rates stimulated the American economy in a very dramatic way. But it took a while.

For those who are wondering why we have current growth in the American economy, I believe it is fair to say the answer is that the Federal Reserve Board decided in mid-1990 to accommodate by dramatically lowering interest rates. For some, this new growth in the American economy has come because of other reasons. I will today and in a later series of comments show factually that the growth in the American economy is attributable primarily to Federal Reserve policy, plus a dramatic increase in the productivity of American business, including manufacturing, both industrial and service oriented.

Lesson No. 2: The low inflation competitive environment of the 1980's is paying dividends. For a period of time now, some have been wondering whether the 1980's did anything for the American economy. Some speak of it as a period we would like to not think about. The truth of the matter is that a unique productivity recovery has been adding growth and competitiveness by holding down the cost of production. And it is paying off now. During 1992, nonfarm business productivity—the best measure of economywide worker productivity—rose 3.6 percent, the biggest 1-year increase since the early 1960's.

Productivity gains have accounted for 90 percent of gross domestic product growth in this recovery, now 12 quarters old. This far outstrips previous contributions by productivity gains, which on average were 50 percent during previous recoveries. So if the economy grew 4 percent—GDP grew 4 percent—2 percent, in the past, was from productivity gains. In this recovery, starting over 3 years ago, 90 percent of that growth is because of productivity increases. That means a working hour is producing more goods and/or services than ever before and thus contributing to the gross domestic product increase.

Competitiveness through productivity gains has been what has driven this recovery along with low interest rates that the Federal Reserve initiated way back in mid-1990. And competitiveness has been helped particularly by the low inflation fostered over the last 10 years by the Federal Reserve and Republican administrations. It has allowed businesses to focus on cost cutting instead of having to constantly negotiate favorable price increases which is the primary focus in a high-inflation environment. America's response to stiff international competition during the 1980's has been to cut costs through increased productivity and raise the quality of products and our low inflation has allowed businesses to do that, making us once again the world's largest exporter.

Lesson No. 3: The goals of the Federal Reserve are compatible with extending economic growth. Some have criticized the Federal Reserve in the past for accommodating growth too long before attacking rising inflation. As a result, interest rates rise too high and hurt economic growth. This time the Federal Reserve Board is attempting to head that off in advance of a substantial acceleration in inflation, earlier than usual. This is something that has not been part of the history of our money supply and Federal Reserve Board. But, by acting in an early manner it is taking preventive steps now that will forestall the need for harsher, more disruptive action later.

The Federal Reserve Board indicates that they believe Tuesday's large half-percentage-point increase moves monetary policy from accommodative back to a neutral position. This position returns interest rates back to a more historically typical inflation-adjusted level of interest rates from the roughly zero inflation-adjusted interest rates that existed as recently as last winter.

The risks are that the economy has more momentum than perceived and will require a further move from neutral to monetary restraint, forcing more dampening. I am optimistic that this will not be necessary, but there are risks.

Lesson No. 4: The Federal Reserve action should lead to lower, not higher long-term interest rates. For those who complained immediately after the Federal Reserve acted, long-term interest rates have come down in the United States. They did not go up. I am hopeful they will continue down. They have been inordinately high as compared to the short-term interest rates, but that was attributable, in my opinion, to what I have described here: a more than accommodating interest-rate policy by the Federal Reserve Board which was extremely stimulative and brought on concerns from those who analyze these matters that the economy might overheat.

The Federal Reserve wanting to move toward neutrality—that is where their interest rate policies are neutral, not overly stimulative or restrictive—is an excellent policy. Whether they get it right or not, it is hard to say. More to the point, whether the world responds to it or not is hard to say.

It would seem that the first results in America of this change, which they say will be their last for the time being, is for long-term interest rates to come down. But it would also seem that foreign investors around the world are responding not less well because the American dollar has gone down a little bit more vis-a-vis the yen and other major currencies, which perhaps means that their analysis is that we still do not have a neutral monetary policy. Rather we still have one that is too stimulative and it will shorten this business cycle and return us to no growth.

There are other things that we can learn from what has occurred. I believe we shouldn't be indicating to the Federal Reserve that we politicians know more than they and that they are trying to do something to hurt the economy when they are, in fact, trying to do the opposite. Rather, I believe we would be much better off if we would help foster the kind of business climate that coupled with low inflation can keep the American economy growing over the long term. I will speak to that in more detail in later days. I thank the chairman for permitting me by consent to speak, and I yield the floor.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 3355

Mr. BIDEN. Mr. President, I ask unanimous consent that Andrew Plepler, a Department of Justice employee detailed to the Senate Judiciary Committee staff, be allowed the privileges of the floor during the appointment of conferees and consideration of the conference report on H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the message from the House on H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994; that the Senate disagree to the House amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3355, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3355) entitled "An Act to amend the Omnibus

Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety", with the following amendments:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1994".

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—VICTIMS OF CRIME
TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES
TITLE III—ASSAULTS AGAINST CHILDREN
TITLE IV—CONSUMER PROTECTION
TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES
TITLE VI—VIOLENT OFFENDER INCARCERATION
TITLE VII—DEATH PENALTY
TITLE VIII—TRUTH IN SENTENCING
TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING
TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE
TITLE XI—YOUTH VIOLENCE
TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994
TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT
TITLE XIV—COMMUNITY POLICING
TITLE XV—DNA IDENTIFICATION
TITLE XVI—VIOLENCE AGAINST WOMEN
TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT
TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED
TITLE XIX—YOUTH HANDGUN SAFETY
TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS
TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS
TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS
TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS
TITLE XXIV—IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS
TITLE XXV—RURAL CRIME
TITLE XXVI—COMMISSION ON CRIME AND VIOLENCE
TITLE XXVII—POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP ACT
TITLE XXVIII—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION
TITLE XXIX—PROTECTING THE PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS
TITLE XXX—MISCELLANEOUS

TITLE I—VICTIMS OF CRIME

Subtitle A—Victims of Crime

SEC. 101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

Subtitle B—Crime Victims' Fund

SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.

(a) GENERALLY.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

(1) striking paragraph (2) and inserting the following:

"(2) the next $10,000,000 deposited in the Fund shall be available for grants under section 1404A.";

(2) striking paragraph (3) and inserting the following:

"(3) Of the remaining amount deposited in the Fund in a particular fiscal year—

"(A) 48 percent shall be available for grants under section 1403;

"(B) 48 percent shall be available for grants under section 1404(a); and

"(C) 4 percent shall be available for grants under section 1404(c).";

(3) striking paragraph (4) and inserting the following:

"(4) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000."; and

(4) striking paragraph (5).

(b) CONFORMING CROSS REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(d)(2)(D)" and inserting "(d)(2)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purposes for which such grant is made at any time during the next succeeding 2 fiscal years, at the end of which year any remaining unobligated funds shall be returned to the Fund.".

SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.".

SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

(b) REQUIREMENTS OF EXCEPTION.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

"(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.".

SEC. 116. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 117. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended by striking "and on December 31 every two years thereafter", and inserting "and on June 30 every two years thereafter".

Subtitle C—Report on Battered Women's Syndrome

SEC. 121. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medi-

cal and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. 201. LIMITATION ON APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(f) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN CASES.—Notwithstanding any other provision of law, in the case of an offense under section 401, 404, or 406 of the Controlled Substances Act or section 1010 or 1013 of the Controlled Substances Import and Export Act, the court shall impose a sentence pursuant to guidelines established by the United States Sentencing Commission, without regard to any statutory minimum sentence, if the court finds at sentencing that—

"(1) the defendant does not have more than 1 criminal history point under the United States Sentencing Commission Guidelines Manual;

"(2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;

"(3) the offense did not result in death or serious bodily injury to any person;

"(4) the defendant was not an organizer, leader, manager, or supervisor of others (as determined under the United States Sentencing Commission Guidelines Manual) in the offense; and

"(5) no later than the time of the sentencing hearing, the defendant has provided to the Government all information the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. The fact that the defendant has no relevant or useful other information to provide shall not preclude or require a determination by the court that the defendant has complied with this requirement.".

(b) SENTENCING COMMISSION AUTHORITY.—

(1) IN GENERAL.—The United States Sentencing Commission (hereinafter in this section referred to as the "Commission") may—

(A) make such amendments as the Commission deems necessary to harmonize the sentencing guidelines and policy statements with this section and the amendment made by this section; and

(B) promulgate policy statements to assist in the application of this section and that amendment.

(2) PROCEDURES.—If the Commission determines it is necessary to do so in order that the amendments made under paragraph (1) may take effect on the effective date of the amendment made by subsection (a), the Commission may promulgate the amendments made under paragraph (1) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired.

(c) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall apply to all sentences imposed on or after the 10th day beginning after the date of the enactment of this Act.

SEC. 202. DIRECTION TO SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines with respect to cases where statutory minimum sentences would apply but for section 3553(f) of title 18, United States Code, to carry out the purposes of such section, so that the lowest sentence in the guideline range is not less than 2 years in those cases where a 5-year minimum would otherwise apply.

SEC. 203. SPECIAL RULE.

For the purpose of section 3582(c)(2) of title 18, United States Code, with respect to a prisoner the court determines has demonstrated good behavior while in prison, the changes in sentencing made as a result of this Act shall be deemed to be changes in the sentencing ranges by the Sentencing Commission pursuant to section 994(o) of title 28, United States Code.

TITLE III—ASSAULTS AGAINST CHILDREN

SEC. 301. ASSAULTS AGAINST CHILDREN.

(a) SIMPLE ASSAULT.—Section 113(e) of title 18, United States Code, is amended by striking "by fine" and all that follows through the period and inserting "—

"(A) if the victim of the assault is an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than one year, or both; and

"(B) by a fine under this title or imprisonment for not more than three months, or both, in any other case.".

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both.".

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

(1) in paragraph (b), by striking "of not more than $3,000" and inserting "under this title";

(2) in paragraph (c), by striking "of not more than $1,000" and inserting "under this title";

(3) in paragraph (d), by striking "of not more than $500" and inserting "under this title";

(4) by modifying the left margin of each of paragraphs (a) through (f) so that they are indented 2 ems;

(5) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6); and

(6) by inserting "(a)" before "Whoever".

(d) DEFINITIONS.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(b) As used in this subsection—

"(1) the term 'substantial bodily injury' means bodily injury which involves—

"(A) a temporary but substantial disfigurement; or

"(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(e) ASSAULTS IN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years" after "serious bodily injury".

TITLE IV—CONSUMER PROTECTION

SEC. 401. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and knowingly, with the intent to deceive, makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to deceive any person, including any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person, about the financial condition or sol-

vency of such business shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the appropriate regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of such title is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

SEC. 402. MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding at the end thereof the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce; or".

(b) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(c) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES.

Section 3559 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "An" and inserting "Except as provided in subsection (c), an" in lieu thereof; and

(2) by adding the following new subsection at the end:

"(c) IMPRISONMENT OF CERTAIN CRIMINALS.—

"(1) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of law, a person who is convicted in a court of the United States of a serious violent felony or a serious drug offense shall be sentenced to life imprisonment if—

"(A) the person has been convicted (and those convictions have become final) on 2 or more prior occasions, in a court of the United States or of a State, of serious violent felonies or serious drug offenses, or any combination of such felonies and offenses; and

"(B) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'assault with intent to commit rape' means an offense that has as its elements engaging in physical conduct by which a person intentionally places another person in fear of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of this title);

"(B) the term 'arson' means an offense that has as its elements maliciously damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or an explosive;

"(C) the term 'extortion' means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

"(D) the term 'firearms use' means an offense that has as its elements those described in section 924(c) or 929(a) of this title, if the firearm was brandished, discharged, or otherwise used as a weapon and the crime of violence or drug trafficking crime during and relation to which the firearm was used was subject to prosecution in a court of the United States or a court of a State, or both;

"(E) the term 'kidnapping' means an offense that has as its elements the abduction, restraining, confining, or carrying away of another person by force or threat of force;

"(F) the term 'serious violent felony' means—

"(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111 of this title); manslaughter other than involuntary manslaughter (as described in section 1112 of this title); assault with intent to commit murder (as described in section 113(a) of this title); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242 of this title); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2) of this title); kidnapping; aircraft piracy (as described in section 902(i)(2) or

902(n)(2) of the Federal Aviation Act of 1958); robbery (as described in section 2111, 2113, or 2118 of this title); carjacking (as described in section 2119 of this title); extortion; arson; firearms use; or attempt, conspiracy, or solicitation to commit any of the above offenses; or

"(ii) any other offense punishable by a maximum term of imprisonment of 10 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense;

"(G) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

"(H) the term 'serious drug offense' means—

"(i) an offense subject to a penalty provided for in section 401(b)(1)(A) or 408 of the Controlled Substances Act or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act; or

"(ii) an offense under State law that, had the offense been prosecuted in a court of the United States, would have been subject to a penalty provided for in section 401(b)(1)(A) or 408 of the Controlled Substances Act or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act.

"(3) NONQUALIFYING FELONIES.—

"(A) ROBBERY IN CERTAIN CASES.—Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

"(ii) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person.

"(B) ARSON IN CERTAIN CASES.—Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(i) the offense posed no threat to human life; and

"(ii) the defendant reasonably believed the offense posed no threat to human life.

"(4) INFORMATION FILED BY UNITED STATES ATTORNEY.—The provisions of section 411(a) of the Controlled Substances Act (21 U.S.C. 851(a)) shall apply to the imposition of sentence under this subsection.

"(5) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty.

"(6) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to this subsection for any offense for which Federal jurisdiction is solely predicated on Indian country as defined in section 1151 of this title and which occurs within the boundaries of such Indian country unless the governing body of the tribe has elected that this subsection have effect over land and persons subject to the criminal jurisdiction of the tribe.

"(7) RESENTENCING UPON OVERTURNING OF PRIOR CONVICTION.—If the conviction for a serious violent felony which was a basis for sentencing under this subsection is found, pursuant to any appropriate State or Federal procedure, to be unconstitutional or is vitiated on the explicit basis of innocence, or if the convicted person is pardoned on the explicit basis of innocence, the person serving a sentence imposed under this subsection shall be resentenced to any sentence that was available at the time of the original sentencing.".

SEC. 502. LIMITED GRANT OF AUTHORITY TO BUREAU OF PRISONS.

Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) so that the margin of the matter starting with "extraordinary" and ending with "reduction" the first place it appears is indented an additional two ems;

(2) by inserting a one-em dash after "that" the second place it appears;

(3) by inserting a semicolon after "reduction" the first place it appears;

(4) by indenting the first line of the matter referred to in paragraph (1) and designating that matter as clause (i); and

(5) by inserting after such matter the following:

"(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) of this title, for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g) of this title;".

TITLE VI—VIOLENT OFFENDER INCARCERATION

SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts, to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this title, a State or States organized as multi-State compacts, shall submit an application to the Attorney General which includes—

(1) assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent ofenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(3) assurances that funds received under this section will be used to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent offenders;

(4) assurances that the State or States have a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities and programs and which includes diversional programs, particularly drug diversion programs, community corrections programs, a prisoner screening and security classification system, prisoner rehabilitation and treatment programs, prisoner work activities (including, to the extent practicable, activities relating to the development, expansion, modification, or improvement of correctional facilities), and job skills programs, a pre-release prisoner assessment to provide risk reduction management, post-release assistance, and an assessment of recidivism rates;

(5) assurances that the State or States have involved counties and other units of local government, when appropriate, in the development, expansion, modification, or improvement of correctional facilities and programs designed to ensure the incarceration of violent offenders;

(6) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds; and

(7) documentation of the multi-State compact agreement that specifies the development, expansion, modification, or improvement of correctional facilities and programs.

(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

(d) MATCHING REQUIREMENT.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal described in an application approved under this title.

SEC. 602. RULES AND REGULATIONS.

The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this title not later than 90 days after the date of the enactment of this title.

SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.

The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this title to achieve the purposes of this title.

SEC. 604. EVALUATION.

The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this title.

SEC. 605. DEFINITION.

For purposes of this title, the term "State or States" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $600,000,000 for each of the fiscal years 1995 through 1999 to carry out the purposes of this title.

TITLE VII—DEATH PENALTY

SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be *taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or*

"(D) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) of that section or twice the gross receipts described in subsection (b)(2)(B) of that section; or

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) EQUALLY CULPABLE DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in section 3591(2), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of such Act.

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a Chief of State, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

"(15) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—In the case of an offense under chapter 109A (sexual abuse) or chapter 110 (sexual abuse of children), the de-

fendant has previously been convicted of a crime of sexual assault or crime of child molestation.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether to recommend a sentence of death for an offense described in paragraph (3), (4), or (5) of section 3591, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may also permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants. The jury shall be instructed that its recommendation concerning a sentence of death is to be based on the aggravating factor or factors and any mitigating factors which have been found, but that the final decision concerning the balance of aggravating and mitigating factors is a matter for the jury's judgment.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the of-

fense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(4) The sentence shall be affirmed if the court finds that a remaining aggravating factor found to exist is one allowed under section 3592 of this title and that the remaining aggravating factor or factors found to exist sufficiently outweigh any mitigating factors found to exist.

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence .... 3591".

SEC. 702. CONFORMING CHANGES TO SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the subsection and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual, or directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(2) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(3) KILLING OF FOREIGN OFFICIALS OR INTERNATIONALLY PROTECTED PERSONS.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(4) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(5) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(6) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(7) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(8) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(9) DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.—Section 1114 of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c) and by striking the item relating to subsection (c) in the table of contents at the beginning of such Act.

(c) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

SEC. 703. AUTHORIZATION OF DEATH PENALTY FOR EXISTING OFFENSES.

(a) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(b) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined under this title, or both".

(c) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;".

(d) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ", a fine of not more than $1,000,000 and imprisonment for life;" and inserting ", where death results, by death or imprisonment for life and a fine under this title, or both;".

(e) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended to read as follows:

"(3) if death results, be punished by death or imprisoned for any term of years or for life, fined under this title, or both."

(f) DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.—

(1) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by inserting after section 2244 the following:

"§2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

(g) DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(h) HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)";

(3) inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.";

(4) in subsection (e)(2) (as so redesignated), by striking "(c)" and inserting "(d)"; and

(5) in subsection (h) (as so redesignated)—

(A) by striking "and (b)" and inserting ", (b), and (c)"; and

(B) by striking "(d)" each place it appears and inserting "(e)".

(i) DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.—Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title; and".

(j) PROTECTION OF COURT OFFICERS AND JURORS.—Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

*(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b)."; *

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years, a fine under this title, or both; and

"(3) in any other case, imprisonment for not more than ten years, a fine under this title, or both."; and

(4) in subsection (a), as so designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

(k) FOREIGN MURDER OF UNITED STATES NATIONALS.—

(1) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

"(b) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(c) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(2) CONFORMING AMENDMENT.—Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign murder of United States nationals.".

(l) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(4) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 704. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1119. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1119. Murder by a Federal prisoner.".

SEC. 705. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1120. Murder by escaped prisoners

"(a) IN GENERAL.—Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1119 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1120. Murder by escaped prisoners.".

SEC. 706. DRIVE-BY SHOOTINGS.

(a) IN GENERAL.—Section 922 of title 18, United States, Code, is amended by adding at the end the following:

"(v) It shall be unlawful for any person knowingly to—

"(1) discharge a firearm from within a motor vehicle; and

"(2) thereby create a grave risk to human life.".

(b) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(6) Whoever knowingly violates section 922(v) shall be fined under this title or imprisoned not more than 25 years, or both, and if death results, shall be punished by death or imprisonment for life or any term of years.".

SEC. 707. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(j) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section.".

SEC. 708. DEATH PENALTY FOR THE MURDER OF STATE OR LOCAL OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS AND STATE CORRECTIONAL OFFICERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code is amended by adding at the end the following:

"§ 1121. Killing persons aiding Federal investigations or State correctional officers

"(a) Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111 of this title, including by sentence of death or by imprisonment for life.

"(b)(1) Whoever, in a circumstance described in paragraph (3) of this subsection, while incarcerated, intentionally kills any State correctional officer engaged in, or on account of the performance of such officer's official duties, shall be sentenced to a term of imprisonment which shall not be less than 20 years, and may be sentenced to life imprisonment or death.

"(2) As used in this section, the term, 'State correctional officer' includes any officer or employee of any prison, jail, or other detention facility, operated by, or under contract to, either a State or local governmental agency, whose job responsibilities include providing for the custody of incarcerated individuals.

"(3) The circumstance referred to in paragraph (1) of this subsection is that—

"(A) the correctional officer is engaged in transporting the incarcerated person interstate; or

"(B) the incarcerated person is incarcerated pursuant to a conviction for an offense against the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1121. Killing persons aiding Federal investigations or State correctional officers.".

SEC. 709. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years, a fine under this title, or both.".

SEC. 710. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

"§2332a. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) the term 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term 'weapon of mass destruction' means—

"(A) any destructive device as defined in section 921 of this title;

"(B) poison gas;

"(C) any weapon involving a disease organism; or

"(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 711. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.

"(c) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 712. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSES.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results, from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do any act prohibited under paragraph (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iii) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea

or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

"(e) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

"(f) As used in this section—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) the term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraph (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

"(e) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation
"2281. Violence against maritime fixed platforms".

(c) EFFECTIVE DATES.—This section and the amendments made by this section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 713. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) the term 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) the term 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality;

"(3) the term 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) Whoever, outside the United States and in a circumstance described in subsection (b) of this section, commits or attempts to commit torture—

"(1) shall be fined under this title or imprisoned not more than twenty years, or both; and

"(2) if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) The circumstance referred to in subsection (a) of this section is if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws

on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"113B. Torture .... 2340".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 714. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 715. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 716. KIDNAPPING.

Section 1201(g)(1) of title 18, United States Code, is amended by inserting "to the penalty of death if the death of the victim results and, in any other case," after "shall be subject".

TITLE VIII—TRUTH IN SENTENCING

SEC. 801. GRANTS.

The Attorney General is authorized to provide grants to States to build, expand, or operate space in correctional facilities in order to increase the prison bed capacity in such facilities in order to reach the goals set forth in section.

SEC. 802. FEDERAL FUNDS.

(a) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1995.—Of the total amount of funds appropriated under this title in fiscal year 1995, there shall be allocated to each State an amount which bears the same ratio to the amount of funds appropriated pursuant to this title as the number of part I violent crimes reported by the States to the Federal Bureau of Investigation for 1993 bears to the number of part I violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

(b) DISTRIBUTION OF FUNDS IN FISCAL YEARS 1996 THROUGH 1999.—75 percent of the total amount of funds appropriated under this title in fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each State according to the formula established in subsection (a) adjusted to reflect in each year the most recent data from the Federal Bureau of Investigation reporting part I violent crimes.

(c) GOOD FAITH EFFORT.—In order to be eligible for funding under subsections (a) and (b), a State shall submit an application and give the Attorney General assurances that it will make a good faith and cost effective effort to become eligible for a grant under subsection (d).

(d) TRUTH IN SENTENCING INCENTIVE FUND.—25 percent of the total amount of funds appropriated under this title in each of the fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each eligible State according to the same ratios established in subsection (b) multiplied by the percentage change in the States' percentage of time to be served by the persons convicted of violent crimes divided by the average of all States' percentage change in percentage of time to be served by the persons convicted of violent crimes. States which have achieved a Truth in Sentencing standard of violent criminals serving 85 percent of prison time assessed shall receive the incentive funds based on the average of such percentage change ratios of all States multiplied by the States percentage of total Part I violent crime reported.

(e) ELIGIBILITY FOR TRUTH IN SENTENCING INCENTIVE FUND.—In order to be eligible for grants under subsection (d), a State must demonstrate that it has, since 1993—

(1) increased the percentage of convicted violent offenders sentenced to prison;

(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison; and

(3) increased the percentage of sentence to be actually served in prison by violent offenders sentenced to prison.

(f) LAW CHANGES.—As evidence of such good faith effort to meet the goals contained in subsection (e), a State may make changes to its laws and regulations which may include—

(1) truth in sentencing laws which will require persons convicted of violent crimes to serve not less than 85 percent of the sentence imposed;

(2) mandatory prison sentences for persons convicted of the most serious violent crimes;

(3) pretrial detention for persons whose release it can be shown would pose a danger to any other person or the community;

(4) sentencing authority to allow the defendant's victims or the family of victims the opportunity to be heard regarding the issue of sentencing and provide that the victim or the victim's family will be notified whenever such defendant is to be released; or

(5) that a person who is convicted of a serious violent crime shall be sentenced to life imprisonment if—

(A) The person has been convicted on 2 or more prior occasions in a court of the United States or of a State of a serious violent crime, or of 1 or more serious violent crimes and 1 or more serious drug offenses; and

(B) each serious violent crime or serious drug offense used as a basis for sentencing under this subsection, other than the fist, was committed after the defendant's conviction of the preceding serious violent crime or serious drug offense.

SEC. 803. DEFINITIONS.

For purposes of this title—

(1) the term "violent crime" means—

(A) a felony offense that has as an element the use, attempted use, or threatened use of physical force against the person of another, or

(B) any other offense that is a felony and that, by its nature, involves substantial risk that physical force against the person of another may be used in the course of committing the offense;

(2) the term "serious drug offender" has the same meaning as that is used in section 924(e)(2)(A) of title 18, United States Code;

(3) the term "State" means any of the United States and the District of Columbia;

(4) the term "convicted" means convicted and sentenced to a term in a State corrections institution or a period of formal probation; and

(5) the term "Part I violent crimes" means murder, rape, robbery, and aggravated assault as those offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

SEC. 804. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For purposes of this title, there are authorized to be appropriated—

(1) $2,500,000,000 for fiscal year 1995;

(2) $2,000,000,000 for fiscal year 1996;

(3) $2,000,000,000 for fiscal year 1997;

(4) $2,000,000,000 for fiscal year 1998; and

(5) $2,000,000,000 for fiscal year 1999.

(b) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 90 percent of the total costs of the program as described in the application.

(4) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall be carried over and will be made available until expended.

TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

SEC. 901. AMENDMENT TO TITLE 28.

(a) PROCEDURE.—Part VI of title 28, United States Code, is amended by inserting after chapter 176 the following new chapter:

"CHAPTER 177—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

"Sec.

"3501. Prohibition against the execution of a sentence of death imposed on the basis of race.

"3502. Access to data on death eligible cases.

"3503. Enforcement of the chapter.

"3504. Construction of chapter.

"§3501. Prohibition against the execution of a sentence of death imposed on the basis of race

"(a) IN GENERAL.—No person shall be put to death under color of State or Federal law in the execution of a sentence that was imposed based on race.

"(b) INFERENCE OF RACE AS THE BASIS OF DEATH SENTENCE.—An inference that race was the basis of a death sentence is established if valid evidence is presented demonstrating that, at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question.

"(c) RELEVANT EVIDENCE.—Evidence relevant to establish an inference that race was the basis of a death sentence may include evidence that death sentences were, at the time pertinent under subsection (b), being imposed significantly more frequently in the jurisdiction in question—

"(1) upon persons of one race than upon persons of another race; or

"(2) as punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race.

"(d) VALIDITY OF EVIDENCE PRESENTED TO ESTABLISH AN INFERENCE.—If statistical evidence is presented to establish an inference that race was the basis of a sentence of death, the court shall determine the validity of the evidence and if it provides a basis for the inference. Such evidence must take into account, to the extent it is compiled and publicly made available, evidence of the statutory aggravating factors of the crimes involved, and shall include comparisons of similar cases involving persons of different races.

"(e) REBUTTAL.—If an inference that race was the basis of a death sentence is established under subsection (b), the death sentence may not be carried out unless the government rebuts the inference by a preponderance of the evidence. Unless it can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.

"§3502. Access to data on death eligible cases

"Data collected by public officials concerning factors relevant to the imposition of the death sentence shall be made publicly available.

"§3503. Enforcement of the chapter

"In any proceeding brought under section 2254, the evidence supporting a claim under this chapter may be presented in an evidentiary hearing and need not be set forth in the petition. Notwithstanding section 2254, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 3501 shall be presumed to be correct unless—

"(1) the State is in compliance with section 3502;

"(2) the determination was made in a proceeding in a State court in which the person asserting the claim was afforded rights to the appointment of counsel and to the furnishing of investigative, expert and other services necessary for the adequate development of the claim; and

"(3) the determination is one which is otherwise entitled to be presumed to be correct under the criteria specified in section 2254.

"§3504. Construction of chapter

"Nothing contained in this chapter shall be construed to affect in one way or the other the lawfulness of any sentence of death that does not violate section 3501.".

(b) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters of part VI of title 28, United States Code, is amended by adding at the end thereof the following new item:

"177. Racially Discriminatory Capital Sentencing .... 3501.".

SEC. 902. ACTIONS BEFORE ENACTMENT.

No person shall be barred from raising any claim under section 3501 of title 28, United States Code, as added by this Act, on the ground of having failed to raise or to prosecute the same or a similar claim before the enactment of the Act, nor by reason of any adjudication rendered before that enactment.

TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE

Subtitle A—Model Intensive Grant Programs

SEC. 1001. GRANT AUTHORIZATION.

(a) ESTABLISHMENT.—The Attorney General, who may consult with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, is authorized to award grants to not more than 15 chronic high intensive crime areas to develop comprehensive model crime prevention programs that—

(1) involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;

(2) attempt to relieve conditions that encourage crime; and

(3) provide meaningful and lasting alternatives to involvement in crime.

(b) PRIORITY.—In awarding grants described in subsection (a), the Attorney General shall give priority to proposals that—

(1) are innovative in approach to the prevention of crime in a specific area;

(2) vary in approach to ensure that comparisons of different models may be made; and

(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

SEC. 1002. USES OF FUNDS.

(a) IN GENERAL.—Funds awarded under this subtitle may be used only for purposes described in an approved application. The intent of grants under this subtitle is to fund intensively comprehensive crime prevention programs in chronic high intensive crime areas.

(b) GUIDELINES.—The Attorney General shall issue and publish in the Federal Register guidelines that describe suggested purposes for which funds under approved programs may be used.

SEC. 1003. PROGRAM REQUIREMENTS.

(a) DESCRIPTION.—An applicant shall include a description of the distinctive factors that contribute to chronic violent crime within the area proposed to be served by the grant. Such factors may include lack of alternative activities and programs for youth, deterioration or lack of public facilities, inadequate public services such as public transportation, street lighting, community-based substance abuse treatment facilities, or employment services offices, and inadequate police or public safety services, equipment, or facilities.

(b) COMPREHENSIVE PLAN.—An applicant shall include a comprehensive, community-based plan to attack intensively the principal factors identified in subsection (a). Such plans shall describe the specific purposes for which funds are proposed to be used and how each purpose will address specific factors. The plan also shall specify how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate in carrying out the purposes of the grant.

(c) EVALUATION.—An applicant shall include an evaluation plan by which the success of the plan will be measured, including the articulation of specific, objective indicia of performance, how the indicia will be evaluated, and a projected timetable for carrying out the evaluation.

SEC. 1004. APPLICATIONS.

To request a grant under this subtitle the chief local elected official of an area shall—

(1) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish; and

(2) provide an assurance that funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs funded under this subtitle.

SEC. 1005. REPORTS.

Not later than December 31, 1998, the Attorney General shall prepare and submit to the Committees on the Judiciary of the House and Senate an evaluation of the model programs developed under this subtitle and make recommendations regarding the implementation of a national crime prevention program.

SEC. 1006. DEFINITIONS.

For purposes of this subtitle:

(1) CHRONIC HIGH INTENSITY CRIME AREA.—The term "chronic high intensity crime area" is an area that meets criteria defined under regulations issued by the Attorney General. The criteria adopted by the Attorney General shall, at a minimum, define areas with—

(A) consistently high rates of violent crime as reported in the Federal Bureau of Investigation's "Uniform Crime Reports", and

(B) chronically high rates of poverty as determined by the Bureau of the Census.

(2) CHIEF LOCAL ELECTED OFFICIAL.—The term "chief local elected official" means an official designated under regulations issued by the Attorney General. The criteria used by the Attorney General in promulgating such regulations shall ensure administrative efficiency and accountability in the expenditure of funds and execution of funded projects under this subtitle.

SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $300,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

Subtitle B—Ounce of Prevention Grant Programs

PART I—OUNCE OF PREVENTION GRANT PROGRAMS

SEC. 1010. OUNCE OF PREVENTION COUNCIL.

(a) IN GENERAL.—(1) The Secretary of Health and Human Services shall convene an interagency Task Force to be known as the Ounce of Prevention Council, which shall be chaired by the Attorney General, the Secretary of Education, and the Secretary of Health and Human Services, and which also shall include the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy.

(2) The Council may obtain the necessary staff to carry out its functions through the detail or assignment of employees from the departments or offices which are represented by the Council.

(3) The Council may delegate any of its functions or powers to a member or members of the Council.

(b) ADMINISTRATIVE RESPONSIBILITIES AND POWERS.—The Council shall advise and counsel the Secretary regarding administration of the programs established by this title. In consultation with the Council, the Secretary may issue regulations and guidelines to carry out this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) TARGETING OF ASSISTANCE FOR DISTRESSED COMMUNITIES AND INDIVIDUALS WITH PARTICULAR NEEDS.—In consultation with the Council, the Secretary shall adopt regulations or guidelines to ensure that funding provided under this title shall be used primarily for—

(1) assistance in communities that are distressed as indicated by such factors as high incidences of crime, juvenile delinquency, gang involvement, substance abuse, unemployment, school dropouts, or pregnancy among adolescents; and

(2) assistance for individuals in any area who are particularly in need of the assistance for such reasons as involvement in juvenile delinquency, gangs, or substance abuse, unemployability, dropping out of school, or pregnancy during adolescence, or being at risk of such conditions.

SEC. 1011. OUNCE OF PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary, after consultation with the Council, may make grants to States, local governments, educational institutions, coalitions, local educational agencies, State educational agencies, and other public and private entities, for—

(1) summer and after-school (including weekend and holiday education and recreation) programs;

(2) mentoring, tutoring, and other programs involving participation by adult role models;

(3) programs assisting and promoting employability and job placement; and

(4) substance abuse treatment and prevention, including outreach programs for at-risk families.

(b) PRIORITY.—In making such grants, the Secretary shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

(c) DEFINITIONS.—For purposes of this section the term "Secretary" means the Secretary of Health and Human Services.

PART II—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

SEC. 1015. PROGRAM AUTHORITY.

(a) In General.—

(1) Allocations for States.—For a fiscal year in which the sums reserved by the Secretary from the amounts appropriated for this subtitle to carry out this section equal or exceed $20,000,000, the Secretary shall allocate to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line.

(2) Grants to community-based organizations from allocations.—For such a fiscal year, the Secretary may award grants from the appropriate State allocation determined under paragraph (1) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(3) Reallocation.—If, at the end of such a fiscal year, the Secretary determines that funds allocated for community-based organizations in a State remain unobligated, the Council may use such funds to award grants to eligible community-based organizations in another State to pay for such Federal share. Amounts made available through such grants shall remain available until expended.

(b) Other Fiscal Years.—For any fiscal year in which the sums reserved by the Secretary from amounts appropriated for this subtitle to carry out this section are less than $20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

SEC. 1016. PROGRAM REQUIREMENTS.

(a) Location.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

(1) where appropriate, in the facilities of a public school; or

(2) in another appropriate local facility in a State, such as a college or university, a local or State park or recreation center, church, or military base, that is—

(A) in a location that is easily accessible to children in the community; and

(B) in compliance with all applicable local ordinances.

(b) Use of Funds.—Such community-based organization—

(1) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that shall include supervised sports programs, and extracurricular and academic programs, that are offered—

(A) after school and on weekends and holidays, during the school year; and

(B) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

(2) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational programs, work force preparation, entrepreneurship, cultural programs, arts and crafts, and health education and service programs, dance programs, tutorial and mentoring programs, and other related activities;

(3) may use such funds—

(A) for the renovation of facilities that are in existence prior to the operation of the program for which the organization receives the grant; and

(B) to develop or expand school programs (including programs that provide a variety of additional services to help meet the comprehensive needs of students, such as homework assistance and after-school programs (including educational, social, and athletic activities), nutrition services, family counseling, and parental training programs) that are designed to improve academic and social development of at-risk children by instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students in the daily academic curriculum at public schools in the eligible community; and

(4) may not use such funds to provide sectarian worship or instruction.

SEC. 1017. ELIGIBLE COMMUNITY IDENTIFICATION.

(a) Identification.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

(b) Criteria.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

SEC. 1018. APPLICATIONS.

(a) Application Required.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

(b) Contents of Application.—Each application submitted pursuant to paragraph (1) shall—

(1) describe the activities and services to be provided through the program for which the grant is sought;

(2) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

(3) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

(4) set forth measurable goals and outcomes for the program that—

(A) will—

(i) where appropriate, make a public school the focal point of the eligible community; or

(ii) make a local facility described in section 1016(a)(2) such a focal point; and

(B) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

(5) provide evidence of support for accomplishing such goals and outcomes from—

(A) community leaders;

(B) businesses;

(C) local educational agencies;

(D) local officials;

(E) State officials; and

(F) other organizations that the community-based organization determines to be appropriate;

(6) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with section 1016(b);

(7) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

(A) extracurricular and academic programs, such as programs described in section 1016(b)(2); and

(B) activities that address specific needs in the community;

(8) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(9) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

(10) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(11) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

(12) contain an assurance that the program will maintain a staff-to-participant ratio that is appropriate to the activity or service provided by the program;

(13) contain an assurance that the community-based organization will comply with any evaluation under section 1023, any research effort authorized under Federal law, and any investigation by the Secretary;

(14) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

(15) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are—

(A) provided by program volunteers, parents, adult mentors, social workers, drug and alcohol abuse counselors, teachers, or other persons providing tutoring and college or vocational preparation; and

(B) provided solely through non-Federal private and nonprofit sources; and

(16) contain an assurance that the community-based organization will maintain separate accounting records for the program.

(c) Priority.—In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

SEC. 1019. ELIGIBILITY OF PARTICIPANTS.

(a) In General.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

(b) Exclusion.—

(1) Nondiscrimination.—In selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(2) Parental approval.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application that agrees to the terms and conditions of participation in the program. All information and application forms shall be in a format and language accessible to and understandable to the parent or guardian of the child.

SEC. 1020. PEER REVIEW PANEL.

(a) Establishment.—The Secretary shall establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

(b) COMPOSITION.—Such panel shall include at least 1 representative from each of the following:

(1) A community-based organization.

(2) A local government.

(3) A local educational agency.

(4) The private sector.

(5) A charitable organization.

(c) FUNCTIONS.—Such panel shall conduct the initial review of all grant applications received by the Secretary under section 1018, make recommendations to the Secretary regarding—

(1) grant funding under this section; and

(2) a design for the evaluation of programs assisted under this section.

SEC. 1021. INVESTIGATIONS AND INSPECTIONS.

The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this subtitle.

SEC. 1022. FEDERAL SHARE.

(a) PAYMENTS, FEDERAL SHARE, NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under section 1018 the Federal share of the costs of developing and carrying out programs referred to in section 1015.

(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent for each of the fiscal years 1995, 1996, 1997, and 1998.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in section 1018(b)(16)).

(2) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

SEC. 1023. EVALUATION.

The Secretary shall conduct a thorough evaluation of the programs assisted under this subtitle, which shall include an assessment of—

(1) the number of children participating in each program assisted under this section;

(2) the academic achievement of such children;

(3) school attendance and graduation rates of such children; and

(4) the number of such children being processed by the juvenile justice system.

SEC. 1024. DEFINITIONS.

In this part the following definitions apply:

(1) CHILD.—The term "child" means an individual who is not younger than 5 and not older than 18.

(2) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private, locally initiated community-based organization that—

(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

(i) Residents of the community.

(ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

(iii) Educators and organizations of learning (such as local education agencies).

(iv) Student organizations.

(v) Law enforcement agencies.

(vi) Public housing agencies.

(vii) State government.

(viii) Other public agencies.

(ix) Other interested parties.

(3) ELIGIBLE COMMUNITY.—The term "eligible community" means an area identified pursuant to section 1024.

(4) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(5) POVERTY LINE.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PUBLIC SCHOOL.—The term "public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of such Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

PART III—ADMINISTRATION

SEC. 1025. TECHNICAL ASSISTANCE; TRAINING AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary may provide technical assistance, training, and evaluations to further the purposes of this subtitle through grants, contracts, or other cooperative agreements with other entities.

(b) EVALUATIONS.—In addition to any evaluation requirements that may be required for grantees, the Secretary may conduct or support evaluations of programs that receive support under this subtitle, including assessments of the effectiveness of the programs in reducing delinquency, gang involvement, substance abuse, school dropout rates, and adolescent pregnancy, and in increasing employability and employment.

SEC. 1026. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR PART I.—There are authorized to be appropriated to carry out the purposes of part I, $25,000,000 for each of the fiscal years 1995 through 1999.

(b) AUTHORIZATIONS FOR PART II.—There are authorized to be appropriated to carry out the purposes of part II, $230,000,000 for each of the fiscal years 1995 through 1999.

Subtitle C—Police Partnerships for Children

SEC. 1030. DEFINITION.

As used in this subtitle, "partnership" means a cooperative arrangement or association involving one or more law enforcement agencies, and one or more public or private agencies that provide child or family services.

SEC. 1031. GRANT AUTHORITY.

(a) PARTNERSHIP GRANTS.—The Attorney General, in consultation with the Secretary of Health and Human Services, may make grants to partnerships for—

(1) teams or units involving participants from both the law enforcement and child or family services components of the partnership that respond to or deal with violent ihcidents in which a child is involved as a perpetrator, witness, or victim, such as teams or units that provide a 24-hour crisis response or consultation service in relation to such incidents;

(2) training for law enforcement officers regarding behavior, psychology, family systems, and community culture and attitudes that is relevant to dealing with children who are involved in violent incidents or at risk of involvement in such incidents, or with families of such children; and

(3) programs for children and families that are designed jointly by the law enforcement and child or family services components of the partnership, including programs providing 24-hour response to crisis situations affecting children and such other programs as programs that provide training in nonviolent conflict resolution, after-school activity and neighborhood recreation programs, parent support groups that are led jointly by child or family services and law enforcement personnel, and mentoring programs.

(b) GRANTS FOR POLICE RESIDENCE IN HIGH CRIME AREAS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, may make grants to units of State or local government, public housing authorities, owners of federally assisted housing, and owners of housing in high crime areas in order to provide dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

SEC. 1032. ADMINISTRATION.

(a) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this subtitle.

(b) REGULATORY AUTHORITY.—The Attorney General, for the purposes of section 1031(a), and the Secretary of Housing and Urban Development, for purposes of section 1031(b), may issue regulations and guidelines to carry out this subtitle, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General—

(1) an application for a grant under section 1030(a) of this subtitle shall—

(A) certify that the applicant is a partnership as defined in section 1030, or a law enforcement agency or public or private child or family services agency that is participating in a partnership and seeking support on behalf of the partnership;

(B) include a long-term strategy and detailed implementation plan;

(C) certify that the Federal support provided under this subtitle will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(D) identify any related governmental or community initiatives which complement or will be coordinated with the proposal; and

(E) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

(2) in addition to any other requirements that may be specified by the Secretary of Housing and Urban Development, an application for a grant under section 1031(b) shall—

(A) certify that there has been appropriate consultation with the employing agency of any law enforcement officer who is to be provided with a dwelling unit;

(B) identify any related governmental or community initiatives which complement or will be coordinated with the proposal;

(C) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available; and

(D) provide assurances that local police officers will not be required to reside in residences funded under this subtitle.

(d) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this subtitle may not exceed 75 percent, unless the Attorney General, for purposes of section

1031(a), or the Secretary of Housing and Urban Devlopment, for purposes of section 1031(b), waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(e) FUNDING PRIORITY.—In making grants under section 1031(a), the Attorney General shall give priority to applications by partnerships involving law enforcement agencies that engage in community-oriented policing for programs assisting distressed communities or populations with a high incidence of violence affecting children.

SEC. 1033. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training to further the purposes of this subtitle.

(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General, may carry out or make arrangements for evaluations of programs that receive support under this subtitle.

(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through grants, contracts, or other cooperative arrangements with other entities.

SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 in fiscal year 1995, and such sums as may be necessary in each of fiscal years 1996 through 1999 to carry out this subtitle.

(b) LIMITATION.—Not more than 50 percent of the funds made available in a fiscal year for this subtitle may be expended for grants under section 1031(b).

Subtitle D—Midnight Sports

SEC. 1038. GRANTS FOR MIDNIGHT SPORTS LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development, in consultation with the Attorney General of the United States, the Secretary of Labor, and the Secretary of Education, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (k), to eligible entities to assist such entities in carrying out midnight sports league programs meeting the requirements of subsection (d).

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Grants under subsection (a) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a) may not be made to an eligible entity if the entity previously received a grant under such subsection.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a) may use the grant only—

(1) to establish or carry out a midnight sports league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a) shall establish a midnight sports league program as follows:

(1) The program shall establish a sports league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the sports league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy, or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school dropouts.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee.

(6) The program shall obtain sponsors for each team in the sports league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(7) The program shall comply with any criteria established by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee.

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, may not make a grant under subsection (a) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Secretary of Housing and Urban Development, or the Attorney General, that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (5)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight sports league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight sports league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grants made under subsection (a), and amounts provided by States and units of general local government to supplement the grants, may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, may not make a grant under subsection (a) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Each grant made under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit to the Secretary of Housing and Urban Development an application in the form and manner required by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, which shall include—

(1) a description of the midnight sports league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for sports games and counseling, training, and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight sports league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall select eligible entities that submit applications under subsection (f) to receive grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight sports league programs in suburban and rural areas.

(h) REPORTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require each eligible entity receiving a grant under subsection (a) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(i) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (k)(2), the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant to carry out a scientific study of the effectiveness of midnight sports league programs under subsection (d) of eligible entities receiving grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary of Housing and Urban Development and the Attorney General not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(j) DEFINITIONS.—For purposes of this section—

(1) the term "eligible entity" means an entity described under subsection (b)(1); and

(2) the term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a), $10,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999; and

(2) for a study grant under subsection (i), $250,000 in fiscal year 1995.

Subtitle E—Drug Courts

SEC. 1041. GRANT AUTHORITY.

The Attorney General may make grants to units of State and local government, and to other public and private entities, for programs that involve continuing judicial supervision over specified categories of persons with substance abuse problems, and that involve the integrated administration of other sanctions and services including—

(1) testing for the use of controlled substances or other addictive substances;

(2) substance abuse treatment;

(3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(4) programmatic or health related aftercare services such as relapse prevention, education, vocational training, job placement, housing placement, and child care or other family support services.

SEC. 1042. ADMINISTRATION.

(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this subtitle.

(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this subtitle.

(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this subtitle, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subtitle shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies, and that there will be appropriate coordination with all affected agencies in the implementation of the program;

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(7) describe the methodology that will be utilized in evaluating the program.

SEC. 1043. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this subtitle.

(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this subtitle.

(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

SEC. 1044. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $280,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out this subtitle.

Subtitle F—Assistance for Delinquent and At-Risk Youth

SEC. 1051. GRANT AUTHORITY.

(a) IN GENERAL.—(1) In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

(A) have dropped out of school;

(B) have come into contact with the juvenile justice system; or

(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

(2) Such services shall include activities designed to—

(A) increase the self-esteem of such youth;

(B) assist such youth in making healthy and responsible choices;

(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

(D) provide such youth with vocational and life skills.

(b) APPLICATIONS.—(1) A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

(2) Such application shall include—

(A) a description of the program developed by the applicant, including the activities to be offered;

(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

(C) evidence that such program—

(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

(ii) will include academic instruction, approved by the State or local educational agency, which meets or exceeds State and local standards and curricular requirements; and

(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

(D) specific, measurable outcomes for youth served by the program.

(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

(1) approve each application and disburse the funding for each such application; or

(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

SEC. 1052. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1051, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 through 1999.

Subtitle G—Police Recruitment

SEC. 1061. GRANT AUTHORITY.

(a) IN GENERAL.—The Attorney General may make grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

(b) QUALIFIED COMMUNITY ORGANIZATIONS.—An organization is a qualified community organization which is eligible to receive a grant under subsection (a) if the organization—

(1) is a non-profit organization; and

(2) has training and experience in—

(A) working with a police department and with teachers, counselors, and similar personnel,

(B) providing services to the community in which the organization is located,

(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

(E) developing other programs that contribute to the community.

(c) QUALIFIED PROGRAMS.—A program is a qualified program for which a grant may be made under subsection (a) if the program is designed to recruit and train individuals from underepresented neighborhoods and localities and if—

(1) the overall design of the program is to recruit and retain applicants to a police department;

(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) the program provides counseling to applicants to police departments who may encounter

problems throughout the application process; and

(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

(d) APPLICATIONS.—To qualify for a grant under subsection (a), a qualified organization shall submit an application to the Attorney General in such form as the Attorney General may prescribe. Such application shall—

(1) include documentation from the applicant showing—

(A) the need for the grant;

(B) the intended use of grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and

(2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i).

(e) ACTION BY THE ATTORNEY GENERAL.—Not later than 60 days after the date that an application for a grant under subsection (a) is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

(1) approve the application and disburse the grant funds applied for; or

(2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

(f) GRANT DISBURSEMENT.—The Attorney General shall disburse funds under a grant under subsection (a) in accordance with regulations of the Attorney General which shall ensure—

(1) priority is given to applications for areas and organizations with the greatest showing of need;

(2) that grant funds are equitably distributed on a geographic basis; and

(3) the needs of underserved populations are recognized and addressed.

(g) GRANT PERIOD.—A grant under subsection (a) shall be made for a period not longer than 3 years.

(h) GRANTEE REPORTING.—(1) For each year of a grant period for a grant under subsection (a), the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

(2) If there was more than one recipient of a grant, each recipient shall file such report.

(3) The Attorney General shall suspend the funding of a grant if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

(i) GUIDELINES.—The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a). Such guidelines shall be designed to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

(1) individuals providing recruiting services;

(2) individuals providing tutorials and other academic assistance programs;

(3) individuals providing retention services; and

(4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

SEC. 1062. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1061 there are authorized to be appropriated $6,000,000 for each of the fiscal years 1995 through 1999.

Subtitle H—National Triad Program

SEC. 1065. FINDINGS.

The Congress finds that—

(1) older Americans are among the most rapidly growing segments of our society;

(2) currently, older Americans comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of the Nation's population;

(3) older Americans find themselves uniquely situated in the society, environmentally and physically;

(4) many older Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to a senior citizen's susceptibility to criminal victimization;

(6) older Americans are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that older Americans that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against older Americans are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of older Americans, both in their homes and in institutional settings, many experts believe that abuse and neglect crimes are substantially underreported and undetected;

(10) similarly, while some evidence suggests that older Americans may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of older Americans;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against older Americans;

(13) the differences in approaches can inhibit a genuinely effective response;

(14) there are a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of older Americans;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort;

(16) the Assistant Secretary for Aging, as the senior executive branch officer formulating older Americans policy, is an appropriate leader in efforts to reduce violent crime against older Americans; and

(17) recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 1066. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement, older Americans organizations, and social service agencies to stem the tide of violence against older Americans and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the older Americans' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against older Americans in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and older Americans in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 1067. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice in consultation with the Assistant Secretary for Aging shall conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against older Americans and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against older Americans and the extent of unreported crimes;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against older Americans, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against older Americans, including identifying and conducting such surveys and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of older Americans, and hard-to-reach older Americans who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of older Americans with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of older Americans through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of older Americans; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against older Americans, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in section 1066, the Director of the National Institute of Justice, in

consultation with the Assistant Secretary of Aging, shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 1068. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary of Aging, shall make grants to coalitions of local law enforcement agencies and older Americans to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of a cooperative model, which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 older Americans' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate second service organizations. If there exists with the applicant county an area agency on aging as defined in section 102(17) of the Older Americans Act of 1965, the applicant county must include the agency as an organizational component in its program.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this title shall be used to provide additional and appropriate education and services to the community's older Americans;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing older Americans and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of the program;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the program's development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF GRANT AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards for pilot programs authorized under this subtitle.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on older Americans in the community; and

(4) describes the grant recipient's plans and goals for continuance of the program after the grant period.

SEC. 1069. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 1067—

(1) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section;

(2) the Director of the National Institute of Justice, in consultation with the Assistant Secretary for Aging, shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against older Americans and promoting ideas or programs to prevent them.

SEC. 1070. REPORT.

The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b))) describing the results of the pilot programs conducted under section 1068.

SEC. 1071. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making pilot program awards in that amount under section 1068;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 1067 and 1068;

(3) $1,000,000 to the Bureau of Justice Assistance and $1,000,000 to the Administration on Aging, for the purpose of developing public service announcements under sections 1067 and 1069;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluating pilot programs, and carrying out the research agenda under sections 1067 and 1069; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

Subtitle I—Local Partnership Act

SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title 31, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 67—FEDERAL PAYMENTS

"Sec.
"6701. Payments to local governments.
"6702. Local Government Fiscal Assistance Fund.
"6703. Qualification for payment.
"6704. State area allocations; allocations and payments to territorial governments.
"6705. Local government allocations.
"6706. Income gap multiplier.
"6707. State variation of local government allocations.
"6708. Adjustments of local government allocations.
"6709. Information used in allocation formulas.
"6710. Public participation.
"6711. Prohibited discrimination.
"6712. Discrimination proceedings.
"6713. Suspension and termination of payments in discrimination proceedings.
"6714. Compliance agreements.
"6715. Enforcement by the Attorney General of prohibitions on discrimination.
"6716. Civil action by a person adversely affected.
"6717. Judicial review.
"6718. Audits, investigations, and reviews.
"6719. Reports.
"6720. Definitions and application.

"§6701. Payments to local governments

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Secretary of the Treasury shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

"(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more programs of the unit related to—

"(A) education to prevent crime;

"(B) substance abuse treatment to prevent crime;

"(C) coordination of crime prevention programs funded under this title with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section; or

"(D) job programs to prevent crime.

"(b) TIMING OF PAYMENTS.—They shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 60 days after the date the amount is available or the first day of the payment period.

"(c) ADJUSTMENTS.—(1) Subject to paragraph (2), the Secretary shall adjust a payment under this chapter to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

"(2) The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

"(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 0.5 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary *considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.*

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than November 15, 1995, any amount that is—

"(A) paid to the unit from amounts appropriated for fiscal year 1995 under the authority of this section; and

"(B) not expended by the unit by October 31, 1995.

"(2) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the general fund of the Treasury as miscellaneous receipts.

"(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

"(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—

"(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

"(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

"(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'small business concern' has the meaning such term has under section 3 of the Small Business Act; and

"(B) the term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

"(g) NONSUPPLANTING REQUIREMENT.—(1) Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

"(2) The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the 'base level account' for the fiscal year in which grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

"(3) The Secretary shall issue regulations to implement this subsection.

"§6702. Local Government Fiscal Assistance Fund

"(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $2,000,000,000 for fiscal years 1995 and 1996.

"§6703. Qualification for payment

"(a) IN GENERAL.—Under regulations issued by the Secretary, a unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

"(1) the government will establish a trust fund in which the government will deposit all payments received under this chapter;

"(2) the government will use amounts in the trust fund (including interest) during a reasonable period specified in the regulations issued by the Secretary;

"(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

"(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

"(5) if at least 25 percent of the costs of a construction project are paid out of the trust fund, laborers and mechanics employed by contractors or subcontractors on the project will receive pay at least equal to the prevailing rate of pay for similar construction in the locality as determined by the Secretary of Labor under the Act of March 3, 1931 (46 Stat. 1494 et seq.; popularly known as the Davis-Bacon Act), and the Secretary of Labor shall act on labor standards under this paragraph in a manner that is in accordance with Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948);

"(6) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States;

"(7) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b); and

"(8) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b).

"(b) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (a).

"(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the Secretary decides that a unit of general local government has not complied substantially with subsection (a) or regulations prescribed under subsection (a), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"(2) Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for a proceeding.

"(3) The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"§6704. State area allocations; allocations and payments to territorial governments

"(a) FORMULA ALLOCATION BY STATE.—For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

"(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

"(2) allocate the amount allocated to the State to units of general local government in the State under sections 6705 and 6706.

"(b) GENERAL FORMULA.—(1) The amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to $5,300,000,000 as—

"(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

"(B) the sum of the products determined under subparagraph (A) of this paragraph for all States.

"(2) The general tax effort factor of a State for a payment period is—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the payment period; divided by

"(B) the total income of individuals, as determined by the Secretary of Commerce for national income accounts purposes, attributed to the State for the same years.

"(3) The relative income factor of a State is a fraction in which—

"(A) the numerator is the per capita income of the United States; and

"(B) the denominator is the per capita income of the State.

"(4) The relative rate of the labor force unemployed in a State is a fraction in which—

"(A) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(B) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes).

"(c) ALTERNATIVE FORMULA.—The amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

"(1) $1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the population of the State bears to the population of all States;

"(2) $1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the population of the State, multiplied by a fraction in which—

"(i) the numerator is the per capita income of all States; and

"(ii) the denominator is the per capita income of the State; bears to

"(B) the sum of the products determined under subparagraph (A) for all States;

"(3) $600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

"(4) $600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

"(5) $600,000,000 were allocated among the States on the basis of unemployment by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the labor force of the State, multiplied by a fraction in which—

"(i) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(ii) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes);

bears to

"(B) the sum of the products determined under subparagraph (A) for all States; and

"(6) $1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area by the Secretary of Commerce for general statistical purposes.

"(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—(1) The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State on the same basis as the Secretary of the Treasury determines that liability for general statistical purposes.

"(2) The general tax effort amount of a State for a payment period is the amount determined by multiplying—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the payment period; by

"(B) the general tax effort factor of the State determined under subsection (b)(2).

"(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

"(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

"(2) The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

"(3) For purposes of this subsection—

"(A) the term 'territorial government' means the government of a territory;

"(B) the term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

"(C) the term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

"§6705. Local government allocations

"(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (b).

"(b) OTHER LOCAL GOVERNMENT ALLOCATIONS.—(1) The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to ½ of such amount in accordance with section 6706(1), and shall allocate a portion equal to ½ of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

"(2) From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

"(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

"(B) the sum of the products determined under subparagraph (A) for all units in the State for which the income gap for that portion under paragraph (4) is greater than zero.

"(3)(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

"(i) the adjusted taxes of the unit; divided by

"(ii) the total income attributed to the unit.

"(B) If the amount determined under subparagraphs (A) (i) and (ii) for a unit of general local government is less than zero, the general tax effort factor of the unit is deemed to be zero.

"(C)(i) Except as otherwise provided in this subparagraph, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary) to exclude amounts properly allocated to education expenses.

"(ii) The Secretary shall, for purposes of clause (i), include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in the geographic area of which is located the unit of general local government as taxes imposed by the unit for public purposes if—

"(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

"(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

"(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

"(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

"(v) The allowable adjusted taxes of a unit of general government is the greater of—

"(I) the amount equal to 2.5, multiplied by the per capita adjusted taxes of all units of general local government of the same type in the State, multiplied by the population of the unit; or

"(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

"(vi) The excess adjusted taxes of a unit of general local government is the amount equal to—

"(I) the adjusted taxes of the unit, minus

"(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

"(vii) For purposes of this subparagraph—

"(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

"(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

"(4)(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

"(i) the number which applies under section 6706, multiplied by the per capita income of the State in which the unit is located; minus

"(ii) the per capita income of the geographic area of the unit.

"(B) If the amount determined under subparagraph (A) for a unit of general local government is less than zero, then the relative income factor of the unit is deemed to be zero.

"(c) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available *for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.*

"§6706. Income gap multiplier

"For purposes of determining the income gap of a unit of general local government under section 6705(b)(4)(A), the number which applies is—

"(1) 1.6, with respect to ½ of any amount allocated under section 6704 to the State in which the unit is located; and

"(2) 1.2, with respect to the remainder of such amount.

"§6707. State variation of local government allocations

"(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

"(1) provide for allocating the total amount allocated under sections 6705 (a) and (b);

"(2) apply uniformly in the State; and

"(3) apply only to payment periods beginning before October 1, 1995.

"(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

"§6708. Adjustments of local government allocations

"(a) MAXIMUM AMOUNT.—The amount allocated to a unit of general local government for a payment period may not exceed the adjusted taxes imposed by the unit of general local government as determined under section 6705(b)(3). Amounts in excess of adjusted taxes shall be paid to the Governor of the State in which the unit of local government is located.

"(b) DE MINIMIS ALLOCATIONS.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than $5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

"(c) USE OF PAYMENTS TO STATES.—The Governor of a State shall use all amounts paid to the Governor under subsections (a) and (b) for programs described in section 6701(a)(2) in areas of the State where are located the units of general local government with respect to which amounts are paid under subsection (b).

"§6709. Information used in allocation formulas

"(a) USE OF MOST RECENT INFORMATION.—Except as provided in this section, the Secretary shall use the most recent available information provided by the Secretary of Commerce and the Secretary of Labor before the beginning of the payment period to determine an allocation under this chapter. If the Secretary decides that the information is not current or complete enough to provide for a fair allocation, the Secretary may use additional information (including information based on estimates) as provided under regulations of the Secretary.

"(b) POPULATION DATA.—(1) The Secretary shall determine population on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

"(2) The Secretary shall request the Secretary of Commerce to adjust the population information provided to the Secretary as soon as practicable to include a reasonable estimate of the number of resident individuals not counted in the 1990 census or revisions of the census. The Secretary shall use the estimates in determining allocations for the payment period beginning after the Secretary receives the estimates. The Secretary shall adjust population information to reflect adjustments made under section 118 of the Act of October 1, 1980 (Public Law 96–369, 94 Stat. 1357).

"(c) ADDITIONAL DATA LIMITATIONS.—The Secretary may not—

"(1) in determining an allocation for a payment period, use information on tax collections for years more recent than the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of that period; or

"(2) consider a change in information used to determine an allocation for a period of 60 months if the change—

"(A) results from a major disaster declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

"(B) reduces the amount of an allocation.

"§6710. Public participation

"(a) HEARINGS.—(1) A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

"(2) A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

"(b) DISCLOSURE OF INFORMATION.—(1) By the 10th day before a hearing required under subsection (a)(1) is held, a unit of general local government shall—

"(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

"(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

"(2) By the 30th day after adoption of the budget under State or local law, the government shall—

"(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

"(B) publish in at least one newspaper of general circulation a notice that the information referred to in subparagraph (A) is available for inspection.

"(c) WAIVERS OF REQUIREMENTS.—Under regulations of the Secretary, a requirement—

"(1) under subsection (a)(1) may be waived if the budget process required under the applicable State or local law or charter provisions—

"(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

"(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

"(2) under subsection (b)(1)(B) and paragraph (2)(B) may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government from amounts available for payment under this chapter, or if publication is otherwise impracticable.

"(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

"(e) APPLICATION TO GOVERNMENTS WITHOUT BUDGETS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§6711. Prohibited discrimination

"(a) GENERAL PROHIBITION.—No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

"(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

"(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

"(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

"(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

"(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

"(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

"(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

"(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

"§6712. Discrimination proceedings

"(a) NOTICE OF NONCOMPLIANCE.—By the 10th day after the Secretary makes a finding of discrimination or receives a holding of discrimina-

tion about a unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

“(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

“(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

“(2) the program or activity of the government violated a prohibition described in section 6711(b); and

“(3) any part of that program or activity has been paid for with a payment received under this chapter.

“(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

“(1) enters into a compliance agreement under section 6714; or

“(2) requests a proceeding under subsection (d)(1).

“(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—(1) A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

“(2) If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

“(A) not complied with section 6711 (a) or (b), the judge may order payments to the government under this chapter terminated; or

“(B) complied with section 6711 (a) or (b), a suspension under section 6713(a)(1)(A) shall be discontinued promptly.

“(3) An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

“(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

“§6713. Suspension and termination of payments in discrimination proceedings

“(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—(1) The Secretary shall suspend payment under this chapter to a unit of general local government—

“(A) if an administrative law judge appointed under section 3105 of title 5, United States Code, issues a preliminary decision in a proceeding under section 6712(d)(1) that the government is not likely to prevail in showing compliance with section 6711 (a) and (b);

“(B) if the administrative law judge decides at the end of the proceeding that the government has not complied with section 6711 (a) or (b), unless the government makes a compliance agreement under section 6714 by the 30th day after the decision; or

“(C) if required under section 6712(c).

“(2) A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

“(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

“(c) RESUMPTION OF PAYMENTS UPON ATTAINING COMPLIANCE.—The Secretary may resume payment to a unit of general local government of payments suspended by the Secretary only—

“(1) as of the time of, and under the conditions stated in—

“(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

“(B) a compliance agreement entered into by the Secretary under section 6714(a)(2);

“(2) if the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

“(3) if a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6712(d)(1)), that the government has complied with sections 6711 (a) and (b); or

“(4) if a suspension is discontinued under subsection (b).

“(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

“(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY COURT.—The Secretary may resume payment to a unit of general local government of payments terminated under section 6712(d)(2)(A) only if the decision resulting in the termination is reversed by an appellate court.

“§6714. Compliance agreements

“(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

“(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

“(2) between the Secretary and the chief executive officer.

“(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

“(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

“(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

“(3) may be a series of agreements that dispose of those matters.

“(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

“§6715. Enforcement by the Attorney General of prohibitions on discrimination

“The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

“(1) a temporary restraining order;

“(2) an injunction; or

“(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

“§6716. Civil action by a person adversely affected

“(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

“(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE EXHAUSTED.—A person adversely affected shall file an administrative complaint with the Secretary or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6711(d). Administrative remedies are deemed to be exhausted by the person after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—

“(1) issues a decision that the government has not failed to comply with this chapter; or

“(2) does not issue a decision on the complaint.

“(c) AUTHORITY OF COURT.—In an action under this section, the court—

“(1) may grant—

“(A) a temporary restraining order;

“(B) an injunction; or

“(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

“(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

“(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

“§6717. Judicial review

“(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(c), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of

the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

"(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

"(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

"(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

"§6718. Audits, investigations, and reviews

"(a) INDEPENDENT AUDIT.—(1) Except as provided in this section, a unit of general local government that receives a payment under this chapter shall have an independent audit made of the financial statements of the government at least as often as is required by paragraph (2) to determine compliance with this chapter. The audit shall be carried out under generally accepted government auditing standards issued by the Comptroller General of the United States.

"(2) Paragraph (1) does not apply to a unit of general local government for a fiscal year in which the government receives less than $25,000 under this chapter. A unit of general local government which receives at least $25,000 but not more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) at least once every 3 years. A government which receives more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) for such fiscal year, except that, if the government operates on a biennial fiscal period, such audit may be made biennially but shall cover the financial statement or statements for, and compliance with the requirements of the chapter during, both years within such period.

"(3) An audit of financial statements of a unit of general local government carried out under another law of the United States for a fiscal year is deemed to be in compliance with paragraph (1) for that year if the audit substantially complies with the requirements of paragraph (1).

"(b) WAIVER BY LOCAL GOVERNMENT.—A unit of general local government may waive application of subsection (a)(1) if—

"(1) the financial statements of the government are audited by independent auditors under State or local law at least as often as would be required by subsection (a)(2);

"(2) the government certifies that the audit is carried out under generally accepted auditing standards issued by the Comptroller General of the United States;

"(3) the auditing provisions of the State or local law are applicable to the payment period to which the waiver applies; and

"(4) the government submits to the Secretary a brief description of the auditing standards used under the relevant State or local law and specification of the payment period to which the waiver applies.

"(c) WAIVER BY SECRETARY.—Under regulations of the Secretary, the Secretary may waive any requirement under subsection (a)(1) or (b) for a unit of general local government for a fiscal year if the Secretary decides that the financial statements of the government for the year—

"(1) cannot be audited, and the government shows substantial progress in making the statements auditable; or

"(2) have been audited by a State agency that does not follow generally accepted auditing standards issued by the Comptroller General of the United States or that is not independent, and the State agency shows progress in meeting those auditing standards or in becoming independent.

"(d) SERIES OF AUDITS.—A series of audits carried out over a period of not more than 3 years covering the total amount in the financial accounts of a unit of general local government is deemed to be a single audit under subsections (a)(1) and (b) of this section.

"(e) AUDIT OPINION.—An opinion of an audit carried out under this section shall be provided to the Secretary in the form and at times required by the Secretary. No later than 30 days following the completion of the audit, the unit of general local government shall make the audit report available for public inspection.

"(f) INVESTIGATIONS BY SECRETARY.—(1) The Secretary shall maintain regulations providing reasonable and specific time limits for the Secretary to—

"(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

"(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

"(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

"(2) The maximum time limit under paragraph (1)(A) is 90 days.

"(g) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter.

"§6719. Reports

"(a) REPORTS BY SECRETARY OF TREASURY TO CONGRESS.—Before June 2 of each year, the Secretary personally shall report to the Congress on—

"(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

"(2) the administration of this chapter, including a complete and detailed analysis of—

"(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of noncompliance and the status of pending complaints;

"(B) the extent to which units of general local government receiving payments under this chapter have complied with sections 6702 and 6718 (a), (b), and (d), including a description of the kind and extent of noncompliance and actions taken to ensure the independence of audits conducted under subsections (a), (b), and (d) of section 6718;

"(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

"(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

"(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY OF TREASURY.—(1) At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

"(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated in the fiscal year;

"(B) the relationship of the payment to the relevant functional items in the budget of the government; and

"(C) the differences between the actual and proposed use of the payment.

"(2) The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

"(c) REGULATIONS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§6720. Definitions and application

"(a) DEFINITIONS.—In this chapter—

"(1) 'unit of general local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

"(2) 'payment period' means each 1-year period beginning on October 1 of 1994 and 1995;

"(3) 'State and local taxes' means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

"(4) 'State' means any of the several States and the District of Columbia;

"(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes;

"(6) 'per capita income' means—

"(A) in the case of the United States, the income of the United States divided by the population of the United States;

"(B) in the case of a State, the income of that State, divided by the population of that State; and

"(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

"(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

"(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

"(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

"(B) violated a prohibition against discrimination described in section 6711(b); and

"(9) 'Secretary' means the Secretary of the Treasury.

"(b) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

"(c) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.".

(b) DEFICIT NEUTRALITY.—Any appropriation to carry out the amendment made by this subtitle to title 31, United States Code, for fiscal year 1995 or 1996 shall be offset by cuts elsewhere in appropriations for that fiscal year.

SEC. 1076. CLERICAL AMENDMENT.

The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by adding after the item relating to chapter 65 the following:

"67. FEDERAL PAYMENTS .... 6701".

Subtitle J—Youth Employment and Skills Crime Prevention

SEC. 1081. STATEMENT OF PURPOSE.

(a) PURPOSE.—The purpose of this subtitle is to reduce crime in neighborhoods with high incidences of crime and poverty through intensive programs that provide employment opportunities for young adults in those neighborhoods.

(b) DEFINITION.—As used in this subtitle, "high crime area" means an area with severe crime problems, including a high incidence of violent crime or drug trafficking.

SEC. 1082. PROGRAM AUTHORIZED.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development, and in consultation with appropriate other Federal officials, may make grants to local governments to fund targeted youth employment and skills development projects to help reduce crime in target areas as defined in section 1083.

SEC. 1083. PROGRAM TARGET AREA.

The target area or areas of each grant shall be neighborhoods which are high crime areas with high unemployment among young adults and other serious economic and social problems.

SEC. 1084. PARTICIPANTS.

(a) ELIGIBLE POPULATION.—Young adults residing or attending school in the target area shall be eligible to participate in programs funded under this subtitle if they are between 16 and 25 years of age. In certain circumstances, as determined by the Attorney General and the Secretaries of Labor and Housing and Urban Development (referred to in this subtitle as the "Secretaries"), young adults up to age 30 and youths of age 14 or 15 may also be eligible to participate.

(b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.—Continued participation in a program under this subtitle shall be conditioned, during participation in the program, on the following:

(1) Avoiding crime, including illegal drug use.

(2) Regular attendance and satisfactory performance at work.

(3) Paying child support when paternity has been established and the participant has an income.

(4) In-school young adults in high school remaining in school until graduation.

(5) Requiring young adults ages 16–17 who have dropped out of high school and who have not obtained a General Equivalency Diploma (GED) to return to school or an alternative education program.

SEC. 1085. ALLOWABLE ACTIVITIES.

(a) EXPENDITURE OF FUNDS.—Funds awarded under this subtitle shall be expended only for crime prevention related activities undertaken to carry out an approved application, such as—

(1) apprenticeship programs linking work and learning;

(2) on-the-job training in the private sector;

(3) youth conservation and service corps;

(4) programs emphasizing neighborhood infrastructure, such as YouthBuild and employment of public housing residents;

(5) work experience in private nonprofit organizations and public agencies;

(6) entrepreneurial and microenterprise development;

(7) crime prevention and security measures for profit and not-for-profit businesses employing substantial numbers of youth from high crime areas;

(8) transportation links to jobs in the labor market area;

(9) initiatives to increase the educational attainment, occupational skills, and career aspirations of target area young adults, including work-based learning; and

(10) job placement and related case management, followup, and other supportive services.

(b) WORK EXPERIENCE PROGRAMS.—Work experience programs funded under this subtitle shall—

(1) pay wages in accordance with the Fair Labor Standards Act and relevant State law;

(2) include adequate supervision, equipment, and materials and supplies to accomplish useful work projects;

(3) include a private sector job development component to facilitate the transition of participants to private sector jobs, which shall include developing portfolios of skill attainment, mentorship opportunities, and other efforts to increase job networks for participants; and

(4) include an extensive job placement component.

(c) 2-YEAR LIMITATION.—The combination of all subsidized employment for a participant shall not exceed 2 years.

SEC. 1086. APPLICATION FOR GRANTS.

(a) APPLICATION PLAN.—To be eligible to receive a grant under this subtitle, a chief local elected official, with the timely review and comment of the Governor, shall apply to the Secretary of Labor for a Youth Employment and Skills Crime Prevention grant by submitting an application that contains a plan for reducing crime by substantially increasing the employment levels of young adults in the target area. Such a plan shall—

(1) describe the measurable outcomes that will be used to evaluate the local success of the program, including reduced crime and substance abuse, increased private sector employment, reduced school dropout rates, and increased educational attainment;

(2) specify the organization that will administer the program;

(3) describe the specific employment programs that will be offered by the program;

(4) describe the public/private partnership that will promote collaboration between the State and local governments, private sector, public housing authorities, local residents, community-based organizations, and nonprofit organizations, including linkage with community policing, gang prevention activities, and juvenile justice or delinquency prevention initiatives;

(5) specify how the public and private sectors will work together to assist youths and young adults to make the transition from subsidized to unsubsidized jobs;

(6) describe how links to jobs throughout the labor market area will be provided;

(7) specify the manner in which the job network for youths and young adults will be expanded by mentors and other programs; and

(8) such other information as the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may require.

(b) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The application must demonstrate that the proposed Youth Employment and Skills Crime Prevention program will build upon and be coordinated with other Federal initiatives relating to such matters as crime control and prevention, youth employment, education, economic development, community service, or social services.

(c) LEVERAGING AND LINKAGES.—As a condition of a grant award, local areas shall establish linkages with the local private sector, local employment and job training programs, and other appropriate entities to enhance the provision of services under this subtitle. Such activities may include leveraging by and linkages with—

(1) the local private sector to—

(A) develop a mentoring program to improve the job network for young adults in the target area;

(B) develop a specified number of career-track jobs for young adults graduating from high school and college in the target area;

(C) develop part-time jobs to support young adults while they are receiving job training, or secondary or post-secondary education; and

(D) develop apprenticeship programs with unions that provide matching funds to create training and employment opportunities;

(2) the local service delivery area under the Job Training Partnership Act to identify funds—

(A) for on-the-job training and work-based training programs, based on successful program models, for residents of the target area;

(B) to develop a summer jobs program for in-school young adults residing in the target area;

(C) for new youth initiatives in the target area; and

(D) for child care and supportive services;

(3) local programs to provide employment services and supportive services, such as transportation service to link target area residents to jobs in the labor market area; and

(4) the local educational agency to provide activities that will support the program and assist in achieving the goals specified in the application.

SEC. 1087. AWARD PRIORITIES.

In evaluating the applications submitted under this subtitle, the Secretaries and the Attorney General shall give priority to applications that—

(1) demonstrate extensive community support and linkages to crime prevention programs and employment-related programs;

(2) target areas that include public and assisted housing projects;

(3) demonstrate evidence of severe social and economic problems;

(4) demonstrate the highest quality program design, implementation plan, and goals to be achieved; and

(5) include other Federal and non-Federal funding, including State, local, or private resources.

SEC. 1088. GRANT DURATION AND NUMBER.

(a) DURATION OF GRANTS.—Grants shall be for 1 year, and renewable for each of the 4 succeeding years.

(b) NUMBER OF GRANTS.—There shall be no more than 10 grants awarded under this subtitle.

SEC. 1089. FEDERAL RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall establish a system of performance measures for assessing programs established pursuant to this subtitle.

(b) EVALUATION.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall conduct a rigorous national evaluation of Youth Employment and Skills Crime Prevention programs funded under this subtitle that will track and assess the effectiveness of those programs, and include an evaluation of the extent to which such programs reduce crime and substance abuse, enhance the employment and earnings of participants, promote entrepreneurship, reduce dropout rates, and increase educational attainment. The evaluation may include cost-benefit analyses and shall utilize sound statistical methods and techniques.

(c) TECHNICAL ASSISTANCE.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may provide appropriate technical assistance to carry out Youth Employment and Skills Crime Prevention programs under this subtitle.

(d) ADMINISTRATION.—The technical assistance and evaluations authorized by this section may be carried out directly by the Secretary of Labor or through grants, contracts, or other cooperative arrangements with the Attorney General, the Secretary of Housing and Urban Development, or other entities or agencies.

SEC. 1090. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Labor $75,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $110,000,000 for fiscal year 1997, $115,000,000 for fiscal year 1998, and $125,000,000 for fiscal year 1999 to carry out this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(c) EVALUATIONS AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may reserve not more than 5 percent of such amounts for each fiscal year to carry out evaluations and technical assistance.

SEC. 1091. SANCTIONS.

The Secretary of Labor may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development determines that the recipient has failed to meet the requirements of this subtitle, or any regulations or guidelines under this subtitle, or any approved application submitted pursuant to this subtitle.

SEC. 1092. LABOR STANDARDS.

Labor standards under the Job Training Partnership Act (29 U.S.C. 1553) shall apply to programs under this subtitle.

SEC. 1093. REGULATIONS OR GUIDELINES.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall issue such regulations or guidelines as may be necessary to carry out the purposes of this subtitle.

SEC. 1094. WAIVERS.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may prescribe regulations or guidelines that establish criteria for waiver of application requirements of programs to the extent that they duplicate or conflict with the requirements specified in similar laws.

SEC. 1095. PROHIBITION ON PRIVATE RIGHTS OF ACTION.

Nothing in this subtitle shall be construed to establish a right for any person to bring an action to obtain services under this subtitle.

SEC. 1096. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries and Attorney General are authorized, in carrying out this subtitle, to accept, purchase, or lease in the name of the Department of Justice or the Department of Labor or the Department of Housing and Urban Development, and employ or dispose of in furtherance of the purposes of this subtitle, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

Subtitle K—Miscellaneous

SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "victims assistance programs, or multijurisdictional gang task forces" after "drug task forces".

SEC. 1098A. EXTENSION OF BYRNE GRANT FUNDING.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999, to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

SEC. 1098B. BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) chaplain means any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency."; and

(3) in paragraph (8), as redesignated by paragraph (1) of this Act, by striking "or rescue squad or ambulance crew" and inserting "rescue squad or ambulance crew, or chaplain".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to injuries or deaths that occur in the line of duty on or after such date.

Subtitle L—Hope in Youth Program

SEC. 1099A. FINDINGS.

The Congress finds the following:

(1) Larger cities around the country, particularly those involved in empowerment zones, are attempting to empower low-income and ethnic minority communities.

(2) Programs that involve local government and local community leaders and which include significant participation by service providers, service participants, and service funders, as equal partners in the design and direction of a myriad of social service support programs have been among the most effective demonstration models.

(3) Programs that attempt to link disenfranchised and disconnected citizens through an umbrella organization that provides guidance to public and private service providers have proven to be an effective strategy for empowering local low-income communities.

(4) Families in low-income communities have not attained their full potential as productive citizens, and Federal efforts thus far, have been insufficient to assist them in fully realizing that potential.

SEC. 1099B. PROGRAM AUTHORITY.

The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may make grants to eligible may make grants to eligible service providers in one or more political subdivisions of a State containing an area designated as an empowerment zone, as authorized under the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66), that have submitted an approved plan to establish advisory organizations in low-income communities within the political subdivision containing an empowerment zone which will serve as umbrella agencies for strategic planning and evaluation of service programs serving the low-income communities in which the advisory organization operates.

SEC. 1099C. PROGRAM REQUIREMENTS.

Each advisory organization established as described in section 1099B shall—

(1) provide a permanent multi-issue forum for public policy discussion which will serve as part of a stable infrastructure of community outreach and support,

(2) develop a mechanism by which local support service providers may be evaluated and assessed in the level of service they provide to the community, and which establishes a method for advisory organization participants to review and participate in efforts to maintain or increase the quality of services provided by such providers,

(3) create an Family Outreach Team approach which provides a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area. The Family Outreach Team assists such volunteers in outreach, development and coordination of service delivery from among the service providers in the area, including the schools,

(4) establish processes by which local public agencies can effectively involve the private sector in the provision of services that meet the needs of local communities,

(5) establish processes of coalition building in which diverse groups within low-income communities attempt to work cooperatively to meet the collective needs of low-income communities, and

(6) create a training program to foster community-based leadership in low-income communities.

SEC. 1099D. ELIGIBLE PROVIDERS.

Consortia of public and private nonprofit local social service organizations that have a proven ability to involve disparate populations of low-income citizens and competing service providers are eligible to receive grants under section 1099B.

SEC. 1099E. APPLICATIONS.

Applications may be submitted, for approval by the Secretary, by eligible service providers at such time and in such manner as the Secretary may reasonably require. Such applications shall contain—

(1) assurances that selection of participants, organizations, and citizens will not be on the basis of religious preference or affiliation,

(2) assurances that participating organizations and citizens will not offer services based on any religious preference or affiliation, and

(3) assurances that such service provides will, to the extent practicable, involve participation by citizens not traditionally involved in such activities, including homeless individuals, alcohol- and drug-addicted individuals, and gang involved or violent youth.

SEC. 1099F. EVALUATION.

The Secretary shall commence a program to evaluate the success and effectiveness of this program 2 years after the program has received an appropriation, and such evaluation shall be completed no later than 1 year after the second program year has been completed. A report thereon shall be submitted to the Congress within 60 days of the completion of the evaluation.

SEC. 1099G. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996, 1997, and 1998 to carry out this subtitle.

Subtitle M—Gang Prevention Services for Boys and Girls

SEC. 1099H. FINDINGS.

The Congress finds that—

(1) services provided through existing federally supported gang prevention programs do not adequately address the needs of boys and girls on communities with high levels of gang activity and other barriers to service (such as large concentrations of minority populations that have limited English speaking proficiency, geographically isolated populations, and communities in which social service providers are limited or nonexistent);

(2) children that are exposed to gang activity at an early age are more likely to become gang-involved than children who are exposed to such activity later in life, or children that are never exposed to such activity;

(3) gangs are increasingly targeting younger children for recruitment, especially children at middle schools and elementary schools;

(4) Federal studies indicate that violent crime has increased more significantly in the gang population compared to the adult population; and

(5) small community-based service agencies with strong ties to the educational and law enforcement systems offer the best chance to prevent young children from becoming involved in gangs.

SEC. 1099I. PROGRAM AUTHORITY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter referred to as the "Administrator"), in consultation with the Department of Education and the Department of Health and Human Resources, may make grants to eligible service providers to carry out programs that prevent young children from becoming gang involved. In making such grants, the Administrator shall give a priority to eligible service providers that have a proven track record of serving young children and have an overall budget of not more than $750,000 a fiscal year, prior to receiving a grant under this section.

SEC. 1099J. PROGRAM REQUIREMENTS.

The eligible service providers receiving a grant under section 1099I shall—

(1) provide a comprehensive array of support services to assist the participants to reach their full potential as a contributing law-abiding citizen (such support services may include, but not be limited to: education and health services; career development training; music/art/drama activities; physical fitness training; life skills training; mental health counseling; and job placement counseling);

(2) to the extent practical, involve the parents and other family members of participating children, and the members of local organizations that support the educational and law enforcement institutions of the community, as is appropriate, in the administration and operation of the gang prevention program;

(3) utilize community resources and related support services as needed in the operation of the program;

(4) accept referrals from public institutions, as is appropriate, such as law enforcement, mental health, local school systems, and other entities of local government; and

(5) utilize volunteer staff, including participants in programs funded under the National and Community Service Program, Public Law 103–62, to the maximum extent practicable in the operation of the program.

SEC. 1099K. ELIGIBLE PROVIDERS.

Community-based service providers, as defined in the Juvenile Justice and Delinquency Prevention Act of 1974, that have a proven track record of providing services to children ages 5 to 18 shall be eligible to apply for funds under this subtitle. A priority shall be given to those service providers that have a history of providing services uniquely designed to meet the needs of young children such as the Boys and Girls Clubs of America or service providers that display the potential for providing such targeted services.

SEC. 1099L. ELIGIBLE PARTICIPANTS.

Children that have the potential, because of community composition and other factors, to come into contact with gangs, or who have a family member that has come into contact with a gang, and are not more than 18 years old at the time of entry into the program, shall be eligible to receive services provided by programs receiving assistance under this subtitle.

SEC. 1099M. APPLICATIONS PROCESS.

Eligible service providers may submit to the Administrator, for approval, an application in such form at such time as the Administrator deems appropriate.

SEC. 1099N. EVALUATION.

The Administrator shall conduct an evaluation of the effectiveness of the program model grants authorized under this subtitle, and the extent to which it can be replicated by other local communities. The Administrator shall report to the Congress no later than January 1, 1999, on the details of such evalutions.

SEC. 1099O. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998 to carry out this subtitle.

Subtitle N—Anticrime Youth Councils

SEC. 1099P. PURPOSE.

The purpose of this subtitle is to provide for the establishment of youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence. The purpose of such councils is to empower local youth and ensure that their recommendations for preventing youth involvement in crime and violence will be heard and possibly incorporated into community anticrime strategies.

SEC. 1099Q. AUTHORITY TO MAKE GRANTS.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (in this subtitle referred to as the "Administrator") may make grants to public and nonprofit community-based organizations to establish regional anticrime youth councils each of which is composed of intermediate and secondary school students who represent all the schools in a separate congressional district.

SEC. 1099R. APPLICATIONS FOR GRANTS.

To request a grant under section 1099Q, a public and nonprofit community-based organizations shall submit to the Administrator an application in such form and containing such information as the Administrator may require by rule, including assurances that—

(1) the anticrime youth council with respect to which such grant is requested will be—

(A) selected by a teacher or administrator of an intermediate or secondary school in the congressional district involved, in consultation with teachers and administrators of other intermediate and secondary schools in such district,

(B) composed of not more than 5 students from each of the intermediate and secondary schools in such district, selected as described in paragraph (1) from among individuals who have first-hand knowledge of issues and problems relating to students who attend schools in such district,

(C) supervised by an individual who—

(i) is familiar with issues regarding youth violence,

(ii) has strong ties to the communities in such district and to the organizations with which such council will interact, and

(iii) will be responsible for coordinating the dissemination of information to such council, supervising council meetings, and acting as a liaison between such council and communities in such district, and

(D) meet not less frequently than monthly—

(i) to discuss issues of concern, including youth crime, school violence, job creation, and recreation, and

(ii) to develop creative solutions for assisting community organizations, law enforcement officials, school officials, government officials, and others to address such issues, and

(2) the applicant will submit to the Administrator a report, not later than 180 days after the first year for which such applicant receives a grant under section 1099Q, that—

(A) specifies the number of students and schools involved and represented on such council,

(B) specifies the number of organizations and individuals that council and its subcommittees met with,

(C) specifies the number of grants, policies, and programs submitted to the youth council for review and recommendation,

(D) contains evidence that—

(i) the community has consulted such council and adopted its recommendations, and

(ii) a grant review process has been established within a school system or police department that includes an evaluation by the youth council,

(E) describes the effect that participation on such council has had on the student representatives, (such as improved school attendance and academic performance, and decreased criminal involvement),

(F) describes the effect that participation on such council has had on the participating schools (such as decrease in incidence of school violence),

(G) describes the extent to which other students attended council and subcommittee meetings, and participated as members of the audience in such council's activities,

(H) describes the extent to which family service, youth service, and the education, police, health, and judicial departments within such district coordinate anticrime efforts as a result of the recommendations and programs of such council, and

(I) describes the extent to which such council raises public awareness and knowledge, via the media, about youth violence and such council's efforts to help prevent it.

SEC. 1099S. SELECTION OF GRANT RECIPIENTS.

For the purpose of selecting eligible applicants to receive grants under section 1099Q, the Administrator shall take into consideration—

(1) the extent to which all schools in a congressional district are represented on the proposed youth anticrime council,

(2) the extent to which youth crime and violence are an issue of concern in such district,

(3) the extent to which the community is committed to coordinating and meeting with the youth councils, and

(4) the extent to which the students selected to serve on such council are representative of the geographical area and knowledgeable about the issues that such council will consider.

SEC. 1099T. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this subtitle.

Subtitle O—Urban Recreation and At-Risk Youth

SEC. 1099U. FINDINGS.

Section 1002 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of subsection (d), by striking the period at the end of subsection (e) and inserting "; and" and by adding the following at the end thereof:

"(f) the quality of life in urban areas has suffered because of decline in the availability of park and recreation systems, including land, facilities, and services;

"(g) the deterioration of urban park and recreation facilities is due in part to the underfunding of Federal grant programs intended to assist in the revitalization of urban recreation facilities and allow us to take back our parks from crime, vandalism, and dilapidation;

"(h) the urban neighborhoods eligible for assistance under this title have deteriorated, in part, due to the rapid increase in violent crime among youth;

"(i) accessible, well-maintained recreational facilities and services have been shown to significantly decrease the incidence of violent crime among youth and can be an effective tool in efforts to prevent crime, increase public safety and improve the quality of life of urban residents; and

"(j) urban sport and recreation programs teach important values and life skills including teamwork, individual responsibility, respect, leadership, and self-esteem which help prevent young people from engaging in criminal behavior.".

SEC. 1099V. PURPOSE OF ASSISTANCE.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.".

SEC. 1099W. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k) respectively:

"(d) 'at-risk youth recreation grants' means—

"(1) rehabilitation grants,

"(2) innovation grants, or

"(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services;

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;".

SEC. 1099X. CRITERIA FOR SELECTION.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end thereof:

"(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

"(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

"(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

"(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

"(D) Programs which offer services during late night or other nonschool hours.

"(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

"(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

"(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.".

SEC. 1099Y. PARK AND RECREATION ACTION RECOVERY PROGRAMS.

Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "In order to be eligible to receive 'at-risk youth recreation grants' a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.".

SEC. 1099Z. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) PROGRAM SUPPORT.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "(a) IN GENERAL.—" after "1013" and by adding the following new subsection at the end thereof:

"(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.".

(b) EXTENSION.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "for a period of five years" and by striking 'short-term".

Subtitle P—Boys and Girls Clubs in Public Housing

SEC. 1099AA. ESTABLISHMENT.

The Secretary for Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America, a national nonprofit youth organization to establish Boys and Girls Clubs in public housing.

SEC. 1099BB. REPORT.

By May 1 of each fiscal year for which funds for this section are provided, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that details the progress of establishing boys and girls clubs in public housing and the effectiveness of the programs in reducing drug abuse and gang violence.

SEC. 1099CC. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated the following sums to carry out this subtitle—

(1) $12,000,000 for fiscal year 1995;

(2) $12,000,000 for fiscal year 1996; and

(3) $12,000,000 for fiscal year 1997.

Subtitle Q—Community-Based Justice Grants for Local Prosecutors

SEC. 1099DD. GRANT AUTHORIZATION.

The Attorney General may make grants to local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

SEC. 1099EE. USE OF FUNDS.

Grants made by the Attorney General under this section shall be used—

(1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses; and

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counselling, educational, and recreational programs that create alternatives to criminal activity.

SEC. 1099FF. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this part for any fiscal year, a local prosecutor, in conjunction with the mayor from the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each applicant shall include—

(1) a request for funds for the purposes described in section 1099EE;

(2) a description of the communities to be served by the grant, including the nature of the youth crime and violence problems within such communities;

(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

(c) COMPREHENSIVE PLAN.—Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violent crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 1;

(3) a description of the resources available in the community to implement the plan together

with a description of the gaps in the plan that cannot be filled with existing resources; and

(4) a description of how the requested grant will be used to fill gaps.

SEC. 1099GG. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

(a) Administrative Cost Limitation.—The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

(b) Renewal of Grants.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 2.

SEC. 1099HH. AWARD OF GRANTS.

The Attorney General shall consider the following facts in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1099FF.

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

SEC. 1099II. REPORTS.

(a) Report to Attorney General.—Local prosecutors that receive funds under this subtitle shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 2(c).

(b) Report to Congress.—The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this subtitle which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this subtitle.

SEC. 1099JJ. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of the fiscal years 1995 through 1999 to carry out the purposes of this subtitle.

SEC. 1099KK. DEFINITIONS.

The term "young violent offender" means individuals, ages 7–22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

TITLE XI—YOUTH VIOLENCE

SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.

(a) Prosecution as Adults.—The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "; however" and inserting ". In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title, 'thirteen' shall be substituted for 'fifteen' and 'thirteenth' shall be substituted for 'fifteenth'. Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However".

(b) Federal Priority in Dealing with Certain Crimes.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting " or an offense that is a crime of violence under section 113(a), 113(b), 113(c), 1111, 1113, or if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title" after "not exceed six months".

SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OFFENDERS.

Section 5039 of title 18, United States Code, is amended by inserting ", whether pursuant to an adjudication of delinquency or conviction for an offense," after "committed" the first place it appears.

TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994

SEC. 1201. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) Import Related Offense.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§2259. Production of sexually explicit depictions of a minor for importation into the United States

"(a) Use of Minor.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) Use of Visual Depiction.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(c) Penalties.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.".

(b) Technical Amendment.—

(1) Chapter Analysis.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Production of sexually explicit depictions of a minor for importation into the United States.".

(2) Fine Provisions.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than $100,000, or" and inserting "under this title,";

(B) by striking "not more than $200,000, or" and inserting "under this title,"; and

(C) by striking "not more than $250,000" and inserting "under this title".

(c) Section 2251 Penalty Enhancement.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second place it appears and inserting "this chapter or chapter 109A".

(d) Section 2252 Penalty Enhancement.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A".

(e) Conspiracy and Attempt.—Sections 2251(d) and 2252(b) of title 18, United States Code, are each amended by inserting ", or attempts or conspires to violate," after "violates" each place it appears.

(f) RICO Amendment.—Section 1961(1) of title 18, United States Code, is amended by striking "2251–2252" and inserting "2251, 2252, and 2259".

(g) Transportation of Minors.—Chapter 117 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§2425. Travel with intent to engage in a sexual act with a juvenile

"A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."; and

(2) in the table of sections at the beginning, by adding at the end the following new item:

"2425. Travel with intent to engage in a sexual act with a juvenile.".

SEC. 1202. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

SEC. 1301. ESTABLISHMENT OF PROGRAM.

(a) In General.—

(1) State Guidelines.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, or being placed on parole, supervised release, or probation.

(2) Definition.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" means any criminal offense that consists of—

(A) kidnapping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; or

(H) an attempt to commit an offense described in any of subparagraphs (A) through (G) of this paragraph, if the State—

(i) makes such an attempt a criminal offense; and

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—An approved State registration program established under this section shall contain the following requirements:

(1) DUTY OF STATE PRISON OFFICIAL OR COURT.—If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, or in the case of probation, the court, shall—

(A) inform the person of the duty to register and obtain the information required for such registration;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(D) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(E) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the person of the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement.

(5) PRIVACY OF DATA.—The information collected under a State registration program shall be treated as private data on individuals and may be disclosed only to law enforcement agencies for investigative purposes or to government agencies conducting confidential background checks with fingerprints on applicants for child care positions or other positions involving contact with children.

(c) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which triggered registration in a State shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement.

(d) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from prison, or placed on parole, supervised release, or probation.

(e) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(f) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this section.

(2) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with the guidelines issued under this section 3 years after the date of enactment of this Act may be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE XIV—COMMUNITY POLICING

SEC. 1401. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part W (as added by section 2301(a)) the following new part:

"PART X—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"SEC. 2401. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General is authorized to make grants to States and units of local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire and train new, additional career law enforcement officers (including cadets and trainees) for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section also may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy; and

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other existing Federal programs that serve the community and community members to better address the comprehensive needs of such community and its members.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h) of this section.

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to States and units of local government, and to other public and private entities, in furtherance of the purposes of this part.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for States and units of local government, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of this part.

"(f) UTILIZATION OF DEPARTMENT OF JUSTICE OFFICES AND SERVICES.—The Attorney General may utilize any office or service of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to such subsection. As used in this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding one year for hiring or re-hiring career law enforcement officers, the Federal share shall decrease from year to year, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 2402(c)(8) of this part.

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(19)(B) of this title.

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of six years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 2402. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) FORM AND CONTENT OF APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) COMPLIANCE WITH REGULATIONS OR GUIDELINES.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1) of this part;

"(2) demonstrate a specific public safety need;

"(3) explain the locality's inability to address the need without Federal assistance;

"(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

"(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

"(C) explain how the grant will be utilized to re-orient the affected law enforcement agency's mission towards community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

"(D) ensure that, to the extent practicable, grantees seek and recruit members of racial, ethnic, and gender minority groups whose representation in the law enforcement agency for which funds are sought is less than in the general population qualified for such employment in such jurisdiction.

"SEC. 2403. REVIEW OF APPLICATIONS BY STATE OFFICE.

"(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 of this title in the State in which the applicant is located for initial review.

"(b) INITIAL REVIEW OF APPLICATION.—The State office referred to in subsection (a) of this section shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines, and rank such applications based upon the criteria specified by the Attorney General. The State office referred to in subsection (a) of this section shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a) of this section, municipalities whose population exceeds 100,000 may submit an application for a grant under this part directly to the Attorney General. For purposes of this subsection, 'municipalities whose population exceeds 100,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 100,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwithstanding subsection (a) of this section, if a State chooses not to carry out the functions described in subsection (b) of this section, an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"SEC. 2404. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to two additional years after the first fiscal year during which a recipient receives its initial grant if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to five years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTI-YEAR GRANTS.—A grant for a period exceeding one year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed three years, or six years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 2405. LIMITATION ON USE OF FUNDS.

"(a) NON-SUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

"(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 2403(b) or other administrative costs.

"(c) NON-FEDERAL COSTS.—States and units of local government may use assets received through the assets forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 2406. PERFORMANCE EVALUATION.

"(a) EVALUATION COMPONENTS.—

"(1) Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General.

"(2) The evaluations required by paragraph (1) shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, activities and a description of the geographic dispersion, and racial, ethnic, and gender diversity of rehired and new employees. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

"SEC. 2407. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 2406 of this part, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 2402 of this part, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 2408. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part, as well as the pertinent books, documents, papers, or records of States and units of local government, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—The provisions of subsection (a) of this section shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 2409. GENERAL REGULATORY AUTHORITY.

"The Attorney General is authorized to promulgate regulations and guidelines to carry out this part.

"SEC. 2410. DEFINITION.

"For the purposes of this part, the term 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by inserting after the matter relating to part W (as added by section 2301(b)) the following:

"PART X—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 2401. Authority to make public safety and community policing grants.
"Sec. 2402. Applications.
"Sec. 2403. Review of applications by State office.
"Sec. 2404. Renewal of grants.
"Sec. 2405. Limitation on use of funds.
"Sec. 2406. Performance evaluation.
"Sec. 2407. Revocation or suspension of funding.
"Sec. 2408. Access to documents.
"Sec. 2409. General regulatory authority.
"Sec. 2410. Definition.".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and O." and inserting "O, P, Q, R, S, T, U, V, W, and X."; and

(2) by adding after paragraph (18) (as added by section 2302) the following:

"(19)(A) There are authorized to be appropriated to carry out part X, to remain available until expended, $200,000,000 for fiscal year 1994 and $650,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(B) Of funds available under part X in any fiscal year, up to 5 percent may be used for technical assistance under section 2401(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part X, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 2403(b) or other administrative costs. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2403 (a) or (d), and 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2403(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 2403 (a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 2401(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part X. Of the funds available in relation to grants pursuant to applications submitted as provided in section 2403(c), at least 85 percent shall be applied to grants for the purposes specified in section 2401(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part X.

"(C) Notwithstanding the provisions of section 2403, no funds allocated for grants pursuant to applications submitted as provided under subsections (a) or (d) of section 2403 shall be allocated for grants to a municipality (as defined in section 2403(c)).".

TITLE XV—DNA IDENTIFICATION

SEC. 1501. SHORT TITLE.

This title may be cited at the "DNA Identification Act of 1994".

SEC. 1502. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes; and".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 through 1998 $10,000,000 for grants to the States for DNA analysis.".

SEC. 1503. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1504. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) CONTENT OF INDEX.—Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) EXCHANGE SUBJECT TO CANCELLATION.—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1505. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3(a). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1994 through 1998 to carry out sections 1503, 1504, and 1505 of this Act.

TITLE XVI—VIOLENCE AGAINST WOMEN

SEC. 1600. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A—Safe Streets for Women

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) adding after part P the following new part:

"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or identifying and tracking arrests, protection orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protective orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

"(6) aiding Indian tribe grantees, exclusively, in financing the Violence Against Women Act of 1994.

"SEC. 1702. STATE GRANTS.

"(a) GENERAL GRANTS.—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Director') is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

"(b) APPLICATION REQUIREMENTS.—Applications shall include—

"(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

"(A) the need for grant funds;

"(B) the intended use of grant funds; and

"(C) the expected results;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided pursuant to section 1603 of the Violence Against Women Act of 1994, except that Indian tribes are exempt from such requirement; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 1604 of the Violence Against Women Act of 1994.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (b), an eligible entity shall be eligible for funds provided under this part by—

"(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b);

"(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

"(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

"(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

"(5) providing assurances that prosecution, law enforcement, and nonprofit nongovernmental victim services programs in the community to be served by such plan each receive an equitable percentage of any funds allocated under this part; and

"(6) providing assurances that any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(d) DISBURSEMENT OF FUNDS.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Director shall either disburse the appropriate sums provided for under this part or shall inform the applicant regarding why the application does not conform to the requirements of this section.

"(2) RESPONSIBILITY OF DIRECTOR.—In disbursing funds under this part, the Director shall issue regulations—

"(A) to distribute funds equitably on a geographic basis, including nonurban and rural areas of varying geographic size; and

"(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

"(e) GRANTEE REPORTING.—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

"(2) The grantee shall arrange for assessments of the grantee's program from all organizations and government entities that were involved in the design of the grant plan.

"(3) Such assessments must be sent directly to the Director by the assessing entity.

"(f) SUSPENSION OF FUNDING.—The Director shall suspend funding for an approved application if—

"(1) an applicant fails to submit an annual performance report;

"(2) funds provided under this part are expended for purposes other than those set forth under this part; or

"(3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

"SEC. 1703. GENERAL DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

"(2) the term 'eligible entity' means a State, unit of local government, Indian tribe, and a

nonprofit, nongovernmental victims services program;

"(3) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

"(4) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code;

"(5) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(6) the term 'victim services program' means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

"SEC. 1704. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under section 1702, the Attorney General may request any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to support State, tribal, and local assistance efforts under this part.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Congress a report that includes, for each State and Indian tribe—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(12) There are authorized to be appropriated for each of the fiscal years 1994 and 1995, $200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and O" and inserting "O, Q,".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "or O" and inserting "O, Q,".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.
"Sec. 1702. State grants.
"Sec. 1703. General definitions.
"Sec. 1704. General terms and conditions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 1603. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—No State is entitled to funds under this title unless the State incurs the full out of pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(b) MEDICAL COSTS.—A State shall be deemed to incur the full out of pocket cost of forensic medical exams for victims of sexual assault if such State—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams, if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the State permits victims to apply to the State for reimbursement for not less than one year from the date of the exam;

(C) the State provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.

No State is entitled to funds under this title unless the State certifies that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 1605. EQUITABLE TREATMENT OF RAPE CASES.

No State is entitled to funds under this title unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

SEC. 1606. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1602, is further amended by—

(1) redesignating part R as part S;

(2) redesignating section 1801 as section 1901; and

(3) adding after part Q the following new part:

"PART R—RAPE PREVENTION PROGRAMS

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') is authorized to make grants—

"(1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;

"(2) to provide programs for elementary and secondary school age children that teach nonviolent conflict resolution, self defense, or other relevant skills;

"(3) to operate telephone hotlines for callers with questions regarding sexual assault and rape;

"(4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;

"(5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;

"(6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and

"(7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

"SEC. 1802. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this part, a duly authorized representative of an eligible entity shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) ASSURANCES.—Each application must contain an assurance that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) REQUIRED PLAN.—Each application shall include a plan that contains—

"(1) a description of the projects to be developed;

"(2) a description of how funds would be spent;

"(3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and

"(4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

"SEC. 1803. REPORTS.

"(a) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

"(1) the amount of grants made under this subpart;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.

"SEC. 1804. DEFINITIONS.

"For purposes of this part—

"(1) the term 'eligible entity' means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and

"(2) the term 'sexual assault prevention and education' means education and prevention efforts directed at reducing the number of sexual assaults.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(13) There are authorized to be appropriated to carry out the purposes of part R, $60,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and $100,000,000 for fiscal year 1996.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1602 of this Act, is amended by striking "O, and Q" and inserting "O, Q, and R".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1602 of this Act, is amended by striking "O, or Q" and inserting "O, Q, or R".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1602, is amended by striking the matter relating to part R and inserting the following:

"PART R—RAPE PREVENTION PROGRAMS

"Sec. 1801. Grant authorization.
"Sec. 1802. Applications.
"Sec. 1803. Reports.
"Sec. 1804. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.

(a) IN GENERAL.—The National Institute of Justice, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Director of the National Institute of Justice shall attempt, to the extent practicable, to make training programs developed under subsection (a) available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.

SEC. 1608. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 of the United States Code or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 1609. VICTIM COMPENSATION.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§2247. Mandatory restitution for sex offenses

"(a) IN GENERAL.—Notwithstanding section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITIONS.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the United States Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"2247. Mandatory restitution for sex offenses.".

SEC. 1610. CAMPUS SEXUAL ASSAULT STUDY.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of noncampus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the

prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits;

(6) an assessment of the policies and practices of educational institutions that are most effective in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Committees on Education and Labor and the Judiciary of the House of Representatives and the Committees on Labor and Human Resources and the Judiciary of the Senate not later than September 1, 1995.

(d) DEFINITION.—For purposes of this subtitle, "campus sexual assaults" means sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

Subtitle B—Safe Homes for Women

SEC. 1621. SHORT TITLE.

This subtitle may be cited as the "Safe Homes for Women Act".

SEC. 1622. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.
"Sec. 2262. Violation of protection order.
"Sec. 2263. Pretrial release of defendant.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions for chapter.

"§2261. Interstate domestic violence

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§2262. Violation of protection order

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(1)(A) violates a protection order, any portion of which involves protection against credible threats of violence, repeated harassment, or bodily injury, to the person or persons for whom the protection order was issued, and—

"(B) violates that portion of such protection order; or

"(2) would violate paragraph (1) of this subsection if the conduct occurred in the jurisdiction in which such order was issued;

and does engage in such conduct shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITION.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be setoff against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION OR TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to

this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

"§2266. Definitions for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

"(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse, former spouse, or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

"(4) the term 'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member;

"(5) the term 'bodily harm' means any act, except one done in self-defense, that results in physical injury or sexual abuse; and

"(6) the term 'Indian country' has the meaning given to such term by section 1151 of this title.".

(b) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Domestic violence .... 2261.".

SEC. 1623. ENCOURAGING ARREST POLICIES.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1606, is further amended by—

(1) redesignating part S as part T;

(2) redesignating section 1901 as section 2001; and

(3) adding after part R the following new part:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 1901. ARREST POLICIES.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to encourage States, Indian tribes, and units of local government to treat domestic violence as a serious violation of criminal law. The Director of the Bureau of Justice Assistance may make grants to eligible States, Indian tribes, or units of local government for the following:

"(1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.

"(2) To develop policies, and training in police departments to improve tracking of cases involving domestic violence.

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To strengthen legal advocacy service programs for victims of domestic violence.

"(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—Eligible grantees are States, Indian tribes, or units of local government that—

"(1) certify that their laws or official policies—

"(A)(i) encourage or mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

"(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; and

"(B) mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

"(2) demonstrate that their laws, policies, or practices, and training programs discourage dual arrests of offender and victim;

"(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

"(5) certify that their laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, or social companions of or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

"SEC. 1902. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Director that shall—

"(1) describe plans to implement policies described in subsection (b);

"(2) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Director shall give priority to an applicant that—

"(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 1903. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

"SEC. 1904. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity; and

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(14) There are authorized to be appropriated $25,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the purposes of part S.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1606 of this Act, is amended by striking "O, Q, and R" and inserting "O, Q, R, and S".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as

amended by section 1606 of this Act, is amended by striking "O, Q, or R" and inserting "O, Q, R, or S".

(d) EFFECTIVE DATE.—The eligibility requirements provided in this section shall take effect 1 year after the date of enactment of this subtitle.

(e) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1606, is further amended by striking the matter relating to part S and inserting the following:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 1901. Arrest policies.
"Sec. 1902. Applications.
"Sec. 1903. Reports.
"Sec. 1904. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings.".

Subtitle C—Domestic Violence

SEC. 1624. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 1625. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) INTIMATE PARTNER DEFINED.—Section 921(a) of title 18, United States Code, is amended by inserting at the end the following:

"(30) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.".

(b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner.".

(c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury; and

"(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner;".

(d) STORAGE OF FIREARMS.—Section 926(a) of such title is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.".

(e) RETURN OF FIREARMS.—Section 924(d)(1) of such title is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

SEC. 1626. ALIEN SPOUSE PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause (ii), and

(C) by adding at the end the following new clause:

"(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or

"(II) the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause (i) on behalf of the alien."; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)", and

(B) by adding at the end the following new clause:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien.".

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A), by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,", and

(B) in subparagraph (B), by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.— Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii)(I) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1994.

SEC. 1627. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 1628. SUSPENSION OF DEPORTATION.

Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) at the end of paragraph (1) by striking "or";

(2) at the end of paragraph (2) by striking the period and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); is physically present in the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident; and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.".

Subtitle D—Miscellaneous Provisions

SEC. 1641. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 1642. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 1643. ESTABLISHMENT OF TASK FORCE.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 1644. GENERAL PURPOSES OF TASK FORCE.

(a) GENERAL PURPOSE OF THE TASK FORCE.—The Task Force shall review Federal, State, and local strategies for preventing and punishing violent crimes against women, including the enhancement and protection of the rights of the victims of such crimes, and make recommendations to improve the response to such crimes.

(b) FUNCTIONS.—The Task Force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the Task Force, including—

(1) evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluating the adequacy of, and making recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of State and Federal rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending an effective Federal response to the problem;

(10) evaluating the adequacy of, and making recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(11) evaluating the treatment of women as victims of violent crime in the State and Federal criminal justice system, and making recommendations to improve such treatment; and

(12) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem.

SEC. 1645. MEMBERSHIP.

(a) CHAIR; NUMBER AND APPOINTMENT.—The Task Force shall be chaired by the Attorney General (or designee). Not later than 60 days after the date of the enactment of this Act, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, the Attorney General shall select up to 14 other members to serve on the Task Force.

(b) PARTICIPATION.—The Attorney General (or designee) shall select, without regard to political affiliation, members who are specially qualified to serve on the Task Force based on their involvement in efforts to combat violence against women, assistance or service to victims of such violence, or other pertinent experience or expertise. The Attorney General shall ensure that the Task Force includes a broad base of participation by including members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

(c) VACANCIES.—The Attorney General may fill any vacancy that occurs on the Task Force.

SEC. 1646. TASK FORCE OPERATIONS.

(a) MEETINGS.—The Task Force shall hold its first meeting on a date specified by the Attorney General (or designee), but shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Task Force shall meet at the call of the Attorney General (or designee), but shall meet at least 6 times.

(b) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

(c) PER DIEM.—Except as provided in subsection (b), members of the Task Force shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 1647. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 1645, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 1648. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Task Force shall have an Executive Director who shall be appointed by the Attorney General (or designee), with the approval of the Task Force.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Task Force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 1649. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purposes of carrying out this subtitle, the Task Force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths for testimony before the Task Force.

(b) DELEGATION.—Any member or employee of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Task Force may request directly from any executive department or agency such information as may be necessary to enable the Task Force to carry out this subtitle, on the request of the Attorney General (or designee).

(d) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 1650. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 1651. TERMINATION.

The Task Force shall cease to exist 30 days after the date on which its final report is submitted under section 1647.

SEC. 1652. PAYMENT OF COST OF STD TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhea, herpes, chlamydia, syphilis, and HIV, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault.".

SEC. 1653. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) FINDINGS.—Congress finds that—

(1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse;

(2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and

(3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which handled more than 65,000 crisis calls annually no longer exists.

(b) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, shall provide a grant to a nonprofit private organiza-

tion to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. A grant provided under this subsection may extend over a period of not more than 3 fiscal years and the provision of payments under such grant shall be subject to annual approval by the Attorney General and subject to the availability of appropriations for the fiscal year involved to make the payments.

(c) APPLICATION.—

(1) IN GENERAL.—The Attorney General may not provide a grant under subsection (b) unless an application that meets the requirements of paragraph (2) has been approved by the Attorney General.

(2) REQUIREMENTS.—An application meets the requirements of this paragraph if the application—

(A) contains such agreements, assurances, and information, and is in such form and submitted in such manner as the Attorney General shall prescribe through notice in the Federal Register;

(B) demonstrates that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including support from advocacy groups, particularly State coalitions and recognized national domestic violence groups;

(C) demonstrates that the applicant has a commitment to diversity, including the hiring of and provision of services to ethnic, racial, cultural, and non-English-speaking minorities, in addition to older individuals and individuals with disabilities;

(D) demonstrates that the applicant has the ability to integrate the hotline into existing services provided by the applicant to victims of domestic violence;

(E) includes a complete description of the applicant's plan for the establishment and operation of the hotline, including a description of—

(i) the hiring criteria and training program for hotline personnel;

(ii) the methods for the creation, maintenance, and updating of a resource database for the hotline;

(iii) a plan for providing service on a 24-hour-a-day basis to non-English-speaking callers, including hotline personnel who speak Spanish;

(iv) a plan for access to the hotline by individuals with hearing impairments; and

(v) a plan for publicizing the availability of the hotline; and

(F) contains such other information as the Attorney General may require.

(d) SELECTION.—The Attorney General shall select a nonprofit private organization to receive a grant under subsection (b) which has been in existence for at least 5 years from the date of submission of the application by the organization.

(e) USES.—A grant made under subsection (b) shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a nonprofit private organization shall—

(1) contract with a carrier for the use of a toll-free telephone line;

(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

(3) establish, maintain, and update a database of information relating to services for victims of domestic violence, including information on the availability of shelters that serve battered women; and

(4) publicize the hotline to potential users throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 1994 through 1996.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

SEC. 1654. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1623 of this Act, is amended by—

(1) redesignating part T as part U;

(2) redesignating section 2001 as section 2101; and

(3) adding after part S the following new part:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"SEC. 2001. GRANT AUTHORITY.

"The Director shall provide grants to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"SEC. 2002. APPLICATIONS.

"(a) IN GENERAL.—An organization that desires to receive a grant under this section shall submit to the Director an application, in such form and in such manner as the Director may reasonably require that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Director may require.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, such application shall include—

"(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions; and

"(G) business and civic leaders.

"SEC. 2003. AWARD OF GRANTS.

"(a) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(b) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Director; and

"(2) availability of appropriations.

"(c) GEOGRAPHICAL DISPERSION.—The Director shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"SEC. 2004. USES OF FUNDS.

"(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(b) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(2) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(3) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(15) There are authorized to be appropriated to carry out part T $20,000,000 for fiscal year 1994 and such sums as are necessary for each of the fiscal years 1995, 1996, and 1997, to remain available until expended.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, and S" and inserting "O, Q, R, S, and T".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, or S" and inserting "O, Q, R, S, or T".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1623 of this Act, is amended by striking the matter relating to part T and inserting the following:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"Sec. 2001. Grant authority.
"Sec. 2002. Applications.
"Sec. 2003. Award of grants.
"Sec. 2004. Uses of funds.".

Subtitle E—Equal Justice for Women in the Courts

SEC. 1661. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by gender.

SEC. 1662. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, domestic violence, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the negative implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant and should not be held in contempt;

(18) the need for orders of protection, and the negative implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 1663. COOPERATION IN DEVELOPING PROGRAMS.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 1664. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1994, $600,000 to carry out the purposes of sections 1661 through 1664. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

SEC. 1665. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation, parole, and supervised release;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 1662 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial Branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 1666. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 1665(a), to be available until expended through fiscal year 1996;

(2) $100,000 to the Federal Judicial Center to carry out section 1665(c) and any activities designated by the Judicial Conference under section 1665(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 1665(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $100,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

SEC. 1667. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.

(a) FINDINGS.—The Congress finds that—

(1) State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) the average juror often has little understanding of the nature and effect of domestic violence on such a defendant's behavior, beliefs, or perceptions, and the lack of understanding can result in the juror blaming the woman for her victimization;

(3) the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after they terminate or attempt to terminate domestic relationships with their abuser;

(4) myths, misconceptions, and victim-blaming attitudes are often held not only by the average lay person but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

(5) specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance which is required for the admissibility of expert testimony;

(6) although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

(7) a woman is more likely to be assaulted and injured, raped, or killed by her current or former male partner than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the executive branch, working through the State Justice Institute, should examine programs which would allow the States to consider—

(1) that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) that a witness be qualified to testify as an expert witness based upon her or his knowledge, skill, experience, training, or education, and be permitted to testify in the form of an opinion or otherwise; and

(3) that expert testimony about a domestic relationship be admissible to include testimony of relationships between spouses, former spouses, cohabitants, former cohabitants, partners or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT

SEC. 1701. DIRECTION TO COMMISSION.

(a) IN GENERAL.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) DEFINITION.—As used in this section, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

SEC. 1801. GRANT PROGRAM DESCRIPTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(23) programs for the prosecution of driving while intoxicated and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

TITLE XIX—YOUTH HANDGUN SAFETY

SEC. 1901. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, funds, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 1902. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 706(a) of this Act, is amended by adding at the end the following:

"(w)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply—

"(A) to a temporary transfer of a handgun or ammunition to a juvenile, or to the possession or use of a handgun or ammunition by a juvenile, if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) with the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in subparagraph (A)(i) is to take place, and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor;

"(C) to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(D) to a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(E) to the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by section 706(b) of this Act, is amended by adding at the end the following:

"(7)(A)(i) A juvenile who violates section 922(w) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(w)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(w) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(w)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such person of section 922(w)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (w)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(w) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(w) of title 18, United States Code, or a similar State law)".

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.

Section 3621 of title 18, United States Code, is amended—

(1) in the last sentence of subsection (b), by striking ", to the extent practicable,"; and

(2) by adding at the end the following new subsection:

"(e) Substance Abuse Treatment.—

"(1) Phase-in.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide substance abuse treatment—

"(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

"(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

"(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

"(2) Incentive for Prisoners' Successful Completion of Treatment Program.—

"(A) Generally.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau for such time (as limited by subparagraph (B) of this paragraph) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

"(B) Period of Custody.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.

"(3) Report.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

"(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

"(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

"(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

"(4) Authorization of Appropriations.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this subsection.

"(5) Definitions.—As used in this subsection—

"(A) the term 'residential substance abuse treatment' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set forth from the general prison population—

"(i) directed at the substance abuse problems of the prisoner; and

"(ii) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

"(B) the term 'eligible prisoner' means a prisoner who is—

"(i) determined by the Bureau of Prisons to have a substance abuse problem; and

"(ii) willing to participate in a residential substance abuse treatment program.".

TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

SEC. 2101. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1654 of this Act is amended—

(1) by redesignating part U as part Y;

(2) by redesignating section 2101 as section 2501; and

(3) by inserting after part T the following:

"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 2101. GRANT AUTHORIZATION.

"(a) In General.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) Alternative Methods.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs that include education and job training activities such as programs modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness;

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders; and

"(9) the provision for adequate and appropriate after care programs for the young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, and other support programs upon release.

"SEC. 2102. STATE APPLICATIONS.

"(a) In General.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) State Office.—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. REVIEW OF STATE APPLICATIONS.

"(a) In General.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 2101(a) to carry out the projects described in the application submitted by such applicant under section 2102 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) Approval.—Each application submitted under section 2102 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 2101(b).

"(d) Disapproval Notice and Reconsideration.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2104. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2102(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be al-

located to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 2101 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 2101.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 2101, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102(a) for the fiscal year for which the projects receive assistance under this part.

"(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Director shall consider as an important factor whether a State has in effect throughout such State a law or policy which—

"(1) requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

"(A) be suspended from school for a reasonable period of time; and

"(B) lose driving license privileges for a reasonable period of time; and

"(2) bans firearms and other weapons in a 100-yard radius of school property, but the State may allow exceptions for school-sponsored activities, as well as other reasonable exceptions.

"(f) DEFINITION.—For purposes of this part, 'juvenile' means 18 years of age or younger.

"SEC. 2106. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part T (as added by section 1654) the following:

"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Review of State applications.
"Sec. 2104. Local applications.
"Sec. 2105. Allocation and distribution of funds.
"Sec. 2106. Evaluation.

"PART Y—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2501. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) the term 'young offender' means an individual, convicted of a crime, 22 years of age or younger—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment; and".

(d) TECHNICAL AMENDMENTS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) in paragraph (21), by adding a semicolon at the end;

(2) in paragraph (22), by striking "and" at the end; and

(3) in paragraph (23) by striking the period at the end and inserting a semicolon.

SEC. 2102. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding at the end the following:

"(16) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part U.".

SEC. 2103. SENSE OF THE CONGRESS.

It is the sense of the Congress that States should impose mandatory sentences for crimes involving the use of a firearm or other weapon on school property or within a 100-yard radius of school property.

TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

SEC. 2201. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting after part U (as added by section 2101(a)) the following new part:

"PART V—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) USES OF FUNDS.—The grants made under this section may be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including—

"(A) school programs that teach that drug and gang involvement are wrong; and

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities.

"(8) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(9) To provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods.

"(10) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(11) To develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities.

"(12) To identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs.

"(13) To coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(14) To reduce the incidence of graffiti and to promote graffiti removal, prevention, and education programs.

"(c) FEDERAL SHARE.—(1) The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"(2) The Director may waive the 25 percent matching requirement under paragraph (1), upon making a determination that such waiver

is equitable due to the financial circumstances affecting the ability of the applicant to meet such requirements.

"SEC. 2202. APPLICATIONS.

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part U (as added by section 2101(b)) the following:

"PART V—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"Sec. 2201. Grant authorization.
"Sec. 2202. Applications.".

SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(17) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part V.".

TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part V (as added by section 2201(a)) the following:

"PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"SEC. 2301. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

"SEC. 2302. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

"(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

"(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

"(d) STATE OFFICE.—The Office designated under section 507 of this title—

"(1) shall prepare the application as required under this section; and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2303. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 2301 to carry out the projects described in the application submitted under section 2302 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2302 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2302 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2305. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part V (as added by section 2201(b)) the following:

"PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2301. Grant authorization.
"Sec. 2302. State applications.
"Sec. 2303. Review of State applications.
"Sec. 2304. Allocation and distribution of funds.
"Sec. 2305. Evaluation.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (24) (as added by section 2101(c)) the following:

"(25) the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

SEC. 2302. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(18) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part W.".

TITLE XXIV—IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS

Subtitle A—Criminal Aliens

SEC. 2401. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) The Federal Government is responsible for controlling illegal immigration into the United States.

(2) Many States and localities are burdened with the financial costs of housing and processing aliens who are unlawfully within the United States and who are charged with violating criminal statutes.

(3) The Immigration and Naturalization Service is not permitted under current law to accept local and State assistance in its deportation responsibilities.

(4) Many communities with criminal alien populations would like to expedite the deportation of aliens who are charged with violating criminal statutes and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard.

SEC. 2402. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the Attorney General, in the discretion of the Attorney General, is authorized to accept, hold, administer, and utilize gifts of property and services (which may not include cash assistance) for the purpose of assisting the Immigration and Naturalization Service in carrying out the deportation of aliens who are subject to charges for misdemeanor or felony crimes under State or Federal law and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard. Any property acquired pursuant to this section shall be acquired in the name of the United States.

(b) LIMITATION.—The Attorney General shall terminate or rescind the exercise of the authority under subsection (a) if the Attorney General

determines that the exercise of such authority has resulted in discrimination in law enforcement on the basis of race, color, or national origin.

SEC. 2403. INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.

(a) INCARCERATION.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

"(j) INCARCERATION.—

"(1) If the chief official of the State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the incarceration of an undocumented criminal alien (sentenced to a determinate term of imprisonment) submits a written request to the Attorney General, the Attorney General shall, as determined by the Attorney General—

"(A) enter into a contractual arrangement which provides for compensation to the State or a political subdivision of the State, as may be appropriate, with respect to the incarceration of such undocumented criminal alien for such determinate sentence of imprisonment, or

"(B) take the undocumented criminal alien into the custody of the Federal Government and incarcerate such alien for such determinate sentence of imprisonment.

"(2) Compensation under paragraph (1)(A) shall be determined by the Attorney General and may not exceed the median cost of incarceration of a prisoner in all maximum security facilities in the United States as determined by the Bureau of Justice Statistics.

"(3) For purposes of this subsection, the term 'undocumented criminal alien' means an alien who—

"(A) has been convicted of a felony and sentenced to a term of imprisonment, and

"(B)(i) entered the United States without inspection or at any time or place other than as designated by the Attorney General,

"(ii) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State or a political subdivision of the State, or

"(iii) was admitted as a nonimmigrant and at the time he or she was taken into custody by the State or a political subdivision of the State has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.

"(4)(A) In carrying out paragraph (1), the Attorney General shall give priority to the Federal incarceration of undocumented criminal aliens who have committed aggravated felonies.

"(B) The Attorney General shall ensure that undocumented criminal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide a level of security appropriate to the crimes for which they were convicted.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

(c) LIMITATION.—The authority created in section 242(j) of the Immigration and Nationality Act (as added by subsection (a)) shall be subject to appropriation until October 1, 1998.

Subtitle B—Immigration Provisions

SEC. 2411. EXPEDITED DEPORTATION FOR DENIED ASYLUM APPLICANTS.

(a) The Attorney General may provide for the expeditious adjudication of asylum claims and the expeditious deportation of asylum applicants whose applications have been finally denied, unless the applicant remains in an otherwise valid nonimmigrant status.

(b) There are authorized to be appropriated to carry out this section, such sums as are necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 2412. IMPROVING BORDER CONTROLS.

(a) There are authorized to be appropriated such sums as are necessary to increase the Immigration and Naturalization Service's resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire.

(b) The Attorney General shall report to the Congress every two years on the programs referred to in subsection (a).

SEC. 2413. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.

(a) Subject to the availability of appropriations, the Attorney General may expand the program authorized by section 242A(d) of the Immigration and Nationality Act to ensure that such aliens are immediately deportable upon their release from incarceration.

(b) There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 1995 through 1998.

(c) The Attorney General shall report to the Congress every two years on the program referred to in subsection (a).

SEC. 2414. CONSTRUCTION OF INS SERVICE PROCESSING CENTERS TO DETAIN CRIMINAL ALIENS.

There are authorized to be appropriated such sums as are necessary in fiscal year 1996 to construct or contract for the construction of 2 Immigration and Naturalization Service Processing Centers to detain criminal aliens.

Subtitle C—Border Patrol Agents

SEC. 2421. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 6,000 full-time equivalent agent positions (and necessary support personnel positions) beyond the number of such positions authorized for the Border Patrol as of October 1, 1993.

Subtitle D—Passport and Visa Offenses Penalties Improvements

SEC. 2431. PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended—

(1) in section 1541, by striking "not more than $500 or imprisoned not more than one year" and inserting "under this title or imprisoned not more than 10 years";

(2) in each of sections 1542, 1543, and 1544, by striking "not more than $2,000 or imprisoned not more than five years" and inserting "under this title or imprisoned not more than 10 years";

(3) in section 1545, by striking "not more than $2,000 or imprisoned not more than three years" and inserting "under this title or imprisoned not more than 10 years";

(4) in section 1546(a), by striking "five years" and inserting "10 years";

(5) in section 1546(b), by striking "in accordance with this title, or imprisoned not more than two years" and inserting "under this title or imprisoned not more than 10 years"; and

(6) by adding at the end the following:

"§1547. Alternative imprisonment maximum for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a) of this title) is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title) is 20 years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 18, United States Code, is amended by adding at the end the following new item:

"1547. Alternative imprisonment maximum for certain offenses.".

TITLE XXV—RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

SEC. 2501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O $50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 2502. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 2503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. 2504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 2505. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

SEC. 2511. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) DEFINITIONS.—In this section—

"(1) the term 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists; and

"(2) the term 'truck stop' means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2716) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

"(1) 3 times the maximum punishment authorized by section 401(b); and

"(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.".

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. 2521. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, the term "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 1402 to accomplish the objectives of this section.

Subtitle D—Sense of Congress Regarding Funding for Rural Areas

SEC. 2531. FUNDING FOR RURAL AREAS.

It is the sense of Congress that—

(1) the Attorney General should ensure that funding for programs in this Act is distributed such that rural areas continue to receive comparable support for their broad-based crime fighting initiatives;

(2) rural communities should not receive less funding than they received in fiscal year 1994 for anti-crime initiatives as a result of any legislative or administrative actions; and

(3) to the maximum extent possible, funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program should be maintained at its fiscal year 1994 level.

TITLE XXVI—COMMISSION ON CRIME AND VIOLENCE

SEC. 2601. FINDINGS.

The Congress finds that—

(1) there is no more important responsibility of government than the protection of the lives and property of its citizens;

(2) a violent crime occurs every 22 seconds in America;

(3) the Nation's law enforcement personnel and criminal justice system lack the resources they need to fully maintain law and order;

(4) the proliferation of drugs and guns in the last 3 decades has dramatically changed the nature of crime;

(5) it has been 27 years since the Brown Commission redefined the Federal Government's response to crime in America; and

(6) the Nation must commit itself to an energetic, innovative assault on the epidemic of crime in our society, including—

(A) alternative forms of sentencing to guarantee swift and sure punishment of criminals, including the Nation's growing number of youth offenders;

(B) initiatives by the public and private sectors designed to identify and alleviate the causes of criminal behavior; and

(C) an examination of current laws and law enforcement practices to determine where and how resources may be best utilized to fight crime, reduce burdens on courts and jails, and stop recidivism.

SEC. 2602. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Crime and Violence in America" (referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(A) 6 shall be appointed by the President;

(B) 8 shall be appointed by the Speaker of the House of Representatives, of whom 2 shall be appointed on the recommendation of the minority leader; and

(C) 8 shall be appointed by the President pro tempore of the Senate, of whom 6 shall be appointed on the recommendation of the majority leader and 2 shall be appointed on the recommendation of the minority leader.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing members of the Commission, the President, Speaker, President pro tempore, and the majority and minority leaders shall seek to ensure that—

(A) the membership of the Commission reflect the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement;

(v) social work; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(3) DEADLINE.—Members of the Commission shall be appointed within 60 days after the date of enactment of this Act.

(4) TERM.—Members shall serve on the Commission through the date of its termination under section 8.

(5) MEETINGS.—The Commission—

(A) shall have its headquarters in the District of Columbia; and

(B) shall meet at least once each month for a business session.

(6) QUORUM.—Twelve members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after the members of the Commission are appointed, the members shall designate a Chairperson and Vice Chairperson of the Commission.

(8) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(9) COMPENSATION.—

(A) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no pay, allowances, or benefits by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2603. DUTIES.

The Commission shall—

(1) review the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence;

(2) examine the impact that changes to Federal and State law have had in controlling crime and violence;

(3) examine the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth;

(4) examine the problem of youth gangs and provide recommendations on how to reduce youth involvement in violent crime;

(5) examine the extent to which assault weapons and high power firearms have contributed to violence and murder in the United States;

(6) convene hearings in various parts of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate;

(7) review all segments of the criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components, in developing the crime control and antiviolence plan;

(8) develop a comprehensive and effective crime control and antiviolence plan that will serve as a blueprint for action in the 1990's;

(9) bring attention to successful models and programs in crime prevention, crime control, and antiviolence;

(10) reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control and antiviolence plan;

(11) recommend improvements in the coordination of Federal, State, local, and international border crime control efforts;

(12) make a comprehensive study of the economic and social factors leading to or contributing to crime and violence and specific proposals for legislative and administrative actions to reduce crime and violence and the elements that contribute to crime and violence; and

(13) recommend means of allocating finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective crime control and protection of the community and public safety, after—

(A) examining the issue of disproportionate incarceration rates among black males and any other minority group disproportionately represented in Federal and State correctional populations; and

(B) considering increased use of alternatives to incarceration that offer a reasonable prospect of equal or better crime control at equal or less cost than incarceration.

SEC. 2604. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(a) APPOINTMENT.—After consultation with the members of the Commission, the Chairperson shall appoint a director of the Commission (referred to in this title as the "Director").

(2) COMPENSATION.—The Director shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers to be appropriate.

(c) CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 2605. POWERS.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure from any Federal agency or entity in the executive or legislative branch such materials, resources, statistical data, and other information as is necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency or entity shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 2606. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) INTERIM REPORT.—Not later than 1 year before the date of its termination, the Commission shall submit an interim report to the President and the Congress containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) recommendations for legislative and administrative action based on the Commission's activities to date;

(3) an estimation of the costs of implementing the recommendations made by the Commission; and

(4) a strategy for disseminating the report to Federal, State, and local authorities.

(c) FINAL REPORT.—Not later than the date of its termination, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, recommendations, and estimation of costs and an assessment of the extent to which recommendations included in the interim report under subsectin (b) have been implemented.

(d) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public.

SEC. 2607. TERMINATION.

The Commission shall terminate on the date that is 2 years after the date on which members of the Commission have met and designated a Chairperson and Vice Chairperson.

TITLE XXVII—POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP ACT

SEC. 2701. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

SEC. 2702. DEFINITIONS.

For purposes of this title—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the offer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 2711;

(4) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(5) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(6) the term "participant" means a participant in the Police Corps program selected pursuant to section 2714;

(7) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(8) the term "State Police Corps program" means a State police corps program that meets the requirements of section 2717.

Subtitle A—Police Corps

SEC. 2711. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established by this subtitle and shall have authority to promulgate regulations to implement this subtitle.

SEC. 2712. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this subtitle;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 2717.

SEC. 2713. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one participant under this section shall not exceed $30,000.

(3) Participants who receive scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this under subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 2715, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 2715; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A participant who receives a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If the participant who has received a scholarship is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—(1) A dependent child of an individual referred to in paragraph (2) shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(2) For purposes of paragraph (1), an individual is a law enforcement officer—

(A) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer;

(B) who is not a participant in the Police Corps program, but who serves in a State for which the Director has approved a State Police Corps plan; and

(C) who is killed in the course of performing police duties.

(f) APPLICATION.—Each participation desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 2714. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 2717 (c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be a good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into a State Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 2716, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in subsection (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 2716, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subtitle that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or

service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 2715. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for State Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of State Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 2717 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in State Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 2716. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 2715 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 2713, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 2713(d)(1)(B)(iii) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 2713, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 2713(d)(1)(B)(iii) shall not apply.

SEC. 2717. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 2714;

(2) State procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the State Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 2718. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing State Police Corps participants during the 4-year term of service prescribed by section 2716 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting State Police Corps participants assigned under section 2715, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any State Police Corps participant for years of service after the completion of the term of service prescribed in section 2716.

SEC. 2719. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $100,000,000 for fiscal year 1995 and $250,000,000 for fiscal year 1996; and

(2) such sums as are necessary for each of the fiscal years 1997, 1998, and 1999.

SEC. 2720. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the State Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the State Police Corps program; and

(3) describe the progress of the State Police Corps program and make recommendations for changes in the program.

Subtitle B—Law Enforcement Scholarship Program

SEC. 2731. ALLOTMENT.

From amounts appropriated under section 2739, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement per-

sonnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 2732. ESTABLISHMENT OF PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment pursuant to section 2731 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 2731 the Federal share of the cost of the activities described in the application submitted pursuant to section 2735.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 2731 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 2731 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 2733. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use the scholarship for educational expenses at an institution of higher education.

SEC. 2734. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this subtitle if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 2735. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 2731 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 2736. LOCAL APPLICATION.

(a) IN GENERAL.—A person who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 2737. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person who receives a scholarship under this subtitle shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

SEC. 2738. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 2739. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 2732(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 2732(a)(1)(B) and 2732(a)(2).

TITLE XXVIII—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

SEC. 2801. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS.—The Attorney General shall amend existing regulations (published at 28 C.F.R. 20.33(a)) to authorize the dissemination of information from existing national crime information databases, including the National Crime Information Center and III ("Triple I"), to courts and court personnel, civil or criminal, for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit any person or court access to criminal history record information for any other purpose or for any other civil case other than for use in a stalking or domestic violence case.

(b) ENTRY.—The Attorney General shall amend existing regulations to permit Federal and State criminal justice agencies, assigned to input information into national crime information databases, to include arrests, warrants, and orders for the protection of parties from stalking or domestic violence, whether issued by a criminal, civil, or family court. Such amendment shall include a definition of criminal history information that covers warrants, arrests, and orders for the protection of parties from stalking or domestic violence. Nothing in this subsection shall be construed to permit access to such information for any purpose which is different than the purposes described in subsection (a).

(c) PROCEDURES.—The regulations required by subsection (a) shall be proposed no later than 90 days after the date of enactment of this Act, after appropriate consultation with the Director of the Federal Bureau of Investigation, the officials charged with managing the National Crime Information Center, and the National Crime Information Center Advisory Policy Board. Final regulations shall be issued no later than 180 days after the date of the enactment of this Act.

SEC. 2802. NONSERIOUS OFFENSE BAR.

The Attorney General shall amend existing regulations to specify that the term "nonserious offenses", as used in 28 C.F.R. 20.32, does not include stalking or domestic violence offenses. Nothing in this section is intended to change current regulations requiring that juvenile offenses shall be excluded from national crime information databases unless the juvenile has been tried as an adult.

SEC. 2803. PERFORMANCE GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Assistance, is authorized to provide performance grants to the States to improve processes for entering data about stalking and domestic violence into national crime information databases.

(b) ELIGIBILITY.—Eligible grantees under subsection (a) are States that provide, in their application, that all criminal justice agencies within their jurisdiction shall enter into the National Crime Information Center all records of (1) warrants for the arrest of persons violating civil protection orders intended to protect victims from stalking or domestic violence; (2) arrests of persons violating civil protection orders intended to protect victims from stalking or domestic violence; and (3) orders for the protection of persons from violence, including stalking and domestic violence.

(c) PERFORMANCE-BASED DISTRIBUTION.—Eligible grantees under subsection (a) shall be awarded 25 percent of their grant moneys upon application approval as "seed money" to cover start-up costs for the project funded by the grant. Upon successful completion of the performance audit provided in subsection (d), the grantees shall be awarded the remaining sums in the grant.

(d) PERFORMANCE AUDIT.—Within 6 months after the initial 25 percent of a grant is provided, the State shall report to the Federal Bureau of Investigation and the Bureau of Justice Assistance, the number of records included in national crime information databases as a result of the grant funding, including separate data for warrants, arrests, and protective orders. If the State can show a substantial increase in the number of records entered, then it shall be eligible for the entire amount. However, the Director shall suspend funding for an approved application if an applicant fails to submit a 6 month performance report or if funds are expended for purposes other than those set forth under this title. Federal funds may be used to supplement, not supplant, State funds.

(e) GRANT AMOUNT.—From amounts appropriated, the amount of grants under subsection (a) shall be—

(1) $75,000 to each State; and

(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

SEC. 2804. APPLICATION REQUIREMENTS.

The application requirements provided in section 513 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) shall apply to grants made under this title. In addition, applications shall include documentation showing—

(1) the need for grant funds and that State funding does not already cover these operations;

(2) intended use of the grant funds, including a plan of action to increase record input; and

(3) an estimate of expected results from the use of the grant funds.

SEC. 2805. DISBURSEMENT.

(a) GENERAL RULE.—No later than 30 days after the receipt of an application under this title, the Director shall either disburse the appropriate sums provided for under this title or shall inform the applicant why the application does not conform to the terms of section 513 of the Omnibus Crime Control and Safe Streets Act of 1968 or to the requirements of section 2804 of this title.

(b) REGULATIONS.—In disbursing moneys under this title, the Director of the Bureau of Justice Assistance shall issue regulations to ensure that grantees give priority to the areas with the greatest showing of need.

SEC. 2806. FEDERAL NONMONETARY ASSISTANCE.

In addition to the assistance provided under the performance grant program, the Attorney General may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local law enforcement efforts to combat stalking and domestic violence.

SEC. 2807. AUTHORIZATION.

There are authorized to be appropriated for each of the fiscal years 1994, 1995, and 1996, $2,000,000 to carry out the purposes of the Performance Grant Program under this title.

SEC. 2808. TRAINING PROGRAMS FOR JUDGES.

The National Institute of Justice, in conjunction with a nationally recognized nonprofit organization expert in stalking and domestic violence cases, shall conduct training programs for judges to ensure that any judge issuing an order in stalking or domestic violence cases has all available criminal history and other information, whether from State or Federal sources.

SEC. 2809. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.

The National Institute of Justice, after consulting a nationally recognized nonprofit associations expert in data sharing among criminal justice agencies and familiar with the issues raised in stalking and domestic violence cases, shall recommend proposals about how State courts may increase intrastate communication between family courts, juvenile courts, and criminal courts.

SEC. 2810. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.

Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Federal Bureau of Investigation and the States, shall compile data regarding stalking civil protective orders and other forms of domestic violence as part of the National Incident-Based Reporting System (NIBRS).

SEC. 2811. REPORT TO CONGRESS.

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that reports information on the incidence of stalking and other forms of domestic violence, and evaluates the effectiveness of State anti-stalking efforts and legislation.

SEC. 2812. DEFINITIONS.

As used in this title—

(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including III ("Triple I");

(2) the term "stalking" includes any conduct that would, if proven, justify the issuance of an order of protection under the stalking, or other, laws of the State in which it occurred; and

(3) the term "domestic violence" includes any conduct that would, if proven, justify the issuance of an order of protection under the domestic violence, or other, laws of the State in which it occurred.

TITLE XXIX—PROTECTING THE PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Driver's Privacy Protection Act of 1994".

SEC. 2902. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 123—PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

"§2721. Prohibition on release and use of certain personal information from State motor vehicle records

"(a) IN GENERAL.—Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

"(b) PERMISSIBLE USES.—Personal information referred to in subsection (a) of this section shall be disclosed for paragraphs (1) and (2) to carry out the purpose of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, and may be disclosed for paragraphs (3) through (14), as follows:

"(1) For use by any Federal, State, or local agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

"(2) For use in connection with matters of motor vehicle or driver safety and theft, motor

vehicle emissions, motor vehicle product alteration, recall or advisory, and motor vehicle customer satisfaction.

"(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—

"(A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

"(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

"(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

"(5) For use in research activities, including survey research, and for use in producing statistical reports, provided that the personal information is not published or redisclosed and provided that the personal information is not used to direct solicitations or marketing offers at the individuals whose personal information is disclosed under this paragraph.

"(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

"(7) For the purpose of providing notice to the owners of towed or impounded vehicles.

"(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

"(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

"(10) For use in connection with the operation of private toll transportation facilities.

"(11) For any other purpose in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner to the individual to whom the information pertains an opportunity to prohibit such disclosures.

"(12) For bulk distribution for marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure—

"(A) that individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such disclosure; and

"(B) that the information will be used, rented, or sold solely for bulk distribution for marketing and solicitations, and that such solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

'Methods and procedures' includes the motor vehicle department's use of a mail preference list to remove from its records before bulk distribution the names and personal information of those individuals who have requested that solicitations not be directed at them.

"(13) For use by any requestor, if the requestor demonstrates it has obtained the written consent of the individual to whom the information pertains.

"(14) For any other purpose specifically authorized under the law of the State that holds the record, if such purpose is related to the operation of a motor vehicle or public safety.

"(c) RESALE OR REDISCLOSURE.—Any authorized recipient of personal information may resell or redisclose the information for any use permitted under subsection (b). Any authorized recipient (except a recipient under subsections (b) (11) or (12)) that resells or rediscloses personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used.

"(d) WAIVER PROCEDURES.—A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

"§2722. Additional unlawful acts

"(a) PROCUREMENT FOR UNLAWFUL PURPOSE.—It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any purpose not permitted under section 2721(b) of this title.

"(b) FALSE REPRESENTATION.—It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

"§2723. Criminal penalty

"Any person that knowingly violates this chapter shall be fined under this title.

"§2724. Civil action

"(a) CAUSE OF ACTION.—A person who knowingly obtains, discloses or uses personal information, derived from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

"(b) REMEDIES.—The court may award—

"(1) actual damages, but not less than liquidated damages in the amount of $2,500;

"(2) punitive damages upon proof of willful or reckless disregard of the law;

"(3) reasonable attorneys' fees and other litigation costs reasonably incurred; and

"(4) such other preliminary and equitable relief as the court determines to be appropriate.

"§2725. Definitions

"As used in this chapter—

"(1) the term 'motor vehicle record' means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

"(2) the term 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but such term does not include information on vehicular accidents, driving violations, and driver's status; and

"(3) the term 'person' means an individual, organization or entity, but does not include a State or agency thereof.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by adding at the end the following new item:

"123. Prohibition on release and use of
certain personal information from
State motor vehicle records .... 2271"

SEC. 2903. EFFECTIVE DATE.

This title shall take effect 3 years after the date of enactment. In the interim, personal information covered by this title may be released consistent with State law or practice.

TITLE XXX—MISCELLANEOUS

Subtitle A—Display of Flags at Half-Staff

SEC. 3001. DISPLAY OF FLAGS AT HALF-STAFF.

(a) PUBLIC LAW 87–726.—The first section of Public Law 87–726 (36 U.S.C. 167) is amended—

(1) by striking "(2)" and inserting "(3)";

(2) by inserting after clause (1) the following new clause: "(2) directing the officials of the Government to display at half-staff the flag of the United States on all Government buildings on such day, as provided by section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175),";

(3) by striking "(3)" and inserting "(4)"; and

(4) by inserting in paragraph (4) ", including the display at half-staff of the flag of the United States" after "activities".

(b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175) is amended by inserting "The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day." after "a Member of Congress.".

Subtitle B—Sense of Congress With Respect to Violence Against Truckers

SEC. 3005. SENSE OF CONGRESS WITH RESPECT TO VIOLENCE AGAINST TRUCKERS.

(a) FINDINGS.—Congress finds that—

(1) there are 8,000,000 workers in the trucking industry in the United States, some working for large carriers and some for small carriers, some for private carriers and some owner operators, all assisting the free flow commerce by transporting all types of commodities that enter, leave, or move within this country;

(2) unemployment, crime, and drug use have contributed to an increase of violence against commercial truckers, an increase that has gone unrecognized by the public at large;

(3) few State or local authorities report violent crimes against truckers as such to the Federal Bureau of Investigation, statistics do not reflect this fast-growing and increasingly violent segment of crime;

(4) the Federal Bureau of Investigation investigated 282 truck hijackings involving crimes of violence in 1993, not including attempted crimes and crimes addressed by State, county, and local authorities;

(5) the Federal Government in large measure finances the highway system the trucking industry uses, collecting large sums in taxes from the industry, and licenses and regulates the industry and its drivers, entailing a concomitant responsibility to protect them against crime; and

(6) Federal law provides protections to truckers in among others, sections 33 and 1951 of title 18, United States Code, but currently Federal prosecutions are not undertaken unless certain monetary thresholds of loss are met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when there is Federal jurisdiction, Federal authorities should prosecute to the fullest extent of the law murders, rapes, burglaries, kidnappings and assaults committed against commercial truckers; and

(2) appropriate Federal agencies should acknowledge this problem and place a priority on evaluating how best to prevent these crimes and apprehend those involved, and continue to coordinate their activities with multi-jurisdictional authorities to combat violent crimes committed against truckers.

Subtitle C—Financial Institution Fraud

SEC. 3011. FINANCIAL INSTITUTION FRAUD.

Section 528 of Public Law 101–509, approved November 5, 1990, is amended by striking "with the authority of the Resolution Trust Corporation or its successor" at the end of subsection (b)(2) and inserting "on December 31, 2004".

Subtitle D—Authorization of Appropriations

SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service, and the United States Secret Service, in addition to sums authorized elsewhere in this Act, not to exceed $210,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 to help meet the Department of the Treasury's increased law enforcement activities.

Subtitle E—Conversion of Closed Military Installations

SEC. 3021. CONVERSION OF THREE CLOSED MILITARY INSTALLATIONS INTO FEDERAL PRISON FACILITIES.

(a) STUDY OF SUITABLE BASES.—The Secretary of Defense and the Attorney General shall jointly conduct a study of all military installations selected before the date of the enactment of this Act to be closed pursuant to a base closure law for the purpose of evaluating the suitability of any of these installations, or portions of these installations, for conversion into Federal prison facilities. As part of the study, the Secretary and the Attorney General shall identify the three military installations so evaluated that are most suitable for conversion into Federal prison facilities.

(b) SUITABILITY FOR CONVERSION.—In evaluating the suitability of a military installation for conversion into a Federal prison facility, the Secretary of Defense and the Attorney General shall consider the estimated cost to convert the installation into a prison facility, the proximity of the installation to overcrowded Federal and State prison facilities, and such other factors as the Secretary and the Attorney General consider to be appropriate.

(c) TRANSFER TO ATTORNEY GENERAL.—Notwithstanding any other provision of law regarding disposal of military installations selected to be closed pursuant to a base closure law, the Secretary of Defense shall transfer, without reimbursement, jurisdiction over the three installations identified under subsection (a) to the Attorney General for conversion into Federal prison facilities. The Federal prison facilities established using these installations shall be designed to incarcerate persons convicted of a Federal violent felony. Upon a space available basis, the Attorney General may accept transfers from overcrowded State prisons if the persons to be transferred had previously been convicted of a Federal violent felony or are serving a sentence of more than 20 years.

(d) TIME FOR STUDY.—The study required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "base closure laws" means—

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); or

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The term "violent felony" has the meaning given that term in section 3581(c)(2) of title 18, United States Code.

SUBTITLE F—COMMISSION MEMBERSHIP AND APPOINTMENT

SEC. 3026. COMMISSION MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—Section 211(B)(f) of Public Law 101–515 (104 Stat. 2123) is amended to read as follows:

"(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 25 members as follows:

"(1) Seven individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

"(A) two shall be appointed by the Speaker of the House of Representatives;

"(B) two shall be appointed by the majority leader of the Senate;

"(C) one shall be appointed by the minority leader of the House of Representatives;

"(D) one shall be appointed by the minority leader of the Senate; and

"(E) one shall be appointed by the President.

"(2) Seven individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

"(A) two shall be appointed by the Speaker of the House of Representatives;

"(B) two shall be appointed by the majority leader of the Senate;

"(C) one shall be appointed by the minority leader of the House of Representatives;

"(D) one shall be appointed by the minority leader of the Senate; and

"(E) one shall be appointed by the President.

"(3) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

"(A) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

"(B) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

"(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

"(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

"(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

"(7) One individual from the Department of Justice, appointed by the President.

"(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the majority leader of the Senate.

"(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the Speaker of the House of Representatives.

"(10) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the President.".

(b) REPORT.—Section 211(B)(p) of Public Law 101–515 (104 Stat. 2124) is amended by striking "the expiration" and all that follows through "this Act," and inserting "March 31, 1996,".

SEC. 3027. CONFORMING AMENDMENT.

Section 3404(a) of Public Law 101–647 (42 U.S.C. 3721 note) is repealed.

Subtitle G—Explosives Crime Penalties

SEC. 3031. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

SEC. 3032. THEFT OF EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 3033. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 3034. THEFT OF EXPLOSIVES FROM LICENSEE.

Section 844 of title 18, United States Code, as amended by section 3032 of this Act, is amended by adding at the end the following:

"(l) A person who steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 3035. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

Subtitle H—Traveler Protection

SEC. 3041. AUTHORITY TO INVESTIGATE VIOLENT CRIMES AGAINST TRAVELERS.

(a) Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§540A. Investigation of violent crimes against travelers

"(a) Upon the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler. In a case in which the traveler is from a foreign nation, the Department of Justice and, where appropriate, the Department of State shall assist the prosecuting and law enforcement officials of a State or political subdivision to the fullest extent possible in securing from abroad such evidence or other information as may be needed for the effective investigation and prosecution of the crime.

"(b) For purpose of this section—

"(1) the term 'felony crime of violence' means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another;

"(2) and for purposes of section 540, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'traveler' means a person who is not a resident of the State in which the crime of violence occurred.".

(b) The chapter analysis for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"540A. Investigation of violence crimes against travelers.".

Subtitle I—Study and Report by Attorney General

SEC. 3046. STUDY AND REPORT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Attorney General shall make a study and submit a report of the results of that study to the Congress. Such study shall—

(1) address how to ease the overcrowding at traditional style prisons by allowing for the processing of new convicts and the housing of non-violent, elderly, and short-term Federal, State, and local inmates in prefabricated, temporary, or portable structures within a secure area; and

(2) determine what legal requirements may exist on the use of such structures for these purposes and suggest legislative measures or other appropriate actions to modify or eliminate those requirements.

(b) ACTION BY THE ATTORNEY GENERAL.—Not later than 2 years after the report referred to in *subsection (a) is submitted to the Congress, the Attorney General shall implement the actions recommended in the report.*

Subtitle J—Edward Byrne Memorial Formula Grant Program

SEC. 3048. EDWARD BYRNE MEMORIAL FORMULA GRANT PROGRAM.

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients who would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

Subtitle K—Penalties for Trafficking in Counterfeit Goods and Services

SEC. 3051. PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$250,000 or imprisoned not more than five years'' and inserting ''$2,000,000 or imprisoned not more than 10 years''; and

(B) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(2) in the second sentence—

(A) by striking ''$1,000,000 or imprisoned not more than fifteen years' and inserting ''$5,000,000 or imprisoned not more than 20 years''; and

(B) by striking ''$5,000,000'' and inserting ''$15,000,000''.

Subtitle L—Military Medals and Decorations

SEC. 3056. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever'';

(2) by striking ''not more than $250'' and inserting ''under this title''; and

(3) by adding at the end the following:

''(b)(1) If the decoration or medal involved in an offense under subsection (a) of this section is a Congressional Medal of Honor, in lieu of the punishment provided in such subsection the offender shall be fined under this title or imprisoned not more than one year, or both.

''(2) As used in subsection (a) of this section with respect to a Congressional Medal of Honor, the term 'sells' includes trades, barters, or exchanges for anything of value.

''(3) As used in this subsection, the 'Congressional Medal of Honor' is a medal awarded under section 3741 of title 10.''.

Subtitle M—Age Discrimination in Employment

SEC. 3061. REENACTMENT OF SUBSECTION WITH AN AMENDMENT.

(a) Reenactment.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)) as in effect immediately before December 31, 1993, is hereby reenacted.

(b) Amendment.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as reenacted by subsection (a) of this section, is amended by striking ''attained the age'' and all that follows through ''1983, and'', and inserting the following:

''attained—

''(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983; or

''(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and''.

(c) Retroactivity.—Subsections (a) and (b) shall take effect immediately after the operation of section 3(b) of the Age Discrimination in Employment Amendments of 1986 (Public Law 99–592; 29 U.S.C. 523 note).

SEC. 3062. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) Study.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as ''the Chairman'') shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safe, and comply with Federal civil rights Acts and regulations.

(b) Advisory Guidelines.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) Consultation Requirement; Opportunity for Public Comment.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) Development of Standards for Wellness Programs.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000.

Subtitle N—Prison Security Enhancement

SEC. 3066. PRISON SECURITY.

(a) In General.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Strength-training of prisoners prohibited

''The Bureau of Prisons shall take care that—

''(1) prisoners under its jurisdiction do not engage in any activities designed to increase their physical strength or their fighting ability; and

''(2) that all equipment designed for this purpose be removed from Federal correctional facilities.''.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 303 of title 18, United States Code, is amended by adding at the end the following new item:

''4047. Strength-training of prisoners prohibited.''.

Subtitle O—Civil Rights of Institutionalized Persons Act

SEC. 3070. EXHAUSTION REQUIREMENT.

Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''in any action brought'' and inserting ''no action shall be brought'';

(ii) by striking ''the court shall'' and all that follows through ''require exhaustion of'' and insert ''until''; and

(iii) by inserting ''are exhausted'' after ''available''; and

(B) in paragraph (2), by inserting ''or are otherwise fair and effective'' before the period at the end.

SEC. 3071. FRIVOLOUS ACTIONS.

Section 8(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended by adding at the end the following:

''(3) The court shall on its own motion or on motion of a party dismiss any action brought pursuant to section 1979 of the Revised Statutes of the United States by an adult convicted of a crime and confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.

SEC. 3072. MODIFICATION OF REQUIRED MINIMUM STANDARDS.

Section 8(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

SEC. 3073. REVIEW AND CERTIFICATION PROCEDURE CHANGES.

Section 8(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

(1) in paragraph (1), by inserting ''or are otherwise fair and effective'' before the period at the end; and

(2) in paragraph (2), by inserting ''or is no longer fair and effective'' before the period at the end.

SEC. 3074. PROCEEDINGS IN FORMA PAUPERIS.

(a) Dismissal.—Section 1915(d) of title 28, United States Code, is amended—

(1) by inserting ''at any time'' after ''counsel and may''; and

(2) by striking ''and may'' and inserting ''and shall'';

(3) by inserting ''fails to state a claim upon which relief may be granted or'' after ''that the action''; and

(4) by inserting ''even if partial failing fees have been imposed by the court'' before the period.

(b) Prisoner's Statement of Assets.—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

''(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a) of this section, such prisoner shall include in that affidavit a statement of all assets such prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to that institution relating to the extent of the prisoner's assets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay.''.

Subtitle P—Prison Overcrowding

SEC. 3080. APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) Amendment of Title 18, United States Code.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"§3626. Appropriate remedies with respect to prison crowding

''(a) Requirement of Showing With Respect to the Plaintiff in Particular.—

''(1) Holding.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that

an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) of this subsection shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1) of this subsection, including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals.".

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by subsection a, shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding.".

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

Subtitle Q—Sense of Congress With Respect to Child Pornography

SEC. 3083. CHILD PORNOGRAPHY.

(a) FINDINGS.—Congress finds that—

(1) child pornography is the permanent record of the sexual abuse or exploitation of children;

(2) children who are victims of child pornography often suffer severe physical and emotional harm;

(3) child pornography is a serious national problem;

(4) the Congress of the United States has a compelling interest in the protection of children from sexual abuse and exploitation by pornography (see New York v. Ferber, 458 U.S. 747 (1982));

(5) the Congress of the United States, in pursuit of this compelling interest, has taken every opportunity to strengthen child pornography laws and has, in clear and unambiguous language, criminalized the production, interstate distribution, receipt and possession of child pornography;

(6) the United States Department of Justice in its brief to the United States Supreme Court in the case of Knox v. United States, 92-1183, has failed to support the conviction of a child pornographer won by the Department in the United States District Court for the Middle District of Pennsylvania and affirmed on appeal in the United States Court of Appeals for the Third Circuit;

(7) the Department of Justice has used its brief in the Knox case as a vehicle for reinterpretation of the Federal child pornography laws in contravention to legislative history and past prosecution practices of the Department of Justice;

(8) the Department of Justice by declaring in its brief in the Knox case that a pornographer who lasciviously exhibits the genitals of children is prosecutable within the Federal child pornography laws only if the depictions show a minor engaged in the conduct of lasciviously exhibiting his or her genitals or pubic area, creates a federally protected class of child pornography; for example, child pornography involving children who are not knowingly engaged in lasciviously exhibiting their genitals or pubic areas but whose genitals or pubic areas are nonetheless lasciviously depicted by others;

(9) the Department of Justice by declaring in its brief in the Knox case in contravention to legislative history, that a pornographer who lasciviously exhibits the genital or pubic area of children is prosecutable within the Federal child pornography laws only if the genitals are nude or visible creates a federally protected class of child pornography, e.g. depictions which focus on a minor child's clothed genital or pubic area with the obvious intent of eliciting a sexual response in pedophiles;

(10) the plan meaning and congressional intent of the language in section 2256 of title 18, United States Code, is that the term "lascivious exhibition" refers to whether the depiction is intended to elicit a sexual response from the viewer, and not to the actions of the child;

(11) the Department of Justice has employed this meaning of the term "lascivious exhibition" since it was included in the laws in 1984, and Congress has not changed the meaning of the term;

(12) Congress specifically repudiated a "nudity" requirement for child pornography statutes (see United States v. Knox, 977 F. 2d 815, at 820–823, (3rd Cir., 1992));

(13) the "harm Congress attempted to eradicate by enacting child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles." (see Knox at 822); and

(14) the Congress of the United States believes that the reinterpretation of the Federal child pornography laws by Department of Justice, unless reversed, will bring back commercial child pornography and lead to a substantial increase of sexual exploitation of children.

(b) SENSE OF CONGRESS.—It is the sense of the House of Representatives that the Department of Justice repudiate its reinterpretation of Federal child pornography laws, defend the conviction won in lower courts in the Knox case, and vigorously prosecute sexual exploitation of children.

Subtitle R—Labels on Products

SEC. 3086. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

(a) REQUIREMENTS FOR USE OF LABELS.—No product may bear a label which states or suggests that the product was made in America unless—

(1) the product has been registered with the Department of Commerce under subsection (b); and

(2) the Secretary of Commerce has determined that—

(A) 60 percent of the product was manufactured in the United States; and

(B) final assembly of the product took place in the United States.

(b) REGISTRY OF AMERICAN-MADE PRODUCTS.—Not later than 12 months after the Secretary has promulgated regulations regarding the registration of products with the Department of Commerce under this section, a person shall register with the Department of Commerce any product on which there is or will be affixed a label which states or suggests that the product was made in America.

(c) PENALTIES FOR FRAUDULENT USE OF LABELS.—

(1) CIVIL FINE.—Any person who, with an intent to defraud or mislead, places on a product a label which states or suggests that the product was "made in America" in violation of this section may be assessed a civil penalty by the Secretary of not more than $100,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The validity of such order may not be reviewed in an action to collect such civil penalty.

(2) INJUNCTIVE RELIEF.—The Secretary may bring an action to enjoin the violation of, or to compel compliance with, this section, whenever the Secretary believes that such a violation has occurred or is about to occur.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall promulgate regulations establishing procedures under which a person shall register a product under this section.

(e) DEFINITIONS.—For purposes of this section:

(1) LABEL.—The term "label" means any written, printed, or graphic matter on, or attached to, a product or any of its containers or wrappers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

Subtitle S—Awards of Pell Grants to Prisoners Prohibited

SEC. 3089. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.".

SEC. 3090. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

Subtitle T—Cocaine Penalty Study

SEC. 3092. COCAINE PENALTY STUDY.

Not later than December 31, 1994, the United States Sentencing Commission shall submit a report to the Congress on issues relating to sentences applicable to offenses involving the possession or distribution of all forms of cocaine. The report shall address the different penalty levels which apply to different forms of cocaine, and include any recommendations the Commission may have for retention or modification of these differences in penalties.

Subtitle U—Inmate Rehabilitation

SEC. 3095. EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted." and inserting "Credit that has not been earned may not later be granted."; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned a high school diploma or an equivalent degree.

"(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.

"(4) Exemptions to the General Educational Development requirement may be made as

deemed necessary by the Director of the Federal Bureau of Prisons.".

Mr. BIDEN. Mr. President, it is my understanding for the benefit of the Members that several of our colleagues on the Republican side and possibly one or two on the Democratic side have motions to instruct the Senate conferees relative to the Senate-passed crime bill which we are going to take to conference.

We could, if we decided to do this, spend days debating all the motions I am told that have been at least talked about being offered. In fact, if we want to, we can spend weeks before we got to it.

I think we have gotten to the point now where we have pretty well narrowed down exactly what instructions are going to be offered as amendments to the appointment of conferees by our colleagues. And I want to just state at the outset, and I will speak to this a little more later, it is not my intention to spend a lot of time debating it. I will not move to table them, but I will make brief explanations as to why I disagree with some and agree with others. I would implore my colleagues who have these motions to present them in as succinct a fashion as they can. They are instructive. They are instructive, not dispositive.

I cannot guarantee nor can anyone else what a House-Senate conference will be guaranteed to produce in order to bring back a conference report, but obviously, as the chairman of the committee and as the Senate leader in the conference, I will listen and pursue the instructions of the Senate as given to me based upon what may be added as instructions.

I see two of my colleagues on the floor. I do not know if they have any amendments. But I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware yields the floor.

The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I underscore what the Senator from Delaware has said. I do not think we want to redebate the whole crime bill again. I assume we will have an opportunity to do that even during the conference.

I think that there are hopefully not many but a few areas where people on either side of the aisle feel strongly and have some instruction to the conferees. I think the first will be the Senator from New Mexico.

We would like to proceed, as the Senator outlined, on a fairly orderly basis and complete the debate without hours and hours of debate, and if there are any votes requested I guess they have been set aside to some time later today—I understand at 6:30 p.m.—because of certain hearings.

Mr. BIDEN. Mr. President, I say to the Republican leader that is my understanding. The votes are to be stacked if there are votes.

I am prepared to accept some of these as well. My mutual experience is most colleagues will want to demonstrate to the folks that the majority of the Senate wants to agree with their position, and that is their right, and I expect it will happen.

Mr. DOLE. Just so we do not have too many.

Mr. BIDEN. I am with you.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

MOTION TO INSTRUCT CONFEREES

Mr. DOMENICI. Mr. President, I am going to send a motion to instruct to the desk, which we will debate for just a few moments. I will read it because it is very short.

I move that the conferees on behalf of the Senate on H.R. 3355 be instructed to insist on the Senate position with regard to section 213 of the Senate amendment authorizing the death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.

I believe it is self-explanatory. There is much being said about the growing use of handguns in this country. Obviously, while some violent crime is coming down, violent crime that is being committed with the use of guns is going up and going up dramatically. And, obviously, teenagers, youngsters, using guns to commit murder and violent crime is going up even more dramatically.

I believe that we are going to change the law of the land nationally for national offenses to reimpose the death penalty for a number of those. I believe this one stands out as one that we clearly should include among those kinds of crimes that can produce the death penalty for the individual man or woman that commits such a crime.

Sixty percent of the murders committed in my State were committed by criminals using guns; 89 murders, 59 of them committed with a gun; 23 percent of aggravated assaults in my State were committed with a gun in 1992. Those who commit murder in the course of violations of Federal criminal law must face the penalty of death, and that is what this instruction is all about.

I understand the distinguished chairman, who is going to undertake this rather enormous job of bringing some common ground to the House bill and the Senate bill, is prepared to indicate that this provision which was put into the crime bill by the Senator from New York, also ought to be retained in conference and is willing to accept my motion to instruct.

Mr. BIDEN. If the Senator will yield, I am delighted to accept the motion to instruct for several reasons. I will not be able to say this on some of the other motions that are likely to come forward.

No. 1, this is one I can almost assure the Senator I can deliver on in that chaotic conference that is about to take place, because the House has in their bill, section 707, literally the same as the section in the Senate bill sponsored by the Senator from New Mexico. The only difference is, we say "a person who" and they say "whoever." So it is the same exact language. We will not have any disagreement on that score.

More important, I think the Senator is substantively correct here. He has refrained from doing something that a lot of my Republican and Democratic colleagues have not refrained from, and that is crossing over the line between Federal and State jurisdictions here. What this does is, it says if you are guilty of committing a crime that results in the death of an individual through the use of a gun, you are eligible for the death penalty, assuming it is a Federal crime.

So on all scores, substantively, procedurally, and practically, I can assure the Senator I will strongly—I now support his motion and in the conference I will insist upon it remaining in.

I do not know whether he has a real preference for "a person who," or "whoever," but giving me that leeway to deal with it I can almost assure him we will bring back a conference report with the substance of that provision in.

Mr. DOMENICI. We can perhaps even come up with another word that is neither of those and do the job. You can do that.

Mr. BIDEN. Mr. President, I do not think that is going to be the big problem. As a matter of fact, I hope there will be no problem here, and I compliment the Senator on his amendment. I do not know whether or not he will let me accept it, and accept it by voice vote, or whether he wants to have a vote and stack it until later. That is his preference. But I assure him not only am I for it, but I am likely to be able to deliver because it is in both bills.

Mr. DOMENICI. Let me just correct a bit of the RECORD. Senator D'AMATO and I introduced a number of amendments on guns. This one in its exact language is not one I did. I should correct that. I supported Senator HATCH in this amendment, as he supported us in ours.

Mr. BIDEN. Mr. President, I am not sure it is particularly relevant, but in the original bill I introduced, the so-called Biden bill, the exact language was in the bill. I know, though, the Senator from New Mexico has been the champion of this position and I do not claim credit for the idea. Many of the ideas in the original bill that I introduced are those of the Senator from New Mexico and others. My point is, the original bill I introduced contained this. I am for it. The administration has signed off on it. Everyone seems to be for it.

I understand the concern of the Senator. It would not be unlikely—getting into conference, things everybody seems to be for do not come back in a conference report. But this one will come back in the conference report. It is totally up to the Senator from New Mexico. He has managed many—and many controversial bills on this floor, as I have. He understands the process as well or better than anyone in the place.

If he insists on a vote later, that is fine with me. But I would just as soon us accept it and assure him it will come back.

Mr. DOMENICI. Let us accept it.

The PRESIDING OFFICER. Is there further debate on the motion? The question occurs on the motion of the Senator from New Mexico [Mr. DOMENICI], to instruct conferees.

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first I thank the distinguished chairman for his kind remarks. I want to take just a couple of minutes.

Early in the debate, as the distinguished chairman was talking a measure the President wants for more local law enforcement, called community policing, I walked onto the floor to talk about where are we going to get the money. I would like to say this morning it comes as no shock to this Senator that the front page story on the Washington Post is, Caps [CAPS] Begin To Pinch, wondering whether, even for the new domestic program for increased help for Head Start, there is going to be enough money for it.

I would like to talk a little bit about whether there is going to be enough money for all the provisions in the House bill which has kind of one-upped the Senate in terms of how much money they want to spend. In terms of prevention programs, clearly we had a number of them and some were very good. The House bill has raised the expectation that we can do two or three prevention programs, Mr. Chairman, some of which cost as much as $1.5 billion a year.

Mr. BIDEN. If the Senator will yield on that point, I concur with his concern. I do not mean to interrupt him. But they also upped the ante about $8 billion on prisons as well.

Mr. DOMENICI. You got it.

Mr. BIDEN. That is a gigantic chunk—excuse me, let me be precise, $7 billion; up the ante on that.

So he is correct, we are going to have our work cut out for us as to how we accommodate these major issues which, at the end of the day, I might say, when we finish all these instructions, I am going to have a single instruction relative to what I consider to be the main big chunks of this crime bill.

I apologize for interrupting but I just want to make the point I concur with the concern of the Senator.

Mr. DOMENICI. Let me complete the thought, because I happen to have either fortunately or unfortunately, the assignment this year, being the ranking Republican of the Commerce, State, Justice Appropriations Subcommittee along with Chairman Fritz HOLLINGS. That is the subcommittee that is going to pay for most of what the U.S. Government does in crime and most of the new programs, if we can afford any, that are contemplated by the very, very extensive debate at the national level, and maybe I should say extensive amount of rhetoric about the Federal Government's role in all the local crime that is occurring out there.

I want to put some numbers on the table and talk about the difficulty of funding programs. First of all, the House bill does not, nor do the allocations in the appropriations process, necessarily adopt the position that Senator BYRD took on the floor, with the help of Senator GRAMM of Texas, where a trust fund was set up. It was a unique process in the appropriations and budgeting process, where $22 billion was set aside in a trust fund. And it was the savings that were going to come from the full-time equivalent reduction in the President's reinventing Government program, that money was going to then be used only for—and I think the language is, I paraphrase—"for programs in the crime bill."

So we will all get our bearings straight, if that were to occur—and I understand it is not in the House bill—there will be an instruction down here by one of the Senators to ask that it be included. But let me give a couple of numbers.

In the year 1995, the year everybody thinks we are going to start down the path of paying for a whole lot of these new programs, that entire trust fund is $700 million in outlays for the whole year of 1995. You see we are talking about terms of $1.5 billion here, and $1 billion there and $700 million there and maybe a billion to pay for prisons. I am not even arguing with the chairman—maybe that is what is in there. I do not know how much there is on prevention now, it might be more than $8 billion. Anyway, we have $2.4 billion in program authority and $700 million in outlays for everything, for the entire year of 1995.

I really believe expectations are so high about what we are going to be able to afford, I thought it was time just once again to come to the floor, as I did that day, and say: Where is the money going to come from? Everybody understands the President's favorite program is to add more local policemen, local cops, community policemen. Frankly, that is a very big program. If it were funded to the tune of 100,000 policemen, my recollection is that alone would cost about $1.7 billion, just to put it in perspective.

Frankly, I do not think we are going to be able to do that. We are not going to be able to pay for it. But I want to add a couple of other caveats.

The American people are coming to a very, very rational conclusion and it is, just how much does the Federal Government have to do with crime in our neighborhoods? Just how much of this crime bill is going to stop the murders in the Northeast Heights of Albuquerque or in one of your main cities where perhaps you have gangs, I say to the chairman, like we do. They are beginning to say, "Well, we understand that most of that kind of crime is not even within the purview of what the Federal Government is doing in crime." They are more worried about how we are going to help the local district attorney and the local district courts and the penal system locally, which is overcrowded, and perhaps the local effort in the schools on gangs and the like.

So while we are concerned about new expenditures of money, let me say, there are three things the Federal Government does that we ought to support fully; and that is, for one, the Federal Bureau of Investigation. We ought to fund them fully. The President's budget cuts the FBI and, for the second year in a row, has no new FBI agents. Obviously, the committee and the Congress are probably going to fund the FBI, and that means some of this new money is going to go there.

Second, and I think the distinguished chairman is aware of this, one of the best programs around is the Byrne Grant Program—named after a law enforcement officer in New York, as I recall. The good thing about that program is that it helps local law enforcement. All of it goes into grants to the cities and States to help with local law enforcement.

I cannot understand how the President of the United States cut that more than in half in his budget. Clearly, it would be very, very hypocritical on our part to talk about new programs and not fund the Byrne Grant Program. The President has now, I think, asked that we put back $125 million of those cuts. It does not bring it all the way to where it ought to be. But the point I am making is, before we spend money on some new programs, the people have properly expected that we ought to do more to help local governments, local law enforcement, in their dilemma of the day, which is enormous.

I believe that means you have to keep the Byrne Grant Program, which helps them immensely—not cut it, and that has nothing to do with this bill; that has to do with the bill that came out of the Judiciary Committee years ago, which I assume the distinguished chairman had something to do with, and it is a very, very good bill.

The other program or activity, the Drug Enforcement Administration, has become very modern. It has been built into a very good partner to the FBI. Instead of drugs going down, drug usage is going up. Instead of heroin leaving the scene, it is back on the scene; everybody knows it, and it is becoming the drug of choice for many. The President cuts the DEA in his basic budget. We are not going to be able to do that. We are going to have to spend some of this money that we have nationally for crime to just continue to do the things that we have been doing that are working well that need more, not less, resources.

Why did I bring that up? The President's budget for the Commerce, Justice, and State Subcommittee has $400 million in fees that we are supposed to spend for crime programs and the like. But the truth of the matter is, nobody is going to impose those fees. So there is $400 million that we do not have to spend as we attempt to put some reality into how much money we will have.

So I chose these few moments to say that we ought to put the trust fund in. But even if we do, clearly, that is not going to permit us to fund the programs that we have been talking about with such assurance in terms of how we are going to put these in and help the American people and help crime prevention at the local level.

I know the chairman is fully aware of this. This is in no way intended to discount or diminish the very good provisions, some of which are contentious—some Republicans want more than the Democrats and vice versa—but many of these things in the crime bill ought to become law.

Just to recap, to close up on what the President asked for in new money that could come from the trust fund, it is $2.4 billion in new budget authority. The President asked for $700 million in new outlays, $2.4 billion in budget authority, and those now are rather consistent with what the trust fund will produce if we get it. I think it is pretty obvious that is not going to pay for all the programs everybody has been talking about.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes Senator BIDEN.

Mr. BIDEN. Mr. President, I want to thank the ranking member of the Budget Committee for his comments about the cost of these programs. That is one of the things I am going to have to be coming back to the floor with during the debate on some of the instructions, to remind my colleagues.

There are certain things that are obvious, it seems to me. One is that there will be a trust fund in this legislation. Not only have I received assurance personally from the Speaker of the House and the chairman of the Judiciary Committee that they will support the establishment of such a fund, but I ask unanimous consent that the House CONGRESSIONAL RECORD of March 23, 1994, page 6100, be printed in the RECORD.

The bottom line is, both Congressman BROOKS and the Speaker of the House say they will intend to support the adoption of a trust fund in conference and fully expect that such a fund will be included in the conference report accompanying the crime bill when it comes back to both Houses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. BROOKS. Mr. Speaker, I believe that a carefully crafted trust fund represents the most viable means of financing the thoughtful and innovative crime control and prevention initiative included in H.R. 4092. I therefore intend to support the adoption of a trust fund in conference and fully expect that such a fund will be included in the conference report on the crime bill when we go to conference.

Mr. BIDEN. Mr. President, again, without debating all of the detail or discussing all of the detail, because there is not much of a debate between the Senator from New Mexico and myself, the President is on target in terms of $2.43 billion in budget authority and $700 million in outlays for fiscal year 1995. But that should make it clear to everyone what I have been saying since last October; and that is that we are going to end up having to push out some of these programs.

First of all, some will not spend out very quickly. In the States of North Dakota, South Dakota, Iowa, Delaware, New Hampshire—wherever—when the police money comes for community policing, it is going to take time. We will authorize that each State will get x amount of dollars and compete for the rest, but it is going to take time for these folks to get trained, on the payroll, and for spendout to occur.

We are going to have to be in the situation where we are going to have to be thoughtful and precise about how we reconcile the total dollars we spend, the access of real dollars for the trust fund, and the spendout rate at which all of this occurs.

I predict we will come back with a conference report that contemplates a 6th year, although we cannot guarantee that we will have that language, it will be part of the thrust—we can only go for 5 years—there will be the use of somewhere—I am guessing—between $3 and $7 billion of the savings that will occur from the reduction in the number of bureaucrats that work for the Federal Government 6 years out. That savings will amount to $10 billion, roughly. Part of that will have to be taken to fund the crime bill we bring back to the Senate.

So the Senator is right to once again, as I have been doing all along here, sound the alarm that whatever we bring back here has to be real dollars.

I have been involved with this process, being the primary author of I think every major crime bill that has come out of this institution, on the Senate side at least, for the last decade, and one of the things my colleagues are probably tired of hearing me say, my greatest criticism of this place, the Congress, and Washington generally, is it overpromises, it overpromises. And then when the promises cannot be kept, and we know darned well they cannot be kept, what happens is the public is further disillusioned about their Government.

I wish to make a couple of broad points, especially while we are waiting for others to come in and introduce amendments. No. 1, this is the most significant crime bill, House or Senate version, or whatever we come back with from conference, ever to have been introduced, the most innovative, the most well rounded, and the most balanced, the toughest at all once. I do not think anyone denies that. But it will not stop crime in our time.

All these folks who stand up and talk about this war on crime; we are going to end crime; we are going to end this, we are going to end violence; this will not do it. The Lord Almighty could come down and sit in this seat, draft us a crime bill that He brought from Heaven, or She brought from Heaven—sit there, write it, and could not stop crime in our time except through divine intervention.

A crime bill will not do that. I have said from the outset, and I wish to reiterate to everyone, once we pass this bill, which will be a major achievement, when we all go back home and talk about this bill, it is one of at least four constituent parts of what is necessary to be done to deal with violence in America.

Mr. DOMENICI. Will the Chairman yield?

Mr. BIDEN. Surely.

Mr. DOMENICI. I just wanted to say, would the Senator not agree the Lord does not have to come down here; if we just kind of all decided to do what the Lord told us to do, we would not have any crime?

Mr. BIDEN. I think that is correct, Mr. President. The problem is the Lord speaks in many tongues, based on the verbal utterances I hear from my colleagues. Some I feel are less enlightened by the Lord than others based on what they say. And so I have great difficulty.

I have no doubt the Lord speaks to me and the Senator from New Mexico. I am not sure who the devil is speaking to some of these other folks in the Chamber.

Mr. DOMENICI. Did the Senator say the Devil?

Mr. BIDEN. I said I am not sure who in the devil is speaking. Let me be precise. I am not suggesting anyone in the Senate is spoken to by the Devil. I am just suggesting I do not know who is speaking to them. But based on their utterances, I doubt it is the Lord. I doubt the Lord comes down and says, "Keep those assault weapons; we need them." I do not think He or She says things like that. But who knows.

The point I wish to make here is important and serious. This crime bill, although I take great pride in actually authoring the bulk of this crime bill—the bill that was offered here I wrote in my own little hands with nobody's help—a lot of other people's ideas were put in this bill. It is the basic core of everything that passed both Houses. I am very proud of that. I have worked in this area for 14 years. I think I know a lot about it. I would be presumptuous to say I know as much about crime and violence, the judicial system, and the Constitution as anybody in this body, but I wish to hasten to add I also know that this crime bill will not stop crime. I also know this crime bill will not end violence in our time.

We have a fundamental structural problem in this Nation that has to do with everything from what my friend from Iowa spoke to earlier this morning, from illegitimacy rates to the lack of a sense of personal responsibility adopted by wealthy as well as poor, black as well as white, Latino as well as Asian-Americans.

We have a serious problem. One of the things that is not even addressed in this bill, as the Senator from New Mexico knows because he is the fellow across whose desk on the Budget Committee all of these macrobudget issues arrive—we are spending over $12 billion a year on the drug enforcement problem in America. Now, we are only talking about, in terms of budget authority, $2.4 billion for this gigantic crime bill in 1995.

Yet, at the same time, we are going to be spending, if we continue what we have been doing, over $12 billion on drugs. The President has a major new initiative as to how and which to deal with the drug problem in America. If we pass the crime bill, and we do not deal with the drug problem, we will make progress but not nearly the progress we will make if we have a more enlightened policy on our national drug program.

Third, if we do not deal—I say to my friend from New Mexico, I am getting worried; I am complimenting him so much I may hurt his reputation back home. But my friend from New Mexico has been one of the leaders in dealing with issues that relate to everything from welfare reform straight through to deprived children and at-risk children in terms of everything from early education, to nutrition, to just literally learning how to interact in a familiar relationship. If we do not deal with those issues as well, we can do everything right on the crime bill, everything right on a drug policy, and still not deal with the concerns of the people in this Chamber and all whom they love, and that is their physical safety when they walk out of their house, in their house.

For example, the domestic violence provision in this bill, of which I am proudest—I have never worked harder on anything in my life, and I must acknowledge I have never been more emotionally attached to something in which I have engaged. I take great pride in coming up with an approach that is unique to dealing with violence against women in America. It is brand new.

But I want to tell you something. Most of the women in America who are victimized are not victimized by people out on the street, are not victimized or beat up by some stranger who leaps out of an alley from behind a trash can and takes their purse or rapes them or beats them. They are beaten up by people who love them, supposedly, with whom they live. More than half the women who appear in emergency rooms this afternoon, tonight, and tomorrow morning will be there at the hand of a man with whom they live or have lived.

Now, you can pass all the crime bills in the world, but we must start to educate our children to tell them that no man has a right to touch a woman, or anyone for that matter, without their consent. We can pass all the crime bills in the world. Because one of the things we have found, you have to effect attitudes to affect outcomes.

So I wish to emphasize there will be plenty of time to deal with this. I plead with my colleagues, Democrat and Republican—and we have had overwhelming consensus here. You will not think that after we finish debate for the next 4 hours because the stuff we are going to debate is all things on the margins. This bill is over 900 pages long. We are going to debate today about 30 pages of that—the least important, I might add. But there is overwhelming consensus. Conservatives voted for the initiatives of Senators DOMENICI and DANFORTH and BIDEN and DODD and—I am leaving people out—BRADLEY and LEAHY on prevention money. The conservatives voted for that. I do not remember that occurring in the 22 years I have been here.

Conversely, the liberals voted for the provisions in my bill adding for 100,000 cops, the provisions emboldened by my Republican friends for more money for prisons, provisions in the bill calling for stiffer penalties. The liberals voted for them. That has not happened here before, I say to you, Mr. President.

So there is a real sea change that has taken place and a real fundamental understanding, to use an old expression, we can and must walk and chew gum at the same time. We must enhance penalties, increase enforcement, and simultaneously deal with prevention and intervention before a crime occurs.

But this bill, the Biden crime bill as introduced, and then later as amended, is not the horse to carry the whole sleigh, as my mother would say. You need at least three more horses. You need a national drug policy. You need a change in attitude where we intervene to save children. You heard the statistics. Over 30 percent of the children born in America last year were born out of wedlock. Never in all probability will they have a man darken their doorway to help raise them. That is a big problem.

So we have to change that. We cannot legislate that. We can help it.

But again, I see my friend from North Dakota is here and has an important instruction he wishes to convince the chairman to go along with. If he does not convince the chairman of the committee, that is me, then he is going to get the votes to go along with it. So I am probably going to be convinced.

So I will refrain from further discussion on this issue. I will come back at a later time to speak to two other issues raised by my friend from New Mexico; and, that is, how can the President justify certain cuts at the same time calling for increased spending? I think there is a consistency to that.

But I will also tell him on the BYRD grants that I can assure the Senator that as a member of the Appropriations Committee he is going to get a bill coming out of the Judiciary Committee with the BYRD grants saved. But that is a different issue.

I am delighted to yield the floor for my friend.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. Will the Senator let me correct the record?

Mr. CONRAD. I am pleased to do that.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, when I was discussing the trust fund and the President's new initiatives, I did not quite put it in the right perspective. So let me just go through two things.

The trust fund that was set up on the floor of the Senate would take the savings from the reduction of, as the Senator put it, the bureaucracy. That trust fund had two numbers in it. One was $2.4 billion in new program authority and $2.3 billion in outlays.

The President used the 2.4 number in program authority and said, "Now, programs that I want to put in, how much will they cost?" It turned out that they will only cost $700 million in outlays. In other words, the program would be spread out more.

So obviously, we have a trust fund that is going to have $2.4 billion in budget authority and $2.3 billion in outlays. That seems to be somewhat of a mismatch in terms of program actual cost versus outlays.

The last observation: Everyone should know that in the House the moneys have already been allocated to the various committees in the 602(b) allocation. That is where the whole pot is divided up. I do not note that any of this trust fund money has been allocated. I do not know what that means. Does it mean it will not be, if we pass this law, or does it mean we will go back and redo it if we pass the law?

I am reminding everyone that if in fact we go back and reallocate and say, well, we have to put this aside and have it for just crime, then the rest of the Government has to be cut because they have to take it out of their allocations because the sum total of it all cannot exceed the amount for the year.

So that is another problem that will cause some concern and to some extent limit what we have to spend.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

MOTION TO INSTRUCT CONFEREES

Mr. CONRAD. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. Senator from North Dakota [Mr. CONRAD], for himself, Mr. MACK, Mr. GRAMM, and Mr. DOMENICI, moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the crime bill, H.R. 3355, be instructed to insist that the committee of conference report a conference substitute that—

(1) includes a provision in the program providing Federal funds for State prisons that sets conditions on a State's eligibility to participate in the program in definite terms, comparable to those contained in section 1341(d) of H.R. 3355, as passed by the Senate, and in particular includes a condition that a State provide for truth in sentencing by requiring that violent felons serve at least 85 percent of the prison time imposed; and

(2) does not include indefinite conditions such as those contained in titles VI and VIII of H.R. 3355, as passed by the House of Representatives.

Mr. CONRAD. Mr. President, the motion that I have sent to the desk in behalf of Senator MACK and myself is a motion to instruct the conference committee on the crime bill. The motion very simply directs the conferees to report a bill that includes the Senate provision saying that States must require violent felons to serve at least 85 percent of their sentence if States want to qualify for the Federal assistance for prisons.

Mr. President, many of us believe this is just fundamental to starting a successful war on crime in this country. We know that violence is escalating in this country. It has reached epidemic proportions. It is holding people hostage in their own homes, and it is time to do something serious about it.

Mr. President, within blocks of where we are meeting today, we can see the results of the crime wave. Within blocks of where we are meeting today, we have seen violent crime after violent crime after violent crime just in this year. Just days ago we had a man five blocks from this Capitol at 11 o'clock at night at a convenience store attacked brutally. I do not know if he survived that attack or if he died. But it is one more example of lawlessness and violence that can no longer be tolerated.

Mr. President, in this year, we have had a 12-year-old girl raped at 7 o'clock in the morning within 6 blocks of this Capitol building. We have had within four blocks of this building a man found strangled in the basement. Within 1 year, of today, we have had a Senate aide murdered; we have had another young woman, who came to this town and had just been here several weeks, found brutally assaulted and killed, stuffed under a car. And two of my employees were witnesses to that attack.

Mr. President, enough is enough. It is time for the Congress of the United States to send a clear and compelling message. We will not tolerate any more violent acts in this society. And if people are going to engage in violent behavior, they are going to pay the price.

Mr. President, the motion to instruct that Senator MACK and myself offer here today is to say simply, "If you do the crime, you serve the time." And you serve at least 85 percent of the sentence; none of this getting out after serving one-third of the sentence which is what is happening across this country today.

Mr. President, according to the Bureau of Justice Statistics' analysis of release practices in 36 States and the District of Columbia, although violent offenders receive an average sentence of 7 years and 11 months, they serve an average of 2 years and 11 months in prison; 37 percent of their imposed sentence.

Mr. President, I just direct my colleagues' attention to this chart that shows prison sentence versus prison time served. This is what Senator MACK and I are attempting to respond to, because we believe all across this country people are fed up with a situation in which people are sentenced after committing a violent crime and then are allowed to walk after serving one-third of it. They are allowed to walk and go out and create more crime, more havoc, threaten more people.

The honest and decent people of this country have had it. They are fed up, and they want it stopped. They want to close the revolving door that allows the criminal to serve a third of his sentence, go out and commit more crime. They want it stopped. For murder in this country, the median sentence is 15 years. How long do they serve? 5½. That is not a misprint. It is hard to believe. Commit murder in this country, and you are going to serve 5½ years. Take somebody else's life, and you are going to serve 5½ years, on average. It is outrageous.

For rape, the average sentence is 8 years. But you are going to serve in this country, on average, 3 years. For robbery, 6 years is the average sentence; you are going to serve 2¼ years. For assault, 4 years is the average sentence; you are going to serve 1¼ years.

Mr. President, this is not a matter of just statistics. My own wife was attacked by a man who fits exactly into this category. Eight blocks from this Capitol, my wife, coming home at 10 o'clock at night, was assaulted by a man who had served one-third of his sentence for rape. Thank God, she had the presence of mind to tell that man that she had locked her keys in the car, because he had a .45 automatic at her head threatening to blow her head off. As he dragged her several blocks to a busy intersection, she had the presence of mind to resist and scream, and he shoved her into the street, and a Good Samaritan came by, and they gave chase to this fellow.

Mr. President, that man should never have been on a street in a position to attack anyone. He had a record as long as your arm of violent attack after violent attack. Brutal attacks on women was his MO, brutal, vicious attacks. He had served one-third of his sentence, and then they let him out to a halfway house in the District of Columbia. They say that is not their policy in the District of Columbia, but the fact is that is what they do. And he walked away from that halfway house, and nobody even bothered to get an arrest warrant.

I wish I could say it is the exception here, but we know because of an excellent report on 60 Minutes that it is not the exception. It happens over and over and over in this Nation's Capital that people are allowed to get out, and they are violent offenders, serving a third of their sentences. They put them in halfway houses. They walk away, and they do not even bother to get an arrest warrant for them. And we wonder why there is an epidemic of violent crime in this country.

Mr. President, enough is enough. This cannot be allowed to continue. When the Senate considered this matter, by a vote of 94-4 on the Byrd amendment, which included the concepts that were introduced by me in a truth-in-sentencing bill days before, this Senate said: We are going to insist that if States want to have the additional Federal assistance for Federal prisons, they are going to have to pass laws to require truth in sentencing. It is currently a fraud to say to people in this country: "Well, we sentence people to 15 years." Nobody tells them that we only expect them to serve one-third of the sentence. Nobody is telling them that.

Mr. President, I have another chart that I want to bring to my colleagues' attention, because I think it tells another story that is very important. What happens to these folks once they get out, after they have served one-third of their sentence? I am talking now about violent offenders. That is what we are talking about here. Well, 88 percent of them go out and commit new crimes—88 percent; 33 percent of them go out and commit violent crimes.

We have a revolving door, Mr. President. We apprehend somebody, we go to court, we prove they are guilty of a violent crime, we incarcerate them, and then we have them serve one-third of their sentence, on average. We let them out, and they go out and commit more crime. Eighty-eight percent of them commit new crimes; 33 percent of them are violent crimes. It is time to call a halt, Mr. President, and time to say: No more. We are not going to have a system in which you serve one-third of your sentence, and then you go out and terrorize a community, holding everybody else hostage in their own homes.

Mr. President, that is why we are offering this motion to instruct.

Briefly, the House does not include the same version. They have a much weaker version of truth-in-sentencing. It is so much weaker that it does not really deserve to be called truth in sentencing. So this is our opportunity to send a signal to the House that we want our version. This is a way of strengthening the hand of our negotiators, Chairman BIDEN and the other conferees, to give them an additional leverage in the discussions with the House.

Mr. President, let me just say how pleased I am that Senator MACK of Florida has joined me in this amendment. He has been a leader on this issue for a long time here in the Senate. He worked very hard on his side of the aisle to persuade his colleagues that truth in sentencing ought to be included in the final legislation. So I am very pleased and very proud to have him join me in this effort. He feels deeply about it, as I do. I think we have an opportunity today to send a message that the Members of Congress have listened to the folks back home. We have not only listened, we have responded. And that is the chance that we have today.

I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Mr. President, first, let me express my appreciation to my friend and colleague from the State of North Dakota. It is a privilege to work with him. I think the issue we have discussed today, and which has been debated on this floor before, is both significant and, I think, very meaningful to people all over the United States. It is one that has been brought to my attention by what I hear from the people back home.

First of all, I want to build on some of the comments made by Senator CONRAD, in a sense of kind of "where are we?"

The Senate established a concept of a regional prison system to be built by the Federal Government that would be available to States to transfer their violent criminals from the State penitentiaries to this regional Federal prison system, provided that the States had tough sentencing requirements in place. One of those tough requirements was that individuals convicted and sentenced to prison as a result of a violent crime should serve at least 85 percent of their time.

Some try to imply that maybe we are going too far or putting too much emphasis on punishment in our approach to solving the crime problem. I wish those people would look at this question maybe just one more time. What we are talking about here really is saying that in situations where individuals have been convicted of violent crimes, they should serve every single day of that sentence. No more. We are not demanding that the sentence be any longer, or that the sentence be changed from 15 years to 20 years, or that the sentence ought to be life in prison, or that death ought to be imposed. We are simply asking that they serve every single day of their sentence. That is a very reasonable approach.

Mr. President, I have several statistics that I want to highlight here regarding early release. But, after talking about them for a few minutes, I am going to move away from the numbers and talk about the human tragedy.

There was a study done that I think was probably sent to most offices. It came attached to a letter written by the American Legislative Exchange Council. The study was done by Dr. Michael K. Block, professor of economics and law at the University of Arizona. It found that every 90 seconds in America, a violent criminal is released from prison early, every 90 seconds. Fourteen times a day, throughout America, there is a murder committed by someone out on early release. Forty-eight times every single day, there is a rape committed by someone out on early release. Every single day in America, 578 robberies take place as a result of someone being out on early release.

The same study also concluded that if we were to pass a crime bill that provided the $13.5 billion to build new prisons proposed by the House, and thereby took violent criminals off the streets, we would reduce the loss in property by $100 billion over a 10-year period.

Frankly, I do not think these figures are the important thing to focus on. The important thing to focus on is what is happening to America. What is happening to our friends and neighbors? What is happening to our brothers and our sisters? What is happening to our mothers and our dads? What is happening to our neighbors? What is happening to our communities?

If you go to Florida, one of the things you will notice is that most new communities today are what they call "gated communities." Do you know why they are gated communities? It is their attempt to find security. Very few people have a sense of being safe on the streets, or in their neighborhoods, or in their communities. So we are seeing new communities being developed. and I am not talking about megacities; I am talking about a development, and are being built around the concept of gates and walls and security guards. When you go inside one of those communities, what do you find in each one of those homes? A security system. And think of what it has done to the mentality of this Nation when someone is shot while walking on someone's lawn simply because of the fear that the individual walking on that lawn was a criminal.

So, the price we are paying is much, much greater than the loss of property. We are paying a price in how we have changed as a society, how we respond from individual to individual, the effects it has had on communities and neighbors. It is time we stopped that. This revolving door has got to be stopped.

In the State of Florida, there is a young woman by the name of Kathleen Finnigan, who has said, yes, it has to stop. She started an organization called STOP, Stop Turning Out Prisoners, which is a true grassroots effort by victims around the State of Florida, to say, in essence, enough is enough.

We have worked together to put on the ballot in the State of Florida in November an amendment to the Constitution that takes this issue out of the hands of the politicians, because, in essence, they do not think politicians can be trusted anymore. They hear all of us voice concern over those who commit crimes. They are then rightfully asking the question: What about us? Does not anybody care about us anymore? What about my mother? What about my father? What about my brother? What about my sister? What about my wife? Does not anybody care about them anymore?

Our message today is clear: We care and we care deeply. I cannot speak for anyone else who might vote for this motion, but I can say for myself that I will not vote for a crime bill that does not have this provision in it. Because to me, once again, if we do that we are fooling the people.

As Senator CONRAD said a few minutes ago, we talk about the fact that we sentenced someone to 15 years in prison for murder, but and they are out, on the average, in 5½ years—5½ years. When I was a young boy growing up, I really thought if you committed murder in this country you were at least put away for life or lost your life. Not any more. In America today, if you commit a murder, on average you are back out on the streets in 5½ years. It is no wonder that our society has no feeling of safety or security any more. So, again, I, for one, cannot support a crime bill that does not include these tough sentencing requirements.

I want to shift now, and talk for a moment about some of the statements that have been made to me because I find this to be frankly a very personal issue. I am fortunate that I do not have a story to tell like Senator CONRAD. I can just imagine the emotion, the feeling that must be inside him as we discuss this issue, the constant rethinking of the crime perpetrated against his wife, as a result of going through this kind of discussion.

But you know what, the same agony is happening to 14 American families every single day because someone is out on early release. Each day 14 new Kent CONRADs are created in America because of a system that fails to keep those who break our laws in prison, not for a longer period of time, not under a death penalty, just until they serve their time. It is almost to the point that I just absolutely reject out of hand any argument that someone tries to throw up against what we are trying to accomplish. To me, there is no excuse. There is no alternative to what we propose.

Again, as I said, I want to share with you a letter that I received from an individual in Florida and the comments that she made to me in my phone call to her after I received the letter. And the letter is addressed to: "Dear President and Mrs. Clinton; Dear Senator CONNIE MACK; and Dear Governor Lawton Chiles." Its reference is "Enough Is Enough—Early Prisoner Release."

> Please take a moment of your time to listen to two concerned voting citizens.

Those two citizens are Roxann and John Grimstead. And Roxann writes:

> On January 22, 1994 my only child, 17 year old Kristina, was beaten, strangled, and her head was crushed—beaten beyond recognition. I was never able to identify her, the police came to our house and took fingerprints from her room. We found out through a general description in the newspaper.
>
> This is just the half of it! We are real people and we are in extreme pain! The man who did this was an early release from a previous conviction. He cut the woman's throat, and her hands. She lived. He was sentenced to 18 years. He served 6 years! Within 2 years he murdered my daughter! Less than 35% of his sentence was served! You politicians are saying that prisoners serve 42% of their sentence. Had he served 42% of his sentence, my daughter would be enjoying her 18th birthday on this March 24. He was previously arrested for various other things: from the age of 16 he had been charged as an adult.
>
> Please explain to me why he was released???? And why I can not celebrate my child's birthday this month!!??
>
> At the least, let Kristina's death open the doors of justice, and close the revolving doors of early release. . . .

I called her to talk to her about this situation. One of the comments that she made to me, and I wrote this down, about her effort to try to change things with respect to what is happening in America, was: "This is not a self-serving effort on my part. I have no more children to defend."

There is an argument that has been used over and over again that says "we cannot afford this," or says "where are you going to find the money to pay for this, as if the only cost in what we are considering is the cost of the construction of those new prison beds.

I want to read from an editorial that was in *the Florida Times-Union*, Jacksonville, FL, Tuesday, May 17, "Criminal Justice—Victims of Society."

> A criminal court judge in Jacksonville sent a burglar off to his 16th term in prison the other day. The judge's displeasure was evident, and justified.
>
> The man had been arrested 27 times and charged with 43 separate crimes. Of course, anyone is only guilty when convicted. This defendant had been convicted of committing a felony 17 different times, and had served 15 terms in prison.
>
> In 1990, he was sentenced in Florida to three years each on five counts of dealing in stolen property and one year and one day for burglary. After six months in prison, he was released.
>
> Seven months later, he went to Virginia and committed nine more felonies. Why not? There had been little to deter him to that point. He was caught and sentenced to 50 years in prison, to be suspended after five years in prison.
>
> But in January 1993, Virginia asked Florida's Department of Corrections to accept him and supervise his probation.
>
> The judge's comment: "The Florida Department of Corrections graciously accepted the defendant upon the obvious rationale that Florida had a scarcity of convicted felonies on probation and/or that a defendant with 15 felony convictions was a good probation risk and not a danger to the people of Florida."
>
> The burglar then violated his parole and committed two more burglaries in Jacksonville.
>
> The Jacksonville judge sentenced him to 12 years in prison and ruled that he would not be eligible for "gain time."

Now, I went through that editorial because I think it helps make the case to those who say, "Where are you going to get the money? This is too expensive."

I would make the claim there is already a tremendous price that is being paid in this country for our failure to keep people in prison. It is not just the emotional side that I referred to just a minute ago, and it is not just the loss of life that I referred to a minute ago.

But, in fact, it is the process of having to track down that criminal who should have been in prison, one more time. It is the cost of trying that individual. It is the cost of keeping that individual in detention during the time leading up to the trial. It is the police work. It is the time invested on the part of the jurors, and the time it takes to put that individual back in jail again.

My point, Mr. President, is that we are paying a tremendous price already for the failure of doing what is right.

So I am delighted to have the opportunity to participate with my colleague in offering this motion. I suggest that I could go through example, after example, after example, after example, just in my State, on the murders that have been committed by individuals out on early release.

I will just mention one more. Evelyn Gort, an off-duty police officer in Miami, was murdered by an individual out on early release. I met with her family.

I would say to anyone who wants to deny us this language in a conference report, they ought to sit down with families like Evelyn Gort's and listen to what they have to say. They are saying a lot more than "enough is enough," or that we have to stop this revolving door. They are saying that their primary concern is for the balance of their families, and all Americans.

If we do this, the right thing, we could make our streets, our neighborhoods, and our communities safer.

Thank you, Mr. President

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota [Mr. CONRAD].

Mr. CONRAD. Mr. President, very recently we had a shocking case which I think illustrates very well the importance of the motion Senator MACK and I have offered today.

The father of Michael Jordan, the basketball star, was killed, murdered in a vicious crime in their home State. The county sheriff there, Hubert Stone, said, "Mr. Jordan would be alive now if the legal system worked the way it should."

Why did the sheriff say that?

Mr. President, both of the 18-year-olds that were involved in that murder had extensive criminal histories at the time of the Jordan killing. Daniel Green, one of the perpetrators, was on parole after serving 2 years of a 6-year sentence for attempting to kill a Robert Ellison by smashing him in the head with an ax and putting him in a coma for 3 months. Larry Demery was awaiting trial for bashing a Mrs. Wilma Dial, a 61-year-old convenience store clerk, in the head with a cinder block during a robbery, fracturing her skull and causing a brain hemorrhage.

Mr. President, how many more examples are we going to have to have before we take action? How many more examples are Senator MACK and I going to have to bring to this floor before we persuade our colleagues that it is time to end the revolving door on violent criminals that allows them to commit crime, violent crime, serve a third of their sentence, and go out to terrorize the communities in which they live some more?

Mr. President, enough is enough. I hope today, when we vote, we will send an overwhelmingly clear message to the conferees that the Senate provision ought to prevail.

Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. CONRAD. Mr. President, we are not able at this point to get an order for a vote because the manager had to be detained off the floor for a moment. So we will ask, at a later time, when the manager is present, for the yeas and nays, and I am confident we will secure a sufficient second at that time.

I thank the Chair.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a cosponsor on this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS IN THE ENGROSSMENT OF S. 2087

Mr. CONRAD. Mr. President, at the request of the majority leader, I ask unanimous consent that, in the engrossment of S. 2087, the nutrition labeling bill, passed on May 17, the following corrections be made:

Strike "Section 408(i)" each time it appears and insert "Section 403(i)."

This has been cleared on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair and I yield the floor.

Mr. MATHEWS. Mr. President, not noting any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The Senate continued with the consideration of the bill.

MOTION TO INSTRUCT CONFEREES

Mr. GRAMM. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would advise the Senator we have a motion pending. Unanimous consent is needed to set aside that motion.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending motion be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] moves that the conferees of the Senate to the "Violent Crime Control and Law Enforcement Act of 1993" be instructed to insist on:

FUNDING MECHANISM

(1) Subtitle E of Title XIII of the Senate amendment which establishes a "Violent Crime Reduction Trust Fund" without which H.R. 3355 would be a hollow anti-crime bill; provided, that the amount transferred in Fiscal Years 1995 through 1998 from the general fund to the Violent Crime Reduction Trust Fund shall be not less than $22,268,000,000 and

MANDATORY MINIMUM PRISON SENTENCES

(2) A. Section 2404 of the Senate amendment which allows suspension of a mandatory minimum sentence only in those cases where the individual is truly a first time, non-violent offender. The House provision would put thousands of criminals with a prior conviction back on the street;

B. Section 2407 of the Senate amendment which provides mandatory minimum terms of imprisonment for adults who sell illegal drugs to a minor or who use a minor in drug trafficking;

C. The mandatory minimum sentences in Section 2405 which provide in the case of a first conviction not less than 10 years imprisonment for individuals who possess a firearm during the commission of a crime of violence or drug trafficking crime; not less than 20 years imprisonment for discharge of the firearm; and life imprisonment or the penalty of death if the firearm causes the death of another person.

Mr. GRAMM. Mr. President, for 6 years we have been trying to adopt a crime bill, and during that period we have passed some excellent bills in the Senate. We have passed some pretty good bills in the House. But what has happened to us every year is that when we have gotten to conference, when a few very senior Members of both Houses of Congress have sat down to work out the differences between the House bill and the Senate bill, what has happened is that we have ended up dropping the get-tough, grab-them-by-the-throat provisions, and we have often ended up with bills that look nothing like either the Senate bill or the House bill.

I think probably the most stark example of this was the crime bill in the last Congress. In 1991 we passed a very strong crime bill in the Senate. They passed a fairly strong crime bill in the House. But, yet, when we went to conference to work out the difference between the two bills, systematically all of the tough provisions were dropped. For example, whereas we had changed the habeas corpus statute to make it easier to carry out the death penalty, that provision was dropped, and in its place 23 Supreme Court decisions which over the previous two decades had strengthened law enforcement, were overturned. And a bill was produced which the Association of State Attorneys General, an association made up of both Democrats and Republicans, called a "pro-criminal bill".

As a result, many Members of the Senate voted against the bill, many Members of the House voted against it, and, ultimately, it died.

We are now going back to conference with another crime bill. I do not support every provision of the Senate bill. There are some provisions of the Senate bill that I strongly oppose. But, overall, it is an excellent bill. The House has passed what I believe is a fairly good crime bill. They were not allowed to vote on many provisions of the Senate bill because of their restricted rules, and because the decision was made by the Democratic leadership to prevent those votes from occurring.

But, basically, we have two versions of the crime bill now going to conference. There are some things that were different in 1992. In 1992, there were still Members of Congress who were willing to stand up and say that they opposed mandatory minimum sentencing. There were still Members of Congress in 1992 who were willing to stand up and say that putting people in prisons for long periods of time was not effective.

What has happened since 1992 is that public opinion has coalesced, and as a result there are only a very few Members of Congress who are willing to stand up and say the things that they were willing to say 2 years ago when we considered the crime bill.

I am not convinced, however, Mr. President, that all of those people have changed their minds and hearts. I am very much concerned that when we go to conference with the House there will be real pressure and a real effort undertaken to gut the crime bill, to drop the funding mechanism so that we simply have a hollow authorization bill which makes a lot of promises, none of which we can fulfill. I am concerned that our minimum mandatory sentencing provisions will be dropped. As a result, I think it is important for Members to go on record now in instructing our conferees as to what we want to achieve in this conference.

Basically, what I have done for the sake of saving the time of the Senate is, I have combined several items into a motion to instruct the conferees.

Under the Senate rules, this motion to instruct can be divided. If any of my colleagues would like to see it divided, and see its elements voted on separately, I would be very happy to have the motion divided and to have them voted on separately. I would say to my colleagues that I have combined these provisions into one motion for the purpose of trying to save some time for some of our Senators, who I know are meeting with our Canadian colleagues in a very important meeting.

What I have done is, I have taken several provisions and included them in one. But I wanted to let our colleagues know that if any Member of the Senate wants to divide the instructions and force a separate vote on them, that not only do they have the right to do it, but that I do not object to it.

What have I tried to instruct the conferees to do? I have tried to focus on a series of issues. I am the cosponsor of other instructions that will be offered. The combination of all of these instructions produces a firm commitment to the Senate bill, to real funding based on a real procedure, to build prisons, to institute mandatory minimum sentencing, and basically is a commitment to get tough.

Our bleeding Nation demands that we have action on crime. If this year, after all this debate, after all the public input, after all the statements by the President, if we do not produce a strong crime bill I think it is going to be an indictment of the democratic process itself.

So I do not want that to happen. That is why I have offered this motion to instruct. But before going through this motion to instruct, I want to make several points clear.

First of all, if we produce a bad crime bill, a crime bill that funds all these new social programs but does not make a commitment to put violent criminals in prison, I am going to strongly oppose it.

Second, if we produce a mediocre crime bill that drops the get-tough provisions, it would be my intention to come right back and introduce those tough provisions again, and seek a vote in the Senate on the same day that we vote on the conference report.

If anybody thinks that this Congress is going to adjourn without adopting new mandatory minimum sentencing, and truth in sentencing, I want them to know that I strongly disagree, and I believe the majority of the Members of Congress are going to disagree.

So I am trying to make a simple statement, like the Fram oil filter ad: That one way or another, now or later, we are going to get this job done. I pray and hope that our conferees will get it done now.

Now what does this motion to instruct do?

First of all, it asks our conferees to stay with the funding mechanism that Senator BYRD offered. I was a cosponsor of it. It was a broadly supported, bipartisan effort that set in the law reductions in the size of the Federal bureaucracy and has an enforcement mechanism based on freezing the level of hiring in executive departments when we find that they are breaching the new limits on the total level of Federal employment. The net result is that by paring back the bureaucracy, we can save $22 billion that can go into our anti-crime trust fund.

So the first part of this motion is to instruct our conferees to stay with our funding mechanism. There is no such mechanism in the House bill. The House bill spends far more money than we do, but it provides no way to pay for one nickel of that spending. As a result, it is all hollow promises which have no impact on the street, where violent crime is occurring.

So the first thing I want our conferees to do is stay with our funding mechanism. It was endorsed earlier in the House and has been adopted three times in the Senate. Every time we have gotten down to the goal line, trying to make it the law of the land, it ended up being killed. I do not want it to die this time. Without it, there are no prisons, no additional police officers on the street, and no effective crime bill. We cannot put people in jails we do not have. I would like to stop building motels and calling them jails.

The point is: Without a commitment to pay for these programs, we are simply making empty promises.

The second part of the instruction has to do with minimum mandatory sentencing. There are three parts to it. I agreed, in the spirit of compromise, with the Clinton administration and with people representing their views here in the Senate, to grant a small amount of flexibility on mandatory minimum sentencing, but only in the cases where someone has no prior criminal record, where they were not carrying a gun, where they were not engaged in an act of violence, and where they were not financing drug sales. I am not for this provision, but in trying to work to come together on a crime bill that could be adopted on a bipartisan basis, I accepted this compromise. But it is very limited and it is very focused.

What the House has done is adopt the President's original position, which would have repeat offenders, by the thousands, put back on the streets. The Senate provision is as far as I am willing to go. It is a compromise that we worked out on a bipartisan basis. The House provision is retroactive, and it allows people that already have had a criminal conviction to be exempt from mandatory minimum sentencing, and I think it flies in the face of what the American people want done.

I am asking our conferees to stay with our provision with regard to exemptions for mandatory minimum sentencing.

The next provision of mandatory minimum sentences has to do with selling drugs to a minor. We have adopted in our bill this year—and every time we voted on a crime bill for the last 6 years—an amendment that requires 10 years in prison, without parole, for adults who sell drugs to a minor, or who use a minor in drug trafficking. Really, the second item is of equal importance, because what is happening is that drug distributors know that minors are not being put in jail, so they are using minors to deliver drugs. They are putting minors in great danger. They are doing great damage to these young people by getting them involved in the drug industry at such an early age.

I want these people to know that when we apprehend them—adults selling drugs to minors, or using minors in drug felonies—they are going to prison for 10 years, without parole, no matter how soft-hearted the Federal judge may be, or no matter how they think society has done them wrong, or no matter who their daddy is. And a repeat offense is life imprisonment.

The final provision in mandatory minimum sentencing that I have in this instruction to conferees is 10 years in prison, without parole, for individuals possessing a firearm during the commission of a drug felony or other crime; 20 years imprisonment for discharging the firearm; and life imprisonment, without parole, for killing somebody with a firearm during the commission of such a crime. Of course, we have the death penalty in aggravated cases.

As I said in the beginning, these are the items that I believe we need to instruct conferees on. This motion is divisible. If someone wants a separate vote on one part of it, I will be happy to have the separate vote, simply as a courtesy to my colleagues. None of these items are controversial, in my opinion. My guess is that we have 75 votes for any one of them, and rather than vote on them separately, I will be happy to vote on them together. But I have no objection whatsoever to having them separated out if someone wants a vote.

So this is a straightforward motion to instruct. I hope it will be supported. I think it is important. I want a strong anti-crime bill. I do not want all of our effort to be derailed. I hope my colleagues—especially those on the other side of the aisle—will know that my effort in this motion to instruct is to strengthen our conferees. I am worried that, with 62 conferees in the House from 11 different committees, we are in for a tough, prolonged conference.

I think it is very important to be clear up front that we in the Senate are not going to put up with a mediocre crime bill.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON], is recognized.

Mr. SIMON. Mr. President, this is wrong for two reasons, and I hope the motion by my friend from Texas will be defeated.

It is wrong, first of all, because except for very rare instances, we should not instruct conferees. Conferees ought to be able to sit down and work out agreements, practical agreements. I have to say that my record is not pure on that. Occasionally, I have voted for instructing conferees, but rarely have I done it, because as a legislative procedure, it is wrong.

Second, this is wrong in substance. He said we have to have a commitment to get tough on crime. You bet. We also have to have a commitment to get smart on crime. If we followed the philosophy of my friend from Texas, we would have the most crime-free society in the world today.

In 1970, we had 134 people per 100,000 in our prisons, in jails. Now we have 510. What happened to the crime rate in that period? Every person in this gallery, every person in the Senate, every citizen of America knows what happened to the crime rate. It has escalated; 510 per 100,000. Do you know who is second? South Africa, with 311; Venezuela is third, with 157; Canada has 109; the Netherlands has 41. If putting people in prison stopped crime, we would be a crime-free society, indeed. But we had better recognize that is not solving our problems.

Who are the people going to prison? Well, 82 percent are high-school dropouts. What if, in the State of California—which is in the near future going to spend $10 billion on new prisons—they spent half that amount on prisons and spent half of it to improve the educational product? Would we be doing more to cut back on crime?

I believe we would. I believe any rational study suggests that. It just does not make sense.

Drugs and alcohol are involved in a huge amount of crime. And what do we do? Well, we have had a drug program that up until this administration came in was all for locking people up, and too often people learned how to use drugs in prisons, instead of spending money on treatment and education.

The majority of people in our prisons today were unemployed when they were arrested. You show me an area of high unemployment, and I will show you an area of high crime. Let us do something about getting jobs in rural poor areas and inner-city areas, and you are going to do something about crime.

I read the Los Angeles Times op-ed piece by a Catholic priest. I cannot remember his name just offhand. He looked at our crime bill. He is an assistant chaplain of the State prison in California. He asked a class of 40 people in that prison, experts on crime, if you will, what we ought to be doing to cut back on crime. They came up with hardly any of the answers that we have. Their No. 1 suggestion was get jobs for people. And one of their suggestions was reduce the amount of guns in our society. We are doing something about that.

But what if instead of $22 billion for more prisons, and things like that, we had a real jobs program for people? What if we really did something about education in our society where we have poor schools? Sweden, which does not have the income disparities that we have, spent 2 to 3 times as much in poor areas for those attending school as in the wealthier areas. We do just the opposite. Does it make sense? It does not make sense.

Then the second thing that is part of the Gramm proposal is mandatory minimums. Let me say this to the credit of my friend from Texas, and I have observed this in the Judiciary Committee, when the Republicans were in power he saw to it that the nominees that came from him were much above average, and I give him credit for that. I voted for his nominees even when they were controversial. I voted for his nominees. But I think he ought to be listening to a fellow named Plato who wrote a long time ago. He said: Make sure you appoint good judges, and then leave the sentencing to the judges.

My guess is, and I have not talked to any of those nominees of PHIL GRAMM, those judges would say that one of the worst things we have done is impose all these mandatory minimums. We cannot tell the kind of situations that you run into. Federal judges are just overwhelmingly opposed to mandatory minimums.

Our present policies just do not make sense. We are compounding the problems where there are a lot of good things in this crime bill, but I confess I was one of four who voted against it because we are building on myths.

My staff just this morning brought this to my attention, and I have to tell you I have not read it. The Cato Institute, which is not a liberal operation, has in their publication called Policy Analysis this, and the heading on the story is this: "Prison Blues. How America's foolish sentencing policies endanger public safety."

The Gramm motion wants to build and compound the problems that we have with mandatory minimums.

The House legislation does not do away with mandatory minimums. I would vote to do away with them tomorrow. Should people who are guilty of crimes of violence spend time in prison, and should we protect society? Absolutely. Sixty percent of those in Federal prisons today have not been involved in crimes of violence. We are wasting $20,000 a year to pay for each of them.

I think we have to be more creative. I think we have to look at other countries. I think we have to do a better job.

The Gramm motion just builds on our present folly, and compounds the present folly, and I think should be defeated.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, there is not any Member of the Senate that I have a higher regard for than the Senator from Illinois. This is a case where we differ really for two reasons, I think.

First, I think we have a different assessment of the facts; and second, I think we basically have a different theory and conception of human behavior.

What I would like to try to do is just respond to the points that the Senator raised and then at least for my part, unless some other point is raised, to conclude the debate.

First of all, I would take some issue with the thesis that there is no established relationship between crime and punishment. In fact, if you look at the trend lines, I would argue that you can make a case that in the 1960's and the 1970's we dramatically reduced the amount of time that people were spending in prison for committing violent crimes. When you consider such factors as probability of apprehension, probability of indictment, the probability of conviction, and then how much time in prison you served if you actually were convicted, I would argue that the expected cost in prison time for committing crime in America fell dramatically in the 1960's and the 1970's, and in the early 1980's we started to reverse that. As we started to reverse that, the trend started to change.

Second, I wish we knew the root causes of crime. There is no doubt about the fact that a welfare system that creates hopelessness and dependence, that is a fertile area for child abuse, is a clear breeder of this problem.

We are spending $301 billion a year trying to deal with those kinds of problems, and I want to find root causes. I am not positive that we have truly identified them. I do not buy the thesis that the reason people are criminals is because they are poor or because they cannot read.

When I was growing up, I had uncles who did not read, I had lots of kinfolk who were poor. As far as I know none of them ever robbed anybody or ever beat up anybody or ever committed a crime or ever went to jail.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. GRAMM. I am happy to yield.

Mr. SIMON. Having said that, I think the Senator has to admit that there is some relationship to the fact that 82 percent of the people in prison are high school dropouts. That is totally at variance with the general population. So there is some relationship between their education and their being in prison, that they have found fewer options out there.

Mr. GRAMM. If I might respond, I am certainly in favor of reducing high school dropout rates. Whether people drop out of high school or whether they do not, they have to be held accountable for their actions. While I do not know how to solve every part of the crime problem, there is one part of it that is very much on my mind and in my heart and I know how to solve it. That is we do not have to get up every morning and open the newspaper and read about some violent predator criminal who had been convicted 5 or 6 times for terrible crimes and he or she is back out on the street and has killed someone's child. We do not have to live with that.

What my provisions are trying to do is to assure that when people are convicted of these crimes, when they get these long sentences they actually serve the sentences.

Our colleague from Florida, Senator MACK, presented the other day in the crime debate an example of where Florida had struggled with this problem. The case he pointed out was a professional criminal who had committed some 60 violent crimes who had been convicted of 7 major felonies, who was out of prison on an early release program, who went to a quiet neighborhood, broke into a home, beat up a pregnant woman, and stole her car. They apprehended him, thank God, and they put him in jail, and they gave him life imprisonment, but 6 months later he is up for parole. That makes the criminal justice system the laughing stock of the Nation.

So my point is I do not know how to solve each part of the problem, but there is part of it I know how to solve. I know that when people are on the other side of the bars, that if you are on this side of the bars they cannot do you any harm. I want to be certain that when people commit these violent crimes and they are apprehended and sent to jail, that they stay in prison for a long period of time, and that society is protected. There are a lot of people in prison. The problem is that they are in and out of prison.

I do not know how many people commit crimes because they do not believe they are going to do the time that they are sentenced to and how many might be deterred if they believed that they really were going to spend a long time in prison.

My law enforcement officials tell me in Texas that when they apprehend somebody for a drug violation, say, and that criminal finds out—when they believe they are going to be sentenced in the State system, where they will serve a very small fraction of their sentence, they do not take the process very seriously. But when they find out that they have sold the drugs close to a school or that they violated some other Federal law and they are going to Federal prison where there is no parole, suddenly they take the process very, very seriously.

So what I want to do is to be certain that if we say there ought to be 10 years in prison for selling drugs to a child, that people know, no matter what the circumstances are, that they are going to serve the 10 years in prison. I believe that will mean fewer people in prison, not more people, because I think we will deter the crime.

Finally, let me say in terms of judges—and I appreciate my colleague's kind comment. I think most Members of the Senate work hard in trying to appoint good judges. But as I have looked at data from the sentencing commission, what I have found is that when judges have discretion, the sentences that are being handed out are not substantially different from the minimums that are required.

If someone has committed a drug felony and they had a gun, and I look at the sentencing commission data, I do not find that use of the gun results in more jail time for these people. I find, around the country, tremendous variability in sentences.

So what I am trying to do in these provisions is to simply eliminate the uncertainty by saying that if you are convicted of these crimes—for example, possessing a firearm during the commission of a violent crime or drug felony—that you know you are going to get 10 years in prison and you are going to serve every day of it. If you discharge the firearm, you are going to get 20 years. If you kill somebody, you are going to spend your life in prison or you are going to be put to death. That is something people could understand.

Since I do not want people to carry firearms, I do not want them to discharge a firearm trying to shoot people, and I do not want them to kill people, I want them to know with certainty what the penalty is going to be. And the same with these other provisions.

So I think this is a straightforward motion. It simply supports the bill that we adopted overwhelmingly. I hope my colleagues will accept it.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I do not want to take a lot of the Senate's time, because we had an opportunity in November to debate. As my friend from Texas pointed out, we voted on a lot of this stuff a number of times. But I would like to make a few comments.

As usual, I find myself somewhere between the Senator from Texas and the Senator from Illinois on these issues. I do think there is a relationship between punishment and crime. I do think there is a correlation. I do not think that poverty dictates criminal behavior. Although I will acknowledge that, statistically, there is a higher rate, that may be because they cannot afford good lawyers. And it may be as complicated as they are in a very different circumstance that caused them to do that.

For example, it is true that 85 percent of the people in State prison systems are high school dropouts. But the truth also is that the vast majority of high school dropouts never commit a crime. So I do not want to get too overwrought by the statistics, except to make three or four basic points.

First, all of the examples my friend from Texas has mentioned and others—Democrats and Republicans alike—about the person who commits a heinous crime after having been convicted and sentenced in a previous crime, having served only a small part of their time and having been let out, they are all State prisoners. They are not Federal prisoners.

I am sure there is a Federal prisoner who has served his or her time and gotten out and committed a heinous crime. But I have yet to hear one example on the floor of the U.S. Senate since I authored, with one other person, a bill that became known as the sentencing commission.

I am the guy who originally—with Senator McClellan and Senator KENNEDY, way back then, and with others in the 1970's—wrote that bill. And it works.

The irony is we have a Federal system that works pretty well. The Senator from Texas is right. You get convicted in a Federal court, you go to jail. And you go to jail based on the sentencing guidelines which drastically limits the discretion of a Federal judge. Because the Senator from Texas is right.

You look around the country. What happens is, you get convicted of the same crime in, say, Delaware or Arkansas or California or New York, and you will find wildly varying sentencing, and wildly varying amounts of time that are actually served.

So, first point: It does make a difference that you have certainty in the system. The Federal system has certainty and the Federal system works well.

And, to quote a former President who was quoting someone else, I guess, but a phrase that was a favorite phrase of his, "If it ain't fixed, don't"—"If it ain't broke, don't fix it." I always have trouble remembering everything Ronald Reagan said, and I had trouble with that, as well. He used to say, all kidding aside, "If it ain't broke, don't fix it."

The Federal system is not broke. It can be improved, but it is not broke. We have prison space. Our folks are going in prisons when they are convicted. We are providing more money for more prison space. We can argue whether it is fast enough or ahead of the curve enough or not, but we have space.

Also, when we put folks in the Federal prison, they stay in the Federal prison. When they get convicted in a Federal court, they go to prison.

Now, the problem is, my friends from the Dakotas and Texas and Delaware and everywhere else are frustrated, and they are frustrated because their States do not do such a hot job—not very good, not as good as the Federal Government.

That is a strange thing to hear said on this floor. But they are not as good. And so, what they do is, on average—and I will not take the time to go down every State, because I do not want someone suggesting to me that I am in any way violating the rules of the Senate by maligning the State; and I am not maligning anyone, because these are just facts.

The average amount of time a person convicted in a State court in any State in America—not "any"—most States in America, because some have truth-in-sentencing, but you get convicted of a crime and the statute book says you can get up to 10 years, and the judge stands there and says, "I'm going to send you to jail for 5 years." So your sentence is 5 years. In all the States, on average, that person is only going to go to jail and actually serve time in jail of about 2 years, roughly, 43 percent of the time to which they have been sentenced after having been convicted without having received the maximum.

This is not 42 percent of the time they could have been sentenced to. This is 42 or 43 percent of the time they were actually sentenced to by a judge. Say they are now sentenced to serve 5 years in the State penitentiary. They only get 43 percent of that time.

If a Federal judge says, "You are now sentenced to 5 years in the Federal prison," you serve that 5 years. You get good time off, which is minimal.

And the other side of it, the Federal judge has the ability to increase or decrease your sentence 15 percent, either because of extenuating, mitigating, or aggravating circumstances. We left them a little discretion when we wrote that, but not much.

Now, that is frustrating to everyone. So one of the provisions the Senator from Texas has—and I know the Senator from North Dakota also feels strongly about—is this truth in sentencing. It says, we, the Federal Government, are going to tell you, every State in America, that you have to adopt the way we do it federally or we are not going to give you any money for prison construction.

As I have said before, I am for that. I think that is a good thing; if it will work if the States will actually go out and do what they have to do to qualify for this money.

But let me tell you, let us assume that the Presiding Officer is the Governor of Connecticut or the Governor of Texas or the Governor of California. I walk up, and I am your administrative assistant, and I walk in and say, "Good news, Gov, you know that prison population problem we have? The U.S. Senate and the U.S. House just passed a bill and they sent it to the President. There are $6—$8—probably closer to $8 or $10 billion—$6 or $8 billion in there for prison construction for the States."

And you go, "Wow, boy, I dodged that bullet. I do not have to go to the legislature now to ask for a tax increase to build more prisons to solve our problems. The Federal Government is coming to our rescue."

"Wait a minute. That's the good news. The bad news is, in order to even put in an application to get any of that prison construction money we have to prove to the Feds that we are keeping our prison population in jail for 85 percent of the time, like the Federal Government does—85 percent of the time for which they have been convicted."

Even for a very slow Governor—and the Senator from Connecticut would be a very quick Governor—even for a very slow Governor it does not take long to calculate that in his mind or her mind. If they are only having their folks serve 43 percent of the time now, and they have to serve 85 percent of the time—unless they pass a law saying no more crime in Texas this year, we will have a moratorium on crime, unless that happens, if the crime rate continues roughly at the same rate, the Governor has to go down to the State legislature and say, "Ladies and Gentlemen of the House and Senate of the State of Texas, Delaware, Connecticut, North Dakota—we have a chance to get money, Federal money to build prisons. But before we can get a penny we have to double our prison budget, build twice as many cells as we now have, so we can keep the people we now have in jail for 85 percent of the time, which is twice the time they are now serving. And you have to go to the taxpayers—of Connecticut or Delaware or New York or California—and tell them I am going to increase your taxes to do that before we can get any Federal money."

I think Governors should do that. I think they should be honest with you. I think they should be honest with the American people and say, "We have a problem here in the State of X. We have prison overcrowding. We are letting our folks out of jail early. It should stop and I am going to raise your taxes by $500 million, $1 billion"—whatever the size of the State.

I call that truth in legislating. We are doing that here. We are telling the American people exactly what everything is going to cost and exactly where we are going to get the money to pay for it. It was a long time in coming but we are doing it. That is what Governors should do.

But my worry is here is what will happen. Maybe I am wrong. But I just want to get it on the RECORD. I am worried that if we attach the string requiring 85 percent of the time be served for those sentenced, one of two things is going to happen. Either the judges in the State are going to cut drastically back on the amount of time they sentence people to, people who deserve to be in jail a long time, or the State is not going to apply for the Federal money because in the Senate bill there is, for example, only $3 billion for State prison money—it is called regional prisons—Federal money that the States can use to put away their State prisoners. In order to qualify for that $3 billion over 5 years, the States collectively have to go out and first spend $60 billion—$60 billion. I am not making this number up. So the States would have to spend $60 billion to have the right to qualify to compete for $3.

I think that is fine. If they do it. But I make a prediction to you, and I have been proven wrong before and occasionally been proven right. I will make you a bet. I will make you the following bet. I will bet you that if this provision requiring 85 percent of time served stays in the bill relating to any portion of the prison money, that the States will not build new prisons. That money will sit there and not be spent. Or, if it is spent, it will be spent in the following way. The county jails—and a lot of counties have the responsibility of taking care of the jail system —in wealthy counties will go out and they will spend the money and they will get the money. And the very place we need the increased prison space, in the high crime rate areas, will not have more prisons, and the very place we do not need it will get the prisons built if any are built at all.

So, what I would rather see us do—and I just offer this as consideration for my friend from North Dakota and my friend from Texas and others, and keep in mind I am for certainty in the prison system. Again it used to sound almost heretical to suggest, but a Democrat wrote that bill—this guy—BIDEN. So I am all for it. My bona fides have been proven for 12 years on this subject.

I am for certainty, and keeping you in jail to serve your time. But I would rather see us say something like the following, which I think we might be able to get agreement to on the House side: That a State, in order to qualify to get this money, would have to submit to the Attorney General a plan that would demonstrate and in fact require that over a period of time they would move to meeting the requirement of having people serve up to 85 percent of the time for which they are sentenced. Because I want prisons built now. I do not want them built 5 years from now or 15 years from now.

Last year 30,000 violent offenders, convicted in a court of law by a jury of their peers, for a violent offense—30,000 of all those convicted of violent crimes never served a day in jail; 30,000 never saw the inside of a jail after being sentenced or heard the clank of the bars behind them. These are not first time nonviolent offenders—they may be a first-time violent offender, but they are not first time nonviolent offenders.

I want those folks in jail. The Senator from Texas, I know he understood it, he could have cited the statistic which I have been citing for 10 years on this floor, that roughly 6 or 7 percent—depending on which study you take—of the criminals in America commit somewhere between 65 and 80 percent of all the crimes. Did you hear what I just said? An infinitesimal—a very small percentage of the criminals commit most of the crimes.

Those of you who are schoolteachers, those of you who live with schoolteachers, those of you who know school teachers, ask them, with discipline problems in their school—different than crime now—if they could go into a school of 1,500 people, how many people, if they could arbitrarily remove the troublemakers in the school to change the nature of the way in which the school was run—how many kids would they have to kick out of a school of 1,500 to restore some semblance of order?

I will lay you 8 to 5, go home and ask anybody who teaches, I bet you they tell you for a school that size, they will give you a number from 30 to 75 kids max. That is human nature.

It is the same way with criminals, the same principle. Almost 6 million felonies were committed last year—crimes committed last year, and how many of these people commit them over and over and over again? Do you know how many crimes are committed on the average by an addict? A heroin addict? A cocaine addict? And most of them are polyabusers, they are heroin and cocaine and everything else.

Do you know how many crimes a year they commit on average? One hundred fifty-four crimes a year. We have identified in the United States of America 2.7 million addicts; not users, addicts.

Now figure it, you found those 2.7 million and assume that the number is off by 50 percent. Assume they commit 100 crimes apiece, and you can get them all off the street or all cured. Big impact.

The point I am trying to make is this: We need more prison space. I think, although well intended, this is counterproductive to send me to a conference and tell me that I cannot bring back a bill that does not have a requirement of 85 percent of the time having been served. It seems to me you are sending me on a mission impossible, based on what the House has done. And even if I pull it off, and we have the votes to do it, you are being counterproductive.

I want more prison money. I put in the Biden crime bill a total of $6 billion. I like the House's provision even better. They have $13 billion. We cannot afford that much, relative to the other, but they have no strings attached, basically. They allow the States to build these prisons now. Now. Not wait for regional prisons, not wait for any signoff. They allow them to start now.

I see my friend from North Dakota is standing to speak; I will yield to him in a moment and then I will come back to the rest of the motion of the Senator from Texas. But I respectfully suggest we be somewhat more innovative.

There is a guy named Henry Fulsom, who is a fine Republican elected official, the most honorable, decent man I have ever known, whom I served with on the county council in New Castle County, DE. Henry Fulsom was the first guy I heard say—which I have heard many times since and I am sure it was said several hundred years ago—he said politics is the art of the practical.

I want a practical solution here. I want those 30,000 people last year who were convicted of a violent offense in the State prison system to go to jail. And to paraphrase my friend from Texas, although it would be best to keep them in jail 85 percent of their time, at least while they are in 45 percent of their sentence, they are not marauding my mother, my family, my constituents, my people. So it is better than nothing. I am afraid the alternative is nothing.

I think we should use this as a wedge. It is not inappropriate like some of the other things in this amendment are totally inappropriate, in my view. It is not inappropriate to say to the States, "Look, you want Federal money, here's the deal: You have to do it this way."

But I really think the 85 percent requirement makes it almost impossible for it to work, although I have no argument with the utility of that action if it were taken because, as I said—again, I do not say this to keep pointing out I wrote a bill, but I say it for my own bona fides. This is not someone who is up here who really is not for tough prison sentences, who is not for flat-time sentencing, who is not for keeping people in jail. I am not a liberal in conservative clothing on this thing. This is real, live stuff.

I am the guy who wrote the bill with others. The Federal system works well. The States would do well to emulate the system. But it seems to me if you insist that they immediately go to 85 percent, the cost to them and their taxpayers is so gigantic in order to qualify for such a small piece of money, that they are not going to do it.

I respectfully suggest that all my colleagues or their staff just pick up the phone, call your Governor back home—Democrat or Republican—and ask them what they think, whether they can go to the legislature now and ask for an additional tax increase to build a number of prisons immediately to demonstrate that they are keeping people in 85 percent of the time.

I am delighted to yield to my friend. I thank him for his patience. My friend from North Dakota knows a great deal about this subject and feels strongly about it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to the discussion by the Senator from Texas and the discussion by the Senator from Illinois. I had the same reaction as the chairman of the committee.

The Senator from Illinois makes the point that if we do not do something about the causes of crime, then we are not going to resolve this problem. There are not enough bricks in the country to build enough prisons to respond to America's crime epidemic. Much of it is for reasons that we do not even begin to understand.

Let me just describe, by reading you one piece from the Detroit News, about the death of a poor woman named Elizabeth Alvarez:

> It was with the wave of a hand from a 10-year-old boy that brought Elizabeth Alvarez to her death on a humid afternoon last August in Detroit. The boy, Jacob Gonzalez, 10 years old, wheeled around a bank parking lot on the banana seat of a pink bicycle he had stolen, and looked for a robbery victim. His accomplice, Damien Doris, a 14-year-old drug dealer, who owed the neighborhood kingpins $430, lay in wait near the automated teller machine.
>
> Mrs. Alvarez, pregnant and the mother of three, was hurrying to get cash for a birthday party. She passed by little Jacob and smiled, "Isn't it a good day?" Jacob said she asked. Jacob nodded in agreement and watched her walk toward the machine. He signaled to Damien when their prey had made her withdrawal. But Mrs. Alvarez refused to hand over her $80, so Damien shot her in the head with a .22 caliber pistol. Jacob looked at the woman. The boys backed away. The boys thought the bullet might explode. They ran off to divide the proceeds. Jacob's take was $20. He bought a chili dog and some Batman toys. Both boys were arrested the next morning.

These boys were 10 and 14 years old. We do not even begin to understand what is happening in this country. Would we have read this 10, 20, or 40 years ago? Things have changed, and those who say things have not changed do not understand what is happening on the streets in this country.

This system does not work in this country. Walk a block from this building and look at any residential building and you will find bars on the windows. A block from the Capitol a building cannot be sold without bars on the windows. Is it to keep those residents in the buildings? No, not hardly, although you wonder who the prisoners are. It is to keep out those who would threaten the people living on the residential streets just blocks from the U.S. Capitol.

I suppose all of us come here with individual experiences that cause us to look at the criminal justice system in a different way. Etched in my memory forever is a late night phone call telling me my mother had been killed in a high-speed police chase by a man who was sentenced to 10 years in prison, with 5 years suspended. And, of course, he was out in a fraction of the 5 years.

I will probably never in my life overcome the anger I have at the criminal justice system. When you get involved in that system, especially if a loved one is affected, you understand that victims are not treated fairly. It is just a fact. They just are not treated fairly. There is a lot of anger all across this country because everyone now worries about becoming a victim to the increasing epidemic of violent crime.

There is fear in this country that we did not have 10, 20 and 30 years ago. Last year, 24,000 murders, 110,000 rapes, 670,000 robberies, 1.1 million assaults. That is in a free country. We are the murder capital of the world. The question is, Why? The Senator from Illinois asked that question. I wish I knew the answer.

If I or my colleagues knew the answer, I suspect we would spend all of our time constructing the kind of solutions that are necessary to respond and diminish the amount of violent crime in our country. But the fact is we do not know the answer. We know some of the causes, and we must begin to address some of those causes.

But in the meantime, I support the instruction offered by Senator CONRAD from North Dakota and Senator MACK from Florida. They propose to instruct the conferees that the crime legislation which comes back to us include the provision that if you are convicted of a violent crime, you serve 85 percent of your sentence.

I come here to support that today, although it is not enough. It is the best we will get, but it is not enough. I, this week introduced legislation which I expect to have considered over the next year or so, and I hope eventually will be passed, that does something much different than that. I want people convicted of violent crimes to be sentenced, and when they are sentenced they serve their entire sentence—no fractions, no percentages. If you commit a violent crime, when you are sentenced, you serve your sentence.

Now, how do you get States to do that? I have offered a bill that some will say is very difficult to support. Not for me. Some who do not know much about the Constitution will say it is unconstitutional, but in my judgment clearly it is not, and there are court decisions that support my position.

What I suggest is this: States should have in place a policy that says, if you are convicted of a violent crime, you will serve your entire sentence—no time off, no good time, no deciding that after watching cable television for several years we will let you out early. If you are sentenced for 7 years, you serve 7 years.

If States elect not to have that policy in place and they decide for their own reasons—in order to save money, because of overcrowding, or other things—they decide they want to let people who have committed violent crimes out early, then I say make them responsible for the cost of that decision.

We spend a lot of time talking about cost shifting in the health care system because some people are covered and some people are not; some people do not have the resources so somebody else has to pay for it.

I tell you where there is shifting going on—in the criminal justice system. Somebody says we cannot afford to keep somebody in prison, so we let them out early even if they are a violent criminal. Do you think that is not a cost to society? What about the next victim in the next month? Is that next victim not a cost, not only in terms of human tragedy but in income and property? The fact is this is simply cost shifting. Violent criminals let out early go out and commit more and more and more crime.

My legislation very simply would say, if a State makes the decision to let a violent criminal out early, and that criminal then goes out and commits another violent crime during the time when he or she would have been in prison, the victim has the right to sue the State that let them out early. I want the jurisdiction that decides to save money by letting violent criminals out of jail to be responsible for that violent criminal's next act. I want the victims to be able to sue the State for not keeping that violent criminal in jail.

Tough? Sure. Radical? Maybe to some. Right? Absolutely.

The fear about the epidemic of violent crime in America is clear. It does not take Dick Tracy to understand who is going to commit the next violent act. It is going to be the person that committed the last violent act. For example, Polly Klaas in California, the young girl who was abducted from her home in the early evening and killed. I have in my briefcase the rap sheet of the man who abducted her. It is over 3 pages, single spaced, arrest after arrest, conviction and incarceration. And State incompetence after incompetence because the criminal justice system knew this criminal was dangerous and did not keep him locked up. And because that person was turned out on the streets, this young girl is now dead.

Well, my point is we have to do things better and we have to do things smarter. I want to put as much pressure as we can on all those in charge of incarcerating people to get them to keep violent criminals in prison for their full sentence.

I say to my friend from Delaware—and I compliment him enormously for this bill—we have to be a lot smarter about the way we incarcerate people. A criminal is not a criminal is not a criminal. We have over a million people in jail. Half of them are nonviolent. We do not need to build giant brick and mortar edifices to keep in prison offenders who are nonviolent.

Mr. BIDEN. If the Senator will yield, he knows in the Biden crime bill there is $3 billion for just that, $3 billion for boot camps for nonviolent criminals.

Mr. DORGAN. I was about to say that, and this is a demonstration of what I think we can do on a much larger scale. We can make room for 100,000 violent offenders now by turning nonviolent people out of those cells, and putting them in incarceration facilities that cost one-fifth of what it costs to build these giant prisons. That is the point. We have to be much smarter.

I am simply saying the energy you see in the Chamber from Senator CONRAD and Senator MACK is an energy that comes directly from the American people. The American people have decided that we do not want to be victims of crimes committed by criminals who should have still been in prison but were let out because States decided they could not afford to keep them in prison. They could not afford it, but the victim is going to have to afford the costs of being a victim of crime.

Let me just again compliment the Senator from Delaware on this bill. However, I intend to come back again and again and again to try to effect a change in which we not only address the root causes of the crime epidemic but we also try to keep those who we know are violent behind bars for their full sentence so that they are not out victimizing other Americans.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Senator from North Dakota. We have no disagreement on the answer. It is the means to accomplish the ends. Let me be a bit facetious and suggest the following. A better way to assure that North Dakota would do what the Senator wants, if it does not already, or California or Texas or any State would do what the Senator wants would be to say, "You do not get any highway funds again unless you incarcerate people for 85 percent of the time," because they care about the highway funds. They do not have to raise more money in order to do that. They do not have to build anything. They are in a situation where that would have more impact.

But to say now my theory is this: You get no money to keep people in prison unless you spend, if it is not twice the money, if it is 30 percent of the money, unless you spend a lot more money than you are going to get—everyone would have to agree to that—unless you spend a lot more money than you are going to get, you do not get any money to build prisons, I predict to you it will have the exact opposite effect my friend from North Dakota wants. More of those people will be out of jail—not fewer, more.

Before I ask unanimous consent here, I will conclude by suggesting to you we do not have a Federal problem. Running the risk of seeming like I am being a little too facetious, my friends who dare do this should go home and run for Governor. That is the place you should be. Run for Governor. And you be the one to go tell the people of your State you are going to raise their taxes. I hope you do. You should.

But it gives Governors and State legislators a way out in order to ask for the money. They are going to have to go to the people in this antitax era and say, "Let me raise your taxes." You know how they lecture on balanced budgets all the time. I love those gubernatorial lectures on balanced budgets. They say, "Come down here." And they pass two amendments when the National Governors Conference meets. They have two resolutions to send to Congress. The first one is, "Congress, balance your budget like we do." The second one is, "And, by the way. Send us more money because we don't want to do our job and go to the people and tell them we need more money."

Ninety-six percent of all the crime committed in America is committed solely within the jurisdiction of a Governor, a mayor, a county executive, or a local person—96 percent. We should help. And we are going to help. We are going to provide billions of dollars of help. I do not mind telling the American people where we are going to get the money to pay for this. Here is how we are going to pay for it flat out. But let us at least raise the money so they will spend it on what we want them to.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, what drives the emotion of the distinguished Senator from Florida and his counterpart on the Democrat side of the floor is that people out there are tired of the average sentence time served in the States being 40 percent. And they are specifically tired of it when it comes to violent criminals. When a murderer gets a sentence of 15 years on the average, and serves less than 7, the average murderer in this country, it does not take many brains to realize that there has to be something done to keep these people off the street.

When the average rapist gets sentenced to 8 years in prison and serves less than 2, a rapist—our daughters are at risk—it is not hard to understand why some of us would like to see those sentences, at least 85 percent, carried out. That is what the truth in sentencing is. Whether it should be triggered by the regional prison concept or some other concept, it is almost irrelevant to me. But we want to get the violent criminals, and lock them up and throw away the key for at least 85 percent of that time that they are sentenced. If they use a gun, then they ought to get it doubled.

That is the way to stop the unwise, the unlawful, and the dirty, rotten use of guns in this society, not some ridiculous, idiotic, 5-day waiting period that has caused almost everybody to go out and buy their guns now—the typical liberal solution to things. "Let us have a 5-day waiting period. That is going to solve all of our problems." All that has done is increased gun sales like 300 percent across this country because people could not wait to go out and get their guns now that they are going to have to wait 5 days.

These liberal solutions have never worked. Of course, now they have Brady II. Brady I was supposed to do everything for us. It has not done a doggone thing. In fact, it is going to undermine law enforcement in this country.

Now they want an assault weapon ban. They are going to ban 19 weapons. But they have defined them in such a way that over 100 will be banned, but they are going to exclude, exempt, 650 that have basically the same firing mechanism as these so-called 19—to take away the rights of American citizens, as defined in the second amendment to keep and bear arms, which is certainly more than a militia right as defined by some today. That is the national guard right. That is not what the Founding Fathers meant. That is not what they meant when they wrote that amendment. The militia was every American citizen who felt inclined to support our country.

So we can moan and groan about truth in sentencing all we want. But that is what the American people want. They want the violent criminals put away.

I happen to agree with the distinguished Senator from North Dakota that we should not be spending all of our expensive jail time for those who are not violent people. I happen to agree with the Senator from Delaware that boot camps may be a solution for people like that. We should not make prison a very nice time for people. Unfortunately, our do-gooders on the liberal side of the equation want to make sure that everybody is treated beautifully in prison. Frankly, I think it is time to get tough on these people.

I have another part of this I would like to spend a few minutes on.

Mr. President, the two Houses of Congress are soon going to go to a conference on the crime bill. I regret to report that the crime bill passed by the other body contains several billion dollars in ill-defined social programs—I might say ill-defined 1960's Great-Society-style social spending programs in the guise of anticrime legislation.

As such, these wasteful social spending boondoggles will rob the people of Utah and every other State of scarce resources which would be aimed at fighting crime, building prisons, hiring local, State, and Federal law enforcement officials and officers, and similar law enforcement measures.

Take, for example, the Local Partnership Act contained in the House bill. This program will give local governments $2 billion for fiscal years 1995 and 1996 to use for four purposes: education to prevent crime, substance abuse treatment to prevent crime, coordination of Federal crime prevention programs and, job programs to prevent crime. There are no other standards in the House bill. That is it—those four broad-based standards. We just have these four general purposes.

In plain English, this is just Federal money for local government social programs with the crime label put on them for cosmetic purposes. By slapping the phrase "to prevent crime" on these purpose clauses, this provides the cover to hijack $2 billion of precious crime fighting resources for anything at all that localities will label "education to prevent crime," or for drug treatment, or for more Government jobs programs.

The $2 billion would be much better spent in really fighting crime by spending it on prisons, law enforcement officers, and equipment.

Let me take another example of wasteful social spending in the House bill, the Model Intensive Grant Program. This program allows the Attorney General virtually total discretion to spend $1.5 billion over 5 years in grants for up to 15 chronic high-intensive crime areas to develop comprehensive crime prevention programs. This money apparently can be spent on anything that can arguably be said to attribute to reducing chronic violent crime.

The House bill says this includes but is not limited to youth programs, "deterioration or lack of public facilities, inadequate public services such as public transportation," substance abuse treatment facilities, employment services offices, and police services, equipment, or facilities.

I believe in spending wisely on crime prevention, although most of that funding should not come from the crime bill, where we should focus very heavily on enforcement.

But this open-ended Model Intensive Grant Program allows spending on just about anything that can be remotely described as crime prevention, however tenuously, including public transportation. We are supposed to be sending the President an anticrime bill. Let the Department of Transportation offer some of its existing funds for transportation services for preventive crime. Let us not take it out of our crime bill.

Mr. President, you can bet that conferees from the other side of the aisle will propose inadequate funding for new prisons in the crime bill. We will undoubtedly need to spend more on prisons. We need to spend more on prisons for two interrelated reasons. We can talk about ensuring that children do not go astray, and we should be concerned about that. But we have many vicious criminals right now who are not serving enough of their sentences. And speaking of crime prevention, one of the best things we can do to prevent crime right now is to take violent criminals off the streets for long periods of time so that they cannot commit anymore crimes.

Another social spending program in the House bill is $525 million for a Youth Employment and Skills Crime Prevention Program which funnels cash to State and local governments for job training and make-work programs.

This is a duplication of the programs I have just mentioned, except this one is run by the Department of Labor. Despite the fact that there are already over 150 Federal job training programs at a cost of over $20 billion a year, the Attorney General announced this week that the administration supports this program and has asked that Congress increase the program to $1 billion.

Frankly, the best crime prevention program is one that ensures swift apprehension and certain and lengthy incarceration for violent criminals. The more than $4 billion in these three boondoggle programs in the bill the other body sent belong in prison construction and other measures.

These social spending programs are neither tough nor smart on the fight against crime. We can and must spend our moneys more wisely, and in the process we have to move to truth in sentencing.

I want to point out a little bit about just how these programs work. This lists seven Federal departments who sponsor 266 programs which serve delinquent and at-risk youth—266. These are already existing programs. This is Federal departments on this side and the number of programs each department has.

The Department of Education has 31 programs already in existence without the crime bill. The Department of Health and Human Services has 92 programs already in existence. We are doing a lot in this area without the crime bill. The Department of Housing and Urban Development has 3 programs; Department of Interior, 9 programs; Department of Justice, 117 programs; Department of Labor has 8; Department of Transportation, 6, for a total of 266 Federal programs for at-risk youth.

Yet, we would add $4 billion more. In other words, every time you try to do something about crime, those on the liberal side of the equation load the bill up with more social spending programs that are not working anyway, rather than do the things that have to be done against violent crime in our society.

So I repeat this. The GAO recently reported to Senator DODD, who heads our Family and Children Subcommittee on the Labor Committee, that there are 7 Federal departments fostering 266 prevention programs which currently serve delinquent or at-risk youth. Like I say, of these 266 programs, 31 are run by the Department of Education, 92 by HHS, and 117 by the Justice Department.

GAO found that there already exists a massive Federal effort on behalf of troubled youth," which spends over $3 billion a year. GAO went on to report that:

> Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people * * *. It is apparent from the Federal activities and response that the needs of delinquent youth are being taken quite seriously.

That is in the GAO report, Federal Agency Juvenile Delinquency Development Statements, August 1992.

Despite the findings of the GAO, the House crime bill throws even more money at State and local government under the prevention label, while failing to acknowledge our ongoing efforts. Listening to the House bill supporters, one would assume the Federal Government has done nothing in the area of crime prevention.

They load up the House bill with almost $10 billion of prevention. I believe there are some legitimate areas where we can do something about prevention, but I have to tell you right now that we are doing plenty without loading up this crime bill with more than we need. We need the prisons; we need the police; we need to get tough on crime; we need the mandatory minimum sentences; we need the beefing up of Quantico, of our DEA, of our FBI, of our Justice Department prosecutors, rather than cutting back on them. We need tough antirural crime initiatives, antigang initiatives, violence-against-women initiatives, the scams on the senior citizens, against telemarketing fraud. All of that in this bill would make a difference against crime in our society.

Mr. President, I have to say that we have a lot of problems in going to conference on this crime bill, not the least of which is the gun ban and, of course, not the least of which is this racial justice act, which would virtually outlaw all implementations of all death penalties in our society today, and would cost the American taxpayers billions, if not trillions of unnecessary dollars, as the whole capital punishment system would come to a screeching halt and be embroiled in all kinds of litigation, all kinds of statistical analysis, all kinds of social welfare work, to the point that people will throw their hands up in the air and say we really cannot get tough on criminals, especially those who commit willful, violent, heinous murders against the public.

Mr. President, I wanted to make a couple of these points during this debate today, because I have to go back to the truth-in-sentencing provisions. If we do not get tough on the violent criminals, we are not going to make headway in this society. All of the prevention programs in the world are not going to help us.

With that, I yield the floor.

Mr. BIDEN. Mr. President, I thank my friend from Utah. Look, Mr. President, we are debating old ground here. We have been through it a number of times. I have made my case as it relates to truth-in-sentencing. I am willing to take a chance if my friends are. I want to be able to say—I should not say it this way—I told you so. I am going to wash my hands of this one.

I want to make it clear that I want more prison space. I think the States need the help. I think to do this to the States and insist this is the only way they can do it, they will not build the prisons needed, they will not spend the money we are going to appropriate for the States. When it turns out that we pass this big bill with prison money in it, if truth-in-sentencing is in here the way it is, do not come back to me 2 years from now and say we have a prison shortage in America. I do not want to hear it.

If it turns out the States do all this, then I will, as I have done at least on one other occasion on the floor, come to the floor and say, mea culpa, mea culpa, mea culpa, mea maxima culpa. Forgive me, I was wrong. I would be delighted to stand here and say I was wrong.

The States are going to spend $60 billion over 5 years, and we are going to spend somewhere around that area over the next several years. We are going to spend between $3 and $6 billion over the next several years, and we will build all these prisons and America will be safe. If that happens, the pages looking at me, who will be 5 years older, and will all be in college, I will remind them and everybody else, I will come to the floor and say I was wrong, mistaken.

I am told this is cleared by my Republican friends.

I ask unanimous consent that the vote on Senator CONRAD's motion to instruct occur at 6:30 p.m.; that upon the disposition of that motion, the Senate vote on Senator GRAMM's motion to instruct; that these votes occur without any intervening action or debate; that no amendments be in order to either motion, and that no other motion to instruct the conferees on H.R. 3355 be in order after 4 p.m. today.

Mr. HATCH. Reserving the right to object, Mr. President, and I do not believe I will object. We do have this other resolution we would like to get in on.

Mr. BIDEN. Mr. President, I ask unanimous consent that we vote——

Mr. HATCH. We do not need a vote on it.

Mr. BIDEN. I will accept it. Let me make sure I understand what I am accepting. I am accepting the motion to instruct that calls for a big room and the press present.

Mr. HATCH. The last time—in the last conference—they called the conference on a Sunday in the middle of a Redskins game; they put it in a small room, or a relatively small hearing room, foreclosed anybody from the public from viewing what was going on, including the media. It turned out to be a fiasco.

I really believe that it is in the best interest of the Senator from Delaware and all of us, to have this in the largest room we can find in the Senate—one of the three caucus rooms—or have it in open forum and allow anybody in the public to come, including the media, so they can see what we are doing about crime in this. It is not going to be a fun conference or a beautiful thing to behold. It is going to be a mess. I think it is time for the general public to see what it is like, the games that are played, sometimes maybe by both sides.

So I think it will just be a thing that will benefit all of us. I am really cheered by the fact that our distinguished chairman on the Judiciary Committee is willing to accept that resolution. As soon as we get it typed up, we will bring it to the floor and get it passed.

Mr. BIDEN. Mr. President, this is a little revisionist history here, but let me point out I do not think whether there is a Redskins game on or the Super Bowl we should not have a conference. I would like to point out I do not want to get in a big fight here that after months and months my Republican colleagues not allow me to go to conference.

They did not want a crime bill because it had gun legislation in, number one.

No. 2, we held the conference in the Judiciary Committee room which is almost as big as the Senate floor.

No. 3, to the best of my knowledge the press was there. Under the sunshine law there is not an ability to tell the press they cannot come into the room. To the best of my knowledge, the press was there; the TV was there; people were there. As a matter of fact, there were a couple of interesting stories written, to put this in perspective, about how I ramrod the Republicans, and they watched it.

Why did I do that, by the way? I did that because they filibustered a crime bill for 2 years, and I will do it again if they try to filibuster it for 2 more years. I want the public there to see it, too.

I promise you the public will be there. I promise you I will agree to whatever room they want to have it in, if we have it on the this side or if we do not have it on this side. I am all for everybody watching it. If you want to add the possibility of putting it in RFK stadium, I will add RFK stadium if you want.

Keep in mind, the Biden crime bill we were trying to pass for 4 years. So I am anxious to pass it. I want everyone to be there. I want everyone to see it. I am ready to go. I will accept it even without it being written, even without seeing the language. I trust my colleague so much, I will accept his assertion that it be in a big room with television. I cannot, obviously, dictate to the Rules Committee which room they give us, but I promise you we will hold it on the lawn if we have to in order for everybody to be able to come and see it. And we will sell tickets if you want.

So I will accept the motion, sight unseen.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Delaware is in the process of seeking a unanimous-consent request. Does he seek to revise that request?

Mr. BIDEN. No. I withdraw the request.

Mr. HATCH. Mr. President, we will certainly agree with the request if we can.

Just to straighten the record out, though, the reason for the delay the last time is we were in a fight over the ratio of conferees. Finally, we got rolled on it. No question about it.

The only reason I remember the Redskins game is because that was the only game I think I was permitted to go to in years, and my good friend from Wyoming was with me. It was not a very good game because they were losing. We did not mind coming to the conference, and we both left.

The fact is it was a rollover of the other party conference that occurred behind closed doors, without the public having any idea about it and without anybody seeing what was going on, and with an attempt by maybe both sides trying to gain private advantage—frankly, we felt on one side, but nevertheless I am sure the other side probably felt, both sides, so I will even agree to that.

The fact of the matter is at this time it should not be, and I think it plays in the distinguished chairman's best interest, and certainly it does in our best interest, to make sure that we sit down and do it in an open forum so that everyone can see what is going on. On this side this year, in a rather large room, one of the three caucus rooms, either S. 325 in the Russell Building, or the Hart 216, or 106 in the Dirksen Building, whatever the large caucus room is.

Mr. BIDEN. Mr. President, I doubt anybody would object to that. I have never yet found a Senator who was not willing to have television cameras in a room, particularly a big room, and particularly a big undertaking. I am happy to do that.

I might add, somewhat facetiously, if the new rules we passed relative to the last week's debate are in place, no one will have to worry about a Redskins game interrupting anything. So we are going to be fine.

Mr. President, I would renew my unanimous-consent request and acknowledge to the Senator I accept the motion.

Mr. SIMPSON. Mr. President, reserving the right to object, and I will not object, I do think that it is appropriate to say that Senator BIDEN and Senator HATCH have worked very closely together. Surely we have our disagreements. But they have been accommodating to those on Senator BIDEN's side and on our side of the aisle.

This is a very difficult issue. It is about money. It is about partisanship. It is about police. It is about prevention. It is about punishment. But I think we can get it done, and I think it is very important. Senator HATCH has expressed it very clearly, that even though there was a filibuster—there were threats that there were—it was still a conference that took place in a shoe box, and they just kind of wadded people in on the sides.

I was there. I was a conferee. It was not a pleasant thing, because it is never pleasant when you get rolled. But when you are in the minority you do get rolled. I understand. That is politics. That is fair. I have no whine about that.

I think it will be good because I want the people—not to see how the Senate does its work, the Senate does its work, I think, in a very open way, at least these two managers have— I want them to see how the House works, where they took two motions to instruct from the U.S. House of Representatives that passed by votes of 260 to whatever and just sat and smiled and rolled their own House.

I remember that very well. It was with a great deal of high glee. And some of the people who were in there when the House instructed the conferees to stick with the provisions—I think there were at least two provisions by big votes, this group of conferees from the House just, as I say, in an arrogant way just closed the book.

This is the House that gives us lectures on the filibuster and says that we over here are an evil group who do an ugly thing called filibuster. Yes, we do. It helps a minority within the minority, regardless of what party you are in.

Over there they just run it with an iron fist and hang people out to dry, take their amendments, put someone else's stamp on them, and ship them down the road.

I want the public to see that it is really something to see, to give them a whole new view. That is why I think the motion to instruct will be appropriate, and not to reveal any chicanery in the Senate, but to show how blatant are these House conferees. It is the same stacked deck. It is the same stacked House conference. Just take a look at it. And here we go. I know them. I like them. They were pleasant persons. But they play a version of hardball that makes us now look like we are wandering around with our hands and feet covered with Band-Aids.

The PRESIDING OFFICER. Is there further objection to the request of the Senator from Delaware?

Without objection, it is so ordered.

The Senator from Delaware.

MOTION TO INSTRUCT CONFEREES

Mr. BIDEN. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will tell the Senator there was a motion currently pending.

Does the Senator seek unanimous subsequent to set that motion aside?

Mr. BIDEN. Yes. I unanimous consent to set aside, I believe it is the GRAMM motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Gramm motion is set aside.

The PRESIDING OFFICER. The motion will be stated.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] moves to instruct conferees on the part of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill H.R. 3355 be instructed to insist that the committee of conference report a committee substitute that includes the following measures:

(1) The Violent Crime Reduction Trust Fund to ensure that funds are available to support the vital programs ranging from prevention to punishment authorized in the crime bill.

(2) Adequate funding to put 100,000 more police officers on the streets of our neighborhoods and local communities in community policy programs.

(3) Significant funding for State and local crime prevention programs, including prevention programs specifically aimed at children most at risk of turning to drugs and crime, as well as general drug treatment and prevention programs.

(4) Significant funding for the construction and/or operation of—

(A) secure prison facilities for violent offenders; and

(B) boot camps, jails, and other low or medium security State and local facilities to house nonviolent and less serious offenders.

(5) Tough penalties for violent criminals.

(6) A comprehensive Violence Against Women Act, including resources to improve law enforcement responses to domestic violence, for victim services, for educational programs, and including a civil rights cause of action for violent felonies motivated by gender bias.

(7) Funding for Federal law enforcement, including the Federal Bureau of Investigation, the Drug Enforcement Agency, the Justice Department, United States attorneys, and for other Federal law enforcement agencies.

Mr. BIDEN. Mr. President, a lot of the motions we have heard and will hear, although very important to individual Senators and maybe even important to some aspects of the bill, are not the heart and soul and guts of this legislation.

The reason this is such important legislation is not merely that it spends a lot of money, we do that lots of times on things that are not important. But it is important because it is the first time, as I said, we struck a balance here on the floor, liberals and conservatives alike, with notable exceptions. I believe that we have to deal both with the violent criminals who are out there, those people who are already convicted of a crime, with tough sentencing and penalties, more police, et cetera, at the same time trying to prevent crime as well, people from getting into the crime stream.

As I said, the motion to instruct, so far by and large, has been about fighting crimes in the margin. Only some 5 percent of the violent crimes, only 5 percent are prosecuted at a Federal level. And yet my colleagues on the other side of the aisle, and some on my side, would have us believe that tough Federal penalties are critical parts of this bill.

I am for the tough Federal penalties, but let me just assure you and anyone listening, if only 5 percent of all the violent crimes—5 percent—are prosecuted at the Federal level, and we toughen that 5 percent, does anybody believe that is going to affect crime in America?

So it is kind of important we put this in focus.

I agree that tougher penalties for violent offenders are important. That is why in the Biden bill that I introduced—the original bill here, now the Biden-Hatch bill that passed here—we included the largest ever expansion of the Federal death penalty to cover some 50 crimes that included over 60 additional penalties, primarily covering drugs and drug traffic.

But stiff Federal penalties will not be the dam that stops the river of crime from flowing through our country. Far more importantly, this crime bill will help the States do their job, which is to investigate, prosecute, try, and incarcerate the 95 percent of the criminals who are terrorizing our streets and neighborhoods within State jurisdictions. And that means, first and foremost, that we have to make sure both sides of the crime fighting equation add up.

On the one hand, we have to provide the States with the resources to punish violent criminals. We must also reach out and prevent would-be criminals from coming down the path in the first place.

As I have already said today, I do not want to waste any more time debating what I believe are the marginal options to instruct.

So, without any further talk, I have sent to the desk a motion to instruct which directs the conferees to agree upon a balanced, comprehensive crime bill, which includes all the key building blocks that we passed in this Senate and that are truly effective crime-fighting strategies.

In my opinion, I believe we should direct the conferees to, one, include in the conference report the Violent Crime Reduction Trust Fund. We must guarantee to the American people we have the money and we are going to spend the money on crime. I think it is the single most serious domestic as well as foreign problem that faces this Nation. And we should set aside a trust fund to guarantee the American people, for the next 5 years we are going to meet the commitment that we say, that the money is available for vital programs, ranging from prevention to punishment, that is authorized in the Biden-Hatch crime bill.

It directs the conferees to provide adequate funding to put 100,000 cops on the street over the next 6 years; in our case, 5 years. But 100,000 cops. The House bill only has 50,000 cops that we provide the money for at the local level.

These police officers will be on the streets of our neighborhoods and local communities in community policing programs. For if we know one thing about crime, we know that there is less crime that occurs on a corner where a cop is standing at that moment. We do not know a whole lot more, but we know if a cop is on the corner, and if a cop is not on the other corner, there is going to be crime committed on the other corner more likely than where the cop is standing. We know that.

This is a tough bill we passed out of the Senate to provide the States to hire 100,000 new cops. There are now only 544,000 cops in all of America. So we are almost increasing by 20 percent the number of local police officers in this bill.

And we should instruct the conferees to hold fast on my 100,000 number, not the 50,000 number the House has.

My motion also directs the conferees to provide sufficient funding for secure prison facilities for violent offenders and tougher penalties to keep violent offenders where they belong—behind bars.

We should be instructed that we go back and not come back here with a conference report that does not have sufficient money in it for prison construction.

I also want to help the States build and operate boot camps, jails, and other low- and minimum-security facilities, in line with what my friend, Senator DORGAN from North Dakota, was talking about. These are for nonviolent, less serious offenders. The House does not have any money in there for boot camps. You can do it at about 40 percent of the cost. We should stick with the Senate position to have that $3 billion in there for boot camps.

My motion also instructs the conferees to heed the other side of the ledger and provide sufficient funding for State and local government crime prevention programs, including prevention programs specifically aimed at children most at risk to drugs and crime.

Under the leadership of people like Senator DODD, Senator DOMENICI, Senator DANFORTH, and many others on our side of the aisle and on both sides, we have included such provisions in the crime bill. They are an important and balanced piece of this legislation.

So, Mr. President, I hope there is no argument about what I have just suggested.

This crime bill is made up of four major components. One, there is a trust fund. Two, there are real, live, hard dollars for States to build boot camps and prisons. Three, there is in this bill 100,000 cops—100,000 cops. And, four, there is in this bill the Violence Against Women Act, which I also included and that my friend from Utah has cosponsored, that deals for the first time in a concentrated way with the abuse heaped upon women through violence in American society, and identifies it as not a unique but an identifiable and clearly able-to-be-dealt-with problem.

And the last part of this bill we passed out of here which we should have instructions on is to do what Senators DOMENICI and others have instructed on the Republican side, as well as my friends on my side, and that is to balance it off with general, serious prevention efforts that we know work, by giving States money to set up these programs which we know work, to prevent children from moving into the crime and drug stream in the first place.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. HATCH. I think the Senator has a good motion here.

I wonder if I may ask my dear colleague to consider adding three additional matters to it. He has agreed to these before, so I do not think they would be a problem, but I think it would strengthen the motion.

One is, of course, the Senior Citizens Against Marketing Scams Act.

Mr. BIDEN. I will agree, Mr. President.

Mr. HATCH. Make that No. 8.

Then, No. 9, title 14 of the Senate bill, which responds to rural crime, which all of us are concerned about.

Mr. BIDEN. I will agree with that.

Mr. HATCH. No. 10, section 1031 of the Senate bill, which improves the training of law enforcement and provides technical automation. It is basically the Quantico part of the bill.

Mr. BIDEN. Mr. President, I agree with that, as well.

Mr. HATCH. Then I certainly am going to agree to this particular motion, and I compliment my good friend and colleague for having done so.

MODIFICATION OF MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. Does the Senator from Delaware seek to modify his motion to include those measures?

Mr. BIDEN. I will seek to modify the motion to include the three additional measures mentioned by my friend, Senator HATCH. I agree with him. I seek to so modify.

The PRESIDING OFFICER. The Senator has that right. The instructions will be so modified.

The motion, as modified, is as follows:

I move that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill H.R. 3355 be instructed to insist that the committee of conference report a committee substitute that includes the following measures:

(1) The Violent Crime Reduction Trust Fund to ensure that funds are available to support the vital programs ranging from prevention to punishment authorized in the crime bill.

(2) Adequate funding to put 100,000 more police officers on the streets of our neighborhoods and local communities in community policing programs.

(3) Significant funding for State and local crime prevention programs, including prevention programs specifically aimed at children most at risk of turning to drugs and crime, as well as general drug treatment and prevention programs.

(4) Significant funding for the construction and/or operation of—

(A) secure prison facilities for violent offenders; and

(B) boot camps, jails, and other low or medium security State and local facilities to house nonviolent and less serious offenders.

(5) Tough penalties for violent criminals.

(6) A comprehensive Violence Against Woman Act, including resources to improve law enforcement responses to domestic violence, for victim services, for educational programs, and including a civil rights cause of action for violent felonies motivated by gender bias.

(7) Funding for Federal law enforcement, including the Federal Bureau of Investigation, the Drug Enforcement Agency, the Justice Department, United States attorneys, and for other Federal law enforcement agencies.

(8) the "Senior Citizens Against Marketing Scams Act" as passed by the Senate;

(9) Title 14 of the Senate bill which responds to rural crime; and

(10) Section 1031 of the Senate bill which improves training of law enforcement and provides technical automation.

Mr. BIDEN. Mr. President, let me make it clear. The only reason I did not include those—and they are very important—in the Biden crime bill was the rural provision—actually, they are all in that crime bill. I am for that.

But the thing I do not want us to be the least focused on here are the big ticket items: 100,000 cops, billions of dollars for prisons and boot camps, prevention money that is real, that the States can use, and the trust funds.

They are the great-big-ticket items that make this a bill with real teeth in it, real teeth. We can pass everything else in that bill, but if we do not pass those four things, this bill, although helpful, is not one-twentieth as valuable as legislation with those major provisions. And they are in disagreement with the House right now, so it is helpful to me.

Again, I want the RECORD to show, so there is not any misrepresentation or mischaracterization when we come back with the conference report—and I thought it interesting, my friend from Utah said or my friend from Wyoming said, "It's going to be a difficult conference." My instinct was to say, "Tell me about it."

This is going to be a difficult conference. The Presiding Officer, who served with distinction in the House of Representatives before he came to the Senate, knows that in the House side they already have appointed 62 conferees, the core conferees for the bill. But the House is very, understandably, fastidious about jurisdictional breakdowns. So anything that affected the Labor Committee or the Ways and Means Committee, they have conferees assigned as well for that portion of the bill. It is like operating with a committee of the whole.

Two conference bills before the last one, which was already filibustered to death, I remember sitting in a large room as the only Senator sitting there with waves of House Members coming in. I felt like I was in a tag-team wrestling match and I had no one to tag. For an hour I would sit down and debate with six or seven House Members who were on this subcommittee. Then they would leave and I would catch my breath and there would be five from another committee. Because they are very fastidious—I am not criticizing—they are very fastidious, as the Presiding Officer knows, about their jurisdiction.

So this will not be easy, but I am confident it will be done. Because the American people will not stand in my view for any further delay. Anybody who dares filibuster a bill when it comes back, I think they are going to have heaven to pay from the voters when they in fact go home.

I think that everyone has to understand now that these instructions equip me to make a case. Essentially, they are not binding. They are not binding. They cannot be binding because I cannot guarantee what the House will do or not do. So I will commit to go to the House with these in hand. But Lord only knows what we will be able to come back with.

Mr. President, I ask unanimous consent that the vote on the motion to instruct occur without intervening action or debate immediately upon the disposition of Senator GRAMM's motion to instruct and that no amendments be in order to my motion, and that it be in order to have the order of the yeas and nays en bloc on my motion and the previous two motions to instruct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, it is my hope that there are not any more motions to instruct. I do not know that there are. Essentially, what we are going to end up doing—I understand why—but everyone is going to instruct that we be for the Senate bill. I am for the Senate bill. I wrote it, the underlying bill, anyway. But I suspect people are going to come over. This is kind of an interesting thing. It must be interesting for people watching us. Essentially what is happening here, for the first time in my experience in 22 years here, is that there is a negotiation going on, on the floor of the U.S. Senate right now through these motions, to try to, in effect, renegotiate the position of the Senate before we get to sit down to negotiate with the House. I am willing to do that but I am not sure any of this means a whole lot. We already know where the Senate stands on these things.

But I would ask Senators if they have any motions to be reminded that there is a unanimous consent that if they are not here by 4 o'clock to introduce that motion, the motions will not be in order.

One of the things I think the Senate will find interesting, and maybe people watching will as well, is the Senator from Utah and I agree on this stuff. Probably we disagree on some things, like federalization of every handgun law.

GRAMM MOTION TO INSTRUCT CONFEREES

Mr. President, I received a letter from the Chief Justice of the United States. Chief Justice Rehnquist said:

> I am writing in my capacity as Presiding Officer of the Judicial Conference of the United States to convey the opposition of the Judicial Conference—

That is the judges. Not just the Supreme Court, the Federal courts—

> to proposed legislation that would provide for Federal jurisdiction over offenses traditionally reserved for State prosecution. I enclose a statement expressing the objection and the reasons therefor * * *.

Then I received a letter directly, from John F. Gerry, who is chief judge and chairman of the executive committee of the Judicial Conference of the United States. He sent me a letter which takes strong opposition to several provisions in the Senate bill which I also am opposed to. It says:

> Recent actions on a crime bill also reflected a natural response to growing concerns about crime. Unfortunately, proposed legislative response have expanded—unwisely in my view—the role of the Federal courts in the administration of criminal justice. The Federal courts undoubtedly have an important part to play in the war against crime, but I urge Congress to review carefully the impact on the Federal courts, and on the traditional balance between State and Federal jurisdiction, before adopting the more expansive proposals in the crime bill.

And then reading further it says:

> Federalization of State Prosecutions Position of the Judicial Conference.

I think we should listen to this. It says:

> The Judicial Conference of the United States opposes legislation adopted by the Senate that would expand Federal criminal law jurisdiction to encompass homicides and other violent State felonies if firearms are involved. Such expansion of Federal jurisdiction would be inconsistent with long-accepted concepts of federalism, and would ignore the boundaries between appropriate State and Federal action.
>
> The addition to Federal jurisdiction of virtually any crime committed with a firearm that has crossed a State line will swamp the Federal courts with routine cases that States are better equipped to handle, and will weaken the ability of the Federal courts effectively to deal with difficult criminal cases that present uniquely Federal issues.

I ask unanimous consent all three of these be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, May 19, 1994.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write as Chairman of the Executive Committee of the Judicial Conference of the United States. By this letter, I wish to express the continuing opposition of the Judicial Conference to proposed legislation that would expand federal criminal law jurisdiction to encompass homicides and other violent state felonies if firearms are involved.

The Chief Justice recently reiterated the concerns of the Judiciary with specific reference to the Senate bill in his 1993 Year-End Report on the Federal Judiciary:

"Recent actions on a crime bill also reflected a natural response to growing concerns about crime. Unfortunately, proposed legislative responses have expanded—unwisely in my view—the role of the federal courts in the administration of criminal justice. The federal courts undoubtedly have an important part to play in the war against crime, but I urge Congress to review carefully the impact on the federal courts, and on the traditional balance between state and federal jurisdiction, before adopting the more expansive proposals in the crime bill. Serious consideration should be given to providing greater assistance to the state courts in handling their traditional jurisdiction, rather than sweeping many newly created crimes, such as those involving juveniles and handgun murders, into a federal court system that is ill-equipped to deal with those problems and will increasingly lack the resources in this era of austerity."

In short, providing Federal jurisdiction over offenses traditionally reserved for state prosecution is not a wise use of our scarce Federal resources.

I have enclosed a copy of a letter previously transmitted to Congress by the Chief Justice, expressing the opposition of the Judicial Conference to similar legislation introduced in the 102nd Congress. Attached to that letter is a statement setting forth the Judicial Conference position on this matter. It remains an accurate statement of the Judicial Conference position on the proposed legislation.

I appreciate your consideration of these issues.

Sincerely,

JOHN F. GERRY.

SUPREME COURT
OF THE UNITED STATES,
Washington, DC, September 19, 1991.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in my capacity as Presiding Officer of the Judicial Conference of the United States to convey the opposition of the Judicial Conference to proposed legislation that would provide for federal jurisdiction over offenses traditionally reserved for state prosecution. I enclose a statement expressing the objection and the reasons therefor in more detail. I appreciate your serious consideration of these views.

Sincerely,

WILLIAM H. REHNQUIST.

Enclosure.

FEDERALIZATION OF STATE PROSECUTIONS POSITION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

The Judicial Conference of the United States opposes legislation adopted by the Senate which would expand federal criminal law jurisdiction to encompass homicides and other violent state felonies if firearms are involved. Such expansion of federal jurisdiction would be inconsistent with long-accepted concepts of federalism, and would ignore the boundaries between appropriate state and federal action.

The addition to federal jurisdiction of virtually any crime committed with a firearm that has crossed a state line will swamp the federal courts with routine cases that states are better equipped to handle, and will weaken the ability of the federal courts effectively to deal with difficult criminal cases that present uniquely federal issues.

Not only will bona fide federal criminal prosecutions suffer if the Senate's expansive firearms provisions are adopted, but federal courts, overburdened by criminal cases, will be unable to carry out their vital responsibilities to provide timely forums for civil cases.

Mr. BIDEN. Mr. President, the point the judges go on to make is the point which we have made a number of times. That is that one of the purposes of the Federal court system is not only to handle Federal crimes but to handle very complicated criminal actions, major stings, major drug cartels, major moves on the mob and so on. And one of the things everybody says, either directly or by implication here, is the Federal system is working pretty well. Nobody is in here worrying about the Federal system. Federal judges work, the judiciary works, the Federal prison system is by and large working. The Federal prosecutors are working. The Federal FBI, and DEA, and Federal agencies are doing their jobs.

Now what the judges are saying is you come along and take the bulk of the crimes that are committed by street gangs and punks, serious crimes, and put them into the Federal courts which only have 5 percent of the resources to handle 95 percent of the crimes, you end up with real problems. For example, nationwide there were 544,309 State and local police officers in 1992. Federal police, DEA, FBI, U.S. Marshals and Border Patrol total 20,400; 20,400 versus 544,000. We are going to add 100,000; so versus 650,000 local cops.

Why are we moving them into Federal jurisdictions? The way to deal with these crimes is to put more cops on the street. That is why we are going to spend $9 billion to put more cops on the street. Local cops. At the State and local level there are over 23,000 prosecutors trying criminal cases. At the Federal level there are 3,000.

Do you realize that the district attorney's office in Philadelphia, PA, handled more criminal cases last year than the entire Federal system? One DA's office, than the entire Federal system.

Federally, the judges, there are 9,600 State trial court judges to hear felony and serious misdemeanors. In the entire Federal system there are 629 district court judges to hear these cases: 629.

Let me do two more statistics. In 1992, there were 48,366 criminal filings in the U.S. district court. That same year, there were 4 million criminal filings in State courts of general jurisdiction. That means that felonies and serious misdemeanors, 82 times as many as in Federal or State court. Indeed, between 1955 and 1991, a total of 1.3 million criminal cases were filed in the Federal court system, U.S. district courts.

So in 36 years, there were only one-third of the number of cases filed in Federal court as there were in any 1 year in the State courts. And today, there are about 1.3 million prisoners in State jails, in county jails; 84,000 in Federal jails.

Why did I tell you all these statistics? For a simple reason: If we go forward and bring back a crime bill that is enacted into law that federalizes all gun crimes where the gun crosses a State line—according to the Justice Department, offenders armed with handguns at a State and local level committed over 900,000 violent crimes in 1992—if the provision in the bill that Senator GRAMM wants to instruct us to keep prevails, that makes eligible 900,000 cases that are not now in Federal court to be eligible.

Obviously, they will not all get caught. Obviously, they will not all be brought to Federal court. But 900,000 would be eligible. Keep in mind now, for the last 36 years, adding up every criminal case tried in the Federal courts, there are only 1.3 million. So in 1 year, we are making more cases eligible when States already have jurisdiction, and we are providing somewhere around $15 billion to $20 billion to the States in Federal money in this bill to deal with their local crime problem, and we are going to put these into Federal court?

You know what will happen, Mr. President, whether it is in your State, whether it is in Denver or Boulder, wherever it is. Prosecutors are going to send them to the Federal level.

Again, we have something that works. The Federal system works. You did not hear anybody on the floor of the Senate complaining about the Federal system. Go back to President Reagan. "If it ain't broke, don't fix it." The place we should fix is the State system, and we provide money for them to do that.

So on the Gramm instruction—Senator PHIL GRAMM, of Texas—I really think that for us to insist that there be concurrent jurisdiction, up to another 900,000 offenses, just because a gun was used, seems to me to make it very difficult for any Federal prosecutor to sit there and decide what case he or she is going to handle. They will be swamped with cases that now go before the court.

Let me be a little cynical, if I may, and hopefully my cynicism is not well founded. In local communities where they are having serious budget problems and they have increases in crime, what do you think they are likely to do when, in fact, their case load is high? Do you think they are likely to go back to their mayor or their county executive or their Governor and say, "We need more prosecutors," or "We need more judges, in addition to the billions of dollars the Federal Government has already sent us"? Or are they likely to say, "No, we're not going to move this. Let the Federal Government move it."

It seems to me the way to do it is the way we have done it, Mr. President; and that is, to send those localities who need help—and they do need help—send them the money to hire local officials, local prosecutors, build local prisons, hire local police, so they can get this done. Do not shift it all to the Federal level. I will not even take the time of the Senate because they have heard me too many times make this case, but I will not even get to the issue of the notion of federalism and the proper allocation of power within the Constitution envisioned by the founders. I will leave that for another day.

But for a lot of reasons, not the least of which is the National District Attorneys Association, a group that is quoted often on the floor—and I have great respect for them—who is opposed to the racial justice provision and other provisions, they also oppose this provision of the crime bill that I am being sought to instruct to keep in the bill.

I see two of my colleagues are on the floor. They have to get their provisions in.

I have one more thing before I yield, and I will not take the time to read this. Senator HATCH, in his comments, made reference to the impact of the Brady law. I ask unanimous consent to print in the RECORD a copy the Thursday Final Edition of the Washington Post, a story that reads:

> In the first month of the Brady operation * * * a national 5-day waiting period and background check has prevented handgun purchases of at least 1,605 people, including fugitives and felons convicted of armed robbery, murder, and manslaughter, according to preliminary statistics from 15 States and cities.
>
> Forty-four fugitives or persons facing outstanding warrants were denied guns, including one South Carolina man wanted for sexual assault who was arrested in the gun store.

I also ask unanimous consent that a USA Today article dated April 15, 1994, "Bonus: Background Check Turns Up Criminals," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 31, 1994]

BRADY LAW APPEARS TO CAST EFFECTIVE NET; EARLY FIGURES SHOW HANDGUN SALES DENIED TO FUGITIVES, FELONS

(By Pierre Thomas)

In its first month of operation, the Brady law, a national five-day waiting period and background check, has prevented handgun purchases by at least 1,605 people, including fugitives and felons convicted of armed robbery, murder and manslaughter, according to preliminary statistics from 15 states and cities.

Forty-four fugitives or persons facing outstanding warrants were denied guns, including one South Carolina man wanted for sexual assault who was arrested in the gun store. Gun control supporters lauded the early statistics as a definitive, but conservative, indicator of the law's effectiveness.

Opponents, meanwhile, called it a meaningless infringement on the rights of law-abiding citizens. The National Rifle Association is supporting lawsuits in Texas, Arizona, Montana and Mississippi that argue the Brady law is unconstitutionally vague and violates the 10th Amendment because it encroaches on the authority of states.

Gun control proponents said the early evidence clearly shows criminals routinely walk into gun stores and attempt to buy guns over the counter.

"Who says * * * criminals always get their guns on the street?" asked John W. Magaw, director of the Bureau of Alcohol, Tobacco and Firearms. "I must tell you the Brady law is breathing hope into this battle against crime involving firearms."

Magaw's comments came during a news conference on the 13th anniversary of the assassination attempt on President Ronald Reagan, which left Reagan's press secretary James S. Brady nearly dead from a gunshot to the head. The event helped spur a national gun control movement.

"Although today is an anniversary, on which I prefer not to dwell, I must say it is certainly satisfying that today, for the first time in 13 years, we don't have to call for the most basic gun control laws in the country." Brady said yesterday of the law named for him. "For the first time on this day, I don't have to remind lawmakers that we need the Brady bill."

Under the new law, federally licensed gun dealers are required to notify the chief law enforcement officer in the potential buyer's community. That law enforcement official is to make a "reasonable effort" to determine if the buyer is a convicted felon, mentally unstable or otherwise prohibited from buying a gun. The waiting period is to be dropped after five years, when a national computerized instant-check system is supposed to be operational.

Twenty states and territories, including Maryland and Virginia, had similar or more stringent measures in effect before the national Brady law was passed. Counting queries from these jurisdictions, 375,853 inquiries about gun purchasers have been made to the FBI's computerize criminal information network. Of those, 23,610 have been identified as possible felons, ATF officials said.

At least 60 persons, primarily fugitives, are being prosecuted for violations of federal firearms statutes, Magaw said. The bureau has not started systematic arrests of persons in probable violation of the law, he said, noting available ATF resources were being used to assist local and state departments in administering the law. After more study there will be "follow-ups," he said.

"The Brady law saves lives," said Rep. Charles E. Schumer (D-N.Y.). "The results of Brady are outstanding, but not surprising."

NRA officials had a decidedly different view, staging a counter-news conference just before the ATF media event.

"The numbers are misleading," said Rick Sellers, chairman of the NRA's Criminals Cause Crime Coalition. "The Brady law doesn't focus on criminals. They are not going after criminals. They are bothering citizens."

The NRA's tactics and lawsuits drew sharp words from Brady, who called the organization and the gun lobby the "Evil Empire." The group "is trying to win back in the courts what they lost on Capital Hill," he said. "This is more than ridiculous, it is downright dangerous * * * . The NRA should be ashamed."

No, said the NRA's Sellers. "The Evil Empire is the handgun control and criminal support lobby."

[From the USA Today, Apr. 15, 1994]

Bonus: Background Checks Turn Up Criminals

(By Debbie Howlett)

Five days after the Brady handgun law went into effect, Robert Delariva tried to reclaim his handgun at a Reno pawn shop.

He filled out a form and the clerk entered the information on a computer for the background check as required by the new law. The police showed up minutes later and busted him on a felony warrant for writing bad checks.

Delariva, 46, is among an estimated 38,000 felons who've turned up in background checks of handgun purchasers in the seven weeks since the Brady law took effect.

Officials at the Bureau of Alcohol, Tobacco and Firearms say they have no idea how many of the felons are arrested; most state or local officials can't say how many arrests have been made.

Still, ATF officials are pleased—and a bit surprised—that the checks are revealing so many criminals.

"We're nuking them until they glow at the pawn shops," says Jack Killorin, ATF spokesman. "I guess they don't figure a pawn shop is a federally licensed firearms dealer. It says something about the judgment of the American criminal."

The FBI's computerized criminal information network has handled about 90,000 background checks a week since Feb. 28. About 16% of those are denied, though only one in three denials actually turns out to be a felony matter.

May of the "hits" turn out to be a case of mistaken identity or a misdemeanor matter, such as an unpaid traffic ticket.

And many of the felons, such as Delariva, are minor-leaguers compared with murderers, rapists, and armed robbers.

The National Rifle Association is a leading opponent of the burden placed on local law enforcement officials.

The NRA is financing five of six federal court challenges to the Brady law brought by county sheriffs.

On Wednesday, John Arnold of Fort Walton Beach, Fla., became the first person convicted under a lesser-known provision of the Brady law that makes it a federal crime to steal a weapon from a licensed gun dealer, he faces up to 10 years in prison.

Mr. BIDEN. I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be recognized in morning business to make a short statement and to introduce a joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S.J. Res. 194 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I thank the managers of the bill and the Chair.

The PRESIDING OFFICER. Who seeks recognition?

MOTION TO INSTRUCT CONFEREES

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I rise to send a motion to the desk on behalf of myself and Senator DOMENICI to instruct the conferees to follow its contents.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from New York [Mr. D'AMATO], for himself and Mr. DOMENICI, moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 3355 be instructed to insist that the committee of conference report a conference substitute that includes in its entirety, Section 2405 of the Senate amendment entitled "Mandatory Prison Terms for the Use, Possession, or Carrying of a Firearm or Destructive Device During a State Crime of Violence or State Drug Trafficking Crime," and section 2406, "Murder Involving Firearm."

Mr. D'AMATO. Mr. President, before I address the motion that Senator DOMENICI and I have sent to the desk, the motion to instruct the conferees to accept very specific language, let me talk to one other issue which I am not going to ask the conferees to be instructed on because the Senate voted overwhelmingly last week, 58 to 41, that those provisions known as the racial justice provisions not be accepted by the Senate.

I think it is quite clear what the sentiment of the Senate is, and I hope that those provisions will be dropped in their entirety because it is too important a matter to have conferees dabble with, then come back and possibly jeopardize the passage of this bill or certainly impede passage of the bill. That would be a mistake.

If we are going to debate this, then let us debate it fully as to what should or should not be, to see that there is no discrimination, that the laws apply equally. There is not one Senator in this Chamber, Republican or Democrat, who would disagree that we want to see that the laws are applied fairly and equally as it relates to the imposition of all penalties, and certainly the death penalty.

But to trivialize it in such a manner without full debate of this body and to have this body then have to accept that on the basis of there being no hearings—no hearings that were conducted on this issue, no debate but, rather, to take it because the House on a very close vote, 216 to 214, accepted it, that would be a mistake. That would be wrong.

I hope the conferees understand that notwithstanding that this Senator is not going to ask for a motion to instruct that they delete all of those provisions, they not try to come back with some pablum and say, well, we have dropped out the retroactivity part of it. That is not going to be sufficient. This Senator will then be forced to oppose the adoption and move that we recommit it to conference. I do not think it would be helping the justice system to have us in a needless delay.

Mr. President, the motion which I offer to instruct the conferees, sent to the desk on behalf of Senator DOMENICI and myself, is one that has been voted upon by the Senate and passed by a margin of 58 to 42.

My colleagues have repeatedly commented that this is one of the toughest crime bills they have ever seen. I really want to keep it that way. I want to see to it that we are not just giving it lip service and rhetoric.

The fact is, Madam President, there is very little in the way of new money to do what we are talking about. We talk about building regional prisons. There is no money to do that. There is very little money if any. And my distinguished colleague and ranking member of the Budget Committee will talk to that. But I do not know where the money is going to come from to hire the 100,000 police officers. And now we understand it is going to be somewhat less than 100,000.

So this bill, for all of its good provisions, has a lot of rhetoric in it and it does not do very much.

Now we get into the subject of licensing guns. We say that is important. Somehow that is going to stop crime or it is going to cut down on crime.

Look, I would like to know why and how it is, the logic of having a bill that contains new provisions for the control of guns when the ultimate control we need is on the use of a gun. The thing that people are crying out for is safety. They are saying my kids are being savaged; we are being held hostage in our own homes; our neighborhoods are not safe. Forget about going to the parks. Forget about using mass transportation in the off-peak hours. We want some civility.

So what do we do? We pass gun registration provisions. The only ones who are going to listen to the gun provisions are the law-abiding citizens; they are the ones who are going to go out and get fingerprinted and do so 7 days ahead of time. The crooks and criminals are not going to do this.

What about the guns coming over State lines? Ninety percent of the guns used in violent crimes cross State lines. And I daresay that 99.9 percent will never be registered. Do we forget about those? If we are going to say it is a crime if you do not register a gun, and the Federal Government mandates this, regardless of States rights, then why not protect the people of this country and why not say if you take a gun across State lines and use it to commit a holdup, kill somebody, that the Federal courts will have jurisdiction as well. Why not say if you are going to come over and rob somebody, shoot down a little merchant, whether it be here in Washington, DC, or in New York City or in the hamlets and byways of our great country, that it is a Federal responsibility to provide for the domestic tranquility and local governments and court systems are broken down, where they do not have room for these people, then why not say it? Why do we not have the courage to say if you use a gun, we think it is so important if you use a gun in the commission of a crime, 10 years in prison—10 years. Does it make sense? Sure.

What we have is the judiciary saying, "You are going to flood our courts." I could not give a darn. I could not give a darn. Tell that to the people who are dying out on the streets: "Oh, that is a local matter," they say. What we are doing is trivializing this whole matter of crime.

Oh, it is great political rhetoric. We take a poll. We find out people are serious. We have to do something. And what do we do? Pablum. Oh, we are tough. So we pass all these death penalty provisions. You are a chicken inspector and you get shot and they go to jail, or a postal inspector, or you commit some exotic crime, those are not the crimes that are savaging cities.

(Mrs. MURRAY assumed the Chair.)

Mr. D'AMATO. What about the guy who gets a gun, goes across the State line, comes in and holds up the mom and pop and shoots them? And then he plea bargains, plea bargains, because the courts over here do not have room, they do not have capacity, no prison space. Why should the prosecutors prosecute? Why should that not be a Federal crime? Why should we not do that?

I tell you something. In New York they could certainly use that help. I would like to see the district attorney who would turn it down when he has an overcrowded calendar, overcrowded courts, overcrowded prisons. And that is why they have the average person in New York who commits a robbery with a gun getting a year and three months. That is all he serves. What do you think happens? He is back out on the street. He is doing the same thing.

We can say all we want that it is a local responsibility, but you know what? They are copping out. They are not doing it. They do not have the money. They do not have the resources. They do not have the appropriations. That is a fact. That is a fact in New York.

I think it is a fact that most of our major urban centers—we say, "If it ain't broke, don't fix it." I agree. But it is broken. Our local court systems are broken, and we are not going to give them the money to fix them. If we give them the money, the exigencies of politics being what they are, they will not direct it to the right areas. And we have to say, "You commit a crime with a gun, 10 years. You shoot the gun, 20 years. You kill somebody, the death penalty." Now you are talking seriously. Then we will see whether we can get this great, august, group of the Congress to begin to put up the money to back up these actions.

There are 200,000 gun cases. They are not going to take them all. But if you have a local Federal prosecutor who wants to help the local district attorney, he can. We are not trying to trivialize the Federal courts. They are important. I think they should be involved in the most important battle for civility in this country. We are losing that battle. We are losing that battle. I think it is worthwhile. I tell you, OMB has drafted some figures here. They say the courts only have to take 2,300 of those cases.

Again, I think that this is something that the people are crying out and yearning for. It is for domestic tranquility, so they can live without fear that they or their families or their loved ones will be victimized by this violence. And you are never going to get this under control unless and until people understand that we are serious about using a gun to commit a crime. I do not give two hoots and a holler about whether you register it. But if you use it in the commission of a crime, by gosh, you ought to go to jail, and you ought to go for 10 years.

Mr. BIDEN. Will the Senator yield for a question?

Mr. D'AMATO. Certainly.

Mr. BIDEN. I ask my friend from New York, the Senator on the one hand says—I think he is right—that the States and localities, for whatever reasons, have not met their responsibility. This is No. 1.

No. 2 that if we send them the money to handle these additional cases, and also to hold people more accountable, keep them in jail, instead of the horrific statistic that I just heard—that violent crime with a gun, 1.3 years in New York City or New York State—that if we send them the money, I think his quote was the "exigencies of politics" will result in it not being spent to do that.

So that leaves, it seems to me, only one choice. If we take on this responsibility at the Federal level, we have to meet the need. Is he willing, as I calculated, to join with me in a piece of legislation that will quadruple the number of Federal judges so that we have 2,800 Federal judges instead of slightly over 700 Federal judges, and quadruple the number of Federal attorneys, prosecutors, and quadruple the budget of the FBI? Just leave those out. Just leave prosecutors and judges. Because, even if only 100,000 additional cases go to the Federal court system, even if only 30,000 additional cases result out of the 900,000 offenses committed with a gun, even if only 30,000 get sent to the Federal level, that will mean that criminal cases in the Federal courts will almost double in 1 year.

Right now the entire criminal docket filings in the District courts, all of the District courts, in the Nation, Federal, is 48,366. Even if only one-sixth—it would be less than that—900,000 eligible, 30,000 go and get prosecuted, get filed in the Federal court, you are almost doubling the number of criminal cases. Federal courts have to try.

As we all know—because the Senator knows the banking area better than I do, knows the security industry better than I do, knows the white-collar crime area better than I do in terms of what needs to be done—the lawyers in New York, Wilmington, Washington, Washington State, and the State of New Mexico are saying their civil cases are not getting heard because of the criminal docket. We are going to double at least the criminal docket, and we are not going to add any judges.

So I would suggest that if we end up doing this—which I do not think is the way to go, based on the principle of federalism—I want everybody to know who votes for it that I am going to be back here asking the number of Federal judges to be increased to close to 3,000 and the number of Federal prosecutors to be. Right now the total number of Federal prosecutors we have in the United States of America is 3,000; total number in the entire United States of America. That is what we have.

So if we just increase by 30,000 the number of criminal cases, as a consequence of this, and there are 900,000 cases eligible—we just increase by 30,000—right now that gives every one of these prosecutors out there a significant additional burden. So I would think we would have to move somewhere around 9,000 or 10,000 prosecutors.

Mr. D'AMATO. I might suggest that those numbers are way out of proportion. We have a graph from OMB, and it indicates that possibly there would be something like 2,300 cases. Let us suppose we took on 30,000 cases.

Mr. BIDEN. Will the Senator put that in the RECORD? I do not doubt the number. I just wonder how they got the number.

Mr. D'AMATO. We will put this in the RECORD.

But let us assume you took 30,000 violent cases, and you are going to take the important part of the cases that locals do not have the capacity, or want to share with the Federal Government. In many cases you are going to have local prosecutors who are designated as special prosecutors. That is done oftentimes.

Second, the convictions in these cases, in most cases under the Federal rules, are much easier.

Third, let me say as it relates to what the judges—whatever the increase in judges is necessary to keep our judicial system from breaking down, this Senator will vote for it. The same with the prosecutors, the same with prisons.

Let us take some of the abandoned bases that we have and begin to convert them into regional prisons. It is going to cost money. My gosh, if we get these violent predators off the streets, we cannot invest money in a better way. Forget the rest of this nonsense; if we spend money on programs, that the people would gladly say, "Cut them out, if you are going to make a safer place for me and my kids to live."

That is what this Senator is advocating.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. D'AMATO. Yes.

MOTION TO INSTRUCT CONFEREES

Mr. BIDEN. I have a unanimous-consent agreement that has to be made before 4 o'clock. It will only take 30 seconds. It relates to an agreement I made with my Republican colleague on a motion to instruct that I agreed to accept. But I am told it was never sent to the desk. It must be done by 4 o'clock.

I send a motion to instruct the conferees, a motion to instruct, submitted by Senators HATCH, SIMPSON, DOLE, and BIDEN, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the preceding motions?

Without objection, it is so ordered.

The motion to instruct conferees is as follows:

Mr. HATCH, Mr. SIMPSON, and Mr. DOLE move that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill H.R. 3355 be instructed to insist that the committee of conference—

(1) hold all meetings in one of the following rooms:

(A) SR 325;

(B) SH 216; or

(C) SD 106;

(2) ensure that all of the meetings of the committee are open to the public and the print and electronic media; and

(3) hold all meetings during reasonable hours at times when the Senate is in session.

Mr. BIDEN. Madam President, is the motion adopted? I urge the adoption of the motion. I ask unanimous consent that the motion be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The motion is considered, and agreed to.

Mr. BIDEN. I yield the floor.

Mr. D'AMATO. I do not know if I have to ask for the yeas and nays. But before yielding to my distinguished colleague from Arizona, may I ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Madam President, the Senator from New York raises really what I think is the crux of the problem, not so much in his resolution which I see no problem for voting for, because I voted for it before, and he knows how I feel about it. So I understand the resolution.

But the point is we need some more money. Where do we get it? If we start to enhance the court system, as the Senator from Delaware points out—and I happen to agree with him that we are going to have to, maybe not quadruple, but double the judges in my estimation, and the prosecutors—where are we going to get the money?

It is not just the salaries of the U.S. attorneys, the judges, and the U.S. marshals. But you have to have, as you said, the prisons, you have to have courthouses, you have to have transportation. We are talking about billions of dollars.

The money is not there, and the problem is that we do not have the courage here to vote for the money. We cannot cut the space station. We cannot cut defense any more. We cannot cut whatever else somebody feels important here, Star Wars or what have you. We will not raise taxes, when it comes down to it, somewhere at some time.

I will not be here next year when it all comes down. But you all will have to vote to raise some revenues. You will have to raise some revenues if you really want to, in my judgment—and I generally ask the Senator. Does he agree that we have to have some money, and it may mean some taxes, if in fact we cannot cut entitlements, we cannot cut the space station, or anything else? I do not see how else you protect the people of this country without spending some money, either from cuts, which, yes, we pay for or cannot do, or taxes. Otherwise, we are not going to do it. Would the Senator agree?

Mr. D'AMATO. Let me answer, and then I will yield to my colleague from New Mexico for a question.

You say there is no doubt that we are going to need additional resources—money. We say "resources." We do not want to talk about money. We need more money. If you are going to successfully engage the battle against the career criminals, against the people who are ravaging our cities, our States, our communities, our neighborhoods, all the rest of this business, and even this crime bill, which has wonderful provisions, you do not have the money.

So this Senator says let us create a situation where we are forced to allocate the resources. By gosh—and I want to tell you something. If it means we have to cut some good programs, you will see that the people will say, "Yes, if you are going to put the money in and really make a safer community, and we are going to take the predators off the streets and keep them off the streets." You had better believe they will support that. I would support it if it means increasing revenues, taxes. If we are going to apply it to really going after criminals and locking them up and prosecuting them and seeing to it that the system works, I would vote for that. But I am not going to vote to increase taxes for more social programs. I will not do that, because the people will not want that.

We have been kidding the people. We have abdicated our responsibility because we have seen the neglect, benign neglect, taking place in urban America, but it has happened. We have an obligation to do something.

I yield the floor.

Mr. DOMENICI. Madam President, I say to the Senator from Arizona, I suggest after the adoption of the D'Amato-Domenici amendment, now the subject matter again of this motion to instruct, the Senator from New Mexico, in this crime bill, put an amendment together recognizing that if this became law, there would be some additional money needed by the Federal judiciary and Federal district attorneys. We authorized an additional $1.25 billion over 5 years in this body; it was accepted. Let me tell you where the money will come from. First of all, the judiciary got $280 million; the Justice Department got $575 million over 4 years; the FBI got $230 million; the U.S. attorneys got $140 million.

Frankly, when we did this, before us was a trust fund. The trust fund was $22 billion. It was set aside for crime prevention under this bill. That is the way the language read. This bill is the subject matter of this motion to instruct. Frankly, I will tell you that I do not think you can get out of that $22 billion, with everybody's wish list—$1.2 billion to enhance the capability of the Federal criminal judicial system—unless you can go before the subcommittee that puts the money up and say we have just built into the law of the land, finally, a really effective tool for the U.S. attorneys and U.S. judges and U.S. juries, to put some of those committing violent crimes with guns in jail.

I believe if we pass that jurisdictional change, we would find this money within the $22 billion.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. DOMENICI. Can I make my case for this and then yield to the Senator? Well, I will yield now.

Mr. DECONCINI. Madam President, the Senator raises the point—and the only question I have is he believes, and I do not agree with him—that if we had this mandatory sentencing and the things he is talking about, we in that Appropriations Committee would come up with that $1.4 billion out of the State, Justice, Commerce subcommittee on which you are the ranking member. I do not think we would do it, because we will not cut foreign aid to Russia; we cannot cut these aids anyplace else under foreign operations; you are not going to cut the State Department; you have not hired an FBI agent for 2 or 3 years.

So my point is: Is the Senator not really saying that if we do not have the will to cut—which we do not—the only way to get revenue is from other sources? And that means, as the Senator from New York says, taxes. Is that not what we are talking about?

We ought to go to the people and say: Folks, the reality is we cannot get the money from the cuts. We can talk about it and wish, but I think the Senator will agree that we are not going to get it from cutting down there—only if we are going to raise taxes and put that money in a trust fund that will go to pay for the judges and prosecutors.

Does the Senator agree?

Mr. DOMENICI. No; I do not, Madam President. I understand my good friend from Arizona was a prosecuting attorney—not at the Federal level—and he understands a lot about this. Let me suggest that if, in fact, the trust fund stays in the bill, and the chairman of the committee that is going to conference told the Senate before lunch that it would, I gather that the $22 billion, taken out of the capped amount—that is the way it reads: You take it out of the money available to all these committees, and essentially you cut them by $22 billion over 5 years and put it over here in a trust fund just to be used for this. Frankly, is that going to happen, even if the trust fund is adopted?

It looks like Chairman BYRD is following it for the first year. It looks like there is $2.4 billion in budget authority, and about $700 million in outlays you might attribute to the trust fund. I do not know, if the trust fund is in place, what we are going to do the second year. It is the law. It says the caps have been reduced and moneys taken out of all those discretionary accounts, taken out and put in this trust fund. So when you spread the money around, you have already cut effectively $22 billion, and they will have to struggle as to what programs they cut.

I want to make a point about what the American people have finally arrived at in their minds after discussions about a crime bill since last November. They have finally come to the conclusion that the U.S. Government, its courts, its juries, its U.S. attorneys, and its new laws, have very little, if anything, to do with the crime and violence going on in their streets, in their schools, in their subdivisions, in their shopping centers, on the mass transit systems, and in cars that drive up alongside each other. I read in the paper that a man barely had a grin on his face when he drove alongside another car, and the occupant of the other car did not like it, so he just shot him.

Will they finally come to the conclusion that we have nothing whatsoever to do with any of that? That is why many of them are saying crime is the big issue. Is the Federal Government going to do anything about it? They are beginning to say, well, we do not know. It is not because they think we are not going to pass this bill. It is because there is nothing in this bill that says we are going to help with the crime that is occurring on the streets and in the manner that I have described, that you have described, and that the Senator from New York has described.

So it seems to me that this amendment, adopted overwhelmingly in the Senate, if it comes back out of conference sends one final, good, positive signal to the people of this country. It says: Yes, we are going to build more prisons; yes, we are going to help our States if they want to join us in joint prison construction. But it also says the U.S. attorneys and Federal judges have the jurisdiction—that means authority—to go after the violent criminals who are using guns that have been transmitted in interstate commerce in the commission of a crime and mandate some sentences for them.

Frankly, I think it is a slight ray of hope. It is a ray of hope that we are going to do something rather than leave it all up to the State attorneys, to the district attorneys, to the courts. I visited all of the justices of our district courts, and I saw all 18 in the city of Albuquerque. They are befuddled with the caseload. They are overwhelmed with the number of juries, overwhelmed because our State prison will not hold enough of them. And they are saying, "What are you all going to do about it?"

They want help, and I hope that in this bill, we help them. I think we ought to help them with this approach.

Mr. DECONCINI. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. KERREY assumed the chair.

Mr. DECONCINI. Mr. President, the Senator from New Mexico is talking to the choir here. The Senate already passed this by 58 or 60 votes.

Mr. DOMENICI. The House has not.

Mr. DECONCINI. The House has not.

To me, it is an insult to the conferees, in a way, and to the chairman—maybe he does not feel that way—that we are going to go in there and give this away. I anticipate to be a conferee. I am not going to give it away. I may be voted out; maybe I will be voted down.

If there is someone here who thinks, as to the message sent by the Senator from New York, we want to say ditto, fine; let us not stand here and say we have not done anything. We might not be able to cure the crime problem in the neighborhoods and shopping centers, but I think the body went on record with a decent crime bill.

Mr. DOMENICI. I did not imply we did not.

Mr. DECONCINI. I get the feeling here we are going to sell out over here, and in the conference we are going to sell out to everybody there. I hope we do not get a crime bill if, in fact, we sell out.

Mr. DOMENICI. Will the Senator yield?

Mr. DECONCINI. I will.

Mr. DOMENICI. I still have the floor.

Mr. DECONCINI. The Senator still has the floor.

Mr. DOMENICI. Frankly, what I am saying is that the public has not been hearing very much about this issue as it is presented here on the floor. They have been hearing about more jails and prevention, and today we are trying to refocus attention on a provision in the Senate bill which the Senator from Arizona supported. He just indicated he is going to support it again. He supported tough measures like this for a long time, with additional task forces to go after certain kinds of criminals.

I have been with him on those amendments. He has done a great job. But what has happened is we never made them law. It is nothing like this. We have never put anything like this in law other than illegal drugs. And believe you me, the druggies know if the Federal Government is involved in something, after that they are going to jail. This sort of says the same thing.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. DOMENICI. Yes.

Mr. DECONCINI. This is in the bill, right?

Mr. DOMENICI. It is in the bill.

Mr. DECONCINI. Yes.

Mr. DOMENICI. We are asking the conferees and the Senate here tonight to once again confirm by overwhelming vote that we want to extend the jurisdiction of the Federal courts a little in behalf of the American people.

I want to close by saying I do not just say this on the floor. I say to my friend from New York, I had two Supreme Court Justices in the Appropriations Committee, and I say this to the Senator from Arizona, they were there to seek their budgets and the budget of the circuit courts. They were Justice Kennedy and Justice Souter.

They made the case that they did not want the Federal courts—these are Supreme Court Justices, entitled to great deference and respect—to be turned into police courts, I say to my friend, police courts.

So I said: "Mr. Justice, with the greatest respect, is trying someone who used a pistol to shoot six kids, and that pistol went across State lines in a robbery, a police court case? It was used to rob over there, and brought across. Now we are going to try them in one of our Federal courts with a Federal jury. Mr. Justice, is that a police court case?"

Of course, you know, the Justice said what anyone would say: "I did not mean that, Senator."

But some people speak about the Federal courts as if, if we asked them to do anything in this war on crime that they are not currently doing, that we are going to ruin them. Is that right?

Mr. D'AMATO. Right.

Mr. DOMENICI. I tell you, if civil dockets have to wait some more while we put 15,000 or 20,000 people away who are using guns, transmitting them across State lines, and shooting people, little kids, if we have to use them and put the civil docket off for a while, so be it.

I think that is what the people like to hear anyway, and like to see happen. I will vote for more money for them so they will not have to do it.

I yield the floor.

Mr. D'AMATO. Mr. President, I make an observation.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. DOMENICI. I yield to the Senator from New York. I will yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me say this, because I think it is important that we say this publicly. There has been no greater fighter and champion in the area of taking on the druggies, of involving this country on a national level and on an international level, and attempting to interdict, setting up a special task force in our housing projects in New York City, in particular, which made a great difference and brought civility to one project that I know of, in particular. When we talk about a project, we are talking about a large housing complex where thousands of people live and many of them were held before we sent in a strike force to open that place up and get rid of the guys with the guns, et cetera.

My good friend and colleague from Arizona, Senator DECONCINI, has done a great job. We worked together. I am privileged to have worked with him, as he championed so many of these things and made a difference.

I am sorry, and I do not want to be partisan in this, that there are some in both administrations, the prior administration and this administration, who do not share the sense of urgency that my colleagues on the floor, Senator DOMENICI and Senator DECONCINI, have demonstrated—not rhetoric—by making tough decisions and finding it and making a difference.

I see a lot of the work that the Senator has undertaken that, quite candidly, is being paid little attention in some areas almost being dismantled. I think it is wrong, and I think we are going to come to regret that kind of activity.

But again I say this was across the line. It happened in the previous administration and it happens in this one. So it is not partisan politics.

My friend did raise a question about why the need to do this. I am very much concerned that the conferees, Republicans and Democrats, in an attempt to get the bill passed, will let this provision drop and will not fight for it. They do not really understand there are some of us who really do believe that this is maybe the kind of last hope we have before things get so bad that we then have the cries for the National Guard, et cetera. In certain communities, I hear Congressmen and the opposition in the party, the other party, calling for and suggesting that maybe the National Guard be brought into some communities.

I do not think we should try to reach that point. I think where we have the code of civil judicial law in the Federal level, that can be indicated with our local people. That makes much more sense than that.

I know a Congressman—I am not going to say who—in New York who has actually called on a number of occasions for the use of the National Guard in his community. Let me tell you, that is how bad things are. Are we really going to begin to think, if you think of the tragedy of having young men, 18, 19, 20, and 21-year-old Guardsmen out there, they are now going to become involved in trying to keep civil order? That is rampant with all kinds of horrible ramifications. We do not need that. We do not want that.

By gosh, people have a right to have the Federal Government in this fight for civility, and I do not think some of our colleagues share it. They have not shared it with us in the past, and I said us. They have not shared with the Senator from New York the compassion to recognize now what is going on, and stand up and make a determined fight to make a difference. They have not.

We have been there. We have been voted down. We voted to build prisons, and they voted us down. We voted for more people, and they voted us down.

This is a ray of hope, and we have to say to our colleagues: We do not want you to give this up. We want you to say to the House: You put some stuff in there; we put this in there. We want this provision. We think that it will be a beginning. And, frankly, my colleague said it. He said it is a ray of hope. It is not going to change the whole thing. There will be some prosecutors on the local level with district attorneys, with Federal people, who use them and have some success, and maybe people will catch on.

And maybe, as we had in New York—I remember when we had our mayor, who was a prosecutor. He had Drug Day one day, and he worked it out with the local jurisdictions. One day each week was designated as Federal Drug Day. So on those days, when drug arrests were made, guess where they were taken? They were taken to the Federal court.

I have to tell you, when the druggies found out when Drug Day was, it started in the morning, and that afternoon, they stopped. They did not want to wind up in a Federal court, because it meant they went to prison. It did not mean they had a plea bargain and they were back out on the street.

I am suggesting maybe there is a ray of hope. Maybe they will take the Federal guys seriously on gun crimes, robberies, et cetera, if they set a Federal jurisdiction, a Federal day, and give some hope.

I do not say it will cure all. I guess I am coming down and making this plea again with my colleague, Senator PETE DOMENICI, because I think my colleague from Arizona may have hit the nub. Maybe we do not feel, notwithstanding the 58 or 60 of my colleagues in the past who fought for this, and the conferees indicated, I think they might care so much with the overall of politics of the crime bill that they lose the passion to say: By gosh, let us try to make a difference. I do not say that to my colleague. I know he has been there; he has done it. But for some of our colleagues, that is a question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the Senators, both from New Mexico and New York. We have worked on a number of things, and I thank the Senator for the compliments.

But the Senator from New York, particularly up in his State, and serving on the Treasury-Postal Committee that deals with that area of customs and ATF, played a major role in that task force, as did the Senator from New Mexico, in getting those designated in the drug strategy.

My talking here, I hope, is not interpreted by anybody, nor the Senator from New York, thinking I think he is not sincere. I know he is sincere. What bothers me is we are being in conference, and it really bothers me, and I have to tell my friend on the other side of the aisle that it troubles me, we are not over there now confronting those who may want us to pass a soft crime bill. The sooner we get there, the sooner we are going to know, and the sooner you are going to know, because Senator HATCH from Utah and others are going to be there and they are going to be arguing for a tough crime bill. And it is going to be part of the public pressure.

That is what I think is there.

My problem is, you know, I hope we do not spend too much time here, because I could offer an amendment. I could become a convert on the assault weapons ban. This body adopted it. I hope we do not give that away. The House does not have it in there. The Senator from New Mexico may hope that we do give it away.

But there are a lot of strong feelings here that this is a tougher bill and we ought to move ahead with this bill and I hope we can do that today. Because I think we are losing time. I think signals are sent here. I think if we do not deliver the package, that is when we are going to be criticized by the public.

I intend to do all I can, assuming I am a conferee on this bill, to stick with the Senate's position. I do not have to have a crime bill. The chairman may have to have a crime bill. I do not have to come back with a bill that to me does not have any community policing. I think that is good. It does not have the death penalty. I think that is good. It does not have the racial justice.

On the other hand, I am not going to hold out for one single thing.

This particular point I think is right. I am glad the Senator offered it on the bill. As he knows, I support it.

Mr. President, this crime bill that we have before us is, I truly believe, the most comprehensive crime bill that has passed the Senate in my short term here of 17 years. It is not going to cure the problem. It is not going to make safe streets in Phoenix and Tucson and Flagstaff, AZ, by passing this bill and having the President sign it.

The Senator from New Mexico raises the point, or perhaps the Senator from New York as well, are we going to pay for it? We set up a trust fund. There has been criticisms of trust funds before around here, as we all know. We use them some when we think it is convenient and then they are good and other times they are criticized.

The point is, I think this is a valid trust fund. At least it sets aside the money.

It is going to be up to the appropriators to come up with that money out of these caps without raising the caps. Now, that is not going to be easy. It is not going to be easy at all. I do not know where we are going to get the money. But, in the long-term, if we are going to have a trust fund of over $20 billion over 5 years, it seems to me we are going to have to raise some revenues or what is going to happen is we are not going to fund whatever we ultimately pass on the crime bill, whether it is 75,000 community police or 110,000 community police, because we are not going to do it.

Another thing I am very pleased the chairman from Delaware has indicated to me. There is a sense-of-the-Senate provision in this bill that we will not, as a Congress, reduce overall law enforcement. Because the problem of adding community police and then reducing Federal police is really ludicrous. I think it is very vital here that we not let that happen. Because if that happens, we are subject to severe criticism that we in the Federal Government are augmenting the police.

And the effort to bring order to the Federal system through the FBI, DEA, ATF, Customs, and what have you is not going to be easy to do. Because the administration, on one hand, wants 100,000 police and we have created a trust fund to try to fund it. On the other hand, under the trust fund that creates the over $20 billion, they are cutting 35,000 police, Federal police. We cannot have it both ways in my judgment.

I have already talked to the chairman. He feels very strongly that we have to resolve that in the conference.

So, this is not going to be an easy conference. I do not think we should go to the House with anything but determination, not only on the amendment of the Senator from New York that he added to the bill, but on the assault weapons amendment. That is an important amendment. There is a majority in this body that supports that, and yet you do not see a resolution yet to instruct the conferees to stick to it.

I think the reason is because those of us who want the assault weapons bill in, we want to get down to business. We want to sit down and start working and trying to grind out a bill.

I think the chairman of this conference is one of the most able Members of the Senate. He is a good match for the House conferees. He is not one that gives in. He is not one that takes every amendment on the floor. You know how many of these we voted on during this crime bill.

And we know stories here of other chairmen who just say, "Come on. I will take your amendment," and then give it away.

Not Senator BIDEN. Sometimes he even opposed a few of these. But I have seen him in the past go and fight with those conferees, stay up late at night, say "no bill" because he would not give in.

And so I think it is only appropriate that we vote on this, get it done, get it to the House, get the conference started, and see if we cannot put together a bill. I believe we can.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, among the provisions of the Senate bill are those contained in sections 841 through 844 of title 8 of the bill having to deal with sexual predators.

During the course of the debate on this proposal last fall, I offered that amendment, paralleling the provisions of a statute of the State of Washington which deals with a peculiar shortcoming in the way in which our criminal justice system operates.

Sexual predators are, fortunately, frequently apprehended and frequently convicted. They do not, generally speaking, get sentences of such time that will take them simply out of an age in which they are likely to engage in sexual predation.

Very few of our criminal justice experts feel that many of them actually can be rehabilitated. And so, more often then not, they are released to the community and far more often than not they are recidivists. Often when they go to communities in which they are known, they strike fear into the hearts and the minds of many of the women and children of our society. And yet, more frequently than not, when they are released, there is no notice of that release and the first notice that it has taken place comes with the first offense in another series of sexually predatory activities.

The legislature of the State of Washington relatively recently passed a very wide-reaching sexual predators law, one part of which actually allowed certain evaluations of these individuals and their retention in confinement if there was no assurance that they were not going to repeat their offenses. That was somewhat controversial in the State of Washington and was clearly controversial here on the floor of the Senate.

The tracking provisions, however, were not. The tracking provisions caused, in the State of Washington, notice to be given to communities to whom sexual predators are released, whether it is a community in a State from which they originated or some other community in the State. It alerts local law enforcement officers to their presence in their community so a reasonable eye can be kept on them. And it alerts the neighborhood in which they are going to live, sometimes causing great apprehension, but at the very least causing people who might be their victims to be more careful.

After a relatively brief debate, these sexual predator provisions were included in the Senate bill by a unanimous vote and with the enthusiastic support of the distinguished Senator from Delaware, the chairman of the Committee on the Judiciary.

I have discussed this matter with him informally and he has assured me that he is in favor of those provisions and will do what he can to save them in conference with the House.

The House simply did not take up the subject. It did not come up in the Judiciary Committee proceedings and it was not proposed as an amendment on the floor of the House. So we certainly do not have a record that Members of the House of Representatives were opposed. I am convinced they would have passed it as overwhelmingly had they had the opportunity, as did Members of the Senate.

I can assure also that the distinguished senior Senator from Utah, [Mr. HATCH], is an enthusiastic backer of those proposals.

I would ask the Senator from Delaware, when he returns to the floor, to respond to my query and my request, my sincere request, that he do the best he possibly can in retaining these extremely valuable sections in a final version of the crime bill.

The protection of our children and the protection of our women from repeat sexual predators must be as high a priority as we can come up with. There are many, many victims of these activities. They are usually defenseless victims, and so frequently they are victims of people who already have criminal records and who have been released, unknown to the community, back into that community.

What we would do by these provisions would be to take a statute and make it national in nature. We could cause release across State lines to be recorded on law enforcement computers. The FBI would keep a record of those in Federal custody. States would notify other States when predators had been released and had gone to a second State.

It will take a good idea and make it a national idea. It will be a wonderful protection for both women and young children. I thank the Senator from Delaware for his private assurances of support, and I hope that, during the course of the rest of the afternoon, he will make those assurances public.

Mr. BIDEN. Mr. President, while I was necessarily absent from the floor, my colleague from Washington State, Senator GORTON, took to the floor and asked a question of whether or not I, as the Chair of the conference on the Senate side, would stand by the Senate position in subtitle F, entitled "Sexually Violent Predators," sections 841 and 842.

The short and direct answer is yes, I will. The House bill does not have such provision in it. I will do whatever I can to get the House to yield to the Senate position on subtitle F, sections 841, 842, 843, and 844 of the Senate-passed crime bill. I will do my best to get the House to recede to the Senate position on that issue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL I ask unanimous consent that the Senate proceed to the consideration of calendar No. 423, H.R. 1933, the Martin Luther King Commission reauthorization bill, at 12 noon on Monday, May 23; that the bill be considered under the following limitation: There be 1 hour for debate on the bill; that the only first-degree amendments to the bill be the following and limited to the time limits specified; that they be subject to second-degree amendments provided they are relevant to the subject matter of the first degree and limited to half the time as the first degree: five relevant amendments by Senator HELMS, or his designee, 2 hours each; three relevant amendments by Senator BROWN, or his designee, 2 hours each; two relevant amendments by Senator MOSELEY-BRAUN, or her designee, 1 hour each; and two relevant amendments by Senator WOFFORD, or his designee, 1 hour each; that all times be equally divided in the usual form; that no motions to recommit be in order; that all first-degree amendments must be offered by the close of business Monday, May 23; that no votes occur prior to Tuesday, May 24 at 2:30 p.m. and that when these amendments are disposed of the bill be read a third time and a vote on passage of the bill occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleague for his courtesy, and I thank those Senators who are involved in the negotiating and preparation of this unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994—MESSAGE FROM THE HOUSE

The Senate continued with the consideration of the message.

Mr. SPECTER. Mr. President, I have sought recognition to comment on a number of provisions of the pending crime bill, to provide my thinking to the conferees on what I consider to be one of the two central problems of serious crime in America. Those two problems are the career criminals and the imposition of the death penalty.

I have listened at some length to the discussion on the floor today about giving very substantial additional jurisdiction to the Federal courts on criminal matters. I believe that has to be done very circumspectly. I introduced the Federal armed career criminal bill back in 1981. It became law in 1984 and was broadened in 1986. This law provides for sentences up to life imprisonment for any career criminal found in possession of a firearm. There is broad Federal jurisdiction on drug matters generally, but I believe we have to proceed very cautiously to broaden the jurisdiction of the Federal courts, or the State courts will not undertake their responsibilities.

I believe there are some things which the Federal Government can do to assist the States which will leave the States largely in control of the administration of criminal justice, because, under our Federal system, it has been the tradition of the States to handle the vast bulk of criminal prosecutions. Our Federal system was established to give limited powers to the central government, reserving the bulk of powers to the States. I think we have to rely upon the States for the principal amount of criminal prosecutions.

When it comes to dealing with career criminals, there are some things the Federal Government can do to help the

States but still leave the primary responsibility in the States. There is substantial legislation pending in this crime bill, pending before the House-Senate conference, which would provide funding for realistic rehabilitation to try to take offenders out of the cycle of crime at an early stage with early intervention and to provide rehabilitation in the form of literacy training and job training for first and second offenders.

There is little public concern for the welfare of the criminal himself or herself, but there is substantial interest in the public on efforts which will take the career criminal out of the crime cycle. I believe that we have to focus on that problem.

It is no surprise when a functional illiterate, without a trade or a skill, leaves prison and goes back through the revolving door to a life of crime. But there is another aspect, and that involves the ability of the prosecutor—a job I held for many years in the city of Philadelphia—to get a life sentence after the career criminal has committed three or four violent offenses. It is not as simplistic as "three strikes and you're out," a popular slogan at this time, because the reality is when the judge faces the moment of sentencing, it is very difficult to get him to impose, or her to impose, a life sentence on the defendant unless the judge concludes that that defendant has had a fair opportunity.

If there is a chance at rehabilitation with literacy training and job training, and the first offender fails and commits a second offense and then has still another chance and commits a third offense, then I think it is realistic and proper at that juncture for the judge to impose a life sentence.

The Federal Government can further be of assistance to the States in providing prison space for those who are convicted under the habitual offender statutes. It is a fact that many judges are reluctant to sentence to life imprisonment because of the overcrowded prisons. When I was district attorney of Philadelphia, some 40 States in the Union had habitual offender statutes, but they were used very little—realistically, not at all in the city of Philadelphia where we had 500 homicides a year and some 30,000 crimes. And there is substantial funding in this bill for the Federal Government to provide prison space for the States which will allow State judges to sentence career criminals or habitual offenders to life sentences. I think that is the kind of assistance which the Federal Government ought to be giving rather than having wide, sweeping changes which would bring to the Federal Government virtually all of the responsibility for criminal law enforcement.

There is another issue which this bill does not take up, which I have spoken on in the past and spoke in the Republican caucus today and I want to comment on again; and that is, the absence in this bill of any remedial legislation dealing with the tremendous delays in the Federal courts which have rendered the imposition of the death penalty a virtual nullity. In order for the death penalty to have any effect, like any other form of punishment, it has to be swift and it has to be certain. But today, the death penalty is a relative rarity.

Recently, when the death penalty was imposed in Illinois, after some 30 years without a death penalty having been carried out, and similarly in Maryland, it made front-page news. While there are some 2,800 criminals on death row, last year the sentence was carried out in only 38 cases. The death penalty, which is, in effect, the flagship of criminal law enforcement, is not being carried out and the criminal element knows it. It really makes the criminal justice system a laughingstock.

The death penalty can be an effective deterrent. In my days in the Philadelphia district attorney's office, when the death penalty was carried out, there was a lot of evidence that professional burglars would not carry a weapon with them in the course of a burglary for fear of killing someone and facing a first-degree murder charge for felony murder. Many hoodlums would not carry guns in the course of robberies, again, for fear that someone might be killed and they might face the death penalty under a first-degree murder charge.

I believe that the death penalty has to be carried out in a very, very careful way. I am hopeful that the conference committee will reject the House provision which imposes a statistical study for the determination of whether the death penalty has been imposed unfairly. That provision has been incorporated into the House bill under the name of the Racial Justice Act which, I submit, is a misnomer because the essence of fairness in criminal justice is to have each individual case considered on its own merits, in terms of the nature of the offense, and the background of the individual. It ought not to depend upon a statistical tabulation.

I do believe that a recent order entered by a Federal judge in the middle district of Pennsylvania calling on the Department of Justice to articulate standards for when the death penalty will be requested, is a sensible step in the direction of guaranteeing objective standards and of being as sure as we can that the death penalty will only be imposed after consideration by prosecuting officials at the highest level under preexisting standards.

But if there is to be a statistical tabulation on the death penalty, it seems to me that that will remove the individualization of justice from the nature of the offense and from the background and record of the criminal.

So it is my hope, Mr. President, that as the crime bill moves through the conference we will focus on ways that we can be of assistance to the States without assuming all of the States' traditional criminal law enforcement responsibilities in violation of the basic tenets of federalism; that we will work to try to help the States with career criminals by creating incentives to ensure that they provide opportunities for realistic rehabilitation in prison to take the career criminals out of the crime cycle in order to protect law-abiding citizens or, where that is not done, after the first offense and after the second offense, we will have set the stage for the imposition of life sentences for career criminals or habitual offenders, and that we will provide incentives for States to use their career criminal laws with Federal prisons.

These are very important provisions which I hope will receive the attention of the conference committee and come forward in the final version of the conference report.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. Mr. President, I ask unanimous consent that the vote on Senator D'AMATO's motion to instruct occur without any intervening action or debate upon the disposition of my motion, and that no amendments be in order to his motion, and that, upon the disposition of his motion, the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, while I have the floor, we are waiting until 6:30 because two of our colleagues would not agree to what every other colleague would agree to, to voice vote all of these amendments. I apologize to the rest of my colleagues for being inconvenienced on something that, quite frankly, does not matter much whether it passes by voice vote or whether we have a rollcall vote on these. But the Presiding Officer understands this place as well as I do.

D'AMATO MOTION TO INSTRUCT CONFEREES

Mr. BIDEN. Mr. President, I will be very brief.

To refresh everyone's recollection, Senator D'AMATO's amendment federalizes any crime committed with a gun that at any time crossed a State line. We are told by reliable authority, by the Justice Department, that offenders armed with handguns in the year 1992 committed 900,000 violent crimes. So what we have just done is we have made eligible for prosecution in the Federal court system crimes now totally within the State court system, 900,000 offenses, 900,000 potential cases.

Obviously, not all those 900,000 people are going to be arrested, and all 900,000 are not necessarily individuals. Maybe 500,000 people committed 900,000 of these crimes. No one knows. But it is safe to say that there are going to be at least between 50,000 and 100,000 of these crimes where someone is apprehended and they are going to go to trial.

Let us take the most conservative estimate. Say it is 50,000 people who now are going to go into Federal court, requiring a Federal prosecutor, a Federal judge, and a Federal prison cell when, in fact, they are now all eligible to be and, in fact, are tried at the State court level.

That will more than double the total number of crimes tried in the entire Federal court system. Not tried, handled. There were 43,000 criminal indictments that were in Federal court last year. I think the number, to be precise, is 43,300 something. But it is 43,000 plus.

Excuse me, I said 43. I correct myself; 48,366 Federal district court criminal cases entertained by the district court last year. In one fell swoop, we will add—we could add—200,000, but we will add probably 50,000 cases eligible, just with the D'Amato amendment, that are now in State jurisdiction. We more than double the entire number of cases the entire Federal court system now handles.

To put this in perspective, in 36 years, from 1955 to 1991, there were a total of 1.3 million criminal cases filed in the Federal district court in 36 years, 1.3 million: 900,000 would be eligible in 1 year.

There were 4 million criminal filings in State courts of general jurisdiction, 82 times as many as in the Federal court system. There is a reason for that. There are considerably more resources at the State level to handle these cases. There are 23,000 prosecutors across this country, 3,000 Federal. There are 9,600 State trial court judges. There are 629 Federal trial court judges. There are 1.3 million prisoners in State jails. There are 84,000 in Federal jail. This is kind of silly.

But there is another provision in the D'Amato amendment, and that is the one that says if you commit murder with a gun, it is a Federal crime now. I have no objection to that. I support the death penalty. But there are 15 States in America where the people have voted not to have the death penalty, Delaware not being one of them. I do not know what Montana is, but 15 States in America have said, after overwhelming debate, deliberation, consideration, their legislators and/or their Governors have voted or vetoed, depending on what it is, against legislation that said we want a death penalty.

It is one thing to come in here and assist a State. It is another thing to completely vitiate States' rights on things that are totally local matters.

So if the D'Amato amendment is adopted, we will, even though I support the death penalty, be telling the people of Wisconsin, New York and 13 other States: What you feel like doing in your home State does not matter; we, the U.S. Senators and legislators, know better than your legislature knows, we know better than you know, we know better than your people know.

Whether it is by referendum they oppose the death penalty, whether by legislative vote they oppose the death penalty, or gubernatorial veto they oppose the death penalty, 15 States said, "Look, we don't want a death penalty." That is their business. We are Federal—Federal—elected officials.

In the Biden crime bill we are going to be going to conference with, I believe we should have a Federal death penalty for Federal offenses. So we make the rules for the Federal Government. And I am for the death penalty. I think if the State of Delaware wants to have a death penalty, I should not tell them whether they can or cannot. I am a federally elected official. I did not run for the State legislature. I did not run for Governor. And the people in my State said, "Hey, we want the death penalty." But the people in New York said, through their system of checks and balances, "We don't want a death penalty." The people in Wisconsin said, "We don't want a death penalty." Is it our prerogative to stand on the floor of the Senate and say, "Hey, here's the deal. We know better than you"?

I wonder what the Senator from New York and others would say if there were enough votes on the floor to say any murder committed with a gun that crossed interstate lines could not receive the death penalty, must be minimum mandatory life in prison, and we had 35 State death-penalty laws overruled where a gun was involved. I will bet you, Mr. President, we would hear a lot of States' rights arguments on the floor then.

It seems to me there has to be a principled rationale on matters that affect State-Federal relationships. There has to be a consistent rationale. I cannot pick from one pile one day and another pile the next day, as to what I want to make Federal, based on my whim or what I like. It seems to me there should be a principle.

I ask unanimous consent to print in the RECORD a speech that I made on federalism to the Judicial Conference to the Third Circuit Conference.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SETTING THE STAGE FOR THE NINETIES—OUR MUTUAL OBLIGATION

(By Senator Joseph R. Biden, Jr.)

I am honored to be here today, to address the judges of the trial and appellate courts within the third circuit—which includes my home State of Delaware. I am especially pleased to accept your invitation to discuss how the Congress will set the agenda for the federal courts in the coming decade.

Implicit in this assignment is an acknowledgement that the Constitution gives the Congress that very power—to set within the very broad limits authorized by the Constitution the scope of the federal courts' jurisdiction.

Although debate about Federal jurisdiction is not new, public attention to that debate has increased in recent years. Some members of the judiciary have expressed concern about the number and kind of cases occupying the Federal courts.

In some instances, there is a desire to have Congress reduce the courts' existing jurisdiction—as with diversity cases and habeas corpus reform. In others, there is opposition to efforts by Congress to expand the courts' jurisdiction—such as efforts to make new federal crimes or to recognize new Federal civil rights actions.

I welcome the efforts to raise the profile of this debate. Indeed, I hope the Congress will respond to the judiciary's concern by considering with great care all legislative proposals that affect Federal court jurisdiction. In this respect, however, I solicit your help.

Much of the recent public debate about Federal jurisdiction has had a practical tone—it has focused on the burdens placed on the Federal courts by an increasing caseload.

The concern is legitimate, for the costs are real—today, Federal litigants in many districts, particularly those bringing civil cases, face significant delays in getting their claims heard. In some jurisdictions, judges and other court personnel are overwhelmed by the sheer volume of their dockets.

But the focus on the practical dimensions of the problem has tended to displace discussion of the goals that should govern our efforts to fashion a solution. Efficiency is neither the only value our judiciary must serve, nor does recognizing it as one goal help us choose what cases should be heard by our Federal courts.

We must pursue a constructive debate about what principles should guide the process of choosing. Then we can distinguish between those claims that fit within traditional notions of Federal jurisdiction, those we may wish to add, and those that do not belong.

The focus on the pragmatic is understandable. The statistics on caseload increases leap from the page in black and white; the columns of numbers easily convey the additional burdens facing you: in the decade between 1981 and 1991, the number of filings in Federal district courts nationally increased by 28.5 percent—with civil cases increasing 23 percent; and criminal cases by 61 percent.

Less easy to articulate, much less to quantify, is the cost of the public's loss of faith in the ability of our system to provide justice. The intangible nature of that loss makes it difficult to address, but it does not diminish our need to do so.

What I will try to do this morning is to turn the debate in that direction—to identify the principles I believe should guide Congress in setting the agenda for the Federal courts, and to articulate standards for distinguishing between a "Federal case" and one that should be heard in another forum.

I. CONSTITUTIONAL AUTHORITIES FOR FEDERAL JURISDICTION

The history of Federal court jurisdiction is marked by constitutional authority of vast proportions and by the gradual realization of that authority as the Congress expanded Federal court jurisdiction over the last century.

Article III of the Constitution sets forth the structure of the Federal judiciary and allows the Congress to grant the lower courts broad authority:

"Section 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States . . ."; and to treaties; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States or citizens thereof.

Notwithstanding the breadth of this authorization, the first Congress chose not to give the lower courts the full power permitted by article III. In creating the Federal district courts through the judiciary act of 1789, the congress focused on diversity of citizenship jurisdiction, admiralty jurisdiction, and jurisdiction over cases where the Federal Government was a party.

The Congress did not grant the courts Federal question jurisdiction in civil cases, and civil claims based on Federal law (and not otherwise enjoying Federal jurisdiction) were originally tried in the State courts, with appellate review of State supreme court decisions exercised by the United States Supreme Court.

Similarly, although the Congress gave the Federal courts exclusive jurisdiction over "all crimes and offences cognizable under the authority of the United States," it enacted few criminal laws.

Early on, the Congress prohibited and punished only those acts directly related to the functions of the Federal Government or occurring on United States Territory—acts which could not be covered by the criminal laws of the States. These included treason, espionage, bribery of Federal officials, perjury in a federal court, interference with the assessment or collection of Federal taxes, and murder or manslaughter if committed in a place within the exclusive jurisdiction of the United States.

For the most part development of the criminal law was left instead to the States. In fact, even when the Congress passed specific Federal criminal statutes, it regularly provided for concurrent jurisdiction by State courts.

II. THE EXPANSION OF FEDERAL JURISDICTION FOLLOWING THE CIVIL WAR

It was only in the wake of the Civil War that the momentum shifted in favor of giving the Federal courts more of the power authorized by the Constitution. What accounted for this dramatic change?

The driving force behind the expansion of Federal jurisdiction was the perception of the Congress that State courts were not able or, in some cases, not willing to protect Federal rights—in that instance, the civil rights—of the recently freed African-American slaves. This concern was explicit during debate on the Civil Rights Act of 1871. Representative Lowe of Kansas stated that the "Records of the [state] tribunals are searched in vain for any evidence of effective redress" of federally secured rights.

Part of this perception, no doubt, was trust in the superior independence of judges whose tenure and salaries were impervious to attack by the public or the legislature. Representative Coburn of Indiana stated during that same 1871 debate that,

"The United States courts are further above mere local influence than the county courts; their judges can act with more independence, cannot be put under terror, as local judges can;

"Their sympathies are not so nearly identified with those of the vicinage; the jurors are taken from the State, and not the neighborhood; they will be able to rise above prejudices or bad passions or terror more easily."

Thus moved by political and practical events following the Civil War, the Congress grew to prefer Federal courts as the primary interpreters and enforcers of Federal law.

First, with the enactment of the post-Civil War amendments and statutes limiting State power to interfere with Federal rights, the Congress shifted the balance of Federal question jurisdiction from the State to the Federal courts.

Second, roughly the same period witnessed the expansion of Federal criminal jurisdiction.

Throughout the present century, Congress has passed laws prohibiting kidnapping, extortion, use of firearms, many forms of theft, and other violent acts, where the means of accomplishing the criminal act involved a Federal instrument, such as use of the mails or interstate commerce.

III. SHOULD THE CONGRESS HALT THE EXPANSION OF COURT JURISDICTION?

As a result of this trend, the Federal court caseload has increased sharply. Many eminent jurists and commentators on the courts now argue that the Federal system is overloaded with cases that should not be there. The concern lies both with the sheer volume of cases, as well as with the nature of the claims occupying the time and attention of the Federal trial and appellate courts.

Thus have we come to the current question: Should the Congress now exercise its discretion to shrink lower Federal court jurisdiction?

Of course, the concern about expanding Federal jurisdiction is not new. The following passage could as easily be from a 1993 speech by Chief Justice Rehnquist as from the 1925 Harvard Law Review article by Charles Warren where it actually appears:

"The present congested condition of the dockets of the Federal courts and the small prospect of any relief to the heavily burdened Federal judiciary, so long as Congress continues, every year, to expand the scope of the body of Federal crimes renders it desirable that consideration be given to the possibility of a return to the practice which was in vogue in the early days of the Federal judicial system."

That is, to give the States primary jurisdiction over many cases within Federal constitutional authority.

IV. A PRINCIPLED APPROACH TO FEDERAL JURISDICTION

How, then, can we identify those cases that have the strongest claim on Federal jurisdiction?

There is little controversy where the States are not competent to act because the matter is one of exclusive Federal jurisdiction, as where cases involve conduct that occurs on Federal territory or across State lines.

But, where States are equally competent to act, how are we to distinguish among all the cases the Federal courts are constitutionally authorized to hear? How are we to identify those of highest priority that pose the strongest claim on the limited resources of a Federal forum?

I propose the principle that motivated the post-Civil War Congress as a starting point for our debate:

Federal courts should hear claims where the States are unable or unwilling to protect an important Federal interest.

This principle immediately suggests two others.

First, Federal courts should hear cases involving conduct that is occurring in many jurisdictions, overwhelming the ability of any one State to respond.

Second, Federal courts should hear those cases where the gravity of an important Federal interest and the pervasiveness of the States' inaction together outweigh the burden to the Federal system.

If applied to legislative proposals that would expand Federal jurisdiction, these criteria could serve as a starting point for determining whether a claimed Federal interest is weak or strong.

A. Creation of new Federal crimes

Turning first to the question of criminal jurisdiction: Two different justifications have been offered to support recent legislative proposals making conduct a crime under Federal law.

1. Use of Federal facilities

The first of these, where Federal jurisdiction over specific conduct is premised on the use of Federal facilities, is the most problematic. The potential for expanding Federal jurisdiction using this rationale is virtually limitless—if the use of a Federal facility that is merely incidental to the conduct at issue is deemed sufficient to justify Federal intervention.

One example is a bill currently pending in both Houses of Congress that would make "Stalking" a Federal crime if the mail or wire fraud statutes are involved. Stalking can be competently investigated and prosecuted by State authorities.

The practice of "Bootstrapping" Federal jurisdiction simply on a showing that an individual has used the mail or telephone, when there is no particular demonstrated need for Federal intervention, is a weak claim of Federal jurisdiction. In my view, the Congress should not employ the incidental use of Federal facilities to bring claims into Federal court in the absence of another basis for Federal jurisdiction.

Senator COHEN's stalking bill, enacted by Congress last year, plays a much different role. It authorized the National Institute of Justice to draft a model stalking bill for enactment by the States. The bill was designed to permit States to retain jurisdiction over the criminal conduct, but offered them the benefit of the Federal Government's expertise in crafting statutory language that would not run afoul of the first amendment's protection of free expression.

2. Where local authorities are overwhelmed

A second basis for assertion of Federal jurisdiction over criminal conduct occurs where local authorities are overwhelmed by the magnitude of criminal conduct, usually involving a multi-jurisdictional element. In such cases, the superior resources of the Federal Government offer a practical benefit in fighting complex criminal activity that exceeds the capacity of any one local authority to investigate and prosecute. I believe Federal jurisdiction is appropriate in these cases, although concurrent State jurisdiction over the criminal conduct usually exists.

The challenge we must face, however, is in ensuring proper allocation of specific cases between the Federal and State courts. For example, in the 1980s, the Congress expanded the jurisdiction of the Federal courts over drug cases in response to the volume and magnitude of criminal activity related to illegal Drugs. The result has been a steep rise in the number of drug cases being prosecuted in Federal courts—from 3,372 in 1981 to 11,929 in 1991—an increase of 220 percent over 10 years.

But it is important to get behind the statistics and analyze the nature and merits of these cases.

Large, complicated, multi-jurisdictional drug trafficking cases belong in Federal court. I believe the Federal system is the only authority capable of investigating and bringing to justice the organized crime rings running multi-national drug trafficking operations. The problem is that too many small cases—against first time offenders or low-level runners—are brought in Federal courts, rather than in the State courts that are equally competent to hear them.

The Congress has an obligation to promote better allocation of such cases, to identify the pragmatic priorities for managing cases, given the limited space on the Federal docket, and United States attorneys must work effectively with State and local prosecutors within their districts, to encourage targeting of cases to the appropriate forum. We must also work with the States where inconsistencies between State and Federal laws—most notably involving sentencing standards—lead prosecutors to prefer Federal courts.

Finally, the Congress must carefully evaluate legislative proposals that base Federal jurisdiction on the fact that local authorities are overwhelmed. For example, in the last Congress, an amendment was offered in the Senate that would have subjected all State gun offenses to Federal jurisdiction. Federalizing all gun crimes does not lend to the fight against gun violence the weight of Federal authority so much as render the Federal authority meaningless.

Because of the potential for limitless expansion, proposals based on this rationale should be carefully considered and the need to assert Federal jurisdiction should be clear and strong. A better vehicle for Congress to express the national outrage over gun violence, in my view, is passage of gun control legislation such as the Brady bill and an assault weapons ban.

B. Where the States are unable or unwilling to act

A different situation is presented by legislative proposals to recognize civil rights claims. As with the Civil War amendments and statutes, these laws are designed to fill in where State courts are unable or unwilling to protect Federal constitutional or statutory rights.

Although such laws often extend to what look like "local" matters—such as the ability to obtain a marriage license, access to restaurants, safety from physical violence—they actually serve to safeguard a national principle such as equality.

Federal jurisdiction in such cases is premised on a belief that Federal courts afford a superior forum for the adjudication of these claims for two reasons:

First, because the institutional independence enjoyed by Federal judges affords them a real—and just as importantly, a perceived—protection of impartiality.

And second, because where a constitutionally protected right is involved, there is a benefit to ensuring a consistent interpretation and application of the law throughout the Nation.

Most importantly, Federal adjudication of these claims demonstrates the national commitment made to eradicating discrimination. Only a Federal court can speak with the voice of the entire Nation. Each branch of the Government has joined in condemnation of conduct proscribed by a Federal statute—the legislature in passing the law, the executive in executing the law, and the judiciary in adjudicating claims brought pursuant to the law's authority.

Lending the prestige of the Federal Government to a cause is an invaluable tool of education; its effectiveness in promoting the goals of the law reaches far beyond anything available to an individual State or locality.

In my view, where a case involves the protection of a civil right guaranteed by the United States Constitution or a Federal statute, the Federal interest is strong and the presumption of federal jurisdiction appropriate.

V. CASE STUDY: THE VIOLENCE AGAINST WOMEN ACT

Over the last several years, one bill in particular has served as the catalyst for my attempt to derive a principled theory of Federal jurisdiction. The Violence Against Women Act, legislation I first introduced in 1990, has been the subject of some controversy.

Although most of the bill is not controversial from a jurisdictional perspective, one of the bill's provisions has caused controversy: Title III creates a Federal civil rights cause of action for violent crimes motivated by gender bias.

When I first introduced the bill, the Federal Judicial Conference opposed it, on the grounds that it would bring into the Federal courts "domestic relations disputes" and other litigation traditionally reserved to the State courts. I believe the opposition to the bill—which was recently reversed by the conference—reflected a misunderstanding of its intent and scope. Read with an eye to the principles just outlined, title III stands firmly within the scope of established Federal jurisdiction.

Title III would provide a civil rights remedy for gender-motivated violent crimes, permitting a victim of such crime to sue the perpetrator of that violence for damages and injunctive relief. The distinction I have tried to maintain in title III of the Violence Against Women Act is precisely that embodied in post-Civil War civil rights laws.

Think about the difference between a mugging of a person who happens to be an African-American and a lynching of an African-American by an all-white mob. The first is NOT a Federal Crime, the second may be the subject of Federal civil rights remedies.

The Violence Against Women Act specifically provides that "Random" crimes NOT motivated by gender bias are not covered by the act. Proof of discriminatory motive is explicitly required.

If we recognize that hate beatings of African-Americans violate the right to be free and equal, we should guarantee the same protection to America's women.

Title III falls within established Federal jurisdictional principles governing civil rights remedies. Like existing civil rights remedies, its animating principle is a national ideal of equality. It remedies conduct that burdens an individual because of a characteristic that is immutable and morally irrelevant—a characteristic like race or, in this case, gender.

The bill places the cause of action in the Federal courts for two reasons: First, because the Federal courts have traditionally been charged with enforcing national principles of equality. And, second, because State remedies have too often proven inadequate.

The record of the States in addressing violence against women has been, and remains, marked by prejudice rather than reason. Barriers of law, of practice and of prejudice, still exist. For example, some States have eliminated entire classes of persons from the scope of rape statutes. In these States, a father who rapes his child or a husband who beats and rapes his wife—or even his former wife—has not committed a persecutable offense.

In my own State of Delaware, among others, rape by someone who is a "voluntary social companion" of the victim is classified as a less serious offense.

It is my view that title III should bring only a small number of new cases into Federal court. Indeed, I intend for its primary purpose to be the symbolic recognition that violence against women is a national tragedy that warrants the commitment of our National Government—much the same way as fighting race discrimination has for much of this century.

VI. CONCLUSION

The question of what cases should be adjudicated by the courts of the United States is complex. Legitimate pragmatic concerns with an overloaded system have led many to argue that subjects the State courts can address do not belong in the Federal system.

But this argument begs the question: The constitutional authority of the Federal courts is broad—as a matter of jurisdictional theory, a strong presumption favors a Federal forum for claims involving rights guaranteed by the United States Constitution or Federal statutes.

The real question is: Given the practical limits of Federal court resources, what cases are of the highest priority? What cases have the very strongest claims on the Federal courts?

We must be careful to make the right choices. The civil rights of women or minorities must not be held hostage to the shortage of resources. We must address pragmatic concerns about overcrowded dockets without losing sight of the ultimate goal:

To restore to our Federal courts their deserved reputation as a hallowed place—a place where majoritarian impulses do not stampede over the legitimate needs of minorities; a place where the great moral truths embodied in our constitution still reign supreme.

The value of a Federal forum could not be more starkly illustrated than by the events of the past year in Los Angeles. One year ago, four police officers were acquitted by a State jury of charges of assaulting Rodney King. For many Americans, the verdict came to symbolize the failure of justice, and the civil unrest it touched off served as a chilling reminder that we all pay a price for widespread disillusionment with our judicial system.

Then, this past Saturday, a Federal jury convicted two of the same four police officers for violating Mr. King's civil rights—rights guaranteed by the fourth and fourteenth amendments to the United States Constitution. As we debate the matter of what cases our Federal courts should hear, we must bear in mind that the public's faith in justice hangs in the balance.

Today, I have addressed only a small part of what this debate must become. We must undertake a comprehensive review of Federal jurisdiction—looking at matters, such as diversity jurisdiction, I have not mentioned today.

What I have attempted here is to begin the debate at the point of greatest challenge—deriving a principled means of identifying those cases the Federal courts should decide. By setting forth the guidelines I have used to evaluate legislative proposals that affect the courts' jurisdiction, I do not pretend to have all the answers.

I hope my thoughts will provoke all of you here today and your colleagues throughout the Federal judiciary to join this debate, in concert with my colleagues in the Congress and with the new administration.

We all share in a solemn responsibility imposed upon us by the Constitution that has made a great nation out of a diverse people over more than two eventful and challenging centuries—in the words engraved upon the lintel of the Supreme Court Building, to assure "equal justice under law" to every American.

That is our mutual obligation—and one we can fulfill only by joining our energies, our intellects, and our hearts in a common enterprise to preserve and extend the historic promise of our matchless Constitution.

Mr. BIDEN. Mr. President, I spent a lot of time on it, deliberating what I thought should be the principled rationale for Federal intervention in State matters as it relates to the criminal justice system or any other effort.

Historically what we have done, Mr. President, is we have only intervened when there has been an unwillingness on the part of State courts to apply the Federal Constitution which many States, including mine, sadly did on civil rights matters for years. So we came along and said, "Look, you States are not giving people their civil liberties and civil rights, so we are going to pass a Civil Rights Act."

We also have done it in areas where there is something that is clearly within the State-Federal ambit. International drug trafficking cannot be stopped by the State of Delaware, but they inherit the wind because we do not do a good enough job federally, so we pass laws allowing the Federal Government to intervene in drug cases because there is a nexus. Drugs hardly ever start and end within that State. So what happens is, drugs come in through the Port of New York or California, the Port of San Diego or Seattle on the west coast, or Galveston—wherever. They are disseminated throughout the country. No one, single, police agency can handle that network. You need interstate jurisdiction. So it makes sense for the Federal Government to be involved. It makes sense.

We also have gotten involved where the States have not met their responsibility in any way. But the idea of federalizing the death penalty and insisting that the 15 States like the State of Wisconsin—I see the Senator from Wisconsin here, who made a very eloquent speech on this matter when we debated it in November last. It seems to me we should not be telling them that they are going to have to impose the death penalty, a Wisconsin citizen will get the death penalty because the Federal Government thinks they should.

Now, I happen to think there should be the death penalty. In the Biden crime bill there are over 50 death penalties. I have been heavily criticized from my friends on the left for that. But I happen to believe in the death penalty. But I also think there has to be some principled rationale by which we separate State and local and Federal matters.

The Founding Fathers, sitting up here in a hot Philadelphia summer, spent an awful lot of time trying to figure out this new form of Government. Montesquieu spent a lot of time about 100 years earlier figuring this notion out. That is the revolutionary part of this Government. It works unlike any other in the world—separated powers, not the concentration of power.

I wonder how many people on this floor would call for the federalizing of all police forces locally. Anybody want a Federal police force? No local police? I do not. I do not want that. It has been one of the tenets of our separated powers concept. There is not a Federal police force. We do not come in and tell the local police in Delaware what they can and cannot do. If it is a Federal crime, an FBI agent is involved. If it is not a Federal crime, he or she is not involved.

But gosh, what we are doing here, in the name of I do not know what, to use the phrase of a friend of mine, we are standing federalism on its ear. There is no sense to this.

What is the principled rationale to say OK, wait a minute now. Guns, we are going to federalize any crime committed with a gun because they, in fact, cross a State line. How about if we say anybody who commits a crime while wearing a piece of clothing that had traveled in interstate commerce and crossed the line is now eligible to be tried in a Federal court, or must be tried in a Federal court?

It is not like this bill is not a big deal. It is a big deal. What are we doing? We are giving the State of New York, the State of Delaware, the State of California, South Dakota, all the States, billions of dollars for them to go out and hire more local police, build more local prisons, hire more local prosecutors, build boot camps. We are saying, what do you need? They have come back and said look, we have a real problem. We need more police. We said OK, we will give you the money to hire more police. We are not sending Federal police, and the people who live in the cities and States that the folks here are from, if the local police force wears blue uniforms, they are not going to have someone showing up in a green uniform saying, "I am a Federal police officer and I am working here at the local level."

We are saying this is a local problem. We will give you money to hire local police like you always have. We are doing the same with prison systems. We are not saying OK, we are going to build a Federal prison in your State and we are going to federally run that prison and tell you who you can let in and not let in. We are saying you have a State problem. We are going to give you some Federal money to build State prisons run by State and local people.

My gosh, that is the way federalism is supposed to work. If we want to help the States, let us help them. And we do that in this bill, for gun offenses. We provide all these additional cops. As I pointed out earlier, Mr. President, and I know because you have worked so hard on this criminal legislation with us, we are adding 100,000 cops. In the entire United States of America, there are only about 550,000 cops. Not even that. I think it is 540,000 cops.

OK, we are going to add 100,000, almost a 20 percent increase in the number of local cops. Is that, as another friend of mine says, chopped liver? Are we not helping? Are we not helping the local officials?

No, that is not enough for people. We have to decide we know better than the Governor of a State. We know better than the State legislators. We know better than everybody. And we do not want to let the people of a State decide how they believe their criminal justice system should work.

I just think we are setting a terrible precedent. We are going to vote at 6:30, or shortly thereafter, on this. I have no illusions about how that vote is going to turn out. I think part of it is nobody wants to be seen as not being tough on crime.

Well, other than probably anybody on this floor except possibly the Senator from Arizona, Senator DECONCINI, I do not know anybody who has worked more and had a "tough on crime," self-serving statement to make than me. But people are going to come in here and say, no, we have to vote on this. We are going to do this.

I just think we are going to rue the day that we go this route, because I tell you what it is going to do. If it passes, becomes law, I am going to be back here on the floor, assuming I am still here and still chairman of the Judiciary Committee, I am going to be back on the floor saying we only have 624, or 625 or 635 trial court judges. We now have doubled the number of cases. We have to double the number of judges. Everybody better belly up to the bar to pay for them. We only have 3,000 Federal prosecutors in all the United States of America. Now, with all this additional work at the Federal level, let us hire more Federal prosecutors.

I do not know. It is kind of discouraging.

I wish to point out, when I got here in 1973, January of 1973, the press at home used to write about me as Joe Biden, the iconoclast—I do not know who thought it up—because they could not quite figure out how someone who had such a strong view on civil rights and civil liberties was so, in the context of the times, "tough on crime." It did not fit. If you were tough on crime, you were not supposed to care about civil rights and civil liberties. And conversely, if you cared about civil rights and civil liberties, you were not supposed to be tough on crime. I never thought they were at odds with one another, quite frankly.

When I joined the Judiciary Committee, through a friend who was then my counsel on the committee, a first-rate lawyer named Mark Gitenstein, we sat down in my early years here and said, "Well, what do we have to do to fix the Federal criminal justice system?" And there were four initiatives I decided I wanted to work on and, I say with some little pride, accomplished them. One was a lot of people were committing crimes while awaiting trial.

So I drafted, with Mark's help, the "speedy trial law." We got it passed. It means, if you do not go to trial within 60 days, they have to let you go. Guess what? That got their attention in the Federal courts. Everybody goes to trial in 60 days. There are notable exceptions. You can get 90 days with extensions. But basically they went to trial. All of those crimes being committed while people were out on bail dropped.

The next thing I wanted to do was—I thought we did not have enough Federal prison space, so I supported, along with others, legislation increasing the number of prison spaces. Guess what? It passed. We do not have the problem at the Federal level. We did. We do not now.

The third thing, I thought the way the sentencing thing worked was a bad idea. There was too much discretion, and it was being applied in a prejudicial manner. To overstate it, the study showed that if you were young and black, and young, white, and middle class, and you committed the same exact crime, the young, white, middle-class person got probation and the young black got jail.

So back then it was facetiously referred to as the Biden-same-time-for-the-same-crime bill. It is now the bill that is called the sentencing commission. The law is now if you get sentenced at a Federal court, you go to jail for 85 percent of the time at a minimum; mostly 100 percent of the time. And you can get a 15-percent reduction for mitigating circumstances. That much discretion is left to the judge, and you can get a 15-percent add-on for aggravating circumstances. That discretion is left to the judge. People actually serve their time.

The last thing I did, which everyone was a little bit—not everyone; many of my Democratic friends were a little bit disturbed—but I thought we needed more Federal judges. I am the guy with the Republican President who introduced a bill for an additional, I think, 84 or 88 Federal judges. I remember going in the caucus. My friend from Arizona will remember. He supported it. And we basically got lambasted saying, "Wait a minute. What are you doing? You are adding 84 new judges for Ronald Reagan to appoint." I was not happy about Ronald Reagan appointing those judges. But we needed the judges.

The end result was—not because of what I, Senator DECONCINI, and others did, but in little part because—the Federal system is working relatively well.

A lot of things have to be improved. We need more Treasury agents. We need more customs agents. We need more FBI agents. We still need more. But on balance the system is working pretty well.

As I said, all the horror stories—and they are real; I do not mean to belittle them—that we hear are not about Federal prisoners. They are not about Federal convicts. They are not about federally convicted people who were let out of jail. They are all about State courts.

So we have one system basically that is working pretty well. It is called the Federal system. It is ironic, is not it, that I would be able to stand on the floor and say there is a Federal thing that is working; the Federal system? You do not pick up the paper and hear criticism on a large scale, hardly at all, of the Federal criminal justice system. But you hear absolutely excoriating—with good reason, I might add—things about the State justice system. So we have one that is working now.

It seems to me that we have to do one of two things. I see my friend from North Dakota is here, and he may want to speak, so I will not take much more time. We have to do one of two things. We either have to really beef up this Federal system to accommodate all this new responsibility so it does not become broken again, so it continues to function, or we have to provide money and expertise to the State systems to help them fix it.

This is not rocket science. I mean, it seems you have to do one of the two. What is being proposed here is we are going to do one in this bill, the crime bill, which is to help shore up that State system. I predict the number will be closer to $29 billion worth of help over, I predict, 6 years and not 5.

But on the other hand, as my friend from Arizona pointed out, we are not doing much to help the Federal system except we are going to add onto the Federal system an incredible burden. So we are not going to completely fix the one and we are going to break the other. That does not seem to me to make sense.

I am willing to work with my colleagues, after we pass this crime bill, for additional legislation if you want to go ahead and do this—that is, to shift this burden to the Federal Government—as long as you balance it like this bill balances it, and say, "OK. If you want to do it, I will do it," if, in fact, you say, "OK. All gun crimes committed are eligible or must be with concurrent jurisdiction of the Federal Government." But that is section 1 of the bill.

Section 2, we are adding the requisite number of prosecutors, Federal judges, and Federal prisons to accommodate the expected workload. If you are going to do that, that is at least—I am not suggesting anyone who has a different view is being dishonest—but in a literal sense that is an honest way of doing it, and then add, as the Senator from Arizona in a very straightforward way pointed out earlier this afternoon, the money to pay for it. Tell me where you are getting the money.

But my goodness. Here we are, in my view, confusing the principle of federalism; in fact, putting in motion what will do real damage to the Federal system of justice and not much help to the State system.

I want to remind all of you who are so—I mean this sincerely—business oriented, when in fact you increase by 10, 20, 30, 50, 100, 200—and no one can predict exactly what it will be—percent the criminal caseload on 635 Federal judges, and then your business community comes to you and says, "By the way, I have a commercial case filed in the Federal court. They tell me I will not be able to even go to trial for it for 2 years." That is not an exaggeration by the way. Right now there is an incredible backlog. But when your business community says, I cannot get into court for 2 years on my case—and I have a little press statement I can give you which says I knew that when I voted and I cared less about your concerns because I think the Federal Government should handle this additional responsibility that heretofore has been handled at the State level.

Look, I challenge anyone in this Chamber, after hearing this or their staffs hearing this, to come back tomorrow, or Monday, or Tuesday, whatever is the appropriate time, and enter in the RECORD something from the Chamber of Commerce in their State or community that says the following: "I have ample and ready access to the Federal courts. There is no need to speed up the process. I have no problems relative to commercial litigation."

I challenge any Senator to come into this Chamber representing the views of their business community or their chamber of commerce, and say that. Maybe it is because my responsibility is to deal with the Federal court system as chair of the Judiciary Committee. But I am bombarded, with good reason, by Federal judges, but more importantly by local business officials, men and women, who point out to me that they lose tens of thousands of dollars a year being unable to resolve their commercial and business disputes because of lack of access to the Federal courts. Because of the Speedy Trial Act, the court must try the Federal criminal cases first.

So, I hope we at least go into this with open eyes.

So I do not think anyone is likely to listen to what I have to say on this right now. The environment does not lend itself to that at the moment. But I do want to be in a position at least to have done my duty and my responsibility as chairman of the committee of laying on the record what I honestly believe to be the consequences of the action we are about to take, if it becomes law, if it comes out of conference, if the President signs it—the consequences for commercial litigation in the Federal system, the availability of Federal judges and prosecutors, and the impact it will have on crime.

Maybe I am wrong. We will see. But just remember, if it turns out that I happen to be right, be prepared to tell the voters of the Nation that you are willing to spend more money, you are willing to hire more judges, you are willing to hire more prosecutors, at a magnitude of two, three, and four times as many as we have now, to meet this new workload.

I see my friend from North Dakota on the floor. I assume he wants to speak to one of these resolutions.

I yield the floor.

Mr. DORGAN. Mr. President, I say to the distinguished chairman that I will soon insert in the RECORD a communication I received from the Chairman of the Federal Reserve Board.

With your indulgence, I ask unanimous consent to speak for 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, as I was listening to the Senator from Delaware, I was also looking at my desk drawer. As is the custom in the Senate, people carve their names in desk drawers. In that drawer is not only the name of a distinguished former Senator from many years ago, Gerald Nye, from North Dakota, but Warren G. Harding, and the name of a Senator from the State of the Presiding Officer, La Follette, a great populist.

As I was thinking about populism, I was thinking about the Federal Reserve Board. There has never been a clearer picture of combat between the little interests and big interests in this country than that which goes on behind closed doors at the Federal Reserve Board. I have been very distressed by the Fed's increasing interest rates—which is the same as increasing taxes on every American. I have been very vocal in my criticism.

The Chairman of the Federal Reserve Board has written to me a two-page letter on why the Federal Reserve board has raised interest rates.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE SYSTEM,
Washington, DC, May 13, 1994.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your letter of April 25 expressing concern about recent monetary policy actions. I appreciate the opportunity to explain our policy approach in some detail.

The Federal Reserve's recent moves to increase short-term interest rates are most appropriately understood in a historical context. In the spring of 1989, we began to ease monetary conditions in this country as we observed the consequence of balance-sheet strains resulting from increased debt, along with significant weakness in the collateral underlying that debt. Households and businesses became much more reluctant to borrow and spend, and lenders to extend credit—a phenomenon often referred to as the "credit crunch." In an endeavor to defuse these balance-sheet strains, we moved rates lower in a long series of steps through the summer of 1992.

The resulting sharp decline in debt service charges and the restructuring of balance sheets eventually alleviated the financial distress, enabling the economy to begin to move again in a normal expansionary pattern. In recent quarters, real GDP has accelerated noticeably with particular strength in interest-sensitive sectors. More than two million jobs have been created over the past twelve months, and the unemployment rate has fallen substantially. In this more robust financial and economic climate, expansion of money and credit has picked up.

With our objective of ameliorating impediments to economic expansion met, there was no longer any policy purpose in maintaining the level of nominal interest rates at the accommodative position held throughout 1993. With balance sheets in improved shape, the economic expansion apparently solid and self-sustaining, and the margin of slack in productive capacity dwindling, a shift away from our accommodative position implemented in a measured and deliberate way (so as not to unsettle financial markets) was clearly called for. Maintenance of the degree of accommodation that was necessary in recent years would have posed a level of risk of mounting inflationary imbalances that we perceived as unacceptable.

To be sure, long-term interest rates moved up far more than we would have anticipated early this year. We had originally expected long-term interest rates to move a little higher temporarily as we tightened. The sharp jump actually experienced, in my judgment, is accounted for by a dramatic rise in market expectations of economic growth and, perhaps, associated concerns about future inflation. Given the sharp change in market perceptions of economic conditions, longer-term rates eventually would have increased nearly the same—or perhaps even by more—had the Federal Reserve done nothing so far this year.

You are correct: There currently are few indications that inflation has already begun to pick up. But our concerns are for the future. It is of crucial importance that the necessary monetary policy adjustments be implemented *in advance* of the potential emergence of inflationary pressures, so as to forestall their actual occurrence. Shifts in the stance of monetary policy influence the economy and inflation with a considerable lag, usually a year or more. The challenge of monetary policy is to interpret current data in a way that permits us to anticipate future inflationary or contractionary forces that may evolve in the product or financial markets and to counter them by taking action in advance.

If we are successful in this endeavor, we will *not* see any buildup of inflationary pressures. Ideally, our actions will promote financial conditions under which our economy can grow at its greatest potential, consistent with steady, noninflationary expansion of employment and incomes. In reality, of course, we can't be entirely certain of the results of our actions. The economy will be subject to a variety of influences that can be foreseen only imperfectly or not at all. We must weigh the risks and judge the most likely outcomes, all the while keeping in mind the need to adjust policy as unexpected developments become evident. But we believe that by keeping monetary policy pointed clearly toward our long-term goal of sustainable noninflationary growth we will help bring about the best possible economic outcome for the American people.

Sincerely,

ALAN GREENSPAN.

Mr. DORGAN. I say, with great respect to the chairman of the Fed, that he is fundamentally wrong. They have made decisions in secret and without public debate that will put the brakes on this economy at precisely the time when we need more economic growth and jobs. This is pitting the big interests against the little interests. These are policies made when there is no credible evidence of inflation on the horizon, and are designed to help the money center banks. It is a classic conflict between the big interests and little interests—and the little guys always loses. In the thirties, Bob Wilson and the Texas Playboys had a song about it: "The little bee sucks the blossom, but the big bee gets the honey; the little guy picks the cotton, and the big guy gets the money."

The Federal Reserve policies are designed to protect the large financial sector of this country, but will injure irreparably the productive sector, those who create jobs and work in jobs.

We are told that this is a global economy. So why should we believe it when the Federal says we are reaching capacity to produce refrigerators and cars? That is not true. If it is a global economy, and if we are beginning to reach capacity—which we are not—companies will produce them somewhere else. We are not going to have additional price run-ups. Nowhere on the horizon is there a threat of inflation. The consumer price index rose only one-tenth of 1 percent. You are not going to battle inflation by increasing interest rates for everybody in this country. Where is the inflation? Where is the evidence? This has a lot more to do with other things: speculation on Wall Street, inordinate speculation in derivatives with some of the largest banks in this country. It has more to do with things other than inflation.

I regret that the Federal Reserve Board has taken policy action that I think is wrongheaded. I think the Fed's actions will injure this country's productive economy.

I yield the floor to my friend from Arizona.

Mr. DECONCINI. Mr. President, I join the Senator from North Dakota.

I think the Senator from North Dakota makes a very good point. This is destructive, in my opinion, of the Federal Reserve. It is not done in the open. The public has no explanation of why this is done. There are no indicators that we are on the verge of inflation, or of economic boom here that is going to get out of hand. I am anxious to read the letter from the chairman of the Federal Reserve. I have not written him. I have spoken about this on the floor. This irritates me, and it is very destructive.

HUMAN RIGHTS IN CHINA

Mr. DECONCINI. Almost 5 years ago, the world watched in horror as thousands of peaceful democracy activists were massacred in Tiananmen Square. Not only has the Chinese Government attempted to erase the memories of that tragic event, but in succeeding years has continued to imprison and torture peaceful political dissidents, to restrict freedom of expression and to suppress religious practices. Those are severe charges, but they are accurate.

One year after an Executive order was signed which stated that MFN would not be renewed unless China showed significant overall progress in human rights, President Clinton faces an important choice. The President has the opportunity to decide whether we stand for a government which uses torture and terror to maintain its hold on power or whether we stand with the forces that are trying to peaceful express their ideas and move to a more democratic form of government. I believe the choice is clear. We must send a signal to the Chinese Government that the treatment of their citizens will be judged according to internationally recognized standards.

That is the same signal we sent for about 50 years to the former Soviet Union. They finally got the message; they finally bent, they finally changed.

The previous administration's decisions to renew MFN and to pursue a policy of constructive engagement with the Chinese Government was greeted with a continuation of flagrant disregard for human rights, human dignity and due process. Similarly, last year's extension has been following with what many consider to be a deterioration of respect for human rights in China. The disregard for basic rights by Chinese officials was underscored by events which took place during the recent visits to China by Assistant Secretary of State Shattuck and Secretary Christopher.

One of China's most prominent dissidents, Wei Jingsheng was rearrested on April 1 of this year—his apparent crime was meeting with Mr. Shattuck and allegedly urging him to tell President Clinton to continue pressing China on human rights issues. According to the Washington Post, China is prepared to charge Wei with treason.

During the March 14 press conference that Secretary Christopher held in Beijing he said, "I came to China to try to ensure that the Chinese side understands the importance of human rights to the United States in connection with Most Favored Nation treatment." Well Mr. President, the Chinese officials showed us what they think of human rights by rounding up citizens before, during and after the Secretary's visit whose crime was expression of prodemocracy views.

MFN is a privilege, and it is one the Chinese Government has not earned. If this trade status is extended, we will be rewarding the Chinese Government for repressing nonviolent expression. Furthermore, we will be saying that China has lived up to the conditions placed in last year's Executive order and is on its way to democratic reform, something which clearly has not occurred.

I would like to discuss a couple of the arguments that have been used in this debate. Many in this country are convinced that if China is denied MFN it will be of grave economic consequence to our country. But Mr. President, the truth is that access to the United States market is far more important to the Chinese, than the reverse. Our $23 billion trade deficit with China is strong evidence of the importance of our market to that country. That figure is expected to reach $30 billion this year. The credible threat of denying the Chinese billions of dollars is leverage we can and should use to force change in China.

Another argument used by those who support MFN extension is that its revocation will hurt those that it is designed to help. This is the same argument used by many who voted against sanctions against the past South African Government. Sanctions against South Africa accomplished what I believe the link between human rights and MFN will for China—they proved effective in convincing that country's leaders that a government which imprisoned peacemakers, banned journalists, and denied basic human rights would not benefit from the economic might of the United States. Just as sanctions accelerated the demise of apartheid in South Africa so can they accelerate the respect for human rights and democracy in China.

Mr. President, there are many areas of human rights violations in China which are appalling. I would like to briefly touch on one which is particularly disturbing—the situation in Tibet. As reported in today's Washington Post, a congressional staff delegation which traveled to Tibet in April reported that "China's policies in Tibet pose a grave threat to the survival of the Tibetan religion and culture." Since 1949, it is reported that the Chinese have destroyed 6,000 Tibetan monasteries. The number of political prisoners in Tibet has increased 30 percent from 1992, repression against Tibetan Buddhist nuns has sharply increased over this period and demolition of traditional Tibetan homes and buildings has increased dramatically.

Another prominent Chinese dissident, now an astrophysicist at the University of Arizona, has spoken most clearly of the real question the United States currently faces with MFN renewal. If we do not have the will to stand up for human rights, as we profess, then China will feel free to flout the international community of civilized nations not only with respect to human rights but perhaps also other areas such as the development and sale of its military might. We risk the danger of contributing to a chain of events which will pose a threat to the stability of all of East Asia.

I look forward to the day when MFN and human rights in China are not linked. But that will be the day when China becomes a respected member of the international community of civilized nations. The ball is in the Chinese court. All we are asking is that they respect internationally accepted norms of human rights. It is up to Beijing to meet these basic conditions.

We have a deficit of $23 billion now with the People's Republic of China. It is going to be $30 billion in another year or two. They need us. It is time for us to stand on what America is all about and what we did to bring down the Berlin Wall and the change in the Soviet Union, and that is to hang tough on human rights, which is something that all Americans can be proud of.

THE VIOLENT CRIME AND LAW ENFORCEMENT ACT OF 1994—MESSAGE FROM THE HOUSE

The Senate continued with the consideration of the message.

CONRAD MOTION TO INSTRUCT

Mr. DURENBERGER. Mr. President, I rise to explain the reasons I will be voting against the motion to instruct the crime bill conferees with respect to the truth in sentencing provisions in the Senate bill.

The Senate bill requires States to change their sentencing policies to match the Federal system in order to qualify to send State prisoners to 10 regional prisons.

I understand and appreciate the motivation of my distinguished colleagues who have put forward this motion, Senators CONRAD and MACK. The concern is that violent criminals in State prisons are only serving a small portion of their sentences.

Let me be clear: Violent criminals should not be set free to prey on our communities. But I believe the approach in the Senate bill is the wrong way to address this problem.

First, I have a fundamental belief that people on the local level are better equipped than politicians in Washington to craft crime policy. The proponents of this motion claim that the public is demanding that criminals serve stiffer sentences. If that is true, then citizens should take their case to State legislatures, which tend to be even more responsive to pressures from their constituents. Indeed, we have seen that happening this year in States across the country.

Second, the reason many States have released criminals long before their sentences have been served is the problem of prison overcrowding. It seems counterproductive to tell States that we will not offer them relief from prison overcrowding until they increase incarceration.

In addition, the increasing incarceration of nonviolent offenders because of mandatory minimum sentences has forced many States to release more serious offenders. In Minnesota, we have been more successful than other States in the area of prison overcrowding because we reserve prison space for the most violent offenders and use alternative punishment for offenders who are not a threat to the community.

State criminal justice officials are nearly unanimous in opposing the Senate provision that is the subject of this motion.

Recently, I received a letter from Commissioner Frank Wood of the Minnesota Department of Corrections which outlines these concerns. I ask unanimous consent that the text of that letter be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNESOTA DEPARTMENT
OF CORRECTIONS,
St. Paul, MN, May 6, 1994.

Hon. DAVE DURENBERGER,
U.S. Senator,
Washington, DC.

DEAR SENATOR DURENBERGER: As the U.S. Senate and House crime bills move to conference committee, I would like to express my concerns regarding provisions of the bills relating to construction of regional prisons and state grants for prison expansion. These provisions have serious implications that could dramatically impact state budgets.

The most serious concerns are the requirements in the Senate bill that must be met to place prisoners in regional prisons funded in the legislation. Requiring qualifying states to eliminate parole or make changes to ensure offenders serve 85 percent of their sentences, and mandating laws that are at least as strict as the federal guidelines for certain crimes, will seriously impact state prison crowding. Prison systems already over their capacities would become more crowded, far outstripping any benefits realized from the use of new regional prisons.

The House bill also contains a state grant program that includes similar damaging qualifications. States must demonstrate from one year to the next that they are increasing the percentage of convicted violent offenders sentenced to prison, and that they are increasing the average prison time served by those offenders through mechanisms such as mandatory sentences and three-time loser laws.

Increasingly harsh policies such as those contained in these requirements frequently result in a distorted use of criminal justice resources and unnecessarily increase costs with no appreciable corresponding impact on crime or fear of crime. Many states have traveled down this misguided path, and the results have been disastrous. Huge amounts have been committed to the after-the-fact reaction (prisons), leaving little or no revenues to fund preventative initiatives which would reduce violence, crime and fear in our cities.

However, as an alternative to the Senate bill regional prisons language, the House bill contains another much more flexible provision. It authorizes the Attorney General to make grants to states and multistate compacts to develop, expand, modify or improve correctional facilities and programs to ensure that space is available for violent, repeat offenders. This proposal for a state grant program more appropriately and strategically addresses state needs for federal assistance to address prison overcrowding. It mandates that states ensure violent offenders serve a substantial portion of the sentences imposed.

I respectfully urge you to contact members of the conference committee and convey to them these concerns. There are serious adverse consequences of requiring states to change their sentencing structure and policies, particularly when these changes result in additional state spending far beyond the financial benefits of the crime bill. Thank you for your consideration of this request.

Sincerely,

FRANK W. WOOD,
Commissioner.

The PRESIDING OFFICER. The question occurs on the motion offered by the Senator from North Dakota [Mr. CONRAD] to instruct the conferees on the disagreeing votes of the two Houses with respect to the bill H.R. 3355. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Virginia [Mr. ROBB] are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—74

Akaka
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Dorgan
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inouye
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—22

Biden
Boren
Bradley
Bumpers
DeConcini
Dodd
Durenberger
Feingold
Hatfield
Heflin
Jeffords
Johnston
Levin
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Simon
Wellstone

NOT VOTING—4

Domenici
Kennedy
Robb
Shelby

So the motion to instruct was agreed to.

GRAMM MOTION TO INSTRUCT CONFEREES

Mr. DURENBERGER. Mr. President, I rise to explain why I will oppose the motion to instruct the crime bill conferees offered by my distinguished colleague from Texas, Senator GRAMM.

The consensus in the judiciary community is that mandatory minimum sentences are terrible policy. But that has not stopped Congress from putting over 100 mandatory minimums on the books.

Some mandatory minimums are focused on violent crime, but others cover first time nonviolent offenses. The result is that we have swelled our prison population with people who aren't a threat to the community and who would probably do better in an alternative to incarceration.

The Senate crime bill contains a provision which would allow a departure from mandatory minimums for a narrow class of first time nonviolent offenders. The House bill contains a broader safety-valve provision. I prefer the House approach, and that is one of the reasons I will not support this motion.

Mandatory minimum sentences have not succeeded in reducing crime, and in many cases have reduced the prospects for rehabilitation. Increasing incarceration has done little more than create more hardened criminals at the taxpayer's expense.

Few people have more experience dealing with criminals than judges. But mandatory minimums take away the ability of judges to do their job—to make the punishment fit the crime. They do not allow judges to take factors into account like the offender's age, role in the offense, or prospects for rehabilitation.

That should offend our sense of justice, and that is why I will oppose this motion.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. May we have order, please.

The PRESIDING OFFICER. The Senate will come to order.

The majority leader.

Mr. MITCHELL. Mr. President, the vote just completed was held under a regular 15-minute time limitation. I ask unanimous consent that the succeeding votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank the Chair.

The PRESIDING OFFICER. The question occurs on the motion offered by the Senator from Texas [Mr. GRAMM] to instruct the conferees on the disagreeing votes of the two Houses with respect to the bill, H.R. 3365.

The yeas and nays have been order. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 66, nays 32, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—66

Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeConcini
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Kassebaum
Kempthorne
Kerrey
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—32

Akaka
Biden
Boren
Bradley
Chafee
Danforth
Daschle
Dodd
Dorgan
Durenberger
Feingold
Glenn
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kerry
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Simon
Specter
Wellstone

NOT VOTING—2

Kennedy
Shelby

So the motion to instruct was agreed to.

Mr. BRADLEY. Mr. President, I voted against the Gramm motion to instruct the crime bill conferees for one reason—because it included an instruction to conferees to support Senator D'AMATO's provision federalizing gun crimes. While I support the other parts of this amendment—the crime trust fund, tough mandatory minimums, and cracking down on those who sell drugs to minors, I cannot support the federalization of gun crimes. We cannot get caught up in such a frenzy that we deal with every aspect of the crime problem by removing State authority and responsibility and shifting it to the Federal Government. We simply do not have the resources to deal with the extraordinary flood of 900,000 new cases that would be shifted to the Federal courts if this provision were to become law.

VOTE ON BIDEN MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. The question occurs on agreeing to the motion offered by the Senator from Delaware [Mr. BIDEN] to instruct the conferees on the disagreeing votes of the two Houses with respect to the bill, H.R. 3355.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Hatfield
Helms
Nickles
Wallop

NOT VOTING—2

Kennedy
Shelby

So the motion was agreed to.

D'AMATO MOTION TO INSTRUCT CONFEREES

Mr. DURENBERGER. Mr. President, I rise to explain the reasons I will be voting against the motion to instruct the crime bill conferees regarding the federalization of gun crimes.

The Senate bill would create concurrent Federal jurisdiction over any crime committed with a firearm, and would authorize the death penalty when a death results.

First, I make no secret of the fact that I am an opponent of the death penalty. I oppose it for philosophical reasons; I believe it perpetuates the cycle of violence and I believe it is unbecoming for a civilized nation. I also oppose capital punishment for practical reasons; there is no evidence that it deters violent crime, and it actually costs our criminal justice system more to execute a person than it does to incarcerate a person for life.

Second, I am disturbed by the way the Senate frantically moved to federalize crimes on this bill. Last year, my good friend Judge Paul Magnuson, a distinguished Federal judge, pointed out to me that of the 33 jury trials he had tried that year, only 2 were civil cases. And he believes his caseload is an exception because many judges have probably handled no civil cases.

As we load up the Federal courts with more and more criminal matters, we are approaching the point where we do not have a civil judiciary in this country. We have hundreds of State court judges in Minnesota and only five Federal judges. Our Federal criminal justice system simply does not have the resources to handle the caseload that could result from the Senate bill.

State criminal justice systems are much better equipped to handle the problem of crime than the Federal system. That is why I will oppose this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York [Mr. D'AMATO] to instruct the conferees on the disagreeing vote of the two Houses with respect to the bill H.R. 3355. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—51

Baucus
Bennett
Breaux
Brown
Bryan
Burns
Byrd
Conrad
Coverdell
Craig
D'Amato
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Gramm
Grassley
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nunn
Pressler
Riegle
Robb
Rockefeller
Roth
Sasser
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—47

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bumpers
Campbell
Chafee
Coats
Cochran
Cohen
Danforth
Daschle
Durenberger
Feingold
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Heflin
Inouye
Johnston
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Pryor
Reid
Sarbanes
Simon
Specter
Wellstone
Wofford

NOT VOTING—2

Kennedy
Shelby

So, the motion was agreed to.

GRAMM MOTION TO INSTRUCT

Mr. LEVIN. Mr. President, I support three provisions of the Gramm motion: the provision supporting the establishment of a Violent Crime Reduction Trust Fund; the provision supporting allowing suspension of a mandatory minimum sentence only in those cases where the individual is truly a first-time, nonviolent offender; and the provision supporting the Senate amendment which provides mandatory minimum terms of imprisonment for adults who sell illegal drugs to a minor or who use a minor in drug trafficking. All of these provisions were also in the crime bill which I support.

I will vote against the Gramm motion, however, because of its fourth provision, which provides for a death penalty. As you know, Mr. President, I have long opposed the death penalty for a number of reasons, including its inability to correct for mistakes made in the judicial process.

On a previous motion, the Conrad-Mack motion, the debate ignored the fact that the Senate language displaces a three-strikes-and-your-out incentive in the House language for serious violent felonies. The displacement of that provision is surely worthy of greater consideration before our conferees are instructed to displace it.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. BIDEN, Mr. KENNEDY, Mr. METZENBAUM, Mr. DECONCINI, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, and Mr. GRASSLEY conferees on the part of the Senate.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President, in accordance with title 22, United States Code, sections 1928a–1928d, as amended, appoints the Senator from South Carolina [Mr. HOLLINGS] as a member of the Senate delegation to the North Atlantic Assembly spring meeting during the second session of the 103d Congress, to be held in Oslo, Norway, May 26–31, 1994.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2019 TAKINGS AMENDMENT

Mrs. BOXER. Mr. President, I voted for final passage of S. 2019, the reauthorization of the Safe Drinking Water Act, despite serious misgivings about the takings amendment approved by voice vote late yesterday.

I voted for the bill because it contains provisions I consider crucial to protecting public health. The bill also provides a significant new level of flexibility that will allow us to meet our goals at the lowest possible cost for the thousands of local water supply systems.

The bill includes provisions I offered both in committee and on the floor that strengthen the legislation in significant ways. The Senate approved my amendment to require the EPA to take into account children, infants, pregnant women, the frail elderly, and other vulnerable groups when setting drinking water standards. The Senate also approved my amendment to protect the 30 million Americans who depend on well water from lead leaching at dangerous levels from well-water pumps and component parts.

S. 2019 also includes provisions I authored that will assure water system customers of adequate notice if their water supplier violates drinking water quality standards and clarify the EPA's authority to define what constitutes "best available technology" for small water systems.

But, unfortunately, S. 2019 also includes an amendment I considered to be a threat, not only to our safe drinking water laws, but to Government's ability to fulfill its most basic responsibility—the protection of the health and safety of our people.

The amendment would require Federal agencies to do a takings impact assessment every time they issue a new regulation. While that sounds reasonable—a fair way to protect private property rights—the amendment is part of what the Atlanta Constitution describes as a "broad-based, well-organized but low-profile effort to gut environmental and land use laws."

So called takings bills have been introduced, and defeated, in legislatures across the country, and have been brought before the Senate on several occasions. Faced with a bill nearly identical to the Dole amendment, the Governor of Idaho wrote:

> Simply stated, this bill is not concerned with the protection of property owners and the promotion of the social welfare * * *. Instead, it central focus is the protection of select property owners (developers, polluters, etc.) to do what they want regardless of the effects of their actions on their communities and their neighbors. This legislation essentially throws up paperwork and bureaucratic roadblocks to the state's promulgation of regulations to further protect the general welfare of the people * * *.

Republican legislators from New Hampshire and Colorado wrote Members of Congress last year:

> [T]akings legislation would increase taxes and create a new, unnecessary level of bureaucracy. As fiscal conservatives, and believers in limited state government, we successfully opposed state "takings" bills because they were expensive "Budget-Busters," which would require large and undeterminable new costs.

Mr. President, I ask unanimous consent that these letters be included in the RECORD.

Mr. President, I believe that the right to own private property is one of our fundamental rights as Americans. But this isn't about protecting private property, and I must oppose efforts to undermine the right to governments to fairly regulate land use in the interest of the public. I support orderly development and the sanctity of neighborhoods; I believe we should keep powerplants, prisons, and porno theaters from being built next to homes; and Government should be able to prevent one property owner from flooding another's land, to keep rivers clean by insulating them from too much development, to make sure no one property creates a nuisance or a hazard for the rest.

Mr. President, as the National Governors Association has said, "Interpretation of the fifth amendment of the Constitution concerning the taking of private property by the Government is the appropriate province of the courts * * * legislative requirements are not warranted."

While I supported final Senate passage of S. 2019, I reserve my right to oppose a conference report on this, or any bill, that includes a so-called takings amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Boise, ID, April 1, 1993.

Hon. MIKE SIMPSON,
Speaker of the House,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to advise you that I have transmitted to the Office of the Secretary of State herewith, without my approval, disapproved, and vetoed: House Bill 322 within the time limited by law, the same having arrived in the Office of the Governor at the hour of 4:28 p.m. on March 24, 1993.

House Bill 322 requires each state agency to designate a person to prepare a "takings impact statement" for state agency actions with "takings implications." "Private property" has been defined in this bill as including "all property, real or personal." If this bill were to become law, state agencies would be required to prepare takings-impact assessments for each and every state agency action with takings implications, including the promulgation of regulations and the granting, denial or conditioning of licenses or permits. The bill contemplates the creation of a morass of additional state government paperwork for seemingly no purpose. Various state agencies have testified that they would be required to hire at least an additional attorney and support staff for that attorney just to comply with this legislation. The fiscal impact on state government would be burdensome despite the legislative pronouncement that this bill has "no fiscal impact." Thus, the Legislature by this bill would like to require state agencies to engage in a paperwork runaround without providing any funding to support the work required.

The preparation of written takings-impact assessments would involve a time-consuming and expensive bureaucratic process that would make government decision-making slower and less effective. Regardless of whether an action actually would result in a constitutional violation, an agency would be required to include an analysis of "alternatives" to the action and the preparation of "an estimate of the financial cost to the government agency occupational health and safety of workers, consumers, children, and the underprivileged against those who would exploit them.

Simply stated, this bill is not concerned with the protection of property owners and the promotion of the social welfare of the Idaho citizens. Instead, its central focus is the protection of select property owners (developers, polluters, etc.) to do what they want regardless of the effects of their actions on their communities and their neighbors. This legislation essentially throws up paperwork and bureaucratic roadblocks to the state's promulgation of regulations to further protect the general welfare of the people of the state of Idaho.

In the final analysis, enactment of this legislation would be a complete waste of the taxpayers' money. The Legislature has already provided that, pursuant to Idaho Code §67-5218, "a concurrent resolution may be adopted [by the Legislature] rejecting, amending, or modifying" an agency rule that it finds offensive. In addition, the Legislature has the ability to request a state agency to provide an accounting of the effect of a proposed rule. In this regard, Idaho Code §67-5203(e) has required a state agency to prepare a "statement of economic impact" of any proposed rule when requested by the joint germane sub-committee. Such a statement is to include "an evaluation of the costs and benefits of the rules and regulations to the people of the state of Idaho." Idaho Code §67-5201(8). Thus, the Legislature already has a mechanism by which it could obtain an analysis of the effect of state agency regulations. I am not aware, however, of the Legislature's ever using this tool. House Bill 322 would require state agencies to prepare hundreds of analyses, despite the fact that the Legislature has never even asked for such a similar analysis under existing legislation.

Finally, this bill is even more expansive, onerous and flawed than previous versions of the same legislation: Senate Bill 1439, which I vetoed last year, and House Bill 262aa, which I vetoed two years ago.

For these reasons, Mr. Speaker, I have withheld my approval, disapproved, and vetoed House Bill 322 and returned the same within the time provided by law.

Sincerely,

CECIL D. ANDRUS,
Governor.

OCTOBER 26, 1993.

DEAR MEMBER OF CONGRESS: As Republican state legislators, we are writing to urge you to oppose federal "takings" bills and amendments for the same reasons that we and our colleagues killed similar state legislation: "takings" legislation would increase taxes and create a new, unnecessary level of bureaucracy.

As fiscal conservatives and believers in limited state government, we successfully opposed state "takings" bills because they were expensive "Budget-Busters," which would require large and undeterminable new costs.

State and federal "takings" bills would give taxpayer subsidies to special interests who have to comply with legal requirements designed to protect the private property, and the health and safety, of average Americans.

Everyone agrees that where the courts determine that private property has been "taken" for public use, just compensation must be paid under the Fifth Amendment to the federal Constitution or similar state constitutional provisions. We agree, however, with the National Governors' Association, which resolved in 1992 that "takings" issues are "the appropriate province of the courts" and that such bills "would have far-reaching implications for state and local zoning, land management, and public health laws of all kinds."

In cases where there is clearly no constitutional right to compensation, "takings" bills would injure average citizens by increasing taxes or by diverting limited government resources for a new entitlement program. They would also increase litigation and require taxpayers to hire lawyers and accountants to conduct a site-specific examination of any conceivable impact on each piece of property from each government action.

The idea that property owners can demand government compensation because of perceived limitations from health, safety, antipollution and other laws and regulations is constitutionally unsound. It would also harm the public by raising taxes and by discouraging government actions that protect our rights. We all live downstream, downwind or next door to property where pollution and other harmful activities have been restrained to protect our rights.

Therefore, we urge you to join us in voting against increased taxes and unnecessary bureaucracy by opposing "takings" bills.

Sincerely,

RICHARD L. RUSSMAN,
Republican—E. Kingston, New Hampshire Senate.

TONY GRAMPSAS,
Republican—House District 25, Speaker Pro Temps, Colorado House of Representatives.

TAIWAN DESERVES FAIR TREATMENT

Mr. BROWN. Mr. President, I rise today to congratulate President Lee Teng-hui of the Republic of China on the fourth anniversary of his Presidency.

President Lee Teng-hui is the first freely-elected President in the history of the Republic of China. Under the leadership of President Lee, the Republic of China on Taiwan has become one of the fastest-growing, most dynamic economies in the Asia-Pacific region. In the past 4 years, Taiwan also made impressive progress in democratization: Free and fair elections are routinely held in a multiparty political system. Today's Taiwan is one of the most stable, prosperous, and democratic nations in the world.

Maintaining our close relationship with Taiwan is in our national interest. It is an important pillar supporting regional peace, regional security and regional prosperity. President Bush recognized the importance of Taiwan to the region when he dispatched his Cabinet-level appointee, United States Trade Representative Carla Hills, to Taiwan. Continued high-level United States attention to Taiwan is an important component of the success of United States policy in the Asia-Pacific region.

Congressional recognition of Taiwan's importance was evidenced in the Foreign Relations Act signed into law by President Clinton on April 30, 1994. Section 508 of that Act urges the President, on behalf of the Congress, to: ". . . send Cabinet-level appointees to Taiwan . . ." and to ". . . take steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations of which the United States is a member."

Nonetheless, early in May, this clear expression of congressional intent was ignored by the administration. President Lee was humiliated by the State Department's rude and inappropriate refusal of his request to stop overnight in Hawaii while on his way from Taiwan to Costa Rica. The Communist government of the People's Republic of China lodged a diplomatic protest about who the United States should and should not permit to overnight on United States soil, and government "kowtowed." The Clinton administration's treatment of a freely elected leader is embarrassing to all Americans, and calls into question this administration's commitment to democracy.

Mr. President, I would like to take this opportunity to commend my colleague, Senator SIMON, for being the first to bring this matter to the public's attention. This rude treatment has the potential to severely hamper our relations with Taiwan and to affect Taiwan's international status.

To demonstrate to President Lee of Taiwan that the rude and inappropriate behavior of this administration is not shared by the American public, Senator MURKOWSKI and I have sent a letter to President Clinton expressing our serious concerns over this event. We have also invited President Lee Teng-hui to visit our home States of Colorado and Alaska. We hope that President Lee's visit to our States will demonstrate the extensive, close, and friendly feelings that everyday Americans have for the people of Taiwan.

Mr. President, I ask uananimous consent that these two letters be printed in the RECORD at the conclusion of my remarks.

I thank the Chair.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 1994.

Hon. WILLIAM J. CLINTON,
The President,
The White House.

DEAR MR. PRESIDENT: On April 30, 1994, you signed into law the Foreign Relations Authorization Act. Section 508 of that Act urges you to "take steps to show clear United States support for Taiwan. . . ." This expression of congressional intent is consistent with the Taiwan Relations Act which sets forth the policy of the United States "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan. . . ." 22 U.S.C. 3301.

Despite this expression of congressional intent, we were embarrassed to learn that the Department of State refused the request of the Honorable Lee Teng-hui, the freely elected leader of the democratic Republic of China on Taiwan, to overnight in Hawaii enroute to Costa Rica. We believe this decision was ill advised. We were particularly dismayed to hear that this decision was made to appease the PRC's Ambassador who had protested the presence of President Lee on American soil.

Mr. President, we believe that our country should be doing everything it can to promote close and friendly ties with the Republic of China on Taiwan—a democratic country that is extremely important to our economic and security interests in East Asia. For that reason, we have attached a letter that we have sent to the Honorable Lee Teng-hui inviting him to visit our home states of Alaska and Colorado, and to be our guest in Washington. We think that such a visit by Mr. Lee can go a long way to repair the damage done by the recent snubbing at the hands of the State Department, and to promote extensive, close, and friendly relations with the people of the Republic of China on Taiwan.

Sincerely,

FRANK MURKOWSKI,
HANK BROWN,
U.S. Senators.

U.S. SENATE,
Washington, DC, May 17, 1994.

Hon. LEE TENG-HUI,
President, Republic of China on Taiwan.

DEAR PRESIDENT LEE: The Republic of China on Taiwan, under your leadership, has become a leader in the industrialized world with a dynamic and growing economy and a prosperous and free people. As Senators from states with a strong focus on the Pacific Rim, we see tremendous opportunities to expand and strengthen ties between the people of the United States and the people of the Republic of China on Taiwan. We are firmly in favor of preserving and promoting extensive, close, and friendly commercial, cultural and other relations between the United States and Taiwan.

For that reason, we would like to formally invite you to come to the United States to see for yourself the strong sentiments and support for the Republic of China on Taiwan. Specifically, we would like to invite you as our guest to visit our home states—Alaska and Colorado. We would also be honored if you could be our guest in Washington, D.C.

Thank you for your consideration of our invitation.

Sincerely,

HANK BROWN,
FRANK H. MURKOWSKI,
U.S. Senators.

FOURTH ANNIVERSARY OF THE PRESIDENCY OF PRESIDENT LEE OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. DOLE. I am pleased to join the distinguished Senator from Alaska, Senator MURKOWSKI, and other Senators from both sides of the aisle in recognizing the fourth anniversary of the inauguration of President Lee Teng-hui of the Republic of China on Taiwan—an anniversary that will be officially observed on May 20.

President Lee has provided his nation remarkable leadership at an important time of political and economic transition in Asia.

Under President Lee's leadership, democracy has taken a giant leap forward on Taiwan. Under his leadership, the economy of Taiwan has continued to grow, and the people of Taiwan have continued to enjoy growing prosperity. And under his leadership, Taiwan has further expanded its constructive role in international and multilateral affairs, in such organizations as the Asian Development Bank, GATT and the Organization for Asian Pacific Economic Cooperation Development Bank.

All these achievements merely set the stage for what I believe, and many Senators believe, will be even more impressive accomplishments in the years ahead. Certainly the Republic of China on Taiwan deserves to play a role, and can play a highly constructive role, in the United Nations. Certainly we, in this country, can enjoy even closer and more mutually beneficial relations with the Republic of China on Taiwan, in all spheres. And certainly Taiwan will continue to be one of the most powerful engines for what we hope will be growing global prosperity based on free and fair international trade.

I remember with special appreciation the contributions the people of Taiwan made last year to help alleviate the suffering of the people of Kansas and elsewhere in the midwest during the terrible floods which devastated the region. It is but one of many examples of the genuine, long-standing friendship between our people.

Let both nations continue to build on that friendship. And let us all join today in congratulating President Lee and the people of the Republic of China on Taiwan on all that they have accomplished, at home and around the world.

THE 40TH ANNIVERSARY OF THE SUPREME COURT'S BROWN VERSUS BOARD OF EDUCATION RULING

Ms. MOSELEY-BRAUN. Mr. President, yesterday was the 40th anniversary of the Supreme Court's landmark ruling in the case of Brown versus Board of Education. In Brown, Chief Justice Earl Warren, writing for a unanimous court, struck down the doctrine of separate but equal, holding that it did, in fact, violate the equal protection clause of the 14th amendment to the Constitution.

What tends to get lost in the discussion over Brown is that, in purely legal terms, the decision was actually very narrow. It was limited in scope, applying solely to the field of public education. It did not even provide the plaintiffs with a remedy for correcting the discrimination, forcing them to return to the Supreme Court the next year, in a case known as Brown II, for relief. The simple fact is that the actual plaintiffs in Brown never realized the fruits of their victory, never actually attended a desegregated school, due to the official government resistance in carrying out Brown's directive.

However, I think the reason that gets lost—the reason that, on its 40th anniversary, no one discusses the narrowness of the Court's ruling in Brown—was summed up by an editorial in yesterday's Washington Post. The editorial stated, "Seldom does a Supreme Court ruling have such a profound impact on the country's social structure, moral tone, and constitutional assumptions as to become a benchmark in the Nation's history".

For the fact is that, with a single stroke of the pen, the Supreme Court started this Nation down a long and troubled road toward equal opportunity for all citizens, regardless of race or religion or gender or national origin. By writing in its unanimous opinion that "In the field of public education, the doctrine of separate but equal has no place," the Supreme Court laid the cornerstone for all the advances in civil rights in America in the past 40 years.

In 1954, the year of the Brown decision, the entire South, and many border States, lived under the domain of Jim Crow. Blacks were relegated to the back of the bus, were banned from white lunch counters, and were not allowed to use the same bathroom or water fountains as whites. Interracial marriage was prohibited—by law—in many States, and any black who attempted to vote was quite literally risking his or her life. Although today the Court's ruling seems quite logical, and not all that revolutionary, we can never forget the extraordinary courage of those who, in that atmosphere, fought for the proposition that separate but equal was, in fact, inherently unequal—the late Supreme Court Justice Thurgood Marshall, who argued the Brown case before the Court, his cocounsels, George Hayes and James Nabrit, Jr., Linda Brown and her family, and the other plaintiffs in the case and, of course, the Supreme Court itself.

We can never overstate the importance of this ruling. For without the decision in Brown, there is no telling where our Nation would be today. Without the Supreme Court on its side, would the U.S. Congress have had the courage to pass the Civil Rights Act of 1964, the Voting Rights Act of 1965 or the Civil Rights Act of 1968? Without the Supreme Court on their side, would those who rallied around a woman named Rosa Parks, who refused to give up her seat on the bus, have had the courage to risk water cannons and police dogs and rocks to stand alongside her? Would civil rights achievements in other areas—banning discrimination against women, against those with disabilities—have been possible? Thankfully Mr. President, these are questions we will never have to answer.

Nonetheless, 40 years later, I cannot help but be troubled that, in so many areas, our Nation is no longer moving forward toward racial unity and harmony but slipping back toward segregation, toward two nations, separate and unequal. Nowhere is that more obvious than in our Nation's schools, the very subject of the Brown ruling.

In a study conducted for the Department of Education last year, Prof. Gary Orfield found that despite rapid movement toward integration from the mid-1960's to the early 1970's, our Nation's schools are now more segregated than ever. Specifically, this study found that 70 percent of black and Hispanic students now study in classrooms with a predominantly minority enrollment. In my hometown of Chicago, that number is even more troubling—more than 90 percent of black students still attend either mostly black or predominantly minority schools.

Or take another example, the continued discrimination in the administration of the death penalty. Last week, this body debated the Racial Justice Act, an act that would have afforded those sentenced to death the same right to present a claim of discrimination as those turned down from renting an apartment or fired from their jobs. As study after study after study presented during the debate shows—including a study conducted by the General Accounting Office—there exists to this day a pattern of racial disparities in the charging, sentencing, and imposition of the death penalty. One need look no further than the Federal criminal justice system itself to realize this. Since 1988, the Federal death penalty for drug kingpins has been sought against 36 defendants—4 white, 4 Hispanic, and 28—or 77 percent—African-American.

Mr. President, the fact that millions of our Nation's citizens continue to be segregated by race and ethnicity in our Nation's schools as well as in our Nation's communities is unacceptable. The fact that defendants continue to be sentenced to death based on their race, or the race of their victims, is unacceptable. These statistics tell us what we already know—that despite the historic decision in Brown, despite the gains in civil rights of the past 40 years, we still have a long way to go before the doctrine of separate but equal is truly abolished.

I know this is not a fun subject to discuss. I know people throughout this country wonder why we can't forget about race, why we can't just be proud of how far we've come, and leave well-enough alone. As Clarence Page stated in a recent column in the Chicago Tribune, the idea that separate but equal is inherently unequal has fallen on hard times. Said Page, and I quote, "Never have I seen whites more weary of the idea that race is still a significant problem in America. Never have I seen black folks, particularly young blacks, so weary of pressing for white acceptance." But we cannot, we must not allow this weariness to distract us from the task at hand. The issues at stake are too important.

I recently returned from South Africa where I was able to witness what can happen when people of all races and colors come together to fight against racism and segregation.

By now we have all seen the truly moving and truly remarkable sight of blacks and whites together waiting in lines literally miles long, waiting 8 full hours and more, to vote in the first multiracial elections in South Africa's history.

I was a part of the U.S. delegation that was present at the inauguration of Nelson Mandela. He is a man who spent 27 years in prison, not for crimes, but for trying to open up opportunities for all South Africans. But he was not embittered by his years in prison. Instead he stayed true to his values.

Nelson Mandela, and the coalition he heads, is bringing new freedom and new opportunity to black South Africans. But his victory was not just a victory for black South Africans but for South Africans of every race and color.

South Africa is in the process of transforming itself into a multicultural, pluralistic, democratic society. That metamorphosis was personified by the Pretoria Children's Choir. This group of young teenagers looked like South Africa. One could see strains of every imaginable racial and ethnic group, and they sang and danced in unison. One song brought tears to my eyes. They sang: "We all know we are different from one another; be proud of your heritage; but know that you are my brother."

Mr. President, I mention my recent trip to South Africa because while the Supreme Court's Brown versus Board of Education ruling began the dismantling of our Nation's system of apartheid in education, of apartheid in the death penalty, more needs to be done.

Education is more than a private benefit to individuals, it is a public good for us all. How well a democratic society is able to function depends in large part on the opportunities for education available to its citizens. That connection is seen in everything from crime statistics, to health status, to electoral participation, to international competitiveness.

The elimination of discrimination in the death penalty is equally important. I know some people ignore the implications of this continued discrimination by reasoning that, after all, these are only criminals. They have committed heinous and unspeakable acts, and it doesn't really matter if we deny them equal protection under the law. But the simple fact is, if we continue to allow death sentences to be imposed on the basis of race, we diminish all of our humanity. This country has long stood for the proposition that even those who have done wrong have rights. Even those who have committed a crime deserve not to be discriminated against on the basis of race. Eliminating that protection for any class in society—even criminals—sends a strong message that equal protection is not s highly valued in this Nation as we claim it is.

Mr. President, these are just two illustrations of the fact that, as far as this Nation has come since that day 40 years ago when the Supreme Court handed down the Brown decision, we still have a long way to go. Brown was a giant step forward in the process of achieving full political and economic integration. But we've made more progress on the political front than on the economic front. Full economic integration is necessary to overcome the legacy of discrimination, and education is an important part of achieving that economic integration.

While the problems we confront today, in 1994, are different than the ones confronted by the Supreme Court

40 years ago, in 1954, the fundamental meaning of Brown versus the Board of Education has not changed. At its core, Brown was bout values—about the significance and worth of every individual, regardless of race or religion or gender or national origin. Brown stated what we all know, that we are greater as a Nation if we stand together and use the talents of all our citizens than if we allowed ourselves to be divided on a characteristic as meaningless and irrelevant as the color of one's skin. No matter what happens, no matter what new problems we confront, we must never forget that message. Instead, the belief in true equality that was voiced in Brown should underlie everything we do in this Nation, today, tomorrow and every day.

Mr. President, the 40th anniversary of Brown should not just be a time to reflect on the importance of the decision. Rather, it should be a time for the people of this Nation, including those of us in the Senate, to rededicate ourselves to the struggle of ensuring equal justice for all. It is worth recalling what Frederick Douglass said over a century ago: "If there is no struggle, there is no progress." We must ask and demand that we all live up to the values our Declaration of Independence and our Constitution so eloquently expounded. That is the strategy that has resulted in the greatest success. It is the path that offers the most for each and every one of us, and for our Nation.

I would like to conclude my remarks by reminding my colleagues that we are stronger as a Nation, and stronger as people if we can work together, if we can utilize the talents of every one of our people. If we can put aside racism, and sexism, and all of the other "isms" that separate us from one another, in short, if we can live up to the values we state so eloquently in our Constitution.

THE RACIAL JUSTICE ACT

Ms. MOSELEY-BRAUN. Mr. President, once again, for the third time in as many weeks, the Senate is debating the Racial Justice Act. For the third time Members of the Senate have engaged in debate about whether or not we should provide safeguards to protect against a problem so prevalent—the problem of racial bias in the imposition of the death penalty—that even a study commissioned by this body, and conducted by the independent General Accounting Office concluded that there is, and I quote:

> A pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty.

Now I do not understand why we in the Senate need to be on record in opposition to the evil of ending discrimination in the death penalty once again here today. We just voted on this last week, and those who oppose ending racial discrimination in the death penalty won. There is clearly no reason why we need to have this exact same conversation 1 week later. But the fact of the matter is that there have always been individuals, including those in Congress, who will stand in repeated and immovable opposition to laws protecting our civil rights. And so those of us who believe in civil rights, who believe in ending discrimination in the death penalty, must come out and debate this with them every single time.

The way opponents of the Racial Justice Act are behaving, you would think there was absolutely, positively no evidence of discrimination in the death penalty. You would think the authors of the Racial Justice Act just dreamed it up on a rainy day because they had nothing better to do.

The fact of the matter is that the Racial Justice Act was developed after the U.S. Supreme Court explicitly stated in the case of McCleskey versus Kemp that the evidence of racial discrimination in that case was, and I quote, "best presented to the legislative bodies," who could develop the appropriate solutions. McCleskey involved what is referred to as the "Baldus study." The Baldus study was actually not one study, but two sophisticated statistical analyses of more than 2,000 Georgia murder cases. What the Baldus studies showed was that, even after taking account of 39 nonracial factors, defendants charged with killing white victims were 4.3 times as likely to receive a death sentence as defendants charged with killing black victims. The capital sentencing rate for all white victim cases was almost 11 times greater than the rate for black victim cases. Blacks who killed whites were sentenced to death at nearly 22 times the rate of blacks who kill blacks, and more than 7 times the rate of whites who kill blacks. In addition, prosecutors sought the death penalty for 70 percent of black defendants with white victims, but for only 15 percent of black defendants with black victims. Keep in mind that during the period of time involved in the Baldus study only 9.2 percent of Georgia homicides involved black defendants and white victims. I know I just presented a lot of facts and statistics to be digested all at once. However, if those numbers do not evidence a gross pattern of discrimination, Mr. President, then I do not know what does.

Now some listening to the debate today may think, well, the McCleskey case was decided 7 whole years ago. The problem documented by the Baldus study—the problem of discrimination in the death penalty—surely must have been corrected by now, right? We do not need to worry about that old problem anymore, right? Wrong. Nothing, Mr. President, could be further from the truth. If we have ended discrimination in the death penalty, why is it that under the Federal death penalty for drug kingpins, 77 percent of those chosen for death penalty prosecutions have been black? Keep in mind that 75 percent of those charged under this same statute have been white. Yet 77 percent of the death penalty charges—including 10 out of 10 capital cases that have been brought under the Clinton Administration and Attorney General Janet Reno—have been made against African-Americans. If that does not convince my colleagues there is a problem that desperately needs to be corrected, what will?

Another statistic that clearly demonstrates the continuation of racism in the death penalty is the fact that, of the 230 executions that have been carried out in the United States since 1976, only 1 of those—1—has involved a white person killing a black person. Think about that statistic for a second. Of 230 executions since 1976, only 1 involves a white killing a black. Does that statistic shock and appall and disgust anyone else in this body as much as it does me? How could anyone who is aware of that statistic be against the Racial Justice Act?

What do these statistics say about the value that is placed on a black life in this country? What does it say about the value that is placed on civil rights, on equal protection under the law, by this Senate, when we vote to say we reject the Racial Justice Act in light of such statistics. I submit, Mr. President, that our vote against racial justice says some pretty frightening things, things that the U.S. Senate, in 1994, ought not to be saying.

Mr. President, I do not want to take up a great deal of time discussing this issue today. I know the distinguished chairman of the Judiciary Committee, the Senator from Delaware, does not want to debate anew the entire crime bill. That is what the conference committee is for. Besides, I do not know what more I can say to convince my colleagues that this—racial discrimination in the death penalty—is in fact a problem. Given the conclusive and overwhelming evidence of continued racial apartheid in the imposition of the death penalty, it boggles my mind that the U.S. Senate would, over the course of 3 weeks, continue to insist that the Senate state over and over that we do not care if there is racial bias in the death penalty, that we do not want to be bothered to craft a remedy that will give those who are sentenced to death solely on the basis of their race the simple right to challenge that sentence in court.

For, once again that is all the Racial Justice Act does, Mr. President. It gives defendants the right to challenge a death sentence imposed on the basis of race, just as we in the this body have given renters the right to challenge a landlord who denies them an apartment based on race, or just as we have given employees the right to challenge an employer who fires them based on race. It does not mandate that the court accept the defendant's argument. In fact, the act provides numerous opportunities for a prosecutor to prove, by a mere preponderance of the evidence, that nonracial factors were responsible for the death sentence. Nor does the act give the defendant the right to overturn the underlying conviction for which the sentence was issued. It merely provides an avenue for the defendant to present a claim of discrimination. If the Senate wants to vote against racial justice for the second time, in light of this overwhelming evidence, it certainly can, and will, do so.

Mr. President, this issue will not go away. I know the conference on the crime bill will be a difficult process. Not everything that we put in the bill in the Senate will stay in the bill. Not everything that was inserted in the House of Representatives will remain in the final bill. But, it seems to me that, if there is anything Congress must agree on, it is that death penalty sentences should be handed down in an unbiased manner. The Senate will once again have to decide if it is going to stand up for civil rights, if it is going to stand up for equal protection, if it is going to stand up to correct apartheid in the death penalty. That is what the Racial Justice Act is all about, and the issue will not go away.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

NOMINATION OF SAM BROWN

Mr. BROWN. Mr. President, I am concerned about a nomination that the Senate, I believe, will be considering next week. It is the nomination by the President of Sam Brown for the rank of Ambassador to head our delegation to the Conference on Security and Cooperation in Europe.

The Conference on Security and Cooperation in Europe is an organization of enormous importance. Originally arising out of the Helsinki accords, this effort was designed to draw European nations on both sides of the Iron Curtain together; to have them work toward peace; and to have them work toward resolution of human rights questions. Nonetheless, the Conference was dramatically changed in 1990 and 1992, when a substantial international security role was added. Responsibilities for monitoring both the Open Skies Treaty and the reduction of Conventional Forces in Europe Treaty were added. Also added was a Forum for Security Cooperation envisioned as the final point for resolution—including recommendations for military intervention—of vexing military confrontations. For instance, the forum has the leading European responsibility for recommendations concerning resolution of the conflict between Armenia and Azerbaijan.

Moreover, this Conference, and the Ambassador specifically, will be charged with efforts to help coordinate and negotiate new reductions in conventional forces. Thus, what was an ambassadorship dealing primarily with humanitarian efforts has changed dramatically. It now has significant responsibilities for major military recommendations and matters of enormous importance to our national security. The person who heads the CSCE delegation has a large responsibility, not simply to represent this country, but to coordinate the very important details of delicate negotiations while safeguarding our national security interests. I am particularly concerned because the nominee has no national security experience. The nominee has no military experience. The nominee has no diplomatic experience other than having supervised an agency that supervised the Peace Corps. Moreover, the nominee's management background is not one that would lend confidence. The nominee, to put it bluntly, while bright and articulate and an able person in many ways, is simply unqualified for the post.

His lack of national security experience raises grave questions not only about his ability to do the job but his ability to sell a new conventional forces reduction agreement should one be achieved. This evening 41 of us have signed the following letter to the President of the United States.

> DEAR PRESIDENT CLINTON: We are writing to urge you to reconsider your nomination of Mr. Sam Brown for the rank of ambassador to head the U.S. delegation to the Conference on Security and Cooperation in Europe. We question whether Mr. Sam Brown possesses the necessary expertise to effectively serve in this capacity.
>
> During the Senate Foreign Relations Committee's consideration of Mr. Brown's nomination, he was questioned extensively about his relevant experience. The CSCE has added significant facilities to promote European security since 1990, and figures heavily into monitoring arms control agreements central to the continued security of the continent. Namely, CSCE is responsible for monitoring the Conventional Forces in Europe (CFE) treaty, the Open Skies treaty and for negotiating future follow-ons to these important documents.
>
> Prior ambassadors to the CSCE and those sent from other member nations as representatives had extensive diplomatic and national security backgrounds. Mr. Sam Brown's record speaks for itself. It contains no national security experience and no significant diplomatic experience. He has no international business experience and no relevant academic experience.
>
> Poland, Hungary and the Czech Republic have been eager to become an integral part of the West. They've applied for NATO membership and entry into the European Union. In both cases, they were rebuffed. The only significant regional organization which they can participate in as full members is the CSCE. Posting an unqualified ambassador as our representative sends yet another signal that the United States attaches little importance to these fledgling democracies.
>
> In addition to his lack of qualifications, Sam Brown's past record is enlightening. He served as head of ACTION during the Carter administration where his abilities earned him headlines such as "ACTION Chief Labeled Inept Martinet." The House Appropriations Committee staff conducted an extensive investigation of ACTION during his tenure, and found numerous violations of law, regulation and policy. Not only that, his effort to eliminate ACTION's independent inspector general gave the distinct appearance of an attempt to cover up these numerous discrepancies and prevent independent review of the agency's practices.
>
> Clearly, Mr. Brown lacks the necessary diplomatic and national security experience to effectively represent the United States at CSCE. His mismanagement at ACTION further calls into question his selection for this important post. If it is your intention to ensure Sam Brown is appointed to a post within the Federal Government, we urge you to consider him for another position more suited to his experience.

Mr. President, this letter is signed by 41 Members of this Chamber.

I hope very much that the President will heed the role of advice and consent that is ours under the Constitution.

The signers of this letter are not saying that Sam Brown should not serve the administration in some capacity. Certainly, the experience of this Chamber is to give the President wide discretion and even approve Members and Representatives which I know Members of this body would not necessarily nominate themselves.

At least 40 nominees of this administration I have voted for and supported. This one, however, I cannot support. It is my belief that Sam Brown clearly does not have the experience that is needed.

Mr. President, I raise these concerns because I believe it is important that the Senate have a full and clear debate on Sam Brown's qualifications before voting on cloture. I hope this evening to urge upon the consideration of the leadership an opportunity for that debate to take place before the cloture vote is taken.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I want to share with the body the comments of Jack Anderson, writing for the Washington Post, when he was describing the management problems of Sam Brown, the nominee before this body next week with regard for the post of ambassador to the CSCE. I quote now from Jack Anderson under a headline that reads, "ACTION Chief Labeled Inept Martinet."

[The Washington Post, Thursday, Dec. 14, 1978]

Sam Brown, the tousle-haired anti-war activist-turned-bureaucrat, comes across as an easygoing, charismatic, refreshing new face on the Washington political scene. But his leadership of ACTION, which oversees such do-good programs as the Peace Corps and VISTA, has drawn increasing criticism from both inside and outside the organization.

The recent forced resignation of Peace Corps director Carolyn Payton was a monumentally mishandled affair. Regardless of the merits of her firing, the circumstances surrounding it were so messy as to give credence to charges that Brown simply is not up to the job President Carter gave him.

Insiders told our associate Jack Mitchell that the Payton firing was only the tip of the iceberg. They say Brown's direction of ACTION's domestic and international programs has been all thumbs from the very start. Mismanagement, favoritism and plain incompetence characterize Brown's regime.

Brown's professed goal of an egalitarian "workplace democracy," which would have been unique in Washington bureaucracy, could account for the slapdash, uncoordinated administration of ACTION and the crumbling image of a once-respected government agency.

But Brown is accused of more than just inept bungling in a job that's too big for him. ACTION aides say he has become an authoritarian martinet who brooks no interference from his subordinates. He is, they say a bureaucratic dictator.

Morale at ACTION is rock-bottom low. Bad publicity has negated the positive achievements of the agency's programs. Brown's response has been not to clean up his own act but to look for a press aide who can give him a brighter image.

The dismissal of Payton, one of the Carter administration's few influential black officials, brought some of the agency's dirty laundry out in the open.

The conflict between the gregarious Brown and the more reserved Payton appears to have been basically a personality clash. At any rate, Brown was so eager to pressure Payton to quit that her resignation was leaked to the press before she had agreed to it.

Caught by surprise and embarrassed by the report of her firing, Payton denied it. She had to go to presidential counsel Robert Lipshutz to confirm that her resignation had actually been requested by the president.

Brown's growing band of detractors claim that he and his cronies have been trying to apply the anti-Establishment idealism of their New Left days to the complicated task of administering multimillion-dollar social programs. The result has been chaos, the critics say.

And starry-eyed idealism has not prevented ACTION brass from squandering the taxpayers' money with an abandon that would be envied by any entrenched bureaucracy in Washington.

A case in point was ACTION's hare-brained scheme to send unemployed inner-city black youths to Jamaica to work. ACTION officials jetted off to the Caribbean resort to set up the project.

But Jamaican officials, faced with massive unemployment and an inflation rate of up to 50 percent a year, put the kibosh on the dizzy plan. They were appalled at the idea of American ghetto youths being thrown in with resentful, out-of-work Jamaicans on their politically troubled island.

Cost-conscious watchdogs at the budget office have warned ACTION's spendthrift poohbahs that the agency's travel expenditures had to be reduced. ACTION staffers, for example, have been spending hundreds of thousands of dollars in the past few months attending meetings all over the world. At the same time, workers in the field have been told there's not enough money to fly them back to Washington for briefings.

Taxpayers recently footed the bill for conferences in Casablanca and Nairobi attended by no less than 31 ACTION paper-shufflers. Each junket cost about $80,000. The highlight of both meetings, sources told us, was the obvious friction between Brown and Payton.

Footnote: Brown was not available to talk to us at press time, but this supporters at ACTION insist that reports of his incompetence and tyranny are either untrue or exaggerated. "Sam's not that way at all," they say.

An ACTION spokeswoman told us that Payton's resignation was announced "in response to media calls" after she had indicated she was quitting.

The Jamaican project, she said, was an "experimental idea" designed to improve minority participation, but was dropped early this year after a negative response from Jamaican officials.

Madam President, that is not an article written by a critic of the administration, nor, indeed, by anyone who is a Republican. That is an article written by Jack Anderson of the Washington Post. It recounts, in very direct and blunt language, some of the management experience of the nominee to head our very important CSCE delegation. It is but one of many, many reports pointing out the management blunders and the management problems that Sam Brown brings to his job.

I emphasize, this is not partisan. This is not from a Republican source. But it does, I think, reflect on the concern that 41 Senators have expressed to the President in asking the President to reconsider this nomination and find a different post for Sam Brown.

Madam President, let me go on, because the mismanagement was noticed and reported on by many people other than simply Jack Anderson. The House, controlled by a Democratic majority in those years, commissioned the staff of the Appropriations subcommittee in this area to prepare a report on Sam Brown's management practices at ACTION. It details, in that report by the committee staff, mismanagement in a wide-ranging number of areas. I commend it to the reading of the Members of this body.

On page 88, it outlines improper procurement practices followed under Sam Brown. On page 105, it details financial mismanagement. On page 35, it details grants awarded without competition. On page 40, it reports training programs with materials attacking Government agencies, politicians, and utilities as enemies. On page 43, it relates involvement in restricted activities. On page 22, it details improper use of experts and consultants. On page 16, it reports ignored legal requirements in setting pay levels. At page 112, it details the abolition of the independent inspector general.

I might add, the effort to do away with the independent inspector general was done at a time when it appeared that the independent inspector general may well be active in pointing out the mismanagement practices of the agency itself; in other words, doing exactly what an inspector general is supposed to do. It appears the attempt was to reward him with dismissal.

Madam President, I hope every Member of this body will read this report. This is not written by Republicans. This is written by a staff employed by the Democratic majority of the House of Representatives. It details in specifics major mismanagement mistakes. We have a responsibility, I believe, to help the President. The Constitution states it clearly: To advise and consent.

The fact that now and then you have a nominee come forward who is not qualified is not unique to this administration. It is not unique to the Democratic Party. It is a problem that has plagued both Republican and Democratic administrations. I am one who believes that we do the executive no favor if we approve officials who do not have the ability and the background to perform adequately. Sam Brown has been tried and tested, and the results are in. They speak clearly and eloquently to the fact that he is not able to handle these important responsibilities.

The vote on this nominee should not be partisan. Democrats should not feel an obligation to support a President when he has made a bad nomination, just as Republicans should not have felt obliged to support Republican Presidents when they named a bad nominee.

This Senator has voted for over 99.3 percent of the nominees sent forward by this White House. I have voted for every single nominee from the State of Colorado from this White House. But Sam Brown simply is not qualified for the job, and his past experience speaks clearly to that.

Let me go into a summary of the charges that are detailed by the House Democratic staff.

"Improper procurement practices," quoting from the Democratic report.

The Advanced Procurement Planning directed by order 2620.1 is virtually nonexistent, and administrative lead time and contract delivery requirements are often unrealistically compressed. The insufficient lead time [plus other factors]. . . Contributes to questionable procurement practices.

That is from page 88 of the report.

Violation of ACTION regulation:

> Order 2620.1, promulgated May 7, 1973, established ACTION procurement and contract planning policy to eliminate or reduce unnecessary crises caused by late requests and last-minute negotiations.

That is the regulation we are talking about. The report notes a violation of that commonsense regulation. I quote further, this from page 90 of the report:

> Although formally advertised procurement (the sealed bid) method is preferred by the Government, the negotiated method of contracting may be used in exceptions as described in 41 U.S.C. 252(c).

Violation of the statute:

> With some consistency, however, ACTION contracts reviewed authorized use of the negotiated method of procurement only after negotiations had been underway or were completed. . . . Concurrent signings of the documents posed serious risk of noncompliance with the statute.

That is from page 91 of the report.

The report goes on:

> [ACTION's] nonsynopsis of sole-source procurements as a customary practice raises questions as to the concealment of such awards from public awareness and conflicts with the statutory requirement to synopsize procurements.

What is the violation of the statute here?

> It is a statutory requirement to synopsize procurements in the Department of Commerce Business Daily, exceptions permitted when less than 15 days are allowed for proposed submission.

That is from page 91 as well.

> Contracts for which the required certificate was not obtained include awards of over $101,000, $274,000 and $495,000.

That from page 91 of the report.

What is the violation of statute:

> The truth in negotiating law (Public Law 87-653) requires the contracting officer to obtain a certificate of current cost or pricing data on each contractual action exceeding $100,000.

Madam President, these are clear violations of a statute. These are not irresponsible charges. These are documented charges, an official document of the House of Representatives Appropriations Committee.

> Questionable activities of program officials include encouraging contractors to commence work without a contract, developing statements of work jointly with contractors, and obtaining budgets (estimated costs) from contractors for use as in-house estimates.

That from page 92.

Violations of Federal procurement regulation:

> Program office "authorization" was a violation since only a contract officer can bind the Government and costs claimed did not meet the criteria for precontract costs.

Questionable contract practice:

> Development of statement of work is the responsibility of the program office; ACTION often jointly developed the statement, in some cases even before the authorized official determined the contract would be a sole-source contract.

Let me repeat that:

> . . . ACTION often jointly developed the statement, in some cases even before the authorized official determined the contract would be a sole-source contract.

If that is not inside dealing, I do not know what it could be described as.

Again, questionable contract practice:

> Program office personnel used numbers derived from contractors such that estimates proposed by sole-source contractors exactly matched those estimated in-house.

Madam President, I want to ask this body if anyone thinks these are good practices? They clearly violate the regulations and statutes, and they are not one-time affairs, but indications of many frequent violations.

The document goes on, this summarized under financial mismanagement:

> Lack of management attention to ACTION's budget procedures caused approximately $417,000 to be obligated without congressional approval.

That from the report on page 105.

A violation of statute:

> Obligations occurred when ACTION was without appropriation or continuing resolution.

In other words, the rules were simply ignored.

Quoting again from the report:

> . . . an overobligation . . . was discovered by ACTION, and the offending employee reprimanded. However, the violation was not reported to the Office of Management and Budget or to the Congress, as required by statute.

From page 105 of the report.

Violation of the statute:

> Overobligation, beyond congressionally approved amounts illegal without congressional notification and approval.

For those interested, that is found in section 3679(b) 31 U.S. Code 665.

Quoting further of areas of financial mismanagement:

> During an audit of Peace Corps operations in El Salvador in the fall of 1977, auditors from the former Inspector General Division found that the acting country director had, on three separate occasions, violated the antideficiency statute . . . involving the execution of three contracts in September 1977 citing a nonexistent fiscal year 1978 appropriation.

That is found on page 198 of the report.

What is the violation of statute?

> Execution of three contracts with improper cite was the violation of the Antideficiency Statute.

That is 31 U.S.C. 665.

Another violation of statute:

> According to 31 U.S.C. 665, any employee who violates must be subjected to appropriate discipline and the violation reported by the director of ACTION through OMB to the President.

Madam President, no violation was reported, a direct violation of the guidelines of the statute.

I hope Members will ask themselves if this series of mismanagement practices is something that commends one for a higher post? I think to move someone up with this kind of background raises serious questions as to whether this Chamber is even paying attention. It is one thing to make a mistake, it is another to have the facts pointed out and to simply ignore them.

The report continues:

> The investigative staff examined the vouchers of 10 ACTION officials . . . and found they had claimed full per diem on their vouchers for the periods in question [when actually they had stayed in the homes of other ACTION officials during their travels.]

Let us be clear what happened here. Ten action officials claimed per diem when they did not have the expenses. They just stayed in someone else's home. The report continues:

> It is likely the violations were much more widespread.

That is from page 109.

> The Uniform State/AID/USIA Foreign Service Travel Regulations require that travelers must deduct fixed percentages of their per diem for services (food or lodging) provided by U.S. Government agencies or installations.
>
> Separate trips were made to Cuba and the People's Republic of China by two staff members who were officially carried in the "Time and Attendance" logs as being at their official duty sites in the United States.

Not bad if you can get it.

The report continues on detailing the mismanagement practices, this under the summary of grants awarded without competition:

> All of the national grants approved through September 30, 1978, were awarded without formal advertising or requests for proposals.

That is from page 35.

> . . . all 12 grants were awarded noncompetitively.

That conclusion is drawn from the summary.

Madam President, this did not happen once. It did not happen twice. It did not happen three times. It happened on numerous grants.

What are the violations of policy guidelines?

The rules governing the selection of VISTA sponsors are spelled out in the VISTA policy guidelines:

> . . . six [of the total of 12 that were approved] were awarded to organizations represented at the roundtable discussions at which the ACTION director met with a number of nationally reputed community and social activists to discuss the agency's new directions.

That from page 35.

What are the violations of the policy guidelines?

> During the first year of the national grant program, ACTION awarded 12 VISTA grants to national sponsors on a non-competitive basis. A number of these awards were made to friends and former associates of the VISTA director.

Madam President, let me repeat that last line because I think it is an important part of the report.

> ACTION awarded 12 VISTA grants to national sponsors on a non-competitive basis.

A number of these awards were made to friends and former associates of the Vista director.

That found on page 45.

Continuing on with the simple summary of the mismanagement practices found by the House Democratic Appropriations Committee staff, "Training Materials Describe Government Agencies, Politicians, Utilities as Real Enemies." I think it would shock some taxpayers to find this kind of material being printed up by the Government they support.

This document was made available to VISTA volunteers, presumably, as recommended reading. Some examples of the questionable passages contained in the Midwest training document follow:

> The Third Principle of Direct Action organizing is that it attempts to alter the relation of power between people's organizations and their real enemies. The enemies are often unresponsive politicians, tax assessors, utilities, landlords, government agencies, large corporations or banks.

Madam President, I ask the Members of this Chamber to consider if we ought to be as a Federal Government advising people who their enemies are and stirring up discontent. Discontent is appropriate at times; it is a mover; it is a changer. But is it really this Federal Government's responsibility to pay people to go out and organize and identify enemies in society?

The report continues. This is again from the passages published under VISTA: "Give people 'a taste of blood.' Push your opponents so hard you can see them squirm."

Does that sound like a policy that we ought to be advising Americans to follow? But continuing:

> You may want to assign some people to be "inciters" and move about to heat up the action, getting people angrier and angrier and encouraging them to show their anger. You may at other times want some "calmers" to stand near people who may be disruptive to the focus of the action.

The examples go on.

> Your power is your ability to hurt the target or withhold something the target wants. The hurt can be immediate, as in a strike or a boycott, or it can be a potential.

The examples of passages put out by VISTA and Sam Brown continue:

> Stunts can help * * *. If for example, a politician won't meet with you, tape a sign across his office which says, "This Office Closed to the Public." If someone won't come into a debate, put a dummy in the chair and debate for dramatic effect.

As previously set out, Midwest was awarded a grant of more than $500,000 to train volunteers.

Madam President, the full text of these remarks comes from page 40 of the report.

Madam President, I ask unanimous consent that the summary of the House Committee on Appropriations report on ACTION be printed in the RECORD. Furthermore, I would like to make available to all Members of the Senate and their staffs the full copy of the House report in my office. Madam President, I yield the floor.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MISMANAGING PRACTICES IDENTIFIED BY THE HOUSE APPROPRIATIONS COMMITTEE, 1978

IMPROPER PROCUREMENT PRACTICES

"The Advance Procurement Planning directed by Order 2620.1 is virtually nonexistent, and administrative lead time and contract delivery requirements are often unrealistically compressed. The insufficient lead time [plus other factors] . . . contributes to questionable procurement practices." (FCR, p. 88)

Violation of action regulation: Order 2620.1, promulgated May 7, 1973, established ACTION procurement and contract planning policy to eliminate or reduce unnecessary crises caused by late requests and last-minute negotiations.

"Although formally advertised procurement (the sealed bid) method is preferred by the Government, the negotiated method of contracting may be used in exceptions as described in 41 USC 252(c)." (FCR, p. 90)

Violation of statute: "With some consistency, however, ACTION contracts reviewed authorized use of the negotiated method of procurement only after negotiations had been under way or were completed . . . Concurrent signings of the documents pose serious risk of noncompliance with the statute." (FCR, p. 91)

"[ACTION's] Nonsynopsis of sole-source procurements as a customary practice raises questions as to concealment of such awards from public awareness and conflicts with the statutory requirement to synopsize procurements." (FCR, p. 91)

Violation of statute: It is a statutory requirement to synopsize procurements in the Dept of Commerce Business Daily, exceptions permitted when less than 15 days are allowed for proposal submission. (FCR, p. 91)

"Contracts for which the required certificate was not obtained include awards of over $101,000, $274,000 and $495,000." (FCR, p. 91)

Violation of statute: The Truth in Negotiation Law (PL 87-653) requires the contracting officer to obtain a Certificate of Current Cost or Pricing Data on each contractual action exceeding $100,000.

"Questionable activities of program officials include encouraging contractors to commence work without a contract, developing statements of work jointly with contractors, and obtaining budgets (estimated costs) from contractors for use as in-house estimates." (FCR, p. 92)

Violation of Federal procurement regulation: Program office "authorization" was a violation since only a contract officer can bind the Government and costs claimed did not meet the criteria for precontract costs.

Questionable contract practice: Development of statement of work is the responsibility of the Program office; ACTION often jointly developed the statement, in some cases even before the authorized official determined the contract would be a sole-source contract.

Questionable contract practice: Program office personnel used numbers derived from contractors such that estimates proposed by sole-source contractors exactly matched those estimated in-house.

FINANCIAL MISMANAGEMENT

". . . lack of management attention to ACTION's budget procedures caused approximately $417,000 to be obligated without Congressional approval." (FCR, p. 105)

Violation of statute: Obligations occurred when ACTION was without appropriation or continuing resolution. [Sec. 3679(b), 31 USC 665].

". . . an overobligation . . . was discovered by ACTION, and the offending employee reprimanded. However, the violation was not reported to the Office of Management and Budget or to the Congress, as required by statute." (FCR, p. 105)

Violation of statute: Overobligation, beyond congressionally approved amounts illegal without congressional notification and approval [Sec. 3679(b), 31 USC 665].

"During an audit of Peace Corps operations in El Salvador in the fall of 1977, auditors from the former Inspector General Division found that the Acting Country Director had, on three separate occasions, violated the anti-deficiency statute . . . involv[ing] the execution of three contracts in September 1977 citing a nonexistent FY 1978 appropriation." (FCR, p. 108)

Violation of statute: Execution of 3 contracts with improper cite was violation of Anti-Deficiency Statute (31 USC 665).

Violation of statute: According to 31 USC 665, any employee who violates must be subjected to appropriate discipline and the violation reported by the Director of ACTION through OMB to the President. No violation was reported.

"The Investigative Staff examined the vouchers of 10 ACTION officials . . . and found they had claimed full per diem on their vouchers for the periods in question [when actually they had stayed in the homes of other ACTION officials during their travels]. It is likely the violations were much more widespread. . . ." (FCR, p. 109)

Violation of regulation: The Uniform State/AID/USIA Foreign Service Travel Regulations require that travelers must deduct fixed percentages of their per diem for services (food or lodging) provided by U.S. Government agencies or installations.

Separate trips were made to Cuba and the People's Republic of China by two staff members who were officially carried in the "Time and Attendance" logs as being at their official duty sites in the United States. (FCR, p. 110)

GRANTS AWARDED WITHOUT COMPETITION

"All of the national grants approved through September 30, 1978, were awarded without formal advertising or requests for proposals (FCR, p. 35). . . . all 12 grants were awarded noncompetitively" (FCR, Summary)

Violation of policy guidelines: The rules governing selection of VISTA sponsors are spelled out in VISTA policy guidelines.

". . . six [of a total of 12 that were approved] were awarded to organizations represented at the roundtable discussions at which the ACTION Director met with a number of nationally reputed community and social activists to discuss the agency's new directions." (FCR, p. 35)

Violation of policy guidelines creating appearance of impropriety: "During the first year of the national grants program, ACTION awarded 12 VISTA grants to national sponsors on a non-competitive basis. A number of these awards were made to friends and former associates of the VISTA director." (FCR, p. 45)

TRAINING MATERIALS DESCRIBE GOVERNMENT AGENCIES, POLITICIANS, UTILITIES AS REAL ENEMIES

"This document was made available to VISTA volunteers, presumably, as recommended reading. Some examples of the questionable passages contained in the Midwest training document follow:

'The Third Principle of Direct Action organizing is that it attempts to alter the relations of power between people's organizations and their real enemies. The enemies are often unresponsive politicians, tax assessors, utilities, landlords, government agencies, large corporations or banks.

'Give people a 'taste of blood.' Push your opponents so hard you can see them squirm.

'You may want to assign some people to be 'inciters' and move about to heat up the action getting people angrier and angrier and encouraging them to show their anger. You may at other times want some 'calmers' to stand near people who may be disruptive to the focus of the action.

'Your power is your ability to hurt the target or withhold something the target wants. The hurt can be immediate, as in a strike or boycott, or it can be potential. . . .

'Stunts can help. . . . If for example, a politician won't meet with you, tape a sign across his office which says, 'This Office Closed to the Public.' If someone won't come into a debate, put a dummy in the chair and debate that for dramatic effect.' "

"As previously set out, Midwest was awarded a grant of more than $500,000 to train volunteers." (FCR, p. 40)

INVOLVEMENT IN RESTRICTED ACTIVITIES

"The Investigative Staff found a number of volunteers who are engaged in staff-related activities such as employment interviewing, teaching assistance, and sales work." (FCR, p. 43)

Violation of action policy: Under ACTION policy, a VISTA was not permitted to perform staff work. (FCR, p. 43)

"VISTAs assigned under both the CORAP and Midwest grants were participating in union organizing drives until instructed to discontinue the activity by the ACTION Office of Compliance. Other volunteers under the CORAP grant had actively participated in lobbying and other political activities." (FCR, p. 43)

Violation of statute: The Domestic Volunteer Service Act prohibits VISTAs from engaging in labor organizing or political activities. (FCR, p. 43)

"The Investigative Staff understands that one of these organizations . . . provided both financial and other support to the Farm Labor Organizing Committee in that organization's recent effort to disrupt the tomato harvest in Ohio and organize the workers. It is difficult to conceive of a VISTA being part of such a scene without taking sides and getting involved."

Violation of statute: The Domestic Volunteer Service Act prohibits VISTAs from engaging in labor organizing or political activities. (FCR, p. 85)

IMPROPER USE OF EXPERTS AND CONSULTANTS

". . . ACTION used its expert/consultant appointment authority extensively to facilitate early placement of personnel hired incident to the change of national administrations, hired experts to serve in staff positions, set pay rates at levels not commensurate with past earnings, and improperly designated all employees hired under its appointment authority as 'experts.'" (FCR, p.22)

At least 20 top-level ACTION employees were initially appointed as experts, pending official clearance and approval. ACTION rationalized misuse of expert authority as "common practice" throughout the Government.

Violated policy: May 12, 1977 presidential memorandum issued citing excessive volume of consultants and experts and requiring report on all consultative arrangements (no report required on experts).

ACTION circumvented concern by designating all of its upper-level temporary or intermittent help as "experts."

Abused policy: Policy for expert pay levels was a "few dollars more" than employee's best prior earning rate.

3 ACTION "experts" hired at $100/day reported previous earnings reflecting daily rates of $38, $55, and $58. (FCR, p.22)

1 employee hired at $85/day had been earning $38/day. (FCR, p.22)

Violated Federal regulation: Federal Personnel Manual outlines proper & improper uses of consultants. Improper use defined by the manual: "To do a job that can be done as well by regular employees, do a full-time continuous job. . . ." (FCR, p.22)

Most "glaring" example: 2 employees in ACTION personnel office from Nov 1977 until early summer 1978 as employment specialists. Both "experts" were subsequently appointed to the same positions as permanent full-time employees.

IGNORED LEGAL REQUIREMENT TO USE PAST EARNINGS IN DETERMINING PAY

"The Investigative Staff found that ACTION, with concurrence from the Civil Service Commission, largely discounts past salary in making appointments to excepted positions." (Full Cmte Rpt, p. 16)

Violation of regulation: the "Pay Comparability Policy", approved by the Civil Service Commission, provides that Federal salaries should roughly equate with the salaries for positions of comparable responsibility in the private sector.

"The Investigative Staff can find *no evidence* that ACTION ever did pay any attention to previous salaries as a factor in making qualification determinations." (Full Cmte Rpt, p. 16)

"The maximum salary increase as a result of employment with ACTION (among cases reviewed) went to a high-level management official in the field organization. * * * As a result of the appointment, the employee realized a salary increase of *over $20,000.* That appointment was to a GS-15 position." (FCR, p. 17)

"Six other cases were reviewed involving salary increases of $15-$17,000. * * *" (FCR, p. 18)

"* * * three of the appointees to regional director positions did not even bother to report salary information for prior employment in their applications." (FCR, p. 18)

ABOLITION OF INDEPENDENT INSPECTOR GENERAL

"In July 1975, ACTION established an Office of the Inspector General (OIG) to provide the Director of the agency with an independent and objective focal point to review the integrity of agency programs * * * In February 1978, the agency abolished the [OIG] and in its place established an Office of Compliance * * * consist[ing] of an Audit Division, an Investigations Division and an Equal Employment Opportunity Division." (FCR, p. 112)

Creation of conflict of interest: When passing PL 95-452 (Inspector and Auditor General Act), the Congress intended that the Inspector General offices would have no program responsibilities. The EEO has significant program responsibilities, such as affirmative action and awarding grants and contracts to minority firms. Putting the two into one office created a clear conflict of interest.

Thwarting the will of Congress: The Office of Compliance and ACTION's General Counsel moved responsibility for determining whether a case should be referred to the Department of Justice from the Inspector General to the Office of the General Counsel. PL 95-452 seeks to prevent just such delays resulting from agency clearance processes.

Violations of Law/Potential Violations of Law Not Reported: Forbidden union organizing in Rhode Island conducted by VISTA volunteers not reported by the Office of Compliance. Violation of Anti-Deficiency Statute not reported to OMB.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Executive Calendar 835, Derek Shearer.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Derek Shearer, of California, to be Ambassador to Finland.

CLOTURE MOTION

Mr. FORD. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Derek Shearer to be Ambassador to Finland:

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, J. Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles A. Robb, Patrick Leahy, Tom Daschle, Harlan Mathews.

Mr. FORD. Madam President, I now ask unanimous consent the Senate proceed to Executive Calendar 858, Sam Brown.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe.

CLOTURE MOTION

Mr. FORD. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Sam W. Brown, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe:

Claiborne Pell, Daniel K. Akaka, Edward M. Kennedy, Paul Simon, Paul Wellstone, Carl Levin, Barbara Boxer, Herb Kohl, Jeff Bingaman, Howard Metzenbaum, J.J. Exon, Tom Daschle, Carol Moseley-Braun, Jim Sasser, Wendell Ford, George Mitchell.

Mr. FORD. Now, Madam President, I ask unanimous consent that the cloture vote on the nomination of Derek Shearer immediately follow disposition of H.R. 1933, the Martin Luther King Commission.

I further ask unanimous consent that the cloture vote on the nomination of Sam Brown immediately follow disposition of the nomination of Derek Shearer or immediately following the cloture vote on the Shearer nomination, if cloture is not invoked.

I ask unanimous consent that the mandatory live quorums be waived.

I also ask unanimous consent that at 9 a.m. on Tuesday, May 24, the Senate proceed to executive session to consider the nominations of Derek Shearer and Sam Brown, en bloc; that the time from 9 a.m. to 12:30 p.m. be equally divided between the chairman and ranking member of the Committee on Foreign Relations, or their designees, for debate only on either nomination.

Mr. BROWN. Reserving the right to object, Madam President, and I shall not object, I wanted to make it clear that this Senator believes debate of Sam Brown's nomination is appropriate prior to the cloture vote on Sam Brown.

I understand that because of other obligations the majority leader is not available to review that request at this time. But I am given to understand that he will consider that, and it is my hope this body would allow at least a period of 4 hours of debate on Sam Brown's nomination before a cloture vote.

I withdraw the reservation.

The PRESIDING OFFICER. The Senator withdraws the reservation. The Senator from Kentucky.

Mr. FORD. Will the Chair go ahead and proceed with the ruling.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I might say to my friend from Colorado that there are now set 3½ hours that could be given to the debate for Sam Brown.

Now, Madam President, I ask unanimous consent that the Senate consider the following nominations: Calendar 900 to and including 905, Calendar No. 907 to and including 917; all nominations placed on the Secretary's Desk in the Coast Guard and National Oceanic and Atmospheric Administration.

I further ask unanimous consent the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

Madam President, I wish to amend my unanimous-consent request to include Calendar No. 895.

Mr. BROWN. Reserving the right to object, I assume that includes also 900 and 901 as well?

Mr. FORD. The Senator is correct, 900 to and including 905.

Mr. BROWN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Joshua Gotbaum, of New York, to be an Assistant Secretary of Defense.

DEPARTMENT OF TRANSPORTATION

T.R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of four years expiring June 14, 1996.

FEDERAL COMMUNICATIONS COMMISSION

Rachelle B. Chong, of California, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1992.

Susan Ness, of Maryland, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1994.

Susan Ness, of Maryland, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1994.

FEDERAL MARITIME COMMISSION

William D. Hathaway, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1998.

Joe Scroggins, Jr., of Florida, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1994.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Arnold Gregory Holz, of Maryland, to be Chief Financial Officer, National Aeronautics and Space Administration.

COAST GUARD

Rear Admiral Robert E. Kramek, U.S. Coast Guard, to be Commandant, United States Coast Guard, for a term of four years with the grade of admiral while so serving.

The following officer of the U.S. Coast Guard, to be Vice Commandant, United States Coast Guard, with the grade of vice admiral while so serving:

Rear Adm. Arthur E. Henn.

The following officer of the U.S. Coast Guard, to be Chief of Staff, United States Coast Guard, with the grade of vice admiral while so serving:

Rear Adm. Kent H. Williams.

The following officer of the U.S. Coast Guard, to be Commander, Atlantic Area, United States Coast Guard, with the grade of vice admiral while so serving:

Rear Adm. James M. Joy.

The following officer of the U.S. Coast Guard, to be Commander, Pacific Area, United States Coast Guard, with the grade of vice admiral while so serving:

Rear Adm. Richard D. Herr.

The following officer of the United States Coast Guard Reserve for appointment to the grade of rear admiral:

Robert E. Sloncen.

The following officer of the United States Coast Guard Reserve for appointment to the grade of rear admiral (lower half):

Richard W. Schneider.

The following officers of the United States Coast Guard for appointment to the grade of rear admiral:

Roger T. Rufe, Jr.
Howard B. Gehring.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Admiral John C. Albright for appointment in the grade of rear admiral (lower half), while serving in a position of importance and responsibility as Director, Pacific Marine Center, National Oceanic and Atmospheric Administration, under the provisions of title 33, United States Code, section 853u.

COAST GUARD

The following officers of the United States Coast Guard for appointment to the grade of rear admiral:

Rudy K. Peschel.
Gerald F. Woolever.
Richard D. Herr.
John W. Lockwood.
Norman T. Saunders.
James C. Card.

The following officer of the United States Coast Guard to be a permanent commissioned officer in the grade of lieutenant commander in the Regular Coast Guard:

Joanne McCaffrey.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Curtis B. Odom, and ending Eugene R. Lytton, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 22, 1994.

Coast Guard nominations beginning Stephen E. Flynn, and ending Maryann P. Smid, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 1994

National Oceanic and Atmospheric Administration nominations beginning Stephen H. Manzo, and ending Lawrence P. Chicchelly, Jr., which nominations were received by the Senate and appeared in the Congressional Record of April 11, 1994.

STATEMENT OF SENATOR ERNEST F. HOLLINGS ON THE NOMINATION OF RACHELLE B. CHONG

Mr. HOLLINGS. Madam President, I am pleased that the Senate is considering the nomination of Rachelle B. Chong to the Federal Communications Commission [FCC].

Ms. Chong has been nominated as a Republican to serve a term of 5 years that began July 1, 1992. This seat was formerly held by Commissioner Sherrie Marshall, who resigned on April 30, 1993.

Ms. Chong is a telecommunications attorney and partner in the San Francisco law firm of Graham & James. She has been a member of the firm since 1987. Ms. Chong was also a former member of the Washington law firm of Kadison, Pfaelzer, Woodward, Quinn &

Rossi, where she practiced from 1984 to 1987.

Ms. Chong was born in Stockton, CA in 1959. She graduated Phi Beta Kappa from the University of California at Berkeley in 1981. She received her law degree from Hastings College in 1984, where she was editor of the school's law journal.

In her nomination hearing before the Senate Commerce Committee on May 10, 1994, Ms. Chong demonstrated that she understands the many important issues facing the FCC. I urge my colleagues to support Ms. Chong's confirmation, and I look forward to working closely with her once she is confirmed.

STATEMENT OF SENATOR ERNEST F. HOLLINGS ON THE NOMINATION OF SUSAN NESS

Mr. HOLLINGS. Madam President, I rise today to support the nomination of Susan Ness to the Federal Communications Commission [FCC].

Ms. Ness has been nominated as a Democrat to serve the remainder of a term expiring June 30, 1994, and to serve a full 5-year term that begins July 1, 1994. The seat with the unexpired term was formerly held by Commissioner Ervin S. Duggan who resigned on January 31, 1994, to become the president of the Public Broadcasting Service.

Ms. Ness worked from 1983 to 1992 in the Communications Industries Division of the American Security Bank in Washington, DC. While there, Ms. Ness served in several capacities, including group head and vice president. Prior to this, Ms. Ness served as an assistant counsel to the House Committee on Banking, Currency and Housing, and as an attorney/advisor for the Consumer Product Safety Commission.

Ms. Ness, a native of Elizabeth, NJ, received her B.A. from Douglass College at Rutgers and J.D. from Boston College Law School. Ms. Ness subsequently received an MBA from the University of Pennsylvania's Wharton School in 1983.

Ms. Ness' nomination hearing was held before the Senate Commerce Committee on May 10, 1994, and her knowledge and understanding of the important issues facing the FCC was unquestionable. In particular, the FCC is grappling with implementation of the new Cable Act and spectrum allocation. I urge my colleagues to support Ms. Ness' confirmation, and I look forward to working closely with her once she is confirmed.

STATEMENT OF SENATOR ERNEST P. HOLLINGS ON THE NOMINATION OF WILLIAM D. HATHAWAY

Mr. HOLLINGS. Madam President, I am pleased that the Senate is considering the renomination of William D. Hathaway to the Federal Maritime Commission [FMC]. The Commerce Committee reported the nominations of Bill Hathaway without objection on May 17, 1994.

The FMC is charged with the administration of the regulatory provisions of the shipping laws. As an independent regulatory commission, the FMC plays a vital role in the domestic and foreign trade of the United States.

In carrying out its responsibilities for the regulation of the oceanborne transportation in the foreign commerce of the United States, the FMC must ensure that such trade is conducted fairly and that it is not burdened by nonmarket barriers to ocean shipping. The FMC is authorized to take action and impose sanctions to correct unfavorable shipping conditions in the U.S. foreign commerce. Among its duties are the regulation of domestic rates, receipt and review of tariffs, and protection of the U.S. shipping industry against unduly discriminatory practices of ocean common carriers in the domestic offshore trades of the United States.

In this regard, the vast experience of this nominee in the U.S. maritime industry should prove to be of great value to the FMC. Given the recent political events in the world, the FMC may be faced with even greater challenges in the upcoming years. I am sure that Bill Hathaway is well prepared for these new challenges.

Bill Hathaway is currently serving as Chairman of the FMC. He has held that position since April 1993, when the former Chairman, Chris Koch, resigned. Prior to his service on the FMC, he served in various government positions in the State of Maine and in the Federal Government. He was also self-employed as an attorney in his own law firm as well as in partnership with others.

As most of you know, Bill served as a U.S. Senator, Democrat from Maine, from 1973 to 1979. He also served in the U.S. House of Representatives, Democrat from Maine, from 1965 to 1973, where he was a member of the Merchant Marine and Fisheries Committee. Before being nominated to his current term as an FMC Commissioner, he was employed by the Washington, DC law firm of Patton, Boggs & Blow from 1979 through 1990.

Bill attended Harvard from both undergraduate school and law school. He received his A.B. degree from Harvard in 1949 and his J.D. from Harvard Law School in 1953.

I urge my colleagues to support Bill Hathaway's confirmation, and I look forward to working closely with him.

STATEMENT OF SENATOR ERNEST F. HOLLINGS ON THE NOMINATION OF JOE SCROGGINS, JR.

Mr. HOLLINGS. Madam President, I am pleased that the Senate is considering the nomination of Joe Scroggins, Jr., to the Federal Maritime Commission [FMC]. The Commerce Committee reported the nomination of Mr. Scroggins without objection on May 17, 1994.

Mr. Scroggins has over 30 years of experience working in the maritime industry in both the public and private sector. He has seafaring experience as an officer aboard several merchant vessels. From 1969 through 1971, he served as an assistant dean at the U.S. Merchant Marine Academy, where he developed a nationwide minority recruitment program designed to attract qualified minority students. He has also served as director of facilities for the Port of Houston Authority and has most recently served as the deputy port director for the Tampa Port Authority.

Mr. Scroggins received his B.S. degree from the U.S. Merchant Marine Academy in 1963. He later earned his M.B.A. degree from Harvard Business School in 1973.

As you can see, Mr. Scroggins is well qualified to be a Federal Maritime Commissioner and I urge my colleagues to support his confirmation.

STATEMENT OF SENATOR HOLLINGS ON THE NOMINATIONS OF VICE ADMIRAL KRAMEK TO BE COMMANDANT, AND REAR ADMIRAL HENN TO BE VICE COMMANDANT OF THE U.S. COAST GUARD

Mr. HOLLINGS. Madam President, today the Senate is considering the nominations of Vice Adm. Robert E. Kramek to be Commandant and Rear Adm. Arthur E. Henn to be Vice Commandant of the U.S. Coast Guard.

These are especially challenging times for the Coast Guard, for it continues to be called upon to carry out a number of important missions. The Coast Guard has been on the front line in responding to oil spills, participating in military operations, and carrying out its many other maritime roles. In order for the Coast Guard to continue its tradition of excellence, it must have strong, qualified leadership, and Admiral Kramek and Admiral Henn provide just this type of leadership.

Rear Admiral Kramek presently is the chief of staff of the Coast Guard, serving as commanding officer of USCG Headquarters and the senior rear admiral. He is both a surface operations specialist and naval engineer with extensive service in all Coast Guard regions, including the Atlantic, Pacific, Caribbean, and Alaska regions. Admiral Kramek has headed the Haitian migration task force and was the coordinator for the "War on Drugs" in the Southeastern United States and the Caribbean. A native of New York City, he is a 1961 graduate of the Coast Guard Academy. His postgraduate education includes master of science degrees in naval architecture and marine engineering, mechanical engineering, and engineering management. He attended postgraduate school at the University of Michigan, Johns Hopkins University, and the University of Alaska.

Admiral Kramek's awards include the Coast Guard Distinguished Service Medal, two Legion of Merit Awards, the Meritorious Service Medal, Coast Guard Commendation, and Achievement Medals, and the Humanitarian Service Medal with bronze star.

Rear Admiral Henn currently is the head of the Coast Guard Office of Marine Safety, Security, and Environmental Protection. For 21 of his 31 years of service, he has specialized in maritime safety and environmental protection. A 1962 graduate of the Coast Guard Academy, Admiral Henn also earned combined master of science degrees in naval architecture, marine engineering, and metallurgical engineering from the University of Michigan in 1968. He is a native of Cincinnati, OH.

Admiral Henn's awards include the Legion of Merit, two Meritorious Service Medals, Coast Guard Commendation, and Achievement Medals, and two Commandant's Letter of Commendation Ribbons.

Admiral Kramek and Admiral Henn are highly qualified for these important positions in the Coast Guard and I am confident that they will continue to serve our country with the same diligence and commitment as they have served in the past. I urge my colleagues to join with me in approving these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent that the Senate return to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUTRITION LABELING AND EDUCATION ACT

The text of the bill (S. 2087) to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994, as passed by the Senate on May 17, 1994, is as follows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before August 8, 1994, sections 403(q) and 403(r)(2) of the Federal Food, Drug, and Cosmetic Act and the provision of section 403(i) of such Act added by section 7(2) of the Nutrition Labeling and Education Act of 1990, shall not apply with respect to a food product which is contained in a package for which the label was printed before May 8, 1994 (or before August 8, 1994, in the case of a juice or milk food product if the person responsible for the labeling of such food product exercised due diligence in obtaining before such date labels which are in compliance with such sections 403(q) and 403(r)(2) and such provision of section 403(i)), if, before June 15, 1994, the person who introduces or delivers for introduction such food product into interstate commerce submits to the Secretary of Health and Human Services a certification that such person will comply with this section and will comply with such sections 403(q) and 403(r)(2) and such provision of section 403(i) after August 8, 1994.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2473. An Act to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

H.R. 4277. An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. Concurrent Resolution authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2139) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission.

The message also announced that pursuant to the provisions of 22 United States Code 276d, the Speaker appoints as members of the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. JOHNSON of Florida, Chairman, Mr. LAFALCE, Vice Chairman, Mr. HAMILTON, Mr. OBERSTAR, Mr. GIBBONS, Mr. RICHARDSON, Mr. PETERSON of Florida, Mr. GOSS, and Mr. WALSH.

At 7:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2087. An Act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2139. An Act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.

S. 2024. An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S.J. Res. 168. Joint Resolution designating May 11, 1994, as "Vietnam Human Rights Day."

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2473. An Act to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4277. An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4278. An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2664. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 94-01; to the Committee on Appropriations.

EC-2665. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-05; to the Committee on Appropriations.

EC-2666. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, a draft of proposed legislation to amend section 1007 of title 37, United States Code, to authorize a deduction from the active-duty pay of enlisted personnel of the armed forces in an amount not to exceed two dollars; to the Committee on Armed Services.

EC-2667. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Department of Defense Laboratory Revitalization Demonstration Act of 1994"; to the Committee on Armed Services.

EC-2668. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention to offer a transfer by sale of certain vessels; to the Committee on Armed Services.

EC-2669. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2670. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2671. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2672. A communication from the President of the United States, transmitting, notice relative to the Selective Service System; to the Committee on Armed Services.

EC-2673. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report on environmental compliance for the Department of Defense for fiscal years 1995 through 1999; to the Committee on Armed Services.

EC-2674. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on Program Activities for Facilitation of Weapons Destruction and Nonproliferation in the Former Soviet Union for the period October 1, 1993 through March 31, 1994; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-515. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

"SENATE RESOLUTION 225

"Whereas, the United States Department of Transportation, acting under the Highway Safety Act of 1966, issued standards for state highway safety programs in 1967, including one requiring states to adopt motorcycle helmet laws; and

"Whereas, by 1975, all but three states had complied by enacting motorcycle helmet laws; and

"Whereas, Congress amended the Highway Safety Act in 1976 to rescind the helmet law requirement and limit the Department of Transportation's authority to the use of funding sanctions for state noncompliance with federal safety program standards; and

"Whereas, between 1976 and 1991, twenty-nine states repealed or modified their motorcycle helmet laws; and

"Whereas, the motivation for federal intervention is highway safety, yet a report to Congress by the General Accounting Office dated July, 1991, entitled Highway Safety, specifically states that "motorcycle safety research is limited by data shortcomings"; and

"Whereas, it is often alleged that the frequency of fatal head injuries is much greater without mandatory helmet use laws but no statistics or the method of compilation have been shown; and

"Whereas, claims are asserted that severe injuries and deaths increase substantially in states where mandatory helmet use laws are repealed, yet the supporting data for such claims has not been complied in a manner or form with which all parties of interest can agree; and

"Whereas, a study by the Highway Research Center at the University of North Carolina concluded that the severity of motorcycle crash injuries was not associated with helmet use; and

"Whereas, studies by the National Highway Traffic Safety Administration covering the period 1987-1989 revealed that fatality rates for motorcycle accident victims in no-helmet-law states were lower than in states categorized as helmet-law or modified-helmet-law states; and

"Whereas, a substantial number of motorcyclists and passengers voice concern that riding with a helmet increases the risk of accidents and injury due to restricted head movement resulting in limited view; and

"Whereas, those states where mandatory helmet laws have been repealed or modified have found that the issue of personal freedom takes precedence over the risks, if any, attendant to riding unhelmeted, and that adults are capable of making responsible choices on their own behalf; now, therefore,

"*Be it resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994*, That the United States Congress is requested to further amend the Highway Safety Act of 1966 to delete the authority of the Department of Transportation to use funding sanctions to require states to enact mandatory helmet laws; and

"*Be it further resolved*, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional Delegation."

POM-516. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 63

"Whereas, The implementation of the North American Free Trade Agreement (NAFTA) creates a welcome opportunity for the wine industry in California to increase wine and brandy trade for its quality products between the United States, Mexico, and Canada; and

"Whereas, NAFTA has the potential to increase sales of California wine and brandy to the rapidly expanding Mexican market, which will result in healthy wine and winegrape industries in California, and increased jobs, tourism, and tax revenues; and

"Whereas, The California Legislature has a vital interest in opening up markets for California agricultural products; and

"Whereas, Canada is the largest importer of wines from the United States, and Mexico is the fourth largest; and

"Whereas, Under NAFTA, Mexico has granted to the United States a 10-year phaseout for tariffs on table wines; a six-year phaseout of tariffs on wine coolers; a 10-year phaseout of duty on brandy; a five-year phaseout of tariffs for dessert wines; and immediate removal of duty on champagne types wines; and

"Whereas, Mexico recently entered into a separate agreement with Chile, a major competitor with United States wines in world markets, and under that agreement, Mexico's duties on Chilean wines dropped from 20 percent to 5 percent, and then to zero in two years; and

"Whereas, Mexican wine coolers receive immediate duty-free treatment by the United States, compared to United States wine coolers that require a six-year phaseout of the Mexican tariff; and

"Whereas, Mexico is allowed 10 years to phaseout its tariffs on United States brandy, but tariffs on Mexican brandy imported into the United States drop immediately to zero; and

"Whereas, The federal government has committed itself to trade talks with Mexico beginning in January 1994, to negotiate a more rapid tariff phaseout for wine and brandy under NAFTA; and

"Whereas, The successful outcome of these negotiations is crucial to achieving a level playing field for California winegrape growers and winemakers; now, therefore, be it

"*Resolved*, That the federal government should do everything possible in its negotiations with the Mexican government to establish a "level playing field" for the California wine and brandy producers and the winegrape growers; and be it further

"*Resolved*, That the negotiations should result in the immediate removal of Mexican tariffs on brandy and wine coolers and the reduction of wine tariffs to the level that Mexico has granted Chile; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-517. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Governmental Affairs.

"Whereas, federal mandates imposed on state and local governments have increased greatly over the past several decades; and

"Whereas, federal statutes and administrative regulations for federal mandates impose substantial costs to the states and counties; and

"Whereas, at the same time that federal mandates have increased, federal funding for joint federal-state programs has sharply decreased; and

"Whereas, federal budgetary difficulties may promote more federal mandates on the states and counties for what are actually federal programs; and

"Whereas, state and local governments are already strained in their budgets, particularly in the costs of meeting the federal mandates; and

"Whereas, the 1990 federal budget agreement imposed almost $14 billion in mandated costs over the next five years to state and local governments; and

"Whereas, any further federal mandates would seriously jeopardize the financial well-being of the States and counties; now, therefore,

"*Be it resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994*, That the:

"(1) Congressional Budget Office is requested to continue its efforts to provide Congress with appropriate state fiscal impact statements on federal mandate legislation that affects the states and counties;

"(2) Congress is urged to enact legislation to require federal reimbursement to state and local governments for costs imposed upon them by federal mandates;

"(3) Office of Management and Budget is requested to formulate a comprehensive catalogue of federal mandates currently imposed on state and local governments; and

"(4) Administration is requested to appoint an executive branch task force to monitor and coordinate the administration's response mechanism to mandate proposals, including mandates that are included in the President's budget request and agency regulatory actions; and

"*Be it further resolved*, That the Attorney General of the State of Hawaii determine if a basis exists for a cause of action against the federal government where federal mandates imposed without funding threaten to adversely impact the state budget and economy; and

"*Be it further resolved*, That the Attorney General submit a report on findings and recommendations to the Legislature by September 1, 1994; and

"*Be it further resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Office of Management and Budget, the Congressional Budget Office, members of Hawaii's Congressional Delegation, the Governor of Hawaii, the Attorney General of Hawaii, and the Mayor and Council Chair of each county."

REPORTS OF COMMITTEES

The following reports of committees were submitted on May 18, 1994:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment:

H.R. 1631: A bill to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia (Rept. No. 103-261).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 1632: A bill to amend title 11, District of Columbia Code, to remove gender-specific references (Rept. No. 103-262).

The following report of committee was submitted on May 19, 1994:

By Mr. BUMPERS, from the Committee on Small Business:

Special Report of the Legislative and Oversight Activities of the Small Business Committee During 1993 (Rept. No. 103-263).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" (Rept. No. 103-264).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 1758. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code (Rept. No. 103-265).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Clark G. Fiester, of California, to be an Assistant Secretary of the Air Force.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of October 19, 1993, February 3, 1994, March 11 and 22, 1994, April 11 and 21, 1994, and May 3 and 5, 1994 and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of October 19, 1993, February 3, 1994, March 11 and 22, 1994, April 11 and 21, 1994, and May 3 and 5, 1994 at the end of the Senate proceedings.)

**In the Naval Reserve there are 162 promotions to the grade of captain (list begins with Frank Henry Arlinghaus) (Reference No. 753).

*In the Marine Corps there are 10 promotions to the grade of major general (list begins with Claude W. Reinke) (Reference No. 1063).

*Major General Max Baratz, USA to be Chief, Army Reserve, United States Army (Reference No. 1180).

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with William M. Casey) (Reference No. 1199).

**In the Army there are 15 promotions to the grade of colonel (list begins with Chris Anderson) (Reference No. 1200).

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with Stephen L. Elder) (Reference No. 1201).

**In the Army Reserve there are 48 promotions to the grade of colonel and below (list begins with John C. Atkinson) (Reference No. 1202).

**In the Army Reserve there are 8 promotions to the grade of colonel (list begins with Joseph B. Flatt, Jr.) (Reference No. 1203).

**In the Army Reserve there are 63 promotions to the grade of lieutenant colonel (list begins with Humberto J. Acosta) (Reference No. 1204).

**In the Army there are 412 promotions to the grade of colonel (list begins with Stephen G. Abel) (Reference No. 1205).

**In the Marine Corps there are 74 promotions to the grade of colonel (list begins with Clifford M. Acree) (Reference No. 1206).

**In the Marine Corps there are 550 promotions to the grade of major (list begins with Ronnie L. Patrick) (Reference No. 1207).

**In the Navy there are 296 promotions to the grade of captain (list begins with Ronald Lee Alsbrooks) (Reference No. 1208).

**In the Army there are 47 promotions to the grade of major (list begins with Thomas E. Ayres) (Reference No. 1227).

**In the Navy there are 48 appointments to the grade of lieutenant (list begins with Diana B. Barrett) (Reference No. 1228).

**In the Marine Corps there are 150 promotions to the grade of lieutenant colonel (list begins with Richard M. Dunnigan) (Reference No. 1229).

*Colonel William M. Guy, ANG to be brigadier general (Reference No. 1256).

*Colonel Paul A. Weaver, Jr., ANG to be brigadier general (Reference No. 1257).

*Colonel Michael K. Wyrick, USAF to be brigadier general (Reference No. 1258).

*Lieutenant General Alonzo E. Short, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1259).

*Lieutenant General Samuel N. Wakefield, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1260).

*Vice Admiral Jerry L. Unruh, USN to be placed on the retired list in the grade of vice admiral (Reference No. 1261).

**In the Air Force there is 1 promotion to the grade of major (Cathy J. Schoorens) (Reference No. 1262).

**In the Air Force Reserve there are 19 promotions to the grade of lieutenant colonel (list begins with Robert A. Baker) (Reference No. 1263).

**In the Air Force Reserve there are 72 promotions to the grade of colonel (list begins with Charles E. Amos) (Reference No. 1264).

*Lieutenant General Thomas P. Carney, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1284).

*Lieutenant General James R. Ellis, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1285).

*Lieutenant General Merle Freitag, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1286).

*Lieutenant General Leo J. Pigaty, USA to be placed on the retire list in the grade of lieutenant general (Reference No. 1287).

*Lieutenant General Harold T. Fields, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1301).

*In the Army there are 2 promotions to the grade of major general (list begins with Leslie M. Burger) (Reference No. 1315).

**In the Marine Corps there is 1 appointment to the grade of colonel (Michael S. Fagan) (Reference No. 1319).

**In the Marine Corps there is 1 promotion to the grade of colonel (Stephen F. Mugg) (Reference No. 1320).

*Lieutenant General Arlen D. Jameson, USAF to be lieutenant general (Reference No. 1337).

*Major General John G. Coburn, USA to be lieutenant general (Reference No. 1339).

**In the Army there are 2 promotions to the grade of lieutenant colonel and below (list begins with Valerie J. Rice) (Reference No. 1349).

**In the Army Reserve there are 48 promotions to the grade of colonel and below (list begins with William G. Butts, Jr.) (Reference No. 1350).

**In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with Ronald D. Brooks) (Reference No. 1351).

**In the Army there are 69 promotions to the grade of colonel (list begins with Eric D. Adrian) (Reference No. 1352).

*Lieutenant General Paul G. Cerjan, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1359).

**Lieutenant General Jerome H. Granrud, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 1360).

**In the Army Reserve there is 1 promotion to the grade of lieutenant colonel (Millie E. Hughes-Fulford) (Reference No. 1362).

**In the Marine Corps there are 176 appointments to the grade of second lieutenant (list begins with Jason A. Abell) (Reference No. 1366).

In the Navy there are 737 appointments to the grade of ensign (list begins with Craig L. Abraham) (Reference No. 1367).

*Lieutenant General Norman E. Ehlert, USMC to be placed on the retired list in the grade of lieutenant general (Reference No. 1386).

*Lieutenant General Robert A. Tiebout, USMC to be placed on the retired list in the grade of lieutenant general (Reference No. 1389).

Total: 3,098.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD:

S. 2133. A bill to establish a Science Start Grant program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH (for himself, Mr. Grassley, Mr. Brown, Mr. Dole, Mr. Lott, Mr. Wallop, Mr. Smith, Mr. Kempthorne, Mr. Burns, Mr. Nickles, Mr. Thurmond, Mr. Helms, Mr. Craig, Mr. Hatch, Mr. McConnell, and Mr. D'Amato):

S. 2134. A bill to restore the American family, reduce illegitimacy, and reduce welfare dependence; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 2135. A bill to authorize the Department of Veterans Affairs to conduct pilot programs for delivering health care services in States which have statutorily reformed their health care systems; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself and Mr. Dorgan):

S. 2136. A bill to prohibit sponsorship of television violence by agencies of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS:

S. 2137. To designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; read the first time.

By Mr. KERRY (for himself and Mr. Stevens) (by request):

S. 2138. A bill to amend the Magnuson Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 2139. A bill to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. Harkin, Mr. Pell, Mr. Grassley, Mr. Hatfield, and Mr. DeConcini):

S. 2140. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN:

S. 2141. A bill to provide a grant program to award grants to certain rural communities that provide emergency medical services for Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S.J. Res. 193. A joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month"; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. Kerry, Mrs. Boxer, Mr. Bradley, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burns, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Daschle, Mr. Dole, Mr. Domenici, Mr. Dorgan, Mr. Exon, Mrs. Feinstein, Mr. Glenn, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Hatfield, Mr. Helms, Mr. Hollings, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kempthorne, Mr. Kennedy, Mr. Kerrey, Mr. Lautenberg, Mr. Lott, Mr. Lugar, Mr. Mathews, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Murkowski, Mrs. Murray, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Reid, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Sasser, Mr. Simpson, Mr. Wallop, Mr. Warner, Mr. Wellstone, and Mr. Wofford):

S.J. Res. 194. A joint resolution to designate the second week of August, 1994, and the second week of August, 1995, as "National U.S. Seafood Week"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. Grassley, Mr. Kerry, Mr. Murkowski, Mr. Lieberman, Mr. Mitchell, Mr. Reid, Mr. Wofford, Mr. Lautenberg, Mr. Jeffords, Mr. Wallop, Mr. Warner, Mr. Moynihan, Mr. Kennedy, Mr. Sarbanes, Mr. Hollings, Mr. Heflin, Mr. Glenn, Mr. Ford, Mr. Conrad, Mr. Campbell, Mr. Mack, Mr. Kohl, Mr. Smith, Mr. Cochran, Mr. Bingaman, Mr. Dodd, Mr. D'Amato, Mr. Levin, Ms. Mikulski, Mr. Johnston, Mr. Wellstone, Mr. Mathews, Mrs. Feinstein, Mr. Nunn, Mr. Bradley, Mr. Feingold, Mr. Graham, Mr. Durenberger, Mr. Metzenbaum, Mr. Dole, Mr. Thurmond, Mr. Pressler, Mr. Lott, Mr. Hatch, Mr. McCain, Mr. Specter, Mr. Biden, and Mr. Domenici):

S.J. Res. 195. A joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 2133. A bill to establish a Science Start Grant program, and for other purposes; to the Committee on Labor and Human Resources.

THE SCIENCE START GRANT PROGRAM ACT OF 1994

• Mr. HATFIELD. Mr. President, I regard the eight national goals we codified in the recent Goals 2000 legislation as very important challenges, challenges we must make every effort to meet in order to ensure the future of the Nation. All of these goals are interconnected. We cannot afford to lag behind in any and expect to attain the rest. At this time, it appears that U.S. student are lagging dangerously behind in mathematics and science achievement.

With the passage of Goals 2000 and, ultimately, the ESEA reauthorization, we hope to reduce that gap. Yet, there are still glaring holes in our math and science educational program. This legislation is designed to fill one of those holes, one that was pointed out in the 1993 Review of Federal Education Programs in Science, Mathematics, Engineering and Technology to the Federal Coordinating Council for Science, Engineering and Technology. The report states:

> Unfortunately, many currently funded Federal programs for children (e.g., Head Start) do not include science, mathematics, engineering, and technology (SMET) education. Young children are naturally curious and eager to understand the world around them; early exposure to age-appropriate, inquiry-based science and mathematics curricula provides the foundation on which later understanding rests.
>
> Federal programs intended to provide additional support for low-income children (e.g., Chapter I and Head Start) should include rich early science—and mathematics-related experiences among the basic criteria required for funding.

Is it possible to provide these experiences to preschoolers. The answer is provided by a program conducted at Marylhurst College in Portland, OR, and that answer is a resounding Yes. This wonderful program is training Head Start teachers to use exciting, age-appropriate math and science activities in their classes. Picture the effect these activities have on disadvantaged and minority youth. In all likelihood, this is the first chance these children have to relate math and science to their lives. The feedback from this 2-year-old program is phenomenal.

Consider what two teachers, Sherry Wright and Debi Coffey, from the Albina Head Start program in Oregon had to say.

> After two years of using the knowledge we gained from the Marylhurst College instructors, we truly feel confident in using science everyday. Our children have learned how to predict and discover the possible results to a problem. Our children will take the science

experiences that they learned in Head Start with them through the rest of their lives.

Audrey Sylvia, who had no science classes at all before the Marylhurst College Head Start Summer Institute, expresses the result excitedly and succinctly. "Now I am a science whiz."

My legislation provides for a competitive grant program to establish demonstration sites to acquaint the Head Start teachers with the stimulating processes involved in the inquiry approach. The teachers themselves must experience the excitement of hands-on activities in order to communicate that excitement to children. No more than 25 percent of the funds can be used for the purchase of supplies necessary to carry out the activities.

We simply cannot afford to miss the opportunity to replicate this concept throughout the Nation. This program is a positive investment in the lives of these disadvantaged children and will create a lifelong interest in math and science. That interest is critical to the future of the children and equally critical to the future of the Nation.●

By Mr. FAIRCLOTH (for himself, Mr. GRASSLEY, Mr. BROWN, Mr. DOLE, Mr. LOTT, Mr. WALLOP, Mr. SMITH, Mr. KEMPTHORNE, Mr. BURNS, Mr. NICKLES, Mr. THURMOND, Mr. HELMS, Mr. CRAIG, Mr. HATCH, Mr. MCCONNELL, and Mr. D'AMATO):

S. 2134. A bill to restore the American family, reduce illegitimacy, and reduce welfare dependence; to the Committee on Finance.

WELFARE REFORM ACT OF 1994

Mr. FAIRCLOTH. Mr. President, today, I am announcing the introduction of a comprehensive welfare reform proposal that I have been working on with two of my distinguished colleagues and good friends, Senator GRASSLEY of Iowa, and Senator BROWN of Colorado.

They have been true leaders for a long time in the endeavor for welfare reform, as well as in their pursuit of fiscal responsibility. I appreciate their leadership and support on this most important issue for our Nation.

Mr. President, before coming to the Senate, I spent 45 years in the private sector meeting a payroll as a businessman and farmer. Every year, I watched as the Congress came into session and adjourned, leaving it more difficult for working taxpayers and businessmen to make ends meet because of excessive Government spending programs that have put our country on the path to an economic disaster.

Out of all of the spending programs implemented by the Federal Government, I do not know of a group that has been a bigger failure than those collectively known as welfare.

Since President Johnson declared war on poverty in 1965, almost 30 years ago, the current price tag of that failed effort is now $5 trillion and growing daily. In the past 5 years alone, total welfare spending has more than doubled. Government welfare programs, often well intended, have destroyed the initiative of whole generations of our citizens.

Our Nation and the poor have gotten into the present fix because of a common sense principle, and that is: You get more of what you pay for. And for the last 30 years, the Federal Government has paid people not to work, the Federal Government has paid people to have children out of wedlock, and the Federal Government has paid people to remain unmarried.

Mr. President, it does not make common sense or show good judgment what we have been doing.

In 1992, Federal, State, and local spending on welfare programs was over $300 billion. Welfare programs are not currently subject to spending caps or to any discretionary review by the Congress. That means we end up spending vastly more than we can afford, based solely on the numbers generated by welfare bureaucrats encouraging welfare recipients.

I propose we place a cap on the growth of welfare entitlement programs, and in so doing we must restrict the long-term aggregate growth of welfare spending to 3.5 percent per year. This would prevent welfare spending from growing faster than inflation.

Some individual programs would be permitted to grow by more than 3.5 percent per year, but others would have to grow less. But the total aggregate growth of the 76 welfare programs, Medicaid not included, must be held at or below 3.5 percent per year. It is estimated that this will save $80 billion over 5 years.

President Clinton's welfare proposal will increase spending on welfare from $10 billion to $58 billion over the same period of time. Serious welfare reform means spending less money, not more money. I call on President Clinton to endorse this plan for placing a cap on welfare spending. If he truly wants to end welfare as we know it, as he has said many times, if he truly wants to reduce the dependency upon welfare, then the President should come forth and endorse this bill, which is true welfare reform and will do what he promised when he was campaigning, and that is end welfare as we have known it.

Those 76 programs would be converted into a single discretionary block grant to the States. This would allow the States the authority to increase or decrease funding on particular programs, based upon that program's success in that particular State and how it best served that State.

Mr. President, if we are going to begin a real reform of the system, we must address the root cause that has been fueling the welfare bureaucracy for 30 years, and that is illegitimacy. We must limit benefits to unwed teenage mothers in order to take away the current cash incentive to have more and more out-of-wedlock children at Government and taxpayers' expense.

This bill will eliminate direct payments, except medical aid, to unmarried women under 21 years old who have children out of wedlock. All direct payments would be eliminated. All welfare money which would have gone directly to the unwed mother is converted into a block grant to the State.

This would allow the States the opportunity to develop new and innovative programs to combat illegitimacy while taking away the cash incentive for young women to have more children out of wedlock. Currently, 30 percent of all American children are born to single mothers—30 percent. That is wrong. We need to promote and reward the institution of marriage. That is why this bill provides a tax credit to low-income married couples with children. It only makes common sense to expect that people who are being given a helping hand by the working people of America, the taxpayers, should be expected to at least do a day's work themselves.

The bill establishes serious but sensible work requirements, while requiring far more welfare recipients to work than any other proposals. We target work requirements on those welfare recipients who have the least justification for being out of the labor force.

All single, able-bodied adults without children who receive food stamps will be required to perform community service work. We would also require half of all single mothers receiving aid to families with dependent children benefits to work for their benefits with the priority going to women with children over age 5. This allows the children to reach school age before the mothers are required to work and thereby avoids the high cost of day care.

Mr. President, the working taxpayers who struggle every day with no guarantee should not be expected to work to guarantee a way of life for those who choose not to work.

As I have said many times before, we need workfare and not welfare in this country.

Finally, the search for real welfare reform can only come from spending the taxpayers' money more wisely. The Faircloth-Grassley-Brown Real Welfare Reform Act of 1994 is the best means to that end.

Mr. GRASSLEY. Mr. President, I rise today as an original cosponsor of this dramatic welfare reform proposal with my colleagues Senators FAIRCLOTH and BROWN.

I do so recognizing that it is far-reaching and will be perceived by some as extreme. But let us face it Mr. President, extreme circumstances demand extreme measures in response if they are to be effective.

Today I will address an issue that I do not usually talk about, which has been on my mind for some time.

The latest social science studies demonstrate that the costs to our society of the moral decline since the 1960's have been devastating. Dr. Bill Bennett, former Secretary by Education, has brought attention to the decline in our Nation as a result of social and moral degeneration.

Dr. Bennett published the "Index of Leading Cultural Indicators," a compilation which attempts to demonstrate a data-based analysis of cultural issues. It is a statistical portrait from 1960 to the present of the moral, social, and behavioral conditions of modern American society.

In a Wall Street Journal article of March 15, 1993, entitled "Quantifying America's Decline," Bennett cited some of the statistics from the index. While social spending in the United States since 1960 has increased dramatically, the social indicators during the same period show overwhelming declines. For example, Bennett states that in the last 30 years, while there has been more than a fivefold increase in social spending by all levels of Government:

> There has been a 560% increase in violent crime; a 419% increase in illegitimate births; a quadrupling in divorce rates; in addition, there has been a tripling of the percentage of children living in single-parent homes; more than a 200% increase in the teen suicide rate; and a drop of almost 80 points in SAT scores.

He goes on to state that:

> Perhaps more than anything else, America's cultural decline is evidence of a shift in the public's attitudes and beliefs. * * * Our society now places less value than before on what we owe to others as a matter of moral obligation; less value on sacrifice as a moral good; less value on social conformity and respectability; and less value on correctness and restraint in matters of physical pleasure and sexuality.

Mr. President, Mr. Bennett states, and I agree, that "the good news is that what has been self-inflicted can be self-corrected."

With the devaluation of traditional views, we have seen a reciprocal increase in self-destructive behavior. This self-destructive behavior in turn increases the destruction of our families, our communities, and our Nation.

William Raspberry addressed this concern in a Washington Post article of September 8, 1993. He remarked that:

> To a striking degree, the problems we worry most about—teen pregnancy, fatherless households, AIDS and other sexually transmitted diseases, dropping out of school, infant mortality, even many aspects of poverty—are the consequences of inappropriate sexual behavior. * * * The hip response is to redouble AIDS research, establish birth control clinics (and nurseries) in the schools, distribute condoms and clean needles and in general to teach kids "what to do in the back of the car."

He goes on to question that:

> It's all very well to try to save people from the disastrous consequences of their behavior, but doesn't it make sense to try to discourage some of the behavior in the first place? * * * A part of the message must be directed not just as the awful consequences but at the deadly behavior itself.

Mr. President, no one should think we are nuts when we promote abstinence and the traditional family. Rather, in the face of all this evidence, is this not nuts to deny the obvious?

Traditional values were established to protect the sanctity of the marriage relationship and of the family. Judging from the observations made by Dr. Bennett and Mr. Raspberry, there is good reason in my view.

Now I realize that in this day and age of sexual enlightenment, this kind of attitude has been considered victorian and anachronistic. Perhaps it no longer should be, but as Irving Berlin once stated, "There's an element of truth in every idea that lasts long enough to be called corny."

With these thoughts in mind, and given the aforementioned statistics, those who promote sexual morality are looking pretty good right now, in my view.

Some might ask, "why do you keep talking about morality issues in Congress, State legislatures and other forums of debate?"

The answer is: Because our welfare policies to date have imposed an absence of morality upon our Nation. The traditional-minded among us are left to defend principles that history, current social trends, and religious teaching tell us are right.

Let us look at some specific negative consequences of out-of-wedlock births on the child, the young mother and society.

First, in 1965, the illegitimacy rate among black Americans stood at 26 percent. Today that rate is 68 percent and climbing. The illegitimacy rate among white Americans has risen tenfold, from 2.29 percent in 1960 to 22 percent today. The total of all out-of-wedlock births between 1970 and 1991 has risen from 10 to 30 percent. If the current rate continues, 50 percent of all births by the year 2015 will be out of wedlock.

Second, 82 percent of illegitimate births among whites are to women with a high school education or less.

Third, the younger the mother, the less likely she is to finish high school.

Fourth, young women who have children before finishing high school are more likely to remain on welfare longer.

Fifth, children born into welfare families are three times more likely to be on welfare when they reach adulthood.

Sixth, young people from single parent or stepparent families are 2 to 3 times more likely to have emotional or behavioral problems than those from intact families.

Seventh, single-parent mothering is the single biggest contributor to low birth weight babies.

Eighth, the probability for the children to experience low verbal cognitive attainment and experience child abuse and neglect are increased.

Ninth, the absence of a father in the life of a child has a negative effect on school performance and peer adjustment.

Tenth, young white women raised in a single parent family are 164 percent more likely to have children as teenagers and 92 percent more likely to have their own marriages end in divorce.

Eleventh, between 1985 and 1990, the public cost of teenaged births from AFDC, food stamps and Medicaid is estimated at $120 billion.

Twelfth, the one parent family is six times more likely to be poor than the two parent family.

Thirteenth, fathers of adolescent pregnancies tend to be more delinquent, 51 percent, and to have more psychological problems.

Fourteenth, illegitimacy doubles the likelihood of young black men engaging in criminal activities and triples the likelihood if they live in a neighborhood with a high concentration of single-parent families.

Fifteenth, the greater the incidence of single parent families in a neighborhood, the higher the violent crime and burglary.

Mr. President, this is the legacy of our failed welfare policy. This is the legacy of Government as father. It tears down rather than builds up. However well-intentioned, the State cannot substitute for the family.

In light of all of this evidence, how can we, as an intelligent Congress, not act to change public policy, to try to respond to this crisis? Especially the problem of out-of-wedlock births. How can we stand by and allow the trends to continue when we see clearly the utter destruction that has resulted?

The sexual liberation movement of the 1960's has demonstrated itself to be socially and morally bankrupt. Its once-accepted practices are starting to be rightly perceived by the mainstream as an abject failure. It is time that our social institutions and our Nation as a whole return to the teaching that moral obligation, self-sacrifice, social conformity, and abstinence are truly virtues to be upheld and appreciated. It is time for our public policies to promote the family, rather than destroy it. Those who teach otherwise will have an increasingly hard sell to a growingly skeptical mainstream.

Mr. President, these reasons are why we are introducing this bill today. We have got to address this dramatic problem.

By Mr. ROCKEFELLER (by request):

S. 2135. A bill to authorize the Department of Veterans Affairs to conduct pilot programs for delivering health care services in States which have statutorily reformed their health care systems; to the Committee on Veterans Affairs.

VA STATE HEALTH-CARE REFORM PILOT PROGRAMS ACT

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2135, a bill to authorize the Department of Veterans Affairs to conduct pilot programs for delivering health care services in States which have statutorily reformed their health care systems. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated March 22, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be cited as the "VA State Health-Care Reform Pilot Programs Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "Department" means the Department of Veterans Affairs.

(2) The term "family" means the spouse of a veteran or a child of a veteran as those terms are defined in section 101 of title 38, United States Code.

(3) The term "pilot program" means a program authorized by section 5(a) of this Act.

(4) The term "reformed health-care system" means a State program which is statutorily established by a State that the Secretary determines was established to assure that residents of the State have access to health-care services.

(5) The term "Secretary" means the Secretary of Veterans Affairs.

(6) The term "veteran" has meaning given such term in section 101(2) of title 38, United States Code.

SEC. 3. PILOT PROGRAMS AUTHORITY.

(a) AUTHORITY TO CONDUCT PROGRAMS.—In up to five States that have reformed health-care systems, the Secretary may conduct pilot programs under which the Department may provide health care services, directly or by contract, to persons identified in subsection (b) on the same or similar basis as the State plan mandates for residents in the State.

(b) PERSONS ELIGIBLE FOR SERVICES UNDER PROGRAMS.—Persons eligible to receive services under a pilot program are any residents of the State in which the pilot program is being conducted who are—

(1) veterans;

(2) individuals eligible for benefits under section 1713 of title 38, United States Code; or

(3) members of the family of any veteran who participates in a pilot program.

(c) AUTHORITY TO COMPLY WITH STATE HEALTH PLAN REQUIREMENTS.—In conducting pilot programs, the Secretary may comply with such requirements of State law applicable to the establishment and operation of a health plan under a State reform plan, or to functioning as a participant in, member of, or contractor to, such a health plan, as the Secretary considers appropriate for application to a department or agency of the Federal Government.

(d) CATCHMENT AREAS.—In conducting pilot programs in a State, the Secretary may—

(1) conduct the programs in some or all health care facilities of the Department located in the State; and

(2) establish such catchment areas within the State as the Secretary determines appropriate.

SEC. 4. CONDITIONS OF PARTICIPATION.

(a) CONDITION ON ESTABLISHMENT OF PROGRAMS.— The Secretary may establish and operate a pilot program in a State only after determining, based on such factors as the Secretary considers relevant (including the factors referred to in subsection (b)), that, in the absence of an enrollment option through a Department plan in that State, the projected workload in one or more Department health care facilities in the State would decline to a level that—

(1) would threaten to impair the capability of such facilities to meet one or more assigned mission of such facilities; or

(2) would result in a deterioration in the quality of the service delivered by such facilities to an extent that it would not be reasonable to continue to provide needed services in such facilities and satisfactory alternative arrangements could not feasibly be provided.

(b) FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The relative universality of coverage provided to State residents under the State reform plan.

(2) The scope of benefits offered under the plan.

(3) The extent of financing supporting the plan.

(4) The extent to which the State may serve as a model for the Department in determining how to compete with other health care providers in other States when Congress enacts National health care reform.

(5) Such other matters as the Secretary determines appropriate.

(c) NOTICE AND WAIT REQUIREMENT.—(1) The Secretary may establish and operate a pilot program in a State not earlier than 30 days after submitting to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program.

(2) Each report submitted under paragraph (1) shall include the following:

(A) The rationale for proposed participation in the State reform plan.

(B) A description of the extent to which applicable provisions of State law specifically accommodate and facilitate participation of the Department in the State reform plan.

(C) A detailed business plan for the participation of the Department under the State reform plan.

(D) A description of the actions the Secretary has taken to consult with veterans on the proposed participation of the Department in the State reform plan.

(d) REQUIREMENT FOR REGULATIONS.—The Secretary may operate a pilot program in a State only after prescribing implementing regulations.

(e) COPAYMENTS.—(1) Except as provided in paragraph (2), the Secretary shall require persons receiving health care services under a pilot program to pay all premiums, copayments, deductibles, and coinsurance amounts required by State law in the State where the pilot program is undertaken.

(2) The Secretary may not collect premiums, copayments, deductibles, and coinsurance amounts under this subsection from the following individuals:

(A) Any veteran with a service-connected disability.

(B) any veteran whose discharge or release from the active military, naval or air service was for a disability incurred or aggravated in the line of duty.

(C) Any veteran who is in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such a veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(D) Any veteran who is a former prisoner of war.

(E) Any veteran of the Mexican border period or World War I.

(F) Any veteran who is unable to defray the expenses of necessary care as determined under section 1722(a) of title 38, United States Code.

SEC. 5. EXPIRATION OF AUTHORITY.

The authority to conduct pilot programs under this Act shall expire on December 31, 1997.

SEC. 6. FUNDING.

(a) REVOLVING FUND.—There is established in the Treasury of the United States a revolving fund for conducting pilot programs authorized by section 3(a).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the revolving fund for fiscal years 1995, 1996, and 1997 such sums as may be necessary to carry out the purposes of this Act.

(c) AVAILABILITY OF FUNDS.—(1) Amounts in the revolving fund established under subsection (a) shall be available without fiscal year limitation for payment of all expenses necessary to carry out the pilot programs, including—

(A) expenses of furnishing medical care and services;

(B) expenses of consumer surveys;

(C) expenses of printing, marketing, and advertising services (including contracts for such services); and

(D) expenses for the acquisition, construction, repair, or renovation of facilities (including the land on which facilities are located or to be constructed).

(2) Funds in the revolving fund shall not be available for a major medical facility project, or a major medical facility lease, under section 8104(a)(3) of title 38, United States Code, unless specifically authorized by law.

(d) COLLECTION OF FUNDS.—(1) The Secretary may recover or collect funds which result from participation by the Department in a pilot program authorized under section 3(a) for care provided to veterans or their dependents. The Secretary may recover or collect such funds (including amounts received as premiums, copayments, deductibles or third-party reimbursements) from an individual, another agency or department of the Federal Government, an agency of State or local government, or a health-care provider, health care plan, insurer, or other entity.

(2) The Secretary shall, in consultation with the Director of the Office of Management and Budget, estimate the collection of funds to be received for services to be provided to veterans by each Department facility participating in a State pilot program during each fiscal year. Such estimates shall be based upon and consistent with the higher of—

(A) the fiscal year baseline for third-party recoveries, copayments, and other medical collections for the fiscal year included in the budget submitted to Congress by the President; or

(B) the fiscal year baseline for such collections for the fiscal year as reestimated by the Congressional Budget Office.

(3)(A) Amounts collected for services provided to dependents shall be deposited in the revolving fund established in subsection (a).

(B) Amounts collected for services provided to veterans in excess of the estimate determined under paragraph (2) shall be deposited in the revolving fund established under subsection (a).

(C) An amount up to the estimate determined under paragraph (2) shall be deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code.

SEC. 7. ADMINISTRATIVE FLEXIBILITY.

(a) APPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—The Secretary may carry out any reorganization necessary to carry out a pilot program authorized by section 3(a) without regard to the provisions of section 510(b) of title 38, United States Code.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—The Director of a Department health care facility participating in a pilot project authorized by section 3(a) may enter into agreements with health care plans, insurers, health care providers, or with any other entity or individual to furnish or obtain any health care resource, as that term is defined in section 8152 of title 38, United States Code, without regard to the following:

(1) Chapter 7 of the Office of Federal Procurement Policy Act (41 U.S.C. 410 et. seq.).

(2) Chapter 4 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(3) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637), relating to certificate of competency, notice, and sole sourcing.

(4) Office of Management and Budget Circular A-76.

(5) Section 8110(c) of title 38, United States Code, relating to contracting out at Department medical facilities.

(6) Subchapter V of chapter 35 of title 31, United States Code, relating to Government Accounting Office protests.

(7) Sections 3526 and 3702 of title 31, United States Code, relating to jurisdiction over Government Accounting Office protests.

(8) Section 1491 of title 28, United States Code, relating to protests to the United States Court of Federal Claims.

(9) Section 702 of title 5, United States Code, and section 1346(2) of title 28, United States Code, relating to protests to United States district courts.

(10) Section 8125 of title 38, United States Code, relating to local contracts for health care items.

(11) The provisions of law appearing as sections 471 through 544 of title 40, United States Code, for purposes of the proposal of the Law Revision Counsel of a codification of Federal law, relating to the authority of the General Services Administration over leasing and disposal of property.

(12) Section 8122(a)(1) of title 38, United States Code, relating to out-leasing by the Department.

SEC. 8. MARKETING.

The Secretary may carry out such promotional, advertising, and marketing activities as the Secretary considers necessary to effectively establish and operate a health plan pilot program.

SEC. 9. REPORTS.

Not later than November 30 of each of 1995 through 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot programs carried out by the Secretary under this Act.

SEC. 10. SAVINGS PROVISIONS.

(a) BENEFITS.—The Secretary shall provide the persons referred to in section 3(b) with all benefits authorized to be provided to such persons under title 38, United States Code, in accordance with the terms and conditions applicable to such persons and such benefits, notwithstanding that such benefits are not provided under the pilot program.

(b) UTILIZATION OF OTHER DEPARTMENT FACILITIES.—Department facilities not participating in pilot programs shall continue to furnish health care benefits in accordance with the provisions of title 38, United States Code.

DEPARTMENT OF
VETERANS AFFAIRS,
March 22, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, "To authorize the Department of Veterans Affairs to conduct pilot programs for delivering health-care services in states which have statutorily reformed their health care systems."

The Nation is focused on the need for reform of our health care system. Several months ago, the President submitted legislation to the Congress which embodies his vision of a system which will ensure all Americans of access to affordable health care. His proposal would make crucial improvements in the VA health care system. Congress is now considering that legislation. However, many states are not waiting for national health reform. They are proceeding to enact their own reform measures now.

The different state reform initiatives vary considerably in detail, but they include the common theme of increasing access to care. Additionally, they often ensure that citizens can receive a standard benefits package containing a wider array of services than VA can now furnish to veterans. In that situation, many veterans who now obtain care from VA might choose to seek services from another provider. To ensure that VA is able to continue providing veterans with the care and services they need and deserve, VA must be allowed to participate in the new health care marketplace that is emerging in these states. Further, VA needs to participate in these states so it can learn to compete in the health care markets that will follow national health care reform. This draft bill would allow VA to accomplish these two objectives.

The draft bill would authorize pilot programs in up to five states under which VA would provide health care in accordance with a state health care system. The pilot programs could operate through December 31, 1997. Each pilot program would furnish care to veterans, dependents, and those eligible for CHAMPVA benefits who reside in such States on the same or similar basis as care would be provided for other citizens under State law. The Secretary could authorize a pilot in a state only after determining that failure to do so would result in a decline in VA workload to the extent that it would threaten a facility's mission, or result in serious deterioration in the quality of care provided.

The draft bill also provides that under any pilot program, veterans who now have high priority eligibility for care, (so-called category A veterans) would have to be able to receive care without incurring liability for any premium, deductible, or copayment. At least 30 days before actually initiating a program, the Secretary would have to submit a report to the Congress fully describing how the pilots would work. The Department would also have to promulgate implementing regulations.

To facilitate financial management of the pilot programs, the bill would establish a revolving fund. The fund would contain any amounts specifically appropriated to such fund, any amounts recovered or collected by reason of the furnishing of health care under a pilot program authorized by this Act, and any funds collected under current provisions of title 38, United States Code in excess of the current Congressional Budget Office baseline or Office of Management and Budget baselines—whichever is greater—for reimbursements for medical care. Amounts in the fund would be available until expended for all purposes of carrying out the pilot programs, except they could not be used for major facility construction or leasing.

Other provisions in the bill would provide the Department with greater administrative flexibility to allow it to compete in the health care market. Most importantly, the bill would exempt pilot sites from a number of specified laws and government policies which restrict their ability to freely procure goods and services. It would also ease current restrictions on the Department's ability to reorganize its facilities when necessary for the success of the pilot. Finally, the draft bill contains specific authority for the Department to conduct market and consumer surveys, and promote and advertise health plans.

We urge enactment of the proposed legislation as soon as possible so that VA can continue to meet the needs of veterans in those states which are reforming their health care systems in advance of national reform.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress, and its enactment would be in accord with the Program of the President.

Sincerely yours,

JESSE BROWN.•

By Mr. GRAHAM (for himself and Mr. DORGAN):

S. 2136. A bill to prohibit sponsorship of television violence by agencies of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL ADVERTISEMENT REFORM ACT

• **Mr. GRAHAM.** Mr. President, I have often said that Government should lead by example. Today I am introducing legislation to require the Federal Government to take a leadership role in addressing the issue of violence on television.

Legislation considered by Congress thus far has been aimed at helping consumers make better-informed decisions about the shows they watch and the products they buy from companies that advertise on television. Senator SIMON has also been effective in using the threat of legislation to spur action from broadcast and cable programmers. On Tuesday, the cable industry held a press conference detailing its progress on this matter.

Meanwhile, agencies of the Federal Government continue to sponsor violent programming with their own advertising dollars. My bill would take the necessary first step—changing our own ways—before asking others to apply greater vigilance to the fight against television violence.

Our market influence should not be overlooked. We're not talking about the public service announcements that are run at little or no cost to the Government. In 1992, Federal agencies—led by the Postal Service, the military, and Amtrak—spent over $110 million on television advertising.

The question will be asked, How much of that money was spent supporting violent programming. The simple answer is, we don't know. That's why this legislation requires the National Telecommunications and Information Administration to determine which shows contain a high degree to violence.

What we do know about Government support for TV violence comes from Senator DORGAN, who has been a leader in the fight against television violence and, I am pleased to report, joins me a an original cosponsor of this bill.

Senator DORGAN asked students at Concordia College last year to survey a week of television programming and determine which shows contained the most violence and who was advertising on those shows. The study found that the U.S. Army was one of the top 20 sponsors of prime-time violence.

This is an issue, Mr. President, that is on the minds of American families.

In April, an eight grader from Davie, FL, visited my office. Fifteen-year-old Michael Gittinger won a trip to Washington in a contest called Speak for Yourself. Contestants submitted copies of letters they had sent to their representatives in Congress about issues of concern to them.

Michael was a State winner from Florida for his letter about violence in the media, written to Representative PETER DEUTSCH. I ask unanimous consent that Michael's letter be included in the RECORD, but I also would like to read a few lines from it.

"I am scared," Michael says.

"It is sad when children watch TV and see a show where killing is okay because it's cool."

He writes, "I think it is necessary for all of us to demand that the broadcast companies stop showing all these shows with too much violence . . . Concerned people could write advertisers asking them to stop sponsoring violent shows."

Mr. President, I agree with Michael. Each of us has a responsibility to change what is considered acceptable in American entertainment.

Enactment of the bill I am introducing today will say to Michael and others concerned about television violence that the Federal Government has heard their message. We are no longer going to sponsor violent programming on the one hand while with the other we pen legislation forcing others to solve this problem. Our efforts will be comprehensive.

Mr. President, I urge my colleagues to support and cosponsor this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Advertisement Reform Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Federal agency" means each authority of Government of the United States, whether or not it is within or subject to review by another agency, including—

(A) an executive agency, as defined by section 105 of title 5, United States Code; and

(B) the United States Postal Service and the Postal Rate Commission; and

(2) the term "Secretary" means the Secretary of Commerce, acting through the National Telecommunications and Information Administration.

SEC. 3. PROHIBITION.

(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency may not advertise, or enter into a contract to advertise, any product, program, or policy during any television program identified as having a high degree of violence pursuant to section 4.

(b) EXCEPTIONS.—The identification of a television program as containing a high degree of violence pursuant to section 4 shall not apply to an advertisement pursuant to—

(1) any contract entered into prior to the date of enactment of this Act; or

(2) any contract entered into prior to the date of publication of such identification in the Federal Register.

SEC. 4. IDENTIFICATION OF VIOLENT PROGRAMMING.

(a) PROGRAM.—Not later than 6 months after the date of enactment of this Act, the National Telecommunications and Information Administration (in this Act referred to as the "Administration") shall establish a program to evaluate television programs with respect to violent content contained in the programs. The Administration shall establish the program in accordance with this section.

(b) PROGRAM SELECTION.—The Administration shall evaluate each program on each of the national broadcast television networks, or on cable television systems (in the case of programs available to a substantial percentage of the households that subscribe to cable television service nationally). For each calendar year, the Administration shall select at least 1 week during television sweeps, as defined by the Secretary.

(c) IDENTIFICATION OF PROGRAM.—After evaluating the television programs described in subsection (b), the Administration shall identify programs that contain a high degree of violence, as defined by the Secretary.

(d) PUBLICATION.—The Secretary shall publish in the Federal Register a list of the programs identified pursuant to subsection (c) each calendar quarter.

SEC. 4. REGULATIONS.

The Secretary shall promulgate such regulations as are necessary to carry out this Act.●

By Mr. BAUCUS:

S. 2137. To designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; read the first time.

MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1994

● Mr. BAUCUS. Mr. President, I am introducing today a bill that I hope brings us one critical step closer to resolving Montana's longstanding wilderness debate. It is the identical piece of legislation that my colleague from Montana, Senator BURNS, and I agreed to, and which passed the Senate during the 102d Congress.

The vast majority of Montanans simply want to see the wilderness debate concluded in a way that protects those wildlands that are truly special places. Unfortunately, there is a vocal minority that either wants to see every acre of land designated as wilderness, or believes that the vast majority of our wild country should be opened up to mining, oil and gas development, and logging. But this is not the Montana I know. Montanans want balance. They want the wilderness issue resolved in a way that protects both jobs and environment.

For this reason, I believe the legislation that I am introducing is the best hope Montanans have of settling the wilderness debate. While this legislation is not perfect, it is reasonable. Both Senator BURNS and I have sponsored it in the past, and it passed the Senate by an overwhelming margin in 1992.

It is true that many environmental groups don't like it—it doesn't protect enough areas that many people believe merit wilderness designation. And it is true that industry doesn't like it—wilderness designations just don't allow for logging, mining, or oil and gas drilling. At this point, however, my focus is not on what it doesn't do, but rather on what it does. This bill allows us to pass a bill from the Senate and go to conference with the House; it allows us to break the 16-year stalemate; and it allows us to do what the people of Montana elected us to do—resolve the wilderness debate.

I have spoken on several occasions over the past months to my colleague, Senator BURNS, regarding my intention to introduce our compromise legislation. It is my sincere hope that Senator BURNS will agree with me that prompt passage of this legislation is in the best interest of Montana and will join with me toward that end.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 16, 1994.

Hon. CONRAD BURNS,
Dirksen Senate Office Building,
Washington, DC.

DEAR CONRAD: With the House close to passing Congressman Williams' Montana wilderness bill, we now have an opportunity to move Montana beyond its divisive issue by passing a bill through the Senate. I believe Montana is best served when we work together.

As much as anything, wilderness is an issue where reasonable Montanans can—and do—reach different conclusions. Almost every Montanan engaged in this debate has his or her ideal wilderness bill. Some want just about every remaining roadless acre made wilderness. Others say they want no more wilderness or, similar to the bill you intend to introduce, the Forest Service recommendations of about 800,000 acres. I respect the sincerity of each of these points of view. Yet I also believe the vast majority of our fellow Montanans think it's time to pass a bill that represents a compromise between uncompromising positions. And, ultimately, by carefully considering the environmental sensitivity, recreation and resource potential of each area, it is possible to pass a bill that protects both jobs and the environment.

However, over the weekend, I was surprised to learn that you plan to introduce a bill drafted by the Montana Resource Providers Coalition. During the several times we have discussed this issue in recent months, you failed to mention this proposal or course of action. While this proposal represents one side of the wilderness debate, it is not a bill that can pass Congress. If there is one thing that more than a decade of debate over Montana wilderness has taught us, it is that an unbalanced bill—tilted too far toward either preservation or development—has no chance of passage. Moreover, I believe there are a number of Montanans on both sides of this issue who want this issue settled and are willing to accept a reasonable compromise if we are willing to show the necessary leadership.

I'm reminded of Arnold Bolle; one of the finest Montanans I've ever known. You know that Arnie was a conservationist. And he was also a principled and practical man who wanted, perhaps more than anything, to live to see the Montana wilderness issue resolved. Sadly, this dream never became a reality. Shortly before he died, Arnie wrote me one last letter. He asked that the wilderness issue be settled this year. While Arnie wanted a number of wild areas protected, he also came to see the wilderness issue as something that pitted Montanan against Montanan. For both of these reasons, for the good of Montana's land and people, he wanted a bill passed. Up until the end, Arnie spoke his mind; he spoke the kind of common sense that always abounds in Montana.

Since you first came to the Senate, you have also often spoken about the need to pass a wilderness bill. In 1992, we worked together and we came close. While we reached agreement here in the Senate, we both recognized that our agreement did not—and could not—bind Congressmen Williams, Marlenee, or any other member of the House of Representatives.

Given all the trouble we've had passing a Montana wilderness bill, I still think it's possible to get the job done if we approach this issue with open minds and the "can do" spirit that has seen Montana through good times and bad.

Toward this end, as I have told you several times before, I will soon introduce the 1991–92 Baucus-Burns compromise bill. When we spoke recently, I urged you to join me in again cosponsoring this legislation. While neither of us would call it a perfect bill, it represents many hours of work and good faith compromise between the two of us. With our mutual support, it is also the one bill we know can pass the Senate. Once this happens, it would then be sent to Conference with the House. The final product, the Conference Report, will almost certainly amount to a "grand compromise" between the House and Senate bills.

We both know folks are tired of the "politics as usual" back in Washington. As a Republican and a Democrat, you and I have an opportunity to prove we can put partisanship aside and work together as Montanans for the good of Montana. The proposal I've outlined is the most constructive way I can think of to pass a Montana bill this year. I therefore ask you to join me again as a cosponsor of the Baucus-Burns bipartisan compromise.

Think it over. I hope we can work together and get this job done for Montana.

With best personal regards, I am

Sincerely,

MAX BAUCUS.●

By Mr. ROCKEFELLER:

S. 2139. A bill to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; to the Committee on Energy and Natural Resources.

WEST VIRGINIA RIVERS CONSERVATION ACT OF 1994

● Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the West Virginia Rivers Conservation Act. I believe this legislation will help protect and preserve some of West Virginia's most valuable natural resources for future generations, and enhance the State's growing tourism industry as well.

As former Governor of West Virginia, and now as a U.S. Senator, I have aggressively pursued policies and legislation designed to increase tourism in my home State and the Nation. I believe that protection of West Virginia's important natural resources, like those contained in this bill, is vital to these efforts.

Since the establishment of the New River Gorge National River, as a result of legislation introduced by the senior Senator from West Virginia, ROBERT C. BYRD, we have seen a greater appreciation of this precious resource. We have also seen an increase in economic benefits from the expanded tourism opportunities this area represents. In fact, over 700,000 visitors come to West Virginia and experience the New River each year.

To build upon these efforts, along with my colleague in the House, NICK RAHALL, I introduced the West Virginia National Interest River Conservation Act, which designated parts of the Gauley, Meadow, and Bluestone Rivers as components of the Wild and Scenic Rivers System. This bill was signed into law in 1988.

In the 102d Congress, I also joined NICK RAHALL in introducing two other pieces of legislation to protect natural resources in West Virginia. The first added approximately 12,000 acres to the boundaries of the New River Gorge National River, the Gauley National Recreation Area, and the Bluestone Scenic River. The second required the study of the New River for possible designation as a component of the National Wild and Scenic Rivers System and management under the Wild and Scenic Rivers Act.

The legislation I am introducing today is a followup to the legislation I introduced last Congress, and would officially designate 14.5 miles of the New River in West Virginia as a scenic river. This segment runs from the West Virginia-Virginia State line downstream to the Bluestone Lake in Summers County. The 11,191 acres within this proposed Scenic River segment are currently in Federal ownership and would continue to be managed as a wildlife management area under an existing agreement between the State of West Virginia and the Federal Government.

This legislation also authorizes the Secretary of the Interior to study an 11-mile segment of the Elk River, to determine its eligibility and suitability for inclusion in the National Wild and Scenic Rivers System, or as a unit of the National Park System as a national river or national recreation area.

The bill adds Carnifex Ferry Battlefield State Park to within the boundary of the Gauley River National Recreation Area, and adds to the Bluestone Scenic River the portion of Pipestem State Park that is not currently within its boundaries. Both of these additions are proposed in order to achieve maximum economy and efficiency in administering the park unit. Nothing in this legislation would affect the continued ownership and management of the State park unit by the State.

To increase the opportunities of citizens seeking greater and easier access to the Gauley and Bluestone Rivers, this bill does two things. First, it requires the National Park Service to produce a plan to provide access to the Gauley River for private boaters and fishers in the middle segment of the river. Second, the bill contains provisions to provide a public access point to the Bluestone River, to be located near Eads Mill. Currently, those wishing to enter the river must travel to Pipestem State Park, which is the only available public access point.

The bill also includes an authorization for the National Park Service to construct a visitors center at Gauley Bridge. Located where the New River and Gauley River join to form the Kanawha River, I believe a visitors center in this location would help promote an increased public knowledge and appreciation of this area.

Mr. President, I believe this legislation will enable West Virginia to continue to grow as a tourist destination. The areas covered in this bill offer canoeing, hiking, fishing, and some of the best whitewater rafting in the Nation. In addition, these areas abound with examples of West Virginia's coal heritage and Civil War history. Passage of this legislation will help ensure that these natural, recreational, and cultural resources are managed in a manner that will allow for their enjoyment now and by future generations.

The House of Representatives has already passed this legislation, and given the importance of tourism and ecological preservation to West Virginia and the Nation, I ask that this legislation I am introducing today be given favorable consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "West Virginia Rivers Conservation Act of 1994".

SEC. 2. NEW RIVER GORGE NATIONAL RIVER.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking "NERI–80,023, dated January 1987" and inserting "NERI–80,028, dated January 1993".

SEC. 3. GAULEY RIVER NATIONAL RECREATION AREA.

Section 201(b) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww(b)) is amended by striking "NRA–GR/20,000A and dated July 1987" and inserting "GARI–80,001 and dated January 1993".

SEC. 4. BLUESTONE NATIONAL SCENIC RIVER.

Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking "WSR–BLU/20,000, and dated January 1987" and inserting "BLUE–80,004, and dated January 1993".

SEC. 5. DESIGNATION OF UPPER NEW RIVER, WEST VIRGINIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) UPPER NEW RIVER, WEST VIRGINIA.—(A) The segment in Summers County, West Virginia, from the West Virginia-Virginia State line downstream for approximately 14.5 miles as depicted on the boundary map entitled 'Upper New Wild and Scenic River', numbered UPNE 80,000 and dated July 1993 to be administered by the Secretary of the Interior as a scenic river.

"(B) The acreage limitation set forth in subsection (b) shall not apply to the segment designated under this paragraph. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph.

"(C) Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to the lease in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone Wildlife Management Area.

"(D) Nothing in this Act shall affect the management by the State of West Virginia of hunting and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Wildlife Management Area to the extent permitted in the lease agreement in effect on the date of enactment of this paragraph. Upon request by the State of West Virginia, the Secretary shall renew such lease agreement with the same terms and conditions as contained in such lease agreement on the date of enactment of this paragraph under which State management shall be continued pursuant to such renewal. If requested to do so by the State of West Virginia, or as provided in the lease agreement, the Secretary may terminate or modify the lease and assume administrative authority over all or part of the areas concerned.

"(E) Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the purposes of the project.".

SEC. 6. DESIGNATION OF ELK RIVER AS A STUDY RIVER.

(a) STUDY.—The Secretary of the Interior shall conduct a study of the segment of the Elk River, West Virginia, that is reflected on the Webster Springs Quadrangle (West Virginia) 7.5 minute series topographic map, United States Geological Survey, to determine its eligibility and suitability as either—

(1) a component of the national wild and scenic rivers system;

(2) a unit of the National Park System as a national river; or

(3) a unit of the National Park System as a national recreation area.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report containing the results of the study conducted pursuant to subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives.

(c) EFFECT ON MANAGEMENT.—Nothing in this section shall affect or impair the management of the Sutton project or the authority of any department, agency, or instrumentality of the United States to carry out the purposes of the project on the date of enactment of this section.

(d) CONSULTATION.—In conducting the study required by this section, the Secretary shall consult with the West Virginia Division of Tourism and Parks and the West Virginia Division of Environmental Protection.

SEC. 7. CONSOLIDATED MANAGEMENT.

To achieve the maximum economy and efficiency of operations in the administration of the segment of the New River designated by the amendment made by section 5, the Secretary of the Interior shall consolidate offices and personnel administering such segment with offices and personnel administering the New River Gorge National River, the Gauley River National Recreation Area, and the Bluestone National Scenic River to the extent practicable, and shall utilize facilities of the New River Gorge National River to the extent practicable.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) NEW RIVER CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 et seq.) is amended by adding at the end the following new section:

"SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

"(a) COOPERATIVE AGREEMENTS.—Section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such section applies to the Gauley River National Recreation Area.

"(b) REMNANT LANDS.—The second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such sentence applies to tracts of land partially within the Gauley River National Recreation Area.".

(b) BLUESTONE RIVER CONFORMING AMENDMENTS.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended—

(1) in the fifth sentence, by striking "leases" and inserting "the lease";

(2) in the seventh sentence, by striking "such management may be continued pursuant to renewal of such lease agreement"; and

(3) by striking the eighth sentence and inserting the following: "Upon request by the State of West Virginia so requests, the Secretary shall renew such lease agreement with the same terms and conditions as contained in such lease agreement on the date of enactment of the West Virginia Rivers Conservation Act of 1994 under which such State management shall be continued pursuant to such renewal. Upon request by the State of West Virginia, or as provided in such lease agreement, the Secretary may terminate or modify the lease and assume administrative authority over all or part of the areas concerned.".

SEC. 9. GAULEY ACCESS.

Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)) is amended by adding at the end the following new paragraph:

"(4) ACCESS TO RIVER.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives setting forth a plan to provide river access for noncommercial recreational users within the Gauley River National Recreation Area. The plan shall provide that such access shall utilize existing public roads and rights-of-way to the maximum extent feasible and shall be limited to providing access for such noncommercial users.''.

SEC. 10. VISITOR CENTER.

The Secretary of the Interior may construct a visitor center and such other related facilities as may be necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New River and Gauley River. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or the Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

SEC. 11. EXTENSION.

For a 5-year period beginning on the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to river segments designated for study for potential addition to the wild and scenic rivers system under section 5(b) of such Act (16 U.S.C. 1276(b)) shall apply to the segments of the Bluestone and Meadow Rivers that were found eligible in the studies completed by the National Park Service in August 1983 but that were not designated by the West Virginia National Interest River Conservation Act of 1987 (Public Law 100–534; 102 Stat. 2702) as part of the Bluestone National Scenic River or as part of the Gauley River National Recreation Area, as the case may be.

SEC. 12. BLUESTONE RIVER PUBLIC ACCESS.

Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)(65)) is amended by adding at the end the following new sentence: "In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may negotiate a memorandum of understanding or cooperative agreement, or acquire such lands or interests in such lands, or both, with the consent of the owner as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.''.

SEC. 13. GAULEY RIVER BOUNDARY MODIFICATION.

Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C 460ww–4(c)) is amended by adding at the end the following new sentence: "If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.''.•

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. PELL, Mr. GRASSLEY, Mr. HATFIELD, and Mr. DECONCINI):

S. 2140. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Labor and Human Resources.

THE ACCESS TO MEDICAL TREATMENT ACT

• Mr. DASCHLE. Mr. President, today I am introducing, with Senators HARKIN, PELL, GRASSLEY, HATFIELD, and DECONCINI, the Access to Medical Treatment Act. This legislation will allow greater freedom of choice in the realm of medical treatments, and will make alternative treatments more available to the public.

The Access to Medical Treatment Act represents a significant departure from current medical practice. It is grounded in the belief that our current health care delivery system actually discourages rather than encourages the development of alternative therapies that could effectively treat illnesses that often do not respond well, if at all, to conventional medicine. And it seeks to open up the system to such treatments under controlled conditions.

As with any effort to change the status quo, questions have been raised about the practical effect of venturing into this new area of medicine. We have tried to address these concerns as we worked out the details of the bill, and I would like to talk in a moment about these important issues. First, however, I would like to relate how I became involved in the debate over alternative treatments, and share with my colleagues what was really the fundamental catalyst in my developing this legislation.

Berkley Bedell is a former Congressman from the Sixth District of Iowa. As did quite a few of us in the Senate, I had the privilege of serving with Congressman Bedell for several years in the House of Representatives, where he acquired a well-deserved reputation for intellectual honesty and commitment to principle, as well as for tilting at the occasional windmill. In more than one instance, he appeared out of step with conventional opinion and subsequently proved to be ahead of his time.

When Congressman Bedell left the House at the end of the 100th Congress, he was ill with Lyme disease. After trying several unsuccessful rounds of conventional treatment consisting of heavy doses of antibiotics, the cost of which ran in the thousands of dollars, he turned to an alternative treatment that he believes cured his disease. This treatment, which is actually a veterinary treatment, consisted on its most basic level of nothing more than drinking processed whey from a cow's milk. After approximately 2 months of taking regular doses of this processed whey, his symptoms disappeared. He estimates that the total cost for this alternative treatment was no more than a few hundred dollars.

In spite of Congressman Bedell's amazing recovery, and the fact that this same treatment appeared to be effective in some other cases of Lyme disease, the treatment can no longer be administered because it has not gone through the FDA approval process. This is only one example of untold numbers of treatments that may prove beneficial but cannot be tried without enactment of this legislation.

Shortly after he recovered from Lyme disease, Congressman Bedell discovered he had prostate cancer. Again, he found conventional treatments to be unsuccessful and turned to alternative medicine. This time he had to leave the country to obtain his treatment. But, once again, alternative therapy appears to have been successful thus far—he has been free of cancer for 4 years.

Mr. President, there are any number of Berkley Bedells across the country who are desperate for cures that conventional medicine simply does not seem to be able to provide. Yet, the tragic fact is that most people do not have the financial means to seek out alternative treatments abroad.

The Access to Medical Treatment Act attempts to address this situation. Its intent is twofold: First, to allow increased access to alternative treatments; and second, to allow increased opportunities for the trial of alternative treatments that may prove to be extremely effective.

If these treatments are so effective, it will be asked, why can't they merely go through the standard FDA approval process?

The answer is that the time and expense currently required to gain FDA approval of a treatment effectively precludes all but large pharmaceutical companies from undertaking such an arduous and costly endeavor. The heavy demands and requirements of the FDA approval process deny access to the potentially innovative contributions of individual practitioners, scientists, smaller companies, and others who do not have the financial resources to traverse the painstakingly detailed path to certification. The current system not only forgoes untold potential for exploring life-saving treatments, but also serves to prevent low-cost treatments from gaining access to the market.

I want to emphasize, however, that I do not intend or anticipate that this legislation will dismantle the FDA, undermine its authority or appreciably change current medical practices. It does not attack the FDA or its approval process. It complements it.

The FDA would remain solely responsible for protecting the health of the Nation from unsafe and impure drugs. The heavy demands and requirements placed upon treatments before they gain FDA approval are important, and I firmly believe that treatments receiving the Federal Government's stamp of approval should be proven safe and effective.

The intent of my legislation is merely to extend freedom of choice to medical consumers under controlled situations. I believe that individuals, especially individuals who face life-threatening afflictions for which conventional treatments have proven ineffective, should have the option of trying an alternative treatment, so long as they have been informed of the nature of the treatment and are aware that it has not been approved by the FDA. This is a choice that is rightly left to the consumer, and not dictated by the Federal Government.

The Access to Medical Treatment Act will allow individuals, under certain carefully circumscribed conditions, to obtain medical treatments that have not yet been approved by the FDA. The medical treatments prescribed under this bill cannot be dangerous. However, given the fact that the very intent of the bill is to allow treatments that have not necessarily undergone extensive testing, it is possible that a treatment administered under the bill could turn out to be a danger to the patient. In these cases, the treatment must be immediately reported to the Secretary of Health and Human Services, and it cannot be utilized again.

The bill requires full disclosure to the patient of the treatment's contents and potential side effects, and of the fact that it has not been proven safe and effective by the Federal Government. The patient is required to sign a written statement indicating that he or she had been made aware of this information.

Finally, no claims can be made about the efficacy of a treatment except for claims made by the practitioner administering the treatment. Even in these limited cases, the claim may only take the form of an accurate and documented report made in a recognized journal or at a seminar, convention, or similar meeting. Furthermore, no practitioner may make a claim if he or she stands to gain financially as a result of that claim, outside of the reimbursement he or she might receive from an individual patient for administration of the treatment.

No doubt the largest concern that has been voiced about my proposal relates to the issue of consumer protection. Individuals are often at their most vulnerable when they are in desperate need of medical treatment.

It is absolutely critical that a proposal of this nature include strong protections to ensure that consumers are not subjected to charlatans who would prey on their misfortunes and fears for personal gain. The Access to Medical Treatment Act is armed with these protections.

The bill requires that a treatment be administered by a properly licensed physician. It also narrowly defines who qualifies as a properly licensed physician. Most importantly, however, the bill strictly regulates the circumstances under which claims regarding the efficacy of a treatment can be made. It prohibits all advertising and labeling claims, and any other claims by individuals for whom the underlying intent of promoting the treatment might be linked to personal financial gain.

What this means is that there can be no marketing of any treatment administered under this bill. Because marketing of a treatment is prohibited, I see very little incentive for anyone to try and use this bill as a bypass to the process of obtaining FDA approval. Also, because only properly licensed practitioners are able to make any claims at all about the efficacy of a treatment, I see very little room for so-called quack medicine. In short, if an individual or a company wants to make any profit off their product, utilizing this legislation will not be a preferable option.

Mr. President, I fully realize that there will be significant debate over both the concept and content of this legislation. I welcome this debate. In a sense, it is my purpose for introducing the bill.

What I am trying to do in this legislation is reconcile what many see as two irreconcilable interests—protection of consumers from unscrupulous charlatans and preservation of the consumer's freedom to choose alternative therapies. While I am as concerned as anyone about protecting the consumer, I also believe in an individual's right to choose to try a treatment that is not FDA-approved.

If various pieces of my bill are changed or altered in the process of debate, that is fine with me. In fact, I welcome improvements, because it will show that these issues are being taken seriously. And I believe they should be taken seriously. They are important issues, especially at a time when we are looking to overhaul this Nation's health care system.

The Access to Medical Treatment Act represents my best first attempt at cracking this paradox. I encourage debate and am open to changes. If this bill generates the serious discussion that I believe these issues merit, then I will have achieved my goal in introducing it. I welcome anyone who would like to join me in promoting this important debate to cosponsor this legislation.

Mr. President, I firmly believe that our health care delivery system should be more receptive to alternate treatments. I am also sensitive to the fact that how we accomplish that goal has important ramifications that must be thoroughly explored. It is my hope that the Access to Medical Treatment Act, and the debate it engenders, will serve those ends.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Medical Treatment Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ADVERTISING OR LABELING CLAIMS.—The term "advertising or labeling claims" means any representations made or suggested by statement, word, design, device, sound, or any combination thereof with respect to treatment, including a representation made or suggested by a label.

(2) DANGER.—The term "danger" means any serious negative reaction that—

(A) occurred as a result of a method of treatment;

(B) would not otherwise have occurred; and

(C) is more serious than reactions frequently experienced with accepted treatments for the same or similar health problems.

(3) DEVICE.—The term "device" has the same meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(4) DRUG.—The term "drug" has the same meaning given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(5) FOOD.—The term "food" has the same meaning given such term in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

(6) HEALTH CARE PRACTITIONER.—The term "health care practitioner" means any properly licensed medical doctor, osteopath, chiropractor, or naturopath.

(7) LABEL.—The term "label" has the same meaning given such term in section 201(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(k)).

(8) LEGAL REPRESENTATIVE.—The term "legal representative" means a parent or an individual who qualifies as a legal guardian under State law.

(9) TREATMENT.—The term "treatment" means the use of any food, drug, device, or procedure.

SEC. 3. ACCESS TO MEDICAL TREATMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), an individual shall be permitted to be treated by a health care practitioner with any method of medical treatment that such individual desires or the legal representative of such individual authorizes if—

(1) such practitioner agrees to treat such individual; and

(2) the administration of such treatment falls within the scope of the practice of such practitioner.

(b) TREATMENT REQUIREMENTS.—A health care practitioner may provide any method of treatment to an individual described in subsection (a) if—

(1) there is no evidence that such treatment itself, when taken as prescribed, is a danger to such individual;

(2) in the case of an individual whose treatment is the administration of a food, drug, or device that has not been approved by the Food and Drug Administration—

(A) such individual has been informed that such food, drug, or device has not yet been approved or certified by the Food and Drug Administration for use of the medical condition of such individual; and

(B) such food, drug, or device (or information accompanying the administration of such food, drug, or device) contains the following warning:

"WARNING: This food, drug, or device has not been proved safe and effective by the Federal Government and any individual who uses such food, drug, or device, does so at his or her own risk.";

(3) such individual has been informed of the nature of the treatment, including—

(A) the contents of such treatment;

(B) any reasonably foreseeable side effects that may result from such treatment; and

(C) the results of past applications of such treatment by the health care practitioner and others;

(4) except as provided in subsection (c), there have been no claims, including advertising and labeling claims, made with respect to the efficacy of such treatment; and

(5) such individual—

(A) has been provided a written statement that such individual has been fully informed with respect to the information described in paragraphs (1) through (4);

(B) desires such treatment; and

(C) signs such statement.

(c) CLAIM EXCEPTIONS.—Subsection (b)(4) shall not apply to an accurate and truthful reporting by a practitioner of the results of the practitioner's administration of a treatment in recognized journals or at seminars, conventions, or similar meetings, if the only financial gain of such practitioner with respect to such treatment is the payment received from an individual or representative of such individual for the administration of such treatment to such individual.

SEC. 4. REPORTING OF A DANGEROUS TREATMENT.

If a practitioner, after administering such treatment, discovers that the treatment itself (when taken as prescribed) was a danger to the individual receiving the treatment, the practitioner shall immediately report to the Secretary of Health and Human Services the nature of the treatment, the results of such treatment, the complete protocol of such treatment, and the source from which such treatment or any part thereof was obtained.

SEC. 5. TRANSPORTATION OF MEDICATION AND EQUIPMENT.

Notwithstanding any other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), a person may introduce or deliver into interstate commerce medication or equipment for use in accordance with this Act.

SEC. 6. RESTRICTIONS ON LICENSING BOARDS.

A licensing board that issues licenses to health care practitioners may not deny, suspend, or revoke the license of a health care practitioner solely because such practitioner provides treatment to which section 3 applies.

SEC. 7. PENALTY.

A health care practitioner who violates any provisions under this Act shall not be covered by the protections under this Act and shall be subject to all other applicable laws and regulations.•

• Mr. DECONCINI. Mr. President, I join my colleague, the distinguished Senator from South Dakota, Mr. DASCHLE, as cosponsor of his legislation Access to Medical Treatment Act, which he is introducing today. This bill will allow the development and utilization of alternative medical treatments that may help patients and have been shown to have no adverse effects. I firmly believe that we must allow patients, when they have been fully informed of the alternative treatments, to control their own fate and obtain treatments they believe are beneficial to their well-being.

The FDA has made great strides toward reducing the time and expense involved in obtaining approval for medical treatments, devices and medications. Unfortunately, even with these improvements, medical consumers still have great dificulty in obtaining access to alternative health treatments. The proposal which we introduce today will not undermine nor reduce the role of FDA in assuring the effectiveness and efficacy of medical treatments and devices.

In this bill, we have simply stated that a licensed health care practitioner may provide any method of medical treatment that the individual desires provided there is no evidence that the treatment is dangerous and that the patient has been fully informed of any side effects from the treatment.

I am pleased that we have assured consumer safety protections within the bill. Those protections include informing the patient of the nature and foreseeable side effects of the treatment and the fact that FDA has not yet certified nor approved the device, food nor treatment. We have also prohibited any claims regarding efficacy from being made. We have also guaranteed consumers that reporting on the results or trials of any alternative treatments will be made by individuals who do not have any financial interest in the supply or administration of such treatment.

This bill seeks to empower the patient and to restore patient control over decisions affecting his or her own health care. Patients will be able to avail themselves of alternative and non-conventional treatment if they believe such treatment is beneficial. Patient control is an essential component of good health care which we must strive to maintain and preserve in debate on this bill as well as the larger health care reform proposals which we will address later this summer. We must promote and enable people to have access to alternative health care if it is viewed as helpful to alleviating pain and suffering.

Let me share with you a personal example of an alternative medical treatment which I found beneficial in the treament of recurring back and neck pain. Acupuncture treatments were initially viewed in this country as an alternative medical treatment without proven efficacy. In fact, the medical community in general frowned upon this approach to the treatment of pain. Despite the misgivings of established medicine, I pursued this treatment which I found very helpful in relieving my neck and back pain. I am glad that this treatment modality was available. Others should have access to such care if he or she determines such care is appropriate.

I am pleased to cosponsor this legislation with my colleague, Senator DASCHLE, and urge expeditious and favorable consideration of this important step forward in opening the door a little wider to alternative medical treatments. Patients deserve to walk through that door if they so choose.•

By Mr. BINGAMAN:

S. 2141. A bill to provide a grant program to award grants to certain rural communities that provide emergency medical services for Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

EMERGENCY MEDICAL SERVICES ACT OF 1994

• Mr. BINGAMAN. Mr. President, I introduce legislation to authorize the Department of Transportation to establish a program providing grants to eligible rural communities which furnish emergency medical services to travelers on Federal-aid highways and which submit an application that is approved by the Secretary.

Many small, rural communities are increasingly asked to bear the burden of providing life saving, emergency medical services to victims of accidents along our Nation's Federal highway system. These communities have done this willingly and remarkably well given their meager resources. However, for many communities the burden has become practically overwhelming.

Mr. President, a recent accident along a stretch of U.S. Interstate 40 provides a poignant example of the difficulty which many of our Nation's small communities face in providing EMS services to accident victims along Federal-aid highways. A family of seven was traveling in two separate vehicles on I-40 in route to a ski vacation in Taos, NM. The family was originally from Ireland but currently reside in Plano, TX. As the family was passing a semitrailer, a strong gust of wind pushed the vehicle off the highway and the driver lost control. The second family vehicle was following closely and also lost control. Both vehicles rolled and all but one of the family members were thrown from their vehicles.

Guadalupe County Hospital, located in Santa Rosa, NM, a small town of 2,200 people, responded to the accident scene. The nearest trauma center was located 120 miles away in Albuquerque, NM. Mr. President, because of the efforts of this small, rural hospital, I am happy to report that all seven members of the family survived the accident. This is an example of the importance of the service that our rural communities provide to victims of accidents along Federal-aid highways. Guadalupe County Hospital employees and volunteers provide this service under tremendous budgetary constraints that all too often leaves them with substandard equipment and inadequate funds to provide training.

Mr. President, I believe that we have a responsibility to help our Nation's rural communities in their efforts to save lives and provide emergency medical service to our Federal highway system. And, I believe that this is a responsibility that is not being met by current Federal programs because our smallest communities often find that available resources are depleted long before they reach our small rural areas like Santa Rosa.

That is why I am today introducing this legislation to provide communities with populations of 10,000 or less, and that are located at least 100 miles from the nearest urban center with a population of 500,000, with grants to purchase ambulances and other emergency medical equipment, and to provide training to emergency medical personnel.

I am pleased to support our Nation's rural communities in their mission to provide quality medical care to travelers from all States on our Federal highways.

It is my hope that we will be able to move swiftly to pass this legislation, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act:

(1) COMMUNITY.—The term "community" means an incorporated or unincorporated town or village (or equivalent municipal entity) with a population of fewer than 10,000 individuals, as determined by the Bureau of the Census in the census conducted by the Bureau in 1990.

(2) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(3) RURAL COMMUNITY.—The term "rural community" means a community that is located at a distance of at least 100 miles from an urban center.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) URBAN CENTER.—The term "urban center" means a municipality with a population of 500,000 or more individuals, as determined by the Bureau of the Census in the census conducted by the Bureau in 1990.

SEC. 2. GRANTS TO RURAL COMMUNITIES FOR EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a grant program to provide grants to eligible rural communities that provide services to Federal-aid highways and that submit an application that is approved by the Secretary. An application submitted under this subsection shall be in such form as the Secretary may prescribe.

(b) ELIGIBLE RURAL COMMUNITY.—A rural community that expends not less than 25 percent of the funds allocated by the community for emergency medical services for services provided for medical emergencies that occur in the vicinity of a Federal-aid highway shall be eligible to receive a grant under this section.

(c) ELIGIBLE COSTS.—A grant awarded under this section may be used by an eligible rural community to—

(1) purchase ambulances and other emergency medical equipment; and

(2) provide training to emergency medical personnel.

(d) AMOUNT OF GRANT.—The amount of a grant awarded under this section may not exceed $20,000.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Transportation $10,000,000 to carry out this Act.●

By Mr. LAUTENBERG:

S.J. Res. 193. A joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month"; to the Committee on the Judiciary.

MULTIPLE SCLEROSIS ASSOCIATION OF AMERICA MONTH

● Mr. LAUTENBERG. Mr. President, I introduce legislation that will designate May, 1995 as "Multiple Sclerosis Association of America Month." The Multiple Sclerosis Association of America has worked diligently and now is marking its 25th year of service to multiple sclerosis sufferers. There are over 500,000 individuals in the United States with MS or related neurological disorders and there is no cause, cure or prevention for MS. The goals of the Multiple Sclerosis Association of America are to enhance the quality of life for multiple sclerosis sufferers and their families and to promote, expand and encourage public awareness and knowledge as to the needs and day-to-day concerns of MS patients.

Multiple Sclerosis Association of America members and their families are provided the following services free of charge: a toll-free hotline, peer counseling, patient educational information and referral, loan of therapeutic equipment, barrier-free housing facilities, bimonthly newsletter, and microclimate cooling through NASA technology.

I ask my colleagues to join me in designation the month of May "Multiple Sclerosis Association America Month." This will be a great opportunity to support our constituents who are concerned about health care and working hard to deal with the effects of this illness.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 193

Whereas in 1995, the Multiple Sclerosis Association of America will observe its 25th year of service to individuals suffering from multiple sclerosis, and their families;

Whereas over 500,000 individuals in the United States suffer from multiple sclerosis or other neurological disorders;

Whereas no cause, cure, or prevention for multiple sclerosis has yet been discovered;

Whereas the goals of the Multiple Sclerosis Association of America are to enhance the quality of life for multiple sclerosis sufferers and their families, and to promote, expand, and encourage public awareness and knowledge regarding the needs and daily concerns of individuals suffering from multiple sclerosis; and

Whereas members of the Multiple Sclerosis Association of America and their families are provided, free of charge, with a toll-free hotline, peer counseling, educational information, treatment referrals, loans of therapeutic equipment, barrier-free housing facilities, a bimonthly newsletter, and, through technology developed by the National Aeronautics and Space Administration, a protective suit designed to cool the body temperature of individuals suffering from multiple sclerosis in order to help restore demyelinated nerves: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) May 1995 is designated "Multiple Sclerosis Association of America Month"; and

(2) the President is authorized and requested to issue a proclamation—

(A) calling on the people of the United States to observe May 1995 with appropriate ceremonies and activities; and

(B) urging appropriate Federal agencies, and interested organizations, groups, and individuals, whenever possible, to promote the fact that the Multiple Sclerosis Association of America provides free services which are designed to assist individuals suffering from multiple sclerosis and their families and to assist the Multiple Sclerosis Association of America achieve its goal of providing a higher standard of living for all Americans afflicted with multiple sclerosis.●

By Mr. STEVENS (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRADLEY, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. DASCHLE, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mrs. FEINSTEIN, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. HATFIELD, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LOTT, Mr. LUGAR, Mr. MATHEWS, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, MS. MIKULSKI, Mr. MITCHELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SASSER, Mr. SIMPSON, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WOFFORD):

S.J. Res. 194. A joint resolution to designate the second week of August, 1994, and the second week of August, 1995, as "National U.S. Seafood Week"; to the Committee on the Judiciary.

NATIONAL U.S. SEAFOOD WEEK

Mr. STEVENS. Mr. President, I introduce a joint resolution to designate the second week of August each year as "National U.S. Seafood Week."

Through this joint resolution we seek to increase the awareness of American consumers of the availability and superior quality of domestically produced seafood.

The joint resolution also recognizes the importance of the commercial seafood industry—both the wild harvesting sector and aquaculture producers—in the United States.

The U.S. seafood industry provides hundreds of thousands of jobs to fish harvesters, growers, processors, managers, biologists, ship builders and suppliers, shippers, carriers, marketing personnel, wholesale and retail sellers, grocers and others.

Our domestic seafood industry produces roughly 10 billion pounds of seafood each year.

American consumers need to be more aware of the vast diversity, quality and availability of U.S. seafood.

Fresh seafood is commercially harvested from the oceans of every region of the country.

I would be remiss not to mention that roughly 6 billion pounds of seafood is harvested each year off Alaska alone.

Despite the availability of so much domestic seafood, American consumers eat only about 15 pounds annually.

Our counterparts in other industrialized nations eat over 50 pounds of seafood each year.

It is also unfortunate that a significant portion of the seafood Americans eat is imported.

The United States is the largest exporter of seafood in the world, but we are also the second largest importer of foreign seafood products.

We are shipping our superior quality U.S. seafood overseas, instead of eating it ourselves.

The average American consumer is unknowingly purchasing foreign seafood when superior quality domestic seafood could be available.

We hope this joint resolution will increase awareness and encourage Americans to consume more of a sustainable and healthy natural resource which is made in the U.S.A.

We hope that the fishing industry, consumer groups, the Departments of Commerce and Agriculture, the President, and every American will help us to celebrate National U.S. Seafood Week this year and in years to come.

We in the Congress and in the administration have recently spent considerable time working on a package to improve our health care system in the United States.

Well, I would point out that the commercial fishing industry has been making a tremendous contribution to the health of Americans by providing a truly healthy protein source.

In a time when we need to decrease the costs associated with health care, a healthy diet of seafood is both a prudent and tasty way for individuals to contribute.

I am proud to work with and thank Senator KERRY for his work on this joint resolution, and the 55 of my colleagues in the Senate who have agreed to be original cosponsors of the bill.

I would also like to thank two bright young Alaskans who helped in developing this joint resolution.

Kristi O'Hara of Naknek, AK, an intern in my office earlier this year, first suggested the concept of a National U.S. Seafood Week to me; and

Kristen Richmond of Anchorage, AK, who is part of my permanent staff, helped draft the joint resolution and worked to bring it to the attention of my colleagues in the Senate.

Their generation and future generations will benefit the most if Americans—particularly young Americans—begin eating more seafood, and make seafood a lifelong habit.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 194

Whereas, seafood is an important natural resource commercially harvested from the waters of every region of the United States;

Whereas, an increasing amount of seafood is also available through United States aquaculture production;

Whereas, the United States seafood industry provides hundreds of thousands of jobs and includes fish harvesters, growers, processors, managers, biologists, ship builders and suppliers, shippers, carriers, marketing personnel, wholesale and retail sellers, grocers and others;

Whereas, the buying and consumption of American seafood products boosts our national economy and supports the "Made in the USA" theme;

Whereas, seafood is one of the healthiest forms of protein, and is low in calories, fat and cholesterol;

Whereas, seafood is being processed in increasingly creative forms to provide a vast market and a great variety of products;

Whereas, each United States citizen consumes an average of 15 pounds of seafood annually, while citizens of some other industrialized fishing countries each consume over 50 pounds of seafood annually;

Whereas, the United States harvests and produces 10 billion pounds of seafood annually;

Whereas, the United States is the largest exporter of seafood in the world, but also the second largest importer of seafood, and domestic seafood which could be consumed by United States citizens is being exported to other countries;

Whereas, the average American consumer will unknowingly purchase foreign seafood due to a lack of awareness about the availability and superior quality of domestic seafood;

Whereas, competition in the world seafood market has increased, in part due to the subsidization of foreign seafood industries, particularly foreign aquaculture;

Whereas, domestic seafood is one of the nation's most valuable sustainable natural resources; and

Whereas, the United States could become a much healthier nation simply by eating a better diet, including eating more domestic seafood: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of August, 1994, and the second week of August, 1995, be designated as "National U.S. Seafood Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

• Mr. KERRY. Mr. President, today I would like to express my support of the joint resolution that Senator STEVENS and I are introducing designating the second week in August as "National U.S. Seafood Week." This joint resolution would recognize the role of the United States commercial seafood industry—including both those who fish the open seas and aquaculture producers—in supplying its valuable products to American consumers. The seafood industry, a vital and historic component of the culture of the Commonwealth of Massachusetts, nationwide also provides hundreds of thousands of jobs for fisherman, growers, processors, managers, biologists, shipbuilders and suppliers, shippers, carriers, marketing personnel, wholesale and retail sellers, grocers, restaurateurs, and others.

National U.S. Seafood Week would increase the awareness of the important differences between domestic and imported seafood products. Many American consumers are not fully aware of the availability and superior quality of the roughly 10 billion pounds of U.S. seafood products produced each year by the domestic seafood industry.

National U.S. Seafood Week will help to educate American consumers about the availability and high quality of domestic seafood, and to encourage the increased consumption of this valuable and nutritious natural resource. The awareness of the superiority of domestic products will help ensure that those involved in the harvesting, producing, processing and selling of U.S. seafood products will receive fair compensation for their efforts, which in turn, will help guarantee the sustainable harvesting and production of these precious resources.

I urge the speedy passage of the joint resolution.•

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. KERRY, Mr. MURKOWSKI, Mr. LIEBERMAN, Mr. MITCHELL, Mr. REID, Mr. WOFFORD, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. WALLOP, Mr. WARNER, Mr. MOYNIHAN, Mr. KENNEDY, Mr. SARBANES, Mr. HOLLINGS, Mr. HEFLIN, Mr. GLENN, Mr. FORD, Mr. CONRAD, Mr. CAMPBELL, Mr. MACK, Mr. KOHL, Mr. SMITH, Mr. COCHRAN, Mr. BINGAMAN, Mr. DODD, Mr. D'AMATO, Mr. LEVIN, Ms. MIKULSKI, Mr. JOHNSTON, Mr. WELLSTONE, Mr. MATHEWS, Mrs. FEINSTEIN, Mr. NUNN, Mr. BRADLEY, Mr. FEINGOLD, Mr. GRAHAM, Mr. DURENBERGER, Mr. METZENBAUM, Mr. DOLE, Mr. THURMOND, Mr. PRESSLER, Mr. LOTT, Mr. HATCH, Mr. MCCAIN, Mr. SPECTER, Mr. BIDEN, and Mr. DOMENICI):

S.J. Res. 195. A joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

• Mr. DECONCINI. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I am pleased to introduce today, together with several of my colleagues, a joint resolution to authorize and request the President to designate August 1, 1994, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki to sign the Final Act of the Conference on Security and Cooperation in Europe [CSCE], also referred to as the Helsinki Accords. This agreement launched a dynamic process which has contributed to the positive changes which have occurred in Europe in recent years. The Final Act, the seminal document of this process, covers major aspects of East-West relations, including military security, trade, economic cooperation, environment, scientific and cultural exchanges, as well as human rights and fundamental freedoms.

Membership in CSCE has grown significantly in light of sweeping political developments in Europe, including the demise of the Soviet Union and the former Yugoslavia. Today, 53 countries are participants in the CSCE process—51 Eurasian states, Canada and the United States.

Human rights remains the cornerstone of the CSCE process. The participating States have recognized that human rights and fundamental freedoms are the birthright of all human beings and that the protection and promotion of these rights is the first responsibility of government. The CSCE remains firmly committed to human rights, democracy and the rule of law, and has encouraged peaceful change through free and fair elections.

Over the years, the CSCE has inspired individuals and groups to speak out on behalf of those denied their human rights. It has also served as a useful forum in which individual human rights cases could be raised. Hundreds of political prisoners have been released and thousands of families reunited as a result of the pressure brought to bear within the framework of the Helsinki process. It has also been successful in chipping away at the barriers which artificially divided Europe for decades. We can be proud of our record of strong support for the CSCE.

Today, Europe is attempting to liberate itself from the legacy of the past, though problems persist. Of particular concern is the continued war of aggression and genocide waged against the people of Bosnia-Herzegovinia. In addition, several of the newly independent states of the former Soviet Union, as well as tensions in Russia's relations with a number of neighboring states, are also cause for concern. The CSCE can play an instrumental role in addressing these issues and others which have serious consequences for the future of Europe. It can also further contribute to the political and economic transition taking place in much of East-Central Europe and the former Soviet Union

The resolution we introduce today reaffirms our commitment to the Helsinki Accords and the vital importance of respect for human rights and fundamental freedoms in advancing security and cooperation in Europe.

Mr. President, I urge my colleagues to support the adoption of this resolution and ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 195

Whereas August 1, 1994, is the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared their determination to fully respect and apply the Helsinki Principles Guiding Relations among participating States, including respect for human rights, the territorial integrity of states, and the inviolability of frontiers;

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and has threatened stability and security in Europe;

Whereas ethnic tensions, civil unrest, and egregious human rights abuses in several of the recently admitted CSCE States continue to result in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1994, the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.•

ADDITIONAL COSPONSORS

S. 373

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 373, a bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1443

At the request of Mr. EXON, the name of the Senator from Colorado [Mr.

BROWN] was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1465

At the request of Mr. HARKIN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1465, a bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 2041

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 2041, a bill to encourage beneficiary developing countries to provide adequate protection of intellectual property rights, and for other purposes.

S. 2062

At the request of Mr. INOUYE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2114

At the request of Mr. BIDEN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. CONRAD], the Senator from Alaska [Mr. STEVENS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 2114, a bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Washington [Mr. GORTON] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week."

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

AMENDMENTS SUBMITTED

TECHNICAL CORRECTION ACT OF 1994

MCCAIN (AND INOUYE) AMENDMENT NO. 1736

Mr. FORD (for Mr. MCCAIN, for himself, and Mr. INOUYE) proposed an amendment to the bill (S. 1654) to make certain technical corrections; as follows:

On page 1, strike all of Section 1 and insert in lieu thereof the following:

(a) ENVIRONMENTAL COSTS.—Section 7 of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102–374, 106 Stat. 1186 et seq.) is amended by adding the following new subsections (f) and (g) and redesignating the succeeding subsections accordingly:

"(f) ENVIRONMENTAL COSTS.—All costs associated with the Tongue River Dam Project for environmental compliance mandated by federal law and fish and wildlife mitigation measures adopted by the Secretary are the sole responsibility of the United States. Funds for such compliance shall be appropriated pursuant to the authorization in subsection (e), and shall be in addition to funds appropriated pursuant to Section 7(b)(1) of the Act. The Secretary is authorized to expend not to exceed $625,000 of funds appropriated pursuant to subsection (e) for fish and wildlife mitigation costs associated with Tongue River Dam construction authorized by the Act, and shall be in addition to funds appropriated pursuant to Section 7(b)(1) of the Act."

"(g) REIMBURSEMENT TO STATE.—The Secretary shall reimburse Montana for expenditures for environmental compliance activities, conducted on behalf of the United States prior to enactment of this subsection (g), which the Secretary determines to have been properly conducted and necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this subsection (g), the Secretary may not reimburse Montana for any such environmental compliance activities undertaken without the Secretary's prior approval."

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102–374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsection 7(b)(1)(A), 7(b)(1)(B), and the authorization for environmental compliance activities for the Tongue River Dam Project contained in subsection 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

MCCAIN (AND INOUYE) AMENDMENT NO. 1737

Mr. FORD (for Mr. MCCAIN, for himself, and Mr. INOUYE) proposed an amendment to the bill S. 1654, supra; as follows:

"At the end of the bill add the following:

"Section 16 of the Act of June 18, 1934 (25 U.S.C. 476) is amended by adding at the end of the following new subsections:

"(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Department or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934, (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

"(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privilable and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Tuesday, May 24, 1994, beginning at 2:30 p.m., in 628 Dirksen Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act, and on S. 2074, the Crime Victim Assistance Improvement Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings on "International Organized Crime and Its Impact on the United States."

This hearing will take place on Wednesday, May 25, 1994, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on implementation of DOE's alternative fuel vehicle and fleet programs.

The hearing will take place on Thursday, June 16, 1994, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Street, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the committee staff at 202/224-9607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 19, 1994, at 9:30 a.m. in executive session, to discuss pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 19, beginning at 2 p.m. to conduct a hearing on the risks and regulation of financial derivatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, May 19, at 9:30 a.m. for a hearing on: Regulatory Review and Paperwork Reduction Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 19, 1994, at 8 a.m., to be reconvened in the afternoon, for an executive session to consider the Health Security Act.

The PRESIDING OFFICE. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Production and Stabilization of Prices be allowed to meet during the session of the Senate on Thursday, May 19, 1994, at 10 a.m. in SR-332, on the crop insurance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 19, 1994, to receive testimony on H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; and H.R. 4034, to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes; S. 523, to expand the Fort Necessary National Battlefield, and for other purposes; S. 2089, to authorize the establishment of the Steamtown national historic site, and for other purposes; S. 1652, to amend the National Trails System Act to designate the great western trail for potential addition to the National Trails System, and for other purposes; and S.J. Res. 152, to designate the visitors-center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, May 19, beginning at 3 p.m., for the sole purpose of discussing the chairman's Mark for superfund reauthorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONNTREK

• Mr. LIEBERMAN. Mr. President, I rise today before you to acknowledge the young participants of ConnTrek. These students, in grades 4 through 9, spend 1 week in the summer to walk 100 miles across Connecticut to raise money to send children with cancer to Paul Newman's Hole in the Wall Gang Camp.

ConnTrek was founded in 1987 by a small group of middle school children from Tolland who were inspired by the book "A Walk Across America" by Peter Jenkins, which tells the story of a man who traveled on foot across the entire Nation. Motivated by the book, these ambitious sixth graders decided to raise money for charity while following Mr. Jenkins' example.

Among the charity organizations ConnTrek has been able to help in the past are the March of Dimes and the American Cancer Society. In addition, ConnTrek has aided an individual with cancer who had no insurance. For the past 3 years, ConnTrek has contributed to Paul Newman's Hole in the Wall Gang Camp in Ashford, CT.

Through the years, ConnTrek has grown to include children from the towns of Pawcatuck, Tolland, Lebanon, Columbia, South Windsor, East Hampton, and Old Lyme. Each year, the Connecticut Army National Guard provides the 100-mile escort for the children.

ConnTrek has received commendations from several important individuals including President George Bush, Connecticut Governor O'Neill, and Connecticut Governor Weicker. The organization has also been commended by the Congress of the United States and the Connecticut General Assembly.

The children who participate in ConnTrek should be recognized a very special group of youths. By selflessly giving their time and energy in helping others, these students have demonstrated that youths today can make a difference in the world. Thus, it is with great pride that I thank and congratulate the young participants of ConnTrek in their seventh annual walk-a-thon.•

REMARKS MADE BY HON. HECTOR LUIS ACEVEDO

• Mr. SIMON. Mr. President, Hector Luis Acevedo, the mayor of San Juan and the chairman of the National League of Cities [NLC] Task Force on Violence gave an outstanding speech entitled "Ten Considerations on Violence" at the NLC Congressional City Conference in March. Many of the areas he points to as serious concerns—the negative impact of television violence on our society, the interrelationship of poverty and violence, and the importance of measures to control the proliferation of gun violence in our country—are issues I have worked on for years. I share these concerns and commend him for bringing them to the Nation's attention.

I urge my colleagues to consider the important issues Mayor Acevedo raises and the suggestions he offers in his speech. I ask that the text of his speech be entered into the RECORD.

The remarks follow:

TEN CONSIDERATIONS ON VIOLENCE

INTRODUCTION

Normally when we are going to speak about crime, we call the police. This time we are calling the doctor. As elected officers we have to look for alternatives to solve the problems of our people. Regarding violence in our society in the past we have concentrated our focus in reacting to violence through the criminal justice system, neglecting strategies of violence prevention through the public health sector.[1]

Let's reflect on some vital considerations regarding violence.

1. Learned behavior

"We must understand that violence is not inevitable."[2]

We know that violence is a learned behavior. Most contemporary psychologists agree that aggression is a learned behavior, and thus behavior that can be unlearned.

There is a scientific consensus that aggressive and violent behaviors are learned responses to frustration, that violence can also be learned as an instrument for achieving goals, and that such learning occurs through observation—whether in the family, among peers, somewhere in the neighborhood, or through mass media.[3]

Research on the cycle of violence within the family have shown that children who are physically abused or neglected are more likely than others to abuse their own children, and that children who witness parental violence also are more likely to use physical violence against others.

Because violence is a learned behavior, exposure to violence in the family is a determinant factor on the transmission of violence, whether across generations or within community perimeters.

2. Violence is an American problem

A fundamental starting point in our analytical endeavors must be the recognition that violence is, truly, an American problem, not an international problem. The statistics are relentless, and the tendency is regrettably crystal-clear:

1980, U.N. World Health Organization statistics—the American homicide rate was topped only by that of Guatemala, Thailand, and my own homeland, Puerto Rico—which is a Commonwealth of the United States.

1985, Same source places Puerto Rico first, with a homicide rate of 30.6 per 100,000 for males of all ages, followed by Paraguay with 13.6, and mainland U.S.A. with 12.7.

1986, American Medical Association—comparing homicide rates for young men in developed nations, the U.S. rate of 21.9 per 100,000 young males was between four (4) and seventy three (73) times higher than the homicide rates for young males in any other industrialized nation.

1988, Interpol—The American homicide rate for all races and every age group was 8.4 per 100,000 as compared to slightly over 2.0 per 100,000 in Spain and slightly less than 2.0 per 100,000 in England.

The latest international statistics from the National Center for Health Statistics 1990, and World Health Organization Statistics Annuals 1990 and 1991, are much bleaker—and, a picture being sometimes more eloquent than words, this graph dramatically displays violence as a grave American problem when compared to the rest of the world.

3. Poverty concentration and violence

While undoubtedly, violence is learned behavior, we cannot, must not, lose sight of the structural dimensions of violence. However we might try—and we must try, to re-educate, and to unlearn violent behavior—no long-term changes in values or culture can occur without broad, deep, institutional changes to truly reduce societal inequality.[4]

There are numerous dimensions of poverty related to high rates of violence, including the concentration of poverty, instability in resident population, overcrowding, few or weak neighborhood ties, and family disruption[5]—aggravated, unfortunately yet almost invariably, by a parallel illegal economic system of drug traffic and drug availability . . . . what, in a nutshell, Deborah Prothrow-Stith calls the "concentration effects" of living in a neighborhood that is overwhelmingly impoverished.

The poor and minorities are doubly chastised—by poverty itself, with all its inherent harshness, and by the sequence of violence that poverty undoubtedly entails. The Centers for Disease Control—after systematic review of data and research on violence—so concludes, in no uncertain terms, and I quote: "The evidence is consistent and compelling that poor people bear a disproportionate share of . . . violence in our society. Homicide victimization rates consistently have been found to be highest in those parts of cities where poverty is most prevalent. In 1991 the risk of becoming a victim of a nonfatal violent assault in the United States was three times greater for persons from families with incomes below $7,500 than for those with family incomes above $50,000".

Large cities, meaning cities that include "those parts where poverty is most prevalent", together with high population density, high population turnover, and physical characteristics that propitiate criminal activity are, demonstrably, more vulnerable to violence, as shown in graphs relating violence rates by city size.

Poverty, race, ethnicity, and violence, are statistics that are tragically intermeshed:

The lifetime probability of murder victimization was 1 out of 153 for the average American, and 1 out of 28 for a black American—and if a young black man dies, the odds are 1 out of 3 that his death will be due to homicide.

Ethnicity is also an important determinant as shown by mortality data where the overall homicide rate for Hispanic men more than triples the rate for white men—and in younger male groups almost 5 times that of white males.

"The UCR Supplementary Homicide Report discloses that most victims in single offender-single victim homicides are slain by an offender of the same ethnic status."[6]

These sad statistics are summarized in graphs and table accompanying my presentation. However, beware of blind comparisons between white versus black or minority violence, which so often mirror racial politics instead of providing valuable insights.

These comparisons, as has been scientifically demonstrated, do not reflect genetic inferiority or cultural aberrations, but rather the impact of sheer poverty.

As we take up the mission of controlling violence, we must be fully cognizant and powerfully determined to address the many social and economic problems that are yet to be addressed in our country: poverty and its concomitants—poor housing, poor education, joblessness, and a sense of isolation and powerlessness about the future.

4. Gun control, or preventing firearm injuries

We must succeed in reducing violent uses of at least some types of guns, and make sure that those not be replaced with more lethal weapons. We must be aware of the reduced margin of effectiveness of laws regarding guns like the Brady Bill. Over 80 percent of the firearms used in crimes are obtained by theft, or illegal, or unregulated transactions, which means we must disrupt illegal gun markets, block juvenile access to firearms, and progressively persuade society to become less dependent on individual gun ownership.

5. Strategy to jail has not been the solution

Clearly, jails have not been a sufficient response. Today we have more people in prison than ever before—average prison time served per violent crime roughly tripled between 1985 and 1989—and if that punishment were sufficient deterrent, criminal incidence should be declining, yet FBI statistics indicate the opposite.[8]

Preeminent in this urgent search for new analytical tools and strategies is the public health approach to preventing violence. Its primary conviction, based both on previous successful initiatives and on time-series analysis of violence, is that violence is not inevitable, that it can be prevented. With prevention of violence as its target, the public health strategy relies and expounds a renewed determination to apply the scientific method to the solution of social problems, to do so in a multi-disciplinary manner, to interlock diverse government and private entities, and to enlist communities in truly strong grass-roots movements.

6. Public policy in public housing

When the better role models in high-risk communities are penalized with higher-rentals—such as 30% of family income the community becomes destabilized. This policy exacerbates the "concentration effects" of ghetto poverty, provoking an exodus of poor working class families, whose departure removes important role models and important social buffers.

As more affluent and stable populations move out of poverty areas, the communities left behind have lost their most effective role models and institutional leaders. Those remaining behind find themselves ignored or threatened, and younger, "glamorous", and at least temporarily successful, drug dealers, take over and appeal to the very young.

A maximum fixed rent for public housing residents is an urgent, practical, and direct public policy that should be adopted immediately.

7. Role of violence idols

Violence being a learned behavior, children imitate aggressive conduct that they have seen others use to their advantage, whether the observed is seen on TV or in person. TV shows many times project the inhuman traits of violent people—who never change, who never learn their lesson, who never evolve to pro-social attitudes. "It has been reported that in the movie Total Recall we saw 74 deaths, in RoboCop 81, 106 in Rambo III, and 264 dead in Diehard II."[9]

Footnotes at the end of article.

And beyond the influence of the TV violence strategist, and the violent father, stepfather, or transient male figure, and the success and glamour of the neighborhood drug-dealer, are the roles of violence idols. We should have a media campaign on TV and movie theaters neutralizing the romantic view of violence and promoting non-violent values.

8-9. Early intervention and education for life

Because violent behavior is learned early, a key consensus upon which to build violence prevention strategies is early intervention. Whatever scholarly or ideological differences may prevail concerning the causes of violence, or regarding control strategies and dollar investments, there is no dispute regarding the critical character of early intervention. Attorney General Janet Reno has stated "The most formative time of a person's life is in the ages of 0 to 3 when they learn the concept of reward and develop the sense of a conscience and punishment". Within the public health approach, early interventions are considered the most effective interventions in the long run because they shape attitudes, knowledge, and behavior while the subjects are still open to positive influences. A major conclusion of a ten-year study by the Harvard School of Public Health examining what steers inner-city children towards crime, relates to early intervention: "Our rationale for the focus on early childhood is not that we believe that interventions in this period offer a panacea to control violence but rather that it is a period during which the central nervous system changes rapidly and profoundly and during which the attitudes and habits of children are formed".

However, one must be aware that early intervention is not a lifelong vaccine against violence, because of the wide variety of influences that over a lifetime affect every person, thus requiring sustained and reinforced efforts to promote pro-social attitudes and behavior.

It has been demonstrated that violent behavior results from a complex interplay of multiple factors, and progressively there is a conviction that violent behavior may be triggered over multiple points in a life span. Hence, evidence suggests that early intervention must be followed by "boosters" to maintain positive pathways in social conduct. We are, then, speaking of education for life.

We should include integrated conflict-resolution educational programs in schools and communities. We educate for math, reading and writing, we should educate ourselves to solve problems, to confront our anger, peer pressure, and other situations of real life.

10. We need the police

Police, courts, jails, drug treatment on demand, are indispensable tools for combatting violence. A competent criminal investigation system and efficient prosecution of criminals are vital strategies. Community policing goes in the right direction.[10] The certainty or probability of catching a criminal is more important than the amount of time he serves in jail.[11]

PREVENTION STRATEGIES AND RECOMMENDATIONS

Violence, in many of our cities, is the foremost fear, and in those cities—and nationwide—it is the foremost concern and top programmatic priority.

Nationwide, the most systematic and comprehensive efforts to understand and control violence, at this most difficult and complex juncture, are those conducted by the Centers for Disease Control, specifically its Injury Control Division headed by Dr. Mark Rosenberg; the encyclopedic examination of violence conducted by the National Research Council; and President Clinton's inter-agency work group on violence prevention chaired by Peter Edelman, counselor to the Health and Human Services Secretary Donna Shalala.

Panoramically, the key strategies advocated by these most authorized sources include: recommendations for social and cultural changes, innovations and strengthening of health and social services, upgrading the effectiveness of the criminal justice system, and changes in the environment and other physical circumstances that either facilitate or discourage violent acts.

In closing, I wish to underline one additional very strong point of consensus regarding strategies for the control of violence. The complexity of violent behavior, compounded with each community's unique conditions and perceptions, precludes generic prescriptions or uniform formulas. Each city, indeed, each community, must conduct its own fact-finding and analysis to determine which interventions are most promising in their particular setting—and be willing to test, revise, and persevere in this most crucial social responsibility.

We as elected officers have a historic role in promoting the quality of life of our people. Let's go for it.

APPENDIX: OVERVIEW OF POLICY RECOMMENDATIONS

Centers for Disease Control

Decrease the cultural acceptance of violence.

Reduce racial discrimination and the effects of racism.

Reduce gender inequality and support more flexible male role models.

Reduce the consumption of alcohol and other drugs

Teach conflict-resolution skills.

Increase education for family life, family planning and child rearing.

Support families through community-based services.

Remedy problems in the medical recognition of violence, and decrease disincentives for medical personnel to become involved.

Improve treatment for victims of violence—including consequences other than injuries—and decrease financial barriers to care for victims.

Improve the health care system's capacity for identifying the perpetrators of violence, reporting victims of interpersonal violence, and improving cooperation between the health care systems, police departments, and schools.

Focus on prevention and treatment of conditions related to alcohol and drug abuse, and train high risk adolescents, making jobs available for them.

Treat physical assaults among family, intimates, and acquaintances as criminal behavior, and train police and citizen intervention teams to mediate in such disputes.

Improve linkages in police and social services responses to violence.

Establish citizen surveillance and silent-witness programs, facilitate victims' access to legal services, and establish assistance programs for victims and witnesses.

Implement strategies to change environmental factors, including reduction of access to firearms, "defensible space construction", and physical protection or barriers in high risk settings and occupations.

National Research Council

Problem-Solving Initiatives—sustained in 6 specific areas:

Intervening in the biological and psychosocial development of individuals' potentials for violent behavior.

Modifying places, routine activities, and situations that promote violence, with special attention to commercial robberies and high risk situations for sexual violence.

Maximizing the violence reduction effects of police interventions in illegal drug and firearm markets.

Modifying the role of commodities, such as firearms, alcohol and other drugs, in promoting or inhibiting violent events.

Intervening to reduce potentials for violence in bias crimes, gang activities, and community transitions.

Implementing a comprehensive initiative to reduce partner assault.

Improved Statistical Information Systems

Research in Neglected Areas

Multicommunity Longitudinal Studies

White House Inter-Agency Group

Improved anti-violence curricula and mediation training in schools.

Create youth development initiative that connect adolescents to adult mentors and role models, the job market, and year-round academic and recreational opportunities.

Improve intervention and alternative sentencing mechanisms for youth on the brink of serious trouble.

Support community-based efforts to heal racial and cultural divisions and prevent hate crimes.

Strengthen family preservation to prevent family violence.

Support sensible strategies to reduce gun violence.

Enlist news and entertainment media to reexamine, and to deliver anti-violence messages.

Examine more closely the connection between substance abuse and violence.

Develop research to determine which violence prevention strategies work best in which settings.

Assist local law enforcement efforts to protect communities and citizens in their everyday life.

FOOTNOTES

[1] See Koop and Lundberg, *Violence in America: A Public Health Emergency*, JAMA, June 10, 1992, page 3,075.

Mercy, Rosenberg et al, "Public Health Policy for Preventing Violence", *Health Affairs*, Winter 1993.

Rosenberg, O'Carroll, and Powell, "Violence is a Public Health Problem", JAMA, June 10, 1992, page 3,071.

Deborah Prothrow-Stith, "The Epidemic Of Violence and its Impact on the Health Care System", *Henry Ford Hospital Medical Journal*, Vol. 38, Nos. 2 & 3, 1990.

[2] Deborah Prothrow-Stith, *Deadly Consequences*, New York: Harper Perennial, 1991, p. 185.

[3] Albert J. Reiss, Jr. and Jeffrey A. Roth, eds., *Understanding and Preventing Violence*, Washington, D.C.: National Academy Press, 1993, p. 7.

[4] "Numerous studies point to the fact that it is poverty rather than race that makes victims vulnerable to homicide . . . Homicide rates soar in neighborhoods where men have no jobs or job prospects, children are raised without fathers, and social institutions are in disarray." See Prothrow-Smith, p. 17.

[5] "In studies of neighborhood rates of violent crime, measures of the density of multi-unit housing, residential mobility, and the prevalence of disrupted family structures generally accounted for more variation than did measures of poverty and income inequality." See Reiss and Roth, p. 133.

[6] Reiss and Roth, p. 64.

[7] Reiss and Roth, p. 18–19.

[8] Reiss and Roth, p. 6.

[9] Prothrow-Stith, p. 30.

[10] Reiss and Roth, p. 19.

[11] Reiss and Roth, p. 19.●

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in our country. I would like to tell you about the Bawol family of Warren, MI. David Bawol visited one of my State offices earlier this year to share his family's struggles with the high cost of health services without health insurance coverage.

Davis is 50 years old and his wife, Margaret, is 44 years old. Their 19-year-old son, Scott, lives at home with them and is currently looking for a full-time job. David is an auto mechanic by trade, and during his career the service stations and auto repair shops he worked for never offered his family health insurance coverage.

For the past several years, David has been unable to work because he suffers from glaucoma, a degenerative eye condition. His vision deteriorated over time to the point that he was unable to see well enough to work. The glaucoma eventually left him blind in one eye, and partial vision in his other eye was only spared through surgery. Prescription medication now controls the disease from progressing.

When David left his job, his family was forced onto the Federal program Aid for Families With Dependent Children [AFDC], until Margaret was able to find work. While they received AFDC they were covered by Medicaid, which paid for David's surgery, but they lost that insurance when Margaret went to work. David applied for Social Security disability benefits but was denied because he is not considered legally blind. And although he has worked all his adult life, he is too young to be eligible for Medicare.

Working full time as a spot welder at a local shop, Margaret makes about $900 per month to support her family. Margaret's employer does offer health insurance, but Margaret and David cannot afford their required premium share of $160 per month, that amount represents 18 percent of their income.

But the cost of being without insurance is high for the Bawol family. In January of this year, Scott sprained his knee and incurred over $700 in health care bills for the injury. They are making monthly payments to the hospital and physicians to pay off the charges. David must go to the eye doctor every 90 days for checkups to monitor his glaucoma condition. The cost of a single office visit is between $50–$100. In addition, David pays over $50 per month for his prescriptions. Although Margaret is currently healthy, she puts off dental and vision care because they do not have the resources to pay it.

Mr. President, families like the Bawols deserve to have the guarantee of affordable health insurance coverage. When a low-income family cannot afford health insurance, they are forced to take upon themselves the risk of accidents or illness. With health insurance reform, this family would have access to preventive care and would not be liable for unaffordable medical bills in the case of an injury. I will continue to work with the President and my colleagues in the Senate to pass comprehensive health care reform legislation this year.•

C–17 PARACHUTE TESTS SUSPENDED

• Mr. D'AMATO. Mr. President, the contractor wants a bailout, Congress wants to bailout, and now the Army cannot bail out.

I ask that an article from the May 16, 1994, edition of Defense Week by Tony Capaccio entitled, "C–17 Parachute Tests Suspended Due to Army Safety Concern," be printed in the RECORD at the conclusion of my remarks.

The article follows:

C–17 PARACHUTE TESTS SUSPENDED DUE TO ARMY SAFETY CONCERN

(By Tony Capaccio)

The Army's top airborne commander in late March suspended live parachute test jumps from the C–17 after one trooper's nylon canopy tore in two places after brushing the aft fuselage, Defense Week has learned.

The suspension order from 18th Airborne Corps Commander Gen. Henry Shelton remains in effect as C–17 maker McDonnell Douglas Corp., the Army and Air Force continue "diagnostic" flights using dummies to determine both cause and prevention.

The tears showed up during a Feb. 10 jump at Edwards AFB, Calif. The eight-inch and 10-inch rips were the first physical evidence that chutes were grazing against the fuselage during several months of dummy and troops drops, according to an Army official.

The Air Force program office in a statement characterized the contact as resulting in "minor damage to the parachute."

The problems may be a serious blow to the C–17's already uncertain future. The spacious aircraft would literally serve as the 82nd Airborne Division's ride to war from the continental U.S. in a quick deployment, for example, to Panama or Saudi Arabia.

The aircraft has been sold to Congress and the Army for the purported advances it would bring to airborne operations. Significantly, none of the commercial transports the Pentagon is eyeing to possibly replace the C–17 can drop paratroopers.

Aside from its operational impact, the parachute problem has monetary implications. Congress has mandated as one key milestone for releasing procurement funds that the aircraft demonstrate it can drop 70 troopers in one mission.

The paratroop problems are only the latest in a long series of management, production and test performance woes that have dogged the $21.3 billion aircraft program. News of the suspended tests comes as Capitol Hill mulls the C–17's fate during deliberations of the fiscal 1995 defense bill. At immediate issue is whether Congress will approve a proposed Pentagon plan to cap production at 40 aircraft and settle outstanding financial claims with the company.

The House Armed Services Committee two weeks ago cut two aircraft from the Pentagon's six-aircraft request and disapproved the settlement. It has scheduled a hearing for tomorrow to discuss the settlement. Based on the physical evidence, Army testers reviewed video of prior dummy and live jumps. Of 124 live jumps, 27 parachute canopies hit the aircraft's aft fuselage, said Lt. Col. Bud Franklin, the Army's chief development test official at Edwards, in an interview Thursday. Franklin, a paratrooper, has made five C–17 jumps. "We found that 50 percent to 60 percent of the [dummy and live jump] canopies are making contact with the C–17 in the regular [drop] configuration," at 130 knots, with flaps extended 40 degrees and with a three percent to five percent deck angle, he said.

The chute snagged on a "ramp actuator cover seal" located on the fuselage, he said. "That was the first time the Army realized canopies were touching the C–17," Franklin said of the discovery made three months into a scheduled six months of drop tests. "It was a real concern to us."

The trooper whose chute tore landed without incident. He was one of 40 troopers who jumped, 20 from each side of the aircraft. The tear occurred during the last of six live jumps and after completion of six jumps using dummies. No visible damage occurred during those exercises.

"There appears to be some airflow problems around and behind the troop doors," said an Army airborne officer following the tests. "There are just things about the design of the airplane that are different from other airplanes that make parachutes behave differently."

Even though only one parachute was physically damaged during test jumps, it raised a red flag, the airborne official said.

The concern is that it is repeatable," he said. "That was one jumper out of 20. If you extrapolate that into an airborne brigade-sized assault where you've got 2,000 jumpers, the problem gets bigger and an eight-inch gash may be a 'small' tear. Depending where it is on the parachute, it could spread on descent," he said.

Although the rip "got our attention," the Army official said the service has "had concerns for years about the airflow on that airplane for air drop operations."

"The airborne community said it would not commit its troops to jump the C–17," Franklin said of the test suspension. "It didn't make any sense for me to continue until I found out how much contact we were having and was that contact causing damage."

Early flight engineering assessments indicate the chute problem may stem from the highly turbulent vortex created near the jump door by the C–17's unique "blown flap" wing design, said an Army official.

The same flaps allow the aircraft to land on small, austere runways—a key Army operational requirement.

"It turns out that the blown flap creates one hell of a vortex behind it," said an Army official familiar with Shelton's decision. "You can't kill the vortex because that kills another key capability the Army wants. What you want to do is control that vortex and move it out of the way or somehow disrupt it during parachute operations."

"There are all kinds of efforts being poured into this trying to fix it because it's very embarrassing," this official said.

The Air Force C–17 program office in a statement said the canopy contacts are resulting from "aerodynamic flow which 'holds' the parachute close to the aircraft fuselage when the chute is in the process of being deployed * * * Aircraft attitude or deck angle, flap setting, etc., also influence the airflow and forces applied to the jumper and deployment system."

"Investigations are underway to understand the direction and strength of vortices which cause the canopy and deployment bag separation to 'hug' the aft fuselage," the Air Force said.

Representatives from the Army Safety Center, Natick Research Development and Engineering Center and Airborne and Special Operations Test Directorate visited Edwards last week to review the latest test data.

"Under certain flight conditions we have had no impacts. In other flap settings and flap conditions we've had some impacts," McDonnell Douglas program manager Don Kozlowski told Defense Week. "We are in a diagnostic series of flight tests right now to determine how do we prevent that."

"We are looking at [changing] thrust setting, flap setting," he said. "As you come out the side door * * * as you get out in the air stream and release the chute, you are going to get airflow and we need to study that," Kozlowski said.

"A lot of this, by the way, has been experienced with dummies, not human beings," Kozlowski said. "There is a safety concern. This is a normal development problem. We will solve. We have to convince ourselves and the Army that it is a safe environment to jump from."

That may take a lot of convincing.

Gen. Shelton was alerted to the airborne community's concerns during a March 15 meeting at Fort Bragg, N.C.

Before the suspension, the C–17 testers planned to drop a full load of 102 82nd Airborne Division troopers.

Based on the damaged chute and video review, Airborne and Special Operations Test Directorate director Col. Jeffrey White raised "vehement" objections to continue live testing, according to sources familiar with the meeting.

"Shelton said, 'That's not good,' recalled Franklin. 'We can't be jumping out of airplanes were canopies can contact the fuselage and snag and endanger a guy's life.' "

Shelton expressed his views in a March 18 message to AMC and the airborne community:

"It's obviously a great airplane, long overdue. As you recall at the [March 15 meeting] we discussed the safety certification for a large scale parachute drop from the C–17. I am requesting that the Army Safety Center get involved immediately in the safety certification process [and] that we get a thumbs up from them prior to jumping large numbers of Corps troops. I am confident this can be accomplished within existing timelines and milestones."•

TONY COX'S SPEECH BEFORE THE WASHINGTON METROPOLITAN CLUB

• Mr. SIMON. Mr. President, I would like to express my special thanks to Tony Cox, the chairman and CEO of Showtime Networks, Inc., and the chairman of the National Cable Television Association's Satellite Network Committee. In my many years of working on the issue of television violence, Tony stands out as one of the entertainment industry's most sincere and responsive leaders.

I am especially pleased that the National Cable Television Association, under Tony's direction, has recently hired an independent monitor to analyze and report on the portrayal of violence in television programming. Their selection, MediaScope, is an excellent and credible choice, and I commend the cable industry for what appears to be a strong commitment to improving the quality of television programming.

In addition, I would like to share with my colleagues Tony's recent speech before the Washington Metropolitan Club. His remarks, which outline the cable industry's "Voices Against Violence" initiative, together with the National Cable Television Association's selection of MediaScope as an independent monitor, are indicative of the cable industry's pledge to "do better." I applaud their efforts thus far and look forward to continuing our ongoing dialog on this important issue.

I ask that Mr. Cox's speech be printed in full at this point in the RECORD.

The speech follows:

REMARKS OF WINSTON H. COX, SHOWTIME NETWORKS INC., BEFORE THE WASHINGTON METROPOLITAN CLUB, APRIL 13, 1994

Thank you for inviting me to be with you today. Today I am here to discuss a topic of considerable importance to our society: one that is discussed daily throughout the nation, in Congress, on the news, in classrooms and in living rooms across the country. The topic is violence.

Today there is no greater threat to the well-being of our country than the widespread violence that exists everywhere. When, recently, two more young foreign visitors to Florida were shot dead in their rental car, a British press observer perhaps said it best when he lamented that the decline of America will ultimately be traced to our obsession with guns and violence. President Clinton has recognized the importance of this issue by speaking out in a series of televised Public Service Announcements on the awful impact of violence, especially upon children.

Television is not without its critics, and also not without its responsibilities on this issue. Many people, especially in Washington, are regularly and loudly pointing their finger at television violence as the major cause of the violence found in our society. This is said notwithstanding that, nearly all the television programming and feature films produced in this country are exported to Europe, to Canada, to Japan where violence is really not a major social issue. This is said notwithstanding that, my children for example, have grown up fully exposed to television including the violent shows, have graduated from college, have gotten jobs and are well on their way to becoming responsible productive citizens, seemingly unmotivated towards violent behavior. I suspect a loving family, decent schools and other factors have had more to do with shaping my kids then what they watched on television.

Just yesterday, the Carnegie Corporation released the results of a three year study of American children. This report paints a bleak picture of millions of young children so deprived of medical care, loving supervision and intellectual stimulation that their growth into healthy and responsible adults is threatened. Disintegrating families, proverty, drugs, crime and guns—these are the real issues. But we all know that TV violence is a much easier dragon to slay than the other nightmares I have just listed.

Having made that point, this is not to deny or ignore the role television plays in fostering or preventing violence. After all if television viewing did not influence behavior, then General Motors, Coca Cola, McDonalds and other large companies have been wasting their advertising money all these years. No responsible programmer can deny the influence of television on behavior including violent behavior.

This recognition and concern led cable programmers to commission an independent study of violence in cable originated programming and to adopt a four-point program outlining the industry's position. These efforts continued and culminated with the "Voices Against Violence" initiatives introduced approximately two months ago, copies of which are available for you.

"Voices Against Violence" is a voluntary and comprehensive program developed by the cable programmers which embraces three broad goals to address violence on television. The goals are to:

1. Inform viewers about the levels of violence contained in cable programs, thereby allowing them to exercise appropriate judgment about their own viewing choices and those of their families.

2. Reduce and eliminate the gratuitous use of violence depicted as an easy and convenient solution to human problems.

3. Use the cable industry's own resources to address the broader issue of violence in society through cable programming, educational measures, public service advertising campaigns and public forums.

From these broad objectives, we have developed a series of initiatives or action steps.

Most cable networks have joined together in support of this program and leading industry executives have agreed to chair task forces that will oversee the major parts of the program. Today I would like to update you on the progress we are making on our initiatives.

First, critical viewing workshops, which really teach parents and children how to watch TV, have been held in San Diego and Philadelphia and are scheduled for Wichita and Columbus in May. These workshops, led by media education authorities, help parents, teachers and children learn how to view television more critically, especially as it relates to violence, and to make distinctions between what is real and what is fantasy, or distortion, or myths. Cable in the Classroom, an industry supported program which gives 34 million children access to educational programming on cable television, is the sponsor of these critical viewing workshops.

In addition, cable networks are also using their own programming to educate viewers on the issue of societal violence. MTV is launching a comprehensive anti-violence campaign, including an April 19th forum in which President Clinton will hold a town meeting with 200 young adults. MTV's new campaign is called "Enough is Enough." We are all aware of the tremendous impact of previous MTV campaigns on young viewers, most recently the "Choose or Lose" campaign surrounding the last Presidential election.

This week, The Family Channel is taping a series designed to address crime and violence in small cities and rural communities. Its aim is to get citizens and local organizations to work together to address the issue of violence in society.

Court TV recently initiated a multi-faceted program called "American Violence, American Justice" that includes education segments about crime and the courts, town meetings and school seminars. These are but a few of the many programs that Timothy Robertson, President & CEO of the Family Channel and Ruth Otte, President of Discovery Network will oversee as heads of the Educational task force.

Second, the cable networks along with the broadcast networks, agreed to Senator Simon's proposal for an independent monitor to report on violence in television programming. A month ago we issued an RFP for the outside monitor and have received an excellent response. The selection process is underway. I am pleased that this past week, the network broadcasters also issued an RFP for an outside monitor indicating their commitment to this plan. I am concerned that two separate efforts by cable and broadcast will not serve the public interest and could undermine the process, so we will continue to work to bring cable and broadcast networks together. I believe the entertainment industry will be ultimately better served by a unified position. Kay Koplovitz, President & CEO of USA Networks will work with me in heading the Outside Monitor task force.

Third, cable networks are devoting significant financial resources to address the broader issue of violence in society through public service advertising campaigns and public forums. President Clinton recently unveiled a set of PSA's urging Americans to stop the violence and calling on them to suggest ways to achieve that goal. In a separate meeting, the President commended the television industry's efforts to date and encouraged us to also become part of the solution. The PSA's are currently running on 32 cable networks since being introduced by the President. Beyond that, cable networks will develop a number of messages and other outreach efforts aimed at reducing violence. HBO Chairman Michael Funchs and Judith McGrath, President of MTV, will head the task force on Outreach Efforts to Reduce Societal Violence.

Fourth, Cable Programmers are developing a violence rating system that will give viewers more information about a program's violent content prior to viewing. This will expand upon the advisories that have been in place for sometime at many networks. We are investing maximum efforts towards responsible scheduling; that is scheduling programs with violent content during hours when children are not expected to be watching. Moreover, the majority of national cable networks already have standards and practices that govern their use of violence in programming. I am pleased to announce that Douglas McCormick, President & CEO of Lifetime Television and Nicholas Davatzes, President & CEO of Arts & Entertainment will head the task force on Ratings, Parental Advisories and Responsible Scheduling.

Fifth, the cable industry is also progressing on the development of viewer discretion technology, or the so-called "V" chip. During the past six weeks, cable industry engineers have held meetings to discuss a cost effective and user friendly technology to be used by viewers to control the availability of violent programming in their homes. More progress is expected on this front in the coming months. Viewer discretion technology and a ratings system go hand in hand. To give parents the ability to shut off a program they deem too violent for children, you must somehow encode or rate the show for the technology to work.

Finally, Joshua Sapan, President of Rainbow Programming Holdings which operates networks such as American Movie Classics and Bravo will head up "Voices Against Violence Week." This special week will feature cable programming dedicated to anti-violence themes and will include initiatives developed with education, law enforcement and civic communities.

Opponents of these initiatives may cry censorship or feel they do not go far enough. I disagree with both. I believe these measures give viewers more information and control so that they can make better informed decisions for themselves and for their families. The Motion Picture Association of America's move rating system has been around for many years, and I would not call that censorship. I do not feel that the "R" rating of a movie infringes upon anyone's right to free speech, however, it does let the viewer know about the movies content. In a 500-channel universe where viewing choices will be plentiful, I think our measures actually liberate programming options rather than censor or limit them. By giving viewers the technological capability shut off undesired programming, there is less need to restrict content. Viewers will be empowered to do it themselves.

I would also caution those feel these initiatives are insufficient or will be ineffective and are ready to seek solutions with legislation or regulation. In the effort to reduce violence on television, care should be taken not to trample on the right of free speech. The First Amendment to the constitution also must not be a victim of violence. The creative community should continue to have the freedom to produce material without fear of government censorship. We believe that a voluntary approach with meaningful efforts by the entire entertainment community, which is what is happening, will yield far better results.

Concluding we recognize the major role television plays in American society and we are taking a more serious look at the way violence is used in our programming through the initiatives I have just outlined. We question whether television violence should be at the top of the national agenda in light of the other societal problems which are the real underpinnings of violence Nevertheless, we believe all sectors of society have an obligation to find solutions to the problem of violence in our society. But this is not a problem that any one of us can solve alone, it will require a continued effort and commitment from all of us in this room, in this City and in this Nation.

Thank you very much.●

TWO HISTORIC EVENTS

● Mr. GRAHAM. Mr. President, I rise today to honor two historic events in the history of Cuba and its struggle for independence. Ninety-two years ago today the Cuban flag was raised for the first time over an independent Cuban nation. To commemorate this great event, Radio Marti broadcast its first words of freedom on May 20, 1985.

These two events provide beacons of hope to the dedicated people of Cuba who continue to strive for democracy and the end to Fidel Castro's communist reign.

The people of Cuba struggled for more than 25 years to gain their freedom from oppression on May 20, 1902. Unfortunately that struggle continues today as the valiant people of Cuba refuse to give up on the dream of democracy and prosperity. These people have lost their right of self-expression, their homes and land, and their loved ones, yet they haven't lost their yearning for freedom.

On this anniversary we remember the first President of Cuba taking office, Thomas Estrada Palma, and we look forward to the next Presidents of Cuba assuming their rightful place. We must remain focused and engaged in our continued efforts to restore freedom to Cuba. We owe our resolve to those who have been imprisoned and tortured in Castro's jails for their unyielding belief in democracy.

Castro continues to this day to attempt to crush the will of a people who refuse to lose their hope. We do them a terrible injustice if we give no less than our best efforts to end Castro's reign.

I am more confident than ever that the sun is setting on the reign of Fidel Castro. He can no longer rely on Russian subsidies to bolster his failed vision. In a changing world where communism has proven a failure, Castro continues to cling to a failed belief. He is a political dinosaur in a new age.

We cannot vacillate in our goals and the mechanisms for achieving those ends. We are in position today to continue to force Castro into Cuban history and the Cuban Democracy Act gives us a blueprint for the effective transition to do this.

A major component of the Cuban Democracy Act is Radio Marti. Today also marks the ninth anniversary of this important tool in informing the Cuban people. Radio Marti's news of the fall of communism in Eastern Europe and Russia provided Cuba with a glimmer of hope that Castro's system would crumble as well. I support this voice of truth and the powerful message it continues to broadcast.

Cuban history has taught us that the battle for freedom is only the first step on the difficult road toward democratic independence.

Castro is waging an aggressive public relations campaign attempting to show his willingness to open up relations. I warn the world, do not be fooled by his cunning attempts to hold on to his totalitarian grip. He continues to use whatever tools necessary to maintain that grip, namely force and more recently political craftiness.

Today's celebration is a day of regret but also a day of hope. As we celebrate Cuban Independence Day, we regret that the Cuban people still find themselves struggling for the basic rights of freedom and democracy.

But on this day, we can once again be proud of a strong people who continue to cling to and die for the high ideals of democracy. Cubans remain true to the hope that one day their struggle will once again result in the liberty they so richly deserve.●

APPLAUD ADMINISTRATION'S REALISTIC VIEW OF ISLAM

• Mr. DECONCINI. Mr. President, I was very encouraged by National Security Advisor Tony Lake's articulation, on May 18, of a new U.S. approach to Islamic movements around the globe. In the wake of communism's worldwide retreat, efforts by some to pose Islam as the new nemesis fail to recognize that the vastly different character of various fundamentalist movements, some of which reflect widely held beliefs which have been expressed democratically. U.S. policymakers have too often distanced themselves from Islamic groups wrongly perceived as being susceptible to anti-Western revolutionary fervor associated with Iranian Shiites.

Mr. President, the world has become much more complicated and dangerous since the end of the cold war, and U.S. foreign policymakers face unprecedented challenges to respond accordingly. Innovative new approaches are necessary, and I believe this new tack is a good example of new thinking which has to become part of our evolving world view. I commend the President and his National Security Advisor for their courage in articulating a policy which is likely to spark controversy. I believe this policy will give the United States far greater influence in important regions where the U.S. was previously dismissed as the "Great Satan."•

AUTHORIZING THE 1994 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 236, a concurrent resolution authorizing the running of the Special Olympics Torch Relay through the Capitol grounds just received form the House; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTIONS ACT OF 1994

Mr. FORD. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1654, a bill to make certain technical corrections.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 1654) entitled "An Act to make certain technical corrections", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) ENVIRONMENTAL COSTS.—Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102–374, 106 Stat. 1186 et seq.) is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available.".

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102–374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) AMENDMENT.—Section 3704(d) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Public Law 102–575) is amended by deleting "reimbursable" and inserting in lieu thereof "nonreimbursable".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on October 30, 1992.

SEC. 3. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

The part of the text contained under the heading "BUREAU OF INDIAN AFFAIRS", and the subheading "OPERATION OF INDIAN PROGRAMS", in title I of the Department of the Interior and Related Agencies Appropriations Act, 1994, which reads "Provided further, That any funds provided under this head or previously provided for tribally-controlled community colleges which are distributed prior to September 30, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with title III of the Tribally Controlled Community Colleges Assistance Act." is amended by deleting "section 331 of the Higher Education Act" and inserting in lieu thereof "section 332(c)(2)(A) of the Higher Education Act of 1965".

SEC. 4. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985.

Section 7 of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended by adding at the end thereof the following:

"(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

"(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

"(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.".

SEC. 5. AMENDMENTS.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (102 Stat. 1594), is amended as follows:

(1) delete "9,811.32" and insert in lieu thereof "9,879.65"; and

(2) delete everything after "5 8 17 All 640.00" and insert in lieu thereof the following:

"6	*8*	*1*	*SW¼SW¼, W½SE¼SW¼*	*53.78*
"6	*8*	*1*	*S½E½, SE¼SW¼*	*9.00*
"6	*7*	*8*	*Tax lot 800*	*5.55*
			Total	*9,879.65".*

Mr. FORD. Madam President, I move that the Senate concur in the House amendments with two further amendments that I now send to the desk on behalf of Senators MCCAIN and INOUYE, and I ask unanimous consent that the amendments be agreed to en bloc, and that the motions to reconsider en bloc be laid upon the table; and, further that any statements relating to the measure appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 1736

Mr. FORD offered an amendment No. 1736 for Mr. MCCAIN and Mr. INOUYE.

The amendment is as follows:

(Purpose: To clarify provisions of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992)

On page 1, strike all of Section 1 and insert in lieu thereof the following:

(a) ENVIRONMENTAL COSTS.—Section 7 of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102–374, 106 Stat. 1186 et seq.) is amended by adding the following new subsections (f) and (g) and redesignating the succeeding subsections accordingly:

"(f) ENVIRONMENTAL COSTS.—All costs associated with the Tongue River Dam Project for environmental compliance mandated by federal law and fish and wildlife mitigation measures adopted by the Secretary are the sole responsibility of the United States. Funds for such compliance shall be appropriated pursuant to the authorization in subsection (e), and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act. The Secretary is authorized to expend not to exceed $625,000 of funds appropriated pursuant to subsection (e) for fish and wildlife mitigation costs associated with Tongue River-Dam construction authorized by the Act, and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act.

"(g) REIMBURSEMENT TO STATE.—The Secretary shall reimburse Montana for expenditures for environmental compliance activities, conducted on behalf of the United States prior to enactment of this subsection (g), which the Secretary determines to have been properly conducted and necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this subsection (g), the Secretary may not reimburse Montana for any such environmental compliance activities undertaken without the Secretary's prior approval."

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(B)(1)(B), and the authorization for environmental compliance activities for the Tongue River Dam Project contained in subsection 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

AMENDMENT NO. 1737

Mr. FORD offered an amendment No. 1737 for Mr. MCCAIN and Mr. INOUYE.

The amendment is as follows:

(Purpose: To prohibit regulations that classify, enhance, or diminish the privileges and immunities of an Indian tribe relative to other federally recognized Indian tribes, and for other purposes)

At the end of the bill add the following: "Section 16 of the Act of June 18, 1934 (25 U.S.C. 476) is amended by adding at the end of the following new subsections:

"(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934, (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

"(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect.".

Mr. MCCAIN. Madam President, I am pleased to join the chairman of the Committee on Indian Affairs, Senator INOUYE, in offering an amendment to S. 1654, a bill to make certain technical corrections. The purpose of this amendment is to clarify provisions of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992.

Not long after enactment of the settlement act, representatives of the State of Montana and the Interior Department found themselves in disagreement over their respective responsibilities for costs of compliance with environmental laws and fish and wildlife mitigation under the terms of a water rights compact signed by the State, the tribe, and the Department, and under the language of the settlement act (Public Law 102-374, 106 Stat. 1186 et seq.).

Article VI(C) of the water rights compact states that "The Secretary of the Interior shall comply with all aspects of the National Environmental Policy Act and the Endangered Species Act and other applicable environmental acts and regulations in implementing this Compact". Accordingly, the Congress, in section 7(e) of the settlement act, authorized "such sums as are necessary to carry out all necessary environmental compliance associated with the water rights compact entered into by the Northern Cheyenne Tribe, the State of Montana, and the United States, including mitigation measures adopted by the Secretary".

The centerpiece of the settlement is the Tongue River Dam Project, which includes repairing the dam to cure safety defects and enlarging it to provide additional water for the Northern Cheyenne Tribe. The bulk of the contemplated environmental compliance and fish and wildlife mitigation is associated with this project. However, because funds for the project are authorized under section 7(b) of the settlement act, the Department and Montana were unclear as to what work would be considered funded under that section and what would be funded under section 7(e).

In 1993, the Senate passed S. 1654, which included language intended to clarify the language of the settlement act. Section 1 of S. 1654 was drafted to accomplish three purposes, described in Senate Report 103-191 as to make clear that first, "all costs of environmental compliance and mitigation associated with the compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States"; second, "section 7(e) environmental compliance funds are authorized in addition to funds authorized in section 7(b)(1) for the Tongue River Dam Project"; and, third, "section 7(e) funds can be expended prior to the Montana water court's issuance of a settlement decree".

Subsequent to the Senate's action, the administration, while agreeing to sole responsibility for environmental compliance associated with the Tongue River Dam Project, expressed concern that the new language might preclude the Secretary from seeking third party, nontribal cost-sharing for environmental compliance and mitigation for development projects on the Northern Cheyenne Reservation, unrelated to the Tongue River Dam Project, that would use water secured to the tribe under the compact. Efforts to address these concerns while S. 1654 was pending in the House of Representatives failed to produce agreement prior to the House passing the bill and returning it to the Senate.

Subsequently, all parties to the settlement have worked with the staffs of the Committee on Indian Affairs and the House Natural Resource Committee to develop an amendment that would resolve the major issues in disagreement. I am pleased to state that the amendment Chairman INOUYE and I offer today achieves that end.

Our amendment makes clear that the costs associated with the Tongue River Dam Project for environmental compliance mandated by Federal law and fish and wildlife mitigation measures adopted by the Secretary of the Interior are the sole responsibility of the United States.

The amendment limits the amount of money authorized by the settlement act which the Secretary may spend on fish and wildlife mitigation associated with the Tongue River Dam Project to $625,000. It further provides that these funds, as well as funds for compliance with Federal environmental laws, are authorized by section 7(e) and are in addition to funds authorized for the Tongue River Dam Project in section 7(b)(1).

The amendment authorizes the Secretary to reimburse Montana for expenditures of State funds for environmental compliance activities undertaken prior to enactment of the amendment. The Secretary is required to reimburse the State only for those compliance activities that the Secretary determines have been properly conducted and are necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this amendment, the Secretary could not reimburse Montana for environmental compliance activities undertaken without his prior approval.

The amendment also corrects references in section 4(c) of the settlement act to reflect the intent of Congress and the settlement parties that, except for a total of $1,400,000 authorized for the Tongue River Dam Project for fiscal year 1993 and 1994, and the funds authorized under section 7(e) for environmental compliance, no funds could be appropriated for the project until the Montana water court enters and approves a settlement decree.

I would like to emphasize that the amendment neither adds to nor eliminates or reduces any existing authorization of appropriations in the settlement act, nor does it provide any new authorization of appropriations for any purpose.

The amendment leaves intact the language in 7(e) of the settlement authorizing such sums necessary for the Secretary to comply with applicable environmental law associated with implementing the compact. The Secretary can rely on this authority to request necessary funds in cases such as where the Northern Cheyenne Tribe seeks to use its right to water in Yellowtail Reservoir, or to develop facilities for irrigated agriculture, or to develop coal or other minerals on the reservation. Such requests would necessarily be within the discretion of the Secretary, and of course, the relevant congressional appropriations committees.

I would like to make the point that neither the language of the existing section 7(e) nor the language of the amendment would preclude the Secretary from following existing policy and practice of requiring nontribal third parties involved in development of a tribe's natural resources to contribute to the costs of environmental compliance or fish and wildlife mitigation.

Madam President, this amendment has been reviewed and agreed to by the Montana delegation, the State of Montana, and the leadership of the Northern Cheyenne Tribe. Today we received from the Department of the Interior a letter, cleared by the Office of Management and Budget, expressing the administration's support for the amendment.

The Northern Cheyenne Indian reserved water rights settlement, together with the water rights compact it ratifies, are major accomplishments that reflect great credit on the tribal, State, and Federal representatives who negotiated and assembled them. Having been involved in efforts to achieve several such settlements in my State of Arizona, I can attest to the aggravation and difficulty that the settlement process entails.

I commend all of the parties involved for their good will and cooperation, and join them in the hope and belief that adoption of this amendment, together with the other agreements required by compact and by the settlement act, will clear the way for expedited work on Tongue River Dam and full implementation of the Northern Cheyenne settlement.

Madam President, I am pleased to offer an amendment to S. 1654, a bill to make certain technical corrections. The amendment I am offering will amend section 16 of the Indian Reorganization Act of 1934 [IRA] and it is cosponsored by my good friend, the chairman of the Committee on Indian Affairs, Senator INOUYE.

This amendment is similar to S. 2017, which Senator INOUYE and I introduced on April 14, 1994. The purpose of the amendment is to clarify that section 16 of the Indian Reorganization Act was not intended to authorize the Secretary of the Department of the Interior to create categories of federally recognized Indian tribes. In the past year, the Pascua Yagui Tribe of Arizona has brought to our attention the fact that the Department of the Interior has interpreted section 16 to authorize the Secretary to categorize or classify Indian tribes as being either created or historic. According to the Department, created tribes are only authorized to exercise such powers of self-governance as the Secretary may confer on them.

After careful review, I can find no basis in law or policy for the manner in which section 16 has been interpreted by the Department of the Interior. One of the reasons stated by the Department for distinguishing between created and historic tribes is that the created tribes are new in the sense that they did not exist before they organized under the IRA. At the same time, the Department insists that it cannot tell us which tribes are created and which are historic because this is determined through a case-by-case review.

All of this ignores a few fundamental principles of Federal Indian law and policy. Indian tribes exercise powers of self-governance by reason of their inherent sovereignty and not by virtue of a delegation of authority from the Federal Government. In addition, neither the Congress nor the Secretary can create an Indian tribe where none previously existed. Congress itself cannot create Indian tribes, so there is no authority for the Congress to delegate to the Secretary in this regard. Not only is this simple common sense, it is also the law as enunciated by the Federal courts.

The recognition of an Indian tribe by the Federal Government is just that—the recognition that there is a sovereign entity with governmental authority which predates the U.S. Constitution and with which the Federal Government has established formal relations. Over the years, the Federal Government has extended recognition to Indian tribes through treaties, executive orders, a course of dealing, decisions of the Federal courts, acts of Congress and administrative action. Regardless of the method by which recognition was extended, all Indian tribes enjoy the same relationship with the United States and exercise the same inherent authority. All that section 16 was intended to do was to provide a mechanism for the tribes to interact with other governments in our Federal system in a form familiar to those governments through tribal adoption and Secretarial approval of tribal constitutions for those Indian tribes that choose to employ its provisions.

Clearly the interpretation of section 16 which has been developed by the Department is inconsistent with the principle policies underlying the IRA, which were to stabilize Indian tribe governments and to encourage self-government. These policies have taken on additional vitality in the last 20 years as the Congress has repudiated and repealed the policy of termination and enacted the Indian Self-Determination and Education Assistance Act and the Tribal Self-Governance Demonstration Project. The effect of the Department's interpretation of section 16 has been to destabilize Indian tribal governments and to hinder self-governance of the Department's unilateral and often arbitrary decisions about which powers of self-governance a tribal government can exercise.

Mr. INOUYE. Madam President, will my good friend, the distinguished vice chairman of the Committee on Indian Affairs yield for the purpose of a colloquy on the amendment?

Mr. McCAIN. I would be pleased to engage in a colloquy on the amendment with the chairman of the Committee on Indian Affairs.

Mr. INOUYE. I thank the Senator. I have reviewed section 16 of the Indian Reorganization Act [IRA] and have reached the conclusion that on its face it does not authorize or require the Secretary to establish classifications between tribes or to categorize them based on their powers of self-governance. As the legal scholar Felix Cohen noted in his 1942 Handbook on Federal Indian Law, the IRA—"had little or no effect upon the substantive powers on tribal self-government vested in the various Indian tribes." I believe that the Federal courts have also consistently construed the IRA to have had no substantive effect on inherent tribal sovereign authority.

Apparently, the Department of the Interior began making this distinction on the basis of whether reservations had been established for those tribes that were removed from their aboriginal homesteads by the Federal Government. Tribes for whom reservations were established in areas to the west of their traditional lands suddenly became created tribes, even though such tribes had existed for hundreds of years prior to the arrival of Europeans on this continent. Strangely, although the Department was apparently making this distinction amongst tribes, it appears that the Department never notified the affected tribes or the Congress of their new status. Had they done so, we would have acted to correct this unauthorized arbitrary and unreasonable differentiation of tribal status long ago.

The amendment which we are offering to section 16 will make it clear that the Indian Reorganization Act does not authorize or require the Secretary to establish classifications between Indian tribes. As my good friend, the Senator from Arizona has noted, the Department cannot even tell us how many Indian tribes have been placed in each classification. As I understand it, our amendment would void any past determination by the Department that an Indian tribe is created and would prohibit any such determinations in the future. Is that also the understanding of the Senator from Arizona?

Mr. McCAIN. The Senator from Hawaii is correct. I would also state that our amendment is intended to prohibit the Secretary or any other Federal official from distinguishing between Indian tribes or classifying them based not only on the IRA but also based on any other Federal law. We have been advised that other agencies of the Federal Government may have developed distinctions or classifications between federally recognized Indian tribes based on information provided to those agencies by the Department of the Interior. In addition, we have been advised that the Secretary of the Interior may have carried these erroneous classifications into decisions authorized by other Federal statutes such as sections 2 and 9 of title 25 of the United States Code. Accordingly, our amendment to section 16 of the IRA is intended to address all instances where such categories or classifications of Indian tribes have been applied and any statutory basis which may have been used to establish, ratify or implement the categories or classifications.

Mr. INOUYE. I thank the Senator. I also believe that our amendment will correct any instance where any federally recognized Indian tribe has been classified as "created" and that it will prohibit such classifications from being imposed or used in the future. Our amendment makes it clear that it is and has always been Federal law and policy that Indian tribes recognized by the Federal Government stand on an equal footing to each other and to the Federal Government. That is, each federally recognized Indian tribe has the same governmental status as other federally recognized tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States. Each federally recognized Indian tribe is entitled to the same privileges and immunities as other federally recognized tribes and has the right to exercise the same inherent and delegated authorities. This is true without regard to the manner in which the Indian tribe became recognized by the United States or whether it has chosen to organize under the IRA. By enacting this amendment to section 16 of the IRA, we will provide the stability for Indian tribal governments that the Congress thought it was providing 60 years ago when the IRA was enacted. I thank the vice chairman of the Committee on Indian Affairs for his leadership on this matter.

Mr. McCAIN. I thank the chairman of the Committee on Indian Affairs for his assistance on this legislation. I certainly agree with all of his remarks. I would like to add just a few comments. First, our amendment will also remove what appears to be a substantial barrier to the full implementation of the policies of self-determination and self-governance. It is my expectation that the Department will act as promptly as possible after enactment of this amendment to seek out and notify every Indian tribe which has been classified or categorized as "created" that the classification no longer applies and to take any other steps which are necessary to implement the amendment.

Last, Madam President, I want to express my gratitude to the Pasdua Yaqui Tribe of Arizona for bringing this matter to our attention and for providing the leadership necessary to focus the attention of the Congress and other Indian tribal governments on a solution. I would note for my colleagues that the Committee on Indian Affairs has reported H.R. 734 to the Senate for its consideration. This bill would amend the legislation which extended Federal recognition to the Pascua Yaqui Tribe to prohibit the Department of the Interior from classifying the tribe as "created." H.R. 734 also enables the Tribe to complete the process of enrolling its members and authorizes several studies intended to assist the tribe in providing basic services and developing their tribal economy. H.R. 734 will soon be before the Senate and I urge all of my colleagues to support this long overdue legislation.

Mr. BAUCUS. Madam President, the Senate will soon consider S. 1654, technical amendments proposed by the Senate Indian Affairs Committee, which includes technical amendments to the Northern Cheyenne-Montana Water Rights Compact. I urge my colleagues to support this legislation.

The Northern Cheyenne-Montana Water Rights Compact was ratified by the Montana Legislature in June of 1991. Federal legislation ratifying this compact passed the Congress in September of 1992. The compact quantifies the Northern Cheyenne Tribe's water rights and provides for the enlargement and seriously needed repair of the dangerously deteriorated Tongue River Dam in Montana.

Legislation that passed the Congress in 1992 required technical correction to allow the Department of the Interior to reimburse the State of Montana for environmental compliance and fish and wildlife mitigation work associated with the rehabilitation of Tongue River Dam.

The purpose of these amendments is to clarify the relationships and responsibilities among the parties to this compact as they relate to environmental compliance and mitigation. It should be stated that these amendments, like the Northern Cheyenne-Montana compact, are the result of extensive negotiations among the Northern Cheyenne Tribe, the State of Montana and the Federal Government. It is my understanding that all parties have agreed to these technical corrections.

I encourage the parties to continue their efforts to work cooperatively together to implement the compact and allow the Northern Cheyenne Tribe to develop their water resources and to proceed with the critical task of expansion and safety improvement of the Tongue River Dam. I want to thank the able staff of the Senate Indian Affairs Committee for their assistance with this effort. I offer my support for these amendments and encourage my colleagues to do the same.

REDESIGNATION OF FOREST LANDS IN THE STATE OF MONTANA

Mr. FORD. Madam President, I understand that S. 2137 was introduced earlier today. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Madam President, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 2137) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes.

Mr. FORD. Madam President, I ask for its second reading.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR MONDAY, MAY 23, 1994

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Monday, May 23; that following the Prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each; with Senator MURRAY recognized to speak for up to 15 minutes; that at 12 noon, the Senate proceed to the consideration of Calendar No. 423, H.R. 1933, under the conditions and limitations of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MAY 23, 1994, AT 11:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:34 p.m. recessed until Monday, May 23, 1994, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1994:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RACHEL WORBY, OF WEST VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE ARDIS KRAINIK, TERM EXPIRED.

EXPORT-IMPORT BANK OF THE UNITED STATES

JULIE D. BELAGA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 1995, VICE CECIL B. THOMPSON.

JULIE D. BELAGA, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 1999. (REAPPOINTMENT.)

DEPARTMENT OF ENERGY

JOSEPH F. VIVONA, OF NEW JERSEY, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY. (NEW POSITION.)

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY W. WRIGHT, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WILLIAM A. EARNER, JR. [redacted]

THE FOLLOWING-NAMED COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be captain

DOUGLAS JAY LAW

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

DONALD MICHAEL ABRASHOFF
MICHAEL JAMES ADAMS
KURT A. ALBERS
STEPHEN GEORGE ALBERS
JOHN R. ALBISO
KEVIN C. ALBRIGHT
FREDERICK MITCHEL ALEXANDER
TOWNSEND GRIFFISS ALEXANDER
MICHAEL JOSEPH ALFONSO
THEODORE PAUL ALGIRE
MICHAEL ROY ALLEN
PATRICK EUGENE ALLEN
PAUL M. ALLEN
STEVEN PATRICK AMBROSE
JOHN MICHAEL ANDERSEN
BRUCE LEE ANDERSON
PETER ALLEN ANDREASEN
DAVID STEVENS ANGOOD
GEORGE EDWARD ARGERAKE
JOHN JOSEPH ARNOLD
MARK REYNOLDS ARNOLD
THOMAS EDWARD ARNOLD
JOHN LOUIS ASH, JR.
ROBIN LYNN ATKINS
GARY DON ATKINSON
JOSEPH PETER AUCOIN
DONALD E. BABOCK
DAVID ANTHONY BACIOCCO
RICHARD LEE BAINBRIDGE
GEORGE H. BAKER
CRAIG W. BALDWIN
JOE DAN BANKER
DAVID NMN BARANEK
JOHNNIE BAXTER BARFOOT, JR.
BRENT HERRING BARROW
MICHAEL AUSTIN BASS
SARA ANN BATEMAN
MARK L. BATHRICK
KEVIN H. BAXTER
WILLIAM MICHAEL BAXTER
THOMAS MC DOWELL BAYLEY
SCOTT DAVID BEACH
RAY OLIVER BEARD, JR.
DENISE LORRAINE BECHTOL
JEFFREY SCOTT BEEBY
REBECCA JO BEENER
PHILIP GREGORY BEIERL
DALE HAROLD BENSON
ALLAN JEFFREY BERKE
GILBERT LYNN BEVER
DAVID CHARLES BEYRODT,
DOUGLAS TODD BIESEL,
JAMES JOSEPH BIRD,
JOHN LEE BISKADUROS,
STEPHEN PETER BLACK,
MICHAEL JAMES BLANCHET,
JEFFREY ALAN BLOOM,
MATTHEW GERARD BOENSEL,
RONALD EDGAR BOERGER,
MICHAEL JOSEPH BOND,
EDWARD MORRIS BOORDA,
CHARLES W. BOOTH,
JAMES RUNYAN BOOTH,
TIMOTHY LEE BOSILJEVAC,
ROBERT WESLEY BOUGHER,
STEPHEN WILLARD BOURGEOIS,
CHARLES PATRICK BOURNE,
WILLIAM DAVIS BOURNE, JR.,
ROBERT OWEN BOWERS,
PHILLIP OWEN BOYER,
MATTHEW J. BOYNE,
JOE DEAN BRANNAN,
LOREN RICHARD BREMSETH,
MARK R. BREOR,
JEFFREY A. BRIGGS,
JAMES B. BRINKMAN,
BARRY JAMES BROCATO,
STEVEN EADES BROOKS,
JOHN MICHAEL BROWN,
RONALD LEE BROWN,
NERISSA BRUECKBAUER,
ANDRES ARMANDO BRUGAL,
DOUGLAS BRUCE BUCHANAN, JR.,
GERALD W. BUCK,
MICHAEL D. BUDNEY,
SAMUEL SNYDER BUNDRICK, JR.,
KENNETH JAMES BURKER,
BRIAN EDWARD BURLINGAME,
JAMES M. BURTON,
PAUL JAMES BUSHONG,
EDWARD ERIC BUTLER, JR.,
STEPHEN CALLAGHAN,
RICHARD STANTON CALLAS,
HIPOLITO LEON CAMACHO,
STEPHEN JAMES CAMACHO,
RICHARD SCOTT CAMPBELL,
STEVEN ANDREWS CARDEN,
CARL ANDREW CARPENTER,
NEVIN PALMER CARR, JR.,
DALE E. CARSON,
JOHN WELLS CASEY III,
LAURIE ANN CASON,
JEFFREY MITCHELL CATHEY,
JOSEPH M. CATOE,
RANDOLPH ERNEST CAUSEY,
WILLIAM M. CAVITT,
GARY ESTRADA CEREZO,
DANIEL WILLIAM CHANG,
MICHAEL CHAPLINE,
CHARLES HENRY CHENOWETH,
LIONEL L. CHERI, JR.,
DAVID JOSEPH CHESLAK,
R.D. CHRISTENSEN,
JOHN NELS CHRISTENSON,
KAREN ELIZABETH CLARKHANSEN,
MARK NICOLA CLEMENTE,
KENNETH DONALD COBURN,
ERIC TALMADGE COCHRAN,
MARK ALAN COCHRAN,
DAVID JOSEPH COISSON,
ROGER WAYNE COLDIRON,
CRANFORD RONALD COLEMAN, JR.,
HAROLD HENRY COLLINS,
JAMES JOSEPH COLTELLARO,
MARK ALAN COMPTON,
MICHAEL JOSEPH CONNOR,
JAMES JOSEPH CONVERY,
GREGORY KENT COPELAND,
WILLIAM A. CORRELLUS,
LOUIS JOSEPH CORTELLINI,
BRIAN ANTHONY COSGROVE,
JOSEPH MATTHEW COULTER,
DAVID ALLEN CRANDALL,
MARY ANNE CRAWFORD,
KEVIN J. CREAHAN,
RONALD WILLIAM CRITCH,
WILLIAM W. CROW,
WILLIAM BENNETT CROWNOVER,
GEORGE PARKER CROY III,
DAVID WILLIAM CULLY,
LISA ANE CURTIN,
S.A. CUSHANICK,
MICHAEL KEITH DAHLMAN,
RIVET JOHN DAIGRE,
THOMAS J. DARGAN,
DAVID FRANKLIN DARNELL,
DAN W. DAVENPORT
DALE L. DEAN
GERALD F. DECONTO
STANLEY VICENT DEGEUS
MICHAEL ANGELO DELANEY
SCOTT WINFRED DEMARY
EDWARD L. DEMPSEY
JAMES DANIEL DENMARK
THOMAS WALTER DEPPE
STEVEN PAUL DESJARDINS
LAURA LEA DESROSIERS
JOHN DAVID DICKINSON
FERDINAND DIEMER
KING HASTINGS DIETRICH
TED ALLEN DILL
MICHALE JAMES DONCH III
KEVIN MICHAEL DONEGAN
PETER J. DOUGHERTY
LAWRENCE GEORGE DOWNS JR.
PAUL RANDAL DOYLE
FRED PAUL DRAKE JR.
TERRY MICHAEL DRUFFEL
PETER NMN DUNKLIN
HELEN FRANCES DUNN
MICHAEL R. DURKIN
DAVID CRAIG DYKHOFF
CRAWFORD ALAN EASTERLING
DANA EDWIN EBERLIN
REED ALAN ECKSTROM
CHARLES M. EDMONDSON
GARY WAYNE EDWARDS
GERDA WILLIE EDWARDS
JOE F. EDWARDS
STEPHEN EVERETT ELLEFSON
CAROL JO HERRON ELLIS
JERRY ALLISTER ELLISON
JEFFREY LAWRENCE ELLWOOD
JOHN ELNITSKY II
ELIZABETH ANN ENNIS
ADREON MARK ENSOR
MICHAEL JOSEPH EPISCOPO
RITA VILLAPANDO ESPIRITU
CHARLES EVERETT
ANTHONY BYRON FARMER
MAUREEN ANN FARREN
THOMAS MICHAEL FELDMAN
JOEL DEAN FELLOWS
TIMOTHY LESTER FERREE
BRIAN GOODWIN FINCH
KENNETH D. FINK
MARK GEORGE FISCHER
TRACEY ALAN FISCHER
ROBERT W. FISH
DENISE DILLON FITE
M.J. FITZGERALD
STEPHEN JAMES FITZGERALD
SUSAN PATRICIA FITZGERALD
DENNIS E. FITZPARTICK
DAVID KENNETH FLAGG
KENNETH EARL FLOYD
TIMOTHY BROOKS FLOYD
JOSEPH MICHAEL FLYNN
JOHN JOSEPH FORAN JR.
ROBERT LEE FORD
WILLIAM FEENY FOSTER JR.
CHARLES W. FOWLER III
MICHAEL JAMES FRANCIS
STEPHEN COLBY FRASER
R. LEE FREITAG JR.
NELS ARNE FROSTENSON
CHARLES ROBERT FRYE
PETER ALLEN FYLES
DANIEL ROBERT GAHAGAN
JOHN GREGORY GALLAGHER
JOHN JOSEPH GALLAGHER
PAUL CHRISTIAN GALLAGHER
RICK MICHAEL GALLAGHER
GERALD STEPHEN GALLOP
GEORGE G. GALYO
DAVID EDWIN GANGWER
RAUL ROBERTO GARCIA
LOUIS JULIAN GATSKI
LYNNE DORIS GAUDREAU
EARL LENELL GAY
BRADLEY ROBERT GEHRKE
GREGORY LEE GEORGE
LEE BERRIMAN GERMAN
JEFFREY LAWRENCE GERNAND
MICHAEL CRAIG GERON
DONALD DWIGHT GERRY JR.
WILLIAM J. GIERI
KENNETH GERARD GIGLIOTTI
CHARLES RICHARD GILE
KARL LEE GILLETTE
MARTHA CAROL GILLETTE
LARRY MATTHEW GILLIS
STANLEY PAUL GIZA
JOSEPH CASIMIR GLADYSZEWSKI
JAMES IREDELL GODLEY
DANIEL ANTHONY GOMRICK
EDWARD RANDALL GOODMAN
DENNIS EDWARD GRANGER
JAMES STEPHEN GRANT
DANIEL RAYMOND GRAY
JOHN L. GREEN
JEFFREY EMERSON GREER
CHRISTOPHER J.T. GREGERSON
JOHN MICHAEL KENT GRITTON
BRUCE E. GROOMS
PAUL SCOTT GROSSGOLD
LOIS HELEN GRUENDL
SCOTT GRUNDMEIER
JAMES CHARLES GRUNEWALD
MARK DANIEL GUADAGNINI
NORMAN ELLIOTT GUTZLER
KENNETH LEEBUTLER HAIZLIP
JOHN R. HALEY
KENNETH B. HALL
LEE JAMES HALL
JANICE MARIE HAMBY
DOUGLAS GORDON HANCHER
STEPHEN DWIGHT HANCOCK
ROSE MICHELLE HANKO
MICHAEL JOHN HANSEN
JOHN HENRY HARRINGTON III
M.L. HARRINGTON
ROBERT MICHAEL HARRINGTON
WILLIAM GERALD HARRISON, JR.
TOD CLARK HARTUNG
ROBERT S. HARWARD
CHRISTOPHER ALLEN HASE
J.R. HASHBERGER
MICHAEL GORMAN HAYES
BARRY ALAN HAYNIE
R. HEATHERINGTON
EDWARD SCOTT HEBNER
ANTHONY OLIVER HEIMER
MARVIN HERMAN HEINZE
WILLIAM MILES HELLEMN
ROBERT HENNEGAN
LESLEY JEANNE PAINCH HENSON
MURRAY ALAN HESS
DEREK HANS HESSE
HARRISON ARTHUR HEUBLEIN
THOMAS JAMES HEWITT
ROBERT MICHAEL HIBBERT
JAMES E. HICKEY
FLORAN MICHAEL HIGGINS
JOHN PHILIP HIGGINS
WILLIAM HUNTER HILARIDES
JAMES LEONARD HILDRETH
ROBERT ANTHONY HILL
JAMES K. HISER
QUINCY M. HODGE

WILLIAM F. HOEFT
MARY LUANNE HOELLER
SUSAN VISCOVICH HOGAN
KEVIN PHILLIP HOLLAND
JACK WAYNE HOLT
JAMES HENRY HOLT, JR.
JOSHUA P. HOLTZMAN
STEPHEN E. HONAN
DIANA L. HOOKER
DANIEL P. HOOPER
THOMAS FRANCIS HORGAN
JOSEPH A. HORN
ROBERT ALLEN HORNBECK
ABIGAIL SUSAN HOWELL
TIMOTHY J. HOWINGTON
STEPHEN H. HUBER
JAMES D. HUCK
JONATHAN WAYNE HULTS
PAUL DEAN HUSCHER
WILLIAM ROBERT IGNACZAK
PAUL MACKY INSCH
DARLENE MARIE ISKRA
BRUCE ALAN JACKABON
WILLIAM HOWARD JACOBS
STEVEN MARTIN JACOBSMEYER
DOREEN ELLEN JAGODNIK
LANCE PETER JASITT
ROGER DEAN JASKOT
SCOTT E. JASPER
MARK THOMAS JASZKOWSKI
PETER JAUNAIS
CHRISTY ANN JENKINS
NANCY KATHLEEN JENKINS
STEPHEN GREY JENKINS
DALE A. JENSEN
MARK DAVID JENSEN
PAUL RAYMOND JENSEN
ANTHONY W. JILES
VITO WILFREDO JIMENEZ
STEVEN CHARLES JOACHIM
BRADLEY EUGENE JOHANSON
ARTHUR JAMES JOHNSON, JR.
JOSEPH ANDREW JOHNSON
KATHY ANN JOHNSON
KEVIN ROBERT JOHNSON
STEPHEN JAMES JOHNSON
DAVID TRACY JOHNSTON
JOHN P. JOHNSTON
THOMAS EDWARD JOHNSTON
JEFFREY CARL JOHNSTONE
DAVID ANTHONY JONES
FRANK THOMAS BRADFORD JONES
SANDY A. JONES
SCOT WILLIAM JONES
TERRANCE GREGORY JONES
BRENDA MATHIAS JORDAN
JODY ANN KARKOWSKI
GEORGE J. KAROL
KEVIN HARRY KASBERG
MARK D. KAVANAUGH
MARTIN JOSEPH KEANEY
PATRICK DANIEL KEAVNEY
DOUGLAS WARD KEILER
DEREK BRIAN KEMP
CATHY LYNN WILLIAMS KEMPF
CRAIG MARTIN KENNEDY
KEVIN CHRISTOPHER KETCHMARK
KATHLEEN FRANK KIRK
WALTER PAUL KIRKLAND III
MARK DONALD KLATT
FRANCIS V. KLEIN
CRAIG STEVEN KLEINT
STEVEN D. KORNATZ
BARBARA MARIE KOROSEC
WALTER MARK KREITLER
ROCKY DALE KROPP
PARKER CHARLE KULDAU II
JEFFREY SCOTT KUNKEL
T.A. KWIATKOWSKI
TIMOTHY DOUGLAS LABELLE
PAUL ANTHONY LAIRD
HARRY EDWARD LANDAU
DAVID WILLIAM LANDIS
JACQUELYN WALDIE LANSING
WILLIAM FREDERICK LARSON
PETER JAMES LATTA
JEFFREY JOSEPH LAUFF
JOHN EDWIN LAUGHLIN
S.J. LAUKAITIS
FRANK A. LAURIA
WENDY B. LAWRENCE
ERIC ALLISON LEFRANCOIS
JOHN CHRISTOPHER LEGG
WANDA FAYE LEONARD
RICHARD A. LEPPER
WILLIAM KEVIN LESCHER
CRAIG DOUGLAS LESHER
JERRY WILLIAM LEUGERS
DAVID ASHTON LEWELLYN
LEVITICUS ANDRE LEWIS
WARREN D. LEWIS
KENNETH LEROY LIGHTHIZER
STEVEN WILLIAM LITWILLER
RICHARD C. LOCKE
PHILIP EUGENE LOGAN
DONNA MARIE LOONEY
MICHAEL E. LOPEZALEGRIA
ALBERT FRANIS LORD, JR.
RENATA PAOLA YOCHUM LOUIE
DOUGLAS VANCE LOWRY
RONALD BENNETT LUHMANN
DALE A. LUMME
KEVIN BRIAN LYNCH
SUSAN ILENE JACOBMEIER LYNN
GEORGE BAILEY MACEWEN
WILLIAM A. MACHT
JOHN LEO MADDEN
DAVEN LYNN MADSEN
MICHAEL K. MAHON
EDWARD JOHN MAJEWSKI JR.
PHILLIP ALLEN MALEY
MICHAEL THOMAS MALINIAK
KEVIN MALONEY
STEPHEN CHARLES MALONEY
MICHAEL CHARLES MANAZIR
PAMELA ANN MARKIEWICZ
SHELLEY SHIPPY MARSHALL
MARK JEFFERY MARSHFIELD
CHARLES PATRICK MARTELLO
EDWARD LEE MARTIN
FRANK KURT MARTIN
WILLIAM VORESS MARTIN
DANNY EUGENE MASON
WILLIAM R. MASSIE
MONICA MATHERN
MICHAEL JOHN MATTHES
STEPHEN D. MATTS
JAMES EDWARD MAYER II
KELLY DEAN MC BRIDE
LAURENCE LEIGH MC CABE
THOMAS EDWARD MC CAFFREY
DENISE J. MC CALLACREARY
JAMES FRANCIS MC CARTHY
CHARLES ANDREW MC CAWLEY
JOHN M. MC CLOSKEY
RAY THOMAS MC COOL
LESLIE J. MC COY
DAVID M. MC DONALD
TIMOTHY SEAN MC ELHANNON
KATHLEEN ANNE MC GRATH
KEVIN WILLIAM MC INTIRE
WILLIAM P. MC KINNEY III
JAMES PATRICK MC MANAMON
MICHAEL TIMOTHY MC MASTER
PAMELA JO BALLUCH MC NAUGHT
ROBERT ARTHUR MC NAUGHT
KEVIN KELLY MC NEES
STEVEN L. MC SHANE
RICHARD A. MEDLEY
GRACE MEHL
MICHAEL EDWARD MEIER
JAMES MICHAEL MELESKY
CHRISTOPHER ALLAN MELHUISH
VICKI SUE MERRY
DEAN WILLIAM MEYER
MICHAEL MEYER
KIRK ALAN MICHEALSON
JOHN CLARK MICKEY
GREGORY A. MILLER
JEFFREY BRETT MILLER
ROBERT ALLEN MIRICK
DENNIS ELLIS MITCHELL
WILLIAM MITCHELL
MAURICE M. MONTANA
ALAN ROBERT MOORE
MICHAEL DAVID MOORE
PATRICK THOMAS MOORE
STEVEN EMORY MOREHEAD
CHARLES RANDOLPH MORGAN
MICHAEL DAVID MORGAN
DANIEL JOSEPH MORGIEWICZ
STEPHEN MC GOVERN
ROBERT SCOTT MORRISON
VALERIE ANN MOULE
RICHARD H. MOYER
LYLE K. MUELLER
JEFFREY J. MUNSON
JAMES ALAN MURDOCH
DENNIS J. MURPHY
DINTY JOE MUSK
MARK ROBERT MYERS
NICHOLAS F. MYGAS
DANIEL EDWIN NAGEL
KENNETH PAUL NEUBAUER
BRIAN S. NEUNABER
DAVID ALBERT NEWLAND
GERALD F. NIES
WILLIAM DEAN NOBLE
STEPHEN A. NOTA
DANIEL I. NYLEN
RICHARD DENNIS OBRIEN
EDMUND WILLIAM OCALLAGHAN
MARTIN THEODORE OCCHI
ANN CATHERINE OCONNOR
JAMES EDWARD OCONNOR
JOHN BARTHOLOMEW OCONNOR
JOHN KEVIN OERTLING
ARTHUR JOHN OHANIAN
EDWARD CHARLES OHLSON
JAMES LAWRENCE OKEEFE III
THOMAS PATRICK OKEEFE
WILLIAM GERARD OKONIEWSKI
ROBERT EMMETT OLDANI
S.M. OLECHNOWICZ
DAVID ALLEN OLIVIER
BRIAN CHRISTOPHER ONEILL
MARY MARGARET ORBAN
SCOTT ALLEN OROSZ
ALLEN LAFOREST OSBORNE III
DANIEL LEE OUIMETTE
KATHRYN LEE KARLSON OZIMEK
CYNTHIA ANN PADGETT
WILLIAM RONALD PADGETT, JR.
FRANK CRAIG PANDOLFE
RAYMOND NMN PARA
LUKE RAYMOND PARENT
JONI LYNN PARKER
GARY PAUL PARSON
DEBRA LEE PAULSON
LEWIS NATHANIEL PAYTON
JAMES W. PENDLEY
SAMUEL PEREZ, JR.
CLIFTON EUGENE PERKINS, JR.
MICHAEL RIEDELL PERRY
WILLIMA SCOTT PERSONIUS
JOHN M. PERSYN
MATTEW TATE PETERS
JOHN WILLIAM PETERSON
JOSEPH PRESTON PETERSON
DAVID S. PETRI
GEORGE M. PETRO
BRIAN F. PHILIPP
THOMAS CARL PIELUSZCZAK
JOHN WILLIAM PIERCE
PRESTON CLAY PINSON
ROBERT EUGENE POTTBERG
JOYCE LYNN POWELL
ROBERT GLENN PRESLER
JOHN KEOUGH PRIMER
DOUGLAS SAMUEL PRINCE
FREDERIC ARNETT PRISLEY
BETTY JEAN PUTNAM
JOHN M. QUIGLEY
WILFRED PURISIMA QUINTONG
KARL ANDREW RADER
TERRY DAIL RAINS
JAMES P. RANSOM
MARTHA RUTH RATCHFORD
CLIFFORD H. RATTE, II
ROBERT LEE RAWLS
DOUGLAS S. RAY
MICHAEL S. REED
MICHAEL W. REEDY
CARL WILLIAM REHLING, III
DENNIS JOSEPH REILLY, III
LAWRENCE SCOTT RICE
WALTER JOE RICHARDSON, JR.
BRIAN ELLIOT RIEHM
JOHN WALLACE RILEY, III
NEIL SHERMAN RISH, JR.
ROBERT MICHAEL ROBINSON
BRIAN A. RODGERS
GEORGE ANGEL RODRIGUEZ
DAVID M. ROGERS
JOSEPH N. ROGERS
KENNETH MARTIN ROME
KATHLEEN MARIE RONDEAU
DAVID BRIAN ROOT
BENJAMIN FRANK ROPER
STEVEN MARK ROPER
EDWARD DALE ROSEQUIST
BRUCE ALLAN ROSS
JOHN ARTHUR ROSS
THOMAS M. ROSSI
LEAH MARIE ROUST
ELIZABETH ANNE ROWE
TIMOTHY G. RUCK
THORNWELL FRANK RUSH, JR.
JAMES EDWARD RUSSELL
RICHARD JOSEPH RYAN
TERRENCE CHRISTOPHER RYAN
ROBERT PETER SABO
RIGOBERTO SAEZORTIZ
ROBERT C. SAIN
GABRIEL R. SALAZAR
DEBORAH LYNN SALFER
COLGATE WHITEHEAD SALOMON
JOSEPH MICHAEL SAMPLE
NANCY JEFFRIES SANDERS
WILLIAN VITO SCARDINA, JR.
JAMES KENT SCHOLL
ROBERT JOHN SCHOPPE
ROBERT EDWARD SCHUETZ
JAY PAUL SCHWERMER
BRIAN CHARLES SCOTT
CHARLES KENNETH SCOTT, II
LELAND HART SEBRING, JR.
DAVID WAYNE SEIPEL
JOSEPH SENSI
AUGUST JOSEPH SERENO, JR.
JOEL BYRON SEWELL
DAVID G. SHAFER
LINDA CAROL SHAFFERVANARIA
JONATHAN WILLIAM SHARPE
JAMES EDWARD SHAY
MICHAEL DENNIS SHETTLE
MARK GREGORY SHOFNER
VINCIENT FRED SHORTS
RAYMOND ARTHUR SHRIVER
WILLIAM SIZEMORE
JOSEPH E. SKINNER
BRADLEY B. SMITH
DAVID CHARLES SMITH
FRED ELVIN SMITH
JAMES LEE SMITH
JUDY LENORE SMITH
MARK BARNARD SMITH,
MICHAEL K. SMITH,
TIMOTHY MARK SMITH,
VICTORIA MARIE SMITH,
JOHN WILLIAM SNEDEKER, JR.,
LYLE W. SNIDE,
JOHN DWAIN SNIVELY,
DALE ELIZABETH SNYDER,
MICHAEL DAVID SONNEFELD,
DAVID A. SORANNO,
THOMAS LEO SPARKS,
JOHN GEOFFREY SPEER,
JAMES M. SPENCE,
JOHN H. SPILLER,
CHERYL LYNN SPOHNHOLTZ,
LISA BECKMAN SQUIRE,
STEPHEN GEORGE SQUIRES,
VINCENT A SQUITIERI,
VICTOR ANTHONY STEINMAN,
CHRISTIAN MICHAEL STEINMETZ,
ANN F. STENCIL,
ROBERT RAYMOND STERLING, JR.,
ELIZABETH ANN STERNAMAN,
JAMES GERARD STEVENS,
SCOTT D. STEWART,
LINDA FAYE STJOHN,
RICHARD VERLAN STOCKTON,
THOMAS JOHN STREI, JR.,
STEVEN IVES STRUBLE,
CHRISTOPHER JOHN SULLIVAN,
SEAN P. SULLIVAN,
RICHARD DOUGLAS SUTTIE,
ERIC L. SWEIGARD,
SCOTT HARBISON SWIFT,
STEPHEN LEO SZYSZKA,
STEPHEN WILLIAM TAGARIELLO,
DANIEL A. TANNER III,
JEFFREY BENJAMIN TAUB,
STUART DOUGLAS TERRY,
DAVID M. THOMAS,
DOYLE E. THOMAS,
ROBERT LEE THOMAS, JR.,
HENRY MARTIN THOMPSON, JR.,
RONALD NEIL THOMPSON,
MARYLOU KATHERINE TILLOTSON,
MICHAEL PETER TILLOTSON,
GLENN STOCKTON TITLOW,
RICHARD DEAN TOBEY,
DAVID WAYNE TODD,
MARK C. TOMB,
JAMES MINNIS TREES,
ALBERT RICHARD TROTTER, JR.,
JAMES CHARLES TRUMP, JR.,
CARL RAY TURNER II,
MICHAEL J. TURNER,
RICHARD KIETH TURNER,
MICHAEL FRANCIS TUZZOLO,
ANNE KATHLEEN TYLER,
NORA WINGFIELD TYSON,
FRANK DAVID UNETIC, JR.,
CHRISTOPHER WILLIAM URBAN,
BARBARA FRANCES VALENTI,

BIENVENIDO VALERIO,
ANTHONY NMN VANARIA IV,
MARK ANTHONY VANCE,
GORDAN EVANS VANHOOK,
HANS JOSEPHUS VANOEKEL,
GUY LESLIE VARLAND,
JOHN EDWARD VESTERMAN,
DAVID MICHAEL VOLONINO,
KENNETH D. WALKER,
MARK HOLT WALKER,
SUSAN ESTHER WALTERS,
PETER BLAKELEY WANN,
DAVID ANTHONY WARAN,
WILLIAM FAREL WARLICK,
MICHAEL C. WARMBIER III,
DENNIS GEORGE WATSON,
WALTER BRUCE WATSON, JR.,
WILLIAM T. WEBBER,
JAMES M. WECKERLY,
RONALD EUGENE WEISBROOK,
TALA JEAN WELCH,
ROGER DALE WELLS,
CHRISTOPHER BRIAN WELSH,
BETSY ANN WEMYSS,
PATRICIA MURPHY WENGER,
SUZANNE KATRINKA SCHEL WEST,
DARREL EDWIN WESTBROOK III,
CHRISTY JANE WHEELER,
KENNETH NMN WHEELER,
TERRY SCOTT WICHERT,
PETER IGOR WIKUL,
BRIAN WILD,
JAY COLVARD, WILKINSON,
MARY EDITH WILLIAMS,
NORMAN LEROY WILLIAMS,
CRAIG A. WILSON,
DAVID CABLES WILSON,
JOHN GILBERT RANDAL WILSON,
JOHN PHILIP WILSON,
ROBERT JOHN WILSON,
ROBERT SCOTT WINNEG,
JAMES EDGAR WISE II,
RANDALL JOSEPH WITTRY,
ROBERT LEE WOHLSCHLEGEL,
RAYMOND WARREN WOLBER,
BRIAN PHILIPS WOOD,
JOHN STEVEN WOOD,
JIMMY CLIFFORD WOODARD,
DARLENE R. WOODHARVEY,
SUSAN ELAINE, WOODWARD,
MARK S. WOOLLEY,
JAPHET POTENT WOOLSTON,
WALTER JAMES WRIGHT,
SAMUEL RADCLIFFE WRIGLEY,
HAROLD DAVID WUNDER,
JAMES RALSTON WYLLY,
NATALIE KWAI S. YOUNGARANITA,
SARA ANNE ZAK,
JEFFREY N. ZERBE,
MICHAEL A. ZIESER,

ENGINEERING DUTY OFFICERS

To be commander

JONATHAN DWIGHT BARNES
DAVID WAYNE BELLA
ROBERT E.L. BOND
JOSEPH MATTHEW BRADLEY
MICHAEL P. BUTLER
CHRISTOPHER WHEELER CABLE
ERIK N. CHRISTENSEN
MICHAEL THOMAS COLEMAN, SR.
JAMES C. DAVIS
KEVIN JAMES DELANEY
JANINE VETTESE ENGLAND
JOSEPH M. FALLONE
TIMOTHY VINCENT FLYNN III
KEVIN PATRICK GANNON
MICHAEL ANDREW GOMORI
FRANK E. HUDIK
ROBERT A. KLOCEK
JUDSON LEWIS KNECHT
DANIEL LARUE KNIGHT
ROBBY L. KNIGHT
DAVID L. KRUEGER
JOHN EDWIN LOTSHAW
MARY ELLEN MARTIN
STEPHEN EDWARD MARTIN
WILLIAM THOMAS MCCOY
EDWARD THOMAS MEREE
TODD JAY PELTZER
DANIEL JOSEPH PETERS
PATRICK JEAN REGIS
MARK JOSEPH RINGLEIN
BENJAMIN WAKULA SANCHEZ
SEAN J. STACKLEY
DANNY RAY STEVENSON
CHARLES P. SUMNER
JAMES CARLOS TERTOCHA
ROBERT J. VOIGT
JAY W. WALLIN
CHARLES JOSEPH YOUNG, JR.

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

GEORGE S. BROWN
JEROME L. BUDNICK
DAVID PAUL DAVIDSON, JR.
TINAMARIE DERCOLE
DOUGLAS RANDOLPH GARRETT
DANIEL HILARY GILDEA
MARK J. GONZALEZ
JAMES LEE GOSNELL
RICHARD CALDWELL HARNED
DAVID ERIC LANCASTER
DAVID LEE LASHBROOK
HARRY F. MOLYNEUX
JOHN CHARLES O'CONNOR
ROBERT REUBEN OXBORROW
DAVID B. PORTER
STEVEN CLIFFORD RATHMANNER
RICHARD MICHAEL ROWAN
DENNIS RAY SORENSEN
JEFFREY JOHN STENZOSKI
ROBERT BRIAN STONEY
JIMMY DALE WALKER
RICHARD CLARK WOOLDRIGE
DEAN DALE WORTHINGSTUN

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

RONALD TIMOTHY ALLEN
WAYNE DENNIS ALLUMS
CECIL EDWARD BAKER
CHRIS JOSEPH BORER
DENNIS KARL CHRISTENSEN
ROBERT ERIC DEAN
RUTH ANN FORREST
MARK EDWARD GABRIEL
MICHAEL WHARTON MELLOR
TERRY LYNN MERRITT
KENNETH MILES REYNOLDS
LARRY JOHN TORTORICH
PETER JOSEPH WALTER
STEVEN MICHAEL WILLIAMS
ROBERT CARLTON WOLFE

AVIATION DUTY OFFICERS

To be commander

RUSSELL M. CHANG
GARY EDWARD LEMMING
THOMAS MCCULLEY
CLAYTON AUGUST UMBACH III

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

SANDRA KAY BROOKS
JOSEPH BRUCE CALOMENI
CHARLES ROBERT ERBER
MARTIN ROY GREENE
RICHARD KARL JOHNSTON
ALFRED LEDESMA
RICHARD SCOTT LIBBY
PATRICIA ANN MCNALLY
DAVID EDGAR MEADOWS
STEPHEN EDWARD PALUSZEK
CHRISTOPHER L. PARENTE
FRANCIS EDWARD SABLAN
KEVIN POWELL SEAVEY
JOANNE SEXTON

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

EUGENE ADKINS, JR.
CHARLES ROBERT ARMSTRONG
STEVEN BURNETT ASHBY
WAYNE LYLE BUNG
STEVEN R. CAREY
CHARLES JOSEPH CARSON, JR.
SUSAN M. CHIARAVALLE
NANCY KATHLEEN CLARK
THOMAS CLARK COOL
SAMUEL J. COX
WILLIAM ALAN ELDARD
JAMES RICHARD EVERETT III
GREGORY FRANK GALLARDO
FRANCIS MAX GUTIERREZ, JR.
JOHN DAVID HEARING
ALICE MOBLEY JACOBSON
WILLIAM JOSEPH KLAUBERG, JR.
LENDALL S. KNIGHT
LEONARD WALTER MCKAY
JOHN HOWLETTE MOOT
FREDERICK NATHAN MORGAN
SANTIAGO RICARDO NEVILLE
DONALD ANDREW OLIVIER, JR.
RICHARD JAMES PERA
TERESA WILLIAMS ROBERTS
JOHN ANTHONY SCALI
GARY RAY SCHAFFER
SCOTT MCKINLEY SHUMAN
STEPHEN ERIC SMITH
MARK EVERETT STILLE
DARRELL GENE USSERY
LINDA JOAN VETTER
STEPHEN MARK VETTER
MARK ANTHONY YONCHAK
CHARLES ZINGLER
VIVIAN INGRI ZUMSTEIN

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

JOHN MICHAEL ANDREWS
MICHAEL E. BRADY
DAVID BRADLEY KNOX
TERRY LEE MCCREARY
BRUCE EDWARD WILLIAMS

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

MICHAEL ROBERT CLENDENING
DEBRA MARSHALL FORD
PETER WILLIAM FURZE
FRANK WILLIAM GARCIA, JR.
JOHN LOREN HEISHMAN
DAVID WILLIAM JONES
JAMES HOYT KORCAL
MICHAEL ERNEST KREYENHAGEN
DAVID HILTON MCCARREN
PHILIP G. RENAUD
RANDY JAMES SCANLON
KATHY ANN SHIELD
DANIEL JOSEPH SOPER
MICHAEL RAMSEY STEWARD
CHARLES MUNSON WHITE
BRIAN JAMES WILLIAMS

LIMITED DUTY OFFICERS (LINE)

To be commander

WILLIAM GEORGE BAILEY
TEDD LEWIS BARNETT
DAVID A. BELTON
RICHARD HAROLD BERARDI
DANIEL G. BROWN
WILLIAM GLENN BROWN
HARRY DOUGLAS BRYANT
GARY WAYNE BUMGARNER
ROLAND L. CANTIN
WALLACE R. CASTO
SHERWOOD E. COOK
JOHN ALAN COPES
JAMES PAUL DELANEY
BRENT ALAN FERNALD
ANTHONY J. GONZALES
RICHARD WILLIAM HERMAN
JOHN F. HOWE
STEPHEN GEORGE HYMAN
RICK MARTIN JONES
KENNETH EDWARD KARR
DAVID WILLIAM KELCH
WILLIAM DAINE KING
DWIGHT EDWARD LAMONT
HARBOROUGH IRWIN LILL III
PATRICK MICHAEL MCCARTHY
GEORGE GAMEL MCELVEEN, JR.
GERALD DOISS MEDDERS
RICHARD HERBERT MURPHY
JAMES PATRICK NEARY
CHARLES DANIEL PENNINGTON
HENRY D. POMERANZ
DONALD RAY PRICE
LAURENCE WILLIAM REHER III
RAYMOND SCOTT
MIKE THOMPSON
RICHARD HAROLD WATKINS
PAUL D. WILLIAMSON
WILLIAM L. WILSON
WILLIAM DALE ZBAEREN
WILLIAM L. WILSON

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19, 1994:

DEPARTMENT OF DEFENSE

JOSHUA GOTBAUM, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF TRANSPORTATION

T.R. LAKSHMANAN, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR THE TERM OF 4 YEARS EXPIRING JUNE 14, 1996.

FEDERAL COMMUNICATIONS COMMISSION

RACHELLE B. CHONG, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1992.

SUSAN NESS, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1994.

SUSAN NESS, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1 1994.

FEDERAL MARITIME COMMISSION

WILLIAM D. HATHAWAY, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1998.

JOE SCROGGINS, JR., OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1995.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ARNOLD GREGORY HOLZ, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

COAST GUARD

REAR ADM. ROBERT E. KRAMEK, U.S. COAST GUARD, TO BE COMMANDANT, U.S. COAST GUARD, FOR A TERM OF 4 YEARS WITH THE GRADE OF ADMIRAL WHILE SO SERVING.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE VICE COMMANDANT, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. ARTHUR E. HENN

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE CHIEF OF STAFF, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. KENT H. WILLIAMS

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE COMMANDER, ATLANTIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. JAMES M. LOY

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD, TO BE COMMANDER, PACIFIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING:

REAR ADM. RICHARD D. HERR

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD RESERVE FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ROBERT E. SLONCEN

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD RESERVE FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

RICHARD W. SCHNEIDER

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ROGER T. RUFE, JR.
HOWARD B. GEHRING

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REAR ADMIRAL JOHN C. ALBRIGHT FOR APPOINTMENT IN THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, PACIFIC MARINE CENTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

COAST GUARD

THE FOLLOWING OFFICES OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

RUDY K. PESCHEL
JOHN W. LOCKWOOD
GERALD F. WOOLEVER
NORMAN T. SAUNDERS
RICHARD D. HERR
JAMES C. CARD

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD TO BE A PERMANENT COMMISSIONED OFFICER IN THE GRADE OF LIEUTENANT COMMANDER IN THE REGULAR COAST GUARD:

JOANNE MC CAFFREY

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COAST GUARD NOMINATIONS BEGINNING CURTIS B. ODOM, AND ENDING EUGENE R. LYTTON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

COAST GUARD NOMINATIONS BEGINNING STEPHEN E. FLYNN, AND ENDING MARYANN P. SMID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING STEPHEN H. MANZO, AND ENDING LAWRENCE P. CHICCHELLY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

EXTENSIONS OF REMARKS

IMPROVING DIABETES CARE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. TOWNS. Mr. Speaker, all of us recognize the problems Americans with diabetes have in obtaining affordable, quality, health care. This is particularly true for African-Americans, Hispanics, and Native Americans, who are more likely to have diabetes than other Americans and who are underserved by today's health care system.

Mr. Speaker, we also recognize that diabetes is a costly disease, both to those with the disease and to the health care system overall. Two recent studies, the first by the National Institutes of Health [NIH] and the second Lewin-VHI, demonstrate that aggressive and consistent management of the disease significantly enhances the health of the people with diabetes and that improving diabetes care is absolutely necessary if we are to control health care spending.

Mr. Speaker, last year NIH completed the landmark diabetes control and complications trial [DCCT], with the results published in the September 30, 1993, issue of the New England Journal of Medicine. The NIH study demonstrated that tight control of blood sugar levels can significantly reduce the risk and progression of complications associated with diabetes, including blindness, kidney disease, and amputation. Aggressive and consistent management of diabetes is best achieved through blood-sugar control, which includes monitoring blood-sugar levels, exercise, controlled diet, and regular insulin injections with a team of health care providers. Today, few individuals with diabetes receive the aggressive and consistent management found effective in the NIH study.

The Lewin-VHI study revealed that the 5-percent of Americans who have diabetes account for one of every seven health care dollars spent. The study also found that 42 percent of total diabetes health care costs was paid by Medicare and Medicaid—1992. The study's results were published in the April 1994 issue of the Journal of Clinical Endocrinology and Metabolism. The study was sponsored by America's leading diabetes provider, Diabetes Treatment Center of America, which has over 70 diabetes centers in hospitals across the United States.

Mr. Speaker, the NIH study proved that we can improve the lives of people with diabetes though aggressive management of the disease before complications develop. The Lewin-VHI study showed that improving care for people with diabetes is necessary to control overall health care costs. National health care reform must address the problem of Americans who are underserved by the current system and ensure all Americans with diabetes are provided with the kind of health care proven effective by the NIH study.

I respectfully submit an April 13, 1994, Boston Globe column by Tom Oliphant entitled "A case study in the health care: What's right, what's wrong and what's needed" to be included in the CONGRESSIONAL RECORD. The article deftly explains the importance of the NIH and Lewin-VHI studies in the context of national health care reform. I also submit the abstracts of the articles published in the New England Journal of Medicine and the Journal of Clinical Endocrinology and Metabolism.

[From the New England Journal of Medicine, Sept. 30, 1993]

THE EFFECT OF INTENSIVE TREATMENT OF DIABETES ON THE DEVELOPMENT AND PROGRESSION OF LONG-TERM COMPLICATIONS IN INSULIN-DEPENDENT DIABETES MELLITUS

(By The Diabetes Control and Complications Trial Research Group)

Abstract—Background. Long-term microvascular and neurologic complications cause major morbidity and mortality in patients with insulin-dependent diabetes mellitus (IDDM). We examined whether intensive treatment with the goal of maintaining blood glucose concentrations close to the normal range could decrease the frequency and severity of these complications.

Methods. A total of 1441 patients with IDDM—726 with no retinopathy at base line (the primary-prevention cohort) and 715 with mild retinopathy (the secondary-intervention cohort) were randomly assigned to intensive therapy administered either with an external insulin pump or by three or more daily insulin injections and guided by frequent blood glucose monitoring or to conventional therapy with one or two daily insulin injections. The patients were followed for a mean of 6.5 years, and the appearance and progression of retinopathy and other complications were assessed regularly.

Results. In the primary-prevention cohort, intensive therapy reduced the adjusted mean risk for the development of retinopathy by 76 percent (95 percent confidence interval, 62 to 85 percent), as compared with conventional therapy. In the secondary-intervention cohort, intensive therapy slowed the progression of retinopathy by 54 percent (95 percent confidence interval, 39 to 66 percent) and reduced the development of proliferative or severe nonproliferative retinopathy by 47 percent (95 percent confidence interval, 14 to 67 percent). In the two cohorts combined, intensive therapy reduced the occurrence of microalbuminuria (urinary albumin excretion of ≥40 mg per 24 hours) by 39 percent (95 percent confidence interval, 21 to 52 percent), that of albuminuria (urinary albumin excretion of ≥300 mg per 24 hours) by 54 percent (95 percent confidence interval, 19 to 74 percent), and that of clinical neuropathy by 60 percent (95 percent confidence interval, 38 to 74 percent). The chief adverse event associated with intensive therapy was a two-to-threefold increase in severe hypoglycemia.

Conclusions. Intensive therapy effectively delays the onset and slows the progression of diabetic retinopathy, nephropathy, and neuropathy in patients with IDDM. (N Engl J Med 1993:329:977–86.)

[From the Boston Globe, Apr. 13, 1994]

A CASE STUDY IN HEALTH CARE: WHAT'S RIGHT, WHAT'S WRONG, AND WHAT'S NEEDED

(By Thomas Oliphant)

Ann Young and Joyce Psalidas, nearing 40 and first cousins, were each diagnosed with diabetes at age 11 when they were kids in suburban Atlanta.

After more than a quarter-century of more traffic with the country's health care system than most Americans have in a lifetime, they personify what's right with the beast, what's wrong with it and what's needed to change it.

What's right with it is science and medicine and doctors and nurses who have made it possible to control a chronic disease affecting nearly one in 20 Americans.

What's wrong with it is that the best and most efficient care is available only haphazardly, with immense human and financial consequences.

And what's needed—in human as well as economic terms—is private health insurance that covers everyone with basic benefits, including intensive therapy for diabetics.

Over 27 years, Joyce Psalidas' more or less conventional treatment has cost nearly $75,000 and has included 51 days in the hospital and 11 outpatient visits.

Over the same period, Ann Young's treatment has cost barely $40,000 and has involved just five days in the hospital and four outpatient visits.

From first diagnosis, Psalidas had a daily insulin shot and urine test but nonetheless experienced a host of eye and kidney complications. From her first diagnosis, Young visited her doctor more often, had her diet and exercise routine monitored and took insulin more frequently as needed to maintain a more nearly normal blood sugar level.

Young, a nurse, has benefited from comprehensive insurance coverage at work, from her own knowledge and from good luck. Psalidas, who has used more intensive therapy for the last 10 years, has often had to pay out of her pocket (she's an educator) and to scheme her way into studies at research hospitals.

The two women were brought here yesterday by Young's employer, Diabetes Treatment Centers of America, part of American Healthcorp Inc., to make a point that cuts to the core of this year's health care debate.

As the company's CEO, Jim Deal, summed up, "When you improve the quality of care, the cost of care goes down." To make the point just as dramatically, the company released a study it commissioned from Lewin-VHI, the firm whose broader work on the health insurance issue is widely accorded definitive status.

Diabetes is more than the No. 4 killer among diseases, according to the research just published in the Journal of Clinical Endocrinology and Metabolism. The national cost of health care for diabetics in 1992 was a stunning $106.2 billion, more than 60 percent of it in the form of inpatient hospital treatment.

That compares with a total national health care bill of $615.3 billion the same year, less than half of it from hospitals.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In English, this means diabetes is to health care what health care is to the over-all economy; it also means that caring for 4.5 percent of the population produces nearly 15 percent of the costs, more than 40 percent of which are paid through Medicare and Medicaid.

In medicine, it has been shown a zillion times that the more you monitor blood sugar, the more timely the use of medicine and the more aggressive the other aspects of a diabetic's therapy, the less frequent are the complications. And monitoring blood sugar levels is easy.

What a famous study released last year by the National Institutes of Health showed is that when diabetics' blood sugar levels are close to normal, the risk of kidney disease drops by 56 percent, of nerve disease by 60 percent and of eye disease by 76 percent.

Ann Young and Joyce Psalidas are both resourceful women, but Young has also been fortunate, and there is no logical reason why her experience—rather than her cousin's—shouldn't be a model for the country.

Managed care works and it pays. When people don't have good insurance that promotes intelligent care, people suffer, and the country pays through the nose.

Slowly, Congress is summoning the will to marry universal coverage and managed care along President Clinton's outlined lines. The idea that this is controversial is absurd, and Joyce Psalidas is this weeks Exhibit A.

RECOGNITION OF LOIS NELSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to honor an outstanding member of our northwest Ohio community, Lois Nelson. After years of unwaivering and dedicated community service, Lois was named this year to the State of Ohio Senior Citizen's Hall of Fame. The Ohio Senior Citizen's Hall of Fame is an elite body of older Ohioans which includes people like former Ohio Governor, James Rhodes, former Ohio Department of Aging Director Martin Janis, and long-time senior citizen advocate, Toledo vice-mayor and councilwoman-at-large, Eleanor Kahle. The senior citizen hall of famers have contributed far beyond what might be expected of any group of citizens.

I have had the pleasure of knowing Lois for many years: She is a deeply committed woman who gives 110 percent to every one of her numerous activities. As a founding member of the downtown Toledo Building Owners and Managers Association, Lois maintains a constant commitment to the beautification of our city's downtown and works hard at getting Toledoans to recognize our jewel on the river. And her link to the waterways is long. She is a retired member of the U.S. Navy, having the unique distinction of being one of the daring women airplane pilots during World War II and remains involved in naval affairs. Most recently, she tirelessly promoted the christening of a Navy nuclear-powered submarine, as the U.S.S. *Toledo*. It was indeed a proud and emotionally charged moment as we represented our city at the submarine's christening last year as it was launched in Newport News, VA. A year later, Lois still promotes the vessel's link to Toledo by distributing commemorative materials from that event.

Lois' interests extend into social service just as deeply as her professional memberships. She serves as president of the board of directors for the Cordelia Martin Health Center, a federally funded clinic in Toledo. For the past 14 years, Lois has served the local Salvation Army in all facets, and she currently serves as chairperson of the advisory board. She is a skilled leader and has used those talents to organize fundraising activities, which have resulted in the provision of a summer meals program for 32,000 area children.

Lois also serves as secretary for the boards of the Local Initiatives Support Corp., for Neighborhood Revitalization, and Downtown Toledo Vision, Inc., and is a founding member of the Performing Arts Co. of Toledo.

It is apparent to all of us in the greater Toledo area, and now to all Ohioans, that Lois Nelson is a distinguished citizen, for she has given her life to the betterment of all. As she joins the ranks of Ohio's elite corps of senior citizens, I—and all Ohioans—commend her for her spirit, her integrity, her vision, and her service.

SLOVAK SUCCESSES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. HOYER. Mr. Speaker, for some months now the Commission on Security and Cooperation in Europe, which I cochair along with Senator DENNIS DECONCINI, has been preparing a series of reports on human rights and democratization in the countries of Eastern Europe and the former Soviet Union. In many respects, these reports stand as an ambitious attempt to evaluate the highly complex and unprecedented process of transformation underway in that region. As such, they have required a far-reaching survey of political, economic, and legal developments and a synthesis of their impact on each country's progress in fulfilling its CSCE human dimension commitments. So far, reports on 22 countries have been finished and a half dozen more reports are in the works.

Last fall, the Commission finished and released its report on Slovakia. Regrettably, the picture it painted was disappointing. Although Slovakia's transition to independence had been peaceful—to the credit of all parties involved—its transition to democracy was troubled.

I am gratified to note that in recent months Slovakia's transition to democracy has picked up speed considerably. Following the establishment of a new coalition government in March, Slovakia's leadership has taken important steps to redress many of the concerns raised in the Commission's report. Compromise legislation on the name of newborns and right of women to names of their own choosing—a matter of particular concern for the Hungarian minority—is moving into place, as is planned legislation permitting bilingual road signs. The resolution of these issues is not only consistent with promises Slovakia made upon joining the Council of Europe, it demonstrates good faith in seeking to fulfill Slovakia's commitments in the CSCE process.

Progress has been achieved in other areas as well, including the completion—along with Hungary—of the first agreements in Eastern Europe designed to settle claims for property seized from Jews between 1939 and 1945. The Slovak Government's plans to return property to Jewish communities demonstrates the considerable efforts being made by the people of Slovakia to come to terms with their past, and to build a democratic future.

Of course, there are other issues raised in the Commission report that have not yet been addressed. I hope that the Government of Slovakia—along with those of Poland, Hungary, and the Czech Republic—will repeal defamation legislation that has the effect of criminalizing mere criticism of the Government or Government officials. Such legislation is inconsistent with these countries' commitments in the CSCE process. Fortunately, the current Slovak Government has clearly signaled its intention to put these anachronisms behind it.

As Slovakia does so, it clears the way for the Government to move on to the important business of developing the independent of Slovakia state's infrastructure, of passing needed legislation in the area of privatization, and of strengthening its ties with the United States and the West.

Mr. Speaker, I will be in Vienna in July for the annual meeting of the CSCE Parliamentary Assembly and, in connection with that trip, plan to visit Bratislava. I look forward to continuing there the dialog that has begun between the Commission and Slovak representatives in Washington and at CSCE meetings and discussing our shared goals and aspirations.

TRIBUTE TO LEONARD MAURICE PEARSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Leonard Maurice Pearson.

Leonard and his teammates on the Marlboro Boys and Girls Club B league championship basketball team, were recently honored by U.S. Secretary of Education Richard Riley for their academic and athletic achievements.

In spite of a rigorous basketball practice schedule, each team member was required to maintain at least a 3.0 or better grade point average. Leonard surpassed the 3.0 minimum, and has a 3.71-grade point average. He is currently a student at Walker Mill Middle School, where he participates in the Gifted Magnet Program. Additionally, Leonard is a member of the national junior honor society. Next fall, he will matriculate at the renown St. Albans Boys School at the National Cathedral here in Washington.

This week, all across the country, we are remembering the landmark Supreme Court case on May 17, 1954, Brown versus the Board of Education, which struck down public school segregation. Leonard Pearson is the great-grandson of one of the original plaintiffs, Levi Pearson, of Clarendon County, SC. This week's edition of Newsweek magazine describes the courageous contributions of Levi Pearson and others in the small community of Summerton, as they challenged the status quo of injustice, using the U.S. Constitution as their weapon of defense. Leonard's grandfather, Ferdinand Pearson, is also cited in the Newsweek article as he reflects on the struggle before, during, and after the Brown decision.

As we celebrate the 40th anniversary of Federal efforts to achieve ethnic diversity in our Nation's public schools, we must also embark upon a new era to educate America's children. I trust that we will also renew our interest in the need to provide for their academic, social, and cultural needs.

In honoring Leonard and his teammates, Secretary Riley stated, "Giving our students the best education in the world is a moral imperative and an economic necessity if our Nation is going to continue to prosper. I hope you will continue to set high goals for yourself."

Mr. Speaker, Leonard Maurice Pearson has already achieved high goals and I am sure he will continue to make his family and all of us proud.

TRIBUTE TO DWAYNE O. ANDREAS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. SHAW. Mr. Speaker, I rise today to honor Mr. Dwayne O. Andreas on his acceptance of the 1994 Horatio Alger Award. The Alger award "celebrates hard work, not heredity, potential and purpose, not privilege, achievement not aristocracy." These words were framed by Frank Resnik, a past recipient of the award, could have been written to describe Dwayne Andreas.

Mr. Andreas embodies the spirit of excellence found in all the Alger award winners. As the chief executive of the Archer Daniels Midland Corp., he has defined the role of a dynamic, responsible, U.S. company in the global economy. At least three presidents have relied upon and respected Mr. Andreas' business acumen, private enterprise, and management techniques. Needless to say, Mr. Andreas knows how to make things happen.

On the private side, Dwayne Andreas puts his money where his mouth is. He lends not only his name but his own hard work and funds to the causes he believes in. He and his wife and companion of 41 years, Dorothy, devote extraordinary amounts of time to the charitable causes which are meaningful to their lives. I am proud to call Mr. and Mrs. Andreas constituents as well as friends.

SALUTE TO GLADYS J. HERRON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Mrs. Gladys J. Herron who will be honored for 30 years of community service in my district on May 21, 1994. Gladys has been a quiet force for change throughout those years, and our community continues to benefit from her work.

Gladys has been a path breaker in many arenas, both personal and professional. We proudly acknowledge her as the founder of the first African-American School of Cosmetology. She continues in her profession until this day. Currently, she is chairwoman of the Ohio Association of Beauticians Advisory Board. As a senior citizen, she remains active in issues of particular concern to seniors. Her pioneering efforts in this regard led her to become a founding member of the J. Frank Troy Senior Center, which now serves a large number of senior citizens and remains an active neighborhood center, thanks to Gladys' direction.

Long interested in issues of the aging, Gladys was appointed to what was then known as the Ohio Commission on Aging by former Ohio Governor Richard Celeste in 1984. She remained with the Commission through its change into the Ohio Department of Aging until 1992.

Rarely is a community blessed with advocates who devote their lives to public service to improve the quality of life for others. Described as a hard, dedicated, fighter for human rights, Mrs. Herron has led by example by providing numerous volunteer services for the following organizations: Substance Abuse Services, Inc.; charter board member of the Affirmative Action Plan for Construction in Toledo; charter board member of the Lucas County Federal Emergency Management Association; Toledo Public Schools Advisory Council; Blue Cross and Blue Shield Senior Citizen Advisory Council; National Association for the Advancement of Colored People; National Caucus on Black Aging; and the Lucas County Business and Professional Women's Organization. Perhaps her strongest affiliation, however, is with her church. Gladys has dedicated herself to the Third Baptist Church in Toledo, OH, and demonstrates her commitment by serving as chairwoman of its advisory council and as church moderator.

It is citizens like Gladys J. Herron who are the link to bettering the lives of people in communities all across this Nation. Her life and accomplishments represent the value and results of hard work, determination, sacrifice, and commitment.

MEDIA'S ETHICAL MUDDLE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. OXLEY. Mr. Speaker, I wish to bring to the attention of Members the following column by James K. Glassman from the business section of yesterday's Washington Post. It would appear that the "ethnic police" in the media have some credibility problems on this issue. Mr. Glassman has done everyone a service by pointing out the media's hypocrisy in its fixation on perceived ethical lapses by others in the private and public sectors.

Again, I recommend Mr. Glassman's column to all my colleagues.

[From the Washington Post, May 18, 1994]

TALK ISN'T CHEAP—AND NEITHER IS JOURNALISTIC CREDIBILITY

(By James K. Glassman)

One of the biggest Big Money games in Washington is played by journalists who give speeches to trade associations and corporations and get paid $2,000 or $5,000 or even $30,000 a pop.

At a time when many of these same journalists are holding business and government figures to increasingly strict ethical standards, they're earning far more money from news sources in an hour than they earn from their own employers in a week.

Dennis Thompson, director of the Program in Ethics and the Professions at Harvard, says that news organizations should follow the lead of other large corporations in adopting tougher conflict-of-interest rules. On speeches, he says, "I would start with a straight ban and then proceed with exceptions."

According to a cover story in the May issue of American Journalism Review, Sam Donaldson of ABC News is said to get $30,000 for a speech; Anna Quindlen of the New York Times, $15,000; Tim Russert of NBC, $10,000; and Howard Fineman of Newsweek, $5,000.

In his book "Media Circus," Washington Post media critic Howard Kurtz reports that The Post's David S. Broder makes as much as $7,500 and William Safire of the New York Times makes $20,000.

It's not unusual for journalists to take money from groups they cover. With health care reform a hot topic for almost everyone in the press, Cokie Roberts of ABC News gave a speech to the Group Health Association of America for a reported $20,000, and CBS's Lesley Stahl received $10,000 to $20,000 from the insurance giant Cigna Corp., according to Jim Warren, media critic and Washington bureau chief of the Chicago Tribune.

The problem, of course, is that some of these groups may expect more for their money than a speech. They may be looking for better treatment in an upcoming news story or special access.

Journalists get indignant at this notion. Warren wrote in March: "One line usually is, 'Oh, there's nobody who thinks that my opinions can be bought.' . . . Baloney. When money changes hands, the relationship between reporter and subject changes."

One consultant, who frequently represents business interests in dealings with the press, told me that giving speech money to journalists is like giving PAC money to members of Congress: "It does buy a relationship. It determines whose calls will be returned." The difference is that PAC money is divulged in public filings.

What makes Alicia Shepard's American Journalism Review article so disturbing is that many moonlighting journalists don't seem to give the ethical issues raised by their lucrative speaking engagements a second thought.

They even claim their own right of privacy when asked to disclose who pays them and how much.

Donaldson refused to confirm his fee for a speech to a consortium of insurance organizations last year. Asked what he earned for a talk, Al Hunt of the Wall Street Journal told Shepard: "I'm not going to disclose it." PBS's Robert MacNeil called his fees "a private matter." And ABC's Catherine Crier said, "I don't need to discuss that."

A few years ago, squawks of protest greeted a proposal that would have required reporters in the Periodical Press Galley of Congress to list the sources and amounts of their outside income.

Contrast these attitudes with what's happening in business, where more and more corporations are setting up ethics offices and enforcing strict conflict-of-interest codes.

"Most companies," says W. Michael Hoffman, executive director of the fast-growing Ethics Officer Association, "have ethics policies that prevent anyone from accepting gifts from suppliers or potential suppliers over a certain amount of money—some say $25, some say no gifts at all."

Hoffman says, "This is probably one of the most sensitive times for conflicts of interest in history." One timely issue for corporations is whether they should do business with firms headed by members of their boards.

And Congress, which banned speaking fees entirely a few years ago, recently voted to prohibit even small gifts and lunches.

But journalism, which has no strong professional organization to set standards, seems to be moving in the opposite direction. Even the simple disclosure of speaking fees is evidently more than most reporters and columnists can bear.

At the very least, newspapers and magazines should print periodic lists of employees and their sources of outside income. Let readers decide if a $5,000 fee from a oil industry is clouding a reporter's judgment. Disclosure on TV is a little tougher but far from impossible.

Some news organizations are tightening their internal rules. The Washington Post won't allow employees to accept money from organizations they cover or from groups that try to influence legislation.

What about me? As editor of Roll Call, A Capitol Hill newspaper, I occasionally made speeches in the $4,000 range. Feeling uneasy, I changed my policy: I took the money, then donated it to charity. After a year, I just stopped giving speeches for money.

Getting off the dole might improve journalism's credibility. A recent Gallup Poll found only 22 percent of Americans rate the honesty and ethical standards of newspaper reporters "very high" or "high"—down from 30 percent in 1981.

Pharmacists have a 65 percent rating, and funeral directors 34 percent. But insurance salesmen score just 10 percent. No wonder they paid Sam Donaldson that $30,000.

TRIBUTE TO THE CITY OF GREENVILLE, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding city in the State of Michigan. Greenville, MI, is like many cities scattered throughout the United States, but it possesses a unique character all its own. During the week of May 16 to May 21, 1994, the city of Greenville, MI will commemorate 150 years of history by celebrating its sesquicentennial anniversary.

Nestled among the serene Baldwin Lake, the Flat River, and the surrounding beautiful landscape of Michigan, the city of Greenville is rich in historical heritage and tradition. Settled by John and Deborah Green in 1844, the city was originally known as Green's Village. Due to its strategic location, the city experienced rapid growth in industry and population and quickly became a focal point for trade in the region.

Today, the industrial and manufacturing bases owe their roots to the ingenious settlers who were attracted to the Greenville area. These settlers came from across the country and helped Greenville develop a strong logging industry.

As the industrial revolution swept the country, Greenville was leading the way with the development of a large manufacturing base in refrigeration which became part of the Fridigadaire Corp. While expanding industry and trade, Greenville remained committed to agriculture which continues to be important to the local and state economy.

Realizing the importance of education, the city established formal education early in its history by opening the first school in 1845. Displaying a commitment to strong family support, the residents of Greenville began holding church services from the beginning of its settlement.

Greenville has honored itself and the State of Michigan by providing an impeccable example of a growing community. While exceeding in economic excellence, Greenville also provides its residents with the tight knit community feeling of a small town.

Mr. Speaker, Greenville has a colorful history and bright future. Its commitment to the community and its citizens embody the ideals that make this Nation great. I know you will join me in congratulating the citizens of Greenville on their 150th anniversary and wish them well during their sesquicentennial celebration. We hope Greenville will continue to provide the example of strong community spirit for the next 150 years.

TRIBUTE IN HONOR OF RETIREMENT OF REVEREND WILLIAM G. PERDUE AS PASTOR OF THE BAPTIST TEMPLE, SAN ANTONIO, TX

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. TEJEDA. Mr. Speaker, I rise today with great respect for one of the truly remarkable leaders in San Antonio, TX: the reverend William G. Perdue. Brother Bill, as he is affectionately known by so many, celebrated his retirement last month as pastor of the Baptist Temple. While we will miss his strength of character and his personal warmth, we celebrate his many successes over the past years and know that his leadership—and that of his wife Charlene—will pass to and inspire the next generation. The entire community expresses its deepest thanks for his labor of love, dedication to community, and devotion to family.

Pastor Perdue and his wife came to San Antonio some 15 years ago, having served in pastorates around the State of Texas since 1957. Their accomplishments speak for themselves, reflecting the Perdues' vision for the future. The Baptist Temple today is larger, more modern, and serves more people in so many important ways because of their hard work and foresight. The church budget has doubled, $2½ million have been spent on upgrading the church's facilities with no long-term indebtedness, and the temple consistently leads in giving. The Baptist Temple serves as a church and community center, responding to the needs of its diverse congregation.

While building up traditional structures, the Perdues have not hesitated to create innovative ministries to meet the challenges of our complex world. The Baptist Temple has developed a retreat ministry in Texas' hill country, and the church owns and operates a 5-acre park in my congressional district. To offer aid to the community it serves, the Perdues have opened the doors of the Baptist Temple to anti-drug and anti-crime organizations reaching out to our youth. In these troubling times, with so many of our young children lost, the Perdues and their church offer guidance and wisdom.

Many have recognized the rare talents of the Perdues. Reverend Perdue has served on numerous Baptist boards in positions of responsibility, including as chairman of the Baptist general convention of Texas' State Missions Commission, chairman of the San Antonio Hispanic Theological Seminary's board of trustees, adjunct professor at the Southwestern Baptist Theological Seminary, steering committee member for the homeless initiative of the United Way, and the list goes on. This litany of service reflects Reverend Perdue's sincere commitment to the Baptist ministry and his community. The Perdues' five children reflect their parents' values of devotion to community and country, having chosen careers in the military, business, law enforcement, and the church.

No one questions that the Perdues have given greatly to their congregrants and to the people of Texas. I would add, Mr. Speaker, that they have contributed to our Nation in the example they have set. In this time, as we search for positive role models, we only need look to the Perdues whose life accomplishments reflect the highest ideals.

CONGRATULATIONS TO ROY BLACK AND POWERS CLAYPOOL ON THEIR SERVICE TO LOCAL 159 IN DECATUR, ILLINOIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Roy Black and Powers Claypool for their many years of dedicated service to Laborers' International Union of North America, Local 159 in Decatur, IL. These two good men, through their roles as union members and leaders, have devoted themselves and their careers to the betterment of working standards and conditions for laborers in central Illinois and across our Nation.

In 1965, Roy Black joined Laborers' Union Local 159, a union in central Illinois whose membership included construction and road workers. After laboring 8 years out in the field, Roy was appointed the union's assistant business agent, and in 1987, Roy became the local union's business representative, the position he holds until the end of this month. As business representative, Roy has maintained working and safety conditions and regulations for local union members. Over the years, Roy has also actively participated in many charitable causes that include the founding of a local food bank and Dollars Against Diabetes. I must also recognize Roy's wife, Darlene, and his three children, who have continuously provided Roy with the support and encouragement that has allowed him to play such an active role in the union for 29 years.

Powers Claypool joined the Laborers' Union in 1947. During Powers' 32 years as a laborer, he held such offices as a member of the executive board, recording secretary, and vice president. In 1979, Powers traded in his hard hat for that of the secretary-treasurer of Local 159. Mr. Claypool held the very important position of secretary-treasurer until March of this year. Like his colleague Roy, Powers has also involved himself with many local charity causes over the years. Powers' wife, Judy, and his three daughters have also provided him with the foundation on which to build a long and successful career.

On behalf of the people of the 19th Congressional District, I would like to congratulate Mr. Roy Black and Mr. Powers Claypool on their retirement from Laborers' International Union, Local 159. Their service and dedication to the union, its members, and the Decatur community will remain an example for all for years to come.

THE 85TH ANNIVERSARY OF THE ITALIAN TRIBUNE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 85th anniversary of the Italian Tribune. This evening, at the San Marino Club in Troy, MI, a banquet is being held to celebrate the event.

Established in 1909, the Italian Tribune is one of the oldest weekly, now biweekly, Italian newspapers in the United States. The Tribune has chronicled the events and successes of the Italian community for 85 years. The paper continues to serve Italian Americans by promoting and preserving Italian heritage and culture.

While the Italian Tribune publicizes the achievements of Italian Americans, it has always promoted loyalty to the United States. The first issue stated "We will encourage Italians to become citizens of this great American republic." Vincent and Maria Giuliano, the original publishers of the Tribune always proved their loyalty, especially in the 1930's and 1940's.

In 1933, when fascism was spreading through Europe and had sympathizers in the United States, the Italian Tribune published an editorial criticizing the fascists of Italy. The Giuliano's home was bombed. Fortunately, no one was injured and the Tribune survived. Loyal to democracy, both in the United States and Italy, the Italian Tribune was courageous and independent. many advertisers refused to support the paper because of its principled stand against fascism in Italy. The opposition to Italy's Government was viewed as anti-Italian. However, the paper saw through these lean years because it supported a free and democratic Italy, as well as a free America and world.

Today, Edward Baker, the grandson of the Giuliano's, and his wife Marlene carry on the proud tradition of publishing the Italian Tribune. I commend them and their readers for contributing to the rich tapestry of American heritage. I urge my colleagues to join me in commemorating the 85th anniversary of the Italian Tribune. May the next 85 years continue to be successful.

THE INTRODUCTION OF THE INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Indian Federal Recognition Administrative Procedures Act of 1994. I am pleased to have Representative CRAIG THOMAS of Wyoming as an original cosponsor on this measure. Representative THOMAS and I have worked together on many issues in the Subcommittee on Native American Affairs, and we reached the same conclusion after several hearings on the recognition of Indian tribes. The conclusion is that we need a system to carry out this task.

In 1978, the Secretary of the Interior established an administrative process to determine whether an Indian group should be deemed a "federally recognized Indian tribe" under the laws of the United States. This task is currently carried out by the Branch of Acknowledgement and Research of the BIA which administers the Federal acknowledgement process. However, the main mission of the Bureau of Indian Affairs is to provide services to the 547 federally recognized tribal governments already in existence. The BIA provides these services with limited dollars. Hence, we have handed the responsibility for recognizing new Indian tribes to an agency which has a hard time providing services to existing tribes. Consequently, there is an inherent disincentive to recognize new tribes by the BIA since new tribes would mean a greater strain on an already overstretched budget.

In previous hearings before the Congress, an unfortunate fact has become clear: federally recognized Indian tribes prefer the status quo with regard to the recognition process rather an improved administrative process. In the 16 years the Federal acknowledgement process has been in place, only nine tribes have been recognized. Indian tribes view the BIA and Indian Health Service budgets as two small pies. If more tribes get recognized, the pie slice of every tribe in America gets smaller. The pies never get bigger since BIA and IHS programs are not entitlements. Hence, the politics of Indian country do not favor these unacknowledged groups.

In committee hearings over the last 5 years on the Federal acknowledgement process, I have come to the firm conclusion that this process simply does not work. The FAP process has become an extremely protracted, expensive, and thoroughly frustrating experience for petitioners. Many Indian groups have determined that moving recognition legislation through the Congress is the most expeditious method of obtaining Federal recognition. We have seen a dramatic increase in the number of recognition bills which have been introduced and referred to our committee. Unfortunately, we simply do not have adequate resources to properly consider every recognition petition submitted to the Congress.

The only reasonable solution to this problems is to take this process out of the BIA and establish a Commission to acknowledge Indian tribes. Mr. THOMAS and I have discussed this matter at great length and have jointly authored the bill we introduce today. The bill would establish the Commission on Indian Recognition which would consist of three members appointed by the President. Any Indian group could submit a petition for recognition to the Commission and request that the Commission recognize the group as an Indian tribe under the laws of the United States. The bill establishes uniform administrative procedures to extend recognition to petitioning groups. It provides for clear and consistent standards of administrative review of recognition petitions. The measure provides definitive timelines to expedite the administrative review process, and also provides adequate resources for the Commission and for petitioning tribes.

Mr. Speaker, Mr. THOMAS and I believe that this bill is cost effective for the United States and for groups seeking Federal acknowledgement. I urge my colleagues to support this bill which we intend to hold hearing on next month. We fully intend that this bill will become law this year.

STATEMENT OF HON. CRAIG THOMAS OF WYOMING ON H.R. —: THE INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1994

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. THOMAS of Wyoming. Mr. Speaker, I am pleased to rise today to cosponsor a bill introduced by Representative BILL RICHARDSON, the Indian Federal Recognition Administrative Procedures Act of 1994.

The question of whether a Native American group constitutes an Indian tribe is one of immense significance in the field of Federal Indian law. Because Congress' power to legislate for the benefit of Indians is limited by the Constitution to Indian tribes, for most Federal purposes it is not enough that an individual simply be an Indian to receive the protections, services, and benefits offered to Indians; rather, the individual must also be a member of an Indian tribe. Though it might seem to the layperson that there is only one kind of Indian tribe, for purposes of American Indian law there are actually two—those that are recognized by the Federal Government and those that are not.

"Recognized" is more than a simple adjective; it is a legal term of art. It means that the government acknowledges as a matter of law that a particular native American group is a tribe by conferring a specific legal status on that group, thus bringing it within Congress' legislative powers. This Federal recognition is no minor step. A formal, political act, it permanently establishes a government-to-government relationship between the United States and the recognized tribe as a "domestic dependant nation," and imposes on the Government a fiduciary trust relationship to the tribe and its members. Concomitantly, it institutionalizes the tribe's quasi-sovereign status, along with all the powers accompanying that status such as the power to tax, and to establish a separate judiciary. Finally, it imposes upon the Secretary of the Interior specific obligations to provide a panoply of benefits and services to the tribe and its members. In other words, unequivocal Federal recognition of tribal status is a prerequisite to receiving the services provided by the Department of the Interior's Bureau of Indian Affairs [BIA], and establishes tribal status for all Federal purposes.

Prior to 1978, recognition took many forms: Acts of Congress, executive orders, administrative decisions, and treaties. However, the process was "sporadic at best * * * plagued with all sorts of pitfalls and a lack of a systematic approach." In the 1970's, the congressionally-established American Indian Policy Review Commission [AIPRC] proposed the formation of a firm legal foundation for the establishment and recognition of tribal relationships with the United States, and the adoption of a "valid and consistent set of factors applied to every Indian tribal group. * * *" Joining the chorus for standardization was the National Congress of American Indians, which called for a "valid and consistent set of criteria applied to every group which petitions for recognition * * * based on ethnological, historical, legal, and political evidence." Senator James Abourezk, AIPRC's chairman, took the issue to the floor of the Senate, and introduced legislation calling for the establishment of an office in the BIA to handle recognition petitions in a uniform way.

In 1978, the Interior Department, after exhaustive consultations with Indian country, established procedures to provide a uniform approach to the recognition process. Called the Federal Acknowledgment Process [FAP], the regulations set forth seven criteria a petitioning group must meet to be deemed a recognized tribe. Under the criteria, based in part on Cohen's model, for a group to be recognized as a tribe it must: (a) establish that it has been identified from historical times as American Indian or aboriginal; (b) establish that a substantial portion of the group inhabits a specific area or lives in a community viewed as * * * Indian; (c) establish that the group has maintained tribal political influence or other authority over its members as an autonomous entity; (d) furnish a copy of the group's present governing document * * * (e) furnish a list of all known members, and show that their descendency from an historic tribe; (f) establish that the membership is composed principally of persons who are not members of any other tribe; (g) establish that the group is not the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

The BIA FAP office is staffed by two teams of professionals including historians, genealogists, ethnologists, and anthropologists. These teams do exhaustive research on the petitions they receive, and examine such factors as Indian identity and community, as well as political and cultural cohesiveness. Once a petition is received it is reviewed for any obvious deficiencies. These are noted for the tribe, which is given the opportunity to supply additional material to supplement its petition. The petitions are then placed on active consideration in the order received.

Although theoretically desirable, the FAP is in practice a dismal failure. Since its inception in 1978, the BIA has recognized only 9 groups, and denied recognition to 13. Approximately 101 groups are presently in some stage of the process, a process that can take many years and thousands of dollars to complete. There have been charges of institutional bias against some petitioning groups, as well as a lack of consistency in final FAP decision. The BIA constantly ignores its own time restraints, stringing groups along with promises of "just one more month." Part of their failure is not their fault; they have been historically underfunded and thus understaffed. Still, the process is necrotic.

As a result, a growing number of groups have come to Congress for legislative recognition outside of the FAP process. Legislative recognition replaces the standardized with the arbitrary; historical merits examined by objective and neutral professionals are supplanted by emotional arguments, influential sponsors, and the partisan nature of this institution. The result is a lack of uniformity which dilutes the concept of tribal sovereignty and the government-to-government relationship between the tribes and the United States. In addition, the increasing frequency with which we bypass established administrative processes in favor of the quick-fix of congressional recognition serves to subvert the Federal acknowledgment program by encouraging other groups to do the same.

As the ranking Republican member of the Subcommittee on Native American Affairs, I have participated in several hearings on these recognition bills. At each hearing, both Democrats and Republicans alike stressed the need to do something about fixing the system. We have now finally come to a point to be able to do just that.

Chairman RICHARDSON and I, along with the subcommittee staff, have worked diligently over the past few months to craft legislation to improve the process and make it what it was supposed to be—prompt, accurate, fair, and less burdensome. Our bill makes several important changes. It removes the FAP from the BIA and places it in an independent commission not subject to the political eddies and currents of the Bureau. It provides for set time limits for consideration of petitions, and direct access to Federal court if those deadlines are not met. Most importantly, in my mind, the bill provides for a simplified and expedited process for those groups that can establish descent from a treaty signatory or Indian Reorganization Act-eligible tribe.

The bill still needs some fine tuning, but the chairman and I felt that it was more important to get the ball rolling by introducing the bill now. Any omissions or required additions can be handled at subcommittee markup, after we have heard from Indian country.

I am sure that we will hear some institutional opposition from the BIA to this move—what bureaucracy supports its own dismemberment—but I believe it is vitally important for us to pass this legislation, and pass it in time for it to become law this year. I look forward to working closely with Chairman RICHARDSON toward that end. I hope my colleague will join in supporting it when it comes to the floor.

A BRIEF HISTORY OF ST. PAUL AFRICAN METHODIST EPISCOPAL CHURCH

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. KINGSTON. Mr. Speaker, I submit for the RECORD a history of St. Paul African Methodist Episcopal Church of Philadelphia, PA.

The origin of the Saint Paul African Methodist Episcopal Church, Inc. goes back to an incident which took place in November, 1787 in Saint George Methodist Episcopal Church in Philadelphia, Pennsylvania. On this occasion a number of people of African decent, feeling they had been mistreated by white Christians who, during worship service attempted to segregate them to the gallery of the church, withdrew in a body from that church. With Richard Allen as leader, the group at once set out to form an independent church. Thus, the African Methodist Episcopal Church was founded by Bishop Richard Allen. It rejects a policy of exclusiveness. Indeed it was founded by black people and its integrated membership indicates this policy today. It boldly proclaims and practices the ideals as set forth in its motto: "God our Father, Christ our Redeemer, Man our Brother."

Later in 1853 Bishop Henry McNeal Turner, was sent from South Carolina by Bishop Daniel Alexander Payne to organize the African Methodist Episcopal Church in Georgia the first being in Savannah, others later in Atlanta, Columbus, Macon, Waycross and yes—Brunswick. Thus we come to brief life story of this Historic Church and Congregation.

The Saint Paul African Methodist Episcopal Church of Brunswick as it was named was established in 1869. Among the founders were faithful followers who chose as their minister the Reverend Brooks. Together they diligently and prayerfully set upon the organizing of a well rounded and stimulating church program for the people in Brunswick.

When the store in which the church was originally located was destroyed by a storm the faithful little group moved to a new location in a building which once served as a shoe factory at Union and "H" Street, but this structure too, was destroyed by a storm. With spirits undaunted by the loss of their first two houses of worship, the members continued their trust in God which served as a common bond of strength that led to the building of the present church home on a permanent site at 1520 Wolfe Street near "F" Street, in 1899, where it stands today.;

The destiny of Saint Paul African Methodist Episcopal Church was determined in early years by the ministries of pastors who were committed to the principles of Christ and the A.M.E. Church.

The 36th and present pastor The Reverend Richard Quinn Ward, Sr. was assigned June 7, 1988 by Bishop Frederick Hilborn Talbot. This pastor has distinguished himself from his contemporaries and peers in the development and administration of "Project Restoration." A preservation plan of the historic rehabilitation of St. Paul A.M.E. Church. This will be important not only to its congregation and the city of Brunswick; it will be important to Georgia and Georgia's history. Larry Evans, a historic preservation architect and developed, John Tuten, a local architect and preservationist have agreed to guide the church's historic rehabilitation process.

It is evident that the ministers serving Saint Paul were then and still are great leaders. Therefore, it is our aim to continue to explore new horizons, in both spiritual and secular concerns for the general growth and well being of our city, county, state and our nation, as we continue to serve with 4 churches in Brunswick—Glynn County, 495 churches in Georgia and more than 12,000 churches world-wide.

TRIBUTE TO CLIFF HASKELL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Cliff Haskell, a retired firefighter who has devoted more than 20 years of service as executive director of the firefighters Pacific Burn Institute.

Mr. Haskell began his career as a firefighter with the city of Sacramento in 1959. His commitment to victims of burns injuries was the result of one of Sacramento's greatest tragedies.

In 1972, a jet plane attempting to take off crashed into a crowded ice cream parlor killing 26 people, including firefighter Gene Levine and eight members of his family. Shortly after the crash, Mr. Haskell attended a Flame Free Design Conference, where a multidisciplinary approach to the burn problem was presented. It was here that he was inspired to start a burn unit in Sacramento.

Mr. Haskell immediately began several successful fundraising campaigns and proudly formed the Firefighters Pacific Burn Institute in December 1973. The organization's goals were to promote and support burn treatment facilities; support education to hospital, medical, and firefighter personnel; promote fire prevention through public education; promote consumer product safety and work with consumer organizations; provide peer counseling groups to assist burn survivors and their families; and finally to correct and initiate fire and burn accident legislation.

With the collaboration of physicians and the administration at the University of California, Davis Medical Center, it was agreed that a specialized burn treatment facility was needed and should be established at the medical center. The UCDMC Regional Burn Center opened in January 1974.

Through Cliff Haskell's leadership, many groups have helped to fund the ongoing support to the burn center and service programs. The largest group of contributors are firefighters who contribute to the institute through payroll deductions.

Money raised by the burn institute has been used to purchase equipment for the burn center, provide burn team education, distribute prevention materials to the community, sponsor a special summer camp for burn-injured children, support recovery programs for burn survivors, and fund research directed at improving methods of burn treatment.

Mr. Haskell continues to give tirelessly as he donates countless hours as executive director of the Firefighters Pacific Burn Institute. Through his efforts, over $7 million has been raised and given to support the burn center, staff, and patients.

In addition to his work with the center, he has also been an active member of the National Safety Council, the National Fire protection Association, the Sacramento Area Firefighters Local No. 522, the Federated Firefighters of California, the international Association of Firefighters, and the Firefighters Committee to develop CAL/OSHA standards for firefighters.

Mr. Speaker, It is with great pleasure that I ask my colleagues to join me in saluting Mr. Craig Haskell's many landmark contributions to the people of this region. I congratulate him for his outstanding leadership and wish him continued success in all of his future endeavors.

MARYLAND STATE SOCIETY UNITED STATES DAUGHTERS OF 1812 HONORED FOR WORK AT FORT McHENRY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize the efforts of the Maryland Society United States Daughters of 1812. When Americans think of the many historic landmarks celebrating our Nation's military triumphs and defeats, they often picture places like the battlefields of Gettysburg, the U.S.S. Arizona Memorial at Pearl Harbor, and the Alamo. While these monuments are respectable in their own right, often they overshadow the accomplishments of another significant memorial, Fort McHenry, the birthplace of the Star Spangled Banner.

Nearly 180 years ago, Fort McHenry fell under a British Naval attack led by Vice Adm. Alexander Cochrane. The bombardment would last for 25 hours, in which 1,500 to 1,800 shells and rockets were fired. On September 14 at 7 a.m., the British invaders sailed away in defeat as the American soldiers fired the morning gun in victory and hoisted the large flag made by Mary Young Pickersill. It was this grandiose flag, the red, white and blue colors shimmering in glory in the wind with its 15 stars and stripes that inspired Francis Scott Key to write "The Star Spangled Banner", our national anthem.

Throughout the years, the society has supported Fort McHenry with monetary donations, raised funds to plant trees, donated children's books for the library and supported the Fort McHenry Educational Program. Its efforts have contributed to the preservation of this historical site, as well as educating future generations about the fierce bombing the fort endured in the fight for our country's independence and the repulsion of the British naval attack that prevented the capture of Baltimore.

In 1925, Congress made Fort McHenry a national park. Fourteen years later, it was redesignated a national monument and historic shrine, the only park in the country to have this double distinction. Mr. Speaker, my fellow colleagues, I am proud to commend the Maryland State Society United States Daughters of 1812. Their constant attention to the preservation of this beautiful site rightly glorifies the courageous men who fought and died there and reminds us of this hard fought battle for freedom and liberty.

RECOMMENDATIONS OF THE 16TH DISTRICT STUDENT CONGRESSIONAL COUNCIL

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. REGULA. Mr. Speaker, every year I sponsor a student congressional council in the 16th District of Ohio. High school students from several schools are selected to participate and are assigned an issue of national importance to research and debate. Several weeks are spent studying and discussing the topic, concluding with a final vote on specific policy recommendations.

I am always pleased with the program and the impressive ideas and efforts of the bright students who participate in it. Mr. Speaker, I insert their recommendations for addressing the task of reforming our Nation's health care system at this point in the CONGRESSIONAL RECORD:

The Hoover, Fairless, Marlington Plan for Health Care Reform, 1993-94—16th District Student Congressional Council as reported by the Speaker, Paul Pheltz on March 31, 1994.

(Participating high schools: Wooster High School, Fairless High School, Tuslaw High School, Hillsdale High School, R.G. Drage Career Center, Northwestern High School, Marlington High School, Alliance High School, Glenoak High School, West Holmes High School, Minerva High School, Sandy

Valley High School, and Canton South High School.)

Whereas, 39 million Americans have no health care coverage, and whereas, 75% of all Americans are dissatisfied with the Health Care System, and whereas, health care costs are skyrocketing at a rate of 6% per year, be it hereby resolved by the Student Congressional Committee here assembled that The Hoover, Fairless, Marlington Plan for Health Care Reform be passed into law.

1. All employed individuals presently satisfied with their health care coverage as provided by their employer (status quo) are in no way forced to submit to any plan other than their current plan.

2. For all businesses providing satisfactory health care benefits to its employees, tax breaks will be given to those businesses on a sliding scale equal to those services provided and to be determined by SARHC (State Health Care Regulation Agencies).

3. All individuals, be they self-employed, unemployed, or wanting better benefits, are eligible to receive benefits from State Agencies Regulating Health Care. (Three different health care packages will be determined by the National Commission on Health Care Reform.)

4. So as to reduce bureaucracy and excess spending, the agencies of Medicaid, Medicare, FEHBP (Federal Employees Health Benefits Program), and CHAMPUS (Civilian Health & Medical Program of the United States) will be phased out over a three year period and will be provided by the state.

5. To again reduce red tape and standardize a national coverage system, a Standard Health Care Claim Form W1280 will be used by all people when submitting health care claims.

6. The Hoover Plan for Health Care Reform will be funded by: creating a higher tobacco and alcohol tax; having corporations pay an additional 1% payroll tax; eliminating health care benefits to all illegal aliens; having all individuals pay a yearly deductible on all drugs; encouraging all individuals to own a medical savings account; taxing all employer and state packages over the standard as taxable income; and adding a .5% Federal Sales Tax on consumer goods.

7. Let the measures provided in this bill become phased into the American health care system by Jan. 1, 1996.

TRIBUTE TO EVANGELIST CHRISTINE MORRIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. RUSH. Mr. Speaker, I rise today to honor Evangelist Christine Morris, pastor of the First Pentecostal Church of God in Chicago on the occasion of her 13th pastoral anniversary.

Pastor Morris was ordained a minister in 1959. She united with the First Pentecostal Church of God under the leadership of the late Bishop James Morris in April 1957. In December 1963, she was united in holy matrimony to Bishop Morris and to this union was born one daughter, Bernice Williams-Fluker.

Evangelist Morris served with distinction as co-pastor of First Pentecostal for 12 years. Upon the passing of Bishop Morris in 1981, she was elevated to pastor. Under her stewardship, First Pentecostal Church of God stands as a beacon light in Chicago. Their efforts at community outreach, providing food assistance programs and visiting the sick and shut-in are commendable.

Born in Oakland, MS, Pastor Morris is a renowned Bible teacher. Through her teachings, she was conferred an honorary doctor of humanities degree from Trinity College in 1991.

Mr. Speaker, Evangelist Christine Morris has dedicated her life to fighting the good fight of faith and preaching the gospel of Jesus Christ. Through her positive ministry many have been healed, blessed, and saved. I am proud to enter these words into the RECORD.

CLEAN CAR INITIATIVE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Ms. ESHOO. Mr. Speaker, I rise to inform my colleagues about an important hearing which took place today in the Subcommittee for Technology, Environment and Aviation on the administration's clean car initiative. This hearing outlined the administration's plans to increase the number of nonpolluting vehicles on the road today.

Nonpolluting vehicles recently received a major boost in California from the State's air quality board. The decision of the board to approve the 2-percent mandate for electric vehicles in California by the year 1998 testifies to our State's commitment to clean the air and provide residents and industry access to nonpolluting energy technology.

California has already won a significant edge over Europe and Japan to provide efficient and affordable vehicles in this category. The successful application of this technology will lead to increased economic competitiveness for the automobile industry.

In addition, the mandate had had spin off effects in other States. I learned that at least 12 Northeastern States are looking to the California mandate as a model for meeting their own air quality requirements.

This was an important day for the environment. As shown in California, we are one step closer in our pursuit to ensure an energy-efficient automotive future.

FDA RATES FOOD LION GROCERY STORES EXCELLENT

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. ROSE. Mr. Speaker, I want to report to you some good news concerning North Carolina's largest private employer, Food Lion grocery stores. I am pleased to bring to your attention the excellent rating that this company recently received from the Food and Drug Administration.

As you know, the FDA, as part of its oversight of food safety and sanitation, annually evaluates the food industry, including grocery stores, restaurants, and other food-related concerns. The FDA assigns a rating, on a scale from 0 to 100, on various matters relating to food safety and sanitation. Under FDA standards, a score of 90 or above is considered excellent.

The FDA's survey of Food Lion was conducted over an 8-month period and included a random sample of 63 stores in 6 Southeastern States. Food Lion's meat departments received an average score of 95.43; its deli department average 92.90; and its grocery, produce, dry storage, and sales departments averaged 92.60.

Obviously, Food Lion has paid close attention to having the highest possible food safety and sanitation. The employees of this company deserve to be commended for their hard work and success. The FDA report is clear evidence of this.

I hope that this information is of interest to you.

WE NEED FLOW CONTROL LEGISLATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. MINGE. Mr. Speaker, earlier this week the U.S. Supreme Court trashed local flow control laws leaving our towns, cities, and counties helpless in managing their locally generated garbage. Simply put, flow control allows local governments to direct the flow of garbage generated within that locality.

Why is flow control important? And what is the significance of the Supreme Court decision Carbbone versus Clarkstown, NY?

The answer is simple.

The Federal Government required State and local governments to dispose of solid waste in an environmentally sensible fashion—a classic unfunded mandate. It was expected local governments could meet this mandate by building new facilities, charging for their use, and directing the flow of garbage to those facilities.

The Supreme Court ruling—by overturning local ordinances—handicaps responsible solid waste management and undermines the security of as much as $18 billion in outstanding municipal bonds. These bonds were sold to build waste facilities.

Congress must respond by enacting flow control legislation that will give our localities the tools they need to protect our environment, and in turn, to protect our children and our communities. I implore my colleagues—do not leave local governments holding the garbage bag. Learn about the importance of flow control ordinances. Learn how important Federal flow control legislation is to your communities and to the environment.

TRIBUTE TO SEVEN PROFESSIONAL DEDICATED PUBLIC SERVANTS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. CONDIT. Mr. Speaker, I rise today to pay tribute to seven individuals who have dedicated much of their lives to further educational opportunities in my hometown of Ceres, CA. It is with great pride that I recognize Mr. Robert Hedstrom, Mr. LeRoy Kessler, Ms. Mary Jo Peyton, Ms. Cheralyn Phillips, Mr. Paul Pronoitis, Ms. Jean Ricardo, and Ms. Susan Thompson for the commitment to Ceres Unified School District. All of these individuals have worked tirelessly for over 25 years to ensure the children in my hometown receive the education they deserve.

It is too often the case that the long hours logged by public servants, especially those in the field of education, are without proper thanks. These professional employees should be commended for their invaluable contribution to our community. Without a doubt the future of our youth bears greatly on the commitment made daily by these role models. We place in their hands America's most precious resource, our children. On behalf of all the parents and students, whose lives have been enriched by these seven individuals, I want to thank them for all the benefits our communities reap from their efforts.

TRIBUTE TO BILL WILLIAMS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. THOMAS of California. Mr. Speaker, I would like to take this opportunity to pay tribute to a constituent in my district, Mr. Bill Williams. Bill Williams is retiring after 37 years as an educator and completing his career as the superintendent of Panama-Buena Vista Union School District.

If a person is to be measured by their accomplishments, then Bill Williams is a man whose rating will place him at the top of the list. Beginning his career as an elementary school teacher he soon became an elementary principal, junior high principal, assistant superintendent and finally as superintendent for first Greenfield, then Taft and finally Panama-Buena Vista Union School District.

During his tenure at Panama-Buena Vista Union District, Bill Williams, among other achievements, led the successful effort to pass a bond issue to finance multipurpose/cafeterias on all school sites where needed and for building other necessary facilities, he initiated the formation of a community facilities district in hopes of passing a bond issue to fund major improvements and some additions to enhance the educational program in the district, he helped to set up an extended day child care program for district students and he was instrumental in initiating the Panama Education Foundation, a non-profit organization to promote financial assistance for district housing of students.

But his outstanding record does not end here. Bill was the past president of Phi Delta Kappa, and region XI of the Association of California School Administrators, he serves on the board of directors for schools legal services, and is a member of the California State University of Bakersfield Advisory Committee for Children's Enrichment programs. Bill is a member of the Bakersfield Rotary Club, active in the Boy Scouts, and a life member of the Parent Teachers Association. Bill and his wife raised four children and have five grandchildren.

This is a record of achievement we can all look to for inspiration. The education community will miss him upon his retirement.

DR. ROBERT GOOD HONORED AS THE MOST PROLIFIC SCIENTIFIC AUTHOR OF OUR TIME

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. YOUNG of Florida. Mr. Speaker, many of our Nation's and our world's most respected scientists and medical researchers will gather this weekend in St. Petersburg, FL, to honor their colleague, Dr. Robert A. Good on the 50th anniversary of the publication of this legendary scholar's first scientific paper.

It is an honor for me to not only represent Dr. Good, a distinguished research professor and head of allergy and clinical immunology at the University of South Florida and All Children's Hospital in St. Petersburg, but to call him my friend. He is a friend who has helped educate me on the miraculous breakthroughs that have taken place in the biomedical field during his brilliant professional career. He is also a man who has touched the lives of so many colleagues, students, and patients.

Families throughout the world have reaped the benefits of his years of work. Thousands are alive today because of his research and clinical findings.

This weekend's major scientific conference, entitled "Perspectives in Immunology and Medicine 1944–1994," is a symposium which is the latest in honors this remarkable man has received. He is the recipient of the prestigious Lasker Award, as well as 80 other scientific awards and honorary degrees. He is also the past president of both the American Association of Immunologists and the American Association of Pathologists.

As the most distinguished academic pediatrician of the past decade, perhaps the greatest living recognition of his work is the long list of physicians and other researchers, numbering more than 300, who have studied and trained under Dr. Good and now hold major positions worldwide.

His words and contributions to active laboratory and clinical research and training live on in his more than 40 books and 1,800 scientific published articles.

Though he has had an impact on so many lives, I personally will be forever in Bob Good's debt for his pioneering work in the field of bone marrow transplantation. Thirty years ago he was featured on the cover of Time magazine for performing the first bone marrow transplant. Today, bone marrow transplants occur daily throughout the world and give life to men, women, and children. They are cured of leukemia, cancers, immuno-deficiencies, and countless other blood disorders for which there is no other cure.

Through some divine intervention in 1986, Bob Good and I came together at All Children's Hospital in St. Petersburg with the same goal. That goal was to establish a national registry of volunteers willing to donate their bone marrow to another person in need of life. With his enlightenment on the science of bone marrow transplantation, I learned of the need to establish such a registry to give hope to the families of patients dying from leukemia or countless other disorders because they lacked a matched bone marrow donor. With the support of my colleagues in Congress, we established the National Marrow Donor Program in 1987 and Bob Good was a member of its first board of directors.

Mr. Speaker, my best wishes go out today to Dr. Good and his wife Dr. Noorbibi Day, a world renowned medical researcher in her own right, as they are honored this weekend for their individual and collective achievements in the fields of science and medical research. Dr. Good is a national and international treasure whose work spans generations of medical breakthroughs. The people of St. Petersburg are proud that he has chosen our area to be his home and I will be forever grateful to call him my teacher and friend.

DEDICATION OF THE JOHN A. WILSON BUILDING

HON. ELEANOR HOLMES NORTON

THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Ms. NORTON. Mr. Speaker, today, one of Washington's historic buildings was joined with one of its favorite sons. The old District Building, cornerstone of the District government, was re-named the John A. Wilson Building after the former chair of the D.C. City Council, who died a year ago today.

John Wilson was a major figure in post-Home Rule Washington. He enjoyed extraordinary respect and love and had unparalleled knowledge of the District of Columbia government. He is missed now more than ever. Because of his significance to local government, I am pleased to place in the RECORD my remarks made at today's dedication of the John A. Wilson Building.

> Never has a building been more aptly named than is the name we place on the old District Building today. Few in our time have spent more time or worked harder or made greater contributions in this building and to this city than did John A. Wilson. In renaming the building, however, those of us who knew John well do not fool ourselves. We give this building his name as much to console ourselves as to commemorate John.
>
> We miss him terribly, especially now. He left at the height of his civic usefulness and personal power. He left when he had given us

his all but had more where that came from yet to give.

In a world of specialists in small things, John specialized in the District. He drove himself until he made himself master of its finances and operations. Awesomely knowledgeable, he had a unique command of the District's entire body and the smallest details of its civil organs. Like a stern but wise physician John had an uncanny understanding of how to prevent trouble. His predictions nearly always came true. And if you got in trouble, here was the doctor who would pull you back with a new lease on life.

But if John was a miracle doctor, he was also a master teacher. My old buddy from battles in the south showed me that he had something to teach me about this city. If you listened to John, you inevitably learned. But John told you what you needed to know not what you wanted to hear. For municipal students most comfortable with algebra, John insisted on calculus.

John's extraordinary grasp of the District was matched only by the effectiveness of his leadership. The Wilson style was a legendary component of this unique brand of leadership. Here was a man who knew how to move men and women—or push them, if necessary.

In the process John showed what it meant to love Washington. For him it meant not just bluntness but blunt truth, not just knowledge but total knowledge, not just love, but tough love.

Today, as the District meets great challenges, renaming this building for John must signify our optimism and determination. John never met a District problem he could not solve. That, more than this building, is his legacy.

HONORING THE WEST HAVEN POLICE DEPARTMENT'S EMERALD SOCIETY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Ms. DELAURO. Mr. Speaker, I would like to thank our Nation's law enforcement officers for their tireless work. During National Police Week, we recognize the heroic efforts of those who risk their lives to make our neighborhoods safe. On Sunday, the 13th annual National Peace Officers' Memorial Day, with sadness and gratitude, we pay tribute to fallen officers who have sacrificed themselves in the line of duty.

I would like to welcome to Washington the members of the West Haven Police Department's Emerald Society, who have come to honor colleagues from Connecticut and across the country who have died in the line of duty. The Emerald Society's presence demonstrates the level of commitment of our Nation's law enforcement officers, standing by each other as they protect our communities. It is reassuring to know that the dedication of these officers to each other is matched by their service to the people they protect.

In my State of Connecticut, we are all saddened by the death this year of Groton police officer, William Snyder. Last week, he, along with 113 other Connecticut police officers who have died in service since 1880, were remembered in a memorial service in Meriden. The debt we owe these and all of our law enforcement officers is inestimable. For this, the 13th annual National Peace Officer's Memorial Day, let us thank the men and women who strive continually to make our communities safe.

TRIBUTE TO THE CONCORD AREA TRUST FOR COMMUNITY HOUSING

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to an outstanding organization from my district, the Concord Area Trust for Community Housing, which recently received the Maxwell Award of Excellence for the production of low-income housing. Concord Area Trust for Community Housing, known throughout Merrimack County and New Hampshire as CATCH, is a community-based group and the only nonprofit housing producer in the capital region. Since its founding in 1990, CATCH has been successful in both renovating and constructing much-needed housing for low-income families.

CATCH's award-winning project is deserving of national recognition. CATCH constructed 26 three-bedroom townhouses for low-income families, three of which were previously homeless. Additionally, CATCH is providing 2 years of training for the residents in budget management, group decisionmaking, property management, and other skills needed for successful homeownership. With the help of grants from both a Federal CDBG grant and support from the Concord Community Housing Investment Pool, a consortium of six local banks formed through CATCH's initiative, CATCH has been able to make a significant contribution to the improvement of its community.

Each year, the Fannie Mae Foundation, recently renamed in honor of former chairman and chief executive David O. Maxwell, recognizes the tireless efforts of nonprofit organizations—like CATCH—which have produced the best examples of low-income housing projects during the 12-month eligibility period. The Fannie Mae Foundation is awarding a grant of $25,000 to CATCH in recognition of the success of its most recent project.

Mr. Speaker, CATCH's hard work and dedication to the less fortunate members of our community is an example to all of us. It is comforting to know that organizations such as CATCH exist to help provide housing and guidance for those citizens who sometimes tend to be forgotten. There are so many people in New Hampshire, in both the private and public sectors, who deserve credit for this award. CATCH's leadership in working with the New Hampshire Housing Finance Authority, its affordable housing fund and the Concord Community Housing Investment Pool demonstrates that public-private partnerships can work effectively to increase access to home ownership.

Mr. Speaker, the Concord Area Trust for Community Housing exemplifies the dedication and promise that is so much needed in our society today. This organization's hard work and dedication to the people of New Hampshire deserves our respect. I ask my colleagues to join me in congratulating CATCH and saluting their efforts as a 1994 Fannie Mae Foundation Maxwell Award recipient.

CONGRESSMAN KILDEE HONORS MARGE MAUL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. KILDEE. Mr. Speaker, it is my pleasure to rise before my colleagues in the U.S. House of Representatives to recognize an outstanding volunteer, Mrs. Marge Maul. Mrs. Maul has been president of the Genesee Federation of the Blind since 1983. It is a privilege to know such a dedicated, active, and concerned human being as Mrs. Maul. She has graced the Flint community with over 50 years of diverse and highly valuable volunteer activity, and I am certain that this fine lady's long list of community deeds will continue to grow. Indeed, her disappearance from public service is unimaginable and, if it were to occur, would be an immeasurable loss not only to the thousands of visually impaired persons she has aided throughout her career, but to the entire community which she has so long and so enthusiastically sought to enrich.

In listing Mrs. Maul's various volunteer services, one hardly knows where to begin. During her first 25 years of life as a volunteer, Mrs. Maul dedicated countless hours to the Red Cross, the Children's Ward at Hurley Hospital, and numerous blood programs. She also served the Flint Community Public Schools as a volunteer teacher's assistant and homeroom mother. Further demonstrating her superb organizational and leadership skills, Mrs. Maul founded and led for several years a woman's club at Flint Southwestern High School and a Teen and College Drop-in-Center at Freeman Elementary School. This already active and community conscious woman worked further in her community to improve the safety of her neighborhood as a key organizer for the Red Arrow Neighborhood Watch.

Mr. Speaker, Marge Maul has been legally blind since the age of 7. Her poor vision, rather than handicapping her activities, has increased her desire to service the visually impaired. Beginning as a volunteer receptionist and tour guide for the Genesee Federation of the Blind in 1962, she served many years on the organization's board of directors and is presently in her 11th year of service as president of that superb institution.

Mrs. Maul further expanded her unwavering community service as the director of our Service Center for the Visually Impaired. Dedicating over 1,200 hours a year for 14 years, Mrs. Maul directed volunteer services and further gave her special skills and vast knowledge of community servicing as a liaison for the eye clinic, run by the Flint Downtown Lion's Club. She also served 1 year as a member of the board for the Retired Senior Volunteer programs and 11 years as an active member of the Service Center Board.

Mr. Speaker, this list is far from complete. Marge Maul is without doubt one of the most enthusiastically active and caring individuals I have ever had the pleasure of knowing. Mrs. Maul has demonstrated time and again her value to the Flint community. She has enriched the quality of life for both those with sight and those without. I am very pleased to have this opportunity to bring to the attention of this body and the Nation the services of this outstanding individual. The many public deeds of Mrs. Maul shall continue to enhance the quality of life for all those within her community, especially the visually impaired.

A TRIBUTE TO KENNETH J. McGUIRE, SR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of our colleagues the incredible achievement of an outstanding American, who I am proud to report is a resident of Rockland County, in my 20th Congressional District of New York.

Kenneth J. McGuire, Jr., is a veteran of both World War II and the Korean conflict. During the Second World War, he was stationed on board the U.S.S. *Hayter,* a destroyer escort class ship charged with escorting vessels on voyages between the United States and Europe. About 15 years ago, Ken initiated a project single-handedly with the ultimate objective of one day organizing a reunion of the crew of the *Hayter.* Since beginning this project, Ken has worked tirelessly on a full-time basis: Scouring ships records, interviewing known shipmates, and even searching through phone books. A few years ago, Ken McGuire took to the road, touring several Western States in hope of contacting surviving crewmates and urging them to join him in his quest.

Ken McGuire's single-minded determination has paid off: This coming weekend, in Virginia Beach, VA, the crew of the U.S.S. *Hayter* is holding not its first reunion, but in fact its 13th annual reunion. As a result of his efforts, some 75 percent of Ken McGuire's crewmates have as of this date been accounted for. Many widows of *Hayter* crew members also attend, and look forward to receiving copies of "*Hayter's* Highlights", the newsletter Ken McGuire initiated and authors on a bimonthly basis.

Several years ago, Ken McGuire sponsored a joint reunion with crew members from the *Hayter* in conjunction with survivors from the U.S.S. *Davis,* a Navy vessel sunk by an enemy submarine. The *Hayter* crew was instrumental in rescuing most survivors of that sinking from the Atlantic Ocean; accordingly, the joint reunion was a highly emotional and memorable event. Perhaps the most impressive aspect of the reunion, however, is the fact that Ken McGuire arranged for members of the German submarine crew to attend, also.

This weekend, the crew of the *Hayter* commemorates the 50th anniversary of the ship's original commissioning. This reunion is not only a tribute to Ken McGuire, a long-time resident of Monsey in Rockland County. It is also a tribute to his son, Michael F. McGuire, the director of athletics at Sullivan County Community College, also in my 20th Congressional District. Were it up to Ken himself, he would receive no kudos for his efforts above and beyond the call of duty. Mike is so justly proud of his dad that he made a point of asking me to inform the Congress of the truly remarkable accomplishments of his father.

Accordingly, Mr. Speaker, I invite all of our colleagues to join with us in saluting the incredible achievements of the U.S.S. *Hayter* during the Second World War, and the dedicated efforts of Kenneth J. McGuire, Sr., in ascertaining that the brave crew of that gallant ship remains together.

THE ALABAMA LEGISLATIVE COMMISSION ON TOTAL QUALITY GOVERNMENT ACT OF 1994

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. GINGRICH. Mr. Speaker, as a student of the total quality management philosophy, I would like to share a copy of a recently passed bill by the Alabama State House with my colleagues. I hope they find it as encouraging as I did that we can bring quality management to government services.

A Bill To Establish the Alabama Legislative Commission on Total Quality Government Act of 1994

Be it enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Alabama Legislative Commission on Total Quality Government Act of 1994."

Section 2. The Legislature hereby finds as follows:

(1) The state and federal governments are facing unprecedented demands for government services in a time of proration, national deficit spending, increasing national debt, a highly competitive world economy, and the increasing disillusionment on the part of the public with the ability of the governments to adequately meet the needs.

(2) Citizens want their governments, state and federal, to be more responsive to their needs, by operating at a more personal level with greater efficiency, higher performance, and lower cost.

(3) Total Quality, a structured management approach first used in private industry, has proven to increase profitability and marketshare, decrease costs, increase employee satisfaction, and decrease employee turnover.

(4) Early efforts to implement Total Quality within the federal government have produced favorable results; in fact, it is believed that Total Quality offers one of the greatest hopes for improving government services, managing the diverse demands of Alabama's government, and optimizing the results of state tax dollar expenditures.

(5) The application of Total Quality principles to Alabama government must begin with educating state government officials about Total Quality; there has been no established legislative group to educate the full Legislature and the service and regulatory departments of state government about the principles and application of Total Quality.

(6) There is a need for a legislative commission to examine Total Quality and its' applications to state government.

Section 3. As used in this act, the following words and phrases shall have the following meanings:

(1) Commission. The Alabama Legislative Commission on Total Quality Government established by this act.

(2) Customer. Any individual, organization, or entity that is a recipient of state government products or services, including any individual, organization, or entity within the government that is a recipient of those products and services.

(3) State Government or Government. All service and regulatory agencies of the State of Alabama.

(4) Supplier. Any individual, organization, or entity that provides products or services to the government, including any individual, organization, or entity within the state government that receives those products or services.

(5) Total Quality. A strategic, customer-focused management approach that focuses on continual quality improvement processes, products, and services of an entire organization; the basic principles of Total Quality include:

a. Customer-defined and customer-driven quality.

b. Strong leadership and commitment.

c. Continuous improvement.

d. Actions based on facts, data, and analysis.

e. Large-scale employee involvement and teamwork.

f. Employee reward and recognition.

g. Effective two-way communication between employees and management.

Section 4. There is created the Alabama Legislative Commission on Total Quality to be composed of 15 members appointed as follows: four members appointed by the Governor, to serve an initial term of either one, two, three, or four years; four members appointed by the Presiding Officer of the Senate, to serve an initial term of either one, two, three, or four years; and four members appointed by the Speaker of the House of Representatives, to serve an initial term of either one, two, three, or four years. After the initial terms, all members shall serve four-year terms. The Governor, Presiding Officer of the Senate, and Speaker of the House of Representatives shall serve as ex officio members. Vacancies on the commission shall be filled by the original appointing authority. A member shall not serve more than one term as a commissioner. A chair and vice chair shall be selected from the membership. The chair and vice chair shall serve one-year terms and not be permitted to succeed themselves. The commission shall meet at least bimonthly at the call of the chair at any other time deemed appropriate by the commission. The Clerk of the House of Representatives and the Secretary of the Senate shall furnish such clerical assistance, and the Director of the Legislative Reference Service shall furnish such legal assistance as may be necessary for the work of the commission.

Section 5. The commission shall have the following duties:

(1) Provide for the education of members of the Legislature and state agencies of Alabama about Total Quality, including the basic concepts, potential benefits, and application to state government, among other responsibilities.

(2) Arrange Total Quality presentations for members of the Legislature and host quality meetings between invitees from the Legislature, the executive branch, state, and local governments, private industry, or other rel-

evant parties to discuss the application of Total Quality to government.

(3) Make and transmit to the Governor and the Legislature findings and recommendations regarding the application of Total Quality principles to the organization and continuous operations of state government. These findings and recommendations shall address the continuous improvement of government operations through the promotion of citizen satisfaction, cost-saving, employee satisfaction and service in the government, including:

a. Defining program missions in terms of measurable outcomes, with an emphasis on quality of the service, citizen satisfaction, and result-oriented accountability.

b. Improving department operating systems to improve morale, inspire initiative, maximize productivity and effectiveness, foster teamwork, and rewarding excellence.

c. Recommending procedural changes aimed at employee empowerment.

d. Empowering employees, agencies, and programs in order to reduce costs, simplify processes, and focus responsibility.

e. Promoting the application of state-of-the-art technologies in order to improve efficiency and reduce costs.

f. Developing of mechanisms to promote greater cooperation and coordination in policy-making between the legislative and executive branches, and greater attention to the long term impacts of budgetary and policy decisions.

(4) Sponsoring and participating in periodic forums with various state government customers and suppliers, and provide opportunities for citizens, government employees, and other affected groups to communicate their satisfaction with government services or their recommendation for improvement.

Section 6. The commission shall annually submit a report to the Governor and the Legislature, which shall include:

(1) An outline of the educational strategy of the commission.

(2) A plan for accomplishing the goals of the commission.

(3) A summary of the activities of the commission following its establishment.

(4) A recommendation regarding the application of Total Quality principles to the organization and operation of Alabama state government.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SYNOPSIS

Under existing law, there is no provision for a commission to study the quality of the services provided by state government.

This bill would establish the Alabama Legislative Commission on Total Quality Government to study and make recommendations to the Governor and Legislature concentrating on a government recipient-focused management approach that specifically focuses on continual quality improvement processes, products, and services provided by state government and by the federal government.

THE HOLOCAUST IN HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. LANTOS. Mr. Speaker, I bring to my colleagues' attention a most vivid historical account of what Winston Churchill once called "probably the greatest and most horrible crime * * * in the history of the world." "The Politics of Genocide" by Professor Randolph L. Braham is unquestionably the most eloquent and comprehensive study of the Holocaust in Hungary ever produced.

Professor Braham explores the early development of the anti-Jewish movement in Hungary starting immediately following World War I. He discusses at length the Nazi's Hungarian sympathizers who accommodated the resettlement of the Jews. "The Politics of Genocide" brings to life the cruel efficiency with which the encroaching Nazi war machine made its way through the individual villages of Hungary in a matter of months, exterminating everything in its path.

As one who experienced the Holocaust in Hungary first hand, I found myself entranced by the incisive and graphic description that pours out of every chapter. He demonstrates his unparalleled expertise on the history of Hungarian Jewry while exploring many of the important themes that dominated modern Hungarian, Jewish, and German history.

The recently published, revised and enlarged edition, published on the 50th anniversary of the Holocaust, reaches a new level of comprehensiveness that is unlikely ever to be surpassed. Professor Braham has investigated the period through a wide range of archival documents, the contemporaneous press and extensive research which has spanned the globe. He combines an exceptional command of detail and an aggressive style with penetrating observations which will appeal to the historian and layman alike.

This is the writing of contemporary history at its best. As a Congressman, an educator, and as a survivor, I recommend this excellent book to my colleagues without reservation.

DEARBORN HIGH SCHOOL'S 100TH BIRTHDAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. DINGELL. Mr. Speaker, I rise today to commemorate the 100th anniversary of Dearborn High School. A celebration in honor of this historic event will be held on May 22, 1994, in Dearborn, MI.

The first school built on the Monroe and Garrison site was the Public School, completed in 1893. This 1893 school housed all of the children in the district in one of its seven rooms. All the high school students attended classes in one room on the second floor.

The student population rapidly multiplied and the need for an additional school became readily apparent. The Garrison Elementary School opened in 1917 to satisfy this need. The school was later renamed for public school Principal Harry S. Salisbury.

The auditorium-gymnasium and the powerhouse, which provided heat to all the buildings on the block, was attached to the Garrison School in 1921. That same year the school paper, the Orange and Black, and more recently the Observer, began publication. A year later students chose the name "Pioneer" for their excellent yearbook and sports teams.

In 1957, students began occupying the new Dearborn High School, which is currently a 4-year comprehensive high school with almost 1,200 students, and is a source of immense pride to the community.

Dearborn High School boasts an extremely diverse student body which brings richness and understanding to the community. The thousands of graduates that have called Dearborn their alma mater and have made countless contributions, not only to their city and State, but to the Nation. Both the students past and present, and the institution that nurtured them, justify our praise and thanks.

Education is the cornerstone of a successful nation and the compass of our future. One hundred years of tradition and excellence in education is a noteworthy and important achievement richly deserving of our recognition.

STATEMENT BY MAJOR R. OWENS INTRODUCING THE WORK FORCE DIVERSITY PARTNERSHIP ACT OF 1994

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. OWENS. Mr. Speaker, today, I am introducing the Workforce Diversity Partnership Act of 1994, which addresses the multitude of issues concerning a more diverse labor force by providing grants to organizations to develop educational tools for public and private sector education and training. This legislation would establish within the Department of Labor a grant program to, first, study and address issues relating to cultural diversity in the work force and its impact on economic competitiveness, employment opportunities, advancement, and retention; and, second, encourage partnerships between public and private sector entities to address these issues. This legislation seeks to respond and to provide new resources to deal with this timely issue of diversity, before labor-management relations become overwhelmed with mistrust and nonproductivity.

In an effort to encourage various partnerships and to develop positive conditions which take advantage of the diversity within the American work force, this proposed bill acts as a catalyst to foster the informational resources necessary to ensure a workable environment for all individuals. This is especially so for people of color, caucasian women, and immigrants, who will comprise over 85 percent of the net growth in our Nation's labor force during the 1990's.

It is imperative that employees, managers, administrators, and Government officials be prepared to understand and value diversity, which in turn will improve entrepreneurial opportunity for economic success at a time of growing economic dissatisfaction and intense global competition.

I encourage my colleagues to join me in supporting this legislation. Its enactment will contribute to the development of necessary tools American business needs for economic survival in an intensely competitive and diverse business world.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Diversity Partnership Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the workplace in the United States is becoming the most diverse workplace in the world at a time of growing economic dissatisfaction and intense global competition;

(2) people of color, caucasian women, and immigrants will account for 85 percent of the net growth in our Nation's labor force during the 1990's;

(3) the expectations, characteristics, demands, beliefs, work values, motivating factors, and educational backgrounds of individuals in the workforce are becoming increasingly diverse;

(4) employees, managers, administrators, and government officials are inadequately prepared to deal effectively with increased diversity in the workforce;

(5) increased domestic and international competition requires that business, industry, and government leaders effectively motivate and manage this diverse workforce;

(6) as more parents join the workforce, it has become increasingly difficult for employees to balance the demands of the workplace with the needs of families; and

(7) by understanding and valuing diversity which respects differences, employers emphasize creativity, self initiative, leadership, innovation, and team-work, and thereby improve the working conditions of all individuals in the United States and the chances for economic success.

(b) PURPOSE.—It is the purpose of this Act to establish a grant program within the Department of Labor to—

(1) study and address issues relating to workforce and cultural diversity and their impact on economic competitiveness, employment opportunities, advancement and retention; and

(2) develop collaborative public and private sector education and training materials that address the issues of workforce and cultural diversity.

SEC. 3. ESTABLISHMENT OF WORKFORCE DIVERSITY GRANT PROGRAM.

(a) AUTHORIZATION.—The Secretary of Labor (hereafter in this Act referred to as the "Secretary") is authorized to provide grants to eligible entities described in subsection (b) for the purposes of—

(1) targeting and developing issues relating to workforce and cultural diversity;

(2) developing public and private sector education and training materials that focus on the issues of workforce and cultural diversity;

(3) fostering research, scholarship, innovative curriculum development, development of teaching materials, and other practicable supportive academic activities relating to workforces and cultural diversity;

(4) assisting in the dissemination and transfer of such materials for use in private sector training efforts; and

(5) developing and establishing cooperative higher education-business training programs to assist public and private industry leaders and workers in addressing the issues of workforce and cultural diversity.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An institution of higher education in partnership with 1 or more of the organizations described in paragraph (2) shall be eligible to receive a grant under subsection (a).

(2) ORGANIZATIONS.—An organization described in this paragraph is—

(A) a corporation, business, or partnership, whether, for profit or nonprofit;

(B) a labor organization; or

(C) an organization that has a demonstrated interest or expertise in workforce diversity issues.

(3) INSTITUTION OF HIGHER EDUCATION DEFINED.—For purposes of this subsection, the term "institution of higher education" has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(c) PERIOD OF GRANT.—The provision of payments under a grant under subsection (a) shall not exceed 3 fiscal years and shall be subject to the annual approval of the Secretary and subject to the availability of appropriations for the fiscal year involved to make the payments.

SEC. 4. APPLICATION.

(a) IN GENERAL.—The Secretary may not provide a grant under section 3 to an eligible entity unless the entity submits to the Secretary an application in such form and containing such information as the Secretary may reasonably require.

(b) FACULTY PARTICIPATION.—The Secretary shall encourage eligible entities desiring to receive a grant under section 3 to submit applications that are written by teams of faculty from multiple disciplines, student and academic affairs professionals, or student organizations concerned with multicultural education, or any combination thereof.

SEC. 5. USE OF AMOUNTS.

The Secretary may not provide a grant under section 3 to an eligible entity unless the entity agrees that it will use all amounts received from such grant to establish and carry out a program in accordance with 1 or more of the following guidelines:

(1) The development of instructional material concerning efforts designed to address cultural and workforce diversity issues within the workplace setting.

(2) The development of public and private sector education and training materials that will address the issues of workforce and cultural diversity.

(3) The development of new approaches to workforce diversity issues and scholarship efforts to be integrated within the curriculum of business schools, ethnic and women's studies, engineering schools, social science disciplines, humanities and the arts and sciences. In using grant funds under this paragraph, a grantee may employ approaches to be carried out in conjunction with the corporate education and training programs.

(4) The conduct of research concerning multicultural workplace interactions and team management and business in multicultural and multi-lingual marketplace settings.

(5) The implementation of faculty development programs that focus on research, appropriate learning environments, and pedagogical approaches to teaching multicultural management and work diversity issues.

(6) The development and dissemination of information concerning models for summer precollege business internship programs that aid in integrating the workplace and in giving students a better understanding of the private sector and of workforce diversity issues.

(7) The conduct of forums, workshops, and conferences in which representatives from academic, corporate, government, or other institutions with a demonstrated interest or expertise in workforce diversity will focus on issues, attitudes, and strategies that sensitize managers, employees, faculty, corporate, government, and other leaders and workers to workplace diversity issues.

(8) Any other activities that the Secretary determines to be appropriate to meet the purposes of this Act.

SEC. 6. SELECTION.

(a) CRITERIA FOR SELECTION.—In determining whether to provide a grant under section 3, the Secretary shall take into account—

(1) the extent to which the eligible entity demonstrates the potential to achieve 1 or more of the guidelines described in section 5;

(2) the level of participation and financial commitment of the eligible entity;

(3) the likelihood that the program to be established under section 5 by the eligible entity will foster the creation of increased workforce and cultural diversity awareness programs in other institutional environments;

(4) the likelihood that the program will result in the development and dissemination of national or regional best practices;

(5) the extent to which the program will impact on the international competitiveness of the United States economy; and

(6) such other criteria as the Secretary may prescribe.

ASSESSMENT OF HEALTH CARE REFORM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1994

Mr. STUDDS. Mr. Speaker, today I rise to introduce the Health Care Reform Assessment Act of 1994. Whatever health reform plan is ultimately enacted—and I believe we must enact major reforms this year—should include provisions to evaluate its impact on the public. This bill would establish a two-pronged approach to assessing the impact of major health reform changes on the American people.

First, this measure would produce an assessment proposal for health care reform. This assessment proposal would include a detailed framework, using a prospective, longitudinal study design, to assess progress toward our national goals of health care reform. Second, it would perform a baseline assessment of our health care system.

The first provision would direct the Secretary of Health and Human Services to enter into an agreement with the Institute of Medicine of the National Academy of Sciences or another nonprofit, nongovernmental organization or consortium of institutions to study the impact of health care reform legislation at the national, regional, and State level.

Under such an agreement, the Secretary would require the organization to report to the Secretary and Congress within 18 months after enactment with recommendations regarding the following:

First, indicators of national progress toward the goals of health care reform, as determined by the reporting organization. Among the goals to be considered would be security, simplicity, savings, responsibility, quality, choice, and health status.

Second, one or more study designs for assessing the impact of health reforms on these indicators.

Third, study designs that include comparison of different approaches to health care reform, such as single payer and managed competition models, that may be used by various States or regions, as well as approaches that may be used by Federal agencies, such as DOD and VA, and various international approaches.

Fourth, data elements and public and private sources for obtaining data to reflect the indicators.

Fifth, any special requirements or authority necessary to permit access to otherwise confidential data and assure continued confidentiality of such data.

Sixth, approaches for obtaining data that would be useful but are not currently available.

Seventh, approaches to establishing a core set of primary data as part of a national data collection effort that could overlap with the assessment of health care reform.

Eighth, the relationship between Federal, State, and local agencies to gather, report and share information on health care reform and its assessment.

Ninth, the nature, scope, and frequency of reports that would best serve the Secretary and Congress for evaluating health reform efforts.

Tenth, estimates of the overall costs associated with such a study and each of its components.

Eleventh, ways that such a study's findings could be used by various groups, such as patients, providers, insurers, employers, taxpayers, and various Government agencies.

The measure would authorize $1,000,000 for the Secretary to undertake the assessment proposal.

Second, this bill would authorize a baseline assessment of the current status of our health care system. The purpose of this baseline assessment would be to establish a benchmark for assessing the short- and long-term impacts of efforts to reform our health care system at the national, regional, and State levels. Such a baseline assessment is essential for an accurate, prospective assessment of the impact of any major health reform measure.

The Secretary would enter into an agreement with the Institute of Medicine or another nonprofit, nongovernmental organization or consortium of institutions to develop baseline information to measure access to quality and cost of health care and the health status of the American people.

The Secretary would require the organization to conduct a detailed study and report to the Secretary and Congress within 30 months after enactment with information and assessments regarding the following for public and private, institutional and ambulatory, acute and long-term care, physical and mental health services:

First, the levels of access by the public to the full range of health care services.

Second, the levels of quality of care received by the public.

Third, the cost of health care services provided to the public using various measures, such as the cost of services, the cost of treating various conditions and the average and marginal cost of maintaining and improving health.

Fourth, the health status of the public, as a whole and by population subgroups.

The Secretary would be required, to the extent reasonable, to enter into agreements with the same organization to conduct both the assessment proposal and the baseline assessment so as to facilitate maximum cooperation and coordination in the performance of both studies.

The measure would authorize $3,000,000 for the Secretary to conduct the baseline assessment study.

The Institute of Medicine has recommended that an independent organization conduct periodic evaluations of any health reform plan that is ultimately enacted in a manner that would be independent of government regulation or control. This measure would provide for such an independent study. It would provide valuable information on an ongoing basis for residents of Massachusetts and the Nation as to the impact of health care reform on their health and welfare, as well as the financial impact of these changes. The cost of this measure would be minuscule compared with the enormous benefits that could be derived from this essential information.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES—*Friday, May 20, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have blessed every person with the full measure of Your grace and given unto us all the bounty of Your spirit, so lead us this day in the ways of peace. We pray for peace in our hearts that we will be freed from selfishness or covetousness or envy, that we will replace any enmity with goodwill, any hatred with charity, so we may lead lives of generosity and kindness. May there be peace in our world so the weapons of destruction will become the tools of construction, that the nations will sense their shared destiny in a new spirit of hope and trust, one with another. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONDOLENCES TO THE FRIENDS AND FAMILY OF JACQUELINE KENNEDY ONASSIS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I join with Members of the House of Representatives, on both sides of the aisle in extending our deepest condolences to the friends and family of Jacqueline Kennedy Onassis.

In 1963, Jacqueline Kennedy's steadfast strength and courage, perhaps more than anything else during that fateful week, led this Nation through a tragic episode in American history. Over the years, her dignity in crisis became a symbol of our national character; and her elegance and style changed the look of America.

Jacqueline Kennedy Onassis combined intellectualism with social tradition—professionalism with style and grace—and created, perhaps ahead of her time, a standard for contemporary American women.

Few people have such a profound impact on their time as did Jacqueline Kennedy Onassis. Her dignity, elegance, and courage are forever etched in our collective memory as part of a unique period in American history that reflected the best of what we are as a nation, and who we are as a people. Generations to come will remember her as a standard of American culture and character.

Mr. Speaker, I believe I speak for every Member of this House when I say that we join the Nation in mourning Jacqueline Kennedy Onassis, and remembering what she meant to this Nation.

NINETY-SECOND ANNIVERSARY OF THE CREATION OF THE REPUBLIC OF CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on this date 92 years ago, the Republic of Cuba was created, after a century long struggle, marked by the courage and determination of Cuban patriots who sacrificed all for liberty and democracy.

Sadly, the Cuban people today find themselves struggling once again against the forces of oppression. Only this time, not against an imperialist foreign power, but against the totalitarian dictator who betrayed his country, and has enslaved the Cuban nation for 35 years, Fidel Castro.

The Castro regime's repression of the Cuban people continues unabated after many decades. However, the patriotic spirit of Jose Marti, Antonio Maceo, Maximo Gomez, and all the other Cuban patriots who fought for Cuban independence, remains alive in the hearts and souls of all Cubans, both inside and outside the island, who still struggle for the liberation of Cuba from the claws of Castro's ruthless regime.

Mr. Speaker, that fighting spirit will soon define the end of the Castro dictatorship and signal a new dawn of freedom and democracy for the sovereign nation of Cuba and its people.

FAIR TREATMENT FOR THE U.S. CAPITOL POLICE FORCE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Capitol Police are one of the finest police communities in the entire Nation, yet they get no respect from the Congress of the United States. They are paid thousands of dollars less than other Federal employees. Their grievances are thrown in the wastebasket. They say there is age discrimination, racial discrimination, and sexual harassment, and no one really cares. They believe the Speaker does not care and the leaders of the Congress do not care.

In fact, it costs $50,000 just to train 1 police officer, and the Capitol Police are so fed up, in the last 60 days 40 Capitol Police officers left the force and said, "We are sick and tired of being treated like second-rate citizens." Shame, Congress. The only time the Capitol Police think they are getting a fair shake is when Congress has a police emergency. They want us to cosponsor House Concurrent Resolution 84, and Congress, we deserve to at least give our Capitol Police some support.

IN THE PASSING OF JACQUELINE KENNEDY ONASSIS, CAMELOT HAS LOST ITS GUINEVERE

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, in the early 1960's I was asked as a student at the University of Nevada, Las Vegas, to be the head of the student for Kennedy in southern Nevada. I was so proud that I was asked to do this as an active member of the Young Democrats, and I worked very, very hard. Even though I cannot consider myself a knight in Camelot, I certainly considered myself a squire or maybe only a page, but I worked very, very hard in that election to get then-Senator Kennedy elected President.

For the next 3 years I watched in awe, in admiration, as the Kennedy administration moved forward on many programs that I as a Democrat held so near and dear. We certainly admired President Kennedy and his wife, Jacqueline Kennedy, and were happy to see the progress of this administration. We were happy when they coined the name Camelot, because again, we felt we were part of that noble cause to

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bring their justice to all mankind and America in general.

We lost that ray of light last night when Jacqueline Kennedy died, and we will remember her forever. That light has gone out, and we feel so bad about it, but her memory will go on forever. We have certainly lost our fair Guinevere.

URGING DEMOCRATIC FRESHMEN A-Z COSPONSORS TO SIGN THE A-Z DISCHARGE PETITION

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, in 1992 the voters told us loud and clear that they wanted change. They brought new blood to Congress and new blood to the White House.

Last year, 112 new Members came to this House: 112 freshmen were sent here with a voter mandate for change; 112 freshmen campaigned against Congress; 112 freshmen pledged to end business as usual.

All 44 freshman Republicans have cosponsored the A-Z cut-spending bill, and all have signed the A-Z discharge petition. Twenty-four freshman Democrats are cosponsors, but only one took the heroic step of signing the discharge petition.

The American people are tired of the same old excuses about why Washington can't cut spending. The American people know that low taxes come from low spending.

The American people know that there is Government waste. The American people are willing to accept some sacrifice.

A-Z ends business as usual. A-Z brings fiscal responsibility to Congress. A-Z makes Congress accountable to the people. but most importantly, A-Z fulfills the 1992 voter mandate for change.

I urge the 24 Democratic freshmen who cosponsored A-Z to join all 45 of their Republican freshmen colleagues. End the hypocrisy now. Sign the A-Z discharge petition today.

You promised the voters change. The American people are waiting and watching.

□ 1010

A SOLUTION TO THE HAITIAN PROBLEM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the President has not ruled out an invasion of Haiti. Sanctions are going to take effect there tomorrow. The clock is ticking, the deadlines are upon us. We have an outpouring of refugees coming out of that country into the waters of the Caribbean like we have not seen in more than 3 years. The country is in grinding poverty. It is described as a public health disaster by recent visitors. It is an environmental and it is a human calamity.

Mr. Speaker, there is a solution. Under OAS and U.N. auspices, a safe haven in Haiti on Haitian soil for humanitarian relief and as a base for Aristide loyalists can be found in the Ile de la Gonave right here close to the Haitian mainland. That is a 280-square-mile island, it has over 80,000 people on it, it has very few military and it is virtually totally defensible against any military invasions from Port-au-Prince because they have no capability to go across the water. One Coast Guard cutter, no invasion, the OAS and the United Nations, we can begin to restore humanity and democracy in Haiti.

THE ADMINISTRATION'S BIZARRE HAITIAN POLICY

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, each chapter of this administration's policy toward Haiti is more and more bizarre.

As a Congressman from Florida, I keep thinking it cannot get any worse.

Floridians have footed the bill for illegal Haitians, legal Haitians, HIV-infected Haitians, economic refugee Haitians, and asylum-seeking Haitians.

The Florida taxpayer has picked up the tab for failed Federal policy, changed Federal policy, and no Federal policy.

To underwrite this nightmare the people of Florida have anted up for welfare, food stamps, education, housing, incarceration, transportation, and hospitalization.

Now, most outrageously, Floridians and United States taxpayers will pay thousands of their hard-earned dollars to charter foreign cruise ships to process the new flood of Haitians at sea.

While we debate mothballing our navy, the White House is paying for foreign cruise ships. What further insult can we add to an already injured American taxpayer?

FIGHTING VIOLENT CRIME SHOULD BE JUSTICE DEPARTMENT'S NO. 1 PRIORITY

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, earlier this year the President of the United States placed a great deal of emphasis on the fight against violent crime. I think the President is entirely correct to place that priority.

Unfortunately though, the administration's budget proposal for the Department of Justice does not adequately reflect that priority. Quite the contrary.

The administration proposes reductions in the staffing of the DEA, of the Federal Bureau of Investigation, of the criminal division of the Department of Justice and of the criminal prosecutors in the U.S. Attorney's Office. At the same time, the administration proposes to increase the number of personnel in the antitrust division of the Department of Justice.

Of course, I have no objection to prosecuting antitrust violators too, but the President did not say publicly that that was our priority.

I invite Members of the House from both sides of the aisle to join me in a letter to the Appropriations Committee asking them to make the priority in the budget for the Department of Justice fighting violent crime. This letter will be sent next week.

CONDOLENCES TO THE FAMILY OF JACQUELINE KENNEDY ONASSIS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, words which are always associated with the late Mrs. Jacqueline Kennedy Onassis are style, elegance and grace, and intelligence, and indeed, Mrs. Kennedy Onassis did exhibit all of those traits admirably through her public life, and then in more recent years in her private life.

But there is another word that could be associated with her and should be, and that is the word "courage." She showed estimable courage in 1963 when many of us watched on television as she organized and presided over the funeral of her husband, the assassinated President of our land. She also showed courage in recent months when she fought her lymphoma with nobility.

Ultimately it succeeded in killing her. but I think all of us can learn from the lessons which she and her family have taught us, and we take this opportunity to extend condolences to the children, to the grandchildren and to the family.

TEACH CAPITALISM HERE IN THE UNITED STATES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, having had the privilege to hear the Prime Minister of India speak before Congress 2 days ago, we should all take a moment to reflect on how this country can best take advantage of the opportunities opening up throughout the world.

As the free market struggles to take hold in many countries like India that formerly relied on state-dominated economies, the United States has an opportunity to serve as the great academy of the free market.

Rather than spend billions on foreign assistance projects of dubious merit, Congress can help to establish programs in our local communities that bring young entrepreneurs and business leaders to this country to learn first-hand how a large market economy functions.

Some programs such as these already exist, and I believe that Congress should seek to expand these in the years to come. This would be one important step in moving our international policies from aid to trade. it would also enable us to cut substantially our foreign aid budget, establish trade ties with emerging markets and support market-oriented democracy throughout the world.

BREAST CANCER AND SCIENTIFIC FRAUD

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise to confront a killer of American women and a federal system which allowed women to be duped.

Some 46,300 women will die of breast cancer this year. It robs Americans of our mothers, our sisters, and our daughters.

American women were recently appalled to learn of scientific fraud conducted in one of the largest federally funded breast cancer research projects.

It is highly offensive that a trusted researcher would falsify data to get around the specific protocols designed to ensure appropriate and worthwhile information.

What is worse in this situation, however, is that the National Cancer Institute knowingly conceal this information from thousands of women whose potential life and death decisions were based on this false information.

It is time that we, as the guardians of the public trust, fully investigate and take action to ensure that women will never again be faced with treatment decisions based on false information. It is time to restore American women's confidence in the research they have entrusted to us.

OUTRAGEOUS BONUSES AWARDED BY SOCIAL SECURITY ADMINISTRATION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the huge bonuses awarded by the Social Security agency are outrageous to taxpayers in central Illinois. $32 million in bonuses from an agency with the track record of the Social Security Administration would certainly lead many American voters to be skeptical.

Some of these bonuses appear to be greedy and excessive.

Many of us find this hard to believe when the Clinton administration rolls into town bemoaning the greed and excesses of the past two administrations.

Yet, the largest single bonus went to a Clinton administration appointee. Lawrence Thompson, the second ranking agency executive, was on the job less than 3 months when he got a $9,256 bonus.

This is another example of how the Clinton administration wants it both ways.

They are asking the American people to believe they are cleaning up the mess in Washington, DC, when they are really part of the problem.

MOURNING THE DEATH OF JACQUELINE KENNEDY ONASSIS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today with a deep sense of sadness and sorrow over the passing of Jacqueline Kennedy Onassis. Our prayers are with her children, her grandchildren, and other members of her family.

Many of us came of age when this beautiful and gifted woman and President Kennedy held the attention of a hopeful nation. In Jacqueline Kennedy Onassis, we had the most gracious First Lady to occupy the White House in modern times. She was the epitome of grace, charm, intellect, and beauty. Anyone who can remember the week of November 22, 1963, cannot forget how she led us through that difficult period following the assassination of President Kennedy.

Jacqueline Kennedy Onassis represented the very best of America. She was a source of inspiration to millions of Americans. For many of us, her passing means the loss of a dear and special friend.

Mrs. Onassis was always charming and generous. She was a great supporter of the arts and historic preservation. Many historic buildings in New York City, Washington, DC, and all around the country are standing because of her tireless efforts.

Mrs. Onassis will be missed by millions of Americans. Her passing is a great loss.

NEW TECHNOLOGIES TO IDENTIFY WELFARE CHEATS

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, this week a woman in New York was arrested and charged with welfare fraud. Not an usual circumstance in itself, but investigators found that over a 7-year period this woman collected benefits she was not entitled to using at least 15 different fake ID's, each with her real photograph on the front and each entitling her to public assistance. In 1991, the woman was using eight different names at once and claiming 46 children—all fictitious. Between 1987 and 1993 she received a total of $450,000 in illegal benefits, making this possibly the largest case of welfare fraud in New York's history.

Earlier this year, I introduced H.R. 3723, calling upon the Secretary of HHS to conduct a feasibility study on the use of biometric technology as a means to identify welfare applicants and prevent just such incidents.

New York and California are conducting experimental programs on a limited basis using finger-imaging to identify welfare cheats. If the New York program is expanded statewide, it could save the taxpayers $46 million a year. Governor Cuomo has called for the expansion of this project. California projects a $20 million savings in its program over 5 years.

Reducing welfare fraud will cut costs and ensure that this assistance goes to those who honestly need help, not those who cheat the system and the taxpayers.

I urge my colleagues to join the 64 bipartisan cosponsors who have already signed onto H.R. 3727.

□ 1020

IN MEMORY OF JACQUELINE KENNEDY ONASSIS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the death of Jacqueline Kennedy Onassis evokes flashes of memory, first and foremost November 22 and its aftermath, her grace, her dignity, her strength.

But as we watched television last night and this morning, my wife and I, there were also memories of those days before November 22, their excitement, their sense of decency, and their sense of the worthiness of public service. Some might call those memories illusion. I would call them hope.

May that hope not pass on with Jackie Kennedy; instead, may it be rekindled.

TRIBUTE TO A GREAT LADY

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I wish to pay tribute to a great lady who passed away last night in my hometown of New York. I mean, of course, our former First Lady, Jacqueline Kennedy Onassis.

To those of us growing up in the 1960's, Jacqueline Kennedy, along with her husband, President John F. Kennedy, personified a new generation of energy, spirit, and hope. Indeed, my very first calling to become involved in politics and government was in great part inspired by the Kennedys.

To me, Jacqueline Kennedy represented a kind of royalty in America, in a good sense. She was truly queen of our country during the short period she served as First Lady.

Who could ever forget her televised tour of the White House or her pillbox hats or the Jackie Kennedy hairdos? Who could ever forget the dignity and grace with which she conducted herself during the terrible period after the assassination?

I had the pleasure of meeting Jacqueline Kennedy only once, in 1980, when she came to my home community in the Bronx to campaign with me for TED KENNEDY. I did not know what to expect, but found her charming, personable, and gracious.

In her later years, she was very much a part of the New York City spirit, involving herself in a number of causes. We were very proud that Jacqueline Kennedy, born in New York, chose New York City for her home.

She will truly be missed but never forgotten. And my condolences go out to her children, grandchildren, and all of her family.

PROVIDING FOR EXPANDED DEBATE TIME FOR CERTAIN AMENDMENTS TO H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4301 in the Committee of the Whole House on the State of the Union pursuant to House Resolution 429, debate time for amendments Nos. 16, 17, and 18 printed in part 1 of House Report 103–509 be expanded from 10 minutes per amendment, equally divided and controlled by the proponent of the amendment and a Member opposed, to 20 minutes per amendment, equally divided and controlled by the proponent of the amendment and a Member opposed.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. RAHALL (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, May 19, 1994, amendment No. 2 printed in part 3 of House Report 103–509 offered by the gentleman from Massachusetts [Mr. FRANK] had been disposed of.

Pursuant to House Resolution 429, it is now in order to debate the subject matter of the Trident II D–5 missile.

The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a general debate that would govern the discussion of two amendments, one amendment offered by my distinguished colleague, the gentleman from Minnesota [Mr. PENNY], and another amendment offered by my distinguished colleague, the gentleman from Washington [Mr. DICKS].

In my capacity as chair of the Committee on Armed Services, I would like to make a few comments regarding both; first, with respect to the amendment offered by the gentleman from Washington [Mr. DICKS], relating to Trident backfit.

First, Mr. Chairman and members of the committee, the Dicks amendment would give the Secretary of Defense the authority to waive the bill's prohibition on backfitting the D–5 missiles into the first eight Trident submarines if the Secretary determines that forgoing the backfit would result in a significant risk to U.S. national security.

Mr. Chairman, let me give you some brief background. The committee recommended prohibiting the retrofit of the Trident II D–5 missiles into eight Trident submarines stationed in the Pacific and now carrying the Trident I C–4 missile. At one time the navy had planned to outfit those submarines with newer, more accurate D–5 missiles, but the end of the cold war, the tighter fiscal constraints have caused the Navy to postpone its plans for backfit.

Although the Navy officially would like to reserve the right to backfit eight Pacific Tridents at some point after year 2000, it has neither planned, Mr. Chairman, nor budgeted for that eventuality.

□ 1030

On the contrary, the Navy is beginning to plan the budget costs associated with the alternative backfit. That is extending the life of the C–4 missile. The committee recommendation would thus prohibit the activity that is not currently part of the Navy's plan. Let me just make a few bullet points to support the committee position in the hopes that my colleagues would follow the lead of the committee and oppose the amendment offered by the gentleman from Washington [Mr. DICKS].

First, the prohibition on backfitting D–5 missiles into C–4 submarines merely codifies current Navy plans.

Second, current Navy inventory objective for D–5 missiles does not, Mr. Chairman, does not include enough missiles to backfit the eight Trident C–4 submarines based at Bangor, WA.

Three, the Dicks amendment essentially renders the backfit prohibition in the bill meaningless by giving the Secretary of Defense the authority to waive the prohibition on the basis of national security. We do not need to postpone this decision any longer, Mr. Chairman. The cold war is over. The cold war is over.

Fourth point: Postponing a clear up-or-down decision on the backfit undermines the ability of the administration to plan a procurement strategy for the buyout of the D–5 missile and to plan for extending the service life of the C–4 missiles.

The greater range, payload, and accuracy of the D–5 missiles is no longer required in the post-cold-war era, Mr. Chairman and members of the committee.

By the Navy's own recent estimates, the alternative to backfit—that is, extending the service life of the C–4 missiles already deployed—is expected to be significantly less expensive than conducting the backfit. Mr. Chairman, the administration has no money in this bill, fiscal year 1995, to deal with these purposes. But the House Committee on Armed Services stepped up to this issue and established this prohibition.

Now, we spent hours and days and weeks and months debating how to intelligently and rationally handle our fiduciary responsibilities, Mr. Chairman, with respect to the taxpayers' dollars. By the action of the House, the Armed Services Committee canceling the backfit would save at least $3 billion in a post-cold-war environment.

How can we do less, Mr. Chairman? We do not have adequate resources to address myriad human problems that need to be dealt with by the Congress of the United States on behalf of the American people. Why do we need to put into motion the potential of backfitting a D–5 highly accurate cold war weapon when the cold war is over, potentially to the tune of $3 billion? The Navy has not budgeted for it, the Navy has not planned for it, and I would suggest that my colleagues follow the leadership of the Armed Services Committee, reject this amendment.

In the few moments I have remaining, let me speak very briefly to the amendment that will be offered by my distinguished colleague, the gentleman from Minnesota [Mr. PENNY], who would terminate the D–5 warhead.

Several quick points: In a post-cold-war environment, the reduction in the nuclear threat jusifies a smaller Trident D–5 force structure. As we approach the nuclear nonproliferation negotiations, we must take actions that are consistent with that, and purchase of new D–5 sends the message to the nonnuclear weapons nations that we are inconsistent on our approach to this issue. How can we say to other nations, "Don't cross the nuclear threshold and begin to acquire, develop and acquire heinous nuclear weapons," when we continue to pursue accurate warheads that serve no useful purpose but to endanger the lives of our children and our children's children?

Our national security interests are best served by reduction of weapons in Russia and a strong nonproliferation regime. Making an additional Trident D–5 buy at this time when we are building to a level which is more than sufficient for our defense purposes threatens to trigger military acquisition programs in Russia and in other countries.

We have a window of opportunity to shut down the old arms race, Mr. Chairman, to prevent a new one from emerging. Continuing to buy the D–5 thwarts that goal. We will save $3 billion in scarce resources if we adopt the amendment to end the D–5 acquisition.

Halting the D–5 procurement now would fit in with our arms control on the START–I and the START–II regimes to reduce the strategic nuclear warheads down to some 3,500.

Finally, we have an adequate number of D–5 missiles, 348, over 6 years of procurement to handle the 10 Trident submarines that are scheduled to be fitted with the D–5 and to meet any testing needs.

In conclusion, Mr. Chairman, we ask that you oppose the amendment offered by my distinguished colleague, the gentleman from Washington [Mr. DICKS], on the grounds that I have already enumerated. We can save the resources, the cold war is over, we need to send the appropriate message.

I would ask my colleagues to join me in supporting the amendment offered by the gentleman from Minnesota [Mr. PENNY] because that also saves resources; at a time when we are downsizing our military budget in a scarce-dollar environment, we need to be rational and thoughtful.

The post-cold-war challenges us to think anew. Let us not continue to carry the baggage of cold war thinking into this new debate. Old paradigms no longer work.

With those remarks and observations, Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise today in strong support of a program that is critical to our national security, the Trident-II, D–5 sea-launched ballistic missile program. Specifically, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. PENNY] terminating production of the D–5 missile in fiscal year 1995. I also rise in support, however, of the amendment offered by the gentleman from Washington [Mr. DICKS] to give the Secretary of Defense the authority to waive the bill's prohibition on backfitting the D–5 missile into the first eight Trident submarines if the Secretary determines that foregoing the backfit would result in a significant risk to national security.

Mr. Chairman, I rise today in strong support of a program that is critical to U.S. national security, the Trident II (D–5) sea-launched ballistic missile [SLBM]. Specifically, I rise in opposition to the amendment offered by Mr. PENNY terminating production of the D–5 in fiscal year 1995. I also rise in support, however, of the amendment offered by Mr. DICKS to give the Secretary of Defense the authority to waive the bill's prohibition on backfitting the D–5 missile into the first eight Trident submarines if the Secretary determines that foregoing the backfit would result in a significant risk to U.S. national security.

Mr. Chairman, under the START I and II arms reduction treaties, the United States is required to dramatically reduce the number of strategic warheads in its arsenal. The administration has decided to place the bulk of the remaining U.S. warheads in the stabilizing and more survivable submarine leg of the strategic triad. Relying more heavily on SLBM's requires the United States to produce enough D–5 missiles to equip the 10 Atlantic Ocean strategic submarines configured to carry the D–5. In pursuit of this objective, DOD has requested the funds necessary to procure an additional 18 D–5 missiles in fiscal year 1995.

Terminating D–5 missile production now would force a choice between two equally undesirable options: Send submarines to sea with empty launch tubes, or conduct costly modifications to the new Atlantic Ocean Trident submarines so as to permit them to employ the aging and less capable C–4 missile whose service life is limited—an option that could end up costing more than procuring the additional D–5 missiles. Either option will impose severe operational disadvantages and will create substantial inefficiencies in the overall U.S. strategic program.

Terminating D–5 production would also complicate U.S. arms control efforts. In fact, the Clinton administration strongly opposes any effort to reopen either START treaty to amendments—as would be required if the Penny amendment were to become law. As President Clinton noted in a letter dated May 18, 1994:

> During debate on the fiscal year 1995 DOD authorization bill, Representative Penny will offer an amendment to terminate procurement of Trident missiles in fiscal year 1995. I strongly oppose this amendment. Terminating procurement of additional D–5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century. It would also close our last remaining missile production line and adversely affect our support for Britain's Trident program. For these reasons, I urge Members to vote against the Penny amendment.

Here's what the former Chairman of the Joint Chiefs Gen. Colin Powell said about the D–5 missile in a July 27, 1993, letter:

> The D–5 missile on Trident submarines will be the backbone of U.S. strategic deterrent forces under START II. I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. I believe that production of the D–5 should not be prematurely terminated. The vast majority of the Trident investment is behind us, and procuring the remaining missiles for Atlantic Ocean Trident submarines will ensure a credible deterrent force well into the 21st century.

Former Secretary of Defense Les Aspin also strongly opposes the Penny amendment. According to a July 19, 1993, letter I received from Secretary Aspin:

> Terminating D–5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D–5 production, and the associated industrial and technology bases, provides a key and unique hedge against future uncertainties. Continued D–5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

Mr. Chairman, for these reasons I strongly support the Trident II (D–5) missile program, and urge my colleagues to vote "no" on the Penny amendment and "yes" on the Dicks amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I think the first responsibility to the people and the Congress is to defend our people. All other things cannot come about if we cannot defend our people. How have we elected to do that over the years? During the days of the Soviet Union, we used something, either by happenstance or planned, and it was called the Triad: land, sea, and air. Little bit by little bit, the Triad system is being taken apart. We do not have strategic aircraft standing on alert. They are standing down. Little by little, we are pulling our missiles, like the MX and others, out of the ground. The MX will be out, we will have the Minuteman–III, that is all that we will have.

So why are we putting all our eggs in this basket? As we look at the three legs, we are deciding and electing to say that we are going to defend America with Trident boats and in these Trident boats, some in the Atlantic and some in the Pacific, those in the Pacific have an interim missile called the C-4. It is not intended to be a missile that will be longlasting. It does not have the range, it does not have the accuracy, it is not really the kind of missile we were looking for, because in this interim period we are waiting for the D-5 missiles.

We are asking now in the amendment of Mr. DICKS to put the D-5 in the Pacific fleet as it is in the Atlantic fleet. That is what we are looking at at this particular time.

Now, why at this time are we saying, "How do we defend America now?" Do we want to take the very best we have got and say, "No, we are going to use the old interim C-4?" It seems to me that as we lose our strategic B-52's, B-1, B-2, we are not using those to the extent we have, we are pulling our land-based missiles out; we do everything in our power to defend this Nation with the very best thing we have got, and that is the D-5. It seems to me totally unreasonable we would pull those out.

Also, let me add to this, we have our friends in the British Isles who are fitting their submarines and they are asking to do it with the D-5. To pull this program at this particular time, we cut off the legs of our friends, the British.

Mr. Chairman, yesterday a letter came from President Bill Clinton. If I may read part of that letter, it says,

> During debate on the fiscal year 1995 DOD Authorization Bill, Representative Penny will offer an amendment to terminate procurement of Trident missiles in Fiscal Year 1995.
>
> I strongly oppose this amendment. Terminating procurement of additional D-5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century. It would also close our last remaining ballistic missile production line and adversely affect our support for Britain's Trident program.
>
> For these reasons, I urge Members to vote against the Penny amendment.

□ 1040

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Washington.

Mr. DICKS. I just want to make it very, very clear what my amendment does.

The CHAIRMAN pro tempore (Mr. RAHALL). The time of the gentleman from Utah [Mr. HANSEN] has expired.

Mr. SPENCE. Mr. Chairman, I yield 1 additional minute to the gentleman from Utah.

Mr. HANSEN. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, what my amendment does is say this:

The Secretary of Defense is in the midst of a strategic review of all of our strategic forces. The committee has put in a prohibition on backfitting the D-5's on the Pacific Trident. I do not take that prohibition out unless the Secretary of Defense, who happens to be a Democrat, Bill Perry, wants to waive it because it is in the national security interest to waive it, and then we could still have the debate next year. There is not a dime in this bill for retrofitting D-5 missiles on Pacific Tridents. What I am doing is just preserving the option.

The other thing I would want to say to the gentleman on the D-5 missile is that the chairman says we have enough missiles to take care of the 10 Trident submarines. That simply is not accurate according to Admiral Childs who says we do not have the number of missiles for the 10 Tridents in the Atlantic. So, let us correct that record, and we have the President on our side, and the Defense Department on the side who wants to defeat the Penny amendment and support the D-5 Program.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's clarification of what his amendment does, and, as he points out, it gives it to the Secretary of Defense to make that determination. Therefore, Mr. Chairman, this is a very good amendment. I think we should support the Dicks amendment and oppose the Penny amendment.

Mr. DICKS. Mr. Chairman, I say to the gentleman, "Thank you."

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in opposition to the Penny amendment to terminate production of the D-5 missile.

Mr. Chairman, we have almost completed our procurement of this program, and it would be premature to stop D-5 missile production now. The Trident submarine force constitutes the backbone of our strategic deterrent in this post-cold-war era. If we terminate D-5 missile production now, we will not have enough missiles to support even the reduced force levels agreed to under the START Treaties.

The D-5 Program is also a priority of the administration. Let me share with my colleagues a letter from the President of the United States in support of the D-5 Program that the Committee on Armed Services received just 2 days ago, and I might add parenthetically this is the only letter, as far as I know up to this point, that the President of the United States has written concerning the defense bill.

I quote:

> I strongly oppose this amendment. Terminating procurement of additional D-5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century. It would also close our last remaining ballistic missile production line and adversely affect our support for Britain's Trident program.

Mr. Chairman, I wholeheartedly agree with the President's statement, and will insert the President's letter in the record of debate on this amendment.

I would also like to emphasize that termination of the D-5 Program now would amount to a unilateral U.S. force reduction under the START Treaties since the United States would end up deploying fewer warheads than are permitted under START II. Such unilateral reductions would actually undermine START Treaty implementation by removing a key Russian incentive to ratify the START II Treaty.

Finally, termination of the D-5 Program now will adversely affect our confidence in the safety and reliability of the missile by causing an inventory shortfall that would in turn undermine the Navy's Planned Testing and Logistics Program.

For all of these reasons I strongly oppose the amendment to terminate D-5 production, and urge my colleagues to do the same.

The letter from the President is as follows:

> THE WHITE HOUSE,
> *Washington, May 18, 1994.*
>
> Hon. RONALD V. DELLUMS,
> *House of Representatives,*
> *Washington, DC.*
>
> DEAR MR. CHAIRMAN: During debate on the Fiscal Year 1995 DOD Authorization Bill, Representative Penny will offer an amendment to terminate procurement of Trident missiles in Fiscal Year 1995.
>
> I strongly oppose this amendment. Terminating procurement of additional D-5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century. It would also close our last remaining ballistic missile production line and adversely affect our support for Britain's Trident program.
>
> For these reasons, I urge Members to vote against the Penny amendment.
>
> Sincerely,
>
> BILL.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Let me just say, and Yogi Berra once said, this is deja vu all over again. This debate could have occurred 10 years ago. As someone much brighter than this person, much more philosophical and brilliant said, everything is changed except the way we think, and what I am challenging my colleagues to do is to change the nature of how they think. The cold war is over. To talk about survivability and nuclear weapons is bizarre and absurd. We need to put that genie back in the bottle. This is the first opportunity we have as American people to try to make the world a safer place, and talking about building more nuclear weapons, in my estimation, flies in the face of reality.

Finally, Mr. Chairman, I appreciate the letter from our distinguished President, but I would remind all of our colleagues here that we are a coequal branch of government, and we have both the right and the responsibility to make decisions.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, today we will have an amendment on the floor which would terminate the D–5 missile, and that in my opinion would be a serious mistake. Let me just give the House an overview of where we are with this very important system.

We today have 10 Trident boats, 10 Trident submarines, which will be outfitted to accommodate the D–5 missile. We, therefore, need 240 D–5 missiles to go in the 24 tubes on each of these 10 submarines. That constitutes the requirement of 240 D–5 missiles if they are to be outfitted with the missiles for which they were designed.

Now one facile solution, which the supporters of this amendment may suggest, is we have got plenty of C–4 missiles, the older missile now on the existing Trident boat.

I ask, "Why don't we take them and simply stick them in the tubes of these 10 Trident submarines?"

The answer simply is: "They don't fit. Their length, their width, their total dimensions are such that they do not fit, and it would require that these boats be taken back to their manufacturer in Brighton, CT, and completely rebuilt at a cost of at least 400 or $500 million per boat, an exorbitant cost."

Second, in addition to the 240 missiles we need to fill the tubes on these ten Trident submarines, Mr. Chairman, we have a requirement still remaining of 11 missiles to be used for certification to make certain that this missile can perform according to its specifications. Thirty-five originally were required for this purpose. It is now down to 11 additional missiles. So, we need these for certification, and I might add that this is not some simple requirement because we have learned things from the testing and certification of this system that have been important to its development and deployment.

Finally, Mr. Chairman, we need 138 missiles for life cycle testing. Now what does this mean? We assume that the Trident boats will have a life of 23 years. They actually have a life of more than 23 years, but the utility of this missile we are assuming to be 23 years, and we are assuming that we will take six missiles every year and test. That means of the 10 boats 6 boats will be doing one test, one missile firing a year. That is the minimum necessary to keep proficiency in the crew so that they understand the flight system, the navigation system, the control system. It is the minimum test to make sure that we understand this system. It is also the minimum test to maintain confidence in the D–5 missile. That means that about every other year a Trident submarine crew will be going to sea and firing one missile. That is what we are providing for here: 240 to go in the tubes, 138 to test, 11 to complete the certification. That brings us to 389 missiles. That has been pared back considerably from last year, and I think that point ought to be made.

We have already cut, the Navy has already cut, the request for the Trident missile, D–5 missile by 36 percent. It is down to 696 million from 1.1 billion. We have cut it to the minimum necessary number and should cut no further.

□ 1050

The CHAIRMAN pro tempore (Mr. RAHALL). The time of the gentleman from South Carolina [Mr. SPENCE] has expired, and the gentleman from California [Mr. DELLUMS] has 1½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield the balance of our time to our distinguished colleague, the gentleman from Minnesota [Mr. PENNY], who is the author of one of the two principal amendments before the House.

Mr. PENNY. Mr. Chairman, I—along with Congresswoman LYNN WOOLSEY of California, Congressmen SCOTT KLUG and PETER BARCA of Wisconsin—are offering a bipartisan amendment to end procurement of the Trident II, D–5, missile after fiscal year 1994.

There are a number of very important reasons why this amendment should be approved by the House of Representatives at this time:

First, the Trident II, D–5, missile is a cold war weapon system which was designed to destroy hardened missile silos and other targets found only in the former Soviet Union. There is no national security argument which would necessitate the continued procurement of this weapon system.

A 1993 CBO report found that even if the United States ended the D–5 missile program after fiscal year 1994, the Navy would still have a Trident SLBM capability at the end of this decade which is comparable with the capability that exists today in the entire fleet of ballistic missile submarines.

This amendment would leave the Navy with nearly 320 D–5 missiles which have already been authorized by Congress. The authors of this amendment have proposed an option which provides 180 D–5 missiles on the 10 Trident II submarines and 140 D–5 missiles for tests and evaluations. This option would cancel the planned backfit of the Trident I submarines and would require the Navy to extend the life of the C–4 missile for an additional 15 years.

Continued procurement of the D–5 missile will likely lead to a hollow force in the near future unless steps are taken now to dramatically alter the way the Department of Defense spends its annual $260 billion budget. Many of us in this body have criticized the President of the United States for the so-called hollow force—however, the real blame for a potential hollow force lies right here on Capitol Hill where many of us are more concerned about preserving Defense industry jobs in our districts, and less concerned about preserving national security in this country.

Expenditures on cold war weapon systems—like the D–5 missile—will contribute considerably to a military force which is heavy on expensive big ticket weapon systems and less heavy on personnel readiness and training. This imbalance is what all Members of Congress should be focusing on—not the overall level of military spending—which as we all know is 10 times the amount spent by all of our potential adversaries combined.

This amendment will save some $700 million in fiscal year 1995 and nearly $5 billion over the next 5 years, according to the Congressional Budget Office. The savings from this amendment would be available for personnel readiness and training—thereby avoiding a hollow force.

The proposed option advocated by the sponsors of this amendment—and endorsed by the Defense Budget Project—would allow the United States to deploy nearly 1,490 nuclear warheads at sea. Along with the 1,750 warheads to be deployed on land, the United States would deploy over 3,200 nuclear warheads under the START II Treaty—more than what the Russians are expected to deploy under the same treaty. Again, this amendment clearly does not affect the overall security of the United States.

Finally, for those on the Republican side of the aisle I would like to quote the words of former Assistant Secretary of Defense in the Reagan administration, Lawrence Korb. He recently said that "relics of the cold war like the D–5 missile survived the Bottom-Up Review even though the Soviet threat that brought about their development has gone away."

This amendment has been endorsed by the Defense Budget Project, Citizens Against Government Waste, the National Taxpayers Union, Council for a Livable World, Physicians for Social Responsibility, and many other groups.

While I understand that President Clinton is opposed to this amendment—and I respect the opinion of the President on national security issues—I and many Members of this House on both sides of the aisle believe that this amendment is the right thing to do at this time. I urge all Members to vote for the Penny-Woolsey-Klug-Barca amendment and against the Dicks amendment which would undercut the House Armed Services Committee position on the Trident backfit issue.

The CHAIRMAN pro tempore. All time has expired.

It is now in order to consider the amendments relating to the Trident II D-5 missile printed in Part 4 of House Report 103-509 which shall be considered in the following order: First, by Representative DICKS: and second, by Representative PENNY. It is now in order to consider amendment No. 1 printed in part 4 of House Report 103-509.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer my amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKS:

Page 19, line 4, insert "(a) LIMITATION.—" before "The Secretary of the Navy may not".

Page 19, after line 6, insert the following:

(b) WAIVER AUTHORITY.—If the Secretary of Defense determines that adherence to the prohibition in subsection (a) would result in a significant national security risk to the United States, the Secretary may waive that prohibition. Such a waiver may not take effect until the Secretary submits to Congress a certification of that determination and of the reasons for that determination.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. DICKS] will be recognized for 5 minutes in support of his amendment, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to urge the House to support my amendment to the fiscal year 1995 national defense authorization bill. Section 123 prohibits the backfit of the D-5 missile on the Trident submarines currently equipped with the C-4 missile. My amendment gives the Secretary of Defense the authority to waive this provision if he determines that backfitting is in the security interests of this Nation.

Last year, the reported bill included a similar provision. I offered an amendment on the floor of the House that recommended that the Secretary of Defense conduct a study comparing the option of the D-5 missile backfit with paying for a service life extension for the C-4 missile on Trident I submarines. The study will consider cost effectiveness, force structure requirements, and future strategic flexibility.

The House adopted, and the conferees agreed to this amendment.

Mr. Chairman, nothing has changed in the interim to suggest the House should reverse its position.

Simultaneously, the Department is conducting a strategic nuclear posture review for our national military strategy. Section 123 of H.R. 4301 would prevent the Secretary, and the Congress, from making an informed decision on all possible options from the ongoing nuclear posture review, and the Navy's study as mandated by the Congress.

Previously, the Navy has testified that it would make the decision regarding the backfit of the Trident I submarines no sooner than fiscal year 1996. I am advised that studies suggest that it may well be less costly to perform the backfit versus a service life extension plan.

Whether or not the study recommends the backfit or not, the Secretary must be allowed to finish this study in order to make an informed recommendation to the Congress on maintaining the viability of this important platform.

Pending the recommendations of the strategic nuclear posture review, the D-5 platform could provide potential survivability improvements as a hedge against any breakthrough of future anti-submarine warfare.

The prohibition to backfit the Trident I submarines with this missile could also drive decisions on overall Trident submarine force structure and force us to increased reliance on less survivable legs of the triad.

Furthermore, there is no funding requested in the budget for D-5 backfit and therefore there are no savings achieved by forcing the issue. If the Department opts to pursue this option it will have to request funding next year and the Congress will have ample opportunity to debate whether that funding ought to be provided.

My amendment, as last year, represents a compromise that would retain the section but provides the Secretary of Defense with the opportunity to waive its provisions if he certifies it is in our national security interests.

Admiral Chiles, CINC-Strategic Command, testified before the Senate Armed Services Committee on the importance to preserve all options associated with backfitting D-5 missiles or maintaining the present C-4 missiles, and "The Nuclear Posture Review is evaluating these precepts to ensure the TRIDENT force will remain a viable, save deterrent force for the future."

The Secretary must be allowed to finish this thorough review of our strategic forces as previously directed by the Congress. The Department of the Navy has advised me that "any legislative prohibition that might prematurely restrict any option would not be operationally prudent, and in terms of deterrence, such a prohibition would be counter-productive."

Granting the Secretary this waiver prevents any option from being precluded in the future readiness of the Trident submarine force.

I urge the House to support my amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. DICKS] has expired.

Mr. DICKS. Mr. Chairman, I yield myself my additional 3 minutes, the balance of my time, and I will yield to the gentleman from California [Mr. HUNTER] and the gentleman from Utah [Mr. HANSEN].

Mr. Chairman, first I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made a very important point. The gentleman's amendment simply says that where the Secretary of Defense finds that there is "a significant national security risk" to the United States is not allowing backfitting of D-5, that can then take place. So it gives some discretion to the Secretary of Defense. He has to find a very high standard. He has to find that there is a significant national security risk.

We all know we have brought the Soviet Union to a dissolution point by being strong, by having the strong strategic triad that the gentleman from Utah spoke about. This part of the triad, our underwater dimension of the triad, is perhaps our strongest and our most survivable and in some cases our most important, and the D-5 is a very important part of that.

Mr. DICKS. Mr. Chairman, I appreciate the comments of the gentleman from California, and I now yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I think it would be very difficult to be the Secretary of Defense and have 435 junior Secretary of Defenses over here telling you what to do in every instance. In this particular instance all we are really trying to do is give some latitude to the Secretary, to give him the right to make a determination after he studies this and ask the question, is this the proper and correct thing to do?

I cannot see where anyone would want to oppose this. This is eminently fair to the gentleman over there. If we continue to put fences on him, we put hobbles on his legs and handcuffs on his arms, and I do not know how he can run the organization over there that way.

Mr. Chairman, I think this is an excellent amendment, and I support it.

Mr. DICKS. Mr. Chairman, I now yield to the ranking minority member, the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I rise in support of the gentleman's amendment and urge my colleagues to vote for it.

Mr. DICKS. Mr. Chairman, with all due respect, we can debate this next year. It is premature this year. Let us give our good friend, Bill Perry, the distinguished Secretary of Defense, the opportunity to review our strategic weapons and then make a recommendation to the Congress. We can then look at it. We can look at it thoughtfully and carefully, and the gentleman's very elaborate arguments can be considered by the chairman and by the Secretary. But it is premature at this juncture, in my mind at least, to take away this option when we do not have any money in here and it does not involve any expenditure. So therefore, there is no savings.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Washington [Mr. DICKS] has 30 seconds remaining.

The distinguished chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me just say to my colleagues that I understand the argument. The point here is that when I said we are a coequal branch of government, there are times when the clarity of our own thought dictates that we take action.

It is my position that we have considered this matter. This prohibition, interestingly enough was in the House bill last year, though it was modified in conference, so this is not a new position that we are reasserting. We are trying to understand that we are sending messages, and we are part of the policymaking equation here. That is why we draw our checks every month. That is why we get paid, to step up and play hardball, make intelligent, rational, coherent, and cogent decisions.

I am simply saying that on this matter we have made a decision. If we were in an iffy position, if we were indecisive about this, then, fine, we could pass an amendment, do a study, and say we would come back and recommend. But on this matter there are many of us in this Chamber who believe that we are already clear about what we think the decision should be.

Mr. Chairman, let us save $3 billion of the taxpayers' money and not retrofit.

Mr. Chairman, it is my great pleasure to yield 1 minute to our distinguished colleague, the gentlewoman from California [Ms. WOOLSEY], who rises in opposition to the amendment.

□ 1100

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the amendment offered by Mr. DICKS. We should not agree to have the Pentagon waste money on a study, which will simply make the recommendation to waste more money in the future. Not only should we support the committee's position on the backfit, but we should terminate the program entirely. We cannot base this decision on local economic interests. We must do what's right for our entire country.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in opposition to the Dicks amendment. Language in the bill cancels the planned backfit of the eight Trident I submarines based in the State of Washington. That is the sort of tough decision we need to make in order to rationalize the defense budget in the post-cold-war era.

The Dicks amendment would undercut the committee's position. The Armed Services Committee has correctly questioned the necessity of spending billions of dollars at the end of this decade to reconfigure the Navy's eight Trident I submarines so that they can carry the larger D-5 missile. The fact is, this backfit is not necessary under any scenario in the post-cold-war era.

A 1993 Congressional Budget Office report estimated that the planned backfit of the Trident I submarines will cost some $2.6 billion. In addition, the 192 D-5 missiles which would need to be procured for deployment on the eight Trident I submarines would cost an additional $6 billion.

Mr. Chairman, this amendment—if passed—would allow the Navy to spend over $8.5 billion on the Trident program—above and beyond the amount that they will need to spend to outfit the 10 Trident II submarines with D-5 missiles. We simply cannot afford to give the Department of Defense the greenlight to go ahead with this wasteful and expensive program. I urge all Members to vote against the Dicks amendment.

Mr. DELLUMS. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN pro tempore (Mr. RAHALL). The gentleman from California [Mr. DELLUMS] has 2½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my distinguished colleague from Washington, Mr. DICKS, he is absolutely correct. Over the years, one of the highlights of this gentleman's service in the body has been to debate my colleague on a number of these issues. We have had an opportunity to stand together on some of these questions, and we have had an opportunity to stand apart and to debate substantively on this matter, and I appreciate that. We have always shown each other that level of mutual respect.

Let me just simply say to all of my colleagues on this particular item, this gentleman may not be right on this, but I believe to a moral certainty that these Trident submarines will never be retrofitted with the rest of these D-5 missiles. I do not believe that the Pentagon is going to spend $3 billion to retrofit. If I am correct, let us stop all this bantering around. This is wonderful great debate, but it is surreal discussion. It is in never-never land.

The military budget is going down. The stress on our national budget is increasing geometrically. And for anyone to think that in a post-cold-war era we are going to suddenly find $3 billion to take a D-5 missile that is a cold war weapon, a cold war weapon, and put it on Tridents, I think is taking a departure from reality. So I am saying if that is true, let us get on with it. Let us not keep adding amendments that will give a false sense of hope and direction. This $3 billion will never be spent on the D-5.

Mr. Chairman, I am going to take the opportunity to yield to my colleague and let him respond. I do not believe this money is ever going to be spent. We are not going to authorize it, they are not going to ask for it, and you folks are not going to appropriate it.

Mr. Chairman, I am happy to yield to the gentleman from Washington.

Mr. DICKS. The study that is being done, by the way, is being done. There is a strategic posture review being done by the Secretary of Defense. As you recall, Mr. Chairman, last year the House adopted my amendment that said go do a study on the difference between retrofitting and fixing up the C-4 missiles, or backfitting. It may well be that backfitting is less expensive than doing the retrofit and fixing up the C-4 missile, and you would have a brandnew missile with 30 years of lifetime.

Now, the world is not quite as stable out there as some would assert. We still see what is going on in Russia with the rise of Mr. Zhirinovsky and then problems there with stability. Let us let them do the study, Mr. Chairman.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired. The Chair would advise Members that the gentleman from California has the right to close debate.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I would indicate to my distinguished colleague, the gentleman from South Carolina [Mr. SPENCE], that I would be pleased at the appropriate time to yield half of that time to my colleague.

Mr. Chairman, let me simply say, last year, the study; this year, another prolongation. I am simply saying, let us step up to it. We have thought about this matter. Let us end it.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, there is no money in the budget to do this, so it is really premature at this point. We are not going to save a cent. So do we not have the benefit of Secretary Perry's analysis before we make the ultimate decision? It is premature. That is all I am saying.

Mr. DELLUMS. If I might reclaim my time, I am simply saying we are a coequal branch of government. Let the Secretary of Defense benefit from the wisdom of this body. It is a two-way street. It is not a one-way communication here. Brilliance is not all invested in the Pentagon. There is brilliance and competence and capability and vision and wisdom in this body. Let them benefit from our wisdom.

Mr. DICKS. Mr. Chairman, if the gentleman will yield briefly, if you are so convinced on the merits and there is not one dime in the budget to do anything about it, why do you not wait and see what the Secretary of Defense thinks? If he agrees with you, he will never waive this provision. The only reason he would waive it is if there is some major change out there and he then says it is in our security interests. He must certify to that. Then the chairman still has the option of not authorizing the program, if he feels that the Secretary's certification is wrong.

All you are doing is giving him the option, Mr. Chairman. We are not going to save a nickel here.

Mr. DELLUMS. I think the gentleman has adequately made his point. Let us let the wisdom, or lack thereof, of the body make the judgment of who is correct.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, in fairness, if the Secretary of Defense wants to come back in the next year and asks us to lift the waiver, we can lift it next year. Is that correct?

Mr. DELLUMS. The gentleman is absolutely correct.

Mr. DICKS. Let us give him the option this year. That is a long time away.

Mr. Chairman, I urge the House to support the Dicks amendment, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 169, not voting 43, as follows:

[Roll No. 188]

AYES—226

Allard
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Brewster
Browder
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Greenwood
Gunderson
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levy
Lightfoot
Linder
Lloyd
Long
Lucas
Manton
Manzullo
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McHale
McHugh
McKeon
McMillan
McNulty
Meek
Mica
Michel
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Richardson
Ros-Lehtinen
Rose
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Scott
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—169

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Ballenger
Barca
Barcia
Barrett (WI)
Beilenson
Berman
Bilbray
Boehlert
Bonior
Boucher
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Cardin
Clay
Clayton
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Danner
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gephardt
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hancock
Hastings
Hinchey
Holden
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
Lambert
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
McDermott
McInnis
McKinney
Meehan
Menendez
Meyers
Mfume
Minge
Mink
Moakley
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Reynolds
Ridge
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slaughter
Smith (NJ)
Snowe
Stark
Stokes
Strickland
Studds
Stupak
Synar
Thurman
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—43

Baker (CA)
Barlow
Becerra
Blackwell
Brooks
Brown (CA)
Collins (IL)
Crane
Dingell
Dixon
Emerson
Faleomavaega (AS)
Farr
Flake
Ford (MI)
Grams
Grandy
Herger
Kolbe
LaFalce
Lehman
Lewis (CA)
Lewis (FL)
Livingston
Machtley
McCollum
Miller (CA)
Murphy
Neal (NC)
Rangel
Roberts
Sawyer
Slattery
Smith (IA)
Smith (TX)
Thomas (CA)
Thomas (WY)
Torres
Torricelli
Towns
Washington
Whitten
Wilson

□ 1129

The Clerk announced the following pairs:

On this vote:

Mr. Grams for, with Mr. LaFalce against.

Mr. Grandy for, with Mr. Sawyer against.

Mr. Kolbe for, with Mr. Becerra against.

Mr. McCollum for, with Mr. Miller of California against.

Mr. Thomas of California for, with Mr. Dingell against.

Mr. Thomas of Wyoming for, with Mr. Rangel against.

Messrs. REYNOLDS, KREIDLER, FORD of Tennessee, COYNE, and HUGHES, Ms. SLAUGHTER, and Mr. SCHUMER changed their vote from "aye" to "no."

Mr. PETE GEREN of Texas and Mr. BISHOP changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1130

The CHAIRMAN pro tempore (Mr. RAHALL). It is now in order to consider amendment 2 printed in part 4 of House Report 103-509.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PENNY: At the end of subtitle C of title I (page 19, after line 15), add the following new section:

SEC. 125. TERMINATION OF TRIDENT II (D-5) MISSILE PROCUREMENT.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the Trident II (D-5) missile program upon the completion of procurement of the missiles for which funds were appropriated for fiscal year 1994.

(b) FUNDING RESTRICTION.—The amount provided in section 102 for procurement of weapons for the Navy is hereby reduced by $696,000,000. None of the funds made available to the Navy for a fiscal year after fiscal year 1994 may be obligated for the Trident II (D-5) missile program except as required for program termination costs.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. PENNY] will be recognized for 5 minutes and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, the D-5 should have died years ago, much as the Berlin Wall came tumbling down. It serves no purpose other than to keep our defense costs high at a time when our domestic needs are growing. But Mr. Chairman, year after year, we see the D-5 in our defense bill. The D-5 clings to life because this Congress just does not get it on military spending.

Right now, the United States is spending more on the military than the next 10 countries combined. We are spending $400,000 each minute on the military. Military spending is out of control, and this Congress refuses to act.

Some of my colleagues will disagree. You will hear from them about how we are dangerously close to a hollow force, and we cannot support a two-war strategy.

I tell you, we are dangerously close to a hollow education system, a hollow health care system, and a hollow fight against crime. We cannot devise a strategy to fight these very real domestic wars, because Congress is fixated on two nonexistent wars abroad.

We already have 320 D-5 missiles. If you do not think that is enough of these powerful weapons of destruction, ask the group that has come together from all parts of the political spectrum to say, enough is enough. Republicans, Democrats, the National Taxpayers Union, the Council for a Livable World, Citizens Against Government Waste, and the Defense Budget Project, they all agree that continued production of the D-5 is wasteful and unnecessary.

When people talk about gridlock, when they talk of a Congress that will not listen, they are talking about the D-5. This year, let us listen for a change. Let us act for a change. Let us put this cold war relic where it belongs—in the history books.

Please vote in favor of the Penny-Woolsey-Klug-Barca amendment.

Mr. PENNY. Mr. Chairman, may I inquire as to the total time remaining on each side?

The CHAIRMAN pro tempore. The gentleman from Minnesota [Mr. PENNY] has 3 minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 5 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in opposition to this amendment. I usually vote to cut spending everywhere I can, but not when it hurts and does harm to our national security.

Mr. Chairman, I have been very critical of our President because I thought he has been cutting too much from our national defense. Even the President is opposed to this amendment.

Mr. Chairman, I have a letter from a commander of our Strategic Command, and I want to quote this much from it: "This will result in unilateral reductions below those negotiated by current arms control agreements."

Mr. Chairman, I include this letter and another letter from the President as follows:

DEPARTMENT OF DEFENSE,
U.S. STRATEGIC COMMAND,
May 19, 1994.

Hon. FLOYD D. SPENCE,
Ranking Minority Member, Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN SPENCE: The upcoming debate on the Fiscal Year 1995 Defense Authorization Bill will include an amendment to terminate procurement of the Trident II (D-5) missile. I would like to offer my thoughts regarding the Trident II submarine and continued procurement of D-5 missiles.

The Trident II submarine with its D-5 missile system will remain a critical element of this nation's future strategic force structure for many years. Terminating D-5 procurement in Fiscal Year 1995 will not provide sufficient missiles to outfit and support the ten Trident II submarines presently at sea or undergoing construction. Without a sufficient number of missiles to support loadout, testing and evaluation. Trident submarines would ultimately be deployed with fewer missiles onboard, a situation I consider not to be in our country's best interests. This will result in unilateral reductions below those negotiated by current arms control agreements. To offset this, we would have to load more warheads per existing missile which complicates treaty compliance and results in operational drawbacks in terms of platform survivability and efficient targeting.

Additionally, continuing Trident II missile production preserves our ballistic missile industrial base as this is the only strategic missile in production today. It would be a mistake to put existing older Trident I (C-4) missiles on our new Trident II submarines because C-4 re-engineering costs would nearly equal D-5 procurement costs, and this would result in our strategic submarines carrying an older, less capable missile. Also, D-5 production allows support for Britain's strategic program.

For these reasons, I conclude that funding the President's Fiscal Year 1995 budget proposal for Trident II missile procurement is essential to the U.S. strategic deterrent capability. I ask for your support of this critical program.

Very respectfully,
H.G. CHILES, Jr.,
Admiral, U.S. Navy,
Commander in Chief.

THE WHITE HOUSE,
Washington, DC, May 18, 1994.

Hon. RONALD V. DELLUMS,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During debate on the Fiscal Year 1995 DOD Authorization Bill, Representative Penny will offer an amendment to terminate procurement of Trident missiles in Fiscal Year 1995.

I strongly oppose this amendment. Terminating procurement of additional D-5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century. It would also close our last remaining ballistic missile production line and adversely affect our support for Britain's Trident program.

For these reasons, I urge Members to vote against the Penny amendment.

Sincerely,
BILL CLINTON.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, deterrents are important. Strategic deterrents are important. We have survived and been able to keep the world in a reasonably stable state for the last 40 years because we had a deterrent that was comprised of land, sea and air forces. Defense spending is dropping off the shelf.

Mr. Chairman, this bill is a massive cut in defense spending. We are cutting across the board bomber forces, fighter forces, we are cashiering 1,700 young people a week out of the military. We have one remaining strong survivable part of the strategic triad and that is the undersea part. That is the part that is difficult for any potential adversaries to detect and that has the capability of striking at military targets.

Mr. Chairman, the D-5 missile is the centerpiece of accurate missiles that can be fired out of submarines that can hit military targets. We still have a very dangerous world. The President and the Secretary of Defense have asked to have this remaining part of the strategic triad kept alive by this House of Representatives.

Mr. Chairman, we should at this point keep this option open for the President, keep this option open for the Secretary of Defense. The Soviet Union is not cutting back its submarine program at this time. Vote "no" on Penny.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise today to urge the House to oppose the Penny amendment to eliminate the D-5 missile production after 1994.

Mr. Chairman, here we are again, on the floor of the House, debating this same argument as last year. But Mr. Chairman, the arguments against Mr. PENNY's amendment are also the same. If anything, world events have taken a turn for the worse.

Tens of thousands of nuclear weapons continue to be deployed in the former Soviet Union.

The political future of the New Republics is not cast in stone, and recent developments in Russia are not encouraging.

While the United States has deactivated more than 90 percent of the START I required reductions in the number of warheads on ballistic missile systems, the former Soviet Union has deactivated less than 30 percent of the forces that must be eliminated under the terms of START I.

These reductions, Mr. Chairman, are primarily a result of the dismantlement efforts by Kazakstan, Belarus, and the Ukraine, to comply with United States requests in order to receive United States aid.

START I has not been ratified, much less START II.

And yet, the Russians are currently developing, and plan to deploy, three new ballistic missiles within the next 10 years: a road mobile, single RV, as well as a silo-based single RV, and a follow on missile for the *Typhoon* class ballistic missile submarine.

We do not know if they plan to deploy these capabilities or sell them to the highest bidder.

Admiral Chiles, CINC-Strategic Command states:

> The Trident II submarine with its D-5 missile system will remain a critical element of this Nation's future strategic force structure for many years. Terminating D-5 procurement in fiscal year 1995 will not provide sufficient missiles to outfit and support the 10 Trident II submarines presently at sea or undergoing construction * * * the funding for the President's fiscal year 1995 budget proposal for Trident II missile procurement is essential to the U.S. strategic deterrent capability.

Mr. Chairman, these are many of the same arguments that we raised last year in opposition to the amendment to terminate the D-5.

Nonetheless, the United States still continues to downsize its strategic nuclear force structure. Under START II, the peacekeeper, small ICBM and Minuteman II ICBM's are eliminated. We are buying only 15 percent of the B-2 bombers originally programmed, the SRAM II program has been cancelled and Cruise missile carrying B-52's retired. We are scrapping all Poseidon submarines. The Trident submarine program is at 18 and the W-88 warhead terminated.

The Trident submarine force will be even more critical as the lowest cost and the most survivable leg of the strategic deterrent. In addition, the D-5 is the only strategic missile still under production.

The assertion that the Navy already has enough D-5 missiles for deployment is incorrect. Last year, President Clinton stated "even at the lowest Trident levels that remain under review pursuant to the bottom up review, additional D-5 missile procurement are required in FY 1994 and 1995."

This administration strongly supports this program. The President, in his letter to Chairman DELLUMS, conveyed his strong opposition to this amendment:

> Terminating procurement of additional D-5 missiles would severely limit our ability to support the U.S. Trident SSBN program, which is the backbone of the U.S. deterrent well into the next century.

In his letter, the President urges Members to "vote against the Penny amendment."

We cannot afford to lose this capability.

Recognizing the world events over the last year, I strongly urge the House to support the President and vote "no" on the Penny amendment.

□ 1140

Mr. PENNY. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I rise in support of the Penny amendment.

During this era of tight defense budgets, and a transformed international environment, it is increasingly necessary to prioritize the programs upon which the Department of Defense spends its money.

We have an opportunity here to do just that. In this era of decreased world tensions the continued procurement of this weapons system is an imprudent expenditure of our scarce defense resources. As is well known the Navy has already procured 320 D-5 missiles, and continues to maintain operational its C-4 missiles.

As is evident, the majority of the threats to our present security cannot be addressed by nuclear weapons. Conflicts such as the war in Bosnia, or peacekeeping operations, and even the tensions now on the Korean peninsula can not be solved by nuclear weapons. I question how the continued purchase of a weapons system, which will slightly increase the accuracy and range of nuclear warheads, will increase our national security.

The benefits of this improvement are marginal, and do not return enough on the necessary investment. By voting for this amendment we can save $700 million in fiscal year 1995 alone. Let us take a small step toward fiscal prudence and vote for this amendment.

Mr. PENNY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, and Members, this amendment stops procurement of the D-5 missile after fiscal year 1994, leaving the Navy with 320 D-5 missiles to deploy on the 10 Trident II submarines and maintain 140 more for testing.

This amendment would save over $700 million and about $5 billion over the next 5 years.

Now, we talked in this body time and time again about being serious about the deficit, about being serious about our national debt, and that has to extend across all programs including unnecessary defense programs.

This D-5 missile was designed specifically for hardened targets in the former Soviet Union, and even former Assistant Secretary of Defense under the Reagan administration Lawrence Korb has stated this is a relic of the past, one that we can do without.

We can no longer afford this. Let us vote "yes" on this amendment.

PARLIAMENTARY INQUIRY

Mr. PENNY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PENNY. Under the rule, is it the right of the opposition to close on this amendment?

The CHAIRMAN pro tempore. Under the committee position, the gentleman is correct, that the gentleman from South Carolina has the right to close debate.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, let us begin with an idea from zero-based budgeting, which simply says the beginning of each year you should reassess the cost of each program and its fundamental mission, and let us make it clear the original mission of the D-5, as my colleague from Wisconsin says, is to penetrate hardened targets such as missile silos in the only place those targets exist in the world today, which is in the former Soviet Union.

We have difficult decisions to make as we decide to make cuts in both defense and domestic spending, and it seems to me for those of us on the Republican side of the aisle as we face tougher and tougher cuts and fewer and fewer dollars to spend on defense, that we need to spend them on the best places to defend the United States in a very dangerous world. Those are more likely to be regional conflicts. They are not likely to be nuclear exchanges.

We are 1 year farther out from the cold war than we were last year. Today's amendment allows 25 more missiles than the amendment which failed last year, and let me remind everybody in this room, we are $255 billion deeper in debt than we were at the start of this year.

This amendment will save $700 million next year and $5 billion over the next 5 years. We still give the United States Navy 320 missiles to deploy at sea against the only hardened target we can find in the world, in the former Soviet Union.

I understand the administration is opposed to this amendment, but let me remind my Republican colleagues that this is the same administration that is opposed to the A-to-Z proposal, it is the same administration that is opposed to the balanced budget amendment, it is the same administration that is opposed to the line-item veto, and the same administration that was opposed to the Penny-Kasich budget cuts of last year.

We in this room have begun to make some very difficult decisions about defense cuts in the years ahead. If we want to invest it in training and we want to invest it in manpower, as my colleague, the gentleman from California [Mr. HUNTER], pointed out, if we want to invest in U.S. strategic defense interests in a very dangerous world, then spend the money where we need to spend the money, not in a cold war relic that no longer has a mission.

I urge my colleagues to vote "yes" on the Penny-Klug amendment.

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the proponents of this amendment want to cut strategic weapons, and as the gentleman from Washington [Mr. DICKS] and others have pointed out, we have already cut strategic weapons. We are in the midst of the biggest downsizing of strategic weaponry since the end of the Second World War. Bombers are being cut back drastically. Cruise missiles at sea have been cut out totally. We are coming down to the point where this system, the D–5 system, is the centerpiece of our triad.

Fifty percent of our deterrent will depend upon the D–5 missile in the years to come as a result of START 1 and START 2.

The proponents of this amendment also say they want to cut the budget. They say $5 billion. I count the outyear requirements for this system at less than $2 billion, but that is still a lot of money.

The Navy has already taken the budget in earnest, and they have cut this program from $1.1 billion last year to $696 million this year. They are asking for the bare minimum.

We have got 255 D–5 missiles already on hand. The Navy says they need 134 more. Why do we need 389 D–5 missiles? First of all, we have got to complete the certification of it. If 50 percent of our deterrent is going to depend on the D–5 missile, we want to make sure it is certified to do what we think it can do.

Second, we need 138 to test, and that is a modest 6 missiles each boat every other year, which will fire 1 missile over the next 23 years. Every missile system, every system we have had has had this provision for testing in it; 138 to test, 11 more for certification; and we need 240 missiles just to deploy.

Ten boats are outfitted for the D–5 missile. They have 24 tubes. If this passes, some of those boats are going to sea with empty tubes, empty-handed, partially loaded, doing less then they can do on patrol and having less than we provided for ourselves in the START 2 provisions in the treaty that we made with the former Soviet Union.

This amendment should be defeated for all of those reasons, and there is one more reason. This is the last ballistic missile line that we have open in the United States. Lockheed missiles in space, the best in the business, but it is the last line that we have. Close this and we have no production base left in the ballistic missile business, and we should not do it for that reason alone, but there are strategic reasons to vote down this amendment.

Stay with the Navy's program, which has been pared to the minimum already.

□ 1150

The CHAIRMAN pro tempore (Mr. RAHALL). The Chair recognizes the gentleman from California [Mr. DELLUMS] for 5 minutes.

Mr. DELLUMS. Mr. Chairman and members of the committee, this is an important debate; this is an extraordinarily important debate for two reasons. It has strategic implications, it has budgetary implications.

I would like to speak to both and speak specifically to those Members of this body who have not made up their minds. First, with respect to the strategic issue: Members of the committee, as I have stated on more than one occasion, to the point of redundancy, the cold war is over, Mr. Chairman. We are in a new era. The Berlin Wall is down. The cold war is over, we are in uncharted waters. We are in unprecedented times, and we now have to think, and think in very radically different ways, Mr. Chairman.

Many of us came here concerned about the expense, the danger, and even the insanity of the arms race. And now with change that has come with incredible speed, with awesome implications, we now have a marvelous window of opportunity, Mr. Chairman. And that window of opportunity is to stop the old arms race. All of us on both sides of the aisle are preoccupied and concerned with the danger of nuclear proliferation in the world. But we are leaders on this.

Do you realize what message we are communicating to the world when we continue to walk down the road of nuclear madness and we can stand in the well talking about "strategic this" and "strategic that?" The cold war is over, Mr. Chairman. Who are we pointing these weapons at?

There is no longer a Soviet Union. There is no longer a Warsaw Pact; and we all know that even if the former Soviet Union attempted to turn the corner and head back to the old days, we are talking 10, 12, and 15 years down the road, we have all kinds of time to come back to that insanity if we wish. But my hope is that we march forward into the 21st century.

This D–5 missile is a relic. We can end the old arms race so we do not trigger a new one so that we do not communicate to the world that there is a need for us to move down this road.

Mr. Chairman, if you look at the cornerstone of the Pentagon's doctrine based on the Bottom-Up Review, is this preoccupation with nuclear weapons and the former Soviet Union? No. Two major regional conflicts. Do we anticipate firing nuclear weapons at Third World countries, Mr. Chairman? We do not. We have achieved a level of madness here that has to be challenged. We have got to reject old thinking. We have this one brief opportunity to change the world in profoundly radical ways.

Mr. Chairman, to those who are budget conservatives, let me say to all of you here: My distinguished colleague, the gentleman from Minnesota [Mr. PENNY], has been one of the most consistent human beings here in these Chambers, arguing for fiscal accountability, arguing to address ourselves responsibly to our fiduciary function with respect to the taxpayers' dollars. If we cannot adopt this amendment, where can we cut? No one in this room contemplates or believes we are going to fight a nuclear war. The fact of the matter is we ought to be walking dramatically and powerfully away from that notion. We can say, based on all of the figures enunciated here—some have said $2.1 billion, some have said $5 billion; take your pick, two or five—that is a hell of a lot of money, Mr. Chairman.

We spend time in these Chambers debating over cutting $5 million and $10 million; we cannot even listen to each other on an amendment that deals with between $2 billion and $5 billion, when there is human misery all over this country that we cannot find money to spend to deal with these miseries.

Here, with the D–5 missile, let's reject the past, walk forward into the future, save the American taxpayers' money, protect our children and our children's children from an insane arms race that serves no useful purpose but to spend their money and endanger their lives.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 229, not voting 43, as follows:

[Roll No. 189]

AYES—166

Abercrombie
Ackerman
Andrews (ME)
Bachus (AL)
Ballenger
Barca
Barcia
Barrett (WI)
Beilenson
Berman
Blackwell
Boehlert
Bonior
Brown (OH)
Bryant
Bunning
Byrne
Cardin
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Danner
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dooley
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (TN)
Frank (MA)
Furse
Gilchrest
Goodlatte
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hancock
Hastings
Hefner
Hinchey
Hobson
Hoekstra
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnston
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
Lambert
Leach
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
Martinez
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Miller (FL)
Minge
Mink
Moakley
Morella
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Reed
Reynolds
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Schaefer
Schenk
Schroeder
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slaughter
Smith (NJ)
Snowe
Stark
Stokes
Strickland
Studds
Stupak
Swett
Synar
Thurman
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—229

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (FL)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Greenwood
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hilliard
Hoagland
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lightfoot
Linder
Lipinski
Lloyd
Lucas
Mann
Manton
Manzullo
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McHugh
McKeon
McMillan
McNulty
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Rogers
Ros-Lehtinen
Rowland
Sangmeister
Sarpalius
Saxton
Schiff
Schumer
Scott
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Torkildsen
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—43

Barlow
Becerra
Brooks
Brown (CA)
Crane
Dingell
Dixon
Emerson
Faleomavaega (AS)
Farr
Flake
Ford (MI)
Gephardt
Grams
Grandy
Kolbe
LaFalce
Lehman
Lewis (CA)
Lewis (FL)
Livingston
Machtley
Matsui
McCollum
Mfume
Miller (CA)
Murphy
Neal (NC)
Rangel
Roberts
Romero-Barcelo (PR)
Rostenkowski
Sawyer
Slattery
Smith (IA)
Smith (TX)
Thomas (CA)
Thomas (WY)
Torres
Torricelli
Towns
Washington
Wilson

□ 1215

The Clerk announced the following pairs:

On this vote:

Mr. LaFalce for, with Mr. Emerson against.

Mr. Sawyer for, with Mr. Grams against.

Mr. Becerra for, with Mr. Kolbe against.

Mr. Washington for, with Mr. McCollum against.

Mr. Rangel for, with Mr. Dingell against.

Mr. Miller of California for, with Mr. Thomas of California against.

Messrs. GALLEGLY, LIGHTFOOT, and McDADE changed their vote from "aye" to "no."

Mr. ROSE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Chairman, I was unfortunately detained while chairing a hearing in the Rayburn House Office Building and thus missed rollcall vote No. 189, on the Penny amendment to terminate funding for the Trident D–5 missile. Had I made it to the floor time, I would have voted "aye."

The CHAIRMAN pro tempore (Mr. RAHALL). Pursuant to the order of the House of Wednesday, May 18, 1994, it is now in order to consider any amendment printed in part 1 of the report not previously considered.

It is now in order to consider amendment No. 16 printed in part 1 of the House Report 103–509.

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY: At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. PROHIBITION ON USE OF FUNDS TO OPERATE ARMY SCHOOL OF THE AMERICAS.

Funds appropriated or otherwise made available to the Department of Defense pursuant to an authorization of appropriations contained in this Act may not be used to operate the Army School of the Americas, currently at Fort Benning, Georgia.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 10 minutes, and a Member opposed, the gentleman from Missouri [Mr. SKELTON], will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, the United States has a long history of involvement in Latin American affairs. As a bastion of democracy with a vibrant economy, the United States is looked to with great admiration and respect by millions and millions of Latin Americans.

But our history in Latin America is checkered by our financial, military, and moral support and association with people like Omar Torrijos, the dictator of Panama; Manuel Noriega, the dictator and drug runner; Leopoldo Galtieri, who led the military junta in Argentina; Roberto d'Aubisson, organizer of the Salvadoran death squads that killed Archbishop Romero; 19 of the 26 Salvadoran officers that planned and carried out and covered up the murder of 6 Jesuit priests in 1989; and more than 100 of the 246 Colombian officers cited for human rights violations, including several instructors from the School of the Americas, as well as 6 Peruvian officers linked to a military death squad that killed 9 students in 1992, and the 3 most senior Guatemalan officers who backed a coup attempt in May 1993.

What is the one thing that they all had in common?

They are all graduates of the U.S. Army School of the Americas.

The fact is that this is a school that has run more dictators than any other school in the history of the world. They boast about the fact that 10 separate heads of state throughout Latin America were graduates of the School of the Americas. Not one of them was elected through a democratic election, and in many cases they actually overthrew the civilian governments that brought them into power.

They tell us now that the school is changing, but we know and understand, Mr. Chairman, that the school is continuing the kind of modus operandi that left us with the legacy of being associated with some of the worst human rights abusers on the face of this planet.

□ 1220

We see just on the House steps, Father Ray Bourgeois, who has gone on a hunger strike for 40 days, to demonstrate his personal commitment and the commitment of millions of others that our association with the school ought to end. Let us stop the days of the cold war, let us stop our history with these associations, and let us get on to a new day with the association of the United States and Latin America through peaceful means, not military ones.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. It is illogical. There is simply no cause-effect relationship between the problem and the proposed solution to kill the School of the Americas. The School of the Americas does teach the law of war and respect for human rights. The fact that this instruction does not sink into every participant during this span of course of several weeks' length should not surprise us. There are Americans who have attended seminary courses and then become murderers. You do not blame the seminaries for that.

I am hearing that some graduates of the school become dictators. It is also true General Somoza, the late dictator of Guatemala, was a graduate of West Point. Did we close West Point down at that point?

Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise today to provide the House of Representatives with factual information regarding the School of the Americas at Fort Benning, GA.

The school was established in 1963 under President John F. Kennedy's Alliance for Progress from the existing U.S. Army Caribbean Training Center in Panama. In 1984, the school was moved from Panama to Fort Benning, GA. Since 1963, more than 58,000 Latin American soldiers have graduated from the School of the Americas.

The school was developed to train and teach Latin American militaries how to defend against subversion techniques from the Soviet Union and Cuba. However, as the cold war began to end, the School of the Americas began to adopt a new curriculum. The new emphasis began to focus on the role of military professionalism in a democratic government. The guiding principle of the school now is to provide professional service subordinate to civilian control by democratically elected governments. Training at the school is focused on effective response to drug trafficking, natural disasters, and respect for human rights.

Instruction is conducted in Spanish to allow for others outside the English-speaking upper class to attend; however, approximately 122 out of 160 instructors are from the United States. Claims that instruction is extensively carried out by foreign trainers is absolutely false. The fact that classes are taught in Spanish has substantially reduced the cost of training and allowed a uniquely diverse population to attend the school.

The curriculum at the School of the Americas undergoes constant review not only by the Army's Training and Doctrine Command but also by a new outside policy review board which has recently been established to ensure that human rights awareness is an integral part of training.

Have there been bad apples at the school? Yes. However, many of the so-called bad apples attended the school before it was located at Fort Benning, GA. For example, Gen. Manuel Noriega attended the school in its early inception in Panama during the mid-1960's. He did not attend the school of the Americas at Fort Benning, GA. Another thug routinely recognized by critics of the school is Gen. Domingo Monterrosa of El Salvador. General Monterrosa, now deceased, has been linked to the death squads which plagued El Salvador in the early 1980's during the country's bloody civil war. However, General Monterrosa also did not attend the School of the Americas at Fort Benning. He spent 2 weeks at the school when it was located in Panama in 1966. Was General Monterrosa trained to be a human rights violator during this time? No. He spent the entire 2 weeks learning to pack a parachute.

I submit to you that the school has improved dramatically over the years and has responded to the changing world by taking a hard look at itself and making a strong effort to address those areas in need of improvement. In fact, President Ronald Reagan's decision to move the school to Fort Benning has proven to be an excellent decision. Because the press has spent hours upon hours detailing the few bad apples of the past, I want to spend a few moments detailing the successes of the present.

José Gallardo Román, current Minister of Defense in Ecuador, is one of the School of the Americas' true all-stars. General Gallardo strongly supports democratic principles and the need to respect human rights. In 1993, he signed an accord with the Latin American Association on Human Rights to begin a sweeping human rights training program throughout the Armed Forces.

Another all-star is Gen. Hernan José Guzmán, Army Commander in Columbia. General Guzmán has initiated measures to prevent human rights abuses such as assigning judges to brigades involved in counterinsurgency operations. These judges accompany the brigades on operations and ensure that insurgents' human rights are protected.

Minister Román and General Guzmán represent the school's all-stars in the realm of human rights. The School of the Americas has also had true success stories in the name of democracy and defeating anti-democratic coups.

Brig. Gen. Fuget Borregales, the current director of operations of the Venezuela Army and graduate of the school, was a major player in defeating coup attempts in Caracas in November 1992. His unit recaptured the La Carlota Air Base which had been overrun by coup rebels.

Another success story involves the current commander of the 4th Infantry Division in Venezuela and School of the Americas graduate, Brig. Gen. Pedro Valencia Vivas. General Vivas identified officers who had participated in the February 4, 1992, coup attempt. When the November 28, 1992, coup occurred, not a single platoon under his command participated in the attempt to overthrow the democratic government.

I have detailed these gentlemen because they represent the overwhelming graduates of the School of the Americas who are currently playing a constructive role in Latin America. The critics of the school detail past graduates who did not receive training at Fort Benning and are no longer players in Latin America.

I have received a number of letters from Veterans' service organizations supporting the School of the Americas. At this time I would like to read portions of those letters to you for the record.

Ret. Vice Adm. T.J. Kilcline, president of the Retired Officers Association writes:

> The impact of the school has truly been significant. Not only has the education been most helpful for our Latin American neighbors, but the contact with Americans and the positive attitudes of the American military personnel they met and got to know while at Benning was the basis for friendship

and understanding between individuals which translates to better relationships among our countries.

Ret. Army Gen. Roger Sandler, executive director of the Reserve Officers Association of the United States, writes "I am well aware of this outstanding school's very important contributions to democracy in our hemisphere."

Mr. Chairman, our veterans support the School of the Americas at Fort Benning. At this time I would like to enter into the RECORD a resolution by the American Ex-Prisoners of War specifically supporting the school's continued operation and opposing the effort to eliminate the school's funding.

RESOLUTION SUPPORTING THE U.S. ARMY SCHOOL OF THE AMERICAS, FORT BENNING, GA

Whereas, the U.S. Army School of the Americas has successfully trained over 54,000 troops from Latin America and the United States;

Whereas, the School of the Americas has graduated 10 Presidents, 38 Ministers of Defense or State, 71 Commanders of Armed Forces, and 25 Service Chiefs of Staff;

Whereas, the School of the Americas systematically advocates human rights awareness and strives to graduate students whose respect for such values is enlightened and solidified;

Whereas, the School of the Americas has greatly improved its human rights curriculum adding new instructors and course requirements;

Whereas, the Department of Defense is using the School of the Americas concept to design a new facility in Germany, the George C. Marshall Institute, to educate and train former Soviet Union military personnel to understand the social and political benefits of a western democratic society;

Whereas, the School of the Americas has played a major role in the dramatic change in Latin America from dictatorships and military juntas to military supported Democratic Societies;

Whereas, for the first time in 200 years, democracy in Latin America is beginning to take hold and from Argentina to Guatemala coups are being resisted due to the influence of the School of the Americas;

Whereas, on September 30, 1993, there was an active attempt in the U.S. House of Representatives to close the School of the Americas which was rejected by a vote of 174-256;

Whereas, the School of the Americas is expected once again to be under attack from various organizations and Members of Congress during the 1994 session of the 103rd Congress;

Now therefore be it resolved, That the members of this organization do hereby go on record in full support of the U.S. Army School of the Americas at Fort Benning, Georgia; do advocate its continued operation; do oppose any attempts to reduce or eliminate funding for this program which has been instrumental in fostering democratic principles throughout Latin America; and do hereby direct that a copy of this resolution be transmitted to each member of the United States House of Representatives and of the United States Senate.

Mr. BISHOP. Mr. Chairman, I would also like to enter into the RECORD a letter I received on May 18, 1994 from Gen. Barry McCaffrey, a true patriot and commander in chief of our Southern Command.

DEPARTMENT OF DEFENSE,
U.S. SOUTHERN COMMAND,
May 18, 1994.

Hon. SANFORD BISHOP,
House of Representatives,
Washington, DC.

DEAR MR. BISHOP: Am writing to express serious concern over pending legislative action which could threaten the existence of one of our most useful institutions—the U.S. Army's School of the Americas [SOA]. For over forty years, the school has been an effective tool for promoting foreign policy objectives in Latin America. The school's reputation for providing superior military training in Spanish while instilling the principle of military subordination to constitutional civilian rule is long-standing. My recent visit to the school confirmed my belief that it is an indispensable institution with no substitute.

As you are aware, SOA has played a key role in the education of many Latin American military leaders. The vast majority of these graduates are positive supporters of democratization, human rights, and the rule of law. Unfortunately, this gets little publicity. Just a few examples—

Commander of the Colombian Army who initiated the assignment of judges to units conducting counter-insurgency operations to ensure the protection of human rights.

Ecuadoran Minister of Defense who signed an accord with the Latin American Association on Human Rights to begin a sweeping human rights training program throughout the Armed Forced.

Current Venezuelan division commander who helped identify members of a recent coup attempt against a democratically elected government.

Every course at SOA offers a regional perspective, includes human rights and democratization instruction, and ensures exposure to U.S. military discipline and expertise. Latin American students and instructors leave the school with an enhanced understanding of the proper role of the military in a civilian-led democracy. Provided the opportunity to continue this vital mission, SOA can play a critical role in the development of Latin America's leaders well into the future, further consolidating the gains for democracy in our hemisphere.

The growth of democracy throughout Latin America is a direct reflection on this institution. Now is not the time to abandon these efforts and the democratic momentum the school helps provide. SOA plays an essential role in our strategy for the region. I respectfully urge you to work to preserve this important institution.

Very respectfully,
BARRY R. MCCAFFREY,
General, USA,
Commander in Chief.

Mr. BISHOP. Mr. Chairman, it is unfortunate that the critics of the School of the Americas continue to look into the past. We must maintain a vision for the future in our foreign policy and the School of the Americas is an excellent tool to further our foreign policy goals. The Congress will continue to ensure that the school maintains its human rights awareness training and adapts to the varying challenges that will face us in the future. However, we must not ignore Latin America, we must not forget our role as the only remaining superpower in the world, we must not close the School of the Americas, and we must never relinquish our grasp of the democratic ideals that the School of the Amercias represents.

Mr. KENNEDY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, today I am rising in strong support of the Kennedy amendment to eliminate funding for the U.S. Army School of the Americas. We have heard serious charges. We will hear more; that the School of the Americas is nothing more than a school for assassins. Others say that a handful of bad actors has tarnished the image of an otherwise reputable training facility.

Whichever is more accurate, the real question remains, why are we engaged in this activity in the first place? Students at the School of the Americas are not integrated into regular U.S. military training forces. They are taught the vast majority of their course work by other Latin American officers. What is the justification for having foreign nationals training other foreign nationals on U.S. soil at U.S. taxpayers' expense? If there ever was one, which I seriously doubt, there certainly is not now.

I have a special message for my Republican colleagues: We cannot have it both ways. We cannot vote to eliminate funding for the ICC, for the National Helium Reserve, the Rural Electrification Agency, the honey bee subsidy, the Appalachian Regional Commission, every single one of which deserves to be shut down, and shut down now and permanently. Then, just because a program is in the defense budget, are we are going to give it special kid glove status and stay away from it?

This program is pork. It happens to be defense pork, it happens to be Georgia defense pork, but it is simply pork. It certainly is obsolete today, if it ever was justified, and it should be eliminated.

Mr. Chairman, the graduates of the School of the Americas may be soldiers of righteousness. They may be soldiers of fortune. They may even be soldiers of evil. I suspect they have been all three. In any event, there are much better ways to accomplish the legitimate military existence and hemispheric cooperation goals of the United States. This is an anachronism. Right or wrong, it continues to give the United States a black eye with our Latin American colleagues.

I urge my colleagues, support the Kennedy amendment and close down the School of the Americas once and for all.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. RAHALL). The chair will ask visitors in the gallery to please refrain from expressions of support or disapproval of debate.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. KENNEDY. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2½ minutes.

Mr. GINGRICH. Mr. Chairman, I think this is a very simple question to address. If you think having Latin American officers come to America, having them learn about soldiering in a democracy, having them learn why America has been able to be militarily strong and free, having them learn a tradition different than the Latin American tradition of military dictatorship; if you think that the progress of the last 20 years, as country by country in Latin America has left dictatorship to move towards democracy, if you think that process is useful, and you think that America has something to teach Latin American officers, then you should vote no on this amendment.

On the other hand, if you think being tainted by visiting America weakens you, if you think being at Fort Benning makes you less likely to be for freedom, if you think that somehow there is some conspiracy in the School of the Americas that is showing up, then probably you ought to vote yes.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to my friend from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I do not believe there is any kind of conspiracy at the School of the Americas. None of us has suggested a conspiracy. What we do believe is that if we look at the real record of who has graduated, the army will cite the fact that 10 separate leaders of Latin America all went to the school. The trouble is, not one of them was duly elected. There have been changes in Latin America, but none of them have been because of the graduates of this school.

Mr. GINGRICH. I would ask to gentleman, how many graduates were there in the last 20 years of the school?

Mr. KENNEDY. There have been tens of thousands.

Mr. GINGRICH. My only point would be in the current democracies, there are graduates of the School of the Americas currently serving within a democratic framework doing exactly what we are trying to teach the Russians, like how to soldier within a democracy.

Mr. KENNEDY. If the gentleman will yield further, I appreciate the gentleman yielding. But the fact is we only have the record of those individuals who are involved in these hundreds and hundreds and hundreds of cases. We do not have the records of the ones who were not.

Mr. GINGRICH. Mr. Chairman, reclaiming my time, all I would say to my good friend, and I appreciate so much your yielding, is that if you looked at the total record of all the officers who are graduates, who are currently, today, serving in democracies, you would be proud of the contribution America has made to the democratization of Latin America, just as today I am sure you are supportive of our efforts to teach the Russians and Ukrainians and others to learn to serve in a democracy.

Mr. KENNEDY. Mr. Chairman, reclaiming the time I yielded, I would conclude by saying we have a choice. Either the thousands that you say have not or the thousands that did, I would say that the thousands that did, ruin our reputation.

Mr. GINGRICH. Vote "no".

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS], the chairman of the Subcommittee on International Security, International Organizations and Human Rights.

Mr. LANTOS. Mr. Chairman, I want to thank the gentleman for yielding, and at the outset I want to pay tribute to my good friend from Massachusetts, Mr. KENNEDY, who has stood with me on many, many human rights issues during the course of his tenure in this body. There is no doubt in my mind that the motivations of the distinguished gentleman from Massachusetts are the finest, as indeed are the motivations of all of my colleagues who will support his amendment.

□ 1230

I rise in the strongest possible opposition to that amendment, and I do so for two specific reasons.

As one who came to this country as a student from abroad, I can testify that attending institutions in this country is the most democratizing influence for people who come from totalitarian societies.

The School of the Americas is no exception. There is no doubt in my mind that some of the graduates of the School of the Americas have indeed participated in human rights violations. I am convinced that many more would have participated in human rights violations had they not attended that school.

I am very proud of my own alma mater, the University of California. But I would hate to see suggestions that the University of California be closed down because some of the graduates of the University of California are serving in prisons for all kinds of violations of law.

There is not the slightest doubt in my mind that attending the School of the Americas has been a very positive force for human rights in Latin America and in Latin American militaries. There is simply zero logic, zero logic to arguing that since some of the graduates of the School of the Americas have misbehaved, and they have, this positive influence on democratizing the Latin American militaries should be closed down.

Vote "no" on this amendment.

Mr. KENNEDY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts.

Mr. Chairman, the School of the Americas is a noble thought: Bring Latin American soldiers to the United States to teach them respect for human rights. However, this ideal couldn't be further from reality.

Others have listed the scores of notorious human rights abusers who have graduated from our program. Let's look at the school itself. It is not much more than a country club for dictators.

Rather than directly exposing them to the rule of law that the U.S. military abides by, SOA students are isolated. All other international military education and training programs integrate students into U.S. forces so that they may experience first hand deference to civilian authority.

SOA students are given the chance to tour the United States, to go to an amusement park and a ball game. Supporters of the school claim this reinforces American ideals. Although I would not begrudge any visitor to the United States the chance to explore our great Nation, tourism, and materialism should not be the sole extent of the curriculum.

A few hours of human rights training have been added to SOA courses. What little time is devoted to this, to what ought to be the fundamental thrust of the shool, is greeted with indifference or outright hostility by both students and instructors.

Without the School of the Americas, Latin American soldiers will still be able to participate in IMET programs. Abolishing the SOA will end their segregation which has only fostered continued abuse of authority and abuse of civilian populations.

I urge my colleagues to stand up for human rights, to support the Kennedy amendment and to abolish the School of the Americas.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I congratulate my colleague and friend, the gentleman from Massachusetts [Mr. KENNEDY], for offering this amendment. Approximately a year-and-a-half ago, I made a speech as a freshman Member of Congress calling for a closing of the School of the Americas. There were not many Members of Congress that knew that the School of the Americas even existed at that time. But since that time, we have seen more Members of Congress become aware of the atrocities that have taken place at this school with very, very little being accomplished that is in the interest of democracy.

I recently went to El Salvador, appointed by the President to observe the elections there. We are making progress. But we face a house of cards in El Salvador.

What we need is, we have a new President there, just elected, who frankly, as one Member of Congress, I am not sure has a moral compass and the people around him, I am not so sure about.

The last place we want these new leaders to go is the School of the Americas. More than two-thirds of the Salvadoran soldiers named by the Truth Commission report on human rights abuses in El Salvador were graduates of the School of the Americas. By itself that should be enough to cause some serious soul searching.

We need to close the school and close it today.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise to oppose the amendment of the gentleman from Massachussetts and to support the U.S. Army School of the Americas. The School is specialized in training select Latin American military officers in military operations, teaching the values of democracy, and, yes, the need for human rights.

Mr. Chairman, the gentleman from Massachussetts has been wrong in his past statements that Haitian Police Chief Michel Francois was a student of the School. Since 1963, not one Haitian student has attended the School of the Americas. It is simply wrong to suggest that any member of the current Haitian regime has ever attended the School.

Similarly, there has been a noticeable absence of Cuban officers enrolled at the School. In its history, the School has never graduated a single Cuban officer. Mr. Chairman, I would like to point out that the common characteristic of the Haitian and Cuban governments is that they are the only two remaining countries in Latin America that are nondemocratic.

Since the School was established in 1946 as the U.S. Army Caribbean Training Center, over 58,000 Latin American officers have graduated, and many have gone on to hold prominent positions in their country's military and government.

In 1963, the focus of the School was sharpened by President John F. Kennedy, and it was renamed the School of the Americas. The focus of the School became the teaching of Latin American armies how to defend against Soviet and Cuban inspired subversion. This was the goal, even if it meant supporting a dictator or a military coup.

Well Mr. Chairman, the times and politics of Latin America changed, and so, too, did the direction of the School. In 1983, President Reagan moved the School to Fort Benning, GA, with the focus again redirected to emphasize the role of a professional military force in a democratic society. Today, this includes instruction in effective response to drug trafficking, natural disasters, and respect for human rights.

Yes, Mr. Chairman, there was resistance to democracy in El Salvador, Ecuador, Venezuela and other Latin American nations. And, yes, there were lives lost in this transition. Sacrifices were made, but not in vain. Democracy in each nation has prevailed. And due to those lives sacrificed, Human rights is a major part of the curriculum at the School.

Over 35 Latin American nations are now governed by such a democracy with only 2 nations continuing to suffer under dictatorships. The School has represented a significant investment in this success of democracy throughout the region. Do not throw this investment in democracy out the window.

I urge the Members to defeat the Kennedy amendment, and continue to support the teachings of democracy in our hemisphere.

Mr. KENNEDY. Mr. Chairman, I yield myself 30 seconds.

I want to clarify for the record the fact is that this school has, in fact, suggested that they have begun to teach human rights at the school. I had the individual who was hired by the school come to my office and tell me that when he taught human rights at the school, he was ridiculed. He was abused, and he says that the notion that this school has reformed itself is a joke.

Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I once again come before this House with grave concern about the School of the Americas.

Rather than assisting to establish democracy in a part of the world so important to us, the great tradition of School of the Americas results in a who's-who of the hemisphere's dictators. In Honduras, Panama, Bolivia, Argentina, Perú, and Ecuador the stain of the School of the Americas remains.

The graduates of the School of the Americas include dictators and soldiers implicated in human rights violations all over Latin America thanks to the American taxpayer.

No more should our American soldiers be introduced to the position of being sent into dangerous situations in order to clean up the mess made by a few of the graduates of the School of the Americas.

At its best, the school is ineffective. And at its worst, it gives future dictators the skills to overthrow civilian democratic governments.

I ask the House to vote today to close the doors on the School of the Americas—the School for Dictators.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI], chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Affairs.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding time to me.

I understand that the amendment offered by the gentleman from Massachusetts is well-intentioned, but it is flawed in its logic. That members of the armed forces from throughout Latin America in countries with a history of human rights abuses and interference in politics come together with officers from the military of the United States with the greatest history of respecting political rights and human rights and by that association themselves become transgressors, it defies logic.

In fact, it defies the facts. Last year in Venezuela, there was an attempted coup. It was officers trained by the United States who put it down.

In El Salvador today, in implementing the peace accords, it is officers trained by the United States. When there was an attempted coup in Guatemala only 2 years ago, it was officers trained by the United States.

Have there been transgressors? Of course, but something must explain that Latin America is fundamentally changing. Democracy is the coin of the realm. Rights are being respected again. Something is working, and American policy in this school is a part of that success.

□ 1240

Mr. KENNEDY. Mr. Chairman, I yield myself 30 seconds.

The fact of the matter is, Mr. Chairman, that three of the coup leaders in Guatemala all were graduates of this school. The notion that somehow our military are able to influence these people in these foreign countries is simply not the case.

We have also brought in, since the Salvadoran soldiers killed the six priests, seven or eight of those individuals who killed the priests have come to America and went to this school after they killed the priests. That is the record of this school, and that is the reputation that rubs off on our country throughout Latin America.

Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman and Members, I rise in strong support of the Kennedy amendment, and want to make three points. First, if we do want to help develop leadership skills in Central America, then let us close the school, put the $3 or $4 million we put into that university in creative scholarship programs at the University of California or the University of Georgia.

Second, if we do commit American troops to Haiti, remember that we trained the opposition that is going to be trying to kill our soldiers.

Third, understand the purpose and the history and track record of this university. It is a university of shame. This is a university where students major in murder. This is a university where they minor in mayhem. They receive a master's in the art of oppression, repression, and reprehensible conduct by any human rights standard.

In the name of America's honor, let us dismantle this university today.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will admonish visitors in the gallery that they are here as guests of the House of Representatives. Expression of approval or disapproval of remarks on the floor is not allowed.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, when this school was founded in 1946, there were five Latin American democracies, five. Today there are over 35 Latin American democracies. As a matter of fact, there are only two that are dictatorships left in Latin America, Haiti and Cuba. Those are the only two that have never participated in this School of the Americas. If we want to talk statistics, look at that.

What this bill is is Castro's last gasp. He must really be enjoying this, and hoping that they can close down this school. Jesus Christ had 12 Apostles, one of whom went wrong. You would not tell the other 11 to disburse because one went wrong. John Wayne Gacey murdered 33 people. I do not know where he went to high school, but I would not close it down. I suspect some people from that school were pretty decent people.

This is a non sequitur. It does not follow. Yes, there are bad people. Yes, some of them go to our schools. However, are the schools bad? No. These are American schools, taught by American military. It is a non sequitur. It does not follow that some people have done wrong. They have done wrong despite what they were taught, not because of it.

This is an unwise, to put the most euphemistic tone on it, an unwise amendment, and I hope it is resoundingly defeated.

Mr. SKELTON. Mr. Chairman, I would inquire how much time I have remaining.

The CHAIRMAN pro tempore (Mr. RAHALL). The time of the gentleman from Missouri [Mr. SKELTON] has expired. The gentleman from Massachusetts [Mr. KENNEDY] has 1 minute remaining.

Mr. KENNEDY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the Kennedy amendment to prohibit the use of funds for the Army's School of the Americas. This amendment is about where we have been in the past and about where we want to go in the future. Are we going to continue to uphold a tradition of human rights abuse, or are we going to truly promote democracy and peace in this hemisphere and around the world?

The evidence against the School of the Americas is overwhelming:

Manuel Noriega is a graduate; 124 of the 247 Colombian officers cited for human rights violations attended the school; and two-thirds of the Salvadoran soldiers cited by the truth commission for murder, torture, and disappearances trained at the School of the Americas.

A "yes" vote today is not going to erase the human rights tragedies that have occurred in Latin America, but a "yes" vote will say loud and clear that the United States will no longer permit outrageous abuses of human rights by U.S.-trained foreign militaries. We have started to see positive changes taking place in some countries of this hemisphere, and we need to further the progress that has been made. A vote for this amendment will do just that.

Mr. KOLBE. Mr. Chairman, I wish to advise the House of my absence for part of the debate on H.R. 4301, the National Defense Authorization Act for fiscal year 1995.

Consequently, I want to explain why I requested to be paired as a "nay" vote to the amendment offered by my friend, the gentleman from Massachusetts. I appreciate the honesty of his motives in offering this amendment to eliminate operations and maintenance funding for the U.S. Army School of the Americas [SOA]. But I disagree with his assessment of the school and its graduates. The closure of the SOA would be detrimental to our relationship with Latin American countries, and could hinder progress in human rights efforts in those countries.

The SOA was established under President John F. Kennedy's Alliance for Progress from the existing U.S. Army Caribbean Training Center in Panama. In 1984, the SOA was moved from Panama to Fort Benning, GA. It has only been since the early 1980's that human rights instruction and emphasis has been a part of the curriculum. Most of the individuals labeled "dictators" in various reports and publications attended the school long before the SOA emphasized human rights. And since the inclusion of human rights training at the SOA, the curriculum is structured so that each student receives, on average, 30 minutes of human rights training and/or exposure every day.

The purpose of the SOA is to provide guidance to Latin American military personnel to respond to drug trafficking, natural disasters, and human rights. The SOA emphasizes the role of a professional military force in a democratic society. I support these objectives, as democratically elected civilian governments of Latin America support them. They welcome the opportunity to have their soldiers educated at the SOA because of its emphasis on civilian control of military forces.

Each year, soldiers from Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela, and the United States attend the SOA. No other school in the world with such a small operations budget brings together future civilian and military leaders of 16 countries in a purposeful effort to prepare for the future, strengthen alliances within a hemispheric region, and increase mutual understanding, cooperation, and the reinforcement of the principles of democracy among neighboring countries.

Last October, the United States strengthened the selection process for candidates seeking to attend the SOA. This process includes checking names by U.S. intelligence agencies and State Department security officers. In narcotics-producing countries, the Drug Enforcement Agency, Federal Bureau of Investigation, and other law enforcement agencies evaluate possible candidates for any record of criminality, drug trafficking, or human rights abuses. The revised process makes it far more likely that human rights abusers, criminals, drug traffickers, and those associated with them, will not become students at the SOA.

We should understand that the SOA takes on the very difficult task of teaching students who often come from countries with long histories of dictatorships and abuse, the value of promoting human rights. It is difficult to quantify the number of abuses that the SOA's training has prevented, so this debate often turns to a name-calling game that has little practical value. Yes, some 100 of the 58,000 graduates have documented human rights abuses. But, we must not forget about the other 57,900 graduates. Over 100 SOA graduates served or currently serve their nation and its people from the highest levels of civilian and military office—from chief executive to commander of major military units. Furthermore, hundreds of SOA graduates currently occupy positions of leadership and command at all levels in their military and support democratically elected national leaders.

For example, SOA graduate Gen. Hernan José Guzman, Colombian Army commander, led a determined effort to curtail human rights abuses by initiating innovative programs such as the assignment of judges to accompany brigades during counterinsurgency operations. Their presence helped ensure that the civil rights of all personnel were protected. Another graduate, Brig. Gen. Eumenes Fuguet Borregales, the current Director of Operations of the Venezuelan Army Staff, helped put down coup attempts in Caracas—February and November, 1992—while Commander of the 31st Infantry Brigade. This list could go on.

In the early eighties, El Salvador was accused of about 2,000 human rights violations per month; in the latter part of the decade, that figure dropped to approximately 20 each month. Although SOA cannot take all the credit, almost 50 percent of El Salvadoran officers have graduated from the school since 1986.

Let me make one final observation. If Congress closes the SOA, it will negatively affect our ability to have a meaningful and cost-effective vehicle to promote democracy and human rights within the ranks of the Latin American military. The State Department, Pentagon, and participating Latin American governments all firmly believe the existing SOA program is the best approach to achieving important national security and foreign policy objectives. If SOA were abolished, training for Latin American military personnel would become more expensive and fewer officers and enlisted personnel would be afforded exposure to U.S. training and values. Opportunities to develop joint peacekeeping with Latin American nations and exposure to human rights and democratization training would be reduced. And, the United States would lose a valuable vehicle that exposes non-English-speaking officers and noncommissioned officers from Latin America to democratic values.

When objectively reviewed, we cannot dispute the fact that the overwhelming majority of SOA graduates honorably serve their countries as professional men and women. Clearly, there is no correlation between reported misconduct by individual SOA graduates and the professional education and training they received at the school. All the evidence, anecdotal or empirical, would lead you to the opposite conclusion.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment to end funding for the School of the Americas and urge my colleagues to do the same.

Last year, I voted against this amendment because I believed that it was important to try and impress upon the Latin American military officers who trained at the school American values, especially respect for human rights and democracy.

However, it is now clear to me that the school has failed to achieve those objectives. Instead of providing foreign military officers with respect for human rights, the school's graduates have become some of the worst human rights abusers in the world. Many of the graduates returned to their home countries to participate in the violent overthrow of their governments and seize power themselves. The fact of the matter is that the School of the Americas has been a failure.

We have heard many times during this debate that defense cuts are hurting the American men and women who have signed up to serve our country. Just today, when the Appropriations Committee marked up the military construction bill, we heard how defense cuts were resulting in the cancellation of many housing programs for military families. In my own State, the National Guard's Camp Smith is desperately in need of new housing. Camp Smith's officers, NCO's, and enlisted men and women are all living in cramped, dilapidated quarters. But the resources were not available to fund new housing at the camp.

If we cannot even afford to adequately house our own soldiers, how can we continue to operate this school whose teaching is not achieving its stated purpose. On this item, it is time that we get our priorities in order.

I hope my colleagues will join me this year in voting in support of this important amendment.

Mrs. MALONEY. Mr. Chairman, I consider it both a duty and a privilege to join in opposition to funding for the School of the Americas.

This is not a school but a scandal. It is a training ground for dictators and thugs like Noriega and D'Aubuisson—who get their training in America with American taxpayers' dollars, and then go home and use their training to oppress and murder their own people.

This school for atrocities costs American taxpayers some $40 million a year, if we count in salaries and living expenses for the trainees or perks like free trips to Disney World. What we get in return is that we get to be identified with tyranny and oppression.

This is not just a boondoggle, but a shameful and murderous boondoggle which discredits the United States at the same time that it kills the people whose welfare we claim to support. End the killing and the waste and stop this scandal.

Mr. REED. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY]. Simply stated, the School of the Americas remains the most effective way to ensure that Latin American military personnel respect human rights and the authority of the emerging democratic governments in that region.

As the only West Point graduate serving in this body, I am most sensitive to the heinous deeds perpetrated by individuals trained by the U.S. Army. However, I am also acutely aware of the great contribution that military personnel can make to a democracy. It is for both of these reasons that I support preserving funding for the School of the Americas.

Unfortunately, the positive contributions made by the vast majority of graduates of the School of the Americas are forgotten amidst the talk of those few individuals who have attended the school and later been implicated in human rights violations. In fact, of the 58,000 officers that have graduated from this institution over the past 31 years, over 99.3 percent have gone on to serve their countries in a professional and admirable fashion.

Typically, though, the U.S. Army is not satisified with a failure rate of seven-tenths of 1 percent. In addition to incorporating mandatory human rights training into the school's curriculum creating an external review board, the Army has also thoroughly revised the selection process by which candidates gain admission to the school. This new standardized screening process requires all potential students to earn admission based on a demonstrated history of their respect for the law and human rights.

Admittedly, there is no guarantee that these changes will prevent future graduates from betraying the democratic ideals drilled into them at Fort Benning. However, it would be even more disingenuous to claim that closing the School of the Americas would prevent future human rights abuses from occurring.

Mr. Chairman, it is clear that we must do all we can to nurture the growth of democracy in Latin America. Keeping the School of the Americas open is critical to that effort because it is there that the men and women of the U.S. military interact and communicate most effectively with their Latin American counterparts.

I urge my colleagues to vote against this well intentioned but misguided amendment.

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Kennedy amendment to terminate funding for the School of the Americas.

This amendment will cut $2.5 million for the school, a small fraction of the amount we spend on defense in this country. But this amendment is not just about dollar savings; its about what those dollars fund.

There can be no mistake that the School of the Americas has trained some of the most despised and corrupt military officers in Latin America. A list of their graduates reads like a rogue's gallery of individuals that have wreaked havoc and destruction on the people of Latin America.

Roberto D'Aubisson, Leopoldo Galtieri, Manuel Noriega. Respect and promotion of human rights do not spring to mind when these names are read. Graduates of the School of the Americas have planned and carried out some of the most heinous crimes in this hemisphere, including the murder of six Jesuit priests in El Salvador.

The United States, in the course of the past decade, has spent roughly $6 billion to wage war in El Salvador. That war is over. The Nation as a whole is reconciling its past and moving towards a future based on democratic ideals and respect for human rights.

Our foreign policy should reflect this. We have spent billions of dollars to wage war, and we should now be working to ensure that a new mutual relationship with El Salvador based on democracy and human rights is established. Continued funding for the School of the Americas is an impediment to that process.

People across this Nation are tired of their tax dollars being used in this way. Bill Thompson from my district has joined with people from across the country on the steps of the Capitol for the past month, fasting against continued funding of the School.

I urge you to support this amendment and in doing so support the people of this Nation, the people of Latin America, and the future of U.S.-Latin American relations.

The CHAIRMAN pro tempore. All time has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] has that right, and is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I have tried to listen to both sides of the aisle on this debate. I have a few remarks to make before we vote.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts [Mr. KENNEDY]. I support this amendment, not, Mr. Chairman, because there are not good and honorable U.S. personnel currently employed at the school; not because there are not any School of the Americas graduates who moved on without becoming heinous human rights abusers; and, finally, not because I wish to deny Latin American military the opportunity to obtain training in our country.

Rather, Mr. Chairman, I support the amendment because during the cold war ordinary people in Latin America came to see the school as the U.S. military institution at which their most brutal and vicious oppressors honed their military skills. Several of the previous speakers have outlined specifically who those persons were. I choose not to speak to it further.

Let me say there have been, on numerous occasions, Members who have arisen in the well of the House to talk about sending signals to other parts of the world about our commitment to democracy, our commitment to human rights, sending signals from this Congress. We have an opportunity from these Chambers to send a signal.

The people of the region, Mr. Chairman, fought long and hard to free themselves of oppressive regimes. In some cases like Haiti, Mr. Chairman, the struggle continues. However, in the many years that it has been in existence, the School of the Americas has not exactly established an outstanding reputation as promoting democracy, protecting human rights, or condemning or isolating brutal militaries.

The cold war, Mr. Chairman, and all of its anxieties are behind us. The cold war is over. We must now, through the adoption of this amendment, in this gentleman's humble opinion, signal to our neighbors that we are at last free to pursue regional relationships that are healthy, dignified, and respectful.

Mr. Chairman, these are the cornerstones of which the promotion of true democracy rests, and the establishment of mutual beneficial ties in a multiplicity of spheres, at a multiplicity of levels. That is the signal here.

We often know that we do many things that speak to symbolism. What better form of symbolism, Mr. Chairman, to say that we walk away from the tyranny of training oppressors.

If our Latin American neighbors perceive us as operating a school that has done that, what better way to do it in a post-cold-war environment than to get rid of that?

Mr. Chairman, with the passage of this amendment, Latin American military personnel, and this speaks to the issue that our distinguished minority whip raised, the gentleman from Georgia [Mr. GINGRICH], they would be free and welcome to continue receiving military training in the United States. However, instead of being isolated in a so-called Latin American school environment, why not train them in the same places that we train every other leader throughout the world?

It sends an incredibly bad message, given the history of oppression and violence that has taken place in this hemisphere from the School of the Americas.

So for those who say we need training, there is no problem about training. There is no lack of capacity. However, why train in the School of the Americas and train other world leaders someplace else? Let them all train together. They can benefit from the military-to-military contact that speaks to civilian rule and democratic principles.

Finally, Mr. Chairman, the Kennedy amendment gives the United States an important opportunity to signal a new beginning, symbolically as well as substantively, in our dealings with the region. It presents and represents an opportunity to break, both symbolically and substantially, with all of the errors and all of the pain of the past.

I would argue that we step forward boldly into a new reality, into a new future, into a new set of relationships. I urge my colleagues to vote for the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have said on other occasions that I have been amazed at the fact that our maker has endowed us with minds that allow us to look at the same facts and arrive at conclusions 180 degrees apart from one another.

□ 1250

Having said that, I never cease to be amazed at the agility of the minds of our liberal friends. They can stand reason on its head.

Someone said not long ago that liberals cause arthritis. I do not know if that is true or not. But they cause all kinds of other mischief. Today is a good example.

Mr. Chairman, I yield to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate the distinguished ranking minority member of the Committee on Armed Services yielding to me, and I join with my colleagues from Georgia and my former colleagues from the Committee on Armed Services in opposing in the most strong as possible terms this amendment.

Mr. Chairman, The purpose of the School of the Americas is to develop and conduct doctrinally sound, relevant, and cost-effective military training. It is designed to foster cooperation among Latin American armies, to promote military professionalism, and to expand knowledge of United States customs and democratic traditions to the armed forces of Latin America.

The question then arises, is the School of the Americans meeting these objectives? In my opinion, there is no doubt that this institution is an overall success story.

The School of the Americas has laid a strong democratic base for the more than 58,000 Latin American and Caribbean military officers, cadets, and noncommissioned officers who have successfully completed the professional military education and training courses. Without this school there is no way to tell how many Latin Americans would have faired at the hands of their leaders. There is no way to tell how many might have been treated inhumanely and denied the basic fairness associated with democratic principles. But the presence of this school has been an important reason that democracy now flourishes in Latin America.

I will not deny that several students of the School of the Americas have been abusive to the citizens of their nation. However, I would suggest that these abuses are not a product of the School of the Americas. These abuses would have occurred regardless of participation in the school's courses. I do not believe that anyone here really believes that this school is teaching Latin Americans to return to their country and deny the principles of democracy and violate human rights. That is inconceivable and it simply is not happening.

What has happened is that a small percentage of graduates of the school have returned to their country and been abusive. But I submit, this is the responsibility of the individual, not the School of the Americas. We simply cannot close an institution because a small percentage of participants are bad. If we closed every institution that had a few bad participants, none of us would come to work Monday because we would have to close Congress.

In closing, Mr. Chairman, the School of the Americas is critical if the democratic gains we have made in Latin America are to continue. I urge opposition to this amendment.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the School of the Americas is taught by your military officers. Those military officers are your neighbors, your friends in some cases, your children, your grandchildren, and who can say that associating with American officers the caliber of Colin Powell is not going to make those particular Latin American officers most honest, more supportive of democracy and more in keeping with our traditions and values?

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I thank the gentleman for yielding and I would say that my friend, the gentleman from Massachusetts is right in the facts he cited but the gentleman did not cite all the facts and, that is, there have been over 58,000 Latin American officers being exposed to democracy in America and where better should we expose those people that come from regions of the world to democracy than in our own country where our military has a history of being subservient to civilian control?

Mr. Chairman, we have heard all the horrible examples that have been cited. Let me give two success stories of the graduates:

First, none of the Haiti rulers today in power went to that school. Second, General Guzman, Colombian army commander, has instituted human rights reform by assigning judges to the brigades as they go out in the field. Third, Brig. Gen. Borregales has helped put down coup attempts in Venezuela.

Mr. Chairman, this is what democracy training at the School of the Americas is about.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the Kennedy amendment. This is an extremely ill-advised idea, based on sensationalism and hyped-up charges against a key part of our strategy to spread democracy in Latin America. And the School of the Americas is that key part of our strategy.

Over 58,000 graduates, the overwhelming majority of whom have never ever been implicated in human rights abuses, have returned home to serve their countries honorably. And who today would claim that our Latin American strategy has not been working, Mr. Speaker? That is, who except Fidel Castro and the thug who runs Haiti, the only two remaining dictators in Latin America?

In the early 1980's, Latin America was almost completely run by dictators. It was awash in civil war and violent repression. Today, as I said it is just these two pathetic thugs in Havana and Port-au-Prince.

Our military training of these people works. To those who say that we encourage and even teach repression to Latin American officers, I would offer the example of El Salvador. Would the supporters of this amendment really claim that repression in El Salvador increased in proportion with our military involvement? The facts say otherwise.

In 1981, death squad killings exceeded 800 per month. By 1987, after several years of U.S. involvement, including training at the School of the Americas, total political killings were under 100.

Mr. Chairman, today Latin America is making great strides toward democracy. Political violence is way down. Free-market economics has conquered Marxism. The unbearably stupid and stultifying doctrines of Third World ideology and liberation theology are on the ash heap of history.

But let's face it. The military is deeply entrenched in Latin American history and culture. Rather than pretend this isn't so, as this amendment does, we need to recognize reality and continue to work to make that reality better.

Mr. Chairman let's kill this very bad amendment.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, this is not an easy issue. Both sides have made valid arguments about whether the School of the Americas should be maintained or terminated.

I strongly support continued funding for the School of the Americas. However, my support is with an important qualification—that the changes the administration has told us are underway be implemented promptly and unconditionally.

This includes changes in the courses of instruction, the amount of human rights training, the candidate vetting process, the creation and implementation of an outside civilian advisory board, and opening the school to a larger number of civilian instructors and students.

The United States Army has a positive contribution to make in the evolution of Latin American militaries. Our values as a society can be—and have been—transmitted to a large number of Latin officers through the School of the Americas.

This is not to ignore the number of Latin officers who have committed abuses after being trained at the school. I do not believe, however, that their subsequent conduct resulted from the training they received at the school. They were bad apples, pure and simple.

Based on a recent joint State Department-U.S. Army briefing for Foreign Affairs Committee staff, the School of the Americas recognizes that the cold war is over and that the school must reflect new missions, including counternarcotics, peacekeeping, and demining.

We need an effective mechanism to develop and conduct doctrinally sound, relevant, and cost-effective military training; to foster cooperation with Latin American armies; to promote military professionalism; and to expand knowledge of United States democratic traditions to Latin armed forces.

Rather than arbitrarily discontinuing the School of the Americas, we would be better served by requiring that we support it and make it live up to the legislative mandates that attended its establishment.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, a former Member who left here in disgrace graduated from my college. I do not want to shut it down.

The CHAIRMAN pro tempore (Mr. RAHALL). The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was recorded.

The vote was taken by electronic device and there were—ayes 175, noes 217, not voting 46, as follows:

[Roll No. 190]

AYES—175

Abercrombie
Ackerman
Allard
Andrews (ME)
Applegate
Baesler
Barca
Barcia
Barrett (WI)
Beilenson
Berman
Blackwell
Blute
Bonior
Borski
Boucher
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Glickman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hinchey
Hochbrueckner
Hoke
Holden
Inslee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kildee
Kleczka
Klink
Klug
Kopetski
Kreidler
Lambert
LaRocco
Leach
Levin
Lewis (GA)
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McHale
McKinney
Meehan
Meyers
Mfume
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Ravenel
Richardson
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Taylor (NC)
Thompson
Thurman
Torkildsen
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Yates

NOES—217

Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Chapman
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Coppersmith
Cox
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hoagland
Hobson
Hoekstra
Horn
Houghton
Hoyer

Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klein
Knollenberg
Kyl
Lancaster
Lantos
Laughlin
Lazio
Levy
Lightfoot
Linder
Lipinski
Lloyd
Lucas
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Reed
Regula
Reynolds
Ridge
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Rowland
Royce
Rush
Santorum
Sarpalius
Saxton
Schaefer
Schumer
Scott
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Torricelli
Traficant
Tucker
Underwood (GU)
Visclosky
Vucanovich
Walker
Weldon
Whitten
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—46

Barlow
Becerra
Brooks
Brown (CA)
Calvert
Clement
Crane
Dingell
Dixon
Emerson
Faleomavaega (AS)
Farr
Flake
Ford (MI)
Gephardt
Gordon
Grams
Grandy
Kolbe
LaFalce
Lehman
Lewis (CA)
Lewis (FL)
Livingston
McCollum
Michel
Miller (CA)
Murphy
Neal (NC)
Pickle
Roberts
Rose
Rostenkowski
Sawyer
Slattery
Smith (IA)
Smith (TX)
Stenholm
Sundquist
Thomas (CA)
Thomas (WY)
Thornton
Torres
Towns
Washington
Wilson

□ 1314

The Clerk announced the following pairs:

On this vote:

Mr. Slattery for, with Mr. Dingell against.

Mr. Miller of California for, with Mr. LaFalce against.

Mr. Sawyer for, with Mr. Calvert against.

Mr. Becerra for, with Mr. Kolbe against.

Mr. Washington for, with Mr. Thomas of California, against.

Mr. Grams for, with Mr. Emerson against.

Mr. RICHARDSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word, and I do so in order to explain to my colleagues that it would be the intention of this chairman to move that the Committee do now rise.

The reason that we do so is because there still remains important debate on two significant amendments, one offered by the distinguished gentleman from New York [Mr. SOLOMON] and one offered by this gentleman, regarding the selective service draft registration. These are important issues. They need to be discussed and debated and voted upon. The problem we have is one of time constraint.

Mr. Chairman, I have been asked either to have the debate and roll votes over until Monday, which seems to me to be a rather bizarre process because I think the votes ought to occur at the time we debate, otherwise by Monday Members are not even sure what they are voting on.

So it is the judgment of his person, if everyone concurs, that the Committee would now rise and come back on Monday, have the debate on these issues, vote on Monday rather than rolling the votes, which seems to me to be a much more rational way to proceed.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I certainly yield to the gentleman from New York.

Mr. SOLOMON. I thank the chairman for yielding.

Mr. Chairman, I think that is certainly a reasonable request. The Committee on Rules is about to come to an agreement on a rule for the remainder of this most important bill that will come before this body this year or any other year. We need to meet this afternoon, and we cannot meet if we are on this floor during the next hours on these two amendments. I think it is a reasonable request, and certainly we on this side would agree to it.

Mr. DELLUMS. I thank the gentleman.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the chairman for yielding.

Mr. Chairman, I would like to have an idea, maybe the gentleman has stated it, does he have any idea when these last two amendments would come up? I am interested in the suspensions.

Mr. DELLUMS. Reclaiming my time, these two amendments, the regular order would be to finish the amendments that were laid out in the first rule that we adopted. So it would mean that the Solomon amendment and the Dellums amendment would be the first two items to be debated and voted upon. That is the regular order under the proceedings of the first rule.

Mr. MONTGOMERY. Mr. Chairman, we have suspension bills. I would assume that we would go back on this bill after the suspensions.

Mr. DELLUMS. That is a call of the leadership. I am simply saying that at the time that the DOD authorization bill, H.R. 4301, comes to the floor, these two amendments would be debated first.

□ 1320

Mr. Chairman, as I understand it, the leadership will make a scheduling announcement later, but these two items will be debated first when we come back on this bill.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, what I am concerned about is most of the Members will not be back in this body to participate in that debate. If we just come back, and we take up both of these bills, most of the Members are going to be on airplanes across America coming back and will not have the opportunity to participate.

Mr. DELLUMS. Not if they do the suspensions first; and, No. 2, this gentleman has to fly all the way to California. But my job is also to be back here Monday, and I plan to do that, as I am sure the gentleman has planned to do.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, there are 17 suspension on Monday. There is no chance any debate will take place on this before 5 o'clock. I am sure every Member will be back in time for that.

Mr. DELLUMS. So, Mr. Chairman, the gentleman is going to be protected; no problem.

Mr. SYNAR. Mr. Chairman, I rise in support of H.R. 4301, the Department of Defense authorization for fiscal year 1995. This legislation makes great strides to balance our national security needs with Federal deficit concerns. H.R. 4301 accomplishes this goal and bolsters our ability to conduct national security given the end of the cold war and the domestic economic situation.

One such stride is a provision in the committee report which deals with an issue that I have had an interest in since the early 1980's. At issue is the possible use of the B–1B in maritime support roles for the Navy. During these time of tighter budgets, like many of my colleagues, I have concerns for protecting our military's state of readiness. Specifically, with an aging carrier fleet and a reduction in the number of new carrier battle groups, the time is right to revisit the issue of assigning the B–1B to maritime roles.

In its report, the committee has asked the Department of Defense to give serious consideration to the feasibility of the B–1B being used in maritime roles. The committee directs Secretary Perry to review this option and report back to the relevant committees no later than April 15, 1995. Mr. Chairman, because the committee has taken this action I chose not to ask for an amendment to H.R. 4301 asking for such a study. However, I wait with great interest for the results of this study and stand prepared to take the necessary actions to ensure that Secretary Perry and the Department give this option every consideration.

Currently, the Navy plans to retire its' A–6E force by 1998. This will leave the Navy without an aircraft having all weather strike capabilities until the proposed Joint Advanced Strike

Technology [JAST] Program produces an operational aircraft. Such an aircraft is not estimated to be operational until 2007. The ability of the carrier battle group to remain on station as a demonstration of U.S. interest, concern, and resolve cannot be duplicated by any Air Force. Given the essential role of the carrier battle group in U.S. diplomacy, it is important that they are in a constant state of readiness.

Simultaneously, Russia is maintaining a strong Navy, strongly oriented to the anticarrier mission. It is making efforts to develop new highly capable antiship missiles, for use by their navy and for sale to others. Many of the Republics in the former Soviet Union are obtaining Naval and other forces which pose potential threats to U.S. carrier battle groups and maintain a presence in areas of concern to the United States. This will without question place our ships and sailors at risk. Unfortunately the tactical protection through an all weather strike capability can only be achieved through tactical control of the assets by the battle group commander which cannot be based in the United States.

Recently, Gen. Merrill McPeak of the Air Force recently called for the 30 to 36 B–1B's be placed in "attrition reserve" as called for in the Clinton administration's Bottom-Up Review [BUR]. Under this plan, these aircraft will not undergo the modification program projected for the B–1B fleet to fit it for conventional missions as called for in H.R. 4301. The Congress has spent $20 billion—$30 billion in today's dollars—on the B–1B and less than 10 years after the first delivery the Air Force is planning to scrap about one-third of its fleet. This is the sort of waste which breeds popular cynicism about the Pentagon, the Congress, and Government.

I suggest that the Air Force be forced to modify the entire B–1B fleet. If the Air Force finds a surplus of the aircraft, I believe this surplus could be put to good use by the Navy, pending the reintroduction of a carrier based aircraft with all-weather strike capabilities. There are several reasons why the B–1B's should be considered for helping to project naval capabilities throughout the world. The two most important being readiness and taxpayer savings. Using the B–1B in this role is an opportunity for the American taxpayer to get the most value out of a ready strategic investment. Therefore, Mr. Speaker the B–1B's must be used to defend our sea lanes and compensate for bomber shortages created by our aging bomber and carrier fleets.

There is consensus among the American people and this Congress that we commit considerable amounts of taxpayer dollars to our national defense. This Congress must do everything in its' power to ensure that our investment in national defense is maximized. Therefore, we must guarantee that this Government make the fullest use of the weapons systems it procures. It is in this spirit that I urge my colleagues to support H.R. 4301.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KILDEE) having assumed the chair, Mr. RAHALL, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the actions taken by this body thus far on the bill, H.R. 4301.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was absent on Friday, May 20, 1994, and was not present for rollcall votes 188, 189, and 190. But had I been in Washington and not my congressional district, I would have voted to approve the Dicks amendment to H.R. 4301, I would have voted against the Penny amendment to H.R. 4301, and against the Kennedy amendment to H.R. 4301. On rollcall vote No. 188, "yea"; On rollcall vote No. 189, "nay"; and on rollcall vote No. 190, "nay".

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business on Friday, May 20, 1994 for rollcall vote No. 190. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 190: "Yea" on Representative KENNEDY's amendment to prohibit any funds authorized in the bill H.R. 4301, the National Defense Authorization Act for fiscal year 1995, to be used to operate the Army School of the Americas.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to commitments in Florida, I was unable to vote today on the House's partial consideration of the 1995 defense authorization. Had I been here, I would have voted "yes" on the Dicks amendment, "no" on the Penny amendment, and "no" on the Kennedy amendment to close the School of the Americas.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 322, MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes:

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees:

As additional conferees from the Committee on Agriculture for consideration of sections 107, 201–09, 301–04, 404, 407, 408, 411, 416, 418, and 419 of the House bill, and sections 7–10 and 12 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, ROSE, and ROBERTS.

As additional conferees from the Committee on Education and Labor, for consideration of section 7 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, MURPHY, and FAWELL.

As additional conferees from the Committee on Energy and Commerce for consideration of sections 3, 201–08, 301–03, 414, and 420 of the House bill, and sections 7, 8, and 12 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, and CRAPO.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 3, 201–09, 301–04, and 414 of the House bill, and sections 7, 8, and 12 of the Senate amendment, and modifications committed to conference: Messrs. STUDDS, HUGHES, and FIELDS of Texas.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 236. Concurrent resolution authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds.

The message also announced that the Senate disagrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 3355), an act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIDEN, Mr. KENNEDY, Mr. METZENBAUM, Mr. DECONCINI, Mr. LEAHY, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, and Mr. GRASSLEY to be the conferees on the part of the Senate.

CONGRESS EXCEEDS DELEGATED POWERS IN ITS MANDATES TO THE STATES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HEFLEY. Mr. Speaker, yesterday I received two resolutions from the Colorado State Legislature, and I would like to share those with the Members and put them in the RECORD as a reminder to us.

The first resolution talks about the 10th amendment and reminds us that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are States' powers, powers of the people, and that we should keep our hands off of that.

The second one goes a little further. The second one says, "We have had it, we are tired of it, and we are not going to take it any more." They have instructed the attorney general of the State of Colorado to file legal action against the United States of America to say, "You cannot do this any more based on the Constitution," and they have encouraged other States to join with them in this suit.

We must change the way we look. We cannot sit here on the Potomac and pretend that we are all-wise and all-powerful, and that we have the corner on what is best for every State in the Union. The Federal Government, Mr. Speaker, did not create the States for its benefit, the States created the Federal Government for their benefit. We have to change the way we look at this.

Mr. Speaker, I include for the RECORD the two resolutions referred to:

HOUSE JOINT RESOLUTION 94-1035, COLORADO STATE LEGISLATURE

Whereas, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, The 10th Amendment defined the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas, The scope of power defined by the 10th Amendment means that the Federal government was created by the States specifically to be an agent of the states; and

Whereas, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

Whereas, Numerous resolutions have been forwarded to the federal government by the Colorado General Assembly without any response or result from Congress or the federal government; and

Whereas, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

Whereas, The United States Supreme Court has ruled in *New York* v. *United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States; and

Whereas, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore,

Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the State of Colorado hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

HOUSE JOINT RESOLUTION 94-1027, COLORADO STATE LEGISLATURE

Whereas, The Constitution of the United States envisions sovereign states and guarantees the states a republican form of government in which decisions are made by the elected representatives of the people; and

Whereas, The state and local governments in Colorado are losing their power to act on behalf of their citizens, as the power of government is moving farther away from the people into the hands of federal agencies and officials who are not elected and who are unaware of the needs and concerns of Colorado and other states; and

Whereas, With increasing and alarming frequency important decisions affecting the lives of Colorado citizens are being made by the federal government in the form of both funded and unfunded federal mandates imposed on the states; and

Whereas, Congress fails to provide adequate means to implement many of the federal mandates directed to the states which places state governments in a vice that threatens to squeeze state resources beyond their limits; and

Whereas, Imposition of unfunded federal mandates requires states to fund the federal requirements with diminishing state revenues or jeopardize their eligibility for certain federal funds; and

Whereas, The states and Congress should engage in earnest discussions to resolve the difficult position that states are forced into by their efforts to comply with the growing number of unfunded federal mandates, because their trend could eliminate state flexibility to effectively deal with local problems as limited state resources are diverted to funding federally mandated programs; and

Whereas, Federal mandates threaten the fiscal integrity of the states and their right of self-determination; and

Whereas, The United States Advisory Commission on Intergovernmental Relations recommended in a July 1993 report that "the federal government institute a moratorium on mandates for at least two years and conduct a review of mandating to restore balance, partnership, and state and local self-government in the federal system" and that the "Supreme Court reexamine the constitutionality of mandating as a principle"; and

Whereas, Numerous federal laws impose mandates on the state of Colorado, including, but not limited to the following: Asbestos School Hazard Abatement Act; Family and Medical Leave Act; Safe Drinking Water Act; Clean Air Act; Americans with Disabilities Act; National Voter Registration Act; Title XIX of the federal "Social Security Act"; and Water Pollution Control Act; and

Whereas, The members of the Colorado General Assembly want the members of the Colorado congressional delegation to fully understand the impact the actions of the federal government have on the state of Colorado, especially the difficulties imposed on the General Assembly in its effort to allocate resources to a large number of pressing state needs; and

Whereas, The federal court system affords a means to liberate the states from the grip of federal mandates and to give the power to govern back to the people; now, therefore,

Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:

That legal action challenging the constitutionality of both funded and unfunded federal mandates, the court rulings that hinder state management of state issues, and the authority of the federal government to mandate state action is necessary to restore, maintain, and advance the state of Colorado's sovereignty and authority over issues that affect Colorado and the well-being of its citizens.

Be It Further Resolved, That the Colorado Attorney General examine and challenge by legal action, in the name of and on behalf of the state of Colorado, federal mandates, court rulings, the authority granted to or assumed by the federal government, and laws, regulations and practices of the federal government to the extent they infringe on the state of Colorado's sovereignty or authority over issues affecting its citizens.

Be It Further Resolved, That all of the states are urged to participate in any legal action brought pursuant to this joint resolution and that the Colorado Attorney General shall request and encourage such participation and shall cooperate with other states in any legal action that includes issues of joint concern.

Be It Further Resolved, That copies of this joint resolution be sent to the Attorney General and presiding officers of both houses of the legislatures of each of the states in the United States, the President of the United States, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to each member of the Colorado Congressional Delegation.

CHARACTER IN GENERAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I would like to address my remaining colleagues, those watching on television, and a million and a half Americans who are still following the proceedings about the issue of character.

Now, Mr. Speaker, when character is mentioned in this Chamber, the Parliamentarians get uptight. Everybody thinks it is focused in on one person down at the White House. The tremors start. We implement old rules that are supposed to govern the discourse among ourselves in this Chamber and the other body, the U.S. Senate. Suddenly we are cranking in the executive branch, though I don't remember the House leadership being so sensitive when Republicans were in the White House and regularly subjected to harsh language.

There is a new scandal on the front page every day. The front page of the

L.A. Times mentions a scandal that I am not allowed to put into the Record. So instead I will speak about character in general.

In the paper the other day a lady found a faded newspaper clipping from 1924 tucked away in her grandmother's book, the grandmother having long ago gone to heaven. It was a book on public speaking. The book was 70 years old. The lady, Elizabeth Agnes Walsh of Curtis, NY, was the grandmother of the lady who brought this to the newspaper's attention. The clipping was an article penned by none other than President Calvin Coolidge, our Nation's 30th President and President Ronald Reagan's favorite President. The man who defined patriotism as "looking out for yourself by looking out for your country."

□ 1330

Coolidge titled his short piece "What the Country Needs," and, Mr. Speaker, if these are not powerful words pertaining to this very hour in American history, I do not know what are.

This is what President Coolidge said:

> In America "we do not need more material development; we need more spiritual development.
>
> We do not need more intellectual power; we need more moral power.
>
> We do not need more knowledge; we need more character.
>
> We do not need more government; we need more culture.
>
> We do not need more law; we need more religion.
>
> We do not need more of the things that are seen; we need more of the things that are unseen.

At 4 o'clock today I will appear on a television show called "Sally Jessy Raphael" about the major scandal of the moment. It was recorded last Friday.

Mr. Speaker, though Ms. Raphael and her staff were very nice, I will never again accept an invitation to appear on one of these tabloid shows. I am used to three against one, four against one, but nine against two? Thank heavens, I had a great Republican lady lawyer from New York, from the liberal wing of my party, with me. She did a great job, better than I did. But as this Sally Jessy Raphael show goes across the country, people will realize that there are forces attempting to burn at the stake, like Jeanne d'Arc, anybody who dares speak up truthfully against the current occupant of 1600 Pennsylvania Avenue.

Mr. Speaker, we need character, as we always do, as every Nation does. Character does matter.

SUPPORT THE C-17—SUPPORT OUR TROOPS IN THE FIELD

The SPEAKER pro tempore (Mr. Kildee). Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. Horn] is recognized for 40 minutes as the designee of the minority leader.

Mr. HORN. Mr. Speaker, I want to discuss a very important subject that will come before this House and the American people next Tuesday afternoon, and that is an amendment to return the Defense Authorization Act for our armed services to what the President recommended was with reference to the C-17 military airlift aircraft.

Next week we are going to be asked to make one of the most important decisions and cast one of the most significant votes of this particular Congress. How we vote and what we decide regarding the fate of the C-17 will directly affect the ability of our forces to succeed in time of conflict. It will also directly affect the ability of this Nation to deliver humanitarian aid to countries that have problems of starvation.

Senior military leaders and theater commanders have consistently cited strategic lift as critical to their ability to provide reinforcements and necessary equipment to the young men and women serving our Nation on the front line of the world's trouble spots.

Particularly as our Nation reduces the size of its military and its presence around the world, it is essential that we have the ability required to project force from our shores. That is why it is essential that we restore the C-17 line in the fiscal year 1995 Defense Authorization Act to the President's request of six (6) aircraft.

It is important to heed the message of the letter of May 17, 1994, which the chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, sent to the chairman of the Committee on Armed Services of the House, the gentleman from California [Mr. Dellums].

This is what the general said:

> As I look into the future, it is clear that America's combat commanders will become increasingly dependent upon strategic mobility * * *. America must have a core airlifter to replace the aging C-141. The continuing myths of a service life extension program for the C-141 or the ability of a commercial derivative to meet the needs of a core airlifter are just that—myths. Neither aircraft can carry the equipment to forward areas that the Army needs to win on tomorrow's battlefields.

General Shalikashvili stated unequivocally that: "Today there is only one alternative that can meet the requirements of a core airlifter—the C-17."

Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff has, unsurprisingly, made the case for the C-17 most succinctly and effectively:

> Our military strategy is changing from a focus on global war to a focus on regional crises . . . And to deal with those kinds of crises you've got to get there fast. And you've got to get there with the mostest. And that's what the C-17 will do for us.

His words are echoed repeatedly by the commanders for whom the capabilities provided by the C-17 may mean life and death for young men and women serving under their command. Gen. Joseph Hoar, who succeeded Gen. Norman Schwarzkopf as commander of the U.S. Central Command [CENTCOM], made a compelling case in his May 17 letter to Chairman Dellums of the Committee on Armed Services. This is what General Hoar said:

> As our forces are returning from overseas and increasingly based in the United States, I become the commander faced with the most strenuous requirement for mobility in the world. In the CENTCOM theater, because of the long deployment distances, we are particularly sensitive to, and dependent on, our ability to ensure the timely deployment of the early arriving lethal firepower—key to limiting the escalation of a conflict. This means armor, helicopters, rocket systems, and air defense missiles, most of which do not fit on any commercial aircraft. In the foreseeable future only the C-17, acting as the Nation's core military airlifter, can provide us this flexibility.

I agree with the commander of the U.S. Central Command. Gordon Sullivan, Chief of Staff of the Army, reinforced that point in a letter:

> By 1997, 80 percent of America's Army will be stationed in the Continental United States as we complete our transformation to a power projection Army. * * * This Nation must have the strategic lift capabilities to project power rapidly to any potential trouble spot in the world. * * * While the aging C-141 fleet helps the Army fulfill this requirement today, we will need the C-17 to provide the strategic airlift for troops and equipment to provide our forced entry capability and simultaneous application of joint combat power across the depth of the battlefield in the 21st century. The C-17 is the only aircraft that can get the Army's outsized combat systems to the next war when required.

□ 1340

I agree with the Chief of Staff of the Army. I hope this House will too.

General Sullivan emphasized that the C-17 will provide the capability to deliver critical army outsized loads while allowing access to 9,000 more runways, an increase of 300 percent worldwide, then does the C-141 or the C-5, the two main load lifters which the services depend upon at the present time.

Equally important, General Sullivan noted, is that the C-17 will improve through-put capacity, or rapid off-load and turnaround on the ground, as the military put it; when you have a plane coming in, how fast can you land it, is there space on the airfield, how fast can you unload it, how fast will it return to the main base to continue to bring supplies, personnel, and other materials needed by the forward forces.

Essentially, that means how fast can we deliver the equipment in an efficient, effective, rapid manner. The performance characteristics of the C-17 will permit eight C-17's to fit on an airfield where three C-5Bs now fit.

General Sullivan added, "Had we had the C-17 during Desert Shield, we could have delivered the First Airborne Brigade in 54 hours with just 93 aircraft, an improvement of some 34 percent over the 82 hours it took to deliver the brigade with 158 C–141's and 3 C–5's."

At a hearing last Tuesday in the House Committee on Armed Services, Gen. Ronald Fogleman, commander of the Air Mobility Command, brought home what a difference the C–17's capabilities can mean. He told the committee that the C–17 would have permitted him to double the amount of equipment provided to our forces in Mogadishu in support of their humanitarian and military operations there.

It is an incontrovertible fact that a military airlifter specifically designed to meet the needs of our forces in the field will be better able to accomplish that mission than will a commercial airliner converted for that purpose. Commercial wide-bodied planes were not meant to be a core airlifter for the military, and they are not capable of fulfilling that role.

Keep this in mind: The C–17 is not just another wide-bodied airplane. It was specifically designed to meet our Nation's airlift needs well into the 21st century, and it has successfully demonstrated its ability to carry heavy outsized loads long distances and land on the kinds of short, unimproved runways that are most likely to be the destinations of our airlift fleet in the post-cold war world in which you and I live.

The C–17 has set more than 20 world records in proving its ability to meet the military's unique airlift needs.

The chart I have with me displays the extent to which the C–17's capabilities dramatically exceed those of all alternatives. The comparison is among the C–5, the C–141, the C–17, commercial wide-bodied planes, commercial narrow-bodied planes, and the C–141 with service-life extension program. I will submit for the RECORD a full explanation of what the chart means. In shorthand, though, the green blocks indicate a full capability to meet the military's needs, the yellow ones a limited capability, and the red ones an inability to do so in general, combat and other military missions.

As you can see, the C–17 is unmatched in its capabilities. Nearly all blocks are green—and in the case of combat and military missions they are, in fact, all green. The C–5B, C–141, and C–141 with a service life extension program have more limited capabilities for fulfilling all three missions. And commercial variants are shown to be severely lacking in most missions when a strong lift capability may mean the difference between victory and defeat for troops in the field.

The chart shows that the C–17 has the needed combat capabilities for airdrop, low altitude parachute extraction, short airfields, unimproved airfields and survivability. It has the needed military capabilities for throughput, outsized and oversized cargo, drive on/off, air refueling, ground support requirements, and configuration flexibility. No other alternative can make that claim.

Moreover, the C–17 has an external size similar to the C–141, but carries twice the cargo. It has a more efficient cross section than the C–5B, and lands at smaller airfields. In fact, it can land at C–130 size airfields, but with four times the cargo.

The C–5B, perhaps the most realistic alternative to the C–17, is, simply put, a less capable aircraft with a higher life-cycle cost. A mix of commercial widebodies and C–5B's would provide one-third less throughput, the requirement which matters most to military operators.

It has been suggested that design specifications of the C–17 have been reduced, thereby making it less capable and desirable. In fact, the C–17's current payload and range specifications exceed operational requirements to perform its designed mission. As General Fogleman has said, "From my perspective, we have not changed our operational requirements for this aircraft."

The C–17 recently completed successfully the entire profile of static testing to 150 percent of operational load and has achieved one lifetime, 30,000 hours, of durability testing. The last six aircraft have been delivered to the Air Force within the timeframe that we in Congress established as a must-deliver schedule. The overall quality of each airplane delivered is obviously improving. Over 3,000 flight test hours have been completed, and flight testing is over 80 percent complete.

The six C–17's delivered to the 437th Airlift Wing at Charleston Air Force Base, SC, have completed over 100 initial squadron operations missions, flown over 700 initial squadron operations hours, and accomplished more than 2,800 landings.

In other words, this is a tested, proven airplane. It is a program which has not been without its problems. What weapon system, what major complex endeavor—whether in private industry or government—has not had problems as it has evolved over a long time period?

But these are problems which are now meeting the strictures placed upon it by both Congress and the Department of Defense. To truncate or terminate the program at this time, as the Furse amendment would, would be counter to the request not only of this President of the United States, but previous Presidents of the United States. It would be contrary to the impassioned pleas of military commanders, detrimental to the Nation's ability to respond in time of emergency, and potentially harmful to the young men and women in uniform who will need the reinforcements and need the equipment which the C–17 was specifically designed to deliver efficiently and effectively in order that they might do their job that a grateful nation expects them to do.

A look at recent missions performed by our military—Grenada and Panama in Central America, Desert Shield in the Middle East, Somalia in East Africa, and Bosnia in Southeastern Europe, and various humanitarian efforts, puts clearly into focus the choice we will be facing next week.

The C–17 has the capability to meet 100 percent of the airlift capabilities critical to mission success, including long-range capability, airdrop, combat offload of outsized cargo restricted runway, ground agility, parking efficiency, self-supporting, and survivability.

A commercial wide-bodied substitute could—at best—have performed only one of those missions—Desert Shield—25 to 50 percent of the time. It has little, if any, capability to address the military's needs in the other contingencies listed.

C–17 AIRLIFT AIRCRAFT NEED MILITARY CAPABILITIES

Recent military contingencies	Aircraft capabilities critical to mission success									Aircraft suitability to perform critical missions	
	Long-range capacity	Airdrop	Combat offload	Outsize	Restricted runway	Ground agility	Parking efficiency	Self supporting	Survivability	C–17 (percent)	Commercial freighter (percent)
Grenada	√		√	√	√	√	√	√	√	100	0.
Panama	√	√		√	√	√	√		√	100	0 to 25.
Desert Shield	√			√		√	√			100	25 to 50.
Humanitarian		√	√		√	√		√		100	0 to 25.
Somalia	√			√	√	√	√	√	√	100	0 to 25.
Bosnia		√	√		√	√	√	√	√	100	0 to 25.

Mr. HUNTER. Will my friend yield?

Mr. HORN. I am delighted to yield to my distinguished colleague from California, Mr. HUNTER.

Mr. HUNTER. I want to commend my colleague for his advocacy for the C–17. I think it is appropriate you are doing such a total and long-range perspective on the C–17, because we are now, of course, commemorating the landing of Normandy in recent weeks.

We were down at the Air and Space Museum watching the 2-hour feature, which was extremely good. I think one of the messages that was sent to us when we watched that enormous military effort, power projection under the leadership of Dwight David Eisenhower striking the beaches at Normandy, coming up against the best that Hitler's panzer divisions could offer and ultimately spreading out and moving into a position to win the war in Europe, the key message that I got from that film, and I think from Normandy in general, was that getting there firstest with the mostest, getting into a strategic location with your equipment quickly, is and should be of utmost priority to military commanders.

The C–17 gives us the ability to get places quickly, on remote airfields that could not accommodate aircraft in the past, with large payloads, and to be effective early. And that is what saves lives, that is what reduces the number of body bags that come back to the United States in conflicts around the world.

Of all of the programs that we are looking at and analyzing in this defense bill, the C–17 is one of the most critical and one of the most important. I thank the gentleman for this very, very thorough presentation to our colleagues. I will be supporting you very strongly.

Mr. HORN. I thank my colleague. You have been always a strong supporter of the defense capability which this Nation needs in order to back up the leadership the rest of the world expects us to provide, and we thank you.

Noting that the C–17 has the capability to meet 100 percent of the aircraft capabilities on these various types of missions' success, the fact is in Desert Shield, a commercial wide-bodied substitute trying to substitute for the C–17 would have only performed one of those missions 25 to 50 percent of the time. It simply is not a viable alternative to think about commercial alternatives at this point in time in the evolution of the airlift airplane project, regardless of who that manufacturer might be.

The commercial alternative and a commercial wide-bodied substitute has little, if any, capability to address the military's needs in the typical contingencies that we now have facing us in various regions of the world, where small powers increasingly have nuclear capability; where two-bit dictators hold an arbitrary rule over their people; where democracy has not taken root.

Occasionally we have vital national interests that have to be protected, and it is this airlift capacity which seems innocent enough in essence that it is largely behind the lines, but it is taking needed equipment to the lines. And as my colleague mentioned, whether you are recalling Normandy in the Second World War, or you are describing other wars, what ultimately triumphs is the ability to deliver the human resources and the equipment produced by the industrial might of this and allied nations, into the field, readily, to backup the troops that need food, supplies, and reinforcement to accomplish the assigned mission.

At Tuesday's Committee on Armed Services hearing, General Fogleman stressed the importance of both the ability to land on austere, shorter runways, and to get the needed equipment to the troops in the field as efficiently and effectively as possible.

□ 1350

He reported that the Air Force, working with the Defense Mapping Agency, has concluded that the C–17 can land on 576 runways in the Far East versus only 217 for the C–5. The C–17 can land on 852 runways in Europe versus 184 for the C–5. The C–17 can land on 794 runways in Africa versus 137 for the C–5. The C–17 can land on 852 runways in Latin America versus 66 for the C–5.

This does not diminish the value of the C–5. The C–5 has done a noble job. It is an airplane that is three decades old. It is an airplane that is three decades old. New designs, new avionics, new types of engines are important, and they are what are in the C–17, an airplane that is operated by only three people: pilot, copilot-navigator, and the loadmaster, who works the computer system that delivers that load, whether it be at a fairly low altitude—even 10 feet off the ground—or after landing. Couple this with the C–17's ability to carry out-sized cargo and to off-load that cargo quickly and its advantage over the more limited commercial valiants, which would require a very cumbersome loading and unloading system for the more limited cargo that any of them could carry, and the need for the C–17 becomes even more obvious.

Deputy Secretary of Defense John Deutch has described the C–17 as "the highest priority defense system," if the military is to meet successfully its obligations in future years. Among the C–17's capabilities, which are not available in any other airlift aircraft, are the ability to back up and make tight turns, thus reducing the amount of ramp parking space needed, without its jet exhaust interfering with other aircraft; cargo door, ramp airdrop, cargo restraint systems that can be operated by one person and permit rapid unloading without special equipment.

The C–17 also has improved instrument displays that the two-person cockpit crew can easily read; built-in test equipment, modern avionics gear that are readily accessible to maintenance personnel.

The C–17 is an essential, perhaps the essential component of the military's ability to project power capably and in a credible way. This is especially so in light of the steady increase in the weight growth of army combat units over the last decade. The three army division types usually eligible for air deployment have seen weight growth increases between 36 and 55 percent. These weight increases in weapons, equipment and needed space are due to the changes in the force structure and the larger and heavier weapon systems. They correlate very closely with the increases in the airlift missions.

The trend for past and current weapons systems has been an emphasis on lethality-survivability, which generally involves increases in weight and size of the delivery of the weapons system and the use of that system.

For example, the M-2 series Bradley fighting vehicle has replaced systems that could be loaded three or four strong on this C–141, which again performed valued service for this country over several decades. Transporting the Bradley by C–141 is possible but impractical because of the massive disassembly and reassembly time required, 6 hours on either end.

The C–141 carries only one Bradley with the pallet of disassembled parts. By comparison, the C–17 can carry two Bradleys ready to drive on, drive off, and go right into battle.

The C–141, designed in the 1950's, could deliver most of the Army's combat vehicles over the past three decades. However, there are many new vehicles in the inventory which dramatically affect the military's ability to deliver combat forces in a timely manner.

One example relates to jeeps and their replacement, the HMMWV, otherwise known as the Humvee. The C–141 could carry 17 jeeps in a single load, but it can carry 5 five Humvees before it becomes cubed-out because of the additional width of the Humvee.

On the other hand, the C–17, with its wider cargo floor, is able to carry 2 Humvee's side by side for a total of 10, while the C–141 can only fit a single line of 5.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I asked the gentleman to yield simply to state that I want to congratulate him on the special order he has taken out here and on the diligent effort that he has put into the C–17 effort. One of the most serious problems that we face, and the gentleman knows it very well, is airlift capability. And as we look at the extraordinary challenges that we are facing throughout the world today, we have gone through this debate in the past. I remember when we had the Boeing alternative that many people had thrown before us, which obviously is inadequate.

It seems to me that the need to deal with airlift capability is pressing one that is before us. We have the answer. The answer is as my friend has pointed out so well, the C–17.

I know that he has played a key role in this effort. I congratulate him on that. I simply want to say that I want to do anything I possibly can to help us meet that very important national security imperative which lies before us.

Mr. HORN. Mr. Speaker, I thank my colleague, who has done a tremendous amount in his leadership of this delegation in support of the defense of this country.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I just want to cross all of DAVID DREIER's t's and dot some i's and thank you for the good work you have done.

I went into your district and flew the simulator for this great aircraft, saw how aggressively and pro-actively they were trying to overcome the few growing pains that are generally in every system. The F–100 that I flew on active duty compared to the limited number of problems today and our accidents, we had no accidents with this one. It is ahead of schedule at Edwards. The F-100's were dropping out of the sky. It did not deter me, when I was a 22-year-old pilot who wanted to fly the world's fastest fighter.

We are not going to fly anything anywhere unless we have this system to fly the engines around and to carry individually one big massive 30-ton M–1 Abrams tank.

I want everybody to know so we do not get into all of this phony, actually bordering on lying, propaganda that the B–1 was hit with and is still hit with, this aircraft is flying. We have delivered now how many to Charleston Air Force Base? Three?

Mr. HORN. Much more than that are being tested there. A good part of the squadron in Missouri is already assembled.

Mr. DORNAN. And when we say tested up at Edwards Base, this means tested with loads, with load masters working them, carrying things and going around and across the seas with loads, working out with two other great Douglas aircraft, the C–124, and the C–133 that were the largest of their generation.

I just hope that people realize this is the state of the art and then some. It has a stick, two sticks like a fighter plane, side by side fighter. And this is the answer. Thank God you prevailed and General Fogelman, first to ever fly me in an Air Force fighter as a freshman Congressman back in January 1978, when he was a young major in Pittsburgh; four-star General Ron Fogleman's presentation before the Armed Services Committee the other day, Deputy Secretary Deutch, it was compelling testimony. And they took away all the fears that some Members legitimately had. I would like a laminated tiny card of your charts for my wallet. All kidding aside, it is excellent.

Mr. HORN. Thank you very much.

You, as a very distinguished fighter pilot, know that Gen. Merrill A. McPeak, the current Chief of Staff of the Air Force, is also a fighter pilot by background. And I saw him after he had just flown the C–17.

I said, smiling "I was a little worried that a fighter pilot could fly a big plane like that." He replied that he had never seen an airplane that handled as beautifully and effectively as the C–17, which is a great advance over the era you and many others flew in, whether it be Vietnam, Korea, or the Second World War.

The C–17 can carry five armored personnel carriers used by the Army versus only two for the C–141. This is because the C–141 is restricted to an allowable cabin load of 55,000 pounds. The five carried by the C–17 weigh almost 100,000 pounds combined.

The Army has cited a wide range of other weapons systems which are critical in the early days of a conflict which the C–17's enhanced capabilities will permit to be delivered more quickly and in greater numbers. These include the Multiple Launch Rocket System, the Patriot Missile System, AH–64 and UH–60 helicopters, the Armored Gun System, the Command and Control Vehicle, the Advanced Field Artillery System, the Forward Area Resupply Vehicle, the Line-of-Sight Antitank System, and the Bradley Fire Support Vehicle, quite a range. But the importance of these facts and the reason commercial derivatives cannot do this job is because of the special design that has been made in the interior and exterior of the C–17 to permit the hauling, in a sensible, efficient way, of these various combinations of military equipment that are needed abroad.

The bottom line is that the Army of the future will rely increasingly on the availability of airlift capable of delivering outsized cargo. And it will need to deploy from the United States to places all over the globe on short notice to defend American interests.

It is imperative that we provide the courageous young men and women putting their lives on the line for their Nation and for the cause of freedom the capability they need to defend themselves and to succeed in their mission with minimum loss of life and in the shortest possible time. We must not shortchange them or deny their commanders the C–17's airlift capability.

Mr. DORNAN. Will the gentleman yield?

Mr. HORN. I am glad to yield to the gentleman from California.

Mr. DORNAN. I am sorry to interrupt. I was looking for a break in the thought processes there. This is something the gentleman will want for his special order.

Your staff called. No. 7, and this is not, and this shocked me. Here I said three, maybe I was off by one. Seven is already at the Charleston Air Force Base working out all the load lifting problems, and No. 6 has joined the test program up at Edwards. This program moves fast apace.

Mr. HORN. Right. I thank my colleague for that vital fact.

Only one airlift aircraft, the C–17, was specifically designed to meet the present and future military requirements as projected by the Joint Chiefs of Staff. Only one airlift aircraft, the C–17, has been recommended by the military—the Joint Chiefs and the commanders in the field—and the senior civilian leaders of our country under a previous Republican administration and now under a Democratic administration including the current and former Presidents of the United States, as the system we need for today and well into the 21st century. As former Secretary of Defense Richard Cheney has said of the C–17, "It is an absolutely vital strategic asset regardless of what size force we have in the long term."

The C–5 and C–141 were designed decades ago to meet the needs of a military and a world very different from the one we have today. And civilian widebodied planes were designed to carry passengers between major metropolitan areas. These planes are fine in fulfilling the purposes for which they were designed, but the military leadership uniformly tells us they are not the answer when the lives of Americans are on the line.

As the Chairman of the Joint Chiefs of Staff has emphasized, there is only one plane that has the capabilities needed in a core airlifter. That plane is the C–17.

I have cited the Chief of Staff of the Army, and other generals as strong supporters of the C–17, but let us also hear from those who have flown the C–17 and worked with it. They, too, are its strongest proponents.

Said Capt. Mark Holland, a C–17 pilot at the Charleston Air Force Base in South Carolina: the C–17, "incorporates everything we know about airlift into one plane." Capt. Ron Nadreau, a former C–5 pilot and current C–17 test pilot, has concluded: "It's like going from Fred Flintstone to George Jetson." Lt. Col. Ron Ladnier, commander of the 17th Airlift Squadron, 437th Airlift Wing, observed: "If you asked me to do something important—like haul tanks into Mogadishu—and told me to pick the airplane I want, I'd have to choose the C–17."

Among loadmasters, those crucial technical personnel in the back of the plane who have the say over how this load is to be distributed and how it is to be unloaded, there are especially glowing comments.

Chief M.Sgt. Glen Morgan commented: "The C–17 has taken us from Neanderthal to state-of-the-art. Because it can land on such short airfields and carry such outsized cargo as the M–1 tank, we can go right into a trouble spot and begin the mission immediately without having to disassemble and reassemble equipment." M. Sgt. Cecil Whaley concluded: "It's very user-friendly. A single loadmaster can reconfigure the C–17 in flight, whereas with other airlifters, it took a minimum of two people." M. Sgt. Bill Ellis reported: "They have incorporated everything that is good from the C–130, the C–141 and the C–5 on this plane." Finally, M. Sgt. Tom Clemons, who has responsibility for maintaining the C–17, stressed: "The aircraft was built for ease of maintenance. We may end up being like the Maytag repairman."

In other words, there is less need for maintenance. That means a saving of the money. So does the size of the crew of three.

As I stated earlier, this is a program which has not been without its problems, but it is a program that both Republican and Democratic administrations have listed as a top priority in terms of our national security. It is a program which has received careful scrutiny by the Department of Defense under the leadership of Deputy Secretary of Defense John Deutch.

Deputy Secretary Deutch is now overseeing a 2-year probationary period for the C–17 in which the Air Force will be limited through 1995 to buying 40 of its planned 120 C–17's. In November 1995, the Pentagon will make a decision whether to proceed with further purchases of the C–17 or to shift to commercial aircraft derivatives or revived production of the C–5 cargo plane. The bill reported out of the Committee on Armed Services in effect negates the Air Force's plan, committing funds for commercial widebodies planes well in advance of the completion of the Pentagon's review in November 1995 and moving in a direction which Secretary Deutch has stated in congressional testimony does not provide the best airlift mix to meet the military's needs.

The operational effectiveness and cost effectiveness of the C–17 have been emphasized by both Secretary of Defense William Perry and Secretary Deutch. Secretary Perry, in a May 5 letter to Speaker FOLEY, said, "The C–17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift." And Deputy Secretary Deutch, in recent testimony, stated, "In general, the results—of the Defense Department's Cost and Operational Effectiveness Analysis—showed that a fleet of C–17's operating to our best expectations was more cost effective than any combination of C–17's, CWB's (commercial widebodies), C–5B's or C–141's with service life extension program."

Let us not second guess our military leadership and our commanders in the field. Let us provide our men and women in uniform the capability they need to do the job we expect them to do. I urge my colleagues to vote against the Furse amendment, which would eliminate this program, cripple the forces of this country in all parts of the world. I urge my colleagues to vote against any proposal that will reduce our military's ability to respond in a time of crisis and to support the bipartisan amendment which will bring the defense authorization for the C–17 back to that of the President and the military's request for six.

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Mr. Speaker, I include for the RECORD various documents pertaining to my special order as follows:

First, a spectrum of aircraft capabilities;

Second, a letter from Secretary of Defense William J. Perry to Speaker of the House THOMAS S. FOLEY, dated May 5, 1994;

Third, a letter from Chairman of the Joint Chiefs of Staff John M. Shalikashvili; to House chairman of Armed Services RONALD V. DELLUMS, dated May 17, 1994;

Fourth, a letter from Army Chief of Staff Gordon R. Sullivan to Senator STROM THURMOND of the Senate Armed Services Committee, dated May 19, 1994, and

Fifth, a letter from commander in chief, U.S. Central Command General J.P. Hoar, to House Armed Services Chairman RONALD V. DELLUMS, dated May 17, 1994.

SPECTRUM OF AIRCRAFT CAPABILITIES

	Red	Yellow	Green
GENERAL AIRLIFT CAPABILITIES			
Throughput (MTM/D): Throughput of cargo to a theater of operations; numbers of airlift aircraft at en route or destination airfields are not limited by any parking or ground support limitations. Relative scale.	Throughput capability in bottom third.	Throughput capability in middle third.	Throughput in top third.
Cargo Volume and Payload: Cargo carrying capability; relative scale. Range: Aircraft range with normal planning factor payload, without air refueling	Volume/payload in bottom third Range <2000 nm.	Volume/payload in middle third Range 2000–6000 nm.	Volume/payload in top third Range >6000 nm.
Logistics Reliability: Reliability due to logistics factors, including maintenance, spares. Includes level of depot maintenance required, mission capable rates, and departure reliability due to logistics.	Less than 70% of force available for missions.	70%–90% of force available for missions.	Greater than 90% of force available for missions.
Acquisition Cost: Total program acquisition unit cost; includes total cost to field weapon system except for O&S costs. (CY3$; per aircraft)	>$400M	$100M–$400M	<$100M.
O&S Cost: Cost on a yearly basis to operate the weapon system. Includes manpower (aircrew, maintenance, and base operating support), contractor logistics support, flying hours, training. Cost per PAA per year, CY93$. Divided by MTMD per PAA to express both O&S cost and gain from that O&S cost.	>$60M	$30M–$60M	<$30M.
Longevity: Measure of how close the aircraft is to the end of its design service life; potential for further service	Within 10,000 hours.	10,000–20,000 hours	>20,000 hours.
COMBAT CAPABILITIES			
Airdrop: Efficiency and effectiveness in the mission of airdropping troops and equipment	Cannot airdrop	Can airdrop; inefficient; cannot perform all missions.	Can perform full spectrum of airdrop missions.
Low Altitude Parachute Extraction: Efficiency and effectiveness in the mission of extracting equipment	Cannot extract	N/A	Can perform full spectrum of extraction missions.
Short Airfields (<3000′): Capability of the aircraft to operate into and out of airfields less than 3000 ft long on a routine operational basis	Cannot operate on short airfields.	N/A	Can operate on short airfields.
Unimproved Airfields: Capability of the aircraft to operate into and out of unimproved airfields on a routine operational basis	Cannot operate on unimproved fields.	N/A	Can operate on unimproved fields.
Survivability: Capability of the aircraft to survive in a wartime threat environment. Aircraft design incorporates survivability features	No design for survivability.	Some design for survivability.	Design optimized for survivability.

SPECTRUM OF AIRCRAFT CAPABILITIES—Continued

	Red	Yellow	Green
MILITARY AIRLIFT CAPABILITIES			
Throughput (constrained): Throughput of cargo to a theater of operations; the numbers of airlift aircraft at en route and destination airfields are limited by small and/or crowded parking ramps and ground support. Relative scale.	Throughput is in bottom third; addition of more of same type does not increase throughput.	Throughput is in middle third; addition of more of same type slightly increases throughput.	Throughput is in top third; addition of more of same type greatly increases throughput.
Outsize cargo: Capability of the aircraft to carry outsize cargo (cargo that is too wide for any aircraft except the C–5 and C–17)	No capability	N/A	Capable of carrying oversize cargo.
Oversize cargo: Capability of the aircraft to carry categories of oversize cargo (cargo that is too wide or long for the standard military 436L pallet)	<20% of oversize cargo.	20% to 80% of oversize cargo.	>80% of oversize cargo.
Drive on/off: Capability to drive vehicles on and off the aircraft from the ground	Cannot drive on/off.	N/A	Can drive on/off.
Air refueling: Aircraft's capability to air refuel (as receiver)	Cannot air refuel	N/A	Can air refuel.
Ground support requirements: Need for materiel handling equipment and extensive logistical support	Always requires extensive support/equipment.	Requires less extensive support equipment.	Routinely operates with no or minimum support equipment.
Configuration flexibility: Capability to rapidly (on the ground or in flight) reconfigure the aircraft for different types of cargo and passenger loads	Cannot reconfigure aircraft.	Can reconfigure with delays to mission.	Can reconfigure with no delays to mission.

THE SECRETARY OF DEFENSE,
Washington, DC, May 5, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On March 31, 1994 the Department of Defense provided the Committee on Armed Services draft legislation to authorize the Department of Defense to implement the January 1994 agreement between the Department and the McDonnell Douglas Corporation to settle C–17 issues.

Our nation has a critical need for intertheater airlift modernization if we are to maintain our ability to project forces and respond to humanitarian missions worldwide. Our C–141 aircraft are wearing out. The C–17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift.

Last May the Department directed the Defense Science Board to organize a Task Force to conduct an extensive review of the C–17 program. The objectives were to assess the current status and the contractor's capability to successfully complete development and transition into production, and to identify the changes necessary to ensure a successful program.

The Defense Science Board Task Force conducted a thorough examination of the C–17 program over a two month period. At the conclusion of its review, the Task Force reported that the C–17 is fundamentally a good aircraft, that the contractor can successfully build the aircraft if management and efficiency improvements are implemented, and that gridlock on contractual and business issues was seriously hindering program performance. The Task Force recommended a number of changes to instill greater discipline and better management into the program, and a comprehensive settlement to change the program environment.

Based on these findings and recommendations, and further intensive review by the Defense Acquisition Board over a period of several months, the Department proposed a comprehensive settlement of business and management issues to the contractor on January 3, 1994, which the contractor has accepted. In my view, this resolution of issues is essential to ensuring that the C–17 will meet the nation's strategic airlift military requirement. One key aspect of the agreement is the establishment of a probationary period during which the contractor will either demonstrate improved performance or the Department will consider other alternatives. Enactment of this proposal is of great importance to the Department, and I strongly urge its favorable consideration.

Sincerely,

WILLIAM J. PERRY.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 17, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee of Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As I look into the future, it is clear that America's combatant commanders will become increasingly dependent upon strategic mobility. This mobility will continue to be based on an integrated triad of air, sea and surface capabilities. Despite the fact that two of these transportation modes are in relatively good condition with bright prospects for the future, I am deeply concerned that recent congressional actions may seriously degrade our airlift capability and ultimately threaten the viability of the entire strategic mobility system.

America must have a core airlifter to replace the aging C–141. The continuing myths of a service life extension program for the C–141 or the ability of a commercial derivative to meet the needs of a core airlifter are just that—myths. Neither aircraft can carry the equipment to forward areas that the Army needs to win on tomorrow's battlefields. There may be a future role for a commercial derivative to supplement a core airlifter, but a CONUS-based force that lacks a core airlifter is a hollow force.

Today there is only one alternative that can meet the requirements of a core airlifter—the C–17. We have all been frustrated with the repeated setbacks in the program, but we mut not let this frustration obscure the facts. We now have an agreement in hand that allows us to test the capabilities of the airplane to meet warfighting requirements of America's combatant commanders and the capability of the program to meet efficiency and quality standards America's taxpayers deserve.

I ask for your support of the President's Budget Request for six C–17s in FY95, and for the reliability, maintainability, and availability and operational testing programs. Without the former, the program will not have the opportunity to demonstrate its significant improvements and production efficiencies. Without the latter, the C–17 will not be challenged to demonstrate its capabilities in the most rigorous testing program ever devised for an airlifter. Without your support, the program will guaranteed to fail. We must not let this happen on our watch.

With best wishes,

Sincerely,

JOHN M. SHALIKASHVILI.

U.S. ARMY, THE CHIEF OF STAFF,
Washington, DC.

Hon. STROM THURMOND,
Armed Services Committee, U.S. Senate, Washington, DC

DEAR SENATOR THURMOND: By 1997, 80% of America's Army will be stationed in the continental United States as we complete our transformation to a power projection Army. Our capability to lift the Army's heavy equipment by air and sea must keep pace with our changing requirements. This nation must have the strategic life capabilities to project power rapidly to any potential trouble spot in the world. We must get our forces to the fight.

Early arriving lethal combat power is the key to our joint warfighting capability. The Congressionally mandated Mobility Requirements Study generated the need for delivery of "outsized cargo" prior to the arrival of the fastest sealift. For the Army, this means armor, rocket systems, helicopters, and attack missiles. These weapon systems won't fit on any commercial aircraft—nor will they fit on most military airlifters in service today. Future air-deployable Army combat units will rely increasingly on the availability of airlift to carry this type of cargo.

The C–7 will provide the Air Force the capability to deliver critical Army "outsized loads" while allowing access to 9,000 more runways (an increase of 300%) worldwide than the C–141 and C–5. The C–7 can land on the same runways as the C–130 and deliver four times the cargo weight. Equally important, the C–17 will improve throughput capacity, or rapid off-load and turn-around on the ground, by increasing the "maximum on the ground" or MOG capacity. The performance characteristics of the C–17 will permit 8 C–17's to fit where 3 C–5's fit. Had we had the C–17 during Desert Shield, we could have delivered the first airborne brigade in 54 hours with just 93 aircraft—and improvement of some 34% over the 82 hours it took to deliver that brigade with 158 C–141's and 2 C–5's.

Finally, I am concerned about our joint capabilities for forced entry operations. In the Gulf War, we enjoyed the luxury of time and deployment to a country with secure and modern air and seaports. This may not always be the case. While the aging C–141 fleet helps the Army fulfill this requirement today, we will need the C–17 to provide the strategic airlift for troops and equipment to provide our forced entry capability and simulatenous application of joint combat power across the depth of the battlefield in the 21st century.

I fully appreciate the concern over the troubled history of the C–17 acquisition program. However, I urge you to stay the course outlined by the Secretary of Defense earlier this year. The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required. I respectfully solicit your support to maintain the President's request for the FY 1995 funding for the C–17.

Respectfully,

GORDON R. SULLIVAN,
General, U.S. Army.

U.S. CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
MacDill Air Force Base, FL, May 17, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

MR. CHAIRMAN, As you know I am concerned and have been critical of the current state of America's airlift forces. However, I am even more concerned about our future ability to project US forces by air.

As our forces are returning from overseas and increasingly based in the CONUS, I become the CINC faced with the most strenuous requirement for mobility in the world. In the CENTCOM theater, because of the long deployment distances, we are particularly sensitive to, and dependent on, our ability to ensure the timely deployment of the early arriving lethal firepower—key to limiting the escalation of a conflict. This means armor, helicopters, rocket systems, and air defense missiles, most of which do not fit on any commercial aircraft. Only the C–17 and C–5 can deliver this requirement.

In addition, during the Gulf War, we were able to deploy in a country with secure air and sea ports. In this scenario, I have said we could be well served by the effectiveness of large commercial type aircraft moving large amounts of bulk cargo, particularly during the sustainment phase of an operation. However, I do not feel this will be the case in the early surge phase of future operations.

We must ensure that all CINCs have the flexibility to conduct deployment operations given any set of theater constraints. In the foreseeable future only the C–17, acting as the Nation's core military airlifter, can provide us this flexibility.

Mr. Chairman, CENTCOM is dependent on the country's mobility system. We need the C–17. I urge you to support the modernization of the nation's strategic airlift as proposed by the Secretary of Defense and requested by the President in his FY 1995 budget.

J.P. HOAR,
General,
U.S. Marine Corps.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired at 2 o'clock and 30 minutes p.m., the House was called to order by the Speaker pro tempore [Mr. KREIDLER].

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT ON A RESOLUTION ACCOMPANYING THE BILL, H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on a resolution accompanying the bill, H.R. 4301, National Defense Authorization Act for fiscal year 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I shall not object, I wanted to say to my good friend, the gentleman from Massachusetts, chairman of the Committee on Rules, that the rule he is filing is an agreed-to rule by the Republican side of the aisle as well. It is not entirely to our liking. We support it reluctantly. There have been many, many hours of negotiation between the Republican and Democratic leaderships. It is a rule that should be supported because of the seriousness of the bill before us. We have to get this bill enacted before we get into the appropriations process. Therefore, we will be supporting the rule on this side of the aisle.

I thank the gentleman for his consideration.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask for this time that I might inquire of the distinguished majority whip, the program for next week.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I would be happy to yield to the gentleman from Michigan.

Mr. BONIOR. I thank my friend, the Republican leader.

The House will proceed as follows next week: We will meet at 10:30 for morning hours on Monday, May 23. Then we will go into session at noon, at which time we will have 18 suspensions, of which I believe the minority leader has a copy. I will not read through all of the bills. There are 18 of them:

H.R. 4425, fiscal year 1995 VA medical construction authorization.

S. 1654, to make certain technical corrections.

House Concurrent Resolution 176, to recognize and encourage the convening of a National Silver Haired Congress.

H.R. 4429, to authorize the transfer of naval vessels to certain foreign countries.

H.R. 4246, Panama Canal Commission Authorization Act for fiscal year 1995.

H.R. 3679, Junior Duck Stamp Conservation Program.

H.R. 3982, Ocean Radioactive Dumping Ban Act.

House Concurrent Resolution 238, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H.R. 3840, the Sam B. Hall, Jr. Federal Building and U.S. Courthouse.

H.R. 3724, the Brien McMahon Federal Building.

H.R. 965, Child Safety Protection Act conference report.

H.R. 3869, Minority Health Improvement Act of 1994.

H.R. 3863, to designate the Medgar Wiley Evers Post Office.

H.R. 3839, to designate the Roy M. Wheat Post Office.

H.R. 3984, to designate the John Longo, Jr. Post Office.

H.R. 4177, to designate the Candace White U.S. Post Office.

H.R. 4190, to designate the Alvaro de Lugo U.S. Post Office.

H.R. 4191, to designate the Audrey C. Ottley U.S. Post Office.

H.R. 4301, to continue consideration of the National Defense Authorization Act for Fiscal Year 1995.

Then we will have recorded votes on those suspensions postponed until the end of legislative business. We expect to not have any votes until 5, according to my understanding. So that Members from the west coast would have the opportunity to arrive in time.

We hope to go beyond that and do some work on the National Defense Authorization Act that we have been working on this morning and this afternoon.

On Tuesday, May 24, Wednesday, May 25, and Thursday, May 26, we have the following schedule: 10:30 a.m. on Tuesday for morning business and then go in at noon on Tuesday.

We will meet at 10 a.m. on Wednesday and Thursday to consider the following bills: Continue working on the National Defense Authorization Act for fiscal year 1995, on which we have been working for the last several days.

We will then go to H.R. 4385, National Highway System Designation Act, subject to a rule. We also hope to consider the following appropriation bills: The military construction appropriation bill, subject to a rule; the foreign operations export financing and related programs appropriations, fiscal year 1995, subject to a rule; the legislative branch appropriations bill, fiscal 1995, subject to a rule. The other two, H.R. 811 and H.R. 518, H.R. 811 being the Independent Counsel Reauthorization Act conference report, subject to a rule, and then of course if we have time we will go to the H.R. 518, California Desert Protection Act.

We will not meet on Friday, May 27, so that Members may return to their districts for the Memorial Day district work period.

Mr. MICHEL. I thank the gentleman, and I would like to make the observation that the Independent Counsel Reauthorization Act is scheduled, but with no particular time. Could it be programmed for sometime in the week after we have had an opportunity to visit with the special counsel? The gentleman may recall a meeting we had with the Speaker and majority leader and the leadership on both sides in which the Speaker indicated that the majority leader and the minority leader, in company with the Speaker, would probably be meeting with the special counsel, Mr. Fiske, I gathered maybe Tuesday or Wednesday, the early part of this next week. Hopefully, it would be my preference that the consideration then of the extension of the Authorization Act be delayed until after we have had an opportunity to have that meeting.

Mr. BONIOR. I do remember the meeting, and I do remember the discussion well, and I know those requests have been made or are attempting to be made to bring people together to discuss that. I would say to my colleague that I am sure we will consider his request. It seems reasonable. I know we will not proceed on this certainly before the Senate does it. I do not know—I think they do it first, if I am not mistaken.

So I expect the timing can work out to the gentleman's satisfaction.

Mr. MICHEL. I thank the gentleman. Then, since that will be a getaway week next week before the Memorial Day recess period, how late should we be telling our Members they ought to be meeting next week?

Mr. BONIOR. Well, I think we ought to tell folks, for the week, that we are probably going to be meeting until 8 in the evening each night because we have a lot of work to do on the defense bill, especially. And if we want to get a jump start on our appropriation bills, the three that I mentioned, it is going to take a lot of time and a lot of work.

On Thursday, obviously we would like to give Members the opportunity to catch their planes. So we will do the best we can. But we are still, frankly, thinking of 6 or 7 right at this point.

Mr. MICHEL. I thank the gentleman. Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. I thank the Republican leader for yielding.

The gentleman mentioned appropriation bills. We are going to be having the legislative and foreign operations bills, appropriation bills, probably coming before the Committee on Rules. But considering the complex issue of having to cut up the pie, so to speak, for the entire budget, the membership really ought to have adequate notice so that we will have time really to know what is in the 602(b) allocations process throughout the entire appropriation process. We want to be as helpful as we can. But I just hope that the gentleman would be able to assure us that if these are coming to the Committee on Rules or directly to the floor, that Members should be given adequate notice so that they will know what they are voting on.

Mr. BONIOR. We will do the best we can. The fact that these three that are being announced today, I think people are aware that these are the first three out of the box and if they have amendments, we hope to be as generous as we can. If they bring them directly to the floor, of course anything that is germane can be offered. If we end up in the Rules Committee on any one of the three, we hope to be as inclusive as we can as we proceed with the appropriations process.

Mr. SOLOMON. I thank the gentleman.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DREIER. I thank the Republican leader.

Mr. Speaker, I simply would like to inquire of my friend, again, as I asked of the chairman of the Committee on Rules yesterday: What can we anticipate on these appropriation bills coming forward, are any of them going to come directly to the floor?

Mr. BONIOR. There will be some coming directly to the floor, and I suspect that others will go up to the Rules Committee. I believe it will vary on the rule and on the amount and flexibility we have in the Rules Committee, depending on the legislation.

So we are going to try to be as inclusive as we can of Members' concerns. We are not about to close down our appropriation bills.

Mr. DREIER. So that every attempt will be made then to ensure that we do conceivably move appropriation bills under the standards rules of the House.

Mr. BONIOR. Of course.

Mr. DREIER. I thank the gentleman, and I thank my friend for yielding.

Mr. MICHEL. Mr. Speaker, I also would ask unanimous consent that in my remarks I be permitted to include a schedule of the dates or the days upon which amendments have to be filed to comport with what the Committee on Rules has more or less laid down as a guideline for us in the consideration of the measures next week. I think Members ought to all be aware that there are certain cutoff periods of time. So we will put that together unless the gentleman would prefer to have it included with his discourse here. Otherwise we will include it with our remarks so that the Members would know about it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. I thank the Speaker, and I thank the majority whip.

Mr. BONIOR. Mr. Speaker, I have just been advised by staff that the Rules Committee chairman did ask for amendments on foreign operations and legislative branch appropriations.

Mr. MICHEL. If that is all included, I just wanted it for anybody reading the RECORD to know that there are terminal points by which they can submit those amendments. And if they have not gotten to it, they had better get cracking. If there is no other inquiry, I yield back the balance of my time.

□ 1440

ADJOURNMENT TO MONDAY, MAY 23, 1994

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next.

The SPEAKER pro tempore (Mr. KREIDLER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WHY WE MUST RENEW MOST-FAVORED-NATION TRADING STATUS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this very brief time, and I appreciate the forbearance of members of the staff here who have stayed, but I want to talk about an issue that is looming, going to be confronting us in the next few weeks.

As most of my colleagues are aware, by June 3, Mr. Speaker, President Clinton has to make the decision as to whether or not he is going to renew most-favored-nation trading status with China, and this has been an ongoing debate. We are rapidly approaching the fifth anniversary of the tragedy of the Tiananmen Square massacre, and there is, understandably and correctly, a great deal of attention on the issue of human rights and human rights violations which have existed in China.

I think it is very important for us to recognize that there has been dramatic improvement in the human rights situation in China, and we have to look at why it is that that improvement has taken place, and I believe that every bit of empirical evidence that we have today shows that that improvement has come about because of exposure to the West by the people of China. It seems to me that, if we are going to deal with the issue of human rights in China, the most important thing that we can do is to renew most-favored-nation trading status with China and make it permanent.

Why?

Because it has been this exposure to the West, United States business investment in China, which has played a key role in improving the quality of life for people in China and at the same time strengthening ties between the United States of America and the most populous country in the world. China has nearly five times the population of the United States, between 1.2 and 1.3 billion people, and we would, if we were to revoke most-favored-nation trading status with China, not alienate China from the rest of the world. We would alienate the United States of America from the world and, most specifically, the large and very important market of the Pacific rim.

Now, as we have been looking at this debate on human rights, most of us who have been strong proponents of the MFN have had a pattern over the last several years of simply being on the defensive, trying to argue that it is very important for us to maintain this so we can improve the situation.

Well, Mr. Speaker, I have come to the conclusion that it is important for us to go on the offensive on this issue because, as we look at this question, it is going to be more United States business investment in China which will continue to improve the human rights situation there.

As this debate continues, Mr. Speaker, I hope very much that the President will make the right decision. The right decision is in the name of human rights, in the name of denuclearization of the Korean Peninsula, in the name of maintaining support in the U.N. Security Council, in the name of ensuring that we slow weapons exports from China, to renew most favored-nation trading status.

I hope the President makes that decision, and if by chance there is a resolution of disagreement which is offered in this House, I hope very much that my colleagues will reject it so that we can achieve those shared goals that we have.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAFALCE (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. FARR of California (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. GORDON (at the request of Mr. GEPHARDT) for today after 12 noon, on account of official business.

Mr. CLEMENT for today after 12:30 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. LUCAS) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

(The following Member (at the request of Mr. BISHOP) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUCAS) and to include extraneous matter:)

Mr. PETRI.
Mr. CALVERT.
Mr. GILMAN in two instances.

(The following Members (at the request of Mr. BISHOP) and to include extraneous matter:)

Mr. BONIOR.
Mr. KANJORKSI.
Mr. REYNOLDS in 10 instances.
Mr. MONTGOMERY.
Mr. DEUTSCH.
Mr. MORAN.
Mr. MAZZOLI.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Ms. ESHOO in five instances.
Ms. SCHENK.
Mr. ENGEL.
Mr. JACOBS.
Mr. KLEIN.
Mr. DORNAN.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mrs. MEEK of Florida in two instances.
Mr. BERMAN.
Mr. REED.
Mr. LEWIS of Florida.
Mr. SOLOMON.
Mrs. MINK of Hawaii.
Ms. WOOLSEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1485. An act to extend certain satellite carrier compulsory licenses, and for other purposes; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, May 23, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3215. A letter from the Deputy Under Secretary (Environmental Security), Department of Defense, transmitting a report on the Environmental Compliance for the Department for fiscal years 1995 through 1999, pursuant to 10 U.S.C. 2706(b); to the Committee on Armed Services.

3216. A letter from the Secretary of Energy, transmitting a report concerning the Defense Nuclear Facilities Safety Board Recommendation 93-6; to the Committee on Armed Services.

3217. A communication from the President of the United States, transmitting his determination that it is essential to our national security to continue draft registration and the Selective Service System; to the Committee on Armed Services.

3218. A letter from the Secretary, Department of Energy, transmitting the final report of the Insular Area Energy Vulnerability Study, pursuant to Public Law 102-486, section 1406(a) (106 Stat. 2995); to the Committee on Energy and Commerce.

3219. A letter from the Secretary of Health and Human Services, transmitting a report on the appropriate Federal role in assuring access by medical students, residents, and practicing physicians to adequate training in nutrition, pursuant to Public Law 101-445, section 302; to the Committee on Energy and Commerce.

3220. A letter from the Attorney General, transmitting the 1993 Annual Report for the Federal Prison Industries, Inc., pursuant to

31 U.S.C. 9106(A); to the Committee on Government Operations.

3221. A letter from the Privacy Officer, Interstate Commerce Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3222. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3223. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 13 of the act of May 14, 1954, Public Law 358 (33 U.S.C. 988A) as amended by section 805(a)(4) of title XIV of the Water Resources Act of 1986, Public Law 99–662 (100 Stat. 4372) to waive collection of charges or tolls by the Saint Lawrence Seaway Development Corporation; to the Committee on Public Works and Transportation.

3224. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to make discretionary the financial reporting requirements applicable to recipients of certain need-based benefits; to the Committee on Veterans' Affairs.

3225. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1994, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

3226. A letter from the Secretary of Energy, transmitting a comprehensive report on the Clean Coal Technology Program entitled "Coal Diesel Combined-Cycle Project," pursuant to Public Law 102–154; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, and Appropriations.

3227. A letter from the Secretary of Defense, transmitting the Semi-Annual Report on Program Activities for Facilitation of Weapons Destruction and Non-proliferation in the Former Soviet Union, pursuant to Public Law 103–160, section 1207 and Public Law 103–139; jointly, to the Committees on Foreign Affairs, Armed Services, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. H. Res. 431. Resolution providing for further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes (Rept. 103–520). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY (for himself, Mr. Gingrich, and Mr. Peterson of Florida):

H.R. 4464. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Program on Social Ethics and Community Service; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANK of Massachusetts:

H.R. 4465. A bill to amend the Internal Revenue Code of 1986 to clarify the employment status of certain fishermen, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself and Mr. Torkildsen):

H.R. 4466. A bill to amend the Metropolitan Washington Airports Act of 1986 authorizing the Secretary of Transportation to ensure that the American public is fully and properly informed about the perquisites and privileges afforded to Members of Congress who use parking facilities through the Metropolitan Washington Airports Authority; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 4467. A bill to amend title 5, United States Code, to eliminate the existing Federal employee bonus and incentive award programs and establish a program for incentive awards for Federal employees only for suggestions, inventions, or other personal efforts which cause a demonstrable monetary savings to the Government; to the Committee on Post Office and Civil Service.

By Mrs. MINK of Hawaii (for herself, Mrs. Unsoeld, Mr. Romero-Barceló, Mr. Williams, Mr. Klink, Mr. Engel, Mr. Pastor, Ms. Velázquez, Mr. Pickett, Mr. Mollohan, Mr. Calvert, Mr. Skeen, Mr. Martinez, Mr. Kildee, Mr. Abercrombie, Ms. Woolsey, Mr. Cunningham, and Mr. Hilliard):

H.R. 4468. A bill to amend the Higher Education Act of 1965 to reduce certain restrictions on the participation of proprietary institutions of higher education in programs of student financial aid; to the Committee on Education and Labor.

By Mr. PETRI:

H.R. 4469. A bill to restrain health care costs and ensure adequate medical care for all Americans by providing for a State and market-based system of choice among qualified health plans, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, and Education and Labor.

By Ms. SHEPHERD:

H.R. 4470. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable, to phase out such credit for higher-income taxpayers, and to provide for advance payments of such credit; to the Committee on Ways and Means.

By Mr. HUTTO (for himself, Mr. Taylor of Mississippi, Ms. Harman, Mr. McCurdy, Mr. Montgomery, Mr. Ortiz, Mr. Laughlin, Mr. Lightfoot, Mr. Callahan, Mr. Stump, Mr. Everett, Mr. Gibbons, Mr. Roth, Mr. Martinez, and Mr. Solomon):

H.J. Res. 368. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Members of the House of Representatives; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

389. By the SPEAKER: Memorial of the Legislature of the State of Hawaii, relative to returning lands utilized by the United States military in Okinawa to Japan; to the Committee on Armed Services.

390. Also, memorial of the Assembly of the State of California, relative to banking; to the Committee on Banking, Finance and Urban Affairs.

391. Also, memorial of the Assembly of the State of California, relative to banking; to the Committee on Banking, Finance and Urban Affairs.

392. Also, memorial of the Senate of the State of Hawaii, relative to the impact of unfunded Federal mandates on State budgets and economies; to the Committee on Government Operations.

393. Also, memorial of the Legislature of the State of Hawaii, relative to the ratification of the 27th amendment to the U.S. Constitution; to the Committee on the Judiciary.

394. Also, memorial of the Legislature of the Virgin Islands, relative to shoppers visas; to the Committee on the Judiciary.

395. Also, memorial of the Assembly of the State of California, relative to trade agreements; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1128; Mr. Shays.

H.R. 1455; Mr. Hamburg.

H.R. 1709; Mr. Skeen, Mr. Hoagland, Mr. Pomeroy, Mr. Gekas, Mr. Serrano, Mrs. Thurman, Mr. Pickle, Mr. Brewster, and Mr. Slattery.

H.R. 1818; Mr. Torricelli.

H.R. 1840; Mr. Gordon and Ms. Pryce of Ohio.

H.R. 2043; Mr. Carr.

H.R. 2326; Mr. Fields of Louisiana, Mr. Smith of Oregon, Mr. Lightfoot, Mr. Durbin, and Mr. Bateman.

H.R. 2418; Mr. Hall of Ohio.

H.R. 2460; Mr. Hansen, Ms. Lambert, Mr. Costello, and Mr. Pomeroy.

H.R. 2484; Ms. Margolies-Mezvinsky.

H.R. 2788; Mr. Owens.

H.R. 2873; Mr. McCloskey, Mr. Shays, Mr. Traficant, Ms. Eshoo, Mr. Bilbray, Mr. Waxman, Mr. Martinez, Mr. Myers of Indiana, Mr. Hall of Texas, Mr. Crane, Mr. Frost, and Mr. Cramer.

H.R. 2954: Mr. Bachus of Alabama, Mr. Blute, Mr. Hobson, Mr. Packard, Mr. Machtley, and Mr. Minge.

H.R. 3039: Mr. Bliley, Mr. Jefferson, Mr. Tauzin, Mr. Hansen, Mr. Glickman, Mr. Ewing, Mr. Lightfoot, and Mr. McCrery.

H.R. 3128: Mr. Watt, Mr. Edwards of California, and Mr. Waxman.

H.R. 3224: Mr. Wilson and Mr. Waxman.

H.R. 3246: Mr. Chapman, Miss Collins of Michigan, Mr. Cramer, Mr. Farr, Mr. Lewis of Florida, Mr. Martinez, Ms. McKinney, Mrs. Thurman, Mr. Watt, Mr. Hilliard, and Mr. Hall of Texas.

H.R. 3293: Mr. Walsh and Mr. Pickett.

H.R. 3328: Mr. Zeliff.

H.R. 3392: Mr. Tanner.

H.R. 3407: Mr. Jacobs and Mr. Duncan.

H.R. 3472: Mr. Pombo, Mr. Filner, and Mr. Hilliard.

H.R. 3762: Mr. Cunningham.

H.R. 3783: Mr. Gutierrez.

H.R. 3790: Mr. Barrett of Nebraska.

H.R. 3796: Mr. Zeliff.

H.R. 3842: Mr. Mineta.

H.R. 3882: Mr. Torkildsen, Mr. Walsh, Mr. Cox, Mr. Levy, Mr. Hutchinson, Ms. Mol-

INARI, Mr. QUINN, Mr. BURTON of Indiana, Mr. GRAMS, Mr. RAMSTAD, Mr. THOMAS of Wyoming, Mr. BLUTE, Mr. ARMEY, Mr. LIGHTFOOT, and Mr. STEARNS.

H.R. 3900: Mr. STRICKLAND, Mr. SISISKY, Mr. FINGERHUT, Mr. TOWNS, and Mrs. CLAYTON.

H.R. 3906: Mr. EMERSON, Mr. STRICKLAND, Mr. LEWIS of Florida, Mr. INSLEE, Miss COLLINS of MICHIGAN, and Mr. VOLKMER.

H.R. 3949: Mr. WALSH, Mr. COOPER, Mr. DUNCAN, Mr. UPTON, and Mr. PALLONE.

H.R. 3951: Mr. ROWLAND.

H.R. 3990: Ms. FURSE, Mr. HOLDEN, Mr. JEFFERSON, Mr. TUCKER, and Ms. WATERS.

H.R. 4138: Mr. ZELIFF.

H.R. 4306: Mr. JOHNSON of Georgia.

H.R. 4331: Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. MEEHAN, Mr. MINGE, Mr. BARCA of Wisconsin, Ms. SLAUGHTER, and Mr. OWENS.

H.R. 4345: Mrs. MEYERS of Kansas and Mr. MANTON.

H.R. 4353: Mrs. LLOYD and Mrs. THURMAN.

H.R. 4354: Mrs. MINK of Hawaii, Mr. POSHARD, Mr. ZIMMER, and Mr. HILLIARD.

H.R. 4370: Mr. ABERCROMBIE, Mrs. UNSOELD, and Mr. LEWIS of Georgia.

H.R. 4375: Mr. YATES.

H.R. 4400: Mr. SAWYER, Ms. NORTON, Mr. WATT, Mr. BISHOP, and Mr. HASTINGS.

H.R. 4410: Mr. LIPINSKI.

H.R. 4412: Ms. DANNER.

H.R. 4419: Mr. CANADY and Mr. HUTCHINSON.

H.J. Res. 209: Mr. CLAY, Mr. KILDEE, and Mr. ORTON.

H.J. Res. 286: Mr. ANDREWS of New Jersey, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mrs. BYRNE, Mr. CLAY, Ms. DUNN, Mr. DURBIN, Mr. EDWARDS of California, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FLAKE, Ms. FURSE, Mr. GEJDENSON, Mr. GINGRICH, Mr. HEFNER, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KING, Mr. LANTOS, Mr. LEHMAN, Mr. MANN, Mr. MCDERMOTT, Mr. MCHUGH, Ms. MOLINARI, Mr. MURTHA, Mr. OBERSTAR, Mr. ORTIZ, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. RICHARDSON, Mr. ROEMER, Mr. SCHAEFER, Mrs. SCHROEDER, Mr. SKEEN, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TORRES, Mr. VISCLOSKY, and Mr. WISE.

H.J. Res. 297: Mr. QUILLEN, Mr. ARCHER, Mr. BACCHUS of Florida, Mr. DE LUGO, Mr. BOEHLERT, Mr. CRAMER, Mr. FISH, Mr. FOGLIETTA, Mr. DE LA GARZA, Mr. HYDE, Mr. HUTTO, Mr. GONZALEZ, Mr. BARLOW, Mr. GEKAS, Mr. MONTGOMERY, Mrs. CLAYTON, Mr. SOLOMON, Mr. RAVENEL, Mr. REED, Mr. ENGEL, Mr. ORTIZ, Mrs. MEEK of Florida, Mr. TAUZIN, and Mr. VALENTINE.

H.J. Res. 315: Mr. ROTH.

H.J. Res. 326: Mr. BACCHUS of Florida.

H.J. Res. 327: Ms. NORTON, Mr. FRANK of Massachusetts, Mr. CLYBURN, Mr. HILLIARD, and Mr. OLVER.

H. Con. Res. 35: Mr. HOAGLAND, Ms. SCHENK, Mr. ENGEL, Mr. SERRANO, Mr. JEFFERSON, Ms. DELAURO, Ms. PELOSI, Ms. WATERS, and Mrs. UNSOELD.

H. Con. Res. 210: Mr. FIELDS of Texas.

H. Con. Res. 217: Mr. FLAKE and Mr. STRICKLAND.

H. Con. Res. 235: Ms. NORTON, Ms. FURSE, Mr. MAZZOLI, and Mr. VENTO.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 19, May 17, 1994, by Mr. EWING on House Resolution 415, was signed by the following Members: Thomas W. Ewing, F. James Sensenbrenner, Jr., Porter J. Goss, Ron Packard, Cliff Stearns, Rob Portman, Joe Knollenberg, Tillie K. Fowler, Dan Burton, Jon Kyl, Y. Tim Hutchinson, Elton Gallegly, Dan Miller, Peter Hoekstra, Donald A. Manzullo, Bob Stump, Michael Huffington, and Spencer Bachus.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. McCOLLUM on House Joint Resolution 38: Frank D. Lucas.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Nancy L. Johnson, Alfred A. (Al) McCandless, James C. Greenwood, Duncan Hunter, Ileana Ros-Lehtinen, Bob Inglis, Ralph M. Hall, James A. Hayes, F. James Sensenbrenner, Jr., Y. Tim Hutchinson and Peter Hoekstra.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Wayne Allard, James M. Talent and Thomas W. Ewing.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Jerry Lewis, Randy "Duke" Cunningham, Ileana Ros-Lehtinen, C. W. Bill Young, Tom Lewis and F. James Sensenbrenner, Jr.

Petition 16 by Mr. ZELIFF on House Resolution 407: Frank D. Lucas, C. W. Bill Young, Hamilton Fish, Jr., John E. Porter, Ralph M. Hall, Karen English and Marge Roukema.

Petition 17 by Mr. SHAW on House Resolution 386: Dan Burton and Bill Paxon.

Petition 18 by Mr. HASTERT on House Resolution 402: Bill Paxon, Thomas J. Bliley, Jr., Ron Packard, Joe Skeen, Joel Hefley, Gerald B.H. Solomon, Richard H. Baker, Ileana Ros-Lehtinen, Peter Hoekstra, Nancy L. Johnson, James M. Inhofe, Bill Barrett, Alfred A. (Al) McCandless, Robert S. Walker, Rob Portman, Elton Gallegly, Spencer Bachus and David L. Hobson.

EXTENSIONS OF REMARKS

THE PASSING OF MRS. JACQUELINE KENNEDY ONASSIS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. GILMAN. Mr. Speaker, I join with our colleagues in mourning the passing of a truly remarkable woman, at too premature an age.

Each First Lady in our Nation's history—from Martha Washington through Hillary Clinton—has enjoyed a significant impact on our Nation. Few, however, have had as tremendous an influence as did Mrs. Kennedy.

Today, our young people may not appreciate that, prior to the Kennedy administration, the White House was considered a temporary residence by its occupants, and enjoyed little historic significance.

Mrs. Kennedy, virtually single-handedly, transformed the White House into a national treasure. She scoured the Nation for furnishings and trappings of bygone eras, and in many cases through cajolery, convinced private citizens to redonate to the American people items of historic significance. As a result of her crusade, the White House became an invaluable historic landmark during her husband's administration. As hard as it may be to believe today, prior to Jackie Kennedy's tenure as our First Lady the White House was not even officially listed by the Federal Government as an historic site. She vigorously campaigned for this designation, as she also vigorously campaigned for the funding—the vast majority of which was from the private sector—necessary for the restoration and preservation of the White House.

Few of the visitors to the White House today appreciate that it is due to Mrs. Kennedy's efforts that its value as an informative and favorite stopping place for tourists, as well as a historic landmark, is preserved for us and for future generations.

We must not forget, either, that it was through her efforts that the White House, and Washington, DC, became a cultural center. The Center for the Performing Arts, which today is named in memory of President Kennedy, was her inspiration.

Most Americans are well aware and quite conscious of the fact that, during her tenure as First Lady, Mrs. Kennedy set a style of elegance and grace in the White House which captivated the imagination of the world, and which rapidly became the hallmark of Americanism throughout the world. My close friend, Oleg Cassini, served as Mrs. Kennedy's fashion designer and the revolutionary changes he and she made on the styles of the day reverberate to this day.

Not so many Americans are conscious of another, even more indelible contribution made by Mrs. Kennedy: the example she set of dignified courage in the face of overwhelming personal tragedy. The assassination of the President, on Nov. 22, 1963, was one of the most traumatic single events in all of history. President Kennedy's youth and vigor made his sudden, totally unanticipated death all the more shocking and distressing. The fact that the United States had not experienced a Presidential assassination in over 62 years, and the fact that what was then the new electronic age brought the horror of the assassination into virtually every living room in America only underscored the deep emotional impact which it had on all alive at that time. Mrs. Kennedy was only the second First Lady in history to be present at the scene of the awesome crime, and accordingly would have been justified in a total withdrawal from the public eye.

Instead, with infinite grace, Mrs. Kennedy publically led our Nation through its period of mourning. Her grieving face, standing next to President Johnson as he was sworn in just minutes after the assassination, is etched in the public memory forever. She, in fact, is the focal point of all our shared memories of that tragic weekend: her kneeling at the coffin in the Capitol Rotunda; her urging her small son to salute his daddy's casket; and her accepting the folded American flag at Arlington National Cemetery—all of these images are forever frozen in the national consciousness and were indispensable in allowing us to cope with this monumental tragedy.

The assassination of President Kennedy was the first single event in all of history which was known by over 90 percent of all Americans within an hour of its occurrence. Her strength and dignity throughout the 4 days of memorial services did much to keep the Nation united during this time of uncertainty and dread.

Her conduct throughout the remainder of the 1960's set an example which all of us in the future should use as an appropriate role model. Although the tabloid press and the sensationalist elements in our society attempted to utilize her persona to their own ends, she remained above all controversy and criticism in silent dignity, pursuing her own grace and charm while protecting her children from the glare of needless publicity.

Throughout the twilight of her life, Jacqueline Kennedy chose to die with dignity. Her courage in the face of fatal illness, her refusal to be kept alive by artificial means, and her insistence in passing away in the presence of her dearest loved ones have humbled us all. The manner of her passing was an example to all of us on death with dignity, and is tragic only because, at the relatively tender age of 64, we appreciate that she had so much more to contribute and to be with us.

We extend our condolences to her children, John Jr. and Caroline, to her grandchildren, and to the many family members and loved ones who were touched by the life of this remarkable woman.

TRIBUTE TO SGT. LEON C. BLAIR

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Sgt. Leon C. Blair. Attached is a proclamation I issued Sergeant Blair commending him for his work.

PROCLAMATION

Whereas Leon C. Blair is a native of Chicago, Illinois, the son of Etta Mae Blair, he is an alumnus of Tilden Technical High School, where he was an outstanding athlete and a citywide Basketball Champion; and

Whereas Sergeant Blair has prepared himself academically, he matriculated at Loop Junior College, Chicago, Illinois earning the Associate of Arts Degree in Law Enforcement, Roosevelt University, Chicago, Illinois, earning the Bachelor of Arts Degree in public administration, completed eighty hours of specialized training in Narcotics and Dangerous Drug Law Enforcement, under the Federal Drug Administration Department of Justice; and

Whereas Sergeant Blair joined the Chicago Police Department in 1962, he has served thirty-one years in various assignments, Traffic detail, Gang Crimes, Tactical Unit, Vice and Unit, Detailed Security to Governor Elect Dan Walker, State of Illinois, Chicago Housing Authority Unit, Gambling, Patrol Division, Sergeant of the thirty plus uniformed detail, assigned to City Hall and the Mayor's Office, he is a member of the Afro-American Police League, the Sergeants Association of the Chicago Police Department, and the National Organization of Black Law Enforcement Executives; and

Whereas Sergeant Blair is a member of Kappa Alpha Psi Fraternity, Inc. serving as Chairman of the fraternities Annual Achievement Dinner, and Chairman of the Sick and Welfare Committee, he is Vice President of the Board of Directors of Christ Universal Temple, Coordinator of the Men's organization, Co-Coordinator of the Safety Committee, and a National Board Member of the Rat Pack Foundation dispensing annual scholarships to College bound students each year: Now, therefore be it

Resolved, That the Congress of the United States of America wishes to acknowledge the accomplishments of Sergeant Leon C. Blair, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO MARIANNE J. CROWDER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Marianne J. Crowder, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its Lifetimes of Achievement Award.

Marianne J. Crowder is an exceptional woman who has danced for all but the first four of her 88 years. She has been a respected and beloved teacher of dance and physical well-being to three generations of mid-peninsula students. At Standford University she taught a fundamentals of movement class and choreographed dances for plays and operas from 1949 to 1968. Also in 1949, Mrs. Crowder began 39 years of teaching through the Palo Alto Adult School, and she still holds 6 classes a week at the Menlo Park Recreation Department. Some students have been with her for 35 years.

Mr. Speaker, Marianne J. Crowder is an outstanding member of our community. I ask my colleagues to join me in congratulating her on receiving a Lifetimes of Achievement Award.

THE REVEREND WILLIAM F. LEMOYNE WAS POPULAR PRIEST IN SCHUYLERVILLE, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. SOLOMON. Mr. Speaker, for many Catholics in Schuylerville, NY, the Reverend William F. LeMoyne was the only priest they have ever known.

Father LeMoyne has retired after 45 years in the priesthood. A French-Canadian, Father LeMoyne moved to the northeastern United States for his pastoral training. In 1949, he was ordained in Albany's Cathedral of the Immaculate Conception. After several other assignments, Father LeMoyne came to Notre Dame de Lourdes Visitation Church in Schuylerville.

Although many changes have taken place, both in the world and in the Catholic Church since that 1949 ordination, Father LeMoyne, according to everyone who knows him, has remained a dedicated and accessible priest, involved in the community, and gifted with the knack of getting his parishioners involved.

Whenever a priest of long-standing retires, his replacement is likely to be confronted with reminders of the way his successor used to do things. Typical of Father LeMoyne's graciousness is the effort he is making to ease the transition to a new pastor.

The affection of non-Catholics for Father LeMoyne is equally strong. Indeed, at the recent farewell for him many of Schuylerville's civic organizations took part, including the local fire department and emergency squad.

I would like this House to pay its own tribute. Mr. Speaker, I ask all Members to join me in commending Father William LeMoyne for his years of devotion to the priesthood and his flock, and to wish him many enjoyable retirement years.

TRIBUTE TO JACK HAEHL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and generous individuals, Jack Haehl, who is also affectionately known as Mr. Corte Madera.

The town of Corte Madera is conducting a dedication ceremony in his honor to inaugurate improvements to the Village Square this Saturday, May 21, 1994. Jack Haehl was instrumental in achieving these renovations, and as many people acknowledge, the project would not have been completed without his vision. Today, I wish to recognize Jack for his commitment to the people of Corte Madera and Marin County, and to thank him for his years of service to the community.

Jack Haehl has influenced the lives of so many individuals. As a schoolteacher at Terra Linda High School, Jack was a strong role model for his students, and he taught them how to express themselves through the arts. For years, he organized the crafts exhibit at the Marin County Fair, and his redwood carving representing Corte Madera hangs proudly in the Veteran's Auditorium. We are also fortunate that Jack shares his appreciation for the historical aspects of the town of Corte Madera, and that he has been so dedicated in helping others to achieve a clearer understanding of how they can be a part of the town's history.

There is no doubt that throughout his years in the community Jack effectively articulated Corte Madera's values by helping to maintain and define its "small town character." He helps the community set its objectives, and works with them to ensure that the community's goals are accomplished.

These are only a few of the many reasons that the people of Corte Madera continually express gratitude for the tireless efforts of Jack Haehl. Time and time again he has extended himself on behalf of so many people and causes.

Of course, no recognition would be complete without also mentioning Jack's equally dedicated wife, Ms. Corte Madera, Jana Haehl. Together they have made our town, our county, and our world a better place.

Mr. Speaker, it is my great pleasure to pay tribute to Jack Haehl and to congratulate him for this achievement on this special occasion.

TRIBUTE TO ROBERT L. SCOTT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Robert L. Scott, who is completing an extremely successful 2-year term as president of the United Chambers of Commerce of the San Fernando Valley. Bob has proven himself not only a skilled business leader, but also someone who can function well in a crisis.

In the chaotic days after the Northridge earthquake Bob coordinated with both the Small Business Administration and the Federal Emergency Management Agency to ensure that affected businesses received prompt assistance. Due to the efforts of Bob and others, many San Fernando Valley businesses were back on their feet quicker than expected.

Prior to the earthquake Bob had already established his credentials as a dynamic head of the UCC. The organization, which represents 21 chambers and more than 10,000 businesses in the San Fernando Valley, has never been visible or active. It was Bob's goal to increase the profile of the United Chambers of Commerce of the San Fernando Valley, and he has been successful in achieving this objective.

Bob's community involvement does not stop with the UCC. He is a member of the Los Angeles Board of Planning Commissioners, chairman of the Los Angeles City Task Force for Code Simplification and Permit Streamlining, and is vice president of the Santa Clarita Valley Chamber of Commerce. In addition, he is a full time practicing attorney.

We ask our colleagues to join us in saluting Bob Scott, an outstanding business leader in the San Fernando Valley and a man who cares deeply about his community.

FEDERAL GOVERNMENT BONUS REFORM ACT OF 1994

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. JACOBS. Mr. Speaker, I am today introducing the Federal Government Bonus Reform Act of 1994.

Quite often, agencies of the Federal Government seem to give tax-paid bonuses to employees whenever the agencies take a notion to do so. And, of course, the bonus does not come out of the pocket of the decision maker. This practice amounts to something on the order of "whoopee."

This reform legislation would provide that, if a tax-paid bonus were given by the U.S. Government to a U.S. Government employee, it would have to be for something. Here's what the bill provides:

THE FEDERAL GOVERNMENT BONUS REFORM ACT OF 1994

The bill would:

First, repeal the authority of the Federal Government to pay certain bonuses.

Second, authorize the President to make a cash award to employees who by their personal efforts or accomplishments: (a) contribute to the overall efficiency of Federal Government operations; and (b) achieve demonstrable savings to taxpayers.

A cash award paid under this act could not exceed $1,500.

LIFE IN LITTLE HAITI

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mrs. MEEK of Florida. Mr. Speaker, a human rights tragedy is occurring in Haiti: a consistent campaign of terror by the ruthless regime in power against the Haitian people. As we all know and the administration has finally acknowledged, this is a political campaign of terror being waged against supporters of President Jean-Bertrand Aristide. It has intensified in recent weeks.

As sponsor of H.R. 3663, the Haitian Refugee Fairness Act, I applaud President Clinton's commitment to stop the summary repatriation of Haitians fleeing their country by boat. However, it concerns me greatly that Haitians currently interdicted are being summarily returned to Haiti and afforded no protection at all.

Mr. Speaker, these are human beings. Men, women and children with hopes and dreams. We must act in the most fair and humane way possible to ensure their safety and well-being. I am inserting in the RECORD a Washington Post article by William Booth that provides a glimpse into the lives of the many Haitians who have settled in Little Haiti in my district.

"WORK, WORK, WORK": IN LITTLE HAITI, LIFE IS HOPEFUL BUT HARD

(By William Booth)

MIAMI, May 18.—As the Clinton administration dispatches more ships to intercept a feared mass exodus of Haitian "boat people," a classic tale is unfolding here on the streets of Little Haiti, where the nation's most unwanted immigrants pursue their own version of the American dream.

On the nightly news, Haitian immigrants appear as a desperate and diseased people, walking barefoot down the gangplanks of U.S. Coast Guard cutters, another burden to the already overwhelmed courts and schools of South Florida. Under pressure from state officials, President Clinton has vowed to keep them out.

But the negative image fades against the vibrant scenes of life in Miami's Little Haiti. Here the streets are lined with storefront churches and mom-and-pop businesses selling medicinal herbs, beepers, mangoes and health insurance, while members of a growing, economically mixed community of more than 100,000 are filling adult education classes, opening beauty salons and struggling to survive.

"Work, work, work, church, school and more work. That is the life of Haitians in this country," said Tony Garcon, a Haitian who came to Miami 14 years ago and now cooks at a country club, a job that allows him to take vacations and send his children to school back in Haiti, where he says there is better discipline.

During two dozen interviews, most Haitians and their advocates said they believed Haitians would stop coming to the United States if the political violence, repression and economic stagnation in their homeland ended.

Haitians described their lives here as hopeful but very hard. Many are disturbed by the crime and discrimination, and parents complain that their children are becoming "too American," meaning unruly and disrespectful.

"In almost all respects, the Haitians are the typical immigrant ethnic community, people who really come to the States for a better life, to get their kids an education, to sacrifice for the next generation," said Alex Stepick, a sociologist at Florida International University who has studied the Haitian community for more than a decade.

But the Haitians face unique obstacles too, Stepick said. They are from the poorest country in the hemisphere; they are black; and they are immigrating to a city where the balance of power is shifting away from English-speaking Anglos and toward relatively affluent Spanish-speaking Cubans and other Hispanics.

Thrown into the mix is the unease felt between many American-born blacks and Haitians, seen in schoolyard fights and in the fact that Haitians do not move into traditionally black neighborhoods a few blocks away.

Clinton administration and state officials say they fear a mass exodus of Haitians to South Florida will swamp local government, already struggling with past waves of migration. Florida Gov. Lawton Chiles (D) is using the federal government to recoup the hundreds of millions of dollars he says the state has spent caring for, teaching and incarcerating illegal aliens, including the Haitians.

But calculating the real costs—and benefits—of the Haitians is not so easy. Many Dade County officials said they are not sure how much the Haitians consume; nor do they believe that the Haitians are any more "costly" than the Nicaraguans, Dominicans, Colombians and Cubans who have settled here.

As a community, Haitians are praised by officials in Miami as industrious and law-abiding. It is not unusual for Haitian immigrants to work two and or sometimes three jobs for minimum wage. Many attend school besides, either to learn English or a trade.

"Our adult classes are absolutely crammed with Haitians," said Henry Fraind, assistant superintendent of the Dade County schools.

Raymond and Clotilde Sylverne and their four children came to Miami two years ago from Port-au-Prince, where Raymond worked as an accountant and Clotilde as a government receptionist. Because of their ties to the exiled government of Jean-Bertrand Aristide, both were granted political aslum here.

After getting two months of free rent, the Sylvernes now live in a spartan duplex on a tough street in Little Haiti. They have been robbed twice. They want a better house, but cannot afford one.

Raymond works at night as a security guard for $5.20 an hour. During the day, he takes five hours of English classes at Miami-Dade Community College. He sometimes falls asleep in class.

"But I keep going. My English must be good," he said. "Without English, nothing." A counselor has suggested that, after he improves, he should seek training in health care, perhaps as a medical technician.

Clotilde works at a children's day care center for $4.50 an hour and takes free English classes at night. The two see each other in passing.

"Tired, tired, all the time," Clotilde Sylverne said. The couple laughed when asked if they had been to Disney World in Orlando; they have neither the time nor the money.

Two of their children go to Toussaint L'Ouverture Elementary School, where 80 percent of the pupils are Haitians. One son will go to a magnet school next year.

The Sylvernes get $159 a month in food stamps and Medicaid for their children. They have used Medicaid once in two years.

As soon as they earn more money, Raymond Sylverne said, his family will stop taking public assistance. "It's no good," he said, "It's for poor people."

The Sylvernes live in the middle of Little Haiti on a dilapidated side street behind Notre Dame d'Haiti, the large Catholic church that serves the Haitian community and holds services in Haitian creole.

The history of Haitians in Dade County is brief. When the first recorded boatload of immigrants detected by the U.S. Immigration and Naturalization Service arrived in 1963, they were sent back to Haiti. By 1981 there were between 50,000 and 70,000 Haitians. Today, there are more than 100,000 reports Oliver Kerr of the Dade County Planning Department.

Kerr said recent patterns of settlement show Haitians are moving into more affluent areas north and west of Little Haiti. They are also moving to Homestead, the agricultural area hardest hit by Hurricane Andrew, where they work in construction and landscaping and on vegetable farms, displacing migratory Mexican labor. More and more Haitians, many of them middle class, are moving to Miami from New York, Boston, Chicago and Canada.

While some Haitians rely on food stamps and Medicaid, social workers say that many seem reluctant to take public assistance and often view it as a dead-end.

Dade County officials say they do not know exactly how many Haitians seek help because they cannot ask the question of ethnicity. But they said they believe that many Haitian children and pregnant women seek medical care at county clinics, where they must either have Medicaid or pay from $8 to $50 for their visits.

Officials have often warned that Haitians could overwhelm the school system, but of the 307,000 students in Dade County, only 7,000 are Haitian-born. The principal of Toussaint L'Ouverture Elementary said only about 75 of the 1,200 students need intensive English instruction.

The language problem, however, is more severe at middle and high schools, where many Haitian students who recently arrived in Miami—the "just-comes," as Haitians call them—must learn English and often struggle with their other classes.

Danielle Romer, the program coordinator of An Nou Koze, a Haitian-help hot line, said that among the biggest problems she hears about are Haitian parents frustrated by unruly teenagers who become too Americanized.

"They keep sending them back to Haiti to go to school," Romer said. "I don't think it's right. But in Haiti, kids don't talk back to their parents."

Like the Cubans who came before them, many Haitians live in an immigrant enclave and socialize mainly with other Haitians.

In Little Haiti, it is possible to buy Haitian Prestige beer at L'Unique Minimarket; eat *griot* and *lambi* at Restaurant BeBe; listen to Haitian merengue at Les Cousins; monitor one of the dozen creole radio programs; and worship in a church where the liturgy is in creole.

But unlike the Cubans, whose middle class and elites fled the island in the early 1960s after the ascendancy of Fidel Castro, the Haitians did not arrive with money or organizations. Nor have they benefited from the almost $1 billion in aid that the federal government funneled to the Cubans in the decade after their arrival.

To work, Haitians have to learn English and often some Spanish. And they must leave the enclave and compete with others for jobs.

In the last few years, the number of homegrown Haitian civic clubs, business associations and advocacy groups has exploded, and the leaders of the Haitian American Chamber of Commerce say that more than 350 Haitian businesses are operating in Dade County.

Still, for the average Haitian in Miami, the immigrant's story is still about sacrifice. "We are tired, tired, tired," said Raymond Sylverne. "Sometimes all we want to do is go to sleep and have some dreams."

TRIBUTE TO WILEY C. COSEY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Wiley C. Cosey of the First Corinthian Missionary Baptist Church. Attached is a proclamation I issued the reverend commending him for his work.

PROCLAMATION

Whereas the Reverend Wiley C. Cosey is a native of St. Louis, Missouri, reared and educated in Clarksdale, Mississippi, served his country enlisting in the United States Army in 1941, and

Whereas Reverend Cosey acknowledged his call to the ministry and was ordained in 1960. In January of 1962 he was elected Pastor of the First Corinthian Missionary Baptist Church where he served faithfully for the past 31 years and continues to serve, and

Whereas Reverend Cosey is a world traveler with a mission, traveling to Jerusalem in 1985, and to the African Continent several times, helping to build two churches and two schools, and

Whereas Reverend Cosey is a former President of the Pastor's Conference of Chicago and Vicinity, in 1989 the church building was destroyed by fire, today by the Grace of God, a new 800 seat church now stands in its place, the ministry continues to grow with a soup kitchen for the poor, weekly clothing and food distribution, and

Whereas Reverend Cosey is a family man married to Ms. Eloise Johnson since 1943, with two adopted children, a girl and a boy from Africa—Reverend and Mrs. Cosey are truly a rare couple, who live by their church motto, "The greatest joy in living is the joy you get from giving": Now, therefore be it

Resolved, That the United States Congress wishes to acknowledge the accomplishments of the Reverend Wiley C. Cosey.

TRIBUTE TO JOHN V. BEAHRS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute John V. Beahrs, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its prestigious Lifetime of Achievement Award.

John V. Beahrs has balanced a 40-year career in the marine insurance business with a remarkable commitment to community service. He served as a forthright member of the Palo Alto City Council from 1963 to 1977, coining the term "balanced community" as a civic goal. His public service includes working as founding president of the board of directors of the former Palo Alto Stanford Hospital Center, founding president of the board of directors for the Bay Area Hospital Council, former director of the Lucile Salter Packard Children's Hospital, and former director of the Ronald McDonald House. In addition, he has been an extraordinary volunteer for the Senior Coordinating Council of Palo Alto, Family Service Association of the Mid-Peninsula, Palo Alto Historical Association, and St. Mark's Episcopal Church.

Mr. Speaker, John V. Beahrs is an outstanding member of our community. I ask my colleagues to join me in congratulating him on receiving a Lifetime of Achievement Award.

BERWICK HALL OF FAME HONORS THOSE MAKING OUTSTANDING CONTRIBUTIONS TO SOCIETY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to call my colleagues' attention to a wonderful program that has been implemented in my district that recognizes individuals that have made outstanding contributions to society.

The Berwick Academic Hall of Fame honors alumni of Berwick High School who have gone on to a life of excellence after graduation.

The first induction ceremony was held on May 19, 1990. In addition to being a graduate of Berwick High School, honorees must have been out of school for at least 10 years before they can be nominated.

The Hall of Fame is the brainchild of Mr. Arthur Wark. A former educator himself, Mr. Wark has worked to promote and support academic and volunteer programs for more than 60 years.

In addition to serving as director of the Hall of Fame, Mr. Wark has worked closely with the youth programs in the YMCA, Boy Scouts, and various school and church groups throughout the years. He started the local Little League and Midget Football programs which have been running for more than 40 years. Mr. Wark helped establish the Berwick High School Sports Hall of Fame and was one of its first inductees. He is a member of the National Academy of Educators and is listed in the "Who's Who in Education." Because of his dedication to the youth of the area and academics, the Berwick Chamber of Commerce and Industry created a special Arthur K. Wark award that is given every year to a graduate of Berwick High School in recognition of outstanding volunteer community service.

Perhaps the most admirable thing about the Academic Hall of Fame is that in addition to recognizing past graduates, the program works with current students to provide incentive and encouragement to excel in their studies by providing citations and awards to good students. It also works to keep students in school through its Project RETAIN Program.

Mr. Speaker, we all know of the importance of a good education and what it can allow an individual to attain and achieve. On May 21, 1994, the Hall of Fame will induct its newest members. I would like to take this opportunity to congratulate those who will become members of the Berwick area High School Academic Hall of Fame and all those associated with the program, and especially Mr. Arthur Wark, for their work on behalf of this admirable and innovative program.

RABBI NORMAN PATZ

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. KLEIN. Mr. Speaker, I am very proud to join Temple Sholom of West Essex, Cedar Grove, NJ, in expressing my congratulations to Rabbi Norman Patz for his 25th year at the temple, in addition to celebrating the temple's 40th anniversary.

Rabbi Patz arrived at Temple Sholom of West Essex in 1969. In addition to his work at the temple, he is currently the chairman of the Israel Committee of the Central Conference of American Rabbis. He served as past chairman of National UJA's rabbinic cabinet. Also, he was chairman of the MetroWest Community Relations Committee from 1985 to 1988, a member of the federation's board of trustees, and a chair of the Holocaust Remembrance Council of MetroWest.

In addition to these activities, Rabbi Patz was the past president of the New Jersey Association of Reform Rabbis and the Metropolitan New Jersey Conference on Soviet Jewry. Moreover, he was a member of the Board of Rabbinic Overseers of the Hebrew Union College-Jewish Institute of Religion from 1981 to 1988.

Rabbi Patz has received awards for his work. In 1980, he was the recipient of the Rabbinic Leadership Award of the Jewish Community Federation of Metropolitan New Jersey. Also, he and his wife, Naomi, received the Masada Award by the State of Israel Bond Organization. He was given an honorary doctor of divinity degree by HUC–JIR in 1990 as well.

I applaud Rabbi Patz' hard work for the community, and it is with great pleasure that I wish him a wonderful anniversary at Temple Sholom of West Essex.

TRIBUTE TO ELDER DELMUS ALBERT ALLEN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Elder Delmus Albert Allen of the Sion Temple Church Of God in Christ. Attached is a proclamation I issued Elder Allen commending him for his work.

PROCLAMATION

Whereas Elder Delmus Albert Allen is a native of Blytheville, Arkansas, where he also matriculated at Harrison High School, he is married to Rosie Lee Allen, who has labored faithfully by her husband's side, especially with the Youth Ministry, Elder Allen is the father of six children and thirteen great grand children; and

Whereas Elder Allen was employed by the Chicago Transit Authority as a Motorman for thirty years prior to his retirement. He is a former member of the St. James Church Of God In Christ where he served as Assistant Chairman of the Deacon Board and YPWW Instructor, in 1972 the Lord Called Elder Allen to the Gospel Ministry, later Pastor Allen enrolled in the Charles Mason Seminary; and

Whereas Elder Allen was led by God to establish the Sion Temple Church of God In Christ, Chicago, Illinois, the Lord prospered the congregation to purchase it's first new church home and later it's present location at 1800 West 79th Street, Chicago, Illinois; and

Whereas Elder Allen has provided housing in the Englewood Area for those with little or no resources, has fed the hungry, continues to help uplift downtrodden humanity, leads souls to Christ, and continues to be a steadfast role model in the community: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Elder Delmus Albert Allen and the Sion Temple Church Of God In Christ, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO BEATRICE CILKER HUBBARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Beatrice Cilker Hubbard, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its Lifetimes of Achievement Award.

Beatrice Cilker Hubbard has been a tireless volunteer leader for youth and seniors for over 50 years. While she cites her family—five children and twelve grandchildren—as her greatest achievement, she has devoted considerable energy to the PTA—serving as its president at Palo Alto's Walter Hays and Jordan Schools—the Boy Scouts, Junior Red Cross, and the Junior Auxiliary to the former Stanford Children's Hospital. Her work to help save a downtown preschool has left a legacy—the Parents' Cooperative Nursery School. Mrs. Hubbard actively supported her late husband, Wesley "Bud" Hubbard, when he was a Santa Clara County supervisor and chaired the $1.5 million capital campaign that created today's Senior Center of Palo Alto. Mrs. Hubbard also has served twice on the board of directors of the Senior Coordinating Council of the Palo Alto area and is active with the Senior Center auxiliary.

Mr. Speaker, Beatrice Cilker Hubbard is an outstanding member of our community. I ask my colleagues to join me in congratulating her on receiving a Lifetimes of Achievement Award.

TRIBUTE TO MSGR. JOHN PATRICK CARROLL-ABBING

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. DEUTSCH. Mr. Speaker, I rise today on behalf of John Ricciardelli, a close friend and constituent. Mr. Ricciardelli is the Florida chairman of the National Board of the Boys Towns of Italy as well as its tireless advocate. It is through his commitment that I have become familiar with the Boys Towns of Italy and how I come today to pay tribute to the humanitarian efforts of Msgr. John Patrick Carroll-Abbing. The Monsignor's work has spanned the course of the last half-century and has served to establish and preserve the Boys Towns of Italy.

Born in Dublin, Ireland, Monsignor Carroll-Abbing moved to Rome in 1930 to join the priesthood. Ordained a priest in 1937, he was appointed to Vatican service later that year. It was the Monsignor's subsequent work in World War II, during which he founded many first aid stations and organized a group called Medical Aid, that he first became acquainted with the orphans created by the war. This involvement with distressed World War II civilians led to his involvement with the war's orphans. Touched and amazed by the fortitude of these children, the Monsignor was compelled to work on their behalf. Many of these young orphans aided the Monsignor in his war relief efforts.

The winter of 1944 was marked by food shortages and misery. After seeing the starving boys pressed against the walls for heat, the Monsignor felt a personal responsibility to help them. No existing institution would take the orphans, so the Monsignor established the "Shoeshine" Hotel where he lived with the orphans. The daily work was divided among the residents of the hotel, with each boy having his own responsibilities. Soon enough the group grew too large for the Shoeshine, and the Monsignor was prompted to acquire vacant army barracks outside the city.

In 1945 Monsignor Carroll-Abbing founded his first Boys' Town 45 miles from Rome. The purpose of the Town was simple, to give orphaned or abandoned children a home. The Boys' Towns were run completely by the children. They shared in the work responsibilities and learned to respect one another. Monsignor Carroll-Abbing raised money worldwide to pay for these life savings Boys' Towns.

The dreams of Monsignor Carroll-Abbing have been realized today with nine Boys' Towns and one Girls' Town in Italy, all run by the Monsignor's international Boys' Towns of Italy—the organization which he established. Orphans in Italy no longer go without homes. Beside the Towns which he established, the Monsignor's organization also donates money, clothes, medical care, furniture, and time to children in need worldwide.

Today, Monsignor Carroll-Abbing's touch is felt around the globe. He has extended his aid across seas and continents. More than 400 refugees from Africa and Asia who suffered due to war, famine, and disaster have found a home in the Monsignor's Boys' Towns. In addition, the Monsignor travels around the world to disaster sights to assist in relief efforts, on each occasion with the help of children.

With the world changing as fast as it has, Monsignor Carroll-Abbing has changed with it. He has worked with children with drug addictions, who have attempted suicide, who are runaways, and who have committed acts of violence. He has an understanding with the Italian courts which allows him to gain custody of children who have been orphaned or are delinquents. His ability to communicate with youths has only been overshadowed by his generosity and kindness.

Monsignor Carroll-Abbing's major contribution to the world has been to give opportunity to a group of forgotten children who would have otherwise lacked it. Msgr. John Patrick Carroll-Abbing has served humanity throughout his life; whether they be orphans, delinquents, or children in need, Monsignor Carroll-Abbing is a man who has touched, changed and saved the lives of thousands of children. For more than 50 years he has dedicated himself to improving the lives of children. Monsignor Carroll-Abbing is a man who should be revered by all, and overlooked by none, as one of the great humanitarians in history.

SALUTE TO ROBERT J. CONNER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. MONTGOMERY. Mr. Speaker, Robert J. Conner, assistant to the Sergeant at Arms and counsel for a wide range of special projects and studies, is today concluding a long and distinguished career in Washington, DC. Bob has served the office of the Sergeant at Arms well and was an enormous asset to this institution. His character and good sense of judgment have given him a wide circle of admirers among my colleagues.

He also has given selflessly of his own time by being a volunteer lecturer on issues of Government at colleges and universities throughout the United States. The lessons and observations that he has amassed through his years of service with Government, beginning as a page in the other body, and in the private sector will continue to be made available to the future generations that will serve this Nation.

All of us in this House wish him and his charming wife, Peggy, all the best as they travel the new and exciting roads that lay ahead of them.

TRIBUTE TO REV. WILLIE C. AUSTIN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Willie C. Austin of the New Israelite Missionary Baptist Church. Attached is a proclamation I issued Reverend Austin commending him for his work.

PROCLAMATION

Whereas The Reverend Willie C. Austin is a native of Cuthbert, Georgia, moving to Chicago in 1953, he matriculated at the Chicago Baptist Institute, Chicago, Illinois earning the Associate Arts degree in 1983 and the Bachelor of Arts degree in Religion, 1985; and

Whereas Reverend Austin is a family man and a role model in our community, he is married to the former Miss Jannie Green, they are the proud parents of one son, Gregory and one daughter, LaShaun; and

Whereas Reverend Austin has served the Church his whole life, he was crowned a Deacon in 1960 in the Mount Pleasant Missionary Baptist Church, served as Superintendent of the Junior Department Sunday School, Director of the Junior Church, General Superintendent of the Sunday School for fifteen years, Scout Master, Director of the Baptist Training Union, he responded to the Call to the Gospel Ministry and was Ordained November 21, 1976, following Ordination Reverend Austin served as Assistant Pastor of the Mount Pleasant Missionary Baptist Church, currently he is the Second Vice President of the New Era District, National Baptist Convention, Chicago, Illinois; and

Whereas Reverend Austin was elected Pastor of the New Israelite Missionary Baptist Church, December 1983. Under Reverend Austin's leadership the mortgage to the previous location on South Ashland Avenue was paid off and the present location was obtained, new departments and ministries were initiated: the Missionary Society, Educational Scholarship Committee, Youth Department, a special relationship with four Nursing Homes ministering to the Senior Citizens, sponsoring a Pre-Thanksgiving Dinner for Senior Citizens, a special ministry to a girls home in the community, and Vacation Bible School: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Willie C. Austin and the New Israelite Missionary Baptist Church, Chicago, Illinois, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO MARY E. LANIGAR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Mary E. Lanigar, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its prestigious Lifetime of Achievement Award.

Mary E. Lanigar is a role model for professional women. As one of the first women to become a certified public accountant [CPA] in the country, she served as a pioneer in her field. Ms. Lanigar carved out a career that began as the first woman partner to join Arthur Young and Company in San Francisco. On her retirement in the 1970's, she accepted directorships with several major corporations, including Wells Fargo & Co., Transamerica Corporation, and Castle and Cooke, Inc. Her business acumen also has been put to extensive use in the nonprofit world. Her community work includes serving as director and president of the Children's Health Council, trustee of the Palo Alto Medical Foundation, and the first woman member of the Business Advisory Committee of the Greater Action Center, formerly the Resource Center for Women.

Mr. Speaker, Mary E. Lanigar is an outstanding member of our community. I ask my colleagues to join me in congratulating her on receiving a Lifetime of Achievement Award.

TRIBUTE TO THE AMERICAN ARABIC AND JEWISH FRIENDS OF METROPOLITAN DETROIT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. BONIOR. Mr. Speaker, I rise today to commend the American Arabic and Jewish Friends of Metropolitan Detroit for sponsoring their eighth annual scholarship dinner. This Sunday, May 22, the group will be hosting its annual dinner to raise funds for college scholarships for high school seniors of Arabic and Jewish descent.

Established in 1981, the friends are a model of cooperation committed to peace and friendship. They are dedicated to promoting greater understanding between the Arab and Jewish communities in southeast Michigan.

Whereas the peace process is taking its first steps in the Middle East, Jewish and Arab-Americans have been walking down the road to peace in Michigan for many years. I commend them for their desire to put aside their differences and focus on our common interests.

It is particularly encouraging to see a joint effort between these communities that promotes education. It is often ignorance that maintains the walls of misunderstanding. However, through their educational efforts, the friends have been building bridges of understanding for more than a decade. The lessons they are teaching should be well heeded by all who believe in peace.

I ask all my colleagues to join me in saluting the American Arabic and Jewish Friends of Metropolitan Detroit. Their contributions to the rich tapestry of American heritage are to be applauded.

A TRIBUTE TO AL REID

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. CALVERT. Mr. Speaker, it is unfortunate that the primary role models for so many Americans are the glamorous people we see in the mass media. Our heroes come not from the real world, but from television sports shows, music videos, and movie theaters.

Certainly, it is not wrong to have sports or film heroes, but it is unfortunate that so many of us overlook the heroic qualities of those who are not blessed with natural music talent or special athletic ability. There are so many other Americans who have qualities that are worth our recognition and admiration.

One of these citizens is Mr. Albert J. Reid of California.

Mr. Reid is not a sports hero or a movie star. And he certainly won't be making any music videos. But, Al represents what America is all about. He served his country in World War II. He raised a family—a wife, five children, and eight grandchildren. And he has worked hard his entire life.

He began a career in outdoor advertising in 1954, becoming a prominent player in the industry in California. He was instrumental in the implementation of the Highway Beautification Act in California, and championed the cause for fair and legal city sign ordinances, protecting prominent and historical billboards on the San Francisco Skyway and the Sunset Strip in Los Angeles.

For 38 years, Al worked for the same outdoor advertising company. He was the prime legislative representative for the company, and was active in both the Outdoor Advertising Association for America and the California State Outdoor Advertising Association, serving as the latter's president for over a decade. And, quite remarkably, during this 38 years, Al Reid took only 1 sick day.

Al also assisted many nonprofit organizations with donations of time, billboard space, and money. Organizations promoting traffic safety, crime prevention, AIDS awareness, sickle cell anemia awareness, and drunk driving prevention are just a few of the groups that benefited from his assistance.

In addition, Al served as a member of the board of directors of the SCARE Foundation and the Catholic Youth Organization.

Al Reid recently celebrated his 70th birthday. He may not be a movie star or a sports hero, but he has worked hard, played by the rules, and set a good example for others. He is the kind of person who makes America the great country that it is.

TRIBUTE TO PASTOR FITZ BARCLAY, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Pastor Fitz Barclay, Jr., of the Morgan Park Pentecostal Church. Attached is a proclamation I issued Pastor Barclay commending him for his work.

PROCLAMATION

Whereas Pastor Fitz Barclay, Jr., is a native of Chicago, Illinois, the son of Bishop Fitz and Mrs. Geraldine Barclay, he is a graduate of the Paul Lawrence Dunbar High School, and the loving father of three children; and

Whereas Pastor Barclay prepared himself academically, he matriculated in Mexico City, Mexico, in graduate Bilingual Education Studies in 1971–1972, Southern Illinois University, Carbondale, Illinois, earning the Bachelor of Science degree in English with a Minor in Spanish, Governors State University, Park Forest, Illinois, Master of Arts degree in English and Communications, Trinity College Seminary, Deerfield, Illinois, Master of Divinity Degree; and

Whereas Pastor Barclay has excelled in dual careers for over twenty years, as an English teacher in Thornridge High School, Dolton, Illinois since 1972, he has also taught English and Spanish in Central Y.M.C.A. College, Olive-Harvey College, and Richard Daley College, Chicago, Illinois, in 1978 he was Called to Pastor Morgan Park Pentecostal Church, Chicago, Illinois, host church for the Sixth Annual Men's Midwest Regional Conference, encouraging the "African-American Male;" and

Whereas Pastor Barclay is a Community Leader he is a member of the Morgan Park/Beverly Ministerial Alliance, Board Member of the Evangelical Elementary School, Morgan Park High School-Local School Council, and the State of Illinois Gang Taskforce: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Pastor Fitz Barclay, Jr. by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO H. DONALD WINBIGLER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute H. Donald Winbigler, dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its Lifetimes of Achievement Award.

H. Donald Winbigler is an exceptional community servant whose commitment to Stanford University began in 1941 and continued into the 1990's. After teaching at Stanford for 5 years, he became university registrar in 1945, coping with the post-war jump from 4,385 to 7,000 students. He was the dean of students for 14 years before serving as academic secretary to the new faculty senate from 1967 until his retirement in 1974. In 1980, he directed President Donald Kennedy's inaugural celebrations, and later served on the Stanford Centennial Committee.

Mr. WInbigler has also served as president of the Palo Alto Kiwanis Club and director and chairman of the YMCA, in addition to working with the Boy Scouts. As a result of his extensive commitment to the YMCA, he was the first recipient of the prestigious YMCA Red Triangle Award. His awards also include the Hall of Achievement Award from his alma mater Monmouth College.

Mr. Speaker, H. Donald Winbigler is an outstanding member of our community. I ask my colleagues to join me in congratulating him on receiving a Lifetimes of Achievement Award.

CONGRATULATIONS TO JOB CORPS

HON. LYNN SCHENK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Ms. SCHENK. Mr. Speaker, I rise today to support and applaud the efforts of the Job Corps centers in my State. Job Corps is a Federal program which offers education, job training, basic health care, 24-hour residential supervision, and counseling to our Nation's at-risk youths. The six Job Corps centers in my State of California serve approximately 6,000 disadvantaged young people annually. Every year, 2,300 young women and 2,600 young men get jobs or enroll in higher education after receiving basic education and job training through Job Corps. My State's Job Corps centers train young people in over 50 trades, as well as offering parenting classes and social skills training.

I am pleased to add that there is a highly successfully Job Corps center in the community of Imperial Beach in my district. Founded in 1978, this center boasts an impressive 85-percent placement rate for these at-risk youth in either jobs or educational programs. The 650 students currently enrolled perform services for various nonprofits in the community. Last year it was estimated that San Diego Job Corps donated more than $10,000 in services and construction in our community.

This year, Job Corps celebrates its 30th anniversary. This Federal program has been operating in California for 29 years and is a great boon to my State for both its economic and social contributions. The program means so much to our at-risk young people who want to turn their lives around and break the cycle of poverty, dependence and lack of education. Job Corps makes them self-sufficient, employed tax-paying citizens. Economically, each Job Corps center offers about 140 jobs for people from the community. Job Corps students, as part of their training, complete over $22 million in free community service construction projects nationwide each year.

Mr. Speaker, I would like to salute all the students who choose to enter this outstanding program. I commend the committed Job Corps staff who work so hard. No wonder this program has an almost 30-year track record of success and returns $1.46 from every dollar invested.

I am so proud of Job Corps in California. I believe we need more Job Corps centers to help more young people face their challenges and become productive citizens. That is why I support the enrichment and long-term expansion of this much-needed program through the Job Corps 50–50 plan, a long-term initiative to enrich existing services and to incrementally expand the program by building 50 new centers to serve 50 percent more poor youth in the next decade.

THE INTRODUCTION OF LEGISLATION TO AMEND THE 85/15 RULE OF THE HIGHER EDUCATION ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mrs. MINK. Mr. Speaker, on July 1, thousands of students stand to lose their student financial assistance and be forced to leave school because their post-secondary institution will no longer be eligible to participate in Federal financial assistance programs.

The Department of Education estimates that up to 50 percent of all for-profit trade and technical schools will lose their eligibility because of the 85/15 rule established in the Higher Education Act Amendments of 1992.

The 85/15 rule, which is scheduled to go into effect on July 1 of this year, requires that proprietary institutions obtain no more than 85 percent of their revenues from Federal financial assistance programs in order to retain eligibility for such programs.

The purpose of the 85/15 rule was to assure that proprietary schools were not overly dependent on Federal funds. However, the regulations promulgated by the U.S. Department of Education require proprietary schools to count student and parent loans as Federal funds, which means that more than 50 percent of these schools will no longer be eligible to participate in Federal student financial assistance programs.

While the Federal Government provides a guarantee for student loans, the loan capital is obtained from private sources. Furthermore, parents and students are required to repay these loans. These loans should not be counted as Federal funds.

Today, I along with 17 colleagues have introduced legislation which will exclude loans from being considered as revenues derived from Federal financial assistance programs for the purposes of calculating whether a school has met the 85/15 rule.

To allow hundreds of trade and technical schools and career colleges to close their doors is inconsistent with our efforts in the recently passed School-to-Work Opportunities Act, which focuses on skill training, and current efforts to expand education and training for individuals on welfare. Proprietary institutions provide valuable training and educational services for those individuals that do not go onto college and nontraditional students who are already in the workplace, or reentering the work force, and want to gain the skills necessary to get a better job.

I urge my colleagues to support this legislation and help keep the doors of educational opportunity open to low-income individuals in our Nation.

TRIBUTE TO BISHOP MELVIN CRAWFORD

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Bishop Melvin Crawford of the Church of the Living God. Attached is a proclamation I issued the Bishop commending him for his work.

PROCLAMATION

Whereas Bishop Melvin Crawford was born in Clarksdale, Mississippi, to Leah and Moses Crawford, the youngest of ten children, six boys and four girls, Bishop Crawford and his late wife Overseer Beatrice Crawford were married for over fifty years; and

Whereas Bishop Crawford has always been very industrious, and an entrepreneur, he migrated to Memphis, Tennessee seeking better opportunities at the age of twelve, there he worked for the Humko Packing Company for five years, saving enough money to purchase his mother a home. He served in the United States Army for three years in the one hundred and eighty second Medical Corps, he and Mrs. Crawford saved enough money to start the Crawford Brothers Grocery, the first Black owned business on fifty-ninth and State Street in Chicago, to improve his business skills he attended the Miller's Business College, later he opened a Tastee Freeze which he operated for ten years; and

Whereas Bishop Crawford and his family were the first Blacks to move to the West Englewood Community, from their home they began religious services under the Church of God Pillar and Ground Of The Truth, the Church serves the community through food give away programs, summer youth employment program, Job Training in Construction Rehab for Ex-offenders, and a Senior Citizens Program and more; and

Whereas Bishop Crawford is a Community Leader, he has worked to ease racial tension when the Englewood Community was in a racial transition, he is committed to helping the poor, he is a member of Operation P.U.S.H., The Minister's Alliance, President of the World wide Rainbow Development, and the Senior and Chief Bishop of the Church of the Living God, P.G.O.T.: Now, therefore, be it

Resolved, That the Congress of the United States of America wishes to acknowledge the accomplishments of Bishop Melvin Crawford and his late wife, Overseer Beatrice Crawford, by entering these accomplishments in the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress of the United States of America.

HONORING SENIOR CITIZENS COORDINATING COUNCIL OF RIVERBAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. ENGEL. Mr. Speaker, I would like to pay tribute today to the Senior Citizens Coordinating Council of Riverbay, which is celebrating its 20th year as sponsor of the Co-op City Multi-Service Center.

As a resident of Co-op City, I have supported and followed the growth of the SCCC over the years. The original concept, conceived in 1973, was to form a group with representatives of the six volunteer-operated senior clubs in Co-op City. Together, they could work toward ensuring the efficient delivery of services to the community. The plan has worked.

The SCCC now sponsors two vital programs serving hundreds of senior citizens in the community. The multiservice center helps the elderly gain access to a range of programs, such as home-delivered meals and community based health care. The Co-op City Nutrition and Recreation Program operates at three sites in Co-op City, and also provides meals to the homebound.

The SCCC is responsible for maintaining a decent quality of life for many senior citizens. It is a difficult mission that requires dedication and caring. I have seen first-hand the positive results of the work put in by the SCCC's administrator, employees and volunteers.

Therefore, I congratulate all the people who have been involved in the success of the SCCC and thank them on behalf of my constituents. I look forward to working with the SCCC for many more years to come.

HONORING LONA BOGGS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. HOYER. Mr. Speaker, I rise today and address this House to recognize Mrs. Lona Boggs, a grand American, for her commitment to her family, her community, and her country.

Mrs. Boggs retired some years ago after a long career as a farm wife/homemaker and then out of necessity began a career with and retired from the Charles County Board of Education. She turned 80 in January of this year and is still going strong as a homemaker. Mrs. Boggs is a founding member of the United Methodist Church in La Plata. She enjoys gardening and quilting, which is why I want to bring this lady to your attention. She recently won the grand prize at the Clark Senior Center in La Plata for her entry in the Maryland seniors art competition. Her art is a beautiful hand made quilt with a lonestar pattern. Her work will be displayed in Annapolis on July 8 along with other winners of competitions held around our State.

I congratulate Mrs. Boggs and ask now that the following article be included in the RECORD.

[From the Maryland Independence, May 18, 1994]

A SENIOR STITCH: LA PLATA 80-YEAR-OLD WINS SENIORS' ART CONTEST

(By Debra Zimmerman Murphey)

Lona Boggs is having her 15 minutes of Andy Warhol-predicted fame. And she is 80 years old.

Recently, at a well-attended gathering at the Richard R. Clark Senior Center, Boggs joined the ranks of other county seniors who have been singled out for a prestigious award: the Best in Show winner in a state-sponsored art contest held yearly in each Maryland county and in Baltimore City.

"I called my children," Boggs says almost sheepishly, "and told them I was a celebrity."

And as the now-deceased pop artist Warhol said years ago about everyone experiencing fame at some point in their lives, Boggs' moment in the spotlight has come.

Boggs, who lives in La Plata, decided this year to enter the contest. She submitted her now revered "lonestar" patterned quilt in the competition, which is part of a statewide effort to improve the quality of seniors' lives and focus on their accomplishments. For the past three years, Charles County residents have often entered intricate woodcarvings and contemporary paintings to earn that top award.

Boggs' choice to enter the contest came months ago after she dropped by the Clark center to show its staff the multi-colored quilt she had worked on from April 1993 to January of this year. As a result of that visit, the employees encouraged her to enter the quilt, explaining that this was the first year quilts were being considered as art. "I didn't think it was hard quilt this," Boggs explains. "A lot of people will work on a quilt for two to three years."

But then Tuesday, May 3, came around, and Boggs sat in an all-purpose room at the Clark center for the much-awaited announcement of who had won in the four separate categories (woodcarving, works on paper, works on canvas and quilting) and, lastly, for the Best in Show.

"I said, 'Not me,'" Boggs recalls, her hand moving to her chest the way it had that day after she claimed the No. 1 spot. "I was really shocked.

First-place winners in the divisions were Robert Hale, wood-carving; John Neubauer, works on paper; Cecile Stotesbury, works on canvas; and Boggs for quilting.

Days later, while sitting in a chair where she often works on her quilts, Boggs thinks back to her first taste of locking thread and needle with material. "I was raised in West Virginia and we always had quilts, but they were made for warmth. Our beds were covered with quilts my mother made. . . . The women would get together and have quilting bees. They would go from neighbor's house to neighbor's house and quilt all day."

She adds: "As a girl, I had done a little quilting, but then I got married and had children and didn't have the time."

More than a half of a century later, Boggs has kept that connection to family as part of her quilting, a hobby she pursued after retiring in 1980 from the board of education. Today, she is working on her 13th quilt (for a grandchild), with others—with the exception of the prize quilt—having gone to her children and grandchildren. Boggs says she is not interested in the hefty, more-than-$1,000 prices her quilts could bring.

Kneeling down, Boggs traces her hands across the crisp cloth, and the precise stitching, to explain the work that went into the quilt. The more than 300 pieces are sewn together, each angled corner becoming part of the cover. Another quilt, the one Boggs works on now, is called applique (the pieces are sewn onto a piece of cloth and their edges mask the stitches), and Boggs uses it to explain the way her quilting is exacted.

On nights, when she was working on the winning quilt, she would spend hours sewing—but never with the thought of winning any award. "I kind of thought I might win for the quilts (category)," she admits reluctantly. "But not overall. In my life, in terms of winning, I have never had anything that compares to this."

She pauses, then smiles and says: "Just being proud of the quilt means the most."

But Boggs is not only interested in quilting. A widow, she travels extensively and has visited most of the United States as well as England and several Scandanavian countries. Her favorite remains picturesque Wales.

Her other activities include vegetable gardening, a weekly ceramics class she takes at the senior center, membership in the 2-N-1 seniors' organization and the Patchworkers' Quilt Club, church activities, housework, visiting with friends and shopping at the mall.

Boggs is upfront about her husband's death 17 years ago, explaining that several years after he suffered a stroke when he was 56, the family sold their 120-acre farm in St. Mary's County and later settled in La Plata. "The doctor talked to me and said, 'You just can't depend on your children. They have their lives and you have to live yours,'" she remembers.

So, Boggs continued working and retired when she was 65. Although she has journeyed beyond the county's borders, it is Charles County that has earned her devotion. "My family moved from West Virginia to Southern Maryland in 1940. We settled in St. Mary's County for one year and then moved to Charles County and I lived there until 1950, when we bought the farm and moved to St. Mary's County," Boggs says.

In 1968, Boggs and her husband moved back to Charles County and made La Plata their home. "I like this area because I like the people," she says. She adds that La Plata's small-town environment, family members who have stayed in Charles County, and her long-time affiliation with a county-based Methodist church are the prevailing reasons for her staying here.

Boggs' honors for earning the award include a luncheon in July for all the Best in Show winners and a weekend getaway. But it is the joy she gets from looking at the swirl of peach, dark blue, mauve, medium blue and green bundle of cloth that has meant the most. "I believe it's the prettiest quilt I've made," she says before adding that she will keep this one.

"Quilting is relaxing. It's peaceful to sit down with something in my hands to work on," says Boggs. "It's something that you create and it's an art that has been forgotten for so long. . . . I don't think about selling them. I just want my children to have something that I made."

TRIBUTE TO BISHOP ARTHUR M. BRAZIER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my Congressional District, Bishop Arthur M. Brazier, Episcopal leader of the Sixth Episcopal District of Illinois of the Pentecostal Assemblies of the World. Attached is a proclamation I issued Bishop Brazier commending him for his work.

PROCLAMATION

Whereas Bishop Arthur M. Brazier is a native of Chicago, Illinois, he matriculated at Moody Bible Institute, Chicago, Illinois, receiving several Honorary Degrees, the Doctor of Divinity Degree, William Holmes College, Doctor of Humane Letters, North Park College, Doctor of Laws, Monrovia College—Industrial Institute of the African Methodist Episcopal Church, and the Rockefeller Public Service Award—Princeton University; he served his country in the United States Army, three years and two months during World War II with duty in China, Burma, and the India Theater of Operations, decorated with the Good Conduct Medal, and two Battle Stars for Central and Northern Burma Campaigns; and

Whereas Bishop Brazier is a community leader, a man blessed with many gifts and talents, he was the first president of the prominent Woodlawn Organization, presently he serves as a Chicago Housing Authority Commissioner, he is one of four critical advisors to the famous Hanna-Barbera Productions, Inc. for the award winning children's videotapes, "The Greatest Adventure: Stories From the Bible," he also speaks French fluently; and

Whereas Bishop Brazier was elected to the office of Bishop in 1976, he is the Episcopal leader of the 6th Episcopal District of Illinois of the Pentecostal Assemblies of the World, he is a Pastor/Scholar serving as an instructor at North Park College and Theological Seminary for two years in Church and Community, published several articles, an author, a lecturer at the University of Chicago Law School, North Western University Law School, Harvard University, Antioch College, and New York School of Social Work; and

Whereas Bishop Brazier was called to the pulpit of the Apostolic Church of God in May of 1960, under his pastoral leadership the congregation grew from 70 to over 9,000 parishioners, the congregation outgrew its facilities twice, constructing a new facility at 6303 S. Kenwood, again God Blessed and the increase came and a new church seating more than 3000 at a cost of $6 million dollars was constructed, the Church's "Saving Grace Ministries," is aired on Channel 26 in Chicago, and Channel 55 in Milwaukee, seen in Indiana and Michigan, and a Bible Teaching hour on radio station WYCA, a book store and many other ministries to help people: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Bishop Arthur M. Brazier by entering these accomplishments into Congressional Record and Archives of the One Hundred and Third Congress.

NELSON MANDELA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. MAZZOLI. Mr. Speaker, an article about Nelson Mandela written by Richard Cohen for the Washington Post on May 12, 1994, describes the unique and remarkable man who has emerged from decades in prison to become the first President of a unified South Africa.

I commend to the attention of my colleagues the following article about Nelson R. Mandela.

[From the Washington Post, May 12, 1994]

THE WONDERFUL MYSTERY OF MANDELA

(By Richard Cohen)

Albert Einstein's brain remains in the possession of Dr. Thomas Harvey of Lawrence, Kan., who has over the years peered into it to discover the secret of genius. He has learned nothing. But if, as Alexander Pope wrote, the proper study of mankind is man, let us study the living Nelson Mandela. He is, as the gentle Einstein himself would have acknowledged, an even greater miracle. Nothing accounts for the man except the man himself.

Over the course of the last several weeks, I would find myself pausing in my work to ponder the mystery of Mandela. On occasion, I would sit in the car, not going into the house until this or that report from South Africa had concluded. Always the voice of Mandela urged reconciliation: no retribution or vengeance, inclusion instead of exclusion, love instead of hate. Why?

Mandela humbles psychology. Where in his childhood do we find the clues to his character? He was raised in a polygamous household, four wives, of which his mother was the third. His father died when he was 12. He loved the stunningly beautiful Winnie, divorcing his first wife to marry her, but a life on the run and, later, in jail meant he saw her seldom. Daily, in jail, he would dust her photo, and it was 20 years before prison authorities allowed them to embrace. When, finally, they separated, he said, "My love for her remains undiminished."

He lived underground and on the run and paced a cell on Robben Island, South Africa's Alcatraz. He was treated like dirt, but he came out of prison with his immeasurable dignity intact. He said prison "matured" him, but nearly three decades earlier, at his trial in 1964, he uttered words remarkably similar to those we've heard recently: "I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society." He was sentenced to prison for the rest of his life. He was 44 when he went in, 71 when he got out.

Maybe Primo Levi could have explained Mandela. The one-time Italian chemist, a Jew, went through Auschwitz, but wrote about his experience without bitterness. Levi extolled work, the occupation of the hands and the mind, raising vocation to virtually metaphysical heights. In the end, it seemed he couldn't escape Auschwitz after all. He killed himself in 1987, but if he turned bitter and angry he never showed it—not in his writing anyway.

Mandela has that Levi quality—and then some. His lack of rancor is downright dumbfounding. In an age of strutting, vengeance-seeking political leaders, he is an anomaly. Never mind 27 years in jail. Never mind the time robbed from fatherhood and marriage—bedtime stories, and bed, the mundane pleasures that are the condiments of life. Like all black South Africans, he suffered on account of his skin. As good as any man, better in fact than most, he was treated little better than an animal. The essence of apartheid wasn't segregation, it was a forced mortification, an incessant humiliation by the state. There is ample reason for anger here.

I was in South Africa once. Mandela was still in jail. I stayed a week and never went back. I never wanted to. That gorgeous country, so spectacular in its natural beauty, seemed to me a dismal place, a vast jail where all the nonwhites were inmates. I remember asking cabdriver after cabdriver to take me to the station where the trains from Soweto came in. None of them knew the place. Someday they would, I thought. The payback was surely coming. Mandela may yet prove me wrong.

Mandela refutes an entire historical theory. There are those who believe that no single person is of historical importance. Movements—social, economic, religious—are the engines of change. For the most part I believe that. It is not Ronald Reagan who brought down the Soviet Union but the illogic of communism. The late philosopher Sidney Hook argued otherwise. He said here and there were great men who on their own changed history.

Mandela vindicates Hook. With the self-discipline of a biblical martyr, with the force of his own personality, with a keen appreciation that evil is a useless term when applied to a whole people, with all of that and something else, Mandela has so far held together a nation that is not really a nation at all. It is, instead, a place with a name. Its problems are immense—ethnic tribalism, racial tribalism, economic tribalism and, of course, the core tribalism of individual political egos. In the end, South Africa may well go the way of Africa. If it does not, Mandela will be the reason.

At his inauguration, Nelson Rolihlahla Mandela was characteristically embracing. He did not hail the victory of one race or ideology over another but instead proclaimed his triumph as "a common victory for justice, for peace, for human dignity." Here again, he was being inclusive, inviting everyone to savor a truly marvelous historical moment. Mandela rebukes most of us. As with Einstein's brain, it would be folly to examine the cause of Mandela's greatness. Maybe, as he would probably prefer, we would be better off studying another question: Why can't more of us be like him?

THE WAR ON DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. GILMAN. Mr. Speaker, the Clinton administration is apparently in full retreat in the war on drugs. In a Washington Post op-ed article today, May 20, 1994, Lally Weymouth notes that the administration has permitted cuts in the budget of drug czar Lee Brown, the State Department's Bureau for International Narcotics Matters [INM], and the Drug Enforcement Agency. In addition the administration is reportedly no longer sharing real-time, i.e., contemporaneous, intelligence with Peru and other Latin American countries to help interdict planes carrying illicit drugs.

We have also learned that the House Foreign Operations Appropriations Subcommittee has just cut the State Department INM budget by one-third again for fiscal year 1995. The United States must be able to fight the traffickers and producers overseas before unlimited supplies of cheap and high quality drugs reach our streets, schools, and workplaces. These budget cuts will hinder and harm our Nation's efforts in our drug war. Obviously there is a void in Presidential leadership on fighting drugs.

Illicit drugs affect our crime rate, health care costs, worker productivity, and the very future of many of our Nation's youth here at home. By neglecting the battle against drugs overseas, our domestic problems will surely worsen.

Mr. Speaker, I request that Ms. Weymouth's op-ed be inserted at this point in the RECORD.

THE DRUG WAR: ANOTHER RETREAT

One argument used by Randall Robinson in calling for a U.S. invasion of Haiti—an idea popular among some Clintonites—is that Haitian military officials are involved in drug trafficking.

But if the administration wants to cut down the flow of drugs to this country, it can do better than invade Haiti. Indeed, Haiti's a virtual nonplayer in the drug wars. The real damage is being done elsewhere.

It's already well known, for example, that the administration has slashed the budget of drug czar Lee Brown. The White House has also acquiesced in cuts in the State Department's bureau for international narcotics, has made deep personnel reductions in the Drug Enforcement Agency and has reduced the Defense Department's drug budget—all of which casts a measure of doubt on the Clinton team's commitment to the war on drugs.

What isn't known is that the administration is also in the process of phasing out a key drug interdiction program that has succeeded in preventing tons of cocaine from reaching America's streets.

During the Bush administration and indeed until recently, Washington shared "real-time" (i.e. contemporaneous) intelligence with Peru, Colombia, Mexico, Bolivia and Guatemala, in an effort to allow those countries to force down drug-carrying aircraft so their illicit cargoes could be seized. The program also allowed the United States and its Latin American allies to track planes loaded with drugs as they flew north from Colombia. The goal was to apprehend traffickers at transit zones in Mexico, the Caribbean and Guatemala, to seize the planes and to confiscate their cargoes. In addition, American AWACs and ships tracked the drug-trafficking planes on their return to Colombia, so they could be seized upon landing. Meanwhile, Washington developed sophisticated techniques to allow U.S. authorities to actually pick up drugs when planes dropped them—either in the Caribbean or in southern Mexico.

A key component of the war on drugs involved persuading Peru to take control of its own air space. This was deemed essential, since 70 percent of the cocaine that comes to the United States originates in Peru. From Peru, the pre-processed cocaine (two-thirds of the world's supply) is moved, primarily by small aircraft, to Colombia, where it is processed and then shipped abroad—mostly to America.

But on May 1, the United States stopped sharing "real-time" intelligence with Peru and other Latin American countries, bringing the drug interdiction program to an abrupt end. Administration lawyers—with Defense Department attorneys in the lead—explained that a 1985 amendment to the 1948 Chicago airline convention forbids the United States from sharing intelligence with a country that might use it to forcibly shoot down civil aircraft.

Clinton administration lawyers have elected to read the amendment to include the entire spectrum of nonmilitary aircraft, even the small civil aircraft used by drug traffickers in illegal flights over foreign air space.

Former Bush and Reagan administration officials regard the Clinton team's reading of the 1985 amendment as overbroad in the extreme. They believed there was no problem so long as U.S. personnel were not knowingly involved in a decision taken by a host country to shoot down a plane.

Moreover, a high-ranking Bush administration official notes that "the U.S. has the ability to be certain that what we give . . . foreign host countries . . . is a trafficker aircraft." There are ways to identify drug trafficking aircraft, adds a former DEA official.

As things stand, there's a major interagency fight underway in Washington, with State Department officials fighting to preserve the interdiction program while both the military Joint Chiefs and the Department of Defense staunchly oppose doing so.

Lacking "real-time" intelligence from the United States, there's no way for Peru or Colombia to know where a drug-filled aircraft is flying or has landed. If these countries can't force a drug trafficker plane to land, the result will be an inability to prevent the movement of massive amounts of pre-processed cocaine from Peru to Colombia. In the end, more cocaine will enter the United States.

"If a substance from a foreign country was coming into the U.S. and causing young white males to kill each other, we'd take whatever measures would be necessary to stop it," says John P. Walters, who was deputy director of the Office of National Drug Control Policy during the Bush administration. But Walters points out that most drugs go to inner cities.

Race is often employed far too easily to explain unwelcome policies. But in the case at hand, it may well be that Walters has a point.

TRIBUTE TO REV. EDWARD CLARK

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, The Reverend Edward Clark of the Good Hope Missionary Baptist Church. Attached is a proclamation I issued the Reverend commending him for his good work.

PROCLAMATION

Whereas The Reverend Edward Clark was born in Yazoo, Mississippi, in Yazoo County, the son of John and Annie Clark, he is a family man celebrating thirty-four years of Holy Matrimony to his wonderful bride, Bernice Horton; and

Whereas Reverend Clark accepted Jesus Christ at the age of twelve, he joined the Good Hope Church in Tchula, Mississippi, in Holmes County, at the age of fifteen he was a Sunday School Teacher, from the age of sixteen through eighteen he served as the Sunday School Superintendent, upon moving to Chicago, Illinois in 1959 he united with the St. Paul Baptist Church, under the pastorate of The Reverend J.J. Taylor, where he served in the choir and on the Deacon Board; and

Whereas Reverend Clark matriculated four years of Seminary 1974–1977 at the Moody Bible Institute, Chicago, Illinois, in August 1979 he organized the Good Hope Missionary Baptist Church, Chicago, Illinois; and

Whereas Reverend Clark has led the congregation to acquire it's present church and educational building, and reaching out to the community through giving food and clothing to the needy, scholarship foundation for needy high school graduates, Adopt-A-School Program, William Henton Elementary School, and a Christian Education program for all ages, Reverend Clark is a shepherd, a community leader, a business man, and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Edward Clark and the Good Hope Missionary Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

SCHOOL FOR SCANDAL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. DORNAN. Mr. Speaker, I commend to the attention of my colleagues an editorial by Mark Helprin that appeared in the March 25 edition of the Wall Street Journal. The article discusses the many scandals that continue to plague President Bill Clinton.

SCHOOL FOR SCANDAL

(By Mark Helprin)

Now that the bloom is off the rose, the White House oracles are thumping their naked tails in unison to protest that Whitewater is political. Surely they deserve the Nobel Prize for the discovery that political scandals have a political component, and if they continue their researches perhaps they will also learn that the measure of a scandal is not the material of scandal itself but the political dynamic of which the unfolding scenario is but an expression.

Though liberals hallucinate much about Watergate, Richard Nixon was forced to resign because he was the first American president to lose a war. The rest was merely the instrument of the underlying forces, a shadow play. By the same token, Iran-Contra was a result of the complete isolation of Republican political fortunes in the executive, an island in a tide of Democratic power that threatened to wash over it.

The corruption of Whitewater are like the fruit of a richly bearing tree, and it seems that every day a new dead hand rises from a misty Arkansas lake, but they are not the true measure of Whitewater. Whitewater flourishes only because the Clinton administration is condemned to rest in a politically short-sheeted bed of its own making.

What a bad idea to begin a messianic presidency with only 43% of the popular vote: less than polled by Wilkie, Dewey, Stevenson, Nixon, Ford and Dukakis when they lost. And of that 43% many were unaware of Hillary hiding in the bushes to the left of the candidate, like the 900-pound boyfriend of a voluptuous girl hitchhiker. As soon as Hillary got into the car, she bumped out all but the president's core constituency, the 25% to 30% who will be with him to the end.

You would think that with such a narrow base the White House "Hillarys" (highly inexperienced left-liberal academic righteous yuppies) would have trodden carefully. But they did not, for their abiding faith in the power of their own intelligence to manage the unmanageable amounts to nothing more than abject stupidity, and they acted accordingly. No president in living memory has exulted in his victory with the same immodesty, the immediate punishment for this being that the early Clinton administration came to resemble a science fiction character who ages 50 years in less than a minute.

They were blinded to their limitations by the slavish obedience of a press that, tempting the fates, portrayed the Clintons as saviors, saints, and divine beings, literally with angel's wings. And though flackery is just a rubber band—the more you stretch it out, the harder it snaps back—it did the impossible. It quintupled the arrogance of the most arrogant people in America, a triumphalist coterie of graduate students who accord to the hard left the same uneasy respect that most people reserve for the clergy, and grow teary-eyed over bats, squirrels and caribou as with barely concealable pleasure they sacrifice whole regions of rednecks.

This is not merely the arrogance of victory and of youth, but of lawyers. Lawyers, like undertakers, meddle decisively in everyone's business, but only after it fails. Most are redeemed by understanding that their power comes from this peculiar circumstance, but Clintillians seem to think it comes from a Christ-like glow within themselves. Is it surprising that they believe their first task is to heal the sick? And that to do so they need only redesign the country after they have given it "meaning," banished its greed, and put it on the information superhighway to lap-top heaven? They are the missionaries, and we are the Hottentots.

Not everyone in this group is as callow as the president's media director, who told the Journal last year of his plans for "'BC–TV,' Bill Clinton, on TV, 24 hours a day." And not everyone is a networked crony or a token Zoe or a chicken tycoon, all put in place (if not yet confirmed) in the most incompetent explosion of patronage since Caligula appointed his horse.

For at least half a dozen grown-ups have agreed to help Bill Clinton, mostly eminent retreads who in their days of glory were Carter's Little Liver Pills, and who, even now, after all these years, still move about on little marshmallow feet—Les Aspin, impotent even at his own speciality of gutting the military; Warren Christopher, breaking into every foreign garden and running away when the dog barks; David Gergen, hand welded to the ejection lever; Donna Shalala, praying that the next state dinner she won't be seated next to George Hamilton; Lloyd Cutler, happy but worried, as if Neil Diamond had been asked to conduct the Berlin Philharmonic.

Even the grown-ups cannot save Bill Clinton from himself, if only because they cannot have any idea of how to carry the quicksilver from the flames. Granted, in questions of sincerity the president is perpetually condemned to be upstaged by his vice president, though for the country's sake let us hope that Al Gore is not as sincere as he appears to be, for with sincerity like his, who needs fraud? Fraud is what Whitewater, and the administration, are all about: fraud—pious, tawdry, financial, sexual, political, plain, simple and habitual.

Fraud. Somewhere between the core of the left and the 43% plurality that made Bill Clinton commander in chief are the American voters who thought they were supporting a "New Democrat" and wound up instead with slightly more buttoned up version of the Village People. Boris Yeltsin, who ought to know whereof he speaks, calls Bill Clinton a "socialist," and General Jaruzelski, the former military dictator of Poland, looking more than ever like one of the three blind mice, says that he still retains the values of the left and that, "Actually, in Clinton's program I see elements I like a lot."

Fraud. Thomas Mann of the Brookings Institution states that "We would be condemning him if he didn't pull back [from his campaign promises], because he would be an irresponsible president." That is, the president had to lie to you for your own good. The president lies responsibly. Not only does he remain morally superior when he lies, his lying actually makes him morally superior. This goes beyond the normal corruptions of American politics onto the airless and unfamiliar plains of totalitarianism.

Fraud. In a wonderful reversal of Boss Tweed's immense public outlays for "Brooms, etc.," the president tells the New York times that he does not want a congressional inquiry into Whitewater because "it would not be worth the money it would cost." He doesn't want a congressional inquiry into Whitewater, because he wants to save money. Does the president think he leads a nation of idiots? The answer is yes, but he is just cautious enough to speak indirectly, when, of his wife, he says: "If the rest of the people in this country—if everybody in this country had a character as strong as hers, we wouldn't have half the problems we've got today."

These are not the words of Louis XVI, Juan Peron, or Nicolae Ceausescu, but of the president of the United States defending his overbearing wife by insulting the rest of the country. Had a Republican president said this, he would have been put in the ice cream case within minutes. Nor has any president of sound mind and body ever had the temerity to install the first lady in a virtual co-presidency in which she stalks about the country giving speeches, appears before Congress, supervises at least one cabinet department, and is the chief of his (her?) administration's most ambitious initiative. Though in Whitewater mode it is to the Clinton's advantage to dismiss this with offended innocence, they and their supporters have been trumpeting it for more than a year.

The president has reinvented government, and the United States of America now has not one chief executive, but one and a half. This rather profound change is not the result of a constitutional amendment or even informed debate. It just happened. It has embarrassed Congress and escaped the condemnation of an anesthetized press. It is the solid and identifiable core of an otherwise mercurial cloud of hubris, arrogance and petty corruption. It is the ultimate expression of the nature of this presidency, in which the rules exist only for everyone else, because the work of the elect in remaking the world is too important to fetter with laws and truth.

Were it not for the fact that the president's own party dominates Congress, the press, the universities, public education, Hollywood, publishing, local and state government, the unions, and bureaucracies everywhere, the assumption by Hillary Rodham Clinton of the powers of an office to which she did not accede would be a constitutional crisis. It should be a constitutional crisis. But it is not. It is, instead, sublimated in scandal. It is, instead, the driving force in the conflict of which Whitewater is but the instrument, the mere expression, and the shadow play.

JACQUELINE KENNEDY ONASSIS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REED. Mr. Speaker, I rise to express my condolences on the death of an extraordinary American, Jacqueline Kennedy Onassis.

Jacqueline Kennedy Onassis had a special place in the hearts of Rhode Islanders. Her youthful summers in Newport, her joyous wedding at St. Mary's Church, all of these affiliations with Rhode Island gave us a particular pride. This pride grew with each passing year as we saw her claim an equally special place in the hearts of all the world.

For those of us who grew up in the exciting days of the New Frontier, she will always be part of our consciousness. Along with President Kennedy, she brought a special energy and style to the national scene. In those heady days, with two youthful vigorous and accomplished residents of the White House, we felt that anything was possible.

Jacqueline Kennedy brought to the White House a sophistication and charm that endeared her to everyday Americans and world leaders alike. President Kennedy remarked after his historic trip to France that he would be remembered simply as the man who brought Jackie Kennedy to Paris.

She radiated a special beauty and serenity that captivated us all. I remember, as a young boy, watching her televised tour of the White House. I was enthralled with her evocation of our history. She conveyed not only the importance of the White House as a symbol of our political heritage and her commitment to recognizing American arts; she also made us feel at home in her home and the home of her family.

When one stops and considers her life, we are struck with myriad images. I recall her interview with President Kennedy on Ed Morrow's "Person to Person." She was a young woman whose soft-spoken grace and obvious love for her husband provided a spark of magic in the otherwise dreary routine of politics. I recall the extraordinary evening in the White House when she hosted Robert Frost, Igor Stravinsky, and Pablo Casals. She and her husband made the arts and culture fashionable not just in the salons of the privileged but throughout the land.

Sadly, it was the tragic death of President Kennedy that transformed her into a historic figure of courage and strength whose example calmed and reassured a grieving nation. No one can forget her quiet dignity as she endured the unendurable.

Her life after the White House was full of accomplishment. She remained to her last day an image of grace and elegance. We mourn her passing and express our sincerest condolences to her family.

TRIBUTE TO REV. HAROLD ADAM ARRINGTON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Harold Adam Arrington of the Bethel Gospel Tabernacle Church. Attached is a proclamation I issued Reverend Arrington commending him for his work.

PROCLAMATION

Whereas The Reverend Harold Adam Arrington is a native of Chicago, Illinois, a graduate of Roosevelt University, he is the esteemed Founder and Pastor of the Bethel Gospel Tabernacle Church, Harvey, Illinois, serving as a pastor for over thirty-four years; and

Whereas Reverend Arrington is a pioneer in Christian Radio and Television, creating the first Christian Television program in 1970 entitled "impact," emanating from WICU-TV Channel 26 in Chicago, Illinois, he has broadcasted continuously over the radio airways for the past eighteen years; and

Whereas Reverend Arrington is the Founder of "Page One" Ministries, providing housing and rehabilitation for men who want to overcome drugs, crime, and other problems, Bethel Gospel Tabernacle feeds the poor three meals a day, every day of the year; and

Whereas, Reverend Arrington is a family man, he is married to Barbara Arrington, celebrating thirty-nine years of holy matrimony, they have been blessed with nine children and six grandchildren, six of Reverend and Mrs. Arrington's children are college graduates, Reverend Arrington is a visionary, a builder, a humanitarian, a Gospel Preacher, a community leader, and a true living role model in our community: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Harold Adam Arrington, and the Bethel Gospel Tabernacle Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. EUGENE CHERRY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Rev. Eugene Cherry of the Christian Youth Missionary Baptist Church. Attached is a proclamation I issued the Reverend commending him for his work.

PROCLAMATION

Whereas the Reverend Eugene Cherry was born in Shelby, Mississippi, reared in Chicago in the Church, matriculating in the Chicago Public Schools graduating from Marshall High and receiving his theological education from the Chicago Baptist Institute, and

Whereas Reverend Cherry has served faithfully four years as the Assistant Pastor of the Christian Youth Missionary Baptist Church under the pastoral leadership of the Founder The Reverend Isaiah Clayton, Sr., in 1979 Reverend Cherry was elected Pastor of Christian Youth, and

Whereas the church has prospered under the pastoral leadership of Reverend Cherry increasing the church membership to over six hundred, expanding the church parking, remodeled the church facilities, purchased vans and buses for the evangelistic outreach ministry, and

Whereas Reverend Cherry has served as Moderator of the Chicago Southside District of the National Baptist Convention, a Board Member of the Chicago Baptist Institute, a churchman, a humanitarian, and believes in ministry to the total person: Now, therefore be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Eugene Cherry by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

A MAGNET TRIANGLE FOR WESTERN NORTH CAROLINA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, most congressional offices generally divide their work into two areas, constituent casework and legislative services. But there is an additional dimension which my office provides to the people of western North Carolina: the utilization of congressional office resources to enhance regional economic development.

As part of our third dimension outreach approach to operating the congressional office, nonpartisan priority councils were created in each of the 11th Congressional District's 16 counties. These councils were comprised of more than 500 western North Carolina citizens from a diversity of backgrounds. The priority councils consisted of elected officials, economic development officers, chamber of commerce executives, small businessowners, farmers, and Federal officials. Together, they helped identify regional development projects that can be expedited with Federal assistance.

I am proposing one component of our plan to create more jobs in the region and augment the western North Carolina economy.

While the focus of this proposal is to increase jobs tied primarily to tourism, there are additional benefits to this approach. Tourism can be the catalyst for economic development in other sectors of the economy by bringing in visitors who then open or expand business or industry in the area.

Competition for tourism dollars is increasing. Gatlinburg, TN, has recently added 6 new attractions, Myrtle Beach, SC, has added 16 new attractions, and Chattanooga, TN, is opening a multimillion-dollar aquarium.

We know that Tennessee earns $15 to North Carolina's $1 in tourism-generated income because it capitalizes on the Great Smoky Mountains National Park. Gatlinburg, Cades Cove, and many other park facilities on the Tennessee side are responsible for much of their State's economic growth. Tennessee uses the park as an engine to drive economic growth. North Carolina has not had the capital investment to attract additional tourism revenue.

We are blessed with the most beautiful region in the world, but while more than 14 million visitors per year come into western North Carolina on the Blue Ridge Parkway, many of them do not consider us a destination, nor do they spend sufficient time in our region to boost the local economy.

On average, each visitor on the Blue Ridge Parkway spends only a fraction of a day with us. The majority pass through for other destinations.

Clearly, our region's goal must be to entice more of these visitors to stay longer. Currently, most of our local and State efforts are directed to that end, but they need to be supplemented and coordinated.

The triangle magnet plan is designed to augment local and State efforts to attract and keep more tourism dollars by developing Federal resources in the area.

We have three principal Federal assets in the region: the Blue Ridge Parkway; more than 1 million acres of U.S. Forest Service lands, and the majority of the Great Smoky Mountain National Park's land area.

We understand the need to construct the Blue Ridge Parkway Headquarters outside of Asheville in Buncombe County. The Priority Councils of Buncombe, Transylvania, and Jackson counties recommended it, the Blue Ridge Parkway Council and Superintendent of the Blue Ridge Parkway have requested it, and land was acquired for it by Congress in 1986.

I recommend we expand the plan from only basic headquarters building, to a headquarters and visitor's center that will present the assets of our region, possible through an IMAX Cinema presentation of the attractions in each county.

The Blue Ridge Parkway and Visitor's Center then becomes a magnet for our region.

For some time, I have been working with the U.S. Forest Service and the Cradle of Forestry in America Interpretive Association to augment the present plan in a modest way. I recommend that we expand our activities and re-visit the original 1968 Cradle plan that included utilization of the 8,000 acres of forest used by Gifford Pinchot in his pioneering forestry studies nearly 100 years ago.

The original Cradle plan called for an expenditure of $8.7 million. That has been increased to $12,000,000 to adjust for inflation. Our goal is to create a world-class education exhibit that teaches the wise use of our natural resources and interprets the history of modern resource management in the region, going back to the founding of modern silviculture by Mr. Pinchot.

The expansion of the Cradle of Forestry increases its draw as a magnet for the area.

The third leg of the Magnet Triangle is to move the Oconoluftee Visitor Center in the Great Smoky Mountain National Park to the front burner. This center will focus on the rich heritage of our families and the communities they built. It will be combined with other park activities and improvements.

This center was promised by the Federal Government to our people nearly 60 years ago when the Great Smoky Mountains National Park was established.

It is our objective to see that the three legs of this Magnet Triangle are developed in such a way that each serves as a window on the entire region. Each of these projects are unique, creating a desire for visitors to see the others, as well as the dozens of other attractions in Western North Carolina.

The objective of this Magnet Triangle is to, over the next 5 years, help double the economic benefits of tourism to the region, and increase the present $1 billion in tourism business to more than $2 billion by the turn of the century. This ambitious goal can be accomplished by increasing the average stay of the present 14 million visitors by 1 day, enticing one-third of those 14 million visitors to stay an additional 2½ days, or by doubling the present number of visitors.

Success will require a little bit of each.

We currently have $1 billion in annual tourism revenue in western North Carolina. If all tourism revenue in western North Carolina came from Parkway travelers, the average stay of each tourist would be the equivalent of only eight-tenths of 1 day. We know the average stay is actually much less.

A North Carolina State University study shows that if tourism dollars are doubled, related tourism job growth will increase between 30 to 50 percent. Doubled tourist dollars will increase the present 22,730 tourism jobs to more than 33,000 based on a 40 percent job gain. These 10,000 new jobs for the region may be supplemented by other jobs in manufacturing if longer stays by visitors inspire them to make business investments in the region. It has been said that tourism is the ambassador of economic development. There is much more at stake here than tourism.

Creating 10,000 new jobs in western North Carolina will take the continued support and participation of many community and business leaders across the region. The plan calls for some $50,000,000 in Federal appropriated improvements to the three magnets.

Parkway Headquarters and Visitor Center	$14,102,000
Cradle of Forestry	12,000,000
Oconoluftee Visitor Center	11,178,000
Facility Expansion and Upgrading	12,720,000

This plan is possible. In 1991, I proposed a 10-year $50,000,000 plan for the Veterans Administration Medical Center at Oteen is moving on schedule with the first phase, a 120-bed nursing center, now under construction. And we saved the jobs at the Climatic Data Center in Asheville by winning approval of some $30,000,000 for construction of the new Federal building which is nearing completion. The building is expected to open this summer.

We are committed to the Magnet Triangle goal and are dedicated to accomplishing it on a regional basis, with the effort and cooperation of everyone on the region.

CONGRESSIONAL FIELD HEARING ON CRIME

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to report to my colleagues on a special congressional field hearing that took place in Raleigh, NC, on April 11, 1994.

The field hearing was conducted under the auspices of the Appropriations Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies and focused on the topics of crime, crime prevention and law enforcement. I am grateful to Chairman NEAL SMITH for authorizing the hearing and to my colleague and fellow-member of the subcommittee, JIM MORAN, for traveling to North Carolina to help conduct the hearing.

Representative MORAN and I received testimony from three panels of expert witnesses on the topics of youth and crime, law enforcement, and innovations. In addition to the panels of experts, North Carolina Governor Jim Hunt and North Carolina Attorney General Mike Easley appeared as independent witnesses.

The most riveting testimony of the day came from the four teenagers who opened the hearing, two from local high schools and two from a State detention center.

Jason Otey of Garner High School and Kathy Oates of Millbrook High School were members of a teenage focus group constituted after a tragic shooting at one of my district's high schools. They told of the troubling level of violence in our schools and of the alarming number of young people coming to school or school activities with weapons. They reported favorably on having police officers accessible in the schools and on peer mediation programs where students are trained to help other students resolve conflicts without violence.

Two other teenagers talked to the subcommittee only as Kwame and Israel, because they and their parents had given informed consent to come from juvenile detention and give us the view of youth in trouble with the law. Brought to our hearing by juvenile correction officers in leg shackles, these two articulate young men gave compelling testimony that was difficult for the adult witnesses that followed to match.

Kwame silenced the audience in describing the constancy and easy availability of drugs, weapons, and opportunities to commit crime on the street and the lack of competing positive influences. "It's easier to get a gun than to get a tutor," he said.

> You are bumping right into [criminal activity]; it is in your face every time you walk out the door. But there is not a job in your face [or] a tutor in your face to say let me help you in your school * * *. There is a person that says let me sell you this gun, let me give you this crack, let's go smoke some blanks * * *. there is a way out, but it is a struggle. You have to struggle a lot harder for the way out than for the way in [to trouble]. So I just chose the way in.

After the teenagers had concluded part I of the panel on children and crime, we heard from several expert witnesses: Dr. Mike Durfee, the founder and medical director of Wake Teen Medical Services, who provides medical and counseling services to many teenagers in juvenile detention, spoke of the need to emphasize prevention programs. Dr. Durfee had also participated in a health care forum I hosted in January, and he cited statistics about juvenile detention from the 1980's indicating that 87 percent of youngsters in juvenile detention had health care problems, and in many cases, two to three health care problems.

Reggie Flythe, a teacher and counselor at East Cary Middle School, who works with school violence reduction programs, talked about the problems of alcohol and drug abuse, teen pregnancy, suicide, rape, robbery, and assaults facing many teachers today in rural, suburban and urban settings. He pointed out the successes of student peer mediation program he has worked with in reducing in-school suspension numbers and defusing volatile situations.

Flo Stein, assistant chief for substance abuse programs of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, described the various ways children are affected by drug abuse, starting before birth, and the subsequent link to crime by youths. She also emphasized the importance of State and local agencies involved with children communicating and working together.

Sheila Sholes-Ross, director of comprehensive adolescent health services at the University of North Carolina Center for Early Adolescence, who provides technical assistance to crime prevention programs oriented to youth around the State. She described the sporting chance after-school and summer program which has provided a second chance for first-time offenders by focusing on counseling, supervised recreational activities, and conflict resolution.

Ilene Nelson, administrator of the Guardian Ad Litem Program Services Division, Administrative Office of the Court, spoke in support of the Federal Court Appointed Special Advocate [CASA] appropriation and Victims of Crime Act funding in order to represent abused and neglected children. She also advocated changes in title IV–E of the Social Security Act which she believed would enhance the permanence of guardianship relationships and provide more flexible transition assistance from adolescence to adulthood.

Charles Dunn, director of the justice for children task force and former director of the State bureau of investigation, emphasized the importance of strengthening families and the establishment of family resource centers, and urged a congressional review of all programs, especially social, housing and educational programs, to determine their impact on families.

After the children's panel, Governor Jim Hunt gave testimony about North Carolina's crime problems and the solutions proposed by his administration and ratified by the North Carolina General Assembly during a special session completed in early April. He also emphasized the need to fully fund the Byrne Grant Program which North Carolina and other States are using effectively in partnership with local communities in developing crime-fighting initiatives.

We then convened our second panel on the subject of law enforcement. Compelling testimony was heard from a number of local law enforcement officials, including Don Whitt, sheriff of Chatham County, and Lindy Pendergrass, sheriff of Orange County. Sheriff Pendergrass told of the work his department does with the U.S. Marshals Service and how the Cooperative Agreement Program has enabled Orange County to expand its jail to serve Federal needs as well as local demands.

Alana Ennis, chief of police for the University of North Carolina at Chapel Hill told of the special needs of college and university communities throughout the Triangle area and of cooperative ties with Federal and other Law enforcement agencies.

Joe Schulte, the FBI agent-in-charge of the Charlotte, NC office, said that North Carolina was a microcosm of crime problems nationwide, and that hundreds of bank robberies were a particular problem, although the FBI experienced a higher-than-average or 75 percent clearance rate for these crimes. He also outlined several task forces underway with Federal, State, and local law enforcement cooperating in targeting violent crime, drug trafficking, and health insurance fraud.

Janic Cole, U.S. attorney for the Eastern District of North Carolina, gave an overview of all Federal law enforcement efforts underway in North Carolina including BATF, DEA, FBI, and the IRS among other Federal agencies. She also emphasized the usefulness of multi-district task forces to bring the various puzzle pieces to the table across jurisdictional lines, and the effectiveness of tougher Federal sentencing and parole standards in keeping repeat criminals behind bars.

At the completion of the law enforcement panel, we heard testimony from the Attorney General of North Carolina, Mike Easley. Easley gave a statistical outline of crime in North Carolina, citing an alarming rise in violent crime relative to other States. He expressed support for several components of the Federal crime bill which would complement initiatives underway in North Carolina, including those passed by the recent General Assembly session, to cope with crime.

After a brief lunch break, we convened the third and final panel of expert witnesses on the subject of Innovations, both in law enforcement and in crime prevention.

Thurman Hampton, secretary of the North Carolina Department of Crime Control and Public Safety, spoke of the experimentation and innovation resulting from Federal funding of State and local initiatives to create advances in juvenile justice services, drug control and rehabilitation, prison reform, drug testing protocols, alternatives to incarceration, and improved sharing of information among criminal justice agencies. He advocated full funding of Edward Byrne Memorial Grant Program to continue such initiatives.

Frank Jackson, an assistant district attorney, told about the use of Byrne grant funds to administer the dangerous offender task force, which has produced a greater than 95 percent conviction rate and reduced significantly the time for arrest to disposition by lessening attorney case loads and providing for guaranteed court time to try cases for targeted criminals.

John Taylor, commandant of the IMPACT, or boot camp unit, testified about the operation and effectiveness of North Carolina's demonstration program, which has recently doubled in size. He cited the effectiveness of such alternatives to regular prison for first-time criminals who respond to the strict discipline and still have the capacity to change.

Master Officer Kimberly A. Halsaver, with the CLEAN unit [Community Law Enforcement Against Narcotics] of the Raleigh Police Department, told about the operation and success of Raleigh's community policing initiative. Raleigh's newest innovation is a community-based police ministation that will operate as a demonstration at two community housing projects.

Catherine Smith, executive director of the North Carolina Victim Assistance Network [VAN], related the many services provided by her organization to victims of crime and for education of the public. She pointed to the Byrne Program as the original source of funds for hiring an executive director for North Carolina VAN, and also cited drug control system improvement moneys as essential to a recent survey of compliance with North Carolina's Fair Treatment of Victims and Witnesses Act.

Annette Sheppard, director of advocacy and community education, Orange/Durham Coalition for Battered Women, told of the compelling needs in domestic violence cases and the services provided by her organization. She cited the importance of Federal funding from the Victims of Crime Act, and emphasized that needs in this area went beyond shelters to community education, training and prevention programs in schools, and court advocacy.

Mike Rieder, director of Haven House, outlined a variety of programs operated by his organization, partially funded by Federal agencies, including a runaway shelter using funds from the Runaway and Homeless Youth Act, Transitional Living funds for homeless youth, Preparation for Independent Living, and youth enrichment services and family preservation. He outlined various criteria for developing programs including flexibility, treating clients as customers, and being results-oriented, community-based, and family-oriented.

Finally, Ron Hawley, chair of the working group on crime prevention applications of the North Carolina information highway, told about some exciting plans to use this new technology to assist law enforcement personnel with criminal identification and recordkeeping. He spoke of using Byrne grant money for passing information between the Administrative Office of the Courts and the State bureau of investigation, and further linking that information with the Department of Corrections and the Division of Criminal Information as well as drivers license information. The information highway would be the enabler, but it would still require a tremendous effort to coordinate the agencies to provide key information at the proper time.

The subcommittee received significant first-hand information regarding the use of Federal appropriations in its jurisdiction, and a useful hearing record has been produced for the use of the Appropriations Committee and other interested Members of Congress. I thank all of those who organized and participated in this hearing, for it will help us appropriate more intelligently for the coming year.

UNITED COMMUNITY MINISTRIES—25 YEARS OF SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. MORAN. Mr. Speaker, I rise today to congratulate a community-based organization in my district, which has played a pivotal role in providing for the human service needs of low-income and disadvantaged families in northern Virginia.

United Community Ministries is celebrating its 25th anniversary and, at its annual gala on June 3, is honoring the angels in the community who have made its work possible.

Without broad-based community support, UCM could not have made a difference in the lives of so many of my constituents.

Twenty-five years ago, with just two employees and a few volunteers, UCM began providing food, clothing, and crisis intervention services. UCM has grown to meet the ever-increasing needs of our less fortunate friends and neighbors with important, sometimes lifesaving services, such as employment assistance, job training, transitional housing, education, and youth services.

Its Bryant Early Learning Center offers quality day care for children, ages 6 weeks to 5 years, of working families and teenage parents who live in the Route 1 community. This year it won accreditation by the National Academy of Early Childhood Programs—a distinction achieved by only 1.7 percent of all non church-affiliated programs nationwide. In addition to child care, it offers early intervention services to families whose children have special needs or some handicapping condition.

UCM believes in helping people help themselves. One client expressed it this way: "Had it not been for UCM, I don't think I would have been able to survive and be with my family. UCM extended a hand to give me a lift. I don't need them to hold my hand for the rest of my life * * * but they were there for me."

Nearly 700 volunteers help staff its 11 programs and over 4,000 supporters provide financial assistance. These strong community roots are the foundation upon which UCM has flourished.

"When times are tough, UCM is there to help." That's what someone who was helped by UCM in the past has said, and it is still true today. Last year, UCM served 4,623 families; performed 260,322 emergency and advocacy services; provided 130,358 meals, 4,555 medical services and 10,368 services to children at risk; and assisted 8,189 people with housing and 1,279 people with employment and job training. UCM works to keep families together.

UCM is celebrating its 25th year because caring people have committed themselves to our community with both financial donations and volunteer talent. I join with UCM in thanking our Community of Angels for their strong support; and I join with the community in thanking UCM for its concerned and steadfast presence. It's a partnership that works.

THE INTRODUCTION OF THE MULTIPLE CHOICE HEALTH CARE ACT OF 1994

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 20, 1994

Mr. PETRI. Mr. Speaker, today I am introducing a comprehensive health care reform bill, which I call Multicare. Actually, it is the latest version of a bill I first introduced in 1984. I hope this bill will contribute to the critical debate on this issue, for besides provisions on which many of us already agree, it contains a number of unique elements.

First, Multicare provides everyone with a contribution toward the purchase of a competitive health care plan by converting the current regressive tax exemption for employer paid premiums into a voucher that varies only by age and enrollment category, not income. Using 1994 numbers, the average voucher would be at least $1,586 for a couple with children, $1,096 for a childless couple, $1,019 for one parent with children, and $550 for a single person. This provides a degree of universal coverage with no net tax increase.

In addition, Multicare provides the widest possible latitude for market forces to influence the types of health plans offered in the marketplace. It does not assume that only certain kinds of plans are best. In fact, health plans may offer any cost-sharing arrangement and any benefit package which includes at least catastrophic coverage, the most readily insurable and cost-efficient coverage. The premium contribution—or voucher—everyone receives should go a long way toward purchasing at least basic catastrophic coverage.

Without a standard benefit package, the health insurance market could be driven toward minimum benefit plans. Multicare prevents this by requiring all plans to pay a portion of premiums into a reinsurance pool, which redistributes those payments to plans as compensation for covering individuals at high risk for large health care expenses. This keeps plans covering higher-risk populations from becoming uncompetitive.

Employers could still pay for employee health benefits and deduct the cost as a business expense. In that case, the employee's voucher would cover first any premium he owed, and second any cost-sharing incurred, with any balance remaining at the end of the year rebated to him. ERISA preemption would continue, but all employer plans would have to participate in a State or Federal reinsurance pool.

Like other health reform plans, Multicare provides a big incentive for States to sever the link between welfare eligibility and health care coverage, by subsidizing care for the poor and near poor on a sliding scale according to income. Also, like many other reform plans, Multicare includes malpractice reform and administrative simplification features.

But Multicare goes beyond most other bills in the extent of its market enhancement features, including patient access to medical records, mandatory price disclosure, and publication of the average prices prevailing in a market, information on common patterns of practice, and indicators of the quality of plans and providers. It does everything possible to empower consumers with the financial incentives and comparative value information needed to make cost-conscious decisions. And it facilitates innovative fee-for-service plans in which cost-sharing is based on average prices prevailing in the market and consumers have strong incentives at the margin to use lower price providers.

Finally, Multicare proffers simplicity in the health care marketplace. With competitive health plans being marketed to all comers at uniform prices with no exclusion for pre-existing conditions and premiums varying only according to age and personal behavior factors, the marketplace should be able to secure the best price for health care coverage. There's no need for mandatory health insurance purchasing cooperatives, health alliances, or the bureaucracies that accompany them.

In short, Multicare provides access to competitive health plans for all Americans with no net tax increase and no employer or individual mandate.

Mr. Speaker, I include a summary of the bill for the RECORD.

MULTICARE: HOW EVERY AMERICAN BENEFITS

All non-elderly individuals receive a government contribution toward the purchase of a competitive health plan that offers guaranteed issue, portability, and no preexisting condition exclusions.

The government contribution toward health care plan premiums should be enough to cover most of the costs of a catastrophic plan.

All plans must offer at least catastrophic coverage, but there is no standard benefit package. So there should be a wide variety of health plans from which to choose.

Health plans may charge a single community premium rate that varies only according to family size, membership in broad age bands, and personal behavior factors clearly related to health care utilization, such as smoking.

To keep health plans from "cherry picking" and appealing only to healthy individuals by offering minimum benefit packages, plans participate in a reinsurance mechanism. Plans contribute a portion of premiums received on behalf of low-risk individuals to the applicable reinsurance pool and receive from the pool compensation for covering high-risk individuals.

Employers may continue to offer and pay for health care coverage, but their plans must participate in the applicable reinsurance pool.

Consumers have access to comparative value information on Multicare plans, the average prices of health care services prevailing in the market, and physicians' prices and patterns of practice. Plan benefit packages are compared to a national list of standard services to help consumers make choices about which plans are right for them.

So that they may easily switch providers at any time, consumers are ensured access to their own medical records.

Various medical malpractice reforms restrain liability costs and "defensive medicine," and uniform claims standards and electronic medical data standards serve to lower administrative costs.

MEDICAID RESTRUCTURED

A State Multicare Program must restructure the acute care portion of its Medicaid program. States receive federal dollars previously dedicated to acute care services under Medicaid but redistribute those funds and others to the poor and near poor to provide additional subsidies for the purchase of multicare plans.

In restructuring their Medicaid programs in this way, states make health care coverage independent of welfare eligibility, giving welfare recipients an incentive to choose work over welfare.

Plan premiums and cost-sharing for the poor and near poor may vary on a sliding scale according to income but are limited to specific ceilings.

FINANCING

Federal and state contributions toward plan premiums are generated primarily by replacing the current tax exclusion on employer paid health benefits with a voucher for all eligible individuals.

Average employees will be at least as well-off financially as they are today. Existing tax benefits are simply redistributed more fairly, while every consumer benefits from protection against catastrophic expenses, guaranteed issue, portability and the long-term effect of restraining costs throughout the entire system.

SENATE—*Monday, May 23, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Let us observe a moment of silence in memory of Jacqueline Kennedy Onassis, her family, her friends, and the whole world which mourns her loss.

For there is no power but of God: the powers that be are ordained of God.—Romans 13:1.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Eternal God, we thank Thee for the sovereign order of God—that those who hold public office do so, not simply because they sought it and won—but because God had ordained them for His purpose and plan. And we thank Thee that Thou hast promised to establish their thoughts as they commit their works unto Thee.

Omniscient Lord, Thou knowest each Senator and each staff member in microscopic detail, the circumstances from which each comes; the future unto which each goes, and the present condition of each. And You have a purpose and plan for each. Forgive us, gentle, gracious God, for our indifference, our rejection of Your love, Your care, Your guidance. Awaken us to our need of Thee, our poverty of spirit without Thee, our blindness when we do not walk in Thy light.

We pray in His name who is the Light of the World. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from the State of Washington [Mrs. MURRAY] is recognized to speak for up to 15 minutes.

RENEWAL OF MOST-FAVORED-NATION STATUS TO THE PEOPLE'S REPUBLIC OF CHINA

Mrs. MURRAY. Mr. President, I rise today to discuss the importance of renewing most-favored-nation trade status to the People's Republic of China.

I grew up watching ships sail out of the great Port of Seattle, taking the finest products of the Pacific Northwest to every corner of the globe. The ships that leave Seattle, Tacoma, Gray's Harbor, and Everett, carry with them ideas as well as goods.

Their cargo is our ambassador. It shows our trading partners what can be achieved when a country enjoys the highest levels of productivity known in the history of civilization.

Throughout this century, the State of Washington has traded with the countries of Asia. The Pike Place Market bustles in Far Eastern dialects and flavors. Seattle's International District is an amazing mixture of Asian cultures, sights, and sounds.

We have a long and rich tradition with the Pacific rim. This tradition culminated in the APEC conference in Seattle last November.

I was a delegate to this historic meeting which brought Pacific leaders together to exchange ideas on international economics as well as politics.

Mr. President, over these many years, the people of Washington State have come to understand the people of Asia. And, international commerce has provided an important bridge between our two continents.

The ideals of our market economy and the foundation of our democracy and freedom are embodied in this commerce.

America's open and free skies allowed the Wright Brothers to invent a machine that would become this country's No. 1 export.

America's bold entrepreneurism allowed a computer whiz to lead one of the most successful businesses in the world.

Today, the Boeing Co. and the Microsoft Corp. are known around the world for their top-of-the-line products and their made-in-the-USA labels.

And, so is Nic Hanauer's family business, the Pacific Northwest Feather Co. And, Steve Elliott's Seattle Chocolate Co. And, Ken Auld's Chukar Cherries from Prosser. And our famous apples from Wenatchee, and our wines from Yakima.

People's lives in the State of Washington, the economic well-being of the Pacific Northwest, depends on trade with Asia. This trade should be free and unfettered.

The United States should do all it can to alleviate trade barriers. We should relax antiquated export controls. We should insist on respect for our intellectual property rights. We should open markets.

But it is easy to forget the importance of maintaining economic ties when we witness the brutality of political repression.

My State is a pioneer State. The citizens of Washington value their liberty—their ability to express their thoughts without retribution from the government.

We have a proud tradition of tolerance, and we are leaders in the struggle of all people around the world to live with the same basic human rights we enjoy.

I remember growing numb as I watched the tanks roll through Tiananmen Square. I remember explaining to my children that the Chinese Government responded violently to a peaceful demonstration of its own people.

I have not forgotten. To this day, I salute those brave students who stood up for what they believe in—a set of beliefs I share. The freedom of speech, the right of peaceful assembly, the freedom of religion, and the basic liberty of political dissent.

I want human rights for everyone around this globe. I want women and men everywhere to be able to organize and mobilize and express their political views.

And, human rights will come to China. Look at the economic miracle in south China. Look at the free movement of goods and services, and the ideals of political freedom enshrined in that prosperity.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Listen to the 800 Chinese pilots and maintenance personnel who received training through Boeing last year, or the 1,500 Chinese visitors the Boeing Co. received in Seattle last year.

Listen to their stories of hope—of creating a new society in China based on the principles they learned from their American counterparts.

China is a bonanza for American-style business. Thousands of American and other Western entrepreneurs are currently engaged in China, and as they become part of Chinese culture, Beijing will find it impossible to control the spread of ideas. But, Western ideals will only penetrate that country if we are engaged there.

Cutting off trade is not the way to foster these ideals. In fact, if history is a teacher, we can learn that China experienced its darkest period of human rights abuses when that country was isolated from the international community.

How can we expect to foster democracy if we cut off access to American telecommunications? It is far wiser to allow everyone in China access to a telephone, a fax machine, and a computer, if we want to encourage their political mobilization.

I have heard arguments to the contrary here on the Senate floor from colleagues I deeply respect. I think we all want to get to the same end. We want people all over the world to be able to live without fear.

But we disagree on the way to encourage this.

China is an enormous country. We should be pursuing negotiations with that country's leaders on many levels. We need to appeal to China to assist us with ending nuclear proliferation on the Korean peninsula.

We have to work with China to ensure the people of Hong Kong retain their economic and political freedom as their governance changes from the British Commonwealth to the People's Republic of China.

We have to insist the cultures of all ethnic groups in China, including the Tibetans, keeping their integrity.

We have to work with China to improve that country's disastrous record on intellectual property protection.

But revoking, or conditioning, MFN will hurt the very people we want to help most in China. It will also hurt us at home. Let me take a few minutes to describe how an economic reaction in America to a political problem in China will affect everyday people in the State of Washington.

I want everyone in my trade-dependent State to understand the importance of this decision to their lives.

My State is home to the Nation's largest exporter. China has ordered 64 planes from the Boeing Co., sales worth $3.9 billion. Over the next 15 years, China will order 800 planes worth $40 billion.

These orders mean jobs, and not just jobs in the Boeing Co. itself. Nearly 100,000 people employed by Boeing support almost another 300,000 jobs. For example, the manufacture of every 777 plane creates 24 longshore jobs at the Port of Everett alone.

If the administration cuts off MFN benefits to China, plane orders will be canceled. So will wheat and apple shipments.

And with these canceled orders, unemployment lines will grow. Farm incomes will wither away, and small businesses will close.

I doubt small business owners in the Puget Sound area would believe that the 1989 uprising in Tiananmen Square would hurt their business. But, in today's global economy, it could.

That is why revoking MFN would be disastrous.

Mr. President, how can I explain to a corner grocer in Everett, or a drycleaner in Renton, or a farm supplier in Spokane, that their businesses are closing to improve human rights in China?

Will jeopardizing the well-being of the people of Washington State really improve the internal political situation in China?

And, Mr. President, how can we explain to the Chinese people that they will no longer have access to the American products and ideas they have just begun to embrace?

Isolating China will crush hope. It will abandon China's future to the hard-liners who sent the tanks into Tiananmen.

It will also keep China underdeveloped and unsafe. Let me give you a real example: the Boeing Co. trains pilots, making the skies over that massive country safer. If Boeing cannot operate in that market, training will stop. Flying will remain dangerous, imperiling Chinese passengers, and all foreigners who travel there.

Mr. President, make no mistake about it—I have had my disagreements with Chinese officials.

I have had very frank discussions on intellectual property rights violations with the Chinese Ambassador.

I have encouraged Ambassador Kantor to take a tough stance on China's trade barriers.

I have worked with Secretary Espy to get more agricultural exports from Washington State into China.

Mr. President, I know unilateral American sanctions will not change the political situation of a massive country an ocean away.

That is why I stand ready to work with the administration to fashion a new China policy that will allow negotiations on many fronts, a policy that will encourage human rights in China, arms reduction, protection of ethnic minorities, and a bright economic trading future.

EXTENSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the period for morning business extend not beyond 1 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO PROCEED TO CONSIDERATION OF H.R. 1933

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 1 p.m. today the Senate proceed to the consideration of H.R. 1933, the Martin Luther King Commission legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

The Senator is advised that we are in morning business, with each Senator limited to 10 minutes during that morning business time.

DRUG ABUSE

Mr. BOND. Mr. President, I take the floor today to discuss one of the most pressing issues facing us in this Nation today: Our country, our communities, and our families. I raise my very serious concern about the Clinton administration's lack of leadership in combating a real source of crime, disruption and dangers in American society, a scourge, if you will. I am here to talk about the great and growing problem of drug abuse.

According to a poll by Peter D. Hart Research Associates, 7 in 10 Americans see drug abuse as a greater problem now than it was 5 years ago. Only 5 percent believe elected officials are doing everything possible to solve the problem.

Now, on other issues, I have watched the President, assisted by his pollster, Stan Greenberg, eagerly respond to citizens' concerns. That is why I am so surprised, at a time when the President has been very vocal about the dangers of misusing guns, there has been no comparable rhetoric on the equally, if not more, deadly misuse of drugs.

President Clinton's deafening silence on the death issue is, most unfortunately, consistent with his administration's abdication of its responsibility to fight at the front lines in the war against drugs.

Since taking office, the President has slashed the Drug Czar's office by 84 percent and slashed the State Department's international narcotics matters budget by 32 percent over the last 2 years.

In its current budget, the administration seeks to eliminate drug enforcement grants to State and local governments. These enforcement funds support many important drug fighting initiatives including multijurisdictional drug teams that have disrupted State and regional trafficking networks across the country, street-level enforcement teams that shut down neighborhood drug dens, police in the community, drug courts, prosecution programs, drug crime laboratories, and treatment for drug offenders.

I also read in an op-ed piece by Lally Weymouth in the Washington Post last Friday that the Clinton administration has stopped providing real time information on potential drug flights in Latin American countries which we, in the past, have worked out as a means of assisting those countries which are dedicated to helping eradicate drug production and export from their countries. At a time when the administration says that we are going to work with source countries, it makes no sense for us to stop providing the real time information that has been so vital in helping combat those dangers.

Now, all of these efforts which have gone on in the past and which are being restricted or eliminated now cannot be replaced simply by having cops walk the beat in major cities. It is simply not fair to ask law enforcement to fight a war on drugs at the local level even as we take away some of their effective weapons against interstate and international drug operations and cartels.

Last month, I had the opportunity to address an outstanding group of law enforcement officers, local, State, and Federal, who have worked together in the last several years to combat the scourge of drug crime in southeast Missouri. I told these law enforcement officers it had been suggested that we cut the Federal law enforcement activities and use some of those moneys to provide local law enforcement support, maybe providing them enough funds for another cop on the beat.

All of these officers—and this is State and local as well as Federal—said that it was impossible for them to carry on the battle against drugs if they did not have the strong interdiction efforts that the Federal Government puts forth, along with the coordinated assistance of all of the Federal agencies given a responsibility to deal with drugs, from the Customs Service with their interdiction activities and their ability to identify drug runners at the border and follow them to the sources.

They said that they could not achieve any kind of success in the battle on drugs if we took away the assistance that the Federal Government provides in dealing with interstate and international drug conspiracies.

I received a letter in response to my request, authored by the chief of the Cape Girardeau Police Department and Sheriff Norman Copeland, a 30-year veteran of the Missouri Highway Patrol and well respected officer and now the elected sheriff of Scott County. It is signed by sheriffs, by county, by city police chiefs, and by a member of the State highway patrol.

They state in that letter that they:

> * * * voice our concerns about what appears to be a casual and unconcerned attitude toward the drug problem among leaders in Federal Government. As frontline observers, we can state unequivocally that the alarming rise in domestic crime across the United States, both violent and nonviolent, is primarily due to illegal drugs, their distribution, use, and addiction to drugs. We believe with passion that no one can calculate what the enormity of the drug problem would be today if no drug interdiction or education programs had been in place for the last 5 years. Further, there is a dire need to maintain and fine tune the programs that are now in place. The so-called war on drugs has only been waged seriously for the last 5 years, although it has taken us approximately 30 years to reach such epidemic proportions —and it may take that long to remedy it. Our belief is that it doesn't matter if we win or lose this war, but is it right or wrong to fight it? We believe it is right to want to live in a community that is drug free, in a home in which we feel safe, and be able to tell our children it is wrong to abuse their bodies with illegal drugs. Winning the war is not as important as fighting the war. We support these beliefs as a group and they are shared by all of law enforcement in southeast Missouri.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD, along with an article, endorsed by many of the law enforcement officers, by Alan Foust, Coordinator of the Southeast Missouri Task Force which appeared in the Trooper Association Magazine entitled "Legalized Drugs."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICE DEPARTMENT,
Cape Girardeau, March 30, 1994.

Hon. CHRISTOPHER S. BOND,
U.S. Senator, Russell Office Building, Washington, DC.

DEAR SENATOR BOND: I would like to express my appreciation for being invited to discuss concerns among law enforcement officials with you on Tuesday, March 29. I have followed your career throughout your public life and have nothing but the greatest admiration for you and your efforts on the part of the citizens of Missouri.

I would like to briefly summarize some of the thoughts that I shared with you yesterday. Myself and Lt. Jim McNiell of the Missouri State Highway Patrol were invited to Key West Florida as guests of the Assistant Secretary of Defense to tour military installations utilizing reserve components. As a part of the briefing we were given an opportunity to talk to Commander Joint Task Force Four personnel who have the counter drug mission responsibility for tracking couriers into the United States, as well as U.S. Coast Guard personnel that do the actual High Seas interdiction, search and seizure. All of the people we spoke with are dismayed at the impending cuts to these efforts and the negative impact it will have on counter drug operations.

I am also concerned about the amount of money being taken from law enforcement efforts and being funneled into drug treatment programs. My personal belief and the thoughts shared by many of my contemporaries is that drug rehabilitation is a naturally occurring process and no amount of federal dollars can speed up the process.

We also would like to take this opportunity to voice our concerns about what appears to be a casual and unconcerned attitude toward the drug problem among leaders in federal government. As front line observers, we can state unequivocally that the alarming rise in domestic crime across the United States, both violent and non-violent, is primarily due to illegal drugs, their distribution, use, and addiction to the drugs. We believe with passion that no one can calculate what the enormity of the drug problem would be today if no drug interdiction or education programs had been in place for the last five years. Further there is a dire need to maintain and fine tune the programs that are now in place. The so called war on drugs has only been waged seriously for the last five years, although it has taken us approximately thirty years to reach such epidemic proportions—and it may take that long to remedy it. Our relief is that it doesn't matter if we win or lose this war, but is it right or wrong to fight it. We believe it is right to want to live in a community that is drug free, in a home in which we feel safe, and be able to tell our children it is wrong to abuse their bodies with illegal drugs. Winning the war is not as important as fighting the war. We support these beliefs as a group and they are shared by all of law enforcement in Southeast Missouri.

We want to personally thank you for your support of law enforcement—specifically the support you have given to the Southeast Missouri Drug Task Force—the establishing of the United States Attorney's Office in Cape Girardeau, and the recent opportunity you gave us to speak to you to in Cape Girardeau.

Sincerely,

NORMAN COPELAND,
President, Cape Girardeau County Sheriff.

Chief JAMES W. LEIST,
Secretary/Treasurer, Sikeston Department of Public Safety.

Sheriff GARY SCHAAF,
Board Member, Perry County Sheriff.

Chief BILL ADAMS,
Board Member, Poplar Bluff Police Department.

WILLIAM F. FERRELL,
Vice-President, Scott County Sheriff.

Chief HOWARD H. BOYD, Jr.,
Board Member, Cape Girardeau Police Department.

Chief ROBERT RITCHEY,
Board Member, Charleston Department of Public Safety.

Sergeant A.W. FOUST,
Coordinator, Missouri State Highway Patrol.

[From the Trooper Association Magazine]

LEGALIZE DRUGS?

(By Alan Foust)

I have been a state narcotic investigator for eight years, assigned for over two years to deep-cover narcotics and afterwards to several short term undercover investigations in which I was directly exposed to the drug culture. For the last four years I have supervised a narcotics unit and been a trainer to others in narcotics investigation. I have experienced the drug problem in every conceivable fashion except as an addict, and I have uniquely experienced their pain as well. I guess you could say I am a front line observer that has a unique perspective and insight into the drug culture and related social problems. I have developed some hardened ideals about the drug problem that are in stark contrast to the ideals of some editorialists and others who advocate the decriminalization and legalization of drugs.

I hear the arguments that the drug war is like the Vietnam war and unwinnable; that the problem is too overwhelming; that drugs are no worse than alcohol and should be legalized; that decriminalizing drugs "would cut street crime by 75 percent"; that drug interdiction and education efforts are a total failure.

And I have to ask, if we did legalize drugs, would we legalize all drugs in any purity and sell them to any individual? Or would we have restrictions on youth, pregnant mothers and professionals such as doctors, police officers, airline pilots, et cetera? Would we sell pure heroin and pure cocaine? Would we legally sell crack cocaine? Or would we just sell the cocaine and let the street dealers convert it to the smokable form of crack as they do now? How do you establish an acceptable, legitimate source of harmful drugs in a society as complex as ours without restrictions? Can an acceptable system be set up without black markets controlled by the criminal element who have traditionally taken advantage and made money from society's weaknesses?

Is the drug problem similar to the alcohol abuse problem and the related failure to prohibit alcohol consumption? I have met many functional alcoholics, people who have drank for years, but I have never met a functional drug addict. Drugs are an acid that eat the mind, and in a very short time consume the user's life until nothing else exists. I have intimately known many individuals that have met this monster and according to their own testimonials, they have all lost the battle.

Is it even a drug problem? Could it simply be a crime problem, an economic problem or is there an underlying cause that we fail or refuse to recognize? In 1991, 707,502 babies were born to single white women, representing 22 percent of births. Sixty-eight percent of all black births and often some 80 percent of all births in inner-cities are born to unmarried mothers. Illegitimacy is probably the single most important social problem of our time—more important than drugs, poverty, illiteracy, welfare or homelessness—because it drives everything else. In the next decade I believe we will lose large portions of some of our major inner-cities, not due to drugs, which is a side note, but because of a larger social problem consisting of a large culture of unsocialized male adolescents where physical violence and immediate gratification is common place. If we continue to support illegitimacy through social welfare programs this condition will worsen and consequently so will the drug problem.

As Americans we are part of an impatient, quick-fix society. We traditionally become intensely interested in short-term problems and causes. But in longer relationships we become bored turning our attention to newer and more pressing issues. In 1962 only one-half of one percent of the U.S. population used an illicit drug and that included marijuana. Though it varies according to the statistics you use, we now have about 35 million drug users. It has taken us 30 years to reach this epidemic level of drug abuse and we have only recognized and decided to fight a limited war against drug abuse for the last ten years. Five years ago there were no television commercials telling us that cocaine can kill and the seriousness of marijuana use is still not shared with the public by the media even though there have been over 3000 separate scientific studies documenting its devastating effect on the body (far more research has been done on cannabis than any other illegal drug). And where is the empirical evidence that the drug interdiction efforts have failed? Who can accurately answer the question of how big and how bad would the drug problem be if we had not developed and maintained our interdictions efforts to this date? Is thirty-five billion dollars a year too much to spend on law enforcement (we spend more than that on personal toiletries each year)?

Instead of making a vain attempt to parallel the drug war with a fighting war that ended almost 20 years ago, one that we still, for some reason, use for validation, we must instead maintain our moral imperative and ask the question, what is right? Is it right to tell our children one day that it is wrong to use drugs and to tell them the next day that we were wrong and it is alright to abuse and violate their bodies with drugs? Is it right to give up because we might lose the war or is it more important to fight the war no matter if we win or lose, no matter if it take another thirty years to win? We all have the responsibility to do all that we can about the situation we have allowed to happen. If every affected element of our society—parents, schools, business, law-enforcement, the judiciary, legislative bodies, public health, the military, the media and entertainment industry—made a determined decision that drug abuse was absolutely unacceptable in our society and worked together in searching for the roots to the problem and relentlessly provided solutions for those problem areas, we would win this war. And I ask, what is the alternative?

Mr. BOND. Mr. President, I am sympathetic to arguments that a comprehensive drug policy requires drug treatment on demand, and I am committed to finding ways to help those who have the courage to kick their addiction, but I would point out that these law enforcement officers have shared their belief that "drug rehabilitation is a naturally occurring process and no amount of Federal dollars can speed up the process."

It is certainly not scientifically accurate, but I would just state to my colleagues that in the hearings in the Labor, HHS Appropriations Subcommittee, when we had before us the Commissioner of Social Security, we inquired about the effectiveness of the SSI, supplemental security income payments to drug and alcohol abusers. We asked if they knew what the rate of success in treating them had been under that particular program. As I understand it, the example that they cited was a study of 197 people who had been on the program.

As I recall the statistics, they said that of the 197 people that had been on for 3 years, 20 percent had actually left the program; 10 percent died; 10 percent went to prison; and 1 person was cured. That raises a real question in my mind about the efficacy of our current programs to deal with the problem of drug abuse by rehabilitation alone.

I cannot stand by and watch the Clinton administration cut funding for drug-related crime fighting and interdiction by nearly 2 percent below its 1993 levels. Such cuts merely send a clear signal to drug cartels that we are backing off the fight, in order to treat the wounded.

Drug interdiction and other supply initiatives are vital parts of helping our country become drug-free. Representative CHARLES RANGEL, former chairman of the House Select Committee on Narcotics, and Representative BENJAMIN GILMAN, former vice chairman of the committee, argue persuasively that if interdiction is allowed to lag, the result inevitably will be more and cheaper drugs on the street. Exclusive reliance on demand-side measures ignores the relationship between drug availability and drug use.

And hard numbers demonstrate that drug interdiction is working. Between 1987 and 1991, 552 metric tons of cocaine were seized in Latin America alone; during the same period, the percentage of cocaine users in the United States dropped by more than half. Less easily quantified, but no less important, is the deterrent effect of interdiction. The threat of drug seizures by U.S. authorities deters importation or manufacture of an indeterminate but by no means insignificant amount of drugs. Similarly, interdiction imposes added costs of traffickers for the shipments they do make, and results in drugs on the street being more expensive, and therefore less readily obtainable.

But I fear that the President's abdication of leadership on the drug issue extends far beyond these economic realities and the numbers on a budget sheet. President Clinton, who has been willing to use the Presidency's bully pulpit in a variety of visible and creative ways, has exhibited obvious reluctance to tell our Nation's youth—strongly and unequivocally—that drug use is as wrong as it is illegal. And we need his leadership now. According to a 1994 Monitoring the Future study, the proportion of teenagers who believe that regular marijuana use is risky has fallen from 79 percent in 1991 to 73 percent in 1993, even as the proportion of eighth graders using marijuana has increased by 50 percent in the last 2 years, from 6.2 to 9.2 percent. Using the Presidency's bully pulpit is one of the most effective ways to counteract the softening social norms against drug use. I suggest that the President use his next appearance on MTV to do just that.

Opponents of the Reagan administration's policy attempted to make fun of Mrs. Reagan's program of "Just Say No To Drugs." But, at least, Mr. President, somebody was trying to get the message across. Now we are not hearing that message.

I fear President Clinton's credibility in arguing effectively against drug use is seriously impaired, as long as he continues to support a Surgeon General who has repeatedly advocated drug legalization. His continuing expressions of confidence in Dr. Joycelyn Elders must lead Americans to wonder just how committed he is to ensuring that drug use both remains illegal and frowned upon in pop culture. His influence here is immeasurable, and he can make it either a positive force or a negative force. This leadership vacuum on the part of the President and the Surgeon General becomes all the more deplorable in light of the fact that drug use is known, and has been amply demonstrated, to have harmful effects on human beings. One need look no farther than the tragedy of the crack baby epidemic which rages every day in the hospital delivery rooms of America. Far more quickly and to a far greater extent than either alcohol or tobacco, illegal drugs like crack cocaine form addictions that cripple the drug user—physically, mentally, and spiritually. Many of those in the throes of a drug addition can think of nothing but how they will satisfy an insatiable need for another "hit" of their drug of choice. Mothers desert their toddlers, children kill their parents, young men and women throw away promising futures—all because of a degrading obsession. Indeed, the Office of National Drug Control Policy reported this year that the crack epidemic tripled the number of New York City's child abuse and neglect cases in the late 1980's.

To make drugs cheaper and more readily available is to promote to the social pathology and human tragedy of physical and mental illnesses caused by drug usage. This fact alone, in my view, is sufficient argument to reject any efforts whatsoever to decriminalize drugs. I only wish that the President would step forward and affirm his agreement with this conclusion—if indeed he shares my conviction on this point.

In conclusion, contrary to what many would suggest, drug abuse is a hardly victimless crime. A 1991 survey of State prisons reveals that fully one-third of State prison inmates say that they were under the influence of drugs when they committed a crime for which they were in prison. One in four women and one in six men actually committed the offense for money with which to buy drugs.

Mr. President, from my own experience as Governor of the State of Missouri, we estimated that anywhere between two-thirds and three-quarters of the inmates of our State prisons were drug users, either having committed crimes directly related to drug use, or under the influence of or use at a time when they were abusing drugs.

Clearly, this is a problem that we all face. We must work together quickly and vigorously—even as we reach out with compassion to those who are addicted—to ensure that we can catch and punish those who profit by bringing these illegal drugs into our communities.

There is no substitute for continuing the effort. Drug rehabilitation alone is not going to be the answer. When the President tells us he is going to rely on interdiction in the source countries, the activities in cutting off the information sharing on airline flights, the failure to increase significantly the money spent on drug abuse activities, and drug suppression in other countries belies the notion that they truly believe that that can have an impact.

As the men and women who are on the frontline of drug abuse fights will tell you, there is no substitute for strong interdiction efforts, and a strong Federal partnership with State and local law enforcement officials who, without the Federal Government's help, are unable to stem the growing menace of drug abuse and drug crime in their communities.

Mr. President, I thank the Chair.

TRIBUTE TO MRS. BETTY L. TIANTI

Mr. LIEBERMAN. Mr. President, I rise today before you to honor Mrs. Betty L. Tianti, the Nation's first female president of a State labor federation and Connecticut's first labor commissioner. Mrs. Tianti died on May 16, 1994.

After attending the University of Connecticut and the University of Massachusetts, Mrs. Tianti began her career at the American Thread Co. factory in Willimantic in 1956 and became president of her local union. From 1962 to 1970, she served as an organizer for the union, both in New England and in the South, as well as assistant director of the Textile Worker Union's Committee on Political Education, otherwise known as COPE.

From 1970 to 1974, Mrs. Tianti served as an assistant agent for the Connecticut State Board of Labor Relations. She then became director of the Connecticut State AFL-CIO's COPE. In 1979, she became the federation's secretary-treasurer until 1985.

In 1985, Mrs. Tianti was elected as president of the Connecticut State AFL-CIO and served until 1988 when Governor William A. O'Neill named her as Connecticut's labor commissioner.

Mrs. Betty Tianti has made a significant contribution to the State of Connecticut and to the labor movement. Her dedicated service should be commemorated and appreciated on the sad occasion of her death. I salute Mrs. Tianti as a pioneer and a courageous leader.

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS 1994

Mrs. MURRAY. Mr. President, on April 30 to May 2, 1994, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution program. I am proud to announce that the class from Kelso High School from the town of Kelso, represented Washington State's Third Congressional District. These young scholars worked diligently to reach the national finals by winning local competitions in our home State.

The distinguished members of the team who represented Washington are: Ryan Basom, Melissa Batchelor, Jessica Berglund, Amber Caven, Amy Durden, Jill Elliot, Amy Gilmore, Josh Jones, Lynette Ledgerwood, Kristen Longman, Siri McElliott, Amy O'Neill, Alison Waite, Linsey Ward.

I would also like to recognize their teacher, Kay Stern, who deserves much of the credit for the success of the team. Ms. Stern, the district coordinator, together with Kathy Hand, the State coordinator, have both contributed a significant amount of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civil Education, the program, now in its 7th year, has reached more than 20,100,000 elementary, middle, and high schools nationwide. The We the People * * * the Citizen and the Constitution program provides an excellent opportunity for students to gain an informed perspective of the significance of the U.S. Constitution and its place in our history and our lives. I applaud their accomplishments and congratulate them on their success in the national finals. I wish these young people the best of luck in the years ahead.

SENATE ACTION ON SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. LEAHY. Last week the Congress took another important step toward extending the Satellite Home Viewer Act when the Senate passed S. 1485, the Satellite Compulsory License Extension Act. This bill will extend the statutory compulsory copyright license for satellite home viewing for another 5 years.

When I announced my cosponsorship of this bill on March 3, I came to the Senate floor and asked my colleagues to move promptly to reassure the thousands of families in Vermont and millions of households nationwide that their home satellite dishes would not go dark at the end of this year. Well, the Senate has acted. I rise to thank my Senate colleagues for their attention to this important measure.

In the last 10 weeks, under the able leadership of Senator DECONCINI, the Senate Subcommittee on Patents, Copyrights and Trademarks marked up the bill and passed it unanimously, the Senate Judiciary Committee unanimously reported it favorably to the full Senate and now the Senate has passed it by voice vote and without objection.

I now urge our House colleagues to act promptly and adopt this consensus bill. It is important that Congress assure those people who receive programming for satellite services that this bill will pass and be signed into law before the expiration of affiliates that the bill clarify their status so that they can provide the largest viewing audience with professional football telecasts starting late this summer. Time remains of the essence.

There is every reason for Congress to complete action promptly on this bill. It should not be subject to delay. The legislative docket is increasingly being filled with matters that will soon require our full attention. The crime bill, health care reform, a Supreme Court nomination, and appropriation bills all will require our time in the weeks ahead. I urge our friends in the House to consider and adopt the Senate bill and eliminate any need for a conference so that this legislation can be sent to the President without further delay.

I will continue working for uninterrupted service to the thousands of viewers in mountainous or remote regions of Vermont who would be unserved were it not for satellite reception. I thank my colleagues for their interest in ensuring that our constituents in rural areas have this opportunity to participate by satellite in the widest possible array of news, sports, entertainment, educational, and informational programming.

TRIBUTE TO RICHARD P. POWERS

Mr. WELLSTONE. Mr. President, I rise today to remember and honor a distinguished journalist, Richard P. Powers, who recently passed away at the age of 88.

Members of Richard Powers' family live in Minnesota. His daughter, Jane Powers, has shared with me her memories of her father's love of the U.S. Senate and House of Representatives, where he worked for many years as a journalist with the Associated Press, and his fond memories of working with some of the giants of the Senate including Vice President Hubert Humphrey.

Shelia and I extend our sympathies to Richard Powers' family. I ask to have included in the RECORD the obituary that was published in the Washington Post earlier this year at the time of Richard P. Powers' passing.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

RICHARD P. POWERS DIES; CORRESPONDENT FOR AP

Richard P. Powers, 88, a retired Capitol Hill correspondent for the Associated Press, died of a heart attack March 30 at Suburban Hospital.

Mr. Powers, who was stricken at his residence in Bethesda, was born in Chippewa Falls, Wis. He graduated from the University of Minnesota in 1929 and joined the AP in Minneapolis.

In 1939, Mr. Powers transferred to Bismarck, N.D., where he was manager of the AP bureau.

Mr. Powers came to Washington in 1942 and covered congressional delegations from Minnesota, Wisconsin, Michigan and North and South Dakota until he retired in 1970.

Mr. Powers was a member of Bradley Hills Presbyterian Church in Bethesda.

Survivors include his wife of 61 years, Gladys E. Powers of Bethesda; two children, John R. Powers of Princeton, N.J., and Jane E. Powers of Minneapolis; a sister, Mary P. Sanders of Chicago; and three grandchildren.

TRIBUTE TO JACKIE ONASSIS

Mr. DOLE. Mr. President, few Americans ever received more public and media attention in their adult life than Jacqueline Kennedy Onassis.

And few Americans ever handled that attention with as much dignity and grace as Mrs. Onassis.

I join with all Members of the Senate, in mourning the untimely passing of Mrs. Onassis, and in extending our sympathies to her family, and to her former brother-in-law, our colleague, Senator EDWARD KENNEDY.

Like all Americans, I will always remember the remarkable courage Mrs. Onassis exhibited in the very emotional days following the tragic death of President Kennedy.

Instead of Mrs. Onassis leaning on others for support during her time of grief, she provided support for an entire Nation.

Mrs. Onassis will also be remembered for the style she brought to the White House during her years as First Lady. Her vision of the White House was that it should be a showplace for American culture. And all the First Ladies who have followed Mrs. Onassis have acknowledged the difference she made as First Lady.

Again, Mr. President, I join in mourning the passing of a woman who graced history, and who touched the hearts of millions of men and women around the world.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,589,268,567,599.52 as of the close of business yesterday, Friday, May 20. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,602.90.

TRIBUTE TO STAGE EMPLOYEES LOCAL NO 21, 100TH ANNIVERSARY

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the members of Local 21 of the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators, which will proudly celebrate its 100th anniversary on July 1 of this year, and I am pleased to share with you a bit of their remarkable history in the labor movement.

Since their inception in 1894, the stagehands have demonstrated an outstanding commitment to the development of the American theater. From traveling theaters to the birth of the movie projector just after the turn of the century, stagehands dedicated themselves to becoming skilled laborers. Although they suffered from several setbacks when the film industry moved from its birthplace of Edison, NJ, to California, local 21 managed to rebound by involving itself in the new prosperity of burlesque and vaudeville in the 20th century.

In later years, as theaters like the Paper Mill Playhouse and the Newark Symphony Hall regained their earlier popularity with revivals of old productions, the stagehands of local 21 reestablished themselves in New Jersey theatrical productions.

With their attention to detail, their knowledge of the history of live entertainment, and most importantly, their cooperation with one another, the members of local 21 have survived as one of the oldest labor organizations in New Jersey. I am proud to acknowledge and praise their work. They represent the proudest traditions of organized labor: Hard work, longevity, and ultimately, success. I congratulate every member, and wish them another 100 years of prosperity.

TRIBUTE TO THE ESTABLISHMENT OF A CULTURAL EXCHANGE

Mr. LAUTENBERG. Mr. President, I rise today to call to the attention of the Senate the establishment of a formal relationship between the township of Princeton, NJ, and the village of Pettoranello, Italy.

I must commend the citizens of both communities who worked to establish this sister-city relationship. This special link will increase communication and encourage future visits between the citizens of each town. There is no doubt that this exciting cultural exchange will provide those from both countries with an enriching experience that will last a lifetime.

This program demonstrates the importance of understanding and accepting those from a variety of backgrounds. The globe has become a much smaller place because of explosive developments in technology. Therefore, we must take advantage of these developments by striving to better our understanding of those with whom we share the world. The sister-city relationship between the township of Princeton, NJ and Pettoranello, Italy, demonstrates a commitment to that exact goal.

I applaud and salute all of you for your efforts.

TRIBUTE TO PATRICK A. TUCKER

Mr. WARNER. Mr. President, I rise today to pay tribute to an outstanding professional who served with distinction as a member of the Senate Armed Services Committee staff, Patrick A. Tucker.

For almost a decade, members of the Armed Services Committee and, indeed, the Senate as a whole, benefited from the invaluable knowledge and wise counsel of Pat Tucker. He joined the Senate in May 1983, serving as counsel for the majority to Chairman John Tower. In 1985, Pat's proven talents and can-do approach earned him a promotion to general counsel when our friend and former colleague, Barry Goldwater, became chairman of the committee. As ranking member, I was delighted to name Pat to the post of minority counsel in January 1987. In December of the following year, Pat assumed the dual position of staff director and counsel where he remained until January 1993. From then until he retired from the Hill at the end of last year, I was privileged to have Pat's counsel on my personal staff.

Pat's keen knowledge and interest in military matters came to him firsthand. Born and raised in Beckley, WV, Pat entered Virginia Polytechnic Institute on an Air Force ROTC scholarship. He earned a bachelor of science degree in public administration in 1969 and was commissioned in the U.S. Air Force. While on an extended delay from active duty, Pat entered the National Law Center at George Washington University, earning his J.D. with honors in 1972. After graduation, Pat served on active duty as an Air Force judge advocate in various assignments including area defense counsel in Southeast Asia, staff judge advocate to a general officer command, and appellate defense counsel at Air Force headquarters in Washington.

Leaving active duty in 1980, Pat accepted a position as attorney-advisor for legislation with the Department of the Air Force. Pat is presently a lieutenant colonel in the Air Force Reserve.

Pat's service to me, to the Senate Armed Services Committee, to the Senate and to the Nation has been invaluable. As the staff director of the Armed Services Committee, he provided extraordinary leadership for the Republican staff. His ability and professionalism, knowledge and negotiating skills earned him the admiration and respect of all those who were privileged to work with him. His advice and counsel, especially on the more technical and complex aspects of the rules of the Senate, were continually sought by Senators from both sides of the aisle.

The roster of issues on which Pat's advice and counsel were of foremost assistance to me is a lengthy one: the National Missile Defense Act; military retirement reform and CHAMPUS reform; the Montgomery G.I. bill; my efforts in 1989 to amend the War Powers Act; and, perhaps most significantly, the resolution giving the President the authority to use military force in the Persian Gulf war.

During the year that Pat served as my counsel on my personal staff, he provided me with sound advice, and the benefit of his extensive knowledge and experience on a full range of defense, national security, and domestic issues. He became as indispensable to my staff as he has always been to me.

Mr. President, it would require pages to do justice to the many accomplishments of this talented, dedicated, and versatile individual. While the Senate Armed Services Committee is fortunate to enjoy the services of many outstanding, well-qualified staff professionals, Pat Tucker's skills and abilities are extraordinary even among these. The breadth and depth of his knowledge and experience are matched by keenness of judgment, a strong sense of personal confidence, and unwavering love for his country. These attributes coupled with his sharp wit and good humor made him an exceptional advisor and an extremely effective counsel.

I know that my colleagues are pleased to join me in extending appreciation and best wishes to Pat as he embarks on his third career—first the Air Force, then the Senate, and now the private sector. Pat, you have served your Nation well and I know you will continue to do so.

In closing, I would like to share with my colleagues the simple but compelling words which Pat spoke to his fellow staffers as he was preparing to depart. They were uplifting in the way that only encouragement from a fellow in the trenches can be, "What you do in the Senate is important. It really matters, and it does make a difference in what happens in the best interests of our country."

DRUGS AND HAITI

Mr. DOLE. Mr. President, some involved in the administration's Haiti policy are shopping for an invasion rationale, and they ended up at the narcotics counter. This is a new twist to President Clinton's foreign policy—looking for reasons to invade a country. According to recent news reports, United States government agencies have been tasked to find evidence that would justify United States military action in Haiti to fight narcotics smuggling. It seems to me that an island under blockade is not a very good drug transshipment point, if you have ships all around the island. But despite the obvious, the administration has begun a fishing expedition.

The administration does not need to look any farther than the State Department's April 1994 Comprehensive Report on International Narcotics. On page 191, it says,

> Compared to trafficking indicators in other areas such as the Bahamas or Mexico, the current level of detected air and maritime drug-related activity in Haiti is low.

On page 192, the report goes on to say the United States government "does not have evidence directly linking senior [government of Haiti] officials to drug trafficking * * *"

Activity is comparatively low, and there is no evidence of direct complicity. The record seems pretty clear—an invasion in search of a reason would be hard pressed to use Haitian drug smuggling. Any level of drug smuggling is unacceptable but, based on the State Department's own evidence, invasions of Colombia or the Bahamas would do more to slow the drug trade than an invasion of Haiti.

Some have tried to compare Haiti to Panama. Haiti is not Panama. Months before Operation Just Cause in Panama, Noriega had been indicted in the United States—an indictment that later led to a conviction. There are no indictments in Haiti. In Panama, American lives were at risk. In Haiti, I know of no threat to Americans from the military regime. On Panama, the Senate passed numerous resolutions opposed to Noriega, and urging more United States action from 1987 to 1989. On Haiti last year, we passed an amendment calling for congressional authorization before military action by a vote of 98–2.

Haiti's military regime is despicable, but blaming them for the narcotics problem in the United States is particularly ironic from an administration that gutted the Drug Czar's office, downgraded the State Department's international antidrug efforts, and is reducing drug enforcement administration personnel.

If the administration wants to fight narcotics coming into the United States, there is much to do without invading Haiti. And if the administration really wants to build a domestic consensus over its Haiti policy, it should join with Congress in appointing an independent commission to evaluate the situation, not raise the false flag of narcotics trafficking.

I would just say as far as the independent Commission is concerned it has been done in the past. We did it 10 years ago in Central America, looking at 5 different countries at the time. It was a bipartisan Commission headed by former Secretary of State Henry Kissinger and former Ambassador Robert Strauss. It was nonpartisan. They know the specific interests in the area. They made a number of good recommendations to the Reagan administration, many of which were later followed and I think the value of that Commission was demonstrated recently in the free election in El Salvador.

So, I just hope that we could have a commission that could work with Mr. Bill Gray, who is highly respected, known by all of us. In my view that would be very helpful to find some nonpartisan approach to what should be done in Haiti because I believe the people are really suffering, the poorest of the poor. It is not the military, not the middle class, not the upper class. It is the poorest of the poor. It is also in my view that by tightening sanctions we in effect are punishing the wrong people. We are not punishing the military. They are going to be taken care of. They will take care of themselves. If you noticed the picture in Sunday's Washington Post of the poor starving or hungry children in Haiti, then I think our policy is wrong. If we are going to drive them into boats and the boats have no place to go, they are going to return to Haiti. It seems to me, there must be a better way, and I hope we can find a better way in a bipartisan effort.

I ask unanimous consent to print in the RECORD the comments from the International Narcotics Control Strategy Report of April 1994.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF STATE, BUREAU OF INTERNATIONAL NARCOTICS MATTERS—INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT—APRIL 1994

HAITI

I. Summary

Haiti continues to be used by Colombian trafficking organizations as a base of operations and transshipment point for the movement of South American cocaine to the United States. The Government of Haiti (GOH) has had little success in attacking the problem and clearly has an inadequate interdiction and enforcement capability.

Compared to trafficking indicators in other areas such as The Bahamas or Mexico, the current level of detected air and maritime drug-related activity in Haiti is low. We do not have an accurate assessment, however, of the extent of cocaine transiting Haiti. Our best estimate is that one or more multi-hundred kilogram loads pass through the country monthly. President Aristide's ouster in the September 1991 coup d'etat halted close bilateral narcotics control cooperation in Haiti, which in turn reduced opportunities to enhance host government capabilities.

Note: In this report, GOH and host country refer to the *de facto* government which the USG does not recognize.

II. Status of country

Haiti's geographic location between Colombia and the US, coupled with a long, unpatrolled coastline and mountainous interior and the presence of numerous uncontrolled airstrips make the country an ideal site for illicit narcotics trafficking. Inadequate enforcement and interdiction and the susceptibility of Haitian officials to corruption make Haiti even more desirable for traffickers. As a result, Colombian trafficking organizations are using Haiti as a transshipment and storage point. Marijuana is also transshipped through Haiti, but to a lesser degree than cocaine.

The de facto government maintains the same antidrug policies and bureaucratic mechanisms as the Aristide government. Counternarcotics law enforcement efforts fall under Haiti's Ministry of Defense. Two drug units subordinate to the Haitian military have been established to coordinate intelligence gathering and interdiction activities: the National Narcotics Bureau (NNB) directs law enforcement activities, is subordinate to the military chief of staff, and is staffed by 40 officers and enlisted men; and, the Center for Information and Coordination (CIC), responsible for the collection, analysis, and dissemination of intelligence for narcotics law enforcement and interdiction activities, is staffed by about 30 security service personnel. Counternarcotics operations are controlled by the military and are conducted primarily by the army and the national police, which reports to the army commander. Haiti's air force and navy also have a counterdrug responsibility, but resource constraints have severely limited their involvement in drug control operations.

The de facto government has maintained drug enforcement efforts at or above the precoup level, but a lack of support (the CIC is almost inoperative) and dwindling resources have affected seizures (in 1993 cocaine seizures totalled 156 kgs).

The Haitian legal system is ineffective in controlling illicit drug activity. Although Haiti's narcotics laws are relatively strong, law enforcement and military resources have been grossly inadequate to cope with narcotics trafficking. The weak judicial system has brought few traffickers to justice, even when arrests have been made. Defendants are routinely released on a technicality within days of arrest and almost never come to trial. Haiti is not an important producer of illegal drugs, though small-scale cannabis plots have been discovered and destroyed by law enforcement officials. There is almost no information available on money laundering or precursor chemical activities in Haiti.

III. Country action against drugs in 1993

Policy Initiatives. There were no significant changes in GOH international narcotics control policy during 1993. Political issues continued to overshadow counternarcotics concerns for those in control of the government.

Accomplishments. Although the GOH made some minimal enforcement efforts during 1993, its counternarcotics actions fell far short of fulfilling the goals and objectives of the 1988 UN Convention. Illicit drug trafficking continues to be well beyond the capacity of Haitian security forces to control. Despite continued efforts under the de facto regime, corruption, inadequate manpower and resources prevented the NNB and CIC from making a substantial impact. The air force and navy were unable to engage in effective narcotics interdiction activities in 1993. The extent of narcotics-related money laundering in Haiti is unknown. The lack of currency regulations and money laundering laws, together with an open parallel currency exchange, make Haiti vulnerable to this type of activity. The degree of manufacture or trade in precursor chemicals, if any, is also unknown. Additional legislation would accomplish little in either of these areas until enforcement capabilities are enhanced and problems in the judicial system are adequately addressed.

Corruption. The USG does not have evidence directly linking senior GOH officials to drug trafficking, though rumors and (unsubstantiated) allegations abound. In 1992, the army command issued a field order which stated that any member found to be directly or indirectly involved with narcotics trafficking would be expelled from the military and turned over to public authorities for prosecution. That year, several low ranking officers and a number of enlisted personnel were expelled or reassigned. The civilian judicial system declined to prosecute. We are unaware of any further actions in 1993. If the GOH intends to prevent and punish public corruption, it is clear that it must do so in the judiciary first and foremost. Enhancement of drug enforcement and interdiction capabilities and legislative reforms will accomplish little until the prosecutors and courts are able to bring traffickers to justice.

TRIBUTE TO PRESIDENT CARTER'S ROLE IN THE PANAMANIAN ELECTIONS

Mr. PELL. Mr. President, I commend President Carter for his important role in the recent elections in Panama. President Carter led an international delegation made up of leaders from throughout the hemisphere to observe the recent elections in Panama. The Carter delegation found those elections to have been free and fair.

It was particularly fitting for President Carter to return to witness the first free and fair elections in decades in Panama. Only 5 years ago, President Carter and President Ford led another international delegation to observe the 1989 elections. That delegation found the elections to be fraudulent, thus delegitmizing the electoral process and heightening international opposition to the Noriega regime. The delegation's findings were widely accepted and ultimately the regime was forced to annul the elections.

President Carter's contribution to the free and fair elections in Panama is only the latest in a series of efforts he has made to monitor elections in this hemisphere and around the world. Mr. President, I hope my colleagues will join me in commending President Carter for the outstanding role he continues to play in fostering democracy in the Americas and around the world.

THE AWARDING OF THE MEDAL OF HONOR TO U.S. ARMY MASTER SERGEANT GARY GORDON

Mr. MITCHELL. Mr. President, I know we all remember the tragic loss of life that occurred on October 3, 1993, when members of the U.S. Army Rangers and Special Forces became involved in a fierce firefight with supporters of Somali Gen. Mohammed Farah Aidid. Eighteen Americans were killed and many more wounded in the battle.

We will never forget the photographs of Chief Warrant Officer Michael Durant, held captive by the Somalis for 11 days, wounded and in terrible pain. And we will never forget our relief when Officer Durant was released by his captors and returned home to the United States.

In the midst of the chaos and horror that day in Mogadishu, a Green Beret sergeant from Lincoln, ME, named Gary Gordon committed an act of heroism that also will be remembered. Mr. President, I rise today to honor this outstanding young man who was killed in the line of duty, and who has been awarded posthumously the Medal of Honor by President Clinton.

During the battle on October 3, Chief Warrant Officer Durant's Blackhawk helicopter was hit by a rocket-propelled grenade and crashed, leaving him and three crew members injured and surrounded by hostile fire. Master Sergeant Gordon and Sergeant First Class Randall Shugart were then dropped from another Blackhawk helicopter to provide cover for the injured troops until reinforcements could arrive.

Without any backup and outnumbered by Somali gunmen, Master Sergeant Gordon and Sergeant 1st Class Shugart pulled Chief Warrant Officer Durant and his crew from their helicopter and administered first aid. When Somali gunmen began attacking the crashsite, Master Sergeant Gordon demonstrated bravery and heroism to protect the injured men. While holding his position and keeping the attackers at a distance, Master Sergeant Gordon was shot and killed by Somali fire. Only Chief Warrant Officer Durant survived the battle.

For distinguishing himself conspicuously at the risk of his life above and beyond the call of duty, President Clinton has posthumously awarded Master Sergeant Gordon the Medal of Honor, the highest award offered to a member of the Armed Forces for an act of heroism while in service to our country. This is a very great honor, and clearly deserved by an individual who demonstrated outstanding bravery and devotion to his nation.

The family of Master Sergeant Gordon clearly will continue to feel the pain caused by the loss of their loved one. But I hope they know that the United States is deeply grateful for his service.

ARAFAT'S REMARKS

Mr. DECONCINI. Mr. President, I rise today with great sadness over remarks made by Chairman Yasser Arafat, the chairman of the Palestinian Liberation Movement, in the speech he made May 17 in Johannesburg. Some of that speech was apparently not recorded and that which was recorded has become extremely controversial and very, very dangerous and troubling if in fact it is true.

I give Arafat the benefit of the doubt that the press may be misquoting the chairman, and we in public office know that that happens more frequently than we would like and I am sure more frequently than the press would like. However, it is of great concern that his statement as reported in the press said that the Cairo agreement was merely the first step in the peace process and that the liberation of Jerusalem is the Moslems' main objective in the peace accords with Israel.

This is quite different than what I understand to be the statement of principles and the accord between the PLO and Israel.

His statements that were made public, and apparently a tape recording has been furnished, are that Arafat called for a holy war, a jihad, to liberate Jerusalem.

There may be many interpretations of what that is, and I am far from being any kind of expert interpreter, but these words carry great strength and power. The interpretation that is perceived is that he is not committed to a negotiated settlement which does not include the "independence" of Jerusalem. Yet this is not part of the statement of principle or accords signed by Mr. Arafat and, of course, Prime Minister Rabin.

No one wants to see a reversal in this peace process. Prime Minister Rabin may be, in my judgment, one of the few individuals in Israel who could bring that Nation to a possible peaceful settlement of the disputed areas in the Middle East. It took someone with his courage and his credibility built during his time as defense minister and the able leadership of his present foreign minister, Mr. Peres, who were willing to take great political risk.

Now we are at a juncture where there is an actual physical pullout of troops and turning over of autonomy, and the self-governance of Gaza and in Jericho. I am well aware that the PLO and others want other territories turned over immediately. That is not going to happen.

And these statements by Mr. Arafat, if they are correct, are going to set this peace process in reverse, in my judgment, and rightfully so.

If I were an Israeli today and I supported Rabin, I would have to wake up and say, "Wait a minute, Mr. Prime Minister. What assurance do we have that the PLO is going to live by those statements of principles?

And I was an opponent, like Mr. Netanyahu, who is the head of the Likud party, I would say, "Wait a minute. What a big mistake. Mr. Arafat has said openly that he is not going to follow the pledge he gave Mr. Rabin to end violence."

There are further statements Mr. Arafat reportedly made that are of great concern.

Mr. Arafat supposedly said you have to come and to fight and to start the jihads to liberate Jerusalem, your first shrine. These statements seem to have far greater and stronger meaning than what Mr. Arafat later explained he meant by those statement. Mr. Arafat said that what he meant by "jihad" was a peaceful liberation.

It is vital that a strong message be delivered to the PLO and Mr. Arafat. I urge our Secretary of State and, if necessary, President Clinton to make very clear that the United States is not part of a peace accord, a peace process, or a statement of principles that talks about liberation of Jerusalem. That is not part of the agreement.

It is my understanding that under the accords the status of Jerusalem would be discussed, but it is not part of the agreement that there would be any pullout by the Israelis. I am not sure it ever will be. But that is for others to decide, not this Senator.

The Palestinian negotiator, Jamil Tarifi, whom I had the pleasure of meeting, said. "Oh, don't put too much meaning into Arafat's statements. It is not too significant." He said today that any delay on the part of Israel in discussing the timetable for the next stage of the peace process would violate the peace agreement which stipulates that talks begin on the next "early empowerment" phase of the accord.

Well, I think it is important to send a strong message to the Arab world, particularly those what want to support and have offered support to Yasser Arafat and the PLO, and to caution them about the ramifications to deal with these types of statements.

When you use the word jihad, it raises all kinds of images in one's mind. We saw in Gaza and in Jericho—in Gaza particularly—the holy jihad, the holy war against Israel. We saw the terrorists' activities and we realized just how violent a jihad can be.

We saw on our televisions and in our newspapers how bloody a holy war can be.

The Israelis have an absolute right to ask Arafat for an affirmation of his commitment to peace before continuing with the next stages of the peace process.

It was the wars against Israel that brought the Israeli Army to occupy the so-called territories. Now they have agreed to leave. Not only have they agreed to leave, they have left. They have turned over the operation of Gaza and Jericho to the PLO. And the PLO will, I hope, under the leadership of Mr. Arafat, respond in a sensible way. But these statements by Arafat in South Africa are anything but common sense and anything but a good idea.

Last December, I headed a codel. We were in the Middle East and we met with Chairman Arafat. There was concern among the members of the delegation after we met with him as to just how committed he was to the peace process.

But we took him at his statements that, yes, it would happen; and if the United States and Israel would stop pressing him, he could get control of those radical elements within the PLO and move this process forward.

I think Mr. Arafat has attempted to bring about some restraint of those terrorists' activities, but I am greatly concerned about his unwillingness to denounce acts of terrorisms.

And Mr. President, I must say to Chairman Arafat if he were here today, "Play it smart. I know you have constituencies out there that need to hear that rabble-rousing words like jihad, and other words, that will demonstrate that we are going to get everything we want in these negotiations." But I think it is very clear, and I think Mr. Arafat knows, that neither side is going to get everything it wants. And such statements jeopardize nothing less than the peace process itself.

So, Mr. President, in closing, I urge the administration to take a quick, firm, position, and to make a strong statement on this matter to Mr. Arafat. And I urge Mr. Arafat to make not only a clarifying statement, but to put it in writing. He has nothing to be lost by doing that and everything to gain.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed under the order.

KING HOLIDAY AND SERVICE ACT OF 1994

The PRESIDENT pro tempore. Under the order, the Senate will now turn to the consideration of H.R. 1933, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1933) to authorize appropriations for the Martin Luther King, Jr., Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

The Senate proceeded to consider the bill.

Mr. WOFFORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, my colleague and friend of the civil rights movement, Representative JOHN LEWIS, and I originally introduced S. 774 and H.R. 1933 on April 3, 1993, the day before the 25th anniversary of the assassination of Martin Luther King, Jr.

This past weekend, I found myself remembering those tragic days because of the death of Jacqueline Kennedy Onassis. One of the mental photographs of Jacqueline that comes back to me—and I am sure so many of us—in vivid detail is her comforting Coretta King at Martin's funeral. Widow comforting widow, helping to weather the storm, helping to carry the burden. Coretta once suggested she could not have made it through those days without Jacqueline.

Mr. President, I also remember a night in the mid-1950's when my wife and I drove Martin and Coretta King from Baltimore to Washington after Martin had sharply challenged the National Black Fraternity for spending more money on its weekend convention than the whole annual budget of the NAACP.

Sitting with my wife in the back seat, Coretta told of her recurring nightmare that at the end of the road in the civil rights struggle, Martin would be killed. He leaned back from the front seat and said she should dream instead of all the things they could do while he was alive. Then he added, "I didn't ask for this. I was asked and said yes." He hummed a line from the spiritual "The Lord Asked Me and My Soul Said Yes."

Now, 25 years after Coretta's nightmare became a reality and some 10 years since Martin's birthday became a national holiday, what should we do in remembrance of Martin? How should we say yes?

We should certainly celebrate, reflect on, and never forget the victories won. While Martin Luther King was alive, the right to vote was won in one-third of our country and segregation laws were struck down everywhere in the land. In measuring those years, I want to say that these were not little victories which the civil rights movement won. As Senator COHEN suggested the other day and Senator BRADLEY has so passionately argued for some time, we still have much work to do in the area of race relations as we head into the 21st century.

We have not done so well in moving forward in our own time in the last quarter of a century since Martin Luther King was taken from us. But let us not demean history case by case, march by march, lunch counter by lunch counter, jail by jail, martyr by martyr, Executive order by Executive order, and, finally, law by law. The civil rights movement made history and ended undemocratic laws and practices in one-third of our country.

But it is not enough to remember victories won. Martin would want us to raise our sights to the work yet to be done.

In his sermon the night before he was killed, he said he had been to the mountain top and had seen the promised land and might not reach it himself. He was no longer afraid of any man, or death itself, he said. And he was ready to climb the whole range of mountains still ahead.

When he died, he was just trying to move up the next steep slope—the mountain of poverty in our cities, the mountain of class mixed with race, the mountain faced by a generation of young people denied hope and opportunity. Martin would have found it a scandal to let another generation of young Americans fall into a vicious cycle of poverty, drugs, crime, prison, even death. He could hardly have imagined that an estimated 100,000 American children would bring guns to school each day. Martin would not have accepted the epidemic of crime and senseless youth violence that is spreading across cities, suburbs, and rural communities in our country. A recent Business Week article estimated crime and violence are costing us $425 billion a year. But the spiritual cost is much higher and much more important. Think of the terrible impact on a classroom when a student pulled out a gun and killed a fellow student. That happened in a small town in Pennsylvania.

Given a challenge like that, nothing would have aroused Martin more, even angered Martin more than people supposedly honoring him by sitting home watching TV or sleeping late. The King holiday, should be a day on not a day off; a day of action, not apathy; a day of responding to community needs, not a day of rest. Martin would want the holiday honoring his birthday to be a day of reflection not recreation, service not shopping, a day not only of words but of deeds.

As President Clinton suggested at my alma mater Howard University, Martin Luther King lived and died in the fight to remind us of what is the greatest struggle in our lives in the present day—how to close the gap between our words and our deeds. The Martin I knew would not just be talking about battling violence, crime, drugs, and other problems plaguing our society. He would get out in the community, get his hands dirty, tackle the problems head on. When we honor him, we should do no less.

Mr. President, that is what this bill before us today does. It answers the questions "How do we say yes?" and "How do we honor Martin Luther King?" That is really the heart of this debate that I am having with the distinguished Senator from North Carolina: should America honor Martin Luther King and, if so, how?

The King Holiday and Service Act of 1993, as H.R. 1933, passed the House of Representatives by unanimous consent under specialty rules on March 15.

The King Commission has enjoyed strong bipartisan support in both Chambers. The King Commission was first established on August 27, 1984, by President Reagan. Under the leadership of President Bush, the Senate voted on May 2, 1989, to extend the Holiday Commission and authorized 5 years of appropriations at $300,000 per year. The Senate passed the measure 90 to 7 and it was signed into law on May 17, 1989, 90 to 7.

This year there were 105 cosponsors of H.R. 1933 in the House, representing Members on both sides of the aisle. In the Senate, we have 17 bipartisan cosponsors including 6 members of the Judiciary Committee, which has jurisdiction.

On April 13, the Senate Judiciary Committee held a hearing chaired by my able colleague, Senator MOSELEY-BRAUN on S. 774. The Judiciary Committee marked up the bill H.R. 1933 as it was passed by the House and reported the bill out without objection by voice vote on May 5.

The legislation has the strong support of President Clinton, Jack Kemp, Coretta Scott King, numerous mayors and Governors, a lot of religious, labor, civil rights, and educational organizations ranging from the AFL–CIO to the Mennonite Central Committee and the National Catholic Educational Association.

I ask unanimous consent to enter into the RECORD a letter from President Clinton indicating his support for the Commission's reauthorization.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 17, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate,
Washington, DC.

DEAR HARRIS: Thank you for your letter on the King Holiday and the problem of youth violence.

Our nation is indebted to you for your groundbreaking work in advancing the case of civil rights both as an advisor to Dr. Martin Luther King, Jr. and as a special assistant to President Kennedy. I know that your ideas about the power of nonviolent citizen action had a real impact on Dr. King's thinking and strategy and you, in turn, know of the impact that Dr. King had on my life and on my own call to public service.

I have reviewed the legislation that you and Representative Lewis have introduced to extend the work of the King Holiday Commission to promote community service as part of both the Holiday observance and its activities with young people throughout the year. Given the close association you and John had with Dr. King, it seems only fitting that the two of you should lead this effort together.

I fully support the reauthorization of the King Holiday Commission and look forward to working with you on this legislation. Making the promotion of community service part of the Commission's work is an appropriate way to honor Dr. King, and is in keeping with the Commission's effort to combat youth violence.

Dr. King lived and died in the fight to remind us of what is the greatest struggle in our lives, in the present day—how to close the gap between our words and our deeds, between where we were as a society and where we would like to be. Your legislation will help us close this gap and ensure that we continue to remember Dr. King not only by what we say, but by what we do.

I thank you for your work for the King holiday and our nation's youth.

Sincerely,

BILL CLINTON.

Mr. WOFFORD. I ask unanimous consent to put in the RECORD a remarkable speech given the day before yesterday at Drexel University by Teresa Heinz, whose husband's seat I have the honor to fill.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LEADERSHIP IN THE POST-POLITICAL AGE

(By Teresa Heinz)

Thank you. When Bob Hall asked me to speak to you today on the subject of leadership, I was delighted, but a bit concerned. Talking to this group about leadership is like talking to Steven Spielberg about movie-making.

Nonetheless, this is precisely the sort of group with whom I would want to discuss this subject. I have become a proponent in recent years of a certain kind of leadership, one which places greater responsibility on people like you and me. It is not only fitting that we discuss this, but essential.

Leadership is a subject that inspires strong opinions, especially among people who are leaders themselves. Garry Wills writes in his new book Certain Trumpets: The Call of Leaders, "Tell me who your admired leaders are, and you have bared your soul."

Necessity has forced me in recent years to search my soul for a definition of leadership. I have always been a leader, ever since I was a young girl. That's the product, I think, of always having had a strong sense of place and self. But my understanding of leadership has been refined by three recent challenges.

The first was my husband's death in 1991, which forced me to reflect deeply on the qualities that made him so very special as a leader. "Real leadership," he once said, "involves persuading people to do something now that will bear fruit in the future."

John appended that definition with a cautionary note. "Too many people," he said, "live only in the short term. Instead of clearly seeing what is demanded of us, instead of understanding and learning from the past, instead of charting a new course for tomorrow, too many Americans are allowing themselves to be manipulated into quarreling with the past and denying the realities of the present."

He spoke those words in 1979, and they ring even more true today. But to his definition of leadership, I would add the qualities that made him so special. These were very much qualities of the human spirit—joy, optimism, curiosity, a willingness to take risks, a love of people, a belief that he could make the world a better place and the gritty determination to make it happen. These, too, are the hallmarks of leadership, and they are qualities we all can share.

The second circumstance that challenged me to think of leadership in new ways came when I succeeded John as chairman of the Howard Heinz Endowment and conceptualized what has come to be known as the Heinz Family Philanthropies—a unifying identify for our foundations that protects the unique leadership of each. As a public figure, John was and had to be avowedly discrete about his philanthropy. He never wanted to risk the perception that he was using philanthropy for personal political gain. As a private citizen, I faced no such peril, and so I felt an obligation to explore opportunities for transforming the traditionally quiet world of philanthropy into a dynamic force for change.

The third recent influence on my perception of leadership came when I was asked last year to seek election to the Senate. That forced me to consider where I, as a leader, could be most effective. And what I realized—no offense to my husband or to Harris Wofford—looking back at John's special qualities and how anyone can share them . . . and looking at the many models for non-political leadership I was unearthing through our philanthropy . . . what I realized was that leadership is not restricted to Washington . . . that often the most effective leadership of our times is coming not from government but from deep within the vast American heartland, from private citizens in business, in non-profits, in academia, in communities. I realized that my opportunity as a leader, and thus my responsibility, was to foster and to nurture that leadership, to harness and bring to light the leadership of others.

The temptation to seek public office was great, of course. If you're like me and most Americans, there are times—when you read the paper or watch the news—that you find yourself thinking you could do better, or pining for the leaders of yesteryear. Where, you wonder, is this generation's Washington, Lincoln, Kennedy or King? So great is our thirst for the leadership of the past that even Richard Nixon, who was in many ways one of our strongest presidents, has been reborn, by all accounts the patron saint of misunderstood greatness.

As I peered down the gauntlet of electoral politics, I reached this conclusion: We may yet see the emergence of other Martin Luther Kings, other non-politician leaders, and in all likelihood that is the prototype for leaders of the future. The days of the great politicians, though, of the great men guiding us from the White House toward even grander visions, are at an end.

This is not, as is so fashionable to believe, the fault solely of the present generation of politicians. The politicians haven't changed so much as we—and the power of their offices—have. To quote Garry Wills again, "We do not lack leaders . . . We lack sufficient followers . . . Calls are always going down into the vasty deep; but what spirits will respond?"

Our spirits today seem resistant to political followership. I do not believe we have outgrown history's need for great leaders, just that politics has lost its capacity to provide them. We are living in a time that, for lack of a better term, can be called post-political.

By that, I do not mean that politics is a thing of the past. Rather, I mean that government, at least in this country, has lost its primacy as a venue for real leadership. Further, I mean that our leadership needs have changed, in a way not well-suited to our present notions of politics and government. To understand how, we must first understand what has happened to politics and to us, so let me briefly touch upon what I see as the most significant changes. In no particular order, they are:

First, we as a society have grown more cynical and lost faith with our politicians. Television is partly to blame—it has made us shallowly familiar with our politicians and them with us, and this kind of thirty-second-deep familiarity does breed contempt. But the cause is less important now than the result, which is a wholesale disregard for politics and its practitioners. Lately this has manifested itself in a mass conversion to the politics of reform—from term limits to a desire to kick the bums out, as long as it's the other guy's bum. As The New York Times noted recently, suddenly everyone is a reformer.

This iconoclasm may be long overdue, but its practitioners generally offer little in the way of inspiration. We know what they are against, rarely what, if anything, they are for. Personally I support reform, but policitians can not repurchase the loyalty of the American people by foregoing lobbyist-sponsored junkets. That is not leadership. Great leaders understand that they are also symbols; what do the iconoclasts symbolize but a repudiation of themselves?

Second, we suffer from the rise of a political class. Ironically, so many politicians have become reformist converts because they see it as the ticket to their professional futures. Thus does the status quo perpetuate itself. And like any professional class, politicians are prey to the belief that they alone are the experts of their craft—a deleterious notion in a representative democracy.

Political careerism inflicts other damage. Politicians are all too human, and like most professionals they worry about furthering their careers or just keeping their jobs. Some of you may know that I recently spoke out against assault weapons. One of the reasons that I stepped forward on this issue is that I could, while so many politicians would not. Cowed by powerful interest groups, career politicians must be driven by the anger of the people to take a stand. Ours is a time in which the alleged leaders are very often the followers.

Third, we suffer from stifling deficits. There is little money, and even less political will, for experimentation, let alone the sweeping visions of the past.

Fourth, we suffer from government made moribund by bureaucracy. There are many good people in the public sector, but their sheer numbers overwhelm us. Bureaucrats are prone to what Daniel Boorstin calls the bureaucratic fallacy, which he summarizes by quoting the sign over a French civil servant's desk. Translated, it read, "Never do anything for the first time." What hope do bureaucrats offer for the innovation and willingness to take risks that are so inherent to real leadership?

Fifth, we suffer from a diminished sense of citizenship. Harry Boyte, a senior fellow at the Hubert H. Humphrey Institute of Public Affairs, has written that, "From a nation of citizens, we have become a nation of clients." He quotes a politician who concluded after years of public service that government today "largely means the delivery of benefits to the appreciative, paid for by the oblivious."

I think that's optimistic. More aptly, today government means the delivery of benefits to the entitled, paid for by the overburdened. Too often, we as a society believe government owes us something, but we don't want to pay for it. How distant seems John F. Kennedy's appeal for a citizenry mindful of what it can do for its country.

As a whole, these changes have produced a political system disengaged from the people, and a people disengaged from issues and politics. We are left with a political system that cannot lead and a public that can not and will not follow.

Something deeply structural is at work here, too, and not just in the United States. It has to do with the still-unfolding communications revolution and the birth of what has been called the global village. The homogenization of culture at a global level has produced a backlash at the local level. Around the world we see societies and their sub-groups growing increasingly defensive of their cultures, their political and economic systems—in short, of their identities.

Ironically, the very globalization that so threatens these groups confers upon them greater power. This is what John Naisbitt calls the "global paradox"—how our global union empowers ever smaller forces of division. Thus is it that the dictators of Haiti learn from the warlords of Somalia the art of using the global theater to hold the world at bay.

This transfer of power to smaller, often non-traditional groups has its dangers. As we look around the world today, we are tempted to repeat the adage, "Everything old is new again." Countries in Europe and Africa are disintegrating back to old borders. Ancient hatreds drench the earth with blood in Bosnia and Rwanda. Racial antagonism is resurgent in America. We wonder whether the model for our future will be the peace process in the Middle East and the breathtaking liberation of South Africa, or the earth-shaking rage of Los Angeles.

But the truth is, none of this . . . none of it . . . is merely a revival of things old. It embodies a struggle toward something new, new insights into human affairs, a new form of organizing principle. It is a terribly difficult transition. At times it seems as though some vengeful god has unleashed upon us the dogs of chaos. The disorder and uncertainty of our present circumstances are new and frightening, and they tempt us to revert to the defining identities of the past—the old leaders, the old values, the old customs, and yes, sometimes, the old hatreds.

The traditional role of government in times such as these has been to suppress chaos, which is precisely what we expect of it. But I suggest that that is both impossible and unwise. The Chinese have two symbols to express the idea of crisis—one means danger, the other means opportunity. This neatly captures our dilemma: We are at a fracture point in human history, where either we will break terribly with the present and revert to the past, or we will seize the opportunity we have been given to seek the new.

The entire world, it seems to me, is struggling with a question that it must answer and can not avoid forever. That question has to do with community: Just what is it? Is it nation? Which nation? Is it history? Whose history? Is it neighborhood? Is it ethnic group? Is it like-mindedness? Those questions cannot be answered on behalf of anyone anymore. The world has changed too much, power has shifted too irrevocably, for us to put the populist genie back in the bottle.

I offer as a guide a thought from Aristotle: "A state is not a mere society, having a common place," he wrote."Political society exits for the sake of noble actions, and not for mere companionship." That idea suggests a foundation for communities of the future. We are not here to keep each other company—we are here to help each other.

There is an analogy for our situation in the natural world. Studies of the environment have revealed that the apparent chaos of nature belies an underlying order. Almost everything, we have learned, is connected, into what students of biodiversity like to call "the web of life."

We have also learned that the web's very existence depends on the complexity that we perceive as chaos. That chaos is nature's creative heartbeat, its source of evolution and adaptation, without which it will die.

In post-political America, the task of government is not to suppress the emergent chaos in human affairs, but to manage it, to direct it, and to keep it from disintegrating into violence. It is to resist the forces of extremism whose discomfort with uncertainty leads them to cry out for their idea of order and to drive a bloody stake between themselves and others.

The role of our political leaders is to safeguard the new source of real leadership in America. No longer vested in government, that leadership is springing forth from us, and from people nothing like us, our common bond a willingness to respond to crisis and the vision to pursue opportunity. In our schools, in our neighborhoods, in our workplaces, in these places leadership is happening. It is there that leaders still step forward willing to take risks, risks tiny in global terms, but huge for the individuals—who nonetheless dare to experiment, to innovate, to step outside the confines of present circumstances and create a new and better future.

This is the premise of the work we are doing at the Heinz philanthropies. We seek to support these new leaders and the programs they invent or that we invent with them, and to unite them in partnership with a government so desperately in need of their insight and courage.

As some of you may know, the Heinz Family Foundation, one of the Heinz Family Philanthropies. recently created the Heinz Awards, which every year will recognize five individuals for a combination of vision and achievement in the areas of the arts, technology and economic growth, public policy, the environment, and what I call the human condition. The Awards, each of which is for $250,000, will draw attention to men and women who are proving that individual really can make a difference. By their actions, these modern heroes personify a breed of citizenship as promising and enduring as any our country has ever known . . . one driven by the same spirit as drove my husband, not just in politics, but in all walks of life.

When I referred to you as leaders at the opening of these remarks, it was not to compliment you. If anything, it was to challenge you. To you and others like you . . . to all Americans on whom life has smiled by giving them power, or money, or prestige, or insight, or intellect, or charisma, or talent, or health, or energy . . . to all such Americans has fallen the responsibility for guiding this country into the next century.

I spoke a moment ago of the web of life. America, if you think about it, is itself a great web—a web of diverse peoples . . . drawn from different ethnic backgrounds, races, religions, nationalities, and convictions . . . woven together by shared dreams and aspirations, and yes, by shared tragedies and hardships.

These are the silvery threads that draw us together into a great nation. This is the source of the creativity that in the past has made us—and more than ever in the future will continue to make us—a model for the world.

The web pulsates with the creative energy of countless men and women who are awakening to their power and responsibilities as leaders. The scale of their deeds may sometimes seem small, buy by their spirit they fuel our future. The moment in our history has arrived when we must stop awaiting the return of the leaders of the past, and must embrace instead the heroes within, the hope for tomorrow.

The people in this room are leaders. Embrace your leadership. Encourage the leadership of others. Our future is truly in our hands.

I want to conclude by expressing again my appreciation for this opportunity to speak to you. The University honors me with its degree, and you honor me even more by your audience. Thank you.

Mr. WOFFORD. Mrs. Heinz in accepting an honorary degree urged that we look not to elected officials so much, but to look even more to leadership coming from the private and the independent sector, look to the Martin Luther Kings of the future, she said, rather than to any of us political leaders who hold public office. That is another reason to promote and strengthen the Commission and the holiday, to help produce the future Martin Luther King, in the large scale or in the small scale, in the Nation at large or in each community.

This modest but important bill reauthorizes the Martin Luther King Holiday Commission and is designed to help transform the observance of Martin King's birthday into a national day of service and action. It is designed to remember Martin the way he would have liked: a day that reflects his proposition that "everybody can be great because everybody can serve." A day that brings the greatness out in people—especially the young—by bringing them together to make a difference in their communities, fixing parks, tutoring children, rebuilding schools, ending poverty, feeding the hungry, immunizing children, housing the homeless.

Our legislation enables the current King Commission to organize the holiday as a fitting tribute to Martin Luther King, a day of interracial cooperation, antiyouth violence efforts, and community service. Linking the King Commission chaired by Coretta Scott King with the Corporation on National and Community Service, the bill will encourage service opportunities across the Nation in conjunction with the holiday.

Mr. President, today the King Commission is on the front lines helping young people say no to crime, drugs, prejudice, and violence, and say yes to nonviolence and community service. The Commission has formed partnerships with law enforcement agencies, business and professional organizations, including the National Basketball Association, the National Football League, religious organizations, schools and families to sponsor Youth Against Violence symposiums. These symposiums have taught over 40,000 at-risk young people Dr. King's message of nonviolence and helped them get the resources to solve problems and turn their lives around. The Commission's good work in this area needs to be strengthened.

We can put more cops on the street, and with our tough new crime bill, we will. We can crack down on career criminals. And we should. We can provide more opportunities for young people to get the education and training they need to be productive, law-abiding citizens. And we must. But at some point we all know there is a limit to what Government alone can do to respond. Changing a culture of violence and permissiveness will take all of us, as citizens and parents. And that is what this holiday ought to be a about. And that is part of what this Commission has been doing since its inception.

Mr. President, this bill accounts for $300,000 next year out of the $1.5 trillion budget. It is not as important as comprehensive health care reform that the Labor and Human Resources Committee, on which I am serving, is marking up this week. It is not welfare reform. It is not legislation that will change our national unemployment system into a reemployment system, as we have done in Pennsylvania. Nor is it as significant as the Elementary and Secondary Education Act or any other number of vital measures this Congress needs to craft and pass in nonpartisan fashion this year. But this is a good bill, for a good Commission that with very modest resources has labored to keep Martin Luther King's dream alive.

It is good that all 50 States have finally adopted the national holiday. But this milestone does not mean the Commission's work is done. On the contrary, I think some of the most important work is just beginning.

Imagine what a million Americans could do in just 1 day of community service. And think what they could do if they carried on that service throughout the whole year working together. Some people have said we do not need a Federal holiday in honor of Martin Luther King. Some have said it is time to sunset the King Commission and no longer try to organize the holiday to be something more than a day of rest and recreation or to get more Americans to observe the holiday—only 18 percent of businesses do for example. I disagree on both counts. We need this Commission to work actively to make that day a sunrise of service, of building common ground, of reflecting on how far we have come and how far we still must travel.

A little more than a quarter century after Martin's violent death, I believe great days can be ahead—if we learn to seize those days. If we do it together. If we recognize that to do our duty we must be more inventive and go forth to the front lines of our society, to make a reality of the American dream of equal opportunity for all.

Today this body has an opportunity to show the American people that we can come together on both sides of the aisle. Today, as we hear new voices of hatred and prejudice and see too many acts of racism and bigotry and ethnic cleansing, we have a chance to promote racial harmony. Together, as crime grips our society, we as Democrats and Republicans have a chance to say "no" to violence and "yes" to nonviolence. Today we have a chance to reaffirm Martin's proposition that we must meet hate with love and that we are at our best when we are serving others—the drum major instinct that he called for. Today as public servants of all stripes and ideologies, we have a chance to appeal to the better angels of our nature and remember a man and a movement that represented the best of what America stands for.

As Jack Kemp, former Secretary of Housing and Urban Development, and now codirector of Empower America, said so eloquently at our recent hearing:

> This bill is not a right-left issue, or a conservative-liberal issue * * *. It is an issue for all Americans devoted to the principles and ideals for which Martin Luther King gave his life and fought.

Words—Martin's words—will always be part of what we celebrate. Next to Lincoln's, his are probably the most moving words in American history. But let us remember Martin most of all by his deeds—and honor him by our own.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, the distinguished manager on the other side mentioned to me that the able Senator from Illinois would like to speak next, and I am perfectly willing to do that. As a matter of fact, it will be an accommodation to me because I need to meet with some foreign visitors in connection with my responsibilities as ranking member of the Foreign Relations Committee. But I would like to spend a couple of minutes first while I offer an amendment to the bill.

AMENDMENT NO. 1738

(Purpose: To restore the original purpose of the Martin Luther King, Jr., Holiday Commission by ensuring that only private funds are used by the Commission)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1738.

At the appropriate place, insert the following:

SEC. 1. Notwithstanding any other provisions of this Act no federal funds shall be used for the purpose of funding the Martin Luther King Federal Holiday Commission.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The time is to be utilized under the first-degree amendment before it is in order to offer the second-degree amendment.

Mr. HELMS. Mr. President, I can solve that by asking for the yeas, and nays, can I not?

The PRESIDENT pro tempore. That is right.

Mr. HELMS. Mr. President, I ask unanimous consent that the first amendment be laid aside.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The first amendment will be temporarily set aside.

AMENDMENT NO. 1739 TO AMENDMENT NO. 1738

(Purpose: To restore the original purpose of the Martin Luther King, Jr., Holiday Commission by ensuring that only private funds are used by the Commission)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The second-degree amendment therefore is an amendment in the first degree. The second-degree amendment cannot be offered as a first-degree amendment unless the first-degree amendment is temporarily laid aside.

So the second amendment is the amendment in the first degree, may the Chair ask?

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to offer this second-degree amendment.

The PRESIDENT pro tempore. Is there objection to the request? Hearing no objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1739 to amendment numbered 1738.

In the pending amendment strike all after the word "SEC." and insert: "1. Notwithstanding any other provisions of this Act no Federal funds shall be used for the purpose of funding the Martin Luther King Federal Holiday Commission. This section shall become effective 1 day after the date of enactment."

Mr. HELMS. Mr. President, may I ask what the time situation is?

The PRESIDENT pro tempore. The Senator from North Carolina has remaining on debate 28 minutes and 36 seconds. That is on the bill. He has half of the 2 hours on the first amendment that he has introduced. He has half of the 1 hour on the second-degree amendment that he has introduced.

Mr. HELMS. I thank the Chair.

The PRESIDENT pro tempore. The other side has 15 minutes remaining for debate.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, is it in order for me to yield 15 minutes of the time I otherwise would take on the opening statement to the distinguished Senator from Illinois?

The PRESIDENT pro tempore. It is in order for the Senator to do so, if he so wishes.

Mr. HELMS. I ask unanimous consent that be done so she will have 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Ms. MOSELEY-BRAUN. Mr. President, it was my understanding that the Senator from North Carolina needed time in order to attend a meeting. I am prepared to defer and allow him that time at this point so as not to interfere with the rest of his schedule.

Mr. HELMS. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Illinois has been yielded 15 minutes by the Senator from North Carolina.

Mr. WOFFORD. I yield whatever time the Senator from Illinois needs from leadership time which she vitally needs for debate.

The PRESIDENT pro tempore. The Senator from Illinois has the floor. If she wishes to utilize it, she has 30 minutes.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

Mr. President, I rise in support of the bill and in opposition to the pending amendments.

Mr. President, I rise today to speak in support of H.R. 1933, the King Holiday and Service Act of 1993. H.R. 1933 will extend the life of the Martin Luther King, Jr., Federal Holiday Commission, which was created in 1984 to assist in the celebration of the first King Federal holiday. The Commission is entrusted with keeping Dr. King's dream alive by making his birthday celebration more than just another day off work, but instead a day for all people to come together and serve their communities.

Mr. President, last week we observed the 40th anniversary of the Supreme Court's decision in Brown versus the Board of Education. Many Senators, including myself, offered tributes to the Court's opinion in Brown, which started this Nation down the long and troubled road toward equal opportunity for all citizens, regardless of race or religion or gender or national origin. But as important as the Supreme Court's decision in Brown was—and make no mistake about it, Mr. President, the Brown decision was arguably the most important Supreme Court decision in the 20th century—it did not in and of itself end segregation and discrimination in America. In the years following Brown, the entire South still lived under the domain of Jim Crow. Blacks were still relegated to the back of the bus, were still banned from the white lunch counters, and were still not allowed to use the same bathrooms or water fountains as whites. Interracial marriage was prohibited—by law—in many States, and any black who attempted to vote was quite literally risking his or her life.

For the Brown decision could not, with the stroke of a single pen, change the attitudes and beliefs of the American people. The Supreme Court could not, with one decision or two decisions or ten decisions, wipe out the troubled legacy of discrimination in America. The Supreme Court could not even guarantee that the actual plaintiffs in Brown would ever attend desegregated schools. The fact is, they never did, nor did thousands of children that came after them. Wiping out discrimination, and ensuring equality for all Americans, would require far more than the directives of the Highest Court in this land. And when, in 1956, the young minister of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr., organized a boycott of the segregated bus system in Montgomery, AL, America had found the leadership, the answers, that even the Supreme Court could not provide.

America has changed a great deal in the days since Martin Luther King first sprung to national prominence. The laws that created a dual society in so many parts of this land have been struck down. Segregation in public bathrooms and lunch counters has ended, and official barriers to the right to vote have been rejected.

And so many of these changes can be directly attributed to the work of Dr. King. His life was dedicated to fighting for justice and equality not just for African-Americans or the poor, but for all Americans. He shared with us his dream of a society where the doors of opportunity and prosperity were closed to no one, and he challenged us to make that dream a reality.

Dr. King also taught us that our diversity was our strength, not our weakness. He stood and worked against prejudice, discrimination, and hate in all its forms. And in the end, he gave us our most potent weapon with which to fight the evils of poverty, prejudice, and discrimination: a belief in the inherent goodness and dignity of every human being. As Dr. King told us so many years ago:

> Everyone can be great because everyone can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve * * * you only need a heart full of grace. A soul generated by love. And you can be a servant.

But as far as we have come since Martin Luther King's tragic death, it is clear that we have a long way to go. In many ways, since the gains made by the Brown decision and by the work of Dr. King, our Nation is becoming more and more separate, and less and less equal. Dr. King would find it a scandal that so many young people are still born into poverty, still receive an inadequate education, and still have no chance of achieving the American dream. He certainly would not believe that juvenile arrests for murder increased by 85 percent in a recent 5-year period, and that approximately 135,000 students now carry guns to school every day. He would be distressed that hate crimes—crimes committed against a victim chosen solely due to their race, religion, gender, sexual orientation, or country of national origin—are on the rise in cities throughout the United States. And, 40 years after Brown versus the Board of Education, he would be troubled that, in my hometown of Chicago, more than 90 percent of black students still attend either mostly black or predominately minority schools.

Mr. President, there have been some who say it is time to sunset the King Commission, that—with the holiday recognized in 49 States, and in New Hampshire as Civil Rights Day, the work of the King Commission is complete. In fact, just the opposite is true. As the facts I have cited above demonstrate, the message of Dr. King—his message of love, of nonviolence, of unity among the races, and of hope—is perhaps more relevant and more necessary today than ever.

Since its inception, the Martin Luther King Federal Holiday Commission has striven to keep Dr. King's dream alive. Centered around the themes of "remember, celebrate, and act," the Commission has worked year round to ensure that the holiday lives up to its full potential as a day of community service and interracial cooperation. Working with only modest appropriations and a paid staff of two, the Commission has responded to literally thousands of requests for information and distributed millions of pieces of literature on the subject of Dr. King and the day set aside to honor him.

In a time when more and more people in our society see fit to resolve the most trivial of conflicts by picking up a gun or a knife, the Commission has worked to train people—particularly young people—in the principles of nonviolence. At a time when many communities in our Nation are falling apart, it has encouraged people of all ages to honor Dr. King by becoming involved in community service and making the neighborhoods where they live a better place. At a time when division among the races seems to be increasing, rather than decreasing, at a time when a particularly hateful speech sparked an official condemnation from the U.S. Senate, it has promoted unity and understanding among the races. Activities sponsored by the Commission range from youth against violence seminars to "I have a dream" youth assemblies to the recent 30th Anniversary March on Washington.

The work of the Commission is only beginning. Recent surveys show that only 18 percent of Fortune 500 companies recognize Dr. King's Holiday. Many people, who know nothing more about the holiday than the controversy surrounding its creation, mistakenly assume the day is a celebration only for African-Americans. That misinterpretation is a great disservice to a man who devoted his life to uniting people of all races. And there are young people who are completely unaware of the contributions, the sacrifices, that Dr. King made for this country.

Furthermore, merely establishing a King holiday in every State is not enough. For if we allow this holiday to become nothing more than another day of rest and relaxation, of sleeping later and bargain sales, we have failed. We have failed the memory of Dr. King, and we have failed the potential within each of us—the potential to achieve greatness through service.

That is why passage of H.R. 1933 is so important. The bill will reauthorize the King Commission for a period of 5 more years, and give it sufficient funds to continue its good work. In addition, the legislation will broaden the mandate of the King Commission to include the promotion of community services activities. The bill will give the Commission on National and Community Service [CNCS], which was created by the national service bill, the authority to make grants to pay for the Federal share of planning and implementing services activities in conjunction with the Federal holiday. The service activities will be consistent with the life and teachings of Dr. King, such as cooperation and understanding among racial groups and nonviolent conflict resolution. Federal grants can comprise no more than 30 percent of the cost of such events.

Think about this for a minute—a holiday dedicated to the proposition that each of us can make a difference. One day out of the year when people of all races can come together and make their communities, and consequently our Nation, a better place to live. The possibilities are as endless as our needs. The day could be used to donate blood or volunteer at a hospital, to clean up a park or plant flowers in an inner-city neighborhood, to volunteer for the Boy Scouts or Girl Scouts or the Special Olympics, to tutor children or to work with those who have AIDS. An investment of $300,000 is certainly money well spent if it can inspire 10 or 20 million Americans put aside 1 day toward these activities.

I have heard some argue that Federal commissions in general are unnecessary, that in this time of budget deficits we should simply eliminate all nonessential services. I am ready to debate that issue should it be raised in the future. But let us not single out a commission that has encouraged more than 4 million youth to sign a pledge to reject violence, that has encouraged millions of people, young and old alike, to devote their precious time to helping those less fortunate, and has worked to unite individuals of all races. Don't single out a commission that has been praised by the chairman of the House subcommittee with oversight responsibilities as an example of an organization that has carried out its mission admirably with only a modest amount of Federal funds.

I had the privilege of chairing a Judiciary Committee hearing on this legislation at which a number of distinguished witnesses appeared in support of the bill, among them were Coretta Scott King, Jack Kemp, former Secretary of Housing and Urban Development, and my colleague from Pennsylvania, Senator WOFFORD. But the most impressive panel—and I do not say this in any way to impugn my colleague—was a panel of young people whose lives have been touched by the work of the Commission. Three students from the University of North Carolina—one white, one black, and one Indian—testified together in a touching display of harmony among the races. But it was a young woman, Ms. Amy Cammack, from Harrisburg, PA, who really struck me. Ms. Cammack is in the eleventh grade at Bishop McDevitt High School in Pennsylvania, yet she could teach those of us in the Senate a great deal. I would like to quote today from Ms. Cammack's testimony.

"How interesting," Ms. Cammack said:

> That those in power here in Washington don't see the potential to help end violence, encourage community service and advocate for cultural diversity through one of the greatest leaders of this century.

The King Holiday Commission, she continued:

> May be the only Federal entity in existence today whose function it is to spread a message of peace, tolerance and understanding—three critical keys to ending violence in our communities.

Ms. Cammack concluded her testimony with the following:

> What I fail to realize is the objective of closing the King Holiday Commission. To save money? As the adults, those in powerful positions, you always say to young people like me, you are the future. Well, we need help. The King Holiday Commission provides help. I think it can do more.

Well, I agree with Ms. Cammack. The King Holiday Commission can do more, if we give it the chance. It can promote harmony and understanding among the races. It can inspire people to give to their communities, to make the world in which we live a better place, even if only for a day.

The Washington Post, in an editorial endorsing the legislation we are considering here today, recounted a story Dr. King told the night before he was gunned down in Memphis in 1968, the story of the Good Samaritan who finally helps to stop the injured man after so many had passed him by, refusing to lend a hand. I would like to repeat that story here today. Dr. King said that maybe those people who did not stop to help the injured man were too busy, or they felt it better to deal with the underlying causes of the problem than to get bogged down with the individual. Or maybe they thought the individual was faking it, or they were scared and thought, in the words of one who refused to help, "If I stop to help this man, what will happen to me?"

But as Dr. King went on to explain, that question, the question of "What will happen to me," was the wrong one to ask. The Good Samaritan, the one who finally helped the injured man, knew that the right question was "If I do not stop to help this man, what will happen to him?" The Good Samaritan, Dr. King said, decided not to be compassionate by proxy.

And so it is with the legislation before us today. We can refuse to reauthorize the King Commission for a period of 5 years, or we can refuse to give the Commission the adequate funds to complete its mission, because we are worried about what might happen to us if we do. Or we can choose the courageous path, the path of the Good Samaritan, and realize that the proper question to ask is what will happen to those in need if we do not. What will happen to the potential within each of us, the potential to achieve greatness through service? That, Mr. President, is a question I hope we do not have to answer.

Dr. King, the man who taught this Nation to work for justice through nonviolent means, died a violent death in 1968, long before he could see this Nation achieve the promise of which he knew it was capable. It is up to the rest of us—all of us—to complete his agenda.

Throughout this debate I have stressed the importance of the Commission's role in distributing information on Dr. King's life, in teaching those in the younger generations, who were born after 1968 what he meant to our Nation. And that importance can never be understated. America must never forget the meaning of Dr. King life, for if we forget the tragic lessons of our history are we are doomed to repeat them. We must continue to recognize the achievements of Dr. King, and to build on those achievements as a way of ensuring that his dream will one day become reality. Dr. King brought out the best in people. The day set aside to honor him should do no less The King Federal Holiday Commission will ensure that the holiday does just that.

I know that the President is an advocate and devotee of history. In that vein, there is always the old expression, "Those who do not know history are bound to repeat its mistakes." I am compelled to remember the fact that for many of the young people whose futures are so much at stake—the Amy Cammacks of the world—for them, what transpired in this country in the civil rights movement and post civil rights movement, during that whole turbulent period of our history, it is exactly that; it is ancient history to some of them. I remember speaking at a high school, and a young, black female student said to me, "Dr. King, he was assassinated, right?" Well, it occurred to me that she was not yet born when all of this happened.

It seems to me that we have an obligation, not only to teach the young people the lessons all of us learned from that history, but to show them the way and to give them examples of the positive values that came out of our coming together as a nation, of the positive values of our cultural and racial and ethnic diversity, of the positive values of learning to resolve disputes without violence, of the positive values of pursuing peace. And that is a mission that this Commission has and the mission that this Commission has so ably fulfilled in its brief existence. It reaches out to young people. Again, you and I may have a vivid, personal memory of Dr. King and what all of the issues were. To young people born in 1972, who may serve as pages in this Chamber, who are in school now themselves, this is something that could have occurred in 1857, as far as they know, because it is not something that is real to them, unless we, the adults make it real.

The King Holiday Commission seeks to continue to carry the message forward, to take the history lessons to the young people, to give them, by way of example, the notion that in nonviolence, in interracial cooperation, by coming together, we can build a stronger America for them to inherit in the 21st century. That is what this Commission has done and I daresay has ably done.

Mr. President, the amendment seeks to strike the funding from the bill. In that regard, I think that the intent, obviously, is to destroy the work of this Commission. I point out that in the time of its existence, Mr. President, this Commission has received high marks from everyone who has looked at the operations of the Commission. There was a study by Arthur Anderson with regard to this Commission, as well as the House Oversight Subcommittee that looked into the operation of this Commission. The chairman of that oversight committee called this Commission an example "of an organization that has carried out its mission admirably, with only a modest amount of Federal funds."

Mr. President, I will conclude at this point and reserve the remainder of my time for later.

I think it is appropriate to hear the amendment first to be able to react and respond to the amendment. But I say to you that the importance of this Commission cannot be overstated. I think the importance of this Commission was most aptly spelled out by the high school student.

It seems to me that for every Member of this Chamber, carrying forth positive values and teaching our young people positive values and positive ways of interacting with each other is a small investment in our present and their future. I encourage the support of this body for this legislation.

I reserve the remainder of my time.

Mr. WOFFORD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. HELMS. Madam President, may I inquire about the time situation? While I was in my meeting I noticed that there was a rather long quorum call. Was that equally divided?

The PRESIDING OFFICER. The Senator is correct. The quorum call was charged on the first-degree amendment. The Senator still has 30 minutes on the second-degree amendment.

Mr. HELMS. How much time do I have remaining, if any, on the opening statement—on the bill itself?

The PRESIDING OFFICER. The Senator from North Carolina has 13½ minutes remaining on the bill.

Mr. HELMS. I have 13½ ? That many? Suppose I begin to use time on the first-degree amendment, if that is all right with the Parliamentarian.

The PRESIDING OFFICER. The Senator from North Carolina will be notified that it will take consent.

Mr. HELMS. I am sorry?

The PRESIDING OFFICER. The Senator from North Carolina will be advised that it will take unanimous consent to do that.

Mr. HELMS. All right, since I am the only one here except for the distinguished occupant of the chair, I ask unanimous consent that that be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I have no illusions whatsoever about the probable outcome of my effort to persuade the Senate to give some genuine thought to the proposed extension of the Martin Luther King Federal Holiday Commission, H.R. 1933.

The political reality is that the King Commission extension will be approved again just as it has been before, despite the past assurances that there would be—without fail—a sunset of Federal subsidies for this outfit.

I remember in 1989 Sam NUNN, Senator NUNN, engaged in a colloquy with the then Senator from North Carolina, Mr. Sanford on ending the King Commission in 5 years: Oh, no question about it, both of them said it will end in 1994. I saw Senator NUNN this morning at the White House and he said, "That is my recollection and I thought it was going to be sunsetted."

I do not know how Senator NUNN is going to vote but I know how difficult it is, politically, for some Senators to look reality in the face. The King Holiday Commission, despite the very clear promises of its creators, is a case study of why Federal handouts do not work, and why an irresponsible Congress—and no other phrase fits—why an irresponsible Congress has saddled the American people with a $4.5 trillion debt.

I have already heard it said this is just a little bit of money, we will not miss it. But it is sort of like Everett Dirksen said: A million dollars here, a million dollars there and pretty soon you're talking about real money.

Anyhow, Madam President, we are going to hear many emotional speeches about Dr. King and his life and how he should receive official devotion—official governmental devotion—that no other man or woman in the history of the United States has received: Not Washington, not Jefferson, not Lincoln, not Truman, not Eisenhower, not Kennedy.

Senators will be emotional, as they make these speeches. But the trouble is that their speeches have nothing whatsoever to do with the real issue. The issue is that the Congress has failed in its duty to spend the people's money wisely and Congress has failed to live up to the commitments, the flat-out commitments that were made in 1984, in 1986, in 1989, and again in 1994 regarding the King Holiday Commission.

In the beginning the King Commission was a temporary Commission. It was not supposed to last long. And it was supported by private donations.

Today, there are proposals being made to make the Martin Luther King Commission a permanent—a permanent—drain on the American taxpayers. Senator MOSELEY-BRAUN has a bill to do just that—make it permanent. But let us review just a little bit of history. A lot of Senators do not want to hear about history, but it is good for them to hear it occasionally.

The Martin Luther King Holiday Commission was established in 1984 after Congress had determined, what? Here is what:

> It is appropriate for the Federal Government to coordinate efforts with Americans of diverse background and with private organizations in the first observance of the holiday.

You notice I stressed "first." Anybody's reading of that statute leads to the conclusion that the Commission was intended to exist only long enough to set up the first King holiday.

That occurred 10 years ago on January 19, 1984. Almost every Member of Congress who supported the creation of the King Commission stressed—no, emphasized—first, the point that the Commission would exist for only 20 months and, second, that no Federal taxpayer funds would ever, ever be used.

So what is new about such promises, Madam President? I will tell you what is new. Nothing. We hear that sort of thing all the time. Here we are today facing a lot of empty rhetoric so we can ignore the real point.

Madam President, I recall what one Congressman, a supporter of this bill, Mr. Addabbo, said back in 1984. To be honest about it, I did not recall until I did a little bit of research. Here is what he said:

> The maintenance and expenditures of the Commission are to be made from privately donated funds and, therefore, represent no further burden on the Federal budget.

I am sure he was sincere, but he was sincerely wrong on the facts as later events have proved.

Then there was Mr. Courter of New Jersey who said on the floor of the House of Representatives:

> I would emphasize, Mr. Speaker, that this Commission will be functioning using private donations, private money. Dr. Martin Luther King would have had it that way, I am quite sure, if he could express his own desire.

OK. Then in 1986, Madam President, we heard arguments that the Commission still needed just a few more years to complete the job it had started 2 years before. So Congress, which dearly loves to spend other people's money, extended the Commission's life for 3 more years saying, "of course, no more extensions after that."

Once again, we heard proponents at that time stress over and over and over and over again that the Martin Luther King Commission would continue at that point to operate with private funds. No Federal money. None, none, none.

Senator BOB DOLE stood right here where I am standing now and said:

> It should be emphasized that no Federal money is appropriated for the Commission. Rather, it operates entirely on donated funds. Under the extension legislation, the Commission would continue to be funded from these sources, [meaning private sources]. Expanding the size of the Commission should also enhance its ability to raise private sector funds.

I am not sure, but I think that BOB DOLE has done more than probably anybody else to help raise private funds for the Martin Luther King project. You know what he believes. I just read it.

Now, Madam President, get this: At the time of the second extension of the life of the King Commission in 1989, the Martin Luther King Center for Nonviolent Social Change in Atlanta already was raising between $20 million and $30 million a year privately. But many of the same folks did not want to have to raise funds for the King Holiday Commission as well, so they called Washington and said send us the taxpayers' money. So in 1989, they came back to Congress but this time with outstretched hands: "Gimme, gimme, gimme." Although the King Center and the King Commission are not legally bound, they share many of the same officials and directors.

In 1989, they demanded $1.5 million for 5 years "to encourage all States to establish the King holiday as a paid holiday for employees" and "to learn how to bring protest campaigns." Oh, the plot thickens now, does it not?

Madam President, prior to the debate in 1989 on federally funding the King Commission, I had meeting after meeting with the distinguished majority leader, Mr. MITCHELL, the distinguished minority leader, Mr. DOLE, and the distinguished Senator from Georgia [Mr. NUNN]. In each meeting, I said, "Fellas, tell me why the American taxpayers should be forced to provide funds to institutionalize and maintain the King holiday—we do not do it for Washington's birthday or anybody else?"

Every Senator emphasized then that he or she did not want the Commission ever to become a never-ending burden on the taxpayers. So, here we are setting it up again for another extension and more millions in Federal dollars.

In 1989 they said 5 years would do the job, whatever the job was—which by the way, I had a little difficulty finding out. Everything in its legislative history indicates the King Commission was supposed to go out of business. The Commission's supporters said it over and over and over again in 1986 and in 1989: "After this extension, the King Commission—is over, it's gone."

Let me offer just one example of the stated attitude of most Senators when the most recent King Commission debate occurred on this floor on May 2, 1989. I am going to read an exchange which you can read in the CONGRESSIONAL RECORD.

It is an exchange between former Senator Terry Sanford, of North Carolina, and the distinguished Senator from Georgia [Mr. NUNN], both of whom I referred to a moment ago. Both of them were principal cosponsors of the 1989 extension act. Here is what Senator Sanford said to Senator NUNN regarding the King Holiday Commission:

> Senator SANFORD. When we vote for this bill, we are, in effect, saying we think the Federal Government's help in getting it [the King Commission] started will come to an end in 5 years and we do not anticipate this is going to be a permanent Federal agency.
>
> Senator NUNN. That is my own view. As a matter of fact, if we define the success of the Commission, it would be that we would not need permanent appropriated funds to remind us each year and that it [the King Holiday] would then be a part of America's way of life.
>
> Senator SANFORD. I agree, and I would like the RECORD to reflect this exchange, that it is not our intention to make this a permanent matter but to make it simply a period of time to get the whole concept established.
>
> Senator NUNN. That is exactly right. I do not speak for anyone else, but this is my view.

Madam President, it is a little discouraging, for those of us who believe in responsible government, to look back at the abundance of statements by a multitude of people, with everybody assuring that this was the last extension, that this would be the end of it, et cetera, et cetera, et cetera—as the King of Siam was so fond of saying—only to find that such assurances were empty. But when the roll was called right here, the Senators marched in, they paid their respects to Dr. King, and made sure that the television cameras were focused on them so that everybody back home could know that they were voting for Dr. King. They were not voting for Dr. King, they were voting for a bunch of people who were—and are—confused about what to do with the taxpayers' money. And I will get to that in a minute.

Senators voted in 1989 to spend $1.5 million of the taxpayers' money that none of them, to my knowledge, was willing to spend from their own pockets if they were asked to finance the project. Now, there may be some few in the Senate who could say, "Well, I contribute $15 myself personally" or $25 or whatever. But I say, Madam President, and I say it in connection with so much of the spending that goes on in this Senate and in the House of Representatives, it is always easy to be charitable when somebody else is signing the check. It is so easy to give away somebody else's money. What you are doing is you are giving away money of the young people in the next generation. It is the biggest cop-out in history.

Anyhow, here we are, it is 1994 and the song remains the same. Even though the King holiday is now observed in all 50 States—which was supposedly the original goal back when they started this organization—the King Commission is back yet again seeking another couple of million dollars more in handouts and another 5-year extension of time for the life of the Commission. And you can bet that 5 years from now it will be the same old story again. They will be back saying we need $2 million more and another 5 years of time.

Now then, let us look at the situation as it really is. The Commission's affiliate, not legally but spiritually, is the King Center in Atlanta, I am told. It is the number one tourist attraction in the State of Georgia. And that King Center receives more than $20 million a year in private donations which they have persuaded the major corporations of America to contribute—$20 million.

But that is not enough. They want to continue to reach into the taxpayers' pockets and continue to use Federal employees at Federal expense to do the Commission's work. How many Senators know how many Federal employees are assigned to that project full time? How much do they make?

Well, we are going to put an audit by the world famous Arthur Andersen & Co. in the RECORD sometime during this debate that details how many and how much.

I just wonder how many Senators know, however, that when the Commission was formed, the Congress—the Congress—generously provided the Commission with Federal workers "on loan." In fact, the Commission's executive director, a fellow named Lloyd Davis, has been "on loan" from the Department of Housing and Urban Development for more than 10 years.

Now, this is not going to show up in the media. The newspapers are not going to use it, and it will be the best kept secret on television tonight. But this guy Lloyd Davis has been on the Department of Housing and Urban Development payroll for 10 years, but for the entire 10 years he has been working down there in Atlanta and drawing over $80,000 from the Federal Government, meaning the taxpayers. That fact is not included as part of this bill or any of the previous Commission legislation.

Now, add to that, if you will, the Federal office space "on loan" to the Commission in both Atlanta and here in Washington. So the total expenditures for the King project vastly exceed the $2 million actually called for in this bill.

Now, that is what I think we ought to put a stop to. We have been told time and time again that every extension is the last extension and after this there will be no more sticking hands in the taxpayers' pockets to fund the Commission.

Well, let us mean it this time, Senators. When you come to the floor tomorrow to vote on the amendments, do what the Senate committed itself to do not just this year, but in years past as well.

I think it would do well to read Mrs. Coretta Scott King's own words as to the goals of the King Commission. The following is from a letter addressed by Mrs. King to the former Senator from Georgia, Mr. Mack Mattingly, dated January 20, 1986. Mrs. King said:

> As you know, it is one thing to work for passage of Federal and State legislation for such a holiday, another to mobilize support to set the standards for an appropriate observance and provide direction for citizen involvement and still another to finally institutionalize the holiday and maintain it.

All right, this lady actually makes most of my argument for doing away with the Commission. The Government, after all, achieved Mrs. King's first goal when Ronald Reagan signed the King holiday into law.

The Government achieved Mrs. King's second goal when it created the King Commission, ostensibly for a limited period of time.

By the way, if you read page 105 of the Commission's own report for 1993, you will see what a mendacious man Ronald Reagan was. The Commission on that page quotes from Julian Bond's 1993 King Holiday speech in Jersey City, NJ. Let me read the report:

> Julian Bond, former member of Georgia's House and Senate, urged about 3,500 students

at a Jersey City State College celebration to make good on King's dream by finishing the march the clergyman started toward civil rights. When King was assassinated in Memphis in 1968, Bond said, he never "imagined support for civil rights would die as well." But, Bond asserted, "by conservative policies and appointments, President Bush and his predecessor, Ronald Reagan, have weakened the rights of blacks and the public has done nothing to stop it."

Well, that is certainly a nonpartisan statement at taxpayers' expense.

The point is this. Not one other Federal holiday receives the kind of treatment the King holiday receives—as I said, not Washington's Birthday, not Veteran's Day, not Memorial Day, not the 4th of July. On rare occasions, temporary Federal commissions are formed to honor events that will not recur, such as the Bicentennial of the Constitution and the 500th anniversary of the voyage of Christopher Columbus. As important as those events are, they should not be funded by taxpayers, and I have never voted for one of them.

Imagine, if you will, the reaction, if the Federal Government should use the taxpayers' money to tell the American people how to observe Thanksgiving or Christmas—I can hear the ACLU now—much less if the Government mandated what teachings are appropriate. I wonder how ruddy the complexion of the distinguished Senator from Massachusetts would be if that sort of thing happened.

Of course, it is not going to happen. The American Civil Liberties Union and its acolytes would descend on the Capitol like a swarm of locusts if the Government even got remotely involved in Christmas or Thanksgiving, much less Independence Day, but the same standard does not apply to this King holiday. In the Commission's own report, they say that they and they alone will decide how the King holiday is going to be observed. If you do not believe me, go across the Potomac and ask the service chiefs at the Pentagon.

As I said earlier, I do not doubt that the supporters of this legislation are sincere, but they are sincerely wrong, in my judgment. They should take a look at what is happening at the King Commission. They should learn why the King Commission has become just another Federal bureaucracy, plodding along with no real purpose or accountability to the taxpayers.

Madam President, let us take a look at the oversight report of the accounting firm of Arthur Andersen & Co., which concludes that the King Commission is badly managed and poorly led.

I am reading verbatim from the Arthur Andersen & Co.'s summary report on the King Commission itself. "Our observations"—meaning the CPA firm—"Commissioners are high level government and private officials—Significant credibility but limited availability."

Do you know how that is translated? That means they do not even show up for the meetings—"Limited availability." That is right. They do not show up.

"Lack of Commissioner, or Commissioner Representative, attendance at Board Meetings." Their charter stipulates at least two board meetings a year but the commissioners—as I say, do not even show up.

Then Arthur Andersen and Co. says the Board's various committees also do not meet regularly. Commissioners do not exercise oversight over the committees as the charter requires them to do. The executive director is the guy "forced to assume the responsibilities normally reserved for the board." That is a quote from Arthur Andersen & Co.'s report.

Then under "Current situation," the report says "Nine separate 'program-oriented' Committees exist, but do not function. Confusion exists regarding governance, roles, purpose, and authorized activities of Committees."

If anybody wants to examine that report they will find many examples of lax control over who signs the commission's checks, and lax control over cash receipts and petty cash.

This is the CPA, not JESSE HELMS, who cited these irregularities.

According to the June 1993 maintenance request, the Commission's Atlanta office building is in a shambles. Nobody is looking after it. Nobody gets anything fixed. There is an animal control problem, a possum has been living in the ground floor, trash is not picked up regularly, and Commission records have been destroyed by water pouring through a leaky roof. The King Commission's own Director of Operations reports that the back porch floor boards "are a hazard, especially to the children should they need to use it as an emergency exit."

Madam President, I do know not whether these problems have been fixed. The King Commission says it has fixed its accounting problem, although you cannot find that information in the 1993 report. But problems have built up over the years, and they bring into question whether we should continue to use the taxpayers' money to fund this or any other holiday commission at any time in the future.

Finally, Madam President, is the money in this bill, $2 million over a period of 5 years, better spent on a King parade in Atlanta, or having the members of the King Commission staff travel first class every time they take an airline journey, or repairing the Commission's Atlanta office? Or is it better spent on the war on drugs, or cleaning up crime in public housing? I think any Senator going home and asked those two questions by his constituents would certainly respond affirmatively to the second question.

But just watch when the roll is called tomorrow, and that door opens and the delightful little pages are holding the doors so Senators can gallop in at the last-minute. Watch how the Senators vote on this proposal to extend the life of the King Commission. And while they so vote, America will continue to lose the war on crime and the American family will continue to disappear in terms of its traditional priorities and principles.

The King Commission does absolutely nothing to address America's real problems. The King Commission has asked for more and more of the taxpayers' money, and the Senate up until now has sheepishly voted to give the money away. And as they vote, try to keep in mind that this Commission was originally created to help establish the first—and only the first—Martin Luther King holiday. That has long since been accomplished. But the outstretched hands demanding millions and millions of the American taxpayers' money, well, Madam President, forgive me but I think it is shameful that those hands are still outstretched 10 years later. But the greatest shame is that the U.S. Senate continues handing over the money with scarcely a question.

I ask unanimous consent that the report from the accounting firm of Arthur Andersen & Co. dated January 13, 1992, and a maintenance request by Mr. Al Boutin, Director of Operations at the King Commission, dated June 1, 1993 be placed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION, REPORT OF MANAGEMENT REVIEW—JANUARY 13, 1992

GOVERNANCE AND OPERATIONS

Evaluate Governance Issues (see attached detail discussion—Exhibit III)

Background information

Public Law 98-399—The Commission is created without funding.

Creation of the Corporation.

The Extension Act—Re-establishing the Commission with appropriations of $300,000 for 1990–1994.

Our observations

Commissioners are high-level government and private officials—Significant credibility but limited availability.

Lack of Commissioner, or Commissioner Representative, attendance at Board Meetings.

Committees do not meet regularly and have no consistent oversight by Commissioners.

Executive Director forced to assume responsibilities normally reserved for the Board.

Recommendations

Establish a 5 to 7 person Operating Committee consisting of Commissioners with delegated authority to act for full Commission—Meet bi-monthly.

Amend the Corporation's By-Laws to incorporate governance by the Operating Committee described above.

The Operating Committee should formulate and document the express authority of the Commission/Corporation's Executive Director.

Combine governance, operations and focus of Commission and Corporation in a formal, written document.

Perform a strategic visioning process

Develop strategic plan—

Revisit "mission" of the Commission and redefine as necessary.

Conduct visioning process—Board retreat probably required.

Prepare specific 3 to 5 year plan.

Assess current commission objectives—

Define Corporation role for private sector—vs. Commission role for Federal funding.

Conclude on location of operations—Atlanta vs. Washington is not working.

Determine steps required to conform to revised vision.

Address operating issues

Current situation—

Nine separate "program-oriented" Committees exist.

Confusion exists regarding governance, roles, purpose and authorized activities of Committees.

Determine committee focus and role—

Ensure consistency with "vision" and strategic plan.

Eliminate focus on "operating" programs—The Commission should mobilize community, not operate programs on behalf of the community.

Determine location and personnel needs—

Washington, DC, presence appears necessary—Atlanta office location probably may not be.

Personnel staffing should be consistent with strategic plan and revised operations.

INTERNAL CONTROL ENVIRONMENTAL

As part of every audit, Arthur Andersen & Co. considers the entity's internal control structure to determine the scope of our audit procedures. While we are unable to provide assurances on the internal control structure as a whole, the points listed below came to our attention in the September 30, 1991, audit that we want to make the Commissioners aware of.

Eliminate usage of corporate charge cards.

Enhance controls over the check signing function.

Enhance controls over the cash receipts function.

Require that Board Minutes be signed.

Consider employing an accountant for the Washington, D.C., office.

Segregate responsibilities in the cash disbursements function.

Consistently maintain voucher packages.

Clarify which entity's business the Minutes represent—Corporation vs. Commission.

Segregate responsibilities over the petty cash fund.

SPECIFIC TRANSACTIONS

Following is a summary of findings with respect to specific transactions brought to our attention for review.

Checks written to Lloyd Davis—We noted 3 separate checks, dated January 23, 1990, for $20,000, January 25, 1990, for $2,000 and August 31, 1990, for $6,000. The first two checks were for transfers of funds from the Washington, D.C., Corporation bank account into the Atlanta Parade Fund bank account to cover expenses for the 1990 King Week Parade. Both checks were promptly deposited directly into the Parade Fund account. The third check was for the standard transfer of funds from the Washington, D.C., account into the Atlanta Corporation account. It was also promptly deposited directly into the bank. Checks should not have been payable to Mr. Davis.

Checks written to King Center—These were for services rendered or payment of rent ($10,000 per year). Since these checks were written on the Corporation bank account, no violation of policy occurred. (GSA must negotiate leases paid with Commission appropriations).

Check written to Jerry Jarriels—This was for moving expenses ($2,518) consistent with a written employment agreement and supported by written estimate of United Van Lines, which was lowest bid. Also written on Corporation bank account; thus, no violation of statute.

Check written to Freedom Trail Fund—This was to transfer a $5,700 payment, received (from DOD for publications) and deposited into the Corporation's bank account, over to the Freedom Trail bank account. This is consistent with treatment of receipts for other Freedom Trail Program publication sales. (The separate Freedom Trail bank account was closed when transferred to the Atlanta office.)

Check written to Wright-Brown Electric Company—This was to pay the invoice for services provided to prepare for the Parade in Atlanta. Also written on the Corporation bank account, thus, no violation of statute exists.

Check written to U.S. Student Association—This was a payment in accordance with a contract between the Corporation and the Association, whereby the Association prepared materials for symposia at universities.

Check written to Democracy for China Fund—This was a contribution given by the Corporation; thus, no violation of statute exists. A detail memorandum from Lloyd Davis support this $500 donation.

Checks written to Atlanta office of Corporation—These were standard transfers of funds from Washington, D.C., bank account to the Atlanta bank account.

Travel to Santa Fe Conference—Commission funds were used to pay travel costs for Al Boutin's wife. When Lloyd Davis became aware of this, he had Al Boutin reimburse the Commission. We verified that the reimbursement occurred.

Payments to Printing Companies—The Commission/Corporation purchased printing services from B. L. Graphics and Classic Press. We noted adequate supporting documentation for these payments. We have not been able to verify whether a "related-parties" relationship exists between Corporation/Commission officials and the two printing companies.

1991 Prayer Breakfast Hotel Bill—Certain expenses for the Washington, D.C., Grand Hyatt may have been personal expenses of Ms. Madeline Lawson. This invoice could not be located, and we are unable to conclude on this matter. The amounts involved total $493.

June 1, 1993

To: Johnny Mack

From : Al Boutin [King Commission Director of Operations]

Subj: Office Maintenance

As requested by you last week, I am writing to request that the following problems at 503 Auburn Ave. be attended to as soon as possible.

1. The electrical switch (fuse) box continually trips the downstairs air conditioning off.

2. Please check out the switch box which makes a funny buzzing sound and may be a fire hazard.

2. The roof leaks and we have water damage to books, files, furniture, etc.

3. We have an animal pest control problem. Small creatures are running around the drop ceiling and shifting the tile creating dust on the furniture. There are a number of boards missing on the siding of the house and also holes where squirrels or rodents could be entering. At one time we had a possum living in the downstairs drop ceiling area.

4. The building should be sprayed for insects on a regular basis.

5. We request that trash be picked up daily and that the office be cleaned once a week, i.e. the bath rooms cleaned, floors mopped and vacuumed, furniture dusted and polished. The trash pickup has been almost daily, however, the routine cleaning has been sporadic. We would request that a day for cleaning be designated so we would know when to expect the service.

6. We also noticed 3-4 wasp nests on the back porches which are growing. Also the back downstairs porch has rotted wood floor boards which are a hazard, especially to the children should they need to use it as an emergency exit.

Enclosed is a copy of the service agreement which covers all of the above stated concerns. Thank you for your past support and I would be happy to discuss the details of this memorandum with you at your convenience.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Madam President, we already had some general discussion about the importance of this legislation. The Senator from North Carolina has raised a number of issues, many of which are quite specific, and I am afraid that there is unfortunately an awful lot of misleading if not inaccurate information given to the Members of the Senate who may be listening to this debate. So I will attempt now in response to go point by point to illustrate the inaccuracy of those comments, and the misleading nature of some of the objections that have been raised by the Senator from North Carolina.

To start with one point, the Senator from North Carolina has essentially confused or suggested there is a connection between the Martin Luther King Center and the King Federal Holiday Commission.

In the first instance, I will point out that the full name, the accurate name, of the Martin Luther King center is Martin Luther King Center for Nonviolent Social Change. I think it is important that the Members be aware that the Martin Luther King Center for Nonviolent Social Change is a freestanding, independent entity, separate from the Commission that is currently at issue with this legislation.

Second, the Senator from North Carolina says the legislation is seeking a couple million more in terms of its reauthorization. In the first instance, we are not seeking to authorize indefinitely the King Federal Holiday Commission. The authorization in this legislation is for 5 years, and $300,000 a year for the first year of those 5 years, with a total appropriation of $2 million.

With regard to this, as you are well aware, the process is such that we have to have legislation authorizing an appropriation first, and then the actual appropriation has to be appropriated by, among others, the distinguished Presiding Officer, the Senator from Washington. It is a matter that will come before the Appropriations Committee to determine how many dollars specifically of the amount that is authorized will be dedicated to this purpose. That will give not only the Senators who are members of the Appropriations Committee, but indeed the Senator from North Carolina, an opportunity to address the specific issue of how many dollars and what funding will be made available for the activities of the King Federal Holiday Commission.

In the third instance, with regard to the activity of the Holiday Commission, I think it is important to focus on the fact that some of the opposing statements made and cited by the Senator from North Carolina really do not relate to the activities of this Commission. As Senator WOFFORD so eloquently pointed out in his remarks, and as I pointed out in my remarks earlier, the work of the Commission really is focused on promoting those values having to do with nonviolence, having to do with racial harmony, having to do with giving young people some sense of the history and why nonviolence is important, why racial harmony and cooperation is important. And some of the quotes, unfortunately, made by the Senator from North Carolina, I think obscured the mission of this Commission. It is not a function of just having the holiday and then forgetting about it and letting it go on a calendar somewhere, but rather keeping the dream alive, if you will, by providing a basis and providing a forum for training young people for the dissemination of information and about the importance of Dr. King's work.

I daresay there is no one in this Chamber who would deny the importance of that work. In fact, I have on my desk a collection of speeches by the late Dr. Martin Luther King. It describes on the cover, "The Speeches That Changed the World." They did change the world and this country, and they have made it a better country for all Americans.

That is an important thing to communicate as an educative, socializing tool to young people, many of whom were not alive when Dr. King was around. In fact, I asked some of our pages whether they remembered Dr. King, and most of them were born after Dr. King was assassinated. I think it is important that we communicate to this generation of young people why nonviolence is important, why interracial harmony is important, and what are the foundations of the movement Dr. King started not only here in America, but also for the rest of the world.

The third point made by the Senator from North Carolina that I think is important to dispel, again, is the specific point that was made when he called this legislation a "mandate." Madam President, nothing could be further from the truth. This is not a mandate. The dissemination of information is not a mandate; training of young people is not a mandate; working in the community for positive social values is not a mandate. No one is being forced to do anything under this legislation. Indeed, this legislation, by reauthorizing the work of the Commission, will hopefully provide the basis for increased voluntary activity in the community and not otherwise.

(Mrs. FEINSTEIN assumed the chair.)

Ms. MOSELEY-BRAUN. Another point the Senator from North Carolina made had to do with the financial and the specific operations activities of the Commission. He stated that this is not a vote for Dr. King or Dr. King's holiday, but for a bunch of people who are confused about what to do with taxpayer money. I daresay that in all of the reviews of the activities of the Commission, they have received very high marks for the use of both private and public funds and the operation of the Commission. The Arthur Andersen audit that was done of the Commission activity found no intentional wrongdoing or fraudulent practices. It recommended improvements that could strengthen the practice of the Commission. But then any audit conducted of any corporation could certainly find areas for improvement. None of us are perfect; we can all improve.

This organization has done a salutary job of dispensing the trust and the confidence of the people—not only of the United States—who contribute privately to the activities the Commission has given it.

For the record, I ask unanimous consent that a letter from two Members of Congress, TOM SAWYER and RALPH REGULA, who serve as members of the board, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1995.

Hon. HARRIS WOFFORD,
Dirksen Senate Office Building,

DEAR SENATOR WOFFORD: Recently, it has come to our attention that concerns have been raised about the financial operations of the Martin Luther King, Jr. Federal Holiday Commission.

As long-time members of the Commission, we want to put those unfounded concerns to rest. The Commission, established in 1984, has operated in a financially sound and responsible manner. In fact, in 1991, the Commission created an Operations Committee to review all aspects of the Commission's internal practices. The Operations Committee was composed of several distinguished Commissioners, including the Honorable Judge William Sessions and the Honorable Jack Kemp.

While the Operations Committee did not find any major flaws in the way the Commission carried out its responsibilities, it made several recommendations on how the Commission could strengthen its management practices and operational procedures. The Commission also is audited annually by the Arthur Anderson Company. In 1993, Arthur Anderson made several recommendations on how the Commission could strengthen its financial practices.

In response to the constructive suggestions of both the Operations Committee and Arthur Anderson, the Commission immediately took steps to streamline its management structure and ensure appropriate controls over the flow of funds.

We are confident that the King Commission, under the able leadership of Mrs. Coretta Scott King, has never engaged in any practice that would suggest the misuse of funds. To the contrary, the King Commission is an excellent example of an organization that has carried out its mission admirably with only a modest amount of federal funds.

We urge the Senate to move expeditiously to reauthorize the King Commission for five years.

Sincerely,
THOMAS C. SAWYER,
Member of Congress.
RALPH REGULA,
Member of Congress.

Ms. MOSELEY-BRAUN. They go on to say, as long-time members of the Commission:

> We want to put those unfounded concerns to rest.

They are referring specifically to financial operations.

> The Commission, established in 1984, has operated in a financially sound and responsible manner. In fact, in 1991, the Commission created an Operations Committee to review all aspects of the Commission's internal practices. The Operations Committee was composed of several distinguished Commissioners, including the Honorable Judge William Sessions and the Honorable Jack Kemp.

Finally—and I see my colleague from Pennsylvania, who has some points and observations to make in this regard—the Senator from North Carolina said that he thought it was "shameful" that we were "still looking to the Federal Government for support of the work of this Commission." I think it would be shameful for us to do anything other than to pass this legislation and reauthorize the work of this Commission.

The fact is that there are young people—and he mentioned the students leaving the building—that the work of this Commission has touched in a positive way. Our own colleague, BILL BRADLEY, just last week gave a major address on the cost of violence in this society.

It seems to me that by making a modest investment in the work of the

King Commission, we will be able to save some of these costs. It is a classic example of a stitch in time saving nine. We can make the step by authorizing the positive, constructive work of this Commission and save any costs associated with violence, save any costs associated with antisocial behavior, save the costs associated with a generation of young people who may not have access to information regarding the kind of positive values, about values going to nonviolence, to cooperation, to conciliation, to mediation, to working together, that the King Center has spent so much time working to distribute and has done so in a positive way.

Finally, Madam President, I want to point out that the notion that there is some trick here, and that the legislation was originally passed with a commitment that the holiday would pass and that would be the end of it, is an unfounded and unfair notion about the legislation, the Commission, and the intent of the sponsors here.

When the legislation creating the King holiday was first passed, there was in fact a discussion at the time that the Commission was to expire in 1986. However, from 1986, it has been reauthorized, and the reason it has been reauthorized has had to do with the efficacy and the importance of the Commission's work. The fact that it was only established for a discrete period of time in the first instance by no means was meant to preclude a continuation of the work should that work be found to be necessary.

I do not think anyone in this Chamber, indeed in this country, would say that the work of the King Center is no longer necessary. We still have the same crises and issues, and we have a need, I believe, to communicate to our Nation that interracial cooperation is an important value, that value in humanity is an important value that we should talk about, disseminate, and educate our young people about. The interests in preserving and promoting nonviolence as a way to respond to concerns is an important value that the King Commission has sought to promote, and it is important for us to continue to promote that.

Therefore, in its wisdom, the Congress has decided to extend the Commission. It was not in opposition to any commitments or any promises made at the time it was initially set up. We found that the problem really does command our continued attention, and it continues to be important to our country. And because of that continued importance, Senator WOFFORD and I, of course, as a cosponsor, introduced this legislation.

The need is as great now as it has ever been. I daresay it might even be greater, because those of us who are old enough to be Members of this Chamber were around to understand and to hear and learn from the lessons Dr. King sought to bring not only to this country, but to the world. I daresay that in all the time which has transpired since his death, there is another generation that needs to learn the same lessons.

The King Holiday Commission makes it its mission to make certain that these young people are not denied the benefit of those lessons and the help that the lessons and the information coming out of that center about Dr. King's work and his mission can provide to them.

So I submit to the Members of this body that we have a real need to continue with this legislation, to reauthorize the activities of the King Federal Holiday Commission, and I therefore encourage my colleagues to oppose the motion by the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Madam President, the Senator from Illinois has hit the nail on the head. She has hit the nail twice on the head.

If I can hammer two of those points even further in, the first is the letter now in the RECORD, which was just put in the RECORD by the Senator from Illinois from the chairman of the subcommittee that has oversight of the King Commission, THOMAS SAWYER, Representative SAWYER, and a ranking Republican on Appropriations, RALPH REGULA. They dealt with the very points that the Senator from North Carolina was making.

I think it is very important to emphasize that in response to the very helpful Arthur Andersen latest report in 1993 and the very specific recommendations as to how the Commission could strengthen its practice, the Commission took immediate constructive action to streamline its management structure and its operations committee that includes the very active participation of the Honorable Judge William Sessions and Jack Kemp. So we are getting a report from those who are charged with overseeing the Commission that they are dealing with the very matters the Senator from North Carolina talked about.

In the same sense, the Senator from North Carolina took us back on what he called legislative history and gave us a few more of the debates that were heard in this body before I was here, the last time in 1989, and restated the arguments made in those debates. That is exactly what he has done today. He has restated a debate that was debated thoroughly in 1989 when it was decided to go forth with the modest support that the Commission has been given. I cannot imagine that the turn of events in this country suggests that the reasons that led the overwhelming majority of Members of this body to support by a vote of 90–7 the work of this Commission, I cannot imagine the events in this country are saying that the work of this Commission is less needed.

The Senator from North Carolina said the song remains the same—we are hearing the same old song. And in a sense he is right, he is singing the same tune as in 1989, rehashing the same debate.

Well, I only wish, Madam President, that the same old song of Martin Luther King: black and white together, working together, hand in hand together, we can overcome, overcome the problems of violence and overcome the problems in our cities today—I cannot imagine a song I would rather hear sung again not so much by people marching but by people working together. And that is the point of this reorganization which is to give a renewed mandate to the Commission to go beyond what we have had in the past and to make this a day when we are working, black and white together, hand in hand together, getting our hands dirty dealing with the problems of our communities, showing that we can make a difference. That is the song we need to hear in this country, and this Senate can strike the right note by the right vote, by not cutting off all funds for the Martin Luther King Holiday Commission. What a signal to the world that would be by going on and making this a day of service, a day on and not a day off.

I yield to the Senator from Illinois if he is ready to speak.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, I rise in strong support of this legislation that my colleague from Illinois is handling. I agree with Senator WOFFORD and Senator MOSELEY-BRAUN that to say we are going to have a Commission but we are not going to fund it would be the worst kind of message that we could possibly send.

It is a world where we need, as Senator WOFFORD and my colleague have said, where we need this message, and all these things tie in together.

What happened in South Africa just a few days ago in part is a reflection of the leadership of Martin Luther King. Senator MOSELEY-BRAUN and I had the privilege of being down there for that inauguration. That night, the last ceremony we were at, we joined hands in singing "We Shall Overcome," the same song we have sung and used to sing, particularly during the civil rights struggle.

This also happens to be very close to the 40th anniversary of the Brown decision. The Brown decision did not work in every way like we had hoped, but Martin Luther King's efforts would not have been possible without the Brown decision. His success would not have been possible without that Brown decision.

While the Brown decision has not worked in terms of integrating our society as fully as many of us expected and hoped at that point, there is no question we are a better society because of that Brown decision.

I come from southern Illinois. We had segregated schools long after the Brown decision. Across the State in Missouri we had segregated schools as late as 1973, 19 years after the Brown decision.

(Mr. WOFFORD assumed the chair.)

Mr. SIMON. I also ask myself how would Martin Luther King like to have this day observed. I had the privilege of knowing him slightly. In fact, I met Martin Luther King the same day I met HARRIS WOFFORD, now the Senator from Pennsylvania. I was in my second term as a State legislator in Illinois taking stands that southern Illinois legislators were not accustomed to taking and Martin Luther King asked me to come down and speak at the anniversary of the bus boycott. When I got down to Montgomery, I met this young fellow, HARRIS WOFFORD, who was also interested in the civil rights struggle.

I remember meeting Martin Luther King. We arranged to meet at the St. Louis airport. We flew down to Atlanta together and then over to Montgomery. And when we got to Atlanta, we walked off the plane. There were these signs: White, colored. And I felt dirty. It was so offensive.

We have moved away from that. We have not moved as far as we need to move, but we have moved away.

But I do not think Martin Luther King would want an occasion where we would just all stand up and praise Martin Luther King.

What we have to do is reach out to one another. I would love to see maybe the Sunday before Martin Luther King's birthday that all Americans have churches, synagogues, mosques and temples and civic organizations and political leaders urging people to reach out to one another.

How many white families in this Nation have never had an African-American family over for dinner? How many African-American families have never had a white family over for dinner? How many Christian families have never had a Jewish family over for dinner? And the other way around? Today, we have more Moslems than we have Presbyterians in this country. Are we reaching out to one another as we should be? We have more Buddhists than we have Episcopalians. What do I know about Buddhism? Not as much as I should. We ought to be reaching out so we understand one another.

I think that is what Martin Luther King stood for, and I would love to see the Commission in some way move us in that direction.

I see my colleague from Illinois standing up, and she wants to add a word here, I am sure, and I will yield to her.

Ms. MOSELEY-BRAUN. Mr. President, I thank very much the senior Senator from Illinois. His comments reminded me of one of the most vivid reasons why this Commission is important and why Senator WOFFORD's initiative in this area is so important.

I suppose, because I was engaged in a rather lawyerly kind of response to the technical issues, I have failed to really talk about this in another sense, in the sense that my distinguished senior Senator has raised. I would like to take a moment, if I may, just to reminisce with you and to share a personal story of my own with regard to Dr. King.

When Dr. Martin Luther King came to Chicago many years ago—and I do not exactly have the actual year it happened—I was no older at the time than one of the pages might have been, a little bit younger. My mother suggested that I not go on the march because she was afraid there might be violence and there might be a problem. Of course, being a teenager and knowing everything, I went to the march anyway.

So I went to the march. I can remember marching with—actually my marching partner was a white male who was a veteran of the civil rights marches in the South. As we marched through this particular area on the south side, the bottles were flying and the rocks were flying, and my partner was hit with a rock. He took a handkerchief out and stopped the blood from flowing. I remember being just absolutely horrified to see bloodshed when this was just a peaceful demonstration, singing "We Shall Overcome," marching down the street.

Then we got to the middle of the park and the rocks and bottles really were flying quickly at this point and really a dangerous situation. So, in keeping with the response that had been used by the civil rights activists in the South, they put the women and the children in the center of the circle and then the men around that and then the veterans around that.

And I am sure, Senator WOFFORD, you have probably seen that formation.

Being both a woman and a child at the time, I was right in the center and, frankly, within touching distance of Dr. King. The rocks started coming, and he was actually hit with a flying object at this particular time.

I can remember being on my knees, with my hands over my head like this, which was a formation that they told us to assume, on my knees with my hands over my head and I was really angry. My first reaction was, I am going to pick up the next rock that comes in here and I am going to throw it back.

And then I saw from his presence, from his example, in what can only be described as a personal epiphany for me, that the reason he was not throwing rocks back and the reason nonviolent protest in behalf of positive values was so important, that by capturing the moral high road, by continuing to make a point based on right and making it in a way that was consistent with those values that say we value each other's humanity, that violence has no place in that, in that way Dr. King was winning the battle, even though the rocks were coming at us.

So thousands of us who were on our knees were really in a stronger position than those faces and voices of hate who were throwing rocks at us and trying to deny the civil rights that we had come to march in behalf of.

And I raise all that because, again, the comments of the Senator from Illinois reminded me of it. Because if there is no other reason for this Commission, it is that we can provide to young people precisely that kind of epiphany that says to them that nonviolence is important because it is predicated on a respect for the humanity of another person; that coming together in interracial cooperation is important because, putting aside all of our differences, underneath it all we are still brothers and sisters to each other. As the Senator from Illinois mentioned, in South Africa we heard a choir in Pretoria that sang last week, which was that, although we are different from one another, be proud of your heritage but know that you are my brother.

And this was coming from an interracial group of South Africans who are themselves now trying to craft a multiracial, pluralistic society based, they believe, on what we have here in the United States.

So if we are to maintain our leadership in the world in behalf of interracial and multiethnic cooperation in behalf of developing a pluralistic society, then we can do no more, it seems to me, than to continue to hold up the values that Dr. King espoused in behalf of those goals.

And those values and the information about those values is precisely what the Federal Holiday Commission does. That is why, in the final analysis, it is so important and its work is so important.

I thank my colleague and I thank my colleagues for their indulgence for this little personal reminiscence. But the words of the Senator from Illinois reminded me of how important Dr. King's lessons were for me as a youngster. I was fortunate enough to be there. These youngsters—he is no longer with us—cannot have the exact same experiences, but we certainly can make sure that they have the information and they have the lessons that came out of that noble period of our history.

Mr. SIMON. Mr. President, I thank my colleague. I never heard her relate that story before in the many years that I have known CAROL MOSELEY-BRAUN.

She used one other phrase that is important to keep in mind—the moral high ground. That is what we have to try to achieve, however imperfectly we achieve it.

I think it is worth reminding ourselves also, as we talk about Martin Luther King, his last effort was in behalf of custodians—janitors, if you will—in Memphis, TN.

We have a country today where 23 percent of the children live in poverty. There is no other Western industrialized country that has anything like that. I am just certain, if Martin Luther King were alive today, he would say this good, great country can do better than that. That is also part of the moral high ground that we ought to be sensitizing ourselves to.

I thank my colleague from Illinois and Senator WOFFORD for their leadership.

I see Senator FEINSTEIN is going to say a few words here.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I rise in support of Senator MOSELEY-BRAUN, Senator SIMON, and yourself, Mr. President, in putting forward H.R. 1933.

Mr. President, let me speak first as a Californian in support of this legislation. I believe that if you ask people in California what two major issues they care most about, one would be the economy and the second would be reducing violence in our society.

There is no Federal effort to my knowledge that speaks more eloquently to the problem of violence in our society than does the King Holiday Commission. Not to extend its life at a time when the real need to reduce violence in America is on everyone's mind would be incomprehensible to me.

Mr. President, it is appropriate that you are in the chair during this debate. You were widely quoted last January in a Washington Post editorial entitled "The King Holiday, 10 Years Later," which spoke highly of what you and Senator MOSELEY-BRAUN are trying to accomplish here. You suggested, simply and eloquently, that Dr. King's birthday be observed in the future as a "day on," not merely a day off. Nothing could be more fitting.

If I may, I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, let me tell you how we mark this holiday in my home city of San Francisco as a day on, not a day off.

We have in our city a very special man. His name is Dr. Cecil Williams, reverend to the Glide Memorial United Methodist Church. This is a huge church with a congregation of more than 3,000 people. People come into the Tenderloin of San Francisco from all over the Bay Area every Sunday to celebrate nonviolence, to celebrate the rehabilitation of the human soul. It is a church that truly ministers to the neediest among us, those who are down and out, those who have problems with drug addiction, who are homeless, who have been violent. It is a "turnaround" church.

Reverend Williams is the chairman of the Martin Luther King Holiday observance. On that day, a "Freedom Train" brings people from all over northern California into San Francisco. They march from the train station, through downtown, and on to the Civic Auditorium where they hear people from all walks of life speak about the message that Martin Luther King, Jr., tried to carry to this world, the message of nonviolence.

As Dr. King said—and this is often quoted on those birthday celebrations:

> Peace is not merely the absence of some negative force, it is the presence of a positive force. True peace is not merely the absence of tension, but is the presence of justice and brotherhood.

Can anybody say that justice and brotherhood abound today in this land? I think not. Can anyone reasonably or thoughtfully say that now is the time to end this Commission? I think not.

This Commission works with just two paid staffers. The Commission has worked at very modest cost for the past five years and, I am confident, will continue to do so for 5 more years when this bill is approved. It can do so much and deserves our support.

I hope for a new thrust against violence in our society. Dr. King also said, "violence is the voice of the unheard." I think all of us here would agree that voice has grown louder in the 30 years since he spoke that truth. More than 100,000 schoolchildren are estimated to take guns to school every day. Another 160,000 stay at home because they are afraid of the 100,000 who take guns to school every day.

I hope, and would sound as a mission for it in the future, that this Commission takes up this cause with renewed vigor—that it spread Dr. King's message of nonviolence from school to school, from State to State, all across this Nation. It is time we reach out to this generation, and the next, to show them that nonviolence can be a powerful weapon, too. As Dr. King called it, "a sword that heals."

The King Holiday Commission has already enlisted over 27,000 children in its Youth Against Violence Campaign. It has gone school to school and child to child to recruit them in the battle against violence. The Commission also has convinced 4 million more, 4 million additional youngsters, to commit themselves to a life of nonviolence. That is the kind of work that can make a difference: child to child, school to school, State to State. Every youngster who says "I will not be a part of violence in this Nation" makes a difference.

When the King Holiday Commission has completed the five years of new work authorized and supported by this legislation, I hope that there will be 4 million more youngsters who have said that they too will not be a part of violence in this Nation. Think of the difference that will make.

Many of the people in my State believe that California is going in the wrong direction, primarily because of violence in our society. I am confident that the King Holiday Commission can help ease the fears of people in my State and across the Nation by helping to break the cycle of violence that has already claimed far too many of our children.

If anyone can succeed in this task, it is Coretta Scott King, whom I know well. I know her personally and as a public figure. I know, most of all, her total dedication to sustaining and teaching the ideals of Martin Luther King, Jr. There can be no better tribute to Dr. King, and no higher aim of the King Holiday Commission, than sharing his ideals with the children of America.

I am truly amazed that there are voices in this Senate who say, "Let us end this Commission. We do not have to work toward nonviolence in our society. This Commission should not be reconstituted. This Commission should not continue to be funded." I feel exactly the opposite.

I stand today in support of your efforts, Mr. President, and those of my friend and colleague, Senator MOSELEY-BRAUN, to see that the King Holiday Commission's critical work can and will be continued at this critical time.

If there is to be a continuing mission for this Commission, let it be the education of our children in Dr. King's message of nonviolence. If the Commission is to pursue any goal over the next 5 years, let it be the recruitment of 4 million more youngsters who are willing to say that violence is not the way. If there is a day for Senators to stand and be counted in support of the King Holiday Commission and the rededication of Dr. King's memorial day, let it be this one. And, if there is to be a day in tribute to Dr. Martin Luther King, Jr.—as I hope and trust there will always be—let it be, as you have said, Mr. President, a day "on," not merely a "day off."

I thank you, Mr. President, and I thank Senator MOSELEY-BRAUN for bringing this issue to the floor of the Senate. I want you to know that our hearts and our voices are with you.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, Jan. 17, 1994]

THE KING HOLIDAY, 10 YEARS LATER

America in 1994 is not the same place Sen. Harris Wofford described at the beginning of his constructive column on yesterday's op-ed page. The southern laws which sanctioned a dual society, the racially discriminatory places of public accommodation, the state-sponsored voting rights barriers—they've all been swept away. Rev. Martin Luther King Jr., whose birthday is honored today, and the powerful civil rights movement he led deserve much of the credit for that transformation.

Twenty-five years after his death, and a decade after the inauguration of the holiday in his name, it is said that if Dr. King could witness the carnage that is taking place on American streets today, he would be devastated. That is undoubtedly true. But we don't believe his sadness would be confined to the presence of violence. Neither do we believe that crime would be the only problem he would expect this country to be grappling with today.

Appearing at the Mason Temple Church where Dr. King spoke in Memphis the night before he was killed, President Clinton told an audience made up largely of black ministers that "the freedom to die before you're a teenager is not what Martin Luther King lived and died for." Mr. Clinton speculated that if Dr. King witnessed the wave of crime sweeping the country today, he would say, "I did not live and die to see the American family destroyed." We can't know if that is what Dr. King would say. But we do believe, based on what Dr. King was preaching about the night before his death, that his concern about conditions in today's Memphis as well as in other American communities would include street violence, and more.

It's not likely that Dr. King, driving in from the airport to Mason Temple, would have ignored the urban decay, the boarded and dilapidated houses, the homelessness, the closed shops in downtown Memphis—all stark evidence of what he called on his last night the "long years of poverty, their long years of hurt and neglect." Nor would Dr. King miss the reality in today's America of what he referred to in Memphis 25 years ago as "God's children here suffering, sometimes going hungry, going through dark and dreary nights wondering how this thing is going to come out." It was, he said, "the issue," adding: "And we've got to say to the nation: We know it's coming out."

Sen. Wofford and Rep. John Lewis, who share Dr. King's outlook all these years later, have sponsored legislation aimed at making the King holiday more than another day off for shopping or resting. They would have the federal holiday become an active day of community service and nonviolent action—the true legacy of Dr. King's life. That last night in Memphis, the man we honor today told the story of the good Samaritan, but in his own way. He said that maybe the man who fell among thieves was left behind by the two upstanding passers-by, because they were too busy. Or he said maybe "they felt that it was better to deal with the problem from the causal root, rather than to get bogged down with an individual." Or maybe, said Dr. King, they were afraid; they thought the injured man on the ground was merely faking and would harm them. The question of one passer-by: "If I stop to help this man, what will happen to me?" was the wrong one to ask, he said. The good Samaritan, the one who got down from his beast and gave assistance, asked himself: "If I do not stop to help this man, what will happen to him?" That was the right one, Dr. King said. The good Samaritan "decided not to be compassionate by proxy," preached Dr. King. Sen. Wofford and Rep. Lewis are right to believe that that is the way the King holiday should be observed.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I am going back and forth to meetings like a tennis ball, as most Senators are, I believe, most of the time, but I did manage, while doing a little work in my office, and meeting with some foreign dignitaries, to hear some criticism of my amendment.

For example—well, let me go back. I wondered which amendment they were talking about, including, if you will forgive me, ma'am, the distinguished Senator from California. I have no argument with the Commission. My problem is somewhere, sometime we have to get a handle on how much of the people's money we are going to spend and for what purposes. My amendment does not eliminate the Commission, it returns it to its original condition as a privately funded group, with officials appointed by the Government.

Questions were raised that had no relevance to the amendment, either one of them. Now, I think it was the Senator from Illinois who said that I had said that the King Commission was part and parcel of the King Center. I said no such thing. I know better than that.

What I did say was that the King Commission and the King Center share many of the same officers and directors. As a matter of fact, the King Commission, if I recall correctly, has only two employees on its payroll, the rest are "on loan" from Uncle Sam.

The King Commission has only 2 employees, but there are also 11 full-time Federal employees assigned to the Commission. Now, the Center and the Commission share many of the same officials, and what I did ask was why should we pay for the King Commission when the King Center could easily come up with $2 million. The King Center receives about $20 million per year in voluntary contributions.

As I said, I may be old fashioned, but I think the folks that run the King Center could come up with another $2 million for 5 years to fund the Holiday Commission as well. As a matter of fact, the Commission raised its funding privately in 1985, did they not, I would ask the manager of the bill?

They raised the money privately in 1985, is that right?

Mr. WOFFORD. The King Center always raises its money privately.

Mr. HELMS. Did the Commission, not the King Center, raise its own funds in 1985?

Mr. WOFFORD. It did.

Mr. HELMS. Did it raise them in 1986?

Mr. WOFFORD. Yes.

Mr. HELMS. Did it raise them in 1987?

Is the answer in the affirmative?

Mr. WOFFORD. I believe the action—the last time this Senate voted on the question of ceasing the funding for the Commission was in 1989, when a similar motion was defeated 86 to 11.

Mr. HELMS. I do not believe I inquired about that, but that is a fact, and it is probably going to happen again. But it does not make it right, I say to the Senator. It needs to be debated. It needs to be analyzed. I did not say that this was a permanent extension of the Commission. I said that the Moseley-Braun version of the bill, which is not before the Senate, does continue it indefinitely. Now, the House bill, which is before us, stipulates an extension of 5 years—another 5 years, I might add.

So 95 percent of what has been said in my absence—I have tried to hear what I could of it, and I have caught part of it in my office and then I have checked with people who have taken notes for me—about 95 percent was just as I predicted when I made my opening remarks; that there would be eloquent speeches not relevant to the bill nor relevant to either of the two HELMS amendments.

But that is the way we do things around here. We do not debate the specific issue at hand. We make political speeches appealing to the people we want to appeal to and that sort of thing. And I have to say it was very appealing to hear about people's childhoods and all the rest of it. I could probably raise some tears to people's eyes were I to relate some aspects of my childhood during the Depression but that is not relevant.

What I am talking about is spending the taxpayers' money on the commitment that has been made by individuals in the leadership of this Senate, year after year, that the funds will end in 5 years, and here we are proposing 5 more years.

Now, that is what is relevant, not whether somebody is in favor of not having violence. We are all not in favor of having violence. We have it in North Carolina, too. Thank the Lord we do not have as much as California. And you need to do something about that, Senator FEINSTEIN. And I am not sure that the King Center or the King Commission will do very much about the problems in California or North Carolina.

Now, the Senators from Illinois and Pennsylvania noted that those who spoke on this issue in 1984, 1986, and 1989 never said that this would be a temporary, privately funded Commission.

Now, I did not hear them say that, but it was reported to me that that is what they said. Well, they better tell that to SAM NUNN. And they had better tell it to BOB DOLE and others who the CONGRESSIONAL RECORD shows felt in 1984, 1986, and 1989 that the King Commission would end and that it would not go on forever as the Moseley-Braun bill, introduced last year, planned.

Now, when this Commission was reauthorized in 1986 and 1989, the Senators in the leadership positions got on this floor and told each other and told the Senate—and it is in the RECORD—each time that this was going to be the end of the Commission and its Federal funding.

Now, the point is that the Commission can raise funds privately and it ought to do so. But, no, once Uncle Sugar got into the business of giving them the money, they did not want to have to raise private funds anymore.

Now, someone needs to explain to me why we do not go back to the old system and let them raise money.

Now, there are 11 permanent Federal employees making $75,000, $80,000 a year—let me see the book. Why not go down the list?

The Commission's staff includes—I have already referred to him—Lloyd Davis, Executive Director. He is on loan from the U.S. Department of Housing and Urban Development; Mary Coleman, Administrative Assistant of the FBI and U.S. Department of Justice; somebody named Fisher, administrative assistant, of the Food and Nutrition Service of the U.S. Department of Agriculture, full-time; Edison Horne, Director of Law Enforcement Involvement Programs, FBI, full-time; Lisa Irby, an accountant with the Internal Revenue Service, U.S. Department of the Treasury, of course, full-time; and so on.

I ask unanimous consent that the rest of these names be printed in the RECORD at this point rather than take up the time of the Senate.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Gerrie Maccannon, Executive Officer (Public Health Service, U.S. Department of Health and Human Services).

Sheila Ricks, Special Events Coordinator (Census Bureau, U.S. Department of Commerce).

Juanita Sims, Finance Intern (Internal Revenue Service, U.S. Department of the Treasury).

Faye P. Singh, Youth Assembly Coordinator (Fort Valley College [Georgia], Extension Service, U.S. Department of Agriculture).

Dr. Joel Soobitsky, National Youth Program Coordinator (Extension Service, U.S. Department of Agriculture).

Katie Taylor, Secretary (Fish and Wildlife Service, U.S. Department of the Interior).

Mr. HELMS. I thank the Chair.

Now, Madam President, we have an interesting parliamentary situation, and I agreed to it this past Friday, hoping to expedite the situation as a matter of convenience to Senators. I agreed to a then-proposed unanimous consent agreement that all amendments would be offered and debated today and voted on tomorrow.

I ask the Chair, or the Parliamentarian through the Chair, if I am not correct about that.

The PRESIDING OFFICER. The Senator is correct. That is what the agreement provides.

Mr. HELMS. I thank the Chair, and I thank the Parliamentarian.

Now, I am going to ask unanimous consent to lay aside the Helms first-degree amendment and the second-degree amendment, of course, so that a third amendment can be offered.

The PRESIDING OFFICER. Is there objection?

Mr. WOFFORD. I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WOFFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request?

Mr. WOFFORD. No objection.

The PRESIDING OFFICER. Without objection, the two amendments are set aside.

Mr. HELMS. I thank the able Senator. I thank the Chair.

AMENDMENT NO. 1740

(Purpose: To end the practice of having Federal civil servants detailed to the Martin Luther King, Jr. Federal Holiday Commission for years on end)

Mr. HELMS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1740.

The amendment follows:

On page 2, strike lines 20 through 24 and insert the following:

(3) in section 6—

(A) in subsection (a) by striking "maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332" and inserting "rate of pay for level IV of the Executive Schedule under section 5315"; and

(B) in subsection (b)(1) by adding the following at the end: "A person who has been detailed under the preceding sentence for as many as 365 days (continuously or intermittently) may not subsequently be detailed to the Commission."

Mr. HELMS. I thank the clerk.

Madam President, further working our way along in this complicated fix we are in because of the unanimous-consent agreement, I think under the rules, or certainly under practice and precedent, it is possible that the manager of the bill and the Senator from North Carolina can obtain the yeas and nays. We can get the yeas and nays at some time. I would like to get that out of the way.

So I ask unanimous consent that it be in order to ask for the yeas and nays on all three of the Helms amendments thus far offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank my colleague. I do not always agree with him, but I like him.

I will not comment on my friend from California. But she knows how kindly I think of her.

This amendment is simple. What it proposes to do is prohibit any official, officer, or civil servant of the U.S. Government—that is, Federal bureaucrat—from serving on loan to the King Holiday Commission for more than 1 year. After 1 year employees on loan to the Commission must go back to their regular jobs.

It does not—let me emphasize, not—prohibit Federal agencies from lending employees to this Commission. It simply ensures that they will promptly return to the job which the taxpayers expect them to do. I think this is a fair request.

Madam President, even before the King Commission began receiving Federal funds up front in 1989, the taxpayers were footing a pretty hefty bill for its operations. According to the King Holiday Commission's 1988 annual report:

> All of the Commission's staff, except for the Executive Director, were provided on a nonreimbursable basis by Federal agencies * * *

That is back-door financing.

Most Senators probably do not know that the salaries of the majority of the employees of the King Commission are paid for by the American taxpayer. Let me read down the list of some of the staff and the departments providing the King Commission with their services, as listed in the Commission's 1993 annual report. I have read some of them before but let's review it again.

Lloyd Davis, Executive Director—HUD.

Mary Coleman, administrative assistant—FBI.

Vash Fisher, administrative assistant—Agriculture.

Ed Horne, law programs—FBI.

Lisa Irby, accountant—IRS.

The list also includes officers from the Public Health Service, the Census Bureau, the Fish and Wildlife Service, and the Agriculture Extension Service.

Let me say, before somebody raises a question, that I know that it is not unusual for Federal agencies to loan other agencies personnel for a short period of time. The practice is common in the Armed Forces and in Federal law enforcement. What makes the King Commission situation so extraordinary is that some of the officials on loan to the Commission have become permanent fixtures within this organization.

Surely the Senate is going to accede to my suggestion that we stop that practice and limit the loan to 1 year. It is going to be interesting to see how the votes go on this.

Let us take a look again at the Executive Director of the King Commission, Mr. Lloyd Davis. Mr. Davis is an employee of the Department of Housing and Urban Development. I do not know what duties Mr. Davis performed at HUD and for all I know he did a good job there and does a good job with the King Commission, although he is prominently mentioned in the Arthur Andersen 1992 audit of the financial problems that the King Commission has experienced during its existence.

So something is amiss. Whether it is Mr. Davis' fault, I do not know. I do not know how many hours a day he spends, if any, at the Commission. I do not know whether he flies first class when he travels on the King Commission's airline ticket. But Mr. Davis, as I have said two or three times, has been "on loan" to the King Commission since the time of the creation of the King Commission in 1984.

Now, I have run a department of a major city newspaper, a news operation, and a television station. I have been executive vice president of a broadcasting company. And if I had "loaned" employees from another section of my company for over 10 years, I think the board of directors would have said, "Mr. HELMS, come in. We need to talk to you a little bit." I would consider that individual to be a permanent part of my staff. But Mr. Davis is not a permanent part of the King Commission, at least not insofar as the records are concerned. He may have that understanding with the King Commission. There is nothing in writing. But he is still being paid by the Department of Housing and Urban Development, and nobody figures that salary in.

Mr. Davis, according to the records that we have checked very carefully, is paid by the taxpayers more than $85,000 a year, not including any allowances that the Government gives him to live in Atlanta while he is working for the Commission.

I do not mind the manager of the bill spicing up the oratory about how much he loves freedom and how much he loves children, and all the rest of it. Of course, the rest of us do, too. Just tell me about Mr. Lloyd Davis. I want the manager of the bill to tell the Senate how a man could make $85,000 a year from an agency at which he has not worked for more than 10 years.

Mr. Davis is not the only King Commission employee who appears to have taken permanent leave from his regular Federal Government job. Another official, for example—and I could go on a long time talking about these various employees—is a fellow named Ed Horne, who coordinates the King Commission activities with the law enforcement agencies. Mr. Horne is an employee of the FBI—at least he is listed as an employee of the FBI. But as far as I can tell, based on the record, he has not worked for the FBI in at least 4 years, and probably longer than that.

I cannot imagine that the FBI has so little to do that it can reasonably afford to send one of its agents, or more than one of its agents, on permanent "loan" to anybody, including the Martin Luther King Holiday Commission. The pattern is the same in several respects involving several King Commission staffers. Once they go on "loan" to the King Commission, they are reborn; they stay there. I think, as a matter of policy, the Senate ought to take some step regarding that.

Madam President, I guess in a week's time I meet with 200 or more people, just one after another, and I am glad to see them all. But a surprising percentage of the people who come to me concerned about their country, or concerned about their Government, ask me, "How did we get into this $4.5 trillion debt situation?" The total is actually more than $4.5 trillion, but in round numbers, it is about $4.5 trillion of debt which has been run up by the Congress of the United States.

I hear political statements on this floor that it is "Reagan's debt or "Bush's debt." Let me tell you one thing. Unless they changed the Constitution when I was not looking, no money, not one thin dime, could be spent for any reason that has not first been authorized and appropriated by the Congress of the United States. So that "dead cat" lying at our door is our cat; it is not Reagan's, or Carter's, or Bush's, or Clinton's. The Congress of the United States is responsible for that $4.5 trillion debt piled on the backs of young people, like the pages sitting on either side of the dais.

It is time to say what Senators have been saying every time this matter has come up: "Well, this is the last time; there will not be any funding after this." SAM NUNN said it, BOB DOLE said it, and Terry Sanford said it. I guess we will hear that today. But it has not been the last time yet, and I hope it will be one of these days.

I reserve the remainder of my time, and I yield the floor.

Mr. WOFFORD. How much time is there, Madam President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 60 minutes available on this amendment.

Mr. WOFFORD. Madam President, that is on the new amendment?

The PRESIDING OFFICER. Yes, that is correct.

Mr. WOFFORD. How much time is there on the two amendments that were laid aside?

The PRESIDING OFFICER. The proponents have 47 minutes remaining.

On the ones laid aside, on the second-degree amendment, the Senator from Pennsylvania controls 12 minutes and the Senator from North Carolina controls 19 minutes.

On the first-degree amendment, the Senator from Pennsylvania controls 39 minutes and the Senator from North Carolina controls 7 minutes.

Mr. WOFFORD. Madam President, before responding to the latest facts and/or reports from the Senator from North Carolina, let me give just a little background now on the history of this Commission, which other Senators may not be as familiar with as I am.

When it was created in 1984, the King Commission established a 501(c)(3) nonprofit corporation, able to solicit funds in the private sector. It was competing against already established organizations, such as the Martin Luther King Center for Nonviolent Social Change in Atlanta—the Center. Then, in the inaugural observance of the national holiday, there was a great deal of excitement and anticipation as to what this holiday might be and what could be done with special funds.

Senator DOLE, then the majority leader of the U.S. Senate, and Edward Jefferson, president of the DuPont Co., helped to raise private funds for the observance of that first King Federal holiday on January 20, 1986. The aim was to raise at least $2 million. The net result was that $300,000 was raised under favorable conditions, the most favorable conditions the Commission has experienced, because it was the beginning of the holiday, the birth of the holiday. The enthusiasm and interest in the first King holiday observance carried over. But in recent years it has declined, and from 1990, it has never exceeded $100,000 a year. The lowest level of contributions came in 1993 when the Commission raised $34,000.

The arguments that the senior Senator from Illinois, the junior Senator from Illinois, the Senator from California, and I have made as to the timing of this reauthorization and the needs of our Nation for this work to be continued are all, it seems to me, very compelling in the light of the financial history as to whether that worked for a national holiday—the first such national holiday honoring a private citizen, as the Senator from North Carolina has stressed. But the real question is whether this is the time to cut out or cut back and to cripple our very modest Federal effort, and it seems to me that the argument for that, knowing the facts of life in our country, is so hard to make.

At this point, I want to note that we have a Labor Day in this country; we have a Veterans Day in this country;

and we recently celebrated the 500th anniversary of Columbus discovering America. I think we would find, if we did research on that, that very substantial resources by the Labor Department in connection with Labor Day, and the Veterans Administration for Veterans Day, and by the Christopher Columbus Commission, is attributed to and focused on making those big and successful holidays. The distinguished Senator from North Carolina himself supported a Bicentennial Commission and its funding.

This is a new and noble venture indeed. The Congress of the United States decided to make it so. This is a time to continue it and to give it a renewed mandate that is more practical, more important, and more pertinent, while building on their previous successes.

Madam President, I yield the floor.

Mr. WOFFORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The time will be equally divided on the two sides on the pending amendment.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I believe this amendment has been checked with all sides. I ask that the pending amendment and the other two—all three of the amendments—be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1741

(Purpose: To stop the use of taxpayers' funds by the Commission to pay for first-class air travel or hotel accommodations)

Mr. HELMS. Madam President, I send an amendment to the desk and ask for it to be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1741.

Mr. HELMS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 10, strike "and".

On page 3, line 12, strike the period and insert "; and".

On page 3, between lines 12 and 13 insert the following:

(7) by adding at the end the following new section:

"SEC. 10. None of the funds appropriated or donated to the Commission may be used for the purpose of purchasing first class air travel or first class hotel accommodations.".

Mr. HELMS. Madam President, this amendment is short, it is simple and it is one that the Senate should easily support. This amendment precludes any official of the King Commission from using first class airline flights or first class hotel accommodations with Federal funds.

We have just had a lengthy debate in the Senate over what gifts and perks are proper for Senators to accept. No public official can ethically enjoy such luxuries as first class accommodations on the public tab. This amendment ensures that staff and directors of commissions—all commissions—abide by the same rules, the public expects all public officials to abide by.

No individual has a right to live in the lap of luxury at the taxpayers expense.

I believe this amendment will be accepted.

Mr. WOFFORD. We accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1741) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WOFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, I believe it would be in order to have a short quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be tolled on both sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1740, AS MODIFIED

Mr. HELMS. Madam President, this has been discussed with the distinguished manager of the bill and our respective staffs.

I ask unanimous consent that the Helms amendment affecting Federal employees on loan to the King Commission be modified so as to make certain and to allow them 1 year to complete their duties with the King Commission.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WOFFORD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I send the modification to the desk.

The PRESIDING OFFICER. The modification will be incorporated into the amendment.

The amendment, with its modification, is as follows:

On page 2, strike lines 20 through 24 and insert the following:

(3) in section 6—

(A) in subsection (a) by striking "maximum rate of pay payable for grade GS–18 of the General Schedule under section 5332" and inserting "rate of pay for level IV of the Executive Schedule under section 5315"; and

(B) in subsection (b)(1) by adding the following at the end: "A person who has been detailed under the preceding sentence for as many as 365 days (continuously or intermittently) may not subsequently be detailed to the Commission.".

(C) All federal employees on loan to the King Commission on the day of enactment of this Act may remain detailed to the Martin Luther King Holiday Commission for not more than 365 days."

Mr. HELMS. Again, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1742 AND 1743, EN BLOC

Mr. HELMS. Madam President, I have two amendments prepared by the distinguished Senator from Colorado [Mr. BROWN]. They have been checked and cleared on both sides.

I ask unanimous consent that they be approved en bloc, and the motion to reconsider en bloc and the tabling of the motion to reconsider en bloc.

Mr. WOFFORD. Madam President, we have consulted with Senator BROWN and his staff, and we think these are improving amendments. We accept them.

The PRESIDING OFFICER. Without objection, the request is granted.

The amendments were agreed to as follows:

AMENDMENT NO. 1742

(Purpose: To improve the Commission's accounting procedures)

Mr. HELMS offered amendment No. 1742 for Mr. BROWN.

The amendment is as follows:

On page 3, between lines 12 and 13, insert the following:

(7) by adding at the end the following:

"SEC. 10. ACCOUNTING PROCEDURES.

"The Commission shall follow a comprehensive basis of accounting, as defined by the Comptroller General in B–255473. The Commission shall establish an accounting system for review by the Comptroller General under section 3512 of title 31, United States Code. The Comptroller General is authorized to review and audit the Commission, its programs, activities, operations, and financial transactions. The Comptroller General, and his agents, shall have access to all records, files, documents, and papers of the Commission, as necessary, to accomplish such audits.".

Mr. BROWN. Madam President, the King Commission may receive its own appropriations directly, it may receive private donations, and it may receive grants from a government corporation which has its own appropriations. The Commission is responsible for implementing the policies and organizing the activities. The Commission is responsible for raising and dispensing other funds. This organization understandably can get confusing.

As I understand it, the Commission found the bookkeeping to be complex enough to ask Arthur Anderson to conduct an audit of the corporation. The Commission, however, is not regularly audited. While Federal agencies are required to follow generally accepted accounting procedures, the Commission is not technically a Federal agency. As a consequence, the Commission can follow any or no accounting standards. To date, I believe they have followed good accounting standards. However, the Commission should be required to follow the same rules as other Federal commissions and agencies.

This amendment would do just that: require the Commission to follow generally accepted accounting standards.

This amendment would also authorize the GAO to conduct a review and audit of the programs and accounting of the Commission. This simply would enable GAO to take a look at the accounting as it may do for other Federal agencies.

Madam President, this amendment does not burden this Commission with unusual demands. Instead, it simply requires that the Commission lives under the same accounting rules of any other Federal body.

AMENDMENT NO. 1743

(Purpose: To modify the Commission report requirements)

Mr. HELMS offered amendment No. 1743 for Mr. BROWN.

The amendment is as follows:

On page 3, strike lines 8 through 10 and insert the following:

(5) by amending section 8 to read as follows:

"SEC. 8. COMMISSION REPORT.

"(a) IN GENERAL.—Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act or under the National and Community Service Act of 1990.

"(b) ANALYSIS REQUIRED.—The Commission shall include in its annual report—

"(1) a detailed description of all activities undertaken by the Commission;

"(2) an analysis of the spending practices of the Commission indicating how much of the funds of the Commission are dedicated to salaries, travel expenses, and other overhead costs and how much are dedicated to the stated goals of the Commission; and

"(3) a detailed description of any grants made by the Corporation for National and Community Service with the consultation of the Commission.".

Mr. BROWN. Madam President, I offer this amendment simply to make sure Congress is informed about the Commission it creates. This amendment would require the Commission to report to Congress and the President about the activities and programs the Commission undertakes.

The Commission is currently required to submit an annual report to the President and the Congress. There is no direction in the law concerning the contents of this report. This amendment would direct the Commission to include a few things in the report that are important.

First, the Commission would be required to provide a detailed description of all its activities.

Second, the Commission would be required to explain the spending practices of the Commission with an eye toward how much is spent on overhead and how much is spent on reaching the goals of the Commission. This is similar to the service available for any charity which provides potential donors with information concerning how much is spent on overhead and how much reaches the desired goal.

Third, the Commission would be required to detail how much money the Commission receives from the corporation under the National and Community Service Act of 1990. The corporation receives its own appropriations and is authorized under this bill to make grants to the Commission. I think it is important for Congress, the President and taxpayers to know how much money is dedicated to this Government program from all areas, not just the direct appropriation. It would be helpful to know not only how much money is appropriated to the Commission and but also how much of the funds appropriated to the corporation actually ends up with the Commission.

VOTE ON AMENDMENT 1739

Mr. HELMS. Madam President, as I understand it, the distinguished manager of the bill is willing to accept the second-degree Helms amendment.

Mr. WOFFORD. That is correct.

Mr. HELMS. Do you want to put that to a vote, Madam President?

The PRESIDING OFFICER. The Senator has requested a vote on the second-degree amendment No. 1739.

Mr. HELMS. Right. I urge its approval.

The PRESIDING OFFICER. I have been advised that the yeas and nays will have to be vitiated.

Mr. HELMS. That is correct. I ask unanimous consent that the yeas and nays on this amendment alone be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment.

The amendment (No. 1739) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WOFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, that leaves only the Helms underlying amendment, and the yeas and nays have been ordered on that amendment as well; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And we have agreed there will be no attempt to second degree that amendment. We will have a rollcall vote on that tomorrow. Does the distinguished manager of the bill remember what time that vote will be scheduled?

This amendment will be on the question of deleting Federal funding for the King Commission, followed by a vote on limiting the amount of time—Madam President, I need to check with the Parliamentarian. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I understand that agreement has been reached on amendment No. 1740. I inquire of the Chair, is that correct?

Mr. WOFFORD. That is the amendment on limiting the detail?

Mr. HELMS. That is correct.

Mr. WOFFORD. That is correct.

Mr. HELMS. I just suggest that the Chair put that to a vote. I urge its approval.

Mr. WOFFORD. I move to vitiate——

Mr. DURENBERGER. Madam President, I rise in support of the Martin Luther King Holiday and Service Act of 1994.

This legislation will reauthorize the Dr. Martin Luther King, Jr., Holiday Commission for 5 years. In addition, it will authorize the Corporation for National and Community Service to make grants for community service opportunities in conjunction with the holiday.

We can all be proud of what the Commission has accomplished since it was created in 1984. Today all 50 States observe the King holiday. But much more than being about 1 day of observance, the Commission sponsors activities throughout the year that carry on Dr. King's labor for peace and reconciliation.

With very limited resources, the Commission has promoted education for our kids about alternatives to violence and crime. The Commission has enlisted 4 million young Americans to sign a pledge of commitment to nonviolence and has involved over 27,000 young people in Youth Against Violence symposiums.

It is an appropriate extension of the Commission's mission to promote community service projects surrounding the holiday that reflect Dr. King's life and legacy. As America struggles to recapture the hearts and minds of our young people, the Commission can send an important message: There is power in nonviolence, and strength in service.

I can think of no more fitting tribute to Dr. King.

Mr. LIEBERMAN. Mr. President, I am pleased to be a cosponsor of S. 774, the King Holiday and Service Act of 1994. This act would support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr. I can think of no more appropriate tribute to Dr. King than to inspire more voluntary work to rebuild our communities.

The late Dr. King has properly been regarded as a national treasure—inspiring understanding among racial and ethnic groups, nonviolent conflict resolution, equal opportunities, and social justice. He has inspired the pursuit of racial and ethnic equality not only in America, but also around the world.

The Commission to assist in the observance of the Federal legal holiday honoring Martin Luther King, Jr., established on August 27, 1984, was created to ensure the annual recognition of Dr. King's incredible work. Because of this commission's success, a Federal legal holiday has been created to honor Dr. King. The Commission's initial goal has been reached. However, now is the time to move even further.

We must not only recognize Dr. King's dream, but also honor it by encouraging others to follow his example. It would seem inappropriate to only create a holiday to celebrate the life of a man of action. Instead, we should utilize Dr. King's accomplishments to inspire action, to give knowledge, and to form bonds among our many communities. This is the true spirit of Dr. King.

The cost of the Commission is modest, particularly when one views this as what it is—an investment in our future. Through this investment in service, we would multiply the kind of voluntary action Dr. King has already inspired. Through this investment in peace, we would save in the cost of violence, not only monetarily, but also in human suffering. Never before has it been more important for our young people to hear Dr. King's words. Therefore, I urge my colleagues to support the King Holiday and Service Act of 1994 so that we may continue the honored legacy of Dr. King.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated. All time is yielded back, and the question is on agreeing to the amendment.

So the amendment (No. 1740), as modified, was agreed to.

Mr. HELMS. It won by two to nothing.

I move to reconsider the vote by which the amendment was agreed to.

Mr. WOFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Now, if the Chair will tell us what the procedure will be tomorrow afternoon at 2:30, I would appreciate that.

The PRESIDING OFFICER. The pending question is amendment 1738, as amended. That is a first-degree amendment, as amended.

Mr. HELMS. The yeas and nays have been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered. It is my understanding the vote will occur at about 2:30 tomorrow.

Mr. HELMS. Just for the record, to be clear, that amendment is on the funding question relating to the King Commission?

The PRESIDING OFFICER. That is correct.

Mr. WOFFORD. And the yeas and nays, have they been requested on——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WOFFORD. Final passage?

The PRESIDING OFFICER. The yeas and nays have not been requested on final passage.

Mr. WOFFORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Now, on my part, I yield back all remaining time allocated to me this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. There still will be 10 minutes tomorrow prior to the vote; is that correct?

Mr. WOFFORD. The proposal, I understood, was to be 15 minutes to be shared by the Senator, and the Senator from Illinois, and myself.

Mr. HELMS. All time has been yielded back, and I ask to make sure that we are through here this afternoon?

Mr. WOFFORD. That is correct.

The PRESIDING OFFICER. The Senator from North Carolina has yielded back time. The Senator from Pennsylvania has not yet done so.

Mr. WOFFORD. If the Presiding Officer agrees to yielding back of time, all remaining time will be yielded back.

The PRESIDING OFFICER. The managers have that prerogative.

Without objection, time is yielded back on both sides of the debate.

Mr. HELMS. Madam President, let me thank the Chair and all others who have participated in this debate, particularly my friend from Pennsylvania. He is a gentleman, and I enjoy working with him.

Mr. WOFFORD. I enjoyed working with the Senator from North Carolina.

Mr. HELMS. I thank the Senator very much.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. SUPREME COURT'S DECISION ON THE BASE CLOSURE AND REALIGNMENT ACT OF 1990

Mr. SPECTER. Madam President, I have sought recognition to comment on a decision handed down this morning by the Supreme Court of the United States providing an interpretation of the Base Closure and Realignment Act of 1990.

In making these comments, I do so as both a U.S. Senator, and with the special interest of being a Senator from the Commonwealth of Pennsylvania in commenting about the decision which affects the Philadelphia Navy Yard.

I state at the outset that the State interest I have as a Senator from Pennsylvania and the interest that I have exhibited in defending the Philadelphia Navy Yard through the base closing procedures and in initiating a lawsuit in the U.S. District Court for the Eastern District of Pennsylvania, which went through the Court of Appeals of the Third Circuit on two occasions, where that distinguished court decided that the case was subject to judicial review, and then an appeal was taken, or certiorari was granted by the Supreme Court of the United States. That Court has now said there is no judicial review under the Base Closure Act. So I have a special interest, in a sense, as a Senator from Pennsylvania, but I speak from my broader responsibilities as a U.S. Senator, in terms of what is good for the Nation and what is appropriate and fair for the Nation.

In deciding that there was no judicial review—that is, no review by the Federal courts for action taken by the Base Closing Commission—the Supreme Court has slammed the door on a factual situation where there is documentary evidence that there was fraud perpetrated by the Department of the Navy, and the evidence is present in documents and reports signed by two admirals of the U.S. Navy, Admiral Claman and Admiral Hekman, that the navy yard in Philadelphia should remain open.

The Navy made a conscious decision to keep those reports from the Congress and from the Base Closing Commission. There is no doubt that in doing so the Navy violated the express requirements of the Base Closing Act that all materials had to be made available to the General Accounting Office, which is an arm of Congress.

There is no doubt that the Department of the Navy violated the requirements of law that there be a hearing, because there could not be a meaningful hearing, if that kind of relevant evidence was concealed and kept from the public, from Members of Congress, the House and Senate, and kept from the Base Closing Commission. And the Supreme Court of the United States has handed down this decision today in a hypertechnical interpretation of the Administrative Procedure Act, involving an interpretation of Presidential action, making a surprising distinction between the President's authority under the Constitution and the President's authority to interpret a statute, or to act under a statute.

Madam President, I believe that it is beyond any doubt that when the Congress of the United States established the base closing procedure and put in the introductory paragraph regarding Congress' determination to establish a fair procedure, the Congress did not contemplate that any base would be closed in America with the Navy concealing critical evidence.

There is no doubt that the Navy did conceal critical evidence based upon the facts of the case and documentary evidence. This is not a whisper on a street corner, and this is not hearsay; these are Navy reports signed by ranking admirals, Admiral Claman and Admiral Hekman, that the navy yard should be kept open.

To preclude the courts of the United States from reopening and redressing the claims of citizens to see to it that there is fairness is really beyond the pale of what has been the tradition of judicial review in this country. When someone enters the Supreme Court of the United States, the first insignia emblazoned on the wall is the authority of the Court, under judicial review on Marbury versus Madison, a case handed down in 1803 which establishes protection for basic rights and freedoms for citizens of this country, that the acts of the President and the Congress and acts of the administrative agencies will be reviewed by the courts, which are the protectors of those freedoms.

The Supreme Court of the United States, with five of the Justices speaking, said that the Administrative Procedure Act does not permit review because there was not final agency action. What does that mean? The Court says that the Administrative Procedure Act only allows judicial review if the agency is the last one to act. In this case, the agency is the Base Closing Commission. But the Court says that because the President had the responsibility either to approve or disapprove of the entire list, it is not final agency action and, therefore, there is no review by the Federal courts.

This decision was based on Franklin versus Massachusetts, a case handed down in 1992 where the Secretary of Commerce, Barbara Franklin, had issued a certification as to how many U.S. House Members the Commonwealth of Massachusetts was entitled to. That was a 5-to-4 decision, Franklin versus Massachusetts, with four dissenters in that case, saying that there should be review by the courts of administrative actions, without a hypertechnical distinction as to what the President does or does not do within a limited range of discretion after an administrative agency has acted.

I suggest, Madam President, that the time has come for the Congress to review the provisions of the Administrative Procedure Act when the Supreme Court of the United States hands down a series of decisions which are very hard to understand, virtually inexplicable, on a 5-to-4 reading. If I take Franklin versus Massachusetts, it is very difficult to see where the line goes and what the line is.

The right of judicial review, to be able to go to the courts after the bureaucracy has acted, is a very fundamental right in our society. This right ought not to be precluded under some whimsical interpretation that is very hard to discern, which results in the exclusion of citizens who have grievances as a result of administrative action from having them reviewed by the courts.

May I emphasize, Madam President, that this is not a decision as to whether the navy yard should be kept open or closed, but only whether the courts of the United States ought to have the authority and power to review that decision by an agency, the Base Closing Commission, where there is documentary evidence of fraud by the Department of the Navy, because the Navy concealed reports from two admirals who said the yard should be kept open.

Further, under the pleadings which are accepted as true for the purposes of the legal procedure, the Navy instructed Admiral Clayman not to appear before the Base Closing Commission.

Five Justices of the Supreme Court, as I say, decided the case that the Administrative Procedure Act did not allow review, and went on to say in part 2 of the Supreme Court's opinion, joined in by the other four Justices so that it was a unanimous opinion, although disagreement with four of the Justices on the underlying reasons where in part 2 of the majority opinion the Court says that the President's action in acting under the statute is not subject to judicial review, and the Court makes a distinction between where the President exceeds his authority under the Constitution, on the one hand, and claims that he acted in violation of the statute, on the other hand, as set forth on that page 12 of the slip opinion.

Madam President, if the President of the United States does not have the authority to act under a statute, that ought to render whatever he does null and void, just as the Supreme Court concedes that if the President does not have the authority to act under the Constitution of the United States where his authority is claimed to rest under the Constitution, then it is conceded that the Presidential action is not legal and is not binding.

At page 14 of the slip opinion the Supreme Court of the United States says:

> The President's authority to act is not contingent on the Secretary's and Commission's fulfillment of all the procedural requirements imposed upon them by the 1990 act.

And the Court goes on to say a little later:

> Indeed, nothing in section 2903(e) prevents the President from approving or disapproving the recommendations for whatever reason he sees fit.

In the concurring opinion, the same thought is expressed in this way as the Court explains, the act:

> * * * grants the President unfettered discretion to accept the Commission's base-closing report or to reject it, for a good reason, a bad reason, or no reason.

I submit, Madam President, that that judicial interpretation is far from a reasonable statement as to what the Congress intended, where the Congress has set down what it concludes is a fair process and requires that all information be turned over to the General Accounting Office and to the Congress. That is, all the cards have to be put face up so that we all know what the facts are and can have a hearing on the facts to present arguments one way or another. In this case, the conclusive evidence supported by undisputed documents—two admirals said the yard should be kept open—that that does not authorize the President of the United States to act for a bad reason or for no reason at all, and that it has realistically reviewed the intent of the Congress that if these requirements are not met then there ought to be judicial review to see if the entire process was legal.

Before this matter was acted upon by the full Congress, by the Senate and by the House, there was a hearing before the Armed Services Committee. The subcommittee chairman was the distinguished former Senator from Illinois, Senator Dixon. When I raised these considerations with Senator Dixon, he said those matters have to be reviewed by the courts, because Senator Dixon felt that the Subcommittee on Armed Services was not equipped, competent, or could not take the time to get into a consideration of what is essentially a judicial question.

We did not ask the courts to pass upon whether there was a force structure decision by the Department of Defense which was subject to judicial review, nor we did not ask the courts to decide any question which bore upon military expertise. Those are matters for the Department of Defense and are clearly outside of the scope of judicial review.

But where you have an issue as to whether the procedural requirements were met; that is, were all the facts set forth, and was there a hearing, those are circumstances which are peculiarly subject to judicial review, and that was not held in this case.

Madam President, the Congress has the authority to modify the Administrative Procedure Act, and consideration should be given by the Congress to doing just that where you have these fuzzy 5-to-4 decisions which go all over the lot. But if you try to trace a clear-cut line on decisions by the courts on the Administrative Procedure Act, it is a maze that is not subject to any clear-cut interpretation. There has been a generalized statement of a presumption in favor of judicial review, but regrettably that is not followed in many, many cases, as evidenced by Franklin versus Massachusetts which I discussed a few moments ago, or by the Navy Yard case which was handed down today.

When the Court takes the totality of the act and comes to a conclusion that there was not congressional intent to have judicial review, then it points up a factor that in the Congress we must be more alert to making an express statement as to the availability of judicial review and not relying upon the well-established presumption by which the Court concedes that judicial review is ordinarily presumed. But where you have a tortured decision which seeks, realistically viewed, to protect the base-closing law and excludes the presentation of evidence of fraud and concealment, it seems to me that the court just goes much too far.

There have been some 310 proceedings, Madam President, for base closure and realignments. Only a very few of them have gone to court. And among the few which have gone to court, none presents facts like the Philadelphia Navy Yard, where there is documentary evidence of fraud and deceit.

I have taken these few minutes, Madam President, to review this case which was handed down today. I shall be giving it further study with a view as to what action I think should be appropriate, and further study in conferring with my colleagues on the matter as to what action the Congress should take on amending the Administrative Procedure Act to see to it that the courts are open, what further action we should take with respect to the base-closure law, making sure that a claim of outright fraud supported by conclusive documentary evidence is not shunted aside by the courts.

For the Congress to act to be sure that the precepts of Marbury versus Madison, which is a fundamental distinction of the United States of America from every other country on Earth, and that is judicial review, and where the majority opinion says that the courts exercise judicial review as much by declining to exercise it as by exercising it, is a conclusion which leaves me in great doubt. And that the hallmark of democratic society and the protection of individual rights ought not to be to abandon judicial review and to countenance a court which is going to say there is as much judicial review where the Supreme Court declines to exercise it, as there is where the Court does exercise judicial review.

The questions in this case, Madam President, go far beyond the Philadelphia Navy Yard. They go far beyond the special interests of the Commonwealth of Pennsylvania, and they go far beyond what I have undertaken in this case captioned John Dalton versus Arlen Specter to mean, because if this case stands without any additional review or action by the Congress, then the ambit of judicial review for what the bureaucracy does is tightened even further. And we all know that the bureaucracy in Government ought to be subject to restraints by the court.

If anyone can read our Base Closure Act as sanctioning this kind of fraud by the Department of the Navy, then it is time that the Congress made a modification, which we have the full power to do.

As I say, I will be consulting with my colleagues to draw some idea as to what may be deemed appropriate. But I think this is a very, very, very important decision touching on basic liberties and freedoms and the sanctity of judicial review. So I have seen fit to call it to the attention of my colleagues today.

Madam President, I ask unanimous consent that the full text of the majority opinion and the two concurring opinions be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States]

DALTON, SECRETARY OF THE NAVY, ET AL. v.
SPECTER ET AL.

CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT

[No. 93-289. Argued March 2, 1994—Decided
May 23, 1994]

Respondents filed this action under the Administrative Procedure Act (APA) and the Defense Base Closure and Realignment Act of 1990 (1990 Act), seeking to enjoin the Secretary of Defense (Secretary) from carrying out the President's decision, pursuant to the 1990 Act, to close the Philadelphia Naval Shipyard. The District Court dismissed the complaint on the alternative grounds that the 1990 Act itself precluded judicial review and that the political question doctrine foreclosed judicial intervention. In affirming in part and reversing in part, the Court of Appeals held that judicial review of the closure decision was available to ensure that the Secretary and the Defense Base Closure and Realignment Commission (Commission), as participants in the selection process, had complied with the procedural mandates specified by Congress. The court also ruled that this Court's recent decision in *Franklin* v. *Massachusetts*, 505 U.S. —, did not affect the reviewability of respondents' procedural claims because adjudging the President's actions for compliance with the 1990 Act was a form of constitutional review sanctioned by *Franklin*.

Held: Judicial review is not available for respondents' claims. Pp. 6–15.

(a) A straightforward application of *Franklin* demonstrates that respondents' claims are not reviewable under the APA. The actions of the Secretary and the Commission are not reviewable "final agency action" within the meaning of the APA, since their reports recommending base closings carry no direct consequences. See 505 U.S., at —. Rather, the action that "will directly affect" bases, *id.*, at —, is taken by the President when he submits his certificate of approval of the recommendations to Congress. That the President cannot pick and choose among bases, and must accept or reject the Commission's closure package in its entirety, is immaterial; it is nonetheless the President, not the Commission, who takes the final action that affects the military installations. See id., at—. The President's own actions, in turn, are not reviewable under the APA because he is not an "agency" under that Act. See id., at—. Pp. 6–9.

(b) The Court of Appeals erred in ruling that the President's base closure decisions are reviewable for constitutionality. Every action by the President, or by another elected official, in excess of his statutory authority is not *ipso facto* in violation of the Constitution, as the Court of Appeals seemed to believe. On the contrary, this Court's decisions have often distinguished between claims of constitutional violations and claims that an official has acted in excess of his statutory authority. See, *e.g.*, *Larson* v. *Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 691, n. 11; *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 585, 587, distinguished. Such decisions demonstrate that the claim at issue here—that the President violated the 1990 Act's terms by accepting flawed recommendations—is not a "constitutional" claim subject to judicial review under the exception recognized in Franklin, but is simply a statutory claim. The 1990 Act does not limit the President's discretion in approving or disapproving the Commission's recommendations, require him to determine whether the Secretary or Commission committed procedural violations in making recommendations, prohibit him from approving recommendations that are procedurally flawed, or, indeed, prevent him from approving or disapproving recommendations for whatever reason he sees fit. Where, as here, a statute commits decisionmaking to the President's discretion, judicial review of his decision is not available. See, *e.g.*, *Chicago & Southern Air Lines, Inc.* v. *Waterman S.S. Corp.*, 333 U.S. 103, 113–114, Pp. 9–14.

(e) Contrary to respondents' contention, failure to allow judicial review here does not result in the virtual repudiation of *Marbury* v. *Madison*, 1 Cranch 137, and nearly two centuries of constitutional adjudication. The judicial power conferred by Article III is upheld just as surely by withholding judicial relief where Congress has permissibly foreclosed it, as it is by granting such relief where authorized by the Constitution or by statute. P. 15.

995 F. 2d 404, reversed.

Rehnquist, C.J., delivered the opinion of the Court, in which O'Connor, Scalia, Kennedy, and Thomas, JJ., joined, and in Part II of which Blackmun, Stevens, Souter, and Ginsburg, JJ., also joined. Blackmun, J., filed an opinion concurring in part and concurring in the judgment. Souter, J., filed an opinion concurring in part and concurring in the judgment, in which Blackmun, Stevens, and Ginsburg, JJ., joined.

[Supreme Court of the United States]

JOHN H. DALTON, SECRETARY OF THE NAVY, ET AL., PETITIONERS V. ARLEN SPECTER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[No. 93-289, May 23, 1994]

CHIEF JUSTICE REHNQUIST delivered the opinion of the Court.

Respondents sought to enjoin the Secretary of Defense (Secretary) from carrying out a decision by the President to close the Philadelphia Naval Shippyard.[1] This decision was made pursuant to the Defense Base Closure and Realignment Act of 1990 (1990 Act), 104 Stat. 1808, as amended, note following 10 U.S.C. §2687 (1988 ed., Supp. IV). The Court of Appeals held that judicial review of the decision was available to ensure that various participants in the selection process had complied with procedural mandates specified by Congress. We hold that such review is not available.

The Decision to close the shipyard was the end result of an elaborate selection process prescribed by the 1990 Act. Designed "to provide a fair process that will result in the timely closure and realignment of military installations inside the United States," §2901(b),[2] the Act provides for three successive rounds of base closings—in 1991, 1993, and 1995, respectively, §2903(c)(1). For each round, the Secretary must prepare closure and realignment recommendations, based on selection criteria he establishes after notice and an opportunity for public comment. §2903(b) and (c).

The Secretary submits his recommendations to Congress and to the Defense Base Closure and Realignment Commission (Commission), an independent body whose eight members are appointed by the President, with the advice and consent of the Senate. §§2903(c)(1); 2902(a) and (c)(1)(A). The Commission must then hold public hearings and prepare a report, containing both an assessment of the Secretary's recommendations and the Commission's own recommendations for base closures and realignments. §§2903(d)(1) and (2). Within roughly three months of receiving the Secretary's recommendations, the Commission has to submit its report to the President. §2903(d)(2)(A).

Within two weeks of receiving the Commission's report the President must decide whether to approve or disapprove, in their entirety, the Commission's recommendations. §2903(e)(1)-(3). If the President disapproves, the Commission has roughly one month to prepare a new report and submit it to the President. §2903(e)(3). If the President again disapproves, no bases may be closed that year under the Act. §2903(e)(5). If the President approves the initial or revised recommendations, the President must submit the recommendations, along with his certification of approval, to Congress. §§2903(e)(2) and (e)(4). Congress may, within 45 days of receiving the President's certification (or by the date Congress adjourns for the session, whichever is earlier), enact a joint resolution of disapproval. §§2904(b); 2908. If such a resolution is passed, the Secretary may not carry out any closures pursuant to the Act; if such a resolution is not passed, the Secretary must close all military installations recommended for closure by the Commission. §§2904(a) and (b)(1).

In April 1991, the Secretary recommended the closure or realignment of a number of military installations, including the Philadelphia Naval Shipyard. After holding public hearings in Washington, D.C., and Philadelphia, the Commission recommended closure of realignment of 82 bases. The Commission did not concur in all of the Secretary's recommendations, but it agreed that the Philadelphia Naval Shipyard should be closed. In July 1991, President Bush approved the Commission's recommendations, and the House of Representatives rejected a proposed joint resolution of disapproved by a vote of 364 to 60.

Two days before the President submitted his certification of approval of Congress, respondents filed this action under the Administrative Procedure Act (APA), 5 U.S.C. §701 *et seq.*, and the 1990 Act. Their complaint contained three counts, two of which remain at issue.[3] Count I alleged that the Secretaries of Navy and Defense violated substantive and procedural requirements of the 1990 Act in recommending closure of the Philadelphia Naval Shipyard. Count II made similar allegations regarding the Commission's recommendations to the President, asserting specifically that, *inter alia*, the Commission used improper criteria, failed to place certain information in the record until after the close of public hearings, and held closed meetings with the Navy.

The United States District Court for the Eastern District of Pennsylvania dismissed the complaint in its entirety, on the alternative grounds that the 1990 Act itself precluded judicial review and that the political question doctrine foreclosed judicial intervention. *Specter* v. *Garrett*, 777 F. Supp. 1226 (1991). A divided panel of the United States Court of Appeals for the Third Circuit affirmed in part and reversed in part. *Specter* v. *Garrett*, 971 F.2d 936 (1992) (*Specter I*). The Court of Appeals first acknowledged that the actions challenged by respondents were not typical of the "agency actions" reviewed under the APA, because the 1991 Act contemplates joint decisionmaking among the Secretary, Commission, President, and Congress. *Id.*, at 944–945. The Court of Appeals then reasoned that because respondents sought to enjoin the implementation of the President's decision, respondents (who had not named the President as a defendant) were asking the Court of Appeals "to review a presidential decision." *Id.*, at 945. The Court of Appeals decided that there could be judicial review of the President's decision because the "actions of the President have never been considered immune from judicial review solely because they were taken by the President." *Ibid.* It held that certain procedural claims, such as respondents' claim that the Secretary failed to transmit to the Commission all of the information he used in making his recommendations, and their claim that the Commission did not hold public hearings as required by the Act, were thus reviewable. *Id.*, at 952–953. The dissenting judge took the view that the 1990 Act precluded judicial review of all statutory claims, procedural and substantive. *Id.*, at 956–961.

Shortly after the Court of Appeals issued its opinion, we decided *Franklin* v. *Massachusetts*, 505 U.S.—(1992), in which we addressed the existence of "final agency action" in a suit seeking APA review of the decennial reapportionment of the House of Representatives. The Census Act requires the Secretary of Commerce to submit a census report to the President who then certifies to Congress the number of Representatives to which each State is entitled pursuant to a statutory formula. We concluded both that the Secretary's report was not "final agency action" reviewable under the APA, and that the APA does not apply to the President. *Id.*, at—(slip op., at 6–12). After we rendered our decision in *Franklin*, petitioners sought our review in this case. Because of the similarities between *Franklin* and this case, we granted the petition for certiorari, vacated the judgement of the Court of Appeals, and remanded for further consideration in light of *Franklin*. 506 U.S.—(1992).

One remand, the same divided panel of the Court of Appeals adhered to its earlier decision, and held that *Franklin* did not affect the reviewability of respondents' procedural claims. *Specter* v. *Barrett*, 995 F. 2d 404 (1993) (*Specter II*). Although apparently recognizing that APA review was unavailable, the Court of Appeals felt that adjudging the President's actions for compliance with the 1990 Act was a "form of constitutional review," and that *Franklin* sanctioned such review. *Id.*, at 408–409. Petitioners again sought our review, and we granted certiorari. 510 U.S.—(1993). We now reverse.

I

We begin our analysis on common ground with the Court of Appeals. In *Specter II*, that court acknowledged, at least tacitly, that respondents' claims are not reviewable under the APA. 995 F. 2d, at 406. A straightforward application of *Franklin* to this case demonstrates why this is so. *Franklin* involved a suit against the President, the Secretary of Commerce, and various public officials, challenging the manner in which seats in the House of Representatives had been apportioned among the States. 505 U.S., at—(slip op., at 1). The plaintiffs challenged the method used by the Secretary of Commerce in preparing her census report, particularly the manner in which she counted federal employees working overseas. The plaintiffs raised claims under both the APA and the Constitution. In reviewing the former, we first sought to determine whether the Secretary's action, in submitting a census report to the President, was "final" for purposes of APA review. (The APA provides for judicial review only of "*final* agency action." 5 U.S.C. §704 (emphasis added)). Because the President reviewed (and could revise) the Secretary's report, made the apportionment calculations, and submitted the final apportionment report to Congress, we held that the Secretary's report was "not final and therefore not subject to review." 505 U.S., at—(slip op., at 9).

We next held that the President's actions were not reviewable under the APA, because the President is not an "agency" within the meaning of the APA. *Id.*, at—(slip op., at 11–12) ("As the APA does not expressly allow review of the President's actions, we must presume that his actions are not subject to its requirements"). We thus concluded that the reapportionment determination was not reviewable under the standards of the APA. *Id.*, at—(slip op., at 11–12). In reaching our conclusion we noted that the "President's actions may still be reviewed for constitutionality." *Ibid*, (citing *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), and *Panama Refining Co.* v. *Ryan*, 293 U.S. 388 (1935)).

In this case, respondents brought suit under the APA, alleging that the Secretary and the Commission did not follow the procedural mandates of the 1990 Act. But here, as in *Franklin*, prerequisite to review under the APA—"final agency action"—is lacking. The reports submitted by the Secretary of Defense and the Commission, like the report of the Secretary of Commerce in *Franklin*, "carr[y] no direct consequences" for base closing. *Id.*, at—(slip op., at 9). The action that "will directly affect" the military bases *id.*, at—(slip op., at 7), is taken by the President, when he submits his certification of approval to Congress. Accordingly, the Secretary's and Commission's reports serve "more like a tentative recommendation that a final and binding determination." *Id.*, at—(Slip op., at 9). The reports are, "like the ruling of a subordinate official, not final and therefore not subject to review." *Ibid.* (international quotation marks and citation omitted). The actions of the President, in turn, are not reviewable under the APA because, as we concluded in *Franklin*, the President is not an "agency." See *id.*, at—(slip op., at 11-12).

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[1] Footnotes at end of article.

Respondents contend that the 1990 Act differs significantly from the Census Act at issue in *Franklin*, and that our decision in *Franklin* therefore does not control the question whether the Commission's actions here are final. Respondents appear to argue that the President, under the 1990 Act, has little authority regarding the closure of bases. See Brief for Respondents 29 (pointing out that the 1990 Act does not allow "the President to ignore, revise or amend the Commission's list of closures. He is only permitted to accept or reject the Commission's closure package in its entirety"). Consequently, respondents continue, the Commission's report must be regarded as final. This argument ignores the *ratio decidendi* of *Franklin*. See 505 U.S., at —(slip op., at 11-12).

First, respondents underestimate the President's authority under the Act, and the importance of his role in the base closure process. Without the President's approval, no bases are closed under the Act, see §2903(e)(5); the Act, in turn, does not by its terms circumscribe the President's discretion to approve or disapprove the Commission's report. Cf. *Franklin*, 505 U.S., at—(slip op., at 10). Second, and more fundamentally, respondents' argument ignores "[t]he core question" for determining finality: "whether the agency has completed its decisionmaking process, and whether the result of that process is one that will directly affect the parties." *Id.*, at—(slip op., at 7). That the President cannot pick and choose among bases, and must accept or reject the entire package offered by the Commission, is immaterial. What is crucial is the fact that "[t]he President, not the [Commission], takes the final action that affects" the military installations. *Id.*, at—(slip op., at 10). Accordingly, we hold that the decisions made pursuant to the 1990 Act are not reviewable under the APA. Accord, *Cohen* v. *Rice*, 992 F. 2d 376 (CA1 1993).

Although respondents apparently sought review exclusively under the APA,[4] the Court of Appeals nevertheless sought to determine whether non-APA review, based on either common law or constitutional principles, was available. It focused, moreover, on whether the President's actions under the 1990 Act were reviewable, even though respondents did not name the President as a defendant. The Court of Appeals reasoned that because respondents sought to enjoin the implementation of the President's decision, the legality of that decision would determine whether an injunction should issue. See *Specter II*, 995 F. 2d, at 407; *Specter I*, 971 F. 2d, at 936. In this rather curious fashion, the case was transmuted into one concerning the reviewability of presidential decisions.

II

Seizing upon our statement in *Franklin* that presidential decisions are reviewable for constitutionality, the Court of Appeals asserted that "there is a constitutional aspect to the exercise of judicial review in this case—an aspect grounded in the separation of powers doctrine." *Specter II*, 995 F. 2d, at 408. It reasoned, relying primarily on *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), that whenever the President acts in excess of his statutory authority, he also violates the constitutional separation of powers doctrine. Thus, judicial review must be available to determine whether the President has statutory authority "for whatever action" he takes. 995 F. 2d, at 409. In terms of this case, the Court of Appeals concluded that the President's statutory authority to close and realign bases would be lacking if the Secretary and Commission violated the procedural requirements of the Act in formulating their recommendations. *Ibid.*

Accepting for purposes of decision here the propriety of examining the President's actions, we nonetheless believe that the Court of Appeals' analysis is flawed. Our cases do not support the proposition that every action by the President, or by another executive official, in excess of his statutory authority is *ipso facto* in violation of the Constitution. On the contrary, we have often distinguished between claims of constitutional violations and claims that an official has acted in excess of his statutory authority. See, *e.g.*, *Wheeldin* v. *Wheeler*, 373 U.S. 647, 650-652 (1963) (distinguishing between "rights which may arise under the Fourth Amendment" and "a cause of action for abuse of the [statutory] subpoena power by a federal officer"); *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 396-397 (1971) (distinguishing between "actions contrary to [a] constitutional prohibition," and those "merely said to be in excess of the authority delegated * * * by the Congress").

In *Larson* v. *Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 691, n. 11 (1949), for example, we held that sovereign immunity would not shield an executive officer from suit if the officer acted either "unconstitutionally *or* beyond his statutory powers." (Emphasis added). If all executive actions in excess of statutory authority were *ipso facto* unconstitutional, as the Court of Appeals seemed to believe, there would have been little need in *Larson* for our specifying unconstitutional and ultra vires conduct as separate categories. See also *Dugan* v. *Rank*, 372 U.S. 609, 621-622 (1963); *Harmon* v. *Brucker*, 355 U.S. 579, 581 (1958) ("In keeping with our duty to avoid deciding constitutional questions presented unless essential to proper disposition of a case, we look first to petitioners' *non-constitutional claim* that respondent [Secretary of the Army] *acted in excess of powers granted him by Congress*" (emphasis added)).

Our decision in *Youngstown*, *supra*, does not suggest a different conclusion. In *Youngstown*, the Government disclaimed any statutory authority for the President's seizure of steel mills. See 343 U.S., at 585 ("[W]e do not understand the Government to rely on statutory authorization for this seizure"). The only basis of authority asserted was the President's inherent constitutional power as the Executive and the Commander-in-Chief of the Armed Forces. *Id.*, at 587. Because no statutory authority was claimed, the case necessarily turned on whether the Constitution authorized the President's actions. *Youngstown* thus involved the conceded *absence of any* statutory authority, not a claim that the President acted in excess of such authority. The case cannot be read for the proposition that an action taken by the President in excess of his statutory authority necessarily violates the Constitution.[5]

The decisions cited above establish that claims simply alleging that the President has exceeded his statutory authority are not "constitutional" claims, subject to judicial review under the exception recognized in *Franklin*.[6] As this case demonstrates, if every claim alleging that the President exceeded his statutory authority were considered a constitutional claim, the exception identified in *Franklin* would be broadened beyond recognition. The distinction between claims that an official exceeded his statutory authority, on the one hand, and claims that he acted in violation of the Constitution on the other, is too well established to permit this sort of evisceration.

So the claim raised here is a statutory one: The President is said to have violated the terms of the 1990 Act by accepting procedurally flawed recommendations. The exception identified in *Franklin* for review of constitutional claims thus does not apply in this case. We may assume for the sake of argument that some claims that the President has violated a statutory mandate are judicially reviewable outside the framework of the APA. See *Dames & Moore* v. *Regan*, 453 U.S. 654, 667 (1981). But longstanding authority holds that such review is not available when the statute in question commits the decision to the discretion of the President.

As we stated in *Dakota Central Telephone Co.* v. *South Dakota ex rel. Payne*, 250 U.S. 163, 184 (1919), where a claim

> "concerns not a want of [presidential] power, but a mere excess or abuse of discretion in exerting a power given, it is clear that it involves considerations which are beyond the reach of judicial power. This must be since, as this court has often pointed out, the judicial may not invade the legislative or executive departments so as to correct alleged mistakes or wrongs arising from asserted abuse of discretion."

In a case analogous to the present one, *Chicago & Southern Air Lines, Inc.* v. *Waterman S. S. Corp.*, 333 U.S. 103 (1948), an airline denied a certificate from the Civil Aeronautics Board to establish an international air route sought judicial review of the denial. Although the Civil Aeronautics Act, 49 U.S.C. §646 (1946 ed.), generally allowed for judicial review of the Board's decisions, and did not explicitly exclude judicial review of decisions involving international routes of domestic airlines, we nonetheless held that review was unavailable. 333 U.S., at 114.

In reasoning pertinent to this case, we first held that the Board's certification was not reviewable because it was not final until approved by the President. See *id.*, at 112-114 ("orders of the Board as to certificates for overseas or foreign air transportation are not mature and are therefore not susceptible of judicial review at any time before they are finalized by Presidential approval"). We then concluded that the President's decision to approve or disapprove the orders was not reviewable, because "the final orders embody Presidential discretion as to political matters beyond the competence of the courts to adjudicate." See *id.*, at 114. We fully recognized that the consequence of our decision was to foreclose judicial review:

"The dilemma faced by those who demand judicial review of the Board's order is that before Presidential approval it is not a final determination * * * and after Presidential approval the whole order, both in what is approved without change as well as in amendments which he directs, derives its vitality from the exercise of *unreviewable Presidential discretion.*" *Id.*, at 113 (Emphasis added).

Although the President's discretion in *Waterman S.S. Corp.* derived from the Constitution, we do not believe the result should be any different when the President's discretion derives from a valid statute. See *Dakota Central Telephone Co., supra*, at 184; *United States* v. *George S. Bush & Co.*, 310 U.S. 371, 380 (1940).

The 1990 Act does not at all limit the President's discretion in approving or disapproving the Commission's recommendations. See §2903(e); see also *Specter II*, 995 F. 2d, at 413 (Alito, J., dissenting). The Third Circuit seemed to believe that the President's authority to close bases depended on the Secretary's and Commission's compliance with statutory procedures. This view of the statute, however, incorrectly conflates the duties of the Secretary and Commission with the authority of the President. The President's authority to act is not contingent on the Secretary's and Commission's fulfillment of all the procedural requirements imposed upon them by the 1990 Act. Nothing in §2903(e) requires the President to determine whether the Secretary or Commission committed any procedural violations in making their recommendations, nor does §2903(e) prohibit the President from approving recommendations that are procedurally flawed. Indeed, nothing in §2903(e) prevents the President from approving or disapproving the recommendations for whatever reason he sees fit. See §2903(e); *Specter II*, 995 F. 2d, at 413 (Alito, J., dissenting).

How the President chooses to exercise the discretion Congress has granted him is not a matter for our review. See *Waterman S.S. Corp., supra; Dakota Central Telephone Co., supra*, at 184. As we stated in *George S. Bush & Co., supra*, at 380, "[n]o question of law is raised when the exercise of [the President's] discretion is challenged."

III

In sum, we hold that the actions of the Secretary and the Commission cannot be reviewed under the APA because they are not "final agency actions." The actions of the President cannot be reviewed under the APA because the President is not an "agency" under that Act. The claim that the President exceeded his authority under the 1990 Act is not a constitutional claim, but a statutory one. Where a statute, such as the 1990 Act, commits decisionmaking to the discretion of the President, judicial review of the President's decision is not available.

Respondents tell us that failure to allow judicial review here would virtually repudiate *Marbury* v. *Madison*, 1 Cranch 137 (1803), and nearly two centuries of constitutional adjudication. But our conclusion that judicial review is not available for respondents' claim follows from our interpretation of an Act of Congress, by which we and all federal courts are bound. The judicial power of the United States conferred by Article III of the Constitution is upheld just as surely by withholding judicial relief where Congress has permissibly foreclosed it, as it is by granting such relief where authorized by the Constitution or by statute.

The judgment of the Court of Appeals is *Reversed*.

[Supreme Court of the United States]

JOHN H. DALTON, SECRETARY OF THE NAVY, ET AL., PETITIONERS V. ARLEN SPECTER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[No. 93-289, May 23, 1994]

Justice Blackmun, concurring in part and concurring in the judgment.

I did not join the majority opinion in *Franklin* v. *Massachusetts*, 505 U.S.—(1992), and would not extend that unfortunate holding to the facts of this case. I nevertheless agree that the Defense Base Closure and Realignment Act of 1990 "preclud[es] judicial review of a base-closing decision," *post*, at 7, and accordingly join Justice Souter's opinion.

I write separately to underscore what I understand to be the limited reach of today's decision. Each of the majority and concurring opinions concludes that the President acts within his unreviewable discretion in accepting or rejecting a recommended base-closing list, and that an aggrieved party may not enjoin closure of a duly selected base as a result of alleged error in the decision-making process. This conclusion, however, does not foreclose judicial review of a claim, for example, that the President added a base to the Commission's list in contravention of his statutory authority. Nor does either opinion suggest that judicial review would be unavailable for a timely claim seeking direct relief from a procedural violation, such as a suit claiming that a scheduled meeting of the Commission should be public, see §2903(d), note following 10 U.S.C. §2687 (1988 ed., Supp. IV), or that the Secretary of Defense should publish the proposed selection criteria and provide an opportunity for public comment, §§2903(b) and (c). Such a suit could be timely brought and adjudicated without interfering with Congress' intent to preclude judicial "cherry picking" or frustrating the statute's expedited decision-making schedule. See *post*, at 4. I also do not understand the majority's *Franklin* analysis to foreclose such a suit, since a decision to close the Commission's hearing, for example, would "directly affect" the rights of interested parties independent of any ultimate presidential review. See *ante*, at 8; cf. *ITT World Communications, Inc.* v. *FCC*, 466 U.S. 463 (1984).

With the understanding that neither a challenge to ultra vires exercise of the President's statutory authority nor a timely procedural challenge is precluded, I join Justice Souter's concurrence and Part II of the opinion of the Court.

[Supreme Court of the United States]

JOHN H. DALTON, SECRETARY OF THE NAVY, ET AL., PETITIONERS V. ARLEN SPECTER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[No. 93-289, May 23, 1994]

Justice Souter, with whom Justice Blackmun, Justice Stevens, and Justice Ginsburg join, concurring in part and concurring in the judgment.

I join Part II of the Court's opinion because I think it is clear that the President acted wholly within the discretion afforded him by the Defense Base Closure and Realignment Act of 1990 (Act), and because respondents pleaded no constitutional claim against the President, indeed, no claim against the President at all. As the Court explains, the Act grants the President unfettered discretion to accept the Commission's base-closing report or to reject it, for a good reason, a bad reason, or no reason. See *ante*, at 14.

It is not necessary to reach the question the Court answers in Part I, whether the Commission's report is final agency action, because the text, structure, and purpose of the Act compel the conclusion that judicial review of the Commission's or the Secretary's compliance with it is precluded. There is, to be sure, a "strong presumption that Congress did not mean to prohibit all judicial review." *Bowen* v. *Michigan Academy of Family Physicians*, 476 U.S. 667, 672 (1986) (internal quotation marks and citation omitted). But although no one feature of the Act, taken alone, is enough to overcome that strong presumption, I believe that the combination present in this unusual legislative scheme suffices.

In adopting the Act, Congress was intimately familiar with repeated, unsuccessful, efforts to close military bases in a rational and timely manner. See generally, Defense Base Closure and Realignment Commission, Report to the President 1991.[7] That history of frustration is reflected in the Act's text and intricate structure, which plainly express congressional intent that action on a base-closing package be quick and final, or no action be taken at all.

At the heart of the distinctive statutory regime, Congress placed a series of tight and rigid deadlines on administrative review and Presidential action, embodied in provisions for three biennial rounds of base closings, in 1991, 1993, and 1995 (the "base-closing years"), §§2903(b) and (c), note following 10 U.S.C. §2687 (1988 ed., Supp. IV), with unbending deadlines prescribed for each round. The Secretary is obliged to forward base-closing recommendations to the Commission, no later, respectively, than April 15, 1991, March 15, 1993, and March 15, 1995. §2903(c). The Comptroller General must submit a report to Congress and the Commission evaluating the Secretary's recommendations by April 15 of each base-closing year. §2903(d)(5). The Commission must then transmit a report to the President setting out its own recommendations by July 1 of each of those years. §2903(d)(2). And in each such year, the President must, no later than July 15, either approve or disapprove the Commission's recommendations. §2903(e)(1). If the President disapproves the Commission's report, the Commission must send the President a revised list of recommended base closings, no later than August 15. §2903(e)(3). In that event, the President will have until September 1 to approve the Commission's revised report; if the President fails to approve the report by that date, then no bases will be closed that year. §2903(e)(5). If, however, the President approves a Commission report within either of the times allowed, the report becomes effective unless Congress disapproves the President's decision by joint resolution (passed according to provisions for expedited and circumscribed internal procedures) within 45 days. §§2904(b)(1)(A), 2908.[8]

The Act requires that a decision about a base-closing package, once made, be implemented promptly. Once Congress has declined to disapprove the President's base closing decision, the Secretary of Defense "shall * * * close all military installations recommended for closure," §2904(a). The Secretary is given just two years after the President's transmittal to Congress to begin the complicated process of closing the listed bases and must complete each base-closing round within six years of the President's transmittal, see §§2904, 2905.

It is unlikely that Congress would have insisted on such a timetable for decision and implementation if the base-closing package would be subject to litigation during the periods allowed, in which case steps toward closing would either have to be delayed in deference to the litigation, or the litigation might be rendered moot by completion of the closing process. That unlikelihood is underscored by the provision for disbanding the Commission at the end of each base-closing decision round, and for terminating it automatically at the end of 1995, whether or not any bases have been selected to be closed. If Congress intended judicial review of individual base-closing decisions, it would be odd indeed to disband biennially, and at the end of three rounds to terminate, the only entity authorized to provide further review and recommendations.

The point that judicial review was probably not intended emerges again upon considering the linchpin of this unusual statutory scheme, which is its all-or-nothing feature. The President and Congress must accept or reject the biennial base-closing recommendations as a single package. See §§2903(e)(2), (e)(3), (e)(4) (as to the President); §§2908(a)(2) and (d)(2) (as to Congress). Neither the President nor Congress may add a base to the list or "cherry pick" one from it. This mandate for prompt acceptance or rejection of the entire package of base closings can only represent a considered allocation of authority between the Executive and Legislative Branches to enable each to reach important, but politically difficult, objectives. Indeed, the wisdom and ultimate political acceptability of a decision to close any one base depends on the other closure decisions joined with it in a given package, and the decisions made in the second and third rounds just as surely depend (or will depend) on the particular content of the package or packages of closings that will have preceded them. If judicial review could eliminate one base from a package, the political resolution embodied in that package would be destroyed; if such review could eliminate an entire package, or leave its validity in doubt when a succeeding one had to be devised, the political resolution necessary to agree on the succeeding package would be rendered the more difficult, if not impossible. The very reasons that led Congress by this enactment to bind its hands from untying a package, once assembled, go far to persuade me that Congress did not mean the courts to have any such power through judicial review.

When combined with these strict timetables for decision, the temporary nature of the Commission, the requirement for prompt implementation, and the all-or-nothing base-closing requirements at the core of the Act, two secondary features of the legislation tend to reinforce my conclusion that judicial review was not intended. First, the Act provides nonjudicial opportunities to assess any procedural (or other) irregularities. The Commission and the Comptroller General review the Secretary's recommendations, see §§2903(d)(5), 2903(d)(3), and each can determine whether the Secretary has provided adequate information for reviewing the soundness of his recommendations.[9] The President may, of course, also take procedural irregularities into account in deciding whether to seek new recommendations from the Commission, or in deciding not to approve the Commission's recommendations altogether. And, ultimately, Congress may decide during its 45-day review period whether procedural failings call the presidentially approved recommendations so far into question as to justify their substantive rejection.[10]

Second, the Act does make express provision for judicial review, but only of objections under the National Environmental Policy Act of 1969 (NEPA), 83 Stat. 852, as amended, 42 U.S.C. §4321 *et seq.*, to implementation plans for a base closing, and only after the process of selecting a package of bases for closure is complete. Because NEPA review during the base-closing decision process had stymied or delayed earlier efforts,[11] the Act, unlike prior legislation addressed to base closing, provides that NEPA has no application at all until after the President has submitted his decision to Congress and the process of selecting bases for closure has been completed. See §2905(c)(1). NEPA then applies only to claims arising out of actual disposal or relocation of base property, not to the prior decision to choose one base or another for closing. §2905(c)(2). The Act by its terms allows for "judicial review, with respect to any requirement of [NEPA]" made applicable to the Act by §2905(c)(2), but requires the action to be initiated within 60 days of the Defense Department's act or omission as to the closing of a base. §2905(c)(3). This express provision for judicial review of certain NEPA claims within a narrow time frame supports the conclusion that the Act precludes judicial review of other matters, not simply because the Act fails to provide expressly for such review, but because Congress surely would have prescribed similar time limits to preserve its considered schedules if review of other claims had been intended.

In sum, the text, structure, and purpose of the Act clearly manifest congressional intent to confine the base closing selection process within a narrow time frame before inevitable political opposition to an individual base closing could become overwhelming, to ensure that the decisions be implemented promptly, and to limit acceptance or rejection to a package of base closings as a whole, for the sake of political feasibility. While no one aspect of the Act, standing alone, would suffice to overcome the strong presumption in favor of judicial review, this structure (combined with the Act's provision for Executive and congressional review, and its requirement of time-constrained judicial review of implementation under NEPA) can be understood no other way than as precluding judicial review of a base-closing decision under the scheme that Congress, out of its doleful experience, chose to enact. I conclude accordingly that the Act forecloses such judicial review.

I thus join in Part II of the opinion of the Court, and in its judgment.

FOOTNOTES

[1] Respondents are shipyard employees and their unions; members of Congress from Pennsylvania and New Jersey, the States of Pennsylvania, New Jersey, and Delaware, and officials of those States; and the city of Philadelphia. Petitioners are the Secretary of Defense; the Secretary of the Navy; and the Defense Base Closure and Realignment Commission and its members.

[2] For ease of reference, all citations to the 1990 Act are to the relevant sections of the Act as it appears in note following 10 U.S.C. §2687 (1988 ed., Supp. IV).

[3] Respondents' third count alleged that petitioners had violated the due process rights of respondent shipyard employees and respondent unions. In its initial decision, the United States Court of Appeals for the Third Circuit held that the shipyard employees and unions had no protectible property interest in the shipyard's continued operation and thus had failed to state a claim under the Due Process Clause. *Specter* v. *Garrett*, 971 F. 2d 936, 955–956 (1992) *(Specter I)*. Respondents did not seek further review of that ruling, and it is not at issue here.

[4] See *Specter* v. *Garrett*, 995 F. 2d 404, 412 (1993) *(Specter II)* (Alito, J., dissenting); see also *Specter* v. *Garrett*, 777 F. Supp. 1226, 1227 (ED Pa. 1991) (respondents "have asserted that their right to judicial review * * * arises under the Administrative Procedures Act").

[5] *Panama Refining Co.* v. *Ryan*, 293 U.S. 388 (1935), the other case (along with *Youngstown*) cited in *Franklin* as an example of when we have reviewed the constitutionality of the President's actions, likewise did not involve a claim that the President acted in excess of his statutory authority. *Panama Refining* involved the National Industrial Recovery Act, which delegated to the President the authority to ban interstate transportation of oil produced in violation of state production and marketing limits. See 293 U.S., at 406. We struck down an Executive Order promulgated under that Act not because the President had acted beyond his statutory authority, but rather because the Act unconstitutionally delegated Congress' authority to the President. See *id.*, at 430. As the Court pointed out, we were "not dealing with action which, appropriately belonging to the executive province, is not the subject of judicial review, or with the presumptions attaching to executive action. To repeat, we are concerned with the question of the delegation of legislative power." *Id.*, at 432 (footnote omitted). Respondents have not alleged that the 1990 Act in itself amounts to an unconstitutional delegation of authority to the President.

[6] As one commentator has observed, in cases in which the President concedes, either implicitly or explicitly, that the only source of his authority is statutory, no "constitutional question whatever" is raised. J. Choper, Judicial Review and the National Political Process 316 (1980). Rather, "the cases concern only issues of statutory interpretation." *Ibid.*

[7] See also, H.R. Conf. Rep. No. 101–923, p. 705 (1990) (Earlier base closures had "take[n] a considerable period of time and involve[d] numerous opportunities for challenges in court"); *id.*, at 707 (Act "would considerably enhance the ability of the Department of Defense * * * promptly [to] implement proposals for base closures and realignment"); H.R. Rep. No. 101–665, p. 384 (1990) ("Expedited procedures * * * are essential to make the base closure process work").

[8] To enable Congress to perform this prompt review, the Act requires the Secretary, the Comptroller General, and the Commission to provide Congress with information, prior to the completion of Executive Branch review, see §§2903(a)(1), (b)(2), (c)(1), and (d)(3).

[9] Petitioners represent, indeed, that as to the round in question, the Comptroller General reported to Congress on procedural irregularities (as well as substantive difference of opinion) and requested additional information from the Secretary (which was provided). See Reply Brief for Petitioners 16, n. 12.

[10] In approving the base closings for 1991, Congress was apparently well aware of claims of procedural shortcomings, but nonetheless chose not to disapprove the list. See Department of Defense Appropriations Act, 1992, Pub. L. 102–172, §8131, 105 Stat. 1208.

[11] See, *e.g.*, H.R. Conf. Rep. No. 100–1071, p. 23 (1988).

Mr. SPECTER. I thank the Chair.

I yield the floor. With the absence of any other Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WOFFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KING HOLIDAY AND SERVICE ACT OF 1994

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. WOFFORD. Madam President, I ask unanimous consent that at 2:15 p.m., Tuesday, May 24, the Senate resume consideration of H.R. 1933, the Martin Luther King Holiday Commission authorization bill; that the time until 2:30 p.m. be equally divided and controlled in the usual form; that, at 2:30 p.m., without intervening action, the Senate vote on or in relation to the Helms amendment numbered 1738, as amended, with no amendments in order thereto; and that upon disposition of Amendment No. 1738, and without intervening action, the Senate proceed to vote on final passage of H.R. 1933, the Martin Luther King Holiday Commission authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WOFFORD. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOFFORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO S. 687 ON JUNE 24, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that no later than the close of business on Friday, June 24, the majority leader shall move to proceed to the consideration of Calendar No. 409, S. 687, the product liability fairness bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 433, H.R. 4277, the Social Security Administration Reform Act; that all after the enacting clause be stricken and the text of S. 1560, as passed the Senate, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees; further, that any statements relating thereto appear in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4277), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4277) entitled "An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Administration Independence Act of 1994".

(b) AMENDMENT OF SOCIAL SECURITY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of Social Security Act; table of contents.

TITLE I—ESTABLISHMENT OF NEW INDEPENDENT AGENCY

Sec. 101. Establishment of Social Security Administration as a separate, independent agency.
Sec. 102. Commissioner and Deputy Commissioner of Social Security.
Sec. 103. Social Security Advisory Board.
Sec. 104. Personnel; budgetary matters; seal of office.
Sec. 105. Transfers to the new Social Security Administration.
Sec. 106. Transitional rules.
Sec. 107. Effective dates.

TITLE II—CONFORMING AMENDMENTS

Sec. 201. Amendments to titles II and XVI of the Social Security Act.
Sec. 202. Other amendments.
Sec. 203. Rules of construction.
Sec. 204. Effective dates.

TITLE III—SOCIAL SECURITY DISABILITY AND REHABILITATION

Sec. 301. Short title.
Sec. 302. Reform of monthly insurance benefits based on disability involving substance abuse.
Sec. 303. Priority of treatment.
Sec. 304. Establishment of referral monitoring agencies required in all States.
Sec. 305. Proceeds from certain criminal activities constitute substantial gainful employment.
Sec. 306. Consistent penalty provisions for SSDI and SSI programs.

TITLE I—ESTABLISHMENT OF NEW INDEPENDENT AGENCY

SEC. 101. ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS A SEPARATE, INDEPENDENT AGENCY.

Section 701 (42 U.S.C. 901) is amended to read as follows:

"SOCIAL SECURITY ADMINISTRATION

"SEC. 701. There is hereby established, as an independent agency in the executive branch of the Government, a Social Security Administration (hereafter in this title referred to as the 'Administration'). It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.".

SEC. 102. COMMISSIONER AND DEPUTY COMMISSIONER OF SOCIAL SECURITY.

Section 702 (42 U.S.C. 902) is amended to read as follows:

"COMMISSIONER AND DEPUTY COMMISSIONER

"Commissioner of Social Security

"SEC. 702. (a)(1) There shall be in the Administration a Commissioner of Social Security (hereafter in this title referred to as the 'Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

"(3) The Commissioner shall be appointed for a term of 4 years coincident with the term of the President, or until the appointment of a qualified successor.

"(4) The Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

"(5) The Commissioner may prescribe such rules and regulations as the Commissioner determines necessary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(6) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Commissioner considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit, component, or provision provided for by this Act.

"(7) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Administration as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(8) The Commissioner and the Secretary of Health and Human Services (hereafter in this title referred to as the 'Secretary') shall consult, on an ongoing basis, to ensure—

"(A) the coordination of the programs administered by the Commissioner, as described in section 701, with the programs administered by the Secretary under titles XVIII and XIX of this Act; and

"(B) that adequate information concerning benefits under such titles XVIII and XIX shall be available to the public.

"Deputy Commissioner of Social Security

"(b)(1) There shall be in the Administration a Deputy Commissioner of Social Security (hereafter in this title referred to as the 'Deputy Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Deputy Commissioner shall be appointed for a term of 4 years coincident with the term of the Commissioner, or until the appointment of a qualified successor.

"(3) The Deputy Commissioner shall be compensated at the rate provided for level II of the Executive Schedule.

"(4) The Deputy Commissioner shall perform such duties and exercise such powers as the Commissioner shall from time to time assign or delegate. The Deputy Commissioner shall be Acting Commissioner of the Administration during the absence or disability of the Commissioner and, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of the Commissioner.".

SEC. 103. SOCIAL SECURITY ADVISORY BOARD.

Section 703 (42 U.S.C. 903) is amended to read as follows:

"SOCIAL SECURITY ADVISORY BOARD

"Establishment of Board

"SEC. 703. (a) There shall be established a Social Security Advisory Board (hereinafter referred to as the 'Board').

"Functions of the Board

"(b) The Board shall advise the Commissioner on policies related to the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI. Specific functions of the Board shall include—

"(1) analyzing the Nation's retirement and disability systems and making recommendations with respect to how the old-age, survivors, and disability insurance program and the supplemental security income program, supported by other public and private systems, can most effectively assure economic security;

"(2) studying and making recommendations relating to the coordination of programs that provide health security with programs described in paragraph (1);

"(3) making recommendations to the President and to the Congress with respect to policies that will ensure the solvency of the old-age, survivors, and disability insurance program, both in the short-term and the long-term;

"(4) making recommendations to the President of candidates to consider in selecting nominees for the position of Commissioner and Deputy Commissioner;

"(5) reviewing and assessing the quality of service that the Administration provides to the public;

"(6) reviewing and making recommendations with respect to policies and regulations regarding the old-age, survivors, and disability insurance program and the supplemental security income program;

"(7) increasing public understanding of the social security system;

"(8) in consultation with the Commissioner, reviewing the development and implementation of a long-range research and program evaluation plan for the Administration;

"(9) reviewing and assessing any major studies of social security as may come to the attention of the Board; and

"(10) conducting such other reviews and assessments that the Board determines to be appropriate.

"Structure and Membership of the Board

"(c) The Board shall be composed of 7 members who shall be appointed as follows:

"(1) 3 members shall be appointed by the President, with the advice and consent of the Senate. Not more than 2 of such members shall be from the same political party.

"(2) 2 members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance.

"(3) 2 members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.

"Terms of Appointment

"(d) Each member of the Board shall serve for a term of 6 years, except that—

"(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(2) the terms of service of the members initially appointed under this section shall expire as follows:

"(A) The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

"(i) 2 years;

"(ii) 4 years; and

"(iii) 6 years.

"(B) The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

"(i) 4 years; and

"(ii) 6 years.

"(C) The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

"(i) 3 years; and

"(ii) 5 years.

"Chairman

"(e) A member of the Board shall be designated by the President to serve as Chairman for a term of 4 years, coincident with the term of the President, or until the designation of a successor.

"Compensation

"(f) Members of the Board shall be compensated as follows:

"(1) Members shall be paid at a rate equal to 25 percent of the rate for level III of the Executive Schedule.

"(2) For days when the Board or any authorized subcommittee of the Board meets, members who attend meetings on such days (including travel time) shall receive additional compensation in an amount equal to the daily equivalent of the rate for level III of the Executive Schedule.

"(3) While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(4) Service on the Board shall not be treated as Federal service or employment for purposes of receiving any benefits under chapters 83, 84, and 87 of title 5, United States Code.

"(5) A member of the Board may elect coverage of a health benefits plan under chapter 89 of title 5, United States Code. Such a member electing coverage shall have the applicable employee contributions under section 8906 of such title withheld from pay for service as a member of the Board. The Administration shall pay the applicable Government contributions under such section 8906 for such member. The Office of Personnel Management shall promulgate regulations to apply the provisions of chapter 89 of such title to Board members electing coverage as provided under this paragraph.

"Meetings

"(g) The Board shall meet not less than 6 times each year to consider a specific agenda of issues, as determined by the Chairman in consultation with the other members of the Board.

"Federal Advisory Committee Act

"(h) The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"Personnel

"(i)(1) The Board shall, without regard to title 5, United States Code, appoint a Staff Director who shall be paid at a rate equivalent to a rate for the Senior Executive Service.

"(2) The Board is authorized, without regard to title 5, United States Code, to appoint and fix the compensation of such additional personnel as the Board determines to be necessary to carry out the functions of the Board.

"(3) In fixing the compensation of additional personnel under paragraph (2), the Board shall not authorize that any individual appointed under such paragraph be compensated at a rate that is greater than the rate of compensation of the Staff Director described in paragraph (1).

"Authorization of Appropriation

"(j) There are authorized to be made available for expenditure, out of the Federal Disability Insurance Trust Fund, the Federal Old Age and Survivors Insurance Trust Fund, and the general fund in the Treasury, such sums as the Congress may deem appropriate to carry out the purposes of this section.".

SEC. 104. PERSONNEL; BUDGETARY MATTERS; SEAL OF OFFICE.

Section 704 is amended to read as follows:

"ADMINISTRATIVE DUTIES OF THE COMMISSIONER

"Personnel

"SEC. 704. (a)(1) The Commissioner shall appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Administration under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

"(2) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(3) Notwithstanding any requirements of section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Administration a total number of Senior Executive Service positions which is substantially greater than the number of such positions authorized in the Social Security Administration in the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Administration Independence Act of 1994 to the extent that the greater number of such authorized positions is specified in the comprehensive work force plan as established and revised by the Commissioner under subsection (b)(1). The total number of such positions authorized for the Administration shall not at any time be less than the number of such authorized positions as of immediately before such date.

"Budgetary Matters

"(b)(1) Appropriations requests for staffing and personnel of the Administration shall be based upon a comprehensive work force plan, which shall be established and revised from time to time by the Commissioner.

"(2) Appropriations for administrative expenses of the Administration are authorized to be provided on a biennial basis.

"(3) Funds appropriated for the Administration to be available on a contingency basis shall be apportioned upon the occurrence of the stipulated contingency, as determined by the Commissioner and reported to the Congress.

"Employment Restriction

"(c) The number of positions in the Administration which may be excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of such positions, may not exceed at any time the equivalent of 10 full-time positions.

"Seal of Office

"(d) The Commissioner shall cause a seal of office to be made for the Administration of such design as the Commissioner shall approve. Judicial notice shall be taken of such seal.".

SEC. 105. TRANSFERS TO THE NEW SOCIAL SECURITY ADMINISTRATION.

(a) FUNCTIONS.—There are transferred to the Social Security Administration all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Administration by reason of this title and the amendments made thereby. The Commissioner of Social Security shall allocate such functions in accordance with sections 701, 702, 703, and 704 of the Social Security Act (as amended by this title).

(b) PERSONNEL, ASSETS, ETC.—(1) There are transferred from the Department of Health and Human Services to the Social Security Administration, for appropriate allocation by the Commissioner of Social Security in the Social Security Administration—

(A) the personnel employed in connection with the functions transferred by this title and the amendments made thereby; and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(3) Any individual who is an employee of the Department and who was not employed on the date of the enactment of this title, in connection with functions transferred by this title to the Administration, but who was so employed on the day before the date established pursuant to section 107(a), may be transferred from the Department of Health and Human Services to the Social Security Administration by the Commissioner under subparagraph (A) of paragraph (1), after consultation with the Secretary of Health and Human Services, if the Commissioner determines such transfer to be appropriate.

(4) Any individual who is an employee of the Department and who was employed on the date of the enactment of this title, solely in connection with functions transferred by this title to the Administration, and who was so employed on the day before the date established pursuant to section 107(a), shall be transferred from the Department of Health and Human Services to the Social Security Administration.

(c) ABOLISHMENT OF OFFICE OF COMMISSIONER IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Effective upon the appointment of a Commissioner of Social Security pursuant to section 702 of the Social Security Act (as amended by this title)—

(1) the position of Commissioner of Social Security in the Department of Health and Human Services is abolished; and

(2) section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner of Social Security, Department of Health and Human Services.".

SEC. 106. TRANSITIONAL RULES.

(a) TRANSITION DIRECTOR.—(1) Within 30 days after the date of the enactment of this Act, a transition director shall be appointed by the President, who shall be selected on the basis of experience and knowledge of the operation of the Government.

(2) The transition director shall conduct activities necessary to ensure the transition of the Social Security Administration to the status of an independent agency in the executive branch of the Government. In conducting such activities before the appointment of the Commissioner of Social Security, the transition director shall consult regularly with the Director of the Office of Management and Budget. Upon such appointment, the transition director shall conduct such activities at the direction of the Commissioner of Social Security.

(3) The transition director shall be compensated at the rate provided for level IV of the Executive Schedule.

(4) Expenditures to carry out the purposes of this subsection shall be made out of the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(b) INTERIM AUTHORITY FOR APPOINTMENT AND COMPENSATION.—

(1) APPOINTMENT OF COMMISSIONER.—Within 60 days of the date of the enactment of this title, the Commissioner of Social Security shall be appointed by the President pursuant to section 702 of the Social Security Act (as amended by this title). If the appointment is made pursuant to such section before the date established pursuant to section 107(a), the Commissioner of Social Security shall also perform the duties assigned to the Commissioner of Social Security in the Department of Health and Human Services.

(2) OTHER APPOINTMENTS.—At any time on or after the date of the enactment of this title any of the other officers provided for in sections 702 and 703 of the Social Security Act (as amended by this title) may be nominated and appointed, as provided in such sections.

(3) COMPENSATION.—Funds available to any official or component of the Department of Health and Human Services, functions of which are transferred to the Commissioner of Social Security or the Social Security Administration by this title, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(c) CONTINUATION OF ORDERS, DETERMINATIONS, RULES, REGULATIONS, ETC.—All orders, determinations, rules, regulations, permits, contracts, collective bargaining agreements (and ongoing negotiations relating to such collective bargaining agreements), recognitions of labor organizations, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or the Secretary's delegate), and (B) which relate to functions which, by reason of this title, the amendments made thereby, and regulations prescribed thereunder, are vested in the Commissioner of Social Security; and

(2) which are in effect immediately before the date established pursuant to section 107(a),

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Commissioner, except that any collective bargaining agreement shall remain in effect until the date of termination specified in such agreement.

(d) CONTINUATION OF PROCEEDINGS.—The provisions of this title (including the amendments made thereby) shall not affect any proceeding pending before the Secretary of Health and Human Services immediately before the date established pursuant to section 107(a), with respect to functions vested (by reason of this title, the amendments made thereby, and regulations prescribed thereunder) in the Commissioner of Social Security, except that such proceedings, to the extent that such proceedings relate to such functions, shall continue before such Commissioner. Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this title had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Commissioner, by a court of competent jurisdiction, or by operation of law.

(e) CONTINUATION OF SUITS.—Except as provided in this subsection—

(1) the provisions of this title shall not affect suits commenced before the date established pursuant to section 107(a); and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in such officer's official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this title. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Administration, or such official of such Administration as may be appropriate, and, in any litigation pending immediately before the date established pursuant to section 107(a), the court may at any time, on the court's own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(f) CONTINUATION OF PENALTIES.—This title shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this title, the amendments made thereby, and regulations prescribed thereunder) is vested in the Commissioner of Social Security.

(g) JUDICIAL REVIEW.—Orders and actions of the Commissioner of Social Security in the exercise of functions vested in such Commissioner under this title (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders had been made and such actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately before the date established pursuant to section 107(a). Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Commissioner shall continue to apply to the exercise of such function by such Commissioner.

(h) EXERCISE OF FUNCTIONS.—In the exercise of the functions vested in the Commissioner of Social Security under this title, the amendments made thereby, and regulations prescribed thereunder, such Commissioner shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of such functions in such Commissioner, and actions of such Commissioner shall have the same force and effect as when exercised by such Secretary.

(i) REPORT.—Within 120 days of the date of the enactment of this title, the transition director and the Commissioner of Social Security shall report to the Congress on the status of the transition to an independent Social Security Administration, and on any significant internal restructuring or management improvements that are proposed to be undertaken.

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by such title shall take effect on the earlier of—

(1) the date which is 180 days after the date of the enactment of this Act, or

(2) a date designated by the President.

(b) TRANSITIONAL RULES.—Section 106 shall take effect on the date of the enactment of this title.

TITLE II—CONFORMING AMENDMENTS

SEC. 201. AMENDMENTS TO TITLES II AND XVI OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Title II (42 U.S.C. 401 et seq.) (other than section 201, section 218(d), section 231(c), section 226, and section 226A) and title XVI (42 U.S.C. 1382 et seq.) (other than sections 1614(f)(2)(B) and 1616(e)(3)) are each amended—

(1) by striking, wherever it appears therein, "Secretary of Health and Human Services" and inserting "Commissioner of Social Security";

(2) by striking, wherever it appears therein, "Department of Health and Human Services" and inserting "Social Security Administration";

(3) by striking, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services", and only if it is used in reference to the Department of Health and Human Services) and inserting "Administration";

(4) by striking, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services): "Secretary", "Secretary's", "his", "him", "he", "her", and "she", and inserting (in the case of the word "Secretary") "Commissioner of Social Security", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", (in the case of the word "her") "the Commissioner" or "the Commissioner's", as may be appropriate, and (in the case of the words "she" or "he") "the Commissioner"; and

(5) by striking, wherever it appears therein, "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(b) AMENDMENTS TO SECTION 201.—(1)(A) Sections 201(a)(3), 201(a)(4), 201(b)(1), and 201(b)(2) (42 U.S.C. 401(a)(3), 401(a)(4), 401(b)(1), and 401(b)(2), respectively) are each amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security"; and

(B) Sections 201(a)(3) and 201(b)(1) (42 U.S.C. 401(a)(3) and 401(b)(1), respectively) are each amended by striking "such Secretary" and inserting "such Commissioner".

(2) Section 201(c) (42 U.S.C. 401(c)) is amended—

(A) in the first sentence, by striking "shall be composed of" and all that follows down through "ex officio" and inserting the following: "shall be composed of the Commissioner of Social Security, the Secretary of the Treasury, and the Secretary of Health and Human Services, all ex officio"; and

(B) in the fifth sentence, by striking "The Commissioner of Social Security" and inserting "The Deputy Commissioner of Social Security".

(3) Section 201(g)(1)(A) (42 U.S.C. 401(g)(1)(A)) is amended—

(A) in clause (i), by striking "by him and the Secretary of Health and Human Services" and inserting "by him, the Commissioner of Social Security, and the Secretary of Health and Human Services", and by striking "by the Department of Health and Human Services and the Treasury Department" and inserting "by the Social Security Administration, the Department of Health and Human Services, and the Department of the Treasury";

(B) in clause (ii), by striking "method prescribed by the Board of Trustees under paragraph (4)" and inserting "applicable method prescribed under paragraph (4)", by striking "the Secretary of Health and Human Services" and inserting "the Commissioner of Social Security and the Secretary of Health and Human Services", and by striking "the Department of Health and Human Services" and inserting "the Social Security Administration and the Department of Health and Human Services"; and

(C) by striking the last sentence and inserting the following: "There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title and title XVI for which the Commissioner of Social Security is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 other than those referred to in clause (i) of the first sentence of this subparagraph.".

(4) Section 201(g)(1) (42 U.S.C. 401(g)(1)) is further amended by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) After the close of each fiscal year—

"(i) the Commissioner of Social Security shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of this title and title XVI and of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Fund, and (III) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund, and

"(ii) the Secretary of Health and Human Services shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of title XVIII which should have been borne by the general fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Hospital Insurance Trust Fund, and (III) the portion of such costs which should have been borne by the Federal Supplementary Medical Insurance Trust Fund,

except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the applicable method prescribed under paragraph (4) of this subsection.

"(C) After the determinations under subparagraph (B) have been made for any fiscal year, the Commissioner of Social Security and the Secretary of Health and Human Services shall jointly certify to the Managing Trustee the amounts, if any, which should be transferred from one to any of the other of such Trust Funds and the amounts, if any, which should be transferred between the Trust Funds (or one of the Trust Funds) and the general fund in the Treasury, in order to ensure that each of the Trust Funds and the general fund in the Treasury have borne their proper share of the costs, incurred during such fiscal year, for (i) the part of the administration of this title and title XVI for which the Commissioner of Social Security is responsible, (ii) the part of the administration of this title and title XVIII for which the Secretary of Health and Human Services is responsible, and (iii) carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee shall transfer any such amounts in accordance with any certification so made.".

(5) Section 201(g)(2) (42 U.S.C. 401(g)(2)) is amended, in the second sentence, by striking "established and maintained by the Secretary of Health and Human Services" and inserting "maintained by the Commissioner of Social Security", and by striking "Secretary shall furnish" and inserting "Commissioner of Social Security shall furnish".

(6) Section 201(g)(4) (42 U.S.C. 401(g)(4)) is amended to read as follows:

"(4) The Commissioner of Social Security shall utilize the method prescribed pursuant to this paragraph, as in effect immediately before the date of the enactment of the Social Security Administration Independence Act of 1994 for determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Boards of Trustees of such Trust Funds consider such action advisable, such Boards may modify the method of determining such costs.".

(7) Section 201(i)(1) (42 U.S.C. 401(i)(1)) is amended to read as follows:

"(i)(1) The Managing Trustee may accept on behalf of the United States money gifts and bequests made unconditionally to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or to the Social Security Administration, the Department of Health and Human Services, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds.".

(8) Subsections (j) and (k) of section 201 (42 U.S.C. 401) are each amended by striking "Secretary" each place it appears and inserting "Commissioner of Social Security".

(9) Section 201(l)(3)(B)(iii)(II) (42 U.S.C. 401(l)(3)(B)(iii)(II)) is amended by striking "Secretary" and inserting "Commissioner of Social Security".

(10) Section 201(m)(3) (42 U.S.C. 401(m)(3)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(11) Section 201 (42 U.S.C. 401) is amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(c) AMENDMENTS TO SECTION 218.—Section 218(d) (42 U.S.C. 418(d)) is amended by striking "Secretary" each place it appears in paragraphs (3) and (7) and inserting "Commissioner of Social Security".

(d) AMENDMENT TO SECTION 231.—Section 231(c) (42 U.S.C. 431(c)) is amended by striking "Secretary determines" and inserting "Commissioner of Social Security and the Secretary jointly determine".

SEC. 202. OTHER AMENDMENTS.

(a) AMENDMENTS TO TITLE VII.—(1) Title VII (42 U.S.C. 901 et seq.) is amended by adding at the end the following new section:

"DUTIES AND AUTHORITY OF SECRETARY

"SEC. 712. The Secretary shall perform the duties imposed upon the Secretary by this Act. The Secretary is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures as may be necessary for carrying out the functions of the Secretary under this Act.".

(2) Section 706 (42 U.S.C. 907) is amended—

(A) in subsection (a), by striking "Advisory Council on Social Security" and all that follows through "disability insurance program and" and inserting "Advisory Council on Hospital and Supplementary Medical Insurance for the purpose of reviewing the status of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in relation to the long-term commitments of";

(B) in subsection (d), by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(C) by striking the section heading and inserting the following:

"ADVISORY COUNCIL ON HOSPITAL AND
SUPPLEMENTARY MEDICAL INSURANCE".

(3) Paragraph (2) of section 709(b) (42 U.S.C. 910(b)) is amended by striking "(as estimated by the Secretary)" and inserting "(for amounts which will be paid from the Federal Old-Age

and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as estimated by the Commissioner, and for amounts which will be paid from the Federal Hospital Insurance Trust and the Federal Supplementary Medical Insurance Trust Fund, as estimated by the Secretary)''.

(4) Sections 709 and 710 (42 U.S.C. 910 and 911) are amended by striking ''Internal Revenue Code of 1954'' each place it appears and inserting ''Internal Revenue Code of 1986''.

(b) AMENDMENTS TO TITLE XI.—(1) Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

''(10) The term 'Administration' means the Social Security Administration, except where the context requires otherwise.''.

(2) Section 1106(a) (42 U.S.C. 1306(a)) is amended—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking ''Department of Health and Human Services'' each place it appears and inserting ''applicable agency'';

(C) by striking ''Secretary'' each place it appears and inserting ''head of the applicable agency''; and

(D) by adding at the end the following new paragraph:

''(2) For purposes of this subsection and subsection (b), the term 'applicable agency' means—

''(A) the Social Security Administration, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Administration, or

''(B) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department.''.

(3) Section 1106(b) (42 U.S.C. 1306(b)) is amended—

(A) by striking ''Secretary'' each place it appears and inserting ''head of the applicable agency''; and

(B) by striking ''Department of Health and Human Services'' and inserting ''applicable agency''.

(4) Section 1106(c) (42 U.S.C. 1306(c)) is amended—

(A) by striking ''the Secretary'' the first place it appears and inserting ''the Commissioner of Social Security or the Secretary''; and

(B) by striking ''the Secretary'' each subsequent place it appears and inserting ''such Commissioner or Secretary''.

(5) Section 1107(b) (42 U.S.C. 1307(b)) is amended by striking ''the Secretary of Health and Human Services'' and inserting ''the Commissioner of Social Security or the Secretary''.

(6) Section 1110 (42 U.S.C. 1310) is amended—

(A) in subsection (a)(2), by inserting ''(or the Commissioner, with respect to any jointly financed cooperative agreement or grant concerning titles II or XVI)'' after ''Secretary'';

(B) in subsection (b)—

(i) by striking ''Secretary'' each place it appears and inserting ''Commissioner'', and

(ii) by striking ''the Secretary's'' each place it appears and inserting ''the Commissioner's''; and

(C) by striking ''he'', ''his'', ''him'', and ''himself'' each place they appear (except in subsection (b)(2)(A)) and inserting ''the Commissioner'', ''the Commissioner's'', ''the Commissioner'', and ''himself or herself'', respectively.

(7) Subsections (b) and (c) of section 1127 (42 U.S.C. 1320a–6) are each amended by striking ''Secretary'' and inserting ''Commissioner of Social Security''.

(8) Section 1128(f) (42 U.S.C. 1320a–7(f)) is amended by inserting after ''section 205(g)'' the following: '', except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively''.

(9) Section 1131 (42 U.S.C. 1320b–1) is amended—

(A) by striking ''Secretary'' each place it appears and inserting ''Commissioner of Social Security'';

(B) in subsection (a)(1)(A), by adding ''or'' at the end;

(C) in subsection (a)(1)(B), by striking ''or'' at the end;

(D) by striking subsection (a)(1)(C);

(E) by redesignating subsection (a)(2) as subsection (a)(3);

(F) by inserting after subsection (a)(1) the following new paragraph:

''(2) the Secretary makes a finding of fact and a decision as to the entitlement under section 226 of any individual to hospital insurance benefits under part A of title XVIII, or''; and

(G) by striking ''he'' in the matter in subsection (a) following paragraph (3) (as so redesignated) and inserting ''the Commissioner of Social Security''.

(10) Section 1155 (42 U.S.C. 1320c–4) is amended by striking ''(to the same extent as is provided in section 205(b))'' and all that follows and inserting ''(to the same extent as beneficiaries under title II are entitled to a hearing by the Commissioner of Social Security under section 205(b)). For purposes of the preceding sentence, subsection (l) of section 205 shall apply, except that any reference in such subsection to the Commissioner of Social Security or the Social Security Administration shall be deemed a reference to the Secretary or the Department of Health and Human Services, respectively. Where the amount in controversy is $2,000 or more, such beneficiary shall be entitled to judicial review of any final decision relating to a reconsideration described in this subsection.''.

(11) Sections 1101, 1106, 1107, and 1137 (42 U.S.C. 1301, 1306, 1307, and 1320b–7, respectively) are amended by striking ''Internal Revenue Code of 1954'' each place it appears and inserting ''Internal Revenue Code of 1986''.

(c) AMENDMENTS TO TITLE XVIII.—(1) Subsections (a) and (f) of section 1817 (42 U.S.C. 1395i) are amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(2) Section 1840(a) (42 U.S.C. 1395s(a)) is amended—

(A) in paragraph (1), by striking ''Secretary'' and inserting ''Commissioner of Social Security'', and by adding at the end the following new sentence: ''Such regulations shall be prescribed after consultation with the Secretary.''; and

(B) in paragraph (2), by striking ''Secretary of Health and Human Services'' and inserting ''Commissioner of Social Security''.

(3) Section 1872 (42 U.S.C. 1395ii) is amended by inserting after ''title II'' the following: '', except that, in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively''.

(4) Section 1869(b)(1) (42 U.S.C. 1395ff(b)(1)) and the last sentence of section 1876(c)(5)(B) (42 U.S.C. 1395mm(c)(5)(B)) are amended by inserting after ''section 205(g)'' the following: '', except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively''.

(5) Sections 1817, 1862, and 1886 (42 U.S.C. 1395i, 1395y, and 1395ww, respectively) are amended by striking ''Internal Revenue Code of 1954'' each place it appears and inserting ''Internal Revenue Code of 1986''.

(d) AMENDMENTS TO TITLE XIX.—(1) Section 1905(q)(2) (42 U.S.C. 1396d(q)(2)) is amended by striking ''Secretary'' and inserting ''Commissioner of Social Security''.

(2) Section 1910(b)(2) (42 U.S.C. 1396i(b)(2)) is amended, in the first sentence, by inserting after ''section 205(g)'' the following: '', except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively''.

(e) AMENDMENT TO TITLE XX.—Section 2002(a)(2)(B) (42 U.S.C. 1397a(a)(2)(B)) is amended by striking ''Internal Revenue Code of 1954'' and inserting ''Internal Revenue Code of 1986''.

(f) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) by adding at the end of section 5311 the following new item:

''Commissioner, Social Security Administration.'';

(2) by adding at the end of section 5313 the following new item:

''Deputy Commissioner, Social Security Administration.''; and

(3) by striking ''Secretary of Health Education, and Welfare'' each place it appears in section 8141 and inserting ''Commissioner of Social Security''.

(g) AMENDMENTS TO FOOD STAMP ACT OF 1977.—(1) Sections 6(c)(3) and 8(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(3) and 2017(e)(6)) are each amended by inserting ''the Commissioner of Social Security and'' before ''the Secretary of Health and Human Services''.

(2) Sections 6(g), 11(j), and 16(e) of such Act (7 U.S.C. 2015(g), 2020(j), and 2025(e)) are each amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(3) Section 11(i) of such Act (7 U.S.C. 2020(i)) is amended by adding '', the Commissioner of Social Security'' after ''the Secretary''.

(h) AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 707(e)(3) of title 14, United States Code, is amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(i) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—(1) Subsections (c)(1), (c)(2)(E), (g)(1), (g)(2)(A), and (g)(2)(B) of section 1402 of the Internal Revenue Code of 1986 (26 U.S.C. 1402) are amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(2) Section 3121(b)(10)(B) of such Code (26 U.S.C. 3121(b)(10)(B)) is amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(3) Section 3127 of such Code (26 U.S.C. 3127) is amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(4) Section 6050F(c)(1)(A) of such Code (26 U.S.C. 6050F(c)(1)(A)) is amended by striking ''Secretary of Health and Human Services'' and inserting ''Commissioner of Social Security''.

(5) Subsections (d) and (f) of section 6057 of such Code (26 U.S.C. 6057) are amended by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''.

(6) Section 6103(l)(5) of such Code (26 U.S.C. 6103(l)(5)) is amended—

(A) by striking ''Department of Health and Human Services'' and inserting ''Social Security Administration''; and

(B) by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(7) Subsections (d)(3)(C) and (e) of section 6402 of such Code (26 U.S.C. 6402) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(8) Section 6511(d)(5) of such Code (26 U.S.C. 6511(d)(5)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(j) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—Section 3720A(f) of title 31, United States Code, is amended by striking "Secretary of Health and Human Services" each place it appears in and inserting "Commissioner of Social Security".

(k) AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Section 5105 of title 38, United States Code, is amended—

(1) by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security"; and

(2) by striking the second sentence of subsection (b) and inserting the following new sentence: "A copy of each such application filed with either the Secretary or the Commissioner, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Secretary or the Commissioner with such application, and which may be needed by the other official in connection therewith, shall be transmitted by the Secretary or the Commissioner receiving the application to the other official.".

(l) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking "and" at the end of subparagraph (U), and by adding at the end the following new subparagraph:

"(V) of the Social Security Administration, the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the supplemental security income program under title XVI of such Act; and";

(2) in section 11(1), by striking "or" after "Commission" and inserting a semicolon, and by inserting after "Board;" the following: "or the Commissioner of Social Security;"; and

(3) in section 11(2), by striking "or" after "Information Agency,", and by inserting after "Veterans' Administration" the following: ", or the Social Security Administration;".

SEC. 203. RULES OF CONSTRUCTION.

(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Administration.

(b) REFERENCES TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Commissioner of Social Security.

(c) REFERENCES TO OTHER OFFICERS AND EMPLOYEES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Administration.

SEC. 204. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall take effect on the date established pursuant to section 107(a).

(b) EXCEPTIONS.—Subsections (f)(1), (f)(2), and (l) of section 202 shall take effect on the date of the enactment of this title.

TITLE III—SOCIAL SECURITY DISABILITY AND REHABILITATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Social Security Disability and Rehabilitation Act of 1994".

SEC. 302. REFORM OF MONTHLY INSURANCE BENEFITS BASED ON DISABILITY INVOLVING SUBSTANCE ABUSE.

(a) SOCIAL SECURITY DISABILITY INSURANCE.—

(1) IN GENERAL.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended by adding at the end the following new subsection:

"Limitation on Payment of Benefits by Reason of Substance Abuse

"(j)(1)(A) Notwithstanding any other provision of this title, no individual whose disability is based in whole or in part on a medical determination that the individual is a drug addict or alcoholic shall be entitled to benefits under this title based on such disability with respect to any month, unless such individual—

"(i) is undergoing, or on a waiting list for, any medical or psychological treatment that may be appropriate for such individual's condition as a drug addict or alcoholic (as the case may be) and for the stage of such individual's rehabilitation at an institution or facility approved for purposes of this paragraph by the Secretary (so long as access to such treatment is reasonably available, as determined by the Secretary), and

"(ii) demonstrates in such manner as the Secretary requires, including at a continuing disability review not later than one year after such determination, that such individual is complying with the terms, conditions, and requirements of such treatment and with the requirements imposed by the Secretary under subparagraph (B).

"(B) The Secretary shall provide for the monitoring and testing of all individuals who are receiving benefits under this title and who as a condition of such benefits are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in subparagraph (A), in order to assure such compliance and to determine the extent to which the imposition of such requirements is contributing to the achievement of the purposes of this title. The Secretary may retain jurisdiction in the case of a hearing before the Secretary under this title to the extent the Secretary determines necessary to carry out the preceding sentence. The Secretary shall annually submit to the Congress a full and complete report on the Secretary's activities under this paragraph.

"(C) The representative payee and the referral and monitoring agency for any individual described in subparagraph (A) shall report to the Secretary any noncompliance with the terms, conditions, and requirements of the treatment described in subparagraph (A) and with the requirements imposed by the Secretary under subparagraph (B).

"(D)(i) If the Secretary finds that an individual is not complying with the terms, conditions, and requirements of the treatment described in subparagraph (A), or with the requirements imposed by the Secretary under subparagraph (B), or both, the Secretary, in lieu of termination, may suspend such individual's benefits under this title until compliance has been reestablished, including compliance with any additional requirements determined to be necessary by the Secretary.

"(ii) Any period of suspension under clause (i) shall be taken into account in determining any 24-month period described in subparagraph (E) and shall not be taken into account in determining the 36-month period described in such subparagraph.

"(E)(i) Except as provided in clause (ii), no individual described in subparagraph (A) shall be entitled to benefits under this title for any month following the 24-month period beginning with the determination of the disability described in such subparagraph.

"(ii) If at the end of the 24-month period described in clause (i), the individual furnishes evidence in accordance with subsection (d)(5) that the individual continues to be under a disability based in whole or in part on a medical determination that the individual is a drug addict or alcoholic, such individual shall continue to be entitled to benefits under this title based on such disability.

"(iii) Subject to clause (iv), if such an individual continues to be entitled to such benefits for an additional 24-month period following a determination under clause (ii), clauses (i) and (ii) shall apply with regard to any further entitlement to such benefits following the end of such additional period.

"(iv) In no event shall such an individual be entitled to benefits under this title for more than a total of 36 months, unless upon the termination of the 36th month such individual furnishes evidence in accordance with subsection (d)(5) that the individual is under a disability which is not related in part to a medical determination that the individual is a drug addict or alcoholic.

"(2)(A) Any benefits under this title payable to any individual referred to in paragraph (1), including any benefits payable in a lump sum amount, shall be payable only pursuant to a certification of such payment to a qualified organization acting as a representative payee of such individual pursuant to section 205(j).

"(B) For purposes of subparagraph (A) and section 205(j)(4), the term 'qualified organization'—

"(i) shall have the meaning given such term by section 205(j)(4)(B), and

"(ii) shall mean an agency or instrumentality of a State or a political subdivision of a State.

"(3) Monthly insurance benefits under this title which would be payable to any individual (other than the disabled individual to whom benefits are not payable by reason of this subsection) on the basis of the wages and self-employment income of such a disabled individual but for the provisions of paragraph (1), shall be payable as though such disabled individual were receiving such benefits which are not payable under this subsection."

(2) CONFORMING AMENDMENTS.—

(A) Section 205(j)(1) of such Act (42 U.S.C. 405(j)(1)) is amended by inserting ", or in the case of any individual referred to in section 223(j)(1)(A)" after "thereby".

(B) Section 205(j)(2)(D)(ii)(II) of such Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended by striking "legally incompetent or under the age of 15" and inserting "legally incompetent, under the age of 15, or a drug addict or alcoholic referred to in section 223(j)(1)(A)''.

(b) SUPPLEMENTAL SECURITY INCOME.—Paragraph (3) of section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended to read as follows:

''(3)(A)(i) No person who is an aged, blind, or disabled individual solely by reason of disability (as determined under section 1614(a)(3)) shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if such individual's disability is based in whole or in part on a medical determination that the individual is a drug addict or alcoholic, unless such individual—

''(I) is undergoing, or on a waiting list for, any medical or psychological treatment that may be appropriate for such individual's condition as a drug addict or alcoholic (as the case may be) and for the stage of such individual's rehabilitation at an institution or facility approved for purposes of this paragraph by the Secretary (so long as access to such treatment is reasonably available, as determined by the Secretary), and

''(II) demonstrates in such manner as the Secretary requires, including at a continuing disability review not later than one year after such determination, that such individual is complying with the terms, conditions, and requirements of such treatment and with the requirements imposed by the Secretary under clause (ii).

''(ii) The Secretary shall provide for the monitoring and testing of all individuals who are receiving benefits under this title and who as a condition of such benefits are required to be undergoing treatment and complying with the terms, conditions, and requirements thereof as described in clause (i), in order to assure such compliance and to determine the extent to which the imposition of such requirements is contributing to the achievement of the purposes of this title. The Secretary may retain jurisdiction in the case of a hearing before the Secretary under this title to the extent the Secretary determines necessary to carry out the preceding sentence. The Secretary shall annually submit to the Congress a full and complete report on the Secretary's activities under this subparagraph.

''(iii) The representative payee and the referral and monitoring agency for any individual described in clause (i) shall report to the Secretary any noncompliance with the terms, conditions, and requirements of the treatment described in clause (i) and with the requirements imposed by the Secretary under clause (ii).

''(iv)(I) If the Secretary finds that an individual is not complying with the terms, conditions, and requirements of the treatment described in clause (i), or with the requirements imposed by the Secretary under clause (ii), or both, the Secretary, in lieu of termination, may suspend such individual's benefits under this title until compliance has been reestablished, including compliance with any additional requirements determined to be necessary by the Secretary.

''(II) Any period of suspension under subclause (I) shall be taken into account in determining any 24-month period described in clause (v) and shall not be taken into account in determining the 36-month period described in such clause.

''(v)(I) Except as provided in subclause (II), no individual described in clause (i) shall be entitled to benefits under this title for any month following the 24-month period beginning with the determination of the disability described in such clause.

''(II) If at the end of the 24-month period described in subclause (I), the individual furnishes evidence in accordance with section 223(d)(5) that the individual continues to be under a disability based in whole on a medical determination that the individual is a drug addict or alcoholic, such individual shall be entitled to benefits under this title based on such disability for no more than an additional 36 months.

''(III) Subject to subclause (IV), if such an individual continues to be entitled to such benefits for an additional 24-month period following a determination under subclause (II), subclauses (I) and (II) shall apply with regard to any further entitlement to such benefits following the end of such additional period.

''(IV) In no event shall such an individual be entitled to benefits under this title for more than a total of 36 months, unless upon the termination of the 36th month such individual furnishes evidence in accordance with section 223(d)(5) that the individual is under a disability which is not related in part to a medical determination that the individual is a drug addict or alcoholic.

''(B)(i) Any benefits under this title payable to any individual referred to in subparagraph (A), including any benefits payable in a lump sum amount, shall be payable only pursuant to a certification of such payment to a qualified organization acting as a representative payee of such individual pursuant to section 1631(a)(2)(A)(ii).

''(ii) For purposes of clause (i) and section 1631(a)(2)(D), the term 'qualified organization'—

''(I) shall have the meaning given such term by section 1631(a)(2)(D)(ii), and

''(II) shall mean an agency or instrumentality of a State or a political subdivision of a State.''

(c) EFFECTIVE DATES; AUTHORIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to benefits payable for determinations of disability made 90 or more days after the date of the enactment of this Act.

(2) CURRENT DETERMINATIONS.—

(A) IN GENERAL.—With respect to any individual described in subparagraph (B), the Secretary of Health and Human Services shall provide during the 3-year period beginning after the date of the enactment of this Act for the application of the amendments made by this section to such individual with the time periods described in such amendments to begin upon such application.

(B) INDIVIDUAL DESCRIBED.—An individual is described in this subparagraph if such individual is entitled to benefits under title II or XVI of the Social Security Act based on a disability determined before the date described in paragraph (1) to be based in whole or in part on a medical determination that the individual is a drug addict or alcoholic.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of the provisions of, and the amendments made by, this section.

SEC. 303. PRIORITY OF TREATMENT.

The Secretary of Health and Human Services, through the Administrator of the Substance Abuse and Mental Health Services Administration, shall assure that every individual receiving disability benefits under title II or XVI of the Social Security Act based in whole or in part on a medical determination that the individual is a drug addict or alcoholic be given high priority for treatment through entities supported by the various States through any substance abuse block grant authorized under law.

SEC. 304. ESTABLISHMENT OF REFERRAL MONITORING AGENCIES REQUIRED IN ALL STATES.

The Secretary of Health and Human Services shall, within 1 year of the date of the enactment of this Act, provide for the establishment of referral and monitoring agencies for each State for the purpose of carrying out the treatment requirements under sections 223(j)(1) and 1611(e)(3)(A) of the Social Security Act (42 U.S.C. 423(j)(1) and 1382(e)(3)(A)).

SEC. 305. PROCEEDS FROM CERTAIN CRIMINAL ACTIVITIES CONSTITUTE SUBSTANTIAL GAINFUL EMPLOYMENT.

(a) SOCIAL SECURITY DISABILITY INSURANCE.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by inserting the following after the first sentence: ''If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.''.

(b) SUPPLEMENTAL SECURITY INCOME.—Section 1614(a)(3)(D) of the Social Security Act (42 U.S.C. 1382(a)(3)(D)) is amended by inserting the following after the first sentence: ''If an individual engages in a criminal activity to support substance abuse, any proceeds derived from such activity shall demonstrate such individual's ability to engage in substantial gainful activity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disability determinations conducted on or after the date of the enactment of this Act.

SEC. 306. CONSISTENT PENALTY PROVISIONS FOR SSDI AND SSI PROGRAMS.

(a) FELONY PENALTIES FOR FRAUD.—

(1) IN GENERAL.—Subsection (a) of section 1631 of the Social Security Act (42 U.S.C. 1383a) is amended by striking ''shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both'' and inserting ''shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both''.

(2) REPRESENTATIVE PAYEES.—

(A) SSDI.—Subsections (b) and (c) of section 208 of such Act (42 U.S.C. 408) are amended to read as follows:

''(b)(1) Any person or other entity who is convicted of a violation of any of the provisions of this section, if such violation is committed by such person or entity in his role as, or in applying to become, a certified payee under section 205(j) on behalf of another individual (other than such person's spouse or an entity described in section 223(j)(2)(B)(ii)), shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

''(2) In any case in which the court determines that a violation described in paragraph (1) includes a willful misuse of funds by such person or entity, the court may also require that full or partial restitution of such funds be made to the individual for whom such person or entity was the certified payee.

''(3) Any person or entity convicted of a felony under this section or under section 1632(b) may not be certified as a payee under section 205(j).

''(c) For the purpose of subsection (a)(7), the terms 'social security number' and 'social security account number' mean such numbers as are assigned by the Secretary under section 205(c)(2) whether or not, in actual use, such numbers are called social security numbers.''

(B) SSI.—Subsection (b)(1) of section 1632 of such Act (42 U.S.C. 1383a) is amended by striking ''(other than such person's spouse)'' and all that follows through the period and inserting ''(other than such person's spouse or an entity described in section 1611(e)(3)(B)(ii)(II)), shall be guilty of a felony and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.''

(b) CIVIL ADMINISTRATIVE PENALTIES.—

(1) SSDI.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended by adding at the end the following new subsections:

''(e) For administrative penalties for false claims and statements with respect to which an *individual or other entity knows or has reason to know such falsity, see chapter 38 of title 31, United States Code.*

"(f) In the case of the second or subsequent imposition of an administrative or criminal penalty on any person or other entity under this section, the Secretary may exclude such person or entity from participation in any program under this title and titles V, XVI, XVIII, and XX, and may direct that such person or entity be excluded from any State health care program (as defined in section 1128(h)) and any other Federal program as provided by law."

(2) SSI.—

(A) IN GENERAL.—Section 1632 of such Act (42 U.S.C. 1383a) is amended by adding at the end the following new subsections:

"(c) For administrative penalties for false claims and statements with respect to which an individual or other entity knows or has reason to know such falsity, see chapter 38 of title 31, United States Code.

"(d) In the case of the second or subsequent imposition of an administrative or criminal penalty on any person or other entity under this section, the Secretary may exclude such person or entity from participation in any program under this title and titles II, V, XVIII, and XX, and may direct that such person or entity be excluded from any State health care program (as defined in section 1128(h)) and any other Federal program as provided by law."

(B) CONFORMING AMENDMENT.—The heading for section 1632 of such Act (42 U.S.C. 1383a) is amended by striking "FOR FRAUD".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on or after the date of the enactment of this Act.

The PRESIDING OFFICER. The chair appoints Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD, and Mr. DOLE conferees on the part of the Senate.

AUTHORIZING TESTIMONY AND REPRESENTATION OF FORMER EMPLOYEE OF THE SENATE

Mr. MITCHELL. Mr. President, on behalf of myself and the Republican leader, I send a resolution to the desk authorizing the testimony of a former Senate employee with representation by legal counsel, and I ask unanimous consent that the Senate proceed to its immediate consideration; that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table, and that a statement by myself be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 215

Whereas, in the case of *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*, No. 94-ERA-14, pending in the United States Department of Labor, counsel for the complaint has requested deposition testimony from Robert Alvarez, a former employee of the Senate on the staff of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their offical responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Robert Alvarez is authorized to testify in the case of *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*, and any related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Robert Alvarez in connection with his testimony in *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*

Mr. MITCHELL. Mr. President, an employee of a Department of Energy contractor has filed a complaint before the Department of Labor named Sonja I. Anderson versus Kaiser Engineers Hanford Co., in which she alleges that her employer violated whistleblower protection provisions of the Energy Reorganization Act by retaliating against her for communicationg with the Government Affairs Committee and other Government entities about environmental and safety deficiencies at Hanford Nuclear Reservation.

Counsel for the complainant has requested that Robert Alvarez, a former employee on the staff of the Governmental Affairs Committee with whom she dealt, testify at a deposition about the significance of the information she provided to the committee. Mr. Alvarez is presently an official at the Department of Energy.

At the request of the Governmental Affairs Committee, this resolution would authorize Mr. Alvarez to testify in this proceeding, except about any matters for which the committee's privileges should be asserted, and authorize the Senate legal counsel to represent him in connection with his testimony.

MEASURE READ THE FIRST TIME—H.R. 2108

Mr. MITCHELL. Mr. President, I understand that the Senate has received from the House H.R. 2108, the Black Lung Benefits Restoration Act of 1994.

On behalf of Senator WELLSTONE, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read the bill for the first time.

Mr. MITCHELL. Mr. President, on behalf of Senator WELLSTONE I ask for its second reading, and on behalf of the Republican leader I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to proceed into executive session to consider, en bloc, the nominations of Derek Shearer and Sam Brown.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive session.

CLOTURE MOTIONS

Mr. MITCHELL. Mr. President, I now send to the desk, en bloc, cloture motions on the Shearer and Brown nominations and ask that they be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the first motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Derek Shearer to be Ambassador to Finland.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the next motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of January 5, 1993, the Secretary of the

Senate on May 20, 1994, during the recess of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994.

Under the authority of the order of January 5, 1993, the enrolled bill was signed on May 20, 1994, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

PROHIBITION OF CERTAIN TRANSACTIONS WITH HAITI—MESSAGE FROM THE PRESIDENT—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1703 et seq.) and section 301 of the National Emergencies Act ("NEA") (50 U.S.C. 1601 et seq.), President Bush exercised his statutory authority to issue Executive Order No. 12775 on October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 on October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c), I exercised my statutory authority to issue Executive Order No. 12853 of June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under United Nations Security Council Resolution 841 of June 16, 1993.

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 of October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. On May 7, 1994, pursuant to the above authorities, I exercised my statutory authority and issued Executive Order No. 12914 of May 7, 1994, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under the provisions of United Nations Security Resolution 917 that were effective immediately under that Resolution.

United Nations Security Council Resolution 917 contains several provisions required to become effective no later than May 21, 1994, to further tighten the embargo against Haiti. These include inter alia, a requirement that Member States prohibit importation of Haitian-origin products into their territories exported from Haiti after May 21, 1994. activities that promote importation or transshipment of such products, and dealing by their nationals, flag vessels, or aircraft in such products. In addition, the Resolution requires Member States to prevent the sale or supply of products to Haiti by their nationals or from their territories or using their flag vessels or aircraft, and activities that promote such sale or supply, with certain exceptions for humanitarian needs and trade in informational materials.

This new Executive order:

—bans importation into the United States of goods or services of Haitian origin exported after May 21, 1994, or activities that promote or are intended to promote such importation, except for informational materials;

—prohibits activities by U.S. persons or from the United States that promote exportation of transshipment of goods or Haitian origin exported after May 21, 1994, except for informational materials;

—prohibits dealings by U.S. persons or in the United States or using U.S.-registered vessels or aircraft in goods of Haitian origin exported after May 21, 1994, except for informational materials;

—prohibits the sale, supply, or exportation by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of any goods to Haiti or in connection with Haitian businesses, or activities by U.S. persons or in the United States that promote such sale, supply, or exportation, except for informational materials, certain foodstuffs, and medicines and medical supplies;

—prohibits any transactions that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and

—authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to implement certain provisions of United Nations Security Council Resolution 917 of May 6, 1994, which take effect no later than May 21, 1994, and require additional measures to tighten the embargo against Haiti with the goal of the restoration of democracy in that nation and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1994.*

NATIONAL EMERGENCY RELATIVE TO THE PROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the *Federal Register* and transmits to the Congress a notice of its continuation. On November 12, 1993, I extended the national emergency on the basis that the proliferation of chemical and biological weapons continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act contain periodic reporting requirements regarding activities taken and money spent pursuant to an emergency declaration. The following report is made pursuant to those provisions. Additional information on chemical and biological weapons proliferation is contained in the report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons (CBW) or unmanned delivery systems for weapons of mass destruction.

During the last 6 months, the United States has continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

More than 150 nations have signed the Chemical Weapons Convention (CWC) and a number have already ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. I have urged all nations, including the United States, to ratify the Convention quickly so that it can enter into force at the earliest possible date of January 13, 1995. We also have continued to urge those countries that have not signed the Convention to do so. The United States plays a leading role in the work of the CWC Preparatory Commission headquartered in The Hague, to elaborate the technical and administrative procedures for implementing the Convention.

The United States participated actively in the Ad Hoc Group of Government Experts convened by the Third Biological Weapons Review Conference to identify and examine potential verification measures. The consensus final report of the experts group will be considered at a Special Conference of States Parties, to be held September 19–30, 1994. The United States supports the holding of a Special Conference and will promote new transparency measures to help strengthen the Convention.

The membership of the Australia Group (AG) of countries cooperating against CBW proliferation stands at 25. At the December 1993 meeting of the AG, members reiterated their commitment to comprehensive and global chemical and biological disarmament, which can only be achieved by the early entry into force and effective and universal implementation of the CWC and full compliance with the Biological Weapons Convention. In this context, members stressed the importance of encouraging the widest possible adherence to the CWC.

Experts at the December AG meeting also discussed ways of implementing CBW export controls more effectively. The Group considered streamlining licensing procedures applicable to mixtures and small quantities of precursor chemicals, with a view to facilitating legitimate trade without increasing the risk of contributing to potential weapons production. It also took steps to enhance cooperation in enforcement of existing controls.

The United States Government determined that three commercial entities in Thailand had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against the entities, effective on February 8, 1994. Additional information on this determination is contained in a classified report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Progress also was made in the steps taken by countries outside the AG to extend chemical weapons-related export controls. For example, the Royal Thai Government adopted regulations to prevent the export of Thai laborers to programs of CBW concern. Poland enacted legislation to implement controls on CBW-related items.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no additional expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1994.*

AMENDMENT TO THE AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—MESSAGE FROM THE PRESIDENT—PM 119

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provide a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2004) provisions which permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security. Additionally, certain activities related to naval nuclear reactor plant technology have been completed and those provisions have been deleted from the Supplemental Technical Annex.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1994.*

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2108. An Act to make improvements in the Black Lung Benefits Act.

H.R. 3419. An Act to simplify certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees on the part of the House in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for the purposes:

As additional conferees from the Commission on Agriculture, for consideration of sections 107, 201–209, 301–304, 404, 407, 408, 411, 416, 418, and 419 of the House bill, and sections 7–10 and 12 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. ROSE, and Mr. ROBERTS.

As additional conferees from the Committee on Education and Labor, for consideration of section 7 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. MURPHY, and Mr. FAWELL.

As additional conferees from the Committee on Energy and Commerce for consideration of sections 3, 201–208, 301–303, 414, and 420 of the House bill, and sections 7, 8, and 12 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. SWIFT, and Mr. CRAPO.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 3, 201–209, 301–304, and 414 of the House bill, and sections 7, 8, and 12 of the Senate amendment, and modifications committed to conference: Mr. STUDDS, Mr. HUGHES, and Mr. FIELDS of Texas.

At 2:14 p.m., a message for the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two

Houses on the amendment of the Senate to the bill H.R. 965 to provide for toy safety and for other purposes.

MEASURES REFERRED

The following bill was read the first and second time, by unanimous consent; and referred as indicated:

H.R. 3419. An act to simplify certain provisions of the International Revenue Code of 1986, and for other purposes; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2108. An act to make improvements to the Black Lung Benefits Act.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 20, 1994, she had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 8, 1994.

S.J. Res. 168. Joint resolution designating May 11, 1994 as "Vietnam Human Rights Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2675. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Coal Diesel Combined-Cycle Project"; to the Committee on Energy and Natural Resources.

EC–2676. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the Magnuson Fishery Conservation and Management Act; to the Committee on Commerce, Science and Transportation.

EC–2677. A communication from the Secretary of transportation, transmitting, pursuant to law, a report relative to the operation of the Coast Guard as a service of the Navy; to the Committee on Commerce, Science and Transportation.

EC–2678. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the accomplishments of the Airport Improvement Program for fiscal year 1993; to the Committee on Commerce, Science and Transportation.

EC–2679. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1993; to the Committee on Commerce, Science and Transportation.

EC–2680. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Transportation Statistics Annual Report, dated January 1994; to the Committee on Commerce, Science and Transportation.

EC–2681. A communication from the Secretary of Commerce, Science and Transportation, transmitting, a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC–2682. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the reauthorization of the Board; to the Committee on Commerce, Science and Transportation.

EC–2683. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, the biennial report of the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal years 1992 and 1993; to the Committee on Commerce, Science and Transportation.

EC–2684. A communication from the Assistant Secretary of State (Legislative Affairs) transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science and Transportation.

EC–2685. A communication from the Assistant Administrator for Weather Services, Department of Commerce, transmitting, pursuant to law, the National Hydrologic Outlook, dated March 28, 1994; to the Committee on Commerce, Science and Transportation.

EC–2686. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the fiscal year 1995 budget requests of the Federal Aviation Administration; to the Committee on Commerce, Science and Transportation.

EC–2687. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970, and for other purposes; to the Committee on Commerce, Science and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1066. A bill to restore Federal services to the Pokagon Band of Potawatomi Indians (Rept. No. 103–266).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1626. A bill to amend title 38, United States Code, to revise the veterans' home loan program (Rept. No. 103–267).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1974. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform (Rept. No. 103–268).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself and Mr. ROBB):

S. 2142. A bill to designate certain lands in the Commonwealth of Virginia as a National Scenic Area for protection of the watershed and scenic values, recreation use, protection of wildlife and their habitat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MITCHELL (for Mr. HOLLINGS):

S. 2143. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to reduce the Federal budget deficit and Federal debt and to finance health care reform; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. SIMON, Mr. DODD, Mr. LEAHY, Mr. METZENBAUM, and Mr. WELLSTONE):

S. 2144. A bill to amend the Individuals with Disabilities Education Act to provide family support for families of children with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 215. A resolution to authorize testimony and representation of former employee of the Senate in Sonja I. Anderson v. Kaiser Engineers Hanford Co; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ROBB):

S. 2142. A bill to designate certain lands in the Commonwealth of Virginia as a National Scenic Area for protection of the watershed and scenic values, recreation use, protection of wildlife and their habitat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MOUNT PLEASANT NATIONAL SCENIC AREA

Mr. WARNER. Mr. President, today on behalf of myself and Senator ROBB to introduce legislation to designate certain lands in the Commonwealth of Virginia as a national scenic area for protection of the watershed and scenic values, recreation use, and for protection of wildlife and their habitat. This is a companion measure to legislation, H.R. 2942, introduced in the House of Representatives by Virginia Congressman BOB GOODLATTE.

My bill may be referred to as the Mount Pleasant National Scenic Area Act of 1994.

The purpose of my legislation is to protect an area surrounding Mount

Pleasant in Amherst County, VA, by designating approximately 7,580 acres in the region as a national scenic area. Such a designation will help to protect Mount Pleasant from environmental damage, allow fish and other wildlife to flourish and preserve old forest stands within the area.

It is important to point out to my colleagues that the Mount Pleasant Scenic Area Act has the support of the entire Virginia congressional delegation. Each member from the 11 congressional district's in the Commonwealth has signed onto H.R. 2942. My colleague in the Senate, Senator ROBB, is an original cosponsor of my legislation.

This legislation was developed at the grassroots level with the strong support and influence of the Amherst County Board of Supervisors, local sportsmen, business leaders, hikers, and area families. They all expressed their desire to permanently protect the Mount Pleasant area and its valuable natural resources such as the Buffalo River's watershed, native wild trout streams, a portion of the historic Appalachian Trail, and many other valuable features.

While all of those involved in this process agreed on the need for protecting the Mount Pleasant area, a broad range of options and opinions were expressed and considered prior to the consensus reached on a scenic area designation. In the end, it was overwhelmingly agreed upon that the scenic area approach would provide a permanent framework for sound management with the flexibility needed to manage the protected area locally. This legislation will ensure that the Mount Pleasant area will be available for everyone to enjoy for years to come.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Finally, I ask my colleagues to support this measure and hope for its swift consideration and approval.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Pleasant National Scenic Area Act."

SEC. 2. PURPOSES.

The purposes of this Act with respect to the Mount Pleasant National Scenic Area are to—

(1) ensure appropriate protection and preservation of the scenic quality, water quality, natural characteristics, and water resources;

(2) protect and manage vegetation to provide wildlife and fish habitat, consistent with paragraph (1) above;

(3) provide areas that may develop characteristics of old-growth forests; and

(4) provide a variety of recreation opportunities that are not inconsistent with the purposes set forth above.

SEC. 3. ESTABLISHMENT OF THE NATIONAL SCENIC AREA.

(a) IN GENERAL.—(1) There is hereby established in the George Washington National Forest, Virginia, the Mount Pleasant National Scenic Area (hereinafter referred to in this Act as the "scenic area").

(2) The scenic area shall consist of certain lands in the George Washington National Forest, Virginia, which comprise 7,580 acres, more or less, as generally depicted on a map entitled "Mount Pleasant National Scenic Area—Proposed", dated June 21, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture, (hereinafter referred to in this Act as the "Secretary") shall administer the scenic area in accordance with this Act and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this Act and other laws and regulations, this Act shall take precedence.

(c) ROADS.—After the date of enactment of this Act, no new permanent roads shall be constructed within the scenic area; *Provided*, that this provision shall not be construed to deny access to private lands or interests therein in the scenic area.

(d) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(e) MOTORIZED TRAVEL.—Motorized travel shall be allowed on State Route 635 and on Forest Development Road 51, such Road 51 shall be subject to those motorized travel conditions the Secretary may impose. Other than as provided above, motorized travel shall not be permitted within the scenic area, except that such travel may be permitted within the area as necessary for administrative use in furtherance of the purposes of this Act and on temporary routes in support of wildlife management projects.

(f) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(g) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, reduce hazards to visitors or to protect private lands.

(h) WATER.—The scenic area shall be administered so as to maintain or enhance existing water quality.

(i) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and boundary description of the scenic area with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate and the Committee on Agriculture of the United States House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture. In the case of any discrepancy between the acreage and the map described in subsection (a)(2), the map shall control.

(j) MANAGEMENT PLAN.—Within 3 years of enactment of this Act, the Secretary shall develop a management plan for the scenic area as an amendment to the Land and Resource Management Plan for the George Washington National Forest. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Land and Resource Management Plan for the George Washington National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974.

(k) WITHDRAWAL.—Subject to valid existing rights, all federally owned lands within the scenic area are hereby withdrawn from disposition under the mining, mineral, and geothermal leasing laws, including all amendments thereto.

By Mr. MITCHELL (for Mr. HOLLINGS):

S. 2143. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to reduce the Federal budget deficit and Federal debt and to finance health care reform; to the Committee on Finance.

DEFICIT AND DEBT REDUCTION AND HEALTH CARE FINANCING ACT OF 1994

• Mr. HOLLINGS. Mr. President, I rise to introduce the Deficit Reduction and Health Care Finance Act of 1994. This bill would create a 5-percent national value-added tax, with all revenues set aside in a trust fund to finance deficit reduction and health care reform.

Mr. President, I offer this bill under duress. It is the only way I know—in tandem with deeper spending cuts—to deal with the fiscal recklessness that has gotten out of hand in this city.

Congress is now talking about an additional $700 million for Head Start. Earlier it was $900 million more for housing. Before that, it was millions more for peacekeeping in Rwanda and $750 million for South Africa. The push for new spending is endless. And both Republicans and Democrats are leading the charge. Both want health reform that will increase the deficit $150 billion over 5 years, welfare reform $46 billion, trade reform or GATT $34 billion, crime reform $25 billion, maritime reform $1 billion, immigration reform $1 billion, environmental reform $2 billion, technology reform $2 billion, education reform $700 million, California earthquake $8.8 billion, and on and on. Both parties are driving to spend $200 billion more on reforms while this minute we are already spending $300 billion a year more than we are taking in. Let me be specific. In the Senate Budget Committee report on page 7, section 3 is entitled "Debt Increase as a Measure of Deficit" and reads: "The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $306,700,000,000.
Fiscal year 1996: $315,200,000,000.
Fiscal year 1997: $332,400,000,000.
Fiscal year 1998: $334,200,000,000.
Fiscal year 1999: $344,200,000,000.

These are the amounts we borrow each year. These are the annual deficits. The deficit for the present fiscal year is $338 billion, meaning that to cut spending, to put the government operating in the black, which we all contend for would require a cut of $338 billion. Add to this the $200 billion or more in reform spending and you must cut $500 billion from a budget of $1.5 trillion to put us on a pay-as-you-go basis. This would require eliminating the domestic departments of government such as the President, the Congress, the courts, the FBI, the DEA, the Departments of Interior, Commerce, Agriculture, Treasury, Environment, Energy, et cetera, and eliminating two-thirds of the defense budget. Of course this couldn't and shouldn't happen.

But the point is that yes, we have got to cut spending. But yes, we have got to raise taxes. "But the people won't go for that" is a typical rejoinder. The trouble is that the people are already going for a daily increase in taxes of a billion dollars and don't know it. How is this? This year, the national debt will be $4.7 trillion and the annual interest cost is $300 billion. This means that almost every day except Sunday, the first thing the Government does each morning is go down and borrow a billion a day and add it to the national debt. The debt will soar to $5 trillion by next year. And the daily increase in interest taxes will continue. The only way we can prevent a fiscal catastrophe is to both cut spending and raise taxes. These tax revenues should be allocated to a trust fund to pay for health reform and to reduce the deficit and the debt. Bluntly put, the only way we can stop increasing taxes is to increase taxes.

All of us in Congress know this. But we also know that to face reality, having pledged in campaigns that we are against taxes, no one would dare vote for a tax increase. So the big charade, the fraud, the government by stealth, employing any twist, any turn to obscure, to mislead, to avoid. Mark Twain said that the truth is such a precious thing it should be used very sparingly. First we institute caps on spending to make people believe we have caps on spending. Then we spend $11.8 billion by labelling it emergency above the caps. We say it's not an increase in the deficit even though we've just borrowed it. Since the caps control the parliamentary rules on spending, we try to provide and limit at the same time.

Locked into this craziness, we try to pay for immigration by raising taxes on communications. We hide 33 other tax increases deep in the budget and label them "fees." We borrow billions from one government program and apply them to another government program to hide the size of the deficit. For example, we will use $70 billion of the Social Security Trust Fund this year and apply it to the deficit. By the year 2000, we will owe Social Security over $1 trillion. We mandate our responsibilities to the State and local government but refuse to provide the funds. We blast forth with Goals 2000 in education, unfunded—more headlines than headway.

A sign at the airport parking lot used to read "Reserved for Courts, Diplomats and Members of Congress"; this week it was changed to read "Authorized Parking Only." To show our disapproval of all these shenanigans, we attack the Congress as corrupt, passing silly measures to eliminate so-called perks. The Senate's problem is not that it is corrupt or on the take. It isn't. Our problem is that we are incompetent. We are not doing the job that we are sent to Washington to do. We are supposed to care for the needs of the people within the Nation's means. Rather than wasting time on meaningless sense-of-the-Senate resolutions and motions to instruct conferees, we should attack the long-range problems such as our fiscal mess. We haven't paid a bill since Lyndon Johnson's days.

This nonsense not only impacts the economy severely; it debases our democracy. For democracy to be sustained, the people must be informed. The people don't know what is happening to them. They know something is wrong. We are constantly having elections with the candidates promising to clean up the mess. But nothing happens. Conditions worsen. So everyone cries for term limitations. Perhaps if by law we can throw the rascals out, at least we can have a new group of rascals.

It's time we stopped using the Government merely for our political security and start performing for the people. It is time to stop government by stealth.

For starters, let's eliminate the space station, the Milstar satellite program, the Osprey vertical take-off and landing plane, the $130 million tourist centers such as the one at Boulder Dam, the $65 million embassies and any other program that we can get votes to eliminate. But we will still need taxes.

Mr. President, with the bill I propose a 5-percent national value-added tax without exemptions. The VAT is essentially like a national sales tax. Heretofore, there had been three principal objections to a VAT: First, it is regressive; second, it is too complicated; and third, it raises too much money and would cause waste. Let me address each of these objections in turn.

First the issue of regressivity. I agree. The fact is that all taxes are inherently regressive. With a consumption tax, the more you consume, the more you pay; the less you consume, the less you pay. The VAT does fall disproportionately on lower income brackets. But the VAT is not nearly as regressive as interest costs on the national debt. It is not nearly as regressive as the debt's inflationary impact on the economy, which disproportionately harms the poor.

Second, it is said that the VAT is too complicated. Well, it's certainly not too complicated for the Japanese, the Koreans, and every member of the European Economic Community. In fact, the average VAT in Europe is 17 percent, in Korea it's 25 percent. We can minimize the complication by drawing on the lessons of these other countries, as well as the experience of States with sales taxes.

Third, some say that a VAT would raise too much money. This is a dream. We will need every dime raised by a 5-percent VAT, plus savings from additional steep spending cuts, in order to eliminate the deficit. Even then, it will take years to get the Government operating in the black.

A VAT will help us not only to eliminate the deficit while paying cash on the barrel head for health care reform. It will also contribute to eliminating our other great deficit—the trade deficit. At present, our overseas competitors rebate to their manufacturers the VAT on all goods exported to the United States; those manufacturers' other in-country taxes are relatively low. In stark contrast, producers in the United States pay property taxes, income taxes, excise taxes, Social Security taxes and much more; then, when their goods are shipped overseas, the importing country slaps a fat VAT tax on top of all those other taxes. This does tremendous harm to the competitiveness of U.S. products abroad. It makes it financially attractive to produce outside the United States, and represents at least a 15-percent disadvantage in international trade. A U.S. VAT would eliminate this disadvantage. With good reason, Lester Thurow of MIT says that "the rules of international trade make you stupid if you don't have a VAT."

I am under no illusions as to the political trauma involved in enacting a major new tax in an election year—or any other year. That's the point: It's never a good time to raise a tax. Meanwhile, however, our financial crisis worsens every day.

If our goal is to make this Congress honest, then free lunches are the least of our problems. It is time to expose the stealth government in our midst. It is time to reform that stealth government with honest accounting practices and honest taxes. I propose a single, ultra-simple reform—a reform that would transform the reputation of Congress in the eyes of the American people. That reform is to put the U.S. Government on a pay-as-you-go-basis.●

By Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. SIMON, Mr. DODD, Mr. LEAHY, Mr. METZENBAUM, and Mr. WELLSTONE):

S. 2144. A bill to amend the Individuals with Disabilities Education Act to provide family support for families of children with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

SUPPORT FOR FAMILIES WITH CHILDREN WITH DISABILITIES ACT OF 1994

• Mr. HARKIN. Mr. President. For the past 18 months, families of children with disabilities from Iowa and throughout the country, together with the Consortium for Citizens with Disabilities, have worked to develop recommendations for Federal legislation on family support for families of children with disabilities.

The results of these broad-based, grassroots efforts are reflected in a bill, the Support for Families with Children With Disabilities Act of 1994, which I am introducing today, along with my colleagues Senators JEFFORDS, KENNEDY, SIMON, DODD, LEAHY, METZENBAUM, and WELLSTONE.

Let me briefly explain why I believe this legislation is necessary. When Congress enacted the Americans with Disabilities Act in 1990, we did more than pass comprehensive civil rights legislation. We also enunciated the fundamental precept of our national disability policy—that disability is a natural part of the human experience that in no way diminishes the fundamental right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society, and enjoy full inclusion and integration in all aspects of American society.

On the day the Senate finally passed the ADA, I made a dedication:

> All across our Nation mothers are giving birth to infants with disabilities. So I want to dedicate the Americans with Disabilities Act to these, the next generation of children and their families.
>
> With the passage of the ADA, we as a society make a pledge that every child with a disability will have the opportunity to maximize this or her potential to live proud, productive, and prosperous lives in the mainstream of our society. We love you all and welcome you into the world. We look forward to becoming your friends, your neighbors, and your coworkers.
>
> We say, whatever you decide as your goal, go for it. The doors are opening and the barriers are coming down.

The unfortunate truth is that our current so-called system of services does not empower families to raise their children with disabilities at home and in their communities.

I believe the Support for Families With Children with Disabilities Act of 1994 will help us transform those current State systems, which foster dependence, separation, and paternalism into systems that foster inclusion, independence, and empowerment. The bill assists States, through "systems change" grants, develop or expand and improve family centered and family directed, community-centered, comprehensive, statewide systems of family supports for families of children with disabilities that are true to the precepts of the ADA.

Mr. President, I ask unanimous consent to insert in the RECORD following my remarks a brief description of the bill.

There being no objection, the description was ordered to be printed in the RECORD, as follow:

SUMMARY OF THE SUPPORT FOR FAMILIES WITH CHILDREN WITH DISABILITIES ACT OF 1994

INTRODUCTION

The major focus of the bill is to provide competitive grants to States to develop or enhance statewide systems of family support. The bill recognizes that States have different levels of development of statewide systems of family support. For States that are just beginning to develop family support systems, the bill allows them to apply for State grants to "develop and implement" these systems. States that have made significant progress in the development of family-centered and family-directed approaches to family support may apply for State grants to "expand and enhance" statewide systems of family support.

The bill is not intended to provided support for direct services to families of children with disabilities or to create new entitlements. It is designed as a "systems change" bill to assist States and families to work in partnership to develop statewide systems of family support that are family-centered and family-directed and that use existing resources more efficiently. It is intended to address the priorities and concerns of those families who want to raise their children with disabilities at home and in their communities.

FINDINGS

The findings of the bill recognize, among other things, that: children benefit from enduring family relationships in a nurturing home environment; many families experience exceptionally high financial outlays and significant physical and emotional challenges in meeting the special needs of their children with disabilities; there are financial disincentives for families to care for their children with disabilities at home; supporting families to care for their children with disabilities at home is efficient and cost-effective; and there is a need for statewide, comprehensive, coordinated, interagency systems of family support that is family-centered and family-directed, easily accessible, and that avoids duplication, uses existing resources more efficiently, and prevents gaps in services.

PURPOSE

The purpose of the bill is to (1) provide financial assistance to States to support systems change and advocacy activities to assist each State to develop and implement, or expand and enhance, a statewide system of family support for families of children with disabilities and to ensure the full participation, choice and control by families of children with disabilities; (2) identify federal policies that facilitate or impede the provision of family support; and (3) enhance the ability of the Federal Government to provide technical assistance and information to States, conduct a national evaluation of the program of grants to States, and provide funding for model demonstration and innovation projects.

POLICY

The bill states that it is the policy of the United States that all activities carried out under this Act shall be family-centered and family-directed, and shall be consistent with the following principles: family support must focus on the needs of the entire family; families should be supported in determining their own needs and in making decisions concerning necessary, desirable, and appropriate services; families should play decision-making roles in policies and programs that affect their lives; family needs change over time, and family support must be flexible, and respond to the unique needs, strengths and cultural values of the family; family support is proactive and not solely in response to a crisis; families should be supported in promoting the integration and inclusion of their children with disabilities into the community; family support should promote the use of existing social networks, strengthen natural sources of support, and help build connections to existing community resources; youth with disabilities should be involved in decision-making about their own lives; and services and supports must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self-determination, personal preferences and cultural differences.

GRANTS TO STATES

The bill authorizes grants to States to be awarded on a competitive basis for a period of three years. Grants may range from $200,000 to $500,000 based on the amounts available and the child population of the State. The bill directs the Secretary to award grants to States in a manner that is geographically equitable and distributes the grants among States that have differing levels of development of statewide systems of family support.

In order to receive a grant, States must submit an application with specified information and assurances, including:

The designation of a lead entity in the State, which may be an office or commission of the Governor, a public agency, an established council, or another appropriate office, agency, or entity.

The establishment of a State Family Support Policy Council, comprised of a majority of family members of children with disabilities or individuals with disabilities, and State agency representatives, and others. The Council shall meet quarterly and advise and assist the lead entity in the development and implementation of a statewide system of family support. Established Councils that are comparable to the Council required may be designated as the State Family Support Policy Council.

A preliminary plan, and a description of the steps that the State will take to develop a strategic plan. A State receiving a grant must, within the first year, prepare and submit a strategic plan designed to achieve the purposes and policy of this Act. The plan must be developed by the lead entity in conjunction with the State Family Support Policy Council, and must be updated annually.

An assurance that families are actively involved in all aspects of the State program.

An assurance that the State will submit an annual progress report that documents progress in developing and implementing, or expanding and enhancing, a statewide system of family support.

An assurance that the State will expend at least 65% of the funds made available on grants and contracts to conduct authorized activities. The bill describes a number of authorized activities that a State may carry out to accomplish the purpose of the Act. These activities include training and technical assistance, interagency coordination, support of local and regional councils, outreach, advocacy, policy studies, hearings and forums, and public awareness and education.

The bill specifies that grant applications shall be reviewed by panels of experts that are composed of a majority of family members.

TECHNICAL ASSISTANCE

The bill authorizes the Secretary to provide, through grants, contracts or cooperative agreements, technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support. The technical assistance and information shall be provided to the lead entity, the State Family Support Policy Council, families, advocates, service providers, and policymakers.

EVALUATION

The bill authorizes the Secretary to conduct, through grants, contracts or cooperative agreements, a national evaluation of the program of grants to States.

PROJECTS OF NATIONAL SIGNIFICANCE

The bill authorizes the Secretary to conduct a study to review Federal programs to determine the extent to which these programs facilitate or impede family support. The Secretary may also fund demonstration and innovation projects to support the development of national and State policies and practices related to family support.

AUTHORIZATION OF APPROPRIATIONS

The bill authorizes to be appropriated $10,000,000 for FY 1995 and such sums for FY 1996 and 1997.●

ADDITIONAL COSPONSORS

S. 651

At the request of Ms. MIKULSKI, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 651, a bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by Black Americans in federally funded research and development activities.

S. 774

At the request of Mr. WOFFORD, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Virginia [Mr. ROBB], the Senator from Kansas [Mr. DOLE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1485

At the request of Mr. BURNS, his name was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1691

At the request of Mr. CONRAD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1691, a bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures.

S. 1729

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1729, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1945

At the request of Mr. HOLLINGS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1945, a bill to authorize appropriations for fiscal year 1995 for certain maritime programs of the Department of Transportation, to amend the Merchant Marine Act, 1936, as amended, to revitalize the United States-flag merchant marine, and for other purposes.

S. 1952

At the request of Mr. JOHNSTON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1952, a bill to authorize the minting of coins to commemorate the 175th anniversary of the founding of the United States Botanic Garden.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 1994

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1994, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and Gen. George C. Marshall's service therein.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2065

At the request of Mr. HARKIN, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Montana [Mr. BURNS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 2065, a bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing regulations under the act, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of

September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 175

At the request of Mr. McCAIN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Utah [Mr. BENNETT], the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 187

At the request of Mr. HOLLINGS, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. LOTT], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from Colorado [Mr. BROWN], the Senator from Hawaii [Mr. AKAKA], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from South Carolina [Mr. THURMOND], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mrs. HUTCHISON], the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. REID], the Senator from Nebraska [Mr. EXON], the Senator from Washington [Mr. GORTON], the Senator from Missouri [Mr. BOND], the Senator from Florida [Mr. MACK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KERREY], the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. STEVENS], the Senator from Tennessee [Mr. MATHEWS], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Kansas [Mr. DOLE], the Senator from Delaware [Mr. ROTH], the Senator from Maine [Mr. COHEN], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. McCAIN], the Senator from Florida [Mr. GRAHAM], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Texas [Mr. GRAMM], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 187, a joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

SENATE JOINT RESOLUTION 195

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 195, a joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day."

SENATE RESOLUTION 215—RELATING TO THE TESTIMONY AND REPRESENTATION OF SENATE STAFF

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to.

S. RES. 215

Whereas, in the case of *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*, No. 94-ERA-14, pending in the United States Department of Labor, counsel for the complainant has requested deposition testimony from Robert Alvarez, a former employee of the Senate on the staff of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Robert Alvarez is authorized to testify in the case of *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*, and any related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Robert Alvarez in connection with his testimony in *Sonja I. Anderson* v. *Kaiser Engineers Hanford Co.*

AMENDMENTS SUBMITTED

KING HOLIDAY AND SERVICES ACT

HELMS AMENDMENT NO. 1738

Mr. HELMS proposed an amendment to the bill (H.R. 1933) to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a National Service Day, to promote community service, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 1. Notwithstanding any other provisions of this Act no federal funds shall be used for the purpose of funding the Martin Luther King Federal Holiday Commission.

HELMS AMENDMENT NO. 1739

Mr. HELMS proposed an amendment to the amendment No. 1738 proposed by him to the bill H.R. 1933, supra; as follows:

In the pending amendment, strike all after the word "SEC." and insert: "1. Notwithstanding any other provisions of this Act no federal funds shall be used for the purpose of funding the Martin Luther King Federal Holiday Commission. This section shall become effective 1 day after the date of enactment."

HELMS AMENDMENT NO. 1740

Mr. HELMS proposed an amendment to the bill H.R. 1933, supra; as follows:

On page 2, strike lines 20 through 24 and insert the following:

(3) in section 6—

(A) in subsection (a) by striking "maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332" and inserting "rate of pay for level IV of the Executive Schedule under section 5315"; and

(B) in subsection (b)(1) by adding the following at the end: "A person who has been detailed under the preceding sentence for as many as 365 days (continuously or intermittently) may not subsequently be detailed to the Commission.".

HELMS AMENDMENT NO. 1741

Mr. HELMS proposed an amendment to the bill, H.R. 1933, supra; as follows:

On page 3, line 10, strike "and".

On page 3, line 12, strike the period and insert "; and".

On page 3, between lines 12 and 13 insert the following:

(7) by adding at the end the following new section:

"SEC. 10. None of the funds appropriated or donated to the Commission may be used for the purpose of purchasing first class air travel or first class hotel accommodations.".

BROWN AMENDMENTS NOS. 1742–1743

Mr. HELMS (for Mr. BROWN) proposed two amendments to the bill H.R. 1933, supra; as follows:

AMENDMENT NO. 1742

On page 3, between lines 12 and 13, insert the following:

(7) by adding at the end the following:

"SEC. 10. ACCOUNTING PROCEDURES.

"The Commission shall follow a comprehensive basis of accounting, as defined by the Comptroller General in B–255473. The Commission shall establish an accounting system for review by the Comptroller General under section 3512 of title 31, United States Code. The Comptroller General is authorized to review and audit the Commission, its programs, activities, operations, and financial transactions. The Comptroller General, and his agents, shall have access to all records, files, documents, and papers of the Commission, as necessary, to accomplish such audits.".

AMENDMENT NO. 1743

On page 3, strike lines 8 through 10 and insert the following:

(5) by amending section 8 to read as follows:

"SEC. 8. COMMISSION REPORT.

"(a) IN GENERAL.—Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act or under the National and Community Service Act of 1990.

"(b) ANALYSIS REQUIRED.—The Commission shall include in its annual report—

"(1) a detailed description of all activities undertaken by the Commission;

"(2) an analysis of the spending practices of the Commission indicating how much of the funds of the Commission are dedicated to salaries, travel expenses, and other overhead costs and how much are dedicated to the stated goals of the Commission; and

"(3) a detailed description of any grants made by the Corporation for National and Community Service with the consultation of the Commission.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, and Forestry will hold a hearing to review USDA's zero tolerance meat inspection policy. The hearing will be held on Tuesday, May 24, 1994, at 9:30 a.m. in SR–332. Senator ROBERT KERREY will preside.

For further information, please contact Tim Galvin at 224–6551.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on research by entrepreneurs on childhood diseases. The hearing will be held on Thursday, May 26, 1994, at 10 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Ken Glueck, legislative assistant for Senator LIEBERMAN at 224–4041.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO PICOZZI AND THE HORN

• Mr. LIEBERMAN. Mr. President, I rise today to honor a radio station and its morning team of Picozzi and the Horn. The station, WHCN–FM in Hartford, CT, is observing 25 years of rock-n-roll broadcasting. And Michael Picozzi and Gary Lee Horn are celebrating 8 great years of entertaining thousands upon thousands of listeners throughout much of the Constitution State.

For two guys to last 8 years at one station is a testament to their loyalty to each other and to their listeners, who have rewarded them with high ratings in return. Picozzi and the Horn make waking up and driving to work a lot more fun than it normally is, and their unique style has become as much a part of the tradition of our State as, say, making submarines, selling insurance, or being stuck in rush hour traffic. And what better way to survive rush hour traffic than sharing the occasion with Picozzi and the Horn?

I have been honored to be a guest on the Picozzi and the Horn radio program many times, stemming back to my years as attorney general. My frequent appearances are probably more a result of the fact that I always bring fresh bagels to the studio, rather than any special talent on my part. The guys did persuade me to sing the Barney song on the air, which may not have done much for their ratings, but it did make me a hero to my daughter.

Mr. President, WHCN's promotional literature sums up Picozzi and the Horn in this way: "it's not easy to be the funniest and the most thought-provoking morning show in Hartford, but for 8 years, Picozzi and the Horn have been just that." It says that probably because Picozzi and the Horn wrote it, but that does not mean it is not true.

Congratulations to Picozzi and the Horn for helping Connecticut wake up on more than 2,000 mornings. And congratulations to WHCN for bringing these two guys, their other great deejays, and tremendous rock-n-roll into our lives 24 hours a day, 365 days a year, for 25 straight years.•

NEPAL

• Mr. DURENBERGER. Mr. President, a couple of weeks ago, the Minneapolis Star Tribune published a series of articles by Jim Klobuchar based on a recent trek through the Himalayas which he made accompanied by a number of other Minnesotans. Although he does not directly address the political situation, Jim's series does provide a glimpse of life in the shadow of Mount Everest.

The same week that the series appeared in the Star Tribune, the Prime Minister of Nepal, Mr. G.P. Koirala was in Washington for medical care. I was fortunate enough to be able to spend some time with the Prime Minister one evening and discuss the situation in his country with him.

I visited Nepal a number of years ago, prior to the adoption of the present democratic Constitution. Largely because of that visit, I have maintained a strong interest in Nepal, and have followed developments there closely.

Since my visit in 1989, a number of significant changes have taken place in that country, which have led to a number of challenges for its people and its leadership.

In May 1991, Nepal had its first free and open election in 32 years. The Nepali Congress won 110 of 205 seats in the House of Representatives. The Communist Party of Nepal [UML] won 69 seats, with the remainder of the seats distributed among a number of parties.

The challenge that now faces Nepal is similar to that faced by several other nations in the region—the strengthening of democratic institutions and developing a sound economy.

This challenge is made especially difficult amid speculation that the ruling Nepali Congress party will be divided by internal conflicts. Should the present conflicts lead to a permanent division within the Nepali Congress, the opposition, dominated by the Communist Party of Nepali, would be in a position to overthrow the present Government, or at the least create an unstable situation.

This prospect aside, for a country with more than 20 languages and a number of ethnic groups, Nepal has been uncommonly successful at building a democracy with parties that are not based on language, ethnicity, or region.

Economically, the Government faces the difficult task of meeting the public's high expectations for development and prosperity. Although the Government has attempted to encourage foreign investment by eliminating licenses and registration requirements, and has been cutting public expenditures by reducing subsidies and privatizing state industries, Nepal remains one of the poorest and least developed countries in Asia.

Nepal is a small country in a remote region, and not very significant strategically, but it should not be ignored. The situation in Nepal is fragile, and I encouraged my colleagues to pay close attention to developments there.

Mr. President, the final part of Jim's series tells the story of a Tibetan who fled Chinese-ruled Tibet through the Himalayas for Nepal, drawing attention to the plight of Tibetan refugees. I have been pleased to see this matter raised by a higher level of public awareness by popular actor Richard Gere. I commend Mr. Gere for his commitment to this issue and his efforts on behalf of the people of Tibet. The issue by itself is not very glamorous, and his advocacy is an important contribution.

Let me conclude by paying tribute to Jim Klobuchar, my favorite adventurer. He has indeed written a splendid chronicle of life and travel in the Himalayas. I also would like to mention the magnificent photography in the series by Stormi Greener, who makes pictures that come to life before your eyes. I wish it was possible to insert pictures in the RECORD so my colleagues could enjoy this incredible artistry.

Mr. President, I ask that the entire four-part series by Jim Klobuchar in the Star Tribune be printed in the RECORD immediately following my remarks, and I encourage my colleagues to read it fully.

The series follows:

[From the Minneapolis (MN) Star Tribune, Apr. 25, 1994]

TO THE EDGE OF EVEREST

(By Jim Klobuchar)

A MIX OF EAST, WEST, RICH AND POOR AT THE SUMMIT OF THE WORLD

In their casements of ice, the mountains give no testimony to the crosscurrents of human passions that have colored their snowy slopes with blood.

There is a murder at high altitude here. There is sacrifice, folly and bravery, and the sight of children laboring over marathon distances each day to learn. Much of the drama is invisible to the rest of the world.

Some of it we saw firsthand on our trek toward Mount Everest. It was an odd and unsettling mixture—the hunger of free air of Tibetan refugees crossing 18,000-foot passes by night juxtaposed against wealthy mountaineers' hunger for trophies.

The luminous summits and the accounts of dramatic mountain climbs blind the world to some of its rawest inequities of life and fortune, here in the highest of mountains.

The Himalayas are a mountain world idealized as a wellspring of ancient wisdom and peace. But here the human drives of ego and self-preservation collide. The yearning of children of poverty to create better lives for themselves collides with the pursuit of glory by western sportsmen. The yearning of Buddhist Tebetans to be reunited with the Dalai Lama collides with the strong-arm ideology and the rifles of their Chinese Communist captors.

Here is a boy wearing torn old tennis shoes, a wool cap and a trekker's abandoned pants and sweater. All of his clothes are smeared with the smoky grit of his chimneyless house. He is a Nepalese kid. Pasang, walking alone in the dark from his village of Thame to his school in the Himalayas.

He set out before the sun lit the mountains to their morning incandescence. He started early because he had 3½ hours to walk to reach his classroom in Khumjung at 12,000 feet.

Imagine a child walking 3½ hours to school, and being grateful.

The trail between Thame and Khumjung is steep and clotted with rocks. It climbs 1,500 feet. Schoolchildren who walk it before dawn are not absorbed with notions about irony and the disparities of life. Getting there is enough. Entering the dirt schoolyard through a break in its boulder fence, the kid from Thame had no knowledge of a scene 10 miles away in the village of Pheriche.

There, a Minnesota-trained voluntary physician, Dan O'Connell, and his partner worked to save the life of a rich Japanese doctor wearing expensive trekking gear. He collapsed from acute mountain sickness on another trail after rushing recklessly into the thin air, higher and higher, before his lungs had a chance to match his bravado.

At the same hour, western tourists paid hundreds of dollars to charter a helicopter from Kathmandu for a closer look at Mount Everest from the sun terrace and bar to the Everest View Hotel.

The hotel reflects a ghostly, selfmocking regalness. Dozens of tables are set immaculately in the dining room. The chairs are empty. There are no overnight guests. Except for random drop-ins for tea or Scotch, the hotel never worked out. The Japanese built it 15 years ago. It stands now as a misguided memorial to 20th century opulence, built in a place of Stone Age technology.

At the same hour, Tshing Futi carefully maneuvered two discs of dried yak dung and three small pieces of birch wood to keep an even flame under the omelettes she was cooking for some Canadians in Pheriche. The dung burned with small blue flare-ups that were unpromising but game.

Satisfied, Tshing Futi shuffled a few feet in her battered athletic shoes, one hand pouring milk for four of her guests and the other baling some fresh water out of a barrel left in Pheriche by a Yugoslavian Everest expedition of unknown vintage. Tshing Futi was in constant movement, slow but genuinely graceful, her dusty robes scuttling along the dirt floor.

She is the proprietor and sole employee of a shack of hardwood cots called the Ama Dablam Hotel. She got divorced years ago, shortly before her ex-husband, an expedition porter, was killed by an avalanche on Dhaulagiri.

In the hour when Tshing Futi worked her dung oven, an American enterpriser and professional mountaineer prepared Everest's base camp for the arrival of millionaire climbers who will spend boxcar sums to reach the summit.

And at the same hour and at about the same altitude of more than 18,000 feet, a few miles away, a Tibetan refugee names Sonam Zylsto scrabbled through the snow of the Nangpa La pass between Tibet and Nepal to escape the Chinese Reds. His feet were numb, frostbitten. He almost died, as others did before him, from exposure of gunshot. Companions dragged him into the Edmund Hillary Hospital at Khunde, from where penniless patients can glimpse the vacant splendor of the Everest View Hotel.

Right about that hour, seven of us trudged the 500-year-old trails that we hoped would take us to the edge of Everest. There was nothing heroic about our agenda, nothing dangerous if you except the chance of being sandbagged by the always-lurking Kathmandu Krud.

No traveler, regardless of the whims of luck or the size of his bank balance, has to blush with guilt for being drawn to the idea of finding faraway places. Of these, Everest may be the most symbolic there is. You can argue about motives and elitism in climbing Everest, especially now when it's increasingly restricted to tycoons with muscles and manias.

Our goal was quieter. We numbered five women in their 40s, one man just turned 40 and another blessed with even riper maturity (me). We thought a reasonable destination would be a close-up of Everest from a height called Kala Pattar at 18,500 feet. After that, we added Everest's base camp as a potential bonus.

Of the women, Chris Wolohan of Wayzata, the nursing director of Hennepin County Medical Center, had traveled in the Himalayas once before. It was a first for Barbara Schmitt of Minnetonka, the telecommunications director at Josten's Inc.; Susan Graca of Wayzata, an occupational nurse at Medtronic; Stormi Greener of Mahtomedi, the prominent Star Tribune photographer, Lee Perenic of suburban Detroit, and Tom Gray of south Minneapolis, computer consultant.

I was more or less responsible for gathering this uncommon group in Kathmandu in mid-March for the 16-day trek on the road to Everest. The visit to the Himalayas was my eighth. I never tire of it. It is a reunion with one of the world's extraordinary and mysterious places. It is not just the mountains reaching toward the stratosphere, while summits rising beyond their fluted precipices. It is the brown and familiar faces of the Sherpas and Nepalese who live beneath the heights. It is the circular power of their great religions, filled not only with gods and demons but also with some fundamental common sense and comfort for a people of smothering poverty.

It is myth and mantra, nature at its most glorious and cruelest. It is Ang Nima of Khunde, the Sherpa leader of our odyssey, and old friend. He met us at the Lukla airstrip at 9,000 feet, where our Twin Otter landed straight into the mountains after a 45-minute flight from Kathmandu, propellers spraying rock and dirt.

The airstrip at Lukla is not simply a construction marvel. It is a penance for genetic wanderlust. It is the world's only airstrip where the force of gravity is more important than brakes or flaps. It runs at a 15-degree grade up the mountain and if gravity won't stop the plane, a wall of boulders six feet high will.

Ang Nima was there with his clipped mustache, sucking on his shirt collar while he mulled his limited English for words of courtesy. Six of his Sherpa chums were with him, our housekeeper for the 75 miles that we planned to hike.

The Sherpas' chronic cheerfulness and high-altitude competence are now practically legend. Electricity is coming to their valleys—for which thank God—but they haven't changed much since they became famous. They aren't immune, though, to the risks of celebrity.

Ang Nima told about one of the Sherpas who climbed Everest five times. The more he climbed, the wider his fame grew in the Solo Khumbu valleys, where the 10,000 Sherpas live. He climbed and partied, got restless and confused, and sometimes longed for simpler times.

He also became an alcoholic. One day in the midst of his bewilderment, he leaped into the waters of the Imja Khola, a cascading river that rises from the glacial ice of the mountain that made him famous. He died in it.

There are no therapy support groups in the high Himalayas.

The Sherpas loaded our duffel on the back of the hybrid yak-oxen the locals call zupchocks, and we headed upward. In two days, we were walking in the child's land of Oz. We walked thousands of feet above floating eagles in their colors of cream and silver. We passed prayer wheels driven by river water. We dipped and pitched on suspension bridges above the thundering streams. When we got to the village of Pheriche, we ran into two mild shocks: a sudden snowstorm and a resident in boots and parka, a woman from—of all places—Montevideo, Minn.

CLINIC ON THE RANGE—FROM THE PRAIRIE FLATLANDS TO DOCTORING AT THE TOP OF THE WORLD

PHERICHE, NEPAL.—They met in Montevideo, Minn., at what Dee O'Connell generously remembers as a warm-blooded wedding dance. Doc O'Connell, her husband, talks more creatively. He said it was fundamentally a brawl.

No such impulses have infected the Dan O'Connells in 34 years of a marriage that has transported them from the prairies of Minnesota and South Dakota to the blizzards of Alaska and now to the bouldered yak pastures of the high Himalayas.

We met her on our trek toward Everest. She was scrubbing the family laundry in the yard of the Himalaya Rescue Association clinic. The clinic is flatteringly named. It is a board shed with a dirt floor for a waiting room and an entry walk dappled with frozen yak turds.

The wind blew hard and cold from the mouth of the Khumbu glacier 2,000 feet above the scrub junipers and tundra of the Pheriche valley at 14,000 feet. There's no corner laundromat in Pheriche. Dee O'Connell made suds with a washboard and a bucket. Her insulated boots overwhelmed her ankles and a hood kept her hair from flying south.

This is fashionable dress for Pheriche.

Some time before, a member of a Sherpa family from miles away appeared at the O'Connell home and said one of their women was dying. She had given birth, but something went wrong with the placenta. O'Connell put his medical equipment in a backpack and went to the scene. "She was lying in a mound of straw. People were standing around. The baby was healthy and crying and it seemed in tune with a mooing cow and the whole picture was right out of the birth in a manger. I did what I had to do, the woman snapped back and we all ate and sang when it was over."

Doctoring in the Himalayas. Dee, the former Delores Nordby of Montevideo, who had envisioned the orderly life of a secretary and then maybe a nice secure marriage with kids and a farmyard and a drive into Dayton once a month for a buying binge—all of this in cornbelt moderation.

And then she and Dan O'Connell found each other. O'Connell was going to be a prairie doctor in a town like Madison, S.D., and it was no particular coincidence that he grew up in Madison, S.D.

"One day during my medical studies at Creighton University a man came down from the Red Lake Indian Reservation in Minnesota," he said. "He talked about the meager health care there. It turned something in my head."

What turned, out and off, was his picture of a comfortable rural practice as the doctor-social lion of the farm fields, spruced up with membership in the country club. Instead, the O'Connells went north after his internship at the then-Ancher Hospital in St. Paul, now the St. Paul-Ramsey Medical Center.

North was Alaska. It was not only Alaska, it was end-of-the-world, boondocks Alaska, where medicine was often a wish more than a health service. O'Connell joined the Indian Health Services of the U.S. Public Health Service and abandoned all illusions of the country club perk.

"Neither one of us should have been surprised," the doctor said. "The more we learned about each other, the more we realized we were both what you'd call contrarians."

He flew hundreds of miles to treat an eskimo with a collapsed lung. He was a doctor of the Bering Sea Coast. He worked places like Bethel and Kotzebue. Sometimes the propeller on his small chartered plane stopped spinning above wilderness where no one lived but wolves and caribou.

"It wasn't very risky," he said. "The pilots there, they know how to drive."

After 25 years, with their three children grown, the O'Connells retired to help one of their sons run a fishing business in Dillingham, Alaska. But two years ago somebody said, "They need volunteer doctors in some godforsaken place in the middle of the Himalayas."

Having long ago adopted godforsaken places, the O'Connells moved up in society, about 14,000 feet to be exact. They also moved backward in time, about 200 years worth. It astounded none of their friends or colleagues.

The man is a healer. He took the medical school oath seriously. For two months this spring, he and another Alaskan, Tom Dietz, are the doctors on call in the plank-and-tin clinic on the road to Everest. A trekker who drops in with pneumonia may have to pay $3 for the office call. A Sherpa porter pays a few cents. None of it goes to O'Connell or Dietz. To keep the rescue association going, they charm and beguile the passing trekkers, convincing them that heaven will remember them for buying a clinic T-shirt.

"We didn't come here to make money personally," O'Connell said. "What for? We get our recreation here for nothing and we get free entertainment from the Sherpas. They start singing when they get serious about drinking change (the native brew) at 2 o'clock in the morning. Dee and I just happen to go another way from most folks. We thought yesterday, for example, that we might want to take a walk in the mountains." They did. The hike went up more than a half-mile vertically to two herdsmen's sheds at 18,000 feet above Pheriche.

Most of their neighbors are yaks. But the life invigorates Dee O'Connell, the onetime farm girl from Montevideo. Never mind the absence of a heating stove in the house. To keep warm they wear three layers of whatever works. Life in the Himalayas also stirs Dee's contemplative juices.

"The solitude is no drag for me," she said. "The life away from machines appeals to me. TV, cars and electronic gadgets are great. But you can get hung up on them. There are things to think about. I like being alone with my thoughts here in these big mountains."

She tends toward reserve and a relaxed comfort within herself. Her husband is animated, lanky and tidily mustached. For their two months' stewardship, he and Dietz will deal primarily with the victims of altitude sickness here at a crossroads of altitude zones, where the impetuous hikers sometimes outrun their body's acclimating powers. When that happens, they can be saved only by going down, being carried down or by the Gamov bag in the rescue clinic shack.

The bag is simple, ingenious and generally wonderful. It was developed by a Russian scientist who moved to Colorado. The Japanese trekking doctor who was dragged in comatose a few days ago was zipped into the orange canvas bag a minute after he arrived. It was pumped up with compressed air in an operation no different than inflating a Zodiac sea raft.

Within a few minutes the doctors had brought the air density in the bag down to the air levels of 7,000 feet. It was the same as descending 7,000 feet in a couple of minutes. Inside of 15 minutes, the Japanese trekker regained consciousness. Inside of three hours he was wobbling down the trail toward Pengboche, less bold but at least vertical.

In a land swarming with designated holy spirits, people like the O'Connells, Dietz, and the St. Paul Dentistry team of Doug and Phyllis Ostergren (who spend a year in the dental clinic at Namche Bazar) get some kind of honorary status in the lodges of the local saints. All of them deny any special nobility. But they have it, nonetheless. Their skills are priceless in the truest sense, since they put no price on them. Like Ed Hillary's, their prints of life-saving and service are all over the Himalayas.

In another fashion, so were ours. In five days we had gained more than a vertical mile and a half and camped the fifth night on the windcobbled moonscape of Lobuche a few miles from Everest. Ahead of us was one of the loveliest mountains in the Himalayas, the white cone of Pumori.

We slept in a great amphitheater of snow mountains. The sounds of the Himalayan trek issue from an odd chorale of squawking ravens, the groaning wind, caroling Sherpas and the herders reciting their morning mantras in dozens of repetitions of "*ohm mani padme hun*," meaning blessings on the jewel that lies in the lotus. It is their rosary. It offers credits in the next life. It is hypnotic and it seems to invoke the soul of the Himalayas.

The occasional burp in this harmony of the mountains was the repetitive zipping and unzipping of our tent doors at the usual awkward hours in the night. But by now we had established some sort of character to our small caravan. We were mostly healthy and reasonably disciplined.

No sooner had that been established when Susan Graca, the occupational nurse, had to leave us and hike down the mountain with a Sherpa to meet work schedules back home. We missed her. She was the Sam McGee of our menage. Sam was the Robert Service creature who was phobic about the Alaska cold. He was so fearful of it that he asked to be cremated after he died. Susan never went that far, but she wasn't quite ready for the Himalayan chill. She fought back doggedly, wearing wool mittens on her feet to guard against frostbite, although we slept in the warmest sleeping bags known to man.

Tom Gray turned out to be a giver of far-out knowledge. Gray is a self-confessed computer geek, a programmer and interfacer, a man of his generation. There was something other-dimensional about this man. It may not have been an accident that he passed the dread landmark of 40 twice in the same day. We crossed the International Dateline on a plane in the middle of his birthday. Gray has been a geologist, restaurant operator, motorcyclist, enlightened housing landlord and now computer whiz. He gave us the names of the rocks we collected on the trail.

Most of them, he said, were valueless but gneiss.

We were unaware, at that very moment, of Sonam's life-and-death flight a few miles away.

TIBETAN REFUGEES SEEK A HIGHER TRUTH ON EVEREST

LOBUCHE, NEPAL.—He waited until darkness before he began his flight toward a pass in the Himalayas nearly 4 miles above the sea. The night was his only ally. It made him less a target for Chinese Communist bullets.

But he remembered the three Buddhist nuns.

They were shot and killed by a border patrol shortly after nightfall not long ago, attempting to escape through the snow and cold of the Nangpa La pass separating Chinese-ruled Tibet from Nepal.

He was a Buddhist and Tibetan, Sonam Zylsto. He needed no other reason to escape. His goal was India, where the Dalai Lama lives. The Dalai Lama is the Buddhists' spiritual refuge, the man who in their belief is the reincarnated presence of their prophets and gods.

The Communists came and demolished their monasteries, killed resisters by the thousands and began resettling Tibet with their own nationals. The Dalai Lama left to ask the world to reason with the Chinese for the preservation of his people and their traditions.

Zylsto slogged through waist-high snow in his shredded Chinese tennis shoes. He was exposed under a nearly full moon and losing sensation in his feet. In his shivering desperation, Sonam Zylsto defined the world's response to the Dalai Lama's appeal.

He and his companions reached the summit of the pass at an altitude of about 18,000 feet after two days of struggle through polar winds, conditions that would demand full equipment of a modern mountaineer. They wore only light clothes, no gloves, no boots.

They waited again until nightfall to dodge the perfunctory watch Nepalese soldiers keep on the south side of the pass. From there they walked miles down a glacial valley into the Nepalese village of Thame. His friends dragged Zylsto into the Hillary-Lions-Variety Club clinic in the village of Khunde.

The next day, Dr. Elizabeth Harding, a volunteer physician from Auckland, New Zealand, removed his four frozen toes.

He was limping around the next day, grateful for surviving the high altitude horror of Nangpa La. He was grateful for the skilled hands that had saved him from gangrene and death.

He was also mystified about the future. He didn't talk much politics. But to the Western traveler passing through Khunde on his way to Mount Everest, the young Buddist's frail smile cast the hard light of shame on those American voices who rail about American government demands for more humanity from the Chinese Reds.

Never mind the humanity, these voices counsel. Watch out for American business interests. Don't unhinge the Chinese murderers in Tibet. The Chinese command a big market for our stuff.

Profit and greed are more important than Sonam Zylsko, freezing his feet at night at 18,000 feet to revive the broken threads of his life.

That might be explainable to boards of directors. It is not as easy to explain to stateless Tibetans who cross the Nangpa La at the rate of more than 2,000 a year, and cross in bigger numbers over other routes.

But they're not flooded with sympathy in Nepal, either. A European service worker explained why.

"Nobody wants them. Nepal is one of the poorest countries in the world. All it's got to give the world is the Himalayas. It has some established Tibetan refugee camps, but the Sherpas themselves (who are of Tibetan origin) haven't got anything for the refugees and they don't especially welcome their peddler shrewdness in their valleys."

The Sherpas live almost exclusively in the Everest district and represent only a sliver of Nepal's population of nearly 20 million. They migrated from Tibet hundreds of years ago, threatened by the Mongols. Much of their livelihood is tied in with Western trekking and climbing expeditions and they tend to maintain a living standard higher than the rest of the Nepalese.

"The Nepalese government doesn't want to irritate the monster to the north, China," the European said. "Basically, there's nothing to prevent the Chinese from walking in and taking over Nepal. It doesn't have a whole lot of friends internationally, and it doesn't get any special hugs and kisses from the USA.

"When the refugees come to Kathmandu, the capital, the police would just as soon shoot them as look at them. The Kathmandu police don't get much in wages. They make it by taking bribes from people they arrest. If you come over the Nangpa La in rags, the chances are you're not going to have much cash to pay off the police."

So some of the refugees are pointed back to the north. But they scatter and return to the Nepalese camps and to relatives who came over before them. And somehow most of them find their way to India.

And a few find their way to Minnesota.

"The USA," Zylsto said. "That would be a dream."

It would also be a miracle for most of them, although such miracles are no longer walled in by the ice and granite of the world's highest mountains. The mystique of the Himalayas—the sagas of the Abominable Snowmen, the myth of Shangri-La—usually yield to the reality of a cold gale from the north, and we began getting it when we headed for the last civilized clump of shacks and sod houses before Everest, Gorak Shep.

Gorak Shep sounds like a squawking crow with laryngitis. In Sherpa, it translates into "Cemetery of the Ravens." It isn't much wonder. The elevation is more than 17,000 feet. To reach it, you walk a glacial moraine for hours, loose gravel and boulders piled into long undulating ridges hundreds of feet high. But ahead of us was the dazzling ice wall of the 25,000-foot Nuptse, a mountain that is part of the Everest massif. Everest conceals itself for much of the route, blanked out by some of its huge satellites in the foreground.

A burst of sunlight forced us to stand and stare. We were immersed in a colossal architecture of ice and rock and snow surging miles above us. The most colossal of them all, Everest, was still to make an appearance behind Nuptse and the others. We were slogging toward an 18,500 foot knoll called Kala Pattar, from where the sky would open and Everest would erupt in view.

By now, we had evolved some form of rough cadence of the trail and social exchange. Usually a trekking group needs a catalyst to keep it congenial within limits. As the point man, not totally drenched with social graces, I usually leave that to somebody else. Chris Wolohan was the one on the road to Everest.

Chris is the nursing administrator at Hennepin County Medical Center. She hikes with two walking sticks in the mountains because of a tumor condition that required knee surgery when she was 7. She is one of those people compatible with almost anybody who chooses to be compatible and forgiving to those who choose to be trail prima donnas or are klutzes by nature. We had only minimal representation in both classes.

Sometimes a trekking party can be so chewed up by individualism and competing agendas that its opposing clans will cross the street in Kathmandu when the trip is over rather than meet each other one more time. We had no such afflictions. There was one personality conflict that arrived late enough to be unimportant. Otherwise, Chris' relaxed courtesies—not the least of which were her relaxed silences—kept the social tone civilized and breezy. This is not bad for a woman who was hacking around with bronchitis for half the trip. It was also not bad for a woman who opened her shower door in Namche Bazar and found herself invaded by a cow.

A shower in the Himalayas is fundamentally an act of faith. In some places you actually get water. They try hard, the village innkeepers. They will take a few boards, build a shower booth or shed about the size of an upright casket and pour a bucket of warm water into a sprinkler in the roof.

In Pheriche, Tom Gray showered standing on a slab of natural ice. I took a shower in the same town in the middle of a snowstorm, half of which got into the shower stall.

All that while I was being taunted by a yak outside. Chris' scene in Namche amounted to a barnyard insurrection. The cow walked right into a little utility room where she hung her clothes. About the time she was retrieving them, the cow stuck out a long tongue.

Chivalry prevents me from telling you where the cow made contact.

THE HEIGHT OF MOUNT EVEREST CAN PRODUCE A PROFOUND HIGH

GORAK SHEP, NEPAL.—High altitude climbers can explain the phenomenon of Barbara Schmitt of Minnatonka.

She extended her hand to offer me a bite of chocolate at 18,400 feet in the Himalayas. I reached back and found nothing but an empty glove.

This is a woman who normally fizzes with spirit and whim but is no trickster. She actually believed she was holding a Snickers candy bar in her hand. She was also groggy from fatigue and experiencing a moment of slap-happy delirium. It wasn't medically dangerous. She needed rest, an early descent and one long look upward toward the stratosphere.

And there was the mountain. Everest, expanded and elevated to a gigantic scale that defied instant absorption. Across the frozen cascade of the Khumbu glacier icefall, its black pyramid and mile-long plume of cloud streaming from the summit, Everest filled the sky with a massive symmetry. It wasn't elegant. It didn't invite reveries. It looked enigmatic and prone to malice. It was Everest, so big at 29,028 feet it seemed to belong to another dominion of nature.

It's a view of the world's highest mountain that is seen only by Everest's highest climbers and by those scattered ramblers who push themselves to the top of a Himalayan ridge called Kala Pattar above the glacial wasteland of Gorak Shep. Yet for some in our small, hard-breathing processional, it was a prelude to something more strenuous. With luck, we could hike tomorrow into Everest's base camp at the mouth of the icefall.

Part of the allure of this was the excitement of the mountain's nearness, the sensation of walking in the invisible footsteps of a Hillary or Tenzing. The idea of thrusting mind and body into a guarded world seldom experienced by others is another part of it. And so is the sound and sight of a Himalayan avalanche at first hand.

Barbara Schmitt's illusion of a candy bar in her hand was a mild form of thin-air hallucination. The avalanche wasn't. Barbara's chocolate was the invention of a lethargic brain groping for reality in an alien atmosphere. How alien? As a practical matter, Barbara hadn't been much higher than the top of the IDS Center in Minneapolis.

So now, when it unfolded for her nearly 4 miles above sea level and the symptoms of torpor crept into her body, the high world was transformed into something dreamy and uncanny. In that surreal atmosphere, a person can imagine a conversation with phantom companions. Whole sentences rather than participles dangle. Years ago, I handed a canteen of water to a climbing friend, Rod Wilson, when he asked. It would have been an awkward exchange. Wilson wasn't on the mountain.

But the avalanche wasn't fabricated by a spent body and mushy mind. It announced itself with a crashing sound overhead, like lightning hitting a power pole. It came the day after our hike to Kala Pattar, when we were in the middle of the jumbled moraine slags of the Khumbu glacier on the way to base camp. Stormi Greener, for one, didn't find it disagreeable. Greener is a Star Tribune photographer who has been around the world three or four times shooting boat people, Kurd tribesmen and a few thousand other intriguing faces. She is one of your photographer zealots, unapologetic about it and essentially unstoppable. For a picture, she will fight cops and boa constrictors. Wearing the credentials of neither of these, I still spent a fair amount of time pulling her off the parapets of swaying suspension bridges.

"What's that sound like a train wreck?" she said.

I said it was an avalanche on Nuptse.

"Will we get killed?"

Probably not, I said.

It poured down the Nuptse face, millions of tons of snow, what the European alpinists long ago called "the white death." Avalanches in the Alps and Rockies are impressive. In the Himalayas, they're staggering.

For thousands of feet the snow fell and the air shook. The sound receded as the slide played out. Now the characteristic white cloud formed at the base of the avalanche, spreading and rising like an atomic mushroom.

The cloud advanced swiftly across the glacier where we stood. In a moment the first ice chips hit our faces. We turned our backs to the advancing wave. For 30 seconds we stood in a gate of crystalline needles, stinging us. Then it was over.

"God," Greener said, "does it get better than this?"

I said it might not necessarily get better but it could get a lot more hairy. The road to Everest's base camp, though, was not. It was ugly here and electrifying there. For a half-hour, we walked past pools of melting ice, lade under the midday sun. The landscape changed. We worked our way beneath colonies of minarets and towers, a Stonehenge of Ice.

And for the half hour after that we slipped around in loose and lousy scree and tried to dodge the leavings of yak trains. In this crazily mixed environment we reached the glacial rubble where for more than 40 years Everest mountaineers have prepared for their climbs.

Tents and quonset huts of expeditions from New Zealand, Japan, and the United States were slung in small settlements across the dirty esplanade. We were relieved not to find the widely advertised garbage pile of discarded oxygen tanks and tuna fish tins.

We did find Peter Athans of Boulder, Colo., the climbing leader of Alpine Ascents International. Today, if you're going to climb Everest, your best chance is to own a national discount house or a stock brokerage.

The $50,000 it costs to buy a permit from the Nepalese government is still paid by some of the so-called amateur expeditions. But a surer way to get on the mountain is to be rich enough to afford the big checks charged by the agencies that now provide all services—guides, organization, food and equipment—to people who have it all but Everest.

Athans was tall and browned by sun. His easy talk and manner suggested the controlled confidence of a man who has climbed Everest three times.

"We'll have seven people," he said. "Early May is the best weather for Everest climbing, going for the top. If they've climbed with us before, the cost is $50,000 per person on Everest. For others, it's $65,000."

Maybe Michael Jordan should apply. If you've nursed the distant hope of climbing Everest, you might resent millionaires being able to do it where the average climber cannot. But why build a grudge? Everybody has obsessions, rich guys as well as average climbers. I once imagined a climb on Everest. I was serious. It was a goal, although loosely held and nothing compulsive. So now evidently it's gone. Why mourn? There've been other mountains. And the icefall, on this day, was mesmeric. So was the prayer chant of the Sherpas.

It was a good day to roam the Himalayas. Pemba Tschering, the cook, would be in world class form tonight, making Himalayan pizza with yak cheese, tomatoes and Spam. A few days later I sat on a large boulder 40 feet above the trail at our streamside campsite at Phortse. It was where I go acquainted with a kid three years ago. We didn't speak the same language but we both knew the meaning of Namaste: "I salute the God who dwells within you." It's the most beautiful word I know.

The sun was down except for its waning strokes, which splashed amber on the ice cliffs and summit of Thamserku. It occurred to me that I didn't really come to the Himalayas again for the icefall. I came for a moment like this. The earth was still except for the tumbling of the Dudh Khosi beneath me. The rhododendrons were about to blossom. The river and the forest did not say "exert," or "look on in wonder." They said peace.

A few minutes later I opened my eyes and saw a boy walking down the path. He was older than the kid three years ago. But he held his hands to his face, fingertips touching, and he said "Namaste."

It was the same boy. I'm sure of it.•

THE NATURE CONSERVANCY

• Mr. SIMON. Mr. President, it is my pleasure to announce the appointment of Bruce W. Boyd as the Illinois State director of the Nature Conservancy.

The Illinois Chapter of the Nature Conservancy has protected over 57,000 acres of public and privately held natural area since 1957, and Mr. Boyd's creativity and leadership makes him an ideal choice for this important position.

Mr. Boyd's active participation in volunteer activities has been a prominent feature of his career. He served as director of the Uptown People's Law Center in Chicago, and was also on the board of governors of Opportunity International, which loaned $8.2 million in 1993 to entrepreneurs in the developing world.

I comment the dedication and public service commitment of people such as Bruce Boyd. His efforts to make a better world are both an inspiration and an example of the wonderful things that can be accomplished by people getting involved. I congratulate Mr. Boyd on his new position, and I look forward to a bright future for Nature Conservancy in Illinois.•

TRIBUTE TO WILLIAM T. SCHMIDT

• Mr. LUGAR. Mr. President, I rise today to pay tribute to William T. Schmidt of South Bend, IN, for his outstanding service to public safety. I would like to share with my colleagues the story of a man dedicated to the well-being of his country and his community.

Mr. Schmidt served bravely in World War II. In 1941, at the age of 17, he was aboard the U.S.S. *West Virginia* when it was struck by three aerial bombs and seven torpedoes while docked in Pearl Harbor. Although the ship sank within 7 minutes, he survived and in his role as pharmacist mate was able to help out many after the attack. Mr. Schmidt again served his country in 1950 during the Korean conflict as a member of the air-sea rescue unit.

In 1953 Mr. Schmidt returned to South Bend, IN, and began his 22-year career with the South Bend Fire Department. For the last 11 years of that career he served as a fire instructor in the Fire Training Bureau. It was during that time that Bill helped author the crash fire rescue training manual which is still used today by the International Fire Service Training Association [IFSTA]. Also, the Federal Aviation Administration sent Bill to several landing facilities in Hawaii and the South Pacific to help develop air-crash safety programs.

After retiring from the South Bend Fire Department, Mr. Schmidt moved to Wisconsin to teach fire sciences programs at the Northeast Wisconsin Technical Institute. He also served as fire chief for the Green Bay, WI, Austin-Straubel Air Field. However, Mr. Schmidt was again drawn to Indiana. He returned in 1986 to join the Michiana Regional Airport staff as a consultant and crash fire rescue instructor. Twice a year Bill has put on his silver fire suit and walked through aviation fuel fires at the World Class Aircraft Fire Rescue Schools in order to teach crash-fire rescue techniques. In addition, Bill worked on airport and St. Joseph County disaster plans and serves as a member of the St. Joseph County Local Emergency Planning Committee [LEPC]

Mr. Schmidt exemplifies the word service. He has committed his life to education and the saving of lives. Please join me in honoring a man dedicated to his country and his community.●

THE 39TH ANNUAL DETAILED FINANCIAL REPORT OF SENATOR PAUL SIMON

● Mr. SIMON. Mr. President, it has been my practice in each of the 39 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1992 be printed in the CONGRESSIONAL RECORD.

The financial report and related announcement follow:

ANNOUNCEMENT

For the 39th consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities.

Simon has been making the voluntary annual statements longer than any other national officeholder, according to his office. Simon set his policy when he left the newspaper publishing business he had established to enter public service as a state representative in 1955. He followed the practice during his eight years in the Illinois House of Representatives, six years in the Illinois Senate, four years as lieutenant governor, 10 years in the U.S. House of Representatives and now nine years in the U.S. Senate. The listing predates disclosure requirements of state and federal law and continues to exceed those requirements. Senate rules today require only the listing of income in broad brackets. Simon's practice also has set the standard for many officeholders in Illinois.

Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois senator lists 1993 income for himself and Jeanne Simon totaling $187,894.30. The figure includes his Senate salary and reimbursements to Paul and Jeanne Simon for travel and other expenses.

The Simons had assets of $488,589.70 and liabilities of $135,184.91 for a net worth of $353,404.79. Earlier disclosures have shown Simon to be one of the least wealthy members of the Senate.

Detailed 1993 income statement of Paul and Jeanne Simon.

Attachment follows:

Income statement: Paul and Jeanne Simon—1993

General Income (Paul Simon):	
Salary, U.S. Senate	$133,600.00
State of Illinois, General Assembly System	21,002.52
Book Royalties	11,460.56
U.S. Senate, Expense Reimbursement	7,888.16
Paul Simon Official Office Account, Expense Reimbursement	181.66
Simon for Senate, Expense Reimbursement	422.41
NBC Travel Reimbursement	10.00
Blue Cross/Blue Shield, Insurance Reimbursement	397.40
Barnes and Noble Bookstores, Inc., Refund	2.98
Equicor, Insurance Reimbursement	168.87
Southern Illinois Memorial Hospital, Refund	25.10
Carbondale Clinic, Refund	16.50
Resort Realty, Deposit Refund	144.70
General Income (Jeanne Simon):	
Salary, Emeritus Foundation	2,000.00
Social Security, (Entirely donated to charitable causes)	5,715.20
Distribution from IRA	800.00
Social Security, Deposit Refund	5.38
Interest Income:	
U.S. Senate Federal Credit Union	160.09
General American Life	229.02
Polish National Alliance of U.S.A	44.20
South Shore Bank of Chicago	31.97
Dividends:	
Adams Express	576.23
Credit Union One	.51
Quaker Oats	57.60
Scott Paper Co	6.40
Ralston Purina	30.69
Ralston Purina Continental	.61
Dreyfus Growth & Income Fund	192.00
Dreyfus Municipal Bond Fund	2,287.82
Franklin Money Fund	125.86
Wal-Mart Stores	11.88
Pacific Gas & Electric	100.32
Pax World Fund	102.49
Texas Instruments	8.72
Fisher-Price	1.60
General Cinema Corp	.98
Harcourt General, Inc	3.01
Scudder Service Corp	77.83
Smith Barney Fund	3.03
Total income	187,894.30

Dreyfus Municipal Bond Fund purchased on 10/30/92 for $14,148. Sold 580 shares for $7,710 on 8/31/93. Sold 500 shares for $6,749 on 10/20/93. Net gain—$311.00.

Quaker Oats purchased on 2/5/88 for $1,578. Sold 40 shares for $2,741 on 8/23/93. Net gain—$1,163.

Ralston-Purina Continental and Ralston Purina purchased on 1/67 and various dates for $523. Sold 1.7 of RPC shares and 32.0942 shares of RP for $1,409 on 10/10/93. Net gain—$886.

Paul and Jeanne Simon: Net worth statement—December 31, 1993

General Assets:	
First Bank of Carbondale, Checking Account	$110.93
Credit Union, Rantoul	26.69
U.S. Senate Federal Credit Union, Checking Account	3,915.51
U.S. Senate Federal Credit Union, Savings Account	145.18
South Shore Bank of Chicago, Savings Account	1,052.93
Loan, Senator Paul Simon Official Office Account	100.00
U.S. Savings Bonds	1,838.00
Deposit, Harbour Square Apartments	50.00
General American Life Insurance, Cash Value and Deposit	9,540.69
Polish National Alliance Insurance, Cash Value and Deposit	2,474.15
Congressional Retirement System, Cash Value	81,174.01
Thrift Savings Plan	23,488.13
11.8 Acres & Home, Makanda, IL, (Appraised 1987 at $204,000)—Plus Improvements	235,350.00
Furniture and Presidential Autograph Collection	18,000.00
1991 Chevrolet	10,000.00
1983 Ford Mustang	800.00
Stock and Bond Holdings with Number of Shares:	
Cash and Smith Barney Shearson Daily Dividend Fund	2,596.70
Adams Express Co., Maryland 413 Shares	7,382.38
Bethlehem Steel, 5 Shares	101.88
Dreyfus Municipal Bond Fund, 1,650 Shares	22,044.00
Dreyfus Growth & Income, 238.774 Shares	4,068.71
Franklin Fund, 627.455 Shares	627.46
Harcourt General, Inc. 7 Shares	253.75
Intergroup, Inc. 25 Shares	625.00
Jet-Lite, 120 (Approximate)	300.00
Lands End Inc., 22 Shares	1,012.00
Liberte Inves., 100 Shares	162.50
Mattel, Inc., 20 Shares	552.50
Pacific Gas & Electric, 68 Shares	2,388.50
Pax World Fund, 179.815 Shares	2,432.87
Quaker Oats Co., 4 Shares	284.00-
Rohr Industries, Inc., 6 Shares	66.75
Scott Paper Co., 8 Shares	329.00
Scudder Growth & Income Fund, 62.776 Shares	1,082.26
Texas Instruments, 12 Shares	762.00
United M&M, Inc. 8 Shares	1.75
Wal-Mart Stores, Inc., New 96 Shares	2,400.00
IRA—Paul:	
Smith Barney Shearson Government & Agencies Fund	1,221.46
Adams Express Co. Maryland, 634	11,332.75
Lands End, 17	782.00
Mattel Inc. De., 71	961.38
Pacific Enterprises, 56	1,330.00
Pacific Gas & Electric, 40	1,405.00
Pepsico Inc.—North Carolina, 32	1,308.00
Price/Costco Inc., 51	981.75
Quaker Oats Co., 142	10,082.00
Sara Lee Corp., 20	500.00
Servicemaster Ltd Partnership Pub Partnership Shs., 27	739.13
Southwest Water Co. De., 86	838.50
Southwestern Energy Co., 48	864.00
Tootsie Roll Industries, 22	1,562.00
Total	34,907.97
IRA—Jeanne:	
Smith Barney Shearson Government & Agencies Fund	1,508.75
Adams Express Co. Maryland, 616	11,011.00
Pacific Gas & Electric, 40	1,405.00
Pepsico Inc. North Carolina, 42	1,716.75
Sara Lee Corp., 20	500.00
Total	16,141.50
Total assets:	488,589.70
Liabilities:	
Polish National Insurance, Loan	1,484.39
General American Insurance, Loan	3,021.15
LaSalle Talman Home Mortgage Corp	130,679.37
Total liabilities	135,184.91
Total assets	488,589.70
Total liabilities	135,184.91
Net worth	353,404.79

Gifts, received of more than $25.00 value, outside immediate family:*

Book from American Assembly	$25.00
Two Baltimore Oriole tickets from Baltimore Orioles	30.00
Overnight at Arlie House from Berkley & Elinor Bedell (Value under)	250.00
Book on great Chicago architecture from John Bryan (Value under)	250.00
Book, Quilt Paths Across Illinois from Champaign County Forest Preserve District	34.95
Fruit Basket from Larry Goodman (Value under)	250.00
Grocery samples from Grocery Manufacturers of America (Value under)	250.00
Wager won from Carl Levin	5.00
Two books from Library of America	70.00
Bow ties from Mary Jane & Tom Masters (Value under)	250.00
Children's home videos from PBS (Value under)	250.00
Coffeemaker from Philip Morris RJR Nabisco (Value under)	250.00
Book, "Turmoil and Triumph" from Nick Veliotes	30.00
Chinese vase from Roy Wu (Value under)	250.00
Webster Dictionary from Merriam Webster Co. (Value under)	250.00

*The law requires disclosure only of gifts of $250.00 and over. Paul Simon's statement includes all nonfamily gifts of more than $25.00, whatever the source.•

MUNICIPAL SOLID WASTE FLOW CONTROL ACT OF 1994

• Mr. DURENBERGER. Mr. President, I rise today to urge my colleagues to join Senator HEFLIN and me in cosponsoring S. 1634, the Municipal Solid Waste Flow Control Act of 1994. For 2 years now, the preservation of flow control has been a primary objective of our Nation's local governments. And now, in light of last Monday's Supreme Court ruling in the Carbone case, it is critical that we in Congress make it ours.

For decades, flow control ordinances have given local governments authority to decide how and where they will dispose of their waste. These ordinances have enabled our cities, counties, towns, and townships to finance and implement waste management facilities best equipped to preserve the environment and protect the public health. But, according to the Supreme Court, unless Congress says otherwise, this important authority of local government must now come to an end.

Minnesota alone can offer 22 reasons why Congress must say otherwise. That is because 22 of the counties in my home State stand to lose not only the substantial environmental and health benefits gained from flow control, but the enormous financial investment they made in it as well.

Under flow control, local governments generally build their own designated waste facility and finance the construction through revenue bonds, or they contract with a private waste management company. In either event, these designated facilities invariably meet a higher standard than typical landfills and must usually charge haulers a higher tipping fee. Without local authority to direct waste to these designated facilities, haulers will instead move that waste to the nearest landfill boasting low tipping fees and safety standards to match. Consequently, by denying local residents control over their waste once it hits the curb, we deny them important environmental and public health benefits, leave them knee-deep in debt, and wide open to potential Superfund liability.

Flow control represents a lot of effort and an enormous financial commitment on the part of people from all over the country who invested in an infrastructure to better protect their communities and the people who live in them. And, while I cannot possibly quantify their human efforts, I can illustrate their investment. Today, the outstanding debt owed by local governments on waste management facilities throughout the country is estimated at $10 billion. In Minnesota alone, the debt stands at $325.4 million. Virginia and California each have a debt totaling nearly $500 million. Connecticut, $600 million, And, New Jersey and Florida, $1.5 billion and $3.2 billion, respectively. By allowing the Carbone decision to stand, Congress will commit a waste unlike anything these local governments have ever seen—a waste of effort and hard-earned tax dollars.

Mr. President, in her concurring opinion in Carbone, Justice O'Connor—who was once a State legislator and champion of local governments—seemingly went out of her way to state:

> It is within Congress' power to authorize local imposition of flow control. Should Congress revisit this area, and enact legislation providing a clear indication that it intends States and localities to implement flow control, we will, of course, defer to that * * * judgement.

In 1992, I invited Congress to approve flow control. Now 2 years later, Justice O'Connor appears to be extending the same invitation. Congress would do well to accept.•

CALIFORNIA AIR RESOURCES BOARD'S LOW-EMISSION VEHICLE AND CLEAN FUEL REGULATIONS

• Mrs. BOXER. Mr. President, I want to report to the Senate today some very good news for all of us who look forward to having "clean cars" on our Nation's roads as soon as possible. On Friday, May 13, the California Air Resources Board [CARB] decided to stick with the low-emission vehicle and clean fuel regulations it established in 1990. These regulations mandate that 2 percent of all motor vehicles sold in California in 1998—about 25,000 cars—must be zero emission. In 2001, the requirement increases to 5 percent, and in 2003, a full 10 percent.

After hearing from numerous witnesses over 2 days, the board found no compelling reasons to delay implementation of the regulations. In her closing statement, Chairwoman Jacquelin E. Schafer summed up the portion of the hearing devoted to the zero emission mandate:

> A number of witnesses said they didn't like or that it could, and I emphasize the word "could", stifle new ideas and technologies. But we heard from no one who claimed the mandate had not accomplished its stated objective of stimulating technological development and innovation. While electric vehicle and battery technology may not have advanced much between the turn of the century and the 1980's, there is no doubt that tremendous advancements have occurred since we adopted the zero emission vehicle regulation in 1990. We heard over and over again that the mandate caused or contributed to these advancements. I don't think we want to take any actions that would slow down or stall this progress.

Mr. President, neither should the Congress take any action that would slow this tremendous and exciting progress.

The decision to maintain the zero emission standards sends a clear message to the country that the clean fuel electric car, the only practical zero emission vehicle currently available, is on track. And it is great news for both the economy and the environment of my State of California.

Nothing less than the quality of life itself is at stake in California. Of the seven American cities with the highest ozone levels, six are in California. In testimony before CARB, the executive director of the South Coast Air Quality Management District, James M. Lents, said, without the full implemention of the low-emission vehicle mandate—including the zero emission vehicle mandate—there is no possibility of southern California ever attaining healthful air quality.

Success in cleaning up our air requires that we clean up the major sources of the pollution: cars, trucks, airplanes, and trains, which account for 70 percent of all carbon monoxide [CO] emissions. And by far the largest share of transportation pollution is from road vehicles.

Yes, Mr. President, automobile emissions have improved; despite a 96-percent increase in vehicle travel, highway carbon monoxide emissions were cut by 59 percent from 1970 to 1991. However, progress came only as a result of a strong push from government. The Environmental Protection Agency estimates that without the implementation of vehicle emission controls, carbon monoxide emissions from highway vehicles would have increased more than three times from 1970 to 1991.

Still, more than 90 percent of Californians live in areas which do not meet

Federal healthy air standards, and over two-thirds of this pollution comes from mobile sources. I was socked, Mr. President, to learn that children in the Los Angeles Basin, on average, suffer a 15-percent reduction in lung function by age 12 because of exposure to smog. These precious children are our most important investment in our future, but we are letting them down.

We must remove this poison at the tailpipe, and we can start by promoting the electric vehicle as a commuter car. According to the U.S. Bureau of Transportation Statistics, the average distance for commuters to travel to work is only 11.8 miles, and even in car-conscious southern California, the average daily commute is only 22 miles. So, despite having to recharge every 100 miles, the EV would make a great commuter car—the perfect second car in the more than half of all American households which own more than one car.

It has been argued that the battery technology for EV's is not sufficiently advanced, that the price of the vehicle is too high, and that there are not enough recharging stations. But the fact is that practical electric vehicles are available now. Recharging stations are going in now, and Californians are ready to buy environmentally sound cars now.

This is not a case of California versus Detroit, as some have suggested. California and Detroit in fact are natural partners in the development of electric cars. California has the aerospace expertise and other high-technology component manufacturing that is necessary in electric vehicle technologies.

Indeed, some of the best evidence that a market-ready electric vehicle will be ready by 1998 comes from the automakers. The Hughes Electric Vehicle Team, a General Motors division, helped engineer a marvelous, ground-up electric vehicle, the "Impact", in southern California. "Popular Mechanics" magazine, in a February 1994 cover story, said of the car: "GM's hard-charging Impact is practical, fun to drive and a master-stroke of engineering. * * * Impact can deliver the goods—lively performance, acceptable range and reasonable price—with technology that exists right now."

This story offers clear proof that American engineering is producing a high-technology high-appeal electric vehicle right now. General Motors plans to put 50 Impacts on the road this summer for market testing, and the other automakers are also already turning out road-ready electric vehicles. Ford's electric Ecostar test fleet has logged more than 18,700 miles of in-use experience. The Ecostar's average range is 94 miles and its top speed is 70 miles per hour.

Consumers will buy electric cars if we provide the right incentives. GM's own survey in 1992 of 1,000 potential new car buyers in San Francisco and Los Angeles found that the number of people who would definitely or probably purchase an electric vehicle increased from 17 to 68 percent if provided a mix of price and ownership incentives.

Under the 1992 Energy Act, Congress provided a Federal tax credit of 10 percent up to $4,000 on the purchase of an electric vehicle and required an ambitious program of procuring clean fuel vehicles for the Federal fleet. President Clinton last year issued an Executive order that would more than double the alternative fuel vehicle purchases by the Federal Government between 1994 and 1997 for a cumulative total of 110,000 vehicles.

We can also remove one of the glaring inconsistencies in the Tax Code. Although the tax credit is available, the cost of providing this clean fuel technology could subject the vehicle to the luxury tax. Last week I introduced S. 2117, legislation to repeal the luxury tax on the value of components required for a vehicle to be powered by clean-burning fuel.

The Tax Code does not now distinguish between an automobile that exceeds the luxury tax cost threshold because of special equipment or performance characteristics and an automobile that exceeds the threshold solely because it operates on a nonconventional fuel source, such as electricity. Because of the new technologies involved and the lack of economies of scale in low volume production, initially the price of some EVs will exceed the luxury tax threshold. The luxury tax now threatens to deter purchase of EVs, and to delay EV market development efforts. S. 2117 will remove this disincentive.

I also hope that my colleagues will support the industry-government collaboration to place 5,000 EVs on the roads by 1997. If successful, this large-scale demonstration program, called "EV America," would help build a sustainable market for EVs in the United States.

EV America would utilize authorities of the Energy Policy Act, Public Law 102-486, title VI, subtitles A & B, to implement a partnership program between the private sector—led by the utility industry—and government to demonstrate electric vehicles and associated vehicle support systems. Phase I of EV America contemplates the placement of at least 500 EVs in government, utility and other commercial fleets nationwide by the end of 1995.

It is our hope that some of these vehicles could be placed with the National Park Service to demonstrate the clean-fuel and quiet characteristics of electric vehicles to a large number of Americans. Yosemite and Grand Canyon national parks, which have among the worse air quality of any national park, would also be excellent locations for a full-scale electric vehicle demonstration program.

To date, 13 U.S. utilities have signed an agreement to undertake this 500-vehicle purchase and testing program, provided that the Federal Government agrees to share the costs of the program. Other utilities have expressed an interest in participating, and it is anticipated that they will become partners in the program, also.

The total cost of this first phase will amount to $22 million for vehicle acquisition and 3-year support costs. We are requesting the Federal Government to supply 45 percent of the cost, with $5 million from the Department of Energy and $5 million from the fiscal year 1994 funding already provided to the Advanced Research Projects Agency for its EV/infrastructure demonstration program under the Department of Defense.

With consumer familiarity and acceptance of electric vehicles, and continued technological advancements and economies of scale, the incremental costs of electric vehicles will decrease. But the linchpin in this effort is California's zero emission requirement.

Setting the target date for the zero emission requirements has become the equivalent of President Kennedy's pledge to put a man on the moon in a decade. We can put a significant number of electric vehicles on the road sooner than that. For the sake of our future, for our children's sake, we must not stop now.•

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, May 24; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:39 p.m., recessed until tomorrow, Tuesday, May 24, 1994, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 23, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. FILNER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 23, 1994.

I hereby designate the Honorable BOB FILNER to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF] for 5 minutes.

URGING REJECTION OF RENEWAL OF MOST-FAVORED-NATION STATUS FOR CHINA

Mr. WOLF. Mr. Speaker, the time of decision about whether or not to renew most-favored-nation [MFN] status for China is upon us. Although the Secretary of State has until June 3 to make his recommendation to President Clinton, all bets are that he will make the call in the next week just after Members leave town and just before his D-day trip to Europe.

I stand before this body and the Nation today to urge President Clinton to stand behind his Executive order and revoke MFN in light of the new crackdown in China against religious and political dissent. No one disputes that the President's Executive order was clear, and no one disputes that there has been overall, significant regression instead of progress in human rights in China.

Let us look at recent evidence.

Only a week ago correspondent Lena Sun of the Post reported that—

> China amended its public order law to broaden the already extensive powers of the police to detain and restrict the activities of democracy and labor activist as well as religious and national minority groups * * * new regulations essentially give authorities the right to detain anyone they regard as a threat to the socialist system.

New regulations include:

First, carrying out activities under the name of a social organization without registration;

Second, organizing activities of superstitious sects and secret societies to disrupt public order;

Third, disturbing public order and damaging people's health through religious activities;

Fourth, stirring up conflicts between nationalities, hurting their unity and inciting separation of nationalities;

Fifth, fabricating or distorting facts, spreading rumors or otherwise disrupting public order, or doing harm to the public interest through other means.

About the same time these regulations came out, some Tibetan nuns received longer prison stays for singing patriotic songs while in detention.

Then last Thursday, Human Rights Watch/Asia released a new report citing almost 500 previously unknown prisoners of conscience jailed for their involvement in the Tiananmen Square demonstration. Further, this seminal report details the "charade" ICRC prison inspection that was later canceled by Beijing. Inmates were allowed their first showers in a year, sick prisoners with "unattractive appearances" were moved, and window glass was partially installed in windows normally covered in paper.

Yes, we are grateful for the release of some prominent Tiananmen leaders like Wang Juntao and Chun Ziming, but they are a drop in the bucket as China continues to arrest many more activists.

On the categories in which the President stated we must see "overall, significant" progress, we are clearly seeing "overall, significant" regression—leaving the administration claiming new Chinese promises to "talks" on Red Cross visits and "talks" about not jamming Voice of America broadcasts as purported progress in the categories that follow the two "must do" conditions.

The two "must do" conditions for MFN renewal are: First, progress on resolving outstanding emigration cases; and, second, progress on tightening the 1991 Memorandum of Understanding [MOU] on prohibition of forced labor exports from China.

The Chinese have helped resolve limited emigration cases.

In spite of the much-lauded progress on the MOU, the Chinese have only agreed to make a toothless agreement a bit less weak—leaving themselves plenty of turnaround time to sanitize prison labor camps before allowing visits by United States officials. I know some guys in Pyongyang and Baghdad who would love to sign up for that kind of inspection regime.

Harry Wu just returned from a covert trip to China in which he visited 26 prisons, bringing back fresh evidence that the Chinese knowingly violate both the letter and the spirit of their agreement not to export forced labor products into China. He even implicated two U.S. companies which the prison factory officials admitted to be importers of their slave labor products.

Purported progress on the MOU is clearly a sham.

Many are urging the Clinton administration to cave in and to set up some ineffectual alternatives to revoking MFN like a new Sino-United States human rights commission and voluntary Sullivan Principles for United States businesses in China. Mr. Speaker, with all due respect, I submit that the new commission would only provide one more layer of bureaucracy for Chinese grandstanding and stalling. And the Sullivan Principles would clearly be voluntary because no U.S. business wants such restrictions in their deal-brokering with Beijing.

Let us face it, trade is the only leverage that carries any true weight with the Chinese regime which is bolstered by our dollars—which make up almost 40 percent of their export market. And, in answer to the reply that MFN pressure has not achieved our desired result, I say that we have to date not revoked MFN. The lack of progress is probably due to mixed signals and idle threats the Chinese do not believe we'll carry out.

I believe the real question is whether or not we'll honestly call Beijing's bluff and do the morally right thing: revoke MFN in light of continued Chinese repression. If we do not, I believe we will not only let many in China down who are hoping we will stand firm for democracy, but only lose our credibility with the dictators of Beijing and the entire region. The message is: make our commitments seem too painful to carry out, and we will cave.

I close with a letter from the U.S. Catholic Conference which speaks more eloquently than I on this question:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.S. CATHOLIC CONFERENCE, DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, May 17, 1994.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Washington, DC.

Re: Religious Liberty in China.

DEAR MR. SECRETARY: With a decision on U.S. policy towards human rights policy in the People's Republic of China drawing near, I am writing to express concern for the lack of improvement, and in some cases serious deterioration, in matters of religious liberty in China during the last year.

This conference supported conditioning MFN for China on human rights performance and we continue to insist that human rights be an essential dimension of US foreign policy in our relation to China. US policy must not ignore or downplay abuses of human rights in the PRC.

In deciding this complex issue, I urge you to be guided by three criteria: (1) the assessment of China's human rights policy must be honest and clear; (2) the US must continue to hold China to the observance of international standards of human rights and religious liberty, and (3) there must be a real and significant price to be paid for violations of human rights including offenses against religious liberty and the rights of conscience.

First, a word about the religious situation in China. While we know the conditions of freedom and persecution in China differ from region to region and there have been developments recently which some regard as improvements, our information is that new legislation has made life much more difficult for believers at large. This is especially so for city dwellers. Techniques vary, but there has been a significant rise in harassment in recent months, including reports of new arrests and other forms of detention for bishops and priests.

Furthermore, for us as Catholics, for whom participation in a universal church is an essential part of church life, restrictions on the free interaction of the faithful in China with those elsewhere is a grave impediment on religious liberty. Lack of progress on normalization of relations between the PRC and the Holy See is a symptom of a wider phenomenon of prohibiting international church ties which has intensified since government decrees last January.

Religious liberty remains a primary human rights issue for our episcopal conference. Just as we defended the rights of Jews and Christians in the former Soviet Union during the seventies and eighties, in the nineties we will stand by the rights of Buddhists in Tibet and evangelicals as well as Catholics in China. We sincerely hope the Administration will stand with us on this issue. Firmness at this time will be essential to the progress of human rights and democracy in China today.

There is no underestimating the significance and the complexity of the practical decision facing the Administration on Chinese human rights in coming weeks. For the future of human rights and for the credibility of US diplomacy, it is vitally important that whatever is done, the Administration be clear and forthright about Chinese non-performance and evasion on these issues. No effort should be made to find progress which is not there or to ignore serious violations that continue to persist. There must be no compromise with the truth.

Furthermore, the continued maintenance of international standards on human rights and liberty for China is absolutely necessary. We would be alarmed and would vigorously oppose a policy which diluted the standards to which the US would hold China in the years ahead.

As you decide on the penalty for past and current performance, candidness about the record and a firm commitment to human rights and religious liberty is essential to an American policy which will have moral legitimacy. Trade alone is not a human rights policy. A nation without values must stand for something more. History gives ample evidence of authoritarian, nationalist and fascist regimes where business has and does flourish. The common good of humanity requires that US policy stand up for the rights of those victimized and oppressed by their own governments.

Finally, the penalties for violations of human rights and repression of religious liberty must be real and serious, not symbolic and illusory. But we believe that some serious price must be paid for violation of fundamental rights. Having said we will hold China to this standard, we cannot abandon our commitment.

We look forward to hearing from you on this issue. The President's deliberations and those of you and your colleagues will be in our prayers.

Sincerely yours,
MOST REVEREND DANIEL P. REILLY,
Bishop of Norwich (CT), Chair,
USCC Committee on International Policy.

IN SUPPORT OF RENEWAL OF MOST-FAVORED-NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Washington [Mr. INSLEE] is recognized during morning business for 2 minutes.

Mr. INSLEE. Mr. Speaker, should the President decide to renew MFN status to China, I believe that this Congress will support that decision of our Chief Executive. In the final hour, Congress will do so because it is a principled position for this country to take.

The principle involved is a principle that the best strategy for building democracy in China is a strategy that increases, not decreases, America's involvement in China. This occurs with trade.

It is a principle that democracy will grow in China with, and only with, the emergence of a broad middle class, free to establish their own centers of support independent of the Chinese Government. This occurs with trade.

The principle is that democracy in China demands a foundation of independent people, independent economically from the state. Building such a foundation takes trade.

We have many other ways to continue our efforts to improve civil rights in China, but extension of MFN to China preserves not only America's jobs, it also preserves America's principles, and we would support the President in that decision.

THE WAR IN THE WEST

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to talk for a few moments about the war on the West. I come from Wyoming, one of the States that is a public land State. In our State about 50 percent of the land belongs to the Federal Government and is managed by the Bureau of Land Management.

I am not talking about national parks, I am not talking about forest reserves, I am talking about those lands that were residual lands that were left after the homesteaders took up homesteads and have been since managed by the Federal Government, unlike the rest of the States, unlike the States east of the Mississippi River, indeed east of the Missouri River.

So I am talking about a war on the West, a war on the West that has been particularly intense for the last year and a half with the administration and Secretary Babbitt particularly being the point man.

□ 1040

I think it has been interesting and particularly callous in the last several months in the administration, and both Democrats nationally and locally to sort of dismiss the idea that there was indeed a war on the West, sort of a callous dismissal of the legitimate interests and concerns of the people who live in these lands.

Let me talk a bit about what folks in my State believe to be the values and the future of the West.

One has to do with hunting and recreation. Probably the most popular thing among Wyoming residents and those who visit Wyoming is the opportunity to hunt and to fish. Of course, it is the multiple-use idea that these lands may be used for a number of things. So, in addition to the recreational values and recreation need, there needs to be an opportunity for jobs. When 50 percent of your State belongs to the Federal Government, then the multiple-use idea, the idea that you can hunt and fish and recreate as well as raise cattle and drill for oil and gas and trona and coal needs to be compatible and needs to work together. Otherwise, you have no economic future to plan on.

So I think it is particularly callous that people dismiss the war in the West, saying, "Oh, it is not serious, it is no war in the West at all." When you are talking about people who for the most part have family ranches, they live on those ranches that are partially private lands, where they have winter feed and water, and as an integral part of that ranch are the public lands in which grazing can take place in the summer along with the wildlife that is there. People who want to continue this kind of a way of life—and by the way, it is the only way these resources can be fully utilized, to integrate them in the private and public sector together—people who want to raise their children on the land, who want to stay in business.

Wyoming is the largest coal producer in the Nation, much of it on public lands. So we have to find a way to have leasing availability for that resource, low-sulfur coal, the best opportunity for nonpolluting energy in this country.

So I guess it is sort of interesting; the Secretary has been out a number of times, has had so-called listening sessions, which have basically become talking sessions, and he has come away, as he did in my State last week, with a lack of trust, with the idea that what he is seeking to do is not really in the interest of the people who live there, not really in the national interest, but rather an agenda that has been formulated by the Secretary to make changes, and sometimes changes where there is no particular reason to consider that.

Pricing in grazing has been one of the issues, a good issue; people who are involved are willing to take a look at it and put it into a formula and use it on the basis of studies and raise prices, and they will do that. But the political setting, the political setting of grazing fees just does not go.

I just want to make one point: The high-profile issue has been grazing fees and cattle on public lands. But the fact is it goes far, far beyond that. It has to do with, as I mentioned to you, with oil and gas and timber and massive changes in water, where States have had the constitutional right to manage their water in the West; where we have had hard-rock mining. There needs to be changes in the mining law, but not to eliminate mining in this country nor to eliminate the jobs that go with it. The National Biological Survey, which threatens, really, the private land use in the intermingled lands of this kind.

Wetlands. Now a city in our State was willing to replace wetlands in order to enlarge the water system. The EPA says, "Oh, no, you can't do that." Of course, they can.

Gun control. Forest Service puts out regulations limiting where farmers and ranchers can carry guns.

So the idea that there is not a war in the West is simply not true. There is indeed. We need to use those lands multiply, and local people need to be involved in that decision.

RECESS

The SPEAKER pro tempore (Mr. FILNER). There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With grateful hearts O God, we welcome this day and pray that our endeavors will be used to foster justice and mercy in our lives and in the land. May all that is good be strengthened and all that is selfish be put aside, all that is considerate and honorable be held high and that which is self-centered be kept apart. May Your blessing, O God, that allows us to rise above the mundane or ordinary, and do those things that honor You and serve people everywhere, be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico [Mr. RICHARDSON] come forward and lead the House in the Pledge of Allegiance?

Mr. RICHARDSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 2019. An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1654) "an act to make certain technical corrections" with amendments.

The message also announced that, pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. HOLLINGS as a member of the Senate Delegation to the North Atlantic Assembly Spring Meeting during the 2d session of the 103d Congress, to be held in Oslo, Norway, May 26–31, 1994.

SECRETARY OF STATE CHRISTOPHER DOING GOOD JOB

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, too often we focus on difficult foreign policy problems, like Bosnia, Haiti, Rwanda, or China. But when things go well, as they are in the Middle East, we tend to ignore them.

Mr. Speaker, much of the credit for the current stability in the Middle East and for the peace negotiations going on effectively and efficiently should go to Secretary of State Warren Christopher. His quiet diplomacy is responsible for making sure that potentially fruitful negotiations between Israel and Syria are taking place. He has been very involved in these negotiations and I predict that he will log more miles than Henry Kissinger before they are complete.

In addition, the Secretary of State has been a key force in ensuring that negotiations between Israel and the PLO and other Arab neighbors, continue to take place.

Mr. Speaker, too often we focus on problems. But when our foreign policy is successful, we ought not ignore the very constructive and good initiatives by the Secretary of State.

MFN FOR CHINA WILL HELP HUMAN RIGHTS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we are faced with a very challenging decision in the next couple of weeks as June 3 approaches, that being whether or not President Clinton will decide to renew most-favored-nation status for the People's Republic of China.

Yesterday Vice President GORE posed the question, "What is the best way to advance American interests and human rights?"

Well, I have concluded, having listened to President Clinton decide that the North American Free-Trade Agreement was the best way to deal with many of the challenges we face in this hemisphere, that the best way for us to advance American interests and human rights is to renew most-favored-nation trading status for China.

There are a wide range of issues which must be addressed, including denuclearization of the Korean Peninsula, support in the U.N. Security Council, the export of weapons systems, and, yes, of course, human rights. The best way that we can do that, Mr. Speaker, is to move ahead and encourage U.S. business investment, because exposure to Western values will address this very important need.

AMERICANS MUST BE PRESUMED INNOCENT UNTIL PROVEN GUILTY BY IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I want to talk about America. In 1981 Mr. Menier bought a small aviation company. No one told him when he bought that company they owed aviation fuel taxes that were unpaid for 4 years. One day the IRS showed up and demanded $3 million immediately from Mr. Menier. Mr. Menier says, "My God, I didn't even know that this company owed these taxes. No one told me. I only paid $435,000 for the whole company." The IRS said, "Sorry Mr. Menier. Who's kidding who? You have got to prove it, buddy. We don't believe you." They grabbed the company, grabbed his private checking account. His wife was bedridden for 12 years with muscular dystrophy. He had a 97-year-old mother living with him, and three kids. They garnished his check, and left him with $96, Congress. He could not get a bank loan, and he went bankrupt.

Shame, Congress, shame. People like Mr. Menier are being ripped off every day. Discharge Petition No. 12 says if the Son of Sam is innocent until proven guilty, so is Mr. Menier on that $3 million in back taxes he supposedly owes.

ELECTED OFFICIALS NOT ABOVE THE LAW

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the American people have become increasingly disturbed as they have seen the Congress declare itself above the law in so many instances. All kinds of laws passed by the Congress apply to everybody else in society, but do not apply to the Congress. The American people find that to be hypocritical and they find it to be a situation that should not be allowed to continue.

But the Democrats, who control the Congress, have now gone one step further. The Democrats in this administration have now gone to their Justice Department to find out whether or not the President cannot be declared above the law. This, despite the fact that on this floor over a period of some years now, Democrats have come to us consistently saying no President is ever above the law.

Now what they have done is asked the Attorney General to do research for the President's private attorney so that the President's private attorney can go into court and declare the President above the law.

The Democrats were right in the first place. No President is above the law and the Congress should not be above the law. The American people should expect that the laws that apply to them apply to all of us who serve in government as well.

BELLYING UP TO THE BAR

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the rumblings you hear on Capitol Hill are coming from the Ways and Means Committee. They concern a broad tax increase, to pay for the President's Government-run health care.

The Ways and Means chairman had this to say about the Clinton plan:

> I don't have the optimistic view that the administration does that it is possible to pay for universal coverage without taxes. I think that this is a major problem and if we're serious about it, that we have to belly up to the bar.

Mr. Speaker, the problem with the Democrats is they have bellied up to bar way too often.

They bellied up to the bar to raise taxes during the Bush administration. They bellied up to the bar to raise taxes with the Clinton budget. And now they want to raise even more taxes to create a Government-run health care system.

Mr. Speaker, it is time to cut the Democrats off. No more bellying up to the bar.

NEW ECONOMIC MEASURES IN HAITIAN EMBARGO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1703 et seq.) and section 301 of the National Emergencies Act ("NEA") (50 U.S.C. 1601 et seq.), President Bush exercised his statutory authority to issue Executive Order No. 12775 on October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 on October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c), I exercised my statutory authority to issue Executive Order No. 12853 of June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under United Nations Security Council Resolution 841 of June 16, 1993.

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 of October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. On May 7, 1994, pursuant to the above authorities, I exercised my statutory authority and issued Executive Order No. 12914 of May 7, 1994, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under the provisions of United Nations Security Council Resolution 917 that were effective immediately under that Resolution.

United Nations Security Council Resolution 917 contains several provisions required to become effective no later than May 21, 1994, to further tighten the embargo against Haiti. These include, inter alia, a requirement that Member States prohibit importation of Haitian-origin products into their territories exported from Haiti after May 21, 1994, activities that promote importation or transshipment of such products, and dealings by their nationals, flag vessels, or aircraft in such products. In addition, the Resolution requires Member States to prevent the sale or supply of products to Haiti by their nationals or from their territories or using their flag vessels or aircraft, and activities that promote such sale or supply, with certain exceptions for humanitarian needs and trade in informational materials.

This new Executive order:

—bans importation into the United States of goods or services of Haitian origin exported after May 21, 1994, or activities that promote or are intended to promote such importation, except for informational materials;

- —prohibits activities by U.S. persons or from the United States that promote exportation or transshipment of goods of Haitian origin exported after May 21, 1994, except for informational materials;
- —prohibits dealings by U.S. persons or in the United States or using U.S.-registered vessels or aircraft in goods of Haitian origin exported after May 21, 1994, except for informational materials;
- —prohibits the sale, supply, or exportation by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of any goods to Haiti or in connection with Haitian businesses, or activities by U.S. persons or in the United States that promote such sale, supply, or exportation, except for informational materials, certain foodstuffs, and medicines and medical supplies;
- —prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and
- —authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to implement certain provisions of United Nations Security Council Resolution 917 of May 6, 1994, which take effect no later than May 21, 1994, and require additional measures to tighten the embargo against Haiti with the goal of the restoration of democracy in that nation and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1994.*

□ 1210

EXTENSION OF NATIONAL EMERGENCY RELATIVE TO PROLIFERATION AND USE OF CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. RICHARDSON] laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701, et seq.). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the Federal Register and transmits to the Congress a notice of its continuation. On November 12, 1993, I extended the national emergency on the basis that the proliferation of chemical and biological weapons continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act contain periodic reporting requirements regarding activities taken and money spent pursuant to an emergency declaration. The following report is made pursuant to those provisions. Additional information on chemical and biological weapons proliferation is contained in the report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiatives are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons (CBW) or unmanned delivery systems for weapons of mass destruction.

During the last 6 months, the United States has continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

More than 150 nations have signed the Chemical Weapons Convention (CWC) and a number have already ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. I have urged all nations, including the United States, to ratify the Convention quickly so that it can enter into force at the earliest possible date of January 13, 1995. We also have continued to urge those countries that have not signed the Convention to do so. The United States plays a leading role in the work of the CWC Preparatory Commission headquartered in The Hague, to elaborate the technical and administrative procedures for implementing the Convention.

The United States participated actively in the Ad Hoc Group of Government Experts convened by the Third Biological Weapons Review Conference to identify and examine potential verification measures. The consensus final report of the experts group will be considered at a Special Conference of States Parties, to be held September 19–30, 1994. The United States supports the holding of a Special Conference and will promote new transparency measures to help strengthen the Convention.

The membership of the Australia Group (AG) of countries cooperating against CBW proliferation stands at 25. At the December 1993 meeting of the AG, members reiterated their commitment to comprehensive and global chemical and biological disarmament, which can only be achieved by the early entry into force and effective and universal implementation of the CWC and full compliance with the Biological Weapons Convention. In this context, members stressed the importance of encouraging the widest possible adherence to the CWC.

Experts at the December AG meeting also discussed ways of implementing CBW export controls more effectively. The Group considered streamlining licensing procedures applicable to mixtures and small quantities of precursor chemicals, with a view to facilitating legitimate trade without increasing the risk of contributing to potential weapons production. It also took steps to enhance cooperation in enforcement of existing controls.

The United States Government determined that three commercial entities in Thailand had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against the entities, effective on February 8, 1994. Additional information on this determination is contained in a classified report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Progress also was made in the steps taken by countries outside the AG to extend chemical weapons-related export controls. For example, the Royal Thai Government adopted regulations to prevent the export of Thai laborers to programs of CBW concern. Poland enacted legislation to implement controls on CBW-related items.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no additional expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1994.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4425) to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, to revise and improve veterans' health programs, and for other purposes.

The Clerk read as follows:

H.R. 4425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONSTRUCTION AUTHORIZATION

SEC. 101. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) PROJECTS IN PRESIDENT'S BUDGET.—(1) Except as provided in paragraph (2), the Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995.

(2) The Secretary is not authorized to carry out—

(A) the project described in the budget of the President for fiscal year 1995 for the construction of a research addition at Huntington, West Virginia; or

(B) the project described in the budget of the President for fiscal year 1995 for the construction of a research addition at Portland, Oregon.

(b) ADDITIONAL PROJECTS.—In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects, in the amounts specified:

(1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund.

(2) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, $7,300,000.

(3) A lease/purchase of a nursing home facility near Ft. Myers, Florida, $18,630,000.

(4) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of $50,000,000.

(c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is hereby authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $343,800,000 for the major medical facility projects authorized in subsections (a) and (b) of section 101; and

(2) $15,800,000 for the major medical facility leases authorized in section 101(a).

(b) LIMITATION.—The projects authorized in subsections (a) and (b) of section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) LIMITATION ON CERTAIN PROJECTS.—The projects authorized in subsection (c) of section 101 may only be carried out using—

(1) funds appropriated, as well as funds transferred by the President, to the Construction, Major Projects account pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211);

(2) funds appropriated to the Medical Care account by the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211) that are transferred by law to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1994 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1994 for a category of activity not specific to a project.

TITLE II—HEALTH CARE PLANNING AND PROGRAMS

SEC. 201. HEALTH CARE FACILITIES MISSIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe a specific, detailed statement of the mission of, and the clinical programs to be operated at, each health care facility of the Department, determined based upon a requirement that each such facility operate within a network of Department facilities in the same geographic area which, taken together, provide a full range of services for veterans.

(b) PURPOSES OF MISSION STATEMENTS.—The mission statements shall be designed so as to permit—

(1) effective planning;

(2) reduction in duplication of services and programs in the same geographic area;

(3) realignment of services among facilities within each network;

(4) improved means of resource distribution; and

(5) more efficient delivery of needed services.

(c) REVIEW OF CURRENT MISSIONS.—In preparing the mission statements under subsection (a), the Secretary shall review the existing missions and clinical programs at each health care facility of the Department.

(d) DEADLINE AND REPORT.—The Secretary, not later than nine months after the date of the enactment of this Act, shall—

(1) prescribe the mission statements required by subsection (a); and

(2) submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section and on the timetable and projected milestones for implementing actions to enable each such facility to carry out fully its prescribed missions.

SEC. 202. PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) EXTENSION OF PROGRAM.—Subsection (a) of section 1720C of title 38, United States Code, is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1997,".

(b) VETERANS ELIGIBLE TO PARTICIPATE IN PROGRAM.—Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(c) REPORT DEADLINES.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 104 Stat. 438) is amended—

(1) by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1997,"; and

(2) by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1996,".

TITLE III—MEDICAL FACILITIES ACQUISITION

SEC. 301. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) of title 38, United States Code, is amended—

(1) by striking out "shall include—" and inserting in lieu thereof "shall include:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to the project.

"(5) Current and projected workload and utilization data.

"(6) The relationship between the mission of the facility and the missions and capabilities of other nearby Department facilities and, as applicable, the availability or lack of availability of alternative sources of service in the community and the cost-effectiveness of using such alternative sources.

"(7) Current and projected operating costs of the facility.

"(8) The raw score assigned to the proposal under the Department's prioritization methodology and, if the project is being proposed for funding ahead of a project with a higher score, a comprehensive explanation of the specific factors on the basis of which the project is being proposed for funding ahead of each such higher-scored project.

"(9) A listing of each alternative to construction of the facility that has been considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 302. PRIORITIZATION METHODOLOGY.

(a) REVIEW OF METHODOLOGY.—The Secretary of Veterans Affairs shall conduct a review of the methodology used by the Department for establishing the relative priority for major construction projects under consideration in the Department.

(b) REVISION.—Based upon the review under subsection (a), the Secretary shall revise the prioritization methodology so as to give additional weight, as determined appropriate by the Secretary taking into consideration particularly the needs of the aging veteran population, to projects intended to expand long-term care and ambulatory care programs.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the actions of the Secretary in carrying out this section.

SEC. 303. SEMIANNUAL COMPILATION OF CONSTRUCTION PRIORITIES.

Section 8107 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall submit to each committee, not later than January 31 and July 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project. The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

"(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

"(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.

SEC. 304. DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.

Subparagraph (A) of section 8104(a)(3) of title 38, United States Code, is amended by inserting before the period at the end the following: ", and, in the case of a project which is principally for the alteration of a medical facility to provide additional space for provision of ambulatory care, such term means a project involving a total expenditure of more than $5,000,000".

TITLE IV—STATE HOME PROGRAM

SEC. 401. PER DIEM FOR ADULT DAY HEALTH CARE.

(a) IN GENERAL.—Subsection (a) of section 1741 of title 38, United States Code, is amended to read as follows:

"(a)(1) The Secretary shall pay to each State a per diem amount for each veteran receiving domiciliary care, nursing home care, hospital care, or adult day health care in a State home if the veteran is eligible to receive that care in a Department facility.

"(2) The per diem rate to be paid under this subsection is as follows:

"(A) For domiciliary care, $15.11 for each day.

"(B) For nursing home care and hospital care, $35.37 for each day.

"(C) For adult day health care, $16.28 for each day.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to adult day health care provided in a State home after September 30, 1994.

SEC. 402. CONSTRUCTION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 81 of title 38, United States Code, is amended as follows:

(1) Section 8131(3) is amended by inserting "or adult day health care" after "hospital care".

(2) Section 8132 is amended by inserting "adult day health care" after "hospital care".

(3) Section 8135(a)(4) is amended by inserting "and, in the case of adult day health care, not more than 25 percent of the number of patients participating in that program," after "occupancy".

(4) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting ", or would involve expansion, remodeling, or alteration of existing buildings for the furnishing of adult day health care" after "buildings".

(5) Section 8136 is amended by inserting "adult day health care" after "hospital care".

(6) The heading of such subchapter is amended to read as follows:

"SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE".

(b) CLERICAL AMENDMENT.—The item relating to subchapter III in the table of sections at the beginning of such chapter is amended to read as follows:

"SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to grants made to States using funds appropriated after the date of the enactment of this Act.

TITLE V—MISCELLANEOUS

SEC. 501. DEPARTMENT OF VETERANS AFFAIRS RESEARCH ADVISORY COMMITTEES.

(a) STATUTORY BASIS FOR RESEARCH ADVISORY COMMITTEES.—Chapter 5 of title 38, United States Code, is amended by adding at the end of subchapter III the following new section:

"§544. Veterans research advisory committees

"(a) Congress declares that each of the veterans research advisory committees specified in subsection (c) (previously established by the Secretary in carrying out the duties of the Secretary under section 7303 of this title) has a continuing, ongoing function that is integrally related to the successful completion by the Department of its statutory duties. Each such committee shall, for all purposes, operate as though such committee had been established by, and chartered pursuant to, law. The objectives and scope of the activities of each such committee and the duties for which the committee is responsible, as specified by the Secretary as of March 1, 1993, shall be those in effect as of that date.

"(b) The Secretary may not terminate a veterans' research advisory committee specified in subsection (c) unless the Secretary finds that the committee is no longer needed. Not less than 120 days before terminating such a committee, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed termination. The report shall include an explanation of (1) the basis for the Secretary's determination that such committee is no longer needed, and (2) the manner in which the Secretary will carry out the Secretary's responsibilities under section 7303 of this title in the absence of the committee.

"(c) For purposes of this section, each of the following committees and boards, as established by the Secretary as of March 1, 1993, shall be considered to be a veterans' research advisory committee:

"(1) The Career Development Committee.

"(2) The Department of Veterans Affairs Cooperative Studies Evaluation Committee.

"(3) The Merit Review Board for Basic Sciences Programs.

"(4) The Merit Review Board for Cardiovascular Programs.

"(5) The Merit Review Board for Clinical Pharmacology Alcoholism, and Drug Dependence Programs.

"(6) The Merit Review Board for Endocrinology Programs.

"(7) The Merit Review Board for Gastroenterology Programs.

"(8) The Merit Review Board for Hematology Programs.

"(9) The Merit Review Board for Immunology Programs.

"(10) The Merit Review Board for Infectious Diseases Programs.

"(11) The Merit Review Board for Mental Health and Behavioral Sciences Programs.

"(12) The Merit Review Board for Nephrology Programs.

"(13) The Merit Review Board for Neurobiology Programs.

"(14) The Merit Review Board for Oncology Programs.

"(15) The Merit Review Board for Respiration Programs.

"(16) The Merit Review Board for Surgery Programs.

"(17) The Scientific Review Evaluation Board for Health Services Research and Development.

"(18) The Scientific Review Evaluation Board for Rehabilitation Research and Development.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 543 the following new item:

"544. Veterans research advisory committees.".

SEC. 502. CHILD CARE SERVICES.

(a) REVISED CHILD CARE AUTHORITY.—Chapter 81 of title 38, United States Code, is amended by inserting after section 8116 the following new section:

"§8117. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities. The operation of such centers under this section shall be carried out to the extent that the Secretary determines, based on the demand of employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so.

"(b)(1) In offering child care services under this section, the Secretary shall give priority (in the following order) to employees of—

"(A) the Department;

"(B) other departments and agencies of the Federal Government, and

"(C) schools affiliated with the Department and corporations created under section 7361 of this title.

"(2) To the extent that space is available, the Secretary may provide child care services to members of the public at a child care center operated under this section if the Secretary determines that to do so is necessary to assure the financial success of that center.

"(c)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section. Such charges may be established at different rates for different centers.

"(2) In establishing charges for child care services provided at a center, the Secretary—

"(A) shall (except as provided in paragraph (3)) establish the charges so as to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center; and

"(B) may also consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (d)(2).

"(3) The Secretary may establish charges for child care services provided at a center at rates less than those necessary to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center if the Secretary determines (with respect to a particular facility of the Department) that—

"(A) the operation of a child care center at that facility would help overcome serious recruitment or retention problems;

"(B) adherence to the requirement to establish charges for child care services at that center at rates sufficient to meet the staffing expenses of that center would make the operation of a child care center at that facility unfeasible; and

"(C) there are no other practical alternatives to meeting the needs of employees at that facility for child care services.

"(4) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.

"(d) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees of or volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(e) The Secretary shall prescribe guidelines to carry out this section.

"(f) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section.".

(b) CONFORMING REPEAL.—Section 7809 of such title is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8116 the following new item:

"8117. Child care centers.".

(2) The table of sections at the beginning of chapter 78 of such title is amended by striking out the item relating to section 7809.

SEC. 503. CONTRACTS FOR UTILITIES, AUDIE L. MURPHY MEMORIAL HOSPITAL.

(a) AUTHORITY TO CONTACT.—Subject to subsection (b), the Secretary of Veterans Affairs may enter into contracts for the provision of utilities (including steam and chilled water) to the Audie L. Murphy Memorial Hospital in San Antonio, Texas. Each such contract may—

(1) be for a period not to exceed 35 years;

(2) provide for the construction and operation of a production facility on or near property under the jurisdiction of the Secretary;

(3) require capital contributions by the parties involved for the construction of such a facility, such contribution to be in the form of cash, equipment, or other in-kind contribution; and

(4) provide for a predetermined formula to compute the cost of providing such utilities to the parties for the duration of the contract.

(b) FUNDS.—A contract may be entered into under subsection (a) only to the extent and in the amount provided in advance in appropriations Acts.

(c) ADDITIONAL TERMS.—The Secretary may include in a contract under subsection (a) such additional provisions as the Secretary considers necessary to secure the provision of utilities and to protect the interests of the United States.

SEC. 504. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veterans Affairs, during the period from February 28, 1994, through June 1, 1994, may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 505. WAIVER OF CONGRESSIONAL WAITING PERIOD REQUIREMENT FOR A SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) WAIVER.—The Secretary of Veterans Affairs may undertake the administrative reorganization described in subsection (b) of this section without regard to the waiting period requirement of section 510(b) of title 38, United States Code.

(b) COVERED ADMINISTRATIVE REORGANIZATION.—The administrative reorganization referred to in subsection (a) of this section is a reorganization at the Department of Veterans Affairs Medical Center in Sepulveda, California, necessitated by the January 1994 earthquake damage at that location, as described in the letters dated April 25, 1994, and the accompanying detailed plan and justification, submitted by the Secretary of Veterans Affairs to the chairmen of the House and Senate Committees on Veterans' Affairs pursuant to section 510(b) of title 38, United States Code.

SEC. 506. TECHNICAL AMENDMENT.

Section 7363(c) of title 38, United States Code, is amended by striking out "section 501(c)(3) of".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi.

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4425 authorizes various VA construction projects during the next fiscal year. Under current law, VA cannot proceed with any construction project costing $3 million or more, unless the project has been authorized by the Congress. The law also applies to any lease agreement that exceeds $300,000 per year.

The bill also contains several provisions that would improve VA's construction planning process—a process that has been subject to much criticism for the past several years. The enactment of this bill would require VA to establish specific missions for each of its health care facilities.

Several provisions contained in H.R. 4425 were originally part of H.R. 2034, which passed the House on May 18 last year. Unfortunately, the Senate failed to act on those provisions. We hope the other body will work with us on these important provisions before we adjourn this session.

Given the current Federal budget deficit and the limited amount of construction funds available to VA, the Department must do a better job of evaluating proposed construction projects and deciding which ones have the highest priority.

Mr. Speaker, the distinguished chairman of the subcommittee, Dr. ROY ROWLAND, is on his way back from Georgia and, in his absence, I will briefly explain the major provisions of the bill.

The bill authorizes most of the construction projects proposed by the

President in his fiscal year 1995 budget, including all of the projects requiring authorization that the President proposes be financed with funds from the Health Care Investment Fund.

The bill authorizes the construction of a nursing home facility at the VA Medical Center in Charleston, SC. This project was not included in the President's budget, although VA has rated Charleston as one of the areas in the country most in need of VA nursing home beds.

The bill authorizes the lease-purchase of a nursing home facility near Ft. Myers, FL, a project which is also badly needed.

Finally, the bill authorizes the construction of an outpatient care addition at the VA medical center in Phoenix, AZ, which State is receiving more veterans each year.

Mr. Speaker, all of the projects contained in this bill are rated high priority by the Department of Veterans Affairs and I am pleased to support the committee bill.

I want to express my appreciation to Chairman J. ROY ROWLAND and ranking minority member, the Honorable CHRIS SMITH of New Jersey, for their work on the bill.

In addition, I want to thank my good friend, the Honorable BOB STUMP, ranking minority member of the full committee, for his leadership and support of the bill.

I urge my colleagues to support H.R. 4425.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to state my strong support for this legislation and I would like to commend the chairman of the full committee, SONNY MONTGOMERY, and the chairman and ranking minority member of the Subcommittee on Hospitals and Health Care, ROY ROWLAND and CHRIS SMITH, for the bipartisan manner with which this bill was drafted.

H.R. 4425 more than doubles the administration's proposal which would have effectively gutted VA's construction program for fiscal year 1995. Once again this committee has demonstrated its willingness to be an advocate on behalf of veterans rather than simply making decisions based on the budget bottom-line.

I am especially pleased that this authorization bill includes provisions from H.R. 2034 which passed the House last year, but were held up in the other body. These provisions will provide the cornerstone for future VA construction planning.

I believe it is essential that VA revise its planning methods in order to adequately prepare to meet the changing needs and demographic trends of veterans.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, let me compliment the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Georgia [Mr. ROWLAND] and the ranking Republican member, the gentleman from Arizona [Mr. STUMP] for their great work on this important legislation.

As usual, we bring to the full House of Representatives a bipartisan bill. The details have been worked out painstakingly. This is an excellent bill that will very significantly help our veterans in America.

Mr. Speaker, this bill was carefully crafted to ensure that VA health care in our country remains the best that we can possibly offer, and this is especially vital as we move to reform health care from top to bottom in the United States. The VA must be competitive, Mr. Speaker, and they must offer top quality if we are to attract the kind of people that we hope especially during health care reform to keep this system viable.

I am also very pleased, Mr. Speaker, that our bill focuses on ambulatory care for veterans whose treatment may only require outpatients therapy. For too many years, veterans have been forced to wait for inpatient services when in fact they could be treated just as effectively on an outpatients basis. This legislation requests the VA to review its methodology for prioritizing major construction projects, giving added weight to ambulatory care projects.

I am also pleased, Mr. Speaker, that this legislation nearly triples President Clinton's funding request for major construction projects. Our committee approved a $343 million budget, as opposed to the paltry $115 million request from the administration. The President, in my view, has obviously miscalculated the need for increased funding for the delivery of health care. And as in the past, we have moved in a bipartisan way to redress those underfunding requests.

Mr. Speaker, I fully support this legislation and am very proud to be one of the sponsors of it. I hope the full House will give its assent to it.

Mr. MONTGOMERY. Mr. Speaker, this is a fine bill. It has been well crafted. I hope we will get a unanimous consent on this bill.

Mr. ROWLAND. Mr. Speaker, I rise in support of H.R. 4425.

The Veterans' Affairs Committee's Subcommittee on Hospitals and Health Care recently adopted an amendment in the nature of a substitute to title VIII of H.R. 3600, the proposed Health Security Act. Our recent discussions about VA's role under health care reform makes consideration of H.R. 4425 particularly timely. The VA's ability to seize on the challenge of health care reform and mobilize itself depends on many factors. One of those factors is the Department's ability to modernize its health care system's infrastructure.

Under the leadership of Chairman SONNY MONTGOMERY, the Veterans' Affairs Committee has taken very seriously its role of charting the course for the VA construction program. Significantly, H.R. 4425, which was adopted unanimously by our committee, not only authorizes needed construction projects, but improves the construction planning process and our tools for overseeing the VA's construction program.

H.R. 4425 requires VA to establish specific missions for each of its health care facilities. Requiring VA to identify the specific role each of its facilities will play in delivering care to veterans will provide a reliable base for facility planning. Taking such action will help assure that proposed construction activity dovetails with sound planning. Improving strategic planning at our medical facilities will also encourage needed streamlining within the VA system.

In addition to fostering better planning, H.R. 4425 aims to improve the system through which VA evaluates and ranks proposed construction projects. With a dramatic decline in VA major construction budgets in recent years, VA and the Congress are critically in need of a reliable means of distinguishing objectively among competing construction projects.

H.R. 4425 addresses this concern in two ways. It requires more frequent and detailed VA reporting as to which projects constitute its highest construction priorities and directs VA to document the factors accounting for those rankings. It also calls for increasing the priority given projects that expand VA's capacity to provide ambulatory care and long-term care, areas of greatest need.

That priority is reflected in this bill, which authorizes a series of much-needed ambulatory care projects, including those proposed for funding through the administration's so-called investment fund, as well as several urgently needed nursing home care projects.

H.R. 4425 authorizes $17.2 million in design funds for a medical center and nursing home for Brevard County, FL, as part of a joint venture with Patrick Air Force Base; $62.3 million for seismic corrections and construction of upper floors to the bed tower, VAMC, Memphis, TN; $28.20 million for a satellite outpatient clinic and nursing home in Ft. Myers, FL; $48 million for an ambulatory care addition at the VAMC, Boston, MA; $14 million for a satellite outpatient clinic/nursing home in Orlando, FL; $22.9 million for an ambulatory care addition at the VAMC, Columbia, MO; $29.2 million for an ambulatory care addition at the VAMC, Hampton, VA; $48.6 million for an ambulatory care addition at VAMC, West Haven, CT; $50 million for an ambulatory care addition at VAMC, Phoenix, AZ; $7.3 million for a nursing home at VAMC, Charleston, SC; and construction funding in the amount of $103.7 million, already appropriated in the 1994 emergency supplemental, in connection with earthquake damage at the VAMC's in Sepulveda and Los Angeles. H.R. 4425 also authorizes

$8.5 million for a facility lease for a satellite outpatient clinic in Ponce, PR, and $7.3 million for a facility lease for satellite outpatient clinic in Winston-Salem, NC.

The bill also aims to encourage VA to convert numbers of its hospital wards into ambulatory care clinics. It would facilitate VA medical center efforts to make those changes through targeted use of its minor construction appropriation—by increasing the threshold on the use of minor construction funding for such projects from the current $3 million to $5 million.

Finally, this bill incorporates a number of provisions from last year's House-passed construction authorization bill on which the Senate failed to act.

I urge my colleagues to support H.R. 4425.

Mr. DE LA GARZA. Mr. Speaker, today we consider H.R. 4425, a bill to authorize a total of $344 million in fiscal year 1995 for the construction of major VA medical facility projects. This is a sound investment—one which evidences our commitment to seeing the needs of our Nation's veterans met.

Let me take this opportunity, however, to say I feel there is one region of the Nation which remains woefully underserved and that is south Texas. I cannot emphasize too strongly just how badly a VA hospital is needed there. I am well aware of the criteria for building a hospital—it is to demonstrate that the need exists. The voices of the veterans and the veterans organizations in south Texas evidence that there is such a need. In fact, statistics show the number of veterans continues to grow and that the number of veterans retiring to Sun Belt States such as Texas is rapidly on the rise. This is why I must say, as I have before in the past—improving access to health care for veterans must be a priority concern. It certainly is for me.

Currently there are approximately 40,000 veterans in the Rio Grande Valley of Texas. In winter months approximately 80,000 winter Texans come to our area and of that total 50 percent are veterans. It is true we have an expanded outpatient clinic, but the clinic refers countless patients to San Antonio every day—the nearest hospital—and for veterans to have to travel distances of approximately 200 miles to reach the closest hospital is something that I simply do not feel is acceptable. The solution is to afford serious consideration to addressing the health care needs of our veterans by pushing for and building a hospital.

Let me close by saying we certainly appreciate the committee's work on projects such as those being considered today, and we ask them to include south Texas in the next round of planned additions to the VA system.

□ 1220

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4425.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING CERTAIN TECHNICAL CORRECTIONS TO VARIOUS FEDERAL STATUTES AFFECTING NATIVE AMERICANS

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill (S. 1654) to make certain technical corrections.

The Clerk read as follows:

Senate amendments to House amendment:

Page 1, strike out all after line 2 over to and including line 10 on page 2 of the House engrossed amendment and insert:

(a) ENVIRONMENTAL COSTS.—Section 7 of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended by adding the following new subsections (f) and (g) and redesignating the succeeding subsections accordingly:

"(f) ENVIRONMENTAL COSTS.—All costs associated with the Tongue River Dam Project for environmental compliance mandated by Federal law and fish and wildlife mitigation measures adopted by the Secretary are the sole responsibility of the United States. Funds for such compliance shall be appropriated pursuant to the authorization in subsection (e), and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act. The Secretary is authorized to expend not to exceed $625,000 of funds appropriated pursuant to subsection (e) for fish and wildlife mitigation costs associated with Tongue River Dam construction authorized by the Act, and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act.

"(g) REIMBURSEMENT TO STATE.—The Secretary shall reimburse Montana for expenditures for environmental compliance activities, conducted on behalf of the United States prior to enactment of this subsection (g), which the Secretary determines to have been properly conducted and necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this subsection (g), the Secretary may not reimburse Montana for any such environmental compliance activities undertaken without the Secretary's prior approval.".

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B), and the authorization for environmental compliance activities for the Tongue River Dam Project contained in subsection 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

Page 4, line 15, before "Section" of the House engrossed amendment insert: *(a)*

Page 5, after the 4th unnumbered line of the House engrossed amendment, insert:

(b) Section 16 of the Act of June 18, 1934 (25 U.S.C. 476) is amended by adding at the end the following new subsections:

"(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

"(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1654 makes certain technical amendments to various Federal statutes affecting native Americans. The bill makes technical amendments to six Federal statutes. Although the House has already passed this measure, there are two changes which were made in the Senate. There is a slight change to the first section regarding the Northern Cheyenne Water Settlement, which was done at the request of the Department of the Interior. There is also an amendment to the Indian Reorganization Act which I will discuss at great length.

The first provision amends the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 to clarify provisions relating to environmental compliance and mitigation with regard to the repair and enlargement of the Tongue River Dam.

The second provision amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to correct an error in the text.

The third section amends a provision included in the 1994 Interior Appropriations Act, the original provision cited the wrong section of the Higher Education Act.

The fourth provision amends the White Earth Reservation Land Settlement Act of 1985 to authorize the Secretary of the Interior to make necessary corrections to the listing of allotments eligible for compensation pursuant to the Settlement Act.

The fifth provision amends the Grand Ronde Reservation Act of 1988 to clarify that three additional parcels of land which are held in trust by the Federal Government for the benefit of the Grand Ronde Tribe are included as part of the tribe's reservation.

Finally, the provision which was added by the Senate amends section 16 of the Indian Reorganization Act of 1934 [IRA]. The purpose of the amendment is to clarify that section 16 of the Indian Reorganization Act was not intended to authorize the Secretary of the Department of the Interior to create categories of federally recognized Indian tribes. The Department of the Interior has interpreted section 16 to authorize the Secretary to categorize or classify Indian tribes as being either created or historic. According to the Department, created tribes are only authorized to exercise such powers of self-governance as the Secretary may confer on them.

This distinction between historic and created Indian tribes was first presented by the Bureau of Indian Affairs in testimony before my subcommittee during hearings on H.R. 734, a bill to provide relief to the Pascua Yaqui Indian Tribe of Arizona. The Bureau of Indian Affairs took the position that the Pascua Yaqui Indian Tribe was a created Indian tribe and therefore did not have the inherent authority to regulate law and order on their reservation. Their position was not persuasive then nor is it persuasive today. There is no basis in law or policy for the manner in which section 16 has been interpreted by the Department of the Interior. Indian tribes exercise powers of self-governance by reason of their inherent sovereignty and not by virtue of a delegation of authority from the Federal Government. Neither the Congress nor the Secretary can create an Indian tribe where none previously existed. Congress itself cannot create Indian tribes, so there is no authority for the Congress to delegate to the Secretary in this regard.

The recognition of an Indian tribe by the Federal Government is an acknowledgement that the Indian tribe is a sovereign entity with governmental authority which predates the U.S. Constitution. The Federal Government has extended recognition to Indian tribes through treaties, Executive orders, a course of dealing, decisions of the Federal courts, acts of Congress and administrative action. Whatever the method by which recognition was extended, all Indian tribes enjoy the same relationship with the United States and exercise the same inherent authority.

Section 16 was intended to provide a mechanism for the tribal adoption and Secretarial approval of tribal constitutions. The interpretation of section 16 which has been developed by the Department is not consistent with the principal policies underlying the IRA, which were to stabilize Indian tribal governments and to encourage self-government. The effect of the Department's interpretation of section 16 has been to destabilize Indian tribal governments.

The Indian Reorganization Act [IRA] does not authorize or require the Secretary to establish classifications between tribes or to categorize them based on their powers of self-governance, and the Federal courts have consistently construed the IRA to have had no substantive effect on inherent tribal sovereign authority.

The amendment to section 16 clarifies that the Indian Reorganization Act does not authorize or require the Secretary to establish classifications between Indian tribes. The amendment would void any past determination by the Department that an Indian tribe is created and would prohibit any such determinations in the future.

The amendment is intended to prohibit the Secretary or any other Federal official from distinguishing between Indian tribes or classifying them not only on the basis of the IRA but also on the basis of any other Federal law. Other agencies of the Federal Government may have developed distinctions or classifications between federally recognized Indian tribes based on information provided to those agencies by the Department of the Interior. The amendment to section 16 of the IRA is intended to address all instances where such categories or classifications of Indian tribes have been applied and any statutory basis which may have been used to establish, ratify, or implement the categories or classifications.

The amendment will correct any instance where any federally recognized Indian tribe has been classified as created and that it will prohibit such classifications from being imposed or used in the future. The amendment makes it clear that it is and has always been Federal law and policy that Indian tribes recognized by the Federal Government stand on an equal footing to each other and to the Federal Government, and that each federally recognized Indian tribe is entitled to the same privileges and immunities as other federally recognized tribes.

The amendment will also remove what appears to be a substantial barrier to the full implementation of the policies of self-determination and self-governance. The committee fully expects that the Department will act as promptly as possible after enactment of this amendment to seek out and notify every Indian tribe which has been classified or categorized as created that the classification no longer applies and to take any other steps which are necessary to implement the amendment.

Mr. Speaker, there is great danger in a policy wherein the Department of the Interior and the Bureau of Indian Affairs are allowed to limit the inherent sovereign authority of Indian tribes by the Solicitor's pen. If carried to an extreme, the Solicitor could by fiat significantly erode tribal sovereignty through a series of opinions and carry out his or her own termination policy. With the exception of the framework imposed by the judicial branch, the formulation of Indian policy is virtually the sole province of the Congress and Indian tribes. The Congress has never acknowledged distinctions in or classifications of inherent sovereignty possessed by federally recognized Indian tribes. Tribal sovereignty must be preserved and protected by the executive branch and not limited or divided into levels which are measured by the Bureau of Indian Affairs and the Department of the Interior. We must not revisit the darkest period of Federal Indian policy by allowing the termination of tribal sovereign authority through the implementation of the Bureau of Indian Affairs policy distinction between historic and created Indian tribes.

Mr. Speaker, all of the provisions in this bill are noncontroversial and supported by the administration. The bill enjoys broad-based support. I urge my colleagues to support it, and urge that the House concur with the Senate amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1654. Since the House has previously considered most of the provisions in this bill, and since the gentleman from New Mexico has admirably described the amendments made to it in the other body, I will be brief. As the gentleman has mentioned, the first amendment made in the other body clarifies a provision dealing with the Northern Cheyenne Indian Reserved Water Rights Settlement Act. The second, of much more interest to me, prohibits the BIA from distinguishing between federally recognized tribes as created or historic, and denying them certain authority based on those classifications.

I have been greatly troubled by the recent trend on the part of the BIA in unilaterally removing Federal recognition from tribes and tribal leaders. The

BIA's historic versus created dichotomy is, in my mind, simply another manifestation of this disturbing tendency. In a recent letter to Chairman Miller, the BIA indicated that it intends to differentiate between federally recognized tribes as being created or historic. The BIA has taken the position that created tribes do not possess all the powers of a sovereign tribal government: They cannot zone, regulate law and order, or tax. However, this whole convoluted theory is not mandated by Congress, but rather is the spawn of a questionable opinion of the Solicitor of the BIA. In my opinion, it runs counter to the well-established principal that a tribe retains all inherent authority which has not been explicitly divested by Congress. When Federal recognition was extended to the tribes the BIA now terms created, we gave absolutely no indication that they were to have anything less than full sovereign authority within the confines of existing Indian law. Yet now the BIA has unilaterally decided that they are not fully sovereign.

Once again, congressional action has been necessary to correct this blunder. We recently passed H.R. 734, a bill designed to prohibit this distinction from being applied to the Pascua Yaqui people of Arizona. On April 14, I was pleased to cosponsor H.R. 4231, introduced by Chairman Richardson, to ensure that we do not have to do the same for the next historic tribe on the BIA's hit-list. The other body has added the language of H.R. 4231 as an amendment to S. 1654, a move I fully support.

Mr. Speaker, I urge my colleagues to support S. 1654.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be remiss if I did not mention the role of the gentleman from Oregon [Mr. Kopetski] in the passage of the Grand Ronde provisions of the bill, as well as the gentleman from Montana [Mr. Williams] in the passage of the provisions relating to the Northern Cheyenne. I wish to thank the gentleman from Wyoming [Mr. Thomas] for his outstanding bipartisanship and assistance as we moved through many difficult native American issues, including recognition, Indian health care, and many others in this session.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr. Richardson] that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 1654.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendment to the House amendment to the Senate bill was concurred in.

A motion to reconsider was laid on the table.

IN RECOGNITION AND ENCOURAGEMENT OF THE CONVENING OF A NATIONAL SILVER HAIRED CONGRESS

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 176) to recognize and encourage the convening of a national silver haired Congress.

The Clerk read as follows:

H. Con. Res. 176

Whereas many States have encouraged and facilitated the creation of senior citizen legislative and advocacy bodies;

Whereas in creating such bodies these States have provided many older Americans the opportunity to express concerns, promote appropriate interests, and advance the common good by influencing legislation and actions of State government; and

Whereas a National Silver Haired Congress, with representatives from each State, would provide a national forum for a nonpartisan evaluation of grassroots solutions to concerns shared by an increasing number of older Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby recognizes and encourages the convening of an annual National Silver Haired Congress in the City of Washington, District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. Kildee] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. Barrett] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Kildee].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 176 which calls for the convening of a national silver haired Congress.

Currently, seniors in 24 States have the opportunity to participate in silver haired legislatures.

These forums enable seniors from all walks of life to convene in the form of a legislative body to discuss issues of importance to them.

By forming these legislative bodies seniors have the opportunity to research and discuss important issues, and develop legislative solutions.

Through this process elderly persons not only focus attention on the needs of the elderly, but also gain a greater understanding of the legislative process.

Mr. Speaker, I wish to thank Mr. Gephardt for introducing this legislation and for his leadership on issues affecting the elderly.

I also want to thank Mr. Martinez, chairman of the Subcommittee on Human Resources and Ms. Molinari, ranking Republican of that subcommittee, for their important contributions to improving the lives of the elderly.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of House concurrent resolution 176—a sense of the Congress to recognize and encourage the convening of a national silver haired Congress.

This legislation recognizes that, for two decades, silver haired legislatures have convened in 24 States, including my State of Nebraska, to provide a nonpartisan forum to discuss issues of concern to senior Americans, such as consumer protection, health care, crime prevention, and many other similar issues.

These mock Congresses have been very successful in allowing senior citizens to voice their views on these important issues.

This legislation, of which I am a cosponsor, expresses the sense of the Congress that a similar silver haired Congress should be convened on the national level.

It should probably also be noted that this legislation does not authorize any public funds for the creation of such a Congress.

Again, I support suspending the rules and passing this concurrent resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 176, a concurrent resolution to recognize and encourage the convening of a national silver haired congress.

As the chairman of the House Human Resources Subcommittee which has jurisdiction over the Older Americans Act, I am fully aware of the myriad of concerns facing the growing ranks of America's seniors, and I am not alone.

Just last December, the President signed H.R. 3161 the Older Americans Act Technical Amendments of 1993 into law.

That legislation, which I sponsored in the House, created the position of Assistant Secretary for Aging in law. In doing so, clearly Congress and the administration recognize the growing importance and influence of older Americans on many of the issues facing cities, States, and the Federal Government today in the way they deal with the aging population.

Mr. Speaker, this resolution, cosponsored by 57 members of the House of Representatives from both sides of the aisle, would authorize no tax dollars, but would encourage a grass roots approach to issues facing our growing population of senior citizens.

Seniors in 24 States have organized State silver haired legislatures since 1973.

Generally modeled after their State legislatures, these forums have provided seniors from all walks of life with the opportunity to come together and focus their concerns on the issues facing our graying society.

Silver haired legislatures have compiled "Elder Legislation" in bill form with an eye on issues like consumer protection, health care, insurance, crime prevention, and housing.

Through a national silver haired congress, a national, grassroots senior citizen forum will be established, contributing to a nationwide awareness of issues facing the senior population.

Although designed to raise public awareness of issues facing older Americans, the national silver haired congress would promote intergenerational understanding by involving civics and government classes of local schools in the preparation of ballots, certification of candidates, and verification of election results.

These students will later be involved in the State and regional caucuses as the "senior congressmen" and "senior senators" prepare their bills and proposals.

Mr. Speaker, as someone who has recently joined the ranks of our Nation's senior citizens, I support grass roots efforts for older Americans such as the silver haired legislatures.

Mr. Speaker, I would also like to add that this resolution is not about lobbyists in Washington, but about local advocates at the grass roots level.

As Congress has seen to recognize the importance of seniors in society, this resolution before the House today recognizes the value of local input from older Americans in formulating policy at the Federal level.

Just as State silver haired legislatures have focused the views of seniors in State governments, this resolution would encourage the creation of a forum for grandmothers and grandfathers to address the issues facing the Nation.

Mr. Speaker, the gentleman from Missouri, our distinguished majority leader, has introduced this legislation and I wish to thank him for his efforts in helping bring this legislation to the floor in a timely manner.

I also wish to thank the ranking minority member of the subcommittee, Ms. MOLINARI, and the ranking minority member of the full committee, Mr. GOODLING, for their bipartisan support of this resolution.

I would also like to once again thank my distinguished chairman from Michigan, BILL FORD, for his assistance in moving this resolution to the floor.

And to that list of distinguished members, I add my thanks to the ranking Democrat on the subcommittee, Mr. KILDEE, for managing this resolution on the floor.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 176.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and agree to the concurrent resolution, House concurrent resolution 176.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on House concurrent resolution 176, the concurrent resolution just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1230

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3679) to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service, as amended.

The Clerk read as follows:

H.R. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junior Duck Stamp Conservation and Design Program Act of 1994".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the "Secretary") may carry out in accordance with this Act a program to be known as the "Junior Duck Stamp Conservation and Design Program" (in this Act referred to as the "Program") to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) PROGRAM FEATURES.—The Program shall consist of—

(1) conducting in all interested States the activities which on the day before the date of the enactment of this Act are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) EFFORT TO CONDUCT PROGRAM IN ALL STATES.—

(1) IN GENERAL.—The Secretary shall take appropriate steps to seek to conduct the Program in all of the 50 States.

(2) ANNUAL REPORT.—The Secretary shall annually submit a report to the Congress on the status of the Program in each of the 50 States.

SEC. 3. JUNIOR DUCK STAMP.

(a) COMPETITION.—As part of the Program, the Secretary may annually conduct a competition to—

(1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and

(2) select winning designs from among those submissions for use of licensing and marketing under subsection (b).

(b) LICENSING AND MARKETING OF DESIGN OF JUNIOR DUCK STAMPS.—As part of the Program, the Secretary may—

(1) license and market winning designs selected in competitions under subsection (a); and

(2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) USE OF PROCEEDS FROM LICENSING AND MARKETING OF JUNIOR DUCK STAMPS AND JUNIOR DUCK STAMP DESIGNS.—Amounts received under subsection (b)—

(1) shall be available at the Secretary until expended, without further appropriations, solely for—

(A) awards and scholarships to individuals who submit designs in competitions under subsection (a), that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and

(C) expenses for licensing and marketing under subsection (b); and

(2) may not be used for administrative expenses of the Program.

SEC. 4. ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 3(c)(1) (A) and (B).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for administrative expenses of the Program $250,000 for each of the fiscal years 1995 through 2000.

SEC. 6. ENVIRONMENTAL EDUCATION CENTER AND REFUGE HEADQUARTERS AT JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM.

(a) IN GENERAL.—Notwithstanding other laws and subject to subsection (b), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may transfer to the National Fish and Wildlife Foundation the Cusano bequest.

(b) CONDITIONS OF TRANSFER.—As a condition of transferring the Cusano bequest under subsection (a), the Secretary of the Interior shall require the National Fish and Wildlife Foundation to enter into an agreement under which the Foundation is required to—

(1) solicit additional non-Federal contributions to provide a dollar for dollar match of the Cusano bequest;

(2) manage the Cusano bequest and those contributions in accordance with all applicable requirements of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.);

(3) use all amounts and proceeds from the Cusano bequest and any non-Federal contributions received pursuant to paragraph (1) for the purpose of designing and constructing a facility for an environmental education center and refuge headquarters on lands located within the John Heinz National Wildlife Refuge at Tinicum; and

(4) donate the facility to the United States Fish and Wildlife Service upon completion of its construction.

(c) CUSANO BEQUEST DEFINED.—For purposes of this section, the term "Cusano bequest" means the amounts totaling approximately $2,473,971 which were donated to the Department of the Interior in 1994 by Mr. Antonio Cusano of Crum Lynne, Pennsylvania, and includes all proceeds derived from such amounts in the period since the donation was made.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am delighted to have our new ranking member.

Mr. Speaker, H.R. 3679, introduced by the gentleman from Texas [Mr. ORTIZ], establishes the Junior Duck Stamp Conservation and Design Program within the U.S. Fish and Wildlife Service.

This conservation education program has existed as a pilot program in selected States since 1990. This legislation directs the Secretary of the Interior to expand the Junior Duck Stamp Design competition to any interested State and provides authority to license the marketing of junior duck stamps to generate revenue to support the conservation education goals of the program.

The committee amendment establishes programmatic goals for the program and adds a new section to help the Fish and Wildlife Service fulfill the last wishes of Mr. Antonio Cusano. In 1994, the Department of the Interior received a bequest of more than $2.4 million from Mr. Cusano to construct, through the National Fish and Wildlife Foundation, an environmental education center at the John Heinz National Wildlife Refuge in Tinicum, PA. Bureaucratic problems have stymied efforts to fulfill Mr. Cusano's wishes. It is frightening to realize that the maze of bureaucratic red tape can, indeed, reach beyond the grave.

Our amendment, which has the support of the administration, will allow the Secretary of the Interior to transfer this bequest to the National Fish and Wildlife Foundation, as was intended by Mr. Cusano. The construction of the center may then go forward with matching funds provided by the Foundation's private donors.

Mr. Speaker, this bill and the committee amendment have unequivocal bipartisan and administration support. I urge the adoption of this measure.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman, too, for allowing me to fill in here. It has to be one of the quickest appointments and promotions in the history of Congress for a committee assignment.

Mr. Speaker, I rise in support of H.R. 3679 and would like to compliment the gentleman from Texas [Mr. ORTIZ], for its introduction.

The Junior Duck Stamp Conservation Program is a unique education effort tailored to students in grades K through 12. It is designed to present scientific and wildlife management principles through a dynamic, active, and visual arts curriculum. One of the special features of this program is that it allows students to develop their artistic talents while learning about wetlands and waterfowl conservation.

There are currently 25 States participating and I hope that with the adoption of H.R. 3679 other States will choose to allow their young men and women to enjoy the benefits of this important program.

Mr. Speaker, the Committee amendment before us today has two parts. The first is a clarification of language in the text concerning the Junior Duck Stamp Program. The second part authorizes the use of moneys recently bequeathed by the late Mr. Antonio Cusano of Philadelphia. The language allows the Secretary of the Interior to use this $2.5 million gift for the construction of a national environmental education center at the John Heinz National Wildlife Refuge at Tinicum, located near Philadelphia, PA. This bequest would be administered by the National Fish and Wildlife Foundation, which is prepared to match it with an additional $2.5 million in private donations for the construction of the national environmental center.

I would like to compliment Congressman WELDON of Pennsylvania for his fine efforts in drafting this language to accommodate the legal nuances that had to be addressed.

Mr. Speaker, I support the adoption of this bill.

Mr. ORTIZ. Mr. Speaker, I rise today in strong support of H.R. 3679, which establishes the Junior Duck Stamp Conservation and Design Program. This program is a conservation education program which fosters in our students and the general public a greater awareness of our Nation's living resources. It allows schools and students to take part in annual junior duck stamp design contests and thereby gain an understanding of the role Federal duck stamps play in the conservation of wetlands and migratory bird habitats. Already, this annual contest and the numerous exhibitions of winning stamp designs at State fairs, wildlife refuges, museums, and other events have been of invaluable assistance in helping inform the public about the need for protection of waterfoul and wetlands.

Currently, the program conducts junior duck stamp design contests in 22 participating States. H.R. 3679 authorizes the Junior Duck Stamp Conservation and Design Program and seeks to expand the program to 50 States. More importantly, it allows the program to permit licensing and marketing of the junior duck stamps and junior duck stamp designs and to use these proceeds to support and fund the awards, scholarships, and educational activities of the program.

The Junior Duck Stamp Conservation and Design Program is an educational program that reaches across economic and cultural boundaries to teach wildlife conservation to American students. Through this legislation, we have given this program the framework and the means to expand to all 50 States, providing schools and students throughout the Nation the opportunity to participate in this worthwhile program.

The program is supported by both the majority and minority members of the Merchant Marine and Fisheries Committee.

I want to thank everyone, especially Chairman STUDDS and Mr. FIELDS, for their time and effort in bringing this bill to the floor, and I urge its support.

Mr. WELDON. Mr. Speaker, I rise in support of H.R. 3679 and would like to compliment my friend, Chairman ORTIZ for its introduction. As a former environmental educator, and a member of the Migratory Bird Conservation Commission, I am well aware of the great benefits of the Junior Duck Stamp Program, and I strongly support H.R. 3679.

Mr. Speaker, the committee substitute amendment before us today contains clarification language for the Junior Duck Stamp Program. The substitute also authorizes the transfer of the Antonio Cusano bequest. The language allows the Secretary of the Interior to transfer the $2.5 million gift to the National Fish and Wildlife Foundation for the construction of an environmental education center and refuge headquarters at the John Heinz National Wildlife Refuge at Tinicum, PA. Since the completed facility is likely to cost over $5 million, the National Fish and Wildlife Foundation is prepared to raise the additional funding required to build the facility.

I would like to thank Chairman STUDDS for agreeing to include this language in the committee substitute amendment. The John Heinz National Wildlife Refuge is one of only two urban wildlife refuges in the Nation. As such, it has the potential to provide a window to the wonders of nature to hundreds of thousands of school-aged children in the Philadelphia region.

In fact, environmental education is one of the refuge's primary missions. When the refuge was established in 1972, it was dedicated as a national environmental education center.

The refuge is the largest remaining freshwater marsh in Pennsylvania. For the residents of Philadelphia and its surrounding suburbs, it is one of the only accessible examples of a functioning marsh ecosystem, making it an ideal living laboratory of schoolchildren.

Unfortunately, due to the lack of facilities, the refuge has been unable to live up to its great potential. For years, I have been working with the U.S. Fish and Wildlife Service to devise a plan to construct an environmental education center on the refuge. Unfortunately, although broad agreement exists within the Fish and Wildlife Service that the refuge is in desperate need for an education facility, the Service has never been able to find the estimated $5.7 million it would cost to build such a facility.

The generosity of Mr. Cusano changed all that. And now, with the language in the committee's amendment and the help of the National Fish and Wildlife Foundation, a national environmental education center will be built at John Heinz.

Antonio Cusano, known to his friends a Tony, lived in Crum Lynne, located only a mile from the refuge, for all but 10 of the 85 years of his life. The star quarterback of the 1927 Ridley Park High School football team, he earned a scholarship to the University of Pennsylvania. An employee of General Electric Co., he retired in 1967.

Throughout his life, Tony let his achievements speak for themselves. He never sought publicity, but always did his best to make the lives of those around him better. As with the rest of his life, Tony's decision to bequeath $2.5 million for an education center at the John Heinz Wildlife Refuge will enrich many lives.

Mr. Speaker, for the children of the Philadelphia region who will benefit most from the construction of this center, the Members of this House owe Mr. Cusano a debt of gratitude. I urge all my colleagues to join me in supporting H.R. 3679.

Mr. CLEMENT. Mr. Speaker. I am pleased to join the members of the Merchant Marine Committee in expressing strong support for the bill establishing the Junior Duck Stamp Conservation and Design Program.

The Junior Duck Stamp Program is modeled after the Federal Duck Stamp Program, which has raised money through the sale of the stamp needed for duck hunting to purchase wetlands and other parcels and land critical to the continued breeding of migratory ducks.

My own interest in this program was sparked by my dear friend, Jeanette Rudy of Nashville. Ms. Rudy is not only a duck hunter, conservationist, and philanthropist, but she is the owner of one of the best and most extensive duck stamp collections in the world. In fact, she has donated this collection to the new National Postage Museum, together with funds to build a gallery to display the collection.

Ms. Rudy has been a judge in the Federal duck stamp competition and now enthusiastic backer of the effort to expand the program to include young people. She has personally lobbied Members of Congress and the administration for the passage of H.R. 3679, which achieves this goal.

The Junior Duck Stamp Program will allow the Fish and Wildlife Service to conduct annual design competitions in elementary and secondary schools and make awards for the best designs. The service is authorized to license and market the designs. This competition will be in conjunction with educational activities concerning wetlands and waterfowl conservation and thus will highlight to students the importance or preserving both wetlands and migratory ducks for the enjoyment of future generations.

I ask my colleagues to join in supporting H.R. 3679.

Mr. FIELDS of Texas. Mr. Speaker, I support the adoption of H.R. 3679, the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 3679 would authorize the Secretary of the Interior to carry out a Junior Duck Stamp Conservation and Design program in each of the 50 States. The program would include an annual competition among elementary and secondary school students to design duck stamps. Winning designs and stamps would be licensed and marketed by the Secretary. The bill would authorize the Secretary to use the resulting proceeds to pay licensing and marketing expenses and to make awards and/or scholarships to students and schools. The Secretary also would be authorized to accept and use donations for these purposes. Finally, the bill would authorize the appropriation of $250,000 for each of fiscal years 1995–2000 to administer the program.

At present, the Junior Duck Stamp Program is being conducted in about 25 States by the National Fish and Wildlife Foundation using a combination of Federal and private funds. I would like to compliment my good friend and distinguished colleague from Texas for introducing this bill, for it is a program that will allow students to develop their artistic talents while learning more about wetlands and waterfowl conservation.

Mr. Speaker, I would also like to compliment my good friend, Congressman WELDON, who has worked diligently with members of the Merchant Marine and Fisheries Committee in crafting language found in the committee amendment to H.R. 3679. Briefly, this amendment allows the Secretary of the Interior to receive a bequest from an individual for use in the design and construction of an environmental education center at the John Heinz National Wildlife Refuge located near Philadelphia, PA. The construction of this facility, which would include the headquarters for the wildlife refuge, provides an added benefit for the citizens of this area.

Mr. Speaker, I support the adoption of the bill.

Mr. STUDDS. Mr. Speaker, I once again welcome our honorary ranking member. It is appropriate that there was a Pennsylvania angle to this bill.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3679, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design Program, and for other purposes.".

A motion to reconsider was laid on the table.

OCEAN RADIOACTIVE DUMPING BAN ACT OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3982) entitled the "Ocean Radioactive Dumping Ban Act of 1994," as amended.

The Clerk read as follows:

H.R. 3982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Radioactive Dumping Ban Act of 1994".

SEC. 2. AMENDMENTS TO THE OCEAN DUMPING ACT.

The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended—

(1) in section 3 (33 U.S.C. 1402), by—

(A) striking paragraph (j); and

(B) redesignating the following paragraphs accordingly;

(2) by altering any reference to the paragraphs redesignated under paragraph (1) of this Act;

(3) in section 102(a) (33 U.S.C. 1412(a)), by striking "high-level" before "radioactive waste"; and

(4) in section 104 (33 U.S.C. 1414), by striking subsection (i).

SEC. 3. CLARIFICATION.

Nothing in this Act shall affect the transportation of material containing *de minimis* levels of radioactivity for the purpose of dumping it into ocean waters under the Marine Protection, Research, and Sanctuaries Act of 1972.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. TORKILDSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3982, the Ocean Radioactive Dumping Ban Act, was introduced by Mr. WELDON, the ranking Republican member on our Oceanography Subcommittee. It amends the Ocean Dumping Act to prohibit the dumping of all radioactive waste into the sea. This expands on the current long standing ban on the disposal of high-level radioactive waste at sea.

Revelations that the former Soviet Union disposed of nuclear waste in the Arctic Ocean and elsewhere recently prompted the parties to the London Convention to negotiate an international ban on the ocean dumping of all radioactive waste effective in February of this year. This bill, therefore, brings domestic law into compliance with international law and longstanding U.S. policy.

The bill, as amended, is consistent with the recent amendments to the London Convention. It provides an exemption for materials containing trace amounts of radioactivity that are not harmful to the marine environment, while requiring the development and application of reasonable *de minimis* standards for what constitutes radioactive waste.

I commend Mr. WELDON, and the subcommittee chairman, Mr. ORTIZ, for their efforts in quickly bringing this bill before the House. I would also like to thank the Committee on Public

Works and Transportation for waiving its right to seek a sequential referral of the bill, after reviewing its language. The administration supports it, it is not controversial, and I urge my colleagues to pass H.R. 3982.

Mr. TORKILDSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3982, authored by the ranking Republican member of the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf, Congressman CURT WELDON. He should be commended for his efforts in focusing the attention of Congress on the issue of radioactive waste dumping in our oceans.

Fortunately, this bill will not change the way that the United States does business. The bill bans the dumping of low-level radioactive waste in the ocean consistent with the position recently adopted by the United States and the other parties to the London Convention. As a policy matter, the United States ended the dumping of radioactive waste in the ocean in 1970. Although the Ocean Dumping Act currently provides a possible congressional override for low-level radioactive waste disposal, this authority has never been exercised. Therefore, the bill merely amends the Ocean Dumping Act to conform that law with the London Convention and current U.S. practice.

In addition, H.R. 3982 does not impact the ocean disposal of waste material permitted under the Federal Water Pollution Control Act. Nor does the Act impact existing procedures or practices which have not previously been subject to requirements of section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972.

While having no affect on United States citizens, this bill will serve as further notice to other countries which have not adopted the ban on low-level radioactive waste, such as the Russian Federation. I understand that Congressman WELDON and Congressman ORTIZ, the chairman of the Oceanography Subcommittee, will be traveling to Russia during the Memorial Day recess to discuss this issue with the Russian Government. I cannot think of any better traveling papers to bring than this bill passed by the House of Representatives.

Therefore, I urge adoption of the bill and speedy consideration of the measure by our colleagues in the Senate.

Mr. WELDON. Mr. Speaker, I rise in strong support of H.R. 3982, Ocean Radioactive Dumping Ban Act of 1994. Let me begin by thanking the leadership of the Committee on Merchant Marine and Fisheries—Chairman STUDDS, Chairman ORTIZ, Congressman FIELDS, and their fine staffs for moving this important legislation expeditiously to the floor. I would especially like to thank Lisa Pittman of the committee's minority staff, Terry Schaff on the Oceanography Subcommittee, and Chris Mann with the chairman's office for their perseverance. I would also like to thank Chairman MINETA and Congressman SHUSTER of the Public Works Committee for their assistance in this effort.

Mr. Speaker, on March 8, 1994, Chairman ORTIZ and I introduced the Ocean Radioactive Dumping Ban Act. H.R. 3982 bans the dumping of radioactive waste at sea.

Currently, the ocean dumping of radioactive waste is regulated under the Ocean Dumping Act [ODA]. The ODA allows dumping of radioactive waste only after Congress has passed a joint resolution authorizing the dumping. Although this provision has been in force since 1985, Congress has yet to authorize any radioactive dumping.

For decades, U.S. law on ocean pollution has been more stringent than international law. At the time of enactment, the radioactive dumping provisions in the ODA were among the most restrictive in the world, going well beyond international treaty obligations. That is no longer the case.

The Ocean Radioactive Dumping Ban Act corrects this, eliminating ODA's current arduous permitting process and replacing it with a simple ban. It ensures that the United States retains its leadership position in protecting the world's marine environment.

The relevance of the United States banning radioactive dumping is far-reaching. Historically, the United States has set international policy on ocean dumping of radioactive waste. Until last year, the United States had resisted an international ban. Through U.S. influence, the issue was left unresolved.

That all changed last November when the Clinton administration, following heavy lobbying from the Global Legislators Organization for a Balanced Environment [GLOBE] and other organizations, reversed U.S. policy and announced its support for a ban.

Prompted largely by the new U.S. position, in November of 1993, the parties to the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter of 1972, known as the London Convention, amended annexes I and II to ban the deliberate ocean dumping of low-level radioactive waste. The Convention has always banned dumping of high-level radioactive waste.

As the ranking Republican on the Oceanography, Gulf of Mexico, and Outer Continental Shelf Subcommittee and the newly appointed chairman of the GLOBE Ocean Protection Working Group, I have spent the last year working to eliminate the threat of radioactive contamination of the sea.

On September 30, 1993, at my request, the Oceanography Subcommittee held a hearing on the threat of contamination from the Russian dumping of nuclear waste. For four decades the former Soviet Union, and now the Russian Federation, has been dumping nuclear waste from nuclear submarines and weapons plants into the world's oceans. The information gathered by the subcommittee was sobering.

The West's first concrete evidence on the dumping came last summer following the release of the Yablokov report, which was commissioned by President Boris Yeltsin to detail the extent of Soviet nuclear disposal at sea. According to the report, the Soviet Union had dumped over 2.5 million curies of radioactive waste into the Arctic Ocean and other marine environments. By comparison, the accident at Three Mile Island in my home State of Pennsylvania released 15 curies of radiation.

During the hearing, the subcommittee discovered that since 1959, the former Soviet Union dumped into the ocean 18 nuclear reactors and a reactor screen, 11,000 to 17,000 canisters of nuclear waste, and hundreds of thousands of gallons of liquid radioactive waste. It also learned that nuclear waste totaling 10 million curies is currently stored aboard vessels in Murmansk harbor.

Although water quality monitoring in the Arctic suggests that large-scale contamination of the ocean has yet to occur, our knowledge about the possibility of future leakage and transportation is very limited. Significant environmental contamination is a real possibility in the future.

Even after the fall of communism, Moscow has continued to dispose of radioactive waste at sea. In October of 1993, Russia dumped 900 tons of low-level radioactive waste in the Sea of Japan in violation of a previously agreed upon international moratorium. According to Japanese press accounts, high ranking Russian officials have admitted that ocean dumping is likely to persist.

The Russian Federation's actions following the October dumping have only reinforced these fears. Russia was one of only five nations to abstain from voting to approve the London Convention radioactive dumping ban in November 1993. Then, in February 1994, it became the only nation to declare its intention not to comply with the new international ban on dumping.

Only through strong Western pressure will this change. But before we can pressure Russia, we have to act. That is why I introduced H.R. 3982. H.R. 3982 will make U.S. law consistent with the London Convention by amending the ODA to ban the dumping of radioactive waste.

As with the amendments to the Convention's annexes I and II which contain provisions exempting de minimis radioactive waste from the ban, H.R. 3982, as amended by the committee amendment, exempts de minimis waste from the ban. Since all matter is radioactive to some degree, a de minimis, or negligible, exemption is necessary to ensure that critical commercial activities such as dredging can continue.

Although no uniform definition for de minimis waste currently exists, the International Atomic Energy Agency [IAEA] has produced significant guidance on the issues and is working on an internationally recognized standard. Once an international standard is devised, I expect that the U.S. Environmental Protection Agency [EPA] will promulgate regulations on this issue based on the IAEA's efforts.

Hopefully, with pressure from the United States, the Russian Federation can be convinced to change its policy. With ten million curies of radiation stored aboard ships in Murmansk Harbor and awaiting disposal, the risk to the marine environment are significant if we fail.

Mr. Speaker, Chairman ORTIZ will be leading a codel to Russia at the end of this month to attempt to convince the Russians to end the practice of radioactive dumping at sea. The House passage of H.R. 3982 will significantly strengthen our position in discussions with officials from the Russian Federation.

Clearly the world's oceans should not be used as nuclear disposal sites. I ask all my colleagues to help send this strong message to the rest of the world by passing the Ocean Radioactive Dumping Ban Act of 1994.

Mr. FIELDS of Texas. Mr. Speaker, as a cosponsor of H.R. 3982, I would like to add my voice in support of this legislation, and to compliment our distinguished colleague, CURT WELDON, for his leadership on this important issue.

The Ocean Dumping Act currently bans the dumping of high-level radioactive waste. While the law does allow the ocean disposal of low-level radioactive material, this can occur only by a joint resolution of Congress. As a policy matter, however, the U.S. ended ocean dumping of radioactive waste in 1970.

Until recently, the 1972 London Convention banned only the ocean dumping of high-level radioactive waste. Prompted by revelations that the former Soviet Union dumped tons of nuclear waste into the Kara and Barents Seas and the Sea of Japan, the parties to the Convention negotiated an international ban on the dumping of all radioactive waste into ocean waters effective February 20, 1994. This policy formalized a voluntary moratorium on low-level radioactive waste which was adopted in the mid-1980's. While reservations to the ban were permitted, only the Russian Federation chose to exercise this option. The United States is a party to the London Convention and strongly supported this ban.

I would remind Members that this bill amends section 102 of the Ocean Dumping Act, which grants the Environmental Protection Agency the authority to issue permits for the transportation of waste for ocean dumping. It does not affect the ocean dumping of dredge material under section 103 of the act nor does it affect the disposal of radioactive wastes now permitted under the Clean Water Act.

With these clarifications, I urge the adoption of this bill. Thank you, Mr. Speaker.

Mr. ORTIZ. Mr. Speaker, I rise today in strong support of H.R. 3982, the Ocean Radioactive Dumping Ban Act, which was introduced on March 8, 1994, by the ranking member of the Oceanography Subcommittee, Mr. WELDON, and myself.

Mr. Speaker, prompted by revelations that the former Soviet Union has been dumping nuclear waste and nuclear reactors into the Barents and Kara Seas and the Sea of Japan, last fall the parties to the London Convention, including the United States, negotiated an international ban on the dumping of all radioactive waste into ocean waters.

The United States has not disposed of nuclear waste in the ocean since 1970. The London Convention of 1972 banned the dumping of high-level radioactive waste, and in the mid-1980's the United States and all other parties to the London Convention, except the Soviet Union, adopted a voluntary moratorium on the dumping of low-level radioactive waste. The actions of the Convention last fall formally banned the ocean dumping of low-level waste, and this bill today simply makes the necessary changes to conform U.S. law to this ban.

Mr. WELDON, and I, and other Members of Congress are working to establish a dialogue with the Russian Government on this matter, in the hopes of working together to have Russia join us in a commitment to ban the dumping of radioactive waste. This bill formalizes the commitment of this Congress and our Government in this regard.

This act is not intended to impact the ocean disposal of waste material permitted under the Federal Water Pollution Control Act; nor is it intended to impact existing procedures or practices which have not previously been subject to the requirements of section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972.

I want to thank Chairman STUDDS and the ranking member, Mr. FIELDS for their help and support, and I would especially like to commend my good friend from Pennsylvania [Mr. WELDON], for his sponsorship of this important legislation, and for his leadership on this issue in general. The gentleman has dedicated himself to this issue, and has worked to raise this Congress's awareness of the vital importance of this matter, and I applaud his efforts in this regard.

I again urge my colleagues to support this bill.

Mr. WELDON. Mr. Speaker, as Chairman ORTIZ has indicated, H.R. 3982 does not impact the ocean disposal of waste material permitted under the Federal Water Pollution Control Act (33 U.S.C. 1251–1376). Nor does the Act impact existing procedures or practices which have not previously been subject to requirements of section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3982, the Ocean Radioactive Dumping Ban Act of 1994. This bill amends the so-called Ocean Dumping Act by extending the current dumping ban on radioactive waste to cover all, not just high-level radioactive waste. The ban was established by the November 1993 amendments to the Annex of the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter of 1972, commonly known as the London Convention. Additionally, this important legislation will demonstrate to the world our commitment to protect our seas from radioactive contamination.

In the interest of time, the Committee on Public Works and Transportation did not seek sequential referral of the bill. Through an exchange of letters in the Committee Report with my good friend, Chairman GERRY STUDDS, the Merchant Marine and Fisheries Committee acknowledged our committee's jurisdiction over the subject matter of the bill.

I would like to address the amendment offered by Mr. WELDON and adopted by voice vote by the Committee on Merchant Marine and Fisheries. Mr. WELDON's amendment makes two improvements to the reported bill. His amendment clarifies that the ban on dumping radioactive waste does not affect the permitting of dredge material disposal under section 103 of the Ocean Dumping Act and it brings the United States in line with the London Convention on this issue. Secondly and, again consistent with the convention, the amendment clarifies that dredge material containing de minimis levels of radioactivity is acceptable as long as it is regulated through the permitting process established under section 103 of the Ocean Dumping Act.

Mr. Speaker, it is important that we pass this legislation so we may be able to bring moral pressure on the Russian Federation in an effort to stop the practice of the former Soviet Union of disposing of millions of curies of low- and high-level radioactive wastes in the Sea of Japan and the Arctic Ocean. Currently, the Russian Federation reserves its right not to comply with the ban. With ships holding 10 million curies of low- and high-level radioactive waste in Murmansk Harbor, it is incumbent upon the United States to use our moral authority to pressure the Russian Federation to stop this dangerous activity.

I want to commend Chairman STUDDS, Mr. ORTIZ, and Mr. WELDON for their leadership on this legislation and I urge its adoption.

Mr. TORKILDSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3982, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit the ocean dumping of radioactive waste.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3679 and H.R. 3982, the bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., JUNE 3, 1994 TO FILE A REPORT ON H.R. 4003, MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until 5 p.m. on June 3, 1994 to file a report on the bill (H.R. 4003) to authorize appropriations for fiscal year 1995 for certain maritime programs of the Department of Transportation, to amend the Merchant Marine Act, 1936, as amended, to revitalize the U.S.-flag merchant marine, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 965, CHILD SAFETY PROTECTION

Mrs. COLLINS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 965) to provide for toy safety and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement see proceedings of the House of May 11, 1994 at page H-3227.)

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

□ 1240

Mrs. COLLINS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have made child safety a priority since I became chairwoman of the Subcommittee on Commerce, Consumer Protection and Competitiveness over 3 years ago. Last Congress, I introduced H.R. 4706, the Child Safety Protection and Consumer Product Safety Commission Improvement Act, which passed the House but was not considered by the Senate before adjournment. Today, Mr. Speaker, I am pleased to come before the House to support the adoption of the conference report to accompany H.R. 965, the Child Safety Protection Act, which is the successor to H.R. 4706.

The conference report to accompany H.R. 965 includes the toy safety labeling and bicycle standards provisions that have already been passed by the House. Under the bill, toys that present a choking hazard to young children must have a label to warn parents of the choking danger. Bicycle helmets will eventually have to meet a Federal safety standard—initially based upon current voluntary standards—to ensure that the helmets will adequately protect against head injury. In addition, the conference report includes a provision added by the Senate to encourage children to use bicycle helmets.

This legislation has drawn bipartisan support as well as support from a broad array of outside groups. I particularly want to commend the National Safe Kids Campaign for its work in developing this bill which is also supported by the U.S. Public Interest Research Group, Consumer Federation of America, Consumers Union, Public Citizen's Congress Watch as well as The Toy Manufacturers of America.

Mr. Speaker, many individuals helped craft this legislation. I want to thank the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, the ranking member of the full committee, Mr. MOORHEAD, and the ranking member of the subcommittee, Mr. STEARNS. I also want to commend two important members of the subcommittee, the gentleman from New York [Mr. TOWNS] and the gentleman from New Jersey [Mr. PALLONE] for their work in helping to shape this legislation.

I also thank Chairman MINETA of the Committee on Public Works and Transportation and the ranking member, Mr. SHUSTER, for their work on the bicycle helmet provision.

On the Senate side, I was particularly fortunate to have the assistance of Senators BRYAN and GORTON who were cosponsors of companion legislation and whose hard work was essential to moving this bill forward. I also want to commend Senator DANFORTH, DODD, and METZENBAUM for their important contributions and for helping to bring attention to these child safety issues.

In conclusion, Mr. Speaker, I would be remiss if I did not mention some of the most important people of all—our children.

A couple of weeks ago, 102 children, ranging from in age from 8 to 15 from every State and the District of Columbia, were making their rounds on Capitol Hill. They were the National SAFE KIDS Summit Representatives. They did not come to simply tour, but to discuss the importance of injury prevention with Congress and the administration. Summit representatives, Tor Harper, an 11-year-old from Oregon, Marcus Young, a 14-year-old from Missouri, and Katie Manchester, a 10-year-old from Maine, who were saved from severe injury because they were wearing bicycle helmets, are some of the children that know from personal experience the importance of wearing bicycle helmets.

At a hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness 2 years ago, sixth grader from the Old Donation Center for the Gifted and Talented in Virginia testified about the need for warning labeling on toys that pose a choking hazard to young children.

In an age of passivism and cynicism, it is inspiring to see children that are trying to make a change in our country. When our children come all the way to Washington to talk to us about matters of literally life and death—we must listen. Let us show our children that we are listening by sending H.R. 965 to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the conference report on H.R. 965, the Child Safety Protection Act, because it seeks to increase parents' awareness of the choking hazards presented by some toys and to protect children from potentially hazardous products.

The distinguished chairwoman of the subcommittee, CARDISS COLLINS has often been the proponent of measures intended to make our world safer for young children, as has the ranking member of the subcommittee, the gentleman from Florida [Mr. STEARNS]. This legislation represents the natural extension of this effort and I commend her.

H.R. 965 seeks to warn of the dangers to children posed by toys with small parts, small balls, and balloons, by mandating that specific labels appear on the packaging of those items. The toy industry supports this legislation. The portion of the bill concerning bicycle helmets is also useful because it mandates standards that are presently only voluntary and requires the CPSC to develop a single, mandatory standard.

Because H.R. 965 will improve toy labels and bicycle helmets, I am pleased to support it.

Mr. CUNNINGHAM. Mr. Speaker, although I continue to have some reservations about this bill, I rise today in support of the conference report to H.R. 965. I certainly encourage any action that will assist parental awareness to potential safety hazards.

My concerns stem from the fact that 2 years ago, the Consumer Product Safety Commission rejected a staff proposal to label toys because they found no evidence that even improved labeling would result in fewer choking deaths. The Commission also rejected a petition to develop mandatory standards for bicycle helmets because they found no evidence that voluntary standards were inadequate. My concern is not so much with labeling as much as the obvious intent of this bill to overrule the Commission's decision.

The Consumer Product Safety Commission was established by Congress to help protect consumers from injuries that can be caused by various products. If we are going to have this agency, then we should let them do their job. The bill overrules the Commission's decision in both cases. If we do not trust the rulemaking process, then we should change the process and not attempt to make piecemeal changes along the way.

I rise in support of the conference report and the adoption of Senate passed labeling requirements because it seeks to alert consumers to potential dangers and because it will eventually result in the harmonization of several existing voluntary standards. I hope that in the future we will not have to duplicate the actions of the Consumer Product Safety Commission.

Mr. MINETA. Mr. Speaker, I rise in support of the conference agreement on H.R. 965, the Child Safety Protection Act. Title I would establish labeling and reporting requirements on certain toys. Title II, the Child's Bicycle Helmet Safety Act of 1994, specifically sections 202, 203, and 204, falls within the jurisdiction of Public Works and Transportation.

Under the agreement, a great program would be established to require or encourage individuals under 16 to wear bicycle helmets. The program would be administered by the National Highway Traffic Safety Administration [NHTSA] for the benefit of States, political subdivisions of States, and nonprofit organizations that design eligible programs to effectively promote increased bicycle helmet use.

A grant made by NHTSA to any State, political subdivision, or nonprofit organization could be used by such grantee to: (1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles; (2) provide assistance to individuals who may need financial assistance in order to acquire approved bicycle helmets; (3) develop and administer education programs for individuals under age 16 and their family on the importance of wearing bicycle helmets; or (4) carry out any combination of the activities described in paragraph (1), (2), and (3).

Grants would be limited to 80 percent of the cost of the program for which the grant is made, and the non-Federal share can be met by the aggregate of in-kind expenditures by grantees.

In addition, the NHTSA Administrator would review grant applications for compliance with the requirements prior to awarding grants, and must also report to Congress by May 1, 1997, on the effectiveness of the program. This report would include the grant recipients, a summary of grantees' programs, and any recommendations the Administrator may have regarding program improvements.

The general fund authorizations for this program are $2 million for fiscal year 1995, $3 million for fiscal year 1996, and $4 million for fiscal year 1997.

Mr. Speaker, this is a very important piece of legislation—20 million of the 90 million Americans who ride bicycles are children who ride a bicycle more than once a week. Of the 800 bicyclists who were killed and the 580,000 who were injured in 1990, children under the age of 15 suffered 41 percent of cycling-related head injury deaths and 76 percent of all cycling-related head injuries. Any significant increase in helmet use would have prevented many of these unfortunate deaths and injuries.

According to a study conducted by the committee on accident and poison prevention of the American Academy of Pediatrics, only 5 percent of all children wear a bicycle helmet while cycling. And, according to the National Head Injury Foundation, the lifetime economic cost of supporting a child with a severe head injury is $4.5 million.

The $9 million that is authorized out of general funds for fiscal years 1995 through 1997 in this conference agreement will be money well spent in terms of lives and health costs saved. It is an appropriate Federal role to provide State and local governments the necessary resources to take action to increase bicycle helmet use in order to decrease the risks to our young citizens.

Mr. Speaker, I urge adoption of the conference report.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Illinois [Mrs. COLLINS] that the House suspend the rules and agree to the conference report on the bill, H.R. 965.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on H.R. 965, the conference report just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3869) to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFFICE OF MINORITY HEALTH

Sec. 101. Revision and extension of programs of Office of Minority Health.
Sec. 102. Establishment of individual offices of minority health within agencies of Public Health Service.

TITLE II—PRIMARY HEALTH SERVICES

Sec. 201. Migrant health centers; community health centers.
Sec. 202. Health services for the homeless.
Sec. 203. Health services for residents of public housing.
Sec. 204. Grants to States for loan repayment programs regarding obligated service of health professionals.
Sec. 205. Grants to States for operation of State offices of rural health.
Sec. 206. Demonstration grants to States for community scholarship programs regarding obligated service of health professionals.
Sec. 207. Programs regarding birth defects.
Sec. 208. Healthy start for infants.
Sec. 209. Demonstration projects regarding diabetic-retinopathy.

TITLE III—HEALTH PROFESSIONS PROGRAMS

Sec. 301. Primary care scholarships for students from disadvantaged backgrounds.
Sec. 302. Scholarships generally; certain other purposes.
Sec. 303. Loan repayments and fellowships regarding faculty positions.
Sec. 304. Centers of Excellence.
Sec. 305. Educational assistance regarding undergraduates.
Sec. 306. Student loans regarding schools of nursing.
Sec. 307. Federally-supported student loans funds.

TITLE IV—RESEARCH

Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.

TITLE V—NATIVE HAWAIIAN HEALTH CARE

Sec. 501. Clarification of 1992 amendments.
Sec. 502. Amendment of Native Hawaiian Health Care Improvement Act to reflect 1992 agreement.
Sec. 503. Repeal of Public Health Service Act provision.

TITLE VI—WOMEN'S HEALTH

Sec. 601. Establishment of Office of Women's Health.
Sec. 602. Women's scientific employment regarding National Institutes of Health.
Sec. 603. Information and education regarding female genital mutilation.
Sec. 604. Study regarding curricula of medical schools and women's health conditions.

TITLE VII—TRAUMATIC BRAIN INJURY

Sec. 701. Programs of Centers for Disease Control and Prevention.
Sec. 702. Programs of National Institutes of Health.
Sec. 703. Programs of Health Resources and Services Administration.
Sec. 704. Study; consensus conference.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Technical amendment to Indian Health Care Improvement Act.
Sec. 802. Health services for Pacific Islanders.
Sec. 803. Technical corrections regarding Public Law 103–183.
Sec. 804. Certain authorities of Centers for Disease Control and Prevention.
Sec. 805. Establishment of public health analytical laboratory.
Sec. 806. Administration of certain requirements.
Sec. 807. Revisions to eligibility requirements for entities subject to drug pricing limitations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Effective date.

TITLE I—OFFICE OF MINORITY HEALTH

SEC. 101. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of minority groups, the Secretary shall carry out the following:

"(1) In consultation with the advisory council under subsection (c), establish goals and objectives regarding disease prevention, health promotion, service delivery, and research, and coordinate all activities within the Department of

Health and Human Services that relate to such goals and objectives.

"(2) In consultation with such council, enter into interagency agreements with other agencies of the Service, and under such agreements provide amounts to such agencies, to carry out the following:

"(A) Support research, demonstrations and evaluations to test new and innovative models of delivering services.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(D) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Establish by contract a center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4)(A) Establish by contract a center for the purpose of carrying out programs to improve access to health care services for individuals who lack proficiency in speaking the English language by developing and carrying out programs to provide bilingual or interpretive services.

"(B) In carrying out subparagraph (A), ensure that—

"(i) the center under such subparagraph conducts research, develops and evaluates model projects, and provides technical assistance to health care providers; and

"(ii) such center is not operated by the entity that operates the center established under paragraph (3).

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on carrying out paragraphs (1) and (2) of subsection (b) for each minority group.

"(3) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B) and the nonvoting, ex officio members designated under subparagraph (C).

"(B) The voting members of the Committee shall be appointed from among individuals who have expertise regarding the health status of minority groups and the access of such groups to health services, which individuals are not officers or employees of the Federal Government. The appointed membership of the Committee shall be broadly representative of the various minority groups.

"(C) The Secretary shall designate as ex officio members of the Committee the heads of the minority health offices referred to in section 1707A.

"(d) APPROPRIATE CONTEXT OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) EQUITABLE ALLOCATION OF SERVICES.—The Secretary shall ensure that services provided under subsection (b) are equitably allocated among the various minority groups.

"(f) CONSULTATION WITH INDIVIDUAL MINORITY HEALTH OFFICES.—In carrying out subsection (b) regarding a specified agency, the Secretary shall consult with the head of the minority health office of the agency. For purposes of the preceding sentence, the terms 'specified agency' and 'minority health office' have the meaning given such terms in section 1707A(f).

"(g) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of minority groups. Each such report shall include the biennial reports submitted to the Secretary under section 1707A(e) for such years by the heads of the minority health offices.

"(h) DEFINITION.—For purposes of this section, the term 'minority groups' means African Americans, American Indians, Asian Americans, Hispanics, and Pacific Islanders.

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $21,000,000 for each of the fiscal years 1995 through 1997.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(D).".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

SEC. 102. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

"INDIVIDUAL OFFICES OF MINORITY HEALTH
WITHIN PUBLIC HEALTH SERVICE

"SEC. 1707A. (a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

"(b) SPECIFIED AGENCIES.—

"(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The Agency for Health Care Policy and Research.

"(C) The Health Resources and Services Administration.

"(D) The Substance Abuse and Mental Health Services Administration.

"(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office" includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

"(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of minority groups, no such group is disproportionately represented.

"(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to—

"(1) determine the extent to which the purposes of the programs are being carried out with respect to minority groups;

"(2) determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

"(3) make recommendations to the head of such agency on carrying out the programs with respect to such groups.

"(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

"(1) the extent to which the minority health office of the agency employs individuals who are members of minority groups, including a specification by minority group of the number of such individuals employed by such office; and

"(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

"(2) The term 'minority group' has the meaning given such term in section 1707(h).

"(3) The term 'specified agency' means—

"(A) an agency specified in subsection (b)(1); and

"(B) the National Institutes of Health.

"(g) FUNDING.—

"(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

"(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.".

TITLE II—PRIMARY HEALTH SERVICES

SEC. 201. MIGRANT HEALTH CENTERS; COMMUNITY HEALTH CENTERS.

(a) MIGRANT HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "(i)" after "(C)";

(ii) in clause (i) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following clause:

"(ii) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in paragraph (7)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended by adding at the end the following paragraph:

"(8) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one migrant health center in a catchment area in any case in which the Secretary determines that in such area there are workers or other individuals described in subsection (a)(1) (in the matter after and below subparagraph (H)) who otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 329(a) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(9) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize migrant health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 329(d)(4) of the Public Health Service Act (42 U.S.C. 254b(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a migrant health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a migrant health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a migrant health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

(b) COMMUNITY HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended—

(A) in subsection (a)(3)—

(i) by inserting "(A)" after "(3)";

(ii) in subparagraph (A) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following subparagraph:

"(B) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in subsection (b)(2)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 330(b) of the Public Health Service Act (42 U.S.C. 254c(b)) is amended by adding at the end the following paragraph:

"(7) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one community health center in a catchment area in any case in which the Secretary determines that there is a population group in such area that otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 330(b) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(8) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize community health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 330(d)(4) of the Public Health Service Act (42 U.S.C. 254c(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a community health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a community health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a community health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

SEC. 202. HEALTH SERVICES FOR THE HOMELESS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and 1994" and inserting "through 1998".

SEC. 203. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) of the Public Health Service Act (42 U.S.C. 256a(p)(1)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 204. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338I(c) of the Public Health Service Act (42 U.S.C. 254q-1(c)) is amended by adding at the end the following paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.".

SEC. 205. GRANTS TO STATES FOR OPERATION OF STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 206. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) by striking "health manpower shortage" each place such term appears and inserting "health professional shortage";

(2) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(C) in paragraph (1) (as so redesignated), by inserting after "the individual" the following: "who is to receive the scholarship under the contract";

(3) in subsection (k)(2), by striking "internal medicine, pediatrics," and inserting "general internal medicine, general pediatrics,"; and

(4) in subsection (l)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 207. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to support primary birth-defect prevention, including information and education to the public on the prevention of such defects;

"(3) to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects;

"(4) to carry out demonstration projects for the prevention of such defects; and

"(5) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, African Americans, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 208. HEALTHY START FOR INFANTS.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Part D of title III of the Public Health Service Act (42 U.S.C 254b et seq.), as amended by section 104 of Public Law 103-183 (107 Stat. 2230), is amended in the heading for subpart VIII by striking "Bulk" and all that follows and inserting the following: "Miscellaneous Provisions Regarding Primary Health Care". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103-183.

(b) HEALTHY START FOR INFANTS.—Part D of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of subpart VIII the following section:

"HEALTHY START FOR INFANTS

"SEC. 340E. (a) GRANTS FOR COMPREHENSIVE SERVICES.—

"(1) IN GENERAL.—The Secretary may make grants for the operation of not more than 19 demonstration projects to provide the services described in subsection (b) for the purpose of reducing, in the geographic areas in which the projects are carried out—

"(A) the incidence of infant mortality and morbidity;

"(B) the incidence of fetal deaths;

"(C) the incidence of maternal mortality;

"(D) the incidence of fetal alcohol syndrome; and

"(E) the incidence of low-birthweight births.

"(2) ACHIEVEMENT OF YEAR 2000 HEALTH STATUS OBJECTIVES.—With respect to the objectives established by the Secretary for the health status of the population of the United States for the year 2000, the Secretary shall, in providing for a demonstration project under paragraph (1) in a geographic area, seek to meet the objectives that are applicable to the purpose described in such paragraph and the populations served by the project.

"(b) AUTHORIZED SERVICES.—

"(1) IN GENERAL.—Subject to subsection (h), the services referred to in this subsection are comprehensive services (including preventive and primary health services for pregnant women and infants and childhood immunizations in accordance with the schedule recommended by the Secretary) for carrying out the purpose described in subsection (a), including services other than health services.

"(2) CERTAIN PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in making any arrangements under which other entities provide authorized services in the demonstration project involved, the applicant will include among the entities with which the arrangements are made grantees under any of sections 329, 330, 340, and 340A, if such grantees are providing services in the service area of such project and the grantees are willing to make such arrangements with the applicant.

"(c) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if—

"(1) the applicant for the grant specifies the geographic area in which the demonstration project under such subsection is to be carried out and agrees that the project will not be carried out in other areas; and

"(2) for the fiscal year preceding the first fiscal year for which the applicant is to receive such a grant, the rate of infant mortality in the geographic area equals or exceeds 150 percent of the national average in the United States of such rates.

"(d) MINIMUM QUALIFICATIONS OF GRANTEES.—

"(1) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a State or local department of health, or other public or nonprofit private entity, or a consortium of public or nonprofit private entities.

"(2) APPROVAL OF POLITICAL SUBDIVISIONS.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection only if—

"(A) the chief executive officer of each political subdivision in the service area of such project approves the applicant for the grant as being qualified to carry out the project; and

"(B) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of such area so approves the applicant.

"(3) STATUS AS MEDICAID PROVIDER.—

"(A) In the case of any service described in subsection (b) that is available pursuant to the State plan approved under title XIX of the Social Security Act for a State in which a demonstration project under subsection (a) is carried out, the Secretary may make a grant under such subsection for the project only if, subject to subparagraph (B)—

"(i) the applicant for the grant will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or private entity under which the entity will provide the service, and the entity has entered into such a participation agreement under the State plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Secretary of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(e) STATE APPROVAL OF PROJECT.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection to the applicant involved only if—

"(1) the chief executive officer of the State in which the project is to be carried out approves the proposal of the applicant for carrying out the project; and

"(2) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of the service area of the project so approves the proposal.

"(f) ELIGIBILITY FOR SERVICES PROVIDED WITH GRANT FUNDS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees as follows:

"(1) With respect to any authorized service under subsection (b), if the service is a service that the State involved is required or has elected to provide under title XIX of the Social Security Act, the grant will not be expended to provide the service to any individual to whom the State is required or has elected under such title to provide the service.

"(2) The grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(A) under a health insurance policy or plan (including a group health plan or a prepaid health plan);

"(B) under any Federal or State health benefits program, including any program under title V, XVIII, or XIX of the Social Security Act; or

"(C) under subpart II of part B of title XIX of this Act.

"(g) MAINTENANCE OF EFFORT.—

"(1) GRANTEE.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if the applicant involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the applicant for fiscal year 1991.

"(2) RELEVANT POLITICAL SUBDIVISIONS.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if each political subdivision in the service area of the demonstration project involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1991.

"(h) RESTRICTIONS ON EXPENDITURE OF GRANT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of health services or mental health services; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment (other than mobile medical units for providing ambulatory prenatal services).

"(2) ADMINISTRATIVE EXPENSES; DATA COLLECTION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that not more than an aggregate 10 percent of the grant will be expended for administering the grant and the collection and analysis of data.

"(3) WAIVER.—If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(C).

"(i) DETERMINATION OF CAUSE OF INFANT DEATHS.—The Secretary may make a grant under subsection (a) only if the applicant involved—

"(1) agrees to provide for a determination of the cause of each infant death in the service area of the demonstration project involved; and

"(2) the applicant has made such arrangements with public entities as may be necessary to carry out paragraph (1).

"(j) ANNUAL REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, for each fiscal year for which the applicant operates a demonstration project under such subsection the applicant will, not later than April 1 of the subsequent fiscal year, submit to the Secretary a report providing the following information with respect to the project:

"(1) The number of individuals that received authorized services, and the demographic characteristics of the population of such individuals.

"(2) The types of authorized services provided, including the types of ambulatory prenatal services provided and the trimester of the pregnancy in which the services were provided.

"(3) The sources of payment for the authorized services provided.

"(4) The extent to which children under age 2 receiving authorized services have received the appropriate number and variety of immunizations against vaccine-preventable diseases.

"(5) An analysis of the causes of death determined under subsection (i).

"(6) The extent of progress being made toward meeting the health status objectives specified in subsection (a)(2).

"(7) The extent to which, in the service area involved, progress is being made toward meeting the participation goals established for the State by the Secretary under section 1905(r) of the Social Security Act (relating to early periodic screening, diagnostic, and treatment services for children under the age of 21).

"(k) COMMUNITY PARTICIPATION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in preparing the proposal of the applicant for the demonstration project involved, and in the operation of the project, the applicant will consult with the residents of the service area for the project and with public and nonprofit private entities that provide authorized services to such residents.

"(l) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(m) REPORT TO CONGRESS.—Not later than February 1, 1998, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report—

"(1) summarizing the reports received by the Secretary under subsection (j);

"(2) describing the extent to which the Secretary has, in the service areas of such projects, been successful in meeting the health status objectives specified in subsection (a)(2); and

"(3) describing the extent to which demonstration projects under subsection (a) have been cost effective.

"(n) LIMITATION ON CERTAIN EXPENSES OF SECRETARY.—Of the amounts appropriated under subsection (p) for a fiscal year, the Secretary may not obligate more than an aggregate 5 percent for the administrative costs of the Secretary in carrying out this section, for the provision of technical assistance regarding demonstration projects under subsection (a), and for evaluations of such projects.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means the services specified in subsection (b).

"(2) The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'service area', with respect to a demonstration project under subsection (a), means the geographic area specified in subsection (c).

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(q) SUNSET.—Effective October 1, 1997, this section is repealed.".

(b) CERTAIN PROVISIONS REGARDING REPORTS.—

(1) FISCAL YEAR 1995.—With respect to grants under section 340E of the Public Health Service Act (as added by subsection (b) of this section),

the Secretary of Health and Human Services may make a grant under such section for fiscal year 1995 only if the applicant for the grant agrees to submit to the Secretary, not later than April 1 of such year, a report on any federally-supported project of the applicant that is substantially similar to the demonstration projects authorized in such section 340E, which report provides, to the extent practicable, the information described in subsection (j) of such section.

(2) FISCAL YEAR 1997.—With respect to grants for fiscal year 1997 under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the requirement under subsection (j) of such section that a report be submitted not later than April 1, 1998, remains in effect notwithstanding the repeal of such section pursuant to subsection (q) of such section.

(c) LAPSE OF FUNDS.—Effective October 1, 1997, all unexpended portions of amounts appropriated for grants under 340E of the Public Health Service Act (as added by subsection (b) of this section) are unavailable for obligation or expenditure, without regard to whether the amounts have been received by the grantees involved.

(d) USE OF GENERAL AUTHORITY UNDER PUBLIC HEALTH SERVICE ACT.—With respect to the program established in section 340E of the Public Health Service Act (as added by subsection (b) of this section), section 301 of such Act may not be construed as providing to the Secretary of Health and Human Services any authority to carry out, during any fiscal year in which such program is in operation, any demonstration project to provide any of the services specified in subsection (b) of such section 340E.

SEC. 209. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Eye Institute, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic retinopathy, activities regarding information, identification, dissemination, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that are at significant risk of contracting diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

TITLE III—HEALTH PROFESSIONS PROGRAMS

SEC. 301. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended to read as follows:

"SEC. 736. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

"(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending schools of medicine or osteopathic medicine, schools of dentistry, schools of nursing (as defined in section 853), graduate programs in mental health practice, and programs for the training of physician assistants.

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is from a disadvantaged background.

"(2) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

"(3) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

"(c) PREFERENCES REGARDING AWARDS; SPECIAL CONSIDERATION.—In awarding scholarships under subsection (a), the Secretary shall—

"(1) give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship; and

"(2) give special consideration to eligible individuals who received scholarships pursuant to this section, section 737, or section 740(d)(2) for fiscal year 1993 or 1994 and are seeking scholarships for attendance at eligible schools that received a grant under any of such sections for any of such fiscal years.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means an individual described in subsection (b).

"(2) The term 'eligible school' means a school or program specified in subsection (a).

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 1995, $38,000,000 for fiscal year 1996, and $48,000,000 for fiscal year 1997. Such authorization is in addition to the authorization of appropriations established in section 740(e).

"(2) ALLOCATIONS BY SECRETARY.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available—

"(A) 20 percent for scholarships under subsection (a) for attendance at schools of nursing; and

"(B) 15 percent for scholarships under such subsection for attendance at graduate programs in mental health practice.".

(b) CERTAIN PROGRAMS OF OBLIGATED SERVICE.—

(1) REPEAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not terminate agreements that, on the day before the effective date under section 901, are in effect pursuant to section 795 of the Public Health Service Act. Such agreements continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services (whether provided pursuant to other agreements with the Federal Government or whether provided otherwise) counts toward satisfaction of the requirement of practice pursuant to such section 795.

SEC. 302. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

(a) RELEVANT HEALTH PROFESSIONS SCHOOLS.—Section 737(a)(3) of the Public Health Service Act (42 U.S.C. 293a(a)(3)) is amended—

(1) by striking "medicine," and all that follows through "dentistry,"; and

(2) by striking "allied health," and all that follows and inserting "allied health.".

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 737(a)(2) of the Public Health Service Act (42 U.S.C. 293a(a)(2)) is amended to read as follows:

"(2) ELIGIBLE INDIVIDUALS.—An individual referred to in paragraph (1) is any individual meeting the following conditions:

"(A) The individual is from a disadvantaged background.

"(B) The individual is enrolled (or accepted for enrollment) as a full-time student in a health professions school specified in paragraph (3).

"(C) The individual enters into the contract required pursuant to subsection (e) as a condition of receiving the scholarship under paragraph (1) (relating to an agreement to provide services).".

(2) CERTAIN REQUIREMENT.—Section 737 of the Public Health Service Act (42 U.S.C. 293a) is amended—

(A) in subsection (a)(1), by striking "subsection (e)" and inserting "subsection (f)";

(B) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(C) by inserting after subsection (d) the following subsection:

"(e) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Except as inconsistent with this section, and subject to paragraph (2), the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(2) CERTAIN INDIVIDUALS.—

"(A) In the case of an individual who receives a scholarship under subsection (a) for attendance at a school of veterinary medicine, the contract referred to in subsection (a)(2)(C) is a contract under which the individual agrees that, after completing training in such medicine, the individual will, in accordance with requirements established under subparagraph (B), conduct or assist in the conduct of research regarding human health or safety. Except as inconsistent with this section, the provisions specified in paragraph (1) with respect to title III apply to such a scholarship to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

"(B) The Secretary shall establish requirements regarding contracts under subparagraph (A).".

(c) FUNDING.—Section 737(i) of the Public Health Service Act, as redesignated by subsection (b)(2) of this section, is amended—

(1) in paragraph (1), by inserting before the period the following: ", and $6,000,000 for each of the fiscal years 1994 through 1997"; and

(2) in paragraph (2)(A), by striking "30 percent" and all that follows and inserting the following: "50 percent for such grants to schools of allied health; and".

SEC. 303. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

(a) LOAN REPAYMENTS.—Section 738(a) of the Public Health Service Act (42 U.S.C. 293b(a)) is amended—

(1) by striking paragraphs (4) and (6);

(2) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4) (as so redesignated), by amending subparagraph (B) to read as follows:

"(B) the contract referred to in subparagraph (A) provides that the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individid-

ual by the Federal Government under paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING LOAN REPAYMENTS AND FELLOWSHIPS.—Section 738(c) of the Public Health Service Act (42 U.S.C. 293b(c)) is amended by striking "there is" and all that follows and inserting the following: "there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.".

SEC. 304. CENTERS OF EXCELLENCE.

(a) REFERENCES TO SCHOOLS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c) is amended—

(1) by striking "health professions schools" each place such term appears and inserting "designated health professions schools"; and

(2) by striking "health professions school" each place such term appears and inserting "designated health professions school".

(b) REQUIRED USES OF FUNDS.—Section 739(b) of the Public Health Service Act (42 U.S.C. 293c(b)), as amended by subsection (a), is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as so redesignated) the following paragraph:

"(1) to collaborate with public and nonprofit private entities to carry out community-based programs to recruit students of secondary schools and institutions of higher education and to prepare the students academically for pursuing a career in the health professions;";

(4) in paragraph (5)—

(A) by striking "faculty and student research" and inserting "student research"; and

(B) by inserting before the period the following: ", including research on issues relating to the delivery of health care"; and

(5)(A) in paragraph (4), by striking "and" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(6) to carry out a program to train students of the school in providing health services through training provided at community-based health facilities that provide such services to a significant number of disadvantaged individuals and that are located at a site remote from the main site of the teaching facilities of the school.".

(c) REQUIREMENTS REGARDING CONSORTIA.—

(1) IN GENERAL.—Section 739(c)(1) of the Public Health Service Act (42 U.S.C. 293c(c)(1)), as amended by subsection (a), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "specified in subparagraph (B)" and inserting "specified in subparagraphs (B) and (C)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following subparagraph:

"(C) The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health professions school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium. The grant involved may be expended with respect to the other schools without regard to whether such schools meet the conditions specified in subparagraph (B).".

(2) CERTAIN REQUIREMENTS.—Section 739(e) of the Public Health Service Act (42 U.S.C. 293c(e)), as amended by subsection (a), is amended to read as follows:

"(e) PROVISIONS REGARDING CONSORTIA.—

"(1) REQUIREMENTS.—For purposes of subsection (c)(1)(C), a consortium of schools has been formed in accordance with this subsection if—

"(A) the consortium consists of—

"(i) the designated health professions school seeking the grant under subsection (a); and

"(ii) 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section.

"(2) AUTHORITY REGARDING NATIVE AMERICANS CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(A) the school has formed a consortium in accordance with paragraph (1); and

"(B) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.".

(3) CONFORMING AMENDMENTS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c), as amended by subsection (a), is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting ", subject to subsection (c)(1)(C)," after "agrees"; and

(B) in subsection (d)—

(i) in paragraph (3), by striking "(e)" and inserting "(e)(2)"; and

(ii) by adding at the end the following paragraph:

"(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3) regarding a consortium under subsection (e)(2), a health professions school that does not meet the conditions specified in subsection (c)(1)(B) may not be designated as a center of excellence for purposes of this section. The preceding sentence applies without regard to whether a grant under subsection (a) is, pursuant to subsection (c)(1)(C), being expended with respect to the school.".

(d) DEFINITION OF HEALTH PROFESSIONS SCHOOL.—

(1) GRADUATE PROGRAMS IN MENTAL HEALTH PRACTICE.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)), as amended by subsection (a), is amended by—

(A) by striking "or" after "dentistry"; and

(B) by inserting before the period the following: ", or a graduate program in mental health practice".

(2) LIMITATION.—During the fiscal years 1995 through 1997, the Secretary of Health and Human Services may not make more than one grant under section 739 of the Public Health Service Act directly to a graduate program in mental health practice (as defined in section 799 of such Act).

(e) FUNDING.—Section 739(i) of the Public Health Service Act (42 U.S.C. 293c(i)), as amended by subsection (a), is amended to read as follows:

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $28,000,000 for fiscal year 1995, $30,000,000 for fiscal year 1996, and $32,000,000 for fiscal year 1997.

"(2) ALLOCATIONS BY SECRETARY.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 65 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)(2)).

"(C)(i) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 35 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

"(ii) With respect to a fiscal year, a grant under subsection (a) that includes amounts available under subparagraph (A) may not include amounts available under clause (i) unless each of the following conditions is met:

"(I) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(3), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(II) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(4), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(III) In the case of amounts available under clause (i) and included in grants made pursuant to subsection (c)(5) (exclusive of grants that include amounts available under subparagraph (A) or (B)), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(IV) The aggregate amount of grants under subsection (a) made from amounts available under subparagraph (B) and clause (i) (other than grants that include amounts available under subparagraph (A)) is, in the case of fiscal year 1995, not less than the sum of such aggregate amount for fiscal year 1994 and the total amount by which grants are required under subclauses (I) through (III) to be increased; and is, in the case of fiscal year 1996 and each subsequent fiscal year, not less than such aggregate amount for the preceding fiscal year.".

(f) CONFORMING AMENDMENTS.—Section 739(c) of the Public Health Service Act (42 U.S.C. 293c(c)), as amended by subsection (a), is amended—

(1) in paragraph (3)(B), by striking "the designated health professions school" and inserting "the school"; and

(2) in paragraph (4), in each of subparagraphs (B) and (C), by striking "the designated health professions school" and inserting "the school".

(g) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the Secretary of Health and Human Services shall, during the period specified in paragraph (2), waive any or all of the additional requirements established pursuant to this section for the receipt or expenditure of such a grant, subject to the entity providing assurances satisfactory to the Secretary that the entity is making progress toward meeting such requirements.

(2) RELEVANT PERIOD.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 305. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 293d) is amended to read as follows:

"SEC. 740. ASSISTANCE REGARDING HEALTH PROFESSIONS AS CAREER CHOICE.

"(a) IN GENERAL.—

"(1) ACADEMIC PREPARATION OF STUDENTS.—Subject to the provisions of this section, the Secretary may make grants and enter into contracts for purposes of—

"(A) identifying individuals who—

"(i) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

"(ii) are from disadvantaged backgrounds; and

"(iii) are interested in a career in the health professions; and

"(B) providing to such individuals academic assistance, counseling, and other services to prepare the students to meet the academic requirements for entry into health professions schools.

"(2) RECIPIENTS OF GRANTS AND CONTRACTS.—The Secretary may make an award of a grant or contract under paragraph (1) only if the applicant for the award is a nonprofit private community-based organization or other public or nonprofit private entity. Such other entities include schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, and include graduate programs in mental health practice.

"(3) CERTAIN USES OF AWARDS.—The purposes for which the Secretary may authorize an award under paragraph (1) to be expended include the following:

"(A) Assisting elementary and secondary schools and institutions of higher education in developing or improving programs to prepare students to meet the academic requirements for entry into health professions schools.

"(B) Establishing arrangements with nonprofit private community-based providers of primary health services under which students are provided with opportunities to visit or work at facilities of such providers and gain experience regarding a career in a field of primary health care.

"(C) Developing or improving programs to enhance the academic preparation of advanced, prehealth professions students or postbaccalaureate individuals to successfully enter a health professions school.

"(D) In the case of an award under paragraph (1) that the Secretary has authorized to be expended for the purpose described in subparagraph (B) or (C), paying such stipends as the Secretary may approve for individuals from disadvantaged backgrounds for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount of $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

"(b) MINIMUM REQUIREMENTS FOR AWARDS.—

"(1) ASSURANCES REGARDING FINANCIAL CAPACITY.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant provides assurances satisfactory to the Secretary that, with respect to the activities for which the award is to be made, the applicant has or will have the financial capacity to continue the activities after the eligibility of the applicant for such awards for such activities is terminated pursuant to subsection (d).

"(2) COLLABORATION AMONG VARIOUS ENTITIES.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant for the award has entered into an agreement with any schools, institutions, community-based organizations, or other entities with which the applicant will collaborate in carrying out activities under the award, and the agreement specifies whether and to what extent the award will be allocated among the applicant and the entities.

"(3) MATCHING FUNDS.—

"(A) With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award of a grant or contract under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities), in cash, non-Federal contributions toward such costs in an amount that—

"(i) for any second fiscal year for which the applicant receives such a grant, is not less than 20 percent of such costs;

"(ii) for any third such fiscal year, is not less than 20 percent of such costs;

"(iii) for any fourth such fiscal year, is not less than 40 percent of such costs;

"(iv) for any fifth such fiscal year, is not less than 60 percent of such costs; and

"(v) for any sixth or subsequent such fiscal year, is not less than 80 percent of such costs.

"(B) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

"(C) The Secretary may not require non-Federal contributions for the first fiscal year for which an applicant receives a grant under subsection (a).

"(c) PREFERENCE IN MAKING AWARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), in making awards of grants and contracts under subsection (a), the Secretary shall give preference to any applicant that has made an arrangement with 1 or more elementary schools, an arrangement with 1 or more secondary schools, an arrangement with 1 or more institutions of higher education, an arrangement with 1 or more health professions schools, and an arrangement with 1 or more community-based organizations, the purpose of which arrangements is to establish a program as follows:

"(A) With respect to the elementary schools involved, the program carries out the purposes described in subsection (a)(1).

"(B) After a student identified pursuant to paragraph (1) enters the secondary school involved, the program continues to carry out such purposes with respect to the student.

"(C) After graduating from the secondary school, the student enters the institution of higher education involved, subject to meeting reasonable academic requirements, and the program continues to carry out such purposes with respect to the student.

"(D) After graduating from the institution of higher education, the student enters the health professions school involved, subject to meeting reasonable academic requirements.

"(2) REQUIREMENT REGARDING SCHOOLS AND INSTITUTIONS.—For purposes of paragraph (1), an applicant may not receive preference unless the schools or institutions with which arrangements have been made are schools or institutions whose enrollment of students includes a significant number of individuals from disadvantaged backgrounds.

"(d) LIMITATION ON YEARS OF FUNDING FOR PARTICULAR ACTIVITIES.—With respect to a particular activity carried out under paragraph (1) or (3) of subsection (a) by an entity, the Secretary may not, for the activity involved, provide more than 6 years of financial assistance under such subsection to the entity.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 736, there are authorized to be appropriated $32,000,000 for fiscal year 1995, $36,000,000 for fiscal year 1996, and $38,000,000 for fiscal year 1997.

"(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than 20 percent for carrying out subsection (a)(3)(B) and not less than 20 percent for providing scholarships under section 736.".

(b) TRANSITIONAL AND SAVINGS PROVISION.—In the case of an entity that received an award of a grant or contract for fiscal year 1994 under section 740 of the Public Health Service Act, the Secretary of Health and Human Services may continue in effect the award in accordance with the terms of the award, subject to the duration of the award not exceeding the period determined by the Secretary in first approving the award. The preceding sentence applies notwithstanding the amendment made by subsection (a) of this section.

SEC. 306. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

SEC. 307. FEDERALLY-SUPPORTED STUDENT LOAN FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN MEDICAL SCHOOLS.—

(1) IN GENERAL.—Subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) is amended—

(A) by transferring subsection (f) of section 735 from the current placement of the subsection;

(B) by adding the subsection at the end of section 723;

(C) by redesignating the subsection as subsection (e); and

(D) in subsection (e)(1) of section 723 (as so redesignated), by striking "1996" and inserting "1997".

(2) CONFORMING AMENDMENTS.—Section 723 of the Public Health Service Act (42 U.S.C. 292s), as amended by paragraph (1) of this subsection, is amended in subsection (e)(2)(A)—

(A) by striking "section 723(b)(2)" and inserting "subsection (b)(2)"; and

(B) by striking "such section" and inserting "such subsection".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), other than the student loan fund of any school of medicine or osteopathic medicine, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1995 through 1997.".

TITLE IV—RESEARCH

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 of the Public Health Service Act (42 U.S.C. 283(b)) is amended by adding at the end the following subsections:

"(c) PLAN.—Subject to applicable law, the Director of the Office, in consultation with the advisory committee established under subsection (d), shall develop and implement a plan for carrying out the duties established in subsection (b). The Director shall review the plan not less than annually, and revise the plan as appropriate.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Committee').

"(2)(A) The Committee shall be composed of nonvoting, ex officio members designated in accordance with subparagraph (B) and voting members appointed in accordance with subparagraph (C).

"(B) The Secretary shall designate as ex officio members of the Committee the Directors of each of the national research institutes and the Deputy Assistant Secretary for Minority Health (except that any of such officials may designate another officer or employee of the office or agency involved to serve as a member of the Committee in lieu of the official).

"(C) The Director of the Office shall appoint as voting members of the Committee not fewer than 12 and not more than 18 individuals who are not officers or employees of the Federal Government. The appointments shall be made from among scientists and health professionals whose clinical practice, research specialization, or professional expertise includes significant expertise in research on minority health. The appointed membership of the Advisory Committee shall be broadly representative of the various minority groups.

"(3) The Director of the Office shall serve as the chair of the Committee.

"(4) The Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5)(A) The Advisory Committee shall prepare biennial reports describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) Each report under subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403 for the period involved.

"(e) REPRESENTATION OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which the various minority groups are represented among administrators, senior physicians, and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) REQUIREMENT REGARDING GRANTS AND CONTRACTS.—Any award of a grant, cooperative agreement, or contract that the Director of the Office is authorized to make shall be made only on a competitive basis.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient clinical research involving such individuals as subjects or insufficient clinical data on such individuals.

"(2) The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) The term 'minority groups' has the meaning given such term in section 1707(h).".

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by amending subsection (b) to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly."; and

(2) in section 926(a), by adding at the end the following sentence: "Of the amounts appropriated under the preceding sentence for a fiscal year, the Administrator shall reserve not less than 8 percent for carrying out section 902(b)(2).".

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups.".

TITLE V—NATIVE HAWAIIAN HEALTH CARE

SEC. 501. CLARIFICATION OF 1992 AMENDMENTS.

(a) CLARIFICATION OF DATE OF PASSAGE.—Section 9168 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1948) is amended by striking "September 12, 1992," and inserting "August 7, 1992,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 6, 1992.

SEC. 502. AMENDMENT OF NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REFLECT 1992 AGREEMENT.

Effective on the date of enactment of this Act, the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.

"(a) FINDINGS.—The Congress finds that—

"(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86–3 (73 Stat. 6; commonly referred to as the 'Hawaii Statehood Admissions Act');

"(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

"(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

"(b) DECLARATION OF POLICY.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(c) INTENT OF CONGRESS.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce stroke deaths to no more than 20 per 100,000.

"(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

"(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

"(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

"(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

"(10) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease to no more than 1.4 in 1,000.

"(B) Blindness to no more than 1.4 in 1,000.

"(C) Lower extremity amputation to no more than 4.9 in 1,000.

"(D) Perinatal mortality to no more than 2 percent.

"(E) Major congenital malformations to no more than 4 percent.

"(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

"(12) Reduce low birth weight to no more than 5 percent of live births.

"(13) Increase first trimester prenatal care to at least 90 percent of live births.

"(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

"(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

"(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

"(17) Increase years of healthy life to at least 65 years.

"(18) Eliminate financial barriers to clinical preventive services.

"(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

"(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

"(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

"(23) Increase moderate daily physical activity to at least 30 percent of the population.

"(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

"(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

"(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

"(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

"(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

"(29) Reduce initiation of smoking to no more than 15 percent by age 20.

"(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

"(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

"(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

"(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

"(34) Confine HIV infection to no more than 800 per 100,000.

"(35) Reduce gonorrhea infections to no more than 225 per 100,000.

"(36) Reduce syphilis infections to no more that 10 per 100,000.

"(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

"(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals age 25 and younger to 0.

"(B) Tetanus among individuals age 25 and younger to 0.

"(C) Polio (wild-type virus) to 0.

"(D) Measles to 0.

"(E) Rubella to 0.

"(F) Congenital Rubella Syndrome to 0.

"(G) Mumps to 500.

"(H) Pertussis to 1,000.

"(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(d) Report.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c).

"SEC. 3. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate.

"SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

"(a) Comprehensive Health Promotion, Disease Prevention, and Primary Health Services.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians.

"(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

"(2) In addition to paragraph (1), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

"(b) Qualified Entity.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.

"(c) Services To Be Provided.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

"(A) Outreach services to inform Native Hawaiians of the availability of health services.

"(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

"(C) Services of physicians, physicians' assistants, or nurse practitioners.

"(D) Immunizations.

"(E) Prevention and control of diabetes, high blood pressure, and otitis media.

"(F) Pregnancy and infant care.

"(G) Improvement of nutrition.

"(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

"(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

"(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

"(C) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 10, which are not specifically referred to in paragraph (1) of this subsection.

"(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

"(d) Limitation on Number of Entities.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems.

"(e) Matching Funds.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

"(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

"(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

"(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of such non-Federal contributions.

"(3) The Secretary may waive the requirement established in paragraph (1) if—

"(A) the entity involved is a nonprofit private entity described in subsection (b); and

"(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

"(f) Restriction on Use of Grant and Contract Funds.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

"(1) for any purpose other than the purposes described in subsection (c);

"(2) to provide inpatient services;

"(3) to make cash payments to intended recipients of health services; or

"(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(g) Limitation on Charges for Services.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

"(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

"(2) the entity will impose a charge for the delivery of health services, and such charge—

"(A) will be made according to a schedule of charges that is made available to the public, and

"(B) will be adjusted to reflect the income of the individual involved.

"SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

"(a) Functions.—Papa Ola Lokahi shall—

“(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

“(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

“(3) provide for the training of the persons described in section 4(c)(1)(B);

“(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

“(5) serve as a clearinghouse for—

“(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

“(B) the identification of and research into diseases affecting Native Hawaiians;

“(C) the availability of Native Hawaiian project funds, research projects, and publications; and

“(D) the timely dissemination of information relating to Native Hawaiian health care systems;

“(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

“(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

“(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

“(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

“(1) carrying out the functions described in subsection (a); and

“(2) administering any special project funds received under the authority of subsection (b).

“(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.

“SEC. 6. ADMINISTRATION OF GRANTS AND CONTRACTS.

“(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

“(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

“(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

“(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

“(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

“(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

“(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

“(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

“(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

“(A) if the entity will provide under the grant or contract any such health services directly—

“(i) the entity has entered into a participation agreement under such plan; and

“(ii) the entity is qualified to receive payments under such plan; and

“(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

“(i) the organization has entered into a participation agreement under such plan; and

“(ii) the organization is qualified to receive payments under such plan; and

“(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

“(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 4, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 4 with another entity referred to in section 4(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

“(2) In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of evaluation under this section.

“(3) All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

“(4) Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

“(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 5(c), the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this Act for the purpose of administering the grant or contract.

“(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

“(A) activities conducted by the entity under the grant or contract;

“(B) the amounts and purposes for which Federal funds were expended; and

“(C) such other information as the Secretary may request.

“(2) The reports and records of any entity which concern any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

“(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

“SEC. 7. ASSIGNMENT OF PERSONNEL.

“(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

“(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

“SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

“(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

“(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)); and

“(2) are Native Hawaiians.

“(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), except that—

“(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

“(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate; and

“(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

“(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

“(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

“(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

“(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

“SEC. 9. REPORT.

“The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).

“SEC. 10. DEFINITIONS.

“For purposes of this Act:

“(1) DISEASE PREVENTION.—The term ‘disease prevention’ includes—

"(A) immunizations,

"(B) control of high blood pressure,

"(C) control of sexually transmittable diseases,

"(D) prevention and control of diabetes,

"(E) control of toxic agents,

"(F) occupational safety and health,

"(G) accident prevention,

"(H) fluoridation of water,

"(I) control of infectious agents, and

"(J) provision of mental health care.

"(2) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,

"(B) cessation of tobacco smoking,

"(C) reduction in the misuse of alcohol and drugs,

"(D) improvement of nutrition,

"(E) improvement in physical fitness,

"(F) family planning, and

"(G) control of stress.

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) birth records of the State of Hawaii.

"(4) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian health center' means an entity—

"(A) which is organized under the laws of the State of Hawaii,

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,

"(C) which is a public or nonprofit private entity, and

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

"(A) which serves the interests of Native Hawaiians,

"(B) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians, and

"(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this Act,

"(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

"(D) which is a public or nonprofit private entity.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

"(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

"(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4.

"(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like Inc.;

"(iv) the University of Hawaii;

"(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

"(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

"(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

"(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

"(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

"(x) Hui Malama Ola Ha'Oiwi or a health care system serving the island of Hawaii; and

"(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

"(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.

"(8) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

"(A) services of physicians, physicians' assistants and nurse practitioners;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care;

"(F) preventive dental services; and

"(G) pharmaceutical services, as may be appropriate for particular health centers.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(10) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Hawaiian ancestry, and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

"(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders, and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 11. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

"SEC. 12. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 13. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.

"SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

"Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this Act.".

SEC. 503. REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 206 of this Act, is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the enactment of this Act.

TITLE VI—WOMEN'S HEALTH

SEC. 601. ESTABLISHMENT OF OFFICE OF WOMEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 704 of Public Law 103–183 (107 Stat. 2240), is amended by adding at the end the following section:

"OFFICE OF WOMEN'S HEALTH

"SEC. 1710. (a) IN GENERAL.—There is established an Office of Women's Health within the Office of the Assistant Secretary for Health. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Women's Health, who shall be the head of the Office of Women's Health. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

"(b) DUTIES.—

"(1) IN GENERAL.—The Secretary may conduct or support programs and activities regarding women's health conditions. In carrying out the preceding sentence, the Secretary shall—

"(A) monitor the programs and activities of the agencies specified in paragraph (2) in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions (as defined in section 486);

"(B) provide advice to the heads of such agencies on improving programs and activities that relate to such conditions; and

"(C) coordinate such programs and activities of the agencies.

"(2) SPECIFIED AGENCIES.—For purposes of paragraph (1), the agencies referred to in this paragraph are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The National Institutes of Health.

"(C) The Agency for Health Care Policy and Research.

"(D) The Health Resources and Services Administration.

"(E) The Substance Abuse and Mental Health Services Administration.

"(F) The Food and Drug Administration.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 602. WOMEN'S SCIENTIFIC EMPLOYMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"WOMEN'S SCIENTIFIC EMPLOYMENT

"SEC. 404F. (a) IN GENERAL.—The Director of NIH shall—

"(1) establish policies for the National Institutes of Health on matters relating to the employment by such Institutes of women as scientists;

"(2) monitor the extent of compliance with such policies, including through the implementation of an accountability system under the Federal Equal Opportunity Recruitment Program; and

"(3) establish and maintain a process for responding to incidents of noncompliance with such policies.

"(b) CERTAIN POLICIES.—In establishing policies under subsection (a)(1), the Director of NIH shall provide for the following policies regarding the employment of women as scientists at the National Institutes of Health:

"(1) A policy on the granting of tenured status.

"(2) A policy on family leave.

"(3) A policy on the recruitment of minority women.

"(4) A policy on the inclusion of women scientists in intramural and extramural conferences, workshops, international congresses, and similar events funded or sponsored by such Institutes.

"(c) AVAILABILITY OF POLICIES.—The Director of NIH shall ensure that copies of policies established under subsection (a) are available to scientists of the National Institutes of Health.

"(d) DEFINITION.—For purposes of this section, the term 'Federal Equal Opportunity Recruitment Program' means the program carried out under part 720 of title 5, Code of Federal Regulations (5 CFR 720).".

(b) STUDIES.—

(1) PAY EQUITY.—The Director of the National Institutes of Health shall provide for a study to identify any pay differences among men and women scientists employed (both tenured and untenured) by the National Institutes of Health. The study shall include recommendations on measures to adjust any inequities, and on making available information on salary ranges to all scientists of such Institutes.

(2) STUDY ON TERMINATION OF EMPLOYMENT.—The Comptroller General of the United States shall conduct a study for the purpose of determining the reasons underlying the employment termination of scientists of the National Institutes of Health. The study shall be carried out with respect to male and female scientists, and with respect to voluntary and involuntary terminations.

(3) REPORTS.—Not later than 240 days after the date of the enactment of this Act, the studies required in this subsection shall be completed, and reports describing the findings and recommendations of the studies shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 603. INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health collaborate for the purpose of carrying out the following activities:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(b) DEFINITION.—For purposes of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

SEC. 604. STUDY REGARDING CURRICULA OF MEDICAL SCHOOLS AND WOMEN'S HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study for the purpose of determining the contents of the curriculum of schools of medicine and osteopathic medicine and whether such curriculum provides adequate education to students on women's health conditions.

(b) CONSULTATIONS.—The Secretary shall carry out subsection (a) in consultation with the Deputy Assistant Secretary for Women's Health and the Director of the Office of Research on Women's Health (of the National Institutes of Health).

(c) REPORT.—Not later than April 1, 1995, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study and containing any recommendations of the Secretary regarding such findings.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "women's health conditions" has the meaning given such term in section 486 of the Public Health Service Act.

TITLE VII—TRAUMATIC BRAIN INJURY

SEC. 701. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Section 301(a) of Public Law 103–183 (107 Stat. 2233) is amended by striking "(42 U.S.C. 242 et seq.)" and inserting "(42 U.S.C. 243 et seq.)". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended pursuant to subsection (a) and as amended by section 703 of Public Law 103–183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 702. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 704. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidences of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. TECHNICAL AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.

The last sentence of section 818(e)(3) of the Indian Health Care Improvement Act (25 U.S.C. 1680h(e)(3)) is amended—

(1) by striking "services," and inserting "services"; and

(2) by striking ", shall be recoverable." and inserting a period.

SEC. 802. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c-1) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (5) and (6);

(B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(C) in paragraph (2)—

(i) by inserting "substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems"; and

(D) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end and inserting a semicolon; and

(2) in subsection (f)—

(A) by striking "There is" and inserting "There are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for each of the fiscal years 1995 through 1997".

SEC. 803. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103-183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103-183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103-183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103-183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103-183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 804. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 701 of this Act, is amended by inserting after section 317G the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317H. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) EFFECTIVE DATE.—This section takes effect July 1, 1994.

SEC. 805. ESTABLISHMENT OF PUBLIC HEALTH ANALYTICAL LABORATORY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention or through other agencies, may make a grant for the establishment and operation of a laboratory to protect the public health through analyzing human, wildlife, air, water, and soil samples. The laboratory shall be established within the United States at the central point of the international border between the United States and Mexico (as determined by such Secretary), and the laboratory shall serve the border region.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for fiscal year 1995 and each subsequent fiscal year.

SEC. 806. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 807. REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTITIES SUBJECT TO DRUG PRICING LIMITATIONS.

(a) TREATMENT OF CERTAIN OUTPATIENT CLINICS AS COVERED ENTITIES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following subparagraph:

"(M) A diagnostic and treatment center owned and operated by the New York City Health and Hospitals Corporation.".

(b) LIMITATION ON EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by striking "under this title" and inserting "under title XIX of such Act"; and

(2) in clause (iii), by inserting before the period at the end the following: ", other than the Health Services Purchasing Group under the control of Los Angeles County".

(c) CLARIFICATION OF EFFECTIVE DATE OF EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—The Secretary of Health and Human Services may not find that the hospital system for the Dallas County Hospital District of Texas (commonly known as Parkland Memorial Hospital) fails to meet the requirements for a covered entity under paragraph (4)(L) of section 340B(a) of the Public Health Service Act solely because the hospital used a group purchasing organization or other group purchasing arrangement to obtain a covered outpatient drug before the effective date of the entity guidelines published by the Secretary pursuant to section 602 of the Veterans Health Care Act of 1992 if, at the time the hospital purchased the drug, the manufacturer of the drug did not offer to furnish the drug to the hospital at the price required to be paid for the drug under paragraph (1) of such section.

(d) EFFECTIVE DATES.—Subsections (a) and (b) take effect as if included in the enactment of the Veterans Health Care Act of 1992. Subsection (c) takes effect on the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect October 1, 1994, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 3869, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1990, the Congress enacted the Disadvantaged Minority Health Improvement Act, which created a number of new programs to improve the health status of minority communities in the United States by expanding the opportunities for disadvantaged students to attend and succeed in the health professions. This legislation was the product of a cooperative effort by Members of Congress representing many different minority communities, and had substantial bipartisan support.

The legislation before us strengthens the ideals and objectives of the 1990 law. The committee bill reflects a careful evaluation of the impact of each of these programs and the community needs expressed by the Asian-Pacific, Black, and Hispanic Congressional Caucuses as well as representatives of Indian country. The result is a series of important reforms which address what we understand are the most critical needs of minority communities today: improving health status by increasing access to primary and preventive health care.

Evidence shows that the programs and policies of the past haven't always furthered this objective. Let me mention a few examples:

Over the last 20 years, we have spent hundreds of millions of dollars to recruit minorities into medicine and dentistry, yet the pool of applicants has increased little. In fact, in a report from the Institute of Medicine concluded that "(m)inorities in the health professions are more underrepresented today than 15 years ago."

Although it is not uncommon for health professions students to accumulate $25,000 a year in debt while in school, Congress continues to support a fragmented and ineffective system of school administered health profession scholarship programs that give small grants of $500 or $1,000.

In the meantime, the Federal Government turned away more than 1,200 minority students who applied for admission to the National Health Service corps due to a lack of funding. NHSC provides full tuition and living expenses for medical and other health professions students willing after graduation to work in a medically underserved community. Only 8 percent of minority applicants were able to receive Corps scholarships in fiscal year 1993.

Enactment of H.R. 3869 will increase by 200 percent the number of disadvantaged students able to receive NHSC scholarships. The committee bill offers the hundreds of disadvantaged students who desire a primary care career the opportunity to attend school without the feat of unsurmountable debt. It allows students who desire to practice in minority communities the freedom to do so.

Mr. Speaker, we know that discretionary funding next year is under tough budgetary caps. Common sense dictates that in times of fiscal austerity, we must prioritize Federal programs to address the most pressing needs. The reforms contained in H.R. 3869 will help increase access to health services and target limited Federal funding to those individuals and communities in greatest need.

I would like to thank all my colleagues on the subcommittee for working cooperatively with each other to achieve these common goals. I am committed to preserving this spirit of cooperation during conference negotiations with the Senate. Members on both sides of the aisle share common objectives and can take great pride in the ideals and objectives embodied in this important legislation.

Mr. Speaker, I urge support for the legislation.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3869. The bill reauthorizes a number of expiring programs in the Public Health Service Act. The purpose of many of these programs is to improve the health of individuals who are members of minority groups through the provision of health care services and by increasing the number of minorities who enter the health professions. The bill reauthorizes: (1) The Office of Minority Health; (2) several scholarship and loan programs for disadvantaged students; (3) the Migrant and Community Health Center Programs; (4) the Health Care for the Homeless Program; and (5) State offices of rural health.

Mr. Speaker, I am especially pleased that this bill reauthorizes the Community Health Centers Program. These centers provide comprehensive, high-quality, primary health care to populations living in medically undeserved areas.

Community health centers are located in areas throughout the country where there are financial, geographic, or cultural barriers to primary health care. In many communities, these centers are the sole providers of care. Currently, community health centers [CHC's] serve large proportions of poor and minority people. Sixty percent of CHC users are below the poverty level, 29 percent are between 100 and 200 percent of poverty and 11 percent are above 200 percent of poverty. In fiscal year 1992, 44 percent of individuals receiving services were children from newborn to 19 years of age.

Many of our Democratic colleagues and the President argue that universal insurance coverage is the only acceptable health reform option. However, universal coverage does not guarantee access to health care services. The health care capacity provided by CHC's will be particularly critical in health care reform. Even as financial barriers to care are overcome, providers and health plans will not be attracted to the neediest areas of the country. CHC's provide a health care infrastructure for the undeserved that is accessible and is designed to meet the specific needs of the community and its special populations.

Recognizing the tremendous value of community health centers, H.R. 3080, the Michel-Lott health reform bill provides a $1.5 billion increase in funding for community and migrant health centers over 5 years, at the rate of an additional $100 million every year. The combined fiscal year 1994 funding for community health centers, migrant health centers, and homeless health care totals $725 million. To maintain the current level of services, funding must be increased by 4 percent for fiscal year 1995. This adjustment will result in no new centers, no additional patients served, and would avoid closing existing centers.

An increase of $50 million will enable 30 new centers to open and an additional 300,000 individuals to be served at an annual cost of approximately $100 per patient. There are currently 150 centers which have demonstrated need and met all criteria for funding, but cannot open due to lack of funds.

The authorization provided in this bill is openended. I hope that the members of the Appropriations Committee will seriously consider increasing the level of funding for these centers. While we argue over the best way to reform the health care system, we can take this simple step to provide health care to thousands of individuals who otherwise would go without.

I urge my colleagues to join me in supporting H.R. 3869.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a very important member of our subcommittee.

Mr. RICHARDSON. First, my thanks to the gentleman from California [Mr. WAXMAN], the gentleman from California, [Mr. MOORHEAD], and the gentleman from Ohio [Mr. STOKES]. I want to thank Mr. STOKES for being a generous appropriator for many of these programs.

Mr. Speaker, what we are talking about in this legislation are resources. What this bill does is provide very needed resources to minority health programs around the country.

First, we deal with the Office of Minority Health, a key component if we are going to provide minority assistance in the health care area. This legislation also creates a national resources minority center.

In addition, we provide resources for migrant and community health centers, funding for State offices of rural health, a major effort at dealing with birth defect precautions and monitoring at the Centers for Disease Control; a number of prevention, training, and public information programs affecting minority health.

This legislation also sets out a concrete strategy in minority communities to deal with the problems of infant mortality, fetal alcohol syndrome, which is a major problem on Indian reservations; low-birthweight babies is dealt with in a very positive fashion in this bill; and we deal with a silent killer in minority communities, diabetic-related blindness.

But most importantly, what this bill does is prepare us for the future. Education and scholarship programs are created for health professionals. The number of minority health professionals is staggering low. This includes doctors, nurses, nurse anesthetists, and medical assistants. Minorities who practice health care in minority communities are often more effective but when we do not have a sufficient number of minority graduates from not just medical schools but other health care programs, we have a problem. So what is created is an education and scholarship program for a number of health professions; physician assistants, nurses, and mental health practitioners. In addition, this legislation has a program of 1 year of medical service in exchange for each year of scholarship assistance, a very positive way to get more minority students back into their communities.

What we also have is a major effort at women's minority health, problems of medical research involving women, in addition to strong requirements for the National Institutes of Health to have more women in the medical professions, especially at NIH.

Mr. Speaker, I also wish to commend Mr. JOSÉ SERRANO, the chairman of the Congressional Hispanic Caucus, for working together with us and with Mr. STOKES and other members of the Hispanic minority community to reach an important compromise on the funding for Centers of Excellence.

There are a number of very important institutions, Hispanic institutions that will be training health care professionals. What this legislation does is allow sufficient resources to permit all Centers of Excellence to do the job as they are supposed to do, which is to lead the way in advances in minority health.

What this bill also does is add additional resources to the collection of data on minority health through the National Centers on Health Statistics. There are tremendous differences within the Hispanic community, for example, in the measures of health traditionally used by the Federal agencies responsible for this. We do not currently have in the health professions categories of illnesses relating to minorities, especially Hispanics.

□ 1300

The bill will give those agencies the resources they need to gather data for various population groups within the community.

Mr. Speaker, this is an important bill, and I thank the chairman, the gentleman from California [Mr. WAXMAN], for having yielded to me, as well as the gentleman from California [Mr. MOORHEAD] for his excellent work. And again my thanks to the gentleman from Ohio [Mr. STOKES].

Mr. Speaker, I rise in very strong support of the minority health improvement act.

I want to thank Chairman WAXMAN and Chairman DINGELL for their fine work in getting a strong bill to the floor that addresses health concerns of all minorities and Americans who have traditionally been underserved by our health care system.

Even though we originally authorized the Minority Health Improvement Act 3 years ago, members of minority communities are still underserved.

This bill before us today takes important steps to address the shortcomings that are still apparent after the Minority Health Improvement Act of 1990.

Mr. Speaker, Mr. SERRANO and I and other members of the Hispanic Caucus worked together with Mr. STOKES and the Black Caucus to reach an important compromise on the funding for Centers of Excellence.

This will allow all Centers of Excellence to do the job that they are supposed to do, which is to lead the way in advances in minority health.

I want to thank Mr. STOKES and the other Members of the Black Caucus for their work in reaching the compromise.

Also, Mr. Speaker, this bill adds additional resources to the collection of data on minority health through the National Center on Health Statistics.

There are tremendous differences with the Hispanic community in the measures of health traditionally used by the Federal agencies responsible for this.

This bill will give those agencies the resources they need to gather data for various population groups within the Hispanic community.

Finally, Mr. Speaker, I realize that there may be some disagreements from some respected Members about the primary care scholarships. I would like to assure those Members that we will address those concerns in the conference with the Senate.

This is a good bill, Mr. Speaker, and I support it.

Mr. WAXMAN. Mr. speaker, I yield 3 additional minutes to the gentleman from New Mexico [Mr. RICHARDSON] so we can pursue a colloquy.

Mr. RICHARDSON. Mr. Speaker, I would like to engage in a colloquy with the gentleman from California to clarify some issues in this legislation.

I have been informed that certain interest groups are concerned that the primary care scholarships in H.R. 3869 may force minority students not interested in primary care to choose this specialty. Is this true?

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. WAXMAN. in fact, as I mentioned in my statement, there are more than 1,300 Hispanic, Indian, Asian/Pacific Islander, and African-American health professions students each year who have registered interest in practicing primary care with the National Health Service Corps program. These students have not been forced into making applications—they are genuinely interested in delivering primary care to underserved communities. Yet only 8 percent of them were able to receive financial assistance last year.

Mr. RICHARDSON. It would seem that meeting this demand would help us meet the objective of delivering basic health care services in minority communities. If there are limited Federal dollars, is there a reason we should give a scholarship to a student who wants to practice primary care instead of a specialty? The AMA says that the specter of a future where economic factors dictate career or specialty choice is abhorrent. Isn't that already happening?

Mr. WAXMAN. Absolutely. Let us look at two minority students from the same school. Upon graduating from medical school, each one of them has $100,000 in loans that must be repaid starting in their first years of practice at a rate of approximately $1,000 a month. The student who is thinking about being a cardiologist has no worries—she will be bringing home $350,000 a year. But the student who wants to return to his home town to be a pediatrician has a serious problem. As a primary care physician in a poor community, he could bring home as little as $60,000 a year, and have to pay off his loans while supporting a family and setting up a practice.

Contrary to the AMA's suggestion, H.R. 3869 is the only approach that truly gives students a choice of career or specialty given the current financial disincentives to choosing primary care.

Mr. RICHARDSON. I know the community health center in my district have difficulty recruiting physicians for exactly that reason. Let me clarify another point: there is some concern that having students accept scholarships with a primary care obligation may face the terrifying prospect of not being accepted into a residency program. Is there any truth to this?

Mr. WAXMAN. None at all. First, only half the primary care residency slots each year are filled. Second, the National Health Service Corps scholarship program has not had a single student unable to fulfill his or her obligation because he or she were unable to secure a primary care residency slot.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have additional requests for time, and I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in recognition of H.R. 3869, the Minority Health Improvement Act of 1994, introduced by my colleague, the distinguished gentleman, Mr. HENRY WAXMAN, on behalf of the Subcommittee on Health and the Environment. I would like to commend the gentleman from California [Mr. WAXMAN] the chairman of that subcommittee, for the leadership he has demonstrated in promoting legislation which addresses the serious disparities in minority health care in our Nation. Additionally, I would like to commend the members of that subcommittee including the distinguished gentlemen Congressman EDOLPHUS TOWNS, Congressman CRAIG WASHINGTON, and Congressman BILL RICHARDSON for their steadfast commitment to improving the health status of and quality of life for disadvantaged minorities.

Mr. Speaker, of all groups lacking access to health care and experiencing a diminished health status, African-Americans and other disadvantaged minorities continue to top the list. Mr. Speaker, while I am in support of increased Federal involvement with this critical issue, I must express serious concerns about H.R. 3869, in its current state. This bill does not address the many concerns about health disparity among minorities as does the Senate companion bill, the Disadvantaged Minority Health Improvement Act of 1993, S. 1569.

I am satisfied with conversations that I have had with the distinguished gentleman [Mr. JOHN DINGELL], chairman of the Committee on Energy and Commerce, and his distinguished Subcommittee on Health and the Environment, Chairman HENRY WAXMAN, that they will work with me and Congresswoman CARDISS COLLINS, Congressman TOWNS, and Congressman WASHINGTON in order to try and address these many serious concerns.

Our President has issued a call, Mr. Speaker, to his administration, experts around the United States, and to the Congress to reform our health care system. In meeting this challenge, we must not only look closely at new solutions to these problems, but to also strengthen and improve those programs that we know to be effective in meeting the health care needs of African-Americans and other disadvantaged populations. These are the segments of our population that continue to suffer the most diminishing health status, and in turn a further diminished quality of life.

Mr. Speaker, from my position as a member of the Labor-Health and Human Services Appropriations Subcommittee, and particularly as chairman of the Congressional Black Caucus health Braintrust, I know that if we listen and respond to the experts in the minority community and to others committed to closing the minority health disparity gap, we have at our fingertips many of the answers to this critical problem.

Mr. Speaker, I was proud to know of the unified support out there around the country that crosses economic, social, racial, and ethnic lines to support improving the health status of disadvantaged minorities. The level of confidence that I have in these groups and my colleagues leads me, at this time, to just note my reservations and vote for the legislation. Working closely with them between now and conference to address these serious concerns will make H.R. 3869 a better bill for improving the health of disadvantaged minorities.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I rise in strong support of H.R. 3869, the Minority Health Improvement Act of 1994. As chairman of the Congressional Hispanic Caucus, I strongly commend Chairman WAXMAN of the Health and Environment Subcommittee for, once again, demonstrating an uncommon leadership and sensitivity to the needs of minority communities and all Americans.

The enactment of the original Minority Health Improvement Act in 1990 was historic because it brought the health concerns of ethnic and racial minority communities to the forefront of Federal health policy.

The reality in this country is that there continues to be huge disparities between the health status of minority communities and the majority population. There are also big differences in the health status of each racial and ethnic group. Latinos continue to face serious obstacles when seeking health care. What's more, Latinos do not receive timely and adequate health care and are the single group most likely to lack health insurance coverage. However, Latino-specific health data is very scarce or out dated.

H.R. 3869 addresses this lamentable situation by authorizing and strengthening Federal programs designed to improve the health status of minority communities, while attempting to equitably balance the needs of all groups served.

The legislation includes key provisions originally contained in H.R. 3230, the Minority Health Opportunity Enhancement [M-HOPE] Act, which I introduced on behalf of the Hispanic Caucus last year. The M-HOPE act focused on enhancing the responsiveness of the Federal health programs in meeting the needs of Latinos across the country.

Indeed, H.R. 3860, the bill before us today, improves and strengthens the health care capacity of community-based facilities, includes programs to help minority students enter in health professions, and improves research on the health status of ethnic minorities.

I, and the Hispanic Caucus, strongly support provisions included in the bill to improve and increase services for limited-English-proficient persons so that care is provided in an appropriate language and cultural context.

We applaud the Hispanic and African-American members of the committee in negotiating changes to the Centers of Excellence program, and support the compromise reached.

The changes to the Health Careers Opportunities Program [HCOP], which is a pipeline program to increase the number of minority health professionals, will allow for more institutions who serve Latinos to participate in the program. We welcome these changes since Latinos are severely represented in the health professions. As the committee report notes, the participation rates of Latinos in this program and other programs authorized by this act are unacceptably low.

This legislation reauthorizes the community and migrant health center programs, which are badly needed in Latino communities. Latinos who live in urban settings face severely limited health care options because there are too few providers and the health care facilities are overcrowded. Many urban Latinos are forced to delay care or receive disjointed care. Studies of Latino communities in New York City, like the one I represent, reveal that existing health care providers could only meet 50 percent of the residents' needs for primary health care visits. Latinos who live in rural areas also face a dearth of primary care facilities and health care providers. Many Latino communities on the United States-Mexico border do not have a single doctor.

Many Latino medical students who want to return to their underserved communities to practice complain that they are having problems choosing primary care as a health professional option because of the huge debt they must incur. This legislation includes scholarships for minority students interested in working in underserved communities, like those in New York City and along the United States-Mexico border, to choose a primary care specialty for career interest rather than not having it as an option because of economic reasons. This is sound policy.

Again, let me express my deepest gratitude to Chairman WAXMAN for his leadership in crafting a truly outstanding piece of legislation. His guidance will serve the Members of the House well as we consider health reform.

I strongly urge my colleagues to support this legislation.

□ 1310

This legislation reauthorizes the Community and Migrant Health Care Centers which are badly needed in Latino communities. Latinos who live in urban settings face severely limited health care options because there are too few providers and the health care facilities are overcrowded.

Therefore, as we look at the bill, the Hispanic Caucus is in full support of it. We feel, as we said before, that all Members involved have done a great job of incorporating our concerns, and we would hope for a situation when we get to the Committee on Appropriations where we can all be very much supportive of bringing about these changes.

Ms. SNOWE. Mr. Speaker, I rise today in support of H.R. 3869, the Minority Health Improvement Act of 1994. This legislation not only reauthorizes and expands health services, professional programs and research for minorities, but it also incorporates several provisions of the Women's Health Equity Act of 1993, which Congresswoman SCHROEDER and I sponsored, including sections of the Women's Health Offices Act, which I sponsored.

For far too long, at the Federal level, women's health has been neglected. In recent years, several pieces of legislation have been passed to address the inadequacies and inequities in health care of and medical research on women. Early in the 1980's, a task force was formed to review and recommend a comprehensive women's health agenda. Although an Office of Women's Health was established in 1991 in the Public Health Service, it did not receive a direct appropriation until fiscal year 1994.

H.R. 3869 statutorily establishes a Public Health Service Office of Women's Health, ensuring that it will continue uninterrupted, defining and funding its mission. The Office will be administered by the Deputy Assistant Secretary for Women's Health, who has the authority to develop and support programs concerning women's health and advise heads of PHS agencies and monitor activities that relate to women's health. An appropriation of $5 million is authorized for fiscal year 1995.

I am pleased that the Office of Women's Health will have general authority to offer recommendations on all programs and activities conducted by the Public Health Service to assure that women's health care needs will be addressed through a comprehensive and coordinated policy. I encourage my colleagues to vote for passage of H.R. 3839, which will ensure that women's health concerns are integrated into all programs and activities of the Public Health Service and that they no longer are an afterthought in the annals of medical research and care.

Mr. ORTIZ. Mr. Speaker, today I rise in support of H.R. 3869, the Minority Health Improvement Act. This legislation seeks to improve the health status of racial and ethnic minorities by improving several Federal health programs. I am delighted that this legislation addresses the issues of birth defects and public health in the United States-Mexico border area. I am pleased to be a cosponsor and advocate of this much-needed legislation.

The birth defects provisions of this legislation are important not only to the residents of my district, but to the Nation as a whole. I became more aware of birth defects through a tragedy in Cameron County, TX, when it was noticed that there was a high rate of spinal and neural tube birth defects in infants born in the border region of south Texas. When the matter was first brought to my attention, I was astonished that there was no national monitoring system with which to track and investigate such birth defects.

As I learned more about birth defects, I was startled to discover that birth defects occur in an estimated 250,000 infants annually and account for 21.5 percent of all infant deaths. It is shocking that there is no national strategy to discover causes for birth defects nor to implement preventive measures. I therefore introduced legislation to establish a national clearinghouse to track the incidence of birth defects and to investigate causes and educate the public.

That is why I wholeheartedly support H.R. 3869, which recognizes the need for a national tracking system to monitor birth defects. The monitoring and research programs could identify causes of birth defects and develop prevention strategies. Birth defects are a major national health problem which crosses all geographic areas and affects children of all races and economic classes.

Another important provision in H.R. 3869 calls for the establishment of a public health analytical laboratory along the United States-Mexico border. This lab would specifically aid border areas which characteristically have a high incidence of infectious and communicable diseases. The establishment of such a lab could provide invaluable information concerning the health status of border areas while also serving as a resource to border State public health agencies. Acknowledging the need for this border laboratory is a clear sign that we realize that health issues do not recognize borders.

I believe that H.R. 3869 acknowledges the need for some Federal programs to integrate and expand their activities to a more diverse group. I urge my colleagues to support this legislation which could benefit many people who are often overlooked in the health area. Not only would the Minority Health Improvement Act improve health issues pertinent to minority groups, but it would serve as an investment to the health of all people of the United States.

Mr. JEFFERSON. Mr. Speaker, it is ironic that the bill that carries the title "Minority Health Improvement Act of 1994" is opposed by the National Medical Association, the largest association of African-American physicians in the Nation.

The reason for the opposition by the NMA is the limitation the bill places on the use of scholarships for minority health providers, to those seeking careers as primary care physicians only. Why is it they ask, should a minority student, just because of his or her ability to pay for a medical education, be denied the opportunity available to medical students of means to choose a field of medical practice?

Why indeed. Most minority physicians are already primary care providers. In the future, most will be forced by the circumstances of their practice or their own consciences to become primary care physicians. But to tell them, in an act of Congress, that is all they can do and that is what they must become, places a premature and unfair restriction on their medical careers.

Family economic or social status must not determine the career options of any student in this Nation, let alone medical students. Unfortunately, the scholarship provisions of this bill have that effect. Therefore, I urge that this matter be resolved in conference.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3869, the Minority Health Improvement Act. I would like to thank the gentleman from California [Mr. WAXMAN] for introducing this important measure, as well as his role in helping to improve our health care system.

H.R. 3869 creates new programs, reauthorizes and revises old ones in the following five areas: The Office of Minority Health within the Public Health Service; primary health services such as migrant and community health centers, homeless health centers, State grants for rural health programs, and healthy start for infants; health professions programs which provide scholarships to poor students wishing to pursue careers in health care; national health research programs; and native Hawaiian health care programs.

Additionally, this measure focuses on women's health by authorizing funding for the Public Health Service Office of Women's Health, as well as improving women's scientific employment at the National Institutes of Health.

Moreover, H.R. 3869 defines traumatic brain injury as "An acquired injury to the brain" not including brain dysfunction caused by congenital or degenerative disorders. Each year, over 90,000 people become disabled as a result of brain injury. Many sufferers and their families want these kinds of injuries to be distinguished from other disabilities because of the serious consequences of, and the lack of education programs and treatment for, the injury.

Mr. Speaker, the purpose of many of the programs in H.R. 3869 is to improve the health of individuals who are members of minority groups through the provision of health care services and to increase the number of minorities who enter the health professions.

Accordingly, I urge my colleagues to vote in favor of this important measure.

Mr. WHEAT. Mr. Speaker, I rise in general support of H.R. 3869, the Minority Health Improvement Act, and the request for a conference. For each of us, good health is a fundamental part of our lives, the foundation upon which everything else rests. The ability to be productive, to hold a job, to learn, even to care for ourselves and our families, are all dependent on retaining our good health. H.R. 3869, and its Senate counterpart, S. 1569, reauthorize a number of important minority health programs which increase minority communities' access to health care.

Another fundamental part of our lives, especially for children, is a loving and secure environment. Unfortunately, for growing numbers of children, their birth homes are no longer safe, loving and caring and the children have been placed in foster care. In fact, the number of children in foster care has exploded from 276,000 in 1986 to almost 500,000 at this time. Children are entering foster care at a young age and staying longer.

Minority children wait longer for adoption, are less likely to be placed, and are disproportionately represented among children waiting to be adopted—African-American children make up 40 percent of the children in foster care. Both informal policies, and formal policies in some States, provide barriers to transracial adoptions, thus keeping minority children apart from permanent homes.

Foster care is intended to be temporary, a shelter until the child can be united with a new family where that child can have the love, care, and sense of permanency that is so necessary for the positive development of all children. We must do all we can to ensure that foster children are placed in safe, loving, adoptive homes as quickly as possible, allowing them to grow to be the most that they can be. To that end, I introduced the Multiethnic Adoption Act and support the same provision included in the Senate minority health bill.

I realize that there are diverse viewpoints regarding the issue of adoption across racial lines. Some firmly believe that the only way minority children can retain their sense of identity and appreciate their racial and cultural heritage is to be raised in a family of the same race.

However, Professor Rita Simon, at American University, tracked over 200 families who had adopted across racial lines. Her findings are that "'Transracially adopted' children are as well adjusted as children who are adopted into same-race families. Adoption by whites, she concludes, is better for minority children than the revolving door of permanent foster care."

Let us not allow our children to languish in foster care until those problems are resolved. Let us not allow our children to languish in foster care only because same-race families have not yet been located. let us not allow our children to remain in foster care a day longer than necessary. Let us make sure that children are not denied a permanent family because of race, color, or national origin.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of H.R. 3869, the Minority

Health Improvement Act of 1994, which includes a variety of measures to improve the health status of minority and low-income populations and to increase the participation of minorities in the health professions.

The expansion of primary care programs included in the bill will help improve access to health care for ethnic minorities and people in poverty. The establishment of a new resource center to improve the ability of health care providers to serve limited English-speaking populations will greatly enhance the ability of immigrants and newly arrived residents to utilize the health system.

The establishment of an Office of Women's Health in the Public Health Service is an important step in recognizing the past discrimination against women in the area of health. It will improve the health delivery service for low-income and minority women, who continue to have some of the most severe health difficulties, including poor nutrition, lack of prenatal and postnatal care, high incidence of breast cancer, diabetes, and other fatal diseases.

This bill is also of particular significance to the native people of my State of Hawaii as it includes the reauthorization of the Native Hawaiian Health Care Act. The Native Hawaiian Health Care Act, in existence since 1988, is of critical importance to the survival of the native population of the State of Hawaii.

This program seeks ways to improve the dismal health of the native Hawaiian people through the establishment of community-based health care systems sensitive to the special needs, mores, history, tradition, and culture of the native Hawaiian people.

Mr. Speaker, many Members of the Congress are unaware of the history of the native Hawaiian people. And I appreciate the opportunity to share with the Members of this House the history of the native Hawaiian people and the events that have led to the tragic situation they find themselves in today.

Once a strong, healthy, and thriving community, the native people of our islands suffered greatly from the foreign influences that began to arrive in the late 18th century, and which eventually dominated the islands, calling upon the U.S. military to overthrow the Hawaiian monarchy, imprison Hawaii's queen, and establish a government and a society foreign to the people of Hawaii.

January of 1993 marked the 100th anniversary of the overthrow of the Hawaiian kingdom. And over the last century the native Hawaiian people have struggled to cope with the loss of their nation and assimilate in the western society.

But despite their efforts, the introduction of western diseases, the breakdown of their culture, and suppression of traditional healing practices has left a legacy of poor health and nutrition, poverty, and high mortality rates.

The native Hawaiian people currently suffer from extraordinarily high rates of heart disease, cancer, and chronic conditions, such as diabetes.

An Office of Technology Assessment study authorized by the Congress in 1984, which compared both Hawaiian and part-Hawaiians to other populations in the United States, found that overall native Hawaiians have a death rate that averages 34-percent higher than all other races in the United States.

Pure-blooded Hawaiians have a death rate that is an astounding 146-percent higher than other Americans.

The study also revealed that native Hawaiians die from diabetes at a rate that is 222-percent higher than for all races in the United States.

Recent studies in the State of Hawaii show that 44 percent of all infant deaths in the State are native Hawaiian children, cancer rates among native Hawaiians far exceed other ethnic populations in our State, and health care services are often lacking in native Hawaiian communities.

The high incidence of mental illness and emotional disorders among native Hawaiians is attributed to the cultural isolation and alienation in a statewide population in which they now constitute about 20 percent.

Disenfranchised from their land, culture, and ability to self-govern, the native Hawaiian people have suffered a plight similar to that of the native American Indians on the continental United States. And it is the responsibility of the Federal Government to assist in our efforts to improve the health status of the native people of Hawaii.

In 1988 the Congress recognized this tremendous need and enacted the Native Hawaiian Health Care Act, which has provided the native Hawaiian community the opportunity to assess its own health needs and find solutions that its native population can understand and relate to.

Since 1990 the Congress has appropriated funds to implement this act. H.R. 3869 does not set specific funding increases for this program, but simply relies upon the appropriation process to provide funds necessary to implement the goals of this act. In fiscal year 1994 the Congress provided $4.3 million for this program, and the President requested the same amount in his fiscal year 1995 budget proposal.

Mr. Speaker, the Native Hawaiian Health Care Act of 1988 is one of the many initiatives by the Congress to assure Hawaiian people of their right to the protections and benefits of Federal legislation created to acknowledge the special trust responsibility of this Nation's aboriginal peoples.

For 18 years the Congress has recognized the native Hawaiians as native Americans, and on 37 occasions the Congress passed Federal laws that include native Hawaiians in programs or services that are designed to service native American communities, and Congress has consistently supported programs specifically designated for native Hawaiians.

I urge my colleagues to support H.R. 3869, which will help fulfill the original goal of the Native Hawaiian Health Care Act, to elevate and promote the health and well-being of the native Hawaiian people, so that they may function effectively as citizens and leaders in their homeland; and help determine and participate in the future of their culture, their race, and their land.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of H.R. 3869, the Minority Health Improvement Act of 1994 and urge my colleagues to do the same.

This legislation is important because its main truss is to strengthen Federal programs that are designed to improve the health status of minorities not only through the delivery of health care services, but through training of health professionals.

As a strong proponent of women's health care, I am pleased to note that H.R. 3869 includes language which I introduced that addresses the inconsistent policies at the Federal level for coordinating health information resources. Many women and Americans have begun to understand the importance of taking care of their health. And I feel it is important that the Government do its best in providing informational resources to promote better health awareness.

It has been found that Public Health Service Agencies are not coordinated in their efforts, have separate goals, budgets, and levels of interest in public information. Each does not necessarily know what the others are doing. Consequently, consumers must be motivated, patient, and persistent in order to make the required number of phone calls to separate agencies to locate information on a desired topic.

In general, the average woman relies on her health professional and the media to obtain health information. Because there are so many different agencies and institutes within the Federal Government, the average woman finds it difficult to know where and whom to call for information. I think we can all agree that health promotion can change behavior and prevent disease, disability, and premature institutionalization in later life.

Language in H.R. 3869 would monitor the programs and activities of agencies within the Public Health Service in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions. And this legislation would coordinate programs and activities of specified agencies.

It is bad enough that women's health is threatened by an epidemic of breast cancer, a crippling invasion of osteoporosis, or the silent assault of ovarian cancer. Without a coordinated strategy of the dissemination of information as an integral part of the communications programs like the Public Health Service, access to important services won't happen.

I want to thank Chairman WAXMAN and Chairman DINGELL for their fine work in getting a strong bill to the floor that addresses the shortcomings that are still apparent after the Minority Health Improvement Act of 1990.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3869, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize, and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1994".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or a repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.
TITLE I—HEALTH POLICY
Sec. 101. Office of Minority Health.
Sec. 102. Agency Offices of Minority Health.
Sec. 103. State Offices of Minority Health.
Sec. 104. Assistant Secretary of Health and Human Services for Civil Rights.
TITLE II—HEALTH SERVICES
Sec. 201. Health services for residents of public housing.
Sec. 202. Issuance of regulations regarding language as impediment to receipt of services.
Sec. 203. Health services for Pacific Islanders.
TITLE III—HEALTH PROFESSIONS
Sec. 301. Loans for disadvantaged students.
Sec. 302. Cesar Chavez primary care scholarship program.
Sec. 303. Thurgood Marshall scholarship program.
Sec. 304. Loan repayments and fellowships regarding faculty positions at health professions schools.
Sec. 305. Centers of excellence.
Sec. 306. Educational assistance regarding undergraduates.
Sec. 307. Area health education centers.
TITLE IV—RESEARCH AND DATA COLLECTION
Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.
TITLE V—MISCELLANEOUS
Sec. 501. Revision and extension of program for State Offices of Rural Health.
Sec. 502. Technical corrections relating to health professions.
Sec. 503. Clinical traineeships.
Sec. 504. Demonstration project grants to States for Alzheimer's disease.
Sec. 505. Medically underserved area study.
Sec. 506. Programs regarding birth defects.
Sec. 507. Demonstration projects regarding diabetic-retinopathy.
Sec. 508. Mexican Border State Analytical Laboratories.
Sec. 509. Construction of regional centers for research on primates.
TITLE VI—MULTIETHNIC PLACEMENT
Sec. 601. Short title.
Sec. 602. Findings and purpose.
Sec. 603. Multiethnic placements.
TITLE VII—VOLUNTARY MUTUAL REUNIONS
Sec. 701. Facilitation of reunions.
TITLE VIII—GENERAL PROVISIONS
Sec. 801. Effective date.

SEC. 2. FINDINGS.

Section 1(b) of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 300u-6 note) is amended to read as follows—

"(b) FINDINGS.—Congress finds that—

"(1) the health status of individuals from racial and ethnic minorities in the United States is significantly lower than the health status of the general population and has not improved significantly since the issuance of the 1985 report entitled "Report of the Secretary's Task Force on Black and Minority Health";

"(2) racial and ethnic minorities are disproportionately represented among the poor;

"(3) racial and ethnic minorities suffer disproportionately high rates of cancer, heart disease, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;

"(4) the incidence of infant mortality among African Americans is almost double that for the general population;

"(5) Mexican-American and Puerto Rican adults have diabetes rates twice that of non-Hispanic whites;

"(6) a third of American Indian deaths occur before the age of 45;

"(7) according to the 1990 Census, African Americans, Hispanics, American Indians, and Asian/Pacific Islanders constitute approximately 12.1 percent, 9 percent, 0.08 percent, and 2.9 percent, respectively, of the population of the United States;

"(8) minority health professionals have historically tended to practice in low-income areas, medically underserved areas, and to serve racial and ethnic minorities;

"(9) minority health professionals have historically tended to engage in the general practice of medicine and specialties providing primary care;

"(10) reports published in leading medical journals indicate that access to health care among minorities can be substantially improved by increasing the number of minority professionals;

"(11) diversity in the faculty and student body of health professions schools enhances the quality of education for all students attending the schools; and

"(12) health professionals need greater access to continuing medical education programs to enable such professionals to upgrade their skills (including linguistic and cultural competence skills) and improve the quality of medical care rendered in minority communities.".

TITLE I—HEALTH POLICY

SEC. 101. OFFICE OF MINORITY HEALTH.

Section 1707 (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minorities, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Health Care Policy and Research, the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institutes of Health shall consult with the Deputy Assistant Secretary for Minority Health to ensure the coordination of all activities within the Public Health Service as they relate to disease prevention, health promotion, service delivery, and research concerning such individuals.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including racial and ethnic minorities.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Establish a national center that shall carry out programs to improve access to health care services for individuals with limited English proficiency by facilitating the removal of impediments to the receipt of health care that result from such limitation.

"(5) With respect to grants and contracts that are available under certain minority health programs, the Secretary shall ensure that the agencies of the Public Health Service—

"(A) inform entities, as appropriate, that the entities may be eligible for the awards;

"(B) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(C) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(6) Not later than September 1 of each year, the Deputy Assistant Secretary of Minority Health shall prepare and submit to the Secretary a report summarizing the activities of each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on the development of goals and specific program activities under subsection (b)(1) for each racial and ethnic group.

"(3) CHAIRPERSON.—The Deputy Assistant Secretary for Minority Health shall serve as the Chairperson of the Committee.

"(4) COMPOSITION.—The Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Secretary shall appoint the members of the Committee from among individuals with expertise regarding issues of minority health. The membership of the Committee shall be equitably representative of the various racial and ethnic groups. The Secretary may appoint representatives from selected Federal agencies to serve as ex officio, non-voting members of the Committee.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee, compensation at rates that do not exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule under title 5, United States Code.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations regarding activities under subsection (b)(4).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In awarding grants or contracts under section 338A, 338B, 340A, 724, 737, 738, or 1707, the Secretary shall ensure that such awards are equitably allocated with respect to the various racial and ethnic populations.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(4) PEER REVIEW.—The Secretary shall ensure that each application for a grant, contract or cooperative agreement under this section undergoes appropriate peer review.

"(e) REPORTS.—Not later than January 31 of fiscal year 1995 and of each second year thereafter, the Secretary shall submit to the Congress a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minorities.

"(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) AUTHORITY.—In carrying out subsection (b), the Secretary may enter into grants and contracts with public and nonprofit private entities.

"(2) EVALUATION AND DISSEMINATION.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (e) for the fiscal year involved.

"(g) DEFINITION.—As used in this section, the term 'racial and ethnic minority group' means Hispanics, Blacks, Asian Americans, Pacific Islanders, Native Americans, and Alaskan Natives. The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country, including Spain or the Caribbean Islands, and individuals identifying themselves as Hispanic, Latino, Spanish, or Spanish-American.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for activities to improve access to health care services for individuals with limited English proficiency, including activities identified in subsection (b)(4).".

SEC. 102. AGENCY OFFICES OF MINORITY HEALTH.

Title XVII (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

"SEC. 1709. AGENCY OFFICES OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary shall ensure that an Office of Minority Health is operating at the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Agency for Health Care Policy and Research. Such Offices shall ensure that services and programs carried out within each such respective agency or office—

"(1) are equitably delivered with respect to racial and ethnic groups;

"(2) provide culturally and linguistically competent services; and

"(3) utilize racial and ethnic minority community-based organizations to deliver services.

"(b) REPORTS.—Each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health, shall submit a report, not later than May 1 of each year, to the Deputy Assistant Secretary for Minority Health (as provided for in section 1707(b)) describing the accomplishments or programs of the plan, the budget allocation and expenditures for, and the development and implementation of, such health programs targeting racial and ethnic minority populations. The Secretary shall ensure the participation and cooperation of each Agency in the development of the annual report.".

SEC. 103. STATE OFFICES OF MINORITY HEALTH.

Title XVII (42 U.S.C. 300u et seq.), as amended by section 102, is further amended by adding at the end the following new section:

"SEC. 1710. GRANTS TO STATES FOR OPERATION OF OFFICES OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), may make grants to States for the purpose of improving the health status in minority communities, through the operation of State offices of minority health established to monitor and facilitate the achievement of the Health Objectives for the Year 2000 as they affect minority populations.

"(b) ADMINISTRATION OF PROGRAM.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that the program carried out by the State with amounts received under the grant will be administered directly by a single State agency.

"(c) CERTAIN REQUIRED ACTIVITIES.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that activities carried out by an office operated under the grant received pursuant to such subsection will—

"(1) establish and maintain within the State a clearinghouse for collecting and disseminating information on—

"(A) minority health care issues;

"(B) research findings relating to minority health care; and

"(C) innovative approaches to the delivery of health care and social services in minority communities;

"(2) coordinate the activities carried out in the State that relate to minority health care, including providing coordination for the purpose of avoiding redundancy in such activities;

"(3) identify Federal and State programs regarding minority health, and providing technical assistance to public and nonprofit entities regarding participation in such program; and

"(4) develop additional Healthy People 2000 objectives for the State that are necessary to address the most prevalent morbidity, mortality and disability concerns for racial and ethnic minority groups in the State.

"(d) REQUIREMENT REGARDING ANNUAL BUDGET FOR THE OFFICE.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that, for any fiscal year for which the State receives such a grant, the office operated under such grant will be provided with an annual budget of not less than $75,000.

"(e) CERTAIN USES OF FUNDS.—

"(1) RESTRICTIONS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that—

"(A) if research with respect to minority health is conducted pursuant to the grant, not more than 10 percent of the amount received under the grant will be expended for such research; and

"(B) amounts provided under the grant will not be expended—

"(i) to provide health care (including providing cash payments regarding such care);

"(ii) to conduct activities for which Federal funds are expended—

"(I) within the State to provide technical and other nonfinancial assistance under subsection (m) of section 340A;

“(II) under a memorandum of agreement entered into with the State under subsection (h) of such section; or

“(III) under a grant under section 388I;

“(iii) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;

“(iv) to purchase or improve real property; or

“(v) to carry out any activity regarding a certificate of need.

“(2) AUTHORITIES.—Activities for which a State may expend amounts received under a grant under subsection (a) include—

“(A) paying the costs of establishing an office of minority health for purposes of subsection (a);

“(B) subject to paragraph (1)(B)(ii)(III), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in minority communities or underserved areas in the State; and

“(C) providing grants and contracts to public and nonprofit entities to carry out activities authorized in this section.

“(f) REPORTS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees—

“(1) to submit to the Secretary reports containing such information as the Secretary may require regarding activities carried out under this section by the State; and

“(2) to submit a report not later than January 10 of each fiscal year immediately following any fiscal year for which the State has received such a grant.

“(g) REIMBURSEMENT OF APPLICATION.—The Secretary may not make a grant to a State under subsection (a) unless an application for the grant is submitted to the Secretary and the application in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

“(h) NONCOMPLIANCE.—The Secretary may not make payments under subsection (a) to a State for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State has complied with each of the agreements made by the State under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For purposes of making grants under subsection (a) there are authorized to be appropriated $3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $3,000,000 for fiscal year 1997.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(j) TERMINATION OF PROGRAM.—No grant may be made under this section after the aggregate amounts appropriated under subsection (i)(1) are equal to $10,000,000.”.

SEC. 104. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II (42 U.S.C. 202 et seq.), as amended by section 2010 of Public Law 103–43, is amended by adding at the end the following new section:

“SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

“(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.”.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking “(5)” and inserting “(6)”.

TITLE II—HEALTH SERVICES

SEC. 201. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) (42 U.S.C. 256a(p)(1)) is amended—

(1) by striking “$35,000,000 for fiscal year 1991” and inserting “$12,000,000 for fiscal year 1994”; and

(2) by striking “1992 and 1993” and inserting “1995 and 1996”.

SEC. 202. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.

(a) PROPOSED RULE.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall issue a proposed rule regarding policies to reduce the extent to which having limited English proficiency constitutes a significant impediment to individuals in establishing the eligibility of the individuals for—

(1) participation in health programs under the Public Health Service Act;

(2) the receipt of services under such programs and under programs under titles XVIII and XIX of the Social Security Act; or

(3) participation in programs or activities otherwise receiving financial assistance from the Secretary or receiving services under such programs or activities.

(b) FINAL RULE.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule regarding the policies described in subsection (a).

(2) FAILURE TO ISSUE BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

SEC. 203. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “, substance abuse” after “availability of health”; and

(ii) by striking “, including improved health data systems”;

(B) in paragraph (3)—

(i) by striking “manpower” and inserting “care providers”; and

(ii) by striking “by—” and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking “and” at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

“(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

“(8) to improve access to health promotion and disease prevention services for rural American Samoa.”;

(2) in subsection (f)—

(A) by striking “there is” and inserting “there are”; and

(B) by striking “$10,000,000” and all that follows through “1993” and inserting “$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996”; and

(3) by adding at the end thereof the following new subsection:

“(g) STUDY AND REPORT.—

“(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

“(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).”.

TITLE III—HEALTH PROFESSIONS

SEC. 301. LOANS FOR DISADVANTAGED STUDENTS.

Section 724(f)(1) (42 U.S.C. 292t(f)(1)) is amended—

(1) by striking “there is” and inserting “there are”; and

(2) by striking “$15,000,000 for fiscal year 1993” and inserting “$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996”.

SEC. 302. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.

Section 736 (42 U.S.C. 293) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 736. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.”;

(2) in subsection (c)—

(A) by striking “there is” and inserting “there are”; and

(B) by striking “$11,000,000 for fiscal year 1993” and inserting “$10,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996”.

SEC. 303. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.

Section 737 (42 U.S.C. 293a) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 737. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.”;

(2) in subsection (a)—

(A) in paragraph (1), by inserting “(to be known as Thurgood Marshall Scholars)” after “providing scholarships to individuals”; and

(B) in paragraph (3), by inserting “schools offering programs for the training of physician assistants,” after “public health,”; and

(3) in subsection (h), by striking paragraph (1) and inserting the following new paragraph:

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $17,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.”.

SEC. 304. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS AT HEALTH PROFESSIONS SCHOOLS.

Section 738 (42 U.S.C. 293b) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "disadvantaged backgrounds who—" and inserting "racial or ethnic groups that are under-represented in the health professions who—"

(B) in paragraph (5)—

(i) by striking "; and" in subparagraph (A) and inserting a period;

(ii) by striking "unless—" and all that follows through "the individual involved" in subparagraph (A) and inserting "unless the individual involved"; and

(iii) striking subparagraph (B);

(C) by striking paragraph (6); and

(D) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (b)(2)(B), by striking "$30,000" and inserting "$50,000";

(3) in subsection (c)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$4,000,000 for fiscal year 1993" and inserting "$1,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

SEC. 305. CENTERS OF EXCELLENCE.

Section 739 (42 U.S.C. 293c) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon the following: "through collaboration with public and nonprofit private entities to carry out community-based programs to prepare students in secondary schools and institutions of higher education for attendance at the health professions school";

(B) in paragraph (4), by striking "and" at the end thereof;

(C) in paragraph (5), by striking the period and inserting "; and"; and

(D) by adding at the end thereof the following new paragraph:

"(6) to train the students of the school at community-based health facilities that provide health services to a significant number of minority individuals and that are located at a site remote from the main site of the teaching facilities of the school.";

(2) in subsection (e)—

(A) by striking the subsection heading and inserting "AUTHORITY REGARDING CONSORTIA.—";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) to any school of medicine, osteopathic medicine, dentistry, clinical psychology, or pharmacy that has in accordance with paragraph (2) formed a consortium of schools.";

(C) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following new subparagraphs:

"(A) the consortium consists of—

"(i) the health professions school seeking the grant under subsection (a); and

"(ii) one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section."; and

(D) by adding at the end the following paragraph:

"(3) AUTHORITY FOR COLLECTIVELY MEETING RELEVANT REQUIREMENTS IN CERTAIN CASES.—With respect to meeting the conditions specified in subsection (c)(4) for Native American Centers of Excellence, the Secretary may make a grant to any school that has in accordance with paragraphs (1) and (2) formed a consortium of schools that meets such conditions (without regard to whether the schools of the consortium individually meet such conditions)."; and

(3) in subsection (i)—

(A) in paragraph (1), by striking "such sums as may be necessary for fiscal year 1993" and inserting "$25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and

(B) in paragraph (2)(C) by adding at the end the following: "Health professions schools described in subsection (c)(2)(A) shall be eligible for grants under this subparagraph in a fiscal year if the amount appropriated for the fiscal year under paragraph (1) is greater than $23,500,000. Such schools shall be eligible to apply only for grants made from the portion of such amount that exceeds $23,500,000.".

SEC. 306. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

Section 740 (42 U.S.C. 293d) is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "To be eligible for such a grant, a school shall have in place a program to assist individuals from disadvantaged backgrounds in gaining entry into a health professions school or completing the course of study at such a school.";

(2) in subsection (d)(1)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "1993" and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

(3) in subsection (d)(2)(B), by adding at the end thereof the following new sentence: "Scholarship recipients under this section shall be known as 'Cesar Chavez Primary Care Scholars'.".

SEC. 307. AREA HEALTH EDUCATION CENTERS.

Section 746(d)(2)(D) (42 U.S.C. 293j(d)(2)(D)) is amended by inserting "and minority health" after "disease prevention".

TITLE IV—RESEARCH AND DATA COLLECTION

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 (42 U.S.C. 283b), as added by section 151 of Public Law 103–43, is amended by adding at the end the following subsections:

"(c) PLAN.—The Director of the Office, shall collaborate with the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), to develop and implement a plan for carrying out the duties required by subsection (b). The Director, in consultation with the Deputy Assistant Secretary for Minority Health, shall review the plan not less often than annually, and revise the plan as appropriate.

"(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) address equitably all minority groups.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').

"(2) COMPOSITION.—

"(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).

"(B) VOTING MEMBERS.—The Advisory Committee shall include not fewer than 12, and not more than 18, voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The membership of the Advisory Committee shall be equitably representative of the minority groups served by the Office.

"(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).

"(3) CHAIRPERSON.—The Director of the Office shall serve as the chairperson of the Advisory Committee.

"(4) DUTIES.—The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5) BIENNIAL REPORT.—

"(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.

"(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(g) DEFINITIONS.—For purposes of this part:

"(1) MINORITY HEALTH CONDITIONS.—The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(2) RESEARCH ON MINORITY HEALTH.—The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) MINORITY GROUPS.—The term 'minority groups' means Blacks, American Indians, Alaskan Natives, Asian/Pacific Islanders, and Hispanics, including subpopulations of such groups.".

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Section 902(b) (42 U.S.C. 299a(b)) is amended to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly.".

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103-183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not more than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups, except that not more than $100,000 may be expended in the aggregate for the administration of activities under subsection (m) and for activities described in paragraph (2) of such subsection.".

TITLE V—MISCELLANEOUS

SEC. 501. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

(a) MATCHING FUNDS.—Section 338J(b) (42 U.S.C. 254r(b)) is amended to read as follows:

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338J(j)(1) (42 U.S.C. 254r(j)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 1996".

(c) TERMINATION OF PROGRAM.—Section 338J(k) (42 U.S.C. 254r(k)) is amended by striking "$10,000,000" and inserting "$20,000,000".

SEC. 502. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of enactment of this Act.

(b) MAXIMUM STUDENT LOAN PROVISION.—

(1) IN GENERAL.—Section 722(a)(1) (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary".

(c) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(d) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(e) PREFERENCE AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

(1) TITLE VII.—Section 791 (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(2) TITLE VIII.—Section 860 (42 U.S.C. 298b-7) is amended by adding at the end thereof the following subsection:

"(f) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(f) DEFINITIONS.—Section 799(6) (42 U.S.C. 295p(6)) is amended—

(1) in subparagraph (B) by striking "; or" at the end thereof;

(2) in subparagraph (C) by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following:

"(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

"(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".

(g) GENERALLY APPLICABLE MODIFICATIONS REGARDING OBLIGATED SERVICE.—

(1) IN GENERAL.—Section 795(a)(2) (42 U.S.C. 295n(a)(2)), is amended—

(A) in subparagraph (A), by striking "speciality in" and inserting "field of"; and

(B) in subparagraph (B), by striking "speciality" and inserting "field"; and

(2) EFFECTIVE DATE.—Each amendment made by paragraph (1) shall take effect as if such subsection had been enacted immediately after the enactment of the Health Professions Education Extension Amendments of 1992.

(h) RECOVERY.—Part G of title VII (42 U.S.C. 295j et seq.) is amended by inserting after section 795, the following new section:

"SEC. 796. RECOVERY.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

SEC. 503. CLINICAL TRAINEESHIPS.

Section 303(d)(1) (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy,".

SEC. 504. DEMONSTRATION PROJECT GRANTS TO STATES FOR ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve access for individuals with Alzheimer's disease or related disorders, particularly such individuals from ethnic, cultural, or language minorities and such individuals who are living in isolated rural areas, to services that—

"(A) are home-based or community-based long-term care services; and

"(B) exist on the date of enactment of this paragraph; and".

(b) DURATION.—Section 398A (42 U.S.C. 280c–4) is amended—

(1) in the title, by striking "**LIMITATION ON**";

(2) in subsection (a)—

(A) in the heading, by striking "LIMITATION ON"; and

(B) by striking "may not exceed" and inserting "may exceed"; and

(3) in subsection (b), in paragraphs (1)(C) and (2)(C), by inserting ", and any subsequent year," after "third year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) (42 U.S.C. 280c–5(e)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 505. MEDICALLY UNDERSERVED AREA STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study concerning the feasibility and desirability of, and the criteria to be used for, combining the designations of "health professional shortage area" and "medically underserved area" into a single health professional shortage area designation.

(b) REQUIREMENTS.—As part of the study conducted under subsection (a), the Secretary of Health and Human Services, in considering the statutory and regulatory requirements necessary for the creation of a single health professional shortage area designation, shall—

(1) review and report on the application of current statutory and regulatory criteria used—

(A) in designating an area as a health professional shortage area;

(B) in designating an area as a medically underserved area; and

(C) by a State in the determination of the health professional shortage area designations of such State; and

(2) review the suggestions of public health and primary care experts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the findings of the study conducted under subsection (a) together with the recommendations of the Secretary.

(d) RECOMMENDATIONS.—In making recommendations under subsection (c), the Secretary of Health and Human Services shall give special consideration to (and describe in the report) the unique impact of designation criteria on different rural and urban populations, and ethnic and racial minorities, including—

(1) rational service areas, and their application to frontier areas and inner-city communities;

(2) indicators of high medical need, including fertility rates, infant mortality rates, pediatric population, elderly population, poverty rates, and physician to population ratios; and

(3) indicators of insufficient service capacity, including language proficiency criteria for ethnic populations, annual patient visits per physician, waiting times for appointments, waiting times in a primary care physician office, excessive use of emergency facilities, low annual office visit rate, and demand on physicians in contiguous rural or urban areas.

SEC. 506. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4), as added by section 306 of Public Law 102–531 (106 Stat. 3494), is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects, including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to provide information and education to the public on the prevention of such defects;

"(3) to operate centers for the conduct of applied epidemiologic research and study of such defects, and to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects; and

"(4) to carry out demonstration projects for the prevention of such defects.

"(b) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities. Recipients of assistance under this subsection shall collect and analyze demographic data utilizing appropriate sources as determined by the Secretary.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups; and

"(3) contains an assessment of the extent to which each approach to preventing birth defects has been effective, including a description of effectiveness in relation to cost;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

SEC. 507. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Eye Institute and in consultation with the Director of the Centers for Disease Control and Prevention, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic retinopathy, all activities regarding information, dissemination, early detection, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that have diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

SEC. 508. MEXICAN BORDER STATE ANALYTICAL LABORATORIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may make grants to eligible entities to establish and operate State laboratories to analyze human, wildlife, air, water, and soil samples. The laboratories shall serve the border region.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall be a State that borders Mexico.

(c) APPLICATIONS REQUIREMENTS.—No grant may be made under subsection (a) unless an application has been submitted to and approved by the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

SEC. 509. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B of the Public Health Service Act (42 U.S.C. 287a-3), as added by section 1503 of Public Law 103-43 (107 Stat. 178), is amended to read as follows:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(h) not more than $3,000,000 for the purpose of making awards of grants and contracts to public and nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.".

TITLE VI—MULTIETHNIC PLACEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Multiethnic Placement Act of 1994".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this Act to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 603. MULTIETHNIC PLACEMENTS.

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

TITLE VII—VOLUNTARY MUTUAL REUNIONS

SEC. 701. FACILITATION OF REUNIONS.

The Secretary of Health and Human Services, in the discretion of the Secretary and at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling, who is 21 or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1993, or upon the date of the enactment of this Act, whichever occurs later.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enacting clause of the Senate bill, S. 1569, and insert in lieu thereof the provisions of H.R. 3869 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3869

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, WAXMAN, RICHARDSON, TOWNS, WASHINGTON, MOORHEAD, BLILEY, and BILIRAKIS.

There was no objection.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 238

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 16, 1994, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I welcome the opportunity to speak today on House Concurrent Resolution 238. The resolution would authorize the Greater Washington Soap Box Derby Races to be run on the Capitol Grounds on July 16, 1994, subject to the approval of the Architect of the Capitol and the Capitol Police board.

The races and the preparations for them provide for important benefits for the Metropolitan Washington, DC, area youth. These benefits include teaching basic skills in mechanics and aerodynamics as well as pride in workmanship and the joy of competition. The races are also exciting events for the entire family. The Greater Washington Soap Box Derby Association assumes all expenses and liability for the event which is free of charge to everyone.

I urge my colleagues to pass this resolution and I reserve back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 238, a resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. This event, scheduled to take place on July 16, 1994, is the fourth time that the Capitol Grounds will be used to host the local derby.

For over 50 years, the Soap Box Derby has been in existence, with local qualifying events such as the upcoming Washington, DC, derby. Winners in age categories from 9 to 16 advance to the finals in Akron, OH.

I am pleased to lend my support to this worthwhile endeavor, and I congratulate my colleague, the gentleman from Maryland, the distinguished chairman of the Treasury, Postal, General Government Subcommittee of the House Appropriations Committee for once again sponsoring this legislation.

I urge enactment of the resolution.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Wisconsin [Mr. PETRI] and all the Members on the minority side who have worked on this legislation, including the gentleman from Tennessee [Mr. DUNCAN], who has helped our committee.

Mr. HOYER. Mr. Speaker, I would like to thank the chairman of the House Public Works Committee, Mr. MINETA, the ranking member, Mr. SHUSTER, and the chairman of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT for their continued support and expeditious consideration of this bill.

I rise today to urge my colleagues to support this resolution which authorizes the use of Constitution Avenue, NE., between Delaware and Third, for the Greater Washington Soap Box Derby. In addition, the Architect of the Capitol and the Sergeant at Arms, will negotiate a licensing agreement with the local Derby Association to ensure that there will be complete compliance with rules and regulations governing the use of Capitol Grounds.

This year marks the 53d running of the Greater Washington Area Soap Box Derby, and the race is slated for July 16, 1994. More than 50 participants ranging from ages 9 to 16 are expected to compete in the early summer race. They hail from Washington, DC, and the surrounding communities of northern Virginia and Maryland. The winners of this local event will represent the Washington, DC, area in the national race which will be held in Akron, OH, later this year.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. As we all know, these are all positive attributes which these young people can carry into adulthood.

Again, I want to thank the Committee on Public Works for its continued support of this project, and I strongly urge my colleagues to support this resolution.

Mr. MINETA. Mr. Speaker, I rise in support of House Concurrent Resolution 238, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The year the event will take place on July 16, 1994, and will be free of charge. The All-American Soap Box Derby and its local affiliate, the Greater Washington Soap Box Derby Association, sponsor this special event for young girls and boys from 9 to 16 years old who are residents of the Greater Washington area.

The soap box derby races in Washington, DC, have taken place for over 50 years and this will be the fourth time that part of the Capitol Grounds, Constitution Avenue NE., will be used. This event will teach youngsters who participate the basics of mechanics and aerodynamics as they design and build their race cars. Those who win on July 16 will advance to the National Soap Box Derby in Akron, OH.

This event celebrates the important family value of parents and children working together to meet a goal. Furthermore, this event is well attended and the Committee on Public Works and Transportation is pleased to help make it possible for the Greater Washington Soap Box Derby to take place on the Capitol Grounds. I urge an "aye" vote on the resolution.

Mr. TRAFICANT. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 238.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SAM B. HALL, JR. FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3840) to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 3840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 East Houston Street in Marshall, Texas, shall be known and designated as the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

SECTION 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congressman Sam B. Hall, Jr., was appointed to be the U.S. district judge for the eastern district of Texas in 1985. This appointment followed an impressive career in Congress serving the constituents of the First Congressional District of Texas from 1976 to 1985.

He was first elected to Congress in a special election following the death of Representative Wright Patman. In the House, he served with great distinction on the Judiciary and Veterans Affairs Committees. Judge Hall was especially interested in the compelling issue of POW's and MIA's and in 1978, he traveled to Southeast Asia to investigate POW's and MIA's, returning with the remains of 13 American servicemen.

On April 10, 1994, after a long public career, Judge Hall died at the age of 70. In recognition of his many contributions to his State and Nation, it is fitting and appropriate to designate the Federal buildings and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and U.S. Courthouse."

I urge adoption of H.R. 3840 and reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 3840, which designates the Federal building and U.S. courthouse in Marshall, TX as the "Sam B. Hall, Jr. Federal Building and Courthouse."

The late Sam B. Hall was a distinguished Member of Congress from 1977 to 1985.

As a Member of Congress, Representative Hall was a highly regarded member of the House Judiciary and Veterans' Affairs Committees as well as the Select Committee on Narcotics. Judge Hall, upon appointment by President Reagan, served with great distinction as a Federal district judge in the Eastern District of Texas.

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In addition, Judge Hall was devoted to his family, and gave endless hours of service to his community. Judge Hall passed away in April of this year.

I am pleased to join the sponsor of this legislation, the gentleman from Texas [Mr. CHAPMAN], in urging the House to approve H.R. 3840.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished successor of Sam B. Hall, the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 3840, legislation to name the Federal building and U.S. courthouse located in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse." I introduced this legislation on February 10 to honor Judge Hall who served here in the House as the Representative to the First Congressional District from 1977 until 1985 and most recently served as a U.S. district judge for the eastern district of Texas.

As we all know, Judge Hall recently passed away on Sunday, April 10. After fighting valiantly with cancer, his death has saddened all of us who knew him. Judge Hall gave a lifetime of commitment to the Marshall community and its people and I believe it is fitting and proper that the Federal Building and U.S. Courthouse, where he served as the District Court Judge until his recent death, be dedicated to Sam B. Hall, Jr.

Sam B. Hall, Jr., was born and raised in Marshall, TX. He graduated from Marshall High School in 1940 and the College of Marshall in 1942. He attended the University of Texas at Austin, served in the U.S. Army Air Corps, and upon discharge from the Air Corps, enrolled in Baylor University where in 1948 he received an LL.B. degree from Baylor School of Law.

Upon graduation from Baylor, Judge and Mrs. Hall returned to Marshall where Judge Hall practiced law until his election to Congress in 1976. During his years in private practice, Judge Hall had a distinguished legal career, and devoted his time not only toward the judiciary but toward improving the community. Judge Hall had a deep desire to serve the people of Marshall, TX, and was a member of many civic and community organizations. He served in the Marshall Jaycees, the Greater Marshall Chamber of Commerce, the Rotary Club, the Kiwanis, on the Marshall Memorial Hospital Board, and the Marshall School Board. He was recognized as the citizen of the year by the Marshall Chamber of Commerce among numerous other awards and honors. His example inspired many in public service.

Judge Hall served as my predecessor in representing the First Congressional District of Texas in the U.S. Congress in which time he distinguished himself in many ways. He served on the House Judiciary Committee—serving as the chairman of the Administrative law and Governmental Affairs Subcommittee and as a member of the Immigration, Refugees and International Law Subcommittee; and the Veterans Affairs Committee—serving as a Member and past chairman of the Subcommittee on Compensation, Pension and Insurance and as a member of the Subcommittee on Oversight and Investigations; and the Select Committee on Narcotics Abuse Control. His impressive dedication to public service and his career in the Congress was particularly demonstrated through his work on issues such as POW/MIA's, United States involvement in Lebanon, and justice matters. His devoted service, honesty, and caring for people was recognized by his constituents and reflected in each of his reelection campaigns for Congress.

In 1985, Judge Hall resigned his seat in Congress and was sworn in as a U.S. district judge for the eastern district of Texas. His dedication to the bench earned him the deep respect and admiration of many of his colleagues.

Throughout his life as a dedicated public servant, Judge Sam B. Hall, Jr., never lost sight of the importance of his family. He was a devoted and loving husband to his wife, Madeline, and he had three daughters who he loved very deeply. Judge Hall dedicated his life to the people of Marshall, the State of Texas, and the country. He served the public in a superb manner and loved and provided for his family.

It was my hope that Judge Hall would be a part of the dedication ceremonies for naming the courthouse in his honor. Mr. Speaker, I urge my colleagues to vote in support of this legislation to honor Judge Hall. It would be a tribute which Sam B. Hall, Jr., so richly deserves.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI], the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees, and a friend of Sam Hall.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of this resolution to rename the Federal courthouse and Federal building in Marshall, TX, after our late colleague and my very good friend, Sam B. Hall, Jr.

Mr. Speaker, one can learn a great deal about a person by sitting next to him or her in committee meetings, and it was my great privilege to sit next to Judge Hall for many years from his joining the Committee on the Judiciary in 1976 until he became a Federal judge in 1985.

We talked a lot in these sessions, and we talked a lot about things that all people talk about, their family, their community, their country, their leadership.

I also sat next to Judge Hall when we flew back from Southeast Asia, an 18-hour trip from Bangkok, after having visited the refugee camps in Thailand, seeing deprivation and difficulty, and we talked a lot on the way back to Washington. You learn a lot about a person that way, Mr. Speaker.

Everything I learned about Judge Hall was positive, that he is, I say, in present tense. It is hard to think of Sam in the past tense. He was a very good man.

You can learn a lot about a person in how he treats his family and his friends. And Judge Hall always talked about Madeleine. He talked about the daughters. He talked about his grandchildren. He talked about them fondly and with great love and affection, as he talked about us, his friends and the Members with whom he served here in Congress.

I have learned in these years, working with Sam, that this was a man who did take public service very seriously. It was a happy moment when we learned that our friend was being elevated to the Federal bench by President Reagan. But there was a note of sadness, because it took Madeleine and Sam from our community here. They did return to their beloved Marshall, but it meant that Helen and I did not have our good friends, who lived in Arlington fairly near us, to join periodically and have fun and friendship with.

Our daughter and son-in-law and grandbaby lived in Sugar Land, TX, for some years, and each time I went to Texas to visit them, I would pick up the phone and call Sam or Madeleine over in Marshall, and we talked. And I knew, of course, from our last conversation in January with Madeleine that Sam was extremely ill. But always we kept hoping. And when it came to pass on April 10 Sam was unable to continue his valiant fight, it was a moment of poignance for all of us who knew him, because we knew that a good man, a solid public servant, a good jurist, a good Member of Congress, had been taken from us.

So, Mr. Speaker, I can think of nothing better in remembrance of Sam B. Hall, Jr., and what he stood for as a legislator and as a jurist, than to name the courthouse and the Federal building in Marshall, his hometown, after him. We do that in memory of Sam and also in sympathy to his family, to Madeleine and the family, because we know what a grievous loss they have sustained.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY], a good friend of Judge Hall, who worked with him on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the manager of this bill, the gentleman from Ohio [Mr. TRAFICANT], and also the gentleman from Wisconsin [Mr. PETRI], for bringing this bill to the floor today, and to the gentleman from Texas [Mr. CHAPMAN], who is the author of this legislation. I am proud to be a cosponsor.

I rise in support of this legislation naming the Federal Courthouse in Marshall, TX, the Sam B. Hall, Jr., Federal Courthouse. I had the pleasure, Mr. Speaker, as you did and others, to serve with Sam Hall. He was elected, as has been said here today, in a special election in June 1976, and he resigned in 1985. He really was what Texas was all about, a man born and reared in Texas, a man of the soil.

I had the privilege of also being on that trip that was mentioned by the gentleman from Texas [Mr. CHAPMAN], when we went to Southeast Asia, and Sam Hall and others were able to bring back some Americans who lost their lives, to bring their remains back.

Mr. Speaker, he wanted to go back to Texas after serving almost 10 years in the House of Representatives. He was appointed Federal district judge by the President of the United States, who was Ronald Reagan. He really loved being a Judge and enjoyed his farm, and after working all day as a Federal Judge, he would go out to the farm in the late afternoon. I know that Judge Hall's wife, Mardeline, and their three daughters, will be proud of this action today taken by the House of Representatives.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I served with Judge Hall. He was a great friend of all of us. I think your comments and the comments of the gentleman from Mississippi [Mr. MONTGOMERY] say a whole lot. A ranking minority member, the gentleman from Tennessee [Mr. DUNCAN], who is not here with us today, also was a very good friend and made some very strong comments at the subcommittee level.

□ 1330

I want to make sure that the gentleman from Tennessee [Mr. DUNCAN] has an opportunity in the future to have those remarks placed in the RECORD.

With that, I urge adoption of H.R. 3840, Mr. Speaker.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3840, a bill to designate a Federal building located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr., Federal Building and U.S. Courthouse."

Congressman Sam Blakely Hall, Jr., was born in Marshall, TX, in 1924. He attended Marshall public schools, and the College of Marshall. He served in the U.S. Army Corps of Engineers during World War II from 1943 to 1945. In 1946, Congressman Hall graduated from Baylor University and from Baylor University Law School in 1948. That same year he was admitted to the Texas bar and commenced private practice continuing until 1976.

On June 19, 1976, during the 94th Congress, Sam Hall was elected by special election to the U.S. Congress to fill the vacancy created upon the death of U.S. Representative Wright Patman. Congressman Hall was reelected to the five succeeding Congresses and served the constituents of the First Congressional District of Texas until May 1985.

While in Congress, Congressman Hall served on the House Judiciary Committee, chairing its Subcommittee on Administrative Law and Government. Some of his most important work involved American Prisoners of War [POW's] and Missing in Action [MIA's] and United States involvement in Lebanon. In 1978 he was appointed to a congressional delegation that traveled to Southeast Asia to investigate POW's and MIA's and returned with the remains of 13 servicemen.

Upon being appointed by President Reagan as a U.S. district judge for the eastern district, Congressman Hall resigned from the House on May 17, 1985, and was sworn in as judge the following day.

Judge Hall received numerous awards honoring him for his dedication and outstanding contributions to his profession and to his country. On April 10, 1994, in Marshall, TX, Sam Hall died at the age of 70. It is fitting and appropriate to designate the Federal Building and U.S. Courthouse located at 100 East Houston Street in Marshall TX, as the "Sam B. Hall, Jr. Federal Building and U.S. Courthouse."

I urge an "aye" vote.

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 3840, to designate the Sam B. Hall, Jr. Federal Building and U.S. Courthouse in Marshall, TX.

Over the course of 20 years in this body, I have had the privilege of working with many distinguished legislators. Congressman Hall was a highly regarded Member and one of my finest friends.

Congressman Hall's impressive career began when he was elected in 1977 to represent Texas' First Congressional District in a special election following the death of Wright Patman. Congressman Hall served with distinction on the House Judiciary Committee and was elevated to the chairmanship of the Administrative Law Subcommittee in 1982. He was also very active on the Veterans Affairs' Committee, serving as chairman of the Subcommittee on Compensation, Pension and Insurance.

In 1985, Congressman Hall returned home to serve as U.S. District judge for the eastern district of Texas, earning the admiration and respect of many of his colleagues.

Judge Hall passed away on April 10, 1994, after a long struggle with cancer. On that day, the people of Texas and the United States lost a devoted public servant who touched the lives of all who knew him.

The Sam B. Hall, Jr. Federal Building and United States Courthouse is a fitting tribute to a great man who will be deeply missed.

Mr. STENHOLM. Mr. Speaker, the House of Representatives has today paid tribute to one of our former colleagues by designating the Federal building in Marshall, TX, as the Sam B. Hall, Jr. Federal Building. This is a fitting tribute to a great American, and will honor his memory for many years to come.

Those of us who had the privilege of serving with Sam in the House will remember him even more for the strength of his convictions and for his personal integrity both as a colleague and as a friend. For those who called on Sam for his support or for his views, he was as good as his word; if he was with you, his support was unswerving. And those with whom he did not agree always knew just where he stood.

When I came to the Congress in 1979, Sam had already been here for a few years. I realized early on that he was a man of great character and sound judgment, and truly a representative of the people. He was an excellent role model, and I was honored to have served with him in the Texas delegation for 6 years. When he resigned his congressional seat to take a Federal bench, the Congress lost an outstanding legislator, and the Nation gained an excellent jurist.

I am pleased that the Congress has seen fit to honor Sam by renaming the Federal building in Marshall, TX. However, for those of us who had the privilege of knowing and serving with him in the House, he will be remembered for being an exemplary Congressman and a true friend.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3840.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The Speaker pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BRIEN McMAHON FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3724) to designate the United States courthouse located in Bridgeport, CT, as the "Brien McMahon Federal Building."

The Clerk read as follows:

H.R. 3724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 915 Lafayette Boulevard in Bridgeport, Connecticut, shall be known and designated as the "Brien McMahon Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Brien McMahon Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the committee is pleased to support Mrs. KENNELLY in honoring former Senator Brien McMahon for his extensive career in public service. As a lawyer, city court judge, assistant U.S. attorney, and U.S. Senator, Brien McMahon distinguished himself by diligence, perseverance, honesty, and intelligence.

Senator McMahon was instrumental in developing and controlling atomic energy, and served as the first chairman of the Joint Committee on Atomic Energy.

Although former Senator McMahon died at the young age of 48, he made significant contributions to this State and his country. I urge my colleagues to join me in support of H.R. 3724.

I urge adoption of H.R. 3724.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 3724, which designates the U.S. courthouse and Federal building located in Bridgeport, CT, as the "Brien McMahon Federal Building."

Senator McMahon was a Member of the U.S. Senate from 1944 until his untimely death in 1952 at the age of 48.

Among his numerous accomplishments as a Member of the Senate was his contribution to our Nation in the field of atomic energy. As chairman of the Joint Committee on Atomic Energy, Senator McMahon played a key role in authoring legislation supporting our Nation's atomic weapons program. We owe a great debt of gratitude to Senator McMahon whose work helped to ensure that the United States had an effective deterrent to an attack on this Nation as the age of atomic weapons began.

Prior to becoming a member of the U.S. Senate, Brien McMahon served, with great distinction, as an Assistant Attorney General under President Roosevelt in charge of the criminal division.

The U.S. courthouse in Bridgeport, CT, was a place where Brien McMahon tried many cases. I can think of no better way to recognize someone who has served his country with honor and patriotism than responding to the request of his fellow citizens to name the U.S. courthouse and the Federal building in Bridgeport for Senator McMahon.

I am proud to join the sponsor of this legislation, Congresswoman BARBARA

KENNELLY, in urging the House to support H.R. 3724.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY], a leader in the Congress, a member of the Committee on Ways and Means, and a sponsor of the bill.

Mrs. KENNELLY. Mr. Speaker, I am happy to be here today as the sponsor of H.R. 3724, legislation which would name the Federal courthouse in Bridgeport, CT, after a distinguished former Member of the U.S. Senate, Senator Brien McMahon. A native of Norwalk, CT, Senator McMahon was first elected in 1944 and was reelected in 1950. His Senate career was tragically cut short by his untimely passing on July 28, 1952, at the age of 48.

A Senator for only 8 years, Senator McMahon nonetheless left his mark on our country. Perhaps no area is so identified with him as atomic energy. Brien McMahon was responsible for the McMahon Act, also known as the Atomic Energy Act of 1946. In 1948, he became chairman of the Joint Committee on Atomic Energy, where he worked diligently to support the weapons program that would become the free world's security blanket for the next four decades.

But Brien McMahon's contributions extended far beyond atomic energy. He was the first Member of Congress to venture behind the Iron Curtain, where he negotiated an aid program with Marshall Tito, who had just broken with Stalin.

Senator McMahon was also a man of principle. He was one of the first Senators to challenge the activities of the late Senator Joseph McCarthy. Senator McCarthy even went to Connecticut to campaign against Senator McMahon.

It is particularly appropriate to name a courthouse for Senator McMahon. Before being elected to the Senate, he had a distinguished legal career. A graduate of Yale Law School, he practiced law in Norwalk, CT, where he became a city court judge in 1933. Later that same year, he was appointed special assistant to U.S. Attorney General Cummings. In 1935, Senator McMahon was appointed Assistant Attorney General in charge of the Criminal Division of the Department of Justice, where he served for 4 years. For all these reasons, it would be fitting to honor Senator Brien McMahon by naming this Federal courthouse in his memory.

Mr. MINETA. Mr. Speaker, I also rise in support of H.R. 3724, a bill to designate the U.S. courthouse in Bridgeport, CT, as the "Brien McMahon Federal Building."

Senator Brien McMahon was born on October 6, 1903, in Norwalk, CT. He attended Norwalk public schools and graduated from Fordham University in 1924. In 1927, he graduated from Yale Law School and he was admitted to the Connecticut bar that same year.

In 1933, Senator McMahon briefly served as city judge in Norwalk, but resigned to become special assistant to the Attorney General of the United States; a position he held until 1935. At that time, President Roosevelt appointed him Assistant Attorney General, heading the Criminal Division of the Department of Justice from 1935–39. At 31 years old, he was the youngest person to ever hold that position. As Assistant Attorney General, he argued and won 21 cases before the U.S. Supreme Court.

Senator Brien McMahon was elected to the U.S. Senate in 1944, representing the State of Connecticut. He served on the Committee on Foreign Relations, the Democratic Policy Committee and the Interstate and Foreign Commerce Committee and served as the first Chairman of the Joint Committee on Atomic Energy.

During his tenure in the U.S. Senate, he authored the Atomic Energy Act of 1946. When President Truman was considering building the hydrogen bomb, Senator McMahon urged him to build every weapon necessary for the Nation's defense, but with the intention of halting the atomic armaments race, thereby making the use of such weapons unnecessary. He was the first Senator to suggest taking bold and new approaches for dealing with the former Soviet Union and neutralizing atomic weapons. Senator McMahon was dedicated to enhancing the ideals of international cooperation and diminishing the tendencies of international rivalries during the cold war.

Brien McMahon died of lung cancer July 28, 1952, at the age of 48. Earlier in the year he had been mentioned for the nomination for President at the Democratic National Convention. However, he ordered that his name be withheld and supported Truman. He is remembered as a respected leader in the world peace movement. It is fitting and appropriate to designate the U.S. courthouse located in Bridgeport, CT, as the Brien McMahon Federal Building.

I urge an "aye" vote.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentlewoman from Connecticut [Mrs. KENNELLY]. I want to thank the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Wisconsin [Mr. PETRI] and all of the staff of the Subcommittee on Public Buildings and Grounds from the minority side and from the Democrat side for this piece of legislation and the other two pieces brought here earlier.

Mr. Speaker, I urge adoption of H.R. 3724.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3724.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MEDGAR WILEY EVERS POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3863) to designate the Post Office building located at 401 E. South Street in Jackson, MS, as the "Medgar Wiley Evers Post Office."

The Clerk read as follows:

H.R. 3863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Post Office building located at 401 E. South Street in Jackson, Mississippi, shall be known and designated as the "Medgar Wiley Evers Post Office".

SEC. 2. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Medgar Wiley Evers Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support the passage of H.R. 3863, designating the U.S. Post Office building located at 401 E. South Street, in Jackson, MS, the "Medgar Wiley Evers Post Office."

Mr. Speaker, Mr. Evers was a native of Decatur, MS. He also was a World War II veteran and very active in the National Association for the Advancement of Colored People. Under his able leadership—as field secretary—the NAACP made tremendous strides in helping to eliminate this Nation's terrible practice of racial segregation, in all phases of American society.

Mr. Speaker, it is impossible to speak of Mr. Evers other than in superlatives. He was a loving husband and father, very dedicated to his community and country. But, Mr. Speaker, most of all Medgar Evers was committed, committed to fairness and equality for all. For that commitment, he was brutally assassinated in the driveway of his home. Therefore, Mr. Speaker, it would indeed be a fitting tribute to the memory of this very special gentleman, Medgar Wiley Evers—who left an indelible imprint on the racial unfairness of America and sacrificed his life in the process—to have the postal facility located at 401 E. South Street, Jackson, MS, named in his honor.

I am very pleased to join Congressman BENNIE THOMPSON and the citizens of Jackson, MS, in their desire to name the postal facility at 401 E. South Street, in Jackson, MS, the "Medgar Wiley Evers Post Office," and I enthusiastically urge my colleagues to support the measure.

□ 1340

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3863, legislation designating the Post Office building at 401 East South Street in Jackson, MS, as the "Medgar Wiley Evers Post Office."

As field secretary of the NAACP in Mississippi, Medgar Evers successfully advocated desegregation, voter registration, and strongly opposed racial violence. Evidence of his legacy is reflected in all aspects of political and social life in Mississippi today. The naming of the main Post Office building in Jackson, MS, after Medgar Wiley Evers is an excellent opportunity to honor his many contributions to Mississippi and the Nation.

Mr. Speaker, I reserve the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today seeking passage of the Medgar Wiley Evers Post Office bill. This bill is to name the main post office in Jackson, MS after the slain civil rights leader, Medgar Wiley Evers.

After graduating from the public schools in Decatur, MS, Medgar enlisted in the U.S. Army where he served in World War II. Upon returning from the Army, he enrolled in Alcorn State University in Lorman, MS, where he earned a bachelors of science degree in business administration.

Medgar began his career as an insurance agent with the Magnolia Mutual Insurance Co. in Mound Bayou, MS. Thereafter, he moved to Jackson, MS, and became active with the Mississippi chapter of the National Association for the Advancement of Colored People. In 1954, Medgar was appointed field secretary of the Mississippi NAACP.

Under Medgar's leadership, the NAACP advocated desegregation of public schools throughout Mississippi. In fact, he served as a plaintiff on behalf of his three children to desegregate the Jackson, MS, school system. In addition, he worked closely with NAACP lawyers in getting the first black student admitted to the University of Mississippi in 1962.

As the only full-time staff member of the Mississippi NAACP, Medgar devoted his life to fighting the injustices that plagued blacks in the State. Medgar was instrumental in encouraging and registering blacks to vote. As a direct result of his efforts, today, Mississippi leads the Nation in having the highest number of black elected officials. Even though Medgar stood in strong opposition to racial violence, he was assassinated on a hot summer night in June 1963. This was a turning point in the civil rights movement because it encouraged citizens and the Federal Government to increase their efforts in the area of human rights.

Just a few months ago, we put an end to this very terrible chapter in Mississippi's history. After 30 years and two mistrials, a third trial was held and a jury convicted the murderer of this husband, father, statesman, hero, and leader, Medgar Wiley Evers.

In light of the immeasurable contributions that Medgar made for this Nation in general, and Mississippi in particular, I urge Members to vote "yes" for H.R. 3863.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 3863.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROY M. WHEAT POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3839) to designate the U.S. Post Office located at 220 South 40th Avenue in Hattiesburg, MS, as the Roy M. Wheat Post Office.

The Clerk read as follows:

H.R. 3839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 220 South 40th Avenue in Hattiesburg, Mississippi, shall be known and designated as the "Roy M. Wheat Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Roy M. Wheat Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of H.R. 3839, which will designate the U.S. Post Office building located at 220 South 40th Avenue in Hattiesburg, MS, the "Roy M. Wheat Post Office".

Mr. Wheat served as a noncommissioned officer in the Marines, attaining the rank of Marine lance corporal. He became Mississippi's sole recipient of the Congressional Medal of Honor in the Vietnam war.

Corporal Wheat was presented this award posthumously, for his act of heroism in sacrificing his life to save the lives of two fellow Americans by physically throwing himself on an antipersonnel mine.

I am pleased to join Congressman TAYLOR and the citizens of Hattiesburg, MS, in their desire to name the postal facility located at 220 South 40th Avenue in Hattiesburg, MS, the Roy M. Wheat Post Office. I support the passage of H.R. 3839, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3839, legislation designating the U.S. Post Office located at 220 South 40th Avenue in Hattiesburg, MS, as the Roy M.Wheat Post Office.

On August 11, 1967, Marine Lcpl. Roy Mitchell Wheat and two other marines were assigned to a security mission for a Navy construction battalion. Shouting a warning to his comrades, Corporal Wheat in a valiant act of heroism hurled himself upon the mine, absorbing the impact of the explosion with his own body.

Corporal Wheat gallantly gave his life for his country with this unselfish action to save his fellow marines.

Marine Lcpl. Roy Mitchell Wheat was Mississippi's sole recipient of the Congressional Medal of Honor in the Vietnam war.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, if the Chair will indulge me, I would like to begin by apologizing to my son, Gary, who is going to graduate from kindergarten in a few hours, for his father's absence, and I hope we all understand that there are times in lives when fathers cannot be with their sons, and this is one of them. I wish I was there.

However, we are here to honor a father who is no longer with his son, and in the first instance, a son who is no longer with his father. Unfortunately, Congress cannot bring people back to life, but we can ensure that some lives are remembered.

The first of these lives that the committee has been kind enough to see to it that others can remember involves a young man from Estabuchie, MS, by the name of Roy Wheat. I want to thank the gentlemen from Mississippi, the Honorable G.V. "Sonny" MONTGOMERY and the Honorable MIKE PARKER, for their help in passing this bill to name the post office in downtown Hattiesburg, MS, after Roy Wheat.

Roy volunteered for Vietnam in August 1967, while serving as a fire team leader in the First Platoon of Company K, Third Battalion, Seventh Marines. He and two other marines were assigned the mission of providing security for a Navy construction battalion crane and crew.

After the marines had set up security positions in a tree line adjacent to the work site, Corporal Wheat reconnoitered the area to the rear of their location for the possible presence of guerillas. He then returned to within 10 feet of friendly position, where he unintentionally triggered a well-concealed bounding type antipersonnel line. Immediately a hissing sound was heard which was identified by the three marines as that of a burning time fuse.

Shouting a warning to his comrades, Corporal Wheat, in a valiant act of heroism, hurled himself upon the mine, absorbing the tremendous impact of the explosion with his own body. The inspirational personal heroism and extraordinary valor of his unselfish action saved his fellow marines from certain injury and possible death. It reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the U.S. Naval service. He gallantly gave his life for his country.

Mr. Speaker, I would like to mention Roy's father, J. C. Wheat, who is back home in Mississippi today. I just want to thank Mr. Wheat for his patience in the passage of this measure, and I would also like to thank the mayor and city council of Hattiesburg for honoring Roy. Although Roy was not from Hattiesburg, it is the nearest large postal facility to his home, and they were kind enough to make this possible.

Mr. Speaker, I would also like to thank Dr. Charles Sullivan of the Mississippi Gulf Coast Community College for bringing Roy's heroism to my attention, and for seeing to it that the gentlewoman's committee could give their thoughts to this measure and hopefully their support.

□ 1350

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 3839, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill, as amended, was amended so as to read: "A bill to designate the United States Post Office building located at 220 South 40th Avenue in Hattiesburg, MS, as the Roy M. Wheat Post Office".

A motion to reconsider was laid on the table.

JOHN LONGO, JR., POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3984) to designate the U.S. post office located at 212 Coleman Avenue in Waveland, MS, as the "John Longo, Jr. Post Office", as amended.

H.R. 3984

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 216 Coleman Avenue in Waveland Mississippi, shall, for the period of time during which it houses operations of the United States Postal Service, be known and designated as the "John Longo, Jr. Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the John Longo, Jr. Post Office.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support the Passage H.R. 3984, which will designate the U.S. post office building located at 216 Coleman Avenue in Waveland, MS the "John Longo Jr. Post Office".

Mr. Longo served five terms as mayor of Waveland, MS. Under his leadership, the Waveland Regional Wastewater Management District was constructed, expanding services in the city of Waveland.

Prior to being elected mayor of Waveland, he served three terms on the Waveland Board of Alderman. His public service career also included serving as a defense director, sheriff's deputy and volunteer firefighter.

I am pleased to join Congressman TAYLOR and the citizens of Waveland, MS, in their desire to name the postal facility located at 216 Coleman Avenue in Waveland, MS, the "John Longo Jr. Post Office". I support the passage of H.R. 3984, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3984 legislation designating the U.S. post office located 216 Coleman Avenue in Waveland, MS as the "John Longo, Jr. Post Office".

John Longo Jr., or Johnny as he was known, was elected to the Waveland Board of Alderman in the 1960's.

After serving 3 years as alderman Mr. Longo was elected mayor of Waveland for five consecutive terms. Under his leadership the small city of Waveland achieved significant growth and progress. John Longo Jr.'s distinguished public life, his achievements in developing and expanding the community of Waveland and his love for its people will cause his memory to be revered for many years to come.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, as I mentioned in my opening remarks, there are times when parents cannot be with their children. Obviously this is one of those times when Johnny's wife Jean, his sons Tommy, Teddy, Steve, his daughters Christine, Gail and Debbie who for a period of almost 30 years had their father gone most nights and many days in his many services to the people of Waveland, MS.

Mr. Speaker, when I was a kid, there was a very popular show about a small town sheriff in North Carolina who there never seemed to be a problem too small or too big for him to handle, who loved his town and the people of that town loved him. I would say that the character in that show could have taken lessons from John Longo, for I have never seen anyone who was as content at serving the public as John was.

He was elected to the city council just in time for Hurricane Betsy and the rebuilding of the city of Waveland, reelected just in time for Hurricane Camille and the rebuilding of the city of Waveland, served that city as it went from a very small coastal fishing village to a modern city, did many things that are noticeable, and most importantly did some things that people will never see but had to be done in order for that area to prosper and, that is, of course, construction of the Waveland Regional Wastewater Authority which now serves the entire Hancock County, MS, area.

Mr. Speaker, at a time when people often complain and on this very floor we hear people complain about the exorbitant salaries of the city councilmen here in Washington, DC, I do not think Johnny was ever paid more than $200 a month in over 30 years of service to the people of Waveland, and I can assure Members in the many fish fries that he was called upon to donate to, he more than lost that salary every month.

Mr. Speaker, he was always generous with his time and even more generous with his services. Johnny felt like the city should be run like a business and he did just that. He left the city in 1990 with the city in good financial shape.

Mr. Longo earned a bachelor's degree in business administration from Loyola University. In addition, being a part-time mayor, he ran a small business back home, Southern Frosted Foods. His public service includes stints as civil service director, volunteer firefighter and sheriff's deputy. He was a veteran of the U.S. Army and the Merchant Marines, a member of the American Legion, the Waveland Civic Association, and the Italian Society of the Immaculate Conception. He served on the parish council, the school board, and was president of the Home School Association. Johnny spent may hours of his personal time helping with fundraisers, especially with chairmanship of the church annual seafood dinner.

Mr. Speaker, on behalf of the people of Waveland, I want to thank the committee for seeing to it that Johnny's almost half century of service to his community is rewarded and that he will be remembered.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspended the rules and pass the bill, H.R. 3984, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the building located at 216 Coleman Avenue in Waveland, MS, for the period of time during which it houses operations of the United States Postal Service, as the John Longo, Jr. Post Office".

A motion to reconsider was laid on the table.

CANDACE WHITE UNITED STATES POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4177) to designate the post office building located at 1601 Highway 35 in Middletown, NJ, as the "Candace White United States Post Office," as amended.

The Clerk read as follows:

H.R. 4177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, shall be known and designated as the "Candace White Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Candace White Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support the passage of H.R. 4177, which will designate the U.S. post office building located at 1601 Highway 35 in Middletown, NJ, the "Candace White United States Post Office".

Ms. White served as a letter carrier in Middletown, NJ. She displayed dedication to her community by raising funds for the muscular dystrophy organization and acting as a spokesperson for Temple Hospital.

Her dedication was further exemplified by her active participation in the county fair and as a Middletown nursing home volunteer.

I am pleased to join Congressman PALLONE and the citizens of Middletown, NJ, in their desire to name the postal facility located at 1601 Highway 35 in Middletown, NJ, the "Candace White United States Post Office". I support the passage of H.R. 4177, and urge my colleagues to support this measure. Mr. Speaker, I reserve my balance of the time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4177 which designates the post office building located at 1601 Highway 35, Middletown, NJ, as the "Candace White United States Post Office".

Candace White, a letter carrier, died in May 1993 when her 2-year heart was rejected by her body at the age of 26.

Candy, as she was known by her peers, was loved and admired by her fellow workers and the public as well. A fund raising telethon raised over $10 thousand to help her pay medical bills and over 500 hours of leave time was donated by her fellow workers to help her keep her benefits going.

Mr. Speaker, the inspirational story of Candy's heart transplant, her recovery, and the tremendous support which she received from the carriers in Middletown is a heart warming example of how we can pull together to help each other in times of need.

☐ 1400

Mr. Speaker, I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4177, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the 'Candace White Post Office'.".

A motion to reconsider was laid on the table.

ALVARO DE LUGO UNITED STATES POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4190) to designate the U.S. post office located at 41-42 Norre Gade in Saint Thomas, VI, as the "Alvaro de Lugo United States Post Office", as amended.

H.R. 4190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 41-42 Norre Gade in Saint Thomas, Virgin Islands, shall, for the period of time during which it houses operations of the United States Postal Service, be known and designated as the "Alvaro de Lugo Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall, with respect to the period referred to in section 1, be deemed to be a reference to the Alvaro de Lugo Post Office.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentlewoman from Michigan [Miss COL-

LINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of H.R. 4190, which will designate the U.S. post office building located at 41–42 Norre Gade in Saint Thomas, VI, the "Alvaro de Lugo United States Post Office".

Mr. de Lugo was a former Postmaster General of the Virgin Islands and served on the police and fire commission. His dedication to the community is further illustrated through his works as an acting postmaster at Charlotte Amalie and chairman of the land authority.

I am pleased to join Congressman DE LUGO and the citizens of Saint Thomas, VI, in their desire to name the postal facility located at 41–42 Norre Gade in Saint Thomas, VI the "Alvaro de Lugo United States Post Office." I support the passage of H.R. 4190, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4190, legislation designating the post office located at 41–42 Norre Gade in Saint Thomas, VI. as the "Alvaro de Lugo United States Post Office."

Alvaro de Lugo served as Postmaster General of the Virgin Islands from 1933 until his death on February 5, 1958.

Mr. de Lugo was the first native son to serve as Postmaster General of the Virgin Islands. Under Alvaro de Lugo's leadership, the postal service in the Virgin Islands was built to a peak of efficiency and service, which won him praise from his supervisors, respect from his employees, and the community.

Mr. Speaker, Mr. de Lugo was a dedicated civil servant, civic, and community leader, who worked diligently to improve not only the postal service but the way of life in the Virgin Islands.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the gentlewoman for yielding me this time and for the gracious manner in which she has handled this legislation. I want to thank you on behalf of the people of the Virgin Islands, and I also want to thank the gentleman from Wisconsin for the manner in which this bill and other bills were handled on behalf of the people of the Virgin Islands.

Mr. Speaker, the late Alvaro de Lugo was an older cousin of mine. This should not bar him from his rightful due, I hope. He was the first native Postmaster of Saint Thomas. He was very well known and very admired.

There are many post offices on Saint Thomas now, thanks to this Congress, I must say, and this committee, but somehow this is the historic post office. It is down there near the Emancipation Garden, and it is a post office that Alvaro de Lugo helped to design. He was the Postmaster there until the time of his death.

Mr. Speaker, I rise in strong support of H.R. 4190, a bill to designate the historic Emancipation Gardens Station on St. Thomas, VI, the "Alvaro de Lugo United States Post Office Building," in recognition of the first native-born Postmaster of Charlotte Amalie on St. Thomas, VI.

Born on St. Thomas in 1906, Alvaro de Lugo began his career with the U.S. Postal Service in 1925, shortly after his graduation from High School, as a clerk in New York. He enjoyed success, but longed for his native Virgin Islands and returned home in 1933.

At the youthful age of 26, Alvaro de Lugo was appointed as the Acting Postmaster General of Charlotte Amalie, St. Thomas. He served with such distinction that he was appointed Postmaster of Charlotte Amalie in 1934.

Alvaro de Lugo supervised the construction of the Emancipation Garden facility of the U.S. Postal Service, where he relocated postal operations upon its completion in 1938.

Alvaro de Lugo was known for working long hours and for his propensity to assist postal customers personally to assure they received the best possible service.

Once, while assisting with the unloading of mail from a ship, Alvaro de Lugo slipped and broke several ribs. Yet he defied his doctor's orders to remain in bed to return to the work he loved.

H.R. 4190 recognizes the accomplishments of Alvaro de Lugo an outstanding Virgin Islander and names the facility that he saw to completion in his honor. Therefore, I urge passage of this bill.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4190, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office.".

A motion to reconsider was laid on the table.

AUBREY C. OTTLEY UNITED STATES POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4191) to designate the U.S. Post Office located at 9630 Estate Thomas in St. Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office" as amended.

The Clerk read as follows:

Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office".

H.R. 4191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, shall be known and designated as the "Aubrey C. Ottley Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Aubrey C. Ottley Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER, I support the passage of H.R. 4191, which will designate the U.S. post office building located at 9630 Estate Thomas in St. Thomas, VI, "Aubrey C. Ottley United States Post Office."

Mr. Ottley was a former postmaster for the Virgin Islands and served as council commissioner. He has been recognized by the U.S. Postal Service Caribbean District of San Juan for his outstanding and dedicated service.

His commitment to the St. Thomas community is further exemplified by his work as president of the Federal Business Association and as a member of the national council.

I am pleased to join Congressman de Lugo and the citizens of St. Thomas, VI, in their desire to name the Postal facility located at 9630 Estate Thomas in St. Thomas, VI, the "Aubrey C. Ottley Post Office." I support the passage of H.R. 4191, and urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4191 legislation designating the post office located at 9630 Estate Thomas in St. Thomas, VI, as the "Aubrey C. Ottley United States Post Office." Aubrey Ottley, served as postmaster for the Virgin Islands area from 1961 until his retirement on December 12, 1980.

Aubrey Ottley was a dedicated civil servant, community leader, father, boy scout leader, artist, and photographer. The U.S. Postal Service Caribbean District of San Juan honored his 39 years of outstanding and dedicated public service to the U.S. postal services.

Aubrey Ottley lived his life by his watch word "Give to the world the best you have and the best will be returned to you."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the gentlewoman, the chairman of the subcommittee, for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4191, a bill to designate the Sugar Estate postal facility on St. Thomas, Virgin Islands, the "Aubrey C. Ottley United States Post Office Building" in recognition of Mr. Ottley's 39-year career with the U.S. Postal Service on St. Thomas, VI.

Born on St. Thomas, Aubrey Ottley graduated from Charlotte Amalie High School and began working with the U.S. Postal Service as a clerk soon after.

In 1961, Aubrey Ottley was appointed Postmaster of Charlotte Amalie. In this capacity, Ottley, who was also an accomplished artist, recognized the need for a new modern facility and was instrumental in the design and construction of the Postal Service facility at Sugar Estate. Today, it has become the hub of postal operations on St. Thomas.

Aubrey Ottley also earned the admiration of his community for his commitment to civic activities, particularly as a leader with the Saints Peter and Paul Cathedral and the Boy Scouts of America.

My bill, H.R. 4191, recognizes the accomplishments of an outstanding Virgin Islander, Aubrey Ottley, and names the facility that he helped to designed and saw to completion in his honor. I urge passage of this bill.

□ 1410

GENERAL LEAVE

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bills, H.R. 3863, H.R. 3829, H.R. 3984, H.R. 4177, H.R. 4190, and H.R. 4191, which were passed today.

The SPEAKER pro tempore. (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 4191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the Aubrey C. Ottley Post Office."

A motion to reconsider was laid on the table.

FEDERAL RESERVE BOARD

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes as a designee of the majority leader.

Mr. GONZALEZ. Mr. Speaker, I have been speaking out consistently and as a result of the commitment I made when I was elected chairman of the U.S. House of Representatives Committee on Banking, Finance and Urban Affairs to report. Hitherto, committees acting within their own parochial ambit seldom, unless a bill comes up in general debate in the House from that particular committee, seldom share with others outside of the committee. But I think that the issues are so grave and have been and are so ominous, of such ominous shape as far as the future financial and economic independence of the American people is concerned, that I have spoken.

Today, I would like to bring out and enlarge on what I have lately been relating as far as the Federal Reserve Board is concerned. There is no question that upon assuming a top decisionmaking position at this Federal Reserve, which is throughout the world the equivalent of a central bank or a country central bank, there is no question when that person reaches that position he is entrusted with decisions that literally involve trillions of dollars each year, and the fate or level thereof of such things as standard of living, unemployment, and, frankly, at this point, whether or not after the Continental Congresses and the Confederation following the initial period of nationhood and finally the resolution with the first Constitutional Congress and resolution by the executive branch and the appointment of Alexander Hamilton as the Secretary of the Treasury, the true independence and ability to regain fiscal integrity and thereby insure the independence from England or Great Britain.

Today, fate shows that time has turned full scope and our country, believe it or not, despite the boasts of it being the prime, No. 1, strongest, richest, only world power, despite that we are confronted with a real crisis as to the worth or integrity of our currency; that is, our money.

That is what has been worrying me more than anything else, and particularly since 1979. I have spoken on that by way of parentheses, and it is all in the record; it is not what I am saying now in looking backward. But speaking from that record and as I have reviewed it, I wish I had been wrong and I wished then that I would be wrong; unfortunately that is not the case. Those decisions that will decide whether or not our currency will be debauched and therefore, for the first time in our history, obligated to pay a huge overhang of debt in somebody else's currency.

As I have said, in my special orders, to my colleagues repeatedly, we are the only country in history that has ever been permitted or allowed or has indeed paid its debt in its own currency.

Now, that may not sound like much, yet it means everything because it means that should our hallmark of value, the dollar, be replaced—in effect, it has, to a certain extent—but fully replaced as the international currency reserve unit, you can say that we have returned to the mercantile system where our country was dependent upon the European powers and Great Britain as well and never have removed itself from that umbilical cord, from the mother country, and that fate shows a little over 200 years after the beginning of this form of Government the Constitution, which again by way of parentheses, that we have been in trouble in the last three decades in direct proportion as we have strayed from that basic and fundamental law, the Constitution.

□ 1420

So, we have created this organism, organization, with powers that at no time has any country given such an organization, believe it or not, except if we were to go back to the beginning, when the Constitution was adopted and in a world in which every country was governed either by kings saying that their sovereignty; that is, their source of power, came from God or potentates, czars or oligarchs, selected and full of people that claim to be above mankind, and, unless they were chosen, why there would be no answer to the problems confronting the country's end. The Founding Fathers of our country had the temerity in that world in which every country was governed by divine right to say, "nonsense," and in the first preamble, the first words of the Constitution, they spelled it out.

Mr. Speaker, they said, "All sovereign power. It doesn't come from a king. It comes from the people." So, the first words in our preamble are: We, the people of the United States. Not the Congress, not the President, not anybody else, but: We, the people, in order to form a more perfect Union, secure the blessings, et cetera, et cetera.

So, we must come back to that, because lately to say that, up until recently, why one would have been considered a Communist if they said that the source of power came from the people and not from these big, big oligarchical, powerful plutocrats who know what is best for us, so they say.

So, here we are in this select group, and these persons are privy to advanced knowledge of the orders to the New York Federal Reserve Bank, the trading desk they call it, that buys or sells billions of dollars of securities each day. More importantly, U.S. treasuries. To have knowledge of the extension of billions of dollars in loans and credits, also to foreign countries, and to supervisors' knowledge of the operations of most of the country's commercial banks, and all of the foreign banks operating in the United States is quite some power one could say. This inside information becomes extremely valuable to outside individuals who could become instant millionaires if they get the information ahead of the crowd.

Now, the Federal Reserve Board says it is above question. It must be so completely independent that it is independent of the Government and the people. Therefore, it must claim infallibility, that they would never do anything wrong, but, as I have pointed out since 1979, 1980 and 1981—in fact, before that time, I have given cases in the record where through leaks, indeed special interests, two powerful banks in New York made millions of dollars by being able to get those leaks, and after 4 years of insisting and being refused any kind of answers to the questions I raised then, finally the chairman said: "Well, tell you what we'll do." This is the chairman of our committee then. "Why don't you, Chairman of the Federal Reserve, why don't you answer this once and for all."

He said, "All right," and they appointed an in-House committee to investigate.

One year later I had to insist to find out what had become of the investigation. Well, let me tell my colleagues what happened even though it is repetition because I put this in the RECORD. We went and hired a lawyer, who also happened to be a lawyer for one of the two banks that profited improperly, and finally they came out with a report and said, "No, it wasn't a leak. It was an accidental mistake that was made by a clerk," and they let it go at that.

I was incensed. I placed all of that, including what they call a record, in the RECORD. Any of my colleagues interested in finding out about the infallibility of the Federal Reserve, I welcome them asking where in the RECORD they can find it and read it for themselves.

So, I am sure that today I am not shocked, but I think my colleagues would be, as I learned that some top Federal Reserve decisionmakers, soon after leaving the central bank, and I mean almost immediately after leaving the central bank, immediately sold a private client their access to privileged information for big bucks. I was appalled at the March 24, 1994, Wall Street Journal report that Wayne Angell, who had just left his position as one of the seven Federal Reserve Governors, was selling interest-rate information at $100 per minute. That is interest-rate information for those gambling in the futures market on international interest rates and currency rates. A Wall Street stock analyst said she talked to Mr. Angell for 13 minutes and received a bill for $1,300. Shortly thereafter, on March 28, my staff contacted Mr. Angell. He made no secret and offered no apologies for the exorbitant fees he charges. He justified the fees saying they are necessary if he is to discourage clients from asking for his insight on Federal Reserve monetary policies.

Now, this is certainly disingenuous and, to me, most disturbing, and I think any reasonable minded person would tend to agree with me. The former vice chairman of the Federal Reserve's Board of Governors, David Mullins, resigned in the middle of his term on February 14, 1994, 2 years before he would have ended on January 31, 1996, to join several former Salomon Brothers, Inc., executives in a new hedge fund venture. Now we had hearings on these so-called hedge funds; very complicated, yes, sometimes deliberately made to seem complicated, but, to me, simply put, they are gambling. It is just a giant casino that just happens to be out of Las Vegas.

□ 1430

What troubles me is that banks are going into that, and I would not care if the banks are not insured, but they are. They are guaranteed by the taxpayers' dollars. And I think that it would be not only an act of misfeasance but a criminal action on my part were I not speak out.

But here we are. Mr. Mullins is going to get together with these traders, and here are these people who are with the firm, Salomon Brothers, that got into that huge scandal in 1991, when it was charged with making $13.5 billion in false bids. On what? On Treasury auctions, between August 1989 and May 1991, causing the firm to exceed the 35 percent limitation on bidding. Salomon paid $290 million in fines, but it took the Treasury for $13.5 billion.

What a slap on the wrist. And to compound matters, the fellow who was supposed to have straightened it out for Salomon quit last year, and where did he go? This is the fellow who was doing the investigation for the SEC in this multi-billion-dollar scam on the Treasury. It was all done by these great panjandrums of finance, security bankers. And what happened? He quit the SEC last year, and he went and got a fat high-paying job. With whom? With Salomon Brothers, the firm that he was supposed to have investigated and gave the report about that led to the $290 million fine after the $13.5 billion robbery.

These are sad and distressing days we live in today. My colleagues may think, "Oh, well, it's not our doing. That's the Fed."

I ask my colleagues, do you think your citizens and mine believe that we have no responsibility? Well, sooner or later the day of reckoning will be here, for I say to all of you, "Beware of the patient when the patient loses his or her patience."

Now, Governor Mullins quit the Fed, and he now works with the former vice president of the firm. And this one happened to be one of those who was responsible for all the fixed income trading. This particular trader that Mr. Mullins has gone in with was charged in the 1991 scandal without admitting or denying the charges of the Securities and Exchange Commission. But he also accepted the SEC sanctions of paying a fine, and he temporarily quit work in the securities industry. He quit temporarily.

Mr. Mullins' resignation reduced the Board of Governors to five members, the minimum number needed for crucial votes for direct loans during emergencies under the Federal Reserve Act of 1913.

All this makes one wonder if the Fed is attracting decisionmakers who just view their position as a way station to lucrative private jobs. The public interest is apparently not of paramount concern.

But should we be surprised at that? What is the Fed? It is not a Government agency elected by the people or even elected by the Congress, which is elected by the people. They are a private corporation, of which the stockholders are all banks, not the Government. So, who do you think bankers sitting as directors are going to be thinking about when it comes to a push and shove? The people or their pocketbooks and the interests of the banking community? Well, I say if you believe it would be the people, then I am sure you believe in the tooth fairy.

I believe that former employees should be barred from using any inside information that they have or from discussing any confidential information, just as other Government agencies require of their former employees who possess exploitable or sensitive information.

The Federal Reserve has taken some steps to tighten security and to ensure that all Americans receive information about monetary policy changes at the same time, that is, to a certain extent. Only after pressure and after being pushed and shoved and kicked and shouted at, and just resisting every inch of the way, finally they said, "Well, we will announce as soon as we can when we have made a decision on interest rates." But they will not divulge their deliberations, they will not say who was for what on that board. Why? What are the reasons? If that is not lack of accountability, I just do not know the definition of the word.

But even this brief experience with what I call the "American Glasnost" by the Federal Reserve has proved to be a success. Even this brief excursion into open fresh air has proven to be a success. Many people familiar with financial markets, including professional traders, have said that these announcements have allowed the markets to more rapidly discount new information, reduce the volatility, and substantially eliminate the leaks that frequently occurred when the Federal Reserve kept the formal announcements secret for 5 or 6 weeks, and that was except when they wanted to leak it to their favorite media, and they kept it for 5 or 6 weeks at least.

I have introduced what is known as H.R. 28, the Federal Reserve System Accountability Act of 1993. I introduced it last year. Members might recall the strident rejections at our committee's hearing on October 19 last year of my proposal for promptly accouncing monetary policy changes. The Fed's Governors and the presidents appeared before the House committee to discuss the provisions of H.R. 28 this last October. Chairman Greenspan immediately gave us a warning, and I am going to quote to my colleagues what he said:

> Immediate disclosure of the directive would change the nature of monetary policymaking and it would not be a change for the better.

Clearly he was wrong, and it must be admitted today. The markets are better served by the new disclosure policy, and monetary policy is transmitted more effectively. I do not like the policy itself, but the prompt announcement makes sense and works. But the Fed trembles at the thought of it. And it did shake and tremble at the thought of this simple reform.

Former chairman and vice president of the Board of Governors, David W. Mullins, Jr., submitted testimony in which he said the following:

> Before I arrived in Washington, I taught and conducted research in financial economics for over a decade. Many of my professional writings explored the estimable ability of financial market participants to absorb and interpret information and then reflect that knowledge in market prices. * * * From my experience, the monetary policy process is open where it counts. Our actions matter, not our deliberations. It is our actions that affect interest rates and the economy, and those actions are made public immediately. Changes in reserve conditions are transparent to the market by 11:30 a.m. on the day of the change in the open forum of the financial markets * * * the current process works well. * * *

□ 1440

That is what he said in October.

Yes, he could claim his years of academia, of study, essays and research, and the credentials of a fine university at which he taught. But when it came to advising Congress that in this case the financial markets work best with less information, he was not only wrong, he was dead wrong.

Former Governor Wayne Angell, to whom I referred awhile ago, and who is now selling his advice at that enormous price per minute, stated, "on balance the markets and the public are better served by more detail and more openness with delayed publication." That is what he said in October. Naturally, the Federal opposed, and it still does, any greater detail or specificity, even with the delayed publication of the so-called Open Market Committee.

Mr. Angell must believe early information has value and importance. He certainly must believe that early information is valuable, because why is he selling it at such a dear price now?

Governor Edward W. Kelley, Jr., said, "I believe that the existent procedure for release of FOMC decisions are responsive to the public's right to be informed."

Last October he said this. He was wrong. He was wrong to testify that the public's right to know monetary policy changes can be properly delayed. How could delayed information be responsive to anyone's needs?

I could go on and quote, and I will, other Governors who still are there, like John P. LaWare. He was wrong. And they all missed the point. I could go on and include Governor Lawrence B. Lindsey, who is still there. He was wrong in the statement he gave our committee.

So how could anyone argue then that more information, promptly given, provides no help to the public or the people? All I can say is that George Orwell would never have imagined such a fantastic and contradictory world.

I could go on and mention the other Governor, Susan M. Phillips. She was wrong. One of the presidents of the Federal Reserve Bank of Philadelphia, Edward J. Boehne, the same thing, he was wrong.

So, therefore, as we push on, every inch of the way screaming and resisting the Federal Reserve, we must pursue this, for the sake of just the elementary well-being of the people of this country.

All I can say is that if we depend on these judgments that I have just placed in the RECORD, we are lost as far as this country is concerned and its future independence and freedom. And without economic and financial freedom, what do you have? Yes, we will be, as somebody said, either equally all free or equally all slaves, as it would be interpreted by some of the philosophy and belief and actions of these reflected in the minds of these powerful people who have been arrogated to a power never before given in any country.

It is claimed that we in the United States have relative freedom and autonomy for our central bank. But in other countries, even in the industrialized world, no people have tolerated that grant of power over their destiny and well-being, from Germany, to Great Britain, to Japan. So that even through we can say that by speaking out consistently, and it has taken several years, I introduced H.R. 28 last year. But for the 32 years that I have been on the Committee on Banking, Finance and Urban Affairs, since I came here, I have introduced and been introducing similar legislation. Of course, it was considered so ridiculous in the beginning or initial period that it was not until we entered this period here of the late eighties and nineties and began to face the inevitable that questions then began to be asked by others, questions of a similar nature, not with the insistence with which I have conducted it on a sustained basis for these 32 years. But being on the committee and having the facts and the statistics and using my own ability to reason and conclude and figure out, I felt apprehension, even in the seventies, and spoke out.

There was not much awareness of the crisis in 1968, when the so-called Bretton Woods arrangement was obviously not holding up. But the people were not informed, any more than they are being informed today as to the extent, the nature, the depth, the gravity of this problem and danger confronting us.

I have always said that should we wait until a crisis is upon us, then we are reacting to crisis, and the best thinking is not there. I have always subscribed to the belief of anticipatory action and thought, anticipating what from deductions and calculations presently made one can conclude that certain things and events will happen. Therefore, as long as the danger is not only there, but clear and limpidly so, then one must prepare. But that is not what has prevailed in our country for the last 35 or 40 years, perhaps a little bit longer than that, going back to President Franklin Roosevelt.

Still, in my book, that does not excuse one speaking forth, if charged with knowledge. The French philosopher and writer and in fact hero, because he died in the First World War in the Battle of the Marne, Charles Peguy, said, "He who knows the truth and shouts it not from the rooftop is an accomplice with cheats and liars and frauds." And I must speak out and say we are in mortal danger of our losing our financial and economic well-being, faced by the loss of integrity, stability, and safety and soundness in our financial banking and other institutional life in the country.

□ 1450

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SYNAR). Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the minority leader.

H.R. 3679, THE JUNIOR DUCK STAMP CONSERVATION PROGRAM

Mr. WELDON. Mr. Speaker, I will not take the entire hour, but I did want to rise today to focus on two pieces of legislation that this body passed today, both of which I was involved in. I had hoped to be here to manage the time on our side of the aisle as these two issues were brought before the full House. But because of a previous commitment in Philadelphia for a Women's Entrepreneurial Conference and because of heavy traffic on I–95, I was unable to make it in time to monitor the debate.

However, I do want to focus on both of these issues, now that they have in fact passed this body and, hopefully, will be adopted by the other body and become law.

The first is the reauthorization of the Junior Duck Stamp Program, which is a piece of legislation that the chairman of the Oceanography Committee, of which I am ranking member, led the approval for.

H.R. 3679, in fact, reauthorizes this program which is of great value to young people all over the country. As a former environmental educator myself and one of two Members of this body on the Migratory Bird Conservation Commission that oversees the proceeds of the sale of duck stamps, I understand the importance of this program to encourage young people to have higher awareness and a much greater appreciation for conservation and environmental issues. And while I support the legislation, I was particularly happy that Chairman ORTIZ agreed to a substitute amendment that we actually passed on the floor of the House today that contains clarification language for that program but also authorizes the transfer of a bequest in the amount of $2.5 million by a former constituent of mine from my congressional district.

Mr. Antonio Cusano, known by his friends as Tony, passed away last year. In his estate he left a bequest in the amount of $2.5 million which is going to be used, because of our enacting legislation today, as a matching fund to create between $5 million and $5.7 million to construct an environmental education center and refuge headquarters at the John Heinz National Wildlife Refuge at Tinicum, PA.

This facility has been a long time coming. Those who are familiar with the John Heinz National Wildlife Refuge understand that this particular refuge has been perhaps undersupported by the Congress and by the administration for the past 20 years. In fact, we have not had the funding necessary not just to build the Environmental Education Center but to also support adequate staffing at that operation.

Under the capable leadership of the refuge manager, Dick Nugent, however, we have in fact been able to meet many of the concerns that the Congress had in mind when they initially authorized the creation of this wildlife refuge.

Because the John Heinz National Wildlife Refuge at Tinicum is within the boundaries of the city of Philadelphia as well as neighboring Delaware County and abuts the Philadelphia International Airport, it is in fact one of the largest wildlife refuges in an urban environment. So it is very important that we preserve it not just because of its value to the ecosystem but because of the importance of having an aggressive, proactive environmental education center for the children and the adults in the Philadelphia, five-county Pennsylvania area as well as Delaware and southern New Jersey.

Chairman STUDDS worked with us on the language in the compromise amendment very aggressively. I would like to thank him publicly for that cooperation, along with our ranking Republican, JACK FIELDS.

In addition, my colleague on the committee, JIM SAXTON, was extremely helpful in including this change to the Junior Duck Stamp Program.

With the refuge having been established in 1972, yet over the past 22 years not having an adequate facility at the refuge, it has been extremely difficult for the staff to provide intense environmental education programs at the John Heinz Center. With it being the largest remaining fresh water marsh in Pennsylvania, we think it is an extremely opportune time for us to reach out using this $2.5 million bequest and working with the National Fish and Wildlife Foundation to double that amount of money to build this new center.

In fact, what the authorization we are approving today and the allocation that will follow in the amount of $2.5 million will do is allow us to provide this money to the National Fish and Wildlife Foundation. This Foundation and its Secretary, Amos Eno, who is very supportive of our effort, has committed itself to raise the remaining funds that are required to build this environmental education center.

Once again, I repeat, for my colleagues and for my constituents, we are not talking about taxpayers' money involved in this initiative. We are talking about taking a bequest that has been left to us for this purpose and seeing that the Foundation raises the matching amount of money from private donations. I have agreed to get involved in an aggressive way in raising those dollars.

A few words about Tony Cusano, who lived in Crum Lynne, Delaware County, only 1 short mile from the refuge itself.

Tony died at the age of 85. He was a star quarterback at a local high school, Ridley Park High School. In 1927, he earned a scholarship to the University of Pennsylvania, was employed by General Electric, and retired in 1967.

Tony had a reputation in the county and in Crum Lynne in that area of Delaware County for being someone who was always looking to help other people. He did not want to seek publicity, and his bequest actually was unknown until the terms of his estate were made public and we found out this opportunity presented itself to support this new education center.

So, Mr. Speaker, for the children of the Philadelphia region and the tri-state metropolitan area, I am excited about the House taking action on this important legislation today. It opens the door for us in the region, working together with my colleague, TOM FOGLIETTA, and Senator HARRIS WOFFORD and Senator ARLEN SPECTER and our colleagues in southern New Jersey and Delaware to really take a giant step forward in building this new environmental education center at the John Heinz Refuge. I want to thank my colleagues for their aggressive support of this legislation and all of those involved as members and committee staff who helped make this success possible today.

H.R. 3982, OCEAN RADIOACTIVE DUMPING BAN ACT

Mr. Speaker, the second bill that was acted on by the body today, which I was the original author of and had my good friend and colleague SOLOMON ORTIZ as a major cosponsor, was the Ocean Radioactive Dumping Ban Act of 1994.

H.R. 3982 is legislation that is extremely important not just because of what it does but because it again allows America to regain our leadership role in the world community on the status and the environmental excellence that we want to see take place among all countries that deal with the oceans of the world.

We had substantial cooperation on this issue from Chairman STUDDS and his staff, Chairman ORTIZ, ranking minority member JACK FIELDS as well as the staff of the committee. Lisa Pittman of the committee's minority staff was especially helpful. Terry Schaff on the Oceanography Subcommittee and Chris Mann with the Chairman's office persevered with us and allowed us to bring this legislation to the floor in a very quick manner. In fact, by our standards, it is a lightning-quick manner.

I would also like to thank Congressman NORM MINETA and Congressman BUD SHUSTER of the Public Works Committee. They cooperated on this legislation.

They could have requested sequential referral on this issue. They did not. They deferred to us and allowed us to bring this issue up today and have it enacted by the House and approved today.

This piece of legislation basically developed out of the practice of this country which was to allow nuclear waste dumping, radioactive waste dumping in the oceans but only after there had been some type of action by the Congress. Even though that had not taken place, America, because it still allowed nuclear waste dumping, had lost its leadership role in the world community in terms of getting other nations to state emphatically that they will prohibit the dumping of nuclear waste in any of the waters of the world. This is extremely important to international law, because we have had countries that have now publicly admitted that they in fact have been dumping nuclear waste.

The most prominent country being the former Soviet Union.

The Ocean Radioactive Dumping Ban Act that we passed today corrects the position with American again taking the leadership role. It allows us to say to the rest of the world that we are now going to, by legislation and by official enactment, prevent forever the dumping of nuclear waste into the world's oceans. It is extremely important because up until last year, our policy was somewhat weak on this issue.

Whereas at the London Convention other nations of the world who have nuclear waste problems had agreed to stop the dumping of waste and agreed to it in the permanent ban, the United States was one of only two nations that in fact had refused to agree to that international ban.

□ 1500

Led by the Members of Congress who were active in the GLOBE organization, Global Legislators for a Balanced Environment, which is headed up by Senator JOHN KERRY, of which I am an active member, we were able to convince the Clinton administration earlier this year to reverse that decision and to in fact have the United States take a leadership role at the London convention and sign on as a signatory to complete banning of nuclear dumping.

What we are doing today and what we have done today in the House is simply reinforce that decision with an act of Congress. This new position puts us again in the forefront, and now leaves only one nation that in fact has not agreed to prohibit the dumping of nuclear waste in the oceans of the world. That nation is Russia.

Mr. Speaker, we have a terrible problem with what has happened in the former Soviet Union. As we saw in a hearing that I chaired last September, as a matter of fact, September 30, 1993, our Subcommittee on Oceanography, Gulf of Mexico and the Outer Continental Shelf of the Committee on Merchant Marine and Fisheries, in detail explored the issue of the threat of contamination from the Russian dumping of nuclear waste. For four decades the Soviet Union and now Russia has been dumping nuclear waste in the oceans of the world; specifically, the Arctic Ocean and the Sea of Japan.

The information gathered by our subcommittee which is now available, and interested colleagues can get a copy of this document, or interested constituents can request it from their Member of Congress, the details of this dumping are really enough to scare anyone in this world in terms of the potential damage of our ocean ecosystems, not just around the former Soviet Union, but throughout the world.

Mr. Speaker, what really kind of brought on the hearing that we held last September was the release of a report by Boris Yeltsin in Russia entitled "The Yablakov Report." The Yablakov Commission report actually for the first time publicly revealed the fact that the former Soviet Union and now Russia has admitted to dumping 2½ million curies of radioactive waste in the Arctic Ocean and the Sea of Japan.

Let me give a comparison of that, since most of us are not scientists. Three Mile Island at its worst, during the height of that potential disaster and real disaster, if one was there at the time, Three Mile Island gave off a total of 15 curies of radioactive contamination during the worst point of that incident, 15 curies.

The Russians in the Yablakov report have admitted to dumping 2.5 million curies. The number is actually probably much higher than that, but even far worse than the 2.5 million curies they have already dumped is the fact that they now admit they have 10 million curies of radioactive contaminated particles sitting on ships in Murmansk Harbor. The Russians do not know what to do with this material.

What scares the rest of the world is that they are not willing to sign on an international ban that would say they would not dump this, so in fact they have left the door open.

We must acknowledge that there are some within the Russian federation who are working aggressively within that country's boundaries to make sure that does not occur. Nicolai Veransoff, who was one of the leading environmental legislators in Russia, is in fact leading the charge within Russia to make sure that that does not happen, that those 10 million curies of waste are not dumped, but he is one person. In fact, when we have that much contamination sitting and do not have the technology to dispose of it properly, our options are somewhat limited.

We had a difficult time convincing the Russians that they should take this issue seriously, partly because we as a nation have been unwilling up until last September to publicly acknowledge that we have two nuclear submarines that now lie on the bottom of the oceans of the world. We have been unwilling to publicly reveal to the Russians something that we in fact had criticized them for.

We have all know for years that they have had the *Komsmoletz*, a nuclear powered submarine that accidentally went under and is now laying on the bottom of the ocean floor, and perhaps leaking radioactive contamination, but in criticizing the former Soviet Union, we as a nation were unwilling to admit that we also had had some accidents with nuclear vessels.

At our hearing last September, and following that hearing, the U.S. Navy publicly admitted on the record that we have those vessels, which we are monitoring closely, and while they in fact were involved in accidents, and are in fact on the bottom of the ocean floor, we are monitoring the ships themselves, so that there in fact is no leakage of the nuclear contamination.

Now that we have in fact come clean and we have in fact acknowledged our own problems in the nuclear area, in relation to the oceans, the Russians now see that we are also willing to go that one step further and now pass legislation to completely ban the dumping of nuclear waste by anyone within the confines of this great Nation.

As we meet with the Russian leaders this summer, and I have the privilege of chairing the Oceans Task Force for the global legislators organization, which will include or which does include legislators from Japan, from Russia, and the former Soviet Republics, as well as from the European Community, as we meet and discuss an international policy on protecting the oceans, we now can again claim world leadership, because we have passed by

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legislation the change to our laws which totally and completely prohibits any dumping of nuclear waste.

With this new effort and this momentum that we have gained, we hope to get Russia to finally agree to join the rest of the nations of the world in not allowing any dumping of nuclear waste to occur, whether it is in the Arctic Ocean, the Sea of Japan, the Atlantic, the Pacific, or whatever place that might be.

While working with the Russians to achieve this ban inside of their country, we are also working aggressively to help them solve their problem with nuclear waste. As a member of the Committee on Armed Services, I was very happy to see us allocate portions of the Nunn-Lugar money in last year's Defense Authorization Act that is being used right now to assist the Russians in coming up with technologies that can allow them to deal with the problem of nuclear waste: How to store it, how to transport it, and ultimately, how to deal with it on a long-term basis.

Right now, American firms and American experts are working with the Russian leadership to help them find ways to deal with this contaminated material that is currently stored at Murmansk Harbor. Just 1 short month ago, a delegation of Members of Congress from this body, of which I was a participant, visited Murmansk Harbor for the first time. We saw at this port facility, where they have the bulk of the North Fleet of the former Soviet Navy headquartered, we saw examples of what has happened to the water surrounding Murmansk: The dead fish and the discoloration and the problems that have been caused by a total lack of environmental concern.

What we are now saying is, America has taken a step forward in terms of leadership. We are putting our hand out in a form of friendship to work with the Russians to help them deal with the current problem they have, and to help them establish long-term solutions, not just in the area of nuclear contamination and nuclear waste, but in the area of general environmental problems.

This legislation, H.R. 3982, that we passed today, helps us regain and recapture the leadership of the world community.

I just want to thank all of my colleagues, and particularly my own subcommittee staff member, Richard Russell, who formerly worked with the World Wildlife Fund, and who has been the real staff leader on this entire issue, for allowing us to bring this issue to the forefront of the Congress, to have it now enacted by this body, and to help us expedite the approval in the other body as quickly as possible so we can have President Clinton, who has indicated support for this initiative, sign this piece of legislation into law and once again have America be the premier country in the world on ocean policy, on environmental concerns, and on the issue of disposing of nuclear waste.

Mr. Speaker, I appreciate the chance to give this special order.

RECESS

The SPEAKER pro tempore (Mr. SYNAR). The Chair declares that the House will be in recess until 4:15 p.m.

Accordingly (at 3 o'clock and 8 minutes p.m.) the House stood in recess until 4:15 p.m.

□ 1617

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 4 o'clock and 17 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the Yeas and Nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken after the vote on House Resolution 431.

AUTHORIZING THE TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4429) to authorize the transfer of naval vessels to certain foreign countries, as amended.

The Clerk read as follows:

H.R. 4429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the "NEWPORT" class tank landing ship LA MOURE COUNTY (LST 1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(b) AUSTRALIA.—The Secretary of the Navy is authorized to transfer to the Government of Australia the "NEWPORT" class tank landing ships SAGINAW (LST 1188) and FAIRFAX COUNTY (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "NEWPORT" class tank landing ship CAYUGA (LST 1186) and the "KNOX" class frigates MILLER (FF 1091) and VALDEZ (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(d) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "NEWPORT" class tank landing ships FREDERICK (LST 1184) and SAN BERNARDINO (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship SPARTANBURG COUNTY (LST 1192). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(f) MOROCCO.—The Secretary of the Navy is authorized to transfer to the Government of Morocco the "NEWPORT" class tank landing ship BRISTOL COUNTY (LST 1198). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(g) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain the "NEWPORT" class tank landing ships HARLAN COUNTY (LST 1196) and BARNSTABLE COUNTY (LST 1197). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(h) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "NEWPORT" class tank landing ships SCHENECTADY (LST 1185), BOULDER (LST 1190), and RACINE (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(i) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela the "NEWPORT" class tank landing ships PEORIA (LST 1183) and TUSCALOOSA (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) and any similar, successor provision.

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under section 1 may be renewed.

SEC. 5. REPAIR AND REFURBISHMENT OF VESSELS IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of the Navy should request that each country to which a naval vessel is transferred under this Act have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at shipyards located in the United States, including United States navy shipyards.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, pursuant to the appropriate provisions of the Foreign Assistance Act and the Arms Export Control Act, this bill authorizes the transfer of 17 naval vessels, including the sale of two tank landing ships to Australia, the lease of tank landing ships, three to Taiwan, two each to Chile, Spain, and Venezuela, one each to Argentina, Brazil, and Malaysia; the lease of two *Knox* class frigates to Brazil; and the grant transfer of one tank landing ships to Morocco.

H.R. 4429, as amended, also expresses the sense of Congress that the Secretary of the Navy should request that each country to which a naval vessel is transferred have any necessary repairs or refurbishments performed at shipyards located in the United States.

The bill is in the United States' national interest for several reasons. It improves ties between the U.S. Navy and the navies of friendly and allied governments.

It improves the naval capabilities of these friendly and allied governments.

It saves the U.S. Government $21 million in initial first year inactivation costs.

It generates $485 million in sales and lease revenues for the U.S. Treasury, and it generates an estimated $95 million in revenues for U.S. Navy or private shipyards in preparing these naval vessels for transfer.

□ 1620

Mr. Speaker, 10 of the ships being transferred are being retired directly out of active inventory of the U.S. Navy. A delay in the transfer of these ships could cost U.S. taxpayers $21 million in activation costs. Therefore, we need to move this bill as quickly as possible in order to meet the late June deadline for the first of these ships.

Mr. Speaker, to sum up, these ship transfers will protect and promote U.S. interests, will generate $70 million in savings and revenues, and provide $95 million in work to U.S. shipyards. The House then has the opportunity to have a clear and positive impact on jobs, on the budget, and on U.S. foreign policy objectives through the passage of this bill.

Mr. Speaker, I urge adoption of H.R. 4429, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman HAMILTON has indicated, the purpose of this legislation is to authorize the transfer of 17 ships to 9 countries—Argentina, Australia, Brazil, Chile, Malaysia, Morocco, Spain, Taiwan, and Venezuela. The proposed transfers involve *Knox* class frigates and *Newport* class tank landing ships.

Of the 17 ships, the United States intends to sell two of these vessels pursuant to chapter 21 of the Arms Export Control Act and grant one of the ships pursuant to section 516 of the Foreign Assistance Act. These three ships will not remain on the U.S. Naval Vessel Register.

All of the remaining 14 ships, the United States intends to transfer pursuant to chapter 6 of the AECA. During their lease periods, these 14 ships will be retained on the U.S. Naval Vessel Register while under the operational command and control of the designated foreign recipients. Under the lease terms, the United States may terminate the leases and have the vessels returned to U.S. custody should the need arise.

Ten of the seventeen ships remain in active service and would be transferred directly to the foreign countries once they are decommissioned. The remaining seven ships are currently in inactive status and would require refurbishment and reactivation work before the recipient nation could take possession.

The United States would incur no costs for the transfer of these naval vessels. Any expenses incurred in connection with the transfers would be charged to the recipient nation including maintenance, repair and reactivation costs, and training.

The U.S. Government will receive a total of $45.8 million in sales and lease revenues as a result of this legislation. Further, by transferring these ships, the United States will avoid $21 million in deactivation and storage costs. In addition, it is anticipated that the recipient countries will pay U.S. shipyards a total of at least $95 million for work related to reactivation of the seven inactive ships.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure. It advances the valuable, cooperative relationships the United States has established with each of these nations' navies and manages to save U.S. taxpayers a significant amount of money at the same time.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.R. 4429. I am pleased to note that H.R. 4429 includes my amendment, which was adopted in committee, and which will hopefully result in increased jobs at our shipyards. The amendment calls on the Secretary of the Navy to request that any repair work that these ships may need be done in U.S. shipyards. This will create or at least preserve U.S. jobs, and to the extent this work is performed in U.S. Navy shipyards, it will reduce the deficit because the leasing countries must pay the U.S. Treasury for work performed. It is estimated that the recipient countries will pay U.S. shipyards a total of at least $95 million for work related to reactivation of these ships. That is over and above the $45 million the United States will receive in lease revenue.

I would like to thank the shipyards workers who strongly supported my amendment, and I would like to thank Chairman HAMILTON for supporting it in this legislation. I think it makes H.R. 4429 a better bill. I recommend to the Committee that in future bills of this nature we include my amendment as a part of the bill from the beginning.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] for his supporting comments and for his amendment which makes a significant contribution to the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I just want to say to the gentleman from California that I thought he had a very constructive amendment to the bill; it strengthens the bill, and it does enhance the possibility that we will create more jobs in this country. I thank the gentleman for his constructive contribution.

Mr. CUNNINGHAM. Mr. Speaker, I am pleased to rise in strong support of H.R. 4429. As my colleagues are aware, this resolution authorizes the transfer of 17 naval vessels to allied and friendly nations. This transfer will be conducted through 2 sales, 1 grant, and 14 leases, and will generate between $69.5 million and $164.5 million in savings and revenues for the Treasury of the United States.

More importantly, Mr. Speaker, this bill also includes language expressing the sense of Congress that recipient countries have the vessel repaired or refurbished in American shipyards before adding them to their naval forces.

This language parallels report language which I worked to include in the fiscal year 1995 Defense Authorization Act, H.R. 4301. The report language in House Report 103–499 states:

> As the Navy reduces the number of ships in the fleet, Congress has permitted, on a case-by-case basis, the transfer or lease of excess ships to allied nations. These vessels do not have to be repaired in U.S. shipyards, however. In recognition of the policy to provide only operationally safe and supportable vessels to our allies, the committee recommends that all Navy vessels, as a condition of transfer or lease, be repaired and prepared for transit in U.S. shipyards.

I trust that the Navy and Defense Departments will take heed of these provisions. While I do not oppose these transfers, I wish to make clear my strong opposition to any transfer which allows a ship to be repaired or overhauled in foreign shipyards.

There is no better way to support our ship repair industry than to ensure that these vessels are repaired and prepared for transit in U.S. shipyards. By enforcing this requirement, we ensure that our allies receive top quality U.S. vessels. In addition, this measure will bring in an estimated $95 million in revenues for government and private shipyards that prepare the vessels for transfer. Invested in our American shipyards, it will create jobs for our hard-working citizens. That money will help support their families and pay the mortgages on their homes. It will help keep the American economy strong.

Mr. Speaker, I urge my distinguished colleagues on both sides of the aisle to support H.R. 4429. It is a good bill that will promote the creation of jobs and the economic strength of the United States.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 4429, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R 4429, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for the other purposes.

Sec. 2. After further general debate, which shall be confined to the bill and amendments made in order by this resolution and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, no further amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution or in part 1 of House Report 103-509 and amendments en bloc described in section 4 of this resolution. Except as specified in section 3, 4 or 5 of this resolution, each amendment printed in the report shall be considered only in the order printed and may be offered only by a Member designated in the report. Each amendment printed in the report shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that pro forma amendments for the purpose of debate may be offered by the chairman or ranking minority member of the Committee on Armed Services). All points of order against amendments printed in the report are waived.

Sec. 3. (a) After disposition of or postponement of further proceedings on amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution or part 1 of House Report 103-509, it shall be in order to consider the amendment printed in part 2 of that report.

(b) After disposition of or postponement of further proceedings on the amendment printed in part 2 of the report it shall be in order to consider the amendments printed in part 3 of the report. Such consideration shall begin with an additional period of general debate, which shall be confined to the subject of Bosnia and Herzegovina and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. If more than one of the amendments printed in part 3 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

(c) After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, it shall be in order to consider the amendments printed in part 4 of the report. Such consideration shall begin with an additional period of general debate, which shall be confined to the subject of Haiti and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

(d) After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, it shall be in order to consider the amendment printed in part 5 of the report.

(e) After disposition of or postponement of further proceedings on the amendment printed in part 5 of the report, it shall be in order to consider the amendments printed in part 6 of the report. Such consideration shall begin with an additional period of general debate, which shall be confined to the C-17 aircraft and shall not exceed sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

(f) After disposition of or postponement of further proceedings on the amendments printed in part 6 of the report, it shall be in order to consider any amendment printed in part 1 of that report or in part 1 of House Report 103-509 not previously considered.

SEC. 4. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution or in part 1 of House Report 103-509 or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 5. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration of any amendment made in order by this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1630

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 431 provides for the further consideration of H.R. 4301, the National Defense Authorization Act for fiscal year 1995.

This resolution provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. The rule makes in order only those amendments printed in the report to accompany the rule or in part 1 of House Report 103–509, certain amendments en bloc described in section 4, and pro forma amendments if offered by the chairman or ranking minority member of the Armed Services Committee.

Except as specified in sections 3, 4, or 5 of the rule, the amendments shall be considered in the order and manner specified in the report. The rule provides that unless otherwise specified in the report, each amendment is debatable for 10 minutes equally divided and controlled. The amendments shall be considered as read and are not subject to amendment nor a demand for a division of the question. All points of order are waived against the amendments in the report.

The rule provides for an additional period of 30 minutes of general debate on the subject of Bosnia and Herzegovina, an additional period of 30 minutes of general debate on the subject of Haiti, and an additional period of 60 minutes of general debate on the subject of the C–17 strategic airlift. The rule provides that the amendments printed in part 3 of the report—relating to Bosnia and Herzegovina—will be considered under the king-of-the-hill procedures.

The chairman of the Armed Services Committee or his designee is authorized to offer amendments en bloc consisting of the amendments printed in part 1 of the report or part 1 of House Report 103–509 or germane modifications thereto. The amendments en bloc shall be considered as read except that modifications will be read. The amendments en bloc are debatable for 20 minutes equally divided and controlled by the chairman and the ranking minority member of the Armed Services Committee and are not subject to amendment nor a demand for division of the question. The original proponents are permitted to insert statements in the RECORD. All points of order are waived against the amendments en bloc.

The Chairman of the Committee of the Whole is permitted to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

The Chairman of the Committee of the Whole is permitted to recognize for consideration of any amendment printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Armed Services Committee or a designee announces from the floor a request to that effect. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, with adoption of this resolution we can continue the important debate that we began last week on our Nation's defense policy. We have already considered a number of important issues under the first rule, such as ballistic missile defense, burden-sharing, the Trident II Missile, and the *Seawolf* nuclear attack submarine. Now, we can turn to other national security issues of interest to Members, such as base closings, Bosnia, Haiti, United States peacekeeping, and the C–17 Strategic Airlift Program.

Mr. Speaker, the rule will give us an opportunity to debate the future of America's airlift capability. The center of this debate will be the C–17, the aircraft selected by the Air Force to meet all future global airlift missions.

The rule makes in order two amendments—one will restore President Clinton's request for six planes; the other will attempt to terminate the program.

The C–17 will be the Air Mobility Command's core airlifter and the cornerstone of future airlift forces. Today's primary airlifter, the C–141, is nearing the end of its service life, and plans are to begin retiring these aircraft. With the changing nature of the military threat now facing our country, it is critical more than ever that we have the ability to move troops and equipment great distances, quickly and efficiently, anywhere in the world.

The C–17 will enable us to meet the important rapid deployment mission. It combines the capabilities of a strategic airlifter with those of a theater airlifter. This combination allows it to do things no other airlifter can. It has the long range, heavy payload, and aerial refueling capability of a strategic airlifter. Additionally, it can use small, austere airfields close to its cargo's final destination that previously could only be used by the C–130. This makes direct delivery possible and provides an outsize cargo capability to our theater airlift.

Mr. Speaker, the United States needs the C–17. It will modernize our aging airlift forces. It has the capabilities necessary to meet our Nation's airlift requirements. And it is the airlift option preferred by our armed services. I hope that Members will carefully consider these points once we begin debate on this most important issue.

Mr. Speaker, 178 amendments were submitted to the Rules Committee for this bill. Twenty-five amendments were made in order by the first rule. This rule will make another 75 amendments in order. This is a good rule, Mr. Speaker, and I urge its adoption.

☐ 1640

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, and I rise in reluctant support for this rule.

I use the word "reluctant" because this rule is not as fair as it should have been, especially given the subject matter of the bill, but neither is it as bad as many of us had feared.

Add the amendments made in order under this rule to the number made in order under the first rule considered last week, and we will find that, altogether, 80 Democrat-sponsored amendments and only 20 Republican-sponsored amendments will be considered for this defense authorization bill.

That is simply not fair.

And I can assure Members that we Republicans are going to continue to hammer away at the basic unfairness that characterizes the manner in which the Democrat leadership controls this Institution.

Having said all that, however, I must also repeat what I said a moment ago: This rule is not as bad as many of us feared it could have been.

This rule provides Members of the House with an additional hour of general debate—and that is important for giving an ongoing context for the debate of specific amendments, especially when the consideration of the bill is spread over a number of days.

The rule also makes in order a very important Republican-sponsored amendment on peacekeeping, and it also provides for a balanced discussion of United States policy toward the situations in Bosnia and Haiti.

You know, Mr. Speaker, I cannot help but remember that Republicans were clamoring for a debate on peacekeeping last year when the fiscal year 1994 defense authorization bill was on the floor

Now here we are, nearly 1 year later, and the House is finally being permitted the opportunity to have that debate.

That is why we Republicans just have to keep hammering away in the name of fairness and balance—it takes time to wear down the monolithic Democrat leadership.

And of course, in this instance, our case was reinforced by the fact that public confidence in the President's ability to handle foreign affairs continues to decline—to fall through the floor would be more accurate.

The amendment on peacekeeping that this rule makes in order addresses the shell game that was mentioned on the floor last week.

The shell game works like this: The United States provides all kinds of logistical and material support for a U.N. peacekeeping operation. And then, once the U.N. peacekeepers are in place, the United States gets a bill for nearly one-third of the U.N.'s costs.

All of this ignores the fact that the U.N. operation probably would never have gotten off the ground in the first place without the initial support provided by us—provided by the American taxpayers.

We get no credit all the while our costs mount all out of proportion compared to the costs borne by the United Nations.

But there is, of course, a larger principle at stake in the debate about peacekeeping.

That larger principle concerns the toll that ill-considered and indiscriminate support by the United States for international peacekeeping operations will have on our own military readiness at a time when defense budgets are declining dramatically.

Mr. Speaker, the ominous signs are everywhere—signs that indicate that a return to the days of a hollow military is upon us.

If the present and proposed rates of reduction in defense spending are carried out over the next 4 years, our country will be left with a commitment to providing for our own defense with a relative spending level not seen since the 1930's—the Depression, a time when dictators were on the march and America had a smaller military than that of Romania.

Believe me, such a military will not have the means to participate in one peacekeeping mission, much less be able to defend the vital interests of our country.

I am not in any way criticizing the good work of the Armed Services Committee—the members there are doing the best with what they have to work with.

But I am very critical of the priorities established by the present administration, priorities which have been ratified by budget resolutions and reconciliation bills that have torn the guts out of our national defense.

This administration and this Congress are failing to meet one of the most basic obligations of government, something so basic it is mentioned in the preamble of the Constitution—to "provide for the common defense."

Let us keep that in mind as this debate continues.

I reluctantly urge support for this rule.

I include for the RECORD the following material regarding open versus restrictive rules:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	66	14	21	52	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 23, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO DEFENSE AUTHORIZATION RULE II—FRIDAY, MAY 20, 1994

1. Maloney amendment No. 35—Abolishes National Board for the Promotion of Rifle Practice. Rejected: 3–5, 1 voting "present." Ayes: Derrick, Beilenson, Slaughter; NAYS: Moakley, Hall, Solomon, Goss; Present: Dreier. Not voting : Bonior, Wheat, Gordon, and Quillen.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I rise in support of this rule, which appears to have overwhelming bipartisan support, and I certainly would commend the Committee on Rules for doing a tough job well.

I also want to commend, again, my chairman, the gentleman from California [Mr. DELLUMS] for doing such a magnificent job with the defense authorization bill before us.

I rise for a limited purpose, and that is to correct some misinformation that appeared in today's Democratic Study Group fact sheet regarding an amendment that will be offered late tomorrow by me and a bipartisan list of cosponsors to restore the administration request for the C–17 plane.

In the material circulated by the DSG, there is reference "to an amendment to increase the bill's funding for the C–17 transport plane." At a later point in describing the amendment, it says, "The amendment adds $637 million to the bill's authorization for the C–17 program and cuts $447 million from the bill's procurement funding * * *."

The implication in both places is that we are adding funding to an item in the Committee on Armed Services' bill as reported, and that is not the case. The facts are that we are taking the precise funding level as reported by the House Armed Services Committee and redistributing that funding among the same four items in an effort to more clearly reflect what the administration had originally requested for the C–17.

More specifically—and I have a chart here that shows this—we are now funding six C–17's for fiscal year 1995. The committee would have funded four. We are funding precisely the same amounts for advanced procurement and for modifications. The biggest change in our effort is to take some money away from the nondevelopmental aircraft account in the Armed Services Committee bill and put it toward the procurement of two more C–17's, while at the same time leaving enough money in the nondevelopmental aircraft account to fund the competition proposed by the administration for nondevelopmental aircraft. The competition will produce a recommendation by the Defense Department at the end of 1995 as to whether we should proceed with the funding of nondevelopmental aircraft procurement and precisely what this procurement should include.

The bill as proposed by the House Armed Services Committee would put up $550 million in nondevelopmental aircraft procurement and $1.856 billion in C–17 procurement. The total, therefore, would be $2,406,402,000.

The proposed amendment which a bipartisan majority of the House Armed Services Committee support would provide $103 million for the nondevelopmental aircraft competition, with the remainder, $2.303 billion, for C–17 procurement. The total authorization under the amendment is precisely the same—$2,406,402,000—as the amount in the committee bill as reported.

□ 1650

The chart referred to is as follows:

PROPOSED HOUSE AUTHORIZATION BILL VS AMENDMENT

	Proposed bill	Proposed amendment
NDAA	$550,000,000	$103,000,000
C–17	1,856,402,000	2,303,402,000
(A) Aircraft	[1] 1,802,819,000	[2] 2,249,819,000
(B) Adv Proc	47,475,000	47,475,000
(C) Modifications	6,108,000	6,108,000
Total:	2,406,402,000	2,406,402,000

[1] Four aircraft.
[2] Six aircraft.

Finally, Mr. Speaker, let me say that we have received letters from the President of the United States, Chairman of the Joint Chiefs of Staff, John M. Shalikashvili, Gordon Sullivan, the Chief of the Army, and J.P. Hoar, the General from the U.S. Marine Corps, and I would like to insert them in the RECORD:

CHAIRMAN OF THE JOINT
CHIEFS OF STAFF,
Washington, DC, May 17, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee of Armed Services,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: As I look into the future, it is clear that America's combatant commanders will become increasingly dependent upon strategic mobility. This mobility will continue to be based on an integrated triad of air, sea and surface capabilities. Despite the fact that two of these transportation modes are in relatively good condition with bright prospects for the future, I am deeply concerned that recent congressional actions may seriously degrade our airlift capability and ultimately threaten the viability of the entire strategic mobility system.

America must have a core airlifter to replace the aging C–141. The continuing myths of a service life extension program for the C–141 or the ability of a commercial derivative to meet the needs of a core airlifter are just that—myths. Neither aircraft can carry the equipment to forward areas that the Army needs to win on tomorrow's battlefields. There may be a future role for a commercial derivative to supplement a core airlifter, but a CONUS-based force that lacks a core airlifter is a hollow force.

Today there is only one alternative that can meet the requirements of a core airlifter—the C–17. We have all been frustrated with the repeated setbacks in the program, but we must not let this frustration obscure the facts. We now have an agreement in hand that allows us to test the capabilities of the airplane to meet warfighting requirements of America's combatant commanders and the capability of the program to meet efficiency and quality standards America's taxpayers deserve.

I ask for your support of the President's Budget Request for six C–17s in FY95, and for the reliability, maintainability, and availability and operational testing programs. Without the former, the program will not have the opportunity to demonstrate its significant improvements and production efficiencies. Without the latter, the C–17 will not be challenged to demonstrate its capabilities in the most rigorous testing program ever devised for an airlifter. Without your support, the program will be guaranteed to fail. We must not let this happen on our watch.

With best wishes,
Sincerely,
JOHN M. SHALIKASHVILI
Chairman of the Joint Chiefs of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
May 17, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Armed Services Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: By 1997, 80% of America's Army will be stationed in the continental United States as we complete our transformation to a power projection Army. Our capability to lift the Army's heavy equipment by air and sea must keep pace with our changing requirements. This nation must have the strategic lift capabilities to project power rapidly to any potential trouble spot in the world. We must get our forces to the fight.

Early arriving lethal combat power is the key to our joint warfighting capability. The Congressionally mandated Mobility Requirements Study generated the need for delivery of "outsized cargo" prior to the arrival of the fastest sealift. For the Army, this means armor, rocket systems, helicopters, and attack missiles. These weapon systems won't fit on any commercial aircraft—nor will they fit on most military airlifters in service today. Future air-deployable Army combat units will rely increasingly on the availability of airlift to carry this type of cargo.

The C–17 will provide the Air Force the capability to deliver critical Army "outsized loads" while allowing access to 9,000 more runways (an increase of 300%) worldwide than the C–141 and C–5. The C–17 can land on the same runways as the C–130 and deliver four times the cargo weight. Equally important, the C–17 will improve throughput capacity, or rapid off-load and turn-around on the ground, by increasing the "maximum on the ground" or MOG capacity. The performance characteristics of the C–17 will permit 8 C–17's to fit where 3 C–5's fit. Had we had the C–17 during Desert Shield, we could have delivered the first airborne brigade in 54 hours with just 93 aircraft—an improvement of some 34% over the 82 hours it took to deliver that brigade with 158 C–141's and 2 C–5's.

Finally, I am concerned about our joint capabilities for forced entry operations. In the Gulf War, we enjoyed the luxury of time and deployment to a country with secure and modern air and seaports. This may not always be the case. While the aging C–141 fleet helps the Army fulfill this requirement today, we will need the C–17 to provide the strategic airlift for troops and equipment to provide our forced entry capability and simultaneous application of joint combat power across the depth of the battlefield in the 21st century.

Mr. Chairman, I fully appreciate the concern over the troubled history of the C–17 acquisition program. However, I urge you to stay the course outlined by the Secretary of Defense earlier this year. The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required. I respectfully solicit your support to maintain the President's request for the FY 1995 funding for the C–17.

Respectfully,

GORDON R. SULLIVAN,
General.

U.S. CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
MacDill Air Force Base, FL, May 17, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

MR. CHAIRMAN: As you know I am concerned and have been critical of the current state of America's airlift forces. However, I am even more concerned about our future ability to project US forces by air.

As our forces are returning from overseas and increasingly based in the CONUS, I become the CINC faced with the most strenuous requirement for mobility in the world. In the CENTCOM theater, because of the long deployment distances, we are particularly sensitive to, and dependent on, our ability to ensure the timely deployment of the early arriving lethal firepower—key to limiting the escalation of a conflict. This means armor, helicopters, rocket systems, and air defense missiles, most of which do not fit on any commercial aircraft. Only the C–17 and C–5 can deliver this requirement.

In addition, during the Gulf War, we were able to deploy in a country with secure air and sea ports. In this scenario, I have said we could be well served by the effectiveness of large commercial type aircraft moving large amounts of bulk cargo, particularly during the sustainment phase of an operation. However, I do not feel this will be the case in the early surge phase of future operations.

We must ensure that all CINCs have the flexibility to conduct deployment operations given any set of theater constraints. In the foreseeable future only the C–17, acting as the Nation's core military airlifter, can provide us this flexibility.

Mr. Chairman, CENTCOM is dependent on the country's mobility system. We need the C–17. I urge you to support the modernization of the Nation's strategic airlift as proposed by the Secretary of Defense and requested by the President in his FY 1995 budget.

J.P. HOAR,
General.

I would also like to read just a brief portion of the President's letter. He says in part, and I am quoting:

> Reducing the C–17 production rate from six aircraft to four aircraft * * * would drastically undercut the Department of Defense's strategy to control costs and resolve program deficiencies.

Then he goes on to say:

> I urge Congress to support the amendment to be offered by Representative HARMAN and others to restore our budget request for six C–17s in fiscal year 1995.

The letter in its entirety is as follows:

THE WHITE HOUSE,
Washington, May 23, 1994.

Hon. THOMAS S. FOLEY,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As the House of Representatives continues its consideration of H.R. 4301, the National Defense Authorization Act for FY 1995, I want to reemphasize the critical importance of the C–17 to this Nation's strategy and force posture.

The C–17's capabilities are crucial to the Air Force's ability to deliver and sustain forces in support of theater commanders. The C–17 can carry outsize cargo to give early forces firepower; it can deliver its cargo into remote locations with short runways; and it has the ability to airdrop heavy equipment, supplies and troops. The C–17 is the only aircraft that can meet these core military requirements. Thus even with a "mixed" strategic airlift enhancement program that includes procurement of non-developmental aircraft, there will be certain core capabilities that can only be provided by the C–17.

The House Armed Services Committee recommended reducing the C–17 production rate from six aircraft to four aircraft for fiscal year 1995. Such a reduction would drastically undercut the Department of Defense's strategy to control costs and resolve program deficiencies. After consultation with outside experts, the Defense Department determined the C–17 meets essential airlift requirements and is affordable. A reduction to four aircraft in 1995 would increase the annual unit costs by $40–50 million, cause at least 8,000 layoffs over the next two years, and undermine program stability at a time we are holding the contractor's feet to the fire for cost and schedule performance. Our careful evaluation of contractor performance will lead to a decision in November 1995 on full rate production and procurement of non-developmental aircraft.

For these reasons, I urge Congress to support the amendment to be offered by Representative Harman and others to restore our Budget Request for six C–17s in FY95.

Sincerely,

BILL CLINTON.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from New Jersey [Mr. SAXTON], a member of the Committee on Armed Services.

Mr. SAXTON. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me, and I would just like to thank the gentlewoman who just spoke about the C–17 for bringing this issue to light, and, before I start, let me just say to all of the Members that are here today how much we appreciate the diligence of the chairman of the committee in making sure that this debate goes forward on the C–17 so that all the facts can come out. I say to the gentleman, "Mr. Chairman, we thank you very, very much for that."

Mr. Chairman, as the gentlewoman from California [Ms. HARMAN] pointed out, the C–17 is perhaps one of the most important parts of this bill that we are going to debate. It is important for two reasons. The first is that the current airlift capability that we have, carried out basically by the C–141 and the C–5, along with the C–130 in theater, is in desperate need of replacement, particularly the C–141. The C–141, for those of my colleagues who are not familiar with it, is an airplane that was designed in the 1950's and began to come on line in 1962. As a matter of fact, today that makes the airplane older than the people who fly it, and that is kind of an amazing thing when we think about modern technology in the aeronautics world.

But second and even more important in today's world, Mr. Speaker, we know it is important to get people who in the armed services, the soldiers with their equipment, to where they need to be quickly and safely. Safely is a key word here because we can get the people to the parts of the world that they need to be in in different kinds of airplanes. But God help us, we do not want to put them there unless they have the capacity to protect themselves, and the airplanes that we have that are serviceable in the armed services today simply cannot carry the large defense mechanisms, the outsized, and my colleagues are going to hear that word a lot, the outsized cargo that we have to think about transporting.

Mr. Speaker, Patriot missiles are one example. It we are going to send young men and women into harm's way, they need protection against incoming aircraft. Some of that protection comes from Patriot missiles, and, as they move around in the theater, we want to protect them with personnel carriers, and the C–17 can carry the personnel carriers into the theater.

We also provide some armor for them. We know that we would have had a much different situation in Somalia recently if we had had the ready capacity to get armor to the soldiers there who did not make out so well unfortunately.

So, Mr. Speaker, safety of our troops in putting then in harm's way with the right equipment is afforded us through the capabilities of the C–17 and with no other aircraft that is currently being contemplated.

Second, Mr. Speaker, we hear about economies, and the C–17 provides some economies. I ask my colleagues, did you know that the current big airlifter that we have, the C–5D, requires a crew of six, and did you know that the C–17 requires a crew of three, half the personnel? And if you multiply that by the fleet and by the number of crews that it takes to keep one airplane going, almost four crews per airplane, you begin to see some real savings.

Another issue that might want to be considered is airdrop capacity capability that the C–17 has, something that is likewise very important. One of the things that has been pointed out in this debate is that some very important people have come to the conclusion that it is the C–17 that we need rather than some of the alternatives. General Shalikashvili, as the gentlewoman from California [Ms. HARMAN] pointed out recently, wrote us all a letter, and in the letter he says, and I quote:

> Today there is only one alternative that can meet the requirements of core airlifter, the C–17. The continuing myths of service life extension programs for the old C–141 and the ability of commercial derivatives to meet the needs of the core airlifter are just that, myths.

General Gordon Sullivan, the Chief of Staff of the Army, says, and I quote:

> Again the C–17 is the only aircraft that can get the Army's outsized combat system to the next war when required.

General Hoar, the commander of CENTCOM, says:

> In the foreseeable future only the C–17 acting as the nation's core military airlifter can provide us the lift and the flexibility that we need.

So, throughout the military establishment, throughout the armed services community where there is significant majority support currently, I believe, for the C–17 program, we are going to request support for the amendment offered by the gentlewoman from California [Ms. HARMAN] which increases the buy from four to six, and once again I might suggest that the economies that come with buying six rather than four are quite significant.

So, Mr. Chairman, I appreciate the opportunity to make these points here this afternoon, and I look forward to the rest of this debate.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, this rule makes in order an amendment to the Defense Authorization bill which will increase the number of C–17's authorized in fiscal year 1995 from four airplanes, as provided in the bill, to six airplanes, as requested by the administration. Since the amendment reallocates funds within the airlift account, it adds no cost to the bill.

The C–17 has been under development for more than a decade and has suffered its share of problems: cost increases, schedule stretchouts, performance shortfalls. By the end of fiscal year 1994, the Air Force will have spent $15.8 billion on the program; and by then, 26 C–17's will be procured against a requirement of 120.

When Deputy Secretary of Defense John Deutch took charge of acquisitions, he had to take a close, hard look at the C–17. Deutch could have decided that the C–17's problems didn't happen on his watch and canceled the program. He decided instead to put the C–17 on probation, telling McDonnell Douglas to work out the cost and technical problems or face termination. In the meanwhile, he moved on to complete a buy of 40 airplanes, the number Air Mobility Command calls the "minimum that is militarily viable."

To complete a buy of 40 airplanes, the Air Force seeks funding for 6 C–17's in fiscal year 1995 and 8 in fiscal year 1996. During this time, McDonnell Douglas will be on probation, required to make major improvements in management and production or have its contract canceled. By the delivery of the 40th airplane, the Defense Department will decide: First, whether McDonnell Douglas has the program in good order and second, whether the Air Force needs to buy more C–17's or switch to an alternative aircraft.

Because of questions about the C–17 that remained unanswered at markup, the Armed Services Committee accepted the chairman's mark, which cut the fiscal year 1995 request from the six C–17's requested in the President's budget to four C–17's. Out of the money saved by the cutback, the committee directed that $550 million be spent on the purchase of other cargo aircraft.

Alarmed by the cut, Secretary Deutch appeared before the committee following the markup to explain his proposed work-out with McDonnell Douglas and why six C–17's are the minimum necessary to carry out his proposal. Deutch's presentation convinced a majority of the committee to support our amendment, restoring $550 million in funding for six C–17's and reversing the allocation of this money to alternative aircraft.

Here briefly is why Secretary Deutch insists a buy of six C–17's is necessary in fiscal year 1995 and why we and a majority of our committee agree with him:

(1) *Airlift is needed, and if the C–17 performs as promised, it fills the need better than any alternative.* Airlift requirements have decreased, but only slightly, with the end of the Cold War. That's because troop reductions in Europe and elsewhere leave us largely with a continental-based defense force. Airlift makes up for having fewer forces forward-deployed, giving forces in the U.S. "remote presence." But if our forces are to be credible, we must be able to project them over greater distances and in a shorter time than ever before. Few regional conflicts will be patterned after the Gulf War in which U.S. forces had six months to deploy. In most conflicts, time will be of the essence, and strategic airlift will make a critical difference—a situation demonstrated dramatically in Desert Storm when C–5s delivered Patriot batteries to Tel Aviv. The same would hold true today if Patriot or Apache helicopters or M–1 tanks had to be moved quickly to the Korean Peninsula. No commercially available aircraft can deliver such "out-sized" cargo. The C–5 is the only operational airplane capable of the mission, and because of its limited numbers and the imminent retirement of C–141s, there will be a shortfall of airlift to meet overall requirements. To meet the requirement, the only airplane in production is the C–17. Commercial cargo planes can carry bulk freight and handle some of the mission; but unlike the C–17, they cannot be aerial-refueled; they are not built with redundant systems to sustain damage in combat; they cannot air-drop paratroops and equipment; and they cannot operate in short and narrow runways where little or no equipment is available for rapidly off-loading cargo. Because the C–17 has all these capabilities, it increases the number of accessible airfields in South America from 66 to 704, in Africa from 137 to 794, in the Far East from 217 to 576, and in Europe from 184 to 852. Its ability to perform in austere environments makes the C–17 more capable than the C–5, whether it is supplying forces for combat or delivering humanitarian cargoes.

(2) *With $15.8 billion invested in the C–17 program, it is only prudent to round out the buy and realize more return from a substantial investment.* The first rule of analysis is to forget sunk cost, but one should walk warily when the investment comes to $15.8 billion. By purchasing 6 aircraft in FY 95 and 8 in FY 96, the Air Force can squeeze more return from the $15.8 billion already committed to the C–17. With 14 more airplanes, the Air Force can round out its buy to what it calls a "minimum viable force" of 40 airplanes. And with 40 C–17s, the Air Force can satisfy the minimum requirements for outsize cargo capacity. Moreover, by continuing the C–17 for two years, and ramping production from 6 to 8 airplanes, the Air Force can give the contractor the chance to prove it is capable of bringing the cost of the airplane down and curing its technical problems. For all of these reasons, it makes sense not to abandon yet the $15.8 billion sunk in this program.

3. *The incremental cost of the C–17 is close to the original cost and competitive with alternative aircraft.* The original cost of the C–17 program was estimated at $41.8 billion for 210 airplanes, or about $200 million per copy. If we disregard sunk cost, the fly-away cost-to-complete 94 additional airplanes comes to $21.7 billion, an average of about $230 million an airplane. The incremental cost of C–17s would probably compare favorably with the unit cost of C–5Bs coming off a restarted production line, particularly if C–5Bs were equipped with new engines and avionics. Commercial cargo planes like the 747 come cheaper, at prices ranging around $125 million, but reconfigured to military requirements, they would cost more and they would

be subject to all the performance limitations mentioned above.

(4) *The amendment restoring the FY 95 buy to 6 C-17s will also fully fund $106 million requested by the Air Force to try out non-developmental aircraft, such as 747s or newly-produced C-5Bs.* Procurement of non-developmental aircraft is still an open option for the Air Force. Our amendment actually facilitates that option by authorizing the Administration's request of $106 million to explore the use of non-development aircraft in lieu of the C-17. The Air Force's choices cover as many as 10 commercial cargo planes and include a re-start of C-5 production. The Air Mobility Command cites a minimum requirement of 40 C-17s, but beyond this number, the Air Force may find it wise to buy fewer than 120, and opt instead for an off-the-shelf commercial cargo plane. This amendment leaves that option open.

□ 1700

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in the strongest possible opposition I can muster to this rule. This is the United States of America. It is the only country in the world where we have a melting pot society that we have been very, very successful to put together and hopefully keep together. It has been painful at times, but we have been successful.

In the legislation coming before us, it is just one more little chip away at the whole idea of the United States of America.

I asked an amendment be made in order that would say military and civilian personnel leaving the Department of Defense who are bilingual and have a baccalaureate or advanced degree can become bilingual elementary and secondary teachers in any subject and any language that they choose.

I guess I should have known the writing was on the wall when the acting chairman said "That certainly makes good sense." I should have known that that was the end, because I have been told in 19½ years that you are too practical. That is your problem in the Congress of the United States.

Now, for those who may be turned in back in their office, I would hope they would listen. As currently written section 1133 of H.R. 4301 creates a $3 million set-aside out of the defense conversion reinvestment and transition assistance title for the Secretary of Defense to carry out a pilot program to assist bilingual members of the Armed Forces and bilingual civilian employees of the Department of Defense after their termination of employment to obtain certification and employment as bilingual elementary or secondary teachers in math or science only.

Further, section 1133 focuses on Spanish as the language in which to be trained. It targets areas where there are military installations and a high concentration of Hispanic residents and limits where the teaching training is acquired to a consortium of one or more Hispanic-serving institutions of higher education with a solid background, expertise, and experience in operating bilingual teacher training programs in math and science, with an emphasis in English as a second language.

In trying to determine who would receive such a grant, I have learned there are probably 16 Hispanic-serving institutions that offer a 4-year degree in bilingual teacher training programs. I do not know out of that 16 how many have bilingual math and science teacher training programs, as well as programs emphasizing English as a second language.

Since there are very few institutions that will qualify for such a grant, I am concerned that this is a $3 million set-aside which will be a sole source grant, which I have always fought, even for my district when they tried to get one for Gettysburg College.

I am a supporter of bilingual education. It is interesting that I say that, and the gentleman from California is sitting right next to me while I say it. And I understand the need for bilingual teachers in Spanish. However, I believe there is a general shortage of bilingual teachers all across the country.

If we want to benefit from the expertise and knowledge of bilingual military and civilian defense employees, I believe we should recruit them to be bilingual elementary and secondary teachers on any subject and any language.

Additionally, I do not believe that this pilot program should only be open to Hispanic-serving institutions. Military or civilian personnel who want to pursue certification as a bilingual teacher should be given the opportunity.

Furthermore, and I come to the floor all the time pointing out how we duplicate things, we were told we have some 150 training programs that are on the books. And every time there is a new one that comes up, I come to the floor to try to say we are already trying to do that. We already have appropriations to do that.

But title VII of H.R. 6, Improving America's Schools Act of 1994, contains a bipartisan agreement, of which I played a role to make sure it was bipartisan, on bilingual education. I defended H.R. 6 when it was considered by this body. It is a bilingual education teacher training program, but it does not limit the language, and it does not limit where they can receive it.

My amendment sought to make the DOD language consistent with the bipartisan agreement of H.R. 6. By expanding the focus on the pilot program, I believe my amendment would have increased the likelihood that the shortage of bilingual teachers in all languages, in any subject, could be reduced.

Furthermore, it is politically stupid, Mr. Speaker. That is the only way I can phrase it, when anyone knows that 75, 80, 85 percent would go to do what they wanted to do in the first place. So why not try to conserve this great United States of America and protect it? Why do we not try to save the United States and keep it united, rather than thinking about saving the rest of the world?

□ 1710

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from California [Mr. DELLUMS], the distinguished chairman of the Committee on Armed Services.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. DELLUMS] is recognized for 7 minutes.

Mr. DELLUMS. Mr. Speaker, in the few moments that I have, I would like to address myself to several remarks made by the distinguished ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON]. If I might have the gentleman's attention, I listened very carefully to his opening remarks with respect to the rule, and I appreciate it. I rise as well in support of this rule.

But the gentleman, in the course of his remarks, addressed three issues that I would like to speak to. The gentleman raised the issue of peacekeeping, the issue of Bosnia and, finally, the issue of Haiti.

I would like to first say to my colleague that with respect to the action of the Committee on Armed Services regarding peacekeeping, we established a line item for peacekeeping. We authorized the expenditure of $300 million for that purpose.

I personally believe, and I think I am joined by the majority of my colleagues, that that is just a good government issue. All of us understand that peacekeeping, peacemaking and peace enforcement are the realities of the future. It would seem to me that we ought to have a line item in the military budget that attempts to address it.

What we have done in the past is, after we worked very diligently to markup the bill, the administration allocates the dollars we have authorized and appropriated. After the fact, we end up reprogramming and developing supplemental requests that come to the floor of Congress, after the fact.

It just seems to me absurd. We felt that we wanted to address the issue up front.

Now, with respect to the more controversial aspect of peacekeeping, something that I think we ought to deal with, and I might say, parenthetically, I do not think that it ought to be in an ill-advised amendment on the floor of this Chamber, I think that ought to be something that is well-considered in the committee with appropriate hearings, appropriate discussion, debate and deliberation and then a proposal presented to the floor of Congress.

The gentleman and I know by the time issues come to the floor of Congress, it is not about rationality. More often than not, it is about taking political stances. But with respect to the issue of U.N. assessments that the gentleman is very much interested in, and the issue of how these dollars are credited and the whole issue of U.N. reimbursement, I would say to my colleague, the Committee on Armed Services did not deal with that issue. That is a foreign policy matter.

We understood that by addressing that issue, we would trigger sequential referral to the Committee on Foreign Affairs. The point I am making to my colleague is twofold.

No. 1, it is an important issue. It ought to be discussed, and it ought to be debated substantively and seriously in the context of the post-cold war.

But the second point I would make to my colleague, and I will make it two additional times, is that I am sure that my colleague clearly understands that the issue the gentleman is concerned about on that side of the aisle is really a foreign policy matter, not the province of the House Committee on Armed Services.

The second point, with respect to Bosnia, my colleagues on the other side of the aisle worked very diligently to see a Bosnia amendment come on the floor. The Committee on Rules acquiesced to that.

What does the amendment dealing with Bosnia do? It lifts the arms embargo, and it provides some $250 million, I think, about and beyond the action of lifting the embargo. I think my colleague would agree with me that that stands clearly outside of the jurisdiction and purview of the Committee on Armed Services and sits squarely in the jurisdiction of the Committee on Foreign Affairs.

Third, with respect to Haiti, this gentleman authorized a comprehensive bill most recently dealing with Haiti, bicameral, bipartisan support of all of the 40 black members of Congress. We now have been joined by a substantial number of our colleagues. That bill has over 100 sponsors. The bill was not referred to the House Committee on Armed Services. The bill was referred to the Committee on Foreign Affairs.

To summarize my point, I understand the gentleman's frustration. I think the gentleman knows, I stand second to no person in this Chamber for my willingness and desire to debate the issues openly and honestly and carefully. This is a momentous period that we find ourselves in, historic, extraordinary, vital and important. We ought to take our responsibilities here.

But in the course of my colleague's remarks, I think it is important for him to perhaps say that if his frustration lies anywhere, it is not with the Committee on Armed Services. The peacekeeping provisions that the gentleman spoke of are outside our jurisdiction. The Bosnia amendment is outside of our jurisdiction; Haiti, outside of our jurisdiction.

Maybe if we had a foreign aid bill or foreign affairs bill that came here once a year, we could debate these matters.

The gentlemen was also embracing the issue of war powers. That issue also is in the Committee on Foreign Affairs.

The problem that we all have here is that these are amendments of the Committee on Foreign Affairs. If we were only dealing with amendments squarely and clearly within the jurisdiction of the Committee on Armed Services, then the gentleman's frustration would be much different than it is.

I would like to yield to the gentleman to tell me whether there is any efficacy to the remarks that this gentleman is trying to make.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to the distinguished gentleman, I went out of my way in my opening remarks to praise the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, because he certainly does believe in free and open debate on this floor. I praised him for it in the past.

Our frustration comes from a year ago, when we had this same bill on the floor, when we made the same arguments, because we wanted to talk about lifting the embargo on Bosnia. We wanted to talk about Haiti. We wanted to talk about the unfair credit arrangement that we have in being reimbursed by the United Nations.

One solid year has gone by, and that debate has never taken place.

So the gentleman is absolutely correct. Everything that he has just said is correct. We need to have the debate here, though.

This rule, the reason I am supporting the rule and helped the gentleman bring it to the floor, because I want him to have this bill considered this week. Otherwise, he will lose it, and he will be back here 3 or 4 weeks from now still trying to pass the most important bill to come before this House in any given year.

We are going to have that debate, because the gentleman did go along with us on these important peacekeeping issues. I admire and respect him for it, even though it is out of his jurisdiction, for bending over backwards to allow us this opportunity.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. DELLUMS. Mr. Speaker, I thank my colleague very much for his remarks.

Mr. Speaker, in the few remaining comments, let me just say that I also am aware of the fact that the issue of the C-17 is an important and vital issue and will be debated in the context of this second rule. I would not take any time to address that issue at this point. At the appropriate point in the proceedings, I would like to rise at that point and discuss with my colleagues where we are and to frame the issues that I think are important and what I think my colleagues ought to be listening to as they make a decision that I think is an extraordinarily important issue, both politically, militarily, as well as economically.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 14 minutes remaining, and the gentleman from Texas [Mr. FROST] has 6 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I appreciate this opportunity to say a few words about the C-17. I may not be permitted to do so later in this Department of Defense authorization.

We will be increasing the number, the proposal is to increase the number of C-17's from four to six.

I join with my colleagues, the gentlemen from California [Mr. HORN] and the gentlewoman from California [Ms. HARMAN] in support of that measure.

It seems that America is always condemned to fight the last war. Between the first two great World Wars, the issue was battleships. And our Navy insisted on battleship production versus aircraft carriers.

I might add, had we looked at technology and what was the need of technology rather than follow politics, we might have deterred World War II, because we might have had aircraft carriers that would have deterred the attack on Pearl Harbor.

During the cold war, it was the power of presence. Those were the battleships of the day. We had bases all over the world, and we had a large number of troops in our standing army.

Well, providing security in the future will depend on projecting power from the United States and having a very strong reserve force and will depend on technological superiority, not on large numbers of troops based all over the world, but on our ability to project our power, both technologically and otherwise, throughout the world.

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Having foreign bases will not be part of the picture, most likely, 10 years from now. It will require us to have specialists and to be able to send sophisticated weaponry all over the world with rapid deployable troops, and in doing so we will need things, weapons systems, like the C–17.

The C–17 has had trouble, and every major weapons system that we depend on today had a period of time when it had troubles. My father was a pilot in the Marine Corps. He depended on weapons systems that he, in the beginning, had some troubles with, and those troubles were ironed out. Later on those weapons systems protected his life.

Whether it is an M–1 tank, an Apache helicopter, a Patriot missile battery, or a detachment of troops, the C–17 will provide America's defenders a tremendous level of flexibility in meeting low intensity and, yes, even high intensity conflict in the future.

We do not need as big a military as we had, Mr. Speaker, but if we have fewer in number, our defenders deserve the very best technology to back them up. The supplies and the weapons, the reinforcements delivered by the C–17, will save lives, and maybe will make our country more secure in the future. It will be more cost-effective than a larger standing force in foreign bases.

Is there any more that needs to be said? It is cost-effective. The problems will be ironed out. The lives of our defenders will be more secure and our country will be more secure if we have this technology available.

Mr. Speaker, I support the C–17.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS]. another Californian. We seem to be run over by these Californians around here.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding this time to me.

Mr. Speaker, I rise in support of this rule, which allows for an amendment that would restore the number of C–17 aircraft to the level of six as reflected in the President's budget request.

I know that my colleague, the chairman, the gentleman from California [Mr. DELLUMS] is very aware of the respect in which I hold him as chairman, as well as a friend, in the House. I rise because of my concern about the future of this program, rather than to express any difference, basically, with my friend's direction in his bill.

Mr. Speaker, I must say that I was most impressed by the need for this aircraft in a poignant moment recently. Our committee, the Subcommittee on Defense of the Committee on Appropriations, traveled to Korea recently, where we were attempting to address the very serious difficulties our country faces there, with the prospect of North Korea threatening to cross the 38th parallel, and the potential of that impact upon world peace.

We talked a lot as we dropped off in Alaska about the number of military programs that might be made available and needed, if a major conflict in that place, were to erupt. A young lieutenant colonel was listening to our conversation, and he turned around and in very, very classic form expressed to us the need for the C–17.

He said,

> Gentlemen, what good does it do us to have these billions and billions of dollars worth of sophisticated equipment if we cannot get our men and materiel where they are needed in a timely manner?

The C–17 program, in this age of shrinking world and shrinking defense budgets, allows America to extend its force in an appropriate fashion. Unless we restore the C–17 to the level of the budget target of six aircraft and move forward from there, we will make this plane so expensive that eventually it will fall of its own weight.

Indeed, it is critical that we make a commitment to the C–17 at this moment. The only way to do that is to vote for the Harman-Horn-McCurdy-Saxton-Spratt-Johnson-Talent amendment that has been made in order under this rule. That amendment would restore the C–17 to six airplanes this year and eight airplanes next year. The amendment is supported by the majority of members on the Armed Services Committee.

Mr. Speaker, I urge that Members support this amendment when it comes to the full committee.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. FROST] for yielding time to me.

Mr. Speaker, I would like to state my sincere appreciation for the fact that in the context of the Committee on Armed Services authorization bill tomorrow, for the first time on this floor we will have significant votes regarding the conflict in Bosnia. Particularly I am gratified that the McCloskey-Gilman amendment will be considered, in essence, among other things that provides for a more or less immediate unilateral lifting of the arms embargo. The rule features a king-of-the-hill process in which the Hamilton amendment would not allow an immediate lifting of the arms embargo.

Mr. Speaker, I urge very much a "yes" on McCloskey-Gilman, a "no" on Hamilton. We look to about an hour of total discussion on Bosnia tomorrow.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the previous speaker, the gentleman from Indiana [Mr. MCCLOSKEY], the reason we Republicans are supporting this rule, which is something other than open, is because it makes in order the amendment on lifting the embargo in Bosnia, along with some others.

Mr. Speaker, I yield 4½ minutes to the very distinguished gentleman from Indianapolis, IN [Mr. BURTON], a city that is the home of the American Legion national headquarters.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me. I am glad he pointed that out.

Mr. Speaker, I am very disappointed that the Committee on Rules chose not to conclude in the rule an amendment that I was sponsoring dealing with setting up boot camps for nonviolent first offenders at military bases that are being closed around the country. The No. 1 problem facing America today is crime.

About 70 percent of all crime is drug-related. Many, many, many of the first-time offenders are young people who can be brought back into line if we handle their problems correctly. One of the ways to do that is through boot camps established at these closed military bases. The States that have tried this have found that 40 percent, there has been a reduction of 40 percent in the recidivism rate of young people who are committing crimes for the first time, a 40-percent drop in crime among young people.

What we wanted to do was to take these closed military bases and establish, if the Governor of a State or if the mayor of a city wanted to use them for boot camp programs, for them to be allowed to be able to do that. In order to do that, we had to reprioritize the way we were going to use these bases.

Currently when a military base is closed, the Department of Defense or other Federal agencies have first priority. Second, if there was no interest, the land was to be used by the Department of Housing for the homeless in accordance with the Homeless Assistance Act, and then finally, the States and municipalities had the opportunity to use it for whatever purposes they wanted to.

We wanted to change that priority list so that we could use, as a first priority, these bases for these military-style boot camps, to get these people, these young people, back on the straight and narrow.

The Department of Defense did not like that. They wanted to still have first priority for the Department of Defense for the use of these facilities, so we changed our amendment. We went along with what the Department of Defense wanted.

We said, "Okay, we will let the Department of Defense go first, and then we will use as a second priority these facilities for first-time nonviolent offenders, and have a boot camp established at these bases." However, the Committee on Rules did not want us to be even able to be a second priority. They wanted this Homeless Assistance Act to be of paramount concern.

Mr. Speaker, I am concerned about the homeless in this country, and think everybody else is, but if we talk to people across America they will tell us that, although the homeless problem is important, crime is dwarfing it. The overall concern in this country about crime is growing as we speak.

Today in Indianapolis, three or four guys went into a restaurant in my district and they shot a 5-year-old boy, and they are holding about 20 people hostage right now as we speak. People across this country are concerned about crime. They want it stopped. They are not safe in their homes. The best way to attack crime is to start with the very young and make sure that they get back on the straight and narrow before it gets out of hand.

If we send them to a penitentiary with hardened criminals they are going to become hardened criminals. That is why this boot camp approach is so very important. I am very disappointed that the Committee on Rules did not see fit to make this a priority. The people across this country understand that crime is the number one priority. Why did not the Committee on Rules?

□ 1730

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. DELLUMS], chairman of the committee.

Mr. DELLUMS. What was the basis of the decision that was made to exclude the gentleman's amendment? I am not on the Committee on Rules as the gentleman is aware. As I understand it, the Committee on Government Operations had an area of jurisdictional responsibility that was important as they viewed it, and there is the Committee on the Judiciary. I think that was the problem. It was not so much that the Committee on Armed Services was reacting but, again, this is another example of an amendment that may on its face be meritorious. The problem is we have a jurisdictional issue.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, what we tried to do, we have several committees that have jurisdiction over an amendment. We try to go through them one at a time. The Committee on Armed Services is a priority committee because those bases are controlled by the gentleman's committee and that is why we wanted to get it to the floor right now. Then we could take the other committees in sequence.

Mr. DELLUMS. As I said, I think the other two committees communicated with the Committee on Rules and I think that was part of the issue. I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the very distinguished gentleman from California [Mr. DORNAN], another member of the Committee on Armed Services.

Mr. DORNAN. Mr. Speaker, I know I have a fundamental disagreement with the chairman of our Committee on Armed Services on whether or not it is the responsibility of the Committee on Foreign Affairs on which I served for 8 years, or our House Armed Services Committee to resolve this issue of putting U.S. forces, American fighting men and women, under foreign command.

Mr. Speaker, here for the umpteenth time I hold up this complicated chart of the command structure in Somalia that indicates double chains of command for both two-star General Montgomery and two-star General Harrison—who is not even really listed here by name—the commander of the Special Ops and the Rangers, and how this whole complicated thing depended upon a very nice 3-star Turkish General named Bir, with whom I had lunch over there in October, and who wanted more control of the troops, but then this was not a pure NATO operation. Of course, we will have levels of nations in NATO inserted in the command, but that is only by a ratified treaty.

Mr. Speaker, what I would like to insert in the RECORD, again for the umpteenth time, this time with three new commandments, are Cap Weinberger's six commandments that must be followed before subjecting American men and women to hot combat in harm's way.

Cap Weinberger asked me 2 weeks ago to add a seventh one, and that is why I am voting against this rule, because we are not going to be debating this issue this year, and then I added 3 more to bring it to a round Mosaic 10 as I look up at Moses' great marble medallion up there, above our House floor.

Mr. Speaker, let me see in the remaining time if I can get these in. They all start with "Thou shall not commit U.S. Combat forces unless."

"Unless all other options already have been used or considered.

"Unless the situation is vital to U.S. or allied national interests.

"Unless there is a clear commitment, including allocated resources, to achieving victory.

"Unless there are clearly defined political and military objectives.

"Unless our commitment of these forces will change if our objectives change.

"Unless the American people and Congress support the action."

Mr. Speaker, that is Cap's original six. He and I decided to add No. 7:

"Unless under the operational command of American commanders or allied commanders under a ratified treaty."

Mr. Speaker, I will run these by Cap Weinberger, but here are the new three:

"Unless properly equipped, trained and maintained by the U.S. Congress." That is to prevent us from getting into this hollow military force that we were in, in Carter's last years.

"Unless there is substantial and reliable intelligence information including human intelligence." No human intelligence, we do not put our men and women into any harm's way.

And last but maybe most important, given that this is the day at the Rose Garden where two sergeants received posthumously, their families on their behalf, the Medal of Honor, the Congressional Medal of Honor, for going to the aid of their friends.

"Unless the Commander-in-Chief and Congress can explain to the loved ones of any American soldier, sailor, marine, pilot or air crewman killed or wounded why he or she was sent into harm's way."

It is up to us, Mr. Speaker, to explain this to the widows, to the fathers, the mothers, the sons, the brothers and sisters, many of whom have been in this gallery since that firefight from hell in Somalia on the night of October 3 and 4, or the Sunday afternoon through the early morning hours the next day.

Mr. Speaker, I am going to be talking to the families of these Medal of Honor winners, 1st Sgt. Randy Shugart and M. Sgt. Gary Gordon. They were left in there without their AC–130 airship gun cover and they were not given armored vehicles, tracked or wheeled, to extract them from this ambush in the Bacara market where they were outnumbered 1,000 to 80 or more than 10 to 1.

No, we should live by these 10 commandments in this Congress, and in the U.S. military, and I am voting against this rule because we will not have this important debate this year.

Mr. FROST. Mr. Speaker, we have no other speakers at this point, so if the gentleman would like to conclude, then we will yield back our time.

Mr. SOLOMON. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, just let me recall that at the outset of this debate about an hour ago, I said that I am going to reluctantly support this rule even though there are Republicans being denied their right to offer amendments on this floor, as there are Democrats being denied.

I do not thing that is fair. Nevertheless, the Democrat leadership did come to our Republican leadership and agree to make in order amendments that deal with some critical issues that are so terribly important. We heard the gentleman from Indiana [Mr. MCCLOSKEY] speak of it 1 minute ago. We are going to have the opportunity to debate lifting the embargo on Bosnia so that the people over there, the official Bosnian Government, can defend themselves against the genocide that is taking place. This grave situation has developed under both Republican and Democrat administrations over the last several years.

Therefore, I urge strong support for this rule so that we can get on with this very important, critical debate on the defense budget.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I have no additional speakers, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS BILL FOR 1995

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 103–523), on the resolution (H. Res. 433) waiving certain points of order against the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON FOREIGN OPERATIONS APPROPRIATIONS BILL, 1995

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, May 23, 1994, to file a privileged report to accompany a bill providing appropriations for Foreign Operations for fiscal year 1995, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, we would like to know if the minority has been informed. We are told that they have not been.

Mr. OBEY. If the gentleman will yield, I do not think that is correct.

Mr. SOLOMON. Mr. Speaker, I stand corrected. I understand that the minority is aware of it, and we have no objection on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the future consideration of the bill (H.R. 4301).

☐ 1740

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. OBERSTAR, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, May 20, 1994, amendment No. 16 printed in part 1 of House Report 103–509 offered by the gentleman from Massachusetts [Mr. KENNEDY] has been disposed of.

It is now in order to consider amendment No. 17 printed in part 1 of House Report 103–509.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of title V (page 172, after line 22), insert the following new section:

SEC. . MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds available to the Department of Defense may be provided by grant or contract to any educational institution that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, May 20, 1994, the gentleman from New York [Mr. SOLOMON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from California [Mr. DELLUMS] seek the 10 minutes in opposition?

Mr. DELLUMS. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a very worthy opponent on this amendment.

During the recent congressional hearings, Congress has been made aware that military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our military and the additional educational benefits available to personnel while serving in our all-volunteer military through the Montgomery GI bill—where they can obtain $25,000 worth of educational benefits. As a person who has five children, and I have just finished educating them in college, let me tell you that means a lot.

Mr. Chairman and Members, it is outrageous that military recruiters are not allowed on certain campuses in the United States. My amendment today would simply prevent any funds authorized in this act from going to any institution which prevents military recruiting on their campuses.

Mr. Chairman, as we know, a number of educational institutions across the country, institutions that are receiving massive amounts of Federal dollars, are denying the Department of Defense the opportunity to recruit on their campuses. In my home State of New York, the entire State university system consisting of 16 campuses across the State has banned military recruiting. And since New York State lags far behind the rest of the Nation in recruiting because of this kind of attitude, and I am ashamed of it, this will only worsen the situation.

Mr. Chairman, this is totally hypocritical. The institutions that are receiving grants and awards from one Federal Department are, in turn, attempting to deny another Federal Department access to their campuses.

Mr. Chairman, recent surveys show military recruiting is down over the past couple of years. Recruiters are already having trouble meeting their quotas as it is. Even in a period of downsizing, we are unable to find enough recruits to fill the current number of slots, especially with high-caliber students.

Mr. Chairman, it may be debatable as to why this is so. But the fact that is most important is simply this: recruiting is where readiness begins. Recruiting is the key to an all-volunteer military, which has been so spectacular over these years since we implemented the all-volunteer concept.

Mr. Chairman, the 1970's are starting to happen all over again. Because of underfunding, many of our top military officers and many enlisted men and women are again leaving the military to find better-paying jobs, and we are unable to attract the best of our young people. Today over 95 percent of our personnel are high school graduates or college graduates, 95 percent. This success is in large part due to recruiting on school campuses, both high school and college.

But recently, recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools, colleges, universities, and informing young people of the increased opportunities that an honorable military career can provide them. The readiness of our Armed Forces is on the wane today, Mr. Chairman. We must reverse this slide before it snowballs.

We can begin today by telling recipients of Federal money at colleges and universities that if you do not like the Armed Forces, if you do not like its policies, that is fine. That is your first-amendment rights. But do not expect Federal dollars to support your interference with our military recruiters.

On behalf of military preparedness, ladies and gentlemen, please, vote for this amendment. You will be glad you did.

Mr. McNULTY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from New York [Mr. McNULTY], an outstanding Member of this body.

Mr. McNULTY. As my friend and neighbor knows, I have supported his efforts in the past in this regard. But I recently received a letter from Joseph C. Burke, interim chancellor of the State University of New York, outlining his concern about the possibility of losing many millions of dollars in Federal funding and also the loss of many jobs.

I think the gentleman knows that the decision by the State University of New York was not a decision on their part to exclude military recruiters. They have a history of allowing military recruiters on all of the campuses of the State University of New York. The only reason that is not happening now is because they are under a court order as a result of a lost lawsuit which prevents them now from having military recruiters on campus.

So I would like to have some assurance from the gentleman that if his amendment were successful that it would not stop the flow of funds to the State University of New York and its various campuses and universities across the country which are similarly situated.

Mr. SOLOMON. Well, let me just say to the gentleman that he knows I have a copy of the letter as well.

The court decision ruled that the State University of New York would be in violation of the Governor's Executive order if it continued to allow recruiters on campus. All the Governor has to do is to live up to what he said he was going to do in an article which appeared in the Albany Times-Union, which was written by Sam Verhovek of the New York Times. The Governor's spokeswoman, Ann Crowley, said the Governor was firmly opposed to banning military recruiters from campus. That was not his intention in the first place, and if he modifies his Executive order, that court decision is null and void, and it will not cost them a nickel. All the Governor has to do is rescind or modify his order and there is no problem.

Mr. McNULTY. I would further make the point with the gentleman that is an action the Governor can take. That is not an action the university can force the Governor to take. The university is under a court order right now as a result of a court action, so they are prevented legally from allowing the recruiters on the campus.

I would not want to see them put in a position whereby we would be asking them to break the law in order to comply with what both you and I want them to do.

Mr. SOLOMON. But the gentleman has to understand that we cannot use up all the time on this. In other words, that court decision was based on the Governor's executive order. If he changes or rescinds the order to exclude military recruiters, which was his intention, there is no problem.

Mr. McNULTY. I understand that.

Mr. SOLOMON. If it is modified, and the Governor says his intent is to do so, then certainly he is not going to see that SUNY loses $21 million in jobs and financial aid. I have a lot of faith, and I do not agree with Governor Cuomo on a lot of things, but he is a man of his word. I assume he is going to live up to it.

Mr. McNULTY. That concerns me a little bit. That means if the gentleman's amendment is adopted and nothing else happens, that the concerns of Chancellor Burke would be well-founded.

Mr. SOLOMON. I do not think, as I read the court decision—because it is based on that executive order—I do not believe that they are going to be penalized. Certainly by the time this bill reaches the conference, I am sure that we can iron that out.

I think it will be resolved by a change in the executive order, in which the Governor had no intention of banning recruiters, military recruiters, from those campuses. I have to reserve, because I have additional requests.

Mr. McNULTY. Could I ask the gentleman for his assurance in conference he would seek to see to it that the State University of New York and the various campuses and other campuses similarly situated across the country which might be under court orders would not be penalized by virtue of the enactment of his amendment?

Mr. SOLOMON. The gentleman has to understand there is existing law already. We simply are enforcing existing law in encouraging it. I would do everything I could to see the Governor does change his order so that we do not have a penalty.

Mr. McNULTY. I thank the gentleman.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Let me first set the stage: The amendment offered by the gentleman from New York [Mr. SOLOMON] addresses a law that was enacted in the context of an appropriation bill in 1972 against the backdrop of a very tumultuous era in this country and in the world, and that is when the United States was prosecuting the war in Southeast Asia.

That amendment passed. What the gentleman seeks to do today by his amendment goes beyond that 1972 law in two fashions. The restriction is extended beyond the universities to include high schools and it also removes, as I read and understand the amendment, the flexibility on the part of the Secretary of Defense to waive the prohibition when the Secretary of Defense perceives this to be in the national interest of the country.

Mr. Chairman and members of the committee, I oppose this amendment to cut off DOD grants and contracts to educational institutions that deny military recruiting on campus. Let me tell you why.

We should not, Mr. Chairman and members of the committee, chill or abridge privacy, speech, or conscience by threatening a college with a Federal funds termination because it chose for whatever reason to deny access to military recruiters. We would not do so if the institution refused to cooperate with any other Government recruiting or solicitation, no other, Mr. Chairman. The decision should be with the university, not with the Government, to decide who comes on campus to recruit for employment.

We should not browbeat them, Mr. Chairman, into becoming involuntary agents of Federal policy. The beauty of what our political system is all about, Mr. Chairman, is to provide people with that kind of freedom, that ability on the basis of conscience to take a stance that may be contradictory to what is a Federal policy at a given time. That is what we are promoting all over the world; it is called democracy.

Mr. Chairman, my second reason: Our granting and contracting decisions should be reviewed independently in order to determine that they meet the national interest. This policy prohibits the ability of the Government to best meet it policy goals.

In addition, it would, as I said earlier, prevent the Secretary of Defense from making any exception to this cutoff, thereby depriving the Department of Defense access to potentially important research and academic resources.

Although I do not agree with the current law and regulations on this topic that bars such funding—spoke out against it in 1972 and voted against it in 1971—they at least provide, Mr. Chairman, the flexibility of a cutout of the prohibition that allows the Secretary of utilize institutions when it is in the national interest to do so.

For all these reasons, Mr. Chairman, I urge that we vote against it.

Let me for a moment quote from a very articulate and eloquent letter written by our distinguished colleague, the gentlewoman from Colorado, who serves in this institution and serves ably as the subcommittee chairman of the Subcommittee on Research and Technology. She states, and I quote:

> This amendment is a heavy-handed attempt to overturn last week's New York Court of Appeals decision which held that local school boards have the authority if they so choose to bar discriminatory organizations, civilian or military, from recruiting on campus. Mr. Solomon would penalize 34 institutions in New York alone and as many as 100 schools nationwide.

The fact is it is 138 institutions nationwide.

> Plus this amendment would damage the Nation's research education efforts at some of our finest institutions, with considerable cost, and place these educational institutions in conflict with State and Federal laws.

That is why I agree with my colleague that for these reasons we should oppose this amendment. And let me tell you in the remaining seconds that I have what organizations join us in opposition:

Association of Jesuit Colleges and Universities
Hispanic Association of Colleges and Universities
National Association of College and University Business Officers
National Association for Equal Opportunity in Higher Education
American Council on Education
American Association of Community Colleges
American Association of State Colleges and Universities
Association of American Universities
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
Association of American Law Schools
American Bar Association

Mr. Chairman, we are very pleased and proud to be associated with all of these organizations who stand in clear and unequivocal opposition to this amendment, and I urge my colleagues to do so.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, I could not help but smile a little at that list of special interest groups that oppose this. You know, every veterans organization—and there are hundreds of them in America in your district and mine—support this down the line. They are going to be awfully mad if this does not pass.

The CHAIRMAN. The Chair informs the gentleman from New York [Mr. SOLOMON] he has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Would the Chair inform us, please, as to the balance of time on both sides of the aisle?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 5 minutes remaining and has the right to close; the gentleman from New York [Mr. SOLOMON] has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, if I might enter into a colloquy, let me state that if the gentleman does not intend to strike the last word as he is allowed to under this rule for an additional 5 minutes, then if the gentleman would use up 3 minutes, we would close with our 2 minutes and then allow the gentleman to close and we would not use that optional time.

Is that reasonable?

Mr. DELLUMS. That is reasonable, Mr. Chairman.

Let me go forward for, at this time, yielding 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from California for yielding this time to me. I rise in strong opposition to the amendment offered by the gentleman from New York. It is a classic case of overkill to solve a problem that has, in effect, already been solved for universities, and it does so in a manner which threatens the funding of beneficial programs of universities and academic freedom.

Current appropriation statute prohibits the use of Federal funds at institutions of higher learning that have a policy barring military recruiters from campus, and that policy is prescribed in DOD directive. Clearly, DOD has become lax in enforcing this statute and in implementing its own directive, but has recently issued new guidance to the services outlining the procedure to follow should recruiters encounter difficulty in obtaining access to college campuses.

The Solomon amendment goes far beyond current law, however, in ways that could prove to be very shortsighted from a broader national defense perspective. Current law provides some flexibility to the Secretary of Defense in the case of university-based research and development projects which make a significant contribution to the defense effort. The Solomon amendment would take that flexibility away. Current law is more than adequate to deal with this issue. The Department of Defense opposes the Solomon amendment as unnecessary, duplicative, and potentially harmful to defense research initiatives. I also stand in opposition as a former academic vice president at a university, an institution with a strong ROTC program which has graduated many fine young men and women now in uniform as officers.

Just as surely as I am proud of the quality of education they received for which, as the institution's chief academic officer I was responsible, I also took my responsibility to protect academic freedom just as seriously. This amendment would threaten the exercise of academic freedom as it is practiced in institutions of higher learning, and it does so in a manner which could threaten research which is valuable for defense at some of our beset, very best academic institutions.

It represents what is really meant by the phrase "cut off your nose to spite your face."

I urge my colleagues to vote "no" on this amendment and any other legislative effort to limit the freedom of universities by withholding funds.

Mr. DELLUMS. Mr. Chairman, at this time I am pleased to yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

□ 1800

Mrs. UNSOELD. Mr. Chairman, I rise today as a member of the Committee on Education and Labor to speak in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, we have been through this battle before. Any Member who opposes Federal mandates, particularly in the area of education, should vote no. I say to my colleagues, "If you believe in getting government off people's backs, for goodness sake, don't impose this mandate because, if it passes, we undermine local control of schools."

I said this before:

Education has always been a local matter. This includes the education of our Nation's high school and postsecondary students. To deny a school's Federal funding because of its decision to prohibit military recruiting on campus clearly violates this principle.

Mr. Chairman, I urge my colleagues to join with, among others, the American Council on Education, the American Bar Association, and the Department of Defense in opposing this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. POMBO], one of the dynamic new Members of this body.

Mr. POMBO. Mr. Chairman, I rise today in strong support of this amendment. Some institutions of higher education in this country need to be put on notice that their policies of ambivalence or hostility towards our Nation's armed services do not go unnoticed—either by this House or by the American people.

A growing, and misguided, sense of moral superiority is creeping into the policies of colleges and universities in this country when it comes to such things as military recruiting or ROTC activities on campus. On April 22, for example, California State University at Sacramento announced that it would phase out its ROTC programs because a vocal minority at the university disagreed with military personnel standards—standards based in Federal law passed in this Congress.

Examples like this should be seen for what they are—outrageous. It is nothing less than a backhanded slap at the honor and dignity of service in our Nation's Armed Forces; at those who have worn our Nation's uniform before; and at this Congress which has set in law military personnel standards.

These colleges and universities need to know that their starry-eyed idealism comes with a price. If they are too good—or too righteous—to treat our Nation's military with the respect it deserves; to allow ROTC units to operate; or to afford our military the same recruiting opportunities offered to private corporations—then they may also be too good to receive the generous level of taxpayer dollars presently enjoyed by many institutions of higher education in America.

For our young men training to defend the freedoms of all Americans, and for all those who have proudly worn the uniform of this country, I urge my colleagues to support the Solomon amendment, and send a message over the wall of the ivory tower of higher education.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER]

Mr. ROHRABACHER. Mr. Chairman, those of us opposed to the draft have a chance to prove that we are nonetheless committed to a strong national defense.

The purpose of the military forces of the United States is to defend our country and its vital national interests. It is disturbing, especially in a time when we are shrinking our military from cold war levels, that there are those who want to use the military as a vehicle for social change. Campuses that have given in to these political activists, who seek to use the military to achieve a domestic social agenda, are doing a great disservice to men and women in our Armed Forces, people who put their lives on the line for our security and safety.

Furthermore, by denying military recruiters access to campus, the rights of students not supportive of the activists' agenda are being violated. If campuses insult our military personnel, if they do not care about our Nation's security, if they blatantly violate the rights of students who'd appreciate knowing of career opportunities in our Armed Forces; then those campuses should not be enjoying the largess of Department of Defense research dollars or DOD grants.

Mr. DELLUMS. Mr. Chairman, I will yield 1 minute to the distinguished gentlewoman from California [Ms. HARMAN]. It is my understanding that the gentleman from New York [Mr. SOLOMON] would then close, and then the gentlewoman from Colorado [Mrs. SCHROEDER] will close for our side.

Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise as a member of the Committee on Armed Services in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]. I share the gentleman's goal of assisting military recruiters, and, like him, I support a strong defense and know that such a defense depends in substantial part on recruiting our best and brightest. But in achieving that goal, Mr. Chairman, we should not trample on the fundamental principles on which our society is based, like nondiscrimination and academic freedom.

Unfortunately, Mr. Chairman, the amendment being offered by the gentleman from New York [Mr. SOLOMON] takes a meat ax approach to the issue of recruiter access to college campuses. That is why virtually every educational association, major university such as the University of California, the American Bar Association, and the Department of Defense oppose it. It is punitive and unnecessary.

Mr. Chairman, I urge my colleagues to vote "no" on the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 30 seconds.

Mr. SOLOMON. Mr. Chairman, I yielded myself the remaining 30 seconds just to say one more time:

You know, recruiting is where readiness begins. We depend on an all-voluntary military, and recruiting is the key to all our voluntary military has accomplished over the years since we did away with the draft. Let us not interfere with that. Let us live up to our first amendment rights, allow these recruiters to go and explain an honorable military career to young men and women.

You know, today times are tough out there. Don't believe it's good. Young people need these jobs. Let's be able to explain it to them.

Mr. Chairman, I urge support for my amendment, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, for purposes of closing debate on this side of the aisle with respect to the amendment offered by the gentleman from New York [Mr. SOLOMON], I yield the remaining time to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 1 minute.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong opposition to the Solomon amendment, which would prohibit the Department of Defense from making grants to schools that bar military recruiters. I am joined by our Nation's major universities and colleges and the Department of Defense in opposing Solomon for five reasons:

First, contrary to what the gentleman from New York has just said about courts upholding his previous legislative initiative with respect to Federal funds to individuals who refuse to register with Selective Service, this issue is very different. In fact, last Friday, in the gentleman's own State, the State court of appeals held that school boards have the authority to bar discriminatory organizations—civilian or military—from recruiting on campus. The court further observed that the military is not being singled out: Any employer who violates the school's nondiscrimination policy is also barred from recruiting on campus—whether it's a private corporation or the Marines.

Second, Mr. SOLOMON professes concern for our Nation's high schools and the need to preserve the quality of our Nation's recruits. But his amendment would apply to our Nation's high schools, only 2,400 of which currently allow military recruiters on their campuses. DOD opposes the Solomon amendment precisely because in DOD's words:

> Enforcement of this amendment by DOD would require a level of effort for which we are not staffed. There are over 15,000 accredited high schools that we know of. Tracking down alleged offenders and determining if we had funding to take away would again, not be worth dedicated staff effort.

Third, DOD argues this amendment is duplicative. Current law (Pub. Law 92-436, section 606) already allows the Department of Defense to deny funds to educational institutions that deny military recruiters for nondiscrimination reasons.

Fourth, our Nation's great research universities and colleges, and their substantial contributions to our defense efforts, would be jeopardized by the Solomon amendment. I have heard from officials at Cornell University, the University of California, California State University, the University of Minnesota, the University of Wisconsin, and the Massachusetts Institute of Technology [MIT] that a foolhardy decision to deprive all DOD money to schools because of their nondiscrimination policies would cost hundreds of millions of dollars in lost technological research, both military-related and in defense conversion.

MIT tells me they stand to lose $50 to $60 million if the Solomon amendment is passed. The California State University system is concerned about its proposal to construct a new campus on Fort Ord if some of its campuses bar military recruiters. Would we so blithely shut down the Nation's premier computer defense research at the Massachusetts Institute of Technology and the University of California and transfer funds to Oral Roberts University?

Fifth, over 100 schools, for a variety of reasons, exclude military recruiters from campus—many for religious reasons. The following 24 States would lose DOD funds under the Solomon amendment: Arizona, California, Colorado, Connecticut, Georgia, Iowa, Indiana, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, Washington, and Wyoming.

Finally, the Solomon amendment is opposed by the following educational associations:

Association of Jesuit Colleges and Universities;

Hispanic Association of Colleges and Universities;

National Association of College and University Business Officers;

National Association for Equal Opportunity in Higher Education;

American Council on Education;

American Association of Community Colleges;

American Association of State Colleges and Universities;

Association of American Universities;

National Association of State Universities and Land-Grant Colleges;

National Association of Student Financial Aid Administrators;

Association of American Law Schools; and

American Bar Association.

Mr. Speaker, I urge my colleagues to listen to their constituents in the higher education community and the Department of Defense by defeating the Solomon amendment.

Mr. ENGEL. Mr. Chairman, I rise in opposition to the Solomon amendment to H.R. 4301 as reported out of the Armed Services Committee.

This amendment prohibits funding from the Department of Defense to any educational institution which prevents military recruiting on campuses. This measure is unfair, not only because it will cost educational institutions millions of dollars, but, it also penalizes many of these institutions for simply complying with State law.

This amendment must be defeated, as it threatens important research initiatives and thousands of jobs. Our country will be sacrificing growth and a brighter future if the Solomon amendment is adopted. Research programs provide needed employment and are often the centers for innovation that place the United States at the cutting edge of technology and advancement.

It is important to remember that the denial of military recruiting on certain campuses is based not on an antimilitary ideological stance, but rather, on the principles of law. In my home State of New York, the State Supreme Court ruled that campuses must prohibit access to recruitment facilities to all employers who discriminate on the basis of sexual orientation, including the military.

The issue of discrimination on the basis of sexual orientation in the military has received a great deal of attention over the last year. It is an issue that should be resolved appropriately at the Federal level. However, penalizing educational institutions for obeying State laws, does nothing to further the debate. Instead, important research, jobs, and State sovereignty, are threatened.

It is with strong conviction that I urge the removal of the Solomon amendment to H.R. 4301.

Mrs. LOWEY. Mr. Chairman, I rise to oppose the Solomon amendment which would undermine State's rights and deal a serious blow to New York State's public universities.

This debate is not about the military's legal right to exclude individuals based on sexual preference. We have had that debate in this Chamber.

This debate is about whether a State university should be penalized for attempting to comply with a court order. New York State's public universities stand to lose $7.8 million, not because these universities have chosen to exclude the military, but because a court has ruled a State nondiscrimination law extends to military recruiting on campus. This court has enjoined State universities from providing facilities to the military for recruitment purposes. Even if these schools disagree with the State court's ruling, they must follow it or they will be held in civil contempt and receive substantial fines.

The amendment before us would punish universities for complying with the court order. The amendment bars universities which do not allow the military to recruit on campus from receiving Defense Department funds. Loss of this funding would be a terrible blow to New York's system of public universities which received $7.8 million in Defense Department funds this year. Unfortunately, this amendment gives them no choice.

Public colleges and universities in New York can break the law and be fined for contempt, or they can follow the law and be fined by this amendment. It is a lose-lose situation for education in the State of New York.

I urge my colleagues not to penalize public colleges and universities for following a court order. To approve this misguided amendment would be a terrible abuse of Federal power that would victimize our schools and their students.

The CHAIRMAN. Under the rule, all time for debate on amendment No. 17 has expired.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 126, not voting 41, as follows:

[Roll No. 191]

AYES—271

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fazio
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Hoyer
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manzullo
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Murtha
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)

Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOES—126

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (FL)
Cantwell
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hughes
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Klink
Kopetski
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Markey
McCloskey
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moran
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Roemer
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Stark
Stokes
Strickland
Studds
Swift
Synar
Thompson
Thornton
Torres
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Yates

NOT VOTING—41

Barca
Barlow
Blackwell
Brown (CA)
Carr
Conyers
Coyne
Deal
Faleomavaega (AS)
Fields (TX)
Fish
Ford (TN)
Gephardt
Grandy
Horn
Houghton
Huffington
Johnson (SD)
Kleczka
Klein
Margolies-Mezvinsky
Matsui
McDermott
McInnis
Michel
Mineta
Morella
Nadler
Ortiz
Owens
Ridge
Romero-Barcelo (PR)
Rose
Sangmeister
Santorum
Slattery
Snowe
Sundquist
Towns
Washington
Young (FL)

□ 1827

The Clerk announced the following pairs:

On this vote:

Mr. Kleczka for, with Mr. Conyers against.

Mr. Deal for, with Mr. Mineta against.

Mr. Johnson (SD) for, with Mr. Washington against.

Mr. MORAN, Ms. KAPTUR, and Messrs. TUCKER, STRICKLAND, and BERMAN changed their vote from "aye" to "no."

Messrs. KYL, DEUTSCH, HEFNER, ANDREWS of Texas, COLEMAN, and EDWARDS of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I was unavoidably detained by traffic coming from my district office in Rockville, MD, and therefore I missed rollcall vote No. 191. Had I been here, I would have voted "aye."

□ 1830

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: At the end of title X (page 277, after line 2), insert the following new section:

SEC. 1038. ELIMINATION OF REGISTRATION REQUIREMENT UNDER MILITARY SELECTIVE SERVICE ACT.

(a) ELIMINATION OF REGISTRATION REQUIREMENT.—Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended by adding at the end the following new subsection:

"(c) After September 30, 1994, no person shall be required to present himself for and submit to registration under this section.".

(b) EFFECT OF AMENDMENT ON PERSONS ALREADY SUBJECT TO REGISTRATION.—The amendment made by subsection (a) shall not apply with respect to persons who, before October 1, 1994, were required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and had not so registered by that date or such later date as the President considers to be appropriate.

The CHAIRMAN. Under the terms of the rule, there will be 20 minutes of debate on the amendment.

Pursuant to the order of the House of Friday, May 20, 1994, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. SPENCE. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, the amendment before the body at this time is an amendment that would repeal, and I would repeat, repeal the requirement for Selective Service registration of 18-year-old men effective October 1, 1994. It does not, Mr. Chairman, apply to those who had a registration requirement prior to that date. It does not shut down the Selective Service System. It simply and directly repeals the requirement, Mr. Chairman, for the registration of these young 18-year-olds.

In support of amendment, I would like to make the following comments. The Department of Defense, Mr. Chairman, issued a report last year based on a study that the Congress requested that said peacetime registration could be suspended with no effect on military mobilization.

Mr. Chairman, let me quote the Defense Department's study requested by the Congress of the United States. It said, in part, "Peacetime registration could be suspended with no effect on military mobilization, little effect on the time it would take to mobilize, and no measurable effect on military recruitment."

In short, Mr. Chairman, our Nation's military leaders said we do not need the draft registration in peacetime to meet projected contingencies. Although the President disagrees, Mr. Chairman, as we have seen by his letter, it is for the Congress to decide whether we would follow his lead or make our own judgment on the basis of DOD assessment.

The Selective Service would be able to make contingency plans for a situation that might call for a return of registration or conscription. No significant mobilization requirement would be adversely affected by ending peacetime registration. It is estimated that it would slow mobilization of civilians by only 30 days, from 13 to 43.

Absent a reemerging global threat, a 30-day delay in receiving civilian registrants for training seems acceptable to this gentleman and many others. More than one million trained personnel are available for mobilization under the selective reserve and partial mobilization options available to the President. They are more than capable of augmenting active duty force strengths to meet any contingency short of long-term war that would exceed the bottom-up review planning scenarios that are before us now.

The registration requirement was reestablished in 1980, in significant part as a reaction to the Soviet invasion of Afghanistan. It was intended as much to show resolve and displeasure with that action as to be a significant complement to our mobilization strategy, even at the height of the cold war. It made sense then as a serious signal to the Soviets, and it sends no such signal of resolve now to any current or prospective adversaries.

Mr. Chairman, at this moment it is an empty and unnecessary gesture. Even former President Ronald Reagan recognized that registration should only be used in a time of genuine national need. In a letter to Senator MARK HATFIELD dated May 1980, former President Reagan said, and I quote:

> Only in the most severe national emergency does the government have a claim to the mandatory service of its young people. In any other time a draft or draft registration destroys the very values that our society is committed to defending.

The CHAIRMAN. The Chair would ask that conferees on the floor, friend and foe alike, please remove themselves from the floor.

Mr. DELLUMS. Mr. Chairman, it is very frustrating to try to argue in the context of this bill and the important issue that gets raised by it, it is one thing for our adversaries not to listen, but it is certainly disconcerting when our ostensible friends are not willing to listen in the context of an important debate.

Mr. Chairman, I have always tried to respect my colleagues in this Chamber, to give them my undivided attention, even my adversaries. I give them the respect of my willingness to listen to them. When our friends do not give us an opportunity to make our case on the floor of this Chamber, it is frustrating and difficult.

What this amendment is about is whether or not we will continue to have 18-year-old people register for the draft when there is no ostensible reason nor need to do so, so I would like to, in some atmosphere that gives us some reasonable opportunity to present these arguments, to do so in an atmosphere that is conducive to dignity and respect, Mr. Chairman.

Mr. Chairman, military recruiters should be able to utilize alternative sources to meet their needs, and increases in opportunities for women in the services will expand the available pool of recruits, as well as an expanded number of voluntary age young people generally will aid recruitment.

As the DOD noted, elimination of peacetime registration will have minimal discernible effect on overall recruiting in the armed services.

□ 1840

Mr. Chairman, finally, this is not a budget issue, although we will save several million dollars, $4.3 million in the 5-year plan.

It is a straight-up effort, Mr. Chairman, to revise national policy to conform to our current mobilization requirements. These requirements by the Department of Defense estimates sent to the President do not support a registration requirement.

Mr. Chairman, to simply summarize, the amendment is very straightforward. It does not abolish the Selective Service System. What it does is stops on October 1 of this year the requirement of our young, 18-year-old men to register for the draft. There is no need for it. This is a peacetime in the context of a democracy. We should not force our young people to do anything except mobilize in the national interest when there is a serious national security issue at stake.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, I thank the gentleman for yielding me the time and would like to associate myself with his remarks and suggest that while it is only $4.5 million, it is symbolic. If we cannot do away with vestigial and wasteful operations just because of nostalgia and if nobody can make the case prospectively that we need something, let us save the money, let us get on with education, health care and new jobs where we need it and let us support the amendment by the gentleman from California [Mr. DELLUMS] to eliminate the draft registration.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent to divide my 10 minutes equally between the gentleman from New York [Mr. SOLOMON] and the gentleman from Mississippi [Mr. MONTGOMERY], and allow each of them to control 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen, I rise in the strongest opposition to the amendment offered by the gentleman from California which would eliminate, no questions about it, eliminate the Selective Service peacetime registration program.

Mr. Chairman, although I have the greatest respect for the gentleman from California [Mr. DELLUMS], he really is one of the most respected Members of this body, I have to oppose this for a number of reasons.

To begin with, his administration does not support it. I am sure the gentleman from Mississippi [Mr. MONTGOMERY] is going to speak to that. Bill Clinton opposes this amendment. In fact, just today the White House announced support for continuing peacetime registration.

Second, we debated this issue at length just 6 months ago, and this body voted overwhelmingly to keep the program, 236–194.

Mr. Chairman, if the Committee on Armed Services had held even one hearing on this matter, they would have learned that the administration strongly supports peacetime registration. A working group chaired by members of the National Security Council just completed several months of examining all the issues involving Selective Service and concluded that peacetime registration should be kept in place. The National Security Adviser recommended this to the President, and he agreed.

Mr. Chairman, peacetime registration is a low-cost insurance policy in a very dangerous world today. This program is a hedge against the unknown. What if war were to break out in Korea again or somewhere else and we were forced to augment or activate the reserve services again? I pray this does not happen, but my point is, we just do not know, given the continuing tensions in the world, North Korea, Bosnia, the Persian Gulf, Haiti, and the uncertainty in Russia. Have Members seen what is happening there? So volatile.

Mr. Chairman, at only $4 million peacetime registration provides that low-cost defense, manpower insurance against the unknown.

Mr. Chairman, there is a strong grassroots support for maintaining this program. All across America, hundreds of thousands of Americans who know have asked us to keep it in effect. Millions of Americans have done so. They see great intrinsic value in having all young men come forward at 18 to be counted. Even President Clinton just the other day said that we have to keep the two together, to link peacetime registration and society for the young people today.

Mr. Chairman, I urge Members to oppose this amendment when it comes up in a few minutes.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to the Dellums amendment to eliminate the peacetime registration in the Selective Service System.

President Clinton has sent a strong letter to every Member of the House of Representatives. I would like to quote from that letter.

The President said:

"I have decided that it is essential to our national security to continue draft registration and the Selective Service System."

Then the President further says:

"This is a low-cost insurance policy against our underestimating the maximum level of threat we expect our Armed Forces to face."

Further quoting from the letter, the President said:

"Terminating the Selective Service and draft registration now could send the wrong signal to our potential enemies who are watching for signs of U.S. weakness."

Mr. Chairman, I point out that this is a strong letter from the President of the United States. He is our Commander in Chief. He is over the military, and he says that he needs the registration, he needs to have the system in place. Registration is quick and easy. The compliance rate of our young people has been 98 to 99 percent. The young people are not complaining. The 18-year-old men are going to register. The problem seems to be right here in Congress.

Mr. Chairman, there has been some mistake, and I want to point it out. This is not a draft, and I support the all volunteer system, but the Selective

Service is a backup for a major conflict that might have high casualties.

Yes, right now we can put first draftees in uniform within 13 days.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I know it is a bit confusing when we hear a strong letter of support for draft registration coming from President Clinton and we hear quotes from President Reagan opposing the peacetime draft, but that is the state of the world. The world has changed. The cold war is over, the old rules no longer apply.

First let us state, our defenses do not depend on a draft in order to raise the military. Our defenses in the future will depend on highly qualified military personnel backed up by the best equipment and technology and also backed up by a strong reserve, not backed up in a peacetime by a draft.

Mr. Chairman, the peacetime draft is and always has been, as Ronald Reagan stated and will state again, is inconsistent with our national tradition. Draft registration today is a useless vestige of a rejected and obsolete means of manning our military. It is based on one concept alone and, that is, we cannot get our mind off conflicts of 20 years ago.

Mr. Chairman, draft registration is a waste of limited funds. We should be spending this money to bolster the reserves and to make sure our people are equipped with the right kind of technology to back them up in the fights they are going to have.

Vote for the Dellums amendment and against draft registration, this waste of our money.

Mr. MONTGOMERY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Yes, Mr. Chairman, the problems of 20 years ago are long gone, but that does not mean we do not have problems today.

Yes, we remain the one superpower, but as a result of that, countries large and small look to us for support and guidance. But more importantly we are the leader in these United States and we have solved those challenges of military situations years ago, but right now we have international criminality, we have international terrorism, terrorism we cannot even guess about today.

□ 1850

So I say we have a system in place. We have a system that works, and we have a system that is efficient, and that is what we need to have to face what is coming before us.

But let me speak to something. I do not often disagree with our chairman, the gentleman from California [Mr. DELLUMS], but he said our young people are forced to register. As fewer and fewer members of our society have direct military experience, but indirect military experience, it is necessary for these young people to feel close to their Government and patriotic.

I well remember the day, I say to the gentleman from California [Mr. DELLUMS], that my son went to register. He was incredibly proud to register, and he is in law school now, but he would be very willing to serve.

I think we need these lists. I think they are good for the country. Why do away with something that works?

Let us keep it, because we do not know what tomorrow will bring.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 3 minutes remaining, the gentleman from New York, [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from Mississippi [Mr. MONTGOMERY] has 2 minutes remaining.

It will be the position of the Chair that either the gentleman from Mississippi or the gentleman from New York will control the closing moments of this debate.

Mr. MONTGOMERY. Mr. Chairman, I have one more speaker, and then I will close the debate.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I rise in opposition to the Dellums amendment.

Mr. Chairman, I rise in opposition to Chairman DELLUMS' amendment to eliminate the Selective Service System [SSS] Peacetime Registration Program. This amendment would remove the requirement for 18-year-olds to register with Selective Service. This would significantly impact our armed services in the event of a national crisis. Registration is a key part to ensuring and preserving our national security.

Although the cold war is over and the Berlin Wall has been torn down, there still remains the continuing tensions throughout the world in Korea, Bosnia, and the Persian Gulf. With instability in these regions, the United States cannot afford to send out weakening signals. At the price of $6 million, in comparison with a defense budget totaling $262 billion, this is an inexpensive insurance policy for our military.

Should the Selective Service interrupt its peacetime registration, it would take 3 months to a year to reactivate the system of putting draftees into uniform. With the present system, it would only take 13 days after a draft law is passed to mobilize readiness.

President Clinton and former Secretary of Defense Les Aspin have conducted a review of the SSS and draft registration, and concluded that it is necessary and vital to our national security interests. I support my President and the Selective Service.

Mr. MONTGOMERY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, if there is anything predictable about wars, it is that no one can predict when and where they will break out. Who in this House would have predicted just a few years ago that America would have to send 500,000 of its citizens to fight against Saddam Hussein in Kuwait?

Who in this House can predict with certainty where future conflicts might occur?

The fact is nobody can do that, and that is exactly why we need to spend a small amount of money for a selective service registration system, in effect, a military insurance system.

It just makes common sense. If we are going to downsize our military forces, then we need an insurance policy to help us mobilize forces in the event of a major conflict.

This should not be a vote based on whether one is a defense dove or hawk. In fact, for those Members who want to make even deeper defense cuts, it makes sense to have in place a selective service registration system in case a smaller military force cannot handle a future crisis.

I hope we never need to use the Selective Service System just as I hope none of us ever needs to use our fire insurance on a house, but this is an insurance policy America must have.

For these reasons, I respectfully ask Members to vote "no" on this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have just heard draft registration described as cheap insurance against some future unnamed calamity.

Well, there is a reason it is cheap. It does not insure anything, and it would not pay off if we ever needed it.

In March, the Pentagon said they do not need peacetime draft registration; they do not want to use it; and they do not think it will have any impact on mobilization. That is what the military professionals said, not the politicians. They said peacetime registration can be suspended with no effect on military mobilization requirements, little effect on the time it would take to mobilize, and no measurable effect on military recruitment, a rare moment in our Nation's history. The Pentagon has identified and offered to eliminate an obsolete cold war program.

Let us take advantage of that, colleagues.

We have heard that this is insurance. How does it work? A year ago the Selective Service ran a drill to see if the system works. It did not. In its most recent checkup, Selective Service was found 4-F, unfit and unavailable, a 54-percent success rate. They blamed it on bad weather. This is a symbol of our Nation's resolve, an obsolete, moribund bureaucracy which has a 54-percent success rate because of bad weather?

The fact is peacetime draft registration is unneeded. It does not work. It is a waste of money.

Forget the hollow messages we are supposedly sending to our adversaries. We should send a message to the American people: Congress knows a pointless, out-of-date Federal program when we see one, and we know how to kill it.

Support this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the distinguished ranking Republican on the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I rise in opposition to this amendment to eliminate the registration of 18-year-olds for the Selective Service.

While our Nation has not relied upon a draft for 30 years, it is important that, considering the instability of today's world, we maintain the capability of a Selective Service System. The Selective Service System requires that every male citizen register within 30 days of his 18th birthday, thereby providing our Nation with a vast manpower reserve.

During a time when our Nation is continuing with its cuts in defense, including the closure of bases, elimination of important defense programs and downsizing its personnel, I respectfully remind my colleagues that now is not the time to eliminate our Nation's Selective Service Program. Instead we should make certain that our Nation is ready to proceed forward against any unforeseen threats.

President Clinton has stated that "as we continue our military downsizing we must remember that fewer and fewer members of our Nation's society have any direct military experience, thus it is imperative that we maintain the link between an all-volunteer force and our society at large."

Accordingly, I urge my colleagues to join in opposing this amendment by Mr. DELLUMS and instead support this time tested system.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my colleagues, I am looking at RON DELLUMS. He is a man I just greatly admire and respect, and I really am sorry to oppose his amendment.

But, you know, the gentlewoman from Connecticut [Mrs. KENNELLY] was here a few minutes ago on your side of the aisle. She talked about how proud her son was to go and register for the draft, because it was the law and it was his obligation as a U.S. citizen.

I had three sons. They did the same thing. You know, they represent 97 percent of all of the youth in America. And can you not be proud of them? Ninety-seven percent of these young men have taken the obligation, gone to the post office and registered with the draft, because they wanted to do it for their country.

We need to be prepared. We depend on this all-volunteer military. It is so terribly important today.

If you let 1 year go by and one group of 18-year-olds did not register, you lose them forever. Our recruiters cannot find them to get them back to offer them an honorable career in the military, $25,000 worth of Montgomery GI bill benefits to go to college. If you had five kids, do you know how difficult it is to put them through college today?

For goodness sakes, let us do what is right for the country, and please defeat my good friend's amendment.

Mr. DELLUMS. Mr. Chairman, to close debate on this side of the aisle, I yield the remaining time to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I have rarely in this Chamber heard arguments so little connected to the cause on which they were theoretically being made. One speaker said nobody predicted the war against Iraq. Probably nobody predicted it, but even rarer would be trying to find someone who could tell us what the war in Iraq has to do with selective service registration. In fact, the war in Iraq was over very quickly. That illustrates why selective service registration is in fact irrelevant.

Does anyone here think that Saddam Hussein was made more nervous by the notion that 18-year-olds all over American had been to the post office? Draft registration had zero connection. Draft registration is irrelevant to today's fighting capability.

The gentleman from New York said, well, but if the 18-year-olds do not register, we will lose a generation. What are we? In the "Twilight Zone"? A whole generation of 18-year-olds are going to disappear because they did not write their name down at the post office?

If they wanted to disappear, they could do that whether they went down to the post office or not. We have a wholly unnecessary expense, and we also have one which, remember, perpetuates one of the most invidious, sexually discriminatory things we have got.

The gentleman from New York said males have to register; the males should be proud. What are the women? Chopped liver? Are the women to be told that they are not to be proud? Do we want to reinforce that women are irrelevant when it comes to serving their country?

What we have here is an outdated symbol that makes some people feel better. If there are people who want to express their pride by writing to the Government to say, "Hello. I am 18," I would be in favor of allowing them to do that. We could have a voluntary checkoff of draft registration. But please do not argue that it has the slightest thing to do with the defense of the United States.

The CHAIRMAN. The gentleman from Mississippi [Mr. MONTGOMERY] has the right to close debate.

Mr. MONTGOMERY. Mr. Chairman, I talked to the director of the Selective Service System, Mr. Banister, on Friday to be sure that I had my facts and statements correct. I talked to the Selective Service director himself. He said if you stopped registration of 18-years-olds, in 60 days after starting the registration back up again you could get an 18-year-old in uniform but it would not be fair. The underprivileged would be the ones that would be called up, as has happened in the past. It does not make any sense to shut down the system. It is like a car that you do not use for 2 years and then you go up and try to get it started again. It does not work well.

The President of the United States, the Commander in Chief, says he wants registration to continue.

The CHAIRMAN. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 273, not voting 40, as follows:

[Roll No. 192]

AYES—125

Andrews (ME)
Archer
Barrett (NE)
Barrett (WI)
Becerra
Borski
Brown (CA)
Brown (OH)
Camp
Cantwell
Cardin
Chapman
Clay
Clayton
Collins (IL)
Collins (MI)
Coppersmith
Cox
Crane
DeFazio
DeLauro
DeLay
Dellums
Dingell
Dooley
Durbin
Edwards (CA)
English
Eshoo
Evans
Farr
Fazio
Filner
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hoke
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnston
Kennedy
Kildee
Klug
Kreidler
Lambert
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Markey
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Murphy
Norton (DC)
Oberstar
Obey
Olver
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reynolds
Rohrabacher
Rostenkowski
Roth
Roybal-Allard
Royce
Rush
Sabo
Sanders
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Slaughter
Stark
Stokes
Strickland
Studds
Synar
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Walker
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—273

Abercrombie
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate

Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Castle
Clement
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
Everett
Ewing
Fawell
Fields (LA)
Fingerhut
Flake
Foglietta
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Mann
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Roukema
Rowland
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schumer
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Visclosky
Volkmer
Vucanovich
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (AK)
Zeliff

NOT VOTING—40

Barlow
Blackwell
Carr
Clinger
Conyers
Coyne
Deal
Faleomavaega (AS)
Fields (TX)
Fish
Ford (TN)
Gephardt
Grandy
Horn
Houghton
Huffington
Johnson (SD)
Kleczka
Klein
Margolies-Mezvinsky
Matsui
McDermott
McInnis
Michel
Mineta
Nadler
Ortiz
Owens
Ridge
Romero-Barcelo (PR)
Rose
Sangmeister
Santorum
Schenk
Slattery
Snowe
Sundquist
Towns
Washington
Young (FL)

☐ 1921

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Deal against.

Mr. Kleczka for, with Mr. Johnson of South Dakota against.

Mr. Mineta for, with Mr. Clinger against.

Mr. GUTIERREZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, under this rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, I was unavoidably absent on two rollcalls. I would like to have the record reflect that on rollcall No. 191 I would have voted "no" had I been present and on rollcall No. 192 I would have voted "yes" had I been present.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably absent from proceedings of the House on Monday, May 23; owing to the death of my mother.

Had I been here, I would have voted as follows: Rollcall vote No. 191, "aye"; rollcall vote No. 192, "nay".

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was absent on Monday, May 23. Altogether, I was not present for rollcall votes 191 and 192. Had I been here on May 23, I would have voted "yes" to the Solomon amendment to H.R. 4301, rollcall 191, and "no" to the Dellums amendment to H.R. 4301, rollcall 192.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4301.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House of the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for 1995, and for other purposes, with Mr. DURBIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment number 18 printed in part 1 of House Report 103-509 offered by the gentleman from California [Mr. DELLUMS] had been disposed of.

Pursuant to House Resolution 431, there will now be an additional period of general debate.

The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me announce to my colleagues how we will proceed for the rest of the evening. We are now in general debate on H.R. 4301, 1 hour of debate. On this side, most of the time will be consumed in colloquies between myself and other Members on this side of the aisle for the purposes of clarification. There may be other items that come up in the context of the general debate.

At the end of that time, there will be discussion and debate on the en bloc amendments. As you know, Mr. Chairman, the en bloc amendments had two requirements: No. 1, that they be bipartisan, and, No. 2, they be noncontroversial. This gentleman feels he can say to all of my colleagues here with relative safety that there will be no more votes for the rest of the evening.

Having said that, Mr. Chairman, let me now yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs, for the purpose of entering into a colloquy with this gentleman.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to engage the distinguished chairman in a colloquy concerning several issues that relate to concerns of the Committee on Foreign Affairs.

At the outset, I want to thank the distinguished chairman for his cooperation on issues for which the Armed

Services and Foreign Affairs Committees share responsibility. I appreciate the time and consideration he has devoted to these issues.

Regarding foreign disaster assistance, we have had concerns that the Armed Services Committee language might unintentionally restrict the administration's legal authority and practical ability to carry out these activities. On military-to-military contacts, we have been concerned that the Armed Services Committee language does not explicitly recognize the appropriate role of the Department of State in ensuring that these contacts are carried forward consistent with the broader foreign policy objectives of the United States.

Mr. DELLUMS. If the distinguished chairman will yield,

I thank the gentleman for his concerns and for his advice and assistance concerning these and other important issues in our bill that related in part to foreign affairs.

Relations among the executive departments are changing as a result of the end of the cold war and in accordance with the emerging challenges of the post-cold-war era. These issues raise complex legislative as well as policy considerations. The administration only recently came to a coordinated position on these issues, in some cases too late to be fully considered before our committee mark-up. As a result, some imperfections may remain that we would hope to remedy as the legislative process goes forward.

Let me turn to the specific issues that are the subject of the amendments offered by the gentleman.

Concerning foreign disaster assistance, on the question of the President's legal authority, Mr. SPENCE and I have accepted in modified form the gentleman's amendment, so as to make clear that the President does have authority to conduct these assistance operations with Defense Department resources.

Regarding the practical ability of the administration to provide assistance following foreign disasters, our language expands the options available to the Secretary and does not make unavailable any otherwise legal mechanism for providing resources to such an operation.

On military-to-military contacts, no one is more concerned than I to ensure that foreign contacts by our military are conducted in support of U.S. foreign policy objectives and with full concern for democratic values and human rights. In practice, these programs are being developed in an interagency process and the administration's intent is to conduct these activities with the concurrence of the country team led by the ambassador or chief of mission.

In discussing specific legislative language for recognizing this inter-agency coordination, we have been concerned to develop a consistent framework that could be applied across the range of programs where the responsibilities of the Departments of State and Defense overlap and to leave to the President maximum flexibility in organizing the coordination of his international activities. We have not yet been able to develop specific language that is acceptable to all parties concerned. I am committed to further consultations with the gentleman as we go forward in the legislative process on this issue.

Mr. HAMILTON. I am grateful to the gentleman for his statement on these points. These are important areas. They present complex legislative issues. I would hope that we can continue to consult and continue our constructive work on the whole range of issues on which the concerns of our two committees overlap. My intention is to ensure that the Secretary of State has the opportunity to provide foreign policy guidance in coordinating these activities.

At this time I would like to rasie a question concerning the counter-proliferation activities provided for by your committee. These activities include specialized Defense Department assistance to the U.N Special Commission that has supervised the dismantlement of Iraq's weapons and to the International Atomic Energy Agency. These are crucially important activities. Will this assistance be adequately supported within the larger set of counter-proliferation activities to be conducted in the Department of Defense?

Mr. DELLUMS. I thank the distinguished chairman for his inquiry. UNSCOM and the IAEA are indeed very important to preventing the further proliferation of weapons of mass destruction and to the future safety of our troops as well as our citizens and our allies. The Defense Department provides important technical support to the activities of these organizations. Together with operational support from other Defense Department accounts, I want to tell the gentleman that I expect and will work to assure that the needs of UNSCOM and the IAEA for specialized DOD support will be fully met within the program provided for in the bill as it now stands.

Mr. HAMILTON. I thank the gentleman for the clarification.

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Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, in April, seven colleagues and I wrote to you to express our serious concern that the number of long-range bombers contained in the fiscal year 1995 defense budget is inadequate to support requirements for two major regional contingencies. Specifically, we are troubled by the dramatic cut in our most capable and our only battle-tested bomber—the B-52H—to just 40 operational aircraft.

Mr. Chairman, I understand that the committee responded to the shortfall in funding for long-range bombers by creating a bomber force upgrade fund [B-FUP]. Is it correct that the funds provided in the B-FUP may be used to retain B-52's in the active force instead of placing them in attrition reserve status, as proposed in the administration's budget?

Mr. DELLUMS. Mr. Chairman, the gentleman is correct that B-FUP funds may be used to keep B-52's in the active force. The funds may also be used to keep B-1's out of attrition reserve and to accelerate the conventional modifications on the B-1.

It is entirely consistent with the intent of the committee for the Air Force to use the B-FUP funds to retain in the active force, those B-52's that the administration has scheduled to go into attrition reserve status.

Mr. POMEROY. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman's explanation.

I would like to commend the gentleman for responding to the serious concerns raised by many members of this body that the number of bombers assumed in the President's budget is inadequate. The B-FUP, by utilizing existing assets, is a cost-effective way to provide the necessary forces to meet our national military requirements.

Finally, let me say that I believe it makes good military and economic sense to continue to maintain and operate the proven and paid-for capabilities of the B-52. I am very pleased that the committee created the B-FUP so that additional B-52's may be kept in the defense force structure.

I thank the gentleman for yielding to me for this colloquy. I strongly support the B-FUP provision, and I strongly support this bill.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL], a very valuable member of our committee.

Mr. KYL. Mr. Chairman, I thank the gentleman from yielding time to me.

Mr. Chairman, I submitted an amendment to the Committee on Rules expressing the sense of Congress that the President should not initiate any military action directed against the mainland of Haiti, unless the President first certifies to the Congress that Haiti represents a clear and present danger to the citizens of the United States or United States interests.

The essence of my amendment was adopted as part of both the Goss amendment and the Dellums-Hamilton amendment. I appreciate my colleagues on both sides of the aisle recognizing the importance of incorporating the amendment into each of their respective amendments. I thank specifically the gentleman from California [Mr. DELLUMS], the gentleman from Florida [Mr. GOSS], and the gentleman from Indiana [Mr. HAMILTON].

Mr. Chairman, the United States has no business sending military forces to Haiti. United States policy toward Haiti since Aristide's ouster in September of 1991 has been uneven and unsuccessful but military force is not the answer.

The embargo imposed by the United Nations and supported by the Clinton administration does nothing except to choke the innocent citizens of Haiti. It certainly does not do anything to stop the military.

Monday's Washington Times carried an article describing how smugglers make a mockery of the toughened U.N. Embargo on Haiti, shipping hundreds of gallons of gasoline and diesel oil from the Dominican Republic.

Meanwhile, Haitian children rely on CARE's distribution of soy meal and wheat for their daily ration. Most go to sleep crying from hunger.

A consistent, strong policy toward Haiti and a strong policy of governing emigration from Haiti is urgently needed. To this end, I personally support Senator BOB DOLE's proposal to establish a bipartisan fact-finding commission to review United States policy options in Haiti. We must support economic and political reform. What is not needed is military intervention, whether it is led by the United States or the United Nations.

Haiti has been suffering from political violence, civil war, human rights violations, and poverty for most of its 190 years of independence. This is not a matter that can be resolved by a quick and temporary deployment of U.S. forces.

The Governments of Cuba, Brazil, Peru, Mexico, Uruguay, Ecuador, all within the Western Hemisphere, oppose military action. Even friends of Haiti—Canada, France, and Venezuela—oppose military action.

Mr. Chairman, there are six key questions that must be satisfactorily answered before considering force.

Is Haiti vital to United States national interests or does it represent a threat to regional security? The answer is "no".

Have all options, other than force, been considered and exhausted? No.

Is there a clear commitment to achieving victory? We must assume the answer to this question would be "yes".

Are there clearly defined political and military objections? I would submit the answer to this question is "no".

Do the American people support the action? No.

And finally, will American troops be able to extricate themselves from the situation? Is there a clear end to United States involvement in Haiti? I submit the answer to that question, Mr. Chairman, is "not likely".

One out of six is not enough. We should not take military action regardless of how else we might work on this unfortunate situation in the future.

I am gratified that the House will have expressed its sense on this matter.

Mr. Chairman, I include for the RECORD the following article:

AND AFTER WE INVADE HAITI? WHAT THEN, MR. PRESIDENT?

(By Elliott Abrams)

President Clinton's last opportunity to stop an invasion of Haiti will come in the next few weeks. This intervention would be the largest, but assuredly not the last, blunder made as part of a policy that has been mishandled by the last two administrations.

Under both administrations, U.S. policy toward Haiti has had the virtue of consistency. Its vice has been that, while carefully designed to meet political realities in this country, it has ignored those in Haiti. The utterly predictable effect of our embargo—hunger for the masses, riches for the military elite involved in smuggling—was disregarded. Jean-Bertrand Aristide's undemocratic behavior while serving as president—which included fostering violence against his opponents—has been swept under the rug in Washington, although it is well remembered in Port-au-Prince.

The Haitian Parliament, chosen in the same free election as Mr. Aristide, has been treated with contempt by the U.S., rather than as Haiti's only remaining democratic institution. U.S. policy has equated Mr. Aristide's return with the achievement of human rights and democracy in Haiti. However, many Haitian parliamentarians, some of them with better democratic credentials than Mr. Aristide's, see him as a threat to liberty and may constitutionally separate him from his office. The gap between Washington politics and Haitian reality has left things stalled for over a year and a half.

Until now. What has changed in recent weeks is the domestic political calculus regarding Haiti. The Black Caucus, civil rights groups, and a broad coalition of the left (including the requisite Hollywood contingent) have decided to attack the refugee policy head on. They have called it unconscionable and racist, and Randall Robinson, the influential head of TransAfrica, has now been hospitalized due to his hunger strike to force a policy change.

Mr. Clinton, ever sensitive to political pressure (especially from his party's left) has buckled. He has thrown the State Department's Haiti coordinator, Lawrence Pezzulo, over the side, despite the fact that the career diplomat's only offense was to carry out Clinton policy. Haitian policy making has since been centralized in the White House, as befits an issue seen as domestic politics rather than State Department business.

Shortly after the administration announced a policy review, it allowed a boat carrying Haitians to land in Florida—carefully saying this was an exception, not a policy change. But then in remarks to the press, the president lauded Mr. Robinson's campaign against his own policy. In his press conference Wednesday, the president rattled his saber at the Haitian military, while press reports yesterday said the administration remains deeply divided about using force in Haiti. Clearly the Haiti policy is out of control.

What are Mr. Clinton's options now? Domestic political pressure will soon make it impossible to bottle up Haitians in a country whose economy we are deliberately destroying. Yet in Florida (with 25 congressional seats plus one senate seat up for grab in November, and 27 electoral votes in 1996) there is no desire to see hundreds of thousands of Haitians arrive overnight. Domestic U.S. politics will likely prevent Haitians from getting unrestricted access to U.S. soil.

The only way Mr. Clinton may be able to square the circle is to restore Mr. Aristide and declare that Haiti is no longer a repressive dictatorship. With Mr. Aristide in place and the foreign aid flowing, the American left will get off the president's back, and mass migration can be prevented in good conscience.

Thus, the intervention no one in the Clinton administration wanted a year ago is becoming increasingly likely. And Clinton aides may feel that if this military action will answer the charges—after Somalia and Bosnia—that the administration won't ever use force and is indecisive, so much the better.

And make no mistake: For a few months, it will seem like a great Clinton victory. Mr. Aristide's return probably will be greeted by dancing in the streets, and the CNN images will delight the White House. But when the dancing is over, this intervention will become as troublesome as the one in Somalia. Opponents of invasion in the State Department and the Pentagon are asking preparatory questions:

When will the troops be withdrawn? When Haiti becomes democratic? What if that takes 10 years? Should our soldiers act as Mr. Aristide's bodyguards? And what if Mr. Aristide misbehaves, jailing opponents or advocating violence against them, as he once did? Will the administration that put him back in power then take him out? As in Somalia, intervening is easy; it is getting out that will be hard.

The worst mistake we could make would be to tie an intervention in Haiti to restoring power to Mr. Aristide. That would require the complete destruction of all institutions of power in Haiti that now reject him (including the Parliament) and then the systematic building up again of all these institutions around just one, destabilizing figure. If we intervene, our goal should be to build and strengthen the weak institutions that now exist—the Roman Catholic Church, the labor unions, small business, the Parliament and political parties—not to sweep them all aside so that Mr. Aristide can rule by fiat. Otherwise, we can occupy Haiti for 19 years, as we did from 1915 to 1934, without achieving significant political progress.

There is still time to avoid an invasion that will make the U.S. responsible for the fate of this hemisphere's poorest nation. George Bush has publicly recognized the folly of equating Mr. Aristide with democracy and giving him veto power over U.S. policy. Jimmy Carter has acknowledged that Mr. Aristide's refusal to compromise has made a negotiated solution much harder. It's time for Bill Clinton to join the club.

Sending U.S. soldiers into Haiti as Mr. Aristide's private army would be a terrible mistake. U.S. policy should no longer be based on Mr. Aristide. We should instead help forge a multiparty coalition government that could rule for a year until the next scheduled presidential election in Haiti. Lifting the embargo and increasing humanitarian aid would also be a way for us to start helping the economy we have ruined. These steps should form the basis of U.S. policy in Haiti. American soldiers should not be used to solve Mr. Aristide's problems—or Bill Clinton's.

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Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield to my distinguished colleague, the gentleman from Texas [Mr. DE LA GARZA], chair of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished gentleman for yielding to me.

Mr. Chairman, I take the time for the purpose that I would like to verify that the committee recommended $4.5 million of the additional $13.5 million in the Army's environmental quality technology line for a continuation of the joint Department of Defense-Department of Agriculture program, and biotechnology.

Mr. DELLUMS. The gentleman is correct.

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished gentleman for clarifying this for us.

Mr. DELLUMS. Mr. Chairman, I yield to the distinguished gentleman from Guam [Mr. UNDERWOOD] for the purpose of engaging the Chair in a colloquy.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] for yielding to me.

Mr. Chairman, I wish to engage the distinguished chairman in a colloquy. H.R. 4031, as reported by the Committee on Armed Services, contains a provision regarding the transportation of veterans' remains on military aircraft. I wish to clarify that the word "veteran" also refers to military retirees.

The committee is addressing a problem that arises when ill veterans or retirees are flown, via military or military contract flights with commercial carriers, to distant hospitals. If the individual dies at that hospital, his or her family must pay to have the body shipped back home. The committee's provision is designed to allow the family to ship the body home on military aircraft, on a space-available basis.

Mr. Chairman, this problem is not limited to veterans but includes military retirees. It is the intent of this language to make sure that the families of veterans and retirees are not forced to pay more for transportation when their family member dies as opposed to when he or she lives.

Mr. DELLUMS. The gentleman is absolutely correct.

Mr. UNDERWOOD. I thank the gentleman for the clarification, Mr. Chairman. This is welcome news for veterans and retirees from Guam, who are medivaced from Guam Naval Hospital to Tripler in Hawaii on a regular basis.

Mr. DELLUMS. Mr. Chairman, it is a pleasure to work with the gentleman and make this clarification.

Mr. Chairman, it is my distinct pleasure to yield 2 minutes to my distinguished colleague, the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wanted to rise in appreciation this evening to the chairman of the committee, the gentleman from California [Mr. DELLUMS], and the ranking member, the gentleman from South Carolina [Mr. SPENCE], for incorporating in the legislation an amendment to accelerate research and development for strategic metals and alloys, and to put our country on a path to integrate the defense and commercial applications of some of America's most critical strategic metals and alloys.

As a member of the executive committee of the Steel Caucus, we know that so much of America's real strength has been eroded over the years, and with defense downsizing occurring, we have to pay particular attention to those, both materials as well as production technologies, that can help both ensure a future defense base for this country in the event that it is needed, but also to help it stay alive by transitioning it into the commercial marketplace.

We know that so many of these metals and alloys are materials indispensable to the national security of our Nation. For example, one of the metals we are talking about is used in the guidance system of every strategic weapon that this Nation has in its arsenal. It is used in the most advanced infrared and other major optical systems, and has the unique chemical characteristics that it is 98 percent reflective. It is used in most classified satellites, and the reflectors of most test reactors. In fact, there is no substitute that in any way comes close to this particular metal.

We know, Mr. Chairman, that because of the significant cutbacks in defense, many of these capabilities are in very real danger of being lost completely, this country being placed in the position of having to go to places like mainland China or Kazakhstan to provide this production capability in the future.

Mr. Chairman, I want to thank the chairman for his leadership in this area, and express our continued interest in working with him and members of the committee to make sure that we have the ability in this country to process critical materials, to develop the next generation of defense applications, we pray to God they will not be needed, and to safeguard our supply of critical materials to prevent our dependence on foreign suppliers.

Mr. Chairman, I just want to thank the chairman of the committee for his leadership on dual use, especially in the strategic metals area, and I appreciate working with the ranking Republican member and the entire staff. They have just been wonderful.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the rule for the Defense Department authorization bill—and I do so reluctantly but with deep conviction.

I had hoped to support the rule enthusiastically, because I hoped it would include the opportunity for me to offer an amendment to save the taxpayers $2.5 million a year for a program that is no longer needed or wanted—the Civilian Marksmanship Program conducted by the National Board for the Promotion of Rifle Practice.

This useless boondoggle originated at the time of the Spanish-American War and in the present era no longer has any military value.

Last year, I was denied the chance to kill this outdated and wasteful program in the authorization bill because I was denied a rule, and so I offered an amendment to the appropriations bill. At that time, 190 of my colleagues voted their agreement that this program should be ended.

At that point, I introduced a free-standing bill, to which the Office of Management and Budget and the Defense Department offer no objection. In comment on my bill, the Defense Department general counsel specifically noted that this program has "no formally recognized link to the combat readiness of military units. In an era of declining resources, programs which do not contribute directly to the primary mission of our military departments must be reduced or terminated."

This program is an example of ways we should be reducing the deficit, and my vote against the rule is a protest against permitting this program to continue when the Defense Department itself agrees that it has no value.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman for her remarks.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 431, no further amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in House Report 103-520 or part 1 of House Report 103-509 and amendments en bloc described in section 4 of House Resolution 431.

Except as specified in section 3, 4 or 5 of House Resolution 431 or unless otherwise specified in the report, the amendments shall be considered in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, except that pro forma amendments for the purpose of debate may be offered by the chairman and ranking member of the Committee on Armed Services.

After disposition of or postponement of further proceedings on amendments printed in part 1 of House Report 103–

520 or part 1 of House Report 103–509, it shall be in order to consider the amendment printed in part 2 of House Report 103–520.

After disposition of or postponement of further proceedings on the amendment printed in part 2 of House Report 103–520, there shall be an additional period of general debate which shall be confined to the subject of Bosnia and Herzegovina and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 3 of that report. If more than one of the amendments printed in part 3 of that report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

After disposition of or postponement of further proceedings on the amendment printed in part 3 of House Report 103–520, there shall be an additional period of general debate which shall be confined to the subject of Haiti and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 4 of that report.

After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, it shall be in order to consider the amendment printed in part 5 of the report.

After disposition of or postponement of further proceedings on the amendment printed in part 5 of the report, there shall be an additional period of general debate which shall be confined to the C–17 aircraft and shall not exceed 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 6 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 6 of the report, it shall be in order to consider any amendment printed in part 1 of House Report 103–520 or in part 1 of House Report 103–509 not previously considered.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of House Report 103–520 or part 1 of House Report 103–509 or germane modifications of any such amendment.

Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments made in order by the resolution out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 4 of House Resolution 431, I offer amendments en bloc consisting of amendments No. 1, as modified; 4, 13, 14, 17, 18, 19, 20, as modified; 22, 24, 25, 26, 27, 28, as modified; 30, 39 41, as modified; 43, as modified; 45, 57, as modified; printed in part 1 of House Report 103–520; and amendment No. 11 as printed in part 1 of House Report 103–509.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. DELLUMS:

Amendment offered by Mr. KASICH, as modified: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . REPORT ON MILITARY READINESS IMPLICATIONS OF BOSNIA PEACEKEEPING DEPLOYMENT.

(a) REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in peacekeeping operations within Bosnia-Hercegovina.

(2) The report shall be submitted not later than 90 days after the date of the enactment of this Act or 30 days following the deployment of United States ground forces to Bosnia-Hercegovina, whichever occurs sooner.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out such an operation, including forces required for a rotation base.

(2) An estimate of the expected duration of such an operation.

(3) An estimate of the cost of such an operation, together with an explanation of how the Secretary proposes to provide funds for such an operation and an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of the effect such an operation would have on the ability of the United States Armed Forces to execute successfully the two nearly-simultaneous major regional conflict strategy articulated in the Bottom-Up Review.

(5) An assessment of how readily forces participating in such an operation could be redeployed to a major regional conflict, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(6) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units designated to be part of the contingency force, including the extent to which contingency force combat units would support the initial deployment and subsequent rotations.

(7) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units not designated to be part of the contingency force, including the extent to which non-contingency force combat units would support the initial deployment and subsequent rotations.

(8) For the initial deployment and subsequent rotations, and assessment of the number and type of combat support and combat service support units required from active forces, including how many of such units are designated to support the deployment of the contingency force.

(9) An assessment of the degree to which such an operation would require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve call-up authority as provided by section 673b of title 10, United States Code.

(10) An assessment of the anticipated cost of equipment refurbishment resulting from such an operation.

(11) An assessment of how the increased operational tempo associated with such an operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "contingency force" includes—

(A) The set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, as well as Army active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict; and

(B) Air Force, Navy, and Marine Corps active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict.

(2) The term "Bottom-Up Review" means the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(d) CLASSIFICATION OF REPORT.— The report required by subsection (a) shall be submitted in unclassified form and, if necessary, in classified form.

Amendment offered by Mrs. SCHROEDER: At the end of subtitle C of title XI (page 307, after line 11), insert the following new section:

SEC. 1135. ADMINISTRATION AND FUNDING OF DEFENSE DIVERSIFICATION PROGRAM AND DEFENSE CONVERSION ADJUSTMENT PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) DEFENSE DIVERSIFICATION PROGRAM.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1) is amended—

(1) in subsection (a), by striking out "From the amount" and all that follows through "Labor," and inserting in lieu thereof "From funds made available to carry out this section, the Secretary, in consultation with the Secretary of Defense,";

(2) in subsections (c), (d), (e), (i), (k)(2), (l), and (m), by striking out "Secretary of Defense" each place it appears and inserting in lieu thereof "Secretary";

(3) in subsection (d)(1)(A), by striking out "in consultation with the Secretary of Labor,";

(4) in the heading of subsection (e), by striking out "BY SECRETARY OF DEFENSE";

(5) in subsection (k)(1), by striking out "Secretary of Defense, in consultation with the Secretary of Labor," and inserting in lieu thereof "Secretary, in consultation with the Secretary of Defense,"; and

(6) in subsection (n), by striking out "Secretary of Defense, in consultation with the Secretary of Labor," and inserting in lieu thereof "Secretary, in consultation with the Secretary of Defense,".

(b) DEFENSE CONVERSION ADJUSTMENT PROGRAM.—Section 325(a) of the Job Training Partnership Act (29 U.S.C. 1662d(a)) is amended by striking out "From the amount appropriated pursuant to section 4203 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990," and inserting in lieu thereof "From funds made available to carry out this section,".

Amendment offered by Mr. MCCOLLUM: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . REPORT ON LESSONS LEARNED FROM UNITED STATES ACTIVITIES IN SOMALIA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the lessons learned from the United States participation in United Nations activities in Somalia.

(b) MATTERS TO BE INCLUDED.—The report shall—

(1) specifically describe the availability of intelligence on forces of other nations and of indiginous forces operating in Somalia before, during, and after the insertion of United States forces; and

(2) set forth a complete review of any intelligence failures, any equipment failures, and any equipment unavailability in the theater.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act.

Amendment offered by Mr. BILBRAY: At the end of subtitle B of title VIII insert the following new section:

SEC. 859. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking out "September 30, 1994." in the second sentence and inserting in lieu thereof "September 30, 1997.".

Amendment offered by Mr. DELLUMS: At the end of subtitle C of title II (page 46, after line 4), insert the following new section:

SEC. 236. COMPLIANCE WITH THE ARM TREATY.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1995, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1995 or for any fiscal year before 1995, may not be obligated or expended—

(1) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(2) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems, or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(b) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

Amendment offered by Mr. DELLUMS: At the end of title V (page 172, after line 22), insert the following new section:

SEC. . SURVEY ON THE STATE OF RACE AND ETHNIC ISSUES IN THE MILITARY.

(a) REQUIREMENT FOR SURVEY.—The Secretary of Defense, acting through the Armed Forces Survey on Race/Ethnic Issues, shall carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among active-duty military personnel. The survey shall solicit information on the race relations climate in the services, including—

(1) indicators of positive and negative trends of relations between all racial and ethnic groups; and

(2) the effectiveness of Department of Defense policies designed to improve race and ethnic relations; and

(3) the effectiveness of current complaints and investigations processes.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress the results from the first survey under subsection (a) not later than February 15, 1995, and report the results of future surveys biennially, thereafter.

Amendment offered by Mr. DERRICK: At the end of subtitle C of title XXXI (page 409, after line 2), insert the following new section:

SEC. 3141. INTERNATIONAL CENTER FOR APPLIED RESEARCH.

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish an International Center for Applied Research to promote the following activities:

(A) The application in the United States of hydrogen technology research derived from tritium production.

(B) The development of beneficial uses of nuclear materials.

(C) The research and development of innovative methods for the treatment and disposal of nuclear materials.

(D) The development of specifications for the decommissioning of nuclear materials.

(E) The research and development of any technologies that the Secretary considers appropriate and that are likely to be commercialized.

(2) The Center shall be established at a Department of Energy nuclear weapon production facility at which the Secretary has successfully demonstrated environmental technologies as part of the Integrated Demonstration of Volatile Organic Compounds Program conducted by the Secretary.

(3) The Center shall be operated by a nonprofit entity established by State statute to accomplish economic development through applied science and technology that, as determined by the Secretary—

(A) has demonstrated successful management of diverse teams of organizations who have technical experience in industrial research and development of high technology programs; and

(B) has available facilities adjacent to the Department of Energy nuclear weapon production facility to carry out the activities of the Center.

(b) AVAILABILITY OF FUNDS.—Of amounts authorized to be appropriated in section 3101(c), $12,000,000 shall be available to establish the Center referred to in subsection (a).

Amendment offered by Mr. DERRICK: At the end of subtitle C of title XXXI (page 409, after line 2), insert the following new section:

SEC. 3141. LIMITATION OF STUDY OR RELOCATION OF TRITIUM-RELATED ACTIVITIES AND OPERATIONS.

None of the funds appropriated or other wise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be used to study or relocate tritium-related activities and operations from the Mound Plant, Ohio, to a facility other than a weapons production facility having demonstrated tritium production and handling experience as recommended by the Department's independent consultants that reviewed the "Nonnuclear Reconfiguration Cost Effectiveness Report" of January 1993.

Amendment offered by Mr. BATEMAN of Virginia, as modified: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. SHIPBUILDING CLAIMS.

(a) INCREASE IN TIME PERIOD DURING WHICH ADJUSTMENTS TO SHIPBUILDING CLAIMS MAY BE MADE.—Section 2405 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "18 months" and inserting in lieu thereof "six years"; and

(2) by striking out subsection (c).

(b) EFFECITVE DATE.—The amendments made by subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

Amendment offered by Ms. ENGLISH of Arizona: At the end of subtitle D of title XXVII (page 366, after line 24), insert the following new section:

SEC. . TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR SITE, HOLBROOK, ARIZONA.

(a) TRANSFER AUTHORIZED.—As part of the closure of an Air Force radar site located near Holbrook, Arizona, the Secretary of the Air Force may transfer administrative jurisdiction of housing units used in connection with the site to the Secretary of the Interior for use as employee housing for the Petrified Forest National Park.

(b) Description of Property.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) Additional Terms and Conditions.—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

Amendment offered by Mr. Ford of Michigan: Strike section 354 in subtitle E of title III and insert the following:

SEC. 354. REPORT ON CALCULATION AND RECOVERY OF TUITION COSTS OF CERTAIN STUDENTS ENROLLED IN SCHOOLS OF THE DEFENSE DEPENDENTS EDUCATION SYSTEM.

(a) Report.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Education and Labor of the House of Representatives a report on the calculation and application of the tuition rate required to be determined under section 1404(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(b)).

(b) Contents of Report.—The report required by subsection (a) shall contain the following:

(1) A description of—

(A) the costs included in the tuition rate;

(B) the method by which the tuition rate is determined; and

(C) the method by which any increase in the tuition rate is determined.

(2) An analysis of—

(A) the variation in the cost of providing educational services in the defense dependents' education system in different geographic locations; and

(B) the extent to which the imposition of a uniform tuition rate enables the system to receive adequate funds to defray the cost of providing educational services to tuition-paying students.

(3) Recommendations of the Secretary with respect to improvements that may be made in the determination and application of the tuition rate.

Amendment offered by Mr. Ford of Michigan: Strike out section 353 (page 81, line 17 through page 82, line 22).

Amendment offered by Mr. Hutto: At the end of section 351 of title III (page 79, before line 1, insert the following new subsection:

(c) Savings Provision.—Nothing in section 2164 of title 10, United States Code, as added by subsection (a), shall be construed as affecting the rights in existence on the date of the enactment of this Act of an employee of any school established under such section (or any other provision of law enacted before the date of the enactment of this Act that established a similar school) to negotiate or bargain collectively with the Secretary with respect to wages, hours, and other terms and conditions of employment.

Page 372, strike out lines 6 through 21 (relating to section 2855) and insert in lieu thereof the following new section:

SEC. 2865. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT

(a) Modification.—Section 6 of the Act of July 2, 1948 (62 Stat. 1229), as added by section 2862 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1805), is amended by adding at the end the following new sentence: "In addition, such height restriction shall not apply to the structure proposed to be constructed on a parcel of real property that is within the area conveyed under this Act and is identified as 1110 Santa Rosa Boulevard, Fort Walton Beach, Florida, so long as the proposed structure upon completion does not exceed a height of 155 feet above mean low-water level.".

(b) Instrument of Release.—The Secretary of the Air Force shall execute and file in the appropriate office any instrument necessary to effect the modification of the avigation easement referred to in the amendment made by subsection (a).

Amendment offered by Mr. Jefferson: At the end of subtitle F of title III (page 111, after line 10, insert the following new section:

SEC. 384. PRIORITY TO STATES FOR THE TRANSFER OF NONLETHAL EXCESS SUPPLIES OF THE DEPARTMENT OF DEFENSE.

Section 2547 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "The Secretary of Defense" and inserting in lieu thereof "Subject to subsection (d), the Secretary of Defense";

(2) by redesignating subsection (d) as subsection (3); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) Nonlethal excess supplies of the Department of Defense shall be made available to a State, a local government of a State, a Territory, or a possession, upon the request of the State, local government, Territory, or possession pursuant to authority provided in another provision of law, before such supplies are made available for humanitarian relief purposes under this section. The President may make such supplies available for humanitarian purposes before such supplies are made available to a State, local government, Territory, or possession under this subsection in order to respond to an emergency for which such supplies are especially suited.".

Amendment offered by Mr. Johnson of Georgia, as modified: At the end of subtitle D of title I (page 21, after line 20, insert the following new section:

SEC. . EVALUATION OF RESTART OF C-5B AIRCRAFT PROCUREMENT.

(a) Evaluation.—The Secretary of the Air Force shall conduct an evaluation of the costs of restarting production of C-5B aircraft for the strategic airlift mission. The evaluation shall include startup costs and production costs for a production run of from 30 to 70 units.

(b) Report.—The Secretary shall submit to the congressional defense committees a report on the evaluation under subsection (a). The report may be submitted as part of any other required report to those committees relating to intertheater airlift.

Amendment offered by Mr. McCloskey: At the end of subtitle B of title II (page 42, after line 5), insert the following new section:

SEC. . ARMY HELICOPTER ENGINE UPGRADE PROGRAM.

The amount authorized in section 201 for the Army is hereby reduced by $4,500,000, to be derived from the amount provided for development of an electronic fuel control to upgrade the hydromechanical unit for the T53-series helicopter engine.

Amendment offered by Mr. Moakley: At the end of subtitle C of title I (page 19, after line 15), insert the following new section:

SEC. . LIMITATION ON PROCUREMENT OF TAGS VESSELS.

(a) Limitation.—The Secretary of the Navy may not obligate funds for any of the vessels designated as TAGS-63, TAGS-64, or TAGS-65 unless the Secretary certifies to the congressional defense committees that the multibeam sonars to be used on those vessels (whether new or remanufactured) have been obtained through the use of competitive acquisition procedures.

(b) National Security Waiver.—The Secretary of the Navy may waive the limitation in subsection (a) for reasons of national security. Such a waiver may not take effect until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report giving notice of the waiver and an explanation of the national security reasons for the waiver.

Amendment offered by Mr. Pallone: At the end of subtitle D of title XXVIII (page 366, after line 24), insert the following new section:

SEC. 2839. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) Conveyance Authorized.—The Secretary of the Army shall convey, without consideration, to the City of Edison, New Jersey (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) included on the real property inventory of Fort Dix, New Jersey, which consists of approximately 10 acres and contains recreational fields and an unused garage identified as building 1072 on the real property inventory.

(b) Condition of Conveyance.—The conveyance required by subsection (a) shall be subject to the condition that the City—

(1) maintain and use the recreational fields conveyed under such subsection for recreational purposes; and

(2) permit the women's softball team known as the Edison Angels (and any successor to such team) to continue to use such recreational fields on the same terms and conditions as contained in the agreement between the team and the Secretary, in existence on the date of the enactment of this Act.

(c) Reversionary Interest.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including improvements thereon) shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines that the City is not complying with the conditions specified in subsection (b).

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Amendment offered by Mr. Pickett: At the end of subtitle C of title XI (page 307, after line 11), insert the following new section:

SEC. 1136. EXPANSION OF PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS TO INCLUDE COAST GUARD.

(a) Preseparation Counseling.—As soon as possible after the date of enactment of this Act, the Secretary of Transportation shall implement the requirements of section 1142 of title 10, United States Code, for the Coast Guard.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL ASSISTANCE.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting ", the Secretary of Transportation," after "Secretary of Defense"; and

(B) by striking out "of a military department" and inserting in lieu thereof "concerned"

(2) in subsection (a)(2), by inserting ", the Secretary of Transportation," after "Secretary of Defense";

(3) in subsection (b)(4), by striking out "Department of Defense is" and inserting in lieu thereof "Department of Defense and the Department of Transportation are";

(4) in subsection (c), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(5) in subsection (d)(2), by inserting "and the Department of Transportation" after "Department of Defense".

(c) TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM.—Section 1151 of such title is amended—

(1) in subsection (a), by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(2) in subsection (b), by inserting "and the Secretary of Transportation" after "Secretary of Defense" in the matter preceding the paragraphs;

(3) in subsection (c)(1)—

(A) by striking out "by the Secretary of Defense" in the matter preceding the subparagraphs; and

(B) in subparagraph (C), by inserting "of Defense, or the Secretary of Transportation with respect to the Coast Guard," after "Secretary";

(4) in subsection (c)(4), by striking out "Secretary" and inserting in lieu thereof "Secretaries";

(5) in subsection (d), by inserting "and the Secretary of Transportation" after "Secretary of Defense";

(6) in subsection (e)(1)—

(A) by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(B) by striking out "subsection (c)(3), the Secretary" and inserting in lieu thereof "subsection (c)(4), the Secretaries"; and

(C) by striking out "Secretary may" and inserting in lieu thereof "Secretaries may";

(7) in subsection (e)(2), by striking out "Secretary" the first two places it appears and inserting in lieu thereof "Secretaries";

(8) in subsection (e)(3)—

(A) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "The Secretary"; and

(B) by inserting "involved after "unless the Secretary";

(9) in subsection (e)(4), by striking out "Secretary" both places it appears and inserting in lieu thereof "Secretaries";

(10) in subsection (f)—

(A) by inserting ", or the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense" in the matter preceding the paragraphs; and

(B) in paragraph (1), by inserting "involved" after "the Secretary";

(11) in subsection (g)(1), by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense" in the matter preceding the subparagraphs;

(12) in subsection (h)—

(A) in paragraph (1), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(B) by inserting "involved" after "Secretary" each place it appears in paragraphs (2) through (6);

(13) in subsection (h)(7)—

(A) in subparagraph (A)—

(i) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "the Secretary" in the first sentence; and

(ii) by inserting "involved" after "The Secretary" in the second sentence; and

(B) in subparagraph (C), by inserting "involved" after "The Secretary";

(14) in subsection (i)—

(A) in paragraph (1), by inserting ", or the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense"; and

(B) in paragraph (2), by striking out "Secretary" both places it appears and inserting in lieu thereof "Secretaries"; and

(15) in subsection (j)—

(A) in paragraph (1)(F), by inserting ", or the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense"; and

(B) in paragraph (2), by inserting "involved" after "Secretary" both places it appears.

(d) PUBLIC SAFETY OFFICER PLACEMENT PROGRAM.—Section 1152 of such title, as amended by section 1132(a), is further amended—

(1) in subsection (a), by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(2) in subsection (b)(1)(B), by inserting ", or the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(3) in subsection (c)(1)—

(A) by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(B) by striking out "to the Secretary" and inserting in lieu thereof "to the Secretaries"; and

(C) by striking out "Secretary may" and inserting in lieu thereof "Secretaries may";

(4) In subsection (c)(2)—

(A) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "The Secretary"; and

(B) by inserting "involved" after "unless the Secretary";

(5) in subsection (d)—

(A) in paragraph (1) by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(B) by inserting "involved" after "Secretary" each place it appears in paragraphs (2) through (5); and

(6) in subsection (e)—

(A) in paragraph (1), by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "the Secretary of Defense"; and

(B) in paragraph (2), by inserting "involved" after "The Secretary".

(e) HEALTH CARE PLACEMENT PROGRAM.—Section 1153 of such title is amended—

(1) in subsection (a), by insert ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(2) in subsection (b)(1)—

(A) by striking out "by the Secretary of Defense" in the matter preceding the subparagraphs; and

(B) by paragraph (C), by inserting "of Defense, or the Secretary of Transportation with respect to the Coast Guard," after "Secretary";

(3) in subsection (c)(1)—

(A) by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(B) by striking out "to the Secretary" and inserting in lieu thereof "to the Secretaries"; and

(C) by striking out "Secretary may" and inserting in lieu thereof "Secretaries may";

(4) in subsection (c)(2)—

(A) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "The Secretary"; and

(B) by inserting "involved" after "unless the Secretary";

(5) in subsection (c)(3), by striking out "Secretary" both places it appears and inserting in lieu thereof "Secretaries";

(6) in subsection (d)—

(A) in paragraph (1) by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(B) by inserting "involved" after "Secretary" each place it appears in paragraphs (2) through (5); and

(7) in subsection (e)—

(A) in paragraph (1), by inserting ", and the Secretary of Transportation with respect to the Coast Guard," after "the Secretary of Defense"; and

(B) in paragraph (2), by inserting "involved" after "The Secretary".

(f) UPWARD BOUND.—Section 4466 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1143 note) is amended by adding at the end the following new subsection

"(h) APPLICATION TO COAST GUARD.—The Secretary of Transportation may implement the provisions of this section for the Coast Guard in the same manner and to the same extent as such section applies to the Department of Defense.".

(g) SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.—(1) Section 4483 (1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 10 U.S.C. 1143 note) is amended by inserting before the period the following: "and the Secretary of Transportation with respect to the Coast Guard".

(2) As soon as possible after the date of the enactment of this Act, the Secretary of Transportation shall implement the requirements of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484: 10 U.S.C. 1143 note) for the Coast Guard.

(h) LIMITATION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense, the Department of Education, the Department of Labor, or the Department of Veterans Affairs may not be used to carry out subsection (a) or the amendments made by this section.

Amendment offered by Mr. PICKETT: Page 173, strike out lines 19 though 21.

Page 177, line 15, strike out "; and" and all that follows through "Guard." on line 17 and insert in lieu thereof a period.

Amendment offered by Mr. SPRATT: At the end of subtitle D of title XXXI (page 414, after line 4), insert the following new section:

SEC. 3155. DESIGNATION OF MARILYN LLOYD SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) DESIGNATION.—Section 3132(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e) is amended by adding at the end the following: "The scholarship and fellowship program shall be known as the 'Marilyn Lloyd Scholarship and Fellowship Program'.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 3, 1995.

Amendment offered by Mr. SPENCE, as modified: At the end of subtitle A of title XII, insert the following new section:

SEC. 1204. LIMITATIONS ON COOPERATIVE THREAT REDUCTION PROGRAM.

Of the amount authorized to be appropriated in section 301(21) for Former Soviet Union Threat Reduction programs—

(1) none of such amounts may be obligated for environmental restoration or for housing of former or retired military personnel of the Soviet Union;

(2) not more than $60,000,000 may be obligated for the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities;

(3) not more than $200,000,000 may be obligated for Weapons Dismantlement, Destruction, and Denuclearization;

(4) not more than $60,000,000 may be obligated for Safety and Security, Transportation, and Storage;

(5) not more than $40,000,000 may be obligated for Nonproliferation;

(6) not more than $20,000,000 may be obligated for Defense and Military-to-Military Contacts; and

(7) not more than $20,000,000 may be obligated for Research, Support, and Overhead.

Amendment offered by Mr. KENNEDY: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING SAFE, SECURE DISMANTLEMENT OF SOVIET NUCLEAR ARSENAL.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a pressing national security challenge for the United States to expedite the safe, secure dismantlement of the nuclear arsenal of the former Soviet Union.

(2) In particular, it is essential to expedite the return of strategic nuclear warheads from Ukraine, Belarus, and Kazakhstan and to expedite the safe, secure dismantlement of the nuclear delivery vehicles of Ukraine, Belarus, and Kazakhstan.

(3) Leakage of nuclear materials and technology, and the continuing threat of emigration of scientists and technicians from the former Soviet nuclear weapons complex, pose a grave threat to United States national security and to international stability.

(4) Congress has authorized so-called "Nunn-Lugar" funds to enable the Department of Defense to carry out cooperative activities with states of the former Soviet Union to address these threats.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the Secretary of State should continue to give their serious attention to carrying out a coordinated strategy for addressing this urgent national security issue;

(2) the United States should expedite the availability and effective application of so-called "Nunn-Lugar" funds;

(3) when possible, the United States should work with local contractors in Ukraine, Belarus, Kazakhstan, and Russia to expedite effective use of such funds; and

(4) Efforts should be made to make the Science and Technology Centers in Moscow and Kiev, designed to slow the emigration of scientists and technicians from the former Soviet weapons complex, fully operational on an expedited basis.

Amendment offered by Mr. DELLUMS, as modified: At the end of title X (page 277, after line 2), insert the following new sections:

SEC. . COORDINATION OF MILITARY-TO-MILITARY CONTACT PROGRAMS.

(a) LIMITATION.—None of the amount authorized in this Act for Cooperative Threat Reduction programs may be obligated for a military-to-military contact program until the Secretary of Defense and the Secretary of State submit to Congress a joint report on the coordination of military-to-military contact programs under their respective jurisdictions.

(b) COVERED PROGRAMS.—Programs to be covered in the report under subsection (a) are the following:

(1) Military-to-military contact programs to be carried out using funds authorized in this Act for Cooperative Threat Reduction programs.

(2) Military-to-military contact programs authorized under other provisions of this Act.

(3) Military-to-military contact programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961.

(c) MATTERS TO BE INCLUDED.—The report shall include discussion of how those programs are carried out to maximize their effect in enhancing United States foreign policy objectives and how they are carried out to maximize their cost-efficiency.

SEC. . EXTENSION OF SEMIANNUAL REPORT ON COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1207 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–60; 107 Stat. 1782) is amended—

(1) by striking out "Not later than April 30, 1994, and not later than October 30, 1994," and inserting in lieu thereof "Not later than April 30 and not later than October 30 of each year,";

(2) by striking out "under this title" and inserting in lieu thereof "under programs described in section 1203(b)"; and

(3) in paragraph (3), by striking out "this title" and inserting in lieu thereof "the programs described in section 1203(b)".

Amendment offered by Mr. KYL: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . LIMITATION ON COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO OFFENSIVE BIOLOGICAL WEAPONS PROGRAM OF RUSSIA.

None of the amount authorized to be appropriated by this Act for Cooperative Threat Reduction programs may be obligated until the President certifies to Congress that Russia has terminated its offensive biological weapons program.

Amendment offered by Mr. SPRATT: At the end of title V (page 172, after 22), insert the following new section:

SEC. . REQUEST FOR POSTHUMOUS COMMISSIONING IN THE ARMY OF TWO AFRICAN AMERICANS DISCHARGED FROM WEST POINT DUE TO RACIAL PREJUDICE DURING POST-CIVIL WAR PERIOD.

(a) REQUEST.—The President is authorized and requested to issue, or have issued, posthumous commissions in the grade of second lieutenant in the Regular Army—

(1) in the name of James Webster Smith of South Carolina, the first African American appointed to the United States Military Academy, who was appointed to the Academy in 1870 and was subsequently discharged from the Corps of Cadets of the Academy and from the Army due to extreme racial prejudice; and

(2) in the name of Johnson Chesnut Wittaker of South Carolina, the third African American appointed to the United States Military Academy, who was appointed to the Academy in 1876 and was subsequently discharged from the Corps of Cadets of the Academy and from the Army shortly before his graduation and commissioning as a second lieutenant due to extreme racial prejudice.

(b) TREATMENT OF BENEFITS.—The provisions of section 1523 of the title 10, United States Code, apply in the case of a commission issued as requested in subsection (a).

Amendment offered by Mr. INSLEE as modified: At the end of subtitle D of title XXXI (page 414, after line 4), add the following new section:

SEC. 3155. REPORT ON ECONOMIC REDEVELOPMENT AND CONVERSION ACTIVITIES RESULTING FROM RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Not later than March 1, 1995, the Secretary of Energy shall submit to the Congress information on economic redevelopment and conversion activities that, in the determination of the Secretary, may result from the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary may submit the information in a report or submit the programmatic environmental impact statement referred to in section 3145(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1949) and include the information in that statement.

(b) CONTENTS.—The information referred to in subsection (a) shall include the following:

(1) An analysis of the existing condition and capabilities of the facilities of the nuclear weapons complex.

(2) A description of the technologies and processes at such facilities that have the potential to be developed in collaboration with private industry, State, local, or tribal governments, institutions of higher education, or non-profit organizations.

(3) An estimate of the costs associated with economic redevelopment and conversion activities as a result of the reconfiguration of the nuclear weapons complex.

(4) A description of how the Secretary will coordinate with local interests regarding such activities.

Amendment offered by Mr. FARR of California: At the end of title VIII (page 246, after line 23), insert the following new section:

SEC. 873. DEMONSTRATION PROJECT ON PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project, beginning October 1, 1994, at Monterey, California, under which any fire-fighting, security-guard, police works, utility, or other municipal services needed for operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located within the county of Monterey. The purchase of such services for the demonstration project may be made notwithstanding section 2465 of title 10, United States Code.

(b) EVALUATION OF PROJECT.—Not later than December 31, 1995, the Secretary of Defense shall submit to Congress a report evaluating the results of the project and making any recommendations the Secretary considers appropriate, including recommendations on whether the purchase authorities used in conducting the project could be used to provide similar services at other locations.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the designation of the amendments and the reading of the modifications be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

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Mr. PALLONE. Mr. Chairman, I want to take this opportunity to thank Chairman DELLUMS and the committee for including my amendment in the en bloc amendments that were just mentioned.

Mr. Chairman, the amendment that I have proposed basically would transfer property from the Sergeant Joyce Kilmer Army Reserve Center in Edison in my district. The property that would be transferred to the township includes a girls' softball field which has been developed by the Edison Angels. The Edison Angels is a softball league that has won several local championships as well as State and regional championships. They have been using the property for a number of years, developing it and making it suitable for an expanded softball league.

Mr. Chairman, this amendment would transfer the property to the township and require that the township lease it to the Edison Angels for $1 a year in perpetuity. It basically would allow the softball league to continue to develop the property and continue their activities there which are very important locally.

Mr. Chairman, in addition the amendment would transfer a garage facility known as Building 1072 which is an unused garage facility. The Army Reserve is basically building a new garage, and this is something also that the township of Edison has use for and would like to utilize since the Army Reserve is now not using it anymore.

Mr. Chairman, I just want to thank the chairman of the committee for allowing this amendment. It is something that is very important to the citizens of Edison Township.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the ongoing controversy concerning international inspection of North Korea's nuclear program has clearly reached the watershed point.

On May 14, engineers began the removal of spent fuel rods from the Yongbyon Reactor, North Korea's principal nuclear facility.

Based on the findings from the limited inspections that have been permitted in the past, there is no doubt that weapons-grade plutonium can be extracted from the kind of fuel rods used at Yongbyon.

The current refueling operation at Yongbyon will take at least another several weeks to complete—and the crucial removal of the spent fuel rods was begun without any on-site inspection by independent observers.

Mr. Chairman, this is the moment that everyone has feared—this is the time when North Korea has to show its hand once and for all.

Over the past weekend, North Korea did permit an inspection team to conduct at least a visual examination of the fuel rods that have already been removed.

This initial indication that North Korea may be willing to cooperate is welcome, but it is not being too dramatic to say that the fate of international efforts to control the spread of nuclear weapons is still hanging in the balance.

North Korea has a history of taking one step forward toward cooperation, only to back up later and become intransigent—therefore the pressure cannot be let up.

Every respected commentator, inside and outside of Government, has said that containing North Korea's nuclear ambitions presently represents the single most important challenge to our Government's foreign policy.

The implications for our own Armed Forces are, of course, enormous.

Only last week, Secretary of Defense Perry said the diplomatic standoff with North Korea was becoming what he termed a "substantial, near-term crisis."

The amendment I have offered expresses the sense of Congress that the administration should seek international sanctions against North Korea and reschedule the "team spirit" military exercises with South Korea if the inspection controversy at Yongbyon is not resolved satisfactorily in favor of unfettered inspection.

Mr. Chairman, the time has come for Congress to send an unmistakable signal to North Korea that continued defiance of the international nonproliferation regime cannot be tolerated.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. CYLBURN].

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of an amendment to H.R. 4301 which would authorize and request the President to issue posthumous commissions in the grade of second lieutenant in the U.S. Army for Johnson Chesnut Whittaker and James Webster Smith, both of South Carolina.

Born a slave in 1858 in Camden, SC, Whittaker was appointed to West Point in 1876 by Representative S.L. Hodge of South Carolina. Whittaker was among the first African-Americans to enter the academy. As the only African-American cadet, he was ostracized by his peers and later flogged by them.

In April 1880, Cadet Whittaker failed to show up for reveille and was later found in his room on the floor, bloodied and bruised, with his feet tied to his bed. His ears had been slashed, and a mirror was smashed over his head. The incident was looked upon as a ruse by West Point authorities who claimed that Whittaker had inflicted himself with the bruises, and therefore should be dismissed from the academy. Whittaker requested a court martial, was convicted and forced out of the corps. However, the judgment was overruled by President Chester Arthur. But, the Army authorities would have the final say. They ruled that since Whittaker had not attended classes and was behind in his academics, he should be "drummed out" of the corps of cadets just short of graduation.

During his ordeal at West Point, Whittaker was defended by two South Carolina attorneys: Daniel Chamberlain, a former governor of South Carolina, and Richard Greener, the first black graduate of Harvard Law School.

After his discharge from the Academy, Mr. Whittaker returned to his native State of South Carolina. He practiced law in my hometown of Sumter, and subsequently taught at the Colored Normal, Industrial, Agricultural, and Mechanical College, now South Carolina State University—my alma mater—in Orangeburg. His son Miller, who was South Carolina's first African-American architect, became president of the college in 1932.

After an illustrious career as a teacher, principal, and attorney, Mr. Whittaker died in Orangeburg in 1931. Among the college presidents, community leaders, and professors laid to rest in Orangeburg Cemetery, Johnson Chesnut Whittaker is perhaps the most well known. And, it is time for his trailblazing spirit and uncelebrated valor to reach the annals of history, where his courage, and intellect can be recounted for future generations.

Prior to going to West Point, Mr. Whittaker attended the University of

South Carolina, where he counted among his friends George Washington Murray, who, it is reported, was also his college roommate. I am proud to state that Mr. Murray was one of my ancestors, and was the last African American elected to Congress from South Carolina, prior to my election in 1992.

Mr. Chairman, Johnson Chesnut Whittaker and James Webster Smith are unsung patriots. It is now time for them to take their rightful place in American history.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say just in passing as the chairman has said previously, these amendments in the en bloc series have been agreed upon by both sides and that enables us to get to our other work a lot faster, it accomplishes a lot, and we are delighted to be able to do it, to accommodate Members who have these amendments.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I concur with the explanation of the gentleman from South Carolina. This is an opportunity for us to meet a number of our colleagues, to be able to work with them on a bipartisan basis, to accept these amendments in a fashion that is consistent with what we perceive to be appropriate national policy and within the framework of the consensus of our committee.

Mr. SPRATT. Mr. Chairman, I rise in support of an amendment I have offered to H.R. 4301 that would authorize the President to issue posthumous military commissions to two African-Americans who fell victim to racial prejudice and harassment while attending the U.S. Military Academy at West Point during the post Civil War period.

In the first instance, this amendment recommends a posthumous commission in the grade of second lieutenant for James Webster Smith of South Carolina, who is 1870 was the first African-American ever appointed to West Point. Smith was an intelligent young man who was recruited to receive the distinction of attending the U.S. Military Academy. Despite successfully passing the academic and physical exams required for admission, Smith was not accepted by the other cadets because of his race. Cadet Smith was finally discharged from the Academy after enduring racial prejudice and harassment.

The story of James Webster Smith is told in chapter XXII of William S. McFeely's biography of Ulysses S. Grant, and I will borrow from that account extensively to explain why this man merits a posthumous commission. Smith was found in Columbia, SC, by a northern philanthropist, David Clark, and brought to Hartford, CT, to finish his education. He did excellent work in high school and went on to Howard University. In 1870, he was nominated to be the first black cadet at West Point by Congressman Solomon H. Hodge. Three other blacks were nominated but failed either the entrance examination or the medical examination; therefore, Smith became the first and only African-American to enter West Point in 1870.

What Smith encountered at West Point was solid hostility, which took the form of silence treatment inflicted upon him by the whole cadet corps, including a first classman by the name of Frederick Dent Grant, the President's son. Smith's grades, despite the harassment, remained superior; but his nerves frayed, and he had a physical altercation with another cadet. He was dismissed from the Academy, and then pardoned and allowed to return; but a professor of philosophy by the name of Peter S. Michie required Smith to undergo an oral examination in his course. Michie had observed that black cadets all displayed a marked deficiency in deductive reasoning, so it is hardly surprising that James Webster Smith failed Michie's oral exam. His request for a re-exam was denied, and Smith had to leave West Point. Two years later, while teaching school, he died of tuberculosis.

Mr. Speaker, in the second instance, this amendment authorizes and recommends a posthumous commission, also in the grade of second lieutenant, for Johnson Chesnut Whittaker, of South Carolina. In 1876, Whittaker was the third African-American appointed to the U.S. Military Academy. Like Smith, Whittaker was academically and physically qualified to attend the Academy. Also like Smith, his race prevented him from being accepted by the other cadets. Shortly before his graduation, and after nearly 4 years of enduring daily physical and psychological harassment, cadet Whittaker was discharged from the U.S. Military Academy as a result of racial hatred and harassment.

Mr. Speaker, if this amendment is adopted, it is without cost to the American taxpayer, but provides posthumous justice for two young Americans who were denied their place in the military, and in military history, because of the color of their skin.

Mr. KENNEDY. Mr. Chairman, I want to thank Chairman DELLUMS and Representative SPENCE for accepting two amendments which I have offered concerning nuclear weapons and nuclear proliferation.

With the end of the cold war, there is no greater challenge to our national security than controlling and reducing current nuclear stockpiles, and preventing the worldwide proliferation of weapons of mass destruction, and nuclear weapons, material and technology in particular.

My first amendment is intended to help focus the attention of the Congress and the administration on the importance of the Nuclear Nonproliferation Treaty and the need to take steps to ensure that the treaty is extended indefinitely and unconditionally next year.

The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, DC, London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons. The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons. President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his administration.

In April 1995, the signers of the Treaty on the Non-Proliferation of Nuclear Weapons will convene a review conference in New York City to discuss the indefinite extension of the treaty. The policy of the President is to seek at the review conference the indefinite and unconditional extension of that treaty.

In addition to setting out findings, my amendment says three things:

First, it expresses the sense of the Congress that the President has the full support of the Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons.

Second, we urge the President as soon as possible to fill those positions at the U.S. Arms Control and Disarmament Agency [ACDA] and other agencies with responsibility for nonproliferation as well as for the 1995 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons. At ACDA, for example, major positions with a bearing on this issue have yet to be filled.

Finally, we urge the President and the President's senior national security advisers to dedicate themselves to ensuring the indefinite and unconditional extension of the treaty at the review conference. This goal should be kept clearly in sight as the President formulates and implements other elements of nonproliferation policy of the United States, including U.S. counterproliferation doctrine, the nuclear posture review, and nuclear testing policy.

My second amendment concerns the safe, secure dismantlement of the nuclear arsenal of the former Soviet Union. Thousands of nuclear weapons in the former Soviet Union are targeted or could be quickly targeted at the United States. It is clearly in the interest of our national security to expedite the reduction of this arsenal.

This includes securing and dismantling the strategic nuclear warheads and nuclear delivery vehicles of Ukraine, Belarus, and Kazakhstan. It also includes taking steps to halt the potential leakage of nuclear materials and technology, and addressing the continuing threat of emigration and scientists and technicians from the former Soviet nuclear weapons complex to other countries. Congress has authorized so-called Nunn-Lugar funds to enable the Department of Defense to carry out cooperative activities with states of the former Soviet Union to address these threats. More than $1 billion has been authorized, but few of those funds have actually been spent.

My amendment urges the Secretary of Defense and the Secretary of State to continue to give their serious attention to carrying out a coordinated strategy for addressing this urgent national security issue. In particular, it calls upon the administration to expedite the availability and effective use of so-called Nunn-Lugar funds. The amendment also highlights the importance of making the Science and Technology Centers in Moscow and Kiev, designed to slow the emigration of scientists and technicians from the former Soviet weapons complex, fully operational on an expedited basis.

Once again, I want to thank Chairman DELLUMS and Representative SPENCE for working with me to make these amendments in order, and to accept them into the bill.

Mr. SPRATT. I rise in strong support of this amendment, which I am pleased to sponsor. As chairman of the Military Application of Nuclear Energy Panel of the Committee on Armed Services, I have had the privilege and honor of working closely with the gentlewoman from Tennessee [Mrs. LLOYD] over the last several years. Naming the environmental scholarship and fellowship program after Mrs. LLOYD is but a small token of appreciation for her hard work and the many valuable contributions she has made to the panel.

In 1989, the DOE embarked on a massive and ambitious environmental program to clean up the nuclear weapons complex. The complex consists of 17 sites spread throughout the country, and after decades of focusing on production, most of these sites faced enormous environmental problems. My distinguished colleagues from Tennessee recognized that the DOE was going to be one of the largest, if not the largest, employer of environmental scientists and engineers. Mrs. LLOYD envisioned a program to provide financial assistance to qualified students enrolled in academic fields relevant to DOE's environmental requirements to help them later qualify for environmental management positions at the department.

Acting on Mrs. LLOYD's initiative, the panel included in its recommendations for the National Defense Authorization Act for fiscal year 1992 and 1993 section 3132 to establish the scholarship and fellowship program. This bill eventually became Public Law 102–90, and the program was initiated. The program provides $1 million annually to fund 20 undergraduate and 20 graduate students interested in pursuing a career in the department's environmental cleanup program. While the funding level is modest, it has been very successful and has encouraged young men and women across the Nation to pursue challenging careers as environmental scientists and engineers.

The DOE has embraced the program and includes funding for it in its annual budget requests to Congress. The designation of this program as "The Marilyn Lloyd Environmental Education Scholarship and Fellowship" program is only fitting since it was Mrs. LLOYD's foresight, hard work, and commitment which made its establishment possible. I urge my colleagues to support this amendment, and again offer my thanks and praise to Mrs. LLOYD for her leadership in this area.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

Mr. DELLUMS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SCOTT) having assumed the chair, Mr. DURBIN, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4301, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 3474, REGULATORY REFORM ACT OF 1993

The SPEAKER pro tempore. The Chair announces the following modification in the appointment of conferees on the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes:

From the Committee on Banking, Finance and Urban Affairs, Mr. LAZIO is appointed in lieu of Mr. RIDGE for consideration of title VI of the Senate amendment.

The Clerk will notify the Senate of the change in conferees.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The SPEAKER pro tempore. The Chair announces the additional conferees on the bill (H.R. 3355) to control and prevent crime:

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment and modifications committed to conference:

Messrs. MINETA, RAHALL, NADLER, SHUSTER, and PETRI.

The Clerk will notify the Senate of the change in conferees.

AMENDMENT TO AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN ON USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provide a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2004) provisions which permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security. Additionally, certain activities related to naval nuclear reactor plant technology have been completed and those provisions have been deleted from the Supplemental Technical Annex.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1994*.

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CONTINUING TRIAL PERIOD FOR RECOGNITION FOR FUTURE SPECIAL ORDER SPEECHES

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the trial period established on February 11, 1994, for recognition for future special order speeches be continued through Thursday, May 26, 1994.

The SPEAKER pro tempore (Mr. SCOTT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CANDACE WHITE MIDDLETOWN POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to honor an outstanding young lady from Middletown, NJ, Candace White. Last spring, a bright and caring woman was struck down in the prime of her life by an unknown virus in her heart. Candace White was 25 years old when she died. Her artificial heart—first of its kind—simply stopped beating. Candace's courage and perseverance made her a hero to her family and to her colleagues at the post office in Middletown, NJ, where she worked.

Candace received her artificial heart in May 1992 and in September 1992 she was back to work. She refused to retire on Social Security disability, and returned to work delivering mail on her normal route. Her dedication inspired her coworkers to put forth efforts that made them better workers and stronger citizens. They came together as a unit to raise money to pay for Candace's hospital bills, and work overtime hours to fill in for her sick days.

Candy's coworkers described her as hard working and sympathetic. Every day you were greeted by a warm smile and nicest "Good Morning," said her boss, Postmaster Joseph Roventini. She kept this style even in the hospital and her first days back. After coming back to work she still could be found giving advice and comfort to other workers with problems. She was always proud to say she loved her job in the Middletown Post Office.

Candy was a very special person. Prior to the death she donated her organs for others who needed them. Candy was a remarkable young woman who learned early in life to be sensitive and to care for her fellow citizens, including the people she did not know who benefited from her generous organ donation. She will always be remembered by her family, friends, and fellow letter carriers not only because of her caring and friendly nature, but because of her heroic struggle for survival and her determination to boost the morale of her coworkers even at a time when their and minds were set on the possibility of Candy dying.

I thank my colleagues for approving the bill (H.R. 4177) naming the Post Office in Middletown, NJ, the Candace White Middletown Post Office. Future generations need to know of her heroic struggle for survival and of her determination to work hard even in the face of a life-threatening disease.

DEFENSE AUTHORIZATION AND "CVN-76", THE NEXT NUCLEAR AIRCRAFT CARRIER IMPORTANT TO OUR NATION

The SPEAKER pro tempore (Mr. STRICKLAND). Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, I rise in support of the Department of Defense authorization bill, H.R. 4301, now before the House of Representatives. As Members of Congress, one of the most important aspects of our job is ensuring that this country has a strong defense. This bill accomplishes that goal.

It is obvious that the world is changing very rapidly in the wake of the collapse of the Soviet Union. Our national defense requirements are changing as well.

Since 1985, the Defense budget has been cut by 35 percent—with the loss of 650,000 uniformed personnel. The present 5-year plan already anticipates more cuts in the future. So as President Clinton stated in his State of the Union Address, I strongly believe that "we must not cut defense further."

Within the $262.7-billion authorization there are several issues that are of critical importance to this Nation, such as $3.6 billion for defense conversion, $606 million for new sealift ships, and a well deserved pay increase for our forces.

Full funding for the next nuclear aircraft carrier, CVN-76, is another such program. Presently, CVN-76 is fully funded in H.R. 4301.

As proven by the gulf war and as clearly enunciated in the Bottom-Up Review, aircraft carriers are the centerpiece of our Nation's response to such regional conflicts. Ultimately, aircraft carriers are the instrument called upon most frequently when aggression must be stopped.

The case for CVN-76, rests basically on four pillars: national security strategy, preserving the industrial base, cost effectiveness, and operational merits.

The first element is our national security. Aircraft carriers are a proven weapon system. Aircraft carriers have provided every President beginning with Franklin Roosevelt with an effective means of power projection and military force.

A second element, Mr. Speaker, is that building CVN-76 is important as a means of preserving our industrial base. If we do not build CVN-76 in the near-term, our ability to build an aircraft carrier in the future will be in jeopardy. Even a 1-year delay in funding for CVN-76 will result in the loss of critical skills which will take up to 5 years to reconstitute through new hires and training. A longer delay could cause a permanent loss in the skills necessary to maintain our carrier force.

Mr. Speaker, a third important factor with respect to CVN-76 is the question of cost-effectiveness. Presently, the costs of CVN-76 are known and under control—nuclear carriers built at the Newport News Shipyard are built on time and on budget. If funding is not achieved this year, thousands of skilled workers will lose their jobs and many of the subcontractors could go out of business. A delay of 1 more year would raise the cost by $500 million because of the expenses and problems associated with reconstituting workers and maritime industries. Funding CVN-76 now is in the best interest of the taxpayer and it makes good business sense.

Finally, Mr. Speaker, the fourth pillar in the case for CVN-76 is in the operational merits of nuclear carriers. Supported by successive Secretaries of Defense and the Joint Chiefs of Staff, nuclear propulsion for carriers has been repeatedly proven superior to any other system. CVN-76 will replace an over-40-year-old fossil-fueled carrier—providing the Navy with increased warfighting capability, greater endurance, and improved survivability and safety.

And the Navy's nuclear program has been proven safe. In April, the Navy reached a remarkable milestone of 100-million miles steamed on nuclear power. In over 40 years, there has never been a life or environmentally threatened accident involving a nuclear powered aircraft carrier. Furthermore, the handling and disposal of nuclear waste has been repeatedly studied. A 1992 GAO study concluded that the Navy's nuclear waste can be dealt with safely.

There is a very strong case for CVN-76 and the Defense authorization bill. With support for environmental technologies, continued research and development in new modern defense systems, and investments in industrial and technology development programs. I believe that this bill will provide this Nation with a strong defense now and in the future. I urge my colleagues to support H.R. 4301.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STRICKLAND). The Chair announces that the Speaker's policy for recognition for special order speeches, announced on February 11, 1994, will be extended through Thursday, May 26, 1994.

SOME IMPORTANT ISSUES THAT HAVE GONE UNANSWERED

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes.

Mr. SHAYS. I thank the Speaker and appreciate his willingness to take the chair.

I do not expect I will be using my entire hour, but I did want to take the opportunity to discuss four items that basically come under the heading of: "We've got a job to do and we need to get on with it."

I will cover such issues as the HUD investigation which we conducted a few years ago, the Congressional Liability Act, a slight discussion about the budget that we adopted and still leaves unanswered questions, and briefly about health care and my feelings about it.

Mr. Speaker, a number of years ago I had the privilege of serving under the leadership of the gentleman from California, Mr. LANTOS, on the Committee on Government Operations Subcommittee on Employment and Housing, which oversaw the HUD investigation of the so-called 8 years under the Pierce administration. This was an opportunity that as a new Member I felt I had a very serious responsibility for conducting; but it was as a Republican, we were looking at Republicans. It was a bipartisan effort. We had the help of the Secretary of HUD, Mr. Jack Kemp. We had members on the committee like Mr. LANTOS, whom I already mentioned, the gentleman from Massachusetts, Mr. FRANK, the gentleman from Arizona, Mr. KYL, myself, and we also were blessed to have the help of CHUCK SCHUMER and MARGE ROUKEMA, both of whom serve on the Committee on Banking, Finance and Urban Affairs, Subcommittee on Housing and Community Development.

We conducted the investigation on a bipartisan basis and decided to let the chips fall where they would. It was an investigation that lasted over a year. There were over 20 hearings that lasted all day long. During the course of this investigation, it became clear, very clear, that we needed an independent counsel. Members of the committee suggested there be an independent counsel forum, and there was one under Mr. Arlen Adams, who is still conducting his investigation of the HUD scandal, which we conducted a number of years ago.

One of the outcomes of our investigation was the passage of H.R. 1, a major reform of HUD. It cleaned out the insides of HUD significantly and was bipartisan, passed quickly without much dissent. That was one of the successes, one of the benefits of our investigation.

But the other aspect was that we uncovered an incredible amount of wrongdoing. This wrongdoing was investigated thoroughly by our committee and then handed over to Arlen Adams, who has done an incredible job of carrying out this effort.

So far he has had 15 convictions, following trials, or guilty pleas; he has had more than $2 million in criminal fines secured.

One of the points I want to make tonight is that I heard reference to the fact that we cannot conduct an investigation while we have a special counsel, independent counsel, doing his work or while the Justice Department is doing its work. Our success in our committee with the HUD investigation shows that simply not to be true.

The bottom line is that you can, and should, in many cases, conduct a House investigation while you have the Justice Department looking at any possible criminal illegalities.

Mr. Speaker, Mr. Adams convicted Joseph A. Strauss, a special assistant to HUD Secretary Samuel Pierce, on April 15, 1994; there was a guilty plea to one count of conspiracy and one count of concealment. Each count carries a maximum penalty of 5 years imprisonment and $250,000 fine.

J. Michael Queenan, director of the housing development division of HUD's Denver regional office, and Ronald Mahon, an employee in HUD's Denver regional office, both found guilty of conspiracy to commit bribery and money laundering.

Catalina Velazquez Villalpando, former Treasurer of the United States, on February 17, regretfully, 1994, pleaded guilty to a felony count of obstruction of the independent counsel investigation.

Deborah Gore Dean, who on more than one occasion pleaded the fifth, the former executive assistant to former HUD Secretary Pierce from 1984 to 1987, on October 26, 1993, found guilty on all counts of a 12-count indictment. Three counts of conspiracy to defraud, commit offenses against the United States, one count of receiving an illegal gratuity, four counts of perjury, four counts of concealment and covering up material facts by a trick scheme and device.

Thomas T. Demery, who appeared before the committee on more than one occasion, HUD Assistant Secretary for Housing during the period 1986 to 1989, on June 17, 1993, pleaded guilty to felony charges of having illegally accepted a $100,000 loan on highly favorable terms from a developer doing business before HUD and having later obstructed justice by submitting a document to a Federal grand jury that falsely stated that he had paid for the use of the vacation condominium owned by another developer who did business before HUD. Accepting a loan carries a penalty of up to 2 years in prison and a fine of up to $250,000. Obstruction of a Federal grand jury investigation carries a penalty of up to 5 years' imprisonment and a fine of up to $250,000.

There were further indictments and convictions. Robert B. Olsen, former director of moderate rehabilitation program of the North Dakota Housing Finance Agency, on May 11, 1993, pleaded guilty of one count of conspiracy to defraud the United States and one count of bribery; pleaded guilty to having conspired with three individuals to defraud the Government.

Philip D. Winn, HUD Assistant Secretary for Housing from 1981 to 1982, and United States Ambassador to Switzerland from 1988 to 1989, on February 9, 1993, pleaded guilty to one felony count of having conspired from 1985 to 1987 to provide things of value to two HUD officials for and because of their official actions; pleaded guilty to conspiring in 1985 to promise a $20,000 loan through third parties to Silvio J. DeBartolomeis, then HUD Deputy Assistant Secretary; pleaded guilty to conspiring in 1987 to promise the use of a ski condominium at Vail, CO, to Thomas T. Emery, then assistant secretary for housing. Punished by up to 5 years imprisonment, he has paid $981,975 in criminal fines.

Leonard E. Briscoe, Sr., a developer of HUD projects in Texas and Florida, January 5, 1993, found guilty on two felony counts, illegal payment in excess of $100,000, that Briscoe made to DuBois Gilliam while he was HUD Deputy Assistant Secretary and because of Gilliam's official actions to secure funding for projects in which Briscoe had an interest; sentenced to 2 years imprisonment, fined $50,000, 1 year of supervised release.

Lance H. Wilson, former executive assistant to HUD Secretary Pierce, thereafter first vice president of PaineWebber, Mr. Wilson was the first executive assistant, and Deborah Gore Dean followed him. January 1993, found guilty of one felony count involving provision of an all-expense-paid weekend in New York City to DuBois Gilliam while he was a HUD Deputy Assistant Secretary for or because of Gilliam's official actions to secure funding for projects in which Wilson had an interest. Sentenced to 6 months imprisonment, 2 years probation, 200 hours of community service, and an $8,000 fine.

Maurice David Steiner, a lawyer/accountant in Nebraska, January 5, 1993, found guilty of one felony count involving his role in receiving fees from Briscoe that were disguised payments to DuBois Gilliam; sentenced to 2 years probation, 30 hours of community service, $5,000 fine.

There are four more: Elaine M. Richardson, executive assistant to former U.S. Senator Edward W. Brooke. November 20, 1992, pleaded guilty to one count of aiding and abetting false statements to HUD by Mr. Brooke regarding his efforts to obtain moderate rehabilitation funds for his clients while he was in private practice. Sentenced to 2 years probation, 200 hours of community service, and a $500 fine.

Silvio J. DeBartolomeis, HUD Acting Assistant Secretary for Housing during 1986, October 5, 1992, pleaded guilty to conspiring to make false statements on behalf of HUD, accepting an illegal supplementation of his official income, and aiding and abetting a false statement to HUD. Benton Mortgage Company, Inc., then participant in HUD's coinsurance program, June 8, 1992, pleaded guilty to three felony counts of concealing material facts from HUD.

□ 2020

BMC paid a criminal fine of $1 million to the U.S. District Court, January 16, 1992.

Samuel P. Singletary, February 20, 1992, pleaded guilty to one felony count of attempting to evade Federal taxes, failed to report income he received in connection with a project that received funding from HUD under the secretary's discretionary fund. Sentenced to 5 years probation, 30 hours of community service, restitution and a special assessment.

There was one acquittal: Victor R. Cruise, a Connecticut lawyer and real estate developer, January 28, 1993, found not guilty. Mr. R. Cruise who was Victor R. Cruise was found not guilty of charges of perjury and obstruction of justice relating to grand jury testimony regarding the cancellation of HUD low-income housing subsidies for the public housing authorities of Savannah, GA.

Mr. Speaker, I have read these names because all these individuals, or most all of them, appeared before our committee professing innocence, and were tried in a court of law, or pleaded guilty before our courts, and have paid or will be paying penalties for their wrongdoing. I mentioned this because there have been many hearings that Congress has done over the years, and I just think it is important after the fact to point out that this was a hearing that resulted in the reform of HUD, H.R. 1, with the cooperation of Republicans and Democrats. It was a committee that established a special independent counsel and worked closely with that independent counsel.

On one occasion we were tempted somewhat to give immunity to an individual. We decided against it. This was confirmed, our judgment was confirmed, by the special prosecutor who we worked closely with to make sure that we did not hinder in any way his investigation of those who he deemed guilty of wrongdoing.

The result was we had passage of H.R. 1, we so far have 15 convictions following trials or guilty pleas, more than $2 million in criminal fines secured. I think this should lay to rest any argument that says that we should not investigate the postal scandal or that we should not in any way look at wrongdoing with Whitewater until a prosecutor has done his or her work. There is absolutely no reason whatsoever that they cannot be done in tandem. There is no reason why there cannot be cooperation between Congress and a special prosecutor.

The classic example of how a Congressional committee went off the track was the investigation of the Iran-Contra hearings, and particularly with Mr. North. Mr. North was given limited immunity, but seized the opportunity, when he was before the committee, to answer questions that he was not asked or to expand on questions that he was asked. When the committee at first tried to say to Mr. North that he was not free to answer that question, he basically responded and said, "Couldn't I defend myself?" It was wonderful plan on Mr. North's part to be able to disclose more and then go before the courts and say he was given immunity. Mr. North was guilty of crimes, he was given immunity, he expanded on that immunity, and, regretfully, a committee of Congress allowed him to get away with it.

I think the real lesson is not that a committee of Congress should not investigate while there is a special prosecutor, independent counsel doing his or her work. I think the point is that there should not be immunity given to protect that individual.

Now I mentioned this again because I just think it is absolutely imperative that this Congress come clean on the postal scandal, that there be an investigation of the ethics committee and that the American people know the answers, whatever they are, and I say this as a Republican, admittedly focused in on two scandals, Whitewater and the postal scandal that tend to be focused on Democrats, but I think, I hope, I have the credibility to say that as a Republican who helped lead the charge to investigate wrongdoing at HUD that I at least have the right to make this point clear:

If I had the right and felt the duty to investigate Republicans as a Republican, I certainly feel I have the right to call for, as a Republican, an investigation of wrongdoing in Whitewater and the postal scandal that seems to be focused more on Democrats.

I also want to say, Mr. Speaker, as we talk about the whole general topic that I have tonight, that we have got a job to do, and let us get on with it, that we have the Congressional Accountability Act which has been presented by the gentleman from New Hampshire [Mr. SWETT] and myself, Mr. SWETT a Democrat. It has 249 cosponsors.

The basic concept of the Congressional Accountability Act is simple. Its basic concept is the laws that we pass on the private sector, the laws we pass on the executive branch, if they are right for the executive branch, if they are right for the rest of the people of this country, the private sector, they should be right for Congress. I say to my colleagues, "What's right for the private sector, what's right for the executive branch, what we impose as Members of Congress should be imposed on ourselves, and it seems very clear to me that this needs to happen posthaste."

Obviously one side benefit from it is I think we will write better laws if we have to live by the laws that we write. We have 249 cosponsors. We have the crux of this legislation in the joint committee to organize Congress, to reform Congress. At its very center is the concept of the Congressional Accountability Act, but under its present status it is flawed. It is flawed in a number of ways, but two primarily:

One, it does not include all the laws. It says that some of the laws will be included and Congress will have to abide by some of the laws. Then it has studies for others like OSHA. There are two parts to OSHA. Basically, the work practices of an employee; there is no reason to defer that.

And then there is the other aspect: Do we have the facilities? Do we have the space? Are we overcrowded? Do we meet the OSHA tests? Would it cost us a vast fortune to comply? There is absolutely no reason why we cannot come under OSHA right now, and the office of compliance that is established under this bill can phase us in over a period of 4, or 5, or 6, 7 years even to get us to comply to the other parts of OSHA.

The other aspect that the committee, the joint committee's report, which includes the Congressional Accountability Act, does not include what we call some of the instrumentalities of Congress. It does not include the Architect's office. It does not include the Library of Congress. It does not include our police. We need to include all parts of Congress, all employees of Congress, like the private sector, like the executive branch should have the same protections under the law that exist for others. Congress should have those same protections. The employees; they should be able to take complaints about a Member of Congress or another manager within Congress. They should be able to, unsatisfied with the results through this process, they should be able to go directly to the courts and present evidence to demonstrate their position.

Mr. Speaker, I am hopeful that we will see positive action on the Congressional Accountability Act, but for it to have my support and the support of the gentleman from New Hampshire [Mr. SWETT], and others who have signed this legislation it has got to include all the laws, and it has got to include all the instrumentalities of Congress, all the different parts of Congress. To do otherwise still puts us back in the same position we have been right now, and that is what is good for the private sector, what is good for the executive branch, evidently is not good enough for Congress.

With regard to the budget and the fact that we have a job to do and we need to get on with it, Mr. Speaker, when the President presented his plan last year, he presented a plan that had $3.58 of taxes for $1 spending cut, and I need to define spending cut as Congress defines it and the White House. A spending cut regretfully, and hard for those in the private sector to understand, is basically this:

If it costs a hundred million dollars to run a program this year, and next year to provide the same current service level it costs a hundred and five million, if Congress, the White House, only appropriate a hundred and three million, Congress and the White House call it a $2 million cut. We spent $3 million more, but to have a current service Congress and the White House call it a $2 million cut if we cut below the amount of current service requirement.

Now that is a different way we call spending cuts than in the private sector, and it is wrong. It needs to be changed, but just saying this: $3.58 taxes for $1 spending cut over a 5-year period; Congress changed that to $1.82; in the House budget, $1.48; in the Senate budget, and ultimately the conference reported $1.53. That shift, I think, was the result of Republicans coming forward with cuts in spending and not tax increases, moderate and conservative Democrats saying the Republicans were coming in with meaningful cuts and encouraging their leadership and the President to do better, which they did, not well enough, but better.

The other aspect of this that causes me tremendous concern is that the President basically came in and said of the 100 percent of his cuts over 5 years, in 1997, the fourth year, he wanted 40 percent of those 100 percent of cuts. And in 1998, under his 5-year plan, he wanted 43 percent. In other words, 40 plus almost 44 percent, about 88 percent of all the cuts were going to take place in the fourth and fifth years.

□ 2030

Now, Congress changed that. Just as they changed the relationship of taxes to spending cuts, they changed that as well. In the fourth year of the presidency, the bill that was finally passed by one vote in this House 26.8 percent of all the cuts will be made in the fourth year of the presidency. In the year he may or may not be president, the fifth year, he may be re-elected, and, if not, some other Congress and President will have to come up with 35.8 percent of the cuts.

In other words, we have over 63 percent of all the cuts in the package that was finally adopted happening in the fourth and fifth year. The fourth year of President Clinton's term, which is the second year of the next Congress, the 104th Congress, and then in the fifth year, under a new president, under the third Congress elected, not the 103d, not the 104th, but the 105th Congress, will have to make 35.8 percent of all the cuts.

If we had done nothing, if we had not passed the President's plan, if we had simply continued as we were scheduled to under the 1990 agreement, spending in defense would go down 1.7 percent. Overall spending would go up, however, 27.5 percent. If we had done nothing, if we had done nothing we estimated that taxes would grow in this 5-year period 29.6 percent with a growing economy.

We also estimated that the national debt, if we did nothing, would go up 48.5 percent, or $2.1 trillion.

Now, Congress did something. But the question I ask myself and the question we all need to ask ourselves is, Did we do enough. And I contend that there is no way that we did enough.

If we had done nothing, spending would have gone up 27 percent. Under the Clinton plan that was adopted, spending still goes up 24 percent. Defense admittedly goes down 12 percent under the Clinton budget. Foreign affairs goes down 4 percent. Domestic spending will go up 18 percent. And, candidly, all discretionary spending will basically only go up, defense, nondefense, foreign affairs, about 3.4 percent.

So Congress is showing some desire to control discretionary spending. But Social Security will go up 29 percent. But more importantly, the entitlements, the non-Social Security entitlements go up 52.6 percent during these next 5 years. During these next 5 years, 52.6 percent, and that is nearly a third of the budget. Interest on the national debt will go up 26.1 percent.

What scares me about the plan that was adopted is that we estimate revenue is going to go up 34.9 percent. And, again, this is a funny thing that Congress and the White House does. They estimate if taxes are increased 10 percent, revenues will grow by 10 percent. But the logic of that is, it is not very logical, because we make an assumption people will not change their behavior.

It was reported, for instance, that after President Clinton was elected, Hillary Rodham Clinton decided she would take her bonus in the year of the tax and not postpone it until the next year when a new president took over, her husband, for logical reasons. Not a criticism, a logical thing to do. Her husband said he would increase taxes, he did. She knew if she took her bonus in that year, the year he took office, there would be a tax increase. So it was better to pay the tax early and pay a lesser tax.

That is what a lot of Americans did. As you may remember, shortly after Clinton was elected, personal income jumped. It jumped because people were declaring their personal income in that year and not deferring it to the next year. The beginning of the next year, personal income dropped, because people had taken all their bonuses in the previous year.

So we have in our chart that we estimate revenues will go nearly 35 percent with the new taxes. That remains to be seen. It may be that number, it may be less, it may be more. But what is most discouraging to me, and I do not use that word often is, whereas if we had done nothing, the national debt is going to up 48 percent, it is going to go up 38 percent. Thirty-eight percent is a smaller percent, and the White House takes some satisfaction that it, quote-unquote, is only going to go up 38 percent. But that 38 percent represents $1.6 trillion. It is the second largest increase in any 5-year period in the national debt increase. That is because we are working on a higher base. Thirty-seven percent increase in the early Reagan years, when the national debt was much lower, is not going to be as significant an amount as presently.

I tell people, you know, we take some satisfaction that the percent is less, even though the amount is as high as ever, as if to say under President Reagan and President Bush, who I harshly criticize for their management of the economy, that the national debt soared. And we said it was horrendous, horrific, outrageous, obscene.

So now we say under President Clinton it is horrendous and horrific and obscene. We leave out one of those words, and it is as if we declare victory.

I described our economy as being on a plateau. We are at the top and looking down and taking some satisfaction. If the economy drops, we just go right off the edge of that plateau. If we are not going to control spending as our economy is getting out of a recession, are we going to try to control spending when we get into a recession? When are we going to come to grips finally with this national debt?

I speak as someone who scored 100 percent with the Concord Coalition. I am making these votes. They are not difficult votes candidly for me to make. I am not patting myself on the back. I am just saying I am a true believer, and if we want to do the right thing for our country, we have got to control the growth in spending, both discretionary spending and entitlements. We have got to see this national debt of 37.9 percent in the next 5 years, a $1.6 trillion increase, we cannot see that national debt continue to climb as it is. We are simply postponing our day of reckoning.

This gets me to the last point, have we got a job to do, and let's get on with it, health care.

Mr. Speaker, I appreciate your indulgence, and I will be done shortly. And I just say to you that I consider this issue extraordinarily important. I put it in the same class as what I previously spoke about the budget. And I salute President Clinton sincerely for his focus on this issue. Lord knows we wanted President Bush and his administration to deal with this issue. We did not want to wait until now to deal with health care.

We need to deal with health care for obviously a number of reasons. We need, I believe, universal coverage. I do not think it is right that some Americans simply do not have health care, or, at least when they have it, they have to go as beggars to the hospitals, ask for help, and then have the disgrace of not being able to pay their bills.

I also do it on budgetary grounds. In part, the insured are paying for the uninsured. So some of the uninsured are getting coverage, and that is being covered by volunteer work on the part of many devoted practitioners, doctors, nurses, and so on, and also because the insured are paying for the uninsured.

In my judgment, we have got to deal with this issue of making sure that all Americans have insurance.

What troubles me is the rhetoric I am hearing in some cases on both sides, but particularly I want to express concern with Senator ROCKEFELLER's comments in talking about the fact that Republicans simply do not want to be part of this process.

We want to be part of this process, but we do not want the process dictated to us. We want to have a say in what happens. I think most Members on the Republican side, and I think most Members on the Democratic side, know we have to deal with preexisting condition. Most members know we cannot continue to have job lock. We cannot have an employee locked into his job because of a preexisting condition that prevents him or her from taking another job because they will not be even insured for that particular illness. We need to deal with administrative costs. Administrative costs are killing us. We need to deal with tort reform. There has to be meaningful tort reform.

I also believe that most of us recognize that all Americans should be allowed to deduct for health care: These are basic issues that we believe can be worked out. Preexisting condition, job lock, administrative costs, tort reform, being able to deduct for health care, being able to have the purchasing power of a large employer, even if you are a small employer, even if you are an individual.

□ 2040

Having community rating or at least rating by age or territory; being able to not be penalized if one of your employees has a serious illness, and then having your rates just soar, which leads me to this point.

I am amazed that we try to answer this question, is it a crisis, is health care a crisis, because for some it is. And so the answer is yes. And for some it is not, and so the answer is no. It is for those who come into my office, and probably yours as well. A woman recently coming into my office and saying, "Congressman, my husband lost his job. I make $16,000 a year. My husband has cancer. We have about 10 more months under COBRA, and it is costing us about $8,000 for health care. What are you going to do, Congressman? What am I going to do, Congressman? How can you help me?"

This is a crisis for that individual, and it happens continually. The individual that may have a job and loses it, may have coverage and no longer have coverage, the person who has serious financial challenges covering their health care needs. It has to be a crisis for that individual.

It is also a crisis for that individual who has seen their costs go up and up and up. A lot of employers have seen their costs go up, large and small. Individuals have seen their costs going up. So for them it is a crisis. It is clearly a crisis for those individuals.

For the vast majority of my constituency, at least in my district, it is not a crisis. But having said that, in spite of the fact that most in Connecticut, 91 percent of all the people in Connecticut have some form of health care, we only have 9 percent who are not covered. But that notwithstanding, 88 percent of the people in the 4th Congressional District, in a questionnaire two years ago, said they wanted all Americans to have universal coverage and they were willing to pay for it, 88 percent, in spite of the fact that most everyone who probably filled that out already had coverage.

I think Americans know we need universal coverage. So the real question is, how and when. Is it the Clinton plan or is it some other form.

The President has truly got a universal plan. My challenge with it, and it is something I am hearing more and more, it is not meant as a harsh criticism of the Administration but a point of fact, that last fall the people spoke to me in my community meetings, my health care meetings. People were very favorably disposed to the Clinton plan. But truly, as they have gotten to understand it, they sincerely fear their own health care plan will be in jeopardy, and they are truly and sincerely concerned about the Government intervention they think exists under the Clinton plan.

I think the big issue that divides Republicans and Democrats, and maybe I should not speak for all Republicans, but my sense is it is that most Republicans want to see a market approach. And I think a good number of Democrats want to see a Government approach.

Most Republicans are concerned about the global budgeting concept under the administration, where a small board basically decides what kind of health care is available, how many operations here, a real centralized Government control of what we presently feel is fairly free.

Now, having said that, I believe that the President is right on target in one element of his plan, and that is, there has to be some kind of copayment. If we are in a crisis today, it is a crisis of making sure some are not covered and dealing with that issue. It is also an issue of containing costs. That is the other reason I support health care reform. We have got to find a way to contain costs.

We cannot allow health care costs to go up so much for individuals. We cannot allow health care to go up so much for small businesses. Governments are literally going bankrupt trying to pay health care costs, local governments, State governments, even our Federal Government, a 50-percent increase of our entitlements, mostly Medicare and Medicaid, going up 50 percent in the next 5 years. So we have to contain costs.

The President is right. There has to be copayment. A person has to have something at stake when they use health care.

Price has got to be a factor, not that price will be unaffordable but that it will not be free, because any free service is always going to be overutilized. So I believe the President is right in saying deal with health care. I believe he is right in saying there has to be, all Americans have to have health care. I guess the big line that I have with the President on this issue is, I believe we will not be able to have immediate coverage of all Americans. I do not think we can phase it in in a 1-year period. I think it will have to be phased in over 4 to 8 years. And I guess one of my messages tonight, to be on the record, is that I sincerely hope this administration is listening to Republicans as well.

It is not going to basically try to do it just with Democrats, and then tell us, take it or leave it.

Then when we decide not to take it, not because we were just left out but because we were not getting our points across that we believe, that are reflective of our constituency, the President said that if his plan is defeated, it will be special interests killing it.

I would submit, and this is not meant as a harsh criticism, but as a fact, that his plan was put together by special interests. It is special interests that benefit, if the big automobile manufacturers are able to pass on their health costs from age 55 to 65 to the Government and to the taxpayer. Special interests like, and they are a good special interest, as all special interests may or may not be, but the seniors, who want prescription drugs and home health care, which gets me, I guess, to the very last point I want to make.

We cannot have universal coverage and expand the programs to cover so many different people. We cannot have basic health care end up being a Cadillac or Rolls Royce service. Basic health care, in my judgment, should be basic. In my judgment, it should be more toward the form of catastrophic health care.

Let individuals buy health care for those things that they can afford but be protected for the catastrophic. I sincerely hope and pray that Democrats in Congress and in the Senate will work with Republicans to deal with these basic issues of preexisting condition, job loss, administrative costs, tort reform, being able to deduct for health care, allowing and enabling small businesses to have the same purchasing power as larger businesses, dealing with cost containment by having a copayment provision. These are things that we could do now, and I bet we could gather the support of two-thirds of Congress to pass it.

How quickly we phase in universal coverage remains to be seen. I would like to do it as quickly as possible. But we need to show the savings before we go on.

Mr. Speaker, I thank you for taking your valuable time to allow me the opportunity to discuss these four issues. I hope we get on with doing our job with Whitewater and the postal scandal. I hope the Congressional Accountability Act is moved forward, as it should. I hope that we take another look at the budget and work on a bipartisan basis to do things like A to Z, find ways to cut more spending. And I truly hope that we work on a bipartisan basis to end up with a health care system that Americans can look to with pride and satisfaction, that they are covered, that they can afford it and that it will benefit the vast majority of Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today and May 24, on account of death of his mother.

Mr. DEAL (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MINETA (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. KLECZKA (at the request of Mr. GEPHARDT), for today, on account of funeral.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today and May 24, on account of official business.

Mr. HORN (at the request of Mr. MICHEL), for today and the balance of the week, on account of prostate surgery.

Mr. CLINGER (at the request of Mr. MICHEL), after 6:30 p.m. today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PETRI) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

(The following Members (at the request of Miss COLLINS of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Member (at the request of Mr. SHAYS) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAZZOLI, and to include extraneous material notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost $2,100.

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. EHLERS.
Mr. WALSH.
Mr. ROHRABACHER.

(The following Members (at the request of Miss COLLINS of Michigan) and to include extraneous matter:)

Mr. KANJORSKI in two instances.
Mr. CLEMENT.
Mr. BRYANT.
Mr. KILDEE.
Mr. FOGLIETTA.
Mr. REYNOLDS in 10 instances.
Mr. HOYER.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. CLINGER.
Mr. GILMAN.
Mr. HAMILTON.
Mrs. MALONEY.
Mr. STARK in two instances.
Mr. KENNEDY.
Mr. DORNAN in two instances.
Mr. PORTMAN.
Mr. EMERSON.
Mr. MENENDEZ.
Mr. LEACH.
Mr. CRANE.
Mr. FRANKS of Connecticut.
Mr. FRANKS of New Jersey.
Mr. RAHALL.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 24, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3228. A letter from the Secretary of the Navy, transmitting notification that the Department of Navy proposes to donate pieces of the superstructure of U.S.S. *Arizona* to various veteran groups and historical organizations, pursuant to 10 U.S.C. 7545(c); to the Committee on Armed Services.

3229. A communication from the President of the United States, transmitting his certifications concerning the current troop level requirements, pursuant to Public Law 103–160, section 403 (107 Stat. 1640); to the Committee on Armed Services.

3230. A letter from the Secretary, Department of the Treasury, transmitting a report on the Mint's numismatic public enterprise fund for fiscal year 1993, pursuant to Public Law 102–390, section 221(a) (106 Stat. 1627); to the Committee on Banking, Finance and Urban Affairs.

3231. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Hong Kong, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3232. A letter from the Secretary of the Treasury, transmitting a report on the extent of U.S. business generated as a result of the U.S. participation in the multilateral development banks; to the Committee on Banking, Finance and Urban Affairs.

3233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–244, "Conveyance of Gage School Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–245, "Bond Surety Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3235. A letter from the Chairman, Council of the District Columbia, transmitting a copy of D.C. Act 10–246, "Theodore R. Hagans, Jr., Center Designation Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–242, "Emergency Assistance Program Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–247, "Closing of a Public Alley in Square 253, S.O. 90–157, Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–241, "Retired Police Officer Public School's Security Personnel Deployment Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3239. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–248, "District of Columbia Family and Medical Leave Act of 1990 Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–243, "Limited Liability Company Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-251, "Rental Housing Conversion and Sale Act of 1980 Extension Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3242. A letter from the Secretary, Department of Energy, transmitting notification that the 5-year program plan on cost-effective technologies to improve energy efficiency and increase renewable energy use in the buildings, industrial, and utility sectors will be submitted by December 31, 1994, pursuant to Public Law 102-486, section 2101(c) (106 Stat. 3068); to the Committee on Energy and Commerce.

3243. A letter from the Administrator, Environmental Protection Agency, transmitting an interim report on the utility hazardous air pollutant emissions study; to the Committee on Energy and Commerce.

3244. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 05-94, concerning a cooperative project between the United States Department of Defense and the Israeli Ministry of Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3245. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 06-94, concerning the accession of France to a cooperative project between the United States and the United Kingdom on the universal modem system, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3246. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 94-28, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3247. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Raymond Edwin Mabus, Jr., of Mississippi, to be Ambassador to the Kingdom of Saudi Arabia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3248. A letter from the Assistant Secretary for Lands and Minerals Management, Department of the Interior, transmitting a report on the Fossil Forest Research Natural Area, pursuant to Public Law 98-603, section 103(c); to the Committee on Natural Resources.

3249. A letter from the Secretary of Energy, transmitting an annual update of the Comprehensive Ocean Thermal Technology Application and Market Development Plan, pursuant to 42 U.S.C. 9005(b); to the Committee on Science, Space, and Technology.

3250. A letter from the Secretary of Energy, transmitting notification that the report that will evaluate legal, institutional, and other constraints to connecting federally owned and leased buildings to district heating and cooling plants will be transmitted in October 1994; jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

3251. A letter from the Secretary of Transportation, transmitting a report on safety conditions in mass transit, pursuant to 49 U.S.C. app. 1618 Public Law 102-240, section 3026(b); jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

3252. A letter from the Attorney General, transmitting the 1993 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on Intelligence (Permanent Select) and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3679. A bill to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service; with amendments (Rept. 103-521). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3982. A bill entitled "The Ocean Radioactive Dumping Ban Act of 1994"; with an amendment (Rept. 103-522). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 433. Resolution waiving certain points of order against the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-523). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. H.R. 4426. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; with an amendment (Rept. 103-524). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EHLERS:

H.R. 4471. A bill to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 4472. A bill to provide that the prevailing party in a tort action is entitled to recover attorneys' fees from the nonprevailing party; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. HUTCHINSON, Mr. CANADY, Mr. ARMEY, Mr. BAKER of California, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COBLE, Mr. COLLINS of Georgia, Mr. CRANE, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EWING, Mr. GRAMS, Mr. HANCOCK, Mr. HASTERT, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KINGSTON, Mr. LEVY, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. POMBO, Mr. ROHRABACHER, Mr. ROTH, Mr. SOLOMON, Mr. STEARNS, Mr. STUMP, Mr. WALKER, and Mr. ZELIFF):

H.R. 4473. A bill to restore the American family, reduce illegitimacy, and reduce welfare dependence; jointly, to the Committees on Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, the Judiciary, Rules, Natural Resources, Public Works and Transportation, and Government Operations.

By Mr. FRANK of Massachusetts:

H.R. 4474. A bill to amend title 11 of the United States Code to require the performance of the debtor's obligations under an unexpired lease of certain personal property until such lease is assumed or rejected under section 365 of such title; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. CLINGER, Mr. NEAL of Massachusetts, Mr. GINGRICH, Mr. PALLONE, Mr. BACCHUS of Florida, Mr. BOEHNER, Mr. ZIMMER, and Mr. GILCHREST):

H.R. 4475. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study to identify future funding options for financing infrastructure projects under the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. ACKERMAN, and Mr. SHAYS):

H. Con. Res. 251. Concurrent resolution to express the sense of the Congress that the President should report to the Congress on the situation in Kosova and on his recommendations on ways to enhance international protection of the rights of the people of Kosova; to the Committee on Foreign Affairs.

By Mr. ANDREWS of New Jersey (for himself, Mrs. BYRNE, Mr. ANDREWS of Maine, Ms. SCHENK, Mr. HASTINGS, Mr. DEUTSCH, and Mr. HOCHBRUECKNER):

H. Res. 432. Resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution, when the legislatures of an additional 3 States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. PORTMAN:

H. Res. 434. Resolution expressing the sense of the House of Representatives that any law enacted pertaining to the reform of our Nation's health care system should apply to Members of Congress and all Federal employees enrolled in the Federal Employees Health Benefits Program [FEHBP], including any individual who is appointed or elected to a position in the executive, legislative, or judicial branch of the U.S. Government; jointly to the Committees on Energy and Commerce, Ways and Means, and Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

396. By the SPEAKER: Memorial of the House of Representatives of the State of Colorado, relative to the 10th Amendment to the U.S. Constitution, and asserts the sovereignty of the State of Colorado; to the Committee on the Judiciary.

397. Also, memorial of the Senate of the State of Tennessee, relative to taxes; to the Committee on the Judiciary.

398. Also, memorial of the House of Representatives of the Commonwealth of Penn-

sylvania, relative to statutes requiring the use of helmets by motorcyclists; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. STEARNS, Mr. DREIER, Ms. DUNN, Mr. THOMAS of Wyoming, Mr. ROWLAND, Mr. TAUZIN, Mr. PORTMAN, Mrs. VUCANOVICH, Mr. REGULA, Mr. PICKETT, Mr. HORN, Mrs. BYRNE, and Mr. WOLF.

H.R. 124: Mr. EHLERS and Mr. CALVERT.

H.R. 417: Mr. ACKERMAN, Mr. BARRETT of Nebraska, Ms. DUNN, and Mr. CUNNINGHAM.

H.R. 425: Mr. ABERCROMBIE.

H.R. 426: Mr. ROWLAND.

H.R. 427: Mr. ABERCROMBIE.

H.R. 512: Mr. FINGERHUT.

H.R. 672: Ms. VELAZQUEZ and Mr. SANGMEISTER.

H.R. 885: Mr. PAXON.

H.R. 1110: Mr. SMITH of Michigan.

H.R. 1155: Mr. FALEOMAVAEGA.

H.R. 1621: Mr. FRANKS of New Jersey.

H.R. 1671: Mr. WAXMAN.

H.R. 2105: Mr. FRANK of Massachusetts.

H.R. 2587: Mr. HEFLEY and Mr. KYL.

H.R. 2936: Mr. FINGERHUT.

H.R. 2938: Mr. FINGERHUT.

H.R. 2959: Mr. RAVENEL.

H.R. 3087: Mr. EHLERS, Mrs. SCHROEDER, Mr. KLINK, Mr. ACKERMAN, Mr. CONDIT, and Mr. KLUG.

H.R. 3173: Mr. HOLDEN and Mr. SISISKY.

H.R. 3386: Mr. BACHUS of Alabama.

H.R. 3434: Mr. WHEAT.

H.R. 3458: Mr. EHLERS and Mrs. MYERS of Kansas.

H.R. 3490: Mr. OBERSTAR.

H.R. 3546: Mr. HUTTO, Mr. THOMAS of Wyoming, Mr. WASHINGTON, and Mr. OBERSTAR.

H.R. 3642: Mr. BILBRAY, Mr. FROST, Mr. KILDEE, Mr. MAZULLO, Mr. NUSSLE, Mr. SHAYS, and Mr. SPRATT.

H.R. 3820: Mrs. BENTLEY, Mr. DIAZ-BALART, Mr. HOEKSTRA, Mr. ROHRABACHER, Mr. ANDREWS of Texas, Mr. PETERSON of Minnesota, Mr. APPLEGATE, Mr. SANGMEISTER, Mr. MCNULTY, Mr. BERMAN, Mr. MEEHAN, Mr. FAZIO, Mr. BAKER of California, Mr. ROTH, and Mrs. KENNELLY.

H.R. 3838: Mr. BOUCHER.

H.R. 3871: Mr. ZELIFF, and Mr. BATEMAN.

H.R. 3879: Mr. WATT, Mr. ROSE, Mr. RIDGE, Ms. PRYCE of Ohio, Mr. LANCASTER, Mr. HUFFINGTON, and Mr. LAROCCO.

H.R. 3982: Mr. STUDDS.

H.R. 4019: Mr. HILLIARD.

H.R. 4091: Mr. OWENS, Mr. SANDERS, Mr. WYNN, Ms. MCKINNEY, and Ms. SHEPHERD.

H.R. 4109: Mr. CASTLE.

H.R. 4189: Mr. TALENT, Mr. SCHIFF, and Mr. PORTER.

H.R. 4210: Mr. GOODLING, Mr. GINGRICH, and Mrs. MEYERS of Kansas.

H.R. 4237: Mr. WAXMAN and Mr. ENGEL.

H.R. 4251: Mr. PETRI and Mr. HILLIARD.

H.R. 4315: Mr. SMITH of Iowa.

H.R. 4343: Mr. CRANE.

H.R. 4365: Mr. SARPALIUS and Mr. INSLEE.

H.R. 4400: Mr. CONYERS.

H.R. 4403: Mr. ROGERS, and Mrs. LLOYD.

H.R. 4412: Mr. PAXON, Mr. DURBIN, Mr. MINGE, and Mrs. MEYERS of Kansas.

H.J. Res. 38: Mr. LEACH.

H.J. Res. 209: Mr. BAESLER and Mr. LAROCCO.

H.J. Res. 266: Mr. RICHARDSON.

H.J. Res. 297: Mr. WATT, Mr. MCCOLLUM, Mr. SISISKY, and Mr. WAXMAN.

H.J. Res. 315: Mr. SISISKY.

H.J. Res. 356: Mr. COLEMAN, Mr. BARRETT of Wisconsin, and Ms. WOOLSEY.

H.J. Res. 359: Mrs. MINK of Hawaii, Mr. SKEEN, Mr. DOOLITTLE, Mr. JOHNSON of South Dakota, Mr. BATEMAN, Mrs. THURMAN, Mrs. MORELLA, and Mr. RAHALL.

H. Con. Res. 17: Mr. RAHALL, Mr. GILMAN, Mr. DE LA GARZA, and Mr. SANGMEISTER.

H. Con. Res. 52: Mr. FARR.

H. Con. Res. 98: Mrs. MALONEY, Mr. THOMAS of California, Mr. MCMILLAN, and Mr. PORTER.

H. Con. Res. 110: Mr. POMEROY, Mrs. THURMAN, and Mr. GOODLING.

H. Con. Res. 126: Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, and Mr. GEJDENSON.

H. Con. Res. 148: Mr. LEWIS of Florida, Mr. HANCOCK, and Mr. POMBO.

H. Con. Res. 188: Mrs. MALONEY, Mr. EHLERS, Mr. PETERSON of Florida, Mr. MACHTLEY, Mr. NEAL of Massachusetts, Mr. BACCHUS of Florida, Mr. OWENS, and Mr. KLUG.

H. Res. 247: Mr. HUTCHINSON and Mr. PETRI.

H. Res. 390: Mrs. BYRNE.

H. Res. 430: Mr. MCDERMOTT, Mrs. THURMAN, Mr. SCHUMER, Mr. PALLONE, Ms. LOWEY, Mr. ACKERMAN, Mr. BAESLER, Ms. BROWN of Florida, Mr. BERMAN, and Mr. MANZULLO.

EXTENSIONS OF REMARKS

PEACE OFFICERS' MEMORIAL WEEK: A TRIBUTE TO LAW ENFORCEMENT HEROES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. BRYANT. Mr. Speaker, in observance of Peace Officers' Memorial Week, those of us who live in the Fifth Congressional District of Texas join the rest of the Nation in pausing to honor the memory of our public safety officers who have given their lives in the line of duty.

Among the 751 Texas officers who have made the supreme sacrifice while protecting us, our family, friends, and neighbors, we honor especially the 96 heroes who have fallen within the boundaries of the Fifth Congressional District of Texas.

A large portion of Dallas County lies within the Fifth District, and, since such records have been kept, the Dallas County Sheriff's Department and the various local police departments of its cities have seen more than 80 of their officers lost while performing their sworn duties.

Representatives of these heroic men and women and the more than 13,000 American law enforcement officers who have been killed in the line of duty in the last two centuries, dating back to 1794, I call the attention of my colleagues and the American people to just a few of the officers who have died protecting the citizens of the eleven counties of the fifth district—our relatives, ancestors and neighbors, American heroes as surely as are their brothers and sisters who have given their lives in our American Armed Forces:

Anderson County.—A lifelong resident of Anderson County, Sheriff's Deputy Derrell Honea of Frankston was still engaged in his life's work at the age of 62 in 1985 when, on routine patrol, his squad car was involved in a traffic accident that claimed his life. He was survived by his wife, daughter, two grandchildren and mother, taken at an age when most Americans are looking forward to retirement and more time to devote to their loved ones and to recreation and other activities marking a fulfilling retirement.

Brazos County.—A native Texan, Major J.E. Kennedy, acting chief of the College Station Police who joined the department after 20 years in the U.S. Navy, died June 22, 1992, 4 days after his 51st birthday. A colleague said of him, "He put everything into his job, seldom took a vacation, and just always was on top of things. . . . He did rise up quickly due to his morale, devotion to the job and department. I don't think there was anyone more trustworthy and devoted than John Kennedy. He considered the police department second only to his own family." He is survived by his wife, a daughter, and a son.

Freestone County.—Three peace officers were killed in the line of duty between 1872 and 1928—Freestone County Sheriff James B. Rogers, was shot from ambush and killed while pursuing horse thieves in 1872; Constable Bragg Dunbar was killed in 1918 while arresting robbery and burglary suspects; and Special Texas Ranger Tim S. Willard was shot and killed in 1928 while raiding an illegal whisky distillery.

Henderson County.—A courthouse ceremony sponsored by the Henderson County Peace Officers Association this week honored five officers who have died in the line of duty beginning with Texas Ranger Dan McDuffie, who was killed in 1931. Troopers Kohler C. Winn and Larry Hobson of the Texas Department of Public Safety were killed in an automobile accident in the line of duty in 1974. Henderson County Deputy Sheriff Charlie Fields, Sr., whose son later served as Sheriff, was killed in a gunfire while arresting a suspect in 1956. And Athens Police Department Lt. Bennie R. Everett was killed in a jailhouse struggle with a prisoner in 1977.

Limestone County—Two Limestone County Sheriffs died in the line of duty—Harry James Dunlap shot and killed in the course of an arrest in 1955 and Connor Grafton Spivey who died during a disturbance at a street dance in 1975. Mexia Police Officer Ricky Lee Ward, a 32-year-old 3-year veteran of the department, was shot and killed in August 1993, in the course of a theft investigation, during which he pursued a suspect. Officer Ward is survived by his wife and two stepsons.

Robertson County—Deputy Sheriff Thomas J. Brown of the Robertson County Sheriff's Office was killed in the line of duty in November, 1988.

Smith County—Deputy Sheriff Walter L. Terry of the Smith County Sheriff's Office died in the line of duty in October, 1985. Four Tyler Police Department patrolmen lost their lives in the line of duty: M.J. Buie in 1946, Burl Whittington in 1955, Milus F. Nichol in 1962, and Eugene Verdall Vickers in 1963.

Kaufman County—A young police officer from Terrell in Kaufman County also became one of the grim statistics on this honor roll almost 15 years ago. Like his colleagues, his memory lives on with the family, friends, and officers he served. I quote directly Terrell Police Sgt. Pat Burnett, who tells the story of this young man that is similar to those of others who have given their lives to protect their communities:

"He was Patrol Officer William Robert Stout, but everyone called him Bob and he was my best friend. He was killed at 1:05 a.m. on the night of June 5, 1980. He answered a disturbance call in a government project. A parolee jumped him from behind and rammed his head into a brick wall. Bob's revolver fell out when his holster was torn open from the force of the impact. His assailant grabbed the gun and expended all six rounds. Only one hit Bob, but it killed him.

"One of his daughters was four years old and the other about a year old when they lost their father. Kelly will graduate from Duncanville High School this month, and Tracy is 15. Nancy, their mother and Bob's widow, has done a great job of raising those two girls—we're all very proud of them. Nancy is with the Dallas County Sheriff's Department. One of the girls was in Terrell a couple of weeks ago, and I took her for a ride in my squad car."

Nancy, Kelly, and Tracy Stout and Sgt. Burnett are no different from the families and friends of those 13,000 American law enforcement officers who have lost their lives doing their jobs for us for the past 200 years. All the families and all the friends were deprived of men and women who were very important in their lives and who gave their lives for the safety of us all.

We can never adequately express our appreciation or that of our communities to these gallant men and women killed in the line of duty. They will forever be an important part of our history.

This week we remind ourselves of the debt we owe those officers and their families and friends—a debt we can never repay, only acknowledge.

POSTHUMOUS MEDALS OF HONOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. DORNAN. Mr. Speaker, the Medal of Honor was awarded posthumously to Sergeants Gordon and Shughart today, May 23, 1994. How lucky America is to have such heroes serving us. We, as a nation are starved for heroes in public civilian service.

[From the Washington Times, May 17, 1994]

SOME MORE "VIABILITY WITHIN THE SYSTEM"

(By Wesley Pruden)

Harry Truman stepped out into the Rose Garden one morning at the end of World War II to pay himself the honor of pinning the Medal of Honor on the chest of an American soldier.

"If I could," he told the young rifleman, a sharecropper's boy from Arkansas, "I'd happily trade places with you this morning." Mr. Truman put his thumb to his eye to wipe away a speck of "dust."

The Medal of Honor was special to Mr. Truman not because he was the president of the United States, and held it within his power to confer the nation's highest tribute for valor in combat, but because he had been a soldier in combat himself. He understood that what the heroes of all American wars hold in common, in life and in death, is uncommon valor.

Next week another American president will award the Medal of Honor, this time not to the men themselves, but to their families. Their sons rest in Valhalla.

The two men to be honored, to the extent that it is within the power of the living to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pay honor to men who have written great deeds in blood, are Master Sgt. Gary I. Gordon of Lincoln, ME, and Sgt. 1st Class Randall D. Shughart of Newville, PA, both of whom died in Somalia. The shots that killed them were fired by Somalian thugs, but their blood is on the hands of Les Aspin, the hapless congressman-cum-bureaucrat who was Bill Clinton's first secretary of defense—the man who, sitting in an office at the Pentagon with lots of orderlies to fetch his coffee and sharpen his pencils, decided that the U.S. commanders in Somalia didn't know what they were doing when they begged him for the armor to protect their men.

The two Medal of Honor recipients, members of the Army Special Operations Command at Fort Bragg, NC, were dropped into a firefight during a raid on the headquarters of Mohamed Farrah Aidid, the maximum leader of the Somalian thugs. This was the raid that ended with the deaths of 18 American "peacekeepers."

The two sergeants put down rifle fire from the first of two helicopters that went to the aid of raiding party, trying to protect them from automatic-weapons fire and rocket-propelled grenades. In the words of the Army citation:

"The two sergeants unhesitatingly volunteered to go to the aid of their wounded comrades at a second crash site despite being well aware of the growing number of enemy closing in. Sergeants Gordon and Shughart worked their way through a tangle of shacks, shanties and privies, taking heavy fire throughout, until they ran out of ammunition.

"After Sergeant Shughart was fatally wounded, Master Sergeant Gordon recovered another rifle from the crash site and gave it and the last five rounds of rifle ammunition to the injured pilot with the words, 'Good luck.' Then, armed only with his pistol, Sergeant Gordon continued to fight until he was fatally wounded. By their extraordinary heroism, Sergeants Gordon and Shughart saved the pilot's life."

Inspired by such uncommon valor, the president, even then perfecting his strategy for Port-au-Prince, called off the search for Aidid and withdrew all U.S. special forces.

These will be the first medals of Honor to be bestowed by the nation since the war that Mr. Clinton successfully dodged, and if uniforms make the president uncomfortable it's probably true that medals do, too. Nevertheless, these medals may have uses in the president's endless campaign to restore his "political viability within the system."

The White House announced the medal ceremony, to be held next Monday, after Mr. Clinton sat for eight weeks on the completed paperwork, presented with the Army's entreaties to pass favorably on the citations. Congress authorizes the medals, but the president must award them.

Some Army officials suspect that Mr. Clinton sat on the awards because he did not want to call attention to the deadly blunders in Somalia, but aides in the White House insist that this is not so, it's just that the president has been busy formulating his policies for Bosnia (three policies per day), Haiti (one policy for the morning, one for the afternoon) and North Korea (two in the mornings, sometimes none in the afternoon).

The president called in the families of the sergeants late last week and slipped effortlessly into his role as "commander in chief." The debacle in Somalia just wasn't his fault, he told the families. He was mad as anything when he heard about it.

Bill Clinton may or may not find a speck in his eye when he awards the Medal of Honor, but it's difficult to imagine that he could understand what Harry Truman was talking about. It's not even his fault. Like all of us, the president is a child of his times, and it was his bad luck to come to maturity (as we define maturity for his generation) in the America of the Gelded Age.

Now it's on to Omaha Beach!

IN HONOR OF JAMES L. QUILLIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. STARK. Mr. Speaker, today I would like to recognize Jim Quillin's distinguished career of service to California's workers.

In the past 30 years, Mr. Quillin has dedicated his life to protecting workers' rights. He began his work dealing with the grievances of union members in 1961, when he became a business representative for the International Association of Machinists and Aerospace Workers. In 1969, Mr. Quillin became the president of District Lodge 727 in Burbank, CA and for the next 6 years served as administrative director of the 20,000 member union. In 1975, he was appointed the State Labor Commissioner by Governor Brown.

In 1981, Mr. Quillin became the executive secretary treasurer for the California Conference of Machinists [IAM & AW], an association overseeing almost 150,000 members. He has served in this role until this year, when, as of August 1, he will retire from his long career of service.

His involvement in local communities has been equally impressive. Among the many organizations to which he has contributed his expertise are: the United Way—as corporate vice president for the Los Angeles Region from 1971 to 1975; the California Commission on Industrial Innovation—as a member from 1981 to the present; the California Foundation on the Environment and the Economy—as a member of the board of directors; and the California Employment Training Panel—as a member from 1983 to the present.

Jim Quillin will be sorely missed by his colleagues, friends, California's workers as well as those with whom he has worked in the community. I wish him much happiness and success in all of his future endeavors.

WILKES-BARRE ARCHITECTURAL FIRM WINS PRESTIGIOUS AMERICAN INSTITUTE OF ARCHITECTS' AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. KANJORSKI. Mr. Speaker, today I rise to recognize the Wilkes-Barre architectural firm of Bohlin Cywinski Jackson on their receiving the American Institute of Architects' 1994 Architecture Firm Award.

In its 29-year history, the firm has won many awards, but the AIA award is the company's greatest honor to date. Indeed, the firm now joins the "A List" of architectural firms in the country that have won the award, including I.M. Pei & Partners, Cesar Pelli & Associates and Venturi, Scott Brown Associates.

The award is presented to the firm that has consistently produced distinguished architecture for a period of at least 10 years. It is the highest recognition the AIA awards a firm.

With offices in Philadelphia, Pittsburgh, and Seattle, as well as Wilkes-Barre, Bohlin Cywinski Jackson has made its mark on a number of buildings in northeastern Pennsylvania and across the Nation, including the McGowan Business School at King's College, the Wilkes University Marts Athletic and Conference Center, and the $40 million home of Microsoft Corp. chairman Bill Gates. Other clients include IBM, Westinghouse, the Philadelphia Zoo, and university of Pennsylvania, Pittsburgh, and Virginia.

The firm will be presented the award on May 31 in a ceremony in Los Angeles.

Mr. Speaker, I wanted to take this opportunity to praise the firm of Bohlin Cywinski Jackson here today because all too often we focus on the successes of firms located in our big cities—New York, Los Angeles, Chicago—and overlook the contributions made by companies and firms in our smaller communities. I am proud to say that this Wilkes-Barre firm is competing and leading the field in designing the buildings of the future.

TRIBUTE TO REV. DONALD C. DAVENPORT

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Donald C. Davenport of the Community Covenant Church. Attached is a proclamation I issued Reverend Davenport commending him for his work.

PROCLAMATION

Whereas the Reverend Donald C. Davenport is a native of Chicago, Illinois, he was reared in the midst of the Cabrini Green Housing Development area of Chicago, through Church involvement and participating in high school football he rose above the gangs, guns and drug environment, receiving a football scholarship to college; and

Whereas Reverend Davenport matriculated at Southern Illinois University, Carbondale, Illinois, earning the Bachelor of Arts Degree, and Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree; and

Whereas Reverend Davenport has served the church through campus ministry and local congregations, he was appointed College Campus Director, Campus Crusade For Christ for Southern California, later he served as Director of Young Life Campus Ministries, for the Southside of Chicago, he served as Associate Pastor of Oakdale Covenant Church, Chicago, Illinois for five years, September 1980 he became the Co-Pastor of Community Covenant Church, Calumet Park, Illinois, in September 1981 he accepted the Call to pastor Community Covenant Church, The Lord has blessed the congregation to grow in number and in its ministry, through Athletic Ministry, Family Life Seminars, Personal Counseling, Community Covenant Bible Institute, and more; and

Whereas Reverend Davenport is a denominational and community leader, he is a member of the Urban/Ethnic Commission of the Evangelical Covenant Church, the Help Commission of the Evangelical Covenant Church, Board of Directors, Southwest Mental Health Association of Cook County, and many other community organizations, he is a humanitarian, a shepherd and a true asset to our community: Now, Therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Donald C. Davenport and the Community Covenant Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of The United States of America.

IMPROVING DIABETES CARE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. TOWNS. Mr. Speaker, all of us recognize the problems Americans with diabetes have in obtaining affordable, quality, health care. This is particularly true for African-Americans, Hispanics, and Native Americans, who are more likely to have diabetes than other Americans and who are underserved by today's health care system.

Mr. Speaker, we also recognize that diabetes is a costly disease, to those with the disease and to the health care system overall. Two recent studies, the first by the National Institutes of Health [NIH] and the second by Lewin-VHI, demonstrate that aggressive and consistent management of the disease significantly enhances the health of people with diabetes and that improving diabetes care is absolutely necessary if we are to control health care spending.

Mr. Speaker, last year NIH completed the landmark diabetes control and complications trial [DCCT], with the results published in the September 30, 1993, issue of the New England Journal of Medicine. The NIH study demonstrated that tight control of blood sugar levels can significantly reduce the risk and progression of complications associated with diabetes, including blindness, kidney disease, and amputation. Aggressive and consistent management of diabetes is best achieved through blood-sugar control, which includes monitoring blood-sugar levels, exercise, controlled diet, and regular insulin injections with a team of health care providers. Today, few individuals with diabetes receive the aggressive and consistent management found effective in the NIH study.

The Lewin-VHI study revealed that the 5 percent of Americans who have diabetes account for one of every seven health care dollars spent. The study also found that 42 percent of total diabetes health care costs was paid by Medicare and Medicaid in 1992. The study's results were published in the April 1994 issue of the Journal of Clinical Endocrinology and Metabolism. The study was sponsored by America's leading diabetes provider, Diabetes Treatment Center of America, which has over 70 diabetes centers in hospitals across the United States.

Mr. Speaker, the NIH study proved that we can improve the lives of people with diabetes though aggressive management of the disease before complications develop. The Lewin-VHI study showed that improving care for people with diabetes is necessary to control overall health care costs. National health care reform must address the problem of Americans who are underserved by the current system and ensure that all Americans with diabetes are provided the kind of health care proven effective by the NIH study.

I respectfully submit an April 13, 1994, Boston Globe column by Tom Oliphant entitled "A case study in health care: What's right, what's wrong and what's needed" to be included in the CONGRESSIONAL RECORD. The article deftly explains the importance of the NIH and Lewin-VHI studies in the context of national health care reform. I also submit the abstracts of the articles published in the New England Journal of Medicine and the Journal of Clinical Endocrinology and Metabolism.

[From the Journal of Clinical Endocrinology and Metabolism, 1994]

HEALTH CARE EXPENDITURES FOR PEOPLE WITH DIABETES MELLITUS, 1992

(By Robert J. Rubin, William M. Altman, and Daniel N. Mendelson)

ABSTRACT

The purpose of this report is to estimate diabetes prevalence and annual health care costs for people with diabetes in 1992, compare average annual costs for diabetes and nondiabetes, and estimate the portion of total U.S. health care expenditures incurred by people with the disease. Data from the 1987 National Medical Expenditure Survey were used to estimate diabetes prevalence and health care expenditures for diabetes in 1992. Diabetics were identified based on self-reports of a physician diagnosis of diabetes, a history of taking diabetic medications, or an encounter with the health care system specifically related to diabetes. Identified diabetics were classified as confirmed if they had a history of taking diabetic medications, had a diabetes-specific encounter with the health care system, or purchased diabetic equipment. Estimates of diabetes prevalence and health care expenditures were calculated separately for identified and confirmed diabetics using the National Medical Expenditure Survey database. Total health care expenditures included costs associated with inpatient hospital care, outpatient hospital care, office visits to a physician or other provider, emergency room visits, home health care, prescription drugs, dental care, and durable medical equipment purchases. We estimate that per-capita annual health care expenditures in 1992 were more than three times greater for diabetics ($9,493) than for nondiabetics ($2,604). Per-capita expenditures for confirmed diabetics ($11,157) were more than four times greater than for nondiabetics. In 1992, diabetics constituted 4.5% of the U.S. population but accounted for 14.6% of total U.S. health care expenditures ($105 billion). Confirmed diabetics constituted 3.1% of the U.S. population but accounted for 11.9% of total U.S. health care expenditures. ($85 billion). This study found that health care expenditures for people with diabetes constituted about one in seven health care dollars spent in 1992. Health care reform and insurers should take note of these findings and structure benefit packages to promote care likely to reduce the costs of caring for diabetics.

[From the New England Journal of Medicine, Sept. 30, 1993]

THE EFFECT OF INTENSIVE TREATMENT OF DIABETES ON THE DEVELOPMENT AND PROGRESSION OF LONG-TERM COMPLICATIONS IN INSULIN-DEPENDENT DIABETES MELLITUS

(By The Diabetes Control and Complications Trial Research Group)

Abstract—Background. Long-term microvascular and neurologic complications cause major morbidity and mortality in patients with insulin-dependent diabetes mellitus (IDDM). We examined whether intensive treatment with the goal of maintaining blood glucose concentrations close to the normal range could decrease the frequency and severity of these complications.

Methods. A total of 1441 patients with IDDM—726 with no retinopathy at base line (the primary-prevention cohort) and 715 with mild retinopathy (the secondary-intervention cohort) were randomly assigned to intensive therapy administered either with an external insulin pump or by three or more daily insulin injections and guided by frequent blood glucose monitoring or to conventional therapy with one or two daily insulin injections. The patients were followed for a mean of 6.5 years, and the appearance and progression of retinopathy and other complications were assessed regularly.

Results. In the primary-prevention cohort, intensive therapy reduced the adjusted mean risk for the development of retinopathy by 76 percent (95 percent confidence interval, 62 to 85 percent), as compared with conventional therapy. In the secondary-intervention cohort, intensive therapy slowed the progression of retinopathy by 54 percent (95 percent confidence interval, 39 to 66 percent) and reduced the development of proliferative or severe nonproliferative retinopathy by 47 percent (95 percent confidence interval, 14 to 67 percent). In the two cohorts combined, intensive therapy reduced the occurrence of microalbuminuria (urinary albumin excretion of ≥40 mg per 24 hours) by 39 percent (95 percent confidence interval, 21 to 52 percent), that of albuminuria (urinary albumin excretion of ≥300 mg per 24 hours) by 54 percent (95 percent confidence interval, 19 to 74 percent), and that of clinical neuropathy by 60 percent (95 percent confidence interval, 38 to 74 percent). The chief adverse event associated with intensive therapy was a two-to-threefold increase in severe hypoglycemia.

Conclusions. Intensive therapy effectively delays the onset and slows the progression of diabetic retinopathy, nephropathy, and neuropathy in patients with IDDM. (N Engl J Med 1993:329:977-86.)

[From the Boston Globe, Apr. 13, 1994]

A CASE STUDY IN HEALTH CARE: WHAT'S RIGHT, WHAT'S WRONG, AND WHAT'S NEEDED

(By Thomas Oliphant)

Ann Young and Joyce Psalidas, nearing 40 and first cousins, were each diagnosed with diabetes at age 11 when they were kids in suburban Atlanta.

After more than a quarter-century of more traffic with the country's health care system than most Americans have in a lifetime, they personify what's right with the beast, what's wrong with it and what's needed to change it.

What's right with it is science and medicine and doctors and nurses who have made it possible to control a chronic disease affecting nearly one in 20 Americans.

What's wrong with it is that the best and most efficient care is available only haphazardly, with immense human and financial consequences.

And what's needed—in human as well as economic terms—is private health insurance that covers everyone with basic benefits, including intensive therapy for diabetics.

Over 27 years, Joyce Psalidas' more or less conventional treatment has cost nearly $75,000 and has included 51 days in the hospital and 11 outpatient visits.

Over the same period, Ann Young's treatment has cost barely $40,000 and has involved just five days in the hospital and four outpatient visits.

From first diagnosis, Psalidas had a daily insulin shot and urine test but nonetheless experienced a host of eye and kidney complications. From her first diagnosis, Young visited her doctor more often, had her diet and exercise routine monitored and took insulin more frequently as needed to maintain a more nearly normal blood sugar level.

Young, a nurse, has benefited from comprehensive insurance coverage at work, from her own knowledge and from good luck. Psalidas, who has used more intensive therapy for the last 10 years, has often had to pay out of her pocket (she's an educator) and to scheme her way into studies at research hospitals.

The two women were brought here yesterday by Young's employer, Diabetes Treatment Centers of America, part of American Healthcorp Inc., to make a point that cuts to the core of this year's health care debate.

As the company's CEO, Jim Deal, summed up, "When you improve the quality of care, the cost of care goes down." To make the point just as dramatically, the company released a study it commissioned from Lewin-VHI, the firm whose broader work on the health insurance issue is widely accorded definitive status.

Diabetes is more than the No. 4 killer among diseases, according to the research just published in the Journal of Clinical Endocrinology and Metabolism. The national cost of health care for diabetics in 1992 was a stunning $106.2 billion, more than 60 percent of it in the form of inpatient hospital treatment.

That compares with a total national health care bill of $615.3 billion the same year, less than half of it from hospitals.

In English, this means diabetes is to health care what health care is to the over-all economy; it also means that caring for 4.5 percent of the population produces nearly 15 percent of the costs, more than 40 percent of which are paid through Medicare and Medicaid.

In medicine, it has been shown a zillion times that the more you monitor blood sugar, the more timely the use of medicine and the more aggressive the other aspects of a diabetic's therapy, the less frequent are the complications. And monitoring blood sugar levels is easy.

What a famous study released last year by the National Institutes of Health showed is that when diabetics' blood sugar levels are close to normal, the risk of kidney disease drops by 56 percent, of nerve disease by 60 percent and of eye disease by 76 percent.

Ann Young and Joyce Psalidas are both resourceful women, but Young has also been fortunate, and there is no logical reason why her experience—rather than her cousin's—shouldn't be a model for the country.

Managed care works and it pays. When people don't have good insurance that promotes intelligent care, people suffer, and the country pays through the nose.

Slowly, Congress is summoning the will to marry universal coverage and managed care along President Clinton's outlined lines. The idea that this is controversial is absurd, and Joyce Psalidas is this weeks Exhibit A.

THE CLINTONS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. DORNAN. Mr. Speaker, finally someone asks one of the key questions. Very, very sad.

[From the U.S. News & World Report, May 16, 1994]

WHAT DO THEY SAY TO EACH OTHER?

(By Gloria Borger)

It is hard, in the wake of the latest flurry of accusations against Bill Clinton, not to wonder about the first lady. What is she thinking? How does she go about her daily business? What does she say to friends? There she was, moved to tears last week at a health reform press conference with parents and their young children stricken with catastrophic illnesses. The families had run out of financial choices; Hillary Rodham Clinton just seemed to run out of words. The issue was emotional, but the first lady looked drained beyond the moment. That morning, the front page of the Washington Post had reported the Paula Jones story. It was no stretch to think that something more was causing her pain.

Some political ethicists argue that this line of private inquiry is none of our business. They may be right, but that is irrelevant. The truth is that the personal questions about the first couple have remained at the kitchen table since the campaign. Yes, maybe the public has discounted stories about Bill Clinton's alleged philandering because they don't care so long as he does his job. Or maybe the public says it doesn't care but then registers doubts when asked about his character. Whatever the case, after Gennifer Flowers, Whitewater, Troopergate and now Paula Jones, the question no one can answer is the question everyone asks: What do Bill and Hillary say to each other?

The conversation between them is painful to imagine. And more so because it probably has been repeated so often. We know about the campaign, when Hillary Clinton became the stalwart defender. The couple appeared on "60 Minutes" to try to make it all go away. And maybe they even thought they had succeeded by admitting to being real people, with marital problems they had resolved. Americans like people to work things out. There was a sense that, for better or for worse, the couple was a team.

SMOKE AND FIRE

But that was then. It has all grown so much more complicated, with more charges of philandering, with Whitewater and Hillary Clinton's commodities deals. In the case of Paula Jones and the Arkansas state troopers, the motivations of the accusers are clearly suspect—and we may never know the truth? What we recall is a first lady who passed cookies to reporters last Christmas, the day after she defended her husband against the troopers' charges. She had become the expert public witness—and the public wanted either to believe her or just to let Clinton get on with governing. Still, it all gets stuck back there somewhere in the collective public mind. And the public naturally wonders, when there is that much smoke, whether there is also fire.

Having introduced themselves as a loving couple with real problems, the Clintons cannot now escape—or redraw—the family portrait. Nor can they deny that their credibility is somehow tied into it. It is understandable that their public response is to treat all the personal charges as a form of political attack. But the public already suspects there is more to this than politics, and that only increases the curiosity about the honest conversations of a real marriage: Does she ever ask her husband whether these things are true? Or does she already know? Do they talk strategy, war-gaming like any good political team? Or does she ask, as Everywoman in this circumstances might: How many more times will I have to go through this? The two public faces of Hillary Clinton are sometimes painful to reconcile: the widely acclaimed pioneer, leading the fight to reform health care, and the first-line defender of a man accused of treating women as disposable objects. Her private face is a mystery.

There are those moments we all watch, and we wonder. The death of her father seemed genuinely painful to the president; the death of his mother brought the nation a picture of a couple, arm in arm, consoling each other. We see them as caring and loving parents. And Bill Clinton jumped at the opportunity to defend his wife's ethics in Whitewater, proclaiming that her "moral compass is as strong as anybody's." He also defended himself brilliantly at a later press conference, and his approval ratings jumped. If the public took him back, can we be excused for wondering whether that is what happens at home, too?

In polite society, this is none of our business. But in an odd way, the candidate and his wife invited us to look at their marriage—so long as they could control the access. Before the presidential campaign, it was Hillary Clinton who knew their private life might become very public business. It was she who coined the phrase "zone of privacy." And it was she who admitted to being "rezoned" recently when talking about her role in Whitewater.

Still, the publicly guarded woman married to the intensely gregarious man works to hide the emotion. Sometimes, as in a recent interview with Vanity Fair, she allows her humanity to show. "It is very hard, when people lie about you and attack you, not to feel anger," "If we act human, which is to say we resent it, we get angry about it—that somehow diminishes us." So when Larry King asked the first lady about the Paula Jones charges last week, she froze him out—and then denied being angry. But you had to wonder whether that is how she really felt.

MATTHEW LORENZO: AWARD WINNER IN THE PENNSYLVANIA FEDERAL JUNIOR DUCK STAMP DESIGN CONTEST PUNXSUTAWNEY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. CLINGER. Mr. Speaker, I rise today to congratulate Matthew Lorenzo, of Punxsutawney, PA, for his award-winning artwork in the Pennsylvania Federal Junior Duck Stamp Design Contest.

This art contest, sponsored through the U.S. Fish and Wildlife Service, gives students the opportunity to demonstrate their artistic abilities while simultaneously learning about, and promoting, environmental conservation.

The State Junior Duck Stamp Program is an extension of a program that many of us may be familiar with: the Federal Duck Stamp Competition. The annual Federal contest, sponsored by the U.S. Fish and Wildlife Service, selects winning artwork which ultimately becomes the Federal Migratory Bird Hunting and Conservation Stamp—commonly referred to as the Duck Stamp.

Matthew Lorenzo, an 8-year-old student at Saints Cosmas and Damian School, proved an aptitude for combining science and art by taking the first place award in the Junior Duck State Design Contest. Through Matthew's outstanding achievement, he brings honor to both his elementary school and the town of Punxsutawney.

Mr. Speaker, it is my privilege to recognize Matthew on the occasion of winning first place in his age group in the Pennsylvania Federal Junior Duck Stamp Design Contest. This young artist and conservationist deserves our congratulations for a job well done.

TRIBUTE TO DR. BENJAMIN GARRETT

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Benjamin Garrett. Attached is a proclamation I issued Dr. Garrett commending him for his work.

PROCLAMATION

Whereas Dr. Benjamin Garrett was born in Chauncey, Georgia, the eldest of six children born to Willie and Martha Garrett. Dr. Garrett's spiritual journey began at the age of eight (8) when he accepted Christ and was baptized, in 1948 Dr. Garrett united with the Tabernacle Baptist Church of Chicago under the pastoral leadership of Dr. Louis Rawls, he was crowned as Deacon and later ordained as Gospel Minister, he served as an Associate Minister of Tabernacle for several years, he served as an Evangelist under the late Bishop William Roberts of the Church of God in Christ, Dr. Garrett also organized the Solomon Temple Church of Chicago, serving as Paster for seven (7) years; and

Whereas Dr. Garrett was elected Pastor of the New Friendship Baptist Church in Robbins, Illinois by unanimous vote in August 1971, under his pastoral leadership, the Congregation has been blessed to improve its facilities expand its out-reach Ministry, strengthen its educational program, grown spiritually and numerically, established a Foundation and Scholarship Fund to assist high school students entering College; and

Whereas Dr. Garrett is a man given to study, hard work and persistence. He is a graduate of the historic Wendell Phillips High School of Chicago and a member of its distinguished hall of fame, matriculated at the Chicago City Colleges. He received his theological education at William Roberts Bible Training School of Chicago, the Chicago Baptist Institute, in 1981 he received the Doctor of Divinity Degree Conferred by Trinity Hall College and Seminary, Springfield, IL, and a 1991 Dr. Garrett earned the Doctor of Ministry Degree from the Logos Bible College of Tampa, Florida, he is a member of the National Honor Society and Thespian Honor Society; and

Whereas Dr. Garrett is a former Boy Scout and Cub Master, attained the rank of Lt. Colonel in the Reserve Officers Training Corps, and Brevet Second Lt. of the Illinois National Guard, he is a family man, married to the former Ethelene Rodgers of Chicago for over forty (40) years, God has blessed their marriage with four sons, one daughter, two grandsons, and five granddaughters: Now, therefore, be it

Resolved That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Benjamin Garrett by entering these accomplishments into the congressional Record and Archives of the One Hundred and Third Congress of the United States.

U.S. RESTAURANT CHAINS PROVIDE HEALTH COVERAGE TO FOREIGN WORKERS—AND PROSPER—BUT WON'T CONTRIBUTE TO THE HEALTH CARE OF U.S. EMPLOYEES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. STARK. Mr. Speaker, there has been a tremendous amount of debate recently about the proposed employer mandate to help pay for health care reform. Employers who hire minimum-wage or near minimum-wage workers are very vocal in their opposition to helping to pay for their employees health care coverage.

These employers argue that paying for health care will cause them to close up shop. But before we jump to conclusions, let's look at some real numbers in one of the largest industries that hire low-wage workers—the restaurant industry. After looking at the numbers, it's clear that many of these U.S. companies pay for the health care of their workers in foreign lands—and prosper—but do not provide health care for their American employees.

Data indicates that U.S. restaurant chains are growing steadily—even in light of two U.S. minimum-wage increases in 1990 and 1991. Burger King, to quote from its parent company's 1993 annual report, "turned in another year of strong performance * * * Operating profit was up significantly over last year, achieved mainly through continued margin improvement and new store openings." Burger King opened 540 new stores in 1993.

Dairy Queen's revenues have increased 136 percent over the last decade, from $131.9 million in 1984 to $311.1 million in 1993. The number of Jack-in-the-Box restaurants increased by 12 percent between 1990 and 1993. Shoney's, Inc. reports in its 1993 annual report that "revenues of $1.14 billion were a record for the company and maintained an unbroken string of consecutive increases in annual revenues for the 34th year."

Remember, this business success is occurring in the years immediately following two consecutive increases in the minimum wage. While businessowners may have cried bankruptcy in 1989, by 1992 they were off to record earnings—and growth. Not only have these businesses done well financially, there was a 3.14-percent increase in the number of restaurants opening during this period.

Many of these restaurant chains are also booming in the international marketplace. In 1993 you could find a Burger King in about 50 countries. Pizza Hut, Kentucky Fried Chicken, and Taco Bell—all owned by Pepsi Cola—have a combined total of 6,312 restaurants in foreign countries like Canada, Australia, Mexico, Belgium, Spain, Japan, and Singapore. Dairy Queen has 762 foreign locations, including 542 in Canada and 112 in Japan.

And sales are up in the international arena. Pizza Hut notes in Pepsi Cola's 1993 annual report that its international sales posted double-digit growth in 1992 and 1993. Pizza Hut's profits increased in Canada, for example, reflecting higher net pricing, additional units, and volume growth. Taco Bell and Kentucky Fried Chicken also saw their international sales increase by double-digit figures in 1992 and 1993.

And, yes, many of these U.S. companies provide health care coverage for their employees in foreign countries, but refuse to provide health care for American workers.

For example, Pepsi Cola, which boasts its restaurant sales grew to $9.4 billion in 1993, an increase of 14 percent, quotes in its annual report that "management believes strongly in, and has worked hard for, health care reform. [But] Pepsi Cola is opposed to * * * employer mandates." Unfortunately for Pepsi Cola, the company owns—not franchises—1,704 restaurants in foreign countries and therefore must pay for the health care of its workers in many of those countries, including Canada. If paying for health care is so expensive and will force companies out of business, how can Pepsi Cola afford to increase its worldwide restaurant locations by 41 percent from 1988 to 1993?

We cannot be manipulated into letting some businesses pass the cost of health care onto other businesses and taxpayers. Everyone must pay their share—and if U.S. restaurant chains are paying for the health care of their employees in foreign nations, it is reasonable to expect the same for American workers.

JACK McCARTHY NAMED SMALL-BUSINESS PERSON OF THE YEAR BY WILKES-BARRE CHAMBER OF COMMERCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a personal friend and an outstanding community leader, Mr. Jack McCarthy, who will be honored by the Wilkes-Barre

Chamber of Commerce as Small Business Person of the Year of May 24, 1994. I am pleased to have the opportunity to bring some of Jack's accomplishments to the attention of may colleagues.

Almost crippled at age 13 by a traffic accident, Jack learned that life was indeed precious and acquired a zealous attitude toward work and success. Four decades later, his life is a tribute to that attitude and his successes speak for themselves. President of McCarthy Tire, Inc., the company his father founded in 1926, Jack has demonstrated a business acumen that has become a legend in the Wyoming Valley. His still-growing company employs 160 people with annual sales figures totaling more than $26 million last year.

As much as Jack loves business, it is to his family and to the community that he shows his true devotion and dedication. Jack is a director on some of the most prestigious boards in northeastern Pennsylvania. He is currently chairman of the board of the Wyoming Valley Health Care Systems, and is a director of Pennsylvania Enterprises. Inc., Blue Cross of Northeastern Pennsylvania, and the Valley Automobile Club.

Jack's family, his wife, Cece, and his three children, share in the pride of this prestigious award. Two of Jack's children work for him, while one daughter followed in her mother's footsteps and chose a career in nursing. Although the family tires are strong at McCarthy Tire, Jack stresses that customer service is the key to the success of the business. Jack treats his employees as friends and actually hands out their paychecks himself whenever he can. Jack's door to his office stays open and his phone calls go unscreened. Jack believes that the work force in the Wyoming Valley is the best in the country and humbly attributes much of his success to his workers. In the true tradition of the American way, Jack believes that the right attitude is the key to success.

I am extremely proud to be among the many friends of Jack McCarthy who join to pay tribute to his achievements. Jack is a true example of the entrepreneurial spirit that exemplifies northeastern Pennsylvania.

TRIBUTE TO LAFAYETTE GATLING

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Mr. Lafayette Gatling. Attached is a proclamation I issued Mr. Gatling commending him for his work.

PROCLAMATION

Whereas Mr. Lafayette Gatling had a vision to establish a funeral home as a lasting memorial emphasizing the positive view of life serving the bereaved with love, compassion, encouragement; and

Whereas Mr. Gatling with his dear wife Marguerite Gatling and other supporters by his side this bold vision became a reality in June of 1985 building funeral chapels, offices, commercial spaces, later expandings to a professional building with music production studios, a garage to house the extensive fleet of limousines, serving over 2500 clients and families annually with a dedicated trained staff of 125 employees; and

Whereas Mr. Gatling is a pioneer in the funeral home industry with a two day Annual Memorial Service for the bereaved, Drive-Thru Video Visitation Service, a free Bereavement Counseling Program staffed by volunteer probate attorneys, funeral directors, social workers, doctors, financial advisors, and ministers; a Widows' & Widowers' Travel Service, and

Whereas Lafayette Gatling is a pioneer in the Gospel Music field sponsoring "The Gatling Gospel Time," radio program four Gospel Music companies, Care Productions Recording Company, entertainment management; Thisit Records, Inc. a record label recording established gospel artist; Isit Records, Inc. a record label recording new gospel artist; and True Gospel Productions, Inc. specializing in live concerts, video and television productions; and the Gospel Music Foundation for the preservation of Gospel Music: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Mr. Lafayette Gatling.

INTERNATIONAL SUPPORT FOR HUMAN RIGHTS IN KOSOVA RESOLUTION (H. CON. RES. 251)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. GILMAN. Mr. Speaker, recent events in Bosnia have demonstrated how little regard the Serbs have for the views of the international community. Their complete disregard for the mandates and requirements of the Uniited Nations Security Council, and indeed for the norms of civilized behavior as they carry out their plan for an ethnically cleansed "Greater Serbia" raises concern for the region of Kosova with its population of nearly two million ethnic Albanians.

Prior to 1989, under the constitutional arrangements of the former Yugoslavia, Kosova enjoyed an autonomous status in which the Albanian majority enjoyed many of the fruits of self-government. Public institutions such as schools, hospitals, and the police were controlled by the local population. In 1989, however, as Serbian President Milosevic sought to consolidate his grasp on power he exploited ancient Serbian sensitivities on the status of Kosova as an excuse for annulling Kosova's autonomous status by illegally altering the Yugoslav Constitution, and subsequently replacing Albanian personnel in the educational, health, and law enforcement systems in Kosova with Serbs.

Last summer, Serbian authorities refused to renew visas for a team of CSCE monitors that had been dispatched to Kosova to keep an eye on human rights abuses committed by the Serbian authorities. The Serbs have remained intransigent in refusing to grant visas for human rights monitors despite urgent appeals from the United States and most members of the European Union and other concerned countries. They have also refused to comply with United Nations Security Council Resolution 855 which required Serbia to permit international human rights monitors into Kosova. Since the departure of international monitors last summer human rights abuses have nearly doubled, according to reports from the Kosovar Albanian community, with a number of its leading personalities driven into exile for fear for their lives.

Accordingly, I am introducing today, along with Mr. ACKERMAN and Mr. SHAYS, House Concurrent Resolution 251, entitled "International Support for Human Rights in Kosova." This resolution requests the administration to submit a report within 60 days of enactment on its recommendations on ways to implement international protection for the rights of the majority of the Kosovar population. In so doing, I do not believe that this is an issue in which the United States should seek to act alone. We should consult with our allies in Europe and with other members of the Security Council because this is an issue in which they too have a large stake. I do hope that this measure will help to focus the administration on the issue of Kosova as it seeks to bring the conflict in Bosnia to conclusion. I do not believe that ignoring or omitting the situation in Kosova, wherein millions of people are daily subject to harsh and brutal denial of the most basic and fundamental human rights, will contribute to long-term stability in Balkans.

I hereby submit for the RECORD the text of House Concurrent Resolution 251, International Support for Human Rights in Kosova:

H. CON. RES. 251

To express the sense of the Congress that the President should report to the Congress on the situation in Kosova and on his recommendations on ways to enhance international protection of the rights of the people of Kosova.

Whereas the Constitution of the Socialist Federal Republic of Yugoslavia adopted in 1946 and the amended Yugoslav constitution adopted in 1974 described the status of Kosova as one of the eight constituent territorial units of the Yugoslav Federation;

Whereas the Government of Yugoslavia unlawfully abolished the autonomous status of Kosova through the adoption of a constitutional amendment without the consent of the people of Kosova on March 23, 1989;

Whereas in 1990 the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia and over 100,000 ethnic Albanians in government, the police, enterprises, media, educational institutions, and hospitals were removed from their jobs and replaced by Serbs;

Whereas Serbian police have arrested hundreds of Kosovar Albanians for allegedly engaging in nationalist activities, often beating them brutally, and occasionally fatally;

Whereas the people of Kosova have reacted to the unlawful violation of their rights and Serbian repression by establishing peacefully a parallel set of political and social institutions in Kosova, approving in 1990 a constitution, and electing Ibrahim Rugova as President;

Whereas the Government of Serbia, in July 1993, ceased cooperation with the missions of human rights monitors sent to Kosova by the Conference on Security and Cooperation in Europe and by the European Community; and

Whereas the Government of Serbia has ignored United Nations Security Council Resolution 855, of August 1993, which calls upon the government to allow the continuation of the Conference on Security and Cooperation in Europe mission and to guarantee the safety of and unimpeded access for Conference on Security and Cooperation in Europe monitors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should report to the Congress within 60 days on—

"(1) the situation in Kosova, including the manner in which Serbia's policies have affected the economic, social, and cultural rights of the majority in Kosova;

(2) measures to provide humanitarian assistance to the population of Kosova and to Kosovar refugees who have fled Kosova; and

(3) his recommendations (taking into account the views of other United Nations Security Council members and the European Union) on what modalities may be pursued, including the possibility of establishing an international protectorate for Kosova together with other members of the United Nations Security Council and the European Union, to implement international protection of the rights of the people of Kosova, reestablish an international presence in Kosova to monitor more effectively the situation there, and secure for the people of Kosova their right to democratic self-government.

SALUTE TO REV. MSGR. ANTHONY E. JAWOROWSKI

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to pay tribute to Rev. Msgr. Anthony E. Jaworowski, who is celebrating the 50th anniversary to his ordination to the priesthood.

Monsignor Jaworowski was born in the Manayunk section of Philadelphia on April 18, 1917, the son of August and Kazimiera, Bongard, Jaworowski. Monsignor Jaworowski was first ordained on June 3, 1944, by Bishop Hugh Lamb at the Cathedral of Saints Peter and Paul in Philadelphia. Soon after that, he was appointed assistant pastor at St. Anthony's in Cumbola and went on to serve as assistant pastor in a number of parishes, including St. Hedwig's in Chester, St. Mary's in Coaldale, and St. Casimir in Shenandoah. In 1953, Monsignor Jaworowski moved forward into the position of regional director of the CYO in Schuylkill County. In 1957 he became a professor at St. Pious X High School in Pottstown. He next became pastor at Sacred Heart Church in Clifton Heights, PA, before finally settling at St. Adalbert Church in Philadelphia where he has served since his appointment on October 13, 1972. On June 13, 1976, Reverend Jaworowski was conferred the title of monsignor at the Cathedral of Saints Peter and Paul.

Now, as the monsignor reaches his 50th year of service to God and his parishioners, his congregation at St. Adalbert Church is celebrating with an anniversary mass and banquet on May 22. Mr. Speaker, I stand with the members of St. Adalbert's Church in congratulating Monsignor Jaworowski on his half century of service.

TRIBUTE TO REV. MICHAEL PATRICK ENRIGHT

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Michael Patrick Enright of Immaculate Conception Church. Attached is a proclamation I issued Reverend Enright commending him for his work.

PROCLAMATION

Whereas the Reverend Michael Patrick Enright first born to Mr. & Mrs. Edwin & Ruth Enright on the 15th day of June, 1958 in Evergreen Park, Illinois; and

Whereas Reverend Michael P. Enright was conferred the title of Bachelor of Science the 24th of May, 1980 from Loyola University, Illinois, and conferred the titles of Baccalaureate of Sacred Theology, Cum Laude the 30th of June, 1983, Master of Divinity, Cum Laude the 30th of June, 1984, and Licentiate of Sacred Theology, Cum Laude, the 15th of June, 1989, from the University of St. Mary of the Lake Seminary; and

Whereas Reverend Michael P. Enright served in Chicago, Illinois as Associate Pastor of St. Marks Parish in the Humbolt Park Community (1984–1986), Associate Pastor of St. Agnes Parish in the Little Village Community, (1986–1993), Temporary Administrator of Immaculate Conception, 2944 E. 88th Street in the South Chicago Community (January, 1993—June, 1993) and Pastor of Immaculate Conception (June 1993—Present) with the installation ceremony to be held on Sunday the 29th of August, 1993, Eleven O'Clock mass; and

Whereas under the leadership of Reverend Michael P. Enright programs and services such as Feed the Hungry Program, the Youth Group, Catechumenate, Parish Council and the Parish Outreach Program, with the assistance of the Seminarians and parishioners, have created a positive influence on the South Chicago Community; and

Whereas Reverend Michael P. Enright has distinguished himself through various articles published in the Liturgy 80, Upturn, and the Indian Journal of Missiology is co-author of Catechumenate Lectionary; Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Michael Patrick Enright by entering these accomplishments into the CONGRESSIONAL RECORD and archives of the One Hundred and Third Congress.

TRIBUTE TO THE BATTLE OF CRETE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which took place in my district on Sunday, May 22. Sunday afternoon the Cretan Associations of New York and Long Island celebrated the 53d anniversary of the Battle of Crete, in the Kritiko Spiti in Astoria, NY.

This celebration, whose keynote speaker was Bishop Anthimos of Olympus, is of paramount significance because it commemorated the valiant and important contribution Cretan men, women, and children made to the defeat of the Axis powers in World War II.

During the war, the Greeks were the first to achieve a land victory for the Allies when the superior armed forces of Fascist Italy attacked Greece in late October of 1940. Though the Greeks fought fiercely, they were unable to sustain the combined efforts of the Italians and Nazi Germany. Soon after the fall of Athens on the 27th of April, the Greek mainland capitulated.

One part of Greece, however, remained unconquered: The island of Crete. In the early morning of May 20, 1941 Hitler's Operation Mercury began. Nazi Germany's assault on Crete was comprised solely of parachuting soldiers invading the isle at key locations. Though the Cretans valiantly defended their island, they were eventually overwhelmed by the Nazi onslaught on May 31.

The Battle of Crete stands as a monument as the only battle of World War II won by airborne troops alone. The casualties of this battle were great. Combined, nearly 13,000 soldiers were killed and nearly 17,000 soldiers were captured. Most telling, however, was the death of 3,000 unarmed women, children, and old men who bravely defended their homeland with sticks, stones, and even their bare hands.

Few battles rival that of the Battle of Crete in its intensity, its brevity, and its repercussions for the rest of World War II. The Battle of Crete was a pyrrhic victory for the Germans, delaying Hitler's assault on Stalingrad and preventing an airborne Nazi invasion of England. Winston Churchill's assessment of Hitler's losses was telling: "the forces Hitler expended there might easily have given him Cyprus, Iraq, Syria, and perhaps Persia."

Other testaments to the battle's significance lie not in the course of world history, but far away in the Mediterranean in a German cemetery. This cemetery, which lies near one of the larger battle-sites, is tended to by Cretan women dressed in black, lighting candles over the graves of the young parachutists who died so far from home.

When asked why they do this, the women reply: "They, too have a mother, and she is far away or dead. We lost our sons, killed or executed by the Germans. We know how a mother feels. Now we are their mothers."

Mr. Speaker, the battle of Crete was a tremendous display of courage and national pride. I urge my colleagues to join me and the Cretan Associations of New York and Long Island in celebrating the 53d anniversary of the Battle of Crete.

THE 50TH ANNIVERSARY OF THE U.S.S. "BUCKLEY"

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. KENNEDY. Mr. Speaker, in the rich heritage of our Armed Forces, there have been many great battles, many great soldiers, and many acts of extreme courage and loyalty. Today, I call to your attention the history of one of our finest destroyers that served in World War II, the U.S.S. *Buckley* [DE–51].

The tradition of the *Buckley* is a proud one. During the war years of the 1940's, Massachusetts workers tirelessly labored over her construction. Over 50 years ago, on January 9, 1943, Buckley was launched from Hingham, MA, and went on to serve the U.S. Navy for more than 27 years. Over that span, she saw action in important battles, and helped lead our country to its decisive victory in World War II.

Among its contributions to the Allies' efforts, Buckley sank a German submarine and picked up 36 German survivors on May 6, 1944. After undergoing repairs from this battle, on April 19, 1945, Buckley was successful in sinking another German submarine. In her last voyage abroad before beginning conversion to a picket ship, Buckley escorted a convoy to Algeria during June and July 1945.

The sailors of the *Buckley* exemplified the fighting spirit of our troops. Their courage in moments of combat, their bravery, and sense of duty to our great Nation set the standard for excellence.

I ask you to join me in commemorating this anniversary of the U.S.S. *Buckley,* and remembering the men who valiantly served on it.

TRIBUTE TO REV. DR. EUGENE L. GIBSON, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Rev. Dr. Eugene L. Gibson, Sr. Attached is a proclamation I issued Dr. Gibson commending him for his work.

PROCLAMATION

Whereas Dr. Eugene L. Gibson is a native of Chicago, Illinois, a graduate of Hyde Park High School, matriculated at Chicago Teacher's College, Moody Bible Institute, Bachelor of Religious Education, International Institute and Seminary, Master of Bible Theology, graduated the Worsham College of Martuary Science, and as a crowning distinction the Easonian Baptist Seminary awarded Rev. Gibson the Honorary Doctor of Divinity, a family man married to Mildred Scott of York, Pennsylvania, the Gibsons are the proud parents of four children—William, Everett, Eugene Jr. and Eugenia; and

Whereas Dr. Gibson was called to the Ministry in 1977, in that same year he organized the Mission Of Faith Baptist Church, 1984 he was elected President of the State Ministers Conference for the Illinois Convention, Moderator of the Chicago Metropolitan Baptist Association from 1981–1983—the association consisting of 131 congregations worshiping in seventeen different languages, also serving as President of the Roseland Clergy Association 1981–1989; and

Whereas Dr. Gibson is a leader in Christian Education, serving as a consultant for the Southern Baptist Convention Sunday School Board, he has published numerous articles and Sunday school lessons, and contributed to five published books, the author of the published book, TALK YOUR WALK—the Path to Black Church Growth, by Convention Press, member of the faculty Chicago Baptist Institute; and

Whereas Dr. Gibson is a representative of the Foreign Mission Board of the Southern Baptist Convention preaching and witnessing in over twelve countries: Canada, Sweden, Norway, Holland, Finland, Greece, Belgium, Mexico, Kenya, Ethiopia, Uganda, and Zimbabwe, and much more: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Doctor Eugene L. Gibson, Sr.

TURKEY'S LATEST DEMOCRATIZATION PACKAGE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. HOYER. Mr. Speaker, on May 18 Turkey's coalition government unveiled a package of reforms intended to liberalize political activity. The program includes revisions of the constitution, and 62 amendments to existing laws or new pieces of legislation. A major thrust of the package aims to remove obstacles that bar political activity by labor unions, associations, students and academics, which were imposed under military rule. The reforms also include creation of an Undersecretary's Office for Human Rights. The package is intended to improve Turkey's human rights image abroad and help prepare for closer links with the European Union when a customs union enters into force in 1995.

Mr. Speaker, this latest initiative represents a significant attempt to strengthen Turkish democracy. It comes at a time when Turkey faces major economic difficulties and an increasingly violent confrontation with Kurdish militants. I would point out however, that previous democratization packages have either failed to be adopted by the Turkish parliament, or have not been implemented. Given the seriousness of the problems facing the government, I hope that this package is swiftly approved and fully implemented.

Mr. Speaker, while I do not wish to detract from this positive initiative on the part of Turkey's ruling coalition, I am obligated to point out that democratization is seriously undermined when individuals are arrested for nothing more than exercising freedom of speech. Six Turkish parliamentarians, Hatip Dicle, Orhan Dogan, Sirri Sakik, Leyla Zana, Ahmet Turk, and Mahmut Alinak are facing the death penalty for non-violent pro-Kurdish expressions. Last week, Mehdi Zana, an independent Kurdish rights activist was also jailed for speech crimes. Mr. Speaker, a key benchmark of democracy is a tolerance of all non-violent expression and a free exchange of ideas—however unpopular they might be. Despite the intentions of those who crafted Turkey's elaborate new reform proposals, Turkey's commitment to democracy will continue to be questioned as long as political prisoners remain incarcerated for simply expressing their beliefs, however unpopular.

OTTAWA HILLS HIGH SCHOOL TECH PREP STUDENTS RECOGNIZED BY U.S. DEPARTMENT OF ENERGY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. EHLERS. Mr. Speaker, I would like to take the time to recognize the outstanding efforts put forth by a determined group of students from the Ottawa Hills Tech Prep program. These young men and women, through hours of concentration, study, and testing, have been recognized by the U.S. Department of Energy for their solar powered car, Ottawa Orange II. The students are participating in the American Tour de Sol 1994 which begins in New York City and ends in Philadelphia.

What is remarkable about this group of young achievers is that these students, who were at risk, turned a negative into a positive. They took a tremendous task and exhibited patience and teamwork to the fullest extent to conquer their goal. The lessons learned during this project are valuable ones that will help prepare them for everyday challenges that await them in adulthood.

Students are involved in all phases of the project. Team members of Ottawa Orange II are involved in the following teams: body, business, coordinating, video, design, electrical, mechanical, and promotion. The students responsible for the success of Ottawa Orange II are Dannice Ingram, Dwakeeley McMillan, Jermaine Miller, Bruce Wisner, Joe Black, Tony Garza, Tonya Murry, Robin Owens, Nikia Thomas, Valerie Angelo, Brian Ashley, Monica Gibson, N'Degwa Aikens, Andrew Fraser, Dan Gordon, Sean Bradshaw, Jason Burress, Larry Hunt, Randy Mahar, Stephen Steele, Donte Williams, Joe Bell, James Culp, Leonard Kemp, Aaron McKinney, Eric Miller, William Smalley, and Duce Lovelady.

The students are also fortunate to have a staff dedicated to caring. In addition to challenging the students to reach their potential, staff members have been there for the students during their times of need. The staff members who should be applauded for the efforts are Principal Sidney Bailey, Jennifer Frisbie, Bob George, Gregg Klooster, Eva Mathews, and Linda Skar.

Mr. Speaker, I urge my colleagues to join me in saluting these individuals who learned the true meaning of teamwork during the building of Ottawa Orange II. It is with great pleasure that I take this time to recognize the efforts of these students who took the challenge to not only learn about themselves, but to learn more about science and our future. Congratulations to everyone involved in the success of this outstanding project.

CONGRESSMAN KILDEE HONORS AFRICAN-AMERICAN VETERANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to veterans of all wars and to give special recognition to African-American veterans. On Saturday, May 21, 1994 a banquet was held in my hometown of Flint, MI honoring African-American veterans of all wars. The banquet afforded me the opportunity to reflect upon the often forgotten history of African-Americans in the U.S. military.

The United States owes its African-American veterans a debt it can never repay. Indeed, the Revolutionary War, out of which our great Nation was born, included significant contributions from African-American patriots such as Crispus Attucks. They fought and died defending the civil rights described in the U.S. Constitution before they were allowed to enjoy these rights themselves.

During the Civil War, President Abraham Lincoln created the Bureau of Colored Troops [USCT], partially opening the door for African-American males to enjoy the security and recognition of a career in the military. African-Americans such as Monroe Trotter and Harriet Tubman helped the Union Army achieve final victory, keeping the Nation together.

When duty called again in 1898, African-Americans volunteered to fight in the Spanish American War. The road to victory is never easy and these brave soldiers endured many hardships as they defended democracy in the jungles of Cuba. Nevertheless by the end of the war, seven African-Americans had been awarded the Medal of Honor, including Pvt. T.C. Butler of the 25th Infantry and Sgt. Maj. Edward L. Baker of the 10th Calvary.

At the beginning of World War I there were 20,000 African-Americans in uniform. The six regiments created during the Civil War had been reduced to four regiments augmented by Army National Guard units. These regiments were brought to full strength for the war, doubling their size. In addition, over 350,000 African-Americans were drafted.

African-American units fought bravely during the war, earning numerous awards, recognitions, and citations. An African-American National Guard unit from the District of Columbia was picked by President Woodrow Wilson to guard the strategic sites around our Nation's Capitol. Henry Johnson of the American 369th Regiment, then attached to the French Army, became the first American of any race to be awarded the French Croix de Guerre.

During World War II, greater numbers of African-Americans were able to participate in the war effort. Their acts of valor began with the infamous attack on Pearl Harbor, when Navy messman Doris Miller braved strafing enemy planes to remove his mortally wounded captain from a sinking ship, then manned the machine gun on the water covered deck firing relentlessly at the Japanese aircraft. The Tuskegee Airmen proved to the world that African-Americans could fly in combat with the best pilots of any nation. Almost 100 of these airmen received the Distinguished Flying Cross.

Shortly before the beginning of the Korean war, the Fahy Committee laid the groundwork for the total integration of the U.S. Armed Forces. By the end of the war, the American military was completely integrated. Again, African-Americans such as Tuskegee Airman, Col.—later General—Chappie James distinguished themselves, earning numerous awards and decorations.

During the 20-year Vietnam war a total of 275,827 African-Americans served in the Armed Forces. Of this number, 41,770 served in Vietnam and 5,570 were killed in action. Though racial strife had not been completely eliminated, the Vietnam war was fought with the most integrated force ever fielded by the United States. Thirteen percent of the combat infantry force was comprised of African-Americans. By the end of the war, 20 African-American service members had been awarded this Nation's highest award, the Medal of Honor. More than 60 African-Americans were commissioned as officers and two of these officers achieved the rank of general officer, Daniel "Chappie" James and Rosco Robinson, Jr.

Since the Vietnam war, the military has worked hard to promote racial harmony and today African-Americans work and compete with their counterparts of other races. They continue to serve this country faithfully whenever conflicts arise, from Panama to Operation Desert Storm. In fact, Operation Desert Storm was fought under the command of the first African-American Chairman of the Joint Chiefs of Staff, Gen. Colin Powell.

Mr. Speaker, I ask you and my fellow Members of the 103d Congress to join with me in recognizing the long and honored history of the African-American veterans. Their sacrifices helped America grow from a struggling colony into the great Nation that is leading this planet toward true freedom and democracy for all individuals.

TRIBUTE TO DR. ARTHUR D. GRIFFIN

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Arthur D. Griffin of First Baptist Congregational Church. Attached is a proclamation I issued Dr. Griffin commending him for his work.

PROCLAMATION

Whereas Doctor Arthur D. Griffin is a native of Chicago's West Side; receiving his formal education at Hayes Elementary School, McKinley High School, The University of Chicago, the American Conservatory of Music, the Chicago Evangelistic Institute, Northwestern University, the University of Wuerzburg in West Germany, and the Northern Baptist Theological Seminary, receiving for his academic endeavors the following earned Degrees: Bachelor of Arts, Master of Arts, Bachelor of Divinity, Doctor of Music, Doctor of Theology, and the Doctor of Divinity; and

Whereas Pastor Griffin has given many years as a spiritual and civic leader; formerly serving as Chairman of the Chicago Conference on Religion and Race; President of the Chicago Opportunities Industrialization Center; President of the Church Federation of Greater Chicago; Executive Director of the Illinois National Baptist State Convention; and instructor at the Northern Baptist Theological Seminary and as Chairman of the Chicago Chapter of the Ministers for Racial and Social Justice, United Church of Christ and former Community Representative of the Spaulding High School; and

Whereas in addition to his ministry as Senior Pastor of First Baptist Congregational Church; Dr. Griffin is presently serving as Chairman of the Chicago Inter-Faith Organizing Project (IOP), Secretary of the Board of Directors for the Community Renewal Society, Member of the Board of Directors of Evangelical Health Systems. Chaplain of the Chicago Policy Department, Instructor of Systematic Theology and Vice Chairman, Board of Trustees at Chicago Baptist Institute; and

Whereas Pastor Griffin is a family man, uniting in holy matrimony in August of 1952 to Miss Barbara Anne Kelley. The Griffins are blessed with two lovely children: Rachel Louise, an Environmentalist, and Arthur Derick, Jr., a Physics Teacher: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Dr. Arthur D. Griffin.

NO SPECIAL TREATMENT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. PORTMAN. Mr. Speaker, today I am introducing a resolution that expresses the sense of the House of Representatives that any law pertaining to the reform of our Nation's health care system should apply to Members of Congress and all other Federal employees. There is no justification for Members of Congress or other Federal employees to exempt themselves from health care reform laws Congress may impose on the rest of the country.

Currently, the nine million Federal employees and their dependents who are enrolled in the Federal Health Benefits Program [FEHBP] have a choice among health plans with varying levels of benefits and premiums. In all, Federal employees have approximately 320 health care options through the FEHBP.

Although Members of Congress and Federal employees currently enjoy seemingly unlimited choices, many of the health care reform plans that have been introduced would severely limit health care options for most Americans. Although I have serious concerns about many of the health care reform proposals, one aspect of such reform is essential—Members of Congress and Federal employees must not get any special treatment. I feel that if Members of Congress and other Federal employees had to live by the same health care rules and regulations that Congress imposes on the rest of the country, it would be more careful in the type of reforms enacted.

I urge all of my colleagues to cosponsor this important resolution, and, thereby, show the American public that they do not expect special treatment with respect to health care reform. Perhaps that will also make Members of Congress better legislators when passing the best health care reform legislation possible.

NORTH CAROLINA'S TRADITION OF GOLF EXCELLENCE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. COBLE. Mr. Speaker, North Carolina has a long and rich heritage when it comes to the sport of golf. The Sixth District of North Carolina just hosted the Kmart Greater Greensboro Open stop on the PGA Tour. Pinehurst will host the 1994 U.S. Senior Open later this summer. In addition, the State boasts of an abundance of excellent courses and thousands of golfers who enjoy the game almost year-round in North Carolina.

Our tradition of golf excellence was highlighted recently when the State hosted its high school 3–A golf championships and the Sixth District of North Carolina placed teams in three of the top four positions, including the champion, Northwest Guilford High School. On May 10, at Finley Golf Course in Chapel Hill, the Northwest Guilford Vikings won the championship with a 2-day score of 610, 1 stroke better than runner-up Walter Williams High School of Burlington. First-round leader Ragsdale High School of Jamestown finished fourth behind West Carteret High School. We are proud to say that Northwest Guilford, Williams and Ragsdale are all located in the Sixth District.

Northwest Guilford, making its first appearance at the State championship since a fourth-place finish in 1991, captured the 3–A title with a stirring come-from-behind victory. The Vikings were in sixth place, 14 strokes behind first-day leader Ragsdale when play began on May 10. Thanks to a second-day team total of 299, Northwest Guilford edged runner-up Williams by the slimmest of margins, only one stroke.

In only his second year as golf coach, Tommy Waynick said it was a total team effort which led to Northwest Guilford's championship, but there were some anxious moments leading up to the title. "We figured we would have to shoot a 292, Tuesday, to have a shot," Waynick told the Burlington, NC, Times-News, "but I think the course played tougher today and that helped us out a lot. This was a lot of fun. We were the first ones done, and I just sat there and my heart pounded for about an hour."

The Vikings' top four golfers shot 76 or better to lead the tremendous comeback. Congratulations are in order for each member of the Northwest Guilford golf team including Matt Dillon, Josh Easterwood, Josh Hopper, Tim Ryan, Mark Stillwell, and team manager Amber Cummings. Northwest Guilford's athletic director Sandy Gann and principal Roger Nelson are also to be commended for their support of the Vikings golf squad.

We are equally proud of the fine performances turned in by Williams and Ragsdale. North Carolina is the golf capital of the world and the Sixth District of North Carolina is home to some excellent high school golf teams, including the State 3–A champion Northwest Guilford Vikings.

ARMS EMBARGO AGAINST BOSNIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. HAMILTON. Mr. Speaker, I recently asked Secretary of Defense William Perry to provide me with his assessment of the implications and consequences of lifting the arms embargo against Bosnia.

As my colleagues know, this question will come before us shortly in the form of an amendment to the Department of Defense authorization bill. I hope my colleagues will consider Secretary Perry's response, in the form of a series of questions and answers, before casting their vote on this critical issue:

THE SECRETARY OF DEFENSE
Washington, DC, May 19, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your interest in the United Nations arms embargo as it applies to Bosnia. The attached contains questions and answers concerning the implications of lifting the arms embargo which I hope will be useful to you during House consideration of legislation related to Bosnia.

Your support of the Administration's position on this issue is crucial. A peaceful settlement in Bosnia will require a multilateral approach. The support of our allies and the United Nations cannot be sustained if we unilaterally lift the embargo. Please know that we remain steadfast in our commitment to a peaceful and viable settlement in that country.

Thank you for your continued attention to this matter. I look forward to working with you on this and other policy issues.

Sincerely,

WILLIAM J. PERRY.

RESPONSES TO QUESTIONS ON THE ARMS EMBARGO AGAINST BOSNIA

Question. If the arms embargo against the Bosnian government were unilaterally lifted by the United States, what impact would such a move have on the compliance of other nations with the broad range of UN Security Council-imposed embargoes, such as economic sanctions against Serbia and sanctions against Iraq?

Answer. There is a clear danger that other nations would use the U.S. precedent as a pretext to unilaterally "lift" sanctions regimes that they found inconvenient or opposed for political or economic reasons. This could lead to a total breakdown in the ability of the UN to enforce sanctions against Serbia, Iraq, Libya and Haiti, and over time could limit the power of the UN to affect international behavior through binding resolutions.

Question. Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia and Bosnia is not a successor state; and because the embargo violates Bosnia's right of self-defense under Article 51 of the UN Charter. What is the Administration's legal opinion on this issue?

Answer. The arms embargo was imposed on the territory of the former Yugoslavia by UN Security Council Resolution 713 (1991) and reaffirmed in later resolutions (e.g., Resolutions 724, 727, 740, 743, and 787). Resolution 713 is a mandatory decision under Chapter VII of the UN Charter and expressly provides that the embargo will remain in effect "until the Security Council decides otherwise." The Council has also made clear that the embargo applies throughout the territory of the former Yugoslavia, notwithstanding its breakup into separate states (see Resolution 727 (1992)). Thus it applies to Bosnia.

The embargo does not violate Bosnia's right of self-defense under Article 51 of the UN Charter. Any self-defense right that may exist to receive arms from other states under Article 51 is subject to the authority of the Security Council, which may take action affecting it. Thus, under Article 51, measures taken in self-defense "shall not in any way affect the authority and responsibility of the Security Council under the [UN] Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The Security Council may take various actions—imposition of cease-fires, limits on armaments, and establishment of protected or demilitarized zones—that affect a state's right of self-defense. For example, the Council may impose a cease-fire even though its immediate effect may leave an aggressor in temporary occupation of part of the defender's territory. Article 51 takes as its premise the principle that the Security Council may impose such sanctions when it judges them to be necessary, and this is an essential part of the Council's authorities to maintain and restore peace.

Question. How would a unilateral lifting of the arms embargo affect our relations with our NATO Allies and the Russian Federation?

Answer. Our Allies and the Russians are extremely concerned at the prospect of unilateral U.S. lifting of the arms embargo. They would argue that our behavior encouraged an erosion of the UN sanctions regime as an instrument of international policy. If they came to believe that unilateral U.S. lifting of the embargo had more than a symbolic effect, they might decide to pull some or all of their forces out of UNPROFOR, leading to the collapse of the humanitarian relief effort. Sarajevo, Gorazde, Srebrenica and Zepa, which are surrounded by Serb forces, would be cut off from most relief supplies. Should the Bosnian Serbs attack any remaining European forces or take them hostage, the Europeans would hold us accountable. Nations like Iran, who have standing offers to provide troops to the Bosnian government, might elect to do so, arguing that the U.S. had set a precedent for ignoring a UN resolution.

Question. If the arms embargo were lifted, what types of weapons would the Bosnian government forces need to achieve a degree of weapon equivalence with the Bosnian Serb forces? Which nations would train the Bosnian forces with these new weapons?

Answer. We presume that the Bosnian government would require large-caliber heavy weapons to match the capabilities of the Bosnian Serbs. This could include medium and heavy artillery, medium tanks, and long-range anti-tank weapons such as the Tube Launched, Optically Tracked, Anti-Tank Weapons (TOW) System. Personnel familiar with weapons provided, usually the supplier (government or industry), generally train recipients in the use, tactical employment, and maintenance of systems procured. Potential suppliers/trainers span the globe.

Question. How long would it take for heavy weapons to be transported to the Bosnian government forces? What are the various access routes and means of delivery? How vulnerable are these routes to attack by Serb or other hostile forces? How large a military force would it take to guard and maintain these logistical routes?

Answer. If the arms embargo were lifted by UN action and Croatia cooperated, heavy weapons could be brought in Bosnia through Croatian Adriatic ports. It would be difficult to deliver substantial amounts of equipment by air since all major Bosnian government airstrips are within Serb artillery range, and aircraft would be subject to SAM fire. Shipment by sea would require weeks and perhaps months, depending on how long it took the Bosnian government to purchase or otherwise procure the weapons. If the U.S. unilaterally lifted the arms embargo, heavy weapons could not be shipped to Bosnia without a willingness on the part of other nations to violate the UN arms embargo. If Croatia were to cooperate with the U.S. in violating the UN arms embargo, and the Bosnian government were able to purchase or otherwise obtain weapons, arms could begin reaching Bosnia in some weeks or months. It is quite possible that most, if not all, UNPROFOR forces would probably have departed by then, perhaps having had to fight its way out, and would not be available to secure routes for arms imports. The Serbs would naturally take advantage of any lag-time between international lifting of the arms embargo and provision of weapons to the Bosnian government. The incentive for the Serbs to launch an all-out final offensive before their forces were put at a disadvantage would be great. Thus the U.S. might have to undertake air strikes—in this case, without the participation of our NATO Allies—to help repel new Bosnian Serb aggression.

Question. How long would it take to effectively train the Bosnia government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia, or are other nations capable of training Bosnians on the U.S. military equipment that may be provided if the embargo is lifted? Would this training take place in Bosnia or out of country?

Answer. Estimating the time required to train a force to use, tactically employ and maintain sophisticated weapons is difficult without exact knowledge of the capabilities of the force to be trained. As a rough estimate, DoD notes that training time of one to six months is required to train soldiers to survive on the battlefield and properly use rudimentary weapons. Until there is a definitive plan to train a particular force, it is not possible to estimate where the training might take place.

Question. What is required in terms of logistics and maintenance to service the heavy weapons that the Bosnians would receive? Are the Bosnian government forces capable of maintaining this equipment without outside assistance?

Answer. The more sophisticated the weapon system, the more lengthy and complicated the maintenance and supply system. The following factors, inter alia, would have a direct impact on both sustenance and tempo of operations: The complexity of the weapons system, number of units to be operated, skill of the operators, the level of training, the equipment's exposure to hostilities and weather, and logistics (ammunition, parts, transportation) and infrastructure (lines of communication, facilities) capacities. If the Bosnian government acquired weapons and equipment compatible with its existing indigenous weapons and equipment compatible with its existing indigenous armaments production capabilities (e.g., former Soviet Union sourced), it could possibly maintain them without outside assistance.

Question. How would the Serbs (or other belligerents) react in that interim period between announcement of lifting and adequate training?

Answer. Any formal lifting of the arms embargo by the UN prior to a peace settlement would give the Serbs an obvious incentive to exploit their current military superiority before foreign arms began to be used effectively by Bosnian forces. Assuming that UNPROFOR stayed in place, its soldiers could face attack by Bosnian Serb forces. The Serbs could also be expected to halt the humanitarian relief effort. While relief could still flow into central Bosnia from the Adriatic coast through Croatia, the Serbs are currently capable of cutting off all land routes into Sarajevo, Gorazde, Zepa and Srebrenica. They could also close Sarajevo and Tuzla airports. The only possibility of supply to these areas would be through air drops. While these might sustain some of the outlying enclaves, they would be insufficient for a city the size of Sarajevo, which has at most a three-week supply of food on hand. In addition, air drop aircraft would be susceptible to anti-aircraft fire. The eastern enclaves and other isolated areas like Maglaj and Bihac would probably fall and Sarajevo would be at serious risk even if the population did not face starvation.

Question. If there is an increase in fighting, should air power be used against the Serbs during this period? What are the military risks associated with air delivery of the new weapons? Is it likely the airfields in the government-controlled areas can be kept open for such deliveries? Should Allied aircraft be expected to participate in such an air operation if we unilaterally lift the embargo? If not, would U.S. air controllers have to be put on the ground to control air strikes?

Answer. The only possible way to discourage large-scale Serb attacks on the Bosnian government or on UNPROFOR forces, or to prevent the Serbs from halting the continued supply of Sarajevo via the airport, would be through the threat of military invasion or a massive bombing campaign aimed at Bosnian Serb military and strategic infrastructure targets. Unless we were prepared to undertake such actions, the destruction of Sarajevo, the eastern enclaves, and other isolated Bosnian government positions before the arrival of weaponry would become a distinct possibility. This is why the U.S. has always linked the lifting of the arms embargo to a bombing campaign, as exemplified in the "lift and strike" proposal of May, 1993.

Question. Would UNPROFOR troops have to be withdrawn prior to the lifting of the arms embargo? How long would such a withdrawal take and what are the risks involved? Would the Serbs intercept the withdrawal and endeavor to take hostages?

Answer. Our understanding is that the key UNPROFOR contributors, most of whom are NATO Allies, would not be prepared to stay in Bosnia if the arms embargo were lifted. If UNPROFOR's departure were unopposed by the Bosnian Serbs, all UNPROFOR forces could probably leave within several weeks. The primary impediments would be logistical. If the Bosnian Serbs retaliated for a formal or unilateral lifting of the arms embargo by targeting UNPROFOR, the departure of the troops might be difficult or impossible. UNPROFOR troops, civil affairs officers and military observers are deployed widely and could not defend themselves against concerted attack. Allies might call on the U.S. to join them in sending ground forces in to rescue their troops or to launch a massive bombing campaign aimed at getting the Serbs to stop impeding UNPROFOR's departure.

Question. What impact would an UNPROFOR withdrawal have on the people now receiving their assistance?

Answer. IF UNPROFOR were to leave before the Bosnian Government was in a position to take the offensive on the battlefield, Sarajevo, Gorazde, Srebrenica and Zepa, which are already surrounded, would be cut off from resupply via land routes. The Serbs could also cut resupply to Sarajevo by closing down the airport. Any assistance deliveries to either Sarajevo or the eastern enclaves would have to be by air drops. Sarajevo could not survive on air drops alone, and with only a three-week supply of food.

Question. If the arms embargo were lifted against Bosnia, would it also have to be lifted against Croatia since Croatian cooperation is essential for transporting weapons to the Bosnians? What impact would lifting the arms embargo against Croatia have on the situation in Krajina? What is the likely Serb reaction?

Answer. The only reliable way to deliver heavy weapons to Bosnia in large quantities is through Croatia. If the UN Security Council lifted the arms embargo against Bosnia alone, Croatia might be permitted (by resolution) to have arms transit its territory. Thanks to the Federation agreement signed in March, relations between the Croatian and Bosnian governments are relatively good. Still, it is likely that weapons bound for Bosnia through Croatia would only reach their final destination if Croatia also received arms either openly or covertly. If the arms embargo were also lifted against Croatia, and the Croats used these weapons against the Krajina Serbs (who currently control almost one third of Croatian territory) it is possible, and perhaps likely, that Serbia proper would intervene, leading to an outbreak of war between Croatia and Serbia. Lifting the embargo against Croatia would also raise questions on whether the embargo should remain in effect against Solvenia and FYROM.

Question. What is the likely reaction of Russia and Serbia to a unilateral lifting of the arms embargo? Is it reasonable to assume that they would come to the assistance of the Bosnian Serbs if the Bosnian government began to recapture territory in the wake of the lifting of the embargo?

Answer. The Russian reaction would be similar to that of our NATO Allies. A Russian withdrawal from UNPROFOR would be likely. A U.S. decision to lift the arms embargo unilaterally would certainly play into the hands of pro-Serbian extremists in Russia, who could make political decisions even more difficult for the Yeltsin government. The Belgrade reaction would depend on how seriously the threat were perceived. If a humanitarian disaster in Sarajevo could be avoided and the Bonsian government survived long enough for the situation on the battlefield to change, the Serbian government could be prompted to intervene on behalf of their Bosnian Serb brethren. Milosevic would certainly be under tremendous domestic pressure to do so. The threat or use of NATO military actions, either on the ground or from the air, might be needed to deter him.

Question. Would the lifting of the arms embargo help or hinder efforts to achieve a negotiated settlement to the conflict? Is it an option for future consideration? Under what circumstances?

Answer. Unilateral U.S. lifting of the arms embargo would probably have a chilling effect on the negotiating process. The Bosnian government might feel less inclined to seek a negotiated solution in the hope that it could achieve a better solution on the battlefield. The Bosnian Serbs, for their part, would be less inclined than ever to accept a U.S. mediating role in the conflict, depriving us of the ability to serve as an honest broker for a settlement. If the Serbes perceived an immediate physical threat to themselves as a result of the U.S. decision, they could attack the Bosnian government or UNPROFOR forces or close down the humanitarian relief supply to Sarajevo and the eastern enclaves, thus making a negotiated settlement even more remote.

Question. If the lifting of the arms embargo does not give the Bosnian government force a degree of military equivalence with Bosnian Serb forces, what would be our next step?

Answer. Assuming that UNPROFOR has departed, or needs to be rescued, and that Sarajevo and the eastern enclaves are at grave risk, the U.S. might have no choice but to intervene massively in the conflict or acquiesce in a humanitarian and political disaster.

TRIBUTE TO DR. WILLIAM H. GRIFFEN, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. William H. Griffen, Jr. of the Zion Lutheran Church. Attached is a proclamation I issued Dr. Griffen commending him for his work.

PROCLAMATION

Whereas Dr. William H. Griffen, Jr. was born in Kannapolis, North Carolina, matriculated at Immanuel Lutheran College, Greensboro, North Carolina, Bachelor Arts Degree, Immanuel Theological Seminary, Greensboro, North Carolina, Master of Divinity Degree, Concordia University, River Forest, Illinois, Master of arts; a recognized scholar and humanitarian he has been awarded three Honorary Doctorates, Concordia Seminary, St. Louis, Missouri, D.D., Concordia College, Bronxville, New York, LL.D., Concordia Seminary, St. Louis, Missouri, Doctor of Literature; and

Whereas Dr. Griffen is a Churchman, Scholar and Pastor faithfully rendering forty-two years of service through the Lutheran Church Missouri Synod serving several parishes, Holy Cross Lutheran Church, Camden, Alabama, Trinity Lutheran Church Selma, Alabama, Grace Lutheran Church, Montgomery, Alabama, Christ the King Lutheran Church, Chicago, Illinois, in 1974 he was installed as Pastor of Zion Lutheran Church, Chicago, Illinois serving until the present; and

Whereas Dr. Griffen serves as the Area Representative for Wheat Right Ministries, Midwest Region, a member of the Cook County Board of Corrections, is a past professor of Theology at Concordia University and other Seminaries, past President of the Kenwood Oakland Community Association, past President of the Lutheran Human Relations Association, Valparaiso, Indiana, serving on several Church boards and commissions of the Lutheran Church Missouri Synod, Board of Youth Services, Board of Social Ministry, and the Commission of theology; and

Whereas Pastor Griffen is a true Role Model, he is a family man married to Miss Ella Mae Griffin, God has blessed them with four children, nine grandchildren, and one great-grand child: Now, therefore, be it

Resolved, That on this occasion of his retirement the Congress of the United States wishes to acknowledge the accomplishments of The Reverend William H. Griffen by entering these accomplishments in the Congressional Record and archives of the one hundred and third Congress of the United States.

THE FIFTIETH ANNIVERSARY OF D-DAY

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today I want to recognize the fiftieth anniversary of the invasion of Nazi-occupied Normandy by Allied forces during World War II. It would not be hyperbole to call the D–Day invasion one of the greatest events in the history of freedom and democracy, and time has not minimized the importance of this event to America.

The D–Day invasion epitomized America at its greatest: dedicated patriots who chose to fight, not for nationalistic glory, but for the defense of freedom over Fascism. The men who died on Omaha Beach, Utah Beach, and inland points in France gave their lives knowing that their ultimate sacrifice was an expression of good against evil.

I also want to recognize those behind the scenes—the people who designed and produced the equipment, the people who organized the invasion, and those who in small ways contributed to the Allied victory. Never before or since has our country been so united for a common cause. We should especially remember those who died in secrecy preparing the way for the invasion. Their efforts were exceptional. Finally, we need to salute the decisiveness of General Eisenhower and the leadership of President Roosevelt. Their strength of character highlights the pettiness of Hitler and by recognizing this event fifty years after it occurred, we make our younger Americans aware of the sacrifices veterans made for their country on this mission. I hope that those Americans who were not alive on D–Day pause a moment to reflect on the sacrifices of those who died on this day. We hope that another threat to freedom as aggressive as Hitler's Germany never comes again, but if this should happen, I hope that America will emulate those who served our Nation on this day.

FUTURE FUNDING OF CLEAN WATER PROJECTS STUDIED

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing legislation directing the Environmental Protection Agency [EPA] to conduct a study to identify future funding options for clean water infrastructure projects. I would like to thank Mr. CLINGER, Mr. ZIMMER, Mr. BACCHUS of Florida, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. GILCHREST, Mr. BOEHNER, and Mr. GINGRICH for supporting this legislation by becoming original cosponsors of H.R.

According to a 1990 EPA survey, it is estimated that the capital investment necessary to meet existing clean water needs over the next 20 years is $137 billion. The potential shortfall in funding for clean water infrastructure projects, e.g., sewage pipes, sewer mains, and wastewater treatment facilities, is due not out of a lack of commitment to clean water, but to the enormity of the Federal budget deficit. Until this gap in available resources can be addressed, flooding due to ancient water mains, or entire cities having to boil water to ensure its safety will become more and more commonplace. I believe that before our Nation can begin to reconstruct its water systems in earnest, funding sources must first be identified and examined. My legislation simply directs the EPA to conduct a study of this matter, so Congress can make an informed decision at the appropriate time.

Mr. Speaker, I may offer my bill as an amendment to the Clean Water Act reauthorization, H.R. 3948, when that legislation is marked up by the House Public Works and Transportation Committee, of which I am a member, sometime in the next few weeks. I am also pleased that my bill was made part of the bipartisan alternative to H.R. 3948, which was written largely by Representatives SHUSTER and HAYES.

Mr. Speaker, the Clean Water Act has been tremendously successful in cleaning our Nation's waterways, and I believe this legislation can play an important role in that law's continued success. I invite my colleagues to cosponsor this bipartisan legislation.

RECOGNIZING ONE OF AMERICA'S TOP BROADCASTERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. CRANE. Mr. Speaker, a week ago today, one of America's truly great broadcasters made a trip to New York to receive an award for lifetime achievement. Not just any award, but radio and television's most prestigious—the Peabody Award.

That Paul Harvey should receive the electronic media's equivalent of the Pulitzer Prize should come as no surprise really. Nor should it be a shock to anyone that the city council of Chicago recently adopted a resolution commending him for his work. For 61 years now, ever since he began his career at KVOO in Tulsa, OK, Paul Harvey has been a fixture in radio and in the Midwest. His resonant voice has been heard over the ABC Radio Network for the past 42 years and his news programs have been daily fare for several generations of Americans. Broadcast out of Chicago, they reach an estimated 24 million people each week. For many of those people, they offer the clearest, most interesting and down-to-earth presentation of the news on the air today.

Being a Midwesterner myself, I have a particular appreciation and admiration not just for what Paul Harvey has done but also for how he has done it. Rather than abandon the heartland and heartfelt values of America, he has remained true to both in a way that must be heard to be appreciated. Instead of dwelling on all that is bad in the news, he has endeavored to bring out the best in the news and the rest of the story. And he has been successful to a far greater extent than he would ever admit. Would-be news professionals would do well to follow the example he has so illustriously set.

Anyone questioning that advice need look only at the criteria for, and history of, the George Foster Peabody Award given Paul Harvey last Monday to put their doubts to rest. First awarded in 1941 to honor excellence in radio, Peabody's are only given to a select few each year to recognize outstanding performance, programming, and achievement. In fact, fewer than 1,000 Peabody Awards have been handed out in the past 50 years, the winners being drawn from the ranks of America's greatest radio and TV personalities. Previous recipients include such notable news figures as Edward R. Murrow, Chet Huntley, and Walter Cronkite—in whose company Paul Harvey most certainly belongs. He has made a tremendous contribution and been a terrific credit to the news profession for many years, and it is great to see him get the recognition he so richly deserves.

Congratulations Paul Harvey, and may your "Good Days" continue for many more years to come.

TRIBUTE TO REV. D.A. CRUSHSHON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend D.A. Crushshon of the Back to God Christian Reform Church.

The following is a proclamation I issued Reverend Crushshon commending him for his work:

PROCLAMATION

Whereas the Reverend D.A. Crushshon is a native of Chicago, Illinois, he was reared in the Englewood community, a graduate of Trinity Christian College, Bachelor of Arts 1972, Garrett Evangelical Theological Seminary, Master of Divinity 1978; and

Whereas Reverend Crushshon is a family man, role model, and community leader, he is married to Miss Brenda Gayle Hiner, they are the proud parents of two children, Ngonzi Truth, and D. A. Imani. Mrs. Crushshon works hard and unselfishly by her husband's side in the church and the school as a teacher and administrator; and

Whereas Reverend Crushshon was the first Black American Minister to be called to the Back To God Church, he was Ordained and Installed as Pastor of The Back To God Christian Reform Church the first Sunday in November 1981, he also served as Chaplain, First Lieutenant, Army National Guard, Illinois, Reverend and Mrs. Crushshon are the Founders of the West Englewood Christian Community School, established in 1985, Reverend Crushshon is the Principal; and

Whereas Under Reverend Crushshon's leadership the church and the school has prospered, there is a Jail Ministry, Grey Warriors' Hotline (for persons age fifty and over), After School Tutoring and Enrichment Program, Kinte Teen Drop In Center, Prayer Partners and Adult Christian Disciple Bible Institute Classes, Community Food Ministry, Sports League, and Jobs Skills Training: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend D.A. Crushshon and the Back To God Christian Reform Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

GOVERNMENT SERVICES AND ILLEGAL ALIENS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. ROHRABACHER. Mr. Speaker, the cost of providing Government services to illegal aliens has reached a boiling point. At a time when our Nation is trillions of dollars in debt and many Americans are struggling to make ends meet, we are giving away billions of dollars to people who have broken the law by being here. The following article, "Welfare for Illegal Aliens?" which appears in the June 1994 edition of Reader's Digest, clearly shows the magnitude of this problem. I urge all my colleagues to read this informative article.

[From Reader's Digest, June 1994]

WELFARE FOR ILLEGAL ALIENS?

(By Randy Fitzgerald)

Soon after David Sossaman began work as an investigator for the San Diego County welfare-fraud unit, he was told by a colleague that thousands of Mexican citizens were crossing into Southern California to collect U.S. welfare benefits. Disbelieving but curious, he drove to the Chula Vista welfare office about seven miles from the Mexican border and noticed that many of the cars in the parking lot bore Mexican license plates.

Fluent in Spanish, Sossaman talked with the owner of one car, who confirmed that his wife was inside applying for welfare using a fictitious San Diego address. His friends and relatives in Mexico were already drawing checks. It was easy, they'd boasted, because welfare caseworkers verified neither eligibility nor citizenship.

When Sossaman confronted a coworker with what he had witnessed, the man shrugged. "It's been this way for years," he said. "It's our dirty little secret."

That "secret"—duplicated in countless communities across the United States—is only beginning to dawn on taxpayers. A Reader's Digest investigation into the exploitation of our welfare and social-service system by illegal immigrants and foreign visitors reveals a pattern of abuse, fraud and official complacency costing taxpayers billions each year.

Here are a few of the shocking consequences:

Two-thirds of the births in Los Angeles County public hospitals are to illegal aliens. Once born, the children are automatically U.S. citizens, entitled to the full range of social benefit programs. Nearly one-quarter of those receiving Aid to Families with Dependent Children (AFDC) in the county are children of illegals or of former illegals now under amnesty.

New York City hospitals spend an estimated $500 million a year on care for illegal aliens.

In Dade County, Florida, 16,395 undocumented children are in public schools, placing an estimated $68-million burden on taxpayers.

Asserting that federally mandated benefits for illegals are draining the state treasury, Florida Governor Lawton Chiles filed suit against the federal government in April to recover up to $1 billion a year his state spends on their health and education. Additional complaints are being made by the governors of Arizona, Illinois and other states experiencing budget-busting waves of illegal immigration.

For its fiscal year 1994-95, California estimates public costs for illegal immigrants at $2.5 billion. Declares Gov. Pete Wilson: "We're forced to cut aid for the needy, elderly, blind and disabled who legally reside in California because Washington mandates that we spend billions on illegals."

The United States admits about 800,000 immigrants annually. And the number of illegal immigrants is growing rapidly. Though figures vary, approximately four million to five million already live here, with at least 300,000 new illegals arriving each year. An estimated one-third are Mexican, while a large portion of the others come from South and Central America, the Philippines, Canada, Poland and Haiti.

Most immigrants—both legal and illegal—come here to work. But a large number are drawn by the prospect of manipulating welfare programs, health care resources and school systems.

This multibillion-dollar scandal is characterized by:

Health-Care Rip-offs. Two weeks before giving birth, 29-year-old Emily Jauregui, a Mexican-American reporter for the El Paso *Times*, decided to see how easy it was for Mexican nationals to receive medical care at U.S. taxpayers expense.

Last June, Jauregui crossed the border into neighboring Ciudad Juárez, Mexico, where she watched in amazement as pregnant women floated across the Rio Grande on inner tubes within eyesight of the U.S. Border Patrol. Several "coyotes"—people-smugglers—offered to deliver Jauregui illegally across the border and to an El Paso hospital for as little as $20.

At a Texas Tech health center in El Paso, Jauregui registered for pre-natal care and pre-registered for her baby's delivery at nearby Thomason Hospital. No identification was necessary, and she was never asked if she was a U.S. citizen. All that was needed was a notarized letter from a friend or relative claiming she lived at the person's home. "What if the hospital finds out I don't live there?" Jauregui asked two other pregnant women—both Mexican citizens—waiting for medical assistance.

"No one ever checks," she was assured. The women explained how Medicaid would help pay the cost of her delivery—about $1675— and that once her child was born, she could legally obtain WIC (the Women, Infants and Children program that provides nutritious food to participants), welfare, food stamps and public housing for the child.

All along the 2000-mile U.S.-Mexican border, clinics and hospitals are being buffeted by a human tidal wave that was unleashed in 1986 when Congress decreed that illegal aliens must be given free emergency medical services, California shelled out more than $300 million for their care last year alone—more than double what it paid just four years ago.

Wealthy foreign visitors also take advantage of Medicaid loopholes to qualify for free care. Here are typical cases:

Two Syrian doctors flew their son to California for cancer chemotherapy. When state health officials refused to pay for long-term treatment, the parents sued in Santa Clara County Superior Court and won the right to follow-up care at taxpayer expense.

An Israeli citizen received free heart surgery in Los Angeles, then returned over a year later to get disability benefits for his condition.

An Armenian national traveled to the U.C.L.A. Medical Center to undergo a $1-million liver transplant.

Education Freeloading. Scores of children from Tecate, Mexico, 30 miles southeast of San Diego, crossed the border every school day. Picked up by buses from the Mountain Empire Unified School District, they would be driven to nearby schools for education at taxpayer expense.

As he videotaped this scene last October, Matthew Adams, an aide to California state assemblyman Jan Goldsmith, thought to himself, *There goes at least $3000 a child in taxpayer money—one reason why this state is broke*. The same scene was repeated in other districts along the border.

Why were schools sending buses to pick up Mexican children? The answer Goldsmith got was that the administrators had no reason not to. In fact, the more students enrolled, the more money the schools got from taxpayers.

* * * * *

Checks for Criminals. Elmer Sandoval-Garcia, 44, an illegal immigrant from Guatemala, is considered by the Immigration and Naturalization Service (INS) to be a criminal-alien fugitive. INS agents in Massachusetts have tried for years to find him, but he has eluded capture, thanks in part to the Massachusetts Department of Public Welfare, which does not have to cooperate with federal agents.

Until June 1990, when he stopped picking up his checks, Sandoval-Garcia received $339 a month in General Relief. Welfare workers knew his whereabouts. Yet they could not inform the INS: a 1985 executive order prohibited state agencies, in many cases, from aiding the government in investigating a person's citizenship or residency status.

Gov. Michael Dukakis signed the order as part of a nationwide movement to provide sanctuary for refugees. The Dukakis order also eliminated questions regarding citizenship or residency status from applications for state benefits.

There are dozens of cases of illegal-immigrant fugitives from countries as varied as Ireland, Poland, Haiti and Columbia who collected public assistance under the shield of the Dukakis order. Last October, Dukakis' successor, William Weld, revoked the order, but INS officials say they are still not getting the cooperation they need.

During the 1980s numerous municipal governments nationwide enacted non-cooperation resolutions preventing city employees from sharing information with the INS. The list includes New York, Chicago and San Francisco.

A fast-growing segment of the nation's criminal population, illegal immigrants now make up 25 percent of the federal prison population. Some 450,000 illegals are behind bars, on probation or on parole. In California alone, state prisons will contain an estimated 18,000 alien inmates, costing taxpayers over $400 million in fiscal year 1994–95.

In its defense, the INS is hamstrung by current treaties under which, among other conditions, a foreign prisoner must voluntarily seek transfer back to his own country to serve time. Such transfers are few. In California, for instance, there have been only nine over the past six years.

Document Fraud. Acting with welfare-fraud investigators, in June 1992 the Walla Walla, Wash., police searched the house of Celina Romero, her 20-year-old daughter, Julia, and her friend Iraiz Diaz-Lopez, all illegal aliens. They found an illegal-document processing mill, complete with INS seals, blank Social Security cards, Temporary Resident Alien certificates and phony driver's licenses, U.S. passports and birth certificates.

Investigators concluded that the phony documents had been used to draw a wide range of benefits, from welfare to unemployment. But it was a letter to Celina Romero that caught everyone's attention. Using the name Celina Medina, she had received an $1,800 IRS refund with a letter that stated: "The information you provided about your name and Social Security number still does not agree with that given us by the Social Security Administration (SSA). However, we are issuing your refund."

When fraud investigators contacted SSA to get more information, an official responded, "It would be a breach of confidentiality to share information with any other government agency."

"Our welfare-fraud people are so backlogged with cases involving illegals that they are overwhelmed," says Yakima County, Washington, Commissioner Jim Lewis. "We even see illegals registering to vote."

Over 12 kinds of identification—most of them easily fabricated—can be accepted by employers. An illegal who finds a job can then qualify for unemployment and disability benefits, housing subsidies and food stamps.

Official Indifference. David Sossaman, the San Diego welfare-fraud investigator, quickly lost all illusions about government will to control fraud. When he heard that illegal aliens were congregating in "drop houses," where they lived while milking the system, he decided to visit one. At the door he was met by a 19-year-old Mexican woman, pregnant and unmarried. She had come to America to have her baby—paid for by Medi-Cal. The child would automatically be a U.S. citizen, and thus eligible for AFDC checks, food stamps and other benefits. "And there's nothing you can do about it," she told him before slamming the door.

Sossaman requested permission to inform the U.S. Border Patrol of the drop house so that the illegals could be deported. "No, don't tell the Border Patrol," he was told. "It would be a breach of confidentiality."

"Why are you fighting the system? he was asked. "Don't you see we keep funding levels up because that pays our salaries."

"The more money that goes out, fraudulent or not, the bigger their budget," Sossaman complained to his wife. He then uncovered evidence that suggested San Diego County's $700-million annual social-services budget experienced not a less-than-one-percent fraud rate, as the department reported, but one closer to 50 percent. He took his findings to a San Diego County grand jury, which was investigating.

In April 1992, the grand-jury report accused the county welfare department of having "institutionalized a bias against fraud prevention." Supervisors were found to have ordered caseworkers to accept "knowingly false" documents to establish residency by illegal aliens. Some caseworkers were accused of fraud.

The grand jury determined that the department's rate of "error and fraud" exceeded ten percent and recommended ways to combat the problem. Now the department has begun the massive process of reining in the monster it helped create.

To bring this situation under control, Congress must take these steps:

Proof of legal immigrant status should be verified before welfare benefits are paid.

The identities of illegals must be furnished to law-enforcement authorities and criminal aliens deported.

A fingerprint-based, tamper-resistant Social Security card must be introduced.

The big question, however, is whether our elected officials have the will to act. Last summer, while Congress was creating a new billion-dollar-plus handout—the National Service Program—Rep. Bill Baker (R., Calif.) was rebuffed when he tried to limit its benefits to citizens and legal immigrants. Baker and the supporters of reform were accused of being mean-spirited, and his amendment was rejected 253–180.

Meanwhile, the crisis keeps on growing. Hundreds of thousands of illegals continue to flow in while billions of tax dollars flow out to the freeloaders and criminals among them.

In February Rep. Lamar Smith (R., Texas) introduced comprehensive legislation, "The Illegal Immigration Control Act of 1994" (H.R. 3860), which includes reform to help prevent illegal aliens from receiving benefits to which they are not entitled. It is time for action.

SENATOR JEPSEN'S CASE FOR RENEWING MFN FOR CHINA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. LEACH. Mr. Speaker, one of the profoundest issues of the year is whether the

United States is going to maintain our open door, free-trade policy with China, or whether the linkage of precise human rights goals to trade will precipitate a rupture in the United States-China relationship. In this regard, I commend to my colleagues the following thoughtful assessment of our former colleague, Senator Roger Jepsen of Iowa, who has recently returned from a 17-day fact-finding trip to China.

Senator Jepsen's assessment follows:

Since 1979 China has been granted the international trade status of Most Favored Nation (MFN) by the United States. Early in 1994 proponents of MFN and human rights advocates opposing the renewal of MFN increased their activities in what has been since 1989 an annual battle over MFN-China. In the past four months much has been written; public hearings in and out of Congress have been held; delegations from China, spreading good will and sizable purchase of U.S. products, have appeared in the halls of Congress; U.S. State Department personnel have darted in and out of China gathering information for the "report" to the President. *High stakes*—human and economic—exist as President Clinton moves toward his June 3rd decision whether to renew MFN-China.

During my recent 17 day fact-finding trip to China, I observed a number of things that were surprising to me. I saw people riding to work on their bicycles while talking on mobile pocket telephones—much like we see in the United States. On two successive Sundays I attended church services unannounced and found over two thousand people at each service, worshipping, openly reading Bibles and participating in Bible study classes taught via video on television screens after the services. Whether traveling by train or airplane between cities within China, it was always the same. Large numbers of people were moving about from one city to another. They were standing in line for tickets and all seats were filled. Small business entrepreneurs by the thousands lined the streets as they sold their wares and cooked their version of fast food. It was one continual, buzzing marketplace. Why should all this be surprising? Because not too many years ago none of this could have been possible. Mobility was restricted and controlled, and many items of food and merchandise did not exist, or were available only by coupon in the location of one's residence. These everyday examples of improving human rights did not exist prior to 1979.

I also observed first-hand a vibrant, exploding economy . . . special high tech parks, huge industrial development sites staffed by informed specialists wanting to "do business," international trade, telecommunications, infrastructure development (building cranes in major cities as thick as the quills on a porcupine's back), merchant banking, stock exchanges, new industry, etc.. The People's Republic of China, in its on-going transformation into a "socialist market-based economy," is becoming increasingly integrated into the regional and world economy—taking her place in the international community. Supported by many Asian and European countries, China is working hard to attract the "2004" Olympics, as well as negotiating to rejoin GATT. Many progressive things are happening to China today; anyone who says otherwise needs a "reality check."

Deng Xiaoping said, "It makes no difference if it is a white cat or a black cat—if it catches mice, it is a good cat." However one may choose to measure success, the "free market economy" move in China is making progresses. Economic success fires the engine of reform that inevitably leads to greater political liberalization and improved human rights. To cut MFN off now, or even cut it off partially, as some are advocating, is to blunt the very instrument currently promoting social pluralization. To inhibit MFN with any conditions is to endanger the progress that has been made for human rights in recent years.

Relinquishing MFN as a tool for human rights does not mean that the United States is abandoning its long tradition of championing human rights, or that we should now remain silent. Human rights abuses are worldwide; occurring in Europe, Africa, South America, the Middle East, Asia, etc. Instead of singling out China, we should address this serious problem in the many international forums available to us; including the United Nations Security Council, the UN Human Rights Commission, the World Bank, the GATT. The West has won the Cold War, but that is not enough. The United States should exert human rights leadership in international organizations—while renewing MFN for China without conditions!

CENTRAL NEW YORK HEROES WERE FIRST IN ACTION ON D-DAY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. WALSH. Mr. Speaker, as the 50th Anniversary of D-Day approaches, the veterans who were there, facing the Germans on French beaches with American names like Omaha and Utah, wait with unique perspective. They were young people living in a vast range of emotion. Love of country, fear of death, loyalty to friends, rage at the war that had imprisoned or killed so many in Europe.

Supreme Commander of the European Theatre, Dwight Eisenhower, said to them only hours before the invasion on June 6, 1944, the military maneuver that would eventually be known as the beginning of the end of World War II: "The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you." The enemy, he warned, "is well trained, well equipped and battle-hardened. He will fight savagely."

And fight savagely the German forces did. On Omaha Beach, the enemy was entrenched. The memories of comrades killed before stepping foot on French soil will stay with our veterans forever. But before the enemy fired a single rocket or a single rifle shot, the Allied plan that would ultimately foil the German war machine's evil design was unfolding, in fact dropping from the sky—in the form of a Central New Yorker, Capt. Frank Lillyman of Skaneateles, NY, an airborne Pathfinder in the 101st Airborne. A survivor of the battle but since deceased, Lillyman was the lead jumper in the lead plane among those who were dropped by parachute at night to set up the smoke pots that would ultimately guide the manned Allied gliders drifting behind enemy lines.

Meanwhile, on the ground, many U.S. Army and Navy personnel from Central New York took part in this historic battle. In fact, one might say they, too, preceded the pitched battle. The 299th Engineer Combat Battalion was made up primarily of people from Syracuse and Onondaga County, Auburn and Cayuga County, and to a lesser degree from Ithaca, Rochester and Buffalo. Though they were fired upon heavily by the German forces, the engineers' mission was to clear the beach of the obstructions that had been set by the enemy. Under the kind of fire and fear that only combat veterans know, they struggled to make lanes for the landing ships and tanks that would ultimately claim a great victory for the Allies, and land the blow that historians say was fatal to Naziism.

Private First Class Thomas Netti of Auburn was a troop truck driver with the 299th. Today he is one of the two chairmen who are scheduling special events for June 6, 1994. He is predictably proud of what he did for his country. Proud, too, that he survived—unlike many of his comrades—to experience the blossoming of our great Nation at the end of World War II. Prouder, still, to see his son grow to be a county legislator in Cayuga County, a lawmaker in the land of the free.

First Lieutenant Emily L. Triggs of Baldwinsville cared for the wounded in London, where they had been carried from the fighting. Later, as a member of the Army Nurse Corps evacuation hospital, she experienced the worst of war in the ageless tradition of battlefield healers at the Battle of the Bulge.

On this important celebration of democracy, I recognize these heroes as representatives of all the U.S. veterans of D-Day. The world owes them a great deal, not the least of which is the violent but necessarily memory of D-Day, when Americans bravely stormed a continent beset by a military grip it could not break on its own. We can also take advantage of this time to remember that had they not achieved this great victory, the world today would be a place uncomfortable for us who proclaim freedom as our sacred banner.

A PROVEN LEADER FOR THE FOREST PRODUCTS INDUSTRY

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. EMERSON. Mr. Speaker, I rise to recognize and salute an outstanding individual from my southern Missouri district who is making tremendous contributions to his community and to his industry. Mark Garnett of West Plains, MO, is taking another step to serve his colleagues in the forest products industry and workers across the Nation.

Mark was recently elected president of the National Wooden Pallet and Container Association. In this capacity, Mark will shoulder the challenges of increasing his industry's role in trade promotion, education, research and standards implementation. I believe Mark has a solid foundation from which to draw upon for this new endeavor.

As the vice president of Garnett Wood Products Co., Inc., in Brandsville, MO, he started in his teenage years at the family-owned and operated business. During his summer breaks from college at Southwest Missouri State University, he learned every facet of the operation, which is a regional manufacturer and wholesale distributor of industrial packaging, as well as new and reconditioned wooden, corrugated and plastic pallets. After graduating cum laude from SMSU in 1978 with a bachelor of science degree in Business Administration, concentrating on Management and Marketing, he went to work full time in the family company. Since then, he has worked his way up to his current position of responsibility in his family's enterprise.

Mark Gannett also is a leader in Missouri and in his Howell County community. The list of his accomplishments include Missouri Farm Bureau State Forestry Committee, past president and current board member of the Missouri Forest Products Association, board member of the Associated Industries of Missouri, trustee of the Missouri Workers Insurance Trust, board member of Boatmen's First National Bank of West Plains, past board member of the West Plains Chamber of Commerce, and member of the First United Methodist Church in West Plains.

His vast experience on and off the job should serve him well as he serves his industry and its workers. I want to add that the forest products industry makes a tremendous contribution to my State's and our country's economy. For instance, Commerce Department figures from 1990 show that in Missouri the forest products industry employees 23,600 workers with an annual payroll of $490 million. Nationally, 1.3 million people are put to work with an annual payroll of more than $32 billion.

Moreover, this is an industry that works hard at being a good steward of the land. America's forest products companies have donated more than 1 million acres of land—valued at over $400 million—for conservation, recreation, and social causes. In addition, it is an industry that can renew itself in perpetuity because timber is a renewable resource. In 1992, some 1.6 billion seedlings were planted in the United States—more than five new trees a year for every American. Furthermore, the forest industry planted more than 43 percent of those seedlings; 40 percent were planted by non-industrial private landowners; and 16 percent by government. And these numbers do not include the $100 million plus spent in recent years by forest products companies on wildlife and environmental research. Yes, the forest products industry, which Mark Garnett will continue to help lead, works hard at being a good neighbor.

As I close, I once again want to wish Mark well on this important mission which translates into jobs and the viability of the forest products industry in the future. I also would like to note the strong support he has had and will continue to have from his wife, Diann, two daughters, Kimberly and Stephanie, and his parents, Jess and Betty Garnett, who have operated Garnett Wood Products for the past 28 years. I look forward to the future success of the National Wooden Pallet and Container Association because of Mark's leadership as president, and the prosperity of the forest products industry due to that Missouri conservative, commonsense leadership being put into practice on a national scale.

SALUTE TO THE CHESTER HIGH SCHOOL BASKETBALL TEAM

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute the players and coaches of the Chester High School Clippers basketball team for winning the 1994 Public League Athletic Association [PLAA] class AAAA state basketball championships.

From a magnificent season of 28 victories and only 4 losses, each member of this team has earned the title of champion. Under the leadership of coach Alonzo Lewis, the Clippers: Raymond Carroll, Eric Evans, Herman Harris, Demetrius Hunter, John Linehan, Randy Maultsby, Garrett McCormick, Devon Wade, Tyran Watkins and Seniors Jerome Stokes, Jamar Shaw, Alphonso Pinder, Devon Knox, Daimen Hunter, and James Hamler have secured for each one of themselves, an example of achievement through perseverance, to be remembered each time they embark on a future challenge.

Therefore, I join with the community of Chester in congratulating coach Lewis and each member of the state champion Clippers on a brilliant season and their third championship in the last 12 years.

IN HONOR OF THE PARTICIPANTS OF THE 45TH INTERNATIONAL SCIENCE AND ENGINEERING FAIR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a group of New Jersey students for their participation in the 45th International Science and Engineering Fair [ISEF], which was held in Birmingham, AL from May 8 to 14, 1994.

Among the award winners were two Hudson County students: Ruchir Patel, a sophomore at Academic High School in Jersey City and Mary Soto, a senior at Union Hill High School in Union City. Ruchir won the Third Place Grand Award, Second Place U.S. Air Force Award, a silver medal and a framed certificate. His project was aimed at finding safe and economic methods to degrade compounds used in making gun propellants. Mary, who was originally an alternate, and became a delegate when the original delegate became ill, won four commendations. Her project was aimed at learning which neurological disorders could be produced by the HIV virus.

I am proud to have such high-achieving students in my district. Their work is exemplary and deserves to be recognized. Their achievements are so important because we must be ready to compete scientifically in the 21st century. Ruchir and Mary have demonstrated that they understand this by participating in this fair and working hard in order to win. Knowing that such intelligent, motivated students live in my district, not only makes me very proud, but makes me confident that we will be able to compete in the scientific world.

Also winning awards were Janos Z. Szatmary, a senior at Somerville High School; Maria A. Garrison, a junior at McCorristan Catholic High School in Trenton, and Joanna B. Byar, a freshman of the Tri-County Home Educators and a resident of Willingboro, who was a delegate from the Benjamin Benneker Science Fair, which was held in Philadelphia. Other New Jersey contestants attending the ISEF were Dustin R. Rubenstein of Hopewell Valley Central High School in Pennington, Emily B. Wood of Ridgewood High School in Ridgewood, Ryan L. Miller of Warren Hills Regional High School in Washington, and Merri C. Moken of Villa Walsh Academy in Morritsown.

These New Jersey students were among the more than 900 participants who exhibited a total of 836 projects. Not only did the young scientists come from the United States and several of its territories, including Puerto Rico, American Samoa, and Guam, but also from 20 other countries around the world.

The ISEF is the culmination of a year-long process involving more than a million students worldwide, who compete in local, regional, state, and national competitions to win the honor of attending the event. Each affiliated fair may send only two delegates.

The participants of the International Science and Engineering Fair are to be commended for their efforts. The time they have taken to work on these projects demonstrates their dedication to helping our country advance scientifically. I salute them today and wish them much luck in their future endeavors.

TRIBUTE TO REV. ELMER L. FOWLER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Elmer L. Fowler of the Third Baptist Church. Attached is a proclamation I issued Reverend Fowler commending him for his work.

PROCLAMATION

Whereas the Reverend Elmer L. Fowler is deeply concerned about uplifting humanity and Black people in particular he is the founder of three distinguished Institutions that exhilarate, transform, and serve the people of the community, organizing the Chicago Youth Club in 1939 to enhance the academic standards of Black youth, renamed in honor of World War Two Hero Dorie Miller, in 1943 Reverend Fowler established the Dorie Miller Awards to recognize the contributions of individuals and organizations who promote the welfare and progress of American citizens of the Black race; and

Whereas Reverend Fowler, in 1963 established the Third Baptist Church of Chicago with eight people and fourteen dollars, in one year, the Third Baptist Church moved into its own building. Later, as the Congregation grew, the Beverly Theater was purchased at 95th Street, and Ashland, additional properties were added for a commercial Banquet Hall, boosting the property value over two million dollars, the banquet hall named Heritage Plaza celebrates high black achievers like Jackie Robinson and Dr. Benjamin E. Mays, through its memorial rooms, and galleries of portraits and photographs, Third Baptist Church continues to lift up Jesus Christ, reaching out to the local community and around the world to help others; and

Whereas Reverend Fowler has a shepherd's heart and desiring to help the less fortunate, he established the Englewood Community Health Organization in 1976, the facilities of this organization are valued over eight million dollars, the organization helps the homeless, the mentally ill, and many others: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the institutional building skills and accomplishments of The Reverend Elmer L. Fowler, and the Third Baptist Church of Chicago, Illinois, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 24, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 25

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

8:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on international organized crime and its impact on the United States.

SD-342

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues relating to teenage pregnancy.

SD-192

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for military construction programs, focusing on Army and defense agencies.

SD-116

Banking, Housing, and Urban Affairs

To hold hearings on U.S. dual use exports to Iraq and their impact on the health of Gulf War veterans.

SD-538

10:30 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on education and telecommunications infrastructure.

SR-253

2:00 p.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the government of the District of Columbia.

SD-138

Judiciary

To hold hearings to examine fraud in the health care industry.

SD-226

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

2:30 p.m.

Banking, Housing, and Urban Affairs

To continue hearings on U.S. dual use exports to Iraq and their impact on the health of Gulf War veterans.

SD-538

Judiciary

To hold hearings on pending nominations.

SD-628

MAY 26

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security, and to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.

SH-216

9:00 a.m.

Armed Services

Business meeting, to discuss procedures for markup of the proposed National Defense Authorization Act for Fiscal Year 1995.

SR-222

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR-253

Energy and Natural Resources

To hold hearings to examine policy options for the disposition of excess weapons plutonium.

SD-366

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.

SD-106

Finance

To hold hearings on provisions of S. 1951 (pending on Senate calendar), to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers; to be followed by a hearing and consideration of the nomination of Valerie Lau, of California, to be Inspector General, Department of the Treasury, and to consider the nomination of Ronald K. Noble, of New York, to be Under Secretary of the Treasury for Enforcement.

SD-215

Governmental Affairs

Business meeting, to consider pending legislation and nominations.

SD-342

Small Business

To hold hearings to examine research by entrepreneurs on childhood diseases.

SR-428A

Joint Economic

To hold hearings to examine deficit reduction and the economy.

2359 Rayburn Building

2:00 p.m.

Environment and Public Works

To hold hearings on the U.S. Army Corps of Engineer Civil Works program and its policies on recreation and environmental protection.

SD-406

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security, and to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act of 1965.

SH-216

2:30 p.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the District of Columbia court system and school system.

SD-116

Commerce, Science, and Transportation

To hold hearings on S. 1989, to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder.

SR-253

MAY 27

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine monetary policy.

SD-538

JUNE 8

9:30 a.m.

Indian Affairs

To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.

SR–485

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy.

S–128, Capitol

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for foreign assistance programs.

SD–419

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.

SD–366

JUNE 9

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.

SD–366

Rules and Administration

Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.

SR–301

Indian Affairs

Business meeting, to consider Indian health care provisions of the proposed American Health Security Act.

SR–485

JUNE 10

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of off-reservation boarding schools.

SR–485

JUNE 14

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on weather satellite conversions.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR–253

JUNE 15

9:30 a.m.

Indian Affairs

To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR–485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce.

SR–253

2:30 p.m.

Indian Affairs

To resume hearings on S. 1021, to protect and preserve the rights of Native Americans to express and exercise their traditional religious beliefs, focusing on an amendment in the nature of a substitute.

SR–485

JUNE 16

9:30 a.m.

Energy and Natural Resources

To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.

SD–366

Rules and Administration

To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

SR–301

JUNE 23

9:30 a.m.

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR–301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR–301

POSTPONEMENTS

MAY 24

9:30 a.m.

Environment and Public Works

Toxic Substances, Research and Development Subcommittee

To hold hearings to examine issues relating to the Environmental Protection Agency's research and development programs, focusing on S. 1545, to authorize funds for fiscal years 1994 through 1996 for environmental research, development, and demonstration activities and program management support of the Office of Research and Development of the Environmental Protection Agency.

SD–406

SENATE—*Tuesday, May 24, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. This morning, as we approach the Supreme Lawgiver of the universe, the Senate will be led in prayer by the Senate Chaplain, Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Lord is my shepherd * * * Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me.*—Psalm 23:4.

Mighty God of Abraham, Isaac, and Israel, we thank Thee for this clear word from King David, the greatest monarch in the history of Israel. Thank Thee for his reassurance that death is not to be feared when the Lord is our Shepherd. We are reminded of the word of Jesus, "And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."—John 14:3.

We praise Thee, eternal God, for the reassurance the scriptures give us concerning death. Give us the grace to embrace this hope as we put our trust in the Shepherd.

In Jesus' name, who is the way, the truth, and the life. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Also under the previous order, the Senate will now go into executive session to consider the nominations of Derek Shearer and Sam Brown, en bloc, with the time until 12:30 p.m. to be equally divided in the usual form.

The clerk will report the nominations.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

The assistant legislative clerk read the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

NOMINATION OF DEREK SHEARER

Mr. PELL. Mr. President, Derek Shearer's nomination to be Ambassador to Finland was submitted to the Senate on February 27, 1994. On March 2, the Committee on Foreign Relations held a hearing on Mr. Shearer's nomination which was chaired by Senator BIDEN, our distinguished chairman of the Subcommittee on European Affairs. In addition to the hearing, Mr. Shearer responded fully and completely to 89 written questions submitted by committee members. The committee has received many strong letters of support for Mr. Shearer's nomination and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks, together with Mr. Shearer's biographical statement and certificate of demonstrated competence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, on May 4, 1994, the Committee on Foreign Relations approved Mr. Shearer's nomination by a vote of 14 to 5, with a quorum present and a majority of those members physically present voting in the affirmative.

Mr. President, I support Derek Shearer and urge the Senate to give its advice and consent to his nomination to be Ambassador to Finland at this important period in the relations between our two countries.

Over the past several years, Finland has moved to balance its historically close ties to the East with stronger ties to the West. It has replaced the elements of its 1947 Friendship Treaty with the U.S.S.R. which had put Finland in a subsidiary role. In 1992, Finland became an observer in the North Atlantic Cooperation Council, and in February 1994, Finland completed European Union accession negotiations with the hope of becoming a member in 1995. Recently, the Finnish Government signed the Partnership for Peace Framework Document in Brussels. As leaders in international peacekeeping, the Finns have much to offer NATO in this area.

As Finland moves toward closer association with Western European structures, there is a historic opportunity for the United States to strengthen its ties to Finland as well. In 1992, Finland selected United States-made F/A-18 aircraft to replace its aging fleet of Soviet MiGs and Swedish Drakens. Our departing Ambassador played a crucial role in this decision, and despite Finland's worst recession since the 1930's, United States exports overall to Finland increased last year.

In short, this is a critical moment in Finnish foreign policy. To take advantage of this opportunity to expand United States-Finnish bilateral cooperation, as well as to work together on other issues of mutual concern, it is essential that we carry on a high-level dialog with the Finnish leadership.

There is no substitute for having the President's personal representative in Helsinki to carry on that dialog and manage our bilateral relations. I urge the Senate to confirm Derek Shearer's appointment as Ambassador to Finland without further delay.

EXHIBIT 1

MARCH 14, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee,
Washington, DC.

DEAR SENATOR PELL: I am writing to support the nomination of Derek Shearer to be U.S. Ambassador to Finland, and to provide what I believe is relevant information in considering his suitability for that position.

In the past year, Professor Shearer and I have served on two bi-partisan groups. The first, for a period of 5 months, dealt with the future of the U.S.-Japan relationship, and issued, I believe, a very useful report. The second, which has just been concluded after a similar period, examined the concept of a Pacific Community and U.S. interests in it; the report of the group will be issued in a few months. Participants in these two groups were former and present senior officials, former members of Congress, scholars, journalists, business men, and a variety of others in foreign policy related fields.

Professor Shearer made important contributions to both groups. He is deeply knowledgeable on the subject matter, was quick with useful proposals, and generally added enormously both to the deliberations and to the final conclusions of the groups. He made one excellent lead presentation and greatly helped in the drafting of the final report of the U.S.-Japan Study Group. We were fortunate to have such an involved and contributing member. I might add that I felt his interventions showed real knowledge of the area and American foreign policy, and a solid understanding of our economic and security interests in Asia.

Having become acquainted with Professor Shearer, and having had a chance to talk numerous times to him and watch his participation in the two study groups, I believe he will be a first class representative of the United States. He brings industry, skill and insight to the job of Ambassador. As a former Career Ambassador in our Foreign Service, I think I have a fair notion of what is needed for the job, including the character traits. I believe Professor Shearer has all the necessary personal and professional qualities in abundance.

Sincerely,

MORTON ABRAMOWITZ.

OCCIDENTAL COLLEGE,
Los Angeles, CA, March 31, 1994.
Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I am writing to urge you, and the Senate Foreign Relations Committee, to give favorable consideration to the nomination of Dr. Derek Shearer as United States Ambassador to Finland.

I have worked professionally in the field of foreign policy for over twenty-five years—as a Foreign Service Officer on leave-without-pay during the Vietnam years, as the Director of European Studies at the National War College in 1974–75, and as a Scholar-in-Residence at CIA in 1981–83. I have a strong interest in the success of American foreign policy, and have worked with, and have a high regard for the professionals of the State Department, the Defense Department and CIA.

I believe that President Clinton's nominee for the post in Helsinki is highly qualified to represent this country in a diplomatic position that has frequently been a sensitive one, serving as it does as a pivot for the larger issues of Eastern Europe and Russia.

I have known Dr. Shearer for over 15 years, and have served with him as a colleague since my return from the CIA in 1983. In those highly charged years during the mid-1980's, when some colleagues treated my service in the Office of Soviet Analysis as something like betrayal, Derek Shearer welcomed me back to campus and was eager to engage in dialog about the critical issues of US foreign and defense policy. During the following years, while I was doing research at the Jet Propulsion Laboratory and The RAND Corporation on Soviet foreign and defense policy, Derek continued to follow these issues with interest and to demonstrate a highly professional attitude toward them.

Indeed, all of his conduct on campus during our years of joint service has been professional, intellectually engaged, morally upright and effective. During the months when he was actively engaged in the election campaign of President Clinton, I was very impressed by these same qualities as well as by his ability to avoid the self-inflation that attends high politics and by his careful loyalty and disciplined ability to remain tight-lipped, even under considerable provocation from the media.

So, I urge you to approve his nomination. He will serve this country well. He has a longstanding interest in European and Russian affairs. He is knowledgeable about foreign and economic policy. He is disciplined, professional and effective. He has demonstrated his loyalty to the President, and has served his country well in the process.

Sincerely yours,

LAWRENCE T. CALDWELL,
Chair and Gamble Professor of Politics.

HARVARD UNIVERSITY,
Cambridge, MA, March 30, 1994.
Hon. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I'm writing this letter on behalf of an old and admired friend of mine, Derek Shearer, who has been nominated Ambassador to Finland and who, I believe, has made a favorable impression on the Committee in his appearance there. I would like strongly to endorse this nomination, in the best of nonpartisan spirit.

I have known Derek Shearer for many years, as indeed I know his father. He is an extraordinarily good choice for this interesting and important post. Derek Shearer is a man of first-rate intelligence, great probity, a good knowledge of economics and a wonderful capacity for expressing ideas. He will be well, indeed enthusiastically received in Finland. It is an excellent design of the Administration to have someone in Helsinki who will be of immediate interest to the Finnish people and the many who come to this city on international concerns of one sort or another. Being a man of diverse intelligence, Derek Shearer has well-expressed views on many subjects. It is good to have somebody of this sort in Finland rather than a more silent and acquiescent official who would be without attention. It is in this spirit that I would urge the widest support from the Committee.

My warm regards.

Yours faithfully,

JOHN KENNETH GALBRAITH.

CENTER FOR INTERNATIONAL STUDIES, UNIVERSITY OF SOUTHERN CALIFORNIA,
Los Angeles, CA, April 1, 1994.
Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I understand that Professor Derek Shearer, Director of Occidental College's International and Public affairs Center (IPAC) has been nominated to serve as Ambassador to Finland.

I have known Professor Shearer for several years, since I moved here from the Woodrow Wilson Center at the Smithsonian. From our first conversations, I have always been favorably impressed by the range and depth of Professor Shearer's informed interests and views on a broad range of issues of public policy, domestic and international. He has a restless curiosity about how communities work, about how business and politics are conducted, and about how to insert well-considered ideas effectively into the political and policy-making processors. He has drawn on these interests very well in founding IPAC and making it an active and respected center for research, teaching and community outreach. He has also generously contributed ideas and suggestions to me as we are building the Pacific Council on International Policy. He participated very helpfully in a brainstorming retreat with other top foreign policy experts, newspaper editors, and business leaders.

I am sure your Committee has full information on Professor Shearer's publications, awards, administrative record, and political affiliations. What I would add to your information—as someone who has lived abroad for several years and travelled extensively in Latin America, Europe, and Asia—is that I believe Derek Shearer has just the right qualities and traits to be a very effective and successful ambassador: intelligence, energy, political savvy, broad knowledge both of our own country and of international affairs, good judgment, discerning understanding of people, an exceptional ability to build good professional and personal relationships and the confidence of the President. He would be a very good Ambassador.

Please feel free to call on me for any further advice.

Yours,

ABRAHAM F. LOWENTHAL,
Director.

FOREIGN POLICY,
Washington, DC, April 4, 1994.
Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of the President's nomination of Derek Shearer as United States Ambassador to Finland. I think that he will be an outstanding representative of the United States and I strongly urge his confirmation by the Senate.

I have known Professor Shearer since the mid-1980s. I have appeared on his campus as a speaker a number of times and have participated in conferences with him in other parts of the country. We have met regularly when he has visited Washington or I was in Los Angeles and he has published for my journal. From this experience I know him as an outstanding scholar, a careful student of international affairs, and an individual with a deep commitment to the American experiment, its government, and its people.

His piece for Foreign Policy demonstrated a wide reading about and a sensitive understanding of the changes that are taking place in the nature of international trade and commerce. I know personally that he has plunged into the task of preparing himself for his new assignment by reading deeply into the history, culture and politics of Finland.

As someone who served for 9 years as a Foreign Service Officer and in the position of Assistant Secretary of State from 1977 to 1980, I believe I understand the character traits and skills that are essential for an Ambassador to carry out his duties. Professor Shearer has the intelligence and solid judgment needed to serve our country ably.

I believe Professor Shearer will be a fine Ambassador and I hope that the Senate will confirm him at its earliest opportunity.

Best wishes.

Sincerely,

CHARLES W. MAYNES,
Editor.

ECONOMIC STRATEGY INSTITUTE,
Washington, DC, March 14, 1994.
Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PELL: I would like to express my strong support for Professor Derek N. Shearer, the ambassador-nominee to Finland, who is currently before your committee.

I have known Derek Shearer for some time—and we have worked together on several common projects, including U.S. trade policy towards Japan.

When Derek served as Deputy Under Secretary of Commerce, I invited him to speak at ESI's annual trade conference, and his presentation was one of the most stimulating and well received at the conference. After Derek left government service, he became an associate fellow at ESI. He has participated in institute activities, and provided valuable advice on ESI's research agenda on trade and competitiveness. He is an original thinker, with a deep understanding of the challenges facing the United States in the new post-Cold War era.

In his work with ESI, Derek has always deomonstrated intellectual integrity, combined with a pragmatic approach to constructing a new government-business partnership in the U.S. As someone who has served in high office in past administrations, I can say that Derek Shearer has my wholehearted support. I know that he will ably represent the interests of the U.S. in this post. I recommend him to you and to the entire Senate.

Sincerely,

CLYDE V. PRESTOWITZ, Jr.,
President.

THE GRADUATE SCHOOL AND
UNIVERSITY CENTER,
New York, NY, March 31, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

TO THE SENATE FOREIGN RELATIONS COMMITTEE: I write to express my cordial support for the nomination of Derek Shearer as Ambassador to Finland.

I have known Professor Shearer and his work for a number of years, and I have spent time with him when I have lectured at Occidental College, where he has taught since 1981 and enjoys the high esteem of his colleagues. He is an able and productive economist with a special interest in international economic affairs. He has done a first-class job in organizing the International and Public Affairs Center at Occidental.

I need not remind the members of this eminent committee that some of our most distinguished and effective ambassadors have been economics professors—Arthur Burns, John Kenneth Galbraith, Gardner Ackley, for example—not to mention such other successful professor-diplomats as Edwin Reischauer, Robert Goheen, John Badeau, Robert Neumann. In view of the way geopolitics is giving way to geoeconomics in the post-Cold War world, it is all the more important to have a high degree of economic literacy in our diplomats.

I know Finland too and have no doubt that an envoy of Professor Shearer's academic standing and reputation would be a welcome appointment. And, as a White House special assistant in 1961–63, I am familiar with the qualifications required for ambassadorships. Professor Shearer has the intelligence, the integrity, the tact and the sense of responsibility to do an outstanding job. I take much pleasure in commending him to you.

Sincerely yours,

ARTHUR SCHLESINGER, Jr.

TRIDENT CAPITAL, L.P.,
Los Angeles, CA, May 13, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: As the former Ambassador to Finland during the Reagan Administration and the former Deputy Secretary of Commerce during the Bush Administration, I am writing to support the nomination of fellow Californian, Professor Derek Shearer, as the Administration's nominee to the post of Ambassador to the Republic of Finland. He has a broad background in European and economic affairs. I know Professor Shearer as a man of integrity and believe he is eminently qualified for this important position.

With best regards,

ROCKWELL A. SCHNABEL.

OCCIDENTAL COLLEGE,
Los Angeles, CA, March 15, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I am writing to support strongly the nomination of Professor Derek N. Shearer of Occidental College to be Ambassador to Finland.

As the President of Occidental College, I know Professor Shearer well, and I have the greatest confidence in his abilities and his character.

Professor Shearer is held in very high esteem on the Occidental campus. As a member of the faculty since 1981, he has been a first-class professor, teaching courses in public policy, economics, urban planning, and business. He established the College's highly regarded interdisciplinary major in Public Policy—and his public policy students have gone on to study business and law at Harvard, Columbia, Georgetown and other top schools.

Professor Shearer also founded Occidental's International and Public Affairs Center (IPAC) and has served as its director. He has brought a number of nationally known speakers onto campus, enriching the intellectual life of the College. Each year his Public Policy students organize the Occidental Public Affairs Conference which addresses major issues of our time. Students in Professor Shearer's business course created the outdoor campus cafe and wrote feasibility studies for improving other campus facilities such as the bookstore.

Professor Shearer has served on numerous trustee committees and has frequently addressed the Occidental Board of Trustees annual retreat. I've personally observed him at these meetings, and I can attest to his intelligence, common sense and diplomatic skills.

As a former government official—I served as Director of the National Science Foundation and recall a number of occasions in which I interacted with you—I know what it takes to succeed in government service. I am confident that Professor Shearer will be an outstanding Ambassador and a credit to the country.

Sincerely,

JOHN BROOKS SLAUGHTER,
President.

OFFICE OF THE MAYOR,
Los Angeles, CA, May 17, 1994.

Re: Letter of recommendation for Professor Derek Shearer.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PELL: I am writing to support the nomination of Professor Derek Shearer as United States Ambassador to Finland.

As a Board Member of Occidental College I have worked closely with Professor Shearer on many outreach programs for young people. He encourages our youth to get involved in community affairs, and has given unselfishly of his time and energy. His enthusiasm in the service of youth is most commendable, and he is an inspirational role model to them.

Professor Shearer also founded and directed the International and Public Affairs Center at Occidental, which has become a vital center for faculty research, public conferences, and policy seminars.

I am confident of Professor Shearer's leadership and his abilities, and I know he is eminently qualified for this important position.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

BIOGRAPHIC SUMMARY—HIGHLIGHTS

Name: Derek Shearer.

Position for which considered: Ambassador to the Republic of Finland.

Present position: Director, International and Public Affairs Center and Associate Professor of Public Policy, Occidental College, Los Angeles, California.

Legal residence: California.

Office address: International and Public Affairs Center, Occidental College, Los Angeles, California 90041.

Date/place of birth: December 5, 1946, Los Angeles, California.

Home address: Santa Monica, California.

Marital status: Married.

Name of spouse: Ruth Y. Goldway.

Names of children: Casey Shearer, Anthony Yannatta (step-son), Julie Yannatta (step-daughter).

Education: Ph.D., the Union Graduate School, Yellow Springs, Ohio, 1977; B.A., Yale University, New Haven, Connecticut, 1968; University of Michigan summer Russian language program, Ann Arbor, Michigan, 1965.

Language ability: Russian (passive comprehension; fair reading knowledge, rusty spoken); French (fair comprehension, fair reading, minimal spoken); Spanish (some reading and comprehension, traveler's spoken only).

Military experience: None.

Work experience—1981–present: Director, International and Public Affairs Center, and Associate Professor of Public Policy, Occidental College, Los Angeles, California.

February–May 1993—Deputy Under Secretary of Commerce for Economic Affairs, Washington, D.C. (unpaid leave from Occidental College).

May–November 1993—Associate Fellow, Economic Strategy Institute, Washington, D.C.

1993—Member, Carnegie Endowment Study Groups on U.S.-Japan Relations and the Pacific Community, Washington, D.C.

1991—United States Information Service sponsored lecture tour of Japan.

1979–1981—Member, Board of Directors, National Consumer Cooperative Bank, Washington, D.C.

1981–1986—Member, Planning Commission, City of Santa Monica, California.

1985–1988—Member, Academic Advisory Board of the United States Advisory Commission on Intergovernmental Relations, Washington, D.C.

1979–1981—Lecturer, School of Architecture and Urban Planning, University of California, Los Angeles.

1968–1980—Journalist/Consultant/Lecturer in Washington, D.C., Boston, Massachusetts, and Los Angeles, California.

Organizational affiliations: Member, Yale Club of New York, 1990–present and member, International House of Japan, 1991–present.

Honors/fellowships: U.S.-Japan Leadership Fellow of Japan Society, 1991, for study in Japan, 1991; Swedish Bicentennial grant for travel to study urban planning in Sweden, 1985; Guggenheim Fellowship to study urban planning in American cities, 1984–85; German Marshall Fund of the United States travel grant to attend international economics conference in London, United Kingdom.

PUBLICATIONS: (PARTIAL LIST)

Monographs

"A New Social Contract," co-author with Martin Carnoy Russell Rumberger, Harper and Row, 1983.

"Economic Democracy," co-author with Martin Carnoy, M.E. Sharpe/Pantheon, 1980.

Journal articles and book chapters

"Why No American MITI," in Japanese Foresight magazine, Shinchosha, Tokyo, December, 1993.

"Transpacific Vision," Foreign Policy, Number 92, Fall 1993.

"U.S. Japan Relations After the Cold War," in Japanese, in A Perspective Insight into the Future of the Japan-U.S. Relationship, The Asian Affairs Research council, Tokyo, 1991.

"The National Trade Data Bank—The U.S. Exporters Indispensable Tool," Business America, Vol. 114, No. 9, Spring 1993, U.S. Department of Commerce.

"In Search of Equal Partnerships: The Prospects for Progressive Urban Policy in the 1990s," in Unequal Partnerships, edited by Gregory Squires, Temple University Press, 1989.

"A Community-Based Housing Strategy," Peter Dreier and John Atlas, in Transition '89, a publication of the Democracy Project, Dec. 1988.

"La Nueva Politica Municipal," in Estados Unidos: Luces Y Sombras, Editorial Pablo Iglesias, Madrid, 1987.

"Towards a Democratic Alternative," with Martin Carnoy, in American Economic Policy, editors: Alperovitz and Skurski Univ. of Notre Dame Press, 1985.

Op-ed/Journalism

"The 'German Model' Loses Its Punch," Los Angeles Times, June 28, 1993.

"Build a Decent, Prosperous Society," Los Angeles Times, September 23, 1992.

"At Summit, Japan Grassroots Are Shallow," The Asian Wall Street Journal, December 30, 1991.

Numerous Op-ed articles and journalism on domestic and foreign policy issues, 1968–1990.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS—U.S. SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Republic of Finland.

Candidate: Derek Shearer.

Derek Shearer is the founding Director of IPAC, the International and Public Affairs Center, at Occidental College in Los Angeles. IPAC supports faculty research and organizes seminars and institutes on international and domestic issues. He is also Professor of Public Policy at Occidental, where he teaches courses on domestic and international economics and policy.

Mr. shearer has worked in government at the local, state, and national levels. He served as economic advisor to Governor Jerry Brown of California in the 1970's. He was a founding member of the Cooperative Bank, an appointment made by President Jimmy Carter in 1978. In the 1980's, Mr. Shearer was a city planning commissioner in Santa Monica, California.

Mr. Shearer is the author of numerous books and articles on economic policy and politics. His opinion pieces have appeared in the Los Angeles Times, the New York Times, and the Wall Street Journal. He has delivered lectures at leading universities and institutes in the United States, Canada, Europe, Scandinavia, Russia, and Japan.

Mr. Shearer has been awarded many grants and awards, including a Guggenheim Fellowship, a Swedish Bicentennial grant, and a German Marshall fund grant. In 1991, he was named a U.S.-Japan Leadership Fellow of the Japan Society, and spent three months in Japan studying the future of U.S.-Japan economic and political relations.

Mr. Shearer received his B.A. from Yale University, where he studied the language, history, and politics of Russian, China, and the Far East. He received his Ph.D. in Public Policy from Union Graduate School. He has travelled and studied in Russia, and has worked in Southeast Asia and Washington, D.C.

Mr. Shearer was born in Los Angeles, California, on December 5, 1946; he is married and has three children.

Mr. Shearer's knowledge of national and international policy and economics and his experience in government and politics make him an excellent candidate for the position of Ambassador to the Republic of Finland.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I rise this morning to talk about the nomination of Sam Brown.

The PRESIDENT pro tempore. How much time does the Senator yield to himself?

Mr. BROWN. I yield to myself such time as I may consume.

The PRESIDENT pro tempore. The Senator is recognized.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. BROWN. Mr. President, I rise this morning to discuss the nomination of Sam Brown to be our ambassador to the CSCE. It is an important post, with an importance far beyond the measures that were incorporated just in the Helsinki accords. The Helsinki accords, as I know the President knows and Members of this Chamber are aware, came about in the seventies, focused on human rights, and played an important role in developing our relations in Europe and, hopefully, with regard to new innovations in the old Soviet Union.

That role was expanded dramatically, though, in both 1990 and 1992. It was expanded to include a significant role in military affairs. Focusing on national security, the CSCE will monitor and focus on the Open Skies Treaty as well as focusing on the Conventional Arms Limitation Treaty. Those are vital treaties and ones that bear enormous impact on our national security. They are also hot spots because they have a significant say-so on the European Continent, with regard to military affairs.

Right now there are a number of requests waiting. One is a Russian request to waive provisions of the treaty that would allow them to deploy more troops into the westerly area of the CSCE. It is an important military post as well as a human rights post. One of the questions, I think, that is raised is the nominee's qualifications to handle military matters, as well as to handle management matters.

This body—our Congress—has experienced Sam Brown as a manager. He had important responsibilities under the Carter administration. As head of ACTION, he supervised a number of agencies. In addition to that, the Peace Corps was under his direction. We have experience with Sam Brown as a manager, and it would be remiss for this body to not look at his period of management of that agency as we offer much more significant responsibilities, at least in terms of military and national security terms.

That management practice was outlined in a significant report done by the House Appropriations subcommittee staff. Former Congressman Natcher had directed that subcommittee and his staff put together and put out a report on Sam Brown's management practices.

Last week, I had that report submitted and included in the RECORD, so it is available to Members, but I will simply summarize.

It outlined serious management practices as identified by the House Appropriations Committee staff. Let me mention at this point, this is not a partisan document. This was put together by the staff of a Democratic subcommittee. I believe it has validity, not from a partisan point of view, but from a simple, objective, appropriations subcommittee review process.

The staff identified the following areas of mismanagement: Improper procurement practices, page 88 of the report; financial mismanagement practices on page 105; grants awarded without competition, page 35 of the report; attacking Government agencies, politicians, utilities as enemies, at page 40; involvement in restricted activities; that is, restricted by Federal law or regulations, that is page 43; improper use of experts and consultants, page 22; ignore legal requirements in setting pay for personnel, page 16; abolition of independent inspector general, page 112.

Mr. President, it was an attempt to do away with the independent inspector general and perhaps this the most disconcerting of all. Everyone recognizes in a significant agency there can be problems, but one would hope a manager would end up disclosing those problems and dealing with them rather than trying to do away with the position of the Inspector General who is involved in trying to bring those problems to light and correct them. The efforts to do away with that independent inspector general at the time the independent inspector general was doing his job, I think raises serious questions about the candidate.

Mr. President, these management practices were commented on in the Washington Post. We have a copy of that article for the Members to see, who are watching. Let me simply share it with the Members. It is by Jack Anderson. The headline is: "ACTION Chief Labeled Inept Martinet."

> Sam Brown, the tousle-haired antiwar activist-turned-bureaucrat, comes across as an easygoing, charismatic, refreshing new face on the Washington political scene. But his leadership of ACTION, which oversees such do-good programs as the Peace Corps and VISTA, has drawn increasing criticism from both inside and outside the organization.
>
> The recent forced resignation of the Peace Corps Director, Carolyn Payton, was a monumentally mishandled affair. Regardless of the means of her firing, the circumstances surrounding it were so messy as to give credence to charges that Brown is simply not up to the job President Carter gave him.
>
> Insiders told our associate Jack Mitchell that the Payton firing was only the tip of the iceberg. They say Brown's direction of ACTION's domestic and international programs has been all thumbs from the very start. Mismanagement, favoritism, and plain incompetence characterized Brown's regime.
>
> Brown's professional goal of an egalitarian "workplace democracy," which would have been unique in Washington bureaucracy, could account for the slapdash, uncoordinated administration of ACTION and the crumbling image of a once-respected Government agency.
>
> But Brown is accused of more than just inept bungling in a job that's too big for him. ACTION aides say he has become an authoritarian martinet who brooks no interference from his subordinates. He is, they say, a bureaucratic dictator.
>
> Morale at ACTION is rock-bottom low. Bad publicity has negated positive achievements of the agency's programs. Brown's response has been not to clean up his own act but to look for a press aide that can give him a brighter image.
>
> The dismissal of Payton, one of the Carter administration's few influential black officials, brought some of the agency's dirty laundry out in the open.
>
> The conflict between the gregarious Brown and the more reserved Payton appears to have been basically a personality clash. At any rate, Brown was so eager to pressure Payton to quit that her resignation was leaked to the press before she had agreed to it.
>
> Caught by surprise and embarrassed by the report of her firing, Payton denied it. She had to go to the Presidential counsel, Robert Lipshutz, to confirm that her resignation had actually been requested by the President.
>
> Brown's growing band of detractors claim that he and his cronies have been trying to apply the anti-Establishment idealism of their New Left days to the complicated task of administering multimillion dollar social programs. The result has been chaos, critics say.
>
> And starry-eyed idealism has not prevented ACTION brass from squandering the taxpayers' money with an abandon that would be envied by any entrenched bureaucracy in Washington.
>
> A case in point was ACTION's hare-brained scheme to select unemployed inner-city black youths to Jamaica to work. ACTION officials jetted off to the Caribbean resort to set up the project.
>
> But Jamaican officials, faced with massive unemployment and an inflation rate of up to 50 percent a year, put the kibosh on the dizzy plan. They were appalled at the idea of America ghetto youths being thrown in with resentful, out-of-work Jamaicans on their politically troubled island.
>
> Cost-conscious watchdogs at the budget office have warned ACTION spendthrift poohbahs that the agency's travel expenditures had to be reduced. ACTION staffers, for example, have been spending hundreds of thousands of dollars in the past few months attending meetings all over the world. At the same time, workers in the field have been told there's not enough money to fly them back to Washington for briefings.
>
> Taxpayers recently footed the bill for conferences in Casablanca and Nairobi, attended by no less than 31 ACTION paper-shufflers. Each junket cost about $80,000. The highlight of both meetings, sources told us, was the obvious friction between Brown and Payton.
>
> Footnote: Brown was not available to talk to us at press time, but his supporters at ACTION insist that reports of his incompetence and tyranny are either untrue or exaggerated. "Sam's not that way at all," they say.
>
> An ACTION spokeswoman told us that Payton's resignation was announced "in response to media calls" after she had indicated she was quitting.
>
> The Jamaican project, she said, was an "experimental idea" designed to improve minority participation but was dropped early this year after a negative response from Jamaican officials.

Mr. President, I appreciate a press report is not a conclusive indication of someone's management ability. That is why I think the independent staff report of the House Appropriations subcommittee under Congressman Natcher is so significant. It is why I think it bears reading by all Members.

Frankly, in our committee deliberations and in the committee report, there were suggestions that this report dealt with matters that had affected the ACTION Agency prior to Sam Brown's leadership of the agency. I commend the reading of this report to every Member. That is simply not the case. While it is true some problems the agency had to deal with had been in existence quite awhile, many of them—a significant number of them—and many of perhaps the most significant occurred while Sam Brown was the leader of that agency.

I suggest it is not because someone cannot improve or learn or improve their activities, I suggest a review of this because I think it is a very significant document that the Members have to consider in deciding whether or not Sam Brown is an appropriate leader for the CSCE.

One of the considerations I hope Members will take into account when they look at the CSC is to ask themselves what kind of qualifications previous members of the CSC have had, and what kind of qualifications other Ambassadors that other countries send have. I believe it is fair to say—and we will submit for the RECORD the background of the members, but I believe it is fair to point out that the members from other countries and the past ones from America have had significant diplomatic experience.

The committee report reports that Sam Brown has had some diplomatic experience as leader of ACTION and, indeed, in that position he supervised the Peace Corps. But I would submit that is a different kind of experience perhaps than straight diplomatic experience, and it is quite dramatically different than national security experience. That is the part that concerns me most.

I think by the records it is quite clear that Sam Brown does not have national security experience, neither service in the military nor service in diplomatic posts where he would deal with military matters or disarmament matters. As a matter of fact, this area, perhaps the most significant area of CSC now, one that is so important I think for the future, is one where the nominee is the shortest.

I have suggested to the administration that they might want to have him spend 6 months on the job. They have the ability to appoint him and send him there and put him on the team. Let him learn his job first. But to put someone with no national security experience in that position I think raises serious doubts about our ability, one, to properly monitor the armament agreements that they supervise and monitor, but, two, it raises serious questions about our ability to negotiate a new Arms Limitation Treaty.

One of the most important discussions that will take place with Russia and the countries on the European continent in the coming years will be a followup of the Conventional Arms Limitation Treaty. Indeed, that is one of the functions of the CSCE, not only to monitor the existing treaty but to help lead the negotiations on the new treaty.

It is this Senator's belief that whoever leads that team needs to know something about armaments, needs to know something about national security. To suggest that we are going to be able to negotiate a top flight security treaty with someone who has no experience in that area, I think is a grave mistake.

Mr. President, I would like to read now an editorial from the Pueblo Chieftan. This is an editorial written by one of the papers in the State that Sam Brown had served as State treasurer, and it addresses the question of qualifications. The headline of the Pueblo Chieftan editorial is "Nyet, Mr. Brown." It reads as follows.

> The U.S. Senate is expected this week to take up the confirmation of former Colorado state treasurer Sam Brown as ambassador to the Conference on Security and Cooperation in Europe. It would be a dark day for American foreign policy interests if he wins that confirmation.
>
> The Commission's job is to implement the Treaty on the Conventional Armed Forces in

Europe completed with the Soviet Union in 1990. Now, however, the Russian Government has requested that certain treaty limits be relaxed.

The treaty restricts Russia from massing troops in the so-called flank regions of Europe, thereby preventing it from injecting forces into border conflicts in places like the Caucasus and elsewhere. The United States and its Western allies should be responding that that's precisely the point of the treaty.

The Russian defense minister and others have signaled their intention to remain engaged in what they emphatically call "the near abroad." The Russian bear stills wants hegemony.

Until recently, the U.S. delegation was headed by the able Ambassador John Kornblum. He had a wide-ranging diplomatic career which gave him the experience that made it unlikely he would yield anything meaningful to the Russians.

What of Mr. Brown's qualifications?

He was a prominent anti-Vietnam war activist in the 1960's. In 1976, he led the effort to have the Democratic Party endorse unconditional amnesty to Vietnam war draft resisters, a piece of legislation that was killed by a Democratically controlled congressional committee.

So much for Mr. Brown's military record.

He has been touted by the Clinton administration as a good administrator. The record suggests otherwise.

During the Carter administration, Mr. Brown was the head of ACTION. In 1978, the agency was the subject of an investigation by the House Appropriations Committee. Its findings, in part:

"ACTION procurement practices often conflicted with regulatory and statutory requirements. * * * (The) staff found an accounting system in need of further refinement * * * travel irregularities * * * improper expense vouchers for official travel."

The Appropriations Committee staff offered some 18 recommendations to correct what it called "the apparent weaknesses in ACTION's overall management of its personnel, procurement and budget and finance programs" during Mr. Brown's "administration" of the Agency.

But this might be most telling.

Committee investigators learned that Volunteers in Service to America, the domestic Peace Corps arm of ACTION, was using volunteers in its Community Research Action Project for political purposes "in the Arkansas primary election" which vaulted then Arkansas Attorney General Bill Clinton to his first term as Governor.

Is this the person who should be empowered to look after U.S. military interests in negotiations with the Russians? The Cold War may be over, but the Russian desire for empire still lurks.

The Senate should vote nyet on Mr. Brown's appointment.

Mr. President, this sentiment is echoed in a similar editorial by the Rocky Mountain News, the largest newspaper in circulation in Colorado. The headline reads as follows: "Sam Brown's credentials." They capsulized by saying:

The issue: Nomination of Sam Brown to overseas security post.

Our view: A grave mismatch of man and job.

Mr. President, I ask unanimous consent to include this editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, May 20, 1994]

SAM BROWN'S CREDENTIALS

President Clinton has saved one of the U.S.'s most sensitive diplomatic plums for Sam Brown, Colorado's former treasurer and prominent Vietnam war protester. Meanwhile, congressional opposition has been portrayed as just old-guard anxiety that a '60s enemy of "American imperialism" could romp at will through the corridors of Western military diplomacy.

The real stakes are much higher, and have little directly to do with Brown's radical past. If the Senate confirms Brown next week as ambassador to the Conference on Security and Cooperation in Europe (CSCE), it will place a man with no experience in arms control, military and strategic studies, conciliar posts or international diplomacy in charge of vital negotiations involving U.S. security in Europe.

One might as well have turned over D-Day operations to the head of the Work Projects Administration. The crown of Brown's career was a dubious run as Jimmy Carter's director of ACTION/Peace Corps, which was censured during his tenure by the House Appropriations Committee for wide-ranging financial mismanagement, waste and improprieties.

That's hardly preparation for a post to which the other nations of the free world send leading foreign-policy lights. For that matter, the last three U.S. ambassadors include an experienced NATO official, a Soviet policy analyst and a senior U.N. attache. As Colorado Sen. Hank Brown, leading opponent of the nomination, pointed out in the Foreign Relations Committee (which sent the nomination to the Senate floor on a 10–9 vote), the appointment of Sam Brown means no less than "someone with no military training or experience supervis(ing) future discussions of the conventional forces treaties in Europe."

Working under a gray title and far from headlines, CSCE has nevertheless been a powerful instrument of order in a reordered Europe. Among other things, it oversees the 1990 treaty that trussed the ambitions of the old Soviet empire by denying it the ability to mass troops on Europe's flanks.

But Russia, now complaining of cramps, is back at the table for a better deal. Clinton's representative will comfort Russia's insistence that it be allowed to widen that military sphere to bring it well within meddling range of the volatile Balkans. He or she will also have to monitor military maneuvers and arms buildups. Any sign of indecision or confusion on the U.S.'s part not only would erode a hard-won stability in Europe but encourage the region's weirder players, such as Vladimir Zhirinovsky, who on any given day may threaten to bomb NATO bases and/or knock off Western detractors with "atomic pistols."

What in his experience prepares Sam Brown for such a mission? Surely not as antiwar activist, a Democratic party wheeler-dealer, head of a domestic service agency, or state government official.

At the end of World War II a cynic noted that while diplomats should have iron ore in the veins, they too often operate on enough oil to float a whale . . . "regular Moby Dicks," he jeered.

Well, there are diplomats, and there are diplomats. The Senate, which could take up Brown's nomination as early as today, must distinguish between the critical experience needed at the CSCE and other posts less crucial to U.S. interests. Among the 17 still-vacant ambassadorships, surely there's something else that fits the energetic and well-defined credentials of Sam Brown.

Mr. BROWN. Mr. President, I see the very able and distinguished chairman of our committee, as well as the very highly respected senior Senator from Illinois, and I know both of them have concerns on this matter which they wish to share.

I yield the floor.

Mr. PELL. I yield as much time as he desires to the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. SIMON] is recognized for such time as he may consume.

Mr. SIMON. I thank the Chair. I thank the Senator.

While I differ with my colleague from Colorado on this issue, I have great respect for him. He has been a constructive, positive Member of this body, and it has been my pleasure to work with him on a number of issues.

First of all, let us just keep in mind what we are doing. What we are doing is not determining whether Sam Brown is going to be our representative at the Conference on Security and Cooperation in Europe. The question is, believe it or not, are we going to give him the title of Ambassador.

That is the only question we have. We are straining at gnats.

The two points that my friend and colleague from Colorado makes I do not think are valid. The No. 1 question is can a person without military background be in charge as our delegate. The reality is I served 2 years overseas in the army, proud to have done so, but that would not make me any more qualified than Sam Brown to take charge of this. When you get to having security agreements, you work with the military. You bring in the Pentagon. I served on the advisory committee for several years that we have on the CSCE. I remember Senator PELL serving as cochair along with Dante Fascell of that committee. I think he will advise you, rarely did we get into any kind of technical military matters.

The American people made a decision that we would have a Commander in Chief with no military background.

Whether that decision was right or wrong, I happen to think it was the right decision. Obviously, my friend from Colorado voted differently than I did, for Bill Clinton. He voted for George Bush, I assume. But we made that decision. I do not think if Bill Clinton had my 2 years in the Army that would make him a better Commander in Chief. I think this is really not an issue.

Then the second issue is what kind of a job he did at ACTION. There was an investigation by the House Appropriations Committee staff. As a result, there was a hearing. In fact, we had lengthy hearings. I happened to chair the subcommittee of jurisdiction and Congressman John Ashbrook, the late Congressman from Ohio, asked that we hold hearings. I said, "We will hold hearings as long as you want, and you bring in as many witnesses as you want."

We held 34 hours of hearings, 6 days of hearings, and one hearing lasted 14 hours. It was very interesting. I wish John Ashbrook were alive here today to tell you how much John Ashbrook would be a Sam Brown fan, or he would vote with us. But the evidence of abuse just dissipated. We brought in all kinds of people. Everyone was put under oath, somewhat unusual at our hearings. I remember bringing in the auditors and the inspector general, and asked if they found any abuse in terms of the operation of ACTION. They said yes; they had found two instances of abuse. I asked when they had taken place. They had taken place before Jimmy Carter was President and before Sam Brown was responsible.

A very interesting thing happened after our hearings. The House Appropriations Committee increased the appropriations for ACTION by 20 percent. I see the Presiding Officer, who chairs the Appropriations Committee in the Senate. You do not increase appropriations 20 percent for any agency like that. That was clearly confidence on the part of the House Appropriations Committee in what Sam Brown was doing.

Did Sam Brown make some mistakes? No question about it. Does PAUL SIMON make mistakes? Yes. Does CLAIBORNE PELL make mistakes? He is nodding his head yes. Does ROBERT BYRD make mistakes? Yes. We all make mistakes. But in terms of running that operation, I do not think there is any question that Sam Brown did an effective job. Again, there is no reason to not give him the title of Ambassador.

That is all we are talking about. The President has the authority to designate this person. The President has designated him. There is no confirmation of the Senate on that. The question is, do we give him the title of Ambassador? And I suppose we could weaken his ability to perform a little maybe by not give giving him that title. I do not see any purpose in doing that. I think we ought to go ahead and give him the title. That is what the debate is about; nothing more, nothing less.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I thank the able Senator from Illinois for his position and his refinement of what the question is all about, and that is not the designation of the function of the job but the title of the job. That is it.

The nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe [CSCE] was submitted to the Senate by President Clinton and referred to the Committee on Foreign Relations on November 18, 1993. Pending before the Senate for advice and consent is solely Mr. Brown's nomination for the rank of Ambassador just as the Senator from Illinois pointed out.

Mr. Brown's appointment as Head of Delegation to the CSCE is an appointment which is not subject to the advice and consent of the Senate.

The committee held a hearing the same day the nomination was received with the hope that it could be acted on by the Senate before the end of the first session. Unfortunately, the committee was unable to act on the nomination prior to adjournment on November 24, 6 days later.

The committee scheduled Mr. Brown's nomination at its first business session this year, February 9, 1994. At that meeting, it was announced for the first time since the November hearing that members of the committee had additional questions they wished to submit to Mr. Brown prior to the committee action on the nomination. Subsequently, the nominee provided the Committee responses to approximately 81 questions submitted by members of the committee. These questions and answers are included in the committee's report (Exec. Rept. 103–27, p. 22).

The committee held its second business meeting of this year on March 22, at which time Sam Brown's nomination was approved by a vote of 11 to 9, and reported to the Senate. Although all members of the committee voted on Mr. Brown's nomination, due to objections in the Senate that a majority of those Members present at the time the vote was taken did not vote in favor of the nomination, as required by committee rule 4(c), the nomination was returned to the committee on April 13, 1994. Although the objections raised were proper under the rules, no such objections were raised at the committee meeting on March 22 when all members of the committee, with a quorum present, voted in person or by proxy on the nomination.

After Mr. Brown's nomination was returned to the committee, 27 additional questions were submitted to the nominee. Mr. Brown has responded fully and completely to all 108 questions submitted to him after his nomination.

At its business meeting of May 4, 1994, the committee voted by a vote of 11 to 9, with a quorum present and a majority of those members physically present voting in the affirmative, to report the nomination and recommend that the nomination be confirmed.

The committee has carefully considered the nomination of Mr. Brown and has recognized his expertise and experience, as well as his professional responses to questions posed both during his hearing and in response to written inquiries from committee members. Although objections to Mr. Brown's qualifications were raised by some committee members, a majority of the members of the Committee on Foreign Relations determined that Mr. Brown is well qualified to discharge the responsibilities of this important position. Mr. Brown's own statement to the committee, his biographic summary and a statement of the position's functions and responsibilities are all included in the committee's report (Exec. Rept. 103–27, pp. 12–15).

I would emphasize that all the Senate has before it for advice and consent is Mr. Brown's nomination to hold the rank of Ambassador during his tenure as Head of Delegation to the CSCE. The appointment of Mr. Brown as Head of Delegation to the CSCE. The appointment of Mr. Brown as Head of Delegation is not subject to the advice and consent of the Senate. Nevertheless, the Committee on Foreign Relations clearly concluded that Mr. Brown is well qualified to serve as Head of Delegation to the CSCE, as well as hold the rank of Ambassador during his tenure in that position. Failure of the Senate to give its advice and consent to this nomination would deny the United States of America the status of ambassadorial representation at the CSCE. It would not be a denial of Mr. Brown's ability to serve as Head of Delegation. Consequently, the U.S. Government would be relegated to the status of a second class citizen in the international community represented at CSCE.

The committee received strong letters of support for Mr. Brown's nomination from Ambassadors Warren Zimmerman and Max Kampelman, both of whom served with high distinction in this important position. In addition, Mr. Brown also received strong support from Robert S. McNamara, former Secretary of Defense, the Commission on Security and Cooperation in Europe, and others, all of whom attested to Mr. Brown's qualifications for this position. These letters of support are included in the Committee's report (Exec. Rept. 103–27, pp. 6–11).

The requirements of the position put a strong emphasis on human rights and democracy building, an area of experience where Mr. Brown's credentials are very strong. Mr. Brown has a clear commitment to human rights standards, the energy and intelligence to understand and react quickly to changing circumstances and a proven ability to be an effective advocate for the U.S. position. Mr. Brown's commitment to human rights and skills as an advocate have never been questioned.

Endorsements from past CSCE heads of delegation, both career and non-career, from the Carter, Reagan, and Bush administrations all testify to these qualities.

Ambassador Max Kampelman says, in part,

> Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and abilities to do that.

Ambassador Warren Zimmermann says,

> He has impressed me with his quick mastery of the complexity of the issues; his commitment to human rights, to military security and the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-Cold War world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

Mr. Brown's experience with high level foreign officials, his ability to motivate and lead the delegation, and a good ability to work with the many non-Government organizations which have an interest in CSCE issues are skills he will bring to this position.

CSCE also has the stated goal of encouraging the development of free markets and of protecting the environment. Mr. Brown's experience in business the last 12 years, coupled with his long-standing commitment to the environment, will serve him and the country well in this position.

Although concerns has been expressed with respect to Mr. Brown's lack of military experience, I would note that the distinguished departing career Ambassador John Kornblum, his predecessor Ambassador Warrren Zimmermann, a distinguished career officer, and their predecessor the distinguished Ambassador Max Kampelman, who was appointed by both Presidents Carter and Reagan, all had no prior military service. Lack of military experience was clearly not a disqualification for the position in the past three administrations.

Concerns have been raised that Mr. Brown was responsible, in some manner, for mismanagement of ACTION when he served as the head of that agency during the Carter administration. The committee believed that there was no basis for these concerns. Although there were serious deficiencies found in some ACTION administrative systems, most of these were long-standing problems which were corrected during Mr. Brown's tenure. A House appropriations subcommittee chaired by Senator PAUL SIMON, currently a member of the Committee on Foreign Relations, held 7 days of hearings during which there was no finding of mismanagement by Mr. Brown.

The CSCE, located in Vienna, is the principal forum for promoting respect for human rights and democracy-building efforts throughout Europe. It also has a continuing arms control function. It is time to fill this important position as CSCE moves to take on a greater role in the post-cold-war era. The U.S. delegation to the CSCE is playing a leading role in resolving a number of critical European conflicts, and in the process, helping to define a new European order. Through mediation efforts in Moldova, Latvia, Nagorno-Karabakh, and Georgia the CSCE, heavily influenced by the United States delegation, is working to ensure that newly independent states are not torn apart by ethnic conflict or threatened by larger neighbors. Poised on the cutting edge of preventive diplomacy, the CSCE has a role of tremendous importance to play. The United States has been the leading voice in the CSCE since its inception in 1975. Strong leadership of the U.S. delegation to CSCE is vital to U.S. interests, to the optimal functioning of the CSCE, and ultimately to European security. Sam Brown will provide that strong leadership.

Ambassador John Kornblum, the last head of the U.S. delegation, recently finished his assignment with distinction in Vienna. The U.S. delegation is consequently without an Ambassador at a crucial moment. Important progress is being made in Nagorno-Karabakh negotiations under CSCE auspices, the Russian troop withdrawals from the Baltics, developments in Georgia, Moldova, and Macedonia portend increased CSCE involvement, the CSCE is making progress on overseeing Russian peackeeing forces in the former Soviet Union, and this month the CSCE is defining its human rights oversight role in Bosnia, as provided for in the Bosnian-Croat agreements. To leave the U.S. delegation to handle such an imposing basket of issues without a head of delegation is unwise and unfair, to ourselves, to the CSCE, and to all of Europe.

The Committee found Sam Brown to be well qualified to discharge the responsibilities of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe and I urge the Senate to give its advice and consent to Mr. Brown's nomination so as to remove the handcuffs from our delegation there so we can be represented by an Ambassador and encourage his status of representing the Chief of State in permitting our delegation to function as it should.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise out of concern of the nomination of Sam Brown. I yield myself such time as I may consume.

The PRESIDENT pro tempore. The Senator from Colorado is recognized for such time as he may consume.

Mr. BROWN. First of all, let me express my thanks to the distinguished chairman of the Foreign Relations Committee. The distinguished chairman has done, I think, an outstanding job in ensuring a fair, full, and complete hearing. I think it has been very helpful to Members on both sides. I, as a member of that committee, deeply appreciate his leadership and efforts in that regard.

The chairman has also commented that Sam Brown has answered a number of questions, and I want to agree with the chairman. He did indeed respond to the questions, and I thought the responses were by and large helpful, that they provided a good record, and in contrast to some other responses of other nominees, I thought they were most responsive to the questions. Obviously, one may disagree or agree with the focus Sam Brown has, but I thought his willingness to respond to questions was most helpful to the committee in moving forward.

Several points have been made here this morning that I want to comment on. The first dealt with experience. I have not suggested that someone who would lead the negotiations on an armaments treaty would have to be a veteran. I think there is an advantage for military experience, but I do not think it is by any means the only qualification, nor have I suggested that. Would Sam Brown have benefited by that? Well, that perhaps is perhaps more a question for him.

I do know one thing: Whether or not that person is a veteran, serving in the Army as Senator SIMON has, or other services, some knowledge of national security is essential. It is helpful to be a veteran, but it is essential to have some background or understanding of national security issues. And it is quite true that some of the other Ambassadors we have sent to Europe and to the CSCE have not had military experience, but all of them have had diplomatic experience, and all of them have had national security experience.

That is the difference. No one is suggesting that the military experience is a prerequisite. But this nominee not only does not have military experience, this nominee does not have national security experience. That I think should weigh heavily in a decision as to who we send to monitor these important treaties and to negotiate a new one.

An additional point was made that many of the mismanagement practices identified by the Democratic House Appropriations Subcommittee staff occurred before Sam Brown was head of ACTION.

(Mr. DORGAN assumed the chair.)

Mr. BROWN. Mr. President, that is simply not true. Let me share with the Members the cites from that Democratic staff report that proved the point. I hope all Members will take the time to read that report and review it, at least, if they have a chance. But the following abuses in management practices as identified by that staff took place after Sam Brown became head of ACTION.

Advance procurement practices: The Office of Grants and Contract Management is not insistent on using program adherence to order 2620.1. That occurs on page 90, and that occurred after Sam Brown took over. Violation, 41 U.S.C. 252(c) use of negotiated method in contract procurement. That is on page 90, and those cites took place after Sam Brown took over as the head of ACTION.

Sole source procurement problems: That action took place after Sam Brown took over as head of ACTION. The requirements cited there specifically took place a year and a half after Mr. Brown's tenure started.

Violation of truth in negotiation law, and that is page 91 and 92. That took place after Sam Brown took over as head of ACTION. Violation of Federal procurement regulations. That is on page 92. That occurred after Sam Brown took over as head of ACTION.

Under the category of financial mismanagement, we have the following actions that took place after Sam Brown took over as head of ACTION. Violation of requirements for congressional approval for obligation of authority. That is found on page 105 of the report. That took place after Sam Brown took over ACTION.

Unreported overall obligation unreported to OMB. That is again on page 105. That took place after Sam Brown took over ACTION.

Three contracts executed with improper cite violating antideficiency statute. That is found on page 108. That took place after Sam Brown took over as head of ACTION. Violation of the antideficiency statute, unreported through OMB to the President, page 108. That took place after Sam Brown became director of ACTION.

ACTION officials claimed full per diem when not authorized. That is documented on page 109. That occurred after Sam Brown took over as head of ACTION.

ACTION officials traveled to Cuba and PRC when actually listed in their duty station in the United States. That is on page 110. That took place after Sam Brown took over as head of ACTION.

Then under the category of grants awarded without competition: National grants awarded without competition, page 35. That happened after Sam Brown took over as head of ACTION. National grants awarded to organizations attending roundtable with ACTION director, again on page 35. That took place after Sam Brown took over as head of ACTION. Training materials describing Government agencies, politicians, utilities and real enemies. What does this involve? Objection with training materials developed as part of $500,000 grant to train volunteers. That is found on page 40. That happened after Sam Brown took over as head of ACTION.

Involvement in restricted activities. First, volunteers engaged in staff-related activities, a violation of ACTION policy, not documented under other administrations. That is on page 43. That occurred after Sam Brown took over as head of ACTION.

Violation of Domestic Volunteer Service Act, grantees under the National Grants Program engaged in labor organizing and political activity. That is found on page 43. That took place after Sam Brown took over as head of ACTION.

Improper use of experts and consultants, specifically violation of President Carter's policy citing excessive volume of experts and consultants. That is found on page 22. That took place after Sam Brown took over as head of ACTION.

Ignored legal requirements to use past earnings in determining pay, specifically violation of regulation of requiring use of past earnings. That took place after Sam Brown took over as head of ACTION.

Abolition of independent inspector general or attempt to, and it is defined as a creation of conflict of interest, and thwarting the will of Congress, cited on page 112. That took place after Sam Brown took over as head of ACTION.

So, Mr. President, the two points that have been made, one that these events of mismanagement occurred before Sam took over simply is not accurate. That is not HANK BROWN saying that. That is the Democratic staff committee report of the House of Representatives Appropriations Committee.

It is clear. It is documented. It is specific. It is available in the CONGRESSIONAL RECORD. And it is quite clear that the multitude of violations cited did occur under his directorship.

The second item that has been cited is with regard to military service. I simply would repeat what we talked about before. It is quite clear that military service, while attractive for negotiating a defense treaty is not essential nor have we insisted on it. But what has been a key ingredient in everyone that has represented our country at these negotiations is that they have a significant background in national security matters. To send someone who has no background in national security to represent a vital and important treaty negotiation process that represents us in a treaty negotiation process is ludicrous. It is something like saying we are going to train you as a horse trader even when you do not know anything about horses.

Now, Sam Brown is bright. But I prefer to have someone who knows something about horses before you go trade. That is what we are talking about.

Mr. President, I want to put in the RECORD an article from the New York Times. This one covers Dr. Payton's firing as head of the Peace Corps. I will quote briefly from that article under the headline "Conflicts Began to Emerge" in the article of the New York Times.

> Conflicts began to emerge between Mr. Brown and Dr. Payton shortly after she was confirmed by the Senate and took office a year ago.
>
> Dr. Payton was primarily interested in reorganizing the Peace Corps, improving training procedures and opening its ranks to more blacks and Hispanic volunteers. In an interview at the time of her appointment, she said the Peace Corps had been "a white, middle-class adventure" for most of the volunteers who joined it in its first 16 years. She was determined, she said, to recruit more members of minority groups and to "tap the great reservoir of interest in Africa among black Americans."
>
> Mr. Brown had other ideas for the agency. He was eager to use the Peace Corps to reopen contacts with such nations as Vietnam, Mozambique, and Angola in an effort to improve American relations with the more radical nations of the third world. He also spoke of a "reverse Peace Corps" in which third-world nations would send volunteers to the United States to work in the cities. Dr. Payton reportedly was not enthusiastic about either idea.
>
> Mr. Brown's aides report that he found Dr. Payton to be a poor administrator who was frequently behind in budget preparation and other bureaucratic requirements of her office.
>
> The differences between Mr. Brown and Dr. Payton broke into the open at a recent regional meeting of Peace Corps directors in Casablanca, Morocco, and a subsequent session in Nairobi, Kenya. Dr. Payton reportedly threatened to resign after a shouting match with Mr. Brown in front of Peace Corps officials.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 25, 1978]

DR. PAYTON, UNDER PRESSURE, RESIGNS AS DIRECTOR OF PEACE CORPS

(By Terence Smith)

> WASHINGTON, Nov. 24.—Citing "unresolvable differences of policy" between Carolyn R. Payton, the director of the Peace Corps, and her immediate supervisor, President Carter tonight accepted Dr. Payton's resignation.
>
> In a statement issued by the White House this evening, Mr. Carter, who is spending the weekend at Camp David, said he was taking the step to "resolve the serious impasse" that had developed between Dr. Payton and

Sam Brown, the head of Action, the umbrella agency that includes the Peace Corps and other volunteer programs.

Dr. Payton, a 53-year-old psychologist who was the first woman and the first black to head the Peace Corps, was appointed a year ago. In recent months, she has been in a bitter dispute with Mr. Brown concerning the direction and management of the agency, which currently has some 6,000 volunteers in 65 countries.

After agreeing to resign on Wednesday, Mrs. Payton changed her mind and issued a statement yesterday that strongly implied she would not step down unless asked to by President Carter. The post of Peace Corps director is a Presidential appointment.

She relented late today, however, after a meeting at the White House with Robert J. Lipshutz, the counsel to the President.

In her letter to the President, released here this evening, Dr. Payton said she had been unable to carry out her duties "in part because of conditions which had arisen before you or I took office and in part because there have been deep differences between the Action administrator and the Peace Corps over the interpretation" of the Peace Corps' mission.

"I COULD NOT CONTINUE"

"Unfortunately, these differences could not be reconciled and I could not continue as director," the letter continued. "The issue between the director of Action and me is an issue of substance, about the Peace Corps, not one of my sex, color or age."

Neither Dr. Payton nor Mr. Brown elaborated on their differences tonight, but Peace Corps sources said the two officials had sharply conflicting views on how the 17-year-old agency should focus its efforts.

Earlier in the day, Representative Don L. Bonker, Democrat of Washington, strongly objected to the dismissal of Dr. Payton.

"This was a personality conflict, plain and simple," he said in a telephone interview. "I think it is a hasty and irresponsible way to treat a capable and committed public servant."

There was no official word about a successor, but Representative Bonker and others said they had heard reports the job would be offered to Senator Dick Clark, Democrat of Iowa, who was defeated in a bid for re-election on Nov. 7.

"I've heard Clark's name mentioned," Mr. Bonker said. "But I can't believe he would take it with the Peace Corps in the condition it is today."

Dr. Payton was appointed a year ago after an exhaustive, eight-month search in which Mr. Brown conceded he was looking for a "star—someone with a name whose high visibility can pull the Peace Corps out of the doldrums."

With that goal in mind, he offered the job of director to a succession of well-known, politically prominent blacks and women, including Rafer Johnson, the former Olympic champion; Representative Ronald V. Dellums, Democrat of California; Jane Hart, the widow of Senator Philip A. Hart, Democrat of Michigan, and LaDonna Harris, the wife of former Senator Fred R. Harris, Democrat of Oklahoma.

They all turned it down, however, which was a comment on the low state to which the Peace Corps had fallen as a governmental appointment.

Finally, Mr. Brown decided that the job called for someone with Peace Corps experience. On this ground and, he said at the time, "to help fulfill the affirmative action goals of the Carter Administration," he selected Dr. Payton. The Howard University psychologist had been a Peace Corps country director in the eastern Caribbean from 1966 to 1969.

CONFLICTS BEGAN TO EMERGE

But conflicts began to emerge between Mr. Brown and Dr. Payton shortly after she was confirmed by the Senate and took office a year ago.

Dr. Payton was primarily interested in reorganizing the Peace Corps, improving its training procedures and opening its ranks to more black and Hispanic volunteers. In an interview at the time of her appointment, she said the Peace Corps had been "a white, middle-class adventure" for most of the volunteers who joined it in its first 16 years. She was determined, she said, to recruit more members of minority groups and to "tap the great reservoir of interest in Africa among black Americans."

Mr. Brown had other ideas for the agency. He was eager to use the Peace Corps to reopen contacts with such nations as Vietnam, Mozambique and Angola in an effort to improve American relations with the more radical nations of the third world. He also spoke of a "reverse Peace Corps" in which third-world nations would send volunteers to the United States to work in the cities. Dr. Payton reportedly was not enthusiastic about either idea.

Mr. Brown's aides report that he found Dr. Payton to be a poor administrator who was frequently behind in budget preparation and the other bureaucratic requirements of her office.

The differences between Mr. Brown and Dr. Payton broke into the open at a recent regional meeting of Peace Corps directors in Casablanca, Morocco, and a subsequent session in Nairobi, Kenya.

Mr. BROWN. Mr. President, in thinking about management style and policy I simply would suggest that the description of a shouting match between Mr. Brown and his subordinates is not the kind of management style that I think this country wants in a diplomat who is head of a negotiating team.

Mr. President, I think at this point it would be appropriate that I read it for those Members who are listening.

The letter is addressed to the Honorable CLAIBORNE PELL, chairman of the Senate Foreign Relations Committee. It reads as follows:

DEAR CHAIRMAN PELL: Article II, Section 2 of the Constitution of The American Legion states that The American legion shall be absolutely nonpolitical and shall not be used for the promotion of the candidacy of any person seeking public office or preferment. We, of course, have closely adhered to this key principle throughout the history of our organization. However, we believe it is appropriate and consistent with this provision to delineate—in a general manner—what we believe are the essential criteria for selecting the Ambassador to the Conference on Security and Cooperation in Europe (CSCE) and, by extension, to similar ambassadorial positions dealing with the national security of Europe and the United States.

Although CSCE never captured the news headlines during the Cold War, it played a key role in helping bring about the liberation of Eastern Europe and the downfall of the Soviet Union and Warsaw Pact. Through its periodic review meetings, CSCE provided an invaluable forum for focusing attention on the human rights situation in member states, particularly those in the Soviet Bloc. It also provided a rallying point for those seeking democracy and freedom.

With that background in mind, in 1992 the CSCE assumed greater operational duties, including establishment of a Security Forum and provisions were made for crisis management, conflict prevention and peacekeeping functions using units of nations belonging to the North Atlantic Treaty Organization (NATO) and the Western European Union (WEU). With the broadened responsibilities and increased prestige of the CSCE, it behooves the U.S. Government to select an ambassador who possesses a wide variety of skills along the following lines:

Diplomatic experience at a senior level and specific experience in working with European foreign ministries and diplomats.

Understanding of national security requirements of Europe and the United States and experience in working with European ministries of defense. Total commitment to the placing the national security of the United States above all other considerations is absolutely essential.

An international diplomatic reputation on a par with that possessed by CSCE ambassadors from European states as their representatives are almost uniformly of the highest caliber and experience.

Experience in international crisis management and peacekeeping operations and intimate knowledge of, and experience with, NATO and the WEU.

A broad educational background in history, politics, economics, military affairs, and philosophy as a basis for effectively dealing with the complex and interrelated problems certain to confront the CSCE.

Practical knowledge of functional issues such as human rights and arms control.

We believe the position of Ambassador to the Conference on Security and Cooperation in Europe must be filled by an individual with broad political and military skills and experience who can work effectively for the emergence of a Europe that is peaceful, democratic and mindful of the human rights of all citizens. At this key turning point in the history of Europe—as past totalitarianism in the East gives way to the possibility of a new and better life for all Europeans and Americans—the U.S. Government must put the right person in this critical job.

Sincerely,

BRUCE THIESEN,
National Commander.

I simply add this comment. If you look at those requirements, several things become apparent.

First, it is, I think, a very excellent list, an outline of the kind of qualities you would want for the Ambassador who fills this important post.

Second, I think you would observe that most of the Americans who have occupied this position have had those qualities.

Third, I think you would find that most of the European countries have this kind of background—excellent, skilled, and experienced.

And, lastly, I believe you will find, by an objective review of these factors, that these are experiences that Sam Brown simply does not have.

Mr. President, I see the distinguished Senator from Texas here, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Who yields to the Senator?

Mr. BROWN. Mr. President, I yield to the Senator such time as he may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mr. GRAMM. Mr. President, today I want to talk about the nomination of Prof. Derek Shearer to be the American Ambassador to Finland, but before I start talking about that nomination, and why I question it and why I am going to oppose it, I want to talk a bit about elections and the consequences they have and the parameters that I believe the Founding Fathers set when they gave the Senate the power of advising and consenting, and I want to relate this nomination to those powers.

I then want to talk about Professor Shearer's writings and his views as they relate to the American tradition of free enterprise and private property and individual economic and political liberty. And then I simply want to state for Members of the Senate and for the record why I oppose this nomination and why I urge my colleagues to reject it.

First of all, Mr. President, I am committed to the principle that elections have consequences. When the American people elected Bill Clinton President, they knew, or they should have known, that, when he was elected, he was going to nominate political liberals for appointive positions. They knew, or they should have known, that, when he was elected, he was going to appoint people to the Federal bench who believed in expanded Government, who believed in a Constitution that could constantly be reinterpreted, who believed in an expansive role for the judiciary, and who believed that the courts should, in areas where the Constitution was silent, seek meaning.

Those are not beliefs that I agree with. They are concepts that I reject. They are concepts that I think are alien to the American Constitution. But elections do have consequences.

Since Bill Clinton has become President, I have, either directly by votes cast on the floor of the Senate or by my willingness to allow nominees to be confirmed by unanimous consent, some 4,000 times consented to Clinton nominees.

Virtually none of those nominees were people that I would have picked. Virtually none of those nominees reflected values that I held. But I felt that, by and large, those nominees fit the parameters that the American people who voted for Bill Clinton either expected or should have expected.

Where I draw the line, Mr. President, is where people are nominated who have views that are far outside the parameters of the views that the President expressed during the election campaign.

During the campaign, and in the tradition of the Democratic Party, the President and his party set the parameters that people might expect from his government. And I believe that, while I would not cast a vote against a nominee simply because they were liberal and I am conservative, I have a right and an obligation to cast votes against nominees whose views are far outside the parameters of views expressed by the President and his party during the campaign and, in fact, are far outside the mainstream of American thinking, and in this case seeming to reject fundamental constitutional rights to private property.

In short, Mr. President, I believe that elections have consequences and that, when people cast votes for President, fundamental decisions are made.

I said on many occasions during the Bush administration and the Reagan administration that I felt some of our colleagues were trying to win on the floor of the Senate what they could not win at the ballot box when they opposed people like Judge Bork and others because they disagreed with them philosophically, not because the views of the nominees were alien to the fundamental principles of America.

Today, I am opposing the nomination for Ambassador to Finland, the nomination of Prof. Derek Shearer. Let me make it clear that I do not know Professor Shearer. I assume that he is a fine, honest, straightforward person. I assume that he is in every way qualified in terms of his academic qualifications. I assume that he is a good, straightforward individual, though I would have to say I am going to raise at least a doubt about that as it relates to statements he made before the Foreign Relations Committee, at least raise a question of where else that the new views that he espoused to the committee may have appeared.

But my point is this is not a personal matter. I have not met Professor Shearer. It simply has to do with what I think the Founding Fathers had in mind when they gave the Senate advise and consent powers.

I am going to be referring today to lots of material, and I am going to try not to overburden the Senate, but I am principally going to be referring to a series of books written by Professor Shearer between 1980 and 1989 as an expression of ideas. And the basic thrust of this writing is that Professor Shearer is a Socialist, that Professor Shearer does not believe in private property, that Professor Shearer believes that economic rights are not part of the fabric of the Constitution, and that in fact he believes that dramatic changes should be made in American society to take away people's right to control their own property and to exercise the full benefits of the fruits of their labor.

I do not attack socialism simply as an unacceptable philosophy. This is a great, free country, and I think it is enriched by the fact that our fellow citizens have greatly different views. Nor do I demean socialism as an intellectual exercise. In fact, I am sure that Professor Shearer has taught it with great diligence at Occidental College, and, quite frankly, I think it is good for young people in America to be exposed to diverse ideas. Having been an old college professor once myself, I realize that most teachers are not any more effective at indoctrinating than they are at teaching, and exposure to different ideas and alien ideas is part of the education process.

I have two sons who are now in college, and I cautioned both of them, on going off to college, to challenge their old man's ideas, to listen to alternatives, to not believe that we had somehow achieved perfection in our ideas within our own household. I am hopeful that at the end of the whole process, maybe with some age and experience and paying of taxes and making of decisions in the real world my children will come to the conclusion that their old man was right. But in any case, challenging and debating is fundamentally important to America, and I have high regard for many people who disagree with me philosophically.

But the question here is not whether socialism is a philosophy that should be taught in America, or that should be debated in America. The point is when someone puts his or her hand on the Bible in taking a high public office and swears to uphold the Constitution, when someone represents America abroad and his or her views represent this Nation and what it stands for, should not that person's views in general reflect what the Nation stands for? And, if their views are far outside what would be normally expected of a Democrat, a political liberal, does that constitute a reason for rejecting their appointment? Those are the issues I want to deal with today.

The first book I want to talk about is "Economic Democracy." This is a book written in 1980. It is a book that was coauthored by Professor Shearer. And it is important, I think, to begin with, to look at where the term comes from. So let me quote Professor Shearer from Barron's magazine, in the following quote. He is talking about socialism and he is making a point that the American people have rejected socialism, and that to go around calling yourself a socialist or to go around espousing socialism, calling it by that name, is counterproductive, and that, therefore, it is necessary to change the name.

One of the things I discovered in reading this material is a similarity to what I see in our own President's rhetoric: An incessant activity in making up new terms because the old ones convey too much meaning. The desire to change the words we use in an effort to make the same old, rejected things more acceptable. Here is what Professor Shearer says.

> While we cannot use the S word, "socialism," too effectively in American politics, [he says, as quoted in Barron's] we have found that in the greatest tradition of American advertising that the words "economic democracy" sells. You can take it door to door like Fuller brushes and the door will not be slammed in your face.

So, where the title of this book comes from, "Economic Democracy," is that this is Professor Shearer's new term for socialism, which he says the public has rejected and, therefore, to use that name taints what you are saying because people understand it. But if you call it "economic democracy," the public is more receptive.

I want to read a series of quotes from this book and from other sources. I want to then talk about them. I want to run through about four or five, more to set the tone than to go through the whole book. Because the point here is to identify the themes contained in this body of work. I know my colleagues, in the past, as I have, have heard people get up on the floor during a nomination debate and read a quote that the nominee had in Playboy magazine or someplace like that, and I have always felt uncomfortable, judging a person's ideas based solely on a quote in a magazine like that.

What I am trying to do here is to not numb the mind with repetition, but to make the point that these are not isolated statements by Professor Shearer, that these are statements of a strongly held conviction and they are present in writings that go back into the 1970's, they are heavily present in 1980, and basically, in general, they are still present in 1989 in a book titled, "Unequal Partnerships."

Let me just start with a couple of them. I want to read the quote and then talk about what the quote means in the frame of reference of the book. I want to make the point that while these are ideas, as any ideas are, that are subject to debate, in the long history of intellectual debate these are old, time-worn ideas. The ideas contained in these works are alien to the American tradition. They do not represent the ideas of the Founders and they do not represent the embodiment of the Constitution.

The first thing I want to talk about is Professor Shearer's idea that we have to dismantle and restrict private enterprise. Let me just read a short quote here rather than go through two or three pages, and then talk about its implications. Professor Shearer writes in the book "Democracy, The Challenge Of The Eighties":

> Investment decisions in the United States are made almost entirely by private companies * * * Any alternative economic and social strategy must start by dismantling, or at least restricting, the power of these corporations. They are the antithesis of democracy.

Mr. President, how many Americans believe that corporations are the antithesis of democracy? How many Americans believe that we should dismantle corporate America? How many Americans believe that we ought to have the Government setting investment strategy? Does not the Constitution say property shall not be taken without compensation? Does not the Constitution guarantee economic liberty, as well as political liberty? Would the Founding Fathers have agreed with any part of a philosophy that says we should dismantle corporate America and bring Government into decisions about running business in America?

The next quote I want to talk about builds on this by making the point that we ought to have the Government basically take over and control one firm in each of the major industries where there is a relatively small number of firms. The basic point here being that this would be a good alternative to nationalizing industry. By having the Government become a major investor in a company and require that consumer advocates and labor officials be appointed to the board of directors, the result would be that this company, with its competitive power, could, basically, control the marketplace in this particular industry. Professor Shearer writes:

> A strategy of selective and competitive public enterprise involves creation of a new Government holding company. The company would purchase the requisite number of shares in at least one major firm in each major industry dominated by a few companies. These would include the automobile, the drug, the chemical, and computer industries, as well as a few others.

Mr. President, how many Americans believe that the Government ought to become a partial owner or owner of a major firm in every major industry in America that has a market structure similar to the automobile industry or the drug industry or the chemical industry or the computer industry?

Let me go on particularly about the energy industry. Professor Shearer writes about the energy industry:

> We advocate the establishment of a publicly owned energy corporation separate from the Government holding company. The energy corporation would be a completely integrated firm with producing wells, pipelines, and gas station outlets. In addition, it would be active in other nonfossil fuel areas of energy development.

Again, Mr. President, would Americans, from listening to Bill Clinton's rhetoric in the 1992 campaign, have concluded that he would be appointing people who propose such ideas?

Let me go on. The next subject area has to do with the need to centralize control of the capital stock; in other words, as Professor Shearer argues, the Government or the people, as he calls it, should control the flow of capital. They should make investment decisions. Let me just read you one line of a long section of this book:

> A strategy of reform must transfer capital from the corporations to the public * * *

Let me read that again:

> A strategy of reform must transfer capital from corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it. The logical vehicle for that should be the Government.

Mr. President, how many Americans believe that anybody owns the investment value of a business except the people who own the business? How many Americans believe that we ought to, through Government, go in and take the assets of General Motors, for example, and decide how they are going to be invested? After all, General Motors has hundreds of thousands of stockholders who bought the stock, who invested their money, who generated the capital, who generated the jobs; millions of people, really, if you count the retirement funds, who are owners of General Motors. What would give anyone the right to come in and steal that property? What would give anyone the right, in a free society, to come in and seize the value of the equity of a General Motors, or a General Electric, or an IBM?

The point is: Is this the essence of American democracy? Professor Shearer, obviously, believes it is. In fact, he believes that freedom embodies the power to collectively seize other people's money and to distribute it as the majority determines it should be distributed. In fact, Professor Shearer here is advocating, in essence, that we, through a process of collective decisionmaking or through a planning board seize the assets of American companies. I do not know where he would cut it off in terms of the size of the company. I do not know if it would include Flatt Stationery, my somewhat famous printer in Mexia, TX, whether it would include that little company. But it clearly would include General Motors and General Electric. What Professor Shearer is saying is that we should seize the value of their capital and that the public—not the shareholders of these companies, but the public—should decide what that capital is used for.

I submit, Mr. President, that that is a concept that is totally alien to American democracy; it is totally alien to the fundamental tenets of America. And when Bill Clinton was running for President, no person should have been expected to believe that he would appoint a person to high public office to represent the United States of America abroad who believes that we should, with the use of Government, steal people's money and decide collectively how to consume it. That, I submit, is a view that was never mentioned during the campaign, nor could any reasonable person expect that Bill Clinton held that view or that he would appoint someone to high public office who, in fact, held that view.

Another section of this book has to do with learning through the experiences of others. Interestingly enough, Professor Shearer picks out three countries that he thinks we could learn from in terms of the possibility of worker control. He looks at the whole world in 1980, and he concludes that there are three countries we could learn something from in terms of what worker control would be like.

And what three countries do you think our nominee as Ambassador to Finland picks as countries where the United States could learn something about the potential of worker control? Well, he picks Yugoslavia, China, and Cuba. Professor Shearer says that in studying Yugoslavia—this is 1980, I remind people—China, and Cuba, these are cases that "can teach us about the possibilities and the problems of worker control."

Then he goes on to say that basically the problem these countries have is that they are underdeveloped socialist countries. I do not want to go too far here, but I think the implication of this is that we could make it work here because we are developed and that the problems they had in Cuba and China and Yugoslavia in 1980 were because they were underdeveloped.

Let me read two more quotes, and then I will try to sum up. The next area has to do with Professor Shearer's belief that Government should centralize control of the economy:

> The only genuine alternative—

And here he is talking about Reaganomics—

> that is consistent with our Nation's democratic heritage is to democratize the economy. America's ostensible political democracy must become an economic democracy. To accomplish this will require positive Government actions at all levels.

Now, what is Professor Shearer saying here about economic democracy?

Well, as he has said throughout the book in quotes that I have cited, he is saying here, in essence, that we ought to use the process of elections and of the appointment power of Government to have the Government act as the instrument of workers and allow the people to decide collectively how wealth is going to be allocated. Not the people who created the wealth, not the people who invested the money that created businesses in America, not the people who sacrificed by not consuming so they could start their small business, not the people who had a brilliant idea about how to use computer technology and who created ultimately dozens or hundreds or thousands of jobs in America, but to have the Government make decisions about how their capital would be allocated.

It is interesting to me, Mr. President, that we had an experiment with this idea all over the world; for over 70 years these ideas were tried, and they failed. If these ideas had worked, we would have seen the Berlin Wall torn down by people who were trying to get into Eastern Europe. But those ideas did not work, and as a result, the people in Eastern Europe tore down the Berlin Wall to get out.

But yet these views are here espoused by a person we are asked today to send abroad to represent America in the country of Finland. Later, I am going to say a little bit about Finland and how inappropriate this nomination is.

But let me go on with one final quote. I am taking this from a 1983 book entitled "A New Social Contract." Let me just piece it together as it was pieced together by the Wall Street Journal, again to save time.

In fact, let me just read the whole paragraph from the Wall Street Journal, which is probably easier than trying to find the pages in the book.

> Mr. Shearer's views don't seem to have shifted much since the publication of "Economic Democracy", if an industry "refuses" to bargain with the Government by, say, objecting to the imposition of price controls, "real sanctions" must be levied. These would include denial of tax advantages and other services, denial of export licenses, and the threat of antitrust suits, and so on.

That is this book in 1980.

> A 1983 book entitled "A New Social Contract" calls for "control of investments." Dozens of newly created Government enterprises are the "cornerstone" of our new social contract under which private businesses "will be guided by new rules of behavior." And these rules would be enforced by regional and local government agencies. Other ideas include "well-planned expansion of the public sector" and the creation of "national planning agency".

Now, Mr. President, I could go on for hours talking about books written, actually articles written in the 1970's, and books written from 1980 to 1989, but I think the point I am making is very, very clear. The point is that Derek Shearer holds views, or at least wrote views that are alien to the American tradition of free enterprise and private property. His views are hostile to the fundamental tenets of life, liberty, and property. His views are alien to the most sacred views of the rights of citizens to own property, to benefit from the fruits of their labor, and to be secure in their property.

If there is any principle that the Founding Fathers understood, it was that without private property, without the right to sell the use of your God-given talents, to contract for your labor, without the right to benefit from that labor, without the right to accumulate, without the right to invest and control your own property, political rights are meaningless, because if you are not secure in your property, you cannot be secure in your liberty. Derek Shearer in writings over a decade rejects that principle.

Now, the interesting thing is that the country to which we would send Professor Shearer is Finland, and Finland is a country which is dedicated to reforming its economy. In fact, I asked the Embassy of Finland here to send me some material on their privatization effort, and the first quote I have from them is, "It is no longer necessary to keep the State shareholdings in State-owned manufacturing and energy companies at its present level."

Now, we are about to send someone to represent America, the great bastion of capitalism and free enterprise, who holds views that Finland is rejecting. Finland is trying to get government out of the manufacturing industry and the energy industry and reduce government control, whereas Professor Shearer in his writings is espousing getting Government into exactly those industries in the United States of America.

I would say, Mr. President, that we will produce an anomaly if we send Professor Shearer to a country that has been noted for its socialistic economy, and which now is desperately trying to adopt our economy in light of the world's experience with failed socialism. If we today confirm Professor Shearer, we are sending to them an Ambassador who has spent his academic career arguing that Finland was right and that we were wrong, and yet he is going to be there as the embodiment of America and the American system, holding views that Finland has rejected because they did not work. It is going to be interesting to see the kind of advice he is going to give them.

Now, what is the point of this entire exercise? Well, the point of this entire exercise is this: This nomination is very important, just as the nomination that the Senator from Colorado is debating today is very important, not because of what it tells us about Professor Shearer, not what it tells us about Mr. Sam Brown, but for what it tells us about President Clinton. These nominations are important because they give us an insight into the President's views.

A very famous political theorist once said that in no way do we get a better insight into the true nature of a leader than in looking at the people with whom he surrounds himself.

I decided to raise questions today about Mr. Shearer because his views are so alien to the American system that I must question the views of a President who nominated him. Mr. Brown, who would oversee a substantial part of our arms control negotiations and make decisions concerning the security of the United States is a person who has expressed repeatedly contempt for America's role in those activities and a total rejection of the very system that helped us win the cold war. I ask my colleagues, why has the President nominated these people?

That is the question the President is going to have to answer.

But I ask my colleagues to simply look at Professor Shearer's record, and ask themselves are these the views that we want to have represented abroad as America's views? And I think the answer to that is no.

A final point, and I am not going to belabor it. But in the hearing before the Foreign Relations Committee—I might ask the Senator from Colorado who is here and who posed these questions to comment very briefly because I am just reading the transcript and was not at the hearing. But what happened in that hearing is that Senator BROWN went over a few of the quotes that I have cited today, and in about a dozen answers Professor Shearer in essence said that he no longer holds these views.

In fact, when he was asked about some of the quotes in "Economic Democracy," he says, yes, he wrote them, but that "I do not now advocate such a process." And then he is asked about another quote. He says, "As I stated above, I do not now advocate such a process." And the process goes on where he says over and over again, "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." These are all answers in response to questions posed at the hearing and in writing by Senator BROWN.

I would like to yield to the Senator to basically be certain that I am outlining exactly what happened and the answers that were provided, and then I want to get the floor back and comment further.

Mr. BROWN. I thank the distinguished Senator from Texas for his inquiry. Many of the quotes from the books are quite out of the mainstream of American political thought. Many of the quotes from the other articles are quite out of the mainstream, and I think would shock the Members of this Senate. I had asked if indeed those were accurate quotes, as I know the Senator knows at times people can be misquoted. Dr. Shearer responded that they indeed were accurate, they were correct.

He also responded that he no longer believed in those statements. The concern I had as I went through that was that he was not willing to relate what he now believes. That combined with his previous statements where he had indicated that the country would not accept the word "socialism" and thus you must invent different words to convey the same meaning, raised concern.

It seemed to me his other statements about using other words to have the same meaning as socialism seemed to suggest that he would disguise what he felt by not using the word "socialism" directly but making new words. So economic nationalism was about all we could get out of him in terms of the description of his policy.

But I left that exchange concerned partly because of the flip-flop but partly because of his unwillingness to articulate what he did now believe.

Mr. GRAMM. Mr. President, here is my point. Consistently in the 1980's, Professor Shearer wrote these things. I do not see any evidence in writing anywhere else of what he says throughout this transcript of the hearing and in response to written questions. While he says in the hearing a dozen times that he no longer advocates these positions, nowhere do I see him in writing saying "I changed my mind." Nowhere do I see him quoted prior to this hearing as saying "I no longer advocate the collectivization of property. I no longer advocate seizing wealth that people have created in a free society and having the Government spend it. I no longer advocate having government collectivization of a large firm in most major industries in America."

Nowhere do I see it in writing. I only see these repetitive statements over and over again: "I no longer advocate these views." "I do not now advocate such a process." "As I stated, I do not now advocate such a process."

Well, we are all familiar with St. Paul. And St. Paul, who was on the road to Damascus, had a vision and he got a message. He changed his mind. And for the rest of his life he never opened his mouth, he never put pen to paper that he did not write about his new views.

I ask the following question. If Professor Shearer has had the transformation that he tells us in his testimony before the Foreign Relations Committee that he has had, where is the evidence? Where does he write that "I have for a quarter of a century advocated the collectivization of property, the stealing of wealth from working people, and I was wrong? Here is now what I believe."

I would have to believe, Mr. President, as strongly as I believe in economic and political liberty, that if I suddenly became a Socialist, not only do I think I might need mental help, but I think that I would feel compelled to start talking about it. I think I would feel compelled, having written all of my adult life about individual freedom, and free enterprise and private property, that if I suddenly decided I was wrong, I think I would have the unbearable urge to tell somebody about it. I hope that the administration, if I am wrong, will send us material that Professor Shearer has written since 1989 that would in some way reinforce what he said in these hearings when he seemed to repudiate his earlier views.

My point is this: If in fact he does not now hold these earlier views, it seems to me logical that a person who has written for 25 years as a most passionate exponent of socialism and of seizing private property and denying people their economic freedom, it seems to me that somewhere he would have written something saying that he was wrong.

Nowhere have I been able to find these repudiations. Maybe they exist. But I have not been able to find them.

Do we in exercising our constitutional prerogatives of advise and consent have an obligation to vote against a person who espouses views that are alien to the Constitution, and that are at variance with everything that the candidate who became President, who made the appointment, said during the campaign? I believe, Mr. President, the answer is yes.

If Professor Shearer were a run-of-the-mill liberal government activist college professor, I would never have come to the floor to have spoken, and I would have, as I have done on 4,000 other occasions since Bill Clinton became President, either voted for the nominee or allowed the nomination to pass on a voice vote because I believe elections have consequences.

The American people may not want to accept the fact, but, when they voted for Bill Clinton, they voted for more Government spending, more Government taxes, more Government activism, and they voted for the appointment of liberal Government activists to positions in the Federal Government. And they either knew or they should have known those things were going to happen, just as when people voted for Ronald Reagan they voted for exactly the opposite. Many of my colleagues here on the floor of the Senate opposed people appointed by President Reagan because they disagreed with them philosophically.

If Mr. Shearer's views reflected Bill Clinton's stated views, I would have no objections, because elections have consequences, and the President won the election. But the views that I have outlined in these books and articles are not the views that the President ever had courage enough to tell the American people that he believed in. These are not views that could get you elected dogcatcher in the United States of America. These are views that are alien to private property, alien to individual freedom. They are views that advocate the stealing of property from the working men and women of America, to let Government spend their hard-earned money. There is a no more fundamental tenet of democracy than that which says: I have a right to my property, which I earned with the sweat of my brow. If there is any principle in America that is sacred, it is that principle.

Professor Shearer rejects that principle. I believe, for that reason—not because he is a liberal, because we have a liberal President, who was elected; the American people voted for him, and they had a right to expect that he would appoint people who thought as he did. But they had no right to expect, nor was there anything the President said that could have led Americans to conclude, that he was going to appoint to high public office a person who proposes having the Government collectivize the wealth of the Nation and have it distributed by political decisions. Nowhere were people told that that was the President's view.

Yet, the President has nominated as Ambassador to a country which is struggling to reject these ideas, a person who clearly held these ideas throughout the 1980's, and who, when asked about these views before the Foreign Relations Committee, in a dozen responses said he no longer holds these views. Yet, as far as I can determine, nowhere else—nowhere else—has he repudiated these views or told us exactly what he believes.

I believe in redemption, Mr. President. I believe that people can be wrong and people can change their minds. I think changing your mind every once in a while because of new facts is a positive thing. But I am a little bit skeptical of conversions that occur before Senate committees at confirmation time, conversions that are not backed up anywhere in the writings of a person who, for a quarter of a century, has written with great passion and ability in favor of socialism in America, in favor of collectivizing American industry, in favor of seizing assets and having the Government redistribute it.

Those are concepts that have been debated and applied in the world. That is the old concept. Capitalism and democracy are the new and revolutionary concepts. Professor Shearer does not understand it or believe it, but in these books he is espousing ideas that are 500 years old. The new and revolutionary ideas are embodied in this great democracy and in our revolutionary document—the Constitution of the United States.

So I ask my colleagues to reject this nomination, not because of Professor Shearer as a person; I do not know him, but I assume that he is a fine person, and I assume that he is otherwise qualified. But I know his views from what he has written, and these views are alien to the American system; they are alien to the founding principles of our democracy. And this is a person who has every right to be teaching in our universities, if a school wants to hire him and give him tenure. He has every right to espouse these views, and I respect that right. But I do not believe that he ought to represent the United States of America abroad, and I do not think he ought to represent us in a country which is desperately trying to break the shackles of the very system which Professor Shearer has advocated: To seize our economic liberty and our property and to let the Government redistribute it.

Those are views that are outside the American mainstream, but in a free society, you certainly have a right to hold those views, and you have a right to espouse them. But I do not believe that we should confirm as Ambassador a person who would be espousing them as the spokesman for a nation which, in its great wisdom and through great fortune, has rejected these ideas and, hopefully, rejected them forever.

So I appreciate my colleagues' long sufferance. I think I have covered this subject. I do not really suffer under any delusion that we are going to defeat this nomination. But I thought it was important that people know what the facts are and to judge not just this nominee but the nominator.

President Clinton nominated Professor Shearer, and President Clinton nominated Mr. Brown. What do these nominations tell us about the President's own views? That, I think, is the relevant question. I intend to oppose these two nominees because their views are outside the American mainstream. I believe the President can find many liberal college professors who will represent his views as expressed in the campaign. I do not believe we should confirm someone who has spent an adult lifetime trying to induce our country to reject our heritage and to reject our economic freedom.

I yield the floor.

Mr. PELL. Mr. President, I yield 15 minutes to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from North Dakota [Mr. DORGAN], is recognized for 15 minutes.

Mr. DORGAN. Mr. President, whenever I listen to the Senator from Texas—especially when I have those occasions to listen to him at great length—I always admire how hard he works and what a rigorous, stressing exercise it is to reach his point. I figure he is going to end up out of breath, and he never does. I guess that tells us how durable he is. He has every right, of course, to make these points on the floor of the Senate. However, I think he is absolutely wrong, and I want to try to describe why Derek Shearer should be confirmed as our next Ambassador to Finland.

I think one of the last points the Senator from Texas made really says much about this debate. He said that the real purpose here is to describe the President's mindset about appointing people. In other words, this is sort of a ricocheted debate, apparently attempting to be critical of President Clinton. But it is useful, I think, that the Senator from Texas has decided to discuss this on the floor, because it gives us a chance to talk about the nominees.

The Senator from Texas labors under one disadvantage. He said at the start of his presentation that he does not know Prof. Derek Shearer and has never met the nominee. I do know him and have known him for nearly 20 years. As I listened to the Senator's presentation today, it certainly does not describe anyone that I know or anyone with whom I have worked over the years.

Let me respond by reading two letters, because if someone tuned in and listened to part of this discussion, they would think, well, here is a Republican opposing a Democrat and painting this person in the worst possible terms. Let me read to you a recommendation from an appointee of President Reagan and President Bush.

Mr. Rockwell Schnabel, who was the Ambassador to Finland, wrote the following in a letter to Chairman PELL:

> As the former Ambassador to Finland during the Reagan administration and the former Deputy Secretary of Commerce during the Bush administration, I am writing to support the nomination of fellow Californian, Prof. Derek Shearer, as the administration's nominee to the post of Ambassador to the Republic of Finland. He has a broad background in European and economic affairs. I know Professor Shearer as a man of integrity and believe he is eminently qualified for this important position.

That is a Republican, the former Ambassador to Finland, saying Prof. Derek Shearer is the right person for this job.

Let me give you another recommendation from one of the most respected former Ambassadors who ever served this country, Prof. John Kenneth Galbraith. He said:

> I have known Derek Shearer for many years, as indeed I know his father. He is an extraordinarily good choice for this interesting and important post. Derek Shearer is a man of first-rate intelligence, great probity, a good knowledge of economics and a wonderful capacity for expressing ideas. He will be well, indeed enthusiastically received in Finland. It is an excellent design of the administration to have someone in Helsinki who will be of immediate interest to the Finnish people and the many who come to this city on international concerns of one sort or another.

These recommendations are persuasive. These are very well respected people, one a Republican, one a Democrat. There are many, many more, a broad array of people, many Republicans and many Democrats, who have taken a look at the background of Prof. Derek Shearer and said: We think this is the right choice.

But let me just for a moment talk about some of the issues that have been raised without going into the quotes at great length. It is interesting. One can go back and look at things one has written or said years ago. Since I have been in politics a long, long time, running in statewide elections on 10 different occasions—10 statewide races—I understand the technique of going back and finding some outdated statement and using it now as representative of one's current views. Most of the quotes that were used, certainly those that were used first, and those that were expressed, were quotes I assume from the late 1970's, published in a book in 1980. Incidentally, this is a book which Prof. Derek Shearer coauthored. I will go through at least one of them to demonstrate the technique.

But the point is, I guess you can go to virtually anything any one of us said in years past and hold it up in today's light of inspection and say this seems funny today—especially by leaving out a few words or taking them out of context.

That does not describe the candidate, Prof. Derek Shearer. Professor Shearer is a Socialist, we are told; he does not believe in private property rights, it is charged here on the floor of the Senate. He is one who would steal the wealth of working people, it is charged.

What utter nonsense is this. What sheer hyperbole—steal the wealth of working people. Where does that come from? I assume it comes from the 1980 book that talks about dismantling or restricting the power of certain corporations which had become the antithesis of democracy. I guess you could interpret that in a pretty negative way.

But I will tell you this: it is not out of the mainstream of this country to be discussing what concentration of economic power does to freedom in this country. It is in the Jeffersonian tradition of democracy to be discussing the need for economic freedom as it relates to the retention of political freedom. The Jeffersonian idea of this party, which I belong to, and the Jeffersonian idea which I subscribe to is broad-based economic ownership in this country. Broad-based economic ownership means economic opportunity for all. You lose economic opportunity and you lose broad-based economic ownership. Such a loss inevitably threatens our political freedoms as well.

When you have something that diminishes economic opportunity, and that threatens broad-based opportunity, and you have instead concentration of economic opportunity in the hands of a few, then it seems to me it is something we ought to talk about. Unfortunately, we no longer do so.

The days of trust busting are largely over. We have 1,000 lawyers in the Federal Government paid to look at antitrust issues. A thousand lawyers paid to look at antitrust issues. I threatened time and time again to put their pictures on the sides of milk cartons. I think they have vanished. They have disappeared somewhere. They have not had effective antitrust activity for well over a decade because some people say it does not matter. But I say that concentration of economic power—what that means, that is relevant.

I remember the discussions we had on the floor of the Senate and the House about plant closings. Some of us said the large economic interests have obligations to local communities and workers. If a plant decides it is going to close its doors and move to Mexico, we think it owes the community and the workers some notice.

Socialism, people stood up and cried, when we suggested that corporations have some responsibilities.

Safety in the workplace—socialism, they cried. How dare you interrupt the private sector.

The 1980's was a decade of greed and decadence for some, one in which we got stuck papering American hallways with junk bonds, and the American taxpayers ended up paying the bill.

That is the thing that was worse, because we had some people with regulatory responsibility who said to the private sector: "Do not worry; we will not look. We will not listen. Do what you want." They took us to the cleaners.

When there is concentration of economic power, we have some responsibility to deal with that. It is not socialism. It represents the ideals of democracy to try to make sure this system works so that you have broad-based opportunity. This is not out of step with anything. It is completely in step with the kind of debates we have had in this country for decades.

Let me talk about Derek Shearer, nominee to be United States Ambassador to Finland. Let me give you, if I might, some of his credentials, because I would say it is refreshing this morning to be debating a nominee whose background and experience prepares him perfectly to perform this work.

How often have we had nominees in recent years to become Ambassadors somewhere, the main credential for which is they gave enormous amounts of money to some political campaign, somewhere?

This Shearer nomination is refreshing. Permit me to say why this is so.

Professor Shearer has a detailed and sophisticated knowledge of Finnish economics and politics and of the key issues in the United States-Finland bilateral relationship. He has a wide background and breadth of experience in foreign affairs. He has won several prestigious awards including a Guggenheim Fellowship, a German Marshall Fund grant, and a United States-Japan Leadership Fellowship. He was a Swedish Bicentennial Fellow, traveling and studying in Sweden. He has also lectured at the universities of Oslo and Stockholm, and conducted studies of Scandinavian economic policies. He studied international economics and politics, and the Russian language at Yale University—and he has traveled widely in Europe, Asia, and Australia, as well as in Scandinavia and Russia.

In Washington, DC, Professor Shearer most recently served on two bipartisan foreign policy study groups for the Carnegie Endowment for International Peace, and Carnegie's Director, Morton Abramowitz has praised the quality of Professor Shearer's contributions to these groups. Shearer also served as a fellow at the Economic Strategy Institute where he contributed to the debate on U.S. trade policy, including a presentation at the Institute's highly regarded annual trade conference. Professor Shearer has written on European and Asian affairs for Foreign Policy magazine, the Los Angeles Times, and other publications.

While serving as Deputy Under Secretary of Commerce for Economic Affairs, Professor Shearer represented the administration before such groups as the European Institute's meeting of foreign ambassadors, the Brookings Institution's seminar for visiting parliamentarians, the Washington International Business Council, and the University of Tulsa's American Agenda.

I could go on, but I do not need to go on. This represents a set of credentials for a person nominated to be Ambassador to Finland, who is uniquely and eminently well qualified to represent this country. There ought not be a debate about Professor Shearer's qualifications. He has a wide breadth of experience in economics and foreign affairs.

As I have said before, I have known Derek Shearer since the mid-1970's. This gives me confidence this nomination will be accepted overwhelmingly by the Senate today.

The Senator from Texas is a person who regularly engages in spirited debate on the floor of the Senate, and I accept that and understand that. But the disadvantage he has today is he does not know Professor Shearer. He has taken various pieces of writing and he has stretched them, stretched them to the point where they almost broke. This issue of restricting the power of corporations is not new; it is farfetched to call that socialism.

But it has never been socialism. It has been in the mainstream of political debate for those of us who care about opportunity, broadbased economic opportunity in this country, to worry about concentration of economic power that snuffs out that opportunity. And every time we have engaged in that discussion, we are accused by somebody, someplace, somewhere, of being socialists. What a bunch of utter nonsense.

This is a good candidate. He is a wonderful person and he will make a great Ambassador to the country of Finland. And I am convinced that a couple of years from now, if we talk in the cloakroom or on the floor, those of us who are interested in these issues, we will all conclude that the nomination that we confirmed for Prof. Derek Shearer to go to Finland to represent this country was a good decision for the United States Senate and a good decision for the country.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I have been asked by the senior Senator from Colorado, who manages time on this side, to manage the time.

I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I plead guilty to not knowing Professor Shearer, and I might like him if I knew him. But in no way have I stretched or bent or in any way changed the meaning of what Professor Shearer has written over a quarter of a century.

Our dear colleague criticizes me for suggesting that Professor Shearer is talking about stealing property. But let me read to you Professor Shearer's own words, talking about his strategy for changing America in his 1980 book, "Economic Democracy." On page 5, he writes:

> A strategy of reform must transfer capital from the corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it.

Now, Mr. President, this is not trustbusting. This is stealing people's property.

People have invested in companies like General Motors by the hundreds of thousands. They worked, they sacrificed, they made investments. Millions of Americans have their retirement funds invested in these enterprises. If seizing the wealth of a General Motors or a General Electric or Flatt Printing and Stationery Co. in Mexia is not a threat, what is it?

We are not talking about trustbusting here. We are not talking about regulation here. We are talking about fundamentally destroying American private property and capitalism.

So it is not a question that this is not a good person or a nice person or a likable person or a trustworthy person. The point is that Professor Shearer holds views that are alien to American democracy.

If there is a fundamental tenet in the American Constitution, it is that you own your property. The idea of having the Government collectivize property so that the Government can decide what to do with it—who has a right to decide what to do with your savings and your paycheck except you? If freedom means anything, it means the right to control your property.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not prolong this.

I guess the Senator from Texas made the point I was trying to make most recently. There is nowhere in the passage the Senator from Texas read in which you will find the words "seizing private property." He invented the word "seize."

As I listened to him, he would probably describe an ESOP as some Socialist conspiracy. An ESOP program is one in which, of course, there is the opportunity for workers to own part of the company in which they are employed. I would guess most Members here in the Senate, in one way or another, have voted for the ESOP approach in various bills in recent years.

But my point is not to talk about ESOP's. It is to say that the Senator has taken the word "seize" and used it to describe a policy in which that word does not exist, and the Senator knows that.

Mr. GRAMM. Will the Senator yield me 2 minutes, please?

Mr. GORTON. Yes.

Mr. GRAMM. Mr. President, the statement made by Dr. Shearer could not be clearer, or the English language has no meaning, when he writes, "A strategy of reform must transfer capital from the corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it."

Mr. President, if taking the capital of General Motors and giving it to people to decide what to do with it who did not invest in General Motors is not a threat, what is it?

Well, Dr. Shearer would say it is democratizing American business. This is political doublespeak which the Clinton administration consistently uses, but the meaning could not be clearer.

And in terms of ESOP's, the important element is people buy the stocks in their company through a payroll deduction. And I strongly support that. But there is a difference between buying equity and buying capital and earning capital, and owning a home and owning a piece of land and owning investments which you earn by the sweat of your brow, and having the Government take it away from somebody else to decide what should be done with it. That is a fundamental distinction, and it goes to the very heart of what is America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, just 30 seconds will be enough.

Again, I emphasize that the Senator himself makes my point. He did not use the word "seize" this time, because it is inappropriate; it does not apply to the professor's views.

It is reflective, I think, of the wide range of choices one makes about how to interpret someone's views, that we have such stretching exercises here to take views that are written and can be read in different ways and stretch them as far as they can be stretched in order to portray someone believing something they do not.

Professor Shearer has a realm of wide-ranging support from Republicans and Democrats who know him, who respect his views, who have worked with him for a long, long period of time. He is in the mainstream of political thought in this country and will make an excellent Ambassador to the country of Finland. The quicker we can confirm him, the better off this country will be.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, I yield myself such time as I may utilize.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GORTON. Mr. President, with respect to this last exchange, this Senator finds himself substantially in agreement with the Senator from Texas on the subject of the views of Derek Shearer.

He finds himself in agreement with the Senator from North Dakota, however, with respect to whether or not President Clinton has the right to have this individual as his Ambassador to Finland.

My interpretation of Derek Shearer's views are that they are extreme, that they are, perhaps, in an academic sense, Marxist, and certainly Socialist, and that he is an advocate for very radical economic ideas with which this Senator profoundly disagrees. But this Senator does not regard it as his function, in debates over an individual who will serve at the pleasure of the President of the United States, to substitute his views for those of the President.

And so, with some reluctance, with the feeling that the appointment is inappropriate but, nevertheless, within the broadest context of debate over economic principles in the United States, this Senator, at least, is going to vote in favor of the nomination of Dr. Shearer to be Ambassador to Finland.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. GORTON. The nomination of Sam Brown, however, I feel is profoundly different.

I believe that the views expressed by Mr. Brown were beyond the broadest parameters of reasonable discussion of the position of the United States. The celebration of the defeat and humiliation of his own country while an officer, while an official of the U.S. Government, the celebration of the victory of totalitarianism, is something which

I do not think is appropriate for any person appointed to a position of trust and honor under the United States.

In the autumn of 1977, Sam Brown attended a pro-North Vietnamese rally to celebrate the admission of North Vietnam—then entire Vietnam—to the United Nations. Of that rally, Eric Sevareid wrote and spoke a day or so later. I quote the relevant portions.

"Several thousand other Americans joyfully welcomed the Hanoi delegation," yesterday in a New York City theater.

> This group never had the slightest objection to the murderous civil war in Vietnam, which was started by the Hanoi Communists, who invaded the South, where the war was entirely fought save for the American bombing of the North.
>
> There's a great difference between those Americans who wanted the United States out of the war because they thought it was none of our business, unwinnable, morally and politically destructive of our own principles and our own society—between them and the Americans who wanted Hanoi to win. It was the latter, for the most part, who met in the theater and they had the effrontery to welcome the Hanoi officials in the name of the American people.
>
> * * * * *
>
> Most of those in the New York theater were not celebrating peace. They were celebrating the triumph of Communist totalitarianism, which is what they had always been working for in the guise of a peace movement.

That is the end of a quote from Eric Sevareid.

Mr. Brown attended that rally and said, when asked to comment on it, and I quote him, "I am deeply moved. It is difficult to describe my feelings. What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

And the 15-year quote was certainly correct. A few years earlier, in August 1970, Mr. Brown said, and I quote him again, "On the night of the Cambodian invasion, part of me wanted to blow up buildings and I decided that those who have waged this war really should be treated as war criminals."

Now, it is those people whom he felt should have been treated as war criminals, or their successors, whom he is to supervise in this ambassadorial position; 19 out of 34 of the nonadministrative personnel of the office he is to head are members of the military and another 12 are part of intelligence agencies of the United States. They are the very people who, in their individual capacities or in those of their successors, he will supervise in this particular position.

Moreover, Sam Brown engaged in this rally and made the quote that I have read to you, the earlier quote I have read to you, while he was the head of the ACTION agency in the administration of President Carter, an official of the Government of the United States. In my view, that disqualifies him from any position of trust or honor under the Government of the United States.

I, too, as has been mentioned earlier in the course of this debate, do believe in repentance. Mr. President, had Mr. Brown at any time, even during the course of his hearings, simply repudiated those previous positions, said that while he held them at the time he had reflected on them and that they were erroneous and that he should not have engaged in any such activity, this Senator, I suspect, would have been willing to forgive him.

He has not done so. He has deprecated them. He said he really was not at the meeting very long and was not sure exactly what he meant. But he has not, as most do not, simply said I have looked back at the earlier part of my life and I was wrong to treat Americans in that fashion. Had he done that, I would not be here engaged in reading this quotation or in this opposition. But the kind of activities in which he engaged as an official of the United States are not just beyond the mainstream. They were beyond reasonable debate, to celebrate the defeat of the United States by a totalitarian power; to say this is what he had worked for and dreamt of for 15 years. That is not the kind of person who should be appointed as an Ambassador.

The President has the right to appoint him to positions which do not require the consent of the Senate. The Senate should not ratify those views or his positions by giving him the title of Ambassador.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, regarding the nomination of Sam Brown, I would remind my colleague that Senator SIMON stated just a short time ago that he chaired 14 hours of hearings on the staff report from which the Senator from Colorado quoted earlier. Senator SIMON said that the subcommittee—this is in the House of Representatives—this subcommittee found nothing to substantiate the charge in the staff report. The only problems that arose were over those that Sam Brown inherited from his predecessors.

I think it is important to bear in mind we have in our own body Members speaking for Sam Brown—the Senator from Illinois [Mr. SIMON], who conducted the hearing when he was a Member of the House of Representatives.

I would also like to read into the RECORD a couple of letters here. First, a letter from Celeste & Sabety.

> I understand several Senators have raised questions regarding Sam Brown's management style and skills in connection with his leadership at ACTION in the late 1970s. Since I had the opportunity to work directly with Sam Brown, as Director of the Peace Corps from early 1979 to early 1981, I would like to share with you and your colleagues my personal observations.
>
> First, Brown understood the importance of direct interaction with Peace Corps leadership in the field. The meetings referred to in Casablanca and Nairobi were regional meetings which brought Country Directors and key managers in each region together with Headquarters staff to discuss critical issues of program design, recruitment, training, and support.
>
> From my perspective, at no time did Brown try to impose, or even advocate, the initiation of relationships with countries such as Vietnam, Mozambique or Angola. On my own initiative, we did begin discussions aimed at re-entry into Nicaragua and entry into China. Both of those conversations were halted in 1981.
>
> Second, Brown was ready, willing and able to delegate very substantial responsibility to senior managers. I was able to negotiate a significant autonomous relationship for the Peace Corps within ACTION. Brown was open to discussing substantial changes in organization structure, he was clear and direct in identifying his concerns; and he was attentive to the implementation of each of the changes we agreed upon.
>
> Brown, from my standpoint, was a thoughtful, involved and programmatic manager. He recruited talented people (including now Congressman John Lewis). He delegated responsibility effectively. And he supported his key people in carrying out the overall vision.
>
> Frankly, Mr. Chairman, from my perspective, the ACTION agency experienced steady improvement under the leadership of Sam Brown and his team. I am confident that Brown will provide responsible and thoughtful leadership for the US Delegation to the Conference on Security and Cooperation, and will engage and support the members of our delegation in a manner which will serve our Nation's interests and principles in the highest fashion.
>
> I hope these observations are helpful to you and your colleagues in your deliberations.
>
> With best regards,
>
> RICHARD F. CELESTE.

Then, another letter from Congressman JOHN LEWIS, whom he just mentioned. He writes,

> During the Carter Administration, it was my pleasure and delight to work with Sam Brown for more than three years when I was Associate Director of the ACTION Agency.
>
> He was one of the most dedicated, committed, open-minded, reasonable and supportive individuals with whom I have ever had the opportunity to work. While he was director of ACTION, he brought about considerable improvement in an agency which had been programmed to be abolished by the previous administration. During his and my tenure at ACTION, there was continued improvement and growth in the Vista volunteers, the Peace Corps, and the Older American programs.
>
> Senator, I have known Sam Brown not only in a working relationship but close-up. I knew him long before we worked together, and I have stayed in touch with him through the years. He is a builder of bridges of understanding and communications that transcends racial, ethnic, ideological and national boundaries.
>
> I am convinced that he will serve our nation well as the head of the delegation on the Conference on Security and Cooperation in Europe (CSCE). I think he is able and well-qualified for this position.
>
> Sincerely,
>
> JOHN LEWIS,
> *Member of Congress.*

I have read these two letters into the RECORD—both had been addressed to me—because I felt they gave another facet to Mr. Brown's character which deserves to be given.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. PELL. Mr. President, I have some nominations that have been cleared on the Republican side.

I ask unanimous consent that the Senate proceed to consider the following nominations: Calendar Nos. 918, 919, 920, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938 and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Clark G. Fiester, of California, to be an Assistant Secretary of the Air Force.

AIR FORCE

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8218, 8351, and 8374, Title 10, United States Code:

To be brigadier general

Col. William M. Guy, [redacted], Air National Guard of the United States.

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8351, and 8374, Title 10, United States Code:

To be brigadier general

Col. Paul A. Weaver, Jr., [redacted], Air National Guard of the United States.

ARMY

The following named officer for appointment as Chief, Army Reserve, United States Army for a period of four years, under Section 3038, Title 10, United States Code:

ARMY RESERVE

To be chief

Maj. Gen. Max Baratz, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Alonzo E. Short, Jr., [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Samuel N. Wakefield, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Thomas P. Carney, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. James R. Ellis, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Merle Freitag, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenani general

Lt. Gen. Leo J. Pigaty, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harold T. Fields, Jr., [redacted], U.S. Army.

The following named officers for promotion in the Regular Army of the United States to be grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Leslie M. Burger, [redacted].
Birg. Gen. James B. Peake, [redacted].

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. John G. Coburn, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Paul G. Cerjan, [redacted], U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Jerome H. Granrud, [redacted], U.S. Army.

IN THE MARINE CORPS

The following named brigadier general of the U.S. Marine Corps for promotion to the permanent grade of major general, under the provisions of Section 624 of Title 10, United States Code:

To be major general

Brig. Gen. Claude W. Reinke, [redacted].
Brig. Gen. Carlton W. Fulford, Jr. [redacted].
Brig. Gen. Carol A. Mutter, [redacted].
Brig. Gen. Frank Libutti, [redacted].
Brig. Gen. Terrence R. Dake, [redacted].
Brig. Gen. James L. Jones, Jr., [redacted].
Brig. Gen. John E. Rhodes, [redacted].
Brig. Gen. Thomas L. Wilkerson, [redacted].
Brig. Gen. Peter Pace, [redacted].
Brig. Gen. Ray L. Smith, [redacted].

The following named officer to be placed on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Norman E. Ehlert, [redacted], USMC.

The following named officer to be placed on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert A. Tiebout, [redacted], USMC.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be vice admiral

Vice Adm. Jerry L. Unruh, U.S. Navy, [redacted].

NOMINATIONS PLACED ON THE SECRETARY'S DESK

In the Air Force, Army, Marine Corps, Navy

Air Force nomination of Cathy J. Schoorens, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Major Robert A. Baker, [redacted], and ending Major Bradley M. Kasson, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Charles E. Amos, and ending Marjorie S. Paulson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Major Ronald D. Brooks, [redacted], and ending Major Jeffrey D. Breymaier, [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning William M. Casey, and ending Benjamin F. Lucas II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Christ Anderson, and ending Carl V. Thompson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Stephen L. Elder, and ending Donald R. Johnson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning John C. Atkinson, and ending Steven A. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Joseph B. Flatt, Jr., and ending Michael F. West, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Humberto J. Acosta, and ending Richard M. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Stephen G. Abel, and ending Howard W. Yellen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Thomas E. Ayres, and ending *Joel E. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Army nominations beginning Valerie J. Rice, and ending Jay J. Breyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning William G. Butts, Jr., and ending Michael T. Mccabe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning Eric D. Adrian, and ending Ruly Yoediono, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nomination of Major Millie E. Hughes-Fulford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 5, 1994.

Marine Corps nominations beginning Clifford M. Acree, and ending David H. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 1994.

Marine Corps nominations beginning Ronnie L. Patrick, and ending Robert F. Castellvi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Marine Corps nominations beginning Richard M. Dunnigan, and ending Ronald L. Bailey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Marine Corps nomination of Michael S. Fagan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1994.

Marine Corps nomination of Stephen F. Mugg, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1994.

Marine Corps nominations beginning Jason A. Abell, and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD May 5, 1994.

Navy nominations beginning Frank Henry Arlinghaus, and ending William Alfred Syverson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Ronald Lee Alsbrooks, and ending William J. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD March 11, 1994.

Navy nominations beginning Diana B. Barrett, and ending Cynthia A. Wilkes, which nomination were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Navy nominations beginning Craig L. Abraham, and ending Heather M. Zwyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 5, 1994.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe the chairman is going to yield me 4 minutes.

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

STATEMENTS ON THE NOMINATIONS OF SAMUEL W. BROWN AND DEREK SHEARER

Mr. LOTT. Mr. President, I thank the distinguished chairman for being so kind as to yield me this time. I know he has a couple other Senators requesting time, and they will be here momentarily.

Mr. President, I rise to oppose the nomination of Samuel W. Brown to be Ambassador to the Conference on Security and Cooperation in Europe.

Along with the nomination of Derek Shearer to be Ambassador to Finland—another nomination we are considering today—the nomination of Mr. Brown by the Clinton administration is another example of a bad nomination. Friend and foe alike in the world must be wondering where the President gets his nominees.

The CSCE is an important negotiating body. The CSCE has become even more important over the past few years, because it is the caretaker of the Treaty on Conventional Armed Forces in Europe, completed in 1990. The treaty limits Soviet military activity in Europe.

Russia desires to renegotiate the treaty, so it can send troops into former Soviet Republics, and reextend its sphere of influence.

The American Ambassador to the CSCE should be able to withstand the pressure from the Russians to renegotiate the conventional arms treaty. The U.S. representative must be sure in America's rightness, and firm in his or her resolve to pursue American interests. Europe is the perpetual powderkeg—the American CSCE Ambassador needs experience and wisdom.

Mr. Brown is not that person. Mr. Brown, a former anti-war protestor, does not believe in America's rightness. Also, he does not have one qualification that could serve him in the sensitive post of CSCE Ambassador. Mr. Brown suffers from the same disease as many other Clinton nominees, what I call AANQ disease—anti-American and no qualifications disease.

Mr. Brown campaigned vigorously against the Vietnam war. But he did more than just march. At a welcoming reception for the U.N. delegation from Communist Vietnam in September 1977, Mr. Brown said he was "deeply moved" by the anti-American speeches made by the Communist Vietnamese. Several Senators the day after the reception spoke on this floor against the behavior of these anti-American Americans.

Mr. Brown was head of the ACTION/Peace Corps agency when he attended this reception. The agency under Mr. Brown's leadership was investigated by the House Appropriations Committee. The investigation found an agency in shambles. The committee found improper travel expenses, misuse of personnel and a faulty accounting system. Observers of Mr. Brown's performance during that time said he was in over his head.

It is impossible to see what Mr. Brown would bring to such an important job. Other countries' delegations to the CSCE have always been headed up by experienced diplomats. The United States has in the recent past been represented by very qualified people at the CSCE, including the last Ambassador. Ambassador John Kornblum, who had been the State Department's head of central European affairs and deputy representative to NATO.

Mr. Brown has no experience in major areas he will deal with, including issues like arms control, conflict prevention, regional security, and nonproliferation. Mr. Brown has no expertise in the languages, cultures, and history of the former Soviet States. Mr. Brown has never supervised U.S. military personnel, and has no real foreign language skills.

Why has Mr. Brown been nominated? He is a friend of the President. Like I have said many times before, friendship with a high official—even the President himself—is not enough to qualify someone for office.

Foreign policy does matter, Mr. President. This is more and more true, as Americans become more and more uneasy about how this administration is running the ship of state. This is becoming more and more true, as potential enemies around the world, seeing America's back turned, might become emboldened.

The future is chaos if we do not have vigilant watchmen abroad. Mr. Brown, so wrong and so unqualified in the past, is not the man to stand guard. I urge my colleagues to vote against this nominee.

Mr. President, I also rise to oppose the nomination of Dr. Derek Shearer to be Ambassador to Finland.

Mr. President, to send Dr. Shearer to Helsinki would be a grave mistake. Just as Finland is striving to become part of capitalist Europe, this administration has nominated a man who has strongly embraced socialism. This administration, with the nomination of Dr. Shearer, continues putting this country's worst foot forward in the world, with confused policies and unqualified nominees.

An Ambassador should at the very least believe in his or her country's ideals and defend its interests. In shaky areas of the world, an ambassador needs courageous conviction to sway friends, warn enemies, and engage in the delicate balancing act of great power diplomacy.

Finland is historically one of those shaky areas. Russian ultranationalists like Vladimir Zhironovsky beat the drums for annexation of Finland. The Russian Government in general continues to pull Finland into Russia's sphere of influence.

Dr. Shearer throughout his professional life has been against his country's ideals and interests. Dr. Shearer also is not qualified to handle such a sensitive diplomatic post. Being a nice guy or being the brother-in-law of the Deputy Secretary of State are not ample qualifications for an ambassador.

Dr. Shearer has extensively written in support of statist and Socialist ideas. He has written that the American capitalist system has insurmountable problems and, I quote, "the way the economy is governed and the way things are produced will have to be changed." Dr. Shearer called for the Government to take over private corporations.

This sounds like socialism to me, but Dr. Shearer—to hide his purpose—calls it something else. Dr. Shearer was quoted in a 1979 article in the magazine In These Times as saying:

> Socialism has a bad name in America and no amount of wishful thinking on the part of the Left is going to change that in our lifetimes* * *. The words "economic democracy" are an adequate and effective replacement.

There are worse quotes than the one I just mentioned. In hearings before the Foreign Relations Committee, Dr. Shearer denied that he had ever espoused Socialist ideas, or that he was misquoted, or that he has changed his mind. Dr. Shearer's writings and quotes, though, are a matter of public record. Never have I seen such a complete confirmation conversion. Dr. Shearer has become a capitalist overnight.

Dr. Shearer's associations leave many doubts as to whether he could handle the sensitive information that an Ambassador to Finland would have to deal with. Do not forget that the Ambassador also oversees the CIA station in Finland.

Dr. Shearer was an associate fellow of the Institute for Policy Studies, a hard-left group that has been a sugardaddy for socialism in this country for many years. Also, Dr. Shearer was associated with the campaign for economic democracy, which had a goal of radical redistribution of wealth. Members of the CED, including Dr. Shearer, were appointed to the Santa Monica, CA, city planning board by Dr. Shearer's wife, who had been elected mayor. The planning board instituted destructive rent-control measures that crippled Santa Monica's economy and earned the city the name, "The People's Republic of Santa Monica." Dr. Shearer was eventually kicked off the commission. Dr. Shearer has shown himself to be not just a writer in support of anticapitalist ideas, but a doer of anticapitalist ideas.

If Dr. Shearer's ideas are not enough to disqualify him, then the simple fact that he has no diplomatic experience and no expertise on Finland should be more than plenty to pull his nomination.

If Dr. Shearer is confirmed, he may be an embarrassment to America in Helsinki, and possibly a danger to American interests.

This administration has shown a real lack of foresight and wisdom in its choices of foreign policy nominees. The President does not seem to understand that foreign policy positions are not just jobs for friends, but are important to America's security and predominance in the world.

I hope my colleagues vote against Dr. Shearer's nomination.

Mr. President, I will try to sum up my concerns.

Mr. President, I do think that the President of the United States should be given the benefit of the doubt in the selection of his nominees to be Ambassadors, for instance, to Finland or to the CSCE, but in both of these cases it is a continuation of a pattern, in my opinion, of selecting nominees that are not qualified for the specific positions that they have been nominated to or have a long history of taking positions and making statements that are not in America's best interests. And these are two very good examples. In other circumstances, I would say let them go. But in these two cases, you have nominees who have specifically raised questions.

For instance, in the case of Dr. Shearer, he is replacing a man who has been in this position for quite some time, highly qualified, has been doing a very good job, but he was eased out of that position. And now we have a nominee coming in who has no experience as an Ambassador, has no particular relationship with Finland, and has taken very strongly embraced and stated positions of socialism. The nomination here is putting, I think, the country's worst foot forward, both in terms of confused policies and unqualified nominees. Finland has historically been a country that has been very shaky. It is right there next to Russia. Russia has beat the drums of annexation in the past. And yet we have a man in Dr. Shearer who throughout his professional life has been against some of the ideals and interests of capitalism America has espoused. Being the brother-in-law of the Deputy Secretary of State is not qualification for this kind of position.

Dr. Shearer has extensively written in support of statist and Socialist ideas. He has written that the American capitalist system has insurmountable problems and "the way the economy is governed and the way things are produced will have to be changed," talking about our country, America.

At a time when Finland is reaching out to join capitalist Europe, we have a nominee here who has written extensively against the very sort of things that the United States has been encouraging and Europe has been moving toward.

Dr. Shearer has been associated with a number of hard-left groups that have been advocating socialism over the years. He has been associated with the campaign for economic democracy, which had a goal of radical redistribution of wealth. Members of CED, including Dr. Shearer, were appointed at one point to the Santa Monica, CA, city planning board and, because of rent control measures and other positions they took, it crippled Santa Monica's economy, and he wound up being kicked off the commission, basically.

So I just think that this nominee is not qualified and will cause confused signals and problems in that position as Ambassador to Finland.

Also, in the case of Sam Brown, here is a person who has been an antiwar demonstrator during the Vietnam war era. When he served at the ACTION Agency, there were certain questions raised about how he ran the Agency. His leadership there was in question. There were improper travel expenses, misuse of personnel, and a faulty accounting system. So in his case where he has had a Government position, problems developed. And beyond that, he has no experience in this particular area. This is where you should have very experienced diplomats. The last Ambassador, John Kornblum, had been the State Department's head of Central European Affairs and Deputy Representative to NATO. Mr. Brown just does not have that kind of experience, and the experience that he has had was at the ACTION Agency. The positions he has taken on numerous foreign policy matters, in my opinion, just flatly disqualify him to be in this very critical position at a critical time in working with the Conference of Security and Cooperation in Europe. So I hope my colleagues will reject both of these nominees.

I thank the Senator for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, parliamentary inquiry. I believe I have 10 minutes reserved on the nomination.

The PRESIDING OFFICER. The Chair is not aware of that order.

Mr. SPECTER. Well, I had been advised that I did have 10 minutes reserved on the nomination. That is incorrect?

The PRESIDING OFFICER. The Chair informs the Senator that that was not part of the consent agreement.

Mr. SPECTER. I ask unanimous consent that I be recognized for 10 minutes.

Mr. PELL. Mr. President, I would be glad to yield 5 minutes to the Senator at this time.

Mr. SPECTER. I will take it. I thought I had 10 minutes, but I thank the chairman.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Pennsylvanaia [Mr. SPECTER], is recognized for 5 minutes.

STATEMENT ON THE NOMINATION OF SAMUEL W. BROWN, JR.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the nomination of Mr. Samuel W. Brown, Jr., and not to oppose the nomination of Mr. Derek Shearer.

I believe that the broadest latitude ought to be allowed the President in his selection of Ambassadors. While there has been considerable opposition to Mr. Derek Shearer, it is my view that his basic qualifications, and the nature of his appointment as Ambassador to Finland, are sufficient so as not to bring my opposition to his nomination.

With respect to Samuel W. Brown, it is my conclusion that the position of Ambassador to the Conference on Security and Cooperation is so important that it requires someone with considerably more background and expertise in dealing with the very important issues of security, considering the matters involving the Russians as a military force, and concerning the issues of the conflict in Bosnia, and the unrest in the states of the former Yugoslavia.

As I have reviewed the record on Mr. Brown, I know of the committee report on these questions:

> (A) What practical experience do you have in working in the former Soviet Union?
>
> (B) What educational background do you have on the former Soviet Union?

The answer to both (A) and (B): "I have no direct experience."

Then there were the questions:

> (A) What practical experience have you had working in the former Yugoslavia?
>
> (B) What educational background do you have concerning the former Yugoslavia?

Answer to (A):

> I have no direct experience in the former Yugoslavia. However, over the past 25 years, I have been to many other parts of the world where deep-seated disputes have been present. I believe that my broad experience with conflict resolution will serve me well in this area.

I read those two answers because of the limitation of time. My own reading of his background and record suggest to me that Mr. Brown does not have the kind of experience necessary for this job.

I do not wish to belabor a number of statements which have already been made about his questionable stewardship at the ACTION group, or of his conduct, comments, and background in the Vietnam war. All of this suggests to me that we need someone of substantially greater stature.

I compliment my colleague, Senator HANK BROWN, for his leadership on the issue. When he consulted with me last week, I suggested that we write to the President and ask him to reconsider Mr. Brown's nomination, perhaps to find a different job for Mr. Brown, or perhaps to send supplementary information which might persuade me and others that Mr. Brown has the qualifications to be the Ambassador to this important post. That has not happened.

Mr. PELL. Mr. President, as a matter of courtesy to the ranking minority member of our committee, I yield 10 minutes to the Senator from North Carolina.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mr. HELMS. I thank the chairman. I accept on the condition that if he has a Senator on his side desiring time, I will yield the floor. I thank my friend and my chairman.

Several of us are deeply concerned about the nomination of Derek Shearer to serve as U.S. Ambassador to Finland. Mr. Shearer has a lot going for him: He is a very bright man; he is the brother in law of Strobe Talbott; and he knows a fellow named Bill Clinton. However, Derek Shearer is simply not the man for the job in Helsinki. I oppose this nomination for reasons similar to my opposition to Sam Brown.

Like Sam Brown, Mr. Shearer has been an advocate for unconventional—to put it mildly—and often rather radical positions. They are cut from the same bolt of cloth.

Mr. Shearer has undergone in recent months what we call around this place a "confirmation conversion". He has reversed himself from previously long-held positions, and he now says that he no longer believes the socialist political philosophy that he once so fervently and feverishly pursued. He says he no longer believes that the U.S. Government should own a 10 to 20 percent interest in all major U.S. industries dominated by a few companies. He says he no longer believes we can learn from the "spirit of cooperativeness and well-being that pervades Chinese and Cuban life."

This Ambassador-to-be once declared that—

> A strategy of reform must transfer capital from the corporations to the public, so that the people who work and consume can collectively and democratically decide what to do with it. The logical vehicle for that should be the Government.

But do you know what? He says now that he does not see any wisdom in such governmental intervention.

Mr. Shearer's past incredulous statements also include scathing denunciations of the U.S. military. As the editor of a book commissioned by the Institute for Policy Studies back in 1970 called "The Pentagon Watchers," Mr. Shearer went to extraordinary lengths to criticize the U.S. defense capability. In a section of the book entitled "Fighting Anti-Communism," Mr. Shearer wrote against what he called the Pentagon's cold war propaganda.

He went on to say that "those who wish to dismantle the military-industrial complex, and radically alter America's foreign policy, are finding it necessary to counter the Pentagon's public relations machine with their own education program."

He explained that such educational activities are just beginning and that "they must be greatly expanded and multiplied if the anti-Communist reflex and belief that the way to national security lies in more military spending are to be seriously challenged."

I wonder what Mr. Shearer thought about the reports of Communist atrocities, including Stalin's relentless purges and the deliberate starvation of millions and millions of Ukrainian farmers, to name just a couple of incidents. I wonder if he thought back then that this was just propaganda from the Pentagon.

Mr. Shearer told the Foreign Relations Committee and the media that he is now a changed man; he does not believe all of that anymore. I believe in miracles, but it may be asking just a little bit too much even to hope that Mr. Shearer now sees the error in his previous beliefs and statements. He made them too often and too consistently over a period of years to be convincing when he now declares, as a nominee, that he has abandoned them.

He told the Foreign Relations Committee "to set the record straight, I have not advocated socialism. I am not a Socialist."

He may not be a Socialist now. That cannot be determined by me. But when he says, "I have not advocated socialism," using the past tense, he is all wet, because he did and it is a matter of record.

In his article in the magazine In These Times in 1978, Mr. Shearer wrote, "Socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes * * * the words 'Economic Democracy' are an adequate and effective replacement." He said, in other words, do not use the word "socialism" anymore; always talk about "economic democracy."

I have a cassette tape of Mr. Shearer speaking at a little conference 3 years later when he declared very clearly

> I particularly like the phrase economic democracy * * * because it has been referred to as the great euphemism * * * While we can't use the "S" word [meaning socialism] too effectively in American politics, we have found in the greatest tradition of American advertising the word "economic democracy" sells. You can take it door-to-door like Fuller Brushes, and the doors will not be slammed in your face.

It seems to me that it is clear in his lexicon that economic democracy is just another name for the word socialism, and that Mr. Shearer was in fact advocating socialism under the banner of the words "economic democracy." He said so himself, as a matter of fact.

Mr. Shearer has suffered a convenient loss of memory regarding his former affiliation with the Institute for Policy Studies. It is our duty, as Members of the Senate, to ensure the integrity of the nomination process, and I think this is what we have been trying to do here this morning. We need openness and honesty in response to questions asked by the Senate and/or individual Members of the Senate. I am afraid we have not been getting the full picture from Mr. Shearer, and that is an understatement.

The impact of Mr. Shearer's nomination is much broader than just an ambassadorship to one country alone. A vote for Mr. Shearer sends a chilling message to the Finns who resisted the Soviet Union valiantly in the winter war, and also to the Baltic nations who certainly experienced firsthand the true nature of communism. Mr. Shearer's nomination comes at a time when Finland and the Baltic nations are moving away from socialism and emphasizing a free-market, nongovernment interventionist approach.

Mr. President, Mr. Shearer, who once pushed the soft line on the Soviet Union by calling the United States "imperialists" for fighting communism, and the same Mr. Shearer, who was a part of the "blame America first crowd" is not the right person for an assignment in the Soviet Union's former sphere of influence.

Mr. President, I sincerely believe that the President has the right to appoint whom he sees fit, but, on the other hand, the Senate's obligation is to measure the fitness of the individual nominated to serve in a position of such significance.

Therefore, I have to oppose Mr. Shearer because I believe that he has been less than candid with the Senate Foreign Relations Committee, of which I am ranking member, and the distinguished Senator from Rhode Island [Mr. PELL], is the chairman.

Mr. Shearer has retracted a number of his previous statements, but I do not believe the test for a good ambassador is to measure how much of his past he can now deny. What counts is how or if his life experiences have prepared him or her for service to his country.

On this nomination I shall vote "no".

I thank the Chair for yielding to me, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina yields back his time.

The Senator has 14 minutes remaining.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will state that time is controlled.

Mr. DECONCINI. I ask the distinguished chairman of the Foreign Relations Committee if he will yield me 10 minutes.

Mr. PELL. That is more than I have. I yield the Senator the remainder of my time.

STATEMENT ON THE NOMINATION OF SAM W. BROWN, JR.

Mr. DECONCINI. I thank the Senator. I do not think I will take that long.

Mr. President I rise today to once again speak in favor of Sam Brown's nomination as U.S. Ambassador to CSCE.

I want to compliment the distinguished chairman of the Foreign Relations Committee for bringing it here to the floor and insisting that we have a vote on it. I also compliment his strong defense or his strong offense on behalf of this nomination.

Senator PELL has been a constant leader in CSCE. He was the father from the Senate side of the creation of the Helsinki Commission in the Congress of the United States, which I am very, very honored to chair. He understands better than anybody the importance of having an Ambassador there and he understands the need and the qualifications for such an Ambassador. So I think that ought to be enough right there; that this debate ought to wash away.

But, unfortunately, we have others who feel differently. I have listened to the arguments which my colleague, Senator Brown, the distinguished Senator from Colorado, and others on the Republican side of the aisle have listed as reasons why Sam Brown should not be confirmed.

Mr. President, I find their allegations to be unsubstantiated and taken out of context. In fact, I am at a loss to find a reasonable explanation for their continued opposition to Mr. Brown's nomination to be Ambassador to the CSCE.

Senator SIMON, Senator KERREY, and Senator PELL are uniquely qualified to speak in detail to concerns about Mr. Brown's alleged mismanagement of ACTION and his anti-Vietnam war position during the 1970's. I have reviewed the facts surrounding these allegations and again find that the opposition's claims are taken out of context and do not accurately reflect the real situation or the views of Mr. Brown as well as his testimony that has been given to the committee.

With respect to my own view about Mr. Brown's antiwar position during Vietnam, I can only ask how long are we going to continue to fight that tragic war? Loyal, courageous Americans held passionately felt views on both sides of that debate. When are we going to move beyond judgment of those whom we disagreed with one way or the other several decades ago?

But let us turn now to the concerns being raised by Mr. Brown's lack of experience in CSCE and, in particular, the fact that he has never served in the military.

Oh, my goodness sakes. Imagine that, someone who has never served in the military nominated to be an Ambassador.

Mr. Brown's critics believe that because the CSCE has jurisdiction over the CFE Treaty—a treaty which Russia wants to renegotiate, according to their public statements—the United States must, therefore, appoint someone with diplomatic or arms control experience to ensure that the U.S. interests are properly represented.

Well, to begin with, Mr. President, anybody who is familiar with the daily functioning of the U.S. CSCE delegation in Vienna knows that the security dimension of the CSCE negotiations are handled by a large and competent team of Government experts in the military field. I have been there. I have seen them. I have talked to them. I have been briefed by them time and time again. Indeed, they do a wonderful job. The Ambassador does not sit down on a daily basis and do those kind of negotiations.

Furthermore, not only does any Ambassador receive extensive negotiating instructions—which he does—coordinated at high levels among the military agencies—which he does—and the State Department here in Washington, DC, but he or she draws on the expertise from the seasoned diplomats and military officers who staff the U.S. delegation, as has been the case for the last two decades or last 12 years.

Those who allege that Mr. Brown could negotiate alone to undermine the U.S. interests display a willful misunderstanding of how our Government operates and how those negotiations have operated and will continue to operate.

I would like to point out that the previous U.S. Ambassador to the CSCE, the highly capable John Kornblum, delegated many day-to-day negotiations to these same subordinates. This is standard practice. The role of the Ambassador is to provide leadership—that is what he is supposed to do—and to communicate the big picture to Washington, DC.

I would also note that three of the CSCE's most able Ambassadors—Ambassador Kampelman, Ambassador Zimmermann, and Ambassador Kornblum—were never in military service.

Some of my colleagues have also cited a quote from an article in a 1977 Penthouse magazine in which Mr. Brown is alleged to express disdain for intelligence agencies. Mr. Brown has responded to this allegation in a letter to me dated May 11, 1994, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BERKELEY, CA,
May 13, 1994.

Senator DENNIS DECONCINI,
Chairman, Commission on Security and Cooperation in Europe, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am happy to respond to you about the quotation attributed to me in the Penthouse Magazine from December, 1977 provided by minority members of the Foreign Relations Committee.

On the face of it, this is a pretty stupid thing for me to have said—if I was quoted accurately. The break in continuity—the fact that the response does not seem to "track"—suggests to me that there is something left out of the quote. But, as it stands, it does not accurately reflect my views now, nor my views then. Nonetheless, I have tried to understand how I might have said anything even similar to this. I hope some understanding of context will be helpful.

During my confirmation hearings in 1977 I was questioned very closely, primarily by Senator Humphrey, about the Peace Corps and its independence from the intelligence activities of the country. I said I understood the legal obligation for separation and would rigidly enforce this requirement. I had been assured from Congressional sources that this separation was being observed, nonetheless, the rumors persisted that the CIA was somehow "using" the Peace Corps. It was very important to be able to say to volunteers and to foreign governments alike that I would be attentive to this and would resist any breach of this wall. Consequently I regularly pointed out that I had no contact with the CIA.

A second contextual issue is that the CIA had, shortly before this period in the mid-70's, covertly funded domestic and foreign student and intellectual organizations. There was therefore great skepticism about any assurance that it was not involved with the Peace Corps. The stronger my statements the more credible was my assurance that the Peace Corps was independent and free from involvement with the intelligence agencies.

Finally, in the late '60's and early '70's the CIA had apparently engaged in intelligence gathering focused on domestic groups opposed to the war in Vietnam. This was the subject of litigation at the time of the interview. Evidence gathered in that case indicated I had been the object of CIA surveillance in the 1960's when I was active in the anti-war movement. Consequently, I had strong personal feelings about the abuses of their authority.

None of this context can excuse the statement attributed to me, which does not reflect my views on the legitimate intelligence activities of the U.S. government. U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert as well as public sources, through technology as well as from people. It requires that the information received, from whatever source, be integrated fully with the policy-making process which it is designed to serve and that its sources be carefully protected.

My views about America are more accurately summarized later in the same interview when I said, "I really think America is a terrific place. . . . I think people are prepared to give up a lot, to sacrifice, to quit consuming so destructively, for a common purpose . . . there are an incredible number of people ready to listen to sensible things and to relate to each other in some warm, decent, giving way." It is that vision and those values which I bring to this position.

Sincerely,
SAM W. BROWN, JR.

Mr. DECONCINI. Mr. Brown explains in this letter that if, in fact, the Penthouse quote is accurate, it does not accurately reflect his view now or even then. He stresses:

> U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert as well as public sources.

Well, to go on with this for just a moment, Mr. President, the reason Mr. Brown was upset about it was because he was possibly a target of our own Government and he may have been under surveillance. And I would be upset, too, if that had happened to me, and I might have said something that maybe I do not feel today.

But what surveillance rights did our Government have, particularly the CIA, if, in fact, they had a citizen in this country under surveillance? That is against the law if they were doing it, and there was some evidence to that extent.

Mr. President, in conversations with Sam Brown, it is clear to me that he fully recognizes the necessity of intelligence agencies. But he also recognizes the imperative of ensuring that these operate firmly within the parameters of the legal and moral structure of a democratic state. I certainly think that it is an important message for the newly independent countries as they continue their transition from communism to democracy. I trust no one in this Chamber would disagree.

Finally, my colleague, Senator BROWN, is fond of using charts. He has used a number of them in his effort to block this nomination.

I will also use one to illustrate that there are many, many outstanding CSCE champions who believe that Sam Brown will do a fine job as CSCE Ambassador and should be confirmed.

I ask unanimous consent to have letters on this subject printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
April 14, 1994.

Hon. CLAIBORNE PELL,
U.S. Senate.

DEAR CLAIBORNE: It has come to my attention that Sam Brown has been nominated to be Head of Delegation to the Conference on Security and Cooperation in Europe with the rank of Ambassador. When I heard this I was very pleased. I have known Sam for more than twenty-five years and he would serve his country well in this post.

My acquaintance with him began in a most unusual way. When I was Secretary of Defense he became a friend of my children and eventually of mine. This was during the Vietnam War. Unlike some critics of the war who tried to convince others of the rightness of their position by shouting down their opponents, I found Sam to be thoughtful, balanced and deeply concerned about the consequences of the war—both strategic and moral. I always found him to be motivated by an abiding concern for our country and its best interests. While we disagreed, we grew to respect each other. After that I saw him occasionally at the Aspen Institute or at meetings of a foundation board on which we both sat. After the publication of the so-called Pentagon Papers we once again discussed the war and again I found him well-informed, thoughtful and serious. During his years at ACTION—and since—we have kept in touch.

I tell you this because it has also come to my attention that some members of the Senate have questioned Sam's role and motivation during the years of the Vietnam War and afterwards. I know him to be a patriotic and thoughtful person and any allegation to the contrary is totally baseless. Moreover, I know that he thinks carefully and well about the long-term interests of the country. He will do an admirable job in any position requiring careful analysis of difficult situations, strong interpersonal skills and real leadership ability. This post is particularly appropriate given Sam's long-standing commitment to the expansion of human rights. I hope that this appointment can go forward quickly so that our country can have the benefit of Sam's skills in this job for which he is so well suited.

With best wishes.

Sincerely,
ROBERT S. MCNAMARA.

CELESTE & SABETY LTD.,
May 9, 1994.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand several Senators have raised questions regarding Sam Brown's management style and skills in connection with his leadership at ACTION in the late 1970s. Since I had the opportunity to work directly with Sam Brown, as Director of the Peace Corps from early 1979 to early 1981, I would like to share with you and your colleagues my personal observations.

First, Brown understood the importance of direct interaction with Peace Corps leadership in the field. The meetings referred to in Casablanca and Nairobi were regional meetings which brought Country Directors and key managers in each region together with Headquarters staff to discuss critical issues of program design, recruitment, training, and support.

From my perspective, at no time did Brown try to impose, or even advocate, the initiation of relationships with countries such as Vietnam, Mozambique or Angola. On my own initiative, we did begin discussions aimed at re-entry into Nicaragua and entry into China. Both of those conversations were halted in 1981.

Second, Brown was ready, willing and able to delegate very substantial responsibility to senior managers. I was able to negotiate a significant autonomous relationship for the Peace Corps within ACTION. Brown was open to discussing substantial changes in organization structure; he was clear and direct in identifying his concerns; and he was attentive to the implementation of each of the changes we agreed upon.

Brown, from my standpoint, was a thoughtful, involved and pragmatic manager. He recruited talented people (including now Congressman John Lewis). He delegated responsibility effectively. And he supported his key people in carrying out the overall vision.

Frankly, Mr. Chairman, from my perspective, the ACTION agency experienced steady improvement under the leadership of Sam Brown and his team. I am confident that Brown will provide responsible and thoughtful leadership for the U.S. Delegation to the Conference on Security and Cooperation, and will engage and support the members of our delegation in a manner which will serve our Nation's interests and principles in the highest fashion.

I hope these observations are helpful to you and your colleagues in your deliberations.

With best regards,

RICHARD F. CELESTE.

NATIONAL SECURITY COUNCIL,
Washington, DC, April 25, 1994.

DEAR SENATOR HELMS: I am addressing this letter to you on behalf of Sam Brown, who has been nominated to the position of United States Ambassador to the Conference on Security and Cooperation in Europe (CSCE). I served as Chairman of the United States delegations to the CSCE's Ottawa Human Rights Meeting in 1985 and the Oslo Democracy Meeting in 1991. I also followed CSCE events closely as Assistant Secretary of State for Human Rights and Humanitarian Affairs and was closely involved in the negotiation of the 1989 document which concluded the Vienna CSCE meeting.

It is in light of such past experience that I have had a number of meetings with Mr. Sam Brown to discuss the current state of CSCE affairs. He struck me as intelligent, competent, and energetic. He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excellently qualified to perform the task of U.S. Ambassador to CSCE.

I am told that questions have been raised about Mr. Brown's suitability in light of his activities as an opponent of the war in Vietnam twenty-five years ago. It can reasonably be said that Mr. Brown's early views on Vietnam have no relevance to his suitability for the CSCE ambassadorship today. Nevertheless, as I held sharply differing views from those which Sam Brown espoused twenty-five years ago and remembering the publicity which surrounded him then, questions about the past did cross my mind when I heard of his nomination.

It was, therefore, not surprising that at our very first meeting the issue of Sam Brown's views during the Vietnam era did come up. He spoke candidly about them and his fundamental change of political outlook in the years that followed. On the basis of my detailed discussions with him, I am completely satisfied that today Sam Brown's political outlook reflects the American mainstream, views which we tend to label "centrist."

It is my sincere hope that Sam Brown will be judged by the Senate Foreign Relations Committee and the United States Senate on the basis of what he stands for in 1994 rather than what he stood for many years ago. On that basis, I do hope his nomination will be confirmed.

Sincerely,

RICHARD SCHIFTER,
Special Assistant to the President and Counselor.

APRIL 13, 1994.

Senators CLAIBORNE PELL and JESSE HELMS,
Senate Foreign Relations Committee, Washington, DC.

DEAR SENATORS PELL AND HELMS: As a former Chief of Delegation to a major CSCE Review Meeting (the 1986-89 Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe), I have a strong interest in the future of the CSCE process and in an effective and committed U.S. participation in it.

It's this interest which compels me to write you on behalf of Sam Brown, who has appeared before the Committee as the Clinton administration's nominee for U.S. Representative to the CSCE in Vienna. American participation in CSCE has been blessed with many talented representatives, the most recent of whom is Ambassador John Kornblum, our most recent representative in Vienna. I believe that Sam Brown will be in this distinguished tradition. During our several in-depth talks since his nomination, he has impressed us with his mastery of the complexities of the issues; his commitment to human rights to military security, and to the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-cold war world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

I served 33 years in the U.S. Foreign Service, and have always felt that our diplomacy was enriched by qualified ambassadorial appointments from the private sector. From my admittedly recent acquaintance with Sam Brown, I strongly believe he meets the standard of excellence on which we should insist for our diplomats. I hope the committee will do all in its power to ensure his confirmation by the Senate.

Sincerely,

WARREN ZIMMERMANN.

FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON,
Washington, DC, April 21, 1994.

Senator CLAIBORNE PELL,
Chairman, Committee of Foreign Relations U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that you and the members of your committee are now considering the nomination of Mr. Samuel W. Brown, Jr. to serve as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE), with the rank of Ambassador.

I write to endorse that nomination and to urge that your committee act favorably and expeditiously on it. CSCE has a vital role to play in restoring and strengthening confidence within Europe in these days of uncertainty and danger on that continent. That development requires leadership on the part of the United States and I am persuaded that Mr. Brown has the energy, commitment and understanding to help our country provide that leadership.

I did not know Mr. Brown until a few months ago when he came to my office to introduce himself and discuss my views as to his anticipated responsibilities. I had heard his name mentioned during the 1960s in ways that impressed me unfavorably. It was, therefore, refreshing for me to discuss my personal reactions with him fully and frankly when we met. I have looked upon the radicalism of some youth in the 1960s as destructive to our society and I considered leaders of the radical youth movement of the time to be immature, irresponsible and short-sighted.

When we talked, I learned from Mr. Brown that he had come to conclusions similar to my own during the late 60s and early 70s and had openly and publicly acknowledged a change of direction in his beliefs about the direction American foreign policy should take. I considered that change to be to Mr. Brown's credit and was pleased to learn more from him about his career and his dedication to the public interest.

You are aware of my own intense interest in CSCE beginning with 1980 when you and I and many of your colleagues saw the opportunity to undermine the influence of Soviet totalitarianism in Europe using the Helsinki process as a means to accomplish that end. We were successful in Madrid under Presidents Carter and Reagan. I returned to the process for short periods of time on five different occasions under President Bush. The CSCE Copenhagen, Geneva and Moscow meetings, where I served as the American Head of Delegation, served to end Soviet influence once and for all and, for the first time, specified in detail that European stability and security depended upon political democracy and its attendant freedoms. I considered it highly regrettable that our country did not continue to provide the essential leadership necessary for Europe and the Helsinki process to withstand the threat to peace and security that stemmed from the breakup of Yugoslavia. Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and the abilities to do that.

I do hope this letter is helpful to you.

My warmest best wishes to you.

Sincerely,

MAX M. KAMPELMAN.

Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and abilities to do that.—Ambassador Max Kampelman.

He has impressed me with his quick mastery of the complexity of the issues; his commitment to human rights, to military security and the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-Cold War world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.—Ambassador Warren Zimmermann.

He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excellently qualified to perform the task of U.S. Ambassador to CSCE.—Ambassador Richard Schifter.

He not only has a genuine commitment to maintaining human rights as the cornerstone of the CSCE process but possesses the energy and instinctive ability to build consensus for U.S. policy positions.—Representative Steny H. Hoyer, Co-Chairman, Commission on Security and Cooperation in Europe.

Mr. DECONCINI. Mr. President, included in this list are people such as STENY HOYER, the Cochairman of the Helsinki Commission and a leader in the House of Representatives; Robert McNamara; Ambassador Warren Zimmermann; and Ambassador Kampelman. These statements speak for themselves. They are in the RECORD as I have so asked, but I think this is a testament and testimony, as well, that demonstrates that this man, Sam Brown, is qualified and competent to serve as Ambassador.

I think it would be tragic to let a political difference of some time ago be the cause for him not to be confirmed. I urge my colleagues to vote first for cloture and then for approval and confirmation.

I thank the Chair.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mrs. BOXER. Mr. President, I rise in support of the nomination of Derek Shearer to be Ambassador to Finland. Professor Shearer is a distinguished teacher, scholar, and public servant. He is extremely well-qualified for this position and I believe that he will be an excellent addition to the diplomatic corps.

Professor Shearer is the founding director of the International and Public Affairs Center at Occidental College, which supports faculty research and organizes seminars, conferences, and lectures on international and domestic issues. Professor Shearer also established Occidental's excellent public policy program for undergraduate majors.

Professor Shearer has a detailed and sophisticated knowledge of Finnish economics and politics. He has studied world politics—particularly the United States-Finnish relationship—extensively. He has won several prestigious awards, including a Guggenheim Fellowship, a German Marshall Fund grant, and a United States-Japan Leadership Fellowship.

Professor Shearer has served on two bipartisan foreign policy study groups: the Carnegie Endowment for International Peace and the Economic Strategy Institute. He has written on European and Asian affairs for Foreign Policy magazine, the New York Times, the Los Angeles Times, and numerous other publications.

Professor Shearer also has extensive experience in government. In the 1970's, he served as an economic adviser to California Gov. Jerry Brown. In 1978, President Carter appointed Professor Shearer to the founding board of directors of the National Consumer Cooperative Bank. In the 1980's, he served as a city planning commissioner in Santa Monica, CA.

A number of distinguished Americans—including John Brooks Slaughter, the president of Occidental College, Los Angeles Mayor Richard Riordan, and former Ambassador to Finland Rockwell Schnabel—have expressed their support for this nomination in letters to the chairman of the Foreign Relations Committee.

I ask unanimous consent that these letters of support be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to consider these endorsements carefully and to join me in support of this nomination.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. SIMON. Mr. President, there are some cases in which a perception is so strongly held that the facts have no effect or little effect in changing it. That appears to be the situation we see today with charges long refuted and long known to be without foundation raised again in regard to this nominee.

I can speak with some knowledge in regard to the issues surrounding Sam Brown's management of the ACTION agency in the late 1970's. As chairman of the House Subcommittee on Select Education, I had the responsibility to make sure we looked into concerns that had been raised by a controversial House Appropriations Committee staff report. I should point out, that staff report—often referred to as the Michel report—was never an official finding of the Appropriations Committee, but was simply printed, along with the agency's responses, in the committee record.

The controversy began when Congressman MICHEL, a member of the House Appropriations Committee, requested the committee's investigations staff to look at the ACTION agency. The administration had signaled a new direction, one in which they would be more actively seeking out ways to accomplish their antipoverty mandates. This was controversial with some House Members, but generally supported by proponents of the programs. During the previous administrations, programs had lost their edge. Leadership seemed lacking. VISTA volunteers were doing one-on-one direct service rather than recruiting other volunteers and using their resources for capacity building among grassroots organizations.

The clearest indication of the Appropriations Committee response to their staff report was approval of a 20 percent increase in the agency's budget for the following year. There was not only no slap on the wrist for Director Sam Brown, there was explicit support for the change in direction he was providing for the ACTION agency.

A similar show of support followed 7 days of hearings in our authorizing committee. These hearings included sworn witnesses from the agency and subpoenaed and sworn witnesses from around the country. One hearing lasted 14 hours. At that hearing, agency compliance officers and auditors, old hands at the agency and some admitting to their conservative leanings, testified that the only wrongdoing they had witnessed at the ACTION agency had been under previous, Republican, administrations.

I asked the auditors, who were under oath, specific as well as open-ended questions about fraud and illegal or unethical activities. I suspected, but did not know in advance what the responses would be. But the sworn testimony was clear. The Sam Brown administration may have taken the programs in a new direction conservative members did not approve, but it was done legally and ethically. And many of us felt the changes—designed to make the programs more effective in combating poverty—were long overdue.

It would be pointless to go through each and every one of the issues raised in regard to the administration of the ACTION agency in the late 1970's and repeat the responses that have been given so often. A specific answer to each of the charges is available and I will be happy to share those responses with anyone who requests them. I do want to go over some of them, however, that seem to be brought up more than others.

VISTA NATIONAL GRANT PROGRAM

Information in the staff report led to charges of deliberate efforts of the Agency Director to misdirect Federal funds into the hands of friends and political cronies. The record revealed no such conspiracy. The charge that a series of roundtable meetings brought friends of Sam Brown to Washington to prearrange grants had no foundation in fact. Meetings of national leaders in antipoverty efforts did occur as part of an effort to develop strategies for more effectively utilizing volunteers. Of 41 participants in the discussions, Sam Brown knew only 6 prior to the meetings. Thirteen national grants were ultimately awarded. Only five went to people who had attended the Washington sessions.

LOBBYING CONGRESS

A charge of prohibited lobbying was raised because one grantee was the National Public Interest Research Group. After intense questioning, again with witnesses under oath, the committee failed to find one instance of this grantee or any other using ACTION funds to lobby a Member of Congress. The statute specifically prohibits VISTA volunteers from engaging in lobbying. One instance of possibly prohibited activity involved a handful of volunteers under another grant. The volunteers drove some senior citizens to the State capitol in Missouri. While this was not technically lobbying, ACTION determined that it was to be avoided and called a halt to it.

INAPPROPRIATE TRAINING MATERIALS

Staff investigators found at one session of the Midwest Academy use of training material they said "could be construed as inflammatory." The VISTA program ordered Midwest to discontinue the use of this material for VISTA volunteers. ACTION had been unaware of the specific material, but had provided specific training materials to make VISTA volunteers aware of restricted activities. The overall quality of the Midwest training sessions was recognized as good, even by the staff investigators themselves. Their criticism of one piece of written materials that could be misinterpreted by volunteers has been blown out of proportion. Midwest was one of 742 sponsoring organizations and grantees.

INCREASE IN SCHEDULE C APPOINTMENTS

Appropriate comparison to the previous administration—that is, following the transition period—shows a reduction instead of an increase in such appointments. There was a reduction of 69 noncareer positions under Sam Brown, and all noncareer general schedule policy positions were approved by the Office of Personnel Management.

INCRESE IN SALARY OVER PAST EARNINGS

The agency was in full compliance with OPM policies for salary based on knowledge, skills, and abilities rather than past earnings. They were committed to improving opportunities and salaries for women—particularly for those with strong skills shown in volunteer work—minorities—who frequently had salaries lower than skills would indicate—and people from low-paying professions—such as State government and nonprofit organizations.

VOLUNTEERS ENGAGED IN PROHIBITED ACTIVITIES

All such activities—a total of 5 instances involving a total of 9 volunteers out of 4,300—except 1—1 volunteer delivering political leaflets to a meeting—were found by the ACTION agency itself—not the investigators—and stopped by the agency.

TRAVEL TO CHINA AND CUBA

Two career staff people who were traveling on their own time and money—one to Cuba with a group organized by George Washington University and composed entirely of Federal employees; one to China with an international delegation—were offered a total of $200 toward their travel costs if they would make a presentation to the agency following their trips. No money was ever paid; the presentations were made.

ATTEMPT TO ABOLISH INSPECTOR GENERAL

This is simply not true. The office was placed into the Office of Compliance. It maintained an entirely separate division. This was prior to the passage of the Inspector and Auditor General Act of 1978—and ACTION was not included in that Act. The placement of the IG office was simply a management decision that in an agency the size of ACTION it made no sense to have two monitoring and compliance offices. All functions required by the IG Act were fully provided through the Office of Compliance. The ACTION Inspector General continued to have independent access to books and records and to report directly to the Director, and so forth.

CONTRACTING PRACTICES

When the Carter administration took over, the agency had highly criticized contracting procedures. This problem had been found long before the Appropriations staff investigation. Strong corrective action was being carried out. The record shows that in each instance where a problem was raised to the Director, he corrected it immediately, frequently the same day, and procedures were instituted to ensure it would not occur again.

Mr. President, I would like to insert into the Record at this point the ACTION agency's summary response to the staff investigation report. If any of my colleagues wishes to read the entire report and the full explanation and responses, I will be pleased to help make that available.

Clearly, there were philosophical differences affecting the administration of these programs under the Nixon/Ford administrations and that of Sam Brown under President Carter. During Sam Brown's administration of the ACTION agency, its programs were reinvigorated and became once again the capacity-building, effective anti-poverty programs they were meant to be. It is undoubtedly partially a result of that revitalization that the programs survived the onslaught of the Reagan years, when the administration made strong efforts to abolish them.

The VISTA program survives and thrives today under the Corporation for National Service. Today's VISTA's owe a debt to Sam Brown and to Margery Tabankin, his head of VISTA, and the many other talented and dedicated people Sam Brown brought on board during the Carter years. He had problems to clear up and it took him time to do it, as it does any new agency head. I remain convinced that Sam Brown's years at the ACTION agency should be counted as a strong plus in his record of accomplishments.

There being no objection, the material was ordered to be printed in the Record, as follows:

I. Introduction and Summary Response to the Investigation Report

A. INTRODUCTION

This document was prepared in response to a draft report entitled "A Report to the Committee on Appropriations, U.S. House of Representatives on the Policies, Procedures, and Practices of ACTION."

ACTION, the federal volunteer agency, supports the work of more than 280,000 Volunteers who help their communities and the poor in all 50 states and in 63 countries overseas through the Peace Corps. ACTION has a current annual budget of 214 million dollars.

250,000 of ACTION's domestic volunteers are elderly and work through ACTION's Retired Senior Citizen Volunteer Program. Another 19,000 elderly low-income Americans participate in the Senior Companion Program and Foster Grandparent Program. There are more than 4300 VISTA Volunteers working through 730 sponsoring organizations and 12 National Grantees who reach approximately one out of every twenty poor people in the United States. Over 5700 of ACTION's volunteers are members of the Peace Corps.

B. SUMMARY RESPONSE TO THE INVESTIGATION REPORT

Background: In March of 1978, Congressman Robert H. Michel asked Congressman Daniel J. Flood, Chairman of the Labor-HEW Appropriations Subcommittee, to request Congressman George H. Mahon, Chairman of the House Appropriations Committee, to order a review by the Committee investigative staff of the policies, practices, and procedures of ACTION Agency. The investigative staff focused its review of the Agency procedures in the following areas:

(1) Personnel practices;
(2) Reorganization;
(3) VISTA National Grants;
(4) Procurement;
(5) Financial Management;
(6) Role of Inspector General.

The Committee report contained no findings of ethical violations, no fraudulent use of funds, or other illegal activity by Agency staff. This section presents the summary response to the investigation report. Sections II through VII follow the format of the investigation report and present the Agency response immediately following the quoted investigation report finding. The page number at the end of each such finding corresponds to the page number of the finding in the investigation report.

1. Personnel policies

The report recommends adoption of a firm written policy to control foreign service appointments below the Foreign Service Reserve (FSR) 2 level in support offices. The Agency has such a firm written policy. All such positions have been competed since 1975 in accordance with ACTION's Union Contract and its merit promotion plan. The Civil Service Commission has acknowledged ACTION's statutory right to use Foreign Service hiring authorities. All such appointments support Peace Corps. The circumstances in which these authorities can be used is set forth in the Foreign Service Act. ACTION does not believe additional clarification is needed.

The investigators found that the Agency is in full compliance with Civil Service Commission (now Office of Personnel Management) policies in determining qualifications of job applicants based on knowledge, skills, and abilities rather than solely on past earnings. This policy has the effect of eliminating past discrimination with respect to pay scales for women and minorities and has the effect of opening Government .service to highly qualified individuals whose previous experience had been in state and local governments and nonprofit organizations. The investigators question this established Civil Service Commission practice.

The Agency is in agreement with the finding that compliance with reporting procedures on experts and consultants have not been adequate and that in some instances experts may have been performing staff functions. Measures have been taken to correct both of these problems.

The investigators found that the Agency has increased the number of non-career policy positions by 30 when compared with the final days of the last administration. However, a more appropriate comparison to the first years of the last administration indicates that the Agency presently has 69 fewer non-career positions. Additionally, all non-career, general schedule policy positions have been approved by the Civil Service Commission (now Office of Personnel Management) as necessary and appropriate.

ACTION's use of experts has been prudent. The present administration has reduced by 60% the amount of money expended in 1977 and 1978 for consultants when compared to the amount expended during the first two years of the previous administration.

The staff of the Director's office is comparable with previous administrations. The size of the Director's staff in June 1978 was identical (36) to the size of the Director's staff in June 1974. As of September 30, 1978, 25 individuals were on the Director's staff.

The draft report ignores the fact that the present administration has eliminated abuse of the Foreign Service appointment authority. The Civil Service Commission found consistent and pervasive abuse of the entire personnel system under the previous administration. These abuses have been corrected and systems instituted to ensure that they cannot recur.

2. Reorganization

In the last two years ACTION has reorganized its domestic operation field structure in order to: shift program authority to the state offices and give program offices increased policy and budget authority. In addition the Office of Voluntary Citizen Participation was created. Much of the reorganization effort was undertaken by an agencywide Task Force. The planning process incorporated techniques which are approved by most modern management experts. Use of these planning techniques permitted the Agency to carry out decentralization with minimum disruption of Agency activities and personnel. While the investigative staff questioned the cost of the reorganization, they offered no evidence that it could have been carried out as effectively at lower cost.

Since the reorganization was not completed when the investigative staff finished its review, additional time is necessary before a determination can be made about whether the reorganization will achieve all of its objectives.

3. VISTA national grants

VISTA, a volunteer anti-poverty program created in 1964, experienced hard times during recent administrations and, in fact, was scheduled for zero funding by the Ford Administration in FY '79. In 1973, Congress rejected attempts by the previous Director of ACTION to move VISTA away from its poverty orientation by reaffirming, in the Domestic Volunteer Service Act, that the mission of VISTA is to concentrate on poverty and poverty-related activities. When the new administration took office in March of 1977, it found a demoralized Agency with a rapidly deteriorating sense of purpose.

To establish VISTA's new positions, which had been shifted in recent years to having volunteers perform staff and one-to-one service functions, the new administration implemented the National Grants program. The purpose of the grants was to demonstrate not only to the Agency, but to the entire poverty community, that a renewed and expanded approach to fighting poverty could be expected from ACTION in keeping with its Congressional mandate. VISTA, under the present administration, emphasizes the support of community based efforts which build the capacity of community residents to identify their needs, develop realistic plans to meet those needs and secure the resources to implement their plans. The end goals are to have volunteers leave the community with an established mechanism for continuing the project in the hands of the community residents and to have volunteers participate in breaking the cycle of poverty instead of perpetuating it.

National Grants enable VISTA to:

(1) Program for national impact on issues of concern among poor;

(2) Reach populations of special need;

(3) Develop projects with grassroots groups which ordinarily would not be sophisticated enough to compete for federal funds;

(4) Provide a single, simplified application process for multiple, grassroots projects which have a common program emphasis.

The investigative staff questioned the development of VISTA's National Grant program, which represents 14% of VISTA's overall budget. More than 70% of each grant is used to pay the living expenses and other direct support costs of VISTA volunteers. No part of any National Grant is used to pay overhead expenses of the grantee. These grants, twelve in number, have been awarded to nationally recognized groups which have a proven record of addressing the social and economic conditions at both the regular and national level which impoverish 26 million Americans. Among the activities carried on under these grants are low income food cooperatives; nutrition, education and health projects, and housing and home improvement projects.

In the report, the investigative staff questions whether: (1) National Grants should be awarded on a competitive basis; (2) VISTA meets its Congressional mandate of helping the poor; (3) VISTA volunteers have engaged in prohibited activities; (4) National Grant volunteers are more expensive than traditional VISTA volunteers; and (5) VISTAs are provided adequate training.

Competitive grants

There is no legal requirement that grants be competed. In the entire history of ACTION, prior to 1978, no grant had ever been awarded competitively. In January of 1978, two months prior to the signing of an Executive Order by the President encouraging federal agencies to award program grants on a competitive basis, and *three* months prior to the beginning of the Appropriations staff review, ACTION established a new policy to require competition of all future national grants. At that time, seven National Grants had been awarded and five were in advanced stages of review. No National Grants were awarded except those in process at the time the decision was made to require competition for national grants.

VISTA's poverty mandate

VISTA serves poor people. To the extent that the efforts of VISTA volunteers help other non-poor Americans, the benefit is incidental to this main purpose. A co-op founded and controlled by poor people may have non-poor members. Street lights installed in a slum shine on everyone, rich or poor.

VISTA's anti-poverty mandate is based on the premise that no group of Americans should be stigmatized and cut off from the rest of American society. The cardinal lesson learned in the last 15 years is that the poor can best ameliorate their condition through social and economic cooperation with other segments of the society which are directly affected by the problems which cause and perpetuate poverty. VISTA's success in the last two years, in reaching one out of every twenty people who are impoverished, is directly related to this policy of building coalitions of people rather than segregating the poor.

Volunteer involvement in prohibited activity

All VISTA volunteers are prohibited by law from participating in partisan or non-partisan political activity. ACTION strongly enforces these restrictions through training programs to prevent violations and through a thorough monitoring system. All 730 sponsoring organizations and all 12 National Grantees were informed of these prohibitions on political activity and accepted them as a condition of VISTA sponsorship. All VISTA Volunteers are thoroughly instructed regarding these prohibitions during their orientation. In the last two years, ACTION's monitoring system has discovered three instances in which VISTA volunteers were participating in such prohibited activity. All were stopped.

In visiting VISTA sites, the investigators discovered two other incidents in which VISTA volunteers were participating in prohibited activity. These were also stopped. In response to the concerns raised by the Committee staff, ACTION has again given notice to all sponsors and National Grantees regarding the prohibitions on political or labor organizing activity.

Cost of volunteer training

The cost of VISTA volunteers placed with national grantees was approximately $700 more than standard VISTA volunteers—the difference is almost entirely attributable to lengthened and improved training provided to these volunteers.

Adequacy of volunteer training

Standard VISTA volunteers also need better training. In comparison to the training provided Peace Corps Volunteers, VISTA training in the recent past has been cursory. In 1976, standard VISTA volunteers received 2 to 2½ days of orientation. Beginning in 1977, ACTION systematically began to rebuild and strengthen its training programs for VISTA volunteers. The increased training provided National Grant VISTAs was the first step in the development of this new training program.

ACTION's budget for Fiscal Year 1980 includes funds to complete the development of an integrated training program which will add 6 days to the training schedule of standard, as well as National Grant volunteers.

4. Procurement

The report recommends more adequate advance procurement planning in order to provide more lead time to the procurement office. Improvements in planning would, the investigative staff believes, result in improved competition, with resulting benefits to the Government, both in the quality and cost of contractual services. ACTION agrees with the investigators' analysis. The Agency identified this long-standing problem in May 1978. In October 1978, at the beginning of fiscal year 1979, it issued, for the first time, a procurement plan call to all program offices. All program offices are now required to submit schedules of their procurement requirements to the Contracts and Grants Management Division for the ensuing 12 months at the beginning of each fiscal year.

The report also recommends that program staff members be training in the statutory and regulatory requirements governing federal procurement. ACTION accepts this recommendation.

Federal procurement is a complex field. Program officials, as well as contracting personnel, need to be familiar with it to make the procurement process more efficient and to avoid inadvertent improper actions.

5. Financial management

The Accounting System: Only 62% of all federal agencies have had their accounting systems approved by the General Accounting Office (GAO). In August, 1978, ACTION became one of them. For the first time in the Agency's history, its accounting system has been approved by GAO.

Obligation of funds

On three occasions during the last fiscal year, ACTION was left with no legal authority to obligate funds. ACTION has followed operating procedures that are common to all federal agencies in its restriction of expenditures during these periods. The investigators concluded, however, that contracts and grants were signed, purchase orders executed and new employees hired during a period when the Agency had no legal authority to do so. A substantial portion of the report findings pertain to the obligation of $417,000 by grant or contract during this period. The investigators' conclusion is mistaken with regard to approximately $350,000 cited in the report as improperly obligated. The Agency agrees with the finding of the investigators that several small contracts and leases were executed without authority by Peace Corps Country Directors overseas who were not completely familiar with the appropriations process. All these obligations were subsequently ratified by Act of Congress.

The investigators correctly point out that new employees were hired during these periods. In most cases, a prior commitment had been made to the individuals which had to be honored.

ACTION also agrees with the findings of the investigators that ten ACTION/Peace Corps staff members stayed at Peace Corps staff houses overseas and failed to have their per diem reduced as required when staying in Government leased quarters. The Office of General Counsel has issued a clarifying memorandum and asked GAO for an opinion on how to handle cases in which per diem may have been inappropriately claimed in the past.

6. Role of the inspector general

The investigators suggest the "possibility" of a conflict of interest in having the Inspector General functions and Equal Employment Opportunity functions in the same office—the Office of Compliance. The suggestion is based on a provision in the new Inspector and Auditor General Act requiring that Inspector General offices be free of program responsibilities.

ACTION is not covered by the Act. Furthermore, the Equal Employment Opportunity Office has no program responsibilities. The potential for a conflict of interest in this arrangement is remote. Any potential or apparent conflict of interest in an investigation of the EEO division would be resolved by assigning a third party within the Agency, reporting to the Director, to conduct the investigation.

The combining of Inspector General and Equal Employment Opportunity functions was made to conserve Agency resources and to avoid duplication of effort by including within one division the various monitoring and compliance functions of the Agency. The Inspector General is afforded adequate independence under the present structure. The Director of the Office of Compliance is part of the Executive Staff of the Agency and reports directly to the Director of ACTION.

C. CONCLUSION

The ACTION Agency appreciates the Committee staff's diligent efforts to indicate areas of Agency operation which can be improved. Several of the recommendations are helpful and will be or already are being acted upon by the Agency. (See Attachment "A".)

We believe the information contained in the Agency's response to the Committee report provides additional information which will be of assistance to the Committee in evaluating the findings of the report.

Mr. BOND. Mr. President, I want to express my opposition to the nominations of Derek Shearer and Sam Brown. Now, there have been a number of nominees put forth by President Clinton whom I have supported, though I strongly disagree with some of the policies they have espoused, because I believe that, absent disqualifying factors, the President is entitled to name his team. There are, I believe, numerous areas of domestic policy in which people of good conscience can disagree.

But there can be no disagreement about the importance of putting on a solid and pro-American front when we face the world. Our international diplomats must be strong and unequivocal supporters of the United States and its policies, especially now, in an age where many grave regional instabilities have replaced the bipolar cold war order. We must understand that the struggle for freedom and peace is far from over, and we must ensure that those who hold sensitive positions in this struggle are highly-skilled individuals devoted to historic American principles and interests.

Derek Shearer does not meet this test. As coauthor of a 1981 book, "Economic Democracy: The Challenge for the 1980's," Shearer advocated massive Government interventions in the marketplace, including: Dismantling or restricting the power of private corporations and transferring capital from corporations to the public, via the Government. He has stated wistfully that "socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes." Now, he has argued that this writing was taken out of context, but in light of the evidence, I would submit that no amount of wishful thinking on the part of Mr. Shearer is going to change the clear import of his statement.

You can call what he advocates "economic democracy," as the title of his book does—but I call it socialism. And, in fact, so does Mr. Shearer. According to the Wall Street Journal, Mr. Shearer said,

> While we can't use the "S" word, that is "socialism" too effectively in American politics, we have found that in the greatest tradition of American advertising, that the word "economic democracy" sells.

Frankly, Mr. President, I am outraged that someone with this ideological history is even being considered for any diplomatic post—much less that of Ambassador to Finland. Perched near the former Soviet Union, Finland needs the support of adherents of free market economies, not the ministrations of those like Mr. Shearer, who has advocated creation of a government holding company, which would purchase a large number of shares in at least one major firm in selected major industries. I find Mr. Shearer's views antithetical to the sacred American traditions of free enterprise and private property. I cannot state strongly enough my complete opposition to Mr. Shearer's nomination.

Now, one might be tempted to think that Derek Shearer was simply an isolated foreign policy mistake on Bill Clinton's part—because he is the brother-in-law of the Deputy Secretary of State, and the brother of a senior assistant to the First Lady. But coupled with the nomination of Derek Shearer is the naming of Sam Brown to be Ambassador to the Conference on Security and Cooperation in Europe. And if there is any nomination I oppose as completely as Derek Shearer's, it is Sam Brown's.

Sam Brown has a long history of anti-Vietnam war activism. That in itself may not be disqualifying, but I believe that the extent to which he pursued these views reveals him to be fundamentally out of step with any mainstream formulation of American foreign policy. In 1977, Brown attended a welcoming celebration for Communist Vietnam's newly-arrived delegation to the United Nations, billed as "an apology to Vietnam." At the time, Senator MOYNIHAN spoke out, and expressed outrage—which I share today—at the New York Times' report that Brown was "'deeply moved' by the experience of having his own government excoriated by the spokesmen of a Stalinist dictatorship." Eric Sevareid—no rightwing zealot—charged at the time that "Most of those [at the celebration] were not celebrating peace. They were celebrating the triumph of Communist totalitarianism, which is what they had always been working for in the guise of a peace movement."

Nor are Sam Brown's comments at the time reassuring. According to a 1977 Penthouse interview as quoted in the May 11, 1994 edition of the Washington Times, Brown said that the United States "does horrible things as a country, and I'm concerned about the destructive nature of American society." He also adjudged the future price of the Vietnam war as "the much more expensive lesson that we have to give up some of what we've got in economic terms * * * it is not right for us to have the kind of extravagant, consumption society that we have."

I submit that this sort of extreme behavior and expression of extreme beliefs is per se disqualifying—that having celebrated his country's defeat abroad and moralizing about it at home, Sam Brown does not now deserve the privilege of representing the United States of America.

There have been doubts raised about the competence of Mr. Brown to fulfill the responsibilities of the position for which he has been nominated, in light of the poor management skills he displayed as Director of the "Action" Agency under President Carter. Although I usually think that lack of competence and experience is a much more appropriate reason to reject nominees than on the basis of their beliefs, in a case as extreme as Sam Brown's, I draw the line. Were he the best administrator in the world, I could not support him, because I believe that the views he holds, however well-intentioned, are inimical to America.

In conclusion, Mr. President, I would submit that if there is one area where we should be able to set partisanship aside and stand together as Americans and as patriots, it is in the arena of foreign policy. I do not oppose Mr. Brown and Mr. Shearer because they are the nominees of a President of the other party. I oppose them because I believe they represent a radical fringe with views that are to the left even of the Democratic Party—and highly inconsistent with the views expressed by President Clinton in his campaign and subsequently. And I do not believe, if the substance of these men's views were disseminated to the American people, that Americans would recognize any opinions that they would claim as their own. As such, I cannot in good conscience, have any part in sending them overseas to propound theories that are wrongheaded, ill-conceived, and contrary to American interests.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will now recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATHEWS].

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

KING HOLIDAY AND SERVICE ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 1933, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1933) to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 1738, to ensure that only private funds are used by the Commission.

The PRESIDING OFFICER. Under the previous order, the time between 2:15 and 2:30 is limited to debate on this measure, equally divided between the Senator from North Carolina and the Senator from Pennsylvania.

Who yields time?

The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, it has been nearly 40 years since I first met Martin Luther King and went to work with him off and on in Alabama and in the South.

Martin Luther King was then leading what he named the Montgomery Improvement Association, a citizens' effort to change that one community in Alabama after Rosa Parks had stood up for her rights by insisting on keeping her seat on the bus. She stood up for her rights by sitting down and refusing to move to the back of the bus. Then she and thousands of others stood together by staying off those buses and walking, week after week, month after month. And in the front lines was a young minister, thrust into leadership he did not seek. But Martin Luther King stepped up to the demands of history, rejecting violence even when a bomb exploded at his home.

For decades, lawyers had fought in the courts to end segregation, but Martin Luther King took that peaceful battle into the streets. He challenged us to live up to the promise of America. He proved that citizens can make a difference in their communities and their country by saying "no" through nonviolent protests, and "yes" through constructive service. He gave life to the idea that rights and opportunities of citizenship bear with them civic responsibilities, and that it is no one-way street.

For about a decade, now, we have paid tribute to the man and the movement with a national holiday on the third Monday of each January with the leadership of a Federal Holiday Commission in his name. In 1989 the Senate voted 90 to 7 to authorize funding for this Commission with the support of President Bush. And now President Clinton, Jack Kemp, Coretta Scott King, the head of the Commission, are just a few of the many who are urging us to do the same. But in Martin's spirit of always striving, always improving, we must ask ourselves whether we can improve the way in which we honor his memory. And the answer clearly is yes.

The dream of which he spoke so eloquently has not been fulfilled. Just ask the young men and women of Schenley High School and other parts of Pittsburgh, whom I met with earlier today, and who are watching us from the gallery right now. As I said in the debate yesterday, the best way to honor Martin Luther King is to dedicate ourselves to act to fulfill that American dream in all parts of our land and public life. And that is the purpose of this bill.

Nothing would have more disturbed the Martin Luther King that I knew than people honoring him by merely taking the day off. He would want this holiday honoring his birthday to be a day—not a day off, but a day on; a day of action, not apathy; reflection, not recreation; service, not shopping; a day not only of words, but of deeds.

This holiday should test Martin's proposition that everybody can be great because everybody can serve.

The King Commission has performed well. It has not been perfect—few institutions are —but it has great potential for good, potential to help us meet the challenges of race and the other divisions that still exist in our society, challenges of violence in our society with children killing children and so many of our streets unsafe to walk in.

Just as Martin seized the moment to make things better in Montgomery through the Montgomery Improvement Association, let us seize this day to make our communities and our country better. Let us take this opportunity to honor Martin Luther King's spirit and memory by making the holiday on his birthday a day to do the hard work of citizenship, the work that is America itself.

Imagine what a million Americans could do in just 1 day of community service working together, and think what they could do if they carried on that service throughout the whole year working together.

Mr. President, I cannot think of a worse signal to send to America than to cut off the funding of the Martin Luther King Holiday Commission at just this moment when we can go forward with a new mandate to make it an even better day in which we help improve America for all Americans.

So I ask my colleagues to support the reauthorization of the King Holiday Commission, to vote against the amendment of the distinguished Senator from North Carolina.

I thank the Senator from North Carolina for his cooperation as we proceeded in this debate, and I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). Who yields time? The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, the yeas and nays have not been ordered on the amendment; is that correct?

The PRESIDING OFFICER. Yes, the yeas and nays have been ordered.

Mr. HELMS. May I inquire about the bill.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. On both.

The PRESIDING OFFICER. On final passage.

Mr. HELMS. Mr. President, for the information of my colleagues, the amendment at the desk terminates Federal funding of the Martin Luther King Holiday Commission. It does not eliminate the Commission; it simply says that it should operate with private funds, just as the King Center in Atlanta does. This amendment actually puts the King Commission where it was in 1984 when it was created. It honors the stated wishes of the founders of the Commission, who argued through their supporters on the Senate floor that the Commission would operate only on private funds and that the taxpayers would never foot the bill for this project.

When the King Commission was first extended back in 1986, the distinguished Republican leader, Mr. DOLE, had the following to say:

> It should be emphasized that no federal money is appropriated for the Commission; rather it operates entirely on donated funds * * * Under the extension legislation the Commission would continue to be funded from these sources * * * expanding the size of the Commission should also enhance its ability to raise private sector funds.

Another of our distinguished colleagues, Mr. HOLLINGS, said this of the King Commission:

> No Federal funds would be required, and the activities of the Commission will continue to be funded by private donations.

So you see, Mr. President, there was a time when all of my colleagues were adamant about keeping taxpayer funds out of the King equation. That their positions have now changed is a clear illustration of why we have saddled the American people with a $4½ trillion debt.

As I said yesterday, the King Holiday Commission has come to the Congress four times—in 1984, 1986, 1989, and 1994. Each time they have proposed several creative rationales for their continued existence.

The first rationale in 1984 was to create a King holiday. In 1986 their rationale was to see to it that the King holiday was properly celebrated by all the agencies of the Federal Government. In 1989, they came to us for the third time, stating that the Commission needed to live another 5 years to "lobby and agitate" in all 50 States, until each State had its own Martin Luther King holiday. In 1989, they also demanded for the first time that the American people pay for their activities.

I must admit Mr. President, that their track record is pretty good. There is a Federal holiday honoring Dr. King. All 50 States have their own version of the King holiday.

There does not seem to be much left for the King Commission to do. However, they have found more ways to spend other people's money, proving that Federal programs never fade away they keep on spending and spending us right into the poor house.

So here we are. We have yet another rationale for the existence of the King Commission. The proponents now say that the King Commission needs to live 5 more years in order to provide grants to young people to supplement President Clinton's National Service Corps. The taxpayers will be remembering that one for a long time. That is the program which pays teenagers and college students to volunteer for community service at a rate which sometimes reaches $25,000 per year.

Mr. President, when the Senate voted on this volunteer service bill on September 8, 1993, it agreed to pass on a $1.5 billion bill to the taxpayer. I will not get into another debate on the merits of that act but, I would like for the managers of the King legislation to tell me how the 5-year, $2 million King expenditure will materially impact, much less aid, a program which will spend $1.5 billion of the American people's money.

Mr. President, the answer seems pretty clear to me. The King Commission's supposed contribution to the National Service Act is only a pretense to keep this badly managed program alive, because this Senate simply will not stop spending on any program once it starts.

It is time to restore some sanity to the budget. Yesterday we made a small start with the King Commission by eliminating first class travel and accommodations by the Commission directors and staff and we stopped the permanent loan of Federal employees to do the Commission's work. We must finish yesterday's work. The King Commission has done its job, let us use no more gimmicks and excuses. Let us put the King Commission back where it started and let the private sector foot the bill, voluntarily.

Mr. WOFFORD. Mr. President, how much time is left?

The PRESIDING OFFICER. There is a vote at 2:30, which is in 1 minute. The Senator controls 1½ minutes.

PENNSYLVANIA AND THE KING COMMISSION

Mr. WOFFORD. Mr. President, this past King holiday in Pennsylvania we put the idea of this bill into practice. Most of my staff and I spread out at a dozen sites across the State, engaging hundreds of Pennsylvanians in local public service and antiviolence efforts in the spirit of this year's holiday theme, "Stop the Killing: Start the Healing and Building." We wanted to show that this holiday should not be only about civil rights, it should be about civic responsibility too—about taking responsibility to improve the communities in which we live. For Martin understood better than anyone that in a democracy, civil rights bear with them certain civic responsibilities, they are opposite sides of the same coin. That the only way to build a just society is to be a full and active participant in it. And I believe that the time has come when Americans are ready to be asked again what they can do for their country.

So on the holiday, my staff and I spent the morning working with the United Way of Allegheny County delivering food to homeless shelters. Throughout Philadelphia we provided support staff to community police substations. In Chester we helped paint and repair a homeless shelter.

In Erie we marched against youth violence. In other towns, we served meals to the elderly and worked with the tutored troubled teens.

Community service, in all its forms, is one common sense response to the problem of youth violence. Rigorous, demanding service can give young people a different kind of gang. One that does some good, not only for the community, but for themselves. Because it can instill the kind of discipline, work skills, personal responsibility, and respect for law that are essential to becoming productive citizens.

We need to teach young people how to talk to each other and disagree without resorting to guns and knives—with programs like the first-ever statewide Martin Luther King, Jr., Youth Assemble held in Harrisburg in 1993.

My Harrisburg office director, Ms. LaVerna Fountain, worked with the King Commission to bring together over 600 young people of all different racial and socioeconomic backgrounds to learn Dr. King's principles of nonviolent conflict resolution and the value of community service.

And the work did not stop when the conference ended. Each of the teenagers that attended pledged to engage in at least 20 hours of additional community service. They promised to share Dr. King's message of nonviolence with at least 10 more young people and to live by that message themselves. In asking them to serve, we dared them to reach their own mountaintops, and help our Commonwealth and country come one step closer to the Promise Land which Martin saw. Many students like Miss Amy Cammack from Bishop McDevitt High School in Harrisburg are working to put together our second annual Pennsylvania Martin Luther King, Jr., Youth Assembly which will be from June 17–19 at Millersville University. We hope to bring Dr. King's message to even more Pennsylvanians and we want these conferences to spread to every State.

The King Commission, which has sponsored five national youth assemblies, hopes that our action in Pennsylvania will become contagious and they stand ready to help other States organize their own statewide youth assemblies.

Mr. President, I ask unanimous consent to print in the RECORD some documents with information on the present observance of the Martin Luther King holiday.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

POSITIVE RESULTS OF THE 1993 PA. MARTIN LUTHER KING JR. YOUTH ASSEMBLY

Pennsylvania was the first state in the nation to hold a statewide MLK, Jr. Youth Assembly. To date no other state has held a statewide conference of this magnitude.

All youth attendees at the 1993 Martin Luther King, Jr. Youth Assembly signed a contract to perform 20 hours of community service in the coming 12 months. They also signed a contract to share the nonviolence message with 10 other teenagers.

Nearly 600 teenagers attended the 1993 Conference. These teenagers converged on Harrisburg and learned the Six Steps and Principles of Nonviolence as espoused by Dr. King.

Three primary programs are the direct result of the first Pa. Martin Luther King, Jr. Youth Assembly held in 1993. They are:

Twice monthly meetings held in the home of one of the Youth Leaders. These meetings bring together a diverse group of teenagers to discuss important issues such as violence, youth leadership, community service, cultural diversity. Each meeting begins with a review of Dr. Martin Luther King, Jr.'s Six Steps and Principles of Nonviolence and includes a discussion on how these steps and principles were applied in their daily lives when confronting a potential violent situation. The group is called the "Discovering the Leader Within You" Youth Group, a Teach Teens to Teach Teens Focus. The group organized under the 4-H Leadership Program. It was a mandate as established by the teenagers to discover the history of other ethnic groups, including European/Caucasian ethnic groups. Additionally, the African-American history begins pre-slavery. The goal is to introduce African-American youth to a proud, honorable heritage.

Monthly roundtable discussions with youth from throughout Pennsylvania. Youth from Harrisburg travel to various areas of Pennsylvania to meet with other teenagers and discuss issues of importance. With a focus on how to end violence, the youth review Dr. King's Six Steps and Principles of Nonviolence and examine closely what they, as teenagers, can do to end violence in their communities.

The Teach Teens to Teach Teens Nonviolence Youth Institute, Inc. The nonprofit organization will begin to maintain information on youth violence and programs that help to end youth violence. With a primary goal being that of helping communities discover ways of working with their teenagers.

FISCAL MANAGEMENT

The King Commission since 1994 has receive praise and commendations from Presidents, Members of the Congress and from others for its management and operations and prudent use of tax payers monies and private donations. Congressman Thomas Sawyer of Ohio who chairs the House Subcommittee on Census, Statistics and Postal Personnel which has oversight responsibilities for the King Holiday Commission has stated that the King Commission "is an excellent example of an organization that has carried out its mission admirably with only a modest amount of federal funds."

Congressman Sawyer also stated that the King Commission "has clearly suffered as a result of underfunding and a mission that charged it to reach beyond any reasonable expectation of where that funding could lead. It is remarkable what you have been able to do with the limited funding that you have had."

Congressman Sawyer, a member of the King Federal Holiday Commission and Congressman Ralph Regula, Republican of Ohio who has served as its Vice Chairman for many years, have written a joint letter of support to the members of the Senate Judiciary Committee. In that letter of May 6, 1994, they stated that "the Commission, established in 1984, has operated in a financially sound and responsible manner (and) we are confident that the King Commission under the able leadership of Mrs. Coretta Scott King, has never engaged in any practice that would suggest the misuse of funds."

Federal funds appropriated to the Commission are subject to all controls exercised by the federal government for the administration of programs and activities. The Commission is responsible to the reviews of the Appropriations and Oversight Committees of the House of Representatives the Judiciary committee of the United States Senate, and the Office of Management and Budget. All federal expenditures are also reviewed and approved for compliance with federal standards by the USDA, Forest Service accounting branch, which provides fiscal support for the Commission.

The Commission's private funds are subject to an annual audit by the Arthur Andersen Company. The Andersen audits are published in the Commission's annual report on the King Holiday to the President and Members of the Congress and there have been no findings of mismanaged funds in any reports. Private donations made to the King Corporation are provided oversight and scrutiny by the full Commission through a budgetary review and adoption process. Additional scrutiny of these funds are made by the Treasurer of the Commission and by members of its Operations Committee which meets in between formal meetings of the full Commission.

Senator Brown has amended the bill for even additional accounting controls.

THE KING CENTER

Senator Helms has stated that the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc. in Atlanta raises $20 to $30 million dollars a year. Senator Helm's statements is absolutely incorrect and unfortunate.

The King Center operates on an annual budget of not more than $3 million a year. The majority of these private donations are raised through the efforts of its Founding President and Chief Executive Officer, Mrs. Coretta Scott King.

The King Center has no endowment and over the years has struggled to raise funds in the name of Martin Luther King, Jr., who, remains even in death, controversial. The King Center has never in its 25 years of existence raised anything like $20 or $30 million in operating funds.

More than 3 million persons visit the King Center and its Freedom Hall Complex which includes Dr. King's Crypt and Birth Home. The King Center receives no income from these visitors aside from purchases made at the King Center's Gift Shop and Information Center.

The King Center is dedicated to the proposition that nonviolence is a revoluntary force for moral transformation. It is teaching nonviolence methods and the application of those methods for solving pressing social problems confronting thousands of youth across America, including those in gangs and detention centers. The Center is also conducting training workshops in Kingian nonviolence for hundreds of police, law enforcement, and corrections personnel in many cities.

Despite the chaos and violence that is present in the streets and neighborhoods of America and elsewhere in the world, The King Center is seeking every day to meet new challenges by creating what Dr. King called "a new revolution of values" through nonviolence education and leadership training programs.

Each July, adults and youth from all over the nation travel to Atlanta to attend the Center's Annual Workshop on Nonviolence. These leadership programs prepare people not only to be more effective in their efforts to impact positive social change but also to resolve conflicts more peacefully. The King Center has been involved in almost every major social change coalition of the past twenty-five years.

Internationally, the King Center was recently asked by the African National Congress to provide voter education and training for Black South Africans in preparation for an orderly and peaceful national election which had the potential for violence. King Center staff brought its effective training to more than 150,000 Black South Africans.

The record will show that since the King Center was founded, it has educated and trained thousands of people from around the world in "Kingian Nonviolence". From its inception the King Center was designed to be more than a memorial, it was designed to be, additionally, a living memorial and a center for research, education, and training.

From time to time, the King Center has received Federal grants for specific purposes. One of these is to help provide economic empowerment in low-income communities so that residents can improve their quality of life and share in the American dream.

The King Center could not possibly exist on Federal grants alone. It must depend upon private donations which are indeed minimal in comparison with other organizations and institutions. No, the King Center is not a burden on the American tax payer. Quite the contrary, the King Center is a blessing, for its is trying, in the name of Martin Luther King, Jr., to make America a better Nation for all of its people and a safer place for our children and future generations.

LLOYD DAVIS

Senator Helms stated that there was a fellow (Lloyd Davis) in Atlanta that had been on detail to the King Federal Holiday Commission for ten years and that his salary was $80,000 a year—a burden on the taxpayer.

Mr. Davis currently serves as Executive Director of the King Federal Holiday Commission. The idea for a King Federal Holiday Commission to oversee the development and institutionalization of the King Holiday was his idea.

Mr. Davis interrupted his Federal career in June of 1981 and resigned in order to accept the position of Executive Vice President and

Chief Operating Officer for the King Center in Atlanta. This was in response to a request from Mrs. Coretta Scott King, founding President and Chief Executive Officer of the King Center.

Eight years later, Mr. Davis returned to the Federal Government after Mr. Jack Kemp became Secretary of the Department of Housing and Urban Development (HUD). Mr. Davis was subsequently asked to accept a detail from HUD to serve as Executive Director of the King Federal Holiday Commission.

Mr. Davis left the King Commission in March 1992 to return to his duties at HUD, but six months later, members of the King Commission petitioned Secretary Kemp to have Mr. Davis returned to the Commission, for after an extensive search, they could find no one qualified to take his place.

Mr. Davis' family resides in Maryland but he works seven days a week in Atlanta because he deeply believes in what he is going and is willing to pay the price and to make the required sacrifices. Each year he has returned to the Federal Government virtually all of his 6 weeks of earned annual leave.

Lloyd Davis deserves our commendation.

Mr. WOFFORD. Mr. President, I thank the Senator from North Carolina for some of his amendments—not the one we are about to vote on—the ones we accepted, including ending first-class travel. Nothing would make Martin Luther King happier than if people were not traveling first class in his name. He was a follower of Mahatma Gandhi, and you always travel third class.

Nothing would make Martin Luther King more upset than not turning it into a day of work, service and action. That is what we have the opportunity to do now. The last time the Senator from North Carolina proposed terminating the modest expenditures for the Martin Luther King Holiday Commission, this body voted 86 to 11 to continue.

It seems to me nothing that has happened in our country since then makes it any less important than the spirit of Martin Luther King be extended and remembered and be exemplified by those of us who are carrying on. Therefore, I think the signal to the country should not be a sunset on funding for Martin Luther King, but it should be a sunrise of action in this country in his name where we honor him not just by his words, of which there were no more eloquent in our history other than Lincoln's perhaps, but emulate his deeds and make this a day of deeds. And that I think we have within reach by reauthorizing the Commission with this new creative mandate.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And that I might use 2 minutes of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as a member of the Martin Luther King, Jr. Federal Holiday Commission, I intend to vote for the reauthorization bill, but I am concerned about the precedent we are setting. I have been listening to the debate on both sides.

I have been involved with this from the very beginning. The Senator from North Carolina repeated my remarks from 1986. We were assured there would never be any request for Federal funds. Then we were assured it would never go over $300,000 a year. That was worked out in an arrangement, as I recall, with President Bush at that time, who said he would go along with $300,000 a year.

It has been properly stated that when the Commission was first established, Congress intended that its activities would be financed exclusively with contributions from private sources.

In fact, I was one of those who went out and raised money in the private sector because I thought it was an important thing. We stood here on the Senate floor. We made a pledge to the American people: This is going to be like all the other Commissions. We are not going to ask for any Federal funds. In fact, one of the reasons why I supported the original legislation was because of what we said: We are going to use outside sources.

Like many nonprofit organizations, the Commission soon encountered some fundraising difficulties, and it was very difficult to promote the King holiday.

So recognizing the importance of the Commission's work, we did extend a helping hand at the rate of $300,000 a year, and now we are being asked to appropriate another $2 million over the next 5 years.

Now, I guess some could dispute, but I am not going to dispute, what has happened with the Commission. It has done a lot of good work. It has responded to thousands of inquiries from across the country. All 50 States and the District of Columbia now commemorate Dr. King's birthday with a paid holiday.

To a large degree, the Commission has fulfilled its original mandate. I think promoting the legacy of Mr. King is a very worthy goal and one that I continue to support. But the bottom line is this ought to be done with private funds.

Now, I wish we had consent to redraft the amendment. I would change it a little from what Senator HELMS says. I would freeze funding at $300,000 a year, and then phase it down to $200,000, $100,000, and you are out in 3 years.

We cannot do that. But it seems to me, as someone who stood on this floor and made a promise to my colleagues in 1986—and then we said, OK, we are going to do it for 5 years for $1.5 million, and that will be it; that is all we are going to ask for—I am going to support the Helms amendment just to send a message, and I am a member of the Commission. I am prepared to go out and help Mrs. King raise money in the private sector, as we promised and pledged we would do on the Senate floor.

It seems to me that we are not trying to eliminate the Commission. They may want to go out and raise $10 million, and do all kinds of good work. But it is always easy to rely on the Federal Government: Oh, just take it from the Federal Government; get $2 million from the Federal Government.

I am willing to go out and raise $2 million over the next 5 years for the King Commission. I believe in it. I think we could do it. If everybody in this Chamber, or half of us in the Chamber, each agreed to raise just a little bit, we would have $2 million. It would not take very long. One big fundraiser like some people have and we would have the $2 million. I think Mrs. King would feel better about it; I think the Commission would feel better about it; and I know the taxpayers would feel better about it.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 1738, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—28

Baucus
Bennett
Bond
Brown
Burns
Coverdell
Craig
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Smith
Thurmond
Wallop

NAYS—70

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman

Lugar
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NOT VOTING—2

Pryor
Shelby

So the amendment (No. 1738), as amended, was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRADLEY. Mr. President, the Martin Luther King, Jr., Federal Holiday Commission was established in 1984 to encourage appropriate celebrations throughout the United States for the first observance of the Federal legal holiday honoring Dr. King. The Commission was reauthorized in 1986 and again in 1989.

This year, my colleagues Senators HARRIS WOFFORD and CAROL MOSELEY-BRAUN, have introduced a bill as a companion to H.R. 1933, which will extend the life of the Commission for 5 more years and link the Commission with the Corporation on National and Community Service, thereby transforming the King Holiday into a day of interracial cooperation and national community service in the spirit of Dr. King. The bill has my full support.

Dr. Martin Luther King, Jr., was the leader of one of the most profound social movements that this country has witnessed—the civil rights movement. The civil rights movement transformed the landscape of America by focusing attention on the racial injustices that have plagued this country for over 400 years. As a result of this movement, this esteemed legislative body passed a battery of laws, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, that has brought a large number of this country's historically oppressed minorities into the mainstream of American political and economic life.

Since Dr. King's assassination in 1968, America has made tremendous progress in breaking down obstacles to equal opportunity for racial minorities. However, much more needs to be done. We recently have witnessed an explosion of racial intolerance in America. The picture of a beaten and bloodied Rodney King has been indelibly painted into the minds of us all. The conditions of neglect that have created the desperation of a rising African-American underclass in the bellies of our cities—are all too real. And the words of hate and division by Khalid Abdul Muhammad pollute the common discourse on race relations in America.

Dr. King's message was change through direct, nonviolent social action. The greatness of Dr. King was his unwavering commitment to put his philosophy of nonviolence into concrete action. That ability changed the very fabric of this land. A few weeks ago, I gave a speech at the National Press Club here in Washington where I lamented the fact that violence in our country is spiralling out of control. Every 14 minutes, someone dies of a gunshot wound in America, and among young African-American males, murder is the No. 1 cause of death. Not cancer, not AIDS, not diabetes or sickle cell anemia, but cold-blooded murder. If Dr. King were alive today, he would obviously be deeply troubled by not only the senseless violence occurring in the African-American community, but the senseless violence that erupts all too often in many places in America.

So the question must be posed: What would Dr. King do to foster improved race relations and stem the violence that has placed too many citizens of our country at risk? I can tell you that he would not simply sit back and wish the problem away. Through his nonviolent actions, Dr. King provided us with a vision of how to live together as a pluralistic, ethnically, and culturally diverse society. He urged us to stand up for freedom, march for righteousness and speak out against all forms of injustice even when it is inconvenient to do so. His steadfast insistence on employing nonviolent means to achieve an end is a course of action that we must not ignore if we are to extinguish the blaze of violence that is fed by many fires and threatens to destroy the fabric of our society.

The bill that we will vote on today embodies one method by which we can reaffirm our commitment to racial harmony and nonviolence. It challenges Americans of all races to come together to celebrate the legacy of Dr. King by actively working in a nonviolent fashion to make America a better place. It therefore has my unqualified support.

Mr. KENNEDY. Mr. President, at a time when our Nation was paying lip service to liberty but ignoring ingrained injustice, Martin Luther King's simple, irresistible message of "Freedom Now" summoned America to end the discrimination in our midst, and to embrace the enduring principle of equal justice under law—not just in the promise of the Constitution, but the reality of our daily lives. With the establishment of a national holiday honoring Dr. King, he took his rightful place as the founding father of the second American revolution, the revolution of civil rights.

Last month the Judiciary Committee heard testimony on legislation to reauthorize the King Holiday Commission and give it an important new focus of community service. Over the past 10 years, we on the Commission—especially Coretta Scott King and others who testified, such as former Secretary of Housing and Urban Development, Jack Kemp and Senator HARRIS WOFFORD—have worked to make the King Holiday a respected American tradition. The legislation before us will enable the Commission to continue its important work and make the holiday a day of community service.

Since the Commission was first established, millions of Americans have participated in seminars, rallies, prayer services, and other tributes. Americans of all races, cultures, and political persuasions have come together in the same spirit of goodwill and fellowship that characterized Dr. King's life.

The Commission has accomplished a great deal during its short life. But, just as Dr. King had much to do, so the work of the Commission is not complete.

Indeed, there is still much to be done with respect to educating the American public, especially the young, about Dr. King's life, his philosophy and his extraordinary contributions to our progress as a nation.

In the quarter century since Dr. King's death, we have seen poverty, crime, and violence continue to plague our communities. If Dr. King were alive today, he would have challenged us to confront these problems, just as he challenged us to confront the racism and injustice facing our Nation in his day. He would not have wanted us to be complacent. If he could advise us on how best to honor his memory, he would urge us to act—to work together to improve our communities.

Community service is not a new idea in America. It is the essence of democracy. Throughout our history, we have dealt most effectively with the issues facing our country when we have come together to help one another. The first settlers survived and prospered because they had a strong sense of community that enabled them to meet and master any challenge.

Dr. King was part of this tradition of service. We can honor him best by following his example. The King Holiday and Service Act will enable the Commission to continue its programs that bring Dr. King's teachings to our youth, and expand its responsibilities to make the holiday a day of service.

In addition, this bill authorizes the Corporation for National and Community Service to make grants to implement service activities on the King Holiday. The Commission will have an advisory role in reviewing these grant applications. This important new role for the Commission is a fitting way to pay tribute to Dr. King. We honor him most effectively by holding the Nation to the high ideals he served in his own life.

I congratulate Senator WOFFORD and Senator MOSELEY-BRAUN for their leadership on this legislation and for the effective way in which they have advanced Martin Luther King's dream of opportunity for all Americans.

Mr. President, this legislation will continue the healing process that is so urgently needed for our Nation and for our future, and I urge the Senate to approve it.

ORDER FOR 10-MINUTE VOTES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote now to occur and the vote immediately to follow this vote not be for the regular 15 minutes but be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Faircloth
Helms
Smith
Wallop

NOT VOTING—2

Pryor
Shelby

So the bill (H.R. 1933), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The Senate continued with the consideration of executive business.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Derek Shearer to be Ambassador to Finland.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland shall be brought to a close?

The yeas and nays are required.

Under the previous order, this will be a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—63

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—35

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Pryor
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

(Later the following occurred:)

CHANGE IN VOTE ON ROLLCALL NO. 129

Mr. SPECTER. Mr. President, this is a unanimous-consent request which has been cleared with both leaders. I had voted on a rollcall vote in favor of cloture as to the nomination of Mr. Derek Shearer, when I thought the nomination was for Mr. Samuel Brown. Earlier today, in a floor statement, I stated the position that I intended to vote against cloture as to Mr. Brown and in favor of cloture for Mr. Shearer.

When the vote came up as to Mr. Shearer, I thought that Mr. Brown was first and thought that it was the vote for Mr. Brown.

So having cleared this request with both leaders, Senator MITCHELL and Senator DOLE, I ask unanimous consent that on rollcall vote 129 I be permitted to change the recorded vote to the affirmative, and this will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. If I may just add, in voting against cloture as to Derek Shearer, that was a vote that his nomination should come up. And on the succeeding vote I did vote in favor of Mr. Derek Shearer.

So this vote, which is now changed to vote against cloture, will be consistent with that vote. When the cloture vote came up as to Samuel Brown, I voted against cloture. So it is consistent with this change in vote.

I thank my colleagues for yielding at this time.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question now is on the confirmation. Does the Senator from Arizona seek recognition?

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Mr. Shearer.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MCCAIN. Mr. President, obviously there is now 30 hours remaining, according to the rules of the Senate, on the nomination of Mr. Shearer. It is my understanding this issue will continue to be debated in hopes that some of our colleagues who voted in favor of the motion to invoke cloture will be in opposition to Mr. Shearer's confirmation to what some believe is not a critical post but one that is of some importance.

Mr. President, I ask unanimous consent that my following remarks appear in the RECORD as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES POLICY AND THE CRISIS IN KOREA

Mr. MCCAIN. Mr. President, on another and more important subject, on several occasions I have felt it necessary to criticize the administration for its overly accommodationist policy toward North Korea. Administration efforts to address the emerging North Korean nuclear threat, in my view, have been fundamentally flawed in two respects. First, administration approaches to North Korea have relied too heavily on the promise of rewards and too little on the prospect of punishment—giving the impression of weakness in our resolve. Second, administration policy seemed premised on the mistaken notion that time works to the advantage of the United States and not North Korea. Exacerbating these flaws, is a fault common to many other administration foreign policies—inconsistency.

Contemplating the terrible consequences which I believe may well ensue from what The New Republic described as a humiliating exercise in appeasement provoked my frequent, strong dissent from administration policy. But despite my past criticism, for a brief moment last week I had hoped that further dissent from the administration's Korea policy would no longer be necessary.

When the International Atomic Energy Agency, IAEA, reported last Thursday that North Korea had removed some of the spent fuel from its nuclear reactor at Yongbyon before IAEA inspectors had arrived to monitor that process, I thought that the administration would finally appreciate the futility of further accommodation and begin to show a little resolve in its dealing with the North Koreans. After all, the United States and the IAEA had insisted for weeks that North Korea not withdraw any spent fuel rods without IAEA inspectors present.

When earlier in the week Defense Secretary Perry had indicated his appreciation of the gravity and the urgency of the crisis, I began to believe that the administration had belatedly come to understand that negotiations or even IAEA inspections were not ends in themselves. I began to believe that the President's foreign policy team had finally embraced as the object of United States policy the directive the President issued last November when he declared: "North Korea cannot be allowed to develop a nuclear bomb. We have to be very firm about it."

Sadly, Mr. President, this was not the first time I underestimated the administration's almost limitless capacity for self deception. Nor, probably, will it be the last time.

Upon discovering North Korea's removal of the spent fuel rods, estimated in a South Korean report as up to 15 percent of the reactor's fuel, the IAEA immediately reported the North Korean action to the Security Council, condemning it as a "serious violation" of the Nuclear Non Proliferation Treaty, NPT.

IAEA's reaction was perfectly appropriate under the circumstances, but was apparently inconsistent with the administration's approach to grave national security problems—an approach which can be charitably described as procrastinating, irresolute and exceedingly dangerous.

Last Friday morning's headlines heralded the growing sense of crisis provoked by North Korea's latest violation of the NPT. The administration had no comment on the matter, however, until later in the afternoon, when it would attempt a dazzling display of reverse spin on the bad news coming from Pyongyang.

Mr. President, when spent fuel rods are removed from a nuclear reactor they must be placed in a cooling pond of distilled water for a minimum of 6 weeks before they can be used for any purpose. They cannot be withdrawn from the reactor and immediately reprocessed into weapons grade plutonium.

On Friday afternoon, administration officials reported that IAEA inspectors had determined that the fuel rods which had been removed prior to their arrival were all currently located in a cooling pond—as they must be—and had not yet been diverted for reprocessing. The administration greeted this information as if it were some sort of revelation. For good measure they identified as an additional cause for celebration reports that the specific fuel rods which the IAEA would use to measure past diversion of fuel for reprocessing remained in the reactor.

What then ensued was a full court administration press to downplay the significance of what the IAEA—an agency not noted for its inflammatory or belligerent rhetoric—condemned as a serious violation of the NPT meriting the immediate attention of the Security Council. Secretary Perry's recent characterization of the situation as a particularly grave, near-term crisis was replaced with his calming assurance that North Korea's action constituted only a procedural violation, giving the impression that their conduct barely warranted any U.S. interest.

Mr. President, the confirmation that spent fuel could not be immediately reprocessed hardly qualifies as a stunning disclosure. And the fact that certain fuel rods had not yet been removed from the reactor does not in any way mitigate this latest example of North Korea's complete disregard for its obligations under the NPT. In fact, North Korea's removal of the fuel rods without IAEA monitoring is a flagrant violation, of the treaty and a serious rebuke to U.S. diplomacy. That the administration would treat it as anything other than that constitutes yet another retreat from anything resembling a coherent, resolute, and honest approach to this crisis.

I was at first uncertain why the administration would reverse position so suddenly last Friday. I took it as just another indication that administration policy still suffered from a failure of nerve. It certainly was that, Mr. President, but I would not learn just how completely they had lost their nerve until the following day.

On Saturday, we learned that the administration's contrived rationale for dismissing North Korea's latest violation was also intended to justify a new administration venture into vacillating diplomacy. The administration announced that it would resume high level negotiations with North Korea. Remember, Mr. President, that the administration had broken off the talks when North Korea had prevented IAEA inspectors from determining if reactor fuel had been diverted in the past for reprocessing and when North Korea withdrew from negotiations with South Korea.

Has North Korea succumbed to U.S. pressure and allowed the IAEA adequate access to nuclear facilities so that they can judge whether any fuel has been diverted? No, they have not. They have only agreed to discuss with the IAEA the terms under which the IAEA might be allowed, I repeat, might be allowed, to resume their inspections.

Has North Korea resumed dialogue with the South on a range of issues including the nuclear crisis and the prospect of reunification between north and south? No, they have not. They have, however, threatened to turn South Korea into a sea of fire.

In sum, Mr. President, the administration had decided in advance of the IAEA's report on Friday that it wanted to resume direct negotiations with North Korea—something the North Koreans have sought to achieve for 40 years—even though North Korea had done nothing to rescind the provocations that had led to the earlier disruption of the talks.

The IAEA's declaration of North Korea's serious violation of the NPT frustrated the administration's intention. So, administration officials attempted to intentionally deceive the American people into believing that Pyongyang had done something that warranted a resumption of the talks. That the administration would initiate such a deception knowing full well that North Korea would correctly recognize it as another sign of American weakness is as reckless an action as the administration has taken to date in this crisis.

At the moment, we have conflicting reports about whether North Korea is continuing to defuel the Yongbyon reactor. On Friday, the administration and the IAEA insisted that North Korea delay discharging any more of the fuel rods until an agreement had been concluded for IAEA inspectors to monitor their removal and measure the fuel level in the rods of interest. Reports in the Defense Department indicate that the defueling has continued over our objections. The State Department is still hopeful that the defueling has not resumed.

Irrespective of whether North Korea has ignored our latest demand, the administration intends to resume direct talks with them. Administration officials claim that North Korea has met all the prerequisites for those talks. Whatever those prerequisites might be remain a mystery to the rest of us.

Mr. President, I assume that the administration hopes that its latest transparent attempt at appeasement will succeed where all their other attempts failed. Given the administration's unwavering devotion to carrots and gestures of friendship, surely the North Koreans will finally be overwhelmed by U.S. good will and graciously abandon their nuclear ambitions in return. What a surprise it must have been to administration officials yesterday when North Korea forgot its manners again and denounced a regularly scheduled U.S.-led naval exercise in the Pacific with Japan, South Korea, Australia, Canada and other of our allies as a hostile military action which North Korea is prepared to counter.

Mr. President, it has become exceedingly difficult to keep one's remarks free from cynicism when discussing administration diplomacy in this crisis. A brief review of the administration's record of failed appeasement over the last year illustrates why.

In January 1993, North Korea rejected an IAEA request to inspect 2 nuclear waste sites. In February, the IAEA set a March 31 deadline for North Korea to allow the requested inspection. North Korea responded by announcing its decision to withdraw from the NPT.

The Clinton administration responded by entering direct negotiations with North Korea on the issue. Its stated policy at the time was to persuade the Koreans to remain in the NPT; to assure them that we would not use nuclear weapons against North Korea; to convince them to allow inspections to ensure the continuity of safeguards, as defined by the United States, not the IAEA; and to use the talks or the cancellation of talks as a carrot and stick to induce North Korea's cooperation.

In June and July, two rounds of talks were held. Two joint statements were issued respectively containing North Korea's promise to suspend their withdrawal from the NPT; the United States promise not to use nuclear weapons against North Korea and not to interfere in their internal affairs. The first statement also specified an agreement on the impartial application of full scope safeguards and included North Korea's commitment to negotiate nuclear questions simultaneously with the United States, the IAEA and South Korea.

After the talks, North Korea continued to refuse special inspections or a resumption of regular inspections. They reneged on their commitment to negotiate with the IAEA. And they conditioned their discussions with South Korea on the termination of "nuclear war exercises" by South Korea and the United States.

In response, the Clinton administration scheduled a third round of direct talks.

In August, North Korea limited the IAEA to night time access during routine inspection. In September, North Korea refused to allow a follow-up inspection. They refused again in October.

The Clinton administration sent State Department officials to meet with the North Koreans at the United Nations. In November, they again dispatched those officials to New York.

Later that month, the IAEA declared that it could no longer monitor activities in North Korea's nuclear facilities because the film and batteries in its cameras had run out.

President Clinton made his infamous declaration stating without qualification that North Korea would not be allowed to possess a single nuclear weapon. The administration then proposed comprehensive negotiations with North Korea to include discussion of diplomatic relations, United States military exercises, and economic relations. Shortly thereafter, the administration canceled Operation Team Spirit.

Later in the month after meeting with South Korean President Kim, President Clinton announced a new policy which held that North Korea must be made to honor its NPT obligations; and must open talks with South Korea on the nuclear issue before the United States would hold another round of direct talks.

In December, the United States and North Korea reached an agreement which North Korea contends was limited to North Korea's permission for one restricted IAEA inspection. The administration first acknowledged, then denied that the agreement was limited to one inspection. The administration promised to cancel Team Spirit again and to resume direct talks if North Korea opened talks with the South.

In January, the IAEA refused to accept North Korea's terms for a limited inspection. The Clinton administration threatened economic sanctions if the IAEA reported that it could not longer monitor North Korea's nuclear program. North Korea then advised the IAEA that it will accept inspections.

The Clinton administration suspended Team Spirit and scheduled another round of direct talks for March 21.

Come March, North Korea blocked an IAEA inspection of its reprocessing facility, and refused to begin talks with South Korea.

The Clinton administration canceled the March 21 round of talks, and asked the Security Council to vote on a resolution condemning North Korea and threatening the future imposition of sanctions. Blocked by China, the administration fails to get a vote on its resolution, settling instead for a watered down Presidential statement which instructs the IAEA to continue to seek an inspection and report back to the council in May.

North Korea offered to allow the completion of the March inspection if the United States dropped its insistence on simultaneous talks with South Korea.

In April, at the urging of the Clinton administration, South Korea dropped its demand for talks with the North.

North Korea then disclosed its planned shut down and refueling of the reactor, and told the IAEA it could be present during the refueling. However, they rejected the IAEA's demand that inspectors be allowed to sample "fuel rods of interest" to determine whether fuel had been diverted in 1989.

This month, the United States and the IAEA instructed North Korea not to begin refueling until IAEA inspectors had arrived.

North Korea ignored the demand and began refueling, earning the IAEA's condemnation of the act as a serious violation of the NPT.

The Clinton administration responded by scheduling another round of high level direct negotiations with North Korea.

Mr. President, this abysmal record of failed appeasement speaks for itself without any further commentary by me.

In a few minutes I will enumerate what actions I believe the United States should take if we are to ever stop retreating in the face of international lawlessness and direct threats to the security of the United States and our allies. I intend to include in this summary a discussion of that action which the administration has virtually excluded as a response to North Korea's bad faith—to the great relief of Pyongyang—the military option.

Before I begin that discussion, Mr. President, I want to explain why I believe this situation is so grave that the United States must take whatever actions are required to force an end to North Korea's unlawful nuclear ambitions.

North Korea's nuclear program may be the defining crisis of the post-cold-war world. It represents a clear and present danger to our closest Asian allies and to the security of the United States itself. I am greatly concerned that the eventual outcome of North Korea's pursuit of nuclear status will be a world where the proliferation of weapons of mass destruction explodes exponentially; where in a never ending spiral of escalation all Asian powers capable of producing nuclear weapons do so and seriously undermine the stability of all Asia; where the most irresponsible, terrorist regimes in the world have the capacity to intimidate regional rivals into total submission or annihilate them; where the United States itself might be the victim of a terrorist attack like the bombing of the World Trade Center—only this time the weapon of choice will be a nuclear bomb.

From 1985 to 1992, North Korea exported more than $2.5 billion in arms. While most of the recipients of these sales are classified, CIA Director Woolsey has identified Syria, Iran, and Libya among the countries which have taken delivery of North Korean Scud C ballistic missiles.

To all those apologists for the administration's appeasement policy who argue that we must refrain from responses that might provoke the North into launching a military attack, I ask one question: Would an attack be more or less likely after North Korea acquires a nuclear arsenal and after it has completed its production of ballistic missiles capable of delivering nuclear warheads to Tokyo? I think the answer is obvious.

Armed with a sufficient arsenal to both export and use to their own ends, North Korea could soon be blackmailing South Korea, Japan, and even the United States into providing sufficient aid and diplomatic concessions in order to sustain their crumbling regime and earning hard currency from its nuclear sales abroad.

Should the United States and our allies resist North Korea's threats, and take the necessary steps to prepare for a military confrontation, the North could be more inclined to strike first knowing that if their aggression was repelled, the United States and South Korea might be dissuaded from crossing the 38th parallel in a counterattack out of fear that it would trigger a nuclear war—a prospect more daunting that the artillery barrage it is currently capable of inflicting on Seoul. Unless, the administration completely squanders all credibility with Pyongyang, Kim Il-Song could not rule out today the possibility that an attack on the South might lead to the complete destruction of his regime.

What is the nature of the regime that currently threatens us? It is led by the same man today who over 40 years ago misread American resolve and launched the Korean war—a war for which the United States was not prepared and which cost us dearly. It is a regime that in one 1983 incident assassinated most of South Korea's Government. It is a regime that captured the U.S.S. *Pueblo*, imprisoned and tortured its crew. It is a regime that in 1987 blew up a South Korean airliner carrying over 150 South Korean construction workers home from work in the Middle East. It is a regime that has committed numerous other terrorist acts so ruthless that they defy brief summarization.

Mr. President, North Korea has utterly impoverished its nation in order to finance its enormous military and its nuclear weapons programs. I find it difficult to accept that any number of economic and diplomatic rewards from the United States, by themselves, would sufficiently entice Pyongyang into abandoning the aspirations they have paid so dearly to achieve. Given the administration's appeasement policy's sorry record of accomplishment to date, it is abundantly clear to any rational person that the time for more forceful, coercive action is long overdue. Any further delay in hardening our policy would constitute administration negligence so gross as to damage our security interests for a generation or more.

Before describing the stronger action I have referred to, let me first quote Secretary Perry from remarks he made last week prior to the administration's latest change in policy.

> Whatever risks we are facing by actions we take today, I believe they would be less than the risks we would face if we tried to face their program two years from now after they had developed a substantial inventory of nuclear bombs and missiles for their delivery vehicles.

Secretary Perry had it exactly right. North Korea's recent purchase of 60 submarines from Russia which, Janes Weekly contends, could be adapted to fire ballistic missiles underscores the urgency of the Secretary's remarks. So, let us now—at long last—consider those steps that would bring this expanding crisis to its earliest and most favorable conclusion.

The United States should once again inform North Korea that should they abandon their nuclear ambitions, we are prepared to normalize our economic and diplomatic relations with that isolated country. After we have reaffirmed that intention, we should talk no more of carrots. Any further discussion of the crisis should only detail the punitive measures we are prepared to take immediately to force their cooperation.

The United States should then quietly inform the Chinese that our policy of accommodation with North Korea has failed and we intend to seek a resolution of sanctions in the Security Council.

We should make clear to China, quietly but very forcefully, that there is no other issue involved in our relations of comparable importance. A mutually advantageous engagement between our two countries will simply not be possible absent their cooperation on the sanctions question. At the same time, we should inform the Chinese that we intend to pursue our advocacy of human rights through some means other than linking it to MFN. The administration must spare no effort to be persuasive in this endeavor. China must understand that should they decline to cooperate, we will have reached an insurmountable impasse in our own relations.

We should make the same representations to Russia.

Whether or not China or Russia indicate they are prepared to cooperate, we must still ask the Security Council to impose tough sanctions. In discussions with our allies before we go to the Security Council, we should make clear our expectations of Japan. Even if a sanctions resolution is vetoed, Japan must cut off all remittances from Korean-Japanese to North Korea.

Japanese Prime Minister Hata, when he still served as Foreign Minister, estimated that financial flows to North Korea from Koreans residing in Japan had reached $1.8 billion annually. Of that figure, $600–700 million is in the form of cash remittances. They account for 40 percent or more of North Korea's foreign exchange earnings, and a little more than 8 percent of its GNP. Depriving North Korea of this important source of hard currency will be sharply felt in Pyongyang as it struggles to keep the collapsing North Korean economy from plunging the entire society into chaos.

North Korea has threatened to go to war over the imposition of sanctions. I do not think they will, but I am not certain. Thus, it is critical that the United States prepare for such a contingency immediately for two obvious reasons. First, we have 37,000 American troops in Korea and we must take every measure to ensure that they are protected to the extent possible from North Korean attack and would prevail as quickly as possible in a conflict. Second, visibility improving our readiness to counter North Korean aggression will emphasize the seriousness of our intention to resolve this crisis on our terms.

Again, let me quote Secretary Perry:

> The North Koreans have stated that they would consider the imposition of sanctions to be equivalent to a declaration of war. * * * We may believe, and I do believe, that this is rhetoric on their part, but we cannot act on that belief. We have to act on the prudent assumption that there will be some increase in the risk of war if we go to a sanction regime.

Once more, the Secretary had it exactly right. Unfortunately, the administration has done nothing to act on his prudent assumption. With the exception of the very slow deployment of the Patriot missile batteries the United States has done nothing to prepare for a possible attack from the North.

U.S. forces in Korea number approximately 37,000. South Korean forces number approximately 500,000. Much of these forces are deployed north of Seoul. American capabilities include 2 mechanized light brigades, with Bradley and M-1 tanks.

North Korean forces number approximately 1.2 million men, most of whom are deployed within 20 to 30 miles of the DMZ. Long range North Korean artillery is deployed all along the DMZ with the capability of striking all of Seoul. Deployed SCUD missiles, possibly armed with chemical warheads, could hit almost any point on the southern peninsula.

The American commander in South Korea, General Luck, was reported to have estimated that war on the Korean peninsula would last no longer than 90 days. I do not have sufficient information to support or contradict the general's estimation. Suffice it to say, that should it come to war, it will be a very difficult experience, and we should be prepared to bring it to a very rapid conclusion, well short of the general's 90 days if possible.

Mr. President, the objects of U.S. military policy in Korea should be to deter a North Korean attack; to ensure a decisive win and the least lost of life possible if deterrence fails; to compel North Korea to terminate its nuclear weapons program; and to enforce any economic embargo which might be imposed.

In order to ensure the readiness of United States and South Korean forces to serve those ends, the administration should have already ordered the following action. Unfortunately, they have not yet seen fit do so. Lack of adequate strategic lift, Mr. President, makes it imperative that the following deployments occur well ahead of any anticipated military action.

First, increase the readiness and alert posture of United States and South Korean forces; second, deploy to South Korea additional troops from the United States; third, deploy additional fighter aircraft squadrons and Apache helicopters to South Korea; fourth, deploy a carrier battle group to the area; fifth, preposition bombers and tankers in the region; sixth, preposition stocks in South Korea; since, again, significant lack of strategic lift precludes the timely sustainment of our forces during the crisis; seventh, enhance intelligence collection and sharing with South Korea, focusing increased intelligence assets, both satellites and aircraft systems, in the theater; eighth, enhance South Korean defenses with Multiple Launch Rocket Systems (MLRS), counter-artillery radars, and precision-guided munitions; and ninth, neither American and South Korean forces nor the population of Seoul have effective defenses against a chemical or biological attack from the North. This failing should be quickly remedied.

Mr. President, these are but a few of the actions which the United States should quickly take in accordance with Secretary Perry's prudent assumption directive. That none of them have yet been ordered exposes the administration's considerable negligence.

Mr. President, I have not outlined these few steps because I am eager for a confrontation in Korea. I contemplate such a contingency with great dread. I know well the full terrible measure of war, and appreciate its consequences for the people of South Korea and the Americans stationed there. I ask that the administration act on these recommendations because I believe they will have a deterrent value—they will better acquaint North Korea with the futility of any attempt to conquer the South.

I also appreciate how difficult it might be for Pyongyang to interpret the extraordinarily confused signals they receive from the administration. Accordingly, I think the administration should take pains to inform North Korea that these actions are purely defensive. But should they decide to make a fight of it nevertheless, we should also have informed them in unmistakable terms that any war they begin on the Korean peninsula will end in Pyongyang. They must be made to understand that the United States intends to make their regime the last casualty of a second Korean War.

I hope they will heed that warning, Mr. President. But if they do not, we must not be dissuaded from our commitment to prepare for the prospect of North Korean aggression, and to resolve the North Korean nuclear crisis on our terms by whatever means necessary.

Mr. President, I have opposed the use of American force in Beirut, in Bosnia, in Somalia, and in Haiti. I am not such a hawk that I favor using force to resolve problems in places where vital U.S. interests are not threatened. But for the reasons I have provided, I believe those interests are very gravely threatened in Korea.

Therefore, I believe the United States must consider taking stronger measures should we further fail to persuade North Korea to end this crisis. I do not believe that we should resort to offensive military actions immediately. The imposition of sanctions should be attempted and the necessary improvements to our readiness should be affected before we embrace such a serious option. But we should not exclude it from consideration. It should be considered very carefully.

The administration would have us believe that a military response to Pyongyang's intransigence would be ineffective. That is not true, Mr. President. Air or cruise missile strikes on North Korea's nuclear facilities would not completely destroy their nuclear program, but they could damage it severely over both the near and long term. There are risks involved, of course, that must be minimized to the greatest extent possible.

Disabling or limiting North Korea's near-term nuclear capability poses the most difficulties. However, those difficulties are not insurmountable.

Since the reactor's shut down, only a small percentage of its fuel rods have been removed. Discharge of all the rods, refueling and restart may take as long as 60 to 90 days, meaning that the reactor could be operational as early as late July or August. Most, if not all, of the spent rods will be stored in the reactor's cooling pond, although some may be moved later to the reprocessing plant about 1000 meters from the reactor or stored in other hidden locations. Reprocessing the plutonium in the 5-megawatt reactor at Yongbyon could provide a three to four-fold increase in North Korea's nuclear weapons capability.

A significant portion of the reprocessing plant is underground and is reinforced with concrete and earthworks. In addition, there is a fuel rod assembly facility located in this region. The facilities have independent power sources.

Strikes using high-performance aircraft would be required to eliminate these facilities, since they are so heavily reinforced and cruise missiles would not be effective. Because of heavy air defenses around these facilities, the risk to our pilots would be considerable. However, we should have a pretty detailed understanding of the facilities' interior and exterior design and defenses.

Timing is critical in targeting these facilities. Extensive bombing of the reactor or reprocessing plant could cause the release of nuclear radiation which might be carried by prevailing winds to South Korea. Precision targeting could effectively damage the capabilities of both facilities without requiring that they be reduced to rubble, and with little or no radiation release.

It would be preferable to strike the reactor while it is not operational. But even if it is fully refueled and has been restarted, I am told that the radiation release would be minimal with a new fuel load. Strikes could be targeted in such a way as to cause the building to collapse in on itself without seriously damaging any fuel rods in the core.

If no spent fuel rods are moved to the reprocessing facility, it could be hit without risk of a radiation release. Even if a small number have been stored there, a precision strike on the building, designed to disrupt future operations for some period of time, would not result in a significant release of radiation. Again, with precision targeting, a hit could be designed to cause the building to collapse in on itself with virtually no radiation release.

Less difficult options—if also less effective against North Korea's near-term threat—would be strikes against North Korea's huge new 250 megawatt reactor which is scheduled to become operational by the end of the year, another even larger reactor which will be operational in 1996, and an associated reprocessing plant that will begin operations in about 6 months. Since these facilities are not on-line, and have no nuclear fuel on site at this time, there would be no risk of radiation release.

The objective of the strikes would be to irreparably damage the facilities and surrounding support structures, including power plants. High-performance aircraft or Tomahawk cruise missile strikes targeted on these three facilities might effectively eliminate North Korea's planned expansion of their nuclear program. Cruise missiles would eliminate the direct risk of death or capture of any American pilots.

Mr. President, I have just described in dry, technical terms what would be a very serious, and dangerous undertaking by the United States. I would not want my colleagues to think that I take such matters lightly. But I felt it important to refute claims that we have no viable military options in this situation. We do have several very considerable options available to us today. We should not utilize them hastily or without careful consideration. But we should be considering them, and ultimately prepared to implement them if that is what is required to meet the President's correctly stated objective that the United States will not tolerate their nuclear program, period.

I began these lengthy remarks by stating how I had hoped that the administration and I were finally in accordance on how to resolve this crisis. Regrettably, that is not the case. I have heard reports that the administration has used my previous statements on this problem to show the North Koreans that there are some Americans who would be less accommodating in their approach to them. That is fine by me, Mr. President. But I hope today that I have a larger audience. I hope today the administration is listening to me.

I would leave them with a final warning which I have given before by paraphrasing Winston Churchill. Let it not be said of this administration that in a defining crisis of the post-cold-war world, they faced a choice between dishonorable appeasement and war, they chose appeasement first and got war later.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Mr. President, I would like to commend the Senator from Arizona on his very thoughtful remarks about what is a very difficult and challenging world problem and thank him.

I had the pleasure of listening to him and learned a great deal.

So I would just like to extend my thanks.

NOMINATION OF DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR TO FINLAND

The Senate continued with the consideration of the nomination.

Mrs. FEINSTEIN. Mr. President, I rise today in support of President Clinton's nominee to become Ambassador to Finland. I am confident that Derek Shearer will serve the United States with honor and distinction.

Derek Shearer is a native of California—born and raised in Culver City, CA—and currently is the director of the International and Public Affairs Center and an associate professor of public policy at Occidental College in Los Angeles.

His knowledge of, and experience in, foreign affairs is impressive. He has won several prestigious awards including a Guggenheim Fellowship, a German Marshall Fund grant and a United States-Japan Leadership Fellowship. He has studied and taught international economics and politics and has traveled extensively in Europe, Asia, and Australia, as well as in Scandinavia and Russia.

While serving as Deputy Under Secretary of Commerce for Economic Affairs in 1993, Professor Shearer ably represented the administration before such groups as the European Institutes' meeting of foreign ambassadors, the Brookings Institute's seminar for visiting parliamentarians, and the Washington International Business Council.

Despite his qualifications and experience in foreign affairs, Professor Shearer is being judged by books and articles he authored or co-wrote during the early 1980's. My question is how, do economic views once held by and now renounced by Professor Shearer affect his ability to serve his country as Ambassador to Finland?

In response to a question regarding his past-held economic views, Professor Shearer answered,

> It is a quote from our book "Economic Democracy". It is not a view that I particularly hold anymore. I think that * * * in some areas we were clearly wrong.

The book "Economic Democracy" was written in 1980 and its authors are both economists from California. They were working from a grant to study European economic models and try to figure out ways in which they could be used here. In this process they brainstormed a number of ideas.

During his confirmation hearing, Professor Shearer testified that he is, "a strong proponent of corporations that have their bases in the United States, and are leaders in their field."

Further, Professor Shearer stated,

> In fact, my experience in working in the Commerce Department made me deeply skeptical of the ability of the Government to do many of the things that I might have written about when I was a Professor. I think that there is nothing like working experience to give you a clearer view of what is possible and what is not, and what is appropriate and what is not.

Yes, Mr. President, we all do change our views and sometimes the ivory tower and the streets collide in ideology.

These are not the words of someone who is planning to undermine the fundamental understanding of the American way of life. Professor Shearer has been nominated to be Ambassador to Finland. He has received the endorsements of a wide variety of distinguished individuals: Arthur Schlesinger, John Kenneth Galbraith, Charles W. Maynes, Morton Abramowitz, and President Reagan's Ambassador to Finland, Rockwell Schnabel have all endorsed Professor Shearer for the post.

In the post-cold-war era, Finland is at a critical juncture and will play a vital role in the new world order. President Clinton and the United States needs someone with his intellectual training and real-world experience to represent us in Helsinki.

I urge my colleagues to vote to confirm Derek Shearer.

I yield the floor, Mr. President.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. BENNETT].

(Mrs. BOXER assumed the chair.)

Mr. BENNETT. Madam President, I want to commend my colleague from California and thank her for sharing this information. I was unaware of the fact that Professor Shearer had renounced his earlier position. I think that is a very cogent fact that needs to be brought before the Senate and may very well change some votes.

I am prepared to discuss what I consider to be the folly of his earlier positions and I think I will do that nonetheless.

But I accept the explanation from the senior Senator from California about Professor Shearer's repentance. I recognize that we are all in need of repentance from time to time. I am grateful to her for calling that to the Senate's attention. As it happens, I was living in California at the time that the phrase "economic democracy" first came to the public attention. It was brought to our attention as voters by Tom Hayden and his then wife, Jane Fonda.

I debated that particular issue with a number of people as we talked about it in that period, and that is why I was interested to see Professor Shearer's book that used the phrase "economic democracy" that came out in that same timeframe. Actually, it came out a little later, after the phrase was first adopted by Tom Hayden and Jane Fonda.

I note that Professor Shearer has gone to lengths to disassociate himself from Tom Hayden and Jane Fonda, but he nonetheless is the author of the book that carries the phrase that they made famous, in which he makes the comment that it is not appropriate to use the word Socialist because—and I am quoting from his book—"socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes. The words 'economic democracy' are an adequate and effective replacement."

I want to talk about the words "economic democracy" and what it is I think they really mean. I will not engage in bashing socialism or accusing these people of supporting socialism. Instead, I think their choice of the words demonstrates a very basic ignorance of economics, an ignorance, frankly, that I find somewhat surprising in one who is an economics professor.

I have said before from this desk that if I had the power to determine what should be engraved in the walls around us that constantly remind us of our duties, there is one phrase I would recommend be carved in marble. Every government should remember this. It is a great truth. It is, "you cannot repeal the law of supply and demand."

This stands as the basis of all understanding of economics, and yet those who talk about economic democracy do not seem to understand it. So I concocted the following little demonstration of what I mean, for the benefit of Miss Fonda, who was then touting economic democracy.

As I understand their approach to economic democracy, it is that we should put the emphasis on treating everybody alike. That we should, indeed, try to repeal the law of supply and demand that says the market sets prices, the market sets wages.

No, that is not fair because the market will reward one over another in an improper way and everybody should be treated alike. That is what democracy means.

I went to Miss Fonda's profession, the making of movies, and constructed the following example to show how the law of supply and demand really works. If you are a producer and you want to make a movie that has a lot of people in it, you go out and hire a bunch of extras. There is a great supply of people who want to be in movies, who are willing to accept the indignities and problems connected with being an extra. They are available relatively cheaply because they are in great supply. So you can have your movie filled with extras at a relatively low price.

However, if you want an extra who can act a little bit, who can say a few words on camera and not get completely tongue tied, those are in slightly smaller supply than people who are just willing to show up and get photographed. So they get paid a little more because the supply is smaller and the demand is there for someone who has that talent.

If you want an actress who can go through the whole movie and carry a role, not just say a few words on camera as a speaking extra, now you have a much smaller supply from which to draw. And in order to get what you want, you are going to have to pay a higher price.

If you want a marquee name on your movie that will cause people to come see it because they are familiar with it, the supply is much, much smaller still. There are only a handful of actresses who are, in the Hollywood term, "bankable," who will show up and put their name on your movie and cause people to come. To hire one of those bankable stars, you have to pay far more than you do the actress who can just go through the movie, who happens to be anonymous.

But if you want an actress who has won an Oscar and has that kind of visibility, the supply gets smaller still.

Ultimately, if you want Jane Fonda, you are dealing with a monopoly and she can charge monopoly rates. I am not sure Ms. Fonda, in the name of economic democracy, would be prepared to accept the wages of an extra on the grounds that since everybody was on the set at the same time, everybody should be paid the same wage.

Madam President, I see the distinguished majority leader has come on the floor, and I will be happy to defer any further remarks until we have heard what he has for us.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I thank my colleague for his courtesy. If I might direct a question to the distinguished Senator from Utah through the Chair, I am about to propound a unanimous-consent agreement that would provide for a vote on the pending nomination at a time certain. We are prepared to vote now, but if the Senator would like further time, I would be pleased to set the time to accommodate whatever his request is in that regard.

Mr. BENNETT. Madam President, I think I have made my point about the absurdity of economic democracy as outlined by Professor Shearer, and I would have no objection whatsoever to the recommendation of the majority leader.

Mr. MITCHELL. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Madam President, I ask unanimous consent that a vote occur on the confirmation of Derek Shearer at 4:20 p.m. today, without intervening action; that upon confirmation, the President be immediately notified of the Senate's action; further that, without intervening action, the Senate vote on the motion to invoke cloture on the nomination of Sam W. Brown, with the mandatory live quorum waived; that if cloture is invoked, without intervening action, the Senate vote on confirmation of the nomination of Sam W. Brown; that if cloture is not invoked, the Senate resume consideration of the Brown nomination at 9 a.m., Wednesday, May 25, with the time until 1 p.m., equally divided and controlled between Chairman PELL and Senator BROWN or their designees; that at 1 p.m., without intervening action, the Senate vote on the motion to invoke cloture on the nomination of Sam W. Brown, with the mandatory live quorum waived, that if cloture is invoked, the Senate immediately without intervening action vote on confirmation of the nomination; that upon confirmation, the President be immediately notified and the Senate return to Legislative Session; I further ask unanimous consent that upon confirmation of the nominations of Derek Shearer and Sam Brown, or in the case of a cloture vote on the Brown nomination, if cloture is not invoked, that the Senate then proceed to the consideration of Calendar No. 220, S. 729, the lead reduction bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, then Senators should be aware that a vote will occur within just a few minutes on the Shearer nomination, and it will be followed immediately by a vote on the motion to invoke cloture and terminate debate on the Brown nomination.

At this point, Madam President, I ask for the yeas and nays on the Shearer nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, if cloture is invoked on the Brown nomination, there will then be a vote immediately thereafter on the Brown nomination itself. If cloture is not invoked, the Senate will then proceed to consideration of the lead reduction bill, S. 729, to which I referred in the consent request.

In that event, that is to say the event that cloture is not invoked on the Brown nomination today and the Senate proceeds to the lead reduction bill, the Senate will return to the motion to invoke cloture on the Brown nomination tomorrow at 9 a.m. There will be 4 hours of debate equally divided, controlled by Chairman PELL and Senator BROWN. And the second vote on the motion to invoke cloture and terminate debate on the Brown nomination will then occur at 1 p.m. tomorrow.

Mr. WALLOP. Mr. President, I rise in opposition to the nomination of Derek Shearer to be Ambassador to Finland. While Finland may not figure in the world's hot spots right now, it may unfortunately again become more central to United States policymaking—given worrisome trends and policies in Russia. Moreover, Mr. President, Dr. Shearer's less than truthful answers to the Senate Foreign Relations Committee speak to a larger, more ominous problem with the Clinton team. Finally, Dr. Shearer has a long record of advocacy of radical leftwing economic and political causes—raising serious questions about his past judgments, if not his present attitudes and policies.

Dr. Shearer's embrace of central planning in the economic sphere is well-documented in his two books, "Economic Democracy: The Challenge of the 1980's" and "A New Social Contract: The Economy and Government After Reagan." The former is characterized as "a discussion of an argument for alternatives to the present structure of production in the United States; alternatives that would change the control of capital and how it is used." In this book he argues that "the way the economy is governed and the way things are produced will have to be changed as well." He even goes so far as to assert that "any alternative economic and social strategy must start by dismantling, or at least restricting, the power of corporations."

In response to written questions by the Senator from Colorado [Mr. BROWN] about his extreme views, Dr. Shearer replied that "I have not advocated socialism * * * I have never described myself that way, nor viewed myself as such." He went on to say that "I did not then (in 1980) nor do I now advocated 'Radical Change.'" Mr. president this man must be delusional. Last time I checked, the U.S. economy was a market economy. To speak of "alternative to the present structure of production" or changing "the control of capital" can only mean one thing: removing these processes from market control. Unfortunately for Dr. Shearer, once you remove market incentives, there is no third way. Once you remove market incentives, you thrust Government into a central planning mode.

Equally serious are Dr. Shearer's circumspect descriptions of his association with the hard left Institute for Policy Studies [IPS]. Even though at least two of the IPS annual reports list Shearer as one of the organization's associate fellows, Shearer claims that he was "never an associate fellow at IPS." As recently as their 1993 report, Dr. Shearer is placed under a listing called "former associate fellows, visiting scholars, and current transnational institute fellows." Given his associations with IPS were documented over a 10-year period, it really strains credibility for Dr. Shearer to suggest that he was unaware that he was so listed by the IPS.

I thank my colleagues for their cooperation, both the chairman and Senator BROWN, and all of those who have been interested in these matters and participated in the discussions culminating in this agreement. I thank the Senator from Utah for his courtesy.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—67

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—31

Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Faircloth
Gramm
Grassley
Gregg
Helms
Hollings
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Pryor
Shelby

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Exon
Faircloth
Ford
Gorton
Gramm
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Pryor
Shelby

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEAD EXPOSURE REDUCTION ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 729, the Lead Exposure Reduction Act, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Recycling of lead-acid batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 410 through 420, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting.

"(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes;

"(iii) paints containing lead chromate pigments; and

"(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(C) Curtain weights—

"(i) that are not encased in vinyl or plastic;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(D) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the following product categories, and beginning on the date that is 6 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(iii) Mirror backings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3) if the Administrator determines that an increase in the percentage of the allowable lead content will not adversely affect human health or the environment.

"(B) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(B) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this subtitle as 'ANSI') standard Z66.1;

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film; or

"(IV) 1 (or more) substitute for zinc-enriched industrial paint for use in any class or category of uses that contains less than 0.19 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this section.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (III) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any new motor vehicle or new motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), or (III) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this subsection, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this subsection, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) RESTRICTIONS ON SALE AND DISPLAY.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to restrict the sale and display of lead solders not commonly used in plumbing systems, including—

"(A) a prohibition on the sale or display of the solders in the plumbing supply section of any retail establishment;

"(B) a restriction on the sale or display of the solders in any wholesale establishment;

"(C) a prohibition on the sale or display of the solders in proximity to plumbing materials in any establishment; and

"(D) a requirement that each of the solders be labeled to indicate that the solder is not intended for use in plumbing systems.

“(e) PLUMBING FITTINGS AND FIXTURES.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to establish a health-effects based performance standard that establishes maximum leaching levels of lead from new plumbing fittings and fixtures that convey drinking water.

“(2) CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.—If the requirements of paragraph (1) are not met—

“(A) by the date that is 4 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 7 percent lead by dry weight;

“(B) by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 6 percent lead by dry weight;

“(C) by the date that is 6 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 5 percent lead by dry weight; or

“(D) by the date that is 7 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 4 percent lead by dry weight.

“(f) PACKAGING.—

“(1) DEFINITIONS.—As used in this subsection:

“(A) INCIDENTAL PRESENCE.—The term ‘incidental presence’ means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

“(B) INTENTIONALLY INTRODUCE.—The term ‘intentionally introduce’ means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

“(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

“(ii) any trace amounts of a processing aid or similar material that is used to produce a product from which a package or packaging component is manufactured.

“(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this subsection—

“(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

“(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

“(3) LIMITATIONS ON THE AVERAGE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the average of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

“(A) for the fifth 1-year period after the date of enactment of this subsection, 600 parts per million by weight (0.06 percent);

“(B) for the sixth 1-year period after the date of enactment of this subsection, 250 parts per million by weight (0.025 percent); and

“(C) for the seventh 1-year period after the date of enactment of this subsection, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

“(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

“(5) CERTIFICATE OF COMPLIANCE.—

“(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

“(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

“(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

“(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this subsection, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

“(A) a package or packaging component manufactured prior to the date of enactment of this section, as determined by the Administrator; and

“(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

“(g) EXEMPTIONS.—

“(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in subsection (a)(1) any products that are imported, processed, manufactured, or distributed in commerce for use by artists in creating, restoring, and preserving works of art, including graphic works of art, if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1).

“(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

“(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

“(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

“(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

“(D) in the mining industry to determine the presence of noble metals in geological materials; or

“(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

“(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1993 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.”.

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 403, as added by section 103 of this Act, the following new section:

“SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

“(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

“(2) DEVELOPMENT OF INVENTORY.—

“(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the ‘inventory’).

“(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

“(i) The products are functionally similar.

“(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

“(3) PUBLICATION OF DRAFT INVENTORY.—

“(A) IN GENERAL.—The Administrator shall—

“(i) publish the inventory in the Federal Register in draft form; and

“(ii) solicit public comment on the draft inventory and the grouping of products by the Administrator pursuant to paragraph (2).

“(B) PUBLICATION.—Not later than 4 years after the date of enactment of this paragraph, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

“(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

“(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6) shall be deemed to comprise the inventory.

“(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

“(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

“(1) IN GENERAL.—Beginning on the date that is 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that establish a list (referred to in this section as the ‘list’) of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to

exposure to lead during manufacturing, processing, distribution in commerce or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 2 years after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 2 years after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this section; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this section,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 404, as added by section 104 of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law;

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(iii) during or after disposal.

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between labels required for products—

"(i) that present a risk of exposure to lead during manufacture or processing;

"(ii) that present a risk of exposure to lead during distribution or use; and

"(iii) that present a risk of exposure to lead during or after disposal.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 7 years after the date of enactment of this paragraph.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

'CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

'COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of subsection (a)(1), the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR ON DEFENSES.—Compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section.".

SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 405, as added by section 105 of this Act, the following new section:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A community collection program operated by, or pursuant to an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COMMUNITY COLLECTION PROGRAMS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection—

"(A) no person who sells lead-acid batteries at wholesale;

"(B) no automotive dismantler; and

"(C) no community collection program operated pursuant to an agreement with a governmental entity,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall—

"(A) accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold; and

"(B) collect a deposit in an amount not less than $10 for the sale of any new replacement automotive type lead-acid battery that is not accompanied by the return of a used automotive type lead-acid battery.

"(2) DEPOSITS.—A person who pays a deposit pursuant to this subsection shall receive from the retailer a refund in an amount equal to the deposit paid, if the person returns a used automotive type lead-acid battery of the same general type as the battery purchased from the retailer not later than 30 days after the date of sale of the battery purchased. All unredeemed deposits shall inure to the benefit of the retailer. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this subsection, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this subsection, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(l) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) STUDY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall—

"(A) conduct a study on the recycling and disposal of small-sealed consumer lead-acid batteries and submit a report on the results of the study to Congress; and

"(B) publish in the Federal Register either—

"(i) a proposed rule to regulate the recycling and disposal of small-sealed consumer lead-acid batteries; or

"(ii) with respect to the batteries referred to in clause (i), a determination that regulations are not needed to protect human health and the environment.

"(2) CONTENTS OF STUDY AND REPORT.—The study and report referred to in paragraph (1) shall include an assessment of—

"(A) the quantity (expressed in volume) of new small-sealed consumer lead-acid batteries produced annually and an estimate of the quantity of the batteries disposed of annually in municipal solid waste landfills and incinerators;

"(B) the feasibility of recycling used small-sealed consumer lead-acid batteries (including an assessment of potential collection systems, technologies for recovering reusable materials from the batteries, and the cost of recycling the batteries); and

"(C) such other information as the Administrator determines to be appropriate with respect to disposal practices of small-sealed consumer lead-acid batteries that are current at the time of the study and potential alternatives to the practices.

"(3) INVESTIGATION.—

"(A) IN GENERAL.—In carrying out the study and preparing the report, the Administrator may—

"(i) undertake such original investigations as the Administrator determines to be necessary to generate the data required to make findings for the report; or

"(ii) rely on data generated and compiled by any industry or other organization with an interest in the report.

"(B) SUBMITTAL OF CONFIDENTIAL INFORMATION.—Any person who submits confidential information to the Administrator pursuant subparagraph (A) shall also submit data that is publicly available.

"(o) EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to small-sealed consumer lead-acid batteries.

"(2) EXCEPTION.—Subsection (n) shall apply to small-sealed lead-acid batteries.

"(p) DEFINITIONS.—As used in this section:

"(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) SMALL-SEALED CONSUMER LEAD-ACID BATTERY.—The term 'small-sealed consumer lead-acid battery' means a lead-acid battery, weighing 25 pounds or less, used in non-vehicular, non-SLI (starting, lighting, and ignition) applications.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 406, as added by section 106 of this Act, the following new section:

"SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children.

"(2) COVERED SCHOOL.—The term 'covered school' means the interior and exterior of any building constructed before 1980 that is used—

"(A) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(B) as a kindergarten that regularly provides education for children in kindergarten or younger children.

"(3) DAY CARE FACILITY.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) LEAD HAZARD.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) LEAD INSPECTION.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) LOCAL EDUCATION AGENCY.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) OWNER OR OPERATOR.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) SIGNIFICANT USE.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) COVERED SCHOOLS AND COVERED DAY CARE FACILITIES.—

"(1) IN GENERAL.—Except as provided in subsection (d)(4), not later than 3 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of—

"(I) each room of each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children to detect interior lead-based paint and an inspection of each covered school that is chipping, peeling, flaking, or chalking; and

"(II) each covered school and covered day care facility to detect exterior lead-based paint; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 411; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank facilities in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities serving populations at greatest risk.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing facilities, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which facilities in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(iii) NO CAUSE OF ACTION.—The failure of a teacher or other school personnel member of a covered school or covered day care facility, or parent (or guardian) of a child (including a newly enrolled child) attending a covered school or covered day care facility, to receive a copy of the risk disclosure information shall not constitute a cause of action under this subsection.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 411), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this section for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (a) relating to inspections only to the extent that assistance under this section is available to cover the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this subsection, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this subsection; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this subsection, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this subsection be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1994;

"(2) $30,000,000 for the fiscal year 1995; and

"(3) $30,000,000 for the fiscal year 1996.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 407, as added by section 107 of this Act, the following new section:

"SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this subsection, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Secretary shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 408, as added by section 108 of this Act, the following new section:

"SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning. (Each such Center is referred to in this subsection as a 'Center'.)

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "417".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "417".

(3) AUTHORIZED STATE PROGRAMS.—Section 412, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "410 or 414"; and

(B) in subsection (d), by striking "402" and inserting "410".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 420, as redesignated by section 101(a) of this Act, by striking "There are authorized" and inserting "Except as provided in section 407(j) and in title III of the Lead Exposure Reduction Act of 1993, there are authorized".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Lead contamination in schools and day care facilities.
"Sec. 408. Blood-lead and other abatement and measurement programs.
"Sec. 409. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 410. Lead-based paint activities training and certification.
"Sec. 411. Identification of dangerous levels of lead.
"Sec. 412. Authorized State programs.
"Sec. 413. Lead abatement and measurement.
"Sec. 414. Lead hazard information pamphlet.
"Sec. 415. Regulations.
"Sec. 416. Control of lead-based paint hazards at Federal facilities.
"Sec. 417. Prohibited acts.
"Sec. 418. Relationship to other Federal law.
"Sec. 419. General provisions relating to administrative proceedings.
"Sec. 420. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act,

the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 408(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subsection:

"(d) The Lead Exposure Reduction Act of 1993 and the amendments made by such Act.".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT.—

(1) TIME-BASED REQUIREMENTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) For the third 1-year period after the date of enactment of this subsection and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of this subsection, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of this subsection, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of this subsection and thereafter, 100 parts per million (0.01 percent).".

(2) CERAMIC WARE; PROCESSED FOODS; WINE.—Title IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) CERAMIC WARES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) CRYSTAL WARES.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) PROCESSED FOODS.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) WINE.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.".

(3) PROHIBITION RELATING TO CERAMIC WARE.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following new subsections:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

SEC. 204. NON-INTERFERENCE.

Nothing in this Act shall interfere with the promulgation of regulations required pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat. 3897 et seq.)

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in the amendment made by section 107 of this Act, to carry out this Act and the amendments made by this Act—

(1) $25,000,000 for fiscal year 1994;

(2) $24,000,000 for fiscal year 1995;

(3) $24,000,000 for fiscal year 1996; and

(4) $22,000,000 for fiscal year 1997.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Madam President, I am pleased that the Senate is now considering the Lead Exposure Reduction Act.

The legislation was reported by the Environment and Public Works Committee last October, and it is long overdue.

It is the result of numerous hearings and countless discussions with experts over the past several years. It represents the hard work of many Senators most particularly Senator REID, but also including Senators LIEBERMAN, LAUTENBERG, MOYNIHAN, WOFFORD, BOXER, DANFORTH, and others.

Many Members have worked very hard to address the problems of lead poisoning. But none has worked any harder or been more dedicated than the Senator from Nevada, [Mr. REID]. Were it not for Senator REID's tireless commitment to this issue, I am certain that we would not be debating this bill today.

THE HAZARDS OF LEAD EXPOSURE

Madam President, there is ample evidence of the hazards of lead. Past and present data support the conclusion that lead poisoning is a major public health problem.

According to the Centers for Disease Control, lead poisoning is the most common and the most devastating environmental disease of young children.

Lead is a potent neurotoxin. Once lead enters the body it is stored in blood, tissues, bones and teeth. In adults, lead exposure can increase cancer, cause reproductive problems and high blood pressure. In our elderly, it may cause reduced mental functions.

In children, lead is an especially serious health problem. Children are more likely to ingest lead in paint, in soil, in toys and in other products by putting them into their mouth.

And children have less bone tissue to store lead. So leads ends up in the blood where it is free to invade the bodies' organs. And the primary target for lead poisoning is the brain, especially during early child development.

We know that even at low levels of lead exposure, young children can encounter learning and behavioral disorders that continue into adolescence.

At very high level exposure, irreversible mental retardation, seizures, and even death can occur.

All totaled, between three to four million children are at risk mainly from ingesting lead-based paint chips, lead in drinking water systems and lead in soil.

Children in the inner cities are the greatest risk. One in every six inner city children, ages 6 months to 5 years may suffer from lead poisoning.

THE REMAINING PROBLEM

Despite the decline of lead in gasoline, and Federal and State efforts to address hazards from lead in paint and drinking water, millions of children are still exposed to lead.

Our Nation uses more than 1 million tons of lead each year. About 80 percent of all lead is used for batteries. The rest is used in hundreds of products including paint, gasoline, food, cosmetics, prescription drugs, cans, ceramic glazes, crystal, solder, packaging, toys, fertilizers, plumbing fixtures, wine foils, stained glass, fishing weights, curtain weights, construction materials, computer screens, ammunition, medical X-ray equipment, light bulbs, optical glass, and many other products.

Let me be clear. I am not suggesting that these are bad products or that they are inherently dangerous because they contain lead. For many of these products—like x-ray shielding, computer screens, electronic circuitry, lead castings, prescription drugs and others—there is little or no chance of lead exposure from the lead-content.

And there is no denying that many of these products are important, safe and useful to consumers and society.

But in other products like lead-based paint, food packaging or plumbing fixtures, lead can be more easily inhaled, ingested or absorbed. That's when lead becomes a concern.

Clearly, we should reduce and eliminate those lead uses when exposure is likely. At the same time we must be sensitive to the beneficial uses of lead used in many of our products.

THE LEAD EXPOSURE REDUCTION ACT IS GOOD POLICY

Our challenge is to reduce lead exposure without eliminating all current or future uses of lead. The Lead Exposure Reduction Act meets this challenge in a sound and effective manner.

First, it sets lead-content limits for certain products that contain lead at unsafe amounts. It targets paints and primers, toys, inks, plumbing solder and fixtures, where exposure to lead is likely, especially to children. For these products lead-content must be reduced over several years.

Second, it sets up a program for reducing lead used in food and non-food packaging over a seven year period. These restrictions are based on the model legislation issued by the Coalition of Northeastern Governors and adopted by 14 States.

Third, it requires EPA to maintain an inventory of all uses of lead so that we have complete and accurate knowledge of the universe of products that may contribute to the lead problem. And any person who manufacturers or imports any product not on the inventory would have to file with EPA a new use notification.

Fourth, it requires EPA to develop a list of those lead-containing products that may pose an unreasonable risk. Once on the list, products must be labeled so that consumers will be fully informed of the potential hazards.

Fifth, since lead can be easily recycled, this bill also includes mandatory recycling requirements for lead used in batteries.

As I stated earlier, almost 80 percent of all lead is used in batteries so these recycling requirements will have a significant effect. Under this bill, lead batteries could no longer be landfilled or incinerated but would have to be collected by retailers, wholesalers, manufacturers, and then recycled.

Finally, since many more and more young children spend a substantial part of their day in school and day care centers, the bill sets up a grant program to help fund lead inspections at these facilities.

Under the program, States that receive grants will be required to inspect for lead hazards at day care centers and schools built before 1980. If a problem is found, parents and teachers must be notified.

CONCERNS WITH THE BILL HAVE BEEN ADDRESSED

I know that some concerns were expressed over earlier versions of this bill, over the deadlines and other provisions.

In particular, concerns were raised over EPA's ability to implement the lead testing and abatement provisions in the Housing and Community Development Act of 1992 and also meet the requirements in this bill.

As my colleagues may remember, Title 10 of the Housing and Community Development Act of 1992 required that lead-based paint in federally owned housing be reduced.

Both EPA and the Department of Housing and Urban Development are now implementing these requirements. As such, I am pleased that the deadlines in the lead bill have been extended so as to not interfere with implementation of the Housing bill.

Concerns were also raised that some of the product restrictions included in the bill were not necessary because the likelihood of exposure is very low.

To address these concerns, the bill before us no longer restricts the lead used in fishing weights and artist paints and other products with low exposure potential.

There were also concerns regarding to scope of the exposure concern list. The fear is that although many lead uses are not likely to threaten our health or environment such uses would nonetheless be included on an exposure concern list.

That is clearly not the intent. The purpose of such a list is to identify only those lead-containing consumer products that may pose an unreasonable risk.

Concerns with the bar on defenses language in the labeling provisions were also raised. Specifically that the language in the bill could be read to preempt State laws. Again, that was never the intent of the bill and I am pleased that the bar on defenses provision has been clarified.

Finally, there were some concerns about the cost to States of inspecting all day care centers and schools for lead. Three points are worth noting.

First, lead-based paint inspections are only required under the bill if the State receives a grant from the Federal Government.

Second, even after receiving Federal money, the State has considerable discretion to set the priorities for inspections so the worst schools and day care centers are inspected.

Finally, because lead is a special problem for young children, lead inspections are only required in those rooms used by young children and not in every room. This will also help set priorities and spend our resources more wisely.

CONCLUSION

Madam President, let me sum up by stating that I am no stranger to lead issues. Montana is home to one of the Nation's two primary lead smelters. I know the importance of the lead smelter to East Helena, MT, and to the Nation at large.

But I also know the harm that lead exposure can have, particularly to children. And I know the anxiety that lead contamination can have on a community. I have seen it first hand.

At least two Superfund sites in Montana exist, in part, from lead contamination. And the families in these communities want to make sure that their children can safely play outside without getting lead poisoning.

As with so many environmental issues, the key here is balance. We must strike an appropriate balance between vigorously protecting the public health, while at the same time protecting safe lead-based products that the public needs.

Madam President, Senator REID has found that balance. The Lead Exposure Reduction Act provides a responsible and sensible framework for reducing lead exposure. Once again I heartily commend Senator REID for all of his hard work and I urge my colleagues to support this bill.

Mr. President, I have asked Senator REID to manage this bill and he has agreed to do so. So at this time I would like to turn over the responsibilities of managing this bill to the able hands of Senator REID.

Madam President, I asked Senator REID to manage the bill and he has very graciously agreed to do so. I would like to now turn the responsibility over to him.

One more time, let the world, and particularly the State of Nevada, know how hard Senator REID has worked on this bill and what a masterful job he has accomplished.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, prior to the chairman of the committee leaving the Senate Chamber, I want to express my appreciation for the kind words the chairman spread on the record regarding the Senator from Nevada.

But I also want the record to reflect that this process has taken years, and but for the direction and patience of both the chairman, Senator BAUCUS, and the ranking Member, Senator CHAFEE, we certainly would not have been able to be to the point where we can have this legislation now before the American people. It has been a long, difficult struggle. The Members of the committee have worked very hard without exception.

We have had with staff hundreds and hundreds of hours of meetings with various groups of people interested in what this legislation will do.

Madam President, the dangers of lead have been documented centuries and centuries ago. The Greek Dioscorides stated in the second century B.C., "Lead makes the mind give way." The Roman, Pliny the Elder, cautioned that inhaling the fumes of molten lead was dangerous. And we know by reading history that there are many historians who believe the fall of the Roman Empire was a result of lead.

Lead, Madam President, is a metallic element whose properties are very malleable, corrosive resistant, high density and very stable, which make it good for many things. And it has been good for uses for various interests for centuries.

Ancient Egyptians used lead in ornaments and cosmetics. Ancient Romans, as I have mentioned, used it for many purposes, not the least of which were the pipes they used to bring in their water, storage containers, and drinking goblets.

And we know that these storage containers—with the research that we have done that I will talk about a little later—tend to bring the lead out of the container into the substance that is in the container, and it is very dangerous.

Romans even used lead as a sweetener-preservative in wines and cider.

It is interesting to note, Madam President, that the words plumber and plumbing are from Latin. They are derived from the Latin word for lead, which is plumbum.

Despite millennia of warnings about its hazards, lead usage in the United States continues at a very high rate, and in fact continues to go up, and it is used in a wide variety of products, some of which the chairman mentioned. But we know that even today it is used extensively in gasoline and in paint. But there are many other things, of course. Batteries, as the chairman indicated. Seventy-seven percent of all the lead that is produced in the United States goes into lead-acid batteries.

It is used freely in cosmetics, prescription drugs, and cans. At one time, it was used in almost 100 percent of the containers, the cans that we use—now, of course, it is down to a significantly smaller number, about 5 percent—enamels, crystal, solder, packaging, toys, recreational game pieces, stained glass, fishing weights, curtain weights, and numerous other products.

It is used significantly. When you talk about using over 1 million tons of lead, you kind of get the idea we use a lot of it.

Now, Madam President, even though we use huge amounts of lead, the amount that we use today is less than we used in the 1970's, because in the 1970's we used almost all leaded gasoline. And of course, in paint it was significant.

We, Madam President, have recognized the danger of lead in paint and in gasoline. And we will talk about that, how we learned about it.

But it is important to note that lead enters the body in a number of different ways. You can inhale it, as indicated by Pliny the Elder, the Roman. You can ingest it, eat it, as indicated in some of the earlier writings.

But what we did not know, and now do, is that it can be absorbed through the skin. Unlike elements like table salt and other things that we take into our body, lead serves no useful biological purpose. It is of no good to the human body. There are other elements, like gold and zinc and things like that, that you need in your body, but we do not need lead.

It is stored in the blood. It cannot metabolize, so it is stored in the blood, the bones, and the teeth. And the reason that it will not go anyplace is because its half-life is extremely long.

We all know now, or we should know, the dangers of lead to children. It is more severe by far to children than adults. Why? Well, children, of course, ingest and inhale more lead per unit of body weight than do adults and thus are more vulnerable to the effects. In particular, young children are likely to ingest paint in the soil and dust by putting it in their mouths. They also have an absorption rate that is some 40 percent higher than adults.

In effect, to illustrate it, an adult could put that lead-based dirt in their mouth like a baby does and it would absorb much, much slower. In fact, 40 percent for children, and 5 percent for adults, is the absorption rate by eating.

We had the Office of Technology Assessment study the effects of lead on children and they determined without question that the effects of lead on children are significantly more severe than on adults.

They said that children have less bone tissue in which lead is stored, leaving more lead in the blood that is free to exert toxic effects on various body organs.

Nutritional deficiencies in children cause the lead to be absorbed more quickly. And children's nervous systems, especially the blood-brain barrier, which is not developed until later in life, totally cause this substance to go into the brain. Now in the adult, you have the blood-brain barrier, and it is difficult to go through that. And the cognitive effects occur at lower levels in children.

As a result of a congressional directive, the Agency for Toxic Substances and Disease Registry—which we will refer to during our remarks here, Madam President, as the ATSDR—issued a landmark report in 1988 on childhood lead poisoning.

The primary target of poisoning in a child is the central nervous system, especially the brain. The younger you are, the worse it is. Very severe lead poisoning with central nervous system involvement commonly includes coma, convulsions, and profound irreversible mental retardation. Seizures occur and even death develops. I will talk about a number of cases that have been reported in the press in recent years of children dying from lead poisoning.

Less severe, but still serious effects, such as peripheral neuropathy and serious anemia can be caused from lead poisoning. Numerous studies of children related that lower levels of lead exposure affect a constellation of impairments, including delayed development of your ability to think, reduced IQ scores, and impaired hearing—all can occur as a result of children ingesting lead.

Madam President, it is not as if they are eating handfuls of lead. There are cases reported, one here in Maryland recently where a couple bought their dream home. It was a home that was over 50 years old. They were going to rehabilitate and refurbish that home, which they set out to do.

When they moved into the home they had a brand new baby. As they were doing the repair work in this home there was dust all over, and during the construction in the home the baby was sticking its fingers in the mouth. That baby, they noticed, was not the same baby. It started reacting more slowly.

It did not appear to be learning. They took it to the doctor. The doctor did not know what was wrong.

Making a long story somewhat shorter, they ultimately determined that baby had been poisoned by the lead in that construction work in that home. The baby will never be the same. The baby will never have the IQ that child was capable of having when that child was born. That baby will never be able to learn. That baby's personality will be affected.

So we know the report from the Office of Technology Assessment talks about real people—not just statistics.

The most notable study started way back in 1979. Madam President, I doubt if he is watching; he is probably in his lab doing some kind of work, but there is a person we should throw a bouquet to by the name of Dr. Herbert Needleman, who has been working for almost two decades on lead poisoning. When he started talking about this in 1979, people thought he did not know what he was talking about. And to talk about what went on centuries ago with the Romans was so much poppycock.

I think we must congratulate—and I am going to—and applaud Dr. Needleman for his work in this field, for his work and his advocacy. He did more than stay seated in his laboratory and talk about it. He did more than do the research in his laboratory. He came out of his laboratory because he was so concerned about what he had learned in his laboratory, and he has proceeded to educate all the world who will listen to the dangers of lead poisoning.

As I indicated, the most notable of the studies on neurobehavior and IQ deficiencies are those he started way back in 1979. Dr. Needleman published a followup study concerning the children he evaluated in 1979. He did this when they were in high school. When reexamining these young high school students, he found those children who had high lead levels in first grade evidenced poorer classroom performance, reduced vocabulary and reasoning scores, and higher absentee rates in school.

So it was not just a phenomenon that you see in the lower grades. It carried through. There are, we have learned in the development of this legislation, some people who believe the high dropout rates in certain parts of the country are a result of lead poisoning.

We have talked about what happens with children. The effect of lead on fetuses is even worse and more dramatic than on children. We have talked about the vulnerability of children to lead poisoning. The lead in women's bones may be mobilized during pregnancy and lactation, particularly to alleviate a calcium deficiency, and thus expose fetuses and infants through the placenta and breast milk, and causes fetuses to be seriously impaired as a result of lead poisoning.

We have talked about fetuses and about children, but this does not leave adults as risk free. We know they can do a lot of things with lead that children cannot do that will not cause any adverse effects. But adults are also at risk from lead exposure. It has been established that lead is a human carcinogen. Lead may also impact on the human reproductive system because there have been a number of studies that show failure of ovulation, delayed sexual maturity, impotence, sterility, and even spontaneous abortions as a result of lead poisoning.

I indicated that, according to your age, different levels of lead affect you differently. The younger you are the worse it is. But after you reach adulthood, the worse it is: Senior adults may be at significantly greater risk because lead stored in older persons' bones may be mobilized during osteoporosis, or in the normal demineralization of the skeleton with aging. Lead speeds up that process and we all know one of the serious problems of aging Americans is osteoporosis. This process is accelerated as a result of lead.

One witness testified before our subcommittee, "We may indeed, have senior citizen populations who are going to receive their lifetime exposure of lead coming back to them a second time." Such a release of lead in older people may be a cause of reduced mental function.

The chairman talked about where lead is stored. It is in the blood, the bone, teeth—this has been clearly established by examining blood, bones, and teeth, especially the teeth of babies. The one thing we have learned is, the more we study lead, the more we understand the body can take even less lead than we had originally thought. So some of the earlier studies that Dr. Needleman did, and some of the early, early work some people had pioneered, indicated that human beings at all ages could take a lot more lead than we now know they can stand.

We also should come to the realization that, of course, people in certain big cities where we have high population density and old homes with a lot of lead paint—they are at more risk than other people who do not live in the big cities where they have the high levels of lead paint. But we have to understand all children are at risk. This is not a problem that just inner city children face. This is a problem that all American children face.

A good example of potential lead exposure is Las Vegas, NV, one of the newer cities in the United States, certainly the most rapidly growing city in America. You would think in a State like Nevada, a city like Las Vegas, would have no problem with lead. Not true. There have been studies done that show that in fact Las Vegas, NV, has a significant number of children who are subject to exposure to lead.

During any given year we have been told that 400,000 fetuses are at risk of adverse health effects from exposure due to maternal blood levels that would not be there but for the exposure to lead. As I indicated, there have been tests done, for example, on young black children living below the poverty level. That is below $6,000 in central cities of large metropolitan areas. They may have a greater than 95 percent chance of having a blood level that exceeds the minimums. But the report also shows other children have a substantial chance of being at risk. For example, white children in the highest family income category, who do not live in the central cities of large urban areas, have greater than one-third chance of having blood lead in excess of the minimum level.

We know blood lead exposures vary from area to area, with higher exposures estimated for areas with older housing stock, like the Northeast and the Midwest. But as I indicated, in Las Vegas, with new housing, almost 28 percent of the area's children are estimated to have a blood level that exceeds the minimum levels.

And adults, we know they have problems in certain specified industries.

There has been work done around the world recognizing the dangers of lead in certain products prior to when we became interested in them, prior to Dr. Needleman trying to give a clarion call that we, Congress, should do something about this. Other countries reacted more quickly than we did. European countries, as an example, did away with lead paint as much as 50 years ago.

But we, in 1971, enacted the Lead-Based Paint Poisoning Prevention Act, and that was a step in the right direction. But as we learned through the hearings, it has not been enforced very well. Some people have sold paint, that is to be used only for commercial purposes, for residential purposes. Of course, people using it in the residential areas had no knowledge of the kind of paint they were using.

Toys and consumer furniture articles have also been covered, but, again, there has been lack of enforcement. HUD has been criticized for some of the work they have done, but we are making progress.

Gasoline: At one of the hearings we held, one of the witnesses said: If we had glasses that could show the lead particles in certain parts of our country—for example, around service stations that pump lots of gas or around plants that disperse gas—he said, you would not believe what you could see because the ground is poisoned in those areas.

We know that, and in 1973, the EPA issued regulations to do away with much of the leaded gas. The 1985 rulemaking notice proposed a total ban on leaded gasoline. This has never been finalized. We are still selling hundreds of millions and billions of gallons of leaded gasoline in this country. We think there is no leaded gasoline being sold but there are hundreds of millions, yes, Madam President, billions of gallons of lead gasoline still sold in America. We hope that by 1996, when the Clean Air Act said that would be no more, that lead in gasoline will cease. We hope that period is not extended.

Drinking water: In the Safe Drinking Water Act, EPA has done some good work there.

Occupational exposure: There has been good work done there. But there are still lots of problems remaining, and that is what this legislation is all about.

I indicated that there are a number of cases that affect real, live people. I indicated the situation in Maryland.

Lead poisoning is most dramatically evidenced by the death in 1991 of a 28-month-old boy in Waukesha, WI. He died of ingesting lead-based paint chips. The child had reportedly been exposed to so much lead that this toxic substance had begun to replace the calcium in his bones.

Madam President, one of the people who worked very hard on this legislation is Senator BILL BRADLEY. I have heard him talk about lead. Senator BRADLEY indicated that he became interested in this because he had an uncle who worked in the mines in Missouri. As a result of that, Senator BRADLEY's uncle did not function properly as he got older. He had been lead poisoned.

So there are a number of examples of lead poisoning. We even find that some people—and this is just an assertion; I do not know how much validity there is to it—but I have a report out of the Des Moines Register talking about the deaths of noteworthy composers, and indicated in this newspaper article is that some scientists feel Mozart was murdered by poisoning him gradually, a kind of lead poisoning. I do not know how much validity there is to that, but that is what the Des Moines Register said.

In 1989, a 2-year-old Chicago girl died of lead poisoning because no one followed up on a potentially serious problem indicated by a routine blood test that she had taken. Rather than do something about it, she went back to her home and kept eating the paint chips and died.

We have all kinds of articles that have been written that people are sick—especially children are sick—and doctors do not diagnose the problem. It is hard to diagnose.

We have a story out of one of the Chicago newspapers entitled: "Poison of the Past Cripples Poor Kids, Insidious Lead Still Taking Its Toll."

Here we have an article, that we will make part of the RECORD, about a family. Michael and Desmond Wallace had led a normal life, but that normal life died before they even learned to talk. They were hospitalized for 2 weeks. They did not know what was wrong with them. The doctors finally determined—their legs had swollen, they had tremendous pain—it was lead poisoning. No matter what the parents did, how well-intentioned they were, those children were, in effect, in deep trouble as a result of having been lead poisoned.

"It began with an awful stomachache," the San Diego Union Tribune states in a story of less than a year ago.

> It began with an awful stomachache, but then the 2-year old San Diego girl began to stumble around the house. When her mother took her to the doctor, the child became a grim statistic. Tests of her blood showed the highest lead levels ever seen in a California child.

The level of lead in the paint chips was 272,000 parts per million—453 times today's standard for residential paint—where this little girl lived. This child's blood showed 234 micrograms per deciliter, nearly 24 times today's recommended Federal standard of 10. The family moved away, but her brain was permanently damaged, Madam President. Lead poisoning starts out with anemia, fatigue, headaches, stomach cramps, constipation—hallmarks of many other problems. But the child gets progressively and sometimes suddenly worse, sometimes with nerve paralysis, swelling of the brain and, as we have indicated, it can cause death.

The reason, Madam President, that I am bringing these stories, these articles, these instances to the attention of the Senate is that I want this legislation to be more than a numbers game. This legislation affects human beings, especially tiny, little human beings with no ability to determine where they live or what they eat.

Reading from the Knight-Ridder News Service, I state more specifically what Senator BRADLEY said:

> "My involvement with lead really began 30 or 40 years ago, when an uncle of mine who worked in a lead factory in Herculaneum, MO suffered from a number of health problems," he said. "He died at an early age. It was a sad personal history."
>
> Medical experts say that lead can damage the nervous system of growing children and adults.

Senator BRADLEY, as I have indicated, has become interested in this, and he had a program that he started that was most helpful to my legislation. His program was called Get the Lead Out. It is a program he worked very hard on and I, again, express my appreciation for his good work.

Lead, interestingly enough, Madam President, is potentially toxic wherever it is found, and it is found almost everywhere. The factors listed in the ATSDR report is that lead is indestructible. Once removed from its geologically bound forms by human activities, lead poses a toxic threat for which there are no natural defense mechanisms.

Second, there is an environmental accumulation factor. In effect, lead accumulates indefinitely in the environment so long as input continues, no matter how large or how small the quantity.

The human body accumulation factor—we have talked about that: It comes in, it does not go out. And so even though you may get very, very small dosages, they build up over a period of time.

The risk population accumulation factor—this means the estimates of exposure and toxicities based on data from particular points in time—greatly understates the cumulative risk for a population posed by uniquely persistent and pervasive pollutants, such as lead.

The pervasiveness of the problem. It is everywhere. The U.S. lead problem is not simply a problem of a generally neglected segment of society. At present, little or no margin of safety exists between existing blood lead levels in large segments of the U.S. population and those levels associated with toxicity risk.

As I indicated, Dr. Needleman's work has been significant. Among other things, he made three major points in his testimony before the subcommittee. First is that this is the most serious pediatric problem in the United States today. The second is that it is totally preventable. That is why we are here today. Third is that in preventing it, we can accomplish enormous social good in other areas.

Now, Dr. Needleman has those people who do not accept everything he says. As a result of that, we brought in a number of other people who talked to the committee about the dangers of lead. One man whom I have great respect for is a man by the name of Dr. Vernon Houk, at that time—he is retired now—of the Centers for Disease Control. He called lead poisoning the most common and the most societally devastating environmental disease of young children. He went on to say:

> I can't think of anything more devastating in a population of children with no superior intelligence and geniuses.

Another witness states that

> What lead destroys is what Walt Disney once described as the most valuable natural resource of this country: the minds of our children.

Another witness said that if we had spread across the newspaper tomorrow morning the announcement that 30,000 cases of measles in the city of Baltimore had just occurred, there would be a public outcry, Madam President. However, the health department in Baltimore has publicly announced that there are 30,000 children in that city under the age of 7 who have blood lead levels high enough to cause permanent brain damage and, as the testimony indicated, there has been hardly a whimper of interest.

Well, there have been a number of whimpers of interest, and that is why we are here, Madam President. We would have hoped there would be no lead in the environment through paint, but there is; 52 percent of all residential housing units in the country are painted with lead-based paint. This number includes almost all pre-1940 housing, 70 percent of the housing constructed between 1940 and 1959, and 20 percent of the 1960 through 1974 housing. It is estimated that 13.6 million children live in housing with lead-based paint. Almost 2 million units, housing over one-half million children, are estimated to have peeling lead-based paint.

HUD found in a 1990 report that 57 million private homes built before 1980 contained lead-based paint and about 10 million of these homes are occupied by children under age 7.

Though the manufacture of lead-based paint for consumer use has been banned since 1978, these regulations have no effect on previously applied lead-based paint, nor do they apply to industrial, traffic, and certain other types of paint. The presence of such paints in the marketplace can result in misuse, as occurred in a Connecticut case where lead paint made for industrial use was found sold as household paint to unsuspecting consumers.

Even where adequate regulations are in place, they provide no guarantee of compliance.

Gasoline: American motor vehicles consumed over 5 billion gallons of lead gasoline in the year 1987. So we are cutting back but we are still, Madam President, using a lot of leaded paint and gasoline.

Drinking water. We have done a good job there.

Lead has accumulated, as I have indicated, in dust and soil in substantial amounts as a result of paint decomposition and fall off from airborne lead generated by motor vehicle and stationary source emissions.

Madam President, at the first hearing I held in the subcommittee, I listened to this testimony and I was stunned. I was stunned because we were having testimony about what happens in old homes—the example in Maryland. And at the time of the hearing, my only daughter was pregnant with her first baby. They had just happily bought a first home here in the Washington, DC, area that was 52 years old, and they were in the process of refurbishing, taking the old paint off and fixing up this home, their first home.

Well, as soon as that hearing ended, I got on that phone and I told my wife, "You have Steve and Lana move in with us. And they can live with us until they get that house taken care of." They then went out and had to hire somebody to find out if their house was lead poisoned, and it was. And it cost a lot of money to make that house so that they could move in with my granddaughter.

Well, that is well and good, Madam President, but most people do not have the ability to do what my daughter and her husband did. All over the country there are people like my little Mattie, my granddaughter, who have not had the ability to have the paint removed from their home, and as a result of that they are not able to do what they should be able to do because they have been sidetracked emotionally and mentally by lead. I repeat, Madam President, these are not mere statistics. These deal with real human beings.

I have talked about lead in cans. It has dropped from over 90 percent as it was in 1979 to now about 4 or 5 percent and going down all the time.

We also learned during our hearings that we have problems with lead in crystalware. A lot of people have crystalware, and we like to show it off and a lot of times put beverages in those crystal containers, and it stays there a long time. Well, it should not because the longer it is in there, as we have learned by studying the Romans, the more the lead leaches out and the more harmful it can become.

So that is the background of why this legislation needs to pass. I have talked about the help of Senator BRADLEY, Senator BAUCUS, and Senator CHAFEE. I appreciate very much the help that they have given. But no one, Madam President, has helped more than Senator LIEBERMAN. Senator LIEBERMAN has attended faithfully every hearing that we have had dealing with lead abatement. He has always come well prepared to ask good, hard questions.

He has been most helpful the last few days while we have been trying to work things out to get this bill to the Chamber. So I am very grateful to Senator LIEBERMAN for his leadership in this legislation.

The reason I mentioned Senator CHAFEE's name, Madam President, is that the entire Committee has become educated on the dangers of lead. This bill is not a Democratic bill. This bill is a bipartisan effort to try to take lead out of the environment.

It has not been easy to get to this point. We have had to compromise things that I did not want to compromise. But we had to do it. This is a bipartisan effort to get a bill. As I said, we have all been educated. A lot of us went into this with different ideas about the dangers of lead. I think my friends on the other side of the aisle also had different ideas as to the dangers of lead and thought maybe that HARRY REID's world was exaggerated. They have been great in understanding why we need this legislation. It has not come easy. We have all taken a long time to be educated.

I have a totally different outlook on lead than I did when I started. One of the things that we have found with lead is that, as bad as it is, it is the only thing that works in certain instances. As bad as lead is, it is the only thing that works for certain uses.

We made a finding in this legislation that lead poisoning is the most prevailing disease of environmental origin among American children today, and that the continued manufacture, import, processing, use of, and disposal of lead-containing products may cause further release of lead into the environment and certain releases contribute to further environmental contamination and result in lead exposure. I understand that. We have made that finding. But having said that and having the legislation match it has not been that easy.

What we have had to do is hold hearings. We have held a number of hearings, the most noteworthy of which was in March 1990, June 1990, February 1991, and June 1993. We have had 53 witnesses that have appeared personally before the committee. We have had scores of other witnesses that have appeared through giving us written testimony. And I repeat, there have been countless hours of meetings held with members of my staff, members of the Environment and Public Works Committee staff, and with various special interest groups who have been concerned about this legislation.

I will briefly go over what the legislation does because I do not want to take more time than necessary because I know that Senator SMITH wants to speak on this and also another matter of business concerning the State of New Hampshire and the country. I want to make sure he has the opportunity to do that.

What we have done in this legislation is in section 103 to regulate the use of lead in several products. The use of lead is not essential in any of the following products and would be restricted: Paint, plumbing fixtures, solder, toys, recreational game pieces, packaging, inks, and curtain rods.

With respect to paint, lead continues to be used in a number of paint and coating applications, including traffic paint. We tried for years literally to come up with some substitute for painting the white lines and yellow lines down the street. We could not come up with anything. You have to have lead or you cannot see it. Bridge paint, similar problems there; motor vehicle primer; refinishing paint; mirror backings. We thought we had something with mirror backings, and could not do it; a variety of other industrial and graphic art coatings. It has been estimated that some 33 million pounds of lead were used by the paint industry alone in 1989.

Madam President, there are certain paints in which a nonlead substitute is currently not available. We have to recognize that. Even though some would disagree, I think the significant weight of scientific evidence weighs in favor of what the committee has done.

Lead solder is included, to further the ban on lead solder and plumbing that was adopted as part of the 1986 Safe Drinking Water Act. There is evidence that lead solder in plumbing is still being used, significant evidence, and we need to terminate that. Therefore, we require EPA to promulgate regulations to ban lead commonly used in plumbing systems. And, second, we require the EPA to promulgate regulations restricting the sale and display of lead solders that are not commonly used in plumbing systems. The purpose of that, of course, is not to have these in stores so that people come and buy them when there is no reason to do that. They should only be used for specific purposes.

We have addressed the uses involving national security by exemption, which protects paramount interest of the United States. That will be determined by the administration's Environmental Protection Agency and the Secretary of Defense.

In packaging, we want to do what we can to make sure that there is no lead that is intentionally added to any elements of packaging 4 years after enactment. Some States have already done this. It is working out quite well because these heavy metals with lead need not be put in the municipal waste train which pose, of course, a threat to the environment. We had to make an exemption for certain artists for some of the paints that they use which are lead based.

Senator BAUCUS, the chairman of the committee, talked about what we have done with lead acid batteries, which I think is really one of the strong points of this legislation. But, in addition to that, we have an inventory of lead-containing products in new use notification procedures. I am going to send a modification to the desk which has been cleared on both sides that make a number of changes which I will briefly explain.

We have done something in this legislation with product labeling. We want to make sure that people are alerted as to the danger of lead in products that we cannot do away with.

Dr. James Mason, who is retired now, but was at one time the chairman of the Centers for Disease Control, and also an Assistant Secretary of Health and Human Services, has stated studies on health effects of lead over the past 20 years uncover a consistent trend. The more that is learned about lead effects on children and fetuses, the lower the blood level at which adverse effects can be documented. That is why we have to be extremely careful with the labeling aspect of this legislation.

We also have a section that deals with lead contamination of schools and day care facilities. The chairman of the committee covered that adequately. Basically, what we do is provide for testing for lead in day care centers. I must say that my friend from New Hampshire was someone that brought to the attention of the chairman of the subcommittee that what we were doing was creating an unfunded mandate unless we changed it.

As a result of the work of Senator SMITH and others, we now do not have an unfunded mandate. There are some Members of the Senate and the other body who felt we should pass the law and let the States figure out how to pay for it. We have done that so often that we cannot do it anymore. The States cannot afford it. So what we do under this legislation is there is a program that has been authorized to allow States with the direction and help of the Federal Government to test day care facilities and schools for lead. It will not be done all at once. But it will be done. We are not putting this unfunded mandate on the schools and day care centers.

We have also blood lead and other abatement and measurement programs set forth in the legislation. Section 109 establishes the National Center for Prevention of Lead Poisoning, and we are going to establish one or more national centers for the prevention of lead poisoning to be established at higher education institutions or academic medical centers to promote research and development in the reduction of the exposure to lead.

We have some miscellaneous sections in the legislation, Madam President. Beginning in section 201, according to Dr. Vernon Houk, who has already received accolades, he states if there is a threshold below which there are no adverse effects of lead on the young, it is near zero. Further, the majority of children whose intelligent development are being affected by lead are never identified.

That is why we have to do a better job of reporting blood lead levels. Dr. Herbert Needleman, whom we talked about earlier, recommends that children have a blood test for lead after their first birthday and every year thereafter until they are past age 6. So one of the things we have to do is make the test cheaper than what it has been. That is one of the purposes of this section.

The report that we have talked about so much here, the Agency for Toxic Substances and Disease Registry, will be updated on a periodic basis. This legislation calls for that. We talk about restrictions on lead in ceramic ware and crystal, for the reasons I have mentioned earlier.

(Mr. MATHEWS assumed the chair.)

Mr. REID. Mr. President, we have heard from the EPA, of course; the Color Pigments Manufacturers Association; the National Parent-Teachers Association; the National Education Association; the Alliance Against Childhood Lead Poisoning; the National Education Association; Exide Corp. in behalf of Battery Council International; Asarco, Inc., which is one of the companies mining lead; the National School Boards Association; Electronic Industry Association; American Fish and Tackle Manufacturers Association, and others.

I wanted this spread on the RECORD, Mr. President, because I wanted the RECORD to reflect that anyone wanting to come and tell us about the problems with lead, either pro or con, has been given the opportunity to do that.

Mr. President, I have a modification that I am going to offer.

Mr. DANFORTH. Will the Senator from Nevada yield for a question?

Mr. REID. The Senator from Nevada is happy to yield.

Mr. DANFORTH. Section 401(b) of this legislation states that:

> It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.

My question has to do with the definition of further releases of lead into the environment. It is my understanding that this does not refer to lead mining activities. Instead, it refers to disposal or discharges which result in adverse human or environmental exposures. Is the Senator from Missouri correct in his interpretation?

Mr. REID. The Senator from Missouri is correct in his interpretation.

Mr. DANFORTH. I thank the Senator.

Mr. REID. Mr. President, I yield to my friend from New Hampshire, who is comanaging this bill, and then I will have a few more things to say.

Mr. SMITH. Mr. President, let me just state as a courtesy to my colleagues that this side has no objection to the bill and do not intend to request a recorded vote. At this time, I do not have a request for a recorded vote. If there are any of my colleagues on our side who wish a recorded vote, if they would so indicate to me during the course of the next few minutes, it would be helpful.

Mr. REID. If I could interrupt, I have previously indicated that there probably will have to be a vote on this. But we will work on that.

Mr. SMITH. I understand. There is a possibility of an amendment or colloquy or something regarding the fishing sinker amendment. But at this point I do not have any such language.

Mr. President, I want to start by commending my colleague from Nevada. This is an issue that he has worked a long, long time on, with great passion. It is something that he believes in very deeply. He really sunk his teeth into the issue and stayed with it tenaciously, and at the same time, he was extremely accommodating to me and all of those who had some differences from time to time with the bill. He was always willing to talk and to negotiate, to try to come to some consensus or agreement. He has done a fantastic job in that regard on this legislation, and I commend him for it.

This bill, S. 729, called the Lead Exposure Reduction Act, is a very important response to the use of lead in instances where there is unreasonable risk of lead exposure, and subsequent risk to human health does exist.

Again, I want to emphasize the words "unreasonable risk" of lead exposure and "subsequent risk" to human health. I think that this bill is a response to that unreasonable risk and subsequent risk.

We all know the adverse health effects associated with lead exposure, and particularly alarming, as Senator REID has pointed out very eloquently, is the impact of lead exposure on our children. These risks have not gone unnoticed to the public. Congress has specifically addressed the lead problem in gasoline; it has addressed the concerns in paint, drinking water, and solid waste, to name just a few.

Most recently, Congress debated the lead issue in the context of the Housing and Community Development Act of 1992. Title X of that act tackled what EPA considers to be one of the major exposure concerns in the environment—lead-based house paint. It included comprehensive provisions for the evaluation and reduction of lead-based paint in our aging stock of federally owned housing. Yet, there is a whole host of other lead-containing products on the market. Some may present a serious risk to human health and the environment, and others may not. I think we try to accommodate concerns of those products that do not in this legislation, as well as dealing with those that do.

That is the focus of S. 729, on lead in consumer products. Unlike the bill which was originally reported on this matter, the legislation before us now does not address the issues of lead exposure during manufacturing and processing. This is quite a change. The aim here in this legislation is to deal with the adverse exposure through the marketplace, where our children are most susceptible. The intent is not to ban legitimate and beneficial uses of lead. Senator REID indicated that there are some areas where we just do not have alternatives, and there is no attempt to ban where there is no reasonable alternative.

The bill is straightforward. It calls on the administrator of the EPA to: One, develop an inventory of all lead-containing products sold or distributed in commerce.

Secondly, it establishes a list of lead-containing products or categories of products that the administrator determines may present an unreasonable risk of injury to human health or the environment.

Thirdly, it provides for the labeling of products included on the exposure concern list.

In addition, the bill restricts the use of lead in paint, plumbing, fittings, fixtures, solders, toys, packaging, and inks.

The legislation also establishes an important mandatory recycling program for lead-acid batteries. Under the bill incineration and landfill incineration of batteries would be prohibited. Rather, such batteries would be managed through a reverse distribution system from battery retailers to smelters for recycling.

I might add that this provision is supported by the Battery Council as well.

Finally, the bill includes several important provisions with respect to research into lead abatement and health protection from exposure to lead.

In conclusion, I would like to touch on one point, Mr. President. Section 107 of the bill provides for lead testing and inspection of schools and day care centers constructed prior to 1980 contingent upon availability of Federal funding, and I emphasize contingent upon availability of Federal funding. Senator REID addressed that. This bill does not mandate cleanup of these facilities. It does not mandate cleanup of these facilities.

It may be the case that there is not a lead problem in these facilities. We do not know at this point. It may be there is. I do know, however, that the bill does not provide funding for lead abatement. Testing, yes; but abatement, no. I make it clear we may have to revisit the issue at a later date. There is some controversy.

We have a letter from the National School Boards Association which I ask unanimous consent to print in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,
May 23, 1994.

Re S. 729, the Lead Reduction Act of 1993.
Member,
U.S. Senate, Washington, DC.

DEAR SENATOR: We are writing on behalf of the National School Boards Association (NSBA). The National School Boards Association speaks on behalf of public education nationwide and represents 95,000 school board members who endeavor daily to provide an excellent public education to every child in the country. School board members are the elected and appointed officials responsible for making the hundreds of difficult choices that balance educational programs against the fiscal realities which they and local voters face.

We understand that the Lead Reduction Act of 1993, S. 729, may be brought up on the Senate floor as early as Tuesday, May 24. Our testimony last summer described several of the problems we have with the bill. Our most fundamental dilemma is that this bill represents another unfunded federal mandate to schools. If Congress views the prevention of lead poisoning as a critical activity for schools to undertake, the federal government should pay for a substantial amount of the cost and require state environmental departments to conduct the abatement. Otherwise schools will be required to pay millions and millions of dollars in abatement costs from local property taxes—the most regressive tax available.

Although lead abatement—removal, encapsulation, or management—is not required in this bill, nevertheless the notification process will create intense pressure to perform abatement. It is disingenuous to suggest that parents can be told that there is lead in their child's school and not expect them to demand abatement. The result is that lead abatement will rob schools of funds that need to stay in the classroom. The abatement of lead paint, dust and lead in the soil and water is extremely costly and requires an understanding of both the environmental hazard and the available abatement procedures. The trained professional in the state environment department would be the most effective in handling the abatement process with a strong communications and scheduling role for the school board. With the state's expert scientific advice, the state department and the school board could develop a plan to ensure that the timing is appropriate for the school calendar, communications with the parents are complete, and accurate and timely information is available to the media and other interested parties.

If you or your staff have any questions, please contact Laurie A. Westley, NSBA's Chief Legislative Counsel, at 703-838-6703.

Sincerely yours,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

Mr. SMITH. Mr. President, there is no intention—I want to make it clear, and I will respond to the letter. I will make it clear there is no intention on this Senator's part to create an unfunded mandate, period, no intention.

The purpose here is only to establish a program for testing. In the letter from the School Boards Association, I understand their concern. I used to be a school board member myself. They are basically taking the point that although lead abatement is not required in the bill, nevertheless, the notification process will create intense pressure to perform abatement. That is a decision for the community to make. That is the community's decision. If they look at this and do some studies and they do not feel the lead is in significant amounts or not a health hazard in their community or their school, for whatever reason, that is their decision. We are not mandating at all. Wherever we are requiring testing we are funding it. If we do not fund it, we do not require it.

I think Senator REID has gone a long way, and we all worked a long time on this. I believe it is a reasonable piece of legislation that tries to take into consideration all the factors and all the concerns. It is probably not perfect. I do not know much that is.

I do support the bill and intend to vote for it if there is a recorded vote.

At this time, Mr. President, I see no other speakers on our side. I yield the floor to the chairman.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank Senator SMITH.

MODIFICATION TO THE COMMITTEE AMENDMENT

Mr. REID. Mr. President, I have been authorized on behalf of the Committee on Environment and Public Works to modify the committee amendment, and I now send that modification to the desk.

The PRESIDING OFFICER. The committee amendment is so modified.

The committee amendment was modified as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.
Sec. 204. Non-interference.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 411 through 421, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting "(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes;

"(iii) paints containing lead chromate pigments; and

"(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(C) Curtain weights—

"(i) that are not encased in vinyl or plastic;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(D) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in subparagraph (B), and beginning on the date that is 6 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that an increase in the percentage of the allowable lead content will not adversely affect human health or the environment.

"(B) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under paragraph (1) in accordance with subparagraph (A), the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(B) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for mirror manufacturing or for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this title as 'ANSI') standard Z66.1;

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film; or

"(IV) 1 (or more) substitute for zinc-enriched industrial paint for use in any class or category of uses that contains less than 0.19 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this subsection.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (IV) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any new motor vehicle or new motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), (III), or (IV) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this subsection, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this subsection, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) IN GENERAL.—

"(A) RESTRICTIONS ON SALE AND DISPLAY OF LEAD SOLDERS.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to restrict the sale and display of lead solders that are reasonably capable of being used in plumbing systems, including, at a minimum—

"(i) a prohibition on the sale or display of the lead solders in the plumbing supply section of a retail establishment;

"(ii) a restriction on the sale or display of the lead solders in a wholesale plumbing establishment;

"(iii) a prohibition on the sale or display of the lead solders in proximity to plumbing materials in an establishment; and

"(iv) a requirement that each of the lead solders be labeled to indicate that the solder is not intended for use in a plumbing system.

"(B) FURTHER RESTRICTIONS ON LEAD SOLDERS.—The Administrator shall by regulation establish a further restriction on the manufacture, sale, display, or labeling of lead solders, if the Administrator determines that the restriction is necessary to prevent the use of lead solders in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—If a voluntary standard for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall take effect on the date that is 5 years after the date of promulgation of the standard.

"(2) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under paragraph (1) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is used to produce a product from which a package or packaging component is manufactured.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this subsection—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AVERAGE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the average of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this subsection, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this subsection, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this subsection, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this subsection, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this subsection, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions described in subsection (a)(1) on the lead content of paint any products that are imported, processed, manufactured, or distributed in commerce for use by artists in creating, restoring, and preserving works of art, including graphic works of art, if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1).

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1994 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 403, as added by section 103 of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) DEVELOPMENT OF INVENTORY.—

"(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) PUBLICATION OF DRAFT INVENTORY.—

"(A) IN GENERAL.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory and the grouping of products by the Administrator pursuant to paragraph (2).

"(B) PUBLICATION.—Not later than 4 years after the date of enactment of this paragraph, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6)(C) shall be deemed to comprise the inventory.

"(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

"(1) IN GENERAL.—Beginning on the date that is 6 years after the date of enactment of this paragraph, the Administrator shall issue regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to—

"(A) exposure to lead released during and from use of such a product by a consumer;

"(B) direct exposure of the product to the environment; or

"(C) exposure to lead at the end of the useful life of the product;

taking into account other applicable regulations.

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 2 years after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 2 years after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(5) CONSTRUCTION.—Nothing in this subsection shall be construed to affect any authority of any person under section 5 or 6 concerning the manufacturing or processing of a lead-containing product or a category of such products.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this paragraph; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this paragraph,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 404, as added by section 104 of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law;

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(iii) during or after disposal.

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between—

"(i) labels required for products included in the list established under section 404(b) that present a risk of exposure to lead during distribution or use; and

"(ii) labels required for products included in the list that present a risk of exposure to lead during or after disposal.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 7 years after the date of enactment of this paragraph.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

"'**CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.**'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

"'**COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.**'.

"(2) Criteria for regulations.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) Effective date.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) Labels.—If, by the date that is 2 years after the date of enactment of subsection (a)(1), the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) Bar.—Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section. Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, nothing in section 404 or this section shall be construed to create any additional liability, to create any additional defense, or to in any other manner increase or decrease the liability (including liability for damages), for any party relating to any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the requirements of such sections.".

SEC. 106. BATTERIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 405, as added by section 105 of this Act, the following new sections:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) Prohibitions.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) Disposal.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) Exemption.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) General Discard or Disposal Requirements.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A community collection program operated by, or pursuant to an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) Discard or Disposal Requirements for Retailers.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) Discard or Disposal Requirements for Wholesalers, Automotive Dismantlers, and Community Collection Programs.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of this subsection—

"(A) no person who sells lead-acid batteries at wholesale;

"(B) no automotive dismantler; and

"(C) no community collection program operated pursuant to an agreement with a governmental entity,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) Persons.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) Discard or Disposal Requirements for Manufacturers.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) Persons.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) Collection Requirements for Retailers.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall—

"(A) accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold; and

"(B) collect a deposit in an amount not less than $10 for the sale of any new replacement automotive type lead-acid battery that is not accompanied by the return of a used automotive type lead-acid battery.

"(2) Deposits.—A person who pays a deposit pursuant to this subsection shall receive from the retailer a refund in an amount equal to the deposit paid, if the person returns a used automotive type lead-acid battery of the same general type as the battery purchased from the retailer not later than 30 days after the date of sale of the battery purchased. All unredeemed deposits shall inure to the benefit of the retailer. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) Collection Requirements for Wholesalers.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) Wholesaler who sells lead-acid batteries to a retailer.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) Collection Requirements for Manufacturers.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) Written Notice Requirements for Retailers.—

"(1) In general.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) Failure to post notice.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) Lead-Acid Battery Labeling Requirements.—

"(1) In general.—Beginning on the date that is 18 months after the date of enactment of this subsection, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) Sales.—Beginning on the date that is 2 years after the date of enactment of this subsection, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) Labels.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) Recycling symbols.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery of a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) Publication of Notice.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(l) Warnings and Citations.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) Export for Purposes of Recycling.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) Definition.—As used in this section, the term 'lead-acid battery' means a battery that—

"(1) consists of lead and sulfuric acid;

"(2) is used as a power source; and

"(3) is not a rechargeable battery, as defined in section 407.

"SEC. 407. MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT.

"(a) Definitions.—As used in this section:

"(1) Battery pack.—The term 'battery pack' means any combination of rechargeable batteries containing 1 or more regulated batteries that commonly has wire leads, terminals, and dielectric housing.

"(2) Button cell.—The term 'button cell', used with respect to a battery, means any button-shaped or coin-shaped battery.

"(3) Easily removable.—The term 'easily removable', used with respect to a rechargeable battery or battery pack, means the battery or battery pack is detachable or removable from a rechargeable consumer product by a consumer with the use of common household tools at the end of the life of the battery or battery pack.

"(4) Mercuric-oxide battery.—The term 'mercuric-oxide battery' means a battery that uses a mercuric-oxide electrode.

"(5) Rechargeable battery.—The term 'rechargeable battery'—

"(A) means any type of enclosed device or sealed container consisting of 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

"(B) does not include—

"(i) any lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

"(ii) any lead-acid battery used for load leveling or for the storage of electricity generated by an alternative energy source, such as a solar cell or wind driven generator;

"(iii) any battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; and

"(iv) any alkaline battery.

"(6) Rechargeable consumer product.—The term 'rechargeable consumer product'—

"(A) means any product that when sold at retail includes a regulated battery as a primary energy supply and that is primarily intended for personal or household use; and

"(B) does not include any product that uses a battery solely as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

"(7) Regulated battery.—The term 'regulated battery' means any rechargeable battery that—

"(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

"(B) has another electrode chemistry and is the subject of a determination by the Administrator pursuant to subsection (b)(5).

"(8) Remanufactured product.—The term 'remanufactured product' means a rechargeable consumer product that has been altered by the replacement of a part, repackaged, or repaired, after initial sale by the original manufacturer.

"(b) Rechargeable Consumer Products and Labeling.—

"(1) Prohibition.—

"(A) In general.—No person shall sell to an end user for use in the United States a regulated battery or rechargeable consumer product manufactured on or after the date that is 1 year after the date of enactment of this subsection, unless—

"(i) the regulated battery—

"(I) is easily removable from the rechargeable consumer product;

"(II) is contained in a battery pack that is easily removable from the product; or

"(III) is sold separately from the product; and

"(ii) the rechargeable consumer product and the regulated battery are labeled in accordance with paragraph (2).

"(B) Application.—Subparagraph (A) shall not apply to—

"(i) the sale of a remanufactured product unless subparagraph (A) applied to the sale of the product when originally manufactured; and

"(ii) a product intended for export purposes only.

"(2) Labeling.—Each regulated battery, battery pack, or rechargeable consumer product without an easily removable battery or battery pack, manufactured on or after the date that is 1 year after the date of enactment of this subsection, whether produced domestically or imported, shall be labeled with—

"(A)(i) 3 chasing arrows or a comparable recycling symbol;

"(ii) proximate to such arrows or symbol—

"(I) on each nickel-cadmium battery or battery pack, the chemical name or the abbreviation 'Ni-Cd'; and

"(II) on each lead-acid battery or battery pack, 'Pb' or the words 'LEAD', 'RETURN', and 'RECYCLE'; and

"(iii) on each regulated battery or battery pack, the phrase 'NICKEL-CADMIUM BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable;

"(B) on each rechargeable consumer product without an easily removable battery or battery pack, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable; and

"(C) on the packaging of each rechargeable consumer product, and the packaging of each regulated battery or battery pack sold separately from such a product, unless the relevant label is clearly visible through the packaging, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'.

"(3) Existing labeling.—

"(A) Substantial compliance.—For a period of 2 years after the date of enactment of this subsection, regulated batteries and battery packs, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages, that are labeled in substantial compliance with paragraph (2) shall be deemed to comply with the labeling requirements of paragraph (2).

"(B) Different label.—Upon application by a person subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), the Administrator may approve a different label and certify that the different label meets the requirements of paragraph (2) or (5), respectively, if the different label—

"(i) is substantially similar to the label required under paragraph (2) or (5), respectively; or

"(ii) conforms with a recognized international standard and is consistent with the overall purposes of this section.

"(4) Point of sale information.—Any retail establishment that offers for sale any battery, battery pack, or product subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), shall display, in a manner visible to a consumer, a written notice that informs the consumer that regulated batteries and battery packs, whether sold separately or in rechargeable consumer products, shall be recycled or disposed of properly.

“(5) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

“(A) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries described in subsection (a)(7)(A) are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries, battery packs, and rechargeable consumer products, and after public comment—

“(i) promulgate labeling requirements for the batteries with different electrode chemistries, battery packs containing the batteries, rechargeable consumer products containing the batteries that are not easily removable batteries, and packaging for the products; and

“(ii) promulgate easily-removable design requirements for rechargeable consumer products designed to contain the batteries or battery packs.

“(B) SUBSTANTIAL SIMILARITY.—The regulations promulgated pursuant to subparagraph (A) shall be substantially similar to the requirements set forth in paragraphs (1) and (2).

“(6) UNIFORMITY.—After the effective dates of a requirement set forth in paragraph (1), (2), or (3) or a regulation promulgated by the Administrator under paragraph (5), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery, battery pack, or rechargeable consumer product that is not identical to the requirement or regulation.

“(7) EXEMPTIONS.—

“(A) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of paragraph (1) in accordance with the procedures under subparagraph (B). The application shall include—

“(i) a statement of the specific basis for the request for the exemption; and

“(ii) the name, business address, and telephone number of the applicant.

“(B) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under subparagraph (A), the Administrator shall approve or deny the application. Upon approval of the application, the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with this subsection and with an equivalent level of product performance without the product—

“(i) resulting in danger to human health, safety, or the environment; or

“(ii) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

“(C) RENEWAL OF EXEMPTION.—A person granted an exemption under subparagraph (B) may apply for a renewal of the exemption in accordance with the requirements and procedures described in subparagraphs (A) and (B). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of granting of the renewal.

“(c) REQUIREMENTS.—For the purposes of carrying out the collection, storage, transportation, recycling, or proper disposal of used rechargeable batteries, used battery packs, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries, battery packs, or products to a facility for recycling or proper disposal shall be subject, in the same manner and with the same limitations, to the same requirements as would apply if the persons were collecting, storing, or transporting batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, notwithstanding any regulations adopted pursuant to a grant of authority to a State under section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926).

“(d) COOPERATIVE EFFORTS.—Notwithstanding any other provision of law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries, used battery packs, or used rechargeable consumer products advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely upon such cost information as is collected during the project or program.

“(e) REPORT TO CONGRESS.—

“(1) REPORT DEADLINES IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Administrator, after consultation with and obtaining relevant industrywide data from the States, environmental and consumer groups, and organizations representing rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, and after conducting a public hearing and considering public comment, shall submit to Congress a report that provides the information specified in paragraph (2). In collecting information for the report, the Administrator shall coordinate with such States, environmental and consumer groups, and organizations to minimize the frequency and scope of any reporting requirements associated with the manufacture, sale, or collection of regulated batteries.

“(2) CONTENT OF REPORT.—The report described in paragraph (1) shall include each of the following:

“(A) A review of the activities carried out by the entities listed in paragraph (1) with respect to the labeling, collection, transportation, recycling, and disposal of regulated batteries.

“(B) An estimate, for the period beginning on the date of enactment of this subsection and ending on the date of preparation of the report, of the number of regulated batteries entering the solid waste stream for disposal in incinerators, landfills, and municipal solid waste facilities.

“(C) A review of the recycling and reclamation rates for regulated batteries.

“(D) A review of the availability of permitted facilities sufficient to handle the current and projected volume of used regulated batteries, along with a complete evaluation of potential regulatory impediments to management options.

“(E) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products and participating in programs for the collection of regulated batteries.

“(F) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products, excluding retailers, that are not participating in programs for the collection of regulated batteries. In formulating the list, the Administrator shall not require any participant to report the name of any such nonparticipant. Prior to listing any entity as such a nonparticipant, the Administrator shall determine that the entity should be a participant, and independently verify with the entity that the entity is not a participant.

“(3) FREQUENCY OF REPORT.—Not later than 2 years after publication of the report required in paragraph (1), and every 2 years thereafter, the Administrator shall issue a report that provides an update of the information specified in paragraph (2).

“(f) LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.—No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cell batteries shall be 25 milligrams of mercury per button cell battery.

“(g) LIMITATIONS ON THE SALE OF ZINC CARBON BATTERIES CONTAINING MERCURY.—No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1995, that contains any mercury that was intentionally introduced as described in subsection (f).

“(h) LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.—No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery on or after January 1, 1995.

“(i) LIMITATIONS ON THE SALE OF MERCURIC-OXIDE BATTERIES.—No person shall sell, offer for sale, or offer for promotional purposes any mercuric-oxide battery on or after January 1, 1997.

“(j) INFORMATION DISSEMINATION.—In consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, the Administrator shall establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and used rechargeable consumer products without easily removable batteries.

“(k) ENFORCEMENT.—For the purposes of this section:

“(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a reasonable specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

“(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 for each such violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

“(3) Any order issued under this subsection shall become final unless, not later than 30 days after the order is served, the person or persons named in the order request a public hearing. If such a request is made, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this subsection, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.

"(4) If a violator fails to take corrective action within the time period specified in a compliance order issued under this subsection, the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

"(l) INFORMATION GATHERING AND ACCESS.—For the purposes of this section:

"(1) Any person who is required to comply with this section, including—

"(A) a regulated battery manufacturer;

"(B) a rechargeable consumer product manufacturer;

"(C) a mercury-containing battery manufacturer; and

"(D) an authorized agent of a manufacturer described in subparagraph (A), (B), or (C);

shall establish and maintain such records and report such information as the Administrator may by rule reasonably require to carry out this section.

"(2) The Administrator, or an authorized representative of the Administrator upon presentation of credentials, may at reasonable times have access to and copy any records required to be maintained under paragraph (1).

"(3) The Administrator shall maintain the confidentiality of such records or information maintained or reported under this subsection as contain proprietary information.

"(m) STATE AUTHORITY.—Except as provided in subsection (b)(6), or as provided in subsection (c), (relating to requirements and the labeling of rechargeable batteries, battery packs, or rechargeable consumer products or packages containing the products), nothing in this section shall be construed so as to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this section.

"(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 407, as added by section 106 of this Act, the following new section:

"SEC. 408. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children.

"(2) COVERED SCHOOL.—The term 'covered school' means the interior and exterior of any building constructed before 1980 that is used—

"(A) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(B) as a kindergarten that regularly provides education for children in kindergarten or younger children.

"(3) DAY CARE FACILITY.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) LEAD HAZARD.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) LEAD INSPECTION.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) LOCAL EDUCATION AGENCY.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) OWNER OR OPERATOR.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) SIGNIFICANT USE.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) COVERED SCHOOLS AND COVERED DAY CARE FACILITIES.—

"(1) IN GENERAL.—Except as provided in subsection (d)(4), not later than 3 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of—

"(I) each room of each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children to detect interior lead-based paint and an inspection of each covered school that is chipping, peeling, flaking, or chalking; and

"(II) each covered school and covered day care facility to detect exterior lead-based paint; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 412; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank facilities in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities serving populations at greatest risk.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing facilities, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which facilities in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(iii) NO CAUSE OF ACTION.—The failure of a teacher or other school personnel member of a covered school or covered day care facility, or parent (or guardian) of a child (including a newly enrolled child) attending a covered school or covered day care facility, to receive a copy of the risk disclosure information shall not constitute a cause of action under this subsection.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 412), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this subsection for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age in the State bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (b) relating to inspections only to the extent that assistance under this section is available to cover the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this subsection, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this subsection; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this subsection, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this section be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1995;

"(2) $30,000,000 for the fiscal year 1996; and

"(3) $30,000,000 for the fiscal year 1997.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 408, as added by section 107 of this Act, the following new section:

"SEC. 409. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this subsection, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Administrator shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 409, as added by section 108 of this Act, the following new section:

"SEC. 410. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning (referred to in this section as a 'Center').

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share with respect to a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "418".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "418".

(3) AUTHORIZED STATE PROGRAMS.—Section 413, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "411 or 415"; and

(B) in subsection (d), by striking "402" and inserting "411".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 421, as redesignated by section 101(a) of this Act, by striking "There are authorized to be appropriated to carry out the purposes of this title" and inserting "There are authorized to be appropriated to carry out this title (other than sections 403 through 410)".

(c) REFERENCES IN OTHER ACTS.—

(1) Section 302(a)(1)(A) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C 4822(a)(1)(A)) is amended by striking "406" and inserting "415".

(2) Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852) is amended—

(A) in subsections (e)(5), (g)(1), and (n), by striking "402" and inserting "411"; and

(B) in subsection (n), by striking "404" and inserting "413".

(3) Section 1018(a)(1)(A) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(a)(1)(A)) is amended by striking "406" and inserting "415".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Mercury-containing and rechargeable battery management.
"Sec. 408. Lead contamination in schools and day care facilities.
"Sec. 409. Blood-lead and other abatement and measurement programs.
"Sec. 410. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 411. Lead-based paint activities training and certification.
"Sec. 412. Identification of dangerous levels of lead.
"Sec. 413. Authorized State programs.
"Sec. 414. Lead abatement and measurement.
"Sec. 415. Lead hazard information pamphlet.
"Sec. 416. Regulations.
"Sec. 417. Control of lead-based paint hazards at Federal facilities.
"Sec. 418. Prohibited acts.
"Sec. 419. Relationship to other Federal law.
"Sec. 420. General provisions relating to administrative proceedings.
"Sec. 421. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) Reporting of Blood-Lead Levels.—

(1) In general.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) Report to congress.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) Additional report.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 409(a) of the Toxic Substances Control Act (as added by section 108).

(b) Establishment of Blood-Lead Laboratory Reference Project.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by inserting after section 424 the following new section:

"SEC. 424A. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) In General.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) Funding.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) Amendment to the Fair Packaging and Labeling Act.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(d) The Lead Exposure Reduction Act of 1994 and the amendments made by such Act.".

(b) Amendments to the Federal Food, Drug and Cosmetic Act.—

(1) Time-based requirements.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(f) For the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994 and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of such Act, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of such Act and thereafter, 100 parts per million (0.01 percent).".

(2) Ceramic ware; processed foods; wine.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) Ceramic Wares.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) Crystal Wares.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) Processed Foods.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) Wine.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.".

(3) Prohibition relating to ceramic ware.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

SEC. 204. NON-INTERFERENCE.

Nothing in this Act shall interfere with the promulgation of regulations required pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat. 3897).

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act and the amendments made by this Act (other than sections 407 and 408 of the Toxic Substances Control Act, as added by this Act)—

(1) $25,000,000 for fiscal year 1995;
(2) $24,000,000 for fiscal year 1996;
(3) $24,000,000 for fiscal year 1997; and
(4) $22,000,000 for fiscal year 1998.

Mr. REID. Mr. President, this modification consists of seven components. The changes to the original bill have been discussed on both sides of the aisle, and it is my understanding there is agreement to accept this modifying language. However, for Members who are not familiar with the contents of the modification, I will briefly make comments on each item contained in the modification.

Item No. 1: There are a series of technical corrections that have been provided by Senate legislative council. This changes have been made to make the bill consistent with current dates, legislative language, and other technical matters.

These changes, as I understand, have been reviewed by both sides and are acceptable.

Item No. 2: The backings of mirrors have been traditionally constructed by using lead as an inhibitor against corrosion and deterioration of the product. The bill, in its initial language, placed these products on a list of products to be banned in commerce 5 years after enactment of this legislation.

The mirrors industry had agreed with this language because they had discovered what they thought was an adequate substitute for an adhesive. Unfortunately, this substitute was used and subsequently broke down, leaving the mirrors manufacturing industry with no alternative but to ask us to revisit this issue.

A number of my colleagues approached me about this issue and asked for some kind of relief for this particular problem and dilemma. I might point out that there is no direct exposure concern from this product; it is simply a product where it was thought a substitute could be found an utilized.

I have, by way of this modification, placed mirror and mirror manufacturing in an exempt category that will give the Administrator of EPA an opportunity to review this product after 5 years to determine if there is a substitute, and, if so, identify that product and its lead content so that it can be used as a substitute.

Item No. 3: A change to the lead solder language in the bill. The original legislation called for provisions to ask the Administrator of the EPA to promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders. This language specifically addressed two lead solders; 85–15 and 50–50 tin lead solders.

On further review, and in consultation with the EPA, and the business and environmental community, it has been determined that it is not important to address or ban specifically measured lead solders when the intent is to ban all lead solders used in plumbing systems. Changes have been made that accomplish that end with more accuracy in the language.

Item No. 4: Plumbing fittings and fixtures. The Safe Drinking Water Act reauthorization that passed the Senate last week had a section dealing with lead in plumbing fittings and fixtures. That language was taken from the bill we are considering here today, with one addition. The language in the safe drinking water bill referenced the voluntary process that is taking place that hopefully will result in a health-effects based performance standard for lead in fittings and fixtures.

To be ensure consistency between the two pieces of legislation, that change was also made in the modification of this legislation that I am now offering.

Item No. 5: A change to section 405, the exposure concern list provisions.

This, Mr. President, was perhaps the most difficult of the changes that were incorporated into this manager's amendment. This legislation has been an effort, by and large, to look at exposures from lead in consumer products.

The language in the original bill regarding the exposure concern list included consumer uses, processing and manufacturing. It came to light, relatively late in the process, that some uses of lead not used in consumer products, but that might possibly pose an exposure concern, such as workplace exposures, might be placed on the list. This could create a misperception about these exposures, in the absence of a regulatory determination, and in so doing cause consumer alarm about such products.

While I believe, as I stated earlier, that TSCA does not always provide us with a sound regulatory basis for looking at such issues, and OSHA may be equally deficient in addressing such concerns, it was nonetheless never my intent nor the goal of this legislation to try and attack those problems by way of an exposure concern list. And though it is just a list with no regulatory-forcing action associated with it, I felt that it was inappropriate to potentially cause a disruption in the manufacture of lead-containing products where a clear exposure concern had not been established.

I would add that I believe that Congress may have to look at existing authorities that regulate the workplace at some point in the future, but not in this legislation. Therefore, processing and manufacturing have been removed from the exposure concern list provisions. I believe this change preserves the basic goal of the legislation while satisfying the legitimate concerns of Senators DANFORTH, BOND, KEMPTHORNE, CRAIG, BURNS, MURKOWSKI, and others who had raised this issue.

Item No. 6: The "bar on defenses" language.

It was the intent of this legislation to remain neutral on the issue of product liability. This would include defenses, new liabilities, and diminution of damages. Legislative Council agreed that the language, in its original construct, had the potential to create a new liability. Language has been worked out to ensure that the bill maintains neutrality in that regard.

Legislative counsel agreed that the language in its original construct will have the potential to create a new liability. We did not want that. Lawyer have plenty to do without our creating work for them. Language was worked out to ensure the bill maintains neutrality in that regard.

Mr. DANFORTH. Mr. President, will the Senator from Nevada yield for a short colloquy on the meaning of section 405(d) of the pending legislation?

Mr. REID. I am glad to yield to the Senator from Missouri.

Mr. DANFORTH. It is my understanding that the labeling section of this bill—section 405—does not create a defense for a manufacturer where none now exists, but it does not impede a manufacturer from using the label in its defense where it is permitted under another federal law or judicial decision or under state law or judicial decision.

Mr. REID. The Senator from Missouri is correct. This section is intended to preserve State and other Federal statutory and common law with respect to whether the labeling requirements of this bill may be used as a defense by a manufacturer in any civil or criminal action brought under Federal or State law. Of course, failure to comply with the requirements of this labeling section itself is actionable.

Mr. DANFORTH. I thank the Senator. I have a question regarding the meaning of section 404 of the bill. As you know, this section creates an exposure concern list. With respect to an action brought against the manufacturer of a product which happens to be on the list, it is my understanding that the bill leaves it to State law and judicial decisions and other Federal law and judicial decisions regarding how this list can be used on questions of liability.

Mr. REID. The Senator from Missouri is correct. The presence of the product on the list does not, by itself, create liability on the part of the manufacturer. Again, of course, failure to comply with the requirements of section 404 is actionable.

Mr. DANFORTH. I thank the Senator for his courtesy.

Mr. REID. Mr. President, the last item that I want to discuss deals with the new battery recycling provisions.

Senator LAUTENBERG introduced S. 1949, along with myself, Senators LIEBERMAN, FAIRCLOTH, and Senator GRAHAM. This has been incorporated in the modifications I am offering.

As I indicated earlier, this would close the loop of recycling batteries totally. It will establish a recycling program for 350,000 small rechargeable batteries that have been traditionally discarded in garbage, like we all do and we should not. But this will set up a new program.

These batteries are in many instances, if not most instances, incinerated, just thrown away.

The language of this modification also includes two other minor changes that correct references in the original bill to ensure consistency, including a study called for on a small sealed lead battery that has been rendered unnecessary by these provisions.

Senator LAUTENBERG has worked extremely hard on this legislation and I am happy that my colleagues and I have been able to include this legislation in this bill.

Mr. LAUTENBERG. I rise in strong support of S. 729, the Lead Exposure Reduction Act. This bill, of which I am an original cosponsor, will address the effects of lead on children's health and educational performance by reducing exposure of our children to lead. I commend Senator REID, the sponsor of S. 729, for his persistence in seeking approval of this legislation.

Mr. President, the facts are clear. Lead can make our kids sick, and can deprive them of the full development of their minds. Children ingest and inhale more lead per unit of body weight than adults and children retain more absorbed lead than adults.

Lead affects the brain and central nervous system. Severe lead poisoning can result in coma, convulsions, profound and irreversible mental retardation, seizures, and even death. Numerous studies have shown that lower levels of lead exposure can result in delayed cognitive development, reduce IQ scores and impaired hearing. Epidemiological studies have shown that the effects of lead as low as 10 to 15 micrograms of lead per deciliter of blood causes neurobehavioral and growth deficits. EPA classifies lead as a probable human carcinogen. And EPA has identified lead as one of 17 high-priority materials on which it's focusing pollution prevention reduction efforts.

Children are our future. And too often, that future is being poisoned with unsafe levels of lead. Former Secretary of Health and Human Services Leon Sullivan declared lead poisoning to be the number one environmental hazard to children.

According to the Agency for Toxic Substances and Disease Registry, between 3 and 4 million children between 6 months and 5 years old may be at risk from lead. And certain groups of children such as blacks, inner-city and lower income have higher percentages of children whose blood-lead levels exceed these threshold levels.

The Congress already has acted to reduce lead in paint and gasoline and has established lead paint abatement and cleanup programs. And in 1986, I joined Senator BRADLEY in amending the Safe Drinking Water Act to ban the use of lead solder in public water systems and plumbing.

But despite the warnings about the hazards of lead, lead usage continues in a wide variety of products. Over 1 million metric tons of lead were used in products in 1989. Seventy-eight percent of the lead was used in batteries.

We need to stop pumping new lead into our children's lives and S. 729 will help accomplish that, by reducing lead in paints, pesticides, and other products. It also adopts the restrictions on lead in packaging which are similar to those found in my bill, S. 966, the Reduction of Metals in Packaging Act. And it contains a series of initiatives to improve our ability to detect lead in homes and soils, to measure the presence of lead in humans and to disseminate information on abatement techniques.

S. 729 also requires the recycling of lead acid batteries. These are the large batteries used in cars. The managers' amendment to S. 729 also addresses smaller batteries. It includes the provisions of S. 1949, the Mercury-Containing and Rechargeable Battery Management Act which I introduced with Senators FAIRCLOTH, LIEBERMAN, REID, and GRAHAM earlier this year. This bill complements the lead acid battery recycling provisions in S. 729. It will achieve three goals. It will reduce the amount of mercury used in disposable batteries; it will protect public health; and it will stimulate the recycling or proper disposal of rechargeable dry cell batteries containing cadmium and lead. As a result, there will be a significant reduction in the amounts of toxic heavy metals entering out air, water and soil.

The battery provisions are strongly supported by the battery industry and I commend the industry for its foresight in dealing with the proper management of used batteries.

Lead, which is the subject of Senator REID's bill, is used in the electrodes of small sealed lead rechargeable batteries. Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage. Mercury exposure can cause significant damage to the nervous system and kidneys. Mercury also has been linked to decreased motor functions and muscle reflexes, memory loss, headaches and brain functions disorders. And when mercury enters the aquatic environment, it can form methyl mercury which is extremely toxic to both humans and wildlife.

Mercury, cadmium, and lead are contained in some battery casings and pose no risk while in use. But they can be a significant concern when discarded in our solid waste stream.

In 1992 Americans used approximately 4 billion dry cell batteries each year. While dry cell batteries account for less than one tenth of one percent of the 180 million tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium and lead in our solid waste stream. According to the Report on Dry Cell Batteries in New York State, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium in New York's solid waste.

Dry cell batteries in landfills can break-down over time to release their toxic contents and contaminate our waters. In composting facilities, batteries could contaminate and limit the use of the resulting compost. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and increases the concentrations of toxic metals in the resulting fly and bottom ash. So it is imperative that we reduce the amount of these metals going to our landfills and incinerators where they can be released into the environment.

Sixteen States, including New Jersey, have passed laws either to regulate certain types of dry cell batteries, or to study their disposal.

Mr. President, dry cell batteries fall into two major categories. The first are primary batteries—which include the familiar disposable alkaline manganese and zinc carbon types used in flash lights, toys, radios, and similar products. Primary batteries do not rely, in most cases, on toxic metals in their electrodes. Instead, most primary batteries incorporate relatively small amounts of heavy metals to suppress the unwanted formation of gases and to extend battery life.

The other type of batteries are the secondary or rechargeable batteries, which include nickel cadmium and sealed lead rechargeable batteries. These batteries often are marketed separately, with rechargers, for the same uses as primary batteries. Alternatively, rechargeable batteries often are permanently installed into a variety of portable rechargeable tools and appliances, such as drills, flashlights and hand-held vacuums.

Because of technological constraints, secondary batteries rely on toxic metals in their electrodes, and therefore contain much higher levels of heavy metals than do regular primary batteries. At the beginning of this decade, rechargeable batteries occupied only about 8 percent of the total dry cell battery market—which is about 350,000 batteries a year. With technological improvements, they are expected to make-up roughly 20 percent of the market within the next decade. Because rechargeables can be re-used for several years, they use relatively less raw materials than disposable batteries, and thus reduce the environmental costs of extracting virgin metals. And Consumer Reports magazine has said, "[i]n the long run, * * * rechargeables are far more economical [to the consumer] than disposables," and that "for now, * * * rechargeable nickel cadmium cells represent the 'greenest' [consumer] choice." That's why my bill supports the continued use of rechargeable batteries while at the same time encouraging that they are recycled or properly disposed at the end of their useful life.

Mr. President, both primary and secondary batteries contain toxic heavy metals. However, they incorporate them for different reasons and in different amounts, and that is why my bill will treat them differently within a two-pronged Federal regulatory framework.

The first part of this framework will reduce toxic metals at the source, by prohibiting the sale of alkaline manganese, zinc carbon and mercuric-oxide batteries with mercury concentrations that were intentionally introduced by dates established in the bill.

The five companies responsible for most of primary battery sales in the U.S.—Eveready, Duracell, Rayovac, Panasonic, and Kodak—have already begun to reduce their mercury concentrations in line with this schedule, and I commend these companies for their efforts. In 1991, the battery industry consumed 92 percent less mercury than it did in 1984. This part of the bill would focus on those manufacturers who have not yet committed to these reductions.

The second part of this framework would encourage the recycling of rechargeable batteries containing cadmium or lead. These batteries pose a special challenge because current technology does not allow for the toxic metal concentrations in these batteries to be reduced. Yet at the same time, these batteries serve many valuable applications and consumer and environmental benefits.

The Portable Rechargeable Battery Association (PRBA) has proposed a comprehensive program for the collection and recycling of rechargeable batteries. My bill will assist PRBA in carrying out its recycling program.

The bill contains a number of other elements designed to aid recycling efforts. Twelve months after the enactment of the act, rechargeable consumer products must be manufactured in a manner in which the rechargeable battery can be removed easily from the product or is contained in a battery pack separate from the product. Rechargeable batteries and rechargeable consumer products containing cadmium and lead must contain labels advising consumers to recycle or properly dispose of the battery. EPA would be required to establish a battery information dissemination program. Retailers selling rechargeable batteries containing cadmium or lead or rechargeable consumer products must display a notice that the batteries must be recycled or disposed of properly.

Most importantly, the bill changes existing law regarding the handling of these batteries from nonhousehold sources. EPA classifies spent rechargeable batteries containing cadmium or lead as hazardous and subjects them to hazardous waste regulations. This deters the recycling of these batteries without providing commensurate environmental benefits.

My bill would address this problem by legislatively exempting the collection, storage and disposal of nonhousehold dry cell batteries from the hazardous waste requirements if the batteries are to be recycled. The bill will not exempt these batteries if they are destined for disposal in a hazardous waste landfill. Batteries collected from households already are exempted from the hazardous waste requirements under RCRA.

EPA has already established precedent in this area, by excluding the wet cell lead acid batteries used in automobiles from hazardous waste requirements. And EPA has proposed to treat dry cell batteries in a similar matter. But EPA has been slow to take final action.

The bill also authorizes the battery industry to undertake cooperative efforts to collect and properly manage used rechargeable batteries and rechargeable consumer products.

The bill would give EPA the authority to promulgate rules regulating the sale of other dry cell batteries if they are found to pose a threat to human health or the environment. Penalties are established for violations of the Act. And state battery programs, like the one in New Jersey, would not be preempted except for the labeling of batteries, consumer products and their packages.

Finally, EPA would be required to prepare biennial reports to Congress which would document the recycling rate for rechargeable batteries and companies which are and are not participating in the voluntary recycling program. This information will give the Congress and the public information regarding the success and participation rates of the voluntary recycling program. As we have seen from publication of the Toxic Release Inventory established by the Emergency Planning and Community Right to Know Act, giving the public information can help spur voluntary efforts to reduce pollution.

This bill will benefit States like New Jersey which have dry sell battery programs. The bill will further state efforts by: First, requiring the labeling of batteries to facilitate separation and recycling of batteries; second, removing the hazardous waste restrictions from collection, transportation and storage of dry cell batteries; and third, establishing a large, consistent supply of rechargeable batteries with cadmium and lead which will stimulate the growth of a domestic recycling industry.

Mr. President, we have passed many laws to fight against pollution. And nowhere is the fight more important, than when it comes to the health and safety of our children. Often, our children are most susceptible. It is up to us to protect our kids. And one critical need is to get the lead out of their lives. So I urge my colleagues to support S. 729.

Mr. LIEBERMAN. Mr. President, I am very pleased to rise to urge support of passage of S. 729, the Lead Exposure Reduction Act. I am an original cosponsor of this legislation and have been working with Senator REID for 5 years on this issue. I would like to congratulate Senator REID on his extraordinary dedication and commitment to this legislation and thank him for his kind remarks about my work on the bill.

The same lead poisoning that some say hastened the fall of the Roman Empire is still with us today nearly fifteen hundred years later and it is still causing brain damage and death. Doctors, scientists, and health officials all agree that lead is dangerous, that it can severely harm, or kill us.

While human exposure to lead has been dramatically reduced due to the ban of its use in most paints and the majority of the Nation's gasoline, it is still the case that as many as 4 million children have blood lead levels known to be toxic and at least 1 in 9 children have been affected by lead. In my State of Connecticut a 1992 study in the city of Stamford indicated that 1 in 5 children, or 20 percent of the population of children, had dangerously high lead blood levels. More recently, the Environmental Defense Fund has estimated that there are 80,000 children under the age of 6 in Connecticut that are at risk of lead poisoning.

I first became aware of the risks lead posed to children and adults as attorney general of Connecticut. In that position I undertook an education campaign to warn the citizens of Connecticut about the dangers of lead. One of the most disturbing things I discovered as attorney general was that lead paint was being sold in Connecticut stores to unsuspecting consumers for home-use 10 years after lead had been banned from household paint. We sued the paint manufacturers and retailers, and we launched a full scale effort to locate and treat those homes painted with the illegally sold paint.

These efforts made a difference in Connecticut, but there is still a long way to go both in Connecticut and across America. I have been working in the Senate on legislation to get the lead out since I arrived.

Lead poisoning is entirely preventable, yet its effects are irreversible. Every step we take to reduce exposure to lead protects a child from being poisoned. Until we protect them from lead exposure, children will continue to suffer neurological damage, learning disabilities, and harm to their motor skills. Once lead is in a child's body it stays there. Even after we can no longer detect it in blood samples, it remains—in the bones—where it continues to accumulate over the course of a lifetime.

Because of the way it accumulates in the body, lead—while most dangerous to infants and young children—is also a threat to adults. While lead is in the bones it is biologically inert—it does not appear to impair health. But once the bones begin to loose their calcium—as they do during pregnancy and in old age, the lead comes back into the blood stream. This lead can enter a fetus. Mothers exposed to lead have a higher frequency of premature births, low-birth-weight babies and their babies are more subject to increased infant mortality. Scientific research suggests that mothers with elevated lead may have infants that had retarded neurobehavorial development. That sounds complicated but what it simply means is that the baby's brain is impaired by lead in the mother.

Lead is insidious. It doesn't only affect the young. As all of us age our bones loose some of the lead trapped in our bones. This lead goes back into our blood and can affect us a second time. Some doctors believe that this lead may be a significant cause of general mental deterioration in senior citizens.

Infants, children, pregnant women, the elderly—lead affects us all. It affects not only our organs and bodies but also our ability to reproduce and our minds.

During the last Congress, I cosponsored legislation addressing the most important sources of lead poisoning, lead-based paint and dust in older housing. The approach up to that time had been to wait until children were poisoned and then initiate a clean up. To get action on a problem we had to wait until people were harmed. The Residential Lead-base Paint Hazard Reduction Act, enacted in October, 1992, emphasizes identifying and correcting lead hazards before children are harmed.

That legislation was a critical first step. It addressed the most dangerous area of lead poisoning, old lead paint, and dust in housing. However, the dangers of lead poisoning reach beyond paint and dust.

We should now provide broader protection to our children and to ourselves. This bill does precisely that. It is a comprehensive bill that covers a wide range of lead uses. It will require that the EPA publish an inventory of lead-containing products that are sold so that we know were lead is and it will require companies that introduce new products containing lead, or in certain cases, redesign existing products to include additional lead, to notify the EPA. The bill also requires that EPA publish a list of all products which the administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment. The bill requires that these products will have to be labeled so that consumers will know what they are buying and can be alerted to products that may be dangerous.

We must fight lead hazards which pose risks to children and adults. We must attack these hazards by phasing out and banning lead in paint, plumbing fixtures and solder, packaging, toys, newspaper and magazine inks, and other products. This bill does this. It will also require the EPA to establish standards for the amounts of lead that may be in processed foods and wine or that may enter food from ceramic wares or crystal. Further, the bill establishes lead poison prevention centers to assist in research, technology transfer, and dissemination of information to the public.

The bill also deals with batteries which can cause substantial harm to human health and the environment if discarded improperly. The bill requires that lead-acid batteries be recycled to ensure that the dangers of lead are minimized in the environment. Industry is already taking serious steps in this regard; this bill will strengthen and extend these efforts.

The bill also includes provisions from legislation introduced by Senator LAUTENBERG, which I cosponsored. These provisions prohibit the sale of rechargeable batteries unless they can be easily removed from the product that they are used to power. They require that lead-acid and nickel-cadmium batteries be labeled to indicate that they should be recycled or disposed of properly; the section also puts limitations on the future sales of batteries containing mercury, which can pose significant pollution and health problems if they are improperly disposed of. I congratulate Senator LAUTENBERG for his work in this area.

One of most important sections of the bill, and one that I have been working on for some time, will help to ensure that children are safe from lead in day care facilities kindergartens, and elementary schools. Protecting children at home is not enough, children spend much of their days in day care and schools—they need protection there. We cannot wait until their ability to learn and grow is impaired. As we saw last Friday in the Washington Post, this is a local problem. The Peabody Elementary School, 3 blocks from here, has been found to have lead paint in a nursery room. This is an old school, it should have been expected that it contained lead paint. But it was only recently tested because of a parent's complaint.

This bill requires EPA make available grants to the States for inspection and testing of lead hazards in day care centers and schools. It authorizes $90 million over the period 1994 through 1996 to accomplish this task. States which receive the grants must conduct inspections and testing at day care centers and schools. Reports of this testing must be presented to school officials and provided to parents and guardians. If we believe, as scientists, doctors, and public health officials tell us we should, that we are facing a lead poisoning epidemic and that we must do all that we can to protect our children to learn and grow properly and safely, then I believe that we must initiate the testing of the schools and day care centers immediately.

As lead poisons more and more children, we must take every step possible to eliminate those areas which present risks of lead poisoning. Through the joint efforts of the public and the private sector, we can and we must, eliminate the hazards of this entirely preventable disease.

In order to make sure that we are successful in bringing down blood lead levels in children, this bill directs the Center for Disease Control to establish criteria, protocols and performance standards for the laboratory analysis of lead in blood. In addition, the CDC is directed to establish reporting procedures for lead in blood. The bill also continues reporting to Congress, on a 2-year basis, findings on the prevalence of lead levels in children and adults in the United States. With these provisions we can determine whether we are getting the lead out.

Finally, there are some provisions of the bill that I have some concerns about and I will be reviewing them closely as the bill goes to conference.

In conclusion Mr. President, I am proud to have played a part in creating this bill. Its passage will do much to alleviate the proliferation of lead in the environment. I congratulate Senator REID for his work on this bill and I urge my colleagues to vote for this measure so we can begin to better protect our children, to get lead out of their bodies, free their minds from its poisonous effects, and give them hope for a healthier, happier future.

Mr. REID. Mr. President, it is my understanding this has been cleared on both sides. If we can resolve the fishing sinker amendment, that is all that we will have. The leadership has said it would be OK if we entered into an agreement that we could have a vote on final passage of this legislation tomorrow afternoon. There is a vote on cloture and we could have a vote following that.

Mr. SMITH. I have no objection. I think there is a misunderstanding or there may be some misunderstanding. There is no language in this legislation on lead sinkers, but the issue is the EPA proposed promulgation of a rule. So that is what we are talking about right now. That is the issue.

AMENDMENT NO. 1744

(Purpose: To express the Sense of the Senate concerning the manufacture, sale, and use of lead fishing sinkers, jigs, and lures)

Mr. REID. Mr. President, we have an amendment here that the Senator from New Hampshire is going to offer on behalf of Mr. NICKLES and Mr. SIMPSON. And we have reviewed that, it is a sense-of-the-Senate resolution, and we clear it and have no objection to it.

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for Mr. NICKLES, for himself, and Mr. SIMPSON, proposes an amendment numbered 1744.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section—

"SECTION. . SENSE OF THE SENATE CONCERNING LEAD FISHING SINKERS.

"(a) FINDINGS.—

"(1) on March 9, 1994 the EPA promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers,

"(2) the proposed rule was developed in response to a Toxic Substances Control Act petition requesting that EPA label, not ban, lead fishing sinkers,

"(3) EPA states in the proposed rule, 'In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated.'

"(4) no one has studied the effectiveness of fishing sinkers manufactured from lead-substitute materials which can cost eight to ten times as much and have physical or chemical limitations,

"(5) a ban on lead fishing sinkers would put small fishing tackle manufacturers at a competitive disadvantage to major fishing tackle manufacturers who can afford to retool and produce fishing sinkers with lead-substitute materials,

"(6) a ban on home manufacturing of lead fishing sinkers would affect up to 1.6 million anglers who make their own sinkers in basements and garages, and

"(7) EPA has commented that a ban on lead fishing sinkers could eventually be expanded to all lead-containing fishing tackle, including lures.

"(b) Therefore, it is the sense of the Senate that the Administrator should finalize no rule or regulation which requires a nationwide prohibition of the manufacture, sale, or use of fishing sinkers, jigs, or lures containing lead, brass, or zinc, until such time as the Administrator gives priority consideration to alternative means of reducing the risk to waterfowl from lead fishing sinkers, including labeling, public education, and state or regional limits."

Mr. NICKLES. Mr. President, in a classic case of big brother gone wild, the Environmental Protection Agency on March 9, 1994, promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers and jigs, which are weighted hooks. This EPA action typifies the increasingly intrusive nature of the Federal Government.

Everyone knows lead is toxic, and everyone can agree that a bird will probably die if it ingests a lead sinker. But in this case, EPA cannot offer any proof that waterfowl are eating lead sinkers and dying.

To provide a little history, this proposed ban was developed by EPA in response to a Toxic Substances Control Act petition by the Environmental Defense Fund [EDF] based on their belief that waterfowl are threatened by lead poisoning caused by swallowing fishing sinkers.

However, it is interesting to note, Mr. President, that in their petition the EDF requested that EPA label, not ban, lead fishing sinkers. To justify this request, the EDF cited numerous studies completed over the last 20 years documenting approximately 60 waterfowl deaths from the ingestion of lead fishing sinkers. That is 60 deaths from a population in the hundreds of millions.

This bill, S. 729, originally contained a provision banning lead fishing sinkers and jibs. However, the bill's sponsor, Senator REID, dropped that provision during committee markup.

I would like to outline my many concerns about this proposed action, Mr. President.

First, the EPA simply cannot demonstrate that lead fishing sinkers pose a danger to the environment. Their proposed ban is not based on hard, scientific facts, but on EPA's beliefs. Few would argue that lead in the environment can be hazardous to wildlife. The question then lies in the probability that lead fishing sinkers will actually be ingested by waterfowl. To conclude that point, I would simply point out two statements taken from the proposed rule.

> The number of lead- or zinc-containing sinkers that waterbirds are likely to ingest cannot be quantified.
>
> In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated.

Second, the EPA was not asked to ban lead fishing sinkers and jigs. The EDF petition simply requested that lead sinkers be labeled as potentially hazardous to wildlife if ingested. EPA says a determination was made that labeling would not adequately protect the environment. However the proposed rule also admits that the presence of an environmental hazard cannot be accurately determined.

Third, EPA says much of the basis behind the fishing sinker ban is the availability and cost of alternative materials. Although the EPA estimates only a small increase in cost to anglers, how reliable are those estimates? To the best of my knowledge, no one at EPA has studied the effectiveness of fishing sinkers manufactured from alternative materials and they are not endorsed by any major fishing organizations. Further, most lead substitutes cost 8 to 10 times as much, and most have physical or chemical limitations which make them unsuitable.

Fourth, while major fishing tackle manufacturers can afford to retool and produce sinkers with alternative materials, small mom and pop tackle manufacturers cannot change so easily or cheaply. This proposed ban in effect gives major manufacturers a competitive advantage over their smaller competitors. Further, the proposed rule would ban the home manufacture of lead fishing sinkers, but offers no reasonable way to enforce this ban. It is estimated that up to 1.6 million anglers make their own sinkers in basements and garages.

Finally, Mr. President, there is a great fear that this ban would eventually be expanded to all lead-containing fishing tackle, including lures. In fact a letter I received from the EPA on this issue states that other fishing tackle will be reviewed to determine if it too poses a waterfowl hazard.

American sportsmen are very interested in the protection of waterfowl, and if EPA can prove that a real danger exists from the use of lead fishing sinkers, American anglers will be the first to change to alternative materials.

But right now, EPA has not proven anything, other than their desire to create another unnecessary bureaucratic intrusion into people's lives. The intangibility of the benefits and the failure to identify a hazard are not sufficient to require 60 million fishermen to switch to costly, inefficient alternatives.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. As the Senator from Nevada has indicated, there is an agreement on this amendment. It does clarify the feelings on the fishing sinker controversy. It is a sense-of-the-Senate resolution.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1744) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

If not, without objection the committee substitute, as modified and amended is agreed to.

The committee substitute, as modified and amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that a vote on final passage of S. 729 occur without any intervening action or debate upon the disposition of the nomination of Sam Brown, or upon the failure to invoke cloture on that nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF PETER GABARRO

Mr. SMITH. Mr. President, I rise to pay tribute to a very courageous young man, Peter Gabarro, of Dover, NH. Pete died of brain cancer on Sunday, May 22, at the tender age of 12 years.

I first learned about Pete last fall. A seventh grade student at Dover Junior High School, Pete was an outstanding all-star baseball pitcher in the Dover South Little League. In the midst of his Little League's all-star series last year, Pete passed out and was taken to a Boston hospital for tests. Tragically, he was diagnosed with an inoperable brain tumor.

Moved by Pete's plight, many kind and generous people rose to the occasion and made this brave young man's last months of life a time of dreams fulfilled. Thanks to the generosity of the Make-A-Wish Foundation, the Boston Red Sox, and a group of Toronto businessmen, Pete and his family received a free trip to Toronto to watch the first two games of the 1993 World Series.

When I learned that the Blue Jays were Pete's favorite team, I contacted the Office of the Commissioner of Baseball and asked whether the Blue Jays might give brave young Pete some fitting memento. The Commissioner's Office and the Blue Jays responded immediately by sending along a baseball autographed by the entire 1993 World Championship Toronto Blue Jays team. The look on Pete's face when he held that baseball said it all.

As the 1994 baseball season began in Dover on April 30, the very popular Pete Gabarro was honored during opening day ceremonies. His uniform—No. 14—was retired and he received numerous gifts from his many friends and admirers. Dover Mayor Pro-Tam Renny Perry declared April 30 "Peter Gabarro Day." "I was surprised," Pete said modestly from his wheelchair after the ceremony. "I didn't really expect it."

Mr. President, Pete Gabarro was a first-rate baseball player. He got off to a stellar start in his last season by pitching a no-hitter and striking out 14 batters in his team's first game of the year. One of his coaches, Paul Vatcher, called him awesome. "It made you just kind of shake your head," his coach commented. "You could see the potential."

With his great physical talent and his determined mental attitude, Pete Gabarro might well have become a star pitcher for his beloved Toronto Blue Jays some day. But we remember Pete not for what might have been, but for what he was. His Little League's president, Dave Amari, said it best. "We've lost one of our family at South Side," Mr. Amari said. "He was a terrific kid. He was a happy-go-lucky kid. He was very popular, he had lots of friends. He always had a smile on his face. He was," Mr. Amari concluded, "just a good kid."

Mr President, the Mass of Christian Burial is being celebrated for Pete Gabarro tomorrow morning in Dover, NH. As the father of a Little Leaguer just about young Pete's age, my heart goes out to Pete's dad and mom, Ralph and Dorothy Ann Gabarro, and to his two brothers, Seth and Anthony. I pray that they will find comfort in the fact that Pete's friends loved him so much and that he touched so many lives with his tenacity and his bravery.

Being the fine young baseball player that he was, Pete Gabarro never gave up. He pitched the last great game of his life in his courageous battle against cancer. And when the end came, triumphantly, he jogged happily from the mound, off the field, and straight into the arms of his loving Lord. Then, like a blue jay, he flew to heaven and took his place among the other angels. I can think of no better tribute to this special boy than this beautiful quotation of William Shakespeare, from "Romeo and Juliet":

> When he shall die,
> Take him and cut him out in little stars,
> And he will make the face of heaven so fine
> That all the world will be in love with night,
> And pay no worship to the garish sun.

Mr. President, Pete Gabarro will always be in my Hall of Fame. I am proud to be his Senator.

Mr. REID. Mr. President, I am not sure the RECORD can reflect, which it will not, the emotion that was given in the rendition of this speech by the Senator from New Hampshire.

I hope that the people of New Hampshire, whoever reads this in the RECORD and whoever watched it, will understand that we talk a lot on the Senate floor about legislative issues; we raise our voices and become impassioned in what we talk about. But I have been here 8 years and rarely have I heard anyone make a statement with the emotional content of my friend from New Hampshire.

Mr. SMITH. I appreciate very much the remarks of the Senator from Nevada. I know he is a baseball fan and a father, as well. I know he understands and appreciates this.

Mr. REID. I had a very close personal friend—we were raised together, he and his family. We were neighbors when we were boys. We talked often about his little boy in a Little League baseball game. This is a big, rough family—always very physical. And he was upset because his boy hit a home run and he was so slow coming from third base, and he was upset at his son and told him so. What he did not know is this little boy had leukemia. There being, of course, no cure for it, he died very quickly. So any time I hear a story like this I think of my friend Don.

Mr. SMITH. I wonder if I can add one final point.

You hear so many negative things about professional athletes sometimes, and baseball: In it for the money and all that. But when I made the request of the Toronto Blue Jays regarding the baseball, it was just a matter of days and the ball was there. And one of my staff people, Carol St Clair, who used to teach at Dover Junior High School, presented young Peter the ball.

He was so proud because he could display that baseball to his classmates. I know he was the envy of many of his classmates in school as he proudly displayed that baseball to the other kids.

He was a great kid. He was an inspiration to a lot of people and he will be for a long, long time.

Mr. REID. Mr. President, we hear so many negative things, especially as the Senator from New Hampshire indicated, about stars. I had, yesterday, a 10-year-old girl come to visit me who had AIDS. She had been to see me a couple of years before—a tiny little girl who has the HIV virus.

She sings in Las Vegas. She has sung with Billy Ray Cyrus and Engelbert Humperdinck. Anyway, after she finished singing with Billy Ray Cyrus he asked this girl, "Is there anything that you need?"

And the little girl said, "No, no, I have everything I need." She said, "My mother needs a car to haul us around, the kids, around, but I have everything I need."

He did not say a word. A week later a brand new minivan was delivered to her house.

Now Billy Ray Cyrus did not issue a press release. There has never been anything said about that. But these people, like the rest of us, are made up of good ones and bad ones, and a lot more good ones than bad ones, I am sure.

A TRIBUTE TO MS. NELL STRICKLAND ON HER RETIREMENT FROM THE ARMY LIBRARY PROGRAM

Mr. NUNN. Mr. President, today I want to congratulate Ms. Nell Strickland, Director of the Army General Library Program, on the occasion of her retirement from Government service.

I am especially pleased to note that she began her distinguished career in my home State of Georgia, at Camp Stewart in 1954. This career spanned nearly four decades of service in three continents with assignments in Japan, France, Germany, Vietnam, Panama, Hawaii, Washington, DC, and Virginia. During her time in Vietnam, Nell established mobile libraries, frequently moving them as the troops relocated. Traveling by helicopter in combat zones, she often came under enemy fire as she visited the libraries. Her tenure in Vietnam is a testimonial to her professionalism, courage and her total dedication and commitment to supporting our Army's fighting troops.

During Operation Desert Shield/Desert Storm, Nell again mobilized the library program in support of our troops. She developed plans for field library service to the Middle East, and coordinated the receipt and delivery of millions of donated books that made their way to all branches of our Armed Forces serving in the region. If you ever saw a picture of one of our soldiers reading a book in the desert, chances are that it was sent there by Ms. Strickland.

Throughout her career, Nell accomplished her duties with a level of professionalism and expertise rarely equalled in her profession. As chief architect of the Morale, Welfare, and Recreation Library Activities Program, she established a library policy that offers a standard of service unparalleled in uniformed service library history. Ever on the lookout for what would serve the soldiers and their families, Nell spearheaded the transition from collections focused primarily on recreation reading materials to a focus on education. As a direct result of Ms. Strickland's expertise and selfless service, Army libraries compete favorably with public library systems across the country, and are consistently rated by soldiers, through Morale, Welfare, and Recreation surveys, as one of the most needed and valuable services offered.

Nell Strickland's breadth of experience has formed the basis of a program today that employs over 650 people and provides professional library services to Army personnel world-wide through 160 libraries. Under her tenure, Army libraries have developed into an integral part of the information network required to support a highly technical and complex Army.

Mr. President, I ask our colleagues to join me in congratulating Ms. Strickland on her retirement and to thank her for her dedicated, professional, and selfless service to the men and women of the U.S. Army and their families.

SUPREME COURT DECISION REGARDING THE PHILADELPHIA NAVY YARD

Mr. SPECTER. Mr. President, I had spoken at some length yesterday about the Philadelphia Navy Yard and about the decision of the Supreme Court of the United States. After reflecting on the matter, I have decided to circulate a Dear Colleague letter among the delegations of Pennsylvania, New Jersey, and Delaware, to the Secretary of Defense asking for his personal review of the conduct of the Department of the Navy.

When I talked to Secretary of Defense Perry shortly before his confirmation proceeding, he said to me that he would not tolerate the kind of misrepresentations and fraud which were alleged in that suit. We did not discuss the matter any further because it was pending in court, and it was really a matter for the lawyers. I am circulating a letter today asking Secretary Perry to personally review what the Navy did, because those matters are now pending. I believe that there ought to be agreement by the Department of Defense to have the navy yard issue resubmitted to the Base Closing Commission, because you have this documentary, undisputed evidence of fraud, where the two reports from Admiral Claman and Admiral Hekman were concealed from the Base Closing Commission.

I know I only have a few seconds left. I will seek recognition later today to amplify these statements and to comment on another Supreme Court decision from yesterday.

I thank Senator PELL for yielding the time.

I yield the floor.

THE ENDANGERED SALMON CRISIS

Mrs. MURRAY. Mr. President, most Americans think of the Northwest as a place of limitless natural bounty. They think of endless tracts of forest, cascading rivers, towering peaks, and abundant wildlife. More than anything else, they envision waters teaming with Pacific Salmon.

I imagine, however, that people here in the Congress know better. All of you, my colleagues, and Members of the other body, have been refereeing debates over Northwest natural resources for years. More than anything, you probably think of the Northwest as the place the Northern Spotted Owl is endangered.

Regrettably, I am here to talk about another crisis in natural resource stewardship: the decline of Pacific Salmon off the continental U.S. coast.

Everywhere we look along the Pacific coast today, we see salmon runs in trouble. In the smallest coastal streams, to the most distant inland tributaries, returning wild salmon have dwindled year after year. Nowhere is this more pronounced than the Columbia River. Let me start by providing a little history.

As long ago as the turn of the century, people recognized the problem of overexploitation of the salmon resource. With fish wheels and canneries lining the banks of the Columbia, hatcheries were developed to augment fish stocks. Later, when the first dams were built on the main stem, fish ladders were installed to enable returning adults to migrate upstream and spawn. However, as we placed every increasing demands on our water—more irrigation, energy consumption, recreation and population growth—salmon populations followed a consistently downward trend.

In 1980, Congress passed the Northwest Electric Power Planning and Conservation Act. This law established the Northwest Power Planning Council—composed of eight members appointed by the four Northwest Governors—and charged it with adopting a regional power plan to ensure, among other things, "successful migration, survival, and propagation of anadromous fish." In addition, the new law required Bonneville Power Administration to "protect, mitigate, and enhance fish and wildlife to the extend affected by development and operation of any hydroelectric project," consistent with the council's plan. By enacting this law, Congress formally linked hydro system operators and users to the survival of salmon.

By some measures, the council and its plan got results for the region. Through the mid-1980's, salmon returns were generally increasing because of hatchery production. But these returns hid the overall decline of wild stock salmon. In 1990, petitions were filed with National Marine Fisheries Service proposing Endangered Species Act protection for five salmon stocks.

In 1990, our colleague from Oregon Senator HATFIELD held a salmon summit, at which all the major stakeholders—public and private utilities, direct service industries, tribes, fishermen, activists, farmers, and shippers—attempted to forge a regional consensus on salmon conservation.

Despite Senator HATFIELD's best efforts—and I think it is fair to say no Member of this body has done more to move this debate than he—agreement on a regional plan eluded the summit participants. And despite the hard work and sincere efforts of agencies and stakeholders, the salmon has continued to disappear. In December, 1991, the Snake River Sockeye were listed under the Endangered Species Act. In early 1992, they were joined by the Snake River Spring and Fall Chinook. In May 1991, the Power Planning Council was asked by Senator HATFIELD to devise a strategy for basin-wide salmon conservation.

Since then, I have been hearing the same thing over and over: Saving the salmon has immense economic implications for region; therefore, we have to learn the lesson of the spotted owl and act together now to avoid legal gridlock that would paralyze the river system.

I could not agree more. With three listed species, you would think the message would sink in. Ideally all parties should coalesce behind a recovery plan. Sadly, this has not happened. Instead, we have had annual consultation under ESA, lots of study, and numerous lawsuits. Most suits have been in response to actions by various agencies to cope with the problem. There have been suits against every biological opinion; the barging program has been challenged; suits have been filed on fishing allocations, and against eastside forest plans. Each has pushed the river system closer to gridlock.

That brings us to this spring, when Federal district court judge Malcolm Marsh, by all accounts a distinguished jurist, ruled on a suit brought by the States of Oregon and Idaho against the 1993 biological opinion.

Judge Marsh found, among other things, the National Marine Fisheries Service relied on flawed data to guide its conclusion that power dams pose no jeopardy to listed salmon. Overall, the judge condemned government action to date by saying current efforts are:

> Too heavily geared towards a status quo that has allowed all forms of river activity to proceed in a deficit situation—that is, relatively small steps, minor improvements and ajustments—when the situation literally cries out for a major overhaul.

He added, "the agencies have narrowly focused their attention on what the establishment is capable of handling with minimal disruption."

This decision—all at once damning, sobering, and enlightening—has left the Pacific Northwest one judicial step removed from total power system paralysis.

There may be many people out there who disagree with Judge Marsh's characterization of efforts to date. Clearly, immense resources have been spent on salmon conservation efforts. But in my mind, there are two realities we all need to consider: First, the judge has effectively taken control of the issue; the 1994 biological opinion is based on the same flawed data used in the 1993 opinion; and several groups have already filed notice of intent to file suit against it.

Second, we have to look at the numbers: Snake River Spring Chinook averaged 7,200 returning adults the past 5 years. This year, projected returns were 6,200 adults. We are nearing the end of migration season; as of last week, a mere 600 fish—I repeat, 600 fish—have been counted at Bonneville dam. Factor in 10-percent mortality between dams, and we have a catastrophe on our hands, regardless of what the law says.

In my view, we are at a crucial, if bleak, point. We can avoid the problem, either by ignoring it, or by encouraging each affected interest group to dig in its heels in opposition to action. Or, we can collectively decide—as a region and a people—that we are dedicated to recovering this species, and agree to put everything—everything—on the table to achieve this goal.

Mr. President, I vote on behalf of the salmon. I do not want to be the Senator who points to a picture on the wall and tells my grandkids, "those are salmon; we used to have them." I believe the region has begun to face the problem. As I mentioned before, there have been many efforts to establish a salmon policy. My observation, however, is that most discussions to date have focused not on salmon, but on how to protect various economic interests from salmon recovery costs.

We have managed the river to continue access to water, to keep the channels open to shipping at all times, and to avoid rate increases to electricity consumers large and small. I am not saying this is wrong, in fact, it is wholly appropriate to balance these concerns. But efforts to date simply have not produced the desired results.

All of us together, the whole region, need to ask ourselves whether we are committed to recovering salmon to healthy, harvestable populations. If we are, then we must be willing to face the costs, consider every available option, and find a way to share the burden with equity.

So what are we going to do? In situations of great conflict, something always has to give. It seems easiest to follow the path of least resistance. For example, some have suggested we need to change the Endangered Species Act, because it requires us to protect the fish. I have heard people say, "The salmon are listed? No problem; let's just change the law."

I believe there are a number of problems with this approach, not the least of which is: It would be treating the symptom and not the cause of our problems. Beyond that, there are a number of legal structures already in place that make Endangered Species Act requirements look small by comparison.

Let us assume for a moment we dispose of the ESA. The Northwest Power Act, which requires the Power Planning Council to ensure the "successful migration, survival, and propagation of anadromous fish" would still be in effect. Are we prepared to terminate this portion of the council's mission? If so, would we go a step further to relieve Bonneville Power Administration of its requirement to "protect, mitigate, and enhance fish and wildlife to the extent affected by development and operation of any hydroelectric project," and instead make energy production the only objective of river operations?

I think it is highly unlikely anyone here wants to undertake such an action; but again, let us assume we do. In addition to the Northwest Power Act, the Magnuson Fishery Management and Conservation Act, requires "action to conserve and manage the * * * anadromous fish species of the United States." I am fortunate enough today to occupy Senator Magnuson's seat, and I dare say there are few Members who wish to undo one of the crowning achievements of his distinguished career.

But for hypothetical purposes, assume we repeal ESA, the Power Act, and the Magnuson Act. Just take them off the table. That leaves a bilateral agreement between the Governments of Canada and the United States. Among other things, the 1985 United States-Canada Treaty provides for each party "to receive benefit equivalent to the production of salmon originating in its waters." This spring and summer, American citizens will be fishing in Alaskan waters for salmon originating in Canada. Under the terms of this treaty, we are obligated to provide a like number of fish for Canadians off the coast of Vancouver Island. In its current condition, the Columbia River salmon population is utterly incapable of delivering. Is anyone in this Chamber prepared to support unilateral abrogation of this treaty?

Let us not stop here. If we do away with the United States-Canada Treaty in addition to the other laws, one would think there were no requirements on the Federal Government to protect the Columbia Basin salmon. But that would be ignoring the single strongest legally affirmed treaty obligation affecting this debate.

Considering United States versus Washington in 1974, Judge Boldt ruled that, "the right of a treaty tribe to harvest anadromous fish * * * arises from a provision in each of the Stevens treaties * * * which states, 'The right of taking fish, at all usual and accustomed grounds and stations, is further secured * * *'" Judge Boldt went on to clarify that, "because the right of each treaty tribe to take anadromous fish arises from a treaty with the United States, that right is preserved and protected under the supreme law of the land."

In the same opinion, the Judge defined anadromous fish as both hatchery and wild stocks, and effectively obligated the State of Washington to "preserve and maintain the resource."

Mr. President, we could eliminate every Federal law enacted by Congress governing fisheries management, and the 1974 Boldt decision would still bind my State to protect wild salmon and protect the rights of all people in my State to harvest them. I could ask the same question I asked a moment ago: Is the Senate prepared to support unilateral abrogation of this treaty?

In sum, there are no less than four major legal obligations—maybe more—driving the need for salmon recovery in addition to ESA: The Northwest Power Act, the Magnuson Act, the United States-Canada Treaty, and United States treaty obligations under United States versus Washington. I did not even mention the FERC relicensing process and the Clean Water Act, both of which require consideration of factors related to salmon recovery.

So, while ESA may seem like a tempting target, changing it would not solve the problem. If fact, the implied intent behind such action would be a willingness to write off salmon to extinction. I believe this is a short-sighted policy the people of Washington State will not support; I know I will not.

Instead, I believe we need to get serious, take a comprehensive look at the Northwest resource-based economy and make some decisions that will allow all of us to live together with a healthy economy and a healthy environment. As I said a moment ago, everything has to be on the table.

We have to begin with the salmon life cycle. What do we know about it? We know salmon are hatched in the clean gravel of our headwaters. We know they rear in the estuaries where the rivers meet the sea. We know they enter the ocean and live an unknown life, and then return to fight their way upstream to lay the eggs of future generations.

Each of these phases in the cycle must be part of the solution. A number of steps have already been taken. As almost everyone already knows, the entire coastal harvest will be shut down this year as a result of poor ocean conditions. This has led five counties and the State of Washington to declare a state of emergency. In addition, I am hearing from NMFS there will be virtually no fishing permitted on the main stem of the Columbia and Snake rivers.

To date, commercial and recreational fishing interests have gone along with this policy, because they recognize the dire situation we are facing. These steps are correct, and I applaud the people of Washington for supporting them.

President Clinton's forest plan essentially gears forest management toward salmon conservation by recognizing the importance of good spawning habitat. East of the Cascades, the Forest Service is proposing PACFISH, a strategy to create stream-side buffers forest-wide to protect spawning grounds. No one here knows better than I the sacrifices timber communities have been called upon to make these last few years. Yet here they are, facing conservation measures for fish that take more timber out of the harvest rotation.

There are theories about how hatchery fish affect wild salmon. They suggest hatchery fish compete with wild fish for food, among other things, and generally weaken the gene pool. It is my understanding the Power Planning Council has undertaken a major evaluation of hatchery operations and their relationship to wild stock survival. This too is a necessary step.

In terms of the salmon life cycle, therefore, it is safe to say that harvest, habitat, and hatcheries (to a lesser extent) are being addressed in the region through serious, concrete steps. The people and economic activities associated with these issues are facing very real sacrifice. The only other link in the chain is the hydroelectric system.

Because there are three listed salmon stocks, the river system is subject to consultation with NMFS under ESA to ensure operations do not jeopardize the fish. Each successive biological opinion rendered through consultation has gotten more costly and more onerous for the power system. More than one-third of the recent rate increase is attributable to ESA requirements.

The latest opinion—currently subject to challenge as inadequate—calls for additional flows, water conservation, and in-season management. All of these things are costly, and I think Randy Hardy, Rollie Schmitten, Gary Smith, and other Federal officials involved deserve a lot of credit for balancing competing interests under difficult circumstances. But we still have not achieved the desired results.

We are awaiting a recovery plan, pending the consideration by NMFS of recommendations by the recovery team appointed to study the problem. These recommendations, and the way they have been received in public, offer an example of just how complicated this issue is. Everyone seems to agree that we must base our actions on the best available science; I know I do. But the recovery team—held aloft as the latest, best science—calls for no less than nine additional areas of study in migration alone.

The fact of the matter is, the science on this issue is incomplete, and is likely to remain so for a long time. It seems like every meeting I have on this issue begins with a discussion of how little is known about salmon. The sooner we face that reality, the better off we will be.

NMFS announced something last week that again points out the complexity and controversy at hand. Faced with Spring Chinook returns less than 10 percent of normal, NMFS decided to undertake additional in-season management efforts, based on the belief action is needed now to improve adult returns later. In consultation with the Power Council, State agencies, and tribal governments, NMFS decide to expand in-stream smolt migration by increasing the amount of water spilled over eight hydro dams on the Snake & Columbia Rivers.

Needless to say this action cause quite a stir. Concerns have been raised on both coasts, about the costs of this proposal, some $25 to $75 million depending on the duration. In addition, it is possible the spill will harm returning adult salmon. Obviously, this would be counter to recovery efforts. And there is disagreement over whether it is based on sound science.

I am inclined to support the new spill proposal. At best, it may achieve marginal benefit for fish. At worst, it might hurt fish and cost a lot of money. Therefore, we need to view it as experimental. And we should only proceed with approved, careful monitoring in place.

The real value in the spill proposal extends beyond what it does for fish. For the first time, the region had to face precipitous action in response to an emergency situation. And though the spill program is a small measure comparatively, it represents the kind of decisions the region must face in the future if we are to be serious about salmon recovery. We must face the reality that we may have to base certain actions on subjective judgments.

Mr. President, I do not want to fault the dams; I do not want to fault anyone. This is not a time to point fingers and further divide my region. Besides, the Columbia Basin system of dams, locks and irrigations facilities was a visionary undertaking of historic proportions. Who can forget Woody Guthrie singing "Roll on Columbia, roll on?"

This whole situation suggests, to me, we need to rethink our approach. First and foremost, we have to have a strong, well-reasoned recovery plan that addresses each phase of the salmon life cycle. Beyond that, we need a region-wide strategy to conserve all salmon stocks. The Power Planning Council made a good start with its "Strategy for Salmon."

In the future, it will be imperative for the work of the council and the

Federal Government be collaborative and complimentary. And I cannot emphasize strongly enough: we must constantly remind ourselves the cost of acting now may be infinitely less than being forced to act later.

Mr. President, my bottom line is this: the Federal Government needs to equip BPA to respond to this problem. We are asking BPA simultaneously to be more competitive and recover the salmon. But these missions would appear to be mutually exclusive. If we want BPA to do both—compete with other energy sources and conserve the salmon—maybe that would be reflected in what it returns to the Treasury.

There are a number of options we should consider. They include requiring a Treasury payment that reflects annual water conditions; instituting lower power rates for poor water years; extending BPA's debt repayment schedule; or forgiving a portion the debt attributable directly to salmon recovery. There may be other ideas.

The Treasury Department, OMB, and BPA have recently been discussing debt refinancing. To the extent this would require legislation, I believe it is appropriate to consider the options I have mentioned here in Congress. The goal should be to build flexibility into the current situation for the lead agency to lead. As I said before, everything must be on the table.

I want all my colleagues to understand something: the waters of the Columbia have carried this Nation forward. They generated power for the smelters that produced aluminum for the bombers that soared over the Axis powers in World War Two. They cooled the reactors that forged America to victory in the cold war. And they made the arid fields of eastern Washington and Oregon fertile, creating an export economy unparalleled in the world.

This system has spurred the Pacific Northwest to economic might. But no one—here, or anywhere else—can deny the benefits of this system to the entire Nation over the years.

Just as I point out to my colleagues benefits to the Nation from the Columbia River system, I will be frank with my constituents. I will not lie to them, and I will not sugar-coat it; despite all our efforts to date, the results simply are not there.

Consider the 1944 Snake river projections: The Spring Chinook run is estimated at less than 2,000; Fall Chinook returns are estimated at less than 400; and Sockeye returns to Redfish Lake are estimated at less than 10. Ten fish. We have a very serious problem, and it is going to cost a lot to fix.

Coastal fishermen and charter boaters are sacrificing; loggers and millworkers have already sacrificed. The rest of us need to decide what we can contribute to making this situation better for our State, our region, and the country. Because we must face this salmon crisis, I urge all stake holders not to fear change; rather, I encourage you to consider different ways to do the things you have always done.

Residential electricity consumers need to decide whether they are willing to accept higher power rates to recover salmon. Farmers need to decide whether they can ship their commodities at specific times, or by different transportation modes, to recover salmon. And policy makers need to decide whether to support stronger measures in order to recover salmon.

No one wants to take away jobs; no one wants to diminish any industrial sector; it is in our collective interest to foster a strong, growing economy. With this in mind, we have to remember that salmon were here first. Everything that has happened since has affected salmon; not vice versa. They signify our culture; they nurtured our forebears; and they helped our region grow. If we value our identify as Northwesterners, then we cannot forget that salmon are a metaphor for our heritage.

I do not know how long it will take to resolve this problem, or even if it can be resolved. But I pledge myself to do everything I can to support salmon recovery. I pledge not to cast blame, but to encourage all to contribute something to the debate. I pledge to work with my colleagues in the delegation and the Congress to find solutions that bring people together, that serve our region and our Nation well. Hopefully, together, with wisdom, conviction, and not a small amount of trust, we can find our way.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, May 23, the Federal debt stood at $4,590,487,523,297.75. This means that on a per capita basis, every man, woman, and child in America owes $17,604.57 as his or her share of that debt.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 19, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 18, 1994, Congress has approved for the President's signature the Airport Improvement Program Temporary Extension Act (S. 2024), changing the current level of budget authority.

There being no objection, the report was ordered to be printed in the Record, as follows:

Congressional Budget Office,
Washington, DC, May 23, 1994.

Hon. Jim Sasser,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the 1994 budget and is current through May 19, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 16, 1994, Congress has approved for the President's signature the Airport Improvement Program Temporary Extension Act (S. 2024), changing the current level of budget authority.

Sincerely,

Robert D. Reischauer.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 19, 1994

[In billions of dollars]

	Budget Resolution (H. Con. Res. 64) [1]	Current Level [2]	Current Level Over/Under Resolution
ON-BUDGET			
Budget Authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,503.6	−228.3
OFF-BUDGET			
Social Security Outlays:			
1994	274.8	274.8	(*)
1994–98	1,486.5	1,486.5	(*)
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

*Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS MAY 19, 1994

[In billions of dollars]

	Budget Authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Total enacted this session	(2,683)	(643)	
PENDING SIGNATURE			
Airport Improvement Program Temporary Assistance Act (S. 2024)	(65)		
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total Current Level [3] [4]	1,218,395	1,217,056	905,429
Total Budget Resolution	1,223,249	1,218,149	950,349
Amount remaining:			
Under Budget Resolution	4,854	1,093	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

TRIBUTE TO FOUR HEROIC YOUNG MEN FROM MISSOURI

Mr. BOND. Mr. President, I rise today to pay tribute to the heroic actions of four teenagers from rural Missouri. James Eddleman, Joshua Brandt, David Karlstromer, and Joshua Dunaway, all students at the Newburg, MO, high school, rescued a 9-year-old girl from a flooded creek near where they were camping.

On April 10, 1994, the four boys, who were camping near Mill Creek, awoke to a flood and the faint sound of a child crying. Upon reaching the edge of the water, the boys saw a child on the opposite side of the flooded river and a car almost completely submerged in the river. James Eddleman and Joshua Dunaway went into the river; the other two boys went for help. The rampaging waters were almost too much—but James Eddleman managed to reach the child, who had spent the entire night stranded by the river. Her mother's car had stalled crossing a low-river bridge and had been swept away in the flood. Tragically, rescue personnel later found the bodies of the child's mother and brother in the river.

These four boys deserve to be recognized for their quick thinking and heroic actions. Missouri is proud to honor these boys, and I commend James, Joshua, David, and Joshua for their actions.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2688. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC–2689. A communication from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation entitled "Veterans' Benefits Cost-of-Living Adjustment Act of 1994"; to the Committee on Veterans' Affairs.

EC–2690. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, a report on minority small business and capital ownership development for fiscal year 1993; to the Committee on Small Business.

EC–2691. A communication from the Secretary of Education transmitting, pursuant to law, a report of final regulations on direct grant programs and the National Early Intervention Scholarship and Partnership Program; to the Committee on Labor and Human Resources.

EC–2692. A communication from the Secretary of Education transmitting, pursuant to law, a report of final regulations on the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC–2693. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorization of appropriations for certain youth program under the Anti-Drug Abuse Act of 1988; to the Committee on Labor and Human Resources.

EC–2694. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorization of appropriations for the Family Resource and Support Program; to the Committee on Labor and Human Resources.

EC–2695. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on assistance to people with developmental disabilities for fiscal year 1992; to the Committee on Labor and Human Resources.

EC–2696. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Substance Abuse and Mental Health Services Amendments of 1994"; to the Committee on Labor and Human Resources.

EC–2697. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on the Comprehensive Child Development Program; to the Committee on Labor and Human Resources.

EC–2698. A communication from the Chairperson of the National Institute For Literacy transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2699. A communication from the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation entitled "Pesticide Reform Act of 1994"; to the Committee on Labor and Human Resources.

EC–2700. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the employment of minorities, women, and people with disabilities in the Federal government for fiscal year 1991; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1952. A bill to authorize the minting of coins to commemorate the 175th anniversary of the founding of the United States Botanic Garden.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Philip N. Diehl, of Texas, to be Director of the Mint for a term of 5 years;

Alan S. Blinder, of New Jersey, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years;

Alan S. Blinder, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1982; and

Steven Mark Harte Wallman, of Virginia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. HEFLIN, Mr. DASCHLE, Mr. HARKIN, Mr. GRASSLEY, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 2145. A bill to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS:

S. 2146. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 2147. A bill to amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. HEFLIN, Mr. DASCHLE, Mr. HARKIN, Mr. GRASSLEY, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 2145. A bill to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MEDIATION ACT OF 1994

• Mr. CONRAD. Mr. President, I am introducing the Agricultural Mediation Act of 1994. This legislation gives the Secretary of Agriculture the authority to allow USDA-certified State mediation programs to offer mediation on a variety of issues, such as wetlands determinations, farm program compliance, rural water loan programs, grazing on national forest lands, and pesticide usage. It is modeled after, and intended to work in conjunction with, the USDA-certified Agricultural Credit Mediation Program which has been remarkably successful in resolving thousands of farm credit disputes.

I introduced versions of this bill in 1992 and 1993 as part of S. 3119 and S. 1425, respectively, both entitled the USDA National Appeals Division [USDA NAD] Act. Companion legislation was introduced in the House in 1992 and 1993 by Congressmen Espy and TIM JOHNSON, respectively. In addition, Congressman POMEROY has introduced H.R. 4153, the Agricultural Mediation Improvement Act of 1994, which is similar to the bill I am introducing today. This legislation was requested by the Coalition of Agricultural Mediation Programs [CAMP] and has the support of many farm and housing groups.

There are currently 18 programs in the country that are certified by the Farmers Home Administration [FmHA] to provide mediation on agricultural credit issues. Mediators in these programs operate as facilitators to help disagreeing parties address the facts and reach a mutually acceptable solution within the constraints of the law and regulations. These State mediation programs have proven to be very capable in assisting farmers and their creditors. They have resolved the majority of the disputes, and have done so quickly. As a result, mediation has enabled participants, the Federal Government, and other creditors to avoid the time and expense of appeals and litigation. It has helped keep farmers on the farm. When necessary, mediators have helped farmers who could no longer make a decent living on the farm make the transition to other ways of life. And they have helped the Federal Government and other creditors recover as much delinquent debt as possible.

However, current law restricts the State mediation programs to providing mediation only on agricultural credit issues. The bill that I am proposing would allow them, and other qualified State mediation programs, to respond to local regions' needs for mediation on other USDA issues, such as farm program compliance, rural water loans, and other issues. I intend that USDA participants could use these mediators during their informal hearings with an agency prior to appealing the agency's adverse decision. Appeals would be made to the USDA NAD established through the provisions of my bill, S. 1425, that are included in S. 1970, the Department of Agriculture Reorganization Act.

S. 1970 passed the Senate on April 13, 1994. Used in conjunction with one another, mediation and an independent, objective appeals system will ensure that disputes are resolved quickly, fairly, and consistently, and will reduce litigation.

It is time that we applied the proven expertise that exists in these mediation programs to the many contentious disputes that arise in USDA programs other than FmHA. The State mediation programs are excellent examples of Federal programs that actually save money. USDA matches up to 70 percent of the cost of administering these programs, with the State providing the remaining funding. It is estimated that for each $1 of Federal funds spent on these mediation programs, the financial savings to the Government—from reduced legal costs, fewer appeals, and spreading losses between other creditors and borrowers—is $3.20 to $5.59. As further evidence of the programs' success, States using these mediation programs have shown a decrease in the delinquency rate for FmHA borrowers.

In fact, Vice President GORE's Report of the National Performance Review, "Creating a Government That Works Better and Costs Less," praised these mediation programs and proposed increasing their use. His review stated that "this type of innovation"—the mediation programs—"should spread faster and further across the Federal Government."

These programs can also help USDA comply with the Administrative Dispute Resolution Act of 1990, which requires Federal agencies to adopt a policy that encourages the use of mediation, conciliation, arbitration, and other means of alternative dispute resolution. In fact, USDA could expand the excellent State mediation programs that already exist in order to comply with the act.

Finally, allowing these mediation programs to resolve disputes on a variety of USDA programs will assist in USDA reorganization. The mediation programs will be able to fully serve the newly combined programs, and they will help the administration realize its goal of a farmer-friendly, reasonable USDA.

USDA programs are becoming increasingly complex and interconnected. It just makes sense to use mediation to help resolve disputes arising from these programs when possible. USDA participants and the Federal Government alike will benefit from mediation programs. I urge my colleagues to pass this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Mediation Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) AGRICULTURAL MEDIATION PROGRAM.—The term "agricultural mediation program" means a program administered by a State (in accordance with this Act) for the mediation of disputes arising under an eligible Department program.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) ELIGIBLE DEPARTMENT PROGRAM.—The term "eligible Department program" means a program of the Department under which disputes may be resolved under an agricultural mediation program, as determined by the Secretary under section 4.

(4) MEDIATION.—The term "mediation" means a process of negotiation in which an impartial third party attempts to assist parties in negotiating a mutually agreeable resolution of a dispute.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. PURPOSES.

The purposes of this Act are to provide the Secretary with the authority to—

(1) determine which programs of the Department are eligible for mediation, which has proven to be a valuable means of alternative dispute resolution; and

(2) certify States to administer mediation for eligible Department programs.

SEC. 4. DETERMINATION OF ELIGIBLE DEPARTMENT PROGRAMS.

(a) Determination.—The Secretary is authorized to determine which programs of the Department are eligible Department programs.

(b) Determination Factors.—In making the determination, the Secretary shall consider—

(1) the complexity and technical nature of the Department program;

(2) the protection of the interests of program participants; and

(3) whether mediation as a form of dispute resolution would achieve fairness for program participants and the Department.

SEC. 5. NOTICE OF ELIGIBLE DEPARTMENT PROGRAMS.

Not later than 120 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register—

(1) notice of which programs of the Department are eligible Department programs; and

(2) a solicitation to States to apply for certification to administer agricultural mediation programs for the eligible Department programs.

SEC. 6. CERTIFICATION OF STATES TO ADMINISTER AGRICULTURAL MEDIATION PROGRAMS.

(a) In General.—For purposes of this Act, a State is qualified to administer an agricultural mediation program if the Secretary certifies that a proposal by the State to administer the program satisfies the requirements of this section.

(b) Determinations.—The Secretary shall determine whether a State is qualified to administer an agricultural mediation program of the State not later than 30 days after the Secretary receives from the State a description of the proposed agricultural mediation program and a statement certifying that the State has met all of the requirements of subsection (c).

(c) Certification Requirements.—To obtain certification to administer an agricultural mediation program, a State must—

(1) demonstrate a need for the agricultural mediation program within the State based on the agricultural activity, and the number of participants, involved;

(2) ensure that mediation services will be offered to all individuals who are or may be eligible to participate in the eligible Department program;

(3) ensure that the agricultural mediation program is administered by the State or an authorized agent of the State;

(4) provide for the training of mediators;

(5) ensure that confidentiality of the mediation sessions will be maintained; and

(6) ensure that persons and agencies of the Department affected by the program, as determined by the Secretary, receive adequate notification of the agricultural mediation program.

SEC. 7. RECERTIFICATION.

(a) In General.—To retain certification to administer an agricultural mediation program, a State must—

(1) recertify the program in a manner prescribed by the Secretary; and

(2) provide affected agencies of the Department with all information required by the Secretary (in consultation with interested parties) on the disputes mediated under the program, subject to the confidentiality requirements of Federal and State law.

(b) Public Availability.—The information described in subsection (a)(2) shall be made available by the Secretary to the public.

SEC. 8. MATCHING GRANTS TO STATES.

(a) In General.—Subject to the availability of appropriations, the Secretary shall provide matching grants to a State for the administration and operation of an agricultural mediation program.

(b) Amount.—Subject to the availability of appropriations, the Secretary may pay up to 70 percent of the cost of the administration and operation of an agricultural mediation program by a State.

(c) Use.—A State that receives a matching grant to administer an agricultural mediation program under this section may use the financial assistance only to administer and operate the program.

(d) Penalty.—If the Secretary determines that a State has not complied with subsection (c), the State shall not be eligible for additional matching grants under this section.

SEC. 9. ADMINISTRATION.

(a) Information.—If the Secretary receives a request from a person for information or analysis that is relevant to a mediated dispute (as determined by the Secretary), the Secretary shall provide the information or analysis to the person.

(b) Participation by Secretary.—Subject to subsection (c), the Secretary shall participate in each agricultural mediation program established under this Act.

(c) Mediation Nonbinding on the Secretary.—The Secretary shall not be bound by a decision or negotiated agreement resulting from mediation conducted under an agricultural mediation program if the Secretary has not agreed to the decision or agreement.

SEC. 10. REGULATIONS.

The Secretary shall issue regulations to carry out this Act not later than 120 days after the date of enactment of this Act.

SEC. 11. CONSTRUCTION.

The authority provided by this Act is in addition to, and in no way affects, the authority provided under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.).

SEC. 12. CONFORMING AMENDMENTS.

(a) Waiver of Farm Credit Mediation Rights by Borrowers.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking "the agricultural loan" and inserting "an agricultural".

(b) Waiver of FmHA Mediation Rights by Borrowers.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking "the agricultural loan" and inserting "an agricultural".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act $7,500,000 for each of fiscal years 1995 through 1998.

(b) Fees.—The Secretary is authorized, subject to the availability of funds appropriated in advance, to expend such funds as are necessary to pay any fees charged to an agency that administers an agricultural mediation program for mediating individual disputes to which the agency is a party.

SEC. 14. TERMINATION OF AUTHORITY.

The authority provided by this Act shall terminate on September 30, 1998.

SEC. 15. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) Transitional Provision.—During the 2-year period beginning on the date of enactment of this Act, a State that (on the date of enactment of this Act) is certified to carry out an agricultural loan mediation program under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) shall be considered certified (under section 6 of this Act) to administer any agricultural mediation program.•

By Mr. JEFFORDS:

S. 2146. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

WETLANDS AND GREENSPACE PRESERVATION ASSISTANCE ACT OF 1994

• Mr. JEFFORDS. Mr. President, I introduce the Forests, Wetlands, and Greenspace Preservation Assistance Act. When passed this bill will remove tax regulations which encourage destruction of environmentally sensitive areas.

The bill is modeled after the family farm exemption already codified in our Tax Code. Under this existing regulation, farm land is assessed at its use-value for purposes of computing estate taxes, provided the descendants continue faming the land for 10 years. If the family stops farming the land, then the estate taxes are recaptured by retroactively assessing the land at its highest and best use value.

My bill essentially extends this special valuation to other environmentally sensitive lands, such as wetlands and forests, provided the descendants agree to keep the lands in their natural stage for at least 20 years. In this bill, green space is taxed as green space, if the land remains as green space.

Mr. President, throughout this Congress we have been actively debating a number of environmental measures. Many of these measures are directly related to land preservation, such as the need to protect wetlands, the importance of our ancient forests and the value of watersheds to the health of surface and ground water. All these policies ask that we preserve these lands, undeveloped, for the good of the community, the health of the environment, and for use and enjoyment by future generations.

One year ago, the President traveled to the Pacific Northwest in order to resolve the longstanding conflict between preserving the old-growth forest of the region and maintaining a viable economy for the small timber dependent towns in the area. As many have stated, this situation had reached the "train wreck" stage.

Such train wrecks are not unique to the Pacific Northwest. In Vermont, and all though the northern hardwood forest region, we are experiencing a more subtle erosion of our natural resource base as landowners, for a variety of reasons, feel increasing pressure to abandon traditional management practices.

In the hope of better understanding the dynamics and mechanics of changing ownership and use patterns, in 1990 Congress passed legislation establishing the Northern Forest Lands Council. The Council recently published draft recommendations designed to reinforce the traditional patterns of land ownership and uses of large forest areas in the northern forest of Maine, New Hampshire, New York, and Vermont, which have characterized these lands for decades.

Among its 33 recommendations was a call to change estate tax policy to reduce the pressure on heirs to sell, convert, or otherwise change the character of family forest ownership. The bill I am introducing today, which is similar to S. 887, I introduced in the 102d Congress, addresses this concern.

The bill being introduced today is not directed specifically toward the northern forest issues, as this bill would apply nationally to a broader inventory of properties. Nor is this bill meant to solve all the issues of the northern forest, as I expect to join a delegation effort in introducing comprehensive legislation once the Council's recommendations are final.

Mr. President, current rules on estate taxes are having an unintended, negative impact on private property ownership and natural resource stewardship. We should revise this tax policy and remove other policies which directly conflict with the goals of many of the bills we are working to reauthorize this year.

We should not tax people into developing land they would rather preserve. This bill gives beneficiaries time to think about the fate of any land they inherit. Often, those who inherit green space are forced to sell this land to developers in order to pay high tax bills. This bill gives beneficiaries time to seriously consider permanently preserving the land. Taxing the landowner on current use allows them to hold this valuable resource as open space, avoiding the rash decision to develop and holding off the tax man wile they review their options.

The key component of the bill is choice and time to make this choice. National policies must be made consistent. I support programs that protect our environment. Now I am working to change policies which may adversely impact the environment. Forest lands, wetlands, prairie lands, and other green space are an invaluable component of our Nation. Let us give beneficiaries of valuable green space a choice. Protecting these ecosystems will avoid future train wrecks and go a long way toward preserving these lands for future generations.

I am taking action on this single issue today in order to maintain its visibility in the 103d Congress. I think it makes great sense, and I hope to have a chance to debate this issue should Congress consider other tax changes. I welcome the comments of my colleagues and others on this bill.●

By Mr. DECONCINI:

S. 2147. A bill to amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing; to the Committee on the Judiciary.

JUDICIAL BIAS LEGISLATION

● Mr. DECONCINI. Mr. President, I introduce legislation which will preserve the integrity of our court system by reaffirming statutory standards for the recusal of a judge who demonstrates bias against a party before him. In a recent Supreme Court case, Liteky versus United States, the Court determined that comments or actions made by a judge, during a judicial proceeding, that were unfairly prejudiced for or against a party were not grounds for disqualification, unless there was a showing that a fair judgment is impossible. Under current law, a judge should step down from a case when impartiality might reasonably be questioned. This standard, as interpreted by the Supreme Court in the Liteky case, is now a showing of impossibility.

I believe that the new standard created by the Court is unnecessarily stringent and flies in the face of our Nation's long history of judicial impartiality. The bill I am introducing today would amend the current Federal law, 28 U.S.C. §455, which deals with disqualification of judges, and overrule the Supreme Court's interpretation of that law under Liteky.

The integrity of our entire judicial system rests on the impartiality of our judges. The United States Constitution's guarantee of a fair trial is zealously guarded by the requirement that a judge remain impartial in the proceedings. The Judicial Canon of Ethics, the Judicial Oath and Federal law all require that judges maintain an appearance of impartially so as not to taint the propriety of the bench. Under the Liteky standard imposed by the Supreme Court, a judge could let his or her partiality and prejudice show freely, because the only way he or she would have to step down from a case is if there is a showing that fair judgment is impossible. I believe that judges must do all they can to win the confidence of the American people that our system of justice, created and protected by the constitution, is being fairly and impartially administered.

I am introducing this bill today to protect the right of American citizens to a fair trial. I am not suggesting that judges rescue themselves any time that they hold an opinion. Nor does this bill require judicial recusal in cases where statements were made at a prior trial or where an unfavorable ruling was rendered in a prior case. It is only to ensure that extreme judicial or personal bias and prejudice does not inhibit the rights of citizens to fair and impartial trials.

This bill would provide that a judge should disqualify him or herself in any proceeding in which his or her judicial or extrajudicial statements, conduct or actions would lead a reasonable person to believe a fair and impartial hearing is unlikely. The standard required under this bill is less rigorous than the one articulated by the Supreme Court in the Liteky case. A litigant would not have to meet the strict and unfair standard of impossibility.

The standard for rescual required by this bill is better tailored to fit the needs of litigants and will prevent judges from abusing their discretion in hearing cases in which they cannot remain impartial. Enactment would also restore public confidence that the judicial system is fair and impartial.

Mr. President, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE.

Section 455(a) of title 28, United States code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) For purposes of paragraph (1), the impartiality of a justice, judge, or magistrate shall be reasonably questioned if the judicial or extrajudicial actions or statements of such justice, judge, or magistrate would cause a reasonable person to believe that an impartial proceeding is unlikely.

"(B) The provisions of subparagraph (A) shall not be construed as the only basis to reasonably question the impartiality of a justice, judge, or magistrate, such as a question of such impartiality on the basis of—

"(i) a financial interest of a justice, judge, or magistrate; or

"(ii) any other basis described under subsection (b).".●

ADDITIONAL COSPONSORS

S. 764

At the request of Mr. WOFFORD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1096

At the request of Mr. SIMPSON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1096, a bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes.

S. 1266

At the request of Mr. MACK, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1464

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1464, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes.

S. 1465

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1465, a bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data.

S. 1509

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1509, a bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico.

S. 1539

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1693

At the request of Mr. REID, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1693, a bill to amend the Internal Revenue Code of 1986 to delay the effective date for the change in the point of imposition of the tax on diesel fuel, to provide that vendors of diesel fuel used for any nontaxable use may claim refunds on behalf of the ultimate users, and to provide a similar rule for vendors of gasoline used by State and local governments.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 2030

At the request of Mr. ROTH, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 2077

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2077, a bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes.

S. 2102

At the request of Mr. STEVENS, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 2102, a bill to amend the Public Health Service Act to expand cancer screening and cancer treatment research, and for other purposes.

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Maine [Mr. COHEN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Iowa [Mr. GRASSLEY], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

AMENDMENTS SUBMITTED

LEAD EXPOSURE REDUCTION ACT OF 1994

NICKLES (AND SIMPSON) AMENDMENT NO. 1744

Mr. SMITH (for Mr. NICKLES for himself and Mr. SIMPSON) proposed an amendment to the bill (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section—

"SECTION . SENSE OF THE SENATE CONCERNING LEAD FISHING SINKERS.

"(a) FINDINGS.—

"(1) on March 9, 1994 the EPA promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers,

"(2) the proposed rule was developed in response to a Toxic Substances Control Act petition requesting that EPA label, not ban, lead fishing sinkers,

"(3) EPA states in the proposed rule, 'In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated,'

"(4) no one has studied the effectiveness of fishing sinkers manufactured from lead-substitute materials which can cost eight to ten times as much and have physical or chemical limitations,

"(5) a ban on lead fishing sinkers would put small fishing tackle manufacturers at a competitive disadvantage to major fishing tackle manufactures who can afford to retool and produce fishing sinkers with lead-substitute materials,

"(6) a ban on home manufacturing of lead fishing sinkers would affect up to 1.6 million anglers who make their own sinkers in basements and garages, and

"(7) EPA has commented that a ban on lead fishing sinkers could eventually be expanded to all lead-containing fishing tackle, including lures.

"(b) Therefore, it is the sense of the Senate that the Administrator should finalize no rule or regulation which requires a nationwide prohibition of the manufacture, sale, or use of fishing sinkers, jigs, or lures containing lead, brass, or zinc, until such time as the Administrator gives priority consideration to alternative means of reducing the risk to waterfowl from lead fishing sinkers, including labeling, public education, and state or regional limits."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 24, 1994, at 9:30 a.m. in executive session, to discuss markup on the national defense authorization request for fiscal year 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 24, beginning at 10 a.m. to conduct a markup on the following bills and nominations; S. 1902, the Export Administration Act of 1994; Alan Blinder to be Federal Reserve Board member and Vice-Chairman; Steven Wallman to be a member, Securities and Exchange Commission; Philip Diehl to be Director of the U.S. Mint; S. 1952, the U.S. Botanic Garden Commemorative Coin Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 24, 1994, at 10 a.m. on public interest considerations and S. 1822.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 a.m., May 24, 1994, to receive testimony on the reauthorizing of the Energy Policy and Conservation Act and on S. 2032, the Emergency Petroleum Supply Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 24, 1994, to receive testimony on the science concerning global climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Tuesday, May 24, 1994, at 10 a.m., to hear testimony on the Social Security earnings test.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, May 24, at 2:45 p.m. to continue ambassadorial nomination hearings on Mr. Frank G. Wisner, to be Ambassador to the Republic of India.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 24, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; and S. 2074, the Crime Victim Assistance Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 24, 1994, beginning at 2:30 p.m., in 628 Dirksen Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; and S. 2074, the Crime Victim Assistance Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 24, 1994, at 8 a.m., recessing at 12 noon, and reconvening in the afternoon, for an executive session to consider the Health Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 24, 1994, at 4 p.m. to hold an open markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation and Forestry be allowed to meet during the session of the Senate on Tuesday, May 24, 1994, at 9:30 a.m., in SR-332, on review of USDA's zero tolerance meat inspection policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 24, 1994, at 10 a.m., to hold a hearing on medical malpractice.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE EXPORT ADMINISTRATION ACT OF 1994

• Mr. D'AMATO. Mr. President, today the Committee on Banking, Housing and Urban Affairs marked up the Export Administration Act of 1994 [EAA]. The EAA is the legal authority for implementing both multilateral and unilateral export controls. Our need to continue an effective and enforceable export control system did not disappear with the end of the cold war. Instead, our Nation and the world are faced with new security threats posed by terrorists and others who support the proliferation of weapons of mass destruction.

To put it in perspective, one must look at the big picture. Not only are we faced with reauthorizing the Export Administration Act [EAA] but a number of other things are happening on the export and the export control front.

Currently, on the international front, the United States has no agreement with our allies on a successor regime to CoCom which expired on March 31. The new multilateral regime is critical to controlling the worldwide proliferation of militarily critical products and technologies to rogue regimes. Many members of this committee, on a bipartisan basis, joined me earlier this year in supporting a resolution which passed the Senate expressing the importance of this goal. Without a multilateral organization, the United States could end up controlling these items unilaterally, a situation that is good for neither security or economic interests.

On the domestic front, the administration has decontrolled approximately 70 percent of United States export controls through regulation, including significant decontrols to Russia and China. In fiscal year 1993, there were over 25,000 license applications. In fiscal year 1995, the number is expected to drop to under 8,500. While there was justification for some export decontrol, these efforts appear extreme. From the exporter's point of view, this massive decontrol has resulted in a minimum of $30 billion in new export opportunities for U.S. businesses.

On the legislative front, I commend my colleagues, Senator RIEGLE, Senator SASSER, and Senator MACK for their diligence in attempting to provide a bill that balances the security and economic interests of this country. While I support certain aspects of the bill, I have concerns including concerns regarding the decontrol that is occurring around us. Multilateral control and regulatory decontrol are intricately tied to the effectiveness of what we can accomplish in reauthorizing the EAA. The committee bill and the inclusion of my amendments addressed a number of these concerns.

The committee bill strengthens the U.S. terrorism controls, our most serious security threat today, by making controls mandatory for exports to states which support terrorism. These mandatory controls cover national security and nonproliferation items as well as exports which could contribute to the military potential of those states or to their ability to support terrorism.

The committee bill helps to cut the redtape faced by the exporter when going through the license application process. This bill allows for more timely consideration of U.S. exporter's license application reducing the time spent in the bureaucracy from 120 days down to 60 days. The U.S. exporter should not be disadvantaged in trade due to bureaucratic redtape.

While this EAA bill takes those important steps, there are also areas which concern me greatly. I fully realize the need to help our economy and expand our exports but I do not believe that we can endanger our future security by allowing dangerous dual-use technology to make its way into the hands of the uncontrollable rogue states that threaten the security of the United States and its allies. I believe a number of my colleagues share that goal.

I am afraid that this threat becomes a critical issue in this debate due to: First, the lack of a multilateral successor regime to CoCom to control the proliferation of militarily critical products and technologies to rogue regimes; and, second, the reduction in authority given to the Department of Defense in stopping exports that impact our national security and the nonproliferation of weapons of mass destruction.

My first amendment to the committee bill leaves in place the ability for the Department of Defense to veto an export license if the export threatens our national security. This authority shall remain in place until such time as the President certifies that a new multilateral regime has been established and serves the national security interests of the United States.

Currently, this is section 10(g) of current law. Every EAA proposal on the table completely eliminates this authority in favor of a majority vote by relevant agencies, tilting the scales away from license denial and toward license approval.

The amendment also sets forth strong negotiating objectives for multilateral regimes including that regime members should have verifiable export control systems—Russia wants to be a member but still exports arms to Iran; and, that members and prospective members should seek to prevent arms and other sensitive exports to dangerous states like Iran, Iraq, North Korea, Libya, and any other terrorist nations that are contributing to tensions in the Middle East and elsewhere.

The amendment also requires accountability by the administration in the ongoing negotiations for a multilateral organization by requiring a status report within 30 days of the bill's enactment and requiring the Secretaries of State, Defense, and Commerce to testify before the Banking Committee every 6 months on the progress of the multilateral negotiations.

Another amendment directs all relevant agencies in the license review process to develop an on-line system so that agencies know what is available to review and can do so in the most timely manner. The current licensing system is based on referrals by the Commerce Department. Under this bill, each agency in the licensing review process is allowed to review any license application it chooses. Thus, in the case of DOD, they can see more licenses but take less action.

Lastly, the bill includes my amendment which requires Defense and Commerce to provide licensing information and certify that licenses approved for export did not pose a threat to national security or nonproliferation interests of the United States.

Once again, I do not believe that we can endanger our future security by allowing dangerous dual-use technology to make its way into the hands of the uncontrollable rogue states that threaten the security of the United States and its allies. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.•

THE CRIMEAN SITUATION

• Mr. DECONCINI. Mr. President, one of the most potentially dangerous hot spots in the former Soviet Union is the Crimean Peninsula, located in Ukraine. Recently, the situation there has become increasingly tense, as the Crimean Parliament voted on May 20 to revert to a 1992 constitution that Ukrainian authorities view as the first step towards secession. The Ukrainian Parliament responded with an ultimatum giving Crimean Parliament 10 days to reverse its decision and bring its laws into line with Ukraine's. The Ukrainian Government is clearly and understandably alarmed at the implications of Crimea's decision with respect to Ukraine's territorial integrity.

Crimea's 2.7 million population is about two-thirds ethnic Russian, one-quarter Ukrainian, and 10 percent Crimean Tatar. In 1991, the population of Crimea voted, albeit narrowly, for Ukrainian independence. Since that time, the economic situation in Ukraine has deteriorated, fueling tendencies in Crimea toward integration with Russia. Even the Ukrainian Government's granting of broad autonomy to Crimea in 1992 apparently has not dampened Crimean moves toward secession. In March 1994 elections, Crimean voters overwhelmingly approved proposals in a nonbinding plebiscite for greater autonomy and closer ties with Russia.

Though Russia's Government has refrained from openly questioning Ukraine's territorial integrity, the question of jurisdiction over Crimea is an obvious flashpoint between Ukraine and Russia. The issue is complicated by the dispute over the Black Sea fleet, based in the Crimean port of Sevastopol. Negotiations between Russia and Ukraine on dividing the fleet collapsed last month, with Russia insisting on retaining full control over Sevastopol.

Both Ukraine and Russia insist that they want to avoid conflict; Ukraine's Foreign Minister has stated Kiev will not use force unless provoked. Russia's Government has pledged not to interfere, although there are troubling reports about Russian chauvinists asserting their readiness to go fight in Crimea and, most recently, Ukrainian President Kravchuk has accused Russian officials of making statements inflaming the situation. The Ukrainian and Russian Prime Ministers are meeting to try to diffuse the situation. They have been joined by the Crimean Deputy Prime Minister. Parliamentarians from Crimea are also in Kiev to discuss the situation. Both the United States and Germany have given their support to Ukraine, noting that Ukraine is acting in a manner consistent with CSCE principles.

Let us hope that efforts continue to reduce tensions and find a solution to the problem in a manner consistent with the principles of the Helsinki Final Act. The Crimean Parliament should think through the implications of its decision and work with the authorities in Kiev to preserve stability in the region. Crimea already enjoys significant autonomy. At this tense moment, Moscow should make clear to Crimea that Russia will not allow itself to be manipulated into a dangerous showdown with Ukraine.

Mr. President, the violation of independent Ukraine's territorial integrity could have unpredictable and far-reaching consequences. I urge all parties to actively avoid confrontation, to take a responsible and conciliatory approach, and to act in a manner consistent with CSCE principles.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that 15 people were killed this week in New York City by gunshot, bringing the total this year to 382.•

CONCERNING THE SECRETARY OF STATE

• Mr. D'AMATO. Mr. President, I rise today to address an article that appears in the May 30, 1994 issue of Time. The article speculates on who the successor to Secretary of State Warren Christopher might be should he leave office. First among the names mentioned, is one that has been mentioned before, Strobe Talbott. If Mr. Christopher's departure is imminent and President Clinton is contemplating Deputy Secretary of State Talbott's nomination for the position, I offer only one admonition: Don't.

Mr. President, I ask that the article from Time, be included in the RECORD following my remarks.

The article follows:

IS IT TIME FOR HIM TO GO?

(by Michael Kramer)

Earl Weaver, the former Baltimore Orioles manager, was famous for an off-color vocabulary even a Hell's Angel might envy. When he was particularly upset with an unfavorable call, however, Weaver would stow the four-letter words and calmly ask the offending umpire, "Are you going to get any better, or is this it?" The same question (and the identical implied answer) could be asked of Bill Clinton when it comes to the President's feeble and often feckless foreign policy. In fact, experts have been asking it for months, but "it's getting heavy now," concedes a senior Administration official. "All the polls show it. Real people are getting real nervous. The perception of ineptitude is growing. The public doesn't like foreigners' thinking the President is out of his depth. Americans don't like being embarrassed. It's hurting the President's overall job-approval ratings, and it'll continue hurting unless something's done about it."

But what? How about a sacrifice? Unlike baseball managers, Presidents can't be fired until the next election. In politics, it's the appointed players who go. Soon that player may be Warren Christopher. Friends and associates of the Secretary of State are quietly discussing his possible departure, hints of which can be found in last week's statements from the Middle East. During Christopher's latest diplomatic shuttle between Israel and Syria, the guarded descriptions of progress contained a caveat. Both Jerusalem and Damascus, U.S. officials said, want Christopher even more involved as the "honest broker" in their negotiations. "Now, what if that's ratchetted up?" asks a Clinton adviser. "What if a comprehensive peace is seen to require Chris' full-time attention and he becomes our special Middle East envoy? Or maybe he can get some declaration of principles signed and just walk off. Either way, he could save face and claim a legacy, right?"

As trial balloons go, this one has more air than most. But who would replace Christopher? Five people are mentioned by those familiar with the Administration's desire to project a new certitude abroad. From among the current insiders are Deputy Secretary of State Strobe Talbott, an intellectually gifted friend of the President's; and National Security Adviser Tony Lake, who appears to have the greatest day-to-day influence on Clinton when the subject is foreign affairs. The question, though, is whether anyone from the present roster would be seen as a credible "agent of change," to borrow a favorite Clinton phrase. Leading the list of new-blood types from outside the inner circle:

Lee Hamilton. Despite his reputation as a dispassionate analyst, the House Foreign Affairs Committee chairman has at times blasted Clinton's weak performance abroad. On Haiti, for example: "We don't know what the policy is, but we know what kind of underwear [Clinton] wears." Cracks like that one can't endear him to the President. But Hamilton "would bring some professionalism to the amateur hour around here," says a State Department official. "If we'd changed our refugee policy on Lee's watch, you can bet there would have been some interim way of dealing with the Haitian boat people before we got the new procedures in place. We wouldn't be turning people back and looking ridiculous. After all, the reason for our change is that those we've sent back so far are being brutalized when they're returned."

Walter Mondale. The former Vice President and current U.S. ambassador to Japan is a cool, straight-talking pol. During his losing race against Ronald Reagan in 1984, Mondale resisted promising what he knew or suspected he couldn't deliver. Clinton needs to learn what Mondale seems to know instinctively: disaster haunts those whose rhetoric doesn't match reality. On North Korea, a Mondale-inspired policy would probably avoid any further "public blue-skying about U.S. options," says Leslie Gelb, president of the Council on Foreign Relations. "What's needed there now is a forthright expression of our goal—the denuclearization of the Korean peninsula; an articulated willingness to trade improved relations and economic assistance as the means to get the North to play ball; a sternly delivered reminder that we stand by our pledge to defend the South—with the specifics left purposely vague; and then an intense but completely private diplomacy." For tasks like those, Mondale fills the bill. He is exceptionally well disciplined and has the standing to ensure that everyone reads from the same script—and shuts up when told to.

Colin Powell. The former Joint Chiefs chairman is a long shot, but he would bring instant credibility and remove a possible 1996 rival to the President. Powell is as risk-averse to military adventures as Clinton is, but that could be a strength. Given his background and especially his command of Desert Storm, Powell alone may possess the stature necessary to make diplomacy work when the President's primary objective is to avoid the use of force.

A shift at State may be clever and helpful, but in diplomacy as well as in baseball, it's the manager who sets the tone. The players can make the President look good, but only if he sets the goals and pursues them resolutely. If he doesn't, the losses, both real and perceived, will mount. Before long, that weakness could spark a crisis that dwarfs Bosnia, Somalia and Haiti—a crisis that the evidence so far indicates Clinton would bungle miserably.●

ADDITIONAL CONFEREES—H.R. 3474

Mr. REID. Mr. President, I ask unanimous consent that the following Senators be added as conferees to H.R. 3474, the Community Development Banking Act: From the Committee on Finance for matters solely within the Finance Committee's jurisdiction, including 209, 210 and 408 of the Senate amendment, Senators MOYNIHAN, BAUCUS and PACKWOOD.

This has been approved by the finance and banking committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. REID. Mr. President, I ask unanimous consent that the Calendar Nos. 112, 325, 331, 365 and 366 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PASSING OF BANCROFT LITTLEFIELD

Mr. PELL. Mr. President, I rise today to note the passing Sunday in Providence, RI, of Bancroft Littlefield, a very distinguished attorney and public-spirited citizen of my State. Mr. Littlefield was a partner in the prominent Providence firm of Edwards and Angell for over 52 years before retiring in 1989. He was active in the affairs of his alma mater, Brown University, and contributed generously of his time and his immense talents to a host of important organizations and causes in my State.

I would also note that his son, Nick Littlefield, serves in the Senate most ably and fairly as the staff director of the Committee on Labor and Human Resources. I extend my sympathy to Nick, his mother and all of his family.

I ask unanimous consent that an account of Mr. Littlefield's death, which appeared in this morning's edition of the Providence Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANCROFT LITTLEFIELD, 80; LAWYER, SOLDIER

PROVIDENCE.—Bancroft Littlefield, 80, of Medway Place died Sunday at the Bethany Home. He was the husband of Anne (Davidson) Littlefield.

Born in Providence, he was a son of the late Ivory and Mary R. (Walley) Littlefield.

Mr. Littlefield was a lawyer in the firm of Edwards & Angell from 1937 until retiring as a senior partner in 1989. He attended Brown University, was elected to Phi Beta Kappa, and graduated in 1934, after a year at the University of Paris. He received his law degree from Harvard Law School in 1937.

He was a member of the Rhode Island, Massachusetts and American Bar Associations. He was a fellow of the American College of Trust & Estate Counsel. During World War II, he served as a major in Army Intelligence.

Mr. Littlefield served as a trustee at Brown University from 1966 to 1971, and as a member of the board of fellows from 1971 to 1981. He was a member of Central Congregational Church, and a member of the permanent diaconate for 40 years. He served as a member of the distribution committee of the Rhode Island Foundation from 1965 to 1988. He was affiliated with the Rhode Island Commission for Higher Educational Facilities, the Providence Building Sanitary & Educational Association, the Mary C. Wheeler School, and the Meeting Street School. He was a member of the Providence Art Club, and the Shop Club.

Besides his wife he leaves a son Bancroft Littlefield Jr. of Washington, D.C.; two daughters, Anne B. Littlefield of Princeton, Mass., and Mary R. Littlefield of Waltham, Mass.; a brother, John W. Littlefield of Owings Mills, Md.; two sisters, Miriam P. Brooks of Weston, Mass., Katharine L. Poor of Princeton, and four grandchildren. He was brother of the late Ivory Littlefield Jr.

A memorial service will be held Friday at noon at Central Congregational Church, Angell Street, Burial will be private.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, May 25; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate proceed in executive session to resume consideration of the motion to invoke cloture on the nomination of Sam W. Brown, Jr. as provided for under the provisions and limitations of a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:07 p.m., recessed until Wednesday, May 25, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1994:

DEPARTMENT OF ENERGY

PATRICIA FRY GODLEY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JAMES G. RANDOLPH, RESIGNED.

DEPARTMENT OF JUSTICE

LARRY REED MATTOX, OF VIRGINIA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS, VICE WAYNE B. BEAMAN.

THE JUDICIARY

JOSE A. CABRANES, OF CONNECTICUT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE RICHARD J. CARDAMONE, RETIRED.

INTER-AMERICAN FOUNDATION

HARRIET C. BABBITT, OF ARIZONA, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000. (REAPPOINTMENT)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

MICHAEL MAREK, OF ILLINOIS, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 2 YEARS, VICE MARK MC CAMPBELL COLLINS, JR., RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS STATED, AND FOR THE OTHER APPOINTMENT INDICATED:

FOR APPOINTMENT AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE; CLASS OF COUNSELOR, AND A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARTHUR F. SALVATERRA, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE

AGENCY FOR INTERNATIONAL DEVELOPMENT

BETSY HULNICH BROWN, OF NEW YORK
DARREL L. DOLLEY, OF FLORIDA
JAIRO JOSEPH GRANADOS, OF CALIFORNIA
WILLIAM ROWAN GRANGER, OF PENNSYLVANIA
ROGER MAX WALTON, OF TEXAS
JERRY J. WOOD, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

P.E. BALAKRISHNAN, OF CONNECTICUT
CHRISTOPHER M. BROWN, OF NEW YORK
RICHARD J. CAIN, OF FLORIDA
JATINDER K. CHEEMA, OF VIRGINIA
ALAN RUSSELL CHITWOOD, OF ARIZONA
COLETTE CLAUDE COWEY, OF MARYLAND
VERNITA PEARL FORT, OF CALIFORNIA
JAMES R. FUNKEY, OF FLORIDA
KATHERINE MARION JONES-PATRON, OF VIRGINIA
MARY E. LEW, OF CALIFORNIA
ERIC R. LOKEN, OF FLORIDA
KENNETH PARTICK LUE PHANG, OF TENNESSEE
ANDREW H. MALINER, OF TEXAS
INGRID PETERS, OF VIRGINIA
TIM C. RIEDLER, OF CALIFORNIA
PAT RENEE SHAPIRO, OF NEW YORK
GEORGE R. THOMPSON, OF CALIFORNIA
TERESE W. WHITE-HENRY, OF CALIFORNIA

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES INFORMATION AGENCY

RICHARD G. BROWN, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIOTT D. MC CARTY, OF CALIFORNIA
GEORGIA TYISKA WRIGHT, OF MICHIGAN

DEPARTMENT OF COMMERCE

JON L. KUEHNER, OF IOWA

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN L. ANDERSON, OF VIRGINIA
GREGG R. BAKER, OF MARYLAND
ROBERT BONCY, OF CALIFORNIA
WILLIAM R. BRANDS, OF VIRGINIA
CLAUDIA CONTELL, OF FLORIDA
CAROL CAROLUS, OF VIRGINIA
FRANK EDWARD CAROPRESO, OF NEW JERSEY
CARMEN MARGARITA CASTRO, OF VIRGINIA
E. LEWIS CONNER, OF TENNESSEE
ANTOINETTE FERRARA, OF CALIFORNIA
KAREN L. FREEMAN, OF VIRGINIA
BRAD FUJIMOTO, OF CALIFORNIA
JOSE MANUEL GARZON, OF CALIFORNIA
EARL GAST, OF CALIFORNIA
CAROLE JUANITA JONES, OF COLORADO
KIMBERLY KESTER, OF CALIFORNIA
NEIL MC DONALD KESTER, OF CALIFORNIA
CHERYL ANDERSON KIAI, OF MARYLAND
ELLEN LEDDY, OF TEXAS
DAVID LIEBERMAN, OF ALASKA
CHARLES ELROY LLEWELLYN III, OF NORTH CAROLINA
MIGUEL ALBERTO LUINA, OF WASHINGTON
DENNIS B. MC CARTHY, OF WASHINGTON
LAWRENCE A. MESERVE, OF VIRGINIA
PAULA SILVEY MILLER, OF FLORIDA
ROBERT W. NORMAN, OF CALIFORNIA
MONICA STEIN OLSON, OF ILLINOIS
ABEL ORTUNIO, JR., OF TEXAS
ELIZABETH E. PALMER, OF ARIZONA
HOWARD E. PFEFFER, OF VIRGINIA
KENNETH D. REAGER, OF NEVADA
CAROLJO RUSHIN-BELL, OF OREGON
FREDERIC G. SCOTT, OF WISCONSIN
DAVID ALLEN SOROKO, OF CONNECTICUT
GAIL MONIQUE SPENCE, OF CONNECTICUT
JAMES IRWIN STEIN, OF MISSOURI
AUDON TRUJILLO, JR., OF NEW MEXICO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RICHARD H. ADAMS, OF CALIFORNIA
ASPEN AMAN ARVANDI, OF MARYLAND
CLARE ALISON BARKLEY, OF MARYLAND
WILLIAM BELLIS, OF TEXAS
RANDALL CLIFFORD BUDDEN, OF MICHIGAN
KELLY SCOTT CECIL, OF VIRGINIA
KEES CABOT DAVISON, OF NEW YORK
SUSAN MARSH ELLIOTT, OF CONNECTICUT
TIMOTHY L. FORSYTH, OF OREGON
KAREN E. GALLEGOS, OF NEW MEXICO
PATRICIA ANN GREGORY, OF WASHINGTON
MARY THERESE BUTLER GUDJONSSON, OF MINNESOTA
DANIEL HALL, OF TEXAS
ELIZABETH JANE JORDAN, OF COLORADO
EDMUND R. LEATHER, OF RHODE ISLAND
STEPHEN MC LEOD LISTON, OF CALIFORNIA
WILLIAM L. MC CULLA III, OF VIRGINIA
JOHN WALTON MERIWETHER, OF OREGON
WILLIAM JEFFREY MERRELL, OF MARYLAND
DOUGLAS JOHN MEURS, OF NEW YORK
STEPHANIE ANNE MILEY, OF MARYLAND
ELIZABETH E. MOORE, OF VIRGINIA
BRIAN R. MORAN, OF CONNECTICUT
WILLIAM B. PLUMMER, OF MARYLAND
ELIZABETH MABEL WHALEN PRATT, OF THE DISTRICT OF COLUMBIA
CELINA B. REALUYO, OF NEW JERSEY
HENRY MASSIE RECTOR, OF ARKANSAS
JOHN NEIL RIES, OF OHIO
ALVIN H. STREETER, JR., OF THE DISTRICT OF COLUMBIA
MARA ROXANNE TEKACH-BALL, OF NEW YORK
SCOTT BRIAN TICKNOR, OF VIRGINIA
DENISE A. URS, OF TEXAS
JESSICA WEBSTER, OF FLORIDA
TERRENCE EDWIN WEST, OF CALIFORNIA
MICHAEL K. YEN, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

INDRAN J. AMIRTHANAYAGAM, OF NEW YORK
STEPHEN CHRISTOPHER ANDERSON, OF MISSOURI
TANIA E. ANDERSON, OF VIRGINIA
TANYA CECELIA ANDERSON, OF PENNSYLVANIA
THOMAS J. ANDAHL, OF VIRGINIA
ALINA ARIAS-MILLER, OF INDIANA
MARK A. AUGUSTINE, OF VIRGINIA
KAREN B. BACON, OF VIRGINIA
ROBERT L. BATCHELDER, OF COLORADO
RICHARD C. BOLY, OF WASHINGTON
EDWIN LLOYD BRAUCHLI, OF VIRGINIA
NORAH H. BROADBENT, OF VIRGINIA
LISA BRODEY, OF WASHINGTON
JOANNE BROOKS, OF CALIFORNIA
GREGORY L.D. BROWN, OF VIRGINIA
GRACE MORSE BRUNTON, OF NEVADA
KATHARINE C. BRYAN, OF VIRGINIA
RONALD N. CAPPS, OF FLORIDA
CATHERINE L. COLEMAN, OF VIRGINIA
CARYN R. COSSAREK, OF VIRGINIA
J. CHRISTOPHER COX, OF VIRGINIA
CRAIG A. CURTIS, OF VIRGINIA
LISA A. CURTIS, OF VIRGINIA
SHANNON L. EISEN, OF VIRGINIA
ANGELA BARBANO EMERSON, OF VIRGINIA
JOSEPH B. FAIST III, OF VIRGINIA
LETICIA FERNANDEZ, OF VIRGINIA
RENITA J. FRY, OF VIRGINIA
STEVEN A. GARCIA, OF VIRGINIA
DAVID ROBERT GREENBERG, OF NEW JERSEY
LISA B. GREGORY, OF PENNSYLVANIA
PAUL B. GRIFFITH, OF VIRGINIA
BONNIE SUE GUTMAN, OF CALIFORNIA
BRIAN L. HALLA, OF VIRGINIA

HELEN MARIE HAMER, OF WEST VIRGINIA
TIMOTHY D. HARRELL, OF VIRGINIA
CAROLINE R. HARTZLER, OF VIRGINIA
LISA MIRIAM HEILBRONN, OF PENNSYLVANIA
LISA A. HENDERSON, OF PENNSYLVANIA
SHEILA M. HOBAN, OF ARIZONA
PATRICIA HOFFMAN, OF VIRGINIA
LAURA TERESE HON, OF VIRGINIA
ANDREW COCHRANE HOYE, OF CALIFORNIA
KENNETH G. HUCK, OF VIRGINIA
JAMES JOSEPH HUNTER, OF VIRGINIA
MARK P. HUPPERT, OF VIRGINIA
LOWELL E. INGOLD, OF VIRGINIA
RUTHANN A. IRISH, OF ILLINOIS
RICHARD G. IRWIN, OF VIRGINIA
ANTHONY P. JACOBY, OF VIRGINIA
COURTNEY RENE JOHNSON, OF MARYLAND
MARY B. JOHNSON, OF INDIANA
WENDY M. JOHNSON, OF CALIFORNIA
KIM JUDKINS, OF ARIZONA
JEREMY KELLER, OF THE DISTRICT OF COLUMBIA
MICHAEL E. KIRSCHMAN, OF VIRGINIA
BRUCE P. KLEINER, OF IDAHO
MARY ELLEN NOONAN KOENIG, OF MISSOURI
DOUGLAS A. KONEFF, OF FLORIDA
KATHLEEN A. KRIGER, OF THE DISTRICT OF COLUMBIA
CAROL JEAN NESSLER LOCKE, OF FLORIDA
JOSEPH T. LYNCH, OF NEW YORK
GLENN R. MANSFIELD, OF VIRGINIA
ANDREW W. MARTIN, OF THE DISTRICT OF COLUMBIA
MARK F. MATHIES, OF VIRGINIA
KEN DAVID MC CLAIN, OF VIRGINIA
MARGARET GRAN MITCHELL, OF VIRGINIA
JEFFREY A. MOFFATT, OF CONNECTICUT
CHRISTOPHER MONDINI, OF CALIFORNIA
THOMAS M. MORAN, OF MARYLAND
JAMES D. MULLINAX, OF WASHINGTON
BRIAN P. O'CONNOR, OF VIRGINIA
CHRIS G. PALMER, OF OREGON
CHARLES D. PARTLOW, OF VIRGINIA
DAVID S. PERINE, OF VIRGINIA
JOAN A. POLASCHIK, OF VIRGINIA
KETHLEEN E. REILLY, OF CALIFORNIA
FREDERICK R. RIOS, OF MARYLAND
DAVID G. ROBERTSON, OF VIRGINIA
ASHLEY ELIZABETH RODEMACHER, OF TEXAS
SHAUN J. RYAN, OF VIRGINIA
KIMBERLY A. SANCHEZ, OF VIRGINIA
LISA SELDON, OF NEW JERSEY
WILLIAM DAVIES SOHIER III, OF MASSACHUSETTS
WILLIAM FRANCIS SPALDING, OF THE DISTRICT OF COLUMBIA
MICHAEL A. STODDARD, OF VIRGINIA
PATRICIA H. SULLIVAN, OF VIRGINIA
JAMES HARLAN THIEDE, OF CALIFORNIA
ROMAN MICHAEL TIRAMBULO, OF VIRGINIA
STEWART D. TUTTLE, JR., OF CALIFORNIA
VON H. VAN HORN, OF VIRGINIA
STEPHEN H. WAGNER, OF VIRGINIA
JOSEPH J. WALKER, OF FLORIDA
BENJAMIN A. WATSON, OF VIRGINIA
CHARLES P. WENNERMARK, OF VIRGINIA
KENNETH M. WETZEL, OF VIRGINIA
JOHN P. WHALEN, OF MASSACHUSETTS
FRANK J. WHITAKER, OF VIRGINIA
JAN W. WIERENGA, OF NORTH CAROLINA
ANTHONY MERRITT WILSON, OF VIRGINIA
MARGARET G. WOODBURN, OF MINNESOTA
ROBIN L. YEAGER, OF NEW JERSEY
BARBARA B. YODER, OF VIRGINIA
KENNETH HUGH YOUNG, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 24, 1993, NOW TO BE EFFECTIVE OCTOBER 20, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BRUCE T. MULLER, M.D., OF MICHIGAN

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT C. OAKS [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE L. FISTER [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL E. STEIN [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAY M. GARNER [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1994:

DEPARTMENT OF DEFENSE

CLARK G. FIESTER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. WILLIAM M. GUY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. PAUL A. WEAVER, JR., [redacted], AIR NATIONAL GUARD OF THE UNITED STATES

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE, UNITED STATES ARMY FOR A PERIOD OF 4 YEARS, UNDER SECTION 3038, TITLE 10, UNITED STATES CODE:

To be chief, Army Reserve

MAJ. GEN. MAX BARATZ, [redacted] UNITED STATES ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ALONZO E. SHORT, JR., [redacted]
LT. GEN. SAMUEL N. WAKEFIELD [redacted]
LT. GEN. THOMAS P. CARNEY [redacted]
LT. GEN. JAMES R. ELLIS [redacted]
LT. GEN. MERLE FREITAG [redacted]
LT. GEN. LEO. J. PIGATY [redacted]
LT. GEN. HAROLD T. FIELDS, JR. [redacted]
LT. GEN. PAUL G. CERJAN [redacted]
LT. GEN. JEROME H. GRANRUD [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. LESLIE M. BURGER [redacted]
BRIG. GEN. JAMES B. PEAKE [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN G. COBURN [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. CLAUDE W. REINKE [redacted]
BRIG. GEN. CARLTON W. FULFORD, JR. [redacted]
BRIG. GEN. CAROL A. MUTTER [redacted]
BRIG. GEN. FRANK LIBUTTI [redacted]
BRIG. GEN. TERRENCE R. DAKE [redacted]
BRIG. GEN. JAMES L. JONES, JR. [redacted]
BRIG. GEN. JOHN E. RHODES [redacted]
BRIG. GEN. THOMAS L. WILKERSON [redacted]
BRIG. GEN. PETER PACE [redacted]
BRIG. GEN. RAY L. SMITH [redacted]

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. NORMAN E. EHLERT [redacted]
LT. GEN. ROBERT A. TIEBOUT [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JERRY L. UNRUH [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATION OF CATHY J. SCHOORENS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. ROBERT A. BAKER, [redacted] AND ENDING MAJ. BRADLEY M. KASSON, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING CHARLES E. AMOS, AND ENDING MARJORIE S. PAULSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. RONALD D. BROOKS, [redacted] AND ENDING MAJ. JEFFREY D. BREYMAIER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM M. CASEY, AND ENDING BENJAMIN F. LUCAS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING CHRISTIAN ANDERSON, AND ENDING CARL V. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING STEPHEN L. ELDER, AND ENDING DONALD R. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING JOHN C. ATKINSON, AND ENDING STEVEN A. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING JOSEPH B. FLATT, JR., AND ENDING MICHAEL F. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING HUMBERTO J. ACOSTA, AND ENDING RICHARD M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING STEPHEN G. ABEL, AND ENDING HOWARD W. YELLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING THOMAS E. AYRES, AND ENDING *JOEL E. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

ARMY NOMINATIONS BEGINNING VALERIE J. RICE, AND ENDING JAY J. BREYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATIONS BEGINNING WILLIAM G. BUTTS, JR., AND ENDING MICHAEL T. MC CABE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATIONS BEGINNING ERIC D. ADRIAN, AND ENDING RULY YOEDIONO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATION OF MAJ. MILLIE E. HUGHES-FULFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING CLIFFORD M. ACREE, AND ENDING DAVID H. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

MARINE CORPS NOMINATIONS BEGINNING RONNIE L. PATRICK, AND ENDING ROBERT F. CASTELLVI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

MARINE CORPS NOMINATIONS BEGINNING RICHARD M. DUNNIGAN, AND ENDING RONALD L. BAILEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

MARINE CORPS NOMINATION OF MICHAEL S. FAGAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1994.

MARINE CORPS NOMINATION OF STEPHEN F. MUGG, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1994.

MARINE CORPS NOMINATIONS BEGINNING JASON A. ABELL, AND ENDING MARK W. ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING FRANK HENRY ARLINGHAUS, AND ENDING WILLIAM ALFRED SYVERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993.

NAVY NOMINATIONS BEGINNING RONALD LEE ALSBROOKS, AND ENDING WILLIAM J. STEWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

NAVY NOMINATIONS BEGINNING DIANA B. BARRETT, AND ENDING CYNTHIA A. WILKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

NAVY NOMINATIONS BEGINNING CRAIG L. ABRAHAM, AND ENDING HEATHER M. ZWYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

HOUSE OF REPRESENTATIVES—*Tuesday, May 24, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mrs. LLOYD].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 1994.

I hereby designate the Honorable MARILYN LLOYD to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, and Monday, May 23, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

ADMINISTRATION FOREIGN POLICY

Mr. GILMAN. Madam Speaker, it is 16 months since the Clinton administration came into office. When President Clinton received the mantle of leadership from President Bush, the world was a far different place than when President Bush had assumed the Presidency 4 years earlier.

When Mr. Clinton took the oath of office, the threat of nuclear war between the United States and the Soviet Union, after hanging over the entire world for two generations, was gone—as was the Soviet Union.

The Berlin Wall, a symbol of Soviet communism for more than 30 years, was a pile of rubble. The United Nations, freed from the frozen confines of the cold war, was being used for humanitarian purposes.

The United States had proven itself as a leader and reliable partner in world affairs, as was seen in the coalition we built to fight the Persian Gulf war. Nations emerging from years of totalitarian darkness in the cold war were seeking—with our help—to translate our ideals into action.

After 16 months into the Clinton administration it is time to ask: Where in the world do we stand? Seeking that answer has many shaking their heads in wonderment. Let us examine the record:

The high hopes of the United Nations as a force for humanitarian purposes foundered in the deserts of Somali on the rocks of nationbuilding and a posse hunted down a war lord.

In peacekeeping, the United Nation's credibility is under strain. The use of American dollars appears to sustain operations that provide little return for high cost.

A confused command structure has held the United Nations up to ridicule as it struggles to define and implement policy.

In world capitals, our Nation is being challenged by adversaries and allies alike. Many are questioning whether Mr. Clinton has the sense of purpose of his predecessors.

During the Reagan-Bush years, the United States sought to define U.S. foreign policy in lines that were clear and bright so that allies and adversaries would know just where we stood on the issues.

We succeeded largely because we understood that, to succeed, our foreign policy required bipartisan support.

The Clinton administration contends that it seeks a bipartisan foreign policy—and we would welcome a bipartisan foreign policy. But bipartisanship is a two-way street.

This administration's brand of bipartisanship asks Republicans not how to help chart the course but to cushion the crash landings of its foreign policy initiatives.

In his candidacy, President Clinton promised to "focus like a laser on the economy." The implication of that statement was that foreign policy did not require the same kind of concentrated thinking which he planned to devote to domestic issues.

But, just as we observe on such issues as the trade status of China, export controls over dual-use technology, and other such concerns, foreign policy and economic policy become inseparably interwoven.

Regrettably, the administration's approach to foreign policy looks and sounds more like a pinball machine—all flashing lights and buzzers, not knowing where the ball is going to land.

Headlines in the news media tell the story: From the Chicago Tribune of May 18—"U.S. Steps Back From U.N. Mission in Rwanda"; from the Philadelphia Inquirer of May 19—"White House Weighs Face-Saving Measures on Chinese Trade"; from yesterday's Washington Post—"Clinton's Solution on Chinese Trade May Be Problem."

An editorial in the Baltimore Sun of May 17 described the administration's latest peace initiative in Bosnia as "an American retreat from untenable policy positions."

The respect and regard with which our Nation is held in the world cannot long withstand the repeated effects of such a disjointed approach to foreign policy.

We must not squander our Nation's resolve and determination which has been built up over the years, and our support for the democratic ideals for which our Nation stands.

It is time for the administration to take up the mantle of world leadership that it sought, received, and with which it was invested 16 months ago.

ACCOMPLISHING SOMETHING POSITIVE IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Madam Speaker, like many Haitians, administration foreign policy is adrift in a leaky boat. It's not the what, it's the how. We agree that the goal in Haiti is to restore democracy, but how can we accomplish that goal? For the fifth time since the 1991 coup that ousted Haiti's popularly elected President, Jean Bertrande Aristide, the United States this weekend escalated punishing economic sanctions against Haiti. Aimed at the military regime, the latest round of stronger sanctions are proving to be just as off-target as their predecessors. They are further demoralizing and impoverishing Haiti's poor, who are again building leaky boats and taking to the seas. Even United States activist Randall Robinson, who has already had a clear impact on the President's policy toward Haiti, now insists sanctions will not work. Yesterday, Mr. Robinson, said, "Because the sanctions will not work we have no choice but to pursue ultimately a solution of military intervention." If the sanctions are not hitting the military, what are they doing? American businessmen who have weathered many political storms to continue providing jobs and productivity in Haiti, are finally having to

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fold up shop. One Florida businessman from my district closed his operation this weekend and took with him the livelihood of 180 Haitians. "This is the hardest thing I've ever done" he said, "There's no welfare here. When these people walk out on the street, they have nothing." In a country where more than 75 percent of the population lives in abject poverty one paycheck often supports an extended family of 10.

The administration may be pleased with a Dominican Republic pledge for stronger enforcement of the embargo, but even Randall Robinson knows that the end result will be tougher times for the Haitian people while the military finds the loopholes—and there will inevitably be loopholes.

There is a better solution to a misdirected embargo and military invasion of Haiti. For the last 18 months I have offered a plan for a safe haven on Haitian soil—such as the Ile de la Gonave—under the auspices of the OAS and the United Nations. Under this plan, day-to-day economic, political, internal security, and other decisions would be Haitian responsibilities. External security would be provided to the island by one Coast Guard cutter passing periodically through the channel between the island and the Haitian mainland, it is already there. We know 88,000 people already live on this 269-square-mile island, and it is virtually free of military shenanigans. We also know the Haitian military has neither the interest nor the ability to overrun it.

The return of the democratically elected government to Haitian soil would provide the morale boost so desperately needed by the beleaguered Haitian people.

In addition, the safe haven would be the ideal place to provide support services and humanitarian relief for refugees leaving the mainland. The immigration magnet would be shifted away from United States shores, to a Haitian island 16 miles across the Gulf of Gonave. Rather than pounding the poorest country in our hemisphere with more economic punishment, the safe haven would pave the way for long-term democracy and economic stability.

This is not a new idea. The United Nations High Commission on Refugees used a similar approach in Sri Lanka in the early 1990's with its open refugee center program on Mannar Island.

While there were some difficulties in providing for the external security of these centers, that problem is easily solved on island haven of Gonave. Today, Members have the chance to vote for this type of positive proposal, which avoids United States military invasion, provides for an immediate lifting of the misery embargo, offers safe haven and hope to Haitian refugees and actually accomplishes something for democracy in Haiti.

Don't be fooled—the Dellums-Hamilton amendment approach, for all its four pages of nice words, does not solve the problem for Haiti. We are gratified that it now seems to include strong language against military intervention. However, apparently this is still a moving target and may be further updated. Vote for the Goss safe haven amendment.

□ 1040

INTRODUCTION OF THE LAUNCH SERVICES CORPORATION ACT OF 1994

The SPEAKER pro tempore (Mrs. LLOYD). Under the Speaker's announced policy of February 11, 1994, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Madam Speaker, today I would like to talk about a subject that has bothered me since I came to Congress in 1987, and that is the steady erosion of America's eminence in space, and particularly the space launch industry.

When I came to Congress, we had just lost the *Challenger* in 1986, and for all practical purposes, we were out of space for 2 years because we simply could not get things together to get back into our space program.

In space, money matters. It costs about $9,000 to launch a pound into orbit aboard Europe's Ariane, the world's most successful commercial rocket. This figure outstrips our Titan III. Our Atlas and our Delta are competitive for now. Next year's launch of an improved Ariane could leave only Delta as a competitive rocket. Even these figures do not take into account entry into the commercial market of nonmarket economies such as China and Russia.

These two are pursuing a pricing trend which may stabilize at $4,000 a pound, half of what anyone else charges.

All of this has resulted in the loss of 70 percent of the world commercial launch market over the past few years. We used to have 100 percent. We have lost about 70 percent. We now have about 30 percent.

How have we reacted to this? We have tried diplomacy. We tried to limit the number of commercial satellites China and Russia can make. We have made incremental improvements to our existing fleet. We have spent about $2 billion and $3 billion over the last 6 years studying ways of making launches cheaper.

Where is the action? The American launch industry is insulated from the market pressures other businesses face. The Federal Government is overwhelmingly the biggest customer of the U.S. space-launch industry.

Commercial space, in contrast, is inelastic with a small profit margin. Thus industry has little incentive to lower cost. Until recently, a few in the launch industry were unwilling to admit there was even a problem.

Industry initiative has atrophied over 40 years of cold war command-and-control programs. Most companies today believe all of this could be solved if a lead agency was named and enough government money was provided.

Government has no money for such investments. Thus, we continue to tinker with what we built for 40 years. We continue to build race cars instead of trucks, and we base it on old ballistic missiles.

The solution, competing in today's world market, means controlling it. Controlling that market requires lowering launch costs to a level that can compete with Russian and French carriers even without trade restrictions.

Only an entity responsive to market pressures has the initiative to meet such a standard.

With these reasons in mind, I am introducing the Launch Services Corporation Act of 1994, based on the highly successful Communications Satellite Act of 1962.

The President would be directed to issue a set of national requirements for space launch and then bring about a corporation to raise private capital and provide launching services. To support this effort, the Government would negotiate a guaranteed number of launches, provide some money to cover nonrecurring costs, provide access to launch facilities, and help with research and development.

The arrangement in my bill is similar to what the Government did for the fledgling aviation and airline industries earlier in this century.

After 6 years the Government would get out and the corporation would have to make it on its own as a private for-profit corporation. Admittedly, this bill carries some risks, but these are things that should and must be debated.

This bill is my attempt to get this 30-year debate off the dime. Clearly, we cannot go on the way we have been.

I believe that, unless we take steps to revitalize our launch industry, those companies which helped us win the cold war may wind up as the last casualties of that war.

WOMEN AND CHILDREN ARE EXPLOITED IN CHINA AS PRESIDENT CLINTON CODDLES THEIR OPPRESSORS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Jersey [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of New Jersey. Madam Speaker, for the last year and a half one foreign affairs crisis after another has burst onto the world stage, and this administration always seems to be unprepared, indecisive, and sadly lacking principle.

This morning I want to highlight but one example of how Mr. Clinton's foreign policy is in disarray. Mr. Clinton arrived in Washington 16 months ago, and his penchant for obfuscation and indecision is causing people around the globe to question and to lose faith in the ability of the United States to stand firm for what is right, for what is honorable and true, to fight even for our own national interests and to base decisions on a consistent human rights agenda.

United States relations with China is but one example. Mr. Clinton has failed, in my view, to even hold to his own words regarding respect for human rights.

The White House has become a Tower of Babel, and as we look back over the past year, we saw many voices speaking, sometimes pro-human rights linkage, sometimes against it. At other times they only emphasized certain human rights, diminishing the others. When you take it all together, the White House has been a virtual Tower of Babel speaking with so many tongues.

This is also true in the area of the population control program in the People's Republic of China, one of the most heinous crimes being committed against women today, crimes of gender, crimes against women, the exploitation of women, and yet this administration has not only been silent, paying only lip service to it, but its actions have spoken much louder in the opposite direction.

Madam Speaker, each year population control fanatics in China forcibly abort about 10 million children, and that is each year, out of approximately 13 million annual Chinese abortions. That is as many children per year as the combined totals of the entire populations of Nicaragua and El Salvador.

Forced abortion, properly construed to be a crime against humanity at the Nuremberg war crimes trials, is today employed with chilling effectiveness and unbearable pain, especially against women. Women in China are required to obtain a birth coupon, because conceiving a child is out of bounds if she is not given permission by the Government.

The New York Times pointed out in its April 25, 1993 exposé that when the Chinese authorities discover an unauthorized pregnancy, in other words, an illegal pregnancy, they normally apply a daily dose of threats and browbeating. Those who resist are often assessed massive fines, and many times, this is many times, their per-capita income.

Peasants in many provinces say their homes are routinely knocked down if the fines are not paid, the Times reported.

Clearly the population gestapo and their use of coercion wears down many women. They finally give up, because they cannot fight back. They know they cannot win. And yet this administration has not stood by those women.

In December 1993, the Chinese Government also issued a draft eugenics law which would nationalize discrimination against the handicapped, much of which is already in effect at the provincial level. Taking a page right out of Nazi Germany, the Chinese Government is aggressively implementing forced abortion against handicapped children simply because they may be suffering from some anomaly like Down's syndrome.

When the rest of the world moves to protect the rights and dignity of handicapped persons, China is seeking ways to exterminate them. Sadly, again, the Clinton administration has turned its back on this massive exploitation of women and of children.

Syndicated columnist Bob Novak in yesterday's Washington Post provided a very, very distressing insight into this daily occurrence. He points out:

> On April 25, Alan Lin, a Chinese immigrant working for a bank in Concord, California, called Senator Dianne Feinstein's office pleading for help. His 5-months-pregnant wife in China faced abortion demanded by the Communist authorities. Could the Senator prod the INS to grant a visa?

As the story goes on to say, and I urge Members to read this, it goes on to say that he, on behalf of his wife, was met with deaf ears on behalf of or by the Senator from California and also, sadly to say, by the administration.

Madam Speaker, I am including that newspaper article at this point in the RECORD as follows:

[From the Washington Post, May 23, 1994]

FORCED ABORTION IN CHINA

(By Robert D. Novak)

On April 28, Alan Wanrong Lin, a Chinese immigrant working for a bank in Concord, Calif., called the San Francisco office of Sen. Dianne Feinstein pleading for help. His five-months pregnant wife in China faced an abortion demanded by Communist authorities. Could the senator prod the Immigration and Naturalization Service bureaucrats to grant Mrs. Lin a visa to enter the United States?

According to a memo Lin typed at 8 o'clock the next morning, David Swerdlick, the Democratic senator's case officer, "told me not to waste time." The aide was quoted as saying: "The senator is not interested in the birth-control policies in another country."

Lin said Swerdlick wanted him to "give up," adding: "He makes me feel that I am fighting against the senator and the president, but I only want to fight the inhuman Chinese government." Fearing the Chinese would order a "delayed abortion to kill my wife," he told her to succumb. The baby was aborted that day, April 29.

This abortion, one of millions forced by China's draconian birth-control policy, shows what happens in official U.S. circles when human rights and abortion rights collide. The administration and its congressional allies threaten to sever trading relations with China if it does not treat its citizens more kindly, but they flinch from an antiabortion posture.

It is a dilemma for well-intended liberals such as Feinstein: how to press China for a more humane treatment of its citizens while maintaining noninterference with abortion policies around the world.

Feinstein on Feb. 1 voted to continue pressing for human-rights progress in China. "Some would say," she said, "that human rights are a matter of a country's internal affairs. However, I believe we are our brother's keepers."

But Feinstein has introduced a bill to repeal Section 4 of President Bush's Executive Order No. 12711, of Jan. 29, 1990. She proposed ending "enhanced consideration" for immigration of persons fleeing a country because of "forced abortion or coerced sterilization." Actually, under President Clinton, Bush's mandate has not been complied with—as Lin soon found out.

His wife is 22 years old—one year too young to suit Fujian Province requirements for a "birth license." To avoid a forced abortion, she went into hiding in Fuzhou City while awaiting a U.S. visa—a process that will take at least another year. To escape Chinese birth-control police, the Lins asked for her immediate entry on a "humanitarian parole."

On April 4, 15 Democratic and 37 Republican congressmen wrote Attorney General Janet Reno pleading for help. GOP Rep. Christopher Smith tried repeatedly to get the attorney general on the telephone.

On April 25, the INS district director in Bangkok denied the Lins' request on grounds it was not based on "emergency conditions."

After I noted on television May 7 the Feinstein office's treatment of the Lins, the senator expressed shock. Her case worker denied to his superior the words attributed to him by Lin.

On May 10 Feinstein wrote Lin regretting that "my staff did not bring your plea to my attention" and added this postscript in her own hand: "I am so sorry!"

On May 11, she wrote Secretary of State Warren Christopher, Reno and INS Commissioner Doris Meissner. Calling the abortion a "personal tragedy," Feinstein said: "The suffering they have endured will never be erased, but the United States can still act now to bring them together immediately."

U.S. authorities blame the Lins for their own misery.

"We did not believe that this would have been required by the Fuzhou City government authorities," Assistant Attorney General Sheila F. Anthony argued. "We regret that Mr. and Mrs. Lin determined that she should undergo the abortion."

But Steven W. Mosher, an authority on Chinese birth-control methods, denies U.S. government arguments that no abortion would have been forced. He contends that "coercion is not limited to a handful of offending provinces or officials but is found throughout China." Feinstein's letter to Lin noted that "your wife underwent surgery to terminate her pregnancy as ordered by the Chinese government."

"I still feel that there are still a lot of nice and humanitarian people," Lin wrote, "* * * even though [they are] weaker than the evil power." What is hard for him to understand is how the officials of his new country could tolerate the evil.

□ 1050

I tried repeatedly to get Attorney General Janet Reno on the phone to ask, to plead that this poor woman with a 5-month-old baby in her womb, that she be given a humanitarian parole. She was already approved for a visa. Already approved. It was a matter of expediting the timetable. She was turned down. This administration could not care less.

Madam Speaker, there are many, many examples of how this administration has turned its back on Chinese women. The Justice Department has suppressed a Bush administration regulation that would have provided enhanced consideration for others seeking asylum. It has doubled the amount of money, provided $100 million to the United Nations Population Fund [UNFPA], an organization that has a hand-in-glove relationship with the Chinese Government.

I suggest that my colleagues ask themselves the following question: If you were a Chinese leader witnessing these actions, would you take the administration's professed concern about human rights in China seriously?

The continued coercive measures used to enforce the population control program and the eugenics policy, which scholars from the United States Holocaust Museum have likened to Nazi-era programs and which would target the most vulnerable members of Chinese society, have failed to arouse any meaningful response from the Clinton administration. Sure, the Secretary of State has said that he is appalled by news reports of these atrocities but lipservice is not enough. I truly believe that it is fair to ask whether President Clinton is genuinely concerned about the rampant practices of forced and eugenic abortion in China.

None of us can close our eyes to, squint, or in any way downplay or overlook the abysmal human rights record of the People's Republic of China. Let us be candid, China has been and remains a dictatorship—its leaders routinely and cruelly violate the rights of its citizens and the trend is ominously moving in precisely the wrong direction. The United States Department of State in the annual Country Report on Human Rights Practices says that China's "overall human rights record in 1993 fell far short of internationally accepted norms"—not just short, far short.

In the face of this ongoing repression, the Chinese Government is getting mixed signals from the Clinton administration regarding its seriousness about human rights. We are certainly not getting a mixed message from the People's Republic of China. The human rights record of that country has continued to decline in the past year. Not only that, the Chinese Government has chosen times and opportunities to show their contempt for United States commitment to human rights which have been most embarrassing.

Madam Speaker, during my visit to China in January I attended a Mass celebrated by Bishop Su Zhi Ming. Bishop Su has spent 15 years in Chinese prisons and suffers physical disability because of the beatings, torture, and mistreatment at the hands of security police. Shortly after our visit, on January 20, the very day that Secretary Bentsen was in China discussing the future of United States-Sino relations, Bishop Su was arrested and detained for 9 days. He was interrogated at length about his meeting with us. His crime—leading a worship service for foreigners.

Bishop Pei was also to say Mass for our delegation. We were told that he had to go for an emergency anointing of the sick. I have recently found out that the person who came to get him was actually a security officer who took Bishop Pei to the police offices so that he could not say Mass for our delegation.

Another Catholic priest, Father Wei Jingyi, was also arrested on January 20. His whereabouts are unknown. Even now, the authorities deny he is being detained, although they have accepted clothing for him from his sister. According to information I received, it is believed that he is being held because of his position in the underground Catholic Church and that the Government is trying to obtain information from him.

New religious laws which further restrict the religious activity of foreigners and Chinese were issued on January 28. These laws outlaw activities even done in the privacy of one's home and give the green light to security policy to arrest, imprison, and torture religious believers. The police have already moved to enforce these laws. One victim has been Rev. Dennis Balcombe, an American citizen, who was detained for 4 days, unable to contact the U.S. Embassy. Before he was finally deported, all of his belongings were confiscated.

All religious believers in China are asking for is the ability to worship freely and openly. Right now those who do not belong to the government-sponsored churches have no place to worship, many of them are denied housing and work permits, and countless numbers are harassed, detained, tortured—and some have been martyred for their faith.

The U.S. Government needs to speak out clearly, consistently and unequivocally about these deplorable abuses of fundamental human rights. In addition, we need to take action which conveys our seriousness about these issues. The constant vacillation by the Clinton administration—not only toward China but throughout the world—severely undermines our ability to bring about improvements in these tragic human rights conditions.

Madam Speaker, this administration has failed to create a coherent foreign policy. The President's decisionmaking process results in confusion—confusion among U.S. policymakers, confusion among our allies, and the exploitation of that confusion by our adversaries. When foreign policy is in such disarray, people throughout the world lose. Most serious of all, Madam Speaker, the American people lose.

DISCHARGE PETITION FOR REGULATORY FLEXIBILITY AMENDMENTS ACT OF 1993

The SPEAKER pro tempore (Mrs. LLOYD). Under the Speaker's announced policy of February 11, 1994, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Madam Speaker, I rise today to ask my colleagues to sign Discharge Petition No. 19, which would discharge an open rule for the consideration of H.R. 830, the Regulatory Flexibility Amendments Act of 1993. This bill has over 250 cosponsors.

The Regulatory Flexibility Act was passed by Congress and signed by President Carter back in 1980. In passing the RFA, Congress recognized that Federal regulations have a disproportionate impact on small businesses and small governmental entities and that Federal regulations ought to be written flexibly, to take this impact into consideration.

The RFA requires regulators to prepare a regulatory flexibility analysis for any new regulation which will have a significant impact on small entities and to find ways to minimize those effects. The RFA requires regulators to find the least costly way to implement regulations.

Because judicial review of agency compliance with the RFA is prohibited, there is no recourse against Federal bureaucrats who ignore the RFA. Most Federal agencies routinely ignore the RFA by passing boilerplate exemptions from the act. Without judicial review, these determinations cannot be challenged. In short, the regulators are judge, juror, and executioner.

H.R. 830 would put some much-needed teeth into the RFA by allowing judicial review, and would otherwise strengthen the act.

H.R. 830 is strongly supported by the small business community. A coalition of nearly 50 small business groups has come together to urge Congress to pass this legislation. This coalition includes the U.S. Chamber of Commerce, the National Roofing Contractors, the National Association for the Self Employed, and the National Federation of Independent Business.

Vice President GORE's National Performance Review studied the RFA, and concluded that judicial review is necessary to force regulators to start complying. In fact, judicial review of the RFA was their No. 1 recommendation for the Small Business Administration.

Why has this bill not moved? Because the bureaucrats oppose it. No greater special interest frustrates small businesses more or makes them madder than the biggest special interest group in Washington, DC—the bureaucracy. We created it. It is the tail that wags the dog. Let us help put a stop to that now by signing Discharge Petition No. 19.

I would like to thank each of the 251 cosponsors of H.R. 830 for their help in bringing this issue to the attention of Congress. The bill has received widespread bipartisan support, including both the chairman and ranking member of the Small Business Committee. We have worked to bring H.R. 830 through the regular legislative process. However, the chairman of the subcommittee with jurisdiction over the bill has given no indication that he will mark up this legislation before Congress adjourns this fall.

Madam Speaker, when a bill has over 250 cosponsors, which is well over half the House, it would seem fair that the bill should at least be debated and voted on by the full House.

Once again, I encourage my colleagues to sign Discharge Petition No. 19, which will bring forward an open rule for consideration of H.R. 830.

WE NEED AN IMPROVED FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. ROYCE] is recognized during morning business for 5 minutes.

Mr. ROYCE. Madam Speaker, I rise today to express some of my concerns about the state of our foreign policy. In recent weeks we have seen a gathering crisis of confidence emerge in regard to the President's handling of foreign policy. Polls show that only 13 percent of the American public believes that the President has a coherent foreign policy. I take no pleasure in these facts. But who can dispute them?

The revolution in communications brings frightful sights to our screens—murdered American soldiers being dragged through the streets of Somalia; Haitian thugs turning away the United States Navy; strutting dictators and their nuclear swagger, and even at home, our World Trade Towers smoldering—these things are very real and very unsettling. From this Chamber to "Nightline," the question of foreign policy is beginning to vex so many. Americans are beginning to feel uncomfortable.

They are beginning to sense that all of this turbulence might just mean there is no pilot up front. Senior-most members of the President's own party, in both Houses, have joined commentators, analysts, and statesmen around the world in expressions of apprehension and incredulity. This week's Time magazine asks if its time for Warren Christopher to say goodbye; but I say that the President of the United States is supposed to be the pilot, and sacrificing a navigator is not going to solve the problem.

Goals, when articulated, seem to lapse into excuses and rationalizations. Human rights, nonproliferation, and democracy are posited, and China, North Korea, and Haiti result. A commitment is made to preserving America's hard earned role as a force for good in the world, and then Bosnia belies the lack of resolve and underscores the absence of vision. The use of force is hinted at, or expressly threatened, and then withdrawn as if it were a campaign ad.

When the parameters that will define our security for the next century are in such uncertain focus, there are those who would rush to severely constrain our defense and intelligence capacities. We must not fall into the trap of having a crisis of credibility compounded by a crisis in capability.

Speaking of crises, I want to speak for just a moment about the nuclear issue. The administrator says, and rightly so, that nuclear proliferation is the greatest threat to U.S. security and global stability. They claim a goal of a global ban on fissile-material production, yet they have sought to skirt the only piece of nonproliferation legislation we have on the books.

The administration has vacillated on North Korea's nuclear threat while that threat continues to grow. First, the President says a North Korean bomb will not be tolerated, then within weeks the CIA says there are probably two, and possibly more, bombs in hand or in the works. The President's response to North Korea's nuclear shell game is to cancel our joint exercises with the South, send Patriot defense batteries by the slow boat, and tell us to pray for our 37,000 troops.

□ 1100

Now the news comes this past weekend that North Korea has purchased 40 nuclear-missile-capable submarines from the former Soviet Union. You can bet they did not arrive by slow boat. Kim Il-song has listened to our threats, measured our resolve, and shrugged. The crisis on the Korean Peninsula is real; it will not go away with a gentleman's passing grade from the IAEA. Kim Il-song will continue to build, and sell, his weapons, including his ballistic missiles to all takers. He will continue to threaten the region, and this threat can be expected to impel others in the region unfortunately to enhance their forces as well.

The administration rightly asserts that the number one nuclear threat in the world—what it calls the principal threat to United States national security—is the former Soviet Union. That is why it is so troubling to me that the $800 million of Nunn-Lugar funds for the dismantling of that threat remains largely unspent. This means that the dismantling of the world's largest nuclear arsenal, in Russia and the three other nuclear States of the former Soviet Union, though agreed to during the last administration, remains a distant task under this administration. Moreover, the $12 billion buydown of the former Soviet Union States' fissile-materials supply will last well in to the next century. In the meantime, Russia is supplying submarines to North Korea, and may, according to administration officials, supply Iran and other terrorist states with the nuclear reactor technology and materiel they are so desperately seeking.

Madam Speaker, I see a troubling pattern emerging—a pattern which sends a signal to the Saddam Husseins, Kim Il-songs, and Slobodan Milosevics—and to all those like them waiting patiently in the wings around the world, a signal that the United States will not stand in their way, and will not take their measure until it is too late and too costly. The United States cannot afford to send this signal. Fledgling democracies around the world remain fragile and cannot suffer our lack of focus distraction; the Middle East peace process is in its infancy and cannot be stillborn from our indifference; in Latin America, Asia, and Africa, new transitions to markets are being tested and cannot afford to fall victim to regional instability or shifting alliances. In Russia and China, military apparats and their followers need to know that their old systems cannot be fixed, and that pluralism and peace are the path forward.

So much has been brought to the fore with the end of the cold war and the opportunities are great. The corollary of course, is that so much is at risk. Sustained leadership attention is critical; episodic attention will not suffice. Foreign policy leadership is not a Presidential option; it is a high duty.

We have an obligation to keep faith with those people who placed their faith in us during the cold war and its struggles. By the same token, we have a duty to maintain and strengthen the institutional arrangements and alliances which served the peace longer than any others in modern memory. We should not hasten into new arrangements for the sake of some imagined order. We do not need redefinition; we need resolve. We do not need a policy guided by polls and hunger strikes; We do not need global town meetings. We need a policy rooted in principle and underpinned by strength. We need a policy that clearly sets forth what we view as the acceptable rules of international behavior in the post-cold-war era and what price we attach to their violation.

RECESS

The SPEAKER pro tempore (Mrs. LLOYD). There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. LLOYD] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God our help in ages past, our hope for years to come, prompt us to offer gratefulness and praise for the gifts of this day. May the rich association between friends and colleagues enlighten our tasks; may the awareness of splendor and beauty in the world increase our joy; may our perception of new ideas for difficult problems encourage and inspire us, and may Your message of reconciliation and compassion between peoples lead us in the paths of peace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TRAFICANT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this vote are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GILLMOR] will lead the House in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of House is requested, a bill of the House of the following title.

> H.R. 4277. An act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4277) "An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD, and Mr. DOLE, to the conferees on the part of the Senate.

VOTE "NO" ON THE DEFENSE AUTHORIZATION BILL

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Madam Speaker, communism is dead, and the cold war is over. The major enemy that we face today, the major threat to our national security, is not the Soviet Union, not China, not North Vietnam. The major crisis that our country is facing is the declining standard of living of our workers, 22 percent of our children who live in poverty, the millions of elderly who are struggling to stay alive on meager Social Security payments.

Madam Speaker, I will vote against the Department of Defense authorization because we have got our priorities all wrong and because we do not need to spend $250 billion a year on defense. We do not need more research and development on nuclear weapons, we do not need more money for ballistic missile defense, and we do not need to spend $100 billion a year defending Europe and Asia against a nonexistent enemy.

Madam Speaker, let us get our priorities right; let us vote for our workers, our children, and the elderly.

Please vote "no" on the defense budget.

THE INDEPENDENT COUNSEL CONFERENCE COMMITTEE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Madam Speaker, did you know that the independent counsel conference committee is going to meet again?

Apparently, the Democrats who control this Congress have finally found a compelling reason to pass the independent counsel legislation to help President Clinton pay his legal fees in the Whitewater affair.

Here is how it works: By giving Robert Fiske the title "independent counsel" rather than "special prosecutor," the Democrats have discovered that they will be able to stick the American people with Mr. and Mrs. Clinton's legal bills. Since the President has so many legal problems these days, this inspired them to get moving again on the independent counsel conference.

Is it not amazing how greed can motivate what a simple, sincere desire for good government apparently cannot?

So, colleagues, you may wish to think twice about the ramifications of this independent counsel conference, because American taxpayers should not be stuck with the President's legal fees.

ON PREVENTING TERRORISM IN THE UNITED STATES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, last year four terrorists bombed the World Trade Center, 6 Americans were killed, over 1,000 Americans were wounded. News reports today are now breaking saying that these four terrorists will get life imprisonment without parole, life imprisonment without parole.

Tell me, America, who is being punished? These four creeps, or the Americans taxpayers who will pay $50,000 per criminal in prison per year—$200,000 a year to keep these creeps alive?

I think it is time, Congress, to stretch their necks. And I believe, further, that Phil Donahue should be allowed to broadcast it overseas so that every terrorist could see that if you kill an American citizen, Congress is going to stretch your neck. They have had it.

Think about it.

FOREIGN POLICY IS FOREIGN CONCEPT TO ADMINISTRATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Madam Speaker, is foreign policy a foreign concept to the administration? This week's Time magazine includes a quote from an unnamed White House staffer who gushed the following about the administration's policy toward Haiti: "The policy wasn't working, and we realized, hey, we're the White House; we can change it." This fickle and sophomoric attitude illustrates the current confusion in Washington over the lack of a coherent White House foreign policy.

The President and his top foreign policy advisers cannot seem to keep the car on the road. On one hand, we have the lack of direction in Bosnia and Haiti, and on the other the apparent indecision on whether to recommend most-favored-nation trading status to China.

In my view the Clinton administration's foreign policy is functioning like a ship without a rudder—it lacks the focus, the ability to stay the course and the unified voice necessary to provide the world a clear and concise understanding of our Nation's priorities.

Former Secretary of State James Baker perhaps hit the nail on the head when he described the Clinton administration as "uncomfortable with the concept of American power" and said its foreign policy was damaging U.S. credibility in the world.

The world today is in a changing revolutionary state, demanding extraordinary leadership from the United States. And as a nation, Madam Speaker, we cannot tolerate amateur foreign policy—the stakes are too high.

THE TRIAD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, we must never forget the link between our military, our foreign policy, and our intelligence network.

A strong military, a coherent foreign policy, and an effective intelligence network work together to keep our country out of danger and in peace.

The Clinton record with this triad is alarming. By slashing military spending, the President threatens to recreate Jimmy Carter's hollow force.

By failing to define a strong foreign policy, the President sows confusion among our neighbors and promotes opportunism with our enemies.

By cutting spending in our intelligence networks, the President bases his decisions on faulty data and incorrect assumptions.

From Bosnia to North Korea, from Haiti to Rwanda, the Clinton record in international affairs continues to concern the American people. I urge the President to improve our national security triad and keep the United States in peace.

LOGAN'S RUN REVISITED

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, there once was a science fiction movie named "Logan's Run." The premise of the movie was that once a person reached the age of 30, that person was exterminated.

You have to wonder what the Clinton administration's goal might be.

It won't support the repeal of the earnings test limit on senior citizens.

It proposes a plan to make seniors pay more for social security.

And now, apparently, it would have the health care system pay less to fight diseases that kill older Americans.

Listen to these words of Surgeon General Joycelyn Elders, in justifying what the administration's priorities are:

> Most of the people that die with heart disease and cancer are our elderly population, you know, and we all will probably die with something sooner or later.

Madam Speaker, older Americans have a vital contribution to make to our society. We should not make them the victims of big expensive government.

□ 1210

URGING FRESHMAN DEMOCRATS TO FULFILL THEIR CAMPAIGN PLEDGE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Madam Speaker, it is time for change. The American people want real accountability from their Members of Congress. The American people want real votes on real spending cuts. The American people want the A to Z spending cuts plan.

I urge all of my colleagues to sign Discharge Petition No. 16 to force a vote on the A to Z plan. But I particularly want to reach out to my friends who were elected in 1992 for the first time.

All 44 freshmen Republicans have signed the A to Z discharge petition. Even this body's newest Member—our friend from Oklahoma—has signed this petition.

We now must turn to the freshmen Democrats for support, and I say to them:

> You are the new blood, the new direction for this Congress. In 1992, you told the voters you stand for fiscal responsibility and congressional accountability. You stood against business as usual. You stood for change. A to Z is your best chance to fulfill that campaign pledge. Twenty three freshmen Democrats have cosponsored this strong bipartisan effort to cut spending. I urge you to follow through on your earlier commitment to real votes on real spending cuts by signing the discharge petition.

Currently we have 229 Members who have signed the legislation, and 172 Members have signed the discharge petition.

As a group these 23 freshmen Democrats can make a big difference by joining the 172 Members and making it 195 Members who are committed to cutting spending and changing the way we do business.

SIGN THE A TO Z DISCHARGE PETITION

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Madam Speaker, it should come as no surprise to anyone in this institution that the American people are discouraged and frustrated with Congress. Call it gridlock, call it political partisanship, call it what you will. The fact remains that Congress is not doing what the American people has asked us to do, which is cut spending and live within our means.

The leadership in Congress and the administration passed a so-called deficit reduction bill last year that will leave us $1 trillion deeper in debt 5 years from now than we are today. It is more of the same. It is business as usual. Tax and spend again and again, and let our children and grandchildren pay the tab.

There is an alternative. We can show the American people that we care about their future by signing the A to Z discharge petition.

Let us put partisanship aside. No one disagrees with the need to cut spending and live within our means. The American people deserve fiscal responsibility from their elected representatives. We were sent here to make a difference, not to perpetuate the status quo. Support A to Z.

EMPLOYER MANDATE BLOCKING RESOLUTION OF HEALTH CARE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Madam Speaker, one of the big issues that has blocked the resolution of health care in this body up to this point is whether or not we have an employer mandate. An employer mandate really is onerous on those businesses, those small businesses, mom and pop businesses, businesses usually under five employees. It is not that those companies do not want to buy health care, but they cannot afford it when they go to the market and it costs 5 or $6,000 per employee to buy that type of insurance. But in some health care bills that are coming before this Congress they are mandated to do it. In essence we are saying, "Either you buy insurance and lose your job, or you have insurance and you don't have a job." What we are saying is there ought to be a vote on this floor, whatever health care bill comes to town, to do away with the employer mandate.

Madam Speaker, I say to my colleagues, "You can help that happen on a bipartisan basis. Sign on to House Resolution 242 to ask for a vote on this floor on whether or not we have an employer mandate."

AMERICAN HEARTLAND CALLING OUT FOR OPEN DEBATE ON HEALTH CARE REFORM

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, this past weekend this Member held listening sessions in Lincoln, Fremont, Norfolk, and Beatrice, NE, the largest cities in the First Congressional District. These Americans from the heartland of our country are very interested and concerned about health care reform legislation now pending in the Congress. They shared their concerns with me in great detail and with strong emphasis. The more than 8,000 people who responded to the questionnaire I circulated last March rejected the Clinton health care plan by 61.6 percent to 13.8 percent, 24.6 percent undecided.

Most importantly, the 540,000 Nebraskans I represent expect and demand that this Member of Congress, like the other 434 elected Representatives, will have a role in debating and voting upon the elements and detailed alternatives to the health care reform proposal that eventually reaches the House floor. They will be watching with intense interest to see if democracy is really allowed to work here on the floor of the House of Representatives or whether partisan considerations will once again drive the Democrat leadership to shut off a range of legitimate amendments and ram the health care legislation through the House. The public wants all Members of Congress to have an opportunity to work their will on the committees' product and then they want to be able to hold each Member responsible for their votes.

Madam Speaker, no closed or semi-closed rules, no backroom deals among the congressional barons or majority leadership, and no partisan freezeouts. This issue is too important to all Americans. Let democracy work in the U.S. House too.

MEDICAL TREATMENT AND HONEST ANSWERS SOUGHT BY PERSIAN GULF WAR VETERANS

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Madam Speaker, this week, as we focus on the defense of our Nation, I urge my colleagues to join me in recommitting ourselves to the well-being of each and every soldier, sailor, and airman who has served in our military.

I am particularly concerned with the treatment of those individuals who fought and won the Persian Gulf war—individuals who, when called upon by their Nation, responded with honor and dignity.

Madam Speaker, many of these soldiers who answered their Nation's call and gallantly drove Saddam Hussein from Kuwait paid a heavy price—some with their lives and many more with their health. Those who continue to suffer are now calling upon us to serve them in their time of need. The vast array of symptoms and ailments related to their service in the gulf must not be dismissed or ignored. Questions of blame and cause must not be allowed to blur the reality of soldiers in need. We must ensure that full medical treatment and honest answers are provided to these individuals immediately.

Madam Speaker, this week, as we discuss our numerous defense policies and programs, let us remember that behind each of these stands the individual soldier, ready to answer the call and expecting the same in return.

WHITEWATER HEARINGS NOW

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, for the past 2 months, the majority leadership has asked the minority to hold off pressing for Whitewater hearings, and allow Special Prosecutor Robert Fiske a free hand.

Yet only last week, Mr. Fiske acknowledged that he felt congressional hearings would not be inappropriate at this time.

So, what are we waiting for? Today, my colleague, the gentleman from California [Mr. DOOLITTLE], will introduce a resolution calling for immediate congressional hearings on the Whitewater scandal.

Congressional hearings are our constitutional responsibility, and the American public deserves the truth.

Madam Speaker, it is very simple. There are only two steps the majority needs to take to help restore institutional accountability and public credibility:

First, minority leaders must have access to executive branch information.

And second, the majority leadership must act in good faith as honest brokers of the public's trust, rather than Hill barons bent on partisan manipulations.

Madam Speaker, we have been patient, but our nerves are wearing very thin, and more importantly so are those of the American people.

We need Whitewater hearings now.

HUSH MONEY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, the chairman of the House Committee on Ways and Means has negotiated a deal with the health care insurance industry: They stop running ads revealing the truth about the Clinton plan and they get some special breaks from the chairman.

This sounds like hush money to me.

A spokesman for the Committee on Ways and Means said:

> The ads create negative vibes and make the decisions of members tougher. The absence of those ads and the public pressure from them improves the environment for closing the deal with members.

Madam Speaker, health care reform is an important public policy concern. The public has a right to know what is going on, and the so-called Harry and Louise ads have effectively informed the American people.

It is a shame that the chairman has worked so hard to keep the public from that information. And it is a shame that the health insurance industry has played along.

I just hope that the American people continue to pressure the Congress to get the kind of health care reform they want and need.

□ 1220

A CALL FOR BIPARTISANSHIP IN FOREIGN POLICY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, if we had referees in politics, the men in the black-and-white shirts would be running around blowing their whistles and talking about the piling-on offense. Everybody has been piling on the administration, saying they do not have a foreign policy.

I remember the old days when foreign policy used to be bipartisan and both sides came together to give their best advice rather than shout at each other because they remembered that once you left the shores, it was this great Nation's whole stance that was really being looked at.

So I would encourage those who are criticizing to come forward with some constructive criticism. I would say, Don't just say they don't know what they are doing, this is terrible, this is awful.

What should we do? These are very difficult issues. What should we do in Haiti? What should we do in North Korea? What should we do in Bosnia? What should we do in—and fill in the blanks. Let us stop criticizing and let us go back to the bipartisan tradition that when we leave these shores, we all stand together as Americans shoulder to shoulder, and let us figure out what a good foreign policy in this New World that we live in really should be.

LET'S MAKE A DEAL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, just like Monty Hall, columnist William Safire has called upon Members of Congress to make a deal on health reform. And like those disappointing gambles, he cites the obvious losers in the Clinton plan that are holding up the legislative process: Behind door No. 1, Government-imposed spending limits on health care that would require rationing; behind door No. 2, statewide collectives that would limit a patient's ability to choose his doctor; and worst of all, behind door No. 3, job-killing payroll taxes in the form of mandates. In contrast, Mr. Safire says a good deal for America lies in sensible reforms that target the obvious problems in the system without destroying what works. Republicans have a plan to ban preexisting condition exclusions, allow for insurance portability, and attack health cost inflation—without new bureaucracies or huge new taxes. Simply put, Republicans do not have a deal—them have a solution.

UNDEREMPLOYMENT IS A MAJOR PROBLEM IN THE U.S. ECONOMY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Time magazine reported last week that there have been at least 228,000 layoffs in this country in the past 4 months.

A national publication recently ran a cartoon with a sign saying: "Short Order Cook Wanted—Degree Preferred."

What a commentary on the times.

People are being laid off from high-paying jobs, and their only real options are jobs paying barely above minimum wage.

Young people are receiving college degrees, and the only places they can find employment are in fast-food restaurants.

I know that unemployment is just 6½ percent, which is too many, but it is relatively low.

But while unemployment is not presently a major problem, under employment is fast being one of the biggest problems we have in this Nation today.

And it will become an even worse problem if we do not let our free enterprise system work as it can and should.

Federal regulators, many with almost a policeman mentality, are regulating our economy into real jeopardy.

The goal of our Federal regulatory agencies should be to help small businesses succeed, not to regulate them into bankruptcy or forced mergers that destroy good jobs.

A WEAK FOREIGN POLICY IN A DANGEROUS WORLD

(Mr. HUNTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNTER. Madam Speaker, we live in a dangerous world. North Korea is acquiring nuclear weapons. The former Soviet States do have nuclear weapons. That situation is still somewhat unstable. Communist China is attempting to move into the formerly held position of the Soviet Union as the world's second superpower, claiming most of the territory in the South China Sea.

We have the Balkans continuing to explode, and we have continued instability in the Middle East.

It is a dangerous world, and against this backdrop of a very dangerous world, we have a President who is showing tremendous weakness in the area of foreign policy and national security.

President Clinton is slashing national defense. He is cashiering 1,700 young people a week out of the uniformed services. He has cut back our fighter forces to roughly 50 percent of what they were a couple of years ago. We are seeing now the first operations in maintenance slowdowns that led in the 1970's to a hollow force.

Madam Speaker, it is time to reverse our course and keep our powder dry. We have a dangerous world and a weak President. That is a bad combination

WITH GOVERNMENT SPENDING AND TAXES UP, INFLATION THREATENS TO RISE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. The news reports indicate that once again long-term interest rates are on the rise. We remember just a few weeks ago when Democrats were on this floor counting the President's economic program as a program that was keeping interest rates down, and particularly talking about long-term interest rates, about how the President's economic program was managing to keep long-term interest rates at historic lows.

The fact is that now, because of the President's economic program, interest rates are on the rise, the administration and some Democrats want to say, "Well, this is because of the Federal Reserve doing things that are wrong." The fact is that the Federal Reserve is responding to the reality of the President's economic program.

The President made clear in the campaign in 1992 that his economic program was to increase inflation. That is exactly what the analysis is now, that the President is putting inflation in place in the economy.

How are they doing this? Well, they are doing this by new taxes and with new government spending. Government spending is up, taxes are up, and the result is that inflation is poised to go up.

Why can we say that? Because the only thing holding it down at the present time is energy prices on the world market at historic lows. The moment those energy prices go up, the fact is that inflation is poised to go up and interest rates are reflecting that today the President's economic program is poised for disaster.

Madam Speaker, the President's economic program is something which we cannot afford to continue. We cannot afford to continue high taxes and we cannot continue to afford high government spending.

INSISTING ON ACCOUNTABILITY AT THE FEDERAL RESERVE

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Madam Speaker, an interesting view of reality was just espoused by my predecessor in the well. It is not the Federal Reserve Board that is raising interest rates? No, of course not, But I would ask: "It isn't?"

When did this flurry of higher interest rates start? It started with Mr. Greenspan and the radicals at the Federal Reserve Board who operate in secret for the interests of a certain few privileged in this country when they saw inflation on the horizon. Well, no one else did. But they said, "If we raise interest rates, then long-term rates will go down. Don't worry."

They raised interest rates, and long-term rates went up. They raised interest rates again, and long-term rates went up again.

Last week the Wall Street Journal and the special interests there begged the Federal Reserve to raise interest rates again, because they are only happy when they see a decline in the job outlook in the future of the economy of this country.

The Federal Reserve needs to be audited. They need to be brought back under control, and we need here in the Congress to take a little responsibility for their actions—something I am sure my colleague over there does not want to do.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on

Rules, I call up House Resolution 433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 433

Resolved, That during consideration of the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived.

The SPEAKER pro tempore (Mrs. LLOYD). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, for the purposes of general debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

All time yielded during consideration of this resolution is for the purposes of debate only.

Madam Speaker, House Resolution 433 is an open rule which provides for the consideration of H.R. 4453, the military construction appropriations bill for fiscal year 1995. Under the rules of the House, appropriations bills are privileged measures. Therefore this rule does not contain any provision allocating time for general debate. Debate time on the bill will be worked out in a unanimous-consent request agreed upon by the subcommittee chairman and the ranking minority member prior to the consideration of the bill.

This resolution does waive clauses 2 and 6 of rule XXI against the consideration of the bill. Clause 2 of rule XXI prohibits unauthorized appropriations and legislation in general appropriations bill. This waiver is necessary because the authorizing bill for the legislation has not yet been signed into law.

Clause 6 of rule XXI prohibits the reappropriation of unexpended balances of appropriations. This waiver is necessary because of a transfer of funds from the homeowners assistance fund to part 2 of the base realignment closure account. These waivers were discussed in the rules committee and were unopposed by any of its members.

Madam Speaker, H.R. 4453 appropriates $8.9 billion in fiscal year 1995 for military construction, family housing, and base closure. This amount is $1.2 billion less than last year's appropriations level.

I would like to commend my colleagues on both sides of the aisle of the subcommittee who worked so hard to craft this bill during this time of fiscal belt tightening in the appropriations committee.

Madam Speaker, this bill appropriates approximately $8.25 million for two projects at Wright Patterson Air Force Base which is partially located in my district. Funds are provided for a special operations intelligence facility and for the upgrade of the bases' storm drainage system.

These projects are important to the people who live and work at the Wright Patterson Air Force Base and to the community of Dayton, OH. I thank my colleagues for including them in this legislation.

Finally, Madam Speaker, I would like to remind Members that under this rule any Member may offer an amendment that is germane to the bill. I urge adoption of the rule and adoption of the bill.

☐ 1230

Mr. QUILLEN. Madam Speaker, I thank the gentleman from Ohio for yielding, and I yield myself such time as I may consume.

Madam Speaker, I rise in support of this open rule providing for the consideration of the military construction appropriations bill for fiscal year 1995. As my colleagues from Ohio has explained, the rule provides certain waivers, and I am not aware of any objections to these waivers.

As usual, the members of the military construction subcommittee have brought forward a fiscally responsible bill which was crafted with a cooperative, bipartisan spirit that we all should strive to achieve. The bill is $648 million below last year's level and is consistent with the recommendations of the defense authorization bill, which has been under consideration in the House.

Despite this reduction in spending, this committee did a great job in meeting the construction needs of our military, as well as providing for the housing needs of service personnel and meeting the costs associated with base closing and realignment.

Madam Speaker, this rule allows all Members to offer motions to strike or to offer germane amendments, and I am pleased to see the Rules Committee improving its record of reporting open rules. I urge my colleagues to adopt this rule so we can proceed with the prompt consideration of this first of 13 appropriations bills.

Madam Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I thank the gentleman for yielding. First of all, I wanted to congratulate him for coming to the floor with his colleagues from the Committee on Rules with an open rule this time. That is one of the things that we would like to see more often, and I thank him for that.

The bill that we have before us today is the first of the appropriation bills that will arrive on the floor. This one, while it is above President Clinton's request, it is below last year's spending, and that is in itself a positive sign that we are attempting to bring down spending in some areas. But we ought not fool ourselves as we approach this appropriations period. The spending levels of the Federal Government are still going to be enormously high.

The idea that the administration is promoting, that somehow the deficit problem has been solved, is just plain nonsense. The deficit that is predicted for this year and for all the years in the future is well above the deficit levels of the first 2 years of the Bush administration.

At that time, Democrats came to the floor on a consistent basis telling us about how these massive deficits were being compounded by the Bush administration over and above the Reagan administration. The deficits we are talking on an annual basis here are significantly higher than anything that was done during the Reagan administration and what was done in the first two years of the Bush administration. So we still do have a deficit problem.

We have a massive spending problem. That is compounded by the fact that 2 years ago the Democrats decided that as a part of their overall approach to the economy, they were also going to raise taxes. What you now see is unproductive dollars going into the economy at significant levels, unproductive dollars coming from government, and at the same time you see the productivity of our economy being taxed away by the Democrat tax increases of just a few months ago.

Those two things are the underlying problems for inflation in this economy which are causing us major problems. We had the gentleman from Oregon come here just a couple of minutes ago and say exactly what I predicted the Democrats would say. Democrats say the problem with long-term interest rates is the Fed, and what we ought to do is get more political control of the Federal Reserve.

You see, the Democrats want political control of everything. They now have political control of the Congress, of the administration, and what they cannot control is the monetary policy in the Fed. So now they are proposing to take their one-party government and extend it into the monetary policy of the country, despite the fact that with monetary policy we are simply attempting at the present time to deal with the underlying inflation that the President promised in his campaign he was going to bring back to the economy.

The President's economic program is based upon inflation. Inflation is now beginning to bubble up at levels just below the surface. The Fed is attempting to respond to that, and Democrats say first of all, their economic program is not at fault, and by the way, if it is, what we want to do is take it out of the hide of the Fed by taking political control of the Fed.

Those are prescriptions for economic disaster. We need to have the kind of responsibility shown by Congress that will keep the spending down. In this first bill that is being brought before us under this rule, we do in fact have spending levels lower than last year. That is a positive sign. We are not going to have that as we go through the appropriations process and ultimately will end up spending at levels that increase the deficit markedly.

We are increasing deficits. We are increasing debt in this society. We cannot afford to do both. Middleclass Americans today bear $17,000 worth of debt for each person based upon the spending that Congress has already done in the past. Middleclass America cannot afford the bills of the spending of this Congress. This Congress needs to become more responsible.

Mr. QUILLEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on the bill (H.R. 4453).

The SPEAKER pro tempore (Mrs. LLOYD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HEFNER. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion Madam Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentlewoman from Nevada [Mrs. VUCANOVICH] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

□ 1239

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4453), with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman form North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to the House, H.R. 4453, the fiscal year 1995 military construction appropriations bill.

The bill we are recommending totals $8.8 billion which is below the subcommittee 602(b) allocation for both budget authority and outlays. The bill is over the President's request by $470 million but under last year's level by $647 million. I should also mention that last year, we were forced to reduce military construction by $1.3 billion. So in 2 years, military construction was reduced by almost $2 billion, which is a significant cut. What this means is that projects get deferred but the requirement remains.

The comparative numbers for the major components of the bill are shown on page 2 of the report. The comparison of the bill with last year's level shows that the military construction portion has been reduced by $1.1 billion or 31 percent. The base closure recommendation, on the other hand, is $500 above last year's level. The family housing recommendation remains at almost last year's level.

With regard to base closure, the bill provides $2.7 billion for base realignment and closure as requested by the President. Of the $2.7 billion, the committee recommends that at least $500 million be allocated for environmental restoration.

I cannot stress enough how important family housing is to quality of life of our military families. The Department currently operates and maintains about 400,000 units of housing. Many of the units are old, some in excess of 32 years. The committee continues to support the housing program as an essential element to readiness as well as retention. For that reason, the committee is recommending $706 million for construction of about 3600 new and replacement units and $2.8 billion to operate and maintain the existing 400,000 units of housing.

With regard to authorization, the recommendations in this bill conform to the House armed services authorization, as reported.

Let me just go over some of the other special features of the bill:

It provides $450 million for new barracks.

It provides over $200 million for environmental compliance type projects.

It provides $29 million for child development centers.

It reduces the President's request for NATO funding by $100 million in line with the authorization.

It provides $50 million as an ongoing effort to reduce energy costs.

It provides $300 million for medical facilities such as hospitals and clinics.

It provides for $51 million as initial phase funding for chemical weapons destruction facilities at two locations.

Mr. Chairman, before I conclude my remarks, I want to express my appreciation to all the members of the subcommittee and especially the gentlelady from Nevada [Mrs. VUCANOVICH]. It's a pleasure to work with the gentlelady from Nevada. This is why we are presenting to you a bipartisan bill and a good bill given the budget constraints we have to work with.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

I am delighted today to bring to the floor, along with my chairman and friend, Mr. HEFNER, the bill making appropriations for military construction for fiscal year 1995.

There is no question that this is a tough year for all of us but I believe, in this bill, we have done the best job possible under our allocation, and in difficult budgetary circumstances, to address the needs of our military.

Mr. HEFNER has outlined the bill and I won't be redundant. I want to emphasize, however, that the Mil Con account has taken significant reductions since last year. With this reduced funding level, quality of life projects, readiness, replacement and environmental compliance will, unfortunately, be deferred while the important requirement remains.

Military construction is an investment program that has significant payback in economic terms, but also as it relates to environmental restoration and in better living and working conditions for our personnel. Quality of life issues are important to these men and women, as well as their families, and we must strive to provide the best possible infrastructure for their well being.

The subcommittee has worked very hard to balance these needs with this reduced allocation. I support this bill, it is a truly bipartisan bill and a very balanced and fair bill.

I would also like to thank the members of the subcommittee for their hard work and cooperation during our hearing process. And, I want to commend the hard work and assistance of our staff—their work has been exemplary.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the bill, H.R. 4453, military construction appropriations for fiscal year 1995.

I would like to congratulate my chairman, the gentleman from North Carolina [Mr. HEFNER], on his outstanding effort in putting together a military construction bill which strives to meet our defense priorities under these very difficult fiscal conditions. In doing so, our subcommittee was able to drastically reduce spending by $620 million. We made the tough choices to fund our defense infrastructure requirements in this changing world.

This bill improves the quality of life for our military personnel and their families stationed at home and overseas.

It cleans up military facilities scheduled for closure so that affected communities can move quickly to redevelop these sites and create jobs.

Finally, it meets our defense needs so that American men and women in uniform are prepared to meet any threat to our national security.

Again, I congratulate my chairman and the ranking member, and urge the Members to vote "yes" on this bill.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentlemwoman for yielding time to me. I want to commend her and the gentleman from North Carolina [Mr. HEFNER] for a well-crafted bill.

I have noticed a few concerns that the committee voiced and I echo those concerns from the Mil Con side on the Committee on Armed Services.

We are spending now an inordinate amount of money on environmental compliance. In fact, the Navy's military construction budget of $320 million consisted of 27 percent environmental compliance projects versus 24 percent for essential mission support projects. Some of that comes about because if a base commander does not meet his environmental compliance requirements and the EPA is after him, he may go to jail if he does not spend defense dollars on environmental compliance. If he fails to spend defense dollars on mission essential military construction projects and readiness, some of his troops may die in battle. But those projects are always deferred because of environmental compliance projects.

I would suggest that we need to get a handle on environmental compliance projects. I think this committee is very, very interested in doing that. We are interested in doing that on the authorization side.

Lastly, in the hearings that we developed, I know the committee has had the same problems. The average base commander now has to understand and be aware of about 10,000 pages of Federal regulation on environmental compliance, which puts a massive, massive burden on him. I would hope that as we get into this process next year, we can look at some way to alleviate that massive burden that is now being shifted to base commanders and taking away their precious time from readiness and training.

I thank both the chairman and the ranking member for their very excellent job on this bill.

□ 1250

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], a member of the subcommittee.

Mrs. MEEK of Florida. Mr. Chairman, I am pleased to be a member of the Subcommittee on Military Construction of the Committee on Appropriations. The way they conduct their work is exemplary, and the people on the committee are committed to the lives of our military men.

I think it is very fitting 2 or 3 days before Memorial Day that the military construction budget comes before the Congress, because this appropriation is so important to the quality of life of the young men and young women who have dedicated their lives to the military.

I compliment my chairman because of the way he conducts the work of this committee. I compliment our ranking minority member, the gentlewoman from Nevada [Mrs. VUCANOVICH]. The gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada have given the leadership to this committee which all committees need, and that is giving the direction we need to do a good job. I want to thank the chairman of the committee and the ranking member for the fact that they had a budget which was much under budget from last year, and they used their resources to spread this money around so that the military could receive the kind of help it needs.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for yielding time to me.

Mr. Chairman, I had an amendment that I was going to offer to reduce the appropriation for the military construction, but I think if I get some answers on this that are reasonable, I probably will not introduce it.

Mr. Chairman, this is about $647.2 million below fiscal year 1994, so it is about 7 percent below last year's appropriation, but it is about $470.47 million or 5.6 percent above President Clinton's request.

I went through this list, Mr. Chairman, and started looking State by State at all the new projects, or all the projects that money was being appropriated for. It is very difficult to find out whether or not those are really absolutely necessary, so I would just like to talk to my colleagues, the gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada [Mrs. VUCANOVICH], to find out how these 125 projects which were added by the Committee on Appropriations, how they came up with this list and whether or not they are absolutely necessary.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I could not stand up here and take an oath that every one of these projects is absolutely critical to the existence of this country, but they were all authorized. There was not one project in this bill that is not authorized. There was some $1.5 billion requested for add-ons, and we did not have money to even come close to doing those. Every one of those projects is authorized.

To the very best of our ability, we went through all these projects as best we could and determined that they were all viable projects. With the limited funds we had, we think that the committee as a whole and the staff did a very good job of screening all these projects. They are all viable and they deserve the Members' support.

I thank the gentleman for not offering his amendment.

Mr. BURTON of Indiana. If I might ask the gentleman another question or two, Mr. Chairman, were some of these projects necessitated because of the cutbacks in the active duty force, active military?

Mr. HEFNER. If the gentleman will continue to yield, some of them were due to the fact that we are bringing forces back from Europe. Certainly that had some bearing on the overall picture of the bill.

Mr. BURTON of Indiana. Mr. Chairman, there were 125 projects, according to my staff, that were added by the Committee on Appropriations that were not requested by the President. If I can ask one more question, could you give me a rough idea of the 125 projects added by the Committee on Appropriations that were not asked for by the President, why those were added?

Mr. HEFNER. If the gentleman will continue to yield, we funded four barracks projects in Korea where our soldiers are in a high-stressed environment. We cut back on NATO spending. We had a real need in Korea. General Luck came from Fort Bragg, one of our more distinguished people, and it was absolutely necessary that we have this money for the quality of life for the men in Korea.

We had requests from Members from the appropriations committees and authorizing committees and all the other committees. We looked at all the projects, we looked at whether they were 35 percent design, whether they were critical to whatever service component the Guard or Reserve and whether they were viable projects.

Again, I think we have done an excellent job of putting together this bill.

Mr. BURTON of Indiana. Mr. Chairman, because I am very concerned about the strength of our military and because I have confidence in both the gentleman from North Carolina and the gentlewoman from Nevada, I will withdraw my amendment.

Mr. PACKARD. Mr. Chairman, I would like to express my support for the military construction appropriations bill. In the face of severe fiscal constraints, the subcommittee has successfully crafted a balanced spending bill for the next fiscal year. I urge my colleagues to support this bill.

I would particularly like to recognize the chairman, BILL HEFNER, and ranking member BARBARA VUCANOVICH for their invaluable assistance to include funding for a major military installation in my district. Funding provided in the bill goes a long way to provide the base with the facilities they need to adequately carry out the base's readiness mission. I greatly appreciate the consideration and attention given by the chairman and ranking member to these needs.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 4453, military construction appropriations for fiscal year 1995, and to thank the distinguished chairman, BILL HEFNER, the ranking member, BARBARA VUCANOVICH, and all the members of the Subcommittee on Military Construction for their efforts on behalf of American military personnel and their families. I also want to express my appreciation to the subcommittee staff and the associate staff for their hard work in support of the product before us today.

The bill contains projects vital to the morale, recruitment, and retention of U.S. military personnel across the country and around the world. Not only does the bill relate to critical construction projects, but also contains provisions important to our ability to field new weapon systems, environmental concerns, family housing, child care facilities, and the educational and recreational needs of military families. Finally, it also addresses the important issues related to base realignment and closure.

I also want to thank the subcommittee for its consideration and inclusion of construction activities at Fort Bliss, TX, located in my congressional district, and home of the Army's Air Defense Artillery Center. All of the projects included in the legislation were authorized by the Department of Defense authorization bill, and I want to thank my colleagues on the House Armed Services Committee for their hard work as well.

The President's fiscal year 1995 budget recommendations contained family housing improvements at Fort Bliss, and I appreciate the inclusion of these critical quality of life projects for military families in my district. These were among the priority projects I am supporting in the pending legislation. Others include expansion of the Sergeant Majors' Academy, construction of a child development center, and construction of a maintenance facility. I also want to point out for the RECORD that the report accompanying H.R. 4453 directs the Army to accelerate efforts to replace or modernize barracks at Fort Bliss and to request funds for this purpose as part of the fiscal year 1996 budget submission in order to continue with the barracks upgrade program on post.

In closing, let me once again thank the committee and urge my colleagues to support the bill.

Mrs. BENTLEY. Mr. Chairman, each year, the military construction appropriation is referred to as the quality of life bill for our troops.

This bill is $647 million less than last year's bill, but still $470 million more than the President requested.

In my opinion, our troops deserve more, but we are constrained by our committee's 602(b) allocation.

This bill is a classic example of the administration's priorities which consider military funds a piggy bank for an ambitious social agenda.

During our hearings, Members from both sides of the aisle asked the Army, Navy, and Air Force whether the requested funds were sufficient. The services—good soldiers that they are—all answered in the affirmative.

I agree with my colleagues on the committee that DOD has asked for too little.

I am heartened that the bill contains money for improving the living conditions for our troops stationed just below the DMZ in Korea. We heard testimony that our troops must walk outside to use latrines. This is not acceptable—especially considering the brutal winters in Korea.

The bill also contains money for a fire station at the Naval Academy. Current law mandates that DOD facilities must maintain on post capabilities to fight fires—and that this cannot be contracted out. This bill provides money for a much-needed fire station.

Other projects have been included, but not enough to address the needs of our military.

I find it ironic that so many Members are calling for intervention around the world and yet at the same time are continuing to vote for cutbacks to our military.

If we do not want a hollow military then we must reorder our priorities and start funding military programs. We must also ensure that our troops have adequate housing.

I urge an "aye" vote for this bill.

Mr. BEREUTER. Mr. Speaker, this Member would express his thanks to the distinguished chairman of the Subcommittee on Military Construction, the gentleman from North Carolina [Mr. HEFNER], and the distinguished ranking member, the gentlelady from Nevada [Mrs. VUCANOVICH], for their efforts in presenting an appropriations bill that addresses the construction needs of our armed forces while exhibiting considerable fiscal restraint. This Member is fully aware of the budgetary constraints that the subcommittee faced, and he applauds the constructive and bipartisan approach that is reflected in H.R. 4453.

In particular, this Member is appreciative of the subcommittee's continued support of the Nebraska Air National Guard. The Nebraska Air Guard is in the midst of a conversion from a reconnaissance unit to an air refueling squadron. The Nebraska Air Guard has enthusiastically embraced this new mission, and is anxious to assume this critical support role.

As the subcommittee knows, however, the new KC–135 tankers are much larger than the squadron's old RC–4 photoreconnaissance aircraft, and the refueling tankers require a new support system. This year's appropriation contains much-needed funding for underground fuel storage tanks and for a hydrant refueling system. Appropriation of these funds helps to ensure that the conversion will occur on time, and without unnecessary hardship.

This Member thanks the subcommittee for their support, and urges approval of H.R. 4453.

NEBRASKA

Installation and project	Budget request	House recommended
Air Force Offutt AFB:		
Storm drainage facilities	1,500	1,500
Underground fuel storage tanks	760	760
Air National Guard Lincoln Map:		
Parking apron and hydrant refueling system	14,274	14,274
Replace underground fuel storage tanks	500	500
Total, Nebraska	17,034	17,034

Mrs. VUCANOVICH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $623,511,000, to remain available until September 30, 1999: *Provided,* That of this amount, not to exceed $67,700,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $462,701,000, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed $47,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $514,977,000, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed $55,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $467,169,000, to remain available until September 30, 1999: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $45,960,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $134,235,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $209,843,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $39,121,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $12,348,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $56,378,000, to remain available until September 30, 1999.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $119,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $160,602,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $1,121,208,000; in all $1,281,810,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $269,035,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $853,599,000; in all $1,122,634,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $276,482,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $801,345,000 of which not more than $14,200,000 may be obligated for the acquisition of family housing units at Comiso AB, Italy; in all $1,077,827,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $350,000, to remain available for obligation until September 30, 1999; for Operation and maintenance, $29,031,000; in all $29,381,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $87,600,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100–526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than $66,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $265,700,000, to remain available until expended: *Provided*, That not less than $138,700,000 of the funds appropriated herein shall be available solely for environmental restoration: *Provided further*, That, in addition, not to exceed $133,000,000 may be transferred from "Homeowners Assistance Fund, Defense" to "Base Realignment and Closure Account, Part II", to be merged with, and to be available for the same purposes and the same time period as that account.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $2,322,858,000, to remain available until expended: *Provided*, That not less than $302,700,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 119. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 120. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 121. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 122. The second paragraph under the heading, "Family Housing, Navy and Marine Corps" in title XI of Public Law 102-368, is amended by inserting "and the August 8, 1993 earthquake in Guam" immediately after "Typhoon Omar".

SEC. 123. (a) Of the budgetary resources available to the Department of Defense for military construction and family housing accounts during fiscal year 1995, $10,421,000 are permanently canceled.

(b) The Secretary of Defense shall allocate the amount of budgetary resources canceled among the Department's military construction and family housing accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 124. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 125. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 126. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. HEFNER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 18, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1995."

Mr. HEFNER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BILBRAY) having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

☐ 1300

The SPEAKER pro tempore (Mr. BILBRAY). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 42, not voting 11, as follows:

[Roll No. 193]

YEAS—380

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—42

Allard
Archer
Barca
Bunning
Burton
Buyer
Camp
Coble
Cox
DeFazio
Doolittle
Dreier
Duncan
Dunn
Ehlers
Fawell
Fields (TX)
Goss
Hancock
Hoke
Johnston
Klug
Linder
Manzullo
Miller (FL)
Minge
Nussle
Paxon
Penny
Peterson (MN)
Quinn
Ramstad
Rohrabacher
Roth
Royce
Sensenbrenner
Solomon
Stark
Thurman
Upton
Walker
Wyden

NOT VOTING—11

Barlow
Barrett (WI)
DeLay
Grandy
Horn
Houghton
Lehman
Matsui
Ortiz
Swett
Washington

☐ 1324

Messrs. BURTON of Indiana, QUINN, and BARCA of Wisconsin, and Mrs. THURMAN changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SWETT. Mr. Speaker, I was unavoidably detained and therefore failed to cast my vote on rollcall vote No. 193, relating to final passage of H.R. 4453, the fiscal year 1995 military construction appropriations bill. Had I been present, I would have voted "aye."

TIME FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 315) designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I shall not object, I rise in support of House Joint Resolution 315, a joint resolution to designate May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the 50th Anniversary of World War II." It is with pleasure and pride that I cosponsored this joint resolution, and I commend the distinguished gentleman from Indiana [Mr. MYERS] and the distinguished Senator from Kansas [Mr. DOLE], for having authored this measure.

World War II was a war unlike any other we have fought. It killed more persons, cost more money, damaged more property, affected more people, and probably caused more far-reaching changes than any other war in history. Those of us who remember and served in World War II still harbor vivid memories of the determination and unity with which the American people conducted themselves. Throughout this titanic struggle, during which the battle lines between good and evil were clearly drawn, Americans in all 48 States and abroad came together for a common purpose.

Mr. Speaker, at its height, more than 50 countries took part in the war and more than 55 million people died. The cost of the war is estimated to be approximately $1,154 trillion. In addition, World War II eliminated the perilous scourge of nazism from the face of the world and freed the thousands of Jews held prisoner in brutal captivity. Unfortunately, millions of others were not saved. The war stopped the tyrannical worldwide conquest by Japan and by dictators Hitler and Mussolini. More importantly, beyond the results of the war, World War II reconfirmed the United States promise to protect liberty and freedom throughout the world.

Veterans and civilians of the World War II era, and all citizens throughout our Nation, recognize the importance of the conflict. Hundreds of thousands of Americans died to preserve and uphold the democratic ideals and institutions which the United States dearly maintains. This war required the mobilization not only of armies but of technologies, economies, and whole peoples. As a result, our entire Nation took part in this noble effort and thus this resolution is an excellent vehicle to once again say "thank you" and pay tribute to those left among us who gave of their time, their efforts, and their hearts to the struggle which helped bring about V-E Day and V-J Day.

Accordingly, I urge my colleagues to support this resolution.

Mr. MYERS of Indiana. Mr. Speaker, I am pleased and proud that the House of Representatives is taking up and considering House Joint Resolution 315, designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II." Two hundred and twenty-five members of the House and over 51 Senators have already shown their support for this commemorative legislation by cosponsoring this bill.

This legislation brings special focus to the Americans who through dedication, hard work, and commitment helped the United States and the Allied Forces to be victorious over tyranny and aggression. We must remember to honor the millions of Americans who defended democracy. We learned through the hard lessons of war that we must remain vigilant and always prepared to resist future aggression and that all nations dedicated to freedom must stand together.

American women as well as men served our country in the military. During World War II opportunities and choices for women increased. Our Government asked women to put aside private concerns and accept more public roles and women accepted the call by working in defense plants, became nurses, and came to the aid of our country in previously untraditional roles for women such as heavy manufacturing work.

It has been documented that from 1940 until the Japanese surrendered, the United States produced more than 300,000 aircraft, over 86,000 tanks, and 12.5 million rifles. In addition, over 100 aircraft carriers, 352 destroyers were built during this time. These figures exemplify our tremendous efforts here at home to support the effort of our men and women fighting over in Europe and in the Pacific.

During this commemoration, Americans of all ages must remember that many, many Americans gave their lives so that our Nation could remain free and strong. It is my hope that this legislation will help us to be mindful of this important event in our past and to always remember its importance for our future.

Mrs. MORELLA. Mr. Speaker. It is an honor for me to rise in support of House Joint Resolution 315, a joint resolution designating May 30, 1994 through June 6, 1994 as a "Time for the National Observance of the Fiftieth Anniversary of World War II." I wish to commend our colleague from Indiana [Mr. MYERS], who has taken the lead in this matter and has brought this measure to the floor.

It is also appropriate today, as we remember our former First Lady, Jacqueline (Kennedy) Onassis, to remember the service that her husband, President John F. Kennedy, performed during World War II as a young Navy lieutenant. President Kennedy said that stories of the past teach courage, offer hope, and provide inspiration. The men and women of World War II will forever remain an inspiration because of their selfless heroism.

For many, the events of World War II are indelibly marked in our minds. However, at least 70 percent of our population was not born until after this milestone—many of our Vietnam War heroes were born after America became involved in World War II. We must communicate the valor and immeasurable sacrifices made by those who fought this war.

The American involvement in World War II was supported by the country. As a nation, we could not tolerate the heinous massacre of millions and the dissoution of personal freedom. Wars, today, do not appear to be as clearly good or bad, right or wrong, as World War II. Following World War II, our country participated in the Korean and Vietnam conflicts, and, more recently, the Persian Gulf war. Within the past 5 years, we have witnessed the fall of the Iron Curtain, the collapse of Communist regimes, the unification of Germany, solidarity in South Africa and tragic situations in Bosnia, in Somalia and in Rwanda. Much has happened within these 50 years. Though it is not likely that we will obliterate the valuable lessons we learned from that war, it is particularly appropriate that the Fiftieth Anniversary of World War II be recognized by proper ceremonies so that all generations can learn from the experience of World War II.

As a cosponsor of House Joint Resolution 315, I urge all my colleagues to support this measure.

Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 315

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1994, marks the anniversary of the Battle of Midway, and June 6, 1994, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 30, 1994, through June 6, 1994, is designated as a "Time for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that period with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MEN'S HEALTH WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 179) to designate the week of June 12 through 19, 1994, as "National Men's Health Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, I wish to inform the House that the minority has no objection to the legislation now being considered.

Mr. RICHARDSON. Mr. Speaker, I am pleased that the House passed legislation today to designate June 12 through 19, 1994, as "National Men's Health Week." As we consider health care reform, prevention and early detection of disease will become increasingly important in saving health care dollars. The shift to prevention requires not only changes in the health care system, but also an awareness by the American public of the importance of regular visits to their physicians.

Prostate cancer is the most common cancer in men, afflicting 1 out of every 11 American men and killing 34,000 men every year. For African-American men, the rate of affliction is even worse; African-American men have the highest incidence of prostate cancer in the world. In the past 5 years, the death rate for prostate cancer has grown at almost twice the death rate of breast cancer.

Prostate cancer and many other health problems affecting men could be avoided if men's awareness of health screening tests were increased. Heightening the awareness of preventable health problems and increasing early detection and treatment of disease would significantly improve our Nation's health, as well as save limited health care dollars.

Recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters, and sisters, men's health is truly a family issue.

I thank the chairman, Mr. CLAY, for bringing this legislation to designate men's health week forward. I also thank my colleagues for cosponsoring this vital legislation. I especially thank Mr. Jimmy Boyd of the men's health network for his tireless efforts on behalf of this legislation.

This legislation is important as it will help to raise awareness of these important issues. I am pleased that the House has sent this positive message today.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 179

Whereas despite the advances in medical technology and research, men continue to live an average of 7 years less than women;

Whereas the likelihood that a man will develop prostate cancer is 1 in 11;

Whereas the number of men contracting prostate cancer will reach over 120,000 in 1993, with an expected one-third of the cases to die from the disease;

Whereas testicular cancer is one of the most common cancers in men aged 15-34, and when detected early, has an 87 percent survival rate;

Whereas the number of men contracting lung disease will reach over 100,000 in 1993, with an expected 85 percent of the cases to die from the disease;

Whereas the number of cases of colon cancer among men will reach over 80,000 in 1993; with nearly one-third of the cases to die from the disease;

Whereas the death rate for prostate cancer has grown at almost twice the death rate of breast cancer in the last five years;

Whereas African-American men in the United States have the highest incidence in the world of cancer of the prostate;

Whereas men are seven times as likely as women to be arrested for drunk driving and three times as likely to be alcoholics;

Whereas women visit the doctor 150 percent as often as men, enabling them to detect health problems in their early stages;

Whereas significant numbers of male related health problems such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, cholesterol screens, etc., in conjunction with clinical examination and self-testing for problems such as testicular cancer can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of information, and cost factors; and

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as a productive family member will be more likely to participate in health screenings; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 12 through 19, 1994, is designated as National Men's Health Week, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 315 and Senate Joint Resolution 179, the two joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1330

THE JOURNAL

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to clause 5 of rule I, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Chair's approval of the Journal.

The Journal was approved.

PERMISSION TO CONSIDER AMENDMENT NO. 2 AS SUBSTITUTE FOR AMENDMENT NO. 1 IN PART 4 OF HOUSE REPORT 103-520 ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that amendment No. 2 in part 4 of House Report 103-520 be considered as a substitute amendment for amendment No. 1 in part 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GOSS. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from California [Mr. DELLUMS] to explain what it is he is trying to accomplish.

Mr. DELLUMS. Mr. Speaker, it was the clear intent of the Committee on Rules, as shown by the committee's document entitled, "Proposed Second Rule" of May 20 at 1:30 p.m. The report itself is ambiguous, and this request is intended only to clarify the situation.

Mr. Speaker, my distinguished colleague, the gentleman from Florida [Mr. GOSS], is the author of an amendment relating to foreign policy matters with respect to Haiti. This gentleman offered an amendment that was intended to be an amendment in the nature of a substitute. The Committee on Rules intended for this to be the case, but their report was ambiguous on the matter.

Mr. Speaker, this unanimous consent request is simply a desire to clarify that the gentleman from California would have an opportunity to offer an amendment in the nature of a substitute to my distinguished colleague's amendment.

Mr. GOSS. Mr. Speaker, further reserving the right to object, I thank the distinguished chairman of the Committee on Armed Services for that explanation.

Part of the problem that we have had with this is the order that we are going to take these matters up, and part of the understanding that the chairman has referred to in those records of the Committee on Rules was that we would deal with the Haiti issue before we broke, presumably by the end of this week, and I wonder if the distinguished chairman could give me assurances that we are going to deal with this Haiti amendment series in the immediate future and certainly before the end of this week.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, it would be the intent of this gentleman and my distinguished colleague, the gentleman from South Carolina [Mr. SPENCE], to dispose of this matter this evening. It would be our intent to debate the issue and have a vote on the issue on the floor of the House on this matter before we adjourn tonight.

Mr. GOSS. Mr. Speaker, further reserving the right to object, I thank the distinguished chairman, and I yield to the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE] who would like to ask an additional question if it is appropriate under my reservation of objections.

Mr. SPENCE. Mr. Speaker, I would also like to have an understanding that we are also going to discuss peacekeeping.

Mr. DELLUMS. Mr. Speaker, if the gentleman would yield, the gentleman from South Carolina [Mr. SPENCE] is absolutely correct.

Mr. Speaker, as the gentleman is aware, as I understand it as of this moment, the amendment dealing with Bosnia, by unanimous agreement or agreement among a number of parties here, that issue would be pulled from the floor. But as I understand it, Mr. Speaker, we will go forward. It is the intent of the Chair to go forward on the issue of base closure, C–17, Haiti and peacekeeping.

Does that answer the gentleman's question?

Mr. SPENCE. Yes, Mr. Speaker, the gentleman from California has answered the question.

Mr. GOSS. Mr. Speaker, that certainly takes care of my concerns, so I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT REGARDING ORDER OF CONSIDERATION OF AMENDMENTS TO H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, pursuant to section 5 of House Resolution 431, I ask that the Chairman of the Committee of the Whole House on the State of the Union recognize for consideration of amendments out of the order printed by transposing the proceedings contemplated by section 3(b) of that resolution with the proceedings contemplated by section 3(e) of that resolution.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Maryland.

Mr. HOYER. Does this relate to the amendment which deals with Bosnia?

Mr. DELLUMS. The gentleman is correct.

Mr. HOYER. Mr. Speaker, Is the gentleman asking for unanimous consent, or is he announcing this?

Mr. DELLUMS. I am announcing that this shift be made.

As I understand it, this is an agreement among the leadership, the authors of the amendment and the leadership on the other side of the aisle.

Mr. HOYER. Reserving the right to object, Mr. Speaker, I am not sure whether I will object.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, this is simply an announcement because, as the gentleman from Maryland [Mr. HOYER] is aware, under the rule this gentleman is given the right, within 1 hour of the proposed debate, to make such an announcement, and I am simply carrying out my duties and responsibilities and rights under the rule.

Mr. HOYER. Mr. Speaker, I want to tell the body, if it were a unanimous-consent request, I might well object to this. I believe we are making a mistake. I believe we have an issue, as the distinguished gentleman so often indicates, of great import and of great moral impact. It is an issue that relates to whether or not the United States and its Western allies are going to stand by while we see genocide being perpetrated, war crimes being perpetrated. That is the issue that this House, through this amendment, sought to deal with.

Now, Mr. Speaker, I understand that there is an opinion of some that delaying it until after the President goes to Europe is good strategy. I disagree with that. I think it is time for this country and this Congress to say to our European allies that enough is enough. It is time to stand up. It is time to act. It is time to send a clear, unequivocal and important message to those who would commit more crimes in this new world order.

I understand that this is a request of the chairman.

Mr. DELLUMS. Mr. Speaker, it seems to me that the gentleman from Maryland [Mr. HOYER] is making a statement to the leadership of this body, not to this gentleman. I am prepared to debate this issue anytime, anyplace, anywhere. This decision was made above this gentleman's pay grade, and I hope in the context of the gentleman's remarks he made it clear he was speaking to the Speaker and not to the chairman of the Committee on Armed Services.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, I understand very much the concerns of the distinguished gentleman from Maryland. Within the last 5 minutes I talked to the gentleman from Michigan [Mr. BONIOR], the majority whip, but I guess it was his understanding, Mr. Speaker, that there is not an agreement quite yet.

Mr. Speaker, I wonder if we could delay this being announced, if we could delay it 20, 30 minutes. I believe the gentleman from Michigan [Mr. BONIOR] is trying to reach the gentleman from Maryland [Mr. HOYER] right now.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I might say to my colleague that the rule gives this gentleman 1 hour prior to the time that the issue is debated. So, I am carrying out my responsibilities at this moment in a timely fashion. I have been led to believe that this matter had been worked out among various parties, including yourself, the gentleman from Michigan [Mr. BONIOR], the Speaker, and several other Members here.

Now, if I am being misguided, then I am concerned about that. But I am simply carrying out my duties and my responsibilities.

Mr. McCLOSKEY. Mr. Speaker, if the gentleman would continue to yield, if we could have 10 minutes before this decision, possibly we could go ahead. The gentleman from Michigan [Mr. BONIOR] in the last 5 minutes told me that there was no final understanding yet. If we could just have 10 minutes, say for several of us to get together, I am sure this would be no problem in 10 minutes.

Mr. DELLUMS. Mr. Speaker, I withdraw my announcement.

CLARIFICATION

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, just to clarify the record, I want to make it very clear to the chairman of the Committee on Armed Services, as he has so often said, I do not deal on this issue with personalities. I do not deal with levels of responsibility. This is a broader issue than the leadership, or the chairman, or this gentleman.

Mr. Speaker, I think I almost paraphrased word for word the statements that the distinguished gentleman from California, the chairman of the committee, so often makes. This is an issue of policy; I suggest high policy. I have no difference with the gentleman. He has the right under the rule. I believe a correct representation was made to him, and I appreciate very much his actions in giving us a few minutes to discuss this issue further.

Mr. Speaker, as the gentleman knows, I am a person who respects his integrity and his intellectual honesty, and I know that he respects that in others as well.

□ 1340

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1341

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. DURBIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 23, 1994, the amendments en bloc offered by the gentleman from California [Mr. DELLUMS] had been disposed of.

Pursuant to House Resolution 431, it is now in order to consider the amendment printed in part 2 of House Report 103–520.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HANSEN: At the end of subtitle B of title XXVIII, insert the following new section:

SEC. . POSTPONEMENT OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS UNTIL 1997.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsections (c)(1)(B)(iii), (c)(1)(C), (e)(1), and (l) of section 2902, section 2903(c)(1), and section 2909(a), by striking out "1995" each place it appears and inserting in lieu thereof "1997"; and

(2) in section 2902(c)(1)(B)(iii), by striking out "104th Congress" and inserting in lieu thereof "105th Congress".

The CHAIRMAN. Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 15 minutes in support of his amendment, and a Member in opposition, the gentleman from California [Mr. DELLUMS], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. DELLUMS. Mr. Chairman, before the gentleman proceeds, I wish to designate my distinguished colleague, the gentleman from Oklahoma [Mr. MCCURDY], who chairs the subcommittee of jurisdiction on this matter, to sit in my stead in opposition to the gentleman's amendment.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] has that authority, and the gentleman from Oklahoma [Mr. MCCURDY] will be recognized in opposition.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the amendment I offer today would defer the 1995 round of base closures and realignments to 1997. I do not offer this amendment lightly or, as some would have this House believe, as a parochial exercise to protect unneeded bases.

I supported the creation of the Base Realignment and Closure Commission. I have supported the closure and realignment of some facilities in the State of Utah and I have opposed others. But, I believe the time has come to depart from the theory of BRAC and deal with its reality; to dispense with rhetoric and confront the facts.

The facts are uncomfortable.

First, despite anything you will hear from the opposition, BRAC is underfunded. The first three rounds—1988, 1991, and 1993—are estimated to cost over $17 billion. Only $12.6 billion has been expended. You will hear that between 90 and 95 percent of BRAC requirements are being funded. Yet, if you go into the field and talk to base commanders you will see the reality.

The Los Angeles Times reported on April 21 on the lack of progress in relocating the Marines from El Toro, CA. As the Times put it, "the Marines' on-again, off-again approach to the move is dictated by the uncertainty of the Department of Defense to pay for it."

Navy Times reported on May 23 that "one Marine Corps officer in New Orleans familiar with base closure said plans to move Marine Corps Reserve squadrons from air stations in Dallas, Glenview, TX, and Memphis, TN, to a joint reserve base in Fort Worth have been on hold because there is no money."

Finally, I have gone into my own district. For this fiscal year, the Tooele Army Depot has validated requirements for $7.7 million in BRAC-related expenses. So far, they have received $43,312. That's hardly 90 pecent.

Second, there is a huge BRAC backlog. Of the 147 bases slated for closure so far, only 46 of those closures have actually been completed. Of the 100 realignments, only a paltry 6 have been resolved.

DOD apparently objects to this statement of fact. DOD complains that it takes time to close a base—3 to 6 years. OK. Let us look at the 1988 round—the round that should be completed by now. Despite the fact that it was the smallest—and cheapest—of any prior round, about 20 percent of the bases slated for closure in 1988 remain open and 30 percent of all actions taken in that round have yet to be resolved.

Mr. Chairman, there is an undeniable funding shortfall and facilities backlog.

Third, BRAC costs are increasing and expected savings are not being realized. The General Accounting Office has reported on more than one occasion that the cost of BRAC-related environmental cleanup is increasing above prior estimates. The Congressional Budget Office reported earlier this month that DOD has underestimated those costs alone by 60 percent. GAO has also reported that revenue from land sales—a key component of expected savings from BRAC—has plummeted.

DOD has revised its own savings estimates downward. For the 1988 round—the round with which we have the most experience—DOD has cut its estimate of expected savings by 52 percent. According to Robert Bayer, Deputy Assistant Secretary of Defense, the break-even point—the point at which the taxpayer will get some relief—for the first three BRAC rounds will not be seen until fiscal year 1997—nearly 3 years from now at the earliest.

Paul Johnson, Deputy Assistant Secretary of the Army, was even more blunt in an assessment offered on March 8. He stated, "we have not saved a whole lot."

Into this morass, Mr. Chairman, the administration hopes to dump at least 15 percent of current infrastructure in the 1995 round. BRAC 1995 would, therefore, be at least as large as all of the previous rounds combined.

Yet, in spite of the fact that there are enormous up-front costs involved in closing or realigning a facility, Inside the Pentagon reported in February that DOD did not budget funds for the 1995–1999 future years defense plan.

Proceeding with such a large undertaking when BRAC is already underfunded and behind schedule is poor management and can only lead to longer delays—and increased costs—in the BRAC process.

Why then does DOD insist on going ahead with a round in 1995 when only 2 weeks ago Secretary Perry and other senior officials were suggesting that another round might be needed to accommodate BRAC within current budget constraints? There can only be one answer.

BRAC has become an entirely budget-driven exercise to produce paper savings supporting an underfunded defense budget. The irony is that a huge 1995 round, with its enormous up-front costs, will only worsen the under funding problem—not just for BRAC but for defense overall.

Mr. Chairman, we are also told that without a 1995 round readiness and modernization will suffer. The fact is, as Defense News reported 2 weeks ago, escalating BRAC costs threaten to "overwhelm current budget plans, and could force the Pentagon to delay base closures or rob readiness funds."

The services may argue that a 1995 round is crucial to maintaining readiness and modernization. The reality is that the services have not seen any net real savings to date and with a 1995 BRAC they will not see any until the next century.

Mr. Chairman, this amendment does not kill the BRAC process. This amendment does not alter the role of the nonpartisan commission. It does, however, provide for a 2-year pause so the defense budget can catch up with the enormous up-front cost of base closures and realignments and communities can catch up with needed economic adjustment.

This amendment would allow us to ensure that the drawdown is accomplished in a prudent and reasonable fiscal and military fashion. To do otherwise would, in the end, cheat the taxpayer and harm the Nation's defense.

I urge my colleagues to support the amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Hansen amendment. I think it makes a lot of sense. Base closure has not worked as expected. It is costing too much to clean up and close the bases. We are having to take monies away from readiness. We are only asking for a 2-year delay to let Defense Department get caught up. The Base Closure Commission has done an outstanding job. They are not the problem in any way. I hope the Commission will continue to operate in the excellent manner they have done in 1989, 1991–93.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. ANDREWS], a member of the committee.

□ 1350

Mr. ANDREWS of Maine. First of all, Mr. Chairman, let us have a history lesson. Why do we have the base realignment and closure process at all? The reason is that for years and years, this Congress refused to allow the Pentagon to do what was in the national defense and security interests of this country, and instead put parochial pork-barrel interests ahead of national defense interests and prevented the Defense Department from doing what needed to be done and close obsolete military bases. So we created an independent base closing process, a process that has been difficult, has been painful, and has created lots of problems across this country. But it has worked in its objective of providing for this country's national defense first, and making those concerns the priority of any decision about closing military bases.

At issue today with this amendment is will we move forward, or will we move backward in those old days of allowing Congress and parochial pork-barrel politics to veto what is in the national defense interests of this country? Will we do today what is politically expedient, or will we do today what is the right thing to do? Defense decisions, Mr. Chairman, will they be based on the national security and defense of this country, or will they be based on the short-term political interests of Members of Congress?

What is in the interest of national defense? Well, the Secretary of Defense has told us what is in the interests of national defense, Mr. Chairman. I am going to quote from a letter that we wrote:

> The Joint Chiefs of Staff and the civilian leadership of the Department of Defense strongly oppose the Hansen amendment. We believe that the infrastructure savings that will be achieved by base realignment and closure are essential to maintaining the readiness of our forces in the next century. Deferring this process put readiness at risk.

I would like to close by saying, for every Member of Congress who is feeling concerned and feeling the pressure at home because they may have a base in their district that might face closing in the next round, I would like to quote the Senator from Maine, Margaret Chase Smith, who was faced with a similar dilemma when she served in the U.S. Senate. I am going to paraphrase from a speech she gave on March 30, 1961.

Mr. President, this morning at 9 o'clock I received from the Department of the Air Force notification that it had been decided to close the Snark Missile Base at Presque Isle, ME. The far easier course for me to pursue politically would be to vigorously protest this action and, as a Republican Senator, to point out that the decision was one made by a Democratic President and to make political attack on the decision of President Kennedy. The far easier course for me to pursue politically would be to demand that the Presque Isle Air Force Base be kept operating to aid the economy of the area and to avoid the impact and dislocation that its closing is bound to have on the economy of this area. But in all good conscience, I cannot do this, for this would simply be playing politics with our national security, our national defense, and our taxpayers' dollars.

Mr. Chairman, let us heed the words of Senator Margaret Chase Smith. Let us not play politics with our national security and national defense. Let us do the difficult thing, but the right thing, and vote down this shortsighted amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the moral tone of the debate by the gentleman from Maine [Mr. ANDREWS] here. But with all due respect, I think there are other considerations, other than alleged pork-barrel morals in regards to the amendment now being considered, and that is our national security, which is a changing situation.

We just heard a debate in the House by the gentleman from Maryland [Mr. HOYER], that perhaps we ought to take a stronger stand in reference to Bosnia. It was last spring that I attended a briefing, and the administration was ready to send 60,000 troops to Bosnia. Our allies said no. We do not know whether or not we are going to have an invasion in Haiti or not. We have those military exercises now ongoing. We do not know what is going to happen in regards to North Korea. There are 37,500 good reasons why we should stop and take a look. That is the number of American men and women in uniform over there. We do not know what is going to happen with the former Soviet Union. We do not know what is going to happen in regards to the Mideast.

There is no consistency or predictability in the new world order, or the new world disorder. Moreover, there is very little predictability and consistency in regards to the administration's conduct of foreign policy.

I say support the gentleman's amendment because of national security. Base closing is, in fact, robbing our readiness funds. I thank the gentleman for introducing the amendment.

Mr. MCCURDY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, let me say to my colleagues, we need this debate. I come from one of the most heavily affected areas of the base closing process. Philadelphia is right now losing 20,000 jobs from the closure of the Philadelphia Naval Base and the Philadelphia Naval Shipyard.

But, Mr. Chairman, as a member of the Committee on Armed Services, we told our colleagues years ago the savings would not be what they were projected in terms of base closing. We told them environmental costs would be higher than in fact they were projected to be, and we told them there would be a terrible local impact.

Although as I do not like where we are, we are here. We are cutting defense dramatically. To do that, we have to continue to downsize the size of our installations. The height of hypocrisy, Mr. Chairman, would be for those colleagues of ours who support cutting defense to also vote for this amendment to prolong the base closing process.

This process must continue as we downsize the military far beyond what I think is right. We must also allow the Pentagon to take the steps to close appropriate facilities.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise in support of the Hansen amendment to defer the base closure scheduled for 1995 until 1997. The Department of Defense has found that base closure is a time-consuming and costly endeavor and I urge my colleagues not to act in haste to complete a process for which this Government is not prepared.

The 1988, 1991, and 1993 rounds of base closures have revealed a far greater amount of environmental cleanup than had been expected. The Department of Defense has not completed any of these closure rounds 1993.

The first three rounds of base closures is estimated to cost the Federal Government $17.3 billion, with only $2.6 billion having been expended and we still have a lot of work to do on them.

Base closures have a devastating impact on communities, we should not rush to impose that difficulty on the people who have served our Nation when she needed them.

Base closure means jobs lost. When times are tough, people are out of work, why take away more people's jobs? When people don't work, Uncle Sam pays.

Mr. Chairman, I urge my colleagues to vote in favor of the Hansen amendment and delay the 1995 BRAC for 2 years.

Mr. MCCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO], a member of the Committee on Appropriations.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the Hansen amendment. I do so reluctantly, because I feel as the gentleman from Utah [Mr. HANSEN] does, the hot breath of the BRAC. But I think we have to stay the course.

In 1991, Congress put in place a process to ensure that base closures went forward on schedule to reflect reductions being made elsewhere in the Department of Defense. To date, we have reduced our armed services by 30 percent, but we have only reduced the infrastructure by half that much. We cannot afford to maintain an oversized base structure, lest we compromise the personnel, training, and equipment needs that are at the core of our readiness requirements.

The BRAC process affords us the only opportunity to downsize the military infrastructure to ensure that we maintain a proper balance in the makeup of our military forces.

I recognize the desire of a number of our colleagues to postpone base closures because their own base may be considered for closure. I understand this feeling, as I said, very well. My district has already been hit hard by two major base closures, and with the '95 BRAC, we continue to live under the threat of our largest closure yet, which in itself would affect 15,000 direct jobs. If anyone has a concern about BRAC, it is me.

Even with this concern, however, I firmly believe that BRAC '95 must go forward. We cannot afford to forego the significant savings that may result from the '95 round. Secretary Perry indicates we will save 4 to 5 million per year by the end of this decade from previous BRAC rounds. This is the bottom line we should all support.

I might also say that we do have the opportunity, I think, to have a much lesser round than some have prophesied. I do not see this, as has been described, as a base closure round to be called the mother of all base closure rounds. Secretary Perry has indicated, and so has Assistant Secretary Deutch, that it will probably be a smaller round, one that will have less budget impact.

I fully expect we will be asked to have further rounds beyond '95. But the Pentagon opposes this amendment, and I oppose it and urge my colleagues to oppose this amendment as well.

Mr. HANSEN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise to express my support for the Hansen amendment to the Defense authorization bill, which would defer the next round of base closing until 1997.

I support this initiative because I am extremely concerned about the status of base closures and realignments ordained by previous base closure commissions. We have now gone through three rounds of base closure, and the result has been huge budget and schedule problems with those facilities designated for closure or realignment. As of this date we have completed only 46 of the 147 base closures prescribed by the previous BRAC commissions, or 31 percent of the total. On realignments, the figures are even worse: only 6 percent—6 of 100—have been completed.

Meanwhile, the Pentagon has indicated that it will take some $17.3 billion to meet only the most basic closure and realignment costs. To date, however, only $2.6 billion has been expended. And while the costs of closure have been rising, the expected revenues and savings from base closure have been declining. Environmental remediation costs in particular have been miscalculated, with current projections indicating that the costs of such work have been underestimated by some 60 percent.

As a consequence of the serious underfunding of past BRAC directives, the services have been left with no choice but to address immediate requirements and meet fixed timeliness by robbing their readiness accounts, decreasing the amount of money available for the services' training, operations and maintenance. Combined with budget cuts being imposed on the services, we have reached a point where our military's capabilities are directly threatened.

In my view we need to take pause for a short period to allow us to address our existing base closure and realignment requirements, to catch up in terms of budget and schedule problems, and to make sure that our military services are able to provide for our national security interests without having to raid readiness accounts. I urge my colleagues to support the Hansen amendment.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the distinguished ranking minority member, the gentleman from South Carolina [Mr. SPENCE].

□ 1400

Mr. SPENCE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Utah to defer the 1995 round of base closures until 1997.

In the fog of confusion which surrounds BRAC, it is time to take a step back and assess where we are before proceeding with the final round in 1997.

As it stands now, the base closure process is significantly underfunded. The cost of closing and realigning bases is increasing while BRAC savings are not being realized on schedule, if at all. Not one of the previous three rounds of base closings have been completed. Less than 20 percent of all closures and realignments undertaken since 1988 have been completed. Only 46 of the 147 bases that are supposed to close have actually been closed—and not one of them has been completely cleaned up environmentally.

Meanwhile, the cost of BRAC continues to increase well beyond any estimates provided by DOD. The General Accounting Office has found that the costs of environmental cleanup are significantly higher than expected and that revenues from land sales are significantly less than expected. The effect of both has been to erode any net savings to date.

DOD now believes that net real savings from the first three BRAC rounds alone will not be seen until fiscal year 1997. Given how far off DOD has been in its own estimates to date, the 1997 estimate is probably very optimistic. But, one thing is certainly true. No real savings from base closure—whether the next round is in 1995 or 1997—will be seen until sometime next century.

Given the huge base backlog, why is there a rush to complete BRAC in 1995? There is only one reason to proceed without taking the time to seriously examine the issue, and that reason is to allow the military services to recommend closing as many bases as possible in order to demonstrate paper savings necessary to meet impossibly low Clinton defense spending numbers. The driving force behind the base closure process is no longer to cut bases in an effort to reduce unneeded infrastructure, it is to cut bases in order to cut the defense budget.

This is wrong. It is poor budget policy and it is even worse military planning. Right now, no one is able to provide any clear assessment of the military implications of BRAC. The Armed Services Committee has admitted as much by including a provision in the bill, section 2815, which would require the Secretary of Defense to submit a report by January 1, 1995, on the effect of base closures on future mobilization options.

While such a report would be very useful, it is long overdue. It makes no sense, however, to require a report on the military effects of BRAC while in the midst of the final base closing round and proceed as if that report did not exist.

We need time to consider the administration's report. We need a comprehensive assessment of the overall costs of base closures. We need reliable information on the true costs and schedule of environmental restoration. We need to understand the economic implications of recent changes to the policy by which excess Federal land and property will be disposed. Without detailed answers to the nagging questions surrounding BRAC, we are flying blind.

Only the adoption of the Hansen amendment will give us the time to fully understand the economic and military implications of BRAC. We are not calling for an end to BRAC. We are calling for a pause. To do otherwise risks the loss of infrastructure that will never be replaced.

I urge my colleagues to join me in supporting the Hansen amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Mr. Chairman, I oppose the delay of the 1995 BRAC. At a time of downsizing the U.S. military, the only time we can come together with a force structure to meet our national security objectives is through jointness, colocation and mutuality of support. Trying to get the Pentagon to think that way is very, very difficult.

To my colleagues, I have Grisson Air Force Base in my district. It was closed under the 1991 BRAC, realigned to a reserve base, a single-mission base to handle 60 KC-135's. I have excess capacity there for 40.

In the infinite wisdom of the Pentagon, less than 50 miles away they have now chosen to spend $41 million to duplicate a Grisson Air Force Base for 8 to 10 KC-135's by the Guard Bureau. That is an incredible decision by the Pentagon. That is an inequity that is occurring throughout the United States.

We have to allow the BRAC process to continue forward in order to cure the inequities that are occurring out there. To those generals in the Pentagon that are listening right now, you can no longer have your own sand boxes with your own set of toys.

We have to move to jointness, mutuality of support, colocation to come up with a force structure necessary to meet national security objectives. Vote this amendment down.

Mr. McCURDY. Mr. Chairman, I yield 1 minute and 30 seconds to my good friend and colleague, the gentleman from Ohio [Mr. KASICH], a member of the Committee on Armed Services.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding time to me.

I might say right off the bat that I worked very closely with the gentleman from Texas [Mr. ARMEY] in the early days of passing base closure legislation. In fact, I warned the year before it passed that either it was going to be done rationally through the committee or it would be done on the floor.

We, in fact, did pass base closure, and I was proud to have played a part in it.

It has been, obviously, a very painful process for many Members. There have been some winners but a heck of a lot more losers. Most of the Members in this body have been touched by the loss of jobs and the hurt that ultimately evolves to families in this whole base closure deal.

What I will tell Members is that the process, the supreme part of this process, it has been a nonpolitical, one of the most apolitical, nonpolitical operations that I have ever observed on Capitol Hill.

One of the things that I believe the communities have been able to take great solace in is the fact is that the Commission has called them like they have seen them, and they have made the hard choices. And people across this country have learned to accept that when the decisions are made, the decisions get made properly.

I do not know what we tell Members who have had bases closed up till this point, whose people have gone along with it in a great American spirit, and tell them now we are going to exempt a lot of other Members out in the future.

Look, we have to keep the process correct. We must keep it nonpolitical. We must downsize the overhead of the Pentagon in order to provide for readiness, the kind of readiness that we need to conduct tough military operations.

This is a tough vote for Members. What I want to say to them, is, think it out. Let us keep the train on the track and let us do it so that everybody gets the sense of fairness that every community in this country deserves. Vote no on the amendment.

Mr. McCURDY. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in reluctant opposition to the amendment of the gentleman from Utah. The gentleman makes a very important point in bringing out this debate. But it does seem to me that having made the decision some years ago to go with the Armey amendment which brought us this base closure process and having seen that base closure process work as it has under Chairman Courter, with a great deal of objectivity, not without pain to those of us who have been realigned and possibly closed, but with objectivity, I think to veer away from that at this point would be a mistake, because we may then inject this question back into the pre-Armey setting.

I do not think that would be useful. I believe at this point the gentleman's amendment ought not to be passed. We ought to proceed with the regular BRAC process.

Mr. HANSEN. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 4 minutes remaining, and the gentleman from Oklahoma [Mr. McCURDY] has 6 minutes remaining. The gentleman from Oklahoma [Mr. McCURDY] would have the right to close.

Mr. McCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the author of the original provision on base closure.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

My colleagues in the Chamber will notice that I have taken an unaccustomed position in the well. I do that to dramatize a point. The point is, base closing, since BRAC '88, has not been and is not today a partisan political issue.

In fact, the one thing I think we in this House can feel proud about is that partisan politics has not entered into the process either in this Chamber or in the deliberations of the Commission. The nonpartisan implementation of a truly bipartisan legislative effort is a rare experience indeed.

I would like to also express my appreciation to the gentleman who offered this amendment, the gentleman from Utah [Mr. HANSEN] in particular. I understand this is offered for the best of all intentions. I only reluctantly speak against the amendment.

The fact of the matter is, keeping bases open 2 more years will cost $9 billion. The Defense Department, on May 20, said, "Delaying the base closure process until 1997 would deny the Defense Department up to $9 billion in annual recurring savings resulting from the lost 2-year period."

Wasting that $9 billion will hurt our military readiness. The base closure process is not underfunded.

According to the DOD's May 20 letter, "The claim that the base closure process is 'seriously underfunded' is without basis."

The military construction bill we just passed increases funding for base closures by 23 percent over last year. A vote against the Hansen amendment is a vote for good government.

The Secretary of Defense opposes it, the Chairman of the Joint Chiefs of Staff opposes it, the National Taxpayers Union opposes it. Citizens Against Government Waste oppose it. The New York Times opposes it. The Washington Times opposes it. The chairman of the subcommittee and the chairman of the Committee on Armed Services oppose it. Millions of American taxpayers oppose it.

I ask the Members of this body, please vote "no" and do so out of all respect for the author of the amendment.

Mr. Chairman, I include for the RECORD the following information.

DOD POLICY ON THE BASE REALIGNMENT AND CLOSURE PROCESS

Secretary of Defense William J. Perry and Chairman of the Joint Chiefs of Staff General John Shalikashvili jointly issued the following statement on 1995 base closures:

"We will conduct the 1995 round of base closures. The prudent management of our resources demands it. As in the past, the number and types of facilities recommended for closure will depend on our force structure needs. We shall also consider the cumulative economic impact on communities as well as our capacity to responsibly manage re-use of closed facilities. We must proceed to close bases in order to save money, managing the process in a way that recognizes that base closing costs money before it saves money. Too much, too soon jeopardizes our current program; too little, too late jeopardizes our future program. These are the considerations that will determine the size and shape of the closings we will recommend to the Base Closure and Realignment Commission for 1995. If closures beyond the amount we can responsibly accomplish in 1995 are required or force structure requirements change, we will seek authority for future BRAC rounds."

POTENTIAL AMENDMENT TO DELAY BRAC 95

Background: A "Dear Colleague" letter from Congressmen Floyd Spence and James Hansen solicits support for an amendment they intend to introduce to defer the 1995 BRAC round until 1997.

DoD Position: The Department is strongly opposed to such an amendment. The "Dear Colleague" letter's acknowledgement that DoD cannot continue to maintain its Cold War infrastructure negates the letter's further assertion that deferral of the BRAC 95 process makes both economic and military sense.

Delaying the BRAC 95 process two years until 1997 would deny the Department up to $9.0 billion in annual recurring savings resulting from the lost two year period, which would severely impact readiness. Also, domestic base closures are lagging way behind force structure reductions. If this situation is allowed to continue, or is exacerbated by a delay in the BRAC 95 process, the Department could find itself in the position of maintaining military installations for which there are no longer military missions. The maintenance of unnecessary infrastructure is unsound policy both economically and militarily.

The letter's claim that the BRAC process is seriously underfunded is without basis. The recent Congressional rescission of $507 million in BRAC 93 appropriations does have the potential to delay some base closure schedules, but it would be misleading to hold this up as an example of the BRAC process being "seriously underfunded". The Department and the Congress, with the exception of the recent rescission, have fully funded necessary BRAC costs which are offset by BRAC savings that are realized during implementation.

The cited increase in environmental cleanup cost estimates does not support delaying the BRAC 95 process. The Department has experienced environmental cost increases at active military bases also. Environmental cleanup cost increases are for the most part a function of improving technology; both for identification of environmental hazards and techniques to mitigate or eliminate them. Regardless, delaying the BRAC 95 process would not reduce environmental cleanup costs as the Department is obligated by law to cleanup its bases, closing or not.

The letter also cities a report that criticizes the Department for disposition actions that had the "* * * potential for large monetary losses * * *" related to the transfer of a medical facility and perishable supplies to the Bureau of Prisons. The report misses the point that another Federal agency (Bureau of Prisons) benefited from this transfer, that perishable supplies will be put to their intended use and, most importantly, that the local community supported and welcomed this transfer and the attendant influx of jobs. This action by the Department is in complete accordance with the wishes of the President as expressed in his Five-Part Program to speed economic recovery in communities adversely affected by base closures.

It is an undeniable fact that the Department must close more military installations. Delaying the BRAC 95 process will add unnecessary costs, forgo considerable savings and delay the ultimate economic recovery of the affected communities. We urge the Congress to not support efforts to delay the BRAC 95 process.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, May 20, 1994.

Hon. DICK ARMEY,
House of Representatives, Washington, DC.

DEAR DICK: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), thank you for your efforts on the fiscal year 95 Defense Authorization Act, H.R. 4301.

As the founder of the Military Base Closing Coalition in 1988, when your bill to establish the Base Closure and Realignment Commission was first enacted by Congress, CCAGW fully supports the effort to block any attempt to postpone the 1995 round of base closing recommendations. This is not the time to repoliticize military base closures or return to parochial politics. More importantly, at a time when our Armed Forces are being asked to drastically reduce nonessential spending, sparing obsolete bases would come at the expense of the nation's military readiness.

Some members of the Congress feel the defense budget simply absorb the up-front costs of the 1995 round. This statement is simply not true. The *New York Times* reported on May 5 that Admiral Jeremy Boorda, the new Chief of Naval Operations said, "We really need this (1995 round). There's not enough money to maintain infrastructure we no longer need."

On May 11, 1994, Secretary of Defense William J. Perry and Chairman of the Joint Chiefs of Staff General John Shalikashvili jointly issued the following statement on 1995 base closures:

"We will conduct the 1995 round of base closures. The prudent management of our resources demands it. As in the past, the number and types of facilities recommended for closure will depend on our force structure needs. We must proceed to close bases in order to save money, managing the process in a way that recognizes that base closing costs money before it saves money. These are the considerations that will determine the size and shape of the closings we will recommend to the Base Closure and Realignment Commission for 1995."

CCAGW strongly urges the House of Representatives to fight any attempt to postpone the 1995 round until 1997. This vote will be considered in our 1994 Congressional Ratings.

Sincerely,

TOM.

NATIONAL TAXPAYERS UNION,
Washington, DC, May 18, 1994.

Hon. DICK ARMEY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ARMEY: The 250,000-member National Taxpayer Union opposes any legislation that would delay the 1995 round of military base closings, and supports your effort to prevent such a delay.

Thanks in no small part to your tireless dedication, the Defense Base Closure and Realignment Commission was formed in 1988 to address Congress' lack of will to close individual military facilities located in members' districts. The National Taxpayers Union actively campaigned for this important reform.

By 1991, the Commission had already closed or realigned 82 bases, for a total budget savings of $1.5 billion annually. More than 150 industrial parks, municipal airports, and educational establishments have already been created from closed bases, resulting in a net gain of more than 60,000 civilian jobs. The latest round of base closings, approved by Congress last year, could save taxpayers more than $3 billion annually over five years.

In short, the military base closure process created seven years ago has been a resounding political and economic success. Any attempt in this Congress to delay the process only invites a return to the partisan bickering, pork-barrel politics, and unacceptable taxpayer burdens that once marred the debate over closing obsolete military bases. Overburdened taxpayers should not, and need not, be treated to such a sorry spectacle.

Accordingly, the National Taxpayers Union strongly opposes an amendment offered by Rep. Hansen (R-UT) to postpone the 1995 round of base closures to 1997. NTU would also strongly oppose any other attempts to delay, alter, or repeal the content or schedule of the 1995 round of base closings. *A "NO" vote on the Hansen Amendment, or any other amendment to delay or alter the 1995 base* *closing schedule, will be included in NTU's annual Rating of Congress as a pro-taxpayer vote.*

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

[From the New York Times, May 24, 1994]

KEEPING POLITICS OUT OF BASE CLOSINGS

Congress removed politics from the painful process of closing military bases in 1988 by giving the central role to an independent commission. It was a smart move. In the preceding decade, bluster by the Pentagon and politicking by members of Congress had prevented any closings at all. But since then, more than 200 large and small bases have been tagged for closing, and 24 of them are already closed. When they are all closed, the savings will exceed $4 billion a year.

The Supreme court ruled yesterday that the Federal Government's choice of which bases to close is not subject to challenge in court, thus foreclosing efforts by some states to save facilities in their areas. But the carefully constructed process is now threatened in Congress. A proposal to tinker with it has support in the House, and will be offered this week as an amendment to the defense authorization bill. Its passage would be a mistake.

Representative Dick Armey, a Texas Republican, devised the process under which an independent commission reviews a list of bases the Pentagon proposes to close or restructure. Starting from the Pentagon's list, and after hearing arguments pro and con, the commission draws up its own list. That list goes to the Secretary of Defense, then the President and finally both houses of Congress; any of them may kill the entire list, but they may not pick and choose among the candidates for elimination. No list has yet been rejected.

The first commission worked so well that Congress voted in 1990 to repeat the process in odd-numbered years through 1995—avoiding the unpleasantness of closings in election years. The 1991 and 1993 rounds are history, but the 1995 round has some politicians nervous. The Pentagon is expected to submit a long list, because this would be its last chance under the current law.

A bill co-sponsored by Representatives James Hansen of Utah and Floyd Spence of South Carolina, both Republicans, would postpone the 1995 round to 1997. The Pentagon estimates that this would waste $9 billion. The Administration opposes this bill, but is toying with the idea of letting the 1995 round proceed, then adding another in 1997. This, too, would reduce closings in 1995, on the eve of the 1996 Presidential election.

Military leaders oppose any stretch-out, because it makes them spend money on bases they do not want instead of weapons they need. Congress made the right decision in 1988, and reaffirmed it in 1991. Any fiddling puts the whole process at risk.

[From the Washington Times, May 24, 1994]

LET THE BASES CLOSE

The House may vote as soon as today on a proposal to delay the fourth and final round of military base closings from 1995, as scheduled, to 1997. Delay would be a major and costly mistake.

The political popularity of military bases on Capitol Hill is legendary. To create even the possibility of closing bases that are no longer militarily necessary, Congress adopted a proposal by Rep. Dick Armey to eliminate political horse-trading from the process. A commission would draft a list, and with the approval of the administration and the Congress of the list as a whole—on an up-or-down vote in which the list is not subject to revision—obsolete bases would finally close. The process has worked well three times, to the benefit of taxpayers and the military itself, which need not allocate resources to useless institutions.

Comes now Rep. Ron Hansen, Republican of Utah, to suggest a two-year delay in the final cycle. Numerous arguments for delay are making the rounds. Some of them are more disingenuous than others. One suggests, absurdly, that base closing is "underfunded" in Pentagon budgets—that is, that the Pentagon does not have the money to save money. It's true that it costs money to shut down a military base. But if Congress is serious about making necessary closures, that is money that is going to have to be spent one day. Delay merely compounds the cost by the amount it takes to keep unnecessary bases open in the interim. The pentagon reckons the long-term costs of the Hansen amendment at $9 billion. The secretary of defense and the chairman of the Joint Chiefs of Staff both want this round of closings to go forward.

Congress did the right thing by agreeing in 1988 to a formula that would, at long last, shut obsolete bases down. The House shouldn't lose its nerve on the eve of the successful conclusion of this process. Although some legislators fear the negative economic effect, and thus the electoral consequences, of a closure in their district, delay now would have grave consequences as well. It would be an indication that Congress is incapable of real fiscal discipline. People are worried about that as well, and members of Congress need to understand that risk to their careers as well.

□ 1410

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to thank the gentleman from Utah [Mr. HANSEN] for offering this amendment. To those who suggest there is not politics on the Base Closing Commission process, they are sadly mistaken. Unfortunately, we in Maine were targeted by the Base Closing Commission, and we felt the heavyhandedness of Pentagon politics when it targeted Loring Air Force Base for closure on the basis of quality of life, and not on the issues concerning military value, because that decision was driven by the Pentagon.

For those who suggest that somehow this is an underfunded process, they are not looking at the facts. That is what this amendment is all about.

I want to congratulate the gentleman because he is forcing us to look at the issues, and not to bury our heads in the proverbial sand. If we look at the facts, it is a clarion call for supporting this amendment.

First of all, not one base closure round has been completed since 1988. That is 6 years ago. The Congressional Budget Office has indicated that they have underestimated the BRAC-related environmental cleanup costs by more than 60 percent.

We have also, in the State of Maine, the environmental cleanup associated with Loring Air Force Base. This year we are appropriating $265 million. Do Members know what the Congressional Budget Office is saying we are going to need on an annual basis for the next 5 years? Four billion dollars, so we have underestimated environmental cleanup by more than $20 billion.

The cost is to whom? The cost is to the defense and to the national security interests, by taking this money out of modernization and readiness, because we have underestimated the costs and overestimated the savings.

Finally, it is going to affect the communities and the personnel that will be directly affected by base closing processes, because we have hardly begun to address our responsibility in defense conversion activities.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCURDY] has 4 minutes remaining, and the gentleman from Utah [Mr. HANSEN] has 3 minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, we are not keeping bases open for 2 more years, as my friend, the gentleman from Texas [Mr. ARMEY] said. We are trying to close them. BRAC 1993 is not funded. The military right now is funded in 1994 at a bone marrow minimum. All the funding for 1995 and out is based on closing those bases, but yet this administration and this body will not even fund BRAC 1993.

NTC closed, but yet the skipper had to just put out a check for $30,000 out of training money because this body will not fund BRAC 1993. Now we are going to dump BRAC 1995 on top of that? Our communities that we are talking about, the military is going to have to take this out of hide, and it is going to kill defense.

I think it is purposeful, and I think that the liberal leadership on the other side is attempting to do this to kill defense. They kill it with $127 billion defense cuts, they put peacekeeping in it, they do not fund BRAC, and then they dump BRAC 1995 on top of that, and they are killing the military.

Mr. Chairman, let us support the amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is another side to this BRAC debate. I might note that my colleague and I, and the gentleman from San Diego, have fared well under BRAC. We have gained about 7,000 jobs, and the parochial vote in San Diego is to support BRAC and try to get Long Beach closed down, which would bring another several thousand jobs to San Diego, but there are some long-range questions about BRAC that I have asked over and over again in our committee hearings that the chairman and I have held, that DOD has not been forthcoming on.

One of those questions is, is there a long-range mobilization plan that fits in with BRAC? Is there a deep thinker in the Pentagon who has looked at what it is going to take in terms of military structure to meet a mobilization requirement, because once we give away air space, once we give away coastline, we cannot retrieve that.

I would suggest, Mr. Speaker, that the answers that I have gotten in briefings have been one-liners. They have not been intellectual, they have not been in depth, and I have come to the conclusion that there is not a long-range deep thinker who has decided when this project comes to closure.

Additionally, we have created an environmental monster that has taken $30 billion out of DOD since 1988. That money has come out of readiness. We should flesh out the first three rounds of BRAC and then move forward.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been an interesting debate. I appreciate both sides talking about this very important issue.

Mr. Chairman, I would like to point out that this 90-percent figure that my friend, the gentleman from Texas, talked about is funding the request, not the cost. If people will really take a look at this, no one has addressed the cost of closing these bases.

As the gentleman from California [Mr. HUNTER] just pointed out, we have a huge backlog. I ask the Members to call their base commanders, do not take my word for it. They are going to have 15 minutes or so. Give him a call and ask him. I can guarantee what he is going to say. He is going to say, "I am taking the money from O&M, I am taking away readiness, I am taking away training, because the Pentagon is not giving me the money." That is the reality of this thing.

If we want to tear the military down this way, by all means, let us go pell-mell into 1995, take this huge backlog we have from 1988, from 1991, from 1993, and dump it right on top of them.

Does that make any sense to anybody? Three lessons on how to kill the military. We did it after the First World War, the Second World War, and we win one over in the Persian Gulf and we want to tear it down again.

Where do people believe it is all safe in the world? Can anybody in this hall, anybody over in that five-sided building over there, tell me where we are going in America? I do not know where we are going.

The Director of the CIA says there are 50 poison snakes out there. I would urge Members to take a close look at this and let us keep our military solvent.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCURDY] has 4 minutes remaining to close debate.

Mr. MCCURDY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I rise in strong opposition to the Hansen amendment, which would delay the last authorized base closure round from 1995 to 1997. It defies logic to offer an amendment which would so directly affect and decrement our readiness of our forces.

Nobody has ever claimed that base closure would be easy. That is why Congress passed legislation which created the Base Closure and Realignment Commission in the first place. Passage of this amendment would show a complete lack of political courage and would tell an already skeptical Nation that Congress cannot keep its commitment to this process. The House spoke when we passed comprehensive base closure legislation and should not be second guessed at this point.

Mr. Chairman, nobody has ever claimed that this legislation would be perfect or that it would bring about immediate savings, particularly in the area of proceeds anticipated from land sales. The reality is that we're not going to achieve revenue from sale of facilities and land as long as we give these properties to communities to mitigate the impact of a closure. Nonetheless, DOD still forecasts steadily increasing annual savings figures beginning in fiscal year 1996.

Mr. Chairman, we have known from the outset that this process would have up-front costs. It will cost money to implement decisions made by the Base Realignment and Closure Commission to realign forces as installations in fact close. The Congress has been supportive of these efforts, fully funding the base closure accounts to ensure that we are good stewards of the BRAC's recommendations.

If this amendment passes, it sends a signal to our military leadership that we are not committed to achieve the readiness levels so greatly needed in preparing to meet the threats and challenges facing our forces today and in the future. Keeping unneeded infrastructure begs the question, "for whose benefit?" Do we keep unnecessary installations for short-term political gain or do we let the process continue as authorized so that the military can get the most efficient use of declining resources?

If I believed that the defense budget would again reach its 1985 peak, I too would question the legitimacy of conducting the next closure round. But reality tells us otherwise. Delay of the next round will ultimately force our military leadership to cut readiness accounts to keep the lights on at installations that do not have a mission. If we vote for this, I seriously doubt we will be able to afford any modernization of our equipment and forces. Even if we keep forces at a level to meet the Bottom Up Review requirements, we run the risk of a 30 percent shortfall in acquiring systems to replace rapidly aging forces.

□ 1420

Furthermore, all over the country both strong and vulnerable installations would experience reductions in force of civilian personnel just to sustain unneeded infrastructure. In that scenario, all military installations and their neighboring communities around the country would lose. We already face a $14.5 billion backlog on maintenance and repair of real property in the system today. And in the end, we would still face the inevitable closure of unneeded military bases.

Mr. Chairman, last year Congress passed legislation to assist communities affected by base closure. Its ultimate aim is to ensure that the closing base can act as an economic engine, not a burden, for local communities. Public benefit conveyance is but one avenue that provides this opportunity for impacted communities. No longer can it be said that the base closure is simply chaining the gates and walking away.

Unfortunately, the proponents of this amendment are creating even more dire circumstances than they assumed. The department will use fast paying accounts to continue to breathe life into installations that have no mission and unduly impact the readiness of our forces.

I ask my colleagues to oppose the Hansen amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN].

The question was taken; and the Chairman announced that he was in doubt.

RECORDED VOTE

Mr. MCCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 362, not voting 8, as follows:

[Roll No. 194]

AYES—68

Andrews (NJ)
Applegate
Bartlett
Blackwell
Boehlert
Burton
Calvert
Canady
Chapman
Clinger
Coble
Combest
Cunningham
DeLay
Farr
Filner
Foglietta
Fowler
Gallegly
Gallo
Gejdenson
Gonzalez
Hansen
Hayes
Hefley
Huffington
Hughes
Hunter
Jacobs
Kim
Lancaster
Lewis (CA)
Livingston
McCollum
McDade
McKeon
Meyers
Mica
Mink
Molinari
Montgomery
Murtha
Myers
Orton
Pallone
Parker
Ravenel
Roberts
Sarpalius
Saxton
Schenk
Shepherd
Shuster
Skeen
Smith (NJ)
Snowe
Spence
Stearns
Stump
Swett
Taylor (MS)
Tejeda
Torkildsen
Traficant
Tucker
Williams
Young (AK)
Zeliff

NOES—362

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Mollohan
Moorhead
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOT VOTING—8

Barlow
Barrett (WI)
Grandy
Horn
Matsui
Ortiz
Washington
Whitten

☐ 1448

Messrs. INHOFE, STRICKLAND, and BEVILL changed their vote from "aye" to "no."

Mr. KIM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOLLOHAN) having assumed the chair, Mr. MAZZOLI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

☐ 1450

PERMISSION FOR COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION TO NEXT CONSIDER PROCEEDINGS CONTEMPLATED BY SECTION 3(e) OF HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4301, the Committee proceed to the consideration of the proceedings contemplated by section 3(e) of House Resolution 431.

The SPEAKER pro tempore. (Mr. MOLLOHAN). Is there objection to the request of the gentleman from California?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so in order to ask a couple of questions of the gentleman from California [Mr. DELLUMS].

It is my understanding that the unanimous consent propounded by the gentleman from California would, in fact, allow the House to proceed in the next few minutes with the C-17 debate.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct in the first instance.

Mr. WALKER. We are concerned then with the schedule following that. We would certainly be in agreement that it is reasonable to do that at this point.

Mr. DELLUMS. Mr. Speaker, if the gentleman would yield to me, I would be happy to explain as I am sure the gentlemen on that side of the aisle are very concerned that before the House adjourns this evening that two important issues are debated and acted upon. One instance relates to Haiti, and the second relates to peacekeeping.

Mr. Speaker, I have given the gentleman my assurances that this gentleman would not move that the Committee rise until such time as the body has acted upon not only the C-17, but peacekeeping and Haiti.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that. The gentleman is correct that that is a concern on our side, and it is my understanding that this is something which the gentleman has discussed with leadership, that he is not going to run into leadership problems later on his side with regard to those two issues.

Is that correct?

Mr. DELLUMS. Mr. Speaker, the gentleman has my word on that.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301).

☐ 1453

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. MAZZOLI, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Utah [Mr. HANSEN] printed in part 2 of House Report 103–520 had been disposed of.

Pursuant to the order of the House, it is now in order to debate the subject of the C–17 aircraft.

Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

(By unanimous consent, Mr. BARCA of Wisconsin was allowed to speak out of order.)

ANNOUNCING THE BIRTH OF ANN ELIZABETH BARRETT

Mr. BARCA of Wisconsin. Mr. Speaker, I have an important announcement. It is my great pleasure to be able to announce, for purposes of reinforcing the family values that this House believes in, that our colleague, the gentleman from Wisconsin [Mr. BARRETT] and his wife, Kristine, were blessed early this morning with a new baby girl. Her name is Ann Elizabeth, and I would ask my colleagues to join me in celebrating the birth of Ann Elizabeth to the Barretts.

Mr. DELLUMS. Mr. Chairman, I yield 15 minutes of the 30 minutes which has been allocated to me to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], and I ask unanimous consent that the gentleman be allowed to control that 15-minute block of time as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, it is said that those who do not study history are doomed to repeat it; 7 years and 12 days ago I stood in this spot and asked my colleagues to delete funding for the C–17 aircraft. We stated at that time that the plane was a paper airplane and would never fly. Very rarely in life are we granted an opportunity for a second chance and an opportunity to correct our mistakes. But now today we have a chance and a choice to slow down this aircraft and hopefully reexamine its efficiency.

In 1987, the C–17 was already behind schedule, already over budget and far from being anything other than a paper airplane. Now, in 1994, the C–17 is behind schedule by years, over cost by billions, the Department of Defense is cutting deals with a contractor, and I do not know if the plane is flying. The tail has almost fallen off. It has scraped its belly on the runway during takeoff. Parachutists are not allowed to jump out of it, and the brakes burn when it tries to land. The paper airplane of 1987 is now a metal airplane that really should still be a paper airplane.

And now, Mr. Chairman, we are talking about adding on to the modest committee proposal and trying to spend even more money for this boondoggle? Mr. Chairman, this is pure folly, and I want to commend the chairman of the full committee, the gentleman from California [Mr. DELLUMS] in his approach to funding for the C–17 and strongly oppose any efforts to increase what has already been done responsibly by the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in support of the C–17 program and to note that later today we are going to have an opportunity to vote on two programs, one that would buy four C–17's in the next fiscal year and three or four other types of airplanes, commercial derivatives, if my colleagues will, or to buy six C–17's, and of course, as most of my colleagues know, I support the latter proposal, and the reason I do so is because we know that the C–141 fleet has got to be replaced. It was originally built in the 1960's with 1950's technology, and that technology is now old and needs to be replaced. In addition, the cargo that we need to carry into theater today is larger cargo than before, and so we need a new vehicle to get it there.

Now some of our good friends in the military who have some stature have come to some conclusions about this. General Shalikashvili, the Chairman of the Joint Chiefs of Staff, says this:

> Today there is only one alternative that can meet the requirements of a core airlifter, the C–17.

He goes on to say:

> The continuing myths of service life extension program for the C–141 or the ability of a commercial derivative to meet the needs of a core airlifted are just that, myths.

□ 1500

Then we have heard from General Sullivan, the Chief of Staff of the Army. He says very simply, the C–17 is the only aircraft that can get the Army's outside combat system to the next war when required.

We have heard from General Hoar, the commander of CENCOM, and he says very simply, in the foreseeable future, the C–17 is the only airplane acting as the Nation's core military airlifter that can provide the capability and flexibility that we need.

So these people have come to some conclusions, and I think for some very good reasons. There are three reasons why I think we should support the Harman amendment this afternoon to increase the buy to six.

One is that we all know we need more airlift. We need more outsized airlift, and we need more airlift that is designed specifically for military purposes. That is simple. That is reason No. 1.

No. 2, buying six units instead of four decreases the unit price. The estimates are between $30 and $40 million a copy. Now, that is a powerful lot of money. One of the things that happened to some other weapons system programs was that we brought the buys down so low that it got so expensive per unit that none of us could support them. So it is important to keep our economy of scale at the right place.

The third reason we should support the buy of six, not four and four, is that the contractor, McDonnell-Douglas, has stated that it can do certain things in production models of this aircraft, and the only way to make them prove that they can do it is to give them the opportunity to provide for us the number of units that will bring that about.

So, for those three reasons, the C–17 and its capabilities of airdrop, its capabilities of providing a safety structure for troops that we send into battle. There is a dual facet safety concern here. One concern, of course, is getting the troops to the theater on time, recognizing that when they get in theater it is a very rough place to be, and so redundant systems have been built into the C–17 to make them safer.

But just as importantly, and maybe more importantly, we have to transport the materiel that these troops need there, and these are big systems, helicopter, troop carriers, Patriot missile systems. The C–17 can do that. It is the only airplane on the books, on the drawing board or elsewhere, that can deliver troops and the goods, the materials, the weapon systems, they need at the same time into the theater safely.

Finally, the large outsized cargo issue is a very important one. The C–5B is a great airplane and can carry that same cargo, almost the same tonnage. But it cannot land and it cannot service the same troops in the same theaters of operation that the C–17 can, primarily because the C–5 takes longer to land, twice as long, twice as much distance, as well as takes up too much room on the ground when it gets there.

We can fit five C–17's in the same space we can fit four C–5's, a very important issue.

Finally, and the last point I would make, is that once the C–17's are online, they are much more economical to operate. They are modern technology, not 1950's technology. The crew is three people, not six people, as is the case with the C–5B commercial wide bodies.

So for all of these reasons, I hope that in about an hour or so we will have a opportunity to vote on the Harman amendment, and I ask all my colleagues to support it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in support of the C–17 and urge my colleagues to support the Harman amendment and oppose the Furse amendment.

I want to stipulate, I have one constituent employed on this aircraft's production. I got interested in this plane as a member of the Committee on Armed Services 15 long years ago. It is not something that is a recent interest of mine. While I learned about it from constituents who are with the Military Airlift Command at Travis Air Force Base, it is really an airplane that serves the needs of the Army.

We are here because as we bring home our troops from overseas, we have got to have military airlift capability to be in those places for peacekeeping or for humanitarian purposes that we deem important. I think as we saw what happened to our troops in Somalia, we understood how vulnerable they could be without armor, without personnel carriers, without tanks. We simply have to have the ability to go to places in the world that cannot be served by the larger C–5 aircraft which are now the mainstay of MAC.

This aircraft can get in 9,000 more runways worldwide, giving us the ability to respond with more effective measures, more quickly.

The question is whether or not this aircraft has been developed to the point where it lives up to its potential. I believe it has. And if we procure six aircraft at a cost that is available in the Armed Services authorization bill, we will know whether or not we can go ahead and procure what is a reduced number of aircraft, but still a substantial number of aircraft, at an affordable price. If we come forward with four and not six, the unit costs skyrocket and our ability to afford this airplane, which we need, is going to go out the window.

We have reduced our overseas facilities by 50 percent already. Eighty percent of the Army troops are going to be on American soil by 1997. If we want to be able to project them where we must around the world, we need the C–17.

Mr. Chairman, I rise in support of the C–17 and urge my colleagues to support the Harman amendment and oppose the Furse amendment.

The C–17 will provide the armed forces with a critical capability that they currently do not have.

The C–17 has the ability to land on smaller runways and maneuver on smaller taxiways and ramps. This capability means that the C–17 will have access to 9,000 more runways worldwide, making our response capability more effective and far-reaching.

The C–17's small austere airfield capabilities expand the options available to planners and operators conducting all airlift missions. It will substantially enhance our ability to respond to remote locations which will have a direct positive impact on peacekeeping and humanitarian missions.

I know there have been concerns about the C–17 program, but it is important to know that substantial corrections in program management and execution have been made. The C–17 program has successfully undergone exhaustive reviews by DOD, Defense Science Board, and independent agencies. The C–17 program is back on track.

However, the production rate of six aircraft in fiscal year 1995 is essential. If we do not restore the production level to six aircraft, the impact will be an increase of $40 to $50 million in the unit cost of the plane. We simply cannot afford this added cost.

Finally, Mr. Chairman, as we base more of our troops in the United States, our airlift capability becomes even more important. The Army states that by 1997, 80 percent of Army troops will be stationed on American soil. We simply cannot reduce or eliminate our modern airlift capability in light of these changes. As General Shalikashvili recently wrote, "there is only one alternative that can meet the requirements of a core airlifter—the C–17."

We need the C–17. Defeat the Furse amendment and support the Harman amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise today to support the Harman amendment which will be offered in about an hour to raise the number of C–17's we will buy this year from four to six. It is not a parochial amendment. This is not a partisan issue. That amendment will be supported I hope and expect by a broad coalition of Members, from liberal Democrats to conservative Republicans, from the top officials of the current administration to the leading members of the Joint Chiefs of Staff. The C–17 is a plane that was supported fully by the top officials of the last administration. There is a reason why there is such broad-based support for this plane and why I believe there will be broad-based support for the buy of six in the House, and that is quite simply this: It makes enormous strategic sense, no matter what your view is of where America's military should go.

There is no question we are downsizing now, that we are moving back from forward bases, that we are going to end up with a military which has smaller numbers and more people concentrated in the United States. If we are to be a hemispheric power, if we are to continue being a world power, no matter what your view of American foreign policy should be, we have got to be able to get people from the United States to places around the world, whether for Desert Storm-like contingencies, or peacekeeping in Somalia or the Balkans, wherever you think we ought to be, we have got to get them from here to there. The only way to do that is to increase the lift that is accessible to them. And it is by far true, I think it is self-evidently true, that the C–17, if it works, is the best way of achieving that.

So whether you are for, and I am one of those people that believes we need to increase the amount of money that we are putting into the defense budget as opposed to what we have now planned over the next few years, or whether you are a person who believes that what the administration is planning to do is about right, whatever you think, Mr. Chairman, the C–17 is at the crux of our plans for the American military over the next few years.

The Department of Defense has a carefully tailored plan to buy six this year and six next year. This is the minimum that is necessary. The Harman amendment would not cost any more money. We are just reallocating. I urge the House to support it when it comes up in a hour or so.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Harman amendment to restore from four to six the number of C–17 aircraft authorized for fiscal year 1995. Not only is the C–17 currently being produced at a rate of six aircraft a year, it is done so with improved efficiency and decreasing cost. Was there a problem early on on the C–17 with wings? Yes. Was this problem addressed and resolved? Yes. Is this any longer an issue? No. To cite such an example as problemmatic today is a bogus argument and does not represent responsible, honest debate.

The program has undergone exhaustive review by both government and industry. Structural experts agree—C–17 testing has verified wing structures meet military strength requirements. In addition, aircraft delivery schedule and quality commitments are improving at all levels.

The future of air-deployable combat units rests largely with continued and successful production of the C–17. The military's airlift requirements have changed and they are unique.

The C–17 is the only aircraft in production that can carry outsize cargo and has the versatility to rapidly reconfigure to carry vehicles, cargo, passengers, medical equipment and patients, or to perform airdrop missions. I urge my colleagues to consider this issue carefully.

Do not vote to send our troops, our young soldiers, into military crises on outdated aircraft whose capabilities are ill-suited to the missions of tomorrow. I urge my colleagues to support the Harman amendment. Sunday, I talked to our Under Secretary of the Air Force, a woman of impeccable academic reputation. She pledged to me this plane is now a safe plane, a needed plane, and we must have it for our airlift.

□ 1510

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I serve on the Subcommittee of the Committee on Appropriations that deals with defense. I am not a member of the authorizing committee, and normally I would not rise to take the time of the authorizing committee.

But we have a very, very important amendment coming to us later in the day that addresses the future of the C–17. There is little doubt that most of us recognize that before the end of the century over 80 percent of our troops will be here at home rather than stationed overseas. But America is going to continue to be a leader in the world. To be able to defend democracy, we have got to be able to deliver our materiel to our troops at foreign locations in times of crisis.

Above and beyond that, in our committee we constantly are talking about the fact that it is important in terms of shrinking budgets that we keep ourselves on the cutting edge of technology.

I would say, in terms of the C–17, all the technology in the world is going to do us no good if we cannot get our equipment there.

Mr. Chairman, I am speaking today, however, because among those Members who worked as hard as anyone in support of the C–17, our colleague, the gentleman from California [Mr. HORN] has been a leader among those Members. Unfortunately, while he gave an extended discussion on the floor on Friday night, on Saturday morning he had to go to the hospital for surgery. So today I am suggesting to my colleagues, please be aware of the work of the gentleman from California [Mr. HORN]. His efforts have made a tremendous difference in this debate.

If he were here today, he would say the following:

For those who do not pretend expertise on this subject, listen to the military experts. Secretary Dick Cheney: "It is an absolutely vital strategic asset, regardless of what size force we have in the long term."

The Joint Chiefs of Staff: "The C–17 aircraft continues to be the most cost-effective means to meet current and projected aircraft requirements."

Brigadier General John Handy: "Something like Somalia would have been a heck of a lot easier with the C–17 for planners in our organization."

All of the experts support the C–17 and know of its critical interest.

Mr. Chairman, I urge Members, along with my colleague, the gentleman from California [Mr. HORN], to join me in supporting the Harman amendment today on the floor.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of the C–17 transport program. This is an issue of accountability. We must be accountable to our military troops, and to the taxpayers.

When our Nation sends our sons and daughters and grandsons and granddaughters, nineteen and twenty years old, to defend us, we should provide them equipment with top speed, efficiency, safety, and flexibility.

The military's top generals, the Chairman of the Joint Chiefs, and the President, all agree that the C–17 is the only alternative that meets the necessary requirements.

Mr. Chairman, we have invested $15.8 billion in the C–17 program, an essential investment to ensure that our military can rapidly deploy all of the equipment that is imperative when we place the lives of young soldiers at risk.

The research and development is complete. It is time to go forward with this cost-effective program.

Mr. Chairman, by the end of the decade, in addition to the significant troop cutbacks we have already begun, we will have redeployed more than 80 percent of America's troops to the United States.

This will create a large demand on our strategic airlift forces and make the C–17 even more valuable than it is today.

More than any other transport carrier, the C–17 combines wartime capability with peacetime utility. In addition to use during regional conflicts, the C–17 will prove invaluable in humanitarian missions such as famine, flood and earthquake relief operations.

If the C–17 program is killed, not only do we lose the money we have invested in this program, but we will have to restart other air cargo programs, at a cost of at least $500 million.

The C–17 manufacturing line is already open, and building modern, capable aircraft. I ask this Congress to heed the advice of our Army and Air Force leaders. Support the C–17.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I used to fly fighter aircraft in the Air Force, and we did not fly old airplanes. I mean, when they got old, we got rid of them. I cannot believe in today's environment we are talking about not buying the Air Force any new airplanes for nearly 8 years.

Here we are arguing about a C–17, which is the guts of our airlift capability, going to protect this country for years to come in its fast reapplication capability, as we move our troops back home, gives us the ability to implement our foreign policy around the world.

I think we are going to rely ever more increasingly on the availability of airlift capability.

This aircraft provides access for outsized loads to 9,000 more runways, an increase of 300 percent over those available to C–5's and C–141's.

The commercial alternative that everybody proposes is not there. I doubt there is a 747 pilot in the world that wants to fly into some jungle in Africa or into Haiti even for that matter.

Our aircraft are ancient. Are we going to put our 20-year-old troopers in 40-year-old equipment and risk their lives by sending them into a combat area in an insufficient or subsufficient aircraft? I say no.

We need to vote for this amendment. Vote for America. Vote for freedom. Vote for the C–17.

Mr. Chairman, I thank the gentlewoman from California [Ms. HARMAN] for introducing the amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise today in support of the Harman amendment that will be offered, which restores procurement of the C–17 to the level requested by the administration—that is 6 planes for fiscal year 1995 and long-lead for 8 C–17's in 1996.

There are no two ways about it—this country has an airlift requirement to meet and the C–17 is the program to do it.

As the U.S. continues to pull troops out of forward deployed bases, we need an aircraft that can carry outsized and oversized cargo to small, austere airstrips anywhere in the world. The C–17 has the unique capability to accomplish such missions, which are sure to become commonplace in future contingency scenarios.

Let us face the facts. We have already made a significant investment in the C–17 of $15.8 billion resulting in 26 planes, 7 of which are in operation down in Charleston. I have talked to the men and women who fly and maintain the C–17 and, having flown them over 800 hours, they enthusiastically endorse the aircraft, time and time again, the C–17 has performed above the expectations of these aircrews.

Certainly, the C–17 has not been a model acquisition program and I am not here to defend its record. However, the administration has put McDonnell Douglas on notice and the contractor is committed to making significant management and production changes. Congress must give the program this last chance to perform. Requesting only four planes for 1995, as the committee suggests, will slow the rate of production, drive up the unit cost, and throw 10,000 people out of work, not to mention severely hamper the future of strategic airlift. I urge my colleagues to vote for the Harman amendment.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, as a member of the House Committee on Armed Services, and also one coming from a background in aerospace engineering, I strongly support the Harman amendment. We need the C–17 aircraft.

We learned from the Persian Gulf war that clearly we need better airlift and sealift in order to move our people and our materiel.

☐ 1520

We also know that starting in 1995, we will be reducing 51 percent of our overseas assets, and therefore it is imperative that we have the ability to move materiel and troops very quickly to those areas where they are needed.

Certainly, Mr. Chairman, as we downsize in Europe, going from 300,000 troops to 100,000, it is even more imperative that we have good airlift capability.

As an engineer with over 20 years' experience in the aerospace field, let me advise the Members, I have worked on many programs. In that period, I have never seen a program that did not have problems. Do we have problems? Of course we do. Will we resolve them? Yes, we will, so it is very important that we keep this program funded at appropriate levels. It is a program that I think has had a normal experience in aerospace development terms.

Let me also point out that this is not a hostile amendment. After the chairman, the gentleman from California [Mr. DELLUMS], had a very excellent hearing on the C–17, 33 of the 56 members of the Committee on Armed Services signed a letter in support of raising the number of C–17's from four to six, so this is not a hostile amendment. It is just a late-coming amendment that is supported by a majority of the House Armed Services Committee.

Mr. Chairman, I urge my colleagues to vote "yes" on the Harman amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to also rise in support of the Harman-Horn-McCurdy-Saxton-Spratt-Johnson amendment, and the gentleman from California [Mr. DORNAN] too, I think, is solidly behind this amendment.

Mr. Chairman, let me expand on one aspect of this debate that the gentleman from California [Mr. HORN] so eloquently put forth to the House the other night during his special order when he was giving a very thorough analysis of the requirement for C–17's.

This is a debate about power projection, and our security around the world largely depends on our ability to project power quickly. That means to move American forces, including equipment and personnel, to critical strategic spots very, very quickly. In the words of Gen. Nathan Bedford Forrest, "It is the ability to get there firstest with the mostest."

We are now in a situation in Europe in which our formerly massive presence of over 300,000 military personnel is being directly reduced to around 100,000 personnel. That means we do not have the security, the airfield security, and the airfield security capability that we had a couple of years ago. It means now if we wanted to go in for these long runways that the C–5 requires, we might have to lose some people. We would certainly have conflicts, because one of the most strategic targets in any conflict is runways, airways, and the key to the C–17 debate when juxtaposed with the C–5 and its capabilities is runway length. The C–17 uses roughly half the runway that a C–5 uses.

What does that mean? It means in Europe that of all the runways that are available, the C–17 can access roughly ten times the number of airstrips and runways that the C–5 can access. That means instead of having to come in, if there is armor, if we are moving M–1 tanks into a particular area in Europe, or other heavy equipment, instead of having to fly this hardware into an area that may be 100 miles by road or 50 miles by road or 20 miles by road from where we want to strategically place it for conflict with the adversary, we can fly into an air base that is much closer to the action and can get there first.

In Europe we can access many times the runways with the C–17 that we can access with the C–5. We can access 5 times the runways in Europe, and we can access 10 times the runways in South America, and we can access roughly 5 times the runways in Africa with C–17's than those we can access with C–5's.

This is a power projection issue, and the Harman amendment, so ably advocated by the gentleman from California [Mr. HORN], who did a great job before he had to go to the hospital, and others, is absolutely an important amendment for this House to pass today.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I rise today to speak in favor of the amendment that will soon be offered by the gentlewoman from California [Ms. HARMAN]. As those on the Committee on Armed Services know, I have been very skeptical of the so-called Bottom-Up Review, and also the portion of it that states that we can fight two major regional contingencies nearly simultaneously.

If we do not have the capability of this airplane, of a C–17, that will be a show-stopper. That is an absolute show-stopper. That is why it is best that we proceed with this as best we can.

It is also important to point out that this amendment does not add to the total funding already recommended by the committee. It is supported by the President, and I think that it is the only logical choice that we can choose.

Mr. Chairman, there is an absolute need for a new airlifter which will carry outsized cargo and deliver it to smaller airfields. This should be pointed out, that there are many airfields that this is the only such airplane that can land and take off.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as one who is on a task force to go check on the C–17's and is a pilot that has spent a great deal of my time in the air, and know a little bit about airplanes, and know a little bit about what is happening in their air force today, if we are going to ask the United States to do what we are asking it to do every day almost on a yearly basis, to take and transport people all over the world, we are going to have to have a lift capability to do it, and we do not have it now. We have worn it out.

The C–17 is the only answer we have. Sure, we have engineering problems with all kinds of aircraft, and in the development of those aircraft, but that is no problem for anybody in the United States that has been building aircraft for as long as most of our builders have. This is a fine airplane, state-of-the-art, the best navigational equipment that any airplane has ever had in it.

I think it is absolutely an essential part of our airlift if we are going to disperse people throughout the world, as we have been doing in all the hot spots we have had before. Mr. Chairman, I am for the C–17, and all six of them.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would say to the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], that he gave us some sage advice several times at the beginning of this year and last year and even the year before, that if we come up with armed services amendments, they had better be cost-saving or revenue-neutral.

I think the gentlewoman from California [Ms. HARMAN] took due note of this recommendation, because this is a revenue-neutral amendment. It is merely allocating existing funds. We cannot think about revenue-neutral enough around here.

We are all dedicating our speeches today to the gentleman from California [Mr. HORN], because the C–17 is made in his district. He has been a strong, forceful, and passionate as well as very accurate and informative proponent of this great airlift system. He is in for some minor surgery, similar to BOB DOLE's recent surgery, so of course prayers from all of those within reach of my voice are with STEVE HORN. He will be back after the break, and I hope we are going to have a big victory for him here today.

Mr. Chairman, the other gentleman from California, DUNCAN HUNTER, mentioned the excellent presentation given by STEVE HORN before he headed back to California on the floor a few nights ago. Here is one of the charts he used. I put it out today on the back of a "Dear Colleague," and in the terms of our great loadmasters they used this word, "throughput capability." That means if we have an average 500,000 square ramp, we can only get three C–5's on that ramp as they are loading and unloading. We can only get three civilian cargo airlift big giants 747's on this same runway, but we can get eight C–17's on such a ramp, in addition to the aforementioned many times, and it should be mentioned, 10,000 additional airfields around the world where only a C–17 Globemaster III can land, and a 747, or our big C–5 Galaxy, cannot land; the C–17 has a throughput capability of 3,852 tons a day, more than double what we can get from the other two large excellent big lifters.

□ 1530

Mr. Chairman, let us listen to Gordo and Shali, our chief of staff of the Army and our chairman of the joint chiefs.

General John M. Shalikashvili says, "Today there is only one alternative that can meet the requirements of a core airlifter—the C–17 Globemaster."

General Gordon Sullivan says, "The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required."

Mr. Chairman, that simulator is waiting for you in Long Beach, sir. I flew it over a year ago. It amazed me. This big C–17 has a stick just like a fighter aircraft. That is why our great Gary Cooper from Texas, Congressman SAM JOHNSON, is so enthused over this aircraft. Like the B–2, it has a stick. It flies like a fighter. Imagine an M–1 30-ton tank in the back of your C–17 and flying with a stick like a fighter aircraft.

Mr. Chairman, the C–17 has had its growing pains, Lord knows, but my F-100 that I flew on active duty also had growing pains. They were falling out of the sky like cats and dogs in the middle and late 1950's, and it turned out to be one of our most stable air-to-ground aircraft in the Vietnam war. Some aircraft have no problems going through a test program like a B–2 Spirit. Others have growing pains. We are hopefully through the growing pains with the C–17.

Mr. Chairman, I urge everyone in this Chamber to vote for the C–17, for our Army and Air Force, and for the future of all of our armed services.

Mr. Chairman, I include for the RECORD my "Dear Colleague" letter as follows:

SUPPORT THE C–17—IT MEETS U.S. MILITARY REQUIREMENTS

"Our nation has a critical need for inter-theater airlift modernization if we are to maintain our ability to project forces and respond to humanitarian missions worldwide. Our C–141 aircraft are wearing out. The C–17 aircraft continues to be the most cost effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift."

WILLIAM J. PERRY,
Secretary of Defense.

DEAR COLLEAGUE: We need the C–17. It is as simple as that.

Military leaders up and down the chain of command from our young Air Force pilots to the Secretary of Defense agree that the C–17 meets existing military requirements. Consider what other military leaders have said about the C–17:

"Today there is only one alternative that can meet the requirements of a core airlifter—the C–17."

GEN. JOHN M. SHALIKASHVILI,
Chairman, Joints Chiefs of Staff.

"The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required."

GEN. GORDON SULLIVAN,
Army Chief of Staff.

Reprinted on the back of this letter is a diagram depicting another unique and important feature of the C–17, throughput capability or off-load capacity and turn around time on the ground. (Diagram not reproducible in RECORD.) As this diagram clearly shows, the C–17 has much greater throughput capability than existing military airlifters or civilian cargo aircraft. Such off-load capacity and turn around time could be vital, especially during the first few days of a military build-up in an overseas conflict.

Please listen to our military leaders and why they need the C–17. By funding six instead of four C–17 aircraft in FY 1995, we can ensure this defense bill meets our defense requirements.

Best regards,

ROBERT K. DORNAN,
U.S. Congressman.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, surely, the next Saddam Hussein will not be dumb enough to park his tanks in the desert for 6 months. Very simply—that is exactly why we need the C–17.

The most important issue in this debate is that the C–17 will save the lives of young American soldiers and marines.

How will the C–17 save lives? By moving American troops quickly into areas of conflict with the proper weapons and equipment.

As we pay tribute to the 50th anniversary of D-day, we should ask ourselves this question: Would we have asked brave American soldiers to storm the beaches of Normandy without adequate weapons and equipment? Certainly not.

Whether you are a hawk or dove on defense doesn't really matter on this issue. The C–17 is not about making wars, it is about saving the lives of young Americans whenever we call them to duty.

I urge Members to support the Harman-Horn amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in full support of the C–17 program. We spend a lot of time talking about force structure and our needs to meet national security interests. We can do all that talk we like, but if you do not have the military lift capacities by air and sea to get soldiers to the battlefield, the minimum risk for which generals talk about will be a reality in loss of life on the battlefield.

I do feel, though, a little odd saying I want to give my full support to the C–17 program given the fact of the track record of the contractor. That is what brings us to this debate today.

Mr. Chairman, I have to say that Mr. Deutch of the Department of Defense outlined an excellent program to make the contractor responsive. I want to support the administration wherever possible, and I will support the administration in this endeavor to give the incentive to the contractor to be a low-cost producer. That means in support of the Harman-Horn amendment.

Mr. Chairman, this aircraft is a necessary component of meeting our military strategic lift requirements in the coming decades. We have had much debate in the House about the size and capabilities of the military force outlined in the Bottom-Up Review. All of these arguments are futile if we do not have, like I said, the lift capacities to move our forces wherever needed throughout the world.

Mr. Chairman, the C–17 gives us that capacity. The C–17 is an aircraft designed and built to meet the specific military need, the delivery of outsized cargo to remote and unimproved airfields in support of our forces during a contingency or conflict throughout the world. This is a most important issue for our national security.

Mr. Chairman, according to the research and development center, a fleet of C–17's is more cost-effective than any combination of C–17's, commercial wide-body aircraft, C–5/B's or C–141's.

Mr. Chairman, as we downsize our military, we must buy the most capable, effective equipment available for our men and women in uniform. The C–17 is a giant leap forward in our aircraft capabilities and is sorely needed to replace our rapidly aging fleet. I almost feel, though, that a request was made for a Jeep and the Air Force decided that we would not give just a Jeep, "We're going to go out and give you the Grand Cherokee."

Mr. Chairman, it makes me feel a little uncomfortable about us buying the Jeep Grand Cherokee and possibly having a very expensive aircraft where it will get to the point we are saying, "Maybe we shouldn't take it to the battlefield, it might get shot down."

Mr. Chairman, I will support the administration to make the contractor a low-cost producer because the incentive is built into this agreement, that if they do not comply, they are only going to buy their 40 and then we are going to go with a commercial mix.

Mr. Chairman, I support the administration, I urge my colleagues to support the Harman-Horn amendment, and I wish my colleague STEVE HORN the very best in his recovery from cancer.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], the author of an amendment that will come before the body.

Ms. FURSE. Mr. Chairman, today I am also offering an amendment. This is an amendment on the C–17, and what it would do is it would stop production of the C–17 at the 4 we have already bought, that will bring us up to 30 C–17's, and it will then go to take our additional airlift out of commercial wide-body planes.

Mr. Chairman, I want to cite a couple of quotes about this program. John Deutch, Deputy Secretary of Defense, came before the House Armed Services Committee in February of this year.

Mr. Deutch was asked about the program's performance, and he replied: "I think it's awful."

Les Aspin, former secretary of defense, said: "The C–17 is late, it's over ceiling price, and it has serious operational deficiencies."

Mr. Chairman, my amendment would get us the airlift we need, it would get it to us quicker than if we go with the whole C–17 program. My amendment would give us 30 C–17's, and it would save $16 billion.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of the Harman amendment which will be offered in just a few minutes.

Mr. Chairman, as we work on the defense budget this year, it is vitally important to keep in mind what kind of military we need for the post-cold-war era.

In Iraq, Somalia, and Bosnia, we have learned that this new era will be marked by sudden, unexpected crises in remote corners of the world. We will confront the urgent need to deliver humanitarian assistance or respond to major acts of aggression. And because we are losing so many overseas bases, we will need to conduct these operations largely from the continental United States.

In this kind of environment, virtually every defense expert and every study of U.S. military policy agrees that our forces must be flexible, agile, and strategically mobile, capable of responding rapidly to unexpected crises. Nearly everyone agrees that strategic lift, both airlift and sealift, must rank among our top priorities.

The C–17 represents exactly the sort of capability we need for this new era.

Those of us who support the C–17 are well aware that the Air Force must make greater use of civilian aircraft for transport purposes. But we are equally well aware that civilian planes alone cannot fulfill all our airlift needs.

They cannot handle all forms of military cargo, or the right combinations of it. They cannot operate from short, rough landing fields, as the C–17 will do.

General Shalikashvili, the chairman of the Joint Chiefs of Staff, has said that "The C–17 represents a capability that the Armed Forces absolutely need to have."

Once we decide we need the C–17, the decision to buy six planes per year becomes the obvious choice.

This rate will allow the Air Force to complete its scheduled purchase of 40 C–17's—a number the Air Force calls the minimum that is militarily useful. DOD can then pass judgment on the contractor and decide whether to buy more.

Buying six planes per year will allow the contractor to bring costs down and ensure that we produce the C–17 at the most efficient rate.

And most importantly, with the retirement of older transport planes and the increasing potential for regional crises, the need for the C–17 grows every day. We need them in our force structure as quickly as possible.

We have an opportunity today to make a strong statement about the importance of airlift to our national security strategy. And if we are going to press forward with this critical program, we should do so in the way that makes the most sense for the taxpayer—by purchasing six planes per year.

□ 1540

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Harman-Horn-McCurdy-Saxton-Spratt-E.B. Johnson amendment to restore C–17 funding. Mr. Chairman, if we get support for anything in this Congress from both sides of the aisle it must be good. I am proud to be speaking in favor of a bill with so many strong bipartisan sponsors.

The C–17 has the support of President Clinton, Chairman of the Joint Chiefs of Staff John M. Shalikashvili, Gen. Gordon R. Sullivan of the U.S. Army and Gen. J.P. Hoar from Cent Com.

The C–17 is a major logistic tool, filling a vital military and humanitarian need. The C–17 has the ability to use 10 times the airfields as any of the alternatives that have been offered, and they cannot compete. The C–17 has the ability to carry oversized cargo, the M–1 tank, that the other aircraft cannot.

The C–17 was designed to fill a need in the New World Order of an aircraft capable of carrying heavy payloads to austere airfields. The C–17 is the ideal aircraft to meet this need.

Mr. Chairman, we have invested a lot of money into the C–17 program. The C–17 fills a vital military mission and deserves our support.

The C–17 is flying and McDonnell Douglas has met its contractual requirements. The seven C–17's at Charleston Air Force Base are getting excellent reviews by the men and women flying and maintaining them.

Mr. Chairman, I urge my colleagues to support the C–17.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the Harman amendment to restore funding for the C–17 strategic airlift program because it is the most cost-effective transport plane that we have, and I urge my colleagues to support the Harman amendment.

Mr. Chairman, we are living at a crossroads in history. As the cold war subsides and new international relationships are formed, our Armed Forces must have flexible equipment and needs the C–17 for the wide range of security and humanitarian missions which lie ahead.

We are living in ever changing times and new international relationships are forming throughout the globe. Perhaps more than at any time in history our Armed Forces are engaged in assisting those who are the victims of famines, earthquakes, floods and other natural catastrophes.

All around the world, we are bringing our military men and women and their families back home. As we embark upon these courses, our defense posture requires that we have the ability to rapidly respond with a variety of equipment to unfamiliar places about which we might have very limited information. How many of us knew the politics, history, and geography of Rwanda before the bloody revolution began just a few short months ago? Still, our military was asked to go into that country on a moment's notice and help take our diplomatic staff and their families to places of safety. The Air Force's C–141 accomplished this special mission. But the C–141's are aging and must be replaced. They have served our Nation in times of trouble, but their usefulness is drawing to an end. The C–17 is the aircraft designed to replace the C–141. The C–17 can carry twice the load of the C–141 and yet land on short, austere airfields like those found in Rwanda and other trouble spots around the world. The C–17 is unique in its cargo carrying ability and its short field landing ability—two attributes which typify what is often most demanded in a contemporary humanitarian mission.

Mr. Chairman, I urge my colleagues to support full funding of the C–17 program because it is crucial to our defense system. Criticism of the C–17 has been unfounded. Independent analyses show the C–17 is the most cost-effective solution for meeting America's airlift needs. The need for the C–17 program has been established. Military leaders agree that it is the most capable, cost effective transport plane. I strongly urge my colleagues to support the Harman amendment. The C–17 development is the program our country truly needs as we prepare for the challenges of the 21st century.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, last December when Secretary Aspin announced the decision to take control of the troubled C–17 program, I applauded his efforts. While limiting C–17 purchases to 40 aircraft is a positive step, I remained very concerned.

Over the last 3 years, I chaired five hearings where we heard testimony that painted a bleak picture. The C–17 program suffers from massive technical and financial problems ranging from defective wings to hundreds of millions of dollars in extraordinary payments to the prime contractor, McDonnell Douglas.

We cannot solve these very problems by throwing more money at the program or continuing with business as usual. The taxpayer should not foot the bill for hundreds of millions of dollars on a program that has been in default since its inception. This sends exactly the wrong message to defense contractors, and is the kind of practice we must end if we are truly going to reinvent the procurement process as promised by President Clinton.

Just consider what we are being asked to buy—an Airlifter which will never come close to meeting its original specification. As I hear Member after Member extol the C–17's short runway capability, I must point out that today this capability simply does not exist. Similarly, when I hear Member after Member praise the C–17's global reach, I must point out that unlike the C–5 and the Boeing 747, the C–17 cannot even fly across the Atlantic Ocean without a mid-air refueling. And when I hear Member after Member praise the C–17's durability, I must point out that the C–17 has suffered massive structural deficiencies, from pervasive fuel leaks to defective wings that repeatedly have failed static load tests. All this in an Airlifter that costs more than half a billion dollars per copy.

There is also a serious credibility problem with this program. For years, our committee was repeatedly assured by senior Air Force officers that the integrity of the wing was absolutely not in question. That was before the first wing failure ever occurred. Further, we were assured that the Air Force would never go below the threshold specifications identified by the U.S. Transportation Command. Now even those thresholds have been waived.

In the face of these facts, I would suggest that this is indeed a case where the buyer should beware. It is time to face the fact that the C–17 program is a failure—as the C–17's capabilities decline, its costs continues to grow.

Over the last 3 years, we have repeatedly been told that the C–17 program "has turned the corner." But the hard cold truth is that the C–17 suffers serious problems that will not go away.

Under Chairman DELLUMS' leadership, the Armed Services Committee took the first necessary steps to secure needed airlift capability with existing aircraft that actually work. I commend the gentleman from California for his farsighted leadership in addressing this critical national security need. This is the prudent course, not additional buys of the technically and financially flawed C–17.

Mr. SPRATT. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, let me sum up the general debate on this side, among the advocates of this amendment, first by saying what the amendment is all about.

When the administration sent its bill here, the National Defense Authorization Act of 1995, they requested six C–17's in fiscal 1995 and eight C–17's in fiscal 1996.

When we did the mark in our committee, we cut that request from six C–17's in 1995 to four C–17's, and we took $550 million saved in that cut and put it in something called nondevelopmental alternative aircraft, NDAA, something other than a C–17, which could perform the mission. And what we would do by this amendment, based on what DOD and the Secretary of Defense, the Deputy Secretary of Defense, Mr. Deutch, has since told us, is take that $550 million and put it back in the C–17 line so we can buy six in 1995 and eight in 1996 as the Defense Department originally requested. The amount of money is the same, $2.4 billion going in, $2.4 billion coming out. It is identical.

Let me give you three reasons, give the Members of the House three reasons, why I think we should all support this amendment. First of all, we need the capacity. Everybody has made that argument here. As we draw down our forces and pull them back from Europe and overseas, we need more airlift than we have ever needed before.

If the C–17 performs as promised, and that is a big "if," if the C–17 performs as it is supposed to, it fills a need for airlift better than any alternative we have got. You do not have to take my word for that.

In this very bill 2 years ago, the House and the Senate, in passing the National Defense Authorization Act, directed the Department of Defense to do an independent, disinterested, cost-effectiveness and operational analysis of this very program, the C–17, a COEA, in DOD parlance. Here it is, prepared in December 1993, completed then, delivered to us just a week or two ago.

If you look on page 9 of it, the executive summary says the C–17 is the preferred military airlifter for several reasons. COEA says in the executive summary that the C–17 is the preferred military airlifter because, first of all, of its unique capacity for outsized cargo. Not unique, because the C–5 also has that capacity. It can handle things, it can carry things other wide-body airplanes cannot handle, M–1 tanks, Patriot missile batteries, helicopters, Apache attack helicopters, things too large to get in any other kind of airplane which will go in the cargo compartment of this airplane.

Second, not only in the air but on the ground it has unique capabilities and particularly on the ground, due to the footprint, the size of the wingspan.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Washington.

Mr. DICKS. Is it not true that we have 120 C–5B's, all of which are capable of carrying the outsized capability? In your COEA study it says 85 percent of what we have got to transport is either oversized, not the big stuff or bulk, so a nondevelopmental aircraft, whether it is a C–5 or an MD–11 or a stripped-down C–17 or, heaven forbid, a 747 freighter, could carry 85 percent of what we have got to take out there. It seems to me with 30 or 40 C–17's plus 120 C–5's, we have got all the outsized capability we need.

Mr. SPRATT. Reclaiming my time, this amendment anticipates our going to 40 C–17's, going from 26 to 40; air mobility to command says this is militarily the minimum viable force, 40 planes, a couple of squadrons. We are to provide for downtime, for maintenance, provide for trainers. This is a minimal viable force.

Beyond that, we may buy up to 120, which is the current requirement of C–17's, or we may mix the fleet.

This leaves wide open to the Air Force and to the Department of Defense the option of mixing the fleet with 747's, 767's, MD–11's, and wide-bodied airplanes. Let us not get too zealous about that.

Mr. DICKS. If the gentleman will yield further, we have a lot of outsize capability with 120 C–5's that can carry everything a C–17 can carry.

Mr. SPRATT. But there are some unique features to this airplane other than outsize capacity. It can airdrop. It can drop paratroops. Granted, it has a problem that has to be corrected. It can maneuver on the ground. It can land on short, austere strips, and a 747 simply cannot pull that off; it cannot land on a short strip; it cannot take off fully loaded on a short strip.

Consequently, the C–17's, because of these unique capabilities, make it separate and distinct from anything else we can choose from.

As you have heard here, it can land in hundreds more airports, hundreds more runways, in Africa, in Asia, in the place it is likely to be deployed, things the 747 cannot do.

And that is why the Air Force says let us buy 40 and assess the viability of this airplane and decide from there whether we want to mix the fleet or go forward and buy 120 airplanes.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself 12 minutes, the remainder of my time, and I take that amount of time simply because no one has taken the floor to explain nor attempt to defend the position established by the House when we reported this bill from the House Committee on Armed Services, and I want to briefly outline the position of the Committee on Armed Services that brought the position of the C–17 that is reflected in the House bill.

In so doing, I want to reiterate over and over and over again in the moments that I have with you to say this, very simply, Mr. Chairman: The issue is not the C–17, the issue is airlift.

It changes the nature of the debate, Mr. Chairman, when the discussion is not the C–17, the issue is airlift.

I will repeat that many times in the course of my remarks.

Mr. Chairman, it has been the intention of this gentleman to focus on the national security issue that should drive the decision on what to do about the C–17 program. That issue is airlift capability. Airlift for the number of needs is necessary, and these needs include our participation in multinational peacekeeping operations, which this gentleman supports.

Our airlift problem is not just our need for short fields, for outsize cargo capability of the C–17; the heart of the problem is the planned retirement of our C–141 fleet in the 1995 to 2006 period. The loss of this large portion of our aircraft capability must be offset, and I will attempt to make that point clearly, and unequivocally, Mr. Chairman.

We face a difficult task. How to provide enough overall airlift capability and C–17 capabilities within a realistic spending level. That is the question. If there are so many dollars in a limited-dollar environment, in a military budget that is going down, how many dollars do you project annually that is realistic that you choose to spend for the purpose of airlift? And then the question is how do you buy the airlift that is necessary for this country for these dollars? Straightforward, straightforward, straightforward, Mr. Chairman. The issue is not the C–17, the issue is airlift.

There will be an amendment that comes up, and that amendment is where the department sees salvation primarily in higher C–17 buys. But large enough buys to offset this loss are not affordable at likely budget levels as the data is the Department's own C–17 affordability assessment proves.

Buying eight planes per year, the level DOD specifies in their C–17 white paper, and the level consistent with their affordability report for the next 14 years, leaves us with less airlift than we already have today. Mr. Chairman, I will repeat: By simply engaging in a C–17 buy strategy against the backdrop of the reality that C–141's are being retired during that 10-year period that I laid out, your airlift goes down. It does not come up until way out far beyond the year 2000.

So, how do you engage in a strategy to buy airlift that does not get you back to square one until way out about the year 2008, 2010? Mr. Chairman, under that plan we would not get back to today's level until 2008, despite spending $30 billion. The answer is twofold: Buy the specialized capabilities of a yet-to-be-determined number of C–17's, boosted with aircraft that more cheaply restored the aggregate airlift capability than we lose by C–141 retirements, at the same budget level of airlift as we have today. This is a strategy embodies in H.R. 4301 which will offset the C–141 retirement, give us more aggregate and outsize airlift capability than we have today for less cost than the strategy behind the amendment that would simply put us back to the number 6.

These conclusions are not just this gentleman's conclusions, Mr. Chairman. If that were the case, that is arguable. But an Air Mobility Command study shows that even with the buy of eight C–17's per year, only a substantial buy of complementary nondevelopmental or alternative aircraft in the next 5 years equivalent to 35 to 55 aircraft would prevent a significant decline in our airlift capability by the year 2201.

Not this gentleman's study, Mr. Chairman, the Air Mobility Command study. The Department has not, not, to this gentleman's knowledge, refuted those findings.

Under the provision of H.R. 4301, C–17 fleet will continue to grow.

Mr. Chairman, I listened to many people on the floor as if it were "C–17's to no C–141's." Let us not distort each other's position. The bill has some C–17's in it, and the bill allows that strategy to go forward. The bill adds 4 C–17's for a total of 30 and 4 more for next year.

Beyond that, if the contractor can fix its problem, we retain the option of moving to higher rates. If the program does not improve, we can still decide to buy more C–17's to reach the level of 40 that the Department has told us was militarily acceptable. No one is talking about having no C–17's. That is not in the real world. So you build a strawman when you make that argument.

The issue, again, Mr. Chairman, is not the C–17; the issue is airlift.

Keep in mind that buying 4 C–17's per year would give us a fleet of 58 by the year 2005; combined with our existing fleet that the gentleman pointed out of 120 C–5's, will be able to lift over twice as much outsize cargo than we could just 7 years ago, when the airlift challenge was to move army heavy divisions across the Atlantic in 10 days, those days, to fight the vast forces of the Soviet Union and Eastern Europe. The Soviet Union no longer exists, Mr. Chairman. The Warsaw Pact has vanished off the radar screen. And these were adversaries who were far better armed, far better trained, far better led than the forces many of my colleagues contemplate with these scenarios of the future, North Korea, Iran, or Iraq, that worry many of my colleagues today.

In addition to this outsize capability, the airlift fleet envisioned by the bill would have a substantially better ability to carry the bulk and oversize cargos that made up 90 percent of the air cargos of Desert Storm than would the airlift fleet envisioned in the Department's plans. Again, the issue is airlift, not the C–17.

The C–17 cost and operational effectiveness analysis study also validates the path that H.R. 4301 embodies, Mr. Chairman, and calls into question the Pentagon's approach. It shows that mixes of C–17's and complementary aircraft are as cost effective as a pure fleet of 120 C–17's in hauling outsize cargo. In addition, the analysis shows those same mixes are far more cost effective in carrying oversize cargo than a pure C–17 fleet. There is wide agreement that the commercial aircraft are far better bulk cargo carriers than the C–17's.

Futhermore, the Department's cost and operational effectiveness analysis shows the superiority of mixed fleets, Mr. Chairman, It understates that 747's performance by at least 22 percent, according to the Air Mobility Command's own data, not this gentleman's data. It assigns costs to the mixed fleets that internal DOD documents prove are improper. Thus mixes of C–17's and 747's are even better than the analysis says and better than pure C–17 fleets.

Department officials have stressed outsize cargo as a main factor responsible for their strong preference for the C–17. But there is a major gap between the rhetoric on this issue and the reality of their own data that they provide us. The Department may tell us that oversize cargo is the main factor to plan for in a major regional contingency, but their own C–17 cost and operational effectiveness analysis disputes this.

The Department finally delivered that analysis to us last week; a little late in the day as we attempt to address this issue. It states, "In the first 30 days in these scenarios [the two MRC's]"—that is major regional contingencies—"used by the joint staff mobility requirements study, 15 percent of the delivery requirement is outsize cargo, 55 percent is oversize, and the remaining 30 percent is bulk," the point that I think my colleague was trying to make.

□ 1600

Their data shows that after the first 30 days the percentage of outsized cargo requirements actually drops.

Mr. Chairman, there are some other issues that I would want to make here, but I do not want time to run out. Let me just finish, and then I will be happy to yield to the gentleman from Washington [Mr. DICKS].

Mr. Chairman, I make this point: The issue is not the C–17. The issue is airlift. Let me tell my colleagues how we got to this point.

The administration should have come before us in a timely fashion as we proceeded to try to mark up this bill. The leadership gave us this date, come on the floor before Memorial Day break. We were under tremendous stress and tremendous strain. The administration did not answer on the record for the record in a timely fashion, when we were preparing to mark up this bill, the concerns of the criticism raised by the GAO. So, what my colleagues have ringing in their ears was a very intelligent analysis with a series of critical issues laid out by the GAO. So, the administration had not done a compelling selling job, had not attempted to support this program at a level that my colleagues would have felt comfortable, and they certainly had not answered these ringing criticisms. So, we have the responsibility of marking, in the absence of the administration's set of arguments, so we put before the Committee on Armed Services a proposal that said the issue is not the C–17, the issue is airlift. We figured the annual amount of dollars authorized for this purpose would probably be in the neighborhood of $2.5 billion. We said, "With $2.5 billion annually, how do you get the airlift that you need?"

So, Mr. Chairman, this led us to this four plus nine developmental aircraft, a mixture.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Mr. Chairman, under the rule, does the gentleman and the ranking member have an opportunity to strike the last word?

The CHAIRMAN pro tempore. Once the amendment is pending, the gentleman from California and the gentleman from South Carolina do have that opportunity, but not until an amendment is pending.

Pursuant to House Resolution 431, it is now in order to consider the amendments printed in part 6 of House Report 103–520 relating to the C–17 aircraft, which shall be considered in the following order:

A, the amendment to be offered by the gentlewoman from California [Ms. HARMAN], or the gentleman from California [Mr. HORN], or the gentleman from Oklahoma [Mr. MCCURDY], or the gentleman from New Jersey [Mr. SAXTON], or the gentleman from South Carolina [Mr. SPRATT], or the gentleman from Texas [Mr. SAM JOHNSON], or the gentleman from Missouri [Mr. TALENT]; and, B, the amendment to be offered by the gentlewoman from Oregon [Ms. FURSE].

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN: Page 19, strike out line 18 and all that follows through line 3 on page 20 and insert in lieu thereof the following:

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) $103,000,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) $2,303,402,000 shall be available for the C–17 aircraft program, of which—

(A) $2,249,819,000 is for procurement of six C–17 aircraft;

(B) $47,475,000 is for advance procurement of up to eight C–17 aircraft for fiscal year 1996; and

(C) $6,108,000 is for C–17 modifications.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from California [Ms. HARMAN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I would like to send my own best wishes to the gentleman from California [Mr. HORN] who is a principal cosponsor of this bipartisan amendment and who is not able to be with us today because he is in the hospital.

Mr. Chairman, I would point out that this amendment has overwhelming bipartisan support, including the overwhelming support of a bipartisan group of the Armed Services Committee. We are in this position because, when we marked up and reported our bill, DOD had not adequately justified funding six planes. For this reason, most of us supported the chairman's mark which he himself characterized as a "place holder".

This chart demonstrates that our amendment involves the identical amount of money in the bill as reported by the committee. We would simply redeploy this money to support procurement of six C–17s rather than four, and fund a competition for non-developmental aircraft.

I would say to the gentleman from Washington [Mr. DICKS] that what we are doing in this bill very adequately deals with his concerns and will assure us that commercial wide bodies can be a part of our airlift mix for the future.

The CHAIRMAN pro tempore. The time of the gentlewoman from California [Ms. HARMAN] has expired.

Mr. MCCURDY. Mr. Chairman, if the gentlewoman from California [Ms. HARMAN] would like, if she needs an additional minute, I yield a minute of the 2 minutes she had reserved for me at this time to her. Would the gentlewoman like an additional minute to complete her statement?

Ms. HARMAN. Why don't I just take 30 seconds of the gentleman's time?

The CHAIRMAN pro tempore. The gentlewoman from California [Ms. HARMAN] is recognized for 30 seconds.

Ms. HARMAN. Mr. Chairman, what we need to keep our eye on is that we are not adding money to the airlift program. We are simply rearranging the money so that we can restore the administration's original request. The chairman of our full committee, for whom I have the greatest respect, says airlift is the issue, not the C–17. I agree, and I quote from General Shalikashvili:

"Today there is only one alternative that can meet the requirements of a core airlifter, the C–17."

Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. McCURDY].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I took time to try to lay out the position that is reported in the bill, H.R. 4301. Let me, in a few moments, explain how we got to this point.

A number of our colleagues requested, during the time that we were marking up the bill, that we bring the administration in subsequent to the markup of the bill in the House Committee on Armed Services and hopefully that that hearing would take place prior to our coming to the floor. I said to my colleagues in the spirit of fairness, in the spirit of openness and cooperation we would ask the administration to come before the committee, and all of my colleagues, or virtually all of my colleagues, because the bill passed 55 to 1, when we laid this proposal on the table we said, absent a ringing declaration, a ringing set of supporting arguments for this bill, that the House position, the position that we articulated, was a sound position. I turned to everyone in several meetings, Mr. Chairman, and said, "If any of you have a better idea, lay it on the table, and, in the spirit of give and take, we can discuss that, if there is a new position that anyone wants to assume." No one laid a new idea on the table, and everyone essentially bought onto what is in the House position.

Then they said that they would like to have the administration come. The administration did come, and we had several hours of hearings. After those hearings, Mr. Chairman, a number of my colleagues, the gentlewoman from California and 30-some other members of the committee, decided, based upon that presentation, that now they had more information, more facts, because they felt that the administration had done a, quote, adequate or good job in addressing the GAO criticisms and laying out the concerns and the arguments that they felt needed to be on the record, and they raised some questions with respect to the proposal that we offered. On the basis of that they were compelled then to go back to the original position of the six planes.

That is a legitimate thing to do, Mr. Chairman. I am not quarreling with that. I simply wanted to say, one, the position enunciated in the bill was not just a placeholder amendment. It was carefully thought out, carefully conceived and, I believe, can be defended anywhere openly and in a very straightforward fashion. I think all of my colleagues here are going to have to make a very serious decision about this program and about the issue of airlift. I urge them to listen very carefully. I frankly think, and I may be wrong, that this debate turns on one single issue, one single issue, Mr. Chairman.

Secretary Deutsch says, "If the contractor is able to build 6, we will learn more about that contractor's ability to build 12 than if you have them building 4." Now, if my colleagues buy that argument, then it will lead them in one direction. If my colleagues think that that argument is debatable, it may lead them in a different direction. But I personally think that that is what the issue turns on.

□ 1610

The question is what do you think the learning curve is. The Secretary repeated that on more than one occasion. I need 6 because the learning curve on whether this contractor will be able to build 12 down the road, that gives me that answer. If you accept that argument, perhaps there is efficacy to it. But I think that is where the issue lies on this discussion.

I simply wanted to discuss that in the spirit necessary of openness we held a hearing. A number of my colleagues were compelled to move beyond the committee position. this is no personal thing with us.

You now have two considered positions on this issue, one thought through by the committee and one agreed to after the committee markup and after Secretary Cheney came before the committee, and they are both out there.

I think one can argue both of them very strongly, perhaps even effectively, but they are two different strategies. They are two very, very different approaches, and they have two different consequences. Let me just make one final comment. Secretary Cheney said there are three parts to this C–17 program. There is the settlement, there is the 2-year program, and there is the nondevelopmental airlift aircraft part of it.

Well, this amendment only addresses two, not three. Everyone agreed to put the settlement aside at this point, because it raises a number of issues that go beyond the jurisdiction of the House Committee on Armed Services, perhaps to the jurisdiction of the Committee on Government Operations, perhaps to the jurisdiction of the Committee on the Judiciary, and that is something that has to be resolved in a different context, given the process that we operate under.

So we are back to the second part. Mr. Cheney said give me all of these or kill the program. We even laid that proposal on the table among my colleagues. We said do you want to kill it? There was not a consensus.

So the issue we wanted to grapple with, short of killing the program and short of going whole hog in the program in the context of the markup, was what do you do, absent a compelling set of arguments that refuted what GAO said? We came with that in our bill. My colleagues now are saying that they have new information that leads them to a new position. Listen very carefully, make your own judgment.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I just want to rise and say that the distinguished gentleman from California [Mr. DELLUMS] has fully explained the position in the committee, and I think fairly. At the time the subcommittee and the committee marked, we did not have this information, and many of us who did not serve on the committee had asked that there be a hearing prior to coming to the floor.

We had the hearing, Secretary Cheney did come, and I think the overwhelming majority of the members of the committee, upon hearing that testimony, demonstrated both by voting to go back to this provision that Ms. HARMAN is supporting and offering, and also signing a letter which I believe is more of the "ringing endorsement" that the chairman talked about.

Because we believe we are overcoming the problems in the C–17 procurement, this is the most efficient rate. Congress should not micromanage this contract. We are saying that there is sufficient evidence now presented by the administration that leads us to believe that this is the most appropriate way to move forward on this program.

It does, not, as the chairman said, include the settlement, which I think is a contentious issue which is better resolved at a later point.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I rise today in support of the C–17 cargo plane program. Specifically, I would like to urge my colleagues to support the Harman amendment which restores the administration's request for six aircraft instead of four as in the current bill language and oppose the Furse amendment which terminates the program entirely.

In a time when we are trying to reduce our Nation's defense spending and decrease our worldwide force structure, supporting the construction of six C–17's in fiscal year 1995 makes the most economical and military sense.

Authorizing the construction of six instead of four planes is the least expensive way to meet the Nation's military airlift needs. Maintaining a production rate of six per year will decrease the unit costs of the planes and will not undercut the Department of Defense's strategy to control program costs. This rate will also allow the prime contractor, McDonnell Douglas, to show that it can bring costs down and ensure that we produce the C–17 in the most efficient manner. Additionally, it is important to mention that the Harman amendment does not add to the overall cost of the bill but merely reprograms funds already included in the bill to cover the cost of the additional two planes.

In this post-cold-war era, there is less of a need to station troops abroad and maintain large military installations around the globe. As we have seen in Grenada, the Persian Gulf, and Somalia, however, there is still a great need for the United States military to have the capability to move large numbers of troops and equipment in and out of remote areas quickly. Our current airlift capabilities simply do not make the grade. The C–141's, which was designed in the 1950's and produced in the 1960's are falling apart and cannot land at small austere airfields. While the C–5 is able to carry similar payloads as the C–17, the C–5 complicates deployment planning because it requires excessively long and wide runways which are not always available in developing countries. Further, the Air Force has testified that there have been instances at large military fields in Europe when operations had to be suspended because a C–5 was unloading and could not get off the runway to allow other planes to land or take off. If we are to reduce our global military presence, it is essential that we continue building C–17's which give us the ability to move troops—and the essential equipment needed to protect them—as quickly as possible.

Terminating the C–17 program would have a disastrous affect on the economy of my congressional district. The F117 engine used in the C–17 is constructed at the Pratt & Whitney plant located in Middletown, CT. I am very proud of the work my constituents have done on this engine. First of all, the engine—which is practically identical to the commercial PW2000 engine—was developed entirely by Pratt & Whitney and its commercial partners. This alone saved the Government over $1.5 billion. Additionally, none of the cost overruns or production problems have resulted from the F117 engine.

To stop the program now would mean the loss of another 200 to 300 jobs in Middletown. In an area that has been hard hit by the downsizing of the defense and insurance industries and where Pratt alone has laid-off 6,700 employees during the past year, the cancellation of the C–17 program would be devastating.

In closing, I ask that my colleagues do what makes the most economic and military sense, vote for the Harman amendment and oppose the Furse amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, in making the decision about how to vote on this bill, whether my colleagues vote for six C–17's or four C–17's and four nondevelopmental types of aircraft, consider the words of Colin Powell when he said,

> Our military strategy is changing from a focus on global war to a focus on regional crisis. And to deal with those kinds of crises, you have got to get there fast, and you have to get there with the mostest.

And he said,

> That is what the C–17 will do for us.

I think he said that for three reasons. I think he said it, first, because it obviously increases lift, outsized lift, oversized lift, and personnel lift.

Second, it keeps the unit price lower. To do four C–17's instead of six C–17's, it increases the price per unit from $30 to $40 million.

Third, it requires the contractor to prove they can produce, prove that they can produce the product on time and of the quality that is necessary in the number that is necessary to get the job done.

Finally, I would conclude, Mr. Chairman, by saying this: Dick Cheney not long ago was quoted as saying, "The C–17 is an absolutely vital strategic asset, regardless of what size force we have in the long run."

I urge my colleagues to support the Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri, [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I want to emphasize a point I made earlier in the general debate. Whatever your view of American's military strategy ought to be, whether you are content with the drawdown we are having now or not, you have to support increased additional lift. As we draw down the forces, we end up with a smaller force based in the United States. If you want to be able to do anything in the world, peacekeeping, protection of American interests, we have got to get those forces abroad. We cannot do that without the C–17. Whatever your perspective on the overall military strategy, you need to support the Harman amendment for six C–17's.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Harman-Horn amendment for three reasons.

First, we need the airlift capability and flexibility the C–17 provides. According to Former Defense Secretary Dick Cheney, the C–17 is "an absolutely vital strategic asset regardless of what size force we have in the long term." This state-of-the-art aircraft can carry outsize cargo to small, remote airfields, giving us a strategic advantage in rapid development capability to meet regional threats. President Clinton agrees, and I support his modest request for funding.

Second, we saved billions of dollars in development costs on the C–17's Pratt & Whitney engines because the manufacturer developed it for commercial use on the Boeing 757 at a cost of $1½ billion. The engine has over 6 million hours of experience on commercial aircraft and is 5 to 7 percent more fuel efficient than its closest competitor. The Air Force has saved taxpayers billions in R&D costs by using off-the-shelf, state-of-the-art commercial engines.

Third, while the impact of canceling the C–17 program would cost 200 to 300 jobs in Connecticut alone, the total employment impact would be far worse, as many as 10,000 jobs nationwide. Such economic dislocation on top of what we've already experienced in the past four years would be tragic under any circumstances, but it would be unconscionable to cause it by terminating a necessary and successful program that is fundamental to our military readiness according to Democratic and Republican administrations.

I encourage members to check all the facts before you take the reckless plunge over the cliff and dismantle a critical component of our national security. The C–17 is important and has already proven its worth in the field, and I urge you to support the Harman-Horn-McCurdy-Saxton-Spratt-E.B. Johnson amendment.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, there is an old saying among military people that amateurs talk about strategy, but professionals talk about logistics, and how quickly and efficiently an army gets military supplies and equipment from here to there determines whether or not strategic plans can be implemented.

In today's high technology, high pressure battlefield, the army that gets there "fustest with the mostest" wins, and the C–17 can certainly help us do that.

The amendment gives the House the chance to restore the C–17 program back to the budget request of six aircraft without increasing the deficit.

My understanding is certainly the administration supports the amendment. The chairman of the Joint Chiefs of Staff, John Shalikashvili, supports it. The former Joint Chiefs Chairman Colin Powell supports it.

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The gentleman from New Jersey quoted Defense Secretary Cheney, who was in my district last night for a big event and reaffirmed again his strong belief in the program. All senior military leaders and field commanders cite the need for the C–47 and the airlift capability it provides.

But the most important endorsement comes from the 20-year-olds whose lives on the battlefield depend on being supplied quickly with the right equipment. As a former combat infantryman, I can tell my colleagues that fighting forces that are supplied with the equipment that they need when they need it get a boost, a big boost in morale as well as an edge in combat.

The C–17 can carry not only outsized equipment, it can carry hope to our troops because it delivers the goods when and where they need it.

One of the arguments raised in favor of the amendment, of course, is that it reduces cost per unit. Naturally, there is no question about that. But I want to remind our colleagues that six C–17's can contribute to reducing the cost in lives per military unit on the battlefield. That is the reduction that counts.

Mr. Chairman, I urge my colleagues to support this bipartisan amendment, and I thank the gentlewoman for yielding time to me.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LEWIS], who is on the other side of this issue but is constrained by time.

Mr. LEWIS of California. Mr. Chairman, I very much thank my colleague for yielding time to me.

Frankly, I wanted to rise simply to express my deep appreciation for my colleague and the professional way he is handling this matter. We do disagree on a specific. That is, the increased numbers of six and eight in the outyears. This amendment will, in turn, reduce the cost for aircraft $40 million to $50 million a year. It will also save 8,000 jobs in California, which is very important to all of us.

This is the technology we need now. It is the airlift of the future. We must be able to project our force throughout the world without having our troops dispersed throughout the world.

I thank the gentleman for yielding time to me and expect passage of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I rise today in strong opposition to the Harman amendment.

Back in 1986, the good old Heritage Foundation, a good, conservative think-tank, issued a report dated January 23, 1986, which I think summarizes my philosophy about the flawed C–17 program.

It came to the conclusion that:

> A careful analysis by experts of U.S. airlift needs and of the C–17 program reveals that a new cargo plane is not needed to close the gap. As such, the Air Force should cancel the C–17, now in a full-scale engineering phase of development, and instead build more C–5B cargo and KC–10 cargo tanker aircraft. Better use, moreover, should be made of the existing fleet of C–130 Hercules and C–141B Starlifter strategic aircraft. Not only could this save about $20 billion, but the U.S. would have the needed planes available much sooner.

Let me address one other issue that was raised by the Heritage, good, conservative Republican think-tank, report. It said that the idea of using the C–17 to go to the far edge of the battle area, the FEBA, as it was known, was absolutely ridiculous because "Is it realistic to expect the Air Force to risk the C–17, which may cost $180 million or more each," and, of course, that is up now to about $250 million or more, "on austere airfields in or near combat zones? Former Air Force Secretary Bernon Orr apparently does not think so. As he said in 1982, 'my worry is that with a very large expensive plane like the C–17 and a limited number of them, the forward commander may not want to order them up to the edge of the battle area.'"

Mr. Chairman, in 1987, when I was a Member of the House and a member of the Committee on Armed Services and before I had two children in college and could afford certain extras in life, I ordered and purchased at my own expense these paper airplanes to be sent to each and every Member of the House of Representatives on which it says that the C–17 is a $40 billion boondoggle and, according to my friend, Ed Jenkins, nothing but a town car for the Air Force.

Well, I hate to say, and it really bothers me to say, Mr. Chairman, "I told you so," but, folks, we told you so.

We have thrown away now billions of dollars. We still do not have any capability. Let us not further compound the mistake. Let us put an end to this foolishness. Let us try to do something for the taxpayer here today and vote down overwhelmingly the Harmon amendment.

Mr. Chairman, I include for the RECORD the following information.

CLOSING THE MILITARY AIRLIFT GAP

INTRODUCTION

Should a crisis develop in Europe or the Mideast, it would take the U.S. 483 C–5 and 1,558 C–141B cargo plane loads to rush the 24th Mechanized Infantry Division—with its 16,800 troops, 290 tanks, 430 armored fighting vehicles, 124 helicopters, 780 combat support vehicles, 3,580 trucks and other equipment—from its base in Fort Stewart, Georgia, to the trouble spot within the prescribed ten days. To support Europe alone, the U.S. would have to transport six such Army divisions, 60 tactical fighter squadrons, and one Marine Amphibious Brigade to Western Europe.

In the event of such demands, the U.S. does not have enough cargo planes to speed its forces to distant battlefields. This strategic airlift gap is one of the American arsenal's most serious weaknesses. That the U.S. needs more airlift capability is widely accepted. At issue, however, is whether the Air Force's $39.8 billion Airlift Master Plan is the best way to close the gap. By designating a new generation of cargo airplane, the McDonnell Douglas C–17, as the Plan's centerpiece, the Pentagon may be making a serious and costly error.

The Air Force Plan suffers from two fundamental flaws: 1) it underutilizes aircraft already in the airlift fleet as well as such proposed plans as the Lockheed C–5B, which could be produced sooner and at a significantly lower acquisition cost than the C–17's $180 million each; 2) it rests on questionable operational and planning assumptions, such as using the C–17 for both tactical and strategic airlift missions.

Careful analysis by experts of U.S. airlift needs and of the C–17 program reveals that a new cargo plane is not needed to close the gap. As such, the Air Force should cancel the C–17, now in a full-scale engineering phase of development, and instead, build more C–5B cargo and KC–10 cargo tanker aircraft. Better use, moreover, should be made of the existing fleet of C–130 "Hercules" and C–141B "Starlifter" strategic aircraft. Not only could this save about $20 billion, but the U.S. would have the needed planes available much sooner.

STRATEGIC AIRLIFT AND U.S. MOBILITY REQUIREMENTS

Strategic airlift is used primarily for the rapid deployment of forces, military equipment, and supplies to combat zones in the early stage of wars. Without the prepositioned military equipment that exists for example, in Europe and Korea, most U.S. military contingencies in the Third World would require rapid air transport of men and materiel to the combat zone. Transport by sea is indispensable for sustaining combat an average 30 days or longer, but it is often too slow to reach the combat zone for violent regional conflicts decided very quickly.

The standard categories of airlift military cargoes are: 1) bulk, such as fuel, ammunition, and other cargo that when loaded on pallets can be carried by most airlifters; 2) oversize, such as trucks and towed artillery pieces that fit into all military cargo planes (C–5, C–141, C–130, and KC–10) and some specially designed civilian aircraft; and 3) outsize, such as main battle tanks, helicopters, and other extremely large items that can be placed only in the huge C–5 or the proposed C–17 cargo planes.

The principal aircraft in the Air Force's airlift fleet are its 70 C–5 "Galaxy" and 234 C–141 "Starlifter" strategic airlifters, 16 KC–10 dual-capable cargo/tanker aircraft, and 512 C–130 "Hercules" tactical airlifters. The C–5A jet and its newer modified version, the C–5B, carry outsize cargo such as tanks and helicopters over intercontinental distances. The C–141, the workhorse strategic airlifter of the Military Airlift Command, carries a substantial volume of cargo over unlimited ranges with in-flight refueling. The prop-jet C–130, on the other hand, is the mainstay of the tactical airlift fleet, operating within combat theaters and carrying troops and cargo 100 to 2,000 miles. When modified, it can refuel helicopters and fighter planes, perform as an aerial gunship, airborne command post, or airmobile communication center. The KC–10 is essentially the three-engine McDonnell Douglas DC–10 long-range aircraft capable of carrying cargo and refueling other aircraft.[1]

SHORTFALLS IN STRATEGIC AIRLIFT

In the late 1970s, the possibility that the U.S. would have to defend its interests in the Persian Gulf renewed interest in strategic mobility. A congressional request that the Pentagon review strategic mobility requirements led to the Congressionally Mandated Mobility Study (CMMS).[2] In 1981, the study concluded that the U.S. was woefully short of cargo planes, ships, and military equipment prepositioned abroad. The study recommended that the U.S. be able to airlift 66 million-ton-miles-per-day (MTM/D) to meet its global commitments. Currently, the U.S. has a 43 MTM/D capability.[3]

Even this vastly underestimates U.S. requirements. In 1980, the Joint Chiefs of Staff concluded that a 150 MTM/D airlift capability would be desirable just for reinforcing U.S. troops in Europe.

Simultaneous wars in Europe and the Persian Gulf, or Europe and Korea, are thus far beyond U.S. airlift capabilities. Even the CMMS goal of 66 MTM/D, which will not be met until the late 1990s, is the absolute minimum of what is required.[4]

THE AIR FORCE AIRLIFT MASTER PLAN

Even before the CMMS was completed, the Air Force developed plans for a totally new long-range or strategic cargo plane to supplement the 1960s vintage C–5 and replace C–141s and C–130s. The capabilities of the C–X, as the design model was called, were determined before the CMMS was completed.[5] The Air Force Airlift Master Plan required a plane to have both intercontinental range and the "mission flexibility" to land at small, hard-to-land-on airfields in or near combat zones. Proposed airlift characteristics included short landing and departure approaches for tactical operations and the capability to convert back and forth between cargo, troop, and aeromedical evacuation configurations. The new plane should be capable of aerial refueling and of carrying such outsize cargo as tanks and helicopters. The C–X, therefore, was to be a hybrid cargo lifter. Its mission was to be a cross between intercontinental and intratheater tasks traditionally accomplished by two different airplanes.

In 1983 the Air Force concluded that the C–17 would meet these requirements. The following year, in the Airlift Master Plan, and the Airlift Total Force Plan, the Air Force decided to:[6]

1. Build a strategic airlift force to meet the Congressionally Mandated Mobility Study goal of 66 million-ton-miles-per-day airlift capability.

2. Double tactical airlift capability.

3. Buy 210 C–17s, using 30 for training and backup.

4. Retire 180 C–130 "Hercules" short-range tactical airlifters.

5. Retire 54 C–141 "Starlifter" long-range cargo planes and transfer the remaining 180 Starlifters to the reserves where their use rate and wartime capability will be lower.

6. Use C–17 short-range or "intratheater" shuttles to replace the retired C–130 planes and to augment tactical airlift capability by almost 80 percent.

Before the Air Force issued the Airlift Master Plan, the Department of Defense already had decided to increase airlift capability in the near term. Its plan of January 1982 called for buying an additional 50 C–5Bs, 44 KC–10 fuel tanker aircraft, and 19 converted Boeing 747s for troop transport.[7] The principal reason that these aircraft were bought was that they would be available significantly earlier than the C–17.

U.S. CARGO AIRLIFT CAPABILITY

Aircraft	Number operational	Air Force plans to meet airlift goals
C–5	70	Purchase 50 C–5Bs
C–141	234	Retire 54. Move 180 to reserves at one-half current operating rate
C–130	512	Retire 180
C–17		Purchase 210
KC–10	[1] 16	[2] Purchase 44
CRAF Wide Body Cargo[3]	39	Modify 19 747s

[1] 16 KC–10s assigned to Strategic Air Command.

[2] 44 additional KC–10s to be added to Strategic Air Command fleet but dedicated to airlift use.

[3] Civilian Reserve Air Fleet for transporting cargo on modified passenger planes in times of national emergency.

Source: Military Airlift Command, United States Air Force.

The Air Force claims that the C–17 program is the most economical option it examined. Assistant Secretary of the Air Force Tom Cooper states: "The acquisition of 210 C–17s would cost $16 billion less and require nearly 15,000 fewer personnel to operate when compared to alternatives based on the C–5 that provide equivalent capability."[8] The savings will come from the lower manpower and operational costs of the C–17. Savings will also accrue from the retirement of 180 C–130s and from transferring 180 C–141Bs into the reserves at a lower operating level, which will cut down on active duty manpower and operational costs.

PROBLEMS WITH THE AIRLIFT MASTER PLAN

The Air Force should be applauded for trying to come to terms with the perennial problem of airlift shortfalls. But its way of going about it raises serious questions. Among them:

1. Is a new generation strategic airlifter necessary? Under Air Force plans, the C–5 air cargo plane will remain in service along with the C–17 well beyond the year 2000. Is there really a need for a new strategic airlifter if the current model, the C–5B, has enough productive years left to be retained in the inventory for that long a period?

2. The dual-capability dilemma: A key element of the Air Force plan is the capability of the C–17 to deliver troops, supplies, and military equipment not only over vast distances but directly to combat forces at the forward edge of the battlefield. This will be essential mainly because the Air Force plan would retire 180 C–130 Hercules from the fleet of 512 tactical airlift aircraft. The C–17 is supposed to fly tactical air sorties between strategic airlift missions.

In a major war, however, it is questionable whether the new and expensive C–17 will be available for tactical combat support roles. Presumably, it will be flying intercontinental sorties across the Pacific or North Atlantic. Even if the plane were available, some experts see problems with a hybrid design that equips the C–17 for both strategic and tactical airlift missions.

3. Battlefield vulnerabilities: Is it realistic to expect the Air Force to risk the C–17, which may cost $180 million or more each, on "austere" airfields in or near combat zones? Former Air Force Secretary Vernon Orr apparently does not think so. As he said in 1982, ". . . my worry . . . is that with a very large expensive plane like the C–17 and a limited number of them, the forward commander may not want to order them up to the edge of the battle area."[9]

This problem of the vulnerability of a large, expensive, and valuable strategic carrier plagued the 1983 U.S. military operation in Grenada. Explaining why air cargo sorties were backed up, Colonel Dave Starling, now a commander of the Army's 18th Airborne Corps Support Command, said: "Initially there was concern that the [cargo] aircraft was susceptible to gunfire and, if one got hit, we'd have really been up a creek."[10] "Aircraft were stacked up to the ionosphere," another commander said, who added that lift operations might have been terminated had the enemy had longer range anti-aircraft guns.[11]

4. Cost: the estimated acquisition cost for the Airlift Master Plan is $39.8 billion, of which $37.2 billion is for the C–17. In its own terms, the C–17's price may be reasonable for the research, development, and production of a plane using the latest aviation technology. But whether this plane is reasonable for the allotted task is another matter. To be sure, the Air Force claims that its plan will be $16 billion less than alternatives based on the C–5. Yet by some calculations, adding 101 C–5Bs to the fleet to meet the Pentagon's goal of 66 MTM/D airlift capability would cost at most $16.8 billion.[12] And this is at an inflated "then-year" dollar cost computed to reflect price hikes during the aircraft's production life. Yet this is still far below the then-year $37.2 billion acquisition cost for the C–17. Anticipated economies in producing a plane that has been in production for some time, moreover, could reduce the total acquisition cost of 101 C–5Bs to $14 billion.

Greater savings will come from not retiring the C–141s and C–130s as required by the Air Force Plan. While it is true that the C–141s will have to be replaced some day, their service life can be extended to help meet strategic airlift requirements at a lower cost until 1998. In this time, the Air Force can develop and deploy a follow-on tactical airlifter to replace the C–130. By extending the service life of the "work horse" C–141B at a cost of about $300 million, the Air Force could keep 180 of these aircraft in active status, and not, as is currently planned, transfer them to the reserves.[13] Cost there may be considerably lower, but readiness is also.

The savings from building more C–5Bs instead of C–17s will enable the Air Force to keep the C–130 in operation. The 180 of these aircraft currently marked for retirement could be kept in service until a new short-range tactical airlifter is developed and produced. Keeping the C–130 in the air would safeguard the Air Force's tactical airlift mission. It would ensure that there are enough short-range airlifters to perform the many tactical airlift missions for which an expensive and essential strategic airlift cargo plane like the C–17 may either be unavailable or overqualified.

Many experts argue, in fact, that a new tactical airlifter to replace the C–130 is needed far more than a new long-range air cargo plane like the C–17. Said Lt. General William Richardson, former Army Deputy Chief of Staff for Operations and Plans: "The C–17 is not the 'solution'—there will always be a need for a smaller, STOL (short take-off and landing) aircraft that is technologically superior to the C–130."[14]

It is true that the C–17, with a minimum crew size of three and low maintenance personnel requirements, will demand less manpower than the C–5B, which has a minimum crew size of seven or eight. Decreasing manpower adds to savings. The Air Force claims that the C–17 option will require 15,000 fewer personnel than the C–5 option. This accounts for some of the alleged savings of the C–17 approach.

But the major portion of the Air Force projections for C–17 savings comes not from C–17 operating and manpower economies but from the cut in maintenance, operations, and manpower costs if the C–141s and C–130s are retired. It makes little economic sense, however, to purchase a new type of aircraft to replace old ones when much of the existing fleet is still capable of longer service at a relatively low cost.

THE C–5 VS. THE C–17: TECHNICAL ISSUES

There are a number of technical issues involving the relative merits of the C–17 or C–5 option. Among them:

1. Design and Operational Concepts: Some critics of the C–17 argue that the design and operational concepts for the C–17 and C–5 are remarkably similar. The C–17 probably has a capability advantage at the tactical airlift end of the mission spectrum, while the C–5 has the advantage at the strategic end.[15]

2. Availability of Airfields: The C–5B requires runways 4,000 feet long and 150 feet wide for landing.[16] But Lockheed Corporation the manufacturer of the C–5B, claims that recent tests of the wing-modified C–5A demonstrate the ability of the C–5A and C–5B to land on runways only 3,000 feet in length.[17] The design requirement for the C–17, on the other hand, is the capability to land on runways 90 feet wide and as short as 3,000 feet.[18] Even if the C–5B still needs 4,000 feet to land, operationally it barely will be at a disadvantage compared to the C–17. The reason: only a tiny fraction of airfields in Europe, Northeast Asia (Korea and Japan), and Southwest Asia are between 3,000 and 4,000 feet long and thus can accommodate the C–17 but not the C–5.[19] In Central America, however, three-quarters of all airfields are shorter than 3,000 feet and thus can handle neither the C–17 nor the C–5B. This is the case in many other Third World countries.[20]

3. Airfield Congestion and Obstacles: A major Air Force argument for the C–17 is that because it is smaller than C–5B, it is less likely to cause congestion at airfields during operations. This is undoubtedly true. Yet because the larger C–5B delivers more cargo than the C–17 (261,000 lbs. vs. 172,200 lbs.), fewer C–5Bs than C–17s will be needed to deliver the same load, thus decreasing congestion. Backups are cut even further by the C–5s because their front and rear loading doors allow them to move in and out of the airports quickly.

It is argued that trees, fences, and other obstacles at the periphery of some narrow airfields in Europe can hinder C–5B access because of its broad wingspan (228 feet compared to 165 feet for the C–17 and 195 feet for a Boeing 747 commercial jet). Trees and fences, however, can be removed quickly. Preparing European airfields, and when necessary, non-European allied airfields, for better use by the C–5B is no major undertaking.

RECOMMENDATIONS AND PROPOSALS

The Gramm-Rudman-Hollings budget balancing bill is going to force careful examination of all federal spending. The Air Force thus needs an airlift-enhancement program that can be sold to Congress as cost effective. If the program cannot be sold, the entire effort to narrow and close the airlift gap could be jeopardized. All airlift-enhancement proposals should be constructed to get the most military capability for the money spent. The guiding principle should be to establish the strategic and military operational priorities for the program, and then to find the most economical way to meet these priorities.

To do so, the Air Force should:

1. Retain the Congressionally Mandated Mobility Study goal of 66 million-ton-miles-per day of airlift requirements. There is a broad consensus behind this number. More capability may be needed in the future, but the 66 MTM/D goal appears adequate for the purposes of an affordable airlift program.

2. Cancel the C–17 program, build more C–5Bs and KC–10s, and retire no C–130s.

3. Retire and transfer no C–141s. Keep all 234 of them in the active force by modifying them to extend their service life. The entire C–141B fleet of 271 airplanes can be extended 15 years for about $300 million.

4. Consider developing a new short-range "tactical" airlifter to replace the C–130. The Air Force will now know more about this need after the completion sometime this fall of the Pentagon's Worldwide Intratheater Mobility Study (WIMS), which will include an analysis of future U.S. tactical airlift requirements.[21] Because the U.S. needs a robust tactical airlift capability, the current force of over 512 C–130s should be kept in place until a follow-up tactical airlift is deployed to take its place. To do so, a service life extension program will be required for the C–130.

For the United States, whose military obligations are spread across thousands of miles, the ability to fly troops, supplies, and military equipment over great distances is absolutely indispensable to its global strategy. The U.S. now suffers from an airlift gap—and it must be closed. Yet the Air Force's proposed new generation cargo plane, the C–17, and the Airlift Master Plan are not the way to proceed. The Administration should buy more C–5Bs instead of C–17s, while moving rapidly to begin the development of a new generation short-range tactical airlifter.—Kim R. Holmes, Ph.D., Policy Analyst.

FOOTNOTES

1. Information provided by U.S. Air Force Military Airlift Command.

2. Final Report, Congressionally Mandated Mobility Study, Department of Defense, May 1981.

3. U.S. Air Force Airlift Master Plan (Washington, D.C.: U.S. Air Force, 1983), p. III–5. The million-ton-miles-per-day (MTM/D) standard measure of capability combines the amount of cargo moved (tons), the distance to be moved (miles), and the time within which the movement is to be completed (days). A follow-on study, Saber Challenge Lift, recommended that at least half of the recommended 20 MTM/D additional airlift capability be for outsize cargo such as tanks and helicopters. The study recommended, moreover, that fast sealift capabilities be * * * ed, *ibid*.

4. Airlift Master Plan, p. III–5.

5. U.S. General Accounting Office, "The Department of Defense Should Resolve Certain Issues concerning the C–X Aircraft before Requesting Proposals from Industry for Its Full-Scale Engineering Development (PSAD–81–B), Washington, D.C., October 10, 1980.

6. See Airlift Master Plan, pp. V–8–9.

7. The C–5B is a modified version of the C–5A. Modifications include a new engine (the General Electric TF–39–1C), new wings, modernized avionics, and a fuselage structure constructed from an aluminum alloy less conducive to corrosion.

8. Hearings, Subcommittee on Sea Power and Force Projection, U.S. Senate, March 7, 1985.

9. Military Technology, Interview, August 1982, p. 87.

10. Military Logistics Forum, July/August 1985, p. 23.

11. Ibid.

12. This figure is based on a Lockheed fixed unit price proposal of around $100 million a copy (in 1984 dollars), which includes Air Force add-on costs. The total then-year cost is derived from a Selective Acquisition Report estimate of $8.4 billion for 50 C–5Bs in then-year dollars. This puts the unit cost of a C–5B at $168 million for a program funded over the FY 1983–FY 1987 period. Adjusting for lower expected inflation results in all estimated then-year cost of $155 million a copy for the C–5B, which compares favorably with $180 million a unit for the C–17. Selective Acquisition Report, Department of Defense, September 30, 1985.

13. Information provided by Lockheed Corporation. It includes cost of extending service life of C–141 from 45,000 hours to 60,000 hours.

14. "Army Operations Chief Says He's Tired of USAF's C–17," Defense Week, February 14, 1983, p. 3.

15. For a more complete comparison, see Jeffrey Record, U.S. Strategic Airlift: Requirements and Capabilities (Cambridge, Massachusetts and Washington, D.C.: Institute Foreign Policy Analysis, 1985), Appendix B.

16. Ibid., p. 44. Information also provided by U.S. Air Force, Military Airlift Command, Scott Air Force Base.

17. Record, op. cit., p. 29. Lockheed Corporation claims that the C–5 can operate on dirt runways as well.

18. Air Force, Military Airlift Command.

19. Record, op. cit., pp. 29–30.

20. As for the C–5B's wider runway requirement, it would be more cost effective to widen runways by pouring more concrete or laying metal planks to handle the C–5B's 150 feet runway width requirement than to buy the C–17.

21. The fact that no current or planned strategic airlifter can operate on three-quarters of the airfields in Central America is a powerful argument in favor of developing a new tactical airlifter which can.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to summarize, our bipartisan amendment reflects a position most of us were not prepared to endorse in the Armed Services Committee, because we did not have adequate information from the Defense Department. That information was made available shortly after our mark, and thanks to the gentleman from California [Mr. DELLUMS], we were able to consider it.

Now an overwhelming bipartisan majority of the Committee on Armed Services supports the Harman amendment.

Let me underscore again that the cost of the Harman amendment and the cost of the committee mark are identical. The only issue is, how we spend that money. DOD has told us convincingly that it needs and can manage a program for 6 C–17s and that it would not know how to spend money and purchase four nondevelopmental aircraft, a part of the committee proposal. We who support this amendment believe that we are spending it in the wisest possible way, and I ask for your support.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT] to close debate.

Mr. SPRATT. Mr. Chairman, let me just make a few wrap-up points.

First of all, as to how many airplanes we buy because, as the chairman said, we have two well-considered choices before us. The committee's version right now would have us buy four a year. The Department of Defense says that will foreordain the result, because the cost will be so expensive, so inordinate at four a year, that trickling rate, that the price itself will cause us to quit the program.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding to me.

It just makes common sense to me to vote this amendment. The Pentagon and the company involved have been working on this vociferously for some time. They have reached an agreement. Let us honor that agreement and let us find out if we can produce this plane at a reasonable cost.

If we cannot, then we will decide that. But if we can, we save the $15 billion that we have already spent that we would lose if we terminate this program and do not honor that agreement.

Let us honor that contract. It is the only sensible thing to do.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentlewoman from California [Ms. HARMAN] has expired.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

Let me simply say, we have two proposals, the committee proposition and the amendment offered by the gentlewoman from California [Ms. HARMAN].

What we attempted to do was not to say four in perpetuity. We said over the next 2 years, for each year for 2 years and then make a judgment.

The amendment says six this year, eight next year. Remember, this only works in the context of the settlement. The settlement has not been dealt with.

I would suggest to Members that this is where the real contentious issues and contentious arguments really are going to fall.

Whether Members fall on their swords about four or six, that is not the most compelling issue here. This only makes sense within the framework of the settlement.

We have to face up to that. My colleagues ought to make a judgment. I ask them to stay with the House and with the position articulated by the House Committee on Armed Services.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Harman amendment, and in support of the C–17. Our military experience during the past few years points to the clear need for a strong airlift capability. It is a question of strategic necessity; of logistics; and of saving lives.

Recent history has taught us that we may need, at any time, to put U.S. forces in distant places, quickly, with the right equipment. The effectiveness of our troops and their ability to perform their mission depends on the right equipment. More importantly, so does their safety. That is why we need the C–17.

Examples of where we could have used the C–17's enormous capabilities are numerous, and the names familiar: Mogadishu, Sarajevo, Desert Storm. In Mogadishu, we could have doubled the amount of equipment we delivered in support of our troops and for humanitarian aid with the C–17. The consequences of not having this capability are clear: Time and lives can be lost.

According to the Chairman of the Joint Chiefs of Staff, the C–17 is the only aircraft for this job. It delivers four times the payload of the C–130; it can land at small airfields that cannot be used by current U.S. military transport planes; it can discharge its payloads quickly; and it can fly much further than other military transport planes.

This is a controversial plane. No question. But the controversy is about the program, not the need. The program has been cleaned up, at no cost to American taxpayers. But the need is still with us—perhaps now more than ever.

We must support our fighting men and women. Let us make sure they have the best support, the best logistics, and access to all the equipment they need to do the job—no matter where they are. Support our troops and the dangerous work they do. Support the C–17.

Mr. DIXON. Mr. Chairman, today I rise in support of the bipartisan Harman-Horn-McCurdy-Saxton-Spratt-Johnson-Talent amendment which will increase the number of C–17 transport aircraft authorized in the defense authorization bill for fiscal year 1995 from four to six and provide funds for eight aircraft in long lead procurement. The C–17 is the cornerstone of our airlift modernization program to replace older aircraft now nearing the end of their useful life. The Harman amendment restores President Clinton's original budget request funding level, and keeps our airlift modernization program on schedule.

The C–17 is an essential air transport program that is designed to meet our Nation's airlift needs well into the 21st century. Defense Secretary William Perry recently said:

> Our Nation has a critical need for intertheater airlift modernization if we are to maintain our ability to project forces and respond to humanitarian missions worldwide. Our C–141 aircraft are wearing out. The C–17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift.

The characteristics of the C–17 far outweigh those of other aircraft including the C–5 and the C–141. The C–17 can land on shorter runways and is more maneuverable on the ground than the larger C–5 that requires excessively long and wide runways. In many developing countries and remote areas where we are witnessing small, contingent conflicts, the C–5 is too large to be deployed. The C–141, on the other hand, cannot carry critical outsized cargo such as tanks, helicopters, and large vehicles and artillery. Canceling the C–17 or limiting its production will not solve the problem of aging aircraft now in service, such as the C–141. For example, Army units deployed to Panama in 1989 were carried entirely by air, and United States airlift assets were totally employed. The massive military airlift to the Persian Gulf during the Persian Gulf war put heavy additional stress on certain models of C–141's and probably shortened their remaining service life. If our Nation is to remain a world power, we need a reliable and dependable airlift to carry troops, supplies and system weapons, as well as humanitarian supplies during major disasters.

Many of my colleagues may argue that this program is over-budgeted. As a member of the Appropriations Defense Subcommittee, I believe that controlling cost on weapons programs is critical. The House Armed Services Committee, Appropriations Defense Subcommittee, and the Air Force have placed firm conditions on the C–17 aircraft program to reduce the overall costs, and ensure that it is cost efficient and meets the Air Force's performance requirements. Reducing the production rate from six aircraft to four aircraft would dramatically undercut the Department of Defense's strategy to control costs on the C–17, and possibly make it unaffordable. Any further reduction in the C–17 production rate would drastically increase the annual unit costs of this program by $40 to $50 million. We cannot afford to keep scaling back programs like the C–17 and still make this program affordable. In addition, we must hold the contractor accountable and demand that the aircraft is operational and manufacturing inefficiencies are corrected.

Over the years, we have invested $15.8 million in the C–17 transport program. By purchasing 6 aircraft in fiscal year 1995 and 8 of them in fiscal year 1996, the Air Force may round out its buy to what it calls a minimum viable force of 40 airplanes. And, with 40 C–17's, the Air Force can satisfy the minimum requirements for outsize cargo capacity.

The Harman amendment will also fully fund the Air Force's request to try out nondevelopmental aircraft such as the 747's or newly produced C5B's. The procurement of nondevelopmental aircraft is still an open option for the Air Force.

There is another key issue that I want to raise today, and that is jobs. My State of California, and Los Angeles County in particular, has been exceptionally hard hit by defense downsizing and layoffs. There are over 10,000 Californians employed by the prime contractor on this defense program, and 8,000 California subcontractors. In March of this year, California's unemployment rate reached 8.6 percent—2.1 percent higher than the national average of 6.5 percent. During the same period, Los Angeles County's unemployment was 9.4 percent—among the highest in the Nation. We can ill-afford to lose more jobs.

Mr. Chairman, the amendment today restores funding for this vital program that is not only important to the Los Angeles area, but to the Nation as well. With broad-based bipartisan support, I am pleased to join my colleagues in casting my vote for the Harman-Horn-McCurdy-Saxton-Spratt-Johnson-Talent amendment to the defense authorization bill.

Mr. CUNNINGHAM. Mr. Chairman, while I have concerns about the C–17 program, Deputy Secretary of Defense John Deutch and Secretary of Defense William Perry have addressed them, and so I rise today in support of the amendment offered by my colleagues from California, Ms. HARMAN and Mr. HORN. As I am sure my colleagues are aware, this amendment would provide the authorization for full funding for six C–17 aircraft for fiscal year 1995, as well as long lead funding for eight aircraft in fiscal year 1996.

Mr. Chairman, the C–17 aircraft will meet the increasingly changing needs of the U.S. military in the post-cold war era. As demonstrated by the Desert Storm operation, there is a necessity for the military to be able to quickly transport combat power directly to the front line. According to General Gordon Sullivan, Army Chief of Staff, "Today there is only one alternative that can meet the requirements of a core airlifter—the C–17."

Mr. Chairman, the C–17's capabilities are crucial to the Air Force's ability to deliver and sustain forces in support of theatre commanders. The C–17 can carry outsize cargo to give early forces firepower; it can deliver its cargo into remote locations with short runways; and it has the ability to airdrop heavy equipment, supplies, and troops.

The importance of the C–17 aircraft has been recognized by the President of the United States and the Chairman of the Joint Chiefs of Staff. Each has gone on record supporting the restoration of the budget request for six C–17's in fiscal year 1995.

Mr. Chairman, I would also like to register my strong opposition to the amendment offered by the distinguished gentlelady from Oregon [Ms. FURSE]. The Furse amendment flies in the face of every recommendation from the senior commanders of the U.S. military. More importantly, the Furse amendment will do nothing but waste resources and eliminate jobs. If the Furse amendment is agreed to, a projected 8,000 layoffs will occur over the next 2 years. A vote for the Furse amendment is a vote against jobs, a vote against the American worker.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support the Harman amendment. Supporting the C–17 is the right thing to do.

Mr. WHEAT. Mr. Chairman, allow me to first of all commend Chairman DELLUMS for his hard work in crafting the fiscal year 1995 Defense authorization bill and moving it to the floor so expeditiously.

I particularly applaud the Chairman for convening a recent hearing on C–17 procurement to get the facts out on the program. And it is this important issue that I would like to comment on today.

Mr. Chairman, I rise to add my strong support to the Harman amendment to restore funds for the C–17 program.

There is little debate about the vital need to modernize our military's lift capability. The question revolves around how best to meet that need.

Among our Nation's top civilian and military experts, the answer to that question is clear. The C–17—and only the C–17—meets the high demands and the core strategic airlift requirements for our forces in the post-Cold War era.

It is the only transport aircraft that meets these demands today and into the future.

Mr. Chairman, the C–17 program has undergone program improvements over the last year. In fact, it has met all of the mandates set out in last year's defense authorization bill. Efficiency is going up, costs are going down.

We should not penalize the C–17 program for meeting the goals we have set. We should not phase out this program which has the unified support of our military and civilian leadership. We should not turn our backs on a $15.8 billion investment that American taxpayers have already made.

The need for the strategic airlift capability represented by the C–17 is critical and it is growing. As regional crises erupt across the globe and our own forces are drawn down, only the C–17 offers the unique ability to deliver outsized cargo such as tanks and helicopters to austere environments.

According to the DOD's Cost and Operational Effectiveness Analysis, the C–17 is the most cost-effective solution to filling a clear and compelling need.

The C–17 program is a critical element to U.S. defense modernization in our changing world. It is also vital to thousands of people in Missouri and elsewhere who are working hard to produce a quality product for our Nation's Armed Forces at an affordable price.

Mr. Chairman, I urge all of my colleagues to approve the Harman amendment, reject the Furse amendment, and restore full funding for six C–17 aircraft.

Ms. LONG. Mr. Chairman, I rise today in support of the Harman amendment to the Department of Defense [DOD] authorization bill (H.R. 4301) to increase the number of C–17 transport aircraft authorized in the bill from four to six.

The increased number of C–17's represents what was included in the President's fiscal year 1995 budget request. Funds for the additional aircraft will be offset by reductions in other defense programs.

I fully recognize that the C–17 program has had its share of timetable and budgetary difficulties in the recent past. However, since the Congress voted in 1992 to require the Department of Defense to report to the Congress on the viability of terminating the project we have seen marked improvements to the management of the C–17 program.

There is no doubt that there remains much room for improvement. However, I believe that we should allow time for additional improvements—some of which have already been implemented—to take effect and to determine whether these improvements benefit the program's timeliness and cost-effectiveness. By placing the C–17 program on probation, while supporting the administration's request, we will send the DoD a signal that future congressional support for the C–17 program will depend upon the degree to which improvements have been made during the next year. Furthermore, this policy will ensure that we are not prematurely abandoning a technological development which could prove to be the most advantageous to our Nation's Armed Forces during future military contingencies.

☐ 1630

The CHAIRMAN pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 330, noes 100, not voting 8, as follows:

[Roll No. 195]

AYES—330

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
de Lugo (VI)
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Neal (NC)
Oberstar
Obey
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen

Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—100

Abercrombie
Applegate
Barca
Barcia
Becerra
Brown (OH)
Cantwell
Conyers
Coyne
Darden
Deal
DeFazio
Dellums
Deutsch
Dingell
Edwards (CA)
English
Eshoo
Evans
Fingerhut
Foglietta
Frank (MA)
Furse
Gekas
Gillmor
Goodling
Gutierrez
Hamburg
Hoekstra
Inslee
Johnson (GA)
Johnston
Kasich
Kennedy
Kildee
Kingston
Klein
Klug
Kreidler
LaFalce
Lewis (GA)
Linder
Maloney
Mann
Margolies-Mezvinsky
Markey
McDermott
McKinney
McMillan
Meehan
Mfume
Miller (CA)
Miller (FL)
Mink
Moakley
Morella
Nadler
Neal (MA)
Norton (DC)
Nussle
Olver
Pallone
Payne (NJ)
Pelosi
Penny
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Regula
Ridge
Rose
Roth
Roukema
Rush
Sanders
Schaefer
Schroeder
Sensenbrenner
Shepherd
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swift
Synar
Taylor (MS)
Unsoeld
Velazquez
Vento
Walker
Watt
Waxman
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—8

Barlow
Barrett (WI)
Faleomavaega (AS)
Grandy
Horn
Ortiz
Romero-Barcelo (PR)
Washington

□ 1710

Mr. PALLONE and Mr. MCMILLAN changed their vote from "aye" to "no."

Mr. PETRI changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. LAROCCO). The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Ms. FURSE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, it is not my intention at this time to offer my C–17 amendment, but I would like to take a few moments to speak about that amendment and why I think it is still relevant. I believe that it would have provided more airlift sooner and done it cheaper. With my plan the airlift we need could have been provided for $16 billion less than the Department of Defense's plan. Mine would have provided for a total of 32 C–17's, and we would have got our remaining airlift that we need from commercial and military alternatives.

When any of us goes shopping, Mr. Chairman, we look for value, and defense spending is no different. We need to get the best value out of every defense dollar. But it we continue on an excessive and unnecessary course, the American taxpayers do not get value, they get soaked.

We have military needs that we cannot afford right now: Communities facing base closure, veterans health care in which we must spend our military dollars more wisely so we meet our needs. There are several concerns I would have addressed in my amendment.

One is jobs. I think people fail to realize that my alternative, Mr. Chairman, would have created thousands of jobs through a building of the Boeing 747, the Lockheed C–5 or the McDonnell Douglas MD–11. And then we must talk about military needs. If we spend all our airlift dollars on the C–17, we will not have enough money to replace our airlift needs when we lay down the C–141's.

Our shortfall, Mr. Chairman, is in bulk and oversize capability. Now the existing commercial wide body planes, such as the 747, the MD–11 or the DC–10 could provide that shortfall, and it seems to me that, if the shortfall is there, we should be providing it there, not putting it on into a C–17 program which does not provide our airlift.

Then there is another requirement we have been told about, and that is that the C–17 can land on austere fields. Well, I checked with the Department of Defense, and there is a report that states that the C–17 can land in only 5 percent more airfields than the C–5, and the C–5 can land on dirt, and the C–17 cannot. Our alternative wide body commercial and military planes can travel farther than the C–17 with much greater payloads.

I say to my colleagues, "If you take a payload of 75 tons, which the C–17 can carry, it can only go 2,000 miles. The C–5 with the same payload can go 3,000 miles. The MD–11, same payload, 3,800 miles. And the 747 gets 6,400 miles with the same payload." So, I think we get more with my amendment of 32 C–17's and the rest in other outside airlift.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to say to the gentleman from California [Mr. DELLUMS] and the gentlewoman from Oregon [Ms. FURSE] that I hope that today's vote will not be seen as a repudiation of the committee's work in developing the notion of a nondevelopmental aircraft because in my judgment, looking at this budget over the next 5 or 6 years, we are going to have a very hard time coming up with enough money for airlift.

So, I commend the chairman for putting forward this notion, and it was also encompassed in the bill by the gentlewoman from California [Ms. HARMAN]. But I think we have got to continue to look at that option, and I certainly hope that the administration will look at it as well because, when we look at the money for airlift, it simply is not there unless we have a supplement to the C–17.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Washington.

Mr. Chairman, I yield further to my colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I think I would like to close by saying that good government is about making wise choices. We must remember that it is the taxpayer who pays the cost of unwise choices. That, I believe, is why the National Taxpayers Union and Citizens Against Government Waste endorse my amendment.

I think the C–17 is a flawed program. I think there are less risky military and commercial alternatives available to us. However, Mr. Chairman, I bow to the will of the House, and I withdraw my amendment.

Mr. DARDEN. Mr. Chairman, it is said that those who do not study history are doomed to repeat it. On May 12, 1987, I stood in this very spot to offer virtually the same amendment as my colleague from Oregon. My amendment failed to pass. Very rarely in life are we granted the opportunity for a second chance, an opportunity to fix our mistakes. But, now, this body has the chance to correct itself. The C–17 was a waste of taxpayer funds then, in 1987, and it remains a waste of taxpayer funds now, in 1994.

In 1987, the C–17 was already behind schedule, already over cost, and far from being anything other than a paper airplane. How, in 1994, and C–17 is behind schedule by years, over cost by billions, the Air Force is cutting deals with the contractor to keep him solvent, and although the paper airplane is finally flying, the tail has almost fallen off; it has stalled in midflight and, because the pilot was unaware of the situation, the plane nearly crashed; it attempted to take off with only three engines, a maneuver most any plane can perform, failed to have sufficient power for the takeoff, and its fuselage scraped the ground; jump testing has recently been halted due to parachutists crashing into the vertical stabilizer; and, in the most recent incident, the brakes burned up on an emergency landing. The paper airplane of 1987 is now a metal airplane that really should still be a paper airplane.

There is no question that the Nation needs more airlift. As we draw down our forward deployed forces we must have the capability to rapidly move equipment and personnel to the battle site. The Air Force has singled out the C–17 as being uniquely capable of accessing more runways than the current C–5 and thus more capable of delivering this timely, critical cargo. But the Rand Corp. says this is overstated because the C–17 requires a much stronger runway than the C–5. The Armed Services Committee performed a study that verifies this Rand finding. The Committee study documented that the C–17 and C–5 could land at about the same number of runways. In fact, the recent failure to take off with only three engines leads many experts to believe that the C–17 will not be able to meet the requirement of operating off of a 3,000-foot runway. And, the same argument that I used in 1987 remains true today: the Air Force will not take this $400 million aircraft into the front lines.

The most rapid response to a crisis is through airlift. We must improve our airlift capabilities, but the C–17 is not the best solution.

The original proposal was to buy 210 C–17's. The previous administration realized this was unaffordable at the enormous unit cost of almost $400 million each, and lowered the proposal to 120 aircraft. Now, the Commander in Chief of the U.S. Transportation Command has testified before my Subcommittee on Defense Appropriations that he only really needs 60 or 65 and that other aircraft, C–5's or commercial wide-bodies, could perform the mission. And even this number, 60 to 65 aircraft, is only to establish a new core airlifter, not because the C–17 is currently the best alternative available. Even the Secretary of Defense's most recent selected acquisition report, the SAR, gives the number of C–17's to be procured as 40, rather than 120. Citing this SAR, the Air Force has been unable to provide the Armed Services Committee with updated cost data for the C–17 past fiscal year 1996.

There have also been tremendous alterations in the military specifications for the C–17. Basically, its payload capability has been severely decreased and its takeoff and landing distance has been greatly increased. When the plane couldn't meet the military requirements, the Air Force simply reduced the requirements.

Since May 13, 1987, I have kept a record of all the problems associated with the C–17. Let me cite a few highlights:

A March 1989 headline reports the "Air Force Is Stretching [C–17] Production to Cut Budget."

A June 1989 headline reports "Software Problems Lead to Massive C–17 Cost Overruns."

Another June 1989 headline reports "Lukewarm Support for C–17 Could Spell Doom for Costly Transport."

A July 1989 headline reports the Air Force "May Give the C–17 a New Job Description."

An October 1989 headline reports the C–17 "Will Have to Lose Weight to Meet Performance Specifications."

1990

A February 1990 headline reports that "Half of McDonnell's C–17 Tools Defective."

February 1990 headline reports "Pentagon Admits C–17 Is $4 Billion Over Its Budget."

1991

A January 1991 headline reports "Massive Cost Overruns in C–17 Program Raise Specter of Termination."

An April 1991 headline reports that "Air Force Eases C–17 Payload Requirements."

Another April headline in Air Force Times states "C–17 Standards Cut to Lower Price, MAC Chief Says."

A July 1991 headline reports that the "Air Force Is Reluctant to Land C–17 Near Front."

1992

April headline says "Persistent Fuel Leaks in C–17 Test Aircraft Pose Troublesome Hurdle for Air Force."

1993

A March 1993 headline reports "C–17 Cost Rises as Deliveries Slip."

An April 1993 headline reports "C–17 Cargo Jet Nearly Fell During Test."

Another April headline reads "Pentagon to Consider Terminating C–17 as Part of Upcoming DAB Review."

Another April headline reports "Management Miscues, Delays Snarl C–17 Program."

A July 1993 headline says "Most C–17 Test Aircraft Have Substantial Fuel Leaks." This is the same headline as in April of 1992.

An August 1993 headline states "Pentagon, Industry Abuzz About Possible New C–17 Wing Test Problem."

AND NOW IN 1994

Just two and a half months ago a headline reads "C–17 Belly-flops on Runway in Botched Operational Test."

And just last month headlines said "C–17 Needs New Software Laws for Heavy Braking Situations."

The point is, Mr. Chairman, I could go on and on citing examples of problems with this program: Cost overrun problems, scheduling problems, design problems, technical problems, and management problems.

In 1987, during debate, my colleague from Georgia, Ed Jenkins, said that the C–17 was "nothing more than a Town Car for the Air Force!" Well, Mr. Speaker, now the C–17 can no longer even live up to that label. It can best be described as a broken-down Edsel.

Numerous committees in this House have held countless hearings on this program. I would suggest that there probably have been more hearings held on this program in the last 5 years than any other single Department of Defense program. These hearings were held not to determine the need for more airlift capability, but to see if there was any way to salvage this troubled program. I would also speculate that the majority of Members who have sat through these hearings, deep in their hearts, realize there is no way to effectively salvage this program and we should move on before we waste any more of the taxpayers' money.

The proposed Furse amendment would expand what the Armed Services Committee has done by directing the savings from the C–17 into the nondevelopmental aircraft account. This is how we should be addressing our airlift shortfall. Recent Air Force tests have proven to the Air Force that commercial wide-bodies can be loaded and offloaded much more efficiently than they originally projected. Also, it has been reported that at least 11 contractor teams have responded to the Air Force's request for nondevelopment airlift aircraft. Better alternatives are out there and we should not spend another dollar on the C–17.

The time has come for this House to make the proper decision, a decision that should have been made many years ago. Forget this $40 billion boondoggle. Take these precious funds and direct them toward the procurement of a nondevelopment airlifter. The cancellation of this program and the subsequent directing of these funds to escalate a nondevelopmental airlift program, be it C–5's or commercial wide-bodies, is the most cost-effective, time-efficient, and logical method for increasing and improving our airlift capabilities.

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman from Oregon [Ms. FURSE], and I appreciate the integrity of her remarks.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCDERMOTT) having assumed the chair, Mr. LAROCCO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE OF THE WHOLE TO NEXT CONSIDER PROCEEDINGS CONTEMPLATED BY SECTIONS 3(c) AND 3(d) OF HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4301, the Committee proceed to the consideration of the proceedings contemplated by sections 3(c) and 3(d) of House Resolution 431.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to clarify the situation we are in.

If I understand the gentleman's request correctly, this will move the debate next to a discussion on Haiti and then on to the discussion of peacekeeping, skipping over, for the moment, Bosnia.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct in both instances.

Mr. WALKER. In addition, it is my understanding then that we are going to come back to the Bosnia issue when we return from the district work period, and at that point we would have a more extended debate than was originally anticipated on Bosnia.

Is that correct?

Mr. DELLUMS. Mr. Speaker, the majority leader, the gentleman from Missouri [Mr. GEPHARDT], should speak on whether that issue is resolved or not.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for having yielded to me.

Mr. Speaker, it is my understanding that we are intending to take up the Bosnian question on June 9, and there would be an hour of debate on the amendment to be offered by the gentleman from Indiana [Mr. HAMILTON] and an hour of debate on the amendment to be offered by the gentleman from Indiana [Mr. MCCLOSKY].

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I say, "So, our anticipation is that, once we have completed the work on peacekeeping and on Haiti, the Committee would then rise, not having completed the bill, and would come back to this bill."

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman is absolutely correct. Upon completion of these two remaining items it would be the intention of this gentleman to move that the Committee do now rise. We would return to H.R. 4301 when we return from the Memorial Day break.

Mr. WALKER. Would a further unanimous-consent request be required in order to extend the debate?

Mr. DELLUMS. Yes, the gentleman is correct, and I will do that when the gentleman concludes his reservation of objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

PERMISSION TO EXPAND TIME FOR DEBATE ON AMENDMENTS PRINTED IN PART 3 OF HOUSE REPORT 103–520 ON HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 4301, in the Committee of the Whole House on the State of the Union, pursuant to House Resolution 431, the time for debate on each of the amendments printed in part 3 of House Report 103–520 be expanded to 60 minutes, equally divided and controlled by the proponents and opponents of the amendments.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do so just to clarify one more point, as we proceed through tonight, it is the intention, as was mentioned previously, and the gentleman from California [Mr. DELLUMS] gave us his word on this, on the two items left, that we will complete those items tonight. We will go clear through to votes on both of those items tonight?

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, for about the third time, the gentleman is absolutely correct.

Mr. WALKER. Mr. Speaker, I just wanted to clarify that for Members over here. I thank the gentleman. The gentleman has been very helpful throughout this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. DELLUMS]?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant the House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1721

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. LAROCCO Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 1 printed in part 6 of House Report 103–520, offered by the gentlewoman from California [Ms. HARMAN], had been disposed of, and amendment No. 2, printed in part 6 of that report, was not offered.

It is now in order to debate the subject of Haiti. The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 5 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise because I think this is an unprecedented amendment. We are considering an authorization of the Defense Department, and we suddenly plunged into foreign policy.

We consider the issue of Haiti so important that we have forced it on the agenda, and I would like to note that this is a matter that was not discussed and not taken through the usual committee procedure, neither the Committee on Armed Services or the Committee on Foreign Affairs. Neither committee has considered this amendment. It went directly to the Committee on Rules, which means a number of people consider the issue of Haiti to be of great importance and great immediacy.

No one thinks the problem is more important than I do. As the chairman of the Congressional Black Caucus task force on Haiti, we have been wrestling with the issue now for almost 2 years. We see no reason necessary to rush to judgment on any aspect of Haitian policy at this moment. However, we would like to call to the attention of those who see it as being such an immediate problem that it is an immediate problem which requires a more reasoned and a more deliberative solution, without interference of this kind.

It is important to note that it is a complex issue that has been discussed quite a bit lately, and the President finally has spelled out the fact that we do have compelling national interest in Haiti. We do have compelling national interests, because Haiti is located less than an hour away from the shores of the United States. We do have compelling interests, because there are a million Haitian-American citizens. We do have compelling interests because of the fact that large numbers of Haitians have left the country since the deposing of its rightfully elected president, John-Bertrand Aristide, elected by 70 percent of the vote, but overthrown by military coup. Since that time large numbers have left to come to the shores of the United States, and there is definitely a problem with relocating and resettling refugees.

We have not acted in a very moral manner. We have imposed conditions upon the Haitian refugees unlike any conditions ever imposed on refugees before. When the Hungarian revolution took place, not only did we accept refugees from Hungary without extensive interviews, but we also sent planes to pick them up. The planes were for free. They picked them up, they brought them back into this country, and large numbers of Hungarians were resettled because of the fact it was understood they were escaping a totalitarian regime.

Nobody interviewed each Hungarian to ask them are you a politician or in some way connected with the government, and sent them through a set of refined criteria to determine whether or not they deserve to come into this country as political refugees.

We do not recognize the Government of Haiti, and none of the other nations of the world recognize the Government of Haiti at present. The military thugs who are in charge are criminals. They have no plan, they have no philosophy. They are not even good fascists. They are just criminals, using their power to drain off all the remaining resources of a very poor country. We are dealing with criminals, and we cannot negotiate with criminals.

The issue is raised over and over again about the use of every other means to effect change in Haiti and restore the rightfully elected President. We would like to see every other means used, but we do not want to rule out the option of force.

We do not want them to know there is no option to use force to restore the democratically elected President. We do want to use every means, and we must concede that this administration has not used every available means.

We have had rhetoric which talked about using sanctions. We have had rhetoric which talked about an embargo, rhetoric which talked about lifting the passports of the military leaders and the elite who helped to overthrow the rightfully elected government. But those sanctions have not been enforced, the passports have not been lifted, and the assets of the officers have not been frozen.

There are a number of steps we were promised that would be taken that were never taken. Even now there is a shallow commitment to the lifting of passports, the freezing of assets, and going beyond the U.N. resolution which imposes an embargo on all goods except food and medicine. That embargo itself is a joke if we continue to allow the border between the Dominican Republic and Haiti to be a sieve through which everything flows.

We can put pressure on the Dominican Republic. They are a close friend of ours and receive aid from us. But we are not seriously enforcing the embargo, because we let the traffic continue to flow across the border. We have not taken all the steps we can take peacefully. We should take those steps. We should do nothing here in the Congress to rule out any policy option of the administration in the meantime.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by commending the efforts of my colleagues, PORTER GOSS and JON KYL, in bringing this matter to the floor of the House. It is due to their diligence that the House has this timely opportunity to debate and consider the various directions of the administration's Haiti policy.

A few short weeks ago, the President signed "PDD-25" which attempts to map out administration policy on peacekeeping. A central element of this document is a checklist of conditions used to evaluate whether the United States should undertake any given peacekeeping operation.

However, when you apply the Clinton Peacekeeping Doctrine to Haiti, the first test since the PDD was signed, it flunks the test.

The first criteria for U.S. involvement is: "Is there a threat to international peace and security?" The answer in Haiti is obviously no. If such a threat to international security existed the only country sharing land with Haiti—the Dominican Republican—would be clamoring for action.

The second criteria for U.S. involvement is: "Does the mission have a clear objective?" The answer is once again no. The only mission objective seems to be to restore Aristide to power, even if that may not be the most realistic or viable approach to achieving a lasting democracy in Haiti. The long-term mission of U.S. military is very unclear.

The third criteria for U.S. involvement is: "Do all parties agree to a U.N. presence?" The answer for Haiti is no. Supporters of the military regime proved that last October 11 in greeting the U.S.S. *Harlan County* with violent protests.

The fourth criteria for U.S. involvement is: "Are sufficient resources available for the mission?" The answer here is a qualified no. The DOD budget is already reeling from budget cuts under President Clinton and burdened with the costs of numerous other peacekeeping operations, and it is unlikely that Congress would appropriate new funds to bankroll a military expedition in Haiti.

The fifth criteria for U.S. involvement is: "Can an end-point to the operation be identified?" The answer once again is a resounding no unless the United States enters with only the limited objective of restoring Aristide and withdraws immediately afterwards. Such a strategy would likely result in a replay of the military coup that chased Aristide from Haiti in the first place and is therefore not a viable option in the long term.

Mr. Chairman, as you can see, U.S. military action to restore President Aristide to power resoundingly fails the administration's own peacekeeping conditions. If for no other reason, the House ought to strongly reject the military option under consideration.

The Haiti amendments that the House will consider are similar in substance but different in tone. Both embrace Mr. KYL's original language expressing congressional opposition to military intervention in Haiti. As such, the House has before it little choice on that question.

Therefore, I am hopeful that the outcome of today's debate will send a clear message to the White House that elements of its current policy considerations on Haiti are not supported by the Congress.

Vote "yes" on the Goss-Kyl amendment to send the clearest message possible.

□ 1730

Mr. DELLUMS. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I remember taking the well in a different context dealing with issues that were compelling, human rights questions that were extraordinarily important. At that time it was in the context of South Africa.

Mr. Chairman, at that time I rose and I said to my colleagues that what is happening in South Africa is deplorable. And it seems to me that there are three options that we can address.

Mr. Chairman, we said then, in the context of South Africa, that there were three options available to us. I would suggest in the context of Haiti, there are three options available to us.

We can step aside and do nothing. That is unacceptable. We can talk about the use of force and the invasion of Haiti. Mr. Chairman, I came here 24 years ago as an advocate of peace. I have stood in the well over and over and over again saying that peace is a better idea and diplomacy and political solutions to problems are a better idea. So I take the use of force off the table.

Which comes then to the third option, how do we, within the context of the powers that we have available to us, stand up in defense of human rights and democratic principles in the context of Haiti?

Mr. Chairman, this issue has been on the back burner for too long. The gentleman from New York is absolutely correct. This is not the fashion in which this amendment ought to come. The Committee on Foreign Affairs ought to bring a bill to the floor of Congress to address this. We introduced such a bill and had over 100 cosponsors. There should be hearings. There should be a process by which these matters are dealt with.

But we all understand the politics that go on in these Chambers and, because there is no vehicle, the House Committee on Armed Services bill becomes a vehicle for foreign policy matters.

All right. Then here we are. I am prepared to stand up and face the moment. We cannot keep crying about should have or would have or could have been. We have to deal with what is at this moment. We now have to deal with what is at this moment. We now have an opportunity to talk.

Mr. Chairman, the death and destruction that is taking place in Haiti is an abomination, and we need to stand up unequivocally and oppose it. The drugs that are being trafficked through this situation that have impacted upon our Nation are something that we need to address.

Mr. Chairman, the refugees that are coming toward this country is an example of the deplorable set of circumstances that exist in Haiti that must be addressed. The issue in Haiti, the message we ought to be sending around the world and certainly in this region is, what is more powerful, the bullet or the ballot?

In the context of Haiti, the Haitian people said, the ballot is more powerful than the bullet. And if we truly believe that, then we must stand in unequivocal opposition to what is happening in Haiti.

Mr. Chairman, I applaud the international efforts that have been taken by this administration, but I believe that this administration also, on a unilateral basis, has an opportunity to impose sanctions and bring stringent pressure on the people in Haiti that are denying these human beings their human rights, their human dignity, their human freedom, and their democratic principles.

Mr. Chairman, remember Nelson Mandela just raised his hand as the President of a great nation in some part because of what this Nation did unilaterally, as we stood up in the world community and took a position and said that we must stand in defense of democratic principles.

Can we do less with respect to Haiti? Can we do less in this region? We should be buoyed by the experiences of South Africa. We should be inspired by the installment of Nelson Mandela in South Africa to give us a feeling that we do have a role to play, make a significant contribution in elevating the international conscience with respect to this issue.

Mr. Chairman, I would not have liked to see this amendment come to the floor in this fashion. I always believe there ought to be hearings and discussions and debate and deliberation. But the fact of the matter is that there is great frustration in these Chambers and so we end up in this place. The one gentleman has offered an amendment. We offer an amendment in the nature of a substitute. But at least it takes the issue off the back burner, puts it on the front burner of America and allows us to discuss this issue in some clear and unequivocal terms.

The message that we must send to the elite and the powerful in the military in Haiti is that as a great Nation we cannot sit by idly and allow these things to happen.

The world is marching toward a more rational reality. The world is marching toward some greater reality, some greater commitment to human rights.

When Israelis and Palestinians can cross eons of time to shake hands, to march forward into the future, when Nelson Mandela and Afrikaners can shake hands to march into the future, then it is very clear that the world is on a different path, Mr. Chairman.

We have to be on the right side of history. I am concerned that we are not bringing the most stringent pressure that we can on Haiti.

Question: Does sanction create greater dislocation and bring pain to people in Haiti? The answer is yes. But it can be temporary. At this point, the pain and the oppression are permanent. The death and destruction is real on a daily basis.

My hope is that this separate strategy, nonviolent though it be, a rejection of force, though it be, I will stand proudly and clearly saying that I think that there is a nonviolent mechanism that we can use. We have always argued in these Chambers that before we talk about the use of force that we should be willing to exhaust all nonviolent means to bring pressure to achieve our commitment to democratic principles and to a commitment to human rights.

Well, we are not there yet, Mr. Chairman. We are not bringing the awesome, necessary pressure to bear that we in this country can bring. I hope that we do. This is beginning a significant debate that I hope ends up putting this country on the right side of history.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

□ 1740

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to compliment the chairman of the Committee on Armed Services, Mr. DELLUMS, for an excellent statement. It is not often that he and I are in agreement on matters, or I should say only occasionally we are not in agreement. On this matter we are very much in agreement.

I think his statement was eloquent, first of all, in making the point that it is no option to do nothing; second, in making the point that it is no option to use force, and I might say that I introduced a resolution to the Committee on Rules rejecting the use of force in Haiti unless it could be determined that the security interests of the United States were involved, at which point, of course, we could do so. That has not been demonstrated. I do not think it can be, so we should not be resorting to force.

Mr. Chairman, I am pleased to say that both the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Florida [Mr. GOSS] incorporated the language of my resolution regarding the use of force into their two amendments, so irrespective of which of those two amendments might be adopted, we make a clear statement in both of them that we are not going to resort to force. In that, I certainly compliment the gentleman from California [Mr. DELLUMS] in making the case more eloquently than could I.

Of course, he points out that the third option is to debate, study, and to determine a course of action that forcefully deals with the issue, the issue politically, the issue economically, the issue from a standpoint of human rights, and on this we are also in agreement.

The only point I would disagree with my colleague on is that I do not believe that the use of sanctions at this point is a sound policy. That is a matter upon which reasonable people can differ. It is a matter upon which I believe, unfortunately, the people who are in power there today will not respond positively, and that sanctions only hurt the people who we are trying to help. I know, as I say, that it is a point upon which reasonable people can differ.

However, I would suggest that it is the diplomatic and the economic and the political pressure that the United States can bring to bear that must ultimately resolve this situation, as the gentleman from California [Mr. DELLUMS] just pointed out. We have to bring that kind of pressure to bear.

Just to note, yesterday in the Washington Times there was an article describing how the smugglers make a mockery of the toughened U.N. embargo on Haiti, shipping hundreds of gallons of gasoline and diesel oil from the Dominican Republic. So even if there is an embargo, it does not work.

We have the problem of the Haitian children, who are having to rely upon CARE distribution of soy meal and wheat for their daily ration. Most of them go to sleep crying from hunger. This is something that has to be resolved and has to be resolved quickly.

Mr. Chairman, if the greatest Nation on earth cannot bring the kind of pressure to bear upon the situation there that can relieve this hunger and can relieve this poverty, then we have not done our day's work.

We have a problem, of course, because we can only take in the political refugees, and they only represent a proportion of those people who are tying to immigrate from Haiti, so we have to address the problem of the economic refugees. It is not good enough to simply turn them back. We have to resolve the situation by finding a way to bring the pressure on the people who are currently in Haiti and running that Government there, to resolve the political differences, to change the political system, to restore a sense of economic prosperity to the country which will relieve both the political and the economic burden, and the poverty and the sense of frustration that the people cannot resolve the situation on their own, and have to emigrate to this country.

Only by relieving that pressure will we resolve the suffering of the people who set out on the high seas, to come to this country, only to either end up drowning on the high seas or find themselves having to be turned back. That is a situation that we cannot allow to continue.

Mr. Chairman, to conclude, I think it is wise that we have made a very strong statement here against the use of force in Haiti, and I compliment my colleagues for adopting my resolution that abjures the use of force, and compliment the gentleman from California [Mr. DELLUMS] for again raising our voice to find a way to restore both the political and the economic situation to Haiti that will resolve this situation once and for all.

Mr. SPENCE. Mr. Chairman. I yield 3 minutes to the gentleman form Florida [Mr. Goss].

Mr. GOSS. Mr. Chairman, during the next 70 minutes, this House will have the chance to focus attention on an ongoing foreign and immigration policy crisis. Under the original boundaries of the DOD authorization bill, this debate would not have been allowed. But many Members—representing hundreds of thousands of Americans concerned about U.S. military intervention and an ongoing refugee crisis—forced the issue. United States policy toward Haiti is important and is directly relevant to our national interests.

While the President might prefer we remain silent, it is appropriate for this Congress to go on record now, before American lives are placed in harm's way. So I thank the chairman and ranking member of the Rules Committee, and the chairman and ranking members of the Armed Services Committee for agreeing to allow this debate to proceed. Later, my colleagues will be asked to consider two competing views of where United States policy toward Haiti should be heading. Do we look back, toward failed policies of punishing economic sanctions. and stalled negotiated agreements? Or do we look ahead, toward a positive solution for Haiti, implemented by Haitians and carried out on Haitian soil? Mr. Chairman, Haiti lies in America's own backyard. Although desperately poor, the Haitian people know what they want: peace, democracy, and a better life. In overwhelming numbers they took a courageous step toward that future when, in December 1990, they elected Father Jean Bertrand Aristide to be their President. As an official elections observer, I watched as nearly 70 percent of Haitians voted enthusiastically for President Aristide, and celebrated his victory with new hope for a better future in Haiti. After the military coup in 1991, the United States and the international community have sought in vain to broker a solution to the ongoing stalemate. But the result of these efforts has been greater polarization and an emboldened military right wing. As President Clinton and outspoken United States activists continue to beat the drum for military intervention—somehow believing that democracy can be propped up at the barrel of a gun—the Haitian people, suffering under the terrible burden of international sanctions, grow more demoralized. Since the President's latest policy swerve on Haiti, hundreds of Haitians have again taken to leaky boats in a desperate attempt to flee economic hardship, and in some cases, fear of political persecution. It doesn't matter to them that the details of the President's ill-defined new refugee processing policy are still unavailable. It doesn't matter that the shipboard processing has not yet begun and there is no third country option in play. It does not matter whether this is a foreign affairs or an armed services debate. The only thing that matters to these people without hope is getting out of Haiti—where they see no future. Mr. Chairman, there is a better way for Haiti that can bring about an end to the economic sanctions, an opportunity for return of the duly elected President, an orderly and expanded policy for processing refugees, a workable means for supplying humanitarian relief, and a stepping stone to long-term democracy in Haiti. Take a close look at the Goss safe haven plan—it is all there: Haitians, solving Haiti's problems on Haitian soil, under UN/OAS auspices. There in the Ile de la Gonave in the heart of Haiti's major bay.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. GOSS].

The increasing human rights abuses and repression in Haiti are tragic and deeply distressing. The situation highlights the need for international actions that clearly show support for the democratically-elected government. The Goss amendment puts the House on record in that regard.

The House should be on record as recognizing that there are other options than using U.S. military force; that we support development of the democratic center; and that any ultimate solution lies with the Haitians themselves.

Regardless of how one views President Aristide, he was elected in a process deemed "free and fair" by the international community, and by a broad spectrum of Haitians themselves.

We have a long-term hemispheric interest in supporting democratic processes, even when they produce people with whom we do not philosophically agree.

Since the coup that ousted President Aristide, I have favored a strong United States response in support of the return of constitutional rule to Haiti; and, until that is achieved, a recognition that we should not condone repression by denying people the right to flee from the tyranny of their oppressors.

Diplomatic and political pressure, and full implementation of the Governors Island Accord, offers the best hope for resolving the crisis and is essential to restoring constitutional government to Haiti.

Recent actions by the Haitian military underscore that they are not interested in respecting the Haitian people, human rights, or their own commitments made to the international community at Governors Island.

I share the concern of many over the likely ineffectiveness and ultimately negative consequences of economic sanctions against Haiti. After some 15 years of encouraging U.S. business to invest in that country, the sanctions have destroyed an important United States presence and will deter many businessmen from looking to Haiti in the future as a place to invest.

However, we are limited in the diplomatic and political instruments available to us. Sanctions is one such instrument. As a moral statement that the coup regime lacks legitimacy, they are important.

My work over the years has been based on one fundamental principle: respect for the human rights and dignity of all individuals. The tragedy that has befallen Haiti only strengthen my opinion that respect for human rights is central to democratic rule and economic development.

Given the increasing violence by the military, and having set out on a course of comprehensive sanctions, it is unfair to say to the Haitian people that they suffer by remaining on the island.

As a result, I have repeatedly called on the executive branch to change our immigration policy, which discriminates against Haitians on the basis that they are economic refugees, not political refugees. Given the current realities of Haiti, this is a distinction without a difference.

The Goss amendment urges the establishment of a temporary safe haven for Haitian refugees. Such a safe haven would be a humane and constructive alternative to current administration policy, and the idea merits our endorsement and support.

Accordingly, I urge my colleagues to vote for the Goss amendment.

□ 1750

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, we have reached the point which very seldom happens in the Congress of the United States where I do not fully agree with my colleague from California. Our positions have been together for a long, long time. Some years ago, he and I led a coalition against our involvement in the Persian Gulf War. Our position then was that we should not use force because we had not exhausted our ability to negotiate, we had not negotiated as far as we could We had said that sanctions were not given the chance to work. We should see sanctions to their fullest, we should negotiate and try to avoid bloodshed. We believed that our Government was not doing that.

Mr. Chairman, our coalition got 186 Members of this body to vote against the use of force in the Persian Gulf. Now we come to a situation in Haiti, we see a situation where one of our ships went there to offer humanitarian aid and 50 to 100 hoodlums standing on the dock turned away a ship of the United States of America and sent us back. We hear a suggestion here for safe havens, to take Aristide and those who would support him out of their homeland and put them on an island somewhere.

What would we do? Then give the criminals, Francois and Cedras, the island? "This is your island, do what you will with it, kill as you will with it."

Mr. Chairman, is that what we say we should do? Let us look at sanctions. The sanctions have not worked. We see what is happening. Quoting an Associated Press article just the other day, "Eight hours after New World sanctions had taken effect, boats loaded with fuel crossed Saumatre Lake from the Dominican Republic." Boats docked every 5 minutes with fuel that people were selling and making the criminals richer and richer.

Mr. Chairman, they are laughing at us in Haiti. Certainly the sanctions which have been imposed are not the fullest sanctions, we still could go further. We could also now at this point freeze assets. We could do other things right now. However, we have tried sanctions. Sanctions have not worked. Negotiations? We have negotiated until we are blue in the face. The Governors Island Accord, they laughed at us, thumbed their nose at us on the Governors Island Accord.

Mr. Chairman, when I was in Haiti, there was actually a suggestion made that Cedras be made Ambassador to Spain, that Francois be made Ambassador to Chile. How much more could we have negotiated? We negotiated as far as we could. Sanctions are not working.

My friend spoke the other day on the University of the Americas. The gentleman said, "Sometimes we must send a signal." I think now we must send a signal that we will support democracy and we will not support the kind of criminal anarchy we see on that island.

I believe, sir, we really have to sit down and say, "Have we reached the ultimate last resort?" I believe we have.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, there is no congressional district in this country that is more impacted by what is going on in Haiti than my home district along the southeast coast of the State of Florida. We know the pitiful situation that does exist in Haiti and we know the reason that we should go forward and do something to alleviate the problem.

Mr. Chairman, we have two suggestions here before us today. One I think they both have in common, they say, let us not repeat a mistake of history that was made many, many years ago when we found American troops going to Haiti and not being able to remove them for decades. I applaud that provision in both of the amendments that are before us. But the problem with the Dellums amendment is that the Dellums amendment would intensify a mistake that the present administration is presently making.

Mr. Chairman, in this particular amendment what the gentleman from California advocates is that we look for land base in order to question these people seeking asylum, and where it does speak of seeking a land base in other countries, it does in no way preclude that land base to be here in the United States. We know that once the refugees get into the United States, whether they have any claim to political asylum at all, all they have to say is a few words and they are here.

Mr. Chairman, we are already overrun in this country. One-sixth of the population of Haiti lives in the United States. There are more Haitians right now living in New York than there are in Port-au-Prince. This is how we have gotten the situation totally out of control.

Mr. Chairman, I think the Clinton administration is making a horrible mistake in intensifying the sanctions, making it rougher for the people who live in Haiti, giving them more incentives to leave and then telling them, "All you have to do is get off shore, we are going to put you on an ocean liner where you can live until such time as we determine whether you can come to the United States." In the meantime, many are going to slip through the net, come as refugees to the United States and stay here.

Mr. Chairman, it is time we look for a positive force on what are we going to do to change this. The gentleman from Florida [Mr. GOSS] has come up with a recommendation that sets up a safe haven right on Haitian soil. It is so practical and so simplistic that it is workable and there is no question about it.

It is a first step. I would hope that we would then train Haitians who live here in the United States as soldiers to go back and reclaim their island, not to impose on them the forces of the United States but train the Haitian forces to go back. That particular provision was not made in order under the rules and that, I think, is unfortunate.

However, the only constructive amendment out there that is going to change the status quo is the Goss amendment. To do otherwise is to simply leave the pressure on the Haitian people to escape to the United States and then set up a procedure where more of them will get into the United States. That is a mistake, that does not solve the problem of Haiti, that does not solve the problem of the people of South Florida.

Mr. Chairman, I would urge a rejection of the Dellums amendment and I would urge acceptance of the Goss amendment.

The CHAIRMAN pro tempore (Mr. LAROCCO). The gentleman from California [Mr. DELLUMS] has 2 minutes remaining to close the debate.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I appreciate the gentleman's leadership from the great State of California who has been an outspoken advocate of the return of democracy to Haiti. I know that everyone in this Chamber believes that we ought to return democracy to Haiti.

Mr. Chairman, many people that talk about the Haitian issue want to try in some ways to distinguish whether or not Haiti deserves United States military attention, whether it deserves the attention of our country in general. I would suggest that unlike Bosnia, unlike Somalia, unlike Rwanda and other hot spots around the world, Haiti is in a unique position because it crosses a line in the United States own self-interest.

Mr. Chairman, the key question in my mind is not so much a particular friendship with President Aristide, although he is a close friend, not whether or not the United States is morally committed to returning democracy to Haiti, which I think we are as a Nation, but the real question is whether or not this is in the United States own enlightened self-interest.

Mr. Chairman, I think there is no question that Haiti meets that test. The reason it meets that test is because no other Nation has the potential of putting 5 or 6 million people on boats that are going to come and invade our shores. If we are serious about holding off that kind of flotilla, if we are willing to deal with the economic devastation that that could create, it seems to me that we have a moral obligation to, in fact, restore democracy into Haiti.

□ 1800

That is the only way we will build up the economy. It is the only way we will build up the confidence of the people of

Haiti to stay in Haiti and to build up their own nation. That is why I believe that it is important for us to avoid the circumstances of putting people on islands as the Goss amendment will call for. It is the reason why I believe we ought to allow President Clinton's new policy that has just gone into effect this last Saturday night of tough and swift sanctions, that we know are going to be devastating and difficult on the people of Haiti, but will, in fact, bring about, in my opinion, the return of President Aristide.

Let us give the sanctions a try. Let us give this policy a real chance. Let us ask the administration to be tougher in terms of how it stands up to the Dominican Republic, but let us give this policy a chance before we give up and before we disallow the return of President Aristide.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Members of the Committee, let me simply say to my colleagues that I understand that there are a number of my distinguished colleagues on this side of the aisle who, in a great sense of frustration, are not prepared to reject the issue of the use of force. I would simply say to all of them and remind them that it has always been their position that the use of force should be the last alternative and that we needed to escalate as far as we could until we have exhausted all other avenues.

I would submit to you that I am prepared to challenge anyone walking in the well of the House that could say to us at this point that that is where we are. We know we are not there. We know that those sanctions are not on. We know that visas have not been lifted. We know commercial aircraft have not been stopped. We know that assets have not been laid on.

Mr. Chairman, we know that full sanctions are not there. They just came on a couple of days ago. We know that the borders are not leakproof. We know that we have not come to the point where the issue of force is one of last resort.

I am simply saying that if you could come with us on the piece of legislation that we introduced into the House of Representatives, cosponsored by over a hundred Members, that that is where we are at this point, and we are not being inconsistent.

I thank you for your generosity.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 431, it is now in order to consider the amendments printed in part 4 of House Report 103-520 relating to Haiti which shall be considered in the following order: First, by the gentleman from Florida [Mr. Goss] and, second, a substitute by the gentleman from California [Mr. Dellums] or the gentleman from Indiana [Mr. Hamilton].

It is now in order to consider amendment No. 1 printed in part 4 of House Report 103-520.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Goss:

At the end of title X (page 277, after line 2), add the following:

SEC. 1038. UNITED STATES POLICY ON HAITI.

(A) Findings.—The Congress finds that—

(1) the 1990 presidential election in Haiti was deemed to be both free and democratic;

(2) a military coup toppled the duly elected government in 1991;

(3) the process to restore democratic rule in Haiti agreed to at Governor's Island has stalled;

(4) the economic crisis in Haiti is worsening; and

(5) the people of Haiti are preparing in mass numbers to leave their country to seek economic and political refuge overseas.

(b) Sense of Congress.—It is the sense of Congress—

(1) that the United States should not undertake any military action directed against the mainland of Haiti unless the President first certifies to Congress that clear and present danager to citizens of the United States or United States interests requires such action; and

(2) that the United States should work with the Organization of American States and the United Nations—

(A) to establish a temporary safe haven on the Haitian island of Ile de la Gonave for Haitian refugees escaping economic and political hardship on the mainland of Haiti;

(B) to assist in providing humanitarian assistance and visa processing for such refugees in such safe haven; and

(C) to assist the legitimate Haitian government in establishing the long-term stability of democracy in Haiti.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. Goss] will be recognized for 10 minutes on his amendment, and a Member opposed will be recognized for 10 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California [Mr. Dellums] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Florida [Mr. Goss].

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GOSS. Mr. Chairman, I had heard before we began this that there was a possibility we would combine the times of the two amendments into two 20-minute blocks. Does that no longer have the favor of the Chair?

The CHAIRMAN. The only thing that precludes that from occurring is the offering of the substitute amendment by the gentleman from California or the gentleman from Indiana. Once it has been offered, the time can be commingled and divided.

Mr. DELLUMS. Mr. Chairman, I am prepared to do that for the convenience and the continuity of the debate.

AMENDMENT OFFERED BY MR. DELLUMS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GOSS

Mr. DELLUMS. Mr. Chairman, I offer an amendment as a Substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Dellums as a substitute for the amendment offered by Mr. Goss: At the end of title X add the following:

SEC. 1038. UNITED STATES POLICY ON HAITI.

(a) Findings.—The Congress finds that—

(1) the 1990 presidential election in Haiti was deemed by numerous international observers to be both free and democratic;

(2) a military coup toppled the duly elected government of President Jean Bertrand Aristide in 1991;

(3) the process to restore democratic rule in Haiti agreed to at Governor's Island has stalled; and

(4) a deepening economic crisis in Haiti and political oppression and systematic human rights abuses by Haiti's military leaders have created a reprehensible humanitarian crisis and driven Haitians to risk the perils of the sea to seek refuge in increasing numbers.

(b) Sense of Congress.—It is the sense of Congress—

(1) that the United States should not undertake any military action directed against the mainland of Haiti unless there is a clear and present danger to citizens of the United States or United States interests requires such action;

(2) that the President should swiftly intensify economic pressure on Haiti's military should United Nations Security Council Resolution 917 fail to result in Haiti's military leaders to step down by May 21, 1994. The first step in any such increased pressure should be the severing of commercial air links with Haiti. The President should seek international compliance with any such heightened pressure, if possible, but should act unilaterally, if necessary, and should seek improved sanctions enforcement by the international community to compel Haiti's military rulers to relinquish power;

(3) that the United States should make every effort to replace shipboard processing of Haitian migrants with land-based processing at the earliest opportunity; and in view of past difficulties in the processing of Haitian applicants for refugee status under the laws of the United States, Creole translators and counsel should be integral parts of any revamped refugee policy;

(4) that the United States should seek the cooperation of third countries for the establishment of refugee processing centers;

(5) that the United States should augment humanitarian assistance for Haiti's poor and seek the expeditious return to Haiti of human rights monitors acting under the auspices of the United Nations and the Organization of American States; and

(6) that the United States should continue to engage in intensive, immediate consultation within the international community to encourage support for the restoration of democracy and national reconciliation in Haiti, including encouraging all parties to

honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993 with the principal aim of restoration of democracy and the return to Haiti of President Aristide.

The CHAIRMAN. Pursuant to the rule, the gentlemen from Florida [Mr. GOSS] will be recognized for 20 minutes, and the gentleman from California [Mr. DELLUMS] in support of his amendment, will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the President is holding open his options in Haiti with a stepped up embargo and contingency plans for military intervention. Failing the first, the second option will do. In fact, Randall Robinson, the President's de facto special adviser on Haiti, gave voice to this idea yesterday saying that "Because sanctions will not work we have no choice but to pursue ultimately a solution of military intervention."

I agree about the sanctions, but I disagree about the military intervention. Today, Members who feel strongly about keeping United States soldiers out of a quagmire in Haiti and about the unwise extension of the embargo can go on record in opposition to the President's policy and I support of the constructive alternative embodied in the Goss safe-haven amendment. This resolution supports the establishment of a safe haven under U.N./OAS auspices on the 269-square-mile Haitian island of Gonave to accomplish a number of things.

That island, incidentally, is right here in the Bay of Haiti, 270 square miles. It is a rather large island with about 80,000 people on it right now.

By following the safe-haven plan, we provide the real opportunity for the duly elected President to return. We provide to reestablish his administration if he does return. We provide the opportunity to give nearby refuge to Haitians who truly are in danger and stop the flood of refugees going from this area, 900 miles through shark-infested waters, to the U.S. mainland. It helps to facilitate the provision of much needed humanitarian aid, and there is not a person in this room who does not know that, allowing for orderly visa processing in a safer environment than the Haitian mainland or the high seas.

With one standby Coast Guard cutter already in the area, as we all know, we would be able to enhance the natural defense of the island without military commitment. With only 15 miles to travel, Haitian refugees do not have to make that long trip to Florida, and they do not have to risk taking to the seas to rendezvous with American vessels which are who knows where. We do not know which vessels even.

Everything we need to do is encompassed in this deceptively simple plan. It offers an open door to solve the refugee problem, to solve the Aristide problem, to keep American soldiers out of harm's way. This is not a new idea. We did it in Sri Lanka, and it is called the open refugee center. It works. We did it on Mannar Island successfully.

The gentleman from California [Mr. DELLUMS] and the gentleman from Indiana [Mr. HAMILTON] will offer a substitute amendment which offers strong language against military intervention, thank heavens. The Dellums-Hamilton amendment has no safe-haven plan, though. It does have a strong endorsement of the punitive sanctions that have turned the economy to rubble in Haiti, that have turned the environment to a catastrophe and to a wasteland, and that have victimized almost everybody except the military it is aimed to hit.

It has no plan to move Haiti beyond the current impasse. Let us look at the key differences. The Goss amendment demagnetizes United States shores by creating a safe haven on Haitian soil, offering a long-term solution for stability in Haiti, and an end to the embargo.

Dellums-Hamilton endorses the ill-advised policy of tougher sanctions and expanded but nonexistent refugee processing which has already led almost 1,300 Haitians to take to the seas only to be returned immediately. A cruel hoax, to be sure.

President Aristide: Let us talk about him. The Goss amendment provides for the opportunity for return of the democratically elected President to begin rebuilding stability in Haiti. Dellums-Hamilton depends on the failed Governor's Island accord It tries to breathe life into the corpse.

Fostering democracy, the Goss amendment helps Haiti back on the democratic track. It paves the way to ending the punishing embargo and providing a much needed morale boost to the poor people of Haiti.

The Dellums-Hamilton amendment amounts to an externally imposed solution to the crisis that will do little to bolster confidence among Haitians but a lot to polarize the extremes as we have already seen in the Emile Jonassaint alleged government.

The Goss amendment obviates the need to charter cruise ships for high-seas refugee processing.

Dellums-Hamilton endorses the President's protracted refugee processing plan.

Mr. Chairman, if you want meaningful progress in Haiti, the administration's approach is not the answer. Do not be fooled into endorsing a voodoo policy by voting for the Dellums-Hamilton substitute.

Vote for the original Goss amendment and send the White House a sense of Congress to help the Haitians get on with the business of taking back their country today. It is the humane and practical thing to do and this is the island, and it is, indeed, in Haiti, and there are 80,000 Haitians on it now.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

I want to speak in support of the Dellums-Hamilton amendment. What we are trying to do with this amendment is to move the Haitian policy in a more constructive direction, and the amendment is designed to help create a better policy for Haiti.

□ 1810

It is very important I think that the leaders in Haiti, the regime leaders now understand that we are committed to their removal and we support the democratic will of the Haitian people. It is clearly time for them to go.

Now what we do here is set out in the amendment drafted by Mr. DELLUMS and myself a policy toward Haiti. The first statement is that other options have to be exhausted before you turn to military force. Force is a last resort. This amendment urges the administration to seek alternatives to the use of force and urges it to ratchet up the pressure through other means and seek national reconciliation in Haiti.

The second point of the amendment is with respect to the refugees. What we are trying to do here is simply establish a fair procedure for dealing with the refugees. We move to a land-based refugee processing system. We think that is essential in order for the system to be fair.

We want to provide translators and legal representation made available to those who need the service. We welcome the use of private organizations and their services and the involvement of the United Nations High Commission for Refugees, certainly a sound and good step forward.

It is also important that the administration encourage Haiti's neighbors to establish refugee processing centers. So the second point of the amendment is trying to make the process for the refugees a fair one.

The next point is with respect to sanctions: The amendment addresses that. Greater economic pressure should be imposed on the Haitian regime. The whole point here is to tighten the sanctions and to target the sanctions. Sanctions should be imposed on regime leaders and prominent supporters across-the-board without exception.

Bank accounts should be frozen, travel should be denied. The administration should sever commercial air links which are used by the Haitian elite and the military to circumvent sanctions.

We certainly need to seek to improve the enforcement along the border with the Dominican Republic and to increase humanitarian relief efforts.

The final point of the amendment is national reconciliation. It addresses a political solution. To increase the chances for the success of the policy, the United States urges President Aristide to reach out to other democratic elements in Haiti in the spirit of national reconciliation as outlined in the amendment. So you have here then a strategy of strong United States-led international pressure on the Haitian regime combined with a political strategy to pave the way for Aristide's return. We believe that that offers the best chance for success.

Now the gentleman from Florida has an amendment that is offered in a very constructive manner, and I know he has done a lot of thinking with respect to this problem, also constructively. But his proposal for a temporary safe haven on the Haitian island simply, I think, will not work. It establishes an international presence on the island that constitutes invasion of Haitian sovereignty. That island lacks basic infrastructure including a source of drinkable water. Supplying that island is complicated because it does not have a deep water port, nor an airstrip. Upgrading the facilities to set up this legitimate regime in a nonpermissive territory would cost a great deal of money.

The United States would have to pay for it.

Setting up a refugee camp on sovereign Haitian territory is problematic in the application of international refugee standards. It is very doubtful that President Aristide would agree to the plan outlined in the amendment. He may simply view this as a ruse to restore him to power in purely technical terms without removing the military junta or restoring democracy.

So I would urge my colleagues here to defeat the Goss amendment and to support the Dellums/Hamilton amendment because that amendment moves us toward a better policy in Haiti.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Goss amendment. The Goss amendment gives us a chance to address the most important and dangerous result of the President's failed Haitian policy: The increasing numbers of refugees entering the United States through Florida.

Since President Clinton invited Haitians to take to the seas 2 weeks ago, the Coast Guard has intercepted and returned 1,400 of them without asylum hearings. As the United Nations sanctions make life worse in Haiti, thousands and thousands of Haitians per week are expected to flee their suffering nation. President Clinton offers his Ukrainian "Loveboat" scenario in response. But this will not prevent thousands of refugees from Haiti or the Bahamas from coming to the United States in search of education, medical care and other social services, services which cost the State of Florida an annual average of $3,000 for each refugee.

With the Goss proposal in place using the island as a safe haven, fewer Haitians would drown at sea, fewer political refugees would be returned to Haiti and fewer economic refugees would end up in the United States. It would eliminate the use of military force which I oppose. It would feed the poorest of the poor. It is the right idea at the right time, and I urge my colleagues to support it.

Mr. DELLUMS. Mr. Chairman, it is my privilege to yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. I thank the chairman for yielding this time to me. I hear two points of view here today, and I would like to say that with all respect to my Florida colleagues, I hear more a referendum on not having Haitians come to Florida than I do on solving the foreign policy issue of Haitians and freeing them and making a democracy in Haiti.

I think that we should certainly vote against the Goss amendment because it is an amendment that sets up a safe haven, quote unquote. It is not a safe haven to set up the kind of arrangement which Mr. GOSS has mentioned here.

I think the main purpose behind it is to keep the Haitians from trying to return to Florida and to receive some kind of safe haven there or in the United States.

I think I rise in opposition to my good friend who is a friend of peace, the gentleman from California [Mr. DELLUMS], who feels very strongly within himself, within every sinew of his being, that there should be freedom and peace throughout this world. But this country, the Clinton administration has tried everything possible.

Sanctions are dangerous also; they kill people also. If you read the paper, you will see children lining up for food; that is in a killing field, almost as dangerous as a gun or as dangerous as a bullet.

I also feel that we should show that we are the freedom leaders of the world as we have with other countries and the military intervention, whatever the cost is—this morning I listened to Randall Robinson on television, a man who gave his life—put his life on the line for freedom to Haiti. He is now saying that he thinks the military intervention is the only course. I think the reason he is saying it is because everything else has been tried.

So I stand today to say to all of you, that I know that the sanctions are there, but they are not helping; people are still being killed, and that Haiti is in danger. Four people were killed recently. The children—the parents are in Miami, the children are in Haiti, and I cannot listen to this particular debate without saying to you to think of what is happening in Haiti today. Forget about having some more immigrants coming to our shores. This is really in the wrong venue today. This is not a foreign policy bill. This is an armed services bill. But we are talking about Haiti here. So I must come to my feet and say that we must vote against the Goss amendment. The Dellums amendment is better designed for better reasons, but I cannot even support that, because I feel we should leave some option open for us to let the thugs in Haiti understand that they cannot continue to kill and to maim people and hurt little children as they continue to do.

I want my chairman [Mr. DELLUMS] to know that I respect him and I also respect the Florida delegation.

They have two different motives. But I think the Goss amendment should definitely be defeated. I certainly want to give deference in saying that I cannot vote for either one of these.

□ 1820

Mr. GOSS Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, like all of us, I am very sympathetic to the plight of the Haitians. I do not think anybody in this Chamber can look at what is going on down there and not be concerned over the past several years with increasing military domination of that island and the failure to allow democracy to be restored, as it should have been when President Aristide was elected. However, Mr. Chairman, the solutions that are there on the table today that President Clinton is offering contain no vision, no real innovative way of getting around the problem or solving it, and therein lies the rub.

Mr. Chairman, sanctions are not working. They are not likely to work. A military invasion of Haiti, while relatively simple to accomplish, leaves us holding the bag for however many years, who knows, once we have established the ground base there, as we did many years ago. That does not seem to me to be any solution.

What the gentleman from Florida [Mr. GOSS] has offered is something that he and I talked about over a year ago. It seems like a very logical way to begin to see if we cannot break the logjam.

There is an island that is about 35 miles long, about 8 miles wide. It contains sufficient land space and habitability that we could have on that island a government in exile in essence set up that President Aristide could occupy, from which he could launch efforts to try to recapture the island in ways that would be much more feasible and practical than we are today engaged in, and it would provide, as the gentleman from Florida [Mr. GOSS] says, a safe haven so those who want to leave Haiti could leave there with a trip of no more than 15 miles, and under our protection, and would not be subject to the kinds of hazards of going to sea.

Mr. Chairman, it makes a lot of sense it seems to me. We have been processing Haitians on Haitian soil for some time who claim refugee status, who claim they are in fear of persecution if they go back. Of course most people who come in and seek that asylum and status do not quality because they are really economic refugees, but this island would provide a haven, not just for those who are truly in fear of persecution or political or religious reasons, but also for economic refugees who want to leave, and it would provide the impetus of this government in exile to actually come back, and take over and dominate the island of the full Haitian countryside once again.

Mr. Chairman, I applaud the gentleman from Florida [Mr. GOSS] for his innovation, for his vision, and I wish that the other side and the President would exercise that same kind of vision. What we should do today is express the sense of the Congress, and that is all this is, as the gentleman from Florida suggests, that we explore this particular idea, that we see if we can make something new and different work instead of going and retreading the same old tired ideas of sanctions that are not working and the threat of military intervention which will not work unless it is carried out, and which, if it is carried out, will only involve the U.S. military in a long-term situation of being bogged down over there that none of us want.

So, Mr. Chairman, I urge defeat of the Dellums proposal and the passage of the Goss amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I would like to clarify a position.

The gentleman is the sponsor of a bill, H.R. 4114, on which I am a cosponsor and all the members of the Congressional Black Caucus are cosponsors, and there are in all more than a hundred cosponsors, and I would like to ask him if he would just clarify for us the similarities and the differences between H.R. 4114 and this amendment. Basically I see a lot of similarities. I just would like to hear him clarify if there are any differences.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, very briefly let me respond to my colleague by saying this amendment embraces the spirit of what we are attempting to do. It is not a duplication in detail because, as the gentleman is well aware, the piece of legislation that we offered is very detailed and very specific. A great deal of thought and effort went into it. This amendment in the nature of a substitute embraces the spirit of that amendment, but it does not get to all of the details that the gentleman and I laid out as we worked through that amendment.

Mr. OWENS. Is H.R. 4114 neutral on the question of military intervention? Does it discuss it at all?

Mr. DELLUMS. It did not discuss it, and the gentleman and I full well know that we though that the Congressional Black Caucus would take the moral high ground in an area where we were all in agreement.

The place where we were not all in agreement is on the issue of the use of force, and we consciously did not deal with that question, and the gentleman from New York and this gentleman had a handshake agreement that the bill that we would introduce would be silent on that question. So, I am saying that before God and country, the answer to the gentleman.

Mr. OWENS. This amendment is not silent on the question. This amendment rules out the use of force, and H.R. 4114 does not deal with the use of force at all.

Mr. DELLUMS. In the nature of a substitute we had fashioned an amendment that addressed the amendment that the gentleman was offering, so we have to address the issue. The gentleman addressed the issue.

Mr. OWENS. I thank the gentleman.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me.

Mr. Chairman, this is a very good debate, and I think it is on the level that we should be debating such issues as this.

The gentlewoman from Florida [Mrs. MEEK], my friend, she correctly pointed out that both of these bills exclude military intervention, and I say to my colleagues, "Quite clearly, if you want to invade Haiti, if you think that a military intervention by the United States is the right way to go, you simply vote against each amendment, and by the way, as far as I can tell, the language is exactly identical. I don't see any difference in the language between the two bills. But let's look at what is different in the bills."

Mr. Chairman, the gentleman from California, his bill would tighten the economic sanctions. Well, if my colleagues think sanctions are going to work, then that is in the bill. But let us also look further into what the gentleman from California is talking about. He is talking about when people are escaping from the island, that we supply them lawyers. Read the bill. It says, "Counsel will be appointed as well as Creole-speaking translators."

I say to my colleagues, "If you think we should extend legal aid to the high seas, and to foreign countries, and to Haiti, to advise people on ships that they have a right to come to the United States, you think that's a proper use of American tax dollars, then support the gentleman from California."

I simply do not. I do not think that it is our business here in the Congress to supply these people with lawyers.

Also in the gentleman from California's bill he talks about coming up with land base. Well now, there is only two bases that we know of where we can get it. One is Guantanamo. We tried that, and it was a disaster under the Bush administration, so I do not see that as an alternative. So the only other land base that is left and that every other country in the world has denied us is the United States, and I say, "If you bring them over to the United States, then you bet they will get counsel. They'll get counsel, and they'll get endless appeals, and they are here."

The bottom line is simply this:

"If you think that more Haitians should immigrate to the United States, vote for the Dellums amendment. If you think we should enforce our immigration policy and come up with something new and innovative, vote for the Goss amendment."

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. My colleagues in the House, the current policy or lack of policy ranks probably among the greatest foreign policy failures of any era. If President Kennedy's term in office, after only 2 years, was called Camelot, with Haiti President Clinton's era may be known as Nightmare on Elm Street.

This week we have imposed tighter economic sanctions on the poorest country in the Western Hemisphere. Get this: We are tightening sanctions, economic sanctions, on a country where the average Haitian annual income is $252 a year. That is 69 cents a day.

That is the proposal this week.

The other proposal this week is to put the Haitians and process them on cruise ships off of Florida. That is not the answer to this problem.

Then we have my colleague, and I know he is well intended, the gentleman from Florida [Mr. GOSS], and he has a just-pretend solution. It is a temporary solution. My colleagues, it is not a permanent solution. The only solution is to restore democracy, to enforce the U.N. accord to enforce the agreement of Governor's Island to restore democracy.

□ 1830

When you say something, you do something. That is going to be the permanent solution, not setting up a temporary government in exile. We must have a multilateral force. We must not sacrifice U.S. Forces until we restore democracy on that island. We are not going to resolve the problems. Until we restore economic development on that island, these people will continue to wash on our shores, dead and alive. And I am telling you, you cannot take temporary solutions.

We must defeat the Goss amendment, and we must not send U.S. troops. We must go back to the accords that have been agreed upon. We must enforce international law or we have made a mockery of the whole process.

Mr. DELLUMS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise in opposition to the Goss amendment. On the surface this amendment seems to be an expression of compassion, human decency, and concern for those who would otherwise risk death on the high seas in an attempt to escape our region's most brutal military.

In reality, however, this amendment is far less kind.

Instead of proving a safe haven for those fleeing torture and death, the Goss amendment would have the U.S. Navy be a part of a multilateral effort to dump fleeing Haitians on Ile de Gonave, a mosquito-infested island just west of Port-au-Prince—an island with no infrastructure whatsoever, an island readily accessible to the Haitian military and death squads, an island to which we cannot and must not even consider returning human-beings already panic-stricken and traumatized by the brutality of the military leadership and their followers.

Simply on the basis of human decency and compassion, this amendment should be rejected. Because it falls far short of reflecting sound policy it does not deserve our vote. However, over and above this, all of us in this Chamber are bound to uphold the cardinal tenent of the U.N. Convention Relating to the Status of Refugees, now codified in our own Immigration and Nationality Act, which holds that no person, regardless of his country of origin, shall be returned to a country where his life or freedom would be threatened on the basis of his religion, race, or personal belief.

By returning Haitian refugees to Ile de Gonave, Mr. Chairman, we will be returning them to Haiti. And by returning them to Haiti we will be violating United States law and international law.

This we cannot and must not do.

This we cannot and must not do not only because it would be wrong and illegal, but also because there are already policy changes being implemented by the Clinton administration that make the Goss amendment unnecessary. Specifically, Mr. Chairman, the administration has already committed itself to providing both shipboard and land-based processing for Haitian refugees and, as we speak, arrangements are being made to implement this. Why, then, do we need this amendment? What does this add to current practice and policy? Why should we embark upon a path that is so patently inhuman, and so clearly in violation of current law?

Mr. Chairman, during recent weeks, when the national focus on United States-Haiti refugee policy was at its most intense, the State Department, the Immigration and Naturalization Service, and all other pertinent United States agencies looked very carefully at a number of variations on the basic theme of the Goss amendment. The possibility of returning Haitian refugees to some part of that country—to some type of internal safe haven, was looked at, was carefully studied, and was roundly rejected. It was rejected, Mr. Chairman, because it was indefensible, inhumane, illegal, and unworkable.

Do we wish to create a concentration camp for refugees on Haitian soil? And if we did, how would we prevent members of FRAPH—Haiti's death squad—or the Haitian military from entering these camps? Since these individuals would advertise neither their death-squad nor their military affiliation, how on earth would we, when death-squad types claim to be ordinary Haitians attempting to move freely on Haitian soil, prevent them getting to and harming the refugees supposedly in our care? What kind of unworkable logistical nightmare are we bringing upon ourselves and those who would have to implement this policy?

We already know that Haitians returned by our vessels are often taken away by Haitian authorities right at the docks in Port-au-Prince. Some have been tortured, some have disappeared, some have turned up dead. In addition to this, just a few days ago, on the very day that the U.N. trade embargo was put in place, the Haitian military upped the ante by announcing that they will prosecute anyone involved in illegal boat departures. In light of all of this and so much more, we must not even contemplate supporting the Goss amendment.

Most importantly, we must cease investing this much energy, expending this much time, committing such tremendous resources to locking up Haitian refugees when the refugees are but a system of a much broader, deadly problem—the brutality of the Haitian military. As long as the military and the coup supporters are brutalizing the Haitian people, there will be political refugees. Our own Coast Guard attests to the fact that while President Aristide was in power, Haiti's boat people dried to a trickle. With the derailment of democracy, their numbers shot skyward. Our challenge, therefore, whether our primary concern is the restoration of democracy or halting refugee flows, is the removal of the military. Our challenge, whether our primary concern is saving the hundreds of millions of dollars that we must now spend to enforce the embargo or halting the military's transshipment of illegal narcotics to our shores is the removal of the military.

The problem is the removal of the military.

If we want an end to refugee flows, Mr. Chairman, we must place maximum pressure on Haiti's military and death squads, and the most effective way to do this is via the speedy enactment of H.R. 4114, without the special exemptions being sought by the President and his Haiti team for Haiti's wealthy coup supporters. And if we want to send a serious message to the Haitian military via sanctions, we must ensure that the Dominican Republic stops its brazen violation of the embargo.

But the Dominican Republic will not comply as long as the United States refuses to use the leverage we have. The Dominican Republic will not comply as long as we refuse to use our foreign assistance, and their sugar and textile quotas to this country as leverage.

Mr. Chairman, the United Nations has documented in grisly detail how General Cedras and his colleagues have unleashed a reign of terror in Haiti. It is also now generally understood that the brutality of the Haitian military was the worst in the western hemisphere, if not the entire world.

This having been said, Mr. Chairman, we must resist any impulse, reject any encouragement, and break any tendency to rationalize returning innocent men, women, and children to Haitian soil and the clutches of the most brutal military in our hemisphere. We must defeat the Goss amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining and has the right to close. The gentleman from Florida [Mr. GOSS] has 9 minutes remaining.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in favor of the Goss amendment on Haiti.

As we debate this issue today, I would like to call my colleagues' attention to one overwhelming fact that each and every one of us must acknowledge. This fundamental truth must form the foundation of all United States policy toward Haiti in the days and weeks to come.

I am referring to the fact that the American people will not assume responsibility for events in Haiti.

I have the utmost respect for my colleagues in this body who feel passionately about the violence and political repression in Haiti. And I have great sympathy for the dilemmas confronted by the administration as it tries to do the right thing.

But if we believe for 1 minute that the American people will support military action in Haiti and the prolonged occupation that will follow, we are kidding ourselves. If we believe for 1 minute that economic sanctions alone will force the Haitian generals from power without such military action, we are deceiving ourselves.

And if we have learned one lesson from our tragic experience in Somalia, it is that turning a humanitarian problem into a military one is a prescription for disaster.

Tougher economic sanctions will only further impoverish Haiti's most vulnerable poor. Sanctions by themselves are not a policy; they represent the admission that we have no real Haiti policy.

That is why I believe PORTER GOSS offers an innovative solution. It offers Father Aristide and the Haitian people the chance to take responsibility for their own destiny. And I believe that, by training police and military officials in the safe haven, we can begin to lay the groundwork for a democratic government in Haiti—without sending in the Marines.

Support the Goss amendment.

□ 1840

Mr. GOSS. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, this is really an interesting and important debate. I am delighted that the gentleman from California, the distinguished chairman of the Committee on Armed Services, also advocates not invading Haiti. I think that would be a very serious mistake.

The Cubans have feared that we would invade since 1959. Daniel Ortega used to terrify the Sandinistas and their followers by saying that we were going to invade next month and the month after that. None of those invasions came about, and I would hate to see us invade Haiti.

There are many reasons why it would be ill-advised. Of course, our last experience of spending 19 years there without any real positive result ought to have taught us something.

Now, Mr. Aristide was elected in a democratic election, and he was the overwhelming democratic choice of the people. But the problem is, with democracy, it is more than just a process. It is more than just an election. You have to conduct yourself as a democrat, once you are elected.

You have to respect opposition parties. You have to respect civil rights of other people who disagree with you.

Unfortunately, the evidence indicates that Mr. Aristide failed miserably in that department. This is not the testimony of right-wing, off-the-wall people. I quote the Assistant Secretary of State for Inter-American Affairs of this administration, Alexander Watson, who testified in May of last year before the Senate Committee on Foreign Relations that, and I quote, "There was ample evidence that President Aristide invited intimidating or violent behavior among his followers."

So we have a poor choice. We have General Cedras and the brutal military or we have a man who was elected who did not conduct himself in a way to reconcile the opposing forces inside Haiti. And so what to do?

It seems to me that the gentleman from Florida [Mr. GOSS] has got an ideal solution. The Island of Gonava presents a place where the infrastructure could be improved. We can try to get rid of the mosquitos. I dare say the same mosquitos in Haiti populate the Ile of Gonava. But we would not have these people desperately floating in the sea in these rickety boats, clamoring aboard a ship and then, if only 5 percent of them are found to be truly refugees as we are told and the rest have to be returned at the risk of their lives, it seems to me that is a terrible situation.

They are suffering enough from the sanctions. We cannot sanction the military. It is the people, the poor, poverty-stricken people who feel the brunt of the sanctions.

So it seems to me, in this very difficult situation where human beings are suffering, that we ought to avail ourselves of the Ile of Gonava which is just off coast. It provides a land-based place for these hearings on asylum that the gentleman from California asked for in his resolution. It seems to me that it could work and provide a solution to what otherwise is a very, very difficult situation. And so let us understand that democracy is important, but it is more than simply getting elected. After all Hitler was elected when he first came in in 1933. But he certainly did not conduct himself as a democrat thereafter.

The people of Haiti deserve freedom, dignity, a standard of living that is decent and that can be provided by reestablishing democracy but to do it in a way that does not invite them to drown at sea trying to clamor aboard ships and have asylum hearings.

I support the gentleman from Florida [Mr. GOSS] enthusiastically.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I just have to respond to the gentleman from Illinois who just spoke. How in God's name he could start to compare Adolf Hitler with President Aristide, how could he possibly say that the choice of the people of Haiti is between a criminal-like Cedras and a man, a respected Catholic priest like Aristide who may have made some mistakes. But to compare them, to put them in the same category, I think, is horrendous.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I do not compare Hitler with Aristide.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, the gentleman said there was a choice.

Mr. HYDE. Mr. Chairman, I do not compare them as people. What I suggest is getting elected does not mean you are a democrat. That is my point. Hitler was elected in 1933. Aristide was elected but being a democrat is more than just being elected. If the analogy is imperfect, maybe the gentleman can suggest other people who got elected but once in office did not conduct themselves as democrats.

Mr. FOGLIETTA. Mr. Chairman, if the gentleman will continue to yield, I can respond by using the saying of the Jesuit teachers who taught the gentleman as well as me that most analogies limp. The gentleman's has no legs whatsoever.

Mr. HYDE. Mr. Chairman, I thank the gentleman. He is very perceptive about orthopedic problems.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] is recognized for 2½ minutes.

Mr. GOSS. Mr. Chairman, I want to talk a little bit about facts. We seem to have gotten away from them.

First of all, the gentleman from Indiana [Mr. HAMILTON] said this is going to be some kind of a big international detente. It is not. We are talking about the U.N.-OAS participation, as we are in the Dellums-Hamilton amendment. The same type of thing we are dealing with, human rights and peacekeeping down there now. No big thing there. I am just trying to get away from the stigma of the U.S. Marines, which the Haitians remember those 19 years of occupation.

Talking about water, no water on the Ile of Gonava. There are 88,000 people out there. I do not know what they are doing for water. I know there is a water problem in Florida. There is a dry season and a wet season. No access. There is a port, Anse A Galets. It is there. Boat traffic goes in and out every day, right there.

There is no airfield. There is no military. There is only 100 or less soldiers there. That is why we like it as a safe haven.

The question about we are going to have to pay for it. Wrong. This is Haitians doing it for Haitians in that area. We are not talking about U.S. costs here and, in fact, if there are costs, I would suggest they come out of the fund that is used to support President Aristide in Washington in the manner in which he is living right now. That will be more than sufficient to pay for this.

Third, going to the Aristide question, our proposal allows for Aristide to come back. I think that is important, because down on I–95, the other day, we had a demonstration in Florida that said, a bunch of Haitians saying, "Look, we want to go back to Haiti and we want Aristide to go with us." And that is what my plan does. That is why I think it is important.

Those are the facts.

My colleague, the gentlewoman from Florida [Mrs. MEEK] said that there may be some hidden policy here, we do not want any Haitians in Florida.

□ 1850

Mr. Chairman, we have lots of Haitians in Florida. The welcome mat is out. The problem is the Krome Detention Center is full. It is full. There is no room for anybody else, so what do we do? Build another Krome Detention Center? That is not going to solve the problem for the Haitians who are leaving by the thousands now every week. That does not work, either.

What we have to face up to is the fact that the President's policy has not worked. It has made it worse. It absolutely polarized the right wing opposition. It has ruined the economy of the country. It has destroyed the quality of life for all Haitians except the military, so let us recognize the fact that it is a failed policy. Let us try something that might work better.

There is no U.S. Navy, I would say to the gentleman from California [Mr. DELLUMS] involved in this, Mr. Chairman. This is a 280 square mile island. I believe it is a true safe haven. I do not know that it is any more mosquito-ridden than any place in Florida, any other place.

Having said those things, I honestly believe my amendment gives a better chance for the Haitians and democracy in Haiti. I ask for support for it.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 1½ minutes to close debate.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to vote against the amendment offered by the gentleman from Florida [Mr. GOSS], and I ask my colleagues to support the amendment we offer as a substitute.

With those remarks, Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I oppose the Goss amendment. I have all the respect in the world for the gentleman, and certainly believe that his ideas as it relates to this solution should always be made available to the President.

However, I rise because I think it is an insult to democracies all over the world when some of our friends in this House find it in their hearts to have a double standard for the Government of Haiti. When we find the overwhelming number of people who never had a chance to drink the sweet nectar of democracy willing to risk their lives to vote for this person, I think it is an arrogant double standard for us to now determine what kind of president did they elect.

We, as Republicans and Democrats, may differ, but once we have a President, we do not tolerate foreigners to insult the intelligence of American voters to tell us what type of President we have.

I go further to say if this was in any other country, in any other continent, I do not think we would have the arrogance to talk about the ability of that president to govern. It is not our job to like or dislike people who have been elected democratically and to raise that type of issue in a discussion as to what is best for the United States. I think it lowers the credibility of this great House of Representatives.

Mr. BUYER. Mr. Chairman, I rise in strong support of the Goss amendment as you are aware, the United States intervened in Haiti from 1915 to 1934. The initial landings made by American Marines were to restore order following a coup and to restore a government to Haiti that was friendly toward the United States. The result was that Haiti was a virtual protectorate of the United States for 19 years.

Our extended involvement in Haiti during the early part of this century failed to bring about any real reforms. Rather, it fostered great resentment towards our Nation for conducting "gun-boat diplomacy" that survives to this day. It serves as a prime example of the difficulties of "enforcing democracy" in a country that has no history of democratic ideals.

It is unlikely that military intervention will solve Haiti's problems. Severe poverty has divided that nation's affluent political and military elite from the average citizen since the country was founded. These cultural and economic problems were noted during our previous involvement in Haiti earlier this century. Unable to change the system after years of occupation then, it will be extremely difficult for the United States to bring about any real change now.

As a result, I am hesitant to use American military power to force the return of Haitian President Jean-Bertrand Aristide to power. Our State Department has indicated that during Aristide's short tenure in power, he used political violence and approved human rights abuses against his opposition. To enforce his return only condones such actions and turns a blind eye to a growing segment of the Haitian people who no longer support his return.

The United States only vital national security interest in Haiti is that of stemming the tide of immigration to our southern shores. Refugees fleeing that island nation are forced to negotiate treacherous waters in unseaworthy craft, only to be returned to Port-au-Prince. The President's recent decision to begin screening those fleeing Haiti again will only encourage more Haitians to undertake this dangerous journey.

Yet it is clear that something must be done. This amendment offers a bold and creative approach to the problems of Haiti. Placing Mr. Aristide and his supporters on the Isle de la Gonave "demagnetizes" United States shores by creating a safe haven to Haitian refugees on Haitian soil. It provides a unique opportunity to return the elected Government of Haiti to Haiti without direct military intervention.

This proposal also fosters democracy in Haiti by providing a boost to the morale of Aristide supporters. With Aristide back in Haiti, the people of that impoverished nation will have an alternative to the military dictatorship currently in place. This is a meaningful alternative to military intervention and to refugee screening on the high seas.

This is a humanitarian option as well. It has become clear that the U.N. imposed embargo on Haiti is not hurting the perpetrators in Haiti. Rather it hurts those already suffering from the abject poverty of that nation. This measure will allow for the safe introduction to humanitarian relief to the supporters of Aristide without the fear of reprisals by the military dictatorship.

Mr. Chairman, there are few good options in Haiti. However, the least desirable and least responsible is that of disengagement. The Goss amendment offers us a creative solution to a difficult problem. I urge my colleagues to vote "yes" on this measure.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS] as a substitute for the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will announce that pursuant to clause 2(c) and rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote, if ordered, on the amendment offered by the gentleman from Florida [Mr. GOSS].

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 11, as follows:

[Roll No. 196]

AYES—191

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Barca
Barcia
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Cantwell
Clay
Clayton
Clement
Clyburn
Coleman

Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Montgomery
Moran
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Yates

NOES—236

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cardin
Carr
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kyl
Lambert
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manzullo
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Traficant
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Barlow
Barrett (WI)
Faleomavaega (AS)
Fish
Grandy
Horn
Ortiz
Santorum
Stark
Washington
Whitten

□ 1914

Messrs. McINNIS, McCLOSKEY, MAZZOLI, DICKS, and CRAMER, Ms. LAMBERT, Mr. TRAFICANT, and Mr. MINGE change their vote from "aye" to "no".

Messrs. INSLEE, RUSH, GILCHREST, and MFUME changed their vote from "no" to "aye".

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the rule, this rollcall vote is reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 14, as follows:

[Roll No. 197]

AYES—223

Ackerman
Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manton
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—201

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Barca
Becerra
Berman
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren

Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
LaRocco
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Barlow
Barrett (WI)
DeLay
Faleomavaega (AS)
Fish
Gibbons
Grandy
Horn
Neal (NC)
Ortiz
Santorum
Stark
Washington
Whitten

☐ 1925

Mr. DEUTSCH and Mr. ROEMER changed their vote from "aye" to "no".

Mr. DARDEN changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule it is now in order to consider the amendment printed in part 5 of House Report 103-520.

AMENDMENT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . CREDIT AGAINST ASSESSMENTS FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1994 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—Notwithstanding any other provision of law, in each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and a Member in opposition, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, the aim of this amendment is simple: Peacekeeping payments to the United Nations would be adjusted to take into account the Defense Department's substantial peacekeeping-related expenditures. The Department of Defense spends millions of taxpayer dollars every year for U.S. participation in and support of United Nations peacekeeping operations. It seems to me we ought to be getting credit at the United Nations for what our Armed Forces do for peacekeeping operations. If the United Nations did not have the United States to turn to every time whenever there is a crisis requiring a show of force, I doubt it would have the power to implement any of its resolutions. Quite frankly, we are just taken for granted, and it is high time our in-kind contributions of any and all kinds of military support be considered as a direct contribution to the United Nations peacekeeping operational expense.

Suffice it to say that we must regain the proper relationship between our country and the United Nations. The United Nations should be on our side and off our backs. This amendment will start the process of restoring the proper balance between our security needs and the United Nations' various needs. I suggest the United Nations buy a rubber stamp marked "Full credit, U.S.A.," and just stamp it on the next bill they send us with the Defense Department's contribution written in.

Mr. Chairman, I urge my colleagues to support this very commonsense amendment.

☐ 1930

Mr. SPENCE. Mr. Chairman, this amendment was coauthored by the Minority Leader, the gentleman from Illinois [Mr. MICHEL], and there was also another coauthor of the amendment, the gentleman from Georgia [Mr. GINGRICH].

Mr. Chairman, I offer this amendment on behalf of Mr. MICHEL, Mr. GINGRICH, Mr. HYDE, Mr. GILMAN, and myself in an attempt to fix a serious and growing problem concerning how the United Nations taps into the pockets of the American taxpayer.

At first glance, this amendment might appear to be complicated when, in fact, it is really simple and straightforward.

Let me first clarify what this amendment is not. It is not about whether the Defense Department or the State Department ought to pay for the U.S. share of U.N. peacekeeping costs. The House will address this issue later in the debate. Nor is this amendment about whether or not the United States ought to get involved in a particular U.N. peacekeeping operation somewhere around the world. What the amendment is about is requiring that all Department of Defense unreimbursed costs in support of U.N. peacekeeping operations be credited against the peacekeeping bill submitted by the U.N. to the U.S. Government every year.

Mr. Chairman, the costs of U.N. peacekeeping operations have exploded since the late 1980's—from $37 million in 1988 to an estimated $4.5 billion this year. Because the United States is billed for approximately one-third of these costs under the U.N.'s assessment formula, the American taxpayer's bill for these United Nations operations has also risen dramatically in the past several years. This trend has created a situation where the magnitude of the U.N. peacekeeping charges passed on to us is rapidly outstripping our ability to pay them. In fact, the estimate of our unpaid U.N. peacekeeping bill, or arrearages, is likely to exceed $1 billion by the end of this year.

To add insult to injury, the American taxpayer is getting double billed when it comes to U.N. peacekeeping costs. While our unpaid U.N. peacekeeping debt grows, the Department of Defense regularly spends hundreds of millions of dollars in support of U.N. peacekeeping operations—the vast majority of which is never reimbursed by the United Nations. Unfortunately, the administration does not even seek reimbursement for many of these substantial costs incurred by DOD.

For example, within the last year, Congress approved reprogrammings and supplemental appropriations exceeding $1 billion to partly offset the costs of the United States operations in Somalia—and even this falls short of adequately paying for DOD's true costs. Similarly, the bulk of DOD's costs to support the United Nations in, over, and around Bosnia today are being paid for out the hide of the military service's operating budgets and will not be reimbursed by the United Nations. Last year alone, the cost of these unreimbursable DOD operations in support of the United Nations exceeded $1.3 billion, and they are expected to remain at similar levels in the future.

This amendment would simply require that the United States deduct DOD's unreimbursed expenses in support of peacekeeping operations from its annual peacekeeping bill from the United Nations. It is only right to get credit where credit is due.

This amendment is a modest, common sense first step to insert a measure of honest accounting into the process by which the United States pays its peacekeeping bills.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, let me start by saying I want to thank my colleague, the gentleman from South Carolina [Mr. SPENCE], for yielding this time to me, and I want to thank the chairman of the committee, the gentleman from California [Mr. DELLUMS], who has been, I think, most generous in his efforts to work out a procedure and a process for a number of very, very difficult issues, and I have often gotten on the floor and complained about some of the rules we get and some of the situations, but I would say that working on this bill has been frankly a very important step toward bipartisanship, and I want to thank Mr. DELLUMS for, I think, an exemplary effort to reach out and to try to actually have time for everybody to explore important issues.

So, in that spirit I want to briefly describe an amendment which we thought was so important that the gentleman from Illinois [Mr. MICHEL] and I wanted to lead off the conversation on our side, and other members of our leadership, I think, are going to want to join in.

Let me be very clear what this is about. We are going through a period of terrible downsizing in our defense budget. We are cutting beyond bone. We are shrinking below what President Bush thought, we are shrinking below what President Clinton, said was necessary. We are going to weaken America's military over the next 5 years in very significant ways.

Now, when we were building up the military under Presidents Reagan and Bush, Mr. Chairman, we got into the habit of carrying out for the United Nations a whole series of invisible services often involving logistics, air mobility, supplies, command and control, a whole range of things which we just threw in. So, we were about the largest payer to the United Nations of money for peacekeeping. We had been assessed at 31 percent, and I must thank the appropriate committee member who brought that back down. Hope to bring it down to 25 by something they just adopted. But clearly we are the largest payer in the world of peacekeeping in direct cash.

In addition, Mr. Chairman, there was a hidden subsidy in that a very substantial part of the cost of many of these operations was American C–141's, American C–5's, American C–130's, all of them, by the way, made in de Kalb County, GA, which I represent. But that is not the point. The point is that, when we were a much larger defense system, we could afford these invisible costs.

Now they are not trivial. Look at Somalia, Operation Provide Relief; Yugoslavia, Operation Deny Flight, embargo enforcement and air drops; Southern Iraq, Operation Southern Watch; Northern Iraq, Operation Provide Comfort; Haiti, embargo enforcement. These are not small sums of money. For fiscal 1994 alone, just for fiscal 1994, Congress has already appropriated $1,200,000,000 in supplemental defense funds to cover such costs and will probably have to come back and approve even more.

Now some examples:

Somalia, $424 million in United States costs of supporting the United Nations without compensation; Yugoslavia and Bosnia, $277 million in United States invisible costs without being compensated; Iraq, $450 million in United States costs without compensation; Haiti, $48 million in additional and invisible costs to the United States without being able to be reimbursed. So, Mr. Chairman, what is happening is we are both the largest direct payer to United Nations peacekeeping, and we do not get to score any of our own costs as part of the cost of the peacekeeping.

Now all this amendment does, Mr. Chairman, is begin to raise a very serious issue, to wit: "When you're cutting the American defense budget, when you're laying off 15,000 uniformed personnel a month and 10,000 civilian personnel a month in your defense system, when you're shrinking the number of ships, when you're reducing the number of planes, when you're shrinking the number of tanks, when you're weakening America's defense, can you really afford to have an invisible subsidy to the United Nations on top of the money that is already the largest single source for U.N. peacekeeping?"

I do not think so.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California [Mr. BERMAN] briefly.

Mr. BERMAN. Mr. Chairman, does the gentleman consider the U.N. supported, participated action in Desert Storm to be an action in which the U.S. Government spend billions of dollars in direct or indirect costs in support of a peacekeeping/peacemaking operation?

Mr. GINGRICH. I think that Desert Storm was a unique moment, as was the Korean war, in both of those cases involving a large theater level conflict. The United Nations provided virtual total leadership and virtual total military capacity while assembling around it a coalition of forces under United Nations command. But the fact is, in both the Korean war and in Desert Shield/Desert Storm, it was American leadership to accomplish American objectives with the support of the United Nations.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. Mr. Chairman, I think I am out of time, I am afraid, but I appreciate very much my colleague participating.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the distinguished gentleman from California [Mr. DELLUMS] for yielding this time to me.

As I understand the amendment offered by the gentleman from Georgia, Mr. Chairman, it prohibits the State Department from paying U.N. peacekeeping assessment unless the Defense Department is fully reimbursed for its support to U.N. peacekeeping operations.

Now I think everybody in this Chamber agrees that the Department of Defense should be reimbursed when appropriate for additional costs it incurs in U.N. peacekeeping operations. There should be no doubt about that. We all accept that. It is my understanding that the Department of Defense today has already been reimbursed by the United Nations for incremental costs in support of peacekeeping operations, and for most of its direct support to peacekeeping, such as provision of equipment in airlift where there are additional costs, and the Department of Defense should receive reimbursement for those additional costs as well. And when those additional costs occur, Mr. Chairman, we have a means to take care of that through supplemental appropriations, and we should. Mr. Chairman, the President has committed himself to seeking supplemental appropriations whenever the Defense Department incurs these costs, and indeed he should, and he has honored that commitment in Somalia and, I think, will do so in the future.

I think the important thing here is not to mix up two issues. The one issue is Defense Department reimbursement. There should be no debate about it. We all agree to it. The other issue is funds the United States is legally required, committed, to pay the United Nations. Holding U.N. peacekeeping assessments hostage will not reimburse the Defense Department for costs. Holding U.N. peacekeeping funds hostage does mean that the U.N. peacekeeping operations will shut down, and that is what is dangerous about this amendment. Those countries that are contributing troops, the troops will not be paid. They will pull their troops out.

Members who vote for this amendment must understand the consequences, and the consequences are that we will have to shut down peacekeeping operations; for example, in Cyprus. We will pull out peacekeeping forces in the Middle East, right in the middle of the peace process. We will let the violence and the slaughter continue in Rwanda. We will halt the peace process in Angola. We will pull out forces from Kuwait on Saddam Hussein's border.

□ 1940

So this amendment sets a bad precedent. It suggests that every nation is entitled, regardless of U.N. rules, regardless of our commitments, to decide for itself what expenses are incurred in support of peacekeeping, and then to credit all of these expenses against the peacekeeping assessment.

If we claim that any Department of Defense cost remotely connected to peacekeeping must be reimbursed by the United Nations, what will stop the Russians from claiming it is peacekeeping in the Novgorod, and then reducing its payments to the United Nations for peacekeeping?

What would stop countries who are incurring costs as a result of economic embargoes against Serbia, Haiti, Libya, and Iraq from charging those costs against their U.N. assessments?

The bottom line I think is that the United Nations peacekeeping is in the American national interest. It is in our interest that the United Nations does peacekeeping, and not the United States. We do not want to be the cop on the beat around the world. We should pay our peacekeeping assessments and not mix up those assessments with the reimbursement for the Department of Defense.

When the United States decides that it is in the national interest to provide Department of Defense support for peacekeeping, we do and we can contract with the United Nations for reimbursement. Costs beyond normal reimbursement, as in the case of Somalia, should be covered by supplemental appropriations.

As Secretary Christopher has pointed out, what this amendment does is compel the President to make an unacceptable choice. On the one hand, withdraw U.S. military support for these peacekeeping operations; or refuse to comply with our U.N. charter obligations to pay for our peacekeeping activities. That is an unacceptable choice, and the amendment should be defeated.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

Mr. Chairman, this amendment is a slick way to avoid paying our bills to the United Nations. This amendment is a little too cute. It pulls the rug out from under the United Nations—the problem is: We are standing on that same rug.

This amendment is a clever attempt to make the United Nations pay for U.S. military operations—for operations we want to conduct and for which we sought U.N. endorsement. This amendment tells the United Nations: "Anytime you endorse an American operation, we're gonna make you pay for it." Well, what do you suppose will be the U.N. response: "In that case, you Americans don't get a U.N. endorsement." The result is this:

First, we still have to pay for the costs of the operation.

Second, we are forced to act as a lone wolf without U.N. endorsement, making it harder to defend the operation.

Mr. Chairman, let's look at what kind of military operations the United States is engaged in today in our national interest with U.N. endorsement. All of these operations are authorized by the U.N. Security Council. But none of them are U.N.-assessed operations because we choose to run them as U.S.-commanded operations. Here's the list.

Off Haiti, Operation Support Democracy.

Around former Yugoslavia, four different efforts—Operation Deny Flight, Operation Sharp Guard, Operation Provide Promise, and Sanctions Against Missions—all designed to reduce the conflict there.

Over Iraq, Operation Southern Watch is the effort to stop Iraqi flights over southern Iraq and includes the blockade enforcement operation in the Red Sea. Operation Provide Comfort is the effort to stop flights in the north and to protect the Kurds there.

In Somalia, a United States amphibious readiness group consisting of 3 ships and over 4,000 personnel is deployed in the Indian Ocean, by our choice.

In the Middle East, the Western Sahara, and in Mozambique, the U.S. military provides a modicum of support for U.N. operations at a cost of about $100,000 each.

Mr. Chairman, the projected costs for this year for these operations—U.S. run but U.N. endorsed—less U.N. reimbursements to the United States, total more than $900 million. That amount would almost wipe out the anticipated arrearages for U.N. peacekeeping operations, which are almost $1 billion. Last September, the President promised the world that the United States would pay its assessed contributions in full. Other U.N. member nations are watching whether the United States meets its responsibilities. This amendment says we won't.

Mr. Chairman, this amendment is harmful. I strongly urge Members to oppose and defeat this amendment.

Mr. Chairman, I include for the RECORD a letter from Secretary of State Warren Christopher.

THE SECRETARY OF STATE,
Washington, May 24, 1994.

DEAR MR. SPEAKER: I am writing to express my strong opposition to a proposed amendment on peacekeeping to the Department of Defense Authorization bill. This amendment, were it to become law, would have disastrous consequences for the ability of the United States to advance our interests through the United Nations.

Except in rare circumstances where the United States waives reimbursement from the UN, the Department of Defense is reimbursed for goods and services it provides to UN assessed peacekeeping activities. The U.S. also receives the same per soldier reimbursement as other countries when we participate in peacekeeping operations. This amendment, however, would go far beyond these arrangements.

It is important for the Congress to understand that U.S. participation in UN-sponsored activities, such as the non-fly zone over Bosnia and the maritime interdiction forces around Haiti, Iraq and the former Yugoslavia, are all undertaken voluntarily to advance our national interests. This has been the case under both Democratic and Republican Administrations.

This amendment, however, would compel the President to make an unacceptable choice: withdraw U.S. military support for these and other operations or refuse to comply with our UN Charter obligations to pay for UN peacekeeping activities. The UN peacekeeping system already is under enormous financial strain, and this amendment could lead to its collapse.

The Administration believes that peacekeeping operations can be a useful tool for our foreign policy. We have recently completed a comprehensive review of U.S. participation in UN peacekeeping operations, and we are working to address many of the concerns raised by this amendment, particularly reducing the cost of these operations.

Therefore, I urge the Congress to defeat this amendment.

Sincerely,
WARREN CHRISTOPHER.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to another coauthor of the amendment, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, for some time now, the United States has been providing what amounts to pro bono support for U.N. peacekeeping activities. But what is pro bono for the United Nations is double billing to the American people. Under an antiquated assessment system that does not take into account economic realities of the last 30 years, including the growth of Germany, Japan, and China, the United States is assessed over 31 percent of the United Nations' peacekeeping budget.

In the State Department Authorization Act recently signed into law, Congress took steps to force the administration to address this inequity and reduce the proportion of our assessment.

Today we have an opportunity to address another inequity in the U.N. assessment formula. When President Bush sent armed forces on a mission to Somalia in December 1992, it was to enforce a U.N. Security Council resolution. Although our forces were fulfilling a U.N. mandate, the costs were all absorbed by the American taxpayer.

Hear me, the American taxpayer. Only after the mission was formally turned back over to the United Nations were the costs shared by other countries in addition to ourselves. The administration ultimately requested a supplemental appropriation of $750 million to cover part of the cost of the mission, choosing to absorb the other costs in the regular Department of Defense budget.

We passed that supplemental spending bill earlier this year. We did not ask for nor did we receive from the United Nations financial credit for this substantial contribution, and our U.N. assessment remained unchanged.

This is not the first time we have undertaken this double burden, and I fear it will not be the last. As I speak, we are expending substantial resources from our distressed Department of Defense budget to pay for several missions that directly support U.N. operations.

Our participation in the no-fly zone over Bosnia is financed wholly by the United States. So is our enforcement of the embargo on arms for Bosnia, which the President says he does not support, as is the broader embargo against Serbia and Montenegro. We are also paying for our part of Operation Provide Comfort and Southern Watch in Iraq.

In fact, over the years we have funded a substantial amount of activity in support of U.N. peacekeeping operations, above and beyond our bloated 31-plus percent for those operations. The amendment before us today will give us proper credit for those costs and would end the practice that unfairly burdens the Pentagon with costs contracted for by the State Department.

Most importantly, its adoption will be one more step in winning fair treatment for the American taxpayer.

□ 1950

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

I think it bears pointing out that the United States is reimbursed by the United Nations for most direct DOD support to peacekeeping activities, such as when we provide equipment, when we provide airlift. We are paid for that. And when we are participants in a peacekeeping effort, we are reimbursed on the same basis as other countries which contribute troops to the peacekeeping.

This amendment would take us much further along. It is really a unilateral decree that will allow us to charge the U.N. for missions that we have undertaken, allow the United States to offset against its share of peacekeeping operations the assessment delivered to us, what we have spent on U.N. endorsed but nevertheless not directly sponsored undertakings.

There are dozens of different problems with this, but let me just highlight several.

First of all, it would violate our legal obligations under the United Nations charter to pay our assessment in accordance with the rules that all countries who are parties to that charter follow. Great nations ought to keep their word. It is as simple as that. We should abide by the charter as long as we are a party to it.

Second, this amendment, if we got away with it, would invite other countries to do the same, so the British and the French and the Italians and others who are now involved in enforcing the no-fly zone, say in Bosnia, they could do the same. They could credit their assessments.

Third, the unilateral nature of this amendment, coupled with its invitation to fiscal anarchy in the United Nations, would weaken our ability to work out other reforms in the United Nations, including a reduction in our peacekeeping assessments.

The Secretary of Defense has written the Speaker of the House a letter today in which he said, "All of these things, taken together, mean that this amendment would ensure disaster for a U.N. peacekeeping system already teetering on the financial brink."

Mr. Chairman, we should defeat this amendment.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in strong support of this amendment. Today, the defense budget faces a double threat. First, the Clinton administration has embarked on a plan to cut from Defense, over the next 5 years, $127 billion more than the amount the Bush administration proposed over the same period. The second threat is the idea, firmly embraced by the administration, that the defense budget is a ready pool of funds that can be raided for any project deemed necessary by the President.

Funding for peacekeeping has become one of those projects. Mr. Clinton has made the United Nations a centerpiece of his foreign policy. Deferring to this international body on a variety of foreign policy crises, we have seen the folly of this approach from Bosnia, to Somalia, to Haiti.

Yet today, we see the rapid expansion of United Nations peacekeeping operations around the world. With this expansion, we have seen the extensive involvement of the U.S. military in support of the U.N. This support is not without costs. By the end of this year, the United States will be in arrears to the United Nations in excess of $1 billion. In fact, the President has asked for a supplemental peacekeeping appropriation of $640 million for 1994.

Historically, the bills for peacekeeping operations have been paid from the State Department budget. But in addition, the United Nations has benefited from the support of U.S. military forces deployed overseas. These forces are often sent on U.N. missions without reimbursement. Their costs are paid from the individual services' operations and maintenance accounts.

Somalia is a prime example. Last year, this Congress passed a supplemental appropriation bill to pay for the ill-fated United States participation in the U.N. mission in Somalia. This cost the American taxpayer over $1 billion. Today, in Bosnia, most of the costs accrued in support of that operation come from the operations and maintenance fund of the individual services. It is unlikely that these costs will be reimbursed by the United Nations.

This amendment is simple. It stops this drain on the defense budget by requiring the United States to deduct from its annual U.N. peacekeeping bill the money the Department of Defense spends in support of U.N. peacekeeping operations. I think this is only fair.

Mr. Chairman, the free ride is over. The United Nations should no longer be allowed to raid our defense budget without reimbursement. I strongly support this amendment and urge my colleagues to vote "yes."

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, the question here is fairness, purely and simply. Why not treat us fairly?

Do not be fooled. We are paying twice to the United Nations for these peacekeeping operations. Number one, we are paying three times, almost, what Japan pays in outright assessments, 31.7 percent. Almost four times what Germany pays. Not only that, but then we send our aircraft carriers to the scene or we send our planes to the scene and incur these exorbitant extra costs on top of that.

We are told that this year alone that is $1.5 billion, so we are paying 31.7 percent of the total cost. Then on top of that, we are paying another $1.5 billion in logistical support. What is fair?

The true cost to the American taxpayer this year, 1994, for peacekeeping is really $2.7 billion.

Now, we are not just talking about chicken feed anymore, Mr. Chairman. We used to be, in 1988. But look at the growth in the assessed cost for U.N. peacekeeping over the years.

Here is 1988. Here is 1994, estimated, and still going on up.

We are involved now in 19 peacekeeping missions in the world, and we are paying much more than a third of the cost. I do not think that is fair.

What does the United Nations do when we try to correct that? They refuse.

We asked permission for years to lower our assessment to just 25 percent, merely twice what Japan pays, the next highest. They refused.

They refused to allow us to credit against what we pay these extra costs militarily that comes out of our defense budget. And they refused our request for an independent inspector general to tell us how the books are kept.

Mr. Chairman, I think it is time that we stood on our hind feet and said, this is enough.

Now, where does the money come from, Mr. Chairman? It comes from my appropriations subcommittee that also appropriates the funds for the war on crime, the war on drugs. Every penny that we send in this fund here comes out of the same fund out of which we are trying to fight the war on crime. That explains itself, because the President this year, in requesting funds for the war on crime, decreases the FBI by 300 people, decreases the DEA by 800 people because of this element right here.

I ask for fairness. I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank my distinguished colleague for yielding time to me.

I am not going to give my own words. I am going to quote from a letter from Secretary of Defense Perry.

He says:

> I am writing to express my strong opposition to Representative GINGRICH's peacekeeping amendment.

He goes on to say:

> The impact on U.S. foreign policy and U.S. leadership in the post-cold war era would be devastating. This amendment would jeopardize missions such as our peacekeeping operations in Cyprus, our sanction enforcement in Iraq, our U.N. peacekeeping in southern Lebanon.

And again I quote, he says:

> In addition to bringing about the virtual collapse of U.N. peacekeeping, withholding payments to our U.N. assessment would create a serious violation of our treaty obligations under the U.N. charter. Peacekeeping operations are an important tool for protecting and advancing U.S. interests in the post-cold war.

Mr. Chairman, I want to join with the Secretary of Defense, William Perry, and say vote "no" on the Gingrich amendment.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the remaining amount of time on both sides of the debate.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 18½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 19 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], another coauthor of this amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of the Michel-Gingrich-Hyde-Gilman-Spence amendment. This amendment will, for the first time, require that our Nation's peacekeeping payments to the United Nations be adjusted to take account of in-kind contributions to U.N. peacekeeping operations by the Department of Defense.

The logic of this amendment is simple and powerful. Every year, DOD spends millions of dollars for U.S. participation in and support for U.N. peacekeeping operations, with little or no reimbursement from the United Nations. And every year, the United Nations has been assessing us for 31.7 percent of the total cost of its peacekeeping operations.

That's a bill that traditionally has been paid in cash by the State Department. This amendment requires that DOD's peacekeeping expenditures be offset against our U.N. peacekeeping assessment before the State Department makes cash payments to the United Nations. In effect, the United States will begin to pay part of its U.N. bill in kind rather than in cash.

This is an important, long overdue innovation that addresses a growing problem.

Because the number and cost of U.N. peacekeeping operations has been growing, the amount of our annual assessment has been growing as well, and increasingly the United States has fallen behind in its payments. For this fiscal year, $401 million has been appropriated for assessed peacekeeping costs. Even after State pays this $401 million to the United Nations, however, it is estimated that by the end of this fiscal year our total arrearage to the U.N. for assessed peacekeeping costs will exceed $1 billion.

That's why the President has asked for a supplemental peacekeeping appropriation this year of $670 million—that is, $670 million in addition to the $401 million already appropriated. And even if that supplemental appropriation is approved, we will end the year with at least a $350 million arrearage.

This is a situation that only promises to become worse. Our U.N. peacekeeping assessment for fiscal 1995 is likely to be in the neighborhood of $1.2 to $1.3 billion. But Congress has authorized only $510 million for assessed peacekeeping contributions in 1995. So, without some supplemental appropriations, our total arrearage at the end of 1995 could be as high as $1.8 billion.

While these bills are piling up, the Defense Department has been incurring huge unreimbursed costs for participating in and supporting U.N. peacekeeping operations.

For the failed peacekeeping operation in Somalia, for example, Congress had to approve a reprogramming and a supplemental appropriation totaling over $1 billion to cover DOD's unreimbursed costs.

Similarly, DOD is now racking up large unreimbursed costs for its operations in, over, and around Bosnia in support of United Nations peacekeeping activities there. It is estimated that those costs will total approximately $275 million this year.

The time has come to restore some balance to the equation. If the United Nations is going to continue piling peacekeeping debts on us, it is only fair that we develop a way to charge back to the United Nations the costs that DOD incurs in supporting peacekeeping operations.

This amendment does not prohibit our Nation's involvement in U.N. peacekeeping.

The Michel-Gingrich-Hyde-Gilman-Spence amendment simply provides a mechanism for the United Nations to credit our Nation's costs against the U.N. assessment. It is a long-overdue step that deserves support.

Accordingly, I urge my colleagues to adopt the amendment.

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Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the chairman of the Committee on Armed Services for yielding me this time.

Mr. Chairman, I cannot believe what I am hearing. I ask my colleagues to read the text of this amendment and understand what would have happened if this had been in effect 3 years ago.

First, understand this. We can try and dissociate ourselves all we want from U.N. peacekeeping operations, but the fact is there is not one peacekeeping operation going on now that the United States could not have killed at its inception by exercising its power of veto. The Security Council is the only body empowered to have the United Nations authorize any peacekeeping operations. We can veto anything at the Security Council.

Secondly, if this had been in effect 3 years ago, when we chose to undertake Desert Shield and then Desert Storm, and we sought the U.N. endorsement of that proposition and received the U.N. endorsement, with a lot of great and excellent diplomatic work by the previous administration, and we spent, what, $50, $60, $70 billion, much of which was reimbursed, and there is no reference, by the way, to the fact that reimbursements come off of the credit, but whatever we spent there, billions of dollars in direct and indirect U.S. costs in this operation, if this resolution had been in effect at that time, for 25 years in the future we would never pay one dollar into any approved U.N. peacekeeping operation.

What is the consequence of that? It is either we shrink from our superpower status totally, and totally disengage ourselves from the world, and yes, then we would have more money for cops on the streets and the crime bill and the FBI and a lot of domestic programs. We could also repeal our defense budget while we are at it as well, and have even more money for doing that. But a superpower does not operate under that kind of situation.

Second, we would either remove ourselves from every consideration internationally or we would find ourselves unilaterally involved in maintaining the peace in Cyprus, in monitoring human rights in the election process in Salvador, in doing all these unilaterally, because the Security Council would never undertake a single international peacekeeping operation because the United States would not be paying. We would be taking credits off of our obligations and our assessments in violation of the charter, notwithstanding the fact we could block any specific peacekeeping operation, because we had provided indirect or direct costs to some operation we thought was worthy of our support.

Let me tell the Members, I think enforcing the no fly zone in northern Iraq and protecting the Kurds in the consequence of Desert Storm in a worthwhile expenditure, and yes, we are doing it, and yes, the U.S. sanctioned it. I do not think that should mean that because of that we ask the United Nations to pull out of Cambodia and we ask the United Nations to pull out of Cyprus and we ask the United Nations to pull out of El Salvador. That is crazy.

Mr. Chairman, the only salvation, I think, in this amendment is I truly believe that the sponsors of it do not really want it to happen. They want to register some criticism of U.S. foreign policy in the area of peacekeeping, but the way to do that and the way to deal with equity in the sanctions is to only appropriate the arrearages on the condition that those ratios come down to a more realistic level, that we meet the 25 percent.

That is exactly what we did in the State Department authorization bill that was signed into law a month ago. That is exactly what the appropriators are talking about doing. That is the right way to get some sense of efficient management and fair participation in international peacekeeping.

Mr. Chairman, I urge a no vote on the amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, the minority leader characterized this amendment as one of common sense. That is exactly what it is. When it comes to U.N. peacekeeping efforts, the United States contributes an incredible amount of money through logistics, air power, lethal weaponry, and manpower, in addition to cash. The soldiers, the sailors, marines and airmen who risk their lives to provide the wherewithal to keep indigenous people from killing themselves benefit from all of these contributions.

Over the years, I have visited United States soldiers sweating in the Sinai, airmen feeding the peoples of Bosnia and northern Iraq, marines and sailors in Somalia, troops in Desert Storm, the DMZ in Korea, the war zone in Beirut, et cetera, et cetera, et cetera. Through the United Nations, America feeds and nurtures and protects people around the world.

Because of earlier commitments, we provide $75 million for peacekeeping process in the Sinai, in Cyprus, and in Lebanon. That is under the appropriation bills, the Foreign Aid Subcommittee, apart from the provisions of this bill. Again, apart from the provisions of this bill, under the State-Justice appropriation bill, we have been contributing over 33 percent of all current U.N. peacekeeping operations.

Recently, we trimmed down that figure, all the way down to 32 percent, still the most significant proportion of any country in the world. We have 80,000 troops stationed in some 18 U.S. peacekeeping operations around the world, with some eight more countries on the planning boards.

The costs of these operations are borne solely by United States taxpayers, in addition to the 33 percent of the U.N. operations, which costs alone, for Somalia, $1 billion last year, all in addition to the $75 billion in the foreign aid bill.

Mr. Chairman, we also contribute hundreds of millions of dollars to multilateral banks. We spend a total of $14 billion in our foreign aid bill, which is not even discussed here today, for foreign aid of all kinds around the world. It is not too much to ask the United Nations to give us financial credit for the costs of our military effort on behalf of world peace.

Enough is enough. Our taxpayers are overburdened. This would be a very good place to lower the cost of their generosity. The burden of being the beacon of liberty throughout the world should warrant at least some sensible credit and recognition. Accordingly, I urge the adoption of this common sense amendment.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, I thank my good friend, colleague, and neighbor, the gentleman from California [Mr. DELLUMS] for yielding time to me.

Mr. Chairman, I am glad the gentleman from Louisiana [Mr. LIVINGSTON] is here, because he misspoke, and I would like to correct a statement that he made, and I am sure he will agree with me.

Mr. Chairman, we do not have 80,000 troops in U.N. peacekeeping operations around the world, which is what the gentleman said, I am sure inadvertently. There are 80,000 U.N. peacekeeping troops around the world from many countries. We have 800 U.S. troops in U.N. peacekeeping operations.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I am delighted to yield to my friend, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I think the gentleman should explain that to the 30,000 United States troops in Korea or the 500 in Macedonia alone, a very small portion of the people.

Mr. LANTOS. Mr. Chairman, if I may reclaim my time, the gentleman knows as well as I do that the United States forces in Korea are not part of U.N. peacekeeping operations. The gentleman knows that as wells I do.

The fact is that the small country of Norway has more peacekeepers in U.N. peacekeeping operations than we do. We have 800, 800 out of the 80,000 peacekeepers who happen to be members of the U.S. Armed Forces.

As I listened to this debate on both sides, I tried to decide what are the issues on which we agree, so let me begin with those.

Mr. Chairman, No. 1, I take it we all agree that the United States pays too large a share of U.N. peacekeeping operations. The Japanese, the Germans, the Kuwaitis, the Saudis, many others should pay a large share of U.N. peacekeeping costs, and we should reduce our payment. We should do so in an orderly fashion.

No. 2, very important, as my friend, the gentleman from California [Mr. BERMAN] pointed out, there is not a single U.N. peacekeeping operation any place on this planet that we could not have stopped with our veto. Every single U.N. peacekeeping operation is in existence with our concurrence, approval, and vote. There is not a single one of the 18 that we objected to.

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No. 3. We do not wish to be the policeman of this world. We want to the maximum possible extent other countries participating in peacekeeping activities.

Mr. Chairman, if I may use a local analogy. What the amendment from the other side proposes is something like this: Let us assume that you are in a city and the city taxes are $1,000. This $1,000 is budgeted for the police department and the fire department and the street cleaning department. That is what the city runs on. But you also decide without concurrence or approval by anybody that you will buy $1,000 worth of equipment for a playground and you do it. Nobody approved of it, nobody budgeted for it. Nobody said that is what we are going to spend our monies on, and then you say having spent $1,000 for equipment on the playground, I will not now pay my city taxes.

Mr. Chairman, this is absurd, and every one of my colleagues on the other side knows that it is absurd.

If this absurd proposal is accepted, I tell Members what will happen next. Russia is currently having troops in Georgia to supplement a U.N. peacekeeping observer team. If we do what the gentleman is proposing, nothing prevents Russia from charging as much of the Russian Army to U.N. peacekeepng obligations as they choose. Nothing prevents the French and the British from charging their cost of preventing overflights in Yugoslavia to their peacekeeping costs.

If my colleagues want to destroy the peacekeeping activity of the United Nations, vote for this ill-advised amendment. If my colleagues want others to carry their fair share of the load, vote against it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman form Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong support of this amendment. This debate is amazing to me. As I recall last week, we were on the floor in a similar debate. The big issue then was called burdensharing. Many of my colleagues from the other side who spoke in support of the burdensharing amendment were the same ones who got up now and said that the U.N. has to be paid for from Japan and Europe and other countries, but we cannot pull the plug out from under the United Nations at this point in time.

Mr. Chairman, where were these people when we argued in support of President Clinton's partnership for peace which he has unveiled in support of our NATO allies, when we pulled the rug out from under the President last week in this body? I stood up on the floor of the House and I said I want to defend the President, and I want to support Secretary Christopher and Secretary Perry. I want to give them the flexibility.

I cannot believe some of my colleagues who got up and quoted the Secretary of Defense today who laughed at the Secretary last week. That is absolutely beyond my comprehension.

Mr. Chairman, this amendment does not curtail the leadership of President Clinton. What it simply says is that when we respond to a U.N. operation, we should be given credit for our cost. I think the American taxpayers would agree with that. We are not saying we should not comply and help out in these U.N. operations. We are saying we should be given credit for it.

I ask my colleagues that supported the burdensharing amendment last week, here is your chance. This is burdensharing at its best. This is our opportunity to say to Japan, to France, to Germany, cough up the money, support the United Nations financially. Do not make the United States pay for the cost of all these missions that we get dragged into by the U.N. leadership.

Mr. Chairman, this is the real burdensharing amendment. People of America, watch this vote closely. Because what we are saying is we want the President to have flexibility. If the President wants to send our troops on a U.N. mission anyplace in the world, we will support him, but we think our allies through the United Nations should help pay the cost.

Mr. DELLUMS. Mr. Chairman, at this time I would counter by yielding 2 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA.]

Mr. MURTHA. Mr. Chairman, I think we have to be very practical about this money. The chances are, we are not going to have any peacekeeping money in our bill this year. But for us to try to make this an issue when it is actually not an issue is not appropriate.

I remember vividly going down to the White House when President Bush wanted to go to Somalia. I was the only one who spoke up and said, "I don't think this is as good operation." We forced the United Nations into that operation. If we would have had them take an assessment from other countries and pay for the peacekeeping mission based on that assessment, it would have bankrupted the United Nations.

Mr. Chairman, we use the United Nations to our advantage. We sometimes use the United Nations to legitimize our military effort. President Bush did it. President Clinton has inherited it. We have not paid our full U.N. assessment, and it is embarrassing to the United States for us not to pay the legitimate assessment we agreed to.

Mr. Chairman, for us to try by subterfuge to say now that, even though there is an agreement, "Well, wait a minute, we want you to give us credit for our flights into Bosnia because we don't have any troops on the ground," and they should reimburse us for some of this action is not appropriate. It certainly should be discussed when it is legitimate. But to say the flights into Bosnia which are humanitarian aid and in our interest, which we want to do and all of us support, are going to be part of the cost of operating the official U.N. peacekeeping mission, it is just wrong.

From a practical standpoint, we are behind in our regular assessment. I believe our assessment is too high, but we have to negotiate it. We cannot unilaterally say to the people in the United Nations when we use them whenever we want that the assessment is too high and we want to pay in kind.

Mr. Chairman, I would urge the Members of this Congress to be very careful and to vote against this amendment, which sounds good on the surface. Many of us do not want to take peacekeeping money out of the defense budget, and we are trying to avoid that. It now comes out of the State Department budget. But I urge the Members of Congress not to try to pay for peacekeeping in this high-handed method.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, I do not know if the gentleman who is walking away from the microphone would like to listen, but in response to the gentleman from California, I think it is ironic that he would count only 800 United States troops in U.N. peacekeeping operations when the gentleman who just spoke has visited the 30,000 in Korea who are there for peacekeeping, the 12,000 to 14,000 troops in Bosnia are there for peacekeeping. They are feeding people. The 17,000 people who are involved in the feeding of the Kurds in northern Iraq where we had the tragic accident are involved in peacekeeping.

Mr. Chairman, it is ludicrous for the gentleman from California to say that we only have 800 troops involved in peacekeeping efforts. We have thousands and thousands and thousands of troops engaged in helping people around the world to survive. All we are saying is that those people that are involved in those operations should be given some credit against the incredible fees that the United Nations assesses us for other peacekeeping operations.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, my friend, the gentleman from Louisiana, knows every bit as well as I do that there is a very precise definition of U.N. peacekeeping troops. Those are troops around the globe who are in various locations as a result of United Nations Security Council action. There are 80,000 such troops around the globe, of which 79,200 are not members of the U.S. Armed Forces.

Mr. Chairman, there are lots of American troops in many parts of the globe. We used to have hundreds of thousands as members of NATO all over Europe. They kept the peace. But they were not there as U.S. peacekeeping troops.

I think it is important to get our terminology straight. Our troops in Korea are there to keep the peace.

□ 2020

They are there not as a result of the United Nations resolutions designating them as peacekeeping troops. They have been there since the end of the Korean war.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, I think he is quibbling about how many angels can dance on the head of a pin.

Mr. LANTOS. I am not quibbling at all.

Mr. LIVINGSTON. I would like him to explain that to the 40 people killed in Somalia that they were not part of the peacekeeping effort in Somalia.

Mr. LANTOS. Those are the facts.

Mr. LIVINGSTON. I would like to tell him to tell that to the families of the people that were killed. Beyond that, they are losing their lives with some unfortunate degree of regularity. They are peacekeepers. And we are asking to be reimbursed for their efforts.

Mr. LANTOS. Reclaiming my time, the gentleman clearly understands the difference between NATO forces which have been in Europe for two generations and United Nations designated peacekeeping forces wherever they are, in Macedonia, which are there as a result of United Nations resolutions designated as peacekeeping forces. By definition, all American forces are designed to keep the peace. We know what the distinction is.

The 80,000 U.N. peacekeepers have 1 percent U.S. participation.

Mr. LIVINGSTON. The gentleman is incorrect.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to point out in response to the comment by the gentleman from California [Mr. BERMAN] that this amendment does not apply to operations like Desert Storm. The amendment extends only to DOD costs related to peacekeeping operations.

Desert Storm was a war, not a peacekeeping, peacemaking, peace-enforcing, or similar operation. Desert Storm-type operations in the future are exempted from this amendment by the very definition in the section.

I further submit that I recognize that not everyone in this Chamber agrees with the approach that we are suggesting of an in-kind credit proposed by the amendment, but to those who object to that approach, I think it is only fair to ask: What is the alternative solution? How do you propose to pay off the $1 billion peacekeeping arrearages we will have at the end of this fiscal year? And how shall we pay off the $1.8 billion arrearages we may have at the end of next year?

So before you reject this amendment's approach, make certain that you have an alternative for finding the money for paying the growing U.N. peacekeeping assessment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

Calling a tail a leg does not make it one. Definition: United Nations peacekeeping activities means any international peacekeeping, peacemaking, peace-enforcing, or similar activity authorized by the U.N. Security Council under chapter 6 or chapter 7 of the U.N. Charter. Desert Storm and Desert Shield were both authorized activities under the U.N. Charter, under chapter 7.

This absolutely does not exclude Desert Storm. If Desert Storm applied when this was in effect, no money would be paid for the next 25 years.

Mr. GILMAN. Reclaiming my time, even though Desert Storm was authorized by the Security Council under chapter 7, that does not necessarily make it peacemaking or peacekeeping.

Mr. BERMAN. What was it? It was not knitting.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BERMAN] to conclude his comments.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Desert Storm was a chapter 7 U.N. operation for peacemaking. It was covered by this. You can say it all you want that it is not covered, Desert Storm was not covered. I understand why you have to say it was not covered, because if Desert Storm is covered, it shows what this resolution does. It prohibits any U.N. dollars for any international peacekeeping operation for the next 25 years. You have to support that, so you have to say it is excluded. Well, it is not.

Mr. GILMAN. If the gentleman will yield, the Desert Storm operation we all know was a hostile war.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, as the chairman of the subcommittee for 13 years that handles the funding for the U.S. assessed contributions to the United Nations, I want to lay out some unvarnished facts here.

We have both voluntary and assessed contributions. We are talking about the assessed contributions.

They are established as a result of a treaty, and these assessments are the law of the land. They are owed until the treaty is changed.

About 10 years or so ago, there were only a few peacekeeping operations for which we were making assessed contributions. One of those was $18 million for the U.N. Interim Force in Lebanon [UNIFIL]. But then the United Nations with our vote and support, voted to establish peacekeeping forces for many world problems. Then, they would say, "Well, we have solved that."

The last 4 or 5 years our subcommittee has been demanding that the U.N. establish criteria and that they not vote for all of these peacekeeping operations every time a problem came up. We were the ones that, in our subcommittee, tried to do something about this. These criteria were not established until the last month. These criteria mean that the United States will not support new peacekeeping operations unless certain requirements are met.

After Ambassador Albright took office a year ago last January, I went up to the United Nations. I spent a day or two up there, and I know that she wants to do something about reducing U.S. assessments. She came to my office. She came to our subcommittee hearing, and she has indicated she wants to do something about negotiating a better deal that we have now.

Secretary General Boutros-Ghali came to my office. He started telling me about how wonderful these peacekeeping operations are. I explained to him that he did not need to go through that process. The facts were we did not have the money and were not going to have the money and were not going to contribute the amount of money that he wanted for peacekeeping operations. When he left, I think he understood better what the situation is.

We then did not appropriate all of the requests for the U.S. assessed contributions, so we would get some leverage. The arrearages will amount to $1.2 billion by the end of fiscal year 1994 and we have the leverage so that we can negotiate the kind of a deal we need.

I was one of those who suggested we get credit for the expenses that our troops incur in participating in peacekeeping operations, and I think it was the right thing to do. But I never did think that you could completely offset the U.S. assessment. After all, if we completely offset our assessment, it would be extremely difficult to maintain these peacekeeping operations. But it is the right approach to take in our negotiations.

We generally do not provide U.S. troops for a good reason. Troops from the Third World countries are generally more politically acceptable than troop provided from the major world countries. But the troops that are provided for peacekeeping operations have got to be paid. It is in our interest to curtail any new peacekeeping operations to make sure they meet the new criteria, but it is not in our interest to make it impossible to have any more peacekeeping operations.

That is what this amendment would do.

For example, the gentleman from California mentioned U.N. peacekeeping operations in Georgia. In Georgia, if we do not have U.N. peacekeeping forces, the Russians will furnish all the troops, and we do not want the Russians to have all the troops in Georgia. It is better to have a U.N. presence there than to have the Russians have all the troops in Georgia. So this amendment, I say to you, has some appeal probably with some people. But it is too severe. You cannot say you will not have any more peacekeeping operations until or unless you are going to get all the credit for all the expenses that we may have. It is too severe, and I think we ought to defeat this amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am completely amazed at how my friends on the other side of the aisle can take a logical proposition and turn it on its head. I hear this amendment described as shutting down U.N. peacekeeping operations. For those who make such claims, I urge you to read the amendment.

I would like to read part of the amendment at this time:

> Funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of the United States' support for, or participation in, U.N. peacekeeping activities.

□ 2030

That is all it says. Right now this country pays approximately 33 percent of the cost of U.N. peacekeeping operations.

I do not know what my colleagues hear from people back home, but where I come from people think we are already paying too much. Yet in addition to this 33 percent assessment, we are also paying the additional unreimbursable cost accrued by the Department of Defense in support of these operations.

In Bosnia, we are paying one-third, approximately, of all the costs of all the troops from Great Britain, from France, from all of the other nations who have personnel on the ground. In addition, however, we are paying all the costs of our ships and sailors and airman in the Adriatic flying support of the rescue operation.

We ought to deduct all those expenses from the one-third assessment that the United Nations asks us to pay—that is all the amendment says. All the rest of the rhetoric we are hearing is simply a smokescreen.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Minnesota, [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding this time to me.

Mr. Chairman, this amendment would require the United States to make a dangerous choice:

Either cease all military actions in support of United Nations Security Council resolutions, including: defending South Korea; enforcing the no-fly zone and NATO ultimata in Bosnia; enforcing sanctions against Serbia, Haiti and Iraq; and supporting Operation Provide Comfort in North Iraq and Southern Watch in southern Iraq.

Or force the shut-down of all existing U.N. peacekeeping operations.

Either way, important U.S. interests in the Middle East, Europe, Latin America and Asia would be left undefended.

This amendment would require us to deduct from our U.N. peacekeeping assessment any nonreimbursed expenses incurred by the Department of Defense directly or indirectly in support of U.N. peacekeeping operations.

The premise of the amendment is obviously attractive and seems fair. But in fact, it could have unintended consequences seriously harmful to our national interests.

The United States in fact is reimbursed for most of our direct DOD expenses on behalf of peacekeeping activities. The United States does perform other activities related to U.N. peacekeeping because they are in our national interest, not simply as a favor to the United Nations.

Our current approach to these issues has been supported by administrations both Democratic and Republican, for many, many years. This amendment has tremendous political appeal, but it flies in the face of years of tradition. It undercuts the authority of the United Nations at a time in our history when we need a stronger, not a weaker, voice for international stability and cooperation. The United States is free to decide always on a case-by-case basis when to participate and when to refrain from participation in U.N. peacekeeping operations. Our commitment to both the United Nations and to various peacekeeping efforts is essential in this post-cold war era.

I strongly urge rejection of the Gingrich amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania, [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding this time to me.

Let us set the record straight: This issue is not about pulling out of the United Nations, this issue is not about undermining President Clinton; this issue relates back to what was debated on this House floor last week. It is called burden sharing. Remember what we heard in this body? The allies need to pay their fair share. No more free lunches, no more free rides. Let me read some of the quotes from the CONGRESSIONAL RECORD of May 19 which I have in front of me, Mr. Chairman.

Let me read a few quotes. The majority whip said, and I quote:

> Mr. Chairman, there was once a time when America needed to foot the bill to defend our allies.

He went on to say:

> With this amendment, we are saying it is time for our European allies to pay their fair share too. It is not like they cannot afford it, Mr. Chairman.

Another speaker said, in terms of the amendment we were debating last week, "It is called responsibility-sharing. That is fine with me. I do not care. The politically correct thing now is responsibility-sharing. We need to have our allies pay their fair share."

Another of our colleagues spoke on the floor. As a matter of fact, she spoke on the floor tonight. And what did she say last week? "I want to tell you how my constituents respond when asked the question, 'Should our allies bear more of the costs of their defense?' They respond with an overwhelming 'yes'." She goes on to talk about asking Europeans to pay their fair share when they say they cannot afford it. Mr. Chairman, that is what we are doing. We are saying, when we commit to a United Nations operation, why cannot all of the allies—the Europeans, the Japanese, the French, the Germans—why can they not pay part of the bill?

Mr. Chairman, this is burden-sharing; this is burden-sharing at its best.

One of our other colleagues got up on the House floor and he said, "We are subsidizing to the tune of billions of dollars the economies of our European allies by letting them off the hook when it comes to paying their fair share. And that is all we are talking about, paying their fair share for their own defense."

Another of our colleagues got up and made the same point.

Mr. Chairman, I could go through the entire CONGRESSIONAL RECORD on that debate. The facts are very simple: We need to have our allies, through the United Nations, reimburse us for the costs that we bear in sending our troops for missions overseas. That is all that this amendment does. It does not undermine the United Nations, it does not undermine our role, and it does not say that we are not going to support this President when he commits our troops to a U.N. operation. It says one simple thing: Give us credit for our costs and help in the form of our allies paying for the costs associated with this and not have us bear the costs alone.

I think we should support this amendment. It is common sense. It is burden-sharing at its best.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired. The gentleman from California [Mr. DELLUMS] has 1 minute remaining to close the debate.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Under the rule the gentleman is entitled to strike the requisite number of words and is now recognized for 5 minutes in addition to the 1 minute remaining, for a total of 6 minutes.

Mr. DELLUMS. I thank the Chairman.

Mr. Chairman and members of the committee, we come to the close of the debate. My first observation would be, as you listen very carefully to this debate, it is a classic example of why significant policy with such extraordinary implications should not be offered on the floor and debated on the floor when you have not had adequate time in the context of committee proceedings to deliberate carefully. None of us knows the awesome implications of this amendment. This is not the place to simply offer an amendment without having laid the prefatory base for this amendment.

Having made that observation, Mr. Chairman, I rise in opposition to the Gingrich amendment because I believe this is bad foreign policy, from whatever vantage point one views it.

□ 2040

The amendment would unilaterally change the mechanism by which U.S. assessments for U.N. peacekeeping operations are determined and paid. It would limit our U.N. peacekeeping contributions in a fashion that would do damage, in this gentleman's opinion, to our overall foreign policy and, Mr. Chairman, to national security interests.

This amendment may appeal to some because it appears to hit hard at the United Nations. I would suggest that this amendment is rather anti-United States rather than anti-United Nations. It strikes at the heart of American interests in preventing wars from erupting and expanding.

First, let us be clear on what this amendment does. It says:

> Total up everything we spend on military operations that are endorsed by the United Nations, including those that we undertake on our own outside any United Nations administrative framework; then unilaterally recalculate the U.S. assessment for U.N.-conducted peacekeeping by subtracting from this assessment the total of our own expenditures.

Mr. Chairman, several points:

First, again this is bad foreign policy. It unilaterally revises our international obligations; in this case to the United Nations, without any attempt at negotiating first if we have any valid concerns.

Second, Mr. Chairman, the administration is working to reduce our share of U.N. peacekeeping assessments to 25 percent from around 30 to 31 percent. Let us allow the diplomats to do their job.

Third, Mr. Chairman, the Gingrich amendment would hinder attempts of future administrations to turn to the United Nations for involvement and sanction when our Government determines that we should undertake operations in support of international peacekeeping or humanitarian needs, as George Bush did in Operations Desert Shield and Desert Storm. Why would the United Nations give us cover for such operations if doing so would automatically reduce our required contribution to the U.N. budget?

Next point: In this post-cold-war world, we need the United Nations to have more peacekeeping capacity, Mr. Chairman, not less. By reducing the predictability of the American commitment, this would place a large boulder in the path to a stronger U.N. peacekeeping capacity. Do we want our only option in the next Rwanda to be to commit U.S. forces? Or, as the administration suggests, do we want to build a stronger mechanism where international forces, generally without U.S. ground force participation, can be sent to resolve humanity's worst nightmares?

Finally, Mr. Chairman, more generally, if we start unilaterally picking and choosing which of our international obligations to accept, why should other countries not do the same? Why should other countries not decide not to be bound by their U.N. obligations, and proceed to sell nuclear technologies to Saddam Hussein if they so desire? We must build a world of law and of predictable international relations. This amendment would be a giant step backward.

Mr. Chairman, the Secretary of Defense, the Secretary of State, are in opposition to this amendment, and I would think that any reasonable person in these Chambers would want to oppose this amendment.

The implications of this amendment are far-reaching. As a matter of fact, I tried to talk the authors of this amendment out of offering this amendment, allowing the gentleman from South Carolina and this gentleman to raise this issue in the context of the Committee on Armed Services, allow the Committee on Foreign Affairs to address this issue, let us deliberate substantively on a clear matter that has such extraordinary foreign policy implications that it should be not at the eleventh hour in an amendment drawn on the floor of Congress, ill-conceived, ill-advised, misdirected and inappropriate.

With those observations, Mr. Chairman, I would conclude by asking my colleagues to solidly reject this amendment, and let us go forward with reason and sanity.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 221, not voting 26, as follows:

[Roll No. 198]

AYES—191

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Machtley
Maloney
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sangmeister
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—221

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel

English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach

Lehman
Levin
Lewis (GA)
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson

Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—26

Barlow
Barrett (WI)
Boucher
Brown (CA)
Conyers
de Lugo (VI)
Faleomavaega (AS)
Fish

Ford (MI)
Ford (TN)
Gibbons
Grandy
Horn
Lewis (FL)
Lloyd
Michel
Ortiz

Pickle
Santorum
Sharp
Stark
Underwood (GU)
Valentine
Washington
Whitten
Wolf

□ 2103

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CUNNINGHAM. Mr. Chairman, today I rise to discuss two important provisions of H.R. 4301. The first provision is the military pay raise. The second provision concerns the cost of living adjustments [COLA] for military retirees.

On the subject of the military pay raise, I am pleased with the committee's action. This year, the Armed Services Committee, of which I am a member, rejected the President's requested 1.6 percent pay raise and approved the full 2.6 percent pay raise which is due to our service men and women. This initiative by the committee corrected the shortcomings in the President's pay proposal. I note that this provision mirrors the proposal in the fiscal year 1995 Republican budget, written by the distinguished gentleman from Ohio [Mr. KASICH].

Mr. Chairman, the U.S. Military is the best-trained, best-equipped fighting force in the world. The young men and women who serve in the military must be rewarded for their hard work. These people put their lives on the line every day to protect the security of the United States. It is the duty of Congress to provide them with adequate compensation. More importantly, it is the law. I urge my colleagues to support this provision of the Defense Reauthorization Act.

Mr. Chairman, I would also like to register my strong support for the cost of living adjustments for military retirees. The House Armed Services Committee approved payment of the fiscal year 1995 cost of living adjustments for military retirees on the same schedule as Federal civilian retirees. As a military retiree, I strongly believe in fair pay for current and retired military personnel, and I understand that workers come to rely on their COLA's.

The administration had proposed delaying the COLA for military retirees for several months, in effect, decoupling them from the civilian retirees. This treatment is unfair. Fortunately, H.R. 4301, as reported corrects this. The bill before us ensures that military retirees will get their COLA on time. This provision has my strong support.

Mr. Chairman, it is time to stop targeting military personnel and retirees in an attempt to balance the Federal budget. I strongly support both the pay raise provision and the provision that will provide for cost of living increases. Fair pay is the right thing to do, and the time to do it is now.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the union, reported that the Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably absent from proceedings of the House on Tuesday, May 24 owing to the death of my mother.

Had I been here, I would have voted as follows: Rollcall vote No. 193, "aye"; rollcall vote No. 194, "nay"; rollcall vote No. 195, "aye"; rollcall vote No. 196, "aye"; rollcall vote No. 197, "nay"; and rollcall vote No. 198, "nay".

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was absent Tuesday May 24, 1994. Altogether, I was not present for rollcall votes 193, 194, 195, 196, 197, and 198.

On May 24, I would have voted "yes" on the final passage of H.R. 4453, the Military Construction Appropriations Act, rollcall 193; "no" to the Hansen amendment to H.R. 4301, the Defense Authorization Act, rollcall 194; "yes" to the Harman amendment to H.R. 4301, rollcall 195; "yes" to the Dellums amendment to H.R. 4301, rollcall 196; "no" to the Goss amendment to H.R. 4301, rollcall 197; and "no" to the Spence amendment to H.R. 4301, rollcall 198.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the actions taken today on the bill, H.R. 4301.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, May 17, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely,

NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

NOTICE OF INTRODUCTION OF PRIVILEGED RESOLUTION REGARDING INVESTIGATION OF HOUSE POST OFFICE

Mr. KLUG. Mr. Speaker, pursuant to the provisions of rule IX of the rules of the House, I wish to give formal notice of calling up House Resolution 436 as a privileged resolution.

This rule specifies that the Speaker within 2 legislative days, shall schedule the matter, and I ask that the Speaker coordinate with my office in that scheduling to occur within 2 legislative days.

Mr. BOEHNER and Mr. ROBERTS have joined with me in sponsoring this resolution.

Essentially, this resolution instructs the Committee on Standards of Official Conduct to immediately investigate any alleged violation, by any Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation pursuant to the House Post Office, and shall report to the House and to the public, its findings not later than September 30, 1994.

According to the rule, the Speaker has 2 legislative days to fix a time that he considers proper for the House to consider this matter. I will cooperate with the Speaker to choose a mutually convenient time within that period for the House to consider this resolution.

I ask unanimous consent that the form of this resolution be printed in the CONGRESSIONAL RECORD at this point as though read.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the resolution is as follows:

H. RES. 436

Whereas allegations reported in public and made in official Department of Justice court documents that personnel of the House Post Office provided illegal cash to certain Members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps which had earlier been purchased with official vouchers, and (3) cash for campaign checks;

Whereas the Department of Justice has secured admissions of criminal guilt regarding past activities in the House Post Office;

Whereas multiple concerns and allegations of possible wrongdoing by House employees, a House officer, and Members had been raised within the report of the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office;

Whereas all these allegations directly affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, and the rights, reputation, and conduct of its Members;

Whereas Article I, Section 5, of the Constitution gives each House of Congress responsibility over disorderly behavior of its Members; and

Whereas the Committee on Standards of Official Conduct has jurisdiction over the conduct and behavior of current House Members, officers, and employees, including investigatory authority, and is the appropriate body of this House to conduct any inquiry: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is instructed to immediately investigate any alleged violation, by any Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct that is related to activities, described by or referred to in, documents that it received on July 22, 1992, from the Committee on House Administration pertaining to the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office investigation. Not later than 60 days after this resolution is agreed to and periodically thereafter, the Committee on Standards and Official Conduct shall report to the House the status of this investigation. Not later than September 30, 1994, the Committee on Standards of Official Conduct shall report to the House its findings of fact and recommendations on possible disciplinary actions.

□ 2110

SPECIAL ORDERS

The SPEAKER. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRIFT AND DISORDER IN THE CLINTON FOREIGN POLICY

The SPEAKER pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, during this Member's service on the Committee on Foreign Affairs, I have sought to operate in a bipartisan manner. This Member has always adhered to the old adage that politics should stop at the water's edge. On many issues, from South Africa to Chile to China, this Member worked with his colleagues on the other side of the aisle, in order to forge a consensus policy. Therefore, this Member rises to voice his concerns about the Clinton administration's foreign policy with great reluctance and only after considerable thought.

But this Member cannot, and this House should not, remain silent in the face of the increasingly troublesome drift in American foreign policy; a drift that, if allowed to continue, will have a devastating effect on international stability, the world economy, and the influence and well-being of the United States. It is this Member's fear, for example, that the administration's indecision and uncertainty on the proper role of military force in U.S. foreign policy is undermining the U.S. status as leader of the free world. Moreover, this lack of understanding of how and when to use military force is actually increasing the likelihood that we will become engaged in a conflict.

Mr. Speaker, the American public elected a President who clearly identified domestic policy and especially the economy as the primary focus of his administration. Repeating the slogan "It's the economy, stupid!", candidate Bill Clinton never hid his apparently disdain for the importance of foreign policy and defense and security matters.

But, while a presidential candidate may cavalierly ignore foreign policy matters or take positions of political convenience on such matter, the leader of the free world does not have that luxury. The President of the United States is the Commander-in-Chief of the armed forces of the world's greatest democracy and most powerful nation. As such, he cannot be disengaged from the world scene. The President cannot get involved only when it suits him. The President must learn that a coherent policy cannot be achieved by postponing decisions until an international crisis has spun out of control. The President must learn that achieving a coherent U.S. foreign policy is sometimes difficult and always important.

As Karen Elliot House noted in the May 4, 1994, edition Wall Street Journal, "the paradox of Mr. Clinton is that he is smart enough to understand that America is inextricably linked to trends and event beyond its borders; so far, however, he hasn't been wise enough to recognize his rhetoric must have some connection to reality." The President or his key policy spokespersons cannot, for example, repeatedly threaten air strikes, or invasions, or other military operations without undermining the credibility of the United States and reducing the effectiveness of those options and reducing available options.

The inevitable result is that we have come to the position where rogue regimes and international outlaws are concluding that America neither says what it means nor means what it says—and that there seems to be little, if any, penalty for challenging the international order. Let me offer just a few examples.

In the case of North Korea's blatant efforts to achieve a highly destabilizing nuclear capability, President Clinton announced, absolutely and unequivocally, that America would not tolerate even one North Korean nuclear device. However, North Korea has continued to defy both the United States and the International Atomic Energy Agency [IAEA], and it has subsequently been revealed that Pyongyang already possessed sufficient fissile material to build several bombs. The U.S. response—which has vacillated between shrill denunciations and threats of reprisals, and muted offers of concessions if North Korea would return to the negotiating table—has severely undermined our leadership on this volatile issue. Not surprisingly, our friends and allies in the region look at the U.S. response with considerable skepticism.

This Member would also point to the matter of the arms embargo for Bosnia. Over the past year, the administration has repeatedly suggested to our allies that the embargo to be lifted and the Bosnian Moslems be allowed to arm themselves. Our allies have unanimously rejected this proposal. I raise this concern because this body will, after we return after the Memorial Day district work period, vote on an amendment to the Defense authorization that would lift the arms embargo. And, Mr. Speaker, the administration—which for over a year has publicly supported the lifting of the embargo—has now pulled out all stops to defeat the amendment.

It seems that the administration has second thoughts now that the legislative branch wants to encourage action instead of empty rhetoric.

The ongoing crisis in Haiti is equally alarming. President Clinton has repeatedly threatened to use force to return Mr. Aristide to power. Yet the junta that rules in Port-au-Prince no longer takes these threats seriously. As a result, the administration has been reduced to tightening an embargo that primarily punishes the poor and suffering masses. The administration's treatment of the asylum issues has been equally erratic, and has been driven in large part by wholly inappropriate domestic political considerations. The perception is that the administration had allowed our asylum policy to be dictated by Randall Robinson's fasting, and this must not be allowed to happen. The net result is that the military junta remains firmly in control of Haiti, and a tide of refugees has once again taken to the water and to building boats in an attempt to escape the deprivation that our embargo is accentuating. Equally disturbing, the Clinton administration's policy failure with regard to Haiti seems to have provided a ready-made excuse for intervening to restore President Aristide, an effort that clearly would be inappropriate.

Mr. Speaker, these and other fiascos have resulted in a startling decline in international credibility for the United States. Our adversaries, the rogue regimes and potential aggressor nations of the world, are encouraged by every new misstep.

ELECTORAL REFORM IN MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, during the debate over NAFTA, important questions were raised about the relationship between free trade and issues of democracy and human rights. Congress was told time and time again that with the promotion of free trade there would be a corresponding impetus toward true democracy in Mexico. I wish that I could report that there is a light at the end of a very long and dark tunnel for the Mexican people.

Mexico's ruling revolutionary institutional party has maintained power since 1929. It continues to maintain exclusive control over Mexico's electoral apparatus, including voter registration lists and processes, vote tabulation systems, and all bodies responsible for election oversight, review, and certification.

The PRI, as its known in Mexico, has shown little inclination towards giving up power. They have selected their candidate for the upcoming presidential elections as they always have. The process was more a coronation than any pretense towards democracy. Now, the PRI is going about the business of making sure their anointed candidate wins the election. Again, as in the past, there is little that the PRI will not do to make sure that happens.

The Inter-American Commission on Human Rights of the Organization of American States has found Mexico in violation of Article 23 of the American Convention on Human Rights, which requires the holding of genuine elections that guarantee the free expression of the will of the voters.

The Salinas government talks of the need for political reform. Yet, the PRI, the party which Mr. Salinas is the head of, systematically has used fraud and intimidation in many of the local elections leading up to the presidential election this August. Electoral irregularities and fraud were widely reported during elections held in the State of Yucatan in December 1993, including voter turnout rates that approached or exceeded 100 percent in at least 20 voting districts and a statewide electrical power failure as ballots were being counted. Specific instances of electoral fraud were also widely reported during elections held in the State of Morelos in March 1994, including massive manipulation of the electoral registry.

In the course of the current political campaign, the vicious cycle of political violence and corruption in Mexico has already claimed the lives in the PRI's first presidential candidate, Luis Donaldo Colosio, and subsequently, the police chief of Tijuana who was investigating the case. Mr. Colosio, who was a reformist while president of the PRI in the late 1980's, was considered to be the candidate with the strongest inclination toward political change.

Police Chief Jose Frederico Benitez Lopez had simply raised doubts about the Mexican government's account of the political assassination.

While the Mexican government has been making promises for electoral reform to the United States Government for the past couple of years, mainly in order to get NAFTA passed, the Mexican people have heard these same promises for decades. Years and years of broken promises have piled up. Is it any wonder that the Mexican people doubt their own leaders when they talk of reform? Is it any wonder that the Mexican people have begun to take matters in their own hands?

Is it any wonder that there was an uprising in Chiapas? In alarm, the Mexican government has tried to placate the people in Chiapas with food and offers of land. Mr. Salinas tried to calm the situation by offering a pardon to their leader, Subcommandante Marcos. But like Marcos, the Mexican people have rejected these offers. Like Marcos, the Mexican people have rejected these offers. Like Marcos, the Mexican people are no longer interested in more pardons and paternalism.

The Mexican people are a proud nation. Yet, the Mexican Government acts as if they were bestowing a gift to the people when speaking of electoral reform. In return for the mere talk of reform, gratitude—and silence—is expected.

People from all over Mexico, like Marcos, are beginning to ask: what do the Mexican people have to be grateful for? Of not dying of hunger? Of living in one of the slums along the border? Of having to fight for what they believe in? For the basic rights of liberty, justice and democracy that any free people are entitled to?

And to whom exactly should they be grateful to? To those Mexican elites who for years and years have kept them down? To the U.S. corporations who give the Mexican people a couple of dollars for a hard day's work? To the Mexican Government for promising everything under the Sun but delivering nothing? To the U.S. Government for signing NAFTA?

There is a price to pay for ignoring a people's longstanding calls for true democracy and justice as illustrated by the rebellion in Mexico's poorest State, Chiapas. The rebellion should serve as a reminder to those who set policies and priorities in Mexico—and here in the United States as well—that a people wanting change will be ignored for only so long.

This year Mexico is facing one of the most pivotal national elections in its history. Mexico now has before it both the opportunity and the challenge to achieve desperately needed political and social reforms.

We, in the United States, have a solemn duty to support this process of reform in Mexico. It is not enough to simply enrich big business and the Mexican elites through trade agreements like NAFTA. It is our duty to see that all people, both Mexican and American, are truly free and prosperous. The way the upcoming elections in Mexico are conducted will say much about whether that country is on the road to true democracy or not.

□ 2120

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 24, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 103–527) on the resolution (H. Res. 439) waiving points of order against the conference report to accompany the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4385, NATIONAL HIGHWAY SYSTEM DESIGNATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept No. 103–528) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A CERTAIN REQUIREMENT WITH RESPECT TO CONSIDERATION OF A RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS APPROPRIATIONS BILL, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–529) on the resolution (H. Res. 441) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was reported to the House Calendar and ordered to be printed.

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 24, 1994:

COMMITTEE ON EDUCATION AND LABOR—SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 24, 1994

The following recorded votes were taken on May 24, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An amendment by Mr. Fawell to provide uniform remedies under the Chairman's mark by striking the punitive and actual damages (including compensatory and consequential damages) available in cases involving claims disputes. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay" by proxy.
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoesktra, "yea" by proxy.
Mr. McKeon, "yea."

2. An amendment by Mr. Fawell to restore in several respects the type of federal uniformity that is currently served by ERISA preemption which is eliminated by certain provisions under H.R. 3600 as contained in the Chairman's mark. In particular, this amendment would (1) eliminate the provision which would allow states to require benefits in excess of the comprehensive benefit package for corporate and regional alliances, (2) eliminate the requirement that fee-for-service plans under corporate alliances use the negotiated fee schedules applicable to regional alliances, (3) preserve current ERISA preemption rules during the transitional insurance reform period, and (4) eliminate the application to corporate alliances of the single-payer state-wide and regional alliance options. Under the Chairman's mark, corporate alliances are redefined as "experience rated plans" and regional alliances are redifined as "consumer purchasing cooperatives" and "community rating areas." The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay" by proxy.
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

3. An amendment to the Williams amendment by Mr. Gunderson to provide employers with more than 50 employees the flexibility to choose between community-rated health plans (i.e. "Regional Alliances") and experienced-rated health plans (i.e. "Corporate Alliances"), including self-insured health plans. In addition, the amendment would require the Secretary of Labor to develop an appropriate risk adjustment program for all self-insured employers in the event there is significant adverse risk selection against community-rated health plans. The amendment was rejected 11–17–1.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay."
Mr. Klink, "nay."
Mr. Murphy,"nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "yea."
Ms. Woolsey, "yea."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, present/pass.
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

THE TRUTH COMES OUT WITH GATT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, the old international dispute between Mexico and the United States over the U.S. 1972 Marine Mammal Protection Act which bans the use of tuna nets to catch dolphins has resulted in the European Community jumping into the dispute with charges of their own.

The European Community is the winner and the United States and the dolphins are the losers with a GATT [General Agreement on Tariffs and Trade] dispute panel ruling the American ban illegal because GATT does not allow trade bans based on production methods. Production method is a fancy name for a net but, it still means that dolphins will be killed.

Mexico originally complained to GATT and won a dispute panel ruling against the United States in 1991. The GATT panel determined that GATT barred any administrative law that attempts to regulate wildlife outside a nation's borders.

Mexico, however, did not push the original GATT ruling according to the Wall Street Journal, because it feared the dispute would spoil Mexico's chances for Congressional approval for a North American Free-Trade Agreement [NAFTA].

Fortunately for the United States, the GATT ruling is just in time for Americans to discover how GATT really works before we vote on the GATT and the World Trade Organization. The claims about the authority of the panels to bring sanctions, or allow the raising of tariffs, plus the secretiveness of the whole process are borne out by our trade negotiators.

Apparently Ambassador Kantor, the U.S. Trade Representative, is unhappy with the ruling. According to the Wall Street Journal, the Ambassador stated, "GATT procedures not only denied us a fair hearing, but they need to be totally revamped". This is in response to the hearing which was held in secret with closed proceedings. Ambassador Kantor's calling for revamping the rules is a little late since his team agreed to these new rules in December.

Coming from the horse country in Maryland, this reminds me of someone closing the barn door after the horse has bolted out of the yard.

The article also pointed out that the current GATT allows a panel ruling to be blocked, but—the new World Trade Organization rulings cannot be vetoed. The paper also pointed out that Ambassador Kantor stated "the U.S. would refuse to alter the Marine Mammal Protection Act."

Advocates of GATT will claim this ruling does not affect our laws, but that is not exactly so under the new World Trade Organization. According to government documents the Dispute mechanism places time limits on when a Member of the WTO must bring its laws into conformity with panel rulings and recommendations.

The mechanism also includes an authorization for retaliation if a Member has not brought its laws into conformity with its obligations to the WTO within a set period of time. Now, that is an interesting statement since the New York Times editorialized that the World Trade Organization bares no fangs in trade dispute cases but can authorize the plaintiff to retaliate.

That means the petitioner has the ability to place tariffs on U.S. products, and it may not be in the offending sector. An example is if orange growers were violating trade law, the GATT panel may allow apple growers to be penalized. Sounds like Russian roulette—all an American business could do is hope the tariff threats would not be pointed at them.

The actual GATT document that explains the dispute settlement agreement of the GATT provides that a losing country should implement the panel's report immediately. If not, the agreement provides for prompt, effective procedures to resolve disputes about the degree of compliance with the report.

It sounds nice that the WTO would lower tariffs, but it may or may not be so. It depends on from what you are lowering them. Canadian authorities planned in January to impose tariffs up to 351 percent on certain basic farm products from the United States. Canada claimed the new GATT gave them the authority for these astronomical tariffs which would be reduced only 15 to 36 percent over a period of years. We need to beware. It seems the Government is claiming one thing while what the GATT does with the WTO is the one which has the ultimate authority. We must all wise up before it is too late.

RENEWING THE AMERICAN DREAM—WHAT WILL IT TAKE TO MAKE AMERICA GREAT AGAIN?

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the minority leader's designee.

Mr. HOEKSTRA. Mr. Speaker, I get the sense from reading the papers, from listening to my constituents, and from participating in the legislative process in Congress, that people are quickly approaching a boiling point over the direction and future of the United States.

While unemployment in my State of Michigan reached historic lows according to recent statistics, the information is almost irrelevant to the emotional and psychological disposition of the State.

Somehow, in some way, people understand that the problems facing America today are more than skin deep. They are not going away.

□ 2130

They are part of a national crisis that involves something deep and more significant than the latest economic statistics? People know there is something wrong with our country, and they want us to confront the issues.

So that is what I intend to do here today. I am here to talk about the United States. Personally, I have no president and no political party to defend.

In many ways, we are all to blame. You, me, and every voting age man and woman in this country. Our problems were not completely caused by government, nor will they be completely solved by government. They are deeper than that. And I, for one, am not going to trivialize our Nation's problems by suggesting that some magical welfare reform bill, or crime bill, or health care reform bill, is going to solve our problems.

You see, no civilization can survive with 12 year olds having babies, 15 year olds killing one another, 17 year olds dying of AIDS, and 18 year olds graduating with diplomas they cannot read.

This is not a liberal or conservative, Democrat or Republican question; as Americans, we are all faced with the decay of our civilization. And, in our own way, we have contributed to it.

So what must we do? What can we do to reverse this decline and set in motion a vision that will restore hope and renew the American dream?

Let us begin by defining our economic an cultural environment. Our generation has the opportunity and responsibility to deal with three big facts:

First, the information age—Alvin Toffler's Third Wave of Change—is real and will change our economy, it must change our government, our society, and each of us.

The latest Business Week Magazine describes the Information Revolution and how digital technology is changing the way we live.

This should be required reading for all Federal employees. Just the headlines of the articles are instructive: Faster, Smaller, Cheaper; The Keys of the Future; A Gigabyte on Every Desk; The New Face of Business; The Great Equalizer; Breaking the Chains of Command; and last, but not least, Washington Bogs Down on Booting Up.

The question we must ask ourselves is this: Is a large, bureaucratic government capable of keeping up with what's happening with the Information Revolution? I certainly applaud Vice President GORE's efforts to press forward with the national infrastructure. But while we might be able to facilitate progress in one area, we are increasing the size and scope of government in other areas. We must understand and respond adequately to the Information Revolution. This means keeping government as small as possible, while working with private industry at creating opportunities for all Americans.

The second big fact we must acknowledge is that the world market is real and unescapable, no matter how much we might like to. We can build walls around the United States and create protectionist measures, but all that will do is increase opportunities for our competitors.

Failure to aggressively pursue global market opportunities is harmful to the American people, both as workers and consumers. And since we must be competitive to survive, we will need to be more productive, more innovative and more entrepreneurial than other nations. To do this, America will have to re-think taxation, litigation and regulation in the context of the global marketplace. From education to welfare to the size of the government, every policy has to be reassessed to improve our ability to compete globally.

Finally, we must, as a society, acknowledge that the welfare state has failed. Every night we see the proof of failure on the local TV news.

The welfare state has failed because it is profoundly wrong about human beings.

The welfare state reduces a citizen to a client, subordinates them to a bureaucrat, and subjects them to rules that are anti-work, anti-family, anti-property, and anti-opportunity.

Any group of humans subjected to treatment like this would develop the social pathologies we see in the news.

These three facts establish the framework by which we should assess the country and world in which we live. This is the current environment. And these three big facts are the way things are, as I see it. I think all the evidence available at this time confirms this.

What must we do?

First, we must replace the welfare state, and the mentality that goes with it. Not improve, not repair, not finance—replace the welfare state.

In a nutshell, we must change the way we think about government and its proper role in American society. Currently, our government is way too big, it spends way too much, and it is choking businesses with paternalistic regulations and excessive taxation. We are mandating workplace cooperation at the expense of entrepreneurship and creativity in labor-management relations. And we are about to debate a health care reform bill that will place a large segment of our health care industry under the control of the Federal Government.

Beyond paternalism, the welfare state fails to motivate human beings by taking away the incentives to work hard and get ahead. This is probably the greatest crime of the modern welfare state. People who are dependent on government welfare are not motivated to seek opportunities. Those who are choking from government regulation and taxation are not motivated to seek new opportunities. Why? Because under the current system, success is taxed and failure is subsidized.

This is the welfare state. Some might call it socialist. I just call it inefficient, outdated, and the road to failure. It fails to recognize the rapid changes of the information age. It fails to accept the challenge of world economic competition, and fails to give American businesses the tools they need to compete.

What will replace the welfare state? If the term "welfare state" implies government policies and programs that stifle economic growth, and limit opportunity and freedom, then we must replace the welfare state with policies and programs that encourage economic growth, opportunity and freedom.

For this reason, we must replace the welfare state with an opportunity society.

While the welfare state emphasizes government, redistribution of the wealth and bureaucratic rules and regulations—leading to a government that is too big and spends too much—the opportunity society is based on a much broader vision of freedom that emphasizes citizens, and the creation of wealth.

The welfare state emphasizes problems.

The opportunity society emphasizes opportunities.

The welfare state emphasizes victimization.

The opportunity society emphasizes personal responsibility.

□ 2140

The welfare state emphasizes Government paternalism. The opportunity society emphasizes empowerment. The welfare state emphasizes the safety net. The opportunity society emphasizes family and community.

The welfare state overemphasizes the role of Government and concentrates too much power and responsibility in Government. The opportunity society emphasizes small but powerful Government that protects private property, promotes free markets, preserves human dignity, and defends American ideals around the world.

I believe that the American people want an opportunity society. This is not Republican or Democrat, conservative or liberal. Instead it is a principle-centered, vision-driven government implementing policies that conform to accepted virtues. Overwhelmingly, Americans favor work replacing welfare, strengthening the family, national initiative and referendum, term limits for Members of Congress, reducing the size of Government, fewer lawsuits. They are against quotas, for a balanced budget, they are for a line item veto and help recognize that small businesses and entrepreneurs are the engine that fuels and runs our economy.

Has Congress passed one bill in the past 17 months that truly highlights any of these policy objectives? I believe the answer is clearly "no," but what have we done if we have been here for 17 months, what have we done during the last 17 months is Congress has increased the size of Government, we passed the biggest tax increase in American history, we have implemented racial quotas in sentencing for important capital crimes, we have expanded the welfare state through billions of dollars in new social programs to improve teenagers' self-esteem. We have rejected the Presidential line item veto. We have heaped more regulations on businesses through mandated family leave laws and other laws, defeated a balanced budget amendment. This is just what damage Congress has already done in the last 17 months. Consider what we are working on: A huge Federal bureaucracy to take control of the health care industry and more increased taxes to pay for it, a welfare reform bill that will actually cost the Federal Government more money, continued dependency and increased taxes to pay for it, new OSHA regulations that could wipe out many small and medium-sized businesses. Government is getting bigger and we are going to continue spending more and when we cannot go back to the American people for more taxes, we will just mandate the regulations on business so our consumers will pay hidden taxes through higher prices on the goods they buy.

So what would legislation look like that would emphasize the principles and ideals of an opportunity society? I will have a longer list in a few minutes but let me talk about one item that will break the paradigm of how we do business here in Washington. I believe perhaps a first step should be to give all Americans a greater voice in setting the agenda in what we do here in Washington. After 1992, after the elections, the American people thought they had sent a clear message to Washington. But Washington has not gotten it. We just do not get it.

I recognize, after my first 2 or 3 months in Washington that very little was going to change in this Congress, without the active participation of the American people. We can make changes here in Washington, but the American people have to become more involved in the process to let us know what they want us to do. They had used the greatest tools in the November election to help set the agenda for the Congress and the President. Yet Congress has done nothing. What was that tool? It was the election process, but with 110 new Members this Congress looks much like the old Congress that served before the new reform-minded agenda the American people thought they were going to be getting. That is why in April of last year I introduced my first two pieces of legislation calling for a constitutional amendment providing for a national voter initiative process. Those of you from States that like Michigan, allow voter initiative at the State level, understand what an initiative could do. Voters across the Nation would have the opportunity to circulate petitions, to get a law or a constitutional amendment or a proposal to repeal a law on the ballot in all 50 States. A vote would then be held at the next regularly scheduled general election.

This process would give the American people the opportunity to help set the agenda for the Nation.

I have few doubts that if we had the national voter initiative in the United States we would have term limits, we would have a Presidential line-item veto, I believe we would have lower taxes, we would have less regulation, we would have a balanced budget amendment to the Constitution. These basic reform proposals which seem so simple will not pass this Congress. In fact, Congress will not even debate term limits, it will not even come to the floor for a vote. We must seriously consider a national voter initiative and referendum process so that the American people can have a greater say in the way decisions are made for them in Washington. It is an element of an opportunity society providing the American people with an opportunity to reclaim a hold on this institution in what we do here, for them to take back Government. What are other major items that are part of an agenda of change that adhere to the principles that we would find in an opportunity society: Principles of personal strength, individual liberty, and limited government.

Major parts of the agenda are term limits for Members of Congress, we would have people flowing in and out of this institution. A balanced budget amendment to the Constitution. We would recognize that deficit spending is robbing from future generations and is unfair to them. We would have a welfare reform bill that especially emphasized work, it would emphasis strengthening the family and increasing the role of private enterprise. We would have a reform bill, malpractice and product liability reform, we would have a bill to strengthen families by ending the marriage penalties in the income tax, we would have an earned income tax credit and social security by increasing the deduction for children to the Harry Truman level of approximately, in today's dollars, of $7,500 per child. We would have an economic growth bill to encourage job creation by small businesses. We would accelerate the rate of development of new technologies and increase American jobs by competing in the world market.

Yes, we would also have a bill to shrink Government, cut spending, downsize the bureaucracy, to cut unfunded mandates and return power to local government, local communities, businesses, charities, and individuals.

We would have a market oriented medical savings account, focused health reform bill to provide universal access for all Americans if none has been passed this year.

Ultimately each of us must decide what our role will be in replacing the welfare state with an opportunity society and renewing the American dream. This is no easy task. It requires that we change our assumptions about what Government can or cannot do. It requires that we establish the basic principles that create the standards by which we judge public policy. When we consider policy changes we must ask whether they meet some basic criteria. Does the policy encourage personal responsibility? Does the policy maintain personal liberty and freedom? Does this policy grow Government or does it shrink it? Does this policy strengthen families? Does this policy support entrepreneurship and free enterprise? Or does this policy make us more secure both physically and financially?

□ 2150

If a policy proposal meets these criteria, chances are it is a good policy. If it does not meet these criteria, it should not be pursued.

We should go through every program, every law, every tax, every regulation in the Federal Government and ask these questions. We should do it for every new law, but perhaps more importantly we should do an audit of all of the bills and the laws that we are currently working under and see whether they meet these criteria. Perhaps this Congress should spend 3 to 4 months doing nothing but auditing previous laws before we pass any new ones to see exactly what kind of environment we have created. What are the results of the laws that we have passed?

Mr. Speaker, maybe, if we do this, we can renew the American dream and return America to its historic greatness.

Recently I had the opportunity to talk more in depth about my initiative and referendum proposal, and I would like to go back to that by restating some of the things that I talked about in another special order a few nights ago. I want to talk about it because it was very interesting. I received calls from around the country telling me that this was a good idea, people asking me how they could be involved in the process to let them reclaim at least a portion of the agenda that we are working on here in Washington.

We talked about the frustration that night that the American people feel with their government and their elected leaders. We talked about the fact that the root of this frustration is the perception that, no matter how many incumbent politicians lose to eager newcomers, the most important issues on the voters' minds are not addressed. We talked about it here on the floor. I talked about it with those people who called my office.

Mr. Speaker, this is a serious problem and one which will not go away until this institution recognizes it and takes bold steps to demonstrate to the American people that we not only care about what they think, but that we are willing to take concrete steps, concrete action, to reconnect the voters with the agenda here in Washington.

My legislation, H.R. 3835, would provide for a national referendum on term limits for the November 8 election of this year. However, through the number of phone calls and the input that I have received from people around the country, we are going to expand the agenda for H.R. 3825. Not only now will it be a national referendum on term limits, but we are going to expand it by trying to move for three questions on the November 8 ballot. We are going to talk about congressional reform. We are going to set the agenda here in Washington. Let us really do it, and let us get those issues on the forefront on this national initiative on November 8. Let us ask the question about term limits. Let us ask the question about a balanced budget amendment. And let us talk about the need for a line-item veto.

Mr. Speaker. if I were a constituent of a Member of the House who has not cosponsored H.R. 3835, the National Voice on Term Limits Act, I would probably give him or her a call and ask that he cosponsor this important piece of legislation. The American people deserve a voice on term limits, and in the expanded version they deserve a voice on a balanced budget amendment, and they deserve a voice on this line-item veto. This body will not even debate the term limit issue. We have debated the balance budget amendment and the line-item veto, but we have not had the resolve to pass them. Perhaps we need to hear more clearly from the American people what they want us to do.

Mr. Speaker, in over 200 years Congress has held only 2 to 3 hours of hearings on term limits. It is high time Congress takes action on term limits and that it provides the American people with a way to send a clear signal to us on the balanced budget amendment and on a line-item veto. My bill, H.R. 3835, the national referendum on term limits, and now the balanced budget and the line-item veto, would place these issues on the ballot on November 8, not of 1996, but of this year. We can pass it this year if the American people will call their Congress people to tell them to take a look and to tell them and to tell all of us that they want a voice on setting the agenda here in Washington.

In other words, Mr. Speaker, the American people in 5½ months would have the opportunity to vote on these issues and send a clear signal to every Member of Congress what they wanted. But perhaps more importantly, between now and November 8, we would move that debate to the national forefront.

Why is that important? I believe the American people have the opportunity and need the opportunity to hear a full debate on the balanced budget and the line-item veto. We have debated it here in this House, but let us take it to the people and provide them with the opportunity.

But let us take a look at term limits. What has happened with term limits? Three hours of debate in a committee hearing in 1994.

Where else have term limits been debated? Mr. Speaker, you have debated them in the courts because they have been challenged in those States where the people have spoken and want term limits. So, the debate is being held in the courts, not in Congress, not in front of the American people, but in some small courtroom in Washington and in Arkansas. Let us take the debate where it should be, and that is in front of the American people.

Yes, that is what H.R. 3835, the national referendum on these issues, would do. Every American would have the opportunity to listen to the debate, to participate in the debate and then have this opportunity to vote on November 8 as they elect the next Congress.

I say, "When you go to vote for the candidate of your choice on November

8, you'll also then be given the opportunity to vote yes or no on these issues."

Mr. Speaker, what a great opportunity for the American people to express their views on these issues to their government. But, more importantly, what a powerful and new way to reconnect Congress and the American people just when we need it most, just when we now recognize that our popularity, and I do not care about popularity, but when 80 percent of the people believe that Congress is doing a poor job, it is time for us to reconnect with the American people and provide them with the opportunity to influence us so that, when we come back in January 1995, we can respond to the national referendum that they have given us, that they will have provided us input on November 8, and we can start 1995 off with a great opportunity to meet and respond to their feedback.

But there is a slight problem, as there always is in Washington. It is funny how that always happens. I introduced my bill in February, and it is still bottled up in the Subcommittee on Elections. I did receive a letter from the chairman of the committee stating that he will not have time for hearings until later this fall. I feel pretty good about that because maybe we will have hearings this fall, but again the small problem is, Mr. Speaker, if he had read the bill, which his staff probably did, they are well aware that I am seeking a national referendum on these issues in November 1994, not 1996 or 1998.

□ 2200

If the Subcommittee on Elections does not have time until this fall, then what they are saying is that they do not have time to consider my bill at all. After all, why would the subcommittee consider a bill in November that calls for a national referendum in November? There is no way we would be able to get it done.

Mr. Speaker, I believe that this is deliberate stonewalling of this proposal in the House Administration Subcommittee on Elections. It suggests to me that the chairman opposes this national referendum idea and has, therefore, decided that the Subcommittee on Elections does not have the time to talk about it or to act on it. This is a shame. Every poll I have seen in the last few years has public support for term limits at over 75 percent. Yes, 75 to 80 percent of the American people support term limits. The numbers for the balanced budget and line-item veto are similar. But most importantly, this would provide us the opportunity to reconnect.

Mr. Speaker, the American people deserve better, they deserve a voice on their government and what we do. The American people deserve the chance to vote on these issues. Actually, they deserve much more than that. They really deserve a better, a more effective and a more responsive government.

Mr. Speaker, like I said earlier, if I were a constituent, I would wonder whether my Congressman or my Congresswoman is a cosponsor of H.R. 3835, the National Referendum on Term Limits. The only way the American people will have a chance to vote on term limits or a balanced budget or a line-item veto on November 8 is to call their Congressman or Congresswoman and ask him or her to cosponsor this legislation. Only then will the leadership in this Chamber, including the Speaker of the House, Mr. FOLEY, and the chairman of the Subcommittee on Elections, Mr. SWIFT, both from the State of Washington, allow this proposal to be voted on.

Mr. Speaker, the American people should be outraged. How many Americans must support term limits, a balanced budget and a line item veto before Congress will vote on it? Already 80 percent support term limits. Do 90 percent of the American people need to support term limits before the House will vote on it? Ninety-five percent? Ninety-eight percent? At what point in time will Congress take up the issue of term limits and when will we provide the opportunity to the American people to give us feedback on a balanced budget amendment and a line-item veto? When will this Congress be serious about reconnecting with the American people in restoring out trust with them?

Mr. Speaker, if I were at home right now in my living room watching this on C-SPAN, I would be asking whether my Representative was willing to give me a voice on the issue of term limits. I would be asking, what is my Congressperson doing to restore the credibility of Congress? I would pick up my phone, probably tomorrow morning, or I would get out a piece of paper, write a note to my Representative in Congress asking him or her to give me a voice on these issues, to cosponsor 3835, the national referendum on term limits.

If I were a constituent, I would ask my Representative to give me a chance to vote on these issues in a national election on November 8 of this year, just 5½ months from now. I would ask my Representative to try to experiment in democracy, to see whether we can elevate the debate on these issues to such a level that when I went and they went to the polls on November 8, they felt that they really now understood these issues, they felt that they were now prepared to make a decision to instruct their Members of Congress on these issues and, therefore, would go to the polls on November 8 in ever-increasing numbers.

Mr. Speaker, one of the problems we have today in this country is voter turnout is too low. I think people are checking out. I would hope that through a 5½-month process of aggressive debate on these issues, people would come back to the polls and they would say, I am going to give it one more shot, I am going to give it two more shots, I am going to give it three shots because I am going to have an opportunity to vote on three issues. We have had a great debate, I have learned a lot about these issues, I have elevated my level of understanding from down here to about this thick to really now understanding what the pluses and the minuses of these three issues are. I am not sure that all three of them would pass. I think that as we went through the debate, there would be positive arguments on both sides of the issue and that many people who now perhaps have a knee-jerk reaction to these three items would be more informed and might change their minds. But the important thing is that we would have the debate, we would have an intellectual debate that involved this Congress, that would involve all of the leaders on both sides of the issue in a constructive way to elevate the democracy in this country and get it working again.

If I were a constituent, like I said, I would be calling this Congress, I would be calling our Speaker and asking him, "What are you doing to restore democracy? Are you willing to let me participate just a little bit on three issues on November 1994 to help instruct Congress and give the Congress that starts in January 1995 just a little bit of an idea of how we feel?"

Mr. Speaker, it is part of an opportunity society. It is talking about innovation, it is talking about entrepreneurship, and it is talking about empowerment, empowering and moving some responsibility of instructing Congress back to where it should be. I believe that is what the people would do in an election, anyway, is instruct their Congresspeople on the issues. This provides a clearer forum for them to do that, and we need to take a chance. It is not a big risk. It is an opportunity to fix a system that today 80 percent of the American people feel is broken. We need to do it now. The level of frustration by the American people of this Congress is too high.

Mr. Speaker, if we in this Chamber would give the American people the opportunity to vote on term limits, on a balanced budget amendment, on a line-item veto this fall, it would go a long way toward reestablishing trust between the American people and their elected leaders in Washington.

Mr. Speaker, I hope my colleagues will cosponsor H.R. 3835, the opportunity for the American people to have a voice in their government again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. MICHEL), for today after 8 p.m., on account of attending a wake.

Mr. BARRETT of Wisconsin (at the request of Mr. GEPHARDT.), today, on account of personal business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), after 4 p.m. today and tomorrow, May 25, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLUTE) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes each day, on May 24 and 25.

Mr. MICHEL, for 5 minutes each day, on May 24, 25, and 26.

Mr. DORNAN, for 5 minutes, on May 25.

Mrs. BENTLEY, for 5 minutes, today.

(The following Member (at the request of Mr. HINCHEY) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BLUTE) and to include extraneous matter:)

Mrs. MORELLA.
Mr. KNOLLENBERG.
Mr. DORNAN.
Mr. EVERETT.
Mr. DREIER.
Mr. COX.
Mr. PORTMAN.
Mr. FIELDS of Texas.
Mr. PACKARD.
Mr. HEFLEY.
Mr. GINGRICH.
Ms. MOLINARI.
Mr. CUNNINGHAM.
Mr. BAKER of California.
Mr. BALLENGER.
Mr. SOLOMON in two instances.
Mr. HYDE.

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. LIPINSKI.
Mr. BECERRA.
Mr. REYNOLDS in 13 instances.
Mr. SKELTON.
Mr. MINGE.
Mr. RANGEL in three instances.
Mr. RICHARDSON.
Mr. HAMBURG.
Mr. FAZIO.
Mr. BARCA of Wisconsin.
Mr. HAMILTON.
Mr. HOCHBRUECKNER.
Mr. CLAY.
Mr. OLVER.
Mr. FORD of Michigan.
Mr. SERRANO.
Mr. CARDIN.
Mr. SABO.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. COYNE.
Mr. ORTON.
Ms. WOOLSEY.
Mr. FINGERHUT.
Mrs. LLOYD.
Mr. STUDDS in two instances.
Mr. BATEMAN.
Mr. HOCHBRUECKNER.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 25, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3253. A letter from the Board of Governors, Federal Reserve System, transmitting the annual report on activities under the Freedom of Information Act for the Federal Open Market Committee of the Federal Reserve System during the calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3254. A letter from the Under Secretary, Department of Defense, transmitting a report on defense contracts awarded to companies in countries that provide shipbuilding subsidies or engage in ship dumping practices; and the affect of a prohibition against awarding contracts to such companies, pursuant to Public Law 102–484, section 1031(c) (106 Stat. 2489); jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes (Rept. 103–525, Pt. 1). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4246. A bill to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes; with an amendment (Rept. 103–526). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 439. Resolution waiving points of order against the conference report to accompany the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes (Rept. 103–527). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 440. Resolution providing for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes (Rept. 103–528). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 441. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103–529). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFLEY (for himself, Mr. VENTO, and Mr. HANSEN):

H.R. 4476. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. STUDDS (for himself, Mr. TAUZIN, Mr. FIELDS of Texas, Mr. COBLE, Mr. BATEMAN, and Mrs. FOWLER):

H.R. 4477. A bill to amend the act commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act" to provide funding for recreational boating safety programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COPPERSMITH (for himself (by request), Mr. COLEMAN, Mr. ORTIZ, Mr. PASTOR, and Mr. BRYANT):

H.R. 4478. A bill to amend the Federal Water Pollution Control Act (the Clean Water Act) to authorize appropriations in each of fiscal years 1994 through 1998 for the construction of wastewater treatment facilities to serve U.S. colonies, to provide water pollution control in the vicinity of the international boundary between the United States and Mexico; to the Committee on Public Works and Transportation.

H.R. 4479. A bill to amend the Federal Water Pollution Control Act (Clean Water Act) to authorize appropriations in each of fiscal years 1994–2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States-Mexico border area; to the Committee on Public Works and Transportation.

By Mr. FRANKS of Connecticut (for himself, Mrs. KENNELLY, Mr. SHAYS, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, and Ms. DELAURO):

H.R. 4480. A bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Natural Resources.

By Mr. HAMBURG (for himself, Mr. STUDDS, Mr. EDWARDS of California, Mr. MANTON, Mr. SANDERS, Ms. FURSE, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. RICHARDSON, Ms. WOOLSEY, Ms. PELOSI, Mrs. UNSOELD, Ms. ESHOO, and Mr. VENTO):

H.R. 4481. A bill to restore the Nation's aquatic ecosystems through the voluntary cooperation of Federal, State, tribal, and corporate and other private interests; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. HEFLEY (for himself, Mr. WALKER, and Mr. ROHRABACHER):

H.R. 4482. A bill to establish a non-Federal, for-profit Launch Services Corporation for providing space launch services to the Federal Government and other domestic and foreign customers, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. JACOBS:

H.R. 4483. A bill to amend the Internal Revenue Code of 1986 to permit registered vendors to administer claims for refund of diesel fuel taxes paid on fuel used in certain buses; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4484. A bill to improve the single family housing mortgage insurance program of the Department of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TAYLOR of North Carolina:

H.R. 4485. A bill to change election day for Federal offices to the first Monday in November and to make election day a legal public holiday; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. GILMAN:

H.J. Res. 369. Joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. KLUG (for himself, Mr. BOEHNER, and Mr. ROBERTS):

H. Res. 435. Resolution directing the Committee on House Administration to make public all transcripts of proceedings and documents related to the investigation of the House Administration Committee task force to investigate the operation and management of the House post office; to the Committee on Rules.

H. Res. 436. Resolution directing the Committee on Standards of Official Conduct to investigate allegations pertaining to the House post office; to the Committee on Rules.

By Mr. DOOLITTLE (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. HYDE, Mr. WALKER, Mr. LEACH, Mr. ROBERTS, Mr. CLINGER, Mr. FISH, Mrs. MEYERS of Kansas, Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mrs. BENTLEY, Mr. BEREUTER, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CANADY, Mr. CASTLE, Mr. COMBEST, Mr. COLLINS of Georgia, Mr. CUNNINGHAM, Mr. CRANE, Mr. DORNAN, Mr. DREIER, Ms. DUNN, Mr. EVERETT, Mr. EWING, Mr. GEKAS, Mr. GALLO, Mr. GILLMOR, Mr. GOODLATTE, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HUFFINGTON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. KLUG, Mr. KNOLLENBERG, Mr. KYL, Mr. LEWIS of Florida, Mr. LINDER, Mr. LIVINGSTON, Mr. LUCAS, Mr. MCKEON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RAVENEL, Mr. ROHRABACHER, Mr. ROGERS, Mr. ROYCE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WELDON, Mr. WOLF and Mr. ZELIFF):

H. Res. 437. Resolution directing the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Small Business to commence hearings on issues within their jurisdiction relating to the Whitewater Development Corp. and related issues; to the Committee on Rules.

By Mr. PORTMAN:

H. Res. 438. Resolution amending the Rules of the House of Representatives to require a two-thirds vote to adopt a rule disallowing germane amendments to a bill or resolution; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 244: Mr. KILDEE.

H.R. 291: Mr. TORRICELLI, Mr. MCCOLLUM, Mr. PAYNE of New Jersey, Mr. MENENDEZ, and Mr. LAZIO.

H.R. 972: Mr. GEJDENSON.

H.R. 1103: Mr. PAYNE of New Jersey.

H.R. 1203: Mr. NUSSLE.

H.R. 1289: Mr. DORNAN and Mr. ROYCE.

H.R. 1671: Mr. BERMAN.

H.R. 1767: Mr. THOMAS of Wyoming.

H.R. 2132: Mr. MARTINEZ.

H.R. 2460: Mr. POSHARD and Mr. BOUCHER.

H.R. 2663: Mr. FISH.

H.R. 2959: Ms. MOLINARI.

H.R. 3013: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 3031: Mr. DOOLITTLE.

H.R. 3064; Mr. RIDGE, Mr. GOODLING, and Mr. MURPHY.

H.R. 3119: Mr. TRAFICANT.

H.R. 3173: Mr. TAUZIN.

H.R. 3320: Mrs. BYRNE and Mr. DORNAN.

H.R. 3347: Mr. ROMERO-BARCELO and Mr. BECERRA.

H.R. 3433: Mr. LANCASTER, Mr. SAWYER, Mr. BARLOW, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. GONZALEZ, and Mr. DICKS.

H.R. 3486: Mr. DARDEN and Mr. SHAW.

H.R. 3766: Mr. CONDIT, Mrs. MEYERS of Kansas, Mr. GLICKMAN, Mr. SLATTERY, Mr. MICA, Mr. MILLER of Florida, Mr. SAM JOHNSON, Mr. PAXON, Mr. DREIER, Mr. DUNCAN, Mr. HYDE, Mr. BUYER, Mr. GILMAN, Mr. BACHUS of Alabama, Ms. SLAUGHTER, Mr. SCHAEFER, Mr. DELAY, Mr. LIGHTFOOT, Ms. ROS-LEHTINEN, Mr. DORNAN, Mr. LINDER, Mr. INGLIS of South Carolina, Mr. PETRI, Mr. GALLEGLY, Mr. BOEHNER, Mr. NUSSLE, Mr. COX, Mr. BAKER of California, Mr. TALENT, Mr. WALKER, Mr. GINGRICH, Mr. MCINNIS, Mr. GOODLING, Mrs. FOWLER, Mr. SENSENBRENNER, Mr. KLUG, Mr. HOBSON, Mr. CLINGER, Mr. HASTERT, Mr. BURTON of Indiana, Mr. POMBO, Mr. WELDON, Mr. BEREUTER, Mr. HERGER, Mr. EMERSON, Mr. SOLOMON, Mr. HAYES, Mr. BREWSTER, Mr. BROWDER, Mr. SPRATT, Mr. SARPALIUS, Mr. HOAGLAND, Mr. DOOLEY, Ms. DANNER, Mr. CALVERT, Mr. CANADY, Mr. KYL, Mr. SMITH of Oregon, Mr. STUMP, Mr. SMITH of Michigan, Mr. GOODLATTE, Mr. GOSS, Mr. SMITH of Texas, Mr. ALLARD, Mr. ROTH, Mrs. ROUKEMA, Mr. GRAMS, Mr. RIDGE, Mr. EWING, Mr. HOKE, Mr. HANCOCK, Mr. MICHEL, Mr. PORTER, Mr. QUILLEN, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. MCHUGH, Mr. ROSE, Mr. KASICH, Mr. HORN, Mr. COLLINS of Georgia, Mr. EVERETT, Mr. ROWLAND, Mr. BATEMAN, Mr. CALLAHAN, Mr. YOUNG of Florida, Mr. BARRETT of Nebraska, Mr. INHOFE, Mr. PARKER, Mr. MONTGOMERY, Mr. PETE GEREN of Texas, Mr. MCMILLAN, Mr. UPTON, Mr. BLILEY, Mr. STENHOLM, Mr. CRAPO, Mr. PORTMAN, Mr. ZIMMER, Mr. SCHIFF, Mr. LIVINGSTON, Mr. THOMAS of Wyoming, Mr. WOLF, Mr. COOPER, Mr. ARCHER, Mr. BUNNING, Mr. CRANE, Mr. CUNNINGHAM, Ms. DUNN, Mr. GALLO, Mr. HEFLEY, Mr. LEACH, Mr. LEWIS of California, Mr. MCCANDLESS, Mr. PACKARD, Mr. QUINN, Mr. REGULA, Mr. ROGERS, Mr. SAXTON, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. FIELDS of Texas, Mr. TANNER, Mr. BAKER of Louisiana, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. HUNTER, Mr. HUTTO, Mrs. THURMAN, Mr. MOLLOHAN, Mr. CLEMENT, Ms. LONG, Mr. PENNY, Mr. ABERCROMBIE, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. GILCHREST, Mr. COBLE, Mr. SANTORUM, Mr. KNOLLENBERG, Mr. MCKEON, Mr. COMBEST, Mr. ARMEY, Mr. CASTLE, Mr. HOEKSTRA, Mr. BALLENGER, Mr. CAMP, Mr. GRANDY, Mr. SHUSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TRAFICANT, Mr. RAVENEL, Mr. FRANKS of New Jersey, Mr. HOUGHTON, Mr. LEWIS of Florida, Ms. MOLINARI, Mr. HALL of Texas, Mr. SISISKY, Mr. GILLMOR, Mr. SKELTON, Mr. STEARNS, Mrs. VUCANOVICH, Mr. YOUNG of Alaska, Mr. CLAY, Mr. BARLOW, Mr. DARDEN, Mr. DE LA GARZA, Mr. DURBIN, Ms. KAPTUR, and Ms. SNOWE.

H.R. 3900: Mr. MEEHAN, Ms. NORTON, and Mr. OLVER.

H.R. 3943: Mr. GRAMS.

H.R. 3973: Mr. BATEMAN and Mr. ABERCROMBIE.

H.R. 4040: Mr. CARDIN, Ms. HARMAN, Mr. GENE GREEN of Texas, Mr. SYNAR, Mr. ROMERO-BARCELO, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Texas, and Mr. COYNE.

H.R. 4109: Mr. FALEOMAVAEGA.

H.R. 4256: Ms. ESHOO, Mr. BERMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. FAZIO, Mr. BEILENSON, Mr. MILLER of California, Mr. WAXMAN, and Ms. PELOSI.

H.R. 4271: Mr. CLYBURN, Mr. MANTON, and Mrs. THURMAN.

H.R. 4281: Mr. SOLOMON, Mrs. LLOYD, and Mr. SHAYS.

H.R. 4288: Mr. FALEOMAVAEGA, and Ms. VELAZQUEZ.

H.R. 4306: Mr. INSLEE.

H.R. 4386: Mr. HALL of Ohio.

H.R. 4402: Mr. SWETT, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. EVANS, Mr. LAFALCE, and Mr. PORTER.

H.R. 4412: Mr. GRANDY.

H.R. 4417: Mr. DELLUMS

H.R. 4441: Mr. LIPINSKI and Mr. JOHNSON of South Dakota.

H.R. 4451: Ms. DANNER and Mr. FRANK of Massachusetts.

H.J. Res. 131: Mr. LEWIS of Florida, and Mr. BURTON of Indiana.

H.J. Res. 199: Mr. NEAL of Massachusetts, Mr. KILDEE, Mr. MCKEON, Mr. KLECZKA, Mr. CUNNINGHAM, Mr. PAXON, Mr. DIXON, Mr. CLINGER, Mr. GOODLING, Mr. SMITH of Texas, Mr. LEVY, Mr. PAYNE of New Jersey, Mr. YOUNG of Florida, Mr. STEARNS, Mr. KLINK, Mr. HOYER, and Mr. PARKER.

H.J. Res. 297: Mr. YATES, Mr. SKEEN, Mr. NEAL of North Carolina, and Mr. HAMILTON.

H.J. Res. 334: Mr. Doolittle, Mr. Gekas, Mr. Gonzalez, Mr. Hyde, Mr. Jefferson, Mr. Kennedy, Mr. Mazzoli, Mrs. Myers of Kansas, Mr. Miller of California, Ms. Molinari, Mr. Murtha, Mr. Price of North Carolina, Mr. Rangel, Mr. Ravenel, Mr. Richardson, Mrs. Roukema, Mr. Stokes, Mr. Swett, Mr. Torricelli, Ms. Waters, Mr. Waxman, Mr. Wheat, and Mr. Yates.

H.J. Res. 351: Mr. Emerson, Mr. Faleomavaega, Mr. Gene Green of Texas, Mr. Greenwood, Mr. Hilliard, Mr. Lipinski, and Mr. Smith of Texas.

H.J. Res. 355: Mr. Emerson, Mr. Dellums, Mr. Watt, Mr. Scott, Mr. Lancaster, Mr. Frost, Mr. Pallone, Mr. McNulty, Mr. Lipinski, Mr. Hilliard, Mr. LaFalce, Ms. DeLauro, Mr. Ackerman, Mr. Lantos, Mr. Farr, Mr. Fish, Mr. Hansen, Mr. Richardson, Mrs. Clayton, Mr. Evans, Mr. Berman, Mrs. Lloyd, Mr. de la Garza, Mr. Deutsch, Mr. Underwood, Mr. Payne of New Jersey, Mr. Murtha, Mr. Bonior, Mr. Skeen, Mr. Yates, Mr. Livingston, Mr. Reed, Mr. Ravenel, Mr. Montgomery, Mr. Wynn, Mr. Fields of Louisiana, Mr. Murphy, Mr. Fingerhut, and Mr. Regula.

H. Con. Res. 35: Mr. Barca of Wisconsin, Mr. Torricelli, Mr. Hochbrueckner, Mr. Schumer, and Mr. Pastor.

H. Con. Res. 52: Mr. Durbin.

H. Con. Res. 84: Mr. Diaz-Balart.

H. Con. Res. 239: Mr. Levin, Mr. Bonilla, Mr. Moorhead, and Mr. Fingerhut.

H. Con. Res. 245: Mr. Moorhead and Mrs. Thurman.

H. Res. 234: Mr. Williams.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4454

By Mr. HEFLEY:

—Page 30, after line 2, insert the following new section:

Sec. 307. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3.2 percent.

EXTENSIONS OF REMARKS

COMMEMORATING THE DEDICATION OF THE OAKLAND COUNTY VETERANS MEMORIAL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. KNOLLENBERG. Mr. Speaker, this Saturday Oakland County, MI, salutes their fallen sons and daughters by officially dedicating a memorial in their honor.

All over America this weekend, in our largest cities and smallest towns, flags will be placed on cemetery graves, and public officials will speak of the sacrifice and valor of those whose memory we honor.

I have no illusions about what little I can add now to the silent testimony of those who gave their lives willingly for their country. Words are even more feeble on this Memorial Day, for the sight before us is that of a strong and good Nation that stands in silence and remembers those who were loved and who, in return, loved their countrymen enough to die for them.

Yet, we must try to honor them—not for their sakes alone, but for our own. And if words cannot repay the debt we owe these individuals, surely with our actions we must strive to keep faith with them and with the vision that led them to battle and to their final sacrifice.

Our first obligation to them and ourselves is plain enough: The United States and the freedom for which it stands, the freedom for which they died, must endure and prosper.

Their lives remind us that freedom is not bought cheaply. It has a cost; it imposes a burden. And just as they whom we commemorate here today were willing to sacrifice, so too must we—in a less final, less heroic way—be willing to give of ourselves.

It is not just strength or courage that we need, but understanding and a measure of wisdom as well. We must understand enough about our world to see it clearly.

This understanding must extend to our potential adversaries. We must strive to speak of them not belligerently, but firmly and frankly.

It is this honesty of mind that can open paths to peace, that can lead to sound foundations that our Nation can stand on and prosper.

As we honor their memory today, let us pledge that their lives, their sacrifices, their valor shall be justified and remembered for as long as God gives life to this Nation. And let us pledge to do our utmost to carry out what must have been their wish: that no other generation of young men will ever have to share their experiences and repeat their sacrifices.

All this is embodied in this memorial which we honor here today. Some will cry; still others will quietly applaud, and even more will stand solemnly, acknowledging their gift and our obligation. But, I am sure no one will ever forget.

TRIBUTE TO BISHOP JERRY L. JONES, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, Bishop Jerry L. Jones, Sr., of the Apostolic Assembly of the Lord Jesus Christ. Attached is a proclamation I issued Bishop Jones commending him for his work.

PROCLAMATION

Whereas Bishop Jerry L. Jones, Sr., was born in Natchez, Mississippi, a man of God and, a true role model to our youth and community. He is a family man, married to Miss LaVerne Price and God has blessed their marriage with five children: Marcus, Cynthenia, Savoy, Jerry, III, and Angela; and

Whereas Bishop Jones has matriculated at Trinity Bible College, Chicago, Illinois, American University, and the Apostolic-Midwest Bible College, and was awarded two Honorary Doctorates; and

Whereas Bishop Jones succeeded Bishop Clarence Otis Lee, Jr., as Pastor of The Apostolic Assembly of The Lord Jesus Christ, The Lord has bless Bishop Jones and the congregation to prosper, to win souls to Jesus Christ, and to touch the lives of many people in a positive way; and

Whereas Bishop Jones is always in the Vanguard, a former high school track star, a one time Karate Champion, a United States Army Veteran, he was the youngest Assistant Deputy Fire Commissioner in the History of the City of Chicago, appointed to this administrative post after fourteen years of service which also was in record time, he was the youngest Bishop in the Pentecostal Churches of the Apostolic Faith at the time of his consecration, his progress has been lauded in Ebony and Jet Magazines, a Man being used of the Lord Jesus Christ in many ways. Now, therefore, be it

Resolved, That the Congress of The United States wishes to acknowledge the accomplishments of Bishop Jerry L. Jones, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO RANDALL ROBINSON AND FAMILY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I am honored to rise before you to pay special tribute to a brave and selfless American, Randall Robinson, executive director of TransAfrica. With the support of his wife Hazel, and 4-year-old daughter Khalea, Mr. Robinson endured a fast for 27 days, in his effort to end the summary repatriation of Haitian refugees. Mr. Robinson embodies the commitment to democracy that our country has long embraced.

To dramatize his demand for just treatment of Haitian refugees, Mr. Robinson began his fast on April 12, surviving on a diet of juices and water in a basement room of his office. He pleaded, like countless others, for an end to the Clinton administration's inhumane and racist policy of automatically returning fleeing Haitians to a land terrorized by a rampaging military.

Randall Robinson is not a faceless man. He had already proven his great courage in 1984, when he began a campaign to oppose the apartheid system in South Africa. His actions sparked a movement which ultimately led to the enactment of American sanctions against South Africa. His contributions resulted in the creation of democratic opportunity in South Africa, and this year's historic elections.

Mr. Robinson ended his fast on Sunday, May 8 when President Clinton announced a change in the policy of summary repatriation.

Washington Post columnist Donna Britt, described Mr. Robinson in an April 29 article as a man, "who would rather die than not risk everything to save Haitians—real people, too, with wives and husbands and cute little girls—attempting to flee a killing field."

Mr. Speaker, I submit this article for the edification of my colleagues.

[From the Washington Post, Apr. 29, 1994]

A VERY GOOD MAN HUNGRY FOR A VERY GOOD CAUSE

(By Donna Britt)

On Saturday night, President Clinton dined with hundreds at the annual White House Correspondents' Association dinner on asparagus and Roma tomato salad, petit filets of beef and salmon and a dessert of fresh berries in Grand Mariner sauce served in a chocolate scoop.

That same night, my family gathered at a favorite eatery to consume angel hair pasta, Caesar salad, a wheelbarrow-sized burrito and barbecue chicken pizza.

In the basement that is now his home, Randall Robinson feasted on two glasses of tomato juice and some spring water. His wife, Hazel—who on weekend nights leaves their 4-year-old daughter, Khalea, at home with a friend to join him—sipped iced tea.

By now, many Americans know about the 19-day fast of Robinson, 52, executive director of TransAfrica, a group that lobbies on behalf of Africa and the Caribbean. He says he will subsist on juice and water until the United States ends its policy of automatically repatriating all Haitian refugees back to an island where many are immediately murdered.

As somebody who has real trouble bypassing a Snicker Doodle at the mall, I felt many things when I learned of Robinson's fast: ad-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

miration, awe—and fear. A story from a colleague explains the fear:

Last week, after ousted Haitian President Jean-Bertrand Aristide spoke of Robinson's stance to a crowd in Los Angeles, a female Haitian emigre approached. "Is Randall Robinson black or white?" she asked.

He's black, Aristide replied. The woman looked crestfallen.

"You should find someone white to fast with him," she said. "Because Americans won't care if a black man dies."

In truth, many Americans are too numbed by images of death from Bosnia to Rwanda to a Japanese airfield to be exercised about the death of anyone who wasn't an ex-president or a suicidal rock star.

It's also true that if white Americans were dying in the streets the way black citizens are, our government would come to a standstill until the carnage stopped. Like that woman, I wonder: Can the threatened demise of anybody as devalued as a black man change a U.S. policy that results in other blacks' deaths?

But this column isn't about desperate city youths killing each other out of ignorance and despair. It isn't about somebody faceless, who can be dismissed as a druggie or gang member who "deserves" it.

It is about Randall Robinson. It is about the man whose 1984 arrest with two others started a ball rolling that grew into a boulder massive enough to flatten a virulently racist regime—and to help spawn this week's historic South African elections.

It is about an eloquent, flesh-and-blood guy who delights in a pigtailed daughter, a child who nightly sketches family pictures and whose eyes fill when she's asked about his absence. "I miss kissing Daddy when he comes home from work." Khalea says. "But he has to help the people in Haiti."

It's about a man whose son, Jabari, 19, will attend Lincoln University, and whose aspiring-writer daughter, Anike, 22, says, "The word 'proud' is so small [to describe] having a person in your life who inspires you to want to do the most passionate thing for your beliefs."

It's about a man whose face makes you believe it when he says he "can't imagine life" without his wife, Hazel Ross Robinson, a foreign policy adviser to House Armed Services Committee Chairman Ronald V. Dellums (D-Calif.). "I believe in what Randall's doing," she says. "But as a wife, it is heartbreaking." Her husband's doctor says that the always-slim activist has lost eight pounds and that the protein level in his blood has dropped below normal.

It's about someone who literally would rather die than not risk everything to save Haitians—real people, too, with wives and husbands and cute little girls—attempting to flee a killing field. People whose attempts to escape an island where thugs hack to death democracy-seekers with machetes, lop off their faces and feet the remains to pigs, are thwarted by U.S. vessels that scoop them up and return them "home."

Some of us don't know what to make of a guy who'd abandon a graceful colonial-style house, beloved Chopin recordings and even his gorgeous office upstairs to exile himself to a Spartan room in TransAfrica's basement.

I don't. I woke up at 4 a.m. yesterday, haunted and taunted by the magnitude, the madness, of Robinson's mission. The darkness couldn't obscure my sense that his stance makes my own efforts to make the world a farer, more loving place seem cowardly, ineffectual.

But each of us, I told myself, has power. More than we even begin to exert.

President Clinton, who like me, ate well on Saturday, has the power to keep this man—and by extension, thousands of Haitians—alive. If he can move beyond his ennui and fear, he can by executive order rescind the automatic repatriation order he once railed against during his presidential campaign.

We have power too: In fingers that can dial the White House and tie up phone lines at Congress; in feet that join tomorrow's 11 a.m. rally at the U.S. Capitol; in hearts that can pray for Robinson's continued strength.

We have the power to be just a bit braver. To acknowledge, at our next meal and the next, one man's willingness to sacrifice that and so much more—for a good cause.

TRIBUTE TO REV. SAMUEL HINKLE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my Congressional District, the Reverend Samuel Hinkle of the Cathedral of Joy Baptist Church. Attached is a proclamation I issued Reverend Hinkle commending him for his work.

PROCLAMATION

Whereas The Reverend Samuel E. Hinkle matriculated at Philander Smith College, Little Rock, Arkansas earning the Bachelor of Arts degree and engaged in graduate studies at Governor State University, University Park, IL.; and

Whereas Reverend Hinkle is a former collegiate athlete, participating in two international World Cup Basketball Tournaments,—Madrid Spain and Argentina respectively, representing the United States; and

Whereas Reverend Hinkle is an educator serving as a teacher in the Chicago Public Schools, Dean of Students at Bloom Township High School—District 206, teacher, coach, and Assistant Principal in School District 143 Posen, IL., Dean of Students in south suburban high schools for over five years, and

Whereas Reverend Hinkle has served as Chairman of the Civil Service Commission of the City of Markham, as Public Relations Director of the City of Markham; and

Whereas, Reverend Hinkle in 1979 acknowledged the call of God upon his life to the Gospel Ministry, he was ordained and served as assistant pastor under his father the late Reverend J. H. Hinkle, Sr., in September of 1982 Reverend Samuel E. Hinkle was elected Pastor of the Cathedral of Joy Baptist Church where under his leadership the present church location—Kedzie Avenue at Flossmoor Road was acquired and the congregation has prospered greatly: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Samuel E. Hinkle by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

THE APOLLO THEATER SALUTES THE 25TH ANNIVERSARY OF THE BOYS CHOIR OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the Boys Choir of Harlem, which is celebrating its 25th anniversary season.

The Boys Choir is one of Harlem's—indeed the Nation's—most cherished institutions. Under the inspired tutelage of Dr. Walter Turnbull, the choir's young voices—drawn from an area aptly called the Capital of Black America—have performed as ambassadors of America's cultural diversity and richness before monarchs and heads of state around the world.

I am especially proud that in marking this 25-year milestone the Boys Choir will perform its first full-length concert at the Apollo Theater. The Apollo, whose parent foundation I am honored to chair, as Harlem's landmark entertainment center is the appropriate setting to celebrate the success of some of the community's finest young men.

And to make way for others, Dr. Turnbull's Choir Academy, a unique satellite of the New York City public school system, prepares talented students from grades 4 through 10 in standard academics as well as music. Only a few of the 300 enrolled will make the choir, but 98 percent of them will go on to college.

I salute the Boys Choir of Harlem who do far more than entertain us. Their magnificent voices sing praises to the potential of young black men, in Harlem and across America.

Mr. Speaker, I present for the benefit of my colleagues, and in honor of the Boys Choir of Harlem, the following article, written by David Hinckley for the New York Daily News, on May 11, 1994.

Two of the brightest lights in uptown Manhattan come together this weekend when the Boys Choir of Harlem does its first-ever full-length concerts at the Apollo Theater Friday and Saturday nights.

"We performed there before with the Philharmonic," says Dr. Walter Turnbull, director of the Boys Choir and the ChoirAcademy, where the singers attend school. "But this will be the first time we will be doing the full range of our program there, from classical and jazz to popular."

The Boys Choir is also marking its 25th-anniversary season with these concerts, and during that quarter-century, it has established a reputation around the world, performing anywhere from 75 to 100 shows each year.

The choir has its first record coming out in the fall, on Atlantic's East-West label, and Turnbull says he hopes that will lead to other recordings, including a classical disc. A Christmas single is also scheduled for release this year.

The biggest news about the Boys Choir, however, is really about the ChoirAcademy, which used to have grades 4-8 and now has added ninth and 10th grades, with 11th and 12th coming in the next two years.

This will mean the ChoirAcademy, on W. 127th St., can keep students from fourth grade through high school, with total enrollment more than doubling to 600.

The only problem, says Turnbull, is this still only begins to fill the need.

"We audition more than 2,000 prospective students each year," he says. "There is a tremendous interest in the community for a program like ours, from both students and parents."

The numbers explain why. Some 98 percent of ChoirAcademy students go on to college, and not only to become professional musicians.

"Our graduates become doctors, lawyers, educators," says Turnbull. "What we give them is the foundation. We're not a factory. We provide individual attention. Our program requires discipline, and we find that the overwhelming majority of our students accept this. Many are looking for it."

As a satellite school of city District 5, the ChoirAcademy places an emphasis on music, even looking for talented musicians in other schools. All students are required to take piano, and places in both the boys and girls choirs are coveted.

Far from the curriculum frill it is considered in many schools, music is viewed at the ChoirAcademy as a rock on which to build academic and personal success.

"If you can show students they are good at something, this gives them confidence in all areas of their lives," says Turnbull. "It shows them they can do it."

It also helps keep them focused on achievement, in a world where distractions are everywhere.

"You see the stereotypes of young people," says Turnbull, and yes, he agrees, it can be frustrating when the media focus on the bad guys. "But the majority of the community is not that way. We need to support and recognize the ones who are doing something positive, who are accomplishing a goal."

TRIBUTE TO DR. CHARLES GEORGE HAYES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Charles George Hayes of the Cosmopolitan Church of Prayer. Attached is a proclamation I issued Dr. Hayes commending him for his work.

PROCLAMATION

Whereas Dr. Charles George Hayes was born to Mamie Lee and Will Hayes in Verbena, Alabama, migrating to Chicago in 1955 and serving as a Church Musician; and

Whereas Dr. Hayes was Ordained a minister August 31, 1957 by Bishop J. Pedro, Prophetic Church of the Living God, Atlanta, Georgia, in April 28, 1959 he organized the Cosmopolitan Church of Prayer of Chicago, over the years the church has prospered through its outreach ministry, music and radio ministry, the original Pre-Memorial Day Midnight Musical, and the Gospel "Feast" in Song, founder of the world renown choir the Mighty Warriors, who represented the City of Chicago in the Umbria Jazz Festival, throughout Italy in July of 1992; and

Whereas Dr. Hayes holds a Doctorate Degree from the Religious Science Institute and a Honorary Doctorate of Humane Letters from St. Martin's College and Seminary; he is a leader in several national Church Bodies, International Board of Director, Metropolitan Spiritual Churches (for 25 years), President, National Association of Sacred Science Churches, Inc., President, First Spiritual Churches of Christ, President, Bible Churches of Christ, President, Cosmopolitan Churches of Prayer. Dr. Hayes because of his compassion, concern, and interest in people is affectionately known as "Father Hayes", and

Whereas under the pastoral leadership of Dr. Hayes Cosmopolitan Church of Prayer has embarked on a new mission to invest in and rehab the Woodlawn Community a community plagued with crime, homelessness, guns, and drugs, the first phase being complete with the purchase and rehabilitation of a new church facility in the heart of the community at 840 East 65th Street, Chicago, holding the first services September 29, 1991: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Charles George Hayes and the Cosmopolitan Church of Prayer-Holiness by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

INTRODUCTION OF NATIONAL AQUATIC ECOSYSTEM RESTORATION ACT

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HAMBURG. Mr. Speaker, today, I am introducing the National Aquatic Ecosystem Restoration Act of 1994 which creates a new vision for sustainable stewardship of aquatic ecosystems in our country. This bill will encourage and fund voluntary grassroots efforts to restore river, wetland and estuarine ecosystems based on a long-term National strategy. The President has called for re-alignment of Federal land management based on watershed boundaries, but his initiative extends only to Federal lands. The Aquatic Ecosystem Restoration Act's focus on non-federal lands will complement this Federal land policy.

The Mattole Restoration Council, in Humboldt County on California's northcoast, embodies this vision. In 1979 a small group of residents and landowners joined together to rebuild declining native salmon populations in their river. Inevitably, they soon discovered that restoring the salmon population meant rebuilding the ecosystem which gives it life. Today, the Mattole Restoration Council encompasses 13 member groups. They are working to restore and maintain a self-sustaining Mattole River ecosystem which will nourish and support a sustainable economy based on forestry, fishing, ranching, small business, and recreation.

Freeman House, a founder of the Mattole Restoration Council, speaks eloquently of the wisdom and effectiveness of locally-based watershed management:

> One pass through with a government crew isn't going to do the job. The residents will remain in place after the government has come and gone. If the restoration program has been structured so that problems are defined and decisions made by inhabitants with the counsel of technicians, and if much of the work has been performed by local people, especially young people, then a population will remain whose identity has been extended to include their habitat. They will have the skills to maintain equilibrium with the changes inherent in all natural succession. * * * And they will begin to invent the styles of resource development appropriate to the long-range survival of their places and thus of themselves.

Community-based restoration efforts are growing across the country. From the Merrimack River in New England down the coast to the Kissimmee river in Florida, across to the Illinois and Mississippi Rivers in the heart of our country, west to numerous coastal rivers and streams on the Pacific coast, local residents are beginning to identify the health of their surrounding water systems with their own well-being ans survival.

In the last 100 years, the Federal Government has invested over $200 billion to develop dams, irrigation, flood control, and navigation projects. Although these projects have had many beneficial results for our society, they have also caused severe damage to aquatic ecosystems—rivers, lakes, streams, estuaries and the surrounding land, plants and wildlife. Only 2 percent of the rivers in our Nation are considered healthy. The sport fishery in three quarters of our streams has deteriorated to low quality. More aquatic organisms than any other group are potential candidates for listing under the Endangered Species Act.

We are now entering a new era, an era of awareness that we must also invest in restoration of our watershed and aquatic habitat. The National Aquatic Ecosystem Restoration Act of 1994 will build a future in which our children and grandchildren can enjoy the thriving fisheries and clean drinkable water we have taken for granted for so long.

INTRODUCTION OF FHA IMPROVEMENT ACT

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. ORTON. Mr. Speaker, today I am introducing the FHA Improvement Act of 1994, legislation designed to simplify and streamline the FHA single-family loan program.

The benefits of increased homeownership are substantial. It provides stability and an increased sense of community. For most Americans, it is the single most important investment they wiil make in their lifetime. Also, as individuals and families move from renting to owning, more rental units become available, an overlooked, but important source of affordable rental housing.

Our Federal housing policies recognize the importance of homeownership, and generally target the area where we can have the greatest impact—helping individuals and families enter the housing market. An important example of this is the FHA program. FHA provides reasonable down payment requirements and affordable interest rates, while limiting these benefits to houses in an affordable price range.

In recent years, however, use of FHA has declined relative to other mortgage instruments. An important reason for this decline is the increasing frustration of borrowers and realtors with the complexity and delays associated with using FHA. In the short run, this decline deprives prospective homebuyers of an important homebuying tool. In the long run it could threaten the economic health of the FHA Mutual Mortgage Insurance Fund [MMIF]. Through the process of adverse selection, it is possible that only the weakest homebuyers will use FHA.

The FHA Improvement Act seeks to address these problems of complexity, without increasing risk in the mortgage insurance fund. It does not make changes in the somewhat controversial areas of increasing the maximum loan amount or lowering the insurance premium. It does make commonsense changes to make the system more user-friendly.

I would like to briefly outline these changes. First, my bill replaces the current confusing two-part downpayment calculation with a simple formula, without changing the typical level of downpayment required. The bill also permits lenders authorized to process direct endorsement mortgages to issue their own mortgage insurance certificates—eliminating the long delays lenders frequently face. This does not change the loan approval process, since such lenders already have their own underwriting authority.

The bill would simplify the calculation of the FHA loan floor—minimum—replacing a county-by-county calculation with a calculation of average area purchase prices on a state-wide and major metropolitan area basis. This provision is identical to the administration's proposal in the housing reauthorization bill recently sent to Congress.

The FHA Improvement Act would also eliminate the unfair and unnecessary prohibition against parental loans. This would eliminate the cumbersome and intrusive need to obtain a gift letter whenever parents help their children buy a house. The bill also takes into account recent market changes by giving FHA increased flexibility to originate more variable rate loan programs, such as a 5/25 loan. However, it ties this new loan flexibility to a determination that there will be no additional risk to the Mutual Mortgage Insurance Fund.

Finally, a number of minor changes are made to outdated provisions. The 90-percent limitation on new construction projects not approved prior to construction is removed. The bill also allows FHA condominium project approval for those projects already approved by FNMA and Freddie Mac. And, HUD is directed to conduct a study of the impact of lowering FHA insurance premiums, with a focus of the effects on the MMIF.

I believe these reforms are sensible and noncontroversial. I hope that we can adopt these changes during consideration of this year's housing reauthorization bill. Their enactment would result in a solid improvement of a program that has played an important role in the well-being and economic health of our country.

FORT WASHINGTON LIBRARY 80TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I rise today to commemorate the anniversary of the Fort Washington Branch Library which is celebrating its 80th year of service, in Washington Heights, in my congressional district in New York.

Throughout the years many thousands of people the world over and from all walks of life, have availed themselves of the services of this branch—among them: Maria Callas, Lou Gehrig, Henry Kissinger, Edwin Newman, and Jacob Javits to name but a few.

In the 1920's and 1930's immigrants came mostly from Europe—Ireland, Germany, Poland, et cetera, and settled in the Washington Heights-Inwood area. Now, the majority of the immigrants are coming from the Caribbean, particularly the Dominican Republic, as well as from the former Soviet Union.

The Fort Washington Library is performing the same functions now as it has done in the past—namely, to reach out into the community by providing much needed services. They have books and cassettes to learn English for whose who wish to do so. They also have books in diverse languages for those who wish to read in their native tongue. Fort Washington has special classes for those Spanish-speaking individuals who cannot read or write Spanish because it was discovered that before a person can learn a second language such as English, he or she must first become literate in their own.

Fort Washington has the largest reference library in northern Manhattan which includes eight Spanish encyclopedias in addition to newspapers in Russian, Spanish, and Greek. They are usually filled up with wall-to-wall people of all ages—students doing homework, people reading Standard and Poors and the Wall Street Journal, as well as magazines on physical fitness, sports, and a broad range of topics.

The children's room is the second busiest branch in Manhattan and is constantly busy with story hours and special programs geared to different age groups.

Their young adult and children's librarians invite classes to the library and also go to the schools to tell stories, give book talks, and encourage the children to avail themselves of Fort Washington's services.

The library is available to all and has been for the past 80 years. They are looking forward to another 80 years playing an important role in their ever changing and vital community.

TRIBUTE TO REV. BILLY J. JONES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Billy J. Jones of the Samaritan Bible Baptist Church. Attached is a proclamation I issued Reverend Jones commending him for his work.

PROCLAMATION

Whereas, the Reverend Billy J. Jones was born in Locust Grove, Georgia, the second of five children, born to Simon and Avvie Lee Jones, he is a family man, married to Jeanette Robinson, the daughter of Helen Robinson Jordan, the father of three sons, Demetrius Van, Lewis Armstrong, and Bryant Lamont; and

Whereas, Reverend Jones was reared in Chicago since 1955, he matriculated at Forrestville and Dolittle elementary schools, Wendell Phillips High School, Crane Junior College of the Chicago City Colleges, and the Moody Bible Institute, Chicago, Illinois; and

Whereas, Reverend Jones for over thirty-five years, has been a member of the Fellowship Missionary Baptist Church, Chicago, Illinois where The Reverend Clay Evans is Pastor, he served as Assistant Minister of Music over twenty years, recording six albums with the Mass Choir, "The Voice Fellowship," in 1972 Reverend Jones accepted the Call to the Ministry, he was elected Pastor of the Sunrise Missionary Baptist Church, Chicago, Illinois in July 1975, serving there faithfully for seven years, in August 1982 he organized the Samaritan Bible Baptist Church, Chicago, Illinois; and

Whereas, Reverend Jones worked in the Civil Rights Movement with the Reverend Jesse L. Jackson, and sang for Dr. Martin Luther King, Jr. before he spoke during the time Dr. King lived on the West Side of Chicago, a member of the Southern Christian Leadership Conference—Operation Breadbasket, he organized the Breadbasket Choir, he is a Charter member of Operation PUSH, Reverend Jones is a Shepherd, a Community Leader, a Humanitarian, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishment of The Reverend Billy J. Jones, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE 50TH ANNIVERSARY OF D-DAY: REMEMBERING THE SACRIFICE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. EVERETT. Mr. Speaker, on June 6, 1994, Americans all across this Nation will commemorate the 50th anniversary of the Allied offensive on the beaches of Normandy, France, during World War II. This even marked the beginning of the end of the tyranny of Nazi rule and was key to the Allied victory in Europe. Many Alabamians were engaged in this struggle where many valiant individuals gave their lives for the preservation of freedom and democracy. They did not seek glory—they marched behind the resplendent banner of freedom, and fought to preserve that freedom for future generations.

In commemoration of the sacrifice of Alabamians on D-day, the Alabama State House of Representatives and Senate adopted a special resolution on May 6 which specifically designates June 6, 1994, as Alabama and National D-day Remembrance Day. I applaud the Alabama Legislature for taking this action to remember this extra special day in the history of America and the free world and I have included the text of the resolution in the RECORD.

There is an inscription on a war memorial in Arlington National Cemetery that reads: "Not for fame or reward, not for place or rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it." As benefactors of their courage and sacrifice, the task falls to us to ensure that future generations know that the price of freedom is high. The freedom that we now enjoy was purchased with the blood of thousands that have gone before—from the first shots fired in the Revolution to the Persian Gulf war—and we cannot let the world forget the loss of life that was required to guard this heritage of liberty we all hold so dear.

SENATE OF ALABAMA RESOLUTION

Whereas, June 6, 1994, marks the Fiftieth Anniversary of D-day, the day of the beginning of the Allied assault at Normandy, France, during World War II; and

Whereas, the D-day assault, known as Operation Overload, was the most extensive amphibious operation ever to occur, involving on the first day of the operation five thousand ships, over eleven thousand sorties of Allied aircraft, and one hundred fifty-three thousand American, British, and Canadian troops; and

Whereas, five separate beaches were assaulted, with American forces commanded by Lieutenant General Omar Bradley and British and Canadian forces commanded by General Miles Dempsey; and

Whereas, many Alabamians were involved in the attack on "Omaha" and "Utah" beaches and many American troops suffered significant losses during the assault, including over six thousand five hundred casualties; and

Whereas, the D-day assault was among the most critical events of World War II, with the success of the Allied landings in Normandy providing the foothold for the liberation of France and the eventual Allied breakthrough into Germany and leading ultimately to the Allied victory in Europe; and

Whereas, June 6, 1994, is one of the most significant dates in the lives of Alabama's World War II veterans and in the history of the United States; now therefore, be it

Resolved by the Legislature of Alabama, both Houses thereof concurring, That June 6, 1994, is designated as Alabama and National D-Day Remembrance Day, and the Governor is authorized and requested to issue a proclamation calling upon the people of Alabama to observe that day with appropriate programs, ceremonies, and activities, and to participate in remembrance with national ceremonies. Be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the entire Alabama Congressional Delegation.

TRIBUTE TO SISTER ROSANNE KLIMASZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Sister Rosanne Klimasz, currently the Superior of the Felician Sisters Generalate in Rome, Italy, on her 50th annniversary as a Felician Sister.

Sister Rosanne was born in the Back of the Yards community on the South Side of Chicago and attended Sacred Heart Elementary School and Good Counsel High School in Chicago. Sister Rosanne has spent many years teaching at Holy Innocents and St. John of God Schools in Chicago and Holy Cross School in Joliet, IL. She has also contributed her services to the health care of thousands of people at St. Joseph Hospital in Milwaukee, WI, Rosary Hospital in Corning, IA, Our Lady of Angels Hospital in Okarche, OK as well as Memorial Hospital in Yorktown, TX. Sister Rosanne has also served her family of Felician Sisters at the Felician Sisters Provincialate in Rio Rancho, NM and at the Felician Sisters Generalate in Rome, Italy.

Sister Rosanne has developed lasting relationships which have brought immeasurable benefits to the people of each community in which she was assigned. She has lovingly served her own family and the family of Felician Sisters by bringing spirit, joy and goodwill to them and to all the lives she has touched. I am proud that Sister Rosanne can call the Chicagoland community home.

Mr. Speaker, I am pleased to recognize Sister Rosanne Klimasz for dedicating herself to the welfare of others and the betterment of our community. As she celebrates her 50th anniversary as a Felician Sister at a special Mass of Thanksgiving on Sunday, May 29, 1994, I urge my colleagues to join me in wishing her the best in the years to come.

REAL CONGRESSIONAL REFORM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. PORTMAN. Mr. Speaker, I am introducing legislation today that seeks to address the dramatic increase this body has experienced in restrictive rules governing floor consideration of legislation.

In the 95th Congress (1977–78), 85 percent of the bills that we brought to the House floor were considered under an open rule. This provided Members of Congress the opportunity to offer amendments to these bills before final passage and permitted full and fair debate on the issues.

With each and every Congress since then, however, we have witnessed a consistent decline in the number and proportion of bills considered under an open rule. The 102d Congress (1991–1992) saw the percentage of open rules drop to 34. Even more disturbing is that through May 12, 1994, this Congress has seen only 22 percent of the bills considered under an open rule. Therefore, 78 percent of the time, our ability to fully debate and consider amendments is restricted.

The resolution I am offering today amends the House rules to provide that a two-thirds majority, rather than the current simple majority, would be required to approve a rule that is restrictive. Thus, Members will be better able to offer germane amendments to legislation rather than being unfairly silenced through a restrictive rule. This will reintroduce some fairness into the process.

It is time Members have greater access to the legislative process. It is time for important matters of national concern to be fully and openly aired on the floor of the House. It is time that we bring an end to the restrictions placed on the offering of amendments. Please join me in this effort.

TRIBUTE TO REV. HOSEA IVEY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Hosea Ivey of the United in Love Missionary Baptist Church. Attached is a proclamation I issued Rev. Ivey commending him for his work.

PROCLAMATION

Whereas the Reverend Hosea Ivey was born in Union Spring, Alabama, one of six brothers and one sister, the son of a Methodist Minister, the Reverend George D. Ivey and Fannie Ivey, he is a family man, married to Maureen Ivey, they have been Blessed with three sons, Clifford Ivey, a public school teacher, Dr. Carl Ivey, M.D., a Pediatrician, and Hosea Ivey, Jr., a computer programer; and

Whereas Reverend Ivey completed grammar school and high school in Union Spring, Alabama, he was reared on a farm, at the age of seventeen he left home looking for gainful employment, first in Fort Benning Georgia, Montgomery, Alabama, and Florida, during World War II he served in the United States Army from April 26, 1945 to February 16, 1947; and

Whereas Reverend Ivey moved to Chicago in 1951, promptly he found employment at United States Steel Company working there for thirty-three years; and

Whereas Reverend Ivey was active in the Methodist Church for many years, serving as the Finance Chairman at Kelly Methodist Church, Chicago, Illinois, God Called him into the Ministry in 1972, Ordained in 1977 at the Greater Mount Vernon Baptist Church, under the Pastoral leadership of The Reverend Charles Alexander, through prayer and faith Reverend Ivey organized the United In Love Missionary Baptist Church, Chicago, Illinois, leading people to Christ and serving the community for over seventeen years, Reverend Ivey is a family man, a man of faith, a shepherd, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United States of America wishes to acknowledge the faithfulness and accomplishments of The Reverend Hosea Ivey, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

ENERGY BIOSYSTEMS CORPORATION STOCKHOLDERS TO GATHER MAY 25

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am pleased that the innovative and pioneering spirit that made Texas a leader among the States was not a thing of the past; it is with us still.

I refer to a relatively new company based in my congressional district: Energy BioSystems Corp. Energy BioSystems Corp. was founded in Texas in 1989 and completed its initial public stock offering a little over 1 year ago. On May 25, company officers and shareholders will gather in The Woodlands, TX, to review the company's performance during its first year as a public corporation, and to outline what they want Energy BioSystems to achieve in the year ahead.

I congratulate the officers, the employees and shareholders of Energy BioSystems Corp. on their first year as a public corporation, and wish them continued success in the future.

Energy BioSystems Corp. is commercializing new and innovative biotechnology-based processes for the oil production and refining industries. To date, it has concentrated on developing a process called—and I hope I pronounce this correctly—"biocatalytic desulfurization," or BDS. This process, which uses enzymes to remove sulfur from petroleum, is expected to help refiners worldwide meet increasingly stringent environmental regulations in a cost-effective manner. Those regulations could cost the refining industry up to $25 billion in capital spending, and $6 billion annually in higher operating costs. BDS could significantly reduce those costs, as well as greatly increase the value of high-sulfur oil reserves.

Energy BioSystems Corp. expects to have a pilot plant in operation this year, and plans to contract for its first unit shortly thereafter. The first unit is expected to start operations in 1996. At that point, Energy BioSystems Corp. will be free to use its facilities and its employees' expertise to expand into other "biorefining" solutions for the petroleum industry.

As a senior member of the House Energy and Commerce Committee, I know that America's domestic energy industry faces many challenges in the years ahead; regrettably, most of the obstacles that stand between them and success have been erected by the Congress, the Department of the Interior and the Department of Energy. Given the seriousness and persistence of those obstacles, I am sure that the energy industry, and related industries, will welcome the cost-saving solutions being explored by Energy BioSystems Corp.

Mr. Speaker, I appreciate this opportunity to bring to your attention—and to the attention of my colleagues—the activities of this new public company located in my congressional district, and to wish the officers, employees and shareholders of this company success in the future. All of us concerned about the environment, and the economic well-being of the domestic energy industry, hope Energy BioSystems succeeds in its innovative approach to solving seemingly unsolvable problems.

SALUTE TO NORTH ADAMS STATE COLLEGE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. OLVER. Mr. Speaker, I rise today to honor North Adams State College, the public liberal arts college of Massachusetts located in the northwest corner of the First Congressional District of Massachusetts in the City of North Adams. The college begins celebrating the 100th anniversary of its charter by the Great and General Court of the Commonwealth on Monday, June 6, 1994. Following the Charter Day program, a series of events, culminating in an October celebration, will recognize the Centennial.

Created as a teacher's college in 1894 by an act of the state legislature, the college has a proud history. Under the first principal, Frank Fuller Murdock, the school began serving teachers in the rural towns of western Massachusetts, elevating the quality of public education for generations of citizens. In 1937 the college offered 4-year and masters degrees in education, and by 1976 it became authorized to grant degrees in liberal arts and other career fields. North Adams State College now serves over 2,000 students in 20 major academic disciplines.

In 1992, the college officially revised its original mission as a teacher's college. The new mission, approved by the Massachusetts Higher Education Coordinating Council, is:

> To develop liberally educated individuals who have the knowledge, perspective, critical thinking capabilities and ethical values to become active citizens and leaders in their chosen fields.

Though the college is no longer only a teaching school, the new mission statement honors the college's proud past in that the school still seeks to provide the best quality public education for the citizens of the Commonwealth of Massachusetts. I ask my colleges to join me in congratulating North Adams State College on its 100th Anniversary and in extending best wishes to all the faculty, staff, students, and alumni.

A DAY OF SPECIAL CELEBRATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. MINGE. Mr. Speaker, now therefore, I, DAVID MINGE, Representative of Minnesota's great Second Congressional District, do hereby proclaim May 24, 1994 to be a day of special celebration to honor and recognize the older citizens living within the boundary of Minnesota's Second Congressional District.

PROCLAMATION

Whereas older citizens of Minnesota's Second Congressional District have contributed significantly to the quality of life throughout the district; and

Whereas without the influence and vision of older citizens, Minnesota's Second Congressional District would not be a haven of safety and prosperity for those who reside here; and

Whereas the older residents of Minnesota's Second Congressional District represent a "touch stone" to the past and hold a keen knowledge of the rich history of our district; and

Whereas many older citizens of Minnesota's Second Congressional District provide valuable volunteer services which make it possible for the culture of our area to thrive and grow; and

Whereas senior citizens are deserving of honor and recognition for their contribution to the social and cultural environment of Minnesota's Second Congressional District.

TRIBUTE TO DR. ROBERT L. HOUSE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Robert L. House of the New Life Baptist Church. Attached is a proclamation I issued Dr. House commending him for his work.

PROCLAMATION

Whereas Dr. Robert L. House was born in Shelby, Mississippi, he matriculated at Chicago State University, Chicago, Illinois earning the Bachelor of Arts Degree, 1973, Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree, 1976. Dr. House was awarded two honorary degrees, the first from Richmond Virginia Seminary, Richmond, Virginia, Doctor of Divinity, 1984, the second from Monrovia College and Industrial Institute, Monrovia, Liberia, 1985; and

Whereas Dr. House has helped many people making substantive contributions through his many volunteer efforts. He is a Board Member of "One Church One Child," adoption agency, Board Member of Chicago Christian Industrial League, Instructor in Christian Ethics and the Book of Genesis, Chicago Baptist Institute, Chicago, Illinois, Instructor in Narcotics and Drug Abuse, Progressive National Baptist Convention, former Gospel Radio Host of "An Hour and a Half With House," WBEE Radio, 1570 AM; and

Whereas Dr. House is an experienced shepherd, serving as Assistant Pastor, Saint Mark United Methodist Church, Chicago, Illinois, Pastor, Wesley United Methodist Church, Chicago, Illinois, Pastor, First Union Baptist Church, East Chicago Heights, Illinois, Pastor, Tabernacle M.B. Church, Chicago, Illinois, Founder and Pastor of New Life Baptist Church of Chicago, Illinois, 1986; and

Whereas under the leadership of Dr. House the congregation has prospered, a church and educational building was purchased, and a Transitional Shelter for women and children is one of the dynamic ministries of the church. Mrs. House is an inspiration to her husband and especially shares in the music ministry, and the ministry to the homeless, Dr. and Mrs. House are the proud parents of two children. Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Robert L. House and the New Life Baptist Church of Chicago by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States.

RECOGNITION OF NASA AWARD WINNERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize the accomplishments of two of my constituents from Long Island, NY. Christopher Del Rosso from Port Jefferson and Thomas Sapienza from Shoreham have both had the honor of being awarded internships with the National Aeronautics and Space Administration [NASA].

Christopher Del Rosso will commence his internship at the Goddard Space Flight Center in Greenbelt, MD. He will have the opportunity to study with astronomers in the Laboratory for Astronomy and Solar Physics. Observational programs at the center include technology and instrument development and the study of astrophysical phenomena, specifically emphasizing the structure, origin, and evolution of the sun and stars.

Thomas Sapienza's internship will be conducted at the Wind Tunnel Testing Facility at the NASA research center in Langley, VA. He will conduct research with leading NASA scientists to study the effects of wind speed. The wind tunnel is 30 feet high and 60 feet wide and is capable of generating wind speeds up to 100 miles per hour.

Only 24 students out of 5,000 entries from across the United States have been selected for this prestigious honor, and I am pleased to have this honor bestowed on two of my constituents. The competition, cosponsored by NASA and the National Science Teachers Association, is an interdisciplinary program designed to address the need for greater literacy in the area of science, critical and creative thinking, and technology.

Along with their internships, students will join their teachers at the National Space Science Symposium for the purpose of recognizing their academic achievement in an environment designed to further challenge their talents. Students will present their entries at the symposium and will be formally recognized as national winners at a NASA awards banquet.

Mr. Speaker, it is my pleasure to commend these students for their accomplishments. It is their ingenuity and intellect which will help our Nation continue to excel in the 21st century. I wish them the best in their future endeavors.

A TRIBUTE TO FRED GENTILE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Ms. MOLINARI. Mr. Speaker, I would like to take this time to honor one of Brooklyn's most outstanding and respected citizens, Mr. Fred Gentile. Mr. Gentile has enhanced the Brooklyn community since he was born there in 1929.

A recent retiree, Mr. Gentile worked for the Brooklyn Union Gas Co. for 34 years. In addition to serving as the company's senior vice president, Mr. Gentile actively served the American Gas Association, both on the accounting advisory council and the taxation committee. He also belonged to the Society of Gas Lighting, and the New York chapter of the Financial Executive Institute.

With those credentials, it is hard to believe that Mr. Gentile found so much time and energy for nonbusiness-related community service projects, such as the Boys and Girls Clubs with which he has worked since 1979. He is currently serving on the board of managers for the Brooklyn chapter which oversees three clubhouses. Mr. Gentile also worked as a trustee and audit committee chairman for the Brooklyn Methodist Hospital. In addition to this, Mr. Gentile has served as parish council president at the Our Lady of Grace Church in Brooklyn.

I would like to join his wife Jane, and his two sons, Stephen and Matthew, in honoring this wonderful community participant, Mr. Fred Gentile.

Mr. Speaker, thank you for granting me the opportunity to thank Mr. Gentile for everything he has added to the Brooklyn community.

HONORING THE JOHNSON WAX CO. AND SAM JOHNSON

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to recognize the recent achievements of one of Wisconsin's—and America's—most distinguished corporate citizens, S.C. Johnson & Son., Inc., and its president, Mr. Sam Johnson.

S.C. Johnson & Son, Inc., which is headquartered in Racine, WI, has long been noted for its contribution to the community and for its environmental responsibility.

This year, Mr. Sam Johnson and the Johnson Wax Co. are receiving two significant awards in recognition of their contribution to environmental quality.

Each year, the Charles A. Lindbergh Fund, which was established in 1977 to promote research programs and projects which contribute to the balance between technological advancement and preservation of the environment, award an individual who has made a lifetime of contributions to fulfilling the fund's purpose.

This year, Mr. Sam Johnson is being honored with the Lindbergh Award on May 25 at the National Air and Space Museum. I know of no one who is more deserving of the Lindbergh Award, and I wanted to bring this important recognition to my colleagues' attention.

Mr. Speaker, in addition to receiving the Lindbergh Award, Mr. Johnson and the company are receiving the World Environment Center Gold Medal for the corporation's outstanding, well-implemented worldwide environmental policy. In the past several years, corporations such as Xerox, IBM, and Procter & Gamble have been honored with this prestigious medal.

The WEC Gold Medal for International Corporate Environmental Achievement, which is in its 10th year, constitutes an ongoing corporate commitment to maintaining or improving the environmental standard of excellence being honored.

Too often, the environment and economic growth are viewed as being in conflict, but corporations such as S.C. Johnson & Son, Inc., and individuals such as Sam Johnson prove that progress can—and should—mean improvement.

Mr. Speaker, we should recognize those corporations which are succeeding in protecting the environment, improving our quality of life, and providing family supporting jobs. We need to look no further than Racine, WI, to Sam Johnson, his company, and his employees.

TRIBUTE TO REV. HILLIARD C. HUDSON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Rev. Hilliard C. Hudson of the Pilgrim Baptist Church of South Chicago. Attached is a proclamation I issued Reverend Hudson commending him for his work.

PROCLAMATION

Whereas the Reverend Hilliard C. Hudson is a native of Brownsville, Tennessee. He is a family man, married to Mirta Angelita Hudson and God has blessed them with five beautiful children: Shayla, Brandon, Saunya, Christopher, and Kristina; and

Whereas Reverend Hudson matriculated at Millikin University, Decatur, Illinois majoring in Accounting, Louisiana Theological Seminary, majoring in Christian Education; and

Whereas Reverend Hudson was Called to the Ministry while under the pastoral leadership of his father, the Late Reverend Clyde Hudson. This year Reverend Hudson is celebrating eighteen years of Christian Ministry. He served as Assistant Pastor at Canaan Baptist Church, Urbana, Illinois, Reverend Hudson has served as Pastor of Pilgrim Baptist Church of South Chicago since 1985; and

Whereas Reverend Hudson has preached and taught in churches and leadership schools throughout the United States and the Virgin Islands. He is on the faculty of the Baptist General State Congress of Christian Education and the Greater New Era Congress of Christian Education, recently he was featured in "Who's Who In Religion," for his work as a shepherd, teacher and humanitarian: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Hilliard C. Hudson, by entering these accomplishments in the Congressional Record and Archives of the One Hundred and Third Congress.

HEALTH CARE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. COX. Mr. Speaker, the Santa Fe Springs Chamber of Commerce and Industrial League, in Santa Fe Springs, CA, is vitally concerned about the impact that proposed health care legislation will have on employees and employers. They have not endorsed any of the health care bills proposed, including President Clinton's Health Security Act. Instead, they have compiled a list of key features that any health legislation should include. Because this analysis and list of recommendations reflect the careful study and experience of small businesses throughout California, I commend it to the attention of my colleagues as you fashion health care legislation this year:

DEAR MEMBERS OF CONGRESS: We agree that our current health care distribution system is flawed and unaffordable for many Americans. The 80 percent of the population that is insured and covered is not looking for drastic overhaul of medical care, just a better way of controlling costs and coverage. We strongly urge Congress to consider specific steps that can alleviate many of the barriers to access and affordability, as opposed to the Clinton system.

We support the option, not a mandate, for employers to pay for insurance costs.

We oppose taxing employers or other taxpayers to provide national health insurance.

We support making premiums and actual health care for all individuals and employers 100 percent tax deductible.

We support and urge protection of unrestricted individual choice of plans, doctors, and medical facilities. This choice should be made by patients, as opposed to any government agency or alliance making the choice.

We oppose any government "standard" or "minimum policy provisions." We believe that private companies should be encouraged to compete, and thereby allow the market to set standards.

We support a "pay as you save" policy of making increases in health care spending for the indigent, or others who can't afford coverage or care, only after the savings in other health provisions have been realized by the government. This would prevent massive new health care cost increases.

We support medical tort reform and limited liability as a means of reducing the high cost of medical administration.

We support portable Medical Savings Accounts as a means for the patient to pay medical costs not covered by major medical insurance.

We support administrative, regulatory, and paperwork reform and simplification of all health services.

We support an option for small business and individuals to join together to increase buying power and leverage without government control or administration.

We support annual "open enrollment" during which employees and individuals may change health plans. This will create greater competition among different plans, encouraging them to do a good job for the consumer.

We oppose the federal government becoming the buyer, administrator, or competitor for health care for the public.

We oppose any law that makes health care an entitlement program like Social Security or Medicare.

Respectfully submitted,

SANTA FE SPRINGS CHAMBER OF COMMERCE AND INDUSTRIAL LEAGUE.

IN RECOGNITION OF BOB AND LYNN MARTINEZ

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Bob and Lynn Martinez, who have been named Business Persons of the Year by the Carmichael Chamber of Commerce.

Mr. and Mrs. Martinez have been active members of the business community in Carmichael since 1975 when they opened Jose's Mexican Restaurant. Bob is a former board member of both the Carmichael and Sacramento Metropolitan Chambers of Commerce, and was the Honorary Mayor of Carmichael in 1992 and 1993. Lynn has spent 20 years teaching in the local schools. The Martinez's also owns Jose's Mexican Restaurants in Honolulu and Kona, Hawaii, Jose's Taco Hut, and Robert Martinez Realty.

Bob Martinez has been recognized as a positive role model and has received numerous awards for his community service. In 1991 he was honored by Attorney General Dan Lungren for his exceptional community service. In 1992 he was recognized by the Mexican-American Correctional Association for being a Hispanic community role model and in 1993 he received the President's Eagle Award for outstanding statewide and community service.

Active in their neighborhood, Bob and Lynn Martinez are involved in a host of service, school and community organizations, including: the Easter Seals, Rotary Club, Women Escaping a Violent Environment, the Y.M.C.A., the Y.W.C.A., the Boy Scouts of America, Girl Scouts of America, and local high, junior high and elementary schools. Furthermore, Bob and Lynn are members of their local Presbyterian church, the Hispanic Chamber of Commerce, the Mexican-American Education Association and the Flying Samaritans. Mr. Speaker, Bob and Lynn Martinez are appropriately being honored by the Carmichael Chamber of Commerce as Business Persons of the Year.

Mr. Speaker, I ask my fellow Members to join me, the Carmichael Chamber of Commerce, and the Martinez family in congratulating Bob and Lynn on their accomplishments in business and the community service.

ADDRESS BY DR. WENDELL RAYBURN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SKELTON. Mr. Speaker, on May 14, 1994, Lincoln University held its graduation ceremonies in Jefferson City, MO. The principal speaker was the university president, Dr. Wendell Rayburn, who spoke to the graduates preparing for a changing world. This excellent address is placed in the RECORD as it is a lesson for the entire country:

Anyone who has ever given a commencement speech knows that he or she is up against a major obstacle: no one in the audience has come to this event specifically to listen to the speaker. The students have come for one reason alone: to participate in the ceremony which officially formalizes their status as college graduates. Their parents and families have come to celebrate and to mark this significant milestone in all of their lives. The administration and faculty have come as envoys of the university.

But tradition dictates that there be a speaker, regardless of the fact that no one has come to hear him or her speak. So every person ever asked to give a commencement address has begun to think about the speech with the same question: What can I say that they will want to hear and that they might remember when they look back on their graduation?

Once, when I was invited to speak at a church, I asked the minister how much time I had. "Take all the time you want," he said. "But we leave at 1:30." Although you won't be physically leaving at any time soon, your minds and attention may check out on me if I protract this speech, which is the point the minister was making.

This point is well taken by all speakers. Keep the message brief, to the point, and memorable. Only by doing so will you reach your audience.

And so I must ask myself: What message can I bring to this audience? To whom does the commencement speaker address his remarks? Obviously, the graduates are the main audience. I am therefore led to consider who are our graduates at Lincoln University.

Our data reveal that approximately 90 percent of you are Missourians. Others come from such places as East St. Louis, Chicago, Detroit, Dayton, the Oakland/San Francisco area, and from such faraway places as Nigeria and Malawi. About 28 percent of you entered college after graduating from high school; the large majority of you are what we call nontraditional students: you were in your twenties, thirties, forties, even fifties and sixties when you started college or when you returned for a master's degree. But the most important point is that all of you have succeeded in reaching your goal.

And what are your goals? I know that a full 25 percent of you have chosen majors in the business fields; 18 percent of you are now nurses and 11 percent of you are teachers. Your selection of majors indicates that you have some insight into the direction of the future of our country and its needs. You understand that the world of business offers unique opportunities. You are answering the call for qualified educators, and you appreciate that health care will be a major arena of activity well into the next century. You have made your plans to assume critical positions in our society. If I can imprint one lasting thought upon you today, it is this: Do not suppose that your education is over. Graduation is not the end; it is only the beginning. You must prepare yourselves, educate yourselves, for a world of constant change.

The knowledge and skills you have acquired at Lincoln University will serve you well. But you must view it as the foundation upon which you must build. Hubert Humphrey once said that he learned more about economics from one South Dakota dust storm than he did in all his years in college. This is not to say that one does not need a college education. College prepares you, gives you the background, to cope with whatever twists and turns your life will take. And make no mistake: there will be twists and turns. No matter the profession you have chosen, the one thing you can count on is that it will change and evolve.

I remember well my own graduation. With my teaching certificate in hand, I felt confident that I was prepared as a classroom instructor. That was 1952. Although the intervening forty years might seem like a lifetime to you, I assure you they won't seem so when you're looking back after forty years at your own graduation! What will astound you then is what astounds me now, and that is the changes that will take place. When I first began teaching science to grade school children at Marcy Elementary School in Detroit, it was with no realization that science as we knew it then would soon explode in a hundred directions.

The way we viewed heredity changed dramatically in 1953 when James Watson and Francis Crick deciphered the genetic code of DNA, leading to an understanding of how information is passed from one generation to another. Polio, the dreaded childhood crippler and killer, was conquered in 1954 with the introduction of a vaccine developed by Jonas Salk. The first venture beyond our own world was accomplished in 1961 when a Russian cosmonaut became the first human to orbit the earth in a spaceship, and in 1969, two Americans became the first men to set foot on the moon.

But in this same time span, we also received the first warnings that an unbridled application of scientific discoveries and principles could lead to disaster. Silent Spring, written by Rachel Carson and published in 1962, chronicled the damage that our environment was sustaining from the chemicals and pesticides that filtered through our air and earth. With the advent of this book came the birth of the environmental movement. It would gather momentum from the ecological disaster at Love Canal and the near catastrophe of Three Mile Island. All of these developments, both positive and negative, were but forerunners of even more remarkable developments to come.

And science is not the only arena where we have seen change. Every aspect of society has been transformed. As I sat where you sit today and listened to a commencement speaker, I could not even begin to speculate on what was to come. We had not yet heard of Martin Luther King, Jr., and the Civil Rights movement, John F. Kennedy, the Vietnam War, the Cuban Missile Crisis, Woodstock, Watergate, birth control pills, or the women's movement, to name a few of the significant names and events of the last thirty to forty years.

So I say to you again: prepare and educate yourselves for constant change. You need not go back forty years to determine the need to do so. We have only to look back at the early 70s, a period during which many of you were born, and to recapture what has transpired since then. During the 70s, we witnessed the hook-up of the Apollo and Soyuz space crafts, a major scientific as well as diplomatic coup for that time. Jimmy Carter pardoned the Vietnam draft evaders; Louise Brown, the first test tube baby, was born; the Shah of Iran was ousted and replaced by the Ayatollah Khoumeini and Americans were taken hostage; and the accident at the nuclear plant at Three Mile Island brought us to the brink of nuclear disaster.

The pace did not slacken in the 1980s. It was, in fact, an era of "firsts." During that decade, we toasted Sandra Day O'Conner, the first woman to sit on the Supreme Court. The first permanent artificial heart was implanted. The first female, Sally Ride, journeyed into space. The first deaths due to AIDS were publicized, and all the horrors and ramifications of that disease erupted on both the national and international consciousness. The Challenger space craft exploded on live TV; home camcorders and satellite dishes became commonplace; we watched in horror as democracy was crushed in Tiananmen Square, and in awe as the Berlin Wall fell.

The 1990s show no sign of a slowing of pace. Iraq invaded Kuwait and the United States swept victoriously through the desert. East and West Germany once again became a single country; Rodney King became a household name and South L.A. erupted in violence; communism fell in the Soviet Union; Anita Hill forced the volatile issue of sexual harassment onto the national consciousness; Hurricane Andrew and the great Midwest flood proved that man is still no match for nature; and, in several emotion-filled days this April, black South Africans went to the polls for the first time in that country's history and elected Nelson Mandela president.

There is no way to recount the cataclysmic changes that have occurred in the world thus far in our lifetimes without a profound sense of wonder and anticipation concerning what is to come. How do you prepare or plan? You do so by continuing your education, not necessarily formally unless advanced degrees are in your plans, but by never missing an opportunity to tackle new projects and search out new ideas and experiences.

That famous son of Missouri, Mark Twain, provides us with a unique way of looking at life-long learning. In his book, Life on the Mississippi, he writes: "Two things seemed pretty apparent to me. One was, that in order to be a Mississippi River pilot a man has got to learn more than any one man ought to be allowed to know; and the other was, that he must learn it all over again in a different way every twenty-four hours."

We can apply that logic to almost any field today. You must not only be proficient in your area, but your level of proficiency must change with each new innovation. Can you imagine how long someone would last in the health field if they did not keep current with developments? The nurse or physician who retired ten years ago would barely recognize the intensive care unit in today's hospital. Treatment of all the major diseases has changed dramatically as new findings come to light or new drugs are developed. For instance, until very recently, bypass surgery was considered to be the best chance for a patient in the late stages of heart disease. But a new study shows that angioplasty, a procedure involving threading a balloon-tipped catheter through blocked arteries, is producing better long-term results than surgery does in the majority of patients. And in another new development, the announcement of the discovery of a gene responsible for certain kinds of cancer made it likely that treatment of that dread disease will be revolutionized in the very near future.

The same is true of other professions, as well. In my own field of education, I can cite numerous examples of changes in the way we do business. At the top of the list would have to be the computer. Student records are now computerized. You may have had one or more classes in a computer lab, and you probably used a computer to generate papers and assignments. On a number of campuses, distance learning is now possible via the computer. No doubt you took much of this for granted, but if you have an older brother or sister who was perhaps five years ahead of you in school, chances are they were not able to take advantage of all the opportunities that computers now afford.

So I remind you once again: prepare yourself for constant change. How will you do this? I can give you four trustworthy methods for keeping current. You will no doubt discover others on your own. My first recommendation is to be a reader. It may sound trite, it may sound simple, but it cannot be improved upon for effectiveness. What should you read? Many different things: The journals of your own profession, as one way of keeping current in your field; newspapers and news magazines, in order to learn about and understand events taking place in your community and around the world; and fiction, for relaxation and enjoyment and insight into human nature. This is a short list, and you will certainly find many other worthwhile texts. I encourage you to do so.

My second suggestion is to join professional organizations. No matter what field you have entered, you will find that there are groups which promote the profession. Become a member of at least one. Membership will provide you with tools and activities that will enhance your further growth and development in your field.

Thirdly, practice networking. Don't isolate yourself from colleagues, both close at hand and afar, who share your interests. Professional meetings and conferences are excellent occasions for networking.

My last suggestion to you is to utilize technology, which can put at your fingertips the means of accomplishing all of my other recommendations.

When you think about it, your education is only just beginning. You are entering a new phase in your life, and it should be one of exploration and discovery. There will be no finish, because this exploration is ongoing. But there will be excitement, there will be highs and lows, and there will be change. If you are prepared, you will guarantee yourself a lifetime of success.

As you take your initial step into this new and exciting world, feel confident because your knowledge and skills rest upon the legacy of a rich heritage and time-honored tradition handed down by the founding fathers of Lincoln University—the soldiers of the 62nd and 65th colored infantries.

Graduates, I congratulate you and I wish you the very best!

TRIBUTE TO DR. J. ARCHIE HARGRAVES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, Dr. J. Archie Hargraves of the South Shore Community Church. Attached is a proclamation I issued Dr. Hargraves, commending him for his work.

PROCLAMATION

Whereas Dr. J. Archie Hargraves matriculated at North Carolina A & T state University, Greensboro, North Carolina, earning the Bachelor of Science Degree, with honors, Columbia University, New York, earning the Bachelor of Arts Degree, Union Theological Seminary, New York earning the Master of divinity Degree, Chicago Theological Seminary, Chicago, Illinois, earning the Doctor of Religion Degree; and

Whereas Dr. Hargraves is leader and builder of institutions he has helped thousands of people, serving as the President of Shaw University, Raleigh, North Carolina, 1971-1976, Founder and President of the West Side Organization and the West Side Organization Health Services Corporation, Co-Founder of the East Harlem Protestant Parish, New York City, Founding President, Illinois Certification Boards for substance abuse treatment and prevention, Director of Urban Mission, The Urban Training Center for Christian Mission, Chicago, Illinois, Director of Chicago Action Training, Chairman, The Black Strategy Center 1969-1970; and

Whereas Dr. Hargraves presently serves in the following capacities, Pastor, South Shore Community Church, United Church of Christ, Chairman, South Shore community Unemployment Union, Chairman, Organization for African American Unity, President and CEO, Checagou, DuSable, Fort Dearborn Historical Commission, Chairman, Chicago Africa Society, Lecturer, African and African American Studies, Roosevelt University, Coordinator, Outreach to the African American Community, AIDS Pastoral Care Network; and

Whereas Dr. Hargraves and South Shore Community Church are engaged in the cutting edge of Ministry people are being saved daily by ministry to the whole person, through the Job Locator Service, Senior Citizen Breakfast, Senior and Disabled Food Distribution, AIDS Counseling and Visitation, A Christ Centered Drug Recovery Program, Special Ministry for Black Men, Prayer and Spiritual Counseling, and a Day Care Center, and more: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. J. Archie Hargraves and the South Shore Community Church, by entering these accomplishment into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

A TRIBUTE TO THE PHOENIX SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to rise and pay tribute to the Phoenix School on the occasion of its 15th anniversary celebration. The Phoenix School was founded by the Montgomery County, MD, Board of Education in 1979 and was the first public high school in the country established for students recovering from drug and alcohol abuse.

In 1992, 50 percent of high school seniors witnessed classmates drunk at school; 42 percent witnessed other students high on drugs. The use of marijuana and cocaine is increasing among 13- and 14-year-olds. Alcohol-related car crashes are the leading cause of death among adolescents and young adults in the United States. More than 30 percent of youth under the age of 18 in State-operated institutions were under the influence of alcohol at the time of their offense. If these trends prevail, it is estimated that 4,000 of Montgomery County's 30,000 public high school students will be at risk for developing a dependency on alcohol and drugs during their lifetime.

Since its establishment, the Phoenix School has enabled hundreds of Montgomery County students to stay sober and drug-free. Students attend the Phoenix program from 12 to 18 months, after which they return to their home high schools. More than 86 percent who complete the Phoenix program go on to complete their high school studies, and many go on to college.

In most respects, the Phoenix School is like a regular high school with tough standards. Admission is selective, and students are usually referred by a school counselor, pupil personnel worker, or mental health professional. Classes are small and students must attend daily counseling and recovery sessions, 12-step programs, and must submit to frequent urinalysis tests. Parent involvement also is a major component of the Phoenix program. Parents must attend support group sessions on a weekly basis.

The Phoenix School has two locations. The Silver Spring campus is under the able auspices of the founder of the Phoenix School, Brian Berthiaume. Sally Eller is the coordinator of the Gaithersburg campus and an advocate of early diagnosis and treatment as the best prevention for the disease of alcoholism and drug addition.

The Phoenix School, with its innovative approach to helping teenagers overcome alcohol and drug abuse, is a model for the rest of the Nation. I am proud that this outstanding school is in the district that I represent in Congress. I extend my heartiest congratulations and best wishes to the school in celebration of its 15th anniversary, and I wish the winning combination of counselors, health professionals, faculty, parents and students continued success in promoting new programs and ideas to fight drug and alcohol abuse among teens.

NAFTA AND THE WESTERN HEMISPHERE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to share with my colleagues the following excerpts from a speech made by Ambassador Abelardo L. Valdez. A graduate of Texas A&M University, Ambassador Valdez returned to A&M in May 1994 to deliver the commencement address. His "From NAFTA to a Common Market of the Americas: A Dream to be Realized" is a prophetic talk on where we were, where we are, and where we can go. NAFTA presents an opportunity for the hemisphere. Ambassador Valdez thoughtfully addresses the specific and broader issues that NAFTA raised. I invite my colleagues to read this excellent account.

"FROM NAFTA TO A COMMON MARKET OF THE AMERICAS: A DREAM TO BE REALIZED"

(By Ambassador Abelardo L. Valdez)

In every age, the world presents new and unique challenges to the women and men who enter into it. The Twenty-First Century—your century—will present realities different from those of your parents. We are already witnesses to the Cinderella-like transformation of the bi-polar world of the last half-century. Former "evil empires" have been touched by the magic wand of democratic elections and they are dressing for the ball of free markets. The economic nationalism of the past is giving way to the regional trading blocs of the future. Countries of Europe and the Pacific Rim have grouped to gain competitive advantage in global competition. Other nations, originally hesitant to join in this trend, are scrambling to position themselves within economic communities.

Our nation's new partnership with Mexico and Canada has created the North American Free Trade Agreement. I believe that NAFTA can lead, within a decade, to the creation of a common market of the Americas with more than 800 million consumers and including all the nations of the Western Hemisphere.

That goal is my dream. It is a dream which has sustained my personal efforts to help bring it about over the past quarter century. It took shape in 1967 when, as a young military aide, I accompanied President Johnson to the Uruguay Summit of the presidents of the Americas to consider the formation of a Latin American free trade association. Why, I wondered, just Latin America. Why not a trade pact for all of the Americas, North, Central and South. Why not a charter that would create a true Community of the Americas that would work together to strengthen democracy, expand our economies and provide for a better life for all our people—an idea which no one was considering at that time.

For such a dream to become a reality, I concluded U.S. leadership was crucial. If our nation did not lead such an effort, then which one would? For the idea to gain credibility among North Americans, someone would need to articulate its merits, but few seemed convinced. I wanted all Americans to share in the dream of a hemisphere in which the rising tide of prosperity would lift all boats, in which trade and mutual advantage would replace suspicion and rancor. Someone would need to speak out for that dream, but no one would. Then the realization came that, if no one would, then I should. If not me . . . then who?

My subsequent study in the law, analysis of comparative trade policies and public service in international development brought home to me the complexities and possibilities of a hemispheric common market. During that time, I tried to sow the seeds of the dream to anyone willing to listen—and to many who were not. I found that a few shared the dream, but many, many more did not. In the process I learned that, in the real world, dreams do not come equipped with the magic wands of Cinderella stories. Their fulfillment more responds to a lesson which I earlier learned in the South Texas sun, "You chop cotton one row at a time." And I was looking at a mighty big cotton field.

So, thirteen and one half years ago, at another A&M commencement, I articulated my dream. At that time there were few takers, north or south of the Rio Grande. Indeed many laughed at the mere suggestion of the idea.

I proposed in 1980 that this great goal could be achieved through incremental steps. First, by establishing a 200-mile free trade zone along the U.S.-Mexico border as a pilot program for ten years and then expanding into a complete free trade agreement among the nations of North America—and then expanding to include all of the Americas.

Within 18 months, events in Mexico and the United States and the increased trade competition from Asia and Europe confronting U.S. companies combined to create a mushrooming maquiladora system with limited free trade, roughly in the 200-mile zone I had proposed as a first step. In the following ten years, some 1,500 co-production ventures mushroomed in the de facto zone on the Mexican side of the border making it the largest source of new jobs in Mexico and enabling U.S. companies to survive against the tremendous competition from Asia and Europe.

This experience of nearly 10 years convinced both countries that expanded free trade and co-production presented substantial mutual benefits to the people and economies of both nations. This led to President Carlos Salinas' bold initiative with President George Bush in 1990 to begin free trade negotiations with the United States and Canada. These long negotiations, augmented by side agreements at the request of President Bill Clinton, resulted in the North American Free Trade Agreement, which became effective on January 1, 1994—thirteen years after I had proposed it from this platform as the first critical building block for a Western Hemispheric Common Market.

As I speak to you today, plans are firming up for a meeting of 34 elected leaders of our hemisphere, to be hosted by President Clinton in Miami this December. In his announcement of the event, the President said that this "Summit of the Americas" will be "a unique opportunity to build a community of free nations diverse in culture and history but bound together by a commitment to responsive and free government, vibrant civil societies, open economies and rising living standards for all our people."

Well, Mr. President . . . I could not have said it better and I thank you for embracing the dream which I dreamed, in a much different hemisphere, so many years—and so many rows of cotton—ago.

The upcoming summit will provide the forum for cooperation among the nations of this hemisphere towards solving problems of the environment, expanding human rights, promoting good governance and greater social inclusion. It will also advance the dialogue towards an expansion of NAFTA by the entry of other individual countries or by the affiliation of already-forming regional trade groups.

Regional trade groupings in the Americas are the order of the day. In the southern cone, Argentina, Brazil, Paraguay and Uruguay are on the road to completing their common market, "MERCOSUR." Older groupings of the Andean, Central American and Caribbean countries are modernizing. Chile and Colombia are actively pursuing entry into NAFTA. The day is dawning when a hemispheric common market, encompassing countries from the north to the south poles will help the Americas to better compete in the global marketplace.

As this global marketplace changes, the workplaces that supply it will undergo transformation. "Aggie" graduates before you likely worked for a well-established firm and likely stayed with it for most of a career. You will more probably be employed by, or will create, a small firm, established to meet a specialized objective. Your typical employment span will average five years.

This economic sea change will require courage and flexibility and well-defined professional goals on your part. You will be called upon to meet new and stronger competition and to do so sensibly, maintaining and improving worker training programs and other benefits for existing employees, creating new jobs for the ever increasing number of applicants and improving the social services for those who cannot work or require assistance. Additionally, your generation will be called upon to reduce the demand on our non-renewable natural resources and to restore balance to a physical environment burdened by population pressures and unwise use.

Your leadership, vision and hope will meet these challenges, will overcome the obstacles and lead our nation and our world to the frontiers of mankind's coming age. "If not you . . . then who?"

TRIBUTE TO DR. VERNON BEETHOVEN HARRIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Vernon Beethoven Harris of the Beautiful Zion Missionary Baptist Church. Attached is a proclamation I issued Dr. Harris commending him for his work.

PROCLAMATION

Whereas Dr. Vernon Beethoven Harris is a native of Lexington, Mississippi, where he was reared by his maternal Grandparents, Berry and Ollie James. Dr. Harris is a family man, married to Lillian Harris for thirty-five years, God has blessed them with six children: Dawnis, Monica, Bonita, Chandra, Russell, Vernon, Jr. and eleven Grandchildren; and

Whereas Dr. Harris was called to the Ministry in 1958, Ordained March 3, 1960, he is a graduate of Ambrose High School, Lexington, Mississippi, he served his Country in the United States Air Force for four years. Dr. Harris received his Bachelors degree in 1984, the Master of Theology degree in 1987, later in honor of his work in the Church and Community he was awarded the Honorary Doctor of Divinity Degree; and

Whereas Dr. Harris is a Denominational Leader serving as the Treasurer of the United Baptist Convention of Illinois, Inc., Instructor and Lecturer in the State Congress of Christian Education, Chairman of the Permanent Organization Committee of the Emmanuel Baptist District Association of Chicago and Vicinity; and

Whereas Dr. Harris is the Pastor of the Beautiful Zion Missionary Baptist Church, Chicago, Illinois, God has prospered the congregation under his leadership. Dr. Harris organized The Beautiful Zion School of Christian Education, over fifteen men have responded to the Call to Ministry under his leadership, he organized a youth church in 1988, instituted business courses in 1990 taught at the church, and there is a food and clothing ministry to the needy. Dr. Harris is a man of humility, dedicated to God, a scholar, a humanitarian and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Vernon Beethoven Harris and the Beautiful Zion Missionary Baptist Church by entering these accomplishments into the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress.

TRIBUTE TO THE WORK OF BILL HUTCHINSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to the excellent work of Bill Hutchinson, Director of the Marin Interfaith Task Force on Central America. After 9 fruitful and productive years, Bill will be stepping down from his post this summer.

Bill Hutchinson began his involvement with MITF during one of Central America's darkest periods—the Reagan years. Like so many others in the organization, he was driven by a sense of moral responsibility, unable to sit idly by while his own Government sanctioned wars in Central America. During his tenure, he has watched people risk their lives, and sometimes lose their lives, for the cause of peace and human rights. Indeed, Bill has risked his own life for these causes, through his presence in El Salvador and other Central American nations during times of war.

It takes a special person to do these things, and it is a special organization which appointed him as director 9 years ago. The work of Marin Interfaith Task Force on Central America, led by Bill Hutchinson, has been a great value to us all.

The Marin Interfaith Task Force and Bill Hutchinson have been a valuable resource to me from the beginning. Shortly after being elected to work for the people of Marin and Sonoma Counties as their U.S. representative, I met with Bill and others to discuss Central American issues. We knew right away that we were natural allies, because we shared a sense of commitment to human rights issues.

Since then, Bill has worked closely with me and my office, and his assistance has contributed to my success as a Member of Congress.

MITF's work, with Bill at the helm, has also been valuable to the people of Marin County. The Task Force's work throughout the 1980's and 1990's has put Marin on the map as one of the Nation's leading areas advocating for peace and human rights in Central America.

But finally, and most importantly, this work has been valuable to the people of Central America. It is for this reason, after all, that Bill and so many others became involved with MITF, and this is the true measure of the organization's success. The progress which has been made for the people of this region could not have occurred without the work of grassroots organizations such as MITF here in the United States.

While Bill is stepping down from his director post, he will certainly stay involved. So, Mr. Speaker, I do not pay tribute to Bill in sadness, because I know that he and the Marin Interfaith Task Force on Central America will continue moving forward to advocate progress in the areas of peace and human rights. I simply wish to recognize Bill Hutchinson's efforts, and to wish him the best of luck in the future.

Thank you, Mr. Speaker.

LINDA A. DICKERSON, RECIPIENT OF THE ART PALLAN HUMANITARIAN AWARD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. COYNE. Mr. Speaker, today I am pleased to pay tribute to Linda A. Dickerson, recipient of the Art Pallan Humanitarian Award. The Myasthenia Gravis Association of Western Pennsylvania will present this award to Linda at the first-ever "Rubber Chicken Roast," which will be held Sunday, June 5, 1994, in the city of Pittsburgh.

It is fitting that the assembled Members of the U.S. House of Representatives should have this opportunity to recognize Linda A. Dickerson. Linda Dickerson has demonstrated a remarkable ability to take on the challenges of serving others in her community with joy and intellectual vigor. She has shown the people of the Pittsburgh area what a difference one person can make. Her example is one that should stand as a reminder of the role our Nation's citizens can play in strengthening and improving the quality of life in local communities across the United States.

This outstanding woman has given generously of her time and energy to her fellow citizens. She serves on the boards of many local organizations, including the Three Rivers Center for Independent Living, Point Park College, Community College of Allegheny County, the Rehabilitation Institute, The Pittsburgh Ballet Theater, and Goodwill Industries of Pittsburgh. Linda Dickerson has provided leadership in focusing public attention on local, regional, and national opportunities for the Pittsburgh area to grow both economically and culturally.

Linda Dickerson is also a successful businesswoman. She serves as president of Riverview Publications and publisher of Executive Report, a monthly business magazine serving southwestern Pennsylvania. She has used her knowledge of the economic opportunities available to the Pittsburgh area and southwestern Pennsylvania to take a leading role in promoting a vision of positive economic growth and development in our region.

Linda Dickerson's accomplishments and continued dedication to public service make her a superb choice to receive the Art Pallan Humanitarian Award. Linda provides an additional inspiration to everyone in the Pittsburgh area since she engages in her many civic activities from a wheelchair that she occupies due to a rare neuromuscular condition called Werding-Hoffmann disease. Linda Dickerson demonstrates daily that the human spirit need not be confined by physical limitations and that individuals can overcome obstacles to secure great personal achievements.

Linda Dickerson will receive the Art Pallan Humanitarian Award from the Myasthenia Gravis Association of Western Pennsylvania. This organization is dedicated to helping individuals in western Pennsylvania and across the Nation who suffer from myasthenia gravis [MG], a disabling neuromuscular disorder. The MG Association helps those with MG and their families by providing access to superior medical treatment and medications at reasonable cost and by educating the community, health care professionals, and the Nation about myasthenia gravis. This organization has led the way in promoting medical research necessary to find better treatments or a cure for myasthenia gravis.

Mr. Speaker, I am thankful for this opportunity to join in honoring Linda Dickerson. She clearly deserves to be recognized as the recipient of the Art Pallan Humanitarian Award. I also want to commend the Myasthenia Gravis Association of Western Pennsylvania both for selecting Linda for this award and for continuing to help those whose lives are affected by myasthenia gravis.

HUNGARIAN DEMOCRACY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. DORNAN. Mr. Speaker, since the fall of the Iron Curtain many American observers have watched the changes in Eastern Europe with much hope and expectation. The Hungarian elections held earlier this month show that a functioning democracy can be established in the former Soviet empire. I would commend the following report regarding press freedoms in Hungary to Members' attention.

REPORT ON THE SITUATION OF THE MEDIA IN HUNGARY

(By Z. Michael Szaz, Ph.D.)

INTRODUCTION

The structure and objectives of the media, especially the electronic media in Hungary, cannot be simply compared to their structure and objectives in the United States. The historical and political background of their development is completely different as is their programmatic and political context.

Hungarian radio was founded during the Horthy period and was completely state-run as had been most European radio stations of the era, regardless of the political ideology prevailing in the particular country. This tradition of public radio which would not only run news and popular music programs but sponsor symphonic orchestras, sports events, historical, literary and folklore programs is deeply embedded in the minds of all protagonists of the present dispute, whether on the conservative, liberal, or the Socialist side. The radio was financed by a user's fee in Hungary paid by the public listening to the programs of the Hungarian Radio. Of course, already during the Horthy period, the government's control over the radio resulted in many programs praising the government and its patriotic agenda and critical programs were sparse on the Hungarian Radio before 1945.

This situation favored an easy Communist takeover of the radio programs in 1948, after a short-lived diversity between 1945–48 that was never allowed to blossom and which even then was severely restricted by the presence of Soviet occupation troops.

Under the Rakosi regime the radio's professional staff was successively retired or fired and new Communist activists took over programming. It was not a one-year effort, but a cumulative assumption of the key programming positions by committed and, later also well-trained, Communist activists and after one generation by the progeny of trusted cadres. Radio, and later television programming positions, where they did not have to get rid of old professionals, became the reward for the services of the most trusted party cadres, most of whom by the 1970s and 1980s were also professionally well-trained but absolutely loyal to the HSWP. Many of the foreign correspondents, including one of the cause celebres, Mr. Gyorgy Bolgar, were members of the Hungarian military and other intelligence agencies and others were informers for the secret police at home.

In the television, the HSWP encountered few difficulties as it was in complete control by the time the MTV (Hungarian Television) was established as a government-controlled entity.

But journalists are an inquisitive and critical group and in the 1980s the HSWP allowed them some room to maneuver. Certain criticism of the existing domestic situation was permitted and in the late 1980s even the situation of the two million Transylvanian Hungarians in Ceausescu's Romania joined the list of tolerated topics, especially on the Hungarian TV. However, the Party and the Soviet Union could not be criticized. These concessions created a certain impression of media freedom and many of the programmers took advantage of them, to mention only Mr. Alajos Hrudinac and Dr. Andras Sugar at the TV Panorama News Magazine and Akos Mester and the programmers of the Sunday Newspaper (Vasarnapi Ujsag) in the Hungarian Radio.

In conclusion, it must be stated that in May 1990, the month of the first free elections in Hungary since 1945, the Hungarian media, including, of course, the written media, were in the hands of professionals who were trained during the Kadar regime, were loyal and zealous servants of the regime by their family and political background and those at the higher echelons expected to be fired by the new directors of the electronic media and privatized newspaper editors.

In contrast to other countries in the region (Czechoslovakia, Poland), the housecleaning never took place in Hungary that year. The newspaper editors and their staff were needed by the foreign investors and we have the situation that the former Communist daily which had the largest circulation in the country, Nepszabadsag, still retains the largest circulation figures, is advertised on almost all buses, trolleys and subways in Budapest and its professionally adept editor, Pal Eotvos and his staff are able to slant the news and criticize the government from the standpoint of the reform Communists, the Hungarian Socialist party and Mr. Eotvos could not complain of any infringement of his press freedom to me on April 15, 1994. In my interviews with Peter Nemeth, the liberal editor of the Magyar Hirlap, a high circulation liberal daily, the same press freedom was praised. The pro-government press has relatively small circulation and lacks the financial resources and the trained staff, although the Christian Democratic Pesti Hirlap has journalists with the right confrontational style, but the able editor of the Uj Magyarorszxag did not yet succeed to obtain the right staff to produce an interesting and confrontational daily a la Magyar Hirlap, or the Pesti Hirtap. The Magyar Nemzet, which even in the Communist days retained a more moderate and professional approach and good foreign news coverage, is still serious-minded, but decidedly liberal.

A boulevard press, only on a slightly higher level than our tabloid papers, also arose, and among them the Kurir is well-liked for its muckraking style and catering to the baser sentiments in men. Again, its targets are either crooks or government officials and it could be well listed as the tabloid equivalent of the Nepsdzabadsag as far as its political objectives are considered.

This should be sufficient about the Hungarian press which is about 80 per cent anti-government, either of the liberal, or the Socialist persuasion and represents an almost impenetrable bulwark against any government attempts to get a fair hearing in the press. However, the press is privately funded and the pro-government journalists have a chance of establishing their own press organs and two of the government parties (HDF and CDPP) have done so. Nobody, not even the liberals and Socialists, detect any infringement of press freedom in Hungary.

TRIBUTE TO REV. LUCIUS HALL

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Lucius Hall of the First Church of Love and Faith. Attached is a proclamation I issued Reverend Hall commending him for his work.

PROCLAMATION

Whereas the Reverend Lucius Hall was the spiritual son of his mentor the late Reverend Clarence H. Cobbs, maturing in the Sunday School, the Junior Usher Board, served as President of the International Youth Department, served twenty-nine (29) years as religious commentator to the late Reverend Clarence H. Cobbs, was licensed to Preach Friday, July 20th, 1979, Ordained Monday, May 12, 1980, and

Whereas Reverend Hall demonstrated a strong work ethic before entering the ministry, he served his country in the United States Armed Forces as a Military Policeman with an outstanding record, later he displayed equal zeal in employment with the Veterans' Administration rising from a clerk position to the Chief of Compensation, Pension and Education; and

Whereas Reverend Hall is the Founder and Pastor of the First Church of Love and Faith organizing Friday, April 18, 1980, moving to the current facilities in 1980 and burning the mortgage to the Sanctuary, Church Offices, and the Faith Dining Room in that same year; and

Whereas Reverend Hall has been Blessed to reach out to others through the Broadcast Ministries offering hope and salvation through Jesus Christ on Channel 25 Cable Television "live" on W.G.C.I. radio A.M. 1390 and W.L.U.P. A.M. 1000 heard in over 40 States. In February 1981 he organized the First Spiritual Church of Truth, Inc. with 30 Spiritual Churches throughout the United States, in 1983 established a Headstart and Homestart program, in 1983 established a regular food give away program for the community, and has been a friend and brother to many in need: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Lucius Hall by entering these accomplishments into the CONGRESSIONAL RECORD and archives of the one hundred and third Congress.

HOUSE SALUTES LYMAN BEEMAN JR., PAPER INDUSTRY AND COMMUNITY LEADER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SOLOMON. Mr. Speaker, Lyman A. Beeman Jr. of Bolton Landing, NY, died unexpectedly last Saturday after a short illness.

I have lost a friend, and the community has lost an outstanding leader. Lyman Beeman was a man of so many parts, that it's hard to decide where to begin. He was a war hero, a business leader, a conservationist, and a pillar of the community, contributing in a variety of ways.

Mr. Beeman retired as president of the paper company, Finch, Pruyn and Company in 1982. He had started with the company in 1950, rising to vice president of marketing in 1959 and senior vice president in 1970. In 1980, he succeeded his father, Lyman A. Beeman Sr., as president.

He was equally known in the community for his tireless work with a number of civic groups, including the Glens Falls YMCA, the Hyde Collection, and Lake George Fund. He was also a trustee of the Adirondack Community College Foundation. At the time of his death he was serving as director of the Lake George Basin Conservancy and as a member of the board of directors of the Adirondack Nature Conservancy and Adirondack Land Trust.

Ask anyone who worked with him on these various groups, and they'll tell you there was no finer organizer or fund raiser. He was a thoughtful, quiet persuader who could enlist the talents and commitments of others.

He showed his distinguishing characteristics while still a young man. He was a first lieutenant with the 31st Fighter Group in the European Theater of World War II. In that conflict, he flew 30 missions and earned the Air Medal with three clusters.

After the war he got his degree from Williams College and worked in several positions before beginning his successful career with Finch, Pruyn.

Mr. Speaker, America is a great country because it produces a higher percentage of people like Lyman Beeman than any other nation. I refer to people who learned how to serve their community by first learning how to serve their country. Many things are expected of people who have many gifts to offer. That certainly applies to Mr. Beeman.

And so, Mr. Speaker, I ask Members of this House to join me as I express my deepest sympathies to Mr. Beeman's wife, Leigh, to his son, three daughters, and three stepsons, for their loss. Lyman A. Beeman Jr. was a great man, a patriotic American, and a good friend.

TRIBUTE TO J. WILLIAM KIME ON HIS DEPARTURE AS COMMANDANT OF THE COAST GUARD

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. STUDDS. Mr. Speaker, I wish to pay tribute to Admiral J. William Kime, Commandant of the United States Coast Guard, who will retire on June 1, 1994. When Admiral Kime assumed the helm of the Coast Guard in 1990, he charted a course to pursue his vision for the Coast Guard: to support Coast Guard people, to balance Coast Guard missions, and to strive for excellence. "People, Balance, and Excellence" has been the hallmark of Admiral Kime's distinguished command and he has carried out these goals admirably.

The Coast Guard and this Nation have been well served under Admiral Kime's leadership. He will be missed by the Members of the Committee on Merchant Marine and Fisheries who have come to rely on his wise counsel and spirited support for the men and women of the Coast Guard. Personnel retention in the Coast Guard is at an all-time high, almost assuredly because of Admiral Kime's successful Work-Life and Total Quality Management initiatives. Admiral Kime recognized the increasing demands on Coast Guard personnel and the need to take care of the people who guard our safety at sea.

Admiral Kime also implemented a Total Quality Management Program to ensure excellent performance in the execution of Coast Guard missions. As a result, high morale and job satisfaction within the Coast Guard have paid dividends to the public in the form of improved service in all Coast Guard mission areas.

Through an era of changing operational missions and tight budgets, Admiral Kime made sure the Coast Guard focused on its four primary missions of maritime safety, marine environmental protection, maritime law enforcement, and national security. Let me take a moment to highlight a few of Admiral Kime's many accomplishments as Commandant. Admiral Kime commanded the Coast Guard's activities in Operation Desert Shield/Desert Storm. The Coast Guard established port security units throughout the Persian Gulf theater and supervised the operations for the sealift of persons and materiel from United States ports. Under Admiral Kime's supervision, the Coast Guard responded to the tragic oil well fires in the Persian Gulf and conducted maritime interdiction operations on the Red and Adriatic Seas.

Admiral Kime guided the Coast Guard's implementation of the Oil Pollution Act of 1990, one of the most comprehensive laws Congress has ever assigned to the Coast Guard. He has attempted to resolve the complex regulatory issues under OPA 90 before his watch ends, so that the new commandant can start with a clean slate.

Admiral Kime took the lead on domestic and international measures to improve marine environmental safety, such as the deployment of a differential global positioning system, and the early design and evaluation of a state-of-the-art vessel traffic system, called VTS 2000, to be implemented soon in major U.S. ports.

Internationally, Admiral Kime promoted numerous proposals on behalf of the United States at the International Maritime Organization (IMO), all designed to minimize the threat to the global marine environment posed by substandard ships.

Admiral Kime has balanced the Coast Guard's multiple law enforcement missions by enforcing regulations to protect our Nation's important fish stocks, while aggressively pursuing the Coast Guard's high seas drug interdiction and in-country narcotics eradication efforts as the President's Interdiction Coordinator. During his command, the Coast Guard has rescued over 44,000 Haitians from the perils of the sea.

Admiral Kime's agenda of "People, Balance, and Excellence" served the Coast Guard and the public well, enabling the service to fight a war, to respond to devastating natural disasters, to rescue those in distress at sea, and to protect our marine environment. That so much is accomplished by so few is testament to Admiral Kime's energy, unflagging spirit, and leadership. On behalf of the Committee on Merchant Marine and Fisheries, and more importantly, on behalf of the American people, I salute Admiral J. William Kime for his outstanding leadership as Commandant of the United States Coast Guard and wish him well on all future voyages.

TRIBUTE TO REV. HENDERSON HILL

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Henderson Hill of the True Vine of Holiness Baptist Church. Attached is a proclamation I issued Reverend Hill commending him for his work.

PROCLAMATION

Whereas the Reverend Henderson Hill is a native of Clinton (Green County), Alabama, born to the late Tom and Lizzie Hill, worked on the farm and attended Oak Grove Elementary School, Green County Training High School, Boligee, Alabama, and matriculated at Chicago Baptist Institute, Moody Bible Institute, Olive-Harvey College, and Trinity Christian College, Deerfield, Illinois, earning the Bachelor of Arts Degree, and the Doctor of Divinity Degree, Hamilton State University, Tucson, Arizona; and

Whereas Reverend Hill was ordained a Deacon November 1960, called to the Gospel Ministry in 1966, a year later he organized the True Vine of Holiness Missionary Baptist Church, August 1967, served as instructor for the State Congress Class on Evangelism, moderator of the Fellowship Baptist District Association 1976–1980, President of the Progressive Baptist State Convention of Illinois 1980–1984; and

Whereas many souls have been saved through Reverend Hill's ministry, the church facilities have expanded by acquiring the present building, the former Pullman Bank at 400 East 111th Street, for $250,000 in 1975, Reverend Hill and the True Vine of Holiness Baptist Church continue to be a beacon of light in this community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Henderson Hill.

THE CLINTON WHITE HOUSE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. GINGRICH. Mr. Speaker, yesterday there was an article in the Washington Post, entitled "The White House's Outside Insiders," in which our colleague, Frank Wolf, made some excellent observations. I would like for all of my colleagues to take some time to read this article as it sums up the Clinton White House in a very accurate manner.

THE WHITE HOUSE'S OUTSIDE INSIDERS

Their paid employment includes working for corporations, political candidates and even foreign political parties in Greece and South Africa. One of them even managed to snag two multi-million-dollar accounts on the North American Free Trade Agreement and health care. But you can regularly find them at 1600 Pennsylvania Ave. working for their top client, Bill Clinton.

This team, which includes James Carville, Paul Begala, Mandy Gunwald and Stan Greenberg, operates (with the approval of the White House) without the restrictions that apply to the rest of the White House staff. This policy gives them the best of both worlds—constant access and policy input with no limits or accountability on their finances or conflicts.

Last week I offered an amendment to the FY '95 Treasury appropriations bill to rein in this situation. The amendment would require that these individuals, who have more influence with the Clintons than many, if not most, senior staffers, file the same financial disclosure information required of their campaign colleague, George Stephanopoulos, for example. The amendment is simply about accountability. The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend Harry Thomason had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority . . . unrestricted access of nongovernment employees creates an opportunity for influence without the accountability."

No one is accusing these individuals of any wrongdoing; we are just asking them to provide the same financial information required of other senior advisers with 24-hour a day White House access passes. I was disappointed that the subcommittee failed to recognize that this issue is not a partisan maneuver, but a responsible, good government action. We are trying to make public policy to ensure public accountability for this White House and any White House in the future, whether occupied by a Democrat or a Republican.

In recent news reports on these "outside insiders," Chuck Lewis of the Center for Public Integrity has said: "You have an adjunct kind of shadow government that is exploiting a gray area. There is this yuppie arrogance: 'We're the good guys, don't bust our chops.'" Ellen Miller, the director of the Center for Responsive Politics says, "The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest." A Democratic activist identifies the bottom line: "People are buying a name and a connection."

The White House ensures that these individuals have been advised on conflict matters. But why the secrecy? Mandy Grunwald has said, "We asked for information from the White House and * * * governed us. . . .We found out there were very few. So we decided to make our own rules." Why not just follow the same rules an everyone else at the White House instead of making up non-binding rules in secret?

Furthermore, there may in fact be rules that do apply to this situation, and they are not "do your own thing" conflict rules. Title 18, United States Code, Section 202(a), defines the term "special Government employee" as an officer of employee of the executive or legislative branch of the United States or of the District, who is "retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days. . . temporary duties either on a full-time or intermittent basis."

Carville and friends could in fact, be special government employees (if they work fewer than 130 days per year at the White House) or regular government employees (if they work more than 130 days). If they are regular government employees, they are not allowed to earn outside income. The White House argues that because these individuals have not been formally appointed, the rules don't apply to them, and the White House refuses to respond to inquires regarding how many days these advisers work at the White House. Yet as the statute clearly indicates, appointment is not dispositive.

During Lloyd Cutler's previous Democratic administration, the Carter Justice Department issued a memorandum opinion for the attorney general stating that "an identifiable act of appointment may not be absolutely essential for an individual to be regarded as an officer or employee in a particular case where the parties omitted it for the purpose of avoiding the application of the conflict of interest laws."

The significant criteria cited in the Carter era memo regarding an individual's status as a special government employee or regular government employee include: Is the person's advice solicited frequently? Is it sought by one official, who may be a personal friend, or impersonally by a number of persons in the government agency that needs expert counsel? Do meetings take place during office hours? Are they conducted in the government office? The Office of Government Ethics has stated that the status of an employee depends upon "the specific facts of if, and how, the White House officially requested his services and for what purposes."

Thus far, the only guidance the White House has provided about what these four do is the following broad statement: "whatever issues on which the president, the vice president, the First Lady or members of their staffs request them to consult." Given this broad portfolio, don't the American people at least have a right to know the outside interests of the "outside insiders" before they consult on "whatever"?

So far the White House has been short on the facts when Congress has asked questions about these matters. Admittedly, more information is needed to determine the actual status of these advisers. I will continue to move this issue forward in the House. As a top Democratic consultant stated in a Business Week article, "They should disclose their clients and their fees . . . that's a common-sense way to avoid potential problems in the '90's."

In addition, the status of these individuals as special government employees or regular government employees heeds to be determined based on facts—facts, thus far, the White House has refused to disclose. Sunshine is the best disinfectant to clean up this problem. This amendment could very well reduce headaches for this and future administrations. Those who claim to "work hard and play by the rules" should have no problem with it.

REMEMBERING THE ARMENIAN GENOCIDE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. DREIER. Mr. Speaker, while I am sorry that I was unable to join nearly 100 of my colleagues in commemorating the 79th anniversary of the Armenian genocide, I rise today to personally honor once again the lives of the 1.5 million men, women, and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Members of Congress come together to do more than simply remember that the Armenians were the first victims of what sadly has become man's bloodiest century. Rather, we each hope that raising the consciousness of past atrocities helps prevent similar tragedies in the future.

It is reported that before embarking on his planned final solution to the Jewish problem, Adolf Hitler was heard to say "Who remembers the Armenians?" Elie Wiesel, a Holocaust survivor and 1986 Nobel Peace Prize recipient, has said, "He was right. No one remembered them." The Nazi Holocaust, the murder of millions of Russians and Ukrainians by the Soviet Government, and the bloody rampage of Pol Pot and the Khmer Rouge in Cambodia, all had their seeds in Anatolia. Each of the murderous regimes depended upon people not remembering or caring.

The collapse of the Soviet empire and the independence of Armenia are recent important milestones on the road toward freedom for the Armenian people. While very serious conflicts remain to be solved in the Caucasus region, April 24 will remain an important day in Armenia, and for Armenians in this country, who are equally dedicated to remembering the past, and working for a brighter future.

RECOGNITION OF JOHN BOPP

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from the First Congressional District on Long Island, NY, who is retiring after 12 years of service. John Bopp has served his country as a member of the U.S. Navy and his community with an unceasing fervor which we are here today to recognize.

For the past 12 years, John has served at the Division of Veterans' Affairs, counseling Long Island veterans and their families concerning their benefits. John also worked with veterans while employed at the New York State Department of Labor. For 6 years, John interviewed and referred veterans and constantly investigated employment opportunities for those seeking work.

John has also been an adviser to several commissions. He has served on the advisory council at the Veterans Medical Center in Northport, NY, as well as the State Senate Veterans Advisory Council. As a consultant to the Long Island State Veterans Home, John aided in the design and planning of the nursing home which now provides care for over 350 veterans. Finally, as counselor to the American Legion Boys' State, John helped foster educational initiatives by advising local students concerning the framework and processes of the Federal Government.

The activities of this inspiring Long Islander continue into his personal and community life as well. As devoted parents, John and his wife Marian have raised four wonderful sons. John is an honorary member of the Family Service League of Long Island, as well as a cubmaster for his sons' scout troops. He sits on the Sacred Heart School Educational Advisory Board and the Disabled American Service Officers Board. John was ordained to the Permanent Deaconate of the Roman Catholic Church and serves as a deacon at Our Lady of Good Counsel Church in Mattituck, NY.

Mr. Speaker, it is with great pleasure that I rise with my fellow Long Islanders in recognition of this great man. I applaud his involvement, and I wish him the best of luck in his future endeavors.

THE LAUNCH SERVICES ACT OF 1994

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HEFLEY. Mr. Speaker, today I have introduced a bill that I hope will give rise to a revitalization of the U.S. space launch industry, the Launch Services Corporation Act of 1994.

This bill addresses a problem that has concerned me since I came to Congress in 1986—the continual erosion of America's share of the world commercial space launch market and the rising costs of doing business in space. Over the past 25 years, this Nation has spent more than $3 billion studying this problem, yet we have nothing to show for it today but a pile of reports. This bill is my attempt to get this issue off the dime.

The Launch Services Act of 1994 is modeled on the highly successful Communications Satellite Act of 1962, which enabled today's market in geosynchronous telecommunications satellites.

My bill would direct the president to issue a statement of the Nation's requirements for space launch, then cause to bring into being a corporation, a public-private partnership, which would be charged with raising private capital, either through the sale of stocks or other devices, and providing launch services to the Government and world commercial market.

To provide an underpinning for this corporation, the Government would provide some funds for nonrecurring costs, negotiate a guaranteed number of launches per year, probably between 10 and 15 and provide help in research and development and access to launch facilities. After 6 years, the act would sunset and the corporation would have to make its way in the world as a private, for-profit business, dependent upon its skill in meeting the requirements of the market.

Why would we want to do something like this? For a number of reasons. First, the high cost of launch satellites into orbit is stifling, even endangering what we can do as a Nation. This is particularly true in the area of defense, so much so that last year, the Senate Appropriations Committee ordered the Defense Department to look into the possibility of launching strategic assets aboard foreign launchers like Long March or Ariane. I don't think any of us believe that would be a good thing.

Launch costs to orbit have been the long pole in the space tent for some time. In 1969, a commission headed by then-Vice President Spiro T. Agnew concluded that the costs of putting things into space were too high and that the Nation should develop launch systems driven by elements of commonality, reusability, and economy. The space shuttle was the first attempt to do that and we have been studying the problem ever since.

Second, the current U.S. launch industry has no incentive to lower its costs. Its main—and sometimes only—customer is the Federal Government, particularly the Defense Department which, in turn, has no choice but to pay high prices for launch. As a result, U.S. launchers remain high-tech and built for performance and launch costs remain high. In other words, we build race cars while the rest of the world builds trucks and our wallets and market share suffer as the result.

This has had the expected result in the world commercial launch market. Atlas and, especially Delta, rockets are currently competitive against the French Ariane although some of Atlas share could be list with the maiden flight of Ariane V next year. But entrants from nonmarket Russia and China could undercut virtually all of our launchers.

There is a limit to how much can be accomplished by further refinements to our existing fleet or even through trade talks. In the short term, it is simply impossible to demand that a command-and-control economy, like China, start pricing its products as though it operated in a free market. A tiger cannot change its stripes overnight. To compete with the Protons and Long Marches of the world, we have to bring about a drastic reduction in launch costs and real changes in the way we do business. I believe the best way to do that is to expose the U.S. launch industry to market forces and the only way for such a corporation to survive would be for it to aggressively recapture a major share of the world market. The two work hand in hand.

The benefits of such a strategy are obvious. If the services offered by the new corporation manage to bring about a reduction in launch costs by 50 percent, or even 25 percent, the Government can recoup its initial investment over a period of a relatively few years. The spending foregone can then be applied, either to other programs, or to meeting budget constraints.

The benefits to the private sector are more speculative but, I believe, just as real. To make money in the commercial launch market, players have to seize an overwhelming—not just a major—share of that market. If that can be accomplished, investors may start examining ideas for space business that may seem far-fetched today. This could give rise to the commercialization of space so many of us have waited for, the success of which would redound to the benefit of the Launch Services Corporation in new business.

The last benefit is more basic. If we continue the way we have been going, we are going to lose the American launch industry. Martin Marietta, in my State, recently acquired the Space Division of General Dynamics. While this acquisition works to the good in consolidating overcapacity in the launch industry, the vehicles Martin will build are by no means assured of capturing a greater share of the launch market than we have now. The loss of jobs and this manufacturing base will continue unless we take fairly drastic action.

I'm not wedded to this idea nor am I going to pretend this is a perfect bill. Frankly, this idea scares some people. Some of the current players, Martin included, worry it would put them out of business. Some others, such as Orbital Sciences and, to some extent, McDonnell Douglas, feel market forces are at work that will eventually sort all of this out.

There are reasonable questions that can and should be asked about the commercial potential of space, the effect of such legislation on existing contracts and the actual financing of such a corporation. We dropped the authorization section of this bill after we were unable to get any solid figures on how much this would cost and how much private investment we could attract. These are questions that can and should be explored more fully in open debate. But we must talk about this issue, not put it off for another 25 years.

Mr. Speaker, we hear a lot these days about re-inventing Government, about preparing for the 21st century. Businesses have become leaner and meaner and State and local governments have begun to contract out and to privatize. I believe the American space launch industry must do the same lest those industries, which put men on the moon and helped us win the cold war, become that war's final casualties.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Launch Services Corporation Act of 1994".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Corporation" means the Launch Services Corporation created under section 4 of this Act; and

(2) the terms "launch", "launch property", "launch services", "launch site", and "launch vehicle" have the meaning given such terms under section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603), except that the provisions of this Act shall not apply to activities relating to suborbital trajectories.

SEC. 3. FEDERAL RESPONSIBILITIES.

(a) PRESIDENT.—The President shall—

(1) coordinate the activities of Federal agencies with space launch responsibilities, so as to ensure that there is full and effective compliance at all times with this Act;

(2) ensure that timely treaties, trade agreements, and other appropriate arrangements are made, and appropriate regulations are issued, to enable foreign customers to obtain launch services from the Corporation and to otherwise participate in the launch services system established pursuant to this Act; and

(3) after consultation with appropriate Federal agencies, issue a statement of the technical requirements of the Federal Government for the system referred to in paragraph (2).

(b) RESEARCH AND DEVELOPMENT.—The National Aeronautics and Space Administration and the Department of Defense shall cooperate with the Corporation on research and development related to the purposes of the Corporation.

(c) FEDERAL AGENCIES IN GENERAL.—The Federal Government shall—

(1) procure, to the maximum extent feasible, needed launch services from the Corporation;

(2) pay fair market value for services provided to the Federal Government by the Corporation;

(3) extend to the Corporation first priority for access to launch property and launch sites in a mutually agreeable manner;

(4) furnish range safety for launches from Government-owned facilities; and

(5) to the extent feasible, furnish other services to the Corporation as may be required in connection with the establishment and operation of the Corporation.

SEC. 4. LAUNCH SERVICES CORPORATION.

(a) CREATION.—There is authorized to be created a Launch Services Corporation, a for-profit corporation which shall not be an agency or establishment of the United States Government and which shall be incorporated under the laws of a State of the United States.

(b) PURPOSES.—(1) The purposes of the Corporation shall be—

(A) to broaden and speed the economic use of space;

(B) to enhance the economic competitiveness of the United States launch services industry and all industrial, commercial, and financial businesses related thereto;

(C) to enhance national security;

(D) to serve the launch needs of—

(i) the Federal Government;

(ii) private sector customers in the United States; and

(iii) appropriate foreign customers; and

(E) to remain a viable and competitive corporation.

(2) It shall not be a purpose of the Corporation to construct launch vehicles.

(c) PROCESS OF ORGANIZATION.—The President shall, as expeditiously as possible, appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors of the Corporation until the first annual meeting of stockholders or until their successors are elected and appointed under subsection (d) and qualified. Such incorporators shall arrange for an initial stock offering and shall take whatever other actions are necessary to establish the Corporation, including the filing of articles of incorporation, subject to the approval of the President.

(d) DIRECTORS AND OFFICERS.—

(1) DIRECTORS.—The Corporation shall have a board of directors consisting of 15 individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President, by and with the advice and consent of the Senate, for terms of three years or until their successors have been appointed and qualified, except that one of the members first appointed under this sentence shall be appointed to a term of one year, and one of such members shall be appointed to a term of two years. Any member appointed to fill a vacancy shall be appointed only for the unexpired term of the director being replaced. The remaining 12 members of the board shall be elected annually by the stockholders.

(2) OFFICERS.—The Corporation shall have such officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation shall receive any salary from any source other than the Corporation while employed by the Corporation.

(e) FINANCING.—

(1) STOCK.—The Corporation may issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The stock shall be sold in a manner to encourage the widest distribution to the public. No company, including any company controlling, controlled by, or under common control with such company, may hold more than 15 percent of the capital stock of the Corporation.

(2) ADDITIONAL INSTRUMENTS.—The Corporation may issue, in addition to the stock authorized by paragraph (1), nonvoting securities, bonds, debentures, and other certificates of indebtedness.

(f) POWERS.—In order to achieve its purposes, the Corporation may—

(1) plan, initiate, own, manage, and operate itself, or in conjunction with other business entities, a commercial launch services system;

(2) furnish, for hire, launch services to public and private entities of the United States

and, except as otherwise prohibited by law, to foreign customers;

(3) own and operate launch property, launch sites, and one or more types of launch vehicle, provide or contract for range safety operations at those launch sites, and provide or contract for any other such service as may be required to carry out its purposes; and

(4) conduct appropriate research and development.

(g) RECOUPMENT.—Not later than 180 days after the date of enactment of this Act, the President shall establish procedures for the repayment by the Corporation to the Federal Government of an amount equal to the amount of Federal funding that has been provided to the Corporation.

SEC. 5. FOREIGN BUSINESS NEGOTIATIONS.

Whenever the Corporation shall enter into business negotiations with respect to launch property, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the Corporation of relevant foreign policy considerations. Throughout such negotiations the Corporation shall keep the Department of State informed with respect to such considerations. The Corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SEC. 6. REPORTS TO THE CONGRESS.

(a) PRESIDENT'S REPORT.—The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments of the Federal Government and the Corporation during the preceding calendar year under this Act, together with an evaluation of such activities and accomplishments in terms of the purposes of the Corporation and any recommendations for additional legislative or other action which the President may consider necessary for such purposes.

(b) CORPORATION'S REPORT.—The Corporation shall transmit to the President and Congress, annually and at such other times as it considers appropriate, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 7. SUNSET.

No Federal funding shall be provided to the Corporation after December 31, 2000, except as payment for services provided to the Federal Government by the Corporation.

H.R. 4477, STATE BOATING SAFETY FUNDING

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. STUDDS. Mr. Speaker, today I am introducing legislation—H.R. 4477—to ensure stable funding for the Coast Guard's State Boating Safety Grant Program. This bill is necessitated by the Coast Guard's fiscal year 1995 budget which requested no funding for this program. Ending this Federal support would cripple State recreational boating safety programs and surely bring an increase in boating accidents, injuries, and deaths.

Since this Federal grant program began in the early 1970's, boating fatalities have dropped five-fold, from 20 per 100,000 boats in 1971 to 4 per 100,000 boats in 1992. Some have argued that this success is a clear indication that it's time for the Federal Government to reduce its role in the program. Unfortunately, safety is not something that can be achieved and victory declared; it must be worked at every day to simply maintain progress and to, hopefully, make our waterways safe recreation spots for our Nation's tens of millions of boating enthusiasts.

Those who argue that the Federal role should be eliminated assume that the States will pick up the slack. But this is not the case. These Federal dollars provide the leverage necessary to encourage many State legislatures to support boating safety. The National Association of State Boating Law Administrators [NASBLA] testified before the Committee on Merchant Marine and Fisheries that, rather than make up the difference, many States would significantly reduce funding for boating safety. In fact, NASBLA testified that this grant money is so critical that many States would eliminate their entire boating safety programs if Federal funding were cut.

This legislation will ensure stable funding for these vital State programs by dedicating a portion of the fuels taxes paid by recreational boaters for State boating safety programs. These programs help prevent boating accidents, reduce injuries, and save lives. Spending tens of millions of dollars on accident prevention is assuredly more cost-effective than spending hundreds of millions on search and rescue. I urge all Members to support this bill and continued Federal support for State boating safety programs.

"MAGGIE" McCURRY, TEACHING LEGEND AT QUEENSBURY, RETIRES AFTER 41 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SOLOMON. Mr. Speaker, a teaching legend is retiring from the Queensbury School District in Warren County, NY.

Her name is Margarethe McCurry, but everyone who knows her calls her Maggie. I'd like you, too, to know a little about her and to discover why her retirement marks the end of an era.

Maggie McCurry was one of the first people I met when I moved to Queensbury more than 30 years ago. Talk about favorable first impressions. I recognized many of the things in her that her other friends and colleagues have recognized, and will honor in a retirement celebration this Sunday at the Glens Falls Civic Center.

Maggie McCurry has taught in Queensbury schools for 41 years. She has done more, much more, however, than just show up for class every day. Hers was a career marked by constant efforts at self-improvement, of enhancing her skills, all toward the goal of serving her students more effectively.

Her excellence in teaching did not go unnoticed. She was the AGATE—Advocacy for Gifted and Talented Education—Teacher of the Year in 1988, and is listed in Who's Who of American Women.

She has been active in a number of local, State, and national professional organizations. She was unfailingly generous in her time, having served as advisor to many student activities and organizations. These ranged from advising the ski club and drama club, to chaperoning student tours to New York City and Montreal, and to directing stage projects.

She could teach handicapped and gifted students with equal passion. Queensbury was not the only beneficiary of her talents. She also taught special classes at Adirondack Community College, the YMCA, and St. Alphonsus Church.

But, Mr. Speaker, you can't get the measure of Maggie McCurry just by citing her accomplishments and honors. Rather, try to imagine the impact this remarkable lady has had on several generations of students in 41 years. I'm sure that in many cases she has taught the sons and daughters of original students.

You cannot replace someone that gifted and dedicated. But you can wish her well in her retirement, and express gratitude for all that she has done.

That, Mr. Speaker, is what I would ask Members of this House to do today, to join me in a salute to Maggie McCurry for 41 years of outstanding service to the people of Queensbury. Well done, Maggie, and all the best.

POSTAL FOOD DRIVE A SUCCESS

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BAKER of California. Mr. Speaker, I rise today to praise the U.S. Postal Service for organizing the recent nationwide food drive. Branch 1111 of Contra Costa County was one of approximately 700 postal branches across the country involved in the food drive. I want to particularly point out the efforts of Marie Arzate of Antioch who organized the local effort for Branch 1111.

The results were tremendous: 147,000 pounds of canned food were gathered through this food drive in Contra Costa County alone. This is the largest 1-day food drive in the history of the county. All proceeds went to the Contra Costa Food Bank.

Citizens in participating areas left canned foods at mail receptacles for pick-up on Saturday, May 14, 1994. Food was also dropped off at local post offices the week of May 7–14, 1994.

The food drive was endorsed by the U.S. Postmaster and the National Association of Letter Carriers.

I applaud Marie Arzate, local postal workers, and generous area citizens for a tremendous effort that will help feed the less fortunate.

TRIBUTE TO REV. ROY A. HOLMES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Roy A. Holmes of the Greater Walters African Methodist Episcopal Church. Attached is a proclamation I issued Reverend Holmes commending him for his work.

PROCLAMATION

Whereas the Reverend Roy A. Holmes is a native of Greenwood, Mississippi, the son of the late Tommy Holmes and Mrs. Ruby Holmes. He is a family man married to the former Miss Lovetta Goodson and they are the proud parents of two daughters, Krista Marie and Kimberly Michelle; and

Whereas Reverend Holmes matriculated at Morris Brown College, Atlanta, Georgia, earning the Bachelor of Arts degree in Philosophy and Religion, 1974, Hood Theological Seminary, Salisbury, North Carolina, earning the Master of Divinity degree, 1978; and

Whereas Reverend Holmes is an experienced shepherd beginning his pastoral ministry as Pastor of St. Matthew African Methodist Episcopal Zion (A.M.E.Z.) Church, Whitmire, South Carolina, Pastor, Mt. Lebanon A.M.E.Z. Church, Elizabeth City, North Carolina, Pastor, Wesley Center A.M.E.Z. Church, Pittsburgh, Pennsylvania, where he served on the Commission to remap Pittsburgh, adding three African-Americans to the City Council, and served on the Mayor's Committee for Minority Business Development; and

Whereas Reverend Holmes came to Greater Walters A.M.E.Z. Church, Chicago, Illinois in 1988, under his leadership the congregation has continued to prosper. The Greater Walters church is reaching out to the community with Marriage Encounter Groups, Singles Ministry, Youth Seminars, Tutoring for grades 6 through 12, African American History Class, Prison Outreach Ministry, and Senior Citizen Activities: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Roy Holmes and the Greater Walters African Methodist Episcopal Church, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States.

A TO Z SPENDING CUT PLAN

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BATEMAN. Mr. Speaker, I am a cosponsor of H.R. 3266, commonly called the A to Z spending cut plan, who has not to date signed discharge petition 16 to force the bill and the proposed rule governing its consideration to the floor.

Every bill I cosponsor is not for that reason alone, appropriately, the subject of a discharge petition to bring it to the floor, bypassing normal legislative procedures. Bringing bills to the floor by discharge petition should be the exception not the rule. Otherwise there could be no orderly legislative process.

Obviously, I am in accord with the thrust of the A to Z spending cut plan. If I were not I would not have cosponsored it. Even as I did so there were unanswered questions as to the manner in which the bill would be considered on the floor of the House. Those questions are normally answered in the terms of a rule proposed by the Rules Committee as to the bill reported from committees. On November 9, 1993, a proposed rule governing how the A to Z plan would be considered on the floor of the House was introduced and was referred to the Rules Committee for consideration. Much later, on April 18, 1994, a new rule governing the consideration of the A to Z plan was introduced, which was different from the originally proposed rule. It is this later proposed rule which is the subject of discharge petition 16 which was filed on May 4, 1994.

My cosponsorship of H.R. 3266, the A to Z plan, is not inconsistent with my decision to refrain from signing the petition to discharge from committee the most recently proposed rule, which by its terms makes significant changes in H.R. 3266. I still agree with the intent of H.R. 3266 as contained in the most recent proposed rule and discharge petition 16. The real issue is the procedure controlling consideration of H.R. 3266.

As a Member of Congress I should be able to expect the leadership of the House of Representatives to bring the A to Z plan to the floor under procedures that allow Members of the House to work their will on spending cuts in an orderly, structured manner. The leadership owe this to the 228 sponsors of H.R. 3266.

My support for deficit reduction has been consistent and is abiding. In 1991, I was the only Member of the House whose legislative proposals would have resulted in a net decrease in spending. I have long supported a balanced budget amendment and a line-item veto for the President, and still do.

The 228 Members who cosponsor the A to Z plan clearly manifest the will of the House to meaningfully address deficit reduction. It could not be more clear that the leadership of the House is dramatically out of step with the majority of its Members, if they do not bring to the floor a workable way in which the House can debate and act upon spending cuts.

The leadership is said to be in negotiation with Democratic deficit hawks regarding a more structured approach to deficit reduction and I applaud that. This is not, however, sufficient. The leadership of the deficit reduction effort has been bipartisan and clearly Republicans need to be at the table when a more satisfactory procedure for acting on spending cuts is developed. Mr. Zeliff and other Republicans should be consulted. They appreciate the desirability of a better structured, yet meaningful legislative process for assuring that Members of the House do indeed face up to the hard choices spending reductions entail.

The proposed rule for the consideration of the A to Z plan has major procedural flaws, and while I for now have concluded I should not sign discharge petition 16, my decision will be reconsidered unless there is a truly bipartisan effort to develop a better procedure which still assures that the Members of the House have the opportunity to consider spending cuts that will bring us to the balanced budget the great majority of Members advocate.

TRIBUTE TO THE ROMULUS HIGH SCHOOL PROJECT SERVICE PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a dedicated young group of students from the Project Service Program at Romulus High School. These students have spent the past year building a sense of public service and voluntarism which has improved the image and tenor of their community.

Project Service is a student volunteer service program which encourages youth to use their community service skills to improve the environment and image of the city and schools of Romulus. They have initiated several projects to achieve this goal. Throughout the year, the students have concentrated their energies on five main areas of service.

Romulus High School students were concerned about the image of their community in the news media and used a number of strategies to change this perception. By inviting members of the media to their schools and demonstrating the modern technology being utilized for education, they received favorable articles in the Detroit newspapers and established a positive image for Romulus.

In addition to working on the media image of Romulus, students created programs to improve the physical appearance of the city and schools. Students cleaned school and city buildings, planted flowers, and painted fire hydrants. These actions contributed to the beautification of the city and were facilitated by community support and involvement. A local company donated the paint for the fire hydrants, creating an example for students of public responsibility.

Students' interests in the physical appearance of their community can also be seen in their efforts to establish awareness of environmental issues. Recycling programs were created in elementary schools, students place warning signs by sewer drains, and existing recycling programs were publicized to create community involvement in caring for the environment.

Often forgotten members of the community were special recipients of additional service programs. Students both participated in social activities with senior citizens groups and collected children's books for youth in the community who did not have books of their own. These programs helped to instill in the students the value of sharing their own abilities and talents with those in the community who have fewer opportunities and traditionally less support from society.

I am encouraged by the energy and commitment of students from Romulus High School.

In a time when it has become fashionable to characterize our Nation's students as unmotivated and cut off from responsibility for their community and society, it is heartening to note the efforts of dedicated students within my congressional district. These students who have learned to give unselfishly of their time and energy will be better prepared to serve their community as adults.

OPPOSES BLACK LUNG BENEFITS RESTORATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BALLENGER. Mr. Speaker, I am opposed to H.R. 2108, the Black Lung Benefits Restoration Act.

The Black Lung Benefits Act, enacted in 1969, was designed to provide benefits to coal miners who were totally disabled by black lung disease—a respiratory disease resulting from inhalation of dust and other particles. The program was designed to be temporary and claims filed after 1973 were to become the responsibility of the State workers' compensation programs. It was generally believed that the program would not be needed once individual States developed adequate occupational disease compensation systems. This change never happened and the Black Lung Program continues today. Since inception, over $30 billion has been spent providing disability and medical benefits to around 225,000 miners and survivors. The annual program costs exceed $1.5 billion.

H.R. 2108 creates many inequities in the current program and results in substantial expenditures for Black Lung benefits. This legislation treats the Black Lung Trust Fund as if it were an unlimited source of revenue for benefits regardless of the claimant's eligibility. Control is needed to limit the expenditure of vast amounts of Federal resources on the creation of a new, wasteful program. Independent analysis by an actuarial accounting firm estimates that the bill, over 5 years, would result in costs of over $1 billion. These higher costs would have a financial impact on the coal industry as well as many electric utility customers who use coal-generated power. The most expensive provisions are those permitting refiling of previously denied claims, the medical evidence requirements, and the interim benefit provisions.

Unfortunately, the Congressional Budget Office [CBO] estimated that the bill will only cost the Federal Government $195.5 million over 5 years. Obviously, there is a vast difference between what the independent source believes to be the cost and the CBO estimate. In the end, the taxpayer will be responsible for picking up the tab for this expensive expansion.

The bill will significantly add to the Federal deficit. H.R. 2108 fails to include any financing mechanism to offset the projected cost—violating the pay-as-you-go provisions of the 1991 budget agreement. Unless changes are made in the Black Lung Program, other programs such as child nutrition or vocational rehabilitation may have to take a hit to pay for the provisions in the bill.

Finally, the legislation places enormous burdens on the Black Lung Trust Fund, which is funded by an excise tax on coal. The self-sustaining trust fund is currently $4 billion in debt to taxpayers and has operated in the red for years. The trust fund has regularly borrowed money from the Federal Government to make-up the shortfall. An amendment was offered during debate that simply stated that none of the provisions of the bill would become effective until the total indebtedness of the Black Lung Trust Fund is less than $600 million. Unfortunately, I was with a group of constituents from my district and missed the rollcall vote on this amendment—rollcall 181. Had I been present, I would have voted "aye" to stop a future taxpayer bailout of the trust fund.

TRIBUTE TO GERALDINE W. JOHNSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. CLAY. Mr. Speaker, I rise today to ask my colleagues to join me in paying a special tribute to a distinguished lady, Mrs. Geraldine Watson Johnson, educator, administrator, community leader, loving mother and faithful wife, who retired on February 1, 1994.

I would like to share with this body the following statement that was issued upon her retirement.

A TRADITION OF LEADERSHIP

After an outstanding career of educational leadership and community service, Mrs. Geraldine Watson Johnson has retired. For forty-three years her influence has been evident in St. Louis Public Schools through her accomplishments with students, teachers, and administrators. Her career has been as varied as it has been illustrious. As an elementary classroom teacher she provided a total curriculum program for her students. Subsequently she provided specialized instruction to students as a reading clinician and remedial reading teacher. Her diligence and willingness to accept challenges led to her advancement through a series of administration positions: principal, elementary curriculum supervisor, elementary facilitator, director of Project PLAN, deputy to the assistant superintendent of elementary education, and executive director of elementary education. Her broad experience base and high energy level enabled Mrs. Johnson to effectively provide leadership for teachers and administrators in the implementation of excellent educational programs for elementary students throughout the district.

Mrs. Johnson's contributions to professional institutions and organizations are notable: i.e., guest lecturer and part-time faculty member at local colleges/university (Harris Stowe State College, Meramec Community College, St. Louis University); presenter of papers and workshops at conventions, conferences, and various school districts throughout the nation, member of state and national educational committees and task forces (Missouri Urban Education Manual Committee, United States Office of Education Validation Team. Educational Braintrust, Education Committee of American Cancer Society, Educational Adviser for the Honorable William L. Clay, Representative in Congress, Missouri First District, and Vice-President of the Board of Directors for the William L. Clay Scholarship and Research Fund); participation and leadership in professional organizations (past president of Greater St. Louis Association for Supervision and Curriculum Development, past president of Missouri ASCD, immediate past chair of Nomination Committee ASCD, past vice-president of Administrators Association of St. Louis Public Schools, member of International Reading Association and St. Louis City Council IRA).

Community service has always been a major commitment for Mrs. Johnson. This commitment is exemplified by her active participation as a member of the Board of Directors of Annie Malone Children's Home for more than eighteen years, past national president of Tots and Teens, Inc., past parlimentarian for the St. Louis Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and member of St. Philip's Lutheran Church.

Recognition of Mrs. Johnson's effective leadership is reflected in the numerous honors she has been awarded, such as the Harris Stowe State College Distinguished Alumna Award, the "Making A Difference" Award from Annie Malone Children and Family Service Center, the National Phi Delta Kappa, Inc., Alpha Nu Chapter Eminent Educators Award for Excellence in Education, and Top Ladies of Distinction Community Service Award.

Mrs. Johnson has given fully of her skills and talents throughout her distinguished career. Her retirement will not diminish her enthusiasm and commitment to educational excellence and community service. It will, however, enable her to focus more of her energy on those relationship she cherishes most, i.e., spending quality time with husband, Grover, nurturing and inspiring her daughters, Jana, Jennell, Jacqueline, and adoring and indulging her four fabulous grandchildren. In addition, she will continue the tradition of service to the community which has been a dominant characteristic of her life.

We wish for Mrs. Johnson a retirement filled with good health, extensive opportunities for travel to interesting places, personal fulfillment, and serenity. It is with great affection, appreciation, and respect for her many achievements that we wish her Godspeed and much happiness.

SPEECH BY ROBERT H. MICHEL AT COMMENCEMENT CEREMONIES FOR AUGUSTANA COLLEGE, ROCK ISLAND, IL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HYDE. Mr. Speaker, I am pleased to place into the RECORD a speech given by the House minority leader, ROBERT H. MICHEL of Illinois. This speech was given at the 1994 commencement ceremonies for Augustana College in Rock Island, IL, on May 22, 1994.

In addition to sound advice for the graduates of Augustana, our leader makes some excellent remarks on U.S. foreign and defense policy in the post cold war world, and I commend this speech to all Members of the House.

REMARKS BY HOUSE REPUBLICAN LEADER ROBERT H. MICHEL, AUGUSTANA COMMENCEMENT, MAY 22, 1994

I am deeply honored on being the commencement speaker at such a wonderful occasions for students, parents faculty and administration of the Augustana Class of 1994. That sense of honor is somewhat tempered by one fact: I cannot recall the name of the commencement speaker at my graduation in the class of 1948 in Bradley University in my home town of Peoria. But perhaps this is as it should be: commencement speakers are sometimes memorable only for the length rather than the wisdom of their discourse.

I am reminded of the old saying that a commencement address should strike a balance between the speaker's pleasant duty to declaim and the graduates' urgent desire to depart. I hope to strike that balance today. Each generation has its own distinguishing characteristics: In the 1920's there was "the lost generation." There was the "beat generation" in the 1950's. My own generation had no label. We were too busy trying to work our way out of a depression, and fight a world war. But whatever name history bestows, your generation faces a unique challenge: You must bridge the gap between the post-Cold War world that is dying and a new world waiting to be born. You must salvage the best from the past, and devise new answers to new questions. And there are many new questions being asked in the post-Cold war world.

It so happens that the House of Representatives is in the midst of debating the Defense Department authorization bill for the coming year. For almost 38 years I have been a participant in debates over our national security. And I can tell you that I am troubled by certain recent trends in our national foreign and defense policies. I have until now refrained from making formal public comments about my views, in deference to the President, who I know is trying his best to do what is right for our country. But the time has come when I believe that my duty toward our nation overrides my reluctance to publicly criticize the policies of a new President. After 18 months, a new president is no longer new.

Since these foreign policy trends will have a direct effect on the course of your lives—and the life of our nation—I just have to make a few appropriate remarks about them here today. I am particularly concerned with the drift and indecision in foreign policy that has marked the first eighteen months of this administration. A writer for the Washington Post described the President's foreign policy routine in these words—and I quote: ". . . issuance of a threat that was easier to make than carry out; an inability to set or stick to priorities, misplaced faith in the goodwill of adversaries; (and) in discipline among contending voices in the administration, undermining any impression of resolve."

From Somalia to Bosnia, from North Korea to Haiti, the administration has sent out confused and often conflicting policy signals. Then there is Communist China, whose importance to the future of world peace can scarcely be exaggerated. President Clinton as a candidate harshly criticized the policy of President George Bush to continue to open China to free markets. But when he became President he seemed to embrace that policy. And now he appears to want to criticize and embrace it at the same time.

I can tell you from almost four decades of observing and taking part in national security and foreign policy debates: Rhetoric isn't enough. Good public relations are not enough. The ability to charm audiences is not enough. Good intentions are not enough. A President of the United States must have a set of foreign policy and national security principles in place when he comes into office. He must implement those principles. And he must make tough decisions without worrying about popularity polls. Can anyone imagine the current administration conceiving, undertaking and successfully completing the kind of complex, dangerous, gravely important military operation that President Bush led in the Gulf War? What is needed by the administration is not just more appearances at televised town meetings, not more media strategies, not more public relations experts, but more serious thought as to the ends and means of foreign policy—and the will to carry out tough policies in the face of criticism.

The Clinton administration continues to promote the deepest defense spending cuts since World War II. To meet those cuts, the Department of Defense, on average, will lay off 15,000 personnel, retire one ship, 37 primary aircraft and one combat battalion each month—that's right, each *month!*—of the next fiscal year. We can't cut defense the way this administration has and then say we are operating from a position of strength in the world. No one is going to believe us. And I can tell you the lesson of history in such a case is as clear and consistent as it is cruel: A loss of credibility in the field of policy is the prelude to the loss of lives on the field of battle.

At this point you're probably musing to yourselves that we already know we are going to face a lot of problems. But what can we do to help solve such enormous problems? It may sound strange, but I believe your generation will be challenged to change America by leading ordinary lives in an extraordinary way. In a democracy, foreign policy and defense policy are—or should be—a reflection of the will of the people. And the will of the people can offer no reliable guidance to foreign policy unless it is rooted in the ordinary virtues of courage prudence, justice, and faith among the people. There is an old saying that a country that has no heroes is sad—but a country that always needs heroes is sadder still. I believe that is true.

Heroes are always welcome. But when a country gets into such trouble that heroes are necessary, it is in a state of crisis. We aren't there . . . yet. I believe we have time to solve may of our problems. But the changes must come from the bottom up, from every community, family and individual. Government can accomplish great things. But what this country desperately needs today—government can't do. Recently I came upon a saying attributed to Mahatma Gandhi. He said that individual and national problems spring from seven causes: —Wealth without work. —Pleasure without conscience. —Knowledge without character. —Commerce without morality. —Science without humanity. —Worship without sacrifices. —Politics without principles. There is not a single one of these problems that government action can solve. Not one. In a democracy like ours, government must work for the people. But only the people can provide the social and moral foundation on which sound government policy can be erected. Many of the moral and social breakdowns in our society can be traced to failures to adhere to ordinary, civilized standards of behavior.

That is why I think your generation has what Franklin Roosevelt called "a rendezvous with destiny", a special calling to restore ordinary virtues to American life. And what do I mean by ordinary virtues? Here are a few of them: —No matter what your job is, do it the very best you can. Craftsmanship, concern, and conscience should be at the heart of your work. —Take responsibility for yourself, your family your property, and your community. —Treat others as you would be treated. —Keep reasonably informed about the world and the nation and your neighborhood—and then be sure to vote. —Know your constitutional rights—but also know your moral duties. If we could just restore such a sense of ordinary duty and responsibility to daily life, our nation would be transformed.

A distinguished diplomat recently was asked about America's role in the world. And he replied: ". . . unless we preserve the quality, the vigor, and the morale of our own society, we will be of little use to anyone at all." And that, I believe, will be the great challenge of your generation. Perhaps I have disappointed you by not urging you on to feats of unparalleled heroism, with the blaring trumpets and booming drums of the media spotlight. But I believe that the gentle, quiet rhythms and harmonies of ordinary people practicing ordinary virtues make a greater music for our nation.

In my own life I can think of two such ordinary people: my parents. My father came here from France to build a better life. He found work and did it the best he knew how. He married. He and my mother raised a family. Just an ordinary story, repeated millions of times by families all across America. But what a extraordinary contribution such ordinary lives make to a nation! Just adhering, day by day, to standards of personal decency, honestly and love; just doing a job well and teaching by example the virtues of hard work and discipline; just having faith and living by its dictates: How ordinary—how difficult—and how extraordinarily wonderful! Two weeks from now I will return to Normandy, where, fifty years ago, we stormed the beaches of occupied France. I said earlier a nation that needs heroes is in a state of crisis.

Well, fifty years ago, we needed heroes in World War II because we were in such a crisis. A victory for Hitler would have been a disaster for our nation and for western civilization. But many heroes made the ultimate sacrifice in that war, so we emerged victorious. Those of us lucky enough to have survived believed a new, better world would have to be created out of the ashes. Fifty years have passed and although we have made some progress in a few areas, we have a long way to go. And so, as your generation takes up the burdens of leadership, perhaps you will remember a little bit of verse that was found at a battlesite during World War II. It was written by an allied soldier just before he died. And here is what he wrote: "When you go home, Tell them of us, and say; For your tomorrow, We gave our today."

It is my wish for your generation that fifty years from now, the many today's of your lives will have been given to building a better tomorrow for our country. Congratulations, to this class of '94 and all best wishes to each and every one of you as you go forth to face the world of work.

TRIBUTE TO JETHRO WARD GAYLES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the late Reverend Jethro Ward Gayles of the Gospel Temple Baptist Church. The loss of Reverend Gayles is a tragedy. To his family, friends and many, many admirers, I wish to memorialize his outstanding achievements through the publication of this proclamation. May future generations of Americans be inspired by his extraordinary example of tireless, selfless service to others.

PROCLAMATION

Whereas the Reverend Jethro Ward Gayles was born to Samuel and Emma Gayles, in the State of Mississippi, he was the ninth child of fourteen, he is married to Ruth Gayles, and is the father to two lovely daughters and three grandchildren; and

Whereas Reverend Gayles graduated high school with honors, he matriculated at Western Baptist College, Kansas City, Missouri, earning the Bachelor of Arts Degree in Business Administration, and the Chicago Baptist Institute, Chicago, Illinois, earning the Bachelor of Theology Degree, he has been awarded two Honorary Doctor of Divinity Degrees, Kansas Bible Teachers College 1973, and the Chicago Baptist Institute in 1987; and

Whereas Reverend Gayles preached his first sermon in June 1947, he was Ordained in June 1949, in January 1954 he was called to pastor Gospel Temple Baptist Church located at 622 E. 43rd Street, Chicago, Illinois, in 1969 the Church moved to 1056–58 West 103rd Street; and

Whereas Reverend Gayles is a churchman and community leader, he has served as Moderator of the Greater Shiloh Baptist Association, First Vice President, United Baptist State Convention of Illinois, President, Baptist Ministers Conference of Chicago and Vicinity, Vice President, Council of Religious Leaders of Metropolitan Chicago, Trustee, Chicago Baptist Institute, Board Member, Interfaith Council for the Homeless, Board Member, Evangelistic Board National Baptist Convention, Inc., and a Life Member of the National Association for the Advancement of Colored People, he is a humanitarian, a servant of God, and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Jethro Ward Gayles and the Gospel Temple Baptist Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO HON. BASILIO BAERGAS PARAVISINI

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Honorable Basilio Baergas Paravisini, the Mayor of Salinas, Puerto Rico, who is beloved not only in his home town, but among the many Salineses now residing in New York City.

Mayor Baergas is a very dedicated, very hardworking individual, whose tireless efforts over the last 4 years have transformed Salinas into a town of renewed beauty and prosperity. And for Salineses in Puerto Rico and New York, Basilio Baergas is a warm and unifying leader.

Mr. Speaker, from 4 p.m. until midnight on Sunday, June 12, the Salineses of New York will hold "Encuentro Boricua," a festival of Puerto Rican culture which will be dedicated to Mayor Baergas. I ask my colleagues to join me now in paying tribute to this outstanding public servant.

RECOGNITION OF THE INTERNATIONAL CHIROPRACTORS ASSOCIATION AND MAY AS GOOD POSTURE MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SABO. Mr. Speaker, I have been advised by Dr. Sid E. Williams, chairman of the board of the International Chiropractors Association, that the month of May has been designated by that prestigious organization as "Good Posture Month." The promotion of good posture through regular spinal adjustments, exercise and posture training is a major goal of the chiropractic profession.

According to Dr. Williams, good posture is both a contributor to, and a positive indication of, good health. Dr. Williams explained that when a person has good posture, it gives him a feeling of self confidence. He is also able to present himself to others with greater authority.

A star athlete in his youth and a member of Georgia Tech's championship 1953 Orange Bowl team, Dr. Williams speaks with authority. His first encounter with chiropractic was when he sought and found relief after many months of pain which had been seriously interfering with his posture as well as his ability to run and leap. With this very positive introduction to the chiropractic science, the young Sid Williams and his bride, Nell, both elected to enroll at Palmer College of Chiropractic to earn their professional degree.

After building a large and successful chiropractic practice in the Greater Atlanta area, Dr. Williams launched his dream to establish a professional college true to the principles of chiropractic. Beginning in 1974 with little more than a warehouse and high hopes, Dr. Williams has guided Life College to its current status as the world's largest college of chiropractic. In addition to the doctorate in Chiropractic and master's degree in Sports Health Science, Life College also offers bachelor degrees in Nutrition and Business Administration. It is fully accredited and on its way to achieving university status as it adds a Ph.D. and other degrees currently under development.

Even today in his mid-sixties, Dr. Williams takes pride in his own posture and good health as he stands tall to promote Life College through television ads. Dr. Williams is very proud of Life College's 120-acre wooded campus which features an Olypmic-standard 5-mile training track now being used by runners from all over the world. The campus also features a state of the art sports health science center for monitoring the runners' progress, along with modern classrooms, labs and equipment. He is also justifiably proud of Life's championship teams in basketball, rugby, soccer, ice hockey, cross country, and track.

Dr. Williams explained that in spite of the rigors of long hours of classroom lectures and after-hours study, his students are able to excel in academics and sports in large part because of the close relationship between chiropractic care and good posture. He said, "We give our athletes a leading edge over their opponents with care from a competent sports chiropractor both during training and at the sporting event itself. Most injuries are corrected immediately to allow the body to begin healing as rapidly as possible. As a result, permanent disabilities are rare."

Dr. Williams also explained that the special relationship between good posture and chiropractic care comes from the fact that both deal primarily with the spinal column. The chiropractor uses his hands to adjust the spine to assure that all misalignments are corrected to remove harmful interference of nerve function, thereby relieving the patient of pain, numbness and dysfunction. In the long run, a misaligned spine can contribute to a great variety of diseases, most of which can be prevented through regular chiropractic care. The skilled doctor of chiropractic locates and removes nerve interference through the correction of spinal subluxation by means of his precise chiropractic adjustment.

Dr. Williams pointed out that poor posture not only causes chronic fatigue as a result of the inefficient uses it makes of the body's energy, but it also predisposes the individual to major health problems later in life. Research has shown, according to Dr. Williams, that a healthy, properly aligned spine better enables the body to combat disease and various other assaults. Impaired nerves, on the other hand, can weaken internal organs and subject them to dysfunction and disease.

As chairman of the board of the International Chiropractors Association, as well as founder and president of Life College, Dr. Williams is a dedicated proponent of and spokesman for chiropractic and healthful living. For many years, he has promoted good mental and physical health through his Dynamic Essentials lectures. "Good posture should be encouraged very early in life," he said, "and I would like to see every child have the benefits of regular chiropractic care to help them produce the very best body and mind possible. All too often, injuries to the spine sustained during birth or the first few months of life disrupt natural growth and function and needlessly burden the person with a lifelong handicap."

Mr. Speaker, I have also heard from other reliable sources about the benefits of chiropractic and how it promotes beautiful posture and a healthy lifestyle without the invasive use of drugs or surgery. In view of the overwhelming evidence of the great value of chiropractic to the millions of patients who take advantage of its availability, I would like to urge my colleagues to join me in giving wholehearted support to this proven healthcare profession, especially as we consider what to do to help solve America's health care crises in an adequate and affordable manner.

I know my colleagues will want to join me in congratulating Dr. Williams in his success at founding a school of chiropractic care and promoting its benefits.

SENATE—*Wednesday, May 25, 1994*

(Legislative day of Monday, May 16, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain Rabbi Rachmiel Liberman, of the Jewish Educational Center in Brookline, MA.

Rabbi Liberman, please.

PRAYER

The guest chaplain, Rabbi Rachmiel Liberman, Jewish Educational Center, Brookline, MA, offered the following prayer:

Before we begin, I would like to place a token in the charity box to contribute to the needy.

We have recently read in the Weekly Bible Portion, read at synagogue services, God's command to Moses, "That they shall make for me a sanctuary, and I will dwell within them." Our sages teach us that the term "I will dwell within them," instead of the usual form "I will dwell within it," means that God will dwell within the heart of each and every person, when he or she strives to build a sanctuary for God.

God of Heaven and of the Earth, King of the universe, we are assembled here today in the Capitol, with the men and women who have been chosen by the citizens of the United States of America to represent them in Government; and in them, millions of people have placed their faith and confidence to make decisions and to pass laws on behalf of their families in vital matters pertaining to life, safety, health, security, education, harmony, and peace of mind.

Help us to remember that the future before us is dynamic. Everything we do will affect it. The dawn of each day brings with it a new frontier, if only we shall recognize it.

We beseech You, O Mighty God, to grant us clear vision, that we may know where to stand and what to stand for.

Help us to realize that it is better to fail for a cause that will ultimately succeed, than to succeed in a cause that will ultimately fail.

Strengthen and sustain us to overcome our shortcomings, and may we all enjoy peace, tranquility, and brotherly love for all mankind. And help us to build a sanctuary, so that You will dwell within us, and within those whom we have chosen to lead us in Government. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF SAM BROWN, JR.

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume executive session to continue the consideration of the motion to invoke cloture on the nomination of Sam Brown, Jr., with the time until 1 o'clock p.m. to be equally divided and controlled in the usual form.

The Senate resumed consideration of the nomination.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. FAIRCLOTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. I ask unanimous consent to speak as in morning business for a period of 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 15 minutes as in morning business.

NOMINATION OF LAURI FITZ-PEGADO

Mr. FAIRCLOTH. Mr. President, today the Senate debates the nomination of Sam Brown to be U.N. Ambassador to the Conference on Security and Cooperation in Europe. His history of supporting regimes which are hostile to the United States is shameful. But at least as unfortunate is the fact that he is not alone. In their own way, other nominees have equally shameful pasts. That is worth exploring in the context of the Sam Brown nomination.

A good example is the nomination of Lauri Fitz-Pegado to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service in the Department of Commerce.

Mr. President, Lauri Fitz-Pegado has orchestrated lies to Congress. She has served as a lobbyist for the Communist government in Angola. She worked for the murderous Duvalier regime in Haiti, a regime which has left us with the tragic legacy we are dealing with today.

Mr. President, this is just the tip of the iceberg. She has done much more. She has been a hired gun for disreputable foreign interests. She has deliberately attempted to mislead Senators about her past. She has taken an active role in orchestrating perjured testimony before a congressional committee.

In short, Lauri Fitz-Pegado has disqualified herself from service in the position to which she has been nominated.

None of these facts and allegations were disclosed either to Chairman DON RIEGLE, or ranking Republican ALFONSE D'AMATO, or to the other members of the Banking Committee when her nomination was voted on there.

Mr. President, today I will talk about only one of the reasons why her nomination should be returned to the Banking Committee for further review. When the Senate is aware of this and other facts, it will know what many already know; America can do better than Lauri Fitz-Pegado. In fact, it could hardly do worse.

A reason—which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado—is her role in orchestrating perjury before Congress and the U.N. Security Council as the representative of "Citizens for a Free Kuwait."

In 1990, after the Iraqi invasion of their country, the Kuwaiti Government in exile formed "Citizens for a Free Kuwait". They hired the lobbying firm of Hill and Knowlton to attempt to influence public opinion in the United States toward entering the conflict. Lauri Fitz-Pegado was in charge of the effort.

Her strategy was to use alleged witnesses to atrocities to tell stories of human rights violations in occupied Kuwait. Using their testimony live and on video news releases, she orchestrated what has come to be known as The Baby Incubator Fraud.

She first coached a 15-year-old Kuwaiti girl, identified only at the time as Nayira, to testify before Congress that she had seen Iraqi soldiers remove Kuwaiti babies from hospital respirators.

Nayira claimed to be a Kuwaiti refugee who had been working as a volunteer in a Kuwaiti hospital throughout the first few weeks of the Iraqi occupation. She said that she had seen them take babies out of incubators, take the incubators, and then leave the babies on the cold floor to die.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Nayira's emotional testimony riveted human rights organizations, the news media, and the Nation. That incident was cited by six Members of the Senate as reason to go to war with Iraq. However, it was later discovered that the girl—who had only been identified as an escapee from occupied Kuwait—was in fact the daughter of the Kuwaiti Ambassador to the United States. It also turned out that Lauri Fitz-Pegado had concealed Nayira's real identity.

Since then, every reputable human rights organization and journalist have concluded that the baby incubator story was an outright fabrication.

Even a study commissioned later by the Kuwaiti Government could not produce a shred of evidence that the Ambassador's daughter had managed to sneak back into occupied Kuwait in order to do a few weeks of volunteer work in a hospital overrun by bloodthirsty Iraqis.

When the perjured testimony was discovered by John MacArthur of Harpers magazine, and later reported by the television news program "60 Minutes", Fitz-Pegado first maintained that she had believed the girl's story, and that she hadn't meant to deceive anyone.

But, Hill and Knowlton later said that they did know about Nayira's family ties, but that Congress wanted the fact withheld.

They blamed Congress for their lies. What is more, they put on a repeat performance in front of the U.N. Security Council on November 27, 1990.

In the testimony before Congress, they claimed they could not fully identify who the witness was because they wanted to protect her family that was supposedly still trapped in Kuwait which was totally false. In front of the United Nations, Lauri Fitz-Pegado abandoned that pretense and instead employed witnesses who testified using false names and occupations.

The most important of these phony witnesses was a man who called himself Dr. Issah Ibrahim. With Lauri Fitz-Pegado there in New York, he claimed to have personally buried 40 babies pulled from incubators by the Iraqis.

Dr. Ibrahim told the Security Council that he was a surgeon. But after the war when the incubator scam was exposed as a total fraud, he admitted to being a dentist who never buried any babies.

Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. However, in an on-the-record interview with John MacArthur of "Harpers" magazine, she was taped admitting that she was involved in the lying to Congress.

She said she took "total responsibility and much pride in everything that Hill and Knowlton did." She went on to say that she thought any negative comments about her were sexist and racist, and said she wanted to make it clear that "I don't work in the kitchen, I am not a clean-up woman."

But when she was pressed to account for the lies, she said—and I quote—"Oh come on John. Who gives a * * *"—and then she used a word that is so foul that I will not repeat it on the Senate floor.

I will make an unedited copy of that interview available to any Member of Congress or the press who would like it.

Mr. President, as a supporter of our country's involvement in the Gulf war, I am offended that Lauri Fitz-Pegado believes that those kinds of illegal and unethical activities were necessary to get this country to face the threat of Saddam Hussein.

I am more offended, however, that she thinks that her orchestrating lies to Congress is no big deal and that anyone who says it is racist and sexist.

I believe that if the other members of the Banking Committee, Democrat and Republican alike, had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

Now they will hear even more about Lauri Fitz-Pegado's involvement with the Marxist Government of Angola. They will hear about her ties to the bloody Duvalier regime in Haiti. They will hear other facts and allegations about her past that she has deliberately attempted to hide from Congress.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices in 70 countries. Mr. President, my opposition is not based on party or on ideology. It is based on the fact that there are few people in America who have less business being in charge of our Nation's trade secrets than Lauri Fitz-Pegado.

Lauri Fitz-Pegado's nomination should be returned to the Banking Committee for further and full review. If it is not, then facts that are far more embarrassing to Ms. Fitz-Pegado and to others in government will be revealed in other speeches and in long and protracted debate on the Senate floor.

Mr. President, the Senate Banking Committee was hoodwinked by a professional scam artist.

Lauri Fitz-Pegado should be asked to disclose her entire past, and then be prepared to defend what I believe is an indefensible past.

Mr. President, in the near future I will inform the Senate of other aspects of Lauri Fitz-Pegado's past.

When the puzzle is completed, Senators will know about Lauri Fitz-Pegado what others already know about Sam Brown; America can do better than Lauri Fitz-Pegado, and it would be hard to do worse.

I thank the chair and yield the floor.

NOMINATION OF SAM BROWN, JR.

The Senate continued with the consideration of the nomination.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

SAM BROWN AND VIETNAM

Mr. PELL. Mr. President, yesterday, the senior Senator from Washington [Mr. GORTON] stated his objection to actions by Mr. Brown in 1977 allegedly celebrating the victory of Communist totalitarianism in Vietnam and the defeat of the United States. Senator GORTON found such conduct particularly inappropriate, because Mr. Brown at the time was a U.S. Government official, the Director of ACTION. I would share that concern if the allegation were correct. But it is not.

Senator GORTON's statement of concern is based, at least in part, on a report by Eric Sevareid of CBS. According to that report, in September 1977 there was a reception celebrating the arrival of the Vietnamese delegation at the United Nations which Mr. Brown attended. According to Mr. Sevareid, those in attendance at the reception "never had the slightest objection to the murderous civil war in Vietnam, which was started by the Hanoi Communists, who invaded the South." Mr. Brown is also reported to have stated at the reception that "this is the proudest day of my life. This is what I've been working for all these years."

These and associated allegations about Mr. Brown's attendance were addressed by the committee in written questions to Mr. Brown. In his answers, Mr. Brown categorically denied that he said or did anything in the way of celebrating a Communist victory or rejoicing in an American defeat. Let me state for the record some of the questions posed to Mr. Brown by the committee and his responses:

Question. "Were you in fact in attendance at this reception?"

Answer. "I am pleased to have an opportunity to respond to this allegation which has been floating around for years. I was walking up Broadway in New York City with my fiancee and saw a marquee advertising a Vietnam-related event. We stopped in very briefly—no more than five minutes or so. I did not sponsor, speak at, or in any other way support this event. After realizing the nature of the event, my fiancée and I left."

Question. "Would you consider yourself among those who 'had no objection' to the invasion of South Vietnam by North Vietnam?"

Answer. "No."

Question. "Did you believe at that time that the United States was truly acting as an imperialist force seeking colonial gains in Vietnam?"

Answer. "No."

Question. "Did you believe at that time that the United States was truly acting as an imperialist force seeking colonial gains in Vietnam?"

Answer. "No."

Question. "Do you currently believe that the United States was acting as an imperialist force seeking colonial gains during the Vietnam War?"

Answer. "No."

Question. "* * * Dr. Henry Kissinger writes 'What I have difficulty understanding is the relish with which some Americans greeted our humiliation in Southeast Asia. When I see, for example, the head of ACTION going to a meeting where the North Vietnamese ambassador, upon joining the U.N., castigates the United States, and this American official says 'This is the proudest day of my life. This is what I've been working for all these years,' that raises to me really profound questions about the fundamental motivation from the beginning.''

Are these accurate reproductions of your statements at the time?''

Answer. No. I, like many Americans, opposed U.S. involvement in the war in Vietnam and worked through the political process to bring it to an end.''

Question. ''Did you applaud when such statements were made regarding the United States of America?''

Answer ''No, I left when the nature of the meeting became apparent.''

Mr. President, I believe that this sampling of Mr. Brown's responses to questions about the New York event establish that the media and other commentators have inaccurately and unfairly characterized Mr. Brown's actions and views in 1977. Mr. Brown was an opponent of the Vietnam war—as I was, I would like to add—but he did not exult in America's defeat; nor did he champion North Vietnam's bloody cause. He simply advocated an end to American involvement in what he believed—as did I and many others in this body—to be a war that was not in America's interest to continue.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

The PRESIDENT pro tempore. The Senator is recognized for such time as he may require.

Mr. BROWN. Mr. President, I appreciate the distinguished chairman who put into the RECORD the quote from the New York Times article. If it has not already been submitted for the RECORD, I ask unanimous consent that the entire New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 26, 1977]

THOUSANDS WELCOME VIETNAM DELEGATES—ANTIWAR ACTIVISTS AMONG THOSE AT CEREMONY IN NEW YORK FOR UNITED NATIONS TEAM

(By Pranay Gupte)

With an explosion of emotion yesterday, Vietnam's new delegation to the United Nations was greeted by thousands of its American friends and supporters, many of whom had opposed the United States involvement in Indochina. In songs, and speeches they suggested that a new, more harmonious, era between the two countries was about to begin.

''Your presence here finally puts the past behind us,'' Cora Weiss, a longtime antiwar activist, said to the Vietnamese at a ceremony at the Beacon Theater, Broadway and 74th Street. Her reference seemed to be as much to the end of the Vietnam war as to the recent admission of that nation to the United Nations—admission that the United States had opposed several times.

As she spoke, dozens of supporters of what was once the Saigon Government stood in the rain outside the theater and chanted slogans accusing the Vietnamese Government in Hanoi of ignoring human rights. Occasionally, a sharp argument would break out between the demonstrators and passersby, and at one point it even looked as though there might be a fistfight. There were no arrests, although policemen watched warily.

Inside the theater, there was only a sprinkling of Vietnamese residents of New York City, where their community has become a visible presence in recent months. Before the festivities started, the Vietnamese delegates lined up in the lobby to shake hands. There was much picture taking and exchanging of pleasantries.

After almost an hour, the Vietnamese strode into the auditorium. They were robustly cheered by the audience, which included representatives from more than 40 delegations to the United Nations and which had been invited—for $2.50 a person—by Friendshipment, a coalition of peace and religious groups in this country.

''Welcome!'' Mrs. Weiss shouted. After her speech, she beckoned the Vietnamese to come to the stage. They climbed the steps and, with hands clasped above their heads, acknowledged the applause of the audience.

U.S. 'IMPERIALISTS' ATTACKED

One of the Vietnamese, Ngo Dien, the Deputy Foreign Minister of Press and Information, then stepped to the microphone and read a speech, a substantial portion of which was an attack on United States ''imperialists.''

''From such a long distance the American imperialists sent half a million troops to wage a bloody colonial war,'' he said in English. ''Yet no enmity exists between the Vietnamese and American people.''

Heavy applause interrupted him.

Mr. Dien motioned for quite, then continued: ''How can we accept that those who dropped 50 million tons of bombs on Vietnam not contribute to the healing of war wounds?'' There was more applause.

''Long live the friendship between the Vietnamese and the American people!'' Mr. Dien declared.

The crowd once again rose to its feet and cheered.

Among those who applauded was Ramsey Clark, the former United States Attorney General. ''I'm very happy to see Vietnam finally in the United Nations, where they belong,'' he said.

The man next to him nodded. He was Sam Brown, the 33-year-old former antiwar activist and now the director of Action, a Federal agency that supervises such volunteer programs as the Peace Corps.

''I am deeply moved,'' he said. ''It's difficult to describe my feeling—what can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?''

''I believe we ought to aid the Vietnamese in their reconstruction,'' Mr. Brown said, adding that he hoped President Carter could be persuaded similarly.

Then Pete Seeger sang a few songs, some from the days of the antiwar protests in which many of those in yesterday's audience had participated. Later there were hugs and kisses, much like in a class reunion.

Mr. BROWN. Thank you, Mr. President.

The nominee, quoted in the New York Times, said:

> I am deeply moved. It's difficult to describe my feelings—what can you say when the kind of things that 15 years of our life were wrapped up in are suddenly before you? I believe we ought to aid the Vietnamese in their reconstruction.

That quote follows a description of the event as just summarized by the distinguished chairman. The event included a speech by the Deputy Foreign Minister of Vietnam, a substantial portion of which was an attack on United States imperialists. According to the article, the attack received a strong ovation from the group that was there.

Mr. President, it is important to look at is the particular group that was at the event in the New York theater. The New York Times says that people were there only by invitation. The New York Times says there was a fee of $2.50 to enter.

Our candidate describes himself as being there because he simply wandered in from the street. He said he was walking the streets of New York and happened to walk into the theater without knowing about the event beforehand. Sam Brown's recollection is difficult to reconcile with the New York Times account that people came to the event only by invitation. It is further difficult to reconcile with the fact there was a fee involved, both of which the candidate stated he cannot recall in responses he submitted to committee questions.

It is somewhat difficult to understand how someone who wanders in from the street with his girlfriend without invitation and without paying the required entry fee ends up sitting next to Ramsey Clark, the former attorney general, a celebrity in the antiwar movement and from the article, a focal point of the event.

But I think, hopefully, the questions that have been asked and the review presented by the chairman will be helpful to Members.

I think it is appropriate that all of that background be included in the RECORD.

Mr. President, I have here a letter from the Jewish War Veterans of the U.S.A. The letter is addressed, as appropriate, to the chairman of the Foreign Relations Committee. It reads as follows:

DEAR SENATOR PELL: The Jewish War Veterans of the USA (JWV) questions the nomination of Sam Brown to the sensitive position of Ambassador to the Conference on Security & Cooperation in Europe (CSCE).

A review of Sam Brown's background presents inadequate experience in the necessary military, diplomatic, and arms control experience required for the position.

Previous CSCE ambassadors Max Kampelman, Warren Zimmerman, and John Kornblum were individuals of broad experience and capabilities.

JWV strongly recommends that the Administration nominate an Ambassador with the requisite capabilities comparable to those of the other involved nations.

Sincerely,

EDWARD D. BLATT,
National Commander.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, as to the questions that were asked of Mr. Brown, which the Senator from Colorado mentioned, I think we ought to put into the RECORD also his replies, what his answers were to the New York Times story.

He said:

> A New York Times reporter saw me as I was leaving the meeting and asked my feelings. So far as I know, the quote is accurate, although I don't recall what went in the ellipsis in the quotation and it is a very partial statement of my views. I, like many Americans, opposed U.S. involvement in the Vietnam war and worked through the political process to bring it to an end. I was relieved that the war was over—a cause to which I had given many years of my life—that American soldiers were no longer dying, and that Vietnam was entering the United Nations.

And when it came to the question of the $2.50 fee or invitation, he was asked this question.

> The New York Times reported that Friendshipment, a coalition of peace and religious groups in the United States, had invited those in attendance at a cost of $2.50 per person.

Mr. Brown was asked the question:

> Did you receive an invitation from Friendshipment to attend the event at the Beacon Theater? If you did not receive an invitation, please explain what action you took to gain admittance to the event.

And his reply is: "No. None."

Then the question was:

> Did you pay the $2.50 admittance charge in advance at the theater or was the fee waived in your case? If the fee was waived, what actions did you or members of your office take to waive the fee?

And his reply:

> I arrived after the event had started and do not recall paying for the event. I took no action to waive the fee. Since I was not aware of, and had not planned to attend the event, my office could not have taken any action to waive the fee.

Then finally, he was asked:

> Did the Federal Government reimburse you for the cost of attendance at the event at the Beacon Theater?

And his reply was a flat, "No."

Mr. President, I suggest the absence of a quorum, to be charged equally on both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The absence of a quorum has been suggested with the time to be equally divided between both sides. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise today in opposition to the nomination of Mr. Sam Brown to be the United States Ambassador to the Conference on Security and Cooperation in Europe [CSCE].

First, I would like to take issue with Mr. Brown's radical philosophies and activities that bring into question his position on American foreign policy. He was very active in the Vietnam Moratorium Committee, which was an organization that served as a Catalyst for turning public opinion in America against the Vietnam war. In 1977, he attended an event sponsored by Communist Vietnam that celebrated Vietnam's admission into the United Nations. These antiwar show disrespect for every American who fought for this country in that bloody conflict. Every heart-wrenching decision made during Vietnam was made for the advancement of democracy. However, Mr. Brown appear to be more in favor of socialism than the advancement of democracy. He seems to favor a "work force democracy" or "economic democracy," terms that have been described as euphemisms for socialism.

Second, I would like to express my doubts as to Mr. Brown's qualifications to perform adequately as head of the U.S. delegation to the CSCE. The official job description for this position requires the head of the delegation to "lead a large integrated U.S. delegation of over 25 substantive officers from State, Defense, the JCS [Joint Chiefs of Staff], the intelligence community, ACDA [the Arms Control and Disarmament Agency], and the USIA [U.S. Information Agency] responsible for all aspects of U.S. relations with the CSCE. * * *" How is a man who has publicly stated: "I take second place to no one in my hatred of the intelligence agencies," going to carry out the mission of this delegation with the unity and cooperation that it needs?

The CSCE plays an important role in monitoring current arms control agreements and negotiating future agreements to ensure the continued United States security in Europe. Mr. Brown simply does not have the diplomatic or national security experience critical to this position.

Furthermore, there is evidence that Mr. Brown demonstrated poor management as director of the ACTION Agency during the Carter administration. That agency was the subject of a House Appropriations Committee investigation in 1978. Some of the concerns raised by that investigation include improper procurement practices, the elimination of the agency's independent inspector general office, and subsidized nonofficial employee travel. These types of possible abuses and violations of regulations and policy do not enhance the credibility of this nominee. The CSCE position requires a person of the highest qualifications and Mr. Brown does not meet this criteria.

Mr. President, I agree with the Senate Foreign Relations Committee that it is time to fill this position so that the CSCE can begin its important role in the post-cold-war era. I do not agree, however, with the committee's conclusion that Mr. Brown will provide the strong leadership needed in this position. I strongly urge my colleagues to send Europe and our fellow Americans the message that we are committee to a strong and active role in resolving the crucial conflicts that lay ahead, by opposing this nomination.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who seeks recognition?

Mr. PELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Rhode Island.

Mr. PELL. Madam President, in response to the points raised by the senior Senator from South Carolina, I would simply repeat what I already said, that Mr. Brown has categorically denied the allegations of pro-Vietnam statements. Also, regarding the staff report on Mr. Brown's management of ACTION, Senator SIMON, when he was in the House, chaired a hearing on that very same staff report and found that none of the allegations of misconduct were substantiated and said this in a statement on the Senate floor just yesterday.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado is recognized for as much time as he may consume.

Mr. BROWN. Madam President, I think it is important to read the report that the House Appropriations Committee staff produced. It was written by staff under Democratic leadership. It was not a partisan document nor was it created solely by partisan input. As a matter of fact, the chairman of the committee that put out that report was a Democrat. The documentation is complete, extensive and very specific.

Last week we presented a summary, that is included in the RECORD, for Members, but I have a copy of it here. There are other copies available. We have tabbed the specific references, the portions of the report that we referred to yesterday, and we even referenced the specific pages of the report.

Let me simply point out this: It was said in the discussion in our Foreign Relations Committee that the report dealt only with matters that happened before Sam Brown became head of ACTION. That is absolutely not correct. I detailed on the floor more than a dozen examples, specific examples, with citations to the report of criticisms that are very significant that occurred during Sam Brown's tenure. The suggestion that these events occurred before Sam Brown was at ACTION is simply not accurate. It is clear and evident on its face in this very report prepared by the Democratic subcommittee staff.

Secondly, I think it would be a tragic mistake to ignore the other evidence that has been presented, specifically the incidence of the firing of the head of the Peace Corps, the first black woman to head the Peace Corps who was dismissed by Sam Brown. I mention that not because people do not have personnel disputes—they do—but the nature of the personnel dispute I think says something about management abilities as well.

A public shouting match is not normally a suggested method of administering or disciplining personnel. Pounding on doors near midnight in foreign hotels to continue an argument is not a highly recommended means of handling a subordinate.

I just hope that as the Members consider the question of Mr. Brown's management style and performance, they will look at the very specific report that the House Democratic subcommittee has put together; the reports from the New York Times and other articles that have been submitted for the RECORD that detail specifically the disorders, the violations of law and regulation and the generally inappropriate management practices that occurred.

Madam President, I want to simply mention also what I think is something of a contrast, and that is a contrast between the people that serve the United States at the CSCE now, those that have served in that position, and Sam Brown. I do not for a minute want to suggest that Sam Brown is not a person of intelligence or a person who is inarticulate. He is both. And he is an able person. I have expressed on previous occasions that I think, given time, he is capable of understanding these issues, of reviewing the issues, and of developing an expertise in them.

The question the Senate must consider is this: is Sam Brown ready to head our delegation at this moment? I have come to the conclusion that he is not. I hope other Members will look at the comparative background of the representatives of other nations who will be serving with Sam Brown as outlined in the committee report and at the background of his predecessors, as also included there.

For instance, Max Kampelman, representative of the United States there, who had extensive experience, including legislative counsel to Senator Hubert Humphrey before he went; alternate member of the President's Commission on Intergovernmental Relations; senior adviser to the U.S. Delegation to the United Nations; and consultant to the U.S. State Department.

Warren Zimmermann, language abilities: Russian, Serbo-Croatian, Spanish, and French. His abilities are in somewhat sharp contrast to the nominee before us, who does not have foreign language abilities at this point.

Warren Zimmermann's experience includes an analyst of Soviet foreign policy, Bureau of Intelligence and Research; speech writer for the Secretary of State; Deputy Chief of the political section, Moscow; Special Assistant for Policy Planning, Bureau of European Affairs; political counselor in Paris, France; Deputy Chairman to the U.S. Delegation to the CSCE before he was named head of the mission.

As the Members can see, Mr. Zimmermann held a variety of posts before assuming the delegation's leadership role. In the past we have sent people who are well qualified, and we should—other delegates at CSCE are exceptionally qualified and have extensive experience. This is not a position where the State Department sends you to start learning the diplomatic trade; this is the culmination of a career—both for U.S. representatives and those from other countries.

John Kornblum, our most recent Ambassador, in addition to our language, speaks German and French. His experience includes time as an international relations officer with the State Department, both in economic and business affairs, as well as in the Bureau of European Affairs; political officer in Bonn, Germany; international relations officer with regard to the Office of Central European Affairs; Chief of the Political Section, the U.S. Mission to Berlin, Director of the Office of Central European Affairs. He also had experience as U.S. Minister and Deputy Commandant in Berlin and Deputy U.S. Representative to NATO.

What is the point of all of this? The point, I believe, is that everyone who has represented us has had extensive diplomatic experience, which stands in sharp contrast to Sam Brown. He does not have that experience. What is perhaps even more significant is that everyone we have sent has had some experience in national security. No one is saying that Sam Brown should have served in the military to have this post, but I do believe, and I think it is fair to say, that someone should at least have some national security experience before they end up being the chief of the delegation that will negotiate the next Conventional Forces in Europe Treaty.

If you are trying to get a good horse trader, you ought to at least know something about horses. If we want somebody who is going to ensure effective implementation of the CFE Treaty and begin negotiations on a follow-on, we ought to expect our representative to have at least some background in national security matters. To suggest it is not necessary, that national security has nothing to do with one of our more sensitive diplomatic and national security posts, is absurd.

It has been pointed out that there are experts on the staff who can assist with these questions. That is correct. A majority of the staff are either military officers or intelligence officers. Nonetheless, we are about to put someone in charge of them whose attitude toward military intelligence and intelligence activities, in general, has been repeated and summarized on this floor. I assume that quote referred to by other Members is something said with youthful enthusiasm and does not represent the current attitude of the nominee.

Let me simply suggest for Senators that an ability to direct a staff and an ability to work with intelligence personnel, an ability to draw the best from them in negotiating a treaty, are all important factors. These abilities should not be ignored as we move forward in our deliberation as to who can properly serve the United States as head of the delegation.

Madam President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, in connection with the remarks of the Senator from Colorado, I was struck by the repetition of the earlier argument in connection with Mr. Brown's handling of ACTION. I would like to read into the RECORD a couple paragraphs from the CONGRESSIONAL RECORD of yesterday. This is Senator SIMON speaking:

> There was an investigation by the House Appropriations Committee staff. As a result, there was a hearing. In fact, we had lengthy hearings. I happened to chair the subcommittee of jurisdiction and Congressman John Ashbrook, the late Congressman from Ohio, asked that we hold hearings. I said, "We will hold hearings as long as you want, and you bring in as many witnesses as you want."
>
> We held 34 hours of hearings, 6 days of hearings, and one hearing lasted 14 hours. It was very interesting. I wish John Ashbrook were alive here today to tell you how much John Ashbrook would be a Sam Brown fan, or he would vote with us. But the evidence of abuse just dissipated. We brought in all kinds of people. Everyone was put under oath, which is somewhat unusual at our hearings.
>
> I remember bringing in the auditors and the inspector general, and asked if they found any abuse in terms of the operation of ACTION. They said, yes; they had found two instances of abuse. I asked when they had taken place. They had taken place before Jimmy Carter was President and before Sam Brown was responsible.

A very interesting thing happened after our hearings. The House Appropriations Committee increased the appropriations for ACTION by 20 percent. I see the Presiding Officer, who chairs the Appropriations Committee in the Senate. You do not increase appropriations 20 percent for any agency like that. That was clearly confidence on the part of the House Appropriations Committee in what Sam Brown was doing.

Did Sam Brown make some mistakes? No question about it. Does Paul Simon make mistakes? Yes. Does Claiborne Pell make mistakes? Yes. He is nodding his head yes. Does Robert Byrd make mistakes? Yes. We all make mistakes. But in terms of running that operation, I do not think there is any question that Sam Brown did an effective job. Again, there is no reason to not give him the title of Ambassador.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. BROWN. I thank the Chair. I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, much has been discussed in terms of the nominee's management abilities and the obviously unusual occasion in which a Democratic subcommittee investigated a Democratic Agency head and produced more than a 100-page report. Not only that, the report contained page after page of criticisms of management style, reports of violations of specific regulations and allegations of violations of specific statutes, which is a serious matter. That report and its findings have been discussed at length.

Additionally, there were a number of reports that appeared in the press including reports from the Washington Post, the New York Times, the Wall Street Journal and various excerpts from a variety of other papers. They all deal with the management abilities of this nominee. Specifically, they deal with some of the problems that come with this nominee and his particular management style.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 23, 1978]

EFFORTS TO CHANGE PEACE CORPS IMAGE HAVE GONE NOWHERE

(By Warren Brown)

ACTION Director Sam Brown had what he thought was a good idea: take a group of "untrained" ghetto blacks from a city such as Oakland, Calif.; send them to a "developing country," such as Jamaica, to do volunteer service—land terracing, for example—for three months; and bring them back home where they could apply their overseas experience to solving domestic problems.

The purpose was to show that short-term voluntarism is a "viable development tool" abroad and at home, that domestic and international volunteer service programs could complement one another, and that nontraditonal volunteers—such as inner-city blacks—could be used effectively in federal volunteer programs.

The idea flopped.

The Jamaican government, already saddled with high unemployment among youths and increasingly violent political unrest, didn't like it. Two ranking Peace Corps officials, Director Carolyn R. Payton and Jamaica Director Loretta Carter-Miller, opposed to Carter-Miller, quit as a result. Payton, whom Brown forced to resign last month, said the "Jamaica Brigade" proposal was a key source of friction between herself and Brown.

The upshot was that no "brigade" was sent, no "short-term volunteer program"—a major Brown goal—got underway and no substantially new Peace Corps program has begun since Brown took office two years ago.

Critics of ACTION, which oversees government volunteer service programs, have seized on the failure to press their claim that Brown is a starry-eyed ideologist trapped by the fervor of his days as an antiwar and political activist and incapable of moving the federal bureaucracy or dealing with the Third World.

Brown said the real problem is that he's meeting massive bureaucratic opposition to his efforts to change the Corps' image and operation.

"There are a lot of people who think the Peace Corps should continue to operate the way it did in the '60s," he said. "They think we should be satisfied with just providing technical assistance and acting as people-to-people ambassadors. I can't accept that.

"For the last 15 years in some countries we've been doing the same thing [sending two-year volunteers to work on construction, health and teaching projects, for example.]

"I'm not saying anything is wrong with that. In fact, that's good. But the world has changed drastically since the 1960s, and if the Peace Corps is going to continue to make sense, it has to stay on top of where the world is and stop wishing it could go back to where the world was 15 years ago."

He said the Jamaica Brigade, conceived in early 1977 and aborted early this year, was an attempt to break out of the mold.

"We are going to Jamaica to learn from their experiences; Jamaica can teach us much," Brown said before a trip there last year to discuss the project with Corps officials and the country's socialist leader, Prime Minister Michael Manley.

In addition to the short-term aspect, the project would have differed from other Peace Corps operations in that participants would have worked primarily for and with a volunteer agency, the Jamaican National Youth Service, of the host country.

According to an ACTION outline, Jamaica was selected "because it was one of the developing nations where new techniques in community mobilization are being tested and where a receptive climate exists for exploring short-term service."

The Jamaica Volunteers, about 25 blacks ranging in age from 18 to 26, were to come from Oakland, where they would return to spend one year working in ACTION's domestic volunteer service program, VISTA (Volunteers in Service to America).

According to the ACTION outline, Oakland was chosen because "It has a receptive political climate, and a meeting of community-based organizations has endorsed the idea." The outline added: "Oakland's problems are typical of the U.S. Yet it is small enough so that it can serve as an appropriate laboratory for this pilot project."

The target date for implementation was last February.

But the project never got off the ground, largely because of early opposition from Carter-Miller, backed by Payton. Both are black.

"I did not support the brigade because it was not philosophically what the Peace Corps was about, nor was it what I was about," Carter-Miller said.

She said she thought the proposal was "just another Sam Brown attempt to make a splash and grab headlines."

"I mean, what sense would it make to send in a bunch of inner-city youths to a country where there is already a high incidence of drug use?" Carter-Miller asked rhetorically.

"I just decided that Sam wasn't going to use me to use those kids to make some kind of splash. Then, when the s— hit the fan because of this dumb idea, I was going to have to be the lady to hang around and clean it up. I got tired of fighting with him, so I quit."

Payton said she, too, regarded Brown as operating "outside the Peace Corps mandate" by pushing for the Jamaica Brigade and similar programs. She said she understood Carter Miller's "frustration."

Brown refused to comment directly on Carter-Miller or Payton. But close aides said the women were poor administrators, more concerned with protecting their turf from VISTA encroachment than with Brown's alleged elitism in dealing with the Third World, and too inflexible in their interpretation of the Peace Corps' mandate.

Some Brown aides said Carter-Miller had grown "insensitive" in her role as Jamaica Peace Corps director, as evidenced by her home with a swimming pool, servants and a "substantial American car," a Camaro, while in Jamaica.

Her Jamaican life style made Brown "livid," one aide said.

Carter-Miller responded: "Poor Sam. Why does he feel he can live comfortably here while his hard working country directors live in shacks?

"The real issue is that, under Sam, there's nothing happening with the Peace Corps . . . I had a pool, sure. I was totally anti-brigade sure. But both I and my pool have been out of the way for more than a year, and Sam's Peace Corps programs still haven't worked. Tell me why?"

[From Newsweek]

THE PEACE CORPS: OUT OF ACTION?

HELP WANTED—Politician or educator, with a natl rep to help restore U.S. Gov. agency to former glory. Must be willing to work with demanding boss and deal with Congressnl critics. No "elitists" pls. Salary: $47,500.

Sam Brown, director of ACTION, is not yet desperate enough to place that kind of ad, but he is having trouble finding a new boss for the Peace Corps, a job vacant since he fired Howard University psychologist Carolyn Payton last November. Brown's first choice, former Sen. Dick Clark of Iowa, is expected to reject the job; he is leaning instead toward a newly created State Department post handling refugee problems. Brown says he is also considering former Rep. Donald Fraser of Minnesota and Michael Bakalis, who lost his race for governor of Illinois last November. But the nominee whom he will most likely recommend to President Jimmy Carter in the next few weeks is a political unknown from within the ACTION bureaucracy: Larry Brown, 37, now the agency's recruitment director.

If he gets the job, Larry Brown will face a tough rebuilding job at the troubled agency. The Peace Corp's popularity peaked in 1966, when more than 15,000 volunteers were stationed in 46 countries. During the Vietnam war, applications fell sharply and the corps was forced to withdraw from a number of countries. Then, in 1971, President Richard Nixon further eroded the corps's image by merging it with domestic volunteer groups under the ACTION umbrella. The corps continued to shrink in size and prestige, and now only about 6,000 volunteers work overseas, scattered across 63 countries.

When he took over as ACTION director two years ago, Sam Brown, 34, hoped to revitalize the corps with a new approach aimed at helping satisfy "basic human needs" in host countries. The former antiwar activist decreed that all corps projects should be directed at root problems like health or nutrition, should concentrate on people most in need and should promote a "lasting solution" that would eliminate further corps involvement. He has tried to attract volunteers who have practical skills such as plumbing or carpentry. And he has cut down on recruitment of English-language teachers, arguing that they were reaching only a small elite group in the host country. "The changes in the Peace Corps are the changes in America over the past seventeen years—from a world of unlimited optimism and seemingly unlimited resources to a recognition of our limits," he says.

But Payton and other critics charge that Brown is being elitist because he is telling developing countries what they need. By cutting back on teachers, Payton says, Brown is denying countries the opportunity to understand Western technology. Brown is also accused of trying to spread his own political views rather than fill requests for assistance. The critics point to his desire to place volunteers in several radical Third World countries. They have also seized on his aborted scheme to send black youths from California to Jamaica for a three-month work stint. "[ACTION directors] see the Peace Corps as a vehicle to allow unemployed black ghetto youth to learn about life in a socialist black country," Payton charged soon after her resignation. "They would be pleased to have Peace Corps volunteers demonstrate overseas against corporations that engage in practices with which they disagree."

NO SUPPORT

Brown, a campaign worker for Eugene McCarthy in 1968 and an organizer of the 1969 antiwar march in Washington, denies that he is politicizing the agency and points out that similar charges were leveled at the Peace Corps long before he took over. Still, Congress is likely to hold hearings on the Peace Corps this year to investigate the charges. "Sam Brown, in attempting to leave his mark, is greatly altering the Peace Corps—and without Congressional support," complains Rep. Don Bonker of Washington, the new chairman of the House subcommittee on international development.

In part because of the controversy, Brown could lose control of the Peace Corps. Last year, Bonker introduced legislation that would establish the corps as an independent foundation, funded by the Federal government and operated by a board of directors selected by the President. Another bill, introduced by the late Sen. Hubert Humphrey, would place the agency in a new department along with the Agency for International Development. Both bills are likely to come up again this year and, given the current dispute over Brown's stewardship, Congress may decide the time has come to take the Peace Corps out of ACTION.

[From the Washington Post, Dec. 8, 1978]

"POLITICAL ACTIVISM" PEACE CORPS GOAL, EX-DIRECTOR ASSERTS

(By Warren Brown)

Dr. Carolyn R. Payton, forced to resign two weeks ago as director of the Peace Corps, yesterday accused federal volunteer program administrators of trying to turn the corps into an "arrogant, elitist" political organization designed "to meddle in the affairs of foreign governments."

Payton said she believes the Peace Corps has "strayed away from its mission" of "promoting world peace and friendship" and is trying to impose American intellectual fads—political and cultural—on host countries.

For example, she said, "it is wrong to tell a government in the Third World that its efforts to teach its citizens a world language—be it English or French—is an 'elitist' idea." And it is "arrogant and neocolonialist for the American Peace Corps to say to a nation, 'We will no longer teach your children mathematics and science' so that some secrets of western technology will become accessible to them but that 'we will teach your peasants numeracy and literacy'" so they can count their cows or print their names on a wall, she said.

"I believe it is wrong to use the Peace Corps as a means of delivering a message to particular constituencies in the United States, or to export a particular political ideology," Payton said in a speech here before the conference of the Eastern Association of College Deans.

"Those now responsible for the Peace Corps seem to wish the organization to be engaged in a kind of political activism and advocacy. They would be pleased to have Peace Corps volunteers demonstrate overseas against corporations that engage in practices with which they disagree, or that market products they see as harmful.

"They would see the Peace Corps as a vehicle to allow unemployed black ghetto youth, as short-term volunteers, learn about life in a black socialist country."

Payton, described by some as an "establishment" black liberal, was the first black and first woman to head the Peace Corps, the government's overseas volunteer organization. Her 13-month tenure ended Nov. 24 after a long-running conflict between herself and ACTION Director Sam Brown, a former antiwar activist, who had jurisdiction over the Peace Corps and other federal volunteer service programs.

Brown demanded Payton's resignation because of what were officially described as "policy differences." Payton initially refused, but relented at the request of President Carter, who said the "unresolvable policy differences" between the two administrators were hurting ACTION.

Payton's speech yesterday was her first public comment on her resignation.

"The Peace Corps has strayed away from its mission," she said. "As director, I could not—because of the peculiar administrative structure under which the Peace Corps operates—do anything about this situation. As an ex-director, I am free to sound the alarm."

Brown could not be reached for direct comment, just as he could not be reached for direct comment on Payton's resignation.

Some ACTION officials said privately that Payton's statements were "unfortunate" and "Outlandish." However, Marylou Batt, an agency spokeswoman, said: "We are carrying out the policies which the president wanted and which the Congress supported. We are talking about differences of policy, not of politics, as implied in Dr. Payton's remarks."

Batt said Congress has given the Peace Corps a vote of confidence by increasing its budget by $9 million, from $86 in fiscal 1978 to $95 million in fiscal 1979.

[From the Washington Post, Nov. 25, 1978]

RELUCTANT PAYTON QUITS AS DIRECTOR OF PEACE CORPS

(By Warren Brown)

Peace Corps Director Carolyn R. Payton resigned under protest yesterday.

In a letter of resignation presented to President Carter early last evening, Payton said:

"I deeply regret that I am required to offer you my resignation as Peace Corps director, effective immediately.

"During my 13 months in office, I have attempted to direct the Peace Corps so that it would fulfill its mandate * * * I have not succeeded in part because of conditions which had arisen before you and I took office, and in part because there have been deep differences between the ACTION administrator and the Peace Corps over the interpretation of this mandate.

"Unfortunately, these differences could not be reconciled; and I could not continue as director."

ACTION Director Sam Brown, who has jurisdiction over the Peace Corps, VISTA (Volunteers in Service to America) and other volunteer service programs, had earlier this week requested Payton's resignation because of "policy differences," according to Peace Corps and other administration sources.

Payton, through a spokeswoman, strongly implied Thursday that she would not step down unless told to do so by the President.

Yesterday, according to a White House spokesman, Payton met with Robert J. Lipshutz, counsel to the president "to discuss policy differences which seemed to be unreconcilable with Sam Brown.

"Lipshutz said he also discussed with her the president's feelings that her resignation was best for all concerned," said the spokesman, associate press secretary Marc T. Henderson.

In a statement on Payton's resignation, Carter said: "I have come to the conclusion that there are unresolvable policy differences between the director of ACTION and the director of one of its major agencies, the Peace Corps.

"In order to carry out the important programs of ACTION and to resolve this serious impasse, I am today accepting the resignation of Dr. Payton as director of the Peace Corps."

The president said his acceptance of the resignation "does not in any way reflect on the competence integrity or sincerity of Dr. Payton."

"I wish to express my appreciation to her for the good service which she has rendered," Carter said.

Brown issued a statement saying he appreciated "the contributions Dr. Payton has made to the Peace Corps." He added, "I continue to believe that the Peace Corps is the best opportunity we have for assuring that American assistance reaches the people with the greatest need around the world."

Payton's action yesterday ended several days of rumors and leaks that she was planning to and had, in fact, resigned under pressure. It also ended months of bitter wrangling with Brown that, according to several sources, reached a climax early this month at a meeting of Peace Corps North, Near East, Asia and Pacific countries directors in Morocco.

The sources said Payton and Brown got into a dispute over the Peace Corps fiscal 1979 budget. Payton allegedly felt that $95 million, up from $85 million for fiscal 1978, was insufficient to carry out present operations and introduce new ones.

"The Morocco conference was the final kind of rising to the surface of the problems between Carolyn and Sam," one source said. Other differences between the two involved administration of the Peace Corps, the sources said.

Despite numerous attempts, neither Payton nor Brown could be reached for direct comment.

In her letter of resignation Payton said: "The issue between the director of ACTION and me is an issue of substance about the Peace Corps and not one of my sex, color, or age."

Payton, 53, was the first woman director and the first black director of the Peace Corps. She joined the agency in 1964, and later was its director of operations in the eastern Caribbean. She left in 1970 to become director of the Howard University counseling service, and was nominated by Carter last year as corps director.

[From the Wall Street Journal, Jan. 16, 1979]

THE PEACE CORPS IS FAR FROM PEACEFUL UNDER SAM BROWN

(By James M. Perry)

WASHINGTON.—"If there was one thing we were sure this new administration would do, it was that they would put the Peace Corps back together," says an old Peace Corps hand.

But the Peace Corps, set up in 1961 by John Kennedy and his brother-in-law, Sargent Shriver, and long a symbol of innocent American idealism, is in turmoil. "It may not survive," says Democratic Rep. Don Bonker of Washington, whose International Relations subcommittee chronicles the agency's progress.

The turmoil swirls around Sam Brown, 35, director of ACTION, the federal agency that runs the Peace Corps. Mr. Brown's credentials include organizing the "children's crusade" for Eugene McCarthy in the 1968 presidential primary in New Hampshire (that led to the fall of Lyndon Johnson) and leading of the Vietnam Moratorium march on Washington in 1969 (that deeply troubled Richard Nixon).

"It is the ultimate irony," says one of Mr. Brown's critics. "Here is the young man who led the antiwar movement against tyranny in the Johnson and Nixon administrations running an agency that makes the Nixon days look like a civil-libertarian dream."

NASTY SQUABBLE

Mr. Brown has fired his director of the Peace Corps, Carolyn R. Payton, a 54-year-old black woman who is a psychologist and who had been director of counseling at Howard University. In the '60s, she was a Peace Corps director in the Caribbean. Her chief deputy, Ruth Saxe, formerly vice president of Common Cause, the self-styled citizens' lobby, has resigned. Three or four others have been fired or have resigned in protest.

"It's a purge," says Miss Payton.

If it isn't a purge—and Sam Brown's backers say it isn't—it is one of the nastiest bureaucratic battles in recent history. "I have never heard such vitriol," Mr. Brown concedes.

It is a bizarre tale that began in ACTION's drab offices about a block from the White House and came to a tumultuous climax in a hotel in Morocco, when Sam Brown telephoned Miss Payton at one in the morning and angrily told her she should quit. It is a story, too, of a young white male committed to change, even radical change, and an older black woman seeking to preserve the traditional Peace Corps. Apparently, they never began to understand each other.

After he took over ACTION in early 1977, Sam Brown took six months looking for a director for the Peace Corps before he found Miss Payton. He and his deputy, Mary King, were delighted. "Carolyn's appointment is a powerful statement," Miss King said.

CHANGE OF DIRECTION

But from the start, Miss Payton says, she and Mr. Brown didn't hit it off. "For the first few months we didn't see each other privately at all," she recalls. "Then when we began to have meetings, just the two of us, he would work from a typed agenda. The funny thing is, he would never look at me directly."

While she was away last July and August to look at programs in the South Pacific, Miss Payton says, Mr. Brown changed the direction and the goals of the Peace Corps—in violation, she insists, of an agreement they had worked out earlier. She says the changes involved helping other countries develop their own domestic volunteer programs and starting a program in the U.S. to educate Americans about the Third World.

"And we had agreed the Peace Corps would retain its presence in all 62 countries we were then involved with. But when I got back they had prepared a 'hit list' of 14 countries that we would pull out of." The list, she says, included Brazil, South Korea, Malaysia, Chile, Costa Rica, Jamaica, Tonga, Fiji and Barbados.

"Sam talked all the time about 'exit-entrance,' about leaving some countries and entering others," says Mrs. Saxe, who is Miss Payton's firmest defender. "He didn't know what to do with Mary King, his deputy, so he put her in charge of that program. She whirled around the world like a UFO, looking for new places to put volunteers."

Miss Payton says Mr. Brown and his aides at ACTION adopted something called a PQLI, a Physical Quality of Life Index, to determine which countries the Peace Corps should work in and which to stay out of. "If a country's PQLI was above the 'magic figure' of 40, we were supposed to get out," Mrs. Saxe says. As a result, Mrs. Saxe and Miss Payton both say, Mr. Brown intended to take the Peace Corps out of almost all of Latin America and Asia and send the bulk of its 6,200 volunteers to Africa.

Mr. Brown agrees that's pretty much what he has had in mind. "Korea," he says, "has undergone heavy development. We are no longer needed there so much. We were in some of the wealthiest nations in the Third World, but we weren't in Bangladesh. Humanity demands we should make more reasoned decisions." (Bangladesh is one of the countries Miss King has brought the Peace Corps to; the others are Tanzania and Congo.)

Mr. Brown denies, though, that there was ever a "hit list" of 14 countries. In fact, he says, there will be no exiting from any country for at least another year.

THE JAMAICA BRIGADE

From the start, Miss Payton asserts, Mr. Brown had what she calls "crackpot ideas." One was for a program called the Jamaica Brigade. The idea was to ship about 200 young, poor American blacks to Jamaica for three months to work with young people there. Then, they were to return and apply the skills they had learned in Jamaica as domestic volunteers here.

"Theoretically," says Miss Payton. "it's not a bad idea. But it isn't relevant. So these kids go to Jamaica and learn about 'terrace farming.' What do you do with that skill in the Oakland ghetto?"

And, adds Mrs. Saxe, "can't you just see all these American kids running all over a country where one of the principal crops is ganja (marijuana)?"

Some of Mr. Brown's aides did go to Jamaica to talk to Prime Minister Michael Manley. Miss Payton says they showed up in safari jackets and boots. Mrs. Saxe says the prime minister jokingly told the Americans to see his brother. The brother, they add, is to the prime minister what Billy Carter is to the President.

"It was just an idea." Mr. Brown says, "one of dozens we were thinking about. It isn't written in stone that a Peace Corps volunteer should put in two years. That eliminates professional people and it eliminates poor people. It leaves the Peace Corps to middle-class white kids."

JAMAICAN DIRECTOR QUITS

Mr. Brown insists the Jamaica Brigade became "an ideological hook" to hang him on because he took stern measures with the Peace Corps director there after he discovered that "she was living in a house with a swimming pool." The director, Loretta Carter-Miller, resigned last year; she couldn't be reached for comment, but Mr. Brown's critics say it was because she disapproved of the Jamaica Brigade. Mr. Brown says it was because she wasn't doing her job.

Mr. Brown confirms rumors that ACTION officials visited Cuba, too. He says they went there on vacation time. "But," he says, "they went there on their own hook. I'm not too smart, but I'm not dumb enough to send an official party to Cuba."

Nothing came of the trip to Cuba. Nothing has come of the Jamaica idea either.

As for Miss Payton, Mr. Brown says he hired her to operate the Peace Corps, not to make policy. "It was clear from the start," he says, "that I had changes in mind. It was clear, too, that I was the boss."

SHOWDOWN IN MOHAMMEDIA

Their confrontation finally came last November at a regional Peace Corps conference at a place called Mohammedia, a resort hotel on the Mediterranean coast between Rabat and Casablanca.

Miss Payton and Mrs. Saxe contend that Mr. Brown and his chief aides staged the conference so as to embarrass Miss Payton to the point she would be forced to resign.

"They just took over the conference." Mrs. Saxe says. "They ignored Carolyn. It was brutal. Sam preached at the directors who had come to the conference. Then they had these "brainstorming" sessions where they would write things people said on these flipcharts made out of newsprint rolls. We were in a serious budget crunch, and they actually got some of the directors to say we ought to get out of various countries."

Finally, Miss Payton says, "I told Sam it was obvious my presence (at the conference) was hurting the Peace Corps. The major motivation obviously was, 'Get Carolyn.' So I told him I thought it would be in the best interests of the Peace Corps if I resigned."

MIDNIGHT PHONE CALL

It was after midnight that night when the phone rang in Miss Payton's hotel room. The room was filled with a number of her friends and associates, including Mrs. Saxe. "He spoke so loud," Mrs. Saxe says, "we all could hear him.

"He ended up by saying, 'Carolyn, why the (expletive deleted) don't you get out of here?" Carolyn hung the phone up and a few minutes later Sam was outside the room banging on the door. He kept that up for 15 minutes before he went away."

Miss Payton says various Peace Corps people urged her to hold off resigning, and she reconsidered. But when everyone finally returned to Washington, Mr. Brown asked for her resignation. The President, whose mother, Lillian, served in the Peace Corps in India, concurred. So Miss Payton, reluctantly, submitted her resignation.

Congressman Bonker, when he heard about it, called the President. Mr. Carter told him to talk to Sam Brown. Mr. Bonker tried to make the President understand that Mr. Brown was the problem he was calling about. He doesn't think he got that message through. Minutes after he had hung up, he received a phone call from Mr. Brown. "He was incoherent," Mr. Bonker says. The congressman believes Mr. Brown should resign.

"INCREDIBLE VITRIOL"

Mr. Brown confirms that he telephoned Miss Payton and spoke to her angrily. He acknowledges, too, that he knocked on her hotel-room door. He says he didn't "bang" on it. Nor, he says, did he stage the Morocco meeting to put pressure on Miss Payton.

"The level of vitriol in all of this is incredible." Mr. Brown says. "I had no choice. For two months she was on the phone every day trying to undercut me in every way possible. You can't have that."

He is especially aggrieved that some of his critics liken the atmosphere in his office to that of the Nixon White House in its final days. "If I am such a dictator, such a martinet, why are these problems popping up only on the Peace Corps side?" he asks. "On the domestic side of this agency, there has been no trouble at all."

Now, says Sam Brown, he will try to put the pieces back together.

END TO VOLUNTEER AGENCY IS URGED BY INVESTIGATORS

WASHINGTON.—Congressional investigators called for abolishing a government agency, saying volunteer participants had engaged in political activity and union organizing.

The report by staff investigators of the House Appropriations Subcommittee on Labor and Health, Education and Welfare, criticized ACTION, the government headquarters agency for volunteer programs, for lackadaisical administration of the program. It said ACTION misused its powers.

ACTION administers the Peace Corps, Volunteers in Service to America, or VISTA, and other government-funded volunteer programs. Its director, Sam Brown, has clashed a number of times with the subcommittee, which handles its budget.

The congressional staff aimed its criticism chiefly at the agency's National Grants Program, which awarded $4 million to 12 VISTA projects last year. "The investigative staff's findings demonstrate the apparent weaknesses in ACTION's overall management of its personnel, procurement and budget and finance programs," the report said.

An ACTION spokeswoman. Carol Hansa, countered that the agency had turned up some of the same matters on its own and corrected them.

Mr. BROWN. Madam President, I thought it would be helpful simply to review, very briefly, the background and experiences of the nominee in relationship to the job he is under consideration for. If this were a simple ambassadorial post, I suspect the level of review would not be as rigorous. But this position is much different. Members are well aware of it. This ambassadorship will not only head the delegation to the CSCE, but will focus on monitoring the Open Skies Treaty, the Conventional Forces Treaty as well as lead the negotiations in the new round of talks on reduction of conventional forces. All of us hope these new talks will commence and be successful.

I wish to go just briefly to the major areas of concern in terms of qualifications and what the candidate who is before us brings. This nominee has no experience with regard to the Forum for Security Cooperation which was added to the CSCE in recent years, unlike some of our past Ambassadors and many now at the CSCE. None. In terms of the CFE Treaty implementation, conventional forces effort, our candidate has no experience. Not only has he no experience in terms of its enforcement but he has no experience in national security matters that would help him to understand the treaty. In terms of the Open Skies Treaty, he has no experience at all; in terms of the Office of Democratic Institutions and Human Rights, no experience; in terms of supervision of U.S. military personnel, no experience; in terms of foreign language ability, no experience.

Madam President, this lack of experience is not only significant in itself, but stands in sharp contrast to our past representatives who have served this country and the qualifications and experience of those who serve other countries at the CSCE. I thought it might be helpful to go through some of the specific areas of expertise and explain this nominee's experience.

In terms of arms control which is referenced as a CSCE responsibility in section 5 of the 1992 Helsinki document, Sam Brown simply has no experience. When asked about experience in this area, he responded:

> Although I attended some meetings at the Aspen Institute focused on arms control, I do not have direct professional experience.

In terms of the CSCE responsibility for force planning referenced in section B(7) of the Helsinki document, 1992, the nominee's response was as follows. The question put to him:

> This position will require significant intimate knowledge of the military and the ability to effectively assess options for the use of military forces. Do you have any military experience?

The response was:

> CSCE does not have a military capacity. However, it has the ability to call on NATO forces for assistance in nonmilitary missions. My military experience is limited to ROTC and is not relevant to the post in question.
>
> Question: Do you have any national security experience?

Obviously, a much broader field and perhaps the more significant question.

> Answer: National security includes both military components and an equally important ability to analyze dangers before they require military force. In each of these areas, the Peace Corps is America at its best. In addition, I supervised the activities of VISTA as treasurer of the State of Colorado. In my personal life, I have built a small but successful entrepreneurial business.

All commendable efforts. Nonetheless, the question still remains: what kind of national security experience has he? The answer is none.

CSCE responsibilities extend also to defense conversion. For those who are interested, the source of this is section B(8) of the 1992 Helsinki document. When asked about this type of experience, Brown's response in terms of his experience was "None." He did make reference to ROTC military experience and a lengthy dissertation on national security in his written response.

Madam President, let me just go through to summarize for the Members some of the areas that CSCE deals with, because I think it is helpful, and relate to you what appears to be the experience of the nominee.

Under arms control, no experience; under force planning, another important element, no experience; under defense conversion, no experience; under nonproliferation issues, no experience; the program for military cooperation and contacts, no experience; the national security area with regard to NATO, no experience; with regard to the WEU, no experience; conflict prevention, no experience; dealing with the former Soviet Union, no experience; Armenia and Azerbaijan, one of the hot spots that could boil over into conflict, no experience; the former Yugoslavia, no experience; general peacekeeping operations, no experience; verification of arms control agreements, a vital area that relates directly to the monitoring responsibilities, no experience; under the CFE Treaty implementation, no experience; under Open Skies Treaty, and military issues associated with it, no experience; the Office of Democratic Institutions and Human Rights, dealing with the former Soviet Union, no experience.

We have already talked about Armenia and Azerbaijan, and Yugoslavia. The answer is the same. Supervision of military personnel, as we have noted over half of its staff ends up being military or military-related, no experience; foreign language ability, no proficiency in another language.

Madam President, these are not abstract standards that are raised to plague the nominee. These are the functions and the responsibilities that the ambassadorial post includes.

I want to reiterate that I believe the nominee is bright and capable. One of the suggestions I had made to the State Department was that they give him some time to work in the job before nominating him for an ambassadorial post and before giving him the position signifying formal leadership of the United States CSCE delegation. Unfortunately, that suggestion was not well received. I continue to believe that before we hand over this important responsibility we ought to have some ability to assure the Senate and the Nation that it is going into the hands of someone able to carry it out effectively who also has experience in the important national security issues that are involved.

Madam President, I yield the floor.

Mr. PELL. Madam President, I concur in the views of the Senator from Colorado about the importance of having experience and ability abroad, particularly for those occupying ambassadorial posts.

I would like to read in the RECORD a paragraph from a letter addressed to me by one of the most efficient career Ambassadors we have, most able career Ambassadors, Warren Zimmermann. He writes this letter:

DEAR SENATORS PELL AND HELMS: As a former Chief of Delegation to a major CSCE Review Meeting (the 1986–89 Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe), I have a strong interest in the future of the CSCE process and in an effective and committed U.S. participation in it.

It's this interest which compels me to write you on behalf of Sam Brown, who has appeared before the Committee as the Clinton administration's nominee for U.S. Representative to the CSCE in Vienna. American participation in CSCE has been blessed with many talented representatives, the most recent of which is Ambassador John Kornblum, our most recent representative in Vienna. I believe that Sam Brown will be in this distinguished tradition. During our several in-depth talks since his nomination, he has impressed me with his quick mastery of the complexities of the issues; his commitment to human rights, to military security, and to the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-Cold War world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

I served 33 years in the U.S. Foreign Service, and have always felt that our diplomacy was enriched by qualified ambassadorial appointments from the private sector. From my admittedly recent acquaintance with Sam Brown, I strongly believe he meets the standard of excellence on which we should insist for our diplomats. I hope the Committee will do all in its power to ensure his confirmation by the Senate.

Sincerely,

WARREN ZIMMERMANN.

(Mr. KOHL assumed the chair.)

Mr. PELL. Mr. President, I yield such time as she may need to the Senator from California to speak in morning business.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN] to speak as if in morning business.

Mrs. FEINSTEIN. I thank the President, and I thank the distinguished Senator from Rhode Island.

EXTENDING MOST-FAVORED-NATION STATUS TO CHINA

Mrs. FEINSTEIN. Mr. President, tomorrow morning the President will most probably put forward his position on whether or not China should be granted most-favored-nation status. I would like to take this opportunity to say why I believe the trading status should be extended.

For 15 years, I have traveled to China. In 1979, as mayor of San Francisco, I started America's first sister city relationship with a Chinese city. That was the one between my city and Shanghai, one of China's largest and most entrepreneurial cities. Jiang Zemin, once mayor of Shanghai, now President of China, and I negotiated several agreements in the areas of trade, medicine, business, and culture which produced many opportunities, economic and otherwise, for both cities.

The relationship between the two cities was the most active sister-city relationship in the world during the 1980's. Since Jiang Zemin became President of China, I have had an opportunity to discuss human rights and trade issues directly with him in two face-to-face meetings in 1991 and 1993, each lasting several hours.

When I first went to China in 1979, it was not possible to discuss human rights, politics, or virtually any controversial subject. China had emerged a few years earlier from the Cultural Revolution. Conversations were carefully scripted and prodigious notes were taken by ever-watchful government representatives. Any conversation with a Chinese official about human rights, no less a candid one, was unthinkable.

The standard of living in China was low. Worker incomes were a pittance. Consumer goods were highly restricted and expensive. Modern conveniences were limited. Skyscrapers were few and far between. And no foreign companies were allowed. What goods were available for one person had to be shared by five in a country with more than 1 billion people at that time.

It was not uncommon for a family to have one pair of shoes. One person would go out in the shoes, and wait for the shoes to return for another person to wear the shoes. But that is not the China of today.

Beginning with the establishment of four independent, special economic zones in the early 1980's, which grew to more than a dozen, and continuing with the gradual lessening of centralized economic control, China has grown at a faster rate than at any other time in its long history, more than 9 percent annually over the past decade, and 13 percent annually over the past 2 years.

In 1979, when I first went, everything was state-owned. In 1992, less than half of China's total output is from state-run companies. Today, consumer goods abound in the cities. A stock market has been started. Large industrial zones have been developed where American and other foreign countries have large plants. Small, privately owned businesses are growing. Modern skyscrapers have changed the landscape in the big cities. Foreign involvement is growing. And the overall quality of life for the people has improved. More importantly, today, candid discussions on different subjects can take place, and the Chinese do listen. Just as an economic democracy is rapidly developing, I believe social democracy can one day follow. But it will take time, and time for the Chinese is not the same as time for Americans.

American policy toward China can improve China's economic and, hopefully, political situation. But not if that policy seeks to dictate to China. My experience has taught me that to influence the Chinese, one must undertake a broad policy of engagement over a lengthy period. Revoking MFN status will only be counterproductive to America's long-term interests and push China back into a pre-Boxer Rebellion resistance to Western interaction.

What we forget is that, historically, century after century, China has resisted Western influence. It is only very recently that that began to change.

The first problem with a policy linking MFN to human rights is that it is counterproductive. Denying most-favored-nation status to China would hurt the United States as much as it would hurt China. It would jeopardize 9 billion dollars' worth of American exports to China, which support 200,000 jobs in the United States.

Earlier this month, the chief executives of nine companies—AT&T, Boeing, Chrysler, Digital Equipment, Eastman Kodak, General Electric, Honeywell, Motorola, and TRW—sent President Clinton a letter estimating that their cumulative sales to China would reach $158 billion over the next decade if trade relations remain normal and the Chinese economy continues to grow at a healthy rate.

In California, my State—incidentally, the State with the largest Chinese population outside of Asia—trade with China supports more than 30,000 jobs. The State exported more than $1.6 billion to China in 1993, up 145 percent since 1990. More than a quarter of California's exports to China are from the aerospace industry, which has been especially devastated by defense cutbacks. China is our fastest growing trading partner and the State's 13th largest trade relationship.

So denying most-favored-nation status just does not make economic sense. Unless the Chinese believe that we have a realistic chance of following through on our threat, they will ignore our policy of linking human rights goals with MFN.

Plain and simple, MFN only guarantees China the same low tariff rates that are enjoyed by nearly every nation in the world, including Iran and Iraq—not exactly the world's best practitioners of human rights.

While the economic case for extending MFN is strong, the most persuasive argument for extending it, I believe, is the political one. First, China is facing one of its most critical leadership successions since impatient Yankee traders demanding change first came to its shores more than two centuries ago. On the heels of probably the best decade of economic growth in their history, China's leaders are facing a struggle to replace Deng Xiaoping, who is gravely ill. Significantly, Deng remains the only single leader in China who alone can move China to do anything.

Throughout China's recent history—and by that I mean just the last two centuries—it has failed to consolidate economic growth because it fell victim to crippling political struggles to replace emperors, dictators, or Mao Tse-Tung. The political fortunes of future Chinese leaders, including those we know and those yet to become known to the outside world, depend in part on important links that fragile, but emerging, private Chinese entrepreneurial forces are forging with the United States, their single most important trading partner. America accounts for 38 percent of China's trade.

To undermine our long-term relationship with China by denying MFN is to tell the Chinese people—not just the leaders in Beijing—that we do not care about their welfare. If such a course is taken, how could we expect that after Deng dies, a Chinese leader, any leader, will walk the extra mile to cooperate with the United States?

Chinese cooperation will be vital in persuading North Korea to stop its nuclear program and in influencing that country to avoid threatening military actions. China needs to be encouraged to cooperate with other global powers to stop nuclear and major weapons proliferations, something that we have failed to do.

China's geographic size and economic activity make it an essential partner in global efforts to reduce harmful environmental trends. While we wait for the succession battle to be resolved, let us avoid boxing ourselves and China into positions that neither one of us can afford, into positions that can only harm our credibility with China and its people—hard-won credibility that we must maintain against the North Koreans, the Serbs, the Iraqis, and others who seek to continually test our word.

Second, at the same time that Beijing's leaders are warily eying each other on the eve of a leadership succession, China faces mounting social tensions. Inflation is, today, running at more than 25 percent, outpacing any wage increases earned by workers. A stunning 130 million itinerant workers—the equivalent of half of the population of our country—are looking for jobs in China's urban centers. They have come in from the countryside. Six thousand strikes occurred last year, and another 1,500 occurred in the first 3 months of this year. Popular unrest is growing ever more widespread, as is government and Communist Party corruption.

Some of these same tensions occurred before Tiananmen Square, and one of the lessons of Tiananmen, I believe, is that when faced with instability, the Chinese leadership will take the harshest of actions to restore order, including the horrible repression of its citizens. I have been personally told by Chinese leaders that stability remains the No. 1 priority of the Chinese Government. They, I believe, will take virtually any action to maintain that stability.

As in 1989, how China handles its worsening social tensions will go a long way toward shaping China's relationship with the world and peace in the region. If we inflame Beijing's insecurities by using the MFN club to attack China's economic future, we would be giving comfort to those doctrinaire Chinese voices calling for isolation. Remember, there are still 20 million cultural revolution cadres in the mid-management level of Chinese bureaucracy. These are the same voices whose ancestors brought spasms of unparalleled violence to the Chinese people during the Boxer Rebellion and the cultural revolution.

Maintaining China's MFN status is the best way, I believe, to prevent the country from becoming isolated and turning inward.

If we move to develop an effective dialog with Chinese leaders, we can hope to persuade them to work with us, not just work with us on our agenda of trade, international security and human rights, but to find solutions to issues on China's agenda. Through exchanges and interaction, we can help show Chinese leaders at all levels of government how civic and social institutions can help improve social welfare and ease the instabilities caused by economic development.

SUCCESSION

Meanwhile, any major human rights gains that we hope for China might well be difficult to achieve, I believe, until a new leadership emerges. That leadership must be one that is of laws and one that is willing to guarantee the protection of due process and basic freedoms to its people. That is where we are going to make the gains, post-succession, not during a pre-succession stiffening. In order to do this, a core leadership with strong party and military support must emerge rather than the fragmented and competitive leadership group now in place.

HUMAN RIGHTS

I am one who truly believes that human rights know no borders. We are our brothers and sisters keeper. If nothing else, the Holocaust taught us what happens to the world when we turn our back, and we see this reoccurring again in Bosnia and Rwanda on a brutal scale. Even sometimes we see human rights violations on a smaller scale in this country.

China's long history is marked by brutality toward its people. From the day of the first emperor to today, the Chinese have not had a system of justice which prizes due process.

I have often thought how lucky we are to be Americans. So many people in this world do not have the rights that we take so for granted in this country. We cannot be picked up from our beds in the middle of the night and imprisoned without trial. We have due process. But, in many countries, and China is one, due process is nonexistent.

For some time I have believed that our China policy is flawed. It is not active enough, bilateral enough, welcoming enough to the American way and knowledgeable enough about the Chinese way.

Tiananmen Square and its aftermath was so sobering and horrifying to Americans. But I am convinced that some progress has been made, particularly when I look back to 1979.

Let me give the view of a liberal Chinese-American teacher of Asian American studies at the University of California at Berkeley and the Bay Area chapter president of the National Association of Chinese-Americans. His name is Ling Chi Wang. I know him well. And I quote:

> For the vast majority of us who came to the U.S. to escape oppression and poverty in China, there is another irony in the spectacle of American liberals pushing to deny MFN status to China. We know firsthand the fallout that any new political upheaval in China will have on ordinary Chinese. Yet that is precisely the kind of turmoil Washington could unleash by jolting China with a cancellation of MFN. Nor will the consequences stop at China's boundaries. At a time when most Americans cringe at the idea of a new influx of refugees, there could be a vast increase in Chinese seeking safety and survival here.

BILATERAL DIALOG WITH CHINA

So what can the United States do to promote our interests in human rights which can run parallel with helping the Chinese people through this period of political succession and social instability?

The only real answer is that America must seek to engage the Chinese in a real, ongoing bilateral dialog.

The United States just cannot keep on insisting on what we want from China. We also must understand what they need and want.

China and its leaders expect the respect that their strategic, political, economic, and cultural position in the world deserves. They will not be dictated to, but they will listen and, with the right timing and opportunity, change can be made.

TIBET

Let me speak for a moment about an area which I have had much discussion with the Chinese leadership.

China has made very little, if any, progress on the issue of Tibet.

The Dalai Lama, a personal friend of my husband and mine, has shown his willingness and desire to return to Lhasa as the spiritual and religious head of his government. For decades, he has eschewed violence and pleaded for justice.

In 1979, Deng Xiaoping in a statement said that he would be prepared to discuss issues with the Dalai Lama, "except that of independence." And just a few weeks ago, at the Council on Foreign Relations in New York, his holiness, the Dalai Lama, stated once again, as he has throughout the decades, that he was prepared to discuss issues of cultural and religious importance to Tibetans, with the "exception of independence."

In other words, he again agreed to the statement of promise that Deng Xiaoping held out in 1979 that has remained unanswered by the Chinese to this day.

The Dalai Lama has given the same assurances to me personally, and I carried messages from him to the Chinese leadership in that regard in 1991 and 1993.

Now, it is China's turn.

China should agree to talks on religious and cultural autonomy for Tibet, not because we want them to, but because it is in China's domestic interest to give the Tibetans greater control over their own society. The key remains what incentives can be provided to a postsuccession leadership to take these steps. Around this, a strategy must be developed.

Such discussions would lend credibility to China's regular declarations that their laws protect the rights of ethnic and religious minorities. How can the world believe that China protects the ethnic and religious minorities if they will not even discuss these issues with the leader of one of China's major minorities who was accorded the Nobel Prize for his dedication to justice through nonviolence?

But instead of linking China's MFN status to behavior on Tibet, and other human rights concerns, we should make human rights discussions a part of the ongoing talks with China on trade and other issues. New mechanisms must evolve.

LOOKING FORWARD

Rather than wielding the MFN sledgehammer, the United States should use a variety of diplomatic and political tools and targeted trade sanctions to underscore our commitment to human rights in China.

Specifically, the United States could:

First, carefully target sanctions toward specific violations. Withhold low-tariff privileges or ban exports produced by military-owned companies. Review these tightly focused sanctions every six months.

Second, more strictly enforce laws that prohibit China from exporting products made or inspected by forced prison labor.

Third, create a bilateral human rights commission, as has been suggested, where human rights issues could be intelligently discussed in regular meetings, progress charted, documented incidents and events carefully and accurately chronicled and reported, and recommendations made to both governments.

Fourth, encourage efforts to promote increased understanding in both countries. Mutually beneficial exchanges in the law, medicine, and education, among others, could take place on an increased basis and enhance understanding on both sides of the Pacific Ocean.

CONCLUSION

In the end, it is clear that the United States should employ a combination of efforts utilizing wider diplomatic, business and citizen initiatives as well as targeted sanctions.

Denying MFN, however, would not do anyone—including the United States—any good.

In sum, my comments about United States policies toward China are not about what should be done this week, next month, or this year. Instead, I believe we need a larger framework on which to base a relationship between the United States and China that would define mutually-beneficial goals over the remainder of this decade and into the next.

We need a larger road map to point us in a new direction for American-Chinese cooperation based on mutual consultation, not unilateral demands.

Mr. President, just yesterday an interesting poll was made public.

Some 800 people were asked questions in a survey on the issue of China's most-favored-nation trading status, but the people who were surveyed were all Chinese scholars and students from mainland China. This survey was conducted through various professors at Georgia State University, Penn State University, and the department of chemistry at the University of Massachusetts. The results are very telling.

To the question, "President Clinton should not link the human rights issue with the MFN issue," 88 percent strongly agreed or agreed.

To the question, "Linking human rights with the trade issue would not help China improve her human rights agenda," 82 percent strongly agreed or agreed.

And to the question, "President Clinton should unconditionally renew China's MFN status," 85 percent strongly agreed or agreed.

These are all students and scholars who left China for the greater promise of this country. I believe that these responses offer very telling commentary to what should happen. This is further expressed by the fact that an overwhelming majority believe that those most adversely affected by a denial of MFN to China would be ordinary Chinese people.

I thank you, Mr. President, and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the time in the quorum call be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SAM W. BROWN, JR.

The Senate continued with the consideration of the nomination.

Mr. PELL. Mr. President, there was a very interesting editorial in the Washington Post today. I thought I would bring it to the attention of my colleagues by reading it into the RECORD. It is entitled "The Sam Brown Nomination."

> The Republicans are making a cause out of opposing the nomination of Sam Brown as ambassador to the Conference on Security

> and Cooperation in Europe. They say that he lacks experience in military and national security issues, which is true, and the bureaucratic pedigree of some other countries' CSCE representatives, which is also true. No doubt President Clinton could have nominated someone for this post whose career credentials would have spared the nominee partisan challenge.
>
> That Mr. Brown is a serious choice, however, is evident. A liberal Democrat, he was Jimmy Carter's director of ACTION (which includes the Peace Corps), treasurer of the state of Colorado and most recently a businessman. At his confirmation hearing he demonstrated the qualities of mind to be a quick study. There is something to be said for bringing an energetic outsider into precincts where bureaucratic inertia is a peril.
>
> The CSCE looks to be such a place. Founded in the first instance to raise the human rights banner at a time when the Soviet empire still held sway, it has been given certain military oversight duties and an additional, loosely grasped mandate to prevent and ease disputes among its members, who now number 52. Somebody with Sam Brown's uncaptured outlook and his political pipeline to the White House could help give a useful focus to an organization that certainly needs it.
>
> In the Vietnam period Mr. Brown was indeed an "anti-war activist." This record and reputation underlie much of the Republican disquiet now. Interestingly, during his hearing, a couple of onetime Reagan Democrats reported approvingly that he had undergone, as one of them put it, a "fundamental change of political outlook" and had worked his passage into the American mainstream. A confirmation hearing ought not be a political inquisition. Ironically, had Mr. Brown's been more of one, some Republicans opposing him might have found reason to reconsider.
>
> He's taking the CSCE job anyway. It doesn't require Senate confirmation, and the hearing was only about his nomination to the rank of ambassador. We think he's qualified for the job and he ought to have the title that goes with it.

I think this editorial, which appears today, is worthy of note, and I hope my colleagues will read it.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Thank you, Mr. President.

Mr. President, I appreciate the distinguished chairman reading that editorial into the RECORD. It represents the views of a well recognized editorial board and I think it will be of help to the Members that review it.

My concern, as we proceed with this nomination, is that Members may not have had time to read and digest the material that is here; there is so much. Let me acknowledge that it is an awesome task.

But I hope Members will not simply make their minds up based on partisanship or on thoughts that this position is not terribly important.

The responsibilities of the CSCE are much more significant than those accompanying most U.S. ambassadorial posts in a particular foreign country. Its responsibilities involve oversight of the implementation of military treaties whose effectiveness is enormously important to the future of the security of Europe. In addition, the CSCE will have a direct impact on the future of this country as we try and negotiate arms treaties and grow beyond the cold war conflict between East and West.

Supervising and monitoring the Open Skies Treaty is serious business, one that takes expertise. Supervising and overseeing conventional forces reduction efforts in Europe is serious business and one that takes expertise. Negotiating arms treaties with the Russians is difficult, tricky business.

To dismiss as partisan concerns that the candidate is unqualified is unfortunate. It is especially so because this is not simply an ambassadorial post in which the nominee will report what the feelings of the host government are, or what those of the United States are. It has major responsibilities for monitoring treaties and negotiating new ones.

When looking at the question of supervising the staff and the administrative responsibilities, I hope Members will take a look at the report of the Democratic subcommittee. It is very thorough. Let me just go through a couple of discrepancies noted. I will not attempt to spend a lot of time, but I hope Members will not dismiss these reports out of hand. They go to the very heart of the ability of the nominee to do his job.

Printed in the CONGRESSIONAL RECORD on March 1, 1978 was a note written by Sam Brown as director of ACTION in which he opposed instructions for Peace Corps volunteers to help them understand the philosophical differences between the system espoused by the Soviet Union and that espoused by the United States. In a letter of transmittal regarding the amendment of the Peace Corps Act of 1979, Sam Brown wrote as follows:

> The bill also strikes out a provision which requires that the Peace Corps training for volunteers include instructions in the philosophy, strategy, tactics and menace of communism. This is no longer appropriate to carry out the mission of the Peace Corps.

Helping the Peace Corps articulate the difference between a free system and a totalitarian system was the very heart of what the Peace Corps was about. It was designed to help other countries and to send our young people to understand and articulate the differences between our system and the Soviet's Communist system. To eliminate training essential to that understanding is something I believe the vast majority of the Members in this body would oppose—certainly at that time, when the cold war was at its height.

The use of Federal funds for personal vendetta. This is referenced in the Federal Times and the CONGRESSIONAL RECORD and included in the House Appropriations Committee report. The investigators found that volunteers with VISTA, an organization funded by ACTION, were discovered indulging in lobbying, political actions, and union organizing, activities not permitted with Federal funds. Training materials funded by ACTION incited the volunteers to use inflammatory confrontational tactics against enemies or so-called enemies, such as politicians, utilities, and corporations.

This was a clear violation of the guidelines, restrictions, and regulations that the agency is supposed to follow. How can this body turn a blind eye to these infractions?

There are other serious problems of mismanagement during his tenure at ACTION and they are very specific. There are several dozen of them in the report. I will be happy to go into them later, but I see the distinguished Senator from New Hampshire is here on the floor and I inquire if he would like time?

Mr. SMITH. Whenever the Senator is ready.

Mr. BROWN. Mr. President, I yield such time as he may consume to the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. Mr. President, I thank the Senator from Colorado for yielding, and I commend him on the hard work he has done to bring out the information on Mr. Brown. He has done a great service, I think, in exposing this information.

I rise today in opposition to the nomination of Sam Brown to be the chief of the U.S. delegation to the Conference on Security and Cooperation in Europe. Frankly, I do so with some reluctance. My philosophy in general on nominations that the President makes is that the President ought to have a good deal of latitude in choosing those who serve in his administration, even when there are philosophical differences. However, I also take my constitutional role in the advice-and-consent process very seriously. I do not hesitate to withhold support for a nominee that I believe lacks the experience, and frankly the qualifications, to serve in a sensitive position in Government. I think in this case there is a lack of qualifications. There is a lack of experience, certainly. And I think ideologically Mr. Brown is also unsuited for this position.

Sam Brown possesses neither the experience nor the integrity to represent the United States in the rank of Ambassador before the CSCE. That is a very strong statement and one that I feel very deeply about and am prepared to defend. The chief of our CSCE delegation will be the senior United States representative in all negotiations and security deliberations dealing with conflict prevention, crisis management, and CSCE-mandated peacekeeping operations that could draw on NATO and Western European Union forces. He will exercise full responsibility for the direction, coordination, and supervision of all members of the United States delegation, including representatives from the Departments of State, Defense, the Arms Control and Disarmament Agency, and other executive agencies. He will help prepare U.S. policy and serve as an adviser to the Secretary of State on questions of security. Also on questions of economics, science, the environment, and human rights.

What exactly are Mr. Brown's credentials for this uniquely demanding and important job? He has no military experience. He was a radical antiwar protester and director of the Vietnam War Moratorium Committee. He was the vice president of Brown's Better Shoes. He was the Colorado State treasurer. He was the director of the ACTION agency under President Carter. And he has been a general partner at Centennial Partners, Ltd., a real estate development firm specializing in low-income housing. This is an eclectic professional background but completely irrelevant and unsuited to the position to which he has been nominated.

It troubles me to have to take the floor, time after time, in opposition to President Clinton's national security nominees. I get a chance to see the background on these nominees as a member of the Armed Services Committee. But so many of them appear to be cut from the same cloth. So many of them are either patently unqualified, unabashed antiwar activists, or radical extremists who are simply unsuited to these very sensitive positions in our Government—sensitive positions in national security. Indeed, many of these people—and Mr. Brown is one of them—have no respect for the intelligence community and what they do in these sensitive positions. And I will prove that.

It is not surprising to anyone who has followed the nomination process to find the administration's foreign policy is in a shambles. The President continues to surround himself with the type of people he protested with in the golden years of the antiwar movement. And it is having a devastating effect on the quality and the effectiveness of our national security policy.

You judge a person by the company he keeps. You judge a President by the appointments he makes.

In 1992, candidate Clinton vowed that the foundation of his Presidency would be to establish an administration that was truly reflective of American demography, representing the diverse ethnic, religious, cultural and social factions that are America. That is a worthy statement. Yet 16 months into his Presidency it is apparent that this is one of the many broken promises from Bill Clinton's covenant with the American people. The President has in fact adhered to his promise to nominate more women, more African-Americans, more Hispanics to Government. But he has virtually ignored a very significant group of Americans whose integrity and sacrifice for our Nation are immense and whose wisdom is much needed in the current administration.

I am speaking of our Nation's veterans, Mr. President. President Clinton has failed to nominate to Government a number of veterans proportionate to the total population of this country. And it is clear that this antiveteran bias is having a direct and destructive effect on the quality of the administration's national security policy—a devastating effect.

Mr. Jack Wheeler, a respected veterans' advocate, and the late Lewis Puller, Jr., are two Vietnam veterans who campaigned in support of this President but found themselves betrayed by the President on this issue. Mr. Wheeler, in particular, has been tireless in his efforts to track the status of veterans in this administration and to encourage President Clinton to nominate a more proportionate number of veterans to senior administration positions. Yet, not only has the administration failed to improve its record, the White House has consistently withheld information from Mr. Wheeler in an effort to suppress legitimate inquiry.

In his research through last December, Mr. Wheeler found that of the first 66 men named to the White House staff, only three—only three—had served in Vietnam and only seven had ever been in uniform. In the Pentagon and Veterans Administration, 16 of 34 male appointees to advise-and-consent positions were veterans. Pretty good record on the Pentagon and VA. However, when you look beyond those two departments, Mr. Wheeler could only find two—two—of 213 male appointees who were veterans, and both of them were pre-Vietnam.

Mr. Wheeler's research and dealings with the White House on this issue led him to appropriately state, and I quote:

> The Clinton administration is largely a network clique of people who were antimilitary and antiwar during the 1960's and carry their biases with them still.

Charles Moskos, a respected sociologist from Northwestern University, has researched this issue as well and uncovered some very compelling data.

Using a composite group of men aged 39 to 59 for senior appointments, Mr. Moskos determined that the percentage of veterans in the total population of America is 42.5 percent. Vietnam veterans represent 33 percent of that figure. Although the President's advisers have refused to release the exact administration figures, research on available data puts the number of President Clinton's veteran appointments at a low 18 percent governmentwide and a minuscule 8 percent in the White House. Within the Cabinet departments and independent agencies, for the first 330 slots filled, only 18 veterans were appointed, when demographics would suggest that as many as 82 should.

In the Department of Defense, there are no Vietnam veterans serving in the service Secretary position, and there is only one veteran, Defense Secretary Perry, in the top seven DOD policy positions.

I repeat, President Clinton's antiwar activities have carried right to the White House to this day. During December, and under growing pressure from Jack Wheeler, Lewis Puller and others, including columnist Dave Broder, to provide data on this issue, the White House responded that their best estimate was that of the roughly 1,000 male appointments that President Clinton had made, about 100 are veterans, 10 percent. Wheeler and Moskos have accurately pointed out the White House figures are roughly one-third what they should be in an administration that mirrors America.

Mr. President, what this means is that no President—no President—in the history of the United States of America has ever been this antiveteran. No President. It means that our Nation is losing some of the greatest wisdom, the greatest experience, and the unyielding loyalty that our veterans would bring to Government service.

It means that, in many cases, the national security policy team that President Clinton has put in place lacks the expertise and credibility to effectively conduct foreign policy, and it is no wonder that the criticism—which has been coming—is coming, and it is justified.

It means yet again the President has abandoned a fundamental and critically important campaign vow with the American people.

There is a dramatic irony that those who so aggressively protested the Vietnam war and who were so vicious in their criticism of our brave personnel are now molding the policies that are compromising our military effectiveness and undermining our stature in the world.

There is a dramatic irony that someone such as Sam Brown, who has so publicly supported our Communist enemies in Vietnam, could now be nominated to represent the United States on issues of national security in Europe. It is a travesty and one which the Senate must not condone. This is a travesty, Mr. President.

The American Legion, the highly principled and respected veterans organization committed to preserve our national security, in reviewing the position to which Sam Brown has been nominated, the Legion developed a set of criteria that it believed were essential qualifications for anyone nominated as Ambassador to CSCE.

According to the American Legion, a nominee for this position should possess:

No. 1, diplomatic experience at a senior level and specific experience in working with European foreign ministries and diplomats.

They also said that understanding of national security requirements of Europe and the United States and experience in working with European ministries of defense and total commitment to placing the national security of the United States above all other considerations is absolutely essential;

An international diplomatic reputation on a par with that possessed by CSCE Ambassadors from European states, as their representatives are almost uniformly of the highest caliber and experience;

Experience in international crisis management and peacekeeping operations and intimate knowledge of and experience with NATO and the WEU;

A broad educational background in history, politics, economics, military affairs and philosophy as a basis for effectively dealing with the complex and often interrelated problems certain to confront the CSCE; and, finally,

A practical knowledge of functional issues, such as human rights and arms control.

Mr. President, I totally agree with the American Legion. I think they are right on the money. These criteria are right on the mark. Unfortunately, Sam Brown meets none of them; not a single one. It is not even close.

The Jewish War Veterans of the United States of America is another distinguished veterans organization that has expressed strong concerns on this matter. According to the Jewish war veterans, a review of Sam Brown's background presents inadequate experience in the necessary military, diplomatic and arms control areas required for the position.

As they point out, previous CSCE Ambassadors, such as Max Kampelman, Warren Zimmerman and John Kornblum, were individuals of broad experience and capabilities. Again, Sam Brown comes up short. In fact, it is not even close.

Many of my colleagues have spoken and will speak later regarding the disqualifying aspects of Mr. Brown's background. But I am compelled to review two statements by the nominee—just two—that I believe seriously call into question the nominee's integrity.

There is nothing more insightful or illustrative of an individual's ideological underpinnings than a review of his written and his oral statements. After all, that is how we judge people: By what they say and what they write.

I raise these so that my colleagues can consider them and make their own determination on their relevance to the nomination before us. In this framework of foreign policy problems, in this framework of ignoring the veterans of the United States of America and the contributions they are capable of making, I ask you to think carefully about these statements.

First, there is a matter of an August 1970 interview with Sam Brown in the Washington Monthly in which Mr. Brown states, and let me quote. This is an exact quote:

> On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged war really should be treated as war criminals.

Think about that, I say to my colleagues, Mr. President. Think about that. "* * * those who have waged war really should be treated as war criminals." The brave men—many of whom lost their lives in Cambodia and Vietnam and Laos—ought to be treated as war criminals? And this man would be in a sensitive national security position appointed by this President of the United States?

I ask my colleagues, is someone who has harbored terrorist sympathies, who holds our brave men and women in uniform in such disdain that he considers them war criminals the proper choice to represent the United States on issues in security and arms control in Europe? Is that what you want? Is that what we deserve? Is that what the American people elected this President for? I think not. I do not think so.

We have another interview, December 1977, with Mr. Brown. This one was in Penthouse magazine, in which Mr. Brown states—let me quote this one:

> I take second place to no one in my hatred of the intelligence agencies.

I take second place to no one in my hatred of the intelligence agencies.

Perhaps Mr. Brown has never met Morton Halperin. They certainly share a lot in common in competing for that distinction. Do you remember Morton Halperin when the Senate brought that issue to the floor in great debate, great discussion? The President pulled the nomination and put him on the National Security Council where we could not confirm him. So he is now in a more sensitive position than he would have had had he been confirmed by the Senate.

I ask my colleagues, is that the person to represent the United States before the Conference on Security and Cooperation in Europe? These are the people, the Sam Browns of the world are the people who throughout the cold war opposed what we did to fight communism, opposed the buildup, opposed the actions we took to block communism and eventually defeat it. Those are the people who are now being appointed by this President to deal with the world after the cold war, to deal with the world after communism. That is no small irony.

In the 1992 campaign, Bill Clinton vowed to focus like a laser beam on domestic issues. We agreed with him on the need to address the economy, health care, welfare reform, and crime. But he also pledged to safeguard our Nation's security and to uphold the Constitution of the United States.

Foreign policy is not something that you handle on an ad hoc basis, haphazardly looking—I get up in the morning and look in my "in" basket. I have a crisis in Haiti. Tomorrow morning I have a crisis in Bosnia. Another morning there is a crisis in North Korea, and then Somalia. It requires vision. It requires vigilance and the determination to do what is necessary, what is necessary to promote American security interests.

Not only that, Mr. President; you have to have people at the policy level who respect—who respect—the military that has to do that job for us. We saw the terrible tragedy in Somalia. It was a mistake. It was a mistake in policy and it cost young men their lives. You must have respect for what the military does for you to promote national security. If you do not have that respect, you can send them off to foreign soil to fight and die when the policy does not support that action.

It is an outrage. It is an outrage that we are seeing these kinds of nominees come before this Senate time after time after time. How many times is this President going to do this? How many times is this Senate going to confirm them? The American people are aware of it, and the American people I believe will speak up and speak out in the next election cycle because of it.

It is an outrage that this President continues to nominate people of the caliber of Sam Brown to carry out his constitutional responsibilities for him. The President is a busy man. We all know what it is like in the Senate. We rely heavily on staff. The President relies heavily on staff. You judge a man by the company he keeps. You judge a President by the appointments he makes.

Our foreign policy is in trouble. American stature is in trouble. Our credibility is being challenged throughout the world in Asia, the Middle East, the Adriatic; we are on the verge of a major crisis in Korea. Africa is in turmoil. The Middle East is always a threat. You need a steady hand on the wheel. You need good crew men and women who understand national security and how to protect and promote the United States national security throughout the world. We need leadership. We need resolve. We need people who will support these principles. We need expertise. We need loyalty and integrity from our Government representatives.

Mr. President, in conclusion, I submit to you Sam Brown is not that person. He is not the solution. He is an example of the problem. I urge the Senate, I urge the Senate to reject this nomination. I urge the Senate to carefully consider the issues that I have raised.

The nomination of Sam Brown is a disaster, pure and simple, both substantively and symbolically. The Senate simply cannot condone the continued erosion of American leadership in foreign policy. This leadership will continue to erode with this kind of support behind this President. I urge my colleagues to reject this nomination. It is the right thing to do. It is the right thing for our country.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask the distinguished manager to yield so much time as I may need.

Mr. PELL. I am happy to do so. I yield the Senator as much time as he may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Will the Senator yield for just a moment?

Mr. KERRY. Without losing the floor, I would be happy to yield.

Mr. BROWN. I look forward to the Senator's remarks. My understanding was the Senator from Wisconsin wanted a moment.

I apologize. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, this is a disturbing debate for a lot of reasons, but I think it is most disturbing because the character of Sam Brown has been impugned with shorthand criticisms and distortions and incomplete context in ways that I really think are not befitting of this institution's quality of debate.

I know my friend from Colorado approaches this with serious intent as he does all issues. I respect his personal feelings about the qualifications. Those are legitimate. I certainly do not impugn any motive to my friend from Colorado for his legitimate perception that in his mind Sam Brown is not qualified for this job. I think he is incorrect, and I will show why I think he is incorrect and what judgments we as Senators ought to be applying to Sam Brown as we try to determine whether or not he is qualified. That is certainly a legitimate discourse.

But, Madam President, underlying the discourse, as we heard in the most recent speech from the Senator from New Hampshire and from others, is an attack on dissent, a reverse form of political correctness that is not befitting of this institution. And my colleagues on the other side of the aisle who have been always the principal criticizers of political correctness are now coming to the floor and establishing a whole new standard of political correctness with respect to Sam Brown's right to lawfully dissent on a policy of the United States during a period of enormous conflict in this country.

I think it is important for my colleagues to be fair, not just to come to the floor and throw out a little piece of an article and leave that piece of article hanging, on Sam Brown's reputation and character.

This is a book that maybe just came out in time, and I am not here to hawk it. But all you have to do is read the Haldeman diaries to understand what was driving Sam Brown and a lot of other people in this country. And it helps to put this debate in its proper political context.

I am just picking a few select passages. On page 193, Thursday, October 9, Haldeman is writing about their strategy on Vietnam. He talks about how:

> We will sit tight for 2 or 4 weeks and await a reaction, and if they escalate heavily, we will move fast with heavy retaliation, mining, et cetera, with the bad faith as a basis. Could then probably bring United States opinion around to support level of fighting to get military victory in 3 to 5 months.

Military victory—that was different from what the President was saying he was doing, and Sam Brown was perceptive enough to understand that.

On page 193, Saturday, September 12, 1970—this is about the President:

> The President has several plots he wants hatched. One to infiltrate the John Gardner Common Cause deal and needle them and try to push them to the left. Feels we can benefit from a third party to the left. I am not so sure, might push Democrats to the center, better to have them go left. Next a front that sounds like SDS to support the Democratic candidates and praise their liberal records, et cetera, publicize their bad quotes in guise of praise.

Dirty tricks—Sam Brown understood the dirty tricks and had an anger about them, as did a lot of people at that point in time.

Page 221, about the war:

> Kissinger came in and the discussion covered some of the general thinking about Vietnam and the peace, big peace plan for next year, which K later told me he does not favor. He thinks that any pullout next year would be a serious mistake because the adverse reaction to it could well set in before the '72 elections. He favors instead a continued winding down and then a pullout right at the fall of '72 so that if any bad results follow, they will be too late to affect the election.

The point is, Madam President, that a lot of young people in Vietnam were the pawns of the election plan, not the legitimate peace proposal. That is what Sam Brown and other people understood.

Page 239:

> They are planning a major assault in Laos which, if successful, and Henry believes it will be, would in effect end the war because it would totally demolish the enemy's capability.

Madam President, I could go on and on. But this shows what Sam Brown understood: That there was a secret plan; that they were lying to the American people; that the effort was to win, not to get out; that there was a whole scheme going on, and that American soldiers were the pawns in that effort.

I am not here to redebate the war. I am here to ask U.S. Senators to listen and think about the context of the times, and not to hold Sam Brown accountable to some different standard.

One Senator has opposed Sam Brown because he does not like what he did at the Chicago Convention. Madam President, Sam Brown did at the Chicago Convention what delegates to their country have always done at conventions, worked for their nominee. Sam Brown opposed what happened in the streets. He argued against it. He fought to tell people it would hurt Gene McCarthy. Sam Brown was working within the system against radicals, and people have come here to the floor and tried to tie his name to those radicals.

Madam President, another Senator did not like the article in Penthouse about the intelligence committees. Well, let me share with these Senators who are worried about the intelligence committees of the 1960's and 1970's what Nelson Rockefeller said about them.

> After five months of inquiry, Nelson Rockefeller's Commission on the Illicit Domestic Operations of the CIA returned its verdict last week and found the agency guilty of nearly every serious allegation against it. The judgment was plainly a sad business for the * * * men who rendered it, and they were at pains to preface their report to the finding that the great majority of the CIA's actions had been honorable. But the 299 now blue-bound pages that follow were a sorry litany of crimes and improprieties by agency operatives on U.S. soil, a bill of particulars that included opening mail, planting taps and bugs, committing burglaries, infiltrating antiwar and black protest groups, testing dangerous drugs on unsuspecting subjects, and accumulating a veritable mountain of dossiers on Americans.

Madam President, Sam Brown was one of those who was spied on in the United States of America. What is he supposed to do, turn around and celebrate it and say this is what our Constitution supports? Is he supposed to stand up and praise the agency?

There is a short memory in the U.S. Senate about what the Church Commission found and why in fact the Foreign Relations Committee lost jurisdiction over the CIA. We created an Intelligence Committee in order to rein in these kinds of activities. That is all Sam Brown was talking about, Madam President—the fact that they spied on the American Friends Service Committee, the clergy, the Committee of Concerned Asian Students, the National Students Association, and the Vietnam Moratorium Campaign.

Let me read what Sam Brown sent to DENNIS DECONCINI on the subject of this article.

> Dear Senator DECONCINI: I am happy to respond to you about the quotation attributed

> to me in the Penthouse magazine from December 1977, provided by minority members of the Foreign Relations Committee. On the face of it, it is a pretty stupid thing for me to have said, if it was quoted accurately. The break in continuity, the fact that the response does not seem to track, suggests to me that there is something left out of the quote—

In other words, there were ellipses—

> but as it stands, it does not accurately reflect my views then nor now. Nonetheless, I've tried to understand how I might have said something like this, and I hope some understanding of the context will be helpful.

I ask my colleagues to listen to this:

> During my confirmation hearings in 1977, I was questioned very closely, primarily by Senator Humphrey, about the Peace Corps and its independence from intelligence activities around the country. I said I understood the legal obligation of separation and would rigidly enforce this requirement. Although I have been assured from congressional sources that this separation was being observed, nonetheless, the rumors persisted that the CIA was somehow using the Peace Corps. It was very important for me to be able to say to volunteers and foreign governments alike that I would be attentive to this and would resist any breach of this wall. Consequently, I regularly pointed out I had no contact with the CIA. A second contextual issue is that the CIA had shortly before this period in the mid-1970's covertly funded domestic foreign student and intellectual organizations.

Now, let us understand that. The CIA was engaged in illegal activities in America. They had funded illegal foreign student and intellectual organizations. He goes on to say:

> There was therefore great skepticism about any assurance that it was not involved with the Peace Corps. The tougher I was, the more credible was my assurance that the Peace Corps was independent and free from interference by the intelligence agencies.
>
> Finally, in the late 1960's and early 1970's, the CIA had apparently engaged in gathering intelligence focused on domestic groups opposed to the war in Vietnam. This was the subject of litigation at the time of the interview. Evidence gathered in that case indicated I had been the object of CIA surveillance in the sixties when I was active in the antiwar movement. Consequently, I had strong personal feelings about the abuses of their authority. None of this context can excuse the statement attributed to me, which does not reflect my views on the legitimate intelligence activities of the U.S. Government. U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert, as well as public sources, and through technology, as well as from people. It requires that the information received from whatever source be integrated fully with the policymaking process which it is designed to serve.
>
> My views about America are more accurately summarized later in the same interview * * *.

Which, I might add, my colleagues do not quote this on the floor; they do not quote the totality of this article in the Washington Monthly, but here is what Sam said in the same article:

> I really think America is a terrific place. I think people are prepared to give up a lot, to sacrifice, to quit consuming so destructively for a common purpose. There are an incredible number of people ready to listen to sensible things and to relate to each other in some warm, decent, giving way. It is that vision and those values which I bring to this position.

Madam President, I want to turn to that article, if I may for a minute, where they have conveniently painted Sam Brown as some kind of monster. Here is the article. They have not read the whole article, and I can surmise why. August 1970 is pre-Cambodian invasion; it is in the middle of the war and the tensions of the war; it is only 1 year after the moratorium, which Sam helped to organize. It is a time when the antiwar movement is questioning, and Sam Brown, one of the leaders, writes an article that caused him enormous upset within the antiwar movement. He writes an article that basically talks about creating a peace movement that embraces Senators, Congressmen, Governors, leaders of the establishment. Let me read it:

> The new peace leadership should be composed of Senators, Congressmen, governors, mayors, businessmen, all the straight people who are willing to make a firm and unequivocal commitment against the war. The spokesmen should be those most visible and most attractive to middle America, those who can speak intelligently about the war, with strength, rather than condescension or aloofness.

Is that the voice of a radical? Is that the voice of somebody who does not believe in the United States of America? Is that the voice of somebody back then who somehow deserves to be lumped in with idiots who are out burning the flag? I do not believe so.

I knew Sam Brown back then, and I can tell you that he was as committed to peaceful, nonviolent advocacy and dialog as anybody in the United States of America. And he resisted entreaties from other people who had a small narrow agenda.

In fact, Madam President, in this very same article, Sam Brown criticizes those people with a narrow agenda, the very people that my colleague from New Hampshire criticizes—and I might say rightly criticizes. There were people out there saying some plain horrible, dumb, and stupid things, Madam President. But Sam Brown is not one of them—with a few exceptions where he may have stepped over the bounds by being overzealous. But he was not embracing that approach to the peace movement, and he has clearly apologized for any kind of overzealous indiscretion of youth because of the anger that he had about the war at that time.

He made it very clear that only the peace movement which reaches Richard Nixon's constituency can stop it. He said that you have to find lessons to try to appeal to people in that way. I might add that he was very frank about his own shortcomings.

He said:

> Those of us in the peace movement who have worked for years on campuses, and in campaigns, in community activities like the moratorium, bear a large share of the responsibility for our alienation from the potential doves in middle America.

This is a very honest, candid, straightforward assessment of where the peace movement was. It is a criticism of the peace movement, and it is an appeal, as Sam Brown always appealed to middle America, to mainstream, to the electoral process, and that is all he ever worked in.

To come here to the floor of the U.S. Senate and brand him as somehow unfit because of these statements is wrong. Let me read you what Sam Brown says today about those statements. I talked to the Senator from Arizona yesterday, because the Senator from Arizona was concerned, and rightfully concerned—as am I who served in Vietnam—about a statement in this article about war criminals. This statement has been read many times. I want to read it again and put it in its context.

This is what Sam Brown wrote:

> I think that everyone who has a moral commitment against the Vietnam war feels some of these drives toward left sectarianism. Certainly I do. On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged this war really should be treated as war criminals.

In the context of the Cambodian invasion on that night, that is the decision he said he made. Then he goes on to say in the next paragraph:

> But despite past frustrations and failures, I think that political self discipline is precisely what is necessary to end the war.

So in one breath he expresses his frustration and anger over an illegal, secret expansion of the war, but in the next breath—which was not quoted—he takes it back and says, "I think you need political self discipline." The word "war criminals" at that point in time was regrettably thrown around. I ought to point out to my colleagues, if they want to debate it —and I do not want to, as I do not think it belongs in this debate, but they have brought it to this debate—that Professor of Law Telford Taylor was the chief U.S. prosecutor at Nuremberg. I hope my friend from Colorado will listen to this. He was the chief prosecutor at Nuremberg in 1971, and he was respected across this Nation. He opined that General William Westmoreland might be convicted as a war criminal if war crimes standards established during World War II applied to his conduct during the war. So is it any wonder that a young war protester and others began to use the vernacular and talk about it? After all, stories about Viet Cong being thrown out of helicopters had reached America; illegal bombings had taken place; harassment and interdiction fire was taking place; search and destroy missions were taking place; free firestorms existed where people knew women and children were still in them; the Phoenix program was in place, which was nothing more than an organized assassination program.

I do not think we need to debate that because Sam Brown does not believe they ought to be and that is not what he was trying to say. I want the Senator from Arizona and my other colleagues, respectfully, to listen to what Sam Brown says about that. He wrote me a letter explaining it.

The letter says:

> DEAR SENATOR KERRY: I'd like to take this opportunity to respond to many of the charges that have been made about me and my activities in opposition to the war in Vietnam.
>
> I was an early and outspoken opponent of American involvement in the war in Vietnam. My efforts for many years involved organizing peaceful protests designed to influence the political leaders in our country to end the Vietnam War. Like any person, and particularly a young person, my feelings sometimes got the better of my judgement. During the late 1960s and 1970s, there were times during which I was deeply angered at the actions of my government; actions, such as the secret bombing of Cambodia, which I did not think met the high ideals and aspirations of our great nation. In my frustration and anger, I almost certainly on some occasions used language that was intemperate and overreaching. I regret those occasions and apologize to those who were, and are, offended by my language.
>
> As you know, my attitude and actions were designed to broaden the base of opposition to the war—to reach out to those people who may have been against the war but were offended by the more extreme elements of the anti-war movement. The article which I wrote in August 1970 for The Washington Monthly was intended to be an argument against extremism and polarization and for moderation and temperance—for political action and long-term political change both to end the war and bring about national reconciliation. In retrospect and with the advantage of twenty-four years of hindsight, I can see that those who disagreed with me—as well as others—might find the language about "war criminals" to be insensitive and inappropriate. I was, of course, referring to those in our government who ordered and, subsequently attempted to cover-up, the bombing of Cambodia. At no time did I mean to impugn the integrity of patriotism of those courageous individuals—such as yourself—who served in or fought in Vietnam.
>
> I understand that some Senators have also raised questions about my participation in the Democratic National Convention in 1968. As I explained in my answers to the questions submitted to the Senate Foreign Relations Committee, I was there as the National Volunteer Coordinator of the McCarthy for President campaign. I worked most of the time at the Convention Center and stayed with other McCarthy campaign staff at the Hilton Hotel. My job was to win votes for Senator McCarthy; demonstrations were not helpful in this regard and I both discouraged and did not participate in them.
>
> I hope that my work and my thoughts can be read in their context both in time—the turbulent late 60's and early 70's—and in my life, which has been dedicated to nonviolent political expression and change within the American political system.
>
> Thank you for the opportunity to address these charges and for your support. I deeply appreciate it.
>
> Sincerely,
>
> SAM W. BROWN, Jr.

Madam President, I really think we ought to move away in this debate from what Sam Brown said about the intelligence community and what Sam said with respect to the war. Those are not relevant here. Those really are not relevant here.

The U.S. Senate should not lynch a nominee on the basis of his exercise of his constitutional rights. I understand that some of my colleagues bitterly disagree with the views that he held. But that is our system.

The question with respect to his qualifications for this job is not whether or not he expressed views, which I might add turned out to be correct. I mean, if you want to make a test of judgment, Sam Brown's judgment was correct, and ultimately even Richard Nixon adopted his judgment, and even Henry Kissinger adopted his judgment, which was that we had to get out. Only they did it for a lot of wrong reasons. Sam did it for the right reasons.

I would respectfully suggest if you are going to make a judgment about character, make a judgment about this man's character as a young man who gave up time in his life to stand up for something he believed in. How many people in America take the time to do that? How many of my colleagues making judgments on him took the time to do that?

This man had the courage to go out and organize people in America in the best standards of American political activity. He tried to affect elections. And now we are going to come back with a 1994 political correctness standard that somehow holds him accountable for that youthful and, I might add, morally courageous endeavor.

Madam President, you also ought to measure what kind of skill it took to do what he did to balance the extraordinary array of disparate elements of America that were fighting and pushing and pulling, the sectarian interests which he criticized so vociferously that pulled at this process, and somehow he pulled it off. He put together the largest demonstration in the history of this country from city to city to city.

I would say those are the kind of organizational and advocacy skills that you want inside your Government, not outside of it.

It is just that some of my colleagues do not happen to agree with what he stood for, even though it turned out to be the majority position of the United States of America. He was ahead of his time.

As I said, I think he used some language that I do not like, too. I will say to my colleague from Colorado I think Sam Brown said some things that were overzealous. I think they were occasionally intemperate. I think a lot of us did on occasion. I am sure a lot of my colleagues have done that on occasion—said something that it later turned out maybe they regret or think they went a little bit too far.

But what has he done in 24 years? I heard the Senator, I think from South Carolina, talking about how this guy was a Socialist or something. This is absolutely extraordinary to me.

If you look at his curricula and look at what he has done with his life, you will notice that in 1970, right after he finished protesting the war, he did not go off and do some crazy kind of "socialist" things. Do you know what he did? He became a full-fledged American capitalist, I would say to my friend from South Carolina. He became the vice president of a shoe company, and he was an entrepreneur out in the American business world at a time, I might add, when entrepreneurs did not hold a lot of stock amongst young Americans. Sam Brown went out and became part of a company. And then he ran for treasurer of his State, and the citizens of his State made him treasurer. He became involved in more businesses subsequent to that, and he has been successful in those businesses.

Now, let us look for a moment at what we are talking about here, because I hope my colleagues will remain focused on what is really at stake in this debate.

Sam Brown has this job. The vote that we take here does not affect his having the job. It only affects the title with which he will execute this job, another reason to question what is really going on in this debate.

This is a job where in the executive office you have five people: The Ambassador, a deputy chief of mission, the executive officer, two secretaries. He has three political-economic officers, and a political-economic section head. He has five political-military people; a section head, three officers and a secretary. He has an Arms Control and Disarmament Agency chief to advise him with four other officers. He has from the Joint Chiefs of Staff: a brigadier general, four officers and a secretary. He has five from the Office of Secretary of Defense including four officers. He has two public affairs officers.

In other words, if you look at the job, this guy has about as much input directly to him as former President Ronald Reagan, who had no military experience, no experience with arms control, no experience with any of the things on the list that the Senator from Colorado listed had. There was a long list of things, and he said "no qualifications." Ronald Reagan did not meet one of those qualifications, and my friend thought he ought to be commander in chief and the major implementer of policy.

Sam Brown does not come close to that in responsibility. What does CSCE do? It is involved in preventive missions, sanctions against missions, seminars and meetings, elections monitoring, and with the high commissioner on national minorities, the office for democratic institutions on human rights, and the Minsk group negotiations, and Nagorno-Karabakh.

These are very much what Sam Brown's skills are—advocacy, the electoral process, the promotion of participation in the democratic process. And what is interesting is that, notwithstanding that the Senator from Colorado does not think he is qualified, every one of the people who held the job before him do think he is qualified. And is not that interesting? Is it not interesting that everyone of the people who held the job before, none of them had military experience. Not only did they not have military experience, but Max Kampelman, who was Ronald Reagan's appointee and who distinguished himself, was a conscientious objector. Was there one voice raised on the Republican side of the aisle to suggest that Max Kampelman, conscientious objector, could not negotiate with the Soviets? But he did one hell of a job, one hell of a job, and he had no military experience.

Why do not we listen to what Max Kampelman says since he was Ronald Reagan's appointee? Let me read you what he says in a letter to the chairman of the committee.

> I write to endorse the nomination and urge your committee to act favorably and expeditiously on it.

I am going to skip a couple of parts just to try to move along here. He says:

> I did not know Mr. Brown until a few months ago when he came to my office to introduce himself and discuss my views as to his anticipated responsibilities. I had heard his name mentioned during the 1960's in ways that impressed me unfavorably. It was, therefore, refreshing for me to discuss my personal reactions with him fully and frankly when we met. I have looked upon the radicalism of some youth in the 1960's as destructive to our society and I considered leaders of the radical youth movement at the time to be immature, irresponsible and shortsighted.
>
> When we talked, I learned from Mr. Brown he had come to conclusions similar to my own during the late sixties and early seventies and had openly and publicly acknowledged a change of direction of his beliefs about the direction American foreign policy should take.

And he goes on in support of Sam Brown.

Let me read what Richard Schifter, special assistant to the President and counselor, says. Richard Schifter was Assistant Secretary of State for Human Rights and Humanitarian Affairs. He also served as President Bush's Ambassador to the CSCE after Max Kampelman and was involved in the negotiations of the 1989 document which concluded the Vienna CSCE meeting. He was appointed by President Bush. So here is what President Bush's own appointee says. I am going to again skip a little.

> I have had a number of meetings with Mr. Brown to discuss the current state of CSCE affairs. He struck me as intelligent, competent, and energetic. He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excellently qualified to perform the task of U.S. Ambassador to CSCE.

Let me share with you now what Warren Zimmermann said.

> As a former Chief of Delegation to a major CSCE Review Meeting (1986–89), I have a strong interest in the future of the CSCE process and in an effective and committed U.S. participation in it.
>
> It's this interest which compels me to write you on behalf of Sam Brown, who has appeared before the Committee as the Clinton administration's nominee for U.S. Representative to the CSCE in Vienna. American participation in CSCE has been blessed with many talented representatives, the most recent of whom is Ambassador John Kornblum, our most recent representative in Vienna. I believe that Sam Brown will be in this distinguished tradition.* * * He has impressed me with his quick mastery of the complexities of the issues; his commitment to human rights to military security, and to the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-cold war world * * *
>
> I served 33 years in the U.S. Foreign Service, and have always felt our diplomacy was enriched by qualified ambassadorial appointments from the private sector.* * * I strongly believe he meets the standard of excellence which we should insist on for our diplomats.

So, Madam President, rather than get mired in the partisan politics—and, I might add, ancient ideological politics of the 1960's and the 1970's which really ought to be history in this country because of the issues and problems that we face—rather than get mired in that, let us listen to the experts, not people who have a political ax to grind, but people who have been at the CSCE, people who understand what the responsibilities are, people that President Bush appointed, people that President Reagan appointed, people who have proven their ability to deliver, all of whom say Sam Brown is qualified.

Now, we also hear from my colleagues that somehow what happened at ACTION disqualifies him. But, once again, my colleagues kind of play a fine game here with the truth. Because they hold up a report of the House Appropriations staff and they use what is said in that report as an example, somehow, of shortcomings.

Well, our colleague, Senator PAUL SIMON, whose integrity has never been questioned in this institution, came to the floor yesterday to point out that he sat on that committee. He was there. He sat through those hearings. Here is precisely what he said.

> I happened to chair the subcommittee of jurisdiction and Congressman John Ashbrook, the late Congressman from Ohio, asked that we hold hearings. I said, "We will hold as many hearings as you want, and you bring in as many witnesses as you want."
>
> We held 34 hours of hearings, 6 days of hearings, and one hearing lasted 14 hours. It was very interesting. I wish John Ashbrook were alive here today to tell you how much John Ashbrook would be a Sam Brown fan, or he would vote with us. But the evidence of abuse just dissipated. * * * Everyone was put under oath, somewhat unusual at our hearings. I remember bringing in the auditors and the inspector general, and I asked if they found any abuse in terms of the operation of ACTION. They said yes; they had found two instances of abuse. I asked when they had taken place. They had taken place before Jimmy Carter was President and before Sam Brown was responsible.
>
> A very interesting thing happened after our hearings. The House Appropriations Committee increased the appropriations for ACTION by 20 percent.

So, Madam President, in point of fact, the committee did not adopt the report that keeps being cited on the floor as the disqualifier of Sam Brown's organizational skills.

What is interesting is, you do not hear people from his companies saying he cannot manage something. You did not hear allegations that he did not manage the Treasurer's Office. You did not hear allegations he was not able to manage the moratorium. Certainly Richard Nixon would not tell you it was not well managed.

So, Madam President, I suggest what you have going on here is a very unfortunate process of a verbal lynching for an event or events and attitudes that existed 25, 30 years ago, which have been explained in their context and, in some instances, apologized for in their context.

What you really ought to measure is the quality of this individual's commitment to our country and his patriotism.

Patriotism comes, I think, in a lot of different forms. Patriotism is not always just marching down the road to whatever the conventional wisdom is. Patriotism sometimes is opposing that conventional wisdom. And sometimes I believe that takes maybe even a little more qualities of courage and moral conviction. And Sam Brown evidenced that.

I believe he is, for that reason, the very kind of person that you want at the CSCE standing up for this country, advocating our moral standards, advocating our interests in human rights, and advocating the qualities of democracy and freedom which he lived by in the course of his opposition to the war.

You cannot come to the floor of the U.S. Senate and find this man having ripped apart the country or torn apart the fundamental goals of this country in any way. You cannot find him having taken part in any of the demonstrations which many of us were opposed to. You cannot find him having engaged in that horrendous excess of rhetoric that governed most of the dialog of some of the people of that period of time.

Sam Brown always drove to the center. He always tried to produce a result. And it is perfectly understandable that this man would be upset that he, himself, was spied on in his own country by one of his own institutions of Government. And I think my colleagues ought to be sensitive and understanding and forgiving of any expressions of anger with respect to that.

With respect to the comments in New York and so forth, what he was referring to was the end of the war. A lot of people felt good about that. To twist those comments somehow into support for North Vietnam—which he never, ever evidenced or spoke—does a disservice to the quality of his exercise of his constitutional freedoms.

I hope my colleagues, when we vote, will end this game and will permit the President to appoint a person who is eminently qualified. In the mind of the Senator from Colorado, he does not qualify on the Senator's checklist. That checklist is, in and of itself, a phony construction. No one ever said you needed those qualifications. If those are the qualifications, none of the prior people would have gone. So why do we suddenly hold him to a different standard?

The test here is whether or not he has the qualities of judgment, of character, the commitment to our country, the commitment to principle, a moral conviction, an ability and a skill to be able to move debate and bring people together. And he has evidenced that, Madam President, throughout his life. We should not take that life and now make it into a fiction on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I commend and congratulate the Senator from Massachusetts on a remarkably effective speech. I recall those years that he is talking about, in the Vietnam days, when there were many who protested—who were early opponents of the war. I count myself as one. I remember the Senator from Massachusetts, who has had a distinguished record in Vietnam, taking the lead in many of the protests, and doing it very effectively and well.

I remember the convention of 1968. I was there in the drafting committee, in the platform committee. Vietnam was a key issue at the convention, and there was a spirit of confrontation on both sides of the issue. There was no desire there for consensus.

Sam Brown's activities at that convention have been a subject of discussion. I would note that I do not recall seeing Sam Brown at that convention.

So I think in making a judgment on Sam Brown, one must think back to what the climate was at that time. As Senator KERRY said, now we are getting into a question of political correctness. If you were an early opponent of the Vietnam war, as Sam Brown was, that was not politically correct. If you were a late opponent, as eventually President Nixon was, then it was OK. I do not believe it fair to make judgments on Sam Brown's suitability for this job based on political correctness.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I know the Senator from Colorado wants the floor.

I just wanted to ask unanimous consent that the full text of the letters I read, the curriculum vitae, and a letter from former Secretary of Defense Robert McNamara be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 11, 1994.

Senator DENNIS DECONCINI,
Chairman, Commission on Security and Cooperation in Europe, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am happy to respond to you about the quotation attributed to me in the Penthouse Magazine from December, 1977 provided by minority members of the Foreign Relations Committee.

On the face of it, this is a pretty stupid thing for me to have said—if I was quoted accurately. The break in continuity—the fact that the response does not seem to "track"—suggests to me that there is something left out of the quote, but, as it stands, it does not accurately reflect my views now, nor my views then. Nonetheless, I have tried to understand how I might have said anything like this. I hope that some understanding of context will be helpful.

During my confirmation hearings in 1977 I was questioned very closely, primarily by Senator Humphrey, about the Peace Corps and its independence from the intelligence activities of the country. I said I understood the legal obligation for separation and would rigidly enforce this requirement. Although I had been assured from Congressional sources that this separation was being observed, nonetheless, the rumors persisted that the CIA was somehow "using" the Peace Corps. It was very important for me to be able to say to volunteers and to foreign governments alike that I would be attentive to this and would resist any breach of this wall. Consequently, I regularly pointed out that I had no contact with the CIA.

A second contextual issue is that the CIA had, shortly before this period in the mid 70's, covertly funded domestic and foreign student and intellectual organizations. There was therefore great skepticism about any assurance that it was not involved with the Peace Corps. The tougher I was the more credible was my assurance that the Peace Corps was independent and free from interference by the intelligence agencies.

Finally, in the late 60's and early 70's the CIA had apparently engaged in intelligence gathering focused on domestic groups opposed to the war in Vietnam. This was the subject of litigation at the time of the interview. Evidence gathered in that case indicated I had been the object of CIA surveillance in the 1960's when I was active in the anti-war movement. Consequently, I had strong personal feelings about the abuses of their authority.

None of this context can excuse the statement attributed to me, which does not reflect my views on the legitimate intelligence activities of the U.S. government. U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert as well as public sources, through technology as well as from people. It requires that the information received, from whatever source, be integrated fully with the policy-making process which it is designed to serve.

My views about America are more accurately summarized later in the same interview when I said, "I really think America is a terrific place. . . . I think people are prepared to give up a lot, to sacrifice, to quit consuming so destructively, for a common purpose . . . there are an incredible number of people ready to listen to sensible things and to relate to each other in some warm, decent, giving way." It is that vision and those values which I bring to this position.

Sincerely,

SAM W. BROWN, JR.

FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON,
Washington, DC, April 21, 1994.

Senator CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that you and the members of your committee are now considering the nomination of Mr. Samuel W. Brown, Jr. to serve as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE), with the rank of Ambassador.

I write to endorse that nomination and to urge that your committee act favorably and expeditiously on it. CSCE has a vital role to play in restoring and strengthening confidence within Europe in these days of uncertainty and danger on that continent. That development requires leadership on the part of the United States and I am persuaded that Mr. Brown has the energy, commitment and understanding to help our country provide that leadership.

I did not know Mr. Brown until a few months ago when he came to my office to introduce himself and discuss my views as to his anticipated responsibilities. I had heard his name mentioned during the 1960s in ways that impressed me unfavorably. It was, therefore, refreshing for me to discuss my personal reactions with him fully and frankly when we met. I have looked upon the radicalism of some youth in the 1960s as destructive to our society and I considered leaders of the radical youth movement of the time to be immature, irresponsible and shortsighted.

When we talked, I learned from Mr. Brown that he had come to conclusions similar to my own during the late 60s and early 70s and had openly and publicly acknowledged a change of direction in his beliefs about the direction American foreign policy should take. I considered that change to be to Mr. Brown's credit and was pleased to learn more from him about his career and his dedication to the public interest.

You are aware of my own intense interest in CSCE beginning with 1980 when you and I and many of your colleagues saw the opportunity to undermine the influence of Soviet totalitarianism in Europe using the Helsinki process as a means to accomplish that end. We were successful in Madrid under Presidents Carter and Reagan. I returned to the process for short periods of time on five different occasions under President Bush. The CSCE Copenhagen, Geneva and Moscow meetings, where I served as the American Head of Delegation, served to end Soviet influence once and for all and, for the first time, specified in detail that European stability and security depended upon political democracy and its attendant freedoms. I considered it highly regrettable that our country did not continue to provide the essential leadership necessary for Europe and the Helsinki process to withstand the threat to peace and security that stemmed from the breakup of Yugoslavia. Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and the abilities to do that.

I do hope this letter is helpful to you.

My warmest best wishes to you.

Sincerely,

MAX M. KAMPELMAN.

NATIONAL SECURITY COUNCIL,
Washington, DC, April 25, 1994.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am addressing this letter to you on behalf of Sam Brown, who has been nominated to the position of United States Ambassador to the Conference on Security and Cooperation in Europe (CSCE). I served as Chairman of the United States delegations to the CSCE's Ottawa Human Rights Meeting in 1985 and the Oslo Democracy Meeting in 1991. I also followed CSCE events closely as Assistant Secretary of State for Human Rights and Humanitarian Affairs and was closely involved in the negotiation of the 1989 document which concluded the Vienna CSCE meeting.

It is in light of such past experience that I have had a number of meetings with Mr. Sam Brown to discuss the current state of CSCE affairs. He struck me as intelligent, competent, and energetic. He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excellently qualified to perform the task of U.S. Ambassador to CSCE.

I am told that questions have been raised about Mr. Brown's suitability in light of his activities as an opponent of the war in Vietnam twenty-five years ago. It can reasonably be said that Mr. Brown's early views on Vietnam have no relevance to his suitability for the CSCE ambassadorship today. Nevertheless, as I held sharply differing views from those which Sam Brown espoused twenty-five years ago and remembering the publicity which surrounded him then, questions about the past did cross my mind when I heard of his nomination.

It was, therefore, not surprising that at our very first meeting the issue of Sam Brown's views during the Vietnam era did come up. He spoke candidly about them and his fundamental change of political outlook in the years that followed. On the basis of my detailed discussions with him, I am completely satisfied that today Sam Brown's political outlook reflects the American mainstream, views which we tend to label "centrist."

It is my sincere hope that Sam Brown will be judged by the Senate Foreign Relations Committee and the United States Senate on the basis of what he stands for in 1994 rather than what he stood for many years ago. On that basis, I do hope his nomination will be confirmed.

Sincerely,

RICHARD SCHIFTER,
Special Assistant to the President and Counselor.

APRIL 13, 1994.

Senators CLAIBORNE PELL and JESSE HELMS,
Senate Foreign Relations Committee, Washington, DC.

DEAR SENATORS PELL AND HELMS: As a former Chief of Delegation to a major CSCE Review Meeting (the 1986-89 Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe), I have a strong interest in the future of the CSCE process and in an effective and committed U.S. participation in it.

It's this interest which compels me to write you on behalf of Sam Brown, who has appeared before the Committee as the Clinton administration's nominee for U.S. Representative to the CSCE in Vienna. American participation in CSCE has been blessed with many talented representatives, the most recent of whom is Ambassador John Kornblum, our most recent representative in Vienna. I believe that Sam Brown will be in this distinguished tradition. During our several in-depth talks since his nomination, he has impressed us with his mastery of the complexities of the issues; his commitment to human rights to military security, and to the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-cold war world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

I served 33 years in the U.S. Foreign Service, and have always felt that our diplomacy was enriched by qualified ambassadorial appointments from the private sector. From my admittedly recent acquaintance with Sam Brown, I strongly believe he meets the standard of excellence on which we should insist for our diplomats. I hope the committee will do all in its power to ensure his confirmation by the Senate.

Sincerely,

WARREN ZIMMERMANN.

BIOGRAPHIC SUMMARY

Name: Samuel W. Brown, Jr.

Position for which considered: Rank of Ambassador during tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

Present position: General Partner, Centennial Partners, Ltd., Berkeley, California.

Legal residence: California.

Office address: 2737 Claremont Boulevard, Berkeley, California 94705.

Date/place of birth: July 27, 1943, Council Bluffs, Iowa.

Home address: Berkeley, California.

Marital status: Married.

Name of spouse: Alison Val Teal.

Names of children: Nicholas Teal Brown, Teal Valentine Brown, and Willa Hammitt Brown.

Education: B.A., University of Redlands, 1965, M.A., Rutgers University, 1966, Graduate Study, Harvard University Divinity School, 1966-1968, Fellow—John F. Kennedy Institute of Politics, Harvard University, 1969.

Language ability: None.

Military experience: None.

Work experience:

1981-Present—General Partner, Centennial Partners, Ltd.—Colorado and California.

1977-1981—Director, ACTION Agency, Washington, D.C.

1975-1977—Treasurer, State of Colorado, Denver, Colorado.

1970-1974—Vice President, Brown's Better Shoes, Denver, Colorado.

1972-1973—Consultant FUND for Neighborhood Development, Washington, D.C.

1970-1971—Author, Random House.

1969-1970—Director, Vietnam Moratorium Committee, Washington, D.C.

1968—Consultant, U.S. Peace Corps.

1967-1968—Volunteer Coordinator, McCarthy for President, Washington, D.C.

Awards/honors: Fellow—Eagleton Institute of Politics, Rutgers University, 1965-1966, Rockefeller Fellow—Harvard Divinity School, 1966-1968, Fellow—John F. Kennedy School, Harvard University, 1969, Doctor of Public Administration—University of Redlands, Redlands, California, 1978.

Publications: "Why Are We Still In Vietnam?", Editor, Random House, 1969, "Storefront Organizing", Pyramid Press, 1972, "The Legacy of Vietnam", Contributor, "The Defeat of the Anti-War Movement", New York University Press, 1976, Washington Monthly, "The Politics of Peace", August, 1970, LIFE, "Guest Privilege: Same Old Gang Turns Up in Washington", January 29, 1971, New Republic, "Snow Job in Colorado", January 29, 1972, Public Welfare, "Self-help: An Old Idea Whose Time Has Come", Winter, 1981.

Organizational affiliations: Commonwealth Club, World Affairs Council of Northern California, Global Water, Council Member 1982-1986, East Bay Economic Development Advisory Board, 1990-present, Earth Day 1990, National Board Member, Environmental Defense Fund Advisory Board Member, Sierra Club Life Member, March 1987, KBDI-TV, Public Television, Board Member, 1987-1990, YMCA of Denver, Colorado Legal Services Foundation, 1982-1986, Denver International Film Festival, Board/Chairman, 1981-1990, Signet Society, Harvard University.

WASHINGTON, DC,
April 14, 1994.

Hon. CLAIBORNE PELL,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR CLAIBORNE: It has come to my attention that Sam Brown has been nominated to be Head of Delegation to the Conference on Security and Cooperation in Europe with the rank of Ambassador. When I heard this I was very pleased. I have known Sam for more than twenty-five years and he would serve his country well in the post.

My acquaintance with him began in a most unusual way. When I was Secretary of Defense he became a friend of my children and eventually of mine. This was during the Vietnam War. Unlike some critics of the war who tried to convince others of the rightness of their position by shouting down their opponents. I found Sam to be thoughtful, balanced and deeply concerned about the consequences of the war—both strategic and moral. I always found him to be motivated by an abiding concern for our country and its best interests. While we disagreed, we grew to respect each other. After that I saw him occasionally at the Aspen Institute or at meetings of a foundation board on which we both sat. after the publication of the so-called Pentagon Papers we once again discussed the war and again I found him well-informed, thoughtful and serious. During his years at ACTION—and since—we have kept in touch.

I tell you this because it has also come to my attention that some members of the Senate have questioned Sam's role and motivation during the years of the Vietnam War and afterwards. I know him to be a patriotic and thoughtful person and any allegation to the contrary is totally baseless. Moreover, I know that he thinks carefully and well about the long-term interests of the country. He will do an admirable job in any position requiring careful analysis of difficult situations, strong interpersonal skills and real leadership ability. The post is particularly appropriate given Sam's long-standing commitment to the expansion of human rights. I hope that this appointment can go forward quickly so that our country can have the benefit of Sam's skills in this job for which he is so well suited.

With best wishes.

Sincerely,

ROBERT S. MCNAMARA.

Mr. KERRY. I thank the distinguished chairman for his comments.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished Senator from Texas [Mrs. HUTCHISON], is here on the floor and I believe may be willing to share a few thoughts with us about this. I wanted to simply make a couple of comments about the very fine speech we have just heard from the distinguished Senator from Massachusetts. They are meant as clarifying comments.

First of all, the Senator has referred to previous people who had held this position, talking about the qualifications of Sam Brown. My impression is—perhaps the Senator will correct me if I am not correct—but my impression is that Ambassador Kornblum is not among those, the immediate predecessor in this job. At least my understanding is that Ambassador Kornblum has not issued a letter indicating he felt Mr. Brown is qualified.

Second, Madam President, while there is discussion, I think, with regard to the quotes—and I think it is appropriate to look at them in context—at least it is my impression that looking at the quote with regard to intelligence agencies, looking at it in context, far from helping Sam Brown, perhaps hurts his cause. Let me be specific in that.

The quote I was referring to is:

> I take second place to no one in hatred of intelligence agencies.

That is from the Penthouse interview of Sam Brown. The question was one with regard to the use of the Peace Corps and the CIA, as posed by Penthouse. Sam Brown's paragraph prior to that says this:

> I sent the student association a letter and asked it to send any evidence it might have about the Peace Corps-CIA links in South America. If it was true, I'd go and clean out whoever it was. But it was one of those vague allegations that, stated in the 1960's, are still being made. While there haven't been any instances of CIA involvement that we know of, [then the quote] I take second place to no one in my hatred of the intelligence agencies.

I simply observe this. In this Senator's opinion, the suggestion by one who heads the ACTION agency and has supervisory authority over the Peace Corps, that any Peace Corps volunteer who had shared intelligence information vital to American security with the Central Intelligence Agency should be thrown out of the Peace Corps I believe is a disgrace.

I respect the right of others to disagree, and I can understand how others would disagree. But it seems to me if a Peace Corps volunteer shared information vital to the security of this Nation, that far from being thrown out of the Peace Corps, they should be recognized and rewarded.

Madam President, I also observe that Ambassador Kampelman, far from negotiating the Conventional Forces Treaty, simply undertook monitoring of it after it had been negotiated by Mr. Woolsey, who is now Director of the CIA.

I think it is important to note the CFCE changed dramatically in 1990 and 1992. Thus, the qualifications of people who had that post prior to adding the military responsibility, or military oversight responsibilities, it seems to me appropriately had a different background than those who come when they have responsibilities to enforce the Open Skies Treaty, or at least monitor it, and the Conventional Forces in Europe Treaty.

Mr. KERRY. Will my colleague yield for a question?

Mr. BROWN. I also observe these two people, prior to Ambassador Kornblum, and Ambassador Kornblum himself, did have some national security experience, which I think is the focal point here.

Madam President, my intention is to yield to the Senator from Texas but, in fairness, I suspect the Senator from Massachusetts may wish the floor to respond. I will yield the floor at this point with the intention of then yielding to the Senator from Texas as soon as the Senator from Massachusetts has finished.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I appreciate the courtesy of my friend from Colorado. He and I always have, I think, very civil and respectful discourses in these matters. But I say to my friend from Colorado, really what he is saying about the Peace Corps is to turn fundamentally a blind eye to an assiduously sought after separation of entities.

The Peace Corps is not meant to be an arm of the CIA, nor are any other of our quasi-NGO's. Because the minute they become that, they lose their effectiveness. That is precisely what Sam Brown was trying to preserve—their effectiveness. I am confident that my friend from Colorado remembers well the ways in which a whole bunch of people, and separate entities, were tarnished by virtue of the ability of other countries to point the finger at them and say they are just operatives of the CIA; therefore we cannot trust them or we will not let them in here or we will not let them do this.

So what Sam Brown was trying to do was preserve the integrity of the Peace Corps, not as an instrument of American ideology, but rather as an instrument of our highest principles and moral standards; as a purveyor, if you will, of the notion that America was going to show people by action how we could have an impact on their lives.

I ask my friend if he is not, in fact, assigning an expectation to Sam Brown that would fly right in the face of that kind of separation?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I appreciate the Senator's observation. Madam President, I yield to myself such time as I may consume.

I might say, I appreciate the Senator's observation. My concern was a Peace Corps volunteer, having seen something vital to national security, far from being dismissed from the Peace Corps when he or she shared that with our intelligence agencies I think should be rewarded. That is quite different, obviously, than using them as a direct intelligence-gathering operation, which obviously is a whole different case and does indeed relate to agreements that we have with other countries.

Mr. KERRY. Madam President, if I may have just 30 seconds?

Mr. BROWN. I yield the floor.

Mr. KERRY. If I may just say to the Senator, I know that Sam Brown did not intend to deny the notion that people should act in the interests of national security. But if you look at the context of the question, as well as the answer, the entire context was about the CIA's cooption of the Peace Corps. And it was in the context of the cooption that he was trying to protect the Peace Corps.

I am absolutely confident that today Sam Brown would not want to deny anybody the ability to protect the vital national security interests of this country.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Colorado.

Mr. BROWN. I now yield to the Senator from Texas [Mrs. HUTCHISON], such time as she may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished Senator from Colorado. Senator BROWN has done an incredible job of educating the Senate on this nominee.

I think he has gone the extra miles to make sure the United States and the

President of our country does not make a mistake in putting someone in a very important and sensitive position who really does not belong in that position. Perhaps he belongs in another position, but not this one.

Let us talk about this job. We have heard eloquent debate from the Senator from Massachusetts, the Senator from New Hampshire, and the Senator from Colorado. But let us focus on what this job is: Ambassador to the Conference on Security and Cooperation in Europe.

The Treaty on Conventional Armed Forces in Europe established the retreat of the Soviet Union from Eastern Europe. In the Wall Street Journal today, there is a quote from then Defense Secretary Richard Cheney in 1991:

> With implementation of the CFE Treaty, for the first time since the end of World War II, the Soviets would be denied the ability to mount an offensive threat in Europe.

That is what this treaty is.

Mr. President, this treaty restricts Russia from amassing troops in the flank regions of Europe. Now there are requests pending today from Russia to relax parts of that treaty that may have a long-term impact on the future of those Eastern European countries which are now struggling with democracy and struggling to make it.

So what kind of Ambassador do we want negotiating these points? That is really the question before us.

I want to reiterate some of the quotes that we have heard from Sam Brown.

August 1970:

> Most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.

A quote that you have heard several times.

1977:

> I take second place to nobody in my hatred of the intelligence agencies.

1970:

> On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged war really should be treated as war criminals.

Mr. President, these things were said at a time when the Senator from Massachusetts and the Senator from Colorado and the Senator from New Hampshire were serving in Vietnam. Their lives were in harm's way—they and other men and women from America. We had someone saying those things who now may be an Ambassador who will be negotiating the relaxation of a treaty that we have with our European allies to try to make sure that democracy can make it in Eastern Europe.

Senator KERRY was so eloquent when he said that Mr. Brown stood for his beliefs and he admired him for that. I just want to say I admire the Senator from Massachusetts for standing for his beliefs for going and fighting for our country and doing his duty. I admire him for that. I think he, of all people, should be looking at this ambassadorial rank in the context of someone who will be negotiating on very important matters for our country.

In the Wall Street Journal of May 17, it says that, "A prominent anti-Vietnam war activist of the 1960's, Mr. Brown was a leading student organizer for Senator Eugene McCarthy's 1960 Presidential campaign. Then he backed Jimmy Carter. "During the Democratic Party's platform committee deliberations that year, he organized an effort to have the party endorse unconditional amnesty for Vietnam" antiwar protesters. Even in those days, that proposal was voted down by the Democratic Committee 14 to 1. "Once in office as Mr. Carter's Director of ACTION, Mr. Brown made an early mark by attending a 1977 welcoming reception in honor of the Vietnam delegation to the United Nations. After a rousing speech by Ngo Dien, deputy foreign minister, in which he excoriated the 'American imperialists' and their 'bloody colonial war,' Mr. Brown told a New York Times reporter covering the event that he was 'deeply moved.' "What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

The Rocky Mountain News on May 20 in an editorial saying this is not the man for this job. The article says:

> * * * congressional opposition has been portrayed as just old-guard anxiety that a sixties enemy of "American imperialism" could romp at will through the corridors of Western military diplomacy.
>
> The real stakes are much higher, and have little directly to do with Mr. Brown's radical past. If the Senate confirms Brown next week as Ambassador to the Conference on Security and Cooperation in Europe, it will place a man with no experience in arms control, military and strategic studies, consular posts or international diplomacy in charge of vital negotiations involving U.S. security in Europe.
>
> One might as well have turned over D-Day operations to the head of the Work Projects Administration. The crown of Brown's career was a dubious run as Jimmy Carter's director of ACTION/Peace Corps, which was censured during his tenure by the House Appropriations Committee for wide-ranging mismanagement, waste and improprieties.

It is relevant, as the Rocky Mountain News says, what this man's position is going to be.

It reminds me of our Armed Services Committee hearing that we had on another nomination with some of the same background and quotes. It was Martin Halperin for Assistant Secretary of Defense. During more than 5 hours of testimony, quote after quote after quote of Mr. Halperin came back, many in the same vein saying that he just did not believe intelligence had a place in a democracy.

These people are good people, I am sure. I am sure they are people who do stand up for their views. They have said they have changed their views, in some instances. Maybe they wish they had not said anything quite so forceful. But as one of my colleagues on the committee said, "If this were a nomination for Assistant Secretary of HUD, perhaps I could support it. But we are talking about Assistant Secretary of Defense."

We are talking about a treaty negotiator who is going to determine whether we are going to relax a treaty provision to allow Russia to amass troops on the borders of Eastern Europe.

So the question really is relevant: What kind of person do you want in this job? Not what kind of person is this, but what kind of person do we want in this job.

Mr. KERRY. Will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield.

Mr. KERRY. Has the Senator read the full article that she quoted from in the Washington Monthly?

Mrs. HUTCHISON. Yes, Mr. President, I would say that I have read most of the article; yes.

Mr. KERRY. Could I ask the Senator what in that article is radical and what particularly is radical about suggesting that the "new peace leadership should be composed of Senators, Congressmen, Governors, mayors, businessmen, all the straight people who are willing to make a firm and unequivocal commitment; the spokesman should be the most visible and attractive to middle America who can speak intelligently about the war with strength rather than condescension?" What is radical about that? What is radical about Sam Brown working within the political system?

Mrs. HUTCHISON. I appreciate the Senator from Massachusetts reading that very tacet part of that article. There is nothing radical at all about what the Senator just read. But I do think we are talking about a job that is going to have very great consequences for the people of this country, the military of this country, and particularly the people of Eastern Europe we are trying to help get their struggling democracies going. I think you have to look in the whole context of what a person says and what that person's background is for this particular job.

Mr. KERRY. Could the Senator help me understand——

Mrs. HUTCHISON. I think the parts of this article that were read by the Senator from Massachusetts are fine, but there are other parts of this article and other articles that show this is not a man who is fit for the job to which he has been nominated.

Mr. KERRY. Will the Senator inform me what part of the article——

Mrs. HUTCHISON. I would just say, if I could finish and then I will yield the floor, that if the Senate refuses to allow Mr. Brown to hold the ambassadorial rank, I would encourage the President to find someone who can suitably represent America, someone who can go to the conference in Europe with the appropriate stature and with the appropriate backup of the Senate. If you look at the overall background and record of Sam Brown, he is not a person who is qualified or fit for this particular job. I would encourage the President to take that into account and get someone who can serve with the full backing of the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I would just like to take one moment. I know the Senator from Arizona wants to speak. If I could just have 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KERRY. Thank you, Mr. President.

Mr. President, what has just happened is characteristic of what I said earlier. I appreciate the respect the Senator from Texas has shown me, and I appreciate her comments to me. But to use the word "radical" about Sam Brown is to fall into the trap that I talked about earlier which is simply inaccurate; it is wrong. It is verbal political lynching in this Chamber. There is nothing radical in this article. In fact, Sam Brown says after he makes that comment about feeling how he felt the night of the Cambodia invasion—the quote about war criminals—he says, "But despite past frustrations and failures, I think political self-discipline is precisely what is necessary."

A couple paragraphs further down he says, "You work to state the peace choice persistently in the most acceptable style until you lose that faith permanently. Left sectarianism must be regarded as politically foolish."

This is a man who is calling radicalism politically foolish and yet people are coming to the floor here today to pillory him for having participated in nonviolent peaceful protest and having worked as a McCarthy delegate, as an organizer for the President of the United States and then goes out to become a good entrepreneurial capitalist and run a business, become treasurer of his State. This is extraordinary in 1994.

Mrs. HUTCHISON. Mr. President, if I could just have 30 seconds to respond to the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado controls the time on that side.

Mr. BROWN. Mr. President, I have a previous obligation to the Senator from Oklahoma.

Mr. President, I yield a minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. I thank the Senator from Colorado.

I just want to say to the Senator from Massachusetts that I think the quote, "I take second place to nobody in my hatred of the intelligence agencies" is radical. Regardless of what else was said in the article, many parts of which the Senator has quoted, that is radical. Intelligence is a part of this country. It is how we have remained strong. It is one of the very important ways that we are able to be strong within and also to protect the men and women who are supporting our country all over the world. Intelligence is a very important part of that.

I submit to the Senator from Massachusetts that this quote is radical and that the quotes along the same line were radical when Morton Halperin said them and for that reason the President withdrew his nomination. I ask the President once again to withdraw this nomination for this particular job.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, each Senator will make their own mind up as to what they feel is radical or not, but on that subject there is an article I ask unanimous consent to submit for the RECORD. It is from the Wall Street Journal. The headline is simply: "For Sam Brown, There's No Peace At the Peace Corps. Critics say Ex-'Radical' Acts Slowly as Chief of Agency; Brown: 'But I Need Time.'"

The lead is this:

Meet Sam Brown, member of the establishment.

Same fellow who declared a decade ago that "the United States is now the great imperialist-aggressor nation of the world * * *"

Mr. President, every Member will make up their own mind as to what is radical or not but I think Senators can understand how some would think that is radical.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR SAM BROWN, THERE'S NO PEACE AT THE PEACE CORPS

(By James M. Perry)

WASHINGTON.—Meet Sam Brown, member of the establishment.

Same fellow who declared a decade ago that "the United States is now the great imperialist-aggressor nation of the world" and went on to organize the "children's crusade" for Eugene McCarthy in the Democratic presidential primary in New Hampshire in 1968. His victim then was Lyndon Johnson.

Same fellow, too, who organized and led 500,000 Americans in the Vietnam moratorium march in Washington in 1969. His target then was Richard Nixon.

Sam Brown "was armored with unshakable righteousness," Theodore H. White wrote. "And from thousands of similar young people of his good will and his unconscious arrogance, his purity of spirit and his remarkable ability, stems much of the perplexity of future American politics."

PERPLEXING RESULTS

These days, U.S. Presidents are no longer targets of Sam Brown's, for now, at age 33, he is working for President Jimmy Carter, and his job is to try to make the Peace Corps work. Nine months ago, Mr. Carter appointed Mr. Brown as director of ACTION, the agency that runs the Peace Corps and the domestic volunteer organizations: VISTA, Foster Grandparents and Senior Companions. ACTION supervises 236,000 volunteers in this country and abroad. Its annual budget runs to $190 million.

The Peace Corps is ACTION's highest priority program, and the President hoped that Mr. Brown would use his good will and his ability to restore the prestige that the corps has lost since its glory days in the 1960s. But a look at the Peace Corps—and its critics—shows that the results so far seem to be as perplexing as Mr. White anticipated.

Old Peace Corps hands, members of an alumni association that now numbers 66,000, expected a lot from Sam Brown quickly. But, some of them say, he has been cautious and occasionally uncertain. They were disappointed when he refused to go along with recommendations to pull the Peace Corps out of ACTION and establish it as a public corporation.

They say Mr. Brown hasn't done much about recruiting more volunteers—and better ones. (The corps' strength remains below 6,000, one-third its size a decade ago.) "Where are the Peace Corps recruiting ads?" one critic asks. They say the system is still the same one developed during the Nixon years. Volunteers are matched to specific job openings listed by the host countries. Thus, Fiji wants an agronomist with at least one year's experience with legumes. Peace Corps recruiters try to fill the request. The more highly skilled the person they seek, the more likely they are to turn up empty-handed.

ALL THE RIGHT THINGS

"I like Sam, and he says all the right things," says Charles Peters, editor of Washington Monthly magazine and a Peace Corps member under President Kennedy and the agency's founding director, Sargent Shriver. "But the question is, does he have the drive to overcome the bureaucracy the Republicans left behind and restore a sense of excitement and mission to the Peace Corps?"

Mr. Brown thinks the criticism is unfair.

"People keep saying I'm a radical," he says. "That was my reputation growing out of the McCarthy campaign and the antiwar movement. In fact, though, I'm a very orderly fellow. Whatever reputation I earned, I earned as an organizer. I was the fellow who figured out how many volunteers we needed at each street corner in Nashua, N.H., at an exact time on a certain day."

"Liberals get a bad rap when it comes to administering things. Remember, I was the State Treasurer of Colorado before I came here, and you have to be prudent when you take care of all that money. I want to figure this job out and then get it done. But I need time—time and a fair chance."

Mr. Brown is taking the time. He has traveled around the world looking at Peace Corps

> programs and talking to Peace Corps people. He has conferred with leaders in several of the 65 countries in which the Peace Corps operates. When he took over ACTION last February, 20 of the countries were without Peace Corps directors. He has filled the vacancies, almost half of them with women and minority people.
>
> Mr. Brown looked for more than six months for a director of the Peace Corps, a post that had gone vacant during the Nixon-Ford years. The Peace Corps was then administered within ACTION by an associate director for international operations, and the corps didn't even have its own letterhead stationery. Mr. Brown's choice, finally, was Carolyn R. Payton.

Mr. BROWN. Mr. President, I now yield to the Senator from Oklahoma such time as he may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I wish to first compliment Senator Brown of Colorado for his leadership in opposing this nomination. I join him in opposing Sam Brown for the post of Ambassador to the Conference on Security and Cooperation in Europe. Senator BROWN, I think, has done a very good job in exposing some serious flaws that the President has made in making this nomination. We do have a responsibility as Senators to give advice and consent, and this is an Ambassador-level position.

I am troubled by Mr. Brown and his past statements and by his past actions, both as an antiwar activist and as Director of the agency ACTION. In my opinion, he should not be promoted or rewarded with a very important position as Ambassador to the Conference on Security and Cooperation in Europe.

I do not think there is any question that he was an antiwar activist, a radical as many people would say. But I might mention a lot of my opposition comes not just out of his antiwar activities and statements. I was prepared to read some of the same quotes Senator HUTCHISON and Senator BROWN have put in the RECORD. But maybe I am more troubled by his postwar activities. When he was Director of ACTION, he also attended a meeting in New York welcoming the Vietnamese delegation to the United Nations. And this has been quoted before, but he says:

> I am deeply moved. It is difficult to describe my feelings. What can you say when the kinds of things that 15 years of your life are wrapped up in are suddenly before you?

That not only was an antiwar activist attending a meeting which, according to the press reports—I will just mention what Eric Sevareid said of that meeting. He said:

> One newspaper described the gathering as an antiwar movement come together again. It was, rather, that part of the antiwar movement which was not antiwar at all. It was anti the American role in the war and pro Hanoi. Most of those in New York theater were not celebrating peace. They were celebrating the triumph of Communist totalitarianism which is what they had always been working for in the guise of the peace movement.

Of this incident Mr. Brown now writes:

> I was walking up Broadway in New York City with my fiancee and saw a marquee advertising a Vietnam-related event. We stopped in very briefly, no more than 5 minutes or so. A New York Times reporter saw me as I was leaving the meeting and asked my feelings.

I am troubled by that statement. I do not think that was totally truthful. I am kind of having a hard time seeing how that coincidental meeting—he just happened to be strolling by Broadway—would be the case. It was the case, he was a Federal employee. It was the case, he was Director of ACTION. It was the case, he was representing our Government and he was at that meeting. To make some kind of statement, well, I just happened to be strolling by, I do not buy that argument.

And then I look at some of the other actions Mr. Brown as Director of ACTION was taking. He headed the Agency. I might mention that Congress was controlled by Democrats, and there was an investigation of ACTION by the House Appropriations Committee in 1978. They reported—and this is in the CONGRESSIONAL RECORD September 21, 1979, beginning on page 25674. They conclude with these points:

> Improprieties, mismanagement in the grant selection process, poor training and supervision of volunteers including instances of involvement in political and lobbying activities; replacement of ACTION's independent Inspector General Office with a new Office of Compliance which reported directly to the Director.

Also quoting:

> Creating the potential for conflict of interest and not in accord with congressional intent. Subsidizing employees' nonofficial travel to Cuba and China. Violations of proper procurement and accounting practices. Faulty hiring and staffing practices, including improper and extensive hirings of consultants and experts. Hiring of personnel at salaries markedly above previous private-sector earnings.

Mr. President, I believe that is a very serious reason not to confirm Mr. Brown to this position.

Finally, let me point out another very significant, maybe the most important, reason why he should not be confirmed as U.S. Ambassador to CSCE. That is the CSCE job itself. It has become pretty clear that the post-cold-war world has become far more complex and, in many cases, uglier and bloodier than almost anyone would have imagined. Former Yugoslavia comes immediately to mind, as well as the former Soviet Union. And who knows what will be next.

CSCE is one of the most important policy instruments in dealing with these challenges, requiring an individual with the highest skills in a variety of military and diplomatic areas. That is why the European nations represented in CSCE invariably send their most highly experienced and capable diplomatic and national security professionals to fill what they see as a key diplomatic post, a practice followed by the United States in the past.

Sam Brown, on the other hand, has virtually no experience in many areas critical to the CSCE post—international conflict resolution, NATO, military forces of the Western European Union, ethnic conflicts in areas such as the former Soviet Union and former Yugoslavia, human rights issues, and arms control. Mr. President, in my opinion, this is just not acceptable. Mr. Brown is plainly inexperienced and unqualified. In these dangerous times, we do not need on-the-job training at CSCE.

Mr. President, in closing, I would like to reiterate my larger point, and that is to question President Clinton for this nomination. I am reminded of President Clinton's letter to the draft board in which he mentioned that he loathed the military. By the statements Mr. Brown made, he obviously loathed the military as well. To put a person of that philosophy, with that reputation, with that reputation being known throughout the international community in this prestigious position, in my opinion, sends the wrong signal.

NATO is at a crisis point. NATO may be in the process of dissolving. A lot of people cannot cut NATO fast enough in terms of dollars, in terms of personnel, in terms of bases. I happen to be one who thinks there are significant military threats, and there have been significant accomplishments that NATO has achieved for the last 40-some years. And I would hate to see that happen. I certainly hate to see it happen with the lack of leadership by the United States. I am afraid that Sam Brown would be the wrong kind of leader at the wrong time.

I urge my colleagues to vote no on his nomination.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator yield me 2 minutes.

Mr. PELL. Two minutes. And also 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMON. I ask unanimous consent that I have 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island, who asked unanimous consent that the Senator from Illinois be granted 2 minutes and the Senator from Arizona be granted 2 minutes following that. Is there objection?

Mr. BROWN. Reserving the right to object, Mr. President, I am not sure I heard. Is the time to be charged to their side?

Mr. PELL. Unfortunately, to our side.

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWN. I do not object.

The PRESIDING OFFICER. The Chair will advise that the Senator from Rhode Island has 8 minutes remaining and the Senator from Colorado has 27 minutes remaining.

The Senator from Illinois has 2 minutes, following which the Chair will recognize the Senator from Arizona for 2 minutes.

Mr. SIMON. Mr. President, I regret that I have been involved in the health care markup and I have not been able to participate. I spoke yesterday.

But let me say that I just heard the last couple of speeches from the other side. I cannot remember when I heard so much misinformation in one small segment on the floor of the U.S. Senate. The things that Senator NICKLES refers to are the things that took place with VISTA and ACTION prior to Sam Brown 's being there. I chaired the subcommittee. We had 6 days of hearings, 34 hours of hearings, with people under oath.

I point out one thing that was mentioned here about lobbying. Was there lobbying under VISTA? They found five instances of lobbying of 4,300 grants, and VISTA itself stopped it. We brought in and put under oath every witness. We found one instance. We brought in all these people they wanted to bring in. We found one instance where some volunteers in Missouri had taken some senior citizens down to lobby in Jefferson City, MO. That was it; period. You would think that they were massively involved in lobbying as you listen to this.

Sam Brown did a solid job at ACTION. That was the outcome. The House Appropriations Committee report just referred to added 20 percent to its budget after the hearings. Clearly, we are making a mountain out of a mole hill here. We ought to approve Sam Brown for the rank of Ambassador.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

The Chair recognizes the Senator from Arizona for 2 minutes.

Mr. DECONCINI. Mr. President, I have listened to the debate. I am discouraged. I am discouraged because the debate has gotten down to, in my view, a political effort to embarrass Mr. Brown, Sam Brown, and to embarrass this administration. I happen to know a little bit about the CSCE, the Commission on Security Cooperation. I am chairman of the Helsinki commission, the CSCE congressional commission. I have been on that commission for more than 10 years, and have been the cochairman and the chairman before.

I know what this entails, this particular ambassadorial position to the CSCE. We are really confusing things here, and there are red herrings, or whatever you want to throw up here, trying to disrupt the process and to go back to this man, Sam Brown's record of 14 years, of 20 years ago, and try to make him some kind of villain.

With respect to the reference to his opposition to the Vietnam war, it just so happens that my former Congressman, Morris K. Udall, was one of the first leaders in the House of Representatives to come out in opposition, and very strong opposition, to the President of the United States of the same party, Lyndon Johnson, in that war. And he was lambasted in Arizona. He was called all kinds of names. It just so happens in retrospect that he was right because he said we made a mistake, and that there were things happening in that war that should not be happening.

Now, as he lays in the veterans' hospital out here, I cannot help but think of Morris Udall, and if he were the nominee here, would people be standing up and going back about things that he said in the CONGRESSIONAL RECORD and in his newsletters? I read them as a young, budding politician and disagreed with them. But now I realize, and I realized shortly thereafter, just what a strong man he was.

We should confirm this individual. He is someone who can serve well. This is a political mistake and an unfair one. The American public deserves better than gridlock. That is what this is all about.

The PRESIDING OFFICER. The time of the Senator has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. MATHEWS. Mr. President, the Senator from Texas, who is departing the Chamber now who just finished speaking, and Sam Brown and I all have a common experience. All of us were privileged to serve as treasurers of our State for a period of time. And it was in the capacity as treasurer of the State of Colorado that I knew Sam Brown. And I knew him as a capable and a committed public official who performed his duties with integrity. His performance in that demanding position gives me confidence in his ability to hold ambassadorial rank with the CSCE.

For more than 6 months, the nomination of Sam W. Brown as ambassador to head the U.S. delegation at the Conference on Security and Cooperation in Europe has been detoured, delayed, and deliberately redirected. I rise today to support his confirmation and to urge the Senate to conclude a nomination that never should have met such unreasonable resistance.

Mr. Brown's ability, Mr. President, is granted even by his detractors. The Senate has seen his proven record of public service and longstanding concern for international affairs. We have noted, as President Clinton did, the caliber of his service as director of ACTION under President Carter. Mr. Brown's subsequent success as a businessman further testifies to his pragmatism, versatility, and organizational ability. One publication summarized his career best by describing Mr. Brown as "a businesslike public servant and public-spirited businessman."

This is the Sam Brown whom we should evaluate for ambassadorial standing. Whoever he may have been as an exceedingly young man our Nation was a deeply embroiled place is not the point.

The point is that Mr. Brown's credentials and abilities are equal to those of his predecessors, three of whom have endorsed his confirmation along with the Members of Congress most familiar with CSCE. He has been thoroughly briefed and prepared for his upcoming duties.

There is no question, Mr. President, that he will assume these duties. The only question is whether he assumes them with the rank of Ambassador. I say that Sam Brown is qualified for the job, and he deserves the standing that goes with it. Let us also consider, Mr. President, who would really be damaged by denying him the standing he deserves.

Mr. Brown certainly would have his self-esteem and perhaps his reputation insulted. But something is more important than that. Denying Sam Brown Ambassador standing would be a declaration that our country does not value this position sufficiently to grant its occupant the same standing that his colleagues enjoy. By denying Sam Brown ambassadorial rank, the greater insult would be to our European allies, and the greater damage would be to the important work in human rights and conflict resolution that CSCE undertakes.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, with regard to whether or not the nominee has the same qualifications as previous Ambassadors, let me take issue with my good friend from Tennessee.

It is very clear that our previous nominees have had extensive experience with regard to national security, and Sam Brown has none. Those are the facts. It is very clear that many of them have had extensive and significant language abilities beyond just the English language, which is important in that post, and Sam Brown does not. Those are the facts. It is very clear they have extensive and distinguished careers in diplomatic experience, and Sam Brown, while he has supervised the Peace Corps Agency, does not have that experience. There are dramatic differences.

I believe a review of the facts will indicate that far from having the qualifications other Ambassadors have had, the truth is that it is just the opposite, that he stands in stark contrast to their very distinguished backgrounds.

I yield 15 minutes to the distinguished Senator from Pennsylvania, Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair and my colleague for reserving 15 minutes for me.

In considering the nomination of Mr. Samuel W. Brown to be the Ambassador to CSCE, I have reflected on the latitude which ought to be accorded the President in making this decision for the ambassadorship, reflecting as well on the constitutional responsibility of the Senate for advice and consent as a check. The nomination of Mr. Brown came up yesterday, at the same time as the nomination of Mr. Derek Shearer to be Ambassador to Finland.

On the cloture vote yesterday as to Mr. Shearer, I had voted against cloture, thinking it was the Brown nomination, when it was the Shearer nomination. That was corrected yesterday by unanimous consent.

I had spoken very briefly on the floor yesterday morning and said that I intended to support Mr. Shearer's nomination and to oppose Mr. Brown's nomination. My intentions were clear even before that error when the vote occurred. I referred to the Shearer nomination because, while there were significant negatives on Mr. Shearer, it seemed to me that in taking the issue in its totality, the President ought to be accorded discretion, and that Mr. Shearer's qualifications outweighed the objections that were raised. The objections were considerable.

When it comes to the nomination of Mr. Brown, it seems to me that the presumption that you give to the President just does not hold sway or dominate. That is because the responsibilities of the Ambassador to the Conference on Security and Cooperation in Europe are just too important, and there are too many negatives on Mr. Brown for this assignment.

I have studied the criticism of Mr. Brown with respect to his attitude on Vietnam, and while that troubles me, I would not weigh that heavily at this time, which is substantially after that period. I have also seen the criticisms leveled at Mr. Brown for his conduct on the ACTION agency. Those are a good bit more troubling but, again, they are not decisive.

When I have reviewed the answers which Mr. Brown has given to the questions about his background on Europe and his background on the specific items which the Ambassador and the chief negotiator on the Conference on Security and Cooperation in Europe must possess, I believe we have passed the point of no return. I also say that it is difficult on a cloture vote, where we are realistically asking for 60 votes on confirmation, in order to get the nomination to the floor.

I say candidly that I am troubled by stopping the nomination at the point of cloture. It may be that Mr. Brown would not get 51 votes on the nomination itself. The vote yesterday was 54 for cloture. I talked to my colleague, Senator BROWN, who tells me it is very close. He might not get the votes even on a 51-vote basis, because some might object to stopping it on cloture. But who would vote against Mr. Brown? I do not know whether that is true or not.

I am troubled by a situation where the only pressure point Republicans have in the U.S. Government is on cloture. Once cloture is obtained, there are more than enough votes on the other side of the aisle to cover the day. While the House is not involved in this matter, the House is overwhelmingly Democratic; there is a Democrat in the White House. The only place Republicans can assert any effective, decisive action is by stopping somebody from coming up. We have 44 votes, and we have more than enough, if there unity among the Republicans, to do that. I think Mr. Brown's nomination and the responsibilities at the Conference on Security and Cooperation in Europe are sufficiently important to preclude his nomination.

Why do I feel that way? I will not go into the entire record, but it is in the report which has been submitted by the Committee on Foreign Relations on the nomination of Sam W. Brown, Jr. I will only take a few of the questions and answers.

Question: What practical experience do you have in working in the former Soviet Union? What educational background do you have on the former Soviet Union?

The answer to both of those questions is:

I have no direct experience.

I infer that it covers educational background, as well.

The answer goes on to talk about the CSCE delegation being strong. Then there are questions as to his background with the Armenians and Azerbaijanis. I am not surprised that there is no experience there, but there is none. Then the question is:

What practical experience have you had working in the former Yugoslavia, and what educational background do you have concerning the former Yugoslavia, a very important area which CSCE deals with?

The answer is "no direct experience in the former Yugoslavia," but states that "over the last 25 years I have been to many other parts of the world where deep-seated disputes had been present. I believe my broad experience with conflict resolution will serve me well in this area."

I do not know what his experience is in conflict resolution. I wonder how that bears on this.

Then the comment that he makes in response to question 9, "The war in Bosnia has brought calls for a more decisive role for the CSCE in dealing with conflicts in Europe. Some suggest that CSCE should call upon NATO to conduct peacekeeping operations. Should there be a firm cease-fire reached in Bosnia and then a continuation of the question sending American troops as part of the NATO peacekeeping force in Bosnia is certainly to expose them to specific risks. What recommendations would you make to the President and the CSCE concerning the involvement of American troops?"

"Answer: This particular issue is being dealt with by the U.N. and NATO, and the CSCE has no direct role in the question of a peacekeeping operation in Bosnia."

That answer gives me no comfort. That answer, in my judgment, is totally insufficient.

The question is raised about sending American troops as part of a NATO peacekeeping force into Bosnia, and it is a disclaimer. CSCE has nothing to do with it. I would expect someone who is seeking confirmation as Ambassador to CSCE in these troubled waters to be a good more informative on this kind of a subject.

As part of my consideration, Mr. President, for this nomination is the general status of the Department of State and this administration on foreign policy. I am very concerned about the adequacy of this administration on foreign policy.

We have a situation where the President talks about the use of force in Haiti, which I think is totally unacceptable. The House of Representatives in a nonbinding resolution has voted against the involvement of U.S. force in Haiti. When that issue has been on the floor I have said earlier that I do not think that is a matter for the President alone. There is not an emergency situation. There is no reason for the President to act without coming to Congress. It is a complex question as to what is or is not a war.

I believe we went to war in Korea without a congressional declaration in violation of the Constitution and, in my legal judgment, we did the same thing in Vietnam, although there was the Gulf of Tonkin resolution. Finally, the Congress faced up to the use of force in Iraq, and the Congress voted for the use of force in a resolution.

I am concerned about an administration which talks about the use of force in Haiti at all, certainly without coming to the Congress.

We have the problems in Bosnia which are overwhelming, and we have had the President make repeated threats as to Bosnia that have made the United States of America look very inept.

I would hope that whoever is our Ambassador to the CSCE would have very substantial experience in that field and would have some views about that matter.

While Somalia is yesterday's news, we had very material risks there with a resolution being offered by the Senator on the other side of the aisle for a precipitous retreat from Somalia. It was the Senators on this side of the aisle which carried the day for a resolution which gave several months for an orderly withdrawal.

So in evaluating Mr. Brown for Ambassador to CSCE, I am mindful as to where this administration stands on foreign policy overall. It is my view that there ought to be someone who is very strong in foreign policy and very knowledgeable.

When my colleague, Senator BROWN, came to me last week and raised his concerns, and Senator HANK BROWN's leadership has been paramount, I suggested to him that we write to the President and raise concerns which we had. That letter was signed by many Senators seeking from the administration some more forceful showing of qualifications by Mr. Brown.

On the totality of the record, Mr. President, it seems to me that it is a role where the Senate ought to step in on its advice an consent function, even considering the general latitude to be allowed to the President. It ought to step in at the level of the cloture vote to deny this nomination.

I inquire, Mr. President, how much of the 15 minutes I have remaining.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I yield 2 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. SIMPSON. Mr. President, I thank the Chair, and I thank Senator BROWN for his extraordinary effort in bringing this matter to our attention. I think it was important as an educational process.

Mr. President, I rise to speak with reference to the nomination of Sam Brown to be Ambassador to the Conference on Security and Cooperation in Europe.

Mr. President, this is the type of nomination that gives me pause, and causes me to reflect anew about when it is proper to oppose a President's choice for such a post.

We face that issue frequently in this Chamber. We have all seen Presidents nominate individuals who embrace philosophies that we do not agree with, and we allow many of those to be confirmed. I believe that most of us on both sides of the aisle do a pretty good job of upholding the general principle that the President, once elected, is entitled to have his chosen people in positions of importance.

I try to abide by that principle. We're going to see that principle upheld during the consideration of Judge Breyer's nomination to the Supreme Court. We saw it upheld with Ruth Bader Ginsburg, and with Anthony Kennedy. We saw it upheld with Cabinet appointments such as Robert Reich and Ron Brown. I didn't agree with these nominees on every issue, as several of my colleagues did not, but we sent them on through the process in order to help the President get the assistance that he desired.

All of us, however, occasionally confront a nomination which tests that principle. There may be outstanding questions about a nominee's personal character or past behavior, questions of suitability for the post, questions as to whether philosophical differences are too great, too fundamental, to be tolerated. I think of the reaction of some to Judge Robert Bork with that last one. I would defy anyone in this Chamber to demonstrate that there was any thoughtful or honest question challenging his personal ethics, his character, or his professional qualifications. He went down to defeat purely because of his divergence from philosophies held on the other side.

It is against this background that I wish to discuss this nomination. This is a nomination for an individual to be Ambassador to the Conference on Security and Cooperation in Europe, or CSCE. I would remind my colleagues that this differs fundamentally from being appointed Ambassador to a smaller country or to even a major power like China or the United Kingdom. The CSCE is a forum that deals with critical arms control negotiations, most specifically balancing the strategic concerns of European nations and those republics which formerly made up the Soviet Union, especially pertaining to the Treaty on Conventional Armed Forces in Europe.

Certainly I would expect that it would be most appropriate to appoint a noncontroversial individual who is a considered expert in questions of military and strategic balance. The person ought also to have the confidence of the American military as well as our European allies.

The person need not have a military background. We have sent individuals to CSCE in the past who have not. But they must inspire confidence from all quarters.

The personal background of Sam Brown is well known and I see little need to review it in detail here. The nominee himself acknowledges his background as an activist and organizer against the Vietnam war. During that time he generated a more than ample paper trail.

The essential point about this period of his life is not that Sam Brown said or wrote things that embarrass him now—and the essential point is not that he opposed the Vietnam war. It does bear comment, however, that the Washington Monthly would publish Mr. Brown's "The Politics of Peace," and that Mr. Brown's stature as a leading figure in the antiwar movement was sufficient to induce Random House to publish his "Why are we Still in Vietnam?" For he was a major figure in the antiwar movement, and he was treated as such by publishers.

This is not a young Bill Clinton—confused, searching, and uncertain about how to react to Vietnam. Many individuals who are now prominent were once in that most unpleasant position. This is not a case of an individual's private past being resurrected in an embarrassing way. Rather, Sam Brown became a public figure at that time precisely because of his antiwar activities.

I realize that we are only debating whether to confer upon Mr. Brown the title of Ambassador, and that he will be involved in CSCE regardless. Yet I find it entirely appropriate to ask whether it is good judgement to place part of the apparatus of our national security negotiations in the hands of a man who once wrote that ". . . any semblance of a military victory in Vietnam would be disastrous. . . . it would convince many Americans that the war was right." I do not want to characterize such a quotation, but for me that comes uncomfortably close to a willingness to be a party to our military defeat, and although we might be tempted to excuse such an attitude as a youthful indiscretion, we could not be sure that others will do so.

When Sam Brown entered the Carter administration as to head the ACTION agency, he was interviewed by Penthouse magazine. Of course, the nominee can be excused for now wishing that he had not said some of the things he did during this interview and during others, too. What I would point out to my colleagues, however, is that this article appeared precisely because Mr. Brown's accession to a high government post was newsworthy due to the fact that, as they put it, he was the "first person out of the Vietnam antiwar movement to be appointed to a high government position." Again, I would emphasize the view of Mr. Brown as a prominent figure of controversy.

I will not quote from the Penthouse interview at length, but there is one quotation that struck me most strangely: in that interview, Mr. Brown gives his opinion that Max Cleland, a fellow appointee who lost three limbs in the service of his country, was not necessarily a war criminal. This is said in the context of remarks about how well he got along with Max Cleland. He said he meant it in a friendly, not in an accusatory way, but one wonders about how closed and harsh a mind must be to give such faint praise to such a patriotic sacrifice of such a man. I know Max Cleland. He is one splendid man. I am offended by that statement.

I would next note that Mr. Brown's performance as head of ACTION was far from exemplary. He has had to spend a considerable amount of time defending against charges of mismanagement. In 1978 a House Appropriations Committee report identified instances of improper procurement practices, financial mismanagement, grants awarded without competition, improper use of experts and consultants, among other inappropriate management practices.

Mr. Brown in 1977 also received some embarrassing publicity for his attendance of a reception in New York welcoming Vietnam to the United Nations. He now claims that as the gathering degenerated into America-bashing, he became uncomfortable and left. However, he was quoted in the September 26, 1977, New York Times as having a far more enthusiastic reaction to the proceedings.

Again, I repeat that Mr. Brown's previous antiwar activism is not by itself a disqualifying factor. But this appears to me to be a most peculiar and insensitive choice for such a critical post. A number of veteran's groups have come out to express their concerns about Mr. Brown, and former under Secretary of Defense Fred Ikle has written to urge the defeat of this nomination. I have reviewed Mr. Brown's background and this seems to me to be an especially inappropriate placement for him. If the United States is going to retain a position of leadership and guidance in such delicate international security arrangements, we need to have appointees who are appropriate to the task. I would suggest that the nominee's administrative history, as well as his history in relation to security matters, both in terms of controversial and even bizarre behavior and lack of appropriate expertise, surely make him the wrong choice for this position. Let us reserve such an appointment for an individual who commands more widespread confidence and respect.

This is different than other things because you want to hear clearly what Senator BROWN is saying. He is not on some vendetta. He is not interested in some process where this person is destroyed. He is saying simply that this man should not be the Ambassador on the Conference on Security and Cooperation in Europe.

Find him another job, and I will stand here, too, and assist in that process of placing him, but not in this sensitive position, not in the mission he has, not with the things he said in the past.

Call it ideology, call it anything you want, but it is embarrassing when put into its full context. Withdraw this nomination, present Mr. Brown in some other forum with some other task, and this Senator, and I am sure others, depending on what that task is, will support him in that cause.

I received many good recommendations from Democratic friends of mine who are very high on Mr. Brown. I understand that. But I think that is not the position for him.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, will the Chair advise me how much time each side has remaining?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining, and the Senator from Rhode Island has 1 minute remaining.

Mr. BROWN. Mr. President, I would accede to the chairman's wishes with regard to how he wants to allocate that. We can go ahead and spend our time now.

Mr. PELL. The Senator may go ahead. I have 1 minute which I will use when we get down closer.

Mr. BROWN. So the chairman will have the close on it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Mr. President, as Members reach a final conclusion on how they will vote on in this measure, I hope they will consider the following four points. They are ones that relate to the importance of this decision and the importance of the future of the CSCE. Some have criticized our foreign policy for its drift. But the truth is foreign policy is a difficult and a challenging area. It is one that any administration, no matter how competent and how good, will have difficult times with because the questions are difficult and because the problems are difficult.

But we as a Senate of the United States have a responsibility in this area. The Constitution defines it. It is to advise and consent. And that is a much heavier responsibility than simply one that says vote for people your party nominates. It demands the best from us because our Nation's foreign policy is not going to end its drift unless all of us do our part.

Our part is clear. It is to advise and consent. We must do more than simply vote in a way that avoids hurting someone's feelings. We must do something more than vote to rubberstamp our President, right or wrong.

We have a responsibility also to judge whether or not Sam Brown is the right person for this job. Honest men and women will differ on that question. But I would ask the Members who would make a decision on that to consider this: First, ask yourself do you believe Sam Brown is qualified for the job?

Mr. President, here is a Washington Post editorial that endorses Sam Brown but listen to what they have to say about his qualifications for the position of CSCE:

> They say that he lacks experience in military and national security issues, which is true, and the bureaucratic pedigree of some other countries' CSCE representatives, which is also true.

In other words, the leading editorial on his behalf acknowledges he does not have the qualifications in national security experience nor experience in diplomacy that will match his counterparts.

I believe most Members will conclude that he is simply not qualified for the job.

Second, I hope Members will ask themselves, do you think Sam Brown is the right one to manage the CSCE, both its operations and its staff?

Members will disagree, but there is objective evidence that is available.

First of all, there is the House Democratic Appropriations Subcommittee staff report. It chronicles dozens and dozens and dozens of violations of the statutes and regulations of this country—some inadvertent, some direct, some conscious.

Now there has been criticism of this House Democratic staff report. Some said it was not voted on. Well, of course it was not voted on. It is a staff report. It was never intended to be voted on.

Another criticism was leveled. It has been said that all the mismanagement that occurred happened prior to Sam Brown's leadership of ACTION.

Mr. President, that is simply not true. I went through in detail more than a dozen specific allegations and violations, as documented in detail in the report, that all occurred during Sam Brown's tenure. I believe, as Members review the RECORD, they will find there is extraordinary documentation of Sam Brown's mismanagement.

For those who have questions about management style, look at the way the head of the Peace Corps was fired—shouting matches, pounding on her door at midnight in a foreign hotel. I have serious difficulty in believing that Members will think this is a management style that ought to be extended to CSCE.

Second, the quote about being second to none in the hatred of intelligence agencies, perhaps it was a product of youthful enthusiasm. But, Mr. President, a majority of the staff of the CSCE have military portfolios or are military or military intelligence officers. It is the bulk of the staff that he will supervise. Is Sam Brown the right one to supervise and manage that staff? I cannot help but believe that Members will conclude that he is simply not right for the job.

Third, do Members think Sam Brown is the right one to supervise the monitoring of the Open Skies Treaty and the Conventional Forces in Europe Treaty. These treaties are assigned to CSCE for monitoring and follow up. More importantly, CSCE will be the forum in which continuing negotiations on the Conventional Forces Treaty will occur.

Mr. President, one thing is clear: Sam Brown has no national security experience. We are not simply saying he did not serve in the military. We are saying he has no national security experience—something that every Ambassador to CSCE has had—experience in negotiating and dealing with national security questions, issues, handling the material, negotiating on the issues, understanding the forces that are involved. He simply is without experience in that area.

I believe most Members, as they review this question, will come to the conclusion that monitoring and directing negotiations relating to the Open Skies Treaty and the Conventional Forces Treaty are not activities that should be entrusted to someone with no experience. It would be negligent of us to abrogate our responsibility to the Nation by not making our concern clear.

Finally, Mr. President, I believe Members will reflect on whether or not they think Sam Brown is the right one to negotiate the Treaty on Conventional Forces in the future. We expect, and I think all Members hope, that there will be a new agreement with the Russians that will expand the reduction of conventional forces in Europe, that will do even more to reduce the outlays that are wasted on both sides, that will do more to ensure peace and reduce the weapons of war.

Ask yourselves: Will it be helpful to have a treaty negotiated by Sam Brown that proposes significant reductions in European forces, or will that fact make it more difficult to ratify?

This Senator believes that if you send someone who has no background in national security to lead the negotiations on the new Conventional Forces Treaty that, rather than help pass it, it will make it far more difficult to pass.

I am one who has believed in mutual arms reduction. I voted for it. I voted for it at times when my President and much of my party disagreed. I voted for the nuclear freeze. I voted for weapons reductions. I have spoken out against the leadership of my party at times urging agreements that were mutual and verifiable.

As one who believes in mutual reduction of weaponry, I believe having someone with no experience negotiate a weapons reduction treaty would be a tragic mistake. Frankly, Mr. President, I believe it will make such a treaty much more difficult to ratify.

Finally, Mr. President, all of us will cast our vote based on the sense we have about the candidate and the job, whether we like him or not, whether he is qualified or not, whether he stands for what we believe in or not.

While I have spoken out against the confirmation of Sam Brown, let me acknowledge this is a bright person, this is an articulate person, this is an able person in many ways. But, Mr. President, I believe this job demands more. I also believe, in our responsibility and our role to advise and consent, that it would be a tragic mistake to confirm Sam Brown.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we have heard the arguments pro and con. My own view, and I think the view of many of us, is that Mr. Brown fully matches the qualifications of his predecessors. He has demonstrated a capacity for leadership and for bringing people together. He has a quality of enthusiasm and energy. He will bring to the CSCE a new look and strength and vigor.

I urge my colleagues to vote at least for cloture so that we can get to the vote of the candidate.

The PRESIDING OFFICER. Who seeks recognition?

Who yields time?

Mr. PELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island is out of time.

Mr. BROWN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. BROWN. Does the distinguished chairman wish more time? I would be glad to share the 1 minute we have left.

Mr. PELL. No. We would both just say the same thing. Let us vote.

Mr. HELMS. Mr. President, Sam Brown's nomination to head of the U.S. Delegation to the Conference on Security and Cooperation in Europe is regarded by veterans groups and countless others as a slap in the face. I commend the able Senator from Colorado [Mr. BROWN] for his thoughtful and well-researched opposition to this nomination. I agree with his remarks and I join in his opposition to Sam Brown.

The differences between my philosophy and that of Sam Brown are as wide as the Grand Canyon. I am offended anew when I read or hear about his past conduct and statements. I resent his callous disregard for his country and I am even more astonished by his utter lack of qualifications for an increasingly important post for the United States in Europe—that of the Vienna post at the CSCE. Mr. Brown's abysmal record during his previous Government service should be of enormous concern to all Members regardless of political affiliation.

The position of U.S. head of delegation to the CSCE in Vienna changed significantly in 1992 and over the last few years, the CSCE position has grown in importance. Military issues addressed in CSCE have been expanded to include confidence and security building measures. Today, CSBM activities include the most important issues of nonproliferation, defense planning and transparency among CSCE member states, monitoring missions and support for U.N. peacekeeping activities. Additionally, negotiations regarding the Conventional Forces in Europe [CFE] Treaty and the Open Skies Treaty are centered in Vienna.

To give you an idea of the importance attached to the military component of the CSCE position, the Russians have asked the United States to revise the flank limits to the CFE Treaty. If approved, this would give Russia the green light to keep Russian forces stationed in the sovereign nations that it considers to be in its sphere of influence. So far, this administration has held firm and opposed any revisions of the flank limits for CFE. This doesn't mean the Russians have given up trying to change United States policy. It will be the job of the head of delegation to CSCE to stand firm. It will require an individual who will be seen as credible and knowledgeable in the eyes of the Russians. As Larry DiRita recently wrote in the Wall Street Journal "given the occasionally confusing and tense nature of exchanges with the Russians on military issues, it is important to have someone with diplomatic or arms control experience in the CSCE job." Mr. Brown is not that person. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

Sam Brown just isn't quite up to Mr. DiRita's standards. It's important to note that U.S. Ambassadors to the CSCE prior to negotiations on the CFE Treaty, were not responsible for such extensive military matters. The military-diplomatic experience has never been more vital than it is today. All of the previous Ambassadors had some form of military or diplomatic related experience prior to being given the CSCE post.

The head of delegation must be able to manage and guide the extensive resources of the United States under his direction. This job involves far more than reception small talk. It requires a knowledge of military and policy matters of much intricacy.

Mr. President, it is clear that Sam Brown has no military experience. From looking at his record, I see that Mr. Brown's only experience with the military involved organizing large protests against United States involvement in Vietnam as head of the Vietnam Moratorium Committee.

What a man says and/or believes reveals a very great deal. Let me share some of Sam Brown's extraordinarily callous statements from his halcyon days as "peace protester extrordinaire." In an article appearing in the August 1970 edition of the Washington Monthly Mr. Brown wrote, "any semblance of a military victory in Vietnam would be disastrous for the United States." It seems that Mr. Brown wanted the United States to lose—to walk away in abject defeat in Vietnam. I imagine that is a deeply troubling statement to many Americans, especially those who lost loved ones in Southeast Asia.

In 1977, when the Vietnamese were admitted into the United Nations, Mr. Brown attended a reception in their honor. Eric Severaid of CBS when reporting on the event characterized this reception as a gathering of those who were "not celebrating peace. They were celebrating the triumph of Communist totalitarianism, which is what they had always been working for in the guise of a peace movement." The New York Times quoted Mr. Brown at the reception as saying, "I am deeply moved, its difficult to describe my feelings—what can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you? * * * I believe we ought to aid the Vietnamese in their reconstruction." Mr. Brown was also responsible for proposing that President Carter grant unconditional amnesty to Vietnam war draft resisters.

While Sam Brown had time to deride the United States Government he found no fault with the Communist Government of Vietnam. Sam Brown did not say a word about Communist Vietnam's lack of respect for human rights. He was not offended by the cold blooded murder of thousands of North Vietnamese farmers, the forced exile of thousands of innocent women and children or the religious persecution and murder of thousands of Vietnamese people, verging on religious genocide. Sam Brown did not utter a word on behalf of the true victims. For this reason, I am most troubled that it will be his responsibility at CSCE to decry the same abuses he so readily ignored two decades ago. Will he turn the same blind eye to the issues of human rights abuses, ethnic cleansing, forced exile and the like?

Brown has written "on the night of the Cambodian invasion part of me wanted to blow up buildings, and I decided that those who had waged this war really should be treated as war criminals." Is this the individual the U.S. Senate wants to head a delegation of 40 professionals representing the Joint Chiefs of Staff, ACDA, the Defense Department, the intelligence community, the Agency for International Development, and the State Department? Is this the type of person the U.S. Senate wants directing U.S. policy on nonproliferation issues, defense planning, peacekeeping missions, and negotiating with the Russians on enforcement activities? I think not.

There are plenty of qualified Americans who could serve their country with distinction in Vienna. In a December 1993 Washington Post article, David Broder supported the findings of a report by the late Lewis Puller, Jr. and Jack Wheeler which urged the President to appoint more Vietnam veterans to the administration. Mr. Broder was right when he quoted Mr. Wheeler that, "the Clinton administration is largely a networked clique of people who were antimilitary and antiwar during the 1960's and carry their biases with them still."

Mr. Brown publicly exhibited his complete disdain for the U.S. intelligence community by stating in an interview in 1977, "I take second place to no one in my hatred of the intelligence agencies." I ask again, do we want this man representing the United States in Vienna? If confirmed he would have and need access to the intelligence products of the U.S. Government to carry out his duties. I hope that his previous bias against the intelligence community would not diminish his ability to perform his duties or cause him to disregard the intelligence community as a credible source of information.

Mr. President, it is the role of the Senate to examine the nominees before us. I have always believed that the President should, generally speaking, be entitled to the people he wants surrounding him, but in this case Sam Brown's actions and statements clearly demonstrate that he is not qualified for the position for which he has been nominated to head the U.S. Delegation to the Conference on Security and Cooperation in Europe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 17, 1994]

WRONG MAN FOR THE JOB

(By Larry Di Rita)

When it was completed in the fall of 1990, the Treaty on Conventional Armed Forces in Europe was no less proof of the West's victory over the Soviet Union than the fall of the Berlin Wall. The treaty enshrined in international law the Soviet retreat from Eastern Europe. As noted by then-Defense Secretary Richard Cheney in July 1991: "With implementation of the CFE treaty, for the first time since the end of World War II" the "Soviets would be denied the ability to mount [an offensive] threat" in Europe.

Thus we ought to be concerned that the Russian successor to the Soviet government has requested that certain treaty limits be relaxed. In particular, the treaty restricts Russia from massing troops in the so-called flank regions of Europe, thereby preventing it from injecting forces into border conflicts in places like the Caucasus and elsewhere. The obvious Western response to Moscow's request for relaxation should be that that's precisely the point of the treaty, especially as the Russian defense minister and others have cited their intention to remain engaged in what they euphemistically refer to as "the near abroad."

Negotiations over the treaty are taking place in Vienna, at the Conference on Security and Cooperation in Europe. Founded in the mid-1970s, the CSCE accomplished little until the late 1980s when, under the leadership of a series of exceptional U.S. ambassadors, serious negotiations began that eventually led to the CFE treaty. The CSCE is now the treaty's steward, and the Russians have appealed to that body's Joint Consultative Group for changes to the flank limits.

Until recently, the U.S. delegation was in the able hands of Ambassador John Kornblum. Previous assignments as U.S. minister and chief of the political section in the U.S. mission in Berlin, director of the State Department's Office of Central European Affairs and deputy chief of the U.S. mission to NATO gave him a European security pedigree that made it unlikely he would yield anything meaningful to the Russians.

I myself have been no fan of career diplomats per se, but a brief period of service for Ambassador Kornblum in Helsinki made it clear to me that his talents were unique. He was acutely aware, for example, that Europe would soon drift toward chaos without visionary leadership from the U.S.—this at a time when the Yugoslav conflict seemed localized. Unfortunately, his proposed replacement lacks the knowledge and exposure for such vision.

The Senate will soon take up the nomination of Samuel W. Brown Jr. to replace Mr. Kornblum as the U.S. ambassador to the CSCE. A former Colorado state treasurer and Jimmy Carter's director of Action/Peace Corps, Mr. Brown could be the man on whom the stability of this pillar of post-Cold War security will rest. Mr. Brown's qualifications for this sensitive diplomatic post are, at best, well-concealed. But there is much we do know.

A prominent anti-Vietnam War activist in the 1960s, Mr. Brown was a leading student organizer for Sen. Eugene McCarthy's failed 1968 presidential campaign. In 1976, he backed Jimmy Carter. During the Democratic Party's platform committee deliberations that year, he organized an effort to have the party endorse unconditional amnesty to Vietnam War draft resisters. Even in the heady days of the first post-Watergate presidential elections, that proposal was voted down 14 to one in committee.

Once in office as Mr. Carter's director of Action, Mr. Brown made an early mark by attending a September 1977 welcoming reception in honor of the Vietnam delegation to the United Nations. After a rousing speech by Ngo Dien, deputy foreign minister, in which he excoriated the "American imperialists" and their "bloody colonial war," Mr. Brown told a New York Times reporter covering the event that he was "deeply moved." "What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

One senator voting on the current Brown nomination may wish to explore this theme further. The day after the Times article, the Congressional Record cited the objections of Sen. Daniel Patrick Moynihan (D., N.Y.), who called the New York gathering and the attendance by U.S. government officials "repugnant to American principles and to common decency generally."

Little he said during his nomination hearings suggests Mr. Brown regrets his earlier, youthful views. As we've seen with Mr. Clinton's own election, though, active opposition to the Vietnam War is no barrier to high public office these days. But how about mismanagement, waste and cronyism? In 1978, Mr. Brown's agency was the subject of an investigation by the House Appropriations Committee. Among its findings, quaintly understated in the bureaucratic language of official reports: "ACTION procurement practices often conflict with regulatory and statutory requirements." "The . . . staff found an accounting system in need of further refinement . . . and travel irregularities." "ACTION staff, including high-level officials, have been submitting improper expense vouchers for official travel."

In one interesting irony, investigators learned that Volunteers in Service to America, a high-visibility "domestic Peace Corps," was using volunteers in its Community Organization Research Action Project for political purposes "in the Arkansas primary election," the election in question being the one in which then state Attorney General Bill Clinton won his first term as governor.

The House Appropriations Committee staff report offered some 18 recommendations to correct what it called "the apparent weaknesses in ACTION's overall management of its personnel, procurement, and budget and finance programs" during Mr. Brown's tenure. Former Sen. Gordon Humphrey (R., N.H.) connected the findings to Mr. Brown's future in government when he noted on the Senate floor that "the summary of findings . . . reveals such instances of mismanagement, waste, apparent featherbedding, and favoritism that it is ridiculous to reward him with a new position." (At the time, Mr. Brown was being considered for a confirmable position on the Consumer Cooperation Bank Board.)

Mr. Humphrey administered the coup de grace moments later: "This record of failure to properly administer ACTION in and of itself disqualifies Sam Brown from further Presidential appointments."

But that was then; this is now. As supporters of the president have been quick to remind us regarding the rapids of Whitewater, what happened so many years ago isn't supposed to matter today.

But perhaps it should. In any case, there are obvious grounds for concern about someone with such dubious qualifications. Given the occasional confusing and tense nature of exchanges with the Russians on military issues, it is important to have someone with diplomatic or arms control experience in the CSCE job.

Perhaps Mr. Clinton should heed Mr. Brown's own perspectives on foreign affairs and the presidency. Before the invasion of Afghanistan, President Carter's contribution to U.S. arms-control policy included canceling the B-1 bomber and beginning the negotiations that would lead to the SALT II Treaty, which locked the Soviet ability to destroy U.S. strategic retaliatory power in place. Yet in a December 1977 interview, Mr. Brown allowed that he was "startled that [Mr. Carter] has turned out to be as much a foreign-policy president as he's been—and by and large I'm very happy with what he's done overseas." Mr. Brown, the Russian delegation in Vienna awaits your arrival.

PUBLISHED STATEMENTS OF SAM BROWN

* * * most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.—The Washington Monthly, August 1970.

On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged this war really should be treated as war criminals.—The Washington Monthly, August 1970.

I am deeply moved, it's difficult to describe my feelings—what can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you? * * * I believe we ought to aid the Vietnamese in their reconstruction.—The New York Times, Sept. 26, 1977.

I take second place to no one in my hatred of the intelligence agencies.—Penthouse Interview, December 1977.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. BROWN. I yield to the superior wisdom of the distinguished chairman.

The PRESIDING OFFICER. The Senator from Colorado, I understand, yields back his time?

Mr. BROWN. Yes.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. If there is no objection, under the previous order, the clerk will report the cloture motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I further announce that if present and voting, the Senator from North Carolina [Mr. FAIRCLOTH] would vote "nay."

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Exon
Gorton
Gramm
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Faircloth
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

LEAD EXPOSURE REDUCTION ACT OF 1994

The Senate resumed consideration of the bill.

Mr. LEAHY. Mr. President, I rise in support of S. 729, the Lead Exposure Reduction Act of 1994. I have cosponsored this bill for several years, and I am very pleased to see it finally considered on the Senate floor.

The measures in S. 729 are overdue. Fifteen percent of Vermont's 2-year-olds receiving Medicaid have lead blood levels exceeding safe levels, and 9 percent of Vermont's 2-year-olds overall have lead levels equal to or above the safe level. According to Gregg Small of the Alliance to End Childhood Lead Poisoning in Burlington, VT, lead poisoning is the No. 1 environmental health hazard facing American children today.

This amount of lead exposure is intolerable. We need to take direct and immediate steps to reduce exposure to lead and clean up the environment where our children are growing up. This bill provides for the clean-up of older day care centers and schools where lead exposure risks run highest. The State of Vermont, through several State agencies, has worked to address the lead problem in several ways, and this bill will lend additional support. The bill also provides for better health protection from lead exposure through National Centers for the Prevention of Lead Poisoning.

One of my chief interests in this legislation, and in other bills we have considered recently in the Senate, is the public's right to know. The American people have the right to know if a manufactured product presents a risk to their health. One of the economic principles that guides our free-market system is the assumption that consumers have the opportunity to make informed decisions. S. 729 simultaneously perfects our free-market economy and our environment by improving consumers' ability to make decisions based on environmental and health effects.

Vermonters use many products that have traditionally been manufactured with lead. Gasoline, paint, batteries, cans, ceramic glazes, fertilizers, plumbing fixtures, television tubes, computer screens, x-rays shields, light bulbs, ammunition, and fishing weights are just a few of the products that Vermonters are exposed to in every day life. We learned just this month that the brass pumps that some Vermonters use in their wells leach lead into their drinking water. This legislation speeds up the incorporation of alternatives to lead where alternatives exist.

The recycling provision is another noteworthy part of this bill. It guarantees that there will be less lead going into landfills, less lead being incinerated and released to the atmosphere, and less lead coming from mines that exact a significant toll on our limited natural resources. If we are to maintain our standard of living without compromising our environment, we must learn to use our limited resources carefully and efficiently. The recycling provision will take us in this direction.

I have worked hard on legislation to protect tomorrow's generations—from school lunches in local schools to landmines abroad. I have voted for numerous other bills such as the Clean Air Act, the Federal Food, Drug and Cosmetic Act, and the Housing and Community Development Act of 1992 which also address the grave problems of lead exposure. I am proud to lend my strong support to the bill that is before us now.

Finally, this bill is a testament to Senator REID's tireless dedication on this issue. He has worked hard to get the Senate to this point and I want to thank him for his long-standing leadership on this measure. His efforts will have a profound impact on the health of the American people and on the environment of that our children inherit.

This bill is good for Vermont, and good for the Nation. I want to thank the people of Vermont and groups like GreenCorps, Vermont Public Interest Research Group, and the Alliance to End Childhood Lead Poisoning for bringing this issue to the forefront of the Senate's agenda. I urge my colleagues to support this bill.

Mr. WELLSTONE. Mr. President, I am proud to support S. 729, the Lead Exposure Reduction Act. I joined the long list of Senators cosponsoring this legislation last year because I believe it is a good bill that addresses a long-neglected threat to a precious resource: our Nation's children.

Lead poisoning in children is now considered to be a national epidemic, according to the Environmental Protection Agency. A recent EPA study in six upper Midwestern States—including Minnesota—recognized that lead exposures from exterior and interior residential paint, as well as exposures from contaminated soils and dust in urban areas, drinking water, air emissions, food, workplaces, and playgrounds, result in multiple pathways of exposure. Children are particularly vulnerable because lead is most wicked to little bodies that are still developing.

The damage this insidious toxin works on children is as silent as it is irreversible. Even at levels too low for a child to display obvious symptoms, exposure to small doses of lead has been linked to hearing loss, slower reaction time, reduced attentiveness, delays in the age at which children learn to walk and problems with balance. Most alarmingly, studies have shown that the amount of lead in a child's bloodstream can have a measurable effect on his or her intelligence.

This is a problem that did not go away when we stopped using leaded gasoline, or when we quit repairing the plumbing in our homes with leadbased solder, or when we told our kids not to eat the paint chips flaking off the walls of old houses. No, according to the Alliance to End Childhood Lead Poisoning, an estimated two million to three million preschoolers nationwide suffer from elevated blood-lead levels annually. Childhood lead poisoning has been officially declared by EPA to be the No. 1 environmental health hazard facing America's children.

While lead poisoning strikes at the health of our children across all racial, geographic and socio-economic lines, the blow is dealt hardest to poor, minority children, the ones whose families have the least economic or political means to do anything about it.

The numbers are staggering. A 1988 study by the U.S. Agency for Toxic Substances and Disease Registry found that 68 percent of the poorest of black children had blood-lead levels high enough to cause serious, irreparable harm. That's 7 out of every 10 kids, Mr. President. And since the study was done, the Centers for Disease Control and Prevention lowered the standard for unacceptable blood-lead levels, so even more children are now at risk.

The same disproportionate effect appears to be true of Hispanic children. A survey of Hispanic health indicated that Mexican-American and Puerto Rican preschoolers are more likely than non-Hispanic white children to have elevated blood-lead levels, with three times as many Puerto Rican as white children having higher levels of lead in their bloodstreams.

These poor and minority children are at greater risk to lead poisoning because they tend to live in more densely populated urban areas where the soil remains heavily tainted from leaded-gas auto emissions of long ago. Also, many cities with aging drinking water systems still have pipes and plumbing fixtures made of lead.

The largest reason for the disparate exposure of poor and minority children to lead is that they are the most likely occupants of low-income housing built before 1980, when residential use of lead-based paint was banned. The Department of Housing and Urban Development estimated in 1991 that there were 3.8 million homes with peeling lead paint or lead dust inhabited by children under the age of 7. Fifty-two percent of these families had annual incomes of less than $30,000.

The prevention of childhood lead poisoning is a matter of environmental justice. This legislation that we are considering would do many great things to reduce the overall exposure to lead in our environment. It would restrict the use of lead in hundreds of products; ban lead-contaminated food packaging; mandate lead-acid battery recycling; and authorize grants for lead inspections of elementary schools and day care centers.

But we need to make sure that as we do these things, we don't continue to overlook the often unseen and unheard people in poor and minority communities who bear the greatest burden of lead exposure.

Unlike many other toxic substances, lead has been shown to have a direct cause-and-effect link to adverse health effects in humans. Still the poisoning continues. In particular, say environmental justice advocates, the poor and minority communities who have the greatest exposure to lead have been paid too little attention in EPA's antilead efforts.

In April 1992 comments on the EPA Environmental Equity Workgroup Report, some of the most eminent figures in the environmental justice movement—including Professors Bunyan Bryant and Paul Mohai of the University of Michigan's School of Natural Resources; the Rev. Benjamin Chavis, head of the NAACP; and Charles Lee of the United Church of Christ—lamented the agency's progress against entirely preventable lead poisoning of poor minority children:

> [E]ven in the face of conclusive data we feel the agency has been less than helpful," they wrote. "In ameliorating the impacts of lead on black children—we feel that the agency has not been able to respond in any meaningful way. We feel the decisions for less-than-adequate action may be related to political and economic decisions. Meanwhile, millions of black and inner-city children will pay for the price of [lead] production for the rest of their lives, and there will be millions more joining the ranks.

This bill is a step in the right direction to correct those problems. What it seeks to accomplish is tightly interwoven with the goals of a bill I introduced in February, S. 1841, the Public Health Equity Act. That bill would give traditionally unempowered communities the tools they need to fight the same environmental battles that more affluent neighborhoods have waged so successfully over the past two decades.

Both of these measures are important not just to our generation, but to our children and the generations beyond them. I urge Senators to support these bills.

Mr. DODD. Mr. President, I rise in strong support of S. 729, the Lead Exposure Reduction Act, of which I am a cosponsor.

I believe this measure is long overdue. We have known about the dangers associated with exposure to lead, particularly with regard to children, for some time now. And yet our Nation lacks a comprehensive, coordinated approach to address the lead problem. Although I am pleased that the Federal Government has already devoted significant resources to lead abatement efforts, what is needed is a program that attacks the problem on several fronts: prevention, abatement, phaseouts, and enforcement.

I am particularly gratified that much of the legislation targets our Nation's children. It is shameful that an estimated one-in-six children is lead poisoned. Of course, poor children are disproportionately affected by this hazard, with African-American children more than twice as likely than white children to be poisoned—as if these kids did not have enough working against them.

The evidence about the effects of lead exposure on children, even at low levels, is alarming. We know that lead causes lowered IQ, learning disabilities, hyperactivity and attention deficit, and other cognitive and behavioral problems. Make no mistake. Society pays a heavy price—to say nothing of the individual—for these disorders. And again, when we consider that lead disproportionately affects a population that is particularly vulnerable to dangers such as violence, drug abuse, and neglect, we cannot fail to recognize the critical role lead prevention must play in our efforts to help children at risk.

This legislation strengthens our ability to attack lead in the classroom and day care center in several ways. It directs the Environmental Protection Agency to issue regulations to require States to inspect schools and child care facilities for elevated levels of lead and to make recommendations as to how a lead hazard should be remediated. For those who would raise the specter of unfunded mandates, it is important to note that this legislation provides grants to States for inspections and reports. Moreover, it does not require owners or operators of facilities to abate lead hazards.

However, the bill wisely requires that parents be informed of lead hazards present in their children's schools and day care facilities. I believe strongly that parents have a right to know when their children are being exposed to environmental risks. In this way, they can make informed decisions about where to place their children, and, alternatively, about what steps need to be taken to ensure that their children are protected.

There are several other important provisions within this legislation, including phaseouts of lead in manufacturing, product labeling, recycling of lead-acid batteries, and additional studies. Together, these reports will go a long way toward reducing exposure to this very real and present hazard. We owe it to ourselves and our children to enact the Lead Exposure Reduction Act this year. Senate passage brings us one step closer to this goal, and I know that the managers of this bill will work diligently to see that this reaches the President's desk.

Mr. President, in this regard, I want to commend the managers of this bill, in particular Senator REID, for his tireless work on this legislation. He deserves a great deal of credit, and, on behalf of the citizens of my State and children nationwide. I thank him.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I rise in strong support of S. 729, the Lead Exposure Reduction Act. The bill is an important response to the use of lead in instances where an unreasonable risk of lead exposure and subsequent risk to human health exists.

We all know the adverse health effects associated with lead exposure. Particularly alarming is the impact of lead exposure on our young people. A 1990 study by the Office of Technology Assessment [OTA] cited several critical reasons why the effects of lead on children are so severe. According to the study, children have less bone tissue in which lead is stored, leaving more lead in the blood that is free to exert toxic effects on various body organs. Furthermore, the primary target for lead toxicity, the central nervous system, is less developed in children, thus exacerbating the adverse effects of lead exposure.

Adults are also at risk from lead exposure. In fact, senior adults may be at particular risk, as lead stored in an older person's bones may be mobilized during osteoporosis or in the normal demineralization of the skeleton with aging. As one witness stated before the Environmental Committee's Toxic Substances Subcommittee, "We may indeed have senior citizen populations who are going to receive their life-time exposure of lead coming back to them a second time." Such a release of lead in older individuals may be a cause of reduced mental function.

I am pleased to note that these risks have not gone unnoticed. Congress has specifically addressed the lead problem in gasoline, paint, drinking water, and solid waste. Most recently, Congress debated the lead issue in the context of the Housing and Community Development Act of 1992. Title X of the act tackled what the Environmental Protection Agency considers to be one of the major exposure concerns in the environment, lead-based housing paint. Title X included comprehensive provisions for the evaluation and reduction of lead-based paint in our aging stock of federally owned housing.

Yet there is a whole host of other lead-containing products in the market. Some may present a serious risk to human health and the environment and some others may not. That is the focus of S. 729—on lead in consumer products. Unlike the bill as originally reported, the legislation before us does not address the issues of lead exposure during manufacturing and processing. The aim here is to deal with adverse exposures through the marketplace, where our children are most susceptible.

The bill is straightforward, calling on the Administrator of EPA to:

First, develop an inventory of all lead-containing products sold or distributed in commerce;

Second, establish a list of lead-containing products or categories of products that the Administrator determines may present an unreasonable risk of injury to human health or the environment; and

Third, provide for the labeling of products included on the exposure concern list.

In addition, the bill restricts the use of lead in paint, plumbing fittings, and fixtures, solders, toys, packaging and inks.

The legislation also establishes an important mandatory recycling program for lead-acid batteries. Under the bill, incineration and landfill disposal of batteries would be prohibited. Rather, such batteries would be managed through a reverse distribution system—from battery retailers to smelters for recycling. Finally, the bill includes several important provisions with respect to research into lead abatement and health protection from exposure to lead.

Mr. President, I would like to touch on just one point before I close. Section 107 of the bill includes comprehensive provisions of lead testing and inspection of schools and day-care centers constructed prior to 1980—continent upon the availability of Federal funding. It is imperative that we do all we can to locate potential lead exposure hazards, especially those hazards in our children's every day environment.

I might add, however, that this bill does not mandate cleanup of these facilities. Now, it may be the case that there is not a lead problem in our schools or day-care centers. We do not know the extent of the problem, or even if there is one at this point. This bill will help make that determination. I do know, however, that the bill does not provide funding for lead abatement. So, I want to make it clear that we may have to revisit this issue at a later date. There is certainly no intention on this Senator's part to create some sort of unfunded mandate. The purpose here is only to establish a program for testing and inspection.

Mr. President, S. 729 represents a bold attempt to deal with one of the most vexing health issues for our young people, exposure to lead. I thank the chief sponsor of the bill, Senator REID, for his work on this legislation, and I urge my colleagues to support the bill.

The PRESIDING OFFICER. Under the previous order, the question now occurs on final passage of S. 729, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Helms

NOT VOTING—2

Kennedy
Shelby

So the bill (S. 729), as amended, was passed, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—LEAD ABATEMENT
Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.
TITLE II—MISCELLANEOUS
Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.
Sec. 204. Non-interference.
Sec. 205. Sense of the Senate concerning lead fishing sinkers.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 411 through 421, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting "(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes;

"(iii) paints containing lead chromate pigments; and

"(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(C) Curtain weights—

"(i) that are not encased in vinyl or plastic;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(D) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in subparagraph (B), and beginning on the date that is 6 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that an increase in the percentage of the allowable lead content will not adversely affect human health or the environment.

"(B) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under paragraph (1) in accordance with subparagraph (A), the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(B) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for mirror manufacturing or for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this title as 'ANSI') standard Z66.1;

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film; or

"(IV) 1 (or more) substitute for zinc-enriched industrial paint for use in any class or category of uses that contains less than 0.19 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this subsection.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (IV) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any new motor vehicle or new motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), (III), or (IV) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this subsection, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this subsection, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) IN GENERAL.—

"(A) RESTRICTIONS ON SALE AND DISPLAY OF LEAD SOLDERS.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to restrict the sale and display of lead solders that are reasonable capable of being used in plumbing systems, including, at a minimum—

"(i) a prohibition on the sale or display of the lead solders in the plumbing supply section of a retail establishment;

"(ii) a restriction on the sale or display of the lead solders in a wholesale plumbing establishment;

"(iii) a prohibition on the sale or display of the lead solders in proximity to plumbing materials in an establishment; and

"(iv) a requirement that each of the lead solders be labeled to indicate that the solder is not intended for use in a plumbing system.

"(B) FURTHER RESTRICTIONS ON LEAD SOLDERS.—The Administrator shall by regulation establish a further restriction on the manufacture, sale, display, or labeling of lead solders, if the Administrator determines that the restriction is necessary to prevent the use of lead solders in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—If a voluntary standard for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall take effect on the date that is 5 years after the date of promulgation of the standard.

"(2) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under paragraph (1) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is used to produce a product from which a package or packaging component is manufactured.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this subsection—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AVERAGE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the average of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this subsection, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this subsection, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this subsection, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this subsection, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this subsection, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions described in subsection (a)(1) on the lead content of paint any products that are imported, processed, manufactured, or distributed in commerce for use by artists in creating, restoring, and preserving works of art, including graphic works of art, if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1).

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) Statutory construction.—Nothing in this section or the Lead Exposure Reduction Act of 1994 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 403, as added by section 103 of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) Creation of an Inventory of Uses of Lead in Products in Commerce.—

"(1) In general.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) Development of inventory.—

"(A) In general.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) Product categories.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) Publication of draft inventory.—

"(A) In general.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory and the grouping of products by the Administrator pursuant to paragraph (2).

"(B) Publication.—Not later than 4 years after the date of enactment of this paragraph, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) Products containing components included on inventory.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) Failure of administrator to publish inventory.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6)(C) shall be deemed to comprise the inventory.

"(6) Modifications.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) List of Uses of Lead in Products That Pose Exposure Concerns.—

"(1) In general.—Beginning on the date that is 6 years after the date of enactment of this paragraph, the Administrator shall issue regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to—

"(A) exposure to lead released during and from use of such a product by a consumer;

"(B) direct exposure of the product to the environment; or

"(C) exposure to lead at the end of the useful life of the product;

taking into account other applicable regulations.

"(2) Criteria for determination to list a product or category of product.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) Specification of lead concentration.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) Modification of list.—

"(A) Additions to list.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) Petitions for modifications.—

"(i) In general.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) Action by the administrator.—Not later than 2 years after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 2 years after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(5) Construction.—Nothing in this subsection shall be construed to affect any authority of any person under section 5 or 6 concerning the manufacturing or processing of a lead-containing product or a category of such products.

"(c) Notification of New Uses of Lead in Products in Commerce.—

"(1) In general.—

"(A) Publication.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) Applicability.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) Contents of notice.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) Report by the administrator.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) Relationship with other provisions.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) Amendment of list and inventory.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) Delay in publication.—

"(A) In general.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) Prohibition.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this paragraph; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this paragraph,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 404, as added by section 104 of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law;

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(iii) during or after disposal.

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between—

"(i) labels required for products included in the list established under section 404(b) that present a risk of exposure to lead during distribution or use; and

"(ii) labels required for products included in the list that present a risk of exposure to lead during or after disposal.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 7 years after the date of enactment of this paragraph.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

"'**CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.**'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

"'**COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.**'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of subsection (a)(1), the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR.—Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section. Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, nothing in section 404 or this section shall be construed to create any additional liability, to create any additional defense, or to in any other manner increase or decrease the liability (including liability for damages), for any party relating to any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the requirements of such sections.".

SEC. 106. BATTERIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 405, as added by section 105 of this Act, the following new sections:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A community collection program operated by, or pursuant to an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COMMUNITY COLLECTION PROGRAMS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection—

"(A) no person who sells lead-acid batteries at wholesale;

"(B) no automotive dismantler; and

"(C) no community collection program operated pursuant to an agreement with a governmental entity, may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall—

"(A) accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold; and

"(B) collect a deposit in an amount not less than $10 for the sale of any new replacement automotive type lead-acid battery that is not accompanied by the return of a used automotive type lead-acid battery.

"(2) DEPOSITS.—A person who pays a deposit pursuant to this subsection shall receive from the retailer a refund in an amount equal to the deposit paid, if the person returns a used automotive type lead-acid battery of the same general type as the battery purchased from the retailer not later than 30 days after the date of sale of the battery purchased. All unredeemed deposits shall inure to the benefit of the retailer. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this subsection, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this subsection, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery of a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(l) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) DEFINITION.—As used in this section, the term 'lead-acid battery' means a battery that—

"(1) consists of lead and sulfuric acid;

"(2) is used as a power source; and

"(3) is not a rechargeable battery, as defined in section 407.

"SEC. 407. MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT.

"(a) DEFINITIONS.—As used in this section:

"(1) BATTERY PACK.—The term 'battery pack' means any combination of rechargeable batteries containing 1 or more regulated batteries that commonly has wire leads, terminals, and dielectric housing.

"(2) BUTTON CELL.—The term 'button cell', used with respect to a battery, means any button-shaped or coin-shaped battery.

"(3) EASILY REMOVABLE.—The term 'easily removable', used with respect to a rechargeable battery or battery pack, means the battery or battery pack is detachable or removable from a rechargeable consumer product by a consumer with the use of common household tools at the end of the life of the battery or battery pack.

"(4) MERCURIC-OXIDE BATTERY.—The term 'mercuric-oxide battery' means a battery that uses a mercuric-oxide electrode.

"(5) RECHARGEABLE BATTERY.—The term 'rechargeable battery'—

"(A) means any type of enclosed device or sealed container consisting of 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

"(B) does not include—

"(i) any lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

"(ii) any lead-acid battery used for load leveling or for the storage of electricity generated by an alternative energy source, such as a solar cell or wind driven generator;

"(iii) any battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; and

"(iv) any alkaline battery.

"(6) RECHARGEABLE CONSUMER PRODUCT.—The term 'rechargeable consumer product'—

"(A) means any product that when sold at retail includes a regulated battery as a primary energy supply and that is primarily intended for personal or household use; and

"(B) does not include any product that uses a battery solely as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

"(7) REGULATED BATTERY.—The term 'regulated battery' means any rechargeable battery that—

"(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

"(B) has another electrode chemistry and is the subject of a determination by the Administrator pursuant to subsection (b)(5).

"(8) Remanufactured product.—The term 'remanufactured product' means a rechargeable consumer product that has been altered by the replacement of a part, repackaged, or repaired, after initial sale by the original manufacturer.

"(b) Rechargeable Consumer Products and Labeling.—

"(1) Prohibition.—

"(A) In general.—No person shall sell to an end user for use in the United States a regulated battery or rechargeable consumer product manufactured on or after the date that is 1 year after the date of enactment of this subsection, unless—

"(i) the regulated battery—

"(I) is easily removable from the rechargeable consumer product;

"(II) is contained in a battery pack that is easily removable from the product; or

"(III) is sold separately from the product; and

"(ii) the rechargeable consumer product and the regulated battery are labeled in accordance with paragraph (2).

"(B) Application.—Subparagraph (A) shall not apply to—

"(i) the sale of a remanufactured product unless subparagraph (A) applied to the sale of the product when originally manufactured; and

"(ii) a product intended for export purposes only.

"(2) Labeling.—Each regulated battery, battery pack, or rechargeable consumer product without an easily removable battery or battery pack, manufactured on or after the date that is 1 year after the date of enactment of this subsection, whether produced domestically or imported, shall be labeled with—

"(A)(i) 3 chasing arrows or a comparable recycling symbol;

"(ii) proximate to such arrows or symbol—

"(I) on each nickel-cadmium battery or battery pack, the chemical name or the abbreviation 'Ni-Cd'; and

"(II) on each lead-acid battery or battery pack, 'Pb' or the words 'LEAD', 'RETURN', and 'RECYCLE'; and

"(iii) on each regulated battery or battery pack, the phrase 'NICKEL-CADMIUM BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable;

"(B) on each rechargeable consumer product without an easily removable battery or battery pack, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable; and

"(C) on the packaging of each rechargeable consumer product, and the packaging of each regulated battery or battery pack sold separately from such a product, unless the relevant label is clearly visible through the packaging, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'.

"(3) Existing labeling.—

"(A) Substantial compliance.—For a period of 2 years after the date of enactment of this subsection, regulated batteries and battery packs, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages, that are labeled in substantial compliance with paragraph (2) shall be deemed to comply with the labeling requirements of paragraph (2).

"(B) Different label.—Upon application by a person subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), the Administrator may approve a different label and certify that the different label meets the requirements of paragraph (2) or (5), respectively, if the different label—

"(i) is substantially similar to the label required under paragraph (2) or (5), respectively; or

"(ii) conforms with a recognized international standard and is consistent with the overall purposes of this section.

"(4) Point of sale information.—Any retail establishment that offers for sale any battery, battery pack, or product subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), shall display, in a manner visible to a consumer, a written notice that informs the consumer that regulated batteries and battery packs, whether sold separately or in rechargeable consumer products, shall be recycled or disposed of properly.

"(5) Rulemaking authority of the Administrator.—

"(A) In general.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries described in subsection (a)(7)(A) are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries, battery packs, and rechargeable consumer products, and after public comment—

"(i) promulgate labeling requirements for the batteries with different electrode chemistries, battery packs containing the batteries, rechargeable consumer products containing the batteries that are not easily removable batteries, and packaging for the products; and

"(ii) promulgate easily-removable design requirements for rechargeable consumer products designed to contain the batteries or battery packs.

"(B) Substantial similarity.—The regulations promulgated pursuant to subparagraph (A) shall be substantially similar to the requirements set forth in paragraphs (1) and (2).

"(6) Uniformity.—After the effective dates of a requirement set forth in paragraph (1), (2), or (3) or a regulation promulgated by the Administrator under paragraph (5), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery, battery pack, or rechargeable consumer product that is not identical to the requirement or regulation.

"(7) Exemptions.—

"(A) In general.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of paragraph (1) in accordance with the procedures under subparagraph (B). The application shall include—

"(i) a statement of the specific basis for the request for the exemption; and

"(ii) the name, business address, and telephone number of the applicant.

"(B) Granting of exemption.—Not later than 60 days after receipt of an application under subparagraph (A), the Administrator shall approve or deny the application. Upon approval of the application, the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with this subsection and with an equivalent level of product performance without the product—

"(i) resulting in danger to human health, safety, or the environment; or

"(ii) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

"(C) Renewal of exemption.—A person granted an exemption under subparagraph (B) may apply for a renewal of the exemption in accordance with the requirements and procedures described in subparagraphs (A) and (B). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of granting of the renewal.

"(c) Requirements.—For the purposes of carrying out the collection, storage, transportation, recycling, or proper disposal of used rechargeable batteries, used battery packs, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries, battery packs, or products to a facility for recycling or proper disposal shall be subject, in the same manner and with the same limitations, to the same requirements as would apply if the persons were collecting, storing, or transporting batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, notwithstanding any regulations adopted pursuant to a grant of authority to a State under section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926).

"(d) Cooperative Efforts.—Notwithstanding any other provision of law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries, used battery packs, or used rechargeable consumer products advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely upon such cost information as is collected during the project or program.

"(e) Report to Congress.—

"(1) Report deadlines in general.—Not later than 3 years after the date of enactment of this subsection, the Administrator, after consultation with and obtaining relevant industrywide data from the States, environmental and consumer groups, and organizations representing rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, and after conducting a public hearing and considering public comment, shall submit to Congress a report that provides the information specified in paragraph (2). In collecting information for the report, the Administrator shall coordinate with such States, environmental and consumer groups, and organizations to minimize the frequency and scope of any reporting requirements associated with the manufacture, sale, or collection of regulated batteries.

"(2) Content of report.—The report described in paragraph (1) shall include each of the following:

"(A) A review of the activities carried out by the entities listed in paragraph (1) with respect to the labeling, collection, transportation, recycling, and disposal of regulated batteries.

"(B) An estimate, for the period beginning on the date of enactment of this subsection and ending on the date of preparation of the report, of the number of regulated batteries entering the solid waste stream for disposal in incinerators, landfills, and municipal solid waste facilities.

"(C) A review of the recycling and reclamation rates for regulated batteries.

"(D) A review of the availability of permitted facilities sufficient to handle the current and projected volume of used regulated batteries, along with a complete evaluation of potential regulatory impediments to management options.

"(E) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products and participating in programs for the collection of regulated batteries.

"(F) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products, excluding retailers, that are not participating in programs for the collection of regulated batteries. In formulating the list, the Administrator shall not require any participant to report the name of any such nonparticipant. Prior to listing any entity as such a nonparticipant, the Administrator shall determine that the entity should be a participant, and independently verify with the entity that the entity is not a participant.

"(3) Frequency of report.—Not later than 2 years after publication of the report required in paragraph (1), and every 2 years thereafter, the Administrator shall issue a report that provides an update of the information specified in paragraph (2).

"(f) Limitations on the Sale of Alkaline-Manganese Batteries Containing Mercury.—No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cell batteries shall be 25 milligrams of mercury per button cell battery.

"(g) Limitations on the Sale of Zinc Carbon Batteries Containing Mercury.—No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1995, that contains any mercury that was intentionally introduced as described in subsection (f).

"(h) Limitations on the Sale of Button Cell Mercuric-Oxide Batteries.—No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery on or after January 1, 1995.

"(i) Limitations on the Sale of Mercuric-Oxide Batteries.—No person shall sell, offer for sale, or offer for promotional purposes any mercuric-oxide battery on or after January 1, 1997.

"(j) Information Dissemination.—In consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, the Administrator shall establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and used rechargeable consumer products without easily removable batteries.

"(k) Enforcement.—For the purposes of this section:

"(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a reasonable specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 for each such violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(3) Any order issued under this subsection shall become final unless, not later than 30 days after the order is served, the person or persons named in the order request a public hearing. If such a request is made, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this subsection, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.

"(4) If a violator fails to take corrective action within the time period specified in a compliance order issued under this subsection, the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

"(l) Information Gathering and Access.—For the purposes of this section:

"(1) Any person who is required to comply with this section, including—

"(A) a regulated battery manufacturer;

"(B) a rechargeable consumer product manufacturer;

"(C) a mercury-containing battery manufacturer; and

"(D) an authorized agent of a manufacturer described in subparagraph (A), (B), or (C);

shall establish and maintain such records and report such information as the Administrator may by rule reasonably require to carry out this section.

"(2) The Administrator, or an authorized representative of the Administrator upon presentation of credentials, may at reasonable times have access to and copy any records required to be maintained under paragraph (1).

"(3) The Administrator shall maintain the confidentiality of such records or information maintained or reported under this subsection as contain proprietary information.

"(m) State Authority.—Except as provided in subsection (b)(6), or as provided in subsection (c), (relating to requirements and the labeling of rechargeable batteries, battery packs, or rechargeable consumer products or packages containing the products), nothing in this section shall be construed so as to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this section.

"(n) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 407, as added by section 106 of this Act, the following new section:

"SEC. 408. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) Definitions.—As used in this subsection:

"(1) Covered day care facility.—The term 'covered day care facility' means the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children.

"(2) Covered school.—The term 'covered school' means the interior and exterior of any building constructed before 1980 that is used—

"(A) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(B) as a kindergarten that regularly provides education for children in kindergarten or younger children.

"(3) Day care facility.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) Lead hazard.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) Lead inspection.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) Local education agency.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) Owner or operator.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) Significant use.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) Covered Schools and Covered Day Care Facilities.—

"(1) In general.—Except as provided in subsection (d)(4), not later than 3 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of—

"(I) each room of each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children to detect interior lead-based paint and an inspection of each covered school that is chipping, peeling, flaking, or chalking; and

"(II) each covered school and covered day care facility to detect exterior lead-based paint; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 412; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank facilities in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities serving populations at greatest risk.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing facilities, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which facilities in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(iii) NO CAUSE OF ACTION.—The failure of a teacher or other school personnel member of a covered school or covered day care facility, or parent (or guardian) of a child (including a newly enrolled child) attending a covered school or covered day care facility, to receive a copy of the risk disclosure information shall not constitute a cause of action under this subsection.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 412), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this subsection for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age in the State bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (b) relating to inspections only to the extent that assistance under this section is available to cover the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this subsection, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this subsection; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this subsection, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this section be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1995;

"(2) $30,000,000 for the fiscal year 1996; and

"(3) $30,000,000 for the fiscal year 1997.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 408, as added by section 107 of this Act, the following new section:

"SEC. 409. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this subsection, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Administrator shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 409, as added by section 108 of this Act, the following new section:

"SEC. 410. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning (referred to in this section as a 'Center').

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share with respect to a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "418".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "418".

(3) AUTHORIZED STATE PROGRAMS.—Section 413, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "411 or 415"; and

(B) in subsection (d), by striking "402" and inserting "411".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 421, as redesignated by section 101(a) of this Act, by striking "There are authorized to be appropriated to carry out the purposes of this title" and inserting "There are authorized to be appropriated to carry out this title (other than sections 403 through 410)".

(c) REFERENCES IN OTHER ACTS.—

(1) Section 302(a)(1)(A) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C 4822(a)(1)(A)) is amended by striking "406" and inserting "415".

(2) Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852) is amended—

(A) in subsections (e)(5), (g)(1), and (n), by striking "402" and inserting "411"; and

(B) in subsection (n), by striking "404" and inserting "413".

(3) Section 1018(a)(1)(A) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(a)(1)(A)) is amended by striking "406" and inserting "415".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Mercury-containing and rechargeable battery management.
"Sec. 408. Lead contamination in schools and day care facilities.
"Sec. 409. Blood-lead and other abatement and measurement programs.
"Sec. 410. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 411. Lead-based paint activities training and certification.
"Sec. 412. Identification of dangerous levels of lead.
"Sec. 413. Authorized State programs.
"Sec. 414. Lead abatement and measurement.
"Sec. 415. Lead hazard information pamphlet.
"Sec. 416. Regulations.
"Sec. 417. Control of lead-based paint hazards at Federal facilities.
"Sec. 418. Prohibited acts.
"Sec. 419. Relationship to other Federal law.
"Sec. 420. General provisions relating to administrative proceedings.
"Sec. 421. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 409(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by inserting after section 424 the following new section:

"SEC. 424A. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) Amendment to the Fair Packaging and Labeling Act.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(d) The Lead Exposure Reduction Act of 1994 and the amendments made by such Act.".

(b) Amendments to the Federal Food, Drug and Cosmetic Act.—

(1) Time-based requirements.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(f) For the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994 and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of such Act, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of such Act and thereafter, 100 parts per million (0.01 percent).".

(2) Ceramic ware; processed foods; wine.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) Ceramic Wares.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) Crystal Wares.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) Processed Foods.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) Wine.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.".

(3) Prohibition relating to ceramic ware.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

SEC. 204. NON-INTERFERENCE.

Nothing in this Act shall interfere with the promulgation of regulations required pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat. 3897).

SEC. 205. SENSE OF THE SENATE CONCERNING LEAD FISHING SINKERS.

(a) Findings.—

(1) on March 9, 1994 the EPA promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers,

(2) the proposed rule was developed in response to a Toxic Substances Control Act petition requesting that EPA label, not ban, lead fishing sinkers,

(3) EPA states in the proposed rule, "In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated,

(4) no one has studied the effectiveness of fishing sinkers manufactured from lead-substitute materials which can cost eight to ten times as much and have physical or chemical limitations,

(5) a ban on lead fishing sinkers would put small fishing tackle manufacturers at a competitive disadvantage to major fishing tackle manufacturers who can afford to retool and produce fishing sinkers with lead-substitute materials,

(6) a ban on home manufacturing of lead fishing sinkers would affect up to 1,600,000 anglers who make their own sinkers in basements and garages, and

(7) EPA has commented that a ban on lead fishing sinkers could eventually be expanded to all lead-containing fishing tackle, including lures.

(b) Sense of Senate.—It is the sense of the Senate that the Administrator should finalize no rule or regulation which requires a nationwide prohibition of the manufacture, sale, or use of fishing sinkers, jigs, or lures containing lead, brass, or zinc, until such time as the Administrator gives priority consideration to alternative means of reducing the risk to waterfowl from lead fishing sinkers, including labeling, public education, and State or regional limits.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act and the amendments made by this Act (other than sections 407 and 408 of the Toxic Substances Control Act, as added by this Act)—

(1) $25,000,000 for fiscal year 1995;

(2) $24,000,000 for fiscal year 1996;

(3) $24,000,000 for fiscal year 1997; and

(4) $22,000,000 for fiscal year 1998.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I want to take a few minutes to thank my colleagues for their resounding support of this lead reduction legislation. It is extremely important legislation for the country.

There are many people I want to thank for helping this bill pass the Senate, not the least of which is the chairman of the committee, Senator BAUCUS. He has been very patient and understanding, and this has been a difficult issue for western Senators because it involves a mineral, lead, which is produced in Nevada and in Montana. But I do say—and I want this spread across the RECORD—that Senator BAUCUS has always been willing to listen, and he has been a great arbiter of some very difficult situations we have had, and the people of Montana, and the people of this country are well served with his being chairman of this committee. And Senator BAUCUS' staff member, Cliff Rothenstein, has been extremely helpful.

I thank Sheila Humke, who was on my personal staff many years. In fact, in the House she worked for me. She worked 8 years for Congressman Santini before. Even though she was born and raised in the DC area, she has a great knowledge of Nevada-related matters. She served on the staff helping me on the Environment Committee for 2 years. She is still with my personal staff. Even though she was not here this past year to work on this legislation, because she recently had a baby, I express publicly my appreciation to Sheila for the countless hours she has spent on this legislation.

Mr. President, this legislation has taken 4 years. We have gone through a number of professional staff that were assigned by different Government agencies, who were here doing internships and other Government programs, such as Mimi Guernica, Stephanie Clough, and Bob Kenney, and they did a wonderful job for me. So many others have worked on this bill that I will not take the time to mention their names, other than that they have been a significant help, coming from different governmental agencies to work on this legislation.

Christine Russell, from the staff of Senator BOB SMITH, the ranking member of the subcommittee, has been extremely helpful in allowing us to get over procedural hurdles so we could legislate here, as we have in the last couple of days.

Senator CHAFEE and his staff have been extremely important. This is an issue he believes in personally, as has been indicated by his work on this issue. But, also, John Grzebien from his office, played a key role in moving this legislation forward. Also Senator DANFORTH, who I talked about briefly yesterday, has significant interest in the lead issue, because most of the lead mined in the United States is mined in his State, and we have worked, especially the past week or so, with him; and particularly Marc Solomon of his staff, who has been very cordial and understanding and helped us work through two very difficult issues this past week or two.

Jerry Reynoldson, who works on the Environment staff, has worked on this bill now for a year and a half and has worked extremely hard. I want to acknowledge publicly his good work on this issue.

There are others who I want to commend from the business community. I read a number of names yesterday. I will not do that today, other than to say we have spent days, weeks and months with people from the business community trying to work things out with them.

From the environmental community, we have had a lot of input, especially from the Environmental Defense Fund. This an issue that they believe strongly in. They testified before the subcommittee on more than one occasion on this issue and TSCA in general, and I want to express my appreciation to that entity for the work that they have done.

As to the battery entities, a couple of those have worked hard, because though a lot of people are impacted by this legislation, no one is more directly impacted more than the battery industry because 80 percent of the lead that is mined in this country goes into battery use.

The electronics industry and the plumbing industry have also been integral to allowing us to get to the point where we have.

I again express my appreciation to my colleagues both on this side of the aisle and the other and staff members that I have not mentioned and do so with anticipation that we are going to get a bill out of the House and hopefully bring back the approval of the conference report in the near future.

I yield the floor and yield back the remainder of whatever time I have.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, first I want to compliment the Senator from Nevada [Mr. REID], and thank him for his compliments with respect to the lead bill.

Everyone who is involved in this issue knows, however, that the primary credit for the passage of the lead bill, in working out all of the various complexities—on the one hand, environmental problems with lead and how it adversely affects people, especially the young children; and, on the other hand, setting up regulations and standards in a reasonable way—the primary credit goes to the Senator from Nevada. He worked very, very hard, much more than anyone else in this body, to help secure a proper balance. The citizens of Nevada should be very proud of his efforts.

Mr. JEFFORDS. Mr. President, I would like to commend the Senator from Nevada and the Senator from New Hampshire for their tireless efforts to complete this important legislation. In addition, I applaud their willingness to work with a variety of parties affected by this legislation and their ability to draft a bill which will go a long way towards reducing levels of lead in the environment.

Mr. President, this bill reflects many hours of work on behalf of the members and staff of the Environment and Public Works Committee. I recall in July 1990 spending time as a member of this committee negotiating pieces of the pending legislation. I cannot emphasize enough the important of such legislation and urge my colleagues to support passage.

All across this country children suffer from ingestion and exposure to lead. Lead is a toxic substance and can cause significant problems when it contributes to elevated blood-lead levels—especially in children. The detrimental effects of lead contamination go beyond the affected individuals; we pay a social cost as well. This lead reduction initiative will reduce children's exposure to lead, decreasing adverse health effects. The bill will ask manufacturers of certain products to reduce the lead they use, will require States to reduce lead hazards in schools, increase lead battery recycling and will spur the reporting of blood lead levels.

Mr. President, this bill represents clear evidence that the Senate cares about the health of this Nation's children. I commend all the Senators that have worked on this legislation throughout the years, and especially Senators REID and SMITH. I hope the Senate will overwhelming pass this important bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAY JOHNSEN

Mr. SIMON. Madam President, we are all heavily dependent on our staffs and the support people around here. We are dependent on the pages and the people who take down our words and the people who tell us what is pending, the people who guard this establishment and the elevator operators and many others. Each of us who is a Member of the Senate, we are heavily dependent on our staff. We may get the publicity, but we know who has done the work.

I have been fortunate in having a superb staff, really dedicated people. One of the people I have had with me for a long time, with whom I have worked, is Ray Johnsen.

I went to college with Ray Johnsen, a small liberal arts college in Nebraska, a very fine school, Dana College, in Blair, NE. After I left the school, I got into the newspaper business and asked Ray Johnsen to join me there. He did. Then when I got into government he joined me in my government work. He has just been a superb public servant. He has not received the attention that we receive as Members of the Senate, but he has been a public servant just as much as those of us who serve in the Senate.

A friend of mine who worked for me at one point, who later became chief of staff for Senator Alan Dixon and is now Assistant Baseball Commissioner, Gene Callaghan, said he has never known anyone as good as Ray Johnsen on moving on things quickly. He has been great that way.

He has handled all the books in our office, and he is someone I trust completely. The people of Illinois and the people of the Nation can trust him completely. I have never had any question about what he is doing and whether things are going well.

He is retiring at the end of this month, and that is a loss for me personally. It is a loss for my office. It is a loss for the Senate. He is as fine an individual as I have ever known. I hate to lose him. But I wish him well. He deserves the very best in his retirement. And, again, it is not just that he has served and worked with PAUL SIMON—that is tough enough, to work with PAUL SIMON all these years—but he has served the people of our State and of our Nation well, and I am very proud of Ray Johnsen, as I am of the other members of my staff.

CONGRATULATING THE 16 RECIPIENTS OF THE FBI DIRECTOR'S ANNUAL AWARDS FOR EXCELLENCE

Mr. LEAHY. Mr. President, yesterday the four defendants convicted in the bombing of the World Trade Center were sentenced to life terms of imprisonment, bringing to a close one chapter in this terrifying tale of terrorism on American soil. As a former prosecutor, I recognize that successful prosecutions such as this one are based on painstaking work by law enforcement officers. Long before a case reaches court, law enforcement officers spend many long hours away from their families, oftentimes at great personal risk, out in the field collecting the evidence necessary to provide a defendant's guilt.

Last Monday, the Federal Bureau of Investigation held its annual awards ceremony to recognize the outstanding achievement of 15 agents from the premier law enforcement agency, and of a private citizen who displayed exceptional courage and commitment while cooperating with the FBI. Their achievements include unraveling an elaborate scheme by a defense contractor to defraud the Government of millions of dollars; uncovering significant financial institution fraud; using special equipment to detect smuggled cocaine in Colombian soft drinks and a fiberglass dog kennel; and catching corrupt State officials.

These are only a few examples of the excellent work of FBI agents from around the country. The achievements of these agents did not receive the same massive media attention as the World Trade Center bombing, but their successes are significant nonetheless.

Director Freeh said at the awards ceremony, "If it could, the public would thank you." He is right. I want to offer my congratulations and thanks to Director Freeh and to these law enforcement agents for dedicating their professional lives to making this country a safer, better place to live.

The three recipients of the FBI Director's First Tier Annual Awards for Excellence are: Dale W. Anderson; Stephen P. Kosky II; and David Fathauer. I have attached to my statement the descriptions of the impressive achievements of these three agents. The recipients of the FBI Director's Second Tier Awards for Excellence are: Anthony J. Pinizzotto; Brian Donnelly; James J. Wedick, Jr.; Bruce E. Carlson; George P. Noble; Raymond E. Bendig, Jr., J. Michael di Pretoro; Roderick D. Huff; Arlene D. Highfield; Jacquelyn Z. Estok; Kyle E. Stevens. Mrs. Minnie Ann Lane received the Director's Award for Exceptional Public Service, and Chris R. Hoehle received the Thomas E. Duhadway Humanitarian Award.

There being no objection, the descriptions were ordered to be printed in the RECORD, as follows:

"THE DIRECTOR'S AWARD FOR EXCELLENCE IN MANAGEMENT"—DALE W. ANDERSON, SUPERVISORY SENIOR RESIDENT AGENT, BUFFALO FIELD OFFICE

Presented to Mr. Anderson for his exemplary managerial skills and outstanding leadership in the Rochester Resident Agency (RA) since July 1984. As a result of his effective management during this time, the RA successfully developed and concluded the investigative phases of a number of major priority cases which required a major commitment of resources and personnel. At the same time, other investigative matters placed a great demand on the remaining limited resources and personnel within the RA. Mr. Anderson ensured all of these issues were addressed in an exceptional manner and in the highest professional standards of the FBI. One effective management tool used by Mr. Anderson was to augment his severely taxed investigative resources and personnel through the employment of joint/multiple agency investigations. Also, as a direct result of his outstanding leadership, employees assigned to the RA continually performed at exceedingly high levels, resulting in major accomplishments. In discharging his management obligations, Mr. Anderson leads by example, and in doing so, instills a "can-do" attitude in the personnel assigned to the RA, both Agent and support. His ability to successfully overcome numerous obstacles throughout this time period is indicative of his dedication and commitment to the success of the FBI.

THE DIRECTOR'S AWARD FOR EXCELLENCE IN INVESTIGATIONS—STEPHEN P. KOSKY II, SPECIAL AGENT, CINCINNATI FIELD OFFICE

Presented to Mr. Kosky for his exemplary performance during the Fraud Against the Government investigation involving the General Electric Aircraft Engine Business Group (GEAE). Utilizing a cooperating witness, Mr. Kosky developed information concerning the corrupt activities of a GEAE program manager and an Israeli Air Force General who in 1984 initiated a scheme to divert funds from F-16 fighter plane jet engine contracts. The scheme progressed, and the Israeli Ministry of Defense was reimbursed by the United States Department of Defense, Foreign Military Sales Program, for payments to GEAE for uncompleted and unstarted projects. Based on information from the cooperating witness, Mr. Kosky interviewed three managers and seized a roomful of hidden records. As a result of his in-depth knowledge of this case, he participated in a meeting with other involved agencies and Israeli Government representatives to present the allegations and the evidence. Mr. Kosky also traveled to Washington, D.C., on a regular basis over a period of several months, to challenge inaccuracies presented by GEAE's legal counsel. He eventually traveled to Israel to gather additional evidence and conduct key interviews. Mr. Kosky's investigative expertise led to the unraveling of this elaborate scheme to defraud the government of millions and resulted in a corporate plea of guilty by General Electric and a settlement of $69,000,800, one of the largest settlements ever granted under the "Whistleblowers" Statute.

THE DIRECTOR'S AWARD FOR EXCELLENCE IN INVESTIGATIVE SUPPORT—DAVID FATHAUER, FINANCIAL ANALYST, MIAMI FIELD OFFICE

Presented to Mr. Fathauer for his exceptional performance in a Financial Institution Fraud case entitled CENTRUST. Upon being assigned to this case, Mr. Fathauer provided a meticulous review and analysis of financial records which identified millions of dollars in misapplied CENTRUST funds. After summarizing and indexing thousands of documents, Mr. Fathauer utilized ingenuity, innovation, and hard work to create flow charts, graphs, and schedules to simplify the case and put events and complex transactions into a clear perspective for the investigators, U.S. Attorneys, and jurors. He also designed and customized databases which specifically related to each area of the CENTRUST investigation so information could be accessed with little or no assistance. During trial preparation and the course of the trial, Mr. Fathauer continued to contribute to this case by designing graphs that reduced convoluted testimony from various witnesses to a one-page graph that went unchallenged by the defense attorneys. Mr. Fathauer's tireless efforts, commitment, and determination certainly were major factors which contributed to the high degree of success achieved in this case which resulted in the indictment and conviction or guilty pleas of the defendants. His performance is in keeping with the finest traditions of the FBI and its employees.

TRIBUTE TO ALFONSO JAMISON

Mr. LEVIN. Mr. President, I rise today to honor and pay tribute to a friend from Michigan, Alfonso Jamison, who retired from the Saginaw Police Force on March 24, 1994 after 23 years of distinguished service. Officer Jamison began his career as a Saginaw police officer on March 24, 1971.

Officer Jamison was not just a law enforcement official, but also a role model for community members in general and area youth in particular. Officer Jamison was active in the Community Relations/Crime Prevention Program and was instrumental in starting 102 Neighborhood Watch Groups. These groups are all still active today, largely because of Officer Jamison's continued support and interest, including attending meetings and block picnics.

In addition to aiding in the prevention of area crime, Officer Jamison volunteered to help area youth overcome violence. He helped at-risk youth including resolving conflicts between gangs. Officer Jamison was also concerned with the youth drug problem and helped to organize "just say no" drug prevention rallies for students as well as the Houghton-Jones Area Task Force and the "Dribble Against Drugs" program.

Officer Jamison was promoted a number of times during his career and earned many more certificates for special training and educational achievement. He was a member of the board of the National Black Police Officers Association, and was singled out for meritorious service within the Saginaw Police Department for special recognition by community organizations.

United Saginaw Against Crime is sponsoring a community-wide dinner to honor and show their appreciation to Officer Jamison for all of his achievements. The Saginaw Police Force and the people it serves will surely miss him, and I wish him all the best in his retirement.

TEENAGE PREGNANCY

Mr. SPECTER. Mr. President, I would like to make a very brief comment on a very important hearing which was held this morning in the Subcommittee on Education, Health, Human Services and Labor with Chairman Senator HARKIN and myself on the issue of teenage pregnancy.

In the course of that hearing we heard from the Surgeon General, Dr.

Elders, and others, about the scope of that problem. It has been characterized by our colleague, Senator MOYNIHAN, as a central problem in America today. It may well be the most important problem as we grapple with teenage pregnancy where we have a family coming into existence without any family structure at all. It has ramifications on very substantial costs in welfare. It has ramifications on the ability of the child to learn. It has ramifications on cost control.

We see a pattern involving children giving birth to children. Children from teenage parents become teenage parents themselves.

I commend to my colleagues the testimony of Dr. Elders and the testimony of three teenagers who came in, two of whom were teenage pregnant.

I shall have more to say about that subject, but in the limited amount of time I had remaining I did want to bring this subject up.

RESOLUTION COMMENDING ROBERT C. LOUTHIAN, JR.

Mr. BYRD. Mr. President, I ask unanimous consent that the text of a resolution commending Robert C. Louthian, Jr. be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. —

Whereas Robert C. Louthian, Jr., Senior Counsel in the Office of the Legislative Counsel of the United States Senate, has retired after more than 40 years of distinguished service in the Office of the Legislative Counsel of the Senate;

Whereas Robert C. Louthian was appointed as law assistant in the Office of the Legislative Counsel of the United States Senate on July 14, 1952;

Whereas Robert C. Louthian has served in the Office of the Legislative Counsel longer than any other individual in the history of the Office;

Whereas Robert C. Louthian has made major contributions in the drafting of legislation relating to the District of Columbia government, commerce, energy, environment, shipping, communications, and Indian affairs and has served as a legal adviser to other Senate offices; and

Whereas Robert C. Louthian has unfailingly met the legislative drafting needs of the United States Senate with dedication, professionalism, and skill: Now, therefore, be it

Resolved, That the United States Senate—

(1) expresses its gratitude to Robert C. Louthian, Jr., for his over 40 years of faithful and exemplary service as an attorney in the Office of the Legislative Counsel of the Senate; and

(2) commends Robert C. Louthian for the superlative quality of his service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Robert C. Louthian.

CONGRATULATING MARCA BRISTO ON HER CONFIRMATION AS THE CHAIR OF THE NATIONAL COUNCIL ON DISABILITY

Mr. HARKIN. Mr. President, I would like to congratulate Marca Bristo on her confirmation by the U.S. Senate on May 12, 1994 to serve as the Chair of the National Council on Disability.

In my capacity as Chair of the Subcommittee on Disability Policy, I have known Marca for almost 6 years. She is a trusted adviser on matters relating to national disability policy.

Marca has taught me that disability is a natural part of the human experience that in no way diminishes the fundamental right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society, and enjoy full inclusion and integration in all aspects of American society.

Marca has also taught me that independent living, including consumer control, self-determination, self-help, peer support, and advocacy must be at the core of our Nation's disability policy.

I believe that Marca's national leadership experience and proven ability to work with and motivate a wide mix of individuals, her managerial skills, experienced and lauded speaking style, and her standing in the disability community make her uniquely qualified for this role.

Marca is the president and chief executive officer of Access Living, a center for independent living in Chicago, IL. Marca is the recipient of numerous awards and honors, including the Distinguished Service Award of the President of the United States. Most recently, she received the highest award in the disability field, the Henry B. Betts Award.

Again, I extend congratulations to my friend, Marca. I look forward to working with her as we continue our efforts to make the promises of the ADA realities for millions of people with disabilities in this country and around the world.

TRIBUTE TO NANCY N. CAMPBELL

Mr. LIEBERMAN. Mr. President, I rise today to say a few words about Nancy N. Campbell, who will be honored in my home State of Connecticut for her outstanding contributions to historic preservation.

On May 26 at the Wadsworth Atheneum in Hartford, Nancy Campbell will receive the Harlan H. Griswold Award, the highest tribute which can be given in Connecticut for work in support of the cause of historic preservation.

Ms. Campbell is being honored for her leadership in local and State preservation in Connecticut and for her effectiveness in promoting preservation at the highest levels of national awareness.

As a resident of Middletown, CT, Ms. Campbell helped found the Greater Middletown Preservation Trust and served as a member of the Landmarks Advisory Board of Wesleyan University. She joined the board of the Connecticut Trust for Historic Preservation, where she served a term as chairman. For 6 years, she served as a member of the Connecticut Historical Commission.

She continued in her commitment to preservation activities after establishing a second home in New York, where she now serves as vice chairman of the Preservation League of New York. While maintaining homes both in Connecticut and New York, she was asked to serve on an advisory committee to Connecticut's Department of Transportation, whose goal was to create a set of design standards for Connecticut's beloved and historic Merritt Parkway. This important document has been completed and is being instituted.

Ms. Campbell now serves as vice president of the board of the National Trust for Historic Preservation.

The landscape of Connecticut and indeed of the entire United States will be the richer for her dedicated efforts to historic preservation.

A CARING INDIVIDUAL

Mr. DOLE. Mr. President, I continue to hear from hundreds of Americans who want to express their respect and admiration of former President Richard Nixon.

One of the most eloquent memories of President Nixon was one that was printed in the Washington Post on May 1. It was written by Harold Bell, who is a sports talk show host and president of "Kids in Trouble" here in Washington, DC.

Mr. Bell paints a memorable picture of a caring individual, and I ask unanimous consent that his article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE WASN'T A GREAT GOLFER BUT * * *

I met Richard Nixon in 1957 at the Burning Tree Golf Course in Bethesda. Burning Tree was a whites-only, all-male, private golf club for the movers and shakers of world politics. Mr. Nixon, at the time was vice president, and I was a student-athlete attending Spingarn High School in Northeast Washington.

I carried golf clubs on the weekend to help my mother make ends meet for my brothers and me. One Saturday evening after caddying one round and finishing early, I decided to double or at least increase my earnings of the day. I joined a group of older guys, which included Petey Green (who went on to become a legendary radio and TV personality in Washington), in a game of cards in the caddy shack. Big mistake. I was broke within an hour.

Now I had to figure out how I was going to explain to my mother that I had been at the golf course all day (I would usually leave the house at 7 a.m. and return around 7 p.m) and had nothing to show for it. I borrowed two dollars from Petey Green for the bus fare and hamburgers at Little Tavern. I headed for the parking lot to hitch a ride to Westmoreland Circle to catch the bus home to my housing project, Parkside, in Northeast. As I emerged from the woods with my head hanging down. I heard the voice of club pro Max Elbin calling me. Mr. Elbin wanted me to take two bags out for another round. Before he could finish the sentence, I had the bag on my shoulder, and I was standing on the first tee waiting for my two saviors. I would never forget how these men saved me from having to explain to my mother how irresponsible I had been that day.

I had no idea who these men would be, but at this point I didn't care. Ten minutes later, out of the club house walks Vice President Nixon and Attorney General William Rogers. They both greeted me with a smile and handshakes. Mr. Nixon asked if I was ready for an adventure around the Burning Tree Golf Course, and I smiled and said "Yes, sir." I had not fully understood what he meant when he said "adventure," but after three holes, I understood the remark. Mr. Nixon's golf balls spent more time in the trees than most squirrels. On the other hand, Mr. Rogers was a pretty decent golfer.

I thought that since it was so late in the evening, along with the bad golf of Mr. Nixon, they would only play nine holes, but this would turn out to be an 18-hole adventure. As we approached the 18th hole, I noticed the lights were on in the clubhouse, and my homeboys had probably left for the long ride back to the projects. This was my first time at the golf course this late without a ride.

It was now after 7 p.m. and it was the dark of night. There were few cars in the members' parking lot. The few members who remained were more than likely involved in a high-stakes gin rummy game. The likelihood of my getting a ride to town before 10 p.m. did not look good. I would probably end up catching a ride with the help (cooks or locker-room men).

The two gentlemen who had rescued me from going home broke three hours earlier came to my rescue again. The vice president and the attorney general came bouncing out of the clubhouse, and before I could say, "Good night," the vice president had offered me a ride into town. It had never crossed my mind to ask for a ride, even though members routinely gave caddies rides into town to catch the bus.

The "adventure" became many more adventures and the development of a lasting friendship with then-Vice President Nixon. I have been amazed over the years as I read or heard people say how aloof, withdrawn and noncaring this great man was.

During the evening of golf and the ride to the bus, Mr. Nixon wanted to know where I lived, how many brothers and sisters I had, what school I attended, what sports I played and what kind of student I was. I was caught completely off guard: Here was the vice president of the United States taking an interest in a poor little black kid from a housing project in Northeast Washington.

The one thing that I wanted to brag about was how great an athlete I was. I bragged about how I played three sports and was a starter in all three. The vice president turned from the front seat and looked at me in the eye and said, "That's great, but how are your grades?" And I saw Attorney General Rogers peering in the rearview mirror waiting for my response. All I could say was that my grades were "okay." Mr. Nixon's response was, "Harold, you have got to do better."

Before letting me out at the bus stop, the vice president let me know that they were weekend warriors and late Saturdays were the best time for them. Two weeks later, I had their bags again.

It was more than 10 years later that I observed Mr. Nixon touring the riot-scarred corridor in the Shaw neighborhood of Northwest Washington, but on this occasion he was being called Mr. President. I was assigned to the Shaw community as a roving leader for the department of recreation, working with troubled youth. Many black residents in the community were shocked to see him in the "hood" and questioned his motives. But I knew that he was concerned about his black neighbors north of the White House.

Two weeks later there was a letter from President Nixon. After that Mr. Nixon extended an invitation to me and my wife, Hattie, to join him and then-Secretary of State William Rogers at the White House to break bread and talk about the early years at Burning Tree Golf Course.

In 1969 I received a presidential appointment to become the first civilian to head a Domestic Actions Program on a military facility in the United States. I don't even remember Mr. Nixon ever asking me if I was a Republican or a Democrat or making me feel uncomfortable because of my color or the fact I was his caddy.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Tuesday, May 24, at the close of business, the Federal debt stood—down to the penny—at exactly $4,591,881,334,308.86. This debt, mind you, was run up by the Congress of the United States, because the big spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Alaska [Mr. MURKOWSKI] as a member of the Senate delegation to the North Atlantic Assembly spring meeting during the second session of the 103d Congress, to be held in Oslo, Norway, May 26–30, 1994.

The Senator from Iowa.

PRESIDENTIAL IMMUNITY FOR ACTS OCCURRING BEFORE ASSUMING OFFICE

Mr. GRASSLEY. Mr. President, for the first time, a President of the United States has been sued for acts occurring before he assumed office.

Press accounts suggest that when he responds to the lawsuit, the President will argue that he is immune from suit. Not being a lawyer, I cannot say whether the law grants the President immunity in this situation. I do know that two lawyers will, no doubt, have two different opinions in this matter, even after reading the same case law.

Whatever the President may legally be able to claim, I hope that he will not rely on an immunity argument. No one, including the President, is above the law. Consider the hypothetical situation that Prof. Charles Fried has raised. Suppose that George Bush, before he was President, had run over a swimmer in his speedboat.

What would be the reaction if the swimmer's widow could not bring suit to recover for the injuries and loss of support? Even if her suit were delayed until the President left office, the personal suffering would be terrible.

It would be inappropriate to delay the lawsuit until an undetermined time.

Statutes of limitations exist to make sure that the memories of witnesses are fresh. Delaying the case would only serve to diminish the memories of the parties, and harm the ability to determine the truth.

Although the President's efforts to perform his job might be harmed by the lawsuit going forward, all other civil litigants face that prospect as a matter of course.

Moreover, press reports indicate that the White House is considering arguing that while immunity should apply to this case, it would not apply to, for instance, a zoning dispute involving property the Clintons owned. Does anyone think that zoning is more important than sexual harassment?

So far, women's groups have stood on the sidelines in the Jones versus Clinton case. They have been criticized in some quarters for their hypocrisy. After all, they embraced Anita Hill without question or reservation. There are many differences between Professor Hill's and Ms. Jones's allegations.

One major difference is that Ms. Jones sought to bring her charges before a Federal judge. Professor Hill chose not to pursue her claims at the time. By the time she did bring them out in public, it was too late to file them in court.

Ms. Jones is entitled to her day in court.

She will have the burden of proving her case, and the civil justice system will resolve her claims in accordance with standard procedures. But if the President relies on an immunity defense that is certainly available to no one else, then Ms. Jones will not have her day in court.

And that would mean that the issues in her case may not receive the serious treatment that all such allegations deserve.

I know that institutional reasons are offered to justify immunity. It is claimed that the President cannot take time away from his important duties to give deposition testimony.

I agree that the danger of subjecting the President to potentially frivolous lawsuits should be avoided. But I believe that all potential civil litigants are in the same position as the President, even if not to the same degree. Accordingly, I have strongly supported an effective rule 11 of the Federal Rules of Civil Procedure.

Rule 11 allows courts to sanction attorneys who file frivolous cases without having checked into the legal and factual validity of their claims. The rule benefits all potential defendants, including the President, by staving off the flood of frivolous suits the White House fears would be unleashed in the absence of immunity.

The more than two centuries in which no such suits were brought, combined with rule 11, make me believe that these fears are groundless.

Mr. President, the President may be within his rights to seek to dismiss the case based on immunity.

But I hope that he will share my belief that everyone deserves his or her day in court. And I hope also that he shares my beliefs that no one is above the law, and that everyone deserves strong protection from frivolous lawsuits.

Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial from the New York Times of May 25, 1994, entitled "Dubious Immunity for a President."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 25, 1994]

DUBIOUS IMMUNITY FOR A PRESIDENT

President Clinton's private attorneys are considering asking a Federal court in Little Rock to spare Mr. Clinton—at least while he occupies the White House—the duty to defend a civil lawsuit based on alleged sexual misconduct when he was Governor of Arkansas.

That would be a highly dubious claim of Presidential privilege, one the courts would be unwise to adopt. Presidents are immune from civil liability for their official acts while in office. But extending that immunity to pre-Presidential conduct is not justified. Presidents are, in the first instance, citizens, no more above the law than other citizens. Granting them immunity to civil litigation would deny aggrieved litigants a timely chance at justice.

Paula Jones, a former Arkansas state employee, has accused Mr. Clinton of making uninvited sexual advances to her in 1991, and then, as punishment for rejecting them, causing her to be denied job promotions and conspiring with others to defame her. That would be a serious abuse of official position and a violation of her rights against sexual discrimination and harassment.

Robert Bennett, Mr. Clinton's personal attorney, is unlikely to contend seriously that Bill Clinton, citizen or Governor, can indefinitely avoid answering such charges. But he says: "Think of the consequences. There could be thousands of lawsuits" if the courts entertain this one at this time. He hints that he may ask the courts to stay any legal action until his client is out of the White House, whether that comes in 1997 or 2001. Justice delayed? He notes that Ms. Jones waited three years to file her suit.

The Justice Department is researching the immunity question, but it ought to weigh in only on the institutional issue of whether any sitting President can be sued for civil damages. The Department needs to stay clear of the merits of the lawsuit, which is the turf of Mr. Clinton's hired private attorney and an area where there is no reason for spending public money.

Whatever the department's views, courts and the public are entitled to discount them as the work of Presidential subordinates or the product of institutional bias against suing the Government.

The President's supporters say the case should be dismissed or postponed because Ms. Jones's sponsorship by a group of political enemies undermines her credibility. They also claim that evidence may show she received salary increases rather than workplace penalties after the alleged encounter. But those are not reasons to delay the suit; they are disputed issues to be adjudicated at trial.

When the Supreme Court in 1982 recognized civil immunity for former President Nixon for firing a respected Pentagon whistle-blower, it was protecting the President for suits involving his official acts. The Court held that the chief executive, with his unique duties under the Constitution, must not be shackled with potential civil liability if he is to perform his Presidential duties with the requisite courage and directness.

The Court also suggested, in language Mr. Clinton's lawyers could be expected to cite, that subjecting the President to the toils of litigation would unduly burden a President. "Diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government," the Court said.

Such concerns ought not to be exaggerated. Legal immunity, even for official acts, can be costly. It can deny abused citizens the very kind of accountability that democracy and justice seem to demand. Four dissenters in the 1982 case complained that the President was being placed "above the law."

Presumably, President Clinton has weighed the political risks of asking the courts for a stay of this lawsuit. Many neutral observers might join his enemies in cries of "above the law" that could echo through 1996. But for the nation to create a Presidential right to delay civil justice would grant a privilege even Richard Nixon did not seek.

There is no mountain of litigation now or on the horizon that would justify this odd form of immunity. If Mr. Bennett's prediction about a mass of intrusive lawsuits proves correct, Congress can remedy that with legislation. Until then, the broad principles of equal justice and equal access to the courts cannot be sacrificed simply because of the unseemly nature of this case.

GANG CRIME

Mr. GRASSLEY. Mr. President, last Wednesday, the New York Times ran a lengthy article on the growing number of crimes committed by gangs of white youths.

The article focused on the brutal and senseless murder last August of 17-year-old Michelle Jensen in my own State on Iowa. Miss Jensen was killed because she would not turn over her car keys so that the gang members could rob a convenience store.

Three youths, aged 17, 18, and 19, were convicted of murder for their role in the crime, and three other gang member were convicted of lesser offenses.

For many years, Iowa was spared the ravages of gang activity that have plagued other States.

Although rural crime is growing at a rapid rate, Iowa still has a crime rate much below the national average. In recent years, gangs have begun to be formed in my State. In the quad cities, at least 23 gangs roam the streets.

As tragic as this crime was, I can at least praise the State of Iowa for its response.

Suspects were taken into custody quickly, and have been convicted less than 9 months later. The trigger man was convicted of first degree murder and robbery, and the others present at the scene were convicted of second degree murder and robbery. In Iowa, our criminal laws are more enlightened than three strikes and you're out if someone commits violent offenses.

Iowa's tough criminal justice system will sentence all three of these individuals, despite their ages, to life without parole. I deeply appreciate the outstanding efforts of Iowa law enforcement personnel and prosecutors in bringing these criminals to justice.

I believe that swift, certain, and tough law enforcement is the most important weapon we have to contain gang activity.

Mr. President, the article also mentioned that only one of the gang members came from a two-parent family.

A criminologist quoted in the article maintained that gang activity grew in the quad cities as a result of corporate downsizing there over the years. There are some important points to note in response to the article.

First, we all agree that two-parent families are more likely to instill the moral training helpful to producing law-abiding citizens.

But an individual is not less culpable for the crimes he commits merely because he comes from a single-parent family. And, second, corporate downsizing and its accompanying unemployment also cannot be used to excuse gangs or murders. Moreover, the corporate downsizing in the quad cities took place quite a few years ago.

Today, unemployment in Iowa is under 4 percent, so the state government's economic policies are working well. Nonetheless, significant reductions in the unemployment rate have not led to lessened gang activity or fewer brutal murders.

The Senate crime bill conferees may want to think about this when considering how much so-called crime prevention money should be included in the bill, and whether it is likely to really have any effect on crime.

We need to focus on the growing problem of gangs.

We need to punish strictly those gang members who commit violent crimes. And we must stop looking for explanations of crime that focus entirely on societal factors and not on the moral decisions that individuals choose to make, and for which they must be held accountable.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1994]

KILLED BY HER FRIENDS IN AN ALL-WHITE GANG

(By Don Terry)

DAVENPORT, IA, May 13.—In the middle of a silent country night last August, 17-year-old Michelle Jensen was shot to death. Her body was left along a dusty rural road, near a cornfield not far from the center of the city.

Three teen-age gang members murdered her, a jury ruled on Friday, for the keys to her Ford Escort. The killing by the youths, all from Davenport's blue-collar West end, rocked the eastern edge of the state, not only because of the cold-blooded brutality of the crime but because Iowa boys are supposed to join the Scouts, not gangs; they are supposed to be committing pranks, not murder.

Three other young men arrested in the case pleaded guilty to lesser charges and testified against the fellow gang members they had vowed to die for. But what seemed to shock people even more than the big-city style of the gang violence were the suspects themselves: six white sons of the heartland.

"People were amazed when they saw them on TV and found out all six of them were white," said Michelle's mother, Cheryl Jensen. "For some reason, that blew people's minds."

Seeing the suspects shuffle into the courtroom in handcuffs forced people here to question beliefs about race and crime and the boys down the block. When many people here used to talk of gang violence, they were referring to black and hispanic youngsters in big city ghettos, not young people in Iowa cities like Davenport, which has fewer than 100,000 residents.

Dan Wulff, coordinator of a neighborhood youth program here, said, "I think the Jensen case made a dent in those stereo types, but I'm afraid they're still alive and unwell."

Davenport, along with Bettendorf, Iowa, and Rock Island and Moline, Ill., make up the Quad Cities, clustered on the banks of the Mississippi River. The police say there are 2,000 to 2,500 gang members of all races in the Quad Cities, which have a total population of about 200,000. asian, black and Hispanic residents make up about 9 percent of that number.

About a third of the gang members are white, a percentage that some criminologist and sociologists say is high compared with the rest of the country. Nationally, experts say, more whites are turning to gangs for the same reason that black and Hispanic youngsters do: family, esteem and fast money.

Youth workers here say that before Michelle was killed, white gang members were ignored in a way that black and hispanic gang members were not, even though some of the whites were conspicuous with multiple gang tattoos and clothing adorned with gang insignias. One worker said, for example, that white and black gang members would go shoplifting together, then split up by race, knowing that the shopkeeper would follow the blacks and not pay attention to the whites.

"I see white kids running around here with gang colors and flashing gang signs and nobody pays them that much attention," said Prof. James Houston, who teaches criminal justice at St. Ambrose University here and is an expert on street gangs. "But if you're black and you do it, then everybody's radar goes off."

THE BACKGROUND—COPYCAT GANGS, A GIRL WITH A CAR

Michelle Jensen's body was discovered on Chapel Hill Road shortly before 2 a.m. on Aug. 29. Within hours, according to her sister, Veronica, 14, the police had rounded up six members of an all-white chapter of the Vice Lords street gang.

One of Chicago's oldest black street gangs, the Vice Lords have haunted that city for 30 years and spawned chapters or copycats around the Midwest. The authorities here said gang members from Chicago and St. Louis often come to Davenport on weekends to sell drugs, recruit members and escape the heat from the hometown police. Chicago is a three-hour drive from here.

Cpl. Henry Hawkins of the Davenport Police Department grew up in Chicago and never imagined that so much of the mean streets would follow him to Iowa. Now he spends a lot of his time talking to school and neighborhood groups about street gangs.

'THE SADDEST PART OF ALL'

One thing Corporal Hawkins tells the groups is that white and black teen-agers join street gangs for basically the same reasons. Some are lured by money, others by the rush that comes with a gang fight or trying to outrun the police. A lot of them do it for love. Being in a gang provides them with a sense of family they have not found anywhere else. "That's the saddest part of all," Corporal Hawkins says.

Lieut. Phil Yerington of the Police Department said: "A lot of these kids don't have much to cling to. I think these guys were closer as a gang than they were in their own homes."

Only one of the six involved in Michelle's killing lived with both birth parents, and he provided the gun for the killing. Fathers, for most of them, were only faded memories. All six had dropped out of school, although one earned a high school equivalency degree.

Michelle was not a member of the gang. But she was friendly with several members, and close enough to one, Jason Means, 17, that he accompanied Michelle and her family on a camping trip last July.

The night Michelle died, the Vice Lords wanted to borrow her 11-year-old Escort to use in the robbery of a convenience store, according to court testimony. They had high hopes for the stolen cash. They planned to start a drug ring, so they could jump into the major leagues of the gang world, the police said.

ONLY BLOCKS APART

The evening began with a party at the home of Anthony Hoeck, 19, a high school dropout and would-be gang leader. He lived with his father, Lavern, a former steel foundry worker who had been disabled, and his mother, Marsha.

Michelle lived a few blocks away. Her mother, Cheryl, works at a gift shop, and her father, Mark, is an electrician. A good student, Michelle loved drama and music and helped out at the Zion Lutheran Church preschool on Sundays. She also worked at a summer camp for disabled children, where she had met a new boyfriend, a college freshman her parents were crazy about.

"I said, 'Thank, God, finally, Michelle has met a decent boy,'" her mother recalled. "She was so happy."

Michelle and her mother had the usual conflicts, Mrs. Jensen said, and one particularly bitter battle, when she thought her daughter might be sniffing glue. But Mrs. Jensen said Michelle could not resist the badboy charms of the Vice Lords; they looked so cool with their tattoos and red gang bandanas. Michelle had dated a gang member who was in jail the night she was killed. She considered the Vice Lords her friends.

"They put up a good front when they were around us," Mrs. Jensen said. "We never realized they were a threat. Michelle never thought they would hurt her."

Before going to the party, Michelle cleaned up her family's house. Then she lied to her parents. She told them she was going baby sitting. She gave her sister $5 not to tell where she was really going.

"She had her troubles, but we got through them; at least I thought we did," Mrs. Jensen said. "She was on the right track. I could trust her again. I did everything in my power to protect my kids. I thought I had it under control."

THE NIGHT OF THE KILLING—A DEMAND FOR KEYS AT A PARTY

At the party, everyone was drinking gin and malt liquor, said Christopher Felgenhauer, 19, who pleaded guilty to robbery and kidnapping. Also at the party were the other two who pleaded guilty, Shawn Shewmake, 18, the leader of the gang, and Joe Hager, 20, who lived with the Hoecks.

Their plan was to rob a convenience store that night, and they needed a car. They chose Michelle's. But when Michelle refused to turn over her keys, Chris Felgenhauer testified, Tony Hoeck told him to hit her in the head with an electric fan to knock her out. When he hesitated, Chris said, Tony threatened to kill him if he did not carry out his order. Chris then hit Michelle once in the face, knocking her onto the bed but not unconscious. When he tried to take her keys, he said, Michelle got angrier and louder.

Hearing the noise, Mrs. Hoeck came up stairs and told her son to get Michelle out of the house because she was drunk, Joe Hager testified.

Chris testified that Michelle had complained to Mrs. Hoeck that he had struck her, but he said he had denied it.

Chris said Tony then gave Jason Means and Justin Voelkers, 19, another gang member, a sawed-off shotgun that he kept under his bed and called "Bud." The gun had been stolen and the barrel sawed off, a prosecutor said. Tony told Jason and Justin to take Michelle outside and to get her car, according to court testimony. The witnesses, including the three suspects who pleaded guilty, provided this account of the slaying:

The boys convinced Michelle that she was too drunk to drive and promised to take her home. They drove away with no destination in mind, turning down Chapel Hill Road. Justin had to urinate. He got out of the car with the shotgun. Michelle got out and walked down the road. Justin ran after her, hiding the gun behind his leg, and ordered her to sit down in the road. She refused. He gave her until the count of five. When she continued walking, he shot her. The blast tore away part of her head.

Justin, in a videotaped confession, never said why he pulled the trigger. He said he had been drunk and has been told "to take care of the bitch" because she knew too much. "I didn't look," He said. "All I saw was a big flame, a big flash.

Justin and Jason went back to the house and picked up the other boys and headed for the convenience store. But they decided against robbing it because it was too crowded. Instead they drove to a Hardee's for hamburgers before driving back out to Chapel Hill Road to prove to the other gang members that they had had the nerve to kill someone. The police were already there, so they went back to Davenport.

The police woke most of them up a few hours later.

Jason, who also gave a videotaped confession, was asked by a sheriff's deputy if it had been hard for him to eat after Michelle was shot. He replied: "No, not really. I was hungry. I wasn't even thinking about it."

A "WRONG PLACE" DEFENSE

Tony, Justin and Jason all pleaded not guilty. Tony's lawyer said his client, with an I.Q. of 77, was not smart enough to be the leader of the plot, as the prosecution contended. The lawyers for Justin and Jason said their confessions had been manipulated. Justin's lawyer said the killing had been an accident. Jason's lawyer said his client had simply been in the wrong place at the wrong time. The three did not testify.

The Scott County District Court convicted Justin of first-degree murder and Jason and Tony of second-degree murder. All three were convicted of kidnapping and robbery and under Iowa law will be sentenced to life in prison without parole. The sentencing is scheduled for May 31. There is no capital punishment in Iowa.

[Shawn Shewmake and Joe Hager were each sentenced on Tuesday to two 25-year terms to run consecutively. Chris Felgenhauer is expected to receive about the same term when he is sentenced on Thursday. They will have to serve at least a quarter of their sentences before being eligible for parole.]

THE PERSONALITIES—2 TEEN-AGERS ON DIFFERENT PATHS

Earlier in August, Michelle had been so excited about starting her senior year at Davenport Central High School that she had loaded her school locker with new notebooks and decorated the gray metal door with photographs of her new boyfriend.

She also had some photographs taken of herself. Her mother said she had never looked better. She had dark hair and an easy smile, though she still worried about her weight and chewed her nails constantly.

In the morgue, her mother said, the only way she was sure it was Michelle was by looking at her fingernails.

Justin Voelkers, who was 18 at the time he killed Michelle, had been in and out of trouble at school and with the police.

His background is not that of the stereotyped gang member. He grew up about 45 minutes from Davenport, just outside of Calamus, population 450, on a 250-acre farm owned by his stepgrandparents, Clara and Robert Wilhelm. There is a rope swing at the farm and a yardful of cats and dogs.

His mother, Dorinda Voelkers, commutes to Davenport to tend bar.

Justin was shifted from one school to another in Calamus and Davenport for students with behavioral or learning problems.

Niki Soto, who drives a school bus in Calamus and developed a close relationship with Justin, said: "I'd have him into my house. I just wouldn't trust him. There's a difference."

She said Justin had a lightning-fast temper and a short attention span. "He's not a kid with a bad heart," she said. "I've had others that you could actually fear."

In his videotaped confession, Justin said the gang was after money and power when Michelle was killed.

"Money will get you power," he said. "Power and money are everything."

Justin said he did not feel too bad about the dead girl because he did not know her well.

"I ain't worried about going to jail," he said between sobs. "I'm worried about my mom. She might kill me."

THE GANGS—SUBSTITUTES FOR A FAMILY

Street gangs began showing up in Davenport in the 1980's, about when the hard times hit. From 1980 to 1987, the Quad Cities area lost 17,000 jobs when large farm-implement and construction concerns trimmed their payrolls, according to the Quad City Development Group, which tries to attract business to the area.

The jobs had kept families and dreams together for decades, but in 1983 the unemployment rate for the area was 14.8 percent. It was fertile ground for gangs. Then, in 1987, crack came to town and the sound of gunfire in the night became more common.

The unemployment rate is down to 5.5 percent but Malcolm W. Klein, director of the Social Science Research Institute at the University of Southern California, who has been studying street gangs since the 1960's, said once gangs come to town they are hard to get rid of. "There are almost no ex-gang cities," he said.

Today, the police say there are at least 23 street gangs in the Quad Cities. "We're a real melting pot," said Lieutenant Yerington of the Police Department. "We have black Asian Tigers and white Black Gangster Disciples." It has been that way here almost from the birth of the gangs, and in that respect, at least, Davenport is different, when so much of life in other places remains segregated.

'YOU GOT TO BE THERE WITH US'

"Black, white, Mexican, gook, it don't matter to us," said Hershey McFarland, 19, of the Imperial Gangsters, another largely white gang and the main rival of the Vice Lords. "What matters is, 'Is you down?' When we go out and mob somebody, you got to be out there with us, throwing blows, pulling the trigger."

Lieutenant Yerington said the average gang member in the Quad Cities is a "wannabe tough guy." For these gang members, bricks, bats and bottles are still the most common weapons.

Elliott Currie, a criminologist and the author of "Confronting Crime" (Pantheon Books, 1986), said one reason white gang members are not studied more is that they blend into the American mainstream more easily than their black or brown counterparts.

Mr. Currie said white gang members, especially in Midwestern cities like Davenport, are the bitter fruit of years of corporate cutbacks. "The white kids and their families are going through what black kids in ghettos have gone through for generations," he said. "For black kids, it's worse."

A total of 2,829 people under 18 were arrested for murder and nonnegligent manslaughter in 1992, the last year for which the Federal Bureau of Investigation has records. More than 40 percent of them, 1,162, were white. The same year 63,683 young people were arrested for aggravated assault; 56 percent of them, 35,865, were white.

INVESTIGATION AND TRIAL—"A LOT I DIDN'T KNOW"

An early break in Michelle's slaying came when the police learned that the last person she had been seen with was a skinny youngster called "Opie," because of his resemblance to the son of the sheriff on the old "Andy Griffith" television show. That was Jason, the only one of the six who is not tattooed.

His mother, Cheryl Means, is a 40-year-old single mother and a housekeeper at a nursing home. Five years ago, her oldest boy died of heart failure, at 16. Now her 16-year-old daughter is in a home for troubled children.

Mrs. Means said she had her put there "so she wouldn't end up dead on the street."

The weekend Michelle was killed, Jason was supposed to be driving with his mother to visit his sister, who lives 160 miles away. They were going to leave the day before Michelle was killed, but Jason left home that Tuesday, and Mrs. Means says she did not see him again until he was under arrest in the slaying. She said she had not been concerned about his absence because it was summertime and he was 17.

"There's a lot of things I have to admit that Jason did that I didn't know about," she said. "I didn't even know he knew Michelle. Later, I heard he went camping with her."

Mrs. Means says Jason's father left the family when his youngest boy was 5 years old and was not around when Jason, a shy boy, fell in love with baseball and football. But sports was not enough to keep the streets away.

Jason had been in trouble before for shoplifting, his mother said. Jason hated school and dropped out when he was 16, as soon as the system allowed it, his mother said.

"I tried a good two years to get help for Jason," she said. "I would call the truant officer on my own son. I did that four times. 'Hey, do your job,' I'd say. 'I want my son to grow up and be someone.' But when he turned 16, it was like nobody cared anymore. It was like everybody stopped trying."

In July, five weeks before he took Michelle to her death, Jason accompanied her and her family on a camping trip to celebrate her parents' 20th wedding anniversary. For six days, he tried his best to please, Mrs. Jensen said. He washed dishes, he gathered wood, he helped with the cooking. And he followed the Jensens everywhere, like a lost child.

"It was almost impossible for me and Mark to get a bike ride alone," Mrs. Jensen said. "I don't understand it. We treated him decent and he turned around and got involved in this."

The trial lasted a week and a half. The jury reached its verdicts in a few hours. Guilty, guilty, guilty, the foreman said, looking as sad as Tony Hoeck's father, who put his head down and began to sob.

Across the aisle, Michelle Jensen's father was also crying. "Let's go," he said to his wife. "No, wait," she said.

She wanted to watch as the deputies put each boy-turned-killer into leg irons and handcuffs and led them away.

"We're pleased with the verdict," Mr. Jensen said later, his eyes filled with hurt. "But we don't like to see these teen-agers waste their lives like this. We just hope other teen-agers will look at this and think twice."

I yield the floor and yield back the remainder of whatever time I have.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. (Mr. AKAKA). The Senator from Montana.

THE CLEAN WATER ACT

Mr. BAUCUS. Mr. President, 22 years ago, under the leadership of Senator Edmund Muskie, the Environment and Public Works Committee met to address a national crisis: the crisis of water pollution.

The headlines of that era told of lakes so polluted they could support only algae blooms. The Cuyahoga River, which runs through Cleveland, was so contaminated with industrial waste that it caught fire. Lake Erie was considered biologically dead.

The response was the Clean Water Act of 1972. Since its passage, the act has been a pillar of our country's environmental and public health policies.

The Clean Water Act of 1972 set three ambitious goals: fishable and swimmable waters; zero discharge of pollutants; and no discharges of toxic pollutants in toxic amounts. Today, 22 years later, we have come a long way toward those goals:

Eighty-five percent of municipal discharges and 87 percent of industrial sources now comply with the act's requirements on water quality and conventional pollutants.

The quality of our waters—the Cuyahoga River, Lake Erie, and hundreds of other lakes and rivers—is immeasurably improved.

The Clean Water Act has done a great deal of good. But when we consider its three original goals it is clear that we still have significant water pollution problems.

The chart on my right indicates that the quality of almost 40 percent of assessed river miles are impaired and 6 percent are threatened with impairment. Thirty two percent of coastal waters are impaired as are 44 percent of lakes. In both cases, over 10 percent of these waters are threatened with impairment. And, fully 97 percent of the shoreline miles of the Great Lakes are impaired.

Stated differently, it is the red and the yellow which are impaired or threatened to be impaired and it is only the blue which meets the clean water standards. So, effectively, about half of our water is impaired and with the Great Lakes almost all of it is impaired.

The Clean Water Act has done a good job. When we consider its goals, as I said, we have a lot more to do. And this chart indicates that.

In addition, the second chart indicates the reported number of both beach closings and fish consumption advisories have increased in recent years. This is evidence that some water quality problem are getting worse rather than better.

This top line—that is the blue line—lists the total number of ocean and bay beach closings and advisories in 22 coastal States from 1988 to 1992. In 1988, 484 beach closings or advisories against swimming were issued. That is the lower left. That is the blue line. As you can see, this upward trend has continued. In 1992, a mere 6 years later, beaches were closed, or advisories were issued against swimming, on 2619 occasions. This is more than a five-fold increase. From 1988 to 1992.

The second line on the chart—the red line—shows the trend in fish consumption advisories. According to EPA, advisories to the public about possible fish contamination have also shown a steady increase, about 2½ times over the same period.

So we have made a great deal of progress in improving water quality. But, as the charts show, water pollution is still very much with us.

If we ignore those problems, they will not go away. They will be passed along to the next generation. That is just not acceptable. It is up to us to pass a strong and revitalized Clean Water Act.

I am pleased that the Senate will begin consideration of legislation to reauthorize the Clean Water Act after the Memorial Day recess. This bill, S. 2093, was reported by the Environment and Public Works Committee last February by a vote of 14-3.

We will have plenty of time to discuss the bill's provisions when the bill comes to the floor. Today, I want to review the key elements of the legislation and the benefits to the country of a new Clean Water Act.

HELPING COMMUNITIES WITH WATER POLLUTION CONTROL

Communities across the country today face significant problems implementing the Clean Water Act.

EPA estimates that funding required for sewage treatment over the next 20 years is over $100 billion. The bill provides funding of at least $2.5 billion per year to help finance sewage treatment projects.

Perhaps as importantly, every billion dollars we invest in water pollution control generates over 50,000 jobs in the construction and related industries.

Even with substantially increased funding, the current requirements of the Act—that is, under current law—with respect to municipalities, pose a significant burden for many communities. The bill will reduce requirements for control of combined sewer overflows and for treatment of discharges of stormwater.

The EPA estimates that the overall savings to municipalities of the proposed changes to the combined sewer overflow and stormwater provisions of the act will save communities almost $12 billion.

EFFECTIVE PROGRAMS FOR NONPOINT POLLUTION CONTROL

As industrial and municipal discharges have achieved compliance with the act, rainfall runoff from diffuse or nonpoint sources has come to represent the Nation's largest remaining surface water problem. Nonpoint source pollution affects 75 percent of river miles assessed by States and about 20 percent of the Nation's lake acreage.

Nonpoint pollution comes from a variety of sources: agricultural and forestry practices, urban runoff from roofs and paved areas, and return flows from irrigated agricultural lands, construction sites, mining sites, and land disposal sites.

The bill increases funding for the program from just over $100 million to as much as $600 million. More importantly, the bill authorizes States to make grants to individual pollution sources, such as farms, for implementation of pollution control measures.

I understand that some Senators are concerned about the nonpoint pollution program. I am from the State of Montana. Agriculture is the major industry in my State. It is the primary industry.

I have worked very hard to come up with an effective program that meets the needs of agriculture. That is why the bill provides for a flexible, targeted, nonpoint program that works for farmers and ranchers.

CONTINUING CONTROL OF TOXIC WATER POLLUTION

While there has been dramatic progress in reducing the discharges of toxic pollutants to waters, the amount of toxics entering our waters still remains high.

The bill expands existing authority for development of technology-based controls over industrial dischargers to give greater attention to pollution prevention.

The bill also improves the process for developing water quality criteria and standards for toxic and other pollutants. And, the bill responds to the growing evidence that some toxic pollutants may have very serious, long-term effects on the development and reproduction of aquatic species, wildlife and humans.

IMPROVING WETLANDS PROTECTION

While the United States once contained some 220 million acres of wetlands, today the country has only about 104 million acres of wetlands. Wetlands losses continue at a rate of 100,000 to nearly 300,000 acres annually. Efforts to conserve wetlands, however, have been a major source of controversy in recent years.

Some point to the ecological and economic values of wetlands and argue that wetlands conservation requirements need strengthening. Others argue that the wetlands regulatory program is difficult and confusing, fails to adequately involve the States, and unduly restricts the use of private property.

The wetlands provisions contained in the bill attempt to resolve these conflicting concerns.

The bill enhances wetlands conservation by setting a national goal of no net loss of wetlands, regulating previously unregulated causes of wetlands losses, and improving wetlands planning on a watershed basis.

It, however, simplifies compliance with wetlands requirements by setting permit decision deadlines, authorizing appeals of wetlands regulatory decisions, clarifying agricultural exemptions from permit requirements, and providing financial assistance to small landowners for wetlands conservation. The bill also encourages greater State involvement in wetlands programs.

POLLUTION PREVENTION AND INNOVATION

As the water quality program has matured, it has become increasingly clear that there is a need for new, innovative approaches to reduce water pollution. New, innovative approaches have the potential to reduce costs while increasing environmental benefits.

The bill includes several new approaches to water pollution control. For example, States are encouraged to manage water quality on a watershed basis. And, new authority is provided to demonstrate environmental benefits by allowing facilities to manage environmental control programs on a flexible multimedia basis.

That is just a long way of saying that the air and water and waste programs can all be put together, and managed in a flexible way, not each run separately. Because if they are run together, a plant manager, a person with a farm or ranch or what not, can then deal much more easily with the EPA, or the State, whichever is appropriately involved.

CONCRETE BENEFITS

It is hard—in fact, pointless—to put a price on clean water, but the act has dollar and job benefits that are as solid as concrete. The craft behind me lists several of the benefits or reauthorizing the act.

A major benefit of the bill is that we will be able to put at least 125,000 Americans to work on wastewater treatment projects.

Cities all across the country will be relieved of at least $12 billion in costs of controlling combined sewer overflows and stormwater—very important. That is the second one.

The bill will improve water quality in urban areas. It will increase swimming and fishing and opportunities and reduce human health impacts of water pollution. The estimated value of these benefits is between $1 and $6 billion. That is the third section.

In rural areas, such as my home State of Montana, improved controls over nonpoint sources of pollution included in the bill are expected to result in measurable improvements in 156,200 river miles and 7.1 million lake acres.

Finally, the new authority in the bill for watershed programs is estimated to have a potential value of as much as $7 billion.

THE AMERICAN PEOPLE WANT A GOOD CLEAN WATER BILL

Let me conclude by reminding my colleagues that water pollution is the top environmental concern of the American people.

Ninety-six percent of the public considers water quality the most important environmental issue, ahead of toxic waste, air pollution and everything else. And, the American people want us to pass tough practical legislation to protect water quality.

Last year, my committee heard testimony from Dr. Theo Colburn concerning the effects of some toxic pollutants on wildlife and humans. Dr. Colburn examined babies born to women who ate two to three meals of Lake Michigan fish a month for 6 years before getting pregnant. She found that the babies were on average lighter in weight, had smaller skulls, and were born earlier than the babies of mothers who did not eat fish.

That is what water pollution means. It is the legacy of a thoughtless, irresponsible past. It is not a legacy we can pass on to the next generation with a clear conscience. We owe America a strong Clean Water Act. We owe America's children a strong Clean Water Act.

I hope all my colleagues will work with me and other members of the committee as we prepare to bring this important legislation to the Senate floor.

AMERICA'S RELATIONSHIP WITH CHINA

Mr. BAUCUS. Mr. President, on another matter, I see my colleague, the senior Senator from Oklahoma, standing, about to seek recognition. I believe he is going to speak on a matter which is extremely important to this country, and to this country's long-term interests not only for the rest of this decade but into the next century and that is our relationship with Asia and America's relationship with China.

I join my colleague from Oklahoma in the statement he is about to make. I agree with the points he is going to make.

In addition, he is, I understand, to be followed by the chairman of the Armed Services Committee, the senior Senator from Georgia, who will make a similar statement on the same subject. I strongly endorse and commend them for their leadership, the Senator from Georgia and the Senator from Oklahoma. It is a matter I have worked assiduously on for the last 2 years. I am very heartened by the vision of the Senators from Georgia and the Senator from Oklahoma, for their positions they are about to announce, and I commend them for those statements.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I thank my colleague from Montana. I salute him for his leadership on this very important foreign policy issue, which is soon to confront the President of the United States for decision.

CHINA'S MOST-FAVORED-NATION TRADE STATUS

Mr. BOREN. Mr. President, very soon and no later than June 3, President Clinton will make a decision on China's most-favored-nation [MFN] trade status with the United States. Last year, the President issued an Executive order extending MFN to China for 1 year and conditioning its renewal in 1994 on progress in the area of human rights. At the time, I had expressed reservations about conditionality. I believed that conditioned MFN was an inappropriate tool to promote human rights and could harm our relationship with China—and harm that very cause. Now after an annual review, we are faced with the same dilemma as last year. Inevitably, we will be confronted with the same problem next year if we continue the present course.

The dilemma we, in America, face is this: How do we effectively encourage democratic principles and basic individual rights in a country that has often ignored these values? Do we recognize the great complexities of the task with a policy that appreciates the breadth of the Sino-American relationship? Or do we resort to rhetoric and hollow policies that marginalize our influence and endanger the progress currently taking place in China?

The answer is clear. In my view, this is the time for the President to embark on a new relationship with China, recognizing that as we take the long view, looking towards the next century, there is no bilateral relationship more important to us, as well as to the rest of the world, than the relationship between the United States and China.

There is a natural warmth and friendship between the peoples of the United States and China that presents an opportunity for positive, natural relationships. On the other hand, a souring of relations between the United States and China could present a greater threat to the world than that ever presented by the cold war between the former U.S.S.R. and the democratic nations. We must immediately lay the groundwork for a dialog that appreciates the realities of today with challenges of tomorrow. We should not take the first steps toward a fuller relationship by re-extending MFN and delinking human rights from the MFN debate.

For too long, American policy toward China has been one-sided. After World War II, our policy was to isolate the Communist mandarins from the community of nations. During detente, our goal was to exploit the rivalry between Beijing and Moscow. Now, with a new, yet undefined global order, we must pursue a course that neither ignores our many common interests we have with China nor exaggerates one consideration over another.

By now, we are all aware of the increasing economic ties between the two countries. Over 550 U.S. companies have wisely entered the fastest growing market in the world. With over a billion potential consumers and a growth rate in 1993 of 13 percent, China is poised to become the largest global economy, our entrepreneurs and workers cannot afford to ignore this country.

Yet, trade between our countries does more than enrich businesses. For China to succeed in today's economic arena, it must carefully study its largest market: the United States. They must know our business practices and understand the way of life of our consumers. As they learn about our business culture, they are exposed to our political ideas and our democratic values. As the Chinese try to maintain their economic growth, they allow foreign firms to establish a presence in previously closed communities.

The link between economic reform and democratic progress is not an illusory one as I saw in my own visits to China and to the Republic of China or Taiwan a couple of years ago. China is following the same successful models of the Republic of China and South Korea. Both the ROC and South Korea once had authoritarian governments which pursued economic development as a way to gain global prominence. While their GNP increased and the standard of living improved, a middle class was created that demanded political freedom along with its new purchasing power. These countries could not continue their economic growth without responding to the wishes of the people who were vital to the economy's success. Today, democracy is increasingly a reality in these countries.

Key to their progress toward democracy was America's unfailing support of their economic programs. We did not revoke MFN or condition it with human rights. Rather, we encouraged trade, diplomatic ties and educational exchanges. We helped create a socio-economic environment that allowed political reforms not only to take hold but to succeed. We must now apply the lessons we learned in South Korea and in Taiwan to China.

This is not to say that the transition will be immediate. Instead, we must realize that China's transformation to a market economy is related to democratic change, and the forces against trade liberalization are the same forces against a pluralistic society. Make no mistake. China is about to enter one of the most tumultuous times in its history since the cultural revolution. When China's 90-year-old leader, Deng Xiaoping, can no longer lead his country, it will experience an event it has rarely handled peacefully: the transfer of power. Already, factions with conflicting views of China's role in the world are maneuvering to capture control of the Government.

If we wish to prevent the return of a Maoist society and an oppressive regime, we must side with the forces of reform. These forces include the student leaders who boldly opposed the oncoming tanks in Tiananman Square and who now work in multinational companies. They are even the generals in the People's Liberation Army who are the silent partners in joint ventures with foreign companies. They are the people who would be most hurt by the rejection of MFN. These leaders for economic reform would blame the United States for the recession that would surely follow in their country.

The ones who would benefit most from a contentious Sino-American rivalry are the forces of oppression and totalitarianism. They are the party bosses who falsely dream that they can export to the West without importing Western ideas. They are the PLA officers that wish to return to the old days when they oppressed the workers. Empowering these forces impedes economic reform and stops democratic changes.

More importantly, the political and social upheaval that would follow a denial of MFN would have immediate consequences in America's diplomatic and security efforts in that region.

For example, China has particular influence over North Korea. As Defense Secretary Perry has stated, North Korea's nuclear development program represents the most immediate threat to regional stability, American interests and the lives of the 36,000 American troops stationed in Korea. Its nuclear capability is frightening; its threat to attack the South is, we must assume, real. If we wish to solve the North Korean problem peacefully, we must have the cooperation of the Chinese. No other country has the influence that China has with North Korea. They are historic allies and active trading partners. Yet, if we revoke MFN, we invite China to use its Security Council position to veto any U.N. action and block any multilateral efforts to stop North Korea's nuclear buildup. This is too high a price.

Revoking MFN threatens a variety of our national interests. Our work to stop China from selling arms to rogue countries and testing its own nuclear weapons could be threatened. With its permanent seat in the U.N. Security Council, China could menace America's multilateral initiatives in Bosnia, Haiti, and Rwanda. Our expertise in environmental cleanup is vital to averting the ecological disaster afflicting the most populous country. The fate of Hong Kong, long an entrepot for American and foreign businesses to the mainland, would become uncertain once it reverts to China in 1997. We cannot expect their cooperation in any of these areas if we destroy our economic relations with them.

If we extend MFN unconditionally, I have no illusions that China will instantly convert to our positions and cooperate fully in these efforts. Many of these issues will continue to be points of disagreement between two sovereign nations. Yet, we can remove MFN as a potentially debilitating source of conflict. As much as possible, we need China to be a partner, rather than a radicalized adversary.

Some argue that we can protect our interest while promoting human rights by conditioning MFN through some modified policy. They believe that we can target sanctions against goods from state-owned or PLA industries, while allowing products from private industries to come into our market unrestricted. This suggestion would not work. First, China could always reclassify every product as privately made without truly changing the structure of its economy. Second, customs officials who would be responsible for administering this policy have already conceded that enforcing such a program would be impossible. Finally, it would be seen as a thinly veiled attempt by this country to continue a policy that is fundamentally ineffective.

Further, as appealing as it sounds to strike against state owned or military goods, let us consider this. China's economic system is a complex one, unlike any Western structure. The Government and the PLA own hotels, truck and shipping companies and shoe factories. However, they employ and involve in these enterprises not just soldiers and bureaucrats, but factory workers and company executives as well. It is not practical to try to separate artificially the specific roles played by those leading China's transition to a market economy.

Instead, we should look to the many proposals offered by my colleagues in Congress and elsewhere. These proposals promote human rights without destroying our relations. We should create a special bilateral or multilateral human rights commission. Western and Asian societies have different understandings and expectations of human rights. We need to create a meaningful dialog to understand better each other's values. Our efforts to help the International Red Cross need to continue. Often it is the most effective group in defending the rights of political prisoners. Unilaterally, we can place more human rights officers in our Chinese Embassies and consulates. Doing so would send an important signal about our continued vigilance.

We need to ensure that Voice of America and Radio Free Asia—one of the nonmandatory areas of progress in the Executive order—are transmitted without interference. These were important tools in the cold war and can be useful now, allowing Chinese in urban and remote areas to tune into the larger world.

We should also strengthen existing international exchange programs and create new ones to send Americans abroad and Chinese here. Just recently, the newly created National Security Education Program [NSEP], a program I originally proposed, announced that 43 American undergraduates and graduates will study in China. The NSEP will augment venerable program such as the Fulbright and the Marshall scholarships. Similarly, we need to encourage Chinese students to study here.

Removing MFN as an issue would allow the United States to push the Chinese to open their markets and enforce their intellectual piracy laws which are costing American businesses an estimated $800 million a year. Earlier this month, the USTR ignored the Special 301 trade law and delayed citing China as a violator of intellectual property rights laws because the timing was too close to the MFN decision. Some in the administration feared that China would retaliate by imprisoning political opponents and thereby damage the administration's attempts to gain more human rights concessions before June 3. Special 301 is an effective tool that has worked in the past. We should be using it instead of the heavy-handed tool of MFN.

We should also continue to press the Chinese to adhere to nonproliferation treaties which they have signed. We were right to impose sanctions last year when they were found to have sold missiles to Pakistan. We should be ready to do so again, if they continue this unacceptable behavior.

Should the President delink human rights from MFN, both countries must be certain of the message of this action. To China, let them know our country will continue to press for human rights and internal reforms. Our goals have not changed, only our means. To the United States, let us understand that we can promote our values and ideals without destroying our interests or disrespecting a proud culture. Our responsibilities have not ended; they have only begun.

Now is not the time to isolate China, politically or economically. Instead we should take this historic opportunity to build a lasting peace and a thriving partnership. If we do not, then we are simply asking for unforeseen economic and foreign policy problems. As I said, the Chinese-American relationship will be the most crucial bilateral relationship the United States will have in the 21st century. We should now construct a policy worthy of both nations.

I thank the Chair.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN].

Mr. NUNN. I thank the Chair.

CHINA'S MOST-FAVORED-NATION STATUS

Mr. NUNN. First, Mr. President, let me congratulate the Senator from Oklahoma on I think a very thorough and very logical presentation on the important subject of renewing MFN for China. I particularly believe he is correct in saying we must continue to promote our ideals without forfeiting our strategic interests. That applies to economic interests as well as national security interests.

Mr. President, I know the Senator from South Carolina has been in the Chamber and others are waiting to speak. I am going to abbreviate my remarks today, but I do want to hit on one aspect while identifying myself with the other aspects that Senator BOREN laid out so clearly.

Senator BOREN correctly pointed out that several of our interests in China and Asia would be harmed by linking our trade relations with China through MFN denial to its human rights practices. I would like to discuss just one aspect of those broader interests and that is maintaining stability on the Korean peninsula and also in northeast Asia and preventing the proliferation of nuclear weapons.

The United States and its allies face a determined effort by Korea to acquire nuclear weapons—a totalitarian regime that is isolated, that is heavily armed, that is facing a leadership crisis inevitably at some point in the coming months, or at least in the coming year or two and also deteriorating from within. The President and other senior officials in the Clinton administration have tried to explain the serious consequences of this nuclear program, and they have done so repeatedly. I think they are correct.

On May 3, 1994, Secretary of Defense Perry stated in a speech to the Asia Society that "North Korea threatens the peace and stability of northeast Asia." Secretary Perry went on to describe the situation in the following terms. Again I quote him.

> How the United States and its allies and the international community respond to the challenge posed by the North Korean nuclear program will be very important not only for the future of Asia but, indeed, for the entire world. Our response to this challenge now will be a benchmark for responding to possible similar challenges in the future.

Mr. President, if Secretary Perry has accurately characterized the risks of North Korea's nuclear program—and I believe he has—we must make our policies correspond to our statements. If North Korea does, indeed, threaten the peace and stability of northeast Asia, we must make that concern our highest priority in our relations with China.

China is the country that has the most influence with the isolated leadership of North Korea. China and Japan are very influential, but China is the country that has the closest relationship and has had for a long number of years.

Mr. President, while we are concerned about every political prisoner in China—and we must continue to be—I think we have to put front and center in our policies in Northeast Asia our strategic and vital interests.

Mr. President, we have 38,000 Americans who are now stationed in South Korea. We have two goals regarding that peninsula. One is to provide stability and help prevent a war; and, second, to avoid North Korea becoming a nuclear force in that part of the world. We cannot afford to sacrifice either of those goals. We must pursue them both. And that is why we need all the assistance we can get from China and Japan and other countries.

In January of this year, Senator LUGAR and I visited South Korea and Japan. Since then, I have supported the President's overall approach to North Korea of combining vigorous diplomatic efforts with prudent military precautions. However, I am concerned that linking our trade through denial of MFN and our human rights interests with China would overlook China's tremendous potential contribution to resolving the North Korean problem without an all-out conflict.

How can China help? First, it is North Korea's only significant friend in the world. China and North Korea are among the few Communist regimes left. Moreover, they retain especially among their military leaders some of the emotional solidarity they formed while fighting together during the Korean war. On a more practical level, China is North Korea's major trading partner, primary source of oil and steelmaking coke, and main overland link to the rest of Asia. All of these ties make China virtually the primary country that could persuade North Korea to live up to its international obligations and gradually persuade North Korea to join the family of nations.

Second, if our diplomatic efforts should fail and sanctions against North Korea should become necessary, they would be most effective if they are sponsored by the United Nations. With its veto power in the U.N. Security Council, China could obviously prevent this U.N. action.

Third, even if China does allow the United Nations to impose sanctions, through either voting for the sanctions or through abstaining, the effectiveness of the sanctions will largely depend upon the extent to which China enforces these sanctions.

North Korea's trade with other countries is fairly limited, so the significance of China's supply of oil, coke, and even food is heightened in comparison.

All of these realities have implications for our relations with Beijing. In the most extreme case, we cannot expect a China that is the object of United States economic sanctions if we deny MFN to participate in any kind of meaningful way in sanctions against North Korea. We hope that sanctions against North Korea will not be necessary, but it is entirely possible they may be our only recourse in the coming days or weeks ahead.

Mr. President, United States relations with a major country like China must balance several United States interests, as Senator BOREN has pointed out, including the important matter of human rights. We must not neglect that interest and we must not be shy about giving our forthright view on that subject.

However, like Senator BOREN, Senator BAUCUS and others, I believe that we can successfully pursue these interests with other vehicles and mechanisms and make our voice heard clearly on human rights. But we can do it much better in the context of a normal, stable relationship with China. Withdrawing MFN from China will thoroughly disrupt that relationship and make it virtually impossible to advance our objectives, whether they are political, economic, security, educational, social or particularly national security interests.

At the same time that we try to pursue several goals with China, I think we must also be aware of the relative importance of each of these goals and give them each their appropriate weight. If we consider all of our goals in terms of our relationship with China to be equally important, we are unlikely to achieve any of them. Some interests are certainly more important than others.

Given the dangers of North Korea's nuclear program and China's role in potentially helping to solve this dangerous situation, I am convinced the United States relations with China should be oriented to emphasize this strategic priority.

Mr. President, that requires the United States to continue China's MFN status by separating trade from human rights while continuing to emphasize our overall feeling on human rights and our own value system.

Mr. President, I thank the Chair and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia yields the floor.

The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

IN REMEMBRANCE OF THE NORMANDY INVASION

Mr. THURMOND. Mr. President, some of our colleagues will depart soon to attend the ceremonies in France, to commemorate the 50th anniversary of the allied attack across the English Channel which we have come to call D-day. It is appropriate that we commemorate this day which marks a critical turning point in the largest armed conflict in the history of mankind. Most importantly, it is fitting and right that we honor the memory of those who fell.

The Normandy invasion is a well-documented military action. The scale of the operation—the sheer numbers of people, ships, and planes involved, as well as the effort to coordinate their movement in secret from ports and airfields, and to synchronize their arrival at a place which was defended by a determined enemy—surely defies description. Historians tell us that the largest fleet ever assembled, almost 5,000 ships, crewed by more than 200,000 men, steamed across the choppy English Channel to bring 58,000 soldiers to the invasion beaches. More than 800 planes delivered 13,000 men by glider or parachute. The magnitude of the operation was staggering; we are hard-pressed to appreciate the complexity, and the difficulties which the participants faced.

There were 6,600 American casualties on the first day of the invasion, that 6th day of June, 1944. Among the American airborne units alone, 2,500 men were killed or wounded. Just on that one "Longest Day," the Allies suffered over 10,000 casualties, and 1,465 American men lost their lives. By the end of the Normandy campaign, American casualties exceeded 63,000.

The assault had been planned in detail, but much of what happened did not proceed according to plan. Gliders broke their tow ropes over the channel and others crashed on landing. Parachutists were dropped in the wrong place, boats landed men at the wrong beach, and needed equipment could not be found. Casualties were high, the weather was poor, and in the early dawn hours it looked as if the assault would fail. It would have been easy to give up by saying the mission was too hard.

But in places all over Normandy small groups of airborne soldiers had assembled in the dark. With little or no contact with higher level commanders, the senior person on the scene took charge of the situation. The airborne troops had been dropped by parachute and glider behind the main enemy lines. In fact, some landed among the enemy, right in the middle of their positions. The primary mission of the 82nd and 101st Airborne Divisions was to keep enemy reinforcements from the invasion beaches. One fifth of the American airborne soldiers were killed or wounded that day, but we succeeded in accomplishing our mission.

The first assault waves took heavy casualties at Omaha Beach, and exhausted men tried to find cover behind a seawall. Company A of the 116th Regiment lost 96 percent of their men before any man came close enough to fire his weapon. It was clear very quickly that the meticulous plan for Omaha was not going to work. But without waiting for orders or instructions, the surviving leaders—many of them sergeants and junior officers—improvised, took the initiative, and personally led men off the beach and up the bluff. That had not been the original plan, but it worked.

General Eisenhower had developed and executed the strategy brilliantly, but the operation succeeded because brave men came forward and persevered in the face of terrible odds. The history of D-day is replete with maps, with broad arrows showing the movement of units, but we would always remember that the real story D-day is beneath those arrows, with the thousands of individual soldiers, sailors, aviators, coastguardsmen and merchant mariners who earned the victory.

Those were not the good old days, and no one who served at Normandy longs for that simpler time when our enemies were clearly defined. I listen to people carry on about how tough we have it today because the world situation is so vague. I listen to some of the debate in the Congress about problems and issues which are almost trivial. Our problems pale in comparison to those of the men who fought and died at Normandy.

Fifty years have gone by since that day. Now we look at the invasion in retrospect, and we read about it in the ordered clarity of well-written books. In an age where technology advances at lightning speed, we watch in the comfort of our homes as film actors attempt to portray the chaos of the combat, the horror of seeing men die in agony, and the courage of brave men who overcame numbing terror. Some former soldiers may write accounts of their experiences that day in newspapers and magazines, or speak in public places. Now, someone who was present that day, and participated in that action, stands on the floor of the Senate of the United States, to offer a few humble words of respect for all who sacrificed so much.

Mr. President, when people visit Normandy they look out across the invasion beaches to the sea. They wonder how anyone could have survived coming across those beaches onto the heights above. Some pause to reflect on the courage of those who sacrificed there, and come away more appreciative of freedom.

But behind the invasion beaches, Mr. President, on the bluffs and in the hills, are the cemeteries where most of the invasion dead are buried. The cemeteries of American dead stretch across Europe from there, marking the path Americans took in a war against unspeakable tyranny.

I encourage my colleagues to visit the cemeteries at Normandy, and to spend some time in that setting. They will find the graves marked by white marble crosses and Stars of David, arranged in precise rows which seem to stretch as far as the eye can see. I encourage my colleagues to read the names on those markers, and those which say simply, "Here Rests in Honored Glory a Comrade in Arms Known But to God." I know of no better way to honor those fine men, or to measure the price of our freedom.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

(The remarks of Mr. D'AMATO pertaining to the submission of S. R. 217 are printed in today's RECORD under Submission of Concurrent and Senate Resolutions.)

Mr. DOLE. Mr. President, I want to thank the Senator from New York and other of my colleagues who will be speaking.

The Senator from New York just made, I think, a statement that I hope my colleagues on both sides of the aisle will agree with, and that is, we have been very restrained on this matter—some would say too restrained. We have been trying in good faith, and certainly the majority leader has been trying in good faith, to come to terms on some type of a forum, some type of committee. If I had my way, I would have a select committee, where the leaders could each appoint members, so we would be sure we had all of the jurisdiction covered.

The majority leader agreed that the Banking Committee should have broadened jurisdiction for this purpose, and that we could somehow put it together by adding members to the committee, others from other committees, whether it may be Agriculture on the commodities question, or maybe something else in the jurisdiction of the Finance Committee, or maybe something on the Judiciary Committee. But in the Banking Committee, the ratio is 11-to-8. It seems to me that it ought to be even. There ought to be an even number of Republicans and Democrats.

So we have suggested, and the Senator from New York has outlined, what we think is the fair way to approach it: Have a special subcommittee in the Banking Committee. Let the ranking Republican, Senator D'AMATO, select 5, let the chairman select 5, and let the leaders select 3 each, and then we would be able to proceed.

So let me suggest that we had the vote of 98–0, and the Senate in effect directed the two leaders to come up with something to try to determine the scope and timetable and forum for hearings into the so-called Whitewater affair. We have had meetings in the past 2 months, and we have exchanged letters, and we have kept our letters private. We have not been trying to get press, neither I or the majority leader. We have exchanged correspondence privately. We have not reached an agreement yet.

I have written the majority leader as recently as yesterday. It is my understanding that he will be back in touch with me tomorrow after a meeting which is going to occur between the Speaker and the Republican leader in the House. Congressman MICHEL and Speaker FOLEY are going to meet with Mr. Fiske. Throughout this process, the majority leader has acted in good faith and even today we are continuing our efforts to trying to settle this issue.

As I say, I think we will get another response tomorrow. But the point I want to make is this: That does not mean we should not try to jump-start the negotiating process, and that is where Senator D'AMATO's resolution comes in.

As I said, the resolution, which reflects our latest proposal to the majority leader, would create a 16-member special subcommittee of the Banking Committee. The special subcommittee would be charged with conducting all aspects of the Whitewater hearings. Throughout our negotiations, Senator MITCHELL has insisted the hearings be held within the Banking Committee, despite the clear jurisdictional interest of other committees—Judiciary, Small Business, Finance, Agriculture, the Subcommittee on Parks, Public Lands and Forests, and the Permanent Subcommittee on Investigations.

So this resolution accommodates Senator MITCHELL's desire, but it also gives Senators from other committees the opportunity to participate in the hearings as well. It does not set a specific timetable for hearings. Instead, it establishes a form for hearings, the scope of the hearings, and then directs the chairman and the ranking member of the special committee—that would be Senator D'AMATO, I assume, and Senator RIEGLE—to consult with Robert Fiske about scheduling.

The hearing on one aspect of Whitewater could begin next month. A hearing on another subject could begin next year. The Senate does not have to play scheduling secretary with the hearings. But we do need to get the ball rolling.

Again, as I said, I prefer a select committee. If we are going to go this way, I think maybe a special subcommittee will meet most of the concerns.

Let me say a word about the special counsel. We have heard a lot about Robert Fiske. No doubt he is a very able lawyer. More impressive, I think, are his skills as a bureaucrat. Somehow, for some reason, he has the entire Congress fawning with deference, tiptoeing around the investigation as if we cannot do anything without checking with him first.

That is where we are making our mistake, as far as I am concerned. So much for our own constitutional obligation and so much for the Legislative Reorganization Act of 1946, the Intergovernmental Cooperation Act of 1968, the Legislative Reorganization Act of 1970, the Federal Advisory Committee Act of 1972, and the Congressional Budget Impoundment Act of 1974—five key laws that assign oversight duties to congressional committees. So we have had our oversight responsibility defined by statute. It is implied in the Constitution.

I can understand the unique demands of Mr. Fiske's job, but Mr. Fiske and those of us in the Senate should also understand that Congress has its own job to do as well.

Mr. Fiske's responsibility is criminal and civil prosecution. Our job, Congress' job, is full public disclosure. Mr. Fiske was appointed by the Attorney General. We were elected by the people of the United States, by the citizens of the United States. Mr. Fiske gets his mandate from the Department of Justice regulation. Our mandate, the Senate mandate, comes from the Constitution itself.

Yes, we should try not to interfere with Mr. Fiske's investigation. Yes, we should be sensitive to the unique needs of his investigation. That is why we have given Mr. Fiske in this case a 4-month head start, and that is why the Senate has also agreed not to grant immunity to any hearing witness over his objection because we understand the concern he has.

But, Mr. President, it is one thing to be differential and something quite different when deference is used as an excuse to shirk our own constitutionally mandated oversight obligation.

If we continue to drag our feet on hearings, a new term no doubt will enter the American political vocabulary and the phrase "taking the Fiske"—that is in effect what we are doing; everybody is taking the Fiske; we cannot do it because Mr. Fiske will not let us do it—will soon replace "passing the buck."

As my colleagues know, during the Reagan and Bush administrations, Congress was not shy in examining the peccadilloes of those in the executive branch. More than 20 congressional investigations were initiated to examine such high crimes and misdemeanors as the so-called irregularities in Ed Meese's 1985 financial report. We had a hearing on that alleged misuse of a gift fund by President Reagan's Ambassador to Switzerland. And, of course, who can forget the mother of all conspiracies, the "October surprise."

There is also plenty of precedent for conducting oversight hearings while criminal and civil investigations are pending. Michael Deaver, BNL, and BCCI all come to mind.

Finally, let us not forget that I think these hearings, as I said so before—in fact last December and January when it is pretty lonely around here—that hearings are in the best interests of the President and Mrs. Clinton. I made the statement then; I make the same statement now.

If there has been no wrongdoing, there is nothing to hide. Let us get this behind us. And it seems to me that we need a full public hearing. I think there will be a full public hearing.

Let me again stress—and I know my friend from New York, Senator D'AMATO, like all of my colleagues, I assume, have confidence in Mr. Fiske—but he cannot have a veto on what we do in Congress. We are the Congress of the United States. We are elected by the people in this country. We have certain responsibilities.

I cited five statutes. It is also implied in the Constitution. We have oversight responsibilities.

The very same laws that were invoked to have 20-some hearings during the Reagan and Bush years have not been repealed. They are still there.

So I suggest that there is another reason for wanting to get this forum put together. The Senator from New York will tell us it is going to take a while to do all the things you need to do to get ready for a hearing. It is going to take 30 days at least. I say we will agree on some sort of a forum. Then we cannot tell you about the hearing until we clear it with Mr. Fiske. Then, if he finally does clear it, we have to wait 30 days to be prepared.

My view is let us cooperate where we can with the special counsel, but let us get ready so when he says, if there is some agreement or we decide as Congress should decide on its own, let us start phase one. We are ready to start phase one instead of saying we can start but we are not ready; we have to wait 30 days.

Mr. WALLOP. Mr. President, will the leader yield for a question?

Mr. DOLE. I am happy to yield.

Mr. WALLOP. The Senator from Wyoming wanted to reach the inescapable conclusion that, by refusing to come to grips with this, we are, in fact, indulging in an organized coverup of something. Whether or not that is true, the public impression of it has to be growing that there is an unwillingness on the part of the majority party to come to grips in ways in which they have come to grips as the leader points out with Republicans. So the only inescapable conclusion is that there must be something to hide; otherwise, the hearings would do a lot to alleviate the President's Presidency from this overhanging cloud. Is that a fair assumption?

Mr. DOLE. I think it is a fair assumption. I also think it is a fair assumption to point out, as the Senator from New York did, we are not slowing down anything around here except slowing down the hearing. That is the only thing slowed down. We have not slowed down any legislation. We have not stonewalled any hearings. We have not slowed them down. There have not been any.

It seems to this Senator—in fact I was down in Kentucky when that vote went Republican. The vote went Republican for the first time since the Civil War last Friday.

A lot of people asked about hearings. When are you going to have hearings? I do not know. Democrats or Republicans, there is a lot of frustration in the countryside.

There are other factors involved in that particular election. They wanted to send a message to all of us—all of us, the President, the Congress, and everyone else that they were tired of all this Government, all this health care stuff, and a lot of other things. Maybe that may not be the reason the Republican won for the first time in 119 or 129 years. But I think it was.

I think there is just a lot of frustration.

Is this a big, big issue? If you took a poll today, Whitewater hearings, well, probably not as much as it was for a while, but once we start I think the American people will understand that we have a responsibility. Nobody is after anybody. No one as I know on this floor or this side ever accused anybody of anything—nothing. We made no allegation. We do have a responsibility.

Mr. LOTT. Mr. President, let me just ask. I know you have been working closely with the majority leader to try to nail down how this will proceed and when, and I note that that goes on in private and a lot of confidences are involved. But the status, as I understand it, is that you are exchanging some correspondence, you feel like you are moving forward and are you of the impression that in June some hearings will begin to occur or get ready for it. What is the status as best you can tell us at this time?

Mr. DOLE. We are not lurching forward you know, but we are moving a little bit. And it seems to me that, again, as I said, I think the majority leader has been in good faith. I think he feels strongly we should not move without Mr. Fiske. There will be a meeting tomorrow, as I said, with Speaker FOLEY and BOB MICHEL and I understand Mr. Fiske or his representative so Mr. Fiske can tell Congress we can go ahead and do our job. It seems to me it is kind of strange. We ought to do our job and tell Mr. Fiske he should do his job and not interfere with him. The Senator from New York has made it very clear we are about to do that.

But I would guess—and I have indicated this to the majority leader directly and I think indirectly—that if we cannot come to some agreement, we are just going to have to offer amendments here and have votes. I know they can second degree anything we offer. But we did have a vote, as I said, of 98 to zero a couple months ago that we were going to go ahead and do these things.

I think the Senator from Mississippi and all of our colleagues who are here today and others have been very restrained. We have not been out here beating on everybody every day, saying: Why do we not do this? Why do we not do this? Why we do not do this? We think, collectively, it is about time.

I want to thank, again, the Senator from New York for his dogged determination and for the preparation he has already made. I have had an opportunity to look over the volumes of information, information the Senator from New York has already compiled. I think he has enough right now to start responsible hearings in a responsible manner, whether it is RTC or whatever it might be.

So I hope we can start very quickly.

I yield to the Senator from Kentucky.

Mr. MCCONNELL. The Republican leader referred to the congressional race in Kentucky just last Friday. He and I were there together.

I would say, Mr. President, in further elaboration of what the leader has indicated, there was one issue in that race, and only one, and that was the Clinton administration.

And so there would be a temptation, I suppose, to interpret the proposal that the distinguished Senator from New York has offered as an effort to bash or pile on the Clinton administration.

But I would say I think the Republican leader was absolutely correct when he made the point that it is actually to the advantage of the administration, unless it has something to hide, to go on and get this out, get it over with, get it behind him.

If I were sitting in the White House, having looked at the results in Kentucky, I think I would say that the last thing I would want to participate in as a part of the Clinton administration would be any effort to impede what is a perfectly legitimate line of congressional inquiry.

As the leader has pointed out, in the previous administrations, we had hearings on everything; did we not, Mr. Leader?

Mr. DOLE. Nearly everything.

Mr. MCCONNELL. Nearly everything. And here we have a matter of obvious importance that the distinguished Senator from New York has clearly outlined for us here today and yet we cannot even get a schedule to go forward.

So I just want to thank the leader for his effort in this regard. I want to thank Senator D'AMATO for his leadership.

And I would say to the Clinton administration, if there is nothing to hide, why not go forward? Let us just go ahead and have the hearings and get it before the American public. If there is nothing to be ashamed of, it would exonerate them.

I thank the leader.

Mr. DOLE. Let me just underscore what the Senator from Kentucky has said.

Again, I think we started initially this last December 21, so here it has been January, February, March, April, and we are about to go on a recess and be back on June 7.

So I think any fair judgment would say, "Jiminy, you Republicans are pretty timid."

We offered one amendment a couple of months ago. We tried to negotiate. We are making some progress.

So I hope everybody will understand that if we do not work it out when we come to the floor and offer an amendment, it is not that we just rushed out here the day after somebody made some allegation.

In my view, we have tried to be cooperative. We have tried to listen to the views to respect the authority that Mr. Fiske has, but we also have some responsibility. And it is in the law and it is in the Constitution and we are in the U.S. Senate and it is our responsibility, too.

If we cannot work it out, we will just have to do what we have to do. And if the Democrats want to vote it down the next 2 months, let them vote it down 4, 5, 6, 7, 8, 9 times. Let them vote it down. Then I think we will get a better understanding.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my leader and the Senator from New York in cosponsoring the resolution that has just been brought to the desk to urge the Senate to move forward in developing a timeframe and a specific process by which we could begin hearings on the Whitewater affair.

I, like many of my colleagues around me this afternoon, have remained silent for a period of nearly 3 months, since March 17, when this Senate voted 98 to zero that we would agree to move forward with a responsible approach towards reviewing, in our oversight authority and capacity, the issue of Whitewater.

We remained what I believed to be called respectable as a special investigator was selected. And he went forward and it was argued that we should not interfere in the processes of his investigation.

But the Republican leader this afternoon, in my opinion, made it very clear that our responsibility goes well beyond that of what a special investigator would suggest. And I say that because of a concern that is now seeping—and I use that word "seeping"—from the mail and the correspondence that I have received from the citizens of the State of Idaho.

And that correspondence is bipartisan in nature, Mr. President. And it does something like what I believe is critically important and why we stand here this afternoon. It does not talk about Bill Clinton. It does not talk about any of the allegations that might be out there. It talks about the Presidency. It talks about the integrity of the Office of the President of the United States and that it is being eroded every day, as this controversy is allowed to remain the subject of public speculation and the butt of late-night talk show jokes.

I hide nothing when I say that I have been opposed to this President's policies on more than one occasion. But let me tell you, I do deplore the damage that this matter is doing to him and to our Nation's highest office.

Press conferences and spin control are not the same as a full and fair inquiry. And the Senator from New York this afternoon has laid before the Senate a resolution that would establish just that—a balanced, if you will, bipartisan approach toward a full and fair inquiry.

It does not enhance the President's reputation and authority either personally or institutionally to leave legitimate questions unanswered. Instead, it breeds disrespect. And we are now beginning to hear that. No matter where we turn in this country, the citizens are beginning to ask: When are you going to respond with the kind of oversight responsibility that is clearly that of the U.S. Senate?

Most important, Mr. President, we all have a stake in honoring the commitment of the Senate, which voted, as I mentioned, in March to organize hearings on Whitewater.

We have heard from the leader today that both of our leaders have been in a slow but what appears to be a progressive approach toward resolving this issue and bringing before the Senate an approach to get us to hearings.

The American people expect the Senate to act on that commitment. They have heard too many empty promises issuing out of the Washington Beltway. Until we set a date, until we decide a forum, until we establish a nonpartisan procedure for those hearings, we are not honoring the commitment that we have made to ourselves, to our Constitution, but more importantly to the people of this country.

We voted bipartisanly 98 to 0 to move ahead months ago. The American people are now asking us to do so.

I felt it was incumbent on my part today to begin to speak out on this issue, as I have chosen not to do before. And I will tell you that, following the Memorial Day recess, I will come back to this floor, as many of my colleagues will, day after day to ask of our leadership and to ask of this Senate that in a respectable, a bipartisan, a responsible and a constitutional way we proceed with the business of the people in a fair and open forum to ensure the integrity of the Office of the Presidency of the United States of America.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I understand that my name was mentioned, and my hometown was mentioned a moment ago by the minority leader of the Senate, that he was visiting Kentucky last week and that he visited my hometown. He said that he was in Senator FORD's hometown last week and they were all asking him about Whitewater.

Mr. President, we talked about the message that was sent from that race.

Mr. D'AMATO. May I make an inquiry to the distinguished senior Senator from Kentucky—or just an observation for 10 seconds?

Senator, I do not believe that the Republican leader mentioned your name. I heard it—I think——

Mr. FORD. What about my hometown, then?

Mr. D'AMATO. That may have been. I just wanted you to have the facts.

Mr. FORD. I got the facts—I got enough of them. I am getting fed up with them. I have the floor.

Mr. D'AMATO. I guess you——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. I have the floor and I am going to keep it for awhile.

Mr. D'AMATO. Good.

Mr. FORD. You can do what you want to.

But they talked about the questions that were being asked in my hometown. That is fine.

You be there 15 minutes, you know more about my hometown than I do and I have lived there for 70 years. I do not see anybody lining up in my front yard or at my office, asking and begging for Whitewater committees to come up here and investigate.

They talk about the campaign in the Second Congressional District yesterday. I will tell you what it was. It was distortion. It was distraction. And it was an avalanche of money. Even the Republican Senatorial Campaign Committee put $10,000 in a congressional race.

Now, is that what you have been out raising money for? To elect a Congressman? I thought you were going to have the Senate, get a majority in the Senate. We got money from all over the country. Every Congressman who had a campaign fund sent $1,000. Hundreds of thousands of dollars poured in there in a couple of weeks. So it was not a question about, as Speaker Tip O'Neil would say, "All politics is local." This in my opinion was far from a local election. When it came in there, you talked about guns, gays—that was part of it—guns, gays, and term limits. Wanted you to sign an affidavit—all these things to tie your hands for months and years to come.

Then talk about crime—did not talk about crime at all. That is on the minds of my constituents. I do not know what is on the minds of yours.

They did not talk about health care, except this fellow is going to vote against it all. That is the only part of health care they made any statement about. Did not talk about welfare reform—that was not in the conversation. But when they say my hometown, and he is there for 15 minutes and knows more about it than I do after 70 years, I have to come and take exception to that.

If you do not take my name, did not use my name—I understand he did—but if that is not true, he still used my hometown.

So I just want my colleagues to know that that was not the message. That was not the message. There will be another race in November. And I do not believe you are going to put $400,000 into that congressional race again. Lightning does not strike in the same place twice normally. But it may.

But I want to tell you, my phone is ringing off the wall. People are upset. We have lost a seat held for 129 years by Democrats. Only in 1865 did we have something other than a Democrat elected and that was a Conservative.

I understand what is going on. I understand the phone calls representing a candidate when you were not representing that candidate, you were representing another one. I can see all the handbills, and one of these days we are going to put the handbills out here and let you look at them and see how you like what was done in the Second Congressional District. I want you to look at the ads and how you defamed a man and his character. That was part of the campaign. There were no issues relevant to the Second Congressional District. It was just distortion, distraction, and a rush of money.

I think I know my constituency, and particularly my hometown. I want to tell you, when I go back home I am going to say what they said here. When you have 100 people at the airport, and in 15 minutes you know more about it than I do, then something is wrong. I just do not believe that what was said here on the floor earlier was correct.

Mr. DOLE. Will the Senator yield?

Mr. FORD. I will be glad to yield.

Mr. DOLE. I just wanted to straighten the Senator out.

Mr. FORD. That will be fine.

Mr. DOLE. I did not mention either your name or your hometown. I said I was in the district—I think it is a free country.

Mr. FORD. Yes, I understand that. What towns did you visit? Did you tell them what towns you visited?

Mr. DOLE. I did not mention that in my statement on the floor, so I did not mention your hometown.

Mr. FORD. Have you mentioned it earlier today?

Mr. DOLE. Not that I know of, not on the floor.

Mr. FORD. Have not mentioned it at all? Then my information is wrong and I apologize to the Senator.

Mr. DOLE. The only time I mentioned it was just recently, in the last 10 minutes.

Mr. FORD. What did the Senator reference to then?

Mr. DOLE. I said the election in Kentucky where Republicans won a seat they haven't held since the Civil War, or 100-and——

Mr. FORD. Since 1865.

Mr. DOLE. "It's time for a"——

Mr. FORD. See, I know about the district, Senator.

Mr. DOLE. "It's time for a change."

Mr. FORD. I am not sure.

Mr. DOLE. I would not do that, as I told the Senator before. I did not go down there to campaign against him. Never mentioned your name while I was there. If I did, it would have been mentioned favorably. But I did not, in the debate today, mention either the Senator by name, or his hometown—or even the Second Congressional District.

Mr. FORD. Well, I apologize to the Senator. I took that—I want the RECORD to reflect that you did not mention my hometown, you did not mention my name, and you have not done so in any press conference or anything today——

Mr. DOLE. I have not had any press conferences.

Mr. FORD. To the press? You have not mentioned my name to the press, and my hometown?

Mr. DOLE. No.

Mr. FORD. I said—I was told you had been in Senator FORD's hometown and mentioned Whitewater.

Mr. DOLE. I said when I was down there in that district I talked about Whitewater. I did not say they were lining up, but said they asked about it. I know the Senator's hometown because he was gracious enough to meet me there in 1987.

Mr. FORD. No, see—it was Lexington.

Mr. DOLE. What is your hometown?

Mr. FORD. Owensboro. But not during the campaign.

Mr. DOLE. Then I was not in your hometown.

I did not know where you were from.

Mr. FORD. Could we have order in the gallery? This is not a funny thing, when we talk about hometowns.

I did meet the Senator. It was in Lexington, when you were running for President. I have not met you any other time.

Mr. DOLE. Well, whatever. I appreciate your meeting me wherever it was.

Mr. FORD. You needed all the help you could get at the time.

Mr. DOLE. I needed more than I could get at the time, as I recall.

But the point is, I want the Senator to know that I know the rules and I would not come to the Senate floor and disparage in any way or make any comments that might in any way reflect upon any of my colleagues on either side, even by mentioning where they might be from. Because I am very proud of where I am from. You are very proud of where you are from. And that is sort of the way the RECORD should read.

Mr. FORD. All right, that is fine.

Then we talk about the message that was sent from the Second Congressional District in Kentucky. That, the message was not sent in a manner of which I think we all want the message to be couched. The message was a distortion, distraction and rush of money.

As I said, the Senatorial Campaign Committee, the Republican Senatorial Campaign Committee put $10,000 into that congressional race. I do not see anybody rushing from most senatorial campaigns to put it into a congressional race. And that, Mr. President, I think, was one of the items, the rush of money was—the stealth approach that was reported in our papers in Kentucky today. Sure it was. And I understand it. And I understand what happened there. I have no illusions. I know the polls. I have seen the polls of the district and I know why you went in there. But the day is not over and there will be another race in that district.

Mr. DOLE. There will be races——

Mr. FORD. I hope you will come back and I hope you will bring several hundred thousand dollars again. We need it. We like it. And when you fly in by corporate jet and we try to get along in a bunny jumper—maybe we will catch up with you one of these days. We are going to try.

Mr. McCONNELL. Will my friend yield?

Mr. FORD. Sure, I will be glad to yield. I was informed—one thing—I take my friend's word for it. But just to say they were asking you about Whitewater, I travel that district almost every weekend and they are not beating down my door about Whitewater. I will assure you of that.

Mr. McCONNELL. I just wanted to reassure my colleague from Kentucky I was on the floor when the Senate Republican leader spoke. He neither mentioned your name, nor your hometown. There was discussion by both the Republican leader and myself about the meaning of the race in the Second District yesterday.

Mr. FORD. May I say to my colleague that somewhere, somehow, my name was mentioned and my hometown was mentioned.

Mr. McCONNELL. Not on the floor.

Mr. FORD. But it has been mentioned, or that is the information I got from the individual, that is, in my opinion, honest as he can be. So whether it was said on the floor or not, my name has been mentioned today and my hometown has been mentioned.

Mr. DOLE. Will the Senator yield to me?

Mr. FORD. I will be glad to.

Mr. DOLE. I want to put in the RECORD, the only statement I made I made last night when we went out last night about the "GOP Winning Streak, the Republicans 9-for-9 In Big Elections with Lewis Win in Kentucky, Winning Streak Sends Powerful Message to White House."

I ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOP WINNING STREAK

REPUBLICANS 9-FOR-9 IN BIG ELECTIONS WITH LEWIS WIN IN KENTUCKY: WINNING STREAK SENDS POWERFUL MESSAGE TO WHITE HOUSE

WASHINGTON.—Senate Republican Leader Bob Dole tonight issued the following statement regarding Ron Lewis's election to the U.S. House of Representatives in Kentucky's special election:

"The tidal wave of Republican victories continues. With Ron Lewis breaking the 129-year Democrat lock on the U.S. House seat in Kentucky's 2nd district, the Republican party has won all nine of the most important elections since President Clinton took the White House.

"No doubt about it, this election sends a powerful message to the White House: on issue after issue, the American people aren't swallowing this Administration's big government medicine."

Mr. DOLE. Again, in that statement, I do not mention any name.

Mr. FORD. Senator, I am going back and check it through again and find out where the information came from, because if you did not say that, then it has made me look a little silly. But still the question in the Second Congressional District was not on Clinton. The distortion and the distraction and the dollars, that is what happened in the Second Congressional District.

Mr. DOLE. If the Senator will yield, that may have been true somewhere, but it was not true where I stopped. We did talk to people. We were about an hour at each stop. We had a chance to meet with people. I generally try to listen to people. I got a lot of messages, for Congress as well. As I said—we can go back and read the RECORD—I said the message to Congress as well as the President. So that includes us.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I will be glad to yield to my colleague for a question, not a statement.

Mr. McCONNELL. I do not have a question. At the appropriate time, I want to make an observation just about the dollar issue, I will say to my colleague from Kentucky. As he knows, the dollars spent relatively even in the race. I will just wait until he finishes.

Mr. FORD. Mr. President, relatively even, but an individual can spend his own personal money.

Mr. McCONNELL. Yes.

Mr. FORD. About $50,000. That does not compare to several hundred thousand that was put in by outside sources. $58,600 by—I am not sure if it was Republican National Committee or the House Republican CCC, but that was one purchase that was made at one time.

Mr. McCONNELL. My colleague, I am sure knows, the spending in the race was relatively even, the big difference being the candidate of the Democratic Party basically chose to finance a good portion of it out of his own pocket. The Republican candidate was a man of modest means who simply was unable to do that and unwilling to go into debt. So the amount of money spent in the race was relatively even. It was not determined because either candidate dramatically outspent the other.

Mr. FORD. Mr. President, I retain the floor. The question here is not the amount of money but where the money came from and how the money was spent. The preacher that won the race is a nice fellow, but he is foreign to what went on in the last 2 weeks of his campaign. It is foreign to him as an individual. People moved in and took over, and he became the pawn rather than the candidate. All of the phone calls, phone banks, all the distortions and distractions and the money. Never were there the local issues, what are of interest to the district.

So I want to be sure the three things that you remember about that race: Distortion, distraction and rush of money. That is exactly what happened in that. Whitewater was never brought up in the campaign. I do not remember Whitewater ever being mentioned in the campaign, and if it is so important, it is on everybody's mind, I do not see why somebody did not say something about Whitewater, that it was an issue; that we were not having hearings. I never heard anything about it. Even in the Republican campaign. They had plenty of money. They bought everything they could buy.

But there never was any part of an issue, never a statement ever made, to my knowledge, or in the paper that they were down there demanding that we have a Whitewater hearing up here. They would prefer us to get around to crime, to health care, to welfare reform and those sort of things that are important to the citizens of my home district.

I yield the floor, Mr. President.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, one of the statewide newspapers in Kentucky has adopted a practice recommended by David Broder of the Washington Post several years ago, which is to critique television commercials run in campaigns. I think it is interesting to note that in assessing the commercials of the candidates in the Second District in Kentucky, the commercials of the winning candidate, Congressman-elect Lewis, were basically not criticized for being inaccurate. It was the most positive assessment of political ads that I have seen in recent years.

So I think it is not correct to say there was a campaign of distortion in any way. An objective observer of the campaign commercials, the Louisville Courier Journal—a liberal Democratic paper which criticizes everybody's commercials, looks at them very carefully—did not conclude that the commercials that were being run by the Republican candidate were in any way deceitful or distorting.

In fact, what was the issue in the Second District was the Clinton administration. That is not unfair. He is the President of the United States. Voters are looking around for some way to express themselves. We found that in the Second Congressional District, 30 percent of the voters thought the President ought to be reelected and 55 percent thought anybody else would be a better choice.

So in what way could anybody reasonably conclude that it was unfair of the Republican candidate to make President Clinton an issue? The message in Kentucky was clear. We had a candidate who was adequately funded, thanks to support of his political party, which is why we have political parties, to try to help candidates of our persuasion. We had a candidate who was adequately supported by Republicans all over the country, here, in the House and elsewhere who wanted to help someone they thought deserved a chance to win, running against a very nice man who financed a large portion of the race out of his own pocket.

Some of us just do not have that kind of money, do not have that kind of option. So in looking at the Second District, Mr. President, let me just say, in conclusion, money did not turn this race. Both sides were adequately funded: One candidate funded it out of his own pocket and one candidate got it from a whole lot of folks.

No. 2, there clearly was only one issue in the Second District, and that was the President and his standing. That may change, but as of yesterday in the Second District in Kentucky, I think it is safe to say President Clinton could not get elected dogcatcher.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

WHITEWATER

Mr. FAIRCLOTH. Mr. President, the Clinton administration is currently embroiled in a scandal, a scandal that is causing enormous turmoil and problems. Washington today is divided between two opposing groups. One is made up of those who expect Congress to do its job and exercise oversight into the matter. The second is those who do whatever it takes to block congressional investigation, an investigation that will, at the very least, cause embarrassment to their political allies and to President and Mrs. Clinton.

There are many reasons to have the investigation, and I will not attempt to go through a litany of them this afternoon, but they run into the twenties. But only one I am going to touch on, and that is one involving a man named Dan Lasater. Lasater is a convicted cocaine dealer who ran a bond trading firm.

In the early 1980's—and this is verified testimony by the FBI—in the 1980's, he met President Clinton's mother at the horse racetrack in Hot Springs, AR. According to Newsweek magazine, and a confidential FBI document, Dan Lasater told Federal agents that shortly thereafter, Bill Clinton had asked Lasater to give his brother-in-law, Roger Clinton, a job. Lasater gave Roger Clinton a job on his horse farm, but he also paid off Roger Clinton's drug debts.

Lasater sponsored fundraising events all around Arkansas for Bill Clinton. He did these in his brokerage offices. He made his airplane available to Bill and Hillary Clinton to use for campaign and noncampaign events alike. He also encouraged his workers to contribute to Bill Clinton's gubernatorial campaign, promising higher commissions to compensate for the money they contributed.

But for all this, Dan Lasater expected something in return and, Mr. President, he got it. Shortly after Bill Clinton was back in the Governor's mansion, despite having been censured by the Arkansas State Securities Commissioner and National Association of Security Dealers, Lasater's bond firm was again added to the select list of brokerage firms eligible to underwrite State issues.

That classification in return generated millions of dollars of business for Dan Lasater's firm. In the summer of 1985, Bill Clinton personally lobbied the Arkansas State Legislature to approve a contract for Dan Lasater to sell $30.2 million in bonds for an Arkansas police radio system. That contract alone netted Dan Lasater $750,000.

Before he was jailed for trafficking in cocaine, Dan Lasater got a contract to trade Treasury bond futures for the American Savings and Loan in Oak Brook, IL. First American eventually sued Lasater's bond firm for mail fraud, wire fraud, and security fraud. They could not think of another.

In 1986, First American was seized by Federal regulators. Those regulators pursued the lawsuit against Dan Lasater. Now, who did the Government hire to handle the case against Lasater? The Rose law firm. And who did the Rose law firm assign to handle the case? Not their normal savings and loan lawyer, Webster Hubbell. Webster Hubbell was the normal savings and loan lawyer, but they did not use him in this case. Instead, they assigned it to Vince Foster and Hillary Rodham Clinton. Those were the two assigned to handle Dan Lasater's case.

Hillary Clinton, whose husband had been bankrolled by Lasater, whose brother-in-law had had his drug debts paid by Lasater, who had been flown around Arkansas by Lasater, had now been hired by the FDIC to represent the taxpayers against Lasater. The FDIC was suing for $3.3 million. Hillary Clinton and Vince Foster settled the case with her old friend, lobbying client and political crony for $200,000—6 cents on the dollar.

In 1987, Dan Lasater, serving a prison sentence, gave power of attorney to Patsy Thomasson, who is today a top White House official. Keep her name in mind, Mr. President. She will surface often.

Later, in 1987, Vince Foster and Hillary Clinton settled the taxpayers' case with Dan Lasater for 6 cents on the dollar. But in order to keep you and me from knowing about it, they settled the case confidentially. The only way anyone ever found out about it was through a letter that Vince Foster wrote the FDIC, the agency that Bill Clinton now wants to install his friend Ricki Tigert to head—a favorite hanging out friend of Mrs. Clinton.

Mr. President, the U.S. Senate should be holding hearings right now. Members of Congress who are aware of many, many more facts in this whole web of intrigue that has collectively come to be known as Whitewater know that the whole matter will not just go away, and it is time for the administration to realize it is not going away and they will be better served by opening it to the public and full investigation.

I am proud to join my colleagues in supporting this call for immediate hearings on the matter. The American people deserve the honesty of knowing what went on.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague, Senator FAIRCLOTH, from North Carolina for his statement and also my friend and colleague from New York, Senator D'AMATO, for his persistence in calling for hearings. I wish to congratulate Senator DOLE as well.

I would urge that the majority leader, Senator MITCHELL, work with Senator DOLE to set these hearings up and set a date and time certain and commit to a format, so these hearings can be conducted and can be concluded.

Frankly, I think it is in the President and Mrs. Clinton's best interest to have these hearings occur and have them concluded as soon as possible. There are a lot of questions that need to be asked, a lot of questions that frankly have not been answered. Hearings will ask the appropriate questions and seek the truth.

Now, I know Mrs. Clinton had one press conference and President Clinton had another press conference on various Whitewater matters, but there are a lot of unanswered questions that need to be resolved, because some of these allegations do involve, if they are correct, violations of Federal law.

Now, I have heard some people say, well, no credible allegations have been made. Frankly, that is not the case. I have a list of 12 cases as reported by the press, that, if true, were a violation of Federal law. And I think we need some type of political justice and equity. I am bothered by the fact that one of our colleagues, Senator DURENBERGER, is going to be on trial in the Federal district court in Washington, DC, over a case that involves maybe $4,000, a little less than $4,000. The case was dismissed and then the Justice Department reindicted him, and that case should go to trial in the near future.

I am looking at possible potential allegations dealing with Whitewater many times greater than that. If the Justice Department is going to be going after Senator DURENBERGER, who has already been punished by this body, and go after him in prosecution for $4,000, I am looking at some of these allegations dealing with Whitewater, and you are talking about dollars in the hundreds of thousands in some cases. So we need answers. We need answers.

The Senator from New York is correct: We need to find out things dealing with Whitewater, with Madison Guaranty Savings and Loan. We need to answer some questions dealing with cattle commodity futures. Most people are kind of shocked that you can take a $1,000 investment and make a 1,000-percent rate of return and have that be done legally and ethically. Many have said it cannot be done.

We need to find out some answers. When it comes to commodities, for example, we need to find out whether winning trades were allocated to Mrs. Clinton's account and losers allocated to somebody else's account? If that was done, that is illegal. We need to know.

We need to know answers to questions of whether federally insured Madison deposits were diverted to pay the Clintons' share of their Whitewater investment debts. We need to know answers to these questions.

We need to know answers to what happened to the Whitewater records. What happened to the documents that were taken from Vince Foster's office the day that he died? That information has not been made public. What about the information dealing with commodity trading that we now understand the Chicago Mercantile Exchange has available but has not yet been made public? Why has it not been made public?

So again I think that committee hearings are vitally important to find answers to a lot of these unanswered questions, questions that have been asked but questions that have not been answered. And fair, objective, careful, bipartisan hearings are one way to find answers.

I see the majority leader is in the Chamber, so I would urge him to move forward. I think it is in his interest, the President's interest, and, frankly, in this country's interest to get this issue behind us.

A lot of us would like answers to some of these questions. We had something like 20-some hearings during the Reagan and Bush administrations, some of which many people considered political. I hope that we could have these hearings, get these issues raised, questions asked, and answers found as soon as possible.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FORD. Mr. President, will the majority leader yield me a couple minutes.

Mr. MITCHELL. Certainly, I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, my colleagues said that they analyzed TV ads in Kentucky and say whether they are good, bad, or indifferent, distort the facts. And he referred to the Courier Journal in their analysis of these TV ads.

I thought I had seen this, and I wanted to be sure so that I will not make another mistake on the floor. I really do not think I made a real mistake. But I do not like to make mistakes.

Here is an editorial from the Courier Journal as it relates to the TV ads. I would like to read that, Mr. President, if I may.

"Low Blows and Late Hits" is the title of the editorial from the Courier Journal that was referred to, analyzed in the TV ads.

It says:

> Pity the voters of Kentucky's 2nd Congressional District. For four happy decades, they abided in the shade of Bill Natcher's political rectitude. Now, courtesy of the Republican National Committee, they suddenly find themselves wandering in the hellish, mirage-filled desert of modern media campaigning.
>
> It's a pitiless, truth-scorching place that takes some getting used to—a place where character is only something to be destroyed, where a record of honorable public service is automatically mangled into a badge of shame, and where responsible leadership is considered prima facie evidence of betraying the public.
>
> It's a place, in other words, where a solid, honest and conservative Kentucky Democrat like Joe Prather can be portrayed by attack ads as everything he isn't—a social radical, a prodigal spender, a dirty politician—and have large portions of the public accept the video lie over the flesh-and-blood truth.
>
> That's exactly what's happening in the special election between Mr. Prather and Republican Ron Lewis to succeed Mr. Natcher. Why? While Mr. Prather intended a modest, low-budget campaign befitting his own style and Mr. Natcher's legacy, the Republican National Committee decided otherwise.
>
> It sent in big bucks and big guns, and the attack ads began, delivering a series of late hits and low blows to Mr. Prather's admirable record and reasoned views.
>
> The race ceased being a campaign between two Kentuckians over who can best represent and reflect the district. Instead, it became a televised horror show featuring the monstrous double of Mr. Prather created by the GOP's Dr. Videosteins.
>
> But to see Bill Natcher's Kentucky so quickly overtaken by the worst kind of media politics is especially disheartening. Voters should send Mr. Lewis' cynical handlers back to their muck and turn out in droves for the real Mr. Prather.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier Journal, May 21, 1994]

LOW BLOWS AND LATE HITS

Pity the voters of Kentucky's 2nd Congressional District. For four happy decades, they abided in the shade of Bill Natcher's political rectitude. Now, courtesy of the Republican National Committee, they suddenly find themselves wandering in the hellish, mirage-filled desert of modern media campaigning.

It's a pitiless, truth-scorching place that takes some getting used to—a place where character is only something to be destroyed, where a record of honorable public service is automatically mangled into a badge of shame, and where responsible leadership is considered prima facie evidence of betraying the public.

It's a place, in other words, were a solid, honest and conservative Kentucky Democrat like Joe Prather can be portrayed by attack ads as everything he isn't—a social radical, a prodigal spender, a dirty politician—and have large portions of the public accept the video lie over the flesh-and-blood truth.

That's exactly what's happening in the special election between Mr. Prather and Republican Ron Lewis to succeed Mr. Natcher. Why? While Mr. Prather intended a modest, low-budget campaign befitting his own style and Mr. Natcher's legacy, the Republican National Committee decided otherwise.

It sent in big bucks and big guns, and the attack ads began, delivering a series of late hits and low blows to Mr. Prather's admirable record and reasoned views.

The race ceased being a campaign between two Kentuckians over who can best represent and reflect the district. Instead, it became a televised horror show featuring the monstrous double of Mr. Prather created by the GOP's Dr. Videosteins.

Jefferson County Democrats are enduring similar tactics, as cable-TV millionaire Charlie Owen tries to buy a congressional nomination with a late deluge of attack ads.

But to see Bill Natcher's Kentucky so quickly overtaken by the worst kind of media politics is especially disheartening. Voters should send Mr. Lewis' cynical handlers back to their muck and turn out in droves for the real Mr. Prather.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, will the majority leader give me an opportunity to make a very brief observation about the Kentucky race sort of inspired by Senator FORD? I probably will take only a couple of minutes.

Mr. MITCHELL. We have had about 7 or 8 Republican speeches, and only one Democrat has had a chance to speak. I will not want to suggest the standard of equal time. But we ought to be able to get some time.

I am pleased to yield to my colleague.

Mr. McCONNELL. Mr. President, I thank my friend, the majority leader.

My colleague from Kentucky has correctly alluded to an editorial in the liberal Democratic, major newspaper in our State. I will stipulate that on the editorial page they very much supported the democratic candidate in the Second District.

What I was referring to earlier in the critique of the commercials is the political reporter for the Courier Journal picking up on a trend that David Broder actually launched a couple of years ago as a critique of not only the editorial page but in the news section, a critique of candidate's ads.

And the point I was making earlier was that his critique of the advertising of the Republican candidate, the ultimate winner, in the Second District, was really very, very mild.

Senator FORD and my colleague correctly points out that on the editorial page the newspaper was very, very much in favor of the Democratic nominee and quite depressed over the ultimate outcome.

Finally, let me say that I do stand corrected on something earlier either I or the majority leader said with regard to the Whitewater issue not being raised in the campaign. I am told that Whitewater was mentioned in the commercials of the Republican candidate. So at least to that extent it was mentioned. It was a factor in the Second District.

I thank the majority leader for giving me an opportunity to continue this little discussion 1 minute longer. I thank him very much.

Mr. MITCHELL. I thank my colleague.

THE SO-CALLED WHITEWATER MATTER

Mr. MITCHELL. Mr. President, during the course of the discussion that has occurred over the past few hours, frequent reference has been made to me. And I thought it would be useful if I came to the floor to respond to some of the comments and to inform our colleagues, and I hope the American people, of the status of this matter of what I believe has precipitated this debate and why I believe we should proceed from here.

First, let me say that from the outset, in repeated public statements here on the Senate floor and in other public places, I have insisted that the Congress has an important oversight responsibility, which it will meet. I will do all I can to see that the Congress meets that responsibility in an appropriate and responsible way—not a political circus as some of our colleagues wish, not a partisan administration-bashing as some of our colleagues wish, but rather a serious and responsible discharge of constitutional responsibilities by the U.S. Senate.

Our colleagues, many of whom have spoken here today, a few months ago were just as vociferous in demanding that a special counsel be appointed to investigate the so-called Whitewater matter. Indeed, many of the speeches made today are but slight variations on the speeches made then. The demand today is for hearings by the Congress on Whitewater. The demands then were for a special counsel to be appointed to investigate Whitewater. Both were of course used as occasions to criticize, to bash, and to present several suggestions of impropriety by the President and other members of the administration.

A special counsel was appointed, and within minutes after the appointment of the special counsel the second-guessing began. And the new demand was made for immediate congressional hearings, even though it was clear then to all and is clear now that immediate public hearings in the form and at the time initially suggested by our Republican colleagues would have undermined and effectively precluded the investigation by the special counsel.

Mr. President, much comment has been made about what occurred in the past and suggestions have been made to the extent that we ought to do this now because that is what happened in the past. Let me describe the legal status of the matter, the history of how we arrived at this point.

Prior to 1990, the law governing the inevitable tension between congressional hearings and ongoing investigations was such that it was possible for a person to testify under oath at a congressional hearing, and still be subjected to criminal prosecution on the basis of the same facts, although the testimony could not be used to support that prosecution. The law was set forth in a Supreme Court case named after the defendant in that matter, a man named Kastigar, and it established a rule which prosecutors would have to adhere to when initiating a prosecution of persons who had previously testified under grants of immunity. It was a substantial standard, but it could be met. It was possible to have both a congressional inquiry and an investigation and subsequent prosecution. But in 1990, the court of appeals ruled on the case involving former Marine Lt. Col. Oliver North. Colonel North had testified before Congress under a grant of immunity, had subsequently been indicted, an indictment charging several felony violations, and was convicted, after a jury trial, of three felonies. He appealed, and the court of appeals overturned his conviction, and in the process established a new, much different and much higher standard for such cases than had previously been applicable under the Kastigar case. Many analysts who have reviewed the North decision—that is to say the court of appeals decision which overturned the three felony convictions after trial in district court—have concluded that, effectively, now there cannot be testimony under grant of immunity before Congress and then a subsequent prosecution. In effect, there must be a choice. There has to be either a congressional inquiry or an investigation. There cannot be both.

(Mr. MATHEWS assumed the chair.)

Mr. MITCHELL. The special counsel in the Whitewater case, who was appointed following the demands of many of our Republican colleagues is himself a Republican, a prominent Republican, whose appointment was praised by our colleagues. The distinguished Senator from New York, from whose State the special counsel comes, praised him effusively on the Senate floor as a man of integrity, impeccable reputation, someone who would conduct a thorough, fair, and impartial inquiry. I believe that to be the case. I believe that the special counsel, although he is a Republican investigating a Democratic administration, is a man of integrity and is fair, and he will conduct a thorough, fair and impartial investigation. If he finds wrongdoing, then it should be punished. The chips should fall where they may. But that is not being decided here in the Senate. The Senate is not a prosecutorial institution, it is a legislative institution.

So the question is: How do we proceed? The special counsel himself, on his own initiative, wrote the chairman of the Banking Committee, and other Members, and urged that there not be congressional hearings. He listed specific reasons why such hearings could undermine or effectively prevent his investigation from going forward.

In response to that, the Senate debated and voted by 98–0 to approve a resolution which I introduced on behalf of myself and Senator DOLE, which provided, first, that if hearings were held no witness called to testify should be granted immunity, to deal with the problem which I have just described. And second, "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel, Robert B. Fiske, Jr."

The Senate voted for that 98–0. Every one of the Senators who has spoken here today voted for that resolution, even though today we are told, let us not bother with Mr. Fiske; we have our own responsibilities; let us have immediate hearings. I submit, Mr. President, that it is inconsistent to have supported this resolution and now to suggest ignoring Mr. Fiske and proceeding to immediate hearings.

Pursuant to this resolution, Senator DOLE and I have met on several occasions and have exchanged letters making suggestions with respect to how to proceed. Senator DOLE initially requested a special committee, because the jurisdiction of several committees is implicated in this matter. I reviewed his proposal carefully and concluded that even by his analysis, the vast bulk of the jurisdiction is with the Banking Committee and, therefore, consistent with the practices of the Senate, the matter should be conducted by the Banking Committee.

The next question then was: Well, how do you deal with the problem of issues that arise that are not within the jurisdiction of the Banking Committee, even though they are not the bulk of the matter? I then suggested to Senator DOLE that on the Banking Committee there are present, on both sides, Members who are also Members of every committee which has any possible jurisdiction in this matter—with one exception, which I will describe in a moment—and that we could accommodate the jurisdictional question by permitting the Banking Committee to have jurisdiction on those matters, some of which are very minor, by designating Banking Committee members who also serve on the other committees, to represent those committees in the hearings. In the one case, where it is not so with respect to a Republican member of the Judiciary Committee, I offered to permit the ranking member of the Republican membership of the Judiciary Committee, or his designee, to sit on the Banking Committee for that purpose.

Yesterday, Senator DOLE came back to me with yet another proposal, and we are reviewing that in good faith. The discussions have been in good faith on both sides as we try to reach an agreement that would permit us to go forward.

Mr. President, let us get to the heart of this matter, and the real motive behind these requests. It could be summed up in one word: Politics. Better described in two words: Partisan politics. Most accurately described in three words: Raw partisan politics. That is what is going on here.

Everybody in this Chamber—as I believe all Americans do—knows that. Indeed, the public opinion shows it by overwhelming margins—in excess of 70 percent. In the most recent public opinion poll, the American people found that our Republican colleagues are acting on this matter solely for political purposes.

There has been some discussion here today, which I found not only interesting but amusing, about people coming up and asking about Whitewater, trying to create the implication that there was this overwhelming demand rolling across America of the public demanding hearings on Whitewater.

Mr. President, I do not know what part of America my colleagues have been traveling in. But I have been in my State several weekends, and I have been in half a dozen other States in the past few weeks. I have addressed dozens and dozens of audiences, totally thousands and thousands of people, and have been asked hundreds of questions. And only once, only once, has a person mentioned Whitewater to me. That was when I was walking down the street in Portland, ME, stopped at an intersection and a pickup truck pulled up to a red light. The driver rolled down the window and yelled out "Why don't you guys stop fooling around with that Whitewater business and start doing something meaningful?"

Before I could respond that I was not one of those "you guys," he rolled up the window, gunned the accelerator and drove off.

That is the only comment I have heard on Whitewater, one in the past months. And I have traveled across my State and across this country.

I do not know what part of America my colleagues are from. I was in New York last weekend. My gosh, I must have just missed that tidal wave of demand for Whitewater hearings. I guess I was kind of lucky.

We all know what is going on. This is raw partisan politics, trying to embarrass the President, make it more difficult for him to pass his economic program, his health care program, and the rest of his agenda.

Several of our colleagues have stood here and said that if the President is not for immediate hearings and full disclosure, he must have something to hide. We heard that from two or three of our colleagues. Do all of our colleagues agree with that? Is that an appropriate standard for public officials, that if a public official is the subject of an allegation and he is not for full disclosure of everything involved with it, that he must have something to hide? Or is that only a standard that applies to the President? Do our colleagues agree that that should apply to all of us, Members of the Senate, Republicans as well as Democrats?

Since when in America, since when is it so that a person who denies an allegation is deemed to have something to hide? We heard that from lawyers here, U.S. Senators who are lawyers.

This is America. I do not think that any Senator who is accused of something has something to hide just because he will not stand up and publicly disclose every document involved. If I do not think that, why should our colleagues?

Or does that only apply to the President? Do our colleagues want to apply to the President a standard which they would not accept as applying to them?

We are all public officials. We all swear an oath when we take office. We all should be subject to the same standards. Are we here suggesting that there are two standards in these matters? I think not. I do not think we should.

Mr. President, we are told over and over again that this matter is going to be brought to the floor.

Mr. President, under the rules of the Senate, any Senator can bring up any matter any time he or she wants. Any Senator can offer any amendment any time he or she wants. Those are the rules. We all know the rules. If our colleagues want to proceed on this matter, let us debate it, let us discuss it, and let us vote on it.

We already voted 98 to nothing, and many of the statements made here today were made by people who voted for that resolution and whose words today contradict the resolution.

It is not a question of whether we are going to do anything. I want to assure my colleagues we are going to do something. But we are going to do it in the words of the resolution for which every Senator who voted in the affirmative. The words of that resolution is in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

If the Senator wants to stand up and say, "Well, I made a mistake in voting for that; I do not agree with that"; I think we ought to do it, even though it might interfere with the ongoing investigation, that is an honorable and a responsible position.

Mr. D'AMATO. Mr. President, will the majority leader yield for an observation?

Mr. MITCHELL. Yes.

Mr. D'AMATO. Mr. President, I concur in most of what the majority leader has said. I think if the majority leader were to examine the resolution, he would find the kinds of safeguards that ensure the appropriateness of hearings to which he referred. Under the resolution, the cochairmen of the special subcommittee would consult with special counsel in connection with the establishment of a hearing schedule.

The resolution is intended to move the process forward in exactly the spirit that the majority leader and the Republican leader have been negotiating. It is intended to facilitate this process. I assure the majority leader that is the purpose and the methodology of the resolution.

I only asked for a few moments to make that observation. I just wanted to share that with the leader.

Mr. MITCHELL. I thank my colleague.

I will make the following points. Everybody here knows that the special counsel is meeting tomorrow with the Speaker of the House, the majority leader of the House, and the Republican leader in the House. The purpose of that meeting I am advised is to attempt to determine what an appropriate schedule will be.

What conceivable rationale is there for presenting this resolution today other than to get in a few more licks at the President when we know the meeting is going to be held tomorrow, following which we hopefully will have some idea of what the timing should be?

The fact of the matter is we all know what the rationale is. It is to take a few more shots at the President, get up in the guise of wanting hearings, to slam the President and the administration, to score a few political points in this process.

If anyone was serious about wanting to move in that direction, he should await the results of the meeting tomorrow because obviously those facts are central to the determination of when we are going to proceed.

So I say to my colleagues, we all understand what is going on. The Senate floor is open to anyone who wants to speak on any subject, and we regularly hear a lot of speeches with which one or another of us disagree.

But since not by name but I by position was mentioned so often in the prior discussion, I felt appropriate to respond to some of those comments and to inform all of the Members of the Senate about the status of our discussions. I think frankly that we are going to end up at about the same place. The only question is how we get there.

We are going to meet our responsibilities. We are going to do it in a responsible way. We are going to do it in a serious way. We are going to try hard not to have it be a political circus but one which rather deals seriously with the subject and which complies with the terms of the resolution that in a way that does not interfere with the ongoing investigation of the special counsel, a special counsel, I repeat, appointed following the request of our Republican colleagues, a special counsel who is himself a lifelong Republican, a special counsel who was praised by Republican Senators for his integrity, his character, his honesty, and his ability, and a special counsel who has asked us not to hold hearings.

So, I think what is going on is pretty clear, and I wanted to make the statement so that there would be no misunderstanding of my intention.

I want to repeat what I said earlier, because it does bear repetition.

The Republican leader and I have dealt in good faith. We have exchanged correspondence. We have had several meetings. I believe we have narrowed the issues and I believe we are moving toward, and have made considerable progress toward, resolving this matter and would be in a good position to do so once we have a better idea of the special counsel's timetable.

We will then have difficult questions to resolve and implement because it is clear that the special counsel's investigation is being conducted in phases and that he will in the near future complete the early phases, leaving the bulk of the inquiry still ongoing.

He has strongly requested, and we intend to comply, that the hearings be conducted in a way that deal with the phases of his investigation that are completed, but not interfere with or undermine those phases still underway.

That is going to take a good bit of effort and restraint on the part of Senators. I am confident that we can reach agreement on that and hope that we can implement it in a satisfactory way.

Mr. President, I thank my colleagues and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. DOMENICI. Mr. President, I wonder if the Senator would yield for 1 minute before the majority leader leaves, just to make an observation in his presence?

Mr. BRYAN. I am pleased to do so.

May I ask my colleague to exercise restraint. I have a meeting that I have to go to at 4:30. But I am happy to yield, with the understanding that I be recognized immediately after the colloquy that the distinguished Senator from New Mexico has with the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me say to the majority leader that I have been in and out waiting for an opportunity to speak and I am not going to speak because I do not want to take his time.

But, in essence, I would not have spoken about the issues you have raised but rather another. It is entirely consistent with history that, whether you have hearings about Presidential malfeasance or the relatives of Presidents and their malfeasance, frequently it is predicated upon partisan politics.

Now, one might say, "No, no, you are wrong." But I am not wrong.

If it is not this body, I can at least say some legislative part of America has had hearings about people that belong to the First Family within 3 or 4 months of an election and just put them out there, even though many people just like them did not have a hearing.

Now, I was going to say that I have found nothing yet to indicate that the majority leader was saying that we do not have to have hearings because the majority party does not want to have hearings. And I am very pleased to say that I believe that is still the case.

Because I submit, Mr. Majority Leader, and a good friend of this Senator, that there is plenty of evidence upon which to have a congressional hearing. I mean, it is not skimpy, comparatively speaking. I mean, we have had hearings with less evidence than this from the beginning. Now, it got bigger later. We have had hearings where there was less clamor, where there was no clamor, by the public than there is now. But we have had them based upon facts we have discovered and instances that the press has discovered.

And I just wanted to make a point that thus far we are proceeding not on the basis that the majority party says we should not have these because we want to protect a Democrat President. But that is entirely another possibility that could be part of this kind of an episode in American executive-legislative relationships.

I am not saying anything other than to say that would have been an observation in more detail with more history that I would have made and clearly was not intended in any way to set a different standard for this President than others.

Quite to the contrary, it was to set the same standard for this President and alleged malfeasance as others have had imposed on them by us.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. The Senator has responded to an assertion which I never made.

Mr. DOMENICI. I said you had not.

Mr. MITCHELL. In fact, it is the opposite of what I have said.

I have said right at this place for months and in other places that we are going to have hearings and we are going to meet our responsibilities.

The question is, would we do it in a responsible way or not? And insofar as I have anything to say about it, we are going to.

I thank my colleague.

Mr. DOMENICI. I thank you very much.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair

ILLEGAL USE OF SOCIAL SECURITY NUMBERS

Mr. BRYAN. Mr. President, I want to call to my colleagues' attention a situation that arose recently in my Las Vegas office concerning the illegal use of a Social Security number.

A constituent of mine applied for public assistance benefits. Thereafter what followed was a routine Social Security check that turned up an illegal immigrant using her son's Social Security number.

Parenthetically, it was also later discovered that this same individual using the illegal Social Security number belonging to the son of my constituent was also using a forged INS card at his place of employment.

Now, when this information was brought to the attention of the Las Vegas Social Security office, my constituent was informed that no investigation of this fraudulent card use would be undertaken because of Social Security Administration policy.

You can imagine what her reaction was—one of anger and one of disbelief. Here is a person who applies for public assistance benefits, discovers that someone is illegally using her young son's Social Security card number, and then learns there is nothing that can be done about it.

Mr. President, tragically, such a response only tends to confirm our citizens' disappointment, disillusionment and, indeed, mistrust of the Federal Government.

It was suggested that this is because of the January 1994 Social Security Administration Fraud Referral Guidelines. And so I reviewed those guidelines and, lo and behold, I discovered that Nevada, 15 other States, Puerto Rico and the Virgin Islands were all listed as "geographic areas with limited investigations."

What this means, Mr. President, is that no fraud investigations are initiated in these States and possessions by the Office of Investigations, unless the Social Security management requests an "exception" from the Office of Investigations, and the Office of Investigations and the Social Security management mutually agree that there are aggravating factors present to warrant such an investigation.

The guidelines further state that if fraud cases occur involving more than $10,000, the Office of Investigations would receive and refer such cases to other investigative agencies for investigation, that is if they are over $10,000.

Now, to say the least, I was further surprised that there is another provision—this applies to four States—and that Nevada, along with Alaska, Hawaii, and Idaho were listed as States where no investigations—let me make that point again—no investigations would be initiated, even in those cases involving fraud of $10,000 or more unless there were "mutually aggravating circumstances."

Essentially, Mr. President, we have a policy that creates "safe harbors" for those who would blatantly and fraudulently use a Social Security card number in those 16 States and 2 territories; and a particularly safe harbor for abusers in Nevada, Alaska, Idaho, and Hawaii. For even if the fraud amounts to $10,000 or more there, it requires a mutual agreement before a case goes forward to investigation.

Since 10 of these 16 States lie in the Western half of the United States, this means that, for all intents and purposes, the Western part of our Nation is especially inviting for those who want to fraudulently use Social Security numbers properly belonging to someone else.

Mr. President, what do I tell my constituents who are trying to conduct their lives in an honest and straightforward manner, and discover that someone is fraudulently using their Social Security number?

"Oh, well, this is Nevada, and Nevada is one of 16 'safe harbor' States where illegal use of a Social Security number is simply not important enough to warrant prosecution."

As I read the SSA Fraud referral Guidelines, the Office of Investigations Field Office can be contacted for Social Security number violations that are "media sensitive," or have "congressional interest." It might, then, under the guidelines be possible, so we are told, for the appropriate Federal judicial district to accept this case for prosecution.

So, as a Senator whose State is listed as one where no investigations are to be initiated, what am I to do? Every time I discover the possible fraudulent use of a Social Security number, I must indicate that there is congressional interest to ensure a case is even considered for possible referral to a Federal judicial district for prosecution? That policy is patently ridiculous.

As a former Nevada attorney general, I can understand that there need to be priorities in terms of what cases are selected for prosecution. I understand that where there is limited staff and funding, those can be very, very difficult decisions about those priorities. And reasonable people can certainly disagree with the priorities. But to isolate, for all intents and purposes, an entire region of the country and say we are not going to prosecute Social Security fraud in your part of the country absolutely makes no sense at all. It makes a mockery out of any kind of process that would reach such a conclusion.

It is absolutely indefensible. I cannot comprehend what reasoning process must have led to that conclusion.

The Social Security Administration might as well put signs on the Nevada State borders, inviting people to come in, take a Social Security number of your choice, and go forth and use it with absolute impunity.

So, Mr. President, today I am sending to the Commissioner of the Social Security Administration a letter, and I am making two requests. First, with respect to the case that was called to my attention by my constituent in Las Vegas, I am asking that case be accepted for investigation and possible prosecution. Second, I am asking for a complete review of the fraud referral guidelines as they apply to the State of Nevada. I want an explanation as to how those guidelines were established and, more important, I want that corrected.

I must admit, in recent weeks this has not been my only concern about the Social Security Administration. Just a few weeks ago we all learned that more than two-thirds of the agency's employees received bonuses for exemplary performance. Given the complaints my State offices receive from constituents who deal with the Agency, I find it difficult to believe that the Agency is using the appropriate criteria in determining which employees ought to receive performance-based bonuses. Now I have been made aware of the Agency's policy with respect to the safe harbor in my State for Social Security fraud.

I am a cosponsor of the bill to make the Social Security Administration an independent agency. I made that decision because I truly believe the Agency can establish the trust of all Americans by making it a separate and independent agency. But it is obvious to me that this Agency has a long road yet to travel before all of us can once again place our trust in this Agency, and feel confident its judgments are in the best interests of the American people and those dependent upon the Social Security System.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

WHITEWATER

Mr. LOTT. Mr. President, I would like to take the discussion this afternoon back to the resolution introduced this afternoon by the distinguished Senator from New York. I joined in that resolution. I commend the Senator from New York [Mr. D'AMATO], for taking this action this afternoon and for causing this discussion that, frankly, is in my opinion overdue; for his diligence in pursuing this matter and for the way the resolution is drafted. This resolution does not say by 6 a.m. on June 7 we must begin. It says, though, that there must be some reasonable expectation that we move forward in this regard.

So I have really appreciated the way Senator D'AMATO has handled this matter. I have every confidence we are going to go forward with hearings. He is going to do an excellent job as the ranking Republican on the Banking Committee in this effort.

I really believe our Founding Fathers thought the Senate was the suitable body of inquiry that should look into whether public people might have violated the public trust. The Senate, fulfilling the Founders' vision, and its constitutional duty that has been referred to by several Senators this afternoon including the distinguished majority leader, should hold hearings on the so-called Whitewater affair. There is no question about it. We must know when we are going to do that. And we must know what happened and where the various documents are. There are so many unanswered questions that we must get into.

So that is why I am supporting this resolution. But before I get into some of the comments I prepared, I would like to ask the Senator from New York to respond to some of my questions. Frankly, after listening to the majority leader, and I listened very closely for most of the time, I still do not know what the answer is. He said we are going to have hearings but it is unclear to me when that might happen.

We have been very patient. We waited for months. There has been this allegation that Special Counsel Fiske is going forward, but as I understand it he was going to go forward basically in two parts. This was going to be a bifurcated process, report on that, and then go forward. Would the Senator from New York clarify that for me? I thought his preliminary investigation that we agreed to wait on, you agreed to wait until he completed this investigation, should have already been over or was about to be over.

Exactly what is the statús of his investigations and when could we expect to get that report?

Mr. D'AMATO. The Senator raises a very important point.

Mr. LOTT. I yield to the Senator from New York to respond to the question.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Thank you, Mr. President.

My colleague raises a very interesting point. This resolution is intended to adopt a process where the cochairmen of the special subcommittee can consult with the special prosecutor—not in a so-called rump session—but in an official manner which cannot be questioned to ascertain what progress he has made and the status of the investigation.

To be quite candid, our staff contacted the staff of the special prosecutor. They were initially going to meet. But there were concerns that all of the interests of the Congress or the Senate particularly, should be fairly represented. I understood that. I did not go forward.

But the fact of the matter is, the special counsel, in whom I have utmost confidence, indicated the initial phase as it related to contacts between the Treasury and the White House—meetings, by the way, which we would not have learned of if we had not had hearings—and the question of their appropriateness may or may not fall within his responsibility because there may not have been criminal activity. But that certainly does not mean that we do not have a right to know about that activity. The American people certainly have a right to know.

Mr. Fiske indicated the initial phase would take a matter of weeks—3 weeks, 4 weeks, 5 weeks—we suggested 6 weeks, 8 weeks—more.

Mr. LOTT. How long has it been?

Mr. D'AMATO. It has been quite a bit more. It has been more than 2 months and when we come back it will be closer to 3 months and we have not even begun the process of establishing the mechanism and the vehicle by which we would be working, to ascertain what the facts are and to work in a manner which would not impede or impair his investigation. I suggest if we continue this way we are never going to get a date, we are never going to start hearings, and we will never have a forum. And that is what is taking place here. So it is one thing to say this is partisanship and another thing to look at this in a manner in which we have been most restrained.

It is now close to 10 weeks. Now we are talking about the special counsel indicating he thought it was a matter of 3 or 4 weeks. We know—and that is when Senator COHEN and I met and that is when we established almost immediately the fundamental situation that we would not grant immunity—just would not, without his concurrence. That takes care of the one very outstanding issue, a legitimate issue. We are willing to waive that. We did that. The Republican leader indicated that in his statements.

I see no impairment but I see an impairment if we do not begin the process. We have not even begun the process by which we could legitimately ascertain when we can go forward.

Mr. LOTT. The Senator has no doubt the hearings can begin, go forward, without impeding the separate investigation by the special counsel? You have indicated we would not intend to grant immunity to witnesses. Clearly you can go forward without doing that. That was the only point that was raised by the majority leader, concern about going forward, that I heard. Without granting immunity, what is the problem?

Mr. D'AMATO. I do not see any, particularly, since it would be, I believe, the intent of the committee, once it was formed, to consult. Not to abdicate our congressional responsibility. And understand we are coming pretty close to people talking about that, or it being suggested that is an approach that is a total abdication of congressional oversight and our responsibility.

Let us understand that. We have gone, I think—let us put it out where it is, if it is partisan politics—the Republican Members of the Senate in saying, No. 1, we have just about given up and said we will not grant immunity. That is a right the Congress has, to grant immunity. We have conceded that.

Second, we would be consulting with special counsel, as it relates to whether or not we would be impairing any part of the investigation; that we would actually tell him the witnesses that we were going to be calling; that we would give him the opportunity to call witnesses first, which he wanted.

So we have conceded that, but now we cannot even get the vehicle up and beginning to operate. I will tell you at this rate, you will not have any hearings until this session is over. And if that is the intent—because that is what is taking place—the practical side is the manner in which we are proceeding, the pace, will mean that there will be no hearings during this congressional session and, indeed, this is a rather unique way of saying, "Oh, yes, we want hearings," but then constructing hurdles that are impossible to overcome, and these are not realistic hurdles that are guaranteed to ensure fairness and to see that there is no impediment placed in the way unnecessarily of the special prosecutor.

Indeed, he is being used as a convenient foil to keep the Congress from doing that which it should in an appropriate manner.

Mr. LOTT. I certainly agree with that. If the Senator will yield me back my time, because I would like to yield to the Senator from Georgia who would like to get into the discussion, maybe asking questions of the Senator from New York, if he will remain on his feet.

I yield to the Senator from Georgia for a question.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank my good colleague from Mississippi for letting me intervene to pose questions to the Senator from New York.

I would like to, if I could, follow this line of distinction that the majority leader and others have alluded to with regard to the separation between the special prosecutor's responsibilities and the Congress, and whether or not we are intervening appropriately or not.

I understand the assertion that all of this is related to partisan politics, but of just recent days, I have come upon this article. I have not seen it in the American press, but this issue is ravaging Europe, which I think ought to be of concern to us.

The Economist on May 7, which is like U.S. News & World Report, has a section called "The American Survey." It is called: "The Lasater Affair: Ghosts of a Carelessness Past." It says in the lead:

> The Whitewater property deals were not the only—

Not the only

> —questionable transactions going on in Arkansas when Bill Clinton was Governor. The activities of one of his chief campaign contributors may come back to haunt him, too.

If you will bear with me just a moment. It goes on to say in the last paragraph, Mr. President:

> The activities of Lasater & Co. and of the Arkansas Development Finance Authority are only now coming into the spotlight. It is clear that the money trail involving them has never—

Never

> —been thoroughly investigated and that many unanswered questions remain.

I will conclude that the author of this article is a European, not a Republican or a Democrat. This is a major publication in Europe, not a part of this grand institution of the U.S. Senate.

This is demeaning of the Presidency of the United States and of the authority to govern the Free world. I think a major question for all Americans is: Are we being savaged by the European press or are, indeed, these questions unanswered?

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, May 7, 1994]

THE LASATER AFFAIR—GHOSTS OF CARELESSNESS PAST

The Whitewater property deals were not the only questionable transactions going on in Arkansas when Bill Clinton was governor. The activities of one of his chief campaign contributors may come back to haunt him, too.

The penny dropped for Dennis Patrick in February, when he heard the names Dan Lasater and Patsy Thomasson mentioned on a radio show about Whitewater. They provided one possible explanation of why his life had turned into a living hell since a brokerage account had been opened at Lasater & Co in 1985 in the name of his company, Patrick & Associates.

The tale is a strange one, and it is only one man's story of what happened to him. In July 1985 Mr. Patrick, then living in the mountains of eastern Kentucky, was telephoned by a former college friend, Steve Love, to invite him on an all-expenses-paid deep-sea fishing trip to Florida. Mr. Patrick, a clerk at the Whitley county circuit court, accepted. During the weekend his friend urged him to open a brokerage account at Lasater & Co, a Little Rock bond-dealer, where Mr. Love worked as a vice-president. He promised Mr. Patrick, who at the time had an estimated net worth of at most $60,000 and no knowledge of securities investment, that he would not lose a cent.

Mr. Patrick says Mr. Love telephoned him the next month to say he had opened an account on his behalf (although Mr. Patrick had signed nothing and put up no money) and that he had already made him a profit of about $20,000. A delighted Mr. Patrick went to the offices of Lasater & Co in Little Rock, where he says he was reassured by Mr. Love and Billy McCord, the sales manager, that there was no risk of loss and that he could expect to make up to $20,000 a week. He was instructed by Mr. Love to deposit his profits at the First American Bank in Little Rock. It was only several weeks later, after Mr. Love had pressed Mr. Patrick to start signing documents even though his signature had never been needed before, that Mr. Patrick grew uneasy enough to ask Mr. Love to stop trading on his behalf.

A few months later, Mr. Love met Mr. Patrick in Kentucky and handed him a folder containing trading records, in the name of Patrick & Associates, which Mr. Patrick did not understand. Then in April 1986 Lasater & Co. filed a lawsuit against Mr. Patrick seeking payment of a sum of $86,625. Mr. Patrick, upset, telephoned Mr. Love, who told him he would take care of the matter. But the litigation continued. In June 1987, Mr. Patrick filed answers to interrogatories raised by Lasater & Co. in the lawsuit. He says he was helped by Linda Nesheim, a former broker at Lasater & Co. The Economist failed to find Mr. Love and Miss Nesheim for their version of these events.

Mr. Patrick stated in his interrogatory, under penalty of perjury, that Mr. Love had opened an account without his permission or knowledge, and that trades in his account had from time to time exceeded $12m. Mr. Patrick also supplied a list of names of people who knew about this matter, including Mr. Love and Mr. McCord. He says that Miss Nesheim told him that when Miss Thomasson—a long-time associate of Mr. Lasater who at the time had legal responsibility for running his affairs—saw these names she would be most upset and that he would hear nothing more from Lasater & Co. And that is what happened.

But Mr. Patrick had other distractions. Within one year four men were arrested by agents of the Treasury Department's Alcohol, Tobacco and Firearms (ATF) division on charges relating to plots to kill him.

First, Patrick Tully was arrested in Alabama armed with a gun and carrying a map of the inside of Mr. Patrick's house and a picture of his vehicle. Second, Danny Star Burson was arrested in Tennessee for machine-gun violations after Mr. Patrick had pursued him down an interstate highway after what he alleges was an attempt to kill him. Third, Jame Josey and Anthony Tricomi were arrested in Texas in September 1986 by the ATF for conspiracy to transport explosives across state lines. A federal indictment at the time said Mr. Josey had hired Mr. Tricomi to kill Mr. Patrick.

Mr. Patrick says he had no idea why these people were trying to kill him. But ATF agents in Kentucky thought he was mixed up in drug trafficking. They even offered him immunity from prosecution if he would talk. Mr. Patrick said he had no information to give. One ATF agent assigned to his case, John Simms, now says Mr. Patrick was considered "a victim only". Mr. Patrick moved away from Kentucky in 1988, and still lives in semi-hiding.

Since moving, he has suffered no more attempts on his life. But when he heard the familiar names of Mr. Lasater and Miss Thomasson on the radio, he searched out his old broking account records and showed them to a bond-broker friend. The friend told him that the bond trades in his account had amounted to about $50m.

DEVELOPING ARKANSAS

In Little Rock in the 1980s, Dan Lasater was renowned for his extravagant parties and hard living. After a childhood of poverty, he made his fortune in his 20s when he founded Ponderosa, a steakhouse chain that went public in 1971. He had close ties with Bill Clinton, who was then governor, through his friendship with Mr. Clinton's mother and brother. At one stage, Mr. Clinton's half-brother Roger was Mr. Lasater's driver. When Roger was in trouble with the law over drugs, Mr. Lasater sent him to his Florida horse-farm to lie low for a while. According to the farm manager, John Fernung, Mr. Lasater remarked at that point that he owed the governor a lot of favours.

Although his family came from Arkansas, Mr. Lasater was born in Indiana. He moved to Little Rock in the 1970s to go into the broking business, and set up Lasater & Co. in 1983 after buying out his partners, George Locke and David Collins. He was one of the biggest contributors to Mr. Clinton's election campaign in 1982, when he won back the governorship after a term out of office. The firm soon became a frequent underwriter of Arkansas municipal-bond issues, including those of the Arkansas Development Finance Authority (ADFA).

Roy Drew, a financial adviser based in Little Rock who has studied the ADFA, says the agency—which was set up at Mr. Clinton's urging by the Arkansas legislature in 1985—took over much of the state's bond-issuing power and gave the governor the ability "essentially to create money". ADFA has no regulator and no legislative oversight. The governor appoints the board and has the right to approve or disapprove every bond issue. There is virtually no limit on the value of bonds that can be issued, an arrangement that Mr. Drew describes as a "prescription for abuse".

A book published in March alleges that ADFA was also used as a conduit to slip cash for the manufacture of untraceable weapons parts. These were sent (in violation of American law) to the contras in Nicaragua during the Reagan years. The book—"Compromised: Reagan, Bush and the CIA"—was written by Terry Reed, a former air force intelligence officer in Vietnam, and John Cummings, an investigative reporter. Mr. Reed himself says he trained Nicaraguans to drop supplies. The laundered money, he claims, was literally dropped into Arkansas by aircraft as part of a successful smuggling operation based in Mena, in western Arkansas. The operation was run by Barry Seal, a man who Mr. Reed reckons was working as a freelance agent for the CIA.

Mr. Reed alleges that Seal made cash deposits directly into Lasater & Co. in Little Rock, and that Mr. Lasater introduced Seal to him as a client of his. Seal, a self-confessed drug-smuggler, was shot dead in February 1986 before he was due to give testimony against the Medellin cartel. Mr. Lasater could not be reached for comment, but George Locke, his former brokerage partner, says, "I can tell you one thing, Mr. Seal has never met Mr. Lasater."

Others, too, think there was something odd happening at Mena. In October 1988 Charles Black, the deputy prosecutor for Polk County (where Mena is), handed Governor Clinton a letter appealing for state financing of an investigation into drug-smuggling at the airport. At that point, according to the letter, the investigative file on Mena contained around 20,000 pages. It was, he says, "the biggest criminal case I ever came across." Mr. Black says that Mr. Clinton agreed to get someone to look into it, but he never heard anything more.

Bill Duncan, now the chief investigator at the Medicare fraud division of the Arkansas attorney-general's office, carried out a criminal investigation of goings-on at Mena between 1983 and 1986 for the Internal Revenue Service. Mr. Duncan says he uncovered evidence of a "tremendous amount of money-laundering". His own investigation focused on how the flow of arms was financing drug-sale proceeds washed clean through what appeared to be legitimate businesses. His findings were never submitted to a grand jury, and he was not granted subpoenas to pursue the money trail in central Arkansas, which includes Little Rock.

Mr. Reed says that the first recipient of a tax-free low-interest ADFA bond issue was Park-On-Meter, a parking-meter company based in Russellville, Arkansas. Seth Ward, the company's president and one of its owners, is the brother-in-law of Webb Hubbell, a former law partner of Hillary Clinton who recently resigned from a high position in the Justice Department during investigations of overcharging of clients at their law firm. In his book, Mr. Reed claims Park-On-Meter made weapons parts as a subcontractor for Iver Johnson's Firearms (now bankrupt), of Jacksonville, Arkansas. It was this company which, by Mr. Reed's account, was the primary contractor for building the untraceable weapons components.

THE S&L CONNECTION

One motive for setting up ADFA, according to Roy Drew, was to reduce the sway held by Stephens Inc of Little Rock over the Arkansas municipal-bond underwriting market. Stephens is one of America's biggest non-New-York based investment banks; it is often said to "own" the state of Arkansas. Lasater & Co was one of the competitors that benefited most from ADFA's creation. According to the Washington Times, the firm underwrote $664m in Arkansas municipal-bond issues, not all of them ADFA's, before Mr. Clinton was compelled to distance himself from Mr. Lasater when his friend fell foul of a drug charge.

Mr. Drew, himself a Stephens employee for six years, says that Stephens had become "real nervous" at the amount of business Lasater & Co was receiving. But Stephens did not have to worry for long. Mr. Lasater, who was by then a heavy cocaine-user, was charged with "social distribution" of drugs and sentenced to 2½ years in prison. He

> served six months, and in 1990 Mr. Clinton pardoned him.
>
> Mr. Lasater's links with the president have continued, albeit indirectly, up to now. Miss Thomasson, who did not return The Economist's calls about this story, now serves as director of administration in the White House. She worked for Lasater & Co with the title of executive president and was given legal responsibility for managing Mr. Lasater's affairs after he went to prison in 1987. Miss Thomasson was also one of the two aides who accompanied Bernard Nussbaum, the former White House counsel, on a search of Vincent Foster's office on July 20th last year less than three hours after his body was found in a Virginia park.
>
> Mr. Lasater is now back in Little Rock and still active in business. His Phoenix Group has been bidding for distressed assets sold by the Resolution Trust Corporation, the federal agency charged with cleaning up the savings-and-loan mess. There is irony in this, since frenzied bond trading by Lasater & Co played a part in the failure of more than one savings and loan.
>
> For example, the Federal Savings and Loan Insurance Corporation (FSLIC), the former thrift deposit insurance fund, sued Lasater & Co for $33.3m for its part in the failure of First American Savings and Loan, a Chicago-based thrift. Lasater & Co paid the government $200,000 in an out-of-court settlement. Bizarrely in view of Mr. Lasater's connections, FLSIC hired the Rose Law Firm of Little Rock to represent it in the lawsuit. Even more extraordinary, given Mr. Laster's ties to Mr. Clinton, the two top lawyers assigned to the case were Mr. Foster and Mrs. Clinton.
>
> The activities of Lasater & Co and of ADFA are only now coming into the spotlight. It is clear that the money trail involving them has never been thoroughly investigated and that many unanswered questions remain. At least they suggest Mr. Clinton was not over-punctilious about either the friends he made or the institutions he backed. That carelessness, combined with eagerness to please, continues to haunt him in the White House.

Mr. COVERDELL. And now the question to my good friend from New York: These new issues that are coming out almost on a weekly basis, do we know that these questions that are called unanswered are in the purview of the special prosecutor? In other words, does he have a rolling authority that moves to the next question to the next question to the next question, or is there a box that he is operating in, and that we must seize upon these issues coming from around the world? Where is the line of demarcation for the special prosecutor?

Mr. LOTT. Mr. President, I yield for a response to the Senator from New York.

Mr. D'AMATO. Senator COVERDELL from Georgia raises a very interesting question. I will not go into detail, but having spoken to the special prosecutor, as it related to whether or not his authority covered an activity that has been very prominently reported on, he indicated to me that he did not believe it did.

Having said that, how are we going to ascertain where our congressional responsibilities obviously exist and where his charge and his authority does not cover and the fact that we will be precluded from even undertaking examinations in these areas, areas that he will never look at or may never look at, but yet are within the purview of the Congress?

Very interesting. The fact of the matter is, we will never be able to find out until we set up a committee and a methodology for determining the appropriateness of his inquiry—where he may start, where he may stop, and areas which he may not be covering which we should be looking into. Therefore, we are precluded, until he completes everything, should we not have the ability to make the kind of inquiry you just have.

Mr. LOTT. Let me ask a final question of the Senator and then make a statement and then yield to others.

What are the Senator's intentions then with regard to this resolution? I fear exactly what he just said, what would happen if we do not move forward in June, July, August or September, or by the end of the year when would these hearings ever begin? We have a responsibility and we need to carry them out in a responsible way, but also in a timely way.

Is it the intention of the Senator from New York to call this resolution up when we return from the Memorial Day break in early June? I know the leaders are going to continue to negotiate. They have an obligation to do that and, hopefully, they will reach an agreement. But there also has to be some idea of what the timing is.

Mr. D'AMATO. I say to my friend and colleague that it is my intent to push forward, using this resolution as the basis and methodology of going forward. I am not suggesting this is the only way, but it certainly is a bipartisan format, it guarantees fairness, it gives the ability and calls upon both the cochairmen of the committee to undertake their responsibilities, recognizing the special prosecutor's role, but that I would move forward for votes to proceed on this resolution if, when we return in June—and that will put us close to 3 months since we voted 98 to 0 to take up the matter—in a way which reflects upon the proper responsibilities of this body.

So I would press for votes, and I would use this vehicle on all legislation that moves through. It is my intent to say we are going to continue to vote until we finally set up the committee within a proper framework, as outlined before, to do its job.

Mr. LOTT. Mr. President, if I could just make a brief statement now and yield to others, I do want to say again, I can see how this would go on without any clarification of when the hearings would begin for the rest of this year. I think that would be a very bad mistake.

We can argue all day about whether or not the American people are interested in this, worried about it, concerned about it. But I guess it varies from State to State. Clearly, I have people who ask me exactly what is going on and when are you going to have hearings. In fact, this very afternoon on the steps of the U.S. Capitol, there was a group of parents and students from Nettleton, MS I had the Whitewater question raised by a parent:

> When are you going to do your job in the Congress? We can't figure out what happened. We don't know if these allegations are accurate or not, but are you all going to do your job, have a hearing or not?

Clearly, I am hearing that from my constituents, and I do not always raise the subject. So I do think we have a responsibility to move forward.

There are questions about what happened with the Small Business Administration: Were pressures exerted on a gentleman named Mr. Hale in Arkansas? There are questions about the Resolution Trust Corporation RTC whether or not pressures were exerted on the RTC—not years ago—last year. We have questions about the conduct of the Treasury Department and their relationship with the White House.

These are all areas that we should clearly be looking into. They may not lead to implications of the President or the First Lady, but they may lead to some serious questions about the conduct of Federal officials and Federal agencies and Federal departments. We must get into these issues and clarify them.

I agree with what some others said. I think by having the hearings, getting into it sooner than later, maybe they may vindicate the President rather than implicate him. So I agree, I would think he should want to go forward with this—have the hearings, see what is there, conclude it and move on.

Some people say, "Oh, well, we have other important issues." I agree, and we continue to meet and debate and vote on issues.

Finally, at long last, we voted to go to conference on the crime bill just last week. My question is, what took so long? The Senate acted on a crime package last November or December, and yet we just went to conference last week on a very, very important issue.

The same thing with health care. We have been talking about the need for health care reform. We all agree that there needs to be changes in the health care area. We have been talking about it for a year and 5 months and yet not a single committee of Congress has reported out a health bill.

So I mean the Democrats have control of the White House, the House, and the Senate. Why do they not move on these issues?

Welfare reform was a big issue in the election in 1992. The American people think we need welfare reform, and yet nothing is happening. It is clear that nothing is going to happen this year. There is no intention of bringing up welfare reform this year. I think we should be focusing on that.

My question is why not? That was a big issue in the campaign in 1992, and yet the President's proposal on welfare reform is very much in doubt right now.

I really was interested in the majority leader's comments about this is politics, partisan politics, raw partisan politics.

Well, Mr. President, I have been in the Congress for 22 years now; I have served in the House and in the Senate, and I have seen raw partisan politics time after time after time, in the 1970's, in the 1980's, in the 1990's—partisan, blatant politics, hearings that were not called for but they went forward even when there were special prosecutors also acting.

I cannot believe that there are allegations, because we say we should have hearings and see what happened, oh, all of a sudden it is raw politics. What about the last 12 years in situations very similar to this, probably in many cases not nearly as bad as this where there had been the demand "we must have hearings."

I wonder, when you have one party that controls the White House, and the House of Representatives, and the Senate, did it ever occur to anybody that maybe it is partisan politics that is blocking a hearing? I fear, I fear that there really is no intention of having these hearings, none. Maybe.

Maybe I will be proven wrong. I certainly hope so. But I see an awful lot of indication that there are delays.

Why not just say we are going to have hearings; they are going to begin June 15, July 15. Just say it. That is all. So we know that they will go forward.

No, there are all these allegations. Also, it is said time and time again, oh, well, Republicans called for the special counsel. Yes, but as I recall, so did the distinguished Senator from New York [Mr. MOYNIHAN]. One Sunday morning I saw him call for a special prosecutor on one of the talk shows. He said, yes, they ought to have one. It seems to me that the Senator from New Jersey [Mr. BRADLEY], as I recall, may be called for one and then is when it happened. Democrats called for this special counsel.

This is not a Democrat or Republican issue. This is an issue of responsibility, of doing our job. There are serious allegations pending out there, some of which I will list in the RECORD with my comments today. They should be investigated:

Were federally insured Madison deposits used to fund then Governor Bill Clinton's 1984 campaign or used for payment of Whitewater Development Corp.'s debts?

If the Clintons did not put money into Whitewater, and the venture wasn't cash-flowing, would not the Clintons question the source of the funds—that is Madison Guaranty—being used for their benefit?

What types of financial transactions did the President and the First Lady engage in?

Did these transactions cause conflicts of interest?

Whether justice has been obstructed by the destruction of documents and unauthorized meetings between regulators and their superiors?

I commend the Senator from New York, and I urge him to move forward with these hearings.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair is going to remind the Senators that we are in a period of morning business. Each Senator is allowed to speak for up to 10 minutes. The Chair is going to indicate that the Senators have no right without unanimous consent to yield the floor for anything other than a question.

The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I wish you a good day.

I would like to refer to some concerns that have been raised in the Chamber relative to the necessity of Senate hearings on the matter that is pending, which is the resolution introduced by the distinguished Senator from New York and the Republican leader concerning the necessity of Whitewater hearings.

I wonder if my friend from New York recalls back in 1973 and 1974 when Senator Sam Ervin and Senator Howard Baker led their committee through months of hearings in a number of complex issues that have now come to be known as Watergate.

I wonder if he recalls that the committee took testimony from those who were also targets of the special counsel, Archibald Cox, and later Leon Jaworski, who became special counsel after the President fired Mr. Cox. But unlike the recent ill-fated work of Mr. Walsh that we saw, the special counsel in Watergate succeeded in convicting numerous officials for substantive offenses. This was accomplished even though Congress was deeply involved in both Senate and House oversight and impeachment hearings.

So I would assume that the Senator from New York would agree that there was a need for congressional action; that congressional action was initiated and occurred in an atmosphere where there was a special prosecutor, that would certainly seem to be a precedent that would be applicable in this case.

Mr. D'AMATO. I think the Senator has well stated——

The PRESIDING OFFICER. Does the Senator from New York yield to answer a question, agree to answer a question?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator may answer the question.

Mr. D'AMATO. The question put forth is one in which the claim is that we should not even have hearings when there is a special counsel because Mr. Walsh's case was purportedly imperiled by Congress' activity. We could argue whether or not we needed the Iran-Contra hearings. But, there are some who claim that a greater public good was accomplished even though some convictions may not have been obtained.

The fact is a greater good was accomplished though, as the Senator points out, as a result of the hearings that were conducted in that matter called Watergate.

I think it is a well-directed point. We should not obfuscate the need for hearings by claiming that we may imperil some future prosecution.

Mr. MURKOWSKI. I thank my friend from New York. And I think it is important, Mr. President, because more recently in 1992 the Congress conducted investigations into a bank scandal, the BNL bank scandal, and the Senate Select Committee on Intelligence on which I served as cochairman worked for months to learn whether the CIA had misled the Justice Department prosecutors or withheld important information on the prosecution of BNL bank officials in Atlanta, GA.

During that period, however, the very same period the House Banking Committee under Chairman Gonzalez was unrelenting in its zeal to hold hearings on BNL and became particularly excited over this issue during the height of what was the Presidential campaign. Excitement was so high, Mr. President, that a special counsel was appointed by Attorney General Barr to look into many of the same issues as we were investigating in the Intelligence Committee.

So the point is that, indeed, there is a precedent for this. There is longstanding precedent. It is a continuing precedent. We did not stop our inquiry then because Judge Lacey was appointed special counsel. We did our thing. He did his thing. I do not recall anybody objecting, certainly not the majority leader, to this simultaneous activity during the 1992 Presidential campaign.

So, Mr. President, if Republicans are being accused of politicking because we are asking, we are asking for a Whitewater oversight investigation, then our friends, the Democrats, really must blush when they look into the mirror of history.

Go back a little further. Who called for those silly and costly hearings to look at, do you remember, the October Surprise?

Well, I know few Republicans who wanted to look into that nonsense, but it was at a time when George Bush was riding very high in public opinion polls after our great victory against Iraq and there was an unrelenting drumbeat of demand for congressional hearings.

And we go back to hearings into the so-called October Surprise, to see if the Ronald Reagan campaign urged the Iranians to delay the release of the Iranian hostages until after the 1980 election.

(Mr. CONRAD assumed the chair.)

Mr. MURKOWSKI. This drumbeat for hearings was 11 or 12 years after the allegation. So when we talk about the Whitewater events happening a few years ago, that it is not germane or that it happened when our Chief Executive Officer was Governor—"October Surprise", 11 to 12 years after the allegation. It was so unrelenting that we saw our Democratic friends on the Foreign Relations Committee finally agree and they authorized expenditure of hundreds of thousands of dollars on worthless hearings. There was no "October Surprise" nor was there any political surprise in the thrashing around because there was only one motivation to the hearing and that was to tweak the Republicans.

Can Congress engage in oversight during an investigation by special counsel? The answer is, Mr. President, of course we can. We are certainly able to set our agenda, establish our timetable for hearings, to determine issues relating to the immunity for witnesses to decide whether to subpoena documents and control all other facets involved in oversight hearings. We can do all of this by conferring with the special counsel, as the Senator from New York has indicated and suggested time and time again.

We can accommodate legitimate concerns of witnesses and others. We do not have to get tangled in the operations of a grand jury. As I saw firsthand when I was involved in the Intelligence Committee as vice chairman, a special counsel and an aggressive oversight committee can do their work simultaneously by being considerate of the special needs of each other. That is how we worked in the Intelligence Committee when we had a dual investigation. The special counsel as well as the committee investigated. We did it in the BNL investigation even when a criminal prosecution was pending in Atlanta.

What we must not do, Mr. President, is to abdicate our constitutional responsibility. I am very proud to join the Senator from New York in his constant reminder to this body that, indeed, if we fail to accept this responsibility, we are doing just that—abdicating our constitutional responsibilities. Remember this is a Government of three equal branches. The Senate has shown its capacity time and time again to impartially conduct investigations in parallel with special counsel by the cases I have noted. The Senate is on record in support of hearings. Let those hearings begin, and let the public hear all the facts, the facts under oath associated with Whitewater, and then make their own judgments.

The longer this matter is delayed, Mr. President, the greater the public doubt about the integrity of our executive branch.

So, Mr. President, I am very pleased to cosponsor the resolution introduced by the Senator from New York and the Republican leader. It has been, as pointed out time and time again, 2 months since the Senate voted 98 to zero to authorize the majority and minority leaders to enter into a discussion on the framework for congressional hearings into the matters that are commonly referred to as Whitewater.

Two months, Mr. President, and we still have not had any indication that such hearings are going to proceed. Here we are just about to go on recess alerting our colleagues one more time that we mean business on this. We are going to proceed, and in the only manner that is available to us by simply adding the resolution that has been introduced to virtually every bill to force a vote. And we will get a vote.

Mr. President, why have we not begun these hearings? Why has no schedule been agreed on to hold these hearings? Everyone in this institution is aware that we are ultimately going to hold these hearings because this issue, Mr. President, is not going to disappear. It is in the country's best interest to have these hearings move, not to have them delayed. What is in the best interests of this country and the best interests of the President is to have the issue associated with Whitewater aired in a public forum and resolved as quickly as possible. Delaying these hearings does not help the President one bit. Instead, it merely serves to extend and prolong the public's doubt and the credibility of the executive office.

Mr. President, there are a lot of answers we want to address in association with Whitewater and a few of them specifically. I know my friend from New York would agree that this is but a few of a long list.

Number one, were federally-insured deposits at Madison Guaranty Savings diverted to Governor Clinton's 1984 campaign?

Two, were federally-insured Madison deposits diverted to pay the Clinton's share of their Whitewater debts?

Three, after Madison became insolvent did favoritism, conflict of interest, and a false financial audit presented to State regulators by the Rose law firm permit Madison to remain open?

Four, did Governor Clinton apply pressure to encourage the SBA to grant a loan that was not permitted to be made by the SBA?

Mr. President, these are just a few of the questions that are unanswered. The public is entitled to those answers. And it is an obligation of the Senate to get them. Had we had hearings on this matter at the beginning of the year, all of these questions would have been behind us. Whitewater would have been behind us, and it would have been behind the President as well.

Instead, we have been accused of engaging in partisan politics and with potentially interfering with the investigation being conducted by the special counsel, Robert Fiske. That is absolutely ridiculous, as I have pointed out already by the number of dual hearings that we have had while special counsel have proceeded with their responsibility.

Finally, Mr. President, congressional oversight investigations, such as the one contemplated for Whitewater, are constitutionally appropriate and have often been conducted in parallel with investigations conducted by special prosecutors as I have said, and I think my remarks basically support that.

So, I commend my friend from New York, and the minority leader for finally taking the aggressive posture necessary to move this off dead center when in reality we have been attempting to negotiate in good faith to get these hearings voluntarily up before us. Now we have to resort to the alternatives that are left to us, which are simply to demand the availability of whatever legislation is moving to force votes. And we know what will happen. There will obviously be second-degree amendments. But eventually we are going to face it.

I would ask just one final question of my friend from New York relative to the process that he anticipates. Is it indeed his intention and that of the minority leader that the first votes that we get after coming back we intend to proceed to put his amendment on any legislation that is moving?

Mr. D'AMATO. The Senator from Alaska, my friend, is absolutely correct. It is my intent and that of at least 20-plus colleagues who have consulted with me and who have been very restrained, and indeed encouraged me to go forward today, to offer this legislation on all available legislation moving through when we return.

I would hope that is not necessary. Indeed, it seems to me that we have allowed the process sufficient time to at least begin the moving forward in a responsible way to undertake our job in a spirit that will discharge our responsibilities to the American people, bring forth the facts, and do it in a responsible manner which will not impede or hamper the investigation or the undertakings of the special prosecutor. But we will do this. We have waited a sufficient period of time.

I have urged restraint on my colleagues because I wanted to avoid the criticism that we were looking to impede progress in the Congress, impede other legislation, and that we were being unfair and unreasonable and not permitting sufficient time for the prosecutor to do his job. We have waited beyond the period he asked us to wait before we undertook our hearings as it related to whether or not there was improper interference between, for example, the Treasury Department and the White House as it related to the activities of the RTC.

We indicated that if debate is over in 3, 4, or 5 weeks, we will proceed. I will be vigorous in pushing for votes. We may lose, but our friends and our colleagues on both sides will have to vote. They will not be able to simply go home and say, oh, we are working out details, we are waiting for the special prosecutor. They will no longer be able to hide behind that shield. I suggest that is what is taking place.

Mr. MURKOWSKI. If I may further question my friend from New York. The resolution that will be presented as an amendment will specifically authorize or state that this body will vote up or down on whether to proceed with Whitewater hearings?

Mr. D'AMATO. With the formulation of a committee specifically for conducting Whitewater hearings and laying out a methodology for us to go forward, that is right.

Mr. MURKOWSKI. So those who would vote against that would have to explain to the public why they felt it was inappropriate that the Senate proceed to authorize the hearing process through whatever committee structure it so designated.

What could possibly be a reasonable explanation that one could give his or her constituents for voting against your amendment?

Mr. D'AMATO. Well, they could say that the special counsel has not concluded his work, and we would indicate that we are prepared to go forth in a manner which would not impede his work, and that his major concern, as stated to Senator COHEN on the record, was that we would not grant immunity, and we would advise him as to whom we intended to subpoena so he could speak to them and examine them first, and that he be given leeway to move before us.

We have certainly waited a more-than-sufficient period of time. There will be at least another 2 weeks before we can even set the committee up. It would take at least another 30 days thereafter. So if we were to proceed when we come back to the first step—the formation of the committee, the hiring of sufficient staff, the moving forward of the process, the consultation with the special counsel—we could not possibly begin for at least another 6 weeks.

If people want to delay further, they will come forward and offer the same excuses, that we should do nothing until the special prosecutor in essence authorizes us to do that. That is an abdication of our responsibility. We are not here and should not be here to wait before we go forward until this special prosecutor, or any other special prosecutor, so-called signs off.

Mr. MURKOWSKI. Well, how could one object and suggest that activities by a special committee would somehow distract from the special counsel's obligation when, as we have discussed, we have had both committee hearings and special counsel under Watergate, and under the BNL investigation, and under the October Surprise?

Mr. D'AMATO. My friend from Alaska has basically really pointed to the obvious. There was a dual standard being applied. The only change is the change in circumstances, which is that there is a Democrat in the White House, and the Congress, which has been basically Democratic during these periods of time, had no difficulty with insisting in those cases on our oversight role.

In responding to our responsibility to discharge by calling it "partisanship," the only difference is that the Democrats control the White House. Therefore, they are not willing to do that which they have done in the past, and that is, to have full and appropriate hearings.

Mr. MURKOWSKI. I commend my friend from New York for his persistence on keeping this issue up where it belongs. I know he has taken a good deal of criticism as a consequence. But there is simply no justification for suggesting that it is inappropriate to hold congressional hearings on Whitewater when indeed we have seen fit time and time again to hold our hearings as we saw fit at the same time special counsel was doing its job.

Again, I thank my friend from New York.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. BENNETT] is recognized.

WHITEWATER

Mr. BENNETT. Mr. President, I am a new Member of this body. I have not been here through much of the past history that my colleagues are referring to here. But I want to make some observations about some of those ideas.

The majority leader almost persuades me that we should not pursue this matter. I can understand why the Members of his party have picked him as their primary spokesman, because he is eloquent, well-informed, he is persistent and, when necessary, he can be very tough. He is also, I hasten to add, very fair. As a member of the minority party, I am grateful that we have a majority leader who has that characteristic.

I say he "almost" persuades me, but he does not. The reason he does not, Mr. President, is that he is arguing a narrow argument which, standing by itself, shorn of legislative history, might be an acceptable argument. But he ignores the context in which the argument is placed. I can understand that. I have made arguments like that myself from time to time; it is very useful.

The fact of the matter is that we have established—we, the Congress—by precedent a set of rules. They may not be written and, therefore, the majority leader can ignore them because they are not written in the rule book. He can make his specific legalistic points out of the rule book and be very persuasive. Nonetheless, rules established by precedence and practice are binding. We see that in this body. There are things we do in this body that are in violation of the Senate rules; we do them nonetheless, because they have been established by precedent and, therefore, we do not upset the precedent; we go ahead.

The precedent that has been established with respect to congressional investigations is very clear. It has been referred to here again and again and again. I may not like it, I may prefer a more pristine time in our Nation's history. I remember a legal scholar saying that the Congress cannot legitimately hold any hearings that do not have a clear and obvious legislative intent. Therefore, we could say that since we do not know what legislation we might pass with respect to the questions of Whitewater, we cannot hold hearings until a legislative intent can be established. I would be happy to live by that rule. I think maybe the Congress would be better off if we lived by that rule. But we have gone over that line long since and, by precedent, we have established that that rule, however clearly articulated at one point, no longer holds, and you cannot go back to it.

The majority leader is being rumored as the next commissioner of baseball. So let me draw an analogy out of the world of baseball that illustrates where we are.

There are some who have changed the rules of baseball by creating the designated hitter. There are others who say that destroys the purity of the game and we should not play the game that way. And there is an endless debate going on.

Assume for the moment that I am one of those who is opposed to the designated hitter. But if I were the manager of a team that played in the American League, I would use it nonetheless. I would play by the rule even though I might think the game would be better off otherwise.

So what is the rule? The rule is that anything a President does that indicates illegality is fair game for a congressional hearing. That has been established again and again. It was not established by the Republican Party. It was established by the Democratic Party when they had control of this body and were facing a Republican President.

As I say, the majority leader almost persuades me but not quite, because I see that what he is trying to do is undo the impact of procedure and practice that he and his party established. They are trying to say now that the other side seems to have a designated hitter that can knock the ball out of the park we want to go back to the game that says the pitcher must bat.

Do I believe there are serious things about Whitewater that could damage the President? Of course, I do, or I would not be standing here talking about it. Is that a partisan statement? Of course, it is. I am a member of the Republican Party. The President is a member of another party. Let us not pretend. I am perfectly willing to say it is a legitimate partisan issue and I am perfectly willing to live with the results because if the results are that the President has done nothing wrong, the Republicans, as Doonesbury suggests, will look very bad at the end of the hearings. That is the risk I am willing to take. That is the risk my fellow partisans are willing to take.

Let us play by the rules that have been established. Let us go ahead with the practice that has been laid down. And let us let the game begin and play itself out.

I submit, Mr. President, there are two basic questions in the whole Whitewater circumstance.

Question No. 1, putting it altogether, all of the talk about Mr. Lasater, Mr. Dougal, Mr. Hubbell, the commodity trades, and Mr. Bone, and all of the rest that goes on it comes down to one single question, and that question is this: Was the governorship of Arkansas for sale during the period of time that Bill Clinton held it? All of these other questions are subsidiary to that one. To me that is a serious question. But some say it is an old question. It applies to his term as Governor not as President and, therefore, it is inappropriate for the Congress to be examining it.

So we come to the second question: Assuming that there was some embarrassment over the asking of the first question, was the power of the White House used to cover up or misdirect investigation into the first question since the President has been in office? And, if so, was the White House power used in a way that was merely inappropriate or illegal? That is the second legitimate question.

In my view that is how this thing will all shake down. Was the governorship of Arkansas for sale when Bill Clinton held it and has the Clinton White House acted improperly or illegally in an effort to keep people from finding out the answer to that first question? That is the whole nub of what we are dealing with.

I believe it is serious enough to qualify under the practice that has been established for the way Congress deals with Presidents, established by the Congress while it was held by the Democrats. That is the designated hitter rule that they have given us.

We now have a designated hitter that we want to bring to the plate, and all that we are asking is that he be allowed to swing under the same rules that the previous designated hitters have swung.

When I have raised this with some of my fellow citizens I have had some smile and say no, the governorship was not for sale; it was just for rent.

Well, I think that is the same issue, and I think there is enough to it and enough people are talking about it that it deserves to be settled.

The majority leader says nobody ever talked to him about it. I can understand that. I am not sure I would talk to him about it either. But the American people are still talking about it. It is there under the surface. And according to one columnist the whole issue of Presidential probity is costing the President 15 to 20 points in popularity. His programs seem to be popular. He seems to be accepted as a genuine person trying hard to do his job. I accept him as a genuine person trying hard to do his job. I do not want to demonize the President.

But all of the questions about his character which keep coming on even after Whitewater as a name disappears from the stories, the Newsweek article on the politics of promiscuity, the New Yorker article to talk about Clinton's ability to be trusted, all of these things are manifestations of the fact that the Whitewater shark, if I can create a metaphor, is still lurking there beneath the water even though its fin does not surface all that often.

It is time that we get on with it, that we get on it under the terms that have been laid down by past practice and that we take the risk of finding out whether the governorship of Arkansas was for sale or not, whether the Republicans have made fools of themselves by pursuing this, or whether in fact there is something that could indeed be brought before a court of law.

I pursue this with my eyes wide open to the consequences, and I hope the rest of the Senate will join in doing the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like to take this opportunity to compliment my colleague from Utah for his remarks and the cogency of them. They are rather poignant, but they get to the point. People have a right to know.

Indeed, I repeat back to a book which was maybe not well read—I am certain that its authors would have wished that they sold more copies—"Men of Zeal," authored by Senator COHEN and Senator MITCHELL in which they speak to the importance of getting to the facts. That is what distinguishes us from other countries. We do have a system of checks and balances. It works when we have the courage to press forward.

I think that I would detract by saying more because again my colleague from Utah put it right where it was. It is not easy to go forward under these circumstances when there are those who come around and bash and you become the subject of attacks by saying let us do what we should be doing, but I understand that. I have accepted that. That is part of the role, and that is part of the give and take of the process.

That is part of the responsibility of a responsible media as well. They have a right to be critical. They have a right to make their observations. But I still have a duty to go forward.

I want to at this time again commend my distinguished colleague from Utah for his, I think, very poignant and very well-directed comments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my colleague from New York for his kind words and join with my other colleagues in expressing our gratitude to him for the leadership he has exercised on this issue within the Banking Committee.

In my opinion, the media caricature that has been made of the Senator from New York is inaccurate. Yes, he can be flamboyant. Yes, he can raise his voice. Yes, he is good copy, as they say in the newspaper. And I am sure he acts as something of a lightning rod because of that personal style. But behind that style, the Senator from New York has demonstrated a responsible and proper method of pursuing this within the Banking Committee, and I am happy to support him as a member of the minority of that committee.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I understand that we are in morning business now, is that correct?

The PRESIDING OFFICER. The Senator is correct.

PARTNERSHIP FOR PEACE

Mr. SIMON. Mr. President, I want to just stand up and say a word or two of praise for the administration in the area of foreign policy because I have been a critic. I have criticized what I perceived to be their lack of strength on the Bosnian situation and I have criticized some other aspects of foreign policy.

But I was pleased to see that Russia is being pulled in in the Partnership for Peace aspect of NATO. That is a step forward. Back a few months ago, I sponsored a resolution calling for NATO membership for Poland, the Czech Republic, and Hungary, as well as other nations that have 5 years of solid experience in a democracy. I still believe in that.

The administration has moved somewhat in that direction with the Partnership for Peace, and pulling Russia in I think is a force for stability.

I welcome this move by the Russians and I applaud the administration for their leadership in this area.

The great threat to the world today is no longer nuclear weapons that the United States has aimed toward Russia or Russia has aimed toward the United States. The great threat today is instability. This move is a very solid move on the part of the administration and other leaders of NATO.

I simply want to commend the administration for what they are doing here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHUCK CUTOLO

Mr. LEVIN. Mr. President, my legislative director, Chuck Cutolo, is leaving the Senate next week after 14 years of service. He is an extraordinary man and I will miss him.

In the effort to replace Chuck, I have a short job description that I would like to relate to the Senate, and if anyone fits the bill, I would encourage them to make themselves known to me.

He or she must be willing to work 16 hours a day monitoring the Senate floor, understanding the nuances of legislation, amendments, and the parliamentary situation at every given moment. They must provide an almost instant analysis of complex proposals with a fanatical determination to get it right and to get it straight every single time. They must direct a staff that covers every issue of concern to the people of my home State of Michigan and be able to handle nearly every issue that their staff handles as well or better than the staff. They must be able to explain it all simply and when that is not possible, they must find an appropriate metaphor from Sesame Street or battlefield strategy to make it plain.

There is one additional threshold qualification and this may be the most difficult one of all. This individual must love the Senate. They must enjoy second-degree perfecting amendments to the substitute, know the difference between morning business and the morning hour, and understand that "over under the rule" is not a sports bet.

If this sounds interesting to anybody, as I said, I hope they will make themselves known—preferably to a physician. Or at least take a couple of aspirin and lie down until the feeling passes.

I am afraid we reward loyalty to the Senate in a way that makes it difficult to have a normal family life. One irony that is not unique to the Senate is the phenomenon that some call "working the horse that works." Special pressure is placed on those who produce the best and the most and the fastest, and expectations rise with each performance. Over the years, Chuck could have spent more time at home in New York with his wife Denise, a teacher and a wonderful leader of children's theater. He could have indulged his passion for baseball more than he did. And he could have finished his mystery novel—now apparently up to 7,000 pages—about a Senate staffer who kills a Senator by poisoning his oatmeal cookies.

As his boss, I certainly know I could have made things easier for Chuck, but I am reminded of one-time New York Yankee manager Joe McCarthy. He, along with the rest of baseball in the 1930's and 1940's, watched the great Joe DiMaggio. Consistency and tremendous power at the plate; judgment and grace and absolute ownership of his position on defense—he was one of a kind. At one point manager McCarthy was asked, "On top of everything else that DiMaggio did, could Joe bunt?" McCarthy gave an answer that seems a fair summation for those of us who have watched Chuck Cutolo's 100 percent performance over the years. McCarthy said, "I don't know if he could bunt. Nor do I have any intention of ever finding out."

Chuck Cutolo has commuted each week between New York and Washington. We have estimated those trips over the years, on Amtrak, have equaled nine trips around the world. His one-way ticket this weekend will leave a gaping hole for me and for the multitude that have come to rely on his impeccable honesty and decency.

The reason democratic government succeeds is that there are enough Chuck Cutolos who bring supreme integrity to their work and to honor the people of this Nation by serving them.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRIVILEGE OF THE FLOOR—S. 2148

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Bob Gerber, a congressional fellow of my office, be granted the privilege of the floor today, May 25, during my talk concerning the introduction of the CVN-76 Termination and Deficit Reduction Act of 1974.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Will the Senator from Wisconsin yield for an inquiry?

Mr. FEINGOLD. Yes.

Mr. LEVIN. We have a number of Senators coming to the floor to help give final approval to the conference report on independent counsel. I wonder if I could inquire of my friend about how long he expects to take?

Mr. FEINGOLD. About 10 to 15 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately following the remarks of the Senator from Wisconsin, that we then proceed to the consideration of the conference report on independent counsel?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

MR. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 2148 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993—CONFERENCE REPORT

The PRESIDING OFFICER (Mrs. MURRAY). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 24, which the clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the bill (S. 24) to reauthorize the Independent Counsel Law for an additional 5 years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 19, 1994.)

Mr. LEVIN. Madam President, I ask unanimous consent that there be 30 minutes for debate on the conference report, with the time equally divided and controlled between myself and Senator COHEN; that when the time is used or yielded back, without intervening action, the conference report be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LEVIN. I yield myself so much time as I may need, Madam President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am pleased to present to the Senate the conference report on S. 24, to put the independent counsel law back on the books for the next 5 years.

The independent counsel law is a primary legacy of Watergate, a scandal which, among other lessons, taught the American people that no administration should be put in the position of investigating its own top officials. The independent counsel law provides the alternative. When a high Government official is accused of criminal wrongdoing, instead of the administration handling the investigation, it is conducted by someone from outside the Government chosen by a special panel of three judges.

The law authorizing these court-appointed independent counsels has served this country well. The Supreme Court held, by a vote of 7 to 1, that the law comports with the Constitution and its system of checks and balances. Thirteen independent counsels have taken office under this law and have carried out their duties carefully and responsibly.

Most importantly, the law has gained the public's trust. While some independent counsels have been criticized for an excess of zeal, none has been accused of a whitewash or letting public officials off lightly. When independent counsels have decided not to indict someone, those decisions have been accepted by the public as based upon fact and analysis—not politics.

That is an important accomplishment in this day and age, when public cynicism is high. Through the independent counsel law, our country has found a way to resolve criminal accusations against high officials in a way which the public trusts as fair and conclusive.

Today, we have the opportunity to show our support for the independent counsel system by supporting the conference report that will renew the law until 1999.

This is a bipartisan bill, developed jointly with my good friend, Senator COHEN who, as usual, has displayed leadership and tenacity in getting this bill to this point. The bill is also supported by the President and by the Attorney General. If approved by Congress, this bill will be signed into law.

This bill is not very different from the one that the Senate approved in November 1993, by a vote of 76 to 21, or from the one approved by the House in February 1994, by a vote of 356 to 56. The two bills were similar in most respects to begin with, and through compromise we have been able to resolve the remaining differences.

I would like to take a moment here to compliment our partners in the House, chairman of the House Judiciary Committee JACK BROOKS and Congressmen JOHN BRYANT and BARNEY FRANK, among others, for their courtesy and hard work in resolving our differences and producing an excellent bill we can all support.

The most prominent feature of the bill is a host of new fiscal and administrative controls to ensure that independent counsel operate with appropriate attention to cost and in as similar a manner as possible to other Federal prosecutors. They include measures limiting independent counsel staff, travel and office expenses, directing independent counsels to comply with Justice Department policies on spending, and subjecting independent counsel expenditures to semiannual and final audits by the General Accounting Office.

Another new feature requires periodic reviews by the special court that appoints independent counsels to determine whether an independent counsel office should be terminated because its work is substantially complete. These reviews are required 2 years after an independent counsel takes office, 2 years after that, and annually thereafter. The timing of these reviews is a compromise between the Senate bill which required them 2 years after an independent counsel took office or independent counsel expenditures reached $2 million, whichever occurred first, and annually thereafter; and the House bill which required the reviews to take place every 3 years. I think we came up with a reasonable compromise, that is both workable and meaningful.

The conference report also addresses the issue of the nature and content of the final report that independent counsels are required to file at the close of their activities. The Senate bill was amended on the floor to eliminate long-standing requirements that this final report, first, be full and complete, and, second, explain in every instance the reasons for not indicting any person. The House bill retained both of these requirements. The conference report resolves this difference by keeping the first requirement for a full and complete report, but dropping the second.

By eliminating the requirement to explain every decision not to indict, the conference report does not prohibit such explanations, but instead gives each independent counsel the discretion to provide such an explanation when he or she determines it would be in the public interest. In the joint statement of managers, we provide a number of factors that independent counsels should consider in deciding whether to explain a decision not to indict, including whether the individual was central to the independent counsel's jurisdictional mandate, whether the explanation would exonerate an innocent individual, and whether an explanation would violate normal standards of due process, privacy or simply fairness.

If an independent counsel determines that an explanation of a decision not to indict should be provided, the conference report cautions against conclusory statements that an individual is guilty of criminal misconduct and counsels instead a discussion focused on the facts and evidence obtained during the investigation.

A final set of issues has to do with how the amendments to the 1987 independent counsel law should apply to the two sitting independent counsels, Judge Arlin Adams in the HUD matter and Joseph DiGenova in the State Department passport matter, and to the regulatory independent counsel, Robert B. Fiske, in the Madison Guaranty matter. Mr. Fiske was appointed during the period of time in which the independent counsel law could not be applied to new matters.

With respect to the sitting statutory independent counsels, the conference report applies the amendments to them with only a few ennumerated exceptions to avoid needless expense or disruption. For example, the conference report does not require retroactive reports, retroactive salary reductions, or inappropriate moving expenses. In addition, because it was unclear when the first of the periodic reviews by the special court would be required, the conference report specifies that, for sitting independent counsels, the first review should take place 1 year after the date of enactment of the law and annually thereafter.

With respect to Mr. Fiske's investigation, the conference report gives the special court the option, should the Attorney General seek appointment of an independent counsel in the Madison Guaranty Savings and Loan matter, to name Mr. Fiske to that position. The independent counsel law prohibits the special court from appointing as an independent counsel an employee of the Federal Government. Mr. Fiske, as a regulatory independent counsel selected by the Justice Department, is a Federal employee and thus would be barred from serving as the statutory independent counsel should the statute be triggered, absent specific statutory authorization.

Practically speaking this means that should the Attorney General—once the independent counsel law is reauthorized—determine that first, the statute is triggered with respect to the Madison Guaranty Savings and Loan investigation, that is, there is specific information from a credible source that a Federal crime may have been committed by a covered official, and second, after a preliminary investigation of no more than 90 days that further investigation is warranted, she must, under the law, ask the special court to appoint an independent counsel. Once she makes that request (and if the subject of the investigation is one of the 50 or so mandatorily covered officials she has no discretion but to make such request), the special court must then appoint an independent counsel.

If those events were to take place and the conference report did not provide otherwise, the special court could not consider the appointment of Mr. Fiske for the position of statutory independent counsel. That would mean that a completely new counsel would have to be named to head the criminal investigation and that the investigatory work of some 5 months would have to be handed over to a completely new person. This raises the possibility of delay and increased cost to the taxpayers and to the persons who have been involved in the investigation, which the special court should have at least the opportunity to consider.

That is why, Mr. President, the conferees agreed that it would be in the public interest to give the special court the option—should the law be triggered—to appoint Mr. Fiske as the statutory independent counsel and continue with the investigation he has already started. The Attorney General has advised us that she supports offering this option.

Let me emphasize, Mr. President, that this provision in no way directs the special court to appoint Mr. Fiske. We remain absolutely neutral on that subject. It is totally up to the special court whom they want to select as independent counsel in the Madison Guaranty or any other matter. This provision only gives the special court the option to select Mr. Fiske should the special court believe it is in the public interest to do so.

Let me also say that this grant of authority is needed because of the anomalous situation in which we find ourselves with respect to Mr. Fiske. He is serving at this time as a regulatory independent counsel because the independent counsel statute was allowed to lapse despite a great deal of effort on the part of Senator COHEN and myself to prevent that, I might add. But it did lapse, and during that time the Madison Guaranty Savings and Loan matter developed. The Attorney General attempted to proceed with that investigation within the normal procedures of the Justice Department, but pressure to appoint an attorney from outside the Department grew to such a point that the Attorney General appointed Mr. Fiske under the Department regulation establishing regulatory independent counsels.

This regulation was issued by the Justice Department at a time when the independent counsel law was being challenged in the courts as to its constitutionality. The regulation gave the independent counsels then in office a second source of authority should the independent counsel law be struck down. Of course, that didn't happen. The Supreme Court upheld the law. That ruling eliminated the need for the regulation, but it was never removed from the books.

I hope, and I have made this request to the Attorney General, that once this statute is reauthorized the Attorney General will in fact rescind that regulation so there will be no opportunity for appointment of independent counsel in any form other than that permitted by the statute. This is important, because the statute imposes numerous important restrictions to ensure financial and prosecutorial accountability which the regulation does not have.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I will take just a few moments. First of all, I commend my friend from Michigan, Senator LEVIN, who has over the years been in the forefront of trying to not only deal with issues of substance but also those of appearance, which are often of equal importance, particularly when it comes to the matter that we are discussing now.

We are familiar with the expression that not only must justice be done; it must appear to have been done. And that is particularly true in the case of an administration called upon to investigate the highest officials within that administration.

As Senator LEVIN has pointed out, it is not a question really as to whether or not an administration can in fact properly and meritoriously carry out its obligations under the law; they can do that; they have done that. The question then becomes, what if the appearance is that they have failed to do so?

As a former prosecutor, let me explain that the easiest thing to do in the criminal justice system is to secure an indictment. All one has to do is to go before a grand jury and, with rare exception I might note, any prosecutor who is skilled in the techniques that can be employed with the weight of the Government witnesses behind him or her, and the fact that the potential defendant has no opportunity to either appear or to defend his or her cause, ordinarily can secure an indictment quite easily.

The real challenge is when not to indict on a close case; when a prosecutor has to make a judgment as to when not to bring the force of government machinery down upon that particular individual. Those are tougher cases.

When an administration is called upon to investigate allegations of criminal wrongdoing by high-ranking executive department officials and the Justice Department is called upon to conduct those investigations, that is when the appearance issue becomes the most critical.

In these cases, we decided in 1978 when the first Independent counsel act was adopted that it was important to remove any skepticism as to whether justice was being done by an administration investigating itself. Over the years the law has worked, I believe, relatively well.

The purpose of the law was to make sure that anyone serving at the highest levels of Government not be treated in any superior fashion to the average citizen, nor did we want to create a situation where they were treated differently by being treated more harshly.

As the members of the Senate are well aware, the level of cynicism and disillusionment of the American public about Government and the integrity of public officials has reached new heights. Opponents of the law may argue that the independent counsel law has contributed to the public's cynicism and the low esteem in which government officials are held by undermining the public's faith in government generally and the Justice Department specifically. I disagree. The independent counsel law is not the virus that has invaded the body politic but rather is part of the cure.

The American public recognizes that we live in an imperfect world and that public officials, like themselves, are subject to subtle influences and pressures that affect their judgments and decisions. The public is also concerned, too often with justification, about the undue influence on government of the rich, the powerful and the well-connected. By providing for a judicially appointed independent counsel to handle investigations and prosecutions of top-level executive branch officials, the statute helps to assure the public that criminal wrongdoing by such officials will not be buried or tolerated, and that top-level officials will not be treated as if they are above the law.

We have not professed that the statutory measure designed to meet the public's need is etched in marble or is immutable. Therefore, Senator LEVIN and I have sought ways to refine the law so that it operates fairly and effectively. Congress has attempted to do just that during each of the previous reauthorizations of the statute. In 1982, for example, Congress made changes in the law designed to ensure that Government officials would not be prosecuted in circumstances where average citizens would not. In 1987, provisions were added to the law to increase controls on independent counsels.

The conference agreement addresses problems which have arisen with the law since the last reauthorization. Numerous provisions have been included in the bill to address the legitimate concerns raised with regard to the law's operation. Most recently, significant concerns have been raised over the monetary costs of the law, in light of the unanticipated scope and cost of independent counsel investigations in the past several years. To address the cost issue, the conference agreement includes several provisions to tighten fiscal controls.

Critics also decry the lack of accountability of independent counsel. However, as one of the witnesses at the hearing on the reauthorization bill testified, "Making the investigator independent of the executive does not make the office unaccountable." The old law provides for accountability in a number of ways. Only the Attorney General can request the appointment of an independent counsel and the Attorney General has significant influence in defining the independent counsel's jurisdiction. Independent counsel must comply with Justice Department policies. They may be removed from office by the Attorney General for good cause. They are accountable to the appointing court, which defines their jurisdiction, and, like other prosecutors, they are subject to the authority of trial and appellate judges.

The conference agreement adds to the existing measures of accountability by requiring the special court to periodically determine whether an independent counsel office should be terminated because its work is substantially completed.

To accommodate those who believe that the old law was inadequate in its coverage of Members of Congress, the conference agreement gives the Attorney General the authority to seek the appointment of an independent counsel in any case involving allegations of criminal wrongdoing by Members of Congress.

While Members are already covered by the law's so-called catch all provision, the new provision would not require a finding of a conflict of interest before it can be used. Therefore, the Attorney General could choose to use an independent counsel in every case involving a Member of Congress, effectively creating mandatory coverage, or could confine its use to situations where a conflict exists as under current law. The discretionary nature of the provision would obviate any constitutional concerns raised by an absolute bar on Justice Department investigations of Members of Congress.

There continues to be a compelling need for an independent process to investigate and prosecute allegations of criminal wrongdoing by high-level government officials. Justice Holmes once said that "The life of the law has not been logic: it has been experience." In this case, both logic and experience are on the side of reauthorizing the independent counsel law.

Finally, I want to commend the Senator from Michigan for his hard work and commitment to seeing the independent counsel statute reauthorized. We have worked together on a bipartisan basis on this issue for many years and through several reauthorizations. I also want to commend two members of this Oversight Subcommittee staff—Linda Gustitus and Elise Bean—who have worked very hard on this legislation.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 10 additional minutes for a colloquy at this point between myself and Senator COHEN.

Madam President, there has been a suggestion that the motive behind giving the special court the option to appoint Mr. Fiske as independent counsel, should the statute be triggered, is to allow the subjects of the Madison Guaranty investigation to be eligible for payment of their attorney fees. Nothing could be farther from the truth. There is simply no connection between the two issues.

Who the special court appoints as independent counsel, if they do decide to appoint independent counsel, after a petition has been filed by the Attorney General, has nothing to do with the right of an unindicted subject of an independent counsel investigation to get attorney fees.

If the Attorney General seeks the appointment of an independent counsel in the Madison Guaranty matter, whether the special court chooses Mr. Fiske or anyone else to be that independent counsel makes absolutely no difference as to the right of a person to get attorney fees.

The identity of the independent counsel is immaterial to the right of an unindicted subject of an independent counsel investigation to get attorney fees. The criteria of the statute determines eligibility for attorney fees, not the identity of the independent counsel.

In fact, if any relationship exists between who is appointed independent counsel, if one is appointed in the Madison Guaranty matter, and whether attorney fees will be available, it could be argued attorney fees are more likely to occur if the special court were not given the option to appoint Mr. Fiske. That is because the standard for obtaining attorney fees is whether the fees "would not have been incurred but for the requirements of" the independent counsel law. Appointment of a new person who would have to start from scratch and perhaps repeat Mr. Fiske's work would more likely cause legal fees that would not otherwise have been incurred "but for" the new independent counsel law.

Mr. COHEN. Madam President, will the Senator from Michigan yield for a question?

Mr. LEVIN. I am happy to yield for that purpose.

Mr. COHEN. Is it the Senator's understanding, then, as chairman of the subcommittee responsible for shepherding this bill through the Senate and as floor manager of this legislation that the provision allowing the court to appoint Mr. Fiske as independent counsel under the statute, should the statute be triggered in the Madison Guaranty case, would not have any effect on the right of any subject of that investigation to obtain attorney fees?

Mr. LEVIN. The Senator is absolutely correct.

Mr. COHEN. Will the Senator from Michigan also be willing to comment on what the conference report says, if anything, with respect to the amount of attorney fees any subject of an independent counsel investigation can obtain?

Mr. LEVIN. Yes. As the Senator, of course, knows, the attorney fee provision in the independent counsel law is unique. There is no other instance in Federal law in which we allow the subjects of a criminal investigation to get their attorney fees reimbursed with taxpayer dollars. Now why is that? That is because Congress has long recognized that the independent counsel law is highly unusual and places those persons who fall under its coverage in a unique situation. Although the objective of the statute is to treat high level Federal officials no better and no worse than any other member of the public when it comes to criminal investigations, in fact there are situations in which such investigations are more intense, more thorough, take longer, and can pursue more issues and individuals than a normal criminal investigation would. Moreover, the statute requires filing of a final report, and we have learned that preparation of such reports can involve investigations not normally done in the usual criminal case. Responding to such investigations can be expensive, and to the extent the cost is solely because the investigation is being conducted by a statutory independent counsel and under the auspices of that statute, it is only fair that the public pay for a reasonable portion of that cost.

The restriction we put on taxpayer reimbursement is that only persons who are actual subjects of an independent counsel investigation and who have not been indicted by the independent counsel can apply for reimbursement. The statutory language which sets out the standard for the award of attorney fees, section 593(f), is as follows:

> Upon the request of an individual who is the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, if no indictment is brought against such individual pursuant to that investigation, award reimbursement for those reasonable attorneys' fees incurred by that individual during that investigation which would not have been incurred but for the requirements of this chapter.

As the conference report states, we have always cautioned the special court to award attorney fees in the most narrow of circumstances, and the conference report expresses concern that the special court has of late been overly generous—beyond the intended scope of the statute. Attorney General Edwin Meese was allowed by the special court to be reimbursed up to $460,000 in 1990 for attorney fees, and former Secretary of State George Shultz was allowed reimbursement of $280,000 at the rate of $370 an hour. The conferees believe that hourly rate is too high for purposes of what the Federal taxpayer should be required to pay and we have discussed that at some length in the conference report. So to answer the Senator from Maine the conference agreement is more restrictive than current law with respect to the amount of attorney fees that can be awarded under the statute.

Mr. COHEN. I thank the Senator from Michigan.

Would the Senator yield further?

Mr. LEVIN. I would be happy to yield.

Mr. COHEN. As the Senator from Michigan has already explained, the provision allowing the court to appoint Mr. Fiske as an independent counsel under the statute would have no effect on anyone's eligibility to obtain attorney fees. Whom the court appoints as independent counsel is totally irrelevant to whether or not a subject of the independent counsel investigation is eligible under the law for attorney fees.

Mr. Fiske, as a regulatory independent counsel who was appointed by the Attorney General and who operates under her authority, is an arm of the Justice Department. Whether the Madison Guaranty case is being investigated by a regulatory independent counsel or by career Justice Department employees is of no import with respect to an individual's eligibility for attorney fees under the independent counsel statute. In other words, a regulatory independent counsel and the Justice Department are one and the same for purposes of the statute's "but for" standard for the award of attorney fees.

I also note that, in my judgment, the legal fees that have been or will be incurred by President Clinton or others as a result of Mr. Fiske's current investigation would not be reimbursable under the independent counsel statute. Moreover, should a statutory independent counsel be appointed to investigate matters being examined by Mr. Fiske, the legal fees of a target of that investigation would not be reimbursable to the extent that they would otherwise have been incurred because of regulatory independent counsel Fiske's investigation or any other investigation.

Mr. LEVIN. Madam President, as the Senator from Maine reiterated, who serves as independent counsel under the statute is irrelevant to the issue of eligibility for attorney fees. Should the independent counsel statute be triggered in the Madison Guaranty case and an independent counsel appointed, there very well may be situations in which certain individuals who are unindicted subjects of that investigation may be eligible for attorney fees under the terms of the independent counsel law. We cannot predict whether or not attorney fees will be awarded in a particular case. That is for the special court to determine using the "but for" standard in the law.

Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Michigan controls 1 minute 40 seconds.

Mr. COHEN. If the Senator will yield, how much time is remaining on our side?

The PRESIDING OFFICER. There are 8 minutes 58 seconds.

Mr. COHEN. Let me take a moment to explain why we have taken the pains to go through this colloquy. We have a Federal judge who has been nominated to serve as a Justice of the Supreme Court. One of the questions I asked him when I met with him recently was to what extent would he look at congressional intent in helping to define exactly the scope and meaning of the legislation we pass. As you may know, there is considerable disagreement on the Court about what weight, if any, congressional intent plays in the Court's deliberations. Some dismiss congressional intent, for all practical purposes.

Recently, a case came down in which the Supreme Court dismissed a colloquy entered into between certain Members of the Senate dealing with an entirely different piece of legislation. The Court said it is simply the letter of the statute which is binding, and the colloquy is irrelevant to our interpretation of that statute.

I wanted to take the time for us to have this colloquy and to verbalize it for the benefit of our colleagues, because many times colloquys are inserted into the RECORD and Members are unaware of exactly what was said until after the legislation is in fact adopted.

In this particular case, questions have been raised about the intent of the White House in supporting the Independent Counsel Act. Let me say, for the RECORD, that President Clinton and Attorney General Janet Reno have supported the legislation from the very beginning. Long before questions about Whitewater ever surfaced, they were strong supporters of the legislation. Their motives in endorsing the legislation, I think, spring from a belief that it is important for the appearance of justice being done.

Second, there was concern being voiced by some that perhaps we are too eager to pass this legislation. After all, we have Mr. Fiske, who appears to be doing a most credible job, and why in the world do we need this bill now? And is this not a back door way of trying to reimburse the President for his legal fees?

Once again, what we are trying to explain is that this act in and of itself stands alone. It has nothing to do with Mr. Fiske. Should the court appoint Mr. Fiske to continue his investigation as a statutory independent counsel, that will not change the interpretation of whether or not the Clintons, or other people, are entitled to be reimbursed for attorney fees. We want to make it perfectly clear exactly what our intent is. Should this matter ever reach the courts, hopefully, this colloquy will clarify what the managers of the bill believe the legislation does in fact accomplish and what the words mean. That is the reason we have taken so much of the Senate's time to explain this provision dealing with attorney fees.

Mr. BROWN. Madam President, I rise to ask the Senator from Michigan and the Senator from Maine a question regarding the independent counsel law. The conference report is slightly different from the Senate bill with respect to the award of attorneys' fees. The conference report drops the Senate language which reads: "No award of attorneys' fees shall be made for any fees that would have been incurred by the individual if the investigation had been conducted by the Department of Justice."

When this bill passed the Senate, we had a discussion on this subject. We agreed that the bill should be read to allow the recovery of attorneys' fees in cases of a malicious prosecution, a politically motivated prosecution, or an investigation by an independent counsel where there was no reasonable grounds to believe that the investigation was warranted.

In the conference report, the language mentioned above, which was deleted, is described as redundant. now that some of the language which passed the Senate has been removed, is it still the case, as the conference report suggests, that attorneys' fees should be awarded in cases of malicious prosecutions, politically motivated prosecutions, and investigations by an independent counsel where there was no reasonable grounds to believe that the investigation was warranted?

Mr. LEVIN. The Senator is correct that the conference report, and the bill in its final form should be read to allow the award of attorneys' fees in the event of a malicious or abusive prosecution by an independent counsel.

Mr. COHEN. I agree with the Senator from Michigan.

Mr. LEVIN. If I may add one word to what my friend from Maine said about the purpose of the colloquy, it is important in this case that the colloquy be read and not simply be inserted into the RECORD. It is important that the intent of the principal sponsors of this legislation be known to the court. Whether that intent is one where we are in total harmony, or whether we are not in total harmony, it is still important that our understanding be on this record, and that the legislation be understood by the court with that intent, or intents, known to the court as one that has been discussed by the sponsors of this bill.

Senator COHEN has worked as hard as any Senator that I know of on independent counsel. I want to commend him for the bipartisan manner in which he has approached this matter. He and I have worked on independent counsel under a number of administrations, both Democratic and Republican. It has always been our commitment to each other and, I think, beyond that, to the Nation. We would support this bill, whether or not a Democratic President or a Republican President was in office.

Madam President, I ask unanimous consent that I be allowed to proceed for two additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, there are a number of other minor differences between the Senate and House bills that are resolved in the conference report. They include provisions related to limiting independent counsels' staff and travel expenses; encouraging them to request that Justice Department personnel be detailed to their staffs; facilitating financial oversight by the General Accounting Office; reducing the law's post-employment coverage to one year after an individual leaves a covered office; limiting the Attorney General's ability to use the lack of evidence of criminal intent to justify closing a case prior to appointment of an independent counsel' extending the time allotted from 15 to 30 days for the Attorney General to determine whether a preliminary investigation is appropriate in a particular matter; and similar measures.

In all, I think this bill, if enacted into law, will strengthen the independent counsel law in many respects and make it an even more useful mechanism to keep the public's trust in government. I hope my colleagues will join me in supporting the conference report on S. 24 and returning the independent counsel law to the books as soon as possible.

I ask unanimous consent that following my remarks there be printed in the RECORD a summary of the conference report before us and a brief description of how the independent counsel law would operate if this bill were to become law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1994

The Independent Counsel Reauthorization Act of 1994, S. 24, authored by Senators Carl Levin (D-MI) and Bill Cohen (R-ME), passed the Senate on November 18, 1993, by a vote of 76 to 21. A similar bill, introduced by Congressmen Jack Brooks (D-TX), John Bryant (D-TX) and Barney Frank (D-MA), passed the House on February 10, 1994, by a vote of 356 to 46. The conference report on S. 24: (1) reauthorizes the law for 5 years, (2) strengthens the controls on independent counsels, and (3) makes it clear that the law applies to Members of Congress. The bill:

(1) *5-year Reauthorization.* Reauthorizes the independent counsel law until 1999.

Reasonable Expenditures: requires independent counsels to comply with Justice Department spending policies, act with "due regard for expense," authorize only "reasonable and lawful expenditures," and appoint staff to track costs and incur personal liability for improper expenditures;

Federal Office Space: requires use of federal office space, unless other arrangements are less costly;

Staff Compensation: limits independent counsel staff compensation to amounts paid for comparable positions in the U.S. Attorney's Office of the District of Columbia;

Travel Expenses: limits travel expenses by making it clear federal travel laws apply to independent counsels and, after one year in office, that independent counsels and staff are not entitled to travel or subsistence expenses for commuting to or from the city in which their primary office is located;

Audits: requires semi-annual and final audits of independent counsel expenditures by GAO;

Court Reviews: requires periodic court reviews to determine whether an independent counsel office should be terminated because its work is substantially complete:

Final Report: clarifies obligation of independent counsel to provide a complete account of their activities in the final report and to avoid conclusory statements that violate normal standards of due process, privacy and fairness;

Law Enforcement Policies: clarifies the obligation of independent counsel to comply with Justice Department law enforcement policies;

Ethics Enforcement: clarifies the authority of the Justice Department and Office of Government Ethics to enforce standards of conduct for independent counsels;

Transition Rules for Statutory and Regulatory Independent Counsel: clarifies how the new law applies to the two sitting statutory independent counsels and removes a prohibition on the court's authority to appoint the regulatory independent counsel as the statutory independent counsel in the Madison Guaranty case, should sufficient grounds exist to request an independent counsel under the statute.

(3) Members of Congress. Clarifies and broadens the Attorney General's authority to use independent counsels in cases involving Members of Congress.

HOW WILL THE INDEPENDENT COUNSEL LAW WORK?

Threshhold inquiry

The independent counsel statute is triggered only when the Attorney General receives specific information from a credible source that a federal crime may have been committed by: a covered official such as the President or a Cabinet officer; a Member of Congress if the Attorney General determines that the public interest requires an investigation by an independent counsel, rather than the Justice Department; or any other person whose investigation, if handled by the Justice Department, might result in a personal, financial or political conflict of interest. The Attorney General has 30 days to determine whether the threshhold standard has been met to commence proceedings under the independent counsel law.

Preliminary investigation

If proceedings are commenced under the independent counsel law, the Attorney General conducts a preliminary investigation for up to 90 days, with one 60-day extension available upon a showing of good cause. If at the end of the preliminary investigation, the Attorney General determines there are reasonable grounds to believe further investigation is warranted, the Attorney General must request appointment of an independent counsel.

Appointment of independent counsel

If the Attorney General requests appointment of an independent counsel, the special court that makes such appointments must select an appropriate person and define the scope of the investigation to be conducted, relying on the information provided by the Attorney General.

Independent counsel investigation

An independent counsel must conduct an investigation and any prosecution in compliance with the independent counsel law, including requirements for following Justice Department guidelines on spending and criminal law enforcement and new restrictions on staff, travel and office expenses. Independent counsels must file annual progress reports and semi-annual expenditure reports, and the General Accounting Office must conduct semi-annual and final audits of expenditures.

Termination of independent counsel office

Periodic reviews by the special court determine whether an independent counsel's work is substantially complete and the office should be terminated. These reviews take place two years after an independent counsel is appointed to office, two years after that, and annually thereafter. Each independent counsel must file with the court a final report describing fully and completely all actions taken. Independent counsels are no longer required to explain, in every instance, the reasons for not prosecuting the subjects of their investigations, but do retain the discretion to provide such explanations when the independent counsel believes it would be in the public interest.

Mr. LEVIN. Madam President, let me take just one moment to commend Elise Bean and Linda Gustitus of my staff who have worked so diligently and effectively for the passage of this bill. They have been absolutely first class in their grasp of the issues and in the attention to detail and the ability to work with people of different views. We just simply would not be here today without their guiding hand. I thank them.

I also thank very much Kim Cortnell of Senator COHEN's staff and Betty Ann Soiefer of Senator GLENN's staff. They also made it possible for us to reach this final conclusion here today.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Madam President, I echo exactly what Senator LEVIN said of our staff. Kim Corthell of my staff has worked with Linda and Elise and in a completely bipartisan fashion.

I commend Kim once again and thank her publicly for all the work she has done.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

All time is yielded back.

The question is on the adoption of the conference report.

The conference report was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 2156 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONDITIONAL RECESS OR ADJOURNMENT OF THE TWO HOUSES

Mr. LEVIN. Madam President, on behalf of the majority leader, I send a concurrent resolution to the desk providing for a recess or adjournment of the House and Senate, and I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 70) was agreed to, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, June 7, 1994, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 26, 1994, it stand adjourned until 12:00 noon on Wednesday, June 8, 1994, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occur first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. LEVIN. Madam President, I suggest the absence of a quorum

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Madam President, are we in morning business?

The PRESIDING OFFICER. Nothing is pending at the current time.

VIOLENT CRIME

Mr. GORTON. Madam President, when the people of Washington State voted overwhelmingly to enact the Nation's first "Three Strikes You're Out" law, we sent a clear and unmistakable message across the country—we have had it with violent crime. In meetings with people in communities across the State, that message continues to ring loud and clear.

Back in the Nation's Capitol, Members of Congress are putting together the final version of the crime bill and I am concerned that it will not be the crime prevention bill Washingtonians have asked for. In fact, this exercise may result in what seems to be business as usual for this administration: wasteful spending served with skillful, but misleading rhetoric, saying one thing and doing another.

Looking at the administration and Congress' various positions on crime is reminiscent of a police officer appearing on the scene of a crime with plenty of eye-witnesses where everyone has a different story. That officer needs to investigate the whole scene of the crime to find the answers.

For instance, one witness will say that the administration is fighting for 100,000 new police officers. It appears the administration does indeed want to make our communities safer. Ask another witness, however, and you discover that only larger cities that can afford the temporary matching grants will be eligible for these funds which will have a marginal impact anyway. Ask yet another witness and he will tell you that while the President asked for $9.0 billion for 100,000 rookie cops, he recommended in his budget the elimination of $385 million for the Edward Byrne Formula grants that fund multijurisdictional narcotics task forces.

These task forces are the frontline for many communities and consist of experienced local law enforcement officers working with and sharing information with state and Federal law enforcement people. Had this Senator's amendment to the budget resolution to restore funding for the Byrne grants not passed, we would find ourselves in the ludicrous situation the President desired of supporting a crime bill to hire rookie cops for 3 years while firing experienced drug fighters. There is no question that these task forces could use a small portion of this $9.0 billion for their shoestring operations, but instead that taxpayer money will be dedicated to the what will amount to four or five additional police officers for major city police departments.

Another witness may even see things differently, as well. She may notice that while we are proposing to increase the number of Federal crimes in the crime bill and spending $9.0 billion for rookies, we are decreasing the manpower and resources of Federal agencies necessary to carry out these new laws. Not only did the Vice President recommend that the Drug Enforcement Agency be combined with the FBI, the administration's budget projections show thousands of cutbacks at Federal law enforcement agencies.

An investigator may get confusing and contrasting stories on the death penalty as well. One witness may observe that in earlier versions of the Senate crime bill, the Senate expanded the number of crimes by which the Federal death sentence could be imposed, but made changes in Federal habeas corpus laws to make actual imposition next to impossible. Fortunately, the Senate recently agreed to address habeas corpus reform separately, and I welcome that debate.

Another witness may have seen that in the House-passed crime bill, an apparently neutral and noncontroversial provision was included to prohibit implementation of the death penalty based on race. Yet another witness may have noticed that the language of Title IX of the House bill would have radically altered our criminal justice systems and make the death penalty unworkable.

An investigator would have trouble distinguishing the crime prevention programs in the crime bills from government waste as well. One witness would point to Rural Law Enforcement Grants, and crimes against elderly prevention grants and notice solid crime prevention efforts. Another witness may question whether the $3.0 million that is included for Missing Alzheimer's Patients Alerts, $40 million for prison family unity demonstration projects, $20 million for Tuberculosis Treatment and Prevention in Prison really are crime prevention efforts or just opportunities to authorize new social welfare programs.

The crime bills in Congress are as confusing as a crime scene. If we are to distinguish the facts from fiction, we must be willing to scrutinize and distinguish those efforts which are truly going to benefit communities, from those that will waste taxpayers money and perhaps even result in less protection.

Here is where I draw the line.

First and foremost, I will not vote for a crime bill that will gut the death penalty. We cannot enact a law which would allow death row inmates, like Charles Campbell who has avoided justice for more than 12 years, to escape justice by providing them with even more avenues for endless delays. The American people will not tolerate changes in Federal habeas corpus law to allow convicted murderers more protection than we provide their victims.

Second, the Crime Bill must include my Sexually Violent Predators Amendment. My amendment, based on Washington State's law, would set up a national registration and tracking system for sexually violent predators. It would let communities know when a sexually violent predator has been released in their communities. I think communities deserve to know when they should take extra precautions. It is the very least we can do.

Third, the Federal "Three Strikes You're Out" provision must be included—and it cannot be watered down. Despite the fact that this applies to a small percentage of violent offenders, it is a powerful message to criminals that nationwide—enough is enough.

Fourth, the Crime Bill must include "Truth in Sentencing" incentives to reward States that are tough on crime—like our own. Those States which enact laws and take action to require violent offenders to serve their full sentence deserve priority assistance from the Federal Government for additional prison space.

Finally, and most importantly, I want a Crime Bill that works for Washington State. Just a few weeks ago, I hosted the Western Washington Crime Summit with the City of Tacoma and Pierce County at the University of Puget Sound. Community leaders from across the State told me that they need the tools to fight against crime at the local level. I agree. There is no greater deterrent to crime than a watchful neighbor and a community mobilized to protect itself. Whatever crime bill we pass must help, not hinder neighbors from taking back their streets.

The Federal Government is limited in a number of serious ways to fight crime at the local level. Perhaps the best indication of this limitation is the response I recently received from the U.S. Attorney General to a report I sent her with recommendations from the Washington Association of Sheriffs and Chiefs of Police. Last July, this Senator included report language in the Senate Appropriations bill for the Department of Justice directing the Attorney General to study the violent crime, criminal alien, and drug trafficking problems in the Yakima Valley. In December, I held a meeting with law enforcement officers from across Washington State in Yakima to compile recommendations which I forwarded to the Department of Justice in hopes that it would assist them in their obligation to the Senate. The report, entitled Secure America 2000, was a comprehensive collection of ideas straight from those on the frontline. Instead of studying the report and responding with recommendations of her own to Congress, the Attorney General's office sent a delayed and totally incomplete response.

To ignore the efforts of so many law enforcement officers who are asking for assistance in their work is unacceptable and disturbing. This Senator and the crime-fighting people of the Yakima Valley will not tolerate arrogant bureaucratic obstinacy to our efforts. While disappointing, we intend to keep reminding the Attorney General of the need to fight violent crime, criminal aliens and drug trafficking in the Yakima Valley, and make the recommendations of Secure America 2000 law.

If nothing else. It reminds us that we can fight crime better at home than through Federal bureaucracies in Washington, DC. That is precisely why this crime bill must empower communities rather than bureaucracies. It is not good enough to say that these programs are intended to prevent crime—they must focused on actual crime prevention.

For instance, the city of Seattle is among the 20 demonstration sites for Operation Weed and Seed—a comprehensive effort to combine law enforcement with social services that targets rough neighborhoods across the Nation. Such a program which is dedicated to actual crime reduction and community mobilization should be expanded but is no where to be found in these crime bills.

Safe Streets in Tacoma has succeeded in taking back some of the meanest streets in Washington State. There is not, however, anything in these measures which helps them directly do their jobs. Federal crime legislation must reward communities that have mobilized against crime and assist them in their heroic efforts. That is the overwhelming message I heard at the Western Washington Crime Summit in Tacoma.

Some criticize my approach as too tough. Some in the media even blame themselves for sensationalizing and overreporting our crime problems. Well—I say it is about time we took a zero-tolerance approach to violent behavior and ignoring it as many have done in the past is simply a disservice to victims of violent crime and ourselves.

Violent crime has taken too much from too many, and we need a tough Crime Bill that makes things better and not worse. I will be fighting to make sure that the final version of the Crime Bill answers the concerns of Washingtonians. Washington State has taken the lead. Now Congress must follow through with an honest, cost-effective and tough crime bill for America.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

EXTENDING MOST-FAVORED-NATION TRADE STATUS TO CHINA

Mr. SIMPSON. I thank the Chair, my colleague from Nebraska, who came here when I did in the year of our Lord 1979. I wish to speak for a few moments on the issue of extending most favored nation trade status, or MFN, to China.

Mr. President, I have been very pleased indeed during these last few days to hear a welling chorus of reasoned, sound arguments as to why MFN status should be extended for China. I find myself in whole-hearted agreement with the growing consensus that our values and our influence can be best advanced in China only through continuing trade and exchange.

The quotations have been thus. "We must not isolate China," it is said.

> Surely we can find other ways to promote the human rights agenda. It makes no sense at all, surely, to simply pull back and leave China to be influenced by other nations solely. Other nations have more sense than to take such a spiteful and self-defeating action.

Let me read from one of the best summations of that argument:

> The President has made clear to the Chinese that their respect for internationally-recognized human rights is insufficient. . . We want to elicit a faster pace and a broader scope for human rights improvements in China. Withdrawal of MFN would achieve neither of these objectives. . . [We should] maintain it in order vigorously to protect American interests while we promote positive change in China.

Here is another statement that reads almost exactly like that first one:

> [The President] needs to keep pressing the Chinese government on human rights. And that's why he needs a better instrument than the threat to lift MFN . . . The United States has more effective ways to lean on China . . . [The President] needs a strategy not to shut China out, but to draw it more deeply into the fabric of international agreements and organizations.

Now, for the benefit of the general listeners, let me identify those two statements. The last one came from the Washington Post on this morning of May 25, 1994. It was followed up today on the floor by a number of statements by Democratic Senators, saying basically the same thing. All this, of course, is part of laying the groundwork for what many of us expect to come—a finding by the administration that MFN for China should be extended.

I, personally, eagerly await such an announcement. I am all for it. It will be the right decision—if and when it comes.

On the other hand, the first statement that I read to you was provided on June 2, 1992, by the Bush administration. It seems to me as though George Bush was at least 2 years more adroit in coming to wisdom than many of the experts we are hearing from today. Interestingly though, merely 2 days after that administration statement was given, we were treated to a series of very spirited speeches in this Chamber by Senators who were introducing legislation to provide for curtailing or sanctioning MFN to China.

No fewer than six of those of the other faith spoke on that occasion. Among the remarks:

"The Bush administration remains an apologist for Beijing."

"President Bush has chosen to ignore China's deplorable human rights record."

"The principle stand for the beliefs upon which our own country was founded have been forgotten by President Bush."

And, "That shames America's standard of human rights and decency."

These are strong words. I wonder why it is we are not hearing them now. I know why we are not hearing them now and one reason only: The White House is now occupied by President William Jefferson Clinton instead of George Herbert Walker Bush.

I have not heard the word "kowtow" around here for a while. That used to be one of the old favorites. That was usually delivered with musical background and tinkling of various instruments. It must be very hard to keep, really, a straight face while writing the statements and editorials that we have heard in recent days. I imagine it must be very hard to type as one is chuckling with robust laughter, as surely the authors must be.

I have an idea for all the original detractors. Try this one: Policy of conditional MFN is wrong. It was a mistake, m-i-s-t-a-k-e. It is wrong because it is an all-or-nothing threat. It is impractical because we and the Chinese know that we both come out as losers if we revoke MFN.

MFN became an issue only and totally because the Democratic Congress and a then-Presidential candidate named Bill Clinton were trying to stick it to George Bush. Everyone out there in the land knows that, and here. That is partisan politics, and that is what we engage in very skillfully and very vigorously.

But it seems to me that the current administration only compounds its public embarrassment by pretending that it is not reversing this politics-based policy that is so clearly now being reversed. We have a foreign policy problem—a thing, I believe we used to refer to it in years past—I might remind my colleagues, because we have a continual discrepancy between our foreign policy pronouncements and our deeds, and this exposes us to repeated embarrassment, in Bosnia, in China, in Haiti, in North Korea, and around the world.

We all know what is going on here. The administration has to almost daily try to find a way to save face and to claim that there are not suddenly new reasons to support MFN extension which did not exist 1 year ago. But there are not any; none. It was the right policy then, it is the right policy now. MFN is our best leverage in China, and, Mr. President, it always was.

So I thank my colleagues for indulging my rather whimsical and iconoclastic view of the entire process. Often saying as I have that hypocrisy is the original sin in Washington, DC, whatever attributes have been made as to what original sin is, either theologically or realistically or historically, surely here it is hypocrisy. And I think the American public is neither so gullible nor so dim-domed as to think that President Clinton has magically now wrought a fundamental transformation of China during this past year, a transformation that now makes palatable a policy of engagement which, when endorsed by President Bush, was described as a tragic error.

You cannot fool all of the people all of the time. The whole world knows that we are clumsily and desperately trying to find our way out of an embarrassing box that was constructed board by board, yes, indeed, by Democrats wailing away on and campaigning against President Bush.

MFN, trade, engagement, exchange, that has always been the way to address and advance our ideals in China. The whole world knew it, George Bush knew it, everyone seemed to know it except a few Democratic opportunists, malcontents and aspirants to public office. Now they need to pretend as though the attacks on President Bush's policy were based on "something" other than the 1992 election. We shall see.

If President Clinton recommends extending MFN and Congress utters nary a protest—I surely will not—no one will need to explain to the American public what has happened and that, Mr. President, is one prime object lesson in how "voter cynicism" is created. I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is the Senator from Vermont the manager of the bill? There is nothing pending at this point. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent I might proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

MORNING BUSINESS

Mr. LEAHY. Reserving the right to object, as acting leader, I was seeking recognition and I thought I sought recognition first. But apparently we are following a different procedure. So I will not object, but on behalf of the leader, I ask unanimous consent that the unanimous-consent request of the Senator from Minnesota, who was asking to speak not as a manager of a bill but in morning business, be amended so that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each. I assume that will be enough time for the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair points out to the Senator from Vermont, it was in the opinion of the Chair that the Senator from Minnesota spoke first, and the Chair may have been mistaken in that, but that was the Chair's impression.

Mr. LEAHY. If that is the Chair's impression, under the Senate rules, of course, that is what controls.

The PRESIDING OFFICER. The Senator from Minnesota.

TRIBUTE TO ALFREDO CRISTIANI, PRESIDENT OF EL SALVADOR

Mr. DURENBERGER. Mr. President, I rise today to commemorate an event that will take place in San Salvador, El Salvador on June 1, 1994. That event is the second peaceful transfer of power from a freely elected civilian to another as President of El Salvador. The first time that this occurred was 5 years ago, on June 1, 1989. The President of El Salvador inaugurated on that date was Alfredo Cristiani.

The political, economic, and social progress that has taken place in El Salvador during the last 5 years, while Mr. Cristiani has been President, is a triumph of the human spirit over extreme adversity. It is in many respects the direct result of the foresight and courage of one man—Alfredo Cristiani. To fashion the present peace required the patience, trust and fortitude of all factions, especially the FMLN, ARENA, and the Christian Democrats. However, without the leadership and guidance provided by President Cristiani, this nation might still be embroiled in destructive guerrilla warfare.

Alfredo Cristiani was born in San Salvador on November 22, 1947. His family had prospered in the coffee trade and in pharmaceuticals and cotton. He graduated from the American School in San Salvador, and in 1968 he received a degree in Business Administration from Georgetown University in Washington, DC.

In early years, he was known more for his athletic skills than for his ability as a statesman. He was a motorcycle enthusiast who demonstrated his abilities by winning a national motorcross championship. He was a member of the El Salvador National Basketball Team and at one time held a national squash title. He is a licensed pilot, and even today flies his own helicopter.

A man with deep family values, he has been married to Margarita Llach de Cristiani since 1970. They have three children—Alejandro, Javier, and Claudia Margarite.

Following in the family tradition, in 1979 Alfredo Cristiani became the head of the coffee exporters association of El Salvador—an industry that even today accounts for approximately 45 percent of that country's exports. However, 2 years later, an event occurred that changed President Cristiani's life and helped to shape the history of El Salvador.

In that year, he was taken hostage by antigovernment forces and held for two weeks, along with other businessmen, in the Salvadoran Ministry of Economics. The ordeal ended when Cristiani helped to negotiate his own release and that of his fellow hostages. At least one of his captors was so impressed with the man that he later sought employment with Mr. Cristiani.

In the same year, 1981, Roberto D'Aubuisson, an ultraconservative and former army officer, founded the Nationalist Republican Alliance, better known as ARENA. In its early years, the party was dominated by extremist elements that were accused of a number of crimes.

Alfredo Cristiani joined ARENA in 1984, and from the beginning it was his objective to reshape the party and to broaden its base. He has, over the years, made important progress toward this objective. ARENA now numbers among its members anticommunist farmers, professionals, and young middle-class businessmen.

In 1988, the ARENA party won a upset victory over the Christian Democrats. In the same year, Mr. Cristiani was elected to the Legislative Assembly which, as a result of the election, came under the control of the ARENA party.

In the presidential election of 1989, the ARENA party nominated Cristiani, who had gained the reputation of being a moderate, as their party's candidate to run against the Christian Democratic candidate, Fidel Chavez Mena.

Mr. Cristiani's campaign was a departure from the predictable, extreme right-wing philosophy of the ARENA party's founder. As a candidate, Mr. Cristiani advocated conciliation and dialog with the FMLN. He conceded that the political system did cause injustices that needed to be corrected. He did not advocate abolition of the land reform program, but instead suggested how it could be improved.

Mr. Cristiani received 53.8 percent of the vote in the first round—a clear majority, and a decisive victory over his nearest rival, Chavez Mena. Though the FMLN, the coalition of five leftist guerrilla groups, boycotted the election, President Cristiani based his administration on resolving the issues that divided El Salvador. He promised to end the civil war, improve the country's human rights record, and rejuvenate the economy.

The road to a negotiated peace was not easy and was set back by the guerrillas's military offensive of late 1989 and the killing of six Jesuit priests by elements of the military. In July 1990 in San Jose, Costa Rica, the Cristiani government and the FMLN agreed to respect human rights and to end kidnapping, wrongful detention and unlawful arrests. Both sides pledged to honor the freedoms of speech and press, and to permit the right of association, including the recognition of labor rights. The two sides also agreed to the formation of a United Nations mission to monitor conditions in El Salvador once a cease-fire was effected.

In September of the same year, again in San Jose, an agreement was reached on electoral reform. The reforms were implemented generally in the March 1991 legislative and municipal elections, and included greater registration and voting, enlargement of the Legislative Assembly and a limit on campaign expenditures.

Still further progress was made with the signing of the Mexico Accords of April 1991. This landmark agreement, signed in Mexico City, called for amendments to the Constitution of El Salvador subordinating the military to civilian control, reform of the judicial system, and further improvement of the electoral process. The Accords also called for the establishment of a Truth Commission to investigate and report on human rights violations since 1980.

In December 1991 in New York City, the two sides agreed that a cease-fire, monitored by the United Nations, would be implemented beginning February 1, 1992. Prior to the start of the cease-fire, the government and the FMLN signed a comprehensive Peace Accord in Mexico City that included many of the elements of prior agreements, including strengthening of the electoral process, reform of the judiciary, and subjection of the armed forces to civilian control.

A major step toward peace, the comprehensive Mexico City Peace Accord completed in December and signed February 1992, required that the Salvadoran Army be reduced by 50 percent, that a National Civilian Police force be established made up of members from all the warring factions, that the counterinsurgency Immediate Reaction Infantry Battalions be disbanded, and that the guerrilla forces be demobilized.

Peace officially came to El Salvador in December 1992, along with the formal demobilization of the guerilla forces. February 1993 saw the beginnings of the National Civilian Police Force and the disabanding of the last of the Salvadoran Army's counterinsurgency battalions.

In July of last year, top members of the Salvadoran military were retired, fulfilling a promise made by President Cristiani to the United Nations. Included in those leaving were the Minister of Defense and the Vice Minister of Defense.

Prior to the Presidential election that took place this March, the once-outlawed FMLN guerrilla organization was recognized as a political party and fully participated in all levels of the election.

For the presidency, the FMLN joined with the Democratic Convergence, CD, and the National Revolutionary Movement, MNR, to support the leftist Coalition candidate, Ruben Zamora. Mr. Zamora received 25.6 percent of the vote in the first round of balloting and 32 percent of the vote in the April runoff.

What lies ahead for El Salvador is not known. But President Cristiani has deinitely sown the seeds for national reconciliation. He has also seen that institutions are in place—such as the National Academy of Public Safety, the Civilian National Police Force, the Office of Ombudsman for Human Rights, and the National Judicial Council—that will continue and reinforce the progress toward a lasting peace.

Bringing peace to El Salvador was the central and dominant theme of President Cristiani's administration—an accomplishment without equal. However, it was not the only problem addressed during this presidency.

During the civil war, the economy of El Salvador was a shambles. Unemployment was running at a 50 percent rate. Education was neglected and health care was sadly lacking. President Cristiani instituted programs aimed at improving the lot of the Salvadoran people in each of these areas.

To strengthen the economy, Cristiani proposed policies for fostering free market enterprises and privatization of certain public entities. A first step in this direction has been privatization of the banking system. Other ineffective state-owned enterprises are targeted for privatization.

Joining with other countries in Central America, El Salvador now belongs to a free-trade zone similar to that created by the North America Free-Trade Agreement.

Land reform has continued. Though the pace may not have been to everyone's satisfaction, the fears that land reform would be abandoned have been proved baseless.

Grain production has increased and has reached record levels, providing employment and an additional source of income. The export of nontraditional agricultural products have steadily increased.

The economic indicators have evidenced the improvement in the economy of El Salvador. The GNP has been on a steady upward course. In 1990, the first full year of Cristiani's presidency, the economic growth rate was 3.3 percent. In 1992 the economic growth rate had risen to 4.5 percent—and the rate for 1994 is projected to be 5 percent.

Educational, social, and health programs are being implemented. Schools closed during the guerrilla conflict are being opened and new schools are being built. An immunization program begun at the end of 1992 resulted in approximately 80 percent of the children under 5 years of age being vaccinated.

New projects are under way to modernize and extend the distribution of electricity. The drinking water system is being improved and access to telephone service is being extended.

President Cristiani's wife, Margarita, has made her own contribution to El Salvador's progress. Aware of the deep needs of her country's people, especially for the poor, she worked toward the creation of an office that would guard the rights and unity of the Salvadoran family. In November 1989, the National Secretariat for the Family was created and is presently engaged in programs for women and children. Mrs. Cristiani continues to coordinate this office.

It is my understanding that Mrs. Cristiani now plans to found a Children's Learning Museum in El Salvador. This museum would provide an interactive learning experience for children, especially in the areas of science and technology.

What a fitting addition to President Cristiani's legacy of building a peaceful and prosperous future for El Salvador. Mrs. Cristiani has contributed to this legacy—and will continue to contribute—by investing in El Salvador's most precious resource and greatest hope for the future—the children.

President Cristiani has not solved all of the problems of El Salvador. Many remain. But for all the problems that still remain to be solved, El Salvador is better for having had Alfredo Cristiani as its President.

The seeds of progress sown during his presidency will only nurture and grow as peace continues. A return to guerrilla warfare will destroy all the progress that has been made.

Alfredo Cristiani is a good husband and father, an instrument of peace, a man for all seasons. He has accomplished what Simon Bolivar and Bernardo O'Higgins were unable to. He brought peace where there was war. He sought the end of strife and bloodshed. He was a force for reconciliation and reason, and he brought lasting honor to himself and to the people of El Salvador.

Thank you, Mr. President. I yield the floor.

Mr. President, how many minutes do I have remaining if I am to speak for 10 minutes?

The PRESIDING OFFICER. The Senator has slightly over 4 minutes.

BOB DOLE—AMERICAN SOLDIER

Mr. DURENBERGER. Mr. President, as the American people celebrate the 50th anniversary of the liberation of Europe, I should like to commemorate the important role played in that historic drama by one of our own colleagues.

If one has to choose a defining moment of the 20th century, one could do worse than point to the landing of Allied forces in France on June 6, 1944. The forces arrayed on those Normandy beaches were the key protagonists of our century: On one side, the forces of liberty and democracy, invigorated as never before by economic growth; on the other, a totalitarian despotism strengthened by unprecedented levels of state power.

The result of that series of battles foreshadowed the result of our century's history: Freedom was victorious, and tyranny in retreat. Indeed, now that the historical epoch known as the cold war has come to an end, it has become commonplace to view the victory of freedom as an inevitability of history.

In a sense, that may be true; if the nature of the human person is to be free, then political chains cannot be hung upon the human being in any permanent way. The basic desire of the human being will eventually prevail.

But it would be wrong to accept this point of view if it means shortchanging the role of the democratic nation itself as it creates antibodies to restore the state of political health, the health that we call "freedom."

"Humanity" can only be protected by individual human beings who take action—sometimes together, sometimes alone—in the interest of the public good. These individuals who take risks and sacrifice themselves on behalf of others are the engine of what progress there is in history. These individuals are known as heroes.

On D-day, there were many heroes; in the drive across Europe, there were even more—as liberty reconquered a continent.

The Prime Minister of India, Mr. P.V. Narasimha Rao, in a recent address to a Joint Session of Congress, reminded us that the world is grateful for America's heroes. He quoted the words of Lala Lajpat Rai—an Indian freedom fighter—and I quote them again now: "Numberless American men and women * * * stand for the freedom of the world." They know no distinctions of colour, race or creed. And they prefer the religion of love, humanity, and justice.

We are very proud, Mr. President, to have among us a man who was one of those heroes—and deserves pride of place on the 20th century's roll of honor.

In the last month of the drive across Europe, a raw recruit named BOBBY JOE DOLE and his platoon were rolling up the German flank on the Italian peninsula. The writing was on the wall of Hitler's Germany—the war was as good as over.

But the war would not be over until the last wave of courageous Americans risked all for victory. And our friend and colleague, BOB DOLE, was a key member of that last wave.

Author Richard Ben Cramer describes April 14, 1945, for BOB DOLE and his platoon mates, and I quote: "(It) was a daytime nightmare of cannon, mortar, machinegun fire—flesh in uneven contest with the instrumentalities of war." BOB DOLE knew that victory was on the other side of the German machinegun nest, and that some American had to be responsible for cleaning out those German soldiers.

BOB DOLE knew that some American must lead, and he himself was that American soldier.

We see in our friend today the awful—the awe inspiring—result of that unimaginable courageous decision. His medics and his fellow soldiers did not believe that BOB DOLE would survive the wounds that gouged his arm and shoulder and smashed his spinal cord.

BOB DOLE did not take the machinegun nest that day. But his buddies did—and BOB DOLE's broken body was headed back to America.

America had already celebrated V-E Day by the time BOB DOLE reached Kansas. The war for Europe was over, but BOB DOLE would go on paying the price for victory for many years to come. The rebuilding of BOB DOLE only began on the operating table—he had to take the lead again, in learning how to walk and to the many other things that those of us with healthy limbs take for granted.

There is no band playing for people who teach themselves to walk again, or dress themselves. No medals either. But I am not alone, Mr. President, in believing that BOB DOLE's brutally painful physical recovery took more courage and stamina than even the day of battle that caused his wounds.

BOB DOLE fought back—and he keeps fighting back today, 49 years later, on the floor of the Senate. Mr. President, as a friend and an American, I am grateful that we had a BOB DOLE on our country's side on the field of battle. And I am equally grateful that in our democratic system of government, we can make use of that soldier's courage and character in the art of peace and self-government.

On behalf of the people of Minnesota, I thank the minority leader—for what he did half a century ago, and for the example he has given us in the half century since.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, under the order entered into just a few minutes ago, I will speak as in morning business.

Before I begin, I should like to commend the Senator from Minnesota for his praise of the distinguished senior Senator from Kansas.

I have known Senator DOLE for nearly 20 years. He had already served a term in the Senate when I came here. He was reelected and I was elected in the same year.

I have had occasion to work with him on one committee we served together for 20 years. I have worked with him on nutrition matters and others where he has been one of the Nation's leaders in causes of nutrition. I had the honor of going with him when he led a delegation to Rome for the 40th anniversary for the liberation of Rome. My wife and I accompanied him on that occasion.

I have met very few men or women in my life who even begin to match the bravery shown by BOB DOLE in the service of this country.

It was perhaps during that trip to Rome that we had a chance to discuss even further what he went through, not because Senator DOLE was there to talk about what he went through, as though to speak in his own favor, but only because those of us, including three Medal of Honor winners who were with us, almost had to drag out even the least amount of what he did with his bravery.

So I too would commend the senior Senator from Kansas. His life is one marked by bravery, great physical suffering, and by great physical courage.

A TRIBUTE TO ERIC DAVID NEWSOM

Mr. LEAHY. Mr. President, I rise today to honor one of my closest friends and trusted advisers, Eric Newsom. After nearly 15 years as a senior Senate staff Member, Eric has returned to the State Department. He is now the senior adviser to Under Secretary of State for International Security Affairs, Lynn Davis. I have spoken to Under Secretary Davis. I know that she is aware of how fortunate she is to be gaining somebody of Eric's dedication, his extraordinary professional experience, his unsurpassed knowledge of international security and foreign policy issues—a person who seems to have the ability crossing these very complicated and very complex areas, an ability really unmatched in my experience.

In fact, in my 19 years, now almost 20 years in the Senate, I have not known anyone who has accepted the responsibility and challenge of public service with more selfless devotion than Eric Newsom. From his first posting as a Foreign Service officer, he went on to serve as a staff member for the Senate Foreign Relations Committee. Later he was the minority staff director of the Select Intelligence Committee. He was legislative director in my office, and served as the clerk of the Foreign Operations Subcommittee. In all of these things Eric served the U.S. Government and the American people with the utmost loyalty and distinction.

During those 25 years, Eric's contribution to shaping the foreign policy of this country we love so much was remarkable. At the State Department during the 1970's, he served brilliantly in helping guide United States arms control, nonproliferation, and defense strategy. During the 1980's when the cold war was still in force, Eric mastered the intricacies of American intelligence policies and programs. I remember going head to head with some of the high-level officials in the Reagan administration in debate with Eric at my side when we debated everything from Iran-Contra to our foreign policy. His persistence, and his mastery of the facts were indispensable, facts that were presented in a dispassionate and objective fashion.

Since the end of the cold war he has been equally effective in helping to shape our foreign policy priorities. Since 1989 when I became chairman of the Foreign Operations Subcommittee, he was at my side helping me implement an agenda consistent with the realities of the changed world of the 1990's, when global problems such as overpopulation, environmental degradation, and weapons proliferation emerged as the most urgent threats to our national security.

Guiding the foreign operations bill through Congress can be an extraordinarily difficult—I might say it can also be a thankless task. It is not the most popular bill to bring before this Senate. But Eric never failed me. His leadership in that process is going to be missed by everybody in the Appropriations Committee, members and staff alike, as we attempt to do the job without him this year and in the years to come.

He and I have been through so much together. We even had a few close calls. I remember one helicopter ride through the mountains of Guatemala. We were going through the fog. I said to our Ambassador, "I hope the radar works." He said, "Radar? What radar?" We looked at the place where the radar is supposed to be. There is a big hole in the cockpit. There were a couple of wires out. I swear that one had a Band-Aid around it.

We put on our bravest faces, and just as we broke out of the fog heading straight to a cliff, the pilot moved around that. And then the pilot and copilot argued about who was at fault. All I wanted to do was get back to Earth. We made it. We are both able to laugh about it today.

When my staff and I gathered to say goodbye to Eric, it was especially moving to see how many of them regarded Eric as a mentor, as staff member after staff member remembers how much he had taught them. There is a time for everything, he told us that day; a time to stay, a time to move on. He quoted Ecclesiastes. The words he spoke were as fitting as any he could have chosen. Though he has moved on, he is always going to be a good friend I know I can turn to for counsel as I do to this day.

It is hard in many ways for me to see him go. But I am so grateful for all he has done and so proud of all he has accomplished.

I am pleased that he is going to complete his Government service in the State Department where he began working on the arms control issues and foreign policy issues he knows so well and cares about so deeply. To this day, I remember as I was deciding who should come to be my foreign policy adviser sitting on the back deck of my home and getting a telephone call from former Secretary Cyrus Vance who said he almost never made such a call but he knew me well, and trusted my judgment, and wanted to urge me to hire Eric Newsom because of Eric's service for him, and for a previous Secretary of State. He had shown not only the competence, but the honesty, and the abilities that stood out so much to former Secretary of State Vance's mind. I found that if anything Secretary Vance understated the case.

So I am delighted that we had the chance for him to be here in the Senate. In fact, when he left for the State Department, we lost one of our finest staff. All of us who worked with him are going to miss him dearly. But I am delighted for the State Department and for the administration that they have his service. And just as importantly, I am delighted for the United States of America that we have such people in our staffs here in the Senate, in the State Department, in so many other departments who work selflessly, tirelessly, and with great expertise for America.

I yield the floor.

ERIC NEWSOM

Mr. HATFIELD. Mr. President, every Senator in this chamber knows the high value of staff but their contribution is often hidden from the public. Today I want to join my colleague, Senator LEAHY, in providing this public recognition to Eric Newsom, who is departing after working nearly 14 years in the Senate.

I came to know Eric, who has served Senator LEAHY'S staff for many years, when he took over as Staff Director to the Foreign Operations Subcommittee on the Appropriations Committee. I know that Eric takes pride in his yearly efforts to craft a foreign aid budget which furthered United States security as well as poverty alleviation and economic development. He did so despite the increasing fiscal restraint imposed upon our foreign aid spending.

Eric leaves his position with the Committee to work for the Department of State as a senior advisor to Undersecretary Lynn Davis. I expect that Eric will approach this new challenge with his typical professionalism and wish him the best of success. And I would like to publicly thank him for his efforts on behalf of the Appropriations Committee over these past 5 years.

IN RECOGNITION OF ERIC NEWSOM

Mrs. MURRAY. I am happy to have this opportunity to express my appreciation for the fine work done by Mr. Eric Newsom, who has served with distinction as Staff Director of the Senate Appropriations Subcommittee on Foreign Operations. I have recently learned that Eric is leaving that position to work for the Department of State, and I know he will be greatly missed.

While foreign aid has never been popular, it has served our Nation well. As guardian on the staff level of the foreign aid budget, Eric's job was not an easy one. He had to constantly work with a budget under attack from all directions, and yet under great demand from just as many others. He shepherded the foreign aid spending bill through the last years of the tumultuous 1980's, when Congress battled with the administration over military aid to nations like El Salvador and to the Contras in Nicaragua. Eric was instrumental in forging a consensus to condition military aid to El Salvador, ultimately paving the way for a peace accord.

It was during that time, too, that United States family planning aid came under fire from the White House. Fortunately, women and families around the globe had an ally in Senator LEAHY and Eric Newsom, who used the Foreign Operations Subcommittee to preserve that very important funding.

Under Senator LEAHY'S guidance, Eric has helped to shape our Nation's foreign aid priorities in the aftermath of the cold war. He had to balance competing interests as the United States began to reach out to nations in Eastern Europe and the former Soviet Union, while preserving aid to our traditional allies such as Israel and Egypt.

Since coming to the Senate, I have had the occasion to work with Eric personally in addressing concerns my constituents in Washington State have had with the Russian aid program, among other issues. After many months of examining ways to strengthen the United Staes Russian Aid Program, I believe we are beginning to make true progress in this area, and I could not have gotten this far without the support of Senator LEAHY, Eric and the Subcommittee.

In areas ranging from aid to improve the status of women worldwide to providing reconstruction aid to the people of El Salvador, Eric has been a champion of justice. I wish him well in his new position, and I am certain he will be a true asset at the Department of State.

ERIC NEWSOM

Mr. LAUTENBERG. Mr. President, I would like to wish Eric Newsom well as he leaves the Senate to take on new responsibilities at the Department of State.

For many years, I and my staff have worked closely with Eric on the Foreign Operations Appropriations Subcommittee where he served as clerk to Senator LEAHY. Eric is a devoted public servant who has ably served Senator LEAHY, the Appropriations Committee, and the Senate. He is thoughtful, dedicated, and hard-working. While working on the Appropriations Committee, Eric has skillfully assisted Senator LEAHY in shepherding the Foreign Operations Appropriations bill through the Senate. It's a difficult and complicated bill which Senator LEAHY has been able to successfully guide through the Senate, in part, because Eric understands the complexities of the Senate and U.S. foreign policy so well.

The Senate's loss is truly the State Department's gain. I wish Eric well in his future endeavors.

TRIBUTE TO ERIC NEWSOM

Mr. DECONCINI. Mr. President, it is always with a mix of happiness and regret when we bid farewell to a friend and former staff member. On the one hand, we are pleased that he or she has been given an opportunity to serve the country in a new position, further a career, and widen horizons. At the same time, we regret the loss to Congress—and the Senate in particular—of a skilled and innovative legislative team member.

It is in this vein that I join my friend from Vermont, Senator LEAHY, in congratulating Eric Newsom on his new position as Deputy Assistant Secretary of State for nonproliferation issues at the State Department. Eric, who initially came from the executive branch in 1979, has been a Senate asset for nearly 15 years. Clearly, the Senate's loss is State's gain—a gain which some of us around here believe State can well use.

It has been a pleasure to work with Eric in a number of his capacities, but especially in his role as staff director of the Foreign Operations Appropriations Subcommittee. It is never easy to assemble and then pass a foreign aid bill. It has been particularly difficult in the past decade or so because of ideological and other battles. However, in light of the fact the Congress has not enacted a foreign aid authorization bill since 1985, the role of Foreign Ops and the annual appropriations bill has taken on even greater importance.

Whether it has been on the big issues such as aid to Russia, the Freedom Support Act, Israeli loan guarantees, and Egyptian debt forgiveness, or the relatively smaller—and often more parochial—issues such as prohibiting the sale of Stinger missiles to Persian Gulf nations, restricting aid to Kenya, or ensuring that AID understands what is the intent of Congress when we speak of "very small loans to the very poorest" in the microenterprise loan program, Eric has conducted himself in a professional, patient, and nonpartisan manner.

I do not envy the job he leaves to his successor, for his shoes are very big ones to fill. Eric will be missed, but I wish him the very best in his new and challenging position.

TRIBUTE TO ERIC NEWSOM

Mr. BRADLEY. Mr. President, for nearly 14 years, Eric Newsom has dedicated his professional career, along with his knowledge and background in foreign policy, to the U.S. Senate. I first had the opportunity to work with Eric when he served as minority staff director in the mid-1980's during my term on the Senate Select Committee on Intelligence. For the past 3 years, I have worked with Eric to ensure the creation and continuation of a program I care deeply about—a large-scale high school exchange program with the former Soviet Union that has become a key component of our assistance to Russia and the other republics.

As Senator LEAHY's chief foreign policy, defense, and security adviser since the early 1980's, Eric has made many contributions to the Senate's formulation of foreign policy. In his most recent position, staff director of the Foreign Operations Appropriations Subcommittee, he negotiated passage of two of the U.S. Congress' most important foreign aid packages in the post-cold-war era—funding for the FREEDOM Support Act of 1992 and last fall's $2.5-billion NIS assistance package. At a time when the former Soviet Republics have needed our assistance in making the transition to democracy and a free market economy, the impact of Eric's leadership and understanding of the issues have been felt all the way to the other side of the globe.

As Eric departs for new challenges at the State Department, we will miss him. But his contributions to the Senate will not be forgotten, and I extend my congratulations to him in his new position. Under Secretary of State for

International Security Lynn Davis is lucky to have Eric joining her team.

BILLY ABERCROMBIE: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise to salute Billy Abercrombie for his 36 years of truly exceptional public service with the U.S. Soil Conservation Service.

In his capacity as South Carolina's State conservationist for the last 11 years, I came to know Billy as a friend and dedicated professional. His finest hour came in the wake of Hurricane Hugo in 1989. He worked long hours and demonstrated tremendous dedication and resourcefulness in helping South Carolinians put their farms and lives back together again. For that effort, Billy was awarded the Distinguished Service Award, which is the U.S. Department of Agriculture's highest honor.

Mr. President, Billy Abercrombie is a native son of South Carolina. Born in Fountain Inn, he earned his B.S. degree at Clemson and his master's in public administration at Harvard. He began his career with the Soil Conservation Service as a trainee in Laurens. He subsequently worked in Anderson, was district conservationist in Bamberg and Spartanburg, and area conservationist in Chester. He left South Carolina to serve as assistant State conservationist in Colorado and State conservationist in Maine—also serving a stint in staff positions at SCS national headquarters.

Mr. President, in the course of his distinguished career, Billy Abercrombie received numerous honors and awards. He was respected across the State of South Carolina for his expertise and exceptional professionalism. For 36 years, he was the epitome of the dedicated public servant. I appreciate this opportunity to express my respect and gratitude, and to wish Bill and Harriet Abercrombie many happy years of retirement.

MARGARET K. WILSON: 38 YEARS OF PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise to salute an especially dedicated public servant, Margaret K. Wilson, who is retiring June 3 after 38 years with the Internal Revenue Service in Columbia, SC.

Ms. Wilson is a standout example of dedication and excellence in Federal service. She began her career as a stenographer and finished as executive secretary to the IRS's District Director in Columbia. In that capacity, Ms. Wilson has intervened on countless occasions to assist my office in resolving constituents' concern with the IRS. She has been unfailingly helpful and resourceful, and I and my staff are indebted to her for all she has done.

Mr. President, Ms. Wilson has an old-fashioned sense of duty and public service—and it shows. Upon her retirement, she will receive the Treasury Department's Albert Galletin Award, the Department's highest career service award for employees who have served 20 or more years. I would also note that in 1985 Ms. Wilson received a Federal Employee of the Year award from the Columbia Federal Executive Council.

Mr. President, I would like to express my respect and gratitude to Margaret Wilson for nearly four decades of service to the people of South Carolina. I wish her a long and happy retirement.

LEON AND RITA BANOV: A SPECIAL PARTNERSHIP TURNS 50

Mr. HOLLINGS. Mr. President, 50 years ago, on May 30, Leon and Rita Banov were joined in marriage in an memorable ceremony at the Savoy Plaza in New York City. Thus began a remarkable marriage that has blossomed and endured for the last half century.

In truth, the word marriage does not fully capture the scope of the special partnership between these two beloved and respected Charlestonians. As man and wife, they have been a model of love and loyalty. But their relationship has also been an enormously successful joint venture in a broader sense. They have been professional partners, with Leon pursuing a successful career as a physician while Rita consulted with patients and managed the business side of his medical office. They have been partners in countless volunteer projects in the Charleston community, ranging from Boy Scouts to fundraising for the American Cancer Society. And, finally, they have been spiritual partners as active and prominent members of the historic Beth Elohim Temple in Charleston.

Mr. President, for all their many accomplishments, I know that the Banovs take greatest pride in their children, Alan and Jane; their daughter-in-law, Marla, and son-in-law, Les; and their four grandchildren, Jessica, Rachel, Leah and Joel. Family has always come first for Leon and Rita. However, their partnership has touched the lives of many thousands of other people in Charleston.

Mr. President, it is an honor to join with family and friends in congratulating Leon and Rita Banov on this special anniversary. I wish them equal success in their next 50 years together.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you.

CBO REPORT SHOWS ADMINISTRATION'S DEFENSE BUDGET IS SMOKE, MIRRORS, AND ROSY SCENARIOS

Mr. GRASSLEY. Mr. President, I want to visit for just a short period of time about the budget problems at the Department of Defense, and what they say they are going to be able to do with their being overprogrammed for the amount of money that they are going to receive from the Congress over the next several years. That amount of money is a large, what I call a "negative," funding wedge that they have to make up. They say they can do it easily. But I do not think they are going to do it very easily.

Earlier I gave a speech updating my colleagues about the budget. I did it as an after-action report on the budget issues that Senator EXON and I presented to this body, and we ended up in the process with saving the taxpayers $13 billion. It was not quite as much as we had hoped for when we got a $26 billion amendment through here. But since the House did not do anything on it, saving $13 billion is a pretty good move, and at least it is better than rubberstamping what the President proposed to do.

Today, I want to provide my colleagues an after-action report on another budget issue. This is what I just described about the defense budget in the overprogramming in that defense budget. I want to focus on what I call a plans/reality mismatch in that defense budget.

In brief, the issue is whether the Pentagon's projected funding in the future year defense program exceeds the administration's proposed budget, and it does. It is overprogrammed.

It is just plain nonsense that we want the generals at the Pentagon and the accountants at OMB to be singing from the same sheet of music. Common sense seems to be an endangered species in this budget process because I do not think they are singing from the same song sheet.

The administration's proposals for defense show a negative funding wedge, and they call it "future adjustments." It is kind of like a magic asterisk that shows up that somehow somebody in the future will show up and figure how to cut spending, and it is really a smoke screen for the fact that you do not want to make the decisions now, and you figure you never have to make them. This negative funding wedge amounts to at least $20 billion over the next 5 years. This is a plans/reality mismatch. The plans are so much, and the reality of it is that less than $20 billion has to be cut, or $20 billion has to be cut, and it will not be cut. The reality is it will not be cut. But the plans at the Defense Department do not show that reality.

At my request, the General Accounting Office is reviewing whether or not this $20 billion is really $20 billion, or a lot more than $20 billion. But even a $20 billion problem is a very big problem to deal with. I think we are going to be able to show it is bigger, and I have asked GAO to review the actual magnitude of that. GAO has already identified an additional $6 billion in negative funding wedges. So that brings the real total of the funding wedge to $26 billion.

During hearings in the Budget Committee, Senator LOTT and I asked OMB Director Leon Panetta, and also CEA Chairwoman Laura Tyson, and also Defense Secretary William Perry about this issue. All of them said that the problem was simply due to inflation, and it will be very easy to take care of.

Well, the Congressional Budget Office, in its 1994 report entitled "An Analysis of the President's Budgetary Proposals for Fiscal Year 1995," directly contradicts the testimony of these three officials of the Clinton administration.

The CBO states:

> Clearly, the future adjustments to budget authority (for defense) indicate funding problems beyond the question of inflation estimates.

So there it is from CBO as plain as day. The administration is flat out wrong that inflation is the sole cause of the problem for future adjustments. My concern is that the administration officials may have knowingly misled the Senate Budget Committee—or perhaps were misled themselves by conniving bureaucrats.

I have written to CBO today to ask them to provide further details on this matter. I have also asked CBO to review the administration's claim that it cannot estimate for inflation in defense programs, even though the administration estimates for inflation in every other program in the budget.

In other words, why is it that this administration—not just this administration, but previous administrations as well—can estimate for inflation in every other program in the Federal budget, but they cannot estimate for inflation at the time of putting the budget together in defense? Well, I am going to ask CBO to clarify that for us. But that is what the administration is telling us.

As I said, this problem of plans/reality mismatch is not unique to this administration, because we have had magic asterisks and rosy scenarios with us for many years under both Republicans and Democrats. However, this administration is falling into this business-as-usual approach of previous administrations. They are courting "Miss Rosy Scenario" as arduously and successfully as any previous administration. So let us not hear any more about how this administration's budget is the most honest ever, that there are no smoke and mirrors, because there is $20 to $26 billion of it right there in the defense budget. It is not going to be easily taken care of.

Senators THURMOND, NUNN, and DOLE also mentioned this plans/reality mismatch in defense spending in their speeches regarding the fiscal year 1995 budget resolution. They, as leaders, are right to recognize the seriousness of addressing this problem.

I hope to have in the near future—and I will have to have the cooperation of Senator SASSER as chairman and Senator DOMENICI as the ranking Republican on this—but I hope to have Secretary Perry testify side by side with Pentagon analysts who have uncovered this plans/reality mismatch and get everybody that deals with this. One person has one opinion, and another person has another opinion, and we will lay the facts out on the table.

I think those facts are very clearly going to tell us that this is not a problem that is going to be simply taken care of. The sooner we bite the bullet on it, the sooner we are going to get the problem solved.

The General Accounting Office will soon be coming out with its report on this matter. After that report is issued, it will be my intention to ask Chairman SASSER to hold hearings on the General Accounting Office findings.

Let me add that I worked very closely with Chairman SASSER on this issue during previous administrations, and his leadership has been much appreciated. I look forward to working with him again on this very important matter.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

THE EXON-GRASSLEY BUDGET AMENDMENT

Mr. EXON. Mr. President, a few days ago, our colleague from Iowa, Senator GRASSLEY, my good friend from the neighboring State, took the floor and stated that the smoke had begun to clear from the recent budget battle that was fought over the Exon-Grassley spending cut, included in our 1995 budget resolution. The smoke has entirely cleared now, and it is clear that the dire predictions that were made about the Exon-Grassley amendment by many sources on both sides of the aisle simply have not come to pass.

The clamor in opposition by the President, the Joint Chiefs of Staff, the entire Cabinet, and special interest groups were proven unfounded.

As Senators will recall, the Exon-Grassley amendment cut a mere $26 billion from our discretionary spending over the next 5 years, spending that will total over $2.7 trillion over the same period of time. Yet, despite the modest goal, the Exon-Grassley amendment was also opposed by the White House, the congressional leadership on both sides of the aisle, and by the chairman of the Senate Budget Committee and the ranking member of that committee.

The chairman argued that the Exon-Grassley cuts were general and not specific and, therefore, the Exon-Grassley cuts were improper. That argument was repeated, primarily by Members on my side of the aisle, throughout the debate. At that time, I pointed out that we do not make in the Budget Committee, and never have made, specific cuts in our budget resolution. That authority is carefully guarded and carefully protected as a prerogative of the Appropriations Committee.

Well, the 1995 budget resolution has now been passed by both the House of Representatives and the Senate and, as I and Senator GRASSLEY predicted, I cannot find a single specific cut in that bill. In fact, there are clearly not any and never have been. Our budget resolution provides one number, a 602(b) allocation to the Senate Appropriations Committee, and that committee has jurisdiction over how that number is divided between the various subcommittees. That is frankly the way that our budget process was designed to work, with the budget providing broad parameters and the appropriations process determining the specifics of how spending fits within those parameters.

The Exon-Grassley amendment did reduce the overall spending allocation for the coming year and included enforcement language to reduce that allocation in the coming years. By taking that action, we reduced the overall amount that Congress can spend, and I have no doubt that those reductions will indeed result in specific cuts.

But where were those specific cuts and where will they fall? The ranking member of the Senate Budget Committee claimed that these cuts would fall primarily on defense spending. That was not the case, as the figures have shown so far and will be further substantiated when the Appropriations Committee makes its suggestions to the floor.

I simply say that all of that debate, all of the charges that were made back and forth was not anything that we have not gone through before. But I suggest that we cannot continue to do business as usual.

When we were talking about that situation a few weeks ago, the suggested solution to what was brought up by the Exon-Grassley amendment was the same solution that has been used for far too many years. I would call it a Devil's bargain that has got us nowhere. Those who wanted to cut domestic programs, but not defense, cut a deal with those who wanted to cut defense, but not domestic programs. Neither side would cut anything, and both sides would get what they wanted. In that way, no one had to risk that his or her favorite program would be cut any further and, just as importantly, everyone had an excuse for not reducing our deficit spending this year or the next. The old phrase "the Devil made me do it" was assumed to be a logical answer.

My view all along has been that the defense spending has been cut enough and that we should listen to our President who pointedly stated that defense should be cut no further than planned. The Exon-Grassley cuts did not mandate further cuts and, in fact, could easily have been taken from domestic programs that are scheduled for increases in the coming years.

Senator GRASSLEY and I suggested a whole series of places where the cuts could be made without taking one penny from national defense. I wish that that had been the outcome, but unfortunately we do not always get our way.

I also believe that a sufficient and strong majority of the Senate agrees that defense spending has been cut enough, that we are reaching the point where further defense reductions cannot be made without seriously reducing our defense capabilities. As such, I understand the legitimate concerns of the ranking member of the Senate Budget Committee, but I disagree that our hands are so tied, that in these struggles we must be ever vigilant, that we have a big job to do in making further cuts.

In the end, as I will describe in a moment, the decision was made to take a minor cut in national defense. While I wish that were not the case, we all do our best here to carry out what we think are the wishes of our constituents, and I have no basic quarrel with what was accomplished.

But I simply say, Mr. President, that at some point we must be willing to agree to spending cuts and to let our Democratic process determine where those cuts will fall. Everyone in this body knows that we are over $4½ trillion in debt and that interest payments on that debt are threatening to strangle our Federal Government, if they have not already done so. Those problems are surely too large to be ignored, even for 1 year.

Last week, the Appropriations Committee announced its 602(b) spending allocations. As I have said previously, I do not think that they were exactly perfect from my perspective, but I am one Member and one Member only of this body. That committee had to contend not only with the $500 million in cuts required by the Exon-Grassley amendment for the next year but also with a $3 billion cut required by reestimates of the President's budget submission. As defense is about a half of our discretionary spending, opponents made the wrong assumption that defense would receive about half the cuts. I told them that that would not be the case, and I am pleased to say that I was correct. In fact, defense took only about 15 percent of the overall cuts, or about $530 million, which were necessary to stay within the caps.

It is difficult, if not impossible, to determine exactly how the Exon-Grassley cuts impacted the total figure on the 602(b) allocation to the defense subcommittee. That is up to the Appropriations Committee. But it seems clear that the impact was very minimal, particularly when you consider that the allocation to that subcommittee totals over $250 billion.

So, Mr. President, the approach taken by the EXON-GRASSLEY amendment was not only proper, it worked. It did not call for any specific cuts, but it most certainly will result in specific cuts being made over the next few months and next few years. Those cuts will not fall primarily on defense spending. The sky is still above us despite the predictions that that would not be the case if the Exon-Grassley amendment passed.

Mr. President, I want to thank my colleagues in this Senate on both sides of the aisle who supported this further reduction this year.

Primarily, I also want to again thank the Senator from Iowa, Senator GRASSLEY, for his strong leadership and cooperation. I sought his assistance on this issue because I knew that he was a Member who knows what we need to do and would be willing to work hard in a bipartisan fashion to get the job done. I knew that I could trust the Senator from Iowa to be a strong advocate for change. The Senator from Iowa did indeed have to take on some of the senior Members of his own party who were all too comfortable with the status quo. Yet, he stood strong, and he delivered. His tireless efforts were greatly appreciated by me and, I hope, the citizens of Iowa that he so ably represents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

CAL THOMAS

Mrs. HUTCHISON. Mr. President, I rise today to congratulate my friend Cal Thomas, who just has put out a new book called "The Things That Matter Most."

Cal Thomas is a nationally syndicated columnist appearing in hundreds of newspapers every week all across America and soon he will be the host of his television show.

I go way back with Cal. We started working in our careers together. We were with KPRC Radio in Houston, TX. Cal was a great friend to me then, and he was one of those with old fashioned values, which is loyalty to old friends. He also has common sense.

Common sense is not in short supply among ordinary Americans, but it is sometimes in short supply around Washington, DC.

But he had an idea that he would do a new kind of column, the kind of column that would be based on common sense, religious commitment, and family values. I am sure that at the time Cal thought of it no one thought that kind of column would go across America in the 1980's, but that was just Cal. That was what he was. That was what he wanted to talk about, and he did make a go of it. And now he is one of the most popular columnists in all America. He did it with wit and wisdom.

So I want to stand here tonight to congratulate Cal Thomas. He does personify the things that matter most. I appreciate someone of his integrity continuing to write so that all of us in America can enjoy the things that he says.

I hope that he will have a very successful book.

I want to say that you, Mr. President, and I want to say I think Cal Thomas is the kind of person that I wish we had more of.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1994, to the *Federal Register* for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republic of Croatia and Bosnia and Herzegovina by force and violence. The actions and policies of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 1994*.

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 179. Joint Resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

The message also announced that the House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 1654) to make certain technical corrections

The message further announced that the Speaker appoints as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety: From the Committee on Public Works and Transportation, for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment, and modifications committed to conference: Mr. MINETA, Mr. RAHALL, Mr. NADLER, Mr. SHUSTER, and Mr. PETRI.

The message also announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate institutions, and for other purposes: From the Committee on Banking, Finance and Urban Affairs, Mr. LAZIO is appointed in lieu of Mr. RIDGE for consideration of title VI of the Senate amendment.

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1569) to authorize the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DINGELL, Mr. WAXMAN, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. MOORHEAD, Mr. BLILEY, and Mr. BILIRAKIS as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service.

H.R. 3724. An act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building."

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr., Federal Building and United States Courthouse."

H.R. 3863. An act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office."

H.R. 3982. An act entitled "The Ocean Radioactive Dumping Ban Act of 1994."

H.R. 4177. An act to designate the Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the "Candace White United States Post Office."

H.R. 4190. An act to designate the United States Post Office located at 41042 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office."

H.R. 4191. An act to designate the United States Post Office located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office."

H.R. 4425. An act to authorize major medical facility construction projects for the Department of Veterans' Affairs for fiscal year 1995, to revise and improve veterans' health programs, and for other purposes.

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries.

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

H.J. Res. 315. Joint Resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 176. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

H. Con. Res. 238. Concurrent Resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service; to the Committee on Environment and Public Works.

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr., Federal Building and United States Courthouse"; to the Committee on Governmental Affairs.

H.R. 3982. An act entitled "The Ocean Radioactive Dumping Ban Act of 1994"; to the Committee on Governmental Affairs; to the Committee on Environmental and Public Works.

H.R. 4177. An act to designate the Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the Candace White United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4190. An act to designate the United States Post Office located at 41042 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4191. An act to designate the United States Post Office located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4425. An act to authorize major medical facility construction projects for the Department of Veteran's Affairs for fiscal year 1995, to revise and improve veterans' health program, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

H.R. 4453. An act to making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.J. Res. 315. Joint resolution designating May 30, 1994, through June 6, 1994 as a "Time for the National Observance of the Fiftieth Anniversary of World War II"; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 176. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3724. An Act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building."

The following bill was discharged from the Committee on Small Business and placed on the calendar:

S. 1587. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2701. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC-2702. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of an amendment to the Federal Rules of Evidence; to the Committee on the Judiciary.

EC-2703. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC-2704. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC-2705. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2706. A communication from the Executive Director (Government Affairs), Retired Enlisted Association, transmitting, pursuant to law, the report of financial statements for calendar year 1993; to the Committee on the Judiciary.

EC-2707. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2708. A communication from the Attorney General, transmitting, pursuant to law, the annual report under the Foreign Intelligence Surveillance Act for calendar year 1993; to the Committee on the Judiciary.

EC-2709. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the wiretap report for calendar year 1993; to the Committee on the Judiciary.

EC-2710. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Federal Alcohol Administration Act to provide for increased penalties and fines; to the Committee on the Judiciary.

EC-2711. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2712. A communication from the President of the American Academy of Arts and Letters, transmitting, pursuant to law, the annual report of activities for calendar year 1993; to the Committee on the Judiciary.

EC-2713. A communication from the Director of Central Intelligence, transmitting, a draft of proposed legislation entitled "Intelligence Authorization Act for fiscal year 1995"; to the Select Committee on Intelligence.

EC-2714. A communication from the Comptroller General, transmitting, pursuant to law, the reports and testimony during April 1994; to the Committee on Governmental Affairs.

EC-2715. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of audited annual financial statements for the U.S. Mint for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2716. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2717. A communication from the Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the audit of compliance with restrictions on lobbying costs; to the Committee on Governmental Affairs.

EC-2718. A communication from the Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the audit of NASA contracts for advisory and assistance services; to the Committee on Governmental Affairs.

EC-2719. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of the Government National Mortgage Association for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2720. A communication from the Chairman of the First South Production Credit Association, transmitting, pursuant to law, the annual report of the pension plan for calendar year 1993; to the Committee on Governmental Affairs.

EC-2721. A communication from the Comptroller General, transmitting, pursuant to law, the report on the White House Travel Office operations; to the Committee on Governmental Affairs.

EC-2722. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-2723. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2724. A communication from the Assistant Comptroller General, transmitting, pursuant to law, the draft report on the audit of the financial statements of the Congressional Award Foundation for calendar years 1990 through 1992; to the Committee on Governmental Affairs.

EC-2725. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2726. A communication from the Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the annual report of the Federal Crop Insurance Corporation on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2727. A communication from the Chairman of the Board of Directors, Tennessee Valley Authority, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2728. A communication from the Attorney General, transmitting, pursuant to law, the annual report of the Federal Prison Industries on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2729. A communication from the Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the annual report of the Commodity Credit Corporation on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2730. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC-2731. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-228 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2732. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-229 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2733. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-230 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2734. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-231 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-232 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-233 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2737. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-234 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-238 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-239 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-241 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-242 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2742. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-243 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-244 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2744. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-245 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2745. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-246 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2746. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-247 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2747. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-248 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2748. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-251 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2749. A communication from the Comptroller General, transmitting, pursuant to law, the report on the status of budget authority proposed for rescission on February 7, 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 150. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes (Rept. No. 103-269).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 316. A bill to expand the boundaries of the Saguaro National Monument, and for other purposes (Rept. No. 103-270).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 472. A bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands (Rept. No. 103-271).

S. 761. A bill to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska (Rept. No. 103-272).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1033. A bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes (Rept. No. 103-273).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes (Rept. No. 103-274).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1703. A bill to expand the boundaries of the Piscataway National Park, and for other purposes (Rept. No. 103-275).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1980. A bill to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes (Rept. No. 103-276).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company (Rept. No. 103-277).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2815. A bill to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System (Rept. No. 103-278).

H.R. 2921. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities (Rept. No. 103-279).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 148. A resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

David Elias Birenbaum, of the District of Columbia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Carol Jones Carmody, of Louisiana, for the rank of Minister during her tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Carol Jones Carmody.

Post: U.S. Representative/Minister to International Civil Aviation Organization.

Contributions, amount, date, donee:

1. Self, $100, 1992, DNC Victory Fund; $100, 1992, Senate Demo. Campaign Fund; $185, 1993, Senate Democratic Campaign fund.
2. Spouse, none.
3. Children and spouses, NA.
4. Parents: Father, (deceased 1992) Mother: Joan H. Jones, $150, 1992, Republican National Committee; $150, 1993, Republican National Committee.
5. Grandparents (deceased).
6. Brothers and spouse, NA.
7. Sisters and Spouse, Nancy J. Stoetzer and John J.B. Stoetzer, Jr., $75, 1992, Reginald Jones (CT. Rep-R); $25, 1992, Chris Shays (R-CT).

Timothy A. Chorba, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Timothy A. Chorba.

Post: Ambassador to Singapore.

Contributions, amount, date, donee:

1. Self, $1000, Oct. 1991, Clinton For President Committee.
2. Spouse, $1000, June 1992, Clinton For President Committee.
3. Children and spouses names, Timothy, Jr.; Christian; and William, all are minor children—no contribution.
4. Parents names, mother, Mary Ann Chorba, no contributions; father, William G. Chorba, (deceased).

5. Grandparents names, all deceased over 20 years.

6. Brothers and spouses names, brother, Terence L. Chorba, brother's spouse, Lindan Grabbe, Terence L. Chorba, $50, Jan. 1992, Ferraro For Senate; $250, Feb. 1992, Clinton For President, $250, Sept. 1992, DNC Victory Fund '92 Federal Account; Linda Grabbe, $20, Oct. 1993, DNC.

7. Sisters and spouses names, I have no sisters.

Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph R. Paolino, Jr.

Post: Ambassador to Malta.

Contributions, amount, date, donee:

1. Self, $250, Oct. 24, 1991, Bill Clinton; $250, Sept. 4, 1992, Clinton/Gore Transition. Planning Foundation; $200, Apr. 23, 1993, Peter Barca; $500, May 14, 1993, Frank Lautenberg; $250, July 12, 1993, George J. Mitchell.

2. Spouse, Lianne Paolino, none.

3. Children and spouses names, Jennifer Paolino, none; Christina Paolino, none; Jacqueline Paolino, none; Joseph Paolino III, none.

4. Parents names, Beatrice Temkin, none; Joseph R. Paolino, Sr., $250, Aug. 18, 1989, Bill Bradley; $250, Oct. 25, 1991, Bill Clinton.

5. Grandparents names, Luigi DePasquale, (deceased); Marie DePasquale, (deceased); Anthony Paolino, none; Ethel Paolino, none.

6. Brothers and spouses names, Jeffrey Paolino, none.

7. Sisters and spouses names, Donna Paolino, none.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frank G. Wisner.

Post: India.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, Mary K. Fritchey, $100, 1994, Women's Campaign Fund; $100, 1994, Yates for Congress; $100, 1993, Women's Campaign Fund; $100, 1992, Women's Campaign Fund; $100, 1992, Mike Espy for Congress; $100, 1992, Mary D. Janney for School Board; $100, 1991, Mike Espy for Congress; $100, 1991, Barbara Boxer for Senate; $100, 1990, Mike Espy for Congress; $25, 1990, Kerry for Senate; $100, 1990, Claiborne Pell for Senate; $100, 1990, Committee to Elect John Rauh; $50, 1990, Citizens for Sherrye Henry; $100, 1990, John Ray for Mayor; $20, 1990, Kerry for Senate in 1990; none, 1989.

5. Grandparents names, (deceased).

6. Brothers and spouses names, Graham Wisner, $1,000, 1988, Paul Simon for President; $1,000, 1990, Timothy Wirth; $100, 1994, Sharon Pratt Kelly; Ellis Wisner, None. 7. Sisters and spouses names, Wendy Hazzard, $500, 1992, Tom Andrews for Congress; $250, 1994, Tom Andrews for Senate; $100, 1992, Bill Clinton; $50, 1994, Robert Woodbury for Governor; $300, 1993, August King for Governor; $25, 1994, Tom Allen for Governor; $100, 1992, Bob Philbrook for State Rep. $500, 1994, Richard Spencer for State Senate; $50, 1993, Orlando Delogu for City Council; $50, 1994, Orlando Delogu for City Council.

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1994, vice William Kane Reilly.

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2000. (Reappointment)

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994, vice Richard B. Stone, term expired.

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997. (Reappointment)

Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development, vice E. Patrick Coady, resigned.

Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development, vice Richard E. Bissell, resigned.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Theodore Alexander McKee, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Robert Bruce Robertson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Michael A. Pizzi, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

John R. O'Conner, of Connecticut, to be United States Marshal for the District of Connecticut for a term of four years.

Dallas S. Neville, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

Joseph George DiLeonardi, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Florence M. Cauthen, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Vanessa D. Gilmore, of Texas, to be United States District Judge for the Southern District of Texas vice a new position created by Public Law 101-650, approved December 1, 1990.

Terry C. Kern, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma vice a new position created by Public Law 101-650, approved December 1, 1990.

Billy Michael Burrage, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

(The above nominations were reported with the recommendation that they be confirmed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. SIMON, and Mr. BUMPERS):

S. 2148. A bill to delay procurement of the CVN-76 aircraft carrier; to the Committee on Armed Services.

By Mr. COHEN:

S. 2149. A bill to amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the Medicare Program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2150. A bill to establish a Native Hawaiian housing program; to the Committee on Indian Affairs.

By Mr. JOHNSTON:

S. 2151. A bill to direct the Secretary of the Interior to convey certain lands to the State of California and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2152. A bill to provide for the transfer of lands contiguous to the Holloman Air Force Base, New Mexico, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KEMPTHORNE (for himself, Mr. CRAIG, and Mr. WALLOP):

S. 2153. A bill to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes; read the first time.

By Mr. JEFFORDS:

S. 2154. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits program of the Department of Defense, or under the Voluntary Separation Incentive program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on Veterans Affairs.

By Mr. HATFIELD:

S. 2155. A bill to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. ROTH, and Mr. STEVENS):

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 2157. A bill to authorize appropriations for the Department of Defense for fiscal year 1995 for counterproliferation of weapons of mass destruction; to the Committee on Armed Services.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 2158. A bill to require the Secretary of the Treasury to design and issue new counterfeit-resistant $100 currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH:

S.J. Res. 196. A joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. LUGAR, and Mr. COCHRAN):

S. Res. 216. A resolution to express the sense of the Senate regarding breast and cervical cancer screening; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, and Mr. COCHRAN):

S. Res. 217. A resolution establishing a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and other related matters; to the Committee on Rules and Administration.

By Mr. SIMON (for himself and Mr. REID):

S. Res. 218. A resolution relative to the war in Nagorno-Karabakh; to the Committee on Foreign Relations.

By Mr. LEVIN (for Mr. MITCHELL):

S. Con. Res. 70. A concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, until Tuesday, June 7, 1994, and a conditional adjournment of the House on Thursday, May 26, 1994, until Wednesday, June 8, 1994; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. SIMON, and Mr. BUMPERS):

S. 2148. A bill to delay procurement of the CVN-76 aircraft carrier; to the Committee on Armed Services.

THE CVN-76 PROCUREMENT TERMINATION AND DEFICIT REDUCTION ACT OF 1994

Mr. FEINGOLD. Mr. President, today I am introducing the CVN-76 Procurement Termination and Deficit Reduction Act of 1994, which would direct the Department of Defense to terminate plans to procure the next Nimitz-class nuclear-powered carrier in fiscal year 1995. This action alone will save $3.7 billion in fiscal year 1995 budget authority, and I am pleased to say that the senior Senator from Illinois, Senator SIMON, and the senior Senator from Arkansas, Senator BUMPERS, are cosponsors.

I came to this body last year with a strong personal conviction that it is really very simple. If the Government does not need to spend money on some project, then it should not spend the money. We cannot afford it with a $4.5 trillion deficit. Consequently, I do not believe that there can ever be a magic number, a dollar total etched in stone, that shields any department or agency budget from Congress' careful scrutiny. That is why I opposed firewalls in the budget debate and why I frankly believe that President Clinton was wrong to say "no more defense cuts" in his State of the Union Address. In that same vein, I am reminded of the views expressed by my colleague from Nebraska, Senator EXON, during our debate on defense firewalls in the budget resolution. He claimed that firewalls would undercut the authority of the authorizers and appropriators in this body. I would extend the Exon argument to conclude that this doctrine of "no more defense cuts" will undercut the entire congressional role in budgeting by impairing our constitutional efforts to provide for a defense befitting our available resources as well as all threats—foreign and domestic.

We all know and believe we need a strong defense. We in Congress have a responsibility to provide for the common defense and I take that responsibility to provide for the common defense and I take that responsibility very seriously. In fact, I take it so seriously that I insist upon subjecting the assumption behind the defense budget to the sunshine of careful scrutiny and debate. When we find and eliminate excesses we not only strengthen defense we also have the opportunity to reduce the deficit and, I think we increase public confidence in our Government. I offer this bill today in the confidence that these cuts will not harm our national defense and in the expectation that most of these savings would go either toward deficit reduction, other defense programs, or other nondefense programs which service the national interest. This bill simply keeps the Pentagon from spending the taxpayers' money on programs it does not truly need.

Mr. President, less than a year ago the then Secretary of Defense, Les Aspin, released the results of a comprehensive review of post-cold-war military requirements, intended to ensure the security of our Nation. That so-called Bottom-Up Review assumed that the United States might be faced with the requirement to fight two nearly simultaneous major regional conflicts, or MRC's, and that that would happen potentially without the help of our allies. As my colleagues know, the Bottom-Up Review has become the canonical foundation for the President's defense strategy. Let me quote from that report.

> * * * the analysis confirmed that a force of 10 carriers would be adequate to fight two nearly simultaneous MRC's. That assessment was based on many factors, from potential sortie generation capability and arrival periods on station to the interdependence of carrier-based air aviation and its criticality if land-based air elements are delayed in arriving in the theater.

The Bottom-Up Review claims that the Navy needs 2 additional carriers—above the 10 needed for war-fighting—in order to operate in peacetime. The report says the Navy will begin fiscal year 1995 with a force of 12 carriers: 5 of those are conventionally powered and 7 powered with nuclear reactors. The Navy plans to retire two of its conventional carriers before the year 2000. Two nuclear carriers, the Stennis and the United States, are currently under construction and will both be in operation by 2000. To replace the *Kitty Hawk*, though, which will be retired by 2003, the Navy wants to begin building an additional nuclear-powered, Nimitz-class carrier, called CVN-76, next year. My bill will terminate plans to procure the CVN-76 next year, and would, in effect, delay procurement of the next carrier until fiscal year 2000, when the Navy plans to procure still another nuclear carrier.

The authors of the Bottom-Up Review considered options which closely parallel the provisions of my bill. They recognized that delaying CVN-76 procurement until fiscal year 2000 would produce significant savings in the near term. Yet they rejected postponing procurement of the CVN-76 because of the excessive costs of building carriers frequently enough after fiscal year 2000 to sustain a 12 carrier force. They appropriately called these excessive costs a procurement "bow wave." I agree if we went through with that and stuck with the 12 that we would have an excessive bow wave, but it would be unnecessary. Under the provisions of my bill, I would expect that the carrier force would drop from 12 to 11—or perhaps to 10—in the year 2003 when the USS *Kitty Hawk* is retired.

My bill would provide a carrier force level equal to that requested by the Pentagon through the remainder of this century while saving $3.7 billion in 1995 alone. Yet, I expect that many of my colleagues will say that the measures called for in this bill will dangerously weaken our Navy, significantly diminish our peacetime influence in the world, and even threaten our future shipbuilding capacity.

To begin with, how does this bill dangerously weaken our Navy? We will reduce the number of carriers to that level above that judged as sufficient by the Pentagon to fight not just one major regional conflict but two nearly simultaneous conflicts which we have to handle unilaterally. Moreover, this bill calls for this reduction in 9 years so as to permit ample opportunities for the administration to make the necessary accommodations and to plan accordingly. To say that this bill dangerously weakens the Navy is to argue that the Bottom-Up Review is flawed or that Navy planners are somehow inept. To reach either of those conclusions is to undermine the entire conceptual foundation of defense planning for the 1990's and beyond.

How will this bill diminish our peacetime influence in the world? The Pentagon says there are three critical ocean areas in which they would like to maintain an aircraft carrier presence in peacetime. Let us assume that somehow we reduced the carrier force immediately from 12 to 11, or even 10. Would that end the practice of sending carriers to these ocean areas in peacetime? Certainly not. The Pentagon's own calculations show that, with 12, 11, or 10 carriers there will be a continuous carrier present in at least one of these three areas. Even with 12 carriers, there would be gaps in the carrier peacetime presence in the other two ocean areas. Having 11 carriers increases the gap in carrier peacetime presence by only 60 days.

So the question for naval planners posed by this bill is how can they fill these additional gaps during peacetime operations? There are several possibilities. Perhaps they will choose to adopt some of the alternatives described in their own Bottom-Up Review such as using other classes of Navy ships to do some of these peacetime presence patrols. In 1993, for instance, the General Accounting Office identified 46 Tomahawk-equipped combatants—capital ships in their own right—that would be available for such operations. An earlier Congressional Research Service study considered an even broader range of Navy ships which are suitable for most of these peacetime missions. Besides substituting other ships, there are other alternatives available which the Navy knows all too well—even if we cut the force today. But I want to emphasize, this bill does not cut the force today. Even if all those issues had not been resolved this permits the Navy to carefully evolve remedies for its reduced force level over the next 9 years.

Mr. President, some experts dispute the Navy's exclusive use of aircraft carriers for peacetime missions and have advocated a prompt reduction of the Navy's carrier force to levels as low as six. Others, including the CBO have produced sophisticated operational analyses which show how the peacetime mission might be achieved with as few as seven carriers. Let me be very clear. My bill takes a more moderate and prudent stance that does not call for abrupt or draconian measures and does not challenge the Pentagon's military analysis of its war-fighting needs with respect to aircraft carriers.

Finally, how will this bill threaten the critical industrial base needed to build nuclear-powered ships and submarines? It will not. The Navy argues that delaying the CVN-76 will create a dangerous gap in the workload at Newport News Shipbuilding and Drydock Co., one of the two private shipyards that make up our nuclear shipbuilding industry. The other yard is Electric Boat which builds the *Seawolf* attack submarine. Mr. President, the fact is that our country has excess capacity in this nuclear shipbuilding industry. Moreover, we will have this excess capacity regardless of what we do about the CVN-76—of the *Seawolf* for that matter. That is not the fault of bad planning nor of bad faith on anyone's part. It is the result of the good fortune of winning the cold war—a result which we should translate into a peace dividend for the American taxpayer, a result that I think is still very much long overdue.

The Navy's solution to date has been to preserve the status quo. In other words, as the argument goes, we have to keep these highly skilled workers fully employed and the specialized suppliers in business or they will disband and this critical industry will be lost forever. I know this is a serious and complex problem, but again the Bottom-Up Review has provided an insightful answer. The authors studied this problem very carefully and estimated that delaying CVN-76 funding until fiscal year 2000 would be a matter of increased risk and cost growth rather than a question of actual survival of the industry. In other words, according to the Pentagon, the provisions of this bill will have a quantifiable effect on the shipbuilding industry but will not—repeat not—do irreparable harm and furthermore, it will produce a net savings in the billions. So saving the industrial base cannot be a sufficient justification for procuring the CVN-76 now. It is not even the issue at hand.

Mr. President, saving the industrial base is an important issues, however, and the Bottom-Up Review has already provided critical analysis for resolving this problem as well. I paraphrase the authors who concluded that consolidating all carrier and submarine construction at Newport News would save an additional $1.8 billion because Newport News would not need a contract for the third *Seawolf* if all future carrier and other submarine construction were consolidated there. I am not saying that this is the solution to this problem. Furthermore, my colleagues do not need to solve this problem in order to support this bill.

I am saying that we can no longer afford to perpetuate the myth that the Navy must preserve the status quo because our excess capacity problem has no solution. To quote the GAO in recent testimony last month before the House Armed Services Committee:

> DOD and the Navy have not provided information needed to judge the overall cost/benefit implications of moving to nuclear shipyard consolidation. DOD has not identified which critical vendors and which skills would be lost, the cost of reconstituting those vendors and skills, or alternative ways of preserving them. DOD has also not explained how nuclear work currently conducted by the public shipyards would be maintained under this option. Without these industrial base assessments it is difficult to determine the optimum approach to achieve the Navy's force and modernization objectives in the most cost effective manner.
>
> We have asked for that analysis and we have not gotten it. If it is available, we have not seen it, and I think that you, in making your decision, should ask to see that information.
>
> We do not know what the impact of not building the CVN-76 would be on critical vendors. There is not even a consensus within the Department of the Navy as to how you define critical vendors. We do not know what initiatives at all have taken place to look for alternatives for critical vendors.

Mr. President, it is obvious from this testimony that we are paying billions of dollars each year to avoid the tough decisions which our victory in the cold war calls us to make. In inflation-adjusted dollars, the proposed defense budget is actually larger than those under Eisenhower or Ford, and only 1 percent below the Nixon administration—all those during the cold war. The CVN-76 is merely low-hanging fruit in the Pentagon's orchard of cold war programs and terminating it is a prudent start to right-sizing our defense in a post-cold war era.

So, Mr. President I reject the notion that this bill will weaken the Navy, significantly diminish our ability to patrol peacetime oceans, or damage our shipbuilding industry. I suspect that the Navy may actually benefit from being forced to examine alternative force structures and ship designs for the 21st century. Earlier this year, for instance, the chairman of the House Armed Services Committee, said:

> There is serious doubt whether the muscular naval battle groups bought for the cold war, centered around the nuclear aircraft carrier, are necessary or even appropriate for the more delicate missions of the new era.

Are we sure, for instance, that we want to continue to build nuclear carriers? According to the Navy, we will decommission our first nuclear carrier 20 years from now. By then, we will have an all-nuclear carrier force. How will we handle the additional nuclear fuel disposal? How much will environmentally sound disposal cost? Early Navy estimates place the costs at over

10 times that for decommissioning a conventional carrier. Is nuclear power justified from a military viewpoint? When we consider the military capabilities of the CVN–76 design, let us compare CVN–76 to a contemporary conventional carrier design in order to judge the value of nuclear power. Instead, the Navy is all too anxious to compare CVN–76 to the carrier it is scheduled to replace—the USS *Kitty Hawk* which was built in 1961.

Finally, I would be remiss if I did not again recognize another critical aspect of this debate.

I am sure that my colleagues will be eager to remind me of President Clinton's exhortation last January in his State of the Union address, "No more defense cuts." And as I said earlier, I still cannot accept the rationale for that position. I do not understand how shielding certain departments of the Executive from deficit-minded scrutiny by this Congress either strengthens that department or strengthens the country. I also suspect that my colleagues will remind me of how the Navy proudly heralds a comment made by President Clinton during his 1993 visit as a new President to the U.S.S. *Theodore Roosevelt*. According to the President:

> When word of a crisis breaks out in Washington, it's no accident that the first question that comes to everyone's lips is: where is the nearest carrier?

I do not dispute the President's view and this bill takes that into account. But I would note that, in the same speech the President said:

> A changed security environment demands not less security but a change in our security arrangements. * * * You've changed your crew and your equipment to reflect the new challenges of the post-cold war era. * * * That enables you to operate perhaps with fewer ships and personnel but with greater efficiency and effectiveness. This isn't downsizing for its own sake. It's right-sizing for security's sake. The changes on board the *Theodore Roosevelt* preview the changes I believe we must pursue throughout the military.

I offer this bill as an essential step toward the same goal. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The CVN–76 Procurement Termination and Deficit Reduction Act of 1994".

SEC. 2. LIMITATION ON CVN–76 AIRCRAFT CARRIER PROGRAM.

No contract may be entered into for procurement of (including advance procurement of long lead items for) a CVN–76 aircraft carrier before October 1, 1999. Any such contracts entered into before the date of the enactment of this Act shall be terminated.

By Mr. COHEN:

S. 2149. A bill to amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the Medicare Program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes; to the Committee on Finance.

MEDICARE ELIGIBLE MILITARY RETIREE PROTECTION ACT

• Mr. COHEN. Mr. President, I am pleased to introduce legislation today that will exempt Medicare-eligible military retirees living in base closure areas from the late-enrollment penalty imposed upon individuals who defer enrollment in Medicare part B. The bill will provide a degree of financial relief to retirees who are facing significant increases in their out-of-pocket health costs due to a base closing in their area and the resultant loss of the medical facilities upon which they had come to depend for their care. This issue has been raised again and again in community meetings in my State as we have attempted to assess the impact of the closing of Loring Air Force Base, and I know that it is of concern to thousands of military retirees in other parts of the country as well.

Mr. President, we all recognize the necessity of base closure and realignment. However, particularly in my role as ranking minority member of the Senate Special Committee on Aging, I believe that we must be sensitive not only to the effect that these closings will have on civilian employees and the surrounding communities, but also on our Nation's military retirees.

Many retirees have purposely selected their retirement homes based upon their proximity to military health care, commissary, exchange, and other facilities. In fact, the Retired Officers' Association estimates that almost 70 percent of its members deliberately located near military installations so that they would have ready access to health care services. While these retirees were never officially guaranteed that the bases would remain open indefinitely, most can recite "chapter and verse" about how their recruiters, commanders, and retention counselors advertised free health care for life for themselves and their dependents as an inducement to extend their service obligations.

Mr. President, as you know, eligibility for Medicare part A—which primarily covers inpatient hospital and skilled nursing care—is automatic for Social Security-eligible individuals aged 65 or over. However, participation in part B—which is financed by a combination of beneficiary premiums and general revenues and which covers physician and other outpatient care—is voluntary. Beneficiaries who want part B must file an application within 4 months of becoming eligible. Those who fail to apply are allowed to apply for coverage later during an annual general enrollment period. However, they are assessed a steep late penalty, an additional 10 percent of the premium for each full 12-month period they could have been enrolled in the part B program but were not.

For example, the part B premium is currently $41.10 a month. Therefore, an individual who had deferred enrollment for 12 months would pay, in 1994, $45.21 a month for part B coverage. If they had deferred enrollment for 10 years, the premium would double to $82.20 a month or $986.40 a year.

Military retirees become eligible for Medicare when they turn 65, and most do, in fact, enroll in part B. While we do not have good national statistics on the Medicare status of military retirees in base closure areas, of the 6,600 Medicare-eligible retirees and spouses living near Fort Ord in California, all but 214 individuals—almost all of whom were lower grade enlisted retirees—had part B coverage.

However, military health care has many advantages over Medicare, particularly for lower-income retirees. There are no premiums, copayments, or deductibles and prescription drugs are generally provided free of charge. Therefore, many retirees living near bases have continued to rely upon military facilities for their health care needs and have elected not to enroll in part B. If that base is slated for closing, they are therefore understandably concerned that, not only will they lose access to the free health care services they believe they were promised, but also that they are going to be socked with a substantial financial penalty—in addition to the new premiums, deductibles, and copayments—when they do enroll in Medicare.

The burden of this late enrollment penalty will be particularly onerous for the retired enlisted personnel who make up the bulk of the military retiree population and who have average incomes of between $12,000 and $15,000 a year. For the 75-year-old retired E–7 and his wife, living on a military retirement income of about $13,000 a year, coming up with the $986.40 a year to cover their Medicare monthly premiums will be difficult.

To impose a late-enrollment penalty on this couple would be almost usurious, exacting far more than the proverbial "pound of flesh." It would effectively double their annual out-of-pocket costs for Medicare premiums alone to almost $2,000, or 15 percent of their total military retirement income. And the older the retiree, the greater the penalty is likely to be.

The legislation I am introducing today would establish a special, one-time only part B enrollment period for Medicare-eligible retirees living in base closure areas and would exempt them from the premium penalty if they enroll during this time. I understand the Health Care Financing Administration's concern that granting a straight group waiver would set a dangerous precedent and have therefore provided that the Department of Defense pay the late enrollment penalty for these retirees. This is consistent with the action taken when the Commonwealth of Pennsylvania applied for a waiver of the late enrollment penalty for its retirees when Medicare coverage became mandatory for State and local employees and the State phased out its retiree health program.

Mr. President, this legislation will help to protect military retirees adversely affected by base closures from dramatic increases in their out-of-pocket health care costs, and I urge my colleagues to join me in cosponsoring the measure.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEDICARE SPECIAL ENROLLMENT PERIOD FOR CERTAIN MILITARY RETIREES AND DEPENDENTS AND PAYMENT OF LATE ENROLLMENT PENALTY BY DEPARTMENT OF DEFENSE.

(a) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

"(j) In the case of an individual described in section 1839(g)(2), there shall be a 90-day special enrollment period—

"(1) beginning 45 days before the scheduled date of the closure of the individual's military treatment facility (as defined in section 1839(g)(3)(C)), or

"(2) in the case of a military treatment facility that closed prior to January 1, 1995, beginning January 1, 1995.".

(b) COVERAGE PERIOD FOR SPECIAL ENROLLMENTS.—Section 1838 of the Social Security Act (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

"(f) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(j), the coverage period shall begin on the first day of the month that begins at least 15 days after the date of such enrollment.".

(c) PAYMENT BY DEPARTMENT OF DEFENSE OF MEDICARE PART B LATE ENROLLMENT PENALTY.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following new subsection:

"(g)(1) The increase in premiums under subsection (b) due to late enrollment under this party by an individual described in paragraph (2) who enrolls under this program during a special enrollment period provided under section 1837(j) shall be paid by the Secretary of the military department concerned.

"(2) An individual described in this paragraph is an individual who, as of the date of the announcement of the closure of the individual's military treatment facility—

"(A) is 65 years of age or older;

"(B) is eligible for health care under section 1074(b) or 1076(b) of title 10, United States Code;

"(C) has never, since attaining the age of 65, been enrolled under this part; and

"(D) has continuously maintained a primary residence within 65 miles of a military treatment facility since attaining the age of 65.

"(3) For purposes of this subsection:

"(A) The date of the announcement of the closure of a military treatment facility is the date of the submission to Congress under a base closure law of a report recommending the closure of the military base at which the facility is located.

"(B) The term 'base closure law' has the meaning given such term in section 2825(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2687 note).

"(C) The term 'closure of the individual's military treatment facility' means, with respect to an individual, the closure under a base closure law of the last military treatment facility within 65 miles of the primary residence of the individual.

"(D) The term 'military treatment facility' means a facility of a uniformed service referred to in section 1074(a) of title 10, United States Code, in which health care is provided.".

THE MILITARY COALITION,
Alexandria, VA, May 10, 1994.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition (List enclosed)—a consortium of nationally prominent military and veterans associations representing 3.7 million members of the seven uniformed services—is greatly concerned that many Medicare-eligible military retirees and spouses, who did not apply for Medicare Part B coverage when they became 65, will be further impacted as a result of closure of their military treatment facility (MTF). Many thought the base hospital would always be there for them and never close. With the closure of the MTF, beneficiaries who now enroll in Medicare Part B must pay a 10 percent per year penalty for late enrollment.

Over 500,000 retirees have lost or will lose their access to military health care as a result of MTF closures. With the fourth round of closures scheduled for 1995, the impact will be even greater for many more beneficiaries in the years to come. DoD's BRAC Beneficiary Working Group, which was mandated by Congress in the Defense Authorization Act for 1993 (P.L. 102–484) has conducted 15 site visits through December 1993. At each "Town Hall Meeting" retirees strongly stated they believed that medical care would always be provided through the MTF. It was the main reason for retiring near a military installation. Many strongly expressed their objection for now having to pay a penalty for late enrollment into Medicare's Part B program. MTFs have aided military Medicare-eligible retirees in obtaining individual waivers through their local Social Security Administration (SSA) office. Individual letters signed by the retiree provided the rationale that they were not informed about the potential of the MTF closing and believed that MTF-based care would "always be there for them". We understand that most SSA offices have honored these requests on the basis that they had been "misinformed" about the equipment for enrolling in Medicare Part B. Such waivers are subjective and it is our understanding that they may not be granted in the future.

Two solutions are offered to avoid financial penalties for older military retirees, especially those who are enlisted retirees, and who are on limited retirement incomes. The Coalition supports waiving the penalty by means of statutory provision and overcoming the subjective determination of SSA program managers. If this approach is politically objectionable and not viable because it would be precedent-setting, we propose that DoD funds, which are set aside for base closures, be used to pay for any penalties brought on by Congressionally approved base closings. Under no circumstances would we support funds being taken from military pay accounts or the operation of DoD health care programs.

The Coalition greatly appreciates your initiative to free military members and their spouses from the unintended consequences of base closures. Further, we enthusiastically urge you to introduce your bill seeking statutory relief for those Medicare-eligible military retirees who may incur penalties for late enrollment in Medicare Part B and who have been, and will be, adversely impacted as a result of base closures.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret.), The Retired Officers Assn., Co-Chairman.
MICHAEL QUELLETTE,
Sgt. Maj., USA (Ret.), Non Commissioned Officers Assn., Co-Chairman.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2150. A bill to establish a Native Hawaiian housing program; to the Committee on Indian Affairs.

NATIVE HAWAIIAN HOUSING ASSISTANCE ACT OF 1994

• Mr. INOUYE. Mr. President today I am introducing a measure which seeks to ensure that native Hawaiian families are eligible to receive the very same housing benefits available to all other qualified American families.

This bill, entitled "The Native Hawaiian Housing Assistance Act of 1994" seeks to provide assistance to those families most in need of housing in Hawaii—lower income native Hawaiian families.

At the time of the arrival of captain Cook to Hawaii's shores in 1778, There was a thriving community of nearly one million indigenous inhabitants. But over time, diseases and the devastating physical, cultural, social, emotional, and spiritual effects of western contact nearly decimated the native Hawaiian population. In 1826, the population had decreased to an estimated 142,650 Hawaiians, and by 1919, the native Hawaiian population had declined to an alarming 22,600 people.

In recognition of this catastrophic decline, in 1921, the Congress enacted the Hawaiian Homes Commission Act, which set aside 200,000 acres of ceded public lands for homesteading by native Hawaiians. Congress sought to return the Hawaiian people to the lands, thereby revitalizing "a dying race."

Then Secretary of the Interior Franklin K. Lane was quoted in the Committee report to the Hawaiian Homes Commission Act is saying:

> One thing that impressed me * * * was the fact that the natives of the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many are in poverty.

And yet, despite what arguably were good intentions, the Congress subsequently and systematically failed to appropriate sufficient funds for the administration of the Hawaiian Homes Commission Act. Faced with no means of securing the necessary funding which would enable the development of infrastructure or housing, the administrators of the Hawaiian homelands were forced to lease large tracts of the homelands to non-Hawaiians for commercial and other purposes in order to generate revenue to administer and operate the program, Hawaiians were thereby denied the benefits of residing on those very lands set aside for their survival as the indigenous inhabitants of Hawaii.

In recent years, I am sad to report, this Government has taken the anomalous legal position that native Hawaiians must be excluded from access to Federal Housing and infrastructure development programs in which other Americans are entitled to participate. They had maintained that the expenditure of Federal funds to benefit the Hawaiian homelands was somehow unconstitutional, because the lands had been set aside exclusively for native Hawaiians.

While the Clinton administration has now reversed this position—arguing before the Ninth Circuit Court of Appeals that the homelands were not set aside exclusively for native Hawaiians—there are those in the Department of Housing and Urban Development who seem to want it both ways.

They want to deny any Federal responsibility flows from the provisions of a Federal law, and yet they want to bar native people from their equal right of access to programs that are intended to address the housing needs of all Americans.

It is this reverse discrimination that I find repugnant and unacceptable, and why I believe that one of the most important justifications for this measure is that Federal housing assistance that is intended to benefit every citizen of the United States will no longer be denied to native Hawaiians.

It is unconscionable that low-income native Hawaiian families are precluded from qualifying for low-income rental assistance, or mutual help homeownership programs, or community development block grant funds, merely because they reside on lands set aside for their benefit by the Congress.

The congressionally-mandated national commission on American Indian, Alaska Native, and native Hawaiian housing found that:

(1) Native Hawaiians are seriously over-represented in the States homeless population;

(2) Of those applicants on the waiting list for Hawaiian homelands, 19.5 percent of the applicants and 17.8 percent of their spouses are unemployed at a substantially higher rate than that of the general State population;

(3) The average household size is 4.25 persons, as compared to the statewide average of 2.97 persons; and

(4) The median family income is substantially below the 1988 State average of $39,600.

These are families in need by any standard.

Moreover, the commission's investigation documented that native Hawaiians have the worst housing conditions in the State of Hawaii and the highest percentage of homelessness, representing over 30 percent of the State's homeless population.

This measure seeks to provide greater housing opportunities to low-income native Hawaiian families, but this bill does not attempt to do so by creating a gamut of new Federal housing programs.

This bill would enable native Hawaiian families, who qualify in every single respect, to secure access to existing housing programs.

This bill would authorize the creation of a native Hawaiian housing authority, and would enable that authority to establish, develop, and manage low-income rental programs, a mutual help homeownership program, and a section 8 rental assistance program.

This bill would also establish a native Hawaiian loan guarantee program, and would earmark 0.2 percent of the annual Federal appropriations for the "home" program and for the community development block grants for native Hawaiian housing.

I hope that my colleagues will join me in this effort to correct a longstanding injustice. It could not have been the intent of the Congress in 1921 to set aside lands for native Hawaiians, only to have that very act of the Congress be held against those families who seek to reside on those lands.

Let us move towards swift consideration and favorable action on this measure. I thank you, Mr. President, for this opportunity to introduce a measure of great importance to the native people of the State of Hawaii.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2152. A bill to provide for the transfer of lands contiguous to the Holloman Air Force Base, NM, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

HOLLOMAN AIR FORCE BASE LAND TRANSFER ACT OF 1994

Mr. DOMENICI. Mr. President, I rise today along with my colleague from New Mexico, Senator BINGAMAN, to introduce legislation which will transfer approximately 1,200 acres of Bureau of Land Management land in New Mexico to the U.S. Air Force. This land will allow the Air Force to construct a greatly needed wastewater treatment facility near Holloman Air Force Base, in Alamagordo, NM.

The Air Force will be responsible for managing the lands to ensure compliance with all applicable environmental laws of the Federal Government and the State of New Mexico.

Holloman Air Force Base is the home of the F–117 Stealth fighter, and this facility will help to assure the increased operations at the base take place in an environmentally sound manner.

This bill has the support of the Bureau of Land Management and the U.S. Air Force. I look forward to the Senate's swift consideration of this matter.

By Mr. JEFFORDS:

S. 2154. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits program of the Department of Defense, or under the Voluntary Separation Incentive program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on Veterans Affairs.

MILITARY VOLUNTARY SEPARATION ACT OF 1994

Mr. JEFFORDS. Mr. President, I rise today to introduce a bill which will correct a great injustice made to our Nation's veterans. As we all know, the cold war is over, however, this does not mean that military service is obsolete. In fact, we have called on service men and women most recently for military support in Saudi Arabia during the Persian Gulf war, in Somalia, and in Haiti. Many of these men and women, especially those returning from the Persian Gulf war were given an opportunity to assist the Department of Defense in it's downsizing by being offered one of two options, a special separation bonus [SSB] or a voluntary separation incentive [VSI], for voluntary separation from the military. Unfortunately, provisions in the National Defense Authorization Act for fiscal years 1992 and 1993 states that any military personnel who receives the SSB lump sum payment or the VSI monthly payments cannot receive any disability compensation from the Department of Veterans Affairs concurrently, until the separation compensation is offset completely.

This is indeed an injustice and I am introducing a bill today which will repeal these provisions and allow for concurrent receipt. SSB and VSI separation compensation is for services rendered and compensation for assisting the Department of Defense in it's downsizing. Veterans' disability compensation pay is compensation for a physical or mental disability incurred from service. These are two separate issues and two compensations for very different purposes. Why should veterans be penalized by having these two compensations offset when they are serving different means? They should not.

Many veterans who chose to receive one of these voluntary separation incentives after returning from the Persian Gulf war are now coming down with strange illnesses which are believed to be related to their service in the Persian Gulf. Not only are these men and women suffering physically, but also financially, as many cannot continue to work under the physical conditions they are suffering. On top of this, after devoting their service to our country, the Government tells them that if they are eligible to receive VA disability compensation and they separated from the military with SSB or VSI, they must incur an offset in their compensations. This is not good policy.

This bill will repeal provisions not allowing concurrent receipt of SSB or VSI and VA disability compensation. The legislation is also retroactive so that service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation. It is important that Congress works to correct these injustices. Our Nation's veterans have devoted their service to our country and deserve proper care and compensation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONCURRENT RECEIPT OF SPECIAL SEPARATION BENEFIT OR VOLUNTARY SEPARATION INCENTIVE AND DISABILITY COMPENSATION.

(a) SPECIAL SEPARATION BENEFIT.—Section 1174a(g) of title 10, United States Code, is amended by striking out "subsection (e)(2)(A)" and inserting in lieu thereof "subsections (e)(2)(A) and (h)(2)".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(e) of such title is amended by striking out paragraph (4).

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect as of December 5, 1991.

By Mr. HATFIELD:

S. 2155. A bill to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOREST ECOSYSTEM LABORATORY AUTHORIZATION ACT OF 1994

• Mr. HATFIELD. Mr. President, the forests of Oregon and the Pacific Northwest are among the most magnificent and productive in the world. They produce a host of important products, services, and values. Due to the broad range of values they represent, the forests of the Pacific Northwest are at the center of an intense national debate about how resources should be used.

As a participant in this debate, I am constantly aware of the importance of sound scientific information to the development of effective natural resource policy. In order to improve our ability to understand the complexities of these important national assets, I am pleased to introduce legislation to authorize the construction of the Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR. The total cost of this project is $20 million. A State level match of $10 million is already in place. This legislation would authorize an equal $10 million Federal match through USDA's Cooperative State Research Service [CSRS].

Oregon State University is a national focal point for forestry research. The goal of the legislation I introduce today is to provide a modern facility to support innovative research in critical areas of forest ecology and utilization. The laboratory will improve the capacity of ongoing research activities of the Oregon Forest Research Laboratory, founded at Oregon State University in 1941. It will also unite the personnel of the existing departments of Forest Science and Forest Products with the Forest Research Laboratory. Research conducted in the Forest Ecosystem Research Laboratory will focus on such important questions as the impact of climate change on forests, forest health, biotechnology, the structure and function of forests, sustainable forestry, and designing new products from a changing resource base.

Mr. President, recent developments across the Nation are ushering in a new wave of land management based on the natural boundaries established through the evolution of river basins and watersheds. I have long recognized the need to manage resources on a landscape level. In fact, I first suggested that the forests of the Pacific Northwest be managed on an ecosystem basis in 1991. It is true that I do not support every effort now being undertaken by the Federal Government to facilitate ecosystem management, but I strongly believe the Oregon Forest Ecosystem Research Laboratory will provide us with a uniquely valuable tool for the development of sound, scientifically-based ecosystem management planning for the 21st century.

I thank my colleagues for their consideration of this legislation. I look forward to working with members of the Senate Committee on Agriculture, Nutrition, and Forestry to gain the necessary review of this proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Ecosystem Research Laboratory Authorization Act of 1994".

SEC. 2. FOREST ECOSYSTEM RESEARCH LABORATORY.

(a) IN GENERAL.—Subject to the availability of funds appropriated under subsection (c), the Secretary of Agriculture, acting through the Cooperative State Research Service, shall provide the Federal share of the cost of planning and constructing a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon.

(b) FEDERAL SHARE.—The Federal share provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.•

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. ROTH, and Mr. STEVENS):

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes; to the Committee on Governmental Affairs.

THE REPORTS ELIMINATION AND MODIFICATION ACT OF 1994

Mr. LEVIN. Mr. President, today, Senator COHEN and I are introducing legislation which would eliminate or modify nearly 300 outdated or unnecessary congressionally mandated reporting requirements. Senators GLENN, ROTH, and STEVENS are original cosponsors of the bill.

This is the second wave of reports elimination from the Subcommittee on Oversight of Government Management which I chair and on which Senator COHEN serves as the ranking Republican. In 1985, under Senator COHEN's chairmanship of the Oversight Subcommittee, we were able to enact a reports elimination bill that, as introduced, contained 127 recommendations for eliminations or modifications for an estimated savings of $5 million; 8 years later it is again time to take a large number of these reporting requirements off our books. But, as we learned in 1985, that is not an easy process. There are literally thousands, over 5,000, different congressionally mandated reporting requirements. Each was enacted into law for some seemingly legitimate reason at the time and now that reason must be identified and evaluated as to whether it remains valid. That times time, and reasonable people will differ about the conclusions.

To begin this process, we decide to start with the agencies; in most cases the agencies have the greatest self-interest in eliminating unnecessary reporting requirements. The 1985 legislation was based on a list of agency recommendations generated by the Office of Management and Budget. This time around, there was no such list available, so we had to generate our own. Last year, Senator COHEN and I wrote to all 89 executive and independent agencies and asked that they identify reports required by law that they believe are no longer necessary or useful and, therefore, that could be eliminated or modified. In our request letter, we stressed the importance of a clear and substantiated justification for each recommendation made. In 1985, some recommendations had inadequate or no justifications, and, not surprisingly, those recommendations were not enacted.

To date, we have received responses from about 80 percent of the agencies and, while many agencies made a serious effort to review and recommend a respectable number of reporting requirements for elimination, others were surprisingly less aggressive. Certain agencies already had report elimination projects underway. For example, the Department of Defense is currently conducting a review of the congressionally mandated reporting requirements imposed on all its services to achieve eliminations or modifications.

After receiving the agency responses, a member of the subcommittee staff generated a master list of all the agency recommendations. At the same time we sent to the chairman and ranking member of each of the relevant Senate committees, for their review and comment, the recommendations made by the agencies under their respective jurisdictions. Feedback from the committees of jurisdiction is necessary to ensure that this effort eliminates as many reporting requirements as possible without losing needed information. We also asked that the committees provide us with any additional recommendations for eliminations or modifications they might have. Many, but not all, committees have supplied their comments. We have adjusted the list of eliminations and modifications based on those committee comments. Subcommittee staff then worked with the Senate legislative counsel's office to check statutory references to make sure we are addressing the correct provisions in law. This was time-consuming, painstaking work.

Having followed these steps, it is time to introduce this bill and begin moving it through the legislative process. We will continue to be open to, and actively seek the comments of, the committees and individual Members. In fact, once introduced and printed, we plan to circulate the bill, again, to the committees of jurisdiction for a final comment.

While most of the recommendations we received from the agencies and included in the bill concern targeted, agency-specific reporting requirements, we did receive several recommendations regarding Governmentwide reporting requirements. Again, we turned to the committees of jurisdiction for guidance on how or whether to enact these Governmentwide agency recommendations. A number of these recommendations concerned reporting requirements that fall under various financial management statutes such as the Chief Financial Officers Act. Our bill does not address these particular recommendations due to the proposal contained in H.R. 3400 and other legislation to allow the administration to set up a pilot program aimed at streamlining the reporting and other requirements contained in these laws.

We are in the process of reviewing other Governmentwide reporting requirements to see if some changes can be made. For instance, there were several recommendations to change inspector general [IG] reports from semiannual to annual. From our initial discussions with the IG community and the relevant committee staff it seems that it might be possible to make this shift without jeopardizing the oversight responsibilities of the IG's. We will continue to discuss this recommendation to see if we cannot achieve some change. Another issue that we will be looking at is creating thresholds for Governmentwide reporting requirements. We received several recommendations from smaller agencies that talked of the burden of complying with certain Governmentwide reporting requirements that have no relevance to their small agency.

An additional issue which we are working on is a sunset provision to achieve an ongoing review of congressionally mandated reporting requirements. The Vice President's National Performance Review and the Joint Committee on The Organization of Congress have made recommendations for sunset provisions. Individual committees have also begun placing sunset provisions in new reporting requirements and Members, such as Senator MCCAIN, have introduced sunset bills.

I support the concept of sunsetting reporting requirements, but we have to be careful about how we go about doing it with respect to current reporting requirements to make sure we do not gut those requirements that are necessary to the oversight of Federal programs.

In that regard, Senator COHEN and I wrote in March to the Senate committees and asked them to specify those congressionally mandated reports that they believe are important to continue. This request requires committees to identify the reports they want to save instead of selecting out those reports they are willing to eliminate. We did this in preparation for a possible sunset provision that would address all the current reporting requirements not covered by the bill we are introducing today. Committees have begun to respond to this request, and we will continue to develop this approach.

With the bill we are introducing today, we are trying to get at those reports that no one uses. These are the reports that come into our offices and sit in staff in-boxes for weeks, maybe months, until they are either rerouted to someone else or filed in that popular circular file drawer. On numerous occasions in the process of drafting this legislation, agencies told us that, for whatever reason, they had not been doing or had never done the reporting requirement they were now seeking to eliminate. Apparently no one had noticed the agency's failure to report or, if they did, no one complained.

Every reporting requirement takes away resources that could be used elsewhere in the agency. Sometimes the burden is slight—as low as a few hundred dollars. Sometimes the burden is great—as high as a few million dollars. And, the cumulative burden can be surprising. The Department of Agriculture is currently required by Congress to produce over 280 reports to the tune of over $40 million dollars. This is money and staff time taken away from program needs.

The legislation we are introducing today eliminates a substantial number of requirements, and that should free-up money and staff time for more effective program use. I am convinced there are hundreds, perhaps thousands, more reports that could be included in our bill, but neither the agencies nor the committees of jurisdiction have identified them. We have taken care to be aggressive in identifying reports, but deferential to the committees with substantive responsibility that may use these reports. I welcome suggestions from my colleagues on other reports we can include in this bill and am willing to listen to arguments for retaining some of the reports we have included. I hope to move this through the Governmental Affairs Committee fairly quickly, however, since so much time has gone into the drafting of the bill. I also want to take this opportunity to express my appreciation to Tony Coe of the Senate legislative counsel's office for all his hard work in getting this bill in final form.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Report Elimination and Modification Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

CHAPTER 1—DEPARTMENT OF AGRICULTURE

Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

CHAPTER 2—DEPARTMENT OF COMMERCE

Sec. 1021. Reports eliminated.

CHAPTER 3—DEPARTMENT OF DEFENSE

Sec. 1031. Reports eliminated.

CHAPTER 4—DEPARTMENT OF EDUCATION

Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

CHAPTER 5—DEPARTMENT OF ENERGY

Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

CHAPTER 8—DEPARTMENT OF THE INTERIOR

Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

CHAPTER 9—DEPARTMENT OF JUSTICE

Sec. 1091. Reports eliminated.

CHAPTER 10—DEPARTMENT OF LABOR

Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

CHAPTER 11—DEPARTMENT OF STATE

Sec. 1111. Reports eliminated.

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

CHAPTER 13—DEPARTMENT OF THE TREASURY

Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES

CHAPTER 1—ACTION

Sec. 2011. Reports eliminated.

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

Sec. 2021. Reports eliminated.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sec. 2031. Reports modified.

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

Sec. 2041. Reports eliminated.

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

Sec. 2051. Reports eliminated.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

Sec. 2061. Reports eliminated.

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

Sec. 2071. Reports eliminated.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sec. 2081. Reports eliminated.

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

Sec. 2091. Reports eliminated.

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

Sec. 2101. Reports eliminated.

CHAPTER 11—LEGAL SERVICES CORPORATION

Sec. 2111. Reports modified.

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 2121. Reports eliminated.

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

Sec. 2131. Reports eliminated.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

Sec. 2141. Reports eliminated.

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

Sec. 2151. Reports eliminated.

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

Sec. 2161. Reports eliminated.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

Sec. 2171. Reports eliminated.
Sec. 2172. Reports modified.

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

Sec. 2191. Reports modified.

CHAPTER 20—PANAMA CANAL COMMISSION

Sec. 2201. Reports eliminated.

CHAPTER 21—POSTAL SERVICE

Sec. 2211. Reports modified.

CHAPTER 22—RAILROAD RETIREMENT BOARD

Sec. 2221. Reports modified.

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

Sec. 2231. Reports modified.

CHAPTER 24—UNITED STATES INFORMATION AGENCY

Sec. 2241. Reports eliminated.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.

TITLE IV—EFFECTIVE DATE

Sec. 4001. Effective date.

TITLE I—DEPARTMENTS

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504) is repealed.

(b) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(c) REPORT ON RETURN ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) IMPROVING" and all that follows through "FORECASTS.—"; and

(2) by striking subsection (b).

(d) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(e) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(f) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(g) REPORT ON FOREIGN DEBT BURDENS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(h) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(i) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(j) REPORT ON MULTIPLE COMPONENT PRICING.—Section 116 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 608c note) is repealed.

(k) REPORT ON COSMETIC APPEARANCE RESEARCH.—Section 1352 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1622 note) is amended by striking subsection (f).

(l) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 4077) is repealed.

(m) APHIS SCREWWORM PROGRAM.—The Secretary of Agriculture shall terminate the program for the eradication of screwworms established under the first section of the Act of February 28, 1947 (61 Stat. 7, chapter 8; 21 U.S.C. 114b).

(n) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99-641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(o) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(p) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(q) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(r) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(s) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(t) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the

Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "including upward mobility" and inserting "excluding upward mobility".

(u) Report on Land Exchanges in Columbia River Gorge National Scenic Area.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(v) Report on Income and Expenditures of Certain Land Acquisitions.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(w) Report on Special Area Designations.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(x) Report on Evaluation of Special Area Designations.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(y) Report on Agricultural Practices and Water Resources Data Base Development.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) Repository.—"; and

(2) by striking subsection (b).

(z) Report on Plant Genome Mapping.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(aa) Report on Federal Agricultural Research Facilities.—Section 1431 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1556) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(bb) Report on Appraisal of Proposed Budget for Food and Agricultural Sciences.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(cc) Report on Economic Impact of Animal Damage on Aquaculture Industry.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(dd) Report on Awards Made by the National Research Initiative and Special Grants.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(ee) Report on Payments Made Under Research Facilities Act.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(ff) Report on Financial Audit Reviews of States With High Food Stamp Participation.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(*l*)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(gg) Report on Rural Telephone Bank.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) Report on Animal Welfare Enforcement.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830)."

(b) Report on Horse Protection Enforcement.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) Report on Agricultural Quarantine Inspection Fund.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) Report on Estimated Expenditures under Food Stamp Program.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking "by the fifteenth day of each month" and inserting "for each quarter or other appropriate period"; and

(2) by striking "the second preceding month's expenditure" and inserting "the expenditure for the quarter or other period".

(e) Report on Commodity Distribution.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking "annually" and inserting "biennially".

(f) Report on Priorities for Research, Extension, and Teaching.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "Annual report" and inserting "Report"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(g) 5-Year Plan for Food and Agricultural Sciences.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) Report on Examination of Federally Supported Agricultural Research and Extension Programs.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) Report on Voting Registration.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) Report on Estimate of Special Agricultural Workers.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) Report on Automotive Products Trade Act of 1965.—Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032) is repealed.

(f) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(g) Report on United States-Canada Free Trade Agreement.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(h) Report on Establishment of American Business Centers and on Activities of the Independent States Business and Agriculture Advisory Council.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(i) Report on Foreign Fish Allocation.—Section 201(f) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(f)) is repealed.

(j) Report on Fisherman's Contingency Fund Report.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(k) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(l) Report on Fire Safety Systems.—Section 31(b)(1)(B) of the Federal Fire Prevention and Control Act of 1974 is amended by striking out clause (iii).

(m) Report on Approved Accommodation Percentage.—Section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 5 U.S.C. 5707 note) is amended by striking out subsection (b).

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) Report on Defense Department Changes to Allowable Cost Provisions.—Section 2324(l) of title 10, United States Code, is amended to read as follows:

"(*l*) The Comptroller General shall periodically evaluate the implementation of this section by the Secretary of Defense. Such evaluation shall consider the extent to which—

"(1) such implementation is consistent with congressional intent;

"(2) such implementation achieves the objective of eliminating unallowable costs charged to defense contracts; and

"(3) such implementation (as well as the provisions of this section and the regulations prescribed under this section) could be improved or strengthened.".

(b) Report on Sematech.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(c) Report on Review of Documentation in Support of Waivers for People Engaged in Acquisition Activities.—

(1) In general.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) Clerical amendment to table of contents.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) Report on Personnel Reduction and Annual Limitations.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) Report on Surveys.—(1) Section 182 of title 13, United States Code, is repealed.

(2) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 182.

(c) Report on Projects Funded by the Fund for the Improvement and Reform of Schools and Teaching.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking "and reporting";

(2) in subsection (a), by striking "(a) Exemplary Projects.—"; and

(3) by striking subsections (b) and (c).

(d) Report on the Success of FIRST Assisted Programs in Improving Education.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

"**SEC. 6215. EXEMPLARY PROJECTS.**";

(2) in subsection (a), by striking "(a) Exemplary Projects.—"; and

(3) by striking subsections (b) and (c).

(e) Report on Supported Employment Activities.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(f) Report on the Client Assistance Program.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(g) Report on the Summary of Local Evaluations of Community Education Employment Centers.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "and report";

(2) in subsection (a), by striking "(a) Local Evaluation.—"; and

(3) by striking subsection (b).

(h) Report on the Administration of the Vocational Education Act of 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(i) Report by the Interdepartmental Task Force on Coordinating Vocational Education and Related Programs.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(j) Report on the Evaluation of the Gateway Grants Program.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(k) Report on the Bilingual Vocational Training Program.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(*l*) Report on Advisory Councils.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) Report on the Condition of Bilingual Education in the Nation.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "**REPORT ON**" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) Report to Congress on the Stewart B. McKinney Homeless Assistance Act.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

"(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

"(A) evaluate the programs and activities assisted under this part; and

"(B) contain the information received from the States pursuant to section 722(d)(3).".

(c) Report To Give Notice to Congress.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(d) Annual Report on Activities Under the Rehabilitation Act of 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(e) Report to the Congress Regarding Rehabilitation Training Programs.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(f) Report Prepared by the Department of the Interior on Indian Children and the Bilingual Education Act.—

(1) Repeal.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) Annual report.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.".

(g) Annual Evaluation Reports.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in subsection (a)—

(A) by striking "December" and inserting "March";

(B) by striking "each year," and inserting "every other year"; and

(C) by striking "an annual" and inserting "a biennial";

(3) in subparagraph (B), by striking "previous fiscal year" and inserting "2 preceding fiscal years"; and

(4) in subparagraph (C), by striking "previous fiscal year" and inserting "2 preceding fiscal years".

(h) Annual Audit of Student Loan Insurance Fund.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) Financial Operations Responsibilities.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) Reports on Performance and Disposal of Alternative Fueled Heavy Duty Vehicles.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) Report on Wind Energy Systems.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) Report on Comprehensive Program Management Plan for Ocean Thermal Energy Conversion.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) Reports on Subseabed Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) Report on Fuel Use Act.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) Report on Test Program of Storage of Refined Petroleum Products Within the Strategic Petroleum Reserve.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) Report on Naval Petroleum and Oil Shale Reserves Production.—Section 7434 of title 10, United States Code, is repealed.

(h) Report on Effects of Presidential Message Establishing a Nuclear Nonproliferation Policy on Nuclear Research and Development Cooperative Agreements.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) Report on Written Agreements Regarding Nuclear Waste Repository Sites.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) Quarterly Report on Strategic Petroleum Reserves.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) Report on the Department of Energy.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) Reports on Process-Oriented Industrial Energy Efficiency and Industrial Insulation Audit Guidelines.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after October 24, 1992, and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "October 24, 1992" and inserting "October 24, 1995"; and

(B) inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) Report on Agency Requests for Waiver From Federal Energy Management Requirements.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) Report on the Progress, Status, Activities, and Results of Programs Regarding the Procurement and Identification of Energy Efficient Products.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter,"; and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) Report on the Federal Government Energy Management Program.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) Report on Alternative Fuel Use by Selected Federal Vehicles.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking "and annually thereafter".

(f) Report on the Operation of State Energy Conservation Plans.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) Report on the Department of Energy.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) Report on Cost-Effective Ways To Increase Hydropower Production at Federal Water Facilities.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) Report on Progress Meeting Fusion Energy Program Objectives.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) Report on High-Performance Computing Activities.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) Reports.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) Report on National High-Performance Computing Program.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(*l*) Report on Nuclear Waste Disposal Program.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) Audit by GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) Report on Community-Based Child Abuse and Neglect Prevention Grants.—Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is repealed.

(b) Report on Children Placed in Foster Care.—Subsection (e) of section 102 of the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. 672 note) is repealed.

(c) Report on the Effects of Toxic Substances.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(d) Report of the Surgeon General.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is repealed.

(e) Report on the Status of Health Information and Health Promotion.—Section 1705 of the Public Health Service Act (42 U.S.C. 300u-4) is repealed.

(f) Report on Health Services.—Section 308(a) of the Public Health Service Act (42 U.S.C. 242m(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A); and

(2) by striking paragraph (2).

(g) Report on Health Costs of Pollution and Other Environmental Conditions.—Subsection (d) of section 304 of the Public Health Service Act (42 U.S.C. 242b(d)) is repealed.

(h) Report on Disease Control Activities.—Subsection (h) of section 317 of the Public Health Service Act (42 U.S.C. 246b(h)) is repealed.

(i) Report on Administration of the Radiation Control for Health and Safety Act.—Section 540 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360qq) is repealed.

(j) Report on Compliance With the Consumer-Patient Radiation Health and Safety Act.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(k) Report on Evaluation of Title VIII Programs.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(*l*) Report on Recommendations for Long-Term Health Care Policies.—Subsection (f) of section 9601 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b note) is repealed.

(m) Report on Feasibility of Including Time in Definition of Visit Codes.—Paragraph (4) of section 6102(d) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395w–4 note) is repealed.

(n) Report on Model System for Payment for Out-Patient Hospital Services.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(o) Report on Medicare Treatment of Uncompensated Care.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(p) Report on Adequacy of Medicare Part B Payments for Chemotherapy.—Subsection (d) of section 4055 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395l note) is repealed.

(q) Report on Medicaid Drug Rebate.—Subsection (d) of section 601 of the Veterans Health Care Act of 1992 (42 U.S.C. 1396r–8 note) is repealed.

(r) Report on Program to Assist Homeless Individuals.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) Report on Family Planning.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and insert "fiscal year 1994, and each third fiscal year thereafter,".

(b) Report on Health Service Research Activities.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) Report on Medigap Loss Ratios and Refund of Premiums.—Paragraph (4) of section 1882(r) of the Social Security Act (42 U.S.C. 1395ss(r)(4)) is amended by striking "1993" and inserting "1994".

(d) Report on Staffing Requirements in Nursing Facilities.—Section 4801(e)(17)(B) of the Omnibus Budget Reconciliation Act of 1990 is amended (Public Law 101–508) is amended by "1992" and inserting "1997".

(e) Report on Preeffectuation Reviews.—Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)) is amended by adding at the end thereof the following new sentence: "The annual report required under this section may be consolidated with the annual report required under section 704.".

(f) Report on Stewart B. McKinney Homeless Assistance Act.—

(1) In general.—Section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended—

(A) by striking out "annually" and inserting in lieu thereof "biennially"; and

(B) by striking out "annual" and inserting in lieu thereof "biennial".

(2) Conforming amendments.—(A) The heading for section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended by striking out "Annual" and inserting in lieu thereof "Biennial".

(B) The item relating to section 105 in the table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"Sec. 105. Biennial Program summary by Comptroller General.".

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) Reports on Public Housing Homeownership and Management Opportunities.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) Interim Report on Public Housing Mixed Income New Communities Strategy Demonstration.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) Biennial Report on Interstate Land Sales Registration Program.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) Quarterly Report on Activities Under the Fair Housing Initiatives Program.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) Collection of and Annual Report on Racial and Ethnic Data.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) Report on Homeownership of Multifamily Units Program.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall biennially".

(b) Triennial Audit of Transactions of National Homeownership Foundation.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) Report on Low-Income Home Energy Assistance Program.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) Report on Audits in Federal Royalty Management System.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) Report on Domestic Mining, Minerals, and Mineral Reclamation Industries.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) Report on Phase I of the High Plains States Groundwater Demonstration Project.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) Report on Reclamation Reform Act Compliance.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) Report on African Elephant Conservation Fund.—Section 2103 of the African Elephant Conservation Act (16 U.S.C. 4213) is repealed.

(f) Report on Wetlands.—Section 10 of the North American Wetlands Conservation Act (16 U.S.C. 4409) is repealed.

(g) Report on Geological Surveys Conducted Outside the Domain of the United States.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(h) Report on Recreation Use Fees.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(h)) is repealed.

(i) Report on Federal Surplus Real Property Public Benefit Discount Program for Parks and Recreation.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking "subsection (k) of this section and".

SEC. 1082. REPORTS MODIFIED.

(a) Report on Cost Analysis of All Federal Expenditures for Endangered Species.—Section 18 of the Endangered Species Act of 1973 (16 U.S.C. 1544) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ", other than land acquisition expenditures, which shall be included as a separate item only when the primary purpose of the land acquisition is the conservation of endangered or threatened species"; and

(2) in paragraph (2), by inserting before the period the following: ", other than land acquisition expenditures, which shall be included as a separate item only when the primary purpose of the land acquisition is the conservation of endangered or threatened species".

(b) Report on Levels of the Ogalla Aquifer.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(c) Report on Effects of Outer Continental Shelf Leasing Activities on Human, Marine, and Coastal Environments.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) Report on Banking Enforcement Issues.—Section 2546 (a)(2) and (b) of the Crime Control Act of 1990 (Public Law 101–647; 104 Stat. 4885) is repealed.

(b) Report on Crime and Crime Prevention.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(c) Report on Drug Interdiction Task Force.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(d) Report on Equal Access to Justice.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(e) Report on Federal Offender Characteristics.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(f) Report on Costs of Death Penalty.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(g) Mineral Lands Leasing Act.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(h) Small Business Act.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(i) Energy Policy and Conservation Act.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

(a) REPORT ON THE ARMED FORCES EMPLOYMENT AND TRAINING PILOT PROGRAM.—Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

(b) REPORT ON THE ECONOMIC EFFECTS OF THE APPLICATION OF WAGE AND HOUR EXEMPTIONS.—Section 4(d)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(2)) is amended by striking the second sentence.

(c) REPORT ON THE BLACK LUNG COMPENSATION INSURANCE FUNDS.—Section 433 of the Black Lung Benefits Act (30 U.S.C. 943) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(d) REPORT ON LABOR STATISTICS EXPENDITURES.—Section 8 of the Act entitled "An Act to establish a Department of Labor", approved June 13, 1888 (29 U.S.C. 6) is amended by striking the third sentence.

(e) REPORT ON JOBS FOR EMPLOYABLE, DEPENDENT INDIVIDUALS.—Section 508 of the Job Training Partnership Act (29 U.S.C. 1791g) is amended to read as follows:

"SEC. 508. EVALUATION.

"(a) IN GENERAL.—The Secretary shall conduct or provide for an evaluation of the incentive bonus program assisted under this title.

"(b) CONSIDERATIONS.—The Secretary shall consider—

"(1) whether the program results in increased service under this Act to absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act and to recipients of Supplemental Security Income under title XVI of the Social Security Act;

"(2) whether the program results in increased child support payments;

"(3) whether the program is administratively feasible and cost-effective;

"(4) whether the services provided to other eligible participants under part A of title II are affected by the implementation and operation of the incentive bonus program; and

"(5) such other factors as the Secretary determines to be appropriate.".

(f) REPORT ON TRANSITION ASSISTANCE PROGRAM.—Section 408 of the Veterans Education and Employment Amendments of 1989 (Public Law 101-237; 103 Stat. 2084; 38 U.S.C. 2000 note) is amended by striking out subsection (d).

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended by striking "annually" and inserting "triennially".

(b) STUDY ON PREVENTION OF CURTAILMENT OF EMPLOYMENT OPPORTUNITIES.—Section 4(d)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(3)) is amended by striking in the third sentence "two-year" and inserting "three-year".

(c) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the "Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 944).".

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—Chapter 81 of title 5, United States Code, is amended by adding to the end the following new section:

"§ 8194. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 944).".

(d) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON DEVELOPMENT OF COLLISION AVOIDANCE SYSTEM.—Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 1348 note) is repealed.

(e) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(f) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(g) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(h) REPORTS ON HIGHWAY SAFETY PROGRAM STANDARDS.—

(1) REPORT ON NONPRIORITY PROGRAMS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(2) REPORT ON DEMONSTRATION PROJECTS.—Section 403 of title 23, United States Code, is amended—

(A) in subsection (e) by striking out the last sentence; and

(B) in subsection (f) by striking out the last sentence.

(i) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(j) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(k) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(l) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(m) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(n) REPORTS ON NEEDS SURVEY AND TRANSFERABILITY.—Section 27 of the Federal Transit Act (49 U.S.C. App. 1623) is repealed.

(o) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(p) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(q) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(r) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(s) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON TRANSPORTATION SECURITY.—Section 315(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(b)) is amended—

(1) in paragraph (1), by striking "December 31 of calendar year 1991" and inserting "March 31 of calendar year 1995"; and

(2) in paragraph (2)(A), by striking "in the 12-month period ending on the date of such report" and inserting "for the previous calendar year".

(b) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of

Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338; 106 Stat. 1551) is amended—

(1) by striking "quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report" and inserting "half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report"; and

(2) by striking "quarter." and inserting "half-fiscal year.".

(c) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(d) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

(e) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "March 1994, March 1995, and March of each odd-numbered year thereafter".

(f) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking "January 1983, and in January of every second year thereafter" and inserting "March 1994, March 1995, and March of each odd-numbered year thereafter".

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON MERCHANDISE DAMAGE STATISTICS.—Subsection (c) of section 124 of the Customs and Trade Act of 1990 (19 U.S.C. 2071 note) is repealed.

(d) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

(e) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is repealed.

(f) REPORT ON FORFEITURE FUNDS.—

(1) CUSTOMS.—Section 613A(e) of the Tariff Act of 1930 (19 U.S.C. 1613b(e)) is amended by striking out paragraph (2).

(2) JUSTICE.—Section 524(c) of title 28, United States Code, is amended—

(A) by striking out paragraph (7); and

(B) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

(g) REPORT ON AUDITS AND CONFIDENTIALITY OF TAXPAYER INFORMATION.—Section 719 of title 31, United States Code, is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (*l*); and

(2) by redesignating subsection (m) as subsection (*l*).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "(A)"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON THE EFFECTS OF POLLUTION ON ESTUARIES.—Section 104(n) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(d) REPORT ON WATER QUALITY IN LAKES.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(f) REPORT ON NONPOINT SOURCE MANAGEMENT PROGRAMS.—Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

(g) REPORT ON MEASURES TAKEN TO IMPLEMENT THE FEDERAL WATER POLLUTION CONTROL ACT.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) by redesignating subsection (g) as subsection (e).

(h) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(i) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) MONITORING METHODS.—"; and

(2) by striking subsection (b).

(k) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(l) Report on Supply of Safe Drinking Water.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(m) Report on Registration Process under FIFRA.—

(1) Section 29 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–4) is repealed.

(2) Such Act is amended by redesignating sections 30 and 31 (7 U.S.C. 136x and 136y) as sections 29 and 30, respectively.

(3) The table of contents in section 1(b) of such Act (7 U.S.C. prec. 121) is amended—

(A) by striking the item relating to section 29; and

(B) by redesignating the items relating to sections 30 and 31 as relating to sections 29 and 30, respectively.

(n) Report on Nonnuclear Energy and Technologies.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(o) Report on Emissions at Coal-Burning Powerplants.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(p) 5-Year Plan for Environmental Research, Development, and Demonstration.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(q) 5-Year Action Plan by Interagency Coordinating Committee.—Section 2001(b) of the Solid Waste Disposal Act (42 U.S.C. 6911(b)) is amended by striking paragraph (3).

(r) Report on Activities of the Office of Solid Waste.—

(1) Section 2006 of the Solid Waste Disposal Act (42 U.S.C. 6915) is repealed.

(2) The table of contents in section 1001 of such Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 2006.

(s) Cooperative Report on Environmental Issues Associated With Used Oil.—Section 9 of the Used Oil Recycling Act of 1980 (Public Law 96–463; 42 U.S.C. 6932 note) is repealed.

(t) Interim Reports of National Advisory Commission on Resource Conservation and Recovery.—Section 33(a) of the Solid Waste Disposal Act Amendments of 1980 (Public Law 96–482; 42 U.S.C. 6981 note) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(u) Plan on Assistance to States for Radon Programs.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(v) Report on Radon Mitigation Demonstration Program.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499; 42 U.S.C. 7401 note) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(w) Report on Costs of Air Pollution Control.—Section 812 of the Clean Air Act Amendments of 1990 (Public Law 101–549; 42 U.S.C. 7612 note) is amended—

(1) in subsection (a) by striking out "(a) Economic Impact Analyses.—"; and

(2) by striking out subsection (b).

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Energy Inspector General".

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) Report to the Congress Under the Communications Satellite Act of 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) Reimbursement for Amateur Examination Expenses.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 22 U.S.C. 1825 note) is amended by adding at the end thereof the following new sentence: "A report shall not be required to be submitted under this paragraph for any quarter in which the Corporation has not borrowed funds from the Treasury.".

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Chapter 95 of title 31, United States Code, is amended—

(1) in the table of sections by amending the item relating to section 9503 to read as follows:

"9503. Government pension plans.";

(2) in section 9503—

(A) in the section heading by striking out "**Reports about**"; and

(B) in subsection (a)—

(i) by striking out paragraphs (1) and (4);

(ii) by redesignating paragraphs (2), (3), and (5) as paragraphs (1), (2), and (3), respectively; and

(iii) in paragraph (2) (as redesignated by clause (ii) of this paragraph) by adding "and" after the semicolon; and

(3) in section 9504(1) by striking out "to decide whether the reporting requirements of section 9503 are adequate to carry out section 9501 of this title".

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) Report on Properties Conveyed for Historic Monuments and Correctional Facilities.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) Report on Proposed Sale of Surplus Real Property and Report on Negotiated Sales.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) Report on Properties Conveyed for Wildlife Conservation.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) National Aeronautics and Space Administration and Industrial Application Centers.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS ELIMINATED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is repealed.

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS ELIMINATED.

(a) REPORT ON REACTOR SAFEGUARDS.—Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by striking the last 2 sentences.

(b) REPORT ON SAFEGUARDS INFORMATION.—Section 147(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2167(e)) is repealed.

(c) REPORT ON THE PRICE-ANDERSON ACT.—Section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is repealed.

SEC. 2172. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out ", and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency";

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96-122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "(1)";

(ii) by striking out "and the Comptroller General shall each" and inserting in lieu thereof "shall"; and

(iii) by striking out "each"; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out "the Comptroller General and" each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96-70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 2402 of title 39, United States Code, is amended in the last sentence by striking out "the Congress" and inserting in lieu thereof "include such report in the report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "transmit such report to the Congress" and inserting in lieu thereof "include such report in the report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

(a) REPORT ON THE RESOLUTION TRUST CORPORATION, THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD, AND THE FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 21A(k)(5)(A) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)(A)) is amended by striking out all following "Congress" and inserting in lieu thereof "an annual report for each calendar year no later than June 30 following such calendar year on the activities and efforts of the Corporation, the Federal Deposit Insurance Corporation, and the Thrift Depositor Protection Oversight Board.".

(b) REPORT ON TROUBLED THRIFTS.—Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j-1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

TITLE IV—EFFECTIVE DATE

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act.

Mr. COHEN. Mr. President, I am pleased to be here today to join Senator LEVIN in introducing legislation to eliminate or modify statutory reporting requirements that have outlived their usefulness.

In fiscal year 1993, Congress required executive branch agencies to prepare over 5,000 reports. Senator LEVIN and I have worked in the past to improve the efficiency of agency operations by eliminating or modifying reports to Congress which are redundant or otherwise unnecessary. In 1985, the Senate passed legislation recommending the elimination or modification of 127 reports which the Congressional Budget Office [CBO] estimated would result in savings of $5 million annually reflected either in reduced spending or in a reallocation of resources to other activities. Unfortunately, however, many of these recommendations were stripped from the bill when it was considered by the House of Representatives and, as a result, the bill that became law did not result in the budgetary savings that we had hoped for.

The legislation we are introducing today follows on the work we did in 1985 and is consistent with efforts by the administration and the Congress to reinvent Government and make it more efficient. The administration's National Performance Review [NPR] proposed reducing the burden of congressionally mandated reports by consolidating and simplifying reporting requirements. Legislation to implement several of the NPR recommendations, H.R. 3400, the Government Reform and Savings Act, was considered by the Governmental Affairs Committee in March. The bill contains a provision to allow the Director of OMB to "publish annually in the President's Budget his recommendations for consolidation, elimination, or adjustments in frequency and due dates of statutorily required periodic reports to the Congress or its committees." Our bill contains nearly 300 recommendations to eliminate or modify congressionally-mandated reporting requirements that are no longer useful. While the bill has not yet been scored by the Congressional Budget Office [CBO], it is expected to free up money and staff time that is currently being used to produce unnecessary reports and allow these funds to be used for other programs.

Our legislation is the product of nearly a year's worth of discussions with executive branch agencies and congressional committees. Last year, Senator LEVIN and I, in our capacities as Chairman and Ranking Minority Member of the Governmental Affairs Subcommittee on Oversight of Government Management, wrote to all the executive branch and independent agencies and asked that they identify reports that are no longer necessary or useful.

Mr. President, we are very well aware that not everyone in the Senate would agree with the agencies' assessment of which reports are necessary and which are not. Therefore, we also sent letters to the congressional committees seeking their input on the agency recommendations within their jurisdictions. We have also sought recommendations from the committees for additional eliminations or modifications that were not identified by the agencies.

We plan to distribute copies of the bill to the committees, highlighting the reports recommended for repeal or modification which are under their specific jurisdictions, and solicit additional comments. Although we will remain open to recommendations to retain certain reports, it is my hope that my colleagues will not automatically request the retention of reports but will determine whether or not they are truly needed.

Some Members of Congress and the administration support sunsetting congressionally-mandated reports. Legislation has been introduced in the Senate to sunset all congressionally-mandated reports, except those related to financial accountability, within 5 years. The administration's NPR recommendations also include support for some form of sunsetting provision in reporting requirements adopted by Congress in the future. Certainly, we want to eliminate as many unnecessary reports as possible but there are a number of the 5,000 reports that are required under current law that provide Congress and the public with valuable and useful information. I have concerns about proposals to broadly sunset the majority of congressionally-mandated reports. Such action would require Congress to periodically reauthorize reports it finds useful. This action could, therefore, result in a flood of new reauthorizing legislation and additional paperwork burdens on Federal agencies at a time when we are trying to reduce the Government's paperwork burden. In an effort to address the sunsetting issue, Senator LEVIN and I have asked committees to determine which reporting requirements could be sunsetted in addition to any recommendations for repeal or modification. I look forward to working with supporters of some sunsetting provision to achieve an appropriate balance on this issue.

In closing, I believe the legislation that Senator LEVIN and I are introducing today is a reasonable approach to eliminating unnecessary reporting requirements. It is intended to reduce the paperwork burdens placed on Federal agencies and streamline the information that flows from these agencies to the Congress. I look forward to working with other committees to eliminate as many unnecessary reports as possible and urge my colleagues to support this legislation.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 2158. A bill to require the Secretary of the Treasury to design and issue new counterfeit-resistant $100 currency; to the Committee on Banking, Housing, and Urban Affairs.

THE COUNTERFEITING AND MONEY LAUNDERING DETERRENCE ACT OF 1994

Mr. LEAHY. I rise today to introduce the Counterfeiting and Money Laundering Deterrence Act of 1994.

The purposes of this legislation are twofold: First, it will bring our $100 currency up to date with the rest of the world and stop letting counterfeiters have a free meal ticket. Second, it will put the squeeze on drug traffickers who have to launder vast sums of money to operate—making their costs of doing business significantly higher and hopefully turning piles of their money into worthless paper.

COUNTERFEITING DETERRENCE

The currency of this country faces a serious challenge from new technologies that enable counterfeiters to turn out excellent reproductions. According to the Secret Service, overseas counterfeiting of U.S. currency has increased dramatically. For example, from 1992 to 1993, it increased 300 percent. Just 2 weeks ago, the Secret Service made the largest seizure of counterfeit instruments in its history: 4.1 billion dollars' worth of fake Japanese government bonds.

Other analysts believe the threat to the U.S. currency is urgent. News reports say that intelligence experts in the United States and Israel are aware of a highly skilled group of counterfeiters operating out of Lebanon's Bekaa Valley. These counterfeiters, controlled by Syria and Iran, have turned out as much as $1 billion of extremely high-quality reproductions of the U.S. $100 bill.

We must be very concerned with what nations like Iran or Syria can do with $1 billion in bogus U.S. currency so convincing that it can be passed onto the international market. Would these poor countries use this money to purchase sophisticated weaponry that challenges the security of the region or of this country? Would they use this currency in an effort to destabilize U.S. currency? Would they use it to fund smaller-scale but still serious terrorist activities throughout the world? No one knows.

The opening of the Russian Republics and the Eastern bloc has also resulted in increased counterfeiting activity. Because the situation is changing in this part of the world so fast, it is difficult to determine the amount of counterfeiting that occurs there. According to the chief of the Russian Interior Ministry's department of economic crimes, the amount of counterfeit U.S. currency confiscated by Russian authorities increased 10 times from 1992 to 1993. With organized crime increasingly taking hold in the republics, counterfeiting has become a national cottage industry according to Moscow News reports. Because of mounting inflation of the ruble, foreign currency such as the U.S. $100 bill has a special place in that country's economic system, making it particularly attractive to counterfeiting.

What makes this situation all the more pressing is that the U.S. currency is among the most easy to counterfeit in the world. Although recently updated with a deterrent polyester strip, our bills do not use the watermarks or sophisticated dying and engraving techniques that other countries employ to make it difficult to reproduce their bills convincingly. Nor do we change the appearance of our currency from time-to-time to discourage counterfeiters as other countries do.

To address this threat, this legislation requires the Secretary of the Treasury to design a new $100 bill that incorporates some of the counterfeit-resistant features that other countries have adopted. The Treasury Department has already done substantial design work on a new $100 bill, and it is the intention of this legislation to permit the Secretary to draw on that work in meeting the requirements of the Act.

MONEY LAUNDERING DETERRENCE

But aside from bringing our currency into modern times to address state-of-the-art counterfeiting technology, this legislation is designed to put a full court press on money laundering. We need to realize that the international drug industry is a multi-billion dollar, highly-sophisticated enterprise. An essential component of that business is the ability efficiently to convert U.S. hard currency to transferable bank deposits without invoking currency transaction reporting requirements. We are considering crime legislation which addresses violent and drug crime on many fronts. But if we are really going to stop international drug trafficking, we need to focus more on stopping the ease with which the cartels move their money internationally to finance this mega-businesses.

My bill strikes two blows against money launderers. First, The bill requires all existing $100 denomination U.S. currency to be exchanged within a 6-month period. This would make drug traffickers who hoard vast amounts of hard currency hard-pressed to convert their existing cash into the new money. If they cannot convert the money within the specified time frame, their funds become worthless under the bill. Even if drug organizations could somehow convert their money within the exchange period, the likelihood of their being traced by currency transaction reporting increases substantially, as does the cost of laundering their ill-gotten gains. Of course, there is an exception for hardship cases in the bill where money has not been derived from unlawful activity.

Second, the bill establishes two new versions of the $100 bill: One for use at home and one for use abroad. The only business that relies on exporting large amounts of hard currency is drug trafficking. This provision would make money smuggled out of the United States worthless, turning the tables on drug traffickers who covertly move money from the streets of this country to foreign banks who launder it without reporting illicit transactions to the Treasury.

A U.S. citizen traveling abroad who wished to bring $100 currency with him would hardly be inconvenienced by this measure: A quick stop at a U.S. bank to convert their greenbacks into different-colored foreign-use bills would be all that is necesasary—just like purchasing travelers' checks. The only ones inconvenienced would be drug traffickers who would hate to exchange their greenbacks for foreign use currency at a U.S. bank because of currency transaction reporting requirements.

To the extent drug traffickers cannot exchange their $100 bills within the timeframe and they become worthless, this is a debt against the U.S. Treasury that can be written off to finance the costs of this legislation, and further, to pay off other obligations of the U.S. Treasury.

LET'S BEGIN A DISCUSSION ON THESE ISSUES

I know there will be opposition from some quarters to this proposal. The Federal Reserve likes the current situation and believes the good-old, easily-copied $100 bill provides welcome stability to the international monetary system. The banks feel burdened by the currency transaction reporting requirements. Adding new counterfeit-resistant features to bills is not costless. The Drug Enforcement Administration believes we should go further and establish domestic and foreign use versions of all our currency.

But let us begin a serious discussion and debate on the steps we should take to address hi-tech counterfeiting and money laundering. If this proposal is not the best way to go, then let's work to fashion a measure that will take strong steps against these threats. I am not comfortable with the current situation: We face the threat of potentially billions of passable counterfeit U.S. dollars going into the hands of terrorists. We must do more to cripple the big business of drug trafficking. Continuing to put our collective heads in the sand will not suffice. So I encourage my colleagues and the relevant agencies and others with expertise in these areas to get together and take the strong steps necessary to address these important issues.

By Mr. SMITH:

S.J. Res. 196. A joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

NATIONAL POW/MIA RECOGNITION DAY

• Mr. SMITH. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 196

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in the Joint Resolution entitled "Joint Resolution designating September 21, 1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of the Americans whom are still missing in action and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 16, 1994, is designated "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed, as a symbol of the concern and commitment of the United States to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for and to ending the uncertainty for their families and the Nation—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1994 (Memorial Day), September 16, 1994 (National POW/MIA Recognition Day), and November 11, 1994 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 16, 1994.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House;

(2) the Capitol Building; and

(3) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of the Joint Resolution entitled "Joint Resolution designating September 21, 1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990 (36 U.S.C. 189).●

ADDITIONAL COSPONSORS

S. 916

At the request of Mr. CRAIG, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 1412

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1412, a bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty, produce or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas.

S. 1464

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1464, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes.

S. 1521

At the request of Mr. GORTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

S. 1573

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1573, a bill to provide equal leave benefits for adoptive parents.

S. 1719

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. CRAIG], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1719, a bill to amend title XI of the Social Security Act to delay the penalty for failure of employers to file certain reports with respect to the Medicare and Medicaid Coverage Data Bank.

S. 1735

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1735, a bill to establish a Privacy Protection Commission, and for other purposes.

S. 1757

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 1757, a bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1863

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1863, a bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes.

S. 1942

At the request of Mr. EXON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1942, a bill to authorize appropriations for the local rail freight assistance program.

S. 2029

At the request of Mr. BREAUX, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2047

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2047, a bill to amend title 38, United States Code, to provide that receipt of additional disability compensation for dependents not depend upon the waiver of receipt of an equal amount of retired or retirement pay.

S. 2048

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2048, a bill to amend title 38, United States Code, to provide that the reduction by waiver of retired pay due to receipt of compensation or pension not apply to retired pay attributable to pay for extraordinary heroism.

S. 2085

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2085, a bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such act, and for other purposes.

S. 2098

At the request of Mr. GRAMM, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2098, a bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement.

S. 2109

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2109, a bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans, and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. FEINSTEIN], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. GRAHAM], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mr. DOLE], the Senator from Tennessee [Mr. SASSER], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. PELL, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Missouri [Mr. BOND], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. HATCH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 185, a joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Delaware [Mr. ROTH], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. MATHEWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 70—RELATING TO THE RECESS OR ADJOURNMENT OF THE SENATE

Mr. LEVIN (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, June 7, 1994, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 26, 1994, it stand adjourned until 12:00 noon on Wednesday, June 8, 1994, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 216—RELATIVE TO BREAST AND CERVICAL CANCER SCREENING

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. LUGAR, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 216

Whereas mammography is the most reliable method of detecting the early onset of breast cancer in women;

Whereas Pap smears are the most reliable method of detecting the onset of cervical and uterine cancers in women;

Whereas 180,000 women are diagnosed with breast cancer each year and 46,000 die from the disease;

Whereas 45,500 women are diagnosed with cervical and uterine cancers each year and 10,000 die from these diseases;

Whereas the American College of Obstetrics and Gynecology recommend that women have annual pelvic exams and Pap smears beginning at the age of 18 or when a woman becomes sexually active; and

Whereas the American College of Obstetrics and Gynecology, the American Cancer Society, the American Medical Association, and the American Medical Womens' Association recommend that women between the ages of 40 and 50 have mammograms every 1 to 2 years: Now, therefore, be it

Resolved, That it is the sense of the Senate that any comprehensive health care reform measures passed by the Senate contain provisions that maintain that early detection and preventative screening for breast and cervical cancers not be artificially limited by Federal mandates, but be provided in a manner consistent with sound scientific research, allowing for physician discretion.

• Mr. MURKOWSKI. Mr. President, today, I submit a sense-of-the-Senate resolution supporting the ability of women to receive, and physicians to provide appropriate breast and cervical cancer screening under health care reform.

Every year, 45,500 women are diagnosed with cervical and uterine cancers and 10,000 die from these diseases. Breast cancer afflicts even greater numbers of women. Each year, 183,000 women are diagnosed with breast cancer and 46,000 die from it. One in eight women will develop breast cancer in her lifetime—it is the leading cause of death of women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to these diseases. Breast cancer is the No. 1 cause of death in Alaskan women, while cancer ranked as the second leading cause of death in Alaskan men and second for both sexes nationally. In 1986 and 1987, Alaska was ranked 23d among all States in breast cancer mortality and, when analyzed by race, Alaska tied with New York for the second highest state rate of breast cancer mortality in caucasian women. While cervical cancer deaths have declined overall in the past 40 years, during the decade 1980 to 1989, the rate of cervical cancer for Native Alaskan women was four times greater than the non-Native rate. This increase rate in Native Alaskan women is suspected to be due to increased rates of undetected and untreated sexually transmitted diseases.

The American College of Obstetrics and Gynecology, the American Cancer Society, and other notable physician and scientific organizations recommend annual Pap smears and pelvic exams for women 18 years of age and over, or when they become sexually active. Pap smears are inexpensive tests, particularly when compared with other cancer screening measures. When there are many cancers that physicians are not capable of detecting except through the most expensive tests, it seems appropriate that Congress would support, not limit, preventative screening measures, like Pap smears, that provide the most effective means of early detection.

I, and many of my colleagues, recently became concerned with the National Cancer Institute's change in position regarding mammography screening for women between the ages of 40 and 49. The NCI no longer recommends that baseline mammography occur at 40, instead they believe age 50 is adequate. Yet, just last week, a study conducted at Case Western Reserve University found that younger breast cancer victims tend to have more aggressive and deadly forms of cancer. Those under the age of 45 were determined to have more rapid recurrences of the disease and shorter survival time. While there is some controversy surrounding age appropriate screening, what is not disputed is that mammograms are the only method available to detect breast cancer at the earliest stages when it is most curable and that mammography has been proven to reduce mortality for women with breast cancer.

These issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. For years, Democrats and Republicans have supported increased funding for research, education and preventative screening services for breast and cervical cancers. My wife Nancy was the founding director of the Breast Cancer Detection Center in Fairbanks, AK, back in 1974, and she and I continue to support this centers mission to provide free mammograms to low income and underserved women in the Interior of Alaska. Our commitment to maintaining these services and expanding them to more remote areas of our state remains strong.

As Congress pursues reforms of the health care system, it is of the utmost importance that we ensure appropriate screening for breast and cervical cancers is available to women when they want them or when their doctor determines they may need them. The purpose of this resolution is not to mandate one service at the expense of another, but to express the sense of the Senate that it is not the role of the Federal Government to place artificial limitations on these services, particularly when physicians and scientific organizations do not concur with these limitations. This resolution simply states that any comprehensive health care reform measures passed by the Senate not establish artificial limits on early detection and preventive screening for breast and cervical cancers. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for physician discretion.•

SENATE RESOLUTION 217—RELATING TO WHITEWATER DEVELOPMENT CORPORATION

Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 217

Resolved,

ESTABLISHMENT OF THE SPECIAL SUBCOMMITTEE

SECTION 1. (a) There is established a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to be known as the Special Subcommittee on Certain Allegations Concerning Whitewater Development Corporation, Madison Guaranty Savings and Loan Association,.and Capital Management Services, Inc., and Related Issues (hereafter in this resolution referred to as the "special subcommittee").

(b) The purpose of the special subcommittee is—

(1) to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about—

(A) the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions;

(B) the relationship among Madison Guaranty Savings and Loan Association, other federally insured institutions, and Whitewater Development Corporation;

(C) the management and business activities of Whitewater Development Corporation and its shareholders, including issues of personal, corporate, and partnership tax liability;

(D) the policies of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls;

(E) the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency;

(F) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association;

(G) the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(H) the pursuit by the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of administrative and civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(I) the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association;

(J) the delayed recusal of the United States Attorney for the Eastern District of Arkansas from the investigation or prosecution of David Hale, Capital Management Services, Inc., and Whitewater Development Corporation;

(K) the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation;

(L) the Park Police investigation into the death of White House Deputy counsel Vincent Foster;

(M) the operations and underwriting activities of the Arkansas Development Finance Authority;

(N) the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton;

(O) the investment activities of Value Partners I, including the compliance of these activities with Federal laws governing conflicts of interest;

(P) any other issues related to the matters referred to in subparagraphs (A) through (O); and

(Q) any issues developed during, or arising out of, the hearings conducted by the special subcommittee; and

(2)(A) to make such findings of fact as are warranted and appropriate;

(B) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special subcommittee may determine to be necessary or desirable; and

(C) to fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

(c) For purposes of this section, the term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MEMBERSHIP AND ORGANIZATION OF THE SPECIAL SUBCOMMITTEE

SEC. 2. (a)(1) The special subcommittee shall consist of—

(A) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the chairman;

(B) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the ranking member;

(C) 3 members of the Senate appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(D) 3 members of the Senate appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) Vacancies in the membership of the special subcommittee shall not affect the authority of the remaining members to execute the functions of the special subcommittee and shall be filled in the same manner as original appointments to it are made.

(3) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the special subcommittee shall not be taken into account.

(b)(1) The chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs shall be cochairmen of the special subcommittee.

(2) A majority of the members of the special subcommittee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that a quorum shall not be necessary for the purpose of taking testimony before the special subcommittee or for conducting the other business of the special subcommittee.

(c)(1) The special subcommittee shall promptly adopt appropriate rules and procedures consistent with this resolution.

(2) The rules and procedures of the special subcommittee shall—

(A) govern the proceedings of the special subcommittee; and

(B) consistent with section 6 of this resolution—

(i) provide for the security of the records of the special subcommittee; and

(ii) prevent the unauthorized disclosure of information and materials obtained by the special subcommittee in the course of its investigation and study.

STAFF OF THE SPECIAL SUBCOMMITTEE

SEC. 3. (a)(1) Committee staff from committees having jurisdiction over matters described in section 1(b) shall be detailed to the special subcommittee, subject to availability, as requested by the cochairmen.

(2) In addition to staff detailed pursuant to paragraph (1) and to assist the special subcommittee in its investigation and study, the cochairmen, after approval of the special subcommittee, may appoint special subcommittee staff.

(3) All staff detailed pursuant to paragraph (1) or appointed pursuant to paragraph (2) shall work for the special subcommittee as a whole, shall report to the two cochairmen and, except as otherwise provided by the special subcommittee, shall be under the direction of the cochairmen.

(b) To assist the special subcommittee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special subcommittee.

(c) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the special subcommittee to serve as their liaison to the special subcommittee.

(d) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the special subcommittee.

PUBLIC ACTIVITIES OF THE SPECIAL SUBCOMMITTEE

SEC. 4. (a) Consistent with the rights of persons subject to investigation and inquiry, the special subcommittee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the special subcommittee—

(1) shall hold, as either cochairman considers appropriate, open hearings on specific subjects, subject to consultation and coordination within the independent counsel appointed pursuant to chapter 28, part 600, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains a description of all relevant factual determinations consistent with subsection (a) of this section and section 1(b)(2) and which contains recommendations for new legislation, if necessary.

POWERS OF THE SPECIAL SUBCOMMITTEE

SEC. 5. (a) The special subcommittee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section 1.

(b) The special subcommittee is authorized to issue subpoenas for obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the special subcommittee, acting through either cochairman or any other member designated by either cochairman, and may be served by any person designated by either cochairman or other member anywhere within or without the borders of the United States to the full extent permitted by law. Either cochairman of the special subcommittee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the subcommittee.

(c) The special subcommittee is authorized to do the following:

(1) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special subcommittee considers necessary or appropriate.

(2) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(3) To hold hearings, take testimony under oath, and to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(4) To request a grant of immunity under section 6005 of title 18, United States Code, after consultation with the independent counsel.

(5) To require by subpoena or order the attendance, as witnesses before the special subcommittee or at depositions, of any person either cochairman determines may have knowledge or information concerning any of the matters the special subcommittee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States, to issue orders by either cochairman or any other member designated by either cochairman which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special subcommittee, acting through either cochairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the special subcommittee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such subcommittee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the special subcommittee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such subcommittee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the subcommittee, or at a deposition, or at any time or place designated by the subcommittee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(12) To use, with the prior consent of the chairman or ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such other Senate committee whenever the special subcommittee or either cochairman consider that such action is necessary or appropriate to enable the special subcommittee to make the investigation and study provided for in this resolution.

(13) To have access through the agency of any members of the special subcommittee, staff director, chief counsel, or any of its investigatory assistants designated by either cochairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the special subcommittee is authorized to investigate or study;

(B) which is in the possession, custody, or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the special subcommittee to prepare for or conduct the investigation and study authorized and directed by this resolution.

(14) To report violations of any law to the appropriate Federal, State, or local authorities.

(15) To expend, to the extent the special subcommittee determines necessary and appropriate, any money made available to such subcommittee by the Senate to make the investigation, study, and reports authorized by this resolution.

(16) Under sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, to inspect and receive for the fiscal years 1977–1992 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to individuals and entities named by the special subcommittee as possible participants, beneficiaries, or intermediaries in the transactions under investigation.

(d) The level of compensation payable to any employee of the special subcommittee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate. No employee of the special subcommittee may receive pay at a rate of pay in excess of the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

PROTECTION OF CONFIDENTIAL INFORMATION

SEC. 6. (a) All staff members and consultants shall, as a condition of employment, agree in writing to abide by the conditions of an appropriate nondisclosure agreement promulgated by the special subcommittee.

(b) The case of any Senator who violates the security procedures of the special subcommittee may be referred to the Select Committee on Ethics of the Senate for the imposition of sanctions in accordance with the rules of the Senate. Any staff member or consultant who violates the security procedures of the special subcommittee shall immediately be subject to removal from office or employment with the special subcommittee or shall be subject to such other sanction as may be provided in the rules of the special subcommittee.

(c) Upon the termination of the special subcommittee pursuant to section 9 of this resolution, all records, files, documents, and other materials in the possession, custody, or control of the special subcommittee, under appropriate conditions established by such subcommittee, shall be transferred to the National Archives.

RELATION TO OTHER INVESTIGATIONS

SEC. 7. (a) In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such investigation,

the special subcommittee is encouraged—

(A) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(B) to seek the full cooperation of all relevant investigatory bodies; and

(C) to seek access to all information which is acquired and developed by such bodies.

(b) The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the special subcommittee.

(c) The Senate requests that the independent counsel make available to the special subcommittee, as expeditiously as possible, all documents and information which may assist the special subcommittee in its investigation and study.

SALARIES AND EXPENSES

SEC. 8. Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special subcommittee under this resolution, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(c)(9). Payment of expenses shall be disbursed upon vouchers approved by either cochairman of the special subcommittee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

REPORTS; TERMINATION

SEC. 9. (a)(1) The special subcommittee shall make a final public report to the Senate of the results of the investigation and study conducted by such subcommittee pursuant to this resolution, together with its findings and any recommendations at the earliest practicable date.

(2) The final report of the special subcommittee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(b) After submission of its final report, the special subcommittee shall conclude its business and close out its affairs as expeditiously as practicable.

SUBCOMMITTEE JURISDICTION AND RULE XXV

SEC. 10. The jurisdiction of the special subcommittee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

Mr. D'AMATO. Mr. President, on behalf of myself and Senators DOLE, WALLOP, MURKOWSKI, GRAMM of Texas, MACK, BOND, FAIRCLOTH, BENNETT, DOMENICI, ROTH, NICKLES, SIMPSON, LOTT, MCCAIN, STEVENS, HUTCHISON, KEMPTHORNE, SMITH, HATCH, CRAIG, HELMS, COVERDELL, PRESSLER, THURMOND, MCCONNELL, and COCHRAN, I send a resolution to the desk, and I ask for its appropriate referral.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. D'AMATO. Mr. President, on March 17, more than 2 months ago, the Senate unanimously voted to hold congressional oversight hearings on the Whitewater affair. Every single Member of this body who was present on March 17—98 Senators—voted in favor of holding Whitewater hearings.

Ninety-eight Senators voted to uphold the Senate's constitutional obligation to conduct oversight hearings concerning White House efforts to interfere with ongoing Government investigations into the failure of Madison Guaranty Savings and Loan Association in Little Rock, AR.

Ninety-eight Senators voted to investigate whether there was a diversion of taxpayer funds from a federally backed small business investment company and a federally insured savings and loan to the Whitewater Development Co.

Ninety-eight Senators voted to support the American people's right to find out the truth about the President and Mrs. Clinton's investments in the Whitewater Development Co.

Ninety-eight Senators also authorized the majority leader and the Republican leader to meet in order to determine the timetable, the procedures, and the forum for Congressional oversight hearings. Despite the efforts of the two leaders, there is still no agreement on when or where the hearings will be held and, in fact, if they ever will be held.

Mr. President, in light of the unanimous vote by the Senate to hold hearings, I am confident that the Senate can also reach agreement on when and where Whitewater hearings should be held. That is why I have introduced a resolution that establishes a special subcommittee of the Senate Banking Committee to investigate and hold hearings on all Whitewater-related issues.

Under the resolution, the special subcommittee would be authorized to investigate and hold hearings on matters involving:

Improper contacts between the White House and Government agencies investigating the failure of Madison Guaranty Savings and Loan;

The financial collapse of Madison Guaranty Savings and Loan Association and the diversion of federally insured funds from Madison to the Whitewater Development Corp.;

The diversion of federally backed funds from Capital Management Services, Inc. to the Whitewater Development Corp.;

Conflicts of interest involving the Rose Law Firm's representation of the Federal Government in actions to recover money lost by insolvent savings and loans; the circumstances surrounding Mrs. Clinton's commodities-futures trading activities;

The Park Police investigation into the death of White House Deputy Counsel Vincent Foster; and

The operations and underwriting practices of the Arkansas Development and Finance Authority.

To ensure that the investigation is thorough, balanced, and nonpartisan, the membership of the special subcommittee would be evenly divided between Democrats and Republicans. Ten members of the subcommittee would be chosen from among the current members of the full Banking Committee. In addition, the majority leader and the Republican leader would each be permitted to select three additional members from other committees, to serve on this special subcommittee. The chairman and ranking member of the Banking Committee will serve as cochairmen of the special subcommittee. Both co-chairman can schedule hearings, issue subpoenas, or authorize sworn depositions of witnesses in accordance with rules adopted by the subcommittee governing the investigation and hearings.

Banking Committee staff will be used by the special subcommittee, and staff from other committees may be detailed to the special committee, with the approval of the appropriate chairmen and ranking members. Further, the special subcommittee may hire additional staff if necessary.

The special subcommittee is encouraged to coordinate, to the extent practicable, its activities with the independent counsel and to seek the full cooperation of others conducting investigations. To ensure efficiency and to eliminate duplication of effort, the special subcommittee will have access to information gathered in connection with other investigations.

The special subcommittee is to issue a final report of its findings and recommendations at the conclusion of the hearings.

Mr. President, virtually every Member of the Senate agreed more than 2 months ago that Whitewater hearings should be conducted. It is now time to agree on the forum and timing of those hearings.

Mr. President, there have been those who have been critical of the efforts to bring forth these hearings. They have suggested that somehow we would impede the operation of Government. They have suggested that by our request, somehow we would divert attention from the problems that this Nation faces. That is not this Senator's intent or the intent of the sponsors of this resolution. But it is our intent not to fall victim to that kind of cry that, for all time, would preclude the Congress from exercising our proper constitutional oversight responsibility. Any President, any administration, now or in the future, could preclude any hearings, regardless of the merit and validity of those hearings, by simply using that specious argument—that we have very important matters, both international and national, to deal with. It is a fallacious argument that should be set aside.

We want a nonpartisan investigation to determine whether or not there has been abuse of power. That it is our constitutional responsibility.

Mr. President, no one can say that we have not provided an ample opportunity to work out a format for these hearings. In the light of circumstances, we have been very, very restrained in not coming to this floor. We have not impeded the business of the people.

Some people have asked, "Well, Senator, have you abandoned your request or the request of the Congress to move forward with Whitewater hearings?" No, we have not. We have attempted to be more than fair. We have attempted to see to it that there was sufficient time and opportunity to work out an agreement between the leadership on the proper structure and timing of hearings. At this point in time, this Senator says—and I believe a majority of my colleagues feel—that we have been more than patient. Accordingly, when we return, if we do not have an agreement that is fair, that is bipartisan, then this Senator and others will be prepared to offer the resolution which I have outlined on every single bill that comes forward, at every single opportunity. We will debate this and debate it, and seek votes on it and seek votes on it, until we have Whitewater hearings.

Mr. President, this is our constitutional obligation and responsibility. As the majority leader wrote, along with Senator COHEN, from Maine: The Congress has a responsibility to drag the facts into the light of day as it relates to activities of the Administration that may have been improper. I am paraphrasing from their book called "Men of Zeal." But the fact is that it is our responsibility. The fact is that it demonstrates the strength of a democracy that it can deal with some of the shortcomings that may exist or may have taken place in the Administration. We have learned from it. We go on and we are better for it.

That is the strength of this great democracy of ours, and that is our responsibility, whether there be a Republican in the White House or a Democrat; whether this be a Democratic Congress or a Republican Congress. To those in the media who seek to characterize my efforts as they do, I say: That is your right. But I will continue, because I know that this is my obligation.

SENATE RESOLUTION 218—RELATING TO THE WAR IN NAGORNO-KARABAKH

Mr. SIMON (for himself and Mr. REID) submitted a resolution; which was referred to the Committee on Foreign Relations:

S. RES. 218

Whereas, the ongoing war between Nagorno-Karabakh Armenians, supported in part by Armenia, and Azerbaijanis has caused untold suffering on all sides, including economic deprivations, military and civilian casualties, and substantial movements of refugees;

Whereas, this prolonged conflict is undermining the ability of both Armenia and Azerbaijan to establish their identities as fully sovereign and independent members of the international community, which the United States supports;

Whereas, the Minsk Group of the Conference on Security and Cooperation in Europe, under the chairmanship of Jan Eliasson of Sweden and with the participation of U.S., Armenian, Nagorno-Karabakh Armenian, and Azerbaijani representatives, succeeded in creating a package of confidence-building measures including delivery of humanitarian supplies and access to or the release of prisoners of war;

Whereas, the Government of Azerbaijan has indicated a willingness to resume normal economic relations with Armenia and to negotiate a status for Nagorno-Karabakh based on substantial autonomy, a willingness that should be explored;

Whereas, the Government of Armenia and, to a lesser extent, the leadership of Nagorno-Karabakh have demonstrated their willingness to resolve the conflict on mutually agreeable terms;

Whereas, Section 907 of P.L. 102–511 ("Freedom Support Act of 1992") prohibits the provision of U.S. assistance to the Government of Azerbaijan until the President determines that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh;

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The President should direct that halting the war between Nagorno-Karabakh Armenians and Armenians on one side, and Azerbaijanis on the other, should be a high priority of United States foreign policy;

(2) The President, acting through the Secretary of State, should immediately launch a new high-level diplomatic initiative to stop the war, based on the Minsk process, including representatives of Russia and other parties to the conflict, and making clear that:

(a) The United States calls on the parties to adopt and implement substantial confidence-building measures including the lifting of barriers to shipment of humanitarian supplies, and take immediate concrete steps to lift economic blockades and resume normal economic relations;

(b) The United States calls on the parties immediately to discontinue all offensive military operations on territory which both Armenia and Azerbaijan acknowledge to be the territory of the other state, and to withdraw their forces from such territory and show full respect for the sovereignty and integrity of territory which is not disputed;

(c) The United Nations should be enlisted to send observers to the region—including U.S. observers—to monitor the implementation of an effective cease-fire agreed by all the parties;

(d) The United States can only support a settlement of the conflict which is accepted by all the parties with the backing of the Conference on Security and Cooperation in Europe;

(e) The United States will use all its influence to oppose any further sale, provision, or transfer, by any country, of weapons and war material to Armenia, to the Nagorno-Karabakh Armenians, or to Azerbaijan which could be used for purposes of prolonging the war, and

(f) The United States is prepared to launch a Trans-Caucasus Enterprise Fund, to include Armenia, Azerbaijan, and Georgia, as an incentive for the lifting of blockades and implementation of an effective cease-fire, which will promote regional peace and economic prosperity;

(3) The Senate welcomes the administration's efforts to provide kerosene, seed wheat, and other urgently-needed humanitarian supplies to Armenia, as well as technical assistance for the transformation to the market economy;

(4) The Senate welcomes steps taken by the administration to extend U.S. assistance to Azerbaijan through the vehicle of non-governmental organizations;

(5) Section 907 of the Freedom Support Act (P.L. 102–511) was not intended as an anti-Azeri initiative, is not so viewed today, and it should be repealed as soon as Azerbaijani blockades are lifted.

AMENDMENTS SUBMITTED

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS ACT

INOUYE AMENDMENT NO. 1745

Mr. MITCHELL (for Mr. INOUYE) proposed an amendment to the bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes; as follows:

In section 2(5), strike "(25 U.S.C. et seq.;" and insert "(25 U.S.C. 461 et seq.;".

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1994

KERRY AMENDMENT NO. 1746

Mr. MITCHELL (for Mr. KERREY) proposed an amendment to the bill (S. 1406) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) Distinctness.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) Publicly known varieties.—

"(A) In general.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) Description.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) Other means.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) In General.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) Multiple Applicants.—

"(1) In general.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) Requirements completed on same date.—

"(A) In general.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) Varieties indistinguishable.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority ; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: *Provided, however*, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) Priority Contest; Effect of Adverse Final Judgment or Inaction.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) Interfering Plant Variety Protection.—

(1) Redesignation.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) Amendments.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) Appeal or Civil Action in Contested Cases.—

(1) Transfer.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) Repeal.—Section 73 (as amended by paragraph (1)) is repealed.

(d) Conforming Amendments.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. PROMPT PAYMENT.

Chapter 9 of title II (7 U.S.C. 2501 et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SEC. 93. PROMPT PAYMENT.

"If a seed grower contracts with the holder of a certificate of plant variety protection issued under this Act, or a licensee of the holder, to produce lawn, turf, or forage grass seed, alfalfa, or clover seed, protected under this Act, payments due the grower under the contract shall be completed not later than the earlier of—

"(1) 30 days after the contract payment date; or

"(2) May 1 of the year following the production of the seed.".

SEC. 10. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 11. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided*, That" and all that follows through the period and inserting "section.".

SEC. 12. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 13. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, alfalfa, or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 14. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(3) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears " and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest)" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 15. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

VETERANS' HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

ROCKEFELLER (AND MURKOWSKI) AMENDMENT NO. 1747

Mr. MITCHELL (for Mr. ROCKEFELLER for himself and Mr. MURKOWSKI) proposed an amendment to the bill (S. 1030) to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans as follows:

On page 10, strike out "1993" and insert in lieu thereof "1994".

On page 21, strike out line 11 and all that follows through page 21, line 20, and insert in lieu thereof the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

On page 30, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'June 30, 1994'".

On page 30, strike out line 9 and all that follows through page 33, line 7, and insert in lieu thereof the following:

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

On page 52, between lines 11 and 12, insert the following:

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

On page 60, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'December 31, 1994'".

On page 60, line 12, strike out "'March 31, 1994'" and insert in lieu thereof "'December 31, 1994'".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, this is to notify my colleagues and the public of a change in the Subcommittee on Water and Power hearings scheduled for June 8 and June 9, 1994, to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

On June 8, the hearing will commence at 2:30 p.m. and end at 5:30 p.m. On June 9, the hearing will commence at 9:30 a.m. and extend through most of the afternoon.

For further information, please contact Dana Sebren Cooper, Counsel for the Subcommittee at (202) 224–4531 or Leslie Palmer at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the scientific community on the scientific and technological basis for radon policy. Indoor radon is receiving some attention in this session of Congress, and bills are pending in the House and Senate that would substantially increase the amount and scope of government regulation related to radon. Research supported by programs under the jurisdiction of the Committee on Energy and Natural Resources can provide important insights into the feasibility and desirability of some of these proposed changes.

The hearing will take place on Thursday, June 23, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Dr. Robert M. Simon.

For further information, please contact Dr. Robert M. Simon of the committee staff at 202/224–7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 25, from 10 a.m. to 5 p.m. in SD–106 to conduct a hearing on the U.S. chemical and biological warfare-related dual use exports to Iraq and the possible impact on the health consequences of the Persian Gulf war.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 25, 1994, at 10:30 a.m. on S. 1822 and education and telecommunication infrastructure.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, at 2 p.m. to hold a hearing on "health care fraud".

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, May 25, 1994.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, to hold a hearing on the nominations of Diana G. Motz of Baltimore, MD, to be U.S. circuit judge for the fourth circuit, Robert Henry Parker of Tyler, TX, to be U.S. circuit judge for the fifth circuit, Paul L. Friedman of Washington, DC, to be U.S. States district judge for the District of Columbia, William F. Downes of Casper, WY, to be U.S. district judge for the district of Wyoming, Denis Page Hood of Detroit, MI, to be U.S. district judge for the eastern district of Michigan, Richard A. Paez of Los Angeles, CA, to be U.S. district judge for the central district of California and Richard M. Urbina of Washington, DC, to be U.S. district judge for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 25, 1994 at 8 a.m., recessing at 12 noon, and reconvening in the afternoon, for an Executive Session to consider The Health Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, immediately following the first floor vote, to hold a business meeting to vote on pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, to hold a hearing on international organized crime and its impact on the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CUBAN INDEPENDENCE DAY

• Mr. LAUTENBERG. Mr. President, I rise today to commemorate May 20, Cuban Independence Day.

Ninety-two years ago, the Cuban Republic was born. It emerged after many years of struggle when United States forces withdrew from Cuba and turned over the government to the first elected President of Cuba.

Cuban independence was a long time in coming. It was the last country in Latin America to win its independence from the Spanish empire. Throughout much of the 19th century Cubans wanted to join their independent Latin American neighbors, Mexico to the north and Argentina to the south. In fact, the first Cuban War of Independence began in 1868, but it would take 34 years before Cubans would finally secure their independence from Spain.

The Cuban people's struggle continues today, as they strive to end years of oppression under the totalitarian Castro regime. In the Senate, I have long supported American efforts to promote democracy, human rights, and eventually prosperity in a country just 90 miles off Florida's shore.

Our embargo against Cuba is one important tool to bring long-awaited democratic reforms to that country. I supported the Cuba Democracy Act because I believed, and I still believe, it holds the promise of expediting democratic reforms and bringing greater respect for human rights for the Cuban people.

With the recent inauguration of Nelson Mandela in South Africa, we have witnessed the democratic reforms which economic sanctions can bring about. While there are some who would have us lift the current sanctions against Cuba, clearly, we must continue to allow the sanctions more time to work.

As I rise today to commemorate the birth of the Cuban Republic 92 years ago, I also look forward to the day when the Cuban people can live with the freedoms afforded to citizens of a democracy, and when United States-Cuban relations will be constructive and based on mutual respect.•

RECOGNITION OF THE C-STARS PROGRAM

• Mr. GORTON. Mr. President, today, I am proud to honor and recognize the Center for the Study and Teaching of At-Risk Students [C-STARS] in the West Valley School District for innovation and excellence in education.

While at home over the January recess, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The implementation of the C-STARS program in Spokane, WA is worthy of such recognition.

The Center for the Study and Teaching of At-Risk Students is a division of the Institute for the Study of Educational Policy located at the University of Washington and the College of Education at Washington State University. The mission of C-STARS is to channel interdisciplinary university research, training and technical assistance in support of school, social, and health services efforts to collectively redefine and redirect services to families with students at risk of school failure.

The key to the success of the C-STARS program is the cooperation and dedication of service between the agencies, schools, and families. In the West Valley School District in Spokane, over 40 agencies such as the Spokane County Health District, Red Cross, Teen Aid, Job Corps, Child Protective Services, and the Salvation Army, participate in this collaborative effort to assist at-risk youth. The community involvement in the C-STARS program is truly exceptional. Programs such as this are the key to the future of education.

The Center for the Study and Teaching of At-Risk Students in the West Valley School District should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.•

THE 25TH ANNIVERSARY OF THE CAPITOLAIRES DRUM AND BUGLE CORPS

• Mr. FEINGOLD. Mr. President, 1994 marks the 25th anniversary of the CapitolAires, an all-female drum and bugle corps that was formed in 1969 and originated in Madison, WI. I rise today to pay special tribute to this organization and to provide you with a background of their accomplishments and activities.

Currently there are only five all-female drum and bugle corps in the world. The CapitolAires was formed to give young women from Madison and the surrounding area the same opportunity to participate in an activity that had previously been open only to young men through the Madison Scouts Organization. The corps has an open membership to any girl between the ages of 13 and 21. A dedicated and qualified musical staff assists in providing instruction since no experience is required to become a member of the corps.

While the goal of the corps is to provide young women with the opportunity for a high degree of musical education, it also offers young women the opportunity to travel throughout North America and participate in various competitions. In fact, the CapitolAires has an outstanding record in competition.

Formed in 1969, the corps had already won their first nation championship in 1973 at the American International Open in Butler, PA. They went on to repeat this victory in 1974, 1975, and 1982 as well. The corps also won three U.S. Open National championships held in Marion, OH in 1974, 1975, and 1976; the only all-girl group to win this title three consecutive years. In addition to this, the corps finished second in the all girl division at the Drum Corps International World Championships in both 1975 and 1976.

In more recent years, the corps has proceeded to the finals at the Drum Corps Midwest Championships in 1991, 1992, and 1993. In 1992 and 1993 they also made the finals at the Canadian Open in Kitchener, ON, and the Drum Corps International World Championships, where they placed third out of 21 corps in 1993.

The list of accomplishments of the CapitolAires is exceptional. Impressive, as well, is the their commitment to expand opportunities to young women. It is this dedication that has driven the CapitolAires to achieve the success and respect they rightfully deserve. I applaud them on their 25th anniversary and wish them every success in the years to come.•

IN TRIBUTE TO THE 100TH ANNIVERSARY OF THE KOSCIUSZKO FEDERAL SAVINGS BANK

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the Kosciuszko Federal Savings Bank in Baltimore, MD. Kosciuszko has been serving my home town for 100 years.

The Kosciuszko Savings Bank was founded by my grandfather, Michael Kutz, and other immigrants—shop owners in the neighborhood who pooled their resources to open up opportunities for other immigrant families. My grandfather had a grocery store, while someone else owned a tavern. One was a cabinet maker, one a dentist, a shoemaker, a barber, an attorney and an insurance agent. They all put money up together when so-and-so in the neighborhood wanted to buy a house. They knew everybody in the neighborhood, and they helped get people started in the community. The Kosciuszko bank was founded on the principle of helping others.

His son Peter Kutz runs Kosciuszko now, and has kept to the roots of the original home town savings and loan. He knows how important it is that we do not forget the little guys, families that have passed their savings through generations as they have grown.

The Kosciuszko bank has served these families for 100 years, through the Depression and the Savings and Loan crisis. My grandfather made sure that the bank stayed open through the Depression without foreclosing on any loans. They operated with a pledge of honesty and developed confidence and trust with their customers.

And in the 1980's, when those big boys with Gucci shoes were making real estate deals, Peter Kutz was running the Kosciuszko Savings and Loan the same way its founders had: with two tellers, no hours on Wednesday, and no speculative business deals. The Savings and Loan crisis caused many Maryland S&L's to shut down, but the old neighborhood thrift in East Baltimore didn't even have long lines.

Mr. President, the Kosciuszko Federal Savings Bank has been providing my community with security and stability since 1894. It has helped families grow through two and three generations. Its reputation of honesty and trust has spread by word of mouth, and it now serves over 1,000 people. Over the last 100 years—through the Great Depression, several wars and recessions, and the Savings and Loan crisis—the Kosciuszko bank has been a rock and foundation of East Baltimore. I am proud to recognize the Kosciuszko Savings Bank, and to pay tribute to its 100 years of service to the community.•

THE NAMING OF AMBASSADOR GABRIEL LEWIS GALINDO AS FOREIGN MINISTER OF PANAMA

• Mr. DODD. Mr. President, I rise to bring to the attention of my colleagues the recent announcement that Ambassador Gabriel Lewis Galindo has been named foreign minister of the newly elected Government of Panama. I want to commend the President-elect of Panama, Ernesto Perez Balladares, for this impressive and well-considered appointment.

Mr. President, in naming Ambassador Lewis, President-elect Perez Balladares chose a man with a long history of service to Panama and to the principles of democracy and hemispheric cooperation. Over the course of the past two decades, Ambassador Lewis has distinguished himself as a successful businessman, as a capable diplomat, and as an ardent advocate for progressive political development in his home country.

Perhaps the finest hour for Ambassador Lewis came during the negotiations over the Panama Canal Treaties during 1977 and 1978. Ambassador Lewis served as Panama's Ambassador to the United States during a crucial phase of the negotiations over these treaties as well as during their consideration by the United States Senate. Those Americans who worked across the table from him at the time came to know him as a man of ingenuity as well as integrity.

One of those Americans was William Jorden, who served as the American Ambassador to Panama during much of the Panama Canal negotiations and came to know Ambassador Lewis well. In his 1984 book entitled "Panama Odyssey," Mr. Jorden wrote the following:

> Lewis became the most effective ambassador that Panama had had in Washington during its seventy-five years as an independent nation. I have never seen any foreign envoy move so adroitly through the Washington jungle, avoiding the social and political traps that usually ensnare the unwary new envoy. Among other things, he never got bogged down in the endless requirements of protocol—to the chagrin of many colleagues in the diplomatic corps who waited confidently for him to stub his toe on the rocks of tradition. They waited in vain.

Mr. President, Ambassador Lewis did not bring an end to his political activities after the completion of the Panama Canal treaties. Indeed, during the late 1980's, Ambassador Lewis would become one of the most outspoken opponents of the military regime of Manuel Noriega. He came to Washington in 1987 and he used his visibility here to encourage the United States to stand up for democratic reform in Panama. He made his arguments with clarity and conviction, and his views on the situation in Panama would eventually carry the day.

Mr. President, I know I speak for all of my colleagues in the Chamber when I commend President-elect Perez Balladares for the thoughtful appointment of Ambassador Gabriel Lewis Galindo to the position of foreign minister. I congratulate Ambassador Lewis on his new position and I look forward to the opportunity to work with him once again.•

SET A GOOD EXAMPLE THROUGH POSITIVE ACTIONS

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the students and staff of H.C. Sharp School of Camden, William Cruise Elementary School of Passaic, Riverside Public School of Riverside, South Hampton Jr. High School of Vincentown, and Archway Upper School of Atco, which have earned Top Fifty national honors in the nationwide American "Set A Good Example" Contest.

Ten years ago, the Concerned Businessmen's Association of America responded to the crisis of drugs and campus killings with the American "Set A Good Example" Contest. They devised and piloted an effective project that was targeted to winning the war on drugs and violence in our Nation's schools.

The "Set A Good Example" campaign is an annual contest that recognizes and awards student-designed and run projects that effectively help to prevent drug abuse, crime, and violence. First initiated in 1983, this program has proven to be both successful and an inspirational way of getting educators, youth counselors and students behind the efforts to eradicate the drugs, crime, and violence that have invaded our Nation's schools.

Over 8,300 schools representing all States have enrolled over 7 million students in this competition as of 1994. Inspiring is just one way of describing the efforts of New Jersey school children in that regard. Taking five Top Fifty honors from among 1,300 schools enrolled is no small feat and their local communities have benefited from the effectiveness of their efforts.

I am proud to acknowledge and praise the work of these children, their teachers, school faculties, contest sponsors, and parents. They are to be congratulated for providing leadership, inspiration and guidance for the students to take a bold stand against the violence.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of Jessica Alagna, a 5½-year-old child from DeWitt, MI. Two months ago surgeons performed an intestinal transplant on Jessica to correct a birth defect. The transplant cost $500,000. It saved her life, but because her health insurance considers it to be an experimental procedure they refuse to cover the transplant or any of her care. Jessica's story has received a lot of attention in my home State of Michigan due to the work of the nonprofit foundation, Jessica & Friends.

Jessica was born on September 11, 1988, with her intestines knotted outside of her body, a rare condition called omphalocele. Emergency surgery 7 hours after birth saved her life. After 11 days in the hospital, Jessica was able to go home with her mother, only to have to return for many additional surgeries to remove infection in her intestines. Jessica was left with only 8 percent of her intestine remaining.

Until her transplant Jessica was unable to eat solid food. For her entire 5 ½ years of life the only way she could get food was through extremely expensive nutritional supplements supplied through a permanent catheter. Although these supplements kept Jessica alive, they caused extensive liver damage and other complications. Last summer Jessica's physician told her mother that the liver damage was so severe, Jessica would die within 6 months if she didn't get an intestinal transplant.

Jessica's mother, Sonia, married Patrick Witty in June 1993. Patrick, 28, works as a supervisor with the Parks and Recreation Department of the city of Grand Ledge. Sonia, 25, is currently working on a nursing degree through the local community college. Patrick has employer-provided health insurance, but the insurance company refuses to cover Jessica because of her pre-existing condition. And because of Patrick's income, the family is not eligible for Medicaid coverage either.

Sonia purchased a private health insurance policy for Jessica. The cost is high even though it did not cover the transplant. Primary insurance coverage costs $1,150 per month. In addition, Jessica has secondary insurance offered through a State program for chronically disabled children that costs $1,600 per month. Altogether the family pays $33,000 a year for health coverage for their little girl. Sonia and Patrick must rely on help from family and friends to meet these insurance costs.

In an effort to raise the money needed to pay for the intestinal transplant, Jessica's family formed a foundation called Jessica & Friends. Bake sales, concerts, and craft shows have raised about $75,000 toward the half-million dollar cost of the surgery.

Intestinal transplants have been performed since 1990 and they have a phenomenal 98 percent success rate. Fourteen other States now cover this innovative procedure through their State Medicaid and disabled children's programs because they have been sued by families just like Jessica's. Sonia and Patrick do not want to have to take the State of Michigan or their insurance company to court. Ironically, Jessica's insurance plans have already paid $1 million to keep her on her nutritional supplements, but they would not pay for the one surgical procedure that can save her life. Overall cost savings and enhanced quality of life for the patient are not considered in these insurance coverage policies.

Since the transplant on March 25 at the University of Nebraska, Jessica is doing very well and has even begun to eat regular food in a puree form. Jessica was discharged from the hospital on April 7 after passing a critical period for organ rejection. She no longer requires the catheter and meets her nutritional requirements through a feeding tube directly connected to her intestine. Her doctors believe that she could have a normal lifespan. She and her parents will spend the next 3 months in Omaha, NE, while Jessica's recovery is closely monitored on an outpatients basis.

Jessica's family is resigned to having their medical bills submitted to the insurance company and subsequently rejected. Luckily, the medical center is willing to wait, accepting further payments through the ongoing fundraising efforts on Jessica's behalf. But the bills are still piling up because none of Jessica's follow-up care is being covered by her insurance policies. These insurance companies refuse coverage because the follow up care is related to the initial procedure they defined as experimental. The family has considered the possibility that the financial burden of these medical costs will lead them to declaring bankruptcy. But they feel it is worth whatever it takes for Jessica to have the life of a normal child.

Mr. President, the experience of Jessica and her family illustrate what is wrong in our current health care system. Insurance companies today either refuse coverage or charge incredibly high premiums to avoid covering sick children. They have incentives to not cover lifesaving procedures, in order to save money. Families like Jessica's should not be faced with declaring bankruptcy so that their child can live a normal life. Our current system is neither fair or efficient. I will continue to work with the President and my fellow Members of Congress to enact comprehensive health care reform this year.•

NATIONAL CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME DAY

• Mr. CHAFEE. Mr. President, the month of May is Chronic Fatigue Dysfunction Immune Syndrome Awareness Month. In my home State of Rhode Island, Governor Bruce Sundlun has declared the week of May 9 to 13 Chronic Fatigue Immune Dysfunction Syndrome Awareness Week. I would like to bring to my colleagues' attention this debilitating and mysterious illness, for which there is no treatment or cure, and I wish to honor the women and men who have been fighting hard to shed light on this growing health threat.

Chronic fatigue immune dysfunction syndrome [CFIDS]/myalgic encephalomyelitis [ME] is a disease of the immune system principally characterized by muscle and joint pain, headache, loss of memory, shortness of breath, respiratory symptoms, and incapacitating fatigue. According to the National CFIDS association, an estimated 1 to 2 million people are affected nationally.

The Rhode Island Chronic Fatigue and Immune Dysfunction Syndrome Association, Inc. [RI CFIDS] has been the primary advocate for CFIDS sufferers in my home State. This association has 150 members all who are known for their outstanding dedication and fortitude. Founded by Linda Dooley, of Coventry, RI, when she was diagnosed with CFIDS in 1987, this association has established support groups for both adults and children, and organized seminars to teach doctors about CFIDS/ME. The association is working in concert with similar organizations across the Nation and around the world to increase awareness about this growing health concern.

May 12 has been designated by the CFIDS Association of America as International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day. On this day, the Rhode Island CFIDS Association organized a rally to turn the spotlight on CFIDS. The 50 RI CFIDS members who attended received a gubernatorial proclamation declaring May 9 to 12 as CFIDS Awareness Week.

I ask my colleagues to join me in praising the women and men who make up the CFDIS associations throughout the Nation.•

THE SOCIAL SECURITY ACT AMENDMENTS OF 1994

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 431, H.R. 4278, the Social Security Act Amendments bill, and that all after the enacting clause be stricken and the text of calendar 415, S. 1231, the Social Security Domestic Employment Reform Act of 1994 be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider laid upon the table, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; that the preceding all occur without intervening action or debate, and that any statements thereon appear in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, I shall not object. I want the RECORD to reflect Senator PACKWOOD, the ranking Republican on the Finance Committee, supports the action taken by the chairman as do I and every other Republican on this side.

Mr. MOYNIHAN. As does, if I may say, Mr. President, a unanimous Finance Committee which reported out the measure which we have just proposed as a substitute. It was completely bipartisan—nonpartisan. Every Republican member voted for it. Every Democratic member did. We are proud of it. Not to extend this debate, but I would like to make the point that 45 years ago the United States Congress decided that cleaning women should be eligible for Social Security. Forty-five years later, only 25 percent of households with domestic workers report wages paid to these employees. And this is simply not acceptable.

We found an arrangement, user friendly arrangement where the payments are to be made on 1040's once a year. We do not turn housewives into accountants. But we want to have people who are entitled to their Social Security get it when they need it. Our provision—we have an amendment—our provision simply provides that when you earn the amount of money that entitles you to one quarter of coverage, that amount is paid, and when you acquired 40 quarters of coverage you are vested in Social Security.

I thank the majority leader, who voted for this, the Republican leader, who voted for this, and say we are very pleased that this matter, long overdue, is now about to be done.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4278) was read the third time and passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 4278) entitled "An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Domestic Employment Reform Act of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) GENERAL RULE.—Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in subsection (g)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (x)) for such year;".

(B) APPLICABLE DOLLAR THRESHOLD.—Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(x) APPLICABLE DOLLAR THRESHOLD.—For purposes of subsection (a)(7)(B), the term 'applicable dollar threshold' means the amount required for a quarter of coverage as determined under section 213(d)(2) of the Social Security Act for calendar year 1995. In the case of calendar years after 1995, the Secretary of Health and Human Services shall adjust such amount at the same time and in the same manner as the amount under section 213(d)(2) of the Social Security Act, except that such adjustment shall not take effect in any year in which the otherwise adjusted amount does not exceed the amount in effect under this subsection for the preceding calendar year by at least $50."

(C) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 3121(b) of such Code (defining employment) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year.".

(D) CONFORMING AMENDMENTS.—The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(x)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) GENERAL RULE.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in section 210(f)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(x) of the Internal Revenue Code of 1986) for such year;".

(B) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 210(a) of such Act (42 U.S.C. 410(a)) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

(iii) by adding at the end the following new paragraph:

"(21) Domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year.".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(B) EXCLUDED EMPLOYMENT.—The amendments made by paragraphs (1)(C) and (2)(B) shall apply to services performed after December 31, 1994.

(b) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the 4th month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) SPECIAL RULE WHERE TAXES ARE PAID ON OR BEFORE APRIL 15.—If, on or before the date described in subsection (a)(2) or, if earlier, the date the return is filed, the employer pays in full the domestic service employment taxes computed on such return as payable for any calendar year, then no addition to tax shall be imposed under section 6654(a) with respect to any underpayment of any required installment of such taxes for the taxable year beginning in such calendar year.

"(3) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(4) TRANSITIONAL RULE.—For purposes of applying section 6654 to a taxable year beginning in 1995, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such preceding taxable year.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' includes domestic service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1)."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

SEC. 3. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 204 of the Social Security Act (42 U.S.C. 404) is amended by adding at the end the following new subsection:

"(f)(1) With respect to any delinquent amount, the Secretary may use the collection practices described in sections 3711(f), 3716, and 3718 of title 31, United States Code, as in effect on April 1, 1994.

"(2) For purposes of paragraph (1), the term 'delinquent amount' means an amount—

"(A) in excess of the correct amount of payment under this title;

"(B) paid to a person after such person has attained 18 years of age; and

"(C) determined by the Secretary, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) CONFORMING AMENDMENT.—Section 3701(d) of title 31, United States Code, is amended by inserting ", except to the extent provided under section 204(f) of such Act (42 U.S.C. 404(f))," after "the Social Security Act (42 U.S.C. 301 et seq.)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to collection activities begun on or after the date of the enactment of this Act and before October 1, 1999.

SEC. 4. PROHIBITION ON PAYMENT OF BENEFITS TO CERTAIN INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

"(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict or finding that the individual is—

"(i) guilty of an offense described in subparagraph (A), but insane (or having a similar condition, such as a mental disease, a mental defect, or mental incompetence); or

"(ii) not guilty of such an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(2) The heading for section 202(x) of such Act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act.

SEC. 5. NURSING HOMES REQUIRED TO REPORT ADMISSIONS OF SSI RECIPIENTS.

(a) IN GENERAL.—Section 1631(e)(1) (42 U.S.C. 1383(e)(1)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of making determinations under section 1611(e), the requirements prescribed by the Secretary pursuant to subparagraph (A) shall require each administrator of a nursing home, extended care facility, or intermediate care facility to report to the Secretary of the admission of any eligible individual or eligible spouse receiving benefits under this title within 2 weeks of such admission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to admissions occurring on or after October 1, 1995.

The PRESIDING OFFICER (Mr. GRAHAM) appointed Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD and Mr. DOLE conferees on the part of the Senate.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate number be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I commend my colleague, the distinguished chairman of the Senate Finance Committee, for the legislation which has just been approved by the Senate. He provided not only leadership in getting the bill prepared, ushered through the Finance Committee, but also extraordinary perseverance and tenacity in getting it through the Senate in such fashion.

It is not easy to do. Tax bills frequently require a lengthy process with a lot of amendments, and I think it is clear to all concerned that this bill would not have progressed to this point but for the leadership and the perseverance of the chairman, and I commend him for it. It is an important measure, as he has noted.

I wish also to thank the distinguished Republican leader for his cooperation in making this possible.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I thank the majority leader for his gracious remarks. This was an entirely collective effort on behalf of the Finance Committee, and it is characteristic of him to be gracious to colleagues.

I would like to return the compliment and say to the Republican leader that we very much appreciate his help. This matter will now be done, and I fully predict a White House South Lawn ceremony with ice cream, balloons and the distinguished Republican leader on hand.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 906, Carrye Burley Brown, to be Administrator of the U.S. Fire Administration.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Carrye Burley Brown, of the District of Columbia, to be Administrator of the United States Fire Administration.

STATEMENT ON THE NOMINATION OF CARRYE BURLEY BROWN

Mr. HOLLINGS. Mr. President, today the Senate is considering the nomination of Carrye Burley Brown, of the District of Columbia, to be Administrator of the U.S. Fire Administration within the Federal Emergency Management Agency [FEMA]. This position is an important one, and this nominee will bring to the position a thorough knowledge of fire safety issues.

If confirmed as U.S. Fire Administrator, Ms. Brown will be responsible for coordination, direction, control, and administration of FEMA's fire prevention and control programs. The U.S. Fire Administration is responsible for mitigating, researching, planning, and disseminating fire prevention information to the Nation's firefighters and the general public. It is also responsible for the activities of the National Fire Academy, the National Fire Data Center, and management of the National Emergency Management Training Center, while providing a Federal focus on fire prevention.

The nominee has strong experience in fire service and fire safety issues. Ms. Brown has been a Professional Staff Member for the Committee on Science, Space, and Technology of the U.S.

House of Representatives since 1977. While there, she has been involved in drafting legislation such as the Hotel and Motel Fire Safety Act, the Firefighters' Safety Study Act, and the Arson Prevention Act of 1994. Ms. Brown began her career as a high school teacher in Matador, TX in 1974.

Mr. President, Ms. Brown is very qualified and I urge the Senate to confirm her as soon as possible.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ FIRST TIME—S. 2153

Mr. MITCHELL. Mr. President, I understand that S. 2153, Advancement of Health Care Reform Act of 1994, introduced earlier today by Senator KEMPTHORNE and others, is at the desk; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2153) to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes.

Mr. MITCHELL. Mr. President, I now ask for its second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 425, S. 1357, a bill relating to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, on behalf of Senator INOUYE, I send a technical amendment to the desk and ask unanimous consent that the amendment be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1745) was agreed to as follows:

In section 2(5), strike "(25 U.S.C. et seq.;" and insert "(25 U.S.C. 461 et seq.;".

Mr. MITCHELL. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed and the motion to reconsider be laid upon the table; and further, that any statements on this measure appear in the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1357) was deemed read the third time and passed, as amended, as follows:

S. 1357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of, and political successors to, signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Little Traverse Bay Bands of Odawa Indians consists of at least 1,000 eligible members who continue to reside close to their ancestral homeland as recognized in the Little Traverse Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Emmet and Charlevoix Counties, Michigan.

(4) The Little River Band of Ottawa Indians consists of at least 500 eligible members who continue to reside close to their ancestral homeland as recognized in the Manistee Reservation in the 1836 Treaty of Washington and reservation in the 1855 Treaty of Detroit, which area is now known as Manistee and Mason Counties, Michigan.

(5) The Bands filed for reorganization of their existing tribal governments in 1935 under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). Federal agents who visited the Bands, including Commissioner of Indian Affairs, John Collier, attested to the continued social and political existence of the Bands and concluded that the Bands were eligible for reorganization. Due to a lack of Federal appropriations to implement the provisions of such Act, the Bands were denied the opportunity to reorganize.

(6) In spite of such denial, the Bands continued their political and social existence with viable tribal governments. The Bands, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(7) Between 1948 and 1975, the Bands carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(8) In 1975, the Northern Michigan Ottawa Association petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Bands. Again in spite of the Bands' eligibility, the Bureau of Indian Affairs failed to act on their request.

(9) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Bands from 1836 to the present.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Bands" means the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians;

(2) the term "member" means those individuals enrolled in the Bands pursuant to section 7; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), which are not inconsistent with any specific provision of this Act shall be applicable to the Bands and their members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Bands and their members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Bands and their members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—

(A) LITTLE TRAVERSE BAY BANDS.—For purposes of the delivery of Federal services to the enrolled members of the Little Traverse Bay Bands of Odawa Indians, the area of the State of Michigan within 70 miles of the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs "third" and "fourth" of the Treaty of 1855, 11 Stat. 621, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or program regulations.

(B) LITTLE RIVER BAND.—For purposes of the delivery of Federal services to enrolled members of the Little River Band of Ottawa Indians, the Counties of Manistee, Mason, Wexford and Lake, in the State of Michigan, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named Counties unless prohibited by law or program regulations.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of this Act. Except as otherwise specifically provided in any other provision of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the Bands prior to the enactment of this Act.

SEC. 6. TRANSFER OF LAND FOR THE BENEFIT OF THE BANDS.

(a) LITTLE TRAVERSE BAY BANDS.—The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property located in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(b) LITTLE RIVER BAND.—The Secretary shall acquire real property in Manistee and Mason Counties for the benefit of the Little River Band. The Secretary shall also accept any real property located in those Counties for the benefit of the Little River Band if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(c) ADDITIONAL LANDS.—The Secretary may accept any additional acreage in each of the Bands' service area specified by section 4(b) of this Act pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act").

(d) RESERVATION.—Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust for the Bands and shall be a part of the respective Bands' reservation.

SEC. 7. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Bands shall submit to the Secretary membership rolls consisting of all individuals currently enrolled for membership in such Bands. The qualifications for inclusion on the membership rolls of the Bands shall be determined by the membership clauses in such Bands' respective governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot, elections for the purposes of adopting new constitutions for the Bands. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the "Indian Reorganization Act").

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as new constitutions are adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Bands.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Bands adopt constitutions and bylaws pursuant to subsection (a), the Bands shall conduct elections by secret ballot for the purpose of electing officials for the Bands as provided in the Bands' respective governing constitutions. The elections shall be conducted according to the procedures described in the Bands' constitutions and bylaws.

(2) INTERIM GOVERNMENTS.—Until such time as the Bands elect new officials pursuant to paragraph (1), the Bands' governing bodies shall be those governing bodies in place on the date of the enactment of this Act, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Bands.

AGRICULTURE MEDIATION ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2145, a bill relating to State mediation programs; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2145) was deemed read the third time and passed, as follows:

S. 2145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Mediation Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) AGRICULTURAL MEDIATION PROGRAM.—The term "agricultural mediation program" means a program administered by a State (in accordance with this Act) for the mediation of disputes arising under an eligible Department program.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) ELIGIBLE DEPARTMENT PROGRAM.—The term "eligible Department program" means a program of the Department under which disputes may be resolved under an agricultural mediation program, as determined by the Secretary under section 4.

(4) MEDIATION.—The term "mediation" means a process of negotiation in which an impartial third party attempts to assist parties in negotiating a mutually agreeable resolution of a dispute.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. PURPOSES.

The purposes of this Act are to provide the Secretary with the authority to—

(1) determine which programs of the Department are eligible for mediation, which has proven to be a valuable means of alternative dispute resolution; and

(2) certify States to administer mediation for eligible Department programs.

SEC. 4. DETERMINATION OF ELIGIBLE DEPARTMENT PROGRAMS.

(a) DETERMINATION.—The Secretary is authorized to determine which programs of the Department are eligible Department programs.

(b) DETERMINATION FACTORS.—In making the determination, the Secretary shall consider—

(1) the complexity and technical nature of the Department program;

(2) the protection of the interests of program participants; and

(3) whether mediation as a form of dispute resolution would achieve fairness for program participants and the Department.

SEC. 5. NOTICE OF ELIGIBLE DEPARTMENT PROGRAMS.

Not later than 120 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register—

(1) notice of which programs of the Department are eligible Department programs; and

(2) a solicitation to States to apply for certification to administer agricultural mediation programs for the eligible Department programs.

SEC. 6. CERTIFICATION OF STATES TO ADMINISTER AGRICULTURAL MEDIATION PROGRAMS.

(a) IN GENERAL.—For purposes of this Act, a State is qualified to administer an agricultural mediation program if the Secretary certifies that a proposal by the State to administer the program satisfies the requirements of this section.

(b) DETERMINATIONS.—The Secretary shall determine whether a State is qualified to administer an agricultural mediation program of the State not later than 30 days after the Secretary receives from the State a description of the proposed agricultural mediation program and a statement certifying that the State has met all of the requirements of subsection (c).

(c) CERTIFICATION REQUIREMENTS.—To obtain certification to administer an agricultural mediation program, a State must—

(1) demonstrate a need for the agricultural mediation program within the State based on the agricultural activity, and the number of participants, involved;

(2) ensure that mediation services will be offered to all individuals who are or may be eligible to participate in the eligible Department program;

(3) ensure that the agricultural mediation program is administered by the State or an authorized agent of the State;

(4) provide for the training of mediators;

(5) ensure that confidentiality of the mediation sessions will be maintained; and

(6) ensure that persons and agencies of the Department affected by the program, as determined by the Secretary, receive adequate notification of the agricultural mediation program.

SEC. 7. RECERTIFICATION.

(a) IN GENERAL.—To retain certification to administer an agricultural mediation program, a State must—

(1) recertify the program in a manner prescribed by the Secretary; and

(2) provide affected agencies of the Department with all information required by the Secretary (in consultation with interested parties) on the disputes mediated under the program, subject to the confidentiality requirements of Federal and State law.

(b) Public Availability.—The information described in subsection (a)(2) shall be made available by the Secretary to the public.

SEC. 8. MATCHING GRANTS TO STATES.

(a) In General.—Subject to the availability of appropriations, the Secretary shall provide matching grants to a State for the administration and operation of an agricultural mediation program.

(b) Amount.—Subject to the availability of appropriations, the Secretary may pay up to 70 percent of the cost of the administration and operation of an agricultural mediation program by a State.

(c) Use.—A State that receives a matching grant to administer an agricultural mediation program under this section may use the financial assistance only to administer and operate the program.

(d) Penalty.—If the Secretary determines that a State has not complied with subsection (c), the State shall not be eligible for additional matching grants under this section.

SEC. 9. ADMINISTRATION.

(a) Information.—If the Secretary receives a request from a person for information or analysis that is relevant to a mediated dispute (as determined by the Secretary), the Secretary shall provide the information or analysis to the person.

(b) Participation by Secretary.—Subject to subsection (c), the Secretary shall participate in each agricultural mediation program established under this Act.

(c) Mediation Nonbinding on the Secretary.—The Secretary shall not be bound by a decision or negotiated agreement resulting from mediation conducted under an agricultural mediation program if the Secretary has not agreed to the decision or agreement.

SEC. 10. REGULATIONS.

The Secretary shall issue regulations to carry out this Act not later than 120 days after the date of enactment of this Act.

SEC. 11. CONSTRUCTION.

The authority provided by this Act is in addition to, and in no way affects, the authority provided under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.).

SEC. 12. CONFORMING AMENDMENTS.

(a) Waiver of Farm Credit Mediation Rights by Borrowers.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking "the agricultural loan" and inserting "an agricultural".

(b) Waiver of FmHA Mediation Rights by Borrowers.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking "the agricultural loan" and inserting "an agricultural".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act $7,500,000 for each of fiscal years 1995 through 1998.

(b) Fees.—The Secretary is authorized, subject to the availability of funds appropriated in advance, to expend such funds as are necessary to pay any fees charged to an agency that administers an agricultural mediation program for mediating individual disputes to which the agency is a party.

SEC. 14. TERMINATION OF AUTHORITY.

The authority provided by this Act shall terminate on September 30, 1998.

SEC. 15. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) Transitional Provision.—During the 2-year period beginning on the date of enactment of this Act, a State that (on the date of enactment of this Act) is certified to carry out an agricultural loan mediation program under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) shall be considered certified (under section 6 of this Act) to administer any agricultural mediation program.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of calendar Nos. 429 and 430; that the committee amendment, where appropriate, be agreed to; that the bills be read three times, passed and the motions to reconsider be laid upon the table en bloc; that any statements related to these calendar items appear at the appropriate place in the Record; and that the consideration for these items appear individually in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA JUSTICE REFORM ACT OF 1994

The Senate proceeded to consider the bill (H.R. 1631) to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia, which had been reported from the Committee on Governmental Affairs, with an amendment on page 1, line 5, to strike "1993", and insert in lieu thereof "1994".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Justice Reform Act of 1994".

SEC. 2. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY PERMITTED FOR CASES UNDER JURISDICTION OF SMALL CLAIMS AND CONCILIATION BRANCH OF SUPERIOR COURT.

(a) In General.—Section 11-1321. District of Columbia Code, is amended by striking "$2,000" and inserting "$5,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to cases filed with the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT AMENDMENT ACT OF 1994

The bill (H.R. 1632) to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender specific references, was considered, ordered to a third reading, read the third time, and passed.

MEDGAR WILEY EVERS POST OFFICE

Mr. MITCHELL Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3863, naming a post office in Jackson, MS, after Medgar Evers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3863) to designate the Post Office building located at 401 E. South Street in Jackson, MS, as the "Medgar Wiley Evers Post Office."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3863) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD SAFETY PROTECTION ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report accompanying H.R. 965, the Toy Safety Act; that the conference report be adopted, the motion to reconsider laid upon the table, and that any statements relating thereto appear in the Record as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I am pleased the Senate is considering the conference report on H.R. 965, the Child Safety Protection Act. This legislation is designed to promote child safety by reducing the number of accidental deaths and injuries to children.

According to the Consumer Product Safety Commission [CPSC], between January 1991 and September 1992, 31 children died from toy-related causes, with almost one-half of that number, 14, from choking. The CPSC estimates that in 1992 alone there were 177,200 toy-related injuries serious enough to be treated in hospital emergency rooms, with almost one-half of the injuries to children under 5 years of age. The CPSC also reports that each year there are approximately 1,200 bicycle-related deaths, and that head trauma is responsible for 70 percent of the deaths.

The Child Safety Protection Act, if enacted, should have a positive impact on these statistics, with the numbers of children's deaths and injuries expected to show a decline. The legislation incorporates two complementary child safety measures introduced in the Senate by Senators BRYAN and GORTON. Companion legislation in the House was introduced by Congresswoman CARDISS COLLINS. The bill requires warning labels on certain toys that may present a choking hazard to children under 3 years of age and requires the CPSC to issue safety standards for bicycle helmets. In addition, an incentive grant program is established, to be administered by the National Highway Traffic Safety Administration, to encourage the use of approved bicycle helmets by children.

The conferees on H.R. 965 have worked over the past few months to craft a measure that will not only achieve the primary goal of enhanced child safety, but also is supported by all interested parties.

Mr. President, I commend the sponsors of this legislation, and I urge my colleagues to support this important child safety measure.

Mr. DANFORTH. Mr. President, I am pleased to support the conference report on H.R. 965, the Child Safety Protection Act. This is important safety legislation which will reduce the incidence of children under age 3 choking on toys, and I commend Senator GORTON for his leadership on this issue. In addition, the conference report includes a title to promote bicycle helmet use by children. This title is based on S. 228, the Children's Bicycle Helmet Safety Act of 1993, which Senator BRYAN and I introduced on January 27, 1993. On May 25, 1993, the Commerce Committee reported this measure by voice vote.

The need to address bicycle safety is clear. A study conducted for the Centers for Disease Control [CDC], which was published in December 1991 in the Journal of the American Medical Association, provides revealing data about the magnitude and severity of head injuries suffered by cyclists. The study found that, between 1984 and 1988, nearly 3,000 people died from head injuries while cycling, and over 900,000 suffered head injuries. This represents 62 percent of all bicycling deaths, and 32 percent of bicycling injuries that required treatment in hospital emergency rooms. The Consumer Product Safety Commission [CPSC] estimates that bicycle-related deaths and injuries cost society $7.6 billion annually.

The statistics regarding children are even more compelling. The CDC study found that 41 percent of head injury deaths and 76 percent of total head injuries occurred among children under age 15. According to the National Head Injury Foundation, the cost of supporting a child who has suffered a severe head injury, on average, is $4.5 million over that individual's lifetime. For the family of a child killed or injured in a bicycle accident, the tragedy is immeasurable.

Their losses are made more tragic by the fact that so many of them could have been prevented by taking one simple step: wearing a protective bicycle helmet. A 1989 study published in the New England Journal of Medicine found that use of a bicycle helmet reduces the risk of all head injuries by 85 percent and injuries to the brain by 90 percent. According to the CDC study, universal use of bicycle helmets would have prevented 2,600 deaths and 757,000 injuries between 1984 and 1988. Unfortunately, few riders wear helmets. In the case of children cyclists, it is a tragic fact that only 5 percent of these vulnerable riders wear helmets, according to the American Academy of Pediatrics.

Several local governments have taken steps to increase helmet use. For example, Howard and Montgomery Counties in suburban Maryland have enacted laws requiring children to wear bicycle helmets. I applaud their actions, but more needs to be done. This bill establishes a grant program within the National Highway Traffic Safety Administration to promote helmet use. These grants could be used by State or local governments or nonprofit organizations in any of three ways. First, the grant could be used to assist those unable to afford a helmet, which costs about $40, to purchase one. In addition, it could be used for the creation of a helmet "bank," which would allow parents of limited means to obtain helmets for their children and to exchange old helmets for those in a larger size as their children grow. Second, the funds could be used to educate children about the need to wear bicycle helmets. Finally, the grant could be used to assist in the enforcement of a mandatory bicycle helmet law for children. The grants would cover 80 percent of the costs of these programs. The bill specifically states that grantees are to be given broad discretion in establishing programs that effectively promote increased helmet use.

The bill also includes a provision requiring the CPSC to establish uniform safety standards for bicycle helmets. Included in these standards are provisions that address the risk of injury to children. The purpose of this requirement is to replace the existing voluntary standards with a single provision approved by the CPSC.

The failure to wear a bike helmet can have tragic results. The grant program established in this measure takes a reasonable approach by allowing State and local officials to decide how their communities can best address this problem. This proposal will bring together State and local governments, parents, teachers, and others responsible for children, to protect against injuries and to save lives. The total funding of $9 million over 3 years would be offset by preventing only a few serious head injuries per year. This bill will prevent hundreds of such tragedies. Moreover, since the grants come out of existing funds in NHTSA's budget, the bill will not add to the deficit. According to the National SAFE KIDS Campaign, an organization of health, consumer, educational, and law enforcement groups dedicated to improving child safety, this legislation will reduce substantially the leading cause of death for children 15 and under—accidental injury.

Last Congress, I introduced S. 3096, a bill similar to S. 228. S. 3096 passed the Senate, but the House failed to act prior to adjournment. Mr. President, the need to enact this measure is clear, and the time to act is now. I urge my colleagues to support the conference report on H.R. 965.

Mr. METZENBAUM. Mr. President, I rise today to address the Senate on the conference report on the Child Safety Protection Act that is pending at the desk.

The conference report includes provisions to make toys safer for children and establish final safety standards for bicycle helmets.

Unfortunately, it does not include language to prevent one of the more gruesome causes of death for toddlers aged 8 to 15 months.

Each week, a toddler falls into a 5-gallon bucket such as this and drowns.

In fact, since 1985, over 400 children have drowned in 5-gallon buckets.

It is a needless tragedy that can and should be prevented.

Last year I introduced legislation that would have required labeling for 5-gallon buckets and the development of a performance standard by the Consumer Product Safety Commission.

The labeling requirements would alert parents to the dangers of leaving a bucket with water in the vicinity of young toddlers.

The development of a performance standard would require manufacturers to reconfigure the buckets to reduce the risk of these horrible drownings.

When the Senate passed the Child Safety Protection Act last November, the chairman of the Consumer Subcommittee included my bill.

I had negotiated with the manufacturers of 5-gallon buckets to require a labeling standard and the development of a performance standard.

The manufacturers agreed to my language, and the bill passed by unanimous consent. Let me rephrase that.

Every single Member of this body agreed to pass a bill that would protect toddlers from drowning in 5-gallon buckets. and yet, when the bill went over to the House for consideration, the bucket manufacturers balked.

They reneged on the agreement and claimed that they never agreed to a performance standard.

But if you look at the RECORD from November 20, it is in black and white that the Senate language included a performance standard. Not one vote was cast against its inclusion. Not one voice was heard in opposition.

The manufacturers had signed off. They agreed with me that labeling and a performance standard would be included in the law.

Plain and simple, the manufacturers backed out of the deal. They reneged.

Let me read you a list of the major manufacturers who made a deal to save the lives of children and then used their lobbyists to renege: Bennett Industries, Letica, Nampac, Plastican, and the Ropak Corp.

They don't give a damn about toddlers whose lives will be lost because they broke their word.

The Chair of the House subcommittee that considered the bill could not persuade her Republican colleagues to recede to the Senate's position on this matter.

Accordingly, these protections for toddlers were dropped in conference. The bucket manufacturers had won.

The lives of the toddlers that will be lost because they broke their word is a blot on their reputations. Their action is shameful.

Frankly speaking, it is a terrible price to pay for not abiding by an agreement.

No wonder voters across the country consider politicians out of touch.

When it came time to passing a bill that would have saved lives, the corporate lobbyists persuaded a few Members to kill it.

It is certainly an ugly chapter in the 103d Congress.

But let me be clear about the underlying legislation and the efforts by the Chairman of the Consumer Subcommittee.

This bill contains important provisions that are going to protect children in their everyday lives.

I am frank to say that if it did not, I would have spoken at length in opposition to the conference report.

The Senator from Nevada [Mr. BRYAN] pushed for the Senate language in conference, and fought to protect children. I certainly appreciate his efforts, and hope that he will continue to protect consumers in future congresses.

Fortunately, he will have the assistance of Consumer Product Safety Commissioner Ann Brown.

Under the leadership of Ann Brown, the CPSC has awakened from the extended slumber it was in during the Reagan and Bush administrations.

In recent months, the CPSC has taken action on lead in crayons and dangerous bunkbeds.

And for families with young children, the CPSC has taken meaningful steps toward protecting against needless drownings.

Just last week, the CPSC voted unanimously to issue an advance notice of public rulemaking to develop a performance standard for 5-gallon buckets.

Although this is a preliminary step, it does set the course for CPSC to address these needless drownings.

I am confident that Ann Brown and the rest of the Commission will move quickly to act on an issue that the Congress as a whole has failed to address.

I certainly commend the Commission for its prompt action.

I yield the floor.

Mr. GORTON. Mr. President, 2 weeks ago was National Safe Kids Week. Children from all across America came to Washington, D.C. to tell their legislators how important it is that we do something to prevent tragic childhood accidents and deaths. Today, Congress is taking just such a step in passing the Child Safety Protection Act.

Childhood injury is the number one killer and health threat facing children under 14 years old. Every year, one out of four children is injured seriously enough to require medical attention. The trauma and heartbreak that a family suffers when a child is seriously injured or dies are incomprehensible.

We can and must do something. The costs of prevention are small compared to the costs of accidents. Each year, childhood injury costs our Nation $13.8 billion. But every $15 bike helmet purchased saves $30 in direct health care costs and $420 in indirect costs. For an individual accident victim that $15 bike helmet can save a child from a life confined in a wheel chair or a nursing home. A $15 bike helmet can make the difference between a full and long life or no life at all.

In March of last year, I introduced the Child Safety Protection Act, an identical measure to the House-passed bill introduced by Congresswoman CARDISS COLLINS. The bill mandated safety warning labels on certain toys that contain dangerous small parts and required national mandatory performance standards for bicycle helmets.

According to the Consumer Product Safety Commission, between January 1980 and July 1991, 284 children under the age of 10 years choked to death. Of these deaths, 186 involved children's products, including balloons, marbles, small balls, and other toys. Between January 1, 1992 and September 30, 1993, 30 children died from toy-related causes, with almost half of that number (14) caused from choking. In addition, the Commission estimates that in 1992 alone, there were 177,200 toy-related injuries serious enough to be treated in hospital emergency rooms, with almost one-half of the injuries to children under 5 years old.

Bicycle related death and injuries are also a very serious problem. Between 1984 and 1988, 2,985 bicyclists in the United States died from head injuries and 905,752 suffered head injuries that required treatment in hospital emergency rooms. Eighty-five percent of all head injuries suffered by bicyclists could be prevented by using bicycle helmets.

The conference report that the Senate has before it today differs in some respects from my original legislation, from the bills that passed the House and Senate last year, and from previous bills introduced in the Senate by my colleague, Senator DODD. It is a compromise measure that results from many hours of discussions that we have had with many interested parties. I would like to thank my colleagues and their staffmembers who have been a part of these negotiations including the chairman of the Consumer Subcommittee, Senator BRYAN, whom I have worked with on so many consumer protection measures; Senator ROCKEFELLER; Senator DANFORTH, who was a tireless advocate for the bicycle helmet grant program; Senator DODD; Senator LIEBERMAN; and Senator METZENBAUM. Most especially, I would like to thank Congresswoman COLLINS who initiated this legislation and saw to it that we finally reached our mutual goal of finding a means to lessen the likelihood of childhood injuries.

Our bill calls for a clear and conspicuous label to be placed on the principal display panel of toys that contain small parts and that are intended for a child between 3 and 6 years old. Our legislation specifies what that label will say so that parents will clearly understand that the toy poses a safety hazard for children under 3 years of age. The bill also provides for an exemption for certain boxes which are in these languages and which are 15 square inches or less. For those boxes, the bill specifies a shortened warning label which must be displayed on the principal display panel along with an arrow or other indicator which directs the consumer to the full warning. The legislation also specifies warning labels for balloons, for small balls and for marbles.

The legislation also increases the minimum size allowed for a small ball that is intended for a child under 3 from 1.25 inches to 1.75 inches. This will minimize the choking risk associated with small balls. The legislation also includes additional reporting requirements to the CPSC when a manufacturer, distributor, retailer, or importer learns of certain choking incidences that involve the products affected by this legislation. Additionally, the legislation because of unique circumstances discussed in the conference report provides for preemption of future toy labeling laws by States or political subdivisions. An exception is made until January 1, 1995, when the Federal law becomes effective, for a State which already has a law in effect on October 2, 1993. Connecticut is the only State which has such a law. Finally, our legislation requires national mandatory performance standards for bicycle helmets and establishes a grant program to promote their use.

Mr. President, this bill is a fair and balanced measure. It will help make our world a little safer for our country's most vulnerable citizens—our children and our grandchildren. I urge the Senate to adopt this important legislation and send it to the President to sign into law.

Mr. BRYAN. Mr. President, as chairman of the Commerce Committee's Consumer Subcommittee, I am pleased to present for Senate consideration the conference report to H.R. 965, the Child Safety Protection Act. This legislation will protect our children by preventing many of the needless deaths and injuries that occur every year as a result of certain children's products. I would like to commend the original sponsors of the legislation—Senator GORTON and our House colleague, Congresswoman CARDISS COLLINS—for not only introducing this important child safety measure, but also for their diligent efforts to make passage of the bill a reality. I would also like to recognize Senator METZENBAUM for his sincere commitment to child safety issues and for his valuable insights to the committee as we moved forward on this legislation.

The Senate bill, S. 680, was unanimously approved by the full Commerce Committee on November 9, 1993, and was passed by the full Senate on November 20, 1993. The conference report that we are considering today incorporates the provisions of S. 680 as reported, with minor changes, and also incorporates provisions from S. 228, pertaining to bicycle helmet safety, which I introduced last year along with my colleague, Senator DANFORTH, and which was approved by the Commerce Committee on May 25, 1993. The legislation thus requires the Consumer Product Safety Commission [CPSC] to one, take action to make toys safer for children through the use of warning labels and other means; and two, begin a rulemaking proceeding to establish a final safety standard for bicycle helmets.

In addition, the bill establishes a safety grant program within the National Highway Traffic Safety Administration [NHTSA] to provide incentives for States to encourage the use of bicycle helmets by children. These provisions were modified slightly during conference, and the report reflects the following three modifications: one, with respect to the grants awarded by NHTSA, the grantee must contribute 20 percent, either in moneys or in-kind; two, a grantee that establishes a helmet bank or similar program to encourage helmet use by children may make such helmets available to only those children who may not be able to afford such helmet; and three, the NHTSA Administrator is required to make a report to the Congress regarding the effectiveness of the grant program.

Each year, approximately 30 children die from toy-related causes, and thousands more are injured. In 1992 alone, 177,200 children were treated in hospital emergency rooms for toy-related injuries. H.R. 965 attempts to remedy this situation by providing information to parents and others about possible hazards that certain toys may present to small children. The bill requires warning labels on certain toys intended for children over 3 years of age which nonetheless pose a choking hazard to children under 3 years of age. The legislation strikes an appropriate balance by warning parents of possible dangers in certain toys for very small children, but allowing such toys to be marketed and sold to older children.

The legislation also directs the CPSC to begin a rulemaking proceeding to establish a final safety standard for bicycle helmets. Each year in the United States, hundreds of bicyclists die from head injuries, and thousands more are seriously injured. A child who suffers a severe head injury, on average, will cost society $4.5 million over that child's lifetime. The legislation would replace the voluntary standards for bicycle helmets currently in existence with a single uniform safety standard approved by the CPSC. Under the rulemaking, the CPSC is specifically directed to address the risk of injury to children.

Finally, under the NHTSA safety grant program designed to encourage helmet use, recipients could qualify for funds in a variety of ways, including the adoption of a requirement that children wear bicycle helmets or the development of programs to educate children and their families on the importance of wearing helmets. Thus, the legislation would not only promote helmet use by children to prevent injuries, but would also ensure that such helmets are indeed safe and effective for that purpose.

Our bill is critically needed child safety legislation. House and Senate conferees have worked diligently to craft legislation that is appropriately balanced and not unduly burdensome, while at the same assuring needed safeguards to protect our Nation's children. I strongly urge my colleagues to support this measure, so that we may have this legislation on the President's desk by Memorial Day. Enactment of this legislation will go a long way towards making children's lives safer, not only this summer, but every season in the future.

So the conference report was agreed to.

(The conference report is printed in the House proceedings of the RECORD of May 11, 1994.)

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Agriculture Committee be charged from further consideration of S. 1406, the Plant Variety Protection Act Amendments of 1993; that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1406) to amend the Plant Variety Protection Act, and so forth.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, on behalf of Senator KERREY of Nebraska, I send a substitute amendment to the desk; I ask the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1746) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority ; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: *Provided, however*, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) Priority Contest; Effect of Adverse Final Judgment or Inaction.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) Interfering Plant Variety Protection.—

(1) Redesignation.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) Amendments.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) Appeal or Civil Action in Contested Cases.—

(1) Transfer.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) Repeal.—Section 73 (as amended by paragraph (1)) is repealed.

(d) Conforming Amendments.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. PROMPT PAYMENT.

Chapter 9 of title II (7 U.S.C. 2501 et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SEC. 93. PROMPT PAYMENT.

"If a seed grower contracts with the holder of a certificate of plant variety protection issued under this Act, or a licensee of the holder, to produce lawn, turf, or forage grass seed, alfalfa, or clover seed, protected under this Act, payments due the grower under the contract shall be completed not later than the earlier of—

"(1) 30 days after the contract payment date; or

"(2) May 1 of the year following the production of the seed.".

SEC. 10. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 11. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided*, That" and all that follows through the period and inserting "section.".

SEC. 12. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 13. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, alfalfa, or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 14. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(3) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears " and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest)" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 15. TRANSITIONAL PROVISIONS.

(a) In General.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) Applications Refiled.—

(1) In general.—An applicant may refile a pending application on or after the effective date of this Act.

(2) Effect of refiling.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) Labeling.—

(1) In general.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) Sanctions.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection. Without objection, it is so ordered.

So the bill (S. 1406), as amended, was passed.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 193, S. 1030 relating to veterans programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1030) to amend chapter 17 of title 38 United States Code, to improve the Department of Veterans Affairs program of sexual trauma counselling for veterans, and to improve certain Department of Veterans Affairs programs for women veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following: which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1030

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Veterans Health Programs Improvement Act of 1993".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WOMEN VETERANS

Sec. 101. Department of Veterans Affairs sexual trauma services program.
Sec. 102. Reports relating to determinations of service connection for sexual trauma.
Sec. 103. Coordinators of women's services.
Sec. 104. Women's health services.
Sec. 105. Expansion of research relating to women veterans.
Sec. 106. Mammography quality standards.

TITLE II—GENERAL HEALTH CARE SERVICES

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.
Sec. 202. Authority to provide priority health care to veterans of the Persian Gulf War.
Sec. 203. Programs for furnishing hospice care to veterans.
Sec. 204. Rural health-care clinic program.
Sec. 205. Payment to States of per diem for veterans receiving adult day health care.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Sec. 301. Short title.
Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Subtitle B—Other Provisions

Sec. 311. Extension of authority of Advisory Committee on Education.
Sec. 312. Extension of authority to maintain regional office in the Philippines.

TITLE I—WOMEN VETERANS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.

(a) Authority To Provide Services for Sexual Trauma.—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph.".

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) Authority To Provide Services by Contract.—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility.".

(c) Extension of Authority To Provide Sexual Trauma Services.—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) Period of Eligibility To Seek Services.—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) Repeal of Limitation on Period of Receipt of Services.—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) Increased Priority of Care.—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§1720D. Counseling, care, and services for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma.".

(h) INFORMATION ON COUNSELING BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) FOLLOW-UP REPORTS.—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) DEFINITION.—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

SEC. 103. COORDINATORS OF WOMEN'S SERVICES.

(a) REQUIREMENT OF FULL-TIME SERVICE.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis.".

(b) ADDITIONAL RESPONSIBILITIES.—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary.".

(c) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 104. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smear).

"(B) Breast examinations and mammography.

"(C) Comprehensive reproductive health care, including pregnancy-related care.

"(D) The management of infertility.

"(E) The management and prevention of sexually-transmitted diseases.

"(F) Menopause.

"(G) Physical or psychological conditions arising out of acts of sexual violence.".

(b) CONTRACTS FOR WOMEN'S HEALTH SERVICES.—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(d) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) HEALTH RESEARCH.—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following:

"(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.

"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98–528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department.".

(b) POPULATION STUDY.—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department.".

SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

TITLE II—GENERAL HEALTH CARE SERVICES

SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 2003".

SEC. 202. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR.

(a) AUTHORIZED INPATIENT CARE.—(1) Section 1710(a)(1)(G) of title 38, United States Code, is amended by striking out "or radiation" and inserting in lieu thereof ", radiation, or environmental hazard".

(2) Section 1710(e) of such title is amended—

(A) by inserting at the end of paragraph (1) the following new subparagraph:

"(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard (including petrochemicals, the fumes of burning landfills or petrochemicals, pharmaceuticals or other chemical agents administered by the Department of Defense, indigenous diseases, pesticides, and inhalation or ingestion of depleted uranium or wounds caused by depleted uranium) is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.";

(B) in paragraph (2), by striking out "subparagraph (A) or (B)" and inserting in lieu thereof "subparagraph (A), (B), or (C)"; and

(C) in paragraph (3), by striking out the period at the end and inserting in lieu thereof ", or, in the case of care for a veteran described in paragraph (1)(C), after September 30, 2003.".

(b) AUTHORIZED OUTPATIENT CARE.—Section 1712(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(D) during the period before October 1, 2003, for any disability in the case of a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and who the Secretary finds may have been exposed to a toxic substance or environmental hazard (including petrochemicals, the fumes of burning landfills or petrochemicals, pharmaceuticals or other chemical agents administered by the Department of Defense, indigenous diseases, pesticides, and inhalation or ingestion of depleted uranium or wounds caused by depleted uranium) during such service, notwithstanding that there is insufficient medical evidence to conclude that the disability may be associated with such exposure."; and

(2) by adding at the end the following new paragraph:

"(7) Medical services may not be furnished under paragraph (1)(D) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.".

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect as of August 2, 1990.

(2) The Secretary of Veterans Affairs shall, upon request, reimburse any veteran who paid the United States an amount under section 1710(f) or 1712(f) of title 38, United States Code, as the case may be, for hospital care, nursing home care, or outpatient services, as the case may be, furnished by the Secretary to the veteran before the date of the enactment of this Act as a result of the exposure of the veteran to a toxic substance or environmental hazards during the Persian Gulf War. The amount of the reimbursement shall be the amount paid by the veteran for such care or services under such section 1710(f) or 1712(f).

SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31, 1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.
"1762. Hospice care: pilot program requirements.
"1763. Care for terminally ill veterans.
"1764. Information relating to hospice care services.
"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, $1,200,000.
(2) For fiscal year 1995, $2,500,000.
(3) For fiscal year 1996, $2,200,000.
(4) For fiscal year 1997, $100,000.

SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

"§1720E. Rural health-care clinics: pilot program

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

"(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(g) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.
(B) For fiscal year 1995, $6,000,000.
(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"7661. Authority for program.
"7662. Eligibility; application.
"7663. Agreement.
"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—

(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program,"; and

(C) by inserting ", and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—

(A) by striking out "and per" and inserting in lieu thereof ", per"; and

(B) by inserting ", and per participant in the Education Debt Reduction Program" before the period at the end.

(e) EXEMPTION FROM TAXATION.—Section 7636 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Notwithstanding any other law, any payment on behalf of a participant in the Education Debt Reduction Program for the tuition or other costs referred to in section 7662(a)(4) of this title shall be exempt from taxation.".

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(g) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

Subtitle B—Other Provisions

SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1993" *and inserting in lieu thereof "December 31, 1997".*

SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "March 31, 1994" and inserting in lieu thereof "September 30, 1995".

AMENDMENT NO. 1747

(Purpose: To revise the services covered by the term "women's health service", to make discretionary the requirement that the Secretary of Veterans Affairs establish smoking areas in facilities of the Department of Veterans Affairs, and for other purposes)

Mr. MITCHELL. Mr. President, on behalf of Senator ROCKEFELLER I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative cleark read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. ROCKEFELLER, proposes an amendment numbered 1747:

On page 10, strike out "1993" and insert in lieu thereof "1994".

On page 21, strike out line 11 and all that follows through page 21, line 20, and insert in lieu thereof the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

On page 30, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'June 30, 1994'".

On page 30, strike out line 9 and all that follows through page 33, line 7, and insert in lieu thereof the following:

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

On page 52, between lines 11 and 12, insert the following:

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

On page 60, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'December 31, 1994'".

On page 60, line 12, strike out "'March 31, 1994'" and insert in lieu thereof "'December 31, 1994'".

The PRESIDING OFFICER. If there is no objection, the amendment is agreed.

So the amendment (No. 1747) was agreed to.

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I urge my colleagues to support the passage of the pending measure, S. 1030, the proposed Veterans Health Programs Improvement Act of 1994, as reported by the Committee on September 8, 1993 and as it will be amended by an amendment I will offer.

This is a vitally important bill that encompasses many different programs, which will help millions of veterans.

Mr. President, the proposed "Veterans Health Programs Improvement Act of 1994" has three titles: Women Veterans; General Health Care Services; and Miscellaneous, which has two subtitles, Educational Debt Reduction and Other Provisions.

Mr. President, I refer my colleagues to the committee's report accompanying S. 1030 (Senate Report 103-136). Because the provisions of the legislation are described in detail in that report, I will now highlight the provisions of the bill as it will be amended.

TITLE I—WOMEN VETERANS

DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM

Mr. President, the provisions in title I relating to sexual trauma services are derived, in part, from S. 2973 of the 102nd Congress that was ultimately enacted as the Veterans Health Care Act of 1992 (Public Law 102-585), an omnibus veterans health measure.

Mr. President, this legislation would extend the entire sexual trauma counseling program within VA. Under current law, VA's authority to carry out this program would expire on December 31, 1995. VA needs more time to reach the veterans who need these services.

In addition, this legislation would repeal the restriction in current law that requires women veterans to seek sexual trauma counseling within two years of discharge from active duty, and it would also repeal the one year time limit during which a veteran could receive VA care for sexual trauma.

Women veterans have served with dignity and courage in all battles since the American Revolution, and we must ensure that if a veteran is raped or sexually assaulted while serving on active duty, he or she must be able to seek care at any point after leaving the service and get care for as long as is necessary.

REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA

S. 1030 would also require the Secretary to complete a study on the difficulties veterans encounter in obtaining VA determination that disabilities resulting from sexual trauma are service connected and the extent to which VA personnel fail to make such determinations.

COORDINATORS OF WOMEN'S SERVICES

S. 1030 would improve the women veterans coordinator program. The bill would require that each coordinator serve on a full-time basis; that each regional coordinator facilitate communcation between women veterans coordinators at VAMCs and VA officials; and require VA to provide to coordinators adequate clerical and communications support.

WOMEN'S HEALTH SERVICES

S. 1030, as amended, would expand the list of women's health services offered by VA from that enacted last Congress. Under current law, VA is authorized to provide pap smears, mammograms, very limited reproductive services, and services for menopause. Under S. 1030 as amended, this list would replace limited reproductive services (which does not include maternity services) with maternity services, which is defined as prenatal care, delivery services, and postnatal care. The modification would require VA to furnish, directly or by contract, all of these services to women veterans who are eligible for them. S. 1030 makes no change in existing law with regard to abortion.

EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS

S. 1030 would amend provisions in Public Law 102-585 in order to further improve and expand VA research relating to women veterans' health care needs. The proposed bill provides more specific direction to the Secretary with regard to VA's responsibility to foster and encourge medical research relating to the health care needs of women veterans.

MAMMOGRAPHY QUALITY STANDARDS

The proposed bill would attempt to ensure that women veterans will receive safe and accurate mammograms. The bill requires the Secretary to promulgate quality assurance and quality control regulations for VA facilities that furnish mammography that are no less stringent than regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992.

TITLE II—GENERAL HEALTH CARE SERVICES

EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION

Mr. President, I am also pleased that this legislation includes provisions relating to eligibility for medical care for exposure to dioxin or ionizing radiation.

This bill extends—from June 30 of this year to September 31, 2003—health care eligibility for veterans exposed to Agent Orange or other herbicides in Vietnam or exposed to radiation during participation in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, even if there is insufficient medical evidence to prove service-connection.

These provisions also symbolize Congress' resolve to help veterans who were poorly informed or misinformed about their exposures to chemicals or atomic radiation. In essence, we will be telling these veterans that Congress is committed to providing the needed health care, even if the nature of their exposure makes it difficult to establish scientific proof that their exposures caused specific illnesses.

EXTENSION OF AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR

Mr. President, our feelings of victory after the Persian Gulf War have been tempered because of concerns about the health of Desert Shield and Desert Storm veterans. Although it may take years to determine all the causes of the mysterious illnesses experienced by our Persian Gulf War veterans, we must move quickly to provide medical care to those veterans who are suffering from these illnesses.

In this regard, the pending measure includes a provision extending—from December 31, 1994 until September 30, 2003—VA's authority to provide priority health care to veterans of the Persian Gulf War. The provision is based on an amendment proposed by

Committee members Tom Daschle and James Jeffords at our July 1, 1993, markup of S. 1030.

PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS

S. 1030 would require VA to set up demonstration projects at 15 to 30 VA sites to evaluate the best way to provide hospice care.

RURAL HEALTH-CARE CLINIC PROGRAM

S. 1030 would require VA to establish and evaluate three different types of programs for furnishing health care services to veterans living in areas geographically remote from VA facilities. Provisions relating to the rural health-care clinic program are identical to S. 452, which was originally introduced by Senator Conrad.

PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE

S. 1030 would authorize VA to make per diem payments, at a rate determined by the Secretary, for each eligible veteran receiving adult day health care in a State Home. Further, this bill would authorize VA to provide grants to States to help with the cost of expanding or remodeling State Veterans Home facilities for the purpose of furnishing adult day health care. Provisions relating to state veterans home facilities are identical to S. 852, which was introduced by Senator Conrad.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Mr. President, the proposed "Veterans Health Programs Improvement Act of 1994" would establish a student loan repayment program for certain VA health care professionals who have completed or are completing a 2-year or 4-year course of training at an undergraduate institution or a course of training at a graduate institution, which qualifies them to serve in occupations, specialities, or geographic areas where it is difficult to recruit and retain qualified employees. Provisions relating to the education debt reduction program are derived from S. 1122, which was introduced by Senator Mikulski and modified by an amendment by Senator Rockefeller.

Subtitle B—Other Provisions

EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION

The proposed bill would extend VA's authority to maintain a Veterans' Advisory Committee on Education for 3 years, from December 31, 1994, to December 31, 1997.

EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES

The proposed bill would extend VA's authority to maintain a regional office in the Republic of the Philippines from December 31, 1994, to September 30, 1995.

SMOKING AREAS IN VA HOSPITALS

As amended, S. 1030 would modify existing law—section 526(a) of Public Law 102-585—to make the establishment of smoking areas in VA hospitals subject to the discretion of the Secretary of Veterans Affairs. However, it would maintain mandatory provisions relating to access and ventilation for those smoking areas that are established.

CONCLUSION

Mr. President, in closing, I thank our Committee's Ranking Republican Member, Senator Murkowski, for his cooperation and help with this bill. I am also grateful to many other members of the Committee for their support on this measure.

In addition, with regard to the women's health provisions, I also want to express my gratitude to Senators Barbara Boxer, Barbara Mikulski, and Patty Murray, for their unwavering support for women veterans, and for all American women.

The Committee believes that this bill is an important step forward, especially in the area of women's health services. I believe that VA will need to significantly broaden its services to provide comprehensive health care services for men and women, if it is to successfully compete under health care reform, and if it is to meet the needs of all American veterans.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, many services, especially primary care and preventive services, are not currently available at all VA medical facilities. I would like to have the views of my colleague, the committee chairman [Mr. ROCKEFELLER], on how this bill fits in with his plans regarding legislative reform of the VA medical system.

Mr. ROCKEFELLER. Mr. President, as my good friend, the chair of the VA-HUD Subcommittee on Appropriations, appreciates better than most, the VA medical system does not provide comprehensive health care services to either men or women. This bill is an important step, but must not be the only step, toward making essential health care services available to all veterans, including those women who served our country so well but have not been well served by the VA.

Ms. MIKULSKI. Mr. President, all American women, including women veterans, deserve a basic benefits package that includes the wide range of services needed to keep them well, to prevent diseases as well as treat them, and to provide services to treat and manage heart disease, mental illness, and respiratory problems, to provide comprehensive reproductive services, including pregnancy-related services, and to treat menopause, osteoporosis, and many other health problems. I know my friend from West Virginia agrees. My concern, Mr. President, is whether this bill in any way undermines efforts to provide such services to veterans under health care reform.

Mr. ROCKEFELLER. Mr. President, on the contrary, I am convinced that this bill will help prepare the VA for the more comprehensive services that health care reform will require. This bill will require the VA to provide essential services that will save women's lives—services that the VA has not always provided in the past. If the VA is to survive and thrive under health care reform, VA health plans must provide the same basic package of services that will be available to all other Americans. I share the strong commitment of my good friend from Maryland that we pass a health care reform bill that provides a truly comprehensive basic benefit package for all Americans, and that for the first time gives every veteran the opportunity to obtain comprehensive health care services through the VA medical system or through other health care providers. I will do everything I can to make that happen.

Mr. MURKOWSKI. Mr. President, I would like to have the views of my colleague, the committee chairman [Mr. ROCKEFELLER], regarding the impact of provisions in the pending bill relating to health care for women veterans in VA facilities. First, I am interested in knowing whether he believes that the provision that would authorize VA to furnish maternity care to women veterans would authorize VA to provide neonatal care to the child of a woman veteran?

Mr. ROCKEFELLER. Mr. President, the legislation would authorize VA to furnish maternity care to women veterans, but would not authorize VA to furnish neonatal care to the children of these veterans. Without express authority to furnish such care, VA would have no basis for caring for a veteran's child.

Mr. President, the purpose of the provision in the bill is that a woman veteran receive prenatal, delivery, and postnatal care. Given VA's history of not furnishing such care, I fully expect that delivery services will be contracted out to non-VA facilities—such as DOD facilities and medical school affiliates of VA medical centers. This would ensure that, while there will be no disruption of care between the time of delivery and neonatal care, VA's obligation to pay for the delivery can and will be segregated from the cost of the child's care.

Mr. MURKOWSKI. Mr. President, I am also concerned about the possibility that VA would spend its limited construction funds to build delivery suites and to open obstetrical and gynecological clinics to provide the services we are authorizing, and I am interested in the chairman's views on that.

Mr. ROCKEFELLER. Mr. President, that is not our intention. Instead, as I just noted, we fully expect VA to contract with other conveniently located and high quality facilities to provide delivery services, such as DOD facilities and medical school affiliates.

Mr. President, under health care reform, VA will rely very heavily on contract agreements with other providers in their service area to provide services in closer proximity to the veteran and for services for which they do not have the expertise, such as pediatrics. This will be an opportunity for VA to further enhance these key relationships.

Mr. MURKOWSKI. Finally, Mr. President, does the inclusion of authority to furnish delivery services in title 38 provide new authority for abortion procedures in VA hospitals?

Mr. ROCKEFELLER. Mr. President, no, these provisions would have no effect on current law regarding abortion procedures for veterans.

Mr. MITCHELL. Mr. President, I ask unanimous consent, the amendment having been agreed to, that the committee substitute, as amended, be agreed to, the bill read a third time, passed, the motion to reconsider be laid upon the table; that the title amendment be agreed to and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1030), as amended, was passed, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WOMEN VETERANS

Sec. 101. Department of Veterans Affairs sexual trauma services program.
Sec. 102. Reports relating to determinations of service connection for sexual trauma.
Sec. 103. Coordinators of women's services.
Sec. 104. Women's health services.
Sec. 105. Expansion of research relating to women veterans.
Sec. 106. Mammography quality standards.

TITLE II—GENERAL HEALTH CARE SERVICES

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.
Sec. 202. Extension of period of eligibility for priority health care for veterans of the Persian Gulf War.
Sec. 203. Programs for furnishing hospice care to veterans.
Sec. 204. Rural health-care clinic program.
Sec. 205. Payment to States of per diem for veterans receiving adult day health care.
Sec. 206. Revision of authority on use of tobacco products in department facilities.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Sec. 301. Short title.
Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Subtitle B—Other Provisions

Sec. 311. Extension of authority of Advisory Committee on Education.
Sec. 312. Extension of authority to maintain regional office in the Philippines.

TITLE I—WOMEN VETERANS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.

(a) AUTHORITY TO PROVIDE SERVICES FOR SEXUAL TRAUMA.—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph.".

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) AUTHORITY TO PROVIDE SERVICES BY CONTRACT.—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility.".

(c) EXTENSION OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) PERIOD OF ELIGIBILITY TO SEEK SERVICES.—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) INCREASED PRIORITY OF CARE.—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§ 1720D. Counseling, care, and services for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma.".

(h) INFORMATION ON COUNSELING BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) FOLLOW-UP REPORTS.—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) DEFINITION.—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

SEC. 103. COORDINATORS OF WOMEN'S SERVICES.

(a) REQUIREMENT OF FULL-TIME SERVICE.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis.".

(b) ADDITIONAL RESPONSIBILITIES.—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary.".

(c) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 104. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

(b) CONTRACTS FOR WOMEN'S HEALTH SERVICES.—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(d) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) HEALTH RESEARCH.—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following:

"(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.

"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department.".

(b) POPULATION STUDY.—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department.".

SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

TITLE II—GENERAL HEALTH CARE SERVICES

SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "June 30, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§ 1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§ 1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31, 1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§ 1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§ 1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§ 1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.
"1762. Hospice care: pilot program requirements.
"1763. Care for terminally ill veterans.
"1764. Information relating to hospice care services.
"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, $1,200,000.

(2) For fiscal year 1995, $2,500,000.

(3) For fiscal year 1996, $2,200,000.

(4) For fiscal year 1997, $100,000.

SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

"§ 1720E. Rural health-care clinics: pilot program

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

"(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(g) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.

(B) For fiscal year 1995, $6,000,000.

(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM
"7661. Authority for program.
"7662. Eligibility; application.
"7663. Agreement.
"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—

(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program,"; and

(C) by inserting ", and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—

(A) by striking out "and per" and inserting in lieu thereof ", per"; and

(B) by inserting ", and per participant in the Education Debt Reduction Program" before the period at the end.

(e) EXEMPTION FROM TAXATION.—Section 7636 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Notwithstanding any other law, any payment on behalf of a participant in the Education Debt Reduction Program for the tuition or other costs referred to in section 7662(a)(4) of this title shall be exempt from taxation.".

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(g) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

Subtitle B—Other Provisions

SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "September 30, 1995".

The title was amended so as to read:

To amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve certain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes.

ORDER OF PROCEDURE ON TUESDAY, JUNE 7, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, June 7, the Small Business Committee be discharged from further consideration of S 1587, the Government procurement reform bill, and that the Senate proceed to its consideration at 3:30 p.m. on that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, that will be the first order of business upon our return from the Memorial Day recess. We will go to the bill at 3:30 because several Senators will be returning on that day from the commemorative events in Normandy. It is not my intention that there be any rollcall votes on that day. We have an understanding on both sides that substantive amendments will be offered that will require votes but those votes will be, the matters will be debated on Tuesday and those votes will be held over until Wednesday. So, therefore, there will be no rollcall votes until the morning of Wednesday, June 8.

The precise time and the subject matter will be set and announced on the afternoon of June 7.

THE AIRPORT AND AIRWAYS IMPROVEMENT BILL

Mr. MITCHELL. Mr. President, although we are not able to get an agreement at this time with respect to the schedule following disposition of the Government procurement reform bill, it is my intention, of which I have given prior notice to the distinguished Republican leader, to proceed to S. 1491, the airport and airways improvement bill, as soon as we complete action on the procurement reform bill.

So, the first week back, we will take up the procurement reform bill followed by the airport and airways improvement bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS AGREED TO—S. 1231

Mr. MITCHELL. Mr. President, I ask unanimous consent that the amendments to S. 1231 be deemed agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1587

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1587 be discharged from small business and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 7, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 1:30 p.m. on Tuesday, June 7; that when the Senate reconvenes on that day the Journal of Proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3:30 p.m. with Senators permitted to speak therein for up to 5 minutes each, with the first 90 minutes of morning business equally divided and controlled between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNITL TUESDAY, JUNE 7, 1994, AT 1:30 P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 1:30 p.m. on Tuesday, June 7, as provided for under the provisions of Senate Concurrent Resolution 70.

The motion was agreed to, and, the Senate, at 8:31 p.m. adjourned until Tuesday, June 7, 1994, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 1994:

DEPARTMENT OF JUSTICE

WALTER BAKER EDMISTEN, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS, VICE JESSE R. JENKINS.

BECKY JANE WALLACE, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR A TERM OF 4 YEARS, VICE GEORGE L. MCBANE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036(B):

To be chief of chaplains

To be major general

BRIG. GEN. DONALD W. SHEA [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate May 25, 1994:

FEDERAL EMERGENCY MANAGEMENT AGENCY

CARRYE BURLEY BROWN, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 25, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 1994.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to count our blessings, to recall our good traditions, to remember the love and sentiment that we have received from family and friends. We admit how easily we sense the tensions of daily life and the routine irritations that so quickly come to mind. Remind us this day, O God, to lift our eyes to see more clearly Your eternal truths and Your abiding grace—a truth and grace that is greater and more majestic than ever we could ask or imagine. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Illinois [Mr. SANGMEISTER] to lead the House in the Pledge of Allegiance to the flag.

Mr. SANGMEISTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 442) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 442

Resolved, That Representative Frank D. Lucas of Oklahoma be and is hereby elected to the following standing committees of the House of Representatives:

The Committee on Agriculture;

The Committee on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 327, H.R. 3755, AND H.R. 306

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Joint Resolution 327, H.R. 3755, and H.R. 306.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 3790

Ms. LONG. Mr. Speaker, I ask unanimous consent that the names of the gentleman from Iowa [Mr. GRANDY], the gentleman from Ohio [Mr. STRICKLAND], the gentleman from Nebraska [Mr. BARRETT], and the gentlewoman from Kansas [Mrs. MEYERS], be removed as cosponsors of H.R. 3790.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now receive up to 15 1-minute speeches from each side.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute.)

Mr. SANGMEISTER. Mr. Speaker, as many of us are returning to our districts to observe Memorial Day, I ask you to remember the 2,400 Americans who were killed and the 1,000 who were wounded in the Japanese attack on Pearl Harbor, December 7, 1941. This event marks the entry of the United States into the Second World War where 16.5 million Americans would serve and over 400,000 would lose their lives.

To honor those Americans who were killed and wounded, I have introduced legislation to permanently recognize the significance of this event. House Joint Resolution 131 would designate December 7 of each year as "National Pearl Harbor Remembrance Day." I believe such designation is warranted and long overdue. However, a committee rule prohibits proposals for recurring annual commemorations. Despite having 233 cosponsors, I am told this resolution will not be released for consideration by the full House. I feel strongly that if we do not honor this day, it will be forgotten by generations to come. For this reason, I have filed a discharge petition. I encourage you to sign this petition so this measure can be considered by the House. This resolution is supported by the major veterans organizations representing World War II vets.

As we are participating in Memorial Day activities, I would ask that you pause and remember this significant event. Pearl Harbor changed the course of history and deserves permanent recognition as a day of remembrance. But, do not take my word for it. I suggest you ask the 8.8 million World War II veterans. Or, better yet, ask the family members of the 406,000 who died in service.

Sign the discharge petition and honor those killed and wounded during the Japanese attack on Pearl Harbor.

REPUBLICANS GAIN SEAT IN KENTUCKY, SEEK TO END ONE-PARTY CONTROL IN CONGRESS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, as the chairman of the National Republican Congressional Committee, it is my honor and pleasure to announce the results of yesterday's special election in Kentucky. Republican RON LEWIS, defeated Democrat Joe Prather 55 to 45 percent.

This is a district that has not been held by a Republican since Reconstruction. Well, my friends, we are now in the midst of Democrat deconstruction, and I look forward to welcoming many more fellow Republicans to the Congress after the November elections.

On the heels of an upset win in Oklahoma, last night's win sent shock

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

waves from Louisville all the way to 1600 Pennsylvania Avenue. RON LEWIS was not just the superior candidate but he carried a superior message. The message was simply "I won't be a rubber stamp to Bill Clinton and his failed policies."

Oklahoma and Kentucky are not isolated cases. Republicans are enjoying success across the Nation. In Florida, where 9 of 13 Republican incumbents have no Democrat opposition. This is a year of opportunity for the GOP.

After an eternity of one-party control in Kentucky, Republicans are now leading. And, after 40 years of one-party control in Congress, the American people are now saying it is time for Republicans to lead.

PARITY TO CARIBBEAN NATIONS AS PART OF GATT LEGISLATION

(Mr. BACCHUS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACCHUS of Florida. Mr. Speaker, today the White House is announcing that as part of the GATT implementing legislation, they will be seeking parity for the Caribbean Basin nations with the nation of Mexico. This is a very important development and it is one that will be of benefit to the nations of the Caribbean and to us here in the United States as well.

In particular, it will be of benefit to my constituents in Florida and to our entire State which has a tremendous two-way trade with the Caribbean Basin.

Mr. Speaker, as a nation we have a tremendous trade surplus, a job creating trade surplus with the Caribbean Basin. In 1992 our exports to those countries exceeded $11 billion, up more than 10 percent from 1991, creating more than 220,000 American jobs. This extension of parity to the Caribbean nations as part of the GATT legislation will preserve and protect the recent economic progress of the region, will create more jobs there and here, will provide some stability to their fragile democracies and do much to improve the chances of peace and prosperity in our hemisphere and around the world.

SECOND CONGRESSIONAL DISTRICT OF KENTUCKY FALLS TO REPUBLICANS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. President, President Clinton was kind enough last night to help the Republican Party do what we have been trying to do since reconstruction, and that is capture the Second Congressional District of Kentucky.

Last night's election of RON LEWIS to succeed the late Bill Natcher has given that seat to the first non-Democrat since Burkwell C. Ritter of the Conservative Party in 1865.

RON LEWIS' election has also finally laid to rest the fiction of the New Democrat. Voters are waking up to the difference between a genuine conservative and a counterfeit conservative looking for work.

Mr. Speaker, President Clinton has become an albatross around his party's neck, dragging down Democrat candidates from Oklahoma to New York, from Los Angeles to Texas.

Pity the poor Democrats; they have to flee in two directions at once, against their Republican opponent, and against their own national Democrat leadership.

They have to run from the House post office scandal and the Whitewater affair. They have to run from government-run health care and higher taxes. They have to run from the Democrat leadership's obstinate refusal to cut spending from A to Z. And they have to run from the most inept foreign policy since Jimmy Carter.

Thank you, Mr. President. You made our day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will remind the gentleman that he must address his remarks to the Chair.

U.S. TREATMENT OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Last year, Mr. Speaker, a Federal appeals court ruled that John Demjanjuk was not Ivan the Terrible. The court also ruled that the Justice Department perpetrated a fraud on the courts and on American constitutional rights by withholding key evidence that would have exonerated Demjanjuk and that with reckless disregard for the Constitution proceeded with the prosecution with a win-at-any-cost-type attitude.

□ 1010

Shame, Congress, shame.

And yesterday the Justice Department appealed to the Supreme Court, not against Demjanjuk, let us tell it like it is, but to save their own behinds. They are circling their wagons. They know they broke the law.

The Justice Department is guilty, ladies and gentlemen. My investigation proved that Demjanjuk is not Ivan, and the court of appeals certified that he is not Ivan, and shame, Congress, when the Supreme Court of Israel has to enforce the Constitution of the United States and save the life of an American citizen.

By the way, Congress, Germany told Israel that that Trawnicki I.D. card is a forgery.

Israel did not send him back for any other reason. Think about it.

What happened to the Constitution? What happened to Congress?

RECOGNIZING THE REPUBLICAN PARTY'S NEWEST MEMBER OF CONGRESS—RON LEWIS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, for the first time ever, the Second Congressional District of Kentucky is no longer hostage to a one-party system of governance. Yesterday, a Hardin County preacher, RON LEWIS, changed all that.

Filling the seat held by the late William Natcher, Mr. LEWIS—soon-to-be Congressman LEWIS—demonstrated that new ideas and fresh perspectives are a welcome change from our normal fare of stale ideas from professional politicians.

Since President Clinton's inaugural, Republican candidates have won seven major elections—the two most recent wins occurring in traditionally Democratic congressional districts.

Republicans are winning these battles because Americans want less Government regulation, less Government spending, aggressive crime control, and more individual self-determination.

Mr. Speaker, the gentleman from Kentucky and Congressman LUCAS of Oklahoma represent a growing voice from the American people.

And that voice is saying "The Republican Party has the vision and decisiveness to lead America back to its rightful role as the unquestioned international, political, and economic leader."

HUMAN RIGHTS IN HAITI

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, last Saturday the Haitian military regime stepped up its reign of terror by ordering government prosecutors to enforce the 14-year-old Duvalier-era law that makes irregular trips to foreign lands illegal. Its reappearance right after the United States announcement that we were tightening the embargo represents the latest action by a regime intent on displaying its contempt for human rights, democracy, and for the United States.

This law serves notice on us that any Haitian refugee who is henceforth returned to Haiti will be subjected to imprisonment, to torture, and to death.

The Goss amendment which passed last night and calls for setting up a processing center on Ile de la Gonava to sort out real from pretend refugees will not solve the basic problem, which is that we are now on notice that no Haitian who tries to leave can be returned safely.

The Haitian military has decided they are all criminals simply because they try to flee the tyranny. Whether we return them from Ile de la Gonava or from Ukrainian cruise ships, we are still sending them back to certain persecution, torture, and murder.

Mr. Speaker, we must not continue this policy and repeat the shame of 1938 when we returned Jewish refugees to death at the hands of the Nazis.

ANOTHER REPUBLICAN WIN: ANOTHER REJECTION OF PRESIDENT CLINTON

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is probably safe to say that breakfast at the White House this morning was not a pleasant meal. Because, yesterday, in the Commonwealth of Kentucky, President Clinton and his party were rejected once again.

It is getting to be a pretty familiar scene. Democrat candidates pretend that they never heard of Bill Clinton. But Republicans remind the voters who occupies the White House and who controls the Congress.

The results never seem to vary these days. The tax-and-spend Democrats go down to defeat. The Republican candidates go to the House, to the Senate, to the State house, and to city hall.

Mr. Speaker, to those of my Democrat colleagues who despair, I would only say this: Change your ways. Work with your Republican colleagues. Reject the agenda of your President and your leadership. And maybe you will be spared a similar fate in November.

MFN FOR CHINA CONSISTENT WITH AMERICA'S INTERESTS AND IDEALS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, should the President decide to renew most-favored-nation status for China it is my belief that this Congress will join in that decision. We will do so because in the final hour this Congress would recognize that this action would be consistent both with America's interests and in its ideals.

Here our interests are obvious. The need to create and preserve jobs by expanding trade, trade that will strangle with the denial of MFN, is vitally important to the people of our country. But our ideals are just as vital as our interests. Here they are the same. For whatever else can be said, we all know that the foundation for building a house of democracy in China is the growth in numbers of independent property owning people, with their own economic base, free to resist the central government and tied in ever growing ways to the citadel of democracy, America. Although this takes time, this is the single best strategy for the long-term hopes of democracy in China. It may not give us the instant gratification we like, but it would plow the seed bed that has to be laid to make democracy grow.

Here we would join in a vote for our interests and our ideals.

AMERICANS ARE REJECTING BIG GOVERNMENT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, in Texas, Virginia, New York, Los Angeles, Oklahoma, now in Kentucky and across the Nation, Americans are rejecting big Government, the tax-and-spend tenet of the Democrat Party and Bill Clinton.

This trend began in my State of Georgia. Only a few weeks after the 1992 election, Georgians elected Republican PAUL COVERDELL to the Senate.

Yesterday, a district that had not sent a Republican to Congress since the Civil War, elected RON LEWIS its Representative. This was a stunning upset, but we should not be surprised. Time and time again, at the ballot box, voters have told the Democrats what they think of their big-Government policies.

The Democrats' leaders will try to convince themselves and the Nation that the Kentucky race was not a referendum on Bill Clinton. But the election of RON LEWIS should be a message to us all. Kentuckians, like the rest of America, do not trust the Democrat Party and certainly do not want the Democrat-controlled Government getting bigger by taxing us more.

UNIVERSAL, COMPREHENSIVE, AFFORDABLE HEALTH COVERAGE

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, Americans need universal coverage as the cornerstone of health care reform; not universal access, but universal coverage.

What is the difference? Well, that one word makes all the difference. Universal coverage means every American gets affordable health insurance. Universal coverage means an end to gaps in the health care system that unfairly shift costs to working families. Universal coverage is fundamental to controlling spiraling health care costs.

Universal coverage ensures that every American gets health care, and every health care bill is paid.

The Congress will make history by assuring real health security for hardworking American families.

To achieve real reform, we must ensure universal, comprehensive, and affordable health coverage for every American citizen.

HOUSE ON THE RECORD ON HAITI

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, while U.S. Navy ships fired ominous warning shots trying to enforce punishing and unworkable economic sanctions in Haiti—this House fired a warning shot for the White House: Most Members of this body do not support U.S. military intervention in Haiti. But is anyone listening at the White House? It appears the administration is uninterested in the advice and consensus of this House, and is so driven toward pursuing its failed Haiti policy that it is willing to unnecessarily risk lives to prove a point. I implore the President to look at the Goss safe haven plan that was scrutinized here yesterday—a proposal that received the support of 223 Members of this House. It is a positive new idea that can both work for Haiti and can extricate the United States from this looming foreign policy disaster.

Do we really want our Navy steaming around the Caribbean firing warning shots at commercial shipping? I think not.

A SMALL BUSINESSMAN WITH A BIG IDEA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday Republican RON LEWIS made history by beating Democrat Joe Prather in a district that has not sent a Republican to Congress in 130 years.

Republican RON LEWIS is a small businessman with a big idea: that America needs less of what President Clinton wants: less government, less spending, and less taxes.

The voters of Kentucky got a chance to express what the rest of America is thinking, that it is a Democrat House, a Democrat Senate, a Democrat President, and Democrat gridlock that is doing what they want undone, and undoing what they want done; so they elected a Republican to get a solution.

Despite being the second election in a row where voters have overcome large Democrat odds to send a message and a Republican to Washington, my friends on the other side want you to believe this election was not about them; that it was not about their policies, and that it certainly was not about their President.

My colleagues on this side hope they will continue to believe that.

□ 1020

REPUBLICAN WIN SENDS A MESSAGE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Ron Lewis win in the 2d Kentucky District should send a message. When I heard the news last night, I rushed over here to see if there was a crack across the dome. There was not. But the message is clear: Stop the liberal agenda of the Clinton administration and the leadership of this House; stop oppressive Government regulation and interference in our lives; stop the foolish deficit; do real welfare reform, not more giveaways; do what we need to fix our health care, do not nationalize it.

If the President is spending millions of dollars on polling to find out what Americans think, he either is not getting his money's worth or he is not paying any attention to it.

It is time the leadership in the Congress and the administration wake up to what the American people want.

Good luck, RON LEWIS. We will be supporting you in carrying out the agenda that the people in your district sent you here for.

JUVENILE CRIMINAL ACT OF 1994

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, today I am introducing the Juvenile Criminal Act of 1994. Congressman PETE GEREN and I are offering this legislation to address the problem of serious juvenile crime in America. The statistics tell a chilling tale: From 1982 to 1991, arrests of juveniles for violent crimes increased by 41 percent, during the same period, juvenile arrests for aggravated assault increased by 72 percent, and juvenile arrests for murder went up a stunning 93 percent.

The juvenile justice system has responded to this crime wave in a woefully inadequate manner. The bill we are introducing would provide incentives for the States to try violent and hardcore juvenile offenders in adult court and to assist law enforcement by maintaining the records of offenses by violent and hardcore juveniles.

I believe we must take forceful action to deal with serious juvenile crime in this country. This bill would help move us in that direction and would help insure that scarce Federal resources are used in States which have demonstrated a commitment to deal with the problem in a realistic way.

REPUBLICAN WIN IN KENTUCKY SHOULD SEND MESSAGE TO ADMINISTRATION AND CONGRESS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, there is something happening in America: 2 weeks ago, in an Oklahoma district that had been held by a Democrat Member, came up for special election, and the Republican won in an overwhelmingly Democrat district. Last night, in the Second District of Kentucky, a 3-to-1 Democrat district, RON LEWIS was elected. Why? Because the American people think the Government is too big and it spends too much. It is because the American people do not want the Federal Government to get between themselves and their doctor with some kind of Government-run health care system. The fact is, ladies and gentlemen, Americans want change, and they want real change, and they are sending that message to Congress. It is time for this Congress to listen.

We want to congratulate RON LEWIS for a great win, we want to congratulate the Republicans who helped him, but the real winners yesterday in Kentucky were the American people, who had their message sent to this body once again.

NATIONAL HEALTH BOARD: BIG BROTHER KNOWS BEST?

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, I rise to call attention to one of the least noticed and most damaging provisions of the Clinton big Government health care plan. Section 5232 states: "There shall be no administrative or judicial review of any determination by the National Health Board respecting any matter under subtitle A of title VI." In other words, all decisions of the National Health Board to impose limits on health care spending in every region of the country are final. No checks, and balances, no judicial review, no questions asked.

The Clinton health care plan gives the politically appointed National Health Board the power to set a global budget and divide up the health care dollars to the hundreds of regional alliances as it sees fit. If the alliance in your region goes over the Board's budget—and your child is forced to wait for care—too bad. If the local hospital is forced to close because the National Health Board imposed unreasonable premium caps in your region—tough luck.

In a Government-run health care system, the needs of patients will always be subordinate to political pull and mindless bureaucracy. Big Brother knows best.

THE TURNING POINT

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, in football, the analysts always like to talk about the turning point of the game, the point where the winning team made the plays to win the day.

Yesterday's election in the Second District of Kentucky was a turning point for the American people and the U.S. Congress.

It marks the end of the status quo in the Congress and beginning of a new age in the Nation. It signals the start of the real reform of the Federal Government.

Yesterday, Republicans won a seat that they had never won before. The Republican candidate, underdog RON LEWIS, overcame huge disadvantages by running on a platform of less taxes, less Government, and less regulations.

The Democrat ran with Bill Clinton and the status quo. By voting against the Clinton agenda the people of the Second District of Kentucky rejected Government. By voting for the Republican agenda, the people accepted better Government.

Mr. Speaker, as John Madden likes to say, yesterday was a turning point for the American people. Now is the time for better Government.

MOST-FAVORED-NATION STATUS FOR CHINA

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, I rise today to encourage President Clinton and my colleagues to approve most-favored-nation status for China, and broaden the decision from our equally important concerns about human rights abuses.

The United States has worked hard for more than 20 years to develop an increasingly close relationship with China. As we consider our concerns about China's human rights abuses, and the best way to help improve that record, we should remember that a driving economic relationship between China and the rest of the world will produce greater understanding and support for human rights than a closed society.

Encouragement from a friend is more persuasive than ultimatums from an adversary.

Let us not continue, year after year, to draw a line in the sand, only to erase it. We need all the tools we can assemble—both diplomatic and disciplinary. Drawing China closer to us by granting MFN status will expand our toolbox and increase our chances of achieving our economic, social, and political goals.

Mr. Speaker, I come from a State with longstanding relationships throughout Asia and the Pacific rim. Washington State has made international trade a cornerstone of its economy. I believe the United States' best opportunity to help right the wrongs we continue to observe in China is to increase United States influence by strengthening our economic, political, and cultural ties with the Chinese people, and to use that relationship as a vehicle for positive internal change.

EIGHT FOR EIGHT, CAUSE FOR REPUBLICAN CELEBRATION

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, eight for eight. This is a good day to be Republican, and I would like to indulge in just a little bit of celebration.

Eight for eight: Two Senators, Georgia and Texas; two governors, Virginia and New Jersey; two mayors, Los Angeles and New York; and now two Congressmen, Oklahoma and Kentucky.

The real question is: Why? Here is my theory:

The American people have finally figured out that it does not matter how new, how centrist, how moderate or even how conservative a Democrat claims to be while campaigning. Once they are elected, Mr. Speaker, they are inevitably sucked to the left whether it is in the Congress, whether it is in the statehouse, whether it is in the presidency, whether it is in the mayor's office. They are inevitably pulled hard to the left as soon as they are elected. It happened with the freshman Democrats of the 103d Congress. It happened with President Jimmy Carter. And I say to my colleagues, "If you give President Clinton the benefit of the doubt and say that he really did believe the things he campaigned for, it happened with him as well."

Mr. Speaker, the American people have figured it out. They have woken up. I wish this Congress would wake up and figure it out, too, and move back to the center where it promised to be.

HEALTH INSURANCE THAT IS ALWAYS THERE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, 9 out of 10 Americans with private health insurance receive their coverage at work. Many of these Americans risk losing their coverage when they change jobs or get sick—just when they need it most.

Health care reform guarantees private insurance for every American. Whether newly employed, looking for work, or sick and unable to work, no one will lose their coverage or see it compromised.

Health care reform will provide personal, private, comprehensive, and uninterrupted insurance. Wherever any American goes, they will take their coverage with them.

Individual circumstance may change, but people will not have to worry about losing their coverage or their benefits being cut. If they get sick they will not have their rates jacked up. If they are older, they will not pay more just because they have aged.

Health care reform will ensure that insurance is just that—insurance, always there and always effective.

ELIGIBILITY OF BLIND INDIVIDUALS TO SERVE AS JURORS IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 4205) to amend the title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

Mr. BLILEY. Reserving the right to object, Mr. Speaker, and I do not intend to object, but I at this time would like, under my reservation, to yield to the gentleman from California [Mr. STARK] for an explanation of the bill.

Mr. STARK. Mr. Speaker, I thank the distinguished ranking member, the gentleman from Virginia [Mr. BLILEY], for yielding to me and say to him that H.R. 4205 merely protects the right of every blind person to be a juror in cases before the Superior Court in the District of Columbia unless the blindness makes the individual incapable of rendering satisfactory jury service in that case. The Federal court decision overruled a local practice of excluding blind persons. H.R. 4205 codifies that change in the D.C. Code, and I urge that my colleagues support this unanimous consent request.

Mr. Speaker, in 1986 Congress amended the jury selection procedures in the D.C. Code to conform with the practice in Federal courts. D.C. Code section 11–1901 declares congressional policy in the same words as in 28 U.S.C. 1861: "All litigants entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section" of the community.

In testimony before our committee in 1985, a witness for the Council for Court Excellence expressed the view, with which we all agree, as follows:

> Just as voting is both a right and a civic responsibility available to all citizens, so must all citizens be given both the opportunity and the encouragement to serve as jurors in the District of Columbia Superior Court.

After Congress adopted this change, local DC trial courts interpreted the new language to permit excluding blind persons entirely from jury service. Fortunately, the 1993 Federal court case of Galloway versus Superior Court of the District of Columbia held that this practice violated three Federal laws which protect persons with disabilities from discrimination.

Other language Congress added in 1986, which is in D.C. Code section 11–1906, uses words similar to 28 U.S.C. 1865 in identifying a person not qualified to serve as a juror, namely, one who is "incapable by reason of physical or mental infirmity of rendering satisfactory jury service."

The D.C. Superior Court has changed its policy to conform with the court decision. H.R. 4205 simply codified that court opinion in the D.C. Code.

I urge my colleagues to support this bill.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. STARK] for his explanation.

Further reserving the right to object, Mr. Speaker, under my reservation I yield to the gentlewoman from the District of Columbia [Ms. NORTON], the sponsor of the bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding to me. Mr. Speaker, this is a matter of importance to the District of Columbia, but of no importance to this body and is, perhaps, another indication of why the District ought to have complete home rule. Ten States already allow blind jurors to serve on juries. We have a judge who has been serving for 10 years as a judge of the Superior Court. I ask that the District of Columbia be given the right to allow jurors who are blind to serve equally with other jurors according to their qualifications.

I am pleased to rise in support of the District of Columbia Right to Jury Service Amendment Act of 1994. The bill would ensure that blind citizens of the District of Columbia would not be automatically excluded from jury service.

By statute, the District of Columbia jury system provides that all litigants who are entitled to a trial by jury have the right to grand and petit juries selected from a fair cross section of the citizens of the District.

Under current law, a citizen of the District of Columbia may not be excluded or disqualified from service as a juror because of race, color, religion, sex, national origin, ancestry, economic status, marital status, age, mental infirmity, or, most important for the purpose of this bill, a physical handicap. However, until 1993, it was the practice of the Superior Court of the District of Columbia to automatically disqualify prospective jurors who were blind but met all other qualifications.

This policy, based on assumptions that blind persons could not fully appreciate the veracity or credibility of evidence or witnesses, or that "visual observation is an essential function or attribute of a juror's duties," was rejected by U.S. District Judge Joyce Hens Green in *Galloway* v. *Superior Court of the District of Columbia,* 817 F. Supp. 12, 16 (D.D.C. 1993). Judge Green held that categorically discriminating against blind persons violates three Federal laws, namely the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1871. The Superior Court now excuses prospective blind jurors from service only in particular cases in which vision is a necessary qualification for service.

However, the City Council, by resolution, has requested a statutory change to ensure that blind persons will not automatically be excluded from jury service.

While this bill would prohibit courts from implementing any policies which would automatically disqualify blind citizens from jury service, the bill would not provide for the automatic inclusion of blind citizens for jury service. The decision of whether a prospective blind juror would be able to serve would be determined on a case-by-case basis by judges, attorneys, and the voir dire process.

Judge David Norman, a legally blind person, presided over numerous trials in the District of Columbia Superior Court for 10 years—from 1973 to 1983. His physical impairment did not interfere with his ability to make factual findings. Blind lawyers who have tried both civil and criminal cases in Superior Court evaluate the credibility of witnesses and the content of physical evidence. it follows that blind jurors can evaluate witnesses and evidence as well. Blind citizens may already serve as jurors in the U.S. District Court for the District of Columbia.

In enacting this legislation, the Congress would enable the District of Columbia to join at least 10 other jurisdictions that have enacted similar legislation including California, Oklahoma, Massachusetts, New York, Oregon, South Carolina, Texas, Virginia, Washington and Wisconsin.

Service on juries both preserves the democratic process and protects the rights of parties. Jury service is an honor and privilege that should available to all qualified citizens. Blindness should not in and of itself abrogate the privileges and rights accorded to all citizens of the United States.

Earlier this year I met Mr. Paul McKay, a representative of the National Federation for the Blind and a lawyer who practices in D.C. Superior Court. He put to me a simple question that I what to share with all of you: If a blind lawyer can argue cases in D.C. Superior Court, then why shouldn't that same individual be allowed to serve as a juror in trial in that same court? This is what they call a no-brainer, my friends. Let's make this situation right by passing this bill.

Mr. BLILEY. Further reserving the right to object, Mr. Speaker, I rise in support of H.R. 4205.

Mr. Speaker, this worthwhile legislation will codify the holding in Galloway versus Superior Court of the District of Columbia, and clarify that blind persons cannot be categorically excluded from service on juries in the District and Superior Courts of the District of Columbia. In so doing, the District would join at least 10 jurisdictions that have enacted similar legislation.

Title 11 of the D.C. Code, which this legislation effects, may only be amended by Congress. It extends to blind persons the recognition that their disability does not render them automatically incapable of serving on a jury.

This bill does not alter the process for removing persons from juries who are incapable of impartially evaluating evidence and rendering fair verdicts. Decisions of whether or not a certain individual will ultimately serve as a juror still remains within the province of the normal jury selection process. A case-by-case selection process and the longstanding "challenge" process remains the standard for selection of jurors.

I fully support this legislation and know of no opposition to the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF ELIGIBILITY OF BLIND INDIVIDUALS TO SERVE AS JURORS IN DISTRICT OF COLUMBIA.

Section 11-1906(b), D.C. Code, is amended by adding at the end the following new paragraph.

"(4) An individual who is blind may not be disqualified from serving as a juror solely on the basis of blindness, but may be disqualified from serving as a juror in a particular case if the individual's blindness makes the individual incapable of rendering satisfactory jury service in that case.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4205, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR COVERAGE OF FORMER SPOUSES OF JUDGES OF THE DISTRICT OF COLUMBIA COURTS

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 3676) to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but I yield, under my reservation of objection, to the gentleman from California [Mr. STARK] for an explanation of the bill.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman from Virginia [Mr. BLILEY] for yielding to me, and I suggest to him that H.R. 3676 merely includes judges in the survivor benefits and health insurance provisions of former spouses that was enacted by the District of Columbia. The gentleman from California is unaware as to why judges were not included before now, and it seems a matter of equity that they should be included as every other employee in the District of Columbia, and this bill would merely include D.C. judges under the provisions that are accorded to survivors for every other employee in the District of Columbia, and I ask for its adoption today.

Mr. Speaker, retirement benefits for many employees of the Government of the District of Columbia are set by the Federal Civil Service Retirement System [CSRS] (5 U.S.C. 8401). In 1978 and 1984, when Congress added spouse equity benefits for Federal employees, those D.C. Government employees received that added coverage.

In 1989, the District of Columbia Government added to the retirement systems of most of the rest of its employees—police officers, fire fighters, teachers, and many others hired after October 1, 1987—the same benefits for former spouses of employees that Congress adopted in 1978 and 1984 for Federal employees and for some of the District's employees.

Judges and many local court employees were not covered by either the Congressional or D.C. Council amendments. Because Congress has reserved to itself authority to amend Title 11 of the District of Columbia Code—relating to organization of the courts—which includes the retirement system for D.C. judges, the Council of the District of Columbia was not able to include former spouses of judges in its 1989 law. H.R. 3676 corrects that deficiency. H.R. 3676 will conform the retirement systems for all judicial employees to the other retirement systems.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. STARK] for his explanation, and, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON], the sponsor of the bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding to me.

Judges were left out of the District's Spouse Equity Amendment Act of 1988 only because the District of Columbia does not have the right to enact any laws affecting the courts, title XI of our code. The bill before us may affect all of one person; over the life of the bill, maybe it will affect ten. May I apologize that a small matter of purely local concern has to take the time of a body that needs every minute it can spare to take care of the Nation's business.

Mr. Speaker, I can only hope that these excursions into the trivia of city government will soon convince this body that the Congress needs to have the District have its right to self-government as much as the District needs that right.

I am pleased that today we are taking up this bill to amend title 11 of the D.C. Code in order to extend coverage of the District's Spouse Equity Amendment Act of 1988 to District of Columbia judges. Both Congress and the District already have determined that spouses are entitled to a share of the annuity benefits earned during the course of a marriage.

This problem is an unintended flaw brought to our attention by the former wife of a retired D.C. judge. She was awarded part of the judge's pension benefits in a divorce settlement. Both parties agreed to this provision as part of the settlement, and the court decree reflected their agreement. However, when the wife attempted to collect the benefits, she learned that the law in the District of Columbia covered all but one group of employees—D.C. judges—and therefore did not allow her to effectuate the voluntary agreement included in the divorce settlement.

A little bit about the history of this omission law will make clear that what we are doing today is simply providing administrative relief that unfortunately, because of limitations in the District's self-government authority, only the Congress has the authority to provide. There is no additional cost to the taxpayer. In 1989 the D.C. Council enacted the "Spouse Equity Amendment Act of 1988" to bring the District's retirement system into conformance with the Federal Government's Civil Service Retirement System [CSRS], under which former spouses of retirees may receive retirement benefits and survivor annuities. The original purpose of the D.C. Spousal Equity Act passed by the Council was to apply to D.C. police, firefighters, teachers, and judges provisions similar to those in the Federal law, which permits a court to order the U.S. Office of Personnel Management to pay a share of a CSRS retiree's vested pension directly to a former spouse and to order that existing survivor annuities be given to former spouses.

The Judges' Retirement System, set forth in title 11 of the D.C. Code, had to be omitted from the D.C. Council's Spousal Equity Act, however, because the Home Rule Act prohibits the Council from enacting any laws with respect to title 11, which relates to the organization and jurisdiction of the courts. Under current law, District judges are not covered by the Federal or D.C. Spousal Equity Acts, and therefore are the sole group among District or Federal employees whose former spouses are denied appropriate and legal access to the judges' pensions.

To address this situation and others like it, I introduced this noncontroversial legislation to extend rightful coverage and benefits of the current D.C. Spousal Equity Amendment Act to D.C. judges, thereby carrying out the purpose of the Act as intended by the D.C. Council and the Congress when the law was enacted in 1988.

May I apologize that a small matter of purely local concern has to take the time of a body that needs every minute it can spare to take care of the Nation's business. I can only hope that noncontroversial excursions into the trivia of city government will soon convince this body that the Congress needs the District to have its democratic right to self-government as much as the District needs that right.

Mr. BLILEY. Further reserving the right to object, Mr. Speaker, I rise in support of H.R. 3676.

Mr. Speaker, I support H.R. 3676, a bill to amend the District of Columbia Spouse Equity Act of 1988. In September 1992, the House unanimously passed S. 1880 which amended this act to provide employee benefit protections to the former spouses of members and retirees of the U.S. Secret Service and U.S. Park Police (P.L. 102–422). H.R. 3676 simply extends these same protections, enjoyed by other Federal and District employees, to former spouses of federally appointed judges who serve in the District of Columbia.

There is no cost to the Federal Government as it does not increase the amount of benefits, but merely addresses how benefits are distributed.

There was no opposition to the 1992 legislation and I am not aware of any opposition to H.R. 3676.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE OF FORMER SPOUSES OF JUDGES OF DISTRICT OF COLUMBIA COURTS UNDER SPOUSE EQUITY ACT.

(a) IN GENERAL.—Section 2 of the District of Columbia Spouse Equity Act of 1988 (sec. 1–3002, D.C. Code) is amended by striking "(A) and (C)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Spouse Equity Act of 1988.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3676, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Except as otherwise provided in this resolution, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. It shall be in order at any time for the chairman of the Committee on Public Works and Transportation or a designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is the rule providing for consideration of H.R. 4385, the National Highway System Designation Act of 1994. The resolution provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

The rule makes in order the Public Works Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The committee substitute will be considered as read and all points of order against the substitute are waived.

Mr. Speaker, the rule makes in order only those amendments that are printed in the Rules Committee report accompanying this rule as well as certain en bloc amendments. The amendments are to be considered in the order specified in the report and all points of order are waived against the amendments. The rule further provides that the amendments are not subject to amendments, except as specified in the report, the amendments are considered as read, and are not subject to a demand for a division of the question.

House Resolution 440 also authorizes the chairman of the Public Works and Transportation Committee, or his designee, to offer amendments en bloc consisting of amendments printed in the Rules Committee report and to offer germane modifications to any amendment. The rule provides that the amendments en bloc will be considered as read but that any germane modifications to the amendments will be reported to the House.

The amendments en bloc are debatable for 10 minutes, are not subject to amendment, nor a demand for a division of the question and all points of order against the amendments en bloc are waived.

The rule further provides that the original proponent of an amendment included in the en bloc may insert a statement in the CONGRESSIONAL RECORD. Finally, House Resolution 440 provides for one motion to recommit with or without instructions.

Mr. Speaker, at the outset of the consideration of House Resolution 440 I first want to publicly praise Chairman MINETA, ranking minority members, Mr. SHUSTER and Mr. PETRI, as well as subcommittee Chairman RAHALL for their fine efforts in bringing this bill to the House.

As Members are well aware, an integrated and coordinated transportation system is critical to the well-being of our Nation's economic future. H.R. 4385 proposes such a system. First, the bill designates over 159,000 miles of roadways throughout the country as the National Highway System.

This National Highway System will serve as a catalyst in the creation of a national intermodal transportation system, a coordinated system that will ultimately consist of road and bridge infrastructure, railways, waterways, airports, and transit lines throughout the country.

Second, in an attempt to address the ever-changing transportation needs of the country, the bill authorizes a number of highway and transit projects that conform to the policy directives in the Intermodel Surface Transportation Efficiency Act of 1991, more commonly known as ISTEA.

Finally, Mr. Speaker, the bill makes technical and minor policy revisions to the 1991 ISTEA Act that are intended to ensure that the American people realize a better return on their investment in the Nation's transportation system.

Mr. Speaker, as I stated earlier, this bill is a reflection of a bipartisan compromise. Passage of House Resolution 440 will allow the House to begin consideration of this most important transportation bill. I urge my colleagues to support adoption of House Resolution 440 and to pass the bill, H.R. 4385, the National Highway System Designation Act of 1994.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], has thoroughly described the provisions of this modified open rule making in order only certain amendments which were submitted to the Rules Committee prior to its consideration of this matter. I offered a motion in the Rules Committee to make this a completely open rule, but it was not allowed. Although an open rule would be preferable, I understand that all amendments that were submitted and not withdrawn have been made in order.

Mr. Speaker, H.R. 4385 designates the National Highway System as developed by the Department of Transportation pursuant to the 1991 ISTEA bill. The bill also authorizes high priority transportation projects.

I commend the hard-working members of the Public Works and Transportation Committee for their spirit of cooperation in bringing this bipartisan bill before us. Five years between highway authorizations is too long—disasters occur, necessities arise, priorities change. I am glad to see that the committee recognizes the need to bring forward an authorization bill more frequently. It avoids the need to authorize in appropriations bills, and it is the right way to do business.

I know that I cut my teeth in the Committee on Public Works and Transportation my first 2 years in the Congress. I have supported highway bills all the way down the line, and I support this bill, because it is a necessity for the future of our country to grow and grow and grow.

Mr. Speaker, I have no objections to the adoption of this rule, although I was hoping for another ride and I support passage of the National Highway System Designation Act.

I include the following statistics for the RECORD:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	67	14	21	53	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 24, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

☐ 1050

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the outstanding gentleman and sportsman, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, whenever JOE MOAKLEY says something like that, that worries me, because at times he is known to get out of control around here. But I will let that one pass.

Mr. Speaker, thank you for making my amendment in order. I want to commend the Committee on Public Works and Transportation, its chairman, the gentleman from California [Mr. MINETA], the subcommittee chair, the gentleman from West Virginia [Mr. RAHALL], the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER] and the subcommittee ranking member, the gentleman from Wisconsin [Mr. PETRI], for a fine bill. I would like to talk briefly about this rule, which I support, and my amendment, and what has really developed and brought this amendment around.

About 8 years ago, under former Chairman Jim Howard of this committee, I took a look at safety improvements in the highway bill, and they were 80–20 on the interstate. For example, if you continued to pave a road and the road surface was elevated somewhat, and the guardrail was worn out or had been hit and damaged or was missing and not replaced, the State would have to come up with 20 percent of the money on interstate to try to fix that guardrail. The States hard hit for money did not have the money, so they would turn the other way and hope the guardrail would not be a problem in the future, and go on with their repair needs or new construction needs and try to maximize the use of their 20 percent.

In a hard fight, we were able to get Chairman Howard to accept my amendment that expanded section 120(D) and made certain highway safety improvements 100 percent funded under the trust fund. That meant that that State wanting to fix that guardrail now did not have to go into their own limited coffers, and they could have 100 percent money under that trust fund.

So now we have guardrails, signs, lights, bridge impact attenuators, breakaway utility poles, a number of safety improvements, that are 100 percent funded, which is saving lives. And I thank the gentleman from California, Chairman MINETA, for helping me under Chairman Rob Roe to get that language in and keep that language in, since that language was targeted to be phased out under a 90–10 scenario.

Today I come back under a different circumstance. We have found there have been about 35,000 highway deaths nationally attributed to heavy commercial truck drivers coming down the pike, coming down the track, with these heavy loads. And of those, 600 of them have been attributed to truck drivers having fallen asleep. We do not know how many truck drivers have fallen asleep when they in fact were killed in those accidents. There is no way of proving it.

So I wanted to thank the committee for putting an amendment in that calls for a study of what might be done to reduce the potential of heavy commercial vehicles coming steaming down with big loads on, where the driver may fall asleep, where maybe we have exits that are 30 miles apart, and that truck driver, trying to make a buck in this limited-profit industry, says, "Well, I will make it to that next exit. I will get that other 30 miles. I will get to that truck stop." And sometimes they just do not get there, and they kill mom and dad.

So this rule allows for this amendment that calls for a study to work out methodology by which we could in fact eliminate some of the potential for those serious accidents. Hopefully next year we can come with a bill, with the help of the fine committee staff and Chairman MINETA's help, that could alleviate those deaths, and maybe we can save those lives.

So I want to thank the gentleman from California, Chairman MINETA, and thank the committee, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from West Virginia [Mr. RAHALL], for including this amendment, and thank the Committee on Rules for giving me a couple of minutes.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California, the Honorable NORM MINETA, the chairman of the Committee on Public Works and Transportation, who has worked so hard to bring this bill to the floor today.

Mr. MINETA. Mr. Speaker, as Chair of the House Committee on Public Works and Transportation, I rise in strong support of House Resolution 440, the rule on H.R. 4385, the "National Highway System Designation Act of 1994".

First of all, I would like to commend the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], and all the members of the Rules Committee, for their excellent work in helping craft this rule which gives due consideration both to the busy floor schedule for this week and the need to have important policy issues brought before the full House.

A number of amendments were requested, but by the time the Rules Committee met yesterday, all but five of those amendments were worked out in one way or another, and those five amendments are permitted by this rule.

The rule therefore accommodates all remaining requests for amendments and yet does so in a manner which will allow for relatively expedited consideration of the NHS bill. That is particularly important given our schedule for this week.

Mr. Speaker, I urge support for this rule, which permits consideration of this important bill in an expeditious and equitable manner.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I will be brief, simply to say I strongly support this rule. It is a fair rule, it is a bipartisan rule, given to a bipartisan bill. It has strong support. We have worked out all of our differences. I had submitted several amendments to the Committee on Rules, but it is not necessary that they be offered, and I informed the Committee on Rules of that. I hope we can move forward expeditiously on this historic piece of legislation.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 440 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4385.

☐ 1158

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, with Mr. FIELDS of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the Committee on Public Works and Transportation in a bipartisan fashion brings to the House floor H.R. 4385, the National Highway System Designation Act of 1994.

The fundamental purpose of this legislation is to designate a new National Highway System.

The system will be comprised of approximately 159,000 miles of interstate and defense highways, certain non-interstate principal arterial roads, high-priority corridors identified by the Congress, and routes which provide access to major intermodal facilities and defense installations.

To put this mileage in perspective, it includes only 4 percent of the Nation's 3.9 million miles of public roads. However, it will carry over one-half of the Nation's road-borne commerce and long-distance travel.

☐ 1100

Under the terms of the Intermodal Surface Transportation Efficiency Act of 1991—commonly referred to as ISTEA—these routes will be eligible for about $3.6 billion per year in expenditures from the Highway Trust Fund for construction, rehabilitation, restoration, resurfacing, or reconstruction activities.

However, at stake with this legislation is almost $6.6 billion a year because if the Congress does not designate the NHS by September 30, 1995, a self-executing provision of ISTEA will cause all NHS and interstate maintenance funds to cease flowing to the States.

For this reason, this is must-pass legislation.

It should be noted that the establishment of the NHS transcends highway funding issues.

What this initiative represents is a first-step toward viewing what could be termed the crown jewels of America's roads, highways, and bridges within the overall context of a surface transportation system, complete with intermodal connectors, that will move goods and people efficiently into the next century.

Toward this goal, this legislation calls upon the Secretary of Transportation, in consultation with the States, metropolitan planning organizations, and interested parties, to devise and submit to the Congress a proposed National Transportation System.

This bill also addresses specific transportation projects. While State and local planning processes continue to be the determining factors in the selection of which highway projects are constructed, this bill recognizes that no single process can be infallible.

In certain instances it is possible that important transportation projects may not proceed due to a variety of factors.

This program of projects included in this legislation were subjected to an exhaustive review to determine whether they embody the principles of ISTEA to renew our surface transportation programs by addressing the Nation's changing transportation needs.

It is true that the Subcommittee on Surface Transportation received over 900 highway transit project requests totaling $32.4 billion.

The committee, myself, the gentleman from California [Mr. MINETA], full committee chairman, the ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking minority member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], we reviewed each and every one of these projects. We, along with the staff, did an exhausting review.

Let me note that the quality of these project requests was extremely high.

I think this is in part due to the fact that we put into place a process which emphasized local and State support and greater informational requirements.

With that said, I would observe that we obviously could not authorize $32 billion worth of transportation projects.

We had to make some extremely tough decisions.

This bill contains three categories of project funding, highway projects are provided for either through contract authority or an authorization for appropriation from general funds. Transit projects are provided for through the section 3 new start program.

With respect to contract authority, Mr. Chairman, every dollar in contract authority proposed for a new or ongoing highway project is offset by a dollar we propose to rescind.

We are playing a zero-sum game.

Under the bill, about $526 million in contract authority from certain pre-ISTEA projects which are no longer valid, and from certain programs for which the full amount of contract authority provided is not being utilized, would be rescinded.

This bill also contains $900 million worth of general fund authorizations broken down over a 3-fiscal-year period.

What we are basically proposing to do is to provide the Appropriations Committee with a menu, if you will, of projects which they may fund, provided they do not exceed $300 million in a given fiscal year.

We have chosen $300 million as this is pretty much the figure the Appropriations Committee has been using in the past.

Finally, this bill contains about $622 worth of transit projects. This money is offset by the repeal of section 3 authority for two transit projects which no longer enjoy local support.

Authorized through fiscal year 1997, ISTEA continues to serve as a catalyst in redirecting the Nation's surface transportation program to meet the challenges of the 1990's and the 21st century.

As such, the NHS designating legislation does not propose to modify ISTEA's apportionment formulas or to significantly alter any of its core programs.

However, as a result of oversight and legislative hearings, an identifiable need has arisen to correct certain aspects of the legislation in order to enhance its implementation by the Department of Transportation, the States, metropolitan planning organizations, and others in the transportation community.

In this regard, the pending measure contains the text of H.R. 3276, legislation aimed at making technical, conforming, and minor policy revisions to ISTEA, which passed the House last year.

Also as part of the process to improve ISTEA's implementation, several relatively minor new policy modifications are proposed.

Included in the legislation are certain adjustments to section 1038 of ISTEA, commonly referred to as the "crumb rubber" provision, in order to provide for more flexibility in its goal of recycling used tires.

The bill also includes a number of revisions to the National Recreational Trails Act in order to provide a better balance between motorized and nonmotorized trail users and to establish a consistent funding basis for the program.

Adjustments to the Congestion Mitigation and Air Quality Program are also proposed in order to prevent a deterioration of air quality in areas which have recently reached attainment.

The establishment of a National Highway System has also given rise to a debate over enhancing quality in the highway design and construction processes.

In effect, a need to provide a better return to the public for their investment in the transportation system.

In response, this measure includes value engineering and life-cycle cost analysis reviews, as well as a provision relating to warranties and guarantees.

Mr. Chairman, as I conclude, I wish to commend the ranking minority member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], the ranking minority member of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], and finally, our distinguished chairman of the full committee, the gentleman from California [Mr. MINETA].

These gentlemen have worked very long and hard on this bill. We have worked under the very capable guidance of our national Secretary of Transportation, Federico Peña, for whom I highly commend in his submission of the National Highway System to Congress last December ahead of schedule, via his Highway Administrator, Rodney Slatter.

A lot of work, a lot of dedicated work has gone into the development of this National Highway System, in close consultation with the States. And without their support, we would not be submitting this map here today.

I conclude by commending these gentlemen as well as our excellent staff that have worked long hours, including weekends, to bring this legislation to the floor today.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System Designation Act of 1994.

This bill provides congressional approval of the 160,000-mile network of roads known as the National Highway System, or the NHS. The NHS will be this Nation's premier system of roads and will include the interstate and defense roads as well as other major roads which link our population and commercial centers, and provide access to other transportation facilities.

Although the NHS includes only 4 percent of our Nation's public roads, the vast majority of our commercial and recreational travel will be carried on the NHS.

By passing this legislation today, we are properly recognizing the importance of the NHS and we will ensure that funding will continue to be available for this critical network of roads.

H.R. 4385 also contains several policy provisions which are relatively noncontroversial and which do not represent major new initiatives. Perhaps the one program which has generated the most discussion since ISTEA was passed in 1991 is the requirement that States use crumb rubber in a certain percentage of asphalt laid with Federal assistance.

H.R. 4385 contains a compromise which will scale back the current program. The requirements are reduced, civil engineering can be used to meet one-half of the requirements, the program ends in 1997, and the penalties are reduced. This represents a good faith effort to reach a compromise on a difficult issue.

Finally, H.R. 4385 provides for the authorization of various highway and transit projects. During consideration of the transportation appropriations bill last year, we received a strong message that Members wanted an opportunity to seek authorization for projects prior to the 1997 reauthorization of ISTEA. And we have tried to do this in the most responsible way possible.

All Members requesting projects had to submit detailed information on the project requested and 3 days of extensive hearings were held by the Surface Transportation Subcommittee. The committee had to make very difficult decisions as we were faced with pairing down nearly $33 billion in requests to a total of $2 billion in project authorizations in this bill. That is less than $1 provided for every $16 requested—or stated another way, only 6 percent of the requests were funded.

For every project funded out of the Highway Trust Fund, we have rescinded an equal amount of contract authority—a total of $528 million—from old projects where funding is no longer required and from programs where the funds are not being obligated. We have repealed $622 million in transit authorizations to offset the new transit funding authorized in this bill. Finally, the general fund authorizations provided for highway projects over the 3 years are in line with the amount of funding provided in previous appropriations bills. I believe the committee has been very careful and responsible in authorzing these various projects.

I would also note that incorporated into this bill are the technical corrections to ISTEA which were passed by the House last year.

Let me conclude by commending Chairman RAHALL, who presided over the many hours of hearings we held on this bill, as well as Chairman MINETA and our ranking Republican member BUD SHUSTER, for their efforts and hard work which were essential in bringing this bill to the Floor today.

□ 1110

Mr. Chairman, I urge the Members to support this very important bill, and I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MINETA), the chairman of our full committee.

Mr. MINETA. Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System Designation Act of 1994.

First of all, I would like to commend the subcommittee chairman, Mr. RAHALL, and the ranking members, Mr. SHUSTER and Mr. PETRI, for their excellent work in helping craft this bill. All recognized the importance of this legislation and all worked hard to avoid the kind of controversies which could impede its progress, even where that meant accepting policy compromises which were contrary to each of their positions, but which were necessary to move the bill forward. These Members are to be commended for the statesmanship they brought to this effort, and this bipartisan bill is a testament to that.

Mr. Chairman, H.R. 4385 accomplishes several important purposes.

First, it approves the National Highway System map prepared by the Department of Transportation pursuant to ISTEA. In ISTEA we began the process of redefining for the postinterstate era which highways are of sufficient national interest to warrant Federal involvement. This bill designating the NHS would complete that process. We all recognize that Secretary Federico Peña of the Department of Transportation with the advice and counsel of the Federal Highway Administration and its able administrator, Rodney Slater, have done an outstanding job of putting the NHS map together, and we are approving their map as is.

Second, the bill shifts funds which are not now producing benefits for the public to high-priority projects which will directly benefit people. Specifically, this bill rescinds about $525 million in contract authority funding, which for one reason or another is not producing much benefit, and shifts it to high priority highway and intermodal needs all across the country. Similarly, the bill repeals $622 million in section 3 transit projects which are not able to move forward and replaces those projects with an equal amount of projects which are in a position to move forward and benefit the public. The amount of total funding which would be available for transit projects would remain unchanged.

Third, this bill completes the effort we began last year to try to bring accountability and openness in contract to the process which had existed for many years around here. Our task was to improve the process.

In this bill we authorize $300 million per year for 3 years in highway and intermodal projects. In order for these projects to actually receive funding, they would have to be subsequently appropriated. By carefully screening these projects, by putting them out in public in the authorization process, and by allowing only these previously evaluated projects to subsequently be appropriated, we are improving the openness and public accountability surrounding Federal infrastructure investment decisions.

I want to emphasize that all the projects in this bill, whichever type of funding they may receive, have gone through a rigorous process, including response to 18 detailed questions and the opportunity for input from State or local government. The days of casually tossing a project into a bill are over.

I also want to emphasize that the net cost of this bill is zero. It will not increase Federal spending and it will not increase the Federal deficit. It rescinds as much contract authority as it authorizes. It rescinds as much in section 3 transit projects as it adds. And it authorizes for appropriations only as much as appropriations has typically done within the amounts made available for highway and related programs. This, in short, is a zero sum game. We have shifted funds to where they will be more productive; we have not increased funding.

That has imposed a rigorous discipline on us as we struggled to remain within the amounts available. It is a testament to our new screening process that in most cases projects which were not of high quality were not even requested. It is also a testament to the enormous backlog of infrastructure needs in this country that so many high quality projects will remain unfunded in the next few years.

And finally, given the importance of this bill, we have all tried to avoid major policy controversies and any fundamental rewrite of ISTEA. This bill is the midpoint in the life of ISTEA, and is intended to carry us through to the end of ISTEA in fiscal year 1997. The question of where we should depart from the ISTEA model is properly reserved for a couple of years hence, when we have more experience with the ISTEA approach. In this bill we have sought to deal only with technical corrections and the secondary policy issues, and only when a noncontroversial solution, or at least a reasonable compromise, could be struck.

Mr. Chairman, H.R. 4385 is urgently needed to designate the National Highway System and to address other transportation needs midway through ISTEA. I urge support for this important measure.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from Altoona, PA, and environs [Mr. SHUSTER], the senior member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Chairman, this is a historic moment for this House. The Members of Congress here today are going to be able to tell their children and their grandchildren that they were here and that they supported the creation of the National Highway System, which is going to be for the 21st century what the Interstate System was for our country in the 20th century.

Indeed, as a result of the National Highway System we will be approving here today, we will be creating close to 160,000 miles of critical, modern highway for the future of our country, highways on which lives will be saved, the traveling public's convenience will be substantially improved, jobs will be created, productivity will be enhanced.

Indeed, there are few programs which this Congress can pass which will do more for more Americans than this legislation which we are passing here today.

Mr. Chairman, this map shows what that national highway system will be. Indeed, while the highways on the system represent only 4 percent of the highways in America, they will handle fully 40 percent of all the travel on our highways.

□ 1120

They will handle 75 percent of the truck traffic on our highways, 80 percent of the tourism travel on our highways and indeed as we have experienced in the past, so we will continue to experience in the future about a 3-percent annual increase in travel on our highways. If we compound that annually, we can see we are looking as we move into the next century at a 30-, 40-, 50-percent increase on our highways, which means the passage of this legislation is absolutely critical.

Mr. Chairman, so many people deserve great credit for our being in this position today: Chairman MINETA, Chairman RAHALL, Congressman PETRI, the ranking member of the subcommittee; and, yes, Rodney Slater, head of the Federal Highway Administration, Secretary Peña, and virtually every head of every State transportation department across America, because they are the ones who recommended which highways should be included on the National Highway System. They are the ones who sent it to the Federal Highway Administration on time. In fact, there is a second historic event taking place, I think, Mr. Chairman, and, that is, as long as I can remember for the first time in history, an administration actually sent their recommendations to the Congress ahead of schedule. Mr. Slater and Secretary Peña deserve great credit for moving promptly on this extremely important legislation.

I would like to say particularly, Mr. Chairman, to my Republican colleagues, that we in the minority have been full partners in this process. This is bipartisanship at its very best. When it came time to negotiate on the projects and looking and vetting the projects while we had such little money for projects, the Republicans got their full and fair share. We were full partners at the table, and I think it is important for us to recognize that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield on that?

Mr. SHUSTER. I will be happy to yield to the gentleman.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, I want to reiterate the point the gentleman just made. The leadership the gentleman in the well has exhibited on this bill and in this process cannot be overstated as well as the work, of course, of the chairman of the full committee and the subcommittee and the ranking member, Mr. PETRI, of the subcommittee. I want to express the sentiments and thanks of a lot of the Members of this body on both sides of the aisle for the great amount of work and cooperation that the gentleman has exhibited along with the others I have mentioned.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for his comments.

Mr. Chairman, the final two points I would like to make are, first of all, that there are compromises in this legislation. I would like to have seen us go further on issues such as crumb rubber and other issues, but we negotiated in good faith. We have compromises, and so we come together on this floor today standing together, urging support for this legislation.

The last point I would like to make, Mr. Chairman, is it cannot be emphasized too often that the money we are talking about here is trust fund money, out of the highway trust fund. The money that does get spent is money that comes from the highway portion of the trust fund and the transit portion of the trust fund. Therefore, this money is there, it does not contribute to the general fund deficit, it is the fairest kind of funding we can have, and I think we can be very proud, Republicans and Democrats alike, as we go back home that these are the dollars that are used to build assets for America. This is the way we should be spending our taxpayer dollars.

I would urge all of my colleagues to strongly support this historic legislation today.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. LIPINSKI], a very fine member of our full Committee on Public Works and Transportation.

Mr. LIPINSKI. Mr. Chairman, I rise today to express my strong support for H.R. 4385. Designating the National Highway System is the next step in the process that began with the enactment of the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991. I commend Chairman MINETA, Chairman RAHALL, and ranking members SHUSTER and PETRI for taking the initiative to get this bill passed this year.

ISTEA, and the NHS in particular, represent a step forward in transportation priorities in this country. Although the United States enjoys the benefits of an excellent Interstate Highway System, it was planned in the 1940's and 1950's. While using the Interstate System as a backbone, we must move beyond this vision of transportation to an era of enhanced intermodality and improved efficiency.

The continued prosperity and growth of this Nation requires a strong intermodal transportation system. Our highway, waterway, rail, and air systems all provide critical services that meet our growing transportation needs. The National Transportation System of the future—with the NHS as its base—will integrate the various modes of transportation to create a seamless transportation system to serve this Nation for decades to come.

We need to work today to prepare our infrastructure for tomorrow. Passage of this bill will make it happen.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise in very strong support of the bill we have before us today.

It is indeed an historic occasion because we are going to complete a process that was begun in 1991 with the passage of ISTEA which did call for the establishment of the national system of highways to meet America's transportation needs well into the next century.

Mr. Chairman, what we are doing here today is really going to set highway policy for decades to come and well into the next century. As has been indicated, the National Highway System is a cooperative effort. It encompasses 159,000 miles of highways throughout the United States. Each State was solicited on the routes it wanted included in the system. This is not something that is being imposed from the top down. In fact, it was a perfect example of federalism at its best, where the routes to be included in this system were generated by the States themselves.

Mr. Chairman, the National Highway System is going to be an interconnected system of interstate highways, strategic defense routes, principal arterials, and high-priority corridors linking major population centers, major border crossings, ports, airports, intermodal and public transportation facilities, and defense installations. It is without doubt the most ambitious, most aggressive attempt to create a true intermodal system of transportation in the world. There is a certain urgency to the need for this exercise to take place. Our ability to transport our goods and services is going to determine how competitive we are going to be in the world into the next century. Frankly, some of the European nations are ahead of us in terms of building intermodal systems. We need to catch up and not only catch up but go beyond. This proposal will carry us well beyond anything that our competitors are doing at the present time.

Mr. Chairman, the National Highway System is going to comprise only about 4 percent of the Nation's most important highways, yet it is going to carry 40 percent of the national highway traffic and 75 percent of the Nation's truck traffic.

This system as has been indicated is not financed through the general fund. It comes out of the highway trust fund, out of a Federal excise tax on gasoline, and money is collected for this purpose and cannot be used for any other purposes. It is vital that we use it for that purpose. Equally important, this money is going to be used to upgrade existing routes rather than build new highways. The proposed National Highway System route plan contains less than 2 percent of new roads.

Mr. Chairman, we know that we are going to hear comments in the future about this being another pork-barrel bill, because that is what we always hear whenever the Committee on Public Works and Transportation brings out legislation, that everything we do is deemed to be pork. I would suggest to Members that these criticisms come from those who would prefer not to see any highway construction go on in this country at all and, in fact, would prefer to see highways dismantled because they feel so strongly that automobiles and trucks are environmental hazards. But this system, Mr. Chairman, is going to do something vitally important, it is going to give us an integrated transportation network to carry us into the future.

Mr. Chairman, the National Highway System is essential to ensuring the efficient movement of goods, services, and persons throughout our Nation and will be a basic building block toward maintaining America's competitiveness into the next century. I urge support for the legislation.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], a very determined and excellent member of our Committee on Public Works and Transportation.

Mr. TRAFICANT. Mr. Chairman, if everybody looks at that map, when Hands Across America literally was joined, it was formed in my district. Smack dab in the middle between Cleveland and Pittsburgh, New York and Chicago are three highways that dead-end in the city of Youngstown. Columbus and Washington have forgotten my district. Enough is enough.

□ 1130

I want to thank you for at least starting with the Hubbard Expressway connector to involve my district with the rest of America, because if you travel through this country you would have to go through my district. I want to thank this committee. But I also want to say that we have great manufacturing, great service opportunities. I will get you a real good deal. The housing costs are one-half anywhere else. We have a great work force. The incentives are fantastic to make a profit. If you call me, America, I will get you a deal right in the heartland of America.

I want to thank you again for the Hubbard Expressway. You will not have to get off and go on a side street in order to get to Route 80, I say to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I rise to engage the distinguished subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL] in a colloquy.

Mr. Chairman, it is my understanding that the Surface Transportation Subcommittee will hold safety hearings in the near future. Is that correct?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the subcommittee chairman.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Chairman, yes, we will be holding comprehensive motor carrier safety hearings in the near future.

Mr. SHUSTER. As you know, I considered offering three amendments to the bill today to deal with safety problems at rail-highway crossings. I deferred offering the amendments in large part because I thought that these issues should first be addressed in hearings. Would it be appropriate to address these issues in our upcoming safety hearings?

Mr. RAHALL. Yes, it would be appropriate and I, too, believe these issues should be fully aired at hearings.

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to enter into a colloquy with my friend, the gentleman from Wisconsin [Mr. PETRI].

Mr. Chairman, I understand that section 111(a)(13) of this bill rescinds $3.559 million for a highway project in my district that was authorized in the 1987 highway bill. I have recently been made aware that this project is still viable and will go forward and be built. I decided not to offer an amendment to strike the rescission since the bill is deficit neutral and my amendment would have violated pay-as-you-go rules.

My question is: If New York State is able to begin the project and obligate the funds before this bill is enacted into law, will the funds be available to finish the project?

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Wisconsin.

Mr. PETRI. Yes. If the project is viable, it can go forward in that time frame, and then it could obligate funds.

Mr. LAZIO. I want to make the gentleman aware that traffic congestion in my district is a very serious problem, and I would like to work with the committee in the future to identify solutions to these problems. I thank the gentleman.

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Wisconsin, if I may.

I would like to first thank the gentleman and the committee for its support of the central Florida Interstate 4, GreeneWay interchange project. This project is a critical link in the Great Orlando transportation network.

During the last decade, traffic on 14 through the Orlando region has increased at an average of 6 percent per year. The traffic now exceeds 160,000 vehicles per day, while the road was designed to carry 68,000 vehicles per day.

I have requested that the Florida Department of Transportation study the feasibility of using the shoulder lane of Interstate 4 as a travel lane.

This study would provide an interim solution to our traffic problem while the I-4 master plan is developed and implemented.

This interim solution is important to alleviating I-4 congestion in my own, Mr. MCCOLLUM's, and Ms. BROWN's districts in central Florida. We all support seeking an interim solution. As part of the RECORD today would the committee support my efforts to arrive at an interim solution?

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank the gentleman for yielding.

Mr. Chairman, the committee commends the gentleman for his efforts to ease congestion on I-4 in the Orlando area. The committee also urges the Department of Transportation to study the feasibility of the gentleman's proposed solution to the congestion in I-4 in central Florida.

Mr. MICA. Again I thank the gentleman and the committee.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished chairman of our Subcommittee on Oversight and Investigations, the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I thank the gentleman for yielding time to me. I wish to express my support for H.R. 4385, which approves the National Highway System proposed by the Secretary of Transportation.

I congratulate the leadership of the Public Works and Transportation Committee, our chairman, the gentleman from California [Mr. MINETA], the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

I also congratulate the ranking Republican member, the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking Republican on the subcommittee, the gentleman from Wisconsin [Mr. PETRI].

I especially congratulate the leadership on recognizing the need to begin the process of creating a national transportation system that will include the National Highway System.

The provision in the bill directing the Secretary of Transportation to develop a national transportation system will start us on the path to creation of a truly intermodal transportation system.

A national transportation system is a direct and logical continuation of the process we began in 1991 with ISTEA.

In 1991, we decided that we could not compete in the global economy unless we took action to develop a unified national transportation system. H.R. 4385 will begin to make the vision of ISTEA a reality.

It is absolutely essential that we begin to recognize that moving passengers and freight requires greatly improved intermodal connections between our highways and ports, airports, transit systems, and passenger terminals.

I also congratulate the committee leadership for moving to extend the concept of intermodalism to the metropolitan and State planning processes. ISTEA made these planning processes an essential element of our transportation system and they should include all forms of transportation.

I hope the administration and the Congress will continue to pursue these concepts of intermodalism and the national transportation system. We should also pursue the transportation applications of new and advanced technologies to create intelligent transportation systems.

I am disappointed, however, that the committee has filed to address the serious problem of the structure of MPO's. In 1991, we gave MPO's vast new planning and programming responsibilities, including the authority over funding decisions.

Regrettably, we are resisting any involvement in reforming those MPO's to transform them from planning agencies to transportation decision makers.

It is essential that we begin to face the questions of MPO's restructuring:

Should proportional representation be required?

Should there be mandatory membership for transit agencies?

Should representatives of other transportation facilities, such as ports and airports, be included?

What role should States have consistent with ISTEA?

These are important questions that must be answered on a national scale if our push for a national transportation system is to be successful.

I also want to congratulate the committee leadership on including a study by the Department of Transportation of how States and MPO's utilize existing highway and transit funding to meet transportation needs.

It is absolutely essential for us to have the facts on how these funds are being invested in all areas of the State when we are making decisions on transportation programs.

The Department of Transportation should be looking at whether all areas of States, urban suburban and rural, are receiving a fair and equitable share of highway and transit funding to meet their transportation needs.

It is important to look at the needs of all areas, for passenger and for freight movements, and whether the existing use of the funding is giving all areas fair treatment.

We have learned through long experience that there are some necessary shifts of funds to support transportation programs in areas that cannot support the funding needs on their own.

As we enter the post-ISTEA transportation world, the question is whether these funding shifts are being undertaken on too great a scale.

Are the current programs, for whatever reasons, pushing funds into some areas to the disadvantage of others?

The goal of the study is to collect the information so that we will be able to make more informed decisions in the future. In a program of this size, we should know where the money is going.

I thank the committee leadership for including this study in the committee amendment.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I too would like to commend the gentleman from California [Mr. MINETA], chairman of the committee, and the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin, TOM PETRI, for their extremely hard work and excellent leadership in bringing this legislation before the House today. This legislation is very important, I believe, to our Nation's future. I believe we should do everything possible to get this legislation through the Congress this year ahead of schedule.

Mr. Chairman, we must not risk losing the $21 billion NHS fund, and I thank the leadership of the Public Works Committee for getting us to this point.

Mr. Chairman, the National Highway System is the logical continuation of our excellent interstate system and will help improve our Nation's competitive position in the world, by allowing for the smooth and efficient transportation of people and products. Every State will benefit greatly from this legislation, as it will make possible the reconstruction, rehabilitation, and resurfacing of roadways in virtually every area in the Nation. In addition to providing for much-needed infrastructure improvements, it will serve as a job creator, putting thousands and thousands of people to work.

Beyond laying out the National Highway System, H.R. 4385 makes some important technical changes to ISTEA, which has proven to be a tremendous success since it was enacted in 1991. The whole concept of intermodalism is a brilliant one which should be encouraged by the Federal Government at every turn. A first-class country should have a first-class transportation network.

Mr. Chairman, I urge passage of this important legislation.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to a distinguished member of our Committee on Public Works and Transportation, the gentleman from California [Mr. HAMBURG] who has been very helpful in the development of this legislation.

Mr. HAMBURG. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Richardson-Hamburg amendment which will be part of the Rahau en bloc, is an important step in pursuing the goals of the Indian Self-Determination and Education and Assistance Act. This amendment establishes a pilot program to permit Indian tribal governments to negotiate directly with the Secretary of Transportation for road construction projects in precisely the same manner as a State applying for a Federal-aid highway project.

It is time that tribal governments be given equal dignity in administration of its roads and transportation systems. The Hoopa Tribe in my district in northern California has recently suffered months of delay processing its road construction projects through the Bureau of Indian Affairs. Multilayered bureaucratic review has delayed road construction and needlessly increased costs without any improvement of the projects.

The Richardson-Hamburg amendment's pilot program allows tribal governments to demonstrate their ability to tailor planning to reservation needs and reduce administrative costs. It is time to allow tribal governments to focus scarce Federal dollars on building instead of bureaucratically reviewing road construction.

I urge my colleagues to join us in moving Federal-tribal relationships in the transportation arena into the late 20th century. Removal of the patronizing trustee buffer will increase the effectiveness of Federal investment in our Nations' infrastructure and affirm tribal sovereignty. Support the Richardson-Hamburg amendment.

□ 1140

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, as my colleagues have so noted, today, with the passage of the National Highway System, we do take the next step toward meeting the Nation's transportation and economic goals for the next century. Having studied the proposal and all of the subsequent data, I see two things that stand out: First, this 160,000 mile system will carry 40 percent of the Nation's highway traffic and 75 percent of trucking commerce, and second, and I believe that Secretary Peña noted this when introducing NHS: a 1-percent improvement in the transportation efficiency will result in a $100 billion saving over the course of a decade. Thus, today, we literally begin the process of implementing a highway system that could undergird productivity gains and, in general, the American economy for decades to come.

An efficient transportation system is particularly important to Washington State. Many of our industries, including Boeing, use "just in time" production techniques, where manufacturers reduce costs by minimizing inventories through the use of smaller, more frequent deliveries. Just in time manufacturing cannot coexist with endless lines of traffic and congestion. Similarly, without an efficient and seamless transportation system, the Nation's ports—such as Seattle and Tacoma—see profits dwindle and eventually disappear.

I know that the efforts today of the Public Works Committee and the House of Representatives will go far toward putting America on strong economic footing for the 21st century.

Also, Mr. Chairman, highway safety is one of my prime concerns with regard to the implementation of NHS. On too many of our Nation's roadway's, families and friends travel long distances over roads dangerously clogged. For instance, in my district, HIghway 18 has unfortunately earned the sobriquet of "Death Alley". Thus, I was extremely pleased to see that Secretary Peña included Washington's Highway 18 in his proposal for the National Highway System. Highway 18 is important to my constituents, but what every Member should note is that highway safety improvements will take place in every town, in every State, all over America.

And, Mr. Chairman, I especially want to note the efforts of the chairmen and ranking members, Mr. MINETA and Mr. SHUSTER, and Mr. RAHALL and Mr. PETRI, to expeditiously and fairly hold these hearings. Quick action by these gentlemen and the House Public Works and Transportation Committee has afforded our colleagues from the other body the ability to act this year on this bill. I urge Secretary Peña and Mr. Slater to use their considerable influence to urge action.

Mr. Chairman, with prompt action, within months we could begin a process that will smooth the flow of goods and commerce as we transform older, clogged, unsafe lanes into modern safe and efficient roadways.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I ask the distinguished chairman of the subcommittee, the gentleman from West Virginia [Mr. RAHALL], if he might join me in a colloquy. I understand that there has been an interpretation that the Secretarial waiver provisions contained in section 1038 of ISTEA would provide a State the opportunity to request an exemption from compliance with the minimum use requirement if the State determined the performance of recycled rubber technologies was inadequate. Can the gentleman comment on this interpretation, please?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. COPPERSMITH. I yield to the gentleman from West Virginia.

Mr. RAHALL. According to section 1038(d)(5) of ISTEA, the Secretary may set aside the minimum use requirement if there is evidence that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads. This is a generic waiver, however, intended to apply only if there is a finding that, nationally, recycled rubber does not perform adequately in asphalt pavement. This waiver would not apply based on State-by-State applications.

Mr. COPPERSMITH. Mr. Chairman, I thank the gentleman for his participation in this colloquy. I also congratulate the distinguished chairman for his leadership of this bill, as well as the ranking member, the gentleman from Wisconsin [Mr. PETRI], with whom I interviewed for an internship when I was a college student. I did not get that job, but I got to work with him this way. I also salute the ranking member of the full committee, the gentleman from Bedford, PA [Mr. SHUSTER], and the chairman of full committee, the gentleman from California [Mr. MINETA], for their leadership and hard work on this important bill.

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. LAUGHLIN], a member of the committee.

Mr. LAUGHLIN. Mr. Chairman, I thank the ranking member for yielding this time to me, and I want to thank the chairman of our powerful Committee on Public Works and Transportation, and the ranking Republican, the gentleman from Pennsylvania [Mr. SHUSTER], for their leadership along with the gentleman from Wisconsin [Mr. PETRI] and the gentleman from West Virginia [Mr. RAHALL] in bringing this bill to the floor ahead of schedule. Thanks to their leadership this bill will be ahead of a September 1995 deadline set forth in the ISTEA bill this Congress passed several years ago.

Mr. Chairman, during the consideration of this bill our committee took stringent screening processes to ensure that all projects that were included in this bill were in compliance with the States' respective planning commissions and transportation authorities, and I am very proud that this committee that I have the privilege of serving with recognizes that transportation is needed throughout America and not just in a few places. From that point I thank the chairman for allowing my State of Texas to have included in this bill projects throughout the State so that our transportation system can be complete from one end of the State connecting to the Nation.

Mr. Chairman, because of the importance of transportation and the safety of the traveling public, and also for commerce, it is important that this bill pass, and I would urge all my colleagues, and especially those from my State, to support this bill.

Mr. Speaker, I would like to commend the chairman of the powerful Public Works and Transportation Committee, and the chairman of the Surface Transportation Subcommittee as well as the ranking minority members of the committee and subcommittee for their work and leadership on this legislation.

Thanks to the leadership, Congress is considering this legislation well ahead of the September 1995 deadline which was set forth by ISTEA and they have brought a sound bill to the floor for consideration.

During consideration of H.R. 4385, the committee undertook a stringent screening process of all projects which were submitted to be included in the bill.

Not only were each of the projects subjected to a screening process by the committee, each project which has been included in this bill was submitted in concurrence with their State transportation authority and the local government.

Again, I would like to commend the committee leadership for their work on this legislation and I look forward to working with them as we move this bill through the legislative process.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TUCKER], a distinguished member of our Committee on Public Works and Transportation.

Mr. PETRI. Mr. Chairman, I yield the gentleman from California [Mr. TUCKER] 1 additional minute.

The CHAIRMAN. The gentleman from California [Mr. TUCKER] is recognized for 3 minutes.

Mr. TUCKER. Mr. Chairman, I thank the gentlemen for having yielded this time to me, and I rise in strong support of H.R. 4385, the legislation to designate the national highway system which we call the NHS. As a member of the Committee on Public Works and Transportation, Mr. Chairman, I know full well of the economic and commercial impact and potential of the national highway system. The bill, H.R. 4385, is an investment in this Nation's infrastructure. Infrastructure is the backbone to this Nation, and with the passage of this bill, Mr. Chairman, we will be addressing the needs for infrastructure, interstate highways, and moving towards the 21st century.

Mr. Chairman, this is indeed an historic occasion. I would like to take this time to applaud the leadership of my subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL], and also the full committee chairman, the gentleman from California [Mr. MINETA], the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], Secretary Peña, Rodney Slater and all the members of this fine committee, and of course the staff members who have made this work a great accomplishment.

Mr. Chairman, we in the House need to make sure that the Senate takes up this legislation to designate the national highway system. We need to send the Senate this good bill, and it is time to do so, and I rise today to move this legislation to designate the NHS out of the House and to the Senate. The national highway system is one of the provisions provided for in the ISTEA legislation and will not have the deficit effect on the general fund. Within the ISTEA legislation there was a deadline given to Congress to pass the enacting legislation for the National Highway System by September 30, 1995, we are ahead of this deadline when we pass this bill on to the Senate. The ranking minority member of the full Committee on Public Works, BUD SHUSTER, said it best, "This is a first, Congress is doing something ahead of schedule." I fully concur with Mr. SHUSTER, why do we have to wait until the last minute to implement such important legislation? I urge my colleagues to pass H.R. 4385 and then to call on our colleagues in the Senate to do the same.

Mr. Chairman, I would like to take this time today to talk about two projects that are of concern to me, one of them is in my district and the other one is outside of my district. The first project that I would like to talk about is a project in my district, the Alameda corridor. The Alameda Corridor Project is a $1.8 billion investment in the Nation's largest seaport, the World Port of Los Angeles and Long Beach. This project would expedite the delivery of goods imported and exported through the ports of Long Beach and Los Angeles to downtown Los Angeles and to the rest of the country.

With the passage of NAFTA and the increase of Pacific rim trade, this Nation needs a seaport that can accommodate the significant increase in the amount of goods imported and exported and have the ability to move them rapidly to their destinations.

The economic stimulation that the Alameda corridor will bring to the southern California region is phenomenal. Ten thousand construction related jobs right away and 70,000 jobs throughout the country upon completion of the Alameda corridor. This project is a win-win situation for the Nation. This country needs to invest in its infrastructure and the Alameda corridor is the perfect project to invest in.

The other project that I would like to bring to your attention is the Intelligent Vehicle Highway System research going on in the city of Anaheim. Although this IVHS research is not in my district I feel that this body should know about this project.

Based on previous congressional authorizations and awards by the Secretary of Transportation, Federico Peña, the city of Anaheim is working on a state-of-the-art regional integrated traffic management center that is scientifically helping to facilitate the movement of highway and interstate vehicular traffic throughout the Los Angeles/Orange County region.

Mr. Chairman, the city of Anaheim in coordination with the aerospace and defense industry in southern California has proposed an IVHS research program that will use existing Regional Integrated Traffic Management Center, sponsored by the Department, to develop new vehicle and traffic management technology of the kind that the 1991 ISTEA authorization encouraged the Secretary to carry out.

Unfortunately the Anaheim regional IVHS project was not included in the bill H.R. 4385, although the intent of this bill is to help upgrade the Nation's ability to reduce traffic congestion. I would urge the Secretary to consider the eligibility of the Anaheim project for inclusion in DOT's IVHS Development Program.

Mr. Chairman, I would like to quickly talk about another part of H.R. 4385 and that is section 103. Section 103(b) requires a value engineering analysis for all projects on the National Highway System. This provision will result in two clear benefits: the first, the analysis will permit the identification and elimination of excess project costs and harm without sacrificing project quality. The second benefit is the value engineering analysis will provide an objective and effective process to resolve any disputes that may have arisen regarding a particular project. To this end, the evaluation of every NHS project by a multidisciplined team of persons not originally involved in the project or activity will assure that any predispositions as to design—e.g., route, mode, or configuration of a project will be replaced by an objective review of each proposal, regardless of the results of prior analyses, or when such reviews were conducted, or by whom. Accordingly, not until a de novo value engineering analysis is completed as part of NEPA review will any project proposed for inclusion in the NHS obtain the approval of the Secretary in a record of decision. In this way, each NHS project submitted for approval by the Secretary will represent the most efficient and cost effective way to meet specific transportation needs without questions as to cost, quality or disputes as to design.

I would like to thank the gentleman once again for yielding me time to discuss the National Highway System legislation and I yield back any remaining time that I might have.

□ 1150

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Buffalo, New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise today in strong support of H.R. 4385, a bill designating the National Highway System [NHS] which was a keystone part of the 1991 Intermodal Surface Transportation Act [ISTEA].

The NHS is one of the most critical undertakings by the Department of Transportation, Congress, and our State and local governments. It will be the first step in combining our Nation's highways, ports, airports, rail centers, border crossings, and population centers into one intermodal national transportation system.

This new intermodal system will play a vital role in our country's economic growth. Although the NHS will comprise less than 5 percent of our Nation's highway miles, it will carry 40 percent of our Nation's total highway traffic, 75 percent of our commercial truck traffic, and 80 percent of all tourist travel. What does this mean for our country, and for my constituents in western New York?

It will mean people and commercial goods being transported quickly and safely to and from our water ports, airports, rail centers, and population centers.

It will mean a reduction in highway fatalities since NHS improvements will help save lives on our Nation's highways.

It will mean more tourism, and lower costs for our domestic industries—which means more jobs.

I would like to applaud the work of our States and the Federal Highway Administration who worked hand in hand in putting the NHS together. This is an example of how government should work. States working with local communities, the Federal Government working with our States, and Congress working with the administration in a bipartisan and timely manner.

As a member of the Public Works and Transportation Committee, I would also like to commend our chairman, NORM MINETA and our ranking member, BUD SHUSTER, as well as our subcommittee chairman, NICK RAHALL and our ranking subcommittee member, TOM PETRI on their hard and dedicated work in making this bill a reality so quickly.

I urge the support of my fellow Members on both sides of the aisle, and I thank the gentleman for his time.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to another distinguished member of our subcommittee, the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of the National Highway System Designation bill before us today, H.R. 4385. This bill has been masterfully crafted to address America's transportation needs mid-way through the life of the landmark Intermodal Surface Transportation Efficiency Act of 1991.

The leadership of the Public Works and Transportation Committee are to be commended for the cordial, bipartisan manner in which this legislation has been developed and for their recognition of the needs of America's transportation infrastructure.

H.R. 4385 contains a number of provisions which will maintain the excellence in transportation that America's travelling public has come to expect. It does not stop at designating the National Highway System proposed in ISTEA; it goes on to lay the groundwork for a National Transportation System that will integrate all modes of transportation into one national consolidated and efficient system.

The bill also reallocates some authorizations under ISTEA. Half way into the life of ISTEA, we have learned a great deal about the new and innovative programs ISTEA authorizes. By realigning priorities in a revenue neutral manner, H.R. 4385 applies what we have learned to transportation law.

Of particular interest to me is a provision that I proposed and that the Committee accepted that serves as a gentle reminder to States that they need to take their international border crossings, if they have any, into consideration when developing State transportation plans.

A recent study of U.S. border infrastructure by the U.S. Department of Transportation that was mandated by ISTEA in 1991, the Assessment of Border Crossings and Transportation Corridors for North American Trade, recognizes that border crossing communities face special problems created by border crossing traffic, including increased traffic hazards, backups and pollution. More importantly, the study acknowledges for the first time that border States have not adequately addressed these special problems.

With the implementation of NAFTA, these problems will only increase. H.R. 4385, with my amendment, requires border States to take international border crossings into account in their State planning process. This is an effective short-term solution to the problems faced by border crossing communities. This issue will, however, have to be revisited when ISTEA is reauthorized in 1997 if America wants to remain competitive under NAFTA.

Let me reiterate that America's transportation systems are well served by every single provision of this legislation. I urge support for this bill, which is a bipartisan, revenue neutral, and constructive addition to our transportation policies.

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, there is only one thing wrong with this bill, and that is the scheduling. We should have scheduled it in prime time so that the American people, 250 million from coast to coast, could see Congress at its finest, Democrats and Republicans working together hand in hand to craft a bill that addresses a critically important national need, and that is to upgrade our transportation infrastructure.

I could not be prouder than I am to serve on this committee, I could not be prouder than I am to work with the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Wisconsin [Mr. PETRI] and to see the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] working together cooperatively, forgetting partisanship and concentrating on the mission.

Mr. Chairman, the only thing wrong with this is the scheduling. We could be on "Prime Time Live" because the House is doing itself proud today.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I take this time to engage in a colloquy with the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. Chairman, on March 10, 1994, the city of Forest Grove, the State of Oregon, and Washington County signed a funding agreement for preliminary engineering on the Highway 47 By-Pass in my district. This project has widespread support because it would address the serious local safety and commercial problems which result from the increasing truck traffic, which is forced to navigate four 90-degree turns through the town of Forest Grove, OR.

Is it the subcommittee chairman's understanding that the Highway 47 By-Pass is the type of project that would be eligible for consideration of Federal highway funds in future fiscal years?

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentlewoman from Oregon is absolutely correct.

Ms. FURSE. Mr. Chairman, I thank the subcommittee chairman, and I also thank Chairman MINETA of the committee and the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Pennsylvania [Mr. SHUSTER] for all they have done for Oregon and the Nation with this legislation.

Mr. PETRI. Mr. Chairman, I yield 30 seconds to our colleague, the gentleman from San Diego, California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I simply want to rise to congratulate and thank the committee chairman, the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from West Virginia [Mr. RAHALL], and the gentleman from Wisconsin [Mr. PETRI] for the remarkable work they have done on this bill.

Gridlock on California highways is a crucial problem for us that must be solved. This bill is going to help us do that, and I want to personally thank each one of these Members for their work.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to another distinguished member of our Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for the time, and I seek to engage the gentleman from West Virginia in a colloquy, if I may.

Mr. Chairman, my colleague, the gentleman from New Jersey [Mr. PAYNE] and I are concerned about the current status of the I-280 downtown connector and First Street improvement project which is an absolutely critical link to our State's only public hospital, its key emergency room and trauma services, our medical school complex and all of the city of Newark's major institutions of higher education, science and research. Congressional appropriations have been approved and signed into law in fiscal year 1990, fiscal year 1991, fiscal year 1992 and fiscal year 1993. The State of New Jersey is concerned as to whether the remaining unobligated balances available pursuant to fiscal year 1992 and fiscal year 1993 law are still, in fact, available and have not been rescinded.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield, I can assure him that we have looked into the matter of this project carefully and the remaining unobligated balance pursuant to transportation appropriations in fiscal year 1992 and fiscal year 1993 remain in effect and are available for expenditure. H.R. 4385 does not rescind any of the funds. Thus, the State of New Jersey can move forward as expeditiously as possible on this important matter.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from West Virginia.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to a distinguished member of our Committee on Public Works and Transportation, the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 4385, a bill to designate the National Highway System. Let me thank Chairman RAHALL and subcommittee Chairman MINETA, as well as the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin [Mr. PETRI], for their hard work in support of this legislation.

Establishing the NHS is a major step forward in prioritizing our transportation resources. This system identifies strategic roadways which are critical to economic activity in our communities across this Nation, and help us target Federal highway aid of those designated routes.

The routes designated across central and southern Illinois, Route 50, Route 1, Route 13, and others, will contribute to our future economic development.

I also appreciate the committee's efforts to revisit our 1991 highway bill, making important changes and adjustments to keep our transportation dollars working to meet our highest public needs.

Mr. Chairman, I thank my colleagues and urge adoption to the bill.

Mr. PETRI. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. PETRI] has 4 minutes remaining, and the gentleman from West Virginia [Mr. RAHALL] has 2 minutes remaining.

Mr. PETRI. Mr. Chairman, if we have reached that point, I yield the balance of my time, 4 minutes, to the gentleman from Texas [Mr. PICKLE].

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

The CHAIRMAN. The gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

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Mr. PICKLE. Mr. Chairman, I want to express my appreciation to the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, and the gentleman from Wisconsin [Mr. PETRI], for their courtesy.

As we continue to discuss this highway bill, I want to commend this Committee on Public Works and Transportation for the leadership it has given us. The highway system is the backbone of all of our transportation movements in the United States, and it is important that we concentrate on that.

But I want to make two points, Mr. Chairman. One, we ought to continue to concentrate on intermodalism. That is the key to our operations in the future. No longer are we going to build an airport in isolation or a road in isolation.

Let me give an example. In my city of Austin, TX, alone, a city of over a half a million people, we are in the process now of building a new airport. We have bonds voted for it. We are going to build a new highway around one portion of the airfield. We have authorization now from this committee for a light rail system. We are thinking in the future about how we can operate.

We must have intermodalism. This committee has taken the lead through the ISTEA legislation. Now is the chance, like in my city of Austin, where we can concentrate and prove we can have true intermodalism. That is important in the future.

Second, I wanted to speak in terms of the future, Mr. Chairman. None of us can be a Jules Verne or a Nostradamus. As able as we are, we just cannot see far down the road, but we ought to be thinking more now in terms of how do we move goods and people in the future.

What we have done in the past has been almost a miracle, when you look back 50 or 75 years. None of us could have dreamed we would have jets speeding across the sky or highways built with such accuracy now.

We ought to be thinking in terms of how will we move goods and people 50 and 75 years from now. I think we are doing business as usual, perhaps more than we ought to, and we ought to be thinking in the future.

Let me just think with you for a moment and open our minds about what is going to happen. We are going to be moving people quickly and in different manners now that we cannot imagine what is going to happen in the next 50 or 75 years. You will be checking out of a hotel, perhaps even your home—and your bags will go straight to your destination. You will be not just driving to an airport where you can park 5,000 cars, but you are gong to get out to that airport or train station in ways you never dreamed.

I say you are going to be squirting people out to the airport. We will be doing it by train, by helicopter, by planes, by magnetic levitation and—by tubes. I daresay to you we are thinking in terms now that we may be "faxing" people out to the airport.

The point is, we are going to be moving goods and people so differently in 50 years than we are today that we ought to think in terms of how to do it. I have recommended to the committee that we have a demonstration project to tie together an idea of advanced transportation mobility center and think in terms of how do you move goods and people for the far future.

Now, we are thinking about it, and the leadership for it has come from this committee, and I commend you for it. But as we build these great highways, the greatest highway system in the world, we ought to be concentrating on how do we differently move goods and people. That is the test.

So today, I have been privileged to submit this idea or suggestion to you, I hope we have more discussion in the future about how we can actually meet the challenge in the next 50 or 75 years. It is going to come about. It has already come about in the last 50 to 75 years. The same kind of changes, differentials and progress are going to happen in the next 75 years, and we have to admit that it is going to happen.

I hope that we concentrate on the thought of moving goods and people quicker and more efficiently and more economically. I believe we can meet that challenge, and we ought to set our task to do that.

Mr. Chairman, as we consider the National Highway System bill, it is important to continue to think in terms of intermodalism, levitation or tubes. National highways are not built in isolation any more, but in conjunction with trains, planes, and other transit means. More and more, our society must find better ways to move goods and people, and that requires our best coordinated efforts.

This bill directs the Department of Transportation to make recommendations for the development of the comprehensive National Transportation System, of which the National Highway System is the backbone. I strongly support the Department's idea of a national plan that would create a fully integrated national intermodal transportation system connecting the highways with rail, sea, air, and other modes of transportation. This is indispensable to the future of our country.

In Austin, TX, a city of over one-half million people, we are in the process of building a new light rail system, a new airport, and a new highway to relieve traffic congestion. At some point in the future, high speed rail in Texas may play a part in this transportation plan. Our community is serious about intermodalism, and is poised to make itself a model of coordination.

I believe it is imperative that we build these big highway systems, and that we focus on coordination of all means of transportation. I stress the intermodal approach to every new project we build. In the next 50 years we cannot imagine all of the different ways we will move people and goods—these changes are inevitable and will come about. One suggestion that I have made to some of my colleagues, and to the Department of Transportation is that we establish a large scale, comprehensive testing center where we can demonstrate the intelligent vehicles and roads in conjunction with all other kinds of future technologies and communications.

There is an old saying that if you fail to plan, you really have planned to fail. Let's not plan to fail for our children and grandchildren. For once, let's get ahead of the curve.

Mr. Chairman, new highways are absolutely essential, but they will not be built in isolation. We must plan for the future, and support the intermodal approach to everything we do in transportation.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to a distinguished gentleman from Alabama [Mr. CRAMER], a member of our committee.

Mr. CRAMER. Mr. Chairman, I rise in strong support of H.R. 4385 and want to congratulate the committee chair, the subcommittee chair, the ranking members, for aggressively working on this.

I am the only Alabama member of this committee. We have worked very aggressively with our State Department of Transportation to see that the projects submitted were approved projects. They have been approved, the ones that could be approved, and I thank the committee for considering my State in that way.

Mr. RAHALL. Mr. Chairman, I yield my final minute of time to the excellent chairman of the Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], with whom we worked closely on this legislation.

Mr. OBERSTAR. Mr. Chairman, I appreciate the opportunity to say the final few words. Mr. Chairman, I would like to congratulate the gentleman from West Virginia [Mr. RAHALL], the chairman of the full committee, the gentleman from California [Mr. MINETA], and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], on the splendid job all have done in crafting this legislation.

Mr. Chairman, this bill represents an historic demarcation point in the long evolution of the Federal aid to highway program. It launches us into the post-interstate era a time when we must think differently in the way we build, maintain, and operate our highway system, maintaining the interstate, which is 1 percent of the Nation's highway mileage, but carries 26 percent of the Nation's traffic, and to focus on the balance of our highway system and new highways needed throughout this country as the bill provides the framework.

As an important part of this legislation, the committee has looked to the pressures that are put on this highway system, and has included very important language on nondivisible loads. That language requires the Secretary of Transportation to define what is meant by a nondivisible load, and to assure that, if it is in the public interest, nondivisible load regulations are applied to the entire NHS as well as to the Interstate System, so that we are not subjecting these road surfaces to excessive pressures.

Mr. Speaker, the nondivisible load provision is but one element of a greater and much-needed effort to protect our highways and bridges from damages by overweight trucks.

History teaches that trucks have gotten heavier and heavier over the years. In 1927, the truck weight limits were pegged at 40,000 pounds. That weight rose to 61,500 pounds in 1949; to 73,000 in 1974, and in 1974 the limit on the Interstate was raised to 80,000 pounds.

Truck-trailer lengths have also increased. In 1946 the limit was 46 feet; in 1960 it rose to 40 feet; to 45 feet in 1974; to 48 feet in 1984, to 53 feet in 1990. Many truck-trailer combinations are now 53 feet in length, and there are some at 60 feet. To help put this in perspective, the 1946 Buick was slightly under 18 feet. Today's Honda Accord is only 15.33 feet long.

As we stand at the threshold of a new era, as we launch the National Highway System, we must not allow those weight and length limits to continue this historic trend of increases.

Accordingly, Mr. Speaker, today I have introduced the Safe Highways and Infrastructure Preservation Act, which would extend to the new National Highway System and its drivers the same protection offered by truck length and weight limits now in effect on the Interstate System.

Heavy trucks do enormous damage to our highways. According to a study by the American Association of State Highway and Transportation Officials [AASHTO] a single heavy truck—even one that meets the Federal interstate standard of 80,000 pounds—does as much damage as 9,600 cars. And, according to the Federal Highway Administration, a 90,000-pound truck causes approximately two-thirds more wear than one that weighs in at 80,000 pounds.

Truck crash rate studies consistently show that heavier trucks are more dangerous and cause more deaths. Extra-heavy trucks take more time and distance to merge, and to stop, than lighter trucks. The heavier the truck, the greater its chances of rolling over in a crash. Fatal crash rates for heavier tractor-trailers are consistently higher than for lighter trucks in rear-end collisions.

AASHTO has called for a national semitrailer limit of 48 feet in order to be compatible with existing highway design and safety needs. However, all but one State now allow 53-foot rigs, 11 allow 57-foot or longer, and one State allows trailers 60 feet long. The NHS will include county roads and city streets as well as the interstate. Do we really want these rigs on our streets?

It does not make sense to condemn the NHS to premature destruction before the first yard of concrete is poured. Nor does it make sense to deny motorists on this system the highest degree of safety.

In addition to covering nondivisible loads, the bill I have introduced would:

Extend existing interstate weight standards and truck lengths to the NHS. This would preserve current State weight standards including those which exceed the Federal limit, and permit those rigs of more than 53 feet in length now on the road to continue to operate; and

Restore to DOT authority to review State claims of grandfathered rights to run trucks heavier than the Federal limits.

I believe these changes must be made an integral part of the National Highway System program before we start pouring concrete, to keep faith with the American people who must foot the bills for the NHS and any future repairs; and who must share the NHS with big and heavy trucks.

I am gratified at the pledge by Public Works and Transportation Committee Chairman MINETA, and Surface Transportation Subcommittee Chairman RAHALL, to hearings on this bill in early June. And I look forward to waging a very strong effort to include the provisions of the Safe Highways and Infrastructure Preservation Act in the final NHS bill.

Mr. THOMAS of California. Mr. Chairman, I would like to express my continued support for including three projects within the National Highway System [NHS] authorization bill, all which have been recommended for funding by the Committee on Public Works and Transportation.

Two of these proposals seek funding to improve major east-west highways in Kern County, Highway 58 and Highway 178. In addition, one of these highways, Highway 58, has been proposed for inclusion in the National Highway System.

The first project is the continuation of a project that was initially authorized in the Intermodal Surface Transportation Efficiency Act [ISTEA]. The ISTEA authorized $4.7 million in funding for the acquisition of land and rights-of-way for the expansion of Highway 58 through Downtown Bakersfield. The sponsors of that project are now seeking $4.5 million in additional funding to continue this process, a figure which the Committee on Public Works and Transportation has recommended. Highway 58 is the primary artery for vehicles entering northern and central California from Interstate 40 in Barstow, since it connects with Highway 99 in Metropolitan Bakersfield, as well as Interstate 5 a few miles west of Bakersfield.

The second project involves the construction of a crosstown corridor in Metropolitan and Downtown Bakersfield that would coincide with a proposed light-rail system. The Committee on Public Works and Transportation has recommended $4.5 million in funding for the first phase of the project, which include the city of Bakersfield, Kern County and the Kern Council of Governments. This funding will be used for route identification, environmental clearances, and right-of-way acquisition for the eventual construction of an eight-lane freeway connection between Highway 99 and the point where Highway 178 ends today. These highways are currently connected along the proposed route by a series of narrow surface streets. The completion of this project would ease travel through the metropolitan area, by reducing congestion on surface streets, as well as improve safety in these areas.

The final project involves a light-rail system for Metropolitan Bakersfield. The Committee on Public Works and Transportation has endorsed the sponsor's request of $2 million in funding for preliminary engineering, final design, and right-of-way acquisition. When completed, the light-rail system will cover 22.1 miles and serve the Metropolitan Bakersfield area. Construction of such a mass-transit system would serve to reduce congestion and lead to improvements in road safety and air quality in the city. In coordination with planned highway improvements, the light-rail line would create an intermodal transportation network for the Bakersfield community. The first section proposed for construction would link the downtown area with the campus of the California State University at Bakersfield.

I support the inclusion of all three of these important projects within the National Highway System authorization bill, projects which seek to alleviate serious traffic and air quality problems in one of the largest metropolitan areas in the San Joaquin Valley.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System designation. The legislation will provide needed assistance in rebuilding the infrastructure of our Nation.

Mr. Chairman, this legislation addresses more than just transportation, it takes positive steps in worker safety and in the environment. It requires a person trained and certified in workzone safety to be at every construction project site. This legislation also takes the necessary steps toward increased use of recycled paving material.

Finally, this bill authorizes projects throughout the country to rebuild our infrastructure. Let me give you one example, from my home city of Hartford, CT. Interstate 91 cut the city off from the Connecticut River. We are in the process of reestablishing that link. Funds in this bill will allow us to construct walkways around the riverfront linking four surrounding municipalities. Residents and visitors alike will be able to walk along the river and enjoy the natural beauty which this area holds. These walkways will provide access that had previously been impossible because of the interstate highway. This effort would bring the city and river together again, or to use the phrase now current in Hartford, it will allow us to recapture our riverfront.

I urge my colleagues to support this bill, for not only does it provide for today's transportation needs, it provides opportunities for the future.

Mr. MCCLOSKEY. Mr. Chairman, I rise in support of the I–69 highway project, especially the segment from Bloomington to Evansville. It is crucial that H.R. 4385, and I–69, are supported by the House. Development of the I–69 corridor is fully deserving of this designation as a priority within the National Highway System.

Currently, I–69 extends from Port Huron, MI, to Indianapolis, IN. Now we must move to complete the Indianapolis-to-Evansville, IN, segment of the I–69 project. The bill authorizes $5 million through fiscal year 1997 to compete design work, and sets the stage for the construction of this vital transportation infrastructure investment.

The Bloomington-to-Evansville segment of this project would reduce the travel time to Evansville by approximately 45 minutes, for a savings of up to 8.5 million manhours per year. Additionally, figures prepared by the Indiana Department of Transportation suggest that, once completed, it will reduce personal injuries by 19,492, and fatalities by 342 over the base case in the 20-year period from 2000 to 2020. This alone could constitute $818 million in savings in property damage and personal injury costs over that period.

This project has broad public support throughout the Eighth District, and with good reason. It is crucial to establishing stronger ties between the thriving—but now isolated—riverport city of Evansville and Indianapolis. It also will serve to more fully integrate the economic activity of Evansville with the rest of the State.

Equally crucial to southwest Indiana is the impetus it would provide to increasing economic opportunity in southwestern Indiana. Five of the 12 poorest counties in Indiana are in this portion of the State, and much of this area is reflective of the national trend which has seen the population of small town and rural America decline from 36 percent to 25 percent since 1950.

The recent preliminary findings of an ongoing Government Accounting Office [GAO] study on rural development suggest that nationwide, the poorest 25 percent of rural counties are sparsely populated, isolated from urban centers, agriculturally based, and located primarily in the Midwest. These characteristics predominate in southwestern Indiana.

Completion of the I–69 extension project would end this isolation. It also would provide the transportation infrastructure necessary to help diversify the local economies of the area, which would, in turn, help end the economic decline experienced there in recent years.

Mr. GLICKMAN. Mr. Chairman, today as we consider H.R. 4385, the National Highway System Designation Act of 1994, I would like to commend my colleague LESLIE BYRNE for including language in the bill that prohibits the Secretary of Transportation from requiring the States to convert highway signs to metric units. During this time of budget cuts and constraints, we must do what we can to lessen the burden of States and local governments. Federally mandated conversion of highway signs to metric would superfluously force States to spend hundreds of millions of dollars. The State of Kansas Department of Transportation alone would have to pay about $1.4 million to convert a computer system and $2.5 million to change thousands of mileage and speed-limit signs. We should be very cautious before passing legislation that imposes an undue financial responsibility on city governments across the country. Before considering metric conversion of our highway signs, we must examine the total economic impact on Federal, State and local budgets. Again, I support Representative LESLIE BYRNE'S efforts to put an end of the use of Federal funds to require States to convert highway signs to metric units. In these tightening times governments must prioritize expenditures. At this time, I believe that metric conversion is not an imperative for our Nation's highway system.

Mr. VENTO. Mr. Chairman, I rise today to express my strong support for H.R. 4385, the National Highway System Designation Act of 1994, and to extend my thanks to the Public Works and Transportation Committee for their hard work. I would especially express my appreciation to my friend, subcommittee Chairman RAHALL, for his support to ensure that this legislation addresses the country's most pressing transportation needs, and to Chairman MINETA, for his continued leadership, working to improve our national infrastructure.

In my hometown of St. Paul, considerable time and effort have been expended to reinvigorate the downtown business environment. The focus of this endeavor has been an attempt to promote, encourage, and coordinate new development along the Mississippi riverfront. I personally have worked for many years to improve access to the Mississippi along the downtown area with the hope that one day it will be the centerpiece, a major attraction to St. Paul, a river city which owes its very existence and success to its location and association with the Mississippi River.

Key to the success of this effort is the replacement of St. Paul's 100-year-old Wabasha Street Bridge. This bridge, which connects the downtown area to an important neighborhood and business district, is rapidly approaching the end of its useful lifespan. Built before the turn of the century, the Wabasha Street Bridge has reached such a state of deterioration that it is no longer possible to permit my traffic other than small passenger vehicles to use it. Even at that, the Wabasha Street Bridge must be inspected twice a month for safety and will have to be closed to traffic in the near future, forcing over 20,000 cars a day to find an alternative route across the river.

Mr. Chairman, the pending loss of this structure clearly represents a significant threat to St. Paul and any effort to revive the riverfront region in Downtown St. Paul, unless we can provide for its replacement. Thankfully, subcommittee Chairman NICK RAHALL recognized the urgency of this situation and thoughtfully included this project in the National Highway System Designation Act. It is the flexibility, demonstrated by the committee and committee leadership, that is inherent in this measure, responding to St. Paul's urgent need and to the need for other projects around the Nation, which will restore and maintain our Nation's transportation system.

On behalf of the Minnesota congressional delegation and the citizens we serve, I would also like to express my appreciation to Chairman RAHALL for the other important Minnesota projects contained in H.R. 4385. Many of these improvements and upgrades, such as the 77th Street project, are vital to the continued safe use and economic benefit of Minnesota's roads. Moreover, the initial commitment to developing a lightrail transit system between St. Paul, the University of Minnesota, and Minneapolis helps to implement an important goal and plans for Minnesota's efforts within the context of the Intermodal Surface Transportation Efficiency Act—to promote greater development and reliance on mass transit.

Mr. Chairman, this measure addresses 159,000 miles of highways and puts to work taxpayer funds upon needed transportation and transit projects. The proposed funds for trails, about $11 million, is vital to continuing positive progress to save corridors and access points for public use, much of which would be lost in the absence of this initiative. The legislative initiative for use of recycled rubber in highway and road pavement is also an important step forward and I commend the committee for such work and policy.

Finally, I strongly support the amendment and provisions that attempt to warrant the construction and repair work being financed by the funding authorized or expended through the trust funds. It is essential that the taxpayer dollars be prudently expended and that contractors stand behind their work so that we are not faced with inordinate expenses and faulty quality in the programs funded by this legislation.

Mr. Chairman, this 1994 National Highway System Designation Act is the product of considerable thought and effort. I urge my colleagues to support this vital legislation.

Mr. FRANKS of New Jersey. Mr. Chairman, today I rise in support of H.R. 4385, a bill designating the National Highway System. While there are many fine provisions contained in this bill, as a member of the House Surface Transportation Subcommittee, the subcommittee that reported out this bill, I want to bring to my colleagues' attention certain sections of H.R. 4385 that are of particular interest to myself and my constituents.

Mr. Chairman, contained in H.R. 4385 is a $10 million authorization for the restoration of the West Trenton line, located in west-central New Jersey. I thank Chairman RAHALL and ranking minority member PETRI for including this worthy project in the bill. I would also like to thank two of my constituents who took time out of their busy schedules to testify before the House Surface Transportation Subcommittee on the merits of the West Trenton line: Mayor Ken Scherer of Hillsborough, NJ, and Barbara Roos, president of the Somerset County Chamber of Commerce. Mayor Scherer, Ms. Roos, and many other individuals too numerous to mention have been instrumental in the effort to bring this project to fruition. I commend them for their dedication to bring public transportation back to this area of New Jersey.

I believe restoring the West Trenton line makes sense for a number of reasons. First, it would provide cost-effective traffic congestion relief to Routes 31, 27, 1, 206, 22, and for trips to Newark and New York City. The present highway system has no excess capacity, and building new roads or expanding existing ones is a costly and potentially difficult proposition. Major highway improvements in this corridor have proven infeasible and have been removed from the State transportation plan. Bus transit has been tried and found inappropriate because of highway congestion. Additionally, the line would help the State meet its Clean Air Act mandates, and improve the current 1.08 average vehicle occupancy for this area—which is the lowest in the State. Obviously, developing transit in this area makes sense.

Incredibly, despite having a very large commuter population, there is no scheduled public transit service to Philadelphia, Trenton, Newark or New York from this area. This was not always the case, however. The West Trenton line started in the 19th century and continued under various owners until 1982. Unfortunately, service was terminated in 1982 because of declining ridership due to old equipment, poor on-time performance and infrequent service. The line is now operated by Conrail as a freight line.

Much has changed since the line stopped carrying passengers 12 years ago. For example, the area has grown substantially since 1982, with sharp increases in traffic on both State and local roads. The township of Hillsborough alone has experienced a 51-percent increase in population from 1980 to 1990. According to NJ Transit, the government entity which would operate this line, a total of 104,000 people now reside in the West Trenton corridor.

The line would provide transit service to southern and central Somerset County as well as the northern and western portions of Mercer County, and would carry up to 1,750 commuters by 2015. The extent of service would be from West Trenton to Bound Brook, with stops planned at Hopewell and Belle Mead. The train would then join the Raritan Valley Line and terminate at Newark. Passengers traveling south could board SEPTA trains to Philadelphia or other points in Pennsylvania. In fact, there are plans to have future coordination with the Pennsylvania Department of Transportation to eventually extend the line into Bucks County.

This $10 million authorization would be used for capital costs for construction of shelters and low-level platforms, construction of park-and-ride lots, improvements to access roads, and minor upgrades to the railroad tracks.

This project enjoys the support of many groups, including: the Union County Transportation Advisory Board, the Lower Bucks County Chamber of Commerce, the Somerset County Planning Board, the Greater Princeton Transportation Management Association, the Mercer County Chamber of Commerce, the Somerset County Chamber of Commerce, the Somerset County Environmental Stewardship Council, RideWise of Raritan Valley, the West Trenton Coalition, and the Middlesex County Planning Board. This project also enjoys the support of my fellow New Jersey colleague DICK ZIMMER, whose constituents would significantly benefit by restoration of passenger service on this line. I look forward to working with DICK and these groups to bring this project to completion.

I also want to bring to my colleagues' attention a bill, H.R. 3926, I offered as an amendment to H.R. 4385 in subcommittee that would help the States address the enormous damage the winter of 1993–94 inflicted on the roads of the Northeast and Midwest States. As my colleagues are aware, the constant freezing and thawing of last winter have done tremendous damage to the roads by creating potholes and other hazards to motorists. Because of the particular severity of last winter, in March I introduced bipartisan legislation authorizing $98 million for road repairs to combat this problem. To date, H.R. 3926 has garnered 28 cosponsors.

Specifically, my bill would provide funds to the 20 hardest hit States and the District of Columbia to alleviate potholes and for road resurfacing. Under the terms of my amendment, 50 percent of each State's allocation would be directed toward repair of county and local roads, which are often in the worst shape. These funds would be restricted only to offset the cost of road repairs due to the severity of this past winter. Simply put, my amendment is a "one-shot deal" to help the States pay to repair the roads from the damages sustained last winter. This temporary program was not meant to be, nor would it have created an ongoing relief program.

Mr. Chairman, roads in poor condition cost motorists tens of millions of dollars in repair bills, impede commerce, and most importantly, threaten the safety of the motoring public. While fixing the roads is not as headline-grabbing as opening a new bridge or highway, the condition of our roads is of primary concern to every motorist. And while road repair has never been a Federal concern, I believed an exception should have been made this one time because of the abysmal condition of our roads due to the historic severity of last winter.

While passage of H.R. 3926 as an amendment to H.R. 4385 would have brought relief to the millions of motorists who drive daily on these roads, my amendment was unfortunately defeated by voice vote. However, in my home State of New Jersey, the Whitman administration, realizing the merits of this idea, took action by allocating funds to the State's 21 counties to offset the costs to local governments for road repair.

Mr. Chairman, also included in H.R. 4385 is $4 million in contract authority to reconstruct and widen I–287 from I–78 to Route 22, and add signs, noise barriers, and lighting. As this was the New Jersey Department of Transportation's top request to Congress for funding this year, I hope that completion of this improvement will bring much-needed relief to the motorists who use this congested artery.

Finally, I am gratified that the House Public Works and Transportation Committee included report language at my urging concerning the Urban Core. Probably the most important of the Urban Core project is the Secaucus Interchange project. This needed project would provide access to the proposed Secaucus transfer station from the New Jersey Turnpike. I believe the Secaucus interchange project deserves the continuing support of Congress, despite the Clinton administration's narrow-minded recommendation to zero fund this and all other Urban Core projects. I commend my colleagues on the committee for recognizing the importance of the Urban Core.

Mr. Chairman, H.R. 4385 is a good bill. It puts people to work rebuilding America's infrastructure. It will not add to the massive Federal deficit because of the rescissions contained in the bill. It builds upon the foundations laid by the Congress in the landmark ISTEA legislation, Public Law 102–240. Therefore, I urge my colleagues to vote "aye" on H.R. 4385.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4385, the National Highway System Designation Act of 1994.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation, as well as the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the committee, for their assistance in expediting this legislation.

This Member would also like to direct commendations to the distinguished gentleman from West Virginia [Mr. RAHALL], the chairman of the subcommittee, and the distinguished gentleman from Wisconsin [Mr. PETRI], the ranking member of the subcommittee for their exceptional work in bringing this bill to the Floor.

Mr. Chairman, it's been said that if you don't know where you're going, any road will get you there. This Member is pleased, however, that this legislation not only gives direction to the surface transportation needs of the future, it also designates which roads will get you there. The National Highway System will provide a blueprint for this Nation's highway needs by identifying the roadways most important for defense, commerce, and travel.

This Member is pleased that the National Highway System includes a number of routes which are of great importance to Nebraska. Of particular significance is the decision to include a highway in a new State highway link between Wayne, NE, and the expected site of the Newcastle area—Vermillion bridge over the Missouri River. The addition of this route was included due to this Member's recommendation and the approval of the Nebraska Department of Roads. The bridge and this proposed highway link to Wayne will serve as a connector for one of the major north-south routes across Nebraska. This Member has long expressed concern that an adequate access road be provided for this project.

It is also encouraging that State Highway 2 and U.S. Highway 81 in Nebraska are designated as components of the National Highway System.

Another important addition to the National Highway System is the highway mileage for what will eventually be a south and east bypass around the city of Lincoln, NE. On a related matter, this Member would also like to thank the committee and subcommittee for recognizing and proposing to act upon the need for a feasibility and corridor study for a highway project to complete the remaining element of what would be a circumferential highway around the city of Lincoln, by examining routes that at this point are exclusively outside the city limits of the city of Lincoln.

While this is a critically needed study, the city of Lincoln's Metropolitan Planning Organization receives only about $190,000 per year in Federal funds for all transportation planning activities. Clearly, such an expensive study would require additional funding in order to be undertaken by the city of Lincoln.

The current transportation network in Lincoln, NE, a city of nearly 200,000, is under stress and the implementation of a new transportation system must be studied. The approach which seems to make the most sense is the completion of a circumferential roadway system by the development of highway segments south and east of the city. This completed circumferential roadway would help meet current needs and accommodate future growth before such highway development becomes prohibitively expensive. Completion of a beltway highway for Lincoln has been discussed for more than three decades and the need to implement such a plan becomes more apparent each year.

A recent city of Lincoln task force looking at the possibility of the beltway determined that the development of such a system would be a crucial component of the regional transportation network which would accomplish the goals of moving traffic around congested urban areas and providing for an expanded capacity of the urban system.

In addition, a truck route study was recently prepared for the city of Lincoln. One of the conclusions reached by the study was that a very key element, if not the most important element of the Lincoln Truck Study implementation plan is construction and completion of the East-South Bypass link. That study found this proposed project would complete the beltway system for the city of Lincoln, thus enabling major amounts of regional traffic to bypass the major urban development areas of Lincoln.

This Member would also like to stress that he has received written assurances from the city of Lincoln and the Nebraska Department of Roads that these aforementioned National Highway System designations in the Lincoln area are surrogate or temporary designations that will be replaced by new route designations when the bypass study identifies the desired route locations. This Member is voting for this legislation with that understanding.

This Member would further stress that the eventual south and east corridor designation must be exclusively outside the city limits of the city of Lincoln. Although the study will determine the optimal corridor zone, this Member would like to reiterate what he stated before the Committee on Public Works' Subcommittee on Surface Transportation on March 8, 1994. This Member believes it would be preferable to locate the eastern segment on or between 96th and 134th Street and the southern segment on or between Yankee Hill Road and Saltillo Road. With respect to the southern route, this Member believes the corridor should be located no further north then Yankee Hill Road and possible south of Saltillo Road.

This Member is also pleased that the bill includes authorization for a bicycle-pedestrian cable-styled bridge in Lincoln, NE. The structure will be built completely out of advanced composite materials using fiber reinforced plastics. Fiber reinforced plastics were chosen due to the potential cost-effectiveness and durability of the materials as well as their noncorrodible nature—an important consideration in Nebraska.

The proposed bridge would provide a vital link between two trail segments and create a safe crossing over major roadways in Lincoln, NE. Nebraska Highway 2 and 27th Street is one of the city's busiest intersections and has a high automobile accident rate. For public safety reasons, this Member is a long-time supporter of an overpass project at this site and this Member is pleased that the city has chosen such an innovative approach to accomplish this goal.

The proposed bike-pedestrian bridge would be a nearly unique structure in the United States which would not only solve a transportation problem but also provide valuable information for future projects of its kind. This innovative bridge project—which is expected to have the longest span of its kind in the world—is a joint effort involving the University of Nebraska, the city of Lincoln, the Nebraska Department of Roads, and the Federal Highway Administration.

This Member would also like to express his appreciation for the committee's continued support for the proposed bridge between the Newcastle, NE, area and Vermillion, SD. For six decades, the prospect of constructing a bridge in the Newcastle-Vermillion area has enjoyed wide-spread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bistate consensus is possible because the benefits resulting from the bridge's construction are so clear to all. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge in this region, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota—have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

Mr. Chairman, this Member is convinced that this bridge, when completed, will serve as a connector for one of two major north-south routes across Nebraska. In addition, to act as a connector it will first require a new highway connection between Wayne, NE, and the bridge; and second, it will require an upgrading of the highway between Wayne and Norfolk, NE, to connect to U.S. 81 which is currently being upgraded.

This will mean that from the Kansas border, near Chester, NE, there will be a direct link across Nebraska to Vermillion, SD, and I–29 to points north, northeast, and northwest.

This Member would also like to thank the committee and subcommittee for continuing to recognize the need for a bridge between Niobrara, NE, and Springfield, SD. Initial authorization for such a bridge is contained in a provision of Public Law 100–17, the Surface Transportation and Uniform Relocation Assistance Act of 1987. An authorization of $4.7 million was also included in the Intermodal Surface Transportation Efficiency Act of 1991. However, this amount was less than originally requested and less than necessary to complete the project.

Because of redistricting, the Nebraska portion of this project is now in the district of the distinguished gentleman from Nebraska [Mr. BARRETT]. However, due to this Member's previous efforts and that of my distinguished colleague from South Dakota [Mr. JOHNSON], and the tremendous need for this bridge, this Member remains totally supportive of this project.

The proposed Niobrara-Springfield bridge has enjoyed widespread support from residents on both sides of the river as well as local and State officials. Since 1927, efforts have been made to construct this much-needed bridge. The issue became even more critical in the mid-1980's with the abandonment of ferry service. As a result of a previous legislative initiative, the Department of Transportation directed the Nebraska Department of Roads and the South Dakota Department of Transportation to conduct a study to determine the feasibility of reinstituting ferry service. The report, which was completed in December 1987, estimated that the car ferry would cost approximately $5 million to $6 million. Because of the Department of Roads' analysis that a bridge could be built for far less than was previously discussed, the bridge option became more attractive.

Motorists, farmers, and business people would benefit greatly from the reduced travel distance if this bridge is built. Also, because of the beneficial impact this bridge would have on the Indian tribes in the area, the Bureau of Indian Affairs has expressed its support for the project. For example, by reducing the driving time from the Santee Sioux Reservation to the Indian Health Service facility in Wagner, SD, the bridge would play an important role in improving medical care for the tribes served by the facility.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on these two interstate bridge projects. The completion of these bridges will play an important role in facilitating a mutually positive interdependence between communities in Nebraska and South Dakota. Mr. JOHNSON certainly deserves equal recognition for the important role he has played in bringing this goal closer to reality. It has been a pleasure to continue the close and good cooperation on their and other bistate projects and issues.

This legislation includes a number of other important provisions, such as a prohibition on the expenditure of any Federal or State funds to construct, erect, or place highway signs using the metric system. This Member would like to reiterate his strong opposition to using either State or Federal funds solely for the purpose of removing existing signs to convert to the metric system. Such unnecessary actions would require large expenditures during tight budgetary times.

Mr. Chairman, H.R. 4385 addresses the current and future highway needs of the United States and this Member urges his colleagues to support the bill.

Mrs. MORELLA. Mr. Chairman, this highway bill, H.R. 4385, merits strong support. Congressman RAHALL and Congressman PETRI have led the Public Works Subcommittee on Transportation in writing a bill that is responsible and sensitive to local needs. The bill designates 159,000 miles of highways in the United States and its territories as a National Highway System [NHS]. These roads represent only 4 percent of the Nation's highways, yet they carry over 50 percent of our road commercial traffic. The NHS incorporates the present Interstate System, the strategic highway corridor network, and other high priority highways that link interstate and interregional roadways with ports, airports and other means of mass transit.

I testified in support of an essential authorization for Montgomery County, MD, the Washington Beltway Advanced Traffic Monitoring System. The authorization will fund the design and construction of the system along 12½ heavily-traveled miles of I-495 from the American Legion Bridge to MD 650. I am happy that this authorization is a part of H.R. 4385.

The Capital Beltway is Washington's "Main Street" and also its interstate. From 75,000 to 227,000 vehicles travel daily on the beltway and by the year 2010, there may be as many as 300,000. Widening the beltway would be too costly; better traffic management is the key to improvement. The Advanced Traffic Monitoring System will allow the collection of up-to-the-minute information on beltway traffic conditions.

The information will be processed at the Maryland State Highway Administration's Statewide Operations Center and motorists will be provided information on accident locations and appropriate detour routes through variable message signs and travelers advisory radio.

In the space of 12 days last summer, seven people were killed in a series of beltway accidents. This monitoring system would have immediately alerted drivers to the massive traffic backup and the potentially dangerous road situation to which they were speeding.

Mr. Chairman, with this authorization will come economic benefits, cleaner air, an improvement in traffic flow, and safer road conditions on a perilous part of our "Main Street."

Mr. EMERSON. Mr. Chairman, I want to thank the leadership of the Subcommittee on Surface Transportation and the full committee for their excellent attention to seeing this bill to the floor, as well as the bi-partisan nature in which they went about crafting this legislation. I strongly support the designation of the National Highway System as an integral part of our intermodal transportation network. The NHS is the backbone of our Nation's highway infrastructure and this bill confirms Congress' commitment to maintaining our Nation's bridges and highways.

In my district in southern Missouri, good roads and safe bridges are the lifeblood for almost every daily activity we undertake. As a predominantly rural area—good, solid, four-lane roads take our agricultural goods to market, our kids to school, and parents to work, and allow tourists from all over the country to travel to our wonderful natural attractions. We drive a lot in southern Missouri to get where we need to go; this bill recognizes the importance of maintaining and improving the existing system we have for future generations.

Mr. Chairman, to those who might claim that this bill is pork—I would tell them it is not pork. It is an investment in our ability to compete. It is an investment in our ability to enhance economic activity throughout the country, and to move our goods more efficiently and quickly to their final destination. This committee worked hand-in-hand with the Department of Transportation, State highway officials, and local community leaders to find out what the transportation priorities were across this Nation. And I want to commend Mr. RAHALL for the excellent and fair criteria that he put forth in order to prioritize the needs across the country.

I know of no other means as effective as the one used by this committee in consulting with all parties to meet the infrastructure needs of this country. If this is pork, Mr. Chairman, then I associate myself with it proudly. If U.S. News and World Report or others in the media want to beat up on this committee for a flashy story—then that is their prerogative—but I believe that it is an investment that will move us into the 21st century. Therefore, I urge my colleagues to strongly support this bill.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of the National Highway System Designation Act of 1994, and I commend the committee for the many hours of hard work they have invested in bringing this legislation before the House today. While I am grateful to the committee for recognizing the importance of beginning the process of funding the construction of the Route 17/Route 4 interchange in Paramus, NJ, I am deeply concerned that $3 million is simply insufficient to significantly advance this $90 million project in a timely fashion.

The Route 17/Route 4 interchange is a major east/west to north/south link in northern New Jersey and its improvement is vital for commuters and commerce. The interchange lies at the heart of the Borough of Paramus and Bergen County's commercial hub, and it is a critical crossroad for all of northern New Jersey. Fortunately, local officials have worked closely with the New Jersey Department of Transportation to formulate the approved interchange design.

At an estimated total cost of $90 million, completion of the Route 17/Route 4 interchange project is heavily dependent upon Federal funding. Full funding for the interchange should not be a problem since both Route 17 and Route 4 have been designated by the U.S. Department of Transportation as components of the urbanized area portion of the NHS, at the request of the NJ Department of Transportation, the North Jersey Transportation Coordination Council, and other local planning organizations, and in accordance with applicable provisions outlined in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. As a currently authorized project, the Route 17/Route 4 interchange has already demonstrated its merit to the U.S. Congress.

Unfortunately, the desperate need for Federal funding of this project has been accelerated due to a land dispute brought about by the specifications of the NJ Department of Transportation approved design. The owner of the so-called Alexander's property have threatened to raze the existing retail structure and construct three new retail facilities unless a minimum of $8 million in Federal funds can be made available to purchase the property in fiscal year 1995. Should this property be redeveloped, the entire project will have to be placed on-hold while less-vehicle-efficient redesign is formulated. Very simply, this scenario is completely unacceptable.

The existing interchange was built in 1932 and designed to accommodate an estimated volume of 12,000 vehicles per day. Clearly, with the present estimated daily volume of 250,000 vehicles, the interchange is no longer suitable, and in dire need of improvement. Not only is the interchange one of the busiest intersections in New Jersey, it is also one of the most dangerous—averaging one motor vehicle accident per day.

In addition to improving safety and traffic flow, the new interchange will help control northern New Jersey's critical air pollution problem and alleviate the heavy traffic flow which has spilled over to residential streets as commuters attempt to avoid the crowded interchange.

The State of New Jersey stands ready to provide the required matching funding necessary to bring the Route 17/Route 4 interchange problem to a successful resolution. I urge the House in the strongest possible terms to continue to uphold the Federal Government's commitment to construction and completion of the Route 17/Route 4 interchange through subsequent authorizations and appropriations. Moreover, I implore my colleagues in the U.S. Senate to address the urgency of the Alexander's site development issue.

Mr. Chairman, on behalf of the residents of New Jersey's Fifth Congressional District and all affected northern New Jersey residents, I thank the committee for including the Route 17/Route 4 interchange in this most needed legislation. I urge my colleagues to support H.R. 4385.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 4385, a bill to designate the National Highway System. I want to commend Chairman MINETA, Subcommittee Chairman RAHALL, and the entire Public Works Committee for their efforts in crafting this legislation. My colleague from Oregon [Mr. DEFAZIO] deserves special credit for his work on behalf of our home State.

One of my top priorities in Congress has been to keep the Westside Light Rail Project in Oregon on track. Completing the Westside Light Rail Project on schedule is essential to meeting a number of important goals in my district and region: adding transportation capacity, addressing air quality concerns, meeting local mobility needs, and maintaining the quality of life. Public support for this project is remarkably high, and is best represented by the bond measure to provide the local match for the Westside project which passed in 1990 with 74 percent of the vote.

When Oregonians put their money where their mouth was, and took money out of their own pocketbook to put it in light rail, they did so with the commitment that the Westside Light Rail Project would extend from downtown Portland to downtown Hillsboro. I am proud to have helped meet that commitment. One of the reasons I am so supportive of this legislation is because I was able to work with the committee to get important language included in the bill regarding the Westside Light Rail Project, specifically the Hillsboro Extension. The bill before us today authorizes construction and payment for the Hillsboro Extension, guaranteeing its construction. It also confirms, once and for all, that the Hillsboro segment is a part of a singular, unified Westside Light Rail Project. The Hillsboro Extension is an integral part of my region's economic future part, and key to the Westside Light Rail Project. Without a project specific authorization, there was a possibility that all the efforts of our local people could go unrealized. The language in this bill guarantees that the Hillsboro segment will be built, and that the entire region will benefit from its presence.

One of the keys to keeping public support so high for the Westside project has been ensuring that the project stays on schedule. To this end, I also worked to include language which allows the Westside project to use an integrated project financing plan to maintain maximum flexibility between Federal, local, and State resources. We are fortunate that the Westside Light Rail Project has such widespread support at all these levels in Oregon. The language in the bill will keep the Westside project on schedule by reducing borrowing costs and avoiding lengthy—and often costly—delays.

In Oregon, we also have a willingness to use innovations to make our system more efficient and accessible. The Westside project will be the first transit system in North America to operate wheelchair-accessible low-floor cars. I am pleased that the bill before us today includes language to allow the Federal Government to fully fund the low-floor cars, and help the Westside project comply with the Americans with Disabilities Act. It is my belief that low-floor cars will become a mainstay in American transit, and Portland is proud to lead the Nation in their use.

Earlier this year, Secretary Pena came to Oregon to announce the release of some discretionary funding for the Westside project. At that time, the Secretary said that Portland has "the best transit system in the country." Everyone in Oregon has a right to be proud, Mr. Chairman, of the good work that is done at the local, State, and regional level in light rail. As I stated earlier, Westside Light Raid has been one of my top priorities in Congress, and am particularly pleased that this bill ensures that the Hillsboro segment of the Westside Light Rail Project will be a reality, and thousands of Oregonians will be able to continue enjoying what we call paradise.

I would also like to mention two other projects which are of significance to me. Earlier today I had the opportunity to participate in an colloquy on the House floor with Chairman MINETA about the Highway 47 bypass in Forest Grove, OR. Currently, over 100 trucks must navigate four 90-degree turns through downtown Forest Grove on a daily basis, creating a serious, negative effect on this growing community. Local businesses are affected because the endless parade of trucks threaten the safety of pedestrian traffic and discourage commerce. Pacific University, a growing, vibrant institution with a wonderful future, continues to expand on both sides of Highway 47. Daily, hundreds of students participating in collegiate activities traverse back and forth across Highway 47, dodging trucks. These problems, which are seriously troublesome at the present time, will be further exacerbated by the increased logging which is planned to take place in Tillamook Forest over the next few years. In fact, it is estimated that soon nearly 300 log trucks alone will move through Forest Grove on a daily basis. The Highway 47 bypass will help address this crucial safety problem, while helping restore commerce in downtown Forest Grove. There is no doubt that the Highway 47 bypass will reap long-term economic benefits for the entire region. For too long, this project has not been given the attention it deserves. I am pleased that the State, county, and city recently signed an agreement to fund preliminary engineering for this project, and I will continue diligently working to be Forest Grove's best Federal ally until the Highway 47 bypass becomes a reality.

I also would like to mention a project which is in this bill regarding improvements at the Port of Portland. I was very active in supporting these projects in my neighbor's, Rep. WYDEN, district because they will help increase trade and create jobs throughout the Northwest. In fact, the delegation letter I authored—signed my colleagues in Oregon—represents the importance of these projects to the entire region. These projects will provide improved freight access and capacity at the Rivergate marine terminals at the Port of Portland, creating jobs in our community. They will provide more efficient freight movement and decrease the percentage of truck traffic. This reduction will contribute to air quality while reducing noise and congestion in adjacent communities. The Port of Portland has been working diligently to make the concept of intermodality set forth in ISTEA a reality, and deserves credit for advancing these important projects.

The legislation before us today also designates a number of roads in my district as part of the National Highway System. I am pleased to support this effort, and believe these roads will continue to be vital to my region's transportation infrastructure.

Route 30 from Portland to Astoria; Route 26 from Portland to Seaside; Route 101/26 from Astoria to Seaside; Route 202 in Astoria; Highway 47 from Forest Grove to Route 26; Route 8 from Forest Grove to Beaverton; Cornell Road from Route 8 to Route 26; Murray Road from Route 8 to Route 26; Route 99W and Route 18 from Portland to Willamina; Route 217 from Route 26 to I–5; Route 43 from I–5 to Lake Oswego.

I am pleased to have worked closely with my friend PETER DEFAZIO on this legislation, who has proven once again what a leader he is on transportation issues for the State of Oregon. I also want to thank all the people I have worked with in Oregon who have helped make this legislation a reality. I think that H.R. 4385 is a significant step forward for trade and commerce in America, and strongly urge all my colleagues to support its passage here in the House today.

Ms. SNOWE, Mr. Chairman, I rise today to express my severe disappointment that Congress did not seize this timely opportunity to address a matter of grave concern to 38 States.

Recently, the U.S. Department of Transportation released Federal figures which show that 38 States will lose a total of $53.3 million in fiscal year 1995 because they haven't adopted both seat belt and motorcycle helmet laws. States which have chosen not to enact these laws must spend 1.5 percent of their much needed highway construction funds in fiscal year 1995 on highway safety programs, which States already fund.

This means that in fiscal year 1995, 38 States will be forced to divert transportation funds from where the States believe it should be spent, to where the Federal Government dictates it should be spent. It means that $53.3 million will not be available to States for upgrading records in the National Highway System, for constructing and maintaining highways, or for promoting mass transit. This is not sound Federal policy.

My State of Maine is facing the prospect of having roughly $850,000 in fiscal year 1995 and $1.7 million in fiscal year 1996 highway transportation funds diverted away from important highway construction projects and into already funded highway safety programs. In fact, Maine has an effective State motorcycle rider education program administered by the Secretary of State and paid for by motorcycle registration fees.

Maine has always spent its Federal money carefully, making every effort to ensure that the best interests of its residents are met. It is completely unacceptable that Federal Government should prescribe to Maine how its highway funds must be spent. In essence, the Federal Government is forcing Maine—and other States—to waste valuable Federal resources.

Consequently, I introduced H.R. 799, to prevent the Federal Government from penalizing States which have chosen not to enact mandatory seat belt and motorcycle helmet laws. I think it is interesting to note that a minority of our 50 States have seen fit to enact mandatory laws on seat belts and helmets. That is why my bill has the support of 123 Member of the House of Representatives from both sides of the aisle and from a majority of our Nation's States.

The House Public Works and Transportation Subcommittee on Surface Transportation, during markup of the National Highway System bill, adopted an amendment similar to H.R. 799 which was offered by Congressman PETRI. I congratulate my colleagues on the subcommittee who took this first step in the fight to protect valuable highway construction funds. Unfortunately, Congressman PETRI's amendment was stricken from the bill during full committee markup.

There is no doubt that we must do everything we can to make our roads safer, to reduce the number of fatalities and severe injuries that occur on our Nation's highways. But I do think, however, that there are better ways for us to achieve these goals without resorting to the coercive tactic of imposing Federal penalties on our financially burdened States. One such alternative is to provide grants for States that meet standard goals for the reduction of fatalities and serious injuries. In this way, the Federal Government would respect the prerogative of States to determine their own ways to increase highway safety.

Furthermore, States have been doing an excellent job promoting highway safety without Federal intrusion. Since 1983, the number of accidents has decreased from 307 per 10,000 registered motorcyclists to 206. Fatalities have similarly declined from 8 per 10,000 registered motorcyclists to 6 per 10,000 registered motorcyclists. In addition, the number of motorcycle occupant fatalities declined 45.4 percent, from 5,144 in 1980 to 2,808 in 1991, when no mandatory Federal helmet law existed. This substantial decline in motorcycle fatalities demonstrates that States are capable of addressing safety issues without Federal Government intervention.

It is also interesting to note that of the 10 States with the lowest motorcycle accident rate, 8 had motorcycle rider education programs. In fact, the 10 States with the lowest motorcycle accident rates spent 64.4 percent more on motorcycle rider education programs than States with the 10 highest motorcycle accident rates. Clearly safety programs do work, and we should allow them to continue to work.

It is contrary to the principles of federalism for the Federal Government to thwart the efforts of States to rebuild their transportation infrastructure as a way of coercing the public to buckle up. In addition, it is flawed public policy, because poorly maintained roads are often quite hazardous to the motoring public. Mr. Chairman, opportunities to address serious public policy problems do not often present themselves, and it is deplorable that Congress passed up this valuable opportunity to protect States' rights and to preserve valuable Federal highway funds.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 4385, the National Highway System Designation Act. I commend the members of the Public Works and Transportation Committee, in particular, Mr. MINETA, Mr. SHUSTER, Mr. RAHALL, and Mr. PETRI, for their hard work in drafting this legislation. They are also to be commended for their foresight in moving this legislation in 1994, rather than waiting until the last minute deadline for Congress to act on the designation in September of 1995.

In addition to the designations for the National Highway System, this legislation addresses several transportation needs in the country. In my own district, the Hoosier Heartland Corridor is a high priority Congressional corridor and is included in the National Highway designation. This highway which has undergone significant engineering and development, is moving into the construction phase. Over the next few years, major segments of the highway will be ready for construction. The Hoosier Heartland Corridor extends east-west from Fort Wayne to Lafayette. The project enjoys broad bipartisan support in the communities along the corridor. It is a major delivery route for manufacturers and producers of goods. Tractor trailers use the road as well as passenger cars and slow-moving farm equipment. This project is a top priority for the Indiana Department of Transportation, which projects that every dollar invested in this project will return a benefit of $3.50. I am pleased and grateful to the committee for recognizing the importance of this highway and including an additional authorization of $3 million as a good first step in keeping this project on track.

I also want to commend the Committee for recognizing the budgetary restraints and for balancing authorizations with rescissions. I am hopeful that this measure can move expeditiously.

Mr. KYLE. Mr. Chairman, I rise in opposition to the National Highway System bill, H.R. 4385.

Last fall, after a long and arduous debate about the earmarking of projects in the Transportation Appropriations bill, 281 House Members voted against earmarking and for the distribution of funds under the more equitable distribution system established by the Intermodal Surface Transportation Efficiency Act (ISTEA).

Yet, here we are again talking about earmarking funds for transportation projects—this time, more than $2 billion for 352 road projects and transit systems.

The problem with earmarking is that funds are allocated, not necessarily according to merit or which projects will help the United States of America most, but rather according to how well connected politically the project sponsors are. Fifty-five percent of the total funding earmarked in H.R. 4835 goes to 10 States which just happen to be represented by 36 of the 64 Public Works Committee members. California alone takes 14.5 percent of the total.

The Congressional Quarterly reported 2 weeks ago how funding was allocated on the majority side based on House Members' records on spending cuts. According to the report, those who advocated spending cuts in the past were more likely to have their requests cut—or not funded at all—than those who had opposed spending cuts. The merit of projects didn't matter. House Members were simply rewarded if they had already voted the partyline for more spending and bigger government.

That not only means that American taxpayers are probably being forced to finance some questionable projects, but that many areas of the country are being deprived of additional funding that could be used for really needed transportation improvements. Those States that don't win the earmark game are left to compete for a share of a significantly reduced pot of money.

The earmarking of funds in the 1991 ISTEA bill shortchanged Arizona. Although my State got a few projects in that bill totalling $18.3 million, pork-barreling cost Arizona about $300 million over the life of the more than 500 projects earmarked in that legislation.

The earmarks in last year's Transportation Appropriations bill would have resulted in no additional dollars for Arizona. But, by distributing them by formula instead, the State got almost $4 million more.

The earmarks in this bill give Arizona money for three projects, for a total of about $15 million. The Department of Transportation has yet to compute how much each State would get if the money were allocated by formula instead, but the estimates I've seen for Arizona are that it would get anywhere between $800,000 and $7 million more.

The Arizona projects in this bill are worthwhile and have merit, and it's because of that that I believe they would be funded if the money were allocated by formula instead. But, the point is that Arizona would get a lot more money to allocate for other worthy projects, too.

Mr. Chairman, I know this bill has a great deal of support and will likely pass overwhelmingly, but I believed last year that the practice of earmarking was wrong, and I still believe that today. For that reason, I will vote against this bill.

Mr. LEWIS of Florida. Mr. Chairman, I rise today in support of H.R. 4385, the National Highway System Designation Act of 1994. Let me take this opportunity to thank the chairman and ranking member of the Surface Transportation Subcommittee, Chairman RAHALL and Congressman PETRI, as well as the chairman and ranking minority member of the Public Works Committee, Chairman MINETA and Congressman SHUSTER for their diligence and hard work on behalf of this bill. I wish to point out that through their leadership this bill has been brought before the House a full year earlier than mandated by the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA].

This bill serves three important purposes. First it designates 159,000 miles of roadway into the National Highway System [NHS]. Second, it makes a number of technical and perfecting amendments to the 1991 ISTEA. One of those amendments will enhance the operation of the Tri-County Commuter Rail Authority [Tri-Rail] in south Florida. I would like to thank the members of the committee for the authorization for capital improvements for Tri-Rail.

Finally, the bill authorizes 283 projects for roads and other transportation projects throughout the country. Two of those projects are of vital importance to south Florda; the widening of State Road 7/U.S. 441 and the Port of Palm Beach Road relocations.

State Road 7/U.S. 441 will provide a safe evacuation route in case of a hurricane in south Florda. Given the experience of Hurricane Andrew, it is my belief that an additional safe north-south hurricane evacuation route will be vital to the safety of the south Florida population should another major hurricane devastate the area.

As the Port of Palm Beach looks toward the future and prepares for increased activity, plays an important role in authorizing local road improvements. This will facilitate the flow of port-related traffic and will relieve additional congestion that will otherwise result from increased tonnage moving through the port. The committee has shown great foresight in authorizing this project, as well the State Road 7 project. I wish to once again thank them and give my wholehearted support for passage of H.R. 4385.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Highway System Designation Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

Sec. 101. National Highway System designation.
Sec. 102. Congestion mitigation and air quality improvement program.
Sec. 103. Quality improvement.
Sec. 104. Contracting for engineering and design services.
Sec. 105. Highway safety promotion program.
Sec. 106. Project eligibility.
Sec. 107. Wisconsin substitute project.
Sec. 108. Use of recycled paving material.
Sec. 109. Work zone safety.
Sec. 110. Corrected projects.
Sec. 111. Rescissions.
Sec. 112. Additional projects.
Sec. 113. Study of radio and microwave technology for commercial and other motor vehicles.
Sec. 114. Foothill/Eastern Transportation Corridor Agency.
Sec. 115. Railway-highway crossings project.
Sec. 116. New River Parkway, West Virginia.
Sec. 117. National recreational trails.
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SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DESIGNATION; MODIFICATIONS.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated May 10, 1994, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

"(d) MODIFICATIONS TO THE NHS.—

"(1) PROPOSED MODIFICATIONS.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.

"(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System

may only take effect if a law has been enacted approving such modification.

"(3) REQUIRED SUBMISSION.—Not later than 2 years after the date of the enactment of the National Highway System Designation Act of 1994, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of—

"(A) connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, rail and other intermodal transportation facilities; and

"(B) any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c), subject to the completion of feasibility studies.".

(b) PROPOSED NTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a proposal for a comprehensive National Transportation System using the National Highway System as the backbone for establishing the National Transportation System. In developing such proposal, the Secretary shall consult with and consider the views of States and metropolitan planning organizations.

SEC. 102. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 104(b)(2) of title 23, United States Code, is amended—

(1) by inserting "in fiscal year 1994" after "State" each place it appears;

(2) by inserting "in fiscal year 1994" after "States" the first place it appears;

(3) in subparagraph (A) by inserting "in fiscal year 1994" after "Act";

(4) in subparagraph (B) by inserting "in fiscal year 1994" after "subpart";

(5) in subparagraph (C) by inserting "in fiscal year 1994" after "subpart";

(6) in subparagraph (D) by inserting "in fiscal year 1994" after "subpart";

(7) in subparagraph (E) by inserting "in fiscal year 1994" after "subpart";

(8) by inserting "in fiscal year 1994" after "carbon monoxide"; and

(9) by inserting "in fiscal year 1994" after "relative populations".

(b) ELIGIBLE PROJECTS.—Section 149(b) of such title is amended by inserting before "of a national ambient" each place it appears "or maintenance".

(c) STATES WITHOUT A NONATTAINMENT AREA.—Section 149(c) of such title is amended by inserting "in fiscal year 1994" after "Act".

SEC. 103. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

"(e) LIFE-CYCLE COST ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System.

"(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term 'analysis of life-cycle costs' means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.".

(b) VALUE ENGINEERING.—Section 106 of such title is amended by adding at the end the following:

"(f) VALUE ENGINEERING FOR NHS.—

"(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System.

"(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplined team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.".

(c) WARRANTIES.—Section 112 of such title is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) WARRANTIES.—Each contract relating to construction of a Federal-aid highway entered into after the date of the enactment of this subsection shall contain a provision that requires the contractor to guarantee and warrant that the contractor will perform the contractor's obligations under the contract in accordance with requirements for Federal-aid highway projects under applicable contract law.".

SEC. 104. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) PERMANENT PROGRAM.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 105. HIGHWAY SAFETY PROMOTION PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 312 the following new section:

"§313. Highway safety promotion program

"(a) ESTABLISHMENT.—The Secretary shall carry out education, research, development, and technology transfer activities to promote the safe operation and maintenance of commercial motor vehicles in interstate commerce.

"(b) GRANTS.—To carry out the purposes of this section, the Secretary shall make grants to, and enter into cooperative agreements with—

"(1) a not-for-profit membership organization that has been engaged exclusively in truck-related research and education since 1985; and

"(2) not-for-profit organizations engaged in commercial motor vehicle safety research.

"(c) FEDERAL SHARE.—The Federal share of the costs of activities carried out under this section shall be 100 percent.

"(d) FUNDING.—Out of administrative funds deducted under section 104(a) of this title for each of fiscal years 1995 through 1997, the Secretary shall make available—

"(1) for making grants and entering into cooperative agreements under subsection (b)(1) $1,000,000; and

"(2) for making grants and entering into cooperative agreements under subsection (b)(2) $500,000.

Such funds shall remain available until expended.

"(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

"(f) ANNUAL REPORT.—Annually, beginning on January 1, 1996, the Secretary shall transmit to Congress a report which provides information on the progress and activities of the programs conducted under this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 312 the following:

"313. Highway safety promotion program.".

SEC. 106. PROJECT ELIGIBILITY.

Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking "(1)" before "such costs may be further"; and

(2) by striking ", and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street".

SEC. 107. WISCONSIN SUBSTITUTE PROJECT.

(a) FEDERAL ASSISTANCE.—Subsection (b) of section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended to read as follows:

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—

"(1) GENERAL RULE.—Upon approval of any substitute project or projects under subsection (a)—

"(A) the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(B) a sum equal to the amount that would have been apportioned to the State of Wisconsin

on October 1, 1994, under section 104(b)(5)(A) of title 23, United States Code, if the Secretary had not approved such project or projects shall be available to the Secretary from the Highway Trust Fund to incur obligations for the Federal share of the costs of such substitute project or projects.

"(2) AVAILABILITY.—Amounts made available under paragraph (1)(B) shall be available for obligation on and after October 1, 1994. Amounts made available under paragraph (1)(B) shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways established by law.

"(3) APPLICABILITY OF TITLE 23 U.S.C.—Amounts made available under paragraph (1)(B) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out with such funds shall be determined in accordance with section 103(e)(4)(D) of such title.".

(b) CONFORMING AMENDMENTS.—

(1) SUBSECTION (c).—The second sentence of subsection (c) of section 1045 of such Act is amended by striking "the authority of section 103(e)(4) of title 23, United States Code," and inserting "section 21(a)(2) of the Federal Transit Act".

(2) SUBSECTION (d)(1).—Subsection (d)(1) of section 1045 of such Act is amended by striking "project for" and all that follows through the period at the end thereof and inserting "transit project.".

(3) SUBSECTION (d).—Subsection (d) of section 1045 of such Act is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) REDUCTION OF INTERSTATE CONSTRUCTION AUTHORIZATION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,800,000,000 for the fiscal year ending September 30, 1996" and inserting "$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996".

SEC. 108. USE OF RECYCLED PAVING MATERIAL.

(a) DOT GUIDANCE.—Section 1038(c)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note) is amended by striking "an interest in the use of such asphalt" and inserting the following: "concern in fulfilling the minimum utilization requirements of subsection (d)(1). Such technology transfer activities and training programs shall be initiated without delay and shall include all eligible uses of recycled rubber, alternative applications, and other materials and shall focus on achieving the best performance results for all eligible uses. Not later than 90 days after the date of the enactment of this sentence, the Secretary shall transmit to Congress a report detailing the plans to implement this subsection.

(b) STATE CERTIFICATION.—Section 1038(d)(1) of such Act is amended—

(1) by striking "established by this section." and inserting ", other materials, and alternative applications established by this section. Each State shall also annually certify its progress in its waste tire abatement program under paragraph (7).";

(2) by striking "1995" the first place it appears and inserting "1996";

(3) in subparagraph (A) by striking "1994" and inserting "1995";

(4) in subparagraph (B) by striking "1995" and inserting "1996";

(5) in subparagraph (B) by inserting "and" after the semicolon at the end;

(6) in subparagraph (C), by striking "1996; and" and inserting "1997."; and

(7) by striking subparagraph (D).

(c) OTHER MATERIALS.—Section 1038(d)(2) of such Act is amended by striking the period at the end and inserting the following: "; except that, of that amount, no more than ½ may be met with the use of asphalt containing reclaimed asphalt in fiscal years 1996 and 1997. For the purposes of this paragraph, cold in-place recycling technology shall be allowable.".

(d) PENALTY.—Section 1038(d)(4) of such Act is amended—

(1) by inserting before "The" the following: "(A) WITHHOLDING.—";

(2) by indenting subparagraph (A), as designated by paragraph (1) of this subsection, and moving such paragraph 2 ems to the right;

(3) by inserting before "utilization requirement" the following: "by which such State does not satisfy the"; and

(4) by adding at the end the following:

"(B) ESCROW ACCOUNT.—Apportionments withheld from a State by the Secretary under this subsection shall be placed in escrow for 2 years pending satisfaction of the minimum utilization requirement of paragraph (1) and pending satisfaction of the requirement for which the apportionments were originally withheld. Pending satisfaction of such requirements, the withheld apportionment shall be returned to the State.

"(C) SUNSET PROVISION.—If a State which has apportionments withheld under this paragraph has not satisfied current minimum utilization requirements of paragraph (1) within 2 years and has not fulfilled the previous requirements for which such apportionments were withheld, then the apportionments held in the escrow account shall be returned to the Highway Trust Fund.".

(e) INDIVIDUAL STATE REDUCTION.—Section 1038(d)(7) of such Act is amended—

(1) by striking "prior to disposal"; and

(2) by adding at the end the following: "The Secretary, in consultation with the Administrator, shall exempt from the requirements of paragraph (1), any State that has implemented a documented waste tire abatement program if such program will result in the elimination of tire stockpiles by 1997.".

(f) ALTERNATIVE APPLICATION.—Section 1038(d) of such Act is further amended by adding at the end the following:

"(8) ALTERNATIVE APPLICATIONS.—

"(A) IN GENERAL.—A State may for any year meet up to ½ of the minimum utilization requirement established by paragraph (1) (excluding any deduction a State may take pursuant to subsection (c)) by using an equivalent amount of recycled rubber for alternative applications, other than making asphalt pavement, if—

"(i) the State certifies that the alternative application does not present a threat to safety, human health, or the environment; and

"(ii) it is demonstrated that such alternative applications provide equal or enhanced engineering benefits.

"(B) GUIDELINES.—The Secretary, in consultation with the Administrator, shall issue guidelines with respect to compliance with alternative applications under the conditions set forth in clauses (i) and (ii).".

(g) DEFINITIONS.—Section 1038(e) of such Act is amended—

(1) by striking "and" at the end of paragraph (1);

(2) in paragraph (2) by inserting before "taken" the following: "(other than tire buffings defined as a byproduct of the retreading industry) or any products produced from the processing of whole scrap tires or tire materials".

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(4) by adding at the end the following:

"(3) the term 'alternative applications' means uses of recycled rubber in such civil engineering applications such as noise and safety barriers, other safety hardware, fences, soil retaining walls, slope stabilization measures, subgrade insulation, and lightweight fill, where the product or material containing recycled rubber provides a benefit to the highway construction and is left in place as a result of the highway construction; such term does not apply to products or materials, such as traffic cones or vehicles, which are used only temporarily in construction of the highway;

"(4) the term 'Administrator' means the Administrator of the Environmental Protection Agency; and

"(5) the term 'State' has the meaning such term has under section 101 of title 23, United States Code.".

SEC. 109. WORK ZONE SAFETY.

Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note) is amended—

(1) by inserting "technologies and services," after "appurtenances,";

(2) by inserting "training," after "traffic control plans,"; and

(3) by adding at the end the following new sentence: "The Secretary shall annually review, and provide to State and local governments, information and recommendations concerning safety practices that can enhance safety at highway construction sites, including information relating to new safety technologies, services, traffic control plans, training, and work zone-related bidding practices. The Secretary is directed to develop within the program a process for assuring that, for each project, there will be a person trained and certified who will have the responsibility and authority for assuring that the provisions of the traffic control plan and other safety aspects of the work zone are effectively administered.".

SEC. 110. CORRECTED PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for certain highway projects in order to correct errors and omissions in the Intermodal Surface Transportation Efficiency Act of 1991.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1995 to carry out each such project the amount listed for each such project:

City/State	*Projects*	*Amount in millions*
1. North Minnesota	*Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN*	*8.5*
2. Philadelphia, Pennsylvania.	*Reconstruction of the Old Delaware Avenue Service Road*	*1.6*

(c) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(d) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to

such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 111. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1994, the following unobligated balances on September 30, 1994, of funds made available for the following provisions are hereby rescinded:

(1) $78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) $26,500,000 made available by section 404(a)(2) of the Surface Transportation Assistance Act of 1982.

(3) $1,500,000 made available by section 106(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) $942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) $376,194.94 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) $36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) $34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(8) $258,131.85 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) $446,768 made available for section 149(a)(92) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) $2,058,323 made available for section 149(a)(94) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) $52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) $427,340 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) $3,559,837 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) $797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) $55.43 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(16) $49,700,000 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) $29,300,000 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) $150,000,000 made available by section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

(19) $1,500,000 made available by section 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991.

(20) $10,800,000 made available by section 21(a)(1) of the Federal Transit Act.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—Section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(1) by striking "$100,000,000" the second place it appears and inserting "$50,000,000"; and

(2) by striking "$125,000,000" each place it appears and inserting "$62,500,000".

SEC. 112. ADDITIONAL PROJECTS.

(a) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated for fiscal years 1995, 1996, and 1997 to carry out each such project the amounts listed for each such project:

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
1. Alabama	Birmingham Northern Beltline		2.900
2. Alabama	Black Warrior River Bridge Study		0.100
3. Alabama	I–759 Extension		20.000
4. Alabama	AL182/I–10 Evacuation Connector Improvements		4.000
5. Alabama	Patton Island Bridge Construction	9.000	
6. Alabama	Montgomery Outer Loop Beltway		3.000
7. Arizona	Gila River Crossing	6.000	
8. Arizona	US93 Upgrade: Kingman to Lake Mead		4.000
9. Arizona	Veterans Memorial Overpass		5.000
10. Arkansas	US71 Upgrade: Alma to Louisiana Border		3.000
11. Arkansas	US71 Upgrade: I–40 to Fayetteville	1.500	2.000
12. Arkansas	US71 Upgrade: Alma to Mena	2.000	
13. Arkansas	Lake Bull Shoals Bridge	0.400	
14. Arkansas	Van Buren Regional Intermodal Facility	0.100	
15. Arkansas	US63 Bypass Upgrade, Jonesboro		5.000
16. Arkansas	Conway Bypass Study and Design		3.000
17. California	CA84/I–580 Interchange Construction	4.000	
18. California	CA4 Freeway Expansion, Pittsburg		2.000
19. California	Galena Street Improvements/I–15 Interchange Construction		3.000
20. California	CA56 Extension: I–5 to I–15		3.000
21. California	Stocker Street/La Cienega Interchange		7.100
22. California	South Lake Tahoe Loop Road Reconfiguration		2.000
23. California	Bristol Street Improvement Project		3.000
24. California	CA30 Extension/Gap Closure	2.000	5.000
25. California	CA87 Corridor Construction	7.000	
26. California	CA113 Railroad Grade Separation		5.240
27. California	Third Feather River Bridge	1.500	
28. California	I–5/Highway 99W Interchange	0.500	
29. California	CA113/I–5 Interchange and Improvements		0.500
30. California	CA905 Congestion Mitigation	4.000	5.000
31. California	CA119/US101/Rice Avenue Interchange Upgrade		1.000
32. California	Humboldt Bay Port Access Enhancement	10.000	
33. California	CA7 Improvements: CA98 to I–8		2.000
34. California	Ontario Airport Ground Access	4.000	
35. California	CA71 Planning and Design, Riverside County		2.000
36. California	CA71 Interchange, Brea		0.950
37. California	CA41 Expansion		3.000
38. California	I–15 Widening: Victorville to Barstow	2.000	14.000
39. California	I–15 Access, George Air Force Base		1.000
40. California	Arden-Garden Connector		6.000
41. California	CA126 Improvements: I–5 to McBean Parkway	4.000	
42. California	CA138–Avenue P–8 Improvements: CA14 to 50th St, E		2.000
43. California	CA4 Upgrade	19.000	
44. California	Mare Island Access Study		1.000
45. California	CA237—Maude Avenue/Middlefield Road Interchange	13.500	
46. California	I–205 Widening: I–580 to I–5		3.000
47. California	I–710/Firestone Boulevard Interchange		5.800

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
48. California	CA58 Upgrade, Bakersfield	2.000	2.500
49. California	CA178 Crosstown Corridor: CA 178 to CA99	2.000	2.500
50. California	I–5 Capacity Enhancement		9.400
51. California	Alameda Corridor	4.000	5.000
52. California	Arbor Vitae Street Expansion		4.000
53. California	Pacific Coast Highway Palisades Bluff Stabilization		5.000
54. California	US101—Sonoma County Congestion Relief		4.000
55. California	US101—Marin County HOV Lanes		1.000
56. Colorado	Powers Boulevard Corridor		1.000
57. Colorado	120th Avenue Improvements	5.500	
58. Connecticut	Regional Transportation Center Improvements, Norwich		6.000
59. Connecticut	Hartford Riverfront Access		3.000
60. Connecticut	Seaview Avenue Reconstruction		2.000
61. District of Columbia	Constitution Avenue Rehabilitation	3.000	
62. District of Columbia	Independence Avenue Rehabilitation	0.590	
63. District of Columbia	First Street Rehabilitation	0.260	
64. Florida	Fuller—Warren Bridge	2.000	19.000
65. Florida	Jacksonville Airport Access Road		2.000
66. Florida	Midpoint Bridge and Corridor	2.000	5.000
67. Florida	FL7/US441 Widening		5.000
68. Florida	I–4/Greeneway Interchange	4.000	2.000
69. Florida	US301/University Parkway Intersection Upgrade		2.000
70. Florida	Palm Beach Port Road Relocations	0.265	5.000
71. Florida	Eller Drive/I–595 Improvements	2.600	
72. Florida	Northeast Dade Bike Path	1.135	
73. Georgia	GA61 Connector with I–20		7.200
74. Georgia	Appalachian Scenic Parkway		4.000
75. Georgia	GA92 Corridor Upgrade, Cherokee County	1.700	20.000
76. Georgia	GA9 Widening, Roswell	8.300	
77. Georgia	Sidney-Lanier Bridge Reconstruction	4.000	6.000
78. Georgia	University Center Pedestrian Corridor, Atlanta		12.960
79. Hawaii	Kuakini Street Improvements		1.500
80. Illinois	Sauget Road Extension	3.100	0.818
81. Illinois	West Boulevard Extension	0.900	
82. Illinois	IL159 Relocation, Edwardsville		6.000
83. Illinois	US67/IL267 Improvements		4.000
84. Illinois	Centennial Bridge Improvements		1.000
85. Illinois	Business Loop 55 Widening: I–55 to Clearwater Ave	5.000	
86. Illinois	Central Avenue Bypass, Chicago	15.000	
87. Illinois	US20 Improvements: East Dubuque to Galena		2.000
88. Illinois	Peoria—Chicago Highway	3.000	2.000
89. Illinois	Springfield Veterans Parkway	2.000	2.000
90. Illinois	Grand View Drive Improvements		3.000
91. Illinois	Heartland Riverfront Project		2.000
92. Illinois	US67: Macomb to Jacksonville		1.000
93. Illinois	Brush Creek Connector	3.000	
94. Illinois	Richton Road Improvements, Crete	1.720	
95. Illinois	Steger Roadway Improvements, Steger	0.720	
96. Illinois	Polk Avenue Extension, Richton Park	0.336	
97. Illinois	Minooka Street Improvements, Minooka	0.334	
98. Illinois	Rathje Road Improvements, Peotone	0.320	
99. Illinois	Main Street Improvements, Ottawa	0.312	
100. Illinois	Otter Creek Road Improvements, Streator	0.270	
101. Indiana	96th Street Upgrade	2.000	5.000
102. Indiana	Hoosier Heartland Corridor: Ft. Wayne to Lafayette		3.000
103. Indiana	I–265 Extension		10.000
104. Indiana	US231 Reconstruction		10.000
105. Indiana	Evansville—Bloomington Corridor		5.000
106. Indiana	Lafayette Rail Relocation	5.000	18.500
107. Indiana	Six Points Road Interchange		1.500
108. Indiana	City of Columbus "Front Door"		8.000
109. Indiana	IN67 Improvements		1.000
110. Indiana	East Chicago Marine Access Road		4.834
111. Indiana	Lake Shore Drive Extension Study		0.600
112. Iowa	I–29 Corridor Improvements, Sioux City		3.000
113. Iowa	IA330: Marshalltown to Des Moines		6.000
114. Iowa	Burlington Iowa Southern Arterial Connector	0.880	
115. Iowa	US 63: Bremer County to Minnesota Border		3.000
116. Iowa	IA5 Relocation		10.000
117. Kentucky	US231 Relocation	5.000	
118. Kentucky	US27 Improvements	1.000	3.000
119. Kentucky	KY114 Widening: Salyersville to US23	1.000	5.000
120. Louisiana	I–10/I–12 Baton Rouge Bypass		1.000
121. Louisiana	I–210/Nelson Access Road	3.000	
122. Louisiana	I–10: St. Charles Parish Line to Tulane Avenue	2.000	3.000
123. Maryland	MD5/MD373 Interchange		10.000
124. Maryland	MD235 Improvements		5.000
125. Maryland	MD237 Improvements	3.882	
126. Maryland	Beltway Advanced Traffic Monitoring		3.000
127. Massachusetts	Lincoln Square, Southbridge Street Gateways	2.400	
128. Massachusetts	I–90/MA146 Reconstruction	1.600	
129. Massachusetts	Franklin County Bikeway		2.250
130. Michigan	US23 Expansion	3.000	
131. Michigan	Bay City Road Interchange		3.000
132. Michigan	M–59 Corridor		20.000
133. Michigan	Highway Safety Improvements		20.000

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
134. Michigan	Ambassador Bridge Facilities	10.000	
135. Michigan	Monroe Rail Consolidation		10.000
136. Michigan	Detroit Airport Access Road		5.000
137. Michigan	US31 Improvements: Holland to Grand Haven	1.200	
138. Michigan	M-6: Grand Rapids South Beltline Construction	6.800	4.000
139. Michigan	M-102/Grand River Interchange Redesign		4.000
140. Michigan	McClellan Avenue		2.300
141. Michigan	US31 Upgrade, Berrien County	2.000	5.000
142. Minnesota	TH610–Crosstown Expressway	1.000	3.000
143. Minnesota	Trunk Highway 33 Improvements	9.680	
144. Minnesota	34th Street Corridor		2.000
145. Minnesota	TH212 Construction		3.000
146. Minnesota	77th Street Improvements	5.000	10.000
147. Minnesota	Wabasha Street Bridge Replacement	9.000	11.000
148. Mississippi	Norrell Road Interchange	3.000	
149. Missouri	Lindbergh Boulevard Relocation		5.000
150. Missouri	St. Joseph Loop Expressway	8.300	
151. Missouri	Chouteau Bridge Replacement		9.000
152. Missouri	Cape Girardeau Bridge Replacement	6.250	5.000
153. Missouri	MO21 Upgrade		14.400
154. Missouri	MO Highway M Relocation	4.000	
155. Missouri	I-255/MO231 Intersection		1.600
156. Missouri	Hannibal Bridge Replacement		1.000
157. Montana	MT323 Upgrade		5.000
158. Montana	Belgrade/I-90 Interchange	2.110	
159. Nebraska	Niobrara, NE/Springfield, SD Bridge		3.000
160. Nebraska	27th Street and Highway 2 Pedestrian Bridge		0.413
161. Nebraska	South and East Beltway Study, Lincoln		0.400
162. Nevada	Spring Mountain I-15 Interchange		5.000
163. Nevada	I-80/Sparks Road Pyramid Interchange	1.000	4.000
164. New Hampshire	Second Nashua River Crossing	3.000	1.500
165. New Hampshire	Manchester Airport Access Road Construction	5.000	
166. New Jersey	I-287 Improvements: I-78 to US22	4.000	
167. New Jersey	NJ21/McCarter Highway Improvements	5.000	
168. New Jersey	NJ17/NJ4 Interchange, Paramus		3.000
169. New Mexico	Santa Fe Relief Route		5.000
170. New Mexico	Sunport Boulevard East Corrdior		1.400
171. New Mexico	US70/Las Cruces Frontage Road System		3.000
172. New York	Utica-Rome Expressway	6.250	5.000
173. New York	Westchester/Putnam Intelligent Vehicle Highway Systems		2.000
174. New York	NY60 Reconstruction, Ellicott		3.000
175. New York	Quay Street Extension, Niagara Falls		2.240
176. New York	Delaware Street Reconstruction, Tonawanda		2.100
177. New York	Williams Road Widening, Wheatfield		1.060
178. New York	Lockport Corridor Study, Erie and Niagara Counties		0.800
179. New York	Rochester-Brockport Access Study		0.800
180. New York	NY531 Extension Study: Ogden to Sweden		0.400
181. New York	Jericho Turnpike Improvements: New York City to Herricks Road	4.000	2.000
182. New York	New York Thruway Upgrade		5.000
183. New York	US9 Reconstruction, Plattsburgh		1.750
184. New York	International Bridge Feasibility Study		.250
185. New York	New York Intermodal Facilities Study	1.000	
186. New York	NY277 Reconstruction, Cheektowaga	4.000	
187. New York	Main Street Bascule Bridge		2.000
188. New York	Bronx/North Manhattan Intelligent Vehicle Highway System		6.480
189. New York	Latta Road Improvements, Monroe County	6.000	
190. New York	Baldwinsville Bypass		5.000
191. North Carolina	US220 Construction		3.000
192. North Carolina	US17 Bridge Replacement		5.000
193. North Carolina	Charlotte Beltway East Segment		2.000
194. North Carolina	US64 Improvements		10.000
195. North Carolina	US74 Improvements		10.000
196. North Carolina	US19/23 Upgrade		1.000
197. North Carolina	Southern Charlotte Outer Loop		5.000
198. Ohio	Lorain Central Corridor		5.000
199. Ohio	US23–Fostoria Bypass		3.000
200. Ohio	US22/US33–Lancaster Bypass	1.000	5.800
201. Ohio	Boston Road Interchange		2.000
202. Ohio	Cleveland Gateway Project		1.000
203. Ohio	New Intermodal Terminal, Fearing Boulevard		5.000
204. Ohio	US30: OH235 to US68		4.000
205. Ohio	Alum Creek Drive Improvements	2.000	4.000
206. Ohio	US30 Widening: Wooster to Riceland	3.400	10.000
207. Ohio	Mt. Vernon to I-71 Connector Study	1.600	
208. Ohio	OH43 Improvements		3.920
209. Ohio	Cuyahoga River Bridge, Cleveland		4.320
210. Ohio	Cleveland Pedestrian Walkway		1.440
211. Ohio	Pomeroy to Ravenswood Access Improvements		8.900
212. Ohio	Youngstown-Hubbard Expressway	10.000	
213. Oklahoma	I-44 Widening: Arkansas River to Yale Avenue	6.250	5.000
214. Oregon	Jordon Cove Road Safety Improvements	0.529	
215. Oregon	Salem Bypass Improvements		4.471
216. Oregon	Columbia Slough Intermodal Projects		5.000
217. Pennsylvania	Philadelphia Traffic Signal Controllers	1.800	
218. Pennsylvania	Philadelphia Bicycle Network	0.472	
219. Pennsylvania	Tioga Marine Terminal	8.000	

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
220. Pennsylvania	US15 Upgrade—Tioga County	5.952	
221. Pennsylvania	US 219 Truck Route—Osterhout Street	2.880	
222. Pennsylvania	PA948 Improvements, Forest County	1.168	
223. Pennsylvania	Pennsylvania Pier 98, Philadelphia		1.000
224. Pennsylvania	PA2001 Improvements, Pike County	4.800	0.300
225. Pennsylvania	PA14 Improvements, Bradford County		4.800
226. Pennsylvania	PA3011 Improvements, Scranton		3.500
227. Pennsylvania	PA1069 Widening, Athens	0.200	1.400
228. Pennsylvania	US219 Improvements, Cambria County	10.000	
229. Pennsylvania	PA56 Improvements: Johnstown to Cessna	8.000	
230. Pennsylvania	US 22—Section B07 Reconstruction		8.000
231. Pennsylvania	US219 Improvements: Carrolltown to I–80	1.000	2.000
232. Rhode Island	Davisville Bridges		5.000
233. South Carolina	US17 Bridges	2.485	1.515
234. South Carolina	US301 Improvements	1.515	
235. South Dakota	Vermillion Bridge		4.600
236. Tennessee	Harding Place Extension	5.000	
237. Tennessee	Gay Street Bridge Rehabilitation	5.000	0.760
238. Tennessee	Foothills Parkway—Missing Link	1.250	9.240
239. Tennessee	Old Nashville Highway Bridge		4.000
240. Tennessee	Murfreesboro Alternative Transportation System		1.000
241. Tennessee	I–81 Interchange Construction	1.200	
242. Tennessee	Memphis Outer Loop Beltway		3.000
243. Texas	TX121 Upgrade Study	2.500	
244. Texas	Border Highway Extension		10.000
245. Texas	NASA Road 1 Upgrade	4.500	15.000
246. Texas	US59 Upgrade, Ft. Bend County	0.500	
247. Texas	US67 Widening	5.416	
248. Texas	Loop 12 Widening		2.200
249. Texas	TX36 Improvements	5.000	
250. Texas	Brownsville Navigation District Access		1.680
251. Texas	Brownsville 6th & 7th Streets Improvements		1.600
252. Utah	US89 Upgrade	4.000	
253. Utah	I–15/University Avenue Interchange		3.000
254. Utah	20th East Highway Project	6.000	
255. Utah	I–15 Corridor Improvements, Salt Lake County		6.000
256. Virgin Islands	Christiansted Bypass	5.000	
257. Virginia	Coleman Bridge Expansion		2.000
258. Virginia	I–95/Outer Connector/VA627 Interchange		2.000
259. Virginia	Coalfields Expressway	5.000	
260. Virginia	VA123 Philadelphia, Northern Virginia	10.000	
261. Virginia	Fairfax County Parkway/Franconia-Springfield Parkway		5.000
262. Virginia	I–81 to I–40 "I–83" Connector		5.000
263. Virginia	Pinners Point Connector		4.400
264. Virginia	S. Battlefield Boulevard/VA168		5.000
265. Virginia	14th Street Bridge Lane Addition	5.000	7.000
266. Washington	I–5/196th Street Interchange	3.336	
267. Washington	WA305 Improvements		0.672
268. Washington	Port Angeles Multi-Model Center		6.400
269. Washington	WA18 Improvements: 312th Way to Maple Valley	4.000	1.000
270. Washington	I–405/Northeast 8th Street Interchange		1.000
271. Washington	US12 Improvements		9.000
272. Washington	US395 Improvements		9.000
273. Washington	Chelan/Douglas Transportation Center		2.000
274. Washington	Mill Plain Extension		5.000
275. West Virginia	Fairmont Riverside Expressway	10.000	
276. West Virginia	New River Parkway	14.400	
277. Wisconsin	Janesville River Street Realignment	3.454	
278. Wisconsin	Main Street Bridge Replacement, Racine		2.000
279. Wisconsin	CTH P Improvements	0.480	
280. Wisconsin	WI29 Upgrade	10.000	
281. Wisconsin	Oshkosh Rail Relocation	6.000	
282. Wisconsin	US10 Upgrade: Anderson Road to CTH U	4.000	
283. Wisconsin	US41 Upgrade: Kaukauna to CTH F		3.000

(b) ALLOCATION PERCENTAGES FOR HTF FUNDS.—65.86 percent of the amount allocated by subsection (a) from the Highway Trust Fund for each project authorized by subsection (a) shall be available for obligation in fiscal year 1995. 17.07 percent of such amount shall be available for obligation in each of fiscal years 1996 and 1997.

(c) APPROPRIATIONS CAP.—Of the amounts authorized to be appropriated from the general fund of the Treasury by subsection (a), not more than $300,000,000 may be appropriated in any single fiscal year.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section from the Highway Trust Fund shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 113. STUDY OF RADIO AND MICROWAVE TECHNOLOGY FOR COMMERCIAL AND OTHER MOTOR VEHICLES.

(a) In General.—Section 6057 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) Study of Radio and Microwave Technology for Commercial and Other Motor Vehicles.—

"(1) In general.—The Secretary shall conduct a research study to develop and evaluate radio and microwave technology for furtherance of safety in commercial and other motor vehicles.

"(2) Equipment.—Equipment developed under the study to be conducted under paragraph (1) shall be directed toward, but not limited to, warning drivers of obstructions in a highway or limited visibility conditions caused by snow, rain, fog, or dust.

"(3) Safety applications.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in paragraph (1) has other safety applications consistent with the goals of this Act.".

(b) Funding.—Such section is further amended by adding at the end the following new subsection:

"(d) Funding.—Of the funds made available in fiscal year 1995 to carry out section 6058(b), $500,000 shall be used to conduct the study under subsection (b).".

(c) Conforming Amendments.—Such section is further amended—

*(1) in the section heading by inserting "**AND OTHER**" after "**COMMERCIAL**"; and*

(2) in the heading to subsection (a) by inserting "of Safety Technology for Commercial Motor Vehicles" after "Study".

SEC. 114. FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY.

(a) Federal Line of Credit.—For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, there is authorized to be appropriated $10,000,000 for the Secretary to enter into an agreement to make a line of credit available, with a principal amount not to exceed $120,000,000 to the public entity or entities with the statutory authority to construct such facilities.

(b) Effective Period.—The line of credit under this section shall be available for draws during the period beginning on the date of completion of construction and ending on the last day of the tenth calendar year following the date construction of the facilities is completed.

(c) Purposes.—The line of credit under this section shall be available to pay the costs of extraordinary repair and replacement of the facilities, unexpected Federal or State environmental restrictions, operation and maintenance expenses of the facilities, and debt service on tax-exempt or taxable obligations financing the facilities.

(d) Limitations.—

(1) Capital expenditures.—With respect to capital expenditures, draws on the line of credit under this section shall only be made if and to the extent proceeds from the sale of the obligations issued by the public entity or entities which otherwise would be available for such purposes are exhausted, or are otherwise unavailable for the payment of such capital expenditures.

(2) Expenses.—With respect to expenses, including operation and maintenance expenses and debt service, a draw on the line of credit under this section shall only be made if revenues from toll operations and capitalized interest are insufficient (or are otherwise unavailable) for such purposes.

(3) Per year.—No more than 10 percent of the total principal amount of the line of credit under this section shall be available for draws in any one year.

(4) Third party creditor rights.—No third party creditor of the public entity or entities shall have any right against the Federal Government with respect to draws on the line of credit under this section.

(5) Availability for particular costs.—There is no guaranteed availability of proceeds of the line of credit under this section for the payment of any particular cost of the public entity or entities which might be financed under this section.

(e) Interest Rate and Repayment Period.—Any draws (except for operation and maintenance expenses) on the line of credit under this section shall accrue interest at the 30-year United States Treasury bond rate beginning on the date such draws are made and shall be repaid in not more than 30 years; except that any draws under the line of credit for operation and maintenance expenses shall accrue interest at the 3-year United States Treasury note rate beginning on the date such draws are made and shall be repaid in not more than 3 years.

SEC. 115. RAILWAY-HIGHWAY CROSSINGS PROJECT.

Of the funds appropriated by Public Law 103–122 for railroad-highway crossings projects, $20,000,000 shall be made available for costs, not to exceed 80 percent, of a project to reduce rail-highway conflicts on M–59 near Pontiac, Michigan, and a project on Bristol Road near Flint, Michigan. From the $20,000,000 made available under the preceding sentence, $500,000 shall be made available to improve and upgrade Maple Road at Bishop Airport, Michigan.

SEC. 116. NEW RIVER PARKWAY, WEST VIRGINIA.

(a) Priority Consideration.—

(1) Completion of studies.—The Secretary shall require, as a matter of the highest priority, the completion of all remaining studies associated with the project authorized by section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191).

(2) Schedule.—Notwithstanding any other provision of law, the Secretary is authorized and directed to establish a schedule—

(A) for the completion by other Federal agencies of any reviews required by law of such studies; and

(B) by which the reconciliation of any discrepancies among reviewing Federal agencies must be met.

(3) Deadline.—The schedule referred to in paragraph (2) shall provide for the project referred to in paragraph (1) to proceed to construction before December 31, 1995.

(b) Visitors Center.—

(1) Grants.—The Secretary shall make grants to the Secretary of the Interior, acting through the Director of the National Park Service, for the planning, design, and construction of a visitors center, and such other related facilities as may be determined to be necessary, to facilitate visitor understanding and enjoyment of scenic, historic, cultural, and recreational resources accessible by the New River Parkway, West Virginia, and any related buildings as may be determined to be necessary for the administration of the parkway.

(2) Site.—The visitors center, related facilities, and buildings referred to in paragraph (1) shall be located at a suitable location on a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and Interstate Route 64 or along the New River Parkway itself.

(3) Consultation.—The Director of the National Park Service shall consult with the New River Parkway Authority and the State of West Virginia in the planning, design, and construction of the visitors center, related facilities, and buildings referred to in paragraph (1).

(4) Funding.—Of the amounts made available pursuant to section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) $1,300,000 for fiscal year 1995 and $1,200,000 for fiscal year 1996 shall be made available for the purposes of carrying out this subsection. Such funds shall remain available until expended.

SEC. 117. NATIONAL RECREATIONAL TRAILS.

(a) State Eligibility.—Section 1302(c) of the Intermodal Surface Transportation Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking "Act" each place it appears and inserting "part";

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

"(3) Sixth year provision.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.".

(b) Administrative Costs.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

(1) in subparagraph (C) by striking "national surveys" and inserting "a 1-time national survey";

(2) by striking "and" at the end of subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) contracting for services with other land management agencies; and"; and

(4) by adding the end the following: "The 3 percent limitation in the preceding sentence shall not apply to expenditures to pay the cost of conducting the 1-time national survey described in subparagraph (C).".

(c) Environmental Mitigation.—

(1) In general.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following:

"(5) Environmental mitigation.—

"(A) Requirement.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) Compliance.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).".

(2) Conforming amendment.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking "paragraphs (6) and (8)(B)" and inserting paragraphs "(7) and (9)(B)".

(d) Exclusions.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking "(7) Small state exclusion.—Any State" and inserting the following:

"(7) Exclusions.—

"(A) Small state.—Any State";

(2) by moving the text of subparagraph (A), as so designated, 2 ems to the right; and

(3) by adding at the end the following:

"(B) Best interest of a state.—Any State which determines based on trail needs identified

in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.".

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting "the State" before "may be exempted"; and

(2) by striking "and expended or committed" and all that follows before the period.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1302 of such Act (16 U.S.C. 1261) is amended by adding at the end the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section and section 1303 $6,000,000 for fiscal year 1995.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with such funds shall be as provided in this section, such funds shall not be subject to any obligation limitation other than subsection (d)(3), and such funds shall remain available until expended.

"(3) TREATMENT.—Funds authorized by paragraph (1) shall be treated as if such funds were part of the National Recreational Trails Trust Fund for purposes of making allocations to the States under subsection (d).".

(g) ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended—

(1) in subsection (b) by striking "11 members" and inserting "12 members";

(2) in subsection (b) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following:

"(2) 1 member appointed by the Secretary representing individuals with disabilities;".

SEC. 118. COAL HERITAGE.

(a) GRANTS.—The Secretary shall make grants to the State of West Virginia for the purpose of erecting signs or other informational devices depicting Coal Heritage along public roads identified as "Heritage Tour Routes" and "Tour Route Connectors" on the map entitled "Alternative Concept C" in the the study entitled "A Coal Mining Heritage Study: Southern West Virginia" (1993, United States Department of the Interior, National Park Service) and along additional public roads which provide access to the interpretive sites and areas identified on such map. Such signs or devices shall be devised by the West Virginia Division of Culture and History with the concurrence of the West Virginia Division of Highways and shall be subject to public comment.

(b) TECHNICAL ASSISTANCE.—With respect to areas along the roads referred to in subsection (a) which are administered by Federal, State, local, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities and in consultation with the State of West Virginia, provide technical assistance in the development of interpretive devices and information in order to contribute to public appreciation of the historical, cultural, natural, scenic, and recreational sites along such roads.

(c) FUNDING.—Of amounts made available pursuant to section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1998), there shall be available $1,000,000 per fiscal year for each of fiscal years 1995 and 1996 for the purposes of carrying out this section. Such sums shall remain available until expended.

SEC. 119. LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.

Section 9(k)(2) of the Federal Transit Act (49 U.S.C. App. 1607a(k)(3)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively;

(2) in subparagraph (E), as redesignated by paragraph (1), by inserting "INCREASE.—" before "Beginning";

(3) in subparagraph (F), as redesignated by paragraph (1)—

(A) by inserting "CONSUMER PRICE INDEX DEFINED.—" before "As"; and

(B) by striking "(B)" and inserting "(E)";

(4) by moving subparagraphs (E) and (F), as redesignated by paragraph (1), 4 ems to the right; and

(5) by striking "(2)" and subparagraph (A) and inserting the following:

"(2) LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.—

"(A) IN GENERAL.—The amount of funds apportioned under this section which may be used for operating assistance shall not exceed 80 percent of the amount of funds apportioned in fiscal year 1982 under paragraphs (1)(A), (2)(A), and (3)(A) of section 5(a) of this Act to an urbanized area with a population of 1,000,000 or more, 90 percent of funds so apportioned to an urbanized area with a population of 200,000 or more and less than 1,000,000 population; and 95 percent of funds so apportioned to an urbanized area of less than 200,000 population. Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to ⅔ of its apportionment during the first full year it received funds under this section.

"(B) SPECIAL RULE FOR CERTAIN URBANIZED AREAS WITH REDUCED POPULATIONS.—If an urbanized area had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, the maximum percentage of funds which may be used for operating assistance for purposes of subparagraph (A) shall be 90 percent of the amount of funds apportioned in fiscal year 1982 under such paragraphs (1)(A), (2)(A), and (3)(A) to such area.

"(C) SPECIAL RULE FOR URBANIZED AREAS OF LESS THAN 200,000.—If an urbanized area had a population under the 1990 decennial census of the United States of less than 200,000, 100 percent of the funds apportioned to such area under this section for each of fiscal years 1995, 1996, and 1997 may be used for operating assistance, notwithstanding any limitation otherwise imposed on operating assistance.

"(D) OFFSET.—The amount of funds apportioned under this section to each urbanized area with a population of 200,000 or more in each of fiscal years 1995, 1996, and 1997 which may be used for operating assistance but for this subparagraph shall be reduced by the amount determined by multiplying—

"(i) the aggregate amount of increases of operating assistance under subparagraph (C) in such fiscal year; by

"(ii) the quotient determined by dividing—

"(I) the amount of funds apportioned under this section to such area in such fiscal year which may be used for operating assistance but for this subparagraph; by

"(II) the aggregate amount of funds apportioned to all urbanized areas with a population of 200,000 or more under this section in such fiscal year but for this subparagraph which may be used for operating assistance.".

SEC. 120. INTERCITY BUS TRANSPORTATION.

(a) BASIC PROGRAM.—Section 18(i)(1) of the Federal Transit Act (49 U.S.C. App. 1614(i)(1)) is amended—

(1) by striking "and" before "15 percent";

(2) by inserting ", and 7.5 percent of such amounts in fiscal year 1995" after "1994"; and

(3) by inserting after "demonstration projects," the following: "the purchase of accessibility devices,".

(b) DISCRETIONARY PROGRAM.—Section 3 of such Act (49 U.S.C. App. 1602) is amended by adding at the end the following new subsection:

"(o) INTERCITY BUS TRANSPORTATION.—Of the amounts made available by subsection (k)(1)(C) in each fiscal year beginning after September 30, 1994, the Secretary shall make to operators of intercity bus transportation systems capital grants to support such systems, including the purchase of accessibility devices, an amount equal to 7.5 percent of the amounts made available under section 18 in such fiscal year. The Federal grant for any project under this subsection shall be 80 percent of the net project cost; except that the Federal grant for the purchase of accessibility devices under this subsection shall be 90 percent of the net project cost.".

SEC. 121. REPEALS OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is repealed.

SEC. 122. MISCELLANEOUS TRANSIT PROJECTS.

(a) PORTLAND WESTSIDE LIGHT RAIL PROJECT.—Section 3035(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2129) is amended—

(1) by inserting "(1) IN GENERAL.—" after "WESTSIDE LIGHT RAIL PROJECT.—"

(2) by striking the last sentence;

(3) by indenting paragraph (1) and moving it 2 ems to the right; and

(4) by adding at the end the following:

"(2) AMENDMENT.—

"(A) NEGOTIATION.—Within 90 days after the date of the enactment of this paragraph, the Secretary shall negotiate and sign an amendment to the Westside Light Rail Project multiyear grant agreement authorized under paragraph (1) with the Tri-County Metropolitan Transportation District of Oregon to carry out the final design and construction of the locally preferred alternative for the Hillsboro extension, systems related costs as authorized in Public Law 102–240, and acquisition of low floor light rail vehicles, as set forth in Public Law 102–388.

"(B) ADVANCE CONSTRUCTION; CONTINGENT COMMITMENT.—The amendment negotiated under this paragraph shall provide for the use of advance construction authority under section 3(l) of the Federal Transit Act and for the use of contingent commitment authority under section 3(a)(4)(C) of the Federal Transit Act for the activities set forth in subparagraph (A) for an amount equivalent to the Federal share authorized under section 3 of the Federal Transit Act for each specific activity; except that the Federal share of the cost of the final design and construction of the Hillsboro extension shall not exceed ⅓.

"(C) SPECIAL RULE FOR ADVANCE CONSTRUCTION.—In the event that the Tri-County Metropolitan Transportation District of Oregon uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Tri-County Metropolitan Transportation District of Oregon from funds made available under section 3 of the Federal Transit Act in fiscal years 1998 and 1999 for the Federal share of the amounts expended (plus any eligible financing costs).

"(D) Integrated Project Financing Plan.—The amendment negotiated under this paragraph shall also include an integrated project financing plan to permit the interchangeable use of Federal funds for activities set forth in paragraph (1) and subparagraph (A) to maintain the entire project construction schedule.

"(3) Treatment as a Single Project.—The Hillsboro extension to the Westside Light Rail Project shall be considered by the Federal Transit Administration as a single project extending from downtown Portland, Oregon, to downtown Hillsboro, Oregon, for the purposes of project review, evaluation, and approval of construction under section 3(i) of the Federal Transit Act and for the purpose of preparing a report under section 3(j) of such Act.".

(b) New Jersey Urban Core Project.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after "Hudson River Waterfront Transportation System" the following: "(including corridor connections to and within the city of Bayonne)"; and

(2) by inserting after "Concourse," the following: "the West Shore Line,".

(c) North Bay Ferry Service.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking "$8,000,000" and all that follows through "1993" and inserting "$17,000,000".

(d) Staten Island-Midtown Manhattan Ferry Service.—Section 3035(d) of such Act is amended by striking "$1,000,000" and all that follows through "1993" and inserting "$12,000,000".

(e) Central Area Circulator Project.—Section 3035(e) of such Act is amended by striking the last sentence.

(f) Salt Lake City Light Rail Project.—Section 3035(f) of such Act is amended by inserting after "including" the following: "related high-occupancy vehicle lane, intermodal corridor design,".

(g) Los Angeles-San Diego Rail Corridor Improvement Project.—Section 3035(g) of such Act is amended by striking "not less than" and all that follows through "1994" and inserting "$20,000,000".

(h) Additional Trackage Rights and Right-of-Way Purchase for Gilroy Service.—Section 3035(h) of such Act is amended—

(1) by striking "July 1, 1994" and inserting "September 30, 1996"; and

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(i) Dallas Light Rail Project.—

(1) Multiyear grant agreement.—Section 3035(i) of such Act is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 3(a)(8)(C)(vii) of the Federal Transit Act"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects"

(2) Program of interrelated projects.—Section 3(a)(8)(C)(vii) of the Federal Transit Act (49 U.S.C. App. 1602(a)(8)(C)(vii)) is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(j) South Boston.—Section 3035(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2130–2131) is amended—

(1) by striking "$278,000,000" each place it appears and inserting "$323,000,000";

(2) by inserting "the second place it appears" after "striking '—' "; and

(3) by adding at the end the following: "Funds made available for the South Boston Piers Transitway in fiscal year 1994 for alternatives analysis may also be used for construction.".

(k) Kansas City Light Rail Line.—Section 3035(k) of such Act is amended by striking "$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993" and inserting "$5,900,000".

(l) Downtown Orlando Circulator Project.—Section 3035(l) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$5,000,000" and inserting "$12,000,000"; and

(3) by striking "for" the second place it appears and all that follows through the period at the end and inserting "and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.".

(m) Detroit Light Rail Project.—Section 3035(m) of such Act is amended by striking "not less than" the first place it appears and all that follows through "1993," and inserting "$20,000,000".

(n) Lakewood-Freehold-Mattawan or Jamesburg Rail Project.—Section 3035(p) of such Act is amended by striking "$1,800,000" and all that follows through "1994" and inserting "$7,800,000".

(o) Charlotte Light Rail Study.—Section 3035(r) of such Act is amended by striking "$125,000" and all that follows through "1993" and inserting "$500,000".

(p) San Diego Mid Coast Fixed Guideway Project.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking "Light Rail" and inserting "Fixed Guideway";

(2) by striking "No later than April 30, 1992, the" and inserting "The";

(3) by striking ", $2,000,000" and all that follows through "right-of-way," and inserting "$42,000,000"; and

(4) by striking "Light Rail" and inserting "Fixed Guideway".

(q) Railtran Commuter Rail Project.—Section 3035(x) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "$2,480,000" and all that follows through "1993" and inserting "$8,680,000".

(r) Eureka Springs, Arkansas.—Section 3035(z) of such Act is amended by striking the first sentence and inserting the following: "From funds provided under section 3(k)(1)(c) of the Federal Transit Act, the Secretary shall make available $63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle, which is accessible to and usable by individuals with disabilities.".

(s) Baltimore-Central Light Rail Extension.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking "as follows:

"(A) Not less than $30,000,000 for fiscal year 1993.

"(B) Not less than $30,000,000 for fiscal year 1994."

and inserting "and shall be $60,000,000."; and

(2) in paragraph (2) by striking "as follows" and all that follows through the period at the end of subparagraph (C) and inserting "totaling $160,000,000.".

(t) Jacksonville Automated Skyway Express Extension.—Section 3035(vv) of such Act is amended to read as follows:

"(vv) Jacksonville Automated Skyway Express Extension.—Not later than December 31, 1994, the Secretary shall negotiate and sign an agreement which modifies the full funding agreement signed on September 27, 1991, with the Jacksonville Transportation Authority for phase 1–B of the north segment of the Automated Skyway Express project to make available $15,000,000 in already appropriated funds and $35,000,000 under section 3(k)(1)(B) of the Federal Transit Act to carry out construction of the locally preferred alternative for an operable segment of a not to exceed 1.8 mile extension to such project.".

(u) Dulles Corridor Rail Project.—Section 3035(aaa) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$6,000,000" and inserting "$16,000,000"; and

(3) by striking "the completion" and all that follows through "engineering for".

(v) Central Puget Sound Regional Transit Project.—Section 3035(bbb) of such Act is amended to read as follows:

"(bbb) Central Puget Sound Regional Transit Project.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $300,000,000 for the Central Puget Sound Regional Transit Project.".

(w) Canal Street Corridor Light Rail.—Section 3035(fff) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "negotiate" and all that follows through "includes" and inserting "make available"; and

(3) by striking "$4,800,000" and all that follows through "statement for" and inserting "$44,800,000 to construct".

(x) Additional Projects.—

(1) Santa cruz bus facility consolidation.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $4,120,000 for the Santa Cruz Bus Facility Consolidation project.

(2) Santa cruz fixed guideway.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,750,000 for the Santa Cruz Fixed Guideway project.

(3) San francisco ferry building renovation.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $1,250,000 for the San Francisco Ferry Building Renovation project.

(4) AC transit bus improvements.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the Alameda County Transit District for the purchase of buses.

(5) Denver southwest corridor light rail.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $13,000,000 for the Denver Southwest Corridor Light Rail project.

(6) Griffin line transitway.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,900,000 for the Griffin Line Transitway project.

(7) Tampa to lakeland commuter rail.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,300,000 for the Tampa to Lakeland Commuter Rail project.

(8) Ravenswood rapid transit line.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $20,000,000 to the Chicago Transit Authority for the reconstruction of track on the Ravenswood Rapid Transit line between Kimball Terminal and Clark Junction and between Armitage Avenue and Tower 18.

(9) Fitchburg intermodal facility.—From funds provided under section 3(k)(1)(C) of the

Federal Transit Act, the Secretary shall make available $2,250,000 for the Fitchburg Intermodal Facility.

(10) EAST-WEST TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the East-West Transitway project in Montgomery County, Maryland.

(11) MINNEAPOLIS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Minnesota Central Corridor Light Rail project.

(12) HOBOKEN TERMINAL FACILITY IMPROVEMENTS.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $8,000,000 to rehabilitate the Hoboken Terminal and Yard Complex in Hoboken, New Jersey.

(13) WEST 72D STREET TRANSIT STATION.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $9,500,000 to refurbish and expand the West 72d Street Transit Station in New York, New York.

(14) TREN URBANO LIGHT RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $40,000,000 for the Tren Urbano Light Rail project in Puerto Rico.

(15) MEMPHIS RIVERFRONT LOOP.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,900,000 for the Memphis Riverfront Loop Light Rail project.

(16) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $18,628,000 for the DART North Central Light Rail Extension project.

(17) AUSTIN LIGHT RAIL PROJECT.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Austin Light Rail project.

(18) EDMONDS MULTI-MODAL CENTER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $400,000 for fixed guideway improvements in the vicinity of the Edmonds, Washington ferry terminal.

(19) MILWAUKEE BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to purchase transit buses in Milwaukee County, Wisconsin.

(20) TRI-STATE TRANSIT AUTHORITY PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,416,000 to the Tri-State Transit Authority in Huntington, West Virginia, for the purchase of transit vehicles, equipment, and related right-of-way facility costs.

(21) ALASKA MARINE TRANSPORTATION SYSTEM.—Notwithstanding section 3(a) of the Federal Transit Act, from funds provided under section 3(k)(1)(B), the Secretary shall make available $20,000,000 to the State of Alaska for the Alaska Marine Transportation System project.

(22) LONG BEACH BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,000,000 to the Long Beach Public Transportation Company for the purchase of buses and spare parts.

(23) PALM DESERT PEOPLE MOVER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Palm Desert People Mover Project.

(24) LOS ANGELES/BURBANK/GLENDALE/SAN FERNANDO VALLEY LIGHT RAIL/INTERMODAL CONNECTION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Los Angeles/Burbank/Glendale/San Fernando Valley Light Rail/Intermodal Connection project.

(25) ORANGE COUNTY TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the Orange County Transitway Project, including the connector in Costa Mesa, California .

(26) GOLDEN EMPIRE TRANSIT LIGHT RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $2,000,000 for the Golden Empire Transit Light rail project.

(27) DELAWARE AREA RAPID TRANSIT BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the Delaware Area Rapid Transit District for the purchase of buses.

(28) TRI-COUNTY COMMUTER RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for capital improvements to Tri-Rail Commuter Rail Service.

(29) SAFETY AND SECURITY PILOT PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,750,000 for a safety and security pilot project in Champaign-Urbana, Rock Island, and Springfield, Illinois.

(30) METRA WISCONSIN CENTRAL COMMUTER RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for capital improvements to provide commuter rail service between Antioch, Illinois, and Chicago Union Station.

(31) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $6,000,000 for the Cincinnati Northeast/Northern Kentucky Rail Line project.

(32) WORCESTER INTERMODAL CENTER.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Union Station Intermodal Center project.

(33) BOSTON COLLEGE ALTERNATIVE FUELS/ENVIRONMENTAL EFFICIENCY BUS DEMONSTRATION PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,600,000 to Boston College for the alternative fuels/environmental efficiency bus demonstration project.

(34) SHADY GROVE TO FREDERICK CORRIDOR.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the State of Maryland for a corridor study of transit options in the Shady Grove to Frederick Corridor.

(35) BALTIMORE REGIONAL TRANSIT CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the State of Maryland for a study of transit corridors in the Baltimore and southern Maryland regions.

(36) WEST TRENTON LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to make capital improvements for the West Trenton Commuter Rail Line.

(37) WHITEHALL FERRY TERMINAL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for reconstruction of the Whitehall Ferry Terminal in New York, New York.

(38) BUFFALO CROSSROADS STATION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $9,000,000 to the Niagara Frontier Transportation Authority for the Crossroads Station project.

(39) COLUMBUS NORTH CORRIDOR/OSU LINK.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Columbus North Corridor/OSU Link project.

(40) BAYFRONT CENTRE INTERMODAL COMPLEX.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $8,000,000 for the Bayfront Centre Intermodal Complex project.

(41) ST. LOUIS METRO LINK EXTENSIONS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,000,000 for the St. Clair extension to the St. Louis Metro Link light rail transit system, $2,450,000 for the Cross-County extension to such system, and $3,450,000 for the St. Charles extension to such system.

(42) ALBANY MULTIMODAL TRANSPORTATION FACILITY.—From funds provided under section 3(k)(1)(C), the Secretary shall make available $590,000 for the multimodal transportation facility in Albany, Oregon.

(43) MIAMI METRORAIL NORTH CORRIDOR EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the northern extension of the Metrorail rapid transit system in Miami, Florida.

(44) VALPARAISO-CHICAGO COMMUTER CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $56,000 to determine the feasibility of restoring commuter rail service between Valparaiso, Indiana, and Chicago, Illinois.

(45) AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,434,000 for construction of a bus maintenance facility in Elk County, satellite garage in Potter County, and CNG fueling equipment in DuBois for the Area Transportation Authority of North Central Pennsylvania.

(46) JOHNSTOWN, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,700,000 for the purchase of buses and repair of a storage and repair facility and associated fuel storage tanks for the Cambria County Transit Authority, Pennsylvania.

(47) INDIANA COUNTY, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $600,000 for the purchase of buses for the Indiana County Transit Authority, Pennsylvania.

(48) ALTOONA, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,200,000 for the purchase of buses and spare parts, an electronic public information system and capital improvements to the Altoona Transportation Center to Altoona Metro Transit, Pennsylvania.

(49) DUBOIS/FALLS CREEK/SANDY TOWNSHIP, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $480,000 for the purchase of buses and lift-equipped vans for the DuBois/Falls Creek/Sandy Township Area Transit Authority, Pennsylvania.

(50) TACOMA EASTERN RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,000,000 to the city of Tacoma, Washington, for the Tacoma Eastern Rail project from Tacoma to Ashford.

(51) PITTSBURGH BUSWAY.—From funds provided under section 3(k)(1)(B) of the Federal

Transit Act, the Secretary shall make available $5,036,000 for the Pittsburgh Busway project.

(52) ILLINOIS BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the purchase of buses in Peoria, Champaign-Urbana, Rockford, PACE in the suburban area of Chicago, and other nonurbanized area systems in Illinois.

(53) SOUTHWEST BROOKLYN TRANSIT STATION AND TRACK IMPROVEMENT PROJECT.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before formula distribution of funds under such section, the Secretary shall make available $4,000,000 to make station and track improvements in Southwest Brooklyn, New York.

(54) WISCONSIN BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,600,000 for the purchase of buses, vans, and bus-related facilities to the State of Wisconsin.

(y) 1996 OLYMPIC AND PARA-OLYMPIC BUS GRANTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act in fiscal year 1995, the Secretary shall transfer $16,000,000 to the program being carried out under section 9 of such Act to make available $10,400,000 in capital and operating grants for the 1996 Olympic and Para-Olympic games and $5,600,000 in capital and operating grants for the 1996 Para-Olympic games. The Federal share of such grants shall be 100 percent.

(z) CALSTART CONSORTIUM.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the CALSTART Consortium to perform the services described in section 6071(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 123. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

(a) IN GENERAL.—Section 3034 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2126–2129) is amended—

(1) in subsection (b)(3)(A) by striking "$695,000,000" and inserting "$720,000,000";

(2) by adding at the end of subsection (e)(3) the following:

"(D) SCOPE.—The amended contract under subparagraph (A) shall provide Federal assistance for the design and construction of an interim operable segment of the East Side Extension, consisting of a line running generally east from Union Station of approximately 3.7 miles in length or in accordance with the East Side Extension locally preferred alternative, when approved by the Board of the Los Angeles County Metropolitan Transportation Authority.

"(E) FUNDING.—The $25,000,000 increase in authorization provided for Minimum Operable Segment-3 under the National Highway System Designation Act of 1994 shall be made available by the Secretary for funding the scope of the East Side Extension described in subparagraph (D). These funds shall be in addition to the amounts provided for the East Side Extension in the contract executed in May 1993 pursuant to subsection (b) of this section.".

(b) DEFINITIONS.—Section 3034(i)(3) of such Act is amended—

(1) by striking "7 stations" and inserting "12 stations";

(2) by striking "11.6" and inserting "15.4"; and

(3) by striking subparagraph (C) and inserting the following:

"(C) One line, known as the East Side Extension locally preferred alternative, running generally east from Union Station for approximately 6.8 miles to the Whittier/Atlantic Station, with 6 intermediate stations.".

SEC. 124. METRIC SYSTEM SIGNING.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speech limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—For purposes of subsections (a) and (b), the following definitions apply:

(1) HIGHWAY.—The term "highway" has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term "metric system" has the meaning the term "metric system of measurement" has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 125. METROPOLITAN PLANNING.

Section 134(g)(2)(A) of title 23, United States Code, is amended by inserting after "transit," the following: "airport, port, inland waterway,".

SEC. 126. STATEWIDE PLANNING.

(a) INTEGRATED STATE TRANSPORTATION SYSTEM FACILITIES.—Section 135(e) of title 23, United States Code, is amended by inserting after the first sentence the following: "The plan shall, at a minimum, identify transportation facilities (including major roadways, transit, airport, port, inland waterway, and multimodal and intermodal facilities) that should function as an integrated State transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.".

(b) MEETING FUNDING NEEDS OF INTERNATIONAL BORDER CROSSING COMMUNITIES.—Such section is further amended by inserting after the first sentence the following: "The State plan must consider the special transportation requirements created by international motor vehicle border crossings if applicable to such State.".

SEC. 127. HIGH PRIORITY CORRIDOR FEASIBILITY STUDY.

With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 128. REEVALUATION.

(a) INITIATION.—After completion of current construction on Interstate Route 10 and Gessner Road, Texas, the Secretary shall initiate a reevaluation in consultation with State and local officials of—

(1) a proposed exit ramp from the Sam Houston Tollway eastbound direct connector to the eastbound Interstate Route 10 frontage road between Beltway 8 and Gessner Road; and

(2) a proposed entrance ramp from the westbound Interstate Route 10 frontage road between Gessner Road and Beltway 8 to the westbound direct connector to the Sam Houston Tollway in Houston, Harris County, Texas.

(b) DEADLINE FOR DECISION.—The Secretary shall issue a decision on the proposed ramps referred to in subsection (a) within 6 months after completion of the construction referred to in subsection (a).

TITLE II—TECHNICAL CORRECTIONS TO ISTEA AND RELATED LAWS

SEC. 201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended by striking the 1st undesignated paragraph of such section that relates to public lands highways.

SEC. 202. REFERENCES TO DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) DECLARATION OF POLICY.—Section 2 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914–1915) is amended—

(1) in the 3d undesignated paragraph by striking "National System of" and inserting "Dwight D. Eisenhower System of"; and

(2) in the 7th undesignated paragraph by striking "Interstate and Defense Highway System" and inserting "Dwight D. Eisenhower System of Interstate and Defense Highways".

(b) COMPLETION OF INTERSTATE SYSTEM.—Section 1001 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1915–1916) is amended in each of subsections (a) and (b) by striking "National".

(c) DEFINITION OF INTERSTATE SYSTEM IN TITLE 23.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to the Interstate System, is amended by striking "National".

(d) CONFORMING AMENDMENT TO VEHICLE WEIGHT LIMITATIONS.—Section 127(a) of title 23, United States Code, is amended by striking "National" each place it appears and inserting "Dwight D. Eisenhower".

(e) VEHICLE LENGTH RESTRICTION.—Section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)) is amended in each of paragraphs (1), (5)(D), and (6)(A) by striking "National" and inserting "Dwight D. Eisenhower".

(f) LONGER COMBINATION VEHICLE DEFINED.—Section 4007(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2153) is amended by striking "National" and inserting "Dwight D. Eisenhower".

(g) COMMEMORATION.—Section 6012 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2180–2181) is amended—

(1) in the section heading by striking "**NATIONAL**"; and

(2) in subsection (a) by striking "National".

SEC. 203. FEDERAL-AID SYSTEMS.

(a) INTERSTATE SYSTEM.—Section 103(e)(1) of title 23, United States Code, is amended by striking the next to the last sentence.

(b) SUBSTITUTE PROJECTS.—Section 103(e)(4) of such title is amended—

(1) in the last sentence of subparagraph (B) by striking "projects on the Federal-aid secondary system" and inserting "surface transportation program projects";

(2) in subparagraph (G) by inserting "and" before "$240,000,000"; and

(3) in subparagraph (J)(i) by inserting a comma after "October 1, 1991".

SEC. 204. APPORTIONMENT.

(a) SET-ASIDE.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking "for the Federal-aid systems" and inserting "for this chapter"; and

(2) by striking "upon the Federal-aid systems" and inserting "under this chapter".

(b) CROSS REFERENCE TO INTERSTATE CONSTRUCTION PERIOD OF AVAILABILITY.—Section 104(b)(5)(A) of such title is amended by striking "118(b)(2)" and inserting "118(b)(1)".

(c) TECHNICAL AMENDMENT.—Section 104(b)(5)(B) of such title is amended by striking the comma following "1984" each place it appears.

(d) REPEAL OF URBAN SYSTEM APPORTIONMENT.—Section 104(b)(6) of such title is repealed.

(e) PLANNING SET-ASIDE.—Section 104(f)(3) of such title is amended by striking "(j)".

(f) TRANSFERABILITY AMONG SAFETY AND BRIDGE PROGRAMS.—Section 104(g) of such title is amended by striking "Not more than" and all that follows through "any other of such sections" the second place it appears and inserting the following: "Not more than 40 percent of the amount which is apportioned in any fiscal year to each State under section 144 or which is reserved for such fiscal year under section 133(d)(1) only for carrying out section 130 or 152 may be transferred from the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 percent of the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section".

SEC. 205. PROGRAMS OF PROJECTS.

(a) REPEAL OF REQUIREMENT.—Section 105 of title 23, United States Code, and the item relating to such section in the analysis for chapter 1 of such title are each repealed.

(b) CONFORMING AMENDMENTS.—Section 106(a) of such title is amended—

(1) by striking ", as soon as practicable after program approval,"; and

(2) by striking "included in an approved program".

(c) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—Section 1105(g)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2036) is amended to read as follows:

"(7) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a plan or program under chapter 1 of title 23, United States Code, a State may give priority to high priority segments of corridors identified under subsection (c) of this section.".

SEC. 206. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.

(a) INTERSTATE SYSTEM.—Section 107(a)(2) of title 23, United States Code, is amended by striking "subsection (c)" and inserting "subsection (a)".

(b) APPORTIONED FUNDS.—Section 108(a) of such title is amended—

(1) by striking "on any Federal-aid highway" and inserting "for any project eligible for assistance under this chapter";

(2) by striking "on such highway" and inserting "on such project"; and

(3) by striking "a road" and inserting "the project".

(c) RIGHT-OF-WAY REVOLVING FUND FUNDS.—Section 108(c) of such title is amended—

(1) in paragraph (2) by striking "highways and passenger transit facilities on any Federal-aid system" and inserting "any project eligible for assistance under this chapter"; and

(2) in paragraph (3) by striking "such project for the actual construction" and all that follows through "Secretary" the last place it appears and inserting "actual construction of such project on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any funds apportioned under this chapter to the State in which such project is located and available for obligation for such projects and the State shall reimburse the Secretary".

(d) EARLY ACQUISITION.—Section 108(d)(2)(F) of such title is amended by striking "this Act" and inserting "this title".

SEC. 207. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (h) by striking "Federal-aid system" and inserting "Federal-aid highway"; and

(2) in subsection (q) by striking "under sections" and inserting "under section".

SEC. 208. LETTING OF CONTRACTS.

Section 112(g) of title 23, United States Code, relating to applicability to contracts for projects on the secondary system, as redesignated by section 103(c) of this Act, is repealed.

SEC. 209. PREVAILING RATE OF WAGE.

Section 113 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highway projects on" and all that follows through "authorized under" and inserting "highway projects on Federal-aid highways authorized under";

(2) in subsection (a) by striking "upon the Federal-aid systems," and inserting "on Federal-aid highways,"; and

(3) in subsection (b) by striking "of the Federal-aid systems" and inserting "Federal-aid highway".

SEC. 210. CONSTRUCTION.

Section 114 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highways or portions of highways located on a Federal-aid system" and inserting "Federal-aid highway or portion thereof";

(2) in subsection (b)(1) by striking "highways or portions of highways located on a Federal-aid system" and inserting "a Federal-aid highway or portion thereof"; and

(3) in subsection (b)(3) by striking "highways or portions of highways located on a Federal-aid system" and inserting "any Federal-aid highway or portion thereof".

SEC. 211. ADVANCE CONSTRUCTION.

Section 115 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "PLANS, SPECIFICATIONS," and inserting "PROJECT APPROVAL"; and

(2) in subsection (c) by striking "134," and the second comma after "144".

SEC. 212. MAINTENANCE.

Section 116 of title 23, United States Code, is amended—

(1) by inserting "highway" before "project" the first place it appears in each of subsections (a) and (c);

(2) in subsection (a) by striking "no longer constitutes a part of a Federal-aid system" and inserting "is no longer a Federal-aid highway"; and

(3) in subsection (b) by striking "the Federal-aid secondary system" and inserting "a Federal-aid highway".

SEC. 213. CERTIFICATION ACCEPTANCE.

Section 117 of title 23, United States Code, is amended—

(1) in subsection (e) by striking "2000(d)" and inserting "2000d"; and

(2) by striking subsection (f), relating to discharge of the Secretary's responsibilities with respect to the secondary system.

SEC. 214. AVAILABILITY OF FUNDS.

(a) PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by striking "Interstate construction in a State" and inserting "completion of the Interstate System in a State"; and

(2) in the second sentence by inserting "for completion of the Interstate System" after "shall be allocated".

(b) SET-ASIDE FOR INTERSTATE CONSTRUCTION PROJECTS.—Section 118(c)(1) of such title is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the second sentence and inserting "for obligation at the discretion of the Secretary for projects to complete the Interstate System.".

(c) SET-ASIDE FOR 4R PROJECTS.—Section 118(c)(2) of such title is amended by inserting "of" after "$64,000,000 for each".

SEC. 215. FEDERAL SHARE.

(a) INTERSTATE SYSTEM PROJECTS.—Section 120(a) of title 23, United States Code, is amended by inserting before "including a project" the following: "including a project the cost for which is included in the 1991 interstate cost estimate and".

(b) SAFETY PROJECTS.—Section 120(c) of such title is amended by striking "for all the Federal-aid systems".

(c) EMERGENCY RELIEF.—The first sentence of section 120(e) of such title is amended—

(1) by striking "system, including" and inserting ", including a highway on";

(2) by striking "on a project on such system";

(3) by striking "and (c)" and inserting "and (b)"; and

(4) by striking "90 days" and inserting "180 days".

(d) PLANNING PROJECTS.—Section 120 of such title is amended by adding at the end the following new subsection:

"(j) PLANNING PROJECTS.—The Federal share payable on account of any project to be carried out with funds set aside under section 104(f) of this title shall be 80 percent of the costs thereof unless the Secretary determines that the interest of the Federal-aid highway program would best be served by decreasing or eliminating the non-Federal share of such costs.".

(e) CONFORMING AMENDMENT.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "section 120(a) of title 23, United States Code;".

SEC. 216. PAYMENT TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "After" and inserting "Except as otherwise provided in this title, after"; and

(2) in subsection (c) by striking "Federal-aid system" and inserting "Federal-aid highway".

SEC. 217. RELOCATION OF UTILITY FACILITIES.

Section 123(a) of title 23, United States Code, is amended—

(1) by striking "on any Federal-aid system" and inserting "eligible for assistance under this chapter"; and

(2) by striking the last sentence.

SEC. 218. ADVANCES TO STATES.

Section 124(a) of title 23, United States Code, is amended by striking "projects on any of the Federal-aid systems, including the Interstate System, he" and inserting "a project eligible for assistance under this title, the Secretary".

SEC. 219. EMERGENCY RELIEF.

(a) TECHNICAL AMENDMENT.—The first sentence of section 125(b) of title 23, United States Code, is amended by striking all preceding "Provided" and inserting the following: "The Secretary may expend funds from the emergency fund herein authorized for projects for repair or reconstruction on Federal-aid highways in accordance with the provisions of this chapter:".

(b) CONFORMING AMENDMENTS.—Section 125(b) of such title is further amended—

(1) by striking "authorized" in the second sentence and all that follows through the period

at the end of such sentence and inserting "authorized on Federal-aid highways."; and

(2) by striking "the Disaster Relief and Emergency Assistance Act (Public Law 93–288)" and inserting "The Robert T. Stafford Disaster Relief and Emergency Assistance Act".

SEC. 220. APPLICABILITY OF AXLE WEIGHT LIMITATIONS.

(a) Wisconsin State Route 78 and United States Route 51.—Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(f) Operation of Certain Specialized Hauling Vehicles on Certain Wisconsin Highways.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a) of title 23, United States Code, the single axle, tandem axle, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the operation on such 104-mile portion of any vehicle which could legally operate on such 104-mile portion before the date of the enactment of this subsection.".

(b) Vehicle Weight Limitations in the State of Ohio.—

(1) Review.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(2) Waiver authority.—If the Secretary of Transportation determines, on the basis of the review conducted under paragraph (1), that it is in the public interest, the Secretary may waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, and of the State certification requirements of sections 141(b) and 141(c) of such title, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(3) Moratorium on withholding of funds.—Until the Secretary of Transportation makes a determination relating to the public interest under paragraph (2), the Secretary shall not withhold funds under section 127(a) or 141(c) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section with respect to short wheel-base vehicles.

(c) Technical Amendments.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "118(b)(1)" and inserting "118(b)(2)"; and

(2) in subsection (d)(1)(E) by striking "July 5, 1991" and inserting "July 6, 1991".

SEC. 221. TOLL ROADS.

(a) Use of Revenues.—Section 129(a)(3) of title 23, United States Code, is amended by striking "all toll revenues received" and all that follows through the period at the end of the first sentence and inserting the following: "toll revenues received from operation of the toll facility will be used for financing and any other obligations in respect of the facility, for reserves, for reasonable return to investors financing the project (as determined by the State), and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation.".

(b) Reference to Federal-Aid Highways.—The last sentence of section 129(a)(4) of such title is amended by striking "the Federal-aid system" and inserting "Federal-aid highways".

(c) Loans.—Section 129(a)(7) of such title is amended—

(1) by inserting "or commit to loan" after "loan" the first place it appears;

(2) by striking "agency" each place it appears and inserting "entity";

(3) by inserting after "constructing" the first place it appears "or proposing to construct";

(4) by striking "all Federal environmental requirements have been complied with and permits obtained" and inserting "the National Environmental Policy Act of 1969 has been complied with";

(5) by inserting "to a private entity" after "Any such loan";

(6) by inserting after the fifth sentence the following new sentence: "Any such loan to a public entity shall bear interest at such rate as the State determines appropriate."; and

(7) by striking "the time the loan was obligated" and inserting "the date of the initial funding of the loan".

(d) Construction of Ferry Boats and Ferry Terminal Facilities.—Section 129 of such title is amended—

(1) in the first sentence of subsection (b) by striking "the route of which" and all that follows through the period at the end of such sentence and inserting "the route of which has been classified as a public road and has not been designated as a route on the Interstate System."; and

(2) in subsection (c)(4) by striking "and" preceding "repair".

(e) Pilot Program.—Section 129(d) of such title is amended—

(1) in each of paragraphs (1) and (3) by striking "7" and inserting "9";

(2) in paragraph (3) by striking "State of Pennsylvania" each place it appears and inserting "States of Pennsylvania and West Virginia"; and

(3) in paragraph (3) by inserting "the" before "State of Georgia".

(f) Treatment of Centennial Bridge, Rock Island, Illinois, Agreement.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), shall be treated as if such agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified accordingly.

(g) Treatment of I–95 and Pennsylvania Turnpike.—For purposes of section 129 of title 23, United States Code, the project for construction of an interchange between Interstate Route 95 and the Pennsylvania Turnpike shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title.

SEC. 222. RAIL-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Except as provided in subsection (d) of" and inserting "Subject to";

(2) in subsection (a) by striking "entire" each place it appears;

(3) in subsection (a) by striking "except as provided in subsection (d) of" and inserting "subject to";

(4) in subsection (e) by striking "authorized for and";

(5) in subsection (e) by striking the last sentence;

(6) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(7) in subsection (f) as so redesignated by striking "railroad highway" and inserting "railroad-highway".

SEC. 223. SURFACE TRANSPORTATION PROGRAM.

(a) State Certification.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "subsections (b) (3) and (4)" and inserting "subsections (b)(3) and (b)(4)";

(2) in subsection (d)(3)(B) by striking "tobe" and inserting "to be"; and

(3) in subsection (e)(2) by inserting after "each State" the following: "or the designated transportation authority of the State".

(b) Technical Amendment.—Section 1007(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1930) is amended—

(1) by striking "104(b)(3)" and inserting "104(b)"; and

(2) by striking "to read as follows" and inserting "by inserting after paragraph (2) the following new paragraph".

SEC. 224. METROPOLITAN PLANNING.

(a) Technical Amendments.—Section 134 of title 23, United States Code, is amended—

(1) in each of subsections (b)(2), (b)(3), and (h)(4) by striking "the date of the enactment of this section" and inserting "December 18, 1991";

(2) in each of subsections (b)(3)(B) and (g)(2)(B) by striking "long-range" and inserting "long range";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B); and

(5) in subsection (k) by striking "the Federal-Aid Highway Act of 1991" and inserting "this title".

(b) Factors To Be Considered.—Section 134(f) of such title is amended by adding at the end the following new paragraphs:

"(16) Recreational travel and tourism.

"(17) Revitalization of the central urban core.".

(c) Transfer of Funds.—Section 134(k) of such title is amended by striking the last sentence.

(d) Conforming Chapter Analysis Amendment.—The analysis for chapter 1 of such title is amended by striking

"134. Transportation planning in certain urban areas."

and inserting

"134. Metropolitan planning.".

SEC. 225. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (c) by striking paragraph (1) and inserting the following new paragraph:

"(1) The transportation needs identified through use of the management systems required by section 303 of this title.";

(2) in subsection (c)(5) by inserting after "nonmetropolitan areas" the following: ", including the identification of a rural priority local road and bridge system,";

(3) in subsection (c) by striking paragraph (15) and redesignating paragraphs (16) through (20) as paragraphs (15) through (19), respectively;

(4) in subsection (c)(18), as so redesignated, by striking "commercial motor vehicles" and inserting "passengers and freight";

(5) in subsection (d)(3) by striking "concerns" and inserting "transportation needs";

(6) in each of subsections (e) and (f)(1) by inserting "Indian tribal governments," after "private providers of transportation,"; and

(7) in subsection (h)—

(A) by striking "United States Code," and inserting "other Federal laws, and";

(B) by striking "this Act" and inserting "this title"; and

(C) by striking "or section 8 of such Act," and inserting "of this title, or section 8 of the Federal Transit Act,".

SEC. 226. CONTROL OF JUNKYARDS.

(a) STRICTER STATE STANDARDS.—Section 136(l) of title 23, United States Code, is amended by striking "the Federal-aid highway systems" and inserting "Federal-aid highways".

(b) PRIMARY SYSTEM DEFINED.—Section 136 of such title is amended by adding at the end the following new subsection:

"(n) PRIMARY SYSTEM DEFINED.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

SEC. 227. NONDISCRIMINATION.

(a) STATE ASSURANCES.—Section 140(a) of title 23, United States Code, is amended by striking "any of the Federal-aid systems" and inserting "Federal-aid highways".

(b) TRAINING.—Section 140(b) of such title is amended—

(1) by striking "for the surface transportation program"; and

(2) by striking "the bridge program".

SEC. 228. ENFORCEMENT OF REQUIREMENTS.

Section 141(b) of title 23, United States Code, is amended by striking "the Federal-aid primary system" and all that follows through "including" and inserting "Federal-aid highways, including highways on".

SEC. 229. AVAILABILITY OF RIGHTS-OF-WAY.

Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "the surface" and inserting "surface"; and

(2) in subsection (f) by striking "exits" and inserting "exists".

SEC. 230. HIGHWAY BRIDGE PROGRAM.

(a) SET-ASIDES.—Section 144(g) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "103" and inserting "1003";

(2) in paragraph (3) by striking "OFF-SYSTEM BRIDGES" and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(3) in paragraph (3) by striking ", other than those on a Federal-aid system" and inserting "that are functionally classified as local or rural minor collectors"; and

(4) in paragraph (3) by striking "bridges not on a Federal-aid system" and inserting "such bridges".

(b) CROSS REFERENCE.—Section 144(i) of such title is amended by striking "307(e)" and inserting "307(h)".

(c) CONTINUATION OF EXISTING BRIDGE APPORTIONMENT CRITERIA.—The criteria for apportionment of funds used by the Department of Transportation under section 144 of title 23, United States Code, as in effect on September 30, 1991, shall remain in effect until September 30, 1997, or until changed by law, whichever occurs first.

SEC. 231. GREAT RIVER ROAD.

Section 148(a)(1) of title 23, United States Code, is amended by striking "centers of the State" and inserting "centers of the States".

SEC. 232. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "authorized" and inserting "available"; and

(2) by striking subsections (d) and (e) and redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively.

SEC. 233. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) REFERENCE TO DATE OF ENACTMENT.—Section 153 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "the date of the enactment of this section" and inserting "December 31, 1991"; and

(2) in subsection (i)(3) by striking "the date of the enactment of this section" and inserting "December 31, 1991,".

(b) ELIGIBILITY FOR GRANTS.—Section 153(f)(2) of such title is amended by striking "at all times" each place it appears.

(c) PENALTIES.—Section 153(h) of such title is amended—

(1) in paragraph (1) by striking "at any time in" and inserting "by the last day of";

(2) in paragraph (2) by inserting "by the last day of fiscal year 1995 or" after "If,";

(3) in paragraph (2) by striking "1994," and inserting "1995,"; and

(4) in paragraph (4)(A) by striking "under section 402" and inserting "by this subsection".

(d) DEFINITIONS.—Section 153(i) of such title is amended by adding at the end the following new paragraph:

"(5) STATE.—The term 'State' has the meaning such term has under chapter 4 of this title.".

SEC. 234. NATIONAL MAXIMUM SPEED LIMIT.

(a) EXISTING PROGRAM.—Section 154(a)(1) of title 23, United States Code, is amended by striking "on the Interstate System" and all that follows through "or more" and inserting "described in clause (2) or (3) of this subsection".

(b) NEW PROGRAM.—Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1968–1970) is amended—

(1) in subsection (c)(1)(A) by inserting "of a State" after "apportionments";

(2) in subsection (c)(1)(A) by striking "if a State" and inserting "to the apportionment of the State under section 402 of such title if the State";

(3) in subsection (c) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (c) the following new paragraph:

"(2) LIMITATION ON USE OF FUNDS.—

"(A) GENERAL RULE.—A State must obligate at least 50 percent of its funds transferred pursuant to this subsection for a fiscal year for speed limit enforcement and public information and education.

"(B) WAIVER.—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year if in the preceding fiscal year the State was in compliance with the speed limit requirements established pursuant to paragraph (1).".

SEC. 235. MINIMUM ALLOCATION.

Section 157 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "118(b)(2)" and inserting "118(b)(1)";

(2) in subsection (a)(3)(A) by striking "year 1989" and inserting "years 1989"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 236. NATIONAL MINIMUM DRINKING AGE.

Section 158 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "104(b)(5), and 104(b)(6)" each place it appears and inserting "104(b)(3), and 104(b)(5)";

(2) in subsection (b)(1)(A)(iii) by striking "104(b)(6)" and inserting "104(b)(3)";

(3) in subsection (b)(3)(B) by striking "104(b)(5)(B), or 104(b)(6)" and inserting "104(b)(3), or 104(b)(5)(B)"; and

(4) in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 237. REVOCATION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

Section 159 of title 23, United States Code, is amended in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 238. REIMBURSEMENT FOR SEGMENTS OF INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

Section 160 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "The amount" and inserting "Subject to subsection (g), the amount"; and

(2) by adding at the end the following new subsection:

"(g) PUERTO RICO.—Notwithstanding any other provision of this section, Puerto Rico shall receive in a fiscal year ½ of 1 percent of the amounts appropriated pursuant to subsection (f) for such fiscal year. No State (including the District of Columbia) which has a reimbursement percentage in the table contained in subsection (c) of 0.50 shall have its reimbursement amount in fiscal years 1996 and 1997 reduced as a result of the enactment of the preceding sentence.".

SEC. 239. FEDERAL LANDS HIGHWAY PROGRAM.

(a) PUBLIC LANDS HIGHWAYS ALLOCATION.—Section 202(b) of title 23, United States Code, is amended by striking "66 percent of the remainder" and inserting "the remaining 66 percent".

(b) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by striking the comma preceding "forest development" each place it appears.

(c) PURPOSES FOR WHICH FUNDS MAY BE USED.—Section 204(b) of such title is amended—

(1) by striking "construction and improvement" each place it appears and inserting "planning, research, engineering, and construction"; and

(2) by striking "construction or improvement" and inserting "planning, research, engineering, or construction".

(d) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS.—Section 204(c) of such title is amended by inserting "of" after "15 percent".

(e) OBLIGATION OF FUNDS.—Section 204 of such title is amended by adding at the end the following new subsection:

"(k) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, funds available for Federal lands highway programs shall be treated as obligated if—

"(1) the Secretary authorizes engineering and related work for a particular project; or

"(2) the Secretary approves plans, specifications, and estimates for procurement of construction under section 106 or 117 of this title.".

(f) REFERENCE TO PARK ROADS.—Section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) by striking "HIGHWAYS" in the subparagraph heading and inserting "ROADS"; and

(2) by striking "highways" the place it appears preceding "$69,000,000" and inserting "roads".

(g) TECHNICAL AMENDMENT.—Section 1032(b)(2) (A) of such Act (105 Stat. 1974) is amended by striking "improvements" and inserting "improvement".

SEC. 240. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAY.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting "pedestrian walkways and" before "bicycle transportation facilities";

(2) in subsection (f) by striking "and the Federal share" and all that follows through "80 percent";

(3) by redesignating subsection (j) as subsection (k); and

(4) by inserting after subsection (i) the following new subsection:

"(j) INCLUSION OF PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION FACILITIES IN PLANNING.—

"(1) GENERAL RULE.—The Secretary may not approve under this chapter a highway project for new construction or reconstruction within the boundaries of a State along which a pedestrian walkway or bicycle transportation facility is required to be included under the State's

transportation improvement plan developed under section 135 unless such pedestrian walkway or bicycle transportation facility is part of such highway project.

"(2) EXCEPTION.—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under paragraph (1)—

"(A) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

"(B) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.".

SEC. 241. STATE HIGHWAY DEPARTMENT.

Section 302(b) of title 23, United States Code, is amended by striking "on the Federal-aid secondary system, financed with secondary funds," and inserting "not on the National Highway System".

SEC. 242. MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended in each of subsections (a) and (b) by striking "1 year after the date of the enactment of this section" and inserting "December 18, 1992".

SEC. 243. STATE PLANNING AND RESEARCH.

Section 307 of title 23, United States Code, is amended—

(1) in subsection (c)(1) by striking "104" and inserting "104(b)";

(2) in subsection (e)(3)(C) by striking "climactic" and inserting "climatic";

(3) in subsection (e)(13) by striking the quotation marks preceding "$35,000,000";

(4) in subsection (f)(2) by striking "section" the first place it appears and inserting "paragraph";

(5) in the heading to subsection (f)(3) by inserting "EARTHQUAKE" after "NATIONAL"; and

(6) in subsection (f)(3) by inserting "Earthquake" after "National".

SEC. 244. APPROPRIATION FOR HIGHWAY PURPOSES OF FEDERAL LANDS.

Section 317(d) of title 23, United States Code, is amended by striking "system" and inserting "highway".

SEC. 245. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Section 325(a)(5) of title 23, United States Code, is amended by striking "the date of the enactment of this section" and inserting "December 18, 1991".

SEC. 246. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended to read as follows:

"§402. Highway safety programs

"(a) IN GENERAL.—Each State shall have a highway safety program approved by the Secretary which is designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

"(b) UNIFORM GUIDELINES.—

"(1) REQUIREMENT.—The State highway safety programs approved under this section shall be in accordance with uniform guidelines promulgated by the Secretary.

"(2) PERFORMANCE CRITERIA.—The uniform guidelines shall be expressed in terms of performance criteria.

"(3) PURPOSES.—The uniform guidelines shall include, at a minimum, criteria relating to—

"(A) reducing injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

"(B) encouraging the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and increasing public awareness of the benefit of motor vehicles equipped with airbags;

"(C) reducing deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

"(D) reducing deaths and injuries resulting from accidents involving motorcycles;

"(E) reducing injuries and deaths resulting from accidents involving school buses; and

"(F) improving law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

"(4) EFFECTIVENESS DETERMINATION.—A State highway safety program relating to a guideline established pursuant to paragraph (3) shall be considered a most effective program for purposes of subsection (i) unless the Secretary determines, after a rulemaking process under subsection (i), that it should not be so considered and submits a report to Congress describing the reasons for the determination.

"(5) ADDITIONAL PURPOSES.—The uniform guidelines may include provisions to improve driver performance (including driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition the uniform guidelines may include provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services.

"(6) APPLICABILITY TO FEDERALLY ADMINISTERED AREAS.—The uniform guidelines which are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

"(8) COOPERATION IN PROMULGATION.—Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

"(9) ASSISTANCE OF OTHER FEDERAL DEPARTMENTS.—The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by this subsection and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

"(c) REQUIREMENTS FOR APPROVAL.—

"(1) IN GENERAL.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary under this section;

"(C) except as provided in paragraph (2), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(3) USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photoradar) by law enforcement officers.

"(d) DATA COLLECTION AND REPORTING PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report to the Secretary such data as the Secretary may require.

"(2) PURPOSES.—The purposes of the program under this subsection are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs.

"(3) PROGRAM REQUIREMENTS.—The program under this subsection shall include information obtained by the Secretary under section 4004 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts.

"(4) REPORTING CRITERIA.—The Secretary shall establish minimum reporting criteria for the program under this subsection. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.

"(e) USE OF FUNDS.—

"(1) FOR HIGHWAY SAFETY PROGRAMS.—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of traffic accidents and deaths and injuries resulting therefrom.

"(2) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States under subsection (f).

"(3) LIMITATION.—Nothing in this section authorizes the appropriation or expenditure of funds—

"(A) for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

"(B) for any purpose for which funds are authorized by section 403 of this title.

"(f) Apportionment of Funds.—

"(1) Formula.—After the deduction under subsection (e)(2), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) Minimum percentage.—The annual apportionment to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than ¼ of 1 percent of the total apportionment.

"(3) Approved highway safety program.—The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section.

"(4) Reduction of apportionment.—Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

"(5) Apportionment of withheld funds.—The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

"(6) Determination of public road mileage.—For the purposes of this subsection, the term a 'public road' means any road under the jurisdiction of, and maintained by, a public authority and open to public travel. As used in this subsection, public road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(g) Applicability of Chapter 1.—

"(1) In general.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section.

"(2) Inconsistent provisions.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) Credit for state and local expenditures.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) Increased federal share for certain Indian tribe programs.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) Treatment of term 'State highway department'.—In applying the provisions of chapter 1 of this title in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State for the purposes of this section.

"(h) Application in Indian Country.—

"(1) In general.—For the purpose of the application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (c)(1)(C), 95 percent of the funds transferred to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subsection (c)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) Indian country defined.—For the purpose of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

"(i) Rulemaking Process.—The Secretary may from time to time conduct a rulemaking process to determine those highway safety programs that are most effective in reducing traffic accidents, injuries, and deaths. Any rule under this subsection shall be promulgated taking into account consideration of the views of the States having a major role in establishing such programs. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing traffic accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

(b) Section 2005.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "and" the first place it appears and inserting a comma; and

(2) by striking ", 1994," and inserting "and 1994, and $146,000,000 for each of fiscal years".

SEC. 247. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Section 404(d) of title 23, United States Code, is amended by striking "Commerce" and inserting "Transportation".

SEC. 248. ALCOHOL-IMPAIRED DRIVING COUNTER-MEASURES.

(a) Technical Amendment.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

(b) Basic Grant Eligibility.—Section 410(d)(3) of such title is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) A State shall be treated as having met the requirement of this paragraph if—

"(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

"(ii) the State demonstrates to the satisfaction of the Secretary—

"(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

"(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.".

SEC. 249. PUBLIC TRANSIT FACILITIES.

Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking "this Act" each place it appears and inserting "the Department of Transportation and Related Agencies Appropriations Act, 1993".

SEC. 250. PENSACOLA, FLORIDA.

Section 1086(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2022) is amended by striking "Not later than 2 years after the date of the enactment of this Act," and inserting "On or before June 18, 1995,".

SEC. 251. HIGH COST BRIDGE PROJECT.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge".

SEC. 252. CONGESTION RELIEF PROJECT.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15"; and

(2) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

SEC. 253. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) East-West Transamerica Corridor.—Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including (A) a Kentucky corridor centered on the cities of Paducah, Benton, Hopkinsville, Bowling Green, Columbia, Somerset, London, Hazard, Jenkins, and Pikeville, Kentucky, to Williamson, West Virginia, and (B) a West Virginia corridor from Williamson to the vicinity of Welch, West Virginia, sharing a common corridor with the I–73/74 corridor (referred to in item 12 of the table contained in subsection (f)), and from the vicinity of Welch to Beckley, West Virginia, as part of the Coalfields Expressway described in section 1069(v)".

(b) Indianapolis to Houston Corridor.—Section 1105(c)(18) of such Act (105 Stat. 2032) is amended by inserting before the period at the

end the following: ", including a Kentucky corridor centered on the cities of Henderson, Sturgis, Smithland, Paducah, Bardwell, and Hickman, Kentucky".

SEC. 254. HIGH PRIORITY CORRIDOR PROJECT.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after "For" the following: "the segment described in item 6 of this table and, after completion of such segment, for"; and

(2) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

SEC. 255. RURAL ACCESS PROJECTS.

(a) PROJECT DESCRIPTIONS.—The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntington" and inserting "Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with" and inserting "with Interstate 10 through";

(4) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(5) in item number 92, relating to Ohio, by striking "Minerva, Ohio" and insert "Lisbon, Ohio";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

(b) ADDITIONAL FUNDING.—Section 1106(a) of such Act is amended by adding at the end the following:

"(8) ADDITIONAL FUNDING.—In addition to funds otherwise made available by this subsection for the project described in item number 52 of the table contained in paragraph (2), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for carrying out such project $5,000,000 for fiscal year 1995 and $1,300,000 per fiscal year for each of fiscal years 1996 and 1997.".

SEC. 256. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I–80"; and

(2) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California".

SEC. 257. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking "Holidaysburg," the first place it appears; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(2) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(3) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I–85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery";

(4) in item number 52, relating to Pennsylvania, by striking "off Interstate" and all that follows through "Pennsylvania" and inserting "and other highway projects within a 30-mile vicinity of Interstate Route 81 or Interstate Route 80 in northeastern Pennsylvania";

(5) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(6) in item number 76, relating to Tennessee—

(A) by inserting after "I–81" the following: "interchange at"; and

(B) by striking "Interchange" and inserting "or Kendrick Creek Road";

(7) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(8) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: ", including the interchange at I–85"; and

(9) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway".

SEC. 258. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item number 9, relating to E. Haven/Wallingford, Connecticut—

(A) by striking "$8.8" and inserting "$7.5";

(B) by striking "$2.4" and inserting "$2.0"; and

(C) by striking "$0.7" and inserting "$0.6";

(2) in item 38, relating to Provo, Utah, strike "South" and all that follows through "Airport" and insert "East-West Connector from United States Highway 89–189, Provo, Utah"; and

(3) in item 51, relating to Long Beach, California, by inserting "(including a grade separation project for the Los Alamitos traffic circle at Lakewood Boulevard and Pacific Coast Highway)" after "Access".

SEC. 259. MISCELLANEOUS INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT AMENDMENTS.

(a) CROSS REFERENCE IN HIGHWAY USE TAX EVASION PROGRAM.—Section 1040(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "(e)" and inserting "(f)".

(b) REPORT TO CONGRESS ON QUALITY IMPROVEMENT.—Section 1043(b) of such Act (105 Stat. 1993) is amended by inserting "General" after "Comptroller".

(c) COALFIELDS EXPRESSWAY.—Section 1069(v) of such Act (105 Stat. 2010) is amended by striking "97, 10, 16, and 93" and inserting "16, and 83".

(d) PERIOD OF AVAILABILITY OF FUNDS FOR MISCELLANEOUS PROJECTS.—Section 1069 of such Act is amended—

(1) by striking the last sentence of subsection (y); and

(2) by adding at the end the following new subsection:

"(ii) PERIOD OF AVAILABILITY.—Funds provided to carry out this section shall remain available until expended.".

(e) FINAL RULE FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES.—Section 1073(b) of such Act (105 Stat. 2012) is amended by striking "1 year" and inserting "2 years".

(f) INTERSTATE STUDY COMMISSION.—Section 1099 of such Act (105 Stat. 2026) is amended—

(1) by striking "bill" and inserting "Act";

(2) by striking "passage of this legislation" and inserting "the enactment of this Act";

(3) by inserting after "Columbia" the second place it appears the following: "appointed by the Governors of the States of Maryland and Virginia and the Mayor of the District of Columbia, respectively"; and

(4) by striking "appointed by the Governors and the Mayor" and inserting ", 1 each for Maryland, Virginia, and the District of Columbia appointed by the Governors and the Mayor, respectively".

(g) DRUG RECOGNITION EXPERT TRAINING PROGRAM.—Section 2006(b) of such Act (23 U.S.C. 403 note; 105 Stat. 2080) is amended by inserting "Federal" before "Advisory".

(h) APPLICABILITY OF OBLIGATION CEILING TO CERTAIN HIGHWAY SAFETY PROGRAMS.—Section 2009 of such Act (105 Stat. 2080) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "211(b)" the first place it appears and inserting "211";

(3) by striking "102" and inserting "1002"; and

(4) by striking subsection (b).

SEC. 260. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

In administering section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the limitation on annual gross receipts of a small business concern set forth in paragraph (2)(A) of such section shall be the only limitation on annual gross receipts which applies to small business concerns.

SEC. 261. AMENDMENTS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) SECTION 149.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) SECTION 317.—Section 317(b) of such Act (49 U.S.C. App. 1608 note; 101 Stat. 233) is amended—

(1) in paragraphs (2) and (3) by inserting "or cooperative agreement" after "contract" each place it appears; and

(2) by adding at the end the following new paragraph:

"(7) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this subsection into cooperative agreements.".

SEC. 262. FREEWAY SERVICE PATROLS.

(a) GENERAL RULE.—Except to the extent that the Secretary shall find that it is not feasible, any funds expended in a fiscal year directly or indirectly for freeway service patrols from amounts made available to a State under titles

I and III of the Intermodal Surface Transportation Efficiency Act of 1991 shall be expended with privately owned or privately operated business concerns. The preceding sentence shall not apply to any publicly owned or operated freeway service patrol that was in operation before the date of the enactment of this Act.

(b) Definition.—For purposes of this section, the term "freeway service patrol" means automotive road service vehicles and automotive towing vehicles operated in a continuous, dedicated service as part of an incident management program.

SEC. 263. PAN AMERICAN HIGHWAY.

(a) Study.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(b) Elements.—The study to be conducted under subsection (a) shall at a minimum include the following elements:

(1) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(2) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(3) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(4) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(5) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(6) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(c) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 264. SECTION 3 PROGRAM AMENDMENTS.

(a) Letters of Intent.—Section 3(a)(4)(E) of the Federal Transit Act (49 U.S.C. App. 1602(a)(4)(E)) is amended—

(1) in the first sentence by striking "letters of intent" and all that follows through "shall not exceed the" and inserting "letters of intent, early systems work agreements, and full funding grant agreements shall not exceed the"; and

(2) in the second sentence by striking "new letters issued" and all that follows through "shall not exceed any" and inserting "new letters issued and contingent commitments included in early systems work agreements and full funding agreements shall not exceed any".

(b) Assured Timetable for Final Design Stage.—Section 3(a)(6)(C) of the Federal Transit Act (49 U.S.C. App. 1602(a)(6)(C)) is amended by inserting before the period at the end the following: "or, if an environmental impact statement is not required for such project, the date of completion of an environmental assessment for such project or of a finding of no significant impact".

(c) Oregon Light Rail Program.—Section 3(a)(8)(C)(v) of such Act is amended—

(1) by striking "Westside" the first place it appears;

(2) by striking "and" following "101-584;"; and

(3) by inserting before the period at the end the following "; and the locally preferred alternative for the South/North Corridor Project between Clackamas County, Oregon, Portland, Oregon, and Clark County, Washington".

(d) Rail Modernization.—Section 3(h) of such Act is amended in paragraph (6) by striking "paragraph" and inserting "subsection".

(e) Nonapplicability.—Section 3(i)(5)(C) of such Act is amended by striking "the Federal-Aid Highway Act of 1991" and inserting the following: "title 23, United States Code,".

(f) Transitional Provision for Programs of Interrelated Projects.—Section 3011(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. App. 1602 note; 105 Stat. 2098) is amended by inserting after "interrelated projects" the following: "but excluding any project for which a timetable for project review or for Federal funding is provided for by a provision of law other than section 3(a)(6) of the Federal Transit Act and for which such timetable is different than the timetable established by such section".

(g) Conforming Amendments.—Section 3007 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2091) is amended—

(1) in paragraph (5)(B) by striking the comma which precedes the closing quotation marks and the semicolon; and

(2) in paragraph (6) by striking the comma which precedes the closing quotation marks and the final period.

SEC. 265. METROPOLITAN PLANNING.

(a) Technical Amendments.—Section 8 of the Federal Transit Act (49 U.S.C. App. 1607) is amended—

(1) in subsection (f)(5) by inserting "of title 23, United States Code" after "133";

(2) in subsection (f)(9) by striking "of this title" and inserting "of such title";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively;

(5) in subsection (i)(3) by striking "this title and the Federal Transit Act" and inserting "title 23, United States Code, and this Act";

(6) in subsection (i)(4) by striking "or pursuant to the Federal Transit" and inserting ", or pursuant to this";

(7) in subsection (i)(5) by inserting "of title 23, United States Code," after "section 134";

(8) in subsection (i)(5) by inserting "of such title" after "104(b)(3)";

(9) in subsection (i)(5) by inserting "of such title" after "133(d)(3)" each place it appears;

(10) in subsection (i)(5) by striking "the Federal Transit" the first 2 places it appears and inserting "this";

(11) in subsection (i)(5) by striking "section 8(o) of the Federal Transit Act" and inserting "subsection (o) of this section";

(12) in subsection (m)(1) by striking "or the Federal Transit" and inserting ", or this";

(13) in each of subsections (p)(2) and (p)(4) by striking "section 8" the first place it appears and inserting "this section";

(14) in subsection (p)(2) by striking "section 8 of this Act" and inserting "this section";

(15) in subsection (p)(3) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(16) in subsection (p)(5) by striking "paragraph" and inserting "section".

(b) Factors To Be Considered.—Section 8(f) of such Act is amended by adding at the end the following new paragraph:

"(16) Recreational travel and tourism.".

(c) Long Range Plan.—Section 8(g)(2)(B) of such Act is amended by striking "long-range" and inserting "long range".

(d) Transfer of Funds.—Section 8(k) of such Act is amended by striking the last sentence.

(e) Nonattainment Area Requirements.—Section 8(l) of such Act is amended by striking "transit" and inserting "highway".

SEC. 266. FORMULA GRANT PROGRAM.

(a) Transit Security Systems.—Section 9(e)(3) of the Federal Transit Act (49 U.S.C. App. 1607a(e)(3)) is amended by inserting before "and any other" in the last sentence the following: "employing law enforcement or security personnel in areas within or adjacent to such systems;".

(b) Grandfather of Certain Urbanized Areas.—Section 9(s)(2) of such Act is amended by striking "fiscal year 1993," and inserting "each of fiscal years 1993 and 1994,".

(c) Ferryboat Operations.—For purposes of calculating apportionments under section 9 of the Federal Transit Act for fiscal years beginning after September 30, 1994, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 9(b)(2) and 15 of such Act.

SEC. 267. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 9B(a) of the Federal Transit Act (49 U.S.C. App. 1607a-2(a)) is amended by striking "subsections (b) and (c) of".

SEC. 268. GRANTS FOR RESEARCH AND TRAINING.

(a) National Center.—Section 11(b)(10)(A) of the Federal Transit Act (49 U.S.C. 1607c(b)(10)(A)) is amended by striking "technology" and inserting "Technology".

(b) Applicability of Obligation Ceiling to Funding for University Transportation Centers.—Section 11(b)(12) of such Act is amended by striking "102" and inserting "1002".

(c) International Institute for Surface Transportation Policy Studies.—Section 11(c) of such Act is amended—

(1) in the heading to paragraph (1) by striking "Institute for National" and inserting "International institute for";

(2) in paragraph (1) by striking "an institute for national" and inserting "an international institute for";

(3) in paragraph (3) by striking "through the Institute for Transportation Research and Education and" and inserting a comma;

(4) in paragraph (3) by inserting a comma after "South Florida"; and

(5) in paragraph (6) by striking "through the Institute for Transportation Research and Education".

SEC. 269. GENERAL PROVISIONS.

(a) Contracting for Engineering and Design Services.—Section 12(b) of the Federal Transit Act (49 U.S.C. App. 1608(b)) is amended by adding at the end the following new paragraph:

"(5) Special rules for engineering and design contracts.—

"(A) Performance and audits.—Any contract or subcontract awarded in accordance with paragraph (4), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(B) Indirect cost rates.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with paragraph (4) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any govern-

ment agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(C) STATE OPTION.—Subparagraphs (A) and (B) shall take effect 2 years after the date of the enactment of this paragraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) RAIL TRACKAGE RIGHTS AGREEMENTS.—Section 12(c)(1) of such Act is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

(c) TECHNICAL AMENDMENT.—The first sentence of section 12(f)(1) of such Act is amended by striking "such State of local" and inserting "such State or local".

(d) TURNKEY SYSTEM PROJECT.—Section 12(l) of such Act is amended—

(1) in paragraph (1)(C) by striking "is" and inserting "may be"; and

(2) in paragraph (3) by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

(e) SALE OF CAPITAL ASSETS.—Section 12 of such Act is further amended by adding at the end the following new subsection:

"(n) SALE OF CAPITAL ASSETS.—

"(1) IN GENERAL.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or in part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary shall authorize the sale of the assets with no further obligation to the Federal Government if the Secretary determines that—

"(A) there are no purposes eligible for assistance under this Act for which the asset should be used; and

"(B) the proceeds from the sale of the asset will be used by the recipient to procure items eligible for capital assistance under this Act.

"(2) RELATIONSHIP TO OTHER LAWS.—The provisions of this subsection shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 270. PERIOD OF AVAILABILITY AND REAPPORTIONMENT OF SECTION 16 FUNDS.

Section 16 of the Federal Transit Act (49 U.S.C. App. 1612) is amended—

(1) in subsection (b) by inserting "and" after the semicolon at the end of paragraph (1);

(2) in subsection (b) by striking "; and" at the end of paragraph (2) and inserting a period;

(3) in subsection (b) by striking paragraph (3) and inserting the following:

"Eligible capital expenses under this subsection may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(4) in subsection (c)(4) by striking "the enactment of the Federal Transit Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991";

(5) by adding at the end of subsection (c) the following new paragraph:

"(5) PERIOD OF AVAILABILITY.—Sums apportioned under this subsection shall be available for obligation by the State for a period of 2 years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.";

(6) in subsection (e) by striking "handicapped and elderly individuals" and inserting "elderly persons and persons with disabilities"; and

(7) in subsection (e) by striking "such individuals" and inserting "such persons".

SEC. 271. RURAL TRANSIT PROGRAM.

The second sentence of section 18(a) of the Federal Transit Act (49 U.S.C. App. 1614(a)) is amended by striking the final period.

SEC. 272. NONDISCRIMINATION.

Section 19 of the Federal Transit Act (49 U.S.C. App. 1615) is amended—

(1) by striking "(1)" each place it appears;

(2) by redesignating paragraphs (2), (3), (4) and (5) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) as so redesignated—

(A) by striking "(A)" and inserting "(1)";

(B) by striking "(B)" and inserting "(2)";

(C) by striking "paragraph (a)" and inserting "paragraph (1)";

(D) by striking "(i)" and inserting "(A)";

(E) by striking "(ii)" and inserting "(B)";

(F) by striking "(iii)" and inserting "(C)"; and

(G) by striking "(iv)" and inserting "(D)"; and

(4) in subsection (d) as so redesignated by striking "(a)(3)(B)(ii)" and inserting "(c)(2)(B)".

SEC. 273. AUTHORIZATIONS.

(a) FORMULA GRANT PROGRAM FROM TRUST FUND.—Section 21(a)(1) of the Federal Transit Act (49 U.S.C. App. 1617(a)(1)) is amended—

(1) by striking "8 9B," and inserting "6, 8, 9B, 10,"; and

(2) by inserting "20," after "18,".

(b) FORMULA GRANT PROGRAM FROM GENERAL FUND.—Section 21(a)(2) of such Act is amended—

(1) by striking "8 9," and inserting "6, 8, 9, 10,"; and

(2) by inserting "20," after "18,".

(c) SETASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Section 21(c) of such Act is amended—

(1) by inserting "beginning after September 30, 1992," after "each fiscal year";

(2) by striking "or appropriated" each place it appears;

(3) in paragraph (3) by striking "the State program under"; and

(4) in paragraph (4) by striking "the national program under".

(d) OTHER SETASIDES.—Section 21(d) of such Act is amended by striking "or appropriated" each place it appears.

(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Section 21(e) of such Act is amended by striking "$160,000,000" and all that follows through the period at the end and inserting "for fiscal years beginning after September 30, 1991, not to exceed $324,843,000. Such sums shall remain available until expended.".

SEC. 274. PROJECT MANAGEMENT OVERSIGHT.

Section 23 of the Federal Transit Act (49 U.S.C. App. 1619) is amended—

(1) in subsection (a) by striking "or 18" and inserting "and 18"; and

(2) in subsection (h) by striking "subsections (a) (1) through (5)" and inserting "subsection (a)".

SEC. 275. PLANNING AND RESEARCH PROGRAM.

(a) STATE PROGRAM.—Section 26(a) of the Federal Transit Act (49 U.S.C. App. 1622(a)) is amended to read as follows:

"(a) ALLOCATION OF PLANNING FUNDS.—

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Fifty percent of the funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend such transit research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all the States, as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this subsection. In any case in which a statewide transit agency is responsible under State law for the financing, construction, and operation, directly, by lease, contract, or otherwise, of statewide public transportation services, such agency shall be the recipient for receiving and dispensing funds under this paragraph.

"(3) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under paragraph (2) to be used to supplement funds available under paragraph (1), as the State deems appropriate.".

(b) NATIONAL PROGRAM.—Section 26(b) of such Act is amended—

(1) in paragraph (1) by striking "section 21(c)(4)" and inserting "sections 21(b)(3)(E) and 21(c)(4)"; and

(2) in paragraph (2) by inserting "annually" after "$2,000,000".

(c) PILOT PROJECT.—Section 26(c)(4) of such Act is amended by striking "the date of the enactment of this Act" each place it appears and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

SEC. 276. NEEDS SURVEY AND TRANSFERABILITY STUDY.

Section 27(b) of the Federal Transit Act (49 U.S.C. App. 1623(b)) is amended—

(1) in paragraph (1) by striking "(3)";

(2) in paragraph (2) by striking "such sections" and inserting "section 9(j) of this Act"; and

(3) in paragraph (2) by striking "With" and inserting "with".

SEC. 277. STATE RESPONSIBILITY FOR RAIL FIXED GUIDEWAY SYSTEM.

Section 28 of the Federal Transit Act (49 U.S.C. App. 1624(b)) is amended—

*(1) in the section heading by inserting "**RAIL**" before "**FIXED GUIDEWAY**"; and*

(2) in subsection (b)(1) by inserting "rail" before "fixed guideway".

SEC. 278. NATIONAL TRANSIT INSTITUTE.

Section 29 of the Federal Transit Act (49 U.S.C. App. 1625) is amended in the heading to subsection (b) by striking "FUNDING" and inserting "TRAINING OF STATE AND LOCAL GOVERNMENT TRANSPORTATION PERSONNEL".

SEC. 279. INCREASED FEDERAL SHARE.

The Federal Transit Act (49 U.S.C. App. 1601–1625) is amended by adding at the end the following new section:

"SEC. 30. INCREASED FEDERAL SHARE.

"(a) STATES WITH LARGE AREAS OF INDIAN AND CERTAIN PUBLIC DOMAIN LANDS.—In the case of any State containing nontaxable Indian lands, individual and tribal, and public domain

lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in the State is of its total area.

"(b) STATES WITH LARGE AREAS OF INDIAN AND PUBLIC DOMAIN LANDS AND NATIONAL FORESTS, PARKS, AND MONUMENTS.—In the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

"(c) MAXIMUM SHARE.—Notwithstanding subsections (a) and (b) of this section, the Federal share for any construction project under this Act shall not exceed 95 percent of the total cost of such project.

"(d) GRANT RECIPIENT AGREEMENT.—In any case where a grant recipient elects to have the Federal share provided in subsection (b) of this section, the grant recipient must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring grant recipient to use solely for purposes eligible for assistance (other than operating assistance) under this Act (other than paying its share of projects approved under this Act) during the period covered by such agreement the difference between the grant recipient's share as provided in subsection (b) and what its share would be if it elected to pay the share provided in subsection (a) for all projects subject to such agreement.".

SEC. 280. PERFORMANCE REPORTS ON MASS TRANSIT SYSTEMS.

Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "January 1994, January 1995, and January of each odd-numbered year thereafter".

SEC. 281. CROSS REFERENCE TO FEDERAL TRANSIT ACT.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended in each of subsections (c)(2) and (d) by striking "Urban Mass Transportation" each place it appears and inserting "Federal Transit".

SEC. 282. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Section 4008(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2155) is amended by striking "102" in the second sentence and inserting "1002".

SEC. 283. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) OPERATIONAL TESTING PROJECTS.—Section 6055(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2192–2193) is amended by inserting "and enter into cooperative agreements and contracts with" after "The Secretary may make grants to".

(b) FUNDING.—Section 6058 of such Act (105 Stat. 2194–2195) is amended—

(1) in the second sentence of subsection (d) by striking "projects undertaken pursuant to subsection (c) of this section" and inserting "activities undertaken with funds made available under subsection (b) and activities undertaken with funds subject to subsection (c)";

(2) in subsection (e) by striking "102" and inserting "1002"; and

(3) by adding at the end the following new subsection:

"(f) NONAPPLICABILITY OF OTHER REQUIREMENTS OF LAW.—A person (including a public agency) that does not receive assistance under title 23, United States Code, the Federal Transit Act, or any provision of this Act (other than the Intelligent Vehicle-Highway Systems Act of 1991) shall not be subject to any Federal design standard, law, or regulation applicable to persons receiving such assistance solely by reason of such person receiving assistance under this section.".

SEC. 284. TITLE 49, UNITED STATES CODE, AMENDMENTS.

The analysis for chapter 1 of title 49, United States Code, is amended—

(1) by striking "Sec. 110. Saint Lawrence Seaway Development Corporation."; and

(2) by striking "Sec. 111." and inserting "111.".

SEC. 285. SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AMENDMENTS.

(a) MOTOR CARRIER SAFETY GRANT PROGRAM.—Section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302) is amended—

(1) by moving each of subparagraphs (H) through (N) (including any clauses therein) 2 ems to the left;

(2) in subsection (b)(1)(N) by striking "give" and inserting "gives"; and

(3) in subsection (d) by striking "3" and inserting "5".

(b) CARGO CARRYING UNIT LIMITATION.—Section 411(j)(5)(D) of such Act (49 U.S.C. App. 2311(j)(5)(D)) is amended by striking "prohibited under" and inserting "subject to".

SEC. 286. COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 AMENDMENTS.

(a) SECTION 12011.—Section 12011 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710) is amended—

(1) in each of subsections (a) and (b) by striking "104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(5)"; and

(2) in subsection (c)(1)(A)(ii) by striking "104(b)(6)" and inserting "104(b)(3)".

(b) SECTION NUMBER REDESIGNATION.—Such Act is further amended by redesignating the second section 12020, relating to violation of out-of-service orders, as 12021.

SEC. 287. CLEVELAND HARBOR, OHIO.

Section 1079 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2018–2019) is amended—

(1) by striking the semicolon at the end of subsection (b) and inserting a period; and

(2) in subsection (d)—

(A) by striking "279.31 feet" and inserting "269.31 feet";

(B) by striking "127.28 feet" and inserting "137.28 feet";

(C) by striking the comma following "Grid System";

(D) by striking "33°–53′–08″ east" the first place it appears and inserting "33°–53′–08″ west";

(E) by striking "north-westerly" and inserting "northwesterly"; and

(F) by striking "174,764 square feet (4.012 acres)" and inserting "175,143 (4.020 acres)".

SEC. 288. OTHER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT TECHNICAL AMENDMENTS.

(a) SOUTHERN FLORIDA COMMUTER RAIL.—Section 3014 of Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2108) is amended by striking "(49 U.S.C. 1607a)".

(b) ROAD TESTING OF LCV'S.—Section 4007(d)(1) of such Act (49 U.S.C. App. 2302 note) is amended by striking "on board" and inserting "onboard".

(c) NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.—Section 5005 of such Act (49 U.S.C. 301 note; 105 Stat. 2160–2162) is amended—

(1) in subsection (d)(1) by striking "11 members" and inserting "15 members";

(2) in subsection (d)(1)(A) by striking "3 members" and inserting "7 members"; and

(3) in subsection (i) by striking "1993" and inserting "1994".

(d) SECTION 6017.—Section 6017 of such Act (105 Stat. 2183) is amended by striking "502(a)" and inserting "5002(a)".

The CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those amendments printed in House Report 103–528. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Public Works and Transportation or a designee to offer amendments en bloc consisting of amendments printed in the report or germane modifications thereof. Amendments en bloc shall be considered as read, except that modifications shall be reported.

Amendments en bloc shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair now recognizes the gentleman from West Virginia [Mr. RAHALL].

AMENDMENTS EN BLOC OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, pursuant to House Resolution 440, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. RAHALL:

Amendment offered by Mr. RAHALL (No. 1): Page 9, strike line 21 and all that follows through line 8 on page 10.

In item number 8, on page 28, strike "4.000" and insert "3.000".

In item number 11 on page 28, strike "2.000" and insert "7.000".

In item number 11 on page 28, strike "1.500" and insert "3.500".

In item number 19 on page 28, strike "3.000" and insert "2.000".

Page 28, strike item number 12. Do not redesignate subsequent items of the table.

In item number 36 on page 28, strike "CA71" and insert "CA57".

In item number 112 on page 30, strike "3.000" and insert "2.000".

In item number 153 on page 30, strike "14.400" and insert "13.400".

In item number 154 on page 30, strike "4.000" and insert "3.000".

In item number 156 on page 30, strike "1.000" and insert "2.000".

In item number 156 on page 30, insert "1.000" in the column designated "Authorization in millions from highway trust fund (other than mass transit account)".

In item number 201 on page 31, strike "2.000" and insert "1.000".

After item number 212 on page 31, insert the following:

212A. Ohio	Trotwood Connector in Montgomery Co., Ohio.	.750	....

In item number 237 on page 32, strike "5.000" and insert "5.760".

In item number 237 on page 32, strike "0.760".

In item number 238 on page 32, strike "1.250" and insert ".490".

In item number 238 on page 32, strike "9.240" and insert "10.000".

In item number 242 on page 32, strike "3.000" and insert "2.000".

At the end of title I of the bill, insert the following:

SEC. 129. FUNDING.

(a) STUDY.—The Secretary shall conduct a study of how the existing Federal-aid highway and transit funding is utilized by States and metropolitan planning organizations to address transportation needs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under this section.

SEC. 130. NONDIVISIBLE LOADS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall institute a rulemaking proceeding to define the term "vehicles and loads which cannot be easily dismantled or divided" as used in section 127 of title 23, United States Code, including consideration of a commodity-specific definition of such term. The Secretary shall complete the proceeding required by this subsection not later than 270 days after the date of the enactment of this Act. The Secretary may apply such regulations to all vehicle loads operating on the National Highway System if the Secretary determines that it is in the public interest.

Conform the table of contents of the bill accordingly.

Page 127, after line 6, insert the following:

SEC. 250. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

Redesignate subsequent sections of title II of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 127, line 16, strike "is amended" and all that follows through the period on line 19 and insert the following: is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the by-pass of" after "replacement".

In section 258 of the bill on page 134, redesignate paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4), respectively.

Page 134, before line 1, insert the following:

(1) in item number 5, relating to Pennsylvania, by striking "Upgrading" and inserting "To study the need to upgrade" and by inserting "to a 4-lane limited access highway" after "Airport";

Page 146, lines 1 and 2, strike "INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES" and insert "UNIVERSITY RESEARCH INSTITUTES".

Page 146, line 14, strike "and".

Page 146, after line 14, insert the following:

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(6) by inserting after paragraph (5) the following:

"(6) INSTITUTE FOR TRANSPORTATION POLICY AND MANAGEMENT.—

"(A) GRANTS.—The Massachusetts State highway department shall make grants under this section jointly to the University of Massachusetts, Harvard University, and the Massachusetts Institute of Technology to establish and operate an interdisciplinary institute to carry out research and training on issues and operations in urban transportation policy and on strategies for the improvement of urban transportation management and to disseminate the findings thereof.

"(B) FUNDING.—The Massachusetts State highway department shall expend, from amounts made available to it for each of the fiscal years 1995 through 1997 under section 307(c) of title 23, United States Code, $1,000,000 per fiscal year to carry out the purposes of this paragraph."; and

Page 146, line 15, strike "(5)" and insert "(7)".

Page 146, line 15, strike "paragraph (6)" and insert "paragraph (7), as redesignated by paragraph (5) of this subsection,".

Amendment offered by Mr. RICHARDSON (No. 2): Page 108, after line 3, insert the following new subsection:

(e) INDIAN RESERVATION ROADS PLANNING.—The first sentence of section 204(j) of such title is amended to read as follows: "An Indian tribal government receiving funds under the Indian reservation roads program may use up to 10 percent of its annual allocation under such program for transportation planning activities pursuant to the provisions of the Indian Self-Determination and Education Assistance Act.".

Page 108, line 4, strike "(e)" and insert "(f)".

Page 108, after line 14, insert the following new subsections:

(g) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—Section 204 of such title is further amended by adding at the end the following:

"(l) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—

"(1) IN GENERAL.—Up to 1 percent of the funds made available for Indian reservation roads for each fiscal year shall be set aside by the Secretary of the Interior for transportation-related administrative expenses of Indian tribal governments.

"(2) DISTRIBUTION.—The Secretary of the Interior shall make available to each Indian tribal government with an approved application under paragraph (3) an equal percentage of any sum set aside pursuant to paragraph (1).

"(3) APPLICATIONS.—To receive funds under this paragraph, an Indian tribal government must submit to the Secretary of the Interior for approval an application in accordance with the requirements of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall approve any such application that demonstrates that the applicant has the capability to carry out transportation planning activities or is in the process of establishing such a capability.".

(h) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 204 of such title is further amended by adding at the end the following:

"(m) TRANSPORTATION ENHANCEMENT ACTIVITIES.—In making expenditures for transportation enhancement activities as required under section 133, a State shall consider any application submitted to the State by an Indian tribal government seeking assistance to conduct such activities.".

(i) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—Section 204 of such title is further amended by adding at the end the following:

"(n) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—

"(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a pilot program (hereinafter in this subsection referred to as the 'program') for the purpose described in paragraph (2) and shall carry out such program in each of fiscal years 1995, 1996, and 1997.

"(2) PURPOSE.—The purpose of the program shall be to permit an Indian tribal government to apply directly to the Secretary for authorization to conduct projects on Indian reservation roads using amounts allocated to the Indian tribal government under the Indian reservation roads program.

"(3) TREATMENT AS STATES.—Except as otherwise provided by the Secretary, an Indian tribal government submitting an application to the Secretary under the program shall be subject to the same requirements as a State applying for approval of a Federal-aid highway project.

"(4) SELECTION OF PARTICIPANTS.—

"(A) APPLICATIONS.—An Indian tribal government seeking to participate in the program shall submit to the Secretary an application which is in such form and contains such information as the Secretary may require.

"(B) MAXIMUM NUMBER OF PARTICIPANTS.—The Secretary shall select not more than 10 Indian tribal governments to participate in the program.

"(5) TECHNICAL ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, shall provide technical assistance to Indian tribal governments participating in the program.

"(6) TRANSITIONAL ASSISTANCE.—Upon request of the Secretary, the Secretary of the Interior shall provide to the Secretary such assistance as may be necessary for implementation of the program.

"(7) REPORT.—Not later than September 30, 1997, the Secretary shall transmit to Congress a report on the results of the program. In developing such report, the Secretary shall solicit the comments of Indian tribal governments participating in the program.".

Page 108, line 15, strike "(f)" and insert "(j)".

Page 108, line 22, strike "(g)" and insert "(k)".

Amendment offered by Mr. BEILENSON (No. 5): Page 9, strike line 21 and all that follows through line 8 on page 10 and insert the following:

(c) GUARANTEE AND WARRANTY CLAUSES.—Section 112 of such title is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) GUARANTEE AND WARRANTY CLAUSES.—The Secretary shall, by regulation, permit a State highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for the construction of any Federal-aid highway project requiring the contractor to warrant the materials and work performed in accordance with the contractor's obligations and responsibilities under the terms of the contract. The warranty or guarantee clause shall be reasonably related to the materials and work performed and in accordance with the contractor's obligations and responsibilities under the terms of the contract, and shall not be construed to require the contractor to perform maintenance.".

(d) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 112(f) of title 23, United States Code, as added by subsection (c) of this section.

MODIFICATION TO AMENDMENTS EN BLOC OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer modifications to the amendments en bloc just offered, and ask unanimous consent for their acceptance.

The CHAIRMAN. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Amendments, en bloc, offered by Mr. Rahall consisting of amendments numbered 2, 5 and 1, printed in the Rules Committee report, with modifications to amendment number 1 as follows:

At the end, add the following:

"In item 194 on page 31, strike "10.000" and insert "6.185".

After item 194 on page 31, insert the following:

"194A. North Carolina Peace St., Crossing in Thomasville	2.415 (GF)
"194B. North Carolina Unity St., Crossing in Thomasville	1.400 (GF)"

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

The text of amendment No. 1 (offered by Mr. RAHALL) as contained in the amendments en bloc offered by Mr. RAHALL and as modified by the foregoing modifications is as follows:

Amendment offered by Mr. Rahall (No. 1): Page 9, strike line 21 and all that follows through line 8 on page 10.

In item number 8, on page 28, strike "4.000" and insert "3.000".

In item number 11 on page 28, strike "2.000" and insert "7.000".

In item number 11 on page 28, strike "1.500" and insert "3.500".

In item number 19 on page 28, strike "3.000" and insert "2.000".

Page 28, strike item number 12. Do not redesignate subsequent items of the table.

In item number 36 on page 28, strike "CA71" and insert "CA57".

In item number 112 on page 30, strike "3.000" and insert "2.000".

In item number 153 on page 30, strike "14.400" and insert "13.400".

In item number 154 on page 30, strike "4.000" and insert "3.000".

In item number 156 on page 30, strike "1.000" and insert "2.000".

In item number 156 on page 30, insert "1.000" in the column designated "Authorization in millions from highway trust fund (other than mass transit account)".

In item number 201 on page 31, strike "2.000" and insert "1.000".

After item number 212 on page 31, insert the following:

212A. Ohio ...	Trotwood Connector in Montgomery Co., Ohio.	.750

In item number 237 on page 32, strike "5.000" and insert "5.760".

In item number 237 on page 32, strike "0.760".

In item number 238 on page 32, strike "1.250" and insert ".490".

In item number 238 on page 32, strike "9.240" and insert "10.000".

In item number 242 on page 32, strike "3.000" and insert "2.000".

At the end of title I of the bill, insert the following:

SEC. 129. FUNDING.

(a) STUDY.—The Secretary shall conduct a study of how the existing Federal-aid highway and transit funding is utilized by States and metropolitan planning organizations to address transportation needs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under this section.

SEC. 130. NONDIVISIBLE LOADS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall institute a rulemaking proceeding to define the term "vehicles and loads which cannot be easily dismantled or divided" as used in section 127 of title 23, United States Code, including consideration of a commodity-specific definition of such term. The Secretary shall complete the proceeding required by this subsection not later than 270 days after the date of the enactment of this Act. The Secretary may apply such regulations to all vehicle loads operating on the National Highway System if the Secretary determines that it is in the public interest.

Conform the table of contents of the bill accordingly.

Page 127, after line 6, insert the following:

SEC. 250. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

Redesignate subsequent sections of title II of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 127, line 16, strike "is amended" and all that follows through the period on line 19 and insert the following:

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the by-pass of" after "replacement".

In section 258 of the bill on page 134, redesignate paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4), respectively.

Page 134, before line 1, insert the following:

(1) in item number 5, relating to Pennsylvania, by striking "Upgrading" and inserting "To study the need to upgrade" and by inserting "to a 4-lane limited access highway" after "Airport";

Page 146, lines 1 and 2, strike "INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES" and insert "UNIVERSITY RESEARCH INSTITUTES".

Page 146, line 14, strike "and".

Page 146, after line 14, insert the following:

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(6) by inserting after paragraph (5) the following:

"(6) INSTITUTE FOR TRANSPORTATION POLICY AND MANAGEMENT.—

"(A) GRANTS.—The Massachusetts State highway department shall make grants under this section jointly to the University of Massachusetts, Harvard University, and the Massachusetts Institute of Technology to establish and operate an interdisciplinary institute to carry out research and training on issues and operations in urban transportation policy and on strategies for the improvement of urban transportation management and to disseminate the findings thereof.

"(B) FUNDING.—The Massachusetts State highway department shall expend, from amounts made available to it for each of the fiscal years 1995 through 1997 under section 307(c) of title 23, United States Code, $1,000,000 per fiscal year to carry out the purposes of this paragraph."; and

Page 146, line 15, strike "(5)" and insert "(7)".

Page 146, line 15, strike "paragraph (6)" and insert "paragraph (7), as redesignated by paragraph (5) of this subsection,".

At the end, add the following:

"In item 194 on page 31, strike "10.000" and insert "6.185".

After item 194 on page 31, insert the following:

"194A. North Carolina Peace St. Crossing in Thomasville	2.415 (GF)
194B. North Carolina Unity St. Crossing in Thomasville"	1.400 (GF)

The CHAIRMAN. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL], will be recognized for 5 minutes, and the gentleman from West Virginia [Mr. PETRI], will be recognized for 5 minutes.

The chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bipartisan committee en bloc amendment addresses several matters such as providing for technical and conforming changes relating to project descriptions, requiring the Secretary to conduct a transportation study, reallocating funds for certain projects and establishing an urban transportation institute.

In addition, this amendment includes a provision sponsored by the gentleman from New Mexico, BILL RICHARDSON, and myself, relating to the Indian Reservation Roads Program.

Currently, the FHWA takes about 3 percent of the funding dedicated for this program off-the-top and sends it over to the Interior Department where the great white chiefs at the BIA take an additional 6 percent off-the-top before doling it out to the tribes.

These are sovereign nations, for which the United States has a trust relationship with. Yet, the way we deal with them in highway matters, in my view, hardly constitutes a trust relationship.

This amendment would simply establish a pilot project under which a tribe, which can meet all of the requirements we place on State highway departments, will be treated as a State in terms of conducting its own transportation projects.

Finally, the en bloc amendments include a provision dealing with the issue of motor vehicle weights that has been the subject of much discussion. I commend the gentleman from Minnesota, JIM OBERSTAR, for working with us on this matter.

I urge the adoption of these amendments.

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Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished ranking Republican on the committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to point out that this en bloc amendment also includes a limited warranty/guarantee provision for contractors on Federal aid construction contracts. It is important to note that in crafting the warranty provision, the committee took into account the role of contractors involved in Federal-aid highway construction. Contractors are not responsible for design or specifications. These are done by consulting firms or by the State Departments of Transportation. Therefore, any warranty applied to them, to the contractors, that is, should be limited to the responsibilities for which they are responsible under the contract.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment offered by the chairman of the Surface Transportation Subcommittee.

This amendment makes minor and technical revisions to H.R. 4385 and contains policy provisions which have been agreed to by the committee. These include provisions championed by Representative BEILENSON which would permit States to require a contractor to warrant the materials and work performed in accordance with the contractor's responsibilities under the contract.

Congressman BEILENSON has been involved in this issue for the last several years and has testified a number of times before our subcommittee. I know that this is a matter of great concern to him.

Also included is a provision supported by Congressman RICHARDSON and Congressman HAMBURG concerning Indian reservation roads. Last year, during ISTEA oversight hearings, we heard testimony from various Indian tribes as to the problems they had encountered in trying to plan for and meet their transportation needs.

This amendment addresses those concerns and should be of great benefit through streamlining approvals, lifting administrative burdens, providing more planning funds, and allowing greater authority for some Indian tribal governments to control Indian road projects.

Finally, one other provision included in this amendment directs the Secretary of Transportation to determine what the term "non-divisible load" actually means and to apply these requirements to vehicle loads on the National Highway System if it is in the public interest to do so.

This provision has been developed from a much broader proposal which would have imposed size and weight restrictions on all NHS roads. This would have been a major expansion of Federal regulation of trucking operations on 115,000 miles of roads which are now subject only to State regulation. I appreciate the willingness of Congressman OBERSTAR to work with interested parties in reaching the compromise which is included in this amendment.

Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA] our distinguished chairman of the full committee.

Mr. MINETA. Mr. Chairman, I rise in strong support of the amendment offered by the chairman of the Subcommittee on Surface Transportation. In addition, the committee has been able to reach agreement on several important policy issues, and I would like to thank the gentleman from California [Mr. BEILENSON] for his work on the warranty and guarantee issues.

I would like to commend the gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from California [Mr. HAMBURG] for their leadership on transportation issues affecting native Americans.

Finally, I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from West Virginia [Mr. RAHALL] for their amendment requesting a rulemaking on the issue of divisible truck loads.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California [Mr. BEILENSON], with whom we have worked very closely on this provision.

Mr. BEILENSON. Mr. Chairman, just over 2 year ago, the vast majority of the House joined me in passing an amendment to the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] that would have permitted States to include contractor guarantees in their Federal aid highway contracts. The amendment passed by a vote of 400 to 26 but, unfortunately, was dropped from the final bill by House and Senate conferees.

The amendment I am offering today is a very similar amendment—and I hope it meets with eventual success this time.

Federal highway dollars have traditionally been reserved for construction, rather than maintenance, and the Federal Highway Administration has prohibited States from requiring any warranties from contractors when awarding federally funded contracts, because warranties might cause bidders to raise the initial price of a project.

The effect of this policy is that we often reward the use of the cheapest, lowest quality materials in highway construction, and prevent States from building quality performance standards into their construction contracts.

Transportation officials in the Bush administration supported changing this outdated policy, believing that the introduction of contractor guarantees into the bidding process might spur innovation, superior quality, and the use of the kind of advanced technology other countries are already aggressively taking advantage of.

Building better quality roads requires more than just allowing contractor warranties. We need to explore the possibility of issuing more contracts for both design and construction—and ask firms that win these contracts to guarantee their designs, materials, and workmanship. The benefits could be enourmous.

In Europe, where highway contracts are awarded on the basis of a combination of cost, quality and a contractor's 3 to 5-year full replacement guarantee, roads cost an average of 30 percent more to construct, but they last twice as long as they do here. Sounder subbases, thicker pavements, advanced polymer additives, and stronger asphalt produce highways that are smoother and quieter, and are stubbornly resistant to ruts, cracks, and potholes. European roads even handle heavier loads than are permitted on our highways.

Meanwhile, our own strict low-bid, construction-only system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest quality materials, and the least expensive labor; we actually penalize any effort to improve road quality or offer superior workmanship.

It is an inflexible, unwise, and shortsighted policy that costs taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable and costly traffic delays.

It is no surprise that while total Government expenditures for roads have doubled over the past decade, half of all roads in America are rated in fair to poor condition. A 1991 report by the Office of Technology Assessment on the quality of our public works infrastructure found that "when construction quality is poor and repairs are needed constantly * * * the costs of providing alternative service or of traffic diversion and delay can equal the capital cost, doubling the total expense of a given project."

As we embark on a multibillion dollar investment in the restoration of the Nation's infrastructure, I believe we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help make the road construction industry more competitive, stimulate investment, and make our transportation infrasturcture more durable and efficient.

Permitting States to demand a guarantee of a minimum standard of quality in highway projects would not, by itself, cure our country's infrastructure ills. But Americans should be outraged that, in an era of huge budget deficits, we have failed to fulfill our responsibility to see that Federal highway money is well spent.

Mr. Chairman, I simply want to thank very much the chairman of the full committee, the gentleman from California [Mr. MINETA], the chairman of the Subcommittee on Surface Transportation, my classmate, the gentleman from West Virginia [Mr. RAHALL] and my two good friends across the aisle, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin [Mr. PETRI], both for their acceptance of our amendment and more especially, more importantly, for their leadership in the effort to improve the quality of our Nation's highways.

I do happen to think that this particular amendment that I have had the privilege of proposing is important, but it is only one of several important initiatives that are being pursued by the committee in this bill to encourage the use of practices that will enhance the quality of our Nation's highways.

Along with concepts such as value engineering, performance-related specifications and life-cycle cost analysis, the use of warranties will, I believe, help the States more successfully build quality performance standards into their construction contracts.

I thank the gentlemen very much for their good work in this area of improved quality of our Nation's highways and thank them again for their help.

I strongly support not only this amendment but the entire bill.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support to the Richardson/Hamburg amendment which has been offered as part of the en bloc amendments by my good friend from West Virginia [Mr. RAHALL].

As chairman of the Natural Resources Subcommittee on Native American Affairs I have advocated for the policy of authorizing Indian tribes to take over and manage government programs that affect their members and their lands. The Richardson/Hamburg amendment would permit up to 10 Indian tribes to participate in a pilot project in which they would be able to develop and administer their own transportation programs. Eligible Indian tribes will be subject to the same requirements as a State when applying for the approval of projects, and Indian tribes will deal directly with the Secretary of Transportation. This is consistent with the President's Executive order signed on April 29, 1994, outlining the policy that all Federal agencies are to work on a Government-to-Government basis with Indian tribes.

Additional components of the amendment would allow Indian tribes which are in the process of building capacity in this area the ability to receive resources to gain transportation management expertise and to conduct the tribe's long-range transportation planning needs.

I want to thank Mr. HAMBURG for his assistance in putting this amendment together. He has served the Indian tribes in his district well on this issue as well as other Indian matters which have come before us.

I also want to thank the chairman of the Subcommittee on Surface Transportation, Mr. RAHALL and the chairman of the Public Works and Transportation Committee, Mr. MINETA, for all of their help and support. Your leadership on issues affecting native Americans over the years should serve as a model for other committees.

I urge my colleagues to support the Richardson-Hamburg amendment and the Rahall en block amendments.

These amendments reflect changes to section 204 of the Federal Lands program dealing with the Indian Reservation Roads program.

The first amendment amends section 204(j) to permit Indian tribal governments to use up to 10 percent of their annual allocation for Indian reservation roads planning. This would allow tribes to conduct their own transportation planning. This planning is currently done by the Bureau of Indian Affairs. Under this amendment, Indian tribes would contract with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act for transportation planning funds.

The second amendment requires the Secretary of the Interior to set aside up to 1 percent of the available Indian reservation roads authorization for transportation-related administrative expenses incurred by Indian tribal governments that have demonstrated the capability to use such funds effectively.

The third amendment requires States to consider applications from Indian tribes for funding for transportation enhancement activities out of the set-aside for such activities required by ISTEA.

The fourth amendment would permit up to 10 Indian tribes to participate in a 3-year pilot project, in which they would be able to develop and manage their own transportation programs. Eligible Indian tribes will be subject to the same requirements as are States in applying for approval of Federal-aid highway projects rather than the requirements of the Bureau of Indian Affairs. The Secretary of Transportation would be authorized to approve projects and deal directly with tribal governments. This is consistent with the President's executive order signed on April 29, 1994 outlining the policy that all Federal agencies should work on a government-to-government basis with Indian tribes.

The Secretary of Transportation will determine a tribe's eligibility by its willingness and capability to meet Federal Highway Administration's [FHWA] established approval requirements. The Secretary of Transportation with the assistance of the Secretary of the Interior, will provide technical assistance to participating tribes as may be necessary.

The Secretary shall submit a report to Congress on the results of the program no later than September 30, 1997.

Mr. PETRI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from West Virginia [Mr. RAHALL].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore (Mr. HASTINGS). It is now in order to consider amendment No. 3, printed in House Report 103-528.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. CLEMENT: Page 128, line 8, strike "(a) EAST-WEST TRANSAMERICA CORRIDOR.—".
>
> Page 128, strike line 22 and all that follows through line 2 on page 129.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. CLEMENT] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. RAHALL. Mr. Chairman, I am opposed to the amendment.

Mr. CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] will be recognized in opposition to the amendment.

The Chair recognizes the gentleman from Tennessee [Mr. CLEMENT].

□ 1220

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first say that I support H.R. 4385, and I want to commend the leadership of this committee, especially the chairman—Mr. MINETA and Mr. RAHALL as well as ranking minority member Mr. SHUSTER—for all the fine work they have done in crafting this very important bill.

However, there is a provision in this bill that is very troubling to me. And it should be troubling to every Member concerned about Federal mandates and the rights of State and local officials to have a say in local transportation planning.

By way of background, in 1991 Congress enacted the Intermodal Surface Transportation Efficiency Act. In that legislation Congress recommended a mid-continent highway called Interstate 69 linking Port Huron, MI to Houston, TX. Seven States are affected including Tennessee.

Currently I-69 is complete from Port Huron to Indianapolis. The engineering design phase is in progress from Indianapolis to Evansville. The route from Evansville to Houston is yet to be determined.

To assist the States in selecting the best route from Evansville to Houston, the Federal Highway Administration approved an $800,000 grant to conduct a feasibility study. This study will determine the route from Evansville to Houston that makes the most economic sense for taxpayers. The consultants have been hired. They are doing the study right now as I speak. And the study will be completed by April 1995. So far, so good.

Unfortunately, along comes this provision in H.R. 4385—like the bully you used to know as a kid—which says:

> Nuts to the feasibility study, nuts to the States, and nuts to local communities impacted by this route.

What the provision says is that no matter what the feasibility study determines, no matter what you think as a highway transportation planner, no matter what the Governor or State highway commissioner wants, no matter what anybody thinks—the Federal Government dictates that this route must go through these certain cities in Kentucky. And that is not right!

Many communities, public officials, and civic organizations in both Kentucky and Tennessee object to the language in H.R. 4385. If this language is not deleted, it would preclude the States from reviewing the results of the feasibility study and then defining the best route for I-69.

My State's transportation commissioner, Carl Johnson, wrote me a letter dated May 23, 1994 stating that they oppose this provision in H.R. 4385. I understand that the Kentucky's transportation commissioner was not even consulted when this route was designated in the legislation. My God, what are we doing here!

I have been contacted by county officials in Tennessee, city officials in Kentucky, military associations in Kentucky and Tennessee, State representatives and State senators from Kentucky, chambers of commerce from both Kentucky and Tennessee—all opposing this provision in H.R. 4385 and in support of the feasibility study. They want this provision stricken from the bill.

If you are still undecided on how you will vote on this issue, then ask yourself this:

Why are we spending $800,000 to complete a feasibility study to determine the best route and, at the same time, designating the route in this bill?

Is that not a waste of taxpayer money?

Furthermore, this provision in the bill forecloses any consideration of other route options that may be quicker or incorporate other transportation modes. In fact, without the results of the feasibility study, nobody knows for sure if the route designated by this bill is even feasible.

This issue boils down to—who decides: The feasibility study or the Federal Government.

Now you will have a chance to decide. If you are concerned as I am with Federal mandates, State decisionmaking, and wasting Federal dollars, then I urge Members to vote yes on my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

Mr. Chairman, I would like to say how much we in Kentucky appreciate the work of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA] and the gentleman from West Virginia [Mr. RAHALL], the chairmen, in bringing H.R. 4385 to the floor, a very important bill for the economic growth of the country.

Mr. Chairman, I want to say that on this Amendment No. 3, and I rise in opposition to it, as I have said, the authorization in this bill that was put through the Committee on Public Works and Transportation was put through specifically because the road I-69 as it travels from Evansville and down through western Kentucky, with routes still to be located by the Kentucky Department of Transportation, and then on down to Memphis, goes through some of the poorest regions in the United States in northwestern Tennessee, and the most economically deprived regions of the United States in western Kentucky, as was clearly, very definitely, stated and laid out by the Mississippi River Delta Commission, which this House spent Federal taxpayer dollars on, and we had Congressman Ed Jones, a former leader in the House of Representatives, chairman of that commission. We are going to bring economic development to this region to help people, help people who are still having outhouses, help people to have education which they need.

It is very necessary, Mr. Chairman, and we need the economic development in this region. We have it with this corridor as it comes through. The other corridors in Tennessee that the gentleman is referring to, in central Tennessee and central Kentucky, are well served with interstate corridors, and economic development has followed, and economic power has followed. That is the reason for the gentleman's amendment, because of economic power.

Mr. Chairman, my people do not have economic power. I am speaking for the people who do not have economic power, who need the necessities of life. That is why I oppose Amendment No. 3.

Mr. PETRI. Mr. Chairman, will the gentleman yield 30 seconds?

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, unfortunately, I must oppose the amendment offered by our colleague, the gentleman from Tennessee [Mr. CLEMENT]. This provision was included in the technical corrections bill which was passed by the House last year and generated no controversy at the time. In fact, the provision was included with the approval of all the Members involved.

Therefore, Mr. Chairman, I must oppose this amendment.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I regret that I must rise in strong opposition to the amendment offered by my good friend, colleague, and very important member of our Public Works and Transportation Committee, the gentleman from Tennessee [Mr. CLEMENT].

When the original provision was included in last year's technical corrections legislation, there was no controversy. No objections were expressed by States adjoining the corridor or by Members from those States. Now, at the last moment, an objection has been raised but no attempt has been made to reach a consensus on this issue. For these reasons, the leadership of the committee opposes the amendment.

The committee is willing to work with the gentleman and any other Members who may have concerns regarding the routing of the Indianapolis to Houston high priority corridor. Ongoing feasibility studies for the corridor, authorized by the Intermodal Surface Transportation Efficiency Act of 1994, will provide another opportunity to address these concerns.

The Federal Highway Administration [FHWA] is initiating a feasibility study of this corridor to be completed within 15 months. A steering committee of all the corridor States and FHWA has been established to guide the work of the contractor. The study will encompass the entire corridor from Indianapolis to Houston and analyze a wide range of alternative locations and levels of improvements.

I believe concerns can be addressed through this process and I oppose this amendment.

□ 1230

Mr. CLEMENT. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard what the chairman said and I also heard what the gentleman from Kentucky [Mr. BARLOW] has said. I might say for the gentleman from Kentucky [Mr. BARLOW] he is a very effective Member. I want the gentleman to be reelected this year in his district, I support him, the gentleman is a strong voice for his congressional district, but the fact is the gentleman knows full well that I-69 is going to go through his State. As a matter of fact, it is going to go through seven States: Michigan, Indiana, Kentucky, Tennessee, Arkansas, Louisiana, and Texas. But there is only one small area in the technical corrections bill where it says it must go through these certain towns and cities in Kentucky. I say that is wrong, particularly when the Federal Highway Administration is spending $800,000 to determine what is the most cost-effective, what is the best route on behalf of the taxpayers.

Mr. Chairman, why cannot we wait until the feasibility study is in? But the feasibility study is not even going to be completed until next year.

How many different groups and organizations have spoken out? There have been a number of them that are opposing this particular provision in the bill: Gov. Ned Ray McWherter in Tennessee; the Tennessee Transportation Commissioner; Clarksville, TN Chamber of Commerce; Hopkinsville, KY Chamber of Commerce; Kentucky State Representative Ramsey Morris; Kentucky State Representative James Bruce; Kentucky State Senator Joey Pendleton; and the Tennessee-Kentucky Association of the U.S. Army.

Kentucky Transportation Commissioner Don Kelly was not even consulted when this provision was added to the bill. Mayors and county representatives in communities in both Kentucky and Tennessee are opposed to this provision.

Mr. Chairman, I think it is very clear that we do not need a small little stretch of highway to be designated in I-69 which stretches all the way from Canada to Mexico. We have got seven States and in the technical corrections bill, only a small area that is being designated that I-69 has to go through.

Let us let the feasibility study speak for itself. Let us have the best route. I do not know what the best route is, and it may be through the district of the gentleman from Kentucky [Mr. BARLOW]. If it is, let the feasibility study speak for itself.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, our good friend and valued member of the Committee on Public Works and Transportation has related to the House a number of State transportation officials that are in support of his amendment here today. I would say to the gentleman, however, that these expressions have come at the last minute. Not a one of those officials that has been quoted by the gentleman from Tennessee has come to our subcommittee and expressed such opposition prior to last-minute consideration of the bill we now bring to the floor of the House. In furtherance of what our friend and colleague, the gentleman from Kentucky [Mr. BARLOW], has said, let me rise to his defense in opposition to this amendment by stating that the gentleman from Kentucky came to the subcommittee and to our full committee in a proper manner. The gentleman presented us with a proposed routing that made a great deal of common sense, but we did not just take it at that. Instead we asked the gentleman to clear it with Members from his neighboring districts. The gentleman from Kentucky [Mr. BARLOW] came back to the committee and advised us that Members from his neighboring congressional districts in Indiana and Tennessee had no objection. This was the prior agreement that I feel we have entered into in good faith in the early development stages of this legislation. Consequently, his provision was included in the ISTEA technical corrections bill that was passed by this House last year.

Did we hear objection at that time? No, sir; not one word or objection was raised at that time. This bill passed the House of Representatives and is now pending over in the other body. Never was a word of objection heard. Suddenly as the subcommittee is preparing to come to the floor with this legislation, our colleague and friend, the gentleman from Tennessee [Mr. CLEMENT], did appear stating that his State objected to this provision.

Mr. Chairman, I would submit that his State does not necessarily believe that where the gentleman from Kentucky [Mr. BARLOW] would have the corridor leaving Kentucky and entering Tennessee is at an inappropriate place. No, they simply do not want to be told where this corridor would enter their State even though it is at a place that they would pick themselves.

Mr. Chairman, let me be clear that this corridor is one of the 21 congressional designated high-priority corridors put into ISTEA by Members of Congress, not by the State highway officials, and as such we have the right to determine the routing of these corridors.

Mr. Chairman, the gentleman from Kentucky did what was required of him, he obtained the necessary clearances. Frankly I think that is the agreement by which we should abide.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am happy to yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, all along for over a year, a year and a half, maybe 2 years, I have heard objections, but a lot of those objections subsided simply because we are going to have a feasibility study and the feasibility study was going to speak for itself. I thought it was well understood on behalf of the leadership and the rank-and-file members of the Committee on Transportation and Public Works that what we were going to have all along was a technical corrections bill that would not be controversial, but the fact is that it is controversial now.

The CHAIRMAN pro tempore (Mr. HASTINGS). All time has expired.

The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEMENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 364, not voting 10, as follows:

[Roll No. 199]

AYES—64

Allard
Andrews (ME)
Archer
Armey
Bacchus (FL)
Bartlett
Barton
Bilirakis
Bliley
Bonilla
Brewster
Carr
Clement
Coble
Combest
Cooper
Costello
Cramer
Crane
Dooley
Duncan
Edwards (TX)
Evans
Gejdenson
Gordon
Grams
Hayes
Hefley
Herger
Inglis
Inslee
Johnson (CT)
Kanjorski
Kennedy
Kreidler
Lambert
Leach
Lipinski
Lloyd
Margolies-Mezvinsky
Murphy
Myers
Neal (MA)
Nussle
Pallone
Penny
Peterson (MN)
Porter
Quillen
Rohrabacher
Royce
Sangmeister
Slaughter
Smith (TX)
Solomon
Stearns
Stenholm
Sundquist
Tanner
Tauzin
Taylor (NC)
Thomas (WY)
Walker
Weldon

NOES—364

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Cox
Coyne
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Ehlers
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Blackwell
Faleomavaega (AS)
Ford (MI)
Grandy
Horn
Johnston
McMillan
Ortiz
Underwood (GU)
Washington

☐ 1258

Messrs. BOEHNER, COX, HOUGHTON, KOLBE, ROWLAND, KASICH, CHAPMAN, WILSON, and HALL of Texas changed their vote from "aye" to "no."

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. HASTINGS). Pursuant to the rule, it is now in order to consider amendment No. 4 printed in House Report 103–528.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

Page 78, after line 15, insert the following:

SEC. 129. COMMERCIAL MOTOR VEHICLE ACCIDENTS.

(a) STUDY.—The Secretary shall conduct a study of methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating a commercial motor vehicle used to transport freight.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

Conform the table of contents of the bill accordingly.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 7½ minutes, and a Member opposed to the amendment will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. RAHALL], the distinguished chairman of the subcommittee.

Mr. RAHALL. Mr. Chairman, as a courtesy to Members, and with their cooperation, we will briefly discuss the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] and then move to final passage, roll call vote, so I alert Members on the floor of the situation.

Mr. Chairman, I appreciate the gentleman from Ohio [Mr. TRAFICANT] for having yielded to me for that purpose.

Mr. TRAFICANT. Mr. Chairman, for the purpose of a colloquy, I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] very much, as well as the distinguished chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. Chairman, I am working with the Michigan Department of Transportation, the Federal Highway Administration, and Secretary Penã of the Department of Transportation to meet the procedural requirements necessary to include certain roadways in the National Highway System. At the time that the Michigan Department of Transportation submitted its National Highway System plan to the FHWA, NAFTA and two major international crossing projects with Canada had not yet been approved by the United States Government. As this approval has since been received, the national significance of Michigan routes M–25 and M–53 has been greatly enhanced. It is my understanding that at such a time as we are able to demonstrate the value of these roadways to the FHWA, and receive approval of their status as principal arterial routes, a prerequisite to inclusion on the National Highway System, I will have the committee's assistance in including the roadways in the National Highway System map. I also want to reiterate to the chairman that this request involves no cost to the Federal Government.

☐ 1300

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished chairman of the subcommittee.

Mr. RAHALL. Mr. Chairman, I would respond to the gentleman from Michigan [Mr. BARCIA] by saying that the subcommittee does have the communication from the Michigan Department of Transportation, and we will be working very closely with the gentleman as this process continues. We appreciate his leadership.

Mr. TRAFICANT. Mr. Chairman, according to the Department of Transportation, in 1992 there were approximately 34,000 accidents involving drivers, of these accidents, 600-plus were traced directly to truck drivers who had fallen asleep, resulting in 45 deaths on our highways. This is intolerable.

My amendment simply calls for a study this year, and my goal will be to incentivize the highway trust fund for 100 percent moneys to develop more rest pull-off stops for truck drivers who are a long way before an exit and who may chance reaching an exit and that chance may result in the loss of life.

With that, Mr. Chairman, I yield to the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the distinguished gentleman from Ohio [Mr. TRAFICANT] for his amendment. We find it very worthy of support, and we thank him for his leadership on this most vital safety issue.

Mr. TRAFICANT. Mr. Chairman, I appreciate that.

Mr. Chairman, I yield to our distinguished colleague, the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, the minority has reviewed the amendment. We feel it is meritorious, and we urge all the Members to support the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, we are in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio authorizing an FHWA study of methods to reduce accidents due to driver fatigue involving commercial motor vehicles transporting freight.

I commend the gentleman for his commitment to improving safety on our Nation's highways. Safety is an issue that is on every driver's mind and I am anxious to work with the gentleman on safety improvements.

Mr. TRAFICANT. Mr. Chairman, I want to thank the committee chairman for his support.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, we support the amendment, and I wish to congratulate the gentleman from Ohio [Mr. TRAFICANT] for his perspicacity.

Mr. TRAFICANT. Mr. Chairman, I appreciate the fact that I would have the support next year of my colleagues to incentivize and develop these truck-stop pulloffs to help save lives.

Mr. Chairman, I urge a "yes" vote on my amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKAGGS) having assumed the chair, Mr. HASTINGS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the final passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 12, not voting 9, as follows:

[Roll No. 200]

AYES—412

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey

McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—12

Allard
Armey
Boehner
Crane
Fawell
Hancock
Inglis
Kyl
Penny
Sensenbrenner
Solomon
Stump

NOT VOTING—9

Andrews (ME)
Bachus (AL)
Blackwell
Grandy
Hoke
Horn
McMillan
Ortiz
Washington

□ 1325

Mr. ROYCE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1933. An act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

The message also announced that from the Committee on Finance for matters solely within the Finance's Committee jurisdiction, including sections 209, 210, and 408 of the Senate amendment, Mr. MOYNIHAN, Mr. BAUCUS, and Mr. PACKWOOD, be appointed conferees, on the part of the Senate, on the bill (H.R. 3474) "An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes."

WAIVING A CERTAIN REQUIREMENT WITH RESPECT TO CONSIDERATION OF A RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported on the legislative day of May 25, 1994, providing for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for one hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During debate on this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 441 is a simple resolution to permit the House to consider the foreign operations appropriations bill today. The rule waives the two-thirds vote requirement against a rule on the foreign operations bill if the rule is brought up on the same day it is reported from the Rules Committee.

This is the second of 13 appropriations bills which the House is hoping to complete and send to the Senate by the end of June. It is a vitally important bill which will help us reorder our priorities in foreign aid while making significant reductions in the overall foreign aid spending level.

The bill provides additional disaster relief assistance for countries, experiencing severe emergencies, such as Yugoslavia and Somalia. It establishes important new programs of democratization and nonproliferation. And, most importantly, it increases the funding levels in all child activities, including child survival, basic education, displaced children, and UNICEF.

The Rules Committee met this morning at 9:30 to grant a rule providing for consideration of the foreign operations appropriations bill. The rule under consideration at this time simply allows us to take it up today by a majority, rather than a two-thirds vote. I urge my colleagues to support this rule and let us proceed to debate how we intend to fund our Nation's foreign assistance programs.

□ 1330

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it should come as no surprise that I rise in strong opposition to this rule, waiving a requirement for a two-thirds vote to consider a report from the Committee on Rules on the Foreign Operations Appropriations Act for fiscal year 1995 on the same day that it is reported.

Mr. Speaker, waiving the two-thirds rule should be reserved for emergencies. That is when we waive the two-thirds rules. In this case, we do not have an emergency. The schedule of the House does not warrant this kind of very extreme action. We are not approaching the sine die adjournment. We simply face the Memorial Day district work period. On top of that, despite the scheduling concerns of the Committee on Appropriations, they are far ahead of last year's appropriation pace.

Certainly there is no "foreign aid" emergency that requires immediate congressional action on this spending bill today. The House can consider foreign aid tomorrow. We could debate foreign assistance upon return from our districts in 2 weeks. Therefore, I have to wonder if the Democrat leadership would prefer that Members of Congress not go home for 2 weeks with the foreign aid bill pending—it might make votes harder to come by when they get back after listening to their constituents.

Mr. Speaker, this "martial law" rule is not about foreign aid. It is about the process of deliberative democracy, or more accurately, the lack of real democracy that exists around here. We are being asked to expedite consideration of a truly horrendous rule that cuts the heart out of the House's most sacred responsibility, thorough and open consideration of spending bills. The power of the purse of the House is now regularly stripped on foreign aid bills, and that deed is done each year through the rule on the Foreign Operations Act.

Therefore, of all rules that are least deserving of being rushed to the House floor through "emergency" authority, this Foreign Operations Act rule stands out. If we are going to deny the American people, through their elected representatives, the right to debate and vote on amendments that subject foreign aid to the democratic process, then let us at least honor the House rules and consider that closed rule under regular order.

Mr. Speaker, this House should be a living testament to the democratic principles of deliberation, accountability, and consensus. We should not scrap those to appease the schedule of the Appropriations Committee. I urge my colleagues to vote down this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I am opposed to this rule, as my friend, the gentleman from California, is, but I am also opposed to the bill on its merits or demerits. The reason I say that is despite all of the hoopla on reforming foreign aid, this bill is just business as usual.

When we analyze it, it is $2.2 billion for international banks, it is $7.6 billion for foreign aid, and it is $3 billion for military assistance. Some token cuts have been made to put a veneer of change on this legislation, but for those of us who want to put the American taxpayer first for a change, it is easy to see through this disguise.

Mr. Speaker, the bill has $1.2 billion for the International Development Association. That is a $210 million increase over last year. The IDA is the World Bank's branch which gives loans that are never repaid. We will never see this money again.

There is $168 million for the Asian Development Bank's development fund. That is a $105 million increase. Asia is the fastest growing region of the world. Why should the American taxpayer finance loans to countries that are taking away American jobs?

The bill also has $2.8 billion in new money for AID's so-called Development Assistance Programs. That is a $109 million increase for an agency that everyone agrees is broken and needs reform.

Mr. Speaker, what does this bill do about reforms? It gives AID a $12 million increase in its operating budget. That brings it to $517 million, or over a half a billion for operating AID.

There is even an increase for the Housing Guarantee Program, which sticks the American taxpayer with cosigning loans for houses now that are not for Americans but for people in other countries, so the message to every American family struggling to save enough for their first home is that a majority in this House are putting other nations' needs ahead of our own people's. This bill symbolizes what is wrong with the majority who run the House, and have done so for 40 years.

Mr. Speaker, they ran foreign aid through the House instead of cutting the waste. Last year the majority in the House voted for President Clinton's' largest tax increase in American history, the largest tax increase of $260 billion. Today we see the fruits of some of those tax increases going overseas. No wonder the American people are angry with Washington, but they should take into account who is voting to send this money overseas.

Mr. Speaker, some of us are fighting to put the taxpayer ahead of foreign interests, and some of us are fighting to put the American people's needs ahead of the needs of foreign interests. That is what is at stake with this bill, and the American people should take note and remember.

Mr. Speaker, this rule before us requires a two-thirds vote. It is not the proper rule for this House. The rule following it I am also opposed to, but basically, the merits and demerits of this legislation is what we should be voting on.

Mr. Speaker, I ask the body to vote against this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this obviously is not the procedure we should be using for consideration of this. Mr. Speaker, as I said in my opening remarks, this easily could be put off until tomorrow, or until we come back from our district work period. This is not an emergency item, this debate on foreign aid. It is called a martial law rule. There is no reason under these kinds of circumstances to impose martial law in this House.

Mr. Speaker, I urge a "no" on the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TORRES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 174, not voting 13, as follows:

[Roll No. 201]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift

Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blackwell
Chapman
Grandy
Horn
Houghton
Machtley
McCurdy
Ortiz
Rostenkowski
Rush
Sarpalius
Washington
Whitten

☐ 1359

Mr. GILCHREST changed his vote from "yea" to "nay."

Mr. DEAL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 103–530) on the resolution (H. Res. 443) providing for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, which was referred to the House Calendar and ordered to be printed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 443

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and the amendment in the nature of a substitute recommended by the Committee on Appropriations and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations now printed in the bill. The committee amendment in the nature of a substitute shall be designated and shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the committee amendment in the nature of a substitute, and against provisions in the bill if so amended, are waived. If the committee amendment in the nature of a substitute is adopted, then the bill as so amended shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. No further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 443 will allow the House to consider H.R. 4426, the foreign operations appropriations bill for fiscal year 1995. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the bill and its consideration.

The rule provides that after general debate, the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations and now printed in the bill. The committee amendment shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the committee amendment and against provisions in the bill, if amended, are waived. If the committee amendment is adopted, then the bill as amended shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

Under the rule, no further amendment to the bill is in order except for the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee. The amendments shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

The amendments shall not be subject to amendment except as specified in the report and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order are waived against the amendments. The rule further permits the Chairman of the Committee of the Whole to postpone a recorded vote on any amendment made in order by this rule, and to reduce to 5 minutes the time for voting after the first of a series of votes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4426, the foreign aid appropriations bill is a carefully crafted piece of legislation. The committee appropriates approximately $13.6 billion for U.S. foreign aid programs which results in a reduction in spending of about $1 billion from last year. The bill successfully balances the need to exercise fiscal constraint while still meeting our moral obligation to assist those suffering from hunger and poverty around the world.

I want to particularly commend the committee, under the leadership of Chairman DAVE OBEY, for including $275 million for child survival activities which save and sustain the lives of up to 15 million children a year. The Agency for International Development [AID] reported to Congress that its child survival, basic education, and micronutrient programs have a far-reaching impact on the lives of children and their families in more than 60 countries. In addition to the $275 million for child survival activities, the committee also included $135 million for basic education and $25 million for micronutrients.

Unfortunately, Mr. Speaker, while the committee included identical amounts for these programs under last year's bill, AID did not spend all the funds provided. I will later engage Chairman OBEY in a colloquy making it clear that the intent of this legislation is to spend the amounts provided for these very successful preventive programs.

Overall this is an excellent piece of legislation that challenges our ability to target funds in the most needed areas while operating under tight budgetary constraints. The rule is designed to facilitate House consideration of our important foreign aid related issues. I urge my colleagues to adopt it, Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule. It is unfair, undemocratic, and elitist, disenfranchising nearly every Member of Congress and the voters whom they were elected to represent. I will say up front that my visceral opposition to this rule is not based on that it brings a foreign aid bill to the floor. Instead I oppose this rule because it strikes at the very foundation that the people's House was intended to play in our great constitutional system, namely to control the power of the purse and set the spending priorities for the funds collected from hardworking taxpayers.

I oppose closed rules, Mr. Speaker. I believe they are anathema to the concept of deliberative democracy. Unfortunately, the Committee on Rules often receives requests for restrictive rules. When this happens, it is usually because legislation is highly technical or a bill could become a Christmas tree of unnecessary special-interest projects or tax breaks.

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No such claim is made for this appropriations bill. That is why I believe that we have a solemn responsibility to the American taxpayers, and to the institution, the House of Representatives, to reject this rule. In short, the chairman of the Committee on Appropriations came before the Committee on Rules and said he opposed cutting amendments being offered against his bill because many of them would be popular. Members would vote for them. They would pass.

Mr. Speaker, in a deliberative democracy, where we have representative government, would that be so bad? Are we at the point in this House that serious and thoughtful amendments to spending bills are going to be gagged because they might earn the votes of the elected representatives? The Committee on Appropriations, at least on some spending bills, appears to believe that they know so precisely how taxpayer money should be spent that they will set all the figures, and then no other Members will have even a chance to reduce the amounts.

That is fine if a colleague is one of the privileged 59 members of that committee, but for the other 375, regardless of your view of foreign aid, this is an unfair process. We cannot condone the selective disenfranchisement of the 225 million Americans who do not have the privilege of being represented by a member of the Committee on Appropriations.

Yesterday, a Republican candidate was elected to the House of Representatives from the Second District of Kentucky for the first time in over 129 years. That is not just another watershed election for Republicans in a rising tide against big unresponsive Government in Washington. It is also worth noting that it was the election to replace the highly respected chairman of the Committee on Appropriations, Bill Natcher. Chairman Natcher regularly stated that appropriations bills should come to the floor under the regular order, permitting all cutting amendments. He believed in letting democracy work in practice. We all know he considered casting votes the highest duty of a Member of Congress.

This foreign aid appropriations bill has become a harbinger of an increasingly insulated Appropriations Committee. To provide some perspective of how things have changed, from 1979 to 1986, no appropriations bills were protected from cutting amendments. Since 1987, the foreign operations bill has been protected from these amendments six times, and in the last 2 years, the legislative branch bill has also been so shielded. The House leadership has apparently decided that democracy is no longer a suitable process for these sacrosanct bills. The trend, Mr. Speaker, is certainly in a bad direction.

As I said, amendments were gagged on this foreign aid bill because they were popular, because they would pass. Three amendments to increase funding for antinarcotics initiatives, brought by esteemed leaders on this issue such as the gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. CUNNINGHAM], the gentleman from New York [Mr. RANGEL] and others were blocked from consideration. They would increase funding for that critical antidrug program being cut by the administration, cutting from less important initiatives. Therefore, Mr. Speaker, I am going to call for the defeat of the previous question to make in order the Rangel-Gilman-Oxley amendment to fully fund the antinarcotics program.

Amendments by the gentleman from New York [Mr. SOLOMON] to cut $50 million from the International Development Association, or by the gentleman from Indiana [Mr. BURTON] to cut $5 million from the Agency for International Development, or by the gentleman from Wisconsin [Mr. KLUG] to cut $9.6 million from the International Fund for Ireland, amendments, which each should be in order under the regular appropriations process, were denied. Those programs should face the scrutiny of debate and the test of democracy, which is a vote. The amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to cut funds for foreign aid to countries that fail to vote with the United States even 25 percent of the time in the United Nations is blocked by this rule precisely because it would probably pass this House. Finally, the proposal offered by the gentleman from Florida [Mr. MICA] to reduce development aid and shift the resources to export promotion programs is gagged to protect the committee's bill from scrutiny.

Mr. Speaker, I ask unanimous consent to put in the RECORD at this point the rollcall votes held in the Committee on Rules on amendments blocked by the rule, including the ones I have mentioned. I would also like to include a chart on the increasing number of restrictive rules reported by the Committee on Rules, including their instances on appropriations bills.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from California?

There was no objection.

The information referred to is as follows:

Rollcall Votes in the Rules Committee on Motions to Proposed Rule for Foreign Operations Appropriations Act for Fiscal 1995 (H.R. 4426)—Wednesday, May 25, 1994

1. Open Rule.—Provides for two hours of general debate; makes in order the Appropriations Committee amendment in the nature of a substitute as original text for amendment purposes; provides for an open amendment process under the five-minute rule; waives clauses 2 and 6 of rule 21 against provisions of the bill. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Hall, Slaughter. NOT VOTING: Derrick, Bonior, Wheat, Gordon.

2. Strike 3-Day Layover Waivers.—Strike the provisions from the rule that waive clause 2(1)(6) of rule 11, the three-day layover requirement for committee reports, and clause 7 of rule 21, the 3-day layover requirement for appropriations reports and published hearings. Rejected: 4-4. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon.

3. Permit Motions to Strike.—In addition to the amendments made in order by the rule, insert the following language at the appropriate place: "Notwithstanding the forgoing provisions of this resolution, it shall be in order to consider amendments under the five-minute rule to strike any paragraph, section, item or proviso from the Committee amendment in the nature of a substitute." Rejected: 4-4. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon.

4. Gekas Amendment No. 5.—Amends the provision withholding 25% of the funds for Greece pending a report by the Secretary of State to the Appropriations Committees on alleged Greek violations of the U.N. sanctions against Serbia by striking the requirement that the funds not be obligated until at least 15 days after a separate notification has been submitted. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

5. Cunningham Amendment No. 6.—Reduces funds for the Development Assistance Fund and increases funds for "International Narcotics Control" by $55 million. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

6. Burton Amendment No. 9.—Reduces operating expenses for the Agency for International Development from $517.5 million to $512.325 million. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

7. Burton Amendment No. 10.—Includes India under those Nations for which international military education and training assistance shall be prohibited (the bill now bars such assistance only to Indonesia and Zaire). Rejected: 3-5. AYES: Solomon, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Quillen.

8. Burton Amendment No. 11.—Strikes the provision withholding 25% of the Foreign Military Financing funds to Turkey subject to certain conditions. Rejected: 3-5. AYES: Solomon, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Quillen.

9. Solomon Amendment No. 17.—Reduces amount for Economic Support Fund and increases amount for International Narcotics Control by $52.4 million. [En bloc] Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

10. Solomon Amendment No. 21.—Reduce amount for U.S. contribution for the International Development Association by $50 million. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

11. Goodling Amendment No. 22.—Reduce funds for Economic Support Fund by $27.75 million; for International Military Education and Training by $6.5 million; and for Foreign Military Financing Program by $7.3 million. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

12. Klug Amendment No. 23.—Reduce funds for International Fund for Ireland by $9.6 million. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

13. Mica Amendment No. 24.—Reduce funds for Agency for International Development by $51 million; and Mica Amendment No. 25.—Increase funds for Export-Import Bank by $51 million. [En bloc] Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

14. Gilman Amendment No. 26.—Reduce funds for independent States of former Soviet Union by $85.3 million and increase funds for International Narcotics Control by $52.4 million. [En bloc] Rejected: 3-5. AYES: Solomon, Quillen, Dreier. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Goss.

15. Crane Amendment No. 29.—Limits the percentage of U.S. voluntary contributions to the U.N. after calendar year 1995 to no more than the ratio of U.S. population to total population of U.N. member states. Rejected: 3-4. AYES: Solomon, Quillen, Dreier. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon, Goss.

16. Gilman Amendment No. 30.—Authorizes President to establish a program to facilitate transition to full NATO membership of Poland, Hungary, the Czech Republic and Slovakia, provide assistance under various security assistance programs funded by bill, and permitting the President to expand transition assistance to other emerging Eastern European democracies. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

18. Burton Amendment No. 31.—Prohibits assistance to South Africa if the government is suppressing opposition parties, is not respecting human rights and due process of law, or is not following free market economic policies; and Burton Amendment No. 33.—Prohibits assistance to South Africa is communists are serving in the cabinet. Rejected: 4-5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

19. Motion to Report Rule.—Modified closed rule, waiving all points of order. Adopted: 5-4. AYES: Moakley, Derrick, Beilenson, Frost, Slaughter. NAYS: Solomon, Quillen, Dreier, Goss. NOT VOTING: Bonior, Hall, Wheat, Gordon.

Amendments in motions 4-18 above shall not be subject to amendment but shall be debatable for not to exceed 20-minutes equally divided between the proponent or a designee and an opponent; en bloc amendments are to be allowed where indicated and not subject to a division of the question in the House or Committee of the Whole; and appropriate points of order are waived against those amendments which require waivers.

H.R. 4426—Providing an Open Rule for the Foreign Operations Appropriations Act

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Appropriations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said amendment shall be considered as read. All points of order against provisions in the bill or the amendment in the nature of a substitute for failure to comply with the provisions of clauses 2 or 6 or rule XXI are waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

Explanation: This amendment to the proposed rule provides for a 2-hour, open rule for the consideration of H.R. 4426, the "Foreign Operations Appropriations Act for Fiscal Year 1995," and makes the Appropriations Committee's amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule. Clauses 2 and 6 of rule 21 are waived against provisions of the bill and substitute. Finally, the rule provides for one motion to recommit, with or without instructions.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
103d (1993–94)	68	14	21	54	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 25, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. ———, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. DREIER. Mr. Speaker, this rule is not about foreign aid. It is about democracy here in Congress. If our country's foreign aid programs are designed to promote democracy and freedom abroad, it is a pitiful shame that the legislation funding those programs is now regularly considered under the most antidemocratic unfair procedure we have. The American people want a Congress that is involved in spending decisions, and is accountable for their decisions. This rule goes against those desires.

Mr. Speaker, I urge my colleagues to vote against the previous question, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] very much for yielding this time to me.

Mr. Speaker, I rise in support of the rule on the foreign operations appropriations for fiscal year 1995.

Mr. Speaker, one of the amendments made in order by this rule is an amendment I shall be offering to increase funding for voluntary family planning assistance by $100 million. This increase would be paid for by cutting programs in the bill, across the board, by three-quarters of 1 percent.

Increasing population assistance by $100 million will bring total funding for population assistance to $669 million. That amount is significantly closer to the amount the United States would need to spend next year to fulfill our commitment to the 1989 Amsterdam Declaration, the multinational plan for making voluntary family planning assistance available universally by the year 2000. (Meeting our commitment fully would require that we spend $800 million next year.)

I want to note that this amendment provides a smaller increase in the population account than I thought I would be proposing when I sent a letter to my colleagues on this matter last night. and I want to draw to my colleagues' attention also that the amendment does not cut exclusively from the World Bank and other financial institutions, as that letter stated but, rather, from all accounts in the bill. The proposed amendment was changed after discussion of the amendment with the chairman of the subcommittee, the gentleman from Wisconsin [Mr. OBEY] when the Committee on Rules was considering amendments to H.R. 4426.

This amendment will enable us to devote more of our limited foreign aid dollars to a purpose that will help a greater number of people in the developing world than anything else we can do—and, in fact, is essential for the wellbeing of every person on Earth, now and in the future.

There is nothing more important we can do to improve the lives of people in developing nations than to ensure that they have the means to choose the number and spacing of their children.

And there is nothing more urgent that we must do to keep the Earth habitable, than to slow the rapid growth of the human population.

The world's population now exceeds 5.6 billion, and is growing by almost 100 million people every year—260,000 everyday—with nearly 95 percent of the increase occurring in developing nations. If effective action is not taken in the five remaining years of this decade, as today's 3 billion children in the developing world reach their childbearing years, the Earth's population could quadruple to over 19 billion by the end of the next century.

The rapid growth of the human population underlies virtually every environmental, development, and national security problem facing the world today. In much of the developing world, high birth rates are outstripping the capacity of nations to make even modest gains in economic development, leaving growing numbers of their people living in a state of intractable poverty.

This year, it is particularly important that we show our strong commitment to providing our fair share of the cost of making family planning services available worldwide. Leaders from over 190 nations will be convening at the International Conference on Population and Development in Cairo in September, and the U.S. will be in a stronger position to exercise leadership on the issue if we are providing an amount that is closer to the full amount needed to do our share to achieve universal access to family planning.

□ 1420

All the other types of foreign aid we can possibly make available will be of little benefit to nations which continue to be overwhelmed by their rapidly growing populations. Our limited foreign assistance dollars will be a far greater help to greater numbers of people if we spend more of them on family planning assistance.

Mr. Speaker, I thank my friend for yielding 4 minutes to me, and again I want to express my support for the rule. I look forward to the consideration of the amendment later in the day and the opportunity to discuss the need for it.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the ranking member of the subcommittee on the Committee on Appropriations, the gentleman from Metarie, LA [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time.

Mr. Speaker, I will comment on the substance of this bill later on, but I rise now in opposition to the rule.

I support the bill. It is a fundamentally sound bill, maintaining the trend of ever-lower yearly foreign aid appropriations.

The chairman of the full Committee on Appropriations, and the chairman of the Subcommittee on Foreign Operations, the gentleman from Wisconsin [Mr. OBEY] has dealt fairly with me throughout the process, and I appreciate his cooperation.

But many of the remaining Members of the House are not getting adequately heard on this bill. Their amendments proposed to the Committee on Rules have not been permitted under this rule, and accordingly I must oppose it.

The gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. RANGEL], the gentleman from Ohio [Mr. OXLEY], and the gentleman from California [Mr. CUNNINGHAM], had amendments to restore cuts in the international narcotics program, none of which were allowed but which could be addressed if we defeat the previous questions.

The gentleman from Ohio [Mr. TRAFICANT] had an amendment to provide an across-the-board cut. The gentleman from Pennsylvania [Mr. GOODLING] had a very thoughtful amendment to strike funding to countries that vote overwhelmingly against us in the United Nations. The gentleman from Florida [Mr. MICA] had an amendment to cut AID operating expenses, and the gentleman from Indiana [Mr. BURTON] had several amendments on South Africa. There were various other germane amendments that could have been made in order.

The House leadership has put the House under the gun, and if we do not complete debate on this bill today, we may not for several weeks. But that is little excuse for pushing the bill through without adequate consideration of legitimate, constructive amendments. Therefore, I must oppose this rule and urge defeat of the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California, and I rise to join my good friend from California in opposing this rule and denouncing everything it represents.

Mr. Speaker, this is yet another gag rule—a rule that takes from every Member of this House, the right to offer amendments to cut or strike spending on foreign aid.

Mr. Speaker, the growing reliance by the Democrat leadership on restrictive rules for appropriation bills is further evidence that this institution—as it is presently being run—cannot conduct its legislative activities in a responsible manner that is either explainable to the members, or accountable to the public.

Mr. Speaker, in the 97th, 98th, and 99th Congresses, from 1981 through 1986, only one general appropriations bill was subject to a restrictive rule, and that restriction applied only to one narrow section of the bill—and even it did not deny Members the right to offer germane amendments.

It was during the 100th Congress that the Democrat leadership began to restrict the standard amendment process itself.

In the 100th, 101st, and 102d Congresses, from 1987 through 1992, five such restrictive rules were imposed.

Today, we are confronted with the fourth such restrictive rule in this 103d Congress alone. And No. 5 is just around the corner: On the legislative branch appropriations bill.

Mr. Speaker, if all this were not disgusting enough, we have to add to it the doubletalk that comes daily from the Democrat leadership.

On the one hand, the Democrat leadership will say that A to Z spending-cut debate is unnecessary.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I will yield in just 1 minute.

They say it is unnecessary because Members already have the right to offer cutting and striking amendments on appropriation bills.

And then, on the other hand, that same leadership will turn around and deny Members their right to offer those amendments.

Mr. Speaker, which is it?

I hope every Republican, and all Democrats who care about due process, will vote to defeat this previous question; that will allow at least one major amendment cutting ill-conceived Russian aid by $52 million and using those funds to stop illegal drugs coming into this country.

Vote no on the previous question.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Certainly, I will yield to the gentleman from Wisconsin, one of the most respected Members of this House.

Mr. OBEY. Mr. Speaker, I would just like to ask the gentleman this question: Would the gentleman tell me at whose request I first made the request to provide for a structured rule on the foreign aid bill?

Does the gentleman remember at whose request that was done?

It was done at the request of the Reagan administration. Mr. Reagan was President. He understood that this bill was occasionally demagogued and he asked for assistance by providing for a rule that would enable him to get his foreign aid bill through, and we cooperated.

Mr. SOLOMON. Mr. Speaker, let me respond to the gentleman——

The SPEAKER pro tempore (Mr. TORRES). The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. DREIER. Mr. Speaker, I am very happy to yield 5 minutes to the ranking Republican on the Committee on Foreign Affairs, the gentleman from Middleton, NY [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong opposition to the rule, which regrettably precludes Republicans from having any real say with regard to the foreign assistance policies contained in this appropriations bill. More specifically, it denies many of us the opportunity to offer any of the three amendments—proposed by Republicans and Democrats alike—to restore the more than 35 percent cut from the President's international narcotics control budget for the State Department for fiscal year 1995.

The last foreign assistance authorization bill was enacted in 1985. Republicans have been promised for more than a year that we would have an opportunity to join in a bipartisan reform of the foreign assistance program. Regrettably, this bill will likely be the only foreign assistance bill this Congress will enact.

As a result of the proposed cuts in the international narcotics funds in this bill, domestic consequences will be severe, allowing more and cheaper drugs on our streets, and in our schools. Inevitably, there will be increased crime, health care costs and a significant loss of worker productivity. Our costly efforts for community policing provided for in the crime bill, will be adversely affected as well.

These new local community police efforts will be swamped by the increased drugs from abroad that surely will follow the second year of severe cuts in this vital front line program against cocaine and heroin headed for our shores. Witness the recent 44 percent increase in heroin hospital admissions here in our Nation.

If the Colombian Cali drug cartel was listed on the stock exchange today the phones on Wall Street would be ringing off the hook with buy orders.

More importantly what we really have before us is an abdication by the President of any leadership in the battle against drugs, having made no substantial effort to restore his full budget request.

Nor, did we learn of any real personal, critically necessary efforts by the White House to restore these cuts.

In November 1993, the White House announced with great fanfare the President's new international narcotics control strategy stating:

> The President stressed the need for American leadership in the fight against international drug trafficking. He pledged to work with the Congress to ensure adequate funding for international counterdrug programs.

Regrettably, these were hollow words. There is really no beef to this administration's so called drug strategy. This is not the time to throw in the towel on our international antidrug efforts.

These are foreign policy concerns that have domestic consequences. We are hopeful, that this trend does not continue, but we are skeptical based on this latest performance.

Mr. Speaker, it is our intention to oppose the rule to defeat the previous question, and to report back this rule with the Gilman-Rangel-Oxley amendment that would do what the President wanted us to do.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

□ 1430

Mr. RANGEL. Mr. Speaker, am I correct in understanding that the motion to defeat the previous question is only for the purpose of allowing one amendment to the rule?

Mr. GILMAN. Reclaiming my time, that is my understanding. I would like to yield to the ranking minority member, the gentleman from California [Mr. DREIER] with regard to that.

Mr. DREIER. The gentleman from New York is absolutely correct. I said in my opening statement that what I plan to do is if we defeat the previous question, having control of the opposition, I have one amendment, which at this moment is sitting at the desk, which I plan to offer. That happens to be the Rangel-Gilman-Oxley-Solomon-et al. amendment to do what we think is absolutely necessary here.

That is my intent. That is what I said in my statement, and I plan to stand by that. That is why I am going to urge defeat of the previous question, so we can make the gentleman's amendment in order.

Mr. Speaker, I yield 6 minutes to my friend, the gentleman from New York City [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, my friends and colleagues, it is more difficult to get more partisan than I am as a Democrat. But there comes a time when our Nation is facing a serious problem that it just shatters the walls of party labels.

I do not know when it happened or where I was when it happened, but somehow the crisis as it relates to drug addiction and the problems that occur when we ignore it, it seems as though somewhere the war has been won or it has gone away, or that certainly no part of the Congress is prepared to deal with it.

Oh, we talk about violence, we talk about crime, we talk about our health bill. But if you talk about all of those things, why do you not stop and think why are we having so much crime?

Seventy percent of the people in those jails are there because of drug addiction. Why are we having so much hemorrhage in our health bills? Because most of the people that are in these hospitals are in there with gunshot wounds, addiction, children being born addicted to drugs, paying $5,000 to $7,000 a day for each and every one of these cases.

Yet when someone comes and says can we help do something about it, and they come to the Congress, you see what we have done. Some of us, Republicans and Democrats, have worked around the clock, working with this administration. And not just this one, whether it was Nixon or whether it was Carter or whether it was Ford or whether it was Reagan, we tried to work together, not as Democrats and not as Republicans.

But if we are having a war against crime, why are we cutting back on the FBI and the Drug Enforcement Administration? Why is it every time we turn around to fight the war, we cannot get the bullets and the ammunition?

Now, all of a sudden we are asking for $152 million. We are asking for it because if there is anyone that has been involved in the war against drugs, it has been our friends in Colombia. The days are over now when they used to point their fingers at us and say the reason why the cocaine is thriving, the reason why the opium crops are thriving, the reason why marijuana is thriving, is because of American demand.

No, it is more serious than that now. As an effort of the partnerships that the United States has made with the Organization of American States, they have seen that drug addiction and drug trafficking have threatened the fragile democracies that we have in this hemisphere, and at a time when things are beginning to work, at a time when they are asking us to continue to assist them so that we cannot just depend on the elimination of the crops. That will never, never happen unless we reduce consumption, but we have to fight it in education, and you cannot name one program that is designed in education to prevent our kids from going on drugs.

We have to do something about rehabilitation, and not one of you know of a Federal program that supports it that can effectively say they rehabilitate our kids.

We have to do something about crime, and what do we do? Three strikes and you are out. Mandatory sentences. Executions. Is that stopping crime? Is that stopping drug addiction? There is no border between Burma and Thailand as we see the heroin pouring into these United States, and what are they doing in districts throughout this country? They are giving away the heroin on the street so our children will become addicted to it.

And what are they asking for? $152 million. What do we lose every year as a result of doing nothing with drugs? $500 billion, when you take into consideration how many people we lock up, how many people we keep in the hospitals, how much we lose in productivity.

I am not saying that we can win this war. But if you ask for $152 million for the International Narcotic Force in the State Department? It was not Republicans who asked for it, it was not Democrats who asked for it, it was the President of these United States asking that our credibility abroad be kept intact. And where do we ask to take it away from? We ask to take it away from the Soviet Union.

Now, I do not know how any of you feel about Communists, and maybe you forget quickly, but I fought against the Communists. And I have to say if they can redeem themselves for $52 million, why not give the $52 million to the communities that never were Communist in the first place? They are asking for the same hopes, the same aspirations as the former Soviet Union. They are out of work. They are out of hope. They are relying on drugs. Why can we not say America first? It is a simple thing to me.

Now, I know that as a Democrat I am going against the rules. We are not supposed to ever defeat the previous question. But then I have to decide, what is more important, the previous question, the Democratic tradition, or the millions of kids that can honestly say that this country and this Congress has not done a darn thing to allow them to believe that we ever can do it right?

I ask my Democratic friends to look at this. When the previous question is defeated, we are not turning the bill over to the Republicans. We are just asking for one amendment. This is not breaking any budget.

If some of your constituents are supporting the Soviet Union and it is going to defeat you at the polls, then believe me, you are excused. But if, on the other hand, you believe that the money is better spent keeping these drugs out of your districts, I ask you to defeat the previous question, let the rule come back with this one sole amendment, and let us get on with the people's business.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the chairman of the Committee on Appropriations and the chairman of the Subcommittee on Foreign Appropriations as well.

Mr. OBEY. Mr. Speaker, the gentleman who just spoke gave a fine speech. The problem is it does not have anything to do with this bill. If you look in this bill to find the cut in narcotics that the gentleman is talking about, there is not any. We did not cut the drug interdiction program. We should have, because it does not work.

Do you know what percentage of the drugs that come into this country are interdicted at the border? Less than 5 percent. Do you know what the former deputy administrator of this program told me when he came and talked to me privately? He said the program does not work, and that you should not spend a dime on it. Despite that fact, we fully funded last year's level in the bill.

Now, we did not increase the program as the administration asked us to because we did not have the money. We had to cut $9 billion to make the Clinton budget conform with the ceilings under the Budget Act. So we had to cut $400 million out of the foreign aid program, and we did.

But we did not cut one dime in narcotics. What we refused to do is to fund an increase that we did not have the dollars to provide.

☐ 1440

I would also point out that we have been attacked because we have supposedly engaged in a partisan act by structuring the rule on this bill. I want to give my colleagues the facts.

Seven amendments are being allowed by this rule. Five of the seven amendments that are being allowed are Republican amendments. Only two are Democratic amendments. I happen to oppose those amendments.

There were 38 amendments offered in the Committee on Rules; 16 of the 38 amendments were amendments that would not even have been in order if we had had the totally open rule that the gentleman from California is suggesting that we should have. Six other amendments were withdrawn by their Republican sponsors.

There were nine across-the-board amendments. Some of them duplicative, calling for the same percentage cuts, and the one that was agreed to was the one of the gentleman from California [Mr. BEILENSON], in an effort to try to fund a higher number for population programs, an amendment which I also oppose.

I also want to trace for Members the history of this subcommittee in terms of structuring the rule on this bill. This bill has been brought to the floor under a structured rule for the past 9 years, because we were originally asked to do so by Undersecretary of State Bill Schneider, serving in the Reagan administration, and by then-Secretary of the Treasury Jim Baker. They asked us to help them pass the Reagan foreign aid program, and they knew that because there was such controversy at that time that a lot of the issues in this bill were going to be demagoged. So they asked us to help structure the rule so that we would have a fair and balanced discussion on the bill. And that is what we did.

I make absolutely no apology for it. It was an effort on the part of a Democratic chair to support a reasonable request on the part of the Republican administration, and we pursued that same policy under the Bush administration. We are pursuing it now under the Clinton administration. We are doing precisely the same thing that we have done for 9 years.

I would suggest that rather than get exercised about a nonexistent power play, I would simply suggest that what we are doing is allowing Members to debate the major budgetary issues on this bill. And we are doing so by denying, in the main, consideration of amendments that would not be allowed under an open rule.

I want to make one other comment with respect to narcotics. I understand the gentleman from New York and his concern about this society and this Congress' willingness to pour billions of dollars into new prisons, to put a great amount of political effort into three strikes and you are out, without doing anything real to deal with the problems of the victims of crime or to deal with the problems of drugs. I share that concern. But this bill does not have anything to do with that, and this bill does not do that.

I repeat, this bill did not add money to the narcotics program, because we did not have the money to do it. Neither did we cut the program from last year's level. I repeat, we did not cut the narcotics program. In the context of a bill which is reduced overall by $400 million from the President's request, we level-funded this appropriation. It is getting the same number of dollars it got last year. A number of programs are getting considerably less; some are getting zero.

We zeroed out the administration's $100 million request for ESAF. In my view, if we are going to fight drugs, we need to fight it here at home through education, and through law enforcement. If we had the money available, I would strongly suggest that we not put it into this program, because any program that only stops about 4 percent of the drugs coming into this country is, in my view, by definition a failure.

But the fact is, we did not cut the program. We level-funded it, in spite of the misgivings of the chairman and in spite of the misgivings of the committee.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding to me. No one in the House has more respect for him.

He consistently characterized my statement as having nothing to do with this bill. Now, I know that he knows a lot about a lot of subjects, but when the President of the United States, the Secretary of State, the drug czar, Mr. Brown, and all of the people that have developed over the years some expertise in fighting this problem, and they ask for $152.4 million, and the gentleman, with all of his expertise, gives them $100 million, under what type of logic is he saying that he did not cut the President's request.

Mr. OBEY. Mr. Speaker, I did not say we did not cut the President's request. I said we did not cut last year's budget.

Mr. RANGEL. Mr. Speaker, if the gentleman will continue to yield, I may have misspoke, but all I am saying is, I do not think my country and this administration is doing all that it can. It makes a feeble effort to ask for $152.4 million and the gentleman, in his judgment, says, "I do not like the program so I will give them $100 million, because they got it last year."

I do not think the gentleman ought to characterize what I said as being out of line with the legislation.

Mr. OBEY. Mr. Speaker, the gentleman is misstating my position. I said that in spite of my misgivings about the program, I decided not to cut the program. I did not operate on the basis of the President's budget. We operated on the basis of last year's budget, because we did not have the money to go around providing large increases.

Does the gentleman think it was a mistake that we provided an increase for IDA, 50 percent of that money goes into Africa?

We decided that that had a greater effect than some of the other requests that the President made.

Mr. RANGEL. Mr. Speaker, if the gentleman's thinking is that putting the money in Africa has a greater effect than what is happening in our districts, then once again, I differ with his thinking.

Mr. OBEY. Mr. Speaker, I would suggest if we are going to deal with drugs, we need to put them in the drug programs that work. We funded last year's level fully, but we did not have the money for an increase.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Findlay, OH [Mr. OXLEY], a coauthor of this very important amendment.

Mr. OXLEY. Mr. Speaker, let me first pay tribute to our leader in the narcotics area, the gentleman from New York [Mr. RANGEL]. I think the House made a huge mistake when it eliminated the Select Narcotics Committee because it did not encourage those Members who have been fighting the drug fight for all these many years. And the gentleman from New York [Mr. RANGEL] represents the best of our efforts.

Mr. Speaker, I really think the question for the House to decide is whether our amendment is going to be made in order. That question is, do Members want this money going to the former Soviet Union, or do they want it to be used to fight the narcotics trafficking going on in this world and that is penetrating this country. That is really the question.

It seems to me that the House, not the Committee on Rules, not the Committee of the Whole, but in fact the House ought to determine exactly where that money ought to go. That really is what we are asking, that we defeat the previous question and allow this one amendment to be offered.

I do not think it is too much to ask that the House be given an opportunity to work its will. We have seen huge cuts in the drug czar's office, in the DEA, in the FBI and in the Coast Guard, in Customs, who are set up to fight this drug war.

We are going to send a terrible message to the American people that we no longer think drugs are a major concern in this country.

I ask the House to consider, to vote against the previous question, give us an opportunity to make our case on the floor of the House. Give us an opportunity to make the case that drugs are a major component of the crime problem in this country, and the best way we can deal with it is to use that money to help countries who are cooperating with us in this drug war, whether they are producing countries or whether they are transit countries. That really is the question before the House.

I think that amendment will pass overwhelmingly. I think the Committee on Rules and the leadership understood that intuitively, and that is why they would not allow the amendment.

I thank the gentleman from New York [Mr. RANGEL] for the help he has given us. Please defeat the previous question.

□ 1450

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Winter Park, FL [Mr. MICA], a hard-working freshman Member who had an amendment denied by the Committee on Rules.

Mr. MICA. Mr. Speaker, I had two amendments that I considered most reasonable. One was to cut 10 percent of the half a billion dollars used to administer AID. That is 10 percent of half a billion dollars, a half a billion dollars more than any nation on the face of the earth spends for administration of a giveaway program.

The second part of my amendment is to say, "We could cut that, but we could put it into supporting U.S. exports," which I think is a valuable area. I was not even talking about reducing the amount of money in the bill.

Last night, Mr. Speaker, on TV millions of Americans and I had a chance to see the history of waste and fraud and abuse of foreign aid in Zaire. That is history. In 2 minutes I cannot tell the Members the trail of waste, fraud, and abuse in this bill. Members will hear some of it. Many of the amendments that were denied being heard, Mr. Speaker, take that kind of waste, fraud, and abuse out of this bill.

Mr. Speaker, today the House, unfortunately, has not gotten the message. Maybe they did not get it in Oklahoma, Kentucky, or wherever, but they did not get the message that the American people want this to stop.

The Committee on Rules killed an amendment that cut $50 million and would have transferred it from a giveaway program to a good program. The

United States gets beat by Japan, by France and Germany. We spend the lowest amount of money in export underwriting and assistance of any civilized nation, according to this report, which is carefully detailed and just released by the Small Business Exporters Association.

This committee and the bill is committed to giveaways and to studies, while other countries are conducting trade and business. I believe in trade, not aid. The world has changed, but we are still living in another era, in a giveaway era in this House of Representatives.

I urge Members to kill this rule and send the Committee on Rules a message, and the American people will respect them for it.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Madison, WI [Mr. KLUG], the author of a very important amendment dealing with Ireland, which tragically was denied by the Committee on Rules.

Mr. KLUG. Mr. Speaker, this House is supposed to debate issues, and that is what the fight on this rule is all about, the sense that many of us would like to debate foreign policy issues and the way that U.S. Government money gets spent on foreign policy issues, but we are never allowed to do it.

Yesterday I offered an amendment to trim back funding for the International Fund for Ireland in fiscal year 1995 from $19.6 million to $10 million. A number of my colleagues think this is a terrific idea. It was originally set up in 1986 as part of a joint agreement with the European Community, New Zealand, Canada, and the United States, to help fund economic development projects on the Irish Republic-Northern Ireland border.

Speaker FOLEY, for example, has said, "In my judgment, this contribution represents some of the best value for U.S. dollars spent abroad under the U.S. Foreign Assistance Act." However, the former chairman of it, Sir Charles Brett, said that this has grown out of a "muddled but benevolent desire to believe that money could buy peace," and that he did not think of the purpose or potentialities of the fund had at all been clearly worked out before it came into existence.

Last year, of the $20 million that we sent to the International Fund for Ireland, $8.6 million went to encourage tourism to Ireland, including production of a golf video, construction of a theater, and pony trekking centers across the country of Ireland.

$285,000 of that money went to enhance Northern Ireland's reputation for quality, and $127,000 went to assist stores in Boston to sell Irish products.

Mr. Speaker, we all know the legend of the leprechaun, where somebody gets in trouble for stealing his pot of gold. In this case, I think the roles are reversed, and it is the leprechaun who has been stealing money from us.

Mr. Speaker, I make the point that what we need to do is to debate the continued United States involvement in the International Fund for Ireland, and it is my sense that given a $200 billion U.S. deficit, it is awfully difficult to explain $10 million to the American public spent on Irish tourism development, spent on swimming pools and Jacuzzis in Irish hotels, spent in golf course videos, and spent in pony trekking centers. It is not an appropriate use of money.

Mr. Speaker, that is one of the reasons this rule should be voted down so we can debate the issue.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Middletown, NY [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a few moments to clarify the record. In fiscal year 1994 the President requested $147 million for the INM fund, and only $100 million was enacted. In fiscal year 1995 the administration's request was for $152.4 million, more than last year's request, and again only $100 million was recommended. Fiscal years 1994 and 1995 are cuts any way we slice it.

Permit me to recite some of the noteworthy results from the Republican antinarcotics strategy in the 1980's: There was a drop in cocaine use from $5.5 million in 1985 to $1.3 million in 1992, marijuana use was down from 20 million users in 1990 to 9 million in 1992. Roughly half of all the estimated cocaine production was seized by our own agents in foreign interdiction operations, indicating that our international narcotics efforts have been substantial and have been worthwhile. Let us continue that effort by supporting this amendment.

Mr. DREIER. Mr. Speaker, may I inquire of the gentleman from Ohio [Mr. HALL] on the Committee on Rules how many speakers there are remaining?

Mr. HALL of Ohio. Mr. Speaker, I have no further speakers. I am prepared to move the previous question on the resolution.

Mr. DREIER. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. TORRES). The gentleman from California [Mr. DREIER] has 1 minute remaining, and the gentleman from Ohio [Mr. HALL] has 14 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am prepared to defeat the previous question. I hope very much that we can make this Rangel amendment in order.

In order to close debate, Mr. Speaker, I yield to my good friend, the gentleman from Fort Lauderdale, FL [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would very quickly like to make the observation that the previous question that we are trying to defeat, the amendment that the gentlemen from New York, Mr. RANGEL and Mr. GILMAN, and the gentleman from Ohio [Mr. OXLEY] spoke to, is not money for interdiction, it is money for foreign operations. It is tremendously important to our effort.

I would also like to correct a statement made by the distinguished chairman of the Committee on Appropriations, that interdiction is not working. For every dollar that we spend on the interdiction effort, we are taking $20 of street value out of the system. I do not know of anywhere in the Federal budget we are getting more bang for the buck. I do not know anywhere we have to do more than in eradication in the source countries.

Let us wake up. We have to attack this drug war on every front. Education is important. I agree on that. Treatment is important. I agree on that. Also, our foreign efforts are tremendously important.

As the gentleman from New York [Mr. RANGEL] said, and I think quite courageously, and I would say this to our Democrat friends, never in this Congress has fighting a drug war been a partisan issue. We have worked together, we have worked shoulder to shoulder in this Congress, in trying to do a better job on all fronts. Let us not make this a partisan issue. To defeat the previous question is not a partisan issue. Let us vote to defeat the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly support the Appropriations Committee's thoughtful recommendation not to appropriate funds this year to the ESAF, a facility within the International Monetary Fund. I want to thank the committee for listening to and addressing my serious concerns about the policies of the ESAF and the IMF in general. ESAF lends money to countries at concessional rates on the condition that borrowers adopt harsh economic structural adjustment programs based on supply-side trickle-down economics which has been proven unsuccessful in our country and abroad. The goal of the IMF is to promote stable economies in the Third World which, in turn, would increase the standard of living of the citizenry. The general consensus of both progressives and conservatives is that, in practice, the policies of the IMF actually exacerbate the plight of the poor, are fundamentally undemocratic, and are unnessarily unaccountable.

The burden of IMF structural adjustment programs falls inequitably on the poor. In the short run, they cut government programs that provide the bare necessities to the poor. In the long run, the countries' productive capacity is destroyed. Not surprisingly, the standard of living of the poor within the borrowing countries, in both rural and urban areas, sharply declined during the period IMF structural adjustment programs have been implemented. The percentage of rural populations living below the poverty line and unemployment rates increased significantly in many borrowing countries including Bolivia, Zambia, Sri Lanka, and the Philippines. These declines coincided with IMF loans and significant cuts in Government social programs on education, health, and housing. Numerous riots broke out in response to the deplorable living conditions.

The harsh and ineffective IMF structural adjustment programs are also imposed in a manner antithetical to democracy. Desperately poor countries, who often need to borrow in order to pay interest payments on earlier IMF loans, have no choice but to accept the IMF's conditional loans. Thus, the few individuals in positions of power in the IMF are determining the borrowing countries' economic policies while the national governments—which ostensibly have the authority to make those decisions and are sometimes elected democratically—are held hostage to the IMF's whim.

Unfortunately, the full extent of the IMF's influence cannot be determined because the loan negotiations and resulting structural adjustment policies are confidential—even after the policies are put in place. We should not be pouring the American taxpayers' hard earned money into a fund that keeps us in the dark, and thereby, takes no responsibility for its actions. Many supporters of the IMF, like Professor Jeffrey Sachs who has been intimately involved in numerous loan negotiations, believe disclosure is practical and would promote sound economic policies because it would allow scrutiny by economists and citizens.

Congress has made numerous attempts to fix the abuses I have described by directing U.S. representatives to apply their influence and votes accordingly. Although the IMF has verbally agreed to make some changes, in practice, our demands have been ignored. The IMF needs to know that we mean business by not appropriating funds until after these serious problems have been addressed.

□ 1500

Mr. DREIER. Mr. Speaker, before yielding back the balance of my time, I would like to urge a no vote on the previous question so that the amendment of the gentleman from New York [Mr. RANGEL], and the amendment of the gentleman from New York [Mr. GILMAN] may be made in order. I will be offering one amendment when we defeat the previous question and that is the amendment that has been discussed here by my colleagues. I urge a no vote on the previous question.

Mr. CRANE. Mr. Speaker, I oppose the rule on the Foreign Operation Appropriation for fiscal year 1995 because I believe it unfairly restricts the rights of Members, both Democrat and Republican, to fully debate, consider, and amend this Foreign Operations Appropriation. Despite the fact that the right to amend is perhaps most important on Appropriation bills, the Rules Committee has used its powers to squelch debate in this House. Like many others, I wished to offer an amendment to this bill, and I testified before the committee to ask that my amendment be made in order. I had hoped to give the American people and their Representatives a chance to examine and debate the level of our contributions to the United Nations.

But this restrictive rule prevents me from putting this amendment to a vote. The heavy-handed domination of the majority prevented a discussion of this important issue.

In 1993, the United States paid one-quarter of the operating expenses of the United Nations. The next closest contributor, Japan, paid only 12.45 percent, or less than one-half of our expenditure. After Japan, the next highest contributor is Germany, which expends slightly less than 9 percent, or roughly one-third of what American taxpayers contribute.

In exchange for these costs, the United States is allowed to host the United Nations in New York, and supply the vast majority of the forces in many U.N. peacekeeping operations. I believe these expenditures are too high, and it seems clear to me that we must, especially in light of our own budget deficit, control those costs.

I believe we should limit our contributions to the United Nations and its affiliated agencies to an amount commensurate to our population. In other words, the ratio of U.S. contribution to U.N. budget should be equal to the ratio between U.S. population and population represented by the United Nations. Not only will this help us reduce our overall expenditures, but will also remove the premium we pay for the protection of the United Nations and will bring costs into line.

The House of Representatives ought to have the opportunity to debate this issue. Unfortunately, the recent trend toward more restrictive rules has manifested itself once again, effectively gagging Members of Congress and in turn gagging the American people. In the future, I would hope that the Rules Committee will reverse this trend. It should allow more amendments and consequently more debate on the important issues before the American people.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. TORRES). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 9, as follows:

[Roll No. 202]

YEAS—233

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Holden
Hoyer
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten

Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—191

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Conyers
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Andrews (TX)
Blackwell
de la Garza
Grandy
Horn
Ortiz
Tucker
Washington
Wise

□ 1521

Messrs. FORD of Tennessee, TAUZIN, and SLATTERY changed their vote from "yea" to "nay."

Messrs. LIPINSKI, TRAFICANT, JEFFERSON, FLAKE, MFUME and TOWNS changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting, 8, as follows:

[Roll No. 203]

YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—181

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Barcia
Blackwell
Grandy
Horn
Oxley
Rowland
Washington
Williams

□ 1539

Mr. SWETT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1540

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4426).

□ 1541

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, with Mr. RICHARDSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, this week we have begun consideration of the 13 appropriation bills for 1995. I think it is important to place in context the conditions under which we are dealing with this bill.

Discretionary appropriations now account for only about one-third of all Federal spending. Funding for all of the programs that are funded by the Committee on Appropriations will shrink relative to the size of the overall economy, relative to the rest of the budget, and relative to the inflation-adjusted cost of continuing these programs through the next fiscal year.

In fiscal year 1995, we will have about $9 billion, or about 2 percent less, than the amount needed to operate discretionary programs at the previous year's level. That means that for the first time in nearly three decades, outlays from discretionary programs will actually decline below previous years' levels.

That is why we have had some of the arguments we have had here this afternoon. I have said many times, and I will say again, this is going to be the first year in the service of virtually everyone in this House when the primary criticism which is leveled at this committee and this House on appropriation bills will be because of money that we do not provide, rather than because of money that we do provide.

We are operating under a situation in which spending for both defense and nondefense programs will decline over the next 5 years in real dollar terms. Outlays for defense will be somewhat above the level of a hard freeze, which would mean no adjustment for inflation, while outlays for nondefense programs will fall significantly below that level.

What that means in plain language is this: In appropriated items, we are being asked to live with a 5-year nominal dollar freeze. That means that the purchasing power of every dollar that we appropriate over a 5-year period will drop by 20 percent. There will be a real squeeze, and that squeeze is reflected in this bill.

The bill which the committee is presenting today provides a total appropriation of $13.6 billion compared to the President's request for $14 billion. It is $389 million below the request. It is $205 million below the 602(b) allocation which we are allowed under the Budget Act, and it is $707 million below the total amount that Members voted for in last year's foreign aid bill.

This bill continues the trend in the reduction of foreign aid which we have seen since 1985. This bill is 24 percent lower than it was in 1985. I would wager there is not 1 percent of Americans who know that, but I repeat that: This bill is 24 percent lower than the foreign aid bill was in 1985. There is no appropriation bill that we will deal with in this year that comes anywhere near close to making that statement.

I would also point out that in addition to the funding reductions in the bill, we have absolutely no, I repeat, no earmarks, and we have deleted more than a dozen legislative provisions.

The administration has made clear that under the funding for this bill, Israel, Egypt, West Bank, and Gaza, will be funded at the administration-requested levels. We will be funding $900 million for the former Soviet Union, down from $2.5 billion provided last year, but at the administration's request for this year, and we will be providing $360 million for Eastern Europe.

For export assistance, and this is one of the very few programs for which I can make this statement, for export assistance, which means in plain language, that the Government is assisting American companies to export American products, export assistance in this bill totals $884 million, which is $3.3 million above the President's request.

We are also providing for $19 billion in export-import loan guarantees. We are providing for a reduction of about $200 million for international financial institutions, but we still are providing sufficient funding to prevent further increases in arrearages which now are greatly in excess of three-quarters of a billion dollars. We are providing $790 million for the African Development Assistance Fund, combined with other developmental assistance that will provide an approximate $2 billion in deliverable assistance to Africa. We are providing more than $500 million for child survival, UNICEF and other programs, aimed at helping children, $565 million in family planning funds, up $59 million from last year, and I believe this bill is fiscally responsible and warrants the support of Members on both sides of the aisle.

Mr. Chairman, I would also make quite clear that I do not believe there has been a single partisan consideration in this bill. The committee has operated in a completely bipartisan manner. There was not a partisan amendment offered, and I do not think you will hear any partisan discussion this afternoon, at least not from members of the committee.

I would also say that I think Members have a right to feel good about what they have accomplished in this area.

□ 1550

For example, through this bill, for a number of years, Congress has taken the lead in supporting American assistance for child survival programs, including immunization against childhood diseases which kill millions of kids a year. Congress can legitimately take credit for the fact that literally millions of children are alive today who would not be alive without this bill.

I would also point out that we have pulled people's chains from time to time, when we felt it necessary in order to enforce the view that taxpayers' money ought to be spent with great care.

Members will recall, for instance, that the East European Development Bank became somewhat of an international scandal, because we had a runaway director who was turning that lending institution into a marble palace, ripping out marble that was not good enough for them, installing marble that was the duplicate of marble in Buckingham Palace, and frequently leasing their own aircraft operation.

What our committee did, when they would not listen to reason, we simply eliminated all funds for that institution. That brought about a rather drastic change. Among other things, it brought about the replacement of the director of the institution. That institution is now under new management. It is under new policies. It is under new restrictions. And, I think, we can safely say that they are on the road to behaving in an extremely responsible manner, which is a far cry from the regime that used to run that institution.

I think we can also take credit or take pride, I should say, in the fact that we did the same thing with the World Bank. Last year, we were unhappy because the World Bank had, in my view, a runaway construction project. So we reacted accordingly. We pulled their chain. We cut a good amount from their appropriation in the rescission. That reduced their lending authority by over $1 billion. That drove the message home. They have now produced a rather forthcoming report on the entire episode, and that project is under new management.

I think that record demonstrates that the committee has exercised its stewardship responsibilities with great care and great determination of both sides of the aisle. I think that care justifies the kind of support that the bill got last year from Members on both sides of the aisle.

This bill continues in that tradition. I ask Members' support for it.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the legislation. I would like to thank the chairman of the full committee and subcommittee for working with me and the other Members in a very fair and collegial process. It has been a pleasure to work with him, and I agree with him. This has been a nonpartisan effort.

This bill has never been popular, certainly not as long as I have been in the Congress. But this is a responsible bill, especially given the tight budgetary conditions of the current environment.

Last year we provided $12.9 billion in the outright bill, but we also added $1.6 billion in the Russian supplemental so we spent $14.5 billion overall.

This year we are spending $13.6 billion, so that represents a reduction, a continuation of the downward trend of foreign aid. It is less than the 1994 budget authority inclusive of the Russian supplemental. It is less than the President's request. It is less than the 602(b) allocation.

It is 24 percent, as the chairman pointed out, lower than the 1985 peak of $19 billion. And that amounts to $25.8 billion, when adjusted for inflation. And yet we only have $13.5 billion in this bill.

It provides sufficient funding levels to honor our Camp David commitment of Egypt and Israel and provides crucial support for the ongoing Middle East peace process. It provides $900 million for the New Independent States of the former Soviet Union. I supported that program in the last bill, and I support it today.

We are expanding our exchange programs, bringing more students and entrepreneurs to America in exchange for Americans over there. We are providing technical assistance to Russia and the Independent States.

We are providing expansion of the Peace Corps activities, law enforcement training to combat the growing crime problem, and we avoid aid given directly to the government of those countries and focus, rather, on assistance for the private sector development.

I think we are moving in the right direction. In fact, the statistics in Russia bear me out. Nearly 70 percent of Russian small businesses and 40 percent of industry are now in private hands. There are 150 million privatization vouchers which have been issued in the country, and progress continues despite the fact that it may often appear uneven.

In other parts of the world, the bill provides $1.9 billion for multilateral development banks, cutting $190 million from the President's request. This bill fulfills our negotiated obligations and makes a small down payment on the arrearages. It provides full funding for bilateral assistance, including development assistance, sub-Saharan Africa, international refugees and disaster assistance. Unfortunately, in my view, it also cuts $75 million in economic support funds. And when we take that account and set it aside for Egypt and Israel, it allows only $324 million for the rest of the world. When we compare that to 1985, when the United States provided $811 million, that is a substantial reduction and not altogether wise.

Also, if we take out Egypt and Israel, we will find that we only provide $27 million in foreign military financing grants and only $48 million in subsidies to provide roughly $620 million in foreign military financing loans. Only 5 years ago we provided $1.6 billion in FMF grants to our other allies beside Egypt and Israel.

By the way, I might also add, if the Beilenson amendment were to pass today, we would have zero military financing grants or loans, because all of the money would be diverted to that amendment.

Personlly, I would like to see more funding for our strategic allies through ESF and FMF programs, but these are tight times.

The bill provides $883 million in export subsidies through Export-Import Bank, Overseas Private Investment Corporation and the Trade Development Administration, slightly above the President's request. And it maintains the Kemp-Kasten language which prevents funding for abortions or funding for organizations which practice coerced abortions.

Finally, we adopted an amendment in our committee to expand the military to draw down weapons for Bosnia in the event that the United States unilaterally lifts the arms embargo as was advocated by the other body.

The bill, in summary, continues our support for Israel and Egypt during the crucial time of the peace process. It continues our privatization and democratic efforts in the former Soviet Union. It provides humanitarian and refugee assistance to a turmoil-wracked world, and it continues the recent trend for reduced levels of foreign aid.

Therefore, I can in good conscience urge my colleagues to support the committee work. I will, however, support some amendments, one of which is to reduce the global environment facility, which will come up under an amendment of the gentleman from Texas [Mr. DELAY].

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman for yielding time to me.

I just want to follow up very briefly on the statement that I made when I carried the rule just a few minutes ago.

Child survival activities, basic education, vitamin A, micronutrients programs, they work. And they save millions of lives. And they do it very inexpensively.

Mr. Chairman, last year the gentleman and I worked very hard to achieve the same numbers for child survival, basic education and micronutrients. One was 275. Basic education was 135, and vitamin A, basic nutrients, was 25 million.

What is more, U.S. AID practically bragged in their report language, in their recent report to Congress, that there programs were worth their weight in gold.

They surprisingly, AID, decided to hold back child survival funds in fiscal year 1994. They ignored the gentleman's strong support language. They put resources into programs that I believe stray from what real foreign aid should be all about.

□ 1600

Mr. Chairman, what I would most like to accomplish in our discussion here today is a commitment, a partnership to jointly monitor AID in the coming year to make sure that they spend the dollars the gentleman has provided for these extremely worthwhile programs. I want my resolve to be interpreted as a warning that we will not tolerate AID ignoring the committee's strong language that tells the agency to spend these hard-won resources as we think they should.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I would simply say, Mr. Chairman, I agree with the gentleman. As he knows, we inserted language in our report this year that states that the committee is not at all pleased with the level that AID provided last year. The committee expects AID to be much more responsive to the recommendations concerning child survival this year, because we think the resource situation is somewhat improved.

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for his compliment, and certainly for his support.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the bill, and in particular, the child survival activities as outlined by the gentleman from Ohio [Mr. HALL] and the gentleman from Wisconsin [Mr. OBEY].

CHILD SURVIVAL MICRONUTRITION, AND BASIC EDUCATION SPEAKING POINTS

Each and every day, 35,000 children die around the world from largely preventable—and I must underscore preventable—malnutrition and disease. Yet UNICEF's "State of the World's 1993" report states: "In the decade ahead, a clear opportunity exists to make the breakthrough against what might be called the last great obscenity—the needless malnutrition, disease, and illiteracy that still cast a shadow over the lives, and the futures, of the poorest quarter of the world's children."

Representative DAVID OBEY, his subcommittee, and congressional leaders in the fight to end hunger and poverty such as Representative TONY HALL can be proud of the progress that has been made over the decade because of their action.

Funding for programs such as child survival has increased from $0 in fiscal year 1984 to $275 million in fiscal year 1993 and child deaths rates have plummeted.

In 1980, five million children died each year from six vaccine-preventable diseases—measles, tetanus, whooping cough and three others—coupled with malnutrition. Now, because of the global campaign to immunize 80 percent of the world's children by the end of 1990, UNICEF—the UN Children's Fund—estimates that three million more children are living each year because they got their shots.

In 1980, 4 million children were dying each year from dehydration brought on by diarrhea when a simple Gatorade-like solution could stop the dying. Now, UNICEF estimates that 1 million children are living each year because their parents learned to prepare this simple solution.

In an effort to mobilize broad global leadership behind such lifesaving, affordable strategies, six heads of state called for a World Summit for Children. The September 1990 Summit at the United Nations brought together 71 heads of state and government, the largest gathering in history up to that time. These leaders, and ministerial delegations from 88 other nations, agreed to a set of year-2000 goals which provide a global blueprint for eliminating the worst aspects of poverty. They include:

Reducing child and infant deaths by a least one third.

Reducing maternal deaths and child malnutrition by half.

Universal access to basic education, with at least 80 percent of children completing primary school.

Universal access to safe drinking water and safe sanitation.

Family planning education and services available to all couples.

UNICEF estimates that two thirds of the resources to meet the World Summit for Children goals would come from developing nations themselves, with the other one third provided from the industrialized nations. UNICEF estimates that the industrialized nations, including the U.S. currently spend less than 10 percent of their bilateral development aid on meeting basic human needs. If that percentage were doubled to 20 percent, it would free up enough money to provide the industrialized nations' share of meeting the Summit goals.

This year, for the first time in a decade, USAID cut funding to child survival programs. This cut of $40 million was below what Mr. OBEY'S subcommittee recommended and below the FY 93 levels—basic education was similarly cut by $30 million by USAID in 1994—in the foreign aid appropriations bill passed last October, Congress urged USAID to maintain funding levels for child survival, basic education and vitamin A programs. But, for the first time in many years, Congress did away with most earmarks, or binding funding levels for specific development programs, and did not require USAID to comply.

The foreign aid appropriations bill for FY 95 once again does not contain earmarks. The House report for the bill states: "The Committee is not pleased that AID did not meet the recommended targets in fiscal year 1994. The Committee has fully funded development assistance this year and expects AID to be responsive to the recommendations concerning child survival contained in this report."

It is clearly up to Congress to assert the priority of child survival, vitamin A and basic education programs, and to be vigilant in insuring that USAID funds these programs up to at least the level Mr. OBEY'S subcommittee recommended. And it will be up to Congress to increase the priority and the funding of these programs so that the goals of the World Summit for Children can be met and the lives of millions of children and women can be saved.

As UNICEF'S "State of the World's Children 1993" report stated, "If today's obvious and affordable steps are not taken to protect the lives and the health and the normal growth of many millions of young children, then this will have less to do with the lack of economic capacity than with the fact that the children concerned are almost exclusively the sons and daughters of the poor—of those who lack not only purchasing power, but also political influence and media attention. And if the resources are not to be made available, if the overcoming of the worst aspects of poverty, malnutrition, illiteracy and disease is not to be achieved in the years ahead, then let it now be clear that this is not because it is not a possibility, but because it is not a priority."

Mr. LIVINGSTON. Mr. Chairman, I am happy to yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman from Louisiana for yielding me the time and for his excellent leadership in bringing this bill to the floor. Mr. LIVINGSTON has been instrumental in ensuring that this bill is well balanced and the concerns of the minority have been addressed.

I would also like to thank the gentleman from Wisconsin [Mr. OBEY] for his tremendous efforts to craft a bill that, despite budgetary pressures, reflects our country's interests and priorities in foreign assistance.

This bill is heavy on funding for items that help the poorest of the poor and encourage sustainable development and it is moving swiftly away from high levels of funding for accounts whose justifications have been eclipsed by the rapid changes we are seeing globally. I would like to highlight some elements of this change in priorities.

One important provision in this bill that addresses post-cold-war realities, conditions 25 percent of Turkey's military assistance on the Departments of State and Defense reporting on Turkey's treatment of its Kurdish citizens, which account for 20 percent of its population. Turkey has repressed the Kurds for decades, but in the last 18 months the government instigated violence has reached unprecedented levels. Mr. Chairman, my wife, Kathryn, visited Turkey about 3 weeks ago in conjunction with the Congressional Human Rights Caucus and the Danielle Mitterand Foundation to attempt to meet with six Kurdish parliamentarians who were arrested and their lawyers, who were also arrested.

Not only was she denied access to the parliamentarians, she was followed everywhere she went. While she was there, the Supergovernor of the 10 provinces in the southeast called her and demanded to meet with her on short notice. She postponed a meeting with a group of human rights activists to attend the meeting with the governor, who kept her for 3 hours. When she left the meeting she was told that one of the activists she was to meet with had been shot in the back of the head and killed in the busiest part of the central market in Diyarbarkir. In addition, another woman Kathryn was to have met with disappeared and the 18-year-old son of another activist was shot in his father's butcher shop.

These incidents only bring into focus the larger picture of the atrocities that are being perpetrated against the Kurds in Turkey. Since 1984, 11,000 people have been killed in the southeast of Turkey—the Kurdish area—but one third of them, nearly 4,000 have been killed in the last year, 900 Kurdish villages have been razed by the Turkish Army. Some were evacuated first. There are allegations that people were rounded up and killed in others. Nine of the Turkish Human Rights Association's workers have been killed in the last year and 27 of its 57 offices have been closed. In 1992, 17 journalists and 14 distributors of pro-Kurdish publications have been assassinated, many shot in the back of the head. And 40 people have died in house raids by the police.

I think it is a travesty that we are providing any funds to the Turkish Government while it is doing such things. They clearly do not share our values, and they are going in the wrong direction on human rights. The provision in this bill conditioning part of their military aid sends a message, but I strongly believe we need to do more and stop our complicity in this situation.

The Turks, of course, in the face of any criticism, say it is anti-Turkish. It is not anti-Turkish. Our nations should be close friends and allies, but, Mr. Chairman, by their complete insensitivity to international norms of human rights, they make it virtually impossible, in the face of this ongoing, outrageous oppression.

I will continue to encourage the subcommittee to make clear to Turkey that in a time of very tight budgets we simply do not have money to give to violators of human rights.

I am also especially pleased with the subcommittee's emphasis on the Cyprus problem in this bill. This July will mark the 20th anniversary of the Turkish invasion of Cyprus. For the last 20 years, the island has been separated. The separation has been enforced by 35,000 Turkish troops stationed in the northern third of the island. It appears that the last round of U.N. talks have broken down after Turkish-Cypriot leader Rauf Denktash refused to agree to a set of confidence-building measures prepared by the U.N. Language in the report accompanying this bill expresses the committee's exasperation with Mr. Denktash's continued stonewalling on finding a solution.

I believe Turkey, the nation that divided Cyprus, is responsible for working actively to find a solution. To date it has done nothing to help resolve the situation. I am pleased that this bill conditions 25 percent of United States military assistance to Turkey on the State Department and the Department of Defense reporting on Turkey's willingness to play a constructive role in finding a solution.

This bill also contains a healthy increase in funds for international family planning. Sustainable development and the preservation of the environment are nearly impossible in undeveloped nations when their population is skyrocketing. A number of nations have annual population growth rates of 4 percent. In order to simply stay even economically, these nations have to have enormous growth rates of at least 4 percent. Starting from this hole, it is virtually impossible to get ahead. Even if these countries could achieve economic growth greater than their population growth, at such a high population growth rate it would almost certainly come at a very high environmental cost, as natural resources are harvested, agriculture leads to soil and water degradation, and factories pollute the air and water.

This bill addresses this pressing concern and provides a nearly 15-percent increase in population funding in the Development Assistance account. These funds will provide voluntary family planning services and education to tens of millions of couples around the globe. The bill also provides funds through the U.N. Fund for population activities, which will help the United States take a strong leadership role at the International Conference on Population and Development in Cairo in September, which I and a number of other Members plan to attend.

I am also particularly pleased that the committee funded the Global Environment Facility [GEF] at very close to the President's request of $100 million. I know that we will have an opportunity to discuss GEF at a later time in this debate, so I will not go on at great length now except to say that the GEF is essential to promoting a coordinated global response to threats to the environment. The GEF is the followup to the Earth Summit that was held in Rio in June 1992. At the Earth Summit and soon thereafter, many nations, including the United States, signed the Framework Convention on Climate Change and the Convention on Biodiversity. These treaties outline what each nation must do to promote biodiversity and arrest climate change. GEF is a means by which developing nations will finance the commitments they made at Rio.

Also, while this bill does not earmark any funds, it does provide ample funding in the FMF and ESF accounts to fully meet our Nation's Camp David commitments and the President has indicated that these commitments will be met. The Middle East remains a very volatile area, but tremendous progress is being made toward peace. Continued strong support from the United States and our allies is key to achieving a lasting solution, and I commend the chairman for ensuring that these fund will be made available.

I would also like to thank the staff for their excellent work that makes this bill possible. This year, subcommittee markup was pushed forward by a week on short notice and the staff worked exceptionally long hours to get this bill ready. Thank you to the subcommittee staff Terry Peel, Bill Schuerch, Mark Murray, Lori Maes, and Pat Summers, a detailee from AID, and Mike Marek. Thank you also to Tripp Funderburk, who did an excellent job in his first year staffing this bill for the ranking member, Jim Kulikowski, Bill Deere, Nancy Tippins, David Orlin, Carolyn Bartholomew, Nancy Alcalde, M.J. Rosenberg, and Virginia Johnson.

Mr. Chairman, I encourage Members to vote for this bill. As I see it, the United States has an historic opportunity with the end of the cold war to project our values of human rights, democracy, the rule of law, concern for the environment, and free markets to the far corners of the globe. This bill, which represents less than 1 percent of Federal spending, promotes our Nation's interests in many important areas.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, I rise on behalf of myself and the gentlemen from California, Mr. BERMAN and Mr. TORRES, to engage in a colloquy with the distinguished chairman.

Mr. Chairman, I would ask the gentleman, language in the bill requires the Secretary to submit a report to the committee addressing the allegations of abuses of by the Turkish Armed Forces and the situation in Cyprus. It is my understanding that 25 percent of the principal amount of direct funds to Turkey will be withheld until the Secretary has submitted this report.

I would ask the gentleman, Is this correct?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, that is correct.

Mr. LEHMAN. Mr. Chairman, I had considered offering an amendment which would have withheld aid to Turkey for its refusal to allow humanitarian relief to reach Armenia. I will not offer this amendment today with the assurances from the gentleman that every effort will be made during the conference to address my concerns. Those who receive our assistance must share our commitment to humanitarian relief work.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I share the gentleman's concern. I want to assure the gentleman that we will do everything we can to review the situation in conference. It is a very serious situation, and I think Turkey ought to be aware of it.

Mr. TORRES. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding to me.

Like the gentleman from California, I am committed to ensuring that countries that receive U.S. assistance do not deny humanitarian aid and assistance to people in need. Therefore, I will join my distinguished colleague, the chairman, in addressing this issue during the conference.

Mr. LIVINGSTON. Mr. Chairman, I yield one minute to the gentleman from Alabama [Mr. CALLAHAN], a distinguished member of the subcommittee.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I will only take a few minutes to tell the gentleman that he and the chairman of our committee have worked diligently to bring this bill to the floor. I said last year on the floor of this House that handling the foreign operations appropriations bill is akin to changing a dirty diaper. It's not a pleasant job but, it's necessary that someone do it. Let me tell the Members, this is not a pleasant task, but our chairman and our ranking committee member have certainly done outstanding work in this regard.

However, Mr. Chairman, the bill still does have one very serious flaw, in my opinion, and that serious flaw is in the aid to Russia, but the chairman has been very generous to me, supportive to me, in seeing that the House has the opportunity to debate this issue. I will be offering in just a few minutes an amendment to drastically reduce the aid to Russia, but once again, I thank the chairman for the courtesies he has extended to me, and the ranking Republican member, for the patience he has given to me.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, while this Member supports the Appropriations Committee's decision to increase the Trade and Development Agency's budget to a paltry $45 million, I believe that a larger increase in funding would be warranted for this agency which has achieved remarkable success in increasing U.S. exports through targeted export promotion. Secretary of State Christopher recommended funding TDA at $60 million for FY95 and, upon questioning, the agency's head indicates that TDA could productively utilize $120 million.

One of TDA's activities is to provide grants for U.S. consultants on feasibility and design teams for multilateral development bank (MDB) projects. By promoting the use of U.S. consultants, engineers, architects, and other design and planning personnel, at the earliest stage for these projects, U.S. goods and services are more likely to receive the detailed design, construction, equipment, and maintenance and resupply business for such MDB financed development projects over the long term. Currently, our European competitors and Japan greatly outspend the United States in this "trust fund" game to the detriment of our United States exporters. Today's long-awaited General Accounting Office report on "tied aid" practices of United States competitors indicates that the Japanese outspend the United States by approximately $5 for every $1 we devote to this important purpose. Moreover, the GAO report dramatically reveals that our toughest competitors devote a much greater portion of their "tied aid" to lucrative capital projects in developing countries.

Mr. Chairman, developing countries are expected to account for 95 percent of the world's anticipated population increase in the next 30 years. The TDA greatly assists U.S. exporters in competing for the vast and lucrative capital projects in the world's developing countries. Therefore, this Member believes it could best use more funding for this highly beneficial and important purpose. The results in U.S. business activities would be impressive.

□ 1610

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY] a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I want to commend my chairman, the gentleman from Wisconsin [Mr. DAVID OBEY], for the fine work he did in moving this bill to the floor. The gentleman and his staff do an incredible job and it is a pleasure and an education to work with the gentleman.

Mr. Chairman, I rise in strong support of H.R. 4426, the Foreign Operations, Export Financing, and Related Programs Appropriation Bill for 1995.

This is an important bill. It is not easy crafting a Foreign Operations bill in the 1990's. Foreign aid is never popular. And these are difficult economic times here in the United States. Many Americans feel, and feel quite legitimately, that our domestic needs must come first.

And, of course, they will. That is why the amount appropriated in this bill is such a small percentage of Federal spending—less than 1 percent of the budget. That means we are spending 99 percent of our budget for domestic needs—as we should—and just 1 percent for aid. This 1 percent compares to the 10 percent of the budget that was spent on foreign aid back in the 1950's. So the trend for foreign aid is down, way down. This trend is manifested in this bill, which is $389 million below the President's request and $707 million less than the amount appropriated last year.

Mr. Chairman, there are two priorities that make up the bulk of this bill. The first is aid to Israel and Egypt. The second is aid to the states of the Former Soviet Union.

Both these priorities represent foreign policy triumphs. The Israel-Egypt aid package is a product of the Camp David peace treaty, a landmark treaty brokered by President Jimmy Carter. That treaty ended 30 years of war between Israel and Egypt. It has saved countless lives since 1979: Israeli lives, Arab lives, and—quite possibly—American lives. Viewed in the context, $5 billion dollars for Israel and Egypt, two-tenths of 1 percent of Federal spending, is a very good deal for America and the world.

I believe that the constancy of U.S. support for Israel and Egypt, in successive foreign aid bills, helped make possible the Palestinian-Israeli breakthrough that we saw on the White House lawn last September. The government of Israel took bold steps for peace when it agreed to negotiate with the PLO and agreed on a timetable toward an overall settlement. Israeli forces have already withdrawn from Gaza and Jericho as Palestinians exercise self-rule, for the first time in history, in those areas.

In withdrawing from those areas, and in looking toward the establishment of autonomy throughout the West Bank, Israel is taking unprecedented risk for peace. It is only its confidence in its alliance with the United States that enables Israel to make these sacrifices for peace. That is why it is so essential that we pass this bill intact with the President's requested Israel-Egypt aid package. To do anything else would undermine Israel's confidence and would be not just a blow toward Israel's security but would constitute a serious assault on the peace process itself.

There is another U.S. foreign policy triumph represented in our aid for Israel. This bill provides $80 million for the resettlement of Soviet and Ethiopian Jews in Israel. This country was instrumental in getting these people out of the Soviet Union, out of Ethiopia. So it is appropriate that we are helping to resettle them, particularly as antisemitism in Russia—encouraged by Vladimir Zhirinovsky and others of his ilk—is making it ever more clear that the future for Jews of the former Soviet Union is in Israel.

The Russian aid component of this bill also represents a foreign policy triumph: Our victory over the Soviet Union. During the past 40 years we spent $4 trillion to arm ourselves against the Soviet Union. That $4 trillion equals $80,000 from every American family.

The $900 million in this bill for the republics of the former Soviet Union is one way to ensure that the next generation of Americans is not taxed $80,000 per family to subsidize a new arms race. These funds, which to the maximum extent possible, go to the private sector and not to the central government will help build democracy and free enterprise throughout an area that lived under the scourge of communism for 70 years.

Frankly, there is no alternative to providing this aid. In theory, at least, we can look away and pretend that Russian's problems have nothing to do with us. But, in fact, we all know that no nation is an island anymore. Our two oceans did not defend us against the horror of Nazism when Hitler and his cohorts stalked the planet. They did not insulate us from the threat of Stalinism as it threatened all free people everywhere. We cannot separate ourselves from the problems of the former Soviet Union either. Our choice is either to help now or pay the consequences later. I would rather pay $900 million now than trillions later. And that is the choice.

There are other provisions in this bill that are of particular interest to me. I am especially proud of a provision which makes aid to the Palestinians contingent on the adherence of the PLO to commitments it made at the time of the September 13, PLO-Israel agreement on the White House lawn.

This PLO compliance provision states that before aid is released the President must report that the PLO continues to adhere to its commitment to live in peace with Israel and reject terrorism. It must condemn specific terrorist attacks against Israelis and it must use its influence to end the Arab boycott of Israel and of firms doing business with Israel.

This limitation on aid is necessary because of the continued acts of terrorism against Israelis since the September agreement and the ambivalent response to these acts by the PLO leadership. It is also necessary as we learn about PLO chief Arafat's most recent call, in Johannesburg earlier this month, for a jihad to "liberate" Jerusalem and his suggestion that, when the time is right, he will renege on his commitment to peaceful coexistence with Israel. This provision lets him know that his new relationship with the United States is contingent on his living up to his commitment to peace with Israel. Let there be no mistake. If the PLO retreats from peace, the U.S. Congress will reinstate all the previous prohibitions on any U.S. dealings with the PLO. We are watching carefully. The requirements in this bill are a demonstration of that.

There is one provision in this bill that I am not happy with. Under the bill, 25 percent of direct loans to Turkey and Greece would be withheld until the State Department has submitted to Congress reports addressing human rights violations by the Turkish military, and Greek violations of the United Nations sanctions against Serbia.

I am, frankly, disturbed by the false equality implied by this formulation. According to many independent sources, including United States Ambassador to the United Nations, Madeleine Albright, Greece is in compliance with the embargo. Other independent sources report the same.

On the other hand, there is no debate about Turkey's human rights record. One would have to look long and hard to find any independent human rights report that did not cite Turkey as one of the world's flagrant human rights abusers. One quote from the Human Rights Watch Report of 1994 sums it up. "Human rights abuses in Turkey continued at an appalling rate in 1993. Security forces continued to shoot and kill civilians in house raids, and during peaceful demonstrations; brutal torture continued to be a routine and systematic interrogation technique * * * and members of the Kurdish minority in southeast Turkey were killed, tortured, detained and forced to abandon their villages." In short, Turkey has more than earned a cut in its United States aid. The linkage to United States aid to Greece is a false analogy and it is one that I, personally, reject.

I am pleased that the committee report has strong language on the human rights violations that continue to occur in East Timor. The committee report makes clear that it is the intention of Congress that the Government of Indonesia not be permitted to purchase IMET training for its officers. Moreover, the report states that prior to approving any arms sales to Indonesia, the administration should determine whether the Indonesian government is in compliance with United Nations Security Council resolutions calling for an immediate Indonesian withdrawal from East Timor and self-determination for East Timor. This demonstrates that Congress has not forgotten East Timor. The occupation must end. The people of East Timor must, and will, determine their own fate.

This legislation is particularly sensitive to the needs of women throughout the world. The following provisions demonstrate that this is a landmark bill in terms of encouraging the Agency for International Development and the State Department to give major consideration to women in its efforts throughout the world.

$58 million increase in population assistance;

First ever "soft earmark" of up to $20 million in aid to the Newly Independent States (NIS) for urgently-needed family planning assistance there. As you may know, there is an appalling lack of contraception in the NIS, which has led to reliance on abortions, which are often performed in unsafe conditions, as a method of family planning, and is responsible for almost one-third of maternal morbidity there.

First ever report language identifying female genital mutilation as a significant health and human rights problem and directing AID attention to its serious consequences.

First ever language acknowledging women's broader reproductive health needs, including the rapidly rising AIDS rate among women, and maternal and child health.

Language clarifying that AID funds can be used to treat women suffering from septic abortions. Unfortunately, AID, which is prevented from funding abortions by the Helms amendment, has been reluctant to use its funds even to provide treatment to women who are suffering from medical complications as a result of incomplete or septic abortions. Unsafe abortion is one of the leading causes of maternal mortality, and this clarification may help prevent some tragic deaths or crippling health problems.

Strong language urging that all development initiatives take into account the needs of women, and that women be involved at all levels of planning and implementation of population programs.

Recommendation that the State Department appoint a senior advisor on women's human rights.

In short, this is an historic bill which merits strong report. I urge its passage.

Mr. LIVINGSTON. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 14½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 16½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 4426, the Foreign Operations Appropriations bill. As a Member of the Foreign Operations Subcommittee, I commend Chairman OBEY for his outstanding leadership in crafting the package before us today. I also thank him for his commitment to shifting the focus of our foreign aid toward promoting sustainable development and development assistance for those who truly need our help. In addition, thank you, Mr. Chairman, for holding the human rights and international AIDS hearings. I appreciate your commitment to raising the visibility of these important issues and to implementing effective programs to address them. Finally, I would like to express my appreciation to the able and committed subcommittee staff, Terry Peel, Mark Murray, Bill Schuerch and Lori Maes. Their hard work makes this bill possible.

I understand that for many of my colleagues, voting for foreign aid is not popular. But, it is important. Our foreign aid addresses many strategic, economic and humanitarian interests. Serious efforts are now underway to reform foreign aid programs to ensure that they are cost-effective and more efficient. I have faith that Agency for International Development [AID] Director Atwood will succeed in the difficult chores ahead of him as he streamlines U.S. development programs and adapts them to today's changing world.

The realities of the budget deficit were uppermost in our minds throughout each step in the process of developing this bill. The bill before us is $389 million below the administration's fiscal year 1995 request, and $205 million below our subcommittee's 602(b) allocation. There are still many important programs which I wish we could have funded at higher levels, including programs to improve the global environment, to provide basic health and education for more people in the developing world, programs to increase child survival rates and programs for international family planning. The unfortunate reality is, however, there is not enough money to meet all of the needs. I believe this bill overall is a balanced and reasonable one which will provide returns to the United States in many ways. Much of our foreign aid is spent here at home, generating jobs.

This year the subcommittee held a hearing on the extent and the impact of the international AIDS crisis. This was the first official Congressional hearing on international AIDS. It is clear that if we do not adequately fund international AIDS prevention efforts, much of our development assistance will be wasted.

By the turn of the century more than 40 million men, women and children are projected by the World Health Organization to be infected by the HIV virus. Ninety percent of these infections are projected to be in developing countries.

In Asia, Africa and Latin America, AIDS affects particularly men and women between the ages of 15 and 45. These people are the most productive members of any society. If we are serious about promoting economic growth and development around the world, we must stop AIDS now. As my colleagues know, this bill contains no earmarks. I am pleased that the report notes the committee's support that fiscal year 1995 funding for international AIDS programs should be, at minimum, restored to fiscal year 1993 levels.

I am also pleased that the Committee placed a high priority on environmental programs in this bill, supporting an increase in global expenditures from all AID funding sources for environment and energy activities above fiscal year 1994 levels, as well as funding for a number of specific environmental programs including the United Nations Environment Program, the Montreal Protocol Facilitation Fund, and the Global Warming Initiative.

Efforts to protect and improve the global environment will not be successful if the global population continues to grow at its current rates. Access to family planning is a critical part of sustainable development. I am pleased that the Committee was able to recommend the full amount of the administration's request for Population, Development Assistance, which is $58 million higher than the fiscal year 1994 level.

The Committee took to heart the concerns of a number of the environmental and humanitarian groups and did not recommend the requested $100 million for the International Monetary Fund's Enhanced Structural Adjustment Facility [ESAF].

We have recommended substantial funding for human resource development programs including $100 million for UNICEF, $275 million for child survival and $135 million for basic education. And in order to address one of the major global crises of our time, the Committee recommends $720.7 million for refugee programs including $12 million for refugee resettlement here in the United States.

I am pleased that the Committee continued its emphasis on programs relating to Women in Development [WID], noting the substantial and important contributions of women to economies in the developing world and urging that attention be paid to the particular needs of women in development.

The committee recommended an increase of $7.3 million over the administration's request for the Development Fund for Africa [DFA]. This increase is important, both to meet the growing development needs in sub-Saharan Africa and to contribute to the new South Africa initiative. Now that South Africa has acted to throw off the yoke of apartheid, we must help to promote peaceful change and growth.

This bill contains the administration's request for aid for Israel and Egypt, which I support and includes a recommendation for $80 million for the Refugee Assistance Program, which facilitates the resettlement of refugees in Israel.

I am pleased that the committee has continued its tradition of supporting the 10 to 7 ratio of military aid to Turkey and Greece. The committee is requiring that the State Department report to Congress on serious allegations of a pattern of terrible human rights abuses in Turkey. We also continue to support the traditional funding level of $15 million in economic assistance for Cyprus.

Mr. Chairman, I could go on and on about the important programs which will be funded through the fiscal year 1995 Foreign Operations bill. For the sake of time, for example, I will only touch on the critical nature of continuing to provide assistance to the newly independent states [NIS] of the former Soviet Union—funding which is in our national interest. I also want to mention the multilateral development banks, our export promotion programs like the Overseas Private Investment Corporation [OPIC], the Export-Import Bank [EXIM bank] and the Trade and Development Agency [TDA]. All of these programs contribute to our foreign policy agenda, but I will allow others to elaborate on them.

In closing, Mr. Chairman, I urge my colleagues to support the fiscal year 1995 Foreign Operations bill. It is a balanced and reasonable bill designed to address real foreign policy goals and real foreign policy needs.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON], have made a number of difficult decisions in allocating scarce funds for America's foreign assistance program. They and the subcommittee have tried to responsibly divvy up a relatively small pie of available resources and make a number of policy determinations. I am sure it was not easy or painless.

I for one would have been much happier if there were some changes. I would have liked to have seen more child survival fund dollars. The Child Survival Fund saves lives by funding immunizations and oral rehydration therapy. But I can appreciate the fact that more money for the Fund just could not be found.

Mr. Chairman, I would just note parenthetically that I first offered as a member of the authorizing committee a $275 million earmark for the Child Survival Fund that was passed by the authorizing committee to the foreign aid bill and have for years worked to try to boost the money available for these low-cost health interventions which literally have saved millions of lives.

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In the mid eighties I traveled to El Salvador on two separate occasions to participate in their countrywide vaccination days and know firsthand that for literally pennies per child, we can save, boost, and enhance the life of a child. It's truly remarkable.

I would note at this point in the debate that later on when the amendment offered by the gentleman from California [Mr. BEILENSON] comes up, money from the child survival fund and a host of other important programs will be lessened, will be cut, in order to provide more money for population control, which is already getting a $59 million increase in this bill. Money for Israel, funds for Egypt, and money right across the board will be cut in order to accommodate that, and we are already providing in this bill $569 million.

Mr. Chairman, let me also note that on an issue of human rights that is very, very important to me and to many other Members, let me point out to this committee that each year population control fanatics in China forcibly abort about 10 million children out of approximately 13 million annual Chinese abortions. That is as many children as make up the entirety of the populations of both Nicaragua and El Salvador combined.

Forced abortion was properly construed to be a crime against humanity at the Nuremberg war trials. Today it is employed unfortunately with chilling effectiveness and unbearable pain upon women in the People's Republic of China. Women in China are required to obtain a birth coupon before conceiving a child. Chinese women are hounded by the population control police, and even their menstrual cycles are publicly monitored as one means of insuring compliance.

The New York Times has pointed out, in one of their exposes, that the authorities, when they discover an unauthorized pregnancy, an illegal child, that is, normally apply a daily dose of threats and browbeating. They wear the women down and eventually, if the woman does not succumb to the abortion, she is forcibly aborted by the state.

Let me also point out that in December of 1993 the Chinese Government issued a draft law on eugenics which would nationalize discrimination against the handicapped, much of which is already in effect at the provincial level in China.

In a move that is eerily reminiscent of Nazi Germany, the Chinese Government is implementing forced abortions against handicapped children and forced sterilization against parents who simply do not measure up in the eyes of the state. Despite all of this, Mr. Chairman, the United Nations Population Fund continues to provide funds, materiel, people on the ground and, what no money could buy, the kind of coverup, if you will, the kind of shield the PRC fanatics desperately want.

The head of the UNFPA has said, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy." Dr. Sadik has said that the implementation of that policy and acceptance of that policy is "purely voluntary." That is an unmitigated lie, Mr. Chairman.

Just let me finally say that I believe it is important that the bill before us today maintain the Kemp-Kasten anticoercion language. This language, I think, will help to ensure that we do not provide financial assistance to any organization which supports a population control program that in any way promotes or fosters these kinds of crimes and atrocities against women.

Mr. Chairman, this is an important bill. It has the Kemp-Kasten language in it. We will have to, during the course of the consideration on the amendments, consider the amendment offered by the gentleman from California [Mr. BEILENSON], and I do hope that it will be turned down. The kind of shameful coverup on the part of the UNFPA that I noted earlier is inexplicable for an international organization that is supposedly committed to the defense of human rights. Likewise, the Clinton administration's determination to embrace the UNFPA despite their terrible track record on China is cause for serious concern. This action by the administration, coupled with their absolutely indefensible policy regarding asylum for the victims of forced abortion and involuntary sterilization, raises the very real question of whether they are willing to countenance coercion if it serves the cause of population control.

Despite the administration's strained efforts to evade the Kemp-Kasten law's well established legal requirements, the need and the rationale for the law is quite clear. Likewise, the necessity for the administration to enforce it properly is very clear. Consider the following: The need for Kemp-Kasten.

The executive branch—much more so than Congress—possesses the diplomatic tools to make the international factfinding, necessary under Kemp-Kasten, in an efficient and expeditious manner.

Kemp-Kasten creates a precondition to dollar one going to UNFPA, rather than a general duty of investigation after disbursement of the money. Such agencies as the General Accounting Office (GAO) are inadequate to investigate expenditures that impact activities within a foreign nation.

Because of the difficulty in Congress verifying the internal record keeping, accounting, and actual activities of the UNFPA, the burden of policing UNFPA policies is placed squarely on the executive branch. If the executive branch announces its intention to disburse money under the act to UNFPA, then it accepts the responsibility under Kemp-Kasten to, in good faith, interpret and enforce Kemp-Kasten. It must ensure that an organization does not support, or participate to any extent, in a program of coercive abortion or involuntary sterilization.

Mr. Chairman, Kemp-Kasten is the most practical solution Congress as a whole has been able to come up with to ensure that no American dollars go to any organization which furthers or assists a coercive program, such as the one in China. Kemp-Kasten, has in effect, become a permanent feature of foreign appropriations dealing with population planning, based on the collective wisdom of Congress over the last decade.

There is strong evidence that the Clinton administration has not faithfully interpreted or applied Kemp-Kasten in the past. In fact, the Agency for International Development [AID] and Administrator Atwood invented a legal distortion of the Kemp-Kasten language that rendered it meaningless; that is, the requirement that Kemp-Kasten only applies where there is "clear evidence * * * that UNFPA knowingly and intentionally provides direct funding" for coercive abortion/involuntary sterilization. This language does not appear in Kemp-Kasten, and in fact, distorts its intent.

Mr. Chairman, this Foreign Appropriations Act, particularly regarding population planning limitations, requires the proper coordination of two branches of Government: Congress has set the legal guidelines and restrictions for population funding overseas and has delegated the authority to make the necessary factfinding to the executive branch. The Clinton administration must, in good faith, execute the clear language of Kemp-Kasten. A vote for H.R. 4426, with the inclusion of the Kemp-Kasten language, sends a clear message to President Clinton that congressional concern over coercive abortion and involuntary sterilization in such countries as China must be taken seriously, and must be executed faithfully.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of, H.R. 4426, the Foreign Operations Appropriations for Fiscal Year 1995. Mr. Speaker for almost 50 years the world has witnessed the unfortunate destruction of life and land in the Middle East. This conflict often centered around differences between the Palestinians and Israel.

Reminiscing of the landmark Camp David Accord between Israel and Egypt, I would like to first congratulate the Palestinian leaders and the Government of Israel for participation in their dramatic peace agreement which no doubt is of historic proportions. This agreement for the first time recognizes the value of self-rule for Palestinians while at the same time guaranteeing security for Israel. For almost a generation, U.S. policy has had virtually no impact on this troubled region. Undoubtedly, this landmark peace accord ends decades of violence and occupation but more importantly, it provides an opportunity for these countries' future to be better than their past.

As with the new peace in the Middle East, the fall of the Soviet Union less than 2 years ago, and the historic recent all race elections in South Africa, we must take every opportunity to facilitate and support peace around the globe. Because of these new found efforts toward peace, I believe that the security assistance for Israel in FY 1995 is well placed, along with the assistance for the former Soviet Republics. Equally as important, I am pleased to see an almost 8-percent increase in overall assistance for Africa. Particularly, I am enthused regarding the decision to fully fund the development fund for Africa in FY 1995. Also, I support the Agency for International Development's initiative to provide $528 million between FY 1994 and FY 1996 to promote African-American private sector development for housing and education in South Africa.

I believe that we as Members of Congress would be remissed in not fully supporting this visionary measure which supports democracy around the world.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to point out that the minority wrote some views in the committee report encouraging AID to develop an index of economic freedom, a quantitative scoring and ranking system for countries receiving development aid based upon their commitment to promoting private-sector economic growth.

It is our thought that if we are going to continue the foreign aid program, the recipient countries should be attempting to help themselves and our aid program should encourage them to change their economic system so that their people can own private property and produce wealth and eventually wean themselves from foreign aid when they no longer need it.

I encourage all of the Members to take a look at our minority views in the report and perhaps, in the coming months or years, we will expand on that index and ultimately adopt it in our foreign aid program.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER], a member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

In very tight times, this budget is as good as it can be under the budgetary constraints that are involved, and I think the chairman, the gentleman from Wisconsin [Mr. OBEY], and the members of the subcommittee really should be very proud of the bill that has been put out and of the close working relationship under which the bill was created.

This legislation represents less than 1 percent of the whole budget, and there are many areas in which I would be quite happy to support additional funds, but we just do not have additional funds available at this time.

The bill is $400 million below the President's request. It is $700 million below last year's bill, which is 5 percent below last year's bill. The bill, at the same time, manages to provide critical support for assistance in a number of places around this globe where very dramatic changes have occurred, Israel and the Palestinians and the effort going on there, South Africa, Central America, the former Soviet Union, and Eastern Europe. It also manages to provide basic humanitarian assistance and promote sustainable development which will help us to reduce conflict and increase markets for U.S. products.

The bill provides the full request for Israel, for the Israel-Egypt peace program, for Central and Eastern Europe, the full request of the President for those areas, and for the aid to the newly independent states of the former Soviet Union.

In fact, the bill provides, just as one example, in some critical areas where additional money is provided, as one example, $720 million for refugee assistance, which is almost $40 million above the request by the President even in this very tight budget, and in an area where we all know the needs that have shown up in Somalia and Rwanda and Bosnia.

I urge my colleagues to support this legislation and to oppose further major cuts in the legislation.

Mr. FRANKS of Connecticut. Mr. Chairman, the foreign operations bill I am voting for tonight represents our Nation's awareness that we are not alone in this world. We have learned well the lesson from our isolationism in the 1930s. Besides providing humanitarian aid to countries that are threatened with drought or civil unrest, this bill provides economic aid to maintain stability in areas of potential unrest. Spending in this bill is over $700 million less than last year, reflecting the need for budget cuts, but this bill still keeps the U.S. as a leader in the world.

I want to especially recognize the African nations that are making the difficult transition to democratic governments with market economies. For decades the Soviet Union tried to promote communism as the panacea to poverty in Africa. Now, with the Soviet influence gone, these countries have a chance to attain genuine freedom. This bill provides over $2 billion to help with this transition.

I am disappointed to see an amendment offered to reduce financial assistance to South Africa. Five years ago South Africa was trapped in the unjust doctrine of apartheid. This year South Africa held its first election in which blacks were able to vote. This is a remarkable step forward. I feel it is imperative that the United States not abandon South Africa after it has achieved such a remarkable goal. The years ahead are not going to be easy for the new South African government. Our financial aid to South Africa will continue the process of democracy. I will vote against this amendment.

This bill also provides $3 billion in security assistance to Israel. This past year has shown great progress in bringing peace to the Middle East. Our aid to Israel has allowed it to take the risks that come with peace agreements. We should encourage more negotiations and continue our important financial support.

I also feel that the world bank's global environmental facility, while in need of operational reform, is available to play an important role in making sure that development projects in poor countries are environmentally sound. An additional $100 million in this bill is set aside for other environmental programs. We have seen the environmental destruction that occurred in Eastern Europe while it was under the influence of the Soviet Union, and we do not want to duplicate these mistakes elsewhere in the world. Poor countries are short on money and are certainly tempted to disregard the environment when building these projects. American assistance has the potential to make these countries environmentally responsible and prevent serious environmental problems later.

Mr. Chairman, I am proud to see that America has continued to remain involved in the world even after the cold war. This bill allows us to keep our role as a leader in the world. I will vote in favor of it.

Mr. BORSKI. Mr. Chairman, I rise today in support of H.R. 4426, the Foreign Operations Appropriations Act for fiscal year 1995. I would also like to express my appreciation for the hard work of Representative DAVID OBEY, Chairman of the Foreign Operations Appropriations Subcommittee, who has brought before us a well-crafted bill that will help us achieve our foreign policy goals with reasonable levels of assistance.

H.R. 4426 provides $13.6 billion for our foreign assistance programs, a modest level of aid to meet the many challenges of the post-Cold War world. This amount is $707 million less than the fiscal year 1994 appropriation and $389 million less than the administration's fiscal year 1995 request.

Despite these reductions, H.R. 4426 maintains the levels of the assistance needed to move the peace process forward in the Mideast. The committee report strongly recommends $3 billion in aid to Israel and $2.1 billion in aid to Egypt. It also supports the administration's request of $78 million for the West Bank and Gaza.

We have seen significant progress in the Mideast since we last debated a Foreign Operations bill. A year ago today, few of us in the House would have thought that within a year's time Israeli Prime Minister Yitzhak Rabin and PLO leader Yassir Arafat would shake hands on the White House lawn. Few of us would have thought that Israel would withdraw from the Gaza Strip and Jericho to allow for Palestinian self-rule of those areas. This tremendous progress is in great part attributable to our constant, unwavering support for Israel.

Despite the success of the peace process, there are still those in the Mideast who seek to derail the peace process. Tragic acts to terror continue against Israelis and Palestinians. Iran and other terror states remain vehemently opposed to Israel's existence. And while Syria is currently engaged in discussions with Israel, it technically remains in a state or war with Israel.

For this reason, it would be a serious mistake to cut foreign assistance to Israel at this critical juncture in the Mideast peace process. Cutting aid now would send the wrong signal to those who have taken the risk for peace, while bolstering the destructive aims of those who seek to undermine the peace process.

Mr. Chairman, foreign aid is always a difficult vote. But we need to keep in mind that foreign aid is only 0.9 percent of the overall U.S. budget. It is a cost-effective way to strengthen our allies and secure our strategic national interests, without having to commit troops to volatile regions of the world. It also promotes democracy and open foreign markets to U.S. exports.

Furthermore, 73 percent of all foreign aid dollars are spent in the United States—creating jobs, supporting U.S. businesses, and boosting the U.S. economy. In fact, over $347 million in foreign aid is spent every year in my home State of Pennsylvania.

Mr. Chairman, H.R. 4426 will help to ensure that the U.S. meets the new challenges that it will encounter in the post-Cold War era. I urge my colleagues to support the final passage of this legislation, and to vote against amendments that would cut our vital foreign assistance to the Mideast.

Ms. FURSE. Mr. Chairman, I want to express my support for the funding levels in Chairman OBEY's report language for child survival programs, basic education and Vitamin A.

UNICEF's "State of the World's Children 1993" report says some very important things about where our priorities should lie. I want to share one of its major statements:

> In the decade ahead, a clear opportunity exists to make the breakthrough against what might be called the last great obscenity—the needless malnutrition, disease, and illiteracy that still casts a shadow over the lives, and the futures, of the poorest quarter of the world's children.

Mr. Chairman, our most important priority is our children. Right now, we are in the midst of voting on the fiscal year 1995 defense authorization. It contains funding for every exotic weapon system you could possibly think of and the most ironic thing about it will be the fact that we really have no enemy that those weapons are designed to kill. I do not mean that the United States has no enemies but they are not the ones that the defense budget will protect us against.

The world's children, both here in the United States and abroad, need some of the resources that are being spent on weapon systems—to improve schools, decrease violence, create jobs, and housing. I look forward to the day that our national defense budget will address those real enemies. Let's do what we can through our foreign operations appropriation now to give every opportunity to those who deserve a better future.

Ms. SHEPHERD. Mr. Chairman, I rise today in support of H.R. 4426, the 1995 Foreign Operations Appropriations Bill. I commend the chairman for his tireless efforts to do more with less. In particular, I applaud the committee's commitment to Israel and to the peace process. U.S. support for those nations in the Middle East who have dared to break the deadly cycle of war and bloodshed has been essential for the spread of peace in the region. Israel has only been able to take the very real risks which have been necessary to move the peace process along because it knows it can count on United States support.

When I witnessed Yitzhak Rabin and Yassir Arafat shake hands at the White House, I knew we had moved irrevocably into a new era. This bill recognizes that change with $78 million for economic development in the West Bank and Gaza. While the United States has funded development projects in the West Bank and Gaza before, this will be the first time that funds have gone to an independent Palestinian entity. I hope that this new organization will use these funds wisely for the benefit of the Palestinian people.

This year, in Bosnia and Rwanda, we have seen the tragic consequences of ancient hatreds left to fester. However, in the transition to democracy in South Africa, we have also seen that those hatreds can be overcome. In the real world, there are no happily ever afters, no storybook endings. We must always fight intolerance and fanaticism. I am confident, however, that the Arab-Israeli conflict will become one of those successes when differences are buried so that peace can reign. Passing this bill will help make the dream of peace a reality. I urge your support for H.R. 4426.

Mrs. SCHROEDER. Mr. Chairman, my inclination is to back foreign aid, but this year I cannot because over half of it goes to programs about which I have great concern. First, over a quarter of the total amount is going to military assistance. Why? In this post-cold-war world, I think we need to reform that program. Over a seventh of the total amount goes to Egypt and Egypt is a country where female genital mutilation is very widespread. I'd like to see much more progress toward eradication before we send such sums to Egypt. The multilateral institutions which get so much money in this bill need a lot more reform and attitude adjustment before I'm willing to give them such sums. Without the changes, the money will not be well spent.

We are having such trouble keeping our commitments at home. Most countries are judged by how they live up to their own promises first and when it comes to America's children, her future, we get failing grades. We should fund those priorities first.

Mr. GEPHARDT. Mr. Chairman, I rise today in strong support of this Foreign Operations Appropriations bill.

I believe that Chairman OBEY and his colleagues on the committee have crafted a good bill—a bill that advances the cause of freedom and democracy, and recognizes that in today's global economy, some of our most important foreign policies must be economic and trade policies.

This bill is especially important because it dedicates our resources and our resolve to two of the most important emerging democracies on the face of this earth, Russia and South Africa.

Both nations are working desperately to promote political and economic reform. They need our help. And with this bill, we can make sure they get it.

That's why I'm surprised that the Callahan and Burton amendments would dramatically slash our assistance to both nations. To do so would be a dangerous mistake.

Consider Russia. Some of you may remember, at the height of the Cold War, our debates over single weapons systems that cost more than the entire aid package we are offering today.

Well, the Cold War is over. And now that Russia is inching toward the kind of security and stability that we paid trillions to achieve in decades past, how can we turn our backs in this hour of need?

How can we ignore the risk that extremism and deprivation will turn back the hands of time, and bury the progress that cost us countless dollars and lives?

Last month, I travelled to Russia with Members of this House, from both sides of the aisle—including the Minority Leader and the Minority Whip.

We saw with our own eyes the progress that has been made, thanks to American assistance programs.

We saw the enormous opportunities for American business, now that Russia has opened the floodgates of foreign investment.

But we also saw the dangers of a country that is trembling under the weight of growing unemployment, exploding taxes, and eroding security and benefits—the consequences of a transition to capitalism that hit Russia like a hurricane.

This is a crucial time for Russia, and for all the Newly Independent States. They need our help and support. We've got to be there for the long haul.

And the price of failure would be severe, and vastly more expensive—for Russia, for America, and for the whole family of nations.

We must also use this bill to advance the cause of South Africa, the youngest of the world's democracies.

While we all share in the job of Nelson Mandela's victory, we need this legislation to cement the promise of South Africa's democracy.

The economic and humanitarian assistance in this bill—and the loan guarantees and assistance to American businesses, which I fought to expand—will help South Africa to grow and to thrive.

It will help South Africa expand trade across its borders, and encourage the full participation of the people in its economic life.

So let's stand by this appropriations bill. Let's stand by the cause of freedom and democracy. And let's not shrink from our commitment to helping the newly-freed nations of the world, and building peace and prosperity all around the world.

Mr. ANDREWS of Maine. Mr. Chairman, many Americans wonder why the United States should be investing tax dollars overseas when there are so many urgent needs in our own country. This is a legitimate question that deserves a serious response. Clearly, the U.S. cannot be all things to all people. Nor should we. There are limits to the assistance we can and should provide. That is why, for example, I am a strong advocate of measures which would require our wealthy allies to pay their fair share for their own defense. It is also why I support the spending reductions in this foreign aid bill.

Prudent foreign aid investments in targeted areas of the world, however, not only can contribute to peace and security while promoting the ideals and values that we as Americans cherish, they can also bring direct return to the United States. Prudent foreign aid can create economic opportunity, but it can also prevent the need to put our young people in harms way when international trouble spots erupt in conflicts that threaten our interests. An ounce of prevention, in the form of carefully considered and targeted foreign aid, can truly be worth more than a pound of cure. It can promote democracy and human rights, create economic opportunity for Americans and save lives.

While there has been great cause for concern recently in many trouble spots of the world, recent dramatic developments toward peace in the Middle East signify an exciting step forward—a step made possible by U.S. support and involvement. Who could have dreamed that we would all witness the historic handshake between an Israeli Prime Minister and PLO Chairman on the lawn of the White House? The hope and promise of that historic moment is one of the dividends of American investment and involvement in key areas of the world.

The importance of progress toward peace that has been achieved in the Middle East is even more poignant to me after visiting Israel and the West Bank last year. Looking into the eyes of Israeli soldiers in the West Bank and feeling the tension of those struggling in this troubled region of the world, it was clear to me that the status quo was anything but secure. I had the opportunity and privilege during my trip to meet with Foreign Minister Shimon Peres. I explained in our meeting that, as someone deeply committed to the security of Israel and to peace in the Middle East, I was struck by the volatility, instability and insecurity of the region. The Foreign Minister spoke of his deep commitment to peace and the need to take risks for peace. And he affirmed Israel's determination to move the peace process forward. He and his nation have made good on that promise.

Now it is important that the U.S. move forward to help the people of Israel and the Palestinians achieve a lasting peace, built on trust, economic opportunity, and prosperity. Indeed, at this critical juncture in the peace process, there has never been a more important time to stand by our long-time ally, Israel.

This bill represents a reduction in our foreign aid commitment. It reflects the need to tighten our belts as we seek to bring our Federal deficit under control. But it also reflects our historic commitment to the State of Israel and to the process of peace in the Middle East. And it recognizes the direct return that it provides to the people of the United States through economic opportunity and a more secure future.

I urge support for this important bill.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 4426, the fiscal year 1995 foreign operations appropriations bill and especially to commend Chairman DAVID OBEY and our ranking Republican member BOB LIVINGSTON for the expeditious and bipartisan way in which this bill has been crafted and has been brought to us.

Mr. Chairman, the bill itself is below our 602 b allocation. It is below our budget resolution. It is under the President's budget and it is below to the amounts provided last year. It is, as one might suspect, the product of many compromises. As a result it has things we like and some things we may not like. But our committee is charged with the responsibility of funding these activities and I believe the Members have done an excellent job.

Our commitment to the Middle East Peace Process is fully funded here, as is the commitment we make promoting the gradual transition to democracy and free markets in the Soviet Union. In many respects managing the peace is more difficult than managing a cold war budget. Yet our Nation is making the transition to do just that. But the Members of this body should realize that in addition to advancing the cause of peace and freedom in the world, we are funding activities that promote stability, encourage democratic institutions and trade with our trading partners. Many of the investments we make here are returned to us in real dollars and real jobs here at home.

Undoubtedly this will undergo changes as it wends its way through the process. But on the whole it is a fair bill and I would encourage the Members of this House to give it their support.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of H.R. 4426. This legislation, and the moneys it authorizes, can only help the United States continue to project a presence anywhere, anytime and anyhow.

The isolationist critics of this position are shortsighted and lack any historical basis for their political posturing.

All I need to do in support of this is cite some mind-numbing numbers: 116,000, 407,000 and 58,000. Each of these numbers represent a lost son, or daughter due to American politicians seeking to have America withdraw from the international scene, shirking our responsibilities.

In World War I, we lost 116,000. In World War II, we lost 407,000, and in Vietnam, more than 58,000.

Mr. Chairman, how many more young lives does it take before my colleagues understand the consequences of their actions here today?

Foreign aid represents less than 1 percent of the entire U.S. budget, and the GAO estimates that more than 72 percent of those funds are returned to the United States in the form of increased trade and cooperative programs.

So even from a fiscal conservative perspective this is money well spent, and I would argue that this is really an investment, preserving our future and our children's futures.

It is my sincerest hope that our grandchildren will not have to bear witness to another generational blood bath such as that brought on by World Wars I and II, and Vietnam. Our failure to support a continued American presence abroad is this important.

So, I ask my colleagues to join me in supporting this legislation and help keep American leadership unquestioned and unparalleled.

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I have no further requests for time on this section, and I yield back the balance of my time.

☐ 1630

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the pending question is the adoption of the amendment in the nature of a substitute printed in the reported bill.

The Clerk will designate the committee amendment in the nature of a substitute.

(For the text of the committee amendment in the nature of a substitute, see ensuing pages of this RECORD, following the 10 minutes of debate and the rollcall vote on this amendment.)

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. I will not take the 5 minutes.

Mr. Chairman, the committee substitute simply reduces the President's request by $389 billion in the manner described by the gentleman from Louisiana and myself. I think it is fiscally responsible to make this reduction.

Mr. Chairman, I urge that we move to a vote as soon as possible.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume. The amendment is a good one, and I support it.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 11, as follows:

[Roll No. 204]

AYES—426

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez

Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Traficant

NOT VOTING—11

Abercrombie
Blackwell
Faleomavaega (AS)
Grandy
Horn
Inslee
Johnson, Sam
Slaughter
Underwood (GU)
Washington
Waxman

□ 1653

So the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute is considered as an original bill for the purpose of further amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $23,009,101, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $743,923,914.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $98,800,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,235,000,000, for the United States contribution to the replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $68,743,028, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1995.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $28,111,959, and for the United States share of the increases in the resources of the Fund for Special Operations, $21,338,000, and for the United States share of the capital stock of the Inter-American Investment Corporation, $190,000, to remain available until expended: Provided, That $25,269,224 of the amount made available for the paid-in share portion of the increase in capital stock, and $20,317,000 of the resources of the Fund for Special Operations shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,594,568,180.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $167,960,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $124,229,309, for the United States contribution to the African Development Fund, to remain available until expended: Provided, That of the funds appropriated under this heading, $20,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $133,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,002,540.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $69,180,353, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: Provided, That during fiscal year 1995 the number of shares of stock purchased shall be not more than 600.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $161,420,824.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $366,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1995: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1995, and that no later than February 15, 1995, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1995: Provided further, That any amount

UNFPA plans to spend in the People's Republic of China in 1995 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1995 pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That notwithstanding the fifth proviso of this heading, if UNFPA decides not to initiate a new program in China after its current program ends in 1995, up to an additional $20,000,000 of funds appropriated under this heading may be made available to UNFPA.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1995, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $811,000,000, to remain available until September 30, 1996.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $450,000,000, to remain available until September 30, 1996: Provided, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $790,000,000, to remain available until September 30, 1996: Provided, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: Provided further, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $169,998,000 to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended: Provided, That it is the sense of the Congress that a program should be developed to undertake direct buy backs of bilateral debt from eligible poor and lower-middle income countries with local currency offsets to fund development and environmental activities, provided that such a program would have no budgetary impact. The Administration should consider how creative use of the sale of impaired Third World debts might be used to lower debt overhangs and generate local currencies for development and environmental activities.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for operating expenses of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $19,300,000: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: Provided further, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,118,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $517,500,000: Provided, That of this amount not more than $900,000 may be made available to pay for printing costs.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,339,000,000, to remain available until September 30, 1996: Provided, That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That any funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, That none of the funds appropriated under this heading shall be made available for Zaire.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $360,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United

States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $900,000,000, to remain available until expended: Provided, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in Principle Six of the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the new independent states concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs to support troop withdrawal including through the support of an officer resettlement program, and technical assistance for the housing sector.

(f) Funds appropriated under this heading shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(g) Funds appropriated under this heading may be made available for assistance for Mongolia.

(h) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: Provided, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: Provided further, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1996.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $670,688,000: Provided, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $12,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: Provided, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $25,500,000: Provided, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: Provided further, That none of the funds appropriated under this heading shall be available for Indonesia and Zaire: Provided further, That none of the funds appropriated by this Act shall be used to facilitate the provision of IMET to Indonesia: Provided further, That a report is to be submitted to the Committees on Appropriations addressing how the proposed School of the Americas IMET program will contribute to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces.

For necessary expenses, for the military-to-military contact program of the Department of Defense, $12,000,000, to be made available only for activities for East European countries and the Baltic States.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,149,279,000: Provided, That funds appro-

priated by this paragraph that are made available for Israel and Egypt shall be available only as grants: Provided further, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $47,917,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $619,650,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That the principal amount of direct loans for Greece and Turkey shall be made available according to a 7 to 10 ratio: Provided further, That 25 percent of the principal amount of direct loans for Turkey shall be withheld until the Secretary of State, in consultation with the Secretary of Defense, has submitted to the Committees on Appropriations a report addressing, among other things, the allegations of abuses against civilians by the Turkish armed forces and the situation in Cyprus, and a separate notification has been submitted at least 15 days prior to the obligation of such funds: Provided further, That 25 percent of the principal amount of direct loans for Greece shall be withheld until the Secretary of State has submitted to the Committees on Appropriations a report on the allegations of Greek violations of the United Nations sanctions against Serbia and of the United Nations Charter, and a separate notification has been submitted at least 15 days prior to the obligation of such funds.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: Provided further, That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will not be used by such country for purposes other than counter-narcotics activities: Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: Provided further, That not more than $22,150,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $335,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $792,653,000 to remain available until September 30, 1996: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied-aid grants, and total loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $19,000,000,000: Provided further, That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1995 and 1996: Provided further, That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $44,550,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $23,296,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,933,000: Provided, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1994 through September 30, 1996: Provided further, That such sums are to remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,986,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1995, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1995.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training" (including the military-to-military contact program), "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1996.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, El Salvador, Guatemala, Haiti, Indonesia, Liberia, Nicaragua, Pakistan, Peru, Rwanda, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: Provided, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador and Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: Provided, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: Provided further, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign coun-

tries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1994" and inserting in lieu thereof "1995".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended subject to section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: Provided, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$200,000,000 for stockpiles in Israel for fiscal year 1994" and inserting in lieu thereof "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995".

SEPARATE ACCOUNTS

SEC. 536. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the

equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 537. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 538. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 539. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1995, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 540. During fiscal year 1995, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 541. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 542. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

(a) by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal year 1995";

(b) by striking out "Appropriations Act, 1994" and inserting in lieu thereof "Appropriations Act, 1995"; and

(c) by striking out "$700,000,000" and inserting in lieu thereof "$775,000,000".

CASH FLOW FINANCING

SEC. 543. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 544. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 545. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in *such country, micro and small-scale enterprise, and smallholder agriculture.*

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 546. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1995: Provided, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

SPECIAL AUTHORITIES

SEC. 547. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1995, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 548. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 549. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 550. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1995, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 551. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of *this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.*

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 552. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 553. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 554. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

SEC. 555. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

USE OF AMERICAN RESOURCES

SEC. 556. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

Sec. 557. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the prosecution of any individual identified as part of a terrorist/kidnapping ring by the investigation of issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of such a ring, including all government officials (including any members of the armed forces or security forces);

(2) the resolution of expropriation claims and the effective compensation of legitimate claims;

(3) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(4) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(5) the establishment of civilian control over the police, and the independence of the police from the military; and

(6) the effective reform of the Nicaraguan judicial system.

(b) The notification pursuant to subsection (a) above shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(c) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and Committees on Foreign Affairs and Appropriations of the House of Representatives.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 558. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 559. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 560. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 561. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

GUARANTEES

SEC. 562. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1994" and inserting in lieu thereof "1994 and 1995" in both places that this appears.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 563. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 564. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 565. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103–236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President determines that it is in the national interest to do so and so reports to the Congress.

PROCUREMENT REDUCTION

SEC. 566. (a) Of the budgetary resources available to the Agency for International Development during fiscal year 1995, $1,598,000 are permanently canceled.

(b) The Administrator of the Agency for International Development shall allocate the amount of budgetary resources canceled among the Agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in section 403(a)(2) of title 41, United States Code.

IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

SEC. 567. Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development", "Contribution to the International Development Association", and "Contribution to the International Finance Corporation" shall not be available for payment to any such institution unless the Secretary of the Treasury (1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented, and (2) reports that determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

RESTRICTIONS ON ASSISTANCE TO RUSSIA

SEC. 568. (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after December 31, 1994, unless it has been made known to the President that all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

(b) EXEMPTION.—Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine, or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, and Lithuania.

(c) WAIVER.—Subsection (a) does not apply if after December 31, 1994, the President determines that the provision of funds to the Government of Russia is in the national interest.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995".

The CHAIRMAN. Pursuant to the rule, no further amendment shall be in order except those amendments printed in House Report 103–530. The amendments may be considered in the order printed, may be offered only by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider Amendment No. 1 printed in House Report 103–530, the amendment to be offered by the gentleman from Alabama [Mr. CALLAHAN] or the gentleman from New York [Mr. SOLOMON] or their designee, debatable for not to exceed 30 minutes.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CALLAHAN: Page 32, line 1, strike "$900,000,000" and insert "$552,000,000"; line 4, before the period insert ": *Provided further*, That none of the funds appropriated by this paragraph may be made available for programs in Russia, other than humanitarian assistance programs"; strike lines 5 through 19; line 20, strike "(d)" and insert "(b)"; page 33, line 16, strike "(e)" and insert "(c)"; page 34, line 1, strike "(f)" and insert "(d)"; line 4, strike "(g)" and insert "(e)"; and line 6, strike "(h)" and insert "(f)".

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment will reduce United States assistance to Russia. The bill includes $900 million for Russia and the other new independent states of the former Soviet Union. My amendment cuts $348 million in aid to Russia from the bill. It does not reduce funding for the other 11 new independent states, and it leaves intact $42 million in humanitarian aid to Russia.

I appreciate the fine work of the chairman of the committee in putting this bill together, and I thank him for the courtesies he has extended to me during this process. While we do not agree on the subject of aid to Russia, the chairman has been exceptionally cooperative and fair, and I have the deepest respect for him. I would also commend the fine work of the capable ranking minority member, the gentleman from Louisiana.

A year ago when this bill was debated, I offered an amendment to cut aid to Russia. Having failed, I hoped to find that after a year Americans' tax dollars were having a meaningful impact on the development of democracy there. Unfortunately, little, if any, progress has been made.

This time last year, economic reformists were prominent in the Moscow Government. Today they are gone. Boris Yeltsin's position seems tenuous and Vladimir Zhirinovsky's popularity is reason for serious concern.

□ 1700

I am also troubled by Russia's failure to fully comply with provisions of the Freedom Support Act and last year's Foreign Operations Appropriations Act. The most troublesome areas are continued arms sales to Iran, missile sales to India, and failure to commit to withdraw troops from Estonia. I am pleased that the chairman addressed this last issue in the committee report, and I appreciate the continued condition on aid in the bill. At the very least, we must maintain restrictions on American generosity, but we must also insist that the administration not dismiss violations of these conditions which we imposed.

We must also question the progress of economic reforms in Russia. Impressive statistics are cited regarding the privatization of industries in Russia, but many charge that these industries in truth remain a part of the country's ingrained bureaucratic structure. There is considerable evidence that organized crime has infiltrated into many privatized industries and that it is practicing extortion against virtually every business in Russia. It is difficult to see where the average citizen here in the United States has benefited by trying to help to promote democracy and private enterprise. A new large U.S. companies have done well through contracts under the NIS program. Regrettably, many more have been squeezed out either by our own red tape or by prohibitive taxes or other Russian bureaucratic impediments.

Mr. Chairman, it is in our best interest to promote democracy in Russia. We desire that this former adversary become our ally. However, we can not fail to strongly insist that Russia adhere to principles that the American people demand. We can not overlook even minor indiscretions. Withholding further non-humanitarian aid until Russia is unambiguously in compliance with United States law is an effective way to make this impression. I urge my colleagues to support this amendment, and I urge my colleagues to listen very closely to this debate.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in profound disagreement with the Callahan amendment. Let me first of all explain what it does. Out of the $900 million the administration requested for the former Soviet Union this year, and keep in mind, $2.5 billion was provided last year so this is already a major reduction, but out of the $900 million the administration has requested, 390 million is planned for Russia. The gentleman from Alabama [Mr. CALLAHAN] proposes to eliminate all of the aid to Russia except the humanitarian assistance. That is an 89-percent reduction of the funds planned for Russia.

It would eliminate every dollar of the money which is meant to help democratize the political system in Russia, and it would eliminate every dollar which is aimed to help Russians privatize their economy.

I think that amendment is profoundly not in the national interest of the United States. I respect the motivation of the gentleman from Alabama [Mr. CALLAHAN]. He has been consistent in his desire to cut aid to Russia. Last year, he offered his amendment to cut in committee and on the floor. It failed by a vote of 140 to 289 on the floor. It was a bipartisan rejection, because there are good bipartisan reasons to continue this assistance.

The gentleman says that we have seen little progress in the Soviet Union in the past year. I would simply suggest that after 70 years of Marxist rule, it is progress when we see mere survival for the reformers. What do we expect? How rapidly do we expect a country which has never known democracy to suddenly achieve it? We have to be realists in this world. To try to focus our attention on reality, let me give my colleagues some numbers.

Just a few short years ago, we were facing 4,258,000 Soviet military personnel. Today, there are 2,400,000 Russians in uniform. In 1989, there were 160,000 troops in the Baltics. Now, there are 10,000. There were 35,000 troops in Lithuania. Today there are none stationed there.

In Poland, there were 40,000 troops; in Hungary, 65,000 troops; in Czechoslovakia, 75,000 Russian troops. Today there are none.

I asked the Library of Congress a while back to tell me what it cost American society in terms of all the dollars we had appropriated since the beginning of the cold war in order for America to finally win that cold war. When they gave me the numbers, I was shocked. I took those numbers and I divided them by the total number of American taxpaying families to come up with the total cost per family to win the cold war. Do you know what it was? $80,000 per taxpaying family. That is what it cost us to win the cold war.

We are now being told that we should not provide this minimal assistance to the Soviet Union. I would point out that the assistance that we are providing is less than the cost of one aircraft carrier. I would also point out that we have saved $234 billion in defense expenditures that Ronald Reagan was planning to ask us to spend from fiscal years 1990 to 1995. We did not have to spend those funds because of the collapse of the Soviet Union. We have saved $234 billion.

Members are complaining about how tight the budget is this year. How tight do they think it would be if we were spending at the level we were spending before the Soviet Union collapsed? I would suggest quite a bit tighter than it is today. It seems to me that we have had every taxpaying family invest a tremendous amount of their income in order to win the cold war. Now, what we are simply trying to do is to secure that victory by assisting the reform elements in Russia and in other former republics of the Soviet Union to move along bit by bit, inch by inch, in dragging their societies out of the Marxist era into an era which, at least, in some ways resembles an open, democratic system with a private market economic system.

I think we know what the arguments are, and I do not think we need to belabor them. But, I simply want to leave my colleagues with the statement of Richard Nixon, whose funeral the Nation experienced just 2 weeks ago. This is what the former President said:

> Russia will inevitably be strong again. The only question is whether a strong Russia will be a friend or an adversary of the West. We must do everything in our power to ensure the former rather than the latter. The most dangerous mistake we could make would be to ignore our differences or attempt to drown them in champagne and vodka toasts at feel-good summits. The second most dangerous mistake would be to neglect our responsibility for assisting Russia in its transition to freedom or arrogantly to scold or punish it for every foreign or domestic policy transgression as though it were an international problem child.

Then President Nixon went on to say this:

> No other single factor will have a greater political impact on the world in this century than whether political and economic freedom take root and thrive in Russia and the other former Communist nations. Today's generation of American leaders will be judged primarily by whether they did everything possible to bring about this outcome. If they fail, the cost to their successors will be unimaginably high.

□ 1710

Nixon then went on to say:

> This is the time for the West to become a more active participant in Russia's success, not a passive observer of its failure.

Mr. Chairman, we need to do more than provide lectures to the Soviet Union. We need to provide genuine help. This is a minimal level of assistance to the reform efforts in the Soviet Union. It is, without question, in the interest of every American family who wants to avoid war.

Mr. Chairman, I urge Members to reject the Callahan amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, it is nice to hear the other side finally heaping praise on Ronald Reagan for bringing down the Iron Curtain, for putting an end to communism in Central and Eastern Europe.

Mr. Chairman, I rise in opposition to this new entitlement program, because that is exactly what it is turning out to be. Mr. Chairman, it is high time that we rethink this so-called strategic partnership with Russia, and cutting this wasteful aid program is the place to start.

Let me outline four general reasons why I think the gentleman from Alabama is correct in offering this amendment.

First, foreign aid is simply not the answer to the complex problems of Russia today.

Anybody who has ever been to Moscow knows that.

Mr. Chairman, if and when Russia solves its problems, it will be the accomplishment of the Russian people, not the United States taxpayer bailing them out.

Mr. Chairman, nowhere in this bill does it say where our tax dollars for the former Soviet Union are going. Are the Members not concerned about that?

So we can only assume it will be the same black hole as last year, into programs like loans for state-owned industries run by the Government, those former Communists still running those state-owned Government agencies that are totally divorced from Russia's real problems.

Second, Mr. Chairman, there is no economic reform in Russia to support. The reformers have lost.

Nobody is more disappointed about that than I am, but it is a fact.

Russia is now run by those who have been aptly described as "red economic managers." In other words, the same old former Communists.

So let's stop pretending that there is still a comprehensive reform effort in Russia. There is not.

Instead we need to heed the lessons of Poland in the 1970's, when the West dumped billions of dollars in that unreformed socialist economy, all to no avail, and it failed miserably.

Third, in the past year, Russian foreign policy has become increasingly aggressive.

Russia halted troop pullouts from the Baltics in November and injected new conditions into the negotiating process, totally reneging on their word and the condition for the loan that we gave them last year.

Then there is the forgotten country called Moldova, where Russia maintains 7,000 heavily armed troops. They were supposed to be out of there a year ago? Why are they not out?

Russia has ensnared Georgia, economically reabsorbed Belarus, and employed economic warfare against Ukraine and Kazakhstan.

Mr. Chairman, the idea of subsidizing Russia as she reasserts her imperial weight should be repugnant to this body.

Which brings me to my fourth reason, Mr. Chairman.

And that is the desperate need for this Congress to induce a reorientation of our current policy in Eurasia.

The administration's policy in that part of the world is dangerously overdependent on this so-called partnership with Russia.

And it is a failed policy, wasting hundreds of millions of American taxpayer dollars.

Meanwhile, we have left Russia's neighbors dangerously exposed.

Mr. Chairman, certain things that ought to be done, like expanding NATO to the former Warsaw Pact countries cannot be done by this Congress. That has to be done by an act of the President.

But what Congress can do is turn off the aid spigot to send the message to Moscow that we don't approve of this return to communism and a roguish expansionist attitude.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican on the subcommittee.

Mr. LIVINGSTON. Mr. Chairman, I am as much a cold warrior of the old days as the gentleman that just spoke, but I rise in opposition to this amendment.

Mr. Chairman, my friend, the gentleman from Alabama [Mr. CALLAHAN] means well, but when he says there is no progress in Russia, my goodness. Just in the last eight months they have adopted a new constitution, they have had parliamentary elections, they have a brand new legislative body which is operating fairly rapidly, perhaps at least as rapidly as this body.

They have over half the work force in private hands. Inflation is staying down. Ten percent a month is a lot, but good grief, compared to other nations around the world they are looking good. They have established stock markets, and their people are actively trading these stock holdings.

This amendment would cut precisely the kind of aid that is necessary to help the Russians privatize their economy and democratize their government, and get them in a peaceful mode so they can dismantle their missiles, and not destroy the whole world with nuclear holocaust.

To say we do not want to spend $900 million to do this is foolish. Last year it was $2.5 billion, so the amount is going down; Mr. Chairman, and it is not an entitlement program. The money is seed for a burned-out forest in Russia where there is nothing but ashes after 70 years of ruin and mayhem, yet all of a sudden we see entrepreneurs cropping up. Their little sprouts go up through the ash in Russia, where entrepreneurial spirit and private enterprise, never existed before. We have it there now.

If we turn our backs on the improvements that have been made in that country in the last 3 years, we will be making a drastic mistake. Our aid is not going to prop up the government in Russia, it is going to help Russia develop free markets. We provide technical assistance to the privatization program. It is driving the force for economic reform in Russia.

Nearly 70 percent of Russian small businesses and 40 percent of Russian industry is in private hands. Continuing assistance in privatization is the core of AID's program in Russia.

In the Committee on Rules, the gentleman from New York [Mr. SOLOMON] made the point that our aid will not do anything because Russia does not have a commercial law system or judicial system to protect United States businesses or Russian businesses. He is right, but that is why United States aid is working for legal reform in commercial law and for changes in the Russian tax structure.

Of the $900 million in this total bill, $575 million is going to market economy activities, primarily privatization activities.

Mr. Chairman, I might add that this amendment stops us in our tracks. The cold war ended 3 years ago. We cannot expect miracles since then. I tell the Members, if this amendment passes, we will not get one. What we will be doing is rolling the dice, and they can come up snake eyes, in which case we will be risking cataclysm. The cold war could start all over, and the Iron Curtain, the risk of a very hot war, and everything that the gentleman that just spoke has railed against for the last 30 years could be upon us with far worse implications.

This is a bad amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise today in support of the Callahan amendment. I wish it were as simple as the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] said. The fact is, American dollars will not a democracy make, as much as we would wish it so.

In fact, if it were so, I would happily support it.

Sending more aid to Russia is not only a waste of American taxpayer dollars, but actually undermines in part the democratic reform process that we all share as a strategic goal.

First on the issue of waste, it is not just my conclusion Mr. Chairman, that United States taxpayer dollars are being wasted in Russia. This is also the conclusion of the Senate Foreign Relations Committee.

According to a congressional report issued by the Senate Foreign Relations Committee Chairman CLAIBORNE PELL 2 months ago, "There are major problems in the management of the Russian assistance program," exactly what we are talking about right now.

The report, for example, concludes, and again I am quoting, that:

> It does not appear that the average citizen, let alone the vast majority of citizens who live thousands of miles away from these urban areas, is even aware of or affected by international assistance or the reform that it is supposed to foster.

What is even more disturbing, however, is that the report concludes that "because the American foreign aid program in Russia is so large, there is a substantial problem of corruption, favoritism, and abuse," so there are some very serious problems with the existing foreign aid program we have already set up.

Second, Members need to be aware that the Russian Government is actually taxing a substantial portion of the aid which we have earmarked for Russia. According to a May 1994, New York Times article, the Russian Government has discovered a way to convert Eximbank loans into direct grants for their own government bureaucracy. All Eximbank loans for the United States Government slated for the Russian energy sector are being taxed by Russia's central government at a rate of 20 percent off the top.

□ 1720

Mr. Chairman, while you and I may think we voted for a lending program to support United States exports, the Russians are using these loans to fill their own coffers for purposes completely unrelated to the loans. In addition to the 20 percent off the top, there is an additional 3 percent tax assessed on the value of U.S. equipment being supplied. Needless to say, U.S. Eximbank officials are quite upset with this development because it would potentially undermine their entire lending program.

I think, Mr. Chairman, that we need to send Russia a very clear and unequivocal message here today. Let us place a hold on further United States aid to Russia till this skimming scheme has been stopped in its tracks.

Finally, we cannot continue to appropriate hundreds of millions or more dollars in all good conscience in a pipeline that is already overloaded. Since 1991, the United States has pledged $17.3 billion in grants and credit guarantees to Russia. We have no good numbers on exactly how much of that total has actually gone to Russia. However, according to congressional research, of the $2.2 billion appropriated in the 1993 supplemental, only $200 million has been obligated.

Mr. Chairman, finally since last year, we have unfortunately seen a fundamental shift in the direction of reform. Almost all of the reform-minded officials have left President Yeltsin's cabinet. On April 8 this year, Yeltin's chief spokesman told reporters that Russia's romantic embrace with the West is over. Instead, and I am quoting, he said:

> Russia increasingly sees itself as a great power which has its own strategic military and political interests different from those of the United States and Europe. It has started saying this loudly.

Russia's Deputy Foreign Minister Aleksander Pano warned on March 29 that Russia would assist North Korea in the event of "unprovoked aggression."

On April 5, President Boris Yeltsin issued a directive endorsing a Defense Ministry proposal to allow Moscow to establish military bases "on the territory of CIS and Latvia to ensure the security of the Russian Federation and the above named nations, as well as to test new weapons and military machinery."

Russia is blatantly violating several solemn international treaty obligations. According to NATO and U.S. officials, for example, Moscow has redeployed its troops withdrawn from Central Europe to the St. Petersburg and Caucasus regions exceeding the 1995 troop levels set by the CFE Treaty.

And, according the Washington Post and London Times, United States and British officials have also concluded that "there is still an offensive biological weapons program underway" in Russia in violation of the 1972 Biological Weapons Convention.

That things are not going in the right direction for Russia is not just the opinion of this Member of Congress. In the current issue of Foreign Affairs, Dr. Zbigniew Brzezinski writes: "Regrettably, the imperialist impulse [in Russia] remains strong and even appear to be strengthening."

My friend from Louisiana points to the strides in privatization that have occurred as evidence that reform is on track. Ten percent—but a start. Fine, but did U.S. aid have anything to do with that? And, second, we are getting more and more reports that even here, the privatization process has been corrupted by Russian organized crime. Last month on April 20, CIA Director Jim Woolsey had this to say to the Senate Foreign Relations Committee:

> According to the Russian Ministry of Internal Affairs, there are roughly 5,700 organized crime groups in Russia, with an additional 1,000 in the former Soviet republics.
>
> "A recent report prepared by President Yeltsin's staff concluded that 70 to 80 percent of privatized enterprises and commercial banks have been victims of extortion [by organized crime]."
>
> "Criminal groups are also targeting the financial sector where economic reforms have led to explosions in the number of banks, in the complexity of their transactions, and in the geographic scope of their activities . . . [T]hese banks have become a particular target for money-laundering schemes. Indeed, links have been forged between Russian and Italian organized crime groups to move money through the Russian banking system. In addition to taking advantage of these banks, organized crime groups have set up front companies throughout eastern Europe and Russia."
>
> The power of Russian organized crime is largely due to their ties to corrupt government officials. Criminal groups may be spending as much as 30 to 50 percent of their profits trying to buy off well-connected government officials including Customs, militia, and police officials.

SUMMARY

In sum, this is not the time to be sending more foreign aid to Russia. We have already appropriated more than the system can bear and the results have been disappointing. I am not convinced that one more dollar, much less hundreds of millions, will be well-spent in our campaign to reform the former Soviet Union. I recommend supporting the Callahan amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON] the distinguished chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Callahan/Solomon amendment to cut U.S. assistance to the New Independent States of the Former Soviet Union by nearly 50 percent and to prohibit U.S. aid to Russia for anything but humanitarian purposes.

This is a dangerous and ill-advised initiative.

Let me address three issues.

I. U.S. INTERESTS IN RUSSIA

First, U.S. assistance to Russia continues to be in the U.S. national interest.

Russia is in the process of a massive political and economic transformation. The outcome of this process will have a direct impact on the security of the United States.

The success of reform in Russia would mean: a reduced nuclear threat; reduced U.S. defense spending; a more stable Europe and peaceful world; and, lucrative access to Russia's vast natural resources and huge market.

U.S. support for this reform process is making an important contribution. Pulling out now would aid those such as Zhirinovsky and other extremists who want to see Russia return to the old system and the old way of doing business. This would be a disaster not only for Russia and its neighbors, but for U.S. and Western interests.

President Yeltsin and Prime Minister Chernomyrdin have stayed the course of reform in Russia. To cut off aid at this time would send precisely the wrong signal to all parties: it would undermine President Yeltsin, Prime Minister Chernomyrdin and the reformers who support them; it would embolden nationalists and extremists in Russia who argue that Russia cannot maintain constructive relations with the United States; and, it would harm United States-Russian relations.

II. THE PROGRESS OF THE REFORM PROCESS

Second, while there is much still to be done, Russia has made important and, in some areas, impressive progress. Gains are being made in nearly every area, and U.S. support is helping to make a difference.

In the area of economic reform: The central elements of Soviet socialism—central planning and central distribution of industrial material—has ended; ninety percent of all prices have been freed from government control; over 70,000 small businesses have been privatized, together with 10,000 medium and large enterprises; more than 50 percent of the GNP of Russia is now derived from private, not government, sources; with our help, the Russian banking system is being transformed to operate in, and support, a market economy.

In the area of political reform: The Russian people have been to the polls no less than three times since April 1991. Russia now has a freely elected Constitution, Parliament and President.

The long term process of building national political parties is underway.

In stark contrast to the dark days of the past, the Russian people now enjoy a relatively free media.

U.S. assistance is critical in changing Russian laws, regulations and policies and building the institutions necessary for a democratic and market society.

We can have no illusions. This will be the long and difficult transformation. There will be fits and starts in the reform process. The important thing is that Russia continues to move in the right direction—the direction of true political and economic reform. The U.S. should continue to provide assistance to Russia so long as these reforms continue.

III. IMPLICATIONS FOR U.S.-RUSSIA RELATIONS

Third, termination of all but humanitarian aid to Russia will undermine U.S.-Russian relations at a time when this relationship has been evolving in a positive direction: Russian troops will be out of Germany, Latvia and Estonia by August 31st; in Bosnia, Nagorno-Karabakh and elsewhere, we are trying to work together to find solutions to difficult regional conflicts; Russia has just indicated its willingness to join the Partnership for Peace. This is a significant step toward closer cooperation between NATO and Russia on European security issues; there has been important bilateral progress with Russia on de-nuclearization, notably the January Tri-Partite Agreement between Russia, Ukraine and the U.S.; Russian cooperation will be critical in support of U.S. non-proliferation objectives in Asia and the Middle East in particular; finally, continued Russian cooperation with U.S. efforts to promote a comprehensive peace in the Middle East is crucial to further progress in this important area.

IV. CONCLUSION

I appreciate that there may come a time when assistance to Russia no longer serves U.S. interests—if reform goes backward, and if Russia pursues Soviet-style foreign, domestic and economic policies. But we are not at that point.

There is no sound reason to take the drastic step recommended in this amendment at this time. I continue to believe that the risk of assistance to Russia is still a risk worth taking.

Mr. CALLAHAN. Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. CALLAHAN. Mr. President, I yield 2 minutes to the distinguished gentleman from Indiana, Mr. BURTON, who is incidentally a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Get this: $16.3 billion has been authorized and appropriated for the former Soviet Union. That is $16,300,000,000 since 1992 and 1993; $2.3 billion last year. $900 million this year.

The gentleman from Wisconsin said, "Well, it was $2.5 billion last year, we're going in the right direction, we reduced it to $900 million, and this is absolutely essential if we're going to have democracy and free enterprise in Russia."

Mr. Chairman, we do not create free enterprise by giving people money. We create free enterprise by encouraging business and industry to go over there and teach them how free enterprise works, to create jobs through industrial growth.

Mr. Chairman, we had an opportunity to do that last year. One of the most mineral-rich countries in the world is Russia and the former Soviet Union. They have every kind of mineral one can think of, that we have to have to survive as a Nation. In fact, 11 minerals that we have to have to survive as a Nation come from only two parts of the world, the southern part of Africa and Russia.

We should have cut a business deal with them to buy things, to send industry over there to create jobs and to mine these products, these minerals, so that they will have ongoing economic growth and we will get something for our taxpayers' dollars, we will get something in return. Instead, we are pouring money down a rat hole and what has not been mentioned here is much of this money, it is believed, is going into Swiss bank accounts. Corrupt politicians in the Soviet Union are shoveling that money into these bank accounts for their own use down the road.

Mr. Chairman, all parts of the world face this kind of problem. Last night on television, there was an exposé on Zaire and President Mobutu. He has taken millions of American taxpayers' dollars, bought 15 houses around the world, actually castles around the world, and we paid for it.

I submit to Members that much of the money we are sending to the Soviet Union is going for the same purpose, for corrupt politicians' use down the road. If we really want to solve the problems of the Soviet Union and create free enterprise and long-term democratic growth, then what we should do is cut a business deal with them and buy minerals and send American industry over there to develop jobs and economic growth.

Mr. CALLAHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio, Mr. TRAFICANT.

Mr. TRAFICANT. Mr. Chairman, I am going to vote for the Callahan amendment. I think the gentleman from Wisconsin, Chairman OBEY, does about as good a job as anyone in the House, no offense. But let me see if I have figured this out.

We give money to Russia. Russia takes the money and they bribe Aldrich Ames. Aldrich Ames, the CIA agent, gives top-level secrets to Russia. We finance CIA treason, buying of our top military secrets with my constituents' hard-earned tax dollars and yours.

Mr. Chairman, that is why I am going to vote for Callahan. I think enough is enough. We are trying to help democracy. It looks to me what we are trying to help democracy in Russia, Russia is trying to screw up some democracy in America. Beam me up. It does not add up, folks.

I say yes to Callahan. You keep your bribe money, make it Russian bribe money, and the tax dollars in America will stay in America, build some roads and bridges and help perhaps with some schools for our kids.

Mr. CALLAHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all I could not agree more with the points that all of the opponents of this measure came forth with. Yes, Russia does need help, but my colleagues are missing the point. The point is, can we afford to give Russia this money? Can we not afford to reduce our deficit by $348 million?

Mr. Chairman, I have two kids at Auburn University, a great university. If they came home to me and said, "Dad, I need a new Mercedes," I am sure they could give 50 reasons why I ought to buy them a Mercedes, but there is one good reason, Mr. Chairman, why I cannot: Because I do not have the money.

They would say, "Dad, you can borrow the money" such as we would have to do here. Maybe I would borrow the money, but if I did, I would put restrictions on that and say if you did not make passing grades I was going to take the car away; if you got caught speeding, I was going to take the car away.

The Chairman said we must be realistic. Let me tell Members what realistic is, it is recognizing that we are going to have to go to Japan and borrow this money to give it to Russia. Yes, it will help Russia; yes, Russia needs help; yes, we are going to leave $42 million in humanitarian aid to help Russia. But we ought not go to Japan or France or any other nation and borrow another $348 million when we cannot afford it.

☐ 1730

That is the issue. The issue is not whether or not Russia wants it. The issue is not whether or not Russia can use it. The issue is whether or not we can better use it in this country.

I urge you to support the Callahan amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I do not know quite where to start in correcting the misstatements that have been made on the floor, but let me simply correct one of them in the limited time.

One of the speakers suggested that Exim loans are going to be taxed by the Soviet Government. The Eximbank heard that statement on television and just called me and assured me that most definitely was not the case. The gentleman quoted the article correctly. The fact is that article is wrong.

In response to the gentleman from Alabama [Mr. CALLAHAN], who is concerned about the money we have to borrow, let me ask this: How much money are we going to have to borrow if Mr. Zhirinovsky and his friends win the power struggle in the Soviet Union and we have to start spending $30 billion, $40 billion, $50 billion or more a year in our defense budget? The answer is we will have to borrow all of it. That is the answer.

This reminds me of World War I. After World War I, Germany was in a state of collapse. The Weimar Republic was in a state of economic turmoil. The West sat idly by. A fellow by the name of Hitler came to power. The result? "Only" 50 million people died worldwide. "Only" about 500,000 Americans died, because we let a critical situation get out of hand.

I would suggest to you there is a lot about the Soviet aid program that I do not like. But, the fact is most of this money, by far the largest amount of it, is not even seen by the Russian Government. It goes through private voluntary organizations. It goes to American business groups and volunteer organizations that provide precisely the kind of advice on democratization and privatization which the gentleman says he wants.

I would suggest to you that if we do not do everything within our power to assist the reformers in the Soviet Union, our children will never forgive us.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered my colleague the gentleman from New York [Mr. SOLOMON]. His amendment is essential to our continued cooperative counternarcotics efforts in Colombia and Bolivia. I commend him for his leadership on the question of support for our international counternarcotics programs.

Both Colombia and Bolivia have shown courage in the struggle against the scourge of illicit drugs. The traffickers have responded with assassinations and bribery. We cannot appear to cut off Colombia and Bolivia; it is not in our interest to surrender the Andes to the traffickers.

My concern with the section as it stands before us is that it requires the Secretary of State to prove a negative. We ought not to tie the Administration's hands in providing military assistance to these key nations. Most of this aid goes to Colombian and Bolivian law enforcement elements to battle the illegal drug trade. Mr. SOLOMON's amendment helps continue this struggle.

Lest we forget, the Colombians, with U.S. assistance, broke up the violent Medellin cartel and have taken steps against the Cali cartel. This same courageous nation with our assistance helped to bring Pablo Escobar, a notorious trafficker and murderer to his final end. Bolivia has made gains against the traffickers, as well. I urge the adoption of Mr. SOLOMON's amendment as a symbol of our continued engagement in the war against the illegal drug trade.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN]

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CALLAHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 286, not voting 8, as follows:

[Roll No. 205]

AYES—144

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barton
Bilirakis
Blute
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Camp
Canady
Chapman
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Johnson, Sam
Kaptur
Kasich
Kim
Kingston
Klink
Klug
Kyl
Laughlin
Lehman
Lewis (FL)
Lucas
Machtley
Manzullo
McCandless
McHugh
McInnis
McKeon
Mfume
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Packard
Paxon
Peterson (MN)
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Santorum
Sarpalius
Schaefer
Sensenbrenner
Shuster
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thurman
Traficant
Valentine
Vucanovich
Walker
Young (FL)
Zimmer

NOES—286

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton

Hoyer
Hughes
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Towns
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff

NOT VOTING—8

Blackwell
Faleomavaega (AS)
Grandy
Horn
Torricelli
Tucker
Washington
Young (AK)

□ 1757

Miss COLLINS of Michigan, Ms. CANTWELL, and Mr. BARTLETT of Maryland changed their votes from "aye" to "no."

Mr. SAM JOHNSON of Texas and Mr. EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 103–350, the amendment to be offered by the gentleman from Ohio [Mr. KASICH], or his designee, debatable for not to exceed 10 minutes.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Page 103, after line 14, insert the following new section:

ADDITIONAL LIMITATION ON FUNDS TO ENSURE IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

SEC. 569. (a) LIMITATION ON AMOUNTS AVAILABLE BEFORE APRIL 1, 1995.—If amounts appropriated by title I become available pursuant to section 567—

(1) not more than $30,000,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Bank for Reconstruction and Development" for payment for contribution to the Global Environment Facility;

(2) not more than $1,024,332,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Development Association"; and

(3) not more than $35,761,500 shall be available for obligation before April 1, 1995, for "Contribution to the International Finance Corporation".

(b) REQUIREMENTS FOR AVAILABILITY OF ADDITIONAL AMOUNTS.—No amount in excess of any sum specified in subsection (a) with respect to an account or activity shall become available on or after April 1, 1995, unless the Secretary of the Treasury—

(1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented as of such date;

(2) reports such determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

(3) complies with the regular notification procedures of the Committees on Appropriations.

□ 1800

The CHAIRMAN. The gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes. The gentleman from Wisconsin [Mr. OBEY] will be recognized for five minutes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. the gentleman from Ohio [Mr. KASICH] is recognized for 6 minutes.

Mr. KASICH. Mr. Chairman, I come to the floor today with some good news and some real accomplishment for people who have been concerned about having their tax dollars used efficiently and effectively, especially in the area of foreign aid.

You might remember that for about the 3 or 4 years, I have been, along with our former colleague John Miller, offering a number of amendments, a series of reforms, designed to clean up the operation of the World Bank.

Last year we fought the recapitalization or the increased capitalization of the World Bank, and we came within a very few votes of being able to win that fight. And I believe as a result of consistent efforts and constant pressure being applied to the World Bank institutions, we were able to actually achieve the level of reform we wanted to get.

You might remember that last year I was able to report that a task force that the president of the World Bank had appointed, in collaboration with the General Accounting Office, determined that the operation of the World Bank had poor project design, inadequate management, poor implementation, a culture that rewarded new loans and not effective management of existing programs, basically that the World Bank was broke, that the system of managing the operation of the World Bank was not working, and so, therefore, I came to the House floor with an amendment to eliminate all this increased funding for the World Bank.

Now, in a nutshell, the World Bank, along with these other multinational banking institutions, their purpose is essentially to provide economic growth for poor nations in this world. And I want to say to my colleagues that we honestly cannot prove, there is no institution in our Government and no formula anywhere else that exists that I know on the face of the earth that can show us that the efforts that these international lending institutions have made to try to rescue people from poverty are yielding any real success.

Today I called General Boucher of the GAO and I said, the GAO has done fine work in terms of monitoring the operation of the World Bank, and a lot of the international financial aid institutions. But we need to develop a way to measure whether the money we are spending really is making a difference.

Now, what we recommended last year to try to develop some reasonable reforms in the operation of the World Bank, we cited a number of things: Declining loan performance. In other words, the loans that were going out, the projects that were being built, they simply were not meeting the mark. They were not meeting the standards, the internal standards, that the World Bank set for itself. And what we argued for was to create an independent IG to review all loans. And what we got in the new policy being advocated by the House and by the Secretary of the Treasury, who has assured me they are going to have speedy and effective implementation of these programs, is the creation of an independent inspection panel.

So last year we said that we wanted to create an independent IG. The new policy will create an independent inspection panel to make sure that the loans that we make meet their own internal standards and in fact will contribute to the elimination of poverty and the development of economies in the countries that we make loans to.

We said there was a problem of secrecy. In many countries around the world, these projects get presented to people and for example, in the country of India, in regard to a major dam project, we have displaced more independent Indians who live in the area of the dam project. The Indian people knew nothing about this. It has created tremendous chaos, environmental problems. The Friends of the Earth, they are as concerned about this as I have been.

So what we argued is that whenever any of these projects are to begin, we ought to coordinate them with outside groups and have project disclosure.

What do we have in this reform proposal being adopted today? The establishment of a public information center. It expands technical and environmental assessments so we can make sure, believe it or not, that the moneys going to the projects, the people it is going to affect, are informed, and that it makes rational sense.

We also argued last year that the administrative costs of the World Bank were out of control, rising at an annual rate of 12 to 15 percent. We suggested we severely limit the growth of the World Bank administrative costs. Where are we this year? The prescribed goal for the reforms, no real growth in administrative costs between 1995 and 1997. Pretty darn good.

Then we argued about the extensive first class travel, a bunch of international bureaucrats flying all over the world and living high on the hog. In a nutshell, what we did was say no more first class travel, recommended economy class, and that is precisely what we are going to get in these reforms.

Let me say in a nutshell, we are not just trusting them. We have constructed fences that say no money will flow to the World Bank until the Secretary of the Treasury certifies that these reforms are in place.

Then this amendment that I am currently offering fences additional money, which means that next April, halfway through the fiscal year, the Secretary of the Treasury must come back one more time and certify to the Committee on Banking, Finance and Urban Affairs and the Committee on Appropriations that we in fact are having these reforms carried out by this international institution.

Let me say that the GAO review of the World Bank says the World Bank reforms are underway, but it is too early to determine their impact. The bottom line is, if these reforms are enacted, along with continued efforts to try to measure a standard in terms of progress in the poor nations of the world and whether these reforms are working, we have made great progress for the taxpayers of this country.

I want to thank the gentleman from Wisconsin [Mr. OBEY], and his staff for working with us. I know the gentleman had the same attitude about cleaning up the problem at the World Bank. I think we are making some great strides and we are doing it together. I appreciate the gentleman for his time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply say that I support the Kasich amendment. I think the gentleman from Louisiana [Mr. LIVINGSTON] does as well.

Let me simply say, I think we need to recognize that an awful lot of people have been involved in the reform of these institutions. I would say, frankly, that the process began with the Bush administration in 1991 and 1992, when they dealt with IDA negotiations and pushed for reforms during those negotiations. We also had the Wapenhans report which was, I think we should remember, asked for by Mr. Preston, the bank president himself. And, we have had a variety of actions taken by the Congress dealing not only with the World Bank and IDA, but with the European Development Bank, which we discussed earlier today.

I would simply say that I think the Kasich amendment is a constructive amendment. It continues pressure on the bank to implement reforms, without putting the United States further in arrears. That, in my view, is the way to do it. I think we have had bipartisan pressure on the institutions for a number of years to try to reform the way they do business, and accompanied with some chain pulling along the way, I think we have largely been successful so far.

Mr. Chairman, with that, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I just want to add that I appreciate and support the gentleman's amendment. It enlarges upon an amendment we introduced before the full committee which originally asked the responsible institutions to review the Wapenhans criteria by October 1st of this current year. The amendment of the gentleman from Ohio [Mr. KASICH] provides for an ongoing review of compliance with that criteria. I think it is well put and I support it vigorously.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, as the ranking member of the authorizing subcommittee, I want to commend the gentleman from Ohio [Mr. KASICH] for his work. He has been persistent in this effort.

As the chairman said, many other people are involved in the past two administrations, but this gentleman has worked diligently at this effort, and I want to commend the gentleman from Ohio [Mr. KASICH].

The Wapenhans report does not directly relate to the ICC entirely, but I think it is highly appropriate to condition it on progress. Certainly it relates to IDA. I commend the chairman and the ranking member of the committee, too, for working with Treasury and the authorizing committee in this effort, but especially the gentleman from Ohio [Mr. KASICH].

Mr. Chairman, this Member believes that it is important that the World Bank continue to implement various management and other reforms to improve the quality of projects of the World Bank as the Kasich amendment proposes. A process of reform has been adopted by the World Bank executive board and is being implemented by the management as a result of the so-called "Wapenhans" internal quality assessment report commissioned by the World Bank President in 1992. The parts of the World Bank addressed by the Wapenhans evaluation included the International Bank for Reconstruction and Development and the International Development Association [IDA]. The Kasich amendment appropriately limits the U.S. contribution to IDA to last year's level until the Secretary of the Treasury certifies that these reforms are continuing to be implemented. The amendment makes a similar limitation on contributions to two other institutions which were not specifically addressed by the Wapenhans report and indeed, in the case of the Global Environment Facility, are now independent of the World Bank as a result of the recently-completed negotiation. This Member votes that the amendment covers the IFC and GEF, two institutions which are not directly the subject of the Wapenhans assessment. Nevertheless, this Member urges support of the Kasich amendment.

□ 1810

Mr. OBEY. Mr. Chairman, I would simply say that I think it is essential for us to keep the pressure on these institutions to live in the real world. I also think it is essential that we continue congressional support for these institutions, because they are the main method by which we leverage American tax dollars and bring other countries in the world into the process so that we do not get stuck with the lion's share of the tab for assisting the Third World with its development problems.

I appreciate the cooperative attitude of the gentleman from Ohio, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3, printed in House Report 103-530, the amendment to be offered by the gentleman from Texas [Mr. DELAY] or his designee, debatable for not to exceed 10 minutes.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN. The gentleman will state it.

Mr. DELAY. Mr. Chairman, I thought the procedure was going to be that we would offer my amendment, the gentleman from Wisconsin [Mr. OBEY] would offer an amendment to my amendment, and then we would split 10 minutes apiece.

The CHAIRMAN. That is the Chair's understanding, once the amendments are offered.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: Page 18, line 21 strike "$98,800,000" and insert "$30,000,000".

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. DE LAY

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. DELAY: Strike the number "$30,000,000" where it appears in the amendment and insert in place thereof "$88,800,000".

The CHAIRMAN. The Chair will divide the time between the two Members. Each Member will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the full committee, the gentleman from Wisconsin [Mr. OBEY] for his cooperation in this effort.

Mr. Chairman, my amendment is quite simple. It would bring the funding level for the Global Environment Facility, a program controlled by the World Bank, down to the level of $30 million. The suggested funding in the foreign operations bill is $98.8 million or an unsupportable $68.8 million increase.

Run by the World Bank, the GEF has received about $1 billion since its inception in 1991 as a pilot project and its performance to date has been nothing short of dismal.

Complaints have abounded—not only from countries that have contributed to the GEF but even from environmental groups regarding the GEF's activities. These complaints prompted a internal evaluation completed last year which produced a scathing review of its performance. I would like to summarize some of those findings:

The report concludes that the GEF lacks a coordinated strategy to carry out global environmental protection programs and pays insufficient attention to project quality. The GEF's operations are dysfunctional and its accountability ill-defined.

According to the report, the premise of the GEF's mandate—putting emphasis on global environmental problems over local problems—is a serious weakness. The World Bank's ongoing projects are evicting roughly 2 million of the world's poor from their homes and lands. The GEF claims it is reforming these abuses by involving local citizens in the decisionmaking process. The GEF report called that claim a "biased exaggeration, if not falsification." Over half of the GEF's projects to date have in fact led to conflicts over forced resettlement of displaced local people.

According to the Environmental Defense Fund, "80 percent of GEF investment projects are components of much larger World Bank loans, which are often at odds with global environmental goals." The report concludes that the World Bank controls the lion's share of the GEF's resources to make its regular projects look greener and to "mitigate criticism alleging World Bank insensitivity to environmental concerns."

I could go on and on.

I'm pleased to say that until recently, no taxpayer dollars had actually been spent on this program. In the fiscal year 1993 Foreign Operations bill, $30 million was appropriated but never released to GEF. It was instead passed on to AID. Just this past Friday, however, the $30 million approved in the fiscal year 1994 bill was released to GEF by the administration.

Despite the objections of some environmental groups, the Administration believes that GEF has progressed in making some reforms and where they haven't yet developed reforms they are in the process of developing them. Considering the well-documented failure of this organization, it should go without saying that we should not put taxpayer dollars at risk until we are absolutely certain that whatever reforms are necessary have been completely implemented and have been demonstrated to be successful. It seems that this administration decision to release the GEF funds is just an effort to appear green.

According to the Environmental Defense Fund, the restricting process has been very superficial. In commenting on the GEF report, the Environmental Defense Fund states:

> The report is right on target because it recommends that no further money be allocated to GEF projects before key reforms are, [and I emphasize] *in place.*

Promises are not enough.

Probe International in Canada, a group that has monitored the GEF for 3 years, states:

> For the industrialized countries to renew their funding to GEF given its disgraceful track record and the absence of a worthy mandate or an accountable structure would be the height of irresponsibility.

Despite such obvious reasons to be extremely careful with whatever funding we give to the GEF, the administration pledged in March to send a total of $430 million to the GEF over 4 years based on a meeting in Geneva regarding the GEF's restructuring. According to the Environmental Defense Fund, however, "The GEF restructuring did not deal with issues that are critical to ensure that the permanent GEF is a transparent and accountable entity [and] decisions on fundamental questions, which should have become an integral part of the founding document of the permanent GEF, have simply been postponed."

Mr. Chairman, this program is not authorized and as far as I am aware, only one hearing has been held in the House regarding this program. To reward the GEF's incompetence by more than tripling the U.S. contribution is an outrageous abuse of the taxpayers' dollars. Frankly, I'm not convinced that we should continue to approve any appropriation level.

If we're not going to eliminate the U.S. contribution to GEF completely, then at the very least we should hold the GEF appropriation to last year's level. I would urge my colleagues to approve this amendment.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I just wanted to compliment the gentleman on his amendment. What some of the environmentalists call this whole effort of GEF is what they call "green wash" rather than a white wash, "green wash," because they have not been happy with a lot of the impact of the environmental programs.

I will tell the gentleman that all the reforms that we called for in the previous amendment would apply to the GEF. But frankly, the fact that it is not authorized and the fact that its increase has exploded, I think, is not justified nor warranted at this point. I think the gentleman offers a constructive amendment and hope it will pass.

Mr. DELAY. Mr. Chairman, I thank the gentleman for his input.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

The Global Environmental Facility was created to help Third World countries take into account the effects of their development activities on the worldwide ecosystem. It was created to focus the world's efforts on preventing climate change, on preventing environmental degradation and preventing ozone depletion.

The gentleman from Texas [Mr. DELAY] has cited a 1993 report which raises questions about the operation of the GEF. I do not challenge that report in any way.

What I think the gentleman from Texas [Mr. DELAY] has not mentioned, however, is that the Administration used that report as the basis for our negotiating position with some 73 other countries and secured the changes which that report suggested as part of the negotiating process.

The administration, in negotiations, assured that there would, in fact, be independence from the World Bank. They assured that the United States would be in a strong position to stop bad loans. And they assured a much greater degree of fiscal responsibility by scaling back the size of that facility from the proposed $4 billion to $2 billion.

□ 1820

The United States did not sign on until it won what it wanted to win in that negotiating process. Now we have an international agreement between 73 nations, including the United States. If this institution is to be kept on the right path, it is important that our participation be comprehensive and be aggressive in shaping the agenda of that institution so that it becomes a combined agenda, a worldwide agenda, rather than just the agenda of the underdeveloped recipients of some of this aid.

Mr. Chairman, environmental groups, many of them, had considerable concern about the operation last year, but they are fully supportive now, organizations such as the Natural Resource Defense Council, the Nature Conservancy, and the World Wildlife Fund. Therefore, in my view, the administration has already taken the steps necessary to respond to the report that the gentleman mentions.

Nonetheless, Mr. Chairman, I recognize that there is probably considerable value in continuing to fire a shot across their bow so that they understand that the Congress will be watching closely as we move through the next year in evaluating how that agency proceeds under the new international agreement. That is why I have offered my amendment, to make a $10 million reduction in the amount we have provided.

It is, in my view, the minimum amount which is necessary to maintain sufficient American leverage in that institution and see to it that it follows an agenda which we feel is responsible, and follows management practices which we think can be defended.

I think the administration has made a good deal of progress in assuring that some of the management practices which we have been concerned about in the past are in fact a thing of the past.

Mr. Chairman, I want to assure the gentleman from Texas [Mr. DELAY], as I did the gentleman from Louisiana [Mr. LIVINGSTON], that our committee will continue to very closely monitor the activities and the management practices of that agency, of that facility, and we will most certainly be holding hearings specifically focused on the degree to which the facility is in fact following the recommendations laid out in the report mentioned by the gentleman from Texas, and used by the administration in their negotiating posture earlier this year.

With that, Mr. Chairman, I would simply say that it is legitimate to have a disagreement about the techniques to maintain American leverage. I think that the proposal I suggest is more effective.

If we renege on the contribution which this country pledged to make, we virtually vitiate the ability of the administration to provide leadership in that institution. That is precisely what we do not want to do if we want to see to it that they stick to the kind of practices that we think are defensible.

Mr. Chairman, I would urge support for the substitute amendment, and thank the gentleman from Texas for making the points he has made this afternoon.

Mr. DELAY. Mr. Chairman, I yield 3½ minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the DeLay amendment with some concern about the Obey substitute.

Mr. Chairman, it is hard to convince anyone who has lived in the Northeast this last winter that there is really any such thing as global warming. It may exist, but I tell the Members that they sure could not find it with all the snow and ice we experienced over the last several months.

Even so, Mr. Chairman, if we are going to investigate and/or treat global warming, we have a responsibility to see to it that the money is well spent, we are not throwing our money away.

Two years ago, we appropriated $30 million for this program. Last year we appropriated another $30 million for the program. This year they are calling for $100 million, and $100 million again for 3 other years after that. If precedent is prologue, then we know this is an entitlement which will work its way into American life.

Mr. Chairman, there are a lot of criticisms of this program, and yet the Secretary of the Treasury, in response to those criticisms only the day after the markup, provided us a certification that "there are clear procedures ensuring public availability of documentary information on all facility projects, and associated projects of the global environmental facility-implementing agencies."

He says that they "have developed or are in the process of developing clear procedures, ensuring that the affected peoples and recipient countries are consulted in all aspects of identification, preparation, and implementation of facility projects and associated projects of facility-implementing agencies."

Yet on April 14, 1994, before the Subcommittee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance, and Urban Affairs, Mr. Donald Goldberg of the Center for International Environmental Law testified that "Oversight and review mechanisms need to be put in place before the global environmental facility is implemented."

Furthermore, on that same day, before the same committee, Mr. David W. Reed of the World Wildlife Fund made the following statements. He said, "The GEF will have little impact in reforming the prevailing development strategies that underlie a broader pattern of environmental decline."

He goes on to say, "The reason the GEF, as presently conceived, is unlikely to make a decisive contribution to promoting sustainable development strategies is threefold:

"No. 1, the GEF has conceived of its environmental objectives as distinct from the economic development strategies promoted by the implementing agencies and recipient governments; No. 2, the GEF has demonstrated little willingness to evaluate its investment experience from the perspective of reforming prevailing development strategies; and, No. 3, the GEF has not established mechanisms through which its experience can be integrated into the operations either of the three implementing agencies or of the other developing agencies."

He says, "Moreover, it is clear that while there may be high caliber projects in the Pilot Phase GEF Portfolio, there is no overall strategic vision which unifies its investment program."

This fellow goes on to say that "there is no clear statement of objectives against which the actual contributions of the Pilot Phase investments can be assessed in the long run. As a consequence, a very high degree of uncertainty obscures the long-term impacts and contributions of the GEF."

These are leaders in the environmental community. They are saying that the GEF has not done its job. It seems to me that we ought to be very, very careful before we start committing $400 million more of taxpayers' funds to a rather dubious proposition.

Mr. Chairman, I include for the RECORD a letter to me from Lloyd Bentsen of May 20, 1994:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 20, 1994.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Title I of the FY 94 Foreign Operations Appropriations Act, Public Law 103-87, I have determined that the Global Environment Facility (the "Facility") implementing agencies have:

(1) established a clear procedures ensuring public availability of documentary information on all Facility projects and associated

projected of the Facility implementing agency; and

(2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies.

Payment of the $30 million appropriated to Treasury for the U.S. contribution to the Facility will be made to the International Bank for Reconstruction and Development for the account of the restructured Facility.

Sincerely,

LLOYD BENTSEN.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would simply say that the gentleman just quoted a letter from the World Wildlife Fund. I am in receipt of a letter from that same organization dated today which indicates their support for the exact amount of funding that we have provided in this bill for all of the institutions, including the facility now under debate, so it is obvious they recognize considerable progress has been made. I think the record needs to show that.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], a distinguished member of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, GEF is an easy target for Members to focus on, but I am concerned that most of the Members do not know about the bipartisan U.S. effort behind its development, or even know what it really does.

The GEF was created largely at U.S. insistence as a mechanism for making resources available to developing nations to meet their commitments, the commitments we urged on them under the Biodiversity Convention and the Framework Convention on Climate Change. Its genesis is bipartisan.

President Bush's Treasury Department insisted on it, and oversaw its creation after the Earth Summit in 1992, and President Clinton's Treasury Department has worked to fine tune it.

The administrators of GEF have worked with the United States in good faith and met every demand for accountability that Republican and Democratic administrations have made of it, and we have made many.

As many Members know, the Treasury Department certified on Friday that GEF had met all of the criteria set out in the fiscal year 1994 foreign operations bill: more accountability to participating governments, requirements for public information disclosure, and a more democratic decision-making process.

□ 1830

So that GEF is a facility that we insisted on be separated from the World Bank and be accountable and be transparent and now after 3 years in a pilot status where no U.S. money was spent on it at all, we have it in the shape we want it.

Mr. Chairman, this has been an effort of both the Bush administration and the Clinton administration and it would be disastrous now if after urging the GEF be formed, after insisting on structures and processes that make it accountable and transparent, the United States would pull back and renege on the funding. We are at a critical juncture in our leadership in the world on so many issues, Mr. Chairman, on population, on human rights, on women's rights, and on sustainable development, and our credibility very frankly is at stake. We have played hardball with the GEF for the 3 pilot years, it has responded.

Mr. Chairman, the environmental community supports GEF, does not oppose it. Yes, they have seen problems but they have seen them being corrected. The funding for FEG is in our Nation's best interest and I urge Members to oppose the DeLay amendment and support the Obey amendment.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time, just to say when one gets a memo from the Environmental Defense Fund that says that the GEF restructuring which has just concluded in Geneva did not deal with issues that are critical to ensure that the permanent GEF is a transparent and accountable entity does not in my mind signal that the Environmental Defense Fund is in support of what has been happening in GEF.

Mr. Chairman, I think the administration might have made a better deal and we are trying to correct this deal. I think that we do not go into a deal that has a lot of questions into the deal and triple their money. We find out if the deal is going to work, if the restructuring is going to work, if the reforms that have been negotiated, all in good faith, are actually going to work.

I understand in negotiating with the chairman that the chairman will go back and in conference if they have not shown some progress in the reforms that have been negotiated, that the chairman will accept my amendment.

Mr. Chairman, in comity, I will accept the chairman's amendment to my amendment that cuts $10 million and sends a very real message that GEF ought to be getting its act together.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am glad to yield to the chairman if he agrees with my assessment of our negotiations.

Mr. OBEY. Mr. Chairman, I simply want to say that certainly this gentleman has absolutely no compulsion to fund any institution which is wasting taxpayers' money, and I can assure Members that if we are not satisfied that the facility is performing up to par that we will indeed try to pull the chain in conference.

Mr. DELAY. Mr. Chairman, I know and have every confidence that the chairman does not like to waste taxpayers' money. I appreciate his participation in this. Therefore, I accept the chairman's amendment.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I yield the remainder of my time to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I am very pleased to hear the accommodation between the distinguished Member from Texas and the chairman of the committee.

Mr. Chairman, this Member rises in opposition to the DeLay amendment to reduce to $30 million the fiscal year 1995 contribution to the Global Environment Facility—the "GEF"—a special multilateral fund for helping developing countries bear the extra costs of choosing the most globally beneficial design of development projects that affect four critical environmental areas: biodiversity, climate change, pollution of international waters, and ozone depletion.

The United States never contributed to the pilot phase of the GEF during the last 3 years because we, the Congress and the administration, were insisting that it be restructured in certain important ways. The negotiation to create the permanent GEF has just been completed. The U.S. won agreement on all of our key restructuring proposals: public access to project information, involvement of nongovernmental groups and local communities in project preparation and execution, an independent secretariat, and providing the governing council on which our government sits with the authority to approve or reject GEF policies and projects. The fiscal year 1995 contribution in this bill would be the planned first year installment of the U.S. contribution to the new restructured permanent GEF.

Yet there are still many operational issues to be decided as the new Council and the new GEF begin operations. The first year, when detailed policies and operational procedures are being adopted, is when the U.S. must be strongest and most vigilant to make sure that agreements made in principle during the negotiations are carried out in practice. If the U.S. is reluctant from the outset to back up fully its hard-won negotiating position by making the contributions it has tentatively pledged, it undoubtedly will undermine U.S. influence in the most critical year of the new GEF's operations. This is the reason that this Member will reluctantly oppose the amendment of the gentleman from Texas. It remains to be seen how effective the new GEF will be, but our government should at least have as strong a hand as possible to shape events that may well determine the operation of the principal financing mechanism for the new global conventions on climate change, biodiversity, and other environmental policies.

I urge the Members to support the Obey amendment.

Mr. Chairman, I thank the gentleman for yielding me this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] to the amendment offered by the gentleman from Texas [Mr. DELAY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment Number 5 printed in House Report 103–530, to be offered by the gentleman from New York [Mr. SOLOMON] or his designee, debatable for not to exceed 10 minutes.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: On page 41, line 23, strike "Provided" and all that follows through "activities" on page 42 line 2 and insert in lieu thereof "Provided further, That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities."

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment as a way of clearing up a perceived ambiguity in the bill.

As the bill is presently worded, lifting the conditional prohibition on military aid to Bolivia and Colombia would require a certification that looks too much like having to prove a negative.

Before the aid could go forward, the Secretary of State would be required to certify that these two countries will not use the aid for something other than the control of narcotics.

My amendment would be less stringent and less ambiguous.

It would permit military aid to go to Bolivia and Colombia if the Secretary of State certifies that the aid will be used primarily for counternarcotics activities.

This revised language is less patronizing and should provide a more positive and plausible context in which our diplomats and others can pursue their contacts with these governments and their militaries.

Mr. Chairman, we have to work closely with our hemispheric neighbors in getting the flow of illegal drugs under control, and we have to do so without being patronizing or paternalistic.

Yes, it is true that many South American countries have had problems in defining and maintaining the proper relationship between the military forces and civil society—but that should not deter them or us from doing what we have to do together.

Finally, I would just observe that both Bolivia and Colombia have come a long way in recent years.

In 1982, Bolivia made a successful transition to civilian democratic rule after decades of political instability and military interference in civil affairs.

Bolivia has also made astonishing economic progress in the past 12 years, finally getting a handle on the hyperinflation and other problems that had bedeviled the country for years.

Colombia has a longer history of stability and democracy than does Bolivia.

But it was not too long ago that Colombia was beleaguered—the capital city was under siege; government buildings were being seized by rebels; half the supreme court had been killed in a bombing; and many other senior officials—including several presidential candidates—had been assassinated.

Mr. Chairman, Colombia has shown great courage in facing down narco-terrorism and dealing with other problems.

We need to work with all of these friendly countries, because the drug problem is so much greater than any one country—ourselves included—can handle.

Mr. Chairman, I would certainly thank the chairman of the full Committee on Appropriations for his help in helping me to craft this revised version of the amendment. I appreciate his support.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Louisiana, my very good friend, and the ranking member of the subcommittee dealing with this subject.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I just want to join with the gentleman and support his amendment. I think it is a very fine amendment. It recognizes the tremendous sacrifices that the people of Colombia and Bolivia are going through right now in an effort to get a hold of the very real problems posed to them by the narco-terrorists. I agree with the gentleman and support his amendment.

Mr. SOLOMON. Mr. Chairman, I certainly thank the gentleman. The gentleman from Louisiana has been one of the real leaders in helping to bring about real democracy in Central and South America and we all appreciate his fine work.

Mr. Chairman, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1840

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the situation we face here is that the committee included the language in the bill requiring that no military assistance be made available to Bolivia or Colombia until the Secretary of State certified none of these funds were being used for other than counternarcotics purposes.

The committee, I think, had every right to be concerned about what was happening in Colombia and Bolivia, because a number of allegations of misuse of American-supplied equipment have arisen, particularly with respect to Colombia. The GAO has, in fact, documented that the United States has very ineffective end-use monitoring mechanisms in place in Colombia, and there can be no question that there have been considerable violations of human rights in that country. So that is why the committee made the original recommendation it did.

However, we have also been asked to recognize that the Colombian military recently reorganized by disbanding military units involved strictly in counternarcotics activities, because the judgment of the Colombian Government was that it was creating more problems and actually hurting the counternarcotics effort to have units organized exclusively for that purpose, and, in fact, making them more susceptible to infiltration by those who are trafficking in narcotics.

So the Solomon amendment is an effort to try to balance concerns, and I am willing to accept it on a 1-year basis. But, I need to make very clear that I am deeply suspicious that a year from now we will still see substantial human rights violations in both countries by the military, and I want to make clear that I think the administration has an obligation to support an effort to totally cut off funds if we do not see substantial improvement in the way the military is used so that we are not continually embarrassed by the use of forces supplied and trained by America in a way which, in fact, impinges upon human rights which, as a country, we are supposed to value.

With that understanding, I would accept the gentleman's amendment and ask that he be flexible next year in accepting our effort to shut this off entirely if we do not have maximum and provable improvement.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, let me just say I fully agree with the gentleman. I think the President, any President, has that obligation to see human rights are improved in those two countries.

We have a similar situation coming up very shortly when we consider the most-favored-nation treatment of China. The President has the same obligation there to see that significant improvement is made, and I hope it is made in all three countries, Bolivia, Colombia, and China.

I thank the gentleman for his support.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. INSLEE. Mr. Speaker, during Roll Call 204 on the preceding bill I was unavoidably detained on official business. Had I been here, I would have voted aye.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably absent from proceedings of the House on Wednesday, May 25 owing to the death of my mother.

Had I been here, I would have voted as follows: Rollcall vote No. 199, "nay"; rollcall vote No. 200, "aye"; rollcall vote No. 201, "aye"; and rollcall vote No. 202, "aye."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 204. Had I been present, I would have voted yes.

CONTINUATION OF EMERGENCY WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA BEYOND MAY 30, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1994, to the Federal Register for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republics of Croatia and Bosnia-Herzegovina by force and violence. The actions and policies of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 1994.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1930

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FROST) at 7 o'clock and 30 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 70. Concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, until Tuesday, June 7, 1994, and a conditional adjournment of the House on Thursday, May 26, 1994, until Wednesday, June 8, 1994.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) "An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore. Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4426.

□ 1931

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, with Mr. RICHARDSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 103–530 offered by the gentleman from New York [Mr. SOLOMON] had been disposed of.

It is now in order to consider amendment No. 6 printed in that report.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON FUNDS FOR SOUTH AFRICAN ASSISTANCE PROGRAM

SEC. . Of the funds made available in this Act, the amount that may be used to support the South African Assistance Program shall not exceed the amount used for such purpose during fiscal year 1994.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to hold the Federal aid that is going to be given to the South African Government to the level that was originally to be funded for fiscal year 1994, that being about $99,146,000. Over the course of the next 3 to 4 years, they were going to increase that amount from $99 million a year to as much as $256 million a year, or over $600 million for the next 3 to 4 years.

Mr. Chairman, while the goals of the package are certainly very commendable, there is also no question that the needs in South Africa are very urgent. It is also obvious that the rest of Africa is looking to South Africa to be the engine of economic growth for that continent.

All of us are gratified that apartheid has been defeated and that South Africa has had elections. However, our assistance to South Africa is already very generous. They are among the largest recipients of U.S. development aid in the whole of Africa. We simply cannot afford at this time to raid the coffers of the American taxpayers any further.

This is nothing but a political move in response to political pressure. I dare say that the American people, including black Americans, would be firmly opposed to increasing our assistance to South Africa, which as I pointed out already, is very, very generous.

There are three relevant points that I want to raise: first of all, the failure of the foreign aid in the rest of Africa; second, the fact that South Africa is a country rich in minerals and other resources; third, the desirability of waiting to ensure that South Africa follows wise economic and social policies before granting it the stamp of our approval by additional foreign aid.

Mr. Chairman, I will address each one of these issues. First, every year, according to the Economist, donor nations dispense a total of $60 billion in aid to developing countries. Despite this generosity, and maybe even partly because of it, African countries are mired in debt, economic misery, and negative growth.

A 1990 World Bank report conceded that fewer than one-third of its projects in Africa are sustainable, even after we have given all these massive amounts of foreign aid. Nonetheless, the World Bank is ready to lend South Africa $5 billion over 5 years. Surely they are not lacking for willing lenders.

Second, South Africa has under its own soil the means to alleviate the misery of its masses. It is rich in gold, diamonds, platinum, and numerous other minerals. In fact, they have 11 minerals that are absolutely vital to almost every country in the world, and the only other place you can get these minerals is from the old Soviet Union.

As a matter of fact, South Africa is brimming with the very means to create economic growth, which is the only avenue out of poverty. I am totally in favor of massive investment in South Africa. In fact, I am even in favor of giving tax incentives to American industry to relocate some of their plants there to help create and stimulate economic growth, and thus more jobs for those who are unemployed right now.

I think the potential for a healthy return is tremendous if the government pursues wise fiscal policy over there. In fact, if I had a lot of money, I might even consider investing some money in South Africa myself, if we did it the right way.

My point is that the best way to help South Africa is to do so through business arrangements, through investments. Why on earth would we want to put South Africa on the same dole, on the same foreign aid treadmill, that has brought nothing but misery throughout the rest of Africa?

Many of my colleagues watched television last night and saw what has happened in Zaire. We have sent literally hundreds of millions, possibly billions of dollars into Zaire, and what has happened in that country? There is massive poverty, massive inflation. The king, if you will, of that country, President Mobutu, has 15 villas around the world. His people are literally starving. That is the result of our foreign aid.

Mr. Chairman, granted we had to do something there, because of the Communist problem, the cold war in the past, but we went overboard. We should not have. We should not go overboard right now in South Africa.

Third, even if we accept the assumption that assistance must be delivered to South Africa, I think we need to be very careful about the timing of that assistance. I think that any assistance ought to be conditioned on the new South African Government following correct economic policies, and respecting basic standards of human rights and democracy.

If apartheid is replaced with some other form of dictatorship, it will be a great tragedy for the South African people and the entire African Continent.

Mr. Chairman, the ANC has not proven itself as yet to be a champion of democratic practices. I wish the new government well, I hope they succeed, and I hope they prove to be a blessing to the South African people, but I am very concerned over the presence of high-ranking officials of the Communist Party within the Cabinet, men like Joe Modise, the Secretary of Defense, who was implicated in serious abuse of human rights when he was the leader of Mkhonto We Sizwe, the ANC military wing.

The issue of Communist Party members is not just an academic one, and it is not a matter of red-baiting. Communism is a failed and discredited ideology all over the world. It has brought untold suffering and misery to millions all over the world. It must not be allowed to impose its will on the people of South Africa.

In addition, Mr. Chairman, the new Government of South Africa inherits one of the richest economies in Africa, with a sophisticated infrastructure and tremendous mineral wealth. The potential for economic growth in South Africa lies right underneath the soil, not in Washington DC. I am completely for trade, investment, and business in South Africa. I believe that is a much better choice than putting them on the dole.

There is a lot we can do to help South Africans develop their own resources without giving them a handout. The economic policies which South Africa adopts will have more to do with the success of their fragile democracy than any amount of foreign aid we can give them.

□ 1940

Mr. Chairman, only a sound economic program will allow the South African economy to grow, to provide jobs for the rapidly expanding South African labor market and to ensure political stability.

Mr. Chairman, the man the ANC has put in charge of its economic reconstruction program for the important PWV area, South Africa's industrial heartland, is a man named Ben Turok. Turok says in his recent book:

"A new democratic South Africa will need to defend its interests against the predatory actions of international capital like the International Monetary Fund, the World Bank, and the big powers organized in the Group of Seven, the General Agreement on Tariffs and Trade, and the rest. Their intentions," he went on, "to the Third World are clear enough: To install bourgeois democracy, compradorism and transnational corporate power in a New World Order which recognizes, integrates, and subordinates the Third World and the so-called system of free world markets."

Turok advocates "more control over pension funds, insurance companies and other financial institutions."

Mr. Chairman, of the 23 Cabinet positions filled by the ANC, 11 of the 23, almost half, are members of the South African Communist Party. Unlike other Communist parties, the South African Communist Party has failed to profit from the lessons of the failures and abuses of the Soviet Union and Eastern Europe.

An interview in the Johannesburg Sunday Times with the South African Communist Party official Essop Pahad provides one illustration.

He said, "I see myself promoting in Parliament the socialization of the means of production, because the program of reconstruction and development offers us the basis to do that."

According to Mr. Pahad: "April 27 starts the process of shifting power away from big capital to the working class." He declares the South African Communist Party to be for the moment "at one with the ANC on the immediate and intermediate objectives."

Mr. Chairman, we should do everything we can to stimulate economic growth in South Africa, but I submit to my colleagues if we talk to the top 500 industrial companies in this country and said, "Look, we will create incentives for you to create plants over there to help stimulate that economy," and then we could buy those minerals through those companies relocating in South Africa, not taking jobs away from Americans, but locating in South Africa, we could buy minerals from them, and they could raise a lot of money through sales to the United States and other Western countries, and that would eliminate the necessity for the United States taxpayer to foot the bill for the new African National Congress government.

Mr. Chairman, it seems to me that is a much more rational approach than to create more dependency on the government and the taxpayers of this country through foreign aid to a country which simply does not need it.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I cannot think of a worse signal to send the entire continent of Africa than to pass the Burton amendment pending here tonight. That amendment will gut the planned aid program to South Africa.

Mr. Chairman, let me explain what I mean. The South African aid program has been planned since the election at $140 million. But because the fiscal year is more than half over before the new program level had been planned, the annual spending level in fiscal 1994 will be only $80 million. That means that despite the fact that the effective program level for the remainder of this year will be at about $140 million, the Burton amendment, in fact, would require us to cut it back to $80 million on an annualized basis next year.

That would do immense damage in South Africa and it would do immense damage to American business interests. I say that because at this point, the Export Import Bank and OPIC are expending no dollars in this fiscal year for export guarantees to South Africa. But the Export Import Bank is planning to finance at least $400 million in U.S. aircraft sales and other business sales next year. OPIC is planning to provide guarantees of $4 million to $5 million to U.S. businesses and that in turn will mean business for the United States. TDA, the Trade and Development Authority, which we were told here today is not doing enough around the world, would be squeezed in trying to provide any program at all over there next year because they are not providing one at this moment even though they were planning to provide one next year.

Mr. Chairman, for a lot of technical reasons, I think this amendment is ill-advised. But I think there is one overwhelming reason beyond that why it should be defeated and defeated soundly.

Mr. Chairman, we have had 35 years of minority rule in South Africa and now we have had a miracle. We have had a transition to a biracial government without having a cataclysmic social explosion. We have had a miracle in establishing a biracial government. Mr. Mandela and Mr. de Klerk have in fact performed a service to their country that no one would have dreamed possible just 5 years earlier. Everybody in this Chamber who has two eyes and two ears knows that.

Mr. Chairman, the gentleman from Indiana on the basis of a quote he has read from a book and on the basis of his expression of concern about someone who is in the government says, "Well, I've got a better idea, we can do it a different way."

Mr. Chairman, I have often noticed in this place that somebody has always got a better idea. My grandfather taught me a long time ago that generally those folks who are rowing the boat do not have time to rock it, and those folks who are rocking the boat generally do not have time to row it.

Mr. Chairman, what that means is that the people charged with the responsibility in our government to help assist South Africa in moving to a stable democratic future have laid out a course of events and we have no moral choice in my view but to back it. We ought to back it strongly.

I would suggest if a Member does not like some people in the South African government, so what? There are a lot of people in the American government I do not like, either. We have had democracy in this country for 200 years. On a per capita basis, I will bet you we have at least as many wackos in our own government as they do in South Africa's, perhaps even some in this Chamber.

Mr. Chairman, I would simply suggest that before Members get into the trap of deciding what they are going to do on a key policy question involving the most amazing and the most thrilling move to democracy since the fall of the Berlin Wall, before Members decide to make that decision on the basis of what they think about a few characters on the periphery of power in South Africa, think about how we would feel if we were back 5 years when we expected an absolute, total explosion in that country. Then Members would know that this amendment is ill-advised, it is ill-targeted, it is in my view perniciously selective, and it ought to be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Wisconsin, it seems every time he opposes someone's amendment on this side, the gentleman goes up and in a veiled way makes some kind of attack on their intellect or their goals or their desires. I think that that is reprehensible and I do not think the gentleman really needs to do that. It is not necessary. The gentleman can attack my amendment on its merits and not make these veiled, slanderous remarks because the gentleman does not agree with what I say.

Mr. Chairman, after having said that, these are not minority fringe elements. Eleven of the 23 people picked by the ANC so far are members of the South African Communist Party. They believe in collectivism. They believe in total control of that government by the Communists. They do not believe in free enterprise like we are talking about.

Mr. Chairman, I am saying before we start giving American taxpayers' dollars to them, we ought to think seriously about whether or not they are going to reform that country in a direction that we do not like. Eleven minerals we have to have to survive as a Nation come from that area. I would like for it to be a free market, a free, democracy-oriented society. I do not want it controlled by the Communists or radicals over there. I think before we start pouring American taxpayers' dollars into that system, we ought to see what they are all about.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON], the distinguished chairman of the Subcommittee on Africa.

Mr. JOHNSTON of Florida. Mr. Chairman, I appreciate the opportunity.

Mr. Chairman, this is the first time in the history of the world where a minority government has given up the reins to a majority of the people without any revolution.

To the gentleman from Indiana [Mr. BURTON], this is not personal but I directly challenge his figures of 11 out of 23, using indiscriminate numbers like that, and I challenge the gentleman's authority and ask him to prove it.

Mr. Chairman, I rise in strong opposition to the Burton amendment here. As a major superpower, the United States should be in the forefront of support of democracy for this thriving free market economy in South Africa.

□ 1950

The present South Africa initiative is a prime example of America's commitment to assist the incoming Government of South Africa in reconstruction and development. This package should be supported and, in fact, many believe, and I believe, it is not enough.

The package in its current form only calls for about $120 million in additional expenditures over the next 3 years, and this is a modest amount in comparison to the billions of dollars that we are giving to the Middle East and Egypt and Eastern Europe and the former Soviet Union.

Apartheid left a horrible legacy, and this brutal system has had a devastating effect on 35 million black South Africans. I admit, I say to the gentleman from Indiana [Mr. BURTON], this country is rich. But the black South Africans are not rich. They are extremely poor.

Current statistics that support these dramatic needs are very telling. More than 9 million South Africans are homeless and live in shacks made of tin and cardboard. At least 50 percent of the general population are unemployed. Four out of every 10 people in South Africa are living in poverty, and more people die in infancy than graduate from high school.

I urge my colleagues to join me and the chairman in supporting Nelson Mandela and all of the people of South Africa who have cast aside racism and confrontation in favor of reconciliation.

Please, vote no on the Burton amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rushed to the floor, because I could not believe my ears when I heard the gentleman from Indiana [Mr. BURTON] on the floor opposing this very modest appropriation for South Africa.

First, I could not believe it, because I cannot believe that the gentleman is fighting the old Communist battle. Communism is gone. There is nothing to fear in South Africa, and it is unbelievable that he would even present that kind of argument on the floor.

I do not think it is fair to identify members of the ANC who are now in government and say somehow because they are Communists or they have been a part of a Communist Party that they do not deserve to be funded. I would raise the question to the gentleman about the funding request of Russia and the fact that it just passed, and there was an attempt to delete it, but that did not happen, and I suspect there may be still some who came from the Communist Party in Russia. But we are, indeed, going to fund them. I did not hear the gentleman raise that question when that debate was on the floor.

Furthermore, let me say it is in our economic interest. If the gentleman would check with some of his business friends, he will find that all of them are rushing toward South Africa, because they understand the potential for the markets there. They are trying to be on that part of the agenda that will allow them to do the investments, that will not only help growth in South Africa and revitalize that economy, but will also create wealth and jobs here at home.

So I would suggest that he check with this business friends so that he can understand what their interests are, and I think he may want to change his arguments.

In the final analysis, I would say to my colleagues it is absolutely immoral to talk about denying assistance to millions in South Africa who have been marginalized and denied for so long, who have been living under the unconscionable system of apartheid.

When you travel throughout South Africa and you see the shanties and you see the lack of housing, the lack of water, I do not think any human being that has any sense of fairness would want to deny us assisting those people in trying to have a semblance of a decent quality of life.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

The gentlewoman makes my point. American industry would like to go over there and are going over to South Africa.

All I am saying is rather than send American taxpayers' dollars over there, let us send American industry over there and let them mine these natural resources and send them back here to the United States of America. That is the way to build that economy.

they have a great industrial base. I have been there. I did not read it in a book. I have been there, and we do not need to be sending American taxpayers' dollars over there to the tune of $600 million over the next 3 or 4 years.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I also rise in strong opposition to the amendment to restrict United States assistance to South Africa to the fiscal year 1994 level.

The President announced the administrations's intention to increase direct assistance to South Africa to $143 million to support that country's transition to nonracial democratic rule.

Mr. Chairman, the increase the President requested is moderate when we compare it to the amount provided to other countries.

This bill provides a total of $900 million for the former republic of the Soviet Union.

It recommends a total of $3 billion to Israel; $1.2 billion in economic support funds, and $1.8 billion for military financing grants.

The bill recommends $2.1 billion to Egypt.

The least we can do Mr. Chairman, is support the amount recommended by the President to support this historical transition from apartheid to nonracial democratic rule.

Mr. Chairman, I urge my dear colleagues to vote against this most mischievous amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I am an Irishman, the only Irishman to fly the Irish flag, I think, in the House of Representatives, but I voted against the aid going to Ireland for the amendment offered by the gentleman from Wisconsin [Mr. KLUG] that was not allowed on the floor. When we talk about Russia, I agree, they are building four Typhoon-class subs, costing about $9 billion a year to build them, and we are sending them money. I think we ought to eliminate that, too.

The capitalist way to do things though is, for example, in South Africa, there are only two places in the world we can get titanium. One is South Africa, and the other is Ukraine. I would rather spend $600 million buying titanium and other minerals and putting them to work rather than just giving them the aid. That is called trade.

I think that I am happy that democracy is going forward over there. I hope it works. But I would rather set up policies to where we trade for it or we work for it instead of just giving it to them.

I think we would all be much better off even in our own country working in that direction also.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I, too, rise in opposition to the amendment.

You know, we like to throw around terms like world leadership and superpower. We ought to ask what that really means in a postwar context.

It seems to me if it means anything, it means being a reliable ally and friend to those countries that adopt and implement our policies such as is the case in South Africa. We have models for this policy: Israel, Russia, Egypt, all instances in which we said to those countries that support democracy, we will assist you.

My colleagues on the other side say do not give aid, give trade. I am suggesting that in order to have trade, we have to have stability.

This aid will help us achieve stability, because the new regime is under tremendous pressures from the previously disenfranchised majority. There is a need for infrastructure. There is tremendous poverty. If we are to have stability, we need this financial aid.

It is time we have a mature policy in the post-cold war, to support our friends and to set an example that we are, in fact, the leader, and that means providing leadership in real, not rhetorical, terms. It is not enough to just say adopt democracy. We have to actively assist democracy.

This financial aid will accomplish that goal and will enable South Africa to prosper.

I urge the defeat of the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

There is an old Chinese proverb that says if you give a person a fish, you feed him for a day; if you teach him to fish, you feed them for their entire lifetime.

□ 2000

And it seems to me that welfare, whether it is here or around the world, creates a dependency on our Government and it does not create a desire for people to stand on their own two feet. I would much rather help South Africa with mineral development and industrial development instead of giving them money that is not going to solve their problems. We have done that in Zaire. We saw last night on television where President Mobutu raped the country and has 15 villas. That is not the answer. The answer is to help them by industrial development and trade.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I would like to appeal to the gentleman from Indiana and other Members of the party of Lincoln to act in the spirit of Abraham Lincoln. We have a situation here unprecedented in the history of the world, where there has been a peaceful transfer of power. South Africa is rich enough to take care of itself. It will do so eventually. We are at a critical transition period, a very explosive situation exists where 36 million people who have been denied the fruits of the country are waiting, anticipating. If you do not give them help over this transition period, you are going to help to strike a match that will explode the whole situation. That is a revolution that was made by the white businessmen acting in concert with black revolutionaries. This is a peaceful transition that will go forward and produce a great market for American products, a great market for American business, if it is peaceful, if it is orderly. If it explodes, however, into chaos because they cannot stand the pressures because we did not help with the transition, all would be lost.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment on the floor. We just saw a transformation of history with the 1994 elections in South Africa. They were the first free and full and open elections in South Africa. It is the first time they have had a majority rule, an opportunity for that in the country. They need time to prove themselves. We should not be cutting their progress off at the knees.

Mr. CALLAHAN passed in the full committee an amendment which makes clear that this aid in this bill is transitional, it is not an entitlement. This is a first step, an expression of support by the United States of America that free and fair and open elections in South Africa should be the wave of the future.

The Burton amendment would limit and deprive OPIC and TDA from encouraging private investment. It should be defeated.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

First of all, I wish the Government of South Africa the very best. I want them to succeed. It want there to be a peaceful transition. I wish Nelson Mandela and his entire Government Mr. de Klerk, the vest best.

However, creating a dependency on outside entities is not the solution to that country's problems. I have been there. I know they have a great industrial base. I know they are a very, very mineral-rich country, probably one of the richest in the world. They have billions, probably trillions of dollars in minerals.

You do them no favor by giving them the dole. The better way to solve this problem is to create tax incentives and tax breaks for industries in various countries to go over there and mine those minerals and create jobs that will put those unemployed people to work, that will teach them useful skills and help them to stand on their own two feet.

Simply giving them taxpayer dollars from American taxpayers, from the largess of this country, is not the answer. Now, many have said, "Well, if we do not give them this money, there is going to be a revolution over there." If my amendment passes, they will say, "Oh, my gosh, Burton is responsible for a bloody revolution in South Africa." I do not believe that is the case at all.

I believe that if we help them develop an industrial base and mine those minerals and have good trade relationships, we will do much more long term for South Africa and for democracy over there than we will ever do by giving them American taxpayer dollars.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in vigorous opposition to the amendment.

Mr. Chairman, for years most Members of this body worked to eradicate the racist apartheid government of South Africa. With the recent democratically held elections we have seen our dreams realized. It is now incumbent upon us to keep our pledge to the people of South Africa and help them all reach the standards of equality and prosperity that they deserve.

With rich natural resources, a developed infrastructure, sophisticated banking structure, trained managers and cheap electricity, South Africa is positioned to play a leading and constructive role in the region. In 1989 South Africa accounted for 76.7 percent of the total GDP of the southern African region. The success of the region might very well depend on the success of this one nation.

I am outraged at the attempt by the gentleman from Indiana to cut aid to this nation just as they have elected a democratic, representative government. I can see no justification for this step and encourage all Members of this body to oppose his amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman for yielding time to me.

Mr. Chairman, I also rise in vigorous opposition to the amendment.

Mr. Chairman, I rise to express my opposition to the Burton amendment which would cut funding for South Africa.

For years, Members of Congress came to the floor of the House of Representatives demanding an end to Apartheid. The sanctions we enacted were overwhelmingly successful in bringing the racist regime to its knees. Now, more than ever we must support the South African people in their effort to establish a nonracial democracy based on the principle of one-person, one vote.

Having just returned from South Africa and having witnessed the inauguration of Nelson Mandela as that country's first black President, I firmly believe that American support for democracy and a free-market economy in South Africa is absolutely critical. With its extensive national wealth, not only in physical terms, but in a hard-working, diverse people, South Africa will soon play a positive role driving regional economic growth.

Furthermore, with our shared values, the United States and South Africa will work hand-in-hand to solve the transnational problems facing Africa, including over-population, conflict resolution, and hunger.

The money we seek to invest in South Africa is small compared to our European and Middle Eastern foreign aid programs. It will be critical to help the majority of South Africans deal with the problems they face now: poor education, insufficient housing, and high unemployment.

Mr. Chairman, we must not desert South Africa now that it has made the critical choice in favor of democracy. I urge my colleagues to oppose the Burton amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished majority leader, the gentleman from Missouri, Mr. GEPHARDT.

Mr. GEPHARDT. I thank the gentleman for yielding this time to me.

Mr. Chairman and Members of the House, I hope the Members will reject this amendment and understand tonight that we have an opportunity here to confirm and advance the cause of democracy and freedom in this great country. All of us are thrilled to see Nelson Mandela walk free, and we thrilled to an even greater height when we saw him inaugurated as president of his country.

Think back 20 years ago, think if communism has triumphed in South Africa; Mr. Brezhnev, who was then the head of the Soviet Empire, would have been into South Africa with money and assistance and aid to try to prop up communism and make it work. And he would have been pleased to do it.

Democracy won in South Africa, and now we have the opportunity to underpin and aid and abet that democracy by helping American businesses go to South Africa and to build that economy.

That is what we can do tonight. This is not a giveaway. This is not throwing money at someone. This is helping build this economy.

What a magnificent opportunity this is. We have won in South Africa, democracy has won, freedom has won, and now we as a people, believing in those values and principles, have the chance to stand behind it and help our businesses do it.

A few years ago we said to our businesses, "Don't go to South Africa, because there is no freedom and democracy." Tonight we can say, "Yes, there is freedom and democracy, and we urge you to go, and we stand behind you to go."

Mr. Chairman, I urge a vote against this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 321, not voting 14, as follows:

[Roll No. 206]

AYES—103

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Canady
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Everett
Ewing
Fields (TX)
Fowler
Goodlatte
Grams
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Kyl
Lewis (FL)
Linder
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Moorhead
Myers
Nussle
Packard
Paxon
Peterson (MN)
Petri
Pombo
Quillen
Ramstad
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Schaefer
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—321

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Blackwell
Dooley
Faleomavaega (AS)
Ford (MI)
Grandy
Gunderson
Hall (TX)
Horn
McCurdy
McDade
Moran
Spence
Washington
Whitten

☐ 2028

Ms. BROWN of Florida, Mr. GALLEGLY, and Mrs. LOWEY changed their vote from "aye" to "no."

Messrs. THOMAS of Wyoming, BATEMAN, and McCANDLESS, and Mrs. FOWLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McCURDY. Mr. Chairman, during the debate and vote on the amendment offered by the gentleman from Indiana [Mr. BURTON] I was unavoidably detained and missed the vote. Had I been present, I would have been recorded as voting against the Burton amendment.

☐ 2030

The CHAIRMAN. It is now in order to consider amendment No. 7, printed in House Report 103-530.

AMENDMENT OFFERED BY MR. BEILENSON

Mr. BEILENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEILENSON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

CERTAIN REDUCTIONS FOR ADDITIONAL POPULATION DEVELOPMENT ASSISTANCE FUNDING

SEC. 569. (a) REDUCTIONS.—Each amount appropriated or otherwise made available by this Act is hereby reduced by .75 percent.

(b) ADDITIONAL POPULATION DEVELOPMENT ASSISTANCE FUNDING.—The amount otherwise provided by title II for "Population, Development Assistance" is hereby increased by $100,000,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BEILENSON] will be recognized for 15 minutes, and a member opposed, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering addresses the most fundamental challenge facing current and future generations: the alarming rate of human population growth, which underlies virtually every environmental, developmental, and national security problem facing the world today.

This amendment increases voluntary family planning assistance by $100 million, and pays for the increase through a three-quarters of one percent across-the-board cut in all other foreign assistance provided by the bill. This increase will bring the U.S. international population contribution to $669 million for fiscal year 1995—a significant step closer to achieving the funding levels called for in the 1989 Amsterdam Declaration, the multinational plan for making voluntary family planning assistance available universally by the year 2000.

I would like to commend the gentleman from Wisconsin [Mr. OBEY], and the members of the Foreign Operations Subcommittee for providing a total of $569 million in fiscal year 1995 for population programs, which is a $59 million increase over the amount appropriated for fiscal year 1994. In each of the last four years, thanks to the subcommittee's leadership on this issue, the U.S. has increased its contributions to international population programs, and that is particularly significant in a time when the subcommittee has been under tight spending constraints. However, while the funding level in H.R. 4266 is a step in the right direction, it is less than three-quarters of the amount needed for the United States to do its fair share to achieve universal access to family planning by the year 2000, an objective this nation agreed to in the 1989 Amsterdam agreement, and an objective which the Clinton administration has endorsed. This amendment brings us significantly closer to achieving this important goal.

The harsh fact is that unless the population growth of developing nations is slowed, none of the other forms of aid we are voting for in this bill will have any real or lasting value or effect: so long as current population trends continue, the billions of foreign aid dollars we spend each year in an effort to alleviate poverty and stimulate economic growth in the Third World are simply being wasted. Our generosity will always remain several steps behind the growing number of mouths to feed, and hands to employ.

The world's population now exceeds 5.6 billion people, and it is growing by almost 100 million people every year. Every day—every single day—there are 260,000 more people on the earth than there were the day before. Day after day—inexorably, unendingly, relentlessly—more than a quarter of a million people are added to the population: a quarter of a million more people to provide shelter, jobs, health care, and drinking water for, a quarter of a million more mouths to feed and children to educate.

Nearly 95 percent of this increase is occurring in developing countries—countries which cannot begin to adequately take care of their existing populations, where there are already too few jobs, inadequate schools, inadequate health care, inadequate amounts of food and, usually, very little, if any, individual freedom.

Future prospects, moreover, are even more staggering. The United Nations estimates that without a substantial decline in the fertility rate, the earth's population will almost double to more than 10 billion by the year 2024. Even if fertility drops from the current 3.3 children per woman to 2.8 children in 2025—quite a significant reduction—world population would still grow to 12.5 billion by the year 2050. And, if effective action is not taken within this decade—as today's three billion children in the developing world reach their child-bearing years—the Earth's population could nearly quadruple to over 19 billion people by the end of the next century.

This rapid growth underlies virtually every environmental, developmental, and national security problem facing the world today. The impact of overpopulation, combined with unsustainable patterns of consumption, is evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced.

Each year, for example, the world's farmers try to feed 100 million more people on 24 billion fewer tons of topsoil. Overcropping, overgrazing, and poor land management practices which have beset ever more populous countries have resulted in progressive salinization or desertification of large tracts of formerly productive land. Despite major gains in agricultural productivity, if current trends in resource use and population growth continue, by the year 2010 per capita availability of cropland will drop by 21 percent; per capita rangeland by 22 percent; and per capita forests by 30 percent. Without a major conservation effort to stop this degradation, developing countries could experience an almost 30 percent decline in agricultural productivity by the end of the next century.

In much of the developing world, high birth rates, caused in great part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, and the rapid spread of disease. Rural peoples fleeing the progressive impoverishment of the countryside have also put heavy, often intolerable strains on urban environments. By the year 2000, 18 of the 20 largest cities will be in the developing world, and as these cities mushroom in size, they are creating serious problems for which there are no simple or affordable solutions.

Population growth is outstripping the capacity of many nations to make even modest gains in economic development. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

Everywhere you look, the prospects are staggering. Consider, for instance, a nation like Bangladesh. With a population of 125 million (about half that of the entire United States) jammed into an area the size of Wisconsin, Bangladesh would have little hope of climbing out of its desperate state of severe poverty and underdevelopment even if its population remained stable. But it's going to get much worse: in less than 30 years, Bangladesh is projected to add another 85 million people.

Bangladesh is only one example. No continent remains untouched by this explosion. Three months ago, the U.S. Census Bureau published its best analysis of what the population of various countries would be 25 years from now. Let me give you some of those figures:

Egypt, which adds one million people every 8 months, will grow from 59 million to 97 million;

Nigeria from 98 million to 215 million;

Ethiopia from 58 million to 124 million;

Somalia from 6½ million to 12 million;

Iraq from 19 million to 46 million;

India from 920 million to 1.3 billion;

Pakistan from 128 million to 251 million;

Kenya from 28 to 44 million;

Mexico from 92 million to 136 million; and

Zaire from 42 million to 92 million.

And on, and on, and on.

□ 2040

Every impoverished, hopeless, and desperate country in the world will see its population double, or more, in the next 25 to 30 years.

Overpopulation, however, is not a problem for lesser developed countries only. Rapid population growth in already overcrowded and underdeveloped areas of the world has given rise to an unprecedented pressure to migrate, as workers seek decent, and more hopeful lives for themselves and their families. According to a recent report by the United Nations Population Fund [UNFPA], over 100 million people, or nearly 2 percent of the world's population, are international migrants, and countless others are refugees within their own countries. Many of the world's industrialized nations are now straining to absorb huge numbers of people, and in the future, as shortages of jobs and living space in urban areas, and resources such as water, agricultural land, and new places to dispose of waste grow even more acute, there will be even greater pressure to emigrate.

As Ambassador Richard Gardner has written, nobody has the slightest idea of how to provide adequate food, housing, health care, education, and gainful employment to such exploding numbers of people, especially as they crowd into the mega-cities of the Third World like Mexico City, Cairo and Calcutta.

The growing numbers of desperate poor will only accelerate the ferocious assault on the world's environment now under way in Africa, Asia and Latin America . . . Can anyone doubt that even if these growth figures are realized, our children and grandchildren will witness unprecedented misery, worldwide violence, and a tidal wave of unwanted immigration throughout the world?

We know what is required to defuse the population explosion: universal access to affordable, quality family planning services—as well as more economic development and better education and employment opportunities for women in the developing world.

Hundreds of millions of people throughout the world would use family planning assistance if it were available to them. A recent Demographic and Health Surveys study indicates that in most developing countries more than half of the married women do not want any more children, and tens of millions more would like to delay subsequent births. But at least 200 million married women are not using contraception, largely due to lack of availability, even though they wish to avoid pregnancy.

The hopeful news is that family planning programs have been remarkably successful worldwide. In general, average fertility falls by about one birth for every 15 percentage-point increase in the number of married couples using contraception. Since the early 1960's, contraceptive use worldwide has gone up from roughly 10 percent of couples to over 50 percent today. And over the same period, the number of births per woman dropped from 6 to 3.3, almost half the fertility of just one generation ago.

Education and access to contraception also has a positive effect on both infant and women's mortality rates. Worldwide, the combination of better birth spacing and the elimination of births to adolescents could avoid at least three million infant deaths a year, or 20 percent of the estimated 15 million deaths a year to children under five. Moreover, adequate family planning would reduce the enormous number of deaths from pregnancy-related problems, which the World Health Organization estimates to be the cause of between 20 percent and 45 percent of all deaths among women ages 15–49 in the developing world.

Time is of the essence. How quickly we provide worldwide access to family planning is crucial. Like compound interest applied to financial savings, high fertility rates produce ever-growing future populations.

Let me give you two examples. If a woman bears three children instead of six, and her children and grandchildren do likewise, she will have 27 great-grandchildren rather than 216. If Nigeria, which now has 98 million people, reaches replacement fertility by 2010 rather than 2040, as currently projected, its eventual population would be 341 million, rather than 617 million.

So, what we achieve in the way of making family planning services available in this decade will determine whether world population stabilizes at double today's level or at triple that level—or more.

The model for achieving universal access to voluntary family planning by the year 2000, and the stabilization of population at the earliest feasible date, is the 1989 Amsterdam Declaration, a practical blueprint issued by the 80 governments—including the United States—that participated in the United Nations Amsterdam Forum on Population. That plan is based on studies which indicate that if quality contraceptive information and supplies were readily available, about 75 percent of reproductive-age couples in most countries would use them, compared with just over 50 percent today. At the 75 percent level of contraceptive use, people tend to have an average of just over two children per couple, which results in replacement-level fertility.

The Amsterdam plan calls on industrialized countries to incrementally increase population funding to $4 billion by the year 2000. Fully funding our share of the plan next year would require raising that amount to $800 million, or to put it another way, the United States could be doing its fair share to make family planning services available universally by devoting a mere .05 percent—five hundredths of 1 percent—of total Federal expenditures to international family planning programs. While this amendment does not raise total spending to the level called for by the Amsterdam plan, it does bring us significantly closer to achieving this important goal.

This will be an historic year for global population concerns. In September, political leaders and other decision makers from more than 190 countries will convene in Cairo for the International Conference on Population and Development [ICPD], which will seek to forge a new international consensus on the importance of slowing population growth. By increasing funding levels this year, Congress would underscore to the international community the seriousness and commitment with which the U.S. approaches the population issue.

Combating rapid population growth is the most humane, farsighted, and economically effective effort we can undertake. An increase in funding now will save many times this expense in future U.S. foreign assistance, will greatly reduce human suffering, and will promote global peace and security.

Our Nation's interest is clear. Slowing population growth is fundamental to everything else we do to improve living conditions abroad and to protect our own national interests. Our failure to address this problem adequately will mean that most of our efforts to promote peace, security, and the well-being of people around the world, now and in the future, will continue to be wasted.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, when I look at the gentleman from California [Mr. BEILENSON], I am reminded of Will Rogers' comment when he said, "When two people agree on everything, one of them is unnecessary." That is the way I feel about the gentleman from California. He and I agree a very high percentage of the time, but I am simply pained to say that tonight I cannot agree with him, even though I respect and agree with his expressed concerns about the need for greater funding for this program.

The fact is that we have made population programs one of the top priorities in this bill already. In 1989, we were providing $198 million for this program. Last year we were providing $392 million. That represents a very large increase over such a short period of time. Last year we were providing $392 million, and the bill provides $450 million, which is a 15 percent increase.

The gentleman wants to provide an additional $100 million, and I sympathize with his efforts, but the problem is that when he finances the cut, he has to cut a number of other programs which are, in my view, equally worthy, and in fact, the effect of the amendment winds up also reducing resources available for population programs in the United Nations programs and in Africa. It also cuts other humanitarian programs. I just do not think it is advisable to do that.

Mr. Chairman, I would point out that no population program, no family planning program, is going to be successful until we elevate the power and the role and the say of women in Third World societies, because that is the key, at least one of the keys, in achieving effective population growth reductions.

There is also another, I think, particularly troubling aspect of the amendment. I want to make clear this amendment does not in any way touch aid, either economic or military, to Egypt or Israel, but it does leave us in the peculiar position on the military aid portion of the bill. For instance, it does leave us in the peculiar position of having only $4 million left in the entire bill for the rest of the world once aid has been provided for Israel and Egypt. That is clearly an untenable position. I do not think that anyone would suggest otherwise.

Mr. Chairman, the gentleman is right in his concern. I respect his passion. I respect his commitment. I think he does a great public service when he takes the floor to spell out the fact that we are inadequately supporting this program, but that is the case with an awful lot of other programs as well.

It is part of the price we pay for the budget squeeze which is going to squeeze the purchasing power of every discretionary dollar in the budget by 20 percent over the next five years. It is a price I hate to have to see us pay, but we have no choice but to pay it. That is why even the major population groups in the country are opposed to the Beilenson amendment.

The Alan Guttmacher Institute, Population Action International, and Planned Parenthood Federation of America all say in a letter, "It is important to remember that the Foreign Operations Subcommittee has treated population assistance very well in its bill relative to most other sustainable development programs."

They say in another paragraph, "Most of our organizations have been participating in coalition efforts to protect funding for sustainable development programs. In the spirit of cooperation and common purpose with our coalition partners, we cannot support your amendment, especially if the increase for population is funded by reductions in other sustainable development programs."

Mr. Chairman, I would urge rejection of the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican.

Mr. LIVINGSTON. Mr. Chairman, I like, respect, and admire the gentleman from California [Mr. BEILENSON], but I must oppose his amendment. In 1992 this House gave $246 million to this account. In 1993 they gave $350 million, a 42 percent increase; in 1994, $392 million, a 12 percent increase. In 1995 we proposed $450 million, another 15 percent increase over last year, and the gentleman proposes another $100 million.

Mr. Chairman, in a time of declining foreign aid budgets year after year after year, this account is going up astronomically. These are tremendous increases. When we add the money that we are already applying to population control, consider the fact that in the development fund for Africa, 10 percent of $784 million or $78 million is also going to similar programs.

Consider also that the UNFHA applies $40 million, not to mention all of the money that the World Bank applies to this type of assistance. That is $568 million currently in this year's bill, plus the World Bank, going to this account.

The developed countries last year, according to Global Monitor, May, 1994, developed countries gave approximately $755 million in 1991 for population activities in the developing world. Overall, 10 countries accounted for 96 percent of all such donor contributions. The United States contributed nearly half. How much do we have to contribute?

□ 2050

Mr. Chairman, I would like also to point out a letter to the same periodical from a Peruvian woman who says:

> I am a Peruvian health worker in one of the poor areas of Lima. Here in Peru, we women greatly value the family and love our children, but economic conditions make it difficult to raise and nurture our family in even a minimal way. The deplorable economic condition is our real problem. We don't need birth control, we need an end to our poverty.
>
> At times I view with sadness the fact that many women bring their children with an injury or a burn to health centers that don't even have gauze or antiseptics but the shelves are filled with birth control pills. I think that if the United States or any other economically developed country wants to help us, before offering birth control, it should think about what we want and need. Our country needs technical and economic assistance to make progress.

Mr. Chairman, I could not say it any better.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise reluctantly to oppose the Beilenson amendment because though I appreciate the long history of hard work by the gentleman from California [Mr. BEILENSON] on this critical issue, this amendment would upset the delicate balance we have sought to achieve in the foreign operations appropriations bill. Under Chairman OBEY's leadership, we have made a significant commitment to critical population assistance while working within extremely tight budget constraints to create a bill that responsibly deals with our commitments in the developing world.

This amendment—as well intentioned as it is—would threaten the carefully crafted bipartisan agreement that has brought this bill to the floor. While .75 percent sounds minimal, in a bill where we have worked hard to make real cuts even in very small accounts the impact can be severe.

Indeed, the committee has worked hard to craft a bill that contains a large increase in population assistance—$58 million over fiscal year 1994 funding. These funds will reduce infant mortality, improve women's lives, and help stabilize exponential population growth which threatens the ability of developing nations to move forward. Surveys show that more than 500 million married women worldwide want contraceptive methods but cannot obtain them. The Worldwatch Institute reports that a mere $1.50 invested per woman per year would enable most nations to reduce maternal deaths by more than 60 percent. Clearly, we can and must do more to support these efforts—and this bill is an important step.

In addition, I am particularly proud that the report for this bill includes for the first time ever a direction that up to $20 million in aid to the newly independent states be spent for urgently needed family planning assistance there. This is a sensible and humane response to the appalling lack of contraception in the NIS, which has led to reliance on abortions, often performed in unsafe conditions, as a method of family planning. This is just one example of how other accounts in this bill—not just that designated for population—are helping with this critical need.

Mr. Chairman, this bill contains a strong, increased commitment to population assistance, and while I deeply appreciate Congressman BEILENSON's long history of hard work on this critical issue, I urge my colleagues to oppose this amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the subcommittee.

Mr. PORTER. Mr. Chairman, I commend the gentleman from California for the intent of his amendment. He speaks the truth. No one has been more forthright or a stronger leader on this most vital issue than my friend and colleague from California. I believe, as he does, that voluntary family planning is the highest global priority. The closing comments of the gentleman from Louisiana almost lead me to support the amendment. Rampant population growth undermines economic gains in developing countries, puts pressure on the environment and food production and delivery systems, and can destabilize entire regions.

The United States made a commitment to providing the resources to help other nations stabilize the world's population in the early part of the coming century. At the Amsterdam Conference in 1991, the U.S. delegation signed a document pledging to work toward providing our fair share of the funds necessary to meet this goal. This year our share would be about $800 million. By 2000, we should be providing a billion dollars to population programs.

The gentleman from California, and many other Members, including myself, have worked with Mr. OBEY and other members of the subcommittee to try to meet this funding goal. Given the tremendous budgetary pressures we face, I believe we have made very good progress in increasing funding for voluntary family planning. Funding for the population account has increased 50 percent in the past 4 years while many other accounts have been declining. In addition, we are again providing funds to UNFPA, which works in many nations that AID does not, dedicating nearly $80 million in Subsaharan African assistance to population programs, and AID is considering expanding its small voluntary family planning program in the former Soviet Union. All told, this bill provides nearly $600 million for population programs.

I am torn, because I am second to only my friend from California, perhaps, in the House in my desire to see us meet the Amsterdam funding levels. But I believe we have done the best we can for population in this bill given the subcommittee's 602(b) allocation and other priorities that must be funded in this bill. I must also say that the chairman has been tremendously accommodating and deserves a great share of credit for the increase in resources for these worthwhile programs.

The intent of the amendment is pure and admirable. I vote for it in my heart. Nevertheless, I am troubled by the affect of reducing other accounts further to bolster voluntary family planning. I would urge the gentleman to withdraw the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me the time.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from California [Mr. BEILENSON].

In bringing the foreign operations bill to the floor today, both the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON] have worked hard to assure that at least modest funding would be available for a myriad of important humanitarian, environmental and peace promoting activities. I do not agree with many of the allocations, but I respect the sincerity of the authors of this bill.

Mr. Chairman, ironically one of the most controversial programs funded by U.S. taxpayers is actually slated to get a hefty increase in this bill. Total population control spending increases by 15 percent to a whopping $569 million in fiscal year 1995.

Yet for some, a 15-percent increase still is not enough, even when other, more worthy programs are either straight-lined or cut.

The gentleman from California, Mr. BEILENSON's amendment takes a whack out of the U.N. children's fund, Middle East peace efforts, the Peace Corps, the fund for Ireland, which like other programs is already below the President's request, the nonproliferation and disarmament fund, refugee assistance, international narcotics control, peacekeeping, aid to Israel, Egypt and El Salvador, and the African Development Foundation.

As incredible as it sounds, even assistance for the world's children will be cut to accommodate population control.

The child survival fund is one of the most remarkable humanitarian initiatives ever launched by the U.S. Congress.

I am very proud of the fact that when President Reagan's budget zeroed it out in the mid-1980s, I offered the amendment and doubled its funding. I have worked to enhance and expand this fund for years.

Mr. Chairman, last June I authored an amendment to the Foreign Assistance Act that passed the House to earmark $275 million for the child survival fund.

Despite the fact that the child survival fund and UNICEF's immunization and oral rehydration therapy programs have saved millions of kids from the agony of polio and other diseases and will save countless others from tetanus and psoriasis in the future, the gentleman from California [Mr. BEILENSON] proposes to take some of that vital money away from the children to expand population control.

Mr. Chairman, finally let me remind Members that ever since Mr. Clinton reversed the Mexico City policy of the Reagan/Bush era, the U.S. Agency for International Development has poured and is pouring hundreds of millions of dollars into the coffers of NGO's that use their funds to aggressively promote abortion as a method of birth control. One of their goals are the approximately 100 sovereign nations around the world, especially in Latin America, South America and Africa that have laws that protect the lives of unborn children.

Mr. Chairman, the $100 million contained in the Beilenson amendment would go to groups that want to change all that.

Mr. Chairman, I respectfully submit that they do not deserve it.

Reject the Beilenson amendment.

Mr. BEILENSON. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from California [Mr. BEILENSON] is recognized for 5 minutes.

Mr. BEILENSON. Mr. Chairman, yes, obviously many of the comments made by my friends and colleagues who seem to be supportive of the idea but cannot bring themselves to vote for it, most of what they have said is quite true. It does cut other programs, it does cut programs in Africa, the African Development Bank. It does cut programs in the World Bank. It cuts those programs by three-fourths of 1 percent. It cuts them by three-fourths of 1 percent. I think they can afford to be cut that much.

Mr. Chairman, we spoke about Africa. Let me tell Members two things about Africa: Every 3 weeks, there are 1 million additional people in Africa over what there were 3 weeks earlier. In 25 years, not 50 years, not 100 years, in 25 years, the population of Africa will have more than doubled.

Mr. Chairman, we can fritter away our monies to the African Development Bank or we can make family planning help available to the hundreds of millions of couples in Africa and other continents and in other nations around the world who want it.

Yes, the committee has done a wonderful job. I spent 2 of my first 10 minutes commending the gentleman from Wisconsin and his colleagues on his subcommittee. They have raised the spending, the appropriations for this most important area a great deal in the last 3 or 4 years. I commend them on that. But my argument is that unless we do more, all of the rest of the good things that that committee proposes and that we support them in is eventually utterly futile.

Mr. Chairman, if we do not solve this problem, the rest is money wasted. This amendment is an effort to deal more seriously even than we have in the past with what I and many others believe is perhaps the most immensely fundamental and important issue which faces this entire planet.

As I told my colleagues before, we will have more than 100 million additional people by the end of 1 year from now.

At this moment, more than 5.6 billion people share our planet. By this time tomorrow, another quarter of a million will be added to that number.

Ninety-five percent of the newcomers will be born in the developing world. Many of them will die in childhood of malnutrition or disease, and most of the rest will live out their lives in countries that cannot adequately feed and shelter the people they already have.

By the year 2020, the world's already strained and overexploited resources will have to sustain life for more than 8 billion people—an increase of 2½ billion, most of them desperately poor, in just 25 years.

The harsh fact is that without a decrease in population growth rates, the outlook is bleak, both for developing countries and for our ability to provide them any real, sustainable help.

So long as current population trends continue, the billions of foreign-aid dollars we spend each year in an effort to alleviate poverty and stimulate economic growth in the Third World are simply being wasted; our generosity will always remain several steps behind the growing number of mouths to feed, and hands to employ.

No matter how much aid is given by the United States, and others, the truth of the matter is that developing countries cannot solve their economic problems without first solving their population problems. The reason is obvious: In most Third World countries today, populations are growing faster than the ability to provide food, shelter, health care, education, and jobs.

If these countries cannot adequately meet the basic needs of their own people now, surely they will be less able to do so in 25 years, when their populations will have doubled. By then they will be much worse off, even after the expenditure of billions of dollars in economic assistance in the meantime by us and others.

This inevitable reality of population growth is so simple and so inescapable that our failure to recognize it is striking. Yet we mindlessly go about our business, throwing away billions of well-intended foreign-aid dollars on aid that is not doing the supposed beneficiaries any real or lasting good.

Hundreds of millions of people throughout the world would welcome greater family planning assistance. Surveys indicate that half of the married women in developing countries do not want any more children; millions more would like to delay subsequent births.

Providing greater amounts of family planning aid would be, without question, the most constructive, cost-effective, and humanitarian contribution we could make to help developing countries achieve economic and political self-sufficiency, and to better the quality of life of people around the world.

We would be sending a needed message to the entire world that all of us—rich and poor nations alike—are careening toward immense and irreversible human and environmental tragedy that can be averted only if we immediately get serious about slowing our planet's burgeoning population growth.

☐ 2100

Mr. OBEY. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, the chairman of the subcommittee, for yielding me this time.

The gentleman from California has been a leader in the fight for a sensible population policy at the State and national levels. But I disagree with him as to methods in this case.

He correctly says that if we do not encourage population control, other parts of foreign aid do not work well. But the reverse is also true, and it may be the converse or the obverse, and I never know which is which of those: the opposite, that is, for population control, for birth control to work well, it cannot be done in isolation.

There is increasing evidence of what is commonsense true, one of the best things you can do to help curtail population growth is to improve the status of women in the society. Women who are kept literally ignorant, women who are given no real job opportunities, women whose lives are not going to mean very much because of a variety of economic conditions and social mores are much less likely to be interested in and cooperative with a family planning program. So it is certainly the case we need to do family planning as this appropriation does, but it is also the case that, and we are now beginning, through the efforts of many Members, to get the multinational banks and others to pay more attention to such important issues as improving the status of women.

If you do not put a great deal of attention on improvements in the educational and occupational opportunities of women, if you do not break through, in many societies, the kind of oppression that women are faced with, then birth control efforts will not work very well. Because physical availability alone and even information about how to use techniques does not work until and unless there is some kind of broader predisposition toward it, and that comes in part with an improvement in their status.

It is also the case that there are other important programs. The gentleman from California reminded me of the important work of the refugee situation. Tragically the world today is faced with a grave increase in refugees. Cutting anything out of the refugee account seems to me to be an error.

So I agree that we should be focusing on population control, and I think one of the advantages of the new administration is that it has reversed some policies that interfered with that. I think the subcommittee bill reflects that.

I think it would be a mistake to try and take it out of context, and we are already grievously underfunding a whole range of accounts.

The tragedy here is there is too little money available here for all of these programs. I do not think we can overcome that by beggaring some of them to fund this account, and I think we will best achieve the goal of a sensible population policy by doing these in a balanced way.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. BEILENSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 54, noes 371, not voting 13, as follows:

[Roll No. 207]

AYES—54

Abercrombie
Allard
Beilenson
Boehlert
Bonior
Brown (CA)
Brown (OH)
Bryant
DeFazio
Derrick
Edwards (CA)
English
Eshoo
Farr
Fawell
Filner
Gilchrest
Gordon
Hamburg
Hoagland
Inslee
Jacobs
Kopetski
Kreidler
Lambert
Leach
Lloyd
McDermott
McKinney
Meyers
Miller (CA)
Minge
Mink
Moran
Morella
Neal (NC)
Pastor
Payne (VA)
Price (NC)
Rostenkowski
Sanders
Sawyer
Schroeder
Sharp
Skaggs
Slaughter
Stark
Strickland
Studds
Swift
Synar
Valentine
Velazquez
Waters

NOES—371

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
Evans
Everett
Ewing
Fields (LA)
Fields (TX)
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)

Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blackwell
Dingell
Faleomavaega (AS)
Fazio
Fish
Ford (MI)
Grandy
Horn
McDade
Murphy
Underwood (GU)
Washington
Whitten

□ 2124

Mr. DOOLITTLE and Mr. TOWNS changed their vote from "aye" to "no."

Mrs. MINK of Hawaii and Mr. ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 103-530.

For what purpose does the gentleman from Ohio [Mr. TRAFICANT] rise?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. . (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide, to the greatest extent practicable, to such entity a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, American tax dollars go to foreign countries. This amendment says, when they do not produce a product in their own country, the Congress of the United States encourages them to buy American made products by Americans who pay taxes who provide money for this foreign aid.

Mr. Chairman, the modest measure would also give a notice to that effect, and perhaps, maybe we might get a few American jobs out of the bill.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, in the interest of saving time I would simply like to say we have no objection. I do have a short comment I want to make on my time, but we have no objection on this side. We will accept the amendment.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON Mr. Chairman, we have read the gentleman's amendment. We think it is a good amendment, we support it and have no objection to it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I say to my colleagues, We can get out of here very quickly. Before we rise, I simply want to thank the staff for the work they have done on the bill: Terry Peel, the staff director; Mark Murray, Bill Scheurch, Lori Maes, Pat Summers from AID; the minority staff, Jim Kulikowski who represents the gentleman from Pennsylvania [Mr. MCDADE]; Trip Funderburk, the valuable staff assistant for the gentleman from Louisiana [Mr. LIVINGSTON]; from the administration, Bob Lester from AID, Carol Schwab from State, and most especially Mike Marek who has served me on this bill for 17 years and who will shortly be leaving for a different job. I am going to miss him very much, I know the committee is going to miss him very much, and I would have been remiss in my duty if I did not make full recognition of the service he has done for the House over these past 17 years.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding to me. I would just like to add my own mega-dittos and say that the staff has been tremendously helpful to both sides of the aisle. We could not have gotten through all of this bill as quickly as we did today without their magnificent help, and I appreciate their assistance.

□ 2130

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, pursuant to House Resolution 443, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CALLAHAN. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Callahan moves to recommit the bill, H.R. 4426, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendment:

On page 32, line 1, strike "$900,000,000" and insert in lieu thereof "$875,500,000"; and

On page 36, line 5, strike "$100,000,000" and insert in lieu thereof "115,000,000".

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN], will be recognized for 5 minutes, and the gentleman from Wisconsin [Mr. OBEY], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN.]

Mr. CALLAHAN. Mr. Speaker, the purpose of this motion is to provide an additional $15 million for the International Narcotics Program, and to offset the addition by reducing the aid to the former Soviet Union, Russia. This motion goes a little ways toward what the Gilman-Rangel-Oxley amendment would have done, had it been made in order. It restores $15 million of the administration's requested $52 million budget increases.

Mr. Speaker, some would argue that the International Narcotics Program is not as effective as it should be, but I would argue that neither is the program aid for Russia.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to indicate that on this side we have no objection. We accept the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. OBEY. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 4426, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

On page 32, line 1, strike "$900,000,000" and insert in lieu thereof "$875,500,000"; and

On page 36, line 5, strike "$100,000,000" and insert in lieu thereof "$115,000,000".

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 87, not voting 9, as follows:

[Roll No. 208]

AYES—337

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—87

Applegate
Archer
Armey
Baker (CA)
Barrett (NE)
Barton
Bonilla
Brooks
Bunning
Buyer
Callahan
Canady
Collins (GA)
Combest
Condit
Crane
Crapo
DeFazio
Doolittle
Dreier
Duncan
Emerson
Everett
Fields (TX)
Gallegly
Gekas
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hayes
Hefley
Hefner
Herger
Hutchinson
Inglis
Jacobs
Johnson, Sam
Kaptur
Lewis (FL)
Lloyd
McCandless
McKeon
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Petri
Pombo
Quillen
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Roth
Sanders
Sarpalius
Schaefer
Schroeder
Sensenbrenner
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Traficant
Valentine
Volkmer
Walker
Weldon
Young (FL)

NOT VOTING—9

Blackwell
Fish
Ford (MI)
Grandy
Horn
McDade
Murphy
Washington
Whitten

□ 2153

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I inadvertently voted incorrectly on roll call number 207, the Beilenson amendment to the Foreign Operations Appropriations bill. I would like to express my strong support for the Beilenson amendment and funding for international family planning, even though my vote, unfortunately, does not reflect it.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4426, the bill just considered and passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to make technical and conforming changes including section renumbering, during engrossment of the bill (H.R. 4426).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT AS MEMBERS OF THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 1928a, the Chair on behalf of the Speaker appoints to the United States group of the North Atlantic Assembly the following members on the part of the House:

Mr. ROSE of North Carolina, chairman; Mr. HAMILTON of Indiana, vice chairman; Mr. BROOKS of Texas; Mr. COLEMAN of Texas; Mr. SOLOMON of New York, and Mr. BEREUTER of Nebraska.

□ 2200

PARLIAMENTARY INQUIRY

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I noticed when the names were read, and I did not object to it at the time, that someone was putting 17 different items into extension of remarks. Is that not above the limit that we normally would have in the House?

The SPEAKER pro tempore. The Chair is not aware of any limit under the rules.

Mr. WALKER. There is no limit? I always heard informally that the limit was 10.

The SPEAKER pro tempore. But the Chair will state that is unusual.

Mr. WALKER. I thank the Chair.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

U.S. HAITIAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, I think it is time for a brief review of our policy in Haiti. I would like to begin by stating that it is as desperate a situation now as it has ever been.

Just a few days ago a new wave of killing resulted in the destruction of a group of supporters of President Aristide. The military thugs who are in charge of Haiti are not impressed at all by the new imposition of sanctions by the United Nations. The United Nations sanctions have come much too late, and they are well prepared for them. Their stockpiles are higher. They have built a new highway which crosses the border into the Dominican Republic. The very rich and the military have no fears at all of being inconvenienced by this new embargo and set of sanctions imposed by the United Nations.

Mr. Speaker, we have never seriously enforced sanctions, so they do not believe we will seriously enforce them now. The situation deteriorates each day, and the only solution is a more affirmative policy by this Nation.

If we are serious about enforcing sanctions, one of the things that must be done immediately is to seal the border with the Dominican Republic. The Dominican Republic border is an open sieve through which flows everything that is on the list of the sanctions and the embargo. If we are serious, it seems to me that the United Nations resolution allows for the United Nations or any nations participating to take any necessary actions to see to it that the embargo is enforced.

We have ships which are on the seas around Haiti, and those ships are empowered to stop other ships, to search other ships, to turn back ships that have the wrong cargo. We are involved very much on the seas in enforcing the embargo that has been imposed. I do not see why we cannot seal the border with the Dominican Republic on the Haitian side and consider that also a part of our duty to enforce the embargo.

Mr. Speaker, this is the kind of forceful step that ought to be taken if we are serious about the embargo.

We should also stop the flights going into Haiti carrying all kinds of cargo in the form of private passenger ships or commercial passengers. We have not lifted the visas of the Haitian elite who have supported the coup. We have not lifted the visas of all of the military. We have not frozen assets. There are a number of things still left to be done. I think we should do all of these things seriously and wait for 30 days to see what effect we are having, and then we should seriously consider the implementation of a military solution. We mean by a military solution what the Congressional Black Caucus voted on last October. Last October we voted for protective military intervention.

Here is the situation. In the case of Haiti we have an elected president, Jean Bertrand Aristide, who was elected by 70 percent of the voters. It is not the chaos of Somalia, it is not the chaos of Rwanda, it is not the breakup into organized factions of Bosnia and Yugoslavia. It is the situation where the recognized head of government, elected by 70 percent of the people, sits here in Washington. We can take him back with protective troops. It is not an invasion if you take the elected government back. It is not an invasion if you protect everybody who is elected, all of the Cabinet members, all of the members of the opposition. Everybody who has been elected by the people should be protected by this protective force.

If there are any forces in Haiti which choose to attack the protected forces, then they have to be repelled, they have to be dealt with. But it is not an invasion. It is interference with those who have been sent in to protect the legally elected government.

Aristide is the people's choice. Aristide is a unified force in Haiti. Aristide can give a new birth to the country. The country has been poor for a long time, the country has been wracked by an unstable government for a long time. But in the 7 months that Aristide served as president some unusual things happened.

There was no great input of foreign aid from the United States or any other country. However, the people had hope for a change, and because they had hope, and because they looked forward to an honest government, because they looked forward to order, because they looked forward to an atmosphere in which investment would be made, there were people not only not leaving Haiti, but many Haitians were returning from the United States and countries all over the world.

So the hope of Haiti, the future of Haiti lies in the men they have chosen, the elected leader of Haiti, Jean Bertrand Aristide, and we should take whatever means necessary in the next 60 days to ensure that Jean Bertrand Aristide is returned to Haiti.

EXPLOITATION OF CHINESE LABOR STANDARDS BY U.S. CORPORATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as we debate whether or not to renew MFN status for China, we must remember that the debate is not simply over whether China has committed human rights abuses. It has been well-documented by international human rights groups, such as Asia Watch, that China has and continues to abuse the basic rights of its own people. As reported by the Washington Post, New York Times, all the networks—China continues to export products made by prison labor; China continues to routinely round up and jail political dissidents; China continues to persecute Christians and other people who believe in something more than the Chinese Communist Party. The Chinese Government does not even bother to deny its actions. In reality, there is very little to debate in terms of the Chinese Government's human rights policy.

No, the debate over renewal of China MFN status should be seen in the wider context of our economic and trade relationship with China; and further how that trade relationship affects the progress toward democracy-building and respect for individual citizens in both China and here in this country. The debate should be over whether America wants to be an active supporter, by renewing MFN status, of labor abuses in China and the continued loss of jobs in the United States. The debate should be over who actually is benefitting from the renewal of China MFN status—what U.S. corporations have a stake in China. And the debate should be over which democratic values this nation is willing to champion on the international scene. Because I ask you: Is the average Chinese worker benefitting from China's MFN status? As reported in the Wall Street Journal, Chinese workers earn a "living wage" of a few dollars a day, toil 15 hours a day, get few holidays, have overtime forced upon them, live in "dank dormitories" and are made to eat food not fit for human beings. One Chinese worker was quoted as saying, "Two people died from the food! And if you complain, they fire you! The worker is the lowest person in China!"

The Chinese worker does not seem to benefit from extending China MFN status. In fact, during this latest phase of Chinese economic growth, China's Labor Ministry recorded more than 8,000 strikes in China. The Chinese worker would seem to be more angry than content with the working conditions in China.

Does the average American worker fare any better with China MFN? The Administration and the U.S. corporations who support renewal of China MFN constantly state that exports create American jobs. That China is a $9 billion dollar market for U.S. exports. What they do not say is that the U.S. actually runs a $23 billion dollar trade deficit with China. $23 billion dollars worth of lost jobs. A trade deficit that has increased by 335 percent over the last 10 years. The vast majority of American workers certainly do not benefit from trade with China.

So then, if the average Chinese and American worker does not benefit from China MFN status, who does?

Mr. Speaker, I submit to you that the true beneficiaries of China MFN status are those same U.S. corporations who are fighting tooth and nail for the renewal of China MFN status today.

Let's just take one example of a U.S. corporation which has profited immensely from China MFN. A brand name that seems to all of us as the essence of American business and culture: Nike. As reported in the Washington Post on May 23, nearly 30 percent of Nike's shoes are produced in China. Not a single Nike shoe is made in the United States. Nearly one out of every three pairs of Nike sports shoes is cut, stitched and glued together in factories in China, the single largest foreign source country, out of many source countries for Nike, in Asia.

Nike, a supposedly "American" company, employs roughly 300 administrative personnel in Seattle, Washington. But Nike employs thousands of Chinese workers in provinces such as Guangdong, China. While Nike would be required to pay a decent wage to an American worker, Nike gets by with paying only $10 a week to its workers in China. This "American" company then imports the tennis shoes to the United States at the lowest possible tariff rates under China's current MFN status.

Nike's production costs average approximately $8 per pair of shoes made in China. The last time I checked at my local Foot Locker outlet, a pair of Charles Barkley basketball shoes—a Nike brand—sold for $135.99, not including tax. So you can see who makes the money.

It is clear who stands to benefit from the renewal of China MFN status. It is not the Chinese worker who earns $0.25 cents an hour in the apparel industry in China. It is not the American footwear worker in Maine who has lost his or her job only because they would be paid a decent, living wage in our country. It is those "American" companies, like Nike, who profit immensely from low tariffs under China MFN status. These are the same "American" companies which have increased their investments in China by over 1,000 percent since 1990. About $5.5 billion of investments taken out of the United States and placed in China.

Mr. Speaker, while China's human rights policy is a great cause for concern, the debate over whether or not to link human rights and trade is simply not reflective of the larger debate which needs to be waged in the United States. The link to be pointed out between both the United States and China is the abuse of people for the profit of a few U.S. corporations and foreign governments such as the Chinese Communist Party. The debate should be about building democracy as essential to free trade. At the very least, what should be debated is NOT how trade agreements will benefit a few U.S. corporations but rather how trade can improve the lives of the many individual workers that trade affects and nations in which they live.

□ 2210

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the vote on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 25, 1994:

COMMITTEE ON EDUCATION AND LABOR—SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 25, 1994

The following recorded vote was taken on May 25, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. A motion by Mr. Kildee to favorably report H.R. 3600 as amended by the Williams Substitute (as amended in Subcommittee). The motion was agreed to 17–10

DEMOCRATS

Mr. WILLIAMS, Yea; Mr. FORD (ex officio), Yea; Mr. CLAY, Yea; Mr. KILDEE, Yea; Mr. MILLER (CA), Yea by proxy; Mr. OWENS, Yea; Mr. MARTINEZ, Yea; Mr. PAYNE, Yea; Mrs.

UNSOELD, Yea; Mrs. MINK, Yea; Mr. KLINK, Yea; Mr. MURPHY, Yea; Mr. ENGEL, Yea; Mr. BECERRA, Yea by proxy; Mr. GREEN, Yea; Mrs. WOOLSEY, Yea; Mr. ROMERO-BARCELÓ, Yea;

REPUBLICANS

Mrs. ROUKEMA, Nay; Mr. GOODLING (ex officio), Nay; Mr. GUNDERSON, Nay; Mr. ARMEY, Nay by proxy; Mr. BARRETT, Nay by proxy; Mr. BOEHNER, Nay by proxy; Mr. FAWELL, Nay; Mr. BALLENGER, Nay; Mr. HOEKSTRA, Nay; Mr. MCKEON, Nay by proxy.

LET THE PRESIDENT DO HIS JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to read into the record today portions of a letter I received from Charlotte M. Dixon—one of my constituents in Stone Mountain, GA:

> I pay taxes and I vote, and I am writing you to say I don't care one bit about this 10 year old Whitewater junk, or anything else this President might or might not have done before he was elected President. President Bill Clinton won this latest election because the people wanted the changes he promised to try to make in this country, and I want you, as a Congressperson elected to represent my state, to help him do exactly that.
>
> I care about the thousands of hungry and homeless people we have. I can't go to a concert or a play in downtown Atlanta without literally stumbling over some poor homeless person on Peachtree Street.
>
> If a gay person wants to serve his or her country in the military, then I believe they should be allowed to do so, and we should be grateful. The Tailhook incident seemed to me to indicate a serious problem with the heterosexual males in the military.
>
> As a woman and as a mother of two daughters, I care about women's rights, including the right to safe and legal abortion.
>
> All these things and more, I care about. I am not the least bit interested in whether President Clinton has ever had an affair.
>
> And while I'm at it, I want to say that I'm very glad that Hillary is trying to help him do this.
>
> I don't like this distraction, and I don't like my tax money being spent for this ridiculous investigation.
>
> You people need to get a grip here, and start doing what we sent you all to Washington to do.

I agree with you, Ms. Dixon. More of us in Congress need to put the American people first and let the President do his job!

THE 50TH ANNIVERSARY OF ASTOUNDING EVENTS IN WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I wish I had an hour special order tonight. I may get a chance to do one tomorrow to talk about some of the 50th anniversary of just astounding events in World War II that will be coming up during this district work period break when there will be no one on the floor to just cause a moment of pause and reflection to think about the age of heroes that I experienced from my 8th to, well, through my 12th year as a young person.

Like many Americans of my generation and teenagers, older than I, and even people like my younger brother, younger than I, we had maps on the walls; in my case, my brothers and I had a map of the Pacific area on one wall and the North Africa-Mediterranean-Italian-Europe theater on another wall, and we followed the course of the war.

And to show you how we have gone all through 1992 and 1993 with hardly a moment's pause here to reflect on the dark years for America and for our European allies in World War II, 1942 when we were not sure at all we could beat the axis powers, Japan, the Fascist forces of Mussolini and the Nazi forces of Hitler, and then the turnaround year of 1943.

Just today, for example, just today, 50 years ago, Allied troops, Polish forces, American forces, Canadian, British, particularly the Americans at the Anzio bridgehead where we had been stuck for 4 months and 3 days, we broke out of Anzio, and 10 days later, almost eclipsed by the incredible landings on the beaches of Normandy, the enternal city of Rome was liberated by Allied forces June 4, 1944.

And this House Chamber will be dark on that 50th anniversary. Two days later the Normandy invasion.

My first 15 years here, 15½ years, I had a living, breathing reminder of that incredible event sitting right here in this chair, a good pal of my colleague here, Chris Heil used to sit there, looking for all the world like a gentle leprechaun, taking down our words, and yet Chris had been one of the engineers that had defied belief when trying to comprehend heroics.

People often say when they see these incredible black-and-white newsreel shoots of the first ramps dropping on the very First British, Canadian, or United States little small landing craft, and you could see the waterspouts of machine gun fire just popping up all in front. You would read the accounts of men hearing the bullets hitting the ramp, the face of the ramp door before it would drop, and you would charge out into this hail of fire.

Over the next 2 weeks, we will see over and over again those tragic shots of four or five Americans coming up the beach, one drops, two, then three, then four, and then only one is standing.

□ 2220

What could be worse than being the first one or two men off of the landing barges at the British and Canadian beaches of Gold and Soar and Juneau, the beaches that ring with the historical name Omaha, Utah, where the American 1st and 29th, our divisions went in hitting those beaches? And yet there is a tougher job. Chris Heil, who sat here for decades, was one of the engineers who went in in the dead of night before the dawn and tried to make the beach safer for landing by swimming from tank trap to tank trap and cutting the barbed wire, trying to make the beach more safe for men just his age, young men in their late teens, early 20's, who would come after him. Chris was wounded that day, later in the day, an Army engineer. He went to a hospital, recovered, went back into the fighting, wounded again, back to the hospital, recovered, wounded again in the Ardennes/German offensive, the Battle of the Bulge, in December. We will not be in during December, the 50th anniversary of the Battle of the Bulge. What I would like to put in the record today in just these short moments is an article from Newsweek magazine that describes the unthinkable, "What if our allied forces had been thrown off the beaches?" One of the most poignant stories is the message that President Eisenhower prewrote, carried in his pocket, that he would read to the press if we failed and were pushed off in what would have been a near-massacre, back into the water. Why the allies won and what would have happened if we had been repulsed on those beaches in that tremendous battle which Rommel himself called the longest day of the war.

Mr. Speaker, I submit these for the RECORD.

First, "What if D-Day had failed:"

Adolph Hitler could have used the time gained to continue development and use of his "Vengeance" weapons—V-1 and V-2 ballistic missile and just contemplate, we still have no defense today against a modern V-2 ICBM. We should not wait for another Hitler to use similar weapons. Instead we should immediately develop near-term, a low cost ballistic missile defense (BMD) systems such as Navy upper-tier the LEAP option, which could provide wide-area BMD coverage to our allies and forward deployed forces using existing Aegis cruisers and destroyers, an improved "Standard" air defense missile and the LEAP kinetic energy interceptor.

Second, the crucial role of intelligence:

British intelligence controlled all information going to Hitler from German spies around the world. This is why it is so important to prevent treason within our own intelligence community such as the Ames case which could have cost the lives of over ten foreign agents. Such intelligence was vital then and remains so today in the post-Cold War ear.

Third, importance of bombers:

Frontline Panzer divisions recall the carpet-bombing of American B-17s and B-24s during the invasion. Had we been unable to quickly deploy ground forces to Saudi Arabia during Desert Shield, bombers would have been our only option to stop the advancing armor formations of the Iraqi military. This is why we need to maintain a modern, capable bomber force and that means B-1 lancers and B-2 spirits with conventional enhancements including precision guided bombs and weapons.

Fourth, Germans had better weapons but Allies had more mobility:

Despite outstanding German weapons, the Allies were able to outmaneuver the Germans because of systems such as the C–47 transport aircraft which could "land almost anywhere" and the 2½ ton truck which could literally smash through small trees.

The C–17, like the C–47, can really land U.S. troops almost anywhere in the world (10,000 more runways, unimproved, than a normal airlift aircraft).

The V–22, "Osprey" like the 2½ ton truck, can overcome nearly any obstacle in the delivery of troops and supplies.

Mobility is a direct function of technology, this is why we must develop systems such as the C–17 and V–22

Fifth, overwhelming superiority of firepower and forces:

D-Day did not take place until we knew we had overwhelming superiority as the attacker to invade an area with superbly built up fortifications.

Today, civilian "Armchair Generals" in this Administration talk about "Desert Storm Equivalents" and forces required for two "nearly simultaneous conflicts" believing we need only the bare minimum of force to achieve victory. The "arsenal of democracy" which won World War II did so with overwhelming American force, not "equivalents." Let's not risk more American lives through senseless cuts to a strong U.S. military.

Sixth, personal valor:

Some claim that individual bravery did not carry the day during the invasion. I must disagree. The one consent throughout the history of the U.S. military has been the courage and innovation of our soldiers, sailors, pilots, aircrewmen, and marines who sometimes despite inferior numbers, inferior training, and inferior weapons, always prevailed. We cannot guarantee such courage. Even with modest pay increases deleted by the administration but restored by Congress morale is going down. But we can make sure that our military has the number of forces, the proper training, and the most modern technology to deter, and if necessary fight and win the wars of the future. Let us never forget the victory of D-Day, and why allied forces prevailed that day.

Why the Allies Won

(By John Barry)

H-Hour on D-Day, The Hour on The Day. Every one of the 370,000 soldiers and sailors aboard the 5,300 Allied vessels steaming toward the Normandy beaches on the morning of June 6, 1944, was carrying a mimeographed piece of paper, the "order of the day" from Allied commander Dwight Eisenhower: they were, he told them, embarked on "the Great Crusade." Churchill called D-Day "the most difficult and complicated operation ever to take place." With British phlegm, the chief of naval operations for the invasion, Adm. Sir Bertram Ramsay, felt obliged to apologize to his staff a few days before the landings: he was sorry about all the superlatives, he said, but this time they were true.

How important was Operation Overlord? Had it failed, the map of Europe might look quite different today. Mounting a second try would have taken a year—"at least another year, if you take account of the psychological impact of such a disaster," says Martin Blumenson, the author of the U.S. Army's official history of the Normandy campaign. While the shattered armada regrouped, Hitler would have time to complete the Atlantic Wall, to rain V–1 and V–2 missiles on London and to finish off the Final Solution. Meanwhile, Stalin's Red Army would have pushed on to the West—perhaps, in time, right across Germany. "It's not too far-fetched to wonder if the Iron Curtain might have been on the Rhine," says D-Day historian Carlo D'Este.

That is, unless the Western Allies struck first with nuclear weapons. "If D-Day had failed, then by August 1945 America would have been dropping the atomic bomb on Germany," says William O'Neill, professor of history at Rutgers and a World War II authority. "Instead of Hiroshima and Nagasaki, we'd remember, say, Berlin and Frankfurt."

The prospect of risking so much on a single battle—a single day—gave real pause to Allied leaders. Remembering the carnage of World War I, Churchill muttered morosely about "Channel tides running red with Allied blood" and "beaches choked with bodies of the flower of American and British manhood." The Americans were more confident, but not without their private qualms. In mid-May, with the invasion only three weeks away, Eisenhower's chief of staff, the choleric W. Bedell Smith, had "premonitions of disaster." He put the chances of success at 50–50.

Such fears seem exaggerated, in retrospect. Consider the odds: the Allies could put more than 10,000 warplanes over France that day; the Luftwaffe had 890. Allied naval forces included five battleships and 23 cruisers: the German Navy in the Channel was reduced to a few light E-boats and submarines. In two months the Allies put more than 8,000 tanks into Normandy; the Germans could muster only 1,350. Still, victory was not a sure thing. The weather was the main element of uncertainty. Eisenhower's meteorologist gave him a 36-hour window between Channel storms. Had he guessed wrong, the fragile landing craft would have foundered in the gale. (As it was, 10 troop craft launched off Omaha Beach were swamped instantly, drowning perhaps, 1,000 men.)

It would be romantic to think that bravery carried the day, and the green and seasick young men dodging bullets in the surf along 59 miles of Normandy beach were brave indeed. But in reality D-Day was won far from the beaches of Normandy, by forces larger than courage. The decisive factors:

The Russians: If the Red Army had not tied down—and chewed up—the Wehrmacht, the Longest Day would have been longer still. The Allies faced 56 depleted German divisions; in Russia. Hitler had 157. Two weeks after Operation Overlord, Stalin launched an offensive that dwarfed D-Day. In 10 days, 130 Russian divisions destroyed three entire German armies, killing, wounding or capturing 350,000 men.

Hitler: The führer was obsessed with defeating Bolshevism and never grasped the peril of a second front. He rejected the pleas of his top generals in the West, von Rundstedt and Rommel, to smash the Allies by consolidating in the East and shifting divisions to France. Nor would he resolve the dispute between them on how best to deploy the tanks they did have. Von Rundstedt wanted to hold the Panzer tank divisions in the rear, for massed counterattack; Rommel believed the invaders had to be driven into the sea in the first hours of battle. Hitler's indecision was fatal; the Panzers came too late. "I'd like to shake him by the hand," Britain's chief of staff, Gen. Alan Brooke, remarked later to a startled group of generals. "He was worth 40 divisions to us."

Deception: The Germans were crucially delayed by the most successful intelligence operation in history. The Allies created two phony armies under Gen. George S. Patton (temporarily in purdah for slapping a soldier) to con the German General Staff into believing that they were crossing the Channel closer to Germany, at the Pas de Calais. Under "Double Cross," British intelligence controlled all German spies in England and had them sending false reports about Patton back to the Reich. The Allies were able to tell the ruse was working through the supersecret Ultra operation, which broke German codes.

Detroit: "They can make cars and refrigerators, but not aircraft," scoffed Hermann Göring, the chief of Hitler's air force, the Luftwaffe, in August 1941. He found out differently by 1943, when the American Eighth Air Force began daring daylight raids deep into Germany. A hundred miles from the Normandy beaches. Edward R. Murrow, the CBS newsman, could hear the engines of the Allied bomber fleet as H-Hour approached. "It was the sound of a giant factory in the sky," said Murrow. For all the individual heroics. D-Day is ultimately the story of how Roosevelt's "arsenal of democracy" simply overwhelmed all opposition. "In the East, we were fighting men against men." said one of the German soldiers caught in the Normandy firestorm. "Here it is men against machine." Rommel despondently told his son a few weeks after D-Day, "All the courage didn't help. It was a terrible bloodletting. . . Every shot we fire now is harming ourselves, for it will be returned a hundredfold."

The Wehrmacht by 1944 may have been exhausted and outgunned, but the Germans still had nearly a year of bitter fight left in them. There dramatic breakouts and sweeping envelopment by the Allies, but most of the fighting was a hard slog, from the hedgerows of Normandy to the banks of the Elbe. "For the ordinary rifleman in the infantry divisions, life expectancy at the front was no better than that of the Tommies and the Doughboys of the First World War," wrote historian John Ellis. The average casualty rate for 11 American divisions cited by Ellis was 76 percent. In one division, the Fourth, which fought for the full 11 months, 83 percent were killed or wounded.

German casualties were beyond belief. Most German units suffered more than 100 percent casualties over 11 months: in other words, they were wiped out. The most formidable force facing the Allies on D-Day was the crack 21st Panzer Division, which began the day with 127 tanks, 350 officers and 12,000 men. When the remnants of the 21st straggled across the Seine 10 weeks later, it consisted of 300 men and just 10 tanks. The commander of another frontline division the Panzer Lehr, recalled being carpet-bombed by American B–17s: "It was hell . . . the planes kept coming overhead like a conveyer belt . . . the fields were burning and smoldering . . . My front lines looked like a landscape on the moon, and at least 70 percent of my personnel were out of action—dead, wounded, crazed or numbed." After one battle in Normandy, the German dead lay so thick in the summer sun that pilots of the light-artillery observation aircraft flying overhead could smell the stench below.

After the war, the commanders of the NATO forces allied against the Soviet Union were almost all veterans of D-Day and the battle for Europe. Until the fall of the Berlin wall. NATO relied for its defense on the threat of nuclear weapons, for a simple reason: no one wanted to fight D-Day again—ever.

THE CONFERENCE ON THE CRIME BILL AND ASSORTED STATISTICS

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the following Member is recognized for 5 minutes, Mr. TAYLOR of North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, since we have in this Congress passed a crime bill which now is in conference between the House and the Senate, and while the House and Senate are thinking of that crime bill and the public is thinking of that crime bill, we ought to review some of the statistics. I am going to go through some that were written in the National Review just this month.

Actual punishment for crimes in this country: burglary 6 to 7 days; robbery, 2 months; aggravated assault, 8 to 9 days; car theft, 2 to 3 days; rape, 6 months; murder, 2 years.

62 percent of all criminals sentenced to probation. Most crimes committed by criminals, most criminals will serve no more than 40 percent of their sentences, at most. 90 percent of persons charged with serious crimes are allowed to plead those crimes to lesser charges.

The likelihood of a serious crime leading to imprisonment fell by 80 percent from 1962 up through today. Of the 2,500 people on death row, most will die of old age. We have executed for murder only 2 percent of the people in the United States on death row, and that 2 percent is in relationship to 20,000 homicides committed each year.

In other words, there is only 32 executions each year for 20,000 homicides committed each year.

Per 1,000 serious crimes, there were 90 people in prison in 1960, per 100,000 serious crimes; today there are only 30 in prison for 1,000 serious crimes.

We have in conference, unfortunately, a so-called crime bill that will abolish the death penalty, according to the National District Attorneys Association; they called the quota measure involved in the bill "a vote to end the death penalty," in the United States.

That bill will take away hundreds of weapons, not just the weapons people ordinarily think of, the 19 designated as assault weapons, but the Treasury Secretary already has identified some 185 weapons that have been called assault weapons under the terminology of the bill. And many more will be added to the list.

My son's shotgun, with which he hunts turkeys, meets the criteria for an assault weapon, and it is a standard weapon that is used in the hunting of birds.

We will release with the so-called crime bill some 16,000 Federal drug pushers from prison. We will spend some $8 billion on job training programs, and that will be all right. But it will be our 151st job training program. As described by many, it is called "fighting crime through social work speeches," in the sense that the programs that we will be spending the $8 billion on will include efforts to increase the self-esteem of wayward youth, in part through cultural programs, arts, crafts, health, education, and service programs.

All this is in the crime bill. While it sits in conference, it would be well for us to remember the statistics I have just read and perhaps to see if we in this country can attack the real sources of crime and not pass a show bill, that will give some indication that we are serious about crime, when this legislation provides nothing serious and little hope for the victims of crime in this country.

ADDITIONAL VIEWS ON D-DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, [Mr. HUNTER], is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I wanted to take this opportunity, as I was listening to the gentleman from California, [Mr. DORNAN], give us his very eloquent description of the battle that was waged for freedom in World War II, I just wanted to give Mr. DORNAN a little more time to talk about that and to talk about it with him a little bit.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank my colleague from California.

First of all, let me correct something. I went all the way through pilots training with a good friend named Helm, and I mispronounced Chris Heil's name previously and said "Helm" when we all know that we really came to enjoy and knew all of our hardworking recorders of official debate here and Chris Heil was one of those incredible young Army engineers who went in in the dead of night.

DUNCAN, I am getting a wonderful opportunity to go with one of our retired 2-star generals in this House, the gentleman from Mississippi, "SONNY" MONTGOMERY, over to Normandy in a few days. We leave next Tuesday. We will spend some time in England visiting some of the airfields. I am going to take a side trip to go down to some of the beach areas where the landing barges left and spent a miserable day at sea, getting sick because the weather was so bad and the assault was delayed a day.

Then we are going to go down to Anzio so we do not forget those Americans who broke out of that beachhead after 4 months and 3 days, 50 years ago this very day. Then back onto England and over to France, spend 1 day on the Utah beaches, go into Ste. Mere Eglise, where one of our distinguished colleagues on the other side of the aisle, SAM GIBBONS, bailed out in the dead of night with the 101st Airborne. The other division being the 82d. By the way, earlier I forgot to mention the great IV Division, the 4th Division that hit the beach at Omaha.

I do not know what we can do in this House to keep this memory alive. Imagine you as a Vietnam vet, if we cannot take time out in this Chamber to recall the momentous events of D-Day, what is it going to be like 50 years after the Vietnam war? Will it be remembered at all?

We passed the 75th anniversary of my dad's World War I without a whisper of a mention in this Chamber or over at the other body.

Mr. HUNTER. If my friend will permit, let me say that things come back to us, such as the movie shown about Normandy over at the Space Museum a few days ago, that shock us back into a realization of this momentous event and what hung in the balance, the freedom of the world that hung in the balance, and what our relatives did and our friends and our neighbors.

□ 2230

A lot of people who got up on that stage, I thought it was good the other night when so many Members of Congress were called forth starting with STROM THURMOND and the gentleman from Florida [Mr. GIBBONS] who jumped in with the 101st Airborne, and I think STROM was in a glider operation, if I am not mistaken, and I think Sam was in a paratroop outfit, obviously with the 101st. But I had an experience the other day that shocked me back to this realization:

I go through the now and again our veterans hospital in San Diego County, and I go there, and a lot of the folks are World War II folks in that hospital right now who are bedridden, and I just have a standard line I give them. I tell them, "Thanks for what you did for the country," and interestingly none of them have complaints about the hospital. They are all, to a man, modest and grateful for what this country has done for them.

And I said, "Thanks for what you have done for our country," to one veteran, a gentleman named Lou West who was in a wheelchair, and his answer to me was; he said, "This country has done a lot more for me than I've done for it," and so I thought that was an interesting response.

And I asked what he had done and experienced in World War II. He was a flight engineer on a B-17, and he was shot down in 1944. It was October 7 of 1944. And when he was shot down, one of his good buddies in the plane, Hubert Betterton, had a parachute on. He took his parachute off. Now this was after the plane had been hit and was going down. He took his parachute off, and gave it to Lou and said, "Don't worry. I'll go back and get another one," and he went to the back, and apparently he got a chute, and he went out, too, and, when Lou went out, they were very low level at that point, and he hit the ground, and he was unconscious when he woke up. His friend, Hubert Betterton, was dead beside him. Hubert Betterton's chute had not opened. The chute that he gave Lou West had opened——

Mr. DORNAN. Wow.

Mr. HUNTER. Lou was staring into the face of two Germans who immediately captured him and took him P.O.W., and that was just a little bit of an illustration of what our forefathers did, what our relatives did, just really a few days ago in the context of our history to serve this country.

Mr. DORNAN. Well, I was thinking of drawing some analogies, and I will have to submit it for the Record of the House. Some things do not change. If Hitler had bought time, he would have developed the V-2 rocket more. We are still unprotected to this day, and we are still debating over bombers and transports today. These systems earlier turned the tide of war.

Mr. HUNTER. Mr. Speaker, I apologize for running out the gentleman's time.

Mr. DORNAN. That is all right; it was the gentleman's time.

TRIBUTE TO SAM B. HALL, JR.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Texas [Mr. BROOKS] is recognized for 60 minutes as the majority leader's designee.

Mr. BROOKS. Mr. Speaker, I want to take this opportunity to join my colleagues in expressing our sense of deep sadness at the passing of our beloved friend and former colleague, U.S. District Judge Sam B. Hall, Jr. Judge Hall served the House of Representatives with both distinction and dedication from 1976 to 1985. In the House of Representatives, he was known as a hard worker and an outstanding leader who brought compassion and understanding to our deliberations. He earned the respect of all with whom he came in contact.

The people of Marshall and deep east Texas were indeed fortunate to have Sam Hall represent their interests on public issues with such energy and dedication, both here in Washington and, since 1985, in the Eastern District of Texas as a member of the Federal bench.

Sam Hall's father, Sam B. Hall, Sr., was a 20-year veteran of the State district court system while his uncle, Rubin Hall, retired as Chief Justice of the State Court of Civil Appeals in Texarkana, TX.

Sam B. Hall, Jr.'s judicial work set a high standard of excellence for others to follow. My sympathies go out to his family. I will miss his presence on the Federal bench.

I yield to the gentleman from Kentucky [Mr. MAZZOLI], my distinguished friend.

Mr. MAZZOLI. Mr. Speaker, I say to the gentleman, Thank you, Mr. Chairman, for, first of all, taking out this special order on behalf of our late friend, Sam Hall, Jr., and also for recognizing me. You can learn, as I said the other day when we passed a bill successfully here in the House naming the Federal Building and Courthouse in Marshall the Sam B. Hall, Jr., Federal Building and Courthouse—as I said then:

> You learn an awful lot about a person by sitting next to him or her, and it was my fortune on our Judiciary Committee to sit next to Sam Hall for a number of years, most of that time from 1976 to 1985, and in momentary lulls and pauses in the committee deliberations we would talk, and I always was very impressed by Sam as a human being, as a jurist, as a legislator, as a husband of Madeleine and a father of the three daughters, and I really believe that he served the House extremely well. He served the people of east Texas with real nobility, and on our trips to Texas, which took place in the last 3 years, when your daughter and son-in-law were living in Sugarland, I would often get on the phone and call Sam, or call Madeleine, over in Marshall just to see how things were going, and it was this past January when I made a call, and I learned that Sam's problems had recurred, and they were extremely difficult for him.

Mr. Speaker, it came in April, word that Sam had passed away, and so my friend of many years on the gentleman's committee, the man with whom I rode back on an airplane from Bangkok, Thailand, after having visited the refugee camps in Thailand some years back, and once again during that long trip I talked a lot and learned a lot about the man with whom I spent, and my wife, Helen, and I spent, with Sam and Madeleine in an evening at that house in Arlington eating quail which Sam had shot on one of his hunting trips in Texas—that man is gone, Mr. Speaker, as the gentleman said.

Mr. Speaker, Sam B. Hall, Jr., leaves a big imprint here in the House and in Texas, and so I thank the gentleman from Texas [Mr. BROOKS] for taking this special order. I want to join him in extending condolences to Madeleine and to the family and to say that we will miss our friend very much.

Mr. BROOKS. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my friend, the gentleman from Texas [Mr. BROOKS], for yielding to me, and incidentally, before the gentleman from Kentucky [Mr. MAZZOLI] leaves I say to him, you're leaving this year, ROM, and I want to tell you from this side of the aisle that we really appreciate you. I didn't have a chance to indulge in what other Members were saying about you recently on the floor, but you're first class. Thank you.

To my friend, the gentleman from Texas [Mr. BROOKS] I say, You know that even though I represent San Diego that I am half Texan by birth and family, and you know Sam B. Hall, Jr., was a special, special guy, and we all have images of the people who represent their districts in this House of Representatives, and we form friendships, and we form memories, and Sam Hall was a strong memory former because he was a strong friendship former. He was a guy whose word was his bond.

Mr. Speaker, he had a great sense of humor, and I say to my colleagues, you have got to have a little sense of humor in this place, and Sam had that in spades, and I guess he represented to me the heart of Texas. And that was a guy who was strong on defense, like the gentleman who is speaking, strong on individual rights, and believed in heavy doses of freedom, and just he is the kind of guy that makes this country go whether he is working as a county judge, or a hardware store dealer, or U.S. Congressman, and I respected greatly Sam Hall, and I respect and honor his memory.

I think to a man and to a woman Members on this side of the aisle share our colleagues' respect and feelings for Sam Hall.

Mr. BROOKS. Mr. Speaker, I say to the gentleman, Thank you very much.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank my distinguished colleague for yielding.

I say, I could not have been more shocked when I was standing down there with Congressman HUNTER and we heard about this tragic passing of Sam. It must be months ago, but it seems like only weeks ago, that he was laying in ambush in the center aisle here for friends from both sides of the aisle, and he grabbed me as I was walking out and said, "Young fella," which was pretty nice when you're 60 years of age. He said:

> I want you to know that sometimes after a hard day on the Federal bench I'll watch the House during special orders to see all of my friends on both sides of the aisle. I'm keeping track of all you guys.

Mr. Speaker, I was doing something about World War II, just as I was doing tonight, and he told me how much he appreciated it. If ever there was somebody that was truly beloved on both sides of the aisle, it was this special American.

□ 2240

I do not know what it is about you Texans, you just keep producing these heroes that remind me of everybody I read about at the Alamo. He is certainly a proud American and son of Texas that our country is much the less for his passing.

What a guy, Sam Hall.

Mr. BROOKS. Mr. DORNAN, we appreciate your contribution.

The gentleman knows, of course, that very seldom am I seen on special orders. I cannot remember the last one. I hope there are not many more of this type.

I yield to the gentleman from Texas [Mr. GREG LAUGHLIN], such time as he may require.

Mr. LAUGHLIN. I want to thank the dean of my delegation for taking out this special order and must confess that during the service of Sam Hall, Jr. As a U.S. Congressman representing the First District of Texas, I did not have the privilege or honor of knowing Sam in that capacity. It was after he went to the Federal bench that I was elected to Congress and it was in the capacity of my service in the House and his service on the Federal bench that I came to know Judge Hall.

On those occasions it occurred that when he would be there visiting, he would talk about how he missed his colleagues in the House, he missed service in the House. But my respect for him grew immensely while on several occasions, a man of his position and many think of Federal judges as not too caring and too preoccupied with the importance of their office to care about little people, but on more than one occasion Judge Hall called me seeking my assistance of young teenage boys and girls in my district who needed a good word, who needed assistance from me because they lived in my district.

That told me something that I think typifies a lot of the great people from our State, Dean, and, that is, they have time for the teenagers, the kids that need a little help from someone, that some people think may be too important or hold too high an office to help a youngster that is going the wrong way. Sam Hall had that capacity and it made me proud when I sat on the Committee on Public Works and Transportation that it was our committee that reported out the bill to name the Federal courthouse in the Eastern District of Texas for Judge Sam Hall, Jr.

I am proud that since the committee on which I sat passed that bill out of the committee, the House has now passed it.

Mr. Speaker, I thank the dean of my delegation, the honorable chairman of the Committee on the Judiciary.

Mr. BROOKS. I might say that I am sure his family will deeply appreciate that building in memory of Sam Hall for generations.

Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to our late colleague, the Hon. Sam Hall of Texas. This gentleman is remembered by all as a person of the highest integrity.

It was a pleasure for me to serve here in the House with Sam Hall for several years before he became a district Federal judge back in Texas. Sam was a gentle, easy going individual who possessed a keen intellect and worked hard for our Nation and his constituents in his congressional district.

I got to know Sam better when he and I were among several members of Congress from the Armed Services and Veterans Committees who visited Beirut, Lebanon shortly after the tragic bombing that killed some 250 of our Marines. Like the rest of us, Sam wanted to know more about this incident and wanted to make sure the injured and the families of those who perished were receiving necessary care and were fully informed.

One of Sam Hall's best friends is a friend of mine, Pat Groner, in Pensacola, FL. Pat and Sam grew up together in Marshall, TX. They attended the same schools and maintained that strong bond of friendship until Sam passed away on April 10, 1994. Pat says in their youth that he and Sam were fellow members of an organization in which good scholarship and no smoking nor drinking was permitted, an indication of the strong Christian character of both men.

Pat Groner was named for Pat M. Neff and the fathers of both Pat and Sam Hall played a role in helping Pat Neff to become Governor of Texas. Governor Neff later served as President of Baylor University while Sam and Pat were students there.

Sam Hall was very active in civic work and was known and loved by hundreds of people who appreciated his dedication to service. He served with distinction here in Congress and on the bench. Sam's life here on Earth was a positive force for good and his wife, Madeleine, and the Hall family can take comfort in that memory.

Mr. SPENCE. Mr. Speaker, I rise today to pay tribute to our late colleague, Sam Hall of Texas. It is with a great degree of sadness that I recognize his passing.

Sam hall was a true gentleman and a statesman. It was an honor for me to serve with him in the Congress from 1976 until 1985, when he resigned to accept an appointment as a U.S. judge for the Eastern District of Texas. Also, my former Administrative Assistant, Kenneth Black, was Sam Hall's Administrative Assistant prior to joining my staff.

It is certainly appropriate that Sam Hall completed his career as a jurist on the Federal bench, as he truly loved the law. While a Member of Congress, he devoted much of his attention to the work of the Committee on the Judiciary, and, as a lawyer's lawyer, he relished the action of the courtroom.

Sam Hall was a dedicated lawmaker, a very capable judge, and a friend to many. He will be greatly missed.

Mr. SYNAR. I rise today to pay tribute to a close, personal friend and colleague, Judge Sam B. Hall, Jr. who died of cancer on April 10. After being elected in a special election in 1976, Mr. Hall served with distinction on the Judiciary Committee as chairman of the Administrative Law and Governmental Affairs Subcommittee. He also ably served on the Veterans Affairs' Committee and the Select Committee on Narcotics Abuse Control. During his tenure in Congress, I had the good fortune to serve with him on the Judiciary Committee where he provided me with much needed guidance, wisdom and advice.

As a young, freshman Congressman, I found Judge Hall to be an excellent role model who showed me how a successful Congressman can serve the Nation and community with unending strength and compassion. Of his many accomplishments during his time in Congress, Judge Hall is perhaps best remembered for his key role in bringing about the return of many MIA's and POW's from Southeast Asia. There is little question that Judge Hall was a dedicated public servant who earned the administration of his constituents and his colleagues.

When he resigned in 1985 to become the U.S. district judge of the Eastern District of Texas, he served with the same dedication and thoughtfulness he brought to Congress and never failed to serve his community and family with honor. Mr. Hall was a devoted and caring man who balanced a wholesome family life and active community service with a challenging career. Many remember the long hours he spent working in the community, and all remember that he always found time to work diligently on his farm with his wife, Madeleine, and his three daughters.

This country, and I personally, benefited greatly from the life of Judge Sam Hall and it is with great sadness that we mourn his passing.

Mr. DE LA GARZA. Mr. Speaker, today we pay tribute to one of our distinguished former colleagues who recently died, Sam Hall. As I started to think about what I wanted to say about Sam Hall one word kept coming to mind. That word is extraordinary and that is exactly what Sam Hall was.

When he was first elected to the 94th Congress by special election, back in 1976, the shoes he was filling were not at all that easy to step into. He was filling the seat vacated by the death of the Honorable Wright Patman who, those of us serving at that time will recall, was quite a presence in this body. Sam Hall without hesitation dove right into the job with vigor and an energy charged presence.

While having no legislative experience prior to coming to Congress, once here Sam Hall displayed a skillful understanding and love for the legislative process. He thrived in his work as a member of the House Judiciary Committee, and specifically as chairman of the Administrative Law Subcommittee. His focus on judicial concerns, however was not exclusive. He was interested in veterans issues as well. In fact, having been appointed to a congressional delegation that traveled to Southeast Asia to investigate American POW–MIA's he was successful in negotiating the return of the remains of a number of servicemen, an accomplishment of which he was quite deservedly proud.

The years he was in Congress were very productive for Sam Hall and for the 1st District of Texas which he so ably represented. Had he chosen to remain here I know his accomplishments would only have continued to flourish, but in 1985 Sam Hall resigned his seat to become the U.S. District Judge for the Eastern District of Texas. This appointment was truly fitting and definitely capped a brilliant career.

Sam Hall was a great man, a great Texan, and a great member of Congress. All of us who were fortunate enough to have associated with him or to have served with him in this body know that with his death we have lost someone very special. To his wife and family I extend my deepest and most heartfelt condolences.

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a distinguished native son from the Lone Star State—a distinguished American and a dear and respected friend—the Honorable Sam Blakeley Hall, Jr., who died Sunday, April 10, 1994, at his home in Marshall, TX, following a long and heroic struggle against cancer. He was 70 years young.

Sam was a true Texan in the best sense of the word. He was tall in stature and long on principle, independent in thought and yet responsive to those he served. He was not afraid to fight for those principles he held dear, but his fights were always ethical and honest, fair-minded and good-natured. As a lawyer, a Member of Congress, and a Federal judge for the Eastern District of Texas, Sam was a man of honor and integrity. As a friend, he was respected and loved by hundreds who had the privilege of knowing him well. He was a close personal friend, and I will miss him greatly.

My heart-felt sympathy goes to his lovely wife, Madeleine, and to his family, to whom he remained devoted throughout his distinguished career. His memory and many of his virtues will continue to live on through them.

A native of Marshall, TX, Sam was elected as a Democrat to the 94th Congress by special election on June 19, 1976, to fill the vacancy caused by the death of Wright Patman. He was reelected to the five succeeding Congresses, serving until May 27, 1985, when he resigned to accept an appointment as U.S. Judge for the Eastern District of Texas.

As a Member of Congress, Sam was respected by his peers for his honesty, integrity, and dedication to public service. He was chairman of the Judiciary Subcommittee on Administrative Law, and his work in this capacity earned him the respect of Members from both parties. His ability to analyze complex issues served him well in matters of law. Upon his departure from Congress in 1985, he was recognized by numerous fellow Members in tributes to his uncommon character and nine years of distinguished service to the First District of Texas and to his country.

Sam continued this career of distinction as a federal judge, bringing a sense of fairness and balance to his courtroom in the Eastern District of Texas. He was a thoughtful and dedicated jurist whose rulings were issued only after careful deliberation, and he was respected by lawyers on both sides of the docket. Sam's devotion to the law was a legacy from his father, who was a prominent Texas district judge of 20 years and with whom Sam enjoyed a close association.

Sam Hall, Jr., was born in Marshall, Harrison County, TX, on January 11, 1924. He graduated from Marshall public schools in 1940, received an A.A. degree from College of Marshall (now East Texas Baptist University), in 1942 and attended the University of Texas Law School from 1942 to 1943. He left school to serve in the U.S. Air Force from 1943 to 1945, then graduated from Baylor University in 1946 and Baylor University Law School in 1948.

Sam was admitted to the Texas bar in 1948 and practiced law for almost 20 years in his hometown of Marshall. In 1962 he ran unsuccessfully for the House of Representatives, but fulfilled his dream of serving in Congress by winning the special election in 1976 for Wright Patman's seat.

Mr. Speaker, few have served their country as well as the Honorable Sam B. Hall, and few have been as respected and admired. He will be remembered by those who knew him both professionally and personally, and I can think of no better way to honor him than to name the Federal Building and United States Courthouse in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

CRITICISM OF ALLEGED PBS' DOCUMENTARY

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Texas [Mr. LAUGHLIN] is recognized for 60 minutes.

Mr. LAUGHLIN. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for his remarks.

On this week when our Nation is preparing to celebrate the 50th anniversary of the invasion of Nazi Europe, I think it is appropriate that I take this special order to address an injustice that was done to millions of veterans of our Nation.

Before I make that comment, Mr. Speaker, I should make note that the distinguished chairman of the Committee on the Judiciary, who just finished taking the special order in the memory of Judge Sam B. Hall, Jr. of Texas, the gentleman from Texas [Mr. BROOKS], too, is a veteran of World War II and served with great honor and distinction in the battles in the Pacific at Guadalcanal, Guam, Okinawa and finally in North China. Here is a distinguished Member of the House who gave service as a youngster, a young man in World War II. I should note with great personal pride that 30 years ago this week, I was commissioned a second lieutenant in the U.S. Army Reserve. I have personal experience firsthand in the pride that one has in his or her military unit.

Mr. Speaker, that brings me to the point of discussing a Public Broadcasting System alleged documentary about military units who served in World War II.

To commemorate Veterans Day on November 11, 1992, Public Broadcasting Service [PBS] aired nationwide a documentary entitled: Liberators: Fighting on Two Fronts in WW II.

The injustice to our veterans is the inaccurate presentation of the events and facts in the documentary.

This film was produced by Miles Production Co. of New York City.

It's authors/producers were William Miles and Nina Rosenblum, both award winners in their profession.

Cooperating with the author/producers in preparing this film for airing was station WNET/13 of New York City.

PBS aired the film over its network of affiliated stations throughout the United States, only to find out after the fact the accuracy of the film was flawed.

This documentary portrays the 761st Tank Battalion and the 183d Combat Engineer Battalion as the liberators of the infamous Buchenwald Nazi Concentration Camp on April 11, 1945; and the 761st as liberating Dachau, another well-known Hitler death camp on May 4, 1945.

Neither of these portrayals is accurate, Mr. Speaker.

With little advice from knowledgeable military sources, without contacting any agency of the Department of the Army about the history of one of the units, with complete disregard of available documentary evidence, this film was produced to satisfy the agenda of the producers and authors.

The authors produced a film relating the horrible plight of the persecuted Jews under Hitler to that of African-Americans in a segregated United States.

To accomplish this preconceived objective, the authors arranged the script so that solders from the 761st Tank Battalion and the 183d Combat Engineer Battalion could be portrayed as the saviors of European Jews from Hitler's horror camps.

This theme obviously had great social as well as commercial value to the producers.

Claiming that the official records pertaining to these units troops were "non-existent, incomplete, untold, and heretofore unknown" the authors/producers relied on so called "oral testimony" of 8 to 10 veterans of the units they selected to place in the role of the liberators.

They chose not to seek the testimony of hundreds of other such veterans, including the Army Center for Military History and officers who were responsible for the deployment/resupply of those units and when true history failed to suit their purpose, the authors chose to ignore the facts.

The 761st did, indeed, play a role in the liberation of a camp at Gunskirchen and should be given due credit for liberating this concentration camp of death and inhuman treatment. But Gunskirchen was not well-known in the United States.

So the authors conveniently switched the scene to Buchenwald and Dachau in order to gain the appeal of a larger audience while misrepresenting facts.

☐ 2250

Military records confirm that the 6th Armored Division did liberate the Buchenwald Concentration Camp. One of my constituents, Pat McEnroe of Victoria, TX, was a member of the 6th Armored Division and participated along with members of the 6th in liberation of the Buchenwald Concentration Camp.

To be more precise, a patrol, led by the late Captain Fred Keffer—later to become Dr. Frederick Keffer, head of the Physics Department at the University of Pittsburgh—of the 9th Armored Infantry Battalion, an organic unit of the 6th Armored Division discovered the infamous camp.

The 4th Armored Division also is credited with assisting in the liberation of Buchenwald.

On the day in question, April 11, 1945, the 6th Armored Division was operating under the command of the 20th Corps, and Buchenwald was located in that zone.

On that same day, all four companies of the 761st Tank Battalion were attached to the 71st Infantry Division which was operating under the command of the 12th Corps.

Official records indicate that the 71st Infantry Division, including the attached 761st Tank Battalion was fighting near Coburg, Germany, which is approximately 60 to 70 miles from Buchenwald.

These official records, which were available to the producers of the film through the Office of the Department of the Army Center for Military History, Suitland Reference Branch, also reflect that Dachau was liberated by the 45th and 42d Infantry Divisions.

The authors and producers could have found in the daily report that the 71st Infantry Division with the 761st Tank Battalion attached thereto was with the 12th Army Group from June 6, 1944, through May 1945.

The President of the 761st Tank Battalion Association, Mr. Phil Latimer who was the supply officer of the battalion in 1945, has stated in a letter that "at no time was the 761st Tank Battalion at Buchenwald or Dauchau."

Prior to the airing of the film, two members of the 6th Armored Division, Mr. Melvin Rappaport of combat Command A and Mr. Milton Harrison of the 9th Armored Infantry Battalion, advised WNET officials that the content, as announced, of the documentary was not accurate.

Further, the senior living officer of the wartime 6th Armored Division, Mr. James Moncrief also advised WNET in writing—two letters: dated October 31, 1992, and November 7, 1992—that the proposed film was not historically correct.

A book by the same name was published by Harcourt Brace Jovanovich [HBJ] soon after the film was released. There was a suggestion made that the book be placed in all high school libraries.

After much criticism from veterans, Veterans' groups, and from many Jewish organizations, HBJ, the publishing firm, issued a disclaimer which was placed in all books which were sold after June 1993.

While WNET, after an independent investigation to determine the facts surrounding this controversial film, has admitted the alleged documentary's flaws and inaccuracies, and pulled the tape, neither the authors, producers nor PBS have publicly made any such admission.

Mr. Speaker, I have great admiration and respect for all the brave men of the country who left their loved ones and the comforts of their home to fight overseas for the honor and standards of our great country.

Those young men of all military units serving in World War II made the history upon which we are reflecting today. That is their history. They have enormous pride in their history.

I, for one, resent their history being rewritten, falsified, or distorted.

I resent such misrepresentation being broadcast over a national television network to millions of Americans as true history.

Mr. Speaker, never again should a military documentary misrepresent the military units or the military individuals who have served our Nation and who have participated in military actions in the name of freedom, in the name of democracy, to liberate a people and groups of people who have been subjected to Nazi treatment or to totalitarian government.

Mr. Speaker, I hope this sort of documentary about the courage and service of brave men and women from all across America never happens again in our land.

ECONOMIC INEQUITIES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the Chair recognizes the gentleman from Vermont, [Mr. SANDERS] for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the U.S. Congress, I accept the responsibility to raise issues that my Democratic and Republican colleagues often choose not to deal with. We talk a whole lot of things on the floor of the House, but it always amazes me that some of the most important issues facing the American people are not addressed.

Let me briefly touch upon a few of these issues this evening. Mr. Speaker, the newspapers and the U.S. Congress talk about economic issues a great deal. But I think that the most important trends within our economic system are in fact not honestly addressed or faced. And that is that to a very great extent, the United States of America today is increasingly becoming an oligarchy. An oligarchy, a nation in which a small number of people control a significant part of our wealth, and also control a great deal of the power in our country.

I think sometimes within the schools of America, the young people are taught that we live in a democracy; that all people have power; that all people can make the key decisions that affect our lives. But the day-to-day experience of human existence tells us in fact that that is not the truth, and it is time that we brought that out into the open and discussed what we might do about that.

For example, Mr. Speaker, according to the Federal Reserve Board, the richest 1 percent of our population now owns 37 percent of the wealth. The richest 1 percent owns 37 percent of the wealth, while the bottom 90 percent of our people only own 32 percent of the wealth. That means that the wealthiest 1 percent of the population owns more wealth than the bottom 90 percent of our people. We have today among all nations of the industrialized world the most unequal, unfair distribution of wealth.

Mr. Speaker, the chief executive officers of the Forbes 500 corporations, the major corporations in America, now earn 157 times more income than the workers whom they employ. One hundred fifty times more. In Japan, for example, the ratio between CEO and worker is 30 to 1. We also have the widest gap between CEO's and worker in the industrialized world.

Since when is it appropriate that the people at the top are worth or have needs that are 157 times greater than the average worker? I do not think that that is appropriate.

□ 2300

I also find it especially interesting that many of the CEO's the corporate executives who have brought forth the most significant layoffs in recent America are precisely the same CEO's who are enjoying the highest incomes. One almost gets the feeling that they are being paid to lay off American workers.

Mr. Speaker, the gap between the rich and the poor in America is wider today than at any time since the 1920's. During 1983 to 1989, 55 percent of the increase in family wealth accrued to the richest one-half of 1 percent of families. The very wealthiest people have become much wealthier while the lower middle and lower classes lost during that period over $250 billion of wealth. In other words, what we have been experiencing for the last number of years is the Robin Hood proposal in reverse. We have taken from the poor and we have given to the rich.

Mr. Speaker, when we talk about rich and poor, we should understand that we are not just talking about somebody who has a big house, somebody who is rich, and somebody who is poor who has a small house. We are not talking about somebody who has a big car and somebody who has a small car. That is not what it is about. In many instances, Mr. Speaker, when we talk about rich and poor, we are quite literally talking about life and death. This is not just that somebody has a little bit more than somebody else.

A study published in the New England Journal of Medicine last year showed very clearly the correlation between income and mortality, how long we live. What the study concluded, not too surprisingly, is that the more you earn, the larger your income, the more wealth you have, the longer you are likely to live.

Statistically, those who earn $14,000 a year live longer than those who earn $9,000 a year; just as those who earn $30,000 a year live longer than those who earn $20,000 a year.

The authors of the study conclude that the widening difference in mortality rates is largely caused by "the broad social changes in this country since 1960." They cite "increasing inequalities in income, education and housing and a falling standard of living for a large segment of the U.S. population." Obviously, the fact that tens of millions of low-wage workers are unable to afford health insurance is also at the heart of the problem.

In other words, what this study is saying is that the wider the gap between the rich and the poor, the wider the length of time that people can actually stay alive. What we are seeing in this country is more and more people suffering terribly because of the decline in their income. They are working longer hours. They are living under more stress. They are working in unhealthy jobs.

Thirty-seven million Americans lack any health insurance. Tens of millions of Americans lack full insurance. They have large deductibles. They cannot get to the doctor and the hospital when they want to.

What poverty is doing, what low wages are doing is, in fact, killing large numbers of Americans and causing a great deal of suffering.

Mr. Speaker, when we talk about oligarchy and a grossly unfair distribution of wealth, we are also talking about power and powerlessness. This is an extremely important issue that I am afraid we do not discuss terribly much here in Congress; the corporate media also does not discuss this terribly much.

Almost all Americans agree that if somebody robs a store or mugs a person or physically assaults a human being that that is unacceptable behavior. It is a crime and we have laws which punish people for committing that type of illegal behavior. But what do we say when American corporate leaders, who own profitable companies, throw American workers out on the street as they move our industrial base to China, to Mexico, to Haiti, to Indonesia and to other desperately poor Third World countries?

Somehow or another we have not taken a close look at that type of behavior and have not condemned it as loudly as we should.

Let me not at this moment talk about the fact that 27 major U.S. corporations have laid off a total of 630,000 workers since March of 1991. Let us not talk about that right now. Let us not talk about the fact that IMB, AT&T and General Motors have each laid off more than 74,000 workers since March of 1991.

Let me talk, if I might, for a moment about what I see closer to home in my own small state of Vermont. Let me give you one example of what in fact is happening all over America.

In Bennington, Vermont, a few months ago, over 200 workers in that small town were dismissed, were thrown out of their jobs when the factory owned by Johnson Controls was shut down at the same time as the company was moving production to Mexico. These were good-paying jobs done by skilled Vermont workers who produced high-quality automobile batteries.

Let me tell you what powerlessness is about. Powerlessness is about that last year, on a Sunday during the summer, I marched in a parade with those workers who were members of the United Automobile Workers Union. We marched in a parade celebrating a Vermont holiday. We had a really good time.

On the next day, the very next day, a Monday, without a prior word of warning, these same workers were told that their plant was going to be shut down. These were dedicated workers. These were men and women who had given years of their lives to this company. Mr. Speaker, they were treated like garbage.

That is what powerlessness is about, and all over this country today there are millions and millions of workers who go to work and are scared to death that before the work day is over they are going to be given a pink slip. They are going to be told by the owners of the company that their jobs are going to Mexico, that their jobs are going to Asia.

I would argue, Mr. Speaker, that if this country were truly a democracy, if working people truly had democratic rights, that type of behavior would be illegal. You just cannot say to somebody, thank you for working for this company for 30 years. We do not need you anymore. You are out on the street. We are going to China, where we can hire people for 12 cents an hour. We are going to Mexico where we can hire somebody for one dollar an hour.

These companies are making decisions which totally disregard the feelings of these workers, the needs of their children, the obligations that these workers have toward their own parents. These feelings, these needs are totally irrelevant as these corporations pursue every bloody nickel they can possibly make. That is what powerlessness is about.

Powerlessness means that millions of people in this country have no control or very little control about what is happening in their lives, because their day-to-day existence is dependent upon people who have large sums of money and who in many respects have total contempt for the people who have enriched them over the years.

That is what happened in Bennington, VT, and that story is being repeated a thousand times from one end of this country to the other.

Mr. Speaker, in another plant in Vermont, in southern Vermont, senior citizens had been guaranteed, as part of their union contract, lifetime health insurance paid for by the company. That is what they had negotiated as workers. That is what they had been promised. But one day within the last year, that promise was rapidly taken away from them. On a day's notice, the elderly workers who had been employed by that company were told that their insurance was no longer going to be maintained by the company. The workers had to organize, fight hard and at least were successful in getting the company to retain some of their health insurance payments. And also, that is a reality that is taking place all over America, to senior citizens, workers who had negotiated contracts, workers who have been made promises by the company now find that those promises are not worth the paper that they were printed on. And on and on it goes.

Good-paying jobs which paid American workers a living wage with decent benefits are closed down and shipped to Third World countries where workers there are exploited. So what do we say about those people who have destroyed the dreams, the hopes, the lives of millions of American workers?

□ 2310

Basically, we do not, as a nation, as a Congress, stand up and say to the people that "your behavior is socially unacceptable; despite the fact that you own a company, you have certain moral responsibilities to the people who work for you; that you cannot simply throw people out on the street because you can make a few bucks more; that you have got to treat workers with dignity and respect."

More and more I think it is becoming apparent to the workers of this country that corporate America could care less about them, that many of the corporations that consider themselves American corporations are really international corporations. They originally made their money in this country, but they are willing to go to the Third World to hire slave labor as quickly as they can pack their bags.

Mr. Speaker, the United States in many respects, and we do not talk about this as often as we should, is becoming a Third World economy. The standard of living of the average American worker continues to decline. The real wages of American production workers have dropped by 20 percent during the last 20 years as millions of decent paying jobs have disappeared. The new jobs that are being created are largely temporary, part-time, low-wage jobs with few benefits.

There was an article that appeared on the front page of the Wall Street Journal a few months ago, Mr. Speaker, and I think it was indicative of a trend which is taking place from one end of this country to the other. The article described the good news that factories in the Midwest were being reopened, factories that had closed down during the early 1980's. The good news is that factories were being reopened, that workers, many of them the same workers who had formerly worked in those factories were now going back to work. That was the good news.

The bad news is that the same workers who were going back to the same factories that had been closed down were going back to work at 50 percent of the wages that they received 10 years previously.

Mr. Speaker, articles in major newspapers tell you that fully 25 percent of the jobs that Americans now have are contingent jobs. That means that workers are not employed by a company, they do not have security, they do not have the capability of moving up the ladder and gaining more income, they do not gain benefits, they are contingent. They work for a certain period of time and then they are out and they have to go looking for another job and another job and another job.

The ranks of contingent workers are growing so rapidly that some estimate they will outnumber permanent, full-time workers within the next 10 years.

Mr. Speaker, 20 years ago the United States led the world in terms of the wages and benefits our workers received. I wonder how many of the viewing audience knows what place we are in now. The answer is that we are in 12th place. We went from 1st to 12th in 20 years. Our wages, our health care benefits, our vacation time, our parental leave, our educational opportunities lag behind much of the industrialized world.

People read in the newspapers that European companies are coming to invest in the United States, and people say, rightfully, that is good, we would encourage other countries to invest in the United States. But the sad reality is that many European companies that are coming to invest in the United States are coming here because we are now, for them, a cheap labor nation. We have become, for some of the European countries, what Mexico and China are for us. I think that is a very sad state of affairs.

In my own State and throughout this country, we have skilled, intelligent, hard-working people who are working for $6 an hour, $7 an hour, $8 an hour, without benefits. In many of the European countries, workers there have driven up wages that are significantly higher than are the wages that American workers receive.

Mr. Speaker, when we talk about such issues as vacation time, it is important to know that over the last many years, workers in the United States today are working longer hours, significantly longer hours, taking less vacation time than they used to take. Is there any wonder why so many millions of Americans feel stressed out? They need to work longer hours, they need to work overtime in order to compensate for the real decline in their wages.

In terms of vacation time, we rank almost at the bottom of the industrialized world. There are countries in Europe, in Scandinavia, where young workers entering the work force get 5 or 6 weeks off with full pay, 5 or 6 weeks off in Scandinavia and in Europe. Our young workers are very, very lucky to get 1 week off or 2 weeks off.

In terms of parental leave, the rights that befall workers when they have a baby, when somebody in the home is critically ill, the Congress and the President were very proud that finally the U.S. Congress and the President signed and passed a parental leave bill, which means that if a worker is having a baby, she will not be fired for the crime of having a baby, if you like. Everyone says, "What a great deal. You have 3 months off when you have a baby. You get to know your baby."

The fact is that compared to parental leave programs throughout Europe and Scandinavia, that is the weakest parental leave program in the industrialized world. For many new parents, what does it mean that you can have 3 months off if you do not get a paycheck coming in? Many of the European countries, the Scandinavian countries, not only allow longer periods of time for parental leave, but provide and mandate significant income coming in to those parents.

It terms of educational opportunity, there was a time not so many years ago in this country where great State university systems and college systems provided inexpensive higher education for large numbers of people, but increasingly, as we become a poorer nation, as the cost of collage education goes up, we face a situation where millions of working-class young people, low-income people, are simply unable to afford the high cost of college education.

If you are poor, if you are working-class, you cannot go to college, in many instances. If you are upper-income, well, I guess you can pay the $25,000 or $30,000 a year that it takes to go to Harvard or to Yale.

Mr. Speaker, while the rich have grown much richer, while the middle class has shrunk, the poor in fact have grown much poorer. I wish very much that I could tell the Members that the U.S. Congress was actually engaged in trying to wipe out poverty, that we were going to war against poverty. Unfortunately, it seems to me that many of the policies that are talked about on the floor of this House are really a war against the poor, not a war against poverty.

At the same time as we have seen an increase in the number of billionaires in America, 22 percent of our children live in poverty. Mr. Speaker, we not only have the highest rate of childhood poverty in the industrialized world, we have twice the rate of childhood poverty than any other nation in the industrialized world. That is a national disgrace. Billionaires ride around in their big limousines and they go through neighborhoods where the vast majority of the kids are living in poverty. That tells us something about our national priorities.

Mr. Speaker, what a disgrace it is that in the United States of America today, some 5 million children go hungry, at least 2 million people now lack permanent shelter or sleep out on the streets, and some recent studies indicate that number may even be greater than that.

Mr. Speaker, 1 in 10 American families now puts food on the table only with the aid of Food Stamps, because we have seen a significant increase in poverty in America. How many millions and millions of working families exist paycheck to paycheck? If their job stops, they are on welfare, they are on food stamps.

Mr. Speaker, in more and more abandoned neighborhoods throughout our country a lack of jobs, a lack of income, a lack of educational opportunity, or perhaps, most important, a lack of hope has created an extraordinary climate of savagery and violence surpassing that of many communities in Latin America, Africa, and Asia. What we have created is an underclass without hope, an underclass alienated from mainstream America.

The suffering and the desperation in the Third World that we have distantly observed is now coming home as we in many, many ways become a Third World economy.

The suffering and the desperation in the Third World that we have distantly observed is now coming home as we in many, many ways become a Third World economy.

Mr. Speaker, when we talk about power and when we talk about powerlessness, we should not forget that in November 1994, when this entire House comes up for election, when one-third of the Senate comes up for election, State legislatures come up for election, we should not forget that when that national election takes place, the estimate is that over 60 percent of the

American people are not going to come out and vote.

☐ 2320

And the evidence is very clear that the overwhelming majority of poor people no longer vote. I recently had the privilege and the honor to go to South Africa with the U.S. Delegation to attend the Inaugural of Nelson Mandela as president of that country. What a joy it was to see so much excitement in terms of the rebirth of democracy in South Africa. Yet in our own country over 60 percent of the people will not be voting in the national elections in 1994.

Why is that? What does that tell us about people's faith in government, and what does it tell us that millions of poor people do not believe in any way, shape, or form that government represents their interests? I think what it tells us, in fact, is that the majority of the American people understand that to a very large degree what Congress does, what the President does is not reflective of the needs of ordinary Americans, of working people, of the elderly and of the poor, but is in fact reflective and represents the needs of those who have the money.

There was an amazing article that appeared I believe in yesterday's Washington Post, and the chairman of the House Ways and Means Committee was negotiating with the insurance companies trying to have them take their ads, the anti-health-care ads off the air. They had apparently put some $10 million of TV ads on, and they were able to negotiate some type of an agreement. The clarity of how money buys power was obvious to all.

I sit on the Committee on Banking, Finance and Urban Affairs, and it is amazing to me when we get together how many members of the Banking Committee are there to represent not consumers, not ordinary Americans, but the very, very wealthy. If you want to know why things do not happen in this country, if you want to know why the rich get richer and the poor get poorer and the middle-income people get squeezed, why we ignore the needs of the veterans and the most vulnerable people in our society, I would urge the viewers to get the information from the Federal Elections Commission and find out who is buying and selling Members of the United States Congress. Enormous amounts of money are coming in here from very, very wealthy people.

That is why after 50 years of discussion we still do not have a national health care system. That is why workers have virtually no rights at all as our jobs are being taken away from us and taken to the Third World.

So what do we do? What can we do? We know that people throughout this country have already thrown up their hands. They have given up. They feel helpless and they feel hopeless.

I think all I can say is the following: That is, that this Nation has the potential to be an extraordinary nation. We are an intelligent people, we are a hardworking people. But what has gone on for a number of years is that the power has gone away from ordinary people and is now in the hands of the very few, and they are using their wealth, and they are using their power to enrich themselves, and they are ignoring the needs of the vast majority of the people.

So I think clearly that if we are going to make changes in this country, people have got to stand up and fight for their own rights, they have to fight for their kids, they have to fight for their parents.

We could have national health care in this country which guarantees health care to every man, woman and child without out-of-pocket expenses. We could have that. That is not a Utopian vision. That exists in Canada. That exists in one form or another in many countries on Earth.

But we will never have it so long as people do not stand up and fight for health care as a right for all people. So long as the insurance companies are able to dictate what happens in the United States Congress, what we will continue to see is the insurance companies becoming rich, the doctors becoming rich, the drug companies making huge profits, and ordinary people lacking health care that they desperately need.

The way to resolve that is for people to stand together, to come together, to participate in the political process, to tell the candidates that if they are not prepared to stand up and fight for a single-payer national health care system which takes on finally the insurance companies and the drug companies, and the AMA, they are not going to get voted in here.

People have got to stand together. They have got to organize. We can in fact create an economy which creates decent paying jobs for all of our workers. But we are not going to have that unless working people come together and put their eyes on the prize.

We do not have to see automation come in and throw American workers out on the street. Automation ought to be used to improve the lives of ordinary people, not to throw people out on the street and to increase human suffering.

We can have quality college education for all people, but we need to change our priorities. And the American people have got to come forward and stand together and say no, now that the Cold War is over we do not have to spend $260 billion a year on the military, we do not have to spend $100 billion a year defending Europe and Asia against a non-existent enemy. We do not need more nuclear weapons. Let us take some of that money, bring it back home, and put it into education so that we can have the best educational system in the world. We can do that.

Instead of spending so much money on the military, most of which is not needed, we can put that money back home into a jobs program. And I am happy to tell you, Mr. Speaker, that I and other Members of Congress are working on a major $60 billion a year jobs program which will rebuild this country, our physical infrastructure and our human infrastructure and put millions of workers back to work at decent wages doing so.

It is insane that we continue to have millions of workers unemployed while our roads, our sidewalks, our wastewater plants, our sewer systems, our schools, our libraries deteriorate. Let us invest in this country, and let us put our people back to work doing so.

It is absurd that we have unemployed teachers when our educational system is in crisis, when our child care system is totally inadequate. We can employ large numbers of people working with our children and educating our people.

Mr. Speaker, it is not acceptable to me that we continue to see millions of workers working for inadequate, low wages. A minimum wage today at $4.25 an hour is grossly inadequate. It is a poverty wage. The purchasing power of the minimum wage worker has declined significantly in the last 20 years. Let us stand up as a people and say that if you are going to work 40 hours a week you are entitled to a living wage. It makes no sense for people to be working 40 hours a week and finding themselves deeper and deeper in poverty. We must raise the minimum wage. Some of us are supporting legislation which will raise the minimum wage from $4.25 an hour to $5.50 an hour.

Lastly, Mr. Speaker, when we talk about how we can re-empower the American worker, the ordinary people, we must talk about rebuilding the trade union movement in this country. It is amazing to me how many people in this Congress, how many people in the business community keep telling us how terrible unions are, what an awful thing it is that workers come together to stand up for their rights and to be able to negotiate a decent contract.

I always find it amazing that the same people who tell us how bad unions are belong to unions themselves. What is the American Medical Association? It is a union of doctors. What is the American Bar Association? It is a union of lawyers.

☐ 2330

What is the American Manufacturers Association? It is a union of manufacturers.

What is the Chamber of Commerce? It is a union of business groups. That is OK.

But when poor people come together, when people who make 5 bucks an hour or 6 bucks an hour come together so that they can approach their employer united and as one rather than one by one, oh, it is a terrible thing; oh, unions are bad.

We need to make sweeping changes in labor law in this country.

Right now, it is very difficult for workers to form a union. Despite the current law, employers very often fire workers who try to organize a union, and 5 years later, the NLRB will slap the owner on the wrist, give him a small fine. In many instances, workers, after enormous effort, are able to bring forth a union, and then they sit down to negotiate a first contract, and the employer refuses to do that.

I will soon be introducing sweeping labor law reform which will grant those workers who want to join a union the right to do so in a fair manner.

But the bottom line of that is that if we are going to improve the standard of living of working people, if we are going to protect our jobs, workers have got to come together. I think rebuilding the trade union movement, bringing forth labor law reform is very, very important.

Let me conclude, Mr. Speaker, by just saying this: I think clearly in this country politically there is a deep sense of demoralization. Poor people, as I mentioned a moment ago, do not bother voting. They no longer believe that the government represents their interests. They understand quite clearly that the government works for the wealthy and the powerful. They do not vote.

Young people, to a large degree, do not vote. They do not see much sense in that either.

I think that if we are to turn around this country, which has such enormous potential, if once again we are to have the highest standard of living, if once again we are to have a vibrant democracy where decisions which affect their lives, then clearly people are going to have to wake up and stand up and fight for their rights.

People did not fight and die throughout the history of this country so that a handful of large corporations and their wealthy owners should make the decisions for all of us. People fought and died for democracy, the right of all people to be able to control their lives, and I hope at this terribly critical juncture in our history that working people and poor people and elderly people and people today who feel disenfranchised, who feel alienated will come together as one to stand up and fight for their dignity, for their rights, for the rights of their kids and their parents.

We are a great Nation. We can in fact provide well for all of people. We can live in dignity, and I would hope that that becomes the goal of the vast majority of the people of this country.

RECESS

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Pursuant to clause 5 of rule I, the Chair declares the House in recess subject to the call of the chair.

Accordingly (at 11 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0014

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GORDON] at 12 o'clock and 14 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS BILL FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-532) on the resolution (H. Res. 444) providing for consideration of the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today, before 3:20 p.m., on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, on May 26.

Mr. BARTLETT of Maryland, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. SPENCE.
Mr. BLILEY.
Mr. PACKARD.
Mr. WELDON.
Mrs. JOHNSON of Connecticut.
Mr. LEWIS of California.
Mr. FRANKS of New Jersey.
Mr. MOORHEAD.
Mr. BEREUTER.
Mr. ZELIFF.
Mr. THOMAS of California.
Mr. KNOLLENBERG.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. MANN.
Mr. LANTOS in two instances.
Mr. HAMILTON.
Mr. MONTGOMERY.
Mr. REYNOLDS in 17 instances.
Ms. ESHOO.
Mr. KILDEE.
Mr. FRANK of Massachusetts.
Mr. FOGLIETTA.
Mr. DARDEN in two instances.
Mr. VISCLOSKY.
Mr. STARK in three instances.
Mr. FAZIO.
Mr. EVANS.
Mr. CONYERS.
Mr. RICHARDSON.
Mr. MONTGOMERY.
Mr. ENGEL in two instances.
Mr. PALLONE.
Mrs. MEEK of Florida.
Mr. OBERSTAR.
Ms. MARGOLIES-MEZVINSKY.
Ms. HARMAN.

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Mr. HUTTO.
Mr. BROWN of California.
Mr. HUGHES.
Mr. FLAKE.
Mr. MENENDEZ.
Mr. SANDERS.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MOAKLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand a division.

On a division (demanded by Mr. WALKER) there were—yeas 4, nays 3.

So the motion was agreed to: accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until Thursday, May 26, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3255. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3256. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3257. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1994, through March 31, 1994, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-261); to the Committee on House Administration and ordered to be printed.

3258. A letter from the Secretary of the Interior, transmitting a report on certain Small Reclamation Projects Act [SRPA] program applications; to the Committee on Natural Resources.

3259. A letter from the Administrator, Federal Highway Administration, transmitting a status report on fundamental properties of petroleum asphalts and modified asphalts used in highway construction, pursuant to Public Law 102-240, section 6016(e) (105 Stat. 2183); to the Committee on Public Works and Transportation.

3260. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to impose certain fees to fund environmental insurance resolution reform, and for other purposes; to the Committee on Ways and Means.

3261. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively and for other purposes; jointly, to the Committees on Energy and Commerce, Natural Resources, and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio: Committee on Rules. House Resolution 443. Resolution providing for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995 (Rept. 103-530). Referred to the House Calendar.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; with amendments (Rept. 103-531 Pt. 1). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 444. Resolution providing for consideration of the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-532). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 3937. Referred to the Committees on Armed Services, Judiciary, Public Works and Transportation, Ways and Means and the Permanent Select Committee on Intelligence for a period ending not later than June 17, 1994, for consideration of such provisions contained in the bill and amendment as fall within the respective jurisdictions of those committees pursuant to rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON:

H.R. 4486. A bill to prohibit any executive branch agency from entering into any service contract if the services procured under the contract can be performed at a lower cost by employees of the agency; to the Committee on Government Operations.

By Ms. NORTON:

H.R. 4487. A bill to require the Director of the Office of Management and Budget to develop and implement a system for determining and reporting the number of individuals employed by non-Federal Government entities providing services under contracts awarded by executive branch agencies; to the Committee on Government Operations.

By Ms. NORTON:

H.R. 4488. A bill to amend the Federal Workforce Restructuring Act of 1994 to provide that the duties performed by individuals separating from Government service in order to receive a voluntary separation incentive payment may not be performed by any person under contract with the United States; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 4489. A bill to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology, mission support, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BRYANT:

H.R. 4490. A bill to extend the Administrative Conference of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. CANADY (for himself, Mr. Pete Geren of Texas, Mr. Frost, Mr. Tauzin, Mr. Hayes, Mr. Sisisky, Mrs. Thurman, Mr. Talent, Mr. Dornan, Mr. Stump, Mr. Baker of California, Mr. Linder, Mr. DeLay, Mr. Oxley, Mr. Levy, Mr. Santorum, Mr. Pombo, Mrs. Fowler, Mr. Lewis of California, Mr. McCollum, Mr. Spence, Mr. Goss, Mr. Klug, Mr. Walker, Mr. Ramstad, Mr. Hutchinson, Mr. Schaefer, Mr. Livingston, Mr. Smith of Texas, Mr. Hoekstra, Mr. Bilirakis, Mr. Inglis of South Carolina, Mr. King, Mr. Saxton, Mr. Ewing, and Mr. Mica):

H.R. 4491. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify hardcore juvenile offenders and treat them as adults; to the Committee on Education and Labor.

By Mr. de la GARZA (for himself, Mr. Johnson of South Dakota, and Mr. Combest) (all by request):

H.R. 4492. A bill to extend the authorization for appropriations for the Commodity Futures Trading Commission for 5 fiscal years; to the Committee on Agriculture.

By Mr. MANN:

H.R. 4493. A bill to amend title 11 of the United States Code to limit the value of certain real and personal property that the debtor may elect to exempt under State or local law; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. Peterson of Florida, Mr. Payne of New Jersey, Mr. Engel, Mr. Frost, Mr. Hochbrueckner, and Ms. Velázquez):

H.R. 4494. A bill to guarantee the provision of minimum child support benefits and to reform the child support enforcement system; jointly, to the Committees on Ways and Means, Energy and Commerce, Banking, Finance and Urban Affairs, Agriculture, and Education and Labor.

By Mr. OBERSTAR (for himself and Mr. Lewis of Georgia):

H.R. 4495. A bill to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR:

H.R. 4496. A bill to amend the Surface Transportation Assistance Act of 1982 and title 23, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways; to the Committee on Public Works and Transportation.

By Mr. SCHUMER (for himself, Mr. Gingrich, Mr. Lewis of Georgia, and Mr. Lewis of California):

H.R. 4497. A bill to award a congressional gold medal to Rabbi Menachem Mendel Schneerson; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MINK of Hawaii (for herself, Mr. Abercrombie, Mr. Becerra, Mr. Clay, Mrs. Clayton, Ms. Collins of Michigan, Mr. Dellums, Mr. Edwards of California, Mr. Engel, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Hamburg, Mr. Hastings, Mr. Hinchey, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Lewis of Georgia, Mr. Martinez, Ms. McKinney, Mrs. Meek of Florida, Mr. Mfume, Mr. Mineta, Mr. Nadler, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Pastor, Mr. Payne of New Jersey, Mr. Rangel, Mr. Romero-Barcelo, Ms. Roybal-Allard, Mr. Rush, Mrs. Schroeder, Mr. Serrano, Mr. Towns, Mr. Underwood, Mrs. Unsoeld, Ms. Velázquez, Mr. Washington, Ms. Waters, Mr. Watt, Ms. Woolsey, Mr. Wynn, Mr. Yates, Mr. Conyers, and Mr. Foglietta):

H.R. 4498. A bill to provide additional assistance to persons receiving aid to families with dependent children who are most likely to use the assistance to end their welfare dependence; jointly, to the Committees on Ways and Means, Education and Labor, Banking, Finance and Urban Affairs, and Agriculture.

By Ms. NORTON:

H.R. 4499. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.J. Res. 370. Joint resolution designating May 25, 1995, as "National Tap Dance Day"; to the Committee on Post Office and Civil Service.

By Mr. FLAKE (for himself, Mr. ACKERMAN, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. WATT, Mr. REYNOLDS, Mr. RUSH, Mr. PAYNE of New Jersey, Mr. FORD of Tennessee, Ms. WATERS, Mrs. CLAYTON, Mr. THOMPSON, Mr. HILLIARD, Mr. DIXON, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. MFUME, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. CLYBURN, Mr. BISHOP, Mr. TUCKER, Mr. WYNN, and Mr. JEFFERSON):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to recognize the achievements of Lewis Howard Latimer; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 442. Resolution electing Representative LUCAS of Oklahoma to the Committees on Agriculture and Government Operations; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

399. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to unfunded Federal mandates imposed on States; to the Committee on Government Operations.

400. Also, memorial of the Senate of the State of Hawaii, relative to urging the U.S. Government to cease further preemption of State and local powers; jointly, to the Committees on Government Operations and the Judiciary.

401. Also, memorial of the House of Representatives of the State of Hawaii, relative to aliens; to the Committee on the Judiciary.

402. Also, memorial of the House of Representatives of the State of New Hampshire, relative to atomic veterans; to the Committee on Veterans' Affairs.

403. Also, memorial of the Assembly of the State of California, relative to California's missing children; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TORKILDSEN:

H.R. 4500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 692: Mr. HAMBURG.

H.R. 799: Mr. CONDIT.

H.R. 1106: Ms. DELAURO.

H.R. 1543: Mr. CANADY.

H.R. 1551: Mr. JOHNSON of Georgia.

H.R. 1817: Ms. PRYCE of Ohio.

H.R. 1910: Mr. MYERS of Indiana, Ms. DUNN, Mr. CANADY, Mr. ROYCE, and Mr. CONDIT

H.R. 2444: Mr. HASTERT, Mr. SMITH of Michigan, Mr. HOKE, Mr. DUNCAN, Mr. OXLEY, Mr. LEWIS of California, Mr. DREIER, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mr. POMBO, Mr. EWING, Mr. SKEEN, Mr. BREWSTER, Mrs. VUCANOVICH, Mr. GILCHREST, Mr. SCHIFF, Mr. KYL, Mr. BACHUS of Alabama, and Mr. RAVENEL.

H.R. 2586: Mr. BARRETT of Nebraska and Mr. BLUTE.

H.R. 2607: Mr. TORRES.

H.R. 2710: Mr. DIXON, Mr. FARR, Mr. HILLIARD, Ms. MCKINNEY, Mr. PALLONE, and Ms. VELÁZQUEZ.

H.R. 2803: Mr. EMERSON and Mr. SCHIFF.

H.R. 2866: Ms. NORTON, Mr. PRICE of North Carolina, and Mrs. MORELLA.

H.R. 2957: Mr. KINGSTON.

H.R. 3017: Mr. RICHARDSON.

H.R. 3031: Mr. TALENT and Mr. STEARNS.

H.R. 3087: Mr. LUCAS and Mr. HAMBURG.

H.R. 3283: Mr. FRANKS of New Jersey.

H.R. 3433: Mr. CONDIT, Mr. HORN, and Mr. SARPALIUS.

H.R. 3446: Mr. KYL.

H.R. 3491: Mr. FISH, Mr. LEWIS of California, and Mr. HYDE.

H.R. 3561: Mr. WAXMAN and Ms. COLLINS of Michigan.

H.R. 3584: Mr. BARLOW, Mr. BROWN of Ohio, Mr. CAMP, Mr. MCHALE, Mrs. VUCANOVICH, and Mr. ZELIFF.

H.R. 3646: Mr. COMBEST, Mr. PENNY, Mr. DELAY, Mr. WILLIAMS, Mr. HANSEN, and Mr. JOHNSON of South Dakota.

H.R. 3656: Mr. MEEHAN and Mr. LAZIO.

H.R. 3685: Mr. ZELIFF.

H.R. 3727: Mr. SMITH of New Jersey, Mr. PORTER, and Mrs. MEYERS of Kansas.

H.R. 3765: Mr. WILLIAMS.

H.R. 3785: Mr. TUCKER.

H.R. 3820: Mr. COLLINS of Georgia, Mr. TAUZIN, Ms. NORTON, Mr. COX, Mr. GINGRICH, Mr. GOODLATTE, Ms. MOLINARI, Mr. PAXON, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. BISHOP, Mr. CLEMENT, Mr. GENE GREEN of Texas, Mr. FLAKE, Mr. DICKEY, Mr. LAZIO, Mr. WALSH, Mr. BEILENSON, Mr. COSTELLO, Mr. DURBIN, Mr. EDWARDS of California, Mr. HUGHES, Mr. HAYES, Ms. KAPTUR, Mr. KILDEE, Mr. MCCURDY, Mr. MAZZOLI, Mr. MILLER of California, Mr. MORAN, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. SABO, Mr. SCHUMER, Mrs. SCHROEDER, Mr. STUDDS, Ms. WATERS, Mr. WISE, Mr. PENNY, and Mr. SAWYER.

H.R. 3827: Mr. HAMBURG, Ms. VELAZQUEZ, Mr. VENTO, and Mr. GUTIERREZ.

H.R. 3866: Mr. LAFALCE, Mr. KLEIN, Mr. JEFFERSON, Mr. VALENTINE, Mr. FARR, Mr. WATT, Mr. DIAZ-BALART, Mr. MILLER of California, Mr. DEFAZIO, and Mr. ROSE.

H.R. 3900: Mr. PASTOR.

H.R. 3955: Mr. HUTTO and Mr. GILLMOR.

H.R. 3978: Mr. THOMAS of California.

H.R. 4024: Mr. BAESLER.

H.R. 4057: Ms. LAMBERT, Mr. SANGMEISTER, Mr. MCHALE, Mr. DORNAN, Mr. MCHUGH, and Mr. MANN.

H.R. 4095: Mr. DELAY.

H.R. 4096: Mr. SAXTON, Mrs. MEEK of Florida, Mr. BROWDER, Mr. MURPHY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEYERS of Kansas, Mr. BEVILL, Mr. JEFFERSON, Mr. GENE GREEN of Texas, and Mr. CALLAHAN.

H.R. 4135: Mr. KLINK, Mr. KNOLLENBERG, Mr. TRAFICANT, Mr. SHARP, Mr. JACOBS, Ms. LONG, Mr. MCCLOSKEY, Mr. VISCLOSKY, Mr. BURTON of Indiana, Mr. BARRETT of Wisconsin, Mr. PETE GEREN of Texas, Mr. BAKER of California, Mr. PALLONE, Mr. BLILEY, Mr. BRYANT, Mr. RAVENEL, Mr. JOHNSON of South Dakota, Mr. CALVERT, Mr. EDWARDS of California, Mr. WHITTEN, and Mr. MICHEL.

H.R. 4148: Mr. HILLIARD and Mrs. MORELLA.

H.R. 4248: Mr. SHAYS.

H.R. 4326: Mr. HOAGLAND, Mr. ARCHER, Mr. MCCRERY, Mr. SUNDQUIST, and Mr. JACOBS.

H.R. 4350: Mr. HEFLEY.

H.R. 4365: Mr. PETERSON of Minnesota, Mr. DORNAN, Mr. KINGSTON, Mr. TRAFICANT, and Mr. GOSS.

H.R. 4366: Mr. FILNER, Miss. COLLINS of Michigan, Mr. EVANS, Mr. JEFFERSON, Mr. OWENS, and Ms. VELÁZQUEZ.

H.R. 4374: Mr. FRANKS of New Jersey, Mr. BACCHUS of Florida, and Mr. CLEMENT.

H.R. 4392: Mr. FISH.

H.R. 4399: Mrs. MORELLA, Mr. JOHNSON of South Dakota, and Mr. POMEROY.

H.R. 4400: Mr. MCCLOSKEY, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. BILBRAY.

H.R. 4403: Mr. WHEAT.

H.R. 4414: Mrs. LLOYD and Mr. BILBRAY.

H.R. 4473: Mr. LINDER.

H.J. Res. 189: Mr. ROEMER, Mr. CLYBURN, Mr. HUGHES, Mr. BARRETT of Wisconsin, Mr. KING, and Mr. LEVY.

H.J. Res. 327: Mr. HOAGLAND, and Ms. ROYBAL-ALLARD.

H.J. Res. 346: Mr. DELLUMS, Mr. NEAL of Massachusetts, Mr. BEVILL, Mr. BLUTE, Mrs. LLOYD, Mr. RAVENEL, Mr. APPLEGATE, Mr. ENGEL, Mrs. MORELLA, Mr. FROST, Mr. MYERS of Indiana, Mr. BATEMAN, Mr. RAHALL, Mr. KING, Mr. JOHNSON of South Dakota, Mr. WALSH, Mr. KASICH, Mr. UNDERWOOD, Mr. BILIRAKIS, Mr. REYNOLDS, Mr. ORTIZ, Mrs. BYRNE, Mr. EVANS, Mr. WAXMAN, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. HORN, Mr. FALEOMAVAEGA, Mr. WASHINGTON, Mr. BARRETT of Wisconsin, Mr. MCNULTY, and Mr. LANCASTER.

H. Con. Res. 103: Mr. RICHARDSON.

H. Con. Res. 166: Mr. BAKER of California.

H. Con. Res. 210: Mr. FAWELL.

H. Res. 291: Mr. GOODLATTE and Mr. MCCRERY.

H. Res. 403: Mr. MILLER of Florida, Mr. MOORHEAD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. MOAKLEY, Mr. SERRANO, Mr. SARPALIUS, Mr. SPRATT, Mr. WASHINGTON, Mr. FLAKE, Mr. EDWARDS of Texas, Mr. MORAN, Mr. MEEHAN, Mr. LANCASTER, Mr. EMERSON, Mr. RAVENEL, Mr. MARTINEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MINETA, Mr. POMEROY, and Ms. SLAUGHTER.

H. Res. 437: Mr. LIGHTFOOT and Mr. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 306: Mr. BOEHNER.

H.R. 3755: Mr. BOEHNER.

H.R. 3790: Mr. GRANDY, Mr. BARRETT of Nebraska, Mrs. MEYERS of Kansas, and Mr. STRICKLAND.

H.J. Res. 327: Mr. BOEHNER.

EXTENSION OF REMARKS

THE INTRODUCTION OF THE NASA AUTHORIZATION ACT FOR FISCAL YEARS 1995 AND 1996

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BROWN of California. Mr. Speaker, today I am introducing the NASA Authorization Act for fiscal years 1995 and 1996. Over the coming weeks, I hope to move this bill expeditiously through the committee legislative process.

Mr. Speaker, as you know, this is perhaps the most critical year NASA has faced since the cancellation of the Apollo Program. This is the first time since then that the administration has requested a decrease in funding of our Nation's space and aeronautics activities. In addition, within this lower funding envelope, NASA is seeking to continue major programs such as the space shuttle, the space telescope, and the space station.

Since this situation became clear to me, I have worked hard to help ensure that the allocations within the Appropriations Subcommittees provided enough funding to provide an adequate and balanced space program while retaining enough money for the space station. Despite the efforts of many, it is still unclear whether the allocations provide for this.

Therefore I am introducing this bill today to help clarify the true needs of the space program this year. Mindful that some reductions will eventually need to be made, this bill identifies nearly $290 million in program cuts. It also, however, identifies some offsetting actions that cannot only reduce the adverse effects of these reductions, but also provide a path toward a more sustainable space program.

The bottom line is contained in the bill. Any funding level below $14.150 billion will begin to have serious consequences for the space program. Although I will remain open to any proposals, I will need to weigh very carefully whether to continue to support the space station in its present form if the NASA budget falls below that level.

I have made clear that some review of the long-term needs of the space budget will be absolutely necessary during the budget preparations for the fiscal year 1996 budget. I have met with OMB director Leon Panetta and he has agreed to consider this matter seriously.

Whether or not NASA is provided with a more favorable 5-year budget projection, it will be necessary to fundamentally reduce the cost of the space program in future years. I have welcomed many of the actions that have been proposed by NASA Administrator Daniel Goldin in this regard and I am confident that these management reforms will have the desired effect in the future.

However, a recent Congressional Budget Office study entitled "Reinventing NASA" has pointed out that these reforms provide no instant gratification and will take sustained effort to ensure that they achieve cost savings. In the interim, I envision that there may be some real need to restructure NASA's programs along the lines I have suggested in order to provide a bridge to the future.

I would like to include with this statement a description of the bill and its principal provisions. I hope to bring this bill before the House as soon as possible.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1995, 1996

BACKGROUND

The "Augustine Report" issued in 1990 has generally been acknowledged as the most thorough review of space policy since the Apollo period. One key recommendation of that report is that the budget for the space program should achieve a greater stability and should increase in real terms. Since the issuance of that report, the NASA budget appropriated by Congress has decreased in real terms.

Moreover, the five year budget runout has decreased substantially due to a combination of overall budgetary stress and shifting Administration priorities. For the period 1994–1998, the fiscal year 1994 budget request for NASA required a reduction of $15.7 billion and the fiscal year 1995 request required an additional reduction of $8.1 billion. In short, the NASA budget has enjoyed neither the stability nor the real growth envisioned by the Augustine report.

This authorization bill is intended to define a path for maintaining balance within the space program within the budgetary restraints that have been imposed over the next 2 years. The objective of the bill is to sustain all of the investments that have been made in the space and aeronautics program over the past decade including programs such as the Space Telescope, the Earth Observing System, and the Space Station.

This bill does not, however, provide a long-term solution. Continued decline in Administration budget requests and Congressional Appropriations will result in the need for major programmatic realignment or cancellations in future years.

OVERALL APPROACH

This bill identifies specific areas where budgetary reductions are possible other than the Space Station. It also identifies specific actions that can be taken to offset the adverse effects of such reductions and maintain a healthy and balanced space and aeronautics program.

For fiscal year 1995, the bill identifies $288.6 million in programmatic reductions relative to the request level of $14.3 billion. It also provides for $139 million in offsetting additions. Thus, although a funding level of $14.01 billion may be minimally adequate to maintain the fiscal year 1995 space and aeronautics program without impacting the Space Station, program disruptions and lost investments will occur. A funding level of $14.150 billion will provide for a healthy and balanced space program and more effectively capitalize on past investments.

For fiscal year 1996, the bill provides $14.4 billion, the overall request level. This funding level is still several hundred million below an inflationary increase over the 1995 level. In order to sustain the space and aeronautics program over the long term, the Administration and Congress will need to undertake an in-depth review of NASA's funding requirements during the budget preparation cycle for fiscal year 1996. Specifically, there is a need for an objective assessment of the true savings obtained from the management reforms undertaken as part of the National Performance Review and an assessment of the actual budgetary needs of the ongoing and anticipated programs.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

Some of the major reductions identified in the bill are as follows:

The bill provides for a reduction in the Shuttle flight rate of one mission per year. Continued erosion of NASA's budget in the out years may necessitate an additional reduction in flight rate.

The bill assumes a deletion of one Spacelab mission, MSL–1. It is possible to recover some of the science lost by this action on a series of Spacelab missions and joint activities with the Russians.

The bill eliminates the Mars Surveyor new start. It is anticipated, however, that increased cooperation with the Russian science community may provide for a restructured joint mission.

The bill defers work on an Ocean Color Imager and Altimeter now part of the Earth Observing System. Other potential flight options and mission phasing is possible to counter this deferral.

The Techsat program is held to 1994 levels pending a clearer demonstration of industry cofunding as originally proposed.

The bill provides for a moderate delay in the TDRSS procurement.

The bill provides for a reduction in personnel funding due to the better than anticipated success of the buyout program.

The bill also provides for certain program augmentations and new initiatives as follows:

The bill provides for additional funding for the Global Geospace Science program in order to accommodate the launch delays now anticipated.

The bill provides for a moderate new start on a technology development program directed at advanced launch technologies including SSTO and reusable technologies.

The bill maintains funding for the University Space Engineering Centers which have been proposed for termination.

The bill establishes a new line item for Russian cooperation in science to complement the Russian cooperation in human spaceflight. It is anticipated that the initial focus of this cooperative program will be in Mars exploration and recovery of the science lost with the Mars Observer.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

USAID'S PLANS FOR STRENGTHENING WID EFFORTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HAMILTON. Mr. Speaker, in December 1993, the General Accounting Office released its report on the Agency for International Development's and the Department of State's compliance with the 1973 Percy amendment, section 113 of the Foreign Assistance Act of 1961, as amended. The Percy amendment directed that U.S. foreign assistance efforts focus on integrating women into the economies of developing countries.

On March 16, 1994, I wrote to Administrator Atwood to request that AID report to the committee on how the issues raised in the GAO report were being addressed.

On April 1 and May 16, 1994, Mr. Atwood provided letters responding to my inquiry. In Mr. Atwood's response, he expresses his personal commitment to addressing the issues raised in the GAO report and outlines specific steps which the agency is taking to insure consistent compliance with the Percy amendment.

The correspondence follows:

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, April 1, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 16, 1994 requesting that the Agency for International Development (USAID) report to the Committee on Foreign Affairs on how the issues raised by the General Accounting Office (GAO) on women in development are being addressed.

In my response to findings in the report on USAID's and the Department of State's compliance with the 1973 "Percy Amendment," (Section 113 of the Foreign Assistance Act as amended), I outlined some steps that I will take to strengthen and accelerate the Agency's women-in-development program. These steps are summarized below.

By June 1, 1994, USAID Bureau Assistant Administrators will submit to me plans of action delineating steps to be taken by their Bureaus to address gender issues. The plans for both geographic and central Bureaus will be based on Bureau assessments of gender issues.

USAID will require our overseas missions to integrate gender concerns into country strategies and action plans. I have directed that the geographic Bureaus take the lead in establishing plans by July 1, 1994 for negotiating with Missions deadlines for reaching gender integration benchmarks.

Further, USAID will enhance coordination between the Office of Women in Development and USAID Bureaus to better monitor the integration of gender concerns in Bureau and Mission development strategies. To assist in this process we will assure the timely completion of our program performance monitoring system and will continue to explore ways to strengthen the capacity of this system to monitor women-in-development program performance.

I am taking steps to integrate women-in-development policy objectives into non-project assistance programming by directing that guidance be appropriately incorporated into Agency guidance documents, including USAID Handbook 4.

Finally, USAID will continue to explore and implement ways of providing our program managers with information to monitor women-in-development program performance.

I greatly appreciate your enclosing a copy of the letter of March 1, 1994, which you received from Congresswoman Schroeder and your March 16 response to her. As you state to Congresswoman Schroeder, we are taking steps at USAID to ensure that integration of women-in-development concerns in development assistance is a top priority. I believe our response to GAO reflects this effort.

Sincerely,

J. BRIAN ATWOOD.

TRIBUTE TO HELEN LUSTIG: OUTSTANDING TEACHER AND CITIZEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LANTOS. Mr. Speaker, I rise today to bring my colleagues' attention to the outstanding achievements of Helen Lustig on the occasion of her retirement from the teaching profession on June 3. Mrs. Lustig has distinguished herself in the city of San Francisco as outstanding teacher and active community member for over 40 years.

A mother of three and a grandmother to be in July, Mrs. Lustig has touched the lives of hundreds of young people as a teacher, as a friend, and as a mentor. She has been an outstanding, positive influence on the children who have been lucky enough to attend her classes. Her impact has been all the more significant given her dedication to working among San Francisco's most disadvantaged children.

Her tireless devotion to educating the children of San Francisco will be sorely missed. We can find comfort, however, in her continued contributions to the good of the community.

Helen Lustig's dedication to education extends beyond the classroom. She is currently a docent with the San Francisco Zoo and active with its special events council. Additionally, she has always found time to help the fundraising efforts of the City of Hope Hospital and the Peninsula Humane Society.

I extend my most sincere gratitude and admiration to Helen Lustig and wish her a full and happy retirement. We all are grateful for her contribution to the future of those young people and the country. Helen Lustig has spent a full life giving the most valuable gift of all—education.

Mr. Speaker, I invite my colleagues to join me in honoring the teaching profession and one of its greatest practitioners, Mrs. Helen Lustig.

THE ABOLITION OF BANKRUPTCY HAVENS AMENDMENTS OF 1994

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MANN. Mr. Speaker, today I am introducing legislation to address an inequity in our bankruptcy laws that allows wealthy individuals to wipe away all of their debts and at the same time keep their mansions, expensive jewelry, and thoroughbred horse collections.

The problem with our Bankruptcy Code is that a small number of States abuse the power of States to set the value of the homestead exemption for individuals who file for bankruptcy. The homestead exemption is the value in home equity that a debtor may exclude from bankruptcy proceedings. In the State of Florida a person can exclude his or her residence including up to 160 acres of realty no matter what the value. In Texas up to 200 acres plus a dwelling on the land is placed beyond the reach of creditors, again even if the property is worth millions. In Ohio, by contrast, the limit is $5,000.

The unlimited exclusions in Florida and Texas make these two States havens for debtors. Debtors can buy million dollar estates and get absolution for all their other debts. A favorite trick of wealthy debtors is to establish residency in Florida or Texas and then declare bankruptcy. Meanwhile, middle-class Americans work hard to pay their bills and pay higher prices for merchandise in order to make up for the debts not paid by the millionaires living in their mansions in the few States that make a mockery of our bankruptcy system.

In November, the program "60 Minutes" reported on three cases in Florida. One involved Marvin Warner, a former Cincinnati resident, who was convicted and served time in jail because of his involvement in the savings and loan debacle in the 1980's. Warner established his residency in Florida in 1985, paid $3½ million in cash for a 400-acre horse farm and a collection of thoroughbred horses, and then filed for bankruptcy in 1987. Because he was in Florida he was able to keep his farm and his horses and be absolved from more than $70 million in debt.

The same "60 Minutes" episode interviewed a Florida bankruptcy attorney who said he gets five calls a week from lawyers around the country who are forum shopping for their clients with money they want to shelter. And they can shelter the money by pouring it into a residence in a State with an absurdly high homestead exemption and filing for bankruptcy there.

Mr. Speaker, the bill I am introducing today adds a fair but necessary provision to the Federal Bankruptcy Code. The Abolition of Bankruptcy Havens Amendments of 1994 establishes a cap on the State homestead exemption. The cap is a reasonable $50,000. This is more than is allowable under current law in more than two-thirds of our States. This is not a bill meant to benefit creditors alone. This is a bill that is meant to provide a fair playing field for all Americans so that the machine tool builder in Cincinnati and the executive who gets rich on Wall Street and then moves to

Florida are both expected to pay their bills. This is an anti-deadbeat bill. I encourage your support for the legislation.

THE TIDE IS CHANGING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. PACKARD. Mr. Speaker, soon we will welcome a new Republican Member from Kentucky into the House.

The election of RON LEWIS signals a sea change that is taking place in this country. His election to the House from a district held by Democrats since the Civil War sends an unmistakable message to President Clinton and the Democrats in the House: The people are not buying it.

They don't buy that big Government, and big Government spending are the solutions to the problems we face in this country.

The people are not buying the ultraliberal policies cloaked in moderate rhetoric that the President sells in his constant campaign mode.

And in particular, in the Second Congressional District of Kentucky, the people didn't buy into the idea that they should send another Democrat to Washington to be a foot soldier for the Clinton agenda.

The people voted for energized leadership and for change, and they voted Republican. The election of RON LEWIS is the beginning of the 1994 thaw of the ice age of Democrats who have controlled Congress since 1954. November 1994 will be a Republican avalanche.

TRIBUTE TO FRANCES LOUISE "LU" PARKER, MISS U.S.A. 1994

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. SPENCE. Mr. Speaker, it is a pleasure for me to recognize Frances Louise "Lu" Parker, Miss U.S.A. 1994, who represented the United States in the Miss Universe Pageant, in Manila, on May 20. Lu grew up in Estill, SC, in the Second Congressional District, which I have the honor to represent. She is the third South Carolinian to win the Miss U.S.A. title.

A graduate of the college of Charleston, Lu received a master of arts degree in teaching English from The Citadel. She is a ninth grade English literature teacher at North Charleston High School.

As an educator, Lu possesses a keen awareness of the needs of students and teachers. She plans to focus on education policy during her reign as Miss U.S.A. Also,. due to her involvement with teenagers in crisis, Lu has established a nonprofit organization, Helping All Teens Survive [HATS] International, to promote self-esteem and self-responsibility in teenagers.

Lu Parker is an outstanding young lady, who exemplifies the best that our country has to offer. It is a privilege for me to pay tribute to this fine South Carolinian. She has my best wishes for a reign that is filled with joy and marked by achievement.

U.S. COURT OF APPEALS DECISION—BLILEY VERSUS KELLY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BLILEY. Mr. Speaker, on May 20, the U.S. Court of Appeals in Bliley versus Kelly concluded that Congress must have a full 30-day review period within which to consider legislation passed by the District of Columbia government or voters.

In February 1992, Congressmen LARRY COMBEST, DANA ROHRABACHER, Bill Lowery, and I, sued the ranking officials of the District of Columbia city government regarding the legal status of the Assault Weapon Manufacturing Strict Liability Act of 1990. We have always maintained that the lawsuit was not about guns, but about the relationship between the District of Columbia and the U.S. Congress. I am pleased to announce that our position has been vindicated.

Without reciting the entire history of this case, allow me to summarize by stating that in October 1991, the D.C. Corporation Counsel advised me that "Congress no longer has authority under the Self-Government Act to prevent the Strict Liability Act from becoming law by passing a joint resolution of disapproval." My colleagues and I could not accept the implications of this opinion which, if upheld, would have allowed the District to avoid full congressional review. In February 1992, we sued the District of Columbia.

In court, the D.C. Corporation Counsel subsequently argued that the law went into effect on or about December 26, 1991 upon the expiration of the temporary repealer or, alternatively, on March 6, 1991 as the D.C. Court of Appeals held in the Atkinson decision. The U.S. Court of Appeals rejected all of these arguments and found that it was the congressional review period, not the act, which has been suspended. The court has affirmed our fundamental argument in the case that Congress must have a full 30-legislative-day review period after the local legislative process is exhausted.

While Congress may be able to follow this marker in the future, at the time, the Republican members faced the opposition of the erroneous Corporation Counsel opinion. Ironically, as the new 30-day review period ticked away, we had to seek outside legal assistance to vindicate our rights as Members of Congress. We filed suit against the District on February 19, 1992, not knowing that the U.S. Court of Appeals would determine that the new 30-day review period in which Congress may have passed a resolution of disapproval, had not yet expired.

It is also important for Members to know that the court also upheld our right to review an act before it becomes law and to use the government of the District of Columbia.

In time, this lawsuit may prove to be an important footnote to the history of the Nation's Capital. But I believe, it is important to the history of the House of Representatives as well. Before any lawsuit was filed, the chairman of the Committee on the District of Columbia and I wrote to the Speaker, requesting a review of the Corporation Counsel's opinion and support for protecting the rights of Congress which was the real issue at stake. A bipartisan group of House Members, including the chairman of the Committee on Energy, also wrote to the Speaker with a similar request. But we did not receive the support we needed.

It is popular to talk about reforming Congress. Here is a real example of one important matter which should be addressed. When the rights of Congress are at stake, it should not be left to just a few individuals to protect those institutional rights. Without our lawsuit and appeal, Congress would have given up its future right to review simply through default. That would not have been right. That would not have been good for this institution. The executive branch obviously has tremendous resources to draw upon when its authority is threatened. Even the District of Columbia has substantial resources to call upon when its interests are at stake. This lawsuit presents an opportunity to ask ourselves, how will the interests of the House of Representatives be protected in the future?

IN HONOR OF VIRGINIA STEINEL JACOBSEN, KAREN BRAVERMAN, AND ANTONIA BAUMANDER FOR THEIR WORK AS EDUCATORS AND ROLE MODELS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Virginia Steinel Jacobsen, Karen Braverman, and Antonia Baumander on the day of their retirement from the staff of Emerson High School in Union City, NJ. As educators they have worked long and hard to prepare our young adults for the professional and personal challenges that lie ahead.

Educators are like sculptors, but rather than molding a piece of clay, they handcraft the future of our Nation. They instill respect, confidence, and a love of learning in our children. Today I wish to take note of three exceptional individuals who have each made contributions to Emerson High School in unique ways.

Karen Braverman has served as a teacher for 26 years—the last 23 years at Emerson. As a science teacher, she has distinguished herself. In 1980, she won teacher of the year honors. Her area of special interest is microbiology and I need tell no one here the challenge that sort of curriculum presents to a teacher. Mrs. Braverman has a talent for bringing the wonder of science to life for young adults. In the midst of her hectic teaching schedule, she still found time to coach the varsity tennis team from 1973 through 1979.

Virginia Steinel Jacobsen has spent the last 20 years in the Union City school system, the last 10 years as Assistant Administrator of the Federal lunch program and as a clerk. I take particular pride in Virginia's accomplishments, because of my close relationship to her. She is my mother-in-law. Virginia raised four wonderful children, including my wife, and has been a wonderful role model for my two children. I can personally attest to her love for and dedication to children.

Antonia "Toni" Baumander has dedicated the last 10 years of her life to working as Emerson's nurse. Any time a student became ill they went to see Mrs. Baumander, who was always there to dole out sound medical advice. She diligently oversaw the health of Emerson's students. Prior to her work at Emerson, she served at a variety of hospitals and even served at Lackland Air Force Base in San Antonio, TX, during the Korean war.

The residents of Union City owe a great debt to Mrs. Virginia Steinel Jacobsen, Mrs. Antonia Baumander, and Mrs. Karen Braverman for their years of service to the community. These three women have made significant contributions to our educational system and they deserve our praise and our special thanks on the day of their retirement.

A BASEBALL HERO FROM MARCUS HOOK, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. WELDON. Mr. Speaker, I rise today to honor Mickey Vernon, one of the favorite sons of my hometown of Marcus Hook, PA. Mickey was one of the baseball's greatest first basemen of all-time, and this week he will serve as the grand marshal of the Marcus Hook Memorial Day Parade.

Mickey played 21 years in the big leagues, 13 of those right here in our Nation's Capital where he played at Griffith Stadium for the Washington Senators. He was a slick-fielding lefthanded first baseman with a short, compact lefty swing, and he was a fixture in the middle of the Senators' lineup throughout the forties and early fifties.

In 1946, Mickey won the first of his two American League batting titles, hitting 0.353 while banging out a league-leading 51 doubles and knocking in 85 runs. He won a second Silver Bat in 1953, when he again lead the league with a 0.337 average and 43 doubles. That year, he also swatted 15 home runs and drove in a career-best 115 runs.

For his career, Mickey batted 0.286, drove in 1,311 runs, and hit 490 doubles. He played in seven All-Star games, and held career records for first basemen in assists, put-outs, chances, and games played, 2,237. He was durable and consistent, playing 115 or more games for 14 straight years.

This kind of day-in, day-out production is all the more remarkable when one considers how baseball of the 1940's and 1950's differed from the baseball of today. Mickey Vernon and his teammates rode for hours on end in cramped trains, not in luxury charter airplanes. They played games in the white heat of the scorching summer sun, not under the cool evening skies. They wore heavy wool uniforms, not light double knits.

When Mickey played, there were only 16 teams in 2 leagues. There were few slots open for major leaguers, and each player no matter how good had to prove himself every spring. Few ballplayers in those days had the luxury of rich multiyear contracts.

Typical of many ballplayers of his era, Mickey lost 2 years of his career, 1944–45, because he answered his country's call to service during World War II. We can only imagine what Mickey's lifetime totals would have been had he played those two seasons in the prime of his career.

Through it all, Mickey Vernon was a dogged competitor and a true gentleman. When his playing and managing days were over, after he had plied his trade for the Senators and the Red Sox and the Indians, Mickey Vernon came home to his roots. He came back to Delaware County, PA. Today he is 76 years old, and he still lives in Nether Providence, just a few miles from Marcus Hook.

It is fitting that this Memorial Day marks the beginning of a new push to have Mickey Vernon inducted into the Baseball Hall of Fame in Cooperstown, NY. Local baseball fans have organized a "Mickey Vernon for the Hall of Fame Committee." The committee has organized a petition drive to have the Hall of Fame Veterans Committee give Mickey his rightful place among the all-time greats of the game. I will do all I can to assist in this worthy effort.

Mickey Vernon is a hero in my hometown. Marcus Hook is a close-knit, working-class town on the Delaware River. The people of Marcus Hook have community spirit and family pride, and many bonds still tie us together. One of those bonds is our great pride in the career and achievements of our friend Mickey Vernon. Even today, more than 30 years after his retirement, kids in Marcus Hook still play ball in the Mickey Vernon Little League.

Thanks to Mickey Vernon, our hometown has a cherished place in the grand history of America's game. Few towns in America can claim to be birthplace of a genuine baseball hero, and the people of Marcus Hook are very proud to call Mickey Vernon one of our own.

TRIBUTE TO SAM B. HALL, JR.

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HUGHES. Mr. Speaker, today we pay tribute to our former colleague, Representative Sam B. Hall, Jr., who served in this House from 1977 until 1985.

Sam was a man of integrity who well represented his constituents from the First District of Texas. As my seat-mate on the Judiciary Committee, Sam and I worked closely on many issues. Sam always worked with a smile and was very pleasant to everyone who came in contact with him. Indeed, he was a fine lawyer, an outstanding legislator, and a good friend.

In addition to serving this House, and his district, Sam well served this country. After his service in Congress, he was appointed as a U.S. district judge for the eastern district of Texas where he served with distinction. His dedication to the bench earned him deep respect and admiration from many of his colleagues.

As we take this moment to remember our former colleague, Sam Hall, I would like to extend my deepest sympathy to his wife, Madeline, and the rest of his family. Sam's death is a loss to all of us and we will miss him.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT THE U.S. POSTAL SERVICE SHOULD ISSUE A STAMP COMMEMORATING LEWIS HOWARD LATIMER

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FLAKE. Mr. Speaker, today I am introducing, along with many of my colleagues in the Congressional Black Caucus, and with the support of the New York congressional delegation, a resolution expressing the sense of Congress that the U.S. Postal Service should issue a stamp commemorating Lewis Howard Latimer. The time has come to recognize the contributions of Lewis Howard Latimer—(1848–1928)—a leading black inventor, a scientist, a civic leader, and a resident of New York City. A U.S. postage stamp issued to honor this very distinguished individual would draw attention to one whose life embodied the spirit and essence of America and offer a role model to people of all backgrounds.

Latimer's scientific accomplishments include a long-lasting carbon filament for Thomas Edison's light bulb which made commercial lighting feasible, drawings for Alexander Bell's telephone patent, and the installation of some of the earliest outdoor electrical lighting systems in such cities as Philadelphia, New York, and Montreal. In addition, he wrote the first book concerning the revolutionary electric lighting of Thomas Edison to be published in America.

Latimer was an artist, poet, and humanist who believed in the value of intellectual improvement, hard work, and in the opportunities America offered to everyone. As the child of former slaves, Latimer believed in civil liberties for all and had a long friendship with such notable civil rights leaders as Frederick Douglas.

A stamp issued to honor Lewis Latimer would commemorate the achievement of this pioneering African-American inventor and humanist who was a pivotal figure in the race to develop electric lighting and overcome racial intolerance. A U.S. postage stamp would stimulate interest in this multitalented individual and offer his achievements as a role model to today's youth.

HONORING DR. DAVID COCKCROFT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to recognize the service to his neighbors that has been made by Dr. David Cockcroft, who is being honored this week as Riverdalian of the Year by the Riverdale Community Council.

Later this year, Dr. Cockcroft will retire from the pastorate at the Riverdale Presbyterian Church after serving for 26 years. During that time, he has performed countless good deeds on behalf of all the people of the community. The support and dedication he has given to individuals and to neighborhood associations has endeared him to the community. Whether he is working to maintain clean parks, comforting people with AIDS, or performing his religious duties, David Cockcroft is fully committed to the task at hand.

As he describes it, David Cockcroft is retiring from the pastorage but not from life. That is why I am sure he will continue to be a positive force in the Riverdale community, where he has already touched so many lives. I thank him on behalf of my constituents and extend my personal best wishes.

PLAYING FAST AND LOOSE WITH BUILDING HEIGHTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, as chairman of the House Committee on the District of Columbia, I am responsible for protecting the Federal interest in the city. That responsibility includes safeguarding Washington's unique skyline by ensuring that the letter and intent of Congress' Height of Buildings Act of 1910 is not circumvented.

Last month, Representative BLILEY, the committee's ranking member, and I introduced legislation—H.R. 4242—to block a proposed GW/WETA building at 21st and H Streets, NW., because it would violate the Height Act. We felt compelled to act after it became apparent that city officials and developers are playing fast and loose with the height limits. Creeping administrative actions—in the form of zoning decisions, regulatory interpretations, and minor violations ignored by enforcing authorities—are chipping away, inch by inch, at the Federal height restrictions.

Mr. Speaker, I do not take lightly Federal intervention in local matters. Such action should occur only when there is a clear conflict with the U.S. Constitution, the Home Rule Act, or the Federal interest. However, when the grounds for involvement are evident, the substance of the issue should be explored rigorously. I have no interest in intervening with the District's zoning decisions, but they must stay within the clearly defined Federal interest protected by the Height Act.

The purpose, language, and intent of the Height Act are clear. However, as the case history illustrates, there are some who feel compelled to create ambiguities where none exist and loopholes where none were intended.

On April 26, the committee held a day-long hearing on the subject. Fifteen witnesses appeared, representing the National Capital Planning Commission, the D.C. government, opponents of Height Act manipulation, and GW/WETA representatives.

The history of this project reads like a primer in how to manipulate the system. Unfortunately, it is indicative of a pattern of abusing and weakening the Height Act. The facts and chronology are clear; the conclusions are obvious. This is about more than just a specific building; it is about a pattern of abuse and the co-opting of a public trust. A brief summary for context is helpful.

In June 1993, GW/WETA applied to construct a building 116.5 feet tall in a location with a Height Act limit of 110 feet. The building's proponents thought it would fit into a loophole their attorneys had recently devised and sold to complacent District zoning officials.

The District government acknowledges that they didn't know the building violated the statute until the matter was raised by the building's opponents—20 months after the applicant's first meeting with the District. Whether it was the opponent's disclosures, or just too big a loophole to accept, on the Wednesday before Thanksgiving, the District's zoning administrator advised the Zoning Commission that the GW/WETA building was in violation of the Height Act and should not be approved as submitted.

The proponents did to change the height, design, or look of the building.

Over that Thanksgiving weekend, the proponents met privately with various District zoning officials and on Monday submitted the identical building with new lines on the old plans. There was now a solid studio roof in place of the effective ceiling. The space above the new roof was relabeled "mechanical penthouse."

No details about the new roof or penthouse were required or requested. The revised plans were accepted by the Zoning Commission even though the building's height remained unchanged, and the newly designated penthouse raised several issues under both the Height Act and District's zoning regulations. Furthermore, the Zoning Commission denied the opponents' repeated requests for further cross-examination about the revised plan, a clear denial of due process.

Earlier this year the NCPC reviewed this project and advised the city that the proposed building was not adverse to the Federal interest. Subsequent to that meeting, I discovered that there was significant and material information relative to this case that was not presented to the NCPC prior to its deliberation and vote.

At the committee's hearing on the building, the proponents argued that the building was always 110 feet tall—"116.5 feet" was a mistake, a typographical error. The documents and architectural drawings that contained and repeated that "typo" included: the applicant's "Notice of Intent to File," (June 3, 1993) and "Filing;" (June 16, 1993), the DC. Zoning Commission's Notice of Receipt of Filing (July 20, 1993) and "Notice of Public Hearing" (September 1, 1993), and the DC Office of Planning's "Preliminary Report" (July 23, 1993), "Final Report" (October 14, 1993), and "Summary Abstract" (December 9, 1993). This incredulous "typo" argument raises to absurdity the parties' contention that everyone was always sensitive to the Height Act and constantly checked and rechecked for compliance.

It is clear from the committee's hearing that city officials are confused about their responsibilities and authority under the Height Act. For example, even though the law has no waiver provision, city zoning regulators routinely authorize waivers of the Height Act requirement that penthouses be set back from exterior walls. They explain that the same term "exterior wall", means one thing under the Height Act and something quite different under DC regulations. When the corporation counsel's office was asked why they had deferred to the zoning administrator on a matter of legal interpretation and precedent under the Height Act, an assistant corporation counsel flatly and wrongly stated that his office was not responsible for enforcing the act. When District officials were asked for citations for the authority and precedents they were using in reaching these decisions, they could not come up with any.

Regrettably, Mr. Speaker, the GW/WETA building is not an isolated case. It is but one example in a pattern of inattention to enforcement of the height limits enacted by Congress. Here are some recent shenanigans.

Under the Height Act, a building's height is determined from the widest street on which it fronts. Sounds simple enough, but creative contrivances have violated horizontal as well as vertical planes. The building at 1200 G Street, NW. only fronts on G Street, yet it takes its height from the Homer Building on the wider 13th Street because of a flimsy composition board walkway connecting the back of these two buildings. The city accepted the walkway as making the two structures one. 1615 L Street, NW. takes its height from 1125 16th Street. What makes these two buildings count as one? They abut, but the only connection between the two are four sealed windows on the sixth floor.

The city will even accept a razed building as the basis for exceeding the height limit. 1310 G Street, NW. fronts only on G Street, but was authorized to the higher 13th Street limit because it was to connect to the Columbia Savings and Loan Building at the corner of G and 13th Streets. Before the construction could occur, the Columbia Savings and Loan Building was torn down—all there is now is a parking lot. No problem for 1310 G, it can still build to the height and would have been allowed if the building were still standing. But that is not the best part, Mr. Speaker. The owner of what would become 1328 G Street has joined as one tax lot with the owner of 1310; and because they will be "connected," 1328 G is asserting that it, too, is entitled to the same height as the nonexistent building. The saddest part of all, Mr. Speaker, as evidenced by a 1991 memorandum from the City's director of planning, is that the District has bought into this nonsense and abuse of the Federal interest.

The Height Act clearly states that a building's height is to be measured from the street, but zoning officials agreed to Station Place, 2d and H, NW., developer's request to measure from an overpass. Only after the Fine Arts Commission objected and the recent congressional attention to the GW/WETA proposal did the zoning administrator decide to put a hold on the approval.

These are not all the examples, just a sampling which clearly indicates there are some real problems with developers, lawyers, and District officials who are willing collaborators in efforts to circumvent the Federal Height Act. Just this week, NCPC staff discovered that George Washington University and their zoning pit bulls, Wilkes, Artis, Hedrick & Lane, are at it again. They are proposing a new building which violates the Height Act limit and support their request to the District for an exemption with such arguments as: A penthouse over an elevator is not an elevator penthouse; a penthouse containing mechanical equipment is not subject to the restrictions on a mechanical equipment penthouse; and a stairway tower, although not exempt from the Height Act limit, should be.

I have introduced legislation, H.R. 4243, which would confirm the intent of Congress regarding the application of the Height Limits Act to buildings in the District of Columbia, and I intend to pursue it vigorously through to enactment. The bill defines exterior walls, streets, and roofs in plain English. It is simple enough that even lawyers, developers, and zoning officials will understand what is legal and what is not.

But the fact that aspects of the law need to be changed does not excuse the failure to abide by current law. I oppose the GW/WETA building because it violates the 1910 Height Act. It is too tall! My intent is not to reinterpret the rules retroactively; I am not modifying my total commitment to home rule, and I enthusiastically support the goal of WETA moving into the District. I want more businesses to move into the city. No one, however, is above the law. Unfortunately, local law firms and the District have abused a Federal statute with clear language and intent. My objective is to see that such abuse stops immediately.

The GW/WETA case is likely to end up in court. I believe that when the dust settles, both the judicial and legislative bodies with authority on this matter will decide that this building, and the process by which it was approved, are flawed.

TRIBUTE TO JONATHAN ROBERTS AND RITA KULL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. DARDEN. Mr. Speaker, I rise today to recognize two of my fellow citizens from Cobb County, GA, who helped save the life of another human being recently.

One of them, 15-year-old Jonathan Roberts, used the training he learned in the Boy Scouts to save the life of an injured motorist. The other concerned citizen, Mrs. Rita Kull, came to his aid.

Jonathan was riding his bicycle to visit a friend last month when he witnessed an automobile accident. Rushing to the scene quickly, Jonathan found the driver, Matthew Lee Ruff, lying nearby with blood pouring from his forehead. In a report in the Marietta Daily Journal, Mr. Ruff said he thought he was going to die.

Jonathan, remembering the training he had gotten in the Boy Scouts, immediately applied pressure with his bare hands to Mr. Ruff's forehead to help slow down the bleeding. And just as importantly, Mr. Ruff said, his young rescuer calmed him when he thought his life was over.

Mrs. Kull, who saw the accident, also stopped to help Mr. Ruff while Jonathan rode his bike to a nearby house to ask someone to call 911.

Cobb County firefighters arrived on the scene quickly and took Mr. Ruff to Kennestone Hospital in Marietta. I am very pleased to report that Mr. Ruff was later released and is recovering from his injuries.

Mr. Speaker, I am sure all of my colleagues in this body join me in saluting Jonathan Roberts and Rita Kull for their unselfish regard for others. This kind of action demonstrates that caring for the well-being of others, even perfect strangers, is what makes a community worth living in.

TRIBUTE TO BOB PASTOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to Mr. Bob Pastor, a distinguished resident of the First Congressional District in Indiana. Following a 45-year contribution to the steel industry, Bob will be celebrating his retirement from National Steel, Midwest Division on Friday, May 27, 1994, at McBride Hall, in Gary, IN.

Bob began his career with the steel industry in 1949 at U.S. Steel in Donora, PA. He interrupted his employment in 1953 to serve in the U.S. Army, and after an honorable discharge in 1955, returned to U.S. Steel in Donora to work as a bricklayer.

The 1959 shut down of the U.S. Steel plant in Donora prompted Bob to relocate to Northwest Indiana. In 1961, Bob embarked on what turned out to be an illustrious 33-year commitment to the Midwest Division of National Steel in Portage, IN. Upon his arrival at Midwest, Bob became active in the United Steelworkers of America, serving on various local union committees, administrative offices, and finally as local union president. Bob served six consecutive terms as president of local union 6103, before retiring on April 22, 1994.

Bob's dedication to the Northwest Indiana community, and to the labor movement in general, is evidenced by his continued involvement in local organizations. He currently holds the position of vice president with the Indiana State AFL–CIO, and serves as an officer of the Northwest Indiana Federation of Labor AFL–CIO.

Mr. Speaker, I ask you and my colleagues to join me in saluting this man who has proven to be an outstanding citizen and exceptional role model for young men and women who aspire to similar greatness.

COMMEMORATING THE RESTORATION OF THE CLOVER SCHOOL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FAZIO. Mr. Speaker, I rise today to commemorate the restoration of the Clover School in Esparto, CA.

According to Gregory's History Book, published in 1913, the Clover School dates back to 1868 when it was built on the land donated by the Knight family of Yolo. The school is believed to be named after the burr clover—a wild grass that grew in great abundance throughout the area. Apparently the clover was so thick that cows were brought in to graze and thin out the clover before plowing could take place.

The one-room schoolhouse operated from 1870 until 1962. Class sizes generally ranged from 12 to 30 students and included all 8 grades supervised by 1 teacher. It is interesting, to note that Anne Ehrhardt Rominger, the mother of Richard Rominger, U.S. Deputy Director of Agriculture, taught at Clover School in 1921 and 1922.

In 1917, during World War I, the first outdoor flag pole was erected on the grounds in front of the school by school trustees to increase patriotism. Today a flag that has flown over the U.S. Capitol flys proudly over the newly restored school.

The school was abandoned in the early 1960's and was absorbed by the Esparto School District. The property reverted back to the Knight family heirs and is owned by Joel and Tom Diaz. Mrs. Diaz's grandmother, Edith Heidrick, attended Clover School and has been responsible for its restoration.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in commemorating the restoration of the Clover School in Esparto, CA.

THE 50TH ANNIVERSARY OF THE ILLINOIS MARINE CORPS LEAGUE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. EVANS. Mr. Speaker, this year marks the 50th anniversary of the State of Illinois Marine Corps League.

As a former marine, I fully support the league's mission of promoting a lifelong interest in the Marine Corps. One of the reasons for the corps' 400 year old success story has been the undiminished support of marines of all ages. The Illinois chapter has ably sustained this tradition, counting over 1,700 marines statewide as members.

I can speak from my own experiences, as a member of East Moline's Lincoln Detachment, that the Illinois League performs the kinds of services that strengthen our Nation's support for the Marine Corps. The detachment runs a number of programs that reach every part of the community. Through its Veterans Volunteer Program, Lincoln Detachment members donate their time at veterans hospitals and nursing homes in the area. The detachment also promotes citizenship, running its Americanism Resume Program in area junior high schools. And every December, its Toys-for-Tots Program ensures that the needy children of our area have a Christmas. The Lincoln Detachment was founded in 1986, but it has already made its mark on the community.

From the level of activity and the proud traditions being carried on by its members, I know that 50 years from now we will be celebrating the 100th anniversary of the Illinois league. So to my fellow marines in the Lincoln Detachment, and to the marines in the Illinois Marine Corps League, happy anniversary, and, as always, Semper Fi.

HONORING LARRY WILTSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before my esteemed colleagues in the U.S. House of Representatives to pay tribute to a remarkable educator and outstanding athlete and coach, Larry Wiltse, who is retiring after 30 years of exemplary service to the Kearsley School District. The students of Kearsley High School will show their admiration and gratitude for Mr. Wiltse by designating May 25, 1994 as "Larry Wiltse Day."

Mr. Wiltse graduated from Kearsley High School in 1959, where he was captain of both the cross country and track teams as well as the senior class treasurer. His highly successful coaching career began in 1961 when he lead the Flint Junior College cross-country team to the National Championships in New York. He also led St. John Vianney to the Parochial Track Championship in 1962. Mr. Wiltse continued coaching junior high track and basketball in Marquette, MI, while obtaining his Bachelor's degree from Northern Michigan University. He went on to receive his Master's degree from Central Michigan University, after which he returned to his high school alma mater to begin his long and distinguished career teaching and coaching.

Mr. Wiltse has been an assistant and head coach to both the track and cross-country team at Kearsley High School. From 1965–1984, Kearsley High School's cross-country record has been remarkable thanks to the outstanding effort and devotion of Mr. Wiltse. Under his guidance, the teams have garnered 10 conference championships, 9 regional championships, 4 State Class A championships, and 10 All-State runners. In fact, 14 out of the past 17 years Mr. Wiltse's teams have finished in the top 10 at the State Class A Track Meet.

Mr. Wiltse has worn a number of hats in his career as an educator. At different times, he has served the Kearsley School District as an elementary, junior high, and high school teacher. He was also the community school director at Paro Educational Center. Mr. Wiltse is capping his long and distinguished career with 8 years of service as the principal of Kearsley High School. Throughout his career, Mr. Wiltse has earned the respect and admiration of students, parents, and fellow educators alike.

Mr. Wiltse's commitment to his students and his community has been recognized by numerous organizations. In 1972, he received the "All Sports" Flint Area Coach of the Year. He has also been a recipient of the Bruin Club Award. In addition, he has been nominated the Michigan Cross-Country Coach of the Year five times and has won the award a remarkable three times. Mr. Wiltse is also a dedicated volunteer, who for over 20 years has been a Special Olympics advocate. In 1988, he was selected to be the State of Michigan Special Olympics track coach in Lake Placid, NY and at the International Special Olympics in Baton Rouge, LA. His contributions to the community also include organizing Kearsley's Christmas charity auction.

As a respected community leader and educator, Mr. Wiltse has been the guest speaker at the State Conference of North Central and the Michigan Association of Secondary School Principals. He has also been the keynote speaker at numerous sports banquets around the State. Despite his busy schedule, Mr. Wiltse is a member of many professional organizations, including the Kearsley, MI, and National Education Associations and the Michigan and National Associations of Secondary School Principals. He is also an associate member of the Fraternal Order of Police.

Mr. Speaker, as a former schoolteacher, it is indeed an honor and a pleasure for me to rise before you today to pay tribute to a man that has given so much of himself for the past 30 years. Although Larry Wiltse is retiring from the Kearsley Schools, I know he will continue to remain a force for positive influence in our community. I urge my colleagues to join me in wishing Mr. Wiltse a fruitful and prosperous retirement.

TRIBUTE TO NATIONAL TAP DANCE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. CONYERS. Mr. Speaker, tap dancing is widely recognized as America's only original form of dance, yet for years it has been in danger of becoming a lost art. I introduced a resolution that established May 25, 1989, as National Tap Dance Day. As a result, people all over the country are coming together to celebrate National Tap Dance Day. On May 25, we celebrate tap through both performance and study and examine the incredible contributions made by legendary dancers such as Howard "Sandman" Sims, the Nicholas Brothers and contemporary dancers such as Gregory Hines.

I chose May 25 as National Tap Dance Day because it was the birthday of Bill "Bojangles" Robinson. Bojangles is credited with bringing this unique art form to perfection. Moreover, Bojangles was genuinely talented and well know worldwide for his work in movies and contributions to tap. National Tap Dance Day is a great way of recognizing Bojangles' outstanding contributions to the art of tap dancing on both stage and film.

Tap dancing has had an influence on other types of American art, including music, vaudeville, Broadway musical theater, and film, as well as other dance forms. However, if tap is not encouraged, the form will become extinct. Unless we continue to undertake the task of preserving tap we are in danger of losing an art form that is uniquely an American creation.

By passing the resolution designating May 25 as National Tap Dance Day, we have focused national attention on this great art form. Moreover, people around the country have come to better appreciate tap as an important part of our cultural heritage. I am happy to know that the enactment of National Tap Dance Day has served to increase public recognition and support along with causing National Tap Dance Day to be celebrated across this country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 1994, may be found in the Daily Digest of today's RECORD.

TRIBUTE TO REV. D.L. WELCH

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to the contributions of Rev. D.L. Welch. Reverend Welch is celebrating his 89th birthday this week. For over 60 years, Reverend Welch has contributed to the spiritual development of Escambia County through the First Pentecostal Church of Pensacola.

For more than 70 years, the Reverend Welch has preached the Gospel to all. He began the local phase of his career in the late 1920's with massive tent revivals drawing as many as 5,000 attendees in one night. Before long, the people of this community insisted he establish a church and pastor it. Today it is one of the largest in our worldwide denomination. At the present time, it is being expanded into a 2,000-seat sanctuary on a nearly 9-acre site

The Reverend Welch's accomplishments could take up a volume, but yet he is a humble man. Despite the fact that literally tens of thousands of people have come to salvation through his preaching, Reverend Welch has not sought nor received public acclaim. He believes his reward will come in Heaven; true enough—but obviously we wish to remember his record of helping all who came to him by instilling these values in others with something tangible today.

The Reverend Welch has authored two widely read books. The first, "Contending for the Faith," is hailed as a concise theological primer on the true nature of God, His Spirit and His incarnation as Jesus. His second, "D.L. Welch, A Man of War," chronicles—and preserves—the earliest foundations of Pentecostal theology and evangelism. Both are considered must reading for those who seek the truth of God's revelation to humanity.

Florida Governor Fuller Warren recognized his abilities. With the concurrent advice and consent of the President of the Florida Senate and the Senate as a whole, the Reverend Welch served as Chaplain of the Senate, becoming a trusted source of spiritual advice and comfort to the State's lawmakers.

The totality of his career's accomplishments are recognized by his denomination as well. He was unanimously elected to the general board of the United Pentecostal Church and still serves today, representing the membership at-large. This honor ranks the Reverend Welch among the Nation's top religious leadership, a point of pride for Escambia County.

But Reverend Welch's most significant accomplishment is changed lives. These are thousands of stories. But the Reverend Welch is not a self-seeker; the job of accomplishing such acts of life-saving renewal is sufficient recognition.

I am pleased to pay tribute to Reverend Welch. We wish him a happy birthday, and many more years of service.

IN APPRECIATION OF THE INTERNATIONAL ECONOMIC DEVELOPMENT PROGRAM SPONSORED BY CENTRAL CONNECTICUT STATE UNIVERSITY AND THE TECHNICAL UNIVERSITY OF WROCLAW

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise to commend the cooperative efforts of Central Connecticut State University in New Britain and the Technical University of Wroclaw who, throughout the past 3 years, have combined university and community resources and leaders to develop a partnership to promote Poland's historic transformation to a market economy. I have enjoyed the opportunity to work closely with this program in its qualification process for U.S. Agency for International Development grant funds and I am pleased to recognize the excellence of its work.

In 1991, with the aid of the Gen. Jozef Haller Post in New Britain, leaders at Central Connecticut State University undertook a tremendous initiative which resulted in more than $3.2 million being raised in private and public funds to support a broad variety of technical assistance projects for the people and major institutions of southwest Poland. New Britain, CT, is proud of its significant Polish community and their strong ties to their homeland. New Britain's "Polonia" was integral to the development and success of the AID grant-funded programs.

It has been an exciting period in New Britain and Central Connecticut State University's history, with this inaugural outreach effort reaching such a remarkable degree of respect and success in Poland. Strong bonds have developed between the academic teams and the participants in the program—bonds which will serve both communities in the years to come. All those involved have benefitted beyond the original scope of the program, and I would like to thank President John Shumaker and Vice President Zdzislaw Kremens for their initiative, leadership, courage, and perseverance in realizing the full potential of this worthy endeavor.

HONORING PATRICK O'DONNELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ENGEL. Mr. Speaker, this weekend in my district, an outstanding citizen is being honored as Riverdalian of the Year by the Riverdale Community Council. A local businessman and community activist, Patrick O'Donnell richly deserves this recognition.

Mr. O'Donnell has been active in a wide range of community activities. His efforts have assisted children in local youth programs, neighborhood residents, and charitable organizations. He was a member of the North Riverdale Taxpayers Association, a predecessor to the Riverdale Community Association. His other affiliations include St. Margaret's Church, the Riverdale Irish Society, and the Knights of Columbus.

I am sure Mr. O'Donnell's wife and three children are proud of his accomplishments, and the community is grateful for his contributions. Mr. Speaker, it is people like Patrick O'Donnell who help maintain viable communities. I congratulate him on behalf of my constituents and extend my personal best wishes.

A POLICY THAT COSTS ME OVER $2,900 A YEAR, AND HAS A LIFETIME CAP OF $20,000 IN BENEFITS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, I rise today to stress once again the importance of health care reform. The American people continue to face high insurance premiums, a lack of benefits, and excessive medical costs. I speak in reference to a letter I received from a man in Florida, who lost his job, and consequently his medical and life insurance.

Here is an excerpt from his letter:

> For more than ten years, I worked for [a large corporation]. I was told by human resources people that should I ever be terminated or laid off, I could continue my medical coverage. "Don't worry," they said, "nothing can happen."
>
> Then I got my HIV-positive test result.
>
> Then I was laid off.
>
> Then my medical and life insurance went away.
>
> What was a one-million dollar major medical and hospitalization policy is now a policy that costs me over $2,900 a year, and has a lifetime cap of $20,000 in benefits. I am delighted to report I may be able to survive this disease—but am less happy to report that my lifetime benefits will be exhausted in less than three years. At that point, I will need to pay the $800 per month cost of my drugs and lab tests. As I am now [self-employed], I can only hope that business is good when that happens.

This letter demonstrates the needs of the American people and emphasizes the necessity of a plan which guarantees universal health coverage and controls on health care costs.

"Please get something done," this man writes, "I do not want to plan my own funeral just because I could not afford to continue my medication."

A TRIBUTE TO ROBERT E. LEHNHART

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Robert E. Lehnhart of Orange, CA. Bob, who has demonstrated a remarkable dedication to the needs of the international community, will be honored on June 10, 1994, as he retires from his position as founder, president, and CEO of Air Serv International, a nonprofit, humanitarian aviation organization based in Redlands, CA.

In 1984 Bob founded Air Serv International and began operations a year later during one of Africa's worst crises. Since that time, over 100,000 flights have been successfully completed in remote and often war-torn areas of developing nations. Under Bob's leadership, Air Serv has provided safe and reliable air transport to agencies involved in relief and development, U.N. agencies, embassy aid missions, and multilateral and national government agencies. Because of Bob's dedicated service, Air Serv has earned a solid, well-deserved reputation among the international community.

Using his experience gained through years of work with Air Serv and other charitable efforts, Bob plans on pursuing an advanced degree in international studies and hopes to teach. Despite Bob's retirement from Air Serv, he will continue to make a significant impact on the international community as he prepares others for careers in the international and humanitarian fields.

Mr. Speaker, I ask that you join me, our colleagues, Bob's family and many friends in honoring this unique individual for his extensive and dedicated service. Over the years, Bob has touched the lives of many people in our community and abroad and it is only fitting that the House recognize him today.

THE DISTRICT OF COLUMBIA'S FISCAL AND POLITICAL HOUSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, the District of Columbia government is struggling to bring its house in order. There are serious fiscal and management problems confronting this city's elected officials. The District is in a financial mess because it did not realistically cut spending to meet declining revenues in recent years. Instead, it relied on congressional bailouts, short-term borrowing, and budgeting contrivances.

The District faces the problems, challenges, and opportunities common to many American cities today. But it also has the unique role of being the Nation's Capital, too. Congress must share responsibility with local officials for creating and solving these problems. My colleague from California, Mr. DIXON, is addressing these issues as his subcommittee considers the fiscal year 1995 appropriation for the District. The House District Committee will address them next month when we hold hearings on the District's Federal payment.

However, the ultimate judgment for selecting solutions will rest where it should, with the District's voters. I believe that District voters, like voters everywhere, will surprise many when they demonstrate their understanding of complex issues and competing candidates.

Twenty years ago, District voters passed the Home Rule Charter. Twenty years later, I am sure they will again speak with conviction. The answer to the city's problems will be found in the relationship between the residents and their elected leaders. I will only support congressional involvement which is built on that foundation.

I commend a recent Post column to my colleagues. It raises several interesting ideas about the District's government and elected officials. While I don't necessarily agree with everything proposed, this is the type of dialog the city needs. The article was written by two local journalists, Harry Jaffe and Tom Sherwood, whose recent book, "Dream City: Race, Power and the Decline of Washington, DC," charts the course of District politics since Home Rule. The article and the book should be required reading for everyone concerned about how the District came to be in this situation and what to do next.

[From the Washington Post, May 22, 1994]

GETTING REAL ABOUT D.C.: THE CASE FOR CITY MANAGEMENT

(By Harry Jaffe and Tom Sherwood)

Twenty years ago this month the democracy-starved voters of the District of Columbia went to the polls and ratified the Home Rule Act, a limited and in many ways begrudging form of government crafted by congressional overseers. It was the best the city could get at the time.

Now, after two decades in operation, that system of semi-independent self-government is in desperate need of reform. Debilitating social and fiscal problems spur flight by both white and black middle-class families who should be the heart of the city's stability and tax base. Yet more time is spent in Congress, the city government and the media spreading blame rather than working for change.

For those who stay in the District, and for those who live nearby but understand the need to keep the central city healthy, it is time to focus on the future of the nation's capital as hometown to (at last count) more than 575,000 Americans. This urgent undertaking will require a cold-eyed evaluation of the past 20 years, the strength to recognize home rule's shortcomings, and the courage to chart a new course.

There is no better place to begin the process than in Room 2400 of the Rayburn House Office Building, the offices of Rep. Julian Dixon of California. Advocates of more rights for District citizens may balk at beginning on Capitol Hill, but consider Dixon's unique perspective. He was born in the District and spent his childhood here in a stable, black middle-class neighborhood. Like thousands of other middleclass African Americans who grew up here, he remembers summer afternoons in a community where neighbors looked out for the kids on the block. In 1979, Dixon returned as the representative from the 32nd District of California, and he's kept a home in the District ever since. A year after he arrived he became chairman of the House appropriations subcommittee on the District of Columbia—a job with little prestige, but Dixon keeps it because he cares for his hometown. Dixon knows the city's finances, and he's confused.

"Where's the money?" he asked recently, referring to the half a billion dollars that the District government has either borrowed or received from Congress in the last two years, over and above the federal payment and tax revenues. "How can the government be $300 million in the hole? If the government stopped here tomorrow, how much would it owe its creditors?"

Dixon hopes to answer these questions in congressional hearings he will begin this week but he knows that the solutions to the government's shortcomings lie beyond the next budget cycle. "Without retrenching from home rule," he says, "we have to rethink its structure."

Dixon has the right idea, especially in two main areas in need of reform: political structure and management.

Politics first. Let's start by facing up to the fact that the District is not like Philadelphia, Boston, New York or any other city with similar urban problems. The city is unique, if only because its budget is controlled by a Congress where it has no voting representation. But that obvious difference masks a more fundamental disparity. From 1874, when Congress abolished local self-government, until 1974 when the Home Rule Act took effect, the citizens of Washington had no local political culture, no patronage system other than one controlled by congressional overseers, no power over how their city was run. Every other major American city developed a political establishment that is now at least 100 years in the making. Our local political system has been growing for just over two decades. It's young, it's unruly and it's taken some bad turns.

For instance, it is effectively a one-party system; Democrats out-register fumbling and reclusive Republicans by 9 to 1. The Statehood Party is minuscule, and there are no solid, independent political organizations that can groom candidates for the ballot. In such a small political community, where's the public debate? Democracy is a participation sport. Solutions and a sense of community arise from vigorous political competition.

To invigorate local elections, Dixon suggests runoffs among the two top vote-getters in the mayoral race. A majority of voters would then elect the truly strongest candidate, rather than the current system of one more vote than the next candidate and you win.

Our next suggestion may come as a shock: There aren't enough elected offices in the current political system. An aspiring politician can dream of being an advisory neighborhood commissioner representing just 2,000 people, a school board member, a council member, the mayor or the non-voting delegate to Congress. With so few opportunities—and sporadic media coverage that fails to create the sense of a true hometown—the city hasn't developed a viable political farm system. Five months from the mayoral primary, here are the three choices so far: an unpopular incumbent, City Council member who's been rejected by the voters three times in past mayoral bids and a former three-term mayor who's trying to resurrect himself. More seasoned politicians could grow out of a system with more opportunities.

Why not make the corporation counsel, or city attorney, an elective office instead of a mayoral appointee? How about establishing a local district attorney and having voters choose the person who prosecutes local criminals rather than the current system in which the presidentially appointed U.S. attorney serves as chief prosecutor. The city could elect a comptroller, a treasure, an independent auditor. Each would develop a political base with roots in the community, and from those roots could grow a truly committed and connected electorate.

The City Council needs revamping too. Dixon suggests the council elect its own chairman, rather than having voters decide who can best run the council. Why not also halve the salaries—now over $70,000 a year—and make the council a truly part-time job as it was conceived to be? Then double the number of members, to make it more like a legislature? We would get debate, diversity and coalitions of power.

And why should we have a year-round legislature? Maybe it should meet in legislative session for only two or three months, as in Virginia and Maryland, rather than its nearly nonstop churning of legislation. Who can keep track except staff members and lobbyists? The council could meet in monthly sessions the rest of the year to take care of routine municipal affairs. A defined legislative session would allow citizens to focus on and participate in the making of city laws.

Political reform is well and good, but in Dixon's eyes, nothing comes before good management, something the city is obviously lacking.

It's painfully clear that management of key city agencies has been marred by political considerations, low pay and lack of experience. Mayor Kelly's best hire in her first year was Jack Bond, a manager with a proven track record in Durham, N.C., and other cities. Although Bond officially resigned, in fact the mayor forced him out for reasons that remain unclear.

The worst case of horrendous management is in the public housing department, which has had more than a dozen directors in as many years. Thanks in part to inept management, the city's public housing complexes are breeding grounds for drug dependency, gunplay and poverty. Just as important, the spillover effect undermines what otherwise would be more stable working poor, middle and upper-income black neighborhoods.

Dixon suggests that the day-to-day operations of the city be placed in the hands of a professional city manager. That person could be nominated by the mayor and confirmed by the council. "The manager could then be more immune to the day-to-day politics of the city," says Dixon.

Identifying flaws in the way the District has developed under 20 years of the Home Rule Act is not difficult. The tough part is charting the course toward a healthy social, political and financial future. How do we make the second 20 years of the city's growth a success story?

The first step is to acknowledge our current dependence on Congress, and in return demand that Congress fulfill its part of the relationship. In this phase, the District gets its financial house in order. In some measure, this has already begun, with the recent request—by Dixon and Rep. Pete Stark (D-Calif.)—that two federal agencies conduct a thorough examination of the city's books.

But the District could play a leading rather than trailing role by embracing a financial oversight commission to review the nuts and bolts of many city agencies. The commission would be made up of local and federal officials whose mandate would be more than advisory. Such a preemptive strike could forestall the installation of a mandatory board like the one that was given power to oversee New York City's government in the 1970s.

To the most zealous statehood advocates, this could seem a serious retreat from home rule. But look around. The federal government is already involved in a host of local government functions: Federal agents police the streets; federal officials are now part of an executive commission assigned to fix city public housing; courts dictate foster care and prison health; federal auditors are examining every item of local spending.

An oversight commission might need as many as five years to do its work. But in the process, city residents would take control of more government functions, such as local criminal prosecution, while Congress relinquished power to review the city's budget. Such a slow but steady march toward full independence is the path Del. Eleanor Holmes Norton believes has the best chance of success.

Dixon and Norton aren't alone in their vision of restructuring and reform. The consensus to reevaluate home rule is spreading from the Greater Washington Board of Trade to the Democratic State Committee to the streets, where frustration with the status quo runs higher every day. All people of good will want safe streets, better housing, decent schools, steady jobs and a local government that works. Only a fresh look at home rule will get them what they want.

TRIBUTE TO MARTIN BARBER

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to honor and pay tribute to Mr. Martin Barber of Livingston, NJ. A longtime friend, Marty has most recently earned distinction as the chair of the Stamp Out Hate Coalition, an organization dedicated to promoting tolerance and understanding in my home State of New Jersey.

Marty has a lengthy and dedicated history of public service, balancing responsibilities to his family and profession with the demanding obligations of helping to lead his community. As vice president of the Metropolitan Chapter of the American Jewish Committee, as a member of the executive committee of the Jewish Federation of MetroWest, and as past president of Temple Beth Shalom in Livingston, Marty has consistently battled the bigotry and hate seemingly on the rise in our society. I commend Marty's resolute and steadfast opposition to these forces of discord, and his advancement of policies and practices that benefit all peoples.

Mr. Speaker, Marty Barber's courage and perseverance are a tremendous example of public service for us all. I am, therefore, pleased to announce that Marty will be honored at the American Jewish Committee Annual Dinner Meeting on June 1, 1994, and I commend him and his many outstanding accomplishments.

AIRLINER CABIN AIR QUALITY ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Airliner Cabin Air Quality Act of 1994, to prohibit smoking on international flights to and from the United States. Congress banned smoking on all domestic flights of 6 hours or less in 1990. However, smoking remained permitted on U.S. carriers on international flights, and most foreign carriers serving the United States permit smoking as well.

On May 18, 1994, the Subcommittee on Aviation, which I chair, held a full day of hearings on airliner cabin air quality. While there are many concerns about the overall quality of the air, the single most effective—and cost-free—action that we can take is to ban smoking on international flights.

Most persuasive to the subcommittee at this hearing, as at our previous one, was the testimony of flight attendants, who are forced to spend their working lives aboard aircraft. Our flight attendant witnesses detailed ailments which they and their colleagues incur in the small, enclosed, smoke-filled cabin environment. They described health problems ranging from eye, nose and throat irritation, headache, nausea, dizziness, blurred vision, shortness of breath, and heart palpitations to permanent disability and even death from the occupational hazards of their jobs in airplanes. Nonsmoking flight attendants are suffering and dying from diseases common to smokers—simply from working in the smoking section.

There is also a safety issue involved. Flight attendant witnesses showed us photographs of cigarette butts all over the floor of the airplane—a potential fire hazard. They testified to passengers falling asleep in their seats, dropping lighted cigarettes on the floor—a clear fire risk.

Equally outrageous is the plight of children stuck in the smoking section with their parents. And businessmen who must be at their peak when they arrive at their destination, but stagger off, jet-lagged and debilitated by smoke-caused allergies and sensitivities. And pleasure travellers whose vacations are ruined by smoke-induced illnesses. And the millions of nonsmoking passengers who cannot really get away from the smoke, no matter where they sit in the airplane.

Mr. Speaker, the International Civil Aviation Organization [ICAO] has proposed that nations end smoking on aircraft in 1996. This is a proposal only, and unless all countries agree, passengers and flight attendants will continue to suffer, and airlines forced to go nonsmoking will maintain that they are at a competitive disadvantage.

Airlines serving the United States, whether carrying the U.S. flag or some other, would under my bill be smoke-free. There would thus be no competitive disadvantage between U.S. and foreign airlines, and I believe that the airlines themselves as well as the vast majority of their employees and passengers will welcome enactment of this bill.

REMEMBER THEM WITH FLOWERS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MOORHEAD. Mr. Speaker, yesterday I received a call from a constituent who told me a story and gave me an idea that is especially appropriate to Memorial Day and the 50th anniversary of D-Day.

Doris Winkler, who syndicates the television show, "The Senior Report," lost her brother, Capt. John M. Hennessy, Jr., during World War II.

Captain Hennessy was killed in Italy near the Arno River a few days after participating in the liberation of Rome. He was a forward observer with the 88th Infantry Division, 337th Field Artillery Battalion. He died almost exactly 50 years ago on July 14, 1944, ironically his parent's wedding anniversary.

John Hennessy, who graduated summa cum laude from Notre Dame University, is buried in a U.S. military cemetery 7 miles outside of Florence, Italy.

Each Memorial Day his grave site, plot C, row 5, grave 38, is graced with a bouquet of flowers, a symbol of remembrance and affection from his sister.

Mrs. Winkler accomplishes this loving task with the assistance of the American Battle Monuments Commission. "The American Battle Monuments Commission is extremely sensitive to its ministry of caring for these sanctified graves and always sends me a picture of the decorated grave," she said. "The pictures from the Memorial Day placements always sadden me because the background reveals long rows of crosses with no flowers, save my brothers."

"It occurred to me," she continued, "that survivors of these men do not realize that for very little money the commission, which oversees all foreign U.S. military cemeteries, will contact the appropriate cemetery and in very short order, get flowers to the grave site. All they need is the soldier's name and where he is buried."

Doris Winkler called the commission yesterday to check about the arrival of her check for her brother's flowers. In passing she asked if the commission had received many requests. "Oh, yes," came the reply, "We've had 12 already."

Doris Winkler would love to see more than 12 heroes honored especially since the ABMC is the steward of more than 100,000 graves and names on tablets of the missing.

She said she was certain there would be more flowers if more Americans were aware of the "fine service of the American Battle Monuments Commission." She asked if I might help spread the word among my colleagues in the Congress.

Mr. Speaker, I'm honored to do so. For further information concerning these services call the ABMC at 202-272-0537. The commission also notes that flowers for all foreign military cemeteries can be ordered through any local florist who is a member of the "Florist Telegraph Delivery Association."

Again, Mr. Speaker, I hope this information allows more people to pay special homage to those that made the ultimate sacrifice for our country.

TRIBUTE TO REV. SPENCER JONES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Spencer Jones of the Southside Tabernacle Church. Attached is a proclamation I issued Rev. Jones commending him for his work.

PROCLAMATION

Whereas Rev. Spencer Jones was born and raised on a farm in Poplar Bluff, Missouri and felt the call of God on his life when he was three years old and confessed Christ as his personal Saviour at age nine, and in 1966 he was drafted into the United States Army, and was shipped to Viet Nam, and leaving Viet Nam, he enrolled in Central Bible College, and was elected Vice President of the Student Government and a member of Who's Who Among Students and graduated in 1972 with a B.A. in Religion; and

Whereas in November of 1972, Rev. Jones followed the leading of the Lord to come to Chicago and pastor the Southside Tabernacle Church and during the early ministry would knock on doors and present the plan of salvation to many, and trained and encouraged his congregation to do the same; and

Whereas the "Southside Vision" is to win souls, it is "Expanded Vision" is to train young men and women in pastoral care so they can effectively pioneer full gospel churches in every major inner-city in America, and in July of 1980, Brother Jones was led by the Lord to organize the first Inner City Workers Conference and Pastors and laymen came from all over America to encourage and motivate one another. They also came together to devise strategies on how to effectively reach inner city dwellers, and under his leadership, 15 churches have been started in various inner city neighborhoods throughout America: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Pastor Spencer Jones.

PROVIDING TPS FOR HAITIANS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. MEEK of Florida. Mr. Speaker, just a few days ago, Haiti's military regime announced plans to enforce a 14-year-old law which would make "all irregular trips toward foreign lands illegal." This means that any Haitian returned to Haiti will be subjected to imprisonment, torture, and or death. It is imperative now more than ever that we provide temporary protected status to Haitian nationals, both those in custody at sea as well as those who currently reside in the United States.

It is incumbent that the United States immediately stop the repatriation of Haitians intercepted on the high seas and grant them temporary protected status. Temporary protected status is a status that has been granted to nationals from other nations such as Kuwait, Somalia, Bosnia, and El Salvador during conflict in their countries. By granting Haitians TPS, we would be doing no more for them than we have done for other refugees.

By granting Haitians TPS we achieve two objectives: undocumented Haitians can live and work in safety without fear or being deported, and the INS would know where they reside so that it can facilitate their return once conditions in Haiti are safe. Meanwhile, they would be granted work authorization, but would remain ineligible for any Federal benefit programs.

As a nation, we refused to protect desperate Jews seeking refuge from Nazi Germany. If we fail to protect Haitians, we will be setting a dangerous precedent for the future and risk repeating the mistakes of the past.

TRIBUTE TO REV. HOLLIS LEWIS, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Hollis Lewis, Sr., of the Greater Pleasant Green Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Hollis Lewis Sr. was born in Summit, Mississippi, he came to Chicago in 1934, he married Miss Josephine Jeanette White in 1937, they have been blessed with five sons, Hollis, Jr., Clarence E., Sr., Robert E., Raymond L., and Juan H. Lewis; and

Whereas Reverend Lewis joined the New Hope Baptist Church of Chicago and was Baptized under the pastorate of The Reverend William Dixon, he served as a Sunday School Teacher, Superintendent of the Sunday School, sang in the Choir, served as Church Treasurer, and as a Deacon, he was called to the Gospel Ministry in 1944, he was Ordained in 1946 at the New Hope Baptist Church under the pastorate of the late Reverend Calwell W. Jones; and

Whereas Reverend Lewis matriculated at the Morgan Park High School in Chicago, The Moody Bible Institute, and the Chicago Baptist Institute, receiving a Christian Leadership Degree, and the Bachelor of Arts Degree in Theology, in 1985 The Chicago Baptist Institute awarded Reverend Lewis the Honorary Doctor of Divinity Degree, he is on the Faculty of the Chicago Baptist Institute, and an Instructor in the Christian Education Congress of the National Baptist Convention, Dean of the Seminar for the Baptist Ministerial Alliance, and President of the Morgan Park/Maple Park Ministerial Alliance; and

Whereas Reverend Lewis organized The Rose of Sharon Baptist Church at 7039 S. Wentworth Avenue in Chicago, where he served as Pastor for eight years, later he served as an Evangelist for two years, in 1964 he was called to pastor The Greater Pleasant Green Baptist Church, in 1974 the Lord led Reverend Lewis to build a new Church, the land was purchased at 115th and Ashland Avenue, today this vision is a reality, Reverend Lewis is a father, a shepherd, a builder, a teacher, a servant and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Hollis Lewis, Sr. and The Greater Pleasant Green Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO HIRAIR HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute a man who epitomizes the American Dream. Mr. Hirair Hovnanian, chairman of the board of trustees of the Armenian Assembly of America, will receive the assembly's Distinguished Service Award at a gala in New York City on June 4, 1994. This is a richly deserved award for a man who has contributed immensely to two great nations, the United States and Armenia.

Hirair Hovnanian came to this country on a freighter in 1951 with only $25 in his pocket and the address of some relatives in Philadelphia who took him into their home. He enrolled at Villanova University in 1952, graduating 4 years later with a bachelor of science in civil engineering. That same year, he married Anna Hamparian, to whom he has been married for the past 38 years. He began his career as a civil engineer with a consulting firm making $90 a week, saving every penny he could. As chance or fate would have it, a distant cousin of his was building a home in Toms River, NJ, and Hirair went to see how it was done. It occurred to him that he could build a hundred homes just like it in a year's time. In 1958, he moved to Toms River, with $3,500 in his savings account, and he and his brothers bought 23 acres of land. With a secondhand Jeep and chainsaw, and working round the clock, the Hovnanian brothers created their first housing development. After several years of successful work together, the brothers formed separate building companies in 1963.

In 1963, Hirair formed Hovsons, Inc., and within a year he had built 72 homes. Since the majority of his home buyers were retirees, Hirair decided to build adult communities, but in a new way—creating single-family homes with their own individual lots. What better example could there be of realizing the American dream?

In 1965, Mr. Hovnanian started the first Holiday City adult community. This concept has expanded into a total community, including recreation, medical, and shopping facilities, and more than 15,000 housing units. His development business is complemented by his building materials and prefab manufacturing subsidiaries. He has also diversified into the development and construction of health care facilities, retail centers, office complexes, and mining operations in New Jersey, Florida, and California.

Mr. Hovnanian has always maintained that his hard-work ethic comes from his parents. His father fled the genocide perpetrated against the Armenian people by the Turkish Ottoman Empire, which began in 1915. The senior Hovnanian fled to Iraq where he succeeded in business until unrest in that nation forced the family to seek refuge in the United States. Hirair has said of his father, "He was a self-taught man. I think his drive to succeed became a family trait. My brothers and I were all competitive, but not to out-do one another, just to do our best and be successful at what we set out to accomplish. It's true with my children as well." Hirair and Anna have five children: four daughters, Siran, Edele, Leela and Tanya, and a son, Armen, all of whom are well on the way to successful careers. Edele and Armen work alongside their father at H. Hovnanian Industries.

While Mr. Hovnanian could very easily have devoted all of his energies to his business and enjoyed the fruits of his success, he has chosen instead to get involved with a diverse array of civic, charitable, educational, and philanthropic activities. He was a founding benefactor of the Armenian Assembly, organized in 1972 here in Washington. He has been the assembly's driving force, serving as president and chairman of its board of trustees.

In 1988, tragedy struck the Hovnanians' ancestral homeland of Armenia when a devastating earthquake tore apart the country, devastating cities and towns, and leaving thousands homeless. Hirair was one of the first Armenian-Americans on the scene, opening an Armenian Assembly office in the capital of Yerevan with a satellite phone to communicate with the rest of the world. He helped to raise $4 million which, with a $2 million grant from the U.S. Agency for International Development, established housing component manufacturing facilities under his direct management. Currently, he serves on the Hayastan All Armenia Fund, which is involved in humanitarian projects in Armenia.

In the past year, working with the Government of the Republic of Armenia, Hirair established the Armenia Oil and Gas Development Fund [ArmOil] for oil and gas exploration, contributing his own funds and working to secure a sea outlet for the landlocked country.

Back home in New Jersey, Hirair Hovnanian has been active in a variety of community activities and organizations, has donated some $20 million to charitable, religious, cultural, and educational entities, and has received numerous high awards and decorations for his years of work and dedication to the community. In recognition of his devotion to the Armenian Church, he has been bestowed many decorations. He has dedicated a 465-acre bird sanctuary to the Audubon Society, a 175-acre sanctuary park to the New Jersey Natural Lands Trust, and provided for the preservation of a site containing late nineteenth century gunpowder works and Indian burial grounds.

Not bad for a young man who came to this country 43 years ago with $25 in his pocket.

Mr. Speaker, Hirair Hovnanian is a man who represents the fulfillment of the great American immigrant story that makes our country so unique. He has worked to make a difference, both in his homeland and his adopted home. It is an honor to share some of his accomplishments with the Members of this body.

TRIBUTE TO REV. WILLIAM JENKINS, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend William Jenkins, Jr., of the First Union Missionary Baptist Church of Ford Heights, IL. Attached is a proclamation I issued Reverend Jenkins commending him for his work:

PROCLAMATION

Whereas the Reverend William Jenkins, Jr. entered into the Ministry in 1978 and served as Associated Minister of the Lively Stone Missionary Baptist Church of Chicago under the pastoral leadership of his esteemed father The Reverend William Jenkins, Sr.; and

Whereas Reverend Jenkins has matriculated at the following schools: George Westinghouse High School, Chicago, Malcolm X College, Chicago, Moody Bible Institute, Chicago, Selma University, Selma, Alabama, earning the Bachelor of Theology degree in 1985, Garrett-Evangelical Theological Seminary, Evanston, Illinois, Master of Theology, currently Reverend Jenkins is a candidate for the Masters in Theological Studies at McCormick Theological Seminary, Chicago; and

Whereas Reverend Jenkins is an experienced pastor, serving as Pastor of New Hope #2 Missionary Baptist Church of Demopolis, Alabama, for six years, in 1988 installed as Pastor of First Union Missionary Baptist Church of Ford Heights, Illinois, where God has prospered the congregation under his ministry; and

Whereas Reverend Jenkins has served as President of the Ministerial Union of Selma University, Chairman of the Selma Nursing Home Mission, member of the N.A.A.C.P. Selma and Chicago Chapters, Fairview Lodge #26 F & AM, the Chicago Westside Ministers Conference, Garrett-Evangelical Black Seminarians, currently President of the Ford Heights Ministers Fellowship: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend William Jenkins, Jr. by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

TRIBUTE TO MRS. ANNE MACK

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. DARDEN. Mr. Speaker, one of the most important issues facing our Nation today is the education of our young people. Today I rise to honor a good friend of the young people, and all the people, of Marietta, GA, who has dedicated her adult life to teaching children. Mr. Speaker, her name is Anne Mack, and today she is retiring from a 30-year teaching career. During those entire 30 years, she taught first-graders in Marietta, first at Lemon Street Elementary School and then at Hickory Hills School. It is a fitting time to pause and reflect on the immeasurable contributions she has made to our community.

The success of Mrs. Mack's 30 years as a first-grade teacher is evidenced by the hundreds of children whose lives she influenced and enriched. Two of those hundreds of children, Mr. Speaker, are my children. They still remember Mrs. Mack vividly and fondly.

Also, her success as a teacher and community leader can be seen through her selection as one of the Outstanding Young Women of America, an honor she received in 1971. And on two occasions, she was selected as Hickory Hills School's Teacher of the Year.

From what I have learned, Mrs. Mack will now have more time to spend in her garden, which she greatly enjoys. Her retirement will also free her to expand her role as paster to her flock. Mrs. Mack and her husband Edgar (Johnny) Mack are copastors of the Sword of the Word Evangelistic Ministry in East Point, GA. And just as importantly, Mrs. Mack will have more time for her grandson, Austin Christopher McClendon.

We in Marietta are proud of Mrs. Mack's work over three decades. She has helped in a large way to make our community an exceptionally good place to live. On behalf of the U.S. House of Representatives, I acknowledge her accomplishments by entering these remarks into the CONGRESSIONAL RECORD and Archives of the 103d Congress and declare today "Anne Mack Day" at Hickory Hills School in Marietta.

TRIBUTE TO REV. FERLANDER N. LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. Ferlander N. Lewis of the New Mount Olive Missionary Baptist Church of Harvey, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Ferlander N. Lewis is a native of Clarksville, Mississippi, he is a graduate of Alan B. Shepherd High School 1978, where he was an All Area and All State Basketball Player, a graduate of Beloit College, Beloit, Wisconsin, 1982 earning the Bachelor of Arts Degree in economics; and

Whereas Reverend Lewis is an accomplished musician, he was the musician for the first Black Gospel Choir of Thornridge High School, he has served numerous churches as the Minister of Music for twelve years, teaching music and choir throughout Chicago and the south suburbs, he has recording credits playing for Serenity, a Christian singing group, and the Christian Fellowship Choir, he is an active member of the Progressive National Baptist Convention, preaching, lecturing, and teaching in its National Congress of Christian Education; and

Whereas Reverend Lewis responded to the call into the Gospel Ministry, he was Licensed to preach, August, 1979, ordained, October, 1981, in True Vine Missionary Baptist Church, Dixmoor, Illinois under the pastoral leadership of The Reverend Steven D. Lewis; and

Whereas Reverend Lewis was installed as Pastor of the New Mount Olive Missionary Baptist Church, Harvey, Illinois February, 1986, New Mount Olive was the first Senior Citizen Nutritional site in the State of Illinois, established the Christian Help Center, serving the poor with food and clothing care packages for homeless men, and many other programs to help people in need, Reverend Lewis is a family man married to Janice Lewis and they are blessed with three children, he is a shepherd, a community leader, a humanitarian, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United State wishes to acknowledge the accomplishments of The Reverend Ferlander N. Lewis, and the New Mount Olive Missionary Baptist Church, Harvey, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

ANTHONY R. LENTINI RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MONTGOMERY. Mr. Speaker, on May 2, Anthony R. Lentini retired as Director of the VA Regional Office in New Orleans, LA, following many years of distinguished public service. In fact, Tony has spent all of his adult years serving his country, first as an officer in the Army and later as Director of the VA Regional Office in New Orleans.

Colonel Lentini, a native of Kenner, LA, is a combat veteran of World War II, Korea, and Vietnam. Prior to retirement from the Army in 1967, Tony served in the Office of the Secretary of the Army as a legislative liaison officer and advisor to Members of Congress who were reserve officers in the U.S. Army.

His first assignment in the Veterans Administration started in September 1967 when he was assigned as Staff Assistant to the Administrator of Veterans Affairs in Washington, DC. In 1969, he was transferred to the New Orleans Regional Office as a management analyst on the Director's staff, and in August 1973, he was appointed Assistant Director of the New Orleans Regional Office. He was Acting Director from September 9, 1973, to May 19, 1974, when he was appointed Director.

Tony has been recognized many times for his outstanding work in the State and local community where he has worked and lived. He received the 12th Annual Rabbi Emil W. Leipziger Award—outstanding United Way volunteer. He received awards for outstanding service to veterans from the Disabled American Veterans, the American Legion, Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America.

Tony served in various ways to support the business community. For his leadership and work, he received awards from the National Alliance of Businessmen.

He served as chairman of the New Orleans Federal Executive Board in 1977–78 and 1991–92.

Tony attended Louisiana State University in Baton Rouge. He received his degree from Loyola University in New Orleans and pursued additional studies at Pennsylvania State University.

Tony and his wife Ellen have enjoyed 46 years together and are the parents of four sons and one daughter.

Mr. Speaker, I and members of the committee staff have known Tony for many years. He has served the Nation well. He loves his country and has devoted his entire life to defending his country and helping those who went to war receive the benefits and services to which they are entitled.

Although Tony deserves to be free of the demanding schedule he has had to keep as Director of the VA Regional Office in New Orleans, he will be greatly missed by those of us who worked closely with him for so many years and by his fellow veterans. We wish Tony and his wife Ellen continued success and much happiness during the years ahead.

TRIBUTE TO ELDER MILTON OLIVER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Elder Milton Oliver of the Ambassadors for Christ Church of God In Christ. Attached is a proclamation I issued Elder Oliver commending him for his work.

PROCLAMATION

Whereas Elder Milton Oliver is a native of Chicago, Illinois, a life-long resident of the Morgan Park Community, he is a family man, married to Augustine Walker-Oliver for thirty-seven years, God has blessed them with two children; and

Whereas Elder Oliver matriculated at the Moody Bible Institute, Chicago, Illinois receiving a professional certificate in Evangelism and Pastoral Care, in secular training he holds two certificates of Completion of Apprenticeship, United States Department of Labor in Iron Work and in Construction; and

Whereas Elder Oliver is the Founder and Pastor of the Ambassadors For Christ Church of God In Christ, established in 1977, in the sixth Jurisdiction of Illinois, he is a national denominational leader, Vice President of the International Department of Evangelism, Church of God In Christ, Inc., Administrative Assistant to the Bishop of the sixth Jurisdiction of Illinois, District Superintendent of the H.W. Goldsberry District, Area Director of Evangelism Region eight, Assistant Finance Chairman, sixth Jurisdiction of Illinois, Church of God In Christ, Inc.; and

Whereas Elder Oliver is very active in his community, a member of the Roseland Clergy Association, the Roseland Hospital Clergy, the Maple Park, Morgan Park, Beverly Clergy Association, District 22, Chicago Police Department Beat Representative Program, Board of Directors of the Butler Career Academy, he is always ready and willing to help people, his personal motto is "I love you, and you can't do anything about it": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Elder Milton Oliver, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE NORTH AMERICAN COMMUNITY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to direct my colleague's attention to the attached excerpts from an article by Alan K. Henrikson on the North American Free-Trade Agreement. In matters of trade and North America, Mr. Henrikson is a visionary. Mr. Henrikson's "A North American Community: 'From the Yukon to the Yucatan'" transcends the domestic squabbles, the trinational deal making, and the heated politics associated with NAFTA's inception, negotiation, and passage of this historic agreement. Henrikson appropriately concludes that trade agreements are meaningless if there is not a corresponding sense of common purpose and community among the signatory countries. NAFTA like agreements will meet with tremendous success if the commitment of nations participating in that pact fully develop the ties that bring us together. I urge my colleagues to examine the important work that follows.

A NORTH AMERICAN COMMUNITY: "FROM THE YUKON TO THE YUCATAN"

(By Alan K. Henrikson)

During 1991, President George Bush joined the president of Mexico, Carlos Salinas de Gortari, and the prime minister of Canada, Brian Mulroney, in initiating a complex process designed to bring about a North American Free Trade Agreement (NAFTA) on the continent. The idea was described variously by commentators as leading to a worldwide "strategic alliance" among the three partners, a business-based "North America Inc." to compete with the European Community and Japan, and even an economic "Fortress North America."

That the NAFTA scheme did implicitly threaten a new regional trade bloc, on the basis of which the United States, Mexico, and Canada could bargain collectively with Europe and Japan, is unmistakable. It clearly had coercive connotations as well as more constructive intent. US State Department Counselor Robert Zoellick, while denying that NAFTA would contribute to "the promotion of regional blocks," stressed that a NAFTA arrangement would "strengthen the hand" of the country's foreign economic policy. "The signal the United States wants to send the world," he stated, "is that we are committed to opening markets and that we will extend a hand to others who share that commitment"—and not, he seemed to imply, to others.

In August 1992, the continental free-trade negotiations were successfully concluded with congressional action expected in 1993. By negotiating a free market with both Canada and Mexico, the US government demonstrated that it had not abandoned "its leadership role" in the field of trade, thus answering critics who wondered if the "new world order" outlined by President Bush had a place for economics.

Apart from international power connotations, the NAFTA project, though focused on economics, seemed to prefigure what could be characterized as a "North American community"—that is, a new and positive identity shared by the peoples of the three North American countries. For the first time in their histories, Mexicans, Americans, and Canadians could come to feel that they had more in common with each other, despite cultural and other differences, than with any nonneighbor outside the hemisphere—notably their parent societies in Europe where a new identity also is rapidly forming. A NAFTA particularly could contribute to overcoming the estrangement between the Hispanic and norteamericano peoples in the New World. A greater inclusion of the continent's widespread, increasingly self-aware native groups—the continent's "first nations"—into a feeling of North American community, or family of peoples, also might result.

The notion of a North American community implicitly challenges the politically established concept of a "North Atlantic community," informally built around the North Atlantic Treaty Organization (NATO). It is not today widely remembered that the first suggestion of a "NAFTA," dating from the early 1960s, was for a North Atlantic Free Trade Agreement. This transatlantic NAFTA would have joined Canada and the United States with the United Kingdom, and perhaps other members of the European Free Trade Association (EFTA), formed in 1960 in part in reaction to the 1957 Treaty of Rome establishing the European Community (EC) on the European continent. Today's concept of a westward-oriented NAFTA is similarly, though less intentionally, an alternative to the larger "Pacific Basin community" concept. Some thought was given during the 1980s in the United States to concluding a free-trade pact with Japan.

Today's North American Free Trade Agreement is premised on the formal fact and the economic "success" of the 1988 bilateral US-Canada Free Trade Agreement (USCFTA), which went into effect at the beginning of 1989. A further, trilateral pact, to include Mexico, could have competed with the USCFTA, complemented it, or completed it. The Canadian government had to decide what position to adopt toward, and what part to play in, trade talks between the United States and Mexico. Whatever the form of a new continentwide trading relationship, a NAFTA was sure to do more than merely include a further economic partner with its own resources and needs. A three-way North American continental trade bond has ideological and even geopolitical significance.

"Right now," as President Bush stated in April 1991 to a group of Hispanic-American businesspeople at a meeting in Houston, "we have the chance to expand opportunity and economic growth from the Yukon to the Yucatan. Think of it: The North American Free Trade Agreement would link us with our largest trading partner, Canada, and our third-largest partner, Mexico. It would create the largest, richest trade zone on earth—360 million consumers in a market that generates $6 trillion in output a year." Observing that there are some doubters who seem to "oppose letting our neighbors enjoy the benefits of progress," the president said pointedly: "Ask them what is wrong with increased productivity throughout the continent. And ask them what's wrong with a more stable Mexico."

The NAFTA will be good for the entire neighborhood. "A unified North American market would let each of our countries build on our strengths," the president said. "It would provide more and better jobs for US workers. It would stimulate price competition, lower consumer prices, improve product quality. The agreement would make necessities such as food and clothing more affordable and more available to our poorest citizens. It would raise productivity and produce a higher standard of living throughout the continent." Both America's neighbors, Mexico perhaps even more than Canada, would share in this overall progress. "A free trade pact would encourage investment, create jobs, lift wages, and give talented Mexican citizens opportunities they don't enjoy today." The development would have much larger, international importance: "A strong Mexico, in turn, means a stronger United States and a stronger North American alliance."

One can see in President Bush's concept of a Mexican-American-Canadian "alliance," though ostensibly a political concept, a broader community ideal—a notion of bringing together North American's nations on a basis of moral parity. The differences between the United States and both Canada and Mexico are, of course, vast. A decade ago, these were cited as reasons, among others, why a tripartite commonwealth would never work.

Indeed, the disparity between the United States and the others in economic strength and demographic size cannot be ignored. The Canadian economy, heavily resource-dependent though its industry is fairly modern, is one-tenth the size of the US economy. Canada's population of 26.6 million is about the same fraction of that of the United States with its 250 million people. The Mexican economy, although its population is sizable and growing (86.2 million and soon to reach 100 million), is barely more than one twenty-fifth the size of that of the United States.

Besides the obvious problem of finding a way to balance these three unequally weighted countries in a North American negotiation, there is the related problem, hardly less difficult, of overcoming the deep-seated alienation between Americans and their neighbors, especially those to the south. Historical tensions that have existed between US citizens and their culturally nearer cousins to the north must also be overcome. And between Mexicans and Canadians (viewed from a southern perspective as "gringos from the far north"), a lack of mutual knowledge—a veritable cultural void—has long prevailed. A bond must be formed where virtually none has ever existed, either positive or negative. The long-term success or failure of even a limited free-trade agreement among the three may well depend on whether the process engenders a harmonious feeling of a shared social identify.

CONCLUSION

Despite opposition that has slowed the development of a North American political consensus on NAFTA, if no necessarily the actual NAFTA negotiations, an agreement has been concluded and must now be signed, drafted into legal form, and submitted to the legislatures in the three countries. So great are the historic forces moving these three economies toward some form of integration that it is difficult to imagine the NAFTA process ending in failure. The momentum began in 1979 and 1980, gained in 1983 and 1985, accelerated with the USCFTA in 1988, shifted direction with Mexico's decision to negotiate in 1990, and broadened in force with Canada's entry into trilateral talks in 1991. Enthusiasm seemed to decline somewhat in early 1992, but officials pressed ahead and were able to announce the conclusion of negotiations in August 1992.

After formal submission, Congress has ninety working days—which could stretch out as long as eight months—in which to approve the agreement, without amending it. Assuming that the necessary implementing legislation is promptly submitted, one could imagine fairly expeditious consideration by Congress. Approval, however, will not take place without committee hearings and a full debate. The upshot could be a delay of congressional consent until sometime in 1993. By that point, a change of government in both Canada and the United States might have occurred, complicating but probably not wholly confusing the transnational politics of NAFTA approval.

The attitude of Canada's Parliaments as well as the Mexican Congress toward trilateral North American trade, though the agreement surely will be criticized in those bodies, should follow the policies of Canada's and Mexico's leaders. Opposition in both countries—in the business community and labor unions as well as political circles—should be reduced somewhat by the North American dispute-settlement mechanism, including the Trade Commission. Experience with the USCFTA, however, has shown that providing adjudicative measures for trade relations does not end the task of diplomacy, which now involves peoples as well as governments. Both old and new diplomacy are needed to form a trinational consensus, such as Governors Reagan and Brown and others imagined in 1979 and 1980. A sense of North American community must be engendered.

Without it, a North American market, no matter how well negotiated, cannot truly thrive.

TRIBUTE TO REV. RONALD WEBB

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader of my congressional district, the Reverend Ronald Webb of the Shiloah Baptist Church. Attached is a proclamation I issued Reverend Webb commending him for his work.

PROCLAMATION

Whereas the Shiloah Baptist Church was established November 15, 1923, celebrating seventy years of service to God and humanity in the City of Chicago; and

Whereas Shiloah Baptist Church has been blessed with eight dynamic pastoral leaders in the past seventy years, including Pastor Ronald Webb; and

Whereas the Reverend Ronald Webb was elected Pastor of Shiloah in 1990. Pastor Webb is a graduate of Bishop College, Dallas, Texas, Bachelor's degree, Howard University, Washington, D.C., Master of Divinity, and he is presently a candidate for the Doctor of the Ministry degree, at United Theological Seminary in Ohio; and

Whereas under the dynamic and anointed leadership of Pastor Webb, God continues to prosper Shiloah Church to grow spiritually, numerically, and financially, touching the lives of many people through the love of Christ: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge and congratulate The Reverend Ronald Webb and the Shiloah Baptist Church, Chicago, Illinois, on the occasion of the Church's 70th Anniversary, by entering this worthy Milestone into the Congressional Record and Archives of the One Hundred and Third Congress.

SALUTE TO JOYCE ERLINDA GAMBRELL DRAYTON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Joyce Erlinda Gambrell Drayton, who this weekend will be honored by the Baptist Ministers Conferences and Associations, in conjunction with the Martin Luther King, Jr. Mass Choir for her stellar service as a church musician in the Philadelphia church community. This service will be convened by the Reverend Anthony Floyd at the Hickman Temple AME Church on Baltimore Avenue in Philadelphia where Rev. Joseph Patterson is pastor.

Mrs. Drayton's musical career was born at the age of 9 when she studied piano under the late Vernon White, and organ under the late Helen Gatling. At the age of 10, Joyce joined the Sunday school choir at the Nazarene Baptist Church, under the direction of her mother, Georgia Gregory. Her musical studies continued, learning the violin and bass fiddle, as well as receiving a scholarship to the settlement music camp where she studied piano and bass with members of the Philadelphia Orchestra. While attending the Kensington High School for Girls, Joyce accompanied the Kensington High School concert choir under the direction of William Felton, and was a member of the All City Orchestra. While attending Cheyney State College, now Cheyney University, she accompanied the concert choir under the direction of D. Jack Moses.

Mrs. Drayton received an A.B.S. in elementary education from Cheyney, and a masters degree in social work at Temple University, where she was vice president of her class. Additionally, she has furthered her musical studies in organ under Dr. J. Edward Hoy and Rosemarie Coleman of the Combs College of Music.

Mrs. Drayton's 36 years of church music service reads like an encyclopedia of Philadelphia religious institutions, having served Ward AME Church, Second Macedonia Baptist Church, First Corinthian Baptist Church, and First Baptist Church of Cresmont. She was also a member of the Music Executive Board and accompanist for the Billy Graham Crusade in June 1992, and in 1985 was director of the City Wide Revival Choir where she has also served as a musician. Mrs. Drayton was the first director appointed by the Missionary Baptist Pastor's Conference, now under the presidency of Rev. Anthony Floyd, to organize the Martin Luther King, Jr. Massed Choir, which performed for the first Martin Luther King, Jr., celebration hosted by the Baptist Minister's Conferences and associations of Philadelphia and vicinity.

Mrs. Drayton is the founder and president of Church Musicians Services, Inc., a minority-owned business dedicated to the enhancement of religious music in Philadelphia, providing a referral system for church musician as well as training and education, and a quarterly newsletter, Hallelujah.

Mrs. Drayton's latest project is the publication of "Distinguished Church Musicians in the United States," a book to recognize all musicians who have and are serving in congregations across the country.

Mr. Speaker, Joyce Erlinda Gambrell Drayton is a pillar of the Philadelphia religious community. I am proud to stand with her friends, family, and congregation in thanking her for her many years of great service to God.

TRIBUTE TO BISHOP REESE PRICE, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Bishop Reese Price, Jr., of the Victory Apostolic Faith Church. Attached is a proclamation I issued Bishop Price commending him for his work.

PROCLAMATION

Whereas Bishop Reese Price, Jr. was the seventh son, the last of twelve children born to Reese and Hannah Price in Lee County, in the hills of Haynes, Arkansas. Bishop Price and his late wife Dovetta Marie Sloan are the proud parents of twelve children. God blessed him to find love again after the untimely death of his late wife and to marry the former Ruth Shaw; and

Whereas Bishop Price was Called by God to the Ministry November 4, 1957, he received the Bachelor of Religious Education from the International Bible Institute and Seminary, he is the Founder and Pastor of the Victory Apostolic Faith Church established July 10, 1961 growing spiritually, in numbers, and in its facilities. The church moved to May street in 1971, and added the "Dovetta Annex" in 1990 to accommodate the growth in membership; and

Whereas Bishop Price is a Churchman he was elevated to District Elder of the Pentecostal Churches of The Apostolic Faith, and was Ordained Bishop in August 1987, he is a former Chairman of the Illinois Council and Vice President of the Pentecostal Churches of the Apostolic Faith Board of Directors, Vice President of the Midwest Apostolic Bible College, member of the Ordination Committee, Overseer and Treasurer of Foreign Missions, Diocesan Bishop of Oklahoma and Arkansas; and

Whereas Bishop Price is a dedicated man of God and a Humanitarian, committed to serving the whole person, he provides free counseling, food pantry and the Victory Christian Centers providing a thrift store, free clothing for foreign missions, free school supplies, free tutoring. He is the overseer for mission work in Liberia West Africa and Haiti, with a trade school, an Orphanage, and three grade schools, including medical care for the children, transportation, clothing, and agricultural projects to feed the people and provide income. Bishop Price is the author of a book entitled, "We Are Fixed": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Bishop Reese Price, Jr. and the Victory Apostolic Faith Church, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

CRIMINALIZING JENNIFER CAPRIATI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, the recent arrest of Jennifer Capriati, essentially for the crime of being troubled, is further evidence of the pressing need to change our approach to drugs. Treating Ms. Capriati as a criminal because she had a small amount of marijuana for personal use is an example of counterproductive law enforcement, a waste of scarce government resources, and an act of cruelty toward a young woman who deserves help and not punishment.

I believe the time has come for us to stop wasting billions of dollars on a fruitless effort to interdict drugs; to stop treating users of marijuana and other substances as criminals; and to put the resources we will save thereby into a well-funded treatment program. The time has come for us to engage in a fundamental debate about our failed effort to deal with the social problems caused by drugs, and to work together to come up with a new one. Treating Jennifer Capriati as a criminal is a strong example of the wrong way to go.

In Tuesday's Washington Post, Richard Cohen expressed this viewpoint in a thoughtful and persuasive way. In the interest of furthering a much needed national debate on drug policy, I ask that Mr. Cohen's cogent article be printed here.

CRIMINALIZING JENNIFER CAPRIATI

(By Richard Cohen)

NEW YORK—Those who are cynical about the erstwhile War on Drugs (a term abandoned by the Clinton administration) had their case bolstered recently. Jennifer, Capriati, the extremely dangerous 18-year-old tennis star, was arrested in Florida for possessing a small amount (about 20 grams) of marijuana. A terrified nation—she had killer ground strokes—undoubtedly breathed a sigh of relief.

The cynics, of whom I am one, might have noted that if Capriati were 21 and had possessed a gallon of vodka and, like every other Floridian, a legal handgun, the law would have left her alone. Throw in a carton of cigarettes—as addictive as chocolate, according to the cigarette companies—and no lawman would or could have taken an interest in her. Guns, booze and cigarettes are either mentioned in the Constitution or have strong lobbies in Washington—I forget which.

Enough cynicism—even from a cynic. The fact is that the arrest of Capriati points up the silliness of our drug laws. The former tennis star—she hasn't played for almost a year—has since entered the Mount Sinai Medical Center in Miami for rehab, although from what is not exactly clear. Above all, she seems to be suffering from an acute case of teenage madness. The symptoms include estrangement from her parents, consorting with "the wrong people" and, possibly, abuse of drugs. In her case, it probably matters that she became a professional tennis player at the age of 13. Women's tennis and child abuse sometimes amount to the same thing.

But for all Capriati's fame and wealth ($1.5 million in "lifetime" earnings), she is depressingly typical. Whatever her problems, they are hardly criminal in nature. Yet, she was arrested for allegedly possessing an insignificant amount of marijuana. This is a drug of such power that it has made the entire government crazy. During the Reagan years, for instance, the discovery of a single seed prompted the Feds to seize a luxury yacht. Yet for some reason, of all the millions of people who have partaken of the weed, not a single one is known to have died as a result. Would that cigarettes could make the same claim.

Let me pause at this point to declare my steadfast opposition to drug use. I do so without reservation. But eschewing the stuff myself and recommending it to no one, I still have to wonder why we continue to treat drugs mostly as a criminal matter, waging a war not against drugs themselves but against our own people.

At the moment, some 330,000 people are in jail for drug violations. In the federal prison system, more than 60 percent of the inmates are there for violating drug laws—most relating to harder drugs than marijuana. But even when it comes to pot, the numbers are appalling. The FBI reports that in 1992, 535,000 people were arrested for possession, sale or manufacture of marijuana—this in a nation that doesn't have enough cops to start with. In six cases, reports Rolling Stone magazine in a special report about drugs, life sentences were imposed. As for harder drugs, mandatory minimum sentences are clogging the jails with small-time "mules" who are quickly and easily replaced. The money's very good.

The folly, not to mention the tragedy, of this policy ought to be apparent. For some reason, the United States persists in treating drugs as a criminal, not a health, problem. Certainly, the importation and selling of hard drugs is a criminal enterprise and ought to be dealt with accordingly. But that lucrative business—so lucrative it persists despite Draconian penalties for lawbreakers—would soon wither if the government decriminalized the use of drugs. That was the experience when Prohibition ended and there's no reason to think things would be different now.

To that suggestion—advanced to one degree or another by Baltimore Mayor Kurt Schmoke and former secretary of state George Shultz among others, and contingent on much study—certain politicians cry bloody murder. Congressmen who represent inner-city districts see drugs as such a scourge that they label decriminalization as nothing short of capitulation. Decriminalization does seem like capitulation—capitulation not to drug pushers or to the substance itself but to human nature. We have been fighting this fight for a long time, spending $20 billion a year, and have nothing to show for it. The true winners of the war on drugs are drug pushers and companies engaged in the construction of prisons. The rest of us are losers.

Whatever Jennifer Capriati's problems, they are not criminal. If she indeed has a problem with drugs, particularly marijuana, she will probably be more easily cured than if she were a habitual cigarette smoker (tougher to quit for a lot of people than heroin) or a serious boozer. The whole idea that she was arrested—rehab was her own idea—for possessing a small amount of marijuana is preposterous. She's not a criminal, but a kid with some problems—one of them now being a bust on a drug charge.

TRIBUTE TO REV. WILLARD PAYTON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Willard Payton of the New Birth Church of God in Christ. Attached is a proclamation I issued Reverend Payton commending him for his work.

PROCLAMATION

Whereas the Reverend Willard Payton is a native of Chicago, Illinois born to Glen and Mary Payton (both deceased), he was reared in the Englewood Community by Elder Johnie Wheeler and his wife, Missionary Ethel Wheeler. Reverend Payton is a family man Married to Gloria Lynne Payton for twenty-seven years, God has blessed them with five sons, three daughters, and three grandchildren; and

Whereas Reverend Payton matriculated at Lindblom High School, Wilson Junior College, Chicago City Colleges, the University of Illinois (Navy Pier), and the Charles Harrison Mason Bible College. A dedicated employee he worked eleven years for LTV Steel in production management, thirteen years for National Retractories and Minerals Corporation as Senior Sales Representative, a past member of the American Institute of Metallurgical Engineers and American Ceramic Society; and

Whereas, Reverend Payton has been a member of New Birth Church since 1968, he was Ordained an Elder in 1981, served as Assistant Pastor 1986–1991, he was appointed Pastor in October 1991. Reverend Payton is a denominational leader serving the First Jurisdiction of Illinois as Secretary of the Sunday School Department, Assistant Superintendent, Trustee, Assistant Secretary, Treasurer, President of the Youth Department, Vice President of the International Youth Department, a member of several standing committees serving Bishop Louis H. Ford, Presiding Bishop, Church of God In Christ, Reverend Payton is a dedicated shepherd, a humanitarian and a true role model in our community; and

Whereas the New Birth Church of God in Christ was founded in November, 1964 by the late Elder Johnie B. Wheeler with six members, today New Birth Church is an established congregation in the Englewood Community, building the present edifice in 1976, there is a monthly food basket program, Headstart program ages 3 to 6, a Nursing home visitation ministry, and monthly financial support for homeless children in Haiti for over ten years: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Willard Payton, and the New Birth Church Of God In Christ, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO RABBI SIDNEY AKSELRAD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Rabbi Sidney Akselrad, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its prestigious Lifetimes of Achievement Award.

Rabbi Sidney Akselrad has practiced the art of coalition-building throughout his life—with his congregations, youth, fellow rabbis, other denominations, and the civil rights movement. His cochairmanship in 1960 of the Bay Area Committee for Freedom Riders led to his becoming extensively involved with civil rights activities in the South and his association with Dr. Martin Luther King, Jr. Rabbi Akselrad also provided extraordinary leadership for 20 years as senior rabbi for Congregation Beth Am in Los Altos Hills. His community service includes working as a chaplain at Stanford Hospital, a founding board member of Opportunities Industrialization Center West [OICW], a board member of the United Way of Santa Clara County, and president of the Northern California Board of Rabbis. His numerous honors include the Palo Alto B'nai B'rith Brotherhood Award and the Israel Medal of Freedom, both received in 1968, and the South Peninsula Jewish Community Center Community Service Award in 1980.

Mr. Speaker, it has been written, "blessed be the peacemakers: for they shall be called the children of God." The 14th Congressional District of California and our Nation have been bettered because of this extraordinary man. I ask my colleagues to join me in congratulating him on receiving a Lifetimes of Achievement Award.

TRIBUTE TO REV. STEPHEN LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Stephen Lewis of the True Vine Missionary Baptist Church of Dixmoor, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Stephen D. Lewis is a native of Chicago, Illinois, he matriculated at Moraine Valley Community College, completed Chicago Baptist Institute, entered the Bachelor of Theology from the International Bible Seminary; and

Whereas Reverend Lewis is a role model and a family man, serving as Minister of Music and Church Organist throughout Chicago for many years; he is married to Miss Hellen Freeman for fifteen years, they are blessed with four children; and

Whereas Reverend Lewis acknowledged his Call to the Ministry and was Ordained in 1977, he was elected Pastor of The True Vine Missionary Baptist Church, Dixmoor, Illinois over fourteen years ago in 1979, we thank God for a summer feeding program, the AWANA Bible Class (Workman that are not ashamed), the Midnight Musical, and the Stephen D. Lewis youth coral; and

Whereas Reverend Lewis is respected among his peers, he serves as the First Vice President of the State Progressive National Baptist Convention and Vice President of the South Suburban Ministers Fellowship, he is an outstanding Gospel Preacher and humanitarian: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Stephen D. Lewis, by entering these accomplishments into the Record and Archives of the One Hundred and Third Congress.

FOREIGN OPERATIONS GAG RULE DEMONSTRATES NEED FOR A TO Z SPENDING CUTS PLAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ZELIFF. Mr. Speaker, this House has been shut out of the process again.

Legislation considered today, the foreign operations appropriations, has been brought up under a closed rule. That prohibits real debate and real votes on real spending cuts from A to Z. This House has not been allowed by its leadership to have any real input on spending priorities for America.

This is precisely why we need the A to Z spending cuts plan. Members would be able to offer spending cuts, have them fully debated, and receive a rollcall vote on each spending cut.

Under A to Z we could have real votes on real spending cuts that the Rules Committee bottled up. The Rules Committee has refused to allow us to debate or vote on the following amendments:

A Solomon amendment to cut aid to the International Development Association by $211 million. Mr. SOLOMON represents 582,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Traficant amendment to cut overall funding by 10 percent, $880 million. Mr. TRAFICANT represents 571,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Klug amendment to cut the International Fund for Ireland by $9.6 million. Mr. KLUG represents 544,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Burton amendment to cut Agency for International Development overhead expenses by $5 million. Mr. BURTON represents 554,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Crane amendment to cut our voluntary U.N. contribution. Mr. CRANE represents 572,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Hoyer amendment to ensure no funds are used to enforce the embargo on Bosnia. Mr. HOYER represents 598,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Goodling amendment to cut overall funding by $42 million. Mr. GOODLING represents 566,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

These spending cuts were worthy of consideration, but the Rules Committee chose to ignore them. The Rules Committee has chosen to ignore elected Members of this House, and the millions of Americans they represent. This is unacceptable.

The A to Z spending cuts plan would allow us to trim the fat from the budget.

It is painfully obvious that, in this case, the Foreign Operations Subcommittee and the Rules Committee have refused to let us have debate, and up and down votes, on these spending cuts.

Those of you who are opposed to these types of business-as-usual gag rules should sign the A to Z discharge petition today.

TRIBUTE TO DR. KWAME PORTER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Kwame Porter of the Christ United Methodist Church. Attached is a proclamation I issued Dr. Porter commending him for his work.

PROCLAMATION

Whereas Dr. Kwame Porter was born in Mineral Springs, Arkansas as John Porter, due to the transformations brought about in his life today he is identified as Kwame which means, "one born on a Saturday with a commitment to keeping his peoples' history." He is a family man married to June C. Porter, and God has blessed them with six children, John T., Joseph D., Julia M., Jessica R., Jorja A., and Jerrianne C. Porter; and

Whereas Dr. Porter is a Pastor, Scholar, Prophet, and Community Leader, serving Christ United Methodist Church, Chicago, Illinois since the 1960's, he is a graduate of Kansas Community College, Kansas City, Kansas, Associate Arts Degree 1953, Iowa Wesleyan College, Mount Pleasant, Iowa, Bachelor of Arts Degree 1959, Garrett Evangelical Theological Seminary/Northwestern University, Evanston, Illinois, Master of Divinity Degree 1962, Union Institute, Cincinnati, Ohio, earning the Ph.D. Degree 1975, he is a prolific writer, the author of the Dating Habits of Young Black Americans "And All Most Everybody Else Too" and over eight other books and numerous articles; and

Whereas Dr. Porter has always been in the vanguard in the struggle for Black Liberation, he was the first minister in Chicago to invite Dr. Martin Luther King, Jr. to Chicago and organized the first official Southern Christian Leadership Conference Chapter in Chicago in 1964, Dr. Porter is mentioned in Dempsey Travis' books on the history of Chicago, a Harvard University Study of the Civil Rights Movement, a University of Chicago Study on Chicago and the Civil Rights Movement, and the Oral History Project of Chicago's Civil Rights Movement by the Art Institute and Columbia College, Chicago, Illinois; and

Whereas Dr. Porter is a builder of men, women, and Institutions he has enabled thirty-one men and women enter the Christian Ministry from various denominational backgrounds, he has created several institutions, the Talented Tenth African American College Prep Project, The Successful Employment Preparation Project, The Winners Circle Business, The Englewood Cluster Umoja-Shalom Village, and the Englewood Alternative Policing Community Organizers cadre: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Kwame Porter, and the Christ United Methodist Church, Chicago, Illinois on the occasion of Dr. Porter's thirty-three years in the Ministry, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE HAITIAN EMBARGO: NOT A GOOD SOLUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BEREUTER. Mr. Speaker, the Clinton administration's continuing effort to return Jean Bertrand Aristide to the Presidency in Haiti has proven to be frustratingly ineffective. Unable to force the military junta to accept Mr. Aristide's return, the Clinton administration has resorted to tightening the embargo and easing the restrictions on asylum seekers. This Member is gravely concerned that our current Haiti policy will continue to bring nothing but additional suffering.

A recent editorial in the May 24, 1994, edition of the Lincoln Star entitled "No good solutions, including an embargo," outlined the difficulties with our current Haiti policy. As the editorial correctly notes, General Cedras and the other junta leaders "have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged."

This Member would ask to place this editorial in the RECORD, and commend it to his colleagues.

[From the Lincoln Star, May 24, 1994]

NO GOOD SOLUTIONS, INCLUDING AN EMBARGO

Just as Haiti may have no good guys in political residence, President Clinton faces no good solutions for that country's problems and our country's unfortunate tangle in it.

Our tortured past with Haiti, recent policy missteps and a heinously cruel economic embargo morally bind the United States to resolve the Haitian crisis.

Clinton's announcement to grant political asylum hearings to fleeing Haitians is a humane if problematic decision, but no solution.

To continue to treat Haitians differently than other refugees gives credence to charges of racism.

Cubans, for one, have been welcomed by the boatload into Miami. The difference may reflect the United States' longstanding sympathy to anti-communist Cubans more than racism. But for whatever reason, it is clear that Haitians are treated one way, refugees from other nations another.

However, this runs the risk of encouraging more Haitians to flee and creating a nightmare of a refugee crisis as we scramble to care for an onslaught of poor, illiterate people.

The larger problem, of course, is what to do about Haitians in Haiti.

The exiled, democratically elected president, Jean Bertrand Aristide, is ensconced in the United States, nixing U.S.-proposed compromises to return him to Haiti. He makes a troubling democrat who will never be mistaken for George Washington. But he was elected by a majority of Haitians and illegally removed from office.

Its people are being slaughtered by military thugs and starved by an embargo intended to pry the military from power, but with the actual effect of inflicting incredible suffering on an already destitute population. The border is porous, but the goods that make it into Haiti go to the military and the black market, not to the poor—the Aristide supporters.

Its military leaders have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged.

Haiti sits on our doorsteps, clearly in our sphere of interest. Yet history taints the perception of our motives. U.S. Marines stormed onto Haiti's shore because of virtual anarchy in the country in 1915. We stayed until 1934.

Our shameful relationship with Haiti's dictators since then make us a suspect savior. As in Somalia, U.S. forces are likely to be first welcomed, but in any extended stay our welcome would quickly wear out.

We cannot sit idly while the embargo does its dirty work. We have a moral obligation to Haiti, to revisit diplomatic solutions with our allies in the region or through United Nations mediation.

The rebuilding of Haiti must be up to Haitians. But first we must remove the boot from its jugular.

Many innocents would die if the United States and allies launch an invasionary force to oust the military. But many will die also as a result of this embargo. The search for a resolution to this mess must continue.

[From the Lincoln Star, May 24, 1994]

AMERICA CHANGES FACE

"The offer was sweeter than a bushel of Iowa roasting ears: $25 million in incentives to a Maryland biotechnology company if it would leave the nerve-rattling East Coast and settle here in America's heartland—fresh air, quiet streets, smiling faces," read the news story about a company considering relocating to Des Moines.

"But after a closer look at Iowa, the company noticed that almost all of those faces, smiling or not were white." The offer was ultimately rejected—because Des Moines was not racially diverse enough.

Just as America's face is changing, the needs of companies are also changing.

Companies today have offices all over the country, all over the world. It's a good chance that some of their best people will be other than white. How is that company going to feel about sending someone to work in Iowa if they're going to lose them in a year, asks Max Phillips, an executive with U.S. West.

[From the Lincoln Star, May 24, 1994]

CZECH, SLOVAK REPUBLICS FACE CHALLENGES

(By Ann Toner)

The Czech and Slovak republics, formerly Czechoslovakia, are adapting at different rates to free enterprise, according to two Farmers National Co. officers who have been assisting the effort.

Speaking Monday to the Omaha Agri-Business Club, Max Evans of Des Moines, chief real estate appraiser, and Craig Harris of Shenandoah, Iowa, real estate associate, said in the more populous and industrialized Czech republic, unemployment is 3 percent and business is improving.

In the less populous Slovak republic, more rural and less industrialized, unemployment is 20 percent and likely to climb.

The two men have been helping through a grant to Iowa State University from the U.S. International Development Agency.

"A lot of people have changed on paper but not at heart," said Evans. One collective farm was divided into 90 smaller enterprises, turning the tractor driver under the former system into a custom tractor driver who still has to go to a central committee to get his tractor fixed when it breaks down.

Slovak farmers can't believe that a U.S. farmer could farm 1,200 acres with just his immediate family or possibly one hired hand. A Slovak farm that size might have 150 employees with a hands-off manager who directs them.

The collectives have reduced employment by about 30 percent and need to pare their worker force by another 65 percent in order to become efficient, Evans said.

Crop farms in the republics are a mix of modern and ancient with tractors, horse teams and hand labor all engaged in production, the two men said. Tillage is extensive, with no effort to terrace or save soil.

Many livestock farms are antiquated and in need of better genetics and animal nutrition, Harris said. Dairies milk dual-purpose animals that don't do a good job of either milk or meat production.

Feeds are hay, grass and silage with little effort to balance rations or protein content for optimum production.

Collectivization and confiscation of properties under communism have complicated land reform, Harris said. A lack of records makes it difficult to establish past ownership.

TRIBUTE TO REV. JOHN H. RICE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. John H. Rice of the Bethel Baptist Church. Attached is a proclamation I issued Reverend Rice commending him for his work.

PROCLAMATION

Wherease the Reverend John H. Rice was born in Starksville, Mississippi, reared in Chicago Heights, Illinois since the age of four matriculating at Dr. Charles Gavin Elementary, Washington Junior High, and Bloom High School; graduate of Moody Bible Institute, Prairie State College, Associate of Arts Degree, Governors State University, Bachelors Degree Majoring in Communication Science, currently a candidate for the Masters Degree in Communication Science; and

Whereas Reverend Rice as elected Pastor of St. Bethel Baptist Church in 1970, where he has had life long member, the church has been blessed with an increase of over six hundred (600) new families involved in many christian ministries; and

Whereas under the dynamic leadership of Pastor Rice the Bethel Community Facility also known as "the miracle on Portland Avenue" was constructed, today this one million dollar debt-free multipurpose facility serves the community with day care, a medical clinic, alternative high school for at risk youth, adolescent basketball, computer classes, a pharmacy, and fellowship hall; and

Whereas Reverend Rice is a family man, married thirty-three years to the former Movita Tate, and God has blessed them with one son and three daughters: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend John H. Rice by entering these accomplishments into the Congressional record and archives of the one hundred and third Congress.

TRIBUTE TO THE BIBERMANS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise to pay tribute to two life long residents of Pennsylvania who are celebrating the 50th anniversary of their wedding on June 4, 1994.

Fifty years ago, 2 days before D-Day, David and Annette Biberman were married in Philadelphia. Dave, then an artillery expert in the U.S. Army, was shipped to the Philippines where he served his country training GI's in the new munitions technologies. During the war, Annette worked for the Budd Co. where she wrote a monthly letter to American servicemen describing the equipment Budd was manufacturing to assist in the war effort.

At the end of the war, Dave and Annette started a family and raised two daughters. Dave and Annette have been lifelong supporters of liberal social causes. Since their retirements from careers in business and education, they have been active volunteers for cultural organizations in Philadelphia. They have also been devoted grandparents to two grandsons and two granddaughters.

It is a privilege to wish them many more years together on this great occasion.

TRIBUTE TO DR. WILLIAM T. RUCKER

HON. MEL REYNOLDS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. William T. Rucker of the Soul Reviving Missionary Baptist Church. Attached is a proclamation I issued Dr. Rucker commending him for his work.

PROCLAMATION

Whereas Dr. William T. Rucker is a learned man, holding five earned academic degrees and one honorary degree. Dr. Rucker matriculated at City College of Chicago (Wilson Junior College), Associate of Arts degree in humanities, Alma College, Alma, Michigan, Bachelor Science degree in Physical Education, McKinley Theological Seminary, Bachelor of Theology, Governors State University, University Park, Illinois, Bachelor of Arts and Masters of Arts in Cultural Studies, Northern Baptist Theological Seminary, candidate for the Doctor of Ministry Degree, McKinley Theological Seminary, Honorary Doctor of Divinity; and

Whereas Dr. Rucker has been an outstanding athlete and role model to his peers and others since the days of his youth. He was Captain of his High School Football and Track teams, earning twelve Varsity Letters in Football, Basketball, Track and Baseball, State Champion in the One Hundred Yard Dash, receiving thirty medals and thirty-five trophies, earning six Varsity Letters in College Football and Track, in 1986 he earned the Yudanshu Black Belt through the Wolfpack Karate Studio; and

Whereas Dr. Rucker was Licensed to preach and Ordained into the Gospel Ministry in 1974, since that time he has served as Pastor of Soul Reviving Missionary Baptist Church of Chicago, he is a member of the Southern Baptist Convention; and

Whereas Dr. Rucker is among the most dedicated and exceptional Child Welfare advocates in America, President of One Church One Child, State of Illinois, President of the Reverend Henry Rucker Memorial Services Organization a full service Foster Care and Adoption Agency, Member, Department of Children and Family Services Advisory Council, Co-Chairman, Adoption Reform Panel, Member, Governor's Advisory Board—Adoption Project Heart, Board Member, Olive Harvey City College, Board Member, Roseland Community Hospital, Chairman, South Area Social Services Coalition, and Chairman, South Area Planning Board: Now, therefore, be it

Resolved, That the Congress of The United States wishes to acknowledge the accomplishments of Dr. William T. Rucker by entering these accomplishments into the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress of the United States.

OUTRAGE IN BOSTON

HON. TOM LANTOS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. LANTOS. Mr. Speaker, I invite my colleagues to read the following OP–ED by Bob Herbert from today's New York Times. It describes a flagrant violation of antidiscrimination laws and a violation of the principles upon which our society prospers. We cannot let incidents such as this be swept under the rug and explained away as mistakes. I am outraged that, at the request of a visitor to our country, the management of the Four Seasons Hotel decided to ignore a hundred years of progress in racial relations. Mr. Speaker, this travesty speaks for itself and I urge my colleagues to take note of it.

OUTRAGE IN BOSTON

It was the kind of ugliness you expected from the South in the 1950's, but it happened last week in one of the great hotels of Boston.

The Prime Minister of India, P.V. Narasimha Rao, and his entourage checked into the Four Seasons Hotel late on the night of May 16. Thirty-six rooms were booked for Mr. Rao and the approximately 50 aides who accompanied him. There was also a contingent of U.S. Secret Service personnel assigned to the Prime Minister, who was to speak at Harvard the next day.

Now in a great hotel like the Four Seasons, there is a surge of excitement and activity when important guests arrive. A variety of tasks have to be carried out by parking attendants, bellhops, clerks, maids, waiters and the like.

Last week at the Four Seasons, any of those tasks done for the Prime Minister of India had to be done by white people. No African-Americans could carry his bags, no Asians could clean his room, no Latinos could serve him his food. At the direction of a hotel official, the Prime Minister had to be served by whites only, American or European.

The offense was so blatant and egregious that the head of the Massachusetts Commission Against Discrimination could not at first believe it. The initial reaction of the commission chairman, Michael T. Duffy, was that the allegation, made by hotel employees, was "too outrageous to be true." He ordered an investigation.

It turned out that the Four Seasons official, who has not been publicly named, had notified hotel supervisors in a memorandum that nonwhites were not to serve the Prime Minister. This was confirmed by the hotel's general manager, Robin Brown, who said, "There was a memo that went out to a number of employees saying that only certain nationalities should service the Prime Minister's room."

Mr. Brown has made extensive public apologies on behalf of the hotel and has described the memo and its aftermath as "very, very stupid and unforgivable and painful."

But how could the flap have happened? To carry out the directive, some nonwhite employees had to be shifted from their normal duties. How could anyone at the hotel have thought that was all right? Last week marked the 40th anniversary of the Brown v. Board of Education Supreme Court ruling that led to the dismantling of legal segregation in the United States. Clearly there are many who remain untouched by the spirit of that ruling.

Two African-American bellhops, Harrison Lilly and Jose Abad, were among those told by Four Seasons supervisors that they couldn't assist the Prime Minister or his party. Mr. Lilly, the night bellman, said he was given paperwork to do. He was quoted in The Boston Globe as saying, "I felt when it happened that they had traded my eight years of service for one night of revenue."

Four Seasons officials, while acknowledging that what happened was wrong, contend that hotel employees were carrying out a request made by the Prime Minister's security people, who felt that Mr. Rao would be safer if only white waited on him. The security people, according to hotel officials, were worried about the possibility of an assassination attempt or some other terrorist act.

The Indian Government has denied that any request was made that pertained to the racial or ethnic background of hotel staff members.

The Four Seasons is doing its best to make the controversy disappear. Hotel officials have apologized to Mr. Lilly and Mr. Abad, and have reimbursed them a total of $179 for lost gratuities. The two bellhops, who had filed charges with the Commission Against Discrimination, have withdrawn their complaint. Mr. Brown, the general manager, has said he would like the "healing" to begin.

But hold on. What happened at the Four Seasons last week was a moral outrage. Mr. Duffy said yesterday that the commission's investigation was continuing. Additionally, the United States Government has an interest in knowing whether a foreign head of state has been fostering racial discrimination here. That should be thoroughly investigated. And the hotel, which insists that it will not tolerate discrimination, needs to show that it's serious. There are times when heads should roll and this is one of them.

TRIBUTE TO REV. J.C. SMITH

HON. MEL REYNOLDS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend J.C. Smith of the Bethlehem Temple Baptist Church. Attached is a proclamation I issued Reverend Smith commending him for his work.

PROCLAMATION

Whereas the Reverend J. C. Smith is a native of Montgomery, Alabama, he is a family man, married to Miss Willie Myricks for thirty-seven years and God has blessed them with nine children, all completing college and the eldest son is a candidate for the Ph. D. Degree; and

Whereas Reverend Smith is a community leader and a churchman, serving on the School Board of District 147 for twenty-one years, a member of the South Suburban Ministries Fellowship serving as chairman of the political affairs committee, Vice President of the state Progressive National Baptist Convention, and Moderator of the South Suburban District; and

Whereas Reverend Smith was Ordained in 1964, organized Bethlehem Temple Baptist Church in 1969 with five members, today the congregation numbers over one thousand souls with over fifteen ministries, including a Mens Mentor Ministry, a dynamic youth and young adult ministry, and a women's ministry who volunteer at Oak Forrest Hospital; and

Whereas under the leadership of Rev. Smith the congregation out grew its facilities, in 1990 a new church was completed located at Sibley & Ashland, a shining beacon of light in difficult times: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend J. C. Smith, by entering these accomplishments in the Record and Archives of the One Hundred and Third Congress of the United States.

TRIBUTE TO OFFICER MARTIN GANZ

HON. JANE HARMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Ms. HARMAN. Mr. Speaker, tomorrow is a solemn occasion for my district because we are honoring one of our own who gave his life in the line of duty. The death of Manhattan Beach police officer Martin Ganz, who was gunned down while making a routine traffic stop on December 27, 1993, was a tragic reminder of the world around us.

Whether on the streets, in our cars, or in our homes, the fear of violence is one we all share. And with Officer Ganz's death we no longer feel that even those who are there to protect us are completely safe from the dangers of urban life.

The challenge is to overcome our fear with action. It is my goal to see that we do learn from the senseless act that has stolen from us a bright, promising, and caring young man who so selflessly committed himself to his family, his friends, and his profession. To paraphrase a comment made by Martin Ganz's fiance, Pamela Ham, at a recent forum I held to discuss gun violence, "we cannot let Martin's death be in vain."

Martin Ganz was a kind son and brother who offered support to his mother and five sisters, and a loving fiance to Pamela—planning to formally propose marriage to her on Valentine's Day. He was a model police officer who earned the respect of both his colleagues and the residents of his community. Let us keep these memories clear, and continue to work together to keep our community safe and strong.

TRIBUTE TO REV. BARNEY SHELTON SAULSBY

HON. MEL REYNOLDS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Barney Shelton Saulsby of the Messiah Temple Missionary Baptist Church. Attached is a proclamation I issued Reverend Saulsby commending him for his work.

PROCLAMATION

Whereas the Reverend Barney Shelton Saulsby is a native of Columbia County Florida, he is a graduate of Richardson High School, Lake County Florida, Chicago Technical College with a degree in Engineering, Chicago Baptist Institute, earning the Bachelor of Theology Degree, Southern Bible Seminary, earning the Master of Theology, and the International Bible Institute earning the Doctor of Theology; and

Whereas Reverend Saulsby is the Founder and Pastor of the Messiah Temple Missionary Baptist Church, established in 1965, serving as its faithful under-shepherd for over twenty-eight years, on Easter Sunday, April 19, 1980 the congregation moved to its new home a new edifice seating over one thousand, a fellowship hall, and educational facility; and

Whereas Reverend Saulsby believes in a Ministry to the total man and community outreach, in 1992 he was appointed Protestant Chaplain of the Chicago Fire Department, serving the spiritual needs of the Firemen and their families; and

Whereas Reverend Saulsby organized the Messiah Evangelistic Association with an outreach ministry reaching over thirty States, the God Squad Youth Ministry that includes the far south side of Chicago, and a weekly radio broadcast that covers the Chicago Metropolitan Area: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Barney Shelton Saulsby and the Messiah Temple Missionary Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. RICHARD McCREARY II

HON. MEL REYNOLDS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Richard McCreary II, of the New Covenant Missionary Baptist Church of Phoenix, IL. Attached is a proclamation I issued Reverend McCreary commending him for his work.

PROCLAMATION

Whereas the Reverend Richard D. McCreary, II, Ph.D. is a native of Evergreen, Alabama, the son of the late Richard D. McCreary, Sr., and Mrs. Leodia P. McCreary. He is a family man, married to Barbara J. P. McCreary, M.D., they are the proud parents of two daughters, and two grandchildren; and

Whereas Reverend McCreary matriculated at Florida A & M University, Tallahassee, Florida, earning the Bachelor of Science Degree, Southern Illinois University at Carbondale, Illinois, earning the Master of Science Degree, the University of Iowa, Iowa City, Iowa, earning the Doctor of Philosophy Degree, Northern Baptist Theological Seminary, earning the Master of Divinity Degree, and Northern Theological Seminary, earning the Doctor of Ministry; and

Whereas Reverend McCreary was Licensed to preach May 14, 1967 by the First Baptist Church of Evergreen, Alabama, under the pastoral leadership of The Reverend H. J. Hawkins, and Ordained March 1, 1970, by the Rock Hill Baptist Church of Carbondale, Illinois, Reverend McCreary is a Professor of Composition at Governors State University, University Park, Illinois; and

Whereas Reverend McCreary is the Pastor of the New Covenant Missionary Baptist Church, Phoenix, Illinois, he is an active member of the Greater New Era District Association, he is a staff writer for the "Worker" Missionary Magazine, the Founder and Director of the New Covenant Christian Academy, New Covenant Church provides leadership development classes, and has many outreach programs to meet the needs of the community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Richard D. McCreary, II, Ph.D. and the New Covenant Missionary Baptist Church, Phoenix, Illinois, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT LOVE

HON. MEL REYNOLDS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Love of the First Lilydale Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Love commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Love is a native of Chicago, Illinois, he matriculated at Lindblom Technical High School, graduating with honors, University of Illinois, Chicago, Illinois, Trinity Christian College, Palos Heights, Illinois earning the Bachelor of Arts degree in Psychology and Theology, graduating Cum Laude, he is a family man, married to Miss Carolyn Knowlton of Chicago, Illinois since 1976, God has blessed them with a son, Brandon Alexander Love; and

Whereas Reverend Love responded to the Call to the Gospel Ministry, he was licensed to Preach in August, 1976, Ordained in April, 1980, in October, 1983 he became the tenth man to Pastor the historic Lilydale First Baptist Church, Chicago, Illinois, the former Pastors were, Rev. C.D. Trice, Rev. E.W. Lowery, Rev. E.W. White (served twice), Rev. W.W. Franklin, Rev. A.J. Davis, Rev. J.W. Coleman, Rev. W.M. Moore, Rev. C.C. Yates, Rev. L.W. Johnson, all making their contribution in building the Kingdom of God; and

Whereas Reverend Love is a denominational leader, he is Secretary of the Presidents Council of Baptist Conventions in Illinois, Chief Operating Officer of the Baptist General State Convention, Member of the Permanent Organization Board of the National Baptist Convention, U.S.A., Financial Secretary of the Greater New Era District Baptist Association, he is a much sought after teacher in the State and National Congress of Christian Education, and the World Baptist Alliance; and

Whereas under the Pastoral Leadership of Reverend Love the congregation has grown to over one thousand persons and is very active in the community, the Church will send an exchange student to Zimbabwe, a sponsor of the Inner-City Youth Camping Project, sponsor a summer Youth Jobs Program, involved in the Christian Ecumenical Development Corporation, rehabilitating housing for low income families, adopted a shelter for teenage mothers, scholarship programs, Monthly food drive, and Ministry to the Elderly: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Albert Love and the First Lilydale Baptist Church, Chicago, Illinois, on the occasion of Reverend Love's Tenth Pastoral Anniversary, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT MOSES SHEARS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Moses Shears of the Maple Park United Methodist Church. Attached is a proclamation I issued Reverend Shears commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Moses Shears is a native of Marianna, Arkansas, graduating from Anna M.P. Strong High School with honors, matriculated at the University of Arkansas A.M&N at Pine Bluff, Bachelors degree and Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree; and

Whereas Reverend Shears is a member and an Elder in the Northern Illinois Conference of the United Methodist Church, former Pastor of South Deering and Vincent United Methodist Churches, he was appointed Pastor of Maple Park United Methodist in 1988; and

Whereas under the pastoral leadership of Reverend Shears God has Blessed Maple Park Church to grow spiritually, in membership, in ministry to the hungry, to Senior Citizens, to youth, to those in prison, to the community and the promotion of aids awareness, to expand into a beautiful new church facility; and

Whereas Reverend Shears is a humble man, a servant of God, a member of the Board of Ordained Ministry of the Northern Illinois Conference, a former president of the Greater Grand Crossing Organizing Committee, and the president of the Board of the Developing Communities Project; and

Whereas Reverend Shears is a family man, a true role model, married to Carolyn Shears, God has blessed them with three children, Katundra, Derrick and Carlos and one grand daughter: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the The Reverend Albert M. Shears by entering these accomplishments into the Congressional Record and Archives of the one hundred and third Congress of the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 27

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine monetary policy.
SD-538

JUNE 7

8:00 a.m.
Labor and Human Resources
Business meeting, to resume markup of proposed legislation to provide for health care security.
SH-216

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-138

Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

JUNE 8

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To resume hearings on issues relating to teenage pregnancy.
SD-192

Indian Affairs
To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for foreign assistance programs.
SD-419

2:00 p.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security, and to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.

SH-216

9:30 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.

SD-366

Rules and Administration

Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.

SR-301

Indian Affairs

Business meeting, to consider Indian health care provisions of the proposed American Health Security Act.

SR-485

10:00 a.m.

Governmental Affairs

Business meeting, to consider pending legislation and nominations.

SD-342

2:00 p.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security, and S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.

SH-216

JUNE 10

8:00 a.m.

Labor and Human Resources

Business meeting, to continue markup of proposed legislation to provide for health care security.

SH-216

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of off-reservation boarding schools.

SR-485

10:30 a.m.

Commission on Security and Cooperation in Europe Briefing on crime and corruption in Russia.

Room to be announced

JUNE 14

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on weather satellite conversions.

SR-253

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for Superfund programs.

SD-406

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

JUNE 15

9:30 a.m.

Indian Affairs

To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR-485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce.

SR-253

Finance

To hold hearings on S. 1780, to revise the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, and to protect the single-employer plan termination insurance program.

SD-215

2:30 p.m.

Indian Affairs

To resume hearings on S. 1021, to protect and preserve the rights of Native Americans to express and exercise their traditional religious beliefs, focusing on an amendment in the nature of a substitute.

SR-485

JUNE 16

9:30 a.m.

Energy and Natural Resources

To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.

SD-366

Rules and Administration

To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.

SR-301

JUNE 23

9:30 a.m.

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR-301

CANCELLATIONS

MAY 26

9:00 a.m.

Armed Services

Business meeting, to discuss procedures for markup of the proposed National Defense Authorization Act for Fiscal Year 1995.

SR-222